

# Capitol Update

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## *Florida Developmental Disabilities Council, Inc.*

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### **Governor's Budget Recommendations 2009**

Hope, Safety and Opportunity are the key themes and title of the Governor's 2009-2010 Budget Recommendations. The Governor stated that, "Very difficult decisions have been made in terms of funding services and programs. In building this budget, my paramount concern was continuing to provide critical services to the most vulnerable Floridians – our elders, disabled persons and children, and preserving our investment in Florida's classrooms and teachers. I believe that our budget reflects these priorities and strives to improve the lives of our citizens."

The Budget Recommendations for the Agency for Persons with Disabilities were built with the recommendation that over 89 million dollars in Federal Economic Stimulus be used for the Developmental Disabilities Home and Community Based Waiver. The budget allows for 26 million dollars to be used toward any agency deficit and over 16 million dollars is added to serve people on the waitlist.

However, over 16 million dollars is projected to be saved by expanding the Consumer Directed Care Plus Waiver to

25% (at least 6,000) of the individuals now served on the Tier System. The savings is theoretically found in the automatic 8% reduction to cost plans and another 4% reduction per participant for administration. The benefits are that participants can be their own employer and choose services that most meet their needs with fewer regulatory requirements.

In the bill form of the Governor's budget proposal, funds in Specific Appropriation 243 include an expansion of the Consumer Directed Care Plus Program of up to 2,500 persons. Any savings generated from this expansion shall to be used to serve clients on the waiting list.

The bill contradicts the narrative budget but seems more reasonable in the amount of people that could be included in the expansion. The bill also recognizes that \$1,021,300 could be used to support monitoring and coordination of workload increases associated with the expansion. The budget does not restore cuts from the Tier system or other provider and service reductions from last year.

Other programs for individuals with developmental disabilities show slight

increases over last year, and again the Governor's budget recommendations have been adjusted to reflect federal funds expected from the American Recovery and Reinvestment Act of 2009, which is contingent on changes in the Federal Medical Assistance Percentage (FMAP).

**Relating to Autism License Plates and Autism Programs  
SB 642 by Altman**

**Summary:** This bill creates an Autism license plate and provides for distribution of use fees received from sale of these plates; the renewal of registration would include language permitting voluntary contribution to the Autism License Plate Fund.

The fee for the Autism license plate will be \$25. The proceeds from the license plate annual use fee shall be distributed to Achievement and Rehabilitation Centers, Inc., to fund service programs for autism and related disabilities throughout the state and to operate and establish programs to support individuals with autism and related disabilities through direct services, evaluation, training, and awareness.

Achievement and Rehabilitation Centers, Inc. shall establish an Autism Services Grant Council that shall provide grants from available Autism license plate proceeds to nonprofit organizations for direct services and programs for individuals with autism and related disabilities and their families. Consideration for participation in such services and programs shall be given to applicants who are children or adults with autism and related disabilities and their families and shall include those

who are on the Agency for Persons with Disabilities waiting lists for services. Achievement and Rehabilitation Centers, Inc. shall also establish an Autism License Plate Fund.

Thirty-five percent of the proceeds from the annual use fee shall be used to establish and operate programs to support individuals with autism and related disabilities and their families through direct services, evaluation, training, and awareness in the state. The Center for Autism and Related Disabilities at the University of Miami shall receive 15 percent of the proceeds from the annual use fee for distribution, as determined appropriate by the director of that center, to the seven regional autism centers. The regional centers shall use the proceeds to support the services they provide.

The remaining proceeds from the annual use fee shall be available to the Autism Services Grant Council for grants to nonprofit organizations to operate direct services programs for individuals with autism and related disabilities and their families and for marketing the Autism license plate. Effective Date: July 1, 2009.

This bill was referred to the following committees in the **Senate 1/23/09: Transportation; Children, Families, and Elder Affairs; Health and Human Services Appropriations**

**Companion Bill  
HB 239 by Glorioso  
House on 2/6/09: Roads, Bridges & Ports Policy Committee;  
Economic Development & Community Affairs Policy Council;  
Full Appropriations Council on Education & Economic Development**

## **SB 242 Relating to Autism Spectrum Disorder Screening for Minors by Ring**

### **Summary:**

This bill requires a physician to refer a minor to an appropriate specialist for screening for autism spectrum disorder under certain circumstances. The bill defines terms "appropriate specialist" and "neuropsychologist."

If the parent or legal guardian of a minor (who is an eligible individual as defined in s. 627.6686, F.S.), believes that their child exhibits symptoms of autism spectrum disorder, the parent or legal guardian may report his or her observation to a physician licensed in this state.

