

# Capitol Update



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## *Florida Developmental Disabilities Council, Inc.*

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### **The House and Senate have come out with their preliminary budgets**

Several of the Council's legislative priorities this year are budget issues. Unfortunately, the House and Senate Budgets for the Agency for Persons with Disabilities do not address all our concerns. Click [here](#) for the Council's 2017 Legislative Priorities.

Provider rates are 11% below where they were in 2003. The Council has been asking the legislature to increase funding, closer to that previous level, for providers so that they can stay in business and provide the services that many individuals with intellectual and developmental disabilities need to be included in the community. Many individuals with intellectual and developmental disabilities are struggling to find providers to help them live independently in the community. **The House and Senate budgets do not include any additional funding to increase rates for personal care and life skills providers.**

**The Department of Labor regulation to meet the minimum wage requirement is funded in the House and Senate Budgets, but is only part of the base recurring budget in the Senate.**

In addition to the Council's advocacy efforts to continue to transition individuals off the waitlist and into services, the Council is working with The Florida Center for Inclusive Communities out of the University of South Florida on their Florida DD Waitlist Campaign. Floridians with intellectual and developmental disabilities often wait years on this waitlist to receive the services they need to lead productive lives.

The Florida DD Waitlist Campaign aims to raise awareness of this issue to Florida legislators and the general public by using social media to advocate for increased funding to serve the individuals on the waiting list. [www.ddwaitlistfl.org](http://www.ddwaitlistfl.org)

The House adopted the Governor's recommendation to offer funding for 682 individuals with the highest need to come off the iBudget Waitlist. **The Senate does not have additional funding for those on the Waitlist this session. Instead, the Senate is proposing**

**a study to look at the iBudget waitlist and service system.** Please click [here](#) for more of the Governors recommendations.

The Transportation Disadvantaged Program is another important service for Florida's low income, elderly, and developmentally challenged. Every county benefits from this program and last year the Commission for the Transportation Disadvantaged (TD) was charged by the Legislature with completing a TD Allocation Formula Study. The study has been released, and, as with any restructuring of allocation methodologies, there are winners and losers. The Commission staff has stated that they will not propose any changes to Rule 41-2 FAC, where the allocation is outlined, at this time. However, the study has been sent to the Legislature, as was required and the Senate has picked it up in their budget proviso. **The House did not include the new allocation formula in their spending plan. The Council is neutral on this issue.**

The Senate has also included a task force in their budget implementing bill, SB 2502. The purpose of the task force is to study transportation accessibility for individuals with developmental disabilities, and make recommendations for ways to improve transportation for individuals with developmental disabilities. **The House does not include the language currently.**

Please click [here](#) to see the Council's Budget issues for 2017.

The Council will share our opinions on these issues with the [Health Care Appropriations Subcommittee in the House](#) and [Appropriations Subcommittee on Health and Human Services in the Senate](#).

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### [HB 219 - Relating to Crisis Intervention by Law Enforcement Officers by Stafford Co-sponsors: Cortes \(J\)](#)

#### **Summary**

This bill requires FDLE to establish employment training component relating to crisis intervention for individuals with Autism and mental disorders. The bill specifies instruction to be included in training component and provides that completion of training shall count toward continued employment instruction requirements. **HB 39** is moving with training for understanding those on the autism spectrum only. **The Council is supporting this bill.**

#### **Actions**

01/11/17 HOUSE Filed

01/23/17 HOUSE Referred to Criminal Justice Subcommittee; Justice Appropriations Subcommittee; Judiciary Committee

HOUSE Now in Criminal Justice Subcommittee

#### **Compare Bills**

### [HB 0039 Relating to Autism Awareness Training for Law Enforcement Officers by Jenne](#)

03/30/17 HOUSE Read Third Time; Passed (Vote: 115 Yeas / 0 Nays)

**[SB 0154 Relating to Autism Awareness Training for Law Enforcement Officers by Thurston](#)**

03 /22/17 SENATE Favorable with CS by Appropriations Subcommittee on Criminal and Civil Justice; 5 Yeas, 0 Nays

