

Committee on Children, Families, and Elder Affairs

CS/CS/HB 1517 — Agency for Persons with Disabilities

by Health and Human Services Committee; Children, Families, and Seniors Subcommittee; and Rep. Plakon and others (CS/CS/SB 1594 by Fiscal Policy Committee; Health Policy Committee; and Senators Brodeur and Garcia)

The bill requires adult day training (ADT) programs serving individuals with developmental disabilities to be licensed by the Agency for Persons with Disabilities (APD). The bill also repeals provisions related to comprehensive transitional educational programs (CTEPs), thereby prohibiting the licensure of such facilities in Florida. The bill also modifies the eligibility criteria for, and operation of, Florida’s Home and Community-Based Services (HCBS) Medicaid Waiver administered by the APD.

Specifically, the bill:

- Clarifies the definitions of “adult day training”;
- Adds a definition for “licensee,” which is the same definition as used in s. 408.803(9), F.S., relating to health care licensing by the Agency for Health Care Administration (AHCA) and the same, in part, as used in s. 400.023(2)(a), F.S., relating to nursing homes;
- Requires the licensing and regulation of ADT programs by the APD;
- Allows the APD to deny licenses for residential facilities and ADT programs when there is evidence that the applicant is unqualified due to lack of good moral character;
- Allows the APD to take disciplinary actions due to the noncompliance of ADT programs;
- Clarifies the circumstances for which the APD can take disciplinary action related to verified findings of abuse, neglect, or abandonment of a child or vulnerable adult being served by an APD licensed facility or ADT program;
- Removes obsolete language regarding CTEPs that no longer operate within the state;
- Requires APD-licensed facilities and ADT programs to allow local emergency management agencies to examine the approved emergency management plans and review and approve plans for facilities and programs serving individuals with a complex medical condition;
- Clarifies language that, beginning October 1, 2024, the APD must not authorize funds or services to an unlicensed facility or ADT program that requires a license;
- Clarifies the timeframes within which the APD must process applications for the HCBS Waiver;
- Identifies timeframes for processing an application for crisis waiver enrollment from an applicant who is not currently an APD client;
- Clarifies that eligibility for admissions to Intermediate Care Facilities for the Developmentally Disabled (ICF/DDs) are to be completed by the APD; and
- Clarifies that the level of care criteria for eligibility for the HCBS Waiver program is the same as that required by federal law.

Additionally, the bill requires the APD to convene an interagency workgroup to create a continuum of guidance and information for individuals with developmental disabilities and their

families, including guidance and information across the lifespan of such individuals related to their education, workforce skills, daily living skills, and supportive services for greater independence.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.

Vote: Senate 37-0; House 109-0