

**By** the Committees on Appropriations; and Children, Families, and Elder Affairs

576-04977-16

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1 A bill to be entitled

2 An act relating to the Agency for Persons with  
3 Disabilities; amending s. 393.063, F.S.; revising  
4 definitions; repealing s. 393.0641, F.S., relating to  
5 a program for the prevention and treatment of severe  
6 self-injurious behavior; amending s. 393.065, F.S.;  
7 providing for the assignment of priority to clients  
8 waiting for waiver services; requiring the agency to  
9 allow an individual to receive specified services if  
10 the individual's parent or legal guardian is an active  
11 duty military servicemember, under certain  
12 circumstances; requiring the agency to send an annual  
13 letter requesting updated information to clients,  
14 their guardians, or their families; providing that  
15 certain agency action does not establish a right to a  
16 hearing or an administrative proceeding; amending s.  
17 393.066, F.S.; providing for the use of an agency data  
18 management system; providing requirements for persons  
19 or entities under contract with the agency; amending  
20 s. 393.0662, F.S.; revising the allocations  
21 methodology that the agency is required to use to  
22 develop each client's iBudget; adding client needs  
23 that qualify as extraordinary needs, which may result  
24 in the approval of an increase in a client's allocated  
25 funds; revising duties of the Agency for Health Care  
26 Administration relating to the iBudget system;  
27 creating s. 393.0663, F.S.; providing legislative  
28 findings; establishing The Arc Dental Program in the  
29 Agency for Persons with Disabilities; authorizing the  
30 agency to enter into a memorandum of agreement with  
31 and assist The Arc of Florida; providing requirements

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32 for the memorandum of agreement; requiring the agency  
33 to submit an annual report to the Governor and the  
34 Legislature; providing that implementation of the  
35 program is contingent upon an appropriation; creating  
36 s. 393.0679, F.S.; requiring the Agency for Persons  
37 with Disabilities to conduct a certain utilization  
38 review; requiring specified intermediate care  
39 facilities to comply with certain requests and  
40 inspections by the agency; amending s. 393.11, F.S.;  
41 providing for annual reviews for persons involuntarily  
42 committed to residential services; requiring the  
43 agency to employ or contract with a qualified  
44 evaluator; providing requirements for annual reviews;  
45 requiring a hearing to be held to consider the results  
46 of an annual review; requiring the agency to provide a  
47 copy of the review to certain persons; defining a  
48 term; repealing s. 24 of chapter 2015-222, Laws of  
49 Florida, relating to the abrogation of the scheduled  
50 expiration of an amendment to s. 393.067(15), F.S.,  
51 and the scheduled reversion of the text of that  
52 section; repealing s. 26 of chapter 2015-222, Laws of  
53 Florida, relating to the abrogation of the scheduled  
54 expiration of an amendment to s. 393.18, F.S., and the  
55 scheduled reversion of the text of that section;  
56 reenacting s. 393.067(15), F.S., relating to contracts  
57 between the agency and licensed facilities; reenacting  
58 and amending s. 393.18, F.S.; revising the purposes of  
59 comprehensive transitional education programs;  
60 requiring the supervisor of the clinical director of

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61 such programs to meet specified requirements;  
62 requiring such programs to include specified  
63 components; revising the organization and operation of  
64 the components; requiring components of a program to  
65 be located within the same agency region; providing  
66 for the integration of educational components of the  
67 program, including individual education plans, with  
68 the local school district of school-aged residents;  
69 requiring licensees that have entered into settlement  
70 agreements with the agency to comply with the  
71 agreement or face disciplinary action; authorizing the  
72 agency to approve the proposed admission or  
73 readmission of an individual to a program for a  
74 specified period of time; providing for an extended  
75 stay under certain circumstances; amending s. 393.501,  
76 F.S.; conforming provisions to changes made by the  
77 act; amending ss. 383.141 and 1002.385, F.S.;  
78 conforming cross references; providing effective  
79 dates.

80

81 Be It Enacted by the Legislature of the State of Florida:

82

83 Section 1. Section 393.063, Florida Statutes, is reordered  
84 and amended to read:

85 393.063 Definitions.—For the purposes of this chapter, the  
86 term:

87 (2)~~(1)~~ "Agency" means the Agency for Persons with  
88 Disabilities.

89 (1)~~(2)~~ "Adult day training" means training services that

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90 ~~which~~ take place in a nonresidential setting, separate from the  
91 home or facility in which the client resides, ~~and~~ are intended  
92 to support the participation of clients in daily, meaningful,  
93 and valued routines of the community. Such training, ~~and~~ may be  
94 provided in ~~include~~ work-like settings that do not meet the  
95 definition of supported employment.

96 (3) "Algorithm" means the mathematical formula used by the  
97 agency to calculate a budget amount for clients using variables  
98 that have statistically validated relationships to clients'  
99 needs for services provided by the home and community-based  
100 Medicaid waiver program.

101 (4) "Allocation methodology" means the process used to  
102 determine a client's iBudget by summing the amount generated by  
103 the algorithm and, if applicable, any funding authorized by the  
104 agency for the client pursuant to s. 393.0662(1)(b).

105 (5)~~(3)~~ "Autism" means a pervasive, neurologically based  
106 developmental disability of extended duration which causes  
107 severe learning, communication, and behavior disorders with age  
108 of onset during infancy or childhood. Individuals with autism  
109 exhibit impairment in reciprocal social interaction, impairment  
110 in verbal and nonverbal communication and imaginative ability,  
111 and a markedly restricted repertoire of activities and  
112 interests.

113 (6)~~(4)~~ "Cerebral palsy" means a group of disabling symptoms  
114 of extended duration which results from damage to the developing  
115 brain that may occur before, during, or after birth and that  
116 results in the loss or impairment of control over voluntary  
117 muscles. For the purposes of this definition, cerebral palsy  
118 does not include those symptoms or impairments resulting solely

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119 from a stroke.

120 (7)~~(5)~~ "Client" means any person determined eligible by the  
121 agency for services under this chapter.

122 (8)~~(6)~~ "Client advocate" means a friend or relative of the  
123 client, or of the client's immediate family, who advocates for  
124 the best interests of the client in any proceedings under this  
125 chapter in which the client or his or her family has the right  
126 or duty to participate.

127 (9)~~(7)~~ "Comprehensive assessment" means the process used to  
128 determine eligibility for services under this chapter.

129 (10)~~(8)~~ "Comprehensive transitional education program"  
130 means the program established in s. 393.18.

131 (12)~~(9)~~ "Developmental disability" means a disorder or  
132 syndrome that is attributable to intellectual disability,  
133 cerebral palsy, autism, spina bifida, Down syndrome, or Prader-  
134 Willi syndrome; that manifests before the age of 18; and that  
135 constitutes a substantial handicap that can reasonably be  
136 expected to continue indefinitely.

