



366342

576-03409-16

Proposed Committee Substitute by the Committee on Appropriations  
(Appropriations Subcommittee on Health and Human Services)

A bill to be entitled

An act relating to the Agency for Persons with  
Disabilities; amending s. 393.063, F.S.; redefining  
and defining terms; repealing s. 393.0641, F.S.,  
relating to a program for the prevention and treatment  
of severe self-injurious behavior; amending s.  
393.065, F.S.; providing for the assignment of  
priority to clients waiting for waiver services;  
requiring the agency to allow an individual to receive  
specified services if the individual's parent or legal  
guardian is an active duty military servicemember,  
under certain circumstances; requiring the agency to  
send an annual letter requesting updated information  
to clients, their guardians, or their families;  
providing that certain agency action does not  
establish a right to a hearing or an administrative  
proceeding; amending s. 393.066, F.S.; providing for  
the use of an agency data management system; providing  
requirements for persons or entities under contract  
with the agency; amending s. 393.0662, F.S.; revising  
the allocations methodology that the agency is  
required to use to develop each client's iBudget;  
adding client needs that qualify as extraordinary  
needs, which may result in the approval of an increase  
in a client's allocated funds; revising duties of the  
Agency for Health Care Administration relating to the  
iBudget system; creating s. 393.0679, F.S.; requiring



366342

576-03409-16

28 the Agency for Persons with Disabilities to conduct a  
29 certain utilization review; requiring specified  
30 intermediate care facilities to comply with certain  
31 requests and inspections by the agency; amending s.  
32 393.11, F.S.; providing for annual reviews for persons  
33 involuntarily committed to residential services;  
34 requiring the agency to employ or contract with a  
35 qualified evaluator; providing requirements for annual  
36 reviews; requiring a hearing to be held to consider  
37 the results of an annual review; requiring the agency  
38 to provide a copy of the review to certain persons;  
39 defining a term; reenacting s. 393.067(15), F.S.,  
40 relating to contracts between the Agency for Persons  
41 with Disabilities and licensed facilities, to  
42 incorporate the amendments made to s. 393.18, F.S., in  
43 a reference thereto; repealing s. 26 of ch. 2015-222,  
44 Laws of Florida, relating to the abrogation of the  
45 scheduled expiration of an amendment to s. 393.18,  
46 F.S., and the scheduled reversion of the text of that  
47 section; reenacting and amending s. 393.18, F.S.;  
48 revising the purposes of comprehensive transitional  
49 education programs; providing qualification  
50 requirements for the supervisor of the clinical  
51 director of a specified licensee; revising the  
52 organization and operation of components of a program;  
53 providing for the integration of educational  
54 components with the local school district; authorizing  
55 the agency to approve the admission or readmission of  
56 an individual to a program; providing for video and



366342

576-03409-16

57 audio recording and monitoring of common areas and  
58 program activities and facilities; providing for  
59 licensure of such programs; amending s. 393.501, F.S.;  
60 conforming provisions to changes made by the act;  
61 amending ss. 383.141 and 1002.385, F.S.; conforming  
62 cross references; providing an effective date.  
63

64 Be It Enacted by the Legislature of the State of Florida:  
65

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

68 393.063 Definitions.—For the purposes of this chapter, the  
69 term:

70 (2)~~(1)~~ "Agency" means the Agency for Persons with  
71 Disabilities.

72 (1)~~(2)~~ "Adult day training" means training services that  
73 ~~which~~ take place in a nonresidential setting, separate from the  
74 home or facility in which the client resides, and~~+~~ are intended  
75 to support the participation of clients in daily, meaningful,  
76 and valued routines of the community. Such training~~;~~ and may be  
77 provided in ~~include~~ work-like settings that do not meet the  
78 definition of supported employment.

79 (3) "Algorithm" means the mathematical formula used by the  
80 agency to calculate a budget amount for clients using variables  
81 that have statistically validated relationships to clients'  
82 needs for services provided by the home and community-based  
83 Medicaid waiver program.

84 (4) "Allocation methodology" means the process used to  
85 determine a client's iBudget by summing the amount generated by



366342

576-03409-16

86 the algorithm and, if applicable, any funding authorized by the  
87 agency for the client pursuant to s. 393.0662(1)(b).

88 (5)~~(3)~~ "Autism" means a pervasive, neurologically based  
89 developmental disability of extended duration which causes  
90 severe learning, communication, and behavior disorders with age  
91 of onset during infancy or childhood. Individuals with autism  
92 exhibit impairment in reciprocal social interaction, impairment  
93 in verbal and nonverbal communication and imaginative ability,  
94 and a markedly restricted repertoire of activities and  
95 interests.

96 (6)~~(4)~~ "Cerebral palsy" means a group of disabling symptoms  
97 of extended duration which results from damage to the developing  
98 brain that may occur before, during, or after birth and that  
99 results in the loss or impairment of control over voluntary  
100 muscles. For the purposes of this definition, cerebral palsy  
101 does not include those symptoms or impairments resulting solely  
102 from a stroke.

103 (7)~~(5)~~ "Client" means any person determined eligible by the  
104 agency for services under this chapter.

105 (8)~~(6)~~ "Client advocate" means a friend or relative of the  
106 client, or of the client's immediate family, who advocates for  
107 the best interests of the client in any proceedings under this  
108 chapter in which the client or his or her family has the right  
109 or duty to participate.

110 (9)~~(7)~~ "Comprehensive assessment" means the process used to  
111 determine eligibility for services under this chapter.

112 (10)~~(8)~~ "Comprehensive transitional education program"  
113 means the program established in s. 393.18.

114 (12)~~(9)~~ "Developmental disability" means a disorder or



366342

576-03409-16

115 syndrome that is attributable to intellectual disability,  
116 cerebral palsy, autism, spina bifida, Down syndrome, or Prader-  
117 Willi syndrome; that manifests before the age of 18; and that  
118 constitutes a substantial handicap that can reasonably be  
119 expected to continue indefinitely.

