

DEPARTMENT OF CHILDREN AND FAMILIES
Agency for Persons with Disabilities

RULE NOS.: RULE TITLES:
65G-13.001 Definitions
65G-13.008 Room and Board Payments

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to establish a process for requesting and method for calculating a room and board reimbursement for a client that resides at an Agency for Persons with Disabilities licensed residential facility.

SUMMARY: 65G-13.001: Amended to add definitions for new terms that will be included in the new rule 65G-13.008. 65G-13.008: establishes a room and board payment that may be made to an Agency licensed facility that provides room and board and residential habilitation services to an Agency client.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this Rule will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the Agency.

The SERC can be summarized by: rulemaking is necessary to establish a uniform room and board reimbursement; without these rules the Agency would be acting pursuant to an unadopted rule; and given the statutory requirements, the Agency determined the rules do not have an adverse impact on economic growth, private sector job creation or employment, private sector investment, business competitiveness, productivity, or innovation, nor do they increase regulatory costs, including transactional costs, in excess of \$200,000 in the aggregate within one year or in excess of \$1 million in the aggregate within five years after the implementation of these rules.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: A SERC Checklist and SERC were prepared by the Agency to determine the need for legislative ratification. Based on this information at the time of the analysis, summarized above, and pursuant to section 120.541, Florida Statutes, the rules will not require legislative ratification because costs will not be in excess of \$1 million in the aggregate within 5 years after the implementation of the rules.

Any person who wishes to provide information regarding a statement of estimated regulatory costs or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 393.066, 393.0662, 393.067, 393.501, 402.33, F.S.

LAW IMPLEMENTED: 393.066, 393.0662, 393.067, 402.33, F.S.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: June 21, 2023, 2:00 p.m. to 3:00 p.m. EST

PLACE: Attendees may register for the hearing at:

<https://register.gotowebinar.com/register/6181717585961793621>. After registering, a confirmation email will be received containing information about joining the webinar, and opportunities to offer comments and questions will be available.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Brett Taylor at (850)410-1309 or brett.taylor@apdcares.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). If

you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Brett Taylor, Senior Attorney, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 335, Tallahassee, FL 32399, 850-410-1309, Brett.Taylor@apdcares.org.

THE FULL TEXT OF THE PROPOSED RULE IS:

65G-13.001 Definitions

(1) No change.

(2) “Benefit payments” has the same meaning as set forth in section 402.33, Florida Statutes (F.S.).

(2) through (15) renumbered as (3) through (16) No change.

(17) “Licensed residential facility” means any residential facility licensed under section 393.067, F.S.

(16) through (21) renumbered as (18) through (23) No change.

(24) “Personal needs allowance” means funds set aside from benefit payments and third-party payments to provide for the client's current maintenance and incidental personal expenses.

(22) through (29) renumbered as (25) through (32) No change

(33) “Room and board payment” means a limited reimbursement by the Agency to a licensed residential facility providing residential habilitation and room and board to a client, to cover the cost of providing food and shelter to a client in accordance with chapter 393, F.S., and chapter 65G-2, F.A.C.

(30) through (37) renumbered as (34) through (41) No change.

(42) “Third-party benefits” has the same meaning as set forth in section 402.33, F.S.

(38) through (41) renumbered as (43) through (46) No change.

Rulemaking Authority 393.066(8), 393.0663, 393.0695, 393.501(1), 402.33, FS. Law Implemented 393.063, 393.066, 393.0663, 393.0695, 402.33, FS. History—New 8-28-16, Amended 12-25-22, _____.

65G-13.008 Room and Board Payments

(1) For the Agency to authorize a room and board payment to a licensed residential facility in accordance with legislative appropriation for room and board services received by a client, the client must:

(a) reside in a licensed residential facility;

(b) have sought and obtained all available third-party benefits and benefit payments, for which the client is entitled;

(c) have utilized all third-party benefits and benefit payments towards the payment of room and board services, except for a personal needs allowance as set forth in Rule 65G-2.018, F.A.C.; and

(d) provide all records relating to receipt of third-party benefits and benefit payments to the residential facility in which the client resides.

(2) The licensed residential facility must request a room and board payment in accordance with this subsection.

(a) The licensed residential facility must submit the Room and Board Reimbursement Form, APD Form 65G-13.008 A, adopted and incorporated herein, which may be found at: _____, in accordance with the instructions contained therein.

(b) The licensed residential facility must submit for its adult clients, at least annually or upon any change in the client's Social Security eligibility, a copy of the most recent Supplemental Security Income ("SSI") program award or denial letter, which demonstrates a good faith attempt to secure a benefit payment for the client to the regional office in which the facility is located. The contact information for each regional office can be found at <https://apd.myflorida.com/>_____.

(3) The room and board reimbursement payment for an adult must be calculated as follows:

(a) add together all benefit payments and third-party benefits; then

(b) subtract the personal need allowance, described in Rule 65G-2.018, F.A.C.; then

(c) subtract that total from \$583.42. If the final result is zero or less, there will be no reimbursement payment.

(4) The room and board payment for a client under the age of 22 is \$583.42, regardless of that client's benefit payments and third-party benefits.

(5) This Rule shall be reviewed, and if necessary, renewed through the rulemaking process five years from the effective date.

Rulemaking Authority 393.066, 393.0662, 393.067, 393.501, 402.33, F.S. Law Implemented 393.066, 393.0662, 393.067, 402.33, F.S. History—New_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lorena Fulcher

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Taylor Hatch

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: 05/19/2023

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: 05/25/2023