The following bills were passed by the Legislature and will be sent to the Governor for his action. All information is as of April 12, 2016.
To view narrative, click on the bill number.

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The following is an overview of substantive bills of interest to the Agency for Persons with Disabilities passed by the Florida Legislature during the 2016 Regular Legislative Session.

Click on the bill number to view bill language

**SB 0012** – Mental Health and Substance Abuse
Pending Approval by the Governor

The bill amends statutory language by:

- Including services provided to treatment-based mental health programs within case management funded from state revenues as an element of the state courts system
- Requiring assessment findings to be provided to the plan that is financially responsible for a child’s care in residential treatment under certain circumstances
- Specifying certain persons who are prohibited from being appointed as a person’s guardian advocate
- Authorizing county or circuit courts to enter ex parte orders for involuntary examinations
- Requiring the Department of Children and Families to create a workgroup on the use of advance directives for substance use disorders, etc.

**Effective Date:** July 1, 2016

**HB 0127** – Continuing Care Facilities
Ch. 2016-17 Laws of Florida
Approved by the Governor on March 8, 2016

The bill amends statutory language by:

- Provides financial requirements for certain nursing homes to be designated as Gold Seal Program

**Effective Date:** March 8, 2016

**SB 0158** – Identification Cards and Driver Licenses
Ch. 2016-4 Laws of Florida
Approved by the Governor on February 24, 2016

The bill amends statutory language by:

- Providing for a person’s status as a lifetime freshwater fishing, saltwater fishing, hunting, or sportsman licensee, or boater safety identification cardholder, to be
indicated on his or her identification card or driver license upon payment of an additional fee and presentation of the person’s lifetime freshwater fishing, saltwater fishing, hunting, or sportsman’s license, or boater safety identification card

- Providing a waiver of the replacement fee in certain circumstances, etc.

**Effective Date: July 1, 2016**

**SB 0202** – Florida Association of Centers for Independent Living

**Ch. 2016-30 Laws of Florida**

Approved by the Governor on March 9, 2016

The bill amends statutory language by:

- Requiring that a specified agreement be maintained between the Florida Endowment Foundation for Vocational Rehabilitation and the Florida Association of Centers for Independent Living
- Requiring the program to provide additional support and services
- Requiring the program to reimburse the Florida Association of Centers for Independent Living for certain costs approved by the center’s board of directors, taking into consideration certain recommendations
- Revising the maximum amount of specified funds for each state attorney which may be used to administer the personal attendant and employment assistance program and to contract with the state attorneys participating in the tax collection enforcement diversion program, etc.

**Effective Date: July 1, 2016**

**HB 0221** – Out-of-Network Health Insurance Coverage

Pending approval by the Governor

The bill amends statutory language by:

- Requiring hospitals, ambulatory surgical centers, specialty hospitals, and urgent care centers to comply with certain provisions as a condition of licensure
- Requiring a hospital to post on its website certain information regarding its contracts with health insurers, health maintenance organizations, and health care practitioners and medical practice groups and specified notice to patients and prospective patients
- Requiring the Agency for Health Care Administration to include in its rules additional requirements relating to a resolution organization’s process in considering certain claim disputes
- Specifying an additional unfair method of competition and unfair or deceptive act or practice, etc.
SB 0230 – Missing Persons with Special Needs
Ch. 2016-186 Laws of Florida
Approved by the Governor on April 6, 2016

The bill amends statutory language by:

- Creating pilot projects in specified counties to provide personal devices to aid search-and-rescue efforts for persons with special needs, etc.
- APPROPRIATION: $200,000.00

Effective Date: July 1, 2016

SB 0232 – Guardianship
Ch. 2016-40 Laws of Florida
Approved by the Governor on March 10, 2016

The bill amends statutory language by:

- Renaming the Statewide Public Guardianship Office to the Office of Public and Professional Guardians
- Revising the duties and responsibilities of the executive director for the Office of Public and Professional Guardians
- Providing that a guardian has standing to seek judicial review pursuant to specified provisions if his or her registration is denied, etc.
- APPROPRIATION: $821,670.00.