120 (11)~~(10)~~ "Developmental disabilities center" means a state-  
121 owned and state-operated facility, formerly known as a "Sunland  
122 Center," providing for the care, habilitation, and  
123 rehabilitation of clients with developmental disabilities.

124 (13)~~(11)~~ "Direct service provider" means a person 18 years  
125 of age or older who has direct face-to-face contact with a  
126 client while providing services to the client or has access to a  
127 client's living areas or to a client's funds or personal  
128 property.

129 (14)~~(12)~~ "Domicile" means the place where a client legally  
130 resides and, which ~~place~~ is his or her permanent home. Domicile  
131 may be established as provided in s. 222.17. Domicile may not be  
132 established in Florida by a minor who has no parent domiciled in  
133 Florida, or by a minor who has no legal guardian domiciled in  
134 Florida, or by any alien not classified as a resident alien.

135 (15)~~(13)~~ "Down syndrome" means a disorder caused by the  
136 presence of an extra chromosome 21.

137 (16)~~(14)~~ "Express and informed consent" means consent  
138 voluntarily given in writing with sufficient knowledge and  
139 comprehension of the subject matter to enable the person giving  
140 consent to make a knowing decision without any element of force,  
141 fraud, deceit, duress, or other form of constraint or coercion.

142 (17)~~(15)~~ "Family care program" means the program  
143 established in s. 393.068.



366342

576-03409-16

144        (18)~~(16)~~ "Foster care facility" means a residential  
145 facility licensed under this chapter which provides a family  
146 living environment including supervision and care necessary to  
147 meet the physical, emotional, and social needs of its residents.  
148 The capacity of such a facility may not be more than three  
149 residents.

150        (19)~~(17)~~ "Group home facility" means a residential facility  
151 licensed under this chapter which provides a family living  
152 environment including supervision and care necessary to meet the  
153 physical, emotional, and social needs of its residents. The  
154 capacity of such a facility shall be at least 4 but not more  
155 than 15 residents.

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

157        (21)~~(18)~~ "Guardian advocate" means a person appointed by a  
158 written order of the court to represent a person with  
159 developmental disabilities under s. 393.12.

160        (22)~~(19)~~ "Habilitation" means the process by which a client  
161 is assisted in acquiring and maintaining ~~to acquire and maintain~~  
162 those life skills that ~~which~~ enable the client to cope more  
163 effectively with the demands of his or her condition and  
164 environment and to raise the level of his or her physical,  
165 mental, and social efficiency. The term ~~It~~ includes, but is not  
166 limited to, programs of formal structured education and  
167 treatment.

168        (23)~~(20)~~ "High-risk child" means, for the purposes of this  
169 chapter, a child from 3 to 5 years of age with one or more of  
170 the following characteristics:

171            (a) A developmental delay in cognition, language, or  
172 physical development.



366342

576-03409-16

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

176 (c) A child with a parent or guardian with developmental  
177 disabilities who requires assistance in meeting the child's  
178 developmental needs.

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

181 ~~(24)~~(21) "Intellectual disability" means significantly  
182 subaverage general intellectual functioning existing  
183 concurrently with deficits in adaptive behavior which manifests  
184 before the age of 18 and can reasonably be expected to continue  
185 indefinitely. For the purposes of this definition, the term:

186 (a) "Adaptive behavior" means the effectiveness or degree  
187 with which an individual meets the standards of personal  
188 independence and social responsibility expected of his or her  
189 age, cultural group, and community.

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

194

195 For purposes of the application of the criminal laws and  
196 procedural rules of this state to matters relating to pretrial,  
197 trial, sentencing, and any matters relating to the imposition  
198 and execution of the death penalty, the terms "intellectual  
199 disability" or "intellectually disabled" are interchangeable  
200 with and have the same meaning as the terms "mental retardation"  
201 or "retardation" and "mentally retarded" as defined in this



366342

576-03409-16

202 section before July 1, 2013.

203 ~~(25)-(22)~~ "Intermediate care facility for the  
204 developmentally disabled" ~~or "ICF/DD"~~ means a residential  
205 facility licensed and certified under part VIII of chapter 400.

206 ~~(26)-(23)~~ "Medical/dental services" means medically  
207 necessary services that are provided or ordered for a client by  
208 a person licensed under chapter 458, chapter 459, or chapter  
209 466. Such services may include, but are not limited to,  
210 prescription drugs, specialized therapies, nursing supervision,  
211 hospitalization, dietary services, prosthetic devices, surgery,  
212 specialized equipment and supplies, adaptive equipment, and  
213 other services as required to prevent or alleviate a medical or  
214 dental condition.

215 ~~(27)-(24)~~ "Personal care services" means individual  
216 assistance with or supervision of essential activities of daily  
217 living for self-care, including ambulation, bathing, dressing,  
218 eating, grooming, and toileting, and other similar services that  
219 are incidental to the care furnished and essential to the  
220 health, safety, and welfare of the client if no one else is  
221 available to perform those services.

222 ~~(28)-(25)~~ "Prader-Willi syndrome" means an inherited  
223 condition typified by neonatal hypotonia with failure to thrive,  
224 hyperphagia or an excessive drive to eat which leads to obesity  
225 usually at 18 to 36 months of age, mild to moderate intellectual  
226 disability, hypogonadism, short stature, mild facial  
227 dysmorphism, and a characteristic neurobehavior.

228 ~~(29)-(26)~~ "Relative" means an individual who is connected by  
229 affinity or consanguinity to the client and who is 18 years of  
230 age or older.





366342

576-03409-16

231        ~~(30)-(27)~~ "Resident" means a person who has a developmental  
232 disability and resides at a residential facility, whether or not  
233 such person is a client of the agency.

234        ~~(31)-(28)~~ "Residential facility" means a facility providing  
235 room and board and personal care for persons who have  
236 developmental disabilities.

