

**By** the Committees on Fiscal Policy; and Health Policy; and  
Senators Brodeur and Garcia

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1                                   A bill to be entitled  
2           An act relating to the Agency for Persons with  
3           Disabilities; requiring the agency to convene an  
4           interagency workgroup for a specified purpose;  
5           providing for participants and duties of the  
6           workgroup; requiring the workgroup to submit an  
7           interim and a final report of its findings and  
8           recommendations to the Governor and the Legislature by  
9           specified dates; amending s. 393.063, F.S.; revising  
10          and defining terms; amending s. 393.065, F.S.;  
11          requiring the agency to make certain eligibility  
12          determinations within specified timeframes;  
13          authorizing the agency to request additional  
14          documentation from applicants if it is necessary to  
15          make an eligibility determination; providing  
16          eligibility requirements for applicants; authorizing a  
17          designee of the agency to notify applicants of  
18          eligibility determinations; requiring that the agency  
19          authorize admission of certain individuals to an  
20          intermediate care facility; requiring the agency or  
21          its designee to conduct a certain comprehensive  
22          assessment of an individual as part of the  
23          authorization; revising provisions related to the  
24          developmental disabilities home and community-based  
25          services Medicaid waiver program; requiring the agency  
26          to assign clients seeking such waiver services to  
27          their appropriate enrollment categories based on  
28          specified criteria; providing eligibility criteria for  
29          such services; conforming provisions to changes made

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30 by the act; amending s. 393.0651, F.S.; conforming  
31 provisions to changes made by the act; amending s.  
32 393.0655, F.S.; revising background screening  
33 requirements for certain direct service providers;  
34 amending s. 393.067, F.S.; requiring the licensure of  
35 adult day training programs; conforming related  
36 application and licensure provisions to changes made  
37 by the act; providing for comprehensive emergency  
38 management plans of adult day training programs;  
39 providing for inspections of adult day training  
40 programs; requiring adult day training programs to  
41 adhere to specified rights; conforming provisions to  
42 changes made by the act; prohibiting the agency from  
43 authorizing funds or services to unlicensed adult day  
44 training programs beginning on a specified date;  
45 amending s. 393.0673, F.S.; revising provisions  
46 related to disciplinary action against certain  
47 licensees to include licensed adult day training  
48 programs; providing that for purposes of disciplinary  
49 action for certain violations, a licensee is  
50 ultimately responsible for the care and supervision of  
51 clients in its facility or participants of the  
52 program; providing construction; revising grounds for  
53 denial of a licensure application; defining the term  
54 "good moral character"; authorizing the agency to  
55 immediately suspend or revoke the license of adult day  
56 training programs under certain circumstances;  
57 authorizing the agency to impose an immediate  
58 moratorium on service authorizations to licensed

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59 facilities and adult day training programs under  
60 certain circumstances; amending s. 393.0678, F.S.;  
61 conforming provisions to changes made by the act;  
62 making a technical change; amending s. 393.135, F.S.;  
63 conforming provisions to changes made by the act;  
64 repealing s. 393.18, F.S., relating to comprehensive  
65 transitional education programs; amending s. 394.875,  
66 F.S.; conforming a provision to changes made by the  
67 act; amending ss. 383.141, 400.063, and 1002.394,  
68 F.S.; conforming cross-references; providing an  
69 effective date.

70  
71 Be It Enacted by the Legislature of the State of Florida:

72  
73 Section 1. (1) The Agency for Persons with Disabilities  
74 shall convene an interagency workgroup to create a continuum of  
75 guidance and information for individuals with developmental  
76 disabilities and their families, including guidance and  
77 information across the lifespan of such individuals related to  
78 their education, workforce skills, daily living skills, and  
79 supportive services for greater independence.

80 (2) Participants in the workgroup must include, at a  
81 minimum, all of the following:

82 (a) One representative from each of the following:

83 1. The Department of Children and Families.

84 2. The Early Steps Program of the Department of Health.

85 3. The Division of Vocational Rehabilitation of the  
86 Department of Education.

87 4. The Agency for Health Care Administration.

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88 5. The Florida Unique Abilities Partner Program of the  
89 Department of Economic Opportunity.

90 6. Project 10: Transition Education Network.

91 7. The Florida Center for Students with Unique Abilities.

92 (b) At least three representatives from school district  
93 transition programs.

94 (3) The workgroup shall gather input from stakeholders and  
95 Florida families to identify gaps in information and  
96 communication across the lifespan of individuals with  
97 developmental disabilities and their families, to determine why  
98 these gaps occur, and to recommend ways to ensure that  
99 information on the availability of resources and supports across  
100 the state is more accessible, including, but not limited to,  
101 improving relevant agency websites.

102 (4) The workgroup shall submit an interim report by  
103 November 1, 2023, and a final report by September 1, 2024, of  
104 its findings and recommendations to the Governor, the President  
105 of the Senate, and the Speaker of the House of Representatives.