03/31/17 - SENATE Committee agenda - Appropriations, 04/06/17, 8:00 am, 412 K

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**[HB 95 - Relating to Consumer Protection from Nonmedical Changes to Prescription Drug Formularies by Massullo, Jr. Co-Sponsors: Baez, Byrd, Clemons \(C\), Cortes \(J\), Goodson, Grant \(M\), Gruters, Harrell, Jenne, Killebrew, La Rosa, Mercado, Miller \(A\), Plasencia, Renner, Brown CS Sponsors: Health Innovation Subcommittee](#)**

**Summary**

This bill provides that changes to prescription drug formularies during health insurance policy or HMO contract year do not apply to state group insurance program. The bill limits changes to health insurance policy prescription drug formulary during policy year and requires small employer carriers to provide continuity of care with respect to prescription drug coverage. This bill is being held up in the House over concerns about possible increases in the cost of a particular drug during the contract year. **The Council is supporting this bill.**

**Actions**

01/09/17 HOUSE Referred to Health Innovation Subcommittee; Insurance & Banking Subcommittee; Appropriations Committee; Health & Human Services Committee

02/22/17 HOUSE Favorable with CS by Health Innovation Subcommittee; 13 Yeas, 0 Nays

02/28/17 HOUSE Committee Substitute Text (C1) Filed

03/01/17 HOUSE Reference to Appropriations Committee removed; Remaining references: Insurance & Banking Subcommittee; Health & Human Services Committee

HOUSE Now in Insurance & Banking Subcommittee

**Similar Bills**

**[SB 0182 Relating to Consumer Protection from Nonmedical Changes to Prescription Drug Formularies by Mayfield](#)**

03/31/17 - SENATE Committee agenda - Appropriations, 04/06/17, 8:00 am, 412 K

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**[SB 104 - Relating to Computer Coding Instruction by Brandes](#)**

**Summary**

This bill Authorizes high schools to offer students opportunities to take specified computer coding courses. The bill provides that high schools will not be required to offer such courses and requires the Commissioner of Education to identify the computer coding courses that satisfy two credits of sequential foreign language instruction under certain circumstances. **HB 265** now has language that substitutes math for foreign language so sponsors are looking for a way to carve out students who are aphasical from the foreign language requirement. **The Council is supporting this bill**

**Actions**

12/05/16 SENATE Filed

12/16/16 SENATE Referred to Education; Rules

02/06/17 SENATE Favorable by Education; 8 Yeas, 0 Nays

02/07/17 SENATE Now in Rules

### **Identical Bills**

#### **[HB 0265 Relating to Computer Coding Instruction by Porter](#)**

03/28/17 - HOUSE Committee Substitute Text (C1) Filed

03/29/17 - HOUSE Now in Education Committee

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#### **[HB 151 - Relating to Proceedings Involving Minors or Certain Other Persons by Brodeur, Moskowitz Co-Sponsors: Williamson, Stevenson CS Sponsors: Children, Families & Seniors Subcommittee, Civil Justice & Claims Subcommittee](#)**

##### **Summary**

This bill provides that judges may allow use of certain service animals, therapy animals, or facility dogs in proceedings involving abuse, abandonment, or neglect and allows such animals to be used when taking testimony of certain other persons including adults with intellectual disabilities. **The Council is supporting this bill.**

##### **Actions**

01/11/17 HOUSE Referred to Civil Justice & Claims Subcommittee; Children, Families & Seniors Subcommittee; Judiciary Committee

01/26/17 HOUSE Favorable with CS by Civil Justice & Claims Subcommittee; 15 Yeas, 0 Nays

01/27/17 HOUSE Committee Substitute Text (C1) Filed

02/09/17 HOUSE Favorable with CS by Children, Families & Seniors Subcommittee; 14 Yeas, 0 Nays

HOUSE Committee Substitute Text (C2) Filed

03/16/17 HOUSE Favorable by Judiciary Committee; 16 Yeas, 0 Nays

03/30/17 HOUSE Read Third Time; Passed (Vote: 116 Yeas / 0 Nays)

##### **Similar Bills**

#### **[SB 0416 Relating to Use of Animals in Proceedings Involving Minors by Montford](#)**

03/30/17 - SENATE Placed on Special Order Calendar, 04/04/17

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#### **[SB 772 - Relating to Assistive Technology Devices by Rouson](#)**

##### **Summary**

This bill revises provisions relating to the accessibility and use of assistive technology devices by persons with disabilities; providing for use at home and in the community after school.

