

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

BILL: SB 1050

INTRODUCER: Senator Bradley

SUBJECT: Agency for Persons with Disabilities

DATE: March 31, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rao	Tuszynski	CF	Pre-meeting
2.			AHS	
3.			AP	

I. Summary:

SB 1050 makes several changes to the organizational structure of the Agency for Persons with Disabilities (APD). The bill designates the APD as a department, rather than an agency, and clarifies the purpose and responsibilities of the APD. The bill provides for a type two transfer of the Division of Blind Services, the Division of Vocational Rehabilitation, and the Federal Rehabilitation Trust Fund from the Department of Education to the APD.

The bill requires the APD to participate in transition planning activities for children aging out of the child welfare system who are currently waiting to receive home and community-based services.

The bill establishes a statewide family care council that is required to coordinate with existing local family care councils. The bill specifies the membership appointments, reporting requirements, and responsibilities of the statewide and local family care councils.

The bill amends the membership of the Commission for the Transportation Disadvantaged to require specified members as ex officio, nonvoting advisors to the commission.

The bill amends definitions in Chapter 393, F.S. and updates cross references to reflect the substantive changes in the bill.

There is likely an indeterminate, but negative, fiscal impact to the state government. *See* Section V. Fiscal Impact Statement.

The bill has an effective date of July 1, 2025.

II. Present Situation:

The present situation is presented in Section III under the Effect of Proposed Changes.

III. Effect of Proposed Changes:

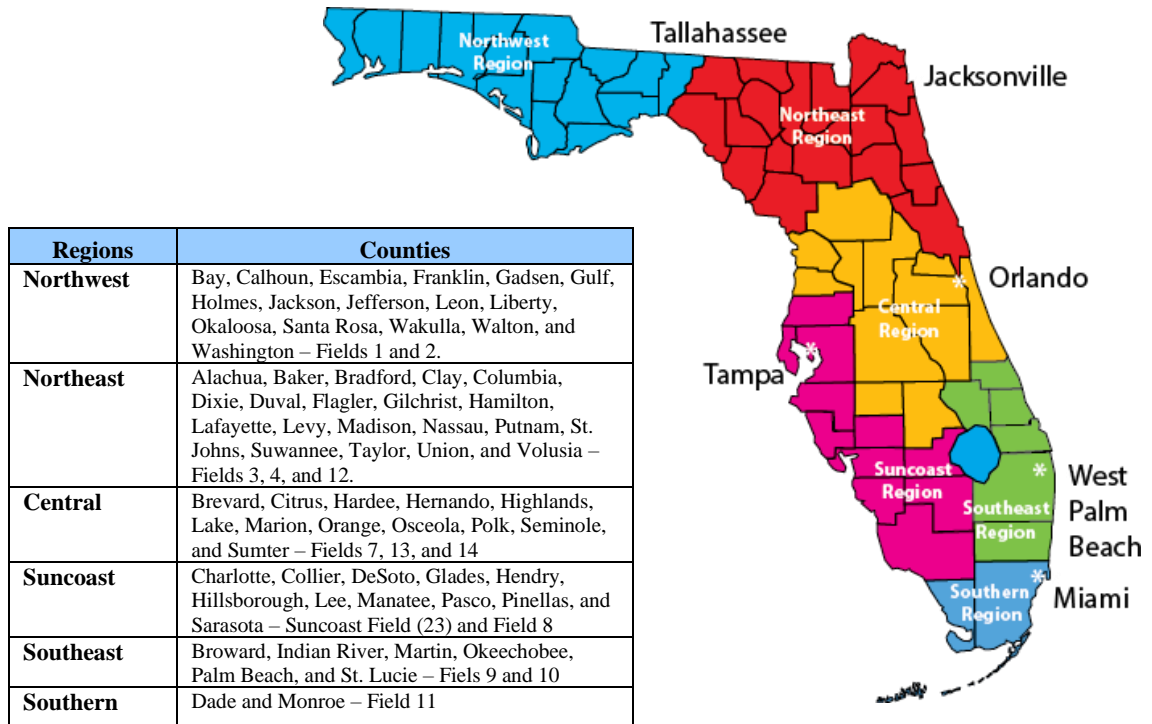
Governance of the Agency for Persons with Disabilities

Present Situation

The Agency for Persons with Disabilities

Chapter 393, F.S., identifies the need to provide community-based services and programs for individuals with developmental disabilities that enable individuals to achieve their greatest potential for independent living while reducing the number of individuals in unnecessary institutional placements.¹

The Agency for Persons with Disabilities (APD) provides services to individuals with developmental disabilities and manages Medicaid waivers that provide federally approved services for individuals with developmental disabilities.² In addition to central headquarters in Tallahassee, the APD operates a total of six regional offices and 14 field offices throughout the state, as detailed below:³



¹ Section 393.062, F.S.

² Section 20.197, F.S.

³ Agency for Persons with Disabilities, *Regional Offices*, available at: <https://apd.myflorida.com/region/> (last visited 3/11/25).

Executive Agencies and Departments

The executive branch of state government is comprised of departments and agencies. Florida law defines a department as the principal administrative unit within the executive branch of state government.⁴ Under current law, departments may recommend the establishment of additional divisions, bureaus, sections, and subsections of the department to promote the efficiency and effectiveness of the department.⁵ Department heads, referred to as secretaries⁶ of the department are required to execute the following actions⁷:

- Plan, direct, coordinate, and execute the powers, duties, and functions vested in that department;
- Have authority to execute any of the powers, duties, and functions vested in that department or in any administrative unit of the department;
- Compile annually a comprehensive budget reporting all program and fiscal matters of the department;
- Reimburse the members of advisory bodies, commissions, and boards of trustees for their actual and necessary expenses incurred in performance of their duties in accordance with s. 112.061, F.S.;
- Exercise existing authority to adopt rules pursuant and limited to the powers, duties, and functions transferred to the department, subject to ch. 120 requirements;
- Employ an executive director to serve at the pleasure of a supervisory board, if applicable; and
- Make recommendations concerning more effective internal structuring of the department to the Legislature.

Current law does not specify the requirements of executive agencies.

In 2004, the Legislature established the Agency for Persons with Disabilities as an agency housed within the Department of Children and Families (DCF) for administrative purposes.⁸ The APD is a separate budget entity and is not subject to the control, supervision, or direction of the DCF in any manner including, but not limited to, personnel, purchasing, transactions involving real or personal property, and budgetary matters.⁹

The director of the APD is appointed by the Governor and confirmed by the Senate and may employ assistants, professional staff, and other employees as necessary to carry out the duties of the APD.¹⁰ Florida law requires the APD to include a Division of Budget and Planning and a Division of Operations in its organizational structure. The director may recommend the establishment of additional divisions, bureaus, sections, and subsections of the agency to promote efficient and effective operation of the APD.¹¹

⁴ Section 20.03(8), F.S.

