

# Office of Legislative Affairs



## 2019 Session Summary

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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 2019 Regular Legislative Session.***

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

**[HB 0019](#) – Prescription Drug Importation Programs  
[Ch. 2019-099](#) Laws of Florida  
Approved by the Governor on June 11, 2019**

The bill amends statutory language by:

- Establishing the Canadian Prescription Drug Importation Program within the Agency for Health Care Administration (AHCA).
- Including Agency for Persons with Disabilities (APD) developmental disabilities centers (DDCs) as eligible importers for Canadian prescription drugs.
- Requiring federal approval and legislative funding before implementation.

**Effective Date: July 1, 2019**

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**[HB 0023](#) – Telehealth  
[Ch. 2019-137](#) Laws of Florida  
Approved by the Governor on June 25, 2019**

The bill amends statutory language by:

- Authorizing certain providers, including behavior analysts licensed under s. 393.17, F.S., to use telehealth.

**Effective Date: July 1, 2019**

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**[HB 0049](#) – Incarcerated Women  
[Ch. 2019-065](#) Laws of Florida  
Approved by the Governor on June 7, 2019**

The bill amends statutory language by:

- Requiring state correctional facilities to provide incarcerated women with certain healthcare products.
- Providing requirements for male correctional employees in certain circumstances and requiring documentation of certain incidents involving male correctional employees.

**Effective Date: July 1, 2019**

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**SB 0182 – Medical Use of Marijuana  
Ch. 2019-001 Laws of Florida  
Approved by the Governor on March 18, 2019**

The bill amends statutory language by:

- Allowing for the use of smokable medical marijuana.
- Prohibiting the certification of smokable medical marijuana for patients under the age of 18 unless the patient is diagnosed with a terminal condition.

**Effective Date: March 18, 2019**

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**SB 0184 – Aging Programs  
Ch. 2019-011 Laws of Florida  
Approved by the Governor on April 26, 2019**

The bill amends statutory language by:

- Moving rulemaking authority relating to hospices, assisted living facilities, adult family-care homes, and adult day care centers from the Department of Elder Affairs to AHCA.

**Effective Date: July 1, 2019**

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**HB 0411 – Nonemergency Medical Transportation Services  
Ch. 2019-072 Laws of Florida  
Approved by the Governor on June 7, 2019**

The bill amends statutory language by:

- Authorizing transportation network companies to provide nonemergency medical transportation services to a Medicaid recipient.
- Requiring AHCA to update the Florida Medicaid Non-Emergency Transportation Services Coverage Policy.

**Effective Date: July 1, 2019**

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**[HB 0831](#) – Electronic Prescribing  
[Ch. 2019-112](#) Laws of Florida  
Approved by the Governor on June 18, 2019**

The bill amends statutory language by:

- Requiring prescribers, including APD DDCs, to electronically generate and transmit prescriptions for medicinal drugs upon license renewal or by July 1, 2021.

**Effective Date: January 1, 2020**

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**[HB 0851](#) – Human Trafficking  
[Ch. 2019-152](#) Laws of Florida  
Approved by the Governor on June 26, 2019**

The bill amends statutory language by:

- Creating a direct-support organization within the Department of Legal Affairs to provide assistance, funding, and support to the Statewide Council on Human Trafficking.

**Effective Date: July 1, 2019**

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**[HB 1121](#) – Support Organizations  
[Ch. 2019-093](#) Laws of Florida  
Approved by the Governor on June 7, 2019**

The bill amends statutory language by:

- Extending the repeal date for the Florida Endowment for Vocational Rehabilitation to October 1, 2023.

**Effective Date: July 1, 2019**

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**[HB 5301](#) – Information Technology Reorganization  
[Ch. 2019-118](#) Laws of Florida  
Approved by the Governor on June 24, 2019**

The bill amends statutory language by:

- Transferring powers, duties, functions, etc. from the Agency for State Technology to the Department of Management Services.
- Requiring each agency to use the statewide travel management system.
- Requiring each state agency to adopt formal procedures for cloud-computing options.