Effective Date: March 10, 2016

HB 0241 – Children and Youth Cabinet
Ch. 2016-19 Laws of Florida
Approved by the Governor on March 8, 2016

The bill amends statutory language by:

- Revises membership of Children & Youth Cabinet

Effective Date: July 1, 2016
HB 0387 – Offenses Evidencing Prejudice
Ch. 2016-81 Laws of Florida
Approved by the Governor on March 24, 2016

The bill amends statutory language by:

- Designates act "Carl's Law"; removes provisions relating to reclassification of offenses committed while evidencing prejudice based on mental or physical disability of victim from provisions relating to offenses evidencing prejudice generally & reenacts them in separate statute section

**Effective Date: October 1, 2016**

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HB 0423 – Access to Health Care Services
Pending approval by the Governor

The bill amends statutory language by:

- Expanding the categories of persons who may prescribe brand name drugs under the prescription drug program when medically necessary
- Requiring a certain percentage of surgical assistants and surgical technologists employed or contracting with a hospital to be certified
- Requiring advanced registered nurse practitioners and physician assistants who prescribe controlled substances for the treatment of certain pain to make a certain designation, comply with registration requirements, and follow specified standards of practice
- Designates "The Barbara Lumpkin Prescribing Act", etc.

**Effective Date: Upon Becoming A Law**

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HB 0439 – Regulation of Health Care Facilities and Services
Ch. 2016-127 Laws of Florida
Approved by the Governor on March 25, 2016

The bill amends statutory language by:

- Expanding eligibility for military veterans and servicemembers court programs
- Authorizing the creation of treatment-based mental health court programs
- Creating the Forensic Hospital Diversion Pilot Program
- Authorizing courts to order certain offenders on probation or community control to postadjudicatory mental health court programs, etc.

**Effective Date: July 1, 2016**

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HB 0545 – Human Trafficking
Ch. 2016-24 Laws of Florida
Approved by the Governor on March 8, 2016
The bill amends statutory language by:

- Includes human trafficking as predicate offense for felony murder; prohibits permanently branding, or directing permanent branding, of victim of human trafficking
- Requires DOH to suspend license of massage therapist or massage establishment for specified violations in conjunction with establishment
- Provides that licensed massage therapist may not receive new or renewal license if applicant is convicted of certain prostitution offenses in conjunction with massage establishment
- Provides that licensed massage establishment may not receive new or renewal license if specified persons connected with establishment are convicted of certain prostitution offenses in conjunction with establishment
- Provides that minors may not be charged with specified prostitution offenses
- Requires person convicted of specified racketeering offenses to register as sexual predator or sexual offender
- Reenacts various provisions

**Effective Date:** October 1, 2016

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**SB 0628** – Fees for Records  
**Ch. 2016-162** Laws of Florida  
Approved by the Governor on March 30, 2016

The bill amends statutory language by:

- Adding the Agency for Persons with Disabilities to the list of specified state entities and vendors that pay a reduced fee per record for criminal history information for each name submitted, etc.

**Effective Date:** July 1, 2016

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**SB 0672** – Educational Options  
**Ch. 2016-2** Laws of Florida  
Approved by the Governor on January 21, 2016

The bill amends statutory language by:

- Creating the “Florida Postsecondary Comprehensive Transition Program Act
- Establishing student eligibility requirements for enrollment in the program
- Establishing the Florida Center for Students with Unique Abilities
- Establishing a Florida Postsecondary Comprehensive Transition Program Scholarship for certain qualified students
- Authorizing certain school districts and charter schools to be eligible to receive incentive payments for implementing a standard student attire policy that meets certain criteria
• Changing the name of the “Florida Personal Learning Scholarship Account Program” to the “Gardiner Scholarship Program”, etc.
• APPROPRIATION: $95,336,000.00

Effective Date: July 1, 2016

HB 0769 – Mental Health Treatment
Ch. 2016-135 Laws of Florida
Approved by the Governor on March 25, 2016

The bill amends statutory language by:

• Provides for continuation of psychotropic medication by forensic & civil facilities for individuals receiving such medication before admission
• Provides timeframes within which competency & commitment hearings must be held
• Revises time for dismissal of certain charges for defendants who remain incompetent to proceed to trial
• Provides exceptions
• Provides timeframe within which commitment hearings must be held
• Requires that defendant be transported for such hearing

