



220012

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/15/2016	.	
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Appropriations Subcommittee on Health and Human Services (Sobel)  
recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

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

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



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11            (1)-(2) "Adult day training" means training services that  
12 ~~which~~ take place in a nonresidential setting, separate from the  
13 home or facility in which the client resides, and, ~~are~~ intended  
14 to support the participation of clients in daily, meaningful,  
15 and valued routines of the community. Such training, and may be  
16 provided in include work-like settings that do not meet the  
17 definition of supported employment.

18            (3) "Algorithm" means the mathematical formula used by the  
19 agency to calculate a budget amount for clients using variables  
20 that have statistically validated relationships to clients'  
21 needs for services provided by the home and community-based  
22 Medicaid waiver program.

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

27            (5)-(3) "Autism" means a pervasive, neurologically based  
28 developmental disability of extended duration which causes  
29 severe learning, communication, and behavior disorders with age  
30 of onset during infancy or childhood. Individuals with autism  
31 exhibit impairment in reciprocal social interaction, impairment  
32 in verbal and nonverbal communication and imaginative ability,  
33 and a markedly restricted repertoire of activities and  
34 interests.

35            (6)-(4) "Cerebral palsy" means a group of disabling symptoms  
36 of extended duration which results from damage to the developing  
37 brain that may occur before, during, or after birth and that  
38 results in the loss or impairment of control over voluntary  
39 muscles. For the purposes of this definition, cerebral palsy



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40 does not include those symptoms or impairments resulting solely  
41 from a stroke.

42 (7)~~(5)~~ "Client" means any person determined eligible by the  
43 agency for services under this chapter.

44 (8)~~(6)~~ "Client advocate" means a friend or relative of the  
45 client, or of the client's immediate family, who advocates for  
46 the best interests of the client in any proceedings under this  
47 chapter in which the client or his or her family has the right  
48 or duty to participate.

49 (9)~~(7)~~ "Comprehensive assessment" means the process used to  
50 determine eligibility for services under this chapter.

51 (10)~~(8)~~ "Comprehensive transitional education program"  
52 means the program established in s. 393.18.

53 (12)~~(9)~~ "Developmental disability" means a disorder or  
54 syndrome that is attributable to intellectual disability,  
55 cerebral palsy, autism, spina bifida, Down syndrome, or Prader-  
56 Willi syndrome; that manifests before the age of 18; and that  
57 constitutes a substantial handicap that can reasonably be  
58 expected to continue indefinitely.

59 (11)~~(10)~~ "Developmental disabilities center" means a state-  
60 owned and state-operated facility, formerly known as a "Sunland  
61 Center," providing for the care, habilitation, and  
62 rehabilitation of clients with developmental disabilities.

63 (13)~~(11)~~ "Direct service provider" means a person 18 years  
64 of age or older who has direct face-to-face contact with a  
65 client while providing services to the client or has access to a  
66 client's living areas or to a client's funds or personal  
67 property.

68 (14)~~(12)~~ "Domicile" means the place where a client legally



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69 resides ~~and~~ which ~~place~~ is his or her permanent home. Domicile  
70 may be established as provided in s. 222.17. Domicile may not be  
71 established in Florida by a minor who has no parent domiciled in  
72 Florida, or by a minor who has no legal guardian domiciled in  
73 Florida, or by any alien not classified as a resident alien.

74 (15) ~~(13)~~ "Down syndrome" means a disorder caused by the  
75 presence of an extra chromosome 21.

76 (16) ~~(14)~~ "Express and informed consent" means consent  
77 voluntarily given in writing with sufficient knowledge and  
78 comprehension of the subject matter to enable the person giving  
79 consent to make a knowing decision without any element of force,  
80 fraud, deceit, duress, or other form of constraint or coercion.

81 (17) ~~(15)~~ "Family care program" means the program  
82 established in s. 393.068.

83 (18) ~~(16)~~ "Foster care facility" means a residential  
84 facility licensed under this chapter which provides a family  
85 living environment including supervision and care necessary to  
86 meet the physical, emotional, and social needs of its residents.  
87 The capacity of such a facility may not be more than three  
88 residents.

89 (19) ~~(17)~~ "Group home facility" means a residential facility  
90 licensed under this chapter which provides a family living  
91 environment including supervision and care necessary to meet the  
92 physical, emotional, and social needs of its residents. The  
93 capacity of such a facility shall be at least 4 but not more  
94 than 15 residents.

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

96 (21) ~~(18)~~ "Guardian advocate" means a person appointed by a  
97 written order of the court to represent a person with



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98 developmental disabilities under s. 393.12.

99 ~~(22)-(19)~~ "Habilitation" means the process by which a client  
100 is assisted in acquiring and maintaining ~~to acquire and maintain~~  
101 those life skills that ~~which~~ enable the client to cope more  
102 effectively with the demands of his or her condition and  
103 environment and to raise the level of his or her physical,  
104 mental, and social efficiency. The term ~~It~~ includes, but is not  
105 limited to, programs of formal structured education and  
106 treatment.

107 ~~(23)-(20)~~ "High-risk child" means, for the purposes of this  
108 chapter, a child from 3 to 5 years of age with one or more of  
109 the following characteristics:

110 (a) A developmental delay in cognition, language, or  
111 physical development.

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

115 (c) A child with a parent or guardian with developmental  
116 disabilities who requires assistance in meeting the child's  
117 developmental needs.

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

120 ~~(24)-(21)~~ "Intellectual disability" means significantly  
121 subaverage general intellectual functioning existing  
122 concurrently with deficits in adaptive behavior which manifests  
123 before the age of 18 and can reasonably be expected to continue  
124 indefinitely. For the purposes of this definition, the term:

125 (a) "Adaptive behavior" means the effectiveness or degree  
126 with which an individual meets the standards of personal



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127 independence and social responsibility expected of his or her  
128 age, cultural group, and community.

