

26 | 393.0673, F.S.; revising provisions related to
27 | disciplinary action against certain licensees to
28 | include licensed adult day training programs;
29 | providing that for purposes of disciplinary action for
30 | certain violations, a licensee is ultimately
31 | responsible for the care and supervision of clients in
32 | its facility or participants of the program; providing
33 | construction; revising grounds for denial of a
34 | licensure application; defining the term "good moral
35 | character"; authorizing the agency to immediately
36 | suspend or revoke the license of adult day training
37 | programs under certain circumstances; authorizing the
38 | agency to impose an immediate moratorium on service
39 | authorizations to licensed facilities and adult day
40 | training programs under certain circumstances;
41 | amending s. 393.0678, F.S.; conforming provisions to
42 | changes made by the act; making a technical
43 | correction; amending s. 393.135, F.S.; conforming
44 | provisions to changes made by the act; repealing s.
45 | 393.18, F.S., relating to comprehensive transitional
46 | education programs; amending s. 394.875, F.S.;
47 | conforming a provision to changes made by the act;
48 | amending ss. 383.141, 400.063, and 1002.394, F.S.;
49 | conforming cross-references; providing an effective
50 | date.

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

Section 1. Subsections (1) and (10) of section 393.063, Florida Statutes, are amended, and subsection (25) is added to that section, to read:

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

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

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

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

76 Section 2. Subsections (6) through (11) of section
 77 393.065, Florida Statutes, are renumbered as (7) through (12),
 78 respectively, subsections (1) through (5) and paragraph (b) of
 79 present subsection (10) are amended, and a new subsection (6) is
 80 added to that section, to read:

81 393.065 Application and eligibility determination.—

82 (1) Application for services shall be made in writing to
 83 the agency, in the region ~~service area~~ in which the applicant
 84 resides. The agency shall review each application and make an
 85 ~~applicant for eligibility determination within 45 days after the~~
 86 ~~date the application is signed for children under 6 years of age~~
 87 ~~and within 60 days after receipt of the date the application is~~
 88 ~~signed application for all other applicants. If, at the time of~~
 89 the application, an applicant is requesting enrollment in the
 90 home and community-based services Medicaid waiver program for
 91 individuals with developmental disabilities deemed to be in
 92 crisis, as described in paragraph (5) (a), the agency shall
 93 complete an eligibility determination within 45 days after
 94 receipt of the signed application.

95 (a) If the agency determines additional documentation is
 96 necessary to make an eligibility determination, the agency may
 97 request the additional documentation from the applicant.

98 (b) When necessary to definitively identify individual
 99 conditions or needs, the agency shall provide a comprehensive
 100 assessment.

101 (c) If the agency requests additional documentation from
102 the applicant or provides a comprehensive assessment, the
103 agency's eligibility determination must be completed within 90
104 days after receipt of the signed application ~~Only applicants~~
105 ~~whose domicile is in Florida are eligible for services.~~

106 (2) In order to be eligible for services under this
107 chapter, the agency must determine that the applicant has met
108 all eligibility procedures and criteria found in rule, including
109 having a developmental disability and being domiciled in this
110 state. Information accumulated by other agencies, including
111 professional reports and collateral data, shall be considered in
112 this process when available.

113 ~~(2) In order to provide immediate services or crisis~~
114 ~~intervention to applicants, the agency shall arrange for~~
115 ~~emergency eligibility determination, with a full eligibility~~
116 ~~review to be accomplished within 45 days of the emergency~~
117 ~~eligibility determination.~~

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

123 (4) The agency must authorize admission into an
124 intermediate care facility for a developmentally disabled
125 individual. As a part of authorization, the agency, or its

126 designee, shall conduct a comprehensive assessment that includes
127 medical necessity and level of reimbursement ~~shall assess the~~
128 ~~level of need and medical necessity for prospective residents of~~
129 ~~intermediate care facilities for the developmentally disabled.~~
130 ~~The agency may enter into an agreement with the Department of~~
131 ~~Elderly Affairs for its Comprehensive Assessment and Review for~~
132 ~~Long-Term-Care Services (CARES) program to conduct assessments~~
133 ~~to determine the level of need and medical necessity for long-~~
134 ~~term-care services under this chapter. To the extent permissible~~
135 ~~under federal law, the assessments shall be funded under Title~~
136 ~~XIX of the Social Security Act.~~

