



State of Florida

agency for persons with disabilities



Office of Legislative Affairs

*2017 Session
Legislative Wrap-Up Report*

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The following bills were passed by the Legislature and will be sent to the Governor for his action. All information is as of June 16, 2017.

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SUBSTANTIVE BILLS

The following is an overview of substantive bills of interest to the Agency for Persons with Disabilities passed by the Florida Legislature during the 2017 Regular Legislative Session.

[Click on the bill number to view bill language](#)

[HB 0015](#) – Education Options Pending Approval by the Governor

The bill amends statutory language by:

- Prohibiting a student who is enrolled in the Florida School for the Deaf and the Blind from being eligible for the Gardiner Scholarship Program
- Revising student eligibility criteria for the Florida Tax Credit Scholarship Program
- Authorizing a child of a parent who is a member of the United States Armed Forces to apply for a scholarship at any time, etc.

Effective Date: July 1, 2017

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[HB 0039](#) – Autism Awareness Training for Law Enforcement Officers [Ch. 2017-43](#) Laws of Florida Approved by the Governor June 2, 2017

The bill amends statutory language by:

- Requires FDLE to establish continued employment training component relating to autism spectrum disorder
- Specifies instruction to be included in training component
- Provides that completion of training may count toward continued employment instruction requirements.

Effective Date: October 1, 2017

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SB 0060 – Children Obtaining Drivers Licenses
Ch. 2017-8 Laws of Florida
Approved by the Governor on May 1, 2017

The bill amends statutory language by:

- Revising a pilot program to make it permanent
- Revising the applicability of the program to include children in out-of-home care
- Authorizing the program to pay for a child to complete a driver education program and obtain a driver license or the related costs of licensure under certain circumstances
- Revising a child’s transition plan to include options to use in obtaining a driver license under certain circumstances

Effective Date: May 1, 2017

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SB 0151 – Proceedings Involving Minors or Certain Other Persons
Ch.2017-013 Laws of Florida
Approved by the Governor on May 9, 2017

The bill amends statutory language by:

- Provides that judges may allow use of certain service animals, therapy animals, or facility dogs in proceedings involving abuse, abandonment, or neglect
- Allows such animals to be used when taking testimony of certain other persons

Effective Date: July 1, 2017

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HB 0371 – Assistive Technology Devices
Pending approval by the Governor

The bill amends statutory language by:

- Revises provisions relating to accessibility & use of assistive technology devices by persons with disabilities

Effective Date: July 1, 2017

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**SB 0374 – Postsecondary Education
Pending approval by the Governor**

The bill amends statutory language by:

- Postsecondary Education; Citing this act as the “Florida Excellence in Higher Education Act of 2017”
- Renaming the Florida College System as the Florida Community College System
- Creating the State Board of Community Colleges
- Revising the function and mission of the Florida K-20 education system
- Providing the primary mission of a career center operated by a district school board
- Establishing the World Class Faculty and Scholar Program
- Creating the Florida Farmworker Student Scholarship Program, etc.

Effective Date: October 1, 2017

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**HB 0399 – Guardianship
Ch. 2017- 016 Laws of Florida
Approved by the Governor on May 9, 2017**

The bill amends statutory language by:

- Requires each examining committee member in proceeding to determine incapacity to file report with clerk of court within specified time
- Requires clerk to serve each report on specified persons within specified time; revises time before hearing on petition within which specified parties must be served
- Authorizes petitioner & alleged incapacitated person to move for continuance if service is not timely & to object to introduction of all or any part of report
- Specifies that admissibility of report is governed by rules of evidence
- Requires that adjudicatory hearing be conducted within specified time
- Changes time that guardian must file required annual guardianship plan
- eliminates requirement that court must first find that ward's spouse has consented to dissolution of marriage before authorizing guardian to exercise specified rights
- Removes cap on funeral expenses.

Effective Date: July 1, 2017

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SB 0474 – Hospice Care
Pending approval by the Governor

The bill amends statutory language by:

- Requiring the Department of Elderly Affairs, in conjunction with the Agency for Health Care Administration, to adopt national hospice outcome measures by a specified date and to make such measures available to the public
- Authorizing certain hospice personnel to assist in the disposal of certain prescribed controlled substances
- Requiring a hospice to maintain an up-to-date interdisciplinary record of care, etc.

