

1 A bill to be entitled
2 An act relating to the Agency for Persons with
3 Disabilities; renaming ch. 393, F.S., as "Persons with
4 Disabilities"; providing for a type two transfer of
5 primary powers and duties relating to the Division of
6 Vocational Rehabilitation, the Division of Blind
7 Services, and the Federal Rehabilitation Trust Fund
8 from the Department of Education to the Agency for
9 Persons with Disabilities; specifying that certain
10 binding contracts and interagency agreements remain
11 binding; providing that the Department of Education
12 shall continue operations of certain direct-support
13 organizations for a specified timeframe; providing for
14 the transition of such operations; requiring the
15 transfer of specified funds; transferring duties
16 related to submission of specified amendments,
17 supplemental information, or waivers to the Federal
18 Government; providing for a type two transfer of
19 certain programs of the department to the agency;
20 providing legislative intent; directing applicable
21 units of state government to contribute to
22 implementation of the act; specifying a transition
23 period; requiring the secretary of the Agency for
24 Persons with Disabilities and the Commissioner of
25 Education to each designate a transition coordinator

26 | to implement the transition; providing for the
27 | establishment of a transition advisory working group;
28 | specifying duties of the working group; requiring that
29 | any adjustments to the operating budgets be made in
30 | consultation with the appropriate committees of the
31 | Legislature; amending s. 20.15, F.S.; removing
32 | specified divisions from the Department of Education;
33 | amending s. 20.197, F.S.; designating the Agency for
34 | Persons with Disabilities as a separate department
35 | rather than as being housed within the Department of
36 | Children and Families; providing the purposes of the
37 | agency; providing that the head of the agency is the
38 | secretary of the Agency for Persons with Disabilities,
39 | rather than the director; conforming provisions to
40 | changes made by the act; amending s. 20.1971, F.S.;
41 | requiring the agency to administer the Federal
42 | Rehabilitation Trust Fund; providing requirements for
43 | the use of specified funds; providing that any
44 | unexpended balance at a specified time remains in such
45 | trust fund for certain purpose; making technical
46 | changes; amending s. 393.062, F.S.; providing and
47 | revising legislative findings and intent; providing
48 | the mission of the agency; creating s. 393.0621, F.S.;
49 | providing agency duties and responsibilities; amending
50 | s. 393.063, F.S.; providing and revising definitions;

51 amending s. 393.065, F.S.; requiring the agency to
52 participate in certain transition planning activities
53 for certain eligible individuals; creating s.
54 393.0664, F.S.; requiring the agency to implement a
55 specified Medicaid waiver program to address the needs
56 of certain clients; providing the purpose of the
57 program; authorizing the agency, in partnership with
58 the Agency for Health Care Administration, to seek
59 federal approval through a state plan amendment or
60 Medicaid waiver to implement the program by a
61 specified date; providing voluntary enrollment,
62 eligibility, and disenrollment requirements; requiring
63 the agency to approve a needs assessment methodology;
64 providing that only persons trained by the agency may
65 administer the methodology; requiring the agency to
66 offer such training; requiring the agency to authorize
67 certain covered services specified in the Medicaid
68 waiver; providing requirements for such services;
69 requiring the agency to begin enrollment in the
70 program upon federal approval; providing construction;
71 requiring the agency, in consultation with the Agency
72 for Health Care Administration, to submit progress
73 reports to the Governor and the Legislature upon
74 federal approval and throughout implementation of the
75 program; requiring the agency to submit, by a

76 | specified date, a progress report on the
 77 | administration of the program; specifying requirements
 78 | for the report; amending s. 393.502, F.S.; creating
 79 | the statewide family care council for specified
 80 | purposes; specifying duties of the statewide council;
 81 | creating local family care councils for specified
 82 | purposes; requiring the statewide council to submit
 83 | annual reports to the agency by a specified date;
 84 | providing requirements for the reports; requiring
 85 | local councils to submit annual reports to the
 86 | statewide council; providing requirements for the
 87 | reports; specifying duties of the local councils;
 88 | providing for funding and financial reviews of the
 89 | councils; revising membership requirements and meeting
 90 | requirements for the councils; creating s. 413.001,
 91 | F.S.; providing legislative intent for and purpose of
 92 | the agency; amending s. 413.271, F.S.; revising
 93 | membership of a specified council; amending ss.
 94 | 90.6063, 110.112, 215.311, 257.04, 318.21, 320.0848,
 95 | 393.13, 394.75, 402.56, 409.9855, 410.604, 413.011,
 96 | 413.0111, 413.033, 413.035, 413.036, 413.037, 413.051,
 97 | 413.091, 413.092, 413.20, 413.201, 413.203, 413.402,
 98 | 413.405, 413.407, 413.445, 413.615, 413.80, 413.801,
 99 | 427.012, 943.0585, 943.059, 1002.394, 1003.575,
 100 | 1004.6495, and 1012.582, F.S.; conforming provisions

101 and cross-references to changes made by the act;
 102 providing an effective date.

103
 104 WHEREAS, the Agency for Persons with Disabilities serves as
 105 the primary agency administering support to all individuals with
 106 disabilities in living, learning, and working within their
 107 communities by creating multiple pathways to possibilities for
 108 such individuals and their families, and

109 WHEREAS, the agency accomplishes its mission by
 110 streamlining access to support and services for individuals with
 111 disabilities, providing care navigation to assist them in
 112 realizing their potential and thriving in their communities;
 113 programs that provide Medicaid waivers, vocational
 114 rehabilitation, and blind services; the Florida Unique Abilities
 115 Partner Program; and a host of other necessary supports and
 116 services, and

117 WHEREAS, the mission of the agency is to develop community-
 118 based programs and services for individuals with disabilities
 119 and to work with private businesses, nonprofit organizations,
 120 units of local government, and other organizations capable of
 121 providing needed services to individuals with disabilities to
 122 provide opportunities for success to such individuals, and

123 WHEREAS, this state continues to develop multiple
 124 innovative pathways to serve individuals with disabilities and
 125 their families, including advancing the continuum of care to

126 | provide a robust and consistent system that promotes quality of
 127 | life in daily living, community integration, and goal-based
 128 | achievement, NOW, THEREFORE,

129 |
 130 | Be It Enacted by the Legislature of the State of Florida:

131 |
 132 | **Section 1.** Chapter 393, Florida Statutes, entitled
 133 | "Developmental Disabilities," is renamed "Persons with
 134 | Disabilities."

135 | **Section 2.** Type two transfer from the Department of
 136 | Education.—

137 | (1) All powers, duties, functions, records, offices,
 138 | personnel, associated administrative support positions,
 139 | property, pending issues, existing contracts, administrative
 140 | authority, administrative rules, and unexpended balances of
 141 | appropriations, allocations, and other funds relating to the
 142 | Division of Vocational Rehabilitation, the Division of Blind
 143 | Services, and the Federal Rehabilitation Trust Fund in the
 144 | Department of Education are transferred by a type two transfer,
 145 | as described in s. 20.06(2), Florida Statutes, from the
 146 | Department of Education to the Agency for Persons with
 147 | Disabilities.

148 | (2) Any binding contract or interagency agreement existing
 149 | before September 30, 2026, between the Division of Blind
 150 | Services, the Division of Vocational Rehabilitation, or an

151 entity or agent of those divisions and any other agency, entity,
152 or person must continue as a binding contract or agreement for
153 the remainder of the term of such contract or agreement on the
154 successor department, agency, or entity responsible for the
155 program, activity, or functions relative to the contract or
156 agreement. The Department of Education shall continue the
157 operations of any direct-support organization created under
158 chapter 413, Florida Statutes, until full implementation of the
159 transition plan or October 1, 2027, whichever occurs first. The
160 transition must include the transfer of powers, duties,
161 functions, records, offices, personnel, property, pending
162 issues, and existing contracts related to any direct-support
163 organizations created under chapter 413, Florida Statutes.

164 (3) Any funds held in trust which were donated to or
165 earned by the Division of Blind Services or the Division of
166 Vocational Rehabilitation must be transferred in conjunction
167 with the direct-support organization created pursuant to s.
168 413.0111, Florida Statutes, as appropriate, and used for the
169 original purposes.

170 (4) Duties related to applicable federal authority in
171 connection with any federal program operated by or federal
172 funding received by the state must transfer to the Agency for
173 Persons with Disabilities to allow the timely submission of any
174 necessary amendments, supplemental information, or waivers
175 concerning plans that the state or an entity specified in

176 subsection (3) is required to submit to the applicable federal
177 departments or agencies or that, pursuant to federal laws or
178 regulations, are necessary to administer this act.

179 (5) All powers, duties, functions, records, offices,
180 personnel, property, pending issues, existing contracts,
181 administrative authority, administrative rules, and unexpended
182 balances of appropriations, allocations, and other funds of the
183 Department of Education relating to the programs transferred to
184 the Agency for Persons with Disabilities under subsection (1)
185 which are not specifically transferred by this section are
186 transferred by a type two transfer, as defined in s. 20.06(2),
187 Florida Statutes, to the Agency for Persons with Disabilities.

188 (6) The Agency for Persons with Disabilities and the
189 Department of Education shall jointly notify the United States
190 Department of Education of the change in grant recipient for any
191 applicable federal funding.

192 (7) It is the intent of the Legislature that all
193 transition activities be completed on or before October 1, 2027,
194 and that the changes made by this section be accomplished with
195 minimal disruption of services provided to the public and
196 minimal disruption to employees of any affected organization. To
197 that end, the Legislature directs all applicable units of state
198 government to contribute to the successful implementation of
199 this act, and declares that a transition period between July 1,
200 2025, and October 1, 2027, is appropriate and warranted, and is

201 hereby established.

202 **Section 3.** (1) The secretary of the Agency for Persons
203 with Disabilities and the Commissioner of Education shall each
204 designate a transition coordinator to serve as the primary
205 representative on a transition advisory working group for
206 matters related to implementing this act and the transition
207 plans required under this act. The transition coordinators may
208 recommend to the secretary and the commissioner a team of
209 subject-matter experts to fulfill transition duties and submit
210 progress reports on any activity, duty, or function performed
211 under this act.

212 (2) The secretary and the commissioner shall each appoint
213 three staff members to the transition advisory working group to
214 review and make determinations on the following:

215 (a) The appropriate proportionate number of
216 administrative, auditing, inspector general, attorney, and
217 operational support positions and their related funding levels
218 and sources and assigned property to be transferred from the
219 Office of General Counsel, Office of Inspector General, and
220 Division of Administrative Services or other relevant offices or
221 divisions within the Department of Education to the Agency for
222 Persons with Disabilities.

223 (b) The development of a recommended plan addressing the
224 transfers or shared use of buildings, regional offices, and
225 other facilities used or owned by the Department of Education.

226 (c) Any operating budget adjustments necessary to
 227 implement the requirements of this act. Adjustments made to the
 228 operating budgets of the Agency for Persons with Disabilities
 229 and the Department of Education in the implementation of this
 230 act must be made in consultation with the appropriate
 231 substantive and fiscal committees of the Senate and the House of
 232 Representatives.

233 **Section 4. Paragraphs (e) and (f) of subsection (3) of**
 234 **section 20.15, Florida Statutes, are amended to read:**

235 20.15 Department of Education.—There is created a
 236 Department of Education.

237 (3) DIVISIONS.—The following divisions of the Department
 238 of Education are established:

239 ~~(e) Division of Vocational Rehabilitation.~~

240 ~~(f) Division of Blind Services.~~

241 **Section 5. Section 20.197, Florida Statutes, is amended to**
 242 **read:**

243 20.197 Agency for Persons with Disabilities.—

244 (1) Notwithstanding s. 20.04(1), there is created a
 245 department, which shall be called the Agency for Persons with
 246 Disabilities, for the purposes of:

247 (a) Serving as the single state agency providing multiple
 248 pathways for success for persons with disabilities.

249 (b) Providing services under chapter 393 to persons with
 250 disabilities, including overseeing the operation of all state

251 institutional programs and the programmatic management of
 252 Medicaid waivers and other programs established to provide
 253 services to persons with developmental disabilities.

254 (c) Providing services under chapter 413 to persons with
 255 disabilities.

256 (2) The head of the agency is the secretary of the Agency
 257 for Persons with Disabilities and shall be appointed by the
 258 Governor, subject to confirmation by the Senate. The secretary
 259 shall serve at the pleasure of and report to the Governor ~~housed~~
 260 ~~within the Department of Children and Families for~~
 261 ~~administrative purposes only. The agency shall be a separate~~
 262 ~~budget entity not subject to control, supervision, or direction~~
 263 ~~by the Department of Children and Families in any manner,~~
 264 ~~including, but not limited to, personnel, purchasing,~~
 265 ~~transactions involving real or personal property, and budgetary~~
 266 ~~matters.~~

267 ~~(3)(1) The director of the agency shall be the agency head~~
 268 ~~for all purposes and shall be appointed by the Governor, subject~~
 269 ~~to confirmation by the Senate, and shall serve at the pleasure~~
 270 ~~of the Governor. The secretary director shall administer the~~
 271 ~~affairs of the agency and may, within available resources,~~
 272 ~~employ assistants, professional staff, and other employees as~~
 273 ~~necessary to discharge the powers and duties of the agency.~~

274 ~~(4)(2) The agency, shall include a Division of Budget and~~
 275 ~~Planning and a Division of Operations. In addition, and in~~

276 accordance with s. 20.04, shall establish ~~the director of the~~
277 ~~agency may recommend establishing~~ additional divisions, bureaus,
278 sections, and subsections ~~of the agency~~ in order to promote
279 efficient and effective operation of the agency.

