

Capitol Update



Announcement from the Florida Developmental Disabilities Council

Agency for Persons with Disabilities Budget Update

The House and the Senate have conforming bills and budget bills that they will try to get passed before the Easter and Passover Holidays.

On Tuesday, March 23rd, the House Appropriations Council that oversees the funds for services for people with developmental disabilities put the House Appropriations Act in position to be considered by the full House. There were no new budget changes for services. The cuts that remain in the House are a cap of \$120,000 on Tier One cost plans and the elimination of behavior assistance services in group homes.

On Thursday, the Senate Ways and Means Council put the Senate's Appropriations Act in the same posture for the full Senate to consider. It was during this meeting that Sen. Peaden made his motion to restore most of the cuts to the Agency for Persons with Disabilities (APD) if the enhanced Medicaid extension dollars are authorized for Florida from the federal government. Several other human service programs were also restored. If the Federal Medicaid Match dollars are authorized there will be no cuts to dollars for consumer cost plans, APD providers and Intermediate Care facilities. The enhanced dollars were part of the federal stimulus plan and they run out on December 31, 2010. The Florida Senate Health and Human Services Committee has written to Washington D.C. to request the money continue until July 1, 2011.

The Senate shares the \$120,000 cap to Tier One and the Behavioral assistance cuts to group homes that the House has in their budget. Because these issues are the same in the House and the Senate, they will not be looked at again in the Budget Conference meetings. The Budget Conference process is a process of negotiating budget item differences from the House and the Senate.

The Florida Developmental Disabilities Council has taken a position to avoid further cuts in waiver dollars and services. The [Council's Position](#). Please call your [Senators](#) and [Representatives](#) and members of the [House and Senate Appropriations Committees](#) and let them know your opinion. You may also let [Senate President Atwater](#) and [House Speaker Cretul](#) know your position.

Protect Early Steps, Florida's Part C Program

Early Steps is administered by Children's Medical Services (CMS) in accordance with the Individuals with Disabilities Education Act (IDEA), Part C.

Early Steps, which serves children from birth to 36 months who have a developmental delay, or a condition that places them at risk for developmental delays, provides Florida's infants and toddler's early intervention services and supports intended to improve children's chances to develop to their full potential by achieving specific developmental milestones. These milestones are essential to the development of a child's ability to learn, speak, and move at critical periods that research shows lead to optimal abilities in later life.

In 2008-09, Florida provided these critical early intervention services to 41,940 children.

For the 2010-11 fiscal year, a projected shortfall of about \$4.2 million dollars could jeopardize the federal government's ability to provide a grant to Florida. The shortfall would result in a loss of funding from the state to continue a meaningful program, and the state could lose this \$54 million early intervention program.

Research has proven that the time to have the biggest impact on a child's health and functioning is in the child's early years. Longitudinal studies have documented the savings to society in the long run by taking care of our youngest citizens now.

The Council encourages lawmakers to adequately fund the Part C Early Steps program to effectively serve all children with a developmental delay.

We will be contacting [Health and Human Services Appropriations Committees](#) and we will let them know that the state needs 4.2 million dollars to maintain Early Steps at the current level or risk losing our federal grant to provide services critical to the health and functioning of all children ages 0-36 months that have a developmental delay. So far the House has 3.6 million in the projected Early Steps Budget and the Senate has not designated any money at this time. Please call your [Senators](#) and [Representatives](#). You may also let [Senate President Atwater](#) and [House Speaker Cretul](#) know your position.

HB 5303

Relating to Agency for Persons with Disabilities Health Care Appropriations Committee

Summary

This bill revises provisions relating to order of priority for clients with developmental disabilities waiting for waiver services. It extends the date for implementation for

certain waiting list categories of clients. The bill also specifies assessment instruments to be used for delivery of home and community-based services. The bill provides a limit on annual expenditures for clients in Tier one at \$120,000 and directs the agency to eliminate behavior assistance services in group homes. The bill also reduces geographic differential for Miami-Dade, Broward, Palm Beach, & Monroe Counties for residential habilitation services. This proposed legislation establishes the iBudget program for delivery of home and community-based services and provides for hearings on Medicaid programs administered by the agency. Effective Date: July 1, 2010

Actions

03/17/10 HOUSE Filed (Formerly Filed PCB HCA3)

03/18/10 HOUSE Referred to Full Appropriations Council on Education & Economic Development

03/23/10 HOUSE Favorable by Full Appropriations Council on Education & Economic Development; 12 Yeas, 6 Nays

