

Capitol Update



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124 Marriott Drive, Suite 203, Tallahassee, FL 32301-2981
Phone: (850) 488-4180 * (800) 580-7801 * Fax: (850) 922-6702
TDD (850) 488-0956 / (888) 488-8633
www.fddc.org

Announcement From The Florida Developmental Disabilities Council

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Developmental Disabilities Budget Information

With all the attention on the Emergency Rule cuts we have not had a chance to report on other budget issues.

Education Budget

The Council received a side-by-side proposed budget of the Florida [Department of Education budget](#) items that are particularly important for students with developmental disabilities.

Some of the proposed budget items we are following include;

The Base Student Allocation (BSA) which affects all students is \$3, 577.42 per student in the House and \$3,571.96 in the Senate. This represents a 1.3% cut from last year in the House and 1.4% cut in the Senate. Students with disabilities receive more money on top of this amount per student if they have a particular classification (please see the [side-by-side education budget chart](#)). While some of these classifications have recommended increases, the ESE Guaranteed Student Allocation is reduced by 1.3 % in the House and 1.2% in the Senate. This portion represents a large number of students in the Exceptional Student Education system.

Other budget line items include recommended cuts for CARD(Center for Autism and Related Disabilities)

Centers and FDLRS (The Florida Diagnostic & Learning Resources System) University Centers of 25% in the House and 10.2% in the Senate.

Another educational area of interest is the Florida Alliance for Assistive Services and Technology. Their budget remains at \$444,413.00 in both the House and the Senate.

Vocational Rehabilitation Budget

The biggest reduction in the [Division of Vocational Rehabilitation \(DVR\) budget](#) is that both chambers reduce the Adults with Disabilities program by 15% overall and provide a more equitable distribution of the funds in order to reduce the impact of the cuts on smaller programs. In fact, some of the smaller programs received more funds. The Senate transferred approximately \$3.7 million out of DVR Purchased Client Services into Contracted Services (Narrative from the Legislative Budget Request (LBR) budget authority will accommodate the establishment of two additional field offices) which the House did not pick up. The House moved \$5 million from General Revenue to the Federal Rehabilitation Trust Fund as a realignment of budget authority which the Senate did not pick up. These are the two major differences in the VR portion of the budgets.

The House picked up the Data Center Consolidation issue and also reduced the VR Bureau of Rehabilitation and Reemployment Services (BRRS) Injured Worker program (funded by the Workers' Compensation Trust Fund) by 67%. If that budget becomes law, BRRS would be left with only 27 positions and only \$2.6 million in available funds for fiscal year 2011-12 (loss of 55 of 82 positions). This has not been picked up in the Senate proposal.

Please talk with the [House](#) and [Senate](#) Education Appropriations members and let them know what parts of the budget are important to you.

Agency for Persons with Disabilities Budget

You probably heard that the Governor stopped the rate cut to fund service providers for the rest of the fiscal year. This is until July 1st of this year. While we need to thank the [Governor](#), the Council will remain vigilant to ensure that the Developmental Disabilities Home and Community Based Services (DD/HCBS) Waiver projected deficit is funded for

next year in both the House and the Senate budgets.

The House and the Senate have passed their budgets. After each budget is passed, the House and Senate will appoint conference committees that will negotiate a compromise. Conference committees were slated to start next week and go into the week-end. The legislative session may go longer than the May 6th end date.

The proposed House budget already includes money to resolve the Developmental Disabilities Home and Community Based Services (DD/HCBS) Waiver budget deficit. Senate President Haridopolos has stated that he thinks it is important to do this as well.

The Florida Developmental Disabilities Council will be educating the Appropriations committees about those that depend on DD/HCBS Waiver services and why lawmakers should fund the deficit. Please see the chart below for House and Senate Budget Comparisons so far.

Please contact members of the Health and Human Services Appropriations Committees in the [House](#) and the [Senate](#) and let them know what you think about the proposed budgets for individuals with developmental disabilities.

