

26 service providers; amending s. 393.067, F.S.;
27 requiring the licensure of adult day training
28 programs; conforming related application and licensure
29 provisions to changes made by the act; providing for
30 comprehensive emergency management plans of adult day
31 training programs; providing for inspections of adult
32 day training programs; requiring adult day training
33 programs to adhere to specified rights; prohibiting
34 the agency, beginning on a specified date, from
35 authorizing funds or services to an unlicensed adult
36 day training program; conforming provisions to changes
37 made by the act; amending s. 393.0673, F.S.; revising
38 provisions related to disciplinary action against
39 certain licensees to include licensed adult day
40 training programs; providing that for purposes of
41 disciplinary action for certain violations, a licensee
42 is ultimately responsible for the care and supervision
43 of clients in its facility or participants of the
44 program; providing construction; revising grounds for
45 denial of a licensure application; defining the term
46 "good moral character"; authorizing the agency to
47 immediately suspend or revoke the license of adult day
48 training programs under certain circumstances;
49 authorizing the agency to impose an immediate
50 moratorium on service authorizations to licensed

51 facilities and adult day training programs under
52 certain circumstances; amending s. 393.0678, F.S.;
53 conforming provisions to changes made by the act;
54 making a technical revision; amending s. 393.135,
55 F.S.; conforming provisions to changes made by the
56 act; repealing s. 393.18, F.S., relating to
57 comprehensive transitional education programs;
58 amending s. 394.875, F.S.; conforming a provision to
59 changes made by the act; amending ss. 383.141,
60 400.063, and 1002.394, F.S.; conforming cross-
61 references; providing an effective date.

62
63 Be It Enacted by the Legislature of the State of Florida:

64
65 Section 1. (1) The Agency for Persons with Disabilities
66 shall convene an interagency workgroup to create a continuum of
67 guidance and information for individuals with developmental
68 disabilities and their families including guidance and
69 information across the lifespan of such individuals related to
70 education, workforce, daily living skills, and supportive
71 services for greater independence.

72 (2) The workgroup shall include as participants, at a
73 minimum, the Department of Children and Families, the Early
74 Steps Program of the Department of Health, the Division of
75 Vocational Rehabilitation of the Department of Education, at

76 least three representatives from school district transition
77 programs, Project 10, the Agency for Health Care Administration,
78 the Department of Economic Opportunity's Unique Employer
79 program, and the Florida Center for Students with Unique
80 Abilities.

81 (3) The workgroup shall gather input from stakeholders and
82 Florida families to identify gaps in information and
83 communication across the lifespan of individuals with
84 developmental disabilities and their families, determine why
85 these gaps occur, and recommend ways to ensure that information
86 on the availability of resources and supports across the state
87 is more accessible, including, but not limited to, improving
88 agency websites.

89 (4) The workgroup shall submit an interim report by
90 November 1, 2023, and a final report by September 1, 2024,
91 including its findings and recommendations, to the Governor, the
92 President of the Senate, and the Speaker of the House of
93 Representatives.

94 Section 2. Subsections (11) through (25) of section
95 393.063, Florida Statutes, are renumbered as subsections (10)
96 through (24), respectively, subsection (1) and present
97 subsection (10) are amended, and a new subsection (25) is added
98 to that section, to read:

99 393.063 Definitions.—For the purposes of this chapter, the
100 term:

101 (1) "Adult day training" means a program of training
 102 services which takes ~~that take~~ place in a nonresidential
 103 setting, separate from the home or facility in which the client
 104 resides, and is ~~are~~ intended to support the participation of
 105 clients in ~~daily,~~ meaningful, and valued routines of the
 106 community. These services include, but are not limited to, the
 107 acquisition, retention, or improvement of self-help,
 108 socialization, and adaptive skills ~~Such training may be provided~~
 109 ~~in work-like settings that do not meet the definition of~~
 110 ~~supported employment.~~

111 ~~(10) "Comprehensive transitional education program" means~~
 112 ~~the program established in s. 393.18.~~

113 (25) "Licensee" means an individual, a corporation, a
 114 partnership, a firm, an association, a governmental entity, or
 115 other entity that is issued a permit, registration, certificate,
 116 or license by the agency. The licensee is legally responsible
 117 for all aspects of the provider operation.

118 Section 3. Section 393.065, Florida Statutes, is amended
 119 to read:

120 393.065 Application and eligibility determination.—

121 (1) Application for services shall be made in writing to
 122 the agency, in the region ~~service area~~ in which the applicant
 123 resides. The agency shall review each application and make an
 124 ~~applicant for~~ eligibility determination ~~within 45 days after the~~
 125 ~~date the application is signed for children under 6 years of age~~

126 ~~and~~ within 60 days after receipt of the date the application is
127 signed application for all other applicants. If, at the time of
128 the application, an applicant is requesting enrollment in the
129 home and community-based services Medicaid waiver program for
130 individuals with developmental disabilities deemed to be in
131 crisis, as described in paragraph (5) (a), the agency shall
132 complete an eligibility determination within 45 days after
133 receipt of the signed application.