**Effective Date: July 1, 2019**

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**[HB 6047](#) – Florida ABLÉ Program  
[Ch. 2019-096](#) Laws of Florida  
Approved by the Governor on June 7, 2019**

The bill amends statutory language by:

- Continuing the limitation of the state Medicaid Program recovering funds from an ABLÉ account after the death of a beneficiary.

**Effective Date: June 30, 2019**

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**[HB 7107](#) – Controlled Substances  
[Ch. 2019-166](#) Laws of Florida  
Approved by the Governor on June 28, 2019**

The bill amends statutory language by:

- Classifying Epidiolex in statute as a Schedule V controlled substance, mirroring federal law.

**Effective Date: June 28, 2019**

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## **APPROPRIATIONS BILLS**

**The following is an overview of the budget for the Agency for Persons with Disabilities passed by the Florida Legislature during the 2019 Legislative Session.**

**[SB 2500](#) – General Appropriations Act  
[Ch. 2019-115](#) Laws of Florida  
 Approved by the Governor on June 21, 2019**

### **Major funding decisions:**

**The funding for APD totals over \$1.4 billion.**

- \$48.7 million in recurring funds to provide waiver services to APD clients.
- \$28.7 million in recurring funds for increases in residential habilitation provider rates to increase the pay of Direct Care staff.
- Seven (7) Behavioral Analyst positions added for the Regions (6) and State Office (1) to provide better monitoring and oversight of waiver clients with behavioral issues.
- \$3.5 million provided to continue implementation of iConnect. This system will provide APD with a central client database and include electronic visit verification of some waiver services.
- \$673,000 for information technology to improve the security of client data.
- \$818,000 to contract with a nurse staffing company to recruit and retain skilled nurses to provide services to the Tacachale Center residents.
- \$172,800 for the Next Generation Questionnaire for Situational Information Validity and Reliability Study.
- \$272,400 for fiber optic cabling for the Developmental Disabilities Defendant Program to improve network efficiency.
- \$96,000 for domain controller servers to continue providing user access to the network throughout the State.
- \$900,000 to continue the Employment Enhancement Program to provide supported employment services to individuals on the waiver waiting list.
- Three (3) positions added to the Consumer Directed Care Program for auditing, monitoring, and records management to ensure better oversight.

- \$200,000 in recurring funds for evaluation services for APD clients who are committed to the Agency pursuant to s. 393.11, F.S.
- \$1.2 million fixed capital outlay (FCO) is provided for ADA accessibility modifications and critical repairs to state facilities.
- \$2.1 million FCO for local projects is provided for:
  - \$600,000: PARC Children’s Autism Classrooms and Therapy Center
  - \$284,000: Chabad of Kendall
  - \$1.1 million: Arc Broward Culinary Expansion
  - \$108,675: LARC Special Needs Shelter
- \$5.5 million in non-recurring funds for special projects:
  - \$1,000,000: Gateway ARC Residential Support for Job Placement
  - \$100,000: Easter Seals – Expand Autism Assessment
  - \$150,000: Easter Seals – Brevard County
  - \$743,000: Easter Seals – Southwest Florida, Inc.
  - \$500,000: Our Pride Academy Child Care Training Program
  - \$150,000: Operation Grow – Seminole County Work Opportunity Program
  - \$250,000: Area Stage Company (ASC) Developmental Disabilities Theater
  - \$300,000: ARC Jacksonville
  - \$500,000: Jewish Adoption and Family Care Options (JAFCO) Children’s Ability
  - \$1,000,000: DNA Comprehensive Therapy Services
  - \$295,000: Club Challenge
  - \$100,000: Monroe Association for ReMARCable Citizens
  - \$400,000: Association for the Development of Exceptional, Inc. – Culinary