280 ~~(3) The agency is responsible for providing all services~~
281 ~~provided to persons with developmental disabilities under~~
282 ~~chapter 393, including the operation of all state institutional~~
283 ~~programs and the programmatic management of Medicaid waivers~~
284 ~~established to provide services to persons with developmental~~
285 ~~disabilities.~~

286 (5)~~(4)~~ The agency shall engage in such other programmatic
287 and administrative activities as it deems ~~are deemed~~ necessary
288 to effectively and efficiently address the needs of the agency's
289 clients.

290 (6)~~(5)~~ The agency shall enter into an interagency
291 agreement that delineates the responsibilities of the Agency for
292 Health Care Administration for the following:

293 (a) The terms and execution of contracts with Medicaid
294 providers for the provision of services provided through
295 Medicaid, including federally approved waiver programs.

296 (b) The billing, payment, and reconciliation of claims for
297 Medicaid services reimbursed by the agency.

298 (c) The implementation of utilization management measures,
299 including the prior authorization of services plans and the
300 streamlining and consolidation of waiver services, to ensure the

301 cost-effective provision of needed Medicaid services and to
 302 maximize the number of persons with access to such services.

303 (d) A system of approving each client's plan of care to
 304 ensure that the services on the plan of care are those that
 305 without which the client would require the services of an
 306 intermediate care facility for the developmentally disabled.

307 **Section 6. Section 20.1971, Florida Statutes, is amended**
 308 **to read:**

309 20.1971 Agency for Persons with Disabilities; trust
 310 funds.—The following trust funds shall be administered by the
 311 Agency for Persons with Disabilities:

312 (1) THE ADMINISTRATIVE TRUST FUND.

313 (a) Funds to be credited to the trust fund shall consist
 314 of federal matching funds provided for the administration of
 315 Medicaid services. Funds must ~~shall~~ be used for the purpose of
 316 supporting the agency's administration of Medicaid programs and
 317 for other such purposes as may be appropriate and shall be
 318 expended only pursuant to legislative appropriation or an
 319 approved amendment to the agency's operating budget pursuant to
 320 ~~the provisions of~~ chapter 216.

321 (b) Notwithstanding ~~the provisions of~~ s. 216.301 and
 322 pursuant to s. 216.351, any balance in the trust fund at the end
 323 of any fiscal year remains ~~shall remain~~ in the trust fund at the
 324 end of the year and is ~~shall be~~ available for carrying out the
 325 purposes of the trust fund.

326 (2) THE OPERATIONS AND MAINTENANCE TRUST FUND.—

327 (a) Funds to be credited to the trust fund shall consist
328 of receipts from third-party payors of health care services such
329 as Medicaid. Funds must ~~shall~~ be used for the purpose of
330 providing health care services to agency clients and for other
331 such purposes as may be appropriate and may ~~shall~~ be expended
332 only pursuant to legislative appropriation or an approved
333 amendment to the agency's operating budget pursuant to ~~the~~
334 ~~provisions of~~ chapter 216.

335 (b) Notwithstanding ~~the provisions of~~ s. 216.301 and
336 pursuant to s. 216.351, any balance in the trust fund at the end
337 of any fiscal year remains ~~shall remain~~ in the trust fund at the
338 end of the year and is ~~shall be~~ available for carrying out the
339 purposes of the trust fund.

340 (3) THE SOCIAL SERVICES BLOCK GRANT TRUST FUND.—

341 (a) Funds to be credited to the trust fund shall consist
342 of federal social services block grant funds. These funds must
343 ~~shall~~ be used for the purpose of providing health care and
344 support services to agency clients and for other such purposes
345 as may be appropriate and may ~~shall~~ be expended only pursuant to
346 legislative appropriation or an approved amendment to the
347 agency's operating budget pursuant to ~~the provisions of~~ chapter
348 216.

349 (b) Notwithstanding ~~the provisions of~~ s. 216.301 and
350 pursuant to s. 216.351, any balance in the trust fund at the end

351 of any fiscal year remains ~~shall remain~~ in the trust fund at the
352 end of the year and is ~~shall be~~ available for carrying out the
353 purposes of the trust fund.

354 (4) THE TOBACCO SETTLEMENT TRUST FUND. —

355 (a) Funds to be credited to the trust fund shall consist
356 of funds disbursed, by nonoperating transfer, from the
357 Department of Financial Services Tobacco Settlement Clearing
358 Trust Fund in amounts equal to the annual appropriations made
359 from this trust fund.

360 (b) Notwithstanding ~~the provisions of~~ s. 216.301 and
361 pursuant to s. 216.351, any unencumbered balance in the trust
362 fund at the end of any fiscal year and any encumbered balance
363 remaining undisbursed on September 30 of the same calendar year
364 reverts ~~shall revert~~ to the Department of Financial Services
365 Tobacco Settlement Clearing Trust Fund.

366 (5) THE FEDERAL GRANTS TRUST FUND. —

367 (a) Funds to be credited to the trust fund shall consist
368 of receipts from federal grants. These funds must ~~shall~~ be used
369 for the purpose of providing health care services to agency
370 clients and for other such purposes as may be appropriate and
371 may ~~shall~~ be expended only pursuant to legislative appropriation
372 or an approved amendment to the agency's operating budget
373 pursuant to ~~the provisions of~~ chapter 216.

374 (b) Notwithstanding ~~the provisions of~~ s. 216.301 and
375 pursuant to s. 216.351, any balance in the trust fund at the end

376 of any fiscal year remains ~~shall remain~~ in the trust fund at the
 377 end of the year and is ~~shall be~~ available for carrying out the
 378 purposes of the trust fund.

379 (6) THE FEDERAL REHABILITATION TRUST FUND.—

380 (a) Funds to be credited to the trust fund shall consist
 381 of receipts from federal grants. These funds must be used for
 382 the purpose of providing independent living skills, education,
 383 medical treatment, and assistive devices for individuals with
 384 disabilities so that they may lead productive lives and join the
 385 workforce.

386 (b) Notwithstanding s. 216.301 and pursuant to s. 216.351,
 387 any balance in the trust fund at the end of any fiscal year
 388 remains in the trust fund at the end of the year and is
 389 available for carrying out the purposes of the trust fund.

390 **Section 7. Section 393.062, Florida Statutes, is amended**
 391 **to read:**

392 393.062 Legislative findings and declaration of intent.—
 393 The Legislature finds and intends ~~declares~~ that the Agency for
 394 Persons with Disabilities serve as the single state agency for
 395 all individuals with disabilities in this state. The mission of
 396 the agency is to support individuals with disabilities and their
 397 families in living, learning, and working within their
 398 communities by creating multiple pathways to possibilities for
 399 such individuals and their families ~~existing state programs for~~
 400 ~~the treatment of individuals with developmental disabilities,~~

401 ~~which often unnecessarily place clients in institutions, are~~
402 ~~unreasonably costly, are ineffective in bringing the individual~~
403 ~~client to his or her maximum potential, and are in fact~~
404 ~~debilitating to many clients. A redirection in state treatment~~
405 ~~programs for individuals with developmental disabilities is~~
406 ~~necessary if any significant amelioration of the problems faced~~
407 ~~by such individuals is ever to take place. Such redirection~~
408 ~~should place primary emphasis on programs that prevent or reduce~~
409 ~~the severity of developmental disabilities. Further, The~~
410 greatest priority shall be given to the development and
411 implementation of community-based services that will enable
412 individuals with developmental disabilities to achieve their
413 greatest potential for independent and productive living, enable
414 them to live in their own homes or in residences located in
415 their own communities, and permit them to be diverted or removed
416 from unnecessary institutional placements. This goal cannot be
417 met without ensuring the availability of community residential
418 opportunities in the residential areas of this state. The
419 Legislature, therefore, declares that all persons with
420 developmental disabilities who live in licensed community homes
421 shall have a family living environment comparable to other
422 Floridians and that such residences shall be considered and
423 treated as a functional equivalent of a family unit and not as
424 an institution, business, or boarding home. The Legislature
425 further declares that, in developing community-based programs

426 and services for individuals with developmental disabilities,
427 private businesses, not-for-profit corporations, units of local
428 government, and other organizations capable of providing needed
429 services to clients in a cost-efficient manner shall be given
430 preference in lieu of operation of programs directly by state
431 agencies. ~~Finally, it is the intent of the Legislature that all~~
432 ~~caretakers unrelated to individuals with developmental~~
433 ~~disabilities receiving care shall be of good moral character.~~

434 **Section 8. Section 393.0621, Florida Statutes, is created**
435 **to read:**

436 393.0621 Duties and responsibilities of the agency.-

437 The agency shall:

438 (1) Serve as the primary agency administering support to
439 individuals with disabilities in living, learning, and working
440 within their communities by creating multiple pathways to
441 possibilities for such individuals and their families, among
442 other responsibilities.

443 (2) Administer, as deemed fit by the agency and in
444 accordance with law, developmental disabilities home and
445 community-based Medicaid waiver programs.

446 (3) Develop community-based programs and services for
447 individuals with disabilities and work with private businesses,
448 nonprofit organizations, faith-based entities, units of local
449 government, and other organizations capable of providing needed
450 services to individuals with disabilities to provide

451 opportunities for success to such individuals.

452 (4) Advise the Governor and the Legislature regarding the
453 need for and location of programs related to disabilities.

454 (5) Serve as the preeminent state authority on individuals
455 with disabilities and, when necessary, advise, set standards
456 for, and propose recommendations to other entities serving
457 individuals with disabilities.

458 (6) Advocate for quality programs and services for the
459 state's disabled population and on behalf of the needs of
460 individuals with disabilities.

461 (7) Purchase, lease, or otherwise acquire material to
462 advertise, market, and promote awareness of services available
463 to enable individuals with disabilities to achieve greater
464 independence.

465 (8) Prevent neglect, abuse, or exploitation of individuals
466 with disabilities who are unable to protect their own interests.

467 (9) Conduct studies and collect data necessary for the
468 success of its mission.

469 (10) Coordinate interdepartmental policy development and
470 program planning for all state agencies that provide services
471 for individuals with disabilities in order to prevent
472 duplicative efforts, to maximize use of resources, and to ensure
473 cooperation, communication, and departmental linkages.

474 **Section 9. Present subsections (6) through (46) of section**
475 **393.063, Florida Statutes, are redesignated as subsections (7)**

476 **through (47), respectively, a new subsection (6) is added to**
477 **that section, and present subsections (6), (7), (10), (13),**
478 **(18), (20), (31), (37), and (46) of that section are amended, to**
479 **read:**

480 393.063 Definitions.—For the purposes of this chapter, the
481 term:

482 (6) "Care plan" means a written tool that contains
483 information provided by the individual with disabilities or his
484 or her guardian advocate or representative which is used to
485 develop attainable milestones and corresponding timelines to
486 address immediate, intermediate, and long-term needs and goals
487 through the coordination of resources and support.

488 (7)~~(6)~~ "Cerebral palsy" means a group of disabling
489 symptoms of extended duration which results from damage to the
490 developing brain that may occur before, during, or after birth
491 and that results in the loss or impairment of control over
492 voluntary muscles. The term ~~For the purposes of this definition,~~
493 ~~cerebral palsy~~ does not include those symptoms or impairments
494 resulting solely from a stroke.

495 (8)~~(7)~~ "Client" means any individual with disabilities who
496 receives services or support from the agency under this chapter
497 ~~or chapter 413 person determined eligible by the agency for~~
498 ~~services under this chapter.~~

499 (11)~~(10)~~ "Developmental disabilities center" means a
500 state-owned and state-operated facility, ~~formerly known as a~~

501 ~~"Sunland Center,"~~ providing for the care, habilitation, and
502 rehabilitation of clients ~~with developmental disabilities.~~

503 (14)~~(13)~~ "Domicile" means the place where a client legally
504 resides and which is his or her permanent home. Domicile may be
505 established as provided in s. 222.17. Domicile may not be
506 established in Florida by a minor who does not have a ~~has no~~
507 parent ~~domiciled in Florida,~~ or by a minor who ~~has no~~ legal
508 guardian domiciled in Florida, or by any alien not classified as
509 a resident alien.

510 (19)~~(18)~~ "Group home facility" means a residential
511 facility licensed under this chapter which provides a family
512 living environment including supervision and care necessary to
513 meet the physical, emotional, and social needs of its residents.
514 The capacity of such a facility must ~~shall~~ be at least 4 but not
515 more than 15 residents.

516 (21)~~(20)~~ "Guardian advocate" means a person appointed by a
517 written order of the court under s. 393.12 to represent a person
518 with developmental disabilities ~~under s. 393.12.~~

519 (32)~~(31)~~ "Resident" means a person who has a developmental
520 disability and resides at a residential facility, regardless of
521 whether ~~or not~~ such person is a client of the agency.

522 (38)~~(37)~~ "Seclusion" means the involuntary isolation of a
523 person in a room or area from which the person is prevented from
524 leaving. The prevention may be by physical barrier or by a staff
525 member ~~who is~~ acting in a manner, or ~~who is~~ physically situated,

526 so as to prevent the person from leaving the room or area. For
527 the purposes of this chapter, the term does not mean isolation
528 due to the medical condition or symptoms of the person.