Effective Date: July 1, 2017

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HB 0727 – Accessibility of Places of Public Accommodations
Pending approval by the Governor

The bill amends statutory language by:

- Accessibility of Places of Public Accommodation: Authorizes qualified experts to advise & provide certain inspections for places of public accommodation relating to ADA
- Authorizes certain owners of place of public accommodation to file certificate of conformity or remediation plan with DBPR
- Provides requirements for such submission
- Requires court to consider certain information in specified actions
- Requires department to develop & maintain website for specified purposes
- Provides an appropriation

Effective Date: July 1, 2017

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**SB 0890 – Direct-Support Organizations
Ch. 2017- 075 Laws of Florida
Approved by the Governor June 9, 2017**

The bill amends statutory language by:

- Direct-Support Organizations; Requiring a contract between an agency and a citizen support organization or direct-support organization to include a provision for the orderly cessation of operations and reversion of state funds within a specified timeframe
- Requiring that certain proceeds be deposited into the Grants and Donations Trust Fund of the Division of Vocational Rehabilitation, instead of the Florida Endowment Foundation for Vocational Rehabilitation
- Requiring a specified percentage of certain revenues to be deposited into the Florida Association of Centers for Independent Living special reserve account to administer specified programs
- Extending the date for future review and repeal of provisions relating to the Florida Endowment for Vocational Rehabilitation Act
- Requiring the foundation to transfer funds to specified entities for certain purposes, etc.

Effective Date: July 1, 2017

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**HB 0899 – Comprehensive Transitional Education Programs
Pending approval by the Governor**

The bill amends statutory language by:

- Authorizes APD to petition for appointment of receiver for comprehensive transitional education program

Effective Date: Upon becoming law

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**[HB 1121](#) – Child Welfare
Pending approval by the Governor**

The bill amends statutory language by:

- Requiring the Agency for Health Care Administration to establish a technical advisory panel to develop procedures and standards for measuring outcomes of pediatric cardiac catheterization programs and pediatric open-heart surgery programs
- Extending court jurisdiction to 22 years of age for young adults with disabilities in foster care
- Requiring a court to inquire as to the identity and location of a child's legal father at the shelter hearing
- Revising circumstances under which grounds for the termination of parental rights may be established
- Requiring a facility to initiate an involuntary examination of a minor within 12 hours after his or her arrival, etc.

Effective Date: July 1, 2017

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**[SB 1124](#) – Newborn Screening
[Ch. 2017-078](#) Laws of Florida
Approved by the Governor June 9, 2017**

The bill amends statutory language by:

- Requiring the Department of Health, upon the advice of the Genetics and Newborn Screening Advisory Council, to expand within a specified period the statewide screening of newborns to include any condition on the federal Recommended Uniform Screening Panel
- Requiring the council to determine whether a condition should be included in the state's screening program within a specified period after its addition to the federal panel, etc.

Effective Date: July 1, 2017

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SB 2514 – Health Care
Pending approval by the Governor

The bill amends statutory language by:

- Providing a specified percentage of the cigarette tax, up to a specified amount, be paid annually to the Florida Consortium of National Cancer Institute Centers Program, rather than the Sanford-Burnham Medical Research Institute
- Creating the Substance Abuse and Mental Health (SAMH) Safety Net Network
- Requiring the Department of Children and Families and the Agency for Health Care Administration to determine the scope of services to be offered through providers contracted with the SAMH Safety Net Network, etc.

Effective Date: July 1, 2017

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SB 7022 – Public Employees
Pending approval by the Governor

The bill amends statutory language by:

- Authorizing an employee to use a specified portion of the state’s contribution to purchase additional program benefits and supplemental benefits under certain circumstances
- Providing for the program to offer health plans in specified benefit levels
- Requiring the Department of Management Services to develop a plan for implementation of the benefit levels
- Requiring the department to contract with an entity to provide enrollees with online information on health care services and providers, etc.

Effective Date: Upon becoming a law

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APPROPRIATIONS UPDATE

The following is an overview of the budget for the Agency for Persons with Disabilities passed by the Florida Legislature during the 2017 Legislative Session.

**SB 2500 – Appropriations
Ch. 2017- 70 Laws of Florida**

Approved by the Governor on June 2, 2017 with Line Item Vetoes

Major funding decisions:

The funding for the Agency for Persons with Disabilities totals over \$1.2 billion.

