

1 A bill to be entitled
2 An act relating to rulemaking authority for the
3 Department of Children and Family Services
4 (RAB); amending s. 393.066, F.S.; providing for
5 compliance with federal laws or regulations in
6 rulemaking; amending s. 393.17, F.S.; providing
7 for minimum standards in rules; amending s.
8 394.4781, F.S.; providing rulemaking authority;
9 amending s. 394.78, F.S.; providing for the
10 inclusion of financial requirements in rules;
11 amending s. 394.879, F.S.; providing for
12 inclusion of construction and design
13 requirements in rules; amending s. 397.321,
14 F.S.; authorizing the Department of Children
15 and Family Services to develop standards for
16 employee assistance programs; amending s.
17 397.427, F.S.; providing for inclusion of
18 federal requirements in rules; amending s.
19 409.212, F.S.; providing rulemaking authority;
20 amending s. 409.285, F.S.; providing rulemaking
21 authority; providing an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

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25 Section 1. Subsection (9) of section 393.066, Florida
26 Statutes, is amended to read:

27 393.066 Community services and treatment for persons
28 who are developmentally disabled.--

29 (9) The department may adopt rules to ensure
30 compliance with federal laws or regulations that apply to
31 services provided pursuant to this section ~~that caretakers in~~

1 ~~day facilities comply with the requirements for good moral~~
2 ~~character.~~

3 Section 2. Section 393.17, Florida Statutes, is
4 amended to read:

5 393.17 Behavioral programs; certification of behavior
6 analysts; fees.--The department shall by rule implement a
7 certification program to ensure that qualified persons oversee
8 the design and implementation of behavioral programs for
9 persons who are developmentally disabled. Certification and
10 recertification minimum standards must comply with
11 departmental rules and must include, for initial
12 certification, shall be determined by examination of
13 competencies in applying behavior analysis with persons who
14 are developmentally disabled within established competency
15 clusters. These competency clusters shall include, but not be
16 limited to, behavioral assessments, observation and recording,
17 behavioral program development and monitoring, and other areas
18 as determined by professional practitioners of behavior
19 analysis. Fees shall be charged for certification not to
20 exceed the cost of development and administration of the
21 examination and periodic renewal of certification. The
22 department shall establish by rule the procedures for
23 certification and certification renewal.

24 Section 3. Subsection (4) is added to section
25 394.4781, Florida Statutes, to read:

26 394.4781 Residential care for psychotic and
27 emotionally disturbed children.--

28 (4) RULE ADOPTION.--The department may adopt rules to
29 carry out this section, including rules concerning review and
30 approval of applications for placement, cost-sharing, and
31 client eligibility for placement, and rules to ensure that

1 facilities from which the department purchases or contracts
2 for services under this section provide:

3 (a) Minimum standards for client care and treatment
4 practices, including ensuring that sufficient numbers and
5 types of qualified personnel are on duty and available at all
6 times to provide necessary and adequate client safety, care,
7 and security.

8 (b) Minimum standards for client intake and admission,
9 eligibility criteria, discharge planning, assessment,
10 treatment planning, continuity of care, treatment modalities,
11 service array, medical services, physical health services,
12 client rights, maintenance of client records, and management
13 of the treatment environment, including standards for the use
14 of seclusion, restraints, and time-out.

15 (c) Minimum standards for facility operation and
16 administration, fiscal accountability, personnel policies and
17 procedures, and staff education, qualifications, experience,
18 and training.

19 (d) Minimum standards for adequate infection control,
20 housekeeping sanitation, disaster planning, fire safety,
21 construction standards, and emergency services.

22 (e) Minimum standards for the establishment,
23 organization, and operation of the licensed facility in
24 accordance with program standards of the department.

25 (f) Licensing requirements.

26 Section 4. Paragraph (a) of subsection (1) of section
27 394.78, Florida Statutes, is amended to read:

28 394.78 Operation and administration; personnel
29 standards; procedures for audit and monitoring of service
30 providers; resolution of disputes.--

31

1 (1)(a) The Department of Children and Family Health
2 ~~and Rehabilitative~~ Services shall administer this part and
3 shall adopt rules necessary for its administration. In
4 addition to other rulemaking authority, the department may
5 adopt financial rules relating to conflicts of interest;
6 related party transactions; full disclosure of revenue funds
7 and expenses; charts of accounts for state reporting;
8 auditing; penalties for nonperformance; benefit packages;
9 performance outcomes, including client satisfaction and
10 functional assessments; nonpayment and suspended payments for
11 failure to timely submit required client service reports; and
12 client financial eligibility requirements.

13 Section 5. Paragraph (f) is added to subsection (1) of
14 section 394.879, Florida Statutes, to read:

15 394.879 Rules; enforcement.--

16 (1) The department shall adopt reasonable rules to
17 implement this chapter, including, at a minimum, rules
18 providing standards to ensure that:

19 (f) Facility construction and design requirements are
20 consistent with the patients' conditions and that the
21 operation and purposes of these facilities assure individuals'
22 health, safety, and welfare.

23 Section 6. Subsection (12) of section 397.321, Florida
24 Statutes, is amended to read:

25 397.321 Duties of the department.--The department
26 shall:

27 (12) Develop standards for ~~cooperate in the~~
28 ~~development of~~ employee assistance programs for employees of
29 state government, local governments, and private business.

30 Section 7. Paragraph (c) is added to subsection (3) of
31 section 397.427, Florida Statutes, to read:

1 397.427 Medication treatment service providers;
2 rehabilitation program; needs assessment and provision of
3 services; persons authorized to issue takeout methadone;
4 unlawful operation; penalty.--

5 (3) The department shall adopt rules necessary to
6 administer this section, including, but not limited to, rules
7 prescribing criteria and procedures for:

8 (c) Administering any federally required rules,
9 regulations, or procedures.

10 Section 8. Subsection (5) is added to section 409.212,
11 Florida Statutes, to read:

12 409.212 Optional supplementation.--

13 (5) The department may adopt rules to administer this
14 section relating to eligibility requirements for optional
15 state supplementation.

16 Section 9. Subsection (3) is added to section 409.285,
17 Florida Statutes, to read:

18 409.285 Opportunity for hearing and appeal.--

19 (3) The department may adopt rules to administer this
20 section. Rules for the Temporary Assistance for Needy Families
21 block grant programs must be similar to the federal
22 requirements for Medicaid programs.

23 Section 10. This act shall take effect upon becoming a
24 law.