529 ~~(47)-(46)~~ "Treatment" means interventions or services
530 provided to prevent and lessen a client's symptoms; provide
531 care, comfort, and education to a client; and restore and
532 maintain the health of a client ~~the prevention, amelioration, or~~
533 ~~eure of a client's physical and mental disabilities or~~
534 ~~illnesses.~~

535 **Section 10. Paragraph (b) of subsection (5) and paragraph**
536 **(a) of subsection (11) of section 393.065, Florida Statutes, are**
537 **amended to read:**

538 393.065 Application and eligibility determination.—

539 (5) Except as provided in subsections (6) and (7), if a
540 client seeking enrollment in the developmental disabilities home
541 and community-based services Medicaid waiver program meets the
542 level of care requirement for an intermediate care facility for
543 individuals with intellectual disabilities pursuant to 42 C.F.R.
544 ss. 435.217(b)(1) and 440.150, the agency must assign the client
545 to an appropriate preenrollment category pursuant to this
546 subsection and must provide priority to clients waiting for
547 waiver services in the following order:

548 (b) Category 2, which includes clients in the
549 preenrollment categories who are:

550 1. From the child welfare system with an open case in the

551 Department of Children and Families' statewide automated child
552 welfare information system and who are either:

553 a. Transitioning out of the child welfare system into
554 permanency; or

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

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

560

561 For individuals who are at least 18 years but not yet 22 years
562 of age and who are eligible under sub-subparagraph 1.b., the
563 agency must provide waiver services, including residential
564 habilitation, and must participate in transition planning
565 activities coordinated by the community-based care lead agency,
566 including, but not limited to, transition plan staffing pursuant
567 to s. 39.6035 and multidisciplinary staffing pursuant to s.
568 39.701, including those activities regarding guardianship. ~~and~~

569 The community-based care lead agency must fund room and board at
570 the rate established in s. 409.145(3) and provide case
571 management and related services as defined in s. 409.986(3)(e).
572 Individuals may receive both waiver services and services under
573 s. 39.6251. Services may not duplicate services available
574 through the Medicaid state plan.

575

576 Within preenrollment categories 3, 4, 5, 6, and 7, the agency
577 shall prioritize clients in the order of the date that the
578 client is determined eligible for waiver services.

579 (11)(a) The agency must provide the following information
580 to all applicants or their parents, legal guardians, or family
581 members:

582 1. A brief overview of the vocational rehabilitation
583 services offered through the Division of Vocational
584 Rehabilitation of the agency ~~Department of Education~~, including
585 a hyperlink or website address that provides access to the
586 application for such services;

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

591 3. A brief overview of the supplemental security income
592 benefits and social security disability income benefits
593 available under Title XVI of the Social Security Act, as
594 amended, including a hyperlink or website address that provides
595 access to the application for such benefits;

596 4. A statement indicating that the applicant's local
597 public school district may provide specialized instructional
598 services, including transition programs, for students with
599 special education needs;

600 5. A brief overview of programs and services funded

601 through the Florida Center for Students with Unique Abilities,
602 including contact information for each state-approved Florida
603 Postsecondary Comprehensive Transition Program;

604 6. A brief overview of decisionmaking options for
605 individuals with disabilities, guardianship under chapter 744,
606 and alternatives to guardianship as defined in s. 744.334(1),
607 which may include contact information for organizations that the
608 agency believes would be helpful in assisting with such
609 decisions;

610 7. A brief overview of the referral tools made available
611 through the agency, including a hyperlink or website address
612 that provides access to such tools; and

613 8. A statement indicating that some waiver providers may
614 serve private-pay individuals.

615 **Section 11. Section 393.0664, Florida Statutes, is created**
616 **to read:**

617 393.0664 Adult Pathways Home and Community-based Services
618 Medicaid waiver program.—

619 (1) PROGRAM IMPLEMENTATION.—

620 (a) The agency shall implement the Adult Pathways Home and
621 Community-based Services Medicaid waiver program using a fee-
622 for-service model with an annual per-person funding cap to
623 address the needs of clients with developmental disabilities as
624 they transition into adulthood and achieve greater independence
625 throughout their lifetimes.

626 (b) The program is created to establish an additional
627 pathway to provide necessary supports and services to clients
628 and contain costs by maximizing the use of natural supports and
629 community partnerships before turning to state resources to meet
630 the needs of clients at the earliest possible time to prevent
631 care crises and to positively influence outcomes relating to
632 client health, safety, and well-being.

633 (c) The agency, in partnership with the Agency for Health
634 Care Administration, may seek federal approval through a state
635 plan amendment or Medicaid waiver as necessary to implement the
636 program. The Agency for Health Care Administration shall submit
637 a request for any federal approval needed to implement the
638 program by October 1, 2025.

639 (2) VOLUNTARY ENROLLMENT; ELIGIBILITY; DISENROLLMENT.—

640 (a) Participation in the program is voluntary and limited
641 to the maximum number of enrollees authorized in the General
642 Appropriations Act.

643 (b) The agency shall approve a needs assessment
644 methodology to determine functional, behavioral, and physical
645 needs of prospective enrollees. The assessment methodology may
646 be administered only by persons who have completed any training
647 required by the agency for such purpose. If required, the agency
648 must offer any such training.

649 (c) To participate in the program, a client must meet all
650 of the following criteria:

- 651 1. Be eligible for Medicaid.
- 652 2. Be eligible for a preenrollment category for Medicaid
653 waiver services as provided in s. 393.065(5).
- 654 3. Be 18 to 28 years of age at the time of enrollment and
655 have attained a high school diploma or the equivalent.
- 656 4. Meet the level of care required for home and community-
657 based services as identified in the federal approval for the
658 program.
- 659 (d) Enrollees may remain on the Adult Pathways waiver
660 until the age of 32.
- 661 (e) Participation in the program does not affect the
662 status of current clients of the home and community-based
663 services Medicaid waiver program under s. 393.0662 unless a
664 client, or his or her legal representative, voluntarily
665 disenrolls from that program.
- 666 (f) Enrollees who voluntarily disenroll from the program
667 must be allowed to return to the most appropriate preenrollment
668 category for services under s. 393.065 based on a current needs
669 assessment and the preenrollment category criteria.
- 670 (3) ADULT PATHWAYS WAIVER SERVICES.—
- 671 (a) The agency shall authorize covered services as
672 specified in the Medicaid waiver which are medically necessary,
673 including, but not limited to, any of the following:
- 674 1. Adult day training.
- 675 2. Companion services.

676 3. Employment services.

677 4. Personal supports.

678 5. Prevocational services.

679 6. Supported living coaching.

680 7. Transportation.

681 8. Care Coordination.

682 (b) Services must be provided to enrollees in accordance
683 with an individualized care plan, which must be evaluated and
684 updated at least annually and as often as warranted by changes
685 in the enrollee's circumstances.

686 (4) PROGRAM ADMINISTRATION AND EVALUATION.—

687 (a) The agency shall begin enrollment upon federal
688 approval of the Medicaid waiver, with coverage for enrollees
689 becoming effective upon authorization and availability of
690 sufficient state and federal funding and resources.

691 (b) This section and any rules adopted pursuant thereto
692 may not be construed to prevent or limit the agency, in
693 consultation with the Agency for Health Care Administration,
694 from adjusting fees, reimbursement rates, lengths of stay,
695 number of visits, or number of services; limiting enrollment; or
696 making any other adjustment necessary based upon funding and any
697 limitations imposed or directions provided in the General
698 Appropriations Act.

699 (c) The agency, in consultation with the Agency for Health
700 Care Administration, shall submit progress reports to the

701 Governor, the President of the Senate, and the Speaker of the
702 House of Representatives upon federal approval of the Medicaid
703 waiver and throughout implementation of the program under the
704 waiver. By July 1, 2026, the Agency for Persons with
705 Disabilities shall submit a progress report on the
706 administration of the program, including, but not limited to,
707 all of the following:

- 708 1. The number of enrollees in the program and other
709 pertinent information on enrollment.
- 710 2. Service use.
- 711 3. Average cost per enrollee.
- 712 4. Outcomes and performance reporting relating to health,
713 safety, and well-being of enrollees.

714 **Section 12. Section 393.502, Florida Statutes, is amended**
715 **to read:**

716 393.502 Family care councils.—

717 (1) CREATION; PURPOSE.—

718 (a) There is created the statewide family care council to
719 work in consultation with the agency for purposes of advising
720 the agency on strategies to promote and support the delivery of
721 services and resources across the state. The statewide council
722 shall use information provided from the local family care
723 councils to inform the development of strategies and resources,
724 including the promotion of peer and mentorship models, to
725 support individuals with disabilities and their families in the

726 state.

727 (b) There ~~is shall be~~ established and located within each
728 agency-designated region ~~service area of the agency~~ a local
729 family care council ~~to collect, provide, and promote information~~
730 in consultation with the statewide family care council and the
731 agency relating to services and resources within each council's
732 locally designated region and to act as a local network for
733 mentorship and peer support to individuals with disabilities and
734 their families.

735 (2) DUTIES; REPORT.—

736 (a) The statewide family care council shall use the
737 information received from the annual reports and quarterly
738 meetings of the local family care councils to provide an annual
739 report to the agency due December 1, including information
740 relating to the existing infrastructure of supports for
741 individuals with disabilities and their families and targeted
742 strategies in consultation with the agency for the development
743 of existing and additional peer and mentorship models.

744 Specifically, the plan and strategies should reference existing
745 models established as leading practices and promote the
746 maximization of community integration, resource identification,
747 encouragement for others by sharing lived experiences, and
748 increase of skills for independence through partnerships that
749 promote volunteer, intern, and employment options.

750 (b) The local family care councils shall:

751 1. Provide an annual report to the statewide family care
752 council by July 1 which includes information relating to locally
753 based existing resources and supports available for individuals
754 with disabilities and their families with an emphasis on peer
755 and mentorship programs and models and direct feedback and
756 activities provided through the local family care council's
757 quarterly meetings which inform strategies to develop networks
758 of supports which promote the maximization of community
759 integration, resource identification, encouragement for others
760 by sharing lived experiences, and increase of skills for
761 independence through partnerships that promote volunteer
762 opportunities, internships, and employment options.

763 2. Assist in promoting strategies, models, and programs
764 that are developed as a result of findings in the statewide
765 family care council's annual report and in consultation with the
766 agency.

767 3. Provide outreach and connection for individuals with
768 disabilities and their families to care navigation, resources
769 and supports, and additional opportunities to connect with
770 others with lived experiences to promote empowerment and
771 resiliency.

772 (3) FUNDING; FINANCIAL REVIEW.—A local family care council
773 may apply for, receive, and accept grants, gifts, and donations,
774 bequests, and other payments from any public or private entity
775 or person for the purpose of directly supporting the mentorship

776 and peer supports program and network. Each council shall
777 exercise care and prudence in the expenditure of funds. The
778 statewide council and each local council are subject to an
779 annual financial review by staff assigned by the agency. After
780 the review, the agency may implement financial controls for a
781 council as it deems necessary. The statewide and local councils
782 must comply with state expenditure requirements.

783 (4)-(2) MEMBERSHIP.—

784 (a)1. Employees of the agency are not eligible to serve as
785 voting members on either the statewide council or a local
786 council.

787 2. Persons related by consanguinity or affinity within the
788 third degree may not serve on the same council at the same time.

789 (b)1. The Governor shall appoint all members of the
790 statewide council, based on recommendations of the secretary of
791 the agency. The statewide council shall be composed of up to 11
792 members, as follows:

793 a. At least one representative from each agency-designated
794 region, each of whom must be a resident of the region he or she
795 represents on the council.

796 b. At least two individuals who are receiving waiver
797 services from the agency or are assigned to a preenrollment
798 category for waiver services under s. 393.065.

799 c. One nonvoting member appointed by the secretary of the
800 agency.

801 d. One representative of an entity that provides services
802 to individuals with disabilities in this state, including, but
803 not limited to, a private sector Florida Unique Abilities
804 Partner designated under s. 413.801, which does not have a
805 Medicaid waiver service contract with the agency, who shall
806 serve as a member-at-large.

807 e. At least one member who is the parent, grandparent,
808 guardian, or sibling of an individual with disabilities who is
809 served by the agency. For a grandparent to serve as a member,
810 the grandchild's parent or legal guardian must consent to the
811 appointment in writing to the agency.

812 f. Additional members may include representatives from
813 local community-based nonprofit organizations, faith-based
814 organizations, schools, or programs embedded within educational
815 systems in this state.

816 2. The council chair shall be chosen by the council
817 members to serve a 1-year term. A person may not serve more than
818 two consecutive terms as chair.

819 (c)(a) Each local ~~family care~~ council shall be composed
820 ~~consist~~ of at least 10 and no more than 15 members who are
821 ~~recommended by a majority vote of the local family care council~~
822 ~~and~~ appointed by the secretary of the agency. Each local council
823 member must reside within the agency-designated region served by
824 the local council.

825 1. At least one member must be an individual receiving

826 waiver services from the agency or assigned to a preenrollment
827 category for waiver services under s. 393.065.

828 2. One member must be a representative of an entity
829 providing services to individuals with disabilities in this
830 state, including, but not limited to, a private sector Florida
831 Unique Abilities Partner designated under s. 413.801, which does
832 not have a Medicaid waiver service contract with the agency.