Effective Date: July 1, 2016

HB 0837 – Education Programs for Individuals with Disabilities
Ch. 2016-137 Laws of Florida
Approved by the Governor on March 25, 2016

The bill amends statutory language by:

• Exempting a foster child from specified eligibility provisions
• Providing that a student enrolled in a transition-to-work program is eligible for a John M. McKay Scholarship
• Creating a transition-to-work program for specific students enrolled in the John M. McKay Scholarships for Students with Disabilities Program
• Exempting a John M. McKay Scholarship award from a specified funding calculation, etc.

Effective Date: July 1, 2016

SB 0936 – Persons with Disabilities
Ch. 2016-175 Laws of Florida
Approved by the Governor on April 1, 2016
The bill amends statutory language by:

- Citing this act as the "The Wes Kleinert Fair Interview Act"
- Requiring the Department of Highway Safety and Motor Vehicles to issue an identification card exhibiting a special designation for a person who has a developmental disability under certain circumstances
- Requiring a law enforcement officer, correctional officer, or another public safety official to make a good faith effort, upon the request of a parent, a guardian, or the individual, to ensure that specified professionals are present at all interviews of an individual diagnosed with autism or an autism spectrum disorder, etc.

**Effective Date: July 1, 2016**

The bill amends statutory language by:

- Reenacting, amending, and repealing provisions that have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded
- Correcting grammatical, typographical, and like errors, etc.

**Effective Date: July 1, 2016**

The bill amends statutory language by:

- Repealing provisions relating to a program for the prevention and treatment of severe self-injurious behavior
- Providing for the assignment of priority to clients waiting for waiver services
- Adding client needs that qualify as extraordinary needs, which may result in the approval of an increase in a client's allocated funds
- Providing qualification requirements for the supervisor of the clinical director of a specified licensee, etc.
- APPROPRIATION: $623,200.00

**Effective Date: July 1, 2016**
The bill amends statutory language by:

- Establishes Financial Literacy Program for Individuals with Developmental Disabilities within DFS
- Requires department to develop & implement program in consultation with specified stakeholders
- Requires qualified public depository to participate in Financial Literacy Program for Individuals with Developmental Disabilities
- Creates "Employment First Act"
- Requires specified state agencies & organizations to develop & implement interagency cooperative agreement
- Requires DEO, in consultation with other entities, to create Florida Unique Abilities Partner Program.
- APPROPRIATION: $599,482.00

Effective Date: July 1, 2016

The bill amends statutory language by:

- Specifying that the costs of instructional materials are not included in tuition for certain online degree programs
- Requiring the Board of Governors and the State Board of Education to annually identify strategies to promote college affordability
- Revising provisions relating to textbook affordability to include instructional materials
- Requiring Florida College System institutions and state universities to provide a public notice relating to increases in tuition and fees, etc.

Effective Date: July 1, 2016

The bill amends statutory language by:

- Expands list of entities that have access to child abuse records for approving providers of school readiness services
- Requires school readiness program providers to provide DCF & local licensing agencies with access for inspection purposes
- Requires certain child care providers to submit affidavit of compliance with licensure requirements of ch. 402, F.S., & federal law
- Provides criteria for exemption from disqualification for employment with school readiness program provider
- Revises duties of OEL
- Revises provisions relating to child & parent eligibility for school readiness programs

Effective Date: July 1, 2016
The following is an overview of the budget for the Agency for Persons with Disabilities passed by the Florida Legislature during the 2016 Legislative Session.

HB 5001 – Appropriations
Ch. 2016-66 Laws of Florida
Approved by the Governor on March 17, 2016 with Line Item Vetoes

Major funding decisions:

The funding for the Agency for Persons with Disabilities totals over $1.3 billion.

- $36.4 million to offer waiver enrollment to people with critical needs and individuals in Category 6 who live in the family home, are at least 30 years old, have been on the waiver waiting list for 10 years, and a high level of need. The money is expected to enroll more than 1,300 people into the Medicaid waiver.