⁵ Section 20.04, F.S.

⁶ Section 20.03, F.S.

⁷ Section 20.05, F.S.

⁸ Ch. 2004-267, L.O.F.

⁹ Section 20.197, F.S.

¹⁰ *Id.*

¹¹ Section 20.197, F.S.

Florida Coordinating Council for the Deaf and Hard of Hearing

The Florida Coordinating Council for the Deaf and Hard of Hearing (council) serves as an advisory and coordinating body in the state which recommends policies to address the needs of deaf, hard-of-hearing, and late-deafened persons.¹² The council recommends methods to improve the coordination of services among public and private entities and may provide technical assistance, advocacy, and education.¹³ The Department of Health administers the council.¹⁴ Members¹⁵ of the council are as follows¹⁶:

- Two members representing the Florida Association of the Deaf.
- Two members representing the Florida Association of Self Help for Hard of Hearing People.
- A member representing the Association of Late-Deafened Adults.
- An individual who is deaf and blind.
- A parent of an individual who is deaf.
- A member representing the Deaf Service Center Association.
- A member representing the Florida Registry of Interpreters for the Deaf.
- A member representing the Florida Alexander Graham Bell Association for the Deaf and Hard of Hearing.
- A communication access real-time translator.
- An audiologist licensed under part I of chapter 468.
- A hearing aid specialist licensed under part II of chapter 484.
- The Secretary of Children and Families or his or her designee.
- The State Surgeon General or his or her designee.
- The Commissioner of Education or his or her designee.
- The Secretary of Elderly Affairs or his or her designee.

Effect of Proposed Changes

Section 5 of the bill amends s. 20.197, F.S. to designate the APD as a department, rather than an agency. The bill specifies the APD shall have the following purposes:

- Serve as the single state agency providing multiple pathways for success for persons with disabilities.
- Provide services under ch. 393, F.S. to persons with disabilities, including overseeing the operation of all state institutional programs and the programmatic management of Medicaid waivers and other programs established to provide services to persons with developmental disabilities.
- Provide services under ch. 413, F.S. to persons with disabilities.

The bill removes the APD from the administrative oversight of the DCF and establishes the head of the APD as a secretary, rather than a director. The secretary shall be appointed by the Governor and subject to confirmation by the Senate. The bill requires the secretary to serve at the pleasure of and report to the Governor.

¹² Section 413.271(3), F.S.

¹³ *Id.*

¹⁴ Section 413.271(2)(a), F.S.

¹⁵ The Governor appoints the members of the council, consulting with the organizations the appointees represent.

¹⁶ Section 414.271(2)(a), F.S.

The bill removes the requirement that the APD must include a Division of Budget and Planning and a Division of Operations to allow the secretary of the APD to establish any additional divisions, bureaus, sections, and subsections of the APD as the secretary deems necessary.

Section 7 of the bill amends s. 393.062, F.S. to include the purpose of the APD in the chapter of law regarding persons with disabilities. The bill directs the APD to serve as the single state agency for all individuals with disabilities in Florida. The bill clarifies the APD's mission and directs the APD to support individuals with disabilities and their families in living, learning, and working within their communities by creating multiple pathways to possibilities for such individuals and their families.

Section 8 of the bill creates s. 393.0621, F.S. to specify the duties of the APD to include the following:

- Serve as the primary agency administering support to individuals with disabilities in living, learning, and working within their communities by creating multiple pathways to possibilities for such individuals and their families, among other responsibilities.
- Administer, as deemed fit by the APD and in accordance with law, developmental disabilities home and community-based Medicaid waiver programs.
- Develop community-based programs and services for individuals with disabilities and work with private businesses, nonprofit organizations, faith-based entities, units of local government, and other organizations capable of providing needed services to individuals with disabilities to provide opportunities for success to such individuals.
- Advise the Governor and the Legislature regarding the need for and location of programs related to disabilities.
- Serve as the preeminent state authority on individuals with disabilities and, when necessary, advise, set standards for, and propose recommendations to other entities serving individuals with disabilities.
- Advocate for quality programs and services for the state's disabled population and on behalf of the needs of individuals with disabilities.
- Purchase, lease, or otherwise acquire material to advertise, market, and promote awareness of services available to enable individuals with disabilities to achieve greater independence.
- Prevent neglect, abuse, or exploitation of individuals with disabilities who are unable to protect their own interests.
- Conduct studies and collect data necessary for the success of its mission.
- Coordinate interdepartmental policy development and program planning for all state agencies that provide services for individuals with disabilities in order to prevent duplicative efforts, to maximize use of resources, and to ensure cooperation, communication, and departmental linkages.

Section 13 of the bill creates s. 413.001, F.S. to include the purpose of APD in ch. 413, F.S. which governs employment and related services for persons with disabilities. The bill identifies the APD as the single state agency for all individuals with disabilities, and provides that the purpose of the APD is to support individuals with disabilities and their families in living, learning, and working within their communities by creating multiple pathways to possibilities.

Section 14 of the bill amends s. 413.271, F.S. to add the secretary of the APD or his or her designee as a member of the Florida Coordinating Council for the Deaf and Hard of Hearing.

The bill makes technical changes to clarify the language in this section.

Sections 21, 23, 24, 45 and 51 of the bill make conforming changes to align statute with the substantive changes in the bill.

Type Two Transfer

Present Situation

Type Two Transfers

Type two transfers allow the executive branch of government to reorganize and redistribute functions across agencies and departments.¹⁷ Upon a type two transfer, an agency or department assumes the specified programs, activities, or functions of an existing agency or department. Generally, this transfers the statutory powers, duties, and functions; records, personnel, property, and unexpended balances of appropriations to the agency or department that assumes the type two transfer. The agency or department that assumes the programs, activities, or functions of another agency or department also assumes the administrative authority of the agency or department, unless provided by law.¹⁸

The Department of Education

The Department of Education (DOE) is an administrative and supervisory agency under the State Board of Education.¹⁹ The DOE serves approximately 2.8 million students statewide and is aimed at increasing the proficiency of all students through programs that encourage independence and self-sufficiency.²⁰ The DOE is composed of divisions that oversee the needs of students statewide. The divisions of the DOE are as follows²¹:

- Division of Florida Colleges.
- Division of Public Schools.
- Division of Early Learning.
- Division of Career and Adult Education.
- Division of Vocational Rehabilitation.
- Division of Blind Services.
- Division of Accountability, Research, and Measurement.
- Division of Finance and Operations.
- Office of K-20 Articulation.
- The Office of Independent Education and Parental Choice.
- The Office of Safe Schools.

¹⁷ Section 20.06(2), F.S.

