

## Agency for Persons with Disabilities

### 2015 - 2016 Annual Regulatory Plan

**Table 1 - s. 120.74(1)(a)**

Law Enacted or Amended (last 12 months)	Section Title	1. Must Agency Adopt Rule? (Yes/No)	2. If Yes FAR Publication of Rule Dev. Notice OR Date of expected publication	3. If rulemaking not needed - concise explanation of why
Chapter 2015-222	Implementing Appropriations	No	N/A	This is an implementing bill and does not provide rulemaking authority for the Agency but references rulemaking under s. 393.0662. (See plan for s.393.0662 below)
s. 1009.986(11)	Florida ABLE program	No	N/A	The bill does not provide rulemaking authority for the Agency and no rule is necessary for Agency implementation.
s. 400.9985	Interagency communication	No	N/A	The bill does not provide rulemaking authority for the Agency and no rule is necessary for Agency implementation.

**Table 2 - s. 120.74(1)(b)**

Laws not listed in (1)(a) expected for implementation by rulemaking before July 1, 2016	Section Title	Intended purpose for rulemaking	Rule Chapter	Description
s. 393.0662	Individual budgets for delivery of home and community-based services; iBudget system established	Replace invalidated rules.	65G-4	Replacement of iBudget rules including new algorithm to administer iBudget
s. 393.066	Community services and treatment	Implement authorized services	65G-13	Rules governing administration of services utilizing Individual Family Supports (IFS)
s. 393.0695	Provision of in-home subsidies	Implement in-home subsidies	65G-12	Rules governing administration of in-home subsidies
s. 393.125	Hearing Rights	Increase efficiency	65G-3	Streamlines the review process for provider termination
s. 393.0651(1)	Family or individual support plan	Implement core components of support plans	65G-4	To set forth core components of support plans
s. 393.067	Facility licensure	Clarification	65G-2	To provide definitions based on law changes and clarify provisions related to client safety and emergency management plans
s. 393.067	Facility licensure	Delete obsolete rule	65G-2	To repeal obsolete rule 65G-2.0031 providing for substitution of other agency issued licenses in lieu of APD issued facility licenses.
s. 393.506	Administration of Medication	Increase efficiency and improve training	65G-7	To improve training standards regarding the administration of medication by direct service providers.
s. 393.0662	Individual budgets for delivery of home and community-based services; iBudget system established	Delete obsolete rules	65G-4	Repeal of invalidated iBudget rules
s. 393.0661	Home and community-based services delivery system	Delete obsolete rules	65G-4	Repeal of obsolete tier rules

### CERTIFICATION - s. 120.74(1)(d)

I, Barbara Palmer, Director, hereby certify that I have reviewed the Agency's annual regulatory plan and that all agency rules have been reviewed within the preceding 15 months (July 1, 2014 through September 8, 2015) to determine if the rules remain consistent with the Agency's rulemaking authority and laws implemented.

Signature: /S/ \_\_\_\_\_

Barbara Palmer, Director

Date: 9/25/2015

I, Richard Tritschler, General Counsel, hereby certify that I have reviewed the Agency's annual regulatory plan and that all agency rules have been reviewed within the preceeding 15 months (July 1, 2014 through September 8, 2015) to determine if the rules remain consistent with the Agency's rulemaking authority and laws implemented.

Signature: /S/ \_\_\_\_\_

Richard Tritschler, General Counsel

Date: 9/25/2015

**120.74 Agency annual rulemaking and regulatory plans; reports.—**

- (1) REGULATORY PLAN.—By October 1 of each year, each agency shall prepare a regulatory plan. (a) The plan must include a listing of each law enacted or amended during the previous 12 months which creates or modifies the duties or authority of the agency. If the Governor or the Attorney General provides a letter to the committee stating that a law affects all or most agencies, the agency may exclude the law from its plan. For each law listed by an agency under this paragraph, the plan must state: 1. Whether the agency must adopt rules to implement the law.
2. If rulemaking is necessary to implement the law: a. Whether a notice of rule development has been published and, if so, the citation to such notice in the Florida Administrative Register.
- b. The date by which the agency expects to publish the notice of proposed rule under s. 120.54(3)(a).
3. If rulemaking is not necessary to implement the law, a concise written explanation of the reasons why the law may be implemented without rulemaking.
- (b) The plan must also include a listing of each law not otherwise listed pursuant to paragraph (a) which the agency expects to implement by rulemaking before the following July 1, except emergency rulemaking. For each law listed under this paragraph, the plan must state whether the rulemaking is intended to simplify, clarify, increase efficiency, improve coordination with other agencies, reduce regulatory costs, or delete obsolete, unnecessary, or redundant rules.
- (c) The plan must include any desired update to the prior year's regulatory plan or supplement published pursuant to subsection (7). If, in a prior year, a law was identified under this paragraph or under subparagraph (a)1. as a law requiring rulemaking to implement but a notice of proposed rule has not been published: 1. The agency shall identify and again list such law, noting the applicable notice of rule development by citation to the Florida Administrative Register; or
2. If the agency has subsequently determined that rulemaking is not necessary to implement the law, the agency shall identify such law, reference the citation to the applicable notice of rule development in the Florida Administrative Register, and provide a concise written explanation of the reason why the law may be implemented without rulemaking.
- (d) The plan must include a certification executed on behalf of the agency by both the agency head, or, if the agency head is a collegial body, the presiding officer; and the individual acting as principal legal advisor to the agency head. The certification must: 1. Verify that the persons executing the certification have reviewed the plan.
2. Verify that the agency regularly reviews all of its rules and identify the period during which all rules have most recently been reviewed to determine if the rules remain consistent with the agency's rulemaking authority and the laws implemented.