- \$3.7 million to offer waiver enrollment to people with intensive needs. Medicaid waiver enrollment offers will be made to more than 400 people on the waiver waiting list.
- \$15 million for service provider rate increases for:
 - Adult Day Training – uniform rate increase
 - Nursing Services provided by Licensed Practical Nurses
 - Personal Supports – uniform rate increase
 - Residential Habilitation – Standard providers
 - Residential Habilitation – Behavior Focus and Intensive Behavioral providers
 - Supported Employment providers
- \$1.0 million to transition residents of comprehensive transitional education programs to community-based residential settings.
- \$1.0 million and 24.0 FTE for Regional Consumer Support to Serve Clients on the Home and Community Based Waiver and the Waiting List.
- \$2.0 million for the new client database software and the electronic visit verification project. This is the third year of funding to continue system development.
- \$208,395 for the Questionnaire for Situational Information Validity and Reliability Study

- \$750,000 to continue the Employment Enhancement Project (EEP) for a fifth year which provides internships and on-the-job training for individuals on the Medicaid waiver waiting list
- \$681,477 to conduct Fair Hearings resulting from the implementation of the new iBudget algorithm.

- \$250,000 for Evaluation Services for APD clients who are committed to the Agency pursuant to s. 393.11, F.S.

- \$528,559 for Information Technology Computers and Bandwidth.

- \$90,000 for APD's Emergency Management Notification System.

- \$100,000 for a consultant to conduct a transportation study for individuals with Developmental Disabilities.

- \$805,000 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.

- \$3.3 million Fixed Capital Outlay is provided for ADA accessibility modifications and critical repairs to state facilities

- \$720,000 and 20.0 FTE in reductions for outsourcing of housekeeping at the Sunland Center.

- \$7.2 million for special projects:
 - \$667,000 million from recurring to nonrecurring funds for Nemours Children's Hospital
 - \$25,000 from recurring to nonrecurring funds for ARC Florida Training
 - \$2.0 million from recurring to nonrecurring funds for Gateway ARC
 - \$100,000 in nonrecurring funds for Expand Autism Assessment and Diagnosis Services – Easter Seals – Volusia and Flagler Counties
 - \$50,000 in nonrecurring funds for Easter Seals – Brevard County

- \$50,000 in nonrecurring funds for Mactown Fitness and Wellness Services
- \$1.2 million in nonrecurring funds for Our Pride Academy Child Care Training Program
- \$240,000 in nonrecurring funds for Operation Grow – Seminole Count Work Opportunity Program
- \$175,000 in nonrecurring funds for Area Stage Company (ASC) DD Theater Program for Children
- \$150,000 in nonrecurring funds for Brevard Achievement Center – Employment Services
- \$486,000 in nonrecurring funds for the Loveland Center
- \$300,000 in nonrecurring funds for the ARC of Jacksonville
- \$500,000 in nonrecurring funds for the Jewish Adoption and Family Care Options Children’s Ability Center
- \$733,660 in nonrecurring funds for DNA Comprehensive Therapy Services
- \$168,150 in nonrecurring funds for Club Challenge
- \$100,000 in nonrecurring funds for Monroe Association for ReMARCable Citizens
- \$300,000 in nonrecurring funds for Association for Development of the Exceptional
- \$1,090,000 for local Fixed Capital Outlay Projects:
 - \$300,000 for The Miracle League of Miami-Dade for the construction of a recreational facility.
 - \$790,000 for the Arc Broward for the replacement of roofs at the main campus.
- The unexpended balance of funds provided in Specific Appropriation 259 of chapter 2016-66, Laws of Florida, provided to the Agency for Persons with Disabilities for the Home and Community Based Services Waiver shall revert and is appropriated for Fiscal Year 2017-2018 in the Lump Sum - Home and Community Based Services Waiver category

**SB 2502 - Implementing the 2017-2018 General Appropriations Act
Ch. 2017-71 Laws of Florida
 Approved by the Governor on June 2, 2017 with Line Item Vetoes**

Major funding decisions:

- Implements specific appropriations of the General Appropriations Act for the 2017-2018 fiscal year.

Section 12. In order to implement Specific Appropriation 241 of the 2017-2018 General Appropriations Act:

(1) If during the 2017-2018 fiscal year, the Agency for Persons with Disabilities ceases to have an allocation algorithm and methodology adopted by valid rule pursuant to s. 393.0662, Florida Statutes, the agency shall use the following until it adopts a new allocation algorithm and methodology:

(a) Each client's iBudget in effect as of the date the agency ceases to have an allocation algorithm and methodology adopted by valid rule pursuant to s. 393.0662, Florida Statutes, shall remain at that funding level.

(b) The Agency for Persons with Disabilities shall determine the iBudget for a client newly enrolled in the home and community-based services waiver program using the same allocation algorithm and methodology used for the iBudgets determined between January 1, 2017, and June 30, 2017.

(2) After a new allocation algorithm and methodology is adopted by final rule, a client's new iBudget shall be determined based on the new allocation algorithm and methodology and shall take effect as of the client's next support plan update.

