



State of Florida

agency for persons with disabilities

Office of Legislative Affairs



2010 Session
Legislative Wrap-Up Report

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Director

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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 6/17/2010.
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SUBSTANTIVE BILLS

The following is an overview of the major substantive bills of interest to the Agency for Persons with Disabilities passed by the Florida Legislature during the 2010 Session

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

**[SB 004](#) – Education Accountability
CH. [2010-22](#), Laws of Florida
Approved by the Governor on April 20, 2010**

The bill amends statutory language by:

- Amending s. 1003.413, F.S., relating to secondary school redesign, to delete obsolete provisions and to conform to changes made by the act;
- Revising requirements for middle grades promotion;
- Providing that successful completion of a high school level Algebra I, geometry, or Biology I course is not contingent upon a student's performance on the end-of-course assessment;
- Requiring a student to pass the end-of-course assessment to earn high school credit for such courses;
- Specifying information that must be provided to students as part of the personalized academic and career plan;
- Revising requirements for high school graduation;
- Requiring students entering grade 9 in specified school years to meet end-of-course assessment requirements and revised credit requirements in mathematics and science for high school graduation;
- Requiring district school board standards for grades in certain courses;
- Providing for waiver of end-of-course assessment results for the purpose of determining a course grade and credit for students with disabilities;
- Revising requirements for accelerated high school graduation options;
- Updating cross-references;
- Requiring students entering grade 9 in specified school years to meet end-of-course assessment requirements and revised credit requirements in 30 mathematics and science for high school graduation;
- Requiring district school board standards for grades in certain courses;
- Creating s. 1003.4295, F.S.;
- Requiring high schools to advise students of, and offer, acceleration courses;
- Creating the Credit Acceleration Program;
- Amending s. 1003.493, F.S., relating to career and professional academies, to conform to changes made by the act;
- Amending s. 1007.35, F.S., relating to the Florida Partnership for Minority and Underrepresented Student Achievement, to conform to changes made by the act;

- Revising the statewide student achievement testing program;
- Requiring end-of-course assessments in mathematics and science to replace FCAT Mathematics and FCAT Science beginning with students entering grade 9 in specified school years;
- Providing requirements for the administration of, and student performance on, statewide, standardized end-of-course assessments in mathematics and science;
- Providing for establishment of an implementation schedule to develop and administer end-of-course assessments in certain courses;
- Requiring evaluation and reporting of the transition to specified end-of-course assessments;
- Requiring the use of scaled scores and student achievement levels for describing student success on assessments;
- Requiring the State Board of Education to designate passing scores for end-of-course assessments and scores that indicate high achievement;
- Providing requirements for retaking specified assessments;
- Providing for waiver of end-of-course assessment requirements for students in exceptional education programs and students who have limited English proficiency;
- Revising provisions relating to testing and reporting schedules;
- Requiring that the Commissioner of Education consider the observance of religious and school holidays when establishing the schedules for the administration of statewide assessments;
- Conforming provisions and cross references;
- Authorizing the State Board of Education to adopt concordant scores for the FCAT and equivalent scores for end-of-course assessments;
- Deleting retake requirements for use of concordant scores;
- Providing requirements for use of equivalent scores;
- Amending s. 1008.25, F.S., relating to public school student progression, to conform to changes made by the act;
- Amending s. 1008.30, F.S., relating to the common placement test, to conform to changes made by the act;
- Revising provisions that specify the basis for determining school grades to include student performance on end-of-course assessments and to conform provisions to current FCAT assessments;
- Revising provisions that specify the basis for determining an alternative school's school improvement rating to include student performance on end-of-course assessments;
- Revising provisions relating to the use of school recognition awards;
- Requiring that the Office of Program Policy Analysis and Government Accountability conduct a study on the different types of high school diplomas offered in other states;
- Requiring that the study be submitted to the Governor and the Legislature by a specified date.

Effective Date: July 1, 2010

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**HB 091 - Adult Protective Services
CH. 2010-31, Laws of Florida
Approved by the Governor on May 7, 2010**

The bill amends statutory language by:

- Revising legislative intent with respect to adult protective services;
- Providing for care and protection of all vulnerable adults;
- Defining the term "activities of daily living";
- Revising the definition of the term "vulnerable adult";
- Providing for certain suspected abuse cases to be transferred to the local county sheriff's office;
- Providing for the Department of Children and Family Services to file a petition to determine incapacity and guardianship under certain circumstances;
- Authorizing the Department of Highway Safety and Motor Vehicles to provide copies of drivers' license files to the Department of Children and Family Services to conduct protective investigations;
- Conforming cross-references.

Effective Date: July 1, 2010

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**SB 1012 - Juvenile Justice Facilities and Programs
CH. 2010-123, Laws of Florida
Approved by the Governor on May 27, 2010**

The bill amends statutory language by:

- Defining the term "ordinary medical care";
- Requiring that the Department of Juvenile Justice adopt rules to ensure the effective delivery of services to children in the care and custody of the department;
- Requiring the department to coordinate its rule-adoption process with the Department of Children and Family Services and the Agency for Persons with Disabilities to ensure that the departments rules do not encroach upon the substantive jurisdiction of those agencies;
- Clarifying that the rules of the Department of Juvenile Justice do not supersede provisions governing consent to treatment and services;
- Conforming a cross-reference.

Effective Date: July 1, 2010

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HB 1073 – Persons with Disabilities
CH. 2010-224, Laws of Florida
Approved by the Governor on June 4, 2010

The bill amends statutory language by:

- Revising provisions relating to licensure and standards for facilities and programs for persons with developmental disabilities;
- Revising rights for persons with developmental disabilities;
- Requiring minimum training for child care personnel to include the identification and care of children with developmental disabilities;
- Requiring that each school prepare an incident report within a specified period after each occasion of student restraint or seclusion;
- Specifying the contents of such report;
- Requiring that each school notify a student's parent or guardian if manual physical restraint or seclusion is used;
- Requiring certain reporting and monitoring;
- Requiring that each school district develop and revise policies and procedures governing the incident reports, data collection, and the monitoring and reporting of such data;
- Prohibiting school personnel from using a mechanical restraint or a manual physical restraint that restricts a student's breathing;
- Prohibiting school personnel from closing, locking, or physically blocking a student in a room that is unlit and does not meet the rules of the State Fire Marshal for seclusion time-out rooms;
- Requiring regional autism centers to provide certain support for serving children with developmental disabilities;
- Requiring the Commissioner of Education to develop recommendations to incorporate instruction relating to developmental disabilities into continuing education or inservice training requirements for instructional personnel;
- Requiring the Department of Education to incorporate the course curricula into existing requirements for such education or training;
- Authorizing the State Board of Education to adopt rules.

Effective Date: July 1, 2010

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**SB 1166 - Community Residential Homes
CH. 2010-193, Laws of Florida
Approved by the Governor on June 3, 2010**

The bill amends statutory language by:

- Prohibiting certain rules adopted by the Agency for Persons with Disabilities from restricting the number of facilities designated as community residential homes located within a planned residential community;
- Authorizing the agency to issue a license as a comprehensive transitional education program to serve children who have severe behavioral conditions;
- Defining the term "planned residential community";
- Providing that a planned residential community may not be located within a certain distance from another planned residential community;
- Providing that community residential homes located within a planned residential community may be contiguous to one another.