106 Section 2. Subsections (1) and (10) of section 393.063,  
107 Florida Statutes, are amended, and a new subsection (25) is  
108 added to that section, to read:

109 393.063 Definitions.—For the purposes of this chapter, the  
110 term:

111 (1) "Adult day training" means a program of training  
112 services which takes that take place in a nonresidential  
113 setting, separate from the home or facility in which the client  
114 resides, and is are intended to support the participation of  
115 clients in daily, meaningful, and valued routines of the  
116 community. These services include, but are not limited to, the

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117 acquisition, retention, or improvement of self-help,  
118 socialization, and adaptive skills ~~Such training may be provided~~  
119 ~~in work-like settings that do not meet the definition of~~  
120 ~~supported employment.~~

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

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

128 Section 3. Section 393.065, Florida Statutes, is amended to  
129 read:

130 393.065 Application and eligibility determination.—

131 (1) An application for services must shall be made in  
132 writing to the agency, in the region service area in which the  
133 applicant resides. The agency must shall review each application  
134 and make an eligibility determination applicant for eligibility  
135 within 45 days after the date the application is signed for  
136 children under 6 years of age and within 60 days after receipt  
137 of the signed application. If, at the time of application, the  
138 applicant requests enrollment in the developmental disabilities  
139 home and community-based services Medicaid waiver program due to  
140 crisis, as described in paragraph (5) (a), the agency must  
141 complete an eligibility determination within 45 days after  
142 receipt of the signed application.

143 (a) If the agency determines additional documentation is  
144 necessary to make a proper determination on an applicant's  
145 eligibility, the agency may request the necessary additional

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146 documentation from the applicant ~~the date the application is~~  
147 ~~signed for all other applicants.~~

148 (b) When necessary to definitively identify individual  
149 conditions or needs, the agency must arrange for ~~shall provide~~ a  
150 comprehensive assessment within this state.

151 (c) If the agency requests additional documentation from  
152 the applicant or arranges for a comprehensive assessment, the  
153 agency's eligibility determination must be completed within 90  
154 days after receipt of the signed application.

155 (2) To be eligible for services under this chapter, the  
156 agency's eligibility determination must find that the applicant  
157 has met all procedural requirements and eligibility criteria  
158 found in rule, which must include, but need not be limited to,  
159 the requirement that the applicant have a developmental  
160 disability and be domiciled in Florida ~~Only applicants whose~~  
161 ~~domicile is in Florida are eligible for services.~~ Information  
162 accumulated by other agencies, including professional reports  
163 and collateral data, must ~~shall~~ be considered in this process  
164 when available.

165 ~~(2) In order to provide immediate services or crisis~~  
166 ~~intervention to applicants, the agency shall arrange for~~  
167 ~~emergency eligibility determination, with a full eligibility~~  
168 ~~review to be accomplished within 45 days of the emergency~~  
169 ~~eligibility determination.~~

170 (3) The agency, or its designee, must ~~shall~~ notify each  
171 applicant, in writing, of its eligibility determination  
172 ~~decision~~. Any applicant or client determined by the agency to be  
173 ineligible for services has the right to appeal this  
174 determination ~~decision~~ pursuant to ss. 120.569 and 120.57.

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175           (4) Before admission to an intermediate care facility for  
176 individuals with intellectual disabilities and to ensure that  
177 the setting is the least restrictive to meet the individual's  
178 needs, the agency must authorize the admission pursuant to this  
179 subsection. As part of the authorization, the agency, or its  
180 designee, must conduct a comprehensive assessment that includes  
181 medical necessity, level of care, and level of reimbursement The  
182 ~~agency shall assess the level of need and medical necessity for~~  
183 ~~prospective residents of intermediate care facilities for the~~  
184 ~~developmentally disabled. The agency may enter into an agreement~~  
185 ~~with the Department of Elderly Affairs for its Comprehensive~~  
186 ~~Assessment and Review for Long-Term Care Services (CARES)~~  
187 ~~program to conduct assessments to determine the level of need~~  
188 ~~and medical necessity for long-term care services under this~~  
189 ~~chapter. To the extent permissible under federal law, the~~  
190 ~~assessments shall be funded under Title XIX of the Social~~  
191 ~~Security Act.~~

192           (5) Except as provided in subsection (6), if a client  
193 seeking enrollment in the developmental disabilities home and  
194 community-based services Medicaid waiver program meets the level  
195 of care requirement for an intermediate care facility for  
196 individuals with intellectual disabilities pursuant to 42 C.F.R.  
197 ss. 435.217(b) (1) and 440.150, the agency must ~~shall~~ assign the  
198 client to an appropriate enrollment category based on the  
199 criteria outlined below and must provide priority to clients  
200 waiting for waiver services in the following order:

201           (a) Category 1, which includes clients deemed to be in  
202 crisis as described in rule, must ~~shall~~ be given first priority  
203 in moving from the preenrollment categories ~~waiting list~~ to the

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204 waiver.