¹⁸ *Id.*

¹⁹ Section 1001.20, F.S.

²⁰ Florida Department of Education, *About Us*, available at: <https://www.fldoe.org/about-us/> (last visited 3/24/25).

²¹ Section 20.15, F.S.

These divisions are assigned the powers, duties, responsibilities, and functions as are necessary to ensure the coordination, efficiency, and effectiveness of education for students in Florida.²²

Division of Blind Services

The Division of Blind Services is housed under the Department of Education and provides services for individuals of all ages in Florida that are blind and visually impaired.²³ Individuals may apply for services at the nearest Division of Blind Services district office, detailed below²⁴:

District Office Location	Counties Served
Cocoa	Brevard
Daytona Beach	Flagler, Putnam, Volusia
Fort Myers	Collier, Glades, Hendry, Lee, Charlotte
Gainesville	Alachua, Bradford, Columbia, Dixie, Gilchrist, Levy, Marion, Union
Jacksonville	Baker, Clay, Duval, Nassau, St. John
Lakeland	Citrus, Hardee, Polk, Pasco, Hernando
Miami	Dade, Monroe
Orlando	Lake, Orange, Osceola, Seminole, Sumter
Palmetto	DeSoto, Highlands, Manatee, Sarasota
Panama City	Bay, Calhoun, Gulf, Jackson, Holmes, Washington
Pensacola	Escambia, Okaloosa, Santa Rosa, Walton
Sunrise	Broward
Tallahassee	Franklin, Gadsen, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madison, Suwannee, Taylor, Wakulla
Tampa	Hillsborough, Pinellas
West Palm Beach	Indian River, Martin, Okeechobee, Palm Beach, St. Lucie

The Division of Blind Services oversees a variety of programs to assist individuals with visual impairments in the state of Florida.

- Blind Babies Program: Provides community-based early intervention education to children from birth through five years of age who are blind or visually impaired, and to their parents, families, and caregivers. The program is delivered by community-based provider organizations and provides services to minimize developmental delays and prepare children to enter school.²⁵
- Children’s Program: Supplements services²⁶ offered by the school system to facilitate the achievement of educational and independent living goals.²⁷

²² Section 20.15, F.S.

²³ Florida Division of Blind Services, *Home*, available at: <https://dbs.fldoe.org/index.html> (last visited 3/24/25).

²⁴ Florida Division of Blind Services, *District Offices*, available at: <https://dbs.fldoe.org/Information/contact.html> (last visited 3/24/25).

²⁵ Florida Division of Blind Services, *Blind Babies Program*, available at: <https://dbs.fldoe.org/Babies/index.html> (last visited 3/24/25).

²⁶ Services from kindergarten through high school include: compensatory skills (such as Braille, listening skills, handwriting skills, and abacus); orientation and mobility; social interaction skills; independent living skills and personal management; recreation and leisure; career and vocational education; assistive technology; and visual efficiency skills.

²⁷ Florida Division of Blind Services, *Children’s Program*, available at: <https://dbs.fldoe.org/Children/index.html> (last visited 3/24/25).

- Transition Program: Individualized services designed to facilitate an individual's transition into adulthood.²⁸
- Independent Living Program: Provides services to enable blind or severely visually impaired individuals to live independently in his or her home or community with a maximum degree of self-direction.²⁹
- Vocational Rehabilitation Program: Provides services³⁰ to assist individuals in achieving or maintaining an employment outcome that is consistent with his or her unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.³¹
- Employer Services: Provides information services to employers seeking to make jobs accessible to employees with a visual impairment.³²
- Business Enterprise Program: Provides job opportunities in the food service sector for individuals with visual impairments.³³
- Career, Technology and Training Center for the Blind and Visually Impaired: Provides places for individuals who are blind to reside temporarily. Offers instruction in a variety of independence skills and case management.³⁴
- Braille and Talking Book Library: Provides information and reading materials in Braille and recorded audio format to Florida residents who are unable to use standard print as the result of visual, physical, or reading disabilities.³⁵

Division of Vocational Rehabilitation

The Division of Vocational Rehabilitation is under the administrative authority of the DOE. Vocational Rehabilitation is a federal-state program that helps individuals with disabilities attain desired job skills and employment.³⁶

The Florida Rehabilitation Council (FRC) assists the Florida DOE and Division of Vocational Rehabilitation in planning statewide services for individuals with disabilities.³⁷ At least 51% of the council must be composed of individuals with disabilities. The council recommends best

²⁸ Florida Division of Blind Services, *Transition Services*, available at: <https://dbs.fldoe.org/Transition/index.html> (last visited 3/24/25).

²⁹ Florida Division of Blind Services, *Independent Living Program*, available at: <https://dbs.fldoe.org/ILAB/index.html> (last visited 3/24/25).

³⁰ Services may include: vocational training; job placement; on-the-job training; orientation and mobility training; independent living skills training; career counseling and guidance; low vision aids and appliances; and job modification including adaptive technology.

³¹ Florida Division of Blind Services, *Vocational Rehabilitation Program*, available at: <https://dbs.fldoe.org/Voc-Rehab/index.html> (last visited 3/24/25).

³² Florida Division of Blind Services, *Employer Services*, available at: <https://dbs.fldoe.org/Employer/index.html> (last visited 3/24/25).

³³ Florida Division of Blind Services, *Business Enterprise Program*, available at: <https://dbs.fldoe.org/BEP/index.html> (last visited 3/24/25).

³⁴ Florida Division of Blind Services, *About Blind Services*, available at: <https://dbs.fldoe.org/Information/index.html> (last visited 3/24/25).

³⁵ Florida Division of Blind Services, *Braille and Talking Book Library*, available at: <https://dbs.fldoe.org/Library/index.html> (last visited 3/24/25).

³⁶ Florida Vocational Rehabilitation, *About Adult Programs*, available at: <https://rehabworks.org/adult-programs/adult-programs.html> (last visited 3/24/25).

³⁷ Florida Vocational Rehabilitation, *About Us*, available at: <https://rehabworks.org/frc/frc-about.html> (last visited 3/24/25).

practices to facilitate the employment, independence, and improved quality of life for individuals with disabilities in Florida.³⁸

The Division of Vocational Rehabilitation offers services for adults, students, and youth.