Effective Date: July 1, 2010

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**SB 1484 - Medicaid
CH. 2010-144, Laws of Florida
Approved by the Governor on May 28, 2010**

The bill amends statutory language by:

- Requiring that the Agency for Health Care Administration request an extension of a specified federal waiver;
- Requiring the agency to report each month to the Legislature;
- Requiring that certain changes of terms and conditions relating to the low-income pool be approved by the Legislative Budget Commission;
- Requiring that the agency develop a methodology for intergovernmental transfers in any expansion of prepaid managed care in the Medicaid program;
- Requiring that the secretary appoint a technical advisory panel;
- Requiring a report to the Governor and Legislature;
- Providing a short title;
- Providing legislative findings;
- Directing the Medicaid and Public Assistance Fraud Strike Force within the Department of Financial Services to coordinate efforts to eliminate Medicaid and public assistance fraud;
- Providing for membership;
- Providing for meetings;
- Specifying duties;
- Requiring an annual report to the Legislature and Governor;

- Directing the Chief Financial Officer to prepare model interagency agreements that address Medicaid and public assistance fraud;
- Specifying which agencies may be a party to such agreements;
- Conforming provisions to changes made by the act;
- Requiring the Divisions of Insurance Fraud and Public Assistance Fraud in the Department of Financial Services to be collocated with the Medicaid Fraud Control Unit if possible;
- Requiring positions dedicated to Medicaid managed care fraud to be collocated with the Division of Insurance Fraud;
- Establishing the Division of Public Assistance Fraud within the Department of Financial Services;
- Conforming provisions to changes made by the act;
- Transferring, renumbering, and amending s. 943.401, F.S.;
- Directing the Department of Financial Services rather than the Department of Law Enforcement to investigate public assistance fraud;
- Creating s. 409.91212, F.S.;
- Requiring that each managed care plan adopt an anti-fraud plan;
- Specifying requirements for the plan;
- Requiring that a managed care plan providing Medicaid services to establish and maintain a fraud investigative unit or contract for such services;
- Providing requirements for reports to the Office of Medicaid Program Integrity;
- Authorizing the agency to impose fines against a managed care plan that fails to submit an anti-fraud plan or make certain reports;
- Authorizing the agency to adopt rules;
- Directing the Auditor General and the Office of Program Policy Analysis and Government Accountability to review the Medicaid fraud and abuse processes in the Agency for Health Care Administration;
- Requiring a report to the Legislature and Governor by a certain date;
- Establishing the Medicaid claims adjudication project in the Agency for Health Care Administration to decrease the incidence of inaccurate payments and to improve the efficiency of the Medicaid claims processing system;
- Authorizing the Agency for Health Care Administration to contract with an entity that provides comprehensive behavioral health care services to certain Medicaid recipients who are not enrolled in a Medicaid managed care plan or a Medicaid provider service network under certain circumstances;
- Revising certain provisions governing the Medicaid managed care pilot program to conform to the extension of the federal waiver;
- Authorizing an administrative fee to be paid to the specialty plan for the coordination of services;
- Transferring activities relating to public assistance fraud from the Department of Law Enforcement to the Division of Public Assistance Fraud in the Department of Financial Services by a type two transfer.

Effective Date: Upon Becoming Law

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HB 1505 - John M. McKay Scholarships for Students with Disabilities
CH. 2010-227, Laws of Florida
Approved by the Governor on June 4, 2010

The bill amends statutory language by:

- Revising provisions relating to the John M. McKay Scholarships for Students with Disabilities Program;
- Authorizing students who receive certain services under the Voluntary Prekindergarten Education Program to receive a John M. McKay Scholarship;
- Authorizing the Commissioner of Education to deny, suspend, or revoke a private school's participation in the scholarship program if the owner or operator of such school has operated an educational institution in this state or another in a manner contrary to the health, safety, or welfare of the public;
- Providing factors for the commissioner to consider in making a determination; Providing a definition for the term "owner or operator";
- Conforming cross-references;
- Providing definitions for the terms "disability" and "specialized instructional services provider" for purposes of the Voluntary Prekindergarten Education Program;
- Providing that a parent may enroll his or her child in a specialized instructional services program for children who have disabilities if the child is eligible for the Voluntary Prekindergarten Education Program;
- Creating s. 1002.66, F.S.;
- Establishing specialized instructional services for children with disabilities; Providing eligibility criteria for such services;
- Requiring that such services be delivered in accordance with certain standards; Requiring that the Department of Education approve specialized instructional service providers;
- Authorizing the expenditure of funds for specialized instructional services;
- Revising provisions for the funding of a child receiving specialized instructional services to conform to changes made by the act;
- Requiring that the Department of Education adopt procedures for approving specialized instructional services providers;
- Requiring that the Agency for Workforce Innovation adopt procedures for enrolling children in and determining the eligibility of children for the Voluntary Prekindergarten Education Program and paying specialized instructional services providers.

Effective Date: July 1, 2010

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SB 2826 - Florida Behavior Analysis Week / 30th Anniversary
No Law of Florida Number
Adopted on April 29, 2010

Commends the Florida Association for Behavior Analysis on its 30th Anniversary and recognizes the week of September 6-10, 2010, as "Florida Behavior Analysis Week" in Florida.

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HB 5301 - Medicaid Services
CH. 2010-156, Laws of Florida
Approved by the Governor on May 28, 2010

The bill amends statutory language by:

- Conforming a cross-reference to changes made by the act;
- Revising requirements for nursing home lease bond alternative fees;
- Providing for flexibility in how to meet the minimum staffing requirements for nursing home facilities;
- Revising the expiration date of provisions authorizing the federal waiver for certain persons age 65 and over or who have a disability;
- Revising the expiration date of provisions authorizing a specified medically needy program;
- Authorizing the Agency for Health Care Administration to develop and implement a program to reduce hospital readmissions for a certain population in certain areas of the state;
- Authorizing the agency to enroll entities as Medicare crossover-only providers for payment and claims processing purposes only;
- Specifying requirements for Medicare crossover-only agreements;
- Providing penalties for providers that fail to report suspension or disenrollment from Medicare within a specified time;
- Revising the purpose of the use of the nursing home facility quality assessment and federal matching funds;
- Revising the purpose of the use of the privately operated intermediate care facilities for the developmentally disabled quality assessment and federal matching funds;
- Continuing the audited data specified for use in calculating disproportionate share;
- Revising the formula used to pay disproportionate share dollars to provider service network hospitals;
- Continuing the prohibition against distributing moneys under the perinatal intensive care centers disproportionate share program;

- Continuing authorization for the distribution of moneys to teaching hospitals under the disproportionate share program;
- Continuing the prohibition against distributing moneys under the primary care disproportionate share program;
- Authorizing the agency to contract with an organization to provide certain benefits under a federal program in Polk, Highlands, Hardee, and Hillsborough Counties;
- Providing an exemption from ch. 641, F.S., for the organization;
- Authorizing, subject to appropriation, enrollment slots for the Program of All-inclusive Care for the Elderly in Polk, Highlands, and Hardee Counties;
- Authorizing the agency, subject to appropriation and federal approval of an expansion application, to contract with an Organized Health Care Delivery System in Miami-Dade County to provide certain benefits under a federal program;
- Providing an exemption from ch. 641, F.S., for the Organized Health Care Delivery System;
- Authorizing, subject to appropriation, enrollment slots for the Program of All-inclusive Care for the Elderly in Southwest Miami-Dade County.

Effective Date: July 1, 2010

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**HB 5303 –Agency for Persons with Disabilities
CH. 2010-157, Laws of Florida
Approved by the Governor on May 28, 2010**

The bill amends statutory language by:

- Specifying assessment instruments to be used for the delivery of home and community-based Medicaid waiver program services;
- Revising provisions relating to assignment of clients to waiver tiers;
- Providing for tier one, tier two, tier three, and tier four annual expenditure caps;
- Creating s. 393.0662, F.S.;
- Establishing the iBudget program for the delivery of home and community-based services;
- Providing for amendment of current contracts to implement the iBudget system;
- Providing for the phasing in of the program;
- Requiring clients to use certain resources before using funds from their iBudget; requiring the agency to provide training for clients and evaluate and adopt rules with respect to the iBudget system;
- Providing for hearings on Medicaid programs administered by the agency;
- Creating the Services for Children with Developmental Disabilities Task Force;
- Requiring the task force to develop recommendations and a plan for the creation of, and enrollment in, the Developmental Disabilities Savings Program;
- Providing for membership of the task force;

- Requiring the Agency for Persons with Disabilities to provide administrative support to the task force;
- Providing for per diem and travel expenses for task force members;
- Requiring the task force to submit its plan and recommendations to the Legislature;
- Providing for abolishment of the task force.

Effective Date: July 1, 2010

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**[HB 5305](#) - Child Welfare
CH. [2010-158](#), Laws of Florida
Approved by the Governor on May 28, 2010**

The bill amends statutory language by:

- Defining the term "child welfare provider";
- Creating s. 402.7306, F.S.;
- Requiring the Department of Children and Family Services, the Department of Health, the Agency for Persons with Disabilities, the Agency for Health Care Administration, and community-based care lead agencies to adopt policies for the administrative monitoring of child welfare providers; authorizing private-sector entities to establish an Internet-based data warehouse and archive for the maintenance of specified records of child welfare providers;
- Providing agency and provider requirements;
- Providing for access to the data warehouse under certain conditions;
- Providing a limitation on the frequency of monitoring of child-caring and child-placing service providers;
- Prohibiting certain duplicative monitoring;
- Providing the Department of Children and Family Services with rulemaking authority with respect to payments and conditions relating to youth and young adults in the independent living transition services program;
- Repealing s. 409.1663, F.S., relating to adoption benefits for qualifying adoptive employees of state agencies;
- Revising provisions relating to funding for contracts established between the Department of Children and Family Services and community-based care lead agencies;
- Authorizing the department to outsource certain functions;
- Authorizing a community-based care lead agency to make certain expenditures;
- Deleting a reference to conform to changes made by the act;
- Authorizing the Department of Children and Family Services to provide services to certain dependent children;
- Providing exceptions while authorizing the department and the participating dependency court to develop eligibility criteria.