137 (5) The agency shall assign any client that meets the
138 level of care requirements for an intermediate care facility for
139 individuals with intellectual disabilities under 42 C.F.R. ss.
140 435.217(b) (1) and 440.150 to a waiting list and provide priority
141 to clients waiting for waiver services in the following order:

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

145 (b) Category 2, which includes individuals on the waiting
146 list who are:

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

150 a. Transitioning out of the child welfare system at the

151 finalization of an adoption, a reunification with family
152 members, a permanent placement with a relative, or a
153 guardianship with a nonrelative; or

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

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

159

160 For individuals who are at least 18 years but not yet 22 years
161 of age and who are eligible under sub-subparagraph 1.b., the
162 agency shall provide waiver services, including residential
163 habilitation, and the community-based care lead agency shall
164 fund room and board at the rate established in s. 409.145(3) and
165 provide case management and related services as defined in s.
166 409.986(3)(e). Individuals may receive both waiver services and
167 services under s. 39.6251. Services may not duplicate services
168 available through the Medicaid state plan.

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

171 1. Whose caregiver has a documented condition that is
172 expected to render the caregiver unable to provide care within
173 the next 12 months and for whom a caregiver is required but no
174 alternate caregiver is available;

175 2. At substantial risk of incarceration or court

176 | commitment without supports;

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

180 | 4. Who are identified as ready for discharge within the
181 | next year from a state mental health hospital or skilled nursing
182 | facility and who require a caregiver but for whom no caregiver
183 | is available or whose caregiver is unable to provide the care
184 | needed.

185 | (d) Category 4, which includes, but is not required to be
186 | limited to, clients whose caregivers are 70 years of age or
187 | older and for whom a caregiver is required but no alternate
188 | caregiver is available.

189 | (e) Category 5, which includes, but is not required to be
190 | limited to, clients who are expected to graduate within the next
191 | 12 months from secondary school and need support to obtain a
192 | meaningful day activity, maintain competitive employment, or
193 | pursue an accredited program of postsecondary education to which
194 | they have been accepted.

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

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

201
 202 Within categories 3, 4, 5, 6, and 7, the agency shall maintain a
 203 waiting list of clients placed in the order of the date that the
 204 client is determined eligible for waiver services.

205 (6) Only a client may be eligible for the home and
 206 community-based services Medicaid waiver program. To receive
 207 services under the home and community-based services Medicaid
 208 waiver program, there must be available funding pursuant to s.
 209 393.0662, or through a legislative appropriation, and the client
 210 must meet all of the following:

211 (a) The eligibility criteria in subsection (2), which must
 212 be confirmed by the agency.

213 (b) Eligibility requirements for the Florida Medicaid
 214 program under Title XIX of the Social Security Act, as amended,
 215 or the Supplemental Security Income program.

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

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

222 (11)-(10)

223 (b) The agency must provide the information required in
 224 paragraph (a) in writing to an applicant or his or her parent,
 225 legal guardian, or family member along with a written disclosure

251 always present and has the volunteer within his or her line of
 252 sight.

253 (b) Licensed physicians, nurses, or other professionals
 254 licensed and regulated by the Department of Health are not
 255 subject to background screening pursuant to this section if they
 256 are providing a service that is within their scope of licensed
 257 practice.

258 (c) A person selected by the family or the individual with
 259 developmental disabilities and paid by the family or the
 260 individual to provide supports or services is not required to
 261 have a background screening under this section.

262 (d) Persons 12 years of age or older, including family
 263 members, residing with a direct services provider who provides
 264 services to clients in his or her own place of residence are
 265 subject to background screening; however, such persons who are
 266 12 to 18 years of age shall be screened for delinquency records
 267 only.