137 (11)~~(10)~~ "Developmental disabilities center" means a state-  
138 owned and state-operated facility, formerly known as a "Sunland  
139 Center," providing for the care, habilitation, and  
140 rehabilitation of clients with developmental disabilities.

141 (13)~~(11)~~ "Direct service provider" means a person 18 years  
142 of age or older who has direct face-to-face contact with a  
143 client while providing services to the client or has access to a  
144 client's living areas or to a client's funds or personal  
145 property.

146 (14)~~(12)~~ "Domicile" means the place where a client legally  
147 resides and~~7~~ which ~~place~~ is his or her permanent home. Domicile

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148 may be established as provided in s. 222.17. Domicile may not be  
149 established in Florida by a minor who has no parent domiciled in  
150 Florida, or by a minor who has no legal guardian domiciled in  
151 Florida, or by any alien not classified as a resident alien.

152 (15)~~(13)~~ "Down syndrome" means a disorder caused by the  
153 presence of an extra chromosome 21.

154 (16)~~(14)~~ "Express and informed consent" means consent  
155 voluntarily given in writing with sufficient knowledge and  
156 comprehension of the subject matter to enable the person giving  
157 consent to make a knowing decision without any element of force,  
158 fraud, deceit, duress, or other form of constraint or coercion.

159 (17)~~(15)~~ "Family care program" means the program  
160 established in s. 393.068.

161 (18)~~(16)~~ "Foster care facility" means a residential  
162 facility licensed under this chapter which provides a family  
163 living environment including supervision and care necessary to  
164 meet the physical, emotional, and social needs of its residents.  
165 The capacity of such a facility may not be more than three  
166 residents.

167 (19)~~(17)~~ "Group home facility" means a residential facility  
168 licensed under this chapter which provides a family living  
169 environment including supervision and care necessary to meet the  
170 physical, emotional, and social needs of its residents. The  
171 capacity of such a facility shall be at least 4 but not more  
172 than 15 residents.

173 (20) "Guardian" has the same meaning as in s. 744.102.

174 (21)~~(18)~~ "Guardian advocate" means a person appointed by a  
175 written order of the court to represent a person with  
176 developmental disabilities under s. 393.12.

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177        (22)~~(19)~~ "Habilitation" means the process by which a client  
178 is assisted in acquiring and maintaining ~~to acquire and maintain~~  
179 those life skills that ~~which~~ enable the client to cope more  
180 effectively with the demands of his or her condition and  
181 environment and to raise the level of his or her physical,  
182 mental, and social efficiency. The term ~~It~~ includes, but is not  
183 limited to, programs of formal structured education and  
184 treatment.

185        (23)~~(20)~~ "High-risk child" means, for the purposes of this  
186 chapter, a child from 3 to 5 years of age with one or more of  
187 the following characteristics:

188            (a) A developmental delay in cognition, language, or  
189 physical development.

190            (b) A child surviving a catastrophic infectious or  
191 traumatic illness known to be associated with developmental  
192 delay, when funds are specifically appropriated.

193            (c) A child with a parent or guardian with developmental  
194 disabilities who requires assistance in meeting the child's  
195 developmental needs.

196            (d) A child who has a physical or genetic anomaly  
197 associated with developmental disability.

198        (24)~~(21)~~ "Intellectual disability" means significantly  
199 subaverage general intellectual functioning existing  
200 concurrently with deficits in adaptive behavior which manifests  
201 before the age of 18 and can reasonably be expected to continue  
202 indefinitely. For the purposes of this definition, the term:

203            (a) "Adaptive behavior" means the effectiveness or degree  
204 with which an individual meets the standards of personal  
205 independence and social responsibility expected of his or her

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206 age, cultural group, and community.

207 (b) "Significantly subaverage general intellectual  
208 functioning" means performance that is two or more standard  
209 deviations from the mean score on a standardized intelligence  
210 test specified in the rules of the agency.

211  
212 For purposes of the application of the criminal laws and  
213 procedural rules of this state to matters relating to pretrial,  
214 trial, sentencing, and any matters relating to the imposition  
215 and execution of the death penalty, the terms "intellectual  
216 disability" or "intellectually disabled" are interchangeable  
217 with and have the same meaning as the terms "mental retardation"  
218 or "retardation" and "mentally retarded" as defined in this  
219 section before July 1, 2013.

220 (25)~~(22)~~ "Intermediate care facility for the  
221 developmentally disabled" ~~or "ICF/DD"~~ means a residential  
222 facility licensed and certified under part VIII of chapter 400.

223 (26)~~(23)~~ "Medical/dental services" means medically  
224 necessary services that are provided or ordered for a client by  
225 a person licensed under chapter 458, chapter 459, or chapter  
226 466. Such services may include, but are not limited to,  
227 prescription drugs, specialized therapies, nursing supervision,  
228 hospitalization, dietary services, prosthetic devices, surgery,  
229 specialized equipment and supplies, adaptive equipment, and  
230 other services as required to prevent or alleviate a medical or  
231 dental condition.

232 (27)~~(24)~~ "Personal care services" means individual  
233 assistance with or supervision of essential activities of daily  
234 living for self-care, including ambulation, bathing, dressing,



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235 eating, grooming, and toileting, and other similar services that  
236 are incidental to the care furnished and essential to the  
237 health, safety, and welfare of the client if no one else is  
238 available to perform those services.

239 (28)~~(25)~~ "Prader-Willi syndrome" means an inherited  
240 condition typified by neonatal hypotonia with failure to thrive,  
241 hyperphagia or an excessive drive to eat which leads to obesity  
242 usually at 18 to 36 months of age, mild to moderate intellectual  
243 disability, hypogonadism, short stature, mild facial  
244 dysmorphism, and a characteristic neurobehavior.

245 (29)~~(26)~~ "Relative" means an individual who is connected by  
246 affinity or consanguinity to the client and who is 18 years of  
247 age or older.

248 (30)~~(27)~~ "Resident" means a person who has a developmental  
249 disability and resides at a residential facility, whether or not  
250 such person is a client of the agency.

251 (31)~~(28)~~ "Residential facility" means a facility providing  
252 room and board and personal care for persons who have  
253 developmental disabilities.

254 (32)~~(29)~~ "Residential habilitation" means supervision and  
255 training with the acquisition, retention, or improvement in  
256 skills related to activities of daily living, such as personal  
257 hygiene skills, homemaking skills, and the social and adaptive  
258 skills necessary to enable the individual to reside in the  
259 community.

260 (33)~~(30)~~ "Residential habilitation center" means a  
261 community residential facility licensed under this chapter which  
262 provides habilitation services. The capacity of such a facility  
263 may not be fewer than nine residents. After October 1, 1989, new

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264 residential habilitation centers may not be licensed and the  
265 licensed capacity for any existing residential habilitation  
266 center may not be increased.