134 (a) If the agency determines additional documentation is
135 necessary to make an eligibility determination, the agency may
136 request the additional documentation from the applicant.

137 (b) When necessary to definitively identify individual
138 conditions or needs, the agency or its designee must ~~shall~~
139 provide a comprehensive assessment.

140 (c) If the agency requests additional documentation from
141 the applicant or provides or arranges for a comprehensive
142 assessment, the agency's eligibility determination must be
143 completed within 90 days after receipt of the signed application
144 ~~Only applicants whose domicile is in Florida are eligible for~~
145 ~~services.~~

146 (2) In order to be eligible for services under this
147 chapter, the agency must determine that the applicant has met
148 all eligibility requirements in rule, including having a
149 developmental disability and being domiciled in this state.
150 Information accumulated by other agencies, including

151 professional reports and collateral data, shall be considered in
 152 this process when available.

153 ~~(2) In order to provide immediate services or crisis~~
 154 ~~intervention to applicants, the agency shall arrange for~~
 155 ~~emergency eligibility determination, with a full eligibility~~
 156 ~~review to be accomplished within 45 days of the emergency~~
 157 ~~eligibility determination.~~

158 (3) The agency or its designee shall notify each
 159 applicant, in writing, of its eligibility determination
 160 ~~decision~~. Any applicant or client determined by the agency to be
 161 ineligible for services has the right to appeal this
 162 determination decision pursuant to ss. 120.569 and 120.57.

163 (4) Before admission to an intermediate care facility for
 164 individuals with intellectual disabilities and to ensure that
 165 the setting is the least restrictive to meet the individual's
 166 needs, the agency must authorize admission pursuant to this
 167 subsection. As part of the authorization, the agency or its
 168 designee must conduct a comprehensive assessment that includes
 169 medical necessity, level of care, and level of reimbursement
 170 ~~shall assess the level of need and medical necessity for~~
 171 ~~prospective residents of intermediate care facilities for the~~
 172 ~~developmentally disabled. The agency may enter into an agreement~~
 173 ~~with the Department of Elderly Affairs for its Comprehensive~~
 174 ~~Assessment and Review for Long-Term-Care Services (CARES)~~
 175 ~~program to conduct assessments to determine the level of need~~

176 ~~and medical necessity for long-term care services under this~~
 177 ~~chapter. To the extent permissible under federal law, the~~
 178 ~~assessments shall be funded under Title XIX of the Social~~
 179 ~~Security Act.~~

180 (5) Except as provided in subsection (7), if a client
 181 seeking enrollment in the developmental disabilities home and
 182 community-based services Medicaid waiver program meets the level
 183 of care requirement for an intermediate care facility for
 184 individuals with intellectual disabilities pursuant to 42 C.F.R.
 185 ss. 435.217(b) (1) and 440.150, the agency ~~must~~ shall assign the
 186 client to an appropriate enrollment category pursuant to this
 187 subsection and ~~must~~ provide priority to clients waiting for
 188 waiver services in the following order:

189 (a) Category 1, which includes clients deemed to be in
 190 crisis as described in rule, must ~~shall~~ be given first priority
 191 in moving from the preenrollment categories ~~waiting list~~ to the
 192 waiver.

193 (b) Category 2, which includes clients in the
 194 preenrollment categories ~~individuals on the waiting list~~ who
 195 are:

196 1. From the child welfare system with an open case in the
 197 Department of Children and Families' statewide automated child
 198 welfare information system and who are either:

199 a. Transitioning out of the child welfare system into
 200 permanency ~~at the finalization of an adoption, a reunification~~

201 ~~with family members, a permanent placement with a relative, or a~~
 202 ~~guardianship with a nonrelative; or~~

203 b. At least 18 years but not yet 22 years of age and who
 204 need both waiver services and extended foster care services; or

205 2. At least 18 years but not yet 22 years of age and who
 206 withdrew consent pursuant to s. 39.6251(5)(c) to remain in the
 207 extended foster care system.

208
 209 For individuals who are at least 18 years but not yet 22 years
 210 of age and who are eligible under sub-subparagraph 1.b., the
 211 agency must ~~shall~~ provide waiver services, including residential
 212 habilitation, and the community-based care lead agency must
 213 ~~shall~~ fund room and board at the rate established in s.
 214 409.145(3) and provide case management and related services as
 215 defined in s. 409.986(3)(e). Individuals may receive both waiver
 216 services and services under s. 39.6251. Services may not
 217 duplicate services available through the Medicaid state plan.

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

220 1. Whose caregiver has a documented condition that is
 221 expected to render the caregiver unable to provide care within
 222 the next 12 months and for whom a caregiver is required but no
 223 alternate caregiver is available;

224 2. At substantial risk of incarceration or court
 225 commitment without supports;

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

229 4. Who are identified as ready for discharge within the
 230 next year from a state mental health hospital or skilled nursing
 231 facility and who require a caregiver but for whom no caregiver
 232 is available or whose caregiver is unable to provide the care
 233 needed.