268 Section 4. Section 393.067, Florida Statutes, is amended
 269 to read:

270 393.067 Facility licensure.—

271 (1) The agency shall provide through its licensing
 272 authority and by rule license application procedures, provider
 273 qualifications, facility and client care standards, requirements
 274 for client records, requirements for staff qualifications and
 275 training, and requirements for monitoring foster care

276 facilities, group home facilities, residential habilitation
277 centers, and adult day training ~~comprehensive transitional~~
278 ~~education~~ programs that serve agency clients.

279 (2) The agency shall conduct annual inspections and
280 reviews of facilities and adult day training programs licensed
281 under this section.

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

285 (4) The application shall be under oath and shall contain
286 the following:

287 (a) The name and address of the applicant, if an applicant
288 is an individual; if the applicant is a firm, partnership, or
289 association, the name and address of each member thereof; if the
290 applicant is a corporation, its name and address and the name
291 and address of each director and each officer thereof; and the
292 name by which the facility or program is to be known.

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

295 (c) The name of the person or persons under whose
296 management or supervision the facility or adult day training
297 program will be conducted.

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

301 (e) ~~The number and location of the component centers or~~
 302 ~~units which will compose the comprehensive transitional~~
 303 ~~education program.~~

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

306 (f)~~(g)~~ Information relating to the number, experience, and
 307 training of the employees of the facility or adult day training
 308 program.

309 (g)~~(h)~~ Certification that the staff of the facility or
 310 adult day training program will receive training to detect,
 311 report, and prevent sexual abuse, abuse, neglect, exploitation,
 312 and abandonment, as defined in ss. 39.01 and 415.102, of
 313 residents and clients.

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

316 (5) As a prerequisite for issuance of an initial or
 317 renewal license, the applicant, and any manager, supervisor, and
 318 staff member of the direct service provider of a facility or
 319 adult day training program licensed under this section, must
 320 have submitted to background screening as required under s.
 321 393.0655. A license may not be issued or renewed if the
 322 applicant or any manager, supervisor, or staff member of the
 323 direct service provider has a disqualifying offense revealed by
 324 ~~failed~~ background screenings ~~as~~ required under s. 393.0655. The
 325 agency shall determine by rule the frequency of background

326 screening. The applicant shall submit with each initial or
327 renewal application a signed affidavit under penalty of perjury
328 stating that the applicant and any manager, supervisor, or staff
329 member of the direct service provider is in compliance with all
330 requirements for background screening.

331 (6) A facility or program ~~The~~ applicant shall furnish
332 satisfactory proof of financial ability to operate and conduct
333 the facility or program in accordance with the requirements of
334 this chapter and adopted rules.

335 (7) The agency shall adopt rules establishing minimum
336 standards for facilities and adult day training programs
337 licensed under this section, including rules requiring
338 facilities and adult day training programs to train staff to
339 detect, report, and prevent sexual abuse, abuse, neglect,
340 exploitation, and abandonment, as defined in ss. 39.01 and
341 415.102, of residents and clients, minimum standards of quality
342 and adequacy of client care, incident reporting requirements,
343 and uniform firesafety standards established by the State Fire
344 Marshal which are appropriate to the size of the facility or
345 adult day training ~~of the component centers or units of the~~
346 program.

347 (8) The agency, after consultation with the Division of
348 Emergency Management, shall adopt rules for foster care
349 facilities, group home facilities, ~~and~~ residential habilitation
350 centers, and adult day training programs which establish minimum

351 standards for the preparation and annual update of a
352 comprehensive emergency management plan. At a minimum, the rules
353 must provide for plan components that address emergency
354 evacuation transportation; adequate sheltering arrangements;
355 postdisaster activities, including emergency power, food, and
356 water; postdisaster transportation; supplies; staffing;
357 emergency equipment; individual identification of residents and
358 transfer of records; and responding to family inquiries. The
359 comprehensive emergency management plan for all facilities and
360 adult day training ~~comprehensive transitional education~~ programs
361 ~~and for homes~~ serving individuals who have a complex medical
362 condition ~~conditions~~ is subject to review and approval by the
363 local emergency management agency. During its review, the local
364 emergency management agency shall ensure that the agency and the
365 Division of Emergency Management, at a minimum, are given the
366 opportunity to review the plan. Also, appropriate volunteer
367 organizations must be given the opportunity to review the plan.
368 The local emergency management agency shall complete its review
369 within 60 days and either approve the plan or advise the
370 facility or program of necessary revisions.