The following are back-of-the-bill appropriations:

- SECTION 8. EMPLOYEE COMPENSATION AND BENEFITS - FISCAL YEAR 2019-2020
  - (e) Institutional Security Specialists
    1. Effective July 1, 2019, funds are provided in Specific Appropriation 2049 to grant a competitive pay adjustment of \$2,500 to each eligible institutional security specialist’s June 30, 2019, base rate of pay.
    2. For the purpose of this paragraph, the term "institutional specialist" means an employee of the Agency for Persons with Disabilities or Department of Children and Families in the following classification codes: Institutional Security Specialist I (8237); Institutional Security Specialist II (8238); or Institutional Security Specialist Shift Supervisor (8240).



- SECTION 30. The nonrecurring sums of \$22,007,039 from the General Revenue Fund and \$34,888,098 from the Operations and Maintenance Trust Fund is appropriated to the Agency for Persons with Disabilities in the Home and Community Based Services Waiver appropriation category for Fiscal Year 2018-2019 to address Fiscal Year 2017-2018 deficits from the Home and Community Based Services Waiver. The nonrecurring sum of \$56,895,137 from the Medical Care Trust Fund is appropriated to the Agency for Health Care Administration in the Home and Community Based Services Waiver category for Fiscal Year 2018-2019. This section is effective upon becoming a law.
- SECTION 31. The unexpended balance of funds in Specific Appropriation 237, chapter 2018-9, Laws of Florida, provided to the Agency for Persons with Disabilities for Comprehensive Transitional Education transition shall revert and is appropriated for Fiscal Year 2019-2020 in the Home and Community Based Services Waiver category for Home and Community Based Services Waiver costs.
- SECTION 32. The unexpended balance of funds in Section 33, chapter 2018-9, 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 2018-2019 in the Home and Community Based Services Waiver category. This section shall take effect upon becoming a law.
- SECTION 33. The unexpended balance of funds in Specific Appropriation 242, chapter 2018-9, 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 2019-2020 in the Lump Sum - Home and Community Based Services Waiver category and shall be placed in reserve. The agency is authorized to submit budget amendments requesting the release of funds, pursuant to the provisions of chapter 216, Florida Statutes. Requests for release of funds shall include a plan for how the funding will be expended for increases in Medicaid Home and Community Based Waiver costs.
- SECTION 34. The unexpended balance of funds in Specific Appropriation 255, chapter 2018-9, Laws of Florida, provided to the Agency for Persons with Disabilities for the Questionnaire for Situational Information Validity and Reliability Study shall revert and is appropriated to the Agency for Persons with Disabilities for Fiscal Year 2019-2020 in the Home and Community Based Services Administration category for the same purpose. This section is effective upon becoming a law.

**Effective Date: July 1, 2019**

WE CAN DO THIS TOGETHER. FLORIDA'S COMMUNITY ACTION NETWORK.

**SB 2502 - Implementing the 2019-2020 General Appropriations Act  
Ch. 2019-116 Laws of Florida  
 Approved by the Governor on June 21, 2019**

Section 26. In order to implement Specific Appropriation 245 of the 2019-2020 General Appropriations Act, subsection (10) of section 393.0661, Florida Statutes, is amended to read:

393.0661 Home and community-based services delivery system; comprehensive redesign.—The Legislature finds that the home and community-based services delivery system for persons with developmental disabilities and the availability of appropriated funds are two of the critical elements in making services available. Therefore, it is the intent of the Legislature that the Agency for Persons with Disabilities shall develop and implement a comprehensive redesign of the system.