237        ~~(32)-(29)~~ "Residential habilitation" means supervision and  
238 training with the acquisition, retention, or improvement in  
239 skills related to activities of daily living, such as personal  
240 hygiene skills, homemaking skills, and the social and adaptive  
241 skills necessary to enable the individual to reside in the  
242 community.

243        ~~(33)-(30)~~ "Residential habilitation center" means a  
244 community residential facility licensed under this chapter which  
245 provides habilitation services. The capacity of such a facility  
246 may not be fewer than nine residents. After October 1, 1989, new  
247 residential habilitation centers may not be licensed and the  
248 licensed capacity for any existing residential habilitation  
249 center may not be increased.

250        ~~(34)-(31)~~ "Respite service" means appropriate, short-term,  
251 temporary care that is provided to a person who has a  
252 developmental disability in order to meet the planned or  
253 emergency needs of the person or the family or other direct  
254 service provider.

255        ~~(35)-(32)~~ "Restraint" means a physical device, method, or  
256 drug used to control dangerous behavior.

257        (a) A physical restraint is any manual method or physical  
258 or mechanical device, material, or equipment attached or  
259 adjacent to an individual's body so that he or she cannot easily



366342

576-03409-16

260 remove the restraint and which restricts freedom of movement or  
261 normal access to one's body.

262 (b) A drug used as a restraint is a medication used to  
263 control the person's behavior or to restrict his or her freedom  
264 of movement and is not a standard treatment for the person's  
265 medical or psychiatric condition. Physically holding a person  
266 during a procedure to forcibly administer psychotropic  
267 medication is a physical restraint.

268 (c) Restraint does not include physical devices, such as  
269 orthopedically prescribed appliances, surgical dressings and  
270 bandages, supportive body bands, or other physical holding  
271 necessary for routine physical examinations and tests; for  
272 purposes of orthopedic, surgical, or other similar medical  
273 treatment; to provide support for the achievement of functional  
274 body position or proper balance; or to protect a person from  
275 falling out of bed.

276 (36)~~(33)~~ "Seclusion" means the involuntary isolation of a  
277 person in a room or area from which the person is prevented from  
278 leaving. The prevention may be by physical barrier or by a staff  
279 member who is acting in a manner, or who is physically situated,  
280 so as to prevent the person from leaving the room or area. For  
281 the purposes of this chapter, the term does not mean isolation  
282 due to the medical condition or symptoms of the person.

283 (37)~~(34)~~ "Self-determination" means an individual's freedom  
284 to exercise the same rights as all other citizens, authority to  
285 exercise control over funds needed for one's own support,  
286 including prioritizing these funds when necessary,  
287 responsibility for the wise use of public funds, and self-  
288 advocacy to speak and advocate for oneself in order to gain



366342

576-03409-16

289 independence and ensure that individuals with a developmental  
290 disability are treated equally.

291 (38)~~(35)~~ "Specialized therapies" means those treatments or  
292 activities prescribed by and provided by an appropriately  
293 trained, licensed, or certified professional or staff person and  
294 may include, but are not limited to, physical therapy, speech  
295 therapy, respiratory therapy, occupational therapy, behavior  
296 therapy, physical management services, and related specialized  
297 equipment and supplies.

298 (39)~~(36)~~ "Spina bifida" means, ~~for purposes of this~~  
299 ~~chapter,~~ a person with a medical diagnosis of spina bifida  
300 cystica or myelomeningocele.

301 (40)~~(37)~~ "Support coordinator" means a person who is  
302 designated by the agency to assist individuals and families in  
303 identifying their capacities, needs, and resources, as well as  
304 finding and gaining access to necessary supports and services;  
305 coordinating the delivery of supports and services; advocating  
306 on behalf of the individual and family; maintaining relevant  
307 records; and monitoring and evaluating the delivery of supports  
308 and services to determine the extent to which they meet the  
309 needs and expectations identified by the individual, family, and  
310 others who participated in the development of the support plan.

311 (41)~~(38)~~ "Supported employment" means employment located or  
312 provided in an integrated work setting, with earnings paid on a  
313 commensurate wage basis, and for which continued support is  
314 needed for job maintenance.

315 (42)~~(39)~~ "Supported living" means a category of  
316 individually determined services designed and coordinated in  
317 such a manner as to provide assistance to adult clients who



366342

576-03409-16

318 require ongoing supports to live as independently as possible in  
319 their own homes, to be integrated into the community, and to  
320 participate in community life to the fullest extent possible.

321 ~~(43)-(40)~~ "Training" means a planned approach to assisting a  
322 client to attain or maintain his or her maximum potential and  
323 includes services ranging from sensory stimulation to  
324 instruction in skills for independent living and employment.

325 ~~(44)-(41)~~ "Treatment" means the prevention, amelioration, or  
326 cure of a client's physical and mental disabilities or  
327 illnesses.

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

329 Section 3. Present subsections (6) and (7) of section  
330 393.065, Florida Statutes, are redesignated as subsections (7)  
331 and (9), respectively, subsections (3) and (5) and present  
332 subsections (6) and (7) of that section are amended, and new  
333 subsections (6) and (8) are added to that section, to read:

334 393.065 Application and eligibility determination.—

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

339 ~~(5) Except as otherwise directed by law, beginning July 1,~~  
340 ~~2010,~~ The agency shall assign and provide priority to clients  
341 waiting for waiver services in the following order:

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

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



366342

576-03409-16

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

350           a. Transitioning out of the child welfare system at the  
351 finalization of an adoption, a reunification with a family  
352 member, a permanent placement with a relative, or a guardianship  
353 with a nonrelative; or

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

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

359  
360           For clients who are eligible under sub-subparagraph 1.b., the  
361 agency shall provide waiver services, including residential  
362 habilitation, and the community-based care lead agency shall  
363 fund room and board at the rates established in s. 409.145(4)  
364 and provide case management and related services as defined in  
365 s. 409.986(3). Such clients may receive both waiver services and  
366 services under s. 39.6251 which may not duplicate services  
367 available through the Medicaid state plan.

