



## FROM THE CAPITOL

2021 FDDC CAPITOL UPDATES



### VOLUME 21, ISSUE 8 - April 30

#### The 2021 Legislative Session is ending

The Florida Legislative Session is ending on time! The lawmakers are set to vote on the 2021 State Budget on the afternoon of Friday, April 30, 2021. Advocates were concerned that due to the economic challenges brought on by the Covid 19 pandemic to state revenues that budget cuts were a real concern. Due to a variety of factors, **there were no cuts to individuals receiving the iBudget waiver in the Agency for Persons with Disabilities!**

Other highlights of the budget include:

- **One of the largest funding increases to transition individuals off the iBudget waitlist in history!** Florida lawmakers agreed to spend **\$95 million** a year to provide more people with intellectual and developmental disabilities access to services they need to live in their communities and out of institutions. [Read more about this funding here.](#)
- Unfortunately, there were no provider rate increases that were advocated for by the Florida Developmental Disabilities Council, Arc of Florida, Florida ARF and others. There is a 51% turnover in Direct Support Providers in Florida and many providers and districts have a critical number of vacancies for Personal Support staff. With the number of vacancies at these levels, there is concern about meeting all the needs of individuals with intellectual and developmental disabilities who are coming off the waitlist.
- There were no utilization increases for those who are on the waiver and who may have significant additional needs for more or different services.
- There was no attempt to put any iBudget waiver services into for-profit managed care this year.

We want to thank everyone who has contacted their legislator and made their voice heard on behalf of the iBudget Waiver and its services as well as for all Floridians with disabilities. **It is because of your efforts we were able to Preserve the iBudget Waiver** this legislative session. Please take a moment to drop your lawmaker an email, a handwritten note or make a phone call and thank them for their support.

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#### Bills that Passed:

[SB 184 - Purple Alert by Berman and CS Sponsors: Transportation](#)

## Summary

This bill requires the Department of Law Enforcement, in cooperation with the Department of Transportation, the Department of Highway Safety and Motor Vehicles, the Department of the Lottery, and local law enforcement agencies, to establish and implement the Purple Alert; requiring the local law enforcement agency having jurisdiction to notify media and alert subscribers if a Purple Alert is determined to be necessary and appropriate. The bill provides that the Department of Law Enforcement, as the Purple Alert coordinator, and certain agencies, employees, individuals, and entities are immune from civil liability for damages when performing certain actions in good faith. This bill is another avenue to prevent drowning and other accidents that can happen when someone with verified cognitive challenges and history wanders from their home. Effective Date: Except as otherwise expressly provided in this act and except for this section, which shall take effect July 1, 2021, this act shall take effect July 1, 2022. **The Council is supporting this proposed legislation.**

## Actions

**04/21/21 SENATE - Read Second Time; Read Third Time; Passed (Vote: 40 Yeas / 0 Nays)**

## Similar Bills

[HB 0079 - Purple Alert by Casello](#)

**04/27/21 HOUSE - Read Third Time; Substituted for SB 0184; Laid on Table, Refer to SB 0184.**

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[HB 173 - Individual Education Plan Requirements for Students with Disabilities by Tant CoSponsors: Arrington, Bartleman, Benjamin, Daley, Eskamani, Grieco, Hunschofsky, Morales, Woodson](#)

## Summary

This bill revises the timeline for development and implementation of a student's individual education plan (IEP) for transition services for student with disabilities to postsecondary education and career opportunities. The bill proposes an earlier timeline to assure that a path has been started before high school. Another part of the bill provides for clarity regarding a component that the Council thinks it is critical to help parents of children with disabilities understand what graduating at age 18 with a standard diploma means. Students often lose access to three years of services they would otherwise be entitled to receive if they **do not** defer graduation. Also, there are programs that are available only to students who **do** graduate at age 18. Parents and their children need to understand the differences. Effective Date: July 1, 2021. **The Council is supporting this bill.**

## Actions

**04/22/21 SENATE - Withdrawn from Appropriations; Placed on Calendar, on 2nd reading; Substituted for SB 0726; Read Second Time; Read Third Time; Passed (Vote: 39 Yeas / 0 Nays)**

*HOUSE - Ordered enrolled*  
*HOUSE - Enrolled Text (ER) Filed*

## Similar Bills

[SB 0726 - Individual Education Plan Requirements for Students with Disabilities by Taddeo](#)

**04/22/21 SENATE - Read Second Time; Substituted for HB 0173; Laid on Table, Refer to HB 0173.**

[SB 192 - Students with Disabilities in Public Schools by Book CoSponsors: Rodrigues \(R\)](#)

**Summary**

This bill requires school districts to prohibit the use of seclusion on students with disabilities in public schools and requires school districts to adopt positive behavior interventions and supports. The bill creates the Video Cameras in Public School Classrooms Pilot Program and requires continuing education and in-service training for instructional personnel teaching students with emotional or behavioral disabilities. Effective Date: 7/1/2021. **The Council will only support this bill if it prohibits the use of mechanical restraints that are not prescribed by a doctor. Currently, the bill endorses the use of handcuffs, straight jackets, zip ties and tie-downs as long as they do not restrict blood circulation and breathing.**