(10) Implementation of Medicaid waiver programs and services authorized under this chapter is limited by the funds appropriated for the individual budgets pursuant to s. 393.0662 and the four-tiered waiver system pursuant to subsection (3). Contracts with independent support coordinators and service providers must include provisions requiring compliance with agency cost containment initiatives. The agency shall implement monitoring and accounting procedures necessary to track actual expenditures and project future spending compared to available appropriations for Medicaid waiver programs. When necessary based on projected deficits, the agency must establish specific corrective action plans that incorporate corrective actions of contracted providers that are sufficient to align program expenditures with annual appropriations. If deficits continue during the 2018-2019 ~~2012-2013~~ fiscal year, the agency in conjunction with the Agency for Health Care Administration shall develop a plan to redesign the waiver program and submit the plan to the President of the Senate and the Speaker of the House of Representatives by September 30, 2019 ~~2013~~. At a minimum, the plan must include the following elements:

(a) *Budget predictability*.—Agency budget recommendations must include specific steps to restrict spending to budgeted amounts based on alternatives to the iBudget and four-tiered Medicaid waiver models.

(b) *Services*.—The agency shall identify core services that are essential to provide for client health and safety and recommend elimination of coverage for other services that are not affordable based on available resources.

(c) *Flexibility*.—The redesign shall be responsive to individual needs and to the extent possible encourage client control over allocated resources for their needs.

(d) *Support coordination services*.—The plan shall modify the manner of providing support coordination services to improve management of service utilization and increase accountability and responsiveness to agency priorities.

(e) *Reporting.*—The agency shall provide monthly reports to the President of the Senate and the Speaker of the House of Representatives on plan progress and development on July 31, 2019 ~~2013~~ and August 31, 2019 ~~2013~~.

(f) *Implementation.*—The implementation of a redesigned program is subject to legislative approval ~~and shall occur no later than July 1, 2014~~. The Agency for Health Care Administration shall seek federal waivers as needed to implement the redesigned plan once approved by the Legislature.

Section 27. The amendment made to s. 393.0661(10), Florida Statutes, by this act expires July 1, 2020, and the text of that subsection shall revert to that in existence on June 30, 2019, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.