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

370           1. Whose caregiver has a documented condition that is  
371 expected to render the caregiver unable to provide care within  
372 the next 12 months and for whom a caregiver is required but no  
373 alternate caregiver is available;

374           2. At substantial risk of incarceration or court commitment  
375 without supports;



366342

576-03409-16

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

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

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

387           (e) Category 5, which includes, but is not required to be  
388 limited to, clients who are expected to graduate within the next  
389 12 months from secondary school and need support to obtain a  
390 meaningful day activity, ~~or~~ maintain competitive employment, or  
391 to pursue an accredited program of postsecondary education to  
392 which they have been accepted.

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

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

399  
400 Within categories 3, 4, 5, 6, and 7, the agency shall maintain a  
401 waiting ~~wait~~ list of clients placed in the order of the date  
402 that the client is determined eligible for waiver services.

403           (6) The agency shall allow an individual who meets the  
404 eligibility requirements pursuant to subsection (1) to receive



366342

576-03409-16

405 home and community-based services in this state if the  
406 individual's parent or legal guardian is an active duty military  
407 servicemember and if at the time of the servicemember's transfer  
408 to this state, the individual was receiving home and community-  
409 based services in another state.

410 (7)~~(6)~~ The client, the client's guardian, or the client's  
411 family must ensure that accurate, up-to-date contact information  
412 is provided to the agency at all times. Notwithstanding s.  
413 393.0651, the agency shall send an annual letter requesting  
414 updated information from the client, the client's guardian, or  
415 the client's family. The agency shall remove from the waiting  
416 ~~wait~~ list any individual who cannot be located using the contact  
417 information provided to the agency, fails to meet eligibility  
418 requirements, or becomes domiciled outside the state.

419 (8) Agency action that selects individuals to receive  
420 waiver services pursuant to this section does not establish a  
421 right to a hearing or an administrative proceeding under chapter  
422 120 for individuals remaining on the waiting list.

423 (9)~~(7)~~ The agency and the Agency for Health Care  
424 Administration may adopt rules specifying application  
425 procedures, criteria associated with the waiting list ~~wait-list~~  
426 categories, procedures for administering the waiting ~~wait~~ list,  
427 including tools for prioritizing waiver enrollment within  
428 categories, and eligibility criteria as needed to administer  
429 this section.

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

432 393.066 Community services and treatment.—

433 (2) Necessary ~~All~~ services ~~needed~~ shall be purchased,



366342

576-03409-16

434 rather than ~~instead of~~ provided directly by the agency, when the  
435 purchase of services ~~such arrangement~~ is more cost-efficient  
436 than providing them ~~having those services provided~~ directly. All  
437 purchased services must be approved by the agency. Persons or  
438 entities under contract with the agency to provide services  
439 shall use agency data management systems to document service  
440 provision to clients. Contracted persons and entities shall meet  
441 the minimum hardware and software technical requirements  
442 established by the agency for the use of such systems. Such  
443 persons or entities shall also meet any requirements established  
444 by the agency for training and professional development of staff  
445 providing direct services to clients.

446 Section 5. Section 393.0662, Florida Statutes, is amended  
447 to read:

448 393.0662 Individual budgets for delivery of home and  
449 community-based services; iBudget system established.—The  
450 Legislature finds that improved financial management of the  
451 existing home and community-based Medicaid waiver program is  
452 necessary to avoid deficits that impede the provision of  
453 services to individuals who are on the waiting list for  
454 enrollment in the program. The Legislature further finds that  
455 clients and their families should have greater flexibility to  
456 choose the services that best allow them to live in their  
457 community within the limits of an established budget. Therefore,  
458 the Legislature intends that the agency, in consultation with  
459 the Agency for Health Care Administration, shall manage ~~develop~~  
460 ~~and implement a comprehensive redesign of~~ the service delivery  
461 system using individual budgets as the basis for allocating the  
462 funds appropriated for the home and community-based services





366342

576-03409-16

463 Medicaid waiver program among eligible enrolled clients. The  
464 service delivery system that uses individual budgets shall be  
465 called the iBudget system.

466 (1) The agency shall administer ~~establish~~ an individual  
467 budget, referred to as an iBudget, for each individual served by  
468 the home and community-based services Medicaid waiver program.  
469 The funds appropriated to the agency shall be allocated through  
470 the iBudget system to eligible, Medicaid-enrolled clients. For  
471 the iBudget system, eligible clients shall include individuals  
472 with ~~a diagnosis of Down syndrome or~~ a developmental disability  
473 as defined in s. 393.063. The iBudget system shall ~~be designed~~  
474 ~~to~~ provide for: enhanced client choice within a specified  
475 service package; appropriate assessment strategies; an efficient  
476 consumer budgeting and billing process that includes  
477 reconciliation and monitoring components; a ~~redefined~~ role for  
478 support coordinators which ~~that~~ avoids potential conflicts of  
479 interest; a flexible and streamlined service review process; and  
480 a methodology and process that ensures the equitable allocation  
481 of available funds ~~to each client~~ based on the client's level of  
482 need, as determined by the ~~variables in the allocation~~  
483 algorithm.

484 (a) In developing each client's iBudget, the agency shall  
485 use the ~~an~~ allocation algorithm and methodology as defined in s.  
486 393.063. ~~The algorithm shall use variables that have been~~  
487 ~~determined by the agency to have a statistically validated~~  
488 ~~relationship to the client's level of need for services provided~~  
489 ~~through the home and community-based services Medicaid waiver~~  
490 ~~program. The algorithm and methodology may consider individual~~  
491 ~~characteristics, including, but not limited to, a client's age~~



366342

576-03409-16

492 ~~and living situation, information from a formal assessment~~  
493 ~~instrument that the agency determines is valid and reliable, and~~  
494 ~~information from other assessment processes.~~

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

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

504 1. An extraordinary need that would place the health and  
505 safety of the client, the client's caregiver, or the public in  
506 immediate, serious jeopardy unless the increase is approved.  
507 However, the presence of an extraordinary need in and of itself  
508 does not warrant authorized funding by the agency. An  
509 extraordinary need may include, but is not limited to:

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

513 b.a. A documented history of significant, potentially life-  
514 threatening behaviors, such as recent attempts at suicide,  
515 arson, nonconsensual sexual behavior, or self-injurious behavior  
516 requiring medical attention;

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

520 d.e. A chronic comorbid condition. As used in this



366342

576-03409-16

521 subparagraph, the term "comorbid condition" means a medical  
522 condition existing simultaneously but independently with another  
523 medical condition in a patient; or

524 ~~e.d.~~ A need for total physical assistance with activities  
525 such as eating, bathing, toileting, grooming, and personal  
526 hygiene.