267 (34)~~(31)~~ "Respite service" means appropriate, short-term,  
268 temporary care that is provided to a person who has a  
269 developmental disability in order to meet the planned or  
270 emergency needs of the person or the family or other direct  
271 service provider.

272 (35)~~(32)~~ "Restraint" means a physical device, method, or  
273 drug used to control dangerous behavior.

274 (a) A physical restraint is any manual method or physical  
275 or mechanical device, material, or equipment attached or  
276 adjacent to an individual's body so that he or she cannot easily  
277 remove the restraint and which restricts freedom of movement or  
278 normal access to one's body.

279 (b) A drug used as a restraint is a medication used to  
280 control the person's behavior or to restrict his or her freedom  
281 of movement and is not a standard treatment for the person's  
282 medical or psychiatric condition. Physically holding a person  
283 during a procedure to forcibly administer psychotropic  
284 medication is a physical restraint.

285 (c) Restraint does not include physical devices, such as  
286 orthopedically prescribed appliances, surgical dressings and  
287 bandages, supportive body bands, or other physical holding  
288 necessary for routine physical examinations and tests; for  
289 purposes of orthopedic, surgical, or other similar medical  
290 treatment; to provide support for the achievement of functional  
291 body position or proper balance; or to protect a person from  
292 falling out of bed.

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293        (36)~~(33)~~ "Seclusion" means the involuntary isolation of a  
294 person in a room or area from which the person is prevented from  
295 leaving. The prevention may be by physical barrier or by a staff  
296 member who is acting in a manner, or who is physically situated,  
297 so as to prevent the person from leaving the room or area. For  
298 the purposes of this chapter, the term does not mean isolation  
299 due to the medical condition or symptoms of the person.

300        (37)~~(34)~~ "Self-determination" means an individual's freedom  
301 to exercise the same rights as all other citizens, authority to  
302 exercise control over funds needed for one's own support,  
303 including prioritizing these funds when necessary,  
304 responsibility for the wise use of public funds, and self-  
305 advocacy to speak and advocate for oneself in order to gain  
306 independence and ensure that individuals with a developmental  
307 disability are treated equally.

308        (38)~~(35)~~ "Specialized therapies" means those treatments or  
309 activities prescribed by and provided by an appropriately  
310 trained, licensed, or certified professional or staff person and  
311 may include, but are not limited to, physical therapy, speech  
312 therapy, respiratory therapy, occupational therapy, behavior  
313 therapy, physical management services, and related specialized  
314 equipment and supplies.

315        (39)~~(36)~~ "Spina bifida" means, ~~for purposes of this~~  
316 ~~chapter,~~ a person with a medical diagnosis of spina bifida  
317 cystica or myelomeningocele.

318        (40)~~(37)~~ "Support coordinator" means a person who is  
319 designated by the agency to assist individuals and families in  
320 identifying their capacities, needs, and resources, as well as  
321 finding and gaining access to necessary supports and services;

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322 coordinating the delivery of supports and services; advocating  
323 on behalf of the individual and family; maintaining relevant  
324 records; and monitoring and evaluating the delivery of supports  
325 and services to determine the extent to which they meet the  
326 needs and expectations identified by the individual, family, and  
327 others who participated in the development of the support plan.

328 (41)~~(38)~~ "Supported employment" means employment located or  
329 provided in an integrated work setting, with earnings paid on a  
330 commensurate wage basis, and for which continued support is  
331 needed for job maintenance.

332 (42)~~(39)~~ "Supported living" means a category of  
333 individually determined services designed and coordinated in  
334 such a manner as to provide assistance to adult clients who  
335 require ongoing supports to live as independently as possible in  
336 their own homes, to be integrated into the community, and to  
337 participate in community life to the fullest extent possible.

338 (43)~~(40)~~ "Training" means a planned approach to assisting a  
339 client to attain or maintain his or her maximum potential and  
340 includes services ranging from sensory stimulation to  
341 instruction in skills for independent living and employment.

342 (44)~~(41)~~ "Treatment" means the prevention, amelioration, or  
343 cure of a client's physical and mental disabilities or  
344 illnesses.

345 Section 2. Section 393.0641, Florida Statutes, is repealed.

346 Section 3. Present subsections (6) and (7) of section  
347 393.065, Florida Statutes, are redesignated as subsections (7)  
348 and (9), respectively, subsections (3) and (5) and present  
349 subsections (6) and (7) of that section are amended, and new  
350 subsections (6) and (8) are added to that section, to read:

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351 393.065 Application and eligibility determination.—

352 (3) The agency shall notify each applicant, in writing, of  
353 its eligibility decision. Any applicant determined by the agency  
354 to be ineligible for ~~developmental~~ services has the right to  
355 appeal this decision pursuant to ss. 120.569 and 120.57.

356 (5) ~~Except as otherwise directed by law, beginning July 1,~~  
357 ~~2010,~~ The agency shall assign and provide priority to clients  
358 waiting for waiver services in the following order:

359 (a) Category 1, which includes clients deemed to be in  
360 crisis as described in rule, shall be given first priority in  
361 moving from the waiting list to the waiver.

362 (b) Category 2, which includes clients on the waiting  
363 ~~children on the wait~~ list who are:

364 1. From the child welfare system with an open case in the  
365 Department of Children and Families' statewide automated child  
366 welfare information system and who are:

367 a. Transitioning out of the child welfare system at the  
368 finalization of an adoption, a reunification with a family  
369 member, a permanent placement with a relative, or a guardianship  
370 with a nonrelative; or

371 b. At least 18 years old, but not yet 22 years old, and who  
372 need both waiver services and extended foster care services; or

373 2. At least 18 years old, but not yet 22 years old, and who  
374 withdrew consent pursuant to s. 39.6251(5)(c) to remain in  
375 extended foster care.

376  
377 For clients who are eligible under sub-subparagraph 1.b., the  
378 agency shall provide waiver services, including residential  
379 habilitation, and the community-based care lead agency shall

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380 fund room and board at the rates established in s. 409.145(4)  
381 and provide case management and related services as defined in  
382 s. 409.986(3). Such clients may receive both waiver services and  
383 services under s. 39.6251 which may not duplicate services  
384 available through the Medicaid state plan.

385 (c) Category 3, which includes, but is not required to be  
386 limited to, clients:

387 1. Whose caregiver has a documented condition that is  
388 expected to render the caregiver unable to provide care within  
389 the next 12 months and for whom a caregiver is required but no  
390 alternate caregiver is available;

391 2. At substantial risk of incarceration or court commitment  
392 without supports;

393 3. Whose documented behaviors or physical needs place them  
394 or their caregiver at risk of serious harm and other supports  
395 are not currently available to alleviate the situation; or

396 4. Who are identified as ready for discharge within the  
397 next year from a state mental health hospital or skilled nursing  
398 facility and who require a caregiver but for whom no caregiver  
399 is available, or whose caregiver cannot provide the care needed.