Effective Date: July 1, 2010

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**HB 5311 - Department of Health
CH. 2010-161, Laws of Florida
Approved by the Governor on May 28, 2010**

The bill amends statutory language by:

- Revising provisions for administration and use of funds in the Administrative Trust Fund and the Emergency Medical Services Trust Fund;
- Providing for such administration and use under specified provisions;
- Providing that funds collected from disposition of certain motor vehicle infractions shall be deposited into the Emergency Medical Services Trust Fund;
- Removing provisions for deposit of such funds into the Administrative Trust Fund;
- Providing for use of the funds;
- Correcting references to the Brain and Spinal Cord Injury Program Trust Fund;
- Correcting references;
- Amending s. 395.403, F.S., relating to reimbursement of trauma centers;
- Revising eligibility provisions to remove provisional trauma centers and certain hospitals;
- Providing for payments to be made from the Emergency Medical Services Trust Fund;
- Removing provisions for one-time payments from the Administrative Trust Fund;
- Providing for use of funds in the Emergency Medical Services Trust Fund for verified trauma centers;
- Removing provisions for such use of funds in the Administrative Trust Fund;
- Reenacting and amending s. 215.5602, F.S., Relating to James and Esther King Biomedical Research Program;
- Specifying that a certain amount of the revenue deposited into the Health Care Trust Fund be reserved for tobacco-related and cancer-related research;
- Providing for specified amounts of revenue to be appropriated to the James and Esther King Biomedical Research Program, the William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program, and the H. Lee Moffitt Cancer Center and Research Institute;
- Deleting obsolete language;
- Reenacting and amending s. 381.922, F.S., relating to William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program;
- Providing that the program give emphasis to certain goals;
- Specifying sources of funding for the program;
- Providing for a portion of the funds to be made available to the Florida Center for Universal Research to Eradicate Disease;
- Deleting obsolete language;
- Removing a provision authorizing division directors in the Department of Health to appoint certain committees;
- Prohibiting the department from establishing new programs or modifying current programs without legislative approval;

- Requiring the department to notify the Governor and the Legislature before applying for continuation of or new federal or private grants over a specified amount;
- Providing for content of the notification;
- Requiring the department to manage emergency preparedness and disaster response functions;
- Revising the definition of the term "group care facility";
- Revising rulemaking authority;
- Revising the definition of the term "food service establishment";
- authorizing the department to advise and consult with other agencies concerning the provision of food services;
- Revising entities that are exempt from rules developed for manager certification;
- Repealing ss. 411.23, 411.231, and 411.232, F.S., relating to the Children's Early Investment Program;
- Conforming provisions to changes made by the act; amending s. 499.003, F.S.; Defining the term "medical convenience kit" for purposes of the Florida Drug and Cosmetic Act;
- Correcting cross-references;
- Providing exceptions from requirements for a device manufacturer permit;
- Exempting wholesale distribution of prescription drugs within a medical convenience kit from requirements for the wholesaler to provide a pedigree paper if certain conditions are met;
- Providing that the exemption does not apply to a kit containing certain controlled substances;
- Revising exclusions to the definition of the terms "public lodging establishment" and "public food service establishment" to provide for certain facilities certified or licensed by the Agency for Health Care Administration or the Department of Children and Family Services;
- Requiring the department to develop a plan to provide tuberculosis services; Requiring the department to submit the plan to the Governor and Legislature by a specified date;
- Providing plan elements;
- Transferring and reassigning certain functions and responsibilities, including records, personnel, property, and unexpended balances of appropriations and other resources, from the Department of Health to the Department of Business and Professional Regulation by a type two transfer;
- Providing for the continued validity of pending judicial or administrative actions to which the Department of Health is a party;
- Providing for the continued validity of lawful orders issued by the Department of Health;
- Transferring rules created by the Department of Health to the Department of Business and Professional Regulation;
- Providing for the continued validity of permits and certifications issued by the Department of Health;

- Amending s. 381.0403, F.S., deleting provisions relating to the program for graduate medical education innovations and the graduate medical education committee and report;
- Conforming a cross-reference;
- Revising provisions for physician workforce assessment and development; Providing definitions;
- Creating the Physician Workforce Advisory Council;
- Providing for membership and organization;
- Providing duties of the council;
- Revising provisions for analysis by the department of physician surveys under specified provisions;
- Revising provisions for issuance by the Board of Medicine of a temporary certificate to practice medicine in certain areas;
- Creating s. 459.0076, F.S.;
- Providing for issuance by the Board of Osteopathic Medicine of a temporary certificate to practice osteopathic medicine in certain areas;
- Directing the department to conduct an evaluation and justification review of its divisions;
- Providing review requirements;
- Requiring the department to submit a report to the Governor, the Legislature, and the State Surgeon General by a specified date;
- Directing the Department of Health to accept funds from counties, municipalities, and certain other entities for the purchase of certain products made available under a contract with the United States Department of Health and Human Services for the manufacture and delivery of such products in response to a public health emergency;
- Authorizing the department to submit a budget amendment requesting additional budget authority for the Florida Center for Nursing to make certain expenditures; Correcting cross-references.

Effective Date: July 1, 2010, except as otherwise provided

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**[HB 7037](#) - Education
CH. [2010-70](#), Laws of Florida
Approved by the Governor on May 11, 2010**

The bill amends statutory language by:

- Redefining and deleting terms relating to vocational rehabilitation programs;
- Replacing an obsolete term;
- Revising provisions relating to eligibility for vocational rehabilitation services;
- Providing for an individualized plan for employment;

- Requiring the Division of Vocational Rehabilitation in the Department of Education to conduct trial work experiences before determining that an individual is incapable of benefiting from services;
- Requiring the division to refer an individual to other services if the division determines that the individual is ineligible for vocational rehabilitation services;
- Requiring the division to serve those having the most significant disabilities first under specified circumstances;
- Conforming provisions to changes made by the act;
- Allowing confidential records to be released for audit, program evaluation, or research purposes;
- Requiring the division to administer an independent living program;
- Conforming provisions to changes made by the act;
- Repealing the division's authority to contract for specified services;
- Correcting references and conforming provisions to changes made by the act;
- Revising the division's powers to administer the independent living program;
- Authorizing the division to employ specified individuals and to contract for services in accordance with the state plan for independent living;
- Conforming provisions to changes made by the act;
- Revising the membership of the Florida Rehabilitation Council;
- Providing that Department of Education employees may serve only as nonvoting members;
- Revising provisions relating to terms of office;
- Revising council functions;
- Correcting references and replacing obsolete cross-references;
- Repealing s. 413.206, F.S., relating to a 5-year plan for the division;
- Repealing s. 413.39, F.S., relating to administration of the independent living program;
- Repealing ss. 413.70 and 413.72, F.S., relating to the limiting disabilities program;
- Repealing s. 413.73, F.S., relating to the disability assistance program;
- Repealing s. 1013.05, F.S., relating to the Office of Educational Facilities and SMART Schools Clearinghouse;
- Deleting obsolete references;
- Requiring the Office of Educational Facilities in the Department of Education to monitor district facilities work programs;
- Requiring the Office of Educational Facilities to assist school districts in building SMART schools;
- Specifying criteria for the prioritization of School Infrastructure Thrift Program awards;
- Revising the cost per student station for purposes of School Infrastructure Thrift Program awards;
- Requiring the Division of Statutory Revision of the Office of Legislative Services to prepare a reviser's bill to make conforming changes to address past legislation amending terminology relating to the Florida College System;

- Repealing s. 1004.87, F.S., relating to Florida College System Task Force; Repealing s. 1002.335, F.S., relating to the Florida Schools of Excellence Commission;
- Conforming provisions to changes made by the act;
- Repealing s. 1003.413(5), F.S., relating to the Secondary School Improvement Award Program;
- Repealing s. 1003.62, F.S., relating to academic performance-based charter school districts;
- Repealing ss. 1003.63 and 1008.345(7), F.S., relating to the deregulated public schools pilot program;
- Repealing s. 1006.67, F.S., relating to the reporting of campus crime statistics;
- Conforming provisions to changes made by the act;
- Repealing ss. 1009.63 and 1009.631, F.S., relating to the occupational therapist or physical therapist critical shortage program;
- Repealing s. 1009.632, F.S., relating to the Critical Occupational Therapist or Physical Therapist Shortage Student Loan Forgiveness Program;
- Repealing s. 1009.633, F.S., relating to the Critical Occupational Therapist or Physical Therapist Shortage Scholarship Loan Program;
- Repealing s. 1009.634, F.S., relating to the Critical Occupational Therapist or Physical Therapist Shortage Tuition Reimbursement Program;
- Repealing s. 1009.64, F.S., relating to the Certified Education Paraprofessional Welfare Transition Program;
- Conforming provisions to changes made by the act.