03/23/10 HOUSE Placed on Calendar, on second reading

03/23 /10 HOUSE Placed on Special Order Calendar for 03/31/10

Compare

SB 1468 Relating to Home and Community-based Services by Peaden, Jr. 03/26/10

HB 81

Relating to Use, Prevention, and Reduction of Seclusion and Restraint on Students with Disabilities in Public Schools

by Hukill Cosponsors: Anderson, Brandenburg, Burgin, Flores, Fresen, Glorioso, Gonzalez, Heller, Hudson, Jenne, Kiar, Llorente, McBurney, Nehr, Pafford, Planas, Porth, Precourt, Sachs, Schenck, Schultz, Schwartz, Skidmore, Soto, Stargel, Steinberg, Tobia, Williams (T), Zapata

Summary

During the PreK-12 Policy Committee on March 25th, HB 81 passed! This marked the first time a bill on guidelines for Restraint and Seclusion had passed a committee. A House Proposed Committee Substitute (PCS) combined this bill with HB 1073(see next bill below). The original bill was laid on Table so from now on we will refer to the combined HB 1073.

Advocates expected that the original bill language would be reduced. Unfortunately, there are two added provisions that significantly weaken the bill;

1) When there is an imminent risk of disruption or damage to the environment-

Students with disabilities in Florida are currently being restrained and secluded for typical childhood behavior. Some of the current behaviors students with disabilities are being placed in restraint or seclusion for are things such as: refusing to do their work, crumpling up their paper when they are frustrated or talking back to a teacher when they don't want to comply with instructions. All of these things could

be seen as a risk of disruption and are currently causing students with disabilities to be placed in restraint or secluded in small locked rooms. Students with disabilities are being mistreated due to their disability. Students without disabilities are only restrained when they are in a fight and they are almost never placed in locked seclusion rooms.

2) When authorized by a comprehensive behavior intervention plan (BIP) developed by a certified behavior analyst and approved by an individual educational plan (IEP) team-

A student's IEP is meant to describe what educational supports and services a child with special needs will receive in order to benefit from the general education curriculum. An IEP is not meant to be an emergency plan. If a child is placing others in imminent danger it is an emergency. Certified Behavior Analysts are trained to use positive behavioral supports and use strategies to avoid the use of restraint and seclusion. Putting the use of restraint and seclusion on a child's IEP would indicate that it was expected to be used as part of their daily educational plan. Any child who is being restrained or secluded on a daily or even weekly basis does not have an educational plan that is effective.

The Council is working to eliminate these provisions and add that Restraint and Seclusion shall not be included in students IEP or BIP.

The Council has taken a position supporting the original bill. [Council Position](#)

Effective Date: July 1, 2010

Actions

08/20/09 HOUSE Filed

0/01/09 HOUSE Referred to PreK-12 Policy Committee; Health Care Services Policy Committee; PreK-12 Appropriations Committee; Education Policy Council

03/25/10 HOUSE PCS combines this bill with H 1073; Original bill laid on Table, refer to combined H 1073

Similar Bills

SB 2118 - Relating to Students with Disabilities/Seclusion/Restraint by Gardiner

03/01/10 SENATE Referred to Education Pre-K - 12; Children, Families, and Elder Affairs; Education Pre-K - 12 Appropriations

03/23/10 SENATE temporarily postponed by Education Pre-K - 12

HB 1073

Relating to Education of Children with Disabilities by Llorente

Summary

This bill is now combined with a revised version of HB 81(see above). The original text of HB 1073 is very similar to the original bill. The new bill version requires minimum training for child care personnel to include the identification and care of children with developmental disabilities. The bill provides requirements for use, monitoring, and reduction of unnecessary seclusion & restraint on students with

disabilities in public schools. The bill also requires regional autism centers to provide certain support services for serving children with developmental disabilities. And finally, the bill requires the Department of Education to incorporate course curricula relating to developmental disabilities into existing requirements for continuing education or in-service training of instructional personnel.

Effective Date: July 1, 2010

Actions

02/16/10 HOUSE Filed

03/01/10 HOUSE Referred to PreK-12 Policy Committee; Full Appropriations Council on Education & Economic Development; Health & Family Services Policy Council

03/25/10 HOUSE PCS Favorable by PreK-12 Policy Committee; 13 Yeas, 0 Nays; CS Combines this bill with H 0081

03/25/10 HOUSE Committee Substitute Text (C1) Filed

03/29/10 HOUSE Reference to Health & Family Services Policy Council removed; remaining reference: Full Appropriations Council on Education & Economic Development

03/29/10 HOUSE Now in Full Appropriations Council on Education & Economic Development

Compare

SB 2118 Relating to Students with Disabilities/Seclusion/Restraint... Gardiner 03/23/10

SB 2472 Relating to Education of Children with Disabilities... Storms 03/22/10

SB 2616 Relating to Students with Disabilities in Public Schools... Siplin 03/09/10

SB 1166

Relating to Community Residential Homes by Altman

Co-Sponsors: Storms

Summary

HB 645 and SB 1166 on "planned residential communities" were both heard and passed by their respective committees. An amendment was added to the House bill that meets a request by the League of Cities. The amendment requires these "communities" to be at least 10 acres. A similar amendment in the Senate was withdrawn after an objection was raised that could only have been met by an 8 acre or smaller requirement.