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

133

134 For purposes of the application of the criminal laws and  
135 procedural rules of this state to matters relating to pretrial,  
136 trial, sentencing, and any matters relating to the imposition  
137 and execution of the death penalty, the terms "intellectual  
138 disability" or "intellectually disabled" are interchangeable  
139 with and have the same meaning as the terms "mental retardation"  
140 or "retardation" and "mentally retarded" as defined in this  
141 section before July 1, 2013.

142 (25)~~(22)~~ "Intermediate care facility for the  
143 developmentally disabled" ~~or "ICF/DD"~~ means a residential  
144 facility licensed and certified under part VIII of chapter 400.

145 (26)~~(23)~~ "Medical/dental services" means medically  
146 necessary services that are provided or ordered for a client by  
147 a person licensed under chapter 458, chapter 459, or chapter  
148 466. Such services may include, but are not limited to,  
149 prescription drugs, specialized therapies, nursing supervision,  
150 hospitalization, dietary services, prosthetic devices, surgery,  
151 specialized equipment and supplies, adaptive equipment, and  
152 other services as required to prevent or alleviate a medical or  
153 dental condition.

154 (27)~~(24)~~ "Personal care services" means individual  
155 assistance with or supervision of essential activities of daily



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156 living for self-care, including ambulation, bathing, dressing,  
157 eating, grooming, and toileting, and other similar services that  
158 are incidental to the care furnished and essential to the  
159 health, safety, and welfare of the client if no one else is  
160 available to perform those services.

161 ~~(28)~~~~(25)~~ "Prader-Willi syndrome" means an inherited  
162 condition typified by neonatal hypotonia with failure to thrive,  
163 hyperphagia or an excessive drive to eat which leads to obesity  
164 usually at 18 to 36 months of age, mild to moderate intellectual  
165 disability, hypogonadism, short stature, mild facial  
166 dysmorphism, and a characteristic neurobehavior.

167 ~~(29)~~~~(26)~~ "Relative" means an individual who is connected by  
168 affinity or consanguinity to the client and who is 18 years of  
169 age or older.

170 ~~(30)~~~~(27)~~ "Resident" means a person who has a developmental  
171 disability and resides at a residential facility, whether or not  
172 such person is a client of the agency.

173 ~~(31)~~~~(28)~~ "Residential facility" means a facility providing  
174 room and board and personal care for persons who have  
175 developmental disabilities.

176 ~~(32)~~~~(29)~~ "Residential habilitation" means supervision and  
177 training with the acquisition, retention, or improvement in  
178 skills related to activities of daily living, such as personal  
179 hygiene skills, homemaking skills, and the social and adaptive  
180 skills necessary to enable the individual to reside in the  
181 community.

182 ~~(33)~~~~(30)~~ "Residential habilitation center" means a  
183 community residential facility licensed under this chapter which  
184 provides habilitation services. The capacity of such a facility



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185 may not be fewer than nine residents. After October 1, 1989, new  
186 residential habilitation centers may not be licensed and the  
187 licensed capacity for any existing residential habilitation  
188 center may not be increased.

189 (34)~~(31)~~ "Respite service" means appropriate, short-term,  
190 temporary care that is provided to a person who has a  
191 developmental disability in order to meet the planned or  
192 emergency needs of the person or the family or other direct  
193 service provider.

194 (35)~~(32)~~ "Restraint" means a physical device, method, or  
195 drug used to control dangerous behavior.

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

201 (b) A drug used as a restraint is a medication used to  
202 control the person's behavior or to restrict his or her freedom  
203 of movement and is not a standard treatment for the person's  
204 medical or psychiatric condition. Physically holding a person  
205 during a procedure to forcibly administer psychotropic  
206 medication is a physical restraint.

207 (c) Restraint does not include physical devices, such as  
208 orthopedically prescribed appliances, surgical dressings and  
209 bandages, supportive body bands, or other physical holding  
210 necessary for routine physical examinations and tests; for  
211 purposes of orthopedic, surgical, or other similar medical  
212 treatment; to provide support for the achievement of functional  
213 body position or proper balance; or to protect a person from





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214 falling out of bed.

215 ~~(36)-(33)~~ "Seclusion" means the involuntary isolation of a  
216 person in a room or area from which the person is prevented from  
217 leaving. The prevention may be by physical barrier or by a staff  
218 member who is acting in a manner, or who is physically situated,  
219 so as to prevent the person from leaving the room or area. For  
220 the purposes of this chapter, the term does not mean isolation  
221 due to the medical condition or symptoms of the person.

222 ~~(37)-(34)~~ "Self-determination" means an individual's freedom  
223 to exercise the same rights as all other citizens, authority to  
224 exercise control over funds needed for one's own support,  
225 including prioritizing these funds when necessary,  
226 responsibility for the wise use of public funds, and self-  
227 advocacy to speak and advocate for oneself in order to gain  
228 independence and ensure that individuals with a developmental  
229 disability are treated equally.

230 ~~(38)-(35)~~ "Specialized therapies" means those treatments or  
231 activities prescribed by and provided by an appropriately  
232 trained, licensed, or certified professional or staff person and  
233 may include, but are not limited to, physical therapy, speech  
234 therapy, respiratory therapy, occupational therapy, behavior  
235 therapy, physical management services, and related specialized  
236 equipment and supplies.

237 ~~(39)-(36)~~ "Spina bifida" means, ~~for purposes of this~~  
238 ~~chapter,~~ a person with a medical diagnosis of spina bifida  
239 cystica or myelomeningocele.

240 ~~(40)-(37)~~ "Support coordinator" means a person who is  
241 designated by the agency to assist individuals and families in  
242 identifying their capacities, needs, and resources, as well as



243 finding and gaining access to necessary supports and services;  
244 coordinating the delivery of supports and services; advocating  
245 on behalf of the individual and family; maintaining relevant  
246 records; and monitoring and evaluating the delivery of supports  
247 and services to determine the extent to which they meet the  
248 needs and expectations identified by the individual, family, and  
249 others who participated in the development of the support plan.