Effective Date: July 1, 2010

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**[HB 7069](#) - Screening
CH. [2010-114](#), Laws of Florida
Approved by the Governor on May 26, 2010**

The bill amends statutory language by:

- Revising an exemption from screening requirements for volunteers who assist providers under contract with the Department of Children and Family Services;
- Revising background screening requirements for the Guardian Ad Litem Program;
- Removing reference to ch. 435, F.S., for background screening of hurricane mitigation inspectors;
- Revising an exemption from screening requirements for volunteers;
- Removing a temporary exemption from screening requirements for direct service providers awaiting completion of a background screening;
- Adding additional disqualifying offenses for the screening of direct service providers for persons with developmental disabilities;
- Revising background screening requirements for mental health personnel;

- Revising background screening requirements for nursing home personnel;
- Conforming provisions to changes made by the act;
- Revising background screening requirements for home health agency personnel, nurse registry personnel, and companions and homemakers;
- Revising background screening requirements for hospice personnel;
- Revising background screening requirements for personnel at homes for special services;
- Revising background screening requirements for transitional living facility personnel;
- Creating s. 400.9065, F.S.;
- Providing background screening requirements for prescribed pediatric extended care center personnel;
- Revising minimum standards for home medical equipment providers;
- Revising background screening requirements for home medical equipment provider personnel;
- Repealing s. 400.955, F.S., relating to the procedures for screening of home medical equipment provider personnel;
- Revising background screening requirements for personnel at intermediate care Facilities for developmentally disabled persons;
- Revising background screening requirements for personnel at health care services pools;
- Revising background screening requirements for applicants and personnel at health care clinics;
- Adding a requirement for an affidavit relating to background screening to the license application process under the Agency for Health Care Administration;
- Conforming provisions to changes made by the act;
- Revising background screening requirements under the Agency for Health Care Administration;
- Requiring electronic submission of fingerprints;
- Revising exemptions from screening requirements for volunteers and students;
- Revising an exemption from screening requirements for volunteers;
- Revising background screening requirements for employees and volunteers in summer day camps and summer 24-hour camps;
- Requiring periodic drug testing for licensed foster parents; requiring payment by the foster parent;
- Revising background screening requirements for persons who render consumer-directed care;
- Revising background screening requirements for Medicaid providers;
- Requiring Medicaid providers to obtain a level 2 background screening for each provider employee in direct contact with or providing direct services to Medicaid recipients;
- Requiring school districts to make a list of eligible substitute teachers available to early learning coalitions;
- Revising administrative penalty provisions relating to assisted living facilities;

- Revising background screening requirements for assisted living facility personnel;
- Revising licensure requirements for adult family-care home personnel and household members;
- Revising background screening requirements for adult family-care home personnel;
- Revising administrative penalty provisions relating to adult day care centers;
- Revising background screening requirements for adult day care center personnel;
- Creating s. 430.0402, F.S.;
- Providing background screening requirements for direct service providers under the Department of Elderly Affairs;
- Revising provisions related to the applicability of ch. 435, F.S., statutory references to the chapter, and rulemaking;
- Providing construction with respect to the doctrine of incorporation by reference;
- Revising and adding definitions;
- Revising level 1 screening standards;
- Adding disqualifying offenses;
- Revising level 2 screening standards;
- Requiring electronic submission of fingerprints after a certain date;
- Authorizing agencies to contract for electronic fingerprinting;
- Adding disqualifying offenses;
- Revising background check requirements for covered employees and employers;
- Revising provisions relating to exclusion from employment;
- Providing that an employer may not hire, select, or otherwise allow an employee contact with any vulnerable person until the screening process is completed;
- Requiring removal of an employee arrested for disqualifying offenses from roles requiring background screening until the employee's eligibility for employment is determined;
- Revising provisions relating to exemptions from disqualification;
- Revising provisions relating to the payment for processing of fingerprints and criminal history records checks;
- Conforming provisions to changes made by the act;
- Removing reference to ch. 435, F.S., for background screening of construction contractors;
- Revising provisions relating to the Criminal Justice Information Program under the Department of Law Enforcement;
- Authorizing agencies to request the retention of certain fingerprints by the department;
- Providing for rulemaking to require employers to keep the agencies informed of any change in the affiliation, employment, or contractual status of each person whose fingerprints are retained in certain circumstances;
- Providing departmental duties upon notification that a federal fingerprint retention program is in effect;

- Removing obsolete references relating to the dissemination of criminal justice information;
- Revising an exemption from screening requirements for volunteers who assist with programs for children;
- Revising background screening requirements for the Department of Juvenile Justice;
- Authorizing rulemaking;
- Conforming provisions to changes made to ch. 435, F.S., by the act;
- Repealing s. 409.1758, F.S., relating to screening of summer camp personnel;
- Repealing s. 456.039(4)(d), F.S., relating to information required for licensure of designated health care professionals;
- Providing for prospective application of the act.

Effective Date: August 1, 2010

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**[HB 9053](#) - Disability Awareness Day
No Law of Florida Number
This Bill is a Resolution
Adopted by Publication on April 16, 2010**

Designates April 15, 2010, as "Disability Awareness Day" in State of Florida.

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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 2010 Session

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

[HB 5001](#) – General Appropriations Act

CH. [2010-152](#), Laws of Florida

Approved by the Governor on May 28, 2010, with vetoes

Major funding decisions:

- The funding for the Agency for Persons with Disabilities totals \$1.013 billion.
- Approximately \$16.7 million in non-recurring funds in various appropriation categories were not reappropriated. This funding was transferred by budget amendment to the Home and Community Based Services Waiver in FY 09-10.
- Appropriation for the Home and Community Based Services Waiver was reduced from \$849,699,685 in FY 09-10 to \$805,826,618 for FY 10-11. Specific reductions are:
 - \$3,075,000 transfer to AHCA to cover the costs of disposable incontinence products to children ages 4-20 as a Medicaid State Plan service rather than a HVBS Waiver service.
 - \$4,196,362 reduction due to a 2.5% expenditure cap reduction for tiers 2, 3, and 4.
 - \$1,393,145 reduction due to a cap of \$150,000 for tier 1.
 - ~~\$16,811,989 reduction due to a mandated 2.5% service rate reduction for providers.~~ **VETOED**
- Appropriation for the Developmental Disabilities Public Facilities was reduced by approximately \$10.1 million and 332 FTE due to the scheduled closing of the Gulf Coast Facility on June 30, 2010.
- \$4 million in Social Services Block Grant Trust Fund cash and \$1 million in Operations and Maintenance Trust Fund cash was removed from the trust funds by the Legislature for use in funding the State of Florida's FY 10-11 appropriations.
- Appropriation for an additional seven (7) attorney positions and approximately \$603,000 was provided to handle the fair hearings litigation.
- General Revenue appropriations were reduced by \$733,648 in various categories.
- There were two special member projects included in the Agency's appropriation:
 - Hillsborough Achievement and Resource Center received \$300,000;
 - And the Individual and Family Supports category for the Vocational and Educational Services of South Florida received \$1.2 million in Operations and Maintenance Trust Fund.

