

Capitol Update

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Stakeholders continue legislative education and advocacy after controversial Senate budget proposal for the Agency for Persons with Disabilities.

Currently, the Senate position for the Agency for Persons with Disabilities (APD) 2017 Budget involves using funds that could be designated for reduction of the iBudget Waiver Waitlist for Waiver Support Coordination for agency support coordinators instead.

Advocates were surprised that at the very least, the Governor's budget recommendation to fund services for 682 individuals with the highest need was not included. There was even more surprise when the provider rate that received proposed general revenue was not one of the services that is most critically underfunded.

Even many Support Coordinators were surprised. In an April 5, 2017 letter from the **Support Coordination Association of Florida (SCAF)**, it was stated that "We are all aware that reimbursement rates for Waiver providers of all types continue to be inadequate at this time. However, it is undeniable **that of all provider types, direct care providers such as Personal Supports and Life Skills Development 1 (Companion) are in critical need of compensation at an equitable rate, a condition which currently does not exist.**" SCAF went on to state, "We feel any other approach or priorities would be fundamentally unfair. We are all aware that these two specific services are critical ground-level services to our recipients and families and at the current rates for these services it is increasingly difficult to obtain and retain staff."

Given the funding available in both the House and the Senate budgets, the Florida Developmental Disabilities Council is advocating for a significant increase to the reimbursement rates for Personal Supports and Life Skills Development (LSD 1) Companion as priority services for funding increases for the 17-18 Fiscal Year.

The Council continues to be very concerned about the status of the iBudget waitlist. The Council is advocating for the House and the Governor's position to transition 682 individuals off the waitlist who have the most significant need.

For more information on the waitlist, check out The Florida DD Waitlist Campaign. This Campaign and website 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.

One highlight of the Senate budget was the inclusion of funding for the Department of Labor regulation for minimum wage in the base budget as a recurring budget item. The House Budget did not include this line item as part of the base recurring budget.

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.

It is important to let the following legislators know what services you want to see in the APD budget!

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](#).

[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 and SB 154** are 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)

04/04/17 SENATE in Messages

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

04/05/17 SENATE Favorable with CS by Appropriations; 17 Yeas, 0 Nays

04/07/17 SENATE Committee Substitute Text (C2) Filed

[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](#)

04/06/17 - SENATE Favorable by Appropriations; 18 Yeas, 0 Nays

[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 aphasic 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

[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

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

04/06/17 SENATE Withdrawn from Judiciary, Criminal Justice, Rules; Placed on Calendar, on 2nd reading; Substituted for SB 0416; Read Second Time; Read Third Time; Passed (Vote: 37 Yeas / 0 Nays)

Similar Bills

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

04/06/17 - SENATE Read Third Time; Substituted for HB 0151; Laid on Table, Refer to HB 0151

[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](#)

04/06/17 HOUSE Favorable by Education Committee; 18 Yeas, 0 Nays

HOUSE Placed on Calendar, on 2nd reading

[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.

A combination of SB 810 and SB 1418 language was offered by Senator Stewart as an amendment to SB 926. This good amendment was later withdrawn and the issue will be taken up next year. **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

03/29/17 - HOUSE Now in Education Committee

[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

04/03/17 SENATE Favorable with CS by Education; 9 Yeas, 0 Nays

04/04/17 SENATE Committee Substitute Text (C1) Filed

04/06/17 SENATE Now in Appropriations Subcommittee on Pre-K - 12 Education

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](#)

04/06/17 -HOUSE Favorable by Education Committee; 16 Yeas, 0 Nays

HOUSE Placed on Calendar, on 2nd reading

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

03/22/17 - SENATE Now in Rules