**Actions**

**04/26/21 SENATE - Read Second Time; Substituted for HB 0149; Laid on Table, Refer to HB 0149**

**Similar Bills**

[HB 0149 - Students with Disabilities in Public Schools by DuBose](#)

**04/14/21 HOUSE - Read Third Time; Passed (Vote: 118 Yeas / 0 Nays)**

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[SB 714 - Resource Information for Individuals with Disabilities by Taddeo CS Sponsors: Children, Families, and Elder Affairs](#)

**Summary**

This bill requires the Agency for Persons with Disabilities to provide specified written information to persons applying for iBudget waiver services, whether they are accepted, rejected or on the waitlist. Information includes state and local resources that will help individuals with disabilities and their families find out what is available to them especially around training and employment services. The resources do not guarantee admission into these programs. Effective Date: 7/1/2021. **The Council is neutral on this bill.**

**Actions**

**04/15/21 HOUSE - Substituted for HB 0117; Read Second Time; Read Third Time; Passed (Vote: 118 Yeas / 0 Nays); Immediately certified**

*SENATE Ordered enrolled*

*SENATE Enrolled Text (ER) Filed*

**Similar Bills**

[HB 0117 - Resource Information for Individuals with Disabilities by Tant](#)

**04/15/21 HOUSE - Read Second Time; Substituted for SB 0714; Laid on Table, Refer to SB 714**

**Bills that Died:**

[HB 269 - Definition of Developmental Disability I by Morales](#)

**Summary**

This bill revises definition of term "developmental disability." This bill may be cited as "Diana's Law." It replaces the current statutory definition of "developmental disability" with the definition of the term currently used in federal law.

Specifically, the bill defines a developmental disability as a severe, chronic disability of an individual that:

- Is attributable to a mental or physical impairment or combination of mental and physical impairments.
- Is manifested before the individual attains age 22.
- Is likely to continue indefinitely.
- Results in substantial functional limitations in 3 or more of the following areas of major life activity:
  - Self-care.
  - Receptive and expressive language.
  - Learning.
  - Mobility.
  - Self-direction.
  - Capacity for independent living.
  - Economic self-sufficiency; and
  - Reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.

The bill also provides that an individual from birth to age 9 who has a substantial developmental delay or specific congenital or acquired condition, may be considered to have a developmental disability without meeting three or more of the above criteria if the individual, without services and supports, has a high probability of meeting such criteria later in life. Effective Date: July 1, 2021. **The Council is supporting this bill.**

## **Actions**

02/03/21 HOUSE - Referred to Children, Families & Seniors Subcommittee; Health Care Appropriations Subcommittee; PreK-12 Appropriations Subcommittee; Health & Human Services Committee.

*HOUSE - Now in Children, Families & Seniors Subcommittee.*

## **Similar Bills**

[SB 1686 - Definition of Developmental Disability by Torres, Jr.](#)

03/16/21 SENATE - Favorable by Children, Families, and Elder Affairs; 8 Yeas, 0 Nays

03/17/21 SENATE - Now in Appropriations Subcommittee on Health and Human Services

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## [HB 681 Supported Decision-making by Tant](#)

### **Summary**

This bill revises provisions of law relating to guardianship and alternatives to guardianship. The bill creates a process for supported decision-making (SDM), including providing requirements for court, guardian petition, supported decision-making agreement, decisionmaker and supporter, and educational agencies. Parents of children with disabilities are often told they need to seek guardianship as soon as their child turns 18. Florida law states that you cannot put someone under guardianship if there is a "less restrictive" alternative, but the law does not offer a meaningful alternative. This proposed legislation would list alternatives to guardianship in Florida Statute, including SDM and ensure judges have the information they need to protect people with disabilities. The bill would require anyone trying to put another person under guardianship or guardian advocacy to show why an alternative, including SDM, will not work. Effective Date: July 1,

2021. **The Council is supporting this proposed legislation.**

### **Actions**

02/18/21 HOUSE - Referred to Children, Families & Seniors Subcommittee; Civil Justice & Property Rights Subcommittee; Health & Human Services Committee.

*HOUSE - Now in Children, Families & Seniors Subcommittee.*

### **Similar Bills**

#### **[SB 1010 - Supported Decision Making by Gruters](#)**

02/10/21 SENATE - Referred to Children, Families, and Elder Affairs; Appropriations; Rules.

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#### **[SB 1150 - Low-Income Home Accessibility Program by Harrell](#)**

### **Summary**

The bill would establish the Low-Income Home Accessibility Program within the Florida Housing Finance Corporation (FHFC). The bill requires the FHFC to work with the Centers for Independent Living, to determine further eligibility requirements and adopt and revise policies and procedures governing the operation of the program. The bill requires that funds appropriated to the FHFC for the program be deposited in the State Housing Trust Fund. This program would provide funding and services to help individuals with disabilities live independently with accommodations to their living situation for wheelchairs, ramps and other adaptive modifications and services. Effective Date: 7/1/2021. **The Council is supporting this bill.**

### **Actions**

02/18/21 SENATE - Referred to Community Affairs; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Appropriations.

### **Similar Bills**

#### **[HB 1543 - Low-income Home Accessibility Program by Koster](#)**

03/05/21 HOUSE - Now in Local Administration & Veterans Affairs Subcommittee.

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