Effective Date: July 1, 2010

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Budget Comparison FY 2009-10 to FY 2010-11

	2009-2010		2010-2011	
	FTE	FUNDS	FTE	FUNDS
Home and Community Services	322.5		322.5	
Salaries and benefits		\$ 14,764,870		\$ 14,899,390
OPS		\$ 4,928,576		\$ 4,818,673
Expenses		\$ 2,285,073		\$ 2,265,584
OCO		\$ 50,513		\$ 35,772
Individual and Family Supports		\$ 17,836,771		\$ 19,036,771
Room and Board Payments		\$ 4,000,000		\$ 4,000,000
Contracted Services		\$ 1,950,856		\$ 1,224,607
HCBS Waiver		\$ 849,699,685		\$ 805,826,618
Risk Management Insurance		\$ 288,661		\$ 279,467
Transfer to Management Services		\$ 148,953		\$ 148,953
Total Home and Community Based Services	322.5	\$ 895,953,958	322.5	\$ 852,535,835
Program Management & Compliance	326.0		333.0	
Salaries and benefits		\$ 19,002,556		\$ 19,579,392
OPS		\$ 698,721		\$ 757,508
Expenses		\$ 3,179,878		\$ 3,086,426
OCO		\$ 42,140		\$ 30,875
Transfer to Div of Admin Hearings		\$ 728,683		\$ 388,314
Contracted Services		\$ 3,011,044		\$ 2,742,659
Risk Management Insurance		\$ 238,807		\$ 214,434
Home and Com Services Administration		\$ 7,697,810		\$ 7,509,013
Transfer to Management Services		\$ 167,246		\$ 170,040
Data processing services		\$ 921,292		\$ 2,014,772
Total Program Management & Compliance	326.0	\$ 35,688,177	333.0	\$ 36,493,433
DD Public Facilities	2,754.5		2,422.5	
Salaries and benefits		\$ 118,413,469		\$ 100,468,550
OPS		\$ 3,349,288		\$ 1,976,278
Expenses		\$ 10,449,598		\$ 6,450,779
OCO		\$ 798,217		\$ 356,845
Food Products		\$ 3,153,598		\$ 2,516,616
Contracted Services		\$ 11,938,295		\$ 7,218,948
Prescription Medication		\$ 191,401		\$ 191,401
Risk Management Insurance		\$ 3,875,154		\$ 3,990,350
Salary Incentive Payments		\$ 25,000		\$ 19,532
Transfer to Div of Admin Hearings		\$ 1,281,962		\$ 1,281,962
Total DD Services & Public Facilities	2,754.5	\$ 153,475,982	2,422.5	\$ 124,471,261
Agency Total	3,403.0	\$ 1,085,118,117	3,078.0	\$ 1,013,500,529

**[HB 5003](#) – Implementing the General Appropriations Act
CH. [2010-153](#), Laws of Florida
Approved by the Governor on May 28, 2010, with vetoes**

Major funding decisions:

- Provides for the implementation of the General Appropriations Act.

Effective Date: July 1, 2010

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ADMINISTRATIVE BILLS

The following is an overview of the major administrative bills of interest to the Agency for Persons with Disabilities passed by the Florida Legislature during the 2010 Session

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

**[HB 951](#) - Public Safety
CH. [2010-62](#), Laws of Florida
Approved by the Governor on May 11, 2010**

The bill amends statutory language by:

- Requiring certain reports to be submitted in an automated format;
- Deleting provisions relating to automatic deletion of mental health records under specified conditions from the Department of Law Enforcement's database of such records kept for purposes of sale and delivery of firearms and substituting a procedure for petition to obtain judicial relief from firearm disabilities and, upon obtaining such relief, the removal of the individual mental health records from the department's database;
- Revising provisions relating to the Criminal Justice Information Program under the Department of Law Enforcement;
- Authorizing agencies to request the retention of fingerprints by the department;
- Providing for rulemaking to require employers to keep the agencies informed of any change in the affiliation, employment, or contractual status of each person whose fingerprints are retained in certain circumstances;
- Providing departmental duties upon notification that a federal fingerprint retention program is in effect;
- Removing references relating to the dissemination of criminal justice information;
- Requiring the Criminal Justice Standards and Training Commission to adopt rules relating to the maintenance of officers who engage in those specialized areas found to present a high risk of harm to the officer or the public at large;
- Requiring the commission to adopt rules requiring the demonstration of proficiency in firearms for all law enforcement officers;
- Revising provisions relating to exemptions from completing a commission-approved basic recruit training program;
- Revising provisions relating to qualifications for certified law enforcement officers separated from employment for more than a certain period of time;
- Deleting a requirement that correctional probation officers pass a specified basic skills examination and assessment instrument before entrance into the basic recruit training program;
- Deleting state funding eligibility for a locally funded crime laboratory in Monroe County.

Effective Date: July 1, 2010

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**HB 1143 - Health Care
CH. 2010, Laws of Florida
Presented to the Governor for action on or before June 22, 2010
VETOED**

The bill amends statutory language by:

- ~~Amending s. 112.0455, F.S., relating to the Drug-Free Workplace Act;~~
- ~~Deleting an obsolete provision;~~
- ~~Revising distribution of funds from civil penalties imposed for traffic infractions by county courts;~~
- ~~Directing the Department of Health to accept funds from counties, municipalities, and certain other entities for the purchase of certain products made available under a contract of the United States Department of Health and Human Services for the manufacture and delivery of such products in response to a public health emergency;~~
- ~~Limiting Department of Health food service inspections in nursing homes;~~
- ~~Requiring the department to coordinate inspections with the Agency for Health Care Administration;~~
- ~~Repealing s. 383.325, F.S., relating to confidentiality of inspection reports of licensed birth center facilities;~~
- ~~Requiring that an ultrasound be performed on any woman obtaining an abortion;~~
- ~~Specifying who must perform an ultrasound;~~
- ~~Requiring that the ultrasound be reviewed with the patient prior to the woman giving informed consent;~~
- ~~Specifying who must review the ultrasound with the patient;~~
- ~~Requiring that the woman certify in writing that she declined to review the ultrasound and did so of her own free will and without undue influence;~~
- ~~Providing an exemption from the requirement to view the ultrasound for women who are the victims of rape, incest, domestic violence, or human trafficking or for women who have a serious medical condition necessitating the abortion;~~
- ~~Revising requirements for written materials;~~
- ~~Requiring ultrasounds for all patients;~~
- ~~Requiring that live ultrasound images be reviewed and explained to the patient;~~
- ~~Requiring that all other provisions in s. 390.0111, F.S., be complied with if the patient declines to view her live ultrasound images;~~
- ~~Revising and deleting definitions applicable to regulation of hospitals and other licensed facilities;~~
- ~~Requiring a licensed facility to report certain peer review information and final disciplinary actions to the Division of Medical Quality Assurance of the Department of Health rather than the Division of Health Quality Assurance of the Agency for Health Care Administration; amending s. 395.1023, F.S.;~~

- ~~Providing for the Department of Children and Family Services rather than the Department of Health to perform certain functions with respect to child protection cases;~~
- ~~Requiring certain hospitals to notify the Department of Children and Family Services of compliance;~~
- ~~Amending s. 395.1041, F.S., relating to hospital emergency services and care;~~
- ~~Deleting obsolete provisions;~~
- ~~Repealing s. 395.1046, F.S., relating to complaint investigation procedures;~~
- ~~Requiring licensed facility beds to conform to standards specified by the Agency for Health Care Administration, the Florida Building Code, and the Florida Fire Prevention Code;~~
- ~~Revising a reference to the Florida Society of Healthcare Risk Management to conform to the current designation;~~
- ~~Revising a reference to the federal Health Care Financing Administration to conform to the current designation;~~
- ~~Correcting a reference;~~
- ~~Repealing s. 395.3037, F.S., relating to redundant definitions;~~
- ~~Revising references to the Joint Commission on Accreditation of Healthcare Organizations, the Commission on Accreditation of Rehabilitation Facilities, and the Council on Accreditation to conform to their current designations;~~
- ~~Revising the definition of the term "rural hospital" to delete an obsolete provision;~~
- ~~Revising the definition of the term "geriatric outpatient clinic";~~
- ~~Correcting an obsolete cross-reference to administrative rules;~~
- ~~Deleting an obsolete provision;~~
- ~~Revising applicability of general licensure requirements under part II of ch. 408, F.S., to applications for nursing home licensure;~~
- ~~Revising provisions governing inactive licenses;~~
- ~~Providing for disclosure of controlling interest of a nursing home facility upon request by the Agency for Health Care Administration;~~
- ~~Revising grievance record maintenance and reporting requirements for nursing homes;~~
- ~~Providing criteria for the provision of respite services by nursing homes;~~
- ~~Requiring a written plan of care;~~
- ~~Requiring a contract for services;~~
- ~~Requiring resident release to caregivers to be designated in writing;~~
- ~~Providing an exemption to the application of discharge planning rules;~~
- ~~Providing for residents' rights;~~
- ~~Providing for use of personal medications;~~
- ~~Providing terms of respite stay;~~
- ~~Providing for communication of patient information;~~
- ~~Requiring a physician order for care and proof of a physical examination;~~
- ~~Providing for services for respite patients and duties of facilities with respect to such patients;~~
- ~~Conforming a cross-reference;~~
- ~~Requiring facilities to maintain clinical records that meet specified standards;~~