The physician shall immediately refer the minor to an appropriate specialist for screening for autism spectrum disorder. As used in this section, the term "appropriate specialist" includes, but is not limited to, a person who is licensed in this state as:

- A neuropsychologist and who is competent in the area of neurological testing.  
As used in this subsection, the term "neuropsychologist" means a psychologist who has additional training and experience in understanding brain-behavior relationships. A neuropsychologist has an advanced degree in psychology, known as a Ph.D. or Psy.D., and usually works with psychiatrists, neurologists, neurosurgeons, physiatrists, and other medical specialists as a team to coordinate a patient's care;
- A board-certified behavior analyst
- A psychologist

- A psychiatrist
- A neurologist; or
- A developmental or behavioral pediatrician who specializes in child neurology. Effective Date: July 1, 2009.

This bill was referred to the following committees in the Senate **on 12/17/08: Children, Families, and Elder Affairs; Health Regulation; Banking and Insurance; Health and Human Services Appropriations; Policy & Steering Committee on Ways and Means**

**Companion Bill HB 89 by Precourt House on 12/30/08: Insurance, Business & Financial Affairs Policy Committee; Health & Family Services Policy Council; Government Operations Appropriations Committee; Full Appropriations Council on General Government & Health Care**

### **HB 353 by Porth Relating to McKay Scholarships for Students with Disabilities**

Summary: This bill authorizes students who receive certain services under the Voluntary Pre- Kindergarten Program to receive the John M. McKay Scholarship. This bill deletes the requirement that a student must have spent the prior school year in attendance at a Florida school. The bill provides certain rights and requires information explaining the rights and responsibilities that parents, guardians and teachers have when they make certain decisions. The bill requires DOE to recommend training for school

personnel in procedures for safe restraint of students. The bill also requires a private school to refund scholarship payments under certain circumstances and permits students to receive scholarship services at locations other than a private school site under specified conditions.

Alternative Sites for Instruction and Services - A student eligible for a scholarship under this section, including a student with autism spectrum disorder who participates in the program for students who are homebound or hospitalized, may receive regular and direct instruction and services from a private school at a site other than the school's physical location if the following criteria are met:

- The student's parent provides a notarized statement from the medical doctor or psychologist treating the student's disability which certifies that the student's welfare or the welfare of other students in the classroom will be jeopardized if the student is required to regularly attend class at the school's physical location. The notarized statement must be:
- Annually provided to the department at least 60 days prior to the date of the first scholarship payment for each school year.
- Based on an annual review of the student's disability by the student's medical doctor or psychologist.

This bill was referred to the following committees in the **House on 2/6/09:**  
**PreK-12 Policy Committee;**  
**Education Policy Council;**  
**Full Appropriations Council on Education and Economic Development**

**Companion Bill in the Senate:**  
**SB 1010 by Ring**  
**Relating to McKay Scholarships for Students with Disabilities**

**Senate on 2/5/09:**  
**Education Pre-K - 12;**  
**Education Pre-K - 12 Appropriations;**  
**Policy & Steering Committee on Ways and Means**

**HB 039 by Scionti**  
**Relating to Regulation of Drugs**  
Summary: This bill prohibits the sale, purchase, manufacture, delivery, importation, administration, and distribution of vaccines containing organic or inorganic mercury compounds in excess of .1 microgram per milliliter EFFECTIVE DATE: 07/01/2010.

**Companion Bill in the Senate:**  
**SB 200 by Bennett**  
Relating to Vaccines Containing Mercury Compounds/Regulation

**SB 348 - Relating to Medicaid Buy-in Program/Persons with Disabilities - 2009 by Crist**

Summary; This bill provides for Medicaid eligibility for certain persons with disabilities under a Medicaid buy-in program, subject to specific federal authorization. Requires the Agency for Health Care Administration to seek amendments to specified Medicaid waivers for certain persons with disabilities.

The proposed Work Incentive Medicaid Coverage program would continue to offer Medicaid coverage to people with disabilities who are working. Once they enrolled in the program they would have the opportunity to earn more and save

more than the allowable limits for regular Medicaid and still retain their health care coverage through the state's Medicaid Program.

EFFECTIVE DATE: 07/01/2009.

**01/15/09 SENATE Referred to Health Regulation; Children, Families, and Elder Affairs; Health and Human Services Appropriations; Policy & Steering Committee on Ways and Means**

#### **Similar Bills**

**HB 0529 - Relating to Optional Payments for Medical Assistance by Planas**

**02/13/09 HOUSE Referred to Health Care Regulation Policy Committee; Health & Family Services Policy Council; Health Care Appropriations Committee; Full Appropriations Council on General Government & Health Care**