400 (d) Category 4, which includes, but is not required to be  
401 limited to, clients whose caregivers are 70 years of age or  
402 older and for whom a caregiver is required but no alternate  
403 caregiver is available.

404 (e) Category 5, which includes, but is not required to be  
405 limited to, clients who are expected to graduate within the next  
406 12 months from secondary school and need support to obtain a  
407 meaningful day activity, ~~or~~ maintain competitive employment, or  
408 to pursue an accredited program of postsecondary education to

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409 which they have been accepted.

410 (f) Category 6, which includes clients 21 years of age or  
411 older who do not meet the criteria for category 1, category 2,  
412 category 3, category 4, or category 5.

413 (g) Category 7, which includes clients younger than 21  
414 years of age who do not meet the criteria for category 1,  
415 category 2, category 3, or category 4.

416

417 Within categories 3, 4, 5, 6, and 7, the agency shall maintain a  
418 waiting ~~wait~~ list of clients placed in the order of the date  
419 that the client is determined eligible for waiver services.

420 (6) The agency shall allow an individual who meets the  
421 eligibility requirements pursuant to subsection (1) to receive  
422 home and community-based services in this state if the  
423 individual's parent or legal guardian is an active duty military  
424 servicemember and if at the time of the servicemember's transfer  
425 to this state, the individual was receiving home and community-  
426 based services in another state.

427 ~~(7)~~ (6) The client, the client's guardian, or the client's  
428 family must ensure that accurate, up-to-date contact information  
429 is provided to the agency at all times. Notwithstanding s.  
430 393.0651, the agency shall send an annual letter requesting  
431 updated information from the client, the client's guardian, or  
432 the client's family. The agency shall remove from the waiting  
433 ~~wait~~ list any individual who cannot be located using the contact  
434 information provided to the agency, fails to meet eligibility  
435 requirements, or becomes domiciled outside the state.

436 (8) Agency action that selects individuals to receive  
437 waiver services pursuant to this section does not establish a

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438 right to a hearing or an administrative proceeding under chapter  
439 120 for individuals remaining on the waiting list.

440 (9)(7) The agency and the Agency for Health Care  
441 Administration may adopt rules specifying application  
442 procedures, criteria associated with the waiting list ~~wait-list~~  
443 categories, procedures for administering the waiting ~~wait~~ list,  
444 including tools for prioritizing waiver enrollment within  
445 categories, and eligibility criteria as needed to administer  
446 this section.

447 Section 4. Subsection (2) of section 393.066, Florida  
448 Statutes, is amended to read:

449 393.066 Community services and treatment.—

450 (2) Necessary ~~All~~ services ~~needed~~ shall be purchased,  
451 rather than ~~instead of~~ provided directly by the agency, when the  
452 purchase of services ~~such arrangement~~ is more cost-efficient  
453 than providing them ~~having those services provided~~ directly. All  
454 purchased services must be approved by the agency. Persons or  
455 entities under contract with the agency to provide services  
456 shall use agency data management systems to document service  
457 provision to clients. Contracted persons and entities shall meet  
458 the minimum hardware and software technical requirements  
459 established by the agency for the use of such systems. Such  
460 persons or entities shall also meet any requirements established  
461 by the agency for training and professional development of staff  
462 providing direct services to clients.

463 Section 5. Section 393.0662, Florida Statutes, is amended  
464 to read:

465 393.0662 Individual budgets for delivery of home and  
466 community-based services; iBudget system established.—The



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467 Legislature finds that improved financial management of the  
 468 existing home and community-based Medicaid waiver program is  
 469 necessary to avoid deficits that impede the provision of  
 470 services to individuals who are on the waiting list for  
 471 enrollment in the program. The Legislature further finds that  
 472 clients and their families should have greater flexibility to  
 473 choose the services that best allow them to live in their  
 474 community within the limits of an established budget. Therefore,  
 475 the Legislature intends that the agency, in consultation with  
 476 the Agency for Health Care Administration, shall manage ~~develop~~  
 477 ~~and implement a comprehensive redesign of the service delivery~~  
 478 system using individual budgets as the basis for allocating the  
 479 funds appropriated for the home and community-based services  
 480 Medicaid waiver program among eligible enrolled clients. The  
 481 service delivery system that uses individual budgets shall be  
 482 called the iBudget system.

483 (1) The agency shall administer ~~establish~~ an individual  
 484 budget, referred to as an iBudget, for each individual served by  
 485 the home and community-based services Medicaid waiver program.  
 486 The funds appropriated to the agency shall be allocated through  
 487 the iBudget system to eligible, Medicaid-enrolled clients. For  
 488 the iBudget system, eligible clients shall include individuals  
 489 with ~~a diagnosis of Down syndrome or~~ a developmental disability  
 490 as defined in s. 393.063. The iBudget system shall ~~be designed~~  
 491 ~~to~~ provide for: enhanced client choice within a specified  
 492 service package; appropriate assessment strategies; an efficient  
 493 consumer budgeting and billing process that includes  
 494 reconciliation and monitoring components; a ~~redefined~~ role for  
 495 support coordinators which ~~that~~ avoids potential conflicts of

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496 interest; a flexible and streamlined service review process; and  
497 a methodology and process that ensures the equitable allocation  
498 of available funds ~~to each client~~ based on the client's level of  
499 need, as determined by the ~~variables in the allocation~~  
500 algorithm.

501 (a) In developing each client's iBudget, the agency shall  
502 use the an allocation algorithm and methodology as defined in s.  
503 393.063. ~~The algorithm shall use variables that have been~~  
504 ~~determined by the agency to have a statistically validated~~  
505 ~~relationship to the client's level of need for services provided~~  
506 ~~through the home and community-based services Medicaid waiver~~  
507 ~~program. The algorithm and methodology may consider individual~~  
508 ~~characteristics, including, but not limited to, a client's age~~  
509 ~~and living situation, information from a formal assessment~~  
510 ~~instrument that the agency determines is valid and reliable, and~~  
511 ~~information from other assessment processes.~~

512 ~~(b)~~ The allocation methodology shall determine ~~provide the~~  
513 ~~algorithm that determines~~ the amount of funds allocated to a  
514 client's iBudget.