Proposed Cuts for the Agency for Persons with Disabilities (APD) as 4/1/11	House (in millions)	Senate (in millions)
5% across the board Waiver provider rate cut	0	-42.8
Cut South FL geographic rate differential - in half for Palm Beach, Broward & Dade; Monroe by more than 80%	-2.9	0
Reduce service rates to "individual rates"	-34.0	-34.0

vs. corporate rates. Affects companion & several other services.		
Freeze cost plans	0	-6.9
Other reductions including administration	-4.8	-3.5
Cover Waiver deficit for FY 2010- 11 (\$169.2 mil) and 2011-12 (\$110.4 mil)	+279.6	0
Reduce private Intermediate Care Facilities for the DD (ICF/DD) by 3% (House) or 5% (Senate)	-6.3	-10.5

SB 912 - Relating to Affordable Housing- Bennett

The Florida Supportive Housing Coalition and the Florida Housing Coalition are promoting this legislation that addresses a broad range of housing issues. **S.B. 912** has exactly the same language as the legislation from last session that nearly passed.

The measure would remove the current cap on the Sadowski Trust Fund, and require that housing funding over the next year be used to assist in the sale or rehabilitation of existing homes and preservation and rehabilitation of older rental apartments. The bill also establishes statutory language written by the Florida Supportive Housing Coalition that defines "disabling condition" and "special needs."

"Disabling condition" means a diagnosable substance abuse disorder, serious mental illness, developmental disability, or chronic physical illness or disability, or the co-occurrence of two or more of these conditions, and a determination that the condition is:

(a) Expected to be of long-continued and indefinite duration; and

(b) Not expected to impair the ability of the person with special needs to live independently with appropriate supports.

The proposed legislation also: includes persons with special needs in the housing strategy's periodic review and report; requires certain rates of interest to be available to sponsors of projects for persons with special needs; limits the reservation of funds within each notice of fund availability to the persons with special needs tenants; includes persons with special needs as a tenant group for specified purposes of the State Apartment Incentive Loan program; requires a specified review committee to include projects that reserve units for persons with special needs in its evaluation and competitive ranking of applications.

The Council is supporting this bill.

EFFECTIVE DATE: July 1, 2011

2/17/11 SENATE Referred to Community Affairs; Children, Families, and Elder Affairs; Budget

3/14/11 SENATE Favorable by Children, Families, and Elder Affairs; 4 Yeas, 0 Nays

3/15/11 SENATE Now in Budget

Identical

HB 0639 Relating to Affordable Housing by Aubuchon

4/06/11 SENATE In Messages

SB 528 -Relating to Creation of the Department of Health and Human Services- Oelrich

This bill creates the Department of Health and Human Services. It provides for appointment of a Secretary of Health and Human Services by the Governor and establishes regions for the administration of program services. The bill also establishes the Central Office of Investigative Services and repeals provisions relating to the Department of Children and Family Services, Agency for Persons with Disabilities, Agency for Health Care Administration, and Department of Health. **The Council supports an Agency for Persons with Disabilities that is easily recognizable, and as autonomous as possible.** EFFECTIVE DATE: July 1, 2011

2/9/11 SENATE Referred to Health Regulation; Children, Families, and Elder Affairs; Governmental Oversight and Accountability; Budget

Identical

HB 0115 Relating to Creation of the Department of Health and Human Services by Adkins

1/25/11 HOUSE -Now in Health & Human Services Quality Subcommittee

SB 1192 - Relating to Public Records/Regional Autism Centers- Rich

This bill provides an exemption from public records requirements for all records that relate to a client of a regional autism center, the

client's family, or a teacher or other professional who receives the services of a center or participates in center activities. The bill provides for release of specified confidential and exempt information by a center under certain circumstances and generally strengthens and clarifies confidentiality issues for those who use the services of the Regional Autism Centers. **The Council supports this bill.**

EFFECTIVE DATE: July 1, 2011

3/7/2011 SENATE Referred to Children, Families, and Elder Affairs; Health Regulation; Governmental Oversight and Accountability