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

238 (e) Category 5, which includes, but is not required to be
 239 limited to, clients who are expected to graduate within the next
 240 12 months from secondary school and need support to obtain a
 241 meaningful day activity, maintain competitive employment, or
 242 pursue an accredited program of postsecondary education to which
 243 they have been accepted.

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

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

250

251 Within categories 3, 4, 5, 6, and 7, the agency shall maintain a
 252 waiting list of clients placed in the order of the date that the
 253 client is determined eligible for waiver services.

254 (6) The agency must ~~shall~~ allow an individual who meets
 255 the eligibility requirements of subsection (2) ~~subsection (1)~~ to
 256 receive home and community-based services in this state if the
 257 individual's parent or legal guardian is an active-duty military
 258 servicemember and if, at the time of the servicemember's
 259 transfer to this state, the individual was receiving home and
 260 community-based services in another state.

261 (7) The agency must ~~shall~~ allow an individual with a
 262 diagnosis of Phelan-McDermid syndrome who meets the eligibility
 263 requirements of subsection (2) ~~subsection (1)~~ to receive home
 264 and community-based services.

265 (8) Only a client may be eligible for services under the
 266 developmental disabilities home and community-based services
 267 Medicaid waiver program. For a client to receive services under
 268 the developmental disabilities home and community-based services
 269 Medicaid waiver program, there must be available funding
 270 pursuant to s. 393.0662 or through a legislative appropriation
 271 and the client must meet all of the following:

272 (a) The eligibility requirements of subsection (2), which
 273 must be confirmed by the agency.

274 (b) The eligibility requirements for the Florida Medicaid
 275 program under Title XIX of the Social Security Act, as amended,

276 | or the Supplemental Security Income program.

277 | (c) The level of care requirements for an intermediate
 278 | care facility for individuals with developmental disabilities
 279 | pursuant to 42 C.F.R. ss. 435.217(b)(1) and 440.150.

280 | (d) The requirements provided in the approved federal
 281 | waiver authorized pursuant to s. 1915(c) of the Social Security
 282 | Act and 42 C.F.R. s. 441.302.

283 | (9)-(8) Agency action that selects individuals to receive
 284 | waiver services pursuant to this section does not establish a
 285 | right to a hearing or an administrative proceeding under chapter
 286 | 120 for individuals remaining in the preenrollment categories ~~on~~
 287 | ~~the waiting list.~~

288 | (10)-(9) The client, the client's guardian, or the client's
 289 | family must ensure that accurate, up-to-date contact information
 290 | is provided to the agency at all times. Notwithstanding s.
 291 | 393.0651, the agency must ~~shall~~ send an annual letter requesting
 292 | updated information from the client, the client's guardian, or
 293 | the client's family. The agency must ~~shall~~ remove from the
 294 | preenrollment categories ~~waiting list~~ any individual who cannot
 295 | be located using the contact information provided to the agency,
 296 | fails to meet eligibility requirements, or becomes domiciled
 297 | outside the state.

298 | (11) (a) -(10) -(a) The agency must ~~shall~~ provide the following
 299 | information to all applicants or their parents, legal guardians,
 300 | or family members:

301 1. A brief overview of the vocational rehabilitation
 302 services offered through the Division of Vocational
 303 Rehabilitation of the Department of Education, including a
 304 hyperlink or website address that provides access to the
 305 application for such services;

306 2. A brief overview of the Florida ABLE program as
 307 established under s. 1009.986, including a hyperlink or website
 308 address that provides access to the application for establishing
 309 an ABLE account as defined in s. 1009.986(2);

310 3. A brief overview of the supplemental security income
 311 benefits and social security disability income benefits
 312 available under Title XVI of the Social Security Act, as
 313 amended, including a hyperlink or website address that provides
 314 access to the application for such benefits;

315 4. A statement indicating that the applicant's local
 316 public school district may provide specialized instructional
 317 services, including transition programs, for students with
 318 special education needs;

319 5. A brief overview of programs and services funded
 320 through the Florida Center for Students with Unique Abilities,
 321 including contact information for each state-approved Florida
 322 Postsecondary Comprehensive Transition Program;

323 6. A brief overview of decisionmaking options for
 324 individuals with disabilities, guardianship under chapter 744,
 325 and alternatives to guardianship as defined in s. 744.334(1),

351 (12)~~(11)~~ The agency and the Agency for Health Care
 352 Administration may adopt rules specifying application
 353 procedures, criteria associated with the preenrollment ~~waiting~~
 354 ~~list~~ categories, procedures for administering the preenrollment
 355 ~~waiting list~~, including tools for prioritizing waiver enrollment
 356 within preenrollment categories, and eligibility requirements
 357 ~~criteria~~ as needed to administer this section.