515 (b) The agency may authorize funding ~~approve an increase in~~  
516 ~~the amount of funds allocated, as determined by the algorithm,~~  
517 based on a ~~the~~ client having one or more of the following needs  
518 that cannot be accommodated within the funding ~~as~~ determined by  
519 the algorithm and having no other resources, supports, or  
520 services available to meet the need:

521 1. An extraordinary need that would place the health and  
522 safety of the client, the client's caregiver, or the public in  
523 immediate, serious jeopardy unless the increase is approved.  
524 However, the presence of an extraordinary need in and of itself

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525 does not warrant authorized funding by the agency. An  
 526 extraordinary need may include, but is not limited to:

527 a. The loss of or a change in the client's caregiver  
 528 arrangement or a documented need based on a medical, behavioral,  
 529 or psychological assessment;

530 b.a. A documented history of significant, potentially life-  
 531 threatening behaviors, such as recent attempts at suicide,  
 532 arson, nonconsensual sexual behavior, or self-injurious behavior  
 533 requiring medical attention;

534 c.b. A complex medical condition that requires active  
 535 intervention by a licensed nurse on an ongoing basis that cannot  
 536 be taught or delegated to a nonlicensed person;

537 d.e. A chronic comorbid condition. As used in this  
 538 subparagraph, the term "comorbid condition" means a medical  
 539 condition existing simultaneously but independently with another  
 540 medical condition in a patient; or

541 e.d. A need for total physical assistance with activities  
 542 such as eating, bathing, toileting, grooming, and personal  
 543 hygiene.

544

545 ~~However, the presence of an extraordinary need alone does not~~  
 546 ~~warrant an increase in the amount of funds allocated to a~~  
 547 ~~client's iBudget as determined by the algorithm.~~

548 2. A significant need for one-time or temporary support or  
 549 services that, if not provided, would place the health and  
 550 safety of the client, the client's caregiver, or the public in  
 551 serious jeopardy, ~~unless the increase is approved.~~ A significant  
 552 need may include, but is not limited to, the provision of  
 553 environmental modifications, durable medical equipment, services

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554 to address the temporary loss of support from a caregiver, or  
555 special services or treatment for a serious temporary condition  
556 when the service or treatment is expected to ameliorate the  
557 underlying condition. As used in this subparagraph, the term  
558 "temporary" means a period of fewer than 12 continuous months.  
559 However, the presence of such significant need for one-time or  
560 temporary supports or services alone does not in and of itself  
561 warrant authorized funding by the agency ~~an increase in the~~  
562 ~~amount of funds allocated to a client's iBudget as determined by~~  
563 ~~the algorithm.~~

564 3. A significant increase in the need for services after  
565 the beginning of the service plan year which ~~that~~ would place  
566 the health and safety of the client, the client's caregiver, or  
567 the public in serious jeopardy because of substantial changes in  
568 the client's circumstances, including, but not limited to,  
569 permanent or long-term loss or incapacity of a caregiver, loss  
570 of services authorized under the state Medicaid plan due to a  
571 change in age, or a significant change in medical or functional  
572 status which requires the provision of additional services on a  
573 permanent or long-term basis that cannot be accommodated within  
574 the client's current iBudget. As used in this subparagraph, the  
575 term "long-term" means a period of 12 or more continuous months.  
576 However, such significant increase in need for services of a  
577 permanent or long-term nature ~~alone~~ does not in and of itself  
578 warrant authorized funding by the agency ~~warrant an increase in~~  
579 ~~the amount of funds allocated to a client's iBudget as~~  
580 ~~determined by the algorithm.~~

581 4. A significant need for transportation services to a  
582 waiver-funded adult day training program or to waiver-funded

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583 employment services when such need cannot be accommodated within  
584 a client's iBudget as determined by the algorithm without  
585 affecting the health and safety of the client, when public  
586 transportation is not an option due to the unique needs of the  
587 client, or when other transportation resources are not  
588 reasonably available.

589

590 The agency shall reserve portions of the appropriation for the  
591 home and community-based services Medicaid waiver program for  
592 adjustments required pursuant to this paragraph and may use the  
593 services of an independent actuary in determining the amount ~~of~~  
594 ~~the portions~~ to be reserved.

595 ~~(c) A client's iBudget shall be the total of the amount~~  
596 ~~determined by the algorithm and any additional funding provided~~  
597 ~~pursuant to paragraph (b).~~ A client's annual expenditures for  
598 home and community-based ~~services~~ Medicaid waiver services may  
599 not exceed the limits of his or her iBudget. The total of all  
600 clients' projected annual iBudget expenditures may not exceed  
601 the agency's appropriation for waiver services.

602 (2) The Agency for Health Care Administration, in  
603 consultation with the agency, shall seek federal approval to  
604 amend current waivers, request a new waiver, and amend contracts  
605 as necessary to manage the iBudget system, to improve services  
606 for eligible and enrolled clients, and to improve the delivery  
607 of services ~~implement the iBudget system to serve eligible,~~  
608 ~~enrolled clients~~ through the home and community-based services  
609 Medicaid waiver program and the Consumer-Directed Care Plus  
610 Program.

611 ~~(3) The agency shall transition all eligible, enrolled~~

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612 ~~clients to the iBudget system. The agency may gradually phase in~~  
613 ~~the iBudget system.~~

614 ~~(a) While the agency phases in the iBudget system, the~~  
615 ~~agency may continue to serve eligible, enrolled clients under~~  
616 ~~the four-tiered waiver system established under s. 393.065 while~~  
617 ~~those clients await transitioning to the iBudget system.~~

618 ~~(b) The agency shall design the phase-in process to ensure~~  
619 ~~that a client does not experience more than one-half of any~~  
620 ~~expected overall increase or decrease to his or her existing~~  
621 ~~annualized cost plan during the first year that the client is~~  
622 ~~provided an iBudget due solely to the transition to the iBudget~~  
623 ~~system.~~

624 ~~(3)(4)~~ A client must use all available services authorized  
625 under the state Medicaid plan, school-based services, private  
626 insurance and other benefits, and any other resources that may  
627 be available to the client before using funds from his or her  
628 iBudget to pay for support and services.

629 ~~(4)(5)~~ The service limitations in s. 393.0661(3)(f)1., 2.,  
630 and 3. do not apply to the iBudget system.

631 ~~(5)(6)~~ Rates for any or all services established under  
632 rules of the Agency for Health Care Administration must ~~shall~~ be  
633 designated as the maximum rather than a fixed amount for  
634 individuals who receive an iBudget, except for services  
635 specifically identified in those rules that the agency  
636 determines are not appropriate for negotiation, which may  
637 include, but are not limited to, residential habilitation  
638 services.

639 ~~(6)(7)~~ The agency shall ensure that clients and caregivers  
640 have access to training and education that ~~to~~ inform them about

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641 the iBudget system and enhance their ability for self-direction.  
 642 Such training and education must ~~shall~~ be offered in a variety  
 643 of formats; ~~and~~ at a minimum, must ~~shall~~ address the policies  
 644 and processes of the iBudget system and ~~the~~ roles and  
 645 responsibilities of consumers, caregivers, waiver support  
 646 coordinators, providers, and the agency; must provide ~~provide~~  
 647 information ~~available~~ to help the client make decisions  
 648 regarding the iBudget system; and must provide examples of  
 649 support and resources available in the community.