This bill prohibits 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. The bill also defines the term "planned residential community" and provides that community residential homes located within a planned residential community may be contiguous to one another and exempt from the 1000 foot rule. The 1000 foot rule states that group homes that have six beds or less may not be within 1000 feet of each other. [Council's Position](#)

EFFECTIVE DATE: 07/01/2010.

Actions

01/21/10 SENATE Referred to Community Affairs; Children, Families, and Elder Affairs

02/16/10 SENATE Favorable by Community Affairs; 10 Yeas, 0 Nays

03/26/10 SENATE Favorable by Children, Families, and Elder Affairs; 6 Yeas, 0 Nays

Identical Bills

HB 0645 - Relating to Community Residential Homes by Stargel

Actions

01/28/10 HOUSE Referred to Military & Local Affairs Policy Committee; Health Care Services Policy Committee; Economic Development & Community Affairs Policy Council

03/25/10 HOUSE Favorable with CS by Military & Local Affairs Policy Committee; 9 Yeas, 4 Nays

SB 1388

Relating to Intellectual Disabilities by Haridopolos

Summary

This bill amends provisions in statute by substituting the term "intellectual disability" for the term "mental retardation." The bill revises definitions relating to intermediate care facilities for the developmentally disabled to delete unused terms. The bill also provides that the name Arc of Florida is substituted for the Association for Retarded Citizens. This bill is a "reviser bill". It provides a directive to the Division of Statutory Revision.

EFFECTIVE DATE: 07/01/2010.

Committees of Reference

Children, Families, and Elder Affairs, Criminal Justice, Judiciary, Health and Human Services Appropriations

Actions

01/26/10 SENATE Filed

03/26/10 SENATE Favorable with CS by Children, Families, and Elder Affairs; 6 Yeas, 0 Nays

SB 2038

Relating to Medicaid Buy-in Program/Persons with Disabilities by Crist

Summary

The bill provided for Medicaid eligibility for certain persons with disabilities under a

Medicaid buy-in program, subject to specific federal authorization. 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. The bill requires the Department of children and family services to adopt rules for determining eligibility. The bill also directs the Department of health to perform all disability determinations. Finally, the bill requires the Agency for Healthcare Administration to seek amendments to specified Medicaid waivers for certain persons with disabilities. The Council supports this legislation [Council's Position](#)

EFFECTIVE DATE: 07/01/2010.

Committees of Reference

Health Regulation, Children, Families, and Elder Affairs, Health and Human Services Appropriations; Policy and Steering Committee on Ways and Means

Actions

02/16/10 SENATE Filed

03/01/10 SENATE Referred to Health Regulation; Children, Families, and Elder Affairs; Health and Human Services Appropriations; Policy & Steering Committee on Ways and Means 03/26/10 SENATE Favorable with CS by Health Regulation; 5 Yeas, 0 Nays

Similar Bills

HB 0837 - Relating to Medicaid Buy-in for Persons with Disabilities by Homan
02/10/10 HOUSE Referred to Health Care Regulation Policy Committee; Health Care Appropriations Committee; Health & Family Services Policy Council

SB 0214

Relating to Autism by Ring

Summary

This bill requires a physician to refer a minor whose parent suspects the minor has an autism spectrum disorder, cerebral palsy, or Downs syndrome to an appropriate specialist for screening, evaluation, or diagnosis. The bill requires health insurers and health maintenance organizations to provide direct access to an appropriate specialist for a diagnosis. The terms "direct access" and "appropriate specialist" are defined in the bill. The bill mandates health insurance policies and health maintenance organization contracts to provide at least three visits per policy year for the screening, evaluation, or diagnosis of autism spectrum disorder, cerebral palsy, or Downs's syndrome.

EFFECTIVE DATE: 07/01/2010.