250 ~~(41)~~~~(38)~~ "Supported employment" means employment located or  
251 provided in an integrated work setting, with earnings paid on a  
252 commensurate wage basis, and for which continued support is  
253 needed for job maintenance.

254 ~~(42)~~~~(39)~~ "Supported living" means a category of  
255 individually determined services designed and coordinated in  
256 such a manner as to provide assistance to adult clients who  
257 require ongoing supports to live as independently as possible in  
258 their own homes, to be integrated into the community, and to  
259 participate in community life to the fullest extent possible.

260 ~~(43)~~~~(40)~~ "Training" means a planned approach to assisting a  
261 client to attain or maintain his or her maximum potential and  
262 includes services ranging from sensory stimulation to  
263 instruction in skills for independent living and employment.

264 ~~(44)~~~~(41)~~ "Treatment" means the prevention, amelioration, or  
265 cure of a client's physical and mental disabilities or  
266 illnesses.

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

268 Section 3. Present subsections (6) and (7) of section  
269 393.065, Florida Statutes, are redesignated as subsections (7)  
270 and (9), respectively, subsections (3) and (5) and present  
271 subsections (6) and (7) of that section are amended, and new



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272 subsections (6) and (8) are added to that section, to read:

273 393.065 Application and eligibility determination.—

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

278 (5) ~~Except as otherwise directed by law, beginning July 1,~~  
279 ~~2010,~~ The agency shall assign and provide priority to clients  
280 waiting for waiver services in the following order:

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

284 (b) Category 2, which includes clients on the waiting  
285 children on the wait list who are:

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

289 a. Transitioning out of the child welfare system at the  
290 finalization of an adoption, a reunification with a family  
291 member, a permanent placement with a relative, or a guardianship  
292 with a nonrelative; or

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

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

298  
299 For clients who are eligible under sub-subparagraph 1.b., the  
300 agency shall provide waiver services, including residential



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301 habilitation, and the community-based care lead agency shall  
302 fund room and board at the rates established in s. 409.145(4)  
303 and provide case management and related services as defined in  
304 s. 409.986(3)(e). Such clients may receive both waiver services  
305 and services under s. 39.6251 which may not duplicate services  
306 available through the Medicaid state plan.

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

309 1. Whose caregiver has a documented condition that is  
310 expected to render the caregiver unable to provide care within  
311 the next 12 months and for whom a caregiver is required but no  
312 alternate caregiver is available;

313 2. At substantial risk of incarceration or court commitment  
314 without supports;

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

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

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

326 (e) Category 5, which includes, but is not required to be  
327 limited to, clients who are expected to graduate within the next  
328 12 months from secondary school and need support to obtain a  
329 meaningful day activity, ~~or~~ maintain competitive employment, or



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330 to pursue an accredited program of postsecondary education to  
331 which they have been accepted.

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

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

338

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

342 (6) The agency shall allow an individual who meets the  
343 eligibility requirements pursuant to subsection (1) to receive  
344 home and community-based services in this state if the  
345 individual's parent or legal guardian is an active duty military  
346 servicemember and if at the time of the servicemember's transfer  
347 to this state, the individual was receiving home and community-  
348 based services in another state.

349 (7) ~~(6)~~ The client, the client's guardian, or the client's  
350 family must ensure that accurate, up-to-date contact information  
351 is provided to the agency at all times. Notwithstanding s.  
352 393.0651, the agency shall send an annual letter requesting  
353 updated information from the client, the client's guardian, or  
354 the client's family. The agency shall remove from the waiting  
355 ~~wait~~ list any individual who cannot be located using the contact  
356 information provided to the agency, fails to meet eligibility  
357 requirements, or becomes domiciled outside the state.

358 (8) Agency action that selects individuals to receive



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359 waiver services pursuant to this section does not establish a  
360 right to a hearing or an administrative proceeding under chapter  
361 120 for individuals remaining on the waiting list.

362 (9)(7) The agency and the Agency for Health Care  
363 Administration may adopt rules specifying application  
364 procedures, criteria associated with the waiting list ~~wait-list~~  
365 categories, procedures for administering the waiting ~~wait~~ list,  
366 including tools for prioritizing waiver enrollment within  
367 categories, and eligibility criteria as needed to administer  
368 this section.

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

371 393.066 Community services and treatment.-

372 (2) Necessary ~~All~~ ~~services needed~~ shall be purchased,  
373 rather than ~~instead of~~ provided directly by the agency, when the  
374 purchase of services ~~such arrangement~~ is more cost-efficient  
375 than providing them ~~having those services provided~~ directly. All  
376 purchased services must be approved by the agency. Persons or  
377 entities under contract with the agency to provide services  
378 shall use agency data management systems to document service  
379 provision to clients. Contracted persons and entities shall meet  
380 the minimum hardware and software technical requirements  
381 established by the agency for the use of such systems. Such  
382 persons or entities shall also meet any requirements established  
383 by the agency for training and professional development of staff  
384 providing direct services to clients.

385 Section 5. Section 393.0662, Florida Statutes, is amended  
386 to read:

387 393.0662 Individual budgets for delivery of home and



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388 community-based services; iBudget system established.—The  
389 Legislature finds that improved financial management of the  
390 existing home and community-based Medicaid waiver program is  
391 necessary to avoid deficits that impede the provision of  
392 services to individuals who are on the waiting list for  
393 enrollment in the program. The Legislature further finds that  
394 clients and their families should have greater flexibility to  
395 choose the services that best allow them to live in their  
396 community within the limits of an established budget. Therefore,  
397 the Legislature intends that the agency, in consultation with  
398 the Agency for Health Care Administration, shall manage ~~develop~~  
399 ~~and implement a comprehensive redesign of~~ the service delivery  
400 system using individual budgets as the basis for allocating the  
401 funds appropriated for the home and community-based services  
402 Medicaid waiver program among eligible enrolled clients. The  
403 service delivery system that uses individual budgets shall be  
404 called the iBudget system.