##### **Actions**

02/07/17 SENATE Filed

02/23/17 SENATE Referred to Education; Appropriations Subcommittee on Pre-K - 12 Education; Appropriations

03/21/17 SENATE Favorable with CS by Education; 7 Yeas, 0 Nays

03/22/17 SENATE Committee Substitute Text (C1) Filed

03/28/17 SENATE Now in Appropriations Subcommittee on Pre-K - 12 Education

## Identical Bills

### [HB 0371 Relating to Assistive Technology Devices by Ausley](#)

03/28/17 HOUSE Favorable by PreK-12 Innovation Subcommittee; 14 Yeas, 0 Nays  
HOUSE Now in Education Committee

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### [SB 810 - Relating to Students with Disabilities in Public Schools by Stewart Co-Sponsors: Campbell](#)

#### Summary

This bill amends provisions relating to the use, prevention, and reduction of restraint and seclusion on students with disabilities. This bill takes out imminent danger language that discontinues the existing implicit use of imminent danger by virtue of its use as part of the reporting requirements.

The student's behavior leading up to and precipitating the decision to use manual or physical restraint or seclusion, including an indication as to why there was an imminent risk of serious injury or death to the student or others is an important reporting requirement that needs to stay included

Currently, there are individuals that think it is explicit when in truth it is implicit. We think that even though teachers can currently restrain and seclude children for any reason and for any length of time in Florida at least implicit reporting requirements are better than nothing and we think have improved the treatment of children. The Council believes that restraint and seclusion should only be used in imminent danger to self or others. Please keep in mind that the largest use of restraint and seclusion is on children with disabilities age preK-3 grade so this is used on small children most frequently.

Another concern is the use of property damage as criteria for restraint and seclusion. There have been many cases of restraint and seclusion for minor property damage such as throwing down a pencil. Major property damage would certainly indicate imminent danger to self or others such as hurling equipment or punching walls.

Finally, the Council opposes any use of seclusion, prone restraint and mechanical restraint. There is no evidence that these types of restraint are effective or that they are missed when banned. There is too much evidence to the contrary for the Council to support these methods for any reason. For example, mechanical restraint is banned in many institutional settings.

Restraint and seclusion should never be part of a behavioral and individual education plan. Research shows that restraint and seclusion are not therapeutic techniques. **The Council is opposing this bill and prefers SB 1418.**

#### Actions

02/08/17 SENATE Filed

02/23/17 SENATE Referred to Education; Appropriations Subcommittee on Pre-K - 12 Education; Appropriations

## **Compare Bills**

[\*\*SB 1418 Relating to Seclusion and Restraint of Students with Disabilities in Public Schools by Flores\*\*](#) 03/14/17 - SENATE Referred to Education; Appropriations; Rules

## **Identical Bills**

[\*\*HB 0233 Relating to Students with Disabilities in Public Schools by Edwards\*\*](#)  
03/28/17 - HOUSE Committee Substitute Text (C1) Filed

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## [\*\*SB 868 - Relating to Educational Options and Services by Baxley\*\*](#)

### **Summary**

General Educational Options and Services; Providing that a participant in an adult or youth work experience activity in the Division of Blind Services is considered an employee of the state for workers' compensation coverage; revising student eligibility requirements for the Florida Virtual School and virtual instruction programs; requiring an institution that seeks initial approval after a specified date to offer a graduate-level teacher preparation program to offer students certain options, etc. Effective Date: 7/1/2017

### **Actions**

02/10/17 SENATE Filed

02/23/17 SENATE Referred to Education; Appropriations Subcommittee on Pre-K - 12 Education; Appropriations

03/27/17 SENATE Discussed/Workshop by Education

03/29/17 SENATE Committee agenda - Education, 04/03/17, 1:30 pm, 412 K

## **Compare Bills**

[\*\*SB 0692 Relating to Student Eligibility for K-12 Virtual Instruction by Baxley\*\*](#)

03/27/17 - SENATE Discussed/Workshop by Education

[\*\*HB 0833 Relating to Student Eligibility for K-12 Virtual Instruction by Sullivan\*\*](#)

03/28/17 - HOUSE Favorable by PreK-12 Appropriations Subcommittee; 15 Yeas, 0 Nays

[\*\*SB 1252 Relating to Education by Galvano\*\*](#)

03/22/17 - SENATE Now in Rules