650 ~~(7)-(8)~~ The agency shall collect data to evaluate the  
 651 implementation and outcomes of the iBudget system.

652 ~~(8)-(9)~~ The agency and the Agency for Health Care  
 653 Administration may adopt rules specifying the allocation  
 654 algorithm and methodology; criteria and processes for clients to  
 655 access reserved funds for extraordinary needs, temporarily or  
 656 permanently changed needs, and one-time needs; and processes and  
 657 requirements for selection and review of services, development  
 658 of support and cost plans, and management of the iBudget system  
 659 as needed to administer this section.

660 Section 6. Section 393.0663, Florida Statutes, is created  
 661 to read:

662 393.0663 The Arc Dental Program.-

663 (1) The Legislature finds that many individuals with  
 664 intellectual or developmental disabilities in this state are in  
 665 need of dental treatment and that such individuals often lack  
 666 access to such services. The Legislature further finds that The  
 667 Arc of Florida, a not-for-profit organization that maintains  
 668 programs to assist in the delivery of needed services to  
 669 individuals with intellectual or developmental disabilities,

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670 operates The Arc of Florida Dental Program to provide dental  
671 services to such individuals. Since the 2012-2013 fiscal year,  
672 the Legislature has appropriated general revenue funds to the  
673 organization to allow it to recruit 180 dental practices to  
674 provide dental services to hundreds of individuals with  
675 intellectual or developmental disabilities. Such services  
676 include X-rays, cleanings, fluoride treatments, fillings, root  
677 canals, crowns, extractions, and dentures. The Legislature finds  
678 that it is in the public interest to establish a program to  
679 assist The Arc of Florida in providing dental services to  
680 individuals with intellectual or developmental disabilities.

681 (2) The Arc Dental Program is established in the Agency for  
682 Persons with Disabilities. The agency shall enter into a  
683 memorandum of agreement with and provide assistance to The Arc  
684 of Florida in operating and expanding The Arc of Florida Dental  
685 Program. The memorandum of agreement entered into between the  
686 agency and The Arc of Florida shall require quantifiable,  
687 measurable, and verifiable units of deliverables and require The  
688 Arc of Florida to submit an annual accounting of the funding  
689 allocated by the agency.

690 (3) Beginning January 1, 2018, and each January 1  
691 thereafter, the agency shall submit a report to the Governor,  
692 the President of the Senate, and the Speaker of the House of  
693 Representatives which summarizes contract performance by The Arc  
694 of Florida for the previous fiscal year.

695 (4) Implementation of the Arc Dental Program is contingent  
696 upon appropriation.

697 Section 7. Section 393.0679, Florida Statutes, is created  
698 to read:



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699       393.0679 Utilization review.—The agency shall conduct  
700 utilization review activities in intermediate care facilities  
701 for individuals with developmental disabilities, both public and  
702 private, as necessary to meet the requirements of the approved  
703 Medicaid state plan and federal law, and such facilities shall  
704 comply with any requests for information and documentation made  
705 by the agency and permit any agency inspections in connection  
706 with such activities.

707       Section 8. Subsection (1), paragraphs (a) and (b) of  
708 subsection (4), paragraphs (b), (e), (f), (g), and (h) of  
709 subsection (5), subsection (6), paragraph (d) of subsection (7),  
710 subsection (10), and paragraph (b) of subsection (12) of section  
711 393.11, Florida Statutes, are amended, and subsection (14) is  
712 added to that section, to read:

713       393.11 Involuntary admission to residential services.—

714       (1) JURISDICTION.—If a person has an intellectual  
715 disability or autism and requires involuntary admission to  
716 residential services provided by the agency, the circuit court  
717 of the county in which the person resides has jurisdiction to  
718 conduct a hearing and enter an order involuntarily admitting the  
719 person in order for the person to receive the care, treatment,  
720 habilitation, and rehabilitation that the person needs. For the  
721 purpose of identifying intellectual disability or autism,  
722 diagnostic capability shall be established by the agency. Except  
723 as otherwise specified, the proceedings under this section are  
724 governed by the Florida Rules of Civil Procedure.

725       (4) AGENCY PARTICIPATION.—

726       (a) Upon receiving the petition, the court shall  
727 immediately order the ~~developmental services program of the~~

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728 agency to examine the person being considered for involuntary  
729 admission to residential services.

730 (b) Following examination, the agency shall file a written  
731 report with the court at least 10 working days before the date  
732 of the hearing. The report must be served on the petitioner, the  
733 person who has the intellectual disability or autism, and the  
734 person's attorney at the time the report is filed with the  
735 court.

736 (5) EXAMINING COMMITTEE.—

737 (b) The court shall appoint at least three disinterested  
738 experts who have demonstrated to the court an expertise in the  
739 diagnosis, evaluation, and treatment of persons who have  
740 intellectual disabilities or autism. The committee must include  
741 at least one licensed and qualified physician, one licensed and  
742 qualified psychologist, and one qualified professional who, at a  
743 minimum, has a master's degree in social work, special  
744 education, or vocational rehabilitation counseling, to examine  
745 the person and to testify at the hearing on the involuntary  
746 admission to residential services.

747 (e) The committee shall prepare a written report for the  
748 court. The report must explicitly document the extent that the  
749 person meets the criteria for involuntary admission. The report,  
750 and expert testimony, must include, but not be limited to:

751 1. The degree of the person's intellectual disability or  
752 autism and whether, using diagnostic capabilities established by  
753 the agency, the person is eligible for agency services;

754 2. Whether, because of the person's degree of intellectual  
755 disability or autism, the person:

756 a. Lacks sufficient capacity to give express and informed

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757 consent to a voluntary application for services pursuant to s.  
758 393.065 and lacks basic survival and self-care skills to such a  
759 degree that close supervision and habilitation in a residential  
760 setting are necessary and, if not provided, would result in a  
761 threat of substantial harm to the person's well-being; or

762 ~~b. Lacks basic survival and self-care skills to such a~~  
763 ~~degree that close supervision and habilitation in a residential~~  
764 ~~setting is necessary and if not provided would result in a real~~  
765 ~~and present threat of substantial harm to the person's well-~~  
766 ~~being; or~~

767 ~~b.e.~~ Is likely to physically injure others if allowed to  
768 remain at liberty.

769 3. The purpose to be served by residential care;

770 4. A recommendation on the type of residential placement  
771 which would be the most appropriate and least restrictive for  
772 the person; and

773 5. The appropriate care, habilitation, and treatment.

774 (f) The committee shall file the report with the court at  
775 least 10 working days before the date of the hearing. The report  
776 must be served on the petitioner, the person who has the  
777 intellectual disability or autism, the person's attorney at the  
778 time the report is filed with the court, and the agency.