833 3. At least one member must be the parent, grandparent,
834 guardian, or sibling of an individual with disabilities who is
835 served by the agency. For a grandparent to serve as a member,
836 the grandchild's parent or legal guardian must consent to the
837 appointment in writing to the agency.

838 4. Additional members may include representatives of local
839 community-based nonprofit organizations, faith-based
840 organizations, schools, or educational programs Governor.

841 ~~(b) At least three of the members of the council shall be~~
842 ~~individuals receiving or waiting to receive services from the~~
843 ~~agency. One such member shall be an individual who has been~~
844 ~~receiving services within the 4 years before the date of~~
845 ~~recommendation. The remainder of the council members shall be~~
846 ~~parents, grandparents, guardians, or siblings of individuals who~~
847 ~~have developmental disabilities and qualify for services~~
848 ~~pursuant to this chapter. For a grandparent to be a council~~
849 ~~member, the grandchild's parent or legal guardian must consent~~
850 ~~to the appointment and report the consent to the agency.~~

851 ~~(c) A person who is currently serving on another board or~~
 852 ~~council of the agency may not be appointed to a local family~~
 853 ~~care council.~~

854 ~~(d) Employees of the agency are not eligible to serve on a~~
 855 ~~local family care council.~~

856 ~~(e) Persons related by consanguinity or affinity within~~
 857 ~~the third degree shall not serve on the same local family care~~
 858 ~~council at the same time.~~

859 5.(f) ~~The~~ A chair of each local for the council must shall
 860 be chosen by the council members to serve a 1-year term for 1
 861 year. A person may not serve ~~no~~ more than two consecutive four
 862 1-year terms as chair.

863 (5)(3) ~~TERMS; VACANCIES.-~~

864 (a) Council members for the statewide and local councils
 865 shall be appointed for a 3-year term, except as provided in
 866 subsection (9) ~~(8)~~, and may be reappointed to one additional
 867 term.

868 (b) A member who has served two consecutive terms shall
 869 not be eligible to serve again until 12 months have elapsed
 870 since ending his or her service on the local council.

871 (c) Upon expiration of a term or in the case of any other
 872 vacancy, the statewide or local council shall notify the agency
 873 of the vacancy, which must be filled in the same manner as the
 874 original appointment, by majority vote, recommend to the
 875 Governor for appointment a person for each vacancy.

876 (d) Statewide council members serve at the pleasure of the
877 Governor. Local council members serve at the pleasure of the
878 secretary of the agency.

879 (6)-(4) COMMITTEE APPOINTMENTS.—The chair of the local
880 family care council may appoint persons to serve on council
881 committees. Such persons may include former members of the
882 council and persons not eligible to serve on the council.

883 (7)-(5) TRAINING.—

884 (a) The agency, in consultation with the statewide and
885 local councils, shall establish a training program for ~~local~~
886 ~~family care~~ council members. Each council ~~local area~~ shall
887 provide the training program when new members ~~persons~~ are
888 appointed to the ~~local~~ council and at other times as the
889 secretary deems necessary.

890 (b) The training must ~~shall~~ assist the council members to
891 understand the laws, rules, and policies applicable to their
892 duties and responsibilities.

893 (c) All members ~~persons~~ appointed to a local council must
894 complete this training within 90 days after their appointment. A
895 member ~~person~~ who fails to meet this requirement is ~~shall be~~
896 considered to have resigned from the council.

897 (8)-(6) MEETINGS.—

898 (a) The statewide family care council and all local family
899 care councils shall meet as necessary but at least quarterly.

900 (b) Council members shall serve on a voluntary basis

901 without compensation. However, members who were appointed on the
902 basis of receiving waiver services from the agency or by virtue
903 of being assigned to a preenrollment category or who are serving
904 on the basis of being related to such a person are entitled to
905 reimbursement ~~payment for their services but shall be reimbursed~~
906 for per diem and travel expenses as provided for in s. 112.061.

907 (c) The statewide family care council and local family
908 care councils may not conduct business in the absence of a
909 quorum. The majority of the members of the council constitutes a
910 quorum, and a meeting may not be held with less than a quorum
911 present. In order to establish a quorum, the council may conduct
912 its meetings through teleconference or other electronic means.
913 If vacancies on a council prevent a quorum, the only business
914 the council may conduct is the development and submission of
915 recommendations for individuals to be appointed to the council
916 by the secretary of the agency ~~The council shall meet at least~~
917 ~~six times per year.~~

918 ~~(7) PURPOSE. The purpose of the local family care councils~~
919 ~~shall be to advise the agency, to develop a plan for the~~
920 ~~delivery of family support services within the local area, and~~
921 ~~to monitor the implementation and effectiveness of services and~~
922 ~~support provided under the plan. The primary functions of the~~
923 ~~local family care councils shall be to:~~

924 ~~(a) Assist in providing information and outreach to~~
925 ~~families.~~

926 ~~(b) Review the effectiveness of service programs and make~~
 927 ~~recommendations with respect to program implementation.~~

928 ~~(c) Advise the agency with respect to policy issues~~
 929 ~~relevant to the community and family support system in the local~~
 930 ~~area.~~

931 ~~(d) Meet and share information with other local family~~
 932 ~~care councils.~~

933 (9)(8) NEW COUNCILS.—When a local ~~family care~~ council is
 934 established for the first time in an agency-designated region a
 935 ~~local area~~, the secretary of the agency ~~Governor~~ shall appoint
 936 the ~~first four~~ council members, who shall serve 3-year terms.
 937 ~~These members shall submit to the Governor, within 90 days after~~
 938 ~~their appointment, recommendations for at least six additional~~
 939 ~~members, selected by majority vote.~~

940 ~~(9) FUNDING; FINANCIAL REVIEW.~~ The local family care
 941 ~~council may apply for, receive, and accept grants, gifts,~~
 942 ~~donations, bequests, and other payments from any public or~~
 943 ~~private entity or person. Each local council is subject to an~~
 944 ~~annual financial review by staff assigned by the agency. Each~~
 945 ~~local council shall exercise care and prudence in the~~
 946 ~~expenditure of funds. The local family care councils shall~~
 947 ~~comply with state expenditure requirements.~~

948 **Section 13. Section 413.001, Florida Statutes, is created**
 949 **to read:**

950 413.001 Legislative intent; purpose.—It is the intent of

951 the Legislature that the Agency for Persons with Disabilities
952 serve as the single state agency for all individuals with
953 disabilities. The purpose of the Agency for Persons with
954 Disabilities is to support individuals with disabilities and
955 their families in living, learning, and working within their
956 communities by creating multiple pathways to possibilities.

957 **Section 14. Paragraph (b) of subsection (2) of section**
958 **413.271, Florida Statutes, is amended to read:**

959 413.271 Florida Coordinating Council for the Deaf and Hard
960 of Hearing.—

961 (2)

962 (b) The coordinating council shall be composed of 17
963 members. The appointment of members not representing agencies
964 must ~~shall~~ be made by the Governor. The appointment of members
965 representing organizations must ~~shall~~ be made by the Governor in
966 consultation with those organizations. The membership must ~~shall~~
967 be as follows:

968 1. Two members representing the Florida Association of the
969 Deaf.

970 2. Two members representing the Florida Association of
971 Self Help for Hard of Hearing People.

972 3. A member representing the Association of Late-Deafened
973 Adults.

974 4. An individual who is deaf and blind.

975 5. A parent of an individual who is deaf.

- 976 6. A member representing the Deaf Service Center
 977 Association.
- 978 7. A member representing the Florida Registry of
 979 Interpreters for the Deaf.
- 980 8. A member representing the Florida chapter of the
 981 Alexander Graham Bell Association for the Deaf and Hard of
 982 Hearing.
- 983 9. A communication access real-time translator.
- 984 10. An audiologist licensed under part I of chapter 468.
- 985 11. A hearing aid specialist licensed under part II of
 986 chapter 484.
- 987 12. The Secretary of Children and Families or his or her
 988 designee.
- 989 13. The State Surgeon General or his or her designee.
- 990 14. The Commissioner of Education or his or her designee.
- 991 15. The Secretary of Elderly Affairs or his or her
 992 designee.
- 993 16. The secretary of the Agency for Persons with
 994 Disabilities or his or her designee.
- 995
- 996 If any organization from which a representative is to be drawn
 997 ceases to exist, a representative of a similar organization must
 998 ~~shall~~ be named to the coordinating council. The Governor shall
 999 make appointments to the coordinating council and may remove any
 1000 member for cause. Each member must ~~shall~~ be appointed to a term

1001 of 4 years. Any vacancy on the coordinating council must ~~shall~~
 1002 be filled in the same manner as the original appointment, and
 1003 any member appointed to fill a vacancy occurring because of
 1004 death, resignation, or ineligibility for membership shall serve
 1005 only for the unexpired term of the member's predecessor. Before
 1006 ~~Prior to~~ serving on the coordinating council, all appointees
 1007 must attend orientation training that ~~shall address~~, at a
 1008 minimum, addresses the requirements of the provisions of this
 1009 section; the programs operated by the coordinating council; the
 1010 role and functions of the coordinating council; the current
 1011 budget for the coordinating council; the results of the most
 1012 recent formal audit of the coordinating council; and the
 1013 requirements of the state's public records law, the code of
 1014 ethics, the Administrative Procedure Act, and other laws
 1015 relating to public officials, including conflict-of-interest
 1016 laws.

1017 **Section 15. Paragraph (b) of subsection (5) of section**
 1018 **90.6063, Florida Statutes, is amended to read:**

1019 90.6063 Interpreter services for deaf persons.—

1020 (5) The appointing authority may channel requests for
 1021 qualified interpreters through:

1022 (b) The Division of Vocational Rehabilitation of the
 1023 Agency for Persons with Disabilities ~~Department of Education~~; or

1024 **Section 16. Paragraph (a) of subsection (3) of section**
 1025 **110.112, Florida Statutes, is amended to read:**

1026 110.112 Affirmative action; equal employment opportunity.—
 1027 (3) (a) The department, in consultation with the Agency for
 1028 Persons with Disabilities, including the Division of Vocational
 1029 Rehabilitation and the Division of Blind Services within the
 1030 agency of the Department of Education, the Department of
 1031 Commerce, and the Executive Office of the Governor, shall
 1032 develop and implement programs that incorporate internships,
 1033 mentoring, on-the-job training, unpaid work experience,
 1034 situational assessments, and other innovative strategies that
 1035 are specifically geared toward individuals who have a
 1036 disability.

1037 **Section 17. Section 215.311, Florida Statutes, is amended**
 1038 **to read:**

1039 215.311 State funds; exceptions.—Section 215.31 does ~~The~~
 1040 ~~provisions of s. 215.31~~ shall not apply to funds collected by
 1041 and under the direction and supervision of the Division of Blind
 1042 Services of the Agency for Persons with Disabilities ~~Department~~
 1043 ~~of Education~~ as provided under ss. 413.011, 413.041, and
 1044 413.051; however, nothing in this section may ~~shall~~ be construed
 1045 to except from ~~the provisions of s. 215.31~~ any appropriations
 1046 made by the state to the division.

1047 **Section 18. Subsection (5) of section 257.04, Florida**
 1048 **Statutes, is amended to read:**

1049 257.04 Publications, pictures, and other documents
 1050 received to constitute part of State Library; powers and duties

1051 of Division of Library and Information Services.—

1052 (5) The division shall make all necessary arrangements to
 1053 coordinate with the Division of Blind Services of the Agency for
 1054 Persons with Disabilities ~~Department of Education~~ to provide
 1055 library services to the blind and physically handicapped persons
 1056 of the state.

1057 **Section 19. Paragraph (e) of subsection (2) and**
 1058 **subsections (4) and (5) of section 318.21, Florida Statutes, are**
 1059 **amended to read:**

1060 318.21 Disposition of civil penalties by county courts.—
 1061 All civil penalties received by a county court pursuant to the
 1062 provisions of this chapter shall be distributed and paid monthly
 1063 as follows:

1064 (2) Of the remainder:

1065 (e) Two percent shall be remitted to the Department of
 1066 Revenue for deposit in the Grants and Donations Trust Fund of
 1067 the Division of Vocational Rehabilitation of the Agency for
 1068 Persons with Disabilities ~~Department of Education~~.

1069 (4) Of the additional fine assessed under s. 318.18(3)(g)
 1070 for a violation of s. 316.1301, 40 percent must be remitted to
 1071 the Department of Revenue for deposit in the Grants and
 1072 Donations Trust Fund of the Division of Blind Services of the
 1073 Agency for Persons with Disabilities ~~Department of Education~~,
 1074 and 60 percent must be distributed pursuant to subsections (1)
 1075 and (2).

1076 (5) Of the additional fine assessed under s. 318.18(3)(g)
 1077 for a violation of s. 316.1303(1), 60 percent must be remitted
 1078 to the Department of Revenue for deposit in the Grants and
 1079 Donations Trust Fund of the Division of Vocational
 1080 Rehabilitation of the Agency for Persons with Disabilities
 1081 ~~Department of Education~~, and 40 percent must be distributed
 1082 pursuant to subsections (1) and (2).