527  
528 ~~However, the presence of an extraordinary need alone does not~~  
529 ~~warrant an increase in the amount of funds allocated to a~~  
530 ~~client's iBudget as determined by the algorithm.~~

531 2. A significant need for one-time or temporary support or  
532 services that, if not provided, would place the health and  
533 safety of the client, the client's caregiver, or the public in  
534 serious jeopardy, ~~unless the increase is approved.~~ A significant  
535 need may include, but is not limited to, the provision of  
536 environmental modifications, durable medical equipment, services  
537 to address the temporary loss of support from a caregiver, or  
538 special services or treatment for a serious temporary condition  
539 when the service or treatment is expected to ameliorate the  
540 underlying condition. As used in this subparagraph, the term  
541 "temporary" means a period of fewer than 12 continuous months.  
542 However, the presence of such significant need for one-time or  
543 temporary supports or services alone does not in and of itself  
544 warrant authorized funding by the agency ~~an increase in the~~  
545 ~~amount of funds allocated to a client's iBudget as determined by~~  
546 ~~the algorithm.~~

547 3. A significant increase in the need for services after  
548 the beginning of the service plan year which ~~that~~ would place  
549 the health and safety of the client, the client's caregiver, or



366342

576-03409-16

550 the public in serious jeopardy because of substantial changes in  
551 the client's circumstances, including, but not limited to,  
552 permanent or long-term loss or incapacity of a caregiver, loss  
553 of services authorized under the state Medicaid plan due to a  
554 change in age, or a significant change in medical or functional  
555 status which requires the provision of additional services on a  
556 permanent or long-term basis that cannot be accommodated within  
557 the client's current iBudget. As used in this subparagraph, the  
558 term "long-term" means a period of 12 or more continuous months.  
559 However, such significant increase in need for services of a  
560 permanent or long-term nature ~~alone~~ does not in and of itself  
561 warrant authorized funding by the agency ~~warrant an increase in~~  
562 ~~the amount of funds allocated to a client's iBudget as~~  
563 ~~determined by the algorithm.~~

564 4. A significant need for transportation services to a  
565 waiver-funded adult day training program or to waiver-funded  
566 employment services when such need cannot be accommodated within  
567 a client's iBudget as determined by the algorithm without  
568 affecting the health and safety of the client, if public  
569 transportation is not an option due to the unique needs of the  
570 client or other transportation resources are not reasonably  
571 available.

572  
573 The agency shall reserve portions of the appropriation for the  
574 home and community-based services Medicaid waiver program for  
575 adjustments required pursuant to this paragraph and may use the  
576 services of an independent actuary in determining the amount ~~of~~  
577 ~~the portions~~ to be reserved.

578 ~~(d)(c) A client's iBudget shall be the total of the amount~~



366342

576-03409-16

579 ~~determined by the algorithm and any additional funding provided~~  
580 ~~pursuant to paragraph (b).~~ A client's annual expenditures for  
581 home and community-based ~~services~~ Medicaid waiver services may  
582 not exceed the limits of his or her iBudget. The total of all  
583 clients' projected annual iBudget expenditures may not exceed  
584 the agency's appropriation for waiver services.

585 (2) The Agency for Health Care Administration, in  
586 consultation with the agency, shall seek federal approval to  
587 amend current waivers, request a new waiver, and amend contracts  
588 as necessary to manage the iBudget system, to improve services  
589 for eligible and enrolled clients, and to improve the delivery  
590 of services ~~implement the iBudget system to serve eligible,~~  
591 ~~enrolled clients~~ through the home and community-based services  
592 Medicaid waiver program and the Consumer-Directed Care Plus  
593 Program.

594 ~~(3) The agency shall transition all eligible, enrolled~~  
595 ~~clients to the iBudget system. The agency may gradually phase in~~  
596 ~~the iBudget system.~~

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

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

607 (3)(4) A client must use all available services authorized



366342

576-03409-16

608 under the state Medicaid plan, school-based services, private  
609 insurance and other benefits, and any other resources that may  
610 be available to the client before using funds from his or her  
611 iBudget to pay for support and services.

612 (4)~~(5)~~ The service limitations in s. 393.0661(3)(f)1., 2.,  
613 and 3. do not apply to the iBudget system.

614 (5)~~(6)~~ Rates for any or all services established under  
615 rules of the Agency for Health Care Administration must ~~shall~~ be  
616 designated as the maximum rather than a fixed amount for  
617 individuals who receive an iBudget, except for services  
618 specifically identified in those rules that the agency  
619 determines are not appropriate for negotiation, which may  
620 include, but are not limited to, residential habilitation  
621 services.

622 (6)~~(7)~~ The agency shall ensure that clients and caregivers  
623 have access to training and education that ~~to~~ inform them about  
624 the iBudget system and enhance their ability for self-direction.  
625 Such training and education must ~~shall~~ be offered in a variety  
626 of formats; ~~and~~ at a minimum, must ~~shall~~ address the policies  
627 and processes of the iBudget system and~~;~~ the roles and  
628 responsibilities of consumers, caregivers, waiver support  
629 coordinators, providers, and the agency; must provide~~;~~  
630 information ~~available~~ to help the client make decisions  
631 regarding the iBudget system; and must provide examples of  
632 support and resources available in the community.

633 (7)~~(8)~~ The agency shall collect data to evaluate the  
634 implementation and outcomes of the iBudget system.