(3) Funding allocated under subsections (1) and (2) may be increased pursuant to s. 393.0662(1)(b), Florida Statutes, or as necessary to comply with federal regulations.

(4) This section expires July 1, 2018.

Section 13. Effective upon this act becoming a law and in order to implement Specific Appropriation 249 of the 2017-2018 General Appropriations Act:

(1) The Agency for Persons with Disabilities shall contract with an independent consultant to examine the state's transportation disadvantaged services, how such services are provided in urban and nonurbanized areas and how to assist in the development and use of different provider models.

(2) There is created the Task Force on Transportation Disadvantaged Services, a task force as defined in s. 20.03, Florida Statutes. The task force is assigned to the Agency for Persons with Disabilities; however, the Commission for the Transportation Disadvantaged shall also assist the task force in carrying out its duties and responsibilities. The purpose of the task

force is to examine the design and use of transportation disadvantaged services, considering at least the following:

- (a) The use of regional fare payment systems;
- (b) The improvement of transportation disadvantaged services in both urban and nonurbanized areas;
- (c) The use of intercity and intercounty bus and
- (d) The use of private providers or transportation network companies.

(3) The task force is composed of the following members:

- (a) The director of the Agency for Persons with Disabilities or his or her designee.
- (b) The executive director of the Commission for the Transportation Disadvantaged or his or her designee.
- (c) The community transportation coordinators for Alachua, Jackson, Miami-Dade, and Pinellas Counties.
- (d) Two individuals who currently use transportation disadvantaged services, one appointed by the agency director and the other appointed by the executive director of the commission.

(e) A representative of the Florida Developmental Disabilities Council.

(f) A representative of Family Care Council Florida.

(4) At a minimum, the task force shall consider:

- (a) Routing improvement to minimize passenger transfers or wait times;
- (b) The ability to provide transportation disadvantaged services between specific origins and destinations selected by the individual user at a time that is agreed upon by the user and the provider of the service; and
- (c) The provision of transportation disadvantaged services to individual users to allow them to access health care, places of employment, education, and other life-sustaining activities in a cost-effective and efficient manner, while reducing fragmentation and duplication of services.

(5) The task force shall submit a report that, at a minimum, includes its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 15, 2017, at which time the task force shall terminate.

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, 2017, 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, 2017

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Agency for Persons with Disabilities

		FY 2016-2017				FY 2017-2018	
Budget_Entity	Budget Entity Title	Appropriation Category Title	FTE	ALL FUNDS	FTE	ALL FUNDS	
67100100	HOME & COMMUNITY SERVICES	SALARIES AND BENEFITS	404.00	22,368,253	428.00	23,532,729	
		OTHER PERSONAL SERVICES		5,100,189		5,143,455	
		EXPENSES		3,001,069		3,168,681	
		OPERATING CAPITAL OUTLAY		9,060		9,060	
		COMPREHENSIVE TRANSITIONAL EDUCATION PROGRAM TRANSITION				992,384	
		G/A-INDIVIDUAL & FAMILY		13,186,771		13,436,771	
		ROOM AND BOARD PAYMENTS		2,839,201		2,639,201	
		CONTRACTED SERVICES		1,038,727		1,288,727	
		G/A-CONTRACTED SERVICES		9,914,209		10,244,810	
		HOME/COMM SERVICES WAIVER		1,097,206,747		1,070,265,975	
		RISK MANAGEMENT INSURANCE		384,498		443,214	
		TR/DMS/HR SVCS/STW CONTRACT		157,475		144,353	
		FCO-PERSONS W/DISABILITIES				300,000	
		FCO - DEVEREUX FLORIDA THRESHOLD CENTER FOR AUTISM		500,000			
		FCO -ARC OF BROWARD		750,000		790,000	
		FCO - PALM BEACH HABILITATION CENTER		649,111			
		FCO - RUSSELL HOME		1,000,000			
67100100 Total			404.00	1,158,105,310	428.00	1,132,399,360	
67100200	PROGRAM MGT & COMPLIANCE	SALARIES AND BENEFITS	162.00	13,499,639	161.00	13,617,825	
		OTHER PERSONAL SERVICES		537,910		571,022	
		EXPENSES		1,437,474		1,865,083	
		OPERATING CAPITAL OUTLAY		23,974		23,974	
		TRANS TO DIV ADM HEARINGS		80,683		143,294	
		CONTRACTED SERVICES		1,289,231		889,231	
		G/A-CONTRACTED SERVICES		3,031,167		3,031,167	
		G/A-CONTRACT PROF SERVICES		6,248		6,248	
		RISK MANAGEMENT INSURANCE		182,334		210,178	
		HOME & COMM SERV ADMIN		7,212,679		7,565,039	
		TR/DMS/HR SVCS/STW CONTRACT		71,146		63,533	
		STATE DATA CENTER		350,490		332,083	
		67100200 Total			162.00	27,722,975	161.00
67100400	DEV DISAB CENTERS CIVIL	SALARIES AND BENEFITS	1,637.00	71,641,462	1,609.00	71,908,426	
		OTHER PERSONAL SERVICES		1,488,448		1,495,517	
		EXPENSES		5,020,139		5,020,139	
		OPERATING CAPITAL OUTLAY		123,123		64,965	
		FOOD PRODUCTS		1,898,927		1,898,927	
		APD/FCO NEEDS/CEN MGD FACS		2,805,485		4,106,000	
		CONTRACTED SERVICES		1,380,096		2,005,096	
		G/A-CONTRACT PROF SERVICES		4,316,049		4,316,049	
		PRESCRIBE MED/DRUG NON-MED		338,721		338,721	
		RISK MANAGEMENT INSURANCE		4,176,214		4,813,958	
		TR/DMS/HR SVCS/STW CONTRCT		713,933		632,024	
		67100400 Total			1,637.00	93,902,597	1,609.00
67100500	DEV DISAB CENTERS FORENSIC	SALARIES AND BENEFITS	508.50	23,273,579	504.50	23,647,652	
		OTHER PERSONAL SERVICES		279,845		281,232	
		EXPENSES		1,249,744		1,249,744	
		OPERATING CAPITAL OUTLAY		96,844		96,844	
		FOOD PRODUCTS		556,200		556,200	
		CONTRACTED SERVICES		571,137		571,137	
		G/A-CONTRACT PROF SERVICES		350,122		350,122	
		PRESCRIBE MED/DRUG NON-MED		807,202		807,202	
		RISK MANAGEMENT INSURANCE		917,931		1,058,107	
		SALARY INCENTIVE PAYMENTS		18,751		18,751	
		TR/DMS/HR SVCS/STW CONTRCT		143,336		126,501	
		67100500 Total			508.50	28,264,691	504.50
Grand Total			2,711.50	1,307,995,573	2,702.50	1,286,081,351	