1083 **Section 20. Paragraph (c) of subsection (4) of section**
 1084 **320.0848, Florida Statutes, is amended to read:**

1085 320.0848 Persons who have disabilities; issuance of
 1086 disabled parking permits; temporary permits; permits for certain
 1087 providers of transportation services to persons who have
 1088 disabilities.—

1089 (4) From the proceeds of the temporary disabled parking
 1090 permit fees:

1091 (c) The remainder must be distributed monthly as follows:

1092 1. To be deposited in the Grants and Donations Trust Fund
 1093 of the Division of Vocational Rehabilitation of the Agency for
 1094 Persons with Disabilities ~~Department of Education~~ for the
 1095 purpose of improving employment and training opportunities for
 1096 persons who have disabilities, with special emphasis on removing
 1097 transportation barriers, \$4.

1098 2. To be deposited in the Transportation Disadvantaged
 1099 Trust Fund to be used for funding matching grants to counties
 1100 for the purpose of improving transportation of persons who have

1101 disabilities, \$5.

1102 **Section 21. Paragraph (i) of subsection (4) of section**
 1103 **393.13, Florida Statutes, is amended to read:**

1104 393.13 Treatment of persons with developmental
 1105 disabilities.—

1106 (4) CLIENT RIGHTS.—For purposes of this subsection, the
 1107 term "client," as defined in s. 393.063, shall also include any
 1108 person served in a facility licensed under s. 393.067.

1109 (i) Each client shall have a central record. The central
 1110 record shall be established by the agency at the time that an
 1111 individual is determined eligible for services, shall be
 1112 maintained by the client's support coordinator, and must contain
 1113 information pertaining to admission, diagnosis and treatment
 1114 history, present condition, and such other information as may be
 1115 required. The central record is the property of the agency.

1116 1. Unless waived by the client, if competent, or the
 1117 client's parent or legal guardian if the client is incompetent,
 1118 the client's central record shall be confidential and exempt
 1119 from the provisions of s. 119.07(1), and no part of it shall be
 1120 released except:

1121 a. The record may be released to physicians, attorneys,
 1122 and government agencies having need of the record to aid the
 1123 client, as designated by the client, if competent, or the
 1124 client's parent or legal guardian, if the client is incompetent.

1125 b. The record shall be produced in response to a subpoena

1126 or released to persons authorized by order of court, excluding
 1127 matters privileged by other provisions of law.

1128 c. The record or any part thereof may be disclosed to a
 1129 qualified researcher, a staff member of the facility where the
 1130 client resides, or an employee of the agency when the
 1131 administrator of the facility or the secretary ~~director~~ of the
 1132 agency deems it necessary for the treatment of the client,
 1133 maintenance of adequate records, compilation of treatment data,
 1134 or evaluation of programs.

1135 d. Information from the records may be used for
 1136 statistical and research purposes if the information is
 1137 abstracted in such a way to protect the identity of individuals.

1138 2. The client, if competent, or the client's parent or
 1139 legal guardian if the client is incompetent, shall be supplied
 1140 with a copy of the client's central record upon request.

1141 **Section 22. Subsection (5) of section 394.75, Florida**
 1142 **Statutes, is amended to read:**

1143 394.75 State and district substance abuse and mental
 1144 health plans.—

1145 (5) The district plan shall address how substance abuse
 1146 and mental health services will be provided and how a system of
 1147 care for target populations will be provided given the resources
 1148 available in the service district. The plan must include
 1149 provisions for maximizing client access to the most recently
 1150 developed psychiatric medications approved by the United States

1151 Food and Drug Administration, for developing independent housing
 1152 units through participation in the Section 811 program operated
 1153 by the United States Department of Housing and Urban
 1154 Development, for developing supported employment services
 1155 through the Division of Vocational Rehabilitation of the Agency
 1156 for Persons with Disabilities ~~Department of Education~~, for
 1157 providing treatment services to persons with co-occurring mental
 1158 illness and substance abuse problems which are integrated across
 1159 treatment systems, and for providing services to adults who have
 1160 a serious mental illness, as defined in s. 394.67, and who
 1161 reside in assisted living facilities.

1162 **Section 23. Paragraph (a) of subsection (4) of section**
 1163 **402.56, Florida Statutes, is amended to read:**

1164 402.56 Children's cabinet; organization; responsibilities;
 1165 annual report.—

1166 (4) MEMBERS.—The cabinet shall consist of 16 members
 1167 including the Governor and the following persons:

- 1168 (a)1. The Secretary of Children and Families;
- 1169 2. The Secretary of Juvenile Justice;
- 1170 3. The secretary ~~director~~ of the Agency for Persons with
 1171 Disabilities;
- 1172 4. A representative from the Division of Early Learning;
- 1173 5. The State Surgeon General;
- 1174 6. The Secretary of Health Care Administration;
- 1175 7. The Commissioner of Education;

- 1176 8. The director of the Statewide Guardian ad Litem Office;
 1177 9. A representative of the Office of Adoption and Child
 1178 Protection;
 1179 10. A superintendent of schools, appointed by the
 1180 Governor; and
 1181 11. Five members who represent children and youth advocacy
 1182 organizations and who are not service providers, appointed by
 1183 the Governor.

1184 **Section 24. Paragraph (b) of subsection (4) of section**
 1185 **409.9855, Florida Statutes, is amended to read:**

1186 409.9855 Pilot program for individuals with developmental
 1187 disabilities.—

1188 (4) ELIGIBLE PLANS; PLAN SELECTION.—

1189 (b) The agency shall select, as provided in s. 287.057(1),
 1190 one plan to participate in the pilot program for each of the two
 1191 regions. The secretary ~~director~~ of the Agency for Persons with
 1192 Disabilities or his or her designee must be a member of the
 1193 negotiating team.

1194 1. The invitation to negotiate must specify the criteria
 1195 and the relative weight assigned to each criterion that will be
 1196 used for determining the acceptability of submitted responses
 1197 and guiding the selection of the plans with which the agency and
 1198 the Agency for Persons with Disabilities negotiate. In addition
 1199 to any other criteria established by the agency, in consultation
 1200 with the Agency for Persons with Disabilities, the agency shall

1201 consider the following factors in the selection of eligible
1202 plans:

1203 a. Experience serving similar populations, including the
1204 plan's record in achieving specific quality standards with
1205 similar populations.

1206 b. Establishment of community partnerships with providers
1207 which create opportunities for reinvestment in community-based
1208 services.

1209 c. Provision of additional benefits, particularly
1210 behavioral health services, the coordination of dental care, and
1211 other initiatives that improve overall well-being.

1212 d. Provision of and capacity to provide mental health
1213 therapies and analysis designed to meet the needs of individuals
1214 with developmental disabilities.

1215 e. Evidence that an eligible plan has written agreements
1216 or signed contracts or has made substantial progress in
1217 establishing relationships with providers before submitting its
1218 response.

1219 f. Experience in the provision of person-centered planning
1220 as described in 42 C.F.R. s. 441.301(c)(1).

1221 g. Experience in robust provider development programs that
1222 result in increased availability of Medicaid providers to serve
1223 the developmental disabilities community.

1224 2. After negotiations are conducted, the agency shall
1225 select the eligible plans that are determined to be responsive

1226 and provide the best value to the state. Preference must be
1227 given to plans that:

1228 a. Have signed contracts in sufficient numbers to meet the
1229 specific standards established under s. 409.967(2)(c), including
1230 contracts for personal supports, skilled nursing, residential
1231 habilitation, adult day training, mental health services,
1232 respite care, companion services, and supported employment, as
1233 those services are defined in the Florida Medicaid Developmental
1234 Disabilities Individual Budgeting Waiver Services Coverage and
1235 Limitations Handbook as adopted by reference in rule 59G-13.070,
1236 Florida Administrative Code.

1237 b. Have well-defined programs for recognizing patient-
1238 centered medical homes and providing increased compensation to
1239 recognized medical homes, as defined by the plan.

1240 c. Have well-defined programs related to person-centered
1241 planning as described in 42 C.F.R. s. 441.301(c)(1).

1242 d. Have robust and innovative programs for provider
1243 development and collaboration with the Agency for Persons with
1244 Disabilities.

1245 **Section 25. Subsection (2) of section 410.604, Florida**
1246 **Statutes, is amended to read:**

1247 410.604 Community care for disabled adults program; powers
1248 and duties of the department.—

1249 (2) Any person who meets the definition of a disabled
1250 adult pursuant to s. 410.603(2) is eligible to receive the

1251 services of the community care for disabled adults program.
1252 However, the community care for disabled adults program shall
1253 operate within the funds appropriated by the Legislature.
1254 Priority shall be given to disabled adults who are not eligible
1255 for comparable services in programs of or funded by the
1256 department or the Division of Vocational Rehabilitation of the
1257 Agency for Persons with Disabilities ~~Department of Education~~;
1258 who are determined to be at risk of institutionalization; and
1259 whose income is at or below the existing institutional care
1260 program eligibility standard.

1261 **Section 26. Paragraphs (k) and (v) of subsection (3) and**
1262 **subsections (4) and (8) of section 413.011, Florida Statutes,**
1263 **are amended to read:**

1264 413.011 Division of Blind Services, legislative policy,
1265 intent; internal organizational structure and powers;
1266 Rehabilitation Council for the Blind.—

1267 (3) DIVISION STRUCTURE AND DUTIES.—The internal
1268 organizational structure of the Division of Blind Services shall
1269 be designed for the purpose of ensuring the greatest possible
1270 efficiency and effectiveness of services to the blind and to be
1271 consistent with chapter 20. The Division of Blind Services shall
1272 plan, supervise, and carry out the following activities:

1273 (k) Participate, through the designation of the secretary
1274 ~~director~~ or an appropriate staff member of the division, on
1275 boards, commissions, or bodies in this state for the purpose of

1276 | coordinating and planning services.

1277 | (v) Receive moneys or properties by gift or bequest from
 1278 | any person, firm, corporation, or organization for any of the
 1279 | purposes herein set out, but without authority to bind the state
 1280 | to any expenditure or policy except such as may be specifically
 1281 | authorized by law. All such moneys or properties so received by
 1282 | gift or bequest as herein authorized may be disbursed and
 1283 | expended by the division upon its own warrant for any of the
 1284 | purposes herein set forth, and such moneys or properties do
 1285 | ~~shall~~ not constitute or be considered a part of any legislative
 1286 | appropriation made by the state for the purpose of carrying out
 1287 | the provisions of this law. When determined to be in the best
 1288 | interest of the division, the division may lease property
 1289 | received pursuant to this paragraph, and the Agency for Persons
 1290 | with Disabilities ~~Department of Education~~ may enter into leases
 1291 | of property and sublease property on behalf of the division.
 1292 | Division and agency ~~department~~ leases and subleases may be to
 1293 | governmental, public, or nonprofit entities for the provision of
 1294 | blind, education, health, and other social service programs.

1295 | (4) DEFINITIONS.—As used in this section, the term:

1296 | (a) "Act," unless the context indicates otherwise, means
 1297 | the Rehabilitation Act of 1973, 29 U.S.C. ss. 701-797.

1298 | (b) "Agency" means the Agency for Persons with
 1299 | Disabilities.

1300 | (c) ~~(b)~~ "Blind" or "blindness" means the condition of any

1301 person for whom blindness is a disability as defined by the
 1302 Rehabilitation Act of 1973, 29 U.S.C. s. 706(8) (b).

1303 ~~(c) "Department" means the Department of Education.~~

1304 (8) REHABILITATION COUNCIL FOR THE BLIND.—There is created
 1305 in the agency ~~department~~ the Rehabilitation Council for the
 1306 Blind, which is an advisory council as defined in s. 20.03, to
 1307 assist the division in the planning and development of statewide
 1308 vocational rehabilitation programs and services pursuant to the
 1309 Rehabilitation Act of 1973, as amended, to recommend
 1310 improvements to such programs and services, and to perform the
 1311 functions provided in this section.

1312 (a) The advisory council shall be composed of:

1313 1. At least one representative of the Independent Living
 1314 Council, which representative may be the chair or other designee
 1315 of the council;

1316 2. At least one representative of a parent training and
 1317 information center established pursuant to s. 631(c) (9) of the
 1318 Individuals with Disabilities Act, 20 U.S.C. s. 1431(c) (9);

1319 3. At least one representative of the client assistance
 1320 program established under the act;

1321 4. At least one vocational rehabilitation counselor who
 1322 has knowledge of and experience in vocational rehabilitation
 1323 services for the blind, who shall serve as an ex officio
 1324 nonvoting member of the council if the counselor is an employee
 1325 of the agency ~~department~~;

1326 5. At least one representative of community rehabilitation
1327 program service providers;

1328 6. Four representatives of business, industry, and labor;

1329 7. At least one representative of a disability advocacy
1330 group representing individuals who are blind;

1331 8. At least one parent, family member, guardian, advocate,
1332 or authorized representative of an individual who is blind, has
1333 multiple disabilities, and either has difficulties representing
1334 himself or herself or is unable, due to disabilities, to
1335 represent himself or herself;

1336 9. Current or former applicants for, or recipients of,
1337 vocational rehabilitation services; and

1338 10. The director of the division, who shall be an ex
1339 officio member of the council.

1340 (b) Members of the council shall be appointed by the
1341 Governor, who shall select members after soliciting
1342 recommendations from representatives of organizations
1343 representing a broad range of individuals who have disabilities,
1344 and organizations interested in those individuals.

1345 (c) A majority of council members shall be persons who
1346 are:

1347 1. Blind; and

1348 2. Not employed by the division.

1349 (d) The council shall select a chair from among its
1350 membership.