- Adult Programs: Provides services to adults with disabilities in the workforce. Services may include, but are not limited to, independent living, supported employment, and deaf, hard of hearing and deafblind services.³⁹
- Students and Youth Programs: Provides services to prepare students and out-of-school youth with disabilities for success in the workforce. Offers Pre-Employment Transition Services (Pre-ETS) to facilitate career exploration as well as Transition Youth Programs for students in high school that provide career counseling, work readiness training, and work experiences.⁴⁰
- Ticket to Work: Provides information about the Social Security program Ticket to Work that allows individuals who qualify for social security disability benefits to work while receiving social security benefits.⁴¹

Federal Rehabilitation Trust Fund

Individuals who receive vocational rehabilitation services may be required to financially participate in the costs of these services.⁴² However, individuals may have third-party coverage for these services, such as health insurance.⁴³ If an applicant or recipient of such services has a right to third-party payment for such services, Florida law requires the applicant or recipient to inform the Division of Vocational Rehabilitation of his or her right to such payments.⁴⁴ The right to receive such payments transfers to the Division of Vocational Rehabilitation, and the Division is reimbursed the funds expended for such services directly from the third-party.⁴⁵ These funds recovered from third-parties are deposited in the Federal Rehabilitation Trust Fund and may be used to fund vocational rehabilitation programs.⁴⁶

Effect of Proposed Changes

Section 2 of the bill transfers the Division of Vocational Rehabilitation, the Division of Blind Services, and the Federal Rehabilitation Trust Fund in the DOE to the APD by a type two transfer as described in s. 20.06(2), F.S. This transfers all powers, duties, functions, records, offices, personnel, associated administrative support positions, property, pending issues, existing contracts, administrative authority, administrative rules, and unexpected balances of

³⁸ Florida Vocational Rehabilitation, *About Us*, available at: <https://rehabworks.org/frc/frc-about.html> (last visited 3/24/25).

³⁹ Florida Vocational Rehabilitation, *About Adult Programs*, available at: <https://www.rehabworks.org/adult-programs/adult-programs.html> (last visited 3/24/25).

⁴⁰ Florida Vocational Rehabilitation, *About Students and Youth Programs*, available at: <https://www.rehabworks.org/student-youth/student-youth.html> (last visited 3/24/25).

⁴¹ Florida Vocational Rehabilitation, *Ticket to Work*, available at: <https://www.rehabworks.org/adult-programs/ttw.html> (last visited 3/24/25).

⁴² 6A-25.008, F.A.C.

⁴³ Florida Division of Vocational Rehabilitation, *Handbook of Services*, available at: <https://www.rehabworks.org/about/publications.html> (last visited 3/24/25).

⁴⁴ Section 413.445, F.S.

⁴⁵ 6A-25.018, F.A.C.

⁴⁶ Section 413.4455, F.S.

appropriations allocations and other funds relating to the Division of Vocational Rehabilitation, the Division of Blind Services, and the Federal Rehabilitation Trust Fund to the APD.

The bill requires that any binding contract or interagency agreement existing before September 30, 2026 between the Division of Blind Services, the Division of Vocational Rehabilitation and another entity must continue under the current entities for the remainder of the contract.

The bill requires the DOE to continue the operations of any direct-support organization created under ch. 413, F.S. until full implementation of the transition plan or October 1, 2027, whichever occurs first. The bill requires any funds held in trust which were donated to or earned by the Division of Blind Services or the Division of Vocational Rehabilitation to be transferred in conjunction with the direct-support organization and used for the original purposes.

The bill transfers duties related to applicable federal authority to the APD, which allows the APD to assume the responsibility to submit amendments, supplemental information, or waivers to the federal government for approval. The bill requires the APD and the DOE to jointly notify the U.S. Department of Education of the change in grant recipient for any applicable federal funding.

The bill intends the transition activities to be completed on or before October 1, 2027, and that the changes made by this section be accomplished with minimal disruption of services provided to the public and minimal disruption to employees of the DOE or APD. The bill directs all applicable units of state government to contribute to the transfer, and establishes a transition period between July 1, 2025 and October 1, 2027.

Section 3 of the bill requires coordination between the DOE and APD during the type two transfer. The bill requires the secretary of the APD and the Commissioner of Education to each designate a transition coordinator to serve as the primary representative on a transition advisory working group. The bill allows the transition coordinators to recommend subject-matter experts to the secretary and the commissioner that can fulfill transition duties and submit progress reports on the transition.

The bill requires the secretary and the commissioner to each appoint three staff members to the transition advisory working group to review and make determinations on the following:

- The appropriate proportionate number of personnel and their related funding levels, funding sources, and assigned property that will be transferred from the Office of General Counsel, Office of the Inspector General, and Division of Administrative Services to the APD from the DOE.
- The development of a recommended plan that addresses the transfers or shared use of buildings, regional offices, and other facilities used or owned by the DOE.
- Any operating budget adjustments necessary to implement the transition. These adjustments must be made in consultation with the appropriate substantive and fiscal committees of the Senate and the House of Representatives.

Section 6 of the bill amends s. 20.1971, F.S. to allow the APD to administer the Federal Rehabilitation Trust Fund, rather than the DOE. The trust fund must consist of receipts from federal grants, and must be used for the purpose of providing the following:

- Providing independent living skills;

- Education;
- Medical treatment; and
- Assistive devices for individuals with disabilities.

These services are intended to assist individuals with disabilities lead productive lives and join the workforce.

Any balance in the trust fund at the end of any fiscal year must remain in the trust fund and be available to carry out the purposes of the trust fund, notwithstanding s. 216.301, F.S. and pursuant to s. 216.351, F.S.

Sections 4, 15, 16, 17, 18, 19, 20, 22, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 46, 47, and 49 of the bill makes conforming changes to implement the type two transfer of the Division of Vocational Rehabilitation, the Division of Blind Services, and the Federal Rehabilitation Trust Fund from the DOE to the APD.

Services for Individuals with Disabilities

Present Situation

Individual Budgeting (iBudget) Waiver

Florida has obtained several waivers⁴⁷ to enable the provision of specified home and community-based services to persons at risk of institutionalization.⁴⁸ The intended target populations are older adults, people with intellectual or developmental disabilities, physical disabilities, or mental health and substance use disorders.⁴⁹ These services are intended to allow recipients to remain at home or in a home-like setting, and are funded by the Florida Agency for Health Care Administration (AHCA).⁵⁰

The Individual Budgeting Waiver (iBudget) is one of the Home and Community-Based Services federal waivers.⁵¹ The APD administers the iBudget waiver in Florida for individuals with specified developmental disabilities who meet Medicaid eligibility requirements.⁵² The iBudget program provides the client with an established budget; with this budget, the client may choose services within a specified service package that best allows them to live in their community.⁵³

⁴⁷ A Medicaid waiver allows a state to waive certain eligibility requirements and cover individuals who may not otherwise be eligible for Medicaid care. See Centers for Medicare & Medicaid Services, *State Medicaid Plans and Waivers*, available at: <https://www.cms.gov/training-education/partner-outreach-resources/american-indian-alaska-native/ltss-ta-center/information/state-medicaid-plans-and-waivers> (last visited 3/25/25).

⁴⁸ 59G-13.080, F.A.C.