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 2017 Regular Legislative Session.

[Click on the bill number to view bill language](#)

**[SB 0080](#) – Public Records
[Ch. 2017-21](#) Laws of Florida
Approved by the Governor on March 23, 2017**

The bill amends statutory language by:

- Revising the circumstances under which a court must assess and award the reasonable costs of enforcement against an agency in a civil action to enforce Chapter. 119 F.S.
- Prohibiting the assessment and award of the reasonable costs of enforcement to a complainant who acted with an improper purpose, etc. Effective Date: Upon becoming a law

Effective Date: Upon becoming a law

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**[HB 0207](#) – Agency Inspectors General
[Ch. 2017-49](#) Laws of Florida
Approved by the Governor on June 2, 2017**

The bill amends statutory language by:

- Prohibits agency & FHFS from offering bonus on work performance in an inspector general contractor agreement.

Effective Date: Upon becoming a law

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**[SB 0502](#) – Florida Statutes
[Ch. 2017-3](#) Laws of Florida
Approved by the Governor on April 4, 2017**

The bill amends statutory language by:

- Deleting provisions that have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded, etc.

Effective Date: July 1, 2017

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**SB 2504 – State Employees
Pending approval by the Governor**

The bill amends statutory language by:

- Providing for the resolution of certain collective bargaining issues at impasse between the State of Florida and certified bargaining units of state employees
- Providing for all other mandatory collective bargaining issues at impasse that are not addressed by the act or the General Appropriations Act to be resolved consistent with personnel rules and by otherwise maintaining the status quo

Effective Date: July 1, 2017

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**SB 2508 – Division of State Group Insurance
Pending approval by the Governor**

The bill amends statutory language by:

- Removing a requirement that a contract for dependent eligibility verification services for the state group insurance program be contingency-based
- Requiring the division to notify subscribers of dependent eligibility rules by a certain date
- Requiring the division to hold a subscriber harmless for past claims of ineligible dependents for a specified timeframe

Effective Date: July 1, 2017

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**SB 2510 – Public Records/Dependent Eligibility Verification Services
Pending approval by the Governor**

The bill amends statutory language by:

- Creating an exemption from public records requirements for records collected for dependent eligibility verification services for the state group insurance program and held by the Department of Management Services
- Providing for future legislative review and repeal

Effective Date: Upon becoming upon law

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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.flrules.org/node>

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