371 (9) The agency may conduct unannounced inspections to
372 determine compliance by foster care facilities, group home
373 facilities, residential habilitation centers, and adult day
374 training ~~comprehensive transitional education~~ programs with the
375 applicable provisions of this chapter and the rules adopted

376 pursuant hereto, including the rules adopted for training staff
377 of a facility or an adult day training a program to detect,
378 report, and prevent sexual abuse, abuse, neglect, exploitation,
379 and abandonment, as defined in ss. 39.01 and 415.102, of
380 residents and clients. The facility or adult day training
381 program shall make copies of inspection reports available to the
382 public upon request.

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

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

392 (12) The agency shall establish, for the purpose of
393 control of licensure costs, a uniform management information
394 system and a uniform reporting system with uniform definitions
395 and reporting categories.

396 (13) Facilities and adult day training programs licensed
397 under ~~pursuant to~~ this section shall adhere to all rights
398 specified in s. 393.13, ~~including those enumerated in s.~~
399 ~~393.13(4).~~

400 (14) The agency may not authorize funds or services to an

401 | unlicensed facility or adult day training program that requires
 402 | a license under this section ~~may not receive state funds~~. A
 403 | license for the operation of a facility or an adult day training
 404 | program may ~~shall~~ not be renewed if the licensee has any
 405 | outstanding fines assessed pursuant to this chapter wherein
 406 | final adjudication of such fines has been entered.

407 | (15) The agency is not required to contract with
 408 | facilities or adult day training programs licensed under
 409 | ~~pursuant to~~ this chapter.

410 | Section 5. Section 393.0673, Florida Statutes, is amended
 411 | to read:

412 | 393.0673 Denial, suspension, or revocation of license;
 413 | moratorium on admissions; administrative fines; procedures.—

414 | (1) The following constitute grounds for which the agency
 415 | may take disciplinary action, including revoking or suspending
 416 | ~~revoke or suspend~~ a license and imposing ~~or impose~~ an
 417 | administrative fine, not to exceed \$1,000 per violation per day,
 418 | ~~if~~:

419 | (a) The licensee has:

420 | 1. Falsely represented or omitted a material fact in its
 421 | license application submitted under s. 393.067;

422 | 2. Had prior action taken against it under the Medicaid or
 423 | Medicare program; or

424 | 3. Failed to comply with the applicable requirements of
 425 | this chapter or rules applicable to the licensee; or

426 (b) The Department of Children and Families has verified
 427 that the licensee is responsible for the abuse, neglect, or
 428 abandonment of a child or the abuse, neglect, or exploitation of
 429 a vulnerable adult.

430 (2) For purposes of disciplinary action under this section
 431 for verified findings of abuse, neglect, abandonment, or
 432 exploitation of a child or vulnerable adult, the licensee is
 433 responsible not only for administration of the facilities in
 434 compliance with the standards set out by statute and
 435 administrative rule, but is ultimately responsible for the care
 436 and supervision of the clients in the facility or the
 437 participants of the program.

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

440 (b) A licensee is subject to disciplinary action for an
 441 employee's lapse in care or supervision of the clients at the
 442 facility or the participants of the program in which a verified
 443 finding of abuse, neglect, abandonment, or exploitation
 444 occurred.

445 (c) Remedial action taken by the licensee does not affect
 446 the agency's ability to impose disciplinary action for the
 447 underlying violation.

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

450 (a) The applicant has:

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

453 2. Had prior action taken against it under the Medicaid or
 454 Medicare program;

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

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

461 (b) The Department of Children and Families has verified
 462 that the applicant is responsible for the abuse, neglect, or
 463 abandonment of a child or the abuse, neglect, or exploitation of
 464 a vulnerable adult; or

465 (c) The agency has determined that there is clear and
 466 convincing evidence that the applicant is unqualified for a
 467 license because of a lack of good moral character. For purposes
 468 of this paragraph, the term "good moral character" means a
 469 personal history of honesty, fairness, and respect for the
 470 rights of others and for the laws of this state and the Federal
 471 Government.