⁴⁹ Medicaid.gov, Home and Community Based Services, available at: <https://www.medicaid.gov/medicaid/home-community-based-services/index.html> (last visited 3/13/25).

⁵⁰ Rule 59G-13.080(1), F.S. 393.062, F.S.; Section 409.906, F.S.

⁵¹ Florida Agency for Health Care Administration, Florida Medicaid's Covered Services and HCBS Waivers, available at: <https://ahca.myflorida.com/medicaid/medicaid-policy-quality-and-operations/medicaid-policy-and-quality/medicaid-policy/florida-medicaid-s-covered-services-and-hcbs-waivers> (last visited 3/13/25).

⁵² Section 393.0662, F.S.

⁵³ *Id.*

The APD serves 35,790 individuals through iBudget Florida, contracting with service providers to offer various supports and services to assist individuals to live in their community.⁵⁴ Examples of waiver services include residential habilitation, behavioral services, personal supports, adult day care training, employment services, and occupational and physical therapy.⁵⁵

iBudget Preenrollment Categories

Based on the available slots in the iBudget waiver program, applicants may either be placed in the program or placed on a wait list if the demand exceeds available funding. The APD assigns each waitlisted client to a preenrollment category based on their needs. As more funding is available, clients are taken off the preenrollment categories and placed on the program, in descending priority order; meaning, the clients who have the highest needs are enrolled in the program first. The following table displays the number of individuals in the preenrollment categories as of March 18, 2025⁵⁶:

iBudget Preenrollment Categories		
Preenrollment Category	Description	Total Number of Clients
Category 1	Clients in crisis	-
Category 2	Children in the Child Welfare System at the time of permanency or turning 18 years of age	-
Category 3	Intensive Needs	170
Category 4	Caregiver Over Age 60	522
Category 5	Clients transitioning from school	22
Category 6	Clients Age 21 and Over who do not meet the criteria for categories 1, 2, 3, 4, or 5	12,323
Category 7	Clients Age 21 and Younger who do not meet the criteria for categories 1, 2, 3, or 4	7,985
Grand Total of Clients		21,022

The Child Welfare System

Chapter 39, F.S., creates Florida’s dependency system charged with protecting children who have been abused, abandoned, or neglected.⁵⁷ The Department of Children and Families (DCF) and community-based care lead agencies (CBCs) work with families to address problems endangering children, if possible.⁵⁸ If the problems cannot be addressed, the child welfare system finds safe out-of-home placements for these children.⁵⁹ During this time, the DCF strives to

⁵⁴ March 24, 2025 E-mail from Anna Grace Futch, Legislative Affairs Director, the APD (on file with the Senate Committee on Children, Families, and Elder Affairs).

⁵⁵ Agency for Persons with Disabilities, *Quarterly Report on Agency Services to Floridians with Developmental Disabilities and Their Costs First Quarter Fiscal Year 2022-2023*, available at: <https://apd.myflorida.com/publications/reports/> (last visited 3/14/25).

⁵⁶ March 24, 2025 E-mail from Anna Grace Futch, Legislative Affairs Director, the APD (on file with the Senate Committee on Children, Families, and Elder Affairs).

⁵⁷ Ch. 39, F.S.

⁵⁸ Ch. 39, F.S.

⁵⁹ Ch. 39, F.S.

achieve permanency for the child before the child's 18th birthday.⁶⁰ However, a child will age out of care upon reaching 18 years of age if a permanent placement is not found.⁶¹

During the year after a child reaches age 16 years, the DCF and CBC lead agency are required to collaborate with the caregiver to assist the child in developing a transition plan.⁶² The transition plan must address options for the child to obtain services such as housing, health insurance, education, financial literacy, a driver license, and workforce support.⁶³ Additionally, the court is required to conduct judicial reviews of children aging out of the child welfare system, to determine if they have obtained appropriate life skills to live independently and ensure the child has information about services they may be eligible to receive after reaching 18 years of age.⁶⁴

Effect of Proposed Changes

Section 10 of the bill amends s. 393.065, F.S. to require the APD to participate in transition planning activities for individuals assigned to preenrollment category 2, which are children aging out of the child welfare system. These activities must be coordinated by the CBC lead agency, and include, but are not limited to the following:

- Transition plan staffing pursuant to s. 39.6035, F.S.; and
- Multidisciplinary staffing pursuant to s. 39.701 F.S., including activities regarding guardianship.

The bill also requires the APD to provide a brief overview of the vocational rehabilitation services offered through the Division of Vocational Rehabilitation through APD, to conform to the type two transfer of this division from the Department of Education.

Adult Pathways

Present Situation

Adult Pathways Program

In 2024, the Legislature directed the Agency for Health Care Administration and the APD to jointly develop a comprehensive plan for the administration, finance, and delivery of home and community-based services through a new home and community-based services Medicaid waiver program.⁶⁵ The waiver is intended for clients transitioning into adulthood, and designed to prevent future crisis enrollment (Category 1) in the iBudget program.

To fulfill the legislative directive from the 2024 legislative session, the APD and AHCA contracted for an actuarial analysis to propose recommendations for the advancement of an Adult Pathways Waiver.⁶⁶

⁶⁰ Section 39.621, F.S.

⁶¹ Rule 65C-30.022, F.A.C.

⁶² Section 39.6035, F.S.

⁶³ *Id.*

⁶⁴ Section 39.701(3), F.S.

⁶⁵ Ch. 2024-14, L.O.F.

⁶⁶ Ch. 2024-231, L.O.F. and Milliman Report, *Adult Pathways Waiver – Plans and Recommendations*, November 26, 2024 (on file with the Senate Committee on Children, Families, and Elder Affairs).

In November 2024, the APD submitted the actuarial analysis and plan for the Adult Pathways Waiver. The waiver is intended to focus on a population of individuals with developmental disabilities ages 18 to 32 that have graduated or completed high school equivalency and are Medicaid eligible.⁶⁷ Additionally, the APD identified the following services to potentially include in the waiver⁶⁸:

- Life Skills Developmental Level 1 (Community Inclusion)
- Life Skills Developmental Level 2 (Supported Employment)
- Life Skills Developmental Level 3 (Adult Day Training)
- Life Skills Developmental Level 4 (Prevocational)
- Personal Supports
- Respite
- Support Coordination
- Supported Living Coaching
- Transportation

Residential habilitation and behavioral services were also identified as potential services for consideration.⁶⁹

To begin implementation, the plan must receive legislative appropriation and be submitted to the Centers for Medicare and Medicaid Services (CMS) for federal approval.⁷⁰

Effect of Proposed Changes

Section 11 of the bill creates s. 393.0664, F.S. to implement the Adult Pathways Home and Community-based Services Medicaid waiver program. The bill requires this waiver to utilize a fee-for-service model with an annual per-person funding cap to address the needs of clients with developmental disabilities as they transition into adulthood and achieve greater independence throughout their lifetimes.