635 (8)~~(9)~~ The agency and the Agency for Health Care  
636 Administration may adopt rules specifying the allocation



366342

576-03409-16

637 algorithm and methodology; criteria and processes for clients to  
638 access reserved funds for extraordinary needs, temporarily or  
639 permanently changed needs, and one-time needs; and processes and  
640 requirements for selection and review of services, development  
641 of support and cost plans, and management of the iBudget system  
642 as needed to administer this section.

643 Section 6. Section 393.0679, Florida Statutes, is created  
644 to read:

645 393.0679 Utilization review.—The agency shall conduct  
646 utilization review activities in intermediate care facilities  
647 for individuals with developmental disabilities, both public and  
648 private, as necessary to meet the requirements of the approved  
649 Medicaid state plan and federal law, and such facilities shall  
650 comply with any requests for information and documentation made  
651 by the agency and permit any agency inspections in connection  
652 with such activities.

653 Section 7. Subsection (1), paragraphs (a) and (b) of  
654 subsection (4), paragraphs (b), (e), (f), (g), and (h) of  
655 subsection (5), subsection (6), paragraph (d) of subsection (7),  
656 subsection (10), and paragraph (b) of subsection (12) of section  
657 393.11, Florida Statutes, are amended, and subsection (14) is  
658 added to that section, to read:

659 393.11 Involuntary admission to residential services.—

660 (1) JURISDICTION.—If a person has an intellectual  
661 disability or autism and requires involuntary admission to  
662 residential services provided by the agency, the circuit court  
663 of the county in which the person resides has jurisdiction to  
664 conduct a hearing and enter an order involuntarily admitting the  
665 person in order for the person to receive the care, treatment,



366342

576-03409-16

666 habilitation, and rehabilitation that the person needs. For the  
667 purpose of identifying intellectual disability or autism,  
668 diagnostic capability shall be established by the agency. Except  
669 as otherwise specified, the proceedings under this section are  
670 governed by the Florida Rules of Civil Procedure.

671 (4) AGENCY PARTICIPATION.—

672 (a) Upon receiving the petition, the court shall  
673 immediately order the ~~developmental services program of the~~  
674 agency to examine the person being considered for involuntary  
675 admission to residential services.

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

682 (5) EXAMINING COMMITTEE.—

683 (b) The court shall appoint at least three disinterested  
684 experts who have demonstrated to the court an expertise in the  
685 diagnosis, evaluation, and treatment of persons who have  
686 intellectual disabilities or autism. The committee must include  
687 at least one licensed and qualified physician, one licensed and  
688 qualified psychologist, and one qualified professional who, at a  
689 minimum, has a master's degree in social work, special  
690 education, or vocational rehabilitation counseling, to examine  
691 the person and to testify at the hearing on the involuntary  
692 admission to residential services.

693 (e) The committee shall prepare a written report for the  
694 court. The report must explicitly document the extent that the





366342

576-03409-16

695 person meets the criteria for involuntary admission. The report,  
696 and expert testimony, must include, but not be limited to:

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

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

702 a. Lacks sufficient capacity to give express and informed  
703 consent to a voluntary application for services pursuant to s.  
704 393.065 and lacks basic survival and self-care skills to such a  
705 degree that close supervision and habilitation in a residential  
706 setting are necessary and, if not provided, would result in a  
707 threat of substantial harm to the person's well-being; or

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

713 ~~b.e.~~ Is likely to physically injure others if allowed to  
714 remain at liberty.

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

716 4. A recommendation on the type of residential placement  
717 which would be the most appropriate and least restrictive for  
718 the person; and

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

720 (f) The committee shall file the report with the court at  
721 least 10 working days before the date of the hearing. The report  
722 must be served on the petitioner, the person who has the  
723 intellectual disability or autism, the person's attorney at the



366342

576-03409-16

724 time the report is filed with the court, and the agency.

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

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

733 (6) COUNSEL; GUARDIAN AD LITEM.—

734 (a) The person who has the intellectual disability or  
735 autism must be represented by counsel at all stages of the  
736 judicial proceeding. If the person is indigent and cannot afford  
737 counsel, the court shall appoint a public defender at least 20  
738 working days before the scheduled hearing. The person's counsel  
739 shall have full access to the records of the service provider  
740 and the agency. In all cases, the attorney shall represent the  
741 rights and legal interests of the person, regardless of who  
742 initiates the proceedings or pays the attorney ~~attorney's~~ fee.

743 (b) If the attorney, during the course of his or her  
744 representation, reasonably believes that the person who has the  
745 intellectual disability or autism cannot adequately act in his  
746 or her own interest, the attorney may seek the appointment of a  
747 guardian ad litem. A prior finding of incompetency is not  
748 required before a guardian ad litem is appointed pursuant to  
749 this section.

750 (7) HEARING.—

751 (d) The person who has the intellectual disability or  
752 autism must be physically present throughout the entire



366342

576-03409-16

753 proceeding. If the person's attorney believes that the person's  
754 presence at the hearing is not in his or her best interest, the  
755 person's presence may be waived once the court has seen the  
756 person and the hearing has commenced.

757 (10) COMPETENCY.—

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

761 (b) The issue of the competency of a person who has an  
762 intellectual disability or autism for purposes of assigning  
763 guardianship shall be determined in a separate proceeding  
764 according to the procedures and requirements of chapter 744. The  
765 issue of the competency of a person who has an intellectual  
766 disability or autism for purposes of determining whether the  
767 person is competent to proceed in a criminal trial shall be  
768 determined in accordance with chapter 916.

769 (12) APPEAL.—

770 (b) The filing of an appeal by the person who has an  
771 intellectual disability or autism stays admission of the person  
772 into residential care. The stay remains in effect during the  
773 pendency of all review proceedings in Florida courts until a  
774 mandate issues.