358 Section 4. Section 393.0651, Florida Statutes, is amended
 359 to read:

360 393.0651 Family or individual support plan.—The agency
 361 shall provide directly or contract for the development of a
 362 family support plan for children ages 3 to 18 years of age and
 363 an individual support plan for each client. The client, if
 364 competent, the client's parent or guardian, or, when
 365 appropriate, the client advocate, shall be consulted in the
 366 development of the plan and shall receive a copy of the plan.
 367 Each plan must include the most appropriate, least restrictive,
 368 and most cost-beneficial environment for accomplishment of the
 369 objectives for client progress and a specification of all
 370 services authorized. The plan must include provisions for the
 371 most appropriate level of care for the client. Within the
 372 specification of needs and services for each client, when
 373 residential care is necessary, the agency shall move toward
 374 placement of clients in residential facilities based within the
 375 client's community. The ultimate goal of each plan, whenever

376 possible, shall be to enable the client to live a dignified life
377 in the least restrictive setting, be that in the home or in the
378 community. ~~For children under 6 years of age, The family or~~
379 individual support plan must ~~shall~~ be developed within 60 days
380 after the agency determines the client eligible pursuant to s.
381 393.065(3) ~~the 45-day application period as specified in s.~~
382 ~~393.065(1); for all applicants 6 years of age or older, the~~
383 ~~family or individual support plan shall be developed within the~~
384 ~~60-day period as specified in that subsection.~~

385 (1) The agency shall develop and specify by rule the core
386 components of support plans.

387 (2) The family or individual support plan shall be
388 integrated with the individual education plan (IEP) for all
389 clients who are public school students entitled to a free
390 appropriate public education under the Individuals with
391 Disabilities Education Act, I.D.E.A., as amended. The family or
392 individual support plan and IEP must ~~shall~~ be implemented to
393 maximize the attainment of educational and habilitation goals.

394 (a) If the IEP for a student enrolled in a public school
395 program indicates placement in a public or private residential
396 program is necessary to provide special education and related
397 services to a client, the local education agency must ~~shall~~
398 provide for the costs of that service in accordance with the
399 requirements of the Individuals with Disabilities Education Act,
400 I.D.E.A., as amended. This does ~~shall~~ not preclude local

401 education agencies and the agency from sharing the residential
 402 service costs of students who are clients and require
 403 residential placement.

404 (b) For clients who are entering or exiting the school
 405 system, an interdepartmental staffing team composed of
 406 representatives of the agency and the local school system shall
 407 develop a written transitional living and training plan with the
 408 participation of the client or with the parent or guardian of
 409 the client, or the client advocate, as appropriate.

410 (3) Each family or individual support plan shall be
 411 facilitated through case management designed solely to advance
 412 the individual needs of the client.

413 (4) In the development of the family or individual support
 414 plan, a client advocate may be appointed by the support planning
 415 team for a client who is a minor or for a client who is not
 416 capable of express and informed consent when:

417 (a) The parent or guardian cannot be identified;

418 (b) The whereabouts of the parent or guardian cannot be
 419 discovered; or

420 (c) The state is the only legal representative of the
 421 client.

422
 423 Such appointment may ~~shall~~ not be construed to extend the powers
 424 of the client advocate to include any of those powers delegated
 425 by law to a legal guardian.

426 (5) The agency shall place a client in the most
 427 appropriate and least restrictive, and cost-beneficial,
 428 residential facility according to his or her individual support
 429 plan. The client, if competent, the client's parent or guardian,
 430 or, when appropriate, the client advocate, and the administrator
 431 of the facility to which placement is proposed shall be
 432 consulted in determining the appropriate placement for the
 433 client. Considerations for placement shall be made in the
 434 following order:

435 (a) Client's own home or the home of a family member or
 436 direct service provider.

437 (b) Foster care facility.

438 (c) Group home facility.

439 (d) Intermediate care facility for the developmentally
 440 disabled.

441 (e) Other facilities licensed by the agency which offer
 442 special programs for people with developmental disabilities.

443 (f) Developmental disabilities center.

444 (6) In developing a client's annual family or individual
 445 support plan, the individual or family with the assistance of
 446 the support planning team shall identify measurable objectives
 447 for client progress and shall specify a time period expected for
 448 achievement of each objective.

449 (7) The individual, family, and support coordinator shall
 450 review progress in achieving the objectives specified in each

451 client's family or individual support plan, and shall revise the
 452 plan annually, following consultation with the client, if
 453 competent, or with the parent or guardian of the client, or,
 454 when appropriate, the client advocate. The agency or designated
 455 contractor shall annually report in writing to the client, if
 456 competent, or to the parent or guardian of the client, or to the
 457 client advocate, when appropriate, with respect to the client's
 458 habilitative and medical progress.

459 (8) Any client, or any parent of a minor client, or
 460 guardian, authorized guardian advocate, or client advocate for a
 461 client, who is substantially affected by the client's initial
 462 family or individual support plan, or the annual review thereof,
 463 shall have the right to file a notice to challenge the decision
 464 pursuant to ss. 120.569 and 120.57. Notice of such right to
 465 appeal shall be included in all support plans provided by the
 466 agency.