The bill requires the program to establish an additional pathway that utilizes the use of natural supports and community partnerships to provide the necessary supports to clients and contain costs. The program is intended to meet the needs of clients at the earliest opportunity to prevent care crises and to positively influence outcomes relating to client health, safety, and well-being.

The bill allows the APD, in partnership with AHCA, to seek federal approval for the program through a state plan amendment or Medicaid waiver. The bill requires AHCA to submit a request for any federal approval needed to implement the program by October 1, 2025.

The bill requires participation in the program to be voluntary and limited to the maximum number of enrollees authorized in the General Appropriations Act. The bill specifies the following criteria to participate in the program:

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ Milliman Report, *Adult Pathways Waiver – Plans and Recommendations*, November 26, 2024 (on file with the Senate Committee on Children, Families, and Elder Affairs).

- Be eligible for Medicaid.
- Be eligible for a preenrollment category for Medicaid waiver services.
- Be 18 to 28 years of age at the time of enrollment and have attained a high school diploma or the equivalent.
- Meet the level of care required for home and community-based services as identified in the federal approval for the program.

The bill requires the APD to approve a needs assessment methodology to determine the functional, behavioral, and physical needs of prospective enrollees. This assessment methodology must be administered by persons who have completed any training required by the APD for such purpose. The bill allows the APD to offer such training.

The bill allows enrollees to remain on the Adult Pathways waiver until he or she reaches 32 years of age. An individual's participation in the program does not affect his or her status on the home and community-based services Medicaid waiver program, unless the client or the client's legal representative voluntarily disenrolls from that program. Upon an individual's disenrollment from the program, the bill requires the APD to allow the client to return to the most appropriate preenrollment category based on a current needs assessment and the preenrollment category criteria.

The bill requires the APD to authorize covered services specified in the Medicaid waiver which are medically necessary, including, but not limited to, any of the following:

- Adult day training.
- Companion services.
- Employment services.
- Personal supports.
- Prevocational services.
- Supported living coaching.
- Transportation.
- Care Coordination.

The bill requires such services to be provided in accordance with an individualized care plan. The bill requires the individualized care plan to be evaluated and updated at least annually, and as often as warranted by changes in the enrollee's circumstances.

The bill requires the APD to begin enrollment in the Adult Pathways program upon federal approval of the Adult Pathways waiver, with coverage for enrollees becoming effective upon authorization and availability of sufficient state and federal funding and resources.

The bill allows the APD, in consultation with AHCA, to adjust fees, reimbursement rates, lengths of stay, number of visits, or number of services; limit enrollment in the program; or make any other adjustments necessary based upon funding and any limitations imposed or directions provided in the General Appropriations Act.

The bill requires the APD, in consultation with AHCA, to submit progress reports to the Governor, the President of the Senate, and the Speaker of the House of Representatives upon

federal approval of the Medicaid waiver and throughout implementation of the program. The bill requires the APD to submit a progress report by July 1, 2026, including, but not limited to, all of the following:

- The number of enrollees in the program and other pertinent information on enrollment.
- Service use.
- Average cost per enrollee.
- Outcomes and performance reporting relating to health, safety, and well-being of enrollees.

Family Care Councils

Present Situation

Family Care Councils

In 1993, the Legislature required each service district of the Department of Health and Rehabilitative Services to create local family care councils (FCC).⁷¹ FCCs are intended to facilitate the connection between government and individuals with disabilities and their families, to ensure that statewide policies are guided by input from individuals who are affected by such policies.⁷²

Current law requires local FCCs to consist of at least 10 members recommended by a majority vote of the local family care council and appointed by the Governor.⁷³ Council members must serve on a voluntary basis.⁷⁴ The FCC must be composed of individuals receiving or waiting to receive APD services and family members of individuals with developmental disabilities.⁷⁵ FCCs are required to provide the APD-established training program to assist the council members in understanding the laws, rules, and policies applicable to their duties and responsibilities on the council.⁷⁶

Family care councils are intended to advise the APD, develop a plan for the delivery of family support services within the local area, and to monitor the implementation and effectiveness of services and support provided under the developed plan.⁷⁷ The primary functions of the FCC are as follows⁷⁸:

- Assist in providing information and outreach to families.
- Review the effectiveness of service programs and make recommendations with respect to program implementation.
- Advise the agency with respect to policy issues relevant to the community and family support system in the local area.
- Meet and share information with other local family care councils.

⁷¹ Ch. 93-143, L.O.F.

⁷² Family Care Councils, *Serving Families for 30 Years*, available at: <https://www.fccflorida.org/> (last visited 3/26/25).

⁷³ Section 393.502, F.S.

⁷⁴ Section 393.502, F.S.

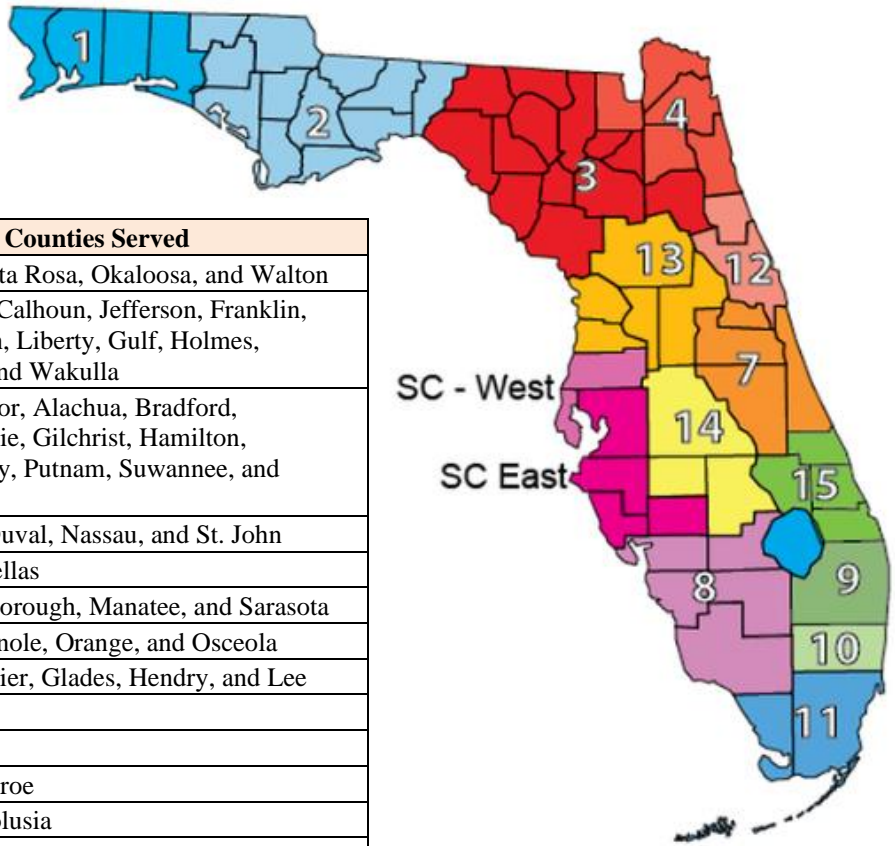
⁷⁵ *Id.*

⁷⁶ Section 393.502(5), F.S.