779 (g) Members of the examining committee shall receive a  
780 reasonable fee to be determined by the court. The fees shall be  
781 paid from the general revenue fund of the county in which the  
782 person who has the intellectual disability or autism resided  
783 when the petition was filed.

784 ~~(h) The agency shall develop and prescribe by rule one or~~  
785 ~~more standard forms to be used as a guide for members of the~~

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786 ~~examining committee.~~

787 (6) COUNSEL; GUARDIAN AD LITEM.—

788 (a) The person who has the intellectual disability or  
789 autism must be represented by counsel at all stages of the  
790 judicial proceeding. If the person is indigent and cannot afford  
791 counsel, the court shall appoint a public defender at least 20  
792 working days before the scheduled hearing. The person's counsel  
793 shall have full access to the records of the service provider  
794 and the agency. In all cases, the attorney shall represent the  
795 rights and legal interests of the person, regardless of who  
796 initiates the proceedings or pays the attorney ~~attorney's~~ fee.

797 (b) If the attorney, during the course of his or her  
798 representation, reasonably believes that the person who has the  
799 intellectual disability or autism cannot adequately act in his  
800 or her own interest, the attorney may seek the appointment of a  
801 guardian ad litem. A prior finding of incompetency is not  
802 required before a guardian ad litem is appointed pursuant to  
803 this section.

804 (7) HEARING.—

805 (d) The person who has the intellectual disability or  
806 autism must be physically present throughout the entire  
807 proceeding. If the person's attorney believes that the person's  
808 presence at the hearing is not in his or her best interest, the  
809 person's presence may be waived once the court has seen the  
810 person and the hearing has commenced.

811 (10) COMPETENCY.—

812 (a) The issue of competency is separate and distinct from a  
813 determination of the appropriateness of involuntary admission to  
814 residential services due to intellectual disability or autism.

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815 (b) The issue of the competency of a person who has an  
816 intellectual disability or autism for purposes of assigning  
817 guardianship shall be determined in a separate proceeding  
818 according to the procedures and requirements of chapter 744. The  
819 issue of the competency of a person who has an intellectual  
820 disability or autism for purposes of determining whether the  
821 person is competent to proceed in a criminal trial shall be  
822 determined in accordance with chapter 916.

823 (12) APPEAL.—

824 (b) The filing of an appeal by the person who has an  
825 intellectual disability or autism stays admission of the person  
826 into residential care. The stay remains in effect during the  
827 pendency of all review proceedings in Florida courts until a  
828 mandate issues.

829 (14) REVIEW OF CONTINUED INVOLUNTARY ADMISSION TO  
830 RESIDENTIAL SERVICES.—

831 (a) If a person is involuntarily admitted to residential  
832 services provided by the agency, the agency shall employ or, if  
833 necessary, contract with a qualified evaluator to conduct a  
834 review annually, unless otherwise ordered, to determine the  
835 appropriateness of the person's continued involuntary admission  
836 to residential services based on the criteria in paragraph  
837 (8) (b). The review must include an assessment of the most  
838 appropriate and least restrictive type of residential placement  
839 for the person.

840 (b) A placement resulting from an involuntary admission to  
841 residential services must be reviewed by the court at a hearing  
842 annually, unless a shorter review period is ordered. The agency  
843 shall provide to the court the completed reviews by the

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844 qualified evaluator. The review hearing must determine whether  
845 the person continues to meet the criteria in paragraph (8)(b)  
846 and, if so, whether the person still requires involuntary  
847 placement in a residential setting and whether the person is  
848 receiving adequate care, treatment, habilitation, and  
849 rehabilitation in the residential setting.

850 (c) The agency shall provide a copy of the annual review  
851 and reasonable notice of the hearing to the appropriate state's  
852 attorney, if applicable, and the person's attorney and guardian,  
853 or guardian advocate if one is appointed.

854 (d) As used in this subsection, the term "qualified  
855 evaluator" means a psychiatrist licensed under chapter 458 or  
856 chapter 459, or a psychologist licensed under chapter 490, who  
857 has demonstrated to the court an expertise in the diagnosis,  
858 evaluation, and treatment of persons with intellectual  
859 disabilities.

860 Section 9. Effective June 30, 2016, or, if this act fails  
861 to become a law until after that date, effective upon becoming a  
862 law and operating retroactively to June 30, 2016, sections 24  
863 and 26 of chapter 2015-222, Laws of Florida, are repealed.

864 Section 10. Subsection (15) of section 393.067, Florida  
865 Statutes, is reenacted to read:

866 393.067 Facility licensure.—

867 (15) The agency is not required to contract with facilities  
868 licensed pursuant to this chapter.

869 Section 11. Section 393.18, Florida Statutes, is reenacted  
870 and amended to read:

871 393.18 Comprehensive transitional education program.—A  
872 comprehensive transitional education program serves individuals

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873 ~~is a group of jointly operating centers or units, the collective~~  
874 ~~purpose of which is to provide a sequential series of~~  
875 ~~educational care, training, treatment, habilitation, and~~  
876 ~~rehabilitation services to persons who have developmental~~  
877 ~~disabilities, and who have severe or moderate maladaptive~~  
878 ~~behaviors, severe maladaptive behaviors and co-occurring complex~~  
879 ~~medical conditions, or a dual diagnosis of developmental~~  
880 ~~disability and mental illness. However, this section does not~~  
881 ~~require such programs to provide services only to persons with~~  
882 ~~developmental disabilities. All such Services provided by the~~  
883 ~~program must shall be temporary in nature and delivered in a~~  
884 ~~manner designed to achieve structured residential setting,~~  
885 ~~having the primary goal of incorporating the principles~~  
886 ~~principle of self-determination and person-centered planning to~~  
887 ~~transition individuals to the most appropriate, least~~  
888 ~~restrictive community living option of their choice which is not~~  
889 ~~operated as a in establishing permanent residence for persons~~  
890 ~~with maladaptive behaviors in facilities that are not associated~~  
891 ~~with the comprehensive transitional education program. The~~  
892 ~~supervisor of the clinical director of the program licensee must~~  
893 ~~hold a doctorate degree with a primary focus in behavior~~  
894 ~~analysis from an accredited university, be a certified behavior~~  
895 ~~analyst pursuant to s. 393.17, and have at least 1 year of~~  
896 ~~experience in providing behavior analysis services for~~  
897 ~~individuals with developmental disabilities. The staff must~~  
898 ~~shall include behavior analysts and teachers, as appropriate,~~  
899 ~~who shall be available to provide services in each component~~  
900 ~~center or unit of the program. A behavior analyst must be~~  
901 ~~certified pursuant to s. 393.17.~~

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902 (1) Comprehensive transitional education programs must  
903 ~~shall include a minimum of two component centers or units, one~~  
904 ~~of which shall be an intensive treatment and educational center~~  
905 ~~or a transitional training and educational center, which~~  
906 ~~provides services to persons with maladaptive behaviors in the~~  
907 following components ~~sequential order:~~

908 (a) ~~Intensive treatment and education ~~educational center.~~~~  
909 This component provides ~~is a self-contained residential unit~~  
910 ~~providing~~ intensive behavioral and educational programming for  
911 individuals whose conditions ~~persons with severe maladaptive~~  
912 ~~behaviors whose behaviors~~ preclude placement in a less  
913 restrictive environment due to the threat of danger or injury to  
914 themselves or others. Continuous-shift staff are ~~shall be~~  
915 required for this component.