- $2.5 million to offer waiver enrollment to approximately 55 people with Phelan-McDermid syndrome.

- $25 million for service provider rate increases for:
  - Adult Day Training-1 to 3 staffing ratio rate increase
  - Adult Day Training across the board rate increase
  - Personal Supports across the board rate increase
  - Residential Habilitation across the board rate increase

- $37 million for a provider rate increase to assist with compliance with the U.S. Department of Labor Home Care Rule for 1 to 1 services for personal supports, life skills development 1 (companion), respite, and residential habilitation live-in. An additional $9 million is included in the budget to begin the rate increase effective April 1, 2016.

- $0.5 million to continue the Employment Enhancement Project (EEP) for a fourth year which provides internships and on-the-job training for individuals on the Medicaid waiver waiting list.

- $0.575 million for Pre-Admission Screening and Resident Review and Utilization Review

- $0.90 million for Centers for Medicare and Medicaid Rule Implementation

- $2.6 million and 30.0 FTE for Questionnaire For Situational Information to Serve Clients on the Home and Community Based Waiver and the Waiting List
• $1.1 million for Supports for Behavior Analysis Services
• $0.3 million for Information Technology Equipment, Computers, and Infrastructure
• $0.4 million for Medicaid Waiver Rate Study
• $1.3 million Fixed Capital Outlay for improvements to William J. Rish Recreational Park (Billy Joe Rish Park). Rish Park on Cape San Blas in Gulf County is a state park that was built and designed for people with disabilities.
• $1.5 million Fixed Capital Outlay is provided for ADA accessibility modifications and critical repairs to state facilities
• $2.2 million for the new client database software and the electronic visit verification project. This is the second year of implementation of the system.
• $13.8 million and 184.0 FTE in reductions for unfunded budget and positions

• $5.2 million for special projects:
  o $1 million in recurring funds for ARC of Florida for Dental Services to the Developmentally Disabled
  o $268,303 in nonrecurring funds for The ARC of Tampa Bay Foundation for Behavior Analysis Services
  o $50,000 in nonrecurring funds for the Angel’s Reach Foundation, Inc.
  o $100,000 in nonrecurring funds for Expand Autism Assessment and Diagnosis Services – Easter Seals – Volusia and Flagler Counties
  o $50,000 in nonrecurring funds for Easter Seals – Brevard County
  o $150,000 in nonrecurring funds for Mactown Fitness and Wellness Services
  o $250,000 in nonrecurring funds for Hope Therapy, Incorporated
  o $1.2 million in nonrecurring funds for Our Pride Academy Child Care Training Program
  o $75,000 in nonrecurring funds for United Cerebral Palsy at Golden Glades
  o $316,060 in nonrecurring funds for Operation Grow – Seminole Count Work Opportunity Program
  o $150,000 in nonrecurring funds for Area Stage Company (ASC) DD Theater Program For Children
- $343,106 in nonrecurring funds for Brevard Achievement Center – Employment Services
- $1,000,000 in nonrecurring funds for the Loveland Center
- $19,740 in nonrecurring funds for the ARC of Indian River County – Employment Assistance in Agriculture
- $250,000 in nonrecurring funds for the ARC of Sunrise of Central Florida

- $2.9 million for local Fixed Capital Outlay projects:
  - $500,000 for Devereux Florida for the Threshold Center for Autism
  - $1 million for Russell Home in Orlando
  - $750,000 for the ARC of Broward Culinary Program
  - $649,111 for Palm Beach Habilitation Center Facility

- The sum of $6,369,667 from the General Revenue Fund provided to the Agency in Section 39 of chapter 2015-232, Laws of Florida, will revert and be appropriated in FY 2016-2017 in a Lump Sum category to be used for Medicaid Home and Community Based Waiver costs.

- The unexpended balance in Section 40 and Specific Appropriation 251 of chapter 2015-232, Laws of Florida, provided for the Home and Community Based Services waiver category will revert and be appropriated in FY 2016-17 in a Lump Sum category to be used for Medicaid Home and Community Based Waiver costs.