- ~~Providing a fine relating to an admissions moratorium;~~
- ~~Deleting requirement for facilities to submit certain information related to management companies to the agency;~~
- ~~Deleting a requirement for facilities to notify the agency of certain bankruptcy filings to conform to changes made by the act;~~
- ~~Deleting language relating to agency adoption of rules;~~
- ~~Revising reporting requirements for licensed nursing home facilities relating to adverse incidents;~~
- ~~Repealing s. 400.148, F.S., relating to the Medicaid "Up or Out" Quality of Care Contract Management Program;~~
- ~~Requiring nursing homes to provide a resident property statement annually and upon request;~~
- ~~Revising requirements for nursing home lease bond alternative fees;~~
- ~~Deleting an obsolete provision;~~
- ~~Revising inspection requirements;~~
- ~~Repealing s. 400.195, F.S., relating to agency reporting requirements;~~
- ~~Deleting an obsolete provision;~~
- ~~Correcting a reference;~~
- ~~Directing the agency to adopt rules for minimum staffing standards in nursing homes that serve persons under 21 years of age;~~
- ~~Providing minimum staffing standards;~~
- ~~Revising agency duties with regard to training nursing home surveyor teams;~~
- ~~Revising requirements for team members;~~
- ~~Revising the schedule of home health agency inspection violations;~~
- ~~Revising the content requirements of the plan accompanying an initial or change-of-ownership application for licensure of a hospice;~~
- ~~Revising requirements relating to certificates of need for certain hospice facilities;~~
- ~~Revising grounds for agency action against a hospice;~~
- ~~Correcting an obsolete cross-reference to administrative rules;~~
- ~~Deleting a requirement that an applicant for a home medical equipment provider license submit a surety bond to the agency;~~
- ~~Revising grounds for the imposition of administrative penalties for certain violations by an employee of a home medical equipment provider;~~
- ~~Revising the schedule of inspection violations for intermediate care facilities for the developmentally disabled;~~
- ~~Providing a penalty for certain violations;~~
- ~~Providing that part X of ch. 400, F.S., the Health Care Clinic Act, does not apply to an entity owned by a corporation with a specified amount of annual sales of health care services under certain circumstances or to an entity owned or controlled by a publicly traded entity with a specified amount of annual revenues;~~
- ~~Conforming terminology;~~
- ~~Revising application requirements relating to documentation of financial ability to operate a mobile clinic;~~
- ~~Revising agency authority relating to licensing of intermediate care facilities for the developmentally disabled;~~

- ~~Deleting an exemption from certain certificate-of-need review requirements for a hospice or a hospice inpatient facility;~~
- ~~Revising requirements for certain freestanding inpatient hospice care facilities to obtain a certificate of need;~~
- ~~Revising health care facility data reporting requirements;~~
- ~~Removing agency authority to investigate certain consumer complaints;~~
- ~~Removing applicability of part II of ch. 408, F.S., relating to general licensure requirements, to private review agents;~~
- ~~Providing penalties for altering, defacing, or falsifying a license certificate issued by the agency or displaying such an altered, defaced, or falsified certificate;~~
- ~~Revising agency responsibilities for notification of licensees of impending expiration of a license;~~
- ~~Requiring payment of a late fee for a license application to be considered complete under certain circumstances;~~
- ~~Revising provisions relating to information required for licensure;~~
- ~~Requiring proof of submission of notice to a mortgagor or landlord regarding provision of services requiring licensure;~~
- ~~Requiring disclosure of information by a controlling interest of certain court actions relating to financial instability within a specified time period;~~
- ~~Authorizing the agency to impose fines for unclassified violations of part II of ch. 408, F.S.;~~
- ~~Authorizing the agency to extend a license expiration date under certain circumstances;~~
- ~~Deleting a reporting requirement relating to the consumer-directed care program;~~
- ~~Conforming a cross-reference;~~
- ~~Revising procedures for implementation of a Medicaid prescribed-drug spending-control program;~~
- ~~Deleting the requirement for an assisted living facility to obtain an additional license in order to provide limited nursing services;~~
- ~~Deleting the requirement for the agency to conduct quarterly monitoring visits of facilities that hold a license to provide extended congregate care services;~~
- ~~Deleting the requirement for the department to report annually on the status of and recommendations related to extended congregate care;~~
- ~~Deleting the requirement for the agency to conduct monitoring visits at least twice a year to facilities providing limited nursing services;~~
- ~~Increasing the licensure fees and the maximum fee required for the standard license;~~
- ~~Increasing the licensure fees for the extended congregate care license; eliminating the license fee for the limited nursing services license;~~
- ~~Transferring from another provision of law the requirement that a biennial survey of an assisted living facility include specific actions to determine whether the facility is adequately protecting residents' rights;~~
- ~~Providing that an assisted living facility that has a class I or class II violation is subject to monitoring visits;~~
- ~~Requiring a registered nurse to participate in certain monitoring visits;~~

- ~~Revising licensure application requirements for assisted living facilities to eliminate provisional licenses;~~
- ~~Revising notification requirements for the sale or transfer of ownership of an assisted living facility;~~
- ~~Removing a ground for the imposition of an administrative penalty;~~
- ~~Clarifying provisions relating to a facility's request for a hearing under certain circumstances;~~
- ~~Authorizing the agency to provide certain information relating to the licensure status of assisted living facilities electronically or through the agency's Internet website;~~
- ~~Deleting provisions relating to the limited nursing services license;~~
- ~~Revising agency responsibilities regarding the issuance of conditional licenses;~~
- ~~Clarifying that a monitoring fee may be assessed in addition to an administrative fine;~~
- ~~Deleting reporting requirements for assisted living facilities relating to liability claims;~~
- ~~Eliminating provisions authorizing the use of volunteers to provide certain health-care-related services in assisted living facilities;~~
- ~~Authorizing assisted living facilities to provide limited nursing services;~~
- ~~Requiring an assisted living facility to be responsible for certain recordkeeping and staff to be trained to monitor residents receiving certain health-care-related services;~~
- ~~Deleting a requirement for a biennial survey of an assisted living facility, to conform to changes made by the act;~~
- ~~Authorizing the agency to provide certain information relating to the inspections of assisted living facilities electronically or through the agency's Internet website;~~
- ~~Amending s. 429.41, F.S., relating to rulemaking;~~
- ~~Conforming provisions to changes made by the act;~~
- ~~Revising provisions relating to consultation by the agency;~~
- ~~Revising a definition;~~
- ~~Requiring licensed assisted living facilities to electronically report certain data semiannually to the agency in accordance with rules adopted by the department;~~
- ~~Revising schedule of inspection violations for adult family-care homes;~~
- ~~Deleting a ground for agency action against an adult day care center;~~
- ~~Revising agency responsibilities regarding the issuance of conditional licenses;~~
- ~~Revising frequency of agency inspections of multiphasic health testing centers;~~
- ~~Defining the term "medical convenience kit" for purposes of pt. 1 of ch. 499, F.S.;~~
- ~~Providing an exception to applicability of the term;~~
- ~~Providing an exception to the requirement that a wholesale distributor of prescription drugs provide a pedigree paper to the person who receives the drug for wholesale distribution of prescription drugs contained within a medical convenience kit under specified conditions;~~
- ~~Providing that the exception does not apply to any kit that contains certain controlled substances;~~

- ~~Authorizing an insurer offering a group or individual health benefit plan to offer a wellness program;~~
- ~~Authorizing rewards or incentives;~~
- ~~Providing that such rewards or incentives are not insurance benefits;~~
- ~~Providing for verification of a member's inability to participate for medical reasons;~~
- ~~Limiting Fire Marshal inspections of nursing homes to once a year;~~
- ~~Providing for additional inspections based on complaints and violations identified in the course of orientation or training activities;~~
- ~~Adding persons licensed under part XIV of ch. 468, F.S., to the definition of "health care provider";~~
- ~~Conforming terminology and cross-references;~~
- ~~Revising a reference;~~
- ~~Providing a statement of public policy protecting persons from government compulsion relating to purchasing health insurance coverage;~~
- ~~Preserving the right to collect certain debts incurred for health insurance or health services;~~
- ~~Authorizing the Attorney General to implement or advocate such public policy in federal or state court or administrative forums on behalf of certain persons;~~
- ~~Creating s. 627.64995, F.S.;~~
- ~~Prohibiting the use of state or federal funds to provide coverage for abortions in an exchange created pursuant to federal law;~~
- ~~Specifying conditions under which a health insurance policy or group health insurance policy is deemed to be purchased with state or federal funds;~~
- ~~Providing exceptions;~~
- ~~Creating s. 641.31099, F.S.;~~
- ~~Prohibiting the use of state or federal funds to provide coverage for abortions in an exchange created pursuant to federal law;~~
- ~~Specifying conditions under which a health maintenance contract is deemed to provide coverage purchased with state or federal funds;~~
- ~~Providing exceptions.~~