775 (14) REVIEW OF CONTINUED INVOLUNTARY ADMISSION TO  
776 RESIDENTIAL SERVICES.—

777 (a) If a person is involuntarily admitted to residential  
778 services provided by the agency, the agency shall employ or, if  
779 necessary, contract with a qualified evaluator to conduct a  
780 review annually, unless otherwise ordered, to determine the  
781 appropriateness of the person's continued involuntary admission



366342

576-03409-16

782 to residential services based on the criteria in paragraph  
783 (8) (b). The review must include an assessment of the most  
784 appropriate and least restrictive type of residential placement  
785 for the person.

786 (b) A placement resulting from an involuntary admission to  
787 residential services must be reviewed by the court at a hearing  
788 annually, unless a shorter review period is ordered. The agency  
789 shall provide to the court the completed reviews by the  
790 qualified evaluator. The review hearing must determine whether  
791 the person continues to meet the criteria in paragraph (8) (b)  
792 and, if so, whether the person still requires involuntary  
793 placement in a residential setting and whether the person is  
794 receiving adequate care, treatment, habilitation, and  
795 rehabilitation in the residential setting.

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

800 (d) As used in this subsection, the term "qualified  
801 evaluator" means a psychiatrist licensed under chapter 458 or  
802 chapter 459, or a psychologist licensed under chapter 490, who  
803 has demonstrated to the court an expertise in the diagnosis,  
804 evaluation, and treatment of persons with intellectual  
805 disabilities.

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

810 393.067 Facility licensure.-



366342

576-03409-16

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

813 Section 9. Section 26 of chapter 2015-222, Laws of Florida,  
814 is repealed.

815 Section 10. Section 393.18, Florida Statutes, is reenacted  
816 and amended to read:

817 393.18 Comprehensive transitional education program.—A  
818 comprehensive transitional education program serves individuals  
819 ~~is a group of jointly operating centers or units, the collective~~  
820 ~~purpose of which is to provide a sequential series of~~  
821 ~~educational care, training, treatment, habilitation, and~~  
822 ~~rehabilitation services to persons~~ who have developmental  
823 disabilities, and who have severe or moderate maladaptive  
824 behaviors, severe maladaptive behaviors and co-occurring complex  
825 medical conditions, or a dual diagnosis of developmental  
826 disability and mental illness. ~~However, this section does not~~  
827 ~~require such programs to provide services only to persons with~~  
828 ~~developmental disabilities. All such Services~~ provided by the  
829 program must shall be temporary in nature and delivered in a  
830 manner designed to achieve structured residential setting,  
831 ~~having~~ the primary goal of incorporating the principles  
832 principle of self-determination and person-centered planning to  
833 transition individuals to the most appropriate, least  
834 restrictive community living option of their choice which is not  
835 operated as a in establishing permanent residence for persons  
836 ~~with maladaptive behaviors in facilities that are not associated~~  
837 ~~with the~~ comprehensive transitional education program. The  
838 supervisor of the clinical director of the program licensee must  
839 hold a doctorate degree with a primary focus in behavior



366342

576-03409-16

840 analysis from an accredited university, be a certified behavior  
841 analyst pursuant to s. 393.17, and have at least 1 year of  
842 experience in providing behavior analysis services for  
843 individuals with developmental disabilities. The staff must  
844 ~~shall~~ include behavior analysts and teachers, as appropriate,  
845 who must ~~shall~~ be available to provide services in each  
846 component center or unit of the program. A behavior analyst must  
847 be certified pursuant to s. 393.17.

848 (1) Comprehensive transitional education programs must  
849 ~~shall include a minimum of two component centers or units, one~~  
850 ~~of which shall be an intensive treatment and educational center~~  
851 ~~or a transitional training and educational center, which~~  
852 ~~provides services to persons with maladaptive behaviors in the~~  
853 following components ~~sequential order:~~

854 (a) *Intensive treatment and education ~~educational center.~~*  
855 This component provides ~~is a self-contained residential unit~~  
856 ~~providing~~ intensive behavioral and educational programming for  
857 individuals whose conditions ~~persons with severe maladaptive~~  
858 ~~behaviors whose behaviors~~ preclude placement in a less  
859 restrictive environment due to the threat of danger or injury to  
860 themselves or others. Continuous-shift staff are ~~shall be~~  
861 required for this component.

862 (b) *Intensive Transitional ~~training and education~~*  
863 ~~educational center.~~ This component provides ~~is a residential~~  
864 ~~unit for persons with moderate maladaptive behaviors providing~~  
865 concentrated psychological and educational programming that  
866 emphasizes a transition toward a less restrictive environment.  
867 Continuous-shift staff are ~~shall be~~ required for this component.

868 (c) *~~Community Transition residence.~~* This component provides



366342

576-03409-16

869 ~~is a residential center providing~~ educational programs and any  
870 support services, training, and care that are needed ~~to assist~~  
871 ~~persons with maladaptive behaviors~~ to avoid regression to more  
872 restrictive environments while preparing them for more  
873 independent living. Continuous-shift staff are ~~shall~~ be required  
874 for this component.

875 ~~(d) Alternative living center. This component is a~~  
876 ~~residential unit providing an educational and family living~~  
877 ~~environment for persons with maladaptive behaviors in a~~  
878 ~~moderately unrestricted setting. Residential staff shall be~~  
879 ~~required for this component.~~

880 ~~(e) Independent living education center. This component is~~  
881 ~~a facility providing a family living environment for persons~~  
882 ~~with maladaptive behaviors in a largely unrestricted setting and~~  
883 ~~includes education and monitoring that is appropriate to support~~  
884 ~~the development of independent living skills.~~

885 (2) Components of a comprehensive transitional education  
886 program are subject to the license issued under s. 393.067 to a  
887 comprehensive transitional education program and may be located  
888 on a single site or multiple sites as long as such components  
889 are located within the same agency region.