Actions

10/05/09 SENATE Filed

12/09/09 SENATE Referred to Health Regulation; Banking and Insurance; Policy

& Steering Committee on Ways and Means
03/11/10 SENATE Committee Substitute Text (C1) Filed
03/15/10 SENATE Reference to Governmental Oversight and Accountability
added; Remaining references: Banking and Insurance; Governmental Oversight
and Accountability; Policy & Steering Committee on Ways and Means
03/24/10 SENATE Favorable with CS by Banking and Insurance; 10 Yeas, 0 Nays

Compare

HB 0107 -Relating to Autism by Coley
09/11/09 HOUSE Filed
10/12/09 HOUSE Referred to Health Care Regulation Policy Committee;
Insurance, Business & Financial Affairs Policy Committee; Government Operations
Appropriations Committee; General Government Policy Council
03/22/10 HOUSE Favorable with CS by Health Care Regulation Policy Committee;
10 Yeas, 1 Nay

SB 0222

Relating to Childhood Vaccinations by Ring

Summary

This bill requires a pediatrician or attending physician to discuss the risks, benefits, and alternatives of each vaccination before a child is vaccinated. The bill provides requirements for the administration of certain vaccines required for school entry. Licensed health care providers will be required to provide certain vaccine information statements to parents, legal guardians, and legal representatives before administering certain vaccines to children. EFFECTIVE DATE: 07/01/2010.

Actions

10/05/09 SENATE Filed
12/09/09 SENATE Referred to Health Regulation; Children, Families, and Elder
Affairs; Policy & Steering Committee on Ways and Means

Similar

HB 0117 -Relating to Childhood Vaccinations by Ambler
09/15/09 HOUSE Filed
10/12/09 HOUSE Referred to Health Care Regulation Policy Committee; PreK-12
Appropriations Committee; Civil Justice & Courts Policy Committee; Health Care
Appropriations Committee
02/16/10 HOUSE Temporarily postponed by Health Care Regulation Policy
Committee
03/01/10 HOUSE Withdrawn prior to introduction

SB 0490

Relating to Dentistry by Smith

Summary

This bill defines the term "public health supervision" and redefines the term "health access settings" to include school-based prevention programs. The bill would authorize dental hygienists to perform certain additional dental hygiene services

under public health supervision. The bill provides that certain tasks are remediable and delegable to dental hygienists in certain settings. The bill includes a list of remediable and delegable tasks. EFFECTIVE DATE: 07/01/2010.

Actions

10/20/09 SENATE Filed

12/09/09 SENATE Referred to Health Regulation; Education Pre-K - 12; Health and Human Services Appropriations

Similar

HB 1469 -Relating to Dentistry and Dental Hygiene by Patterson

03/10/10 HOUSE Referred to Health Care Regulation Policy Committee; Health Care Appropriations Committee; Health & Family Services Policy Council

HB 0719

Relating to Child Care by Zapata

Summary

This bill revises provisions relating to standards that child care facilities must meet to obtain and maintain a Gold Seal Quality Care provider designation. The bill requires the Department of Children and Families to notify specified accrediting associations upon adoption of additional or revised Gold Seal Quality Care program standards. This bill also revises minimum age requirements and establishes minimum education standards for child care personnel. Minimum staff credential requirements are redefined. Effective Date: July 1, 2010

Actions

01/19/10 HOUSE Filed

01/28/10 HOUSE Referred to Health Care Services Policy Committee; Health Care Appropriations Committee; Health & Family Services Policy Council

01/28/10 HOUSE Now in Health Care Services Policy Committee

Similar

SB 1382-Relating to Child Care Facilities by Rich 02/03/10

02/03/10 SENATE Referred to Children, Families, and Elder Affairs; Health and Human Services Appropriations

03/26/10 SENATE Favorable with CS by Children, Families, and Elder Affairs; 6 Yeas, 0 Nays

HB 1505

Relating to John M. McKay Scholarships for Students with Disabilities Program by Flores

Summary

This bill revises student eligibility requirements for participation in this scholarship program. It authorizes students who are eligible to enter kindergarten to receive the John M. McKay Scholarship. It provides eligibility requirements for students identified with a developmental delay and authorizes students who were enrolled and reported by a school district for funding during any prior year to receive the

scholarship. The bill authorizes the Commissioner of Education to deny, suspend, or revoke a private school's participation in the program for certain acts or omissions by owner or operator. And finally the bill permits students to receive instruction and services at a site other than the physical location of the private school under specified conditions. Effective Date: July 1, 2010

Actions

03/01/10 HOUSE Filed

03/10/10 HOUSE Referred to PreK-12 Policy Committee; PreK-12 Appropriations Committee; Education Policy Council

03/17/10 HOUSE Favorable with CS by PreK-12 Policy Committee; 12 Yeas, 0 Nays
03/18/10 HOUSE Committee Substitute Text (C1) Filed

03/26/10 HOUSE Favorable by PreK-12 Appropriations Committee; 8 Yeas, 0 Nays

03/26/10 HOUSE Now in Education Policy Council

Compare

SB 2746 -Relating to Education Programs for Children with Disabilities by Gardiner

03/09/10 SENATE Referred to Education Pre-K - 12; Commerce; Education Pre-K - 12 Appropriations

SB 2192

Relating to Prepaid Developmental Disabilities Savings Program by Peaden, Jr.