1351 (e) Each member of the council shall serve for a term of
 1352 not more than 3 years, except that:

1353 1. A member appointed to fill a vacancy occurring prior to
 1354 the expiration of the term for which a predecessor was appointed
 1355 shall be appointed for the remainder of such term; and

1356 2. The terms of service of the members initially appointed
 1357 shall be, as specified by the Governor, for such fewer number of
 1358 years as will provide for the expiration of terms on a staggered
 1359 basis.

1360 (f) A member of the council may not serve more than two
 1361 consecutive full terms.

1362 (g) Any vacancy occurring in the membership of the council
 1363 shall be filled in the same manner as the original appointment.
 1364 A vacancy does not affect the power of the remaining members to
 1365 execute the duties of the council.

1366 (h) In addition to the other functions specified in this
 1367 section, the council shall:

1368 1. Review, analyze, and advise the division regarding the
 1369 performance of the responsibilities of the division under Title
 1370 I of the act, particularly responsibilities relating to:

1371 a. Eligibility, including order of selection;

1372 b. The extent, scope, and effectiveness of services
 1373 provided; and

1374 c. Functions performed by state agencies that affect or
 1375 potentially affect the ability of individuals who are blind to

1376 achieve rehabilitation goals and objectives under Title I.

1377 2. Advise the agency ~~department~~ and the division, and, at
1378 the discretion of the agency ~~department~~ or division, assist in
1379 the preparation of applications, the state plan, the strategic
1380 plan, and amendments to the plans, reports, needs assessments,
1381 and evaluations required by Title I.

1382 3. To the extent feasible, conduct a review and analysis
1383 of the effectiveness of, and consumer satisfaction with:

1384 a. The functions performed by state agencies and other
1385 public and private entities responsible for performing functions
1386 for individuals who are blind.

1387 b. Vocational rehabilitation services:

1388 (I) Provided or paid for from funds made available under
1389 the act or through other public or private sources.

1390 (II) Provided by state agencies and other public and
1391 private entities responsible for providing vocational
1392 rehabilitation services to individuals who are blind.

1393 4. Prepare and submit an annual report on the status of
1394 vocational rehabilitation services for the blind in the state to
1395 the Governor and the Commissioner of the Rehabilitative Services
1396 Administration, established under s. 702 of the act, and make
1397 the report available to the public.

1398 5. Coordinate with other councils within the state,
1399 including the Independent Living Council, the advisory panel
1400 established under s. 613(a)(12) of the Individuals with

1401 Disabilities Education Act, 20 U.S.C. 1413(a)(12), the State
 1402 Planning Council described in s. 124 of the Developmental
 1403 Disabilities Assistance and Bill of Rights Act, 42 U.S.C. s.
 1404 6024, and the state mental health planning council established
 1405 under s. 1916(e) of the Public Health Service Act, 42 U.S.C.
 1406 300X-4(e).

1407 6. Advise the agency ~~department~~ and division and provide
 1408 for coordination and the establishment of working relationships
 1409 among the agency ~~department~~, the division, the Independent
 1410 Living Council, and centers for independent living in the state.

1411 7. Perform such other functions consistent with the
 1412 purposes of the act as the council determines to be appropriate
 1413 that are comparable to functions performed by the council.

1414 (i)1. The council shall prepare, in conjunction with the
 1415 division, a plan for the provision of such resources, including
 1416 such staff and other personnel, as may be necessary to carry out
 1417 the functions of the council. The resource plan shall, to the
 1418 maximum extent possible, rely on the use of resources in
 1419 existence during the period of implementation of the plan.

1420 2. If there is a disagreement between the council and the
 1421 division in regard to the resources necessary to carry out the
 1422 functions of the council as set forth in this section, the
 1423 disagreement shall be resolved by the Governor.

1424 3. The council shall, consistent with law, supervise and
 1425 evaluate such staff and other personnel as may be necessary to

1426 | carry out its functions.

1427 | 4. While assisting the council in carrying out its duties,
 1428 | staff and other personnel may ~~shall~~ not be assigned duties by
 1429 | the division or any other state agency or office that would
 1430 | create a conflict of interest.

1431 | (j) A council member may not cast a vote on any matter
 1432 | that would provide direct financial benefit to the member or
 1433 | otherwise give the appearance of a conflict of interest under
 1434 | state law.

1435 | (k) The council shall convene at least four meetings each
 1436 | year. These meetings shall occur in such places as the council
 1437 | deems necessary to conduct council business. The council may
 1438 | conduct such forums or hearings as the council considers
 1439 | appropriate. The meetings, hearings, and forums shall be
 1440 | publicly announced. The meetings shall be open and accessible to
 1441 | the public. The council shall make a report of each meeting
 1442 | which shall include a record of its discussions and
 1443 | recommendations, all of which reports shall be made available to
 1444 | the public.

1445 | **Section 27. Subsection (3) of section 413.0111, Florida**
 1446 | **Statutes, is amended to read:**

1447 | 413.0111 Blind services direct-support organization.—

1448 | (3) The purposes and objectives of the direct-support
 1449 | organization must be consistent with the priority issues and
 1450 | objectives of the Agency for Persons with Disabilities

1451 ~~Department of Education~~ and must be in the best interests of the
1452 state, though the Division of Blind Services may permit, without
1453 charge, the appropriate use of property and facilities of the
1454 state by the direct-support organization subject to this
1455 section. Such use must be directly in keeping with the approved
1456 purposes of the direct-support organization.

1457 **Section 28. Subsection (2) of section 413.033, Florida**
1458 **Statutes, is amended to read:**

1459 413.033 Definitions.—As used in ss. 413.032-413.037:

1460 (2) "Other severely handicapped" and "severely handicapped
1461 individuals" mean an individual or class of individuals under a
1462 physical or mental disability other than blindness, which,
1463 according to criteria established by the Agency for Persons with
1464 Disabilities ~~department~~, after consultation with appropriate
1465 entities of the state and taking into account the views of
1466 nongovernmental entities representing the handicapped,
1467 constitutes a substantial handicap to employment and is of such
1468 a nature as to prevent the individual under such disability from
1469 currently engaging in normal competitive employment.

1470 **Section 29. Section 413.035, Florida Statutes, is amended**
1471 **to read:**

1472 413.035 Duties and powers of the Agency for Persons with
1473 Disabilities ~~department~~.—

1474 (1) It ~~is shall be~~ the duty of the Agency for Persons with
1475 Disabilities ~~department~~ to determine the market price of all

1476 products and services offered for sale to the various agencies
1477 of the state by any qualified nonprofit agency for the blind or
1478 other severely handicapped. The price shall recover for the
1479 nonprofit agency the cost of raw materials, labor, overhead, and
1480 delivery, but without profit, and shall be revised from time to
1481 time in accordance with changing cost factors. The Agency for
1482 Persons with Disabilities ~~department~~ shall adopt ~~make~~ such rules
1483 and regulations regarding specifications, time of delivery, and
1484 assignment of products and services to be supplied by nonprofit
1485 agencies for the blind or by agencies for the other severely
1486 handicapped, with priority for assignment of products to
1487 agencies for the blind, authorization of a central nonprofit
1488 agency to facilitate the allocation of orders among qualified
1489 nonprofit agencies for the blind, authorization of a central
1490 nonprofit agency to facilitate the allocation of orders among
1491 qualified nonprofit agencies for other severely handicapped, and
1492 other relevant matters of procedure as shall be necessary to
1493 carry out the purposes of this act. The Agency for Persons with
1494 Disabilities ~~department~~ shall authorize the purchase of products
1495 and services elsewhere when requisitions cannot reasonably be
1496 complied with through the nonprofit agencies for the blind and
1497 other severely handicapped.

1498 (2) The Agency for Persons with Disabilities ~~department~~
1499 shall establish and publish a list of products and services
1500 provided by any qualified nonprofit agency for the blind and any

1501 nonprofit agency for the other severely handicapped, which the
1502 Agency for Persons with Disabilities ~~department~~ determines are
1503 suitable for procurement by agencies of the state pursuant to
1504 this act. This procurement list and revision thereof shall be
1505 distributed to all purchasing officers of the state and its
1506 political subdivisions. All products offered for purchase to a
1507 state agency by a qualified nonprofit agency shall have
1508 significant value added by blind or severely handicapped
1509 persons, as determined by the Agency for Persons with
1510 Disabilities ~~department~~.

1511 **Section 30. Subsections (1) and (4) of section 413.036,**
1512 **Florida Statutes, are amended to read:**

1513 413.036 Procurement of services by agencies; authority of
1514 Agency for Persons with Disabilities ~~department~~.—

1515 (1) If any agency intends to procure any product or
1516 service on the procurement list, that agency shall, in
1517 accordance with rules and regulations of the Agency for Persons
1518 with Disabilities ~~department~~, procure such product or service at
1519 the price established by the Agency for Persons with
1520 Disabilities ~~department~~ from a qualified nonprofit agency for
1521 the blind or for the other severely handicapped if the product
1522 or service is available within a reasonable delivery time. This
1523 act shall not apply in any case in which products or services
1524 are available for procurement from any agency of the state and
1525 procurement therefrom is required under the provision of any law

1526 currently in effect. However, this act shall have precedence
 1527 over any law requiring state agency procurement of products or
 1528 services from any other nonprofit corporation unless such
 1529 precedence is waived by the Agency for Persons with Disabilities
 1530 ~~department~~ in accordance with its rules.

1531 (4) A ~~No~~ similar product or service of comparable price
 1532 and quality found necessary for use by any state agency may not
 1533 be purchased from any source other than the nonprofit agency for
 1534 the blind or for the severely handicapped if the nonprofit
 1535 agency certifies that the product is manufactured or supplied
 1536 by, or the service is provided by, the blind or the severely
 1537 handicapped and the product or service meets the comparable
 1538 performance specifications and comparable price and quality
 1539 requirements as determined by the Agency for Persons with
 1540 Disabilities ~~department~~ or an agency. The purchasing authority
 1541 of any such state agency may make reasonable determinations of
 1542 need, price, and quality with reference to products or services
 1543 available from the nonprofit agency.

1544 **Section 31. Subsections (1) and (2) of section 413.037,**
 1545 **Florida Statutes, are amended to read:**

1546 413.037 Cooperation with Agency for Persons with
 1547 Disabilities ~~department~~ required; duties of state agencies.—

1548 (1) In furtherance of the purposes of this act and in
 1549 order to contribute to the economy of state government, it is
 1550 the intent of the Legislature that there be close cooperation

1551 between the Agency for Persons with Disabilities ~~department~~ and
 1552 any agency of the state from which procurement of products or
 1553 services is required under the provision of any law currently in
 1554 effect. The Agency for Persons with Disabilities ~~department~~ and
 1555 any such agency of the state are authorized to enter into such
 1556 contractual agreements, cooperative working relationships, or
 1557 other arrangements as may be determined to be necessary for
 1558 effective coordination and efficient realization of the
 1559 objectives of this act and any other law requiring procurement
 1560 of products or services from any agency of the state.

1561 (2) The Agency for Persons with Disabilities ~~department~~
 1562 may secure directly from any agency of the state information
 1563 necessary to enable it to carry out this act. Upon request of
 1564 the Agency for Persons with Disabilities ~~department~~, the head of
 1565 the agency shall furnish such information to the Agency for
 1566 Persons with Disabilities ~~department~~.

1567 **Section 32. Paragraph (a) of subsection (2) and subsection**
 1568 **(3) of section 413.051, Florida Statutes, are amended to read:**

1569 413.051 Eligible blind persons; operation of vending
 1570 stands.—

1571 (2) As used in this section, the term:

1572 (a) "Blind licensee" means any blind person trained and
 1573 licensed by the Division of Blind Services of the Agency for
 1574 Persons with Disabilities ~~Department of Education~~ to operate a
 1575 vending stand.

1576 (3) Blind licensees must ~~shall~~ be given the first
 1577 opportunity to participate in the operation of vending stands on
 1578 all state properties acquired after July 1, 1979, when such
 1579 facilities are operated under the supervision of the Division of
 1580 Blind Services of the Agency for Persons with Disabilities
 1581 ~~Department of Education~~.

1582 **Section 33. Subsection (1) of section 413.091, Florida**
 1583 **Statutes, is amended to read:**

1584 413.091 Identification cards.—

1585 (1) The Division of Blind Services of the Agency for
 1586 Persons with Disabilities ~~Department of Education~~ shall issue
 1587 identification cards to persons known to be blind or partially
 1588 sighted, upon the written request of such individual.

1589 **Section 34. Subsection (1) of section 413.092, Florida**
 1590 **Statutes, is amended to read:**

1591 413.092 Blind Babies Program.—

1592 (1) The Blind Babies Program is created within the
 1593 Division of Blind Services of the Agency for Persons with
 1594 Disabilities ~~Department of Education~~ to provide community-based
 1595 early-intervention education to children from birth through 5
 1596 years of age who are blind or visually impaired, and to their
 1597 parents, families, and caregivers, through community-based
 1598 provider organizations. The division shall enlist parents,
 1599 ophthalmologists, pediatricians, schools, the Early Steps
 1600 Program, and therapists to help identify and enroll blind and

1601 | visually impaired children, as well as their parents, families,
 1602 | and caregivers, in these educational programs.

1603 | **Section 35. Present subsections (3), (4), and (5) of**
 1604 | **section 413.20, Florida Statutes, are redesignated as**
 1605 | **subsections (4), (5), and (6), respectively, a new subsection**
 1606 | **(3) is added to that section, and present subsection (6) and**
 1607 | **subsections (8) and (10) of that section are amended, to read:**

1608 | 413.20 Definitions.—As used in this part, the term:

1609 | (3) "Agency" means Agency for Persons with Disabilities.