467 Section 5. Subsection (1) of section 393.0655, Florida
 468 Statutes, is amended to read:

469 393.0655 Screening of direct service providers.—

470 (1) MINIMUM STANDARDS.—The agency shall require level 2
 471 employment screening pursuant to chapter 435 for direct service
 472 providers who are unrelated to their clients, including support
 473 coordinators, and managers and supervisors of residential
 474 facilities or adult day training ~~comprehensive transitional~~
 475 ~~education~~ programs licensed under this chapter and any other

476 person, including volunteers, who provide care or services, who
477 have access to a client's living areas, or who have access to a
478 client's funds or personal property. Background screening must
479 ~~shall~~ include employment history checks as provided in s.
480 435.03(1) and local criminal records checks through local law
481 enforcement agencies.

482 (a) A volunteer who assists on an intermittent basis for
483 less than 10 hours per month does not have to be screened if a
484 person who meets the screening requirement of this section is
485 always present and has the volunteer within his or her line of
486 sight.

487 (b) Licensed physicians, nurses, or other professionals
488 licensed and regulated by the Department of Health are not
489 subject to background screening pursuant to this section if they
490 are providing a service that is within their scope of licensed
491 practice.

492 (c) A person selected by the family or the individual with
493 developmental disabilities and paid by the family or the
494 individual to provide supports or services is not required to
495 have a background screening under this section.

496 (d) Persons 12 years of age or older, including family
497 members, residing with a direct services provider who provides
498 services to clients in his or her own place of residence are
499 subject to background screening; however, such persons who are
500 12 to 18 years of age shall be screened for delinquency records

501 only.

502 Section 6. Section 393.067, Florida Statutes, is amended
503 to read:

504 393.067 Facility licensure.—

505 (1) The agency shall provide through its licensing
506 authority and by rule license application procedures, provider
507 qualifications, facility and client care standards, requirements
508 for client records, requirements for staff qualifications and
509 training, and requirements for monitoring foster care
510 facilities, group home facilities, residential habilitation
511 centers, and adult day training ~~comprehensive transitional~~
512 ~~education~~ programs that serve agency clients.

513 (2) The agency shall conduct annual inspections and
514 reviews of facilities and adult day training programs licensed
515 under this section.

516 (3) An application for a license under this section must
517 be made to the agency on a form furnished by it and shall be
518 accompanied by the appropriate license fee.

519 (4) The application shall be under oath and shall contain
520 the following:

521 (a) The name and address of the applicant, if an applicant
522 is an individual; if the applicant is a firm, partnership, or
523 association, the name and address of each member thereof; if the
524 applicant is a corporation, its name and address and the name
525 and address of each director and each officer thereof; and the

526 name by which the facility or program is to be known.

527 (b) The location of the facility or adult day training
528 program for which a license is sought.

529 (c) The name of the person or persons under whose
530 management or supervision the facility or adult day training
531 program will be conducted.

532 (d) The number and type of residents or clients for which
533 maintenance, care, education, or treatment is to be provided by
534 the facility or adult day training program.

535 ~~(e) The number and location of the component centers or~~
536 ~~units which will compose the comprehensive transitional~~
537 ~~education program.~~

538 ~~(f)~~ A description of the types of services and treatment
539 to be provided by the facility or adult day training program.

540 ~~(f)(g)~~ Information relating to the number, experience, and
541 training of the employees of the facility or adult day training
542 program.

543 ~~(g)(h)~~ Certification that the staff of the facility or
544 adult day training program will receive training to detect,
545 report, and prevent sexual abuse, abuse, neglect, exploitation,
546 and abandonment, as defined in ss. 39.01 and 415.102, of
547 residents and clients.

548 ~~(h)(i)~~ ~~Such other~~ Information ~~as~~ the agency determines is
549 necessary to carry out the provisions of this chapter.

550 (5) As a prerequisite for issuance of an initial or

551 renewal license, the applicant, and any manager, supervisor, and
552 staff member of the direct service provider of a facility or
553 adult day training program licensed under this section, must
554 have submitted to background screening as required under s.
555 393.0655. A license may not be issued or renewed if the
556 applicant or any manager, supervisor, or staff member of the
557 direct service provider has a disqualifying offense revealed by
558 ~~failed~~ background screenings ~~as~~ required under s. 393.0655. The
559 agency shall determine by rule the frequency of background
560 screening. The applicant shall submit with each initial or
561 renewal application a signed affidavit under penalty of perjury
562 stating that the applicant and any manager, supervisor, or staff
563 member of the direct service provider is in compliance with all
564 requirements for background screening.

565 (6) A facility or program ~~The~~ applicant shall furnish
566 satisfactory proof of financial ability to operate and conduct
567 the facility or program in accordance with the requirements of
568 this chapter and adopted rules.