890 (3) Comprehensive transitional education programs shall  
891 develop individual education plans for each school-aged person  
892 with maladaptive behaviors, severe maladaptive behaviors and co-  
893 occurring complex medical conditions, or a dual diagnosis of  
894 developmental disability and mental illness who receives  
895 services from the program. Each individual education plan shall  
896 be developed in accordance with the criteria specified in 20  
897 U.S.C. ss. 401 et seq., and 34 C.F.R. part 300. Educational



366342

576-03409-16

898 components of the program, including individual education plans,  
899 must be integrated with the referring school district of each  
900 school-aged resident to the extent possible.

901 ~~(4) For comprehensive transitional education programs,~~ The  
902 total number of persons in a comprehensive transitional  
903 education program residents who are being provided with services  
904 may not ~~in any instance~~ exceed ~~the licensed capacity of~~ 120  
905 residents, and each residential unit within the component  
906 centers of ~~a the~~ program authorized under this section may not  
907 ~~in any instance~~ exceed 15 residents. However, a program that was  
908 authorized to operate residential units with more than 15  
909 residents before July 1, 2015, may continue to operate such  
910 units.

911 (5) Beginning July 1, 2016, the agency may approve the  
912 proposed admission or readmission of individuals into a  
913 comprehensive transitional education program for up to 2 years  
914 subject to a specific review process. The agency may allow an  
915 individual to live in this setting for a longer period of time  
916 if, after a clinical review is conducted by the agency, it is  
917 determined that remaining in the program for a longer period of  
918 time is in the best interest of the individual.

919 (6) Comprehensive transitional education programs shall  
920 provide continuous recorded video and audio monitoring in all  
921 residential common areas. Recordings must be maintained for at  
922 least 60 days during which time the agency may review them at  
923 any time. At the request of the agency, the comprehensive  
924 transitional education program shall retain specified recordings  
925 indefinitely throughout the course of an investigation into  
926 allegations of potential abuse or neglect.





366342

576-03409-16

927       (7) Comprehensive transitional education programs shall  
928 operate and maintain a video and audio monitoring system that  
929 enables authorized agency staff to monitor program activities  
930 and facilities in real time from an off-site location. To the  
931 extent possible, such monitoring may be in a manner that  
932 precludes detection or knowledge of the monitoring by staff who  
933 may be present in monitored areas.

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

936       (a) Was in actual operation; or

937       (b) Owned a fee simple interest in real property for which  
938 a county or municipal government has approved zoning that allows  
939 the placement of a facility operated by the program and has  
940 registered an intent with the agency to operate a comprehensive  
941 transitional education program. However, nothing prohibits the  
942 assignment of licensure eligibility by such a registrant to  
943 another entity at a different site within the state if the  
944 entity is in compliance with the criteria of this subsection and  
945 local zoning requirements and each residential facility within  
946 the component centers or units of the program authorized under  
947 this paragraph does not exceed a capacity of 15 persons.

948       (9) Notwithstanding subsection (8), in order to maximize  
949 federal revenues and provide for children needing special  
950 behavioral services, the agency may authorize the licensure of a  
951 facility that:

952       (a) Provides residential services for children who have  
953 developmental disabilities and intensive behavioral problems as  
954 defined by the agency; and

955       (b) As of July 1, 2010, served children who were served by



366342

576-03409-16

956 the child welfare system and who have an open case in the State  
957 Automated Child Welfare Information System.

958  
959 The facility must be in compliance with all program criteria and  
960 local land use and zoning requirements and may not exceed a  
961 capacity of 15 children.

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

964 393.501 Rulemaking.—

965 (2) Such rules must address the number of facilities on a  
966 single lot or on adjacent lots, except that there is no  
967 restriction on the number of facilities designated as community  
968 residential homes located within a planned residential community  
969 as those terms are defined in s. 419.001(1). In adopting rules,  
970 comprehensive transitional education programs ~~an alternative~~  
971 ~~living center and an independent living education center~~, as  
972 described in s. 393.18, are subject to s. 419.001, except that  
973 such program centers are exempt from the 1,000-foot-radius  
974 requirement of s. 419.001(2) if:

975 (a) The program centers are located on a site zoned in a  
976 manner that permits all the components of a comprehensive  
977 transitional education program center to be located on the site;  
978 or

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

981 Section 12. Paragraph (b) of subsection (1) of section  
982 383.141, Florida Statutes, is amended to read:

983 383.141 Prenatally diagnosed conditions; patient to be  
984 provided information; definitions; information clearinghouse;



366342

576-03409-16

985 advisory council.-

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

987 (b) "Developmental disability" includes Down syndrome and  
988 other developmental disabilities defined by s. 393.063(12) ~~s.~~  
989 ~~393.063(9)~~.

990 Section 13. Paragraph (d) of subsection (2) of section  
991 1002.385, Florida Statutes, is amended to read:

992 1002.385 Florida personal learning scholarship accounts.-

993 (2) DEFINITIONS.-As used in this section, the term:

994 (d) "Disability" means, for a 3- or 4-year-old child or for  
995 a student in kindergarten to grade 12, autism spectrum disorder,  
996 as defined in the Diagnostic and Statistical Manual of Mental  
997 Disorders, Fifth Edition, published by the American Psychiatric  
998 Association; cerebral palsy, as defined in s. 393.063(6) ~~s.~~  
999 ~~393.063(4)~~; Down syndrome, as defined in s. 393.063(15) ~~s.~~  
1000 ~~393.063(13)~~; an intellectual disability, as defined in s.  
1001 393.063(24) ~~s. 393.063(21)~~; Prader-Willi syndrome, as defined in  
1002 s. 393.063(28) ~~s. 393.063(25)~~; or spina bifida, as defined in s.  
1003 393.063(39) ~~s. 393.063(36)~~; for a student in kindergarten, being  
1004 a high-risk child, as defined in s. 393.063(23)(a) ~~s.~~  
1005 ~~393.063(20)(a)~~; muscular dystrophy; and Williams syndrome.

1006 Section 14. This act shall take effect June 30, 2016, or,  
1007 if this act fails to become a law until after that date, it  
1008 shall take effect upon becoming a law and operate retroactively  
1009 to June 30, 2016.