205 (b) Category 2, which includes clients in the preenrollment  
206 categories ~~individuals on the waiting list~~ who are:

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

210 a. Transitioning out of the child welfare system into  
211 permanency ~~at the finalization of an adoption, a reunification~~  
212 ~~with family members, a permanent placement with a relative, or a~~  
213 ~~guardianship with a nonrelative; or~~

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

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

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220 For individuals who are at least 18 years but not yet 22 years  
221 of age and who are eligible under sub-subparagraph 1.b., the  
222 agency must ~~shall~~ provide waiver services, including residential  
223 habilitation, and the community-based care lead agency must  
224 ~~shall~~ fund room and board at the rate established in s.

225 409.145(3) and provide case management and related services as  
226 defined in s. 409.986(3)(e). Individuals may receive both waiver  
227 services and services under s. 39.6251. Services may not  
228 duplicate services available through the Medicaid state plan.

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

231 1. Whose caregiver has a documented condition that is  
232 expected to render the caregiver unable to provide care within



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233 the next 12 months and for whom a caregiver is required but no  
234 alternate caregiver is available;

235 2. At substantial risk of incarceration or court commitment  
236 without supports;

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

240 4. Who are identified as ready for discharge within the  
241 next year from a state mental health hospital or skilled nursing  
242 facility and who require a caregiver but for whom no caregiver  
243 is available or whose caregiver is unable to provide the care  
244 needed.

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

249 (e) Category 5, which includes, but is not required to be  
250 limited to, clients who are expected to graduate within the next  
251 12 months from secondary school and need support to obtain a  
252 meaningful day activity, maintain competitive employment, or  
253 pursue an accredited program of postsecondary education to which  
254 they have been accepted.

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

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

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

265 (6) The agency must ~~shall~~ allow an individual who meets the  
266 eligibility requirements of subsection (2)~~(1)~~ to receive home  
267 and community-based services in this state if the individual's  
268 parent or legal guardian is an active-duty military  
269 servicemember and if, at the time of the servicemember's  
270 transfer to this state, the individual was receiving home and  
271 community-based services in another state.

272 (7) The agency must ~~shall~~ allow an individual with a  
273 diagnosis of Phelan-McDermid syndrome who meets the eligibility  
274 requirements of subsection (2)~~(1)~~ to receive home and community-  
275 based services.

276 (8) Only a client may be eligible for services under the  
277 developmental disabilities home and community-based services  
278 Medicaid waiver program. For a client to receive services under  
279 the developmental disabilities home and community-based services  
280 Medicaid waiver program, there must be available funding  
281 pursuant to s. 393.0662 or through a legislative appropriation  
282 and the client must meet all of the following:

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

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

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

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

294 (9)-(8) Agency action that selects individuals to receive  
295 waiver services pursuant to this section does not establish a  
296 right to a hearing or an administrative proceeding under chapter  
297 120 for individuals remaining in the preenrollment categories ~~on~~  
298 ~~the waiting list.~~

299 (10)-(9) The client, the client's guardian, or the client's  
300 family must ensure that accurate, up-to-date contact information  
301 is provided to the agency at all times. Notwithstanding s.  
302 393.0651, the agency must ~~shall~~ send an annual letter requesting  
303 updated information from the client, the client's guardian, or  
304 the client's family. The agency must ~~shall~~ remove from the  
305 preenrollment categories ~~waiting list~~ any individual who cannot  
306 be located using the contact information provided to the agency,  
307 fails to meet eligibility requirements, or becomes domiciled  
308 outside the state.

309 (11) (a)-(10) (a) The agency must ~~shall~~ provide the following  
310 information to all applicants or their parents, legal guardians,  
311 or family members:

312 1. A brief overview of the vocational rehabilitation  
313 services offered through the Division of Vocational  
314 Rehabilitation of the Department of Education, including a  
315 hyperlink or website address that provides access to the  
316 application for such services;

317 2. A brief overview of the Florida ABLE program as  
318 established under s. 1009.986, including a hyperlink or website  
319 address that provides access to the application for establishing

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320 an ABLE account as defined in s. 1009.986(2);

321 3. A brief overview of the supplemental security income  
322 benefits and social security disability income benefits  
323 available under Title XVI of the Social Security Act, as  
324 amended, including a hyperlink or website address that provides  
325 access to the application for such benefits;

326 4. A statement indicating that the applicant's local public  
327 school district may provide specialized instructional services,  
328 including transition programs, for students with special  
329 education needs;

330 5. A brief overview of programs and services funded through  
331 the Florida Center for Students with Unique Abilities, including  
332 contact information for each state-approved Florida  
333 Postsecondary Comprehensive Transition Program;

334 6. A brief overview of decisionmaking options for  
335 individuals with disabilities, guardianship under chapter 744,  
336 and alternatives to guardianship as defined in s. 744.334(1),  
337 which may include contact information for organizations that the  
338 agency believes would be helpful in assisting with such  
339 decisions;

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

343 8. A statement indicating that some waiver providers may  
344 serve private-pay individuals.