569 (7) The agency shall adopt rules establishing minimum
570 standards for facilities and adult day training programs
571 licensed under this section, including rules requiring
572 facilities and adult day training programs to train staff to
573 detect, report, and prevent sexual abuse, abuse, neglect,
574 exploitation, and abandonment, as defined in ss. 39.01 and
575 415.102, of residents and clients, minimum standards of quality

576 and adequacy of client care, incident reporting requirements,
577 and uniform firesafety standards established by the State Fire
578 Marshal which are appropriate to the size of the facility or
579 adult day training ~~of the component centers or units of the~~
580 program.

581 (8) The agency, after consultation with the Division of
582 Emergency Management, shall adopt rules for foster care
583 facilities, group home facilities, ~~and~~ residential habilitation
584 centers, and adult day training programs which establish minimum
585 standards for the preparation and annual update of a
586 comprehensive emergency management plan. At a minimum, the rules
587 must provide for plan components that address emergency
588 evacuation transportation; adequate sheltering arrangements;
589 postdisaster activities, including emergency power, food, and
590 water; postdisaster transportation; supplies; staffing;
591 emergency equipment; individual identification of residents and
592 transfer of records; and responding to family inquiries. The
593 comprehensive emergency management plan for all facilities and
594 adult day training ~~comprehensive transitional education~~ programs
595 ~~and for homes~~ serving individuals who have a complex medical
596 condition ~~conditions~~ is subject to review and approval by the
597 local emergency management agency. During its review, the local
598 emergency management agency shall ensure that the agency and the
599 Division of Emergency Management, at a minimum, are given the
600 opportunity to review the plan. Also, appropriate volunteer

601 organizations must be given the opportunity to review the plan.
602 The local emergency management agency shall complete its review
603 within 60 days and either approve the plan or advise the
604 facility or program of necessary revisions.

605 (9) The agency may conduct unannounced inspections to
606 determine compliance by foster care facilities, group home
607 facilities, residential habilitation centers, and adult day
608 training ~~comprehensive transitional education~~ programs with the
609 applicable provisions of this chapter and the rules adopted
610 pursuant hereto, including the rules adopted for training staff
611 of a facility or an adult day training ~~a~~ program to detect,
612 report, and prevent sexual abuse, abuse, neglect, exploitation,
613 and abandonment, as defined in ss. 39.01 and 415.102, of
614 residents and clients. The facility or adult day training
615 program shall make copies of inspection reports available to the
616 public upon request.

617 (10) Each facility or program licensed under this section
618 shall forward annually to the agency a true and accurate sworn
619 statement of its costs of providing care to clients funded by
620 the agency.

621 (11) The agency may audit the records of any facility or
622 program that it has reason to believe may not be in full
623 compliance with ~~the provisions of~~ this section; provided that,
624 any financial audit of such facility or program is ~~shall be~~
625 limited to the records of clients funded by the agency.

626 (12) The agency shall establish, for the purpose of
 627 control of licensure costs, a uniform management information
 628 system and a uniform reporting system with uniform definitions
 629 and reporting categories.

630 (13) Facilities and adult day training programs licensed
 631 under ~~pursuant to~~ this section shall adhere to all rights
 632 specified in s. 393.13, ~~including those enumerated in s.~~
 633 ~~393.13(4).~~

634 (14) The agency may not authorize funds or services to an
 635 unlicensed facility or, beginning October 1, 2024, an adult day
 636 training program that requires a license under this section ~~may~~
 637 ~~not receive state funds.~~ A license for the operation of a
 638 facility or an adult day training program may ~~shall~~ not be
 639 renewed if the licensee has any outstanding fines assessed
 640 pursuant to this chapter wherein final adjudication of such
 641 fines has been entered.

642 (15) The agency is not required to contract with
 643 facilities or adult day training programs licensed under
 644 ~~pursuant to~~ this chapter.

645 Section 7. Section 393.0673, Florida Statutes, is amended
 646 to read:

647 393.0673 Denial, suspension, or revocation of license;
 648 moratorium on admissions; administrative fines; procedures.—

649 (1) The following constitute grounds for which the agency
 650 may take disciplinary action, including revoking or suspending

651 ~~revoke or suspend~~ a license and imposing or impose an
 652 administrative fine, not to exceed \$1,000 per violation per day,
 653 ~~if~~:

654 (a) The licensee has:

655 1. Falsely represented or omitted a material fact in its
 656 license application submitted under s. 393.067;

657 2. Had prior action taken against it under the Medicaid or
 658 Medicare program; or

659 3. Failed to comply with the applicable requirements of
 660 this chapter or rules applicable to the licensee; or

661 (b) The Department of Children and Families has verified
 662 that the licensee is responsible for the abuse, neglect, or
 663 abandonment of a child or the abuse, neglect, or exploitation of
 664 a vulnerable adult.

665 (2) For purposes of disciplinary action under this section
 666 for verified findings of abuse, neglect, abandonment, or
 667 exploitation of a child or vulnerable adult, the licensee is
 668 responsible not only for administration of the facilities in
 669 compliance with the standards provided by statute and
 670 administrative rule, but is ultimately responsible for the care
 671 and supervision of the clients in the facility or the
 672 participants of the program.