⁷⁷ Section 393.502(7), F.S.

⁷⁸ *Id.*

There are currently 15 FCCs statewide, as shown below⁷⁹



Local FCC	Counties Served
Area 1	Escambia, Santa Rosa, Okaloosa, and Walton
Area 2	Bay, Jackson, Calhoun, Jefferson, Franklin, Leon, Gadsden, Liberty, Gulf, Holmes, Washington, and Wakulla
Area 3	Madison, Taylor, Alachua, Bradford, Columbia, Dixie, Gilchrist, Hamilton, Lafayette, Levy, Putnam, Suwannee, and Union
Area 4	Baker, Clay, Duval, Nassau, and St. John
Suncoast West	Pasco and Pinellas
Suncoast East	DeSoto, Hillsborough, Manatee, and Sarasota
Area 7	Brevard, Seminole, Orange, and Osceola
Area 8	Charlotte, Collier, Glades, Hendry, and Lee
Area 9	Palm Beach
Area 10	Broward
Area 11	Dade and Monroe
Area 12	Flagler and Volusia
Area 13	Citrus, Hernando, Lake, Marion, and Sumter
Area 14	Hardee, Highlands, and Polk
Area 15	Indian River, Martin, Okeechobee, St. Lucie

Upon the establishment of a new FCC, the Governor must appoint the first four council members, who serve 3-year terms. The appointed members are required to submit recommendations for at least six additional members selected by a majority vote to the Governor.⁸⁰

FCCs may apply for, receive, and accept grants, gifts, donations, bequests, and other payments from any public or private entity or person.⁸¹ The APD may conduct an annual financial review of each local family care council.⁸²

⁷⁹ Family Care Councils, *Local Family Care Councils*, available at: <https://www.fccflorida.org/local-councils.html> (last visited 3/26/25).

⁸⁰ Section 393.502(8), F.S.

⁸¹ Section 393.502(9), F.S.

⁸² *Id.*

Florida Unique Abilities Program

The Florida Unique Abilities Partner Program was established in 2016⁸³ and was transferred to the oversight of the APD in 2024.⁸⁴ This program allows the APD to designate certain business entities as Florida Unique Abilities Partners, provided the business demonstrates its commitment to supporting individuals with disabilities.⁸⁵ The Florida Unique Abilities Partners Program is intended to enhance the following outcomes⁸⁶:

- Fostering independence through facilitating the employment of individuals with unique abilities who wish to work.
- Reducing unemployment among those who are willing, ready, and able to contribute to Florida's workforce.
- Connecting businesses through increased networking opportunities for businesses.
- Strengthening communities by creating environments where everyone can succeed.

Currently, there are nearly 200 Unique Abilities Partners throughout the state of Florida.⁸⁷

Effect of Proposed Changes

Section 12 of the bill amends s. 393.502, F.S. to establish a statewide family care council that coordinates with existing local family care councils. The statewide council is required to advise the APD on strategies to promote and support the delivery of services and resources across the state. The bill requires the statewide council to utilize information from local family care councils to develop strategies and resources to support individuals with disabilities and their families, including the promotion of peer and mentorship models.

The bill clarifies language that provides the location of local family care councils, to agency-designated regions rather than service areas of the APD. The bill requires local family care councils to coordinate with the statewide family care council and act as a local network for mentorship and peer support to individuals with disabilities and their families. Specifically, local family care councils are required to do the following:

- Provide an annual report to the statewide family care council by July 1. This report must include information relating to locally based existing resources and supports available to individuals with disabilities and their families. The report must include specific information provided at the local council's quarterly meetings.
 - The local family care council's quarterly meetings must include the development of strategies to enhance networks of supports. These strategies are intended to promote the maximization of community integration, resource identification, encouragement for others by sharing lived experiences, and increase of skills for independence through partnerships that promote volunteer opportunities, internships, and employment options.
- Assist in promoting strategies, models, and programs that are developed due to the findings in the statewide family care council's annual report and in consultation with the agency.

⁸³ Ch. 2016-3, F.S.

⁸⁴ Ch. 2024-14, L.O.F.

⁸⁵ Section 413.801, F.S.

⁸⁶ APD Cares, *Florida Unique Abilities Partner Program*, available at: <https://apd.myflorida.com/unique/> (last visited 3/26/25).

⁸⁷ APD Cares, *Florida Unique Abilities Partner Program List of Partners*, available at: <https://apd.myflorida.com/unique/partners.htm> (last visited 3/26/25).

- Provide outreach and connection for individuals with disabilities and their families to care navigation, resources and supports, and additional opportunities to connect with others with lived experiences to promote empowerment and resiliency.

The bill requires the statewide family care council to utilize the information received from the local council's annual reports and quarterly meetings to compose a statewide annual report. The statewide family care council must provide this report to the APD by December 1, each year. The report must include information relating to the existing infrastructure of supports for individuals with disabilities and their families. The bill requires the strategies included in the report to reference existing models established as leading practices. The strategies must promote the maximization of community integration, resource identification, encouragement for others by sharing lived experiences, and increase of skills for independence through partnerships that promote volunteer, intern, and employment options.

The bill limits local family care councils to apply, receive, and accept funding *solely* for the purpose of directly supporting the mentorship and peer supports program and network.

The bill provides that both the statewide and local family care councils are subject to an annual financial review by staff assigned by the APD. The bill allows the APD to implement financial controls for a council as deemed necessary after a financial review.

The bill prohibits APD employees from serving as voting members on either the statewide council or a local council. Members of the statewide council must be appointed by the Governor and members of the local councils must be appointed by the APD secretary, including upon the establishment of a new local family care council. Thus, statewide council members serve at the pleasure of the Governor, and the local council members serve at the pleasure of the secretary of the APD. The bill allows the APD secretary to recommend potential statewide council member appointments to the Governor.

The bill requires council members for the statewide and local councils to be appointed for a three-year term.