**Effective Date: July 1, 2019**

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**Budget Summary**

AGENCY FOR PERSONS WITH DISABILITIES

Budget Entity	Budget Entity Title	Appropriation Category Title	FY 2018-2019		FY 2019-2020	
			FTE	ALL FUNDS	FTE	ALL FUNDS
67100100	HOME & COMMUNITY SERVICES	SALARIES AND BENEFITS	428.00	25,000,033	434.00	25,900,445
		OTHER PERSONAL SERVICES		5,143,455		5,214,764
		EXPENSES		3,205,681		3,242,521
		OPERATING CAPITAL OUTLAY		9,060		9,060
		COMPREHENSIVE TRANSITIONAL EDUCATION PROGRAM TRANSITION		1,984,768		-
		G/A-INDIVIDUAL & FAMILY		13,586,771		13,586,771
		ROOM AND BOARD PAYMENTS		2,639,201		2,639,201
		CONTRACTED SERVICES		1,481,143		1,013,727
		G/A-CONTRACTED SERVICES		7,354,225		8,488,143
		HOME/COMM SERVICES WAIVER		1,116,690,876		1,196,369,280
		RISK MANAGEMENT INSURANCE		380,251		344,151
		TR/DMS/HR SVCS/STW CONTRACT		146,630		147,958
		FCO-PERSONS W/DISABILITIES		1,100,000		2,092,675
<b>67100100 Total</b>			<b>428.00</b>	<b>1,178,722,094</b>	<b>434.00</b>	<b>1,259,048,696</b>
67100200	PROGRAM MGT & COMPLIANCE	SALARIES AND BENEFITS	161.00	13,860,033	165.00	14,311,591
		OTHER PERSONAL SERVICES		571,022		583,207
		EXPENSES		2,494,016		1,951,216
		OPERATING CAPITAL OUTLAY		23,974		119,974
		REPLACEMENT OF MOTOR VEHICLES		102,500		-
		TRANS TO DIV ADM HEARINGS		100,153		104,874
		CONTRACTED SERVICES		1,189,231		939,231
		G/A-CONTRACTED SERVICES		3,031,167		3,031,167
		G/A-CONTRACT PROF SERVICES		6,248		6,248
		RISK MANAGEMENT INSURANCE		180,320		163,201
		HOME & COMM SERV ADMIN		6,912,585		9,071,682
		TR/DMS/HR SVCS/STW CONTRACT		62,744		63,783
		STATE DATA CENTER		327,347		392,411
<b>67100200 Total</b>			<b>161.00</b>	<b>28,861,340</b>	<b>165.00</b>	<b>30,738,585</b>
67100400	DEV DISAB CENTERS CIVIL	SALARIES AND BENEFITS	1,609.00	74,649,598	1,598.00	74,934,974
		OTHER PERSONAL SERVICES		1,495,517		1,501,695
		EXPENSES		5,192,939		5,131,539
		OPERATING CAPITAL OUTLAY		64,965		64,965
		FOOD PRODUCTS		1,898,927		1,898,927
		APD/FCO NEEDS/CEN MGD FACs		-		1,200,000
		FCO - GENERATORS (Back of Bill)		3,544,458		-
		CONTRACTED SERVICES		2,005,096		2,005,096
		G/A-CONTRACT PROF SERVICES		4,316,049		5,134,049
		PRESCRIBE MED/DRUG NON-MED		338,721		338,721
		RISK MANAGEMENT INSURANCE		4,130,088		3,737,989
		TR/DMS/HR SVCS/STW CONTRCT		624,166		618,124
		<b>67100400 Total</b>			<b>1,609.00</b>	<b>98,260,524</b>
67100500	DEV DISAB CENTERS FORENSIC	SALARIES AND BENEFITS	504.50	24,561,324	503.50	24,901,601
		OTHER PERSONAL SERVICES		281,232		281,232
		EXPENSES		1,249,744		1,099,744
		OPERATING CAPITAL OUTLAY		96,844		96,844
		FOOD PRODUCTS		556,200		456,200
		CONTRACTED SERVICES		571,137		863,537
		G/A-CONTRACT PROF SERVICES		350,122		350,122
		PRESCRIBE MED/DRUG NON-MED		807,202		557,202
		RISK MANAGEMENT INSURANCE		907,793		821,610
		SALARY INCENTIVE PAYMENTS		18,751		18,751
		TR/DMS/HR SVCS/STW CONTRCT		124,928		124,377
<b>67100500 Total</b>			<b>504.50</b>	<b>29,525,277</b>	<b>503.50</b>	<b>29,571,220</b>
<b>Grand Total</b>			<b>2,702.50</b>	<b>1,335,369,235</b>	<b>2,700.50</b>	<b>1,415,924,580</b>



**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 2019 Regular Legislative Session.*

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

**[SB 7014](#) – Government Accountability  
[Ch. 2019-015](#) Laws of Florida  
Approved by the Governor on April 26, 2019**

The bill amends statutory language by:

- Requiring each state agency to establish and maintain internal controls designed to prevent and detect waste, fraud, and abuse.

**Effective Date: July 1, 2019**

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**[HB 7021](#) – Financial Disclosure  
[Ch. 2019-097](#) Laws of Florida  
Approved by the Governor on June 7, 2019**

The bill amends statutory language by:

- Requiring the Commission on Ethics to procure and test an electronic filing system by July 1, 2022.
- Requiring electronic filing of FORM 1 documents by January 1, 2023.

**Effective Date: June 7, 2019**

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**[HB 7047](#) – OGSR/Security Breach Information  
[Ch. 2019-032](#) Laws of Florida  
Approved by the Governor on May 14, 2019**

The bill amends statutory language by:

- Removing scheduled repeal of exemption from public record requirements for certain information received by Department of Legal Affairs relating to security breaches.

**Effective Date: October 1, 2019**

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

**More information about the bills referenced in this document and the legislative process can be found at the links 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/>

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