673 (a) A licensee may not delegate to others the ultimate
 674 responsibility for the safety of the clients in its care.

675 (b) A licensee is subject to disciplinary action for an

676 employee's lapse in care or supervision of the clients at the
677 facility or the participants of the program in which a verified
678 finding of abuse, neglect, abandonment, or exploitation
679 occurred.

680 (c) Remedial action taken by the licensee does not affect
681 the agency's ability to impose disciplinary action for the
682 underlying violation.

683 (3) The agency may deny an application for licensure
684 submitted under s. 393.067 if:

685 (a) The applicant has:

686 1. Falsely represented or omitted a material fact in its
687 license application submitted under s. 393.067;

688 2. Had prior action taken against it under the Medicaid or
689 Medicare program;

690 3. Failed to comply with the applicable requirements of
691 this chapter or rules applicable to the applicant; or

692 4. Previously had a license to operate a residential
693 facility or adult day training program revoked by the agency,
694 the Department of Children and Families, or the Agency for
695 Health Care Administration; ~~or~~

696 (b) The Department of Children and Families has verified
697 that the applicant is responsible for the abuse, neglect, or
698 abandonment of a child or the abuse, neglect, or exploitation of
699 a vulnerable adult; or

700 (c) The agency has determined that there is clear and

701 convincing evidence that the applicant is unqualified for a
 702 license because of a lack of good moral character. For purposes
 703 of this paragraph, the term "good moral character" means a
 704 personal history of honesty, fairness, and respect for the
 705 rights of others and for the laws of this state and the Federal
 706 Government.

707 (4)-(3) All hearings must ~~shall~~ be held within the county
 708 in which the licensee or applicant operates or applies for a
 709 license to operate a facility or adult day training program as
 710 defined herein.

711 (5)-(4) The agency, as a part of any final order issued by
 712 it under this chapter, may impose such fine as it deems proper,
 713 except that such fine may not exceed \$1,000 for each violation.
 714 Each day a violation of this chapter occurs constitutes a
 715 separate violation and is subject to a separate fine, but in no
 716 event may the aggregate amount of any fine exceed \$10,000. Fines
 717 paid by any facility licensee under ~~the provisions of this~~
 718 subsection shall be deposited in the Health Care Trust Fund and
 719 expended as provided in s. 400.063.

720 (6)-(5) The agency may issue an order immediately
 721 suspending or revoking a license when it determines that any
 722 condition of in the facility or adult day training program
 723 presents a danger to the health, safety, or welfare of the
 724 residents in the facility or the program participants.

725 (7)-(6) The agency may impose an immediate moratorium on

726 | admissions to any facility or service authorizations to a
 727 | facility or adult day training program when the agency
 728 | determines that any condition of ~~in~~ the facility or adult day
 729 | training program presents a threat to the health, safety, or
 730 | welfare of the residents in the facility or the program
 731 | participants.

732 | (8)~~(7)~~ The agency shall establish by rule criteria for
 733 | evaluating the severity of violations and for determining the
 734 | amount of fines imposed.

735 | Section 8. Subsection (1) of section 393.0678, Florida
 736 | Statutes, is amended to read:

737 | 393.0678 Receivership proceedings.—

738 | (1) The agency may petition a court of competent
 739 | jurisdiction for the appointment of a receiver for a
 740 | ~~comprehensive transitional education program,~~ a residential
 741 | habilitation center~~,~~ or a group home facility owned and operated
 742 | by a corporation or partnership when any of the following
 743 | conditions exist:

744 | (a) Any person is operating a facility without a license
 745 | and refuses to make application for a license as required by s.
 746 | 393.067.

747 | (b) The licensee is closing the facility or has informed
 748 | the agency ~~department~~ that it intends to close the facility; and
 749 | adequate arrangements have not been made for relocation of the
 750 | residents within 7 days, exclusive of weekends and holidays, of

751 the closing of the facility.

752 (c) The agency determines that conditions exist in the
 753 facility which present an imminent danger to the health, safety,
 754 or welfare of the residents of the facility or which present a
 755 substantial probability that death or serious physical harm
 756 would result therefrom. Whenever possible, the agency shall
 757 facilitate the continued operation of the program.

758 (d) The licensee cannot meet its financial obligations to
 759 provide food, shelter, care, and utilities. Evidence such as the
 760 issuance of bad checks or the accumulation of delinquent bills
 761 for such items as personnel salaries, food, drugs, or utilities
 762 constitutes prima facie evidence that the ownership of the
 763 facility lacks the financial ability to operate the home in
 764 accordance with the requirements of this chapter and all rules
 765 adopted ~~promulgated~~ thereunder.