Effective Date: Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2016, or, if this act fails to become a law until after that date, it shall take effect upon becoming a law and operate retroactively to July 1, 2016.
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Appropriations Budget 2015-16 and 2017-17
ADMINISTRATIVE BILLS

The following is an overview of administrative bills of interest to the Agency for Persons with Disabilities passed by the Florida Legislature during the 2016 Regular Legislative Session.

Click on the bill number to view bill language

HB 0183 – Administrative Procedures
Ch. 2016-116 Laws of Florida
Approved by the Governor on March 25, 2016

The bill amends statutory language by:

- Revises requirements related to administrative proceedings regarding rules, proposed rules, unadopted rules, & agency statements
- Revises authorities of administrative law judges
- Authorizes petitioners to pursue collateral challenges
- Expands agency reporting requirements of certain minor rules
- Revises certain timeframes in administrative proceedings
- Requires certain challenges for regulatory permits for special events to follow summary hearing provisions

Effective Date: July, 1, 2016

HB 0273 – Public Records/Impaired Practitioner Consultants
Ch. 2016-20 Laws of Florida
Approved by the Governor on March 8, 2016

The bill amends statutory language by:

- Requires public agency contract for services to include statement providing contact information of public agency’s custodian of public records
- Prescribes form of statement
- Revises required provisions in public agency contract for services regarding contractor’s compliance with Public records laws
- Requires public records request relating to records for public agency’s contract for services to be made directly to public agency
- Requires contractor to provide requested records to public agency or allow inspection or copying of requested records
- Specifies circumstances under which court must assess & award reasonable costs of enforcement against contractor
- Specifies sufficient notice
- Provides that contractor who takes certain actions is not liable for reasonable costs of enforcement
The bill amends statutory language by:

- Authorizing the Department of Highway Safety and Motor Vehicles to provide the Agency for Health Care Administration with access to certain digital and photographic records
- Requiring appeals related to Medicaid programs directly administered by the agency to be directed to the agency
- Revising eligibility for the Florida Kidcare program to conform to changes made by the act
- Directing the agency to establish a payment methodology for managed care plans providing housing assistance to specified persons
- Authorizing a Program of All-inclusive Care for the Elderly (PACE) organization granted certain enrollee slots for frail elders residing in Broward County to use such slots for enrollees residing in Miami-Dade County, etc.

The bill amends statutory language by:

- Creating exemptions from public records requirements for certain records held by a state agency which identify detection, investigation, or response practices for suspected or confirmed information technology security incidents and for certain portions of risk assessments, evaluations, external audits, and other reports of a state agency’s information technology program
- Providing for future legislative review and repeal of the exemptions
- Providing statements of public necessity, etc.
• Providing an exemption from public records requirements for certain identifying and location information of current or former personnel employed in an agency’s office of inspector general or internal audit department whose duties include auditing or investigating certain activities that could lead to criminal prosecution or administrative discipline, and the spouses and children thereof
• Providing exemption from public records requirements for information about location of residential facilities serving adult victims of human trafficking involving commercial sexual activity held by an agency
• Providing for future legislative review and repeal of exemptions
• Providing a statement of public necessity
• Providing a contingent effective date

Effective Date: Upon Becoming A Law

SB 7028 – State Board of Administration
Pending approval by the Governor

The bill amends statutory language by:

• Encouraging the State Board of Administration to determine which publicly traded companies in which the Florida Retirement System Trust Fund is invested operate in Northern Ireland
• Redefining the term “public fund”
• Requiring the board, rather than the public fund, to maintain a list of certain scrutinized companies rather than assembling the list by a certain time, etc.

Effective Date: July 1, 2016
If you have questions, please contact:

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Caleb.Hawkes@apdcares.org

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Rebecca.Grissom@apdcares.org

This report is available on the agency's website at:
www.apdcares.org/publications/legislative/index.htm

More information about the bills referenced in this document and the legislative process can be found through several websites which are provided below:

Florida House of Representatives:
http://www.myfloridahouse.gov/

Florida Senate:
http://www.flsenate.gov/

Online Sunshine:
http://www.leg.state.fl.us/Welcome/index.cfm

Florida Department of State, Laws of Florida:
http://laws.firules.org/node

Governor of Florida:
http://www.flgov.com/