405 (1) The agency shall administer ~~establish~~ an individual  
406 budget, referred to as an iBudget, for each individual served by  
407 the home and community-based services Medicaid waiver program.  
408 The funds appropriated to the agency shall be allocated through  
409 the iBudget system to eligible, Medicaid-enrolled clients. For  
410 the iBudget system, eligible clients shall include individuals  
411 with ~~a diagnosis of Down syndrome or~~ a developmental disability  
412 as defined in s. 393.063. The iBudget system shall ~~be designed~~  
413 ~~to~~ provide for: enhanced client choice within a specified  
414 service package; appropriate assessment strategies; an efficient  
415 consumer budgeting and billing process that includes  
416 reconciliation and monitoring components; a ~~redefined~~ role for



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417 support coordinators which ~~that~~ avoids potential conflicts of  
418 interest; a flexible and streamlined service review process; and  
419 a methodology and process that ensures the equitable allocation  
420 of available funds ~~to each client~~ based on the client's level of  
421 need, as determined by the ~~variables in the allocation~~  
422 algorithm.

423 (a) In developing each client's iBudget, the agency shall  
424 use the an allocation algorithm and methodology as defined in s.  
425 393.063(4). ~~The algorithm shall use variables that have been~~  
426 ~~determined by the agency to have a statistically validated~~  
427 ~~relationship to the client's level of need for services provided~~  
428 ~~through the home and community-based services Medicaid waiver~~  
429 ~~program. The algorithm and methodology may consider individual~~  
430 ~~characteristics, including, but not limited to, a client's age~~  
431 ~~and living situation, information from a formal assessment~~  
432 ~~instrument that the agency determines is valid and reliable, and~~  
433 ~~information from other assessment processes.~~

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

437 (c) The agency may authorize funding ~~approve an increase in~~  
438 ~~the amount of funds allocated, as determined by the algorithm,~~  
439 based on a ~~the~~ client having one or more of the following needs  
440 that cannot be accommodated within the funding ~~as~~ determined by  
441 the algorithm and having no other resources, supports, or  
442 services available to meet the need:

443 1. An extraordinary need that would place the health and  
444 safety of the client, the client's caregiver, or the public in  
445 immediate, serious jeopardy unless the increase is approved.





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446 However, the presence of an extraordinary need in and of itself  
447 does not warrant authorized funding by the agency. An  
448 extraordinary need may include, but is not limited to:

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

452 b.a. A documented history of significant, potentially life-  
453 threatening behaviors, such as recent attempts at suicide,  
454 arson, nonconsensual sexual behavior, or self-injurious behavior  
455 requiring medical attention;

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

459 d.e. A chronic comorbid condition. As used in this  
460 subparagraph, the term "comorbid condition" means a medical  
461 condition existing simultaneously but independently with another  
462 medical condition in a patient; or

463 e.d. A need for total physical assistance with activities  
464 such as eating, bathing, toileting, grooming, and personal  
465 hygiene.

466  
467 ~~However, the presence of an extraordinary need alone does not~~  
468 ~~warrant an increase in the amount of funds allocated to a~~  
469 ~~client's iBudget as determined by the algorithm.~~

470 2. A significant need for one-time or temporary support or  
471 services that, if not provided, would place the health and  
472 safety of the client, the client's caregiver, or the public in  
473 serious jeopardy, ~~unless the increase is approved.~~ A significant  
474 need may include, but is not limited to, the provision of



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475 environmental modifications, durable medical equipment, services  
476 to address the temporary loss of support from a caregiver, or  
477 special services or treatment for a serious temporary condition  
478 when the service or treatment is expected to ameliorate the  
479 underlying condition. As used in this subparagraph, the term  
480 "temporary" means a period of fewer than 12 continuous months.  
481 However, the presence of such significant need for one-time or  
482 temporary supports or services alone does not in and of itself  
483 warrant authorized funding by the agency ~~an increase in the~~  
484 ~~amount of funds allocated to a client's iBudget as determined by~~  
485 ~~the algorithm.~~

486 3. A significant increase in the need for services after  
487 the beginning of the service plan year which ~~that~~ would place  
488 the health and safety of the client, the client's caregiver, or  
489 the public in serious jeopardy because of substantial changes in  
490 the client's circumstances, including, but not limited to,  
491 permanent or long-term loss or incapacity of a caregiver, loss  
492 of services authorized under the state Medicaid plan due to a  
493 change in age, or a significant change in medical or functional  
494 status which requires the provision of additional services on a  
495 permanent or long-term basis that cannot be accommodated within  
496 the client's current iBudget. As used in this subparagraph, the  
497 term "long-term" means a period of 12 or more continuous months.  
498 However, such significant increase in need for services of a  
499 permanent or long-term nature ~~alone~~ does not in and of itself  
500 warrant authorized funding by the agency ~~warrant an increase in~~  
501 ~~the amount of funds allocated to a client's iBudget as~~  
502 ~~determined by the algorithm.~~

503 4. A significant need for transportation services to a



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504 waiver-funded adult day training program or to waiver-funded  
505 employment services when such need cannot be accommodated within  
506 a client's iBudget as determined by the algorithm without  
507 affecting the health and safety of the client, if public  
508 transportation is not an option due to the unique needs of the  
509 client or other transportation resources are not reasonably  
510 available.

511  
512 The agency shall reserve portions of the appropriation for the  
513 home and community-based services Medicaid waiver program for  
514 adjustments required pursuant to this paragraph and may use the  
515 services of an independent actuary in determining the amount ~~of~~  
516 ~~the portions~~ to be reserved.

517 ~~(d)(e) A client's iBudget shall be the total of the amount~~  
518 ~~determined by the algorithm and any additional funding provided~~  
519 ~~pursuant to paragraph (b).~~ A client's annual expenditures for  
520 home and community-based ~~services~~ Medicaid waiver services may  
521 not exceed the limits of his or her iBudget. The total of all  
522 clients' projected annual iBudget expenditures may not exceed  
523 the agency's appropriation for waiver services.

