

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

Case No. 12-cv-60460-MIDDLEBROOKS/Hunt

UNITED STATES OF AMERICA

Plaintiff,

vs.

STATE OF FLORIDA,

Defendant.

---

**ORDER ADOPTING REPORT AND RECOMMENDATION**

THIS CAUSE is before the Court on a Report and Recommendation issued by Magistrate Judge Patrick M. Hunt (the “Report”) on April 11, 2023. (DE 836). The Report recommends that the State of Florida’s Motion for Summary Judgment (DE 773) be granted in part, and that the United States’ Motion for Partial Summary Judgment (DE 773) be denied.

The State of Florida filed objections to the Report (DE 846), as did the United States (DE 848). Both sides filed Responses. (DE 860, DE 863).

I have conducted an independent *de novo* review of the Report and the record as a whole. Having carefully considered this record, the briefing on the Parties’ objections, and applicable law, I agree with Judge Hunt’s findings and conclusions, and I find that the reasoning in the Report is accurate and thorough.


Accordingly, it is **ORDERED AND ADJUDGED** that:

1. The State of Florida’s Objections (DE 846) are **OVERRULED**.
2. The United States’ Objections (DE 848) are **OVERRULED**.
3. Magistrate Judge Hunt’s Report and Recommendation (DE 836) is **ADOPTED**.
4. The United States’ Motion for Partial Summary Judgment (DE 773) is **DENIED**.

5. The State of Florida's Motion for Summary Judgment (DE 771) is **GRANTED IN PART**.

- a. It is granted to the extent that any modification that requires Florida to provide community-care services that would exceed the federally approved cost or participant cap on a Medicaid program would be a fundamental alteration to that program.
- b. It is also granted to the extent that any request to create a new program akin to foster care featuring in-home placement with people who are not a child's custodians would be an impermissible fundamental alteration to the program.
- c. The State of Florida's motion is **DENIED** in all other respects.

**SIGNED** in Chambers in West Palm Beach, Florida, this 5 day of May, 2023.



DONALD M. MIDDLEBROOKS  
UNITED STATES DISTRICT JUDGE

cc: Counsel of Record  
Magistrate Judge Patrick Hunt