Effective Date: July 1, 2010

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**HB 1565 – Rulemaking
CH. 2010, Laws of Florida
VETOED**

The bill amends statutory language by:

- ~~Requiring each agency, before adopting, amending, or repealing certain rules, to prepare a statement of estimated regulatory costs of the proposed rule if the proposed rule has adverse impacts on small business or increases regulatory costs;~~

- ~~Providing an exception to circumstances under which an emergency rule shall not be effective;~~
- ~~Providing circumstances under which an agency shall prepare or revise a statement of estimated regulatory costs;~~
- ~~Providing notice requirements;~~
- ~~Providing that an agency's failure to prepare a statement of estimated regulatory costs or respond to a written lower cost regulatory alternative is a material failure to follow the applicable rulemaking procedures or requirements of the chapter;~~
- ~~Specifying circumstances under which certain challenges may not be raised;~~
- ~~Providing exceptions;~~
- ~~Specifying the requirements for an economic analysis on a proposed rule or rule changes;~~
- ~~Requiring that a rule impact analysis for small businesses include the agency's basis for not implementing alternatives to a proposed rule;~~
- ~~Providing circumstances under which a rule shall not take effect until ratified by the Legislature;~~
- ~~Providing that the act is not applicable to certain specified rules or standards;~~
- ~~Providing for revised statements of estimated regulatory costs as a basis for challenging a rule;~~
- ~~Authorizing an agency to provide by rule for the time period for submitting additional information needed for a license application;~~
- ~~Requiring that certain requests to receive notice relating to a license application be submitted in writing.~~

Effective Date: Upon Becoming Law

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**SB 2020 - Information Technology
CH. 2010-148, Laws of Florida
Approved by the Governor on May 28, 2010**

The bill amends statutory language by:

- Revising the duties and responsibilities of the Agency for Enterprise Information Technology;
- Requiring that the agency develop standards for information technology services;
- Deleting an obsolete provision;
- Requiring that state agencies notify the data center of certain anticipated changes;
- Specifying the contents of financial statements that must be provided by primary data centers;
- Requiring that each data center submit to its board of trustees cost-reduction proposals and organizational plans;
- Establishing a quorum for a data center board of trustees; providing additional duties for the board of trustees;

- Deleting obsolete provisions relating to the Northwood Shared Resource Center;
- Providing an additional duty for the Agency Chief Information Officers Council relating to the consolidated purchase of information technology products;
- Revising provisions relating to statewide e-mail services;
- Providing the primary goals for the service;
- Providing for the establishment of a multiagency team to solicit proposals for a statewide service by a certain date;
- Specifying the requirements for competitive solicitation;
- Requiring the multiagency team and the Agency for Enterprise Information Technology to submit a business case analysis to the Governor and Cabinet and the Legislature;
- Requiring the analysis to include agency lifecycle costs;
- Requiring all state agencies to have migrated to the statewide service by a certain date;
- Providing for agency exceptions to the schedule;
- Requiring the Agency for Enterprise Information Technology to submit an implementation plan to the Governor and Legislature by a certain date;
- Requiring that each agency include requirements for migrating to the statewide e-mail service in its legislative budget request;
- Directing the agency to adopt rules;
- Repealing s. 408.0615, F.S., relating to the establishment of a secure facility protecting data held by the Agency for Health Care Administration;
- Amending s. 17 of chapter 2008-116, Laws of Florida;
- Revising the date for transferring data center functions to a primary data center;
- Defining the terms "SUNCOM Network" and "telecommunications";
- Revising the powers and duties of the Department of Management Services with respect to telecommunications services;
- Requiring that the department establish policies with respect to financial accounting and submit an annual report to the Governor and Legislature;
- Revising provisions relating to the SUNCOM Network;
- Authorizing the department to establish standards for addresses and numbers and to maintain a directory;
- Requiring all customers of a state primary data center, except for state universities, to use SUNCOM services;
- Providing for certain exemptions;
- Requiring the department and customers served by the department to review the qualifications of subscribers using the SUNCOM Network;
- Authorizing additional positions and providing an appropriation.

Effective Date: Upon Becoming Law

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**[SB 2374](#) - State Group Insurance Program
CH. [2010-150](#), Laws of Florida
Approved by the Governor on May 28, 2010**

The bill amends statutory language by:

- Requiring the Division of State Group Insurance to contract for postpayment claims review services for the state group health insurance plans;
- Requiring that compensation under the contract be paid from amounts identified as claim overpayments recovered by the vendor;
- Directing the Division of State Group Insurance to contract for dependent eligibility verification services for the state group insurance program;
- Providing a limitation on compensation to the contract vendor;
- Authorizing a grace period to document eligibility;
- Requiring that the Department of Management Services obtain budget authority to expend certain funds pursuant to the contract;
- Requiring the department to adopt rules;
- Prohibiting the Department of Management Services from renewing any contract with a health maintenance organization if such renewal restricts the Legislatures authority to modify or limit any benefit or plan option during the 2011 calendar year;
- Requiring that the Department of Management Services require costing options for both fully insured and self-insured plan designs under the state employee health insurance program;
- Requiring that the department recommend the best value to the Legislature by a specified date;
- Requiring that the department solicit information from the private sector for financing and outsourcing a defined contribution plan through a written request for information;
- Providing requirements for the written request for information;
- Requiring that responses received from vendors be provided to certain legislative budget chairs by a specified date.

Effective Date: July 1, 2010

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**SB 2386 - State Financial Matters
CH. 2010-151, Laws of Florida
Approved by the Governor on May 28, 2010**

The bill amends statutory language by:

- Conforming a cross-reference;
- Providing that each agency is responsible for exercising due diligence in securing payment for all accounts receivable and other claims due the state;
- Creating requirements for agencies for purposes of reporting delinquent accounts receivable;
- Requiring agencies to report annually to the Legislature and Chief Financial Officer on accounts receivable and other claims due the state;
- Requiring the Chief Financial Officer to report annually to the Governor and Legislature on claims for collections due the state;
- Authorizing the Chief Financial Officer to adopt rules requiring that payments made by the state for goods, services, or anything of value be made by electronic means;
- Requiring that the rules include methods for accommodating persons who may not be able to receive payment by electronic means;
- Authorizing the Chief Financial Officer to make payments by warrant if administratively necessary;
- Conforming cross references;
- Conforming provisions to changes made by the act to authorize state agencies, local governments, and the judicial branch to accept payments by electronic funds transfers;
- Providing for the adoption of rules to facilitate such payments and to accommodate persons who may not be able to make payments by electronic means;
- Authorizing the Chief Financial Officer to adopt rules establishing uniform security safeguards for cardholder data; creating s. 215.971, F.S.;
- Requiring that agency agreements that provide state or federal financial assistance to a recipient or sub recipient include certain provisions;
- Requiring an agency that is awarded funding on a noncompetitive basis for certain services as specified in the General Appropriations Act to maintain specified documentation supporting a cost analysis;
- Conforming a provision to the repeal of s. 287.1345, F.S.;
- Conforming a cross-reference;
- Conforming provisions to the repeal of s. 287.045, F.S.;
- Revising, eliminating, and providing definitions;
- Revising the threshold amounts for state purchasing categories;
- Eliminating a requirement that the Department of Management Services adopt rules to adjust the threshold amounts;