524 (2) The Agency for Health Care Administration, in  
525 consultation with the agency, shall seek federal approval to  
526 amend current waivers, request a new waiver, and amend contracts  
527 as necessary to manage the iBudget system, to improve services  
528 for eligible and enrolled clients, and to improve the delivery  
529 of services ~~implement the iBudget system to serve eligible,~~  
530 ~~enrolled clients~~ through the home and community-based services  
531 Medicaid waiver program and the Consumer-Directed Care Plus  
532 Program.



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533       ~~(3) The agency shall transition all eligible, enrolled~~  
534 ~~clients to the iBudget system. The agency may gradually phase in~~  
535 ~~the iBudget system.~~

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

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

546       (3)~~(4)~~ A client must use all available services authorized  
547 under the state Medicaid plan, school-based services, private  
548 insurance and other benefits, and any other resources that may  
549 be available to the client before using funds from his or her  
550 iBudget to pay for support and services.

551       (4)~~(5)~~ The service limitations in s. 393.0661(3)(f)1., 2.,  
552 and 3. do not apply to the iBudget system.

553       (5)~~(6)~~ Rates for any or all services established under  
554 rules of the Agency for Health Care Administration must ~~shall~~ be  
555 designated as the maximum rather than a fixed amount for  
556 individuals who receive an iBudget, except for services  
557 specifically identified in those rules that the agency  
558 determines are not appropriate for negotiation, which may  
559 include, but are not limited to, residential habilitation  
560 services.

561       (6)~~(7)~~ The agency shall ensure that clients and caregivers



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562 have access to training and education that ~~to~~ inform them about  
563 the iBudget system and enhance their ability for self-direction.  
564 Such training and education must ~~shall~~ be offered in a variety  
565 of formats; ~~and~~ at a minimum, must ~~shall~~ address the policies  
566 and processes of the iBudget system and; ~~the~~ roles and  
567 responsibilities of consumers, caregivers, waiver support  
568 coordinators, providers, and the agency; must provide  
569 information ~~available~~ to help the client make decisions  
570 regarding the iBudget system; and must provide examples of  
571 support and resources available in the community.

572 (7) ~~(8)~~ The agency shall collect data to evaluate the  
573 implementation and outcomes of the iBudget system.

574 (8) ~~(9)~~ The agency and the Agency for Health Care  
575 Administration may adopt rules specifying the allocation  
576 algorithm and methodology; criteria and processes for clients to  
577 access reserved funds for extraordinary needs, temporarily or  
578 permanently changed needs, and one-time needs; and processes and  
579 requirements for selection and review of services, development  
580 of support and cost plans, and management of the iBudget system  
581 as needed to administer this section.

582 Section 6. Section 393.0679, Florida Statutes, is created  
583 to read:

584 393.0679 Utilization review.—The agency shall conduct  
585 utilization review activities in intermediate care facilities  
586 for individuals with developmental disabilities, both public and  
587 private, as necessary to meet the requirements of the approved  
588 Medicaid state plan and federal law, and such facilities shall  
589 comply with any requests for information and documentation made  
590 by the agency and permit any agency inspections in connection



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591 with such activities.

592       Section 7. Subsection (1), paragraphs (a) and (b) of  
593 subsection (4), paragraphs (b), (e), (f), (g), and (h) of  
594 subsection (5), subsection (6), paragraph (d) of subsection (7),  
595 subsection (10), and paragraph (b) of subsection (12) of section  
596 393.11, Florida Statutes, are amended, and subsection (14) is  
597 added to that section, to read:

598       393.11 Involuntary admission to residential services.—

599       (1) JURISDICTION.—If a person has an intellectual  
600 disability or autism and requires involuntary admission to  
601 residential services provided by the agency, the circuit court  
602 of the county in which the person resides has jurisdiction to  
603 conduct a hearing and enter an order involuntarily admitting the  
604 person in order for the person to receive the care, treatment,  
605 habilitation, and rehabilitation that the person needs. For the  
606 purpose of identifying intellectual disability or autism,  
607 diagnostic capability shall be established by the agency. Except  
608 as otherwise specified, the proceedings under this section are  
609 governed by the Florida Rules of Civil Procedure.

610       (4) AGENCY PARTICIPATION.—

611       (a) Upon receiving the petition, the court shall  
612 immediately order the ~~developmental services program of the~~  
613 agency to examine the person being considered for involuntary  
614 admission to residential services.

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



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620 court.

621 (5) EXAMINING COMMITTEE.—

622 (b) The court shall appoint at least three disinterested  
623 experts who have demonstrated to the court an expertise in the  
624 diagnosis, evaluation, and treatment of persons who have  
625 intellectual disabilities or autism. The committee must include  
626 at least one licensed and qualified physician, one licensed and  
627 qualified psychologist, and one qualified professional who, at a  
628 minimum, has a master's degree in social work, special  
629 education, or vocational rehabilitation counseling, to examine  
630 the person and to testify at the hearing on the involuntary  
631 admission to residential services.

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

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

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

641 a. Lacks sufficient capacity to give express and informed  
642 consent to a voluntary application for services pursuant to s.  
643 393.065 and lacks basic survival and self-care skills to such a  
644 degree that close supervision and habilitation in a residential  
645 setting are necessary and, if not provided, would result in a  
646 threat of substantial harm to the person's well-being; or

647 ~~b. Lacks basic survival and self-care skills to such a~~  
648 ~~degree that close supervision and habilitation in a residential~~



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649 ~~setting is necessary and if not provided would result in a real~~  
650 ~~and present threat of substantial harm to the person's well-~~  
651 ~~being; or~~

652 ~~b.e.~~ Is likely to physically injure others if allowed to  
653 remain at liberty.