916 (b) Intensive ~~Transitional~~ training and education  
917 ~~educational center.~~ This component provides ~~is a residential~~  
918 ~~unit for persons with moderate maladaptive behaviors providing~~  
919 concentrated psychological and educational programming that  
920 emphasizes a transition toward a less restrictive environment.  
921 Continuous-shift staff are ~~shall be~~ required for this component.

922 (c) ~~Community Transition residence.~~ This component provides  
923 ~~is a residential center providing~~ educational programs and any  
924 support services, training, and care that are needed ~~to assist~~  
925 ~~persons with maladaptive behaviors~~ to avoid regression to more  
926 restrictive environments while preparing individuals ~~them~~ for  
927 more independent living. Continuous-shift staff are ~~shall be~~  
928 required for this component.

929 (d) ~~Alternative living center.~~ This component ~~is a~~  
930 ~~residential unit providing an educational and family living~~



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931 ~~environment for persons with maladaptive behaviors in a~~  
932 ~~moderately unrestricted setting. Residential staff shall be~~  
933 ~~required for this component.~~

934 ~~(c) Independent living education center. This component is~~  
935 ~~a facility providing a family living environment for persons~~  
936 ~~with maladaptive behaviors in a largely unrestricted setting and~~  
937 ~~includes education and monitoring that is appropriate to support~~  
938 ~~the development of independent living skills.~~

939 (2) Components of a comprehensive transitional education  
940 program are subject to the license issued under s. 393.067 to a  
941 comprehensive transitional education program and may be located  
942 on a single site or multiple sites as long as such components  
943 are located within the same agency region.

944 (3) Comprehensive transitional education programs shall  
945 develop individual education plans for each school-aged person  
946 with maladaptive behaviors, severe maladaptive behaviors and co-  
947 occurring complex medical conditions, or a dual diagnosis of  
948 development disability and mental illness who receives services  
949 from the program. Each individual education plan shall be  
950 developed in accordance with the criteria specified in 20 U.S.C.  
951 ss. 401 et seq., and 34 C.F.R. part 300. To the extent possible,  
952 educational components of the program, including individual  
953 education plans, must be integrated with the referring school  
954 district of each school-aged resident.

955 (4) ~~For comprehensive transitional education programs,~~ The  
956 total number of persons in a comprehensive transitional  
957 education program residents who are being provided with services  
958 may not ~~in any instance exceed the licensed capacity of~~ 120  
959 residents, and each residential unit within the component

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960 centers of ~~a the~~ program authorized under this section may not  
961 ~~in any instance~~ exceed 15 residents. However, a program that was  
962 authorized to operate residential units with more than 15  
963 residents before July 1, 2015, may continue to operate such  
964 units.

965 (5) Any licensee that has executed a settlement agreement  
966 with the agency which is enforceable by the court must comply  
967 with the terms of the settlement agreement or be subject to  
968 grounds for discipline as provided by law and rule.

969 (6) Beginning July 1, 2016, the agency may approve the  
970 proposed admission or readmission of individuals into a  
971 comprehensive transitional education program for up to 2 years,  
972 subject to a specific review process. The agency may allow an  
973 individual to live in this setting for a longer period of time  
974 if, after a clinical review is conducted by the agency, it is  
975 determined that remaining in the program for a longer period of  
976 time is in the best interest of the individual.

977 Section 12. Subsection (2) of section 393.501, Florida  
978 Statutes, is amended to read:

979 393.501 Rulemaking.—

980 (2) Such rules must address the number of facilities on a  
981 single lot or on adjacent lots, except that there is no  
982 restriction on the number of facilities designated as community  
983 residential homes located within a planned residential community  
984 as those terms are defined in s. 419.001(1). In adopting rules,  
985 comprehensive transitional education programs ~~an alternative~~  
986 ~~living center and an independent living education center,~~ as  
987 described in s. 393.18, are subject to s. 419.001, except that  
988 such program centers are exempt from the 1,000-foot-radius

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989 requirement of s. 419.001(2) if:

990 (a) The program centers are located on a site zoned in a  
991 manner that permits all the components of a comprehensive  
992 transitional education program center to be located on the site;  
993 or

994 (b) There are no more than three such program centers  
995 within a radius of 1,000 feet.

996 Section 13. Paragraph (b) of subsection (1) of section  
997 383.141, Florida Statutes, is amended to read:

998 383.141 Prenatally diagnosed conditions; patient to be  
999 provided information; definitions; information clearinghouse;  
1000 advisory council.—

1001 (1) As used in this section, the term:

1002 (b) "Developmental disability" includes Down syndrome and  
1003 other developmental disabilities defined by s. 393.063(12) ~~s.~~  
1004 ~~393.063(9)~~.

1005 Section 14. Paragraph (d) of subsection (2) of section  
1006 1002.385, Florida Statutes, is amended to read:

1007 1002.385 Florida personal learning scholarship accounts.—

1008 (2) DEFINITIONS.—As used in this section, the term:

1009 (d) "Disability" means, for a 3- or 4-year-old child or for  
1010 a student in kindergarten to grade 12, autism spectrum disorder,  
1011 as defined in the Diagnostic and Statistical Manual of Mental  
1012 Disorders, Fifth Edition, published by the American Psychiatric  
1013 Association; cerebral palsy, as defined in s. 393.063(6) ~~s.~~  
1014 ~~393.063(4)~~; Down syndrome, as defined in s. 393.063(15) ~~s.~~  
1015 ~~393.063(13)~~; an intellectual disability, as defined in s.  
1016 393.063(24) ~~s. 393.063(21)~~; Prader-Willi syndrome, as defined in  
1017 s. 393.063(28) ~~s. 393.063(25)~~; or spina bifida, as defined in s.

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1018 393.063(39) ~~s. 393.063(36)~~; for a student in kindergarten, being  
1019 a high-risk child, as defined in s. 393.063(23)(a) ~~s.~~  
1020 ~~393.063(20)(a)~~; muscular dystrophy; and Williams syndrome.

1021 Section 15. Except as otherwise expressly provided in this  
1022 act and except for this section, which shall take effect upon  
1023 this act becoming a law, this act shall take effect July 1,  
1024 2016.