4/14/11 SENATE Favorable with CS by Governmental Oversight and Accountability; 12 Yeas, 0 Nays

4/18/11 SENATE Committee Substitute Text (C1) Filed

HB 0579 Relating to Pub. Rec./Regional Autism Centers by Coley

4/07/11 HOUSE Placed on Calendar, on second reading

SB 566 - Relating to Special Health Care Needs/Adolescents/Young Adults -Wise

This bill establishes a program within the Division of Children's Medical Services Network in the Department of Health to implement a health care transition program for adolescents and young adults who have special health care needs. The bill specifies duties of the office with respect to the oversight, implementation, and coordination of the program. The bill requires that at least one proposed health and transition services program be associated with each of the regions of the Children's Medical Services Network. The bill provides for education about Health Care Transition. **The Council supports this bill which is in line with the Council's legislative priority on Health Care Transition.**

EFFECTIVE DATE: July 1, 2011

2/9/11 SENATE Referred to Health Regulation; Children, Families, and Elder Affairs; Budget

SB 100 - Relating to Autism - Ring

This bill requires that a physician refer a minor to an appropriate specialist for screening for autism spectrum disorder under certain circumstances. It requires that certain insurers and health maintenance organizations provide direct patient access to an appropriate specialist for screening for or evaluations or diagnosis of autism spectrum disorder. **The Council supports this bill.**

EFFECTIVE DATE: July 1, 2011

11/29/10 SENATE Referred to Health Regulation; Banking and Insurance; Budget

4/14/11 SENATE Not considered by Budget

SENATE On Committee agenda - Budget, 04/15/11, 1:30

PM, 412 K

4/15/11 SENATE Not considered by Budget

Identical

HB 1431 - Relating to Autism by Hager

3/14/11 HOUSE Now in Health & Human Services Quality Subcommittee

SB 208 to Persons with Disabilities- Fasano

This bill provides that persons with developmental disabilities have a right to be free from negligence. It specifies that entities as well as individuals are liable for damages. The bill prohibits the operator of a public lodging or food establishment from discriminating on the basis of disability. This bill applies administrative and civil remedies available under the Florida Civil Rights Act of 1992 to certain violations against persons with disabilities. And the bill creates the "Floridians with Disabilities Act". This bill strengthens the federal Americans with Disabilities Act (ADA) by giving individual states access to legal remedies and mediation. It does not give more rights than the federal ADA and it costs \$ 650,000 to the state for estimated court costs. **The Council is neutral on this bill.**

EFFECTIVE DATE: July 1, 2011

12/16/10 SENATE Referred to Children, Families, and Elder Affairs; Commerce and Tourism; Judiciary; Budget

2/22/11 SENATE Temporarily Postponed by Children, Families, and Elder Affairs

HB 225 Relating to Dentistry and Dental Hygiene- Costello

Dentistry and Dental Hygiene: This bill revises the scope and area of practice for dental hygienists. It revises locations at which dental hygienists may perform dental charting and authorizes dental hygienists to perform certain duties without supervision or authorization by a dentist. The bill requires that dental hygienists in a health access setting provide a certain disclaimer to patients before a procedure is performed. It requires that dental hygienists provide referrals and encourage the establishment of a dental home. It is hoped that this bill will open up more opportunities for dental care for those with developmental disabilities. . **The Council supports this bill.**

EFFECTIVE DATE: upon becoming a law

2/1/2011 HOUSE Referred to Health & Human Services Quality Subcommittee; Business & Consumer Affairs Subcommittee; Health Care Appropriations Subcommittee; Health & Human Services Committee

3/22/11 HOUSE Favorable by Health & Human Services Quality Subcommittee; 12 Yeas, 0 Nays

3/22/11 HOUSE Now in Business & Consumer Affairs Subcommittee Identical

**SB 446 Relating to Dentistry and Dental Hygiene by Hays
SENATE Now in Budget**

SB 516 Relating to Autism- Garcia

This bill creates the Autism Spectrum Disorder Study Committee to study autism spectrum disorder in families in which English is the second language. The bill provides for membership, meetings,

and duties. It prohibits committee members from receiving compensation for their services. The bill authorizes certain funding for publications, subject to approval of the State Surgeon General. The bill also requires a report to the Governor and Legislature. **The Council is considering their position on this bill.** EFFECTIVE DATE: upon becoming a law.