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

655 4. A recommendation on the type of residential placement  
656 which would be the most appropriate and least restrictive for  
657 the person; and

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

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

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

669 ~~(h) The agency shall develop and prescribe by rule one or~~  
670 ~~more standard forms to be used as a guide for members of the~~  
671 ~~examining committee.~~

672 (6) COUNSEL; GUARDIAN AD LITEM.-

673 (a) The person who has the intellectual disability or  
674 autism must be represented by counsel at all stages of the  
675 judicial proceeding. If the person is indigent and cannot afford  
676 counsel, the court shall appoint a public defender at least 20  
677 working days before the scheduled hearing. The person's counsel





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678 shall have full access to the records of the service provider  
679 and the agency. In all cases, the attorney shall represent the  
680 rights and legal interests of the person, regardless of who  
681 initiates the proceedings or pays the attorney ~~attorney's~~ fee.

682 (b) If the attorney, during the course of his or her  
683 representation, reasonably believes that the person who has the  
684 intellectual disability or autism cannot adequately act in his  
685 or her own interest, the attorney may seek the appointment of a  
686 guardian ad litem. A prior finding of incompetency is not  
687 required before a guardian ad litem is appointed pursuant to  
688 this section.

689 (7) HEARING.—

690 (d) The person who has the intellectual disability or  
691 autism must be physically present throughout the entire  
692 proceeding. If the person's attorney believes that the person's  
693 presence at the hearing is not in his or her best interest, the  
694 person's presence may be waived once the court has seen the  
695 person and the hearing has commenced.

696 (10) COMPETENCY.—

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

700 (b) The issue of the competency of a person who has an  
701 intellectual disability or autism for purposes of assigning  
702 guardianship shall be determined in a separate proceeding  
703 according to the procedures and requirements of chapter 744. The  
704 issue of the competency of a person who has an intellectual  
705 disability or autism for purposes of determining whether the  
706 person is competent to proceed in a criminal trial shall be



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707 determined in accordance with chapter 916.

708 (12) APPEAL.—

709 (b) The filing of an appeal by the person who has an  
710 intellectual disability or autism stays admission of the person  
711 into residential care. The stay remains in effect during the  
712 pendency of all review proceedings in Florida courts until a  
713 mandate issues.

714 (14) REVIEW OF CONTINUED INVOLUNTARY ADMISSION TO  
715 RESIDENTIAL SERVICES.—

716 (a) If a person is involuntarily admitted to residential  
717 services provided by the agency, the agency shall employ or, if  
718 necessary, contract with a qualified evaluator to conduct a  
719 review annually, unless otherwise ordered, to determine the  
720 appropriateness of the person's continued involuntary admission  
721 to residential services based on the criteria in paragraph  
722 (8) (b). The review must include an assessment of the most  
723 appropriate and least restrictive type of residential placement  
724 for the person.

725 (b) A placement resulting from an involuntary admission to  
726 residential services must be reviewed by the court at a hearing  
727 annually, unless a shorter review period is ordered. The agency  
728 shall provide to the court the completed reviews by the  
729 qualified evaluator. The review hearing must determine whether  
730 the person continues to meet the criteria in paragraph (8) (b)  
731 and, if so, whether the person still requires involuntary  
732 placement in a residential setting and whether the person is  
733 receiving adequate care, treatment, habilitation, and  
734 rehabilitation in the residential setting.

735 (c) The agency shall provide a copy of the annual review



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736 and reasonable notice of the hearing to the appropriate state's  
737 attorney, if applicable, and the person's attorney and guardian,  
738 or guardian advocate if one is appointed.

739 (d) As used in this subsection, the term "qualified  
740 evaluator" means a psychiatrist licensed under chapter 458 or  
741 chapter 459, or a psychologist licensed under chapter 490, who  
742 has demonstrated to the court an expertise in the diagnosis,  
743 evaluation, and treatment of persons with intellectual  
744 disabilities.

745 Section 8. For the purpose of incorporating the amendment  
746 made by this act to section 393.18, Florida Statutes, in a  
747 reference thereto, subsection (15) of section 393.067, Florida  
748 Statutes, is reenacted to read:

749 393.067 Facility licensure.—

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

752 Section 9. Section 26 of chapter 2015-222, Laws of Florida,  
753 is repealed.

754 Section 10. Section 393.18, Florida Statutes, is reenacted  
755 and amended to read:

756 393.18 Comprehensive transitional education program.—A  
757 comprehensive transitional education program serves individuals  
758 ~~is a group of jointly operating centers or units, the collective~~  
759 ~~purpose of which is to provide a sequential series of~~  
760 ~~educational care, training, treatment, habilitation, and~~  
761 ~~rehabilitation services to persons~~ who have developmental  
762 disabilities, and who have severe or moderate maladaptive  
763 behaviors, severe maladaptive behaviors and co-occurring complex  
764 medical conditions, or a dual diagnosis of developmental



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765 disability and mental illness. ~~However, this section does not~~  
766 ~~require such programs to provide services only to persons with~~  
767 ~~developmental disabilities. All such Services provided by the~~  
768 ~~program must shall~~ be temporary in nature and delivered in a  
769 manner designed to achieve structured residential setting,  
770 ~~having~~ the primary goal of incorporating the principles  
771 ~~principle~~ of self-determination and person-centered planning to  
772 transition individuals to the most appropriate, least  
773 restrictive community living option of their choice which is not  
774 operated as a in establishing permanent residence for persons  
775 ~~with maladaptive behaviors in facilities that are not associated~~  
776 ~~with the~~ comprehensive transitional education program. The  
777 supervisor of the clinical director of the program licensee must  
778 hold a doctorate degree with a primary focus in behavior  
779 analysis from an accredited university, be a certified behavior  
780 analyst pursuant to s. 393.17, and have at least 1 year of  
781 experience in providing behavior analysis services for  
782 individuals with developmental disabilities. The staff must  
783 ~~shall~~ include behavior analysts and teachers, as appropriate,  
784 who must shall be available to provide services in each  
785 component center or unit of the program. A behavior analyst must  
786 be certified pursuant to s. 393.17.