345 (b) The agency must provide the information required in  
346 paragraph (a) in writing to an applicant or his or her parent,  
347 legal guardian, or family member along with a written disclosure  
348 statement in substantially the following form:

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## DISCLOSURE STATEMENT

Each program and service has its own eligibility requirements. By providing the information specified in section 393.065(11)(a) ~~393.065(10)(a)~~, Florida Statutes, the agency does not guarantee an applicant's eligibility for or enrollment in any program or service.

(c) The agency must ~~shall~~ also publish the information required in paragraph (a) and the disclosure statement in paragraph (b) on its website, and must ~~shall~~ provide that information and statement annually to each client applicant placed in the preenrollment categories ~~on the waiting list~~ or to the parent, legal guardian, or family member of such client applicant.

(12) ~~(11)~~ The agency and the Agency for Health Care Administration may adopt rules specifying application procedures, criteria associated with the preenrollment ~~waiting list~~ categories, procedures for administering the preenrollment categories ~~waiting list~~, including tools for prioritizing waiver enrollment within categories, and eligibility criteria as needed to administer this section.

Section 4. Section 393.0651, Florida Statutes, is amended to read:

393.0651 Family or individual support plan.—The agency shall provide directly or contract for the development of a family support plan for children ages 3 to 18 years of age and an individual support plan for each client. The client, if competent, the client's parent or guardian, or, when

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378 appropriate, the client advocate, shall be consulted in the  
379 development of the plan and shall receive a copy of the plan.  
380 Each plan must include the most appropriate, least restrictive,  
381 and most cost-beneficial environment for accomplishment of the  
382 objectives for client progress and a specification of all  
383 services authorized. The plan must include provisions for the  
384 most appropriate level of care for the client. Within the  
385 specification of needs and services for each client, when  
386 residential care is necessary, the agency shall move toward  
387 placement of clients in residential facilities based within the  
388 client's community. The ultimate goal of each plan, whenever  
389 possible, shall be to enable the client to live a dignified life  
390 in the least restrictive setting, be that in the home or in the  
391 community. ~~For children under 6 years of age, The family or~~  
392 individual support plan must ~~shall~~ be developed within 60 days  
393 after the agency determines the client eligible pursuant to s.  
394 393.065 (3) the 45-day application period as specified in s.  
395 393.065 (1); for all applicants 6 years of age or older, the  
396 family or individual support plan shall be developed within the  
397 60-day period as specified in that subsection.

398 (1) The agency shall develop and specify by rule the core  
399 components of support plans.

400 (2) The family or individual support plan shall be  
401 integrated with the individual education plan (IEP) for all  
402 clients who are public school students entitled to a free  
403 appropriate public education under the Individuals with  
404 Disabilities Education Act, I.D.E.A., as amended. The family or  
405 individual support plan and IEP must ~~shall~~ be implemented to  
406 maximize the attainment of educational and habilitation goals.

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407 (a) If the IEP for a student enrolled in a public school  
408 program indicates placement in a public or private residential  
409 program is necessary to provide special education and related  
410 services to a client, the local education agency must ~~shall~~  
411 provide for the costs of that service in accordance with the  
412 requirements of the Individuals with Disabilities Education Act,  
413 I.D.E.A., as amended. This does ~~shall~~ not preclude local  
414 education agencies and the agency from sharing the residential  
415 service costs of students who are clients and require  
416 residential placement.

417 (b) For clients who are entering or exiting the school  
418 system, an interdepartmental staffing team composed of  
419 representatives of the agency and the local school system shall  
420 develop a written transitional living and training plan with the  
421 participation of the client or with the parent or guardian of  
422 the client, or the client advocate, as appropriate.

423 (3) Each family or individual support plan shall be  
424 facilitated through case management designed solely to advance  
425 the individual needs of the client.

426 (4) In the development of the family or individual support  
427 plan, a client advocate may be appointed by the support planning  
428 team for a client who is a minor or for a client who is not  
429 capable of express and informed consent when:

430 (a) The parent or guardian cannot be identified;

431 (b) The whereabouts of the parent or guardian cannot be  
432 discovered; or

433 (c) The state is the only legal representative of the  
434 client.

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436 Such appointment may ~~shall~~ not be construed to extend the powers  
437 of the client advocate to include any of those powers delegated  
438 by law to a legal guardian.

439 (5) The agency shall place a client in the most appropriate  
440 and least restrictive, and cost-beneficial, residential facility  
441 according to his or her individual support plan. The client, if  
442 competent, the client's parent or guardian, or, when  
443 appropriate, the client advocate, and the administrator of the  
444 facility to which placement is proposed shall be consulted in  
445 determining the appropriate placement for the client.

446 Considerations for placement shall be made in the following  
447 order:

448 (a) Client's own home or the home of a family member or  
449 direct service provider.

450 (b) Foster care facility.

451 (c) Group home facility.

452 (d) Intermediate care facility for the developmentally  
453 disabled.