2/9/11 SENATE Referred to Children, Families, and Elder Affairs; Governmental Oversight and Accountability; Budget

4/01/11 SENATE Now in Budget

Similar

HB 083 Relating to Autism by Soto

1/10/11 HOUSE Now in Health & Human Services Quality Subcommittee

SB 578 Relating to Disability Awareness- Ring

This bill requires district school boards to provide disability history and awareness instruction in all K-12 public schools during the first week in October. It requires certified individuals in disability awareness or teachers who specialize in exceptional student education to provide such instruction. The bill requires the Governor's Commission on Disabilities to initiate a study on training in disability awareness to be conducted by a private nonprofit entity. The bill requires the commission to promote such training in all public entities in the state. There is already language in statute recognizing the first two weeks of October as Disability Awareness and History weeks. School districts may choose to have activities or classes during this time. The Council, the Department of Education (DOE), and other groups have encouraged school districts to participate by offering suggestions for public awareness activities and curriculum ideas. **The Council is neutral on these bills.**

EFFECTIVE DATE: upon becoming a law.

2/9/2011 SENATE Referred to Children, Families, and Elder Affairs; Education Pre-K - 12; Budget

4/14/11 SENATE Favorable with CS by Education Pre-K - 12; 3 Yeas, 0 Nays

SENATE Committee Substitute Text (C2) Filed

4/15/11 SENATE Now in Budget

Similar

SB 1262 Relating to Disability Awareness by Fasano

3/07/2011 SENATE Referred to Education Pre-K - 12; Children, Families, and Elder Affairs; Budget

HB 0697 Relating to Disability Awareness by Kiar

2/22/2011 HOUSE Now in K-20 Competitiveness Subcommittee

SB 1104 Relating to Intellectual Disabilities-Altman

This bill substitutes The Arc of Florida for the Association for Retarded Citizens for purposes of certain proceedings relating to children. It substitutes the term "intellectual disability" for the term "mental retardation." It clarifies in provisions that the meaning of the terms "intellectual disability" or "intellectually disabled" is the

same as the meaning of the terms "mental retardation," "retarded," and "mentally retarded" for purposes of matters relating to the criminal laws and court rules. **The Council supports this bill.**

EFFECTIVE DATE: July 1, 2011

3/1/2011 SENATE Referred to Children, Families, and Elder Affairs; Criminal Justice; Budget

SB 1350 Relating to Students with Disabilities/Seclusion & Restraint Flores

This bill provides legislative findings and intent relating to the use, prevention, and reduction of seclusion and restraint on students with disabilities in public schools. It requires that manual physical restraint be used only in an emergency when there is an imminent risk of serious injury or death to the student or others. It also provides restrictions on the use of manual physical restraint. It prohibits the use of such restraint by school personnel who are not certified to use district-approved methods for applying restraint techniques. **An amendment was added to the SB 1696, the school accountability bill significantly strengthening reporting requirements. The Council supports this bill which is in line with the Councils Position.**

EFFECTIVE DATE: July 1, 2011

3/7/11 SENATE Referred to Education Pre-K - 12; Health Regulation; Children, Families, and Elder Affairs; Budget

SB 1422 Relating to Developmental Disabilities- Altman

This bill establishes a Developmental Disabilities Savings Program to allow for the advance payment of services for individuals who have developmental disabilities and who will be ineligible for certain services due to age. It requires the program to provide certain information. It provides that the program may not be implemented until certain legal opinions are obtained. The bill establishes the Developmental Disabilities Savings Program Board to administer the savings program. **The Council is considering their position on this bill.**