787 (1) Comprehensive transitional education programs must  
788 ~~shall~~ include a ~~minimum of two component centers or units, one~~  
789 ~~of which shall be an intensive treatment and educational center~~  
790 ~~or a transitional training and educational center, which~~  
791 ~~provides services to persons with maladaptive behaviors in the~~  
792 following components ~~sequential order:~~

793 (a) *Intensive treatment and education ~~educational center.~~*



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794 This component provides ~~is a self-contained residential unit~~  
795 ~~providing~~ intensive behavioral and educational programming for  
796 individuals whose conditions ~~persons with severe maladaptive~~  
797 ~~behaviors whose behaviors~~ preclude placement in a less  
798 restrictive environment due to the threat of danger or injury to  
799 themselves or others. Continuous-shift staff are ~~shall be~~  
800 required for this component.

801 (b) Intensive Transitional training and education  
802 ~~educational center.~~ This component provides ~~is a residential~~  
803 ~~unit for persons with moderate maladaptive behaviors providing~~  
804 concentrated psychological and educational programming that  
805 emphasizes a transition toward a less restrictive environment.  
806 Continuous-shift staff are ~~shall be~~ required for this component.

807 (c) ~~Community Transition residence.~~ This component provides  
808 ~~is a residential center providing~~ educational programs and any  
809 support services, training, and care that are needed ~~to assist~~  
810 ~~persons with maladaptive behaviors~~ to avoid regression to more  
811 restrictive environments while preparing them for more  
812 independent living. Continuous-shift staff are ~~shall~~ be required  
813 for this component.

814 (d) ~~Alternative living center.~~ This component ~~is a~~  
815 ~~residential unit providing an educational and family living~~  
816 ~~environment for persons with maladaptive behaviors in a~~  
817 ~~moderately unrestricted setting.~~ Residential staff ~~shall be~~  
818 ~~required for this component.~~

819 (e) ~~Independent living education center.~~ This component ~~is~~  
820 ~~a facility providing a family living environment for persons~~  
821 ~~with maladaptive behaviors in a largely unrestricted setting and~~  
822 ~~includes education and monitoring that is appropriate to support~~



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823 ~~the development of independent living skills.~~

824 (2) Components of a comprehensive transitional education  
825 program are subject to the license issued under s. 393.067 to a  
826 comprehensive transitional education program and may be located  
827 on a single site or multiple sites as long as such components  
828 are located within the same agency region.

829 (3) Comprehensive transitional education programs shall  
830 develop individual education plans for each school-aged person  
831 with maladaptive behaviors, severe maladaptive behaviors and co-  
832 occurring complex medical conditions, or a dual diagnosis of  
833 developmental disability and mental illness who receives  
834 services from the program. Each individual education plan shall  
835 be developed in accordance with the criteria specified in 20  
836 U.S.C. ss. 401 et seq., and 34 C.F.R. part 300. Educational  
837 components of the program, including individual education plans,  
838 must be integrated with the referring school district of each  
839 school-aged resident to the extent possible.

840 (4) ~~For comprehensive transitional education programs,~~ The  
841 total number of persons in a comprehensive transitional  
842 education program residents who are being provided with services  
843 may not ~~in any instance~~ exceed ~~the licensed capacity of~~ 120  
844 residents, and each residential unit within the component  
845 centers of a ~~the~~ program authorized under this section may not  
846 ~~in any instance~~ exceed 15 residents. However, a program that was  
847 authorized to operate residential units with more than 15  
848 residents before July 1, 2015, may continue to operate such  
849 units.

850 (5) Beginning July 1, 2016, the agency may approve the  
851 proposed admission or readmission of individuals into a



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852 comprehensive transitional education program for up to 2 years  
853 subject to a specific review process. The agency may allow an  
854 individual to live in this setting for a longer period of time  
855 if, after a clinical review is conducted by the agency, it is  
856 determined that remaining in the program for a longer period of  
857 time is in the best interest of the individual.

858 (6) Comprehensive transitional education programs shall  
859 provide continuous recorded video and audio monitoring in all  
860 residential common areas. Recordings must be maintained for at  
861 least 60 days during which time the agency may review them at  
862 any time. At the request of the agency, the comprehensive  
863 transitional education program shall retain specified recordings  
864 indefinitely throughout the course of an investigation into  
865 allegations of potential abuse or neglect.

866 (7) Comprehensive transitional education programs shall  
867 operate and maintain a video and audio monitoring system that  
868 enables authorized agency staff to monitor program activities  
869 and facilities in real time from an off-site location. To the  
870 extent possible, such monitoring may be in a manner that  
871 precludes detection or knowledge of the monitoring by staff who  
872 may be present in monitored areas.

873 (8) Licensure is authorized for a comprehensive  
874 transitional education program that, by July 1, 1989:

875 (a) Was in actual operation; or

876 (b) Owned a fee simple interest in real property for which  
877 a county or municipal government has approved zoning that allows  
878 the placement of a facility operated by the program and has  
879 registered an intent with the agency to operate a comprehensive  
880 transitional education program. However, nothing prohibits the



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881 assignment of licensure eligibility by such a registrant to  
882 another entity at a different site within the state if the  
883 entity is in compliance with the criteria of this subsection and  
884 local zoning requirements and each residential facility within  
885 the component centers or units of the program authorized under  
886 this paragraph does not exceed a capacity of 15 persons.

887 (9) Notwithstanding subsection (8), in order to maximize  
888 federal revenues and provide for children needing special  
889 behavioral services, the agency may authorize the licensure of a  
890 facility that:

891 (a) Provides residential services for children who have  
892 developmental disabilities and intensive behavioral problems as  
893 defined by the agency; and

894 (b) As of July 1, 2010, served children who were served by  
895 the child welfare system and who have an open case in the State  
896 Automated Child Welfare Information System.

897  
898 The facility must be in compliance with all program criteria and  
899 local land use and zoning requirements and may not exceed a  
900 capacity of 15 children.