1610 | ~~(6) "Department" means the Department of Education.~~

1611 | (8) "Division" means the Division of Vocational
 1612 | Rehabilitation of the agency ~~Department of Education.~~

1613 | (10) "Extended services" means one or more ongoing support
 1614 | services and other appropriate services needed to support and
 1615 | maintain a person who has a most significant disability in
 1616 | supported employment and to assist an eligible person in
 1617 | maintaining integrated and competitive employment. Extended
 1618 | services are based upon a determination of the needs of the
 1619 | eligible person as specified in the person's individualized plan
 1620 | for employment and are provided by a state agency, a nonprofit
 1621 | private organization, an employer, or any other appropriate
 1622 | resource after the person has made the transition from support
 1623 | provided by the agency ~~department.~~

1624 | **Section 36. Section 413.201, Florida Statutes, is amended**
 1625 | **to read:**

1626 413.201 Designated state agency.—Effective on the
1627 effective date of this act, for the purposes of effecting
1628 compliance with the Vocational Rehabilitation Act of 1973, as
1629 amended, the agency ~~Department of Education~~ is designated the
1630 official state agency.

1631 **Section 37. Section 413.203, Florida Statutes, is amended**
1632 **to read:**

1633 413.203 Conflict of laws.—It is the intent of the
1634 Legislature that the provisions of this part not conflict with
1635 any federal statute or implementing regulation governing federal
1636 grant-in-aid programs administered by the Division of Vocational
1637 Rehabilitation. Wherever such a conflict is asserted by the
1638 applicable agency of the Federal Government, the agency
1639 ~~Department of Education~~ shall submit to the United States
1640 Department of Education, or other applicable federal agency, a
1641 request for a favorable policy interpretation of the conflicting
1642 portions.

1643 **Section 38. Subsection (6) of section 413.402, Florida**
1644 **Statutes, is amended to read:**

1645 413.402 James Patrick Memorial Work Incentive Personal
1646 Attendant Services and Employment Assistance Program.—The
1647 Florida Association of Centers for Independent Living shall
1648 administer the James Patrick Memorial Work Incentive Personal
1649 Attendant Services and Employment Assistance Program.

1650 (6) The James Patrick Memorial Work Incentive Personal

1651 Attendant Services and Employment Assistance Program Oversight
1652 Council is created adjunct to the agency ~~Department of Education~~
1653 for the purpose of providing program recommendations,
1654 recommending the maximum monthly reimbursement available to
1655 program participants, advising the Florida Association of
1656 Centers for Independent Living on policies and procedures, and
1657 recommending the program's annual operating budget for
1658 activities of the association associated with operations,
1659 administration, and oversight. The oversight council shall also
1660 advise on and recommend the schedule of eligible services for
1661 which program participants may be reimbursed subject to the
1662 requirements and limitations of paragraph (3)(c) which, at a
1663 minimum, must include personal care attendant services. The
1664 oversight council shall advise and make its recommendations
1665 under this section to the board of directors of the association.
1666 The oversight council is not subject to the control of or
1667 direction by the agency ~~department~~, and the agency ~~department~~ is
1668 not responsible for providing staff support or paying any
1669 expenses incurred by the oversight council in the performance of
1670 its duties.

1671 (a) The oversight council consists of the following
1672 members:

- 1673 1. The director of the division or his or her designee;
- 1674 2. A human resources professional or an individual who has
1675 significant experience managing and operating a business based

1676 | in this state, recommended by the Florida Chamber of Commerce
 1677 | and appointed by the Governor;

1678 | 3. A financial management professional, appointed by the
 1679 | Governor;

1680 | 4. A program participant, appointed by the Secretary of
 1681 | Health or his or her designee;

1682 | 5. The director of the advisory council on brain and
 1683 | spinal cord injuries or his or her designee;

1684 | 6. The director of the Florida Endowment Foundation for
 1685 | Vocational Rehabilitation or his or her designee; and

1686 | 7. The director of the Florida Association of Centers for
 1687 | Independent Living or his or her designee.

1688 | (b) The appointed members shall serve for a term
 1689 | concurrent with the term of the official who made the
 1690 | appointment and shall serve at the pleasure of such official.

1691 | (c) By February 1 of each year, the oversight council
 1692 | shall submit a report to the Governor, the President of the
 1693 | Senate, the Speaker of the House of Representatives, and the
 1694 | secretary of the agency ~~Commissioner of Education~~ which
 1695 | summarizes the performance of the program.

1696 | **Section 39. Paragraph (d) of subsection (1), subsection**
 1697 | **(2), and paragraphs (c) and (g) of subsection (9) of section**
 1698 | **413.405, Florida Statutes, are amended to read:**

1699 | 413.405 Florida Rehabilitation Council.—There is created
 1700 | the Florida Rehabilitation Council to assist the division in the

1701 planning and development of statewide rehabilitation programs
 1702 and services, to recommend improvements to such programs and
 1703 services, and to perform the functions listed in this section.

1704 (1) The council shall be composed of:

1705 (d) At least one qualified vocational rehabilitation
 1706 counselor who has knowledge of and experience in vocational
 1707 rehabilitation programs, who shall serve as an ex officio,
 1708 nonvoting member of the council if the counselor is an employee
 1709 of the agency ~~department~~.

1710 (2) Employees of the agency ~~department~~ may serve only as
 1711 nonvoting members of the council.

1712 (9) In addition to the other functions specified in this
 1713 section, the council shall, after consulting with the state
 1714 board as defined in s. 445.002:

1715 (c) Advise the agency ~~department~~ and the division and
 1716 assist in the preparation of the state plan and amendments to
 1717 the plan, applications, reports, needs assessments, and
 1718 evaluations required by Title I.

1719 (g) Advise the agency ~~department~~ and division and provide
 1720 for coordination and the establishment of working relationships
 1721 among the agency ~~department~~, the division, the Florida
 1722 Independent Living Council, and centers for independent living
 1723 in the state.

1724 **Section 40. Paragraphs (a) and (b) of subsection (1) and**
 1725 **paragraph (a) of subsection (2) of section 413.407, Florida**

1726 **Statutes, are amended to read:**

1727 413.407 Assistive Technology Advisory Council.—There is
 1728 created the Assistive Technology Advisory Council, responsible
 1729 for ensuring consumer involvement in the creation, application,
 1730 and distribution of technology-related assistance to and for
 1731 persons who have disabilities. The council shall fulfill its
 1732 responsibilities through statewide policy development, state and
 1733 federal legislative initiatives, advocacy at the state and
 1734 federal levels, planning of statewide resource allocations,
 1735 policy-level management, and reviews of consumer responsiveness
 1736 and the adequacy of program service delivery and by performing
 1737 the functions listed in this section.

1738 (1) (a) The council shall be composed of:

1739 1. Persons who have disabilities and who are assistive
 1740 technology consumers or family members or guardians of those
 1741 persons.

1742 2. A representative of a consumer organization concerned
 1743 with assistive technology.

1744 3. A representative of business and industry, including
 1745 the insurance industry, concerned with assistive technology.

1746 4. A representative of the Division of Vocational
 1747 Rehabilitation.

1748 5. A representative of the Division of Blind Services.

1749 6. A representative of a center for independent living.

1750 7. A representative of CareerSource Florida, Inc.

1751 8. A representative of the agency ~~Department of Education~~.

1752 9. A representative of any other state agency that
 1753 provides or coordinates services for persons with disabilities,
 1754 if requested by a majority vote of the council members.

1755 (b) Members of the council shall be appointed by the
 1756 secretary of the agency ~~Commissioner of Education~~ from a list of
 1757 candidates proposed by the division director. However, a member
 1758 who is a representative of a state agency shall be appointed by
 1759 the head of that state agency.

1760 (2) In addition to the other functions specified in this
 1761 section, the council shall:

1762 (a) Act as the board of directors of a not-for-profit
 1763 corporation created by the division. Through the corporation,
 1764 the council shall provide direction to the Florida Alliance for
 1765 Assistive Services and Technology, a project sponsored by the
 1766 agency ~~department~~ for the coordination and delivery of
 1767 appropriate, cost-effective, state-of-the-art assistive
 1768 technology services and devices.

1769 **Section 41. Subsection (1) of section 413.445, Florida**
 1770 **Statutes, is amended to read:**

1771 413.445 Recovery of third-party payments for vocational
 1772 rehabilitation and related services.—

1773 (1) As used in this section, "vocational rehabilitation
 1774 and related services" means any services that are provided or
 1775 paid for by the Division of Vocational Rehabilitation of the

1776 | agency ~~Department of Education.~~

1777 | **Section 42. Subsection (2), paragraph (a) of subsection**
 1778 | **(4), subsection (5), paragraph (a) of subsection (8), and**
 1779 | **subsection (12) of section 413.615, Florida Statutes, are**
 1780 | **amended to read:**

1781 | 413.615 Florida Endowment for Vocational Rehabilitation.—

1782 | (2) DEFINITIONS.—For the purposes of this section:

1783 | (a) "Board" means the board of directors of the Florida
 1784 | Endowment Foundation for the Division of Vocational
 1785 | Rehabilitation within the agency ~~Department of Education.~~

1786 | (b) "Endowment fund" means an account established within
 1787 | the Florida Endowment Foundation for the Division of Vocational
 1788 | Rehabilitation within the agency ~~Department of Education~~ to
 1789 | provide a continuing and growing source of revenue for
 1790 | vocational rehabilitation efforts.

1791 | (c) "Foundation" means the Florida Endowment Foundation
 1792 | for the Division of Vocational Rehabilitation within the agency
 1793 | ~~Department of Education.~~

1794 | (d) "Operating account" means an account established under
 1795 | paragraph (4) (c) to carry out the purposes provided in
 1796 | subsection (10).

1797 | (4) REVENUE FOR THE ENDOWMENT FUND.—

1798 | (a) The endowment fund of the Florida Endowment for the
 1799 | Division of Vocational Rehabilitation within the agency
 1800 | ~~Department of Education~~ is created as a long-term, stable, and

1801 growing source of revenue to be administered, in accordance with
 1802 rules adopted ~~promulgated~~ by the division, by the foundation as
 1803 a direct-support organization of the Division of Vocational
 1804 Rehabilitation within the agency ~~Department of Education~~.

1805 (5) THE FLORIDA ENDOWMENT FOUNDATION FOR VOCATIONAL
 1806 REHABILITATION.—The Florida Endowment Foundation for Vocational
 1807 Rehabilitation is hereby created as a direct-support
 1808 organization of the Division of Vocational Rehabilitation within
 1809 the agency ~~Department of Education~~, to encourage public and
 1810 private support to enhance vocational rehabilitation and
 1811 employment of citizens who are disabled. As a direct-support
 1812 organization, the foundation shall operate under contract with
 1813 the division and shall:

1814 (a) Be a Florida corporation not for profit incorporated
 1815 under the provisions of chapter 617 and approved by the
 1816 Department of State.

1817 (b) Be organized and operated exclusively to raise funds;
 1818 to submit requests and receive grants from the Federal
 1819 Government, the state, private foundations, and individuals; to
 1820 receive, hold, and administer property; and to make expenditures
 1821 to or for the benefit of the rehabilitation programs approved by
 1822 the board of directors of the foundation.

1823 (c) Be approved by the division to be operating for the
 1824 benefit and best interest of the state.

1825 (8) BOARD OF DIRECTORS.—The foundation shall be

1826 administered by a board of directors, as follows:

1827 (a) *Membership.*—The board of directors shall consist of
 1828 the director of the Division of Vocational Rehabilitation within
 1829 the agency ~~Department of Education~~, or his or her designee, who
 1830 shall serve as an ex officio member, and nine other members who
 1831 have an interest in service to persons with disabilities and
 1832 who:

1833 1. Have skills in foundation work or other fundraising
 1834 activities, financial consulting, or investment banking or other
 1835 related experience; or

1836 2. Have experience in policymaking or management-level
 1837 positions or have otherwise distinguished themselves in the
 1838 field of business, industry, or rehabilitation.

1839
 1840 Disabled individuals who meet the above criteria shall be given
 1841 special consideration for appointment.

1842 (12) ANNUAL REPORT.—The board shall issue a report to the
 1843 Governor, the President of the Senate, the Speaker of the House
 1844 of Representatives, and the secretary of the agency ~~Commissioner~~
 1845 ~~of Education~~ by December 30 each year summarizing the
 1846 performance of the endowment fund for the previous fiscal year,
 1847 summarizing the foundation's fundraising activities and
 1848 performance, and detailing those activities and programs
 1849 supported by the endowment principal or earnings on the
 1850 endowment principal and those activities and programs supported

1851 by private sources, bequests, gifts, grants, donations, and
1852 other valued goods and services received. The report must ~~shall~~
1853 also include:

1854 (a) Financial data, by service type, including
1855 expenditures for administration and the provision of services.

1856 (b) The amount of funds spent on administrative expenses
1857 and fundraising and the amount of funds raised from private
1858 sources.

1859 (c) Outcome data, including the number of individuals
1860 served and employment outcomes.