The bill requires the statewide family care council to be composed of up to 11 members, as follows:

- At least one representative from each agency-designated region, each of whom must be a resident of the region he or she represents on the council.
- At least two individuals who are receiving waiver services from the agency or are assigned to a preenrollment category for waiver services under s. 393.065.
- One nonvoting member appointed by the secretary of the APD.
- One representative of an entity that provides services to individuals with disabilities in this state, including, but not limited to, a private sector Florida Unique Abilities Partner designated under s. 413.801, which does not have a Medicaid waiver service contract with the agency, who shall serve as a member-at-large.
- At least one member who is the parent, grandparent, guardian, or sibling of an individual with disabilities who is served by the agency. For a grandparent to serve as a member, the grandchild's parent or legal guardian must consent to the appointment in writing to the agency.

- Additional members may include representatives from local community-based nonprofit organizations, faith-based organizations, schools, or programs embedded within educational systems in this state.

Persons related by consanguinity or affinity within the third degree may not serve on the same council at the same time. The bill requires the council members to choose a statewide family care council chair who serves a one year term. The bill prohibits an individual from serving more than two consecutive terms as chair.

The bill requires each local family care council to be composed of at least 10 and no more than 15 members, as follows:

- At least one member must be an individual receiving waiver services from the agency or assigned to a preenrollment category for waiver services under s. 393.065, F.S.
- One member must be a representative of an entity providing services to individuals with disabilities in this state, including, but not limited to, a private sector Florida Unique Abilities Partner designated under s. 413.801, which does not have a Medicaid waiver service contract with the agency.
- At least one member must be the parent, grandparent, guardian, or sibling of an individual with disabilities who is served by the agency. For a grandparent to serve as a member, the grandchild's parent or legal guardian must consent to the appointment in writing to the agency.
- Additional members may include representatives of local community-based nonprofit organizations, faith-based organizations, schools, or educational programs.

The bill retains the requirement that a local council chair must be chosen by the council members to serve a one year term. The bill reduces the number of consecutive terms an individual may serve as a chair, from four one-year terms to two one-year terms. Thus, an individual cannot serve as a local council chair for more than two consecutive years.

The bill amends the process upon which a statewide or local council has a membership vacancy. The bill requires the statewide or local council to notify the APD of the vacancy. Upon this notification, the vacancy must be filled in the same manner as the original appointment to the council.

The bill requires the APD to consult with the statewide and local councils to establish a training program for statewide and local council members. This training program must be utilized when new members are appointed to the councils and any times as the APD secretary deems necessary.

The bill requires the statewide family care council and all local family care councils to meet as necessary, but at least quarterly.

The bill amends the compensation requirements for the members of both the statewide and local family care councils. The following members of the statewide or local council may receive reimbursement for per diem and travel expenses:

- Members who were appointed on the basis of receiving waiver services from the APD;
- Members who were appointed by virtue of being assigned to a preenrollment category; or

- Members who were appointed on the basis of being related to such a person.

The bill requires the statewide and local family care councils to have a quorum, consisting of the majority of the members of the council, in order to conduct business or hold a meeting. The bill allows the council to conduct its meetings through teleconference or other electronic means to establish a quorum. If a council is unable to meet a quorum due to vacancies on the council, the bill requires the council to meet solely to develop and submit recommendations for council members to fill the vacancy.

Commission for the Transportation Disadvantaged

Present Situation

The Commission for the Transportation Disadvantaged (commission) is housed within the Department of Transportation.⁸⁸ The Commission coordinates transportation services for individuals with disabilities to facilitate individuals living interpedently in their communities.⁸⁹ The Governor makes the following appointments to the Commission⁹⁰:

- The Secretary of Transportation or his or her designee.
- The director of the Agency for Persons with Disabilities or his or her designee.
- The Secretary of Elderly Affairs or his or her designee.
- The director of the Division of Blind Services.
- Two county managers or administrators, one from a rural county and one from a county with a population of more than 150,000, according to the last state census.
- Five members who have experience in transportation, workforce development, transit services, management, insurance, or service of persons with disabilities or who have a disability and use transportation for the transportation disadvantaged.

Effect of Proposed Changes

Section 45 of the bill amends the membership of the Commission for the Transportation Disadvantaged in s. 427.012, F.S. The bill requires the following members to serve as ex officio, nonvoting advisors to the commission:

- The Secretary of Transportation;
- The Secretary of Children and Families;
- The Secretary of Commerce;
- The executive director of the Department of Veterans' Affairs;
- The Secretary of Elderly Affairs;
- The Secretary of Health Care Administration;
- The Secretary of the APD; and
- A county manager or administrator appointed by the Governor *or* a senior management-level representative of each department.

⁸⁸ Section 427.012, F.S.

⁸⁹ Florida Commission for the Transportation Disadvantaged, *2024 Annual Performance Report*, available at: <https://www.fdot.gov/ctd/ctd-home> (last visited 3/25/25).

⁹⁰ Section 427.012, F.S.

The members of the council who have experience in transportation, workforce development, transit services, management, insurance, or service of persons with disabilities, and individuals who have a disability and use transportation for the transportation disadvantaged retain voting power.

Other

Section 1 of the bill renames ch. 393, F.S. entitled “Developmental Disabilities” to “Persons with Disabilities.”

Section 9 of the bill amends s. 393.063, F.S. to update current definitions and to include a new definition for the term “care plan.”

The bill refers to a care plan as a written tool that contains information provided by the individual with disabilities or his or her guardian advocate or representative which is used to develop attainable milestones and corresponding timelines to address immediate, intermediate, and long-term needs and goals through the coordination of resources and support.

The bill updates the term “client” to refer to any individual with disabilities who receive services from the APD under ch. 393 or ch. 413.

The bill updates the term “treatment” to refer to interventions or services provided to prevent and lessen a client’s symptoms; provide care, comfort, and education to a client; and restore and maintain the health of the client. This change removes terminology that refers to a client’s developmental disability as something that must be prevented, ameliorated, or cured.

Section 48 and 50 of the bill update cross references to reflect the substantive changes in the bill.

Section 52 provides an effective date of July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None Identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

There is an expected indeterminate fiscal impact relating to the type two transfer of the Division of Blind Services, Division of Vocational Rehabilitation, and the Federal Rehabilitation trust fund from the DOE to the APD.

There is a potential negative fiscal impact on APD for the administrative support of the newly created statewide family care council.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 20.15, 20.197, 20.1971, 393.062, 393.063, 393.065, 393.502, , 413.271, 90.6063, 110.112, 215.311, 257.04, 318.21, 320.0848, 393.13, 394.75, 402.56, 409.9855, 410.604, 413.011, 413.0111, 413.033, 413.035, 413.036, 413.037, 413.051, 413.091, 413.092, 413.20, 413.201, 413.203, 413.402, 413.405, 413.407, 413.445, 413.615, 413.80, 413.801, 427.012, 943.0585, 943.059, 1002.394, 1003.575, 1004.6495, 1012.582

This bill creates the following sections of the Florida Statutes: 393.0621, 393.0664, 413.001

IX. Additional Information:

- A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