EFFECTIVE DATE: July 1, 2011

3/7/11 SENATE Referred to Children, Families, and Elder Affairs; Budget

4/12/11 SENATE Temporarily postponed by Children, Families, and Elder Affairs

Similar

HB 911 Relating to Developmental Disabilities by Ford

3/03/11 HOUSE Now in Health & Human Services Access Subcommittee

SB 1616 Relating to Dan Marino Foundation Florida Vocational College -Flores

This bill establishes the Dan Marino Foundation Florida Vocational College in Broward County as a public residential post-secondary school for certain students who have developmental disabilities. It provides funding for the school through the Department of Education. It requires that the Auditor General conduct annual audits of the school's accounts and records. It creates a board of trustees. It also requires that all employees and applicants for employment with the board undergo personnel screenings and security background investigations. **The Council is neutral on this bill.**

EFFECTIVE DATE: July 1, 2011

03/24/11 SENATE Reference to Commerce and Tourism removed; Reference to Governmental Oversight and Accountability added; Remaining references: Governmental Oversight and Accountability; Budget

4/05/11 SENATE Favorable with CS by Governmental Oversight and Accountability; 11 Yeas, 0 Nays

**4/07/11 SENATE Committee Substitute Text (C2) Filed
SENATE Now in Budget**

Identical

HB 1451 Relating to Dan Marino Foundation Florida Vocational College by Diaz

3/18/2011 HOUSE Referred to Health & Human Services Committee; Higher Education Appropriations Subcommittee; Education Committee

4/15/11 HOUSE Reference to Higher Education Appropriations Subcommittee removed; remaining reference: Education Committee

SB 1656 Relating to McKay Scholarships/Students with Disabilities- Wise

This bill makes the John M. McKay Scholarship available to students with disabilities who have a 504 accommodation plan issued under s. 504 of the federal Rehabilitation Act. The bill allows a parent to request and receive a scholarship for a student to enroll and attend a private school if the student has a 504 accommodation plan. The bill provides for scholarship amounts when a student is eligible for scholarship funds. **The Council is considering their position on this bill.**

EFFECTIVE DATE: July 1, 2011

03/03/11 SENATE Filed

3/10/11 SENATE Referred to Education Pre-K - 12; Budget

4/14/11 SENATE Favorable with CS by Education Pre-K - 12; 3 Yeas, 0 Nays

SENATE Committee Substitute Text (C1) Filed

4/15/11 SENATE Now in Budget

Identical Bill

HB 1329 Relating to John M. McKay Scholarships for Students with Disabilities by Bileca

4/13/11 HOUSE Placed on Calendar, on second reading

SB 926 Relating to Liability/Employers of Developmentally Disabled - Storms

This bill provides that an employer, under certain circumstances, is not liable for the acts or omissions of an employee who is a person with a developmental disability as defined in Chapter 393. The bill provides that a supported employment service provider that provides or has provided supported employment services to a person with a developmental disability is not liable for the actions or conduct of the person occurring within the scope of the person's employment.

The Council has the following concerns about this bill;

- The bill goes against studies that show persons with disabilities (including developmental disabilities) are no more "unsafe" than an employee without a disability.
- Even if one would find reason to support a bill such as this, why are persons with a "developmental disability" being singled out as unsafe? Just the existence of this bill could be used by employers as an excuse not to "take a chance" on hiring a person with a developmental disability.
- The observation that workers compensation carriers may view this bill as a reason to increase provider and employer workers compensation rates due to the perceived increased risk.
- The bill could actually increase the liability faced by the individual with a developmental disability or leave them as the only person exposed.
- The bill could be a disincentive to the hiring of people with a developmental disability *who do not require* supported employment because the waiver of liability would not be there.
- The bill could have an unfair impact on people with other disabilities (for example, Vocational Rehabilitation clients who are not people with a developmental disability) who also use supported employment. And it could negatively impact the hiring of people with other disabilities who do not use or cannot access supported employment?

The Council is opposing this bill.

EFFECTIVE DATE: July 1, 2011

4/13/11 SENATE Placed on Calendar, on second reading

HB 405 Relating to Employment Liability for Persons with

Disabilities by Baxley
HOUSE Placed on Calendar, on second reading