1861 **Section 43. Paragraphs (a) and (b) of subsection (4) of**
1862 **section 413.80, Florida Statutes, are amended to read:**

1863 413.80 Employment First Act.—

1864 (4) INTERAGENCY COOPERATIVE AGREEMENT.—The following state
1865 agencies and organizations, and others, as appropriate, shall
1866 develop an interagency cooperative agreement to implement this
1867 act:

1868 (a) The Division of Vocational Rehabilitation within ~~of~~
1869 the Agency for Persons with Disabilities ~~Department of~~
1870 ~~Education~~.

1871 (b) The Division of Blind Services within ~~of~~ the Agency
1872 for Persons with Disabilities ~~Department of Education~~.

1873 **Section 44. Subsection (1) of section 413.801, Florida**
1874 **Statutes, is amended to read:**

1875 413.801 Florida Unique Abilities Partner Program.—

1876 (1) CREATION AND PURPOSE.—The Agency for Persons with
1877 Disabilities shall establish the Florida Unique Abilities
1878 Partner Program to designate a business entity as a Florida
1879 Unique Abilities Partner if the business entity demonstrates
1880 commitment, through employment or support, to the independence
1881 of individuals who have a disability. The agency shall consult
1882 with the Department of Commerce, ~~the Division of Vocational~~
1883 ~~Rehabilitation of the Department of Education, the Division of~~
1884 ~~Blind Services of the Department of Education,~~ and CareerSource
1885 Florida, Inc., in creating the program.

1886 **Section 45. Paragraph (b) of subsection (1) of section**
1887 **427.012, Florida Statutes, is amended, and paragraph (g) is**
1888 **added to that subsection, to read:**

1889 427.012 The Commission for the Transportation
1890 Disadvantaged.—There is created the Commission for the
1891 Transportation Disadvantaged in the Department of
1892 Transportation.

1893 (1) The commission shall be composed of 11 members, all of
1894 whom shall be appointed by the Governor, in accordance with the
1895 requirements of s. 20.052, as follows:

1896 (b) The secretary ~~director~~ of the Agency for Persons with
1897 Disabilities or his or her designee.

1898 (g) The Secretary of Transportation, the Secretary of
1899 Children and Families, the Secretary of Commerce, the executive
1900 director of the Department of Veterans' Affairs, the Secretary

1901 of Elderly Affairs, the Secretary of Health Care Administration,
 1902 the secretary of the Agency for Persons with Disabilities, and a
 1903 county manager or administrator who is appointed by the
 1904 Governor, or a senior management-level representative of each,
 1905 shall serve as ex officio, nonvoting advisors to the commission.

1906 **Section 46. Paragraph (b) of subsection (6) of section**
 1907 **943.0585, Florida Statutes, is amended to read:**

1908 943.0585 Court-ordered expunction of criminal history
 1909 records.—

1910 (6) EFFECT OF EXPUNCTION ORDER.—

1911 (b) The person who is the subject of a criminal history
 1912 record that is expunged under this section or under other
 1913 provisions of law, including former ss. 893.14, 901.33, and
 1914 943.058, may lawfully deny or fail to acknowledge the arrests
 1915 covered by the expunged record, except when the subject of the
 1916 record:

- 1917 1. Is a candidate for employment with a criminal justice
 1918 agency;
- 1919 2. Is a defendant in a criminal prosecution;
- 1920 3. Concurrently or subsequently petitions for relief under
 1921 this section, s. 943.0583, or s. 943.059;
- 1922 4. Is a candidate for admission to The Florida Bar;
- 1923 5. Is seeking to be employed or licensed by or to contract
 1924 with the Department of Children and Families, the Division of
 1925 Vocational Rehabilitation within the Agency for Persons with

1926 Disabilities ~~Department of Education~~, the Agency for Health Care
 1927 Administration, the Agency for Persons with Disabilities, the
 1928 Department of Health, the Department of Elderly Affairs, or the
 1929 Department of Juvenile Justice or to be employed or used by such
 1930 contractor or licensee in a sensitive position having direct
 1931 contact with children, the disabled, or the elderly;

1932 6.a. Is seeking to be employed or licensed by, or contract
 1933 with, the Department of Education, any district unit under s.
 1934 1001.30, any special district unit under s. 1011.24, the Florida
 1935 School for the Deaf and the Blind under s. 1002.36, the Florida
 1936 Virtual School under s. 1002.37, any virtual instruction program
 1937 under s. 1002.45, any charter school under s. 1002.33, any hope
 1938 operator under s. 1002.333, any alternative school under s.
 1939 1008.341, any private or parochial school, or any local
 1940 governmental entity that licenses child care facilities;

1941 b. Is seeking to be employed or used by a contractor or
 1942 licensee under sub-subparagraph a.; or

1943 c. Is a person screened under s. 1012.467;

1944 7. Is seeking to be licensed by the Division of Insurance
 1945 Agent and Agency Services within the Department of Financial
 1946 Services; or

1947 8. Is seeking to be appointed as a guardian pursuant to s.
 1948 744.3125.

1949 **Section 47. Paragraph (b) of subsection (6) of section**
 1950 **943.059, Florida Statutes, is amended to read:**

1951 943.059 Court-ordered sealing of criminal history
 1952 records.—
 1953 (6) EFFECT OF ORDER.—
 1954 (b) The subject of the criminal history record sealed
 1955 under this section or under other provisions of law, including
 1956 former ss. 893.14, 901.33, and 943.058, may lawfully deny or
 1957 fail to acknowledge the arrests covered by the sealed record,
 1958 except when the subject of the record:
 1959 1. Is a candidate for employment with a criminal justice
 1960 agency;
 1961 2. Is a defendant in a criminal prosecution;
 1962 3. Concurrently or subsequently petitions for relief under
 1963 this section, s. 943.0583, or s. 943.0585;
 1964 4. Is a candidate for admission to The Florida Bar;
 1965 5. Is seeking to be employed or licensed by or to contract
 1966 with the Department of Children and Families, the Division of
 1967 Vocational Rehabilitation within the Agency for Persons with
 1968 Disabilities ~~Department of Education~~, the Agency for Health Care
 1969 Administration, the Agency for Persons with Disabilities, the
 1970 Department of Health, the Department of Elderly Affairs, or the
 1971 Department of Juvenile Justice or to be employed or used by such
 1972 contractor or licensee in a sensitive position having direct
 1973 contact with children, the disabled, or the elderly;
 1974 6.a. Is seeking to be employed or licensed by, or contract
 1975 with, the Department of Education, a district unit under s.

1976 | 1001.30, a special district unit under s. 1011.24, the Florida
 1977 | School for the Deaf and the Blind under s. 1002.36, the Florida
 1978 | Virtual School under s. 1002.37, a virtual instruction program
 1979 | under s. 1002.45, a charter school under s. 1002.33, a hope
 1980 | operator under s. 1002.333, an alternative school under s.
 1981 | 1008.341, a private or parochial school, or a local governmental
 1982 | entity that licenses child care facilities;

1983 | b. Is seeking to be employed or used by a contractor or
 1984 | licensee under sub-subparagraph a.; or

1985 | c. Is a person screened under s. 1012.467;

1986 | 7. Is attempting to purchase a firearm from a licensed
 1987 | importer, licensed manufacturer, or licensed dealer and is
 1988 | subject to a criminal history check under state or federal law;

1989 | 8. Is seeking to be licensed by the Division of Insurance
 1990 | Agent and Agency Services within the Department of Financial
 1991 | Services;

1992 | 9. Is seeking to be appointed as a guardian pursuant to s.
 1993 | 744.3125; or

1994 | 10. Is seeking to be licensed by the Bureau of License
 1995 | Issuance of the Division of Licensing within the Department of
 1996 | Agriculture and Consumer Services to carry a concealed weapon or
 1997 | concealed firearm. This subparagraph applies only in the
 1998 | determination of an applicant's eligibility under s. 790.06.

1999 | **Section 48. Paragraph (e) of subsection (2) of section**
 2000 | **1002.394, Florida Statutes, is amended to read:**

2001 1002.394 The Family Empowerment Scholarship Program.—
 2002 (2) DEFINITIONS.—As used in this section, the term:
 2003 (e) "Disability" means, for a 3- or 4-year-old child or
 2004 for a student in kindergarten to grade 12, autism spectrum
 2005 disorder, as defined in the Diagnostic and Statistical Manual of
 2006 Mental Disorders, Fifth Edition, published by the American
 2007 Psychiatric Association; cerebral palsy, as defined in s.
 2008 393.063; Down syndrome, as defined in s. 393.063; an
 2009 intellectual disability, as defined in s. 393.063; a speech
 2010 impairment; a language impairment; an orthopedic impairment; any
 2011 other health impairment; an emotional or a behavioral
 2012 disability; a specific learning disability, including, but not
 2013 limited to, dyslexia, dyscalculia, or developmental aphasia;
 2014 Phelan-McDermid syndrome, as defined in s. 393.063; Prader-Willi
 2015 syndrome, as defined in s. 393.063; spina bifida, as defined in
 2016 s. 393.063; being a high-risk child, as defined in s.
 2017 393.063(23)(a) ~~s. 393.063(22)(a)~~; muscular dystrophy; Williams
 2018 syndrome; rare diseases which affect patient populations of
 2019 fewer than 200,000 individuals in the United States, as defined
 2020 by the National Organization for Rare Disorders; anaphylaxis; a
 2021 hearing impairment, including deafness; a visual impairment,
 2022 including blindness; traumatic brain injury; hospital or
 2023 homebound; or identification as dual sensory impaired, as
 2024 defined by rules of the State Board of Education and evidenced
 2025 by reports from local school districts. The term "hospital or

2026 homebound" includes a student who has a medically diagnosed
2027 physical or psychiatric condition or illness, as defined by the
2028 state board in rule, and who is confined to the home or hospital
2029 for more than 6 months.

2030 **Section 49. Present subsection (3) of section 1003.575,**
2031 **Florida Statutes, is redesignated as subsection (4), a new**
2032 **subsection (3) is added to that section, and subsection (2) of**
2033 **that section is amended, to read:**

2034 1003.575 Assistive technology devices; findings;
2035 interagency agreements.—Accessibility, utilization, and
2036 coordination of appropriate assistive technology devices and
2037 services are essential as a young person with disabilities moves
2038 from early intervention to preschool, from preschool to school,
2039 from one school to another, from school to employment or
2040 independent living, and from school to home and community. If an
2041 individual education plan team makes a recommendation in
2042 accordance with State Board of Education rule for a student with
2043 a disability, as defined in s. 1003.01(9), to receive an
2044 assistive technology assessment, that assessment must be
2045 completed within 60 school days after the team's recommendation.
2046 To ensure that an assistive technology device issued to a young
2047 person as part of his or her individualized family support plan,
2048 individual support plan, individualized plan for employment, or
2049 individual education plan remains with the individual through
2050 such transitions, the following agencies shall enter into

2051 interagency agreements, as appropriate, to ensure the
2052 transaction of assistive technology devices:

2053 (2) ~~The Division of Blind Services, the Bureau of~~
2054 Exceptional Education and Student Services and, the Office of
2055 Independent Education and Parental Choice, ~~and the Division of~~
2056 ~~Vocational Rehabilitation~~ of the Department of Education.

2057 (3) The Division of Blind Services and the Division of
2058 Vocational Rehabilitation of the Agency for Persons with
2059 Disabilities.

2060

2061 Interagency agreements entered into pursuant to this section
2062 shall provide a framework for ensuring that young persons with
2063 disabilities and their families, educators, and employers are
2064 informed about the utilization and coordination of assistive
2065 technology devices and services that may assist in meeting
2066 transition needs, and shall establish a mechanism by which a
2067 young person or his or her parent may request that an assistive
2068 technology device remain with the young person as he or she
2069 moves through the continuum from home to school to postschool.

2070 **Section 50. Paragraph (c) of subsection (4) of section**
2071 **1004.6495, Florida Statutes, is amended to read:**

2072 1004.6495 Florida Postsecondary Comprehensive Transition
2073 Program and Florida Center for Students with Unique Abilities.—

2074 (4) STUDENT ELIGIBILITY.—To be eligible to enroll in an
2075 FPCTP at an eligible institution, a student must, as determined

2076 | by the institution, based on guidelines established by the
 2077 | center:

2078 | (c) Submit to the eligible institution documentation
 2079 | regarding his or her intellectual disability. Such documentation
 2080 | may include, but need not be limited to, a current
 2081 | individualized plan for employment associated with a review
 2082 | completed pursuant to s. 413.20 ~~s. 413.20(3)~~ or a diagnosis from
 2083 | a physician who is licensed under chapter 458 or chapter 459 or
 2084 | a psychologist licensed under chapter 490.

2085 | **Section 51. Subsection (2) of section 1012.582, Florida**
 2086 | **Statutes, is amended to read:**

2087 | 1012.582 Continuing education and inservice training for
 2088 | teaching students with developmental and emotional or behavioral
 2089 | disabilities.—

2090 | (2) In developing the recommendations, the commissioner
 2091 | shall consult with the State Surgeon General, the secretary
 2092 | ~~Director~~ of the Agency for Persons with Disabilities,
 2093 | representatives from the education community in the state, and
 2094 | representatives from entities that promote awareness about
 2095 | autism spectrum disorder, Down syndrome, other developmental
 2096 | disabilities, and emotional or behavioral disabilities and
 2097 | provide programs and services to persons with disabilities,
 2098 | including, but not limited to, regional autism centers pursuant
 2099 | to s. 1004.55.

2100 | **Section 52.** This act shall take effect July 1, 2025.