472 (4)(3) All hearings must ~~shall~~ be held within the county
 473 in which the licensee or applicant operates or applies for a
 474 license to operate a facility or adult day training program as
 475 defined herein.

476 (5)~~(4)~~ The agency, as a part of any final order issued by
 477 it under this chapter, may impose such fine as it deems proper,
 478 except that such fine may not exceed \$1,000 for each violation.
 479 Each day a violation of this chapter occurs constitutes a
 480 separate violation and is subject to a separate fine, but in no
 481 event may the aggregate amount of any fine exceed \$10,000. Fines
 482 paid by any facility licensee under ~~the provisions of this~~
 483 subsection shall be deposited in the Health Care Trust Fund and
 484 expended as provided in s. 400.063.

485 (6)~~(5)~~ The agency may issue an order immediately
 486 suspending or revoking a license when it determines that any
 487 condition of in the facility or adult day training program
 488 presents a danger to the health, safety, or welfare of the
 489 residents in the facility or the program participants.

490 (7)~~(6)~~ The agency may impose an immediate moratorium on
 491 admissions to any facility or service authorizations to a
 492 facility or adult day training program when the agency
 493 determines that any condition of in the facility or adult day
 494 training program presents a threat to the health, safety, or
 495 welfare of the residents in the facility or the program
 496 participants.

497 (8)~~(7)~~ The agency shall establish by rule criteria for
 498 evaluating the severity of violations and for determining the
 499 amount of fines imposed.

500 Section 6. Subsection (1) of section 393.0678, Florida

501 Statutes, is amended to read:

502 393.0678 Receivership proceedings.—

503 (1) The agency may petition a court of competent
 504 jurisdiction for the appointment of a receiver for a
 505 ~~comprehensive transitional education program,~~ a residential
 506 habilitation center, or a group home facility owned and operated
 507 by a corporation or partnership when any of the following
 508 conditions exist:

509 (a) Any person is operating a facility without a license
 510 and refuses to make application for a license as required by s.
 511 393.067.

512 (b) The licensee is closing the facility or has informed
 513 the agency ~~department~~ that it intends to close the facility; and
 514 adequate arrangements have not been made for relocation of the
 515 residents within 7 days, exclusive of weekends and holidays, of
 516 the closing of the facility.

517 (c) The agency determines that conditions exist in the
 518 facility which present an imminent danger to the health, safety,
 519 or welfare of the residents of the facility or which present a
 520 substantial probability that death or serious physical harm
 521 would result therefrom. Whenever possible, the agency shall
 522 facilitate the continued operation of the program.

523 (d) The licensee cannot meet its financial obligations to
 524 provide food, shelter, care, and utilities. Evidence such as the
 525 issuance of bad checks or the accumulation of delinquent bills

526 for such items as personnel salaries, food, drugs, or utilities
 527 constitutes prima facie evidence that the ownership of the
 528 facility lacks the financial ability to operate the home in
 529 accordance with the requirements of this chapter and all rules
 530 adopted ~~promulgated~~ thereunder.

531 Section 7. Subsection (2) of section 393.135, Florida
 532 Statutes, is amended to read:

533 393.135 Sexual misconduct prohibited; reporting required;
 534 penalties.—

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

537 (a) Resides in a residential facility, including any
 538 ~~comprehensive transitional education program,~~ developmental
 539 disabilities center, foster care facility, group home facility,
 540 intermediate care facility for the developmentally disabled, or
 541 residential habilitation center; or

542 (b) Is eligible to receive services from the agency under
 543 this chapter,

544
 545 commits a felony of the second degree, punishable as provided in
 546 s. 775.082, s. 775.083, or s. 775.084. A covered person may be
 547 found guilty of violating this subsection without having
 548 committed the crime of sexual battery.