454 (e) Other facilities licensed by the agency which offer  
455 special programs for people with developmental disabilities.

456 (f) Developmental disabilities center.

457 (6) In developing a client's annual family or individual  
458 support plan, the individual or family with the assistance of  
459 the support planning team shall identify measurable objectives  
460 for client progress and shall specify a time period expected for  
461 achievement of each objective.

462 (7) The individual, family, and support coordinator shall  
463 review progress in achieving the objectives specified in each  
464 client's family or individual support plan, and shall revise the



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465 plan annually, following consultation with the client, if  
466 competent, or with the parent or guardian of the client, or,  
467 when appropriate, the client advocate. The agency or designated  
468 contractor shall annually report in writing to the client, if  
469 competent, or to the parent or guardian of the client, or to the  
470 client advocate, when appropriate, with respect to the client's  
471 habilitative and medical progress.

472 (8) Any client, or any parent of a minor client, or  
473 guardian, authorized guardian advocate, or client advocate for a  
474 client, who is substantially affected by the client's initial  
475 family or individual support plan, or the annual review thereof,  
476 shall have the right to file a notice to challenge the decision  
477 pursuant to ss. 120.569 and 120.57. Notice of such right to  
478 appeal shall be included in all support plans provided by the  
479 agency.

480 Section 5. Subsection (1) of section 393.0655, Florida  
481 Statutes, is amended to read:

482 393.0655 Screening of direct service providers.—

483 (1) MINIMUM STANDARDS.—The agency shall require level 2  
484 employment screening pursuant to chapter 435 for direct service  
485 providers who are unrelated to their clients, including support  
486 coordinators, and managers and supervisors of residential  
487 facilities or adult day training ~~comprehensive transitional~~  
488 ~~education~~ programs licensed under this chapter and any other  
489 person, including volunteers, who provide care or services, who  
490 have access to a client's living areas, or who have access to a  
491 client's funds or personal property. Background screening must  
492 ~~shall~~ include employment history checks as provided in s.  
493 435.03(1) and local criminal records checks through local law

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494 enforcement agencies.

495 (a) A volunteer who assists on an intermittent basis for  
496 less than 10 hours per month does not have to be screened if a  
497 person who meets the screening requirement of this section is  
498 always present and has the volunteer within his or her line of  
499 sight.

500 (b) Licensed physicians, nurses, or other professionals  
501 licensed and regulated by the Department of Health are not  
502 subject to background screening pursuant to this section if they  
503 are providing a service that is within their scope of licensed  
504 practice.

505 (c) A person selected by the family or the individual with  
506 developmental disabilities and paid by the family or the  
507 individual to provide supports or services is not required to  
508 have a background screening under this section.

509 (d) Persons 12 years of age or older, including family  
510 members, residing with a direct services provider who provides  
511 services to clients in his or her own place of residence are  
512 subject to background screening; however, such persons who are  
513 12 to 18 years of age shall be screened for delinquency records  
514 only.

515 Section 6. Section 393.067, Florida Statutes, is amended to  
516 read:

517 393.067 Facility licensure.—

518 (1) The agency shall provide through its licensing  
519 authority and by rule license application procedures, provider  
520 qualifications, facility and client care standards, requirements  
521 for client records, requirements for staff qualifications and  
522 training, and requirements for monitoring foster care

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523 facilities, group home facilities, residential habilitation  
524 centers, and adult day training ~~comprehensive transitional~~  
525 ~~education~~ programs that serve agency clients.

526 (2) The agency shall conduct annual inspections and reviews  
527 of facilities and adult day training programs licensed under  
528 this section.

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

532 (4) The application shall be under oath and shall contain  
533 the following:

534 (a) The name and address of the applicant, if an applicant  
535 is an individual; if the applicant is a firm, partnership, or  
536 association, the name and address of each member thereof; if the  
537 applicant is a corporation, its name and address and the name  
538 and address of each director and each officer thereof; and the  
539 name by which the facility or adult day training program is to  
540 be known.

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

543 (c) The name of the person or persons under whose  
544 management or supervision the facility or adult day training  
545 program will be conducted.

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

549 ~~(e) The number and location of the component centers or~~  
550 ~~units which will compose the comprehensive transitional~~  
551 ~~education program.~~

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

554       (f)~~(g)~~ Information relating to the number, experience, and  
555 training of the employees of the facility or adult day training  
556 program.

557       (g)~~(h)~~ Certification that the staff of the facility or  
558 adult day training program will receive training to detect,  
559 report, and prevent sexual abuse, abuse, neglect, exploitation,  
560 and abandonment, as defined in ss. 39.01 and 415.102, of  
561 residents and clients.