766 Section 9. Subsection (2) of section 393.135, Florida
 767 Statutes, is amended to read:

768 393.135 Sexual misconduct prohibited; reporting required;
 769 penalties.—

770 (2) A covered person who engages in sexual misconduct with
 771 an individual with a developmental disability who:

772 (a) Resides in a residential facility, including any
 773 ~~comprehensive transitional education program,~~ developmental
 774 disabilities center, foster care facility, group home facility,
 775 intermediate care facility for the developmentally disabled, or

776 residential habilitation center; or
 777 (b) Is eligible to receive services from the agency under
 778 this chapter,
 779
 780 commits a felony of the second degree, punishable as provided in
 781 s. 775.082, s. 775.083, or s. 775.084. A covered person may be
 782 found guilty of violating this subsection without having
 783 committed the crime of sexual battery.
 784 Section 10. Section 393.18, Florida Statutes, is repealed.
 785 Section 11. Paragraph (c) of subsection (3) of section
 786 394.875, Florida Statutes, is amended to read:
 787 394.875 Crisis stabilization units, residential treatment
 788 facilities, and residential treatment centers for children and
 789 adolescents; authorized services; license required.—
 790 (3) The following are exempt from licensure as required in
 791 ss. 394.455-394.903:
 792 ~~(c) Comprehensive transitional education programs licensed~~
 793 ~~under s. 393.067.~~
 794 Section 12. Paragraph (b) of subsection (1) of section
 795 383.141, Florida Statutes, is amended to read:
 796 383.141 Prenatally diagnosed conditions; patient to be
 797 provided information; definitions; information clearinghouse;
 798 advisory council.—
 799 (1) As used in this section, the term:
 800 (b) "Developmental disability" includes Down syndrome and

801 other developmental disabilities defined by s. 393.063 ~~s.~~
 802 ~~393.063(12)~~.

803 Section 13. Subsection (1) of section 400.063, Florida
 804 Statutes, is amended to read:

805 400.063 Resident protection.—

806 (1) The Health Care Trust Fund shall be used for the
 807 purpose of collecting and disbursing funds generated from the
 808 license fees and administrative fines as provided for in ss.
 809 393.0673(5) ~~ss. 393.0673(4)~~, 400.062(3), 400.121(2), and
 810 400.23(8). Such funds shall be for the sole purpose of paying
 811 for the appropriate alternate placement, care, and treatment of
 812 residents who are removed from a facility licensed under this
 813 part or a facility specified in s. 393.0678(1) in which the
 814 agency determines that existing conditions or practices
 815 constitute an immediate danger to the health, safety, or
 816 security of the residents. If the agency determines that it is
 817 in the best interest of the health, safety, or security of the
 818 residents to provide for an orderly removal of the residents
 819 from the facility, the agency may utilize such funds to maintain
 820 and care for the residents in the facility pending removal and
 821 alternative placement. The maintenance and care of the residents
 822 shall be under the direction and control of a receiver appointed
 823 pursuant to s. 393.0678(1) or s. 400.126(1). However, funds may
 824 be expended in an emergency upon a filing of a petition for a
 825 receiver, upon the declaration of a state of local emergency

826 pursuant to s. 252.38(3)(a)5., or upon a duly authorized local
 827 order of evacuation of a facility by emergency personnel to
 828 protect the health and safety of the residents.

829 Section 14. Paragraph (d) of subsection (2) of section
 830 1002.394, Florida Statutes, is amended to read:

831 1002.394 The Family Empowerment Scholarship Program.—

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

833 (d) "Disability" means, for a 3- or 4-year-old child or
 834 for a student in kindergarten to grade 12, autism spectrum
 835 disorder, as defined in the Diagnostic and Statistical Manual of
 836 Mental Disorders, Fifth Edition, published by the American
 837 Psychiatric Association; cerebral palsy, as defined in s.
 838 393.063; Down syndrome, as defined in s. 393.063; an
 839 intellectual disability, as defined in s. 393.063; a speech
 840 impairment; a language impairment; an orthopedic impairment; any
 841 ~~an~~ other health impairment; an emotional or a behavioral
 842 disability; a specific learning disability, including, but not
 843 limited to, dyslexia, dyscalculia, or developmental aphasia;
 844 Phelan-McDermid syndrome, as defined in s. 393.063; Prader-Willi
 845 syndrome, as defined in s. 393.063; spina bifida, as defined in
 846 s. 393.063; being a high-risk child, as defined in s.
 847 393.063(22)(a) ~~s. 393.063(23)(a)~~; muscular dystrophy; Williams
 848 syndrome; rare diseases which affect patient populations of
 849 fewer than 200,000 individuals in the United States, as defined
 850 by the National Organization for Rare Disorders; anaphylaxis; a

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851 hearing impairment, including deafness; a visual impairment,
852 including blindness; traumatic brain injury; hospital or
853 homebound; or identification as dual sensory impaired, as
854 defined by rules of the State Board of Education and evidenced
855 by reports from local school districts. The term "hospital or
856 homebound" includes a student who has a medically diagnosed
857 physical or psychiatric condition or illness, as defined by the
858 state board in rule, and who is confined to the home or hospital
859 for more than 6 months.

860 Section 15. This act shall take effect July 1, 2023.