901 Section 11. Subsection (2) of section 393.501, Florida  
902 Statutes, is amended to read:

903 393.501 Rulemaking.—

904 (2) Such rules must address the number of facilities on a  
905 single lot or on adjacent lots, except that there is no  
906 restriction on the number of facilities designated as community  
907 residential homes located within a planned residential community  
908 as those terms are defined in s. 419.001(1). In adopting rules,  
909 comprehensive transitional education programs an alternative





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910 ~~living center and an independent living education center~~, as  
911 described in s. 393.18, are subject to s. 419.001, except that  
912 such program centers are exempt from the 1,000-foot-radius  
913 requirement of s. 419.001(2) if:

914 (a) The program centers are located on a site zoned in a  
915 manner that permits all the components of a comprehensive  
916 transitional education program center to be located on the site;  
917 or

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

920 Section 12. Paragraph (b) of subsection (1) of section  
921 383.141, Florida Statutes, is amended to read:

922 383.141 Prenatally diagnosed conditions; patient to be  
923 provided information; definitions; information clearinghouse;  
924 advisory council.—

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

926 (b) "Developmental disability" includes Down syndrome and  
927 other developmental disabilities defined by s. 393.063(12) ~~s.~~  
928 ~~393.063(9)~~.

929 Section 13. Paragraph (d) of subsection (2) of section  
930 1002.385, Florida Statutes, is amended to read:

931 1002.385 Florida personal learning scholarship accounts.—

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

933 (d) "Disability" means, for a 3- or 4-year-old child or for  
934 a student in kindergarten to grade 12, autism spectrum disorder,  
935 as defined in the Diagnostic and Statistical Manual of Mental  
936 Disorders, Fifth Edition, published by the American Psychiatric  
937 Association; cerebral palsy, as defined in s. 393.063(6) ~~s.~~  
938 ~~393.063(4)~~; Down syndrome, as defined in s. 393.063(15) ~~s.~~



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939 ~~393.063(13)~~; an intellectual disability, as defined in s.  
940 393.063(24) ~~s. 393.063(21)~~; Prader-Willi syndrome, as defined in  
941 s. 393.063(28) ~~s. 393.063(25)~~; or spina bifida, as defined in s.  
942 393.063(39) ~~s. 393.063(36)~~; for a student in kindergarten, being  
943 a high-risk child, as defined in s. 393.063(23)(a) ~~s.~~  
944 ~~393.063(20)(a)~~; muscular dystrophy; and Williams syndrome.

945 Section 14. This act shall take effect June 30, 2016, or,  
946 if this act fails to become a law until after that date, it  
947 shall take effect upon becoming a law and operate retroactively  
948 to June 30, 2016.

949  
950 ===== T I T L E A M E N D M E N T =====

951 And the title is amended as follows:

952 Delete everything before the enacting clause  
953 and insert:

954 A bill to be entitled  
955 An act relating to the Agency for Persons with  
956 Disabilities; amending s. 393.063, F.S.; redefining  
957 and defining terms; repealing s. 393.0641, F.S.,  
958 relating to a program for the prevention and treatment  
959 of severe self-injurious behavior; amending s.  
960 393.065, F.S.; providing for the assignment of  
961 priority to clients waiting for waiver services;  
962 requiring the agency to allow an individual to receive  
963 specified services if the individual's parent or legal  
964 guardian is an active duty military servicemember,  
965 under certain circumstances; requiring the agency to  
966 send an annual letter requesting updated information  
967 to clients, their guardians, or their families;



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968 providing that certain agency action does not  
969 establish a right to a hearing or an administrative  
970 proceeding; amending s. 393.066, F.S.; providing for  
971 the use of an agency data management system; providing  
972 requirements for persons or entities under contract  
973 with the agency; amending s. 393.0662, F.S.; revising  
974 the allocations methodology that the agency is  
975 required to use to develop each client's iBudget;  
976 adding client needs that qualify as extraordinary  
977 needs, which may result in the approval of an increase  
978 in a client's allocated funds; revising duties of the  
979 Agency for Health Care Administration relating to the  
980 iBudget system; creating s. 393.0679, F.S.; requiring  
981 the Agency for Persons with Disabilities to conduct a  
982 certain utilization review; requiring specified  
983 intermediate care facilities to comply with certain  
984 requests and inspections by the agency; amending s.  
985 393.11, F.S.; providing for annual reviews for persons  
986 involuntarily committed to residential services;  
987 requiring the agency to employ or contract with a  
988 qualified evaluator; providing requirements for annual  
989 reviews; requiring a hearing to be held to consider  
990 the results of an annual review; requiring the agency  
991 to provide a copy of the review to certain persons;  
992 defining a term; reenacting s. 393.067(15), F.S.,  
993 relating to contracts between the Agency for Persons  
994 with Disabilities and licensed facilities, to  
995 incorporate the amendments made to s. 393.18, F.S., in  
996 a reference thereto; repealing s. 26 of ch. 2015-222,



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997           Laws of Florida, relating to the abrogation of the  
998           scheduled expiration of an amendment to s. 393.18,  
999           F.S., and the scheduled reversion of the text of that  
1000          section; reenacting and amending s. 393.18, F.S.;  
1001          revising the purposes of comprehensive transitional  
1002          education programs; providing qualification  
1003          requirements for the supervisor of the clinical  
1004          director of a specified licensee; revising the  
1005          organization and operation of components of a program;  
1006          providing for the integration of educational  
1007          components with the local school district; authorizing  
1008          the agency to approve the admission or readmission of  
1009          an individual to a program; providing for video and  
1010          audio recording and monitoring of common areas and  
1011          program activities and facilities; providing for  
1012          licensure of such programs; amending s. 393.501, F.S.;  
1013          conforming provisions to changes made by the act;  
1014          amending ss. 383.141 and 1002.385, F.S.; conforming  
1015          cross references; providing an effective date.