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

564       (5) As a prerequisite for issuance of an initial or renewal  
565 license, the applicant, and any manager, supervisor, and staff  
566 member of the direct service provider of a facility or an adult  
567 day training program licensed under this section, must have  
568 submitted to background screening as required under s. 393.0655.  
569 A license may not be issued or renewed if the applicant or any  
570 manager, supervisor, or staff member of the direct service  
571 provider has a disqualifying offense revealed by failed  
572 background screenings ~~as~~ required under s. 393.0655. The agency  
573 shall determine by rule the frequency of background screening.  
574 The applicant shall submit with each initial or renewal  
575 application a signed affidavit under penalty of perjury stating  
576 that the applicant and any manager, supervisor, or staff member  
577 of the direct service provider is in compliance with all  
578 requirements for background screening.

579       (6) A facility or an adult day training program ~~The~~  
580 applicant shall furnish satisfactory proof of financial ability

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581 to operate and conduct the facility or adult day training  
582 program in accordance with the requirements of this chapter and  
583 adopted rules.

584 (7) The agency shall adopt rules establishing minimum  
585 standards for facilities and adult day training programs  
586 licensed under this section, including rules requiring  
587 facilities and adult day training programs to train staff to  
588 detect, report, and prevent sexual abuse, abuse, neglect,  
589 exploitation, and abandonment, as defined in ss. 39.01 and  
590 415.102, of residents and clients, minimum standards of quality  
591 and adequacy of client care, incident reporting requirements,  
592 and uniform firesafety standards established by the State Fire  
593 Marshal which are appropriate to the size of the facility or  
594 adult day training ~~of the component centers or units of the~~  
595 program.

596 (8) The agency, after consultation with the Division of  
597 Emergency Management, shall adopt rules for foster care  
598 facilities, group home facilities, ~~and~~ residential habilitation  
599 centers, and adult day training programs which establish minimum  
600 standards for the preparation and annual update of a  
601 comprehensive emergency management plan. At a minimum, the rules  
602 must provide for plan components that address emergency  
603 evacuation transportation; adequate sheltering arrangements;  
604 postdisaster activities, including emergency power, food, and  
605 water; postdisaster transportation; supplies; staffing;  
606 emergency equipment; individual identification of residents and  
607 transfer of records; and responding to family inquiries. The  
608 comprehensive emergency management plan for all facilities and  
609 adult day training ~~comprehensive transitional education~~ programs

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610 ~~and for homes~~ serving individuals who have a complex medical  
611 condition ~~conditions~~ is subject to review and approval by the  
612 local emergency management agency. During its review, the local  
613 emergency management agency shall ensure that the agency and the  
614 Division of Emergency Management, at a minimum, are given the  
615 opportunity to review the plan. Also, appropriate volunteer  
616 organizations must be given the opportunity to review the plan.  
617 The local emergency management agency shall complete its review  
618 within 60 days and either approve the plan or advise the  
619 facility or program of necessary revisions.

620 (9) The agency may conduct unannounced inspections to  
621 determine compliance by foster care facilities, group home  
622 facilities, residential habilitation centers, and adult day  
623 training ~~comprehensive transitional education~~ programs with the  
624 applicable provisions of this chapter and the rules adopted  
625 pursuant hereto, including the rules adopted for training staff  
626 of a facility or an adult day training ~~a~~ program to detect,  
627 report, and prevent sexual abuse, abuse, neglect, exploitation,  
628 and abandonment, as defined in ss. 39.01 and 415.102, of  
629 residents and clients. The facility or adult day training  
630 program shall make copies of inspection reports available to the  
631 public upon request.

632 (10) Each facility or adult day training program licensed  
633 under this section shall forward annually to the agency a true  
634 and accurate sworn statement of its costs of providing care to  
635 clients funded by the agency.

636 (11) The agency may audit the records of any facility or  
637 adult day training program that it has reason to believe may not  
638 be in full compliance with ~~the provisions of~~ this section;

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639 provided that, any financial audit of such facility or program  
640 is ~~shall be~~ limited to the records of clients funded by the  
641 agency.

642 (12) The agency shall establish, for the purpose of control  
643 of licensure costs, a uniform management information system and  
644 a uniform reporting system with uniform definitions and  
645 reporting categories.

646 (13) Facilities and adult day training programs licensed  
647 under ~~pursuant to~~ this section shall adhere to all rights  
648 specified in s. 393.13, ~~including those enumerated in s.~~  
649 ~~393.13(4).~~

650 (14) The agency may not authorize funds or services to an  
651 unlicensed facility or, beginning October 1, 2024, to an  
652 unlicensed adult day training program that is required to be  
653 licensed under this section may not receive state funds. A  
654 license for the operation of a facility or an adult day training  
655 program may ~~shall~~ not be renewed if the licensee has any  
656 outstanding fines assessed pursuant to this chapter wherein  
657 final adjudication of such fines has been entered.

658 (15) The agency is not required to contract with facilities  
659 or adult day training programs licensed under ~~pursuant to~~ this  
660 chapter.