549 Section 8. Section 393.18, Florida Statutes, is repealed.

550 Section 9. Paragraph (c) of subsection (3) of section

551 394.875, Florida Statutes, is amended to read:

552 394.875 Crisis stabilization units, residential treatment
 553 facilities, and residential treatment centers for children and
 554 adolescents; authorized services; license required.—

555 (3) The following are exempt from licensure as required in
 556 ss. 394.455-394.903:

557 ~~(c) Comprehensive transitional education programs licensed~~
 558 ~~under s. 393.067.~~

559 Section 10. Paragraph (b) of subsection (1) of section
 560 383.141, Florida Statutes, is amended to read:

561 383.141 Prenatally diagnosed conditions; patient to be
 562 provided information; definitions; information clearinghouse;
 563 advisory council.—

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

565 (b) "Developmental disability" includes Down syndrome and
 566 other developmental disabilities defined by s. 393.063 ~~s.~~
 567 ~~393.063(12)~~.

568 Section 11. Subsection (1) of section 400.063, Florida
 569 Statutes, is amended to read:

570 400.063 Resident protection.—

571 (1) The Health Care Trust Fund shall be used for the
 572 purpose of collecting and disbursing funds generated from the
 573 license fees and administrative fines as provided for in ss.
 574 393.0673(5) ~~ss. 393.0673(4)~~, 400.062(3), 400.121(2), and
 575 400.23(8). Such funds shall be for the sole purpose of paying

576 for the appropriate alternate placement, care, and treatment of
 577 residents who are removed from a facility licensed under this
 578 part or a facility specified in s. 393.0678(1) in which the
 579 agency determines that existing conditions or practices
 580 constitute an immediate danger to the health, safety, or
 581 security of the residents. If the agency determines that it is
 582 in the best interest of the health, safety, or security of the
 583 residents to provide for an orderly removal of the residents
 584 from the facility, the agency may utilize such funds to maintain
 585 and care for the residents in the facility pending removal and
 586 alternative placement. The maintenance and care of the residents
 587 shall be under the direction and control of a receiver appointed
 588 pursuant to s. 393.0678(1) or s. 400.126(1). However, funds may
 589 be expended in an emergency upon a filing of a petition for a
 590 receiver, upon the declaration of a state of local emergency
 591 pursuant to s. 252.38(3)(a)5., or upon a duly authorized local
 592 order of evacuation of a facility by emergency personnel to
 593 protect the health and safety of the residents.

594 Section 12. Paragraph (d) of subsection (2) of section
 595 1002.394, Florida Statutes, is amended to read:

596 1002.394 The Family Empowerment Scholarship Program.—

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

598 (d) "Disability" means, for a 3- or 4-year-old child or
 599 for a student in kindergarten to grade 12, autism spectrum
 600 disorder, as defined in the Diagnostic and Statistical Manual of

601 Mental Disorders, Fifth Edition, published by the American
602 Psychiatric Association; cerebral palsy, as defined in s.
603 393.063; Down syndrome, as defined in s. 393.063; an
604 intellectual disability, as defined in s. 393.063; a speech
605 impairment; a language impairment; an orthopedic impairment; any
606 ~~an~~ other health impairment; an emotional or a behavioral
607 disability; a specific learning disability, including, but not
608 limited to, dyslexia, dyscalculia, or developmental aphasia;
609 Phelan-McDermid syndrome, as defined in s. 393.063; Prader-Willi
610 syndrome, as defined in s. 393.063; spina bifida, as defined in
611 s. 393.063; being a high-risk child, as defined in s.
612 393.063(22)(a) ~~s. 393.063(23)(a)~~; muscular dystrophy; Williams
613 syndrome; rare diseases which affect patient populations of
614 fewer than 200,000 individuals in the United States, as defined
615 by the National Organization for Rare Disorders; anaphylaxis; a
616 hearing impairment, including deafness; a visual impairment,
617 including blindness; traumatic brain injury; hospital or
618 homebound; or identification as dual sensory impaired, as
619 defined by rules of the State Board of Education and evidenced
620 by reports from local school districts. The term "hospital or
621 homebound" includes a student who has a medically diagnosed
622 physical or psychiatric condition or illness, as defined by the
623 state board in rule, and who is confined to the home or hospital
624 for more than 6 months.

625 Section 13. This act shall take effect October 1, 2024.