- Repealing s. 287.045, F.S., relating to procurement of products and materials with recycled content;
- Specifying the provisions to be included in state agency purchasing agreements;
- Revising and organizing provisions relating to the procurement of commodities and contractual services by the state;
- Specifying authorized uses for competitive solicitation processes;
- Providing procedures and requirements with respect to competitive solicitation;
- Specifying types of procurements for which invitations to bid, requests for proposals, and invitations to negotiate are to be used and providing procedures and requirements with respect thereto;
- Revising contractual services and commodities that are not subject to competitive solicitation requirements;
- Prohibiting an agency from dividing the solicitation of commodities or contractual services in order to avoid specified requirements;
- Requiring that an agency avoid, neutralize, or mitigate significant potential organizational conflicts of interests before a contract is awarded;
- Providing procedures and requirements with respect to mitigation of such conflicts of interest;
- Authorizing an agency to proceed with a contract award when such conflict cannot be avoided or mitigated under specified circumstances and providing a restriction on such award;
- Specifying conditions that constitute an unfair competitive advantage for a vendor;
- Revising applicability of ss. 287.0571-287.0574, F.S.;
- Specifying procurements and contracts to which s. 287.0571, F.S., relating to agency business cases for outsourcing of specified projects, does not apply;
- Requiring an agency to complete a business case for any outsourcing project that has an expected cost in excess of a specified amount within a single fiscal year;
- Providing for the submission of the business case in accordance with provisions governing the submission of agency legislative budget requests;
- Providing that a business case is not subject to challenge;
- Providing required components of a business case;
- Specifying required provisions for a contract for a proposed outsourcing;
- Repealing s. 287.05721, F.S., relating to definitions;
- Repealing s. 287.0573, F.S., relating to the Council on Efficient Government and its membership and duties;
- Repealing s. 287.0574, F.S., relating to provisions governing business cases for outsourcing and the review and analysis conducted thereunder, the requirements of which are relocated in other sections of Florida Statutes set forth in the act;
- Creating s. 287.0575, F.S.;
- Establishing duties and responsibilities of the Department of Children and Family Services, the Agency for Persons with Disabilities, the Department of Health, the Department of Elderly Affairs, and the Department of Veterans Affairs, and

service providers under contract to those agencies, with respect to coordination of contracted services;

- Requiring state agencies contracting for health and human services to notify their contract service providers of certain requirements by a specified date or upon entering into any new contract for health and human services;
- Requiring each service provider that has more than one contract with one or more state agencies to provide health and human services to provide to each of its contract managers a comprehensive list of its health and human services contracts by a specified date;
- Specifying information to be contained in the list;
- Providing for assignment, by a specified date, of a single lead administrative coordinator for each service provider from among agencies having multiple health and human services contracts;
- Requiring that the lead administrative coordinator provide notice of his or her designation to the service provider and to the agency contract managers for each affected contract;
- Providing the method of selecting the lead administrative coordinator;
- Providing responsibilities of the designated lead administrative coordinator;
- Providing duties of contract managers for agency contracts;
- Providing for non-applicability under certain circumstances;
- Requiring annual performance evaluations of designated lead administrative coordinators by each agency contracting for health and human services;
- Providing for a report to the Governor and Legislature;
- Revising provisions regarding contracts for services;
- Specifying provisions to be included in such contracts;
- Repealing s. 287.1345, F.S., relating to surcharge on users of state term contracts;
- Conforming cross references;
- Providing that statutorily authorized transaction or user fees do not apply to certain contracts for services if the services were exempt from such fees before a specified date;
- Requiring state agencies to provide specified information to the Department of Financial Services relating to the purchase of commodities or services;
- Requiring state agencies to review and renegotiate contract renewals and reprocurments in an effort to reduce contract payments;
- Requiring the Executive Office of the Governor to place savings from the renegotiation of contract renewals or reprocurments in reserve;
- Requiring each state agency to review its contracts to ensure that contractors comply with applicable preferred-pricing clauses;
- Requiring certain contracts containing a preferred-pricing clause to require that the contractor submit an affidavit attesting to the contractors compliance with the clause;
- Defining the term "preferred-pricing clause";
- Requiring that each entity expending funds provided for in the 2010-2011 fiscal year give preference to vendors or businesses that have a principal place of

business in Florida and that commit contractually to maximize the use of state residents, products, and businesses;

- Providing an exception;
- Requiring state agencies to report contractor compliance with such requirement to the Agency for Workforce Innovation;
- Providing an appropriation and authorizing additional positions.

Effective Date: July 1, 2010

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~~[HB 5607](#) - Retirement
CH. [2010](#), Laws of Florida
VETOED~~

The bill amends statutory language by:

- ~~Reducing the interest rate paid on deferred retirement benefits for members entering DROP on or after a specified date;~~
- ~~Revising the payroll contribution rates for the membership classes of the Florida Retirement System for the state fiscal years effective July 1, 2010, and July 1, 2011;~~
- ~~Specifying the required employer retirement contribution rates for each membership class and subclass of the system in order to address unfunded actuarial liabilities of the system;~~
- ~~Revising the amount that employers are required to contribute for administrative and educational expenses;~~
- ~~Requiring the state actuary to consider additional factors when conducting the annual actuarial study of the Florida Retirement System;~~
- ~~Specifying the factors to be considered;~~
- ~~Providing a declaration of important state interest.~~

Effective Date: July 1, 2010

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~~[HB 5611](#) - Review of the Department of Management Services
CH. [2010](#), Laws of Florida
VETOED~~

The bill amends statutory language by:

- ~~Revising the governance of the department;~~
- ~~Providing for electronic filing and transmission procedures for certain actions, proceedings, and petitions;~~
- ~~Conforming provisions to changes made by the act;~~
- ~~Repealing s. 110.123(13), F.S., relating to creation and duties of the Florida State Employee Wellness Council;~~

- ~~Requiring a petitioner requesting an administrative hearing to include the petitioner's e-mail address;~~
- ~~Requiring the request for administrative hearing by a respondent to include the e-mail address of the party's counsel or qualified representative;~~
- ~~Creating s. 120.585, F.S.;~~
- ~~Requiring an attorney to use electronic means when filing a document with the Division of Administrative Hearings;~~
- ~~Encouraging a party not represented by an attorney to file documents whenever possible by electronic means through the division's website;~~
- ~~Requiring each agency head to provide an annual inventory containing specified information of all wireless devices and expenditures;~~
- ~~Creating s. 282.712, F.S.; providing legislative intent;~~
- ~~Providing requirements for the use of wireless communication devices by agency employees;~~
- ~~Requiring the agency to conduct a review of wireless communication device expenditures;~~
- ~~Requiring reimbursement of costs associated with certain personal use of wireless communication devices by employees;~~
- ~~Repealing the definition of the term "council" as it relates to the Council on Efficient Government;~~
- ~~Repealing s. 287.0573, F.S., relating to creation of the Council on Efficient Government within the department;~~
- ~~Amending s. 287.0574, F.S.; conforming provisions to the elimination of the Council on Efficient Government;~~
- ~~Requiring the department to prepare a plan to centralize the fleet of state-owned motor vehicles;~~
- ~~Requiring the department to submit the plan to the Governor, Cabinet, and the Legislature by a specified date;~~
- ~~Delaying the expiration of provisions imposing a surcharge on certain offenses and traffic violations, the proceeds of which are deposited into the State Agency Law Enforcement Radio System Trust Fund of the department;~~
- ~~Providing and revising procedures for filing petitions for benefits and other documents in workers' compensation benefits proceedings to provide for electronic filing and transmission under certain circumstances;~~
- ~~Amending ss. 50 440.29 and 440.45, F.S.; authorizing the Office of the Judges of Compensation Claims to adopt rules for certain purposes;~~
- ~~Providing for the application of an order issued by the chief circuit judge to close the courts of the county or a tolling order issued by the Supreme Court to any district office of the Office of the Judges of Compensation Claims which is located within the same county in which the order of closure or tolling order applies;~~
- ~~Providing for the time limits applicable to the jurisdiction of the Office of the Judges of Compensation Claims to apply following such order;~~

- ~~Authorizing the Division of Administrative Hearings to furnish by electronic means copies of certain petitions and orders relating to medical disciplinary reviews, claims, and awards;~~
- ~~Requiring the department to identify all resources relating to real estate leasing and facilities operations and maintenance within each state agency;~~
- ~~Requiring a report to the Governor, Cabinet, and Legislature by a specified date;~~
- ~~Requiring that the information be included within the agency's legislative budget request for the 2011-2012 fiscal year;~~
- ~~Providing an appropriation and authorizing positions within the department;~~
- ~~Requiring approval of the Governor and Cabinet and Senate confirmation for certain positions within the department;~~
- ~~Providing for repeal of the provisions by a date certain;~~
- ~~Authorizing the department to transfer certain funds for the purpose of statewide purchasing operations;~~
- ~~Authorizing the department to transfer certain funds for the creation of a comprehensive database of state-owned real property;~~
- ~~Providing a directive to the Division of Statutory Revision.~~

~~Effective Date: July 1, 2010, except as otherwise provided~~

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**[HB 5705](#) - State Employees
CH. [2010-165](#), Laws of Florida
Approved by the Governor on May 28, 2010**

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 that are at impasse and that are not addressed by the act or the General Appropriations Act to be resolved consistent with personnel rules or by otherwise maintaining the status quo.

Effective Date: July 1, 2010

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More information about the bills referenced in this document and the legislative process can be found on the Legislative website: <http://www.leg.state.fl.us/Welcome/index.cfm>