661 Section 7. Section 393.0673, Florida Statutes, is amended  
662 to read:

663 393.0673 Denial, suspension, or revocation of license;  
664 moratorium on admissions; administrative fines; procedures.—

665 (1) The following constitute grounds for which the agency  
666 may take disciplinary action, including revoking or suspending  
667 ~~revoke or suspend~~ a license and imposing ~~or impose~~ an

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668 administrative fine, not to exceed \$1,000 per violation per day~~7~~  
669 if:

670 (a) The licensee has:

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

673 2. Had prior action taken against it under the Medicaid or  
674 Medicare program; or

675 3. Failed to comply with the applicable requirements of  
676 this chapter or rules applicable to the licensee; or

677 (b) The Department of Children and Families has verified  
678 that the licensee is responsible for the abuse, neglect, or  
679 abandonment of a child or the abuse, neglect, or exploitation of  
680 a vulnerable adult.

681 (2) For purposes of disciplinary action under this section  
682 for verified findings of abuse, neglect, abandonment, or  
683 exploitation of a child or vulnerable adult, the licensee is  
684 responsible not only for administration of the facilities in  
685 compliance with the standards set out by statute and  
686 administrative rule, but is ultimately responsible for the care  
687 and supervision of the clients in the facility or the  
688 participants of the program.

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

691 (b) A licensee is subject to disciplinary action for an  
692 employee's lapse in care or supervision of the clients at the  
693 facility or the participants of the program in which a verified  
694 finding of abuse, neglect, abandonment, or exploitation  
695 occurred.

696 (c) Remedial action taken by the licensee does not affect



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697 the agency's ability to impose disciplinary action for the  
698 underlying violation.

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

701 (a) The applicant has:

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

704 2. Had prior action taken against it under the Medicaid or  
705 Medicare program;

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

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

712 (b) The Department of Children and Families has verified  
713 that the applicant is responsible for the abuse, neglect, or  
714 abandonment of a child or the abuse, neglect, or exploitation of  
715 a vulnerable adult; or

716 (c) The agency has determined that there is clear and  
717 convincing evidence that the applicant is unqualified for a  
718 license because of a lack of good moral character. For purposes  
719 of this paragraph, the term "good moral character" means a  
720 personal history of honesty, fairness, and respect for the  
721 rights of others and for the laws of this state and the Federal  
722 Government.

723 (4)~~(3)~~ All hearings must ~~shall~~ be held within the county in  
724 which the licensee or applicant operates or applies for a  
725 license to operate a facility or an adult day training program

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726 as defined herein.

727 (5)~~(4)~~ The agency, as a part of any final order issued by  
728 it under this chapter, may impose such fine as it deems proper,  
729 except that such fine may not exceed \$1,000 for each violation.  
730 Each day a violation of this chapter occurs constitutes a  
731 separate violation and is subject to a separate fine, but in no  
732 event may the aggregate amount of any fine exceed \$10,000. Fines  
733 paid by any facility licensee under ~~the provisions of this~~  
734 subsection shall be deposited in the Health Care Trust Fund and  
735 expended as provided in s. 400.063.

736 (6)~~(5)~~ The agency may issue an order immediately suspending  
737 or revoking a license when it determines that any condition of  
738 ~~in~~ the facility or adult day training program presents a danger  
739 to the health, safety, or welfare of the residents in the  
740 facility or the program participants.

741 (7)~~(6)~~ The agency may impose an immediate moratorium on  
742 admissions to any facility or on service authorizations to a  
743 facility or an adult day training program when the agency  
744 determines that any condition of ~~in~~ the facility or adult day  
745 training program presents a threat to the health, safety, or  
746 welfare of the residents in the facility or the program  
747 participants.

748 (8)~~(7)~~ The agency shall establish by rule criteria for  
749 evaluating the severity of violations and for determining the  
750 amount of fines imposed.

751 Section 8. Subsection (1) of section 393.0678, Florida  
752 Statutes, is amended to read:

753 393.0678 Receivership proceedings.—

754 (1) The agency may petition a court of competent

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755 jurisdiction for the appointment of a receiver for a  
756 ~~comprehensive transitional education program,~~ a residential  
757 habilitation center, or a group home facility owned and operated  
758 by a corporation or partnership when any of the following  
759 conditions exist:

760 (a) Any person is operating a facility without a license  
761 and refuses to make application for a license as required by s.  
762 393.067.

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

768 (c) The agency determines that conditions exist in the  
769 facility which present an imminent danger to the health, safety,  
770 or welfare of the residents of the facility or which present a  
771 substantial probability that death or serious physical harm  
772 would result therefrom. Whenever possible, the agency shall  
773 facilitate the continued operation of the program.

774 (d) The licensee cannot meet its financial obligations to  
775 provide food, shelter, care, and utilities. Evidence such as the  
776 issuance of bad checks or the accumulation of delinquent bills  
777 for such items as personnel salaries, food, drugs, or utilities  
778 constitutes prima facie evidence that the ownership of the  
779 facility lacks the financial ability to operate the home in  
780 accordance with the requirements of this chapter and all rules  
781 adopted ~~promulgated~~ thereunder.