Summary

This bill provides for administration and management of the savings program by the Florida Prepaid College Board in conjunction with the Stanley G. Tate Florida Prepaid College Program. The bill provides that the prepaid contract fund and the investment fund shall consist of certain moneys. The bill creates the Prepaid Services for Parents of Children with Developmental Disabilities Study Group.

Effect of Proposed Changes:

The Savings Program provides that the legislature intends:

- *The creation of such a program can offer accessibility to services regardless of a family's income, insurance or Medicaid eligibility.
- *A program consisting of a prepaid contract plan and an investment plan will allow for advance payment of or saving for the costs associated with
developmentally disabled children as they age out of the education system.
- *The prepaid contract plan is to be interchangeable with an advance payment plan of the Stanley G. Tate Florida Prepaid College Program.
- *The investment plan is to be a supplement or alternative to the prepaid contract plan, which will allow funds to be placed in trust to meet future needs.
- *The program is to be conducted to maximize program efficiency and effectiveness.

EFFECTIVE DATE: 07/01/2010.

Actions

02/18/10 SENATE Filed

03/01/10 SENATE Referred to Children, Families, and Elder Affairs; Governmental Oversight and Accountability; Finance and Tax; Higher Education Appropriations;

Policy & Steering Committee on Ways and Means

03/18/10 SENATE Favorable with CS by Children, Families, and Elder Affairs; 8

Yeas, 0 Nays 03/22/10 SENATE Committee Substitute Text (C1) Filed

03/23/10 SENATE Now in Governmental Oversight and Accountability

Identical

HB 1111-Relating to Prepaid Developmental Disabilities Savings Program by Ford

03/01/10 HOUSE Referred to Health Care Services Policy Committee; State

Universities & Private Colleges Policy Committee; Full Appropriations Council on

Education & Economic Development; Health & Family Services Policy Council

HOUSE Now in Health Care Services Policy Committee

SB 2200

Relating to Allocation/Expenditure of State Lottery Revenues by Altman

Summary

This bill requires net proceeds from a scratch-off lottery game to be allocated to the Division of Vocational Rehabilitation in the Department of Education to be distributed to programs offering services to individuals with developmental disabilities. EFFECTIVE DATE: 07/01/2010.

Actions

02/18/10 SENATE Filed

03/01/10 SENATE Referred to Regulated Industries; Education Pre-K - 12;

Education Pre-K - 12 Appropriations; Policy & Steering Committee on Ways and

Means

Identical

Bills

HB 0943 - Relating to Allocation and Expenditure of State Lottery Revenues by Proctor

02/18/10 HOUSE Referred to PreK-12 Appropriations Committee; Governmental

Affairs Policy Committee; Full Appropriations Council on Education & Economic

Development

HB 5303 - Relating to Agency for Persons with Disabilities Health Care

Appropriations Committee Summary

This bill revises provisions relating to order of priority for clients with developmental disabilities waiting for waiver services. It extends the date for implementation for certain waiting list categories of clients. The bill also specifies assessment instruments to be used for delivery of home and community-based services. The bill provides a limit on annual expenditures for clients in Tier one at \$120,000 and directs the agency to eliminate behavior assistance services in group homes. The bill also reduces geographic differential for Miami-Dade, Broward, Palm Beach, & Monroe Counties for residential habilitation services. This proposed legislation establishes the iBudget program for delivery of home and community-based services And finally it provides for hearings on Medicaid programs administered by

the agency.

Effective Date: July 1, 2010

03/17/10 HOUSE Filed (Formerly Filed PCB HCA3)

03/18/10 HOUSE Referred to Full Appropriations Council on Education & Economic Development

03/18/10 HOUSE Now in Full Appropriations Council on Education & Economic Development

03/19/10 HOUSE On Council agenda - Full Appropriations Council on Education & Economic Development, 03/23/10, 11:15 am, 212 K

03/23/10 HOUSE Favorable by Full Appropriations Council on Education & Economic Development; 12 Yeas, 6 Nays

03/23/10 HOUSE Placed on Calendar, on second reading

03/23 /10 HOUSE Placed on Special Order Calendar for 03/31/10

Compare

SB 1468 Relating to Home and Community-based Services ... Peaden, Jr.

03/26/10