782 Section 9. Subsection (2) of section 393.135, Florida  
783 Statutes, is amended to read:

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784 393.135 Sexual misconduct prohibited; reporting required;  
785 penalties.—

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

788 (a) Resides in a residential facility, including any  
789 ~~comprehensive transitional education program~~, developmental  
790 disabilities center, foster care facility, group home facility,  
791 intermediate care facility for the developmentally disabled, or  
792 residential habilitation center; or

793 (b) Is eligible to receive services from the agency under  
794 this chapter,

795  
796 commits a felony of the second degree, punishable as provided in  
797 s. 775.082, s. 775.083, or s. 775.084. A covered person may be  
798 found guilty of violating this subsection without having  
799 committed the crime of sexual battery.

800 Section 10. Section 393.18, Florida Statutes, is repealed.

801 Section 11. Paragraph (c) of subsection (3) of section  
802 394.875, Florida Statutes, is amended to read:

803 394.875 Crisis stabilization units, residential treatment  
804 facilities, and residential treatment centers for children and  
805 adolescents; authorized services; license required.—

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

808 ~~(c) Comprehensive transitional education programs licensed~~  
809 ~~under s. 393.067.~~

810 Section 12. Paragraph (b) of subsection (1) of section  
811 383.141, Florida Statutes, is amended to read:

812 383.141 Prenatally diagnosed conditions; patient to be

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813 provided information; definitions; information clearinghouse;  
814 advisory council.—

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

816 (b) "Developmental disability" includes Down syndrome and  
817 other developmental disabilities defined by s. 393.063 ~~s.~~  
818 ~~393.063(12)~~.

819 Section 13. Subsection (1) of section 400.063, Florida  
820 Statutes, is amended to read:

821 400.063 Resident protection.—

822 (1) The Health Care Trust Fund shall be used for the  
823 purpose of collecting and disbursing funds generated from the  
824 license fees and administrative fines as provided for in ss.  
825 393.0673(5) ~~ss. 393.0673(4)~~, 400.062(3), 400.121(2), and  
826 400.23(8). Such funds shall be for the sole purpose of paying  
827 for the appropriate alternate placement, care, and treatment of  
828 residents who are removed from a facility licensed under this  
829 part or a facility specified in s. 393.0678(1) in which the  
830 agency determines that existing conditions or practices  
831 constitute an immediate danger to the health, safety, or  
832 security of the residents. If the agency determines that it is  
833 in the best interest of the health, safety, or security of the  
834 residents to provide for an orderly removal of the residents  
835 from the facility, the agency may utilize such funds to maintain  
836 and care for the residents in the facility pending removal and  
837 alternative placement. The maintenance and care of the residents  
838 shall be under the direction and control of a receiver appointed  
839 pursuant to s. 393.0678(1) or s. 400.126(1). However, funds may  
840 be expended in an emergency upon a filing of a petition for a  
841 receiver, upon the declaration of a state of local emergency

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842 pursuant to s. 252.38(3)(a)5., or upon a duly authorized local  
843 order of evacuation of a facility by emergency personnel to  
844 protect the health and safety of the residents.

845 Section 14. Paragraph (d) of subsection (2) of section  
846 1002.394, Florida Statutes, is amended to read:

847 1002.394 The Family Empowerment Scholarship Program.—

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

849 (d) "Disability" means, for a 3- or 4-year-old child or for  
850 a student in kindergarten to grade 12, autism spectrum disorder,  
851 as defined in the Diagnostic and Statistical Manual of Mental  
852 Disorders, Fifth Edition, published by the American Psychiatric  
853 Association; cerebral palsy, as defined in s. 393.063; Down  
854 syndrome, as defined in s. 393.063; an intellectual disability,  
855 as defined in s. 393.063; a speech impairment; a language  
856 impairment; an orthopedic impairment; any ~~an~~ other health  
857 impairment; an emotional or a behavioral disability; a specific  
858 learning disability, including, but not limited to, dyslexia,  
859 dyscalculia, or developmental aphasia; Phelan-McDermid syndrome,  
860 as defined in s. 393.063; Prader-Willi syndrome, as defined in  
861 s. 393.063; spina bifida, as defined in s. 393.063; being a  
862 high-risk child, as defined in s. 393.063(22)(a) ~~s.~~  
863 ~~393.063(23)(a)~~; muscular dystrophy; Williams syndrome; rare  
864 diseases which affect patient populations of fewer than 200,000  
865 individuals in the United States, as defined by the National  
866 Organization for Rare Disorders; anaphylaxis; a hearing  
867 impairment, including deafness; a visual impairment, including  
868 blindness; traumatic brain injury; hospital or homebound; or  
869 identification as dual sensory impaired, as defined by rules of  
870 the State Board of Education and evidenced by reports from local

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871 school districts. The term "hospital or homebound" includes a  
872 student who has a medically diagnosed physical or psychiatric  
873 condition or illness, as defined by the state board in rule, and  
874 who is confined to the home or hospital for more than 6 months.  
875       Section 15. This act shall take effect July 1, 2023.