



FROM THE CAPITOL

2022 FDDC CAPITOL UPDATES



VOLUME 22, ISSUE 5 - February 21

Two bills and a budget issue that need your input

[SB 390](#) by Senator Book that prohibits the use of mechanical restraint on students with disabilities by teachers and educational personnel needs only one more committee appearance to reach the Senate floor for a final vote. The House Companion bill [HB 235](#) by Representative Plascencia is already on the House floor. These bills are identical and have passed through their committees with no opposition. These bills do not prohibit school resource officers from using mechanical restraint for middle and high school children if necessary. Please share your opinion regarding this bill being heard in [Senate Appropriations](#). The Chair decides what bills will be on the agenda and Committee weeks are ending. The Council will ask the [Senate Appropriations Chair](#) to hear this bill.

[SB 1040](#) by Senator Brodeur and [CS/HB 733](#) by Representative Plascencia are moving through the process. These bills have differences but they both provide that individuals with intellectual and developmental disabilities (I/DD) can either voluntarily or by their guardians be placed on a registry that connects them to a criminal data base for law enforcement officials. While this bill is supposed to protect individuals with I/DD, it may interfere with employment background checks, and it may alert a law enforcement officer to use more force if they have not been trained on how to communicate with individuals with I/DD. The Council is opposing these bills and will share our position with the bill sponsors and upcoming Committee Chairs. Please see our bill tracking list below for more information.

The Legislature will be starting budget negotiations soon and the Council will be educating the [Senate Appropriations Subcommittee on Health and Human Services](#) on the benefits of holding their position and educating [House Health Care Appropriations Subcommittee](#) members the benefits of meeting the Senate's offer of \$15 an hour.

The House and Senate have both offered significant funding for direct support workers, but the Senates higher offer would provide a meaningful impact on this service and encourage more people to stay in the field.

See bills below that we are supporting, opposing, and tracking.

Important Bills to Watch

[HB 1207 Supported Decision Making by Tant](#)

Summary

This bill authorizes adults with disabilities to enter into supported decision-making

agreements. Requires documentation of any effort to use decision-making options before seeking a guardian advocate, including entering into a supported decision-making agreement under s. 393.121, a durable power of attorney under chapter 709, or an advance directive under chapter 765. And prohibits use of such agreements as evidence of incapacity. The bill provides criteria for supporters; provides requirements for supported decision making agreements; and authorizes adults with disabilities who have guardian advocates to start supported decision-making agreements if approved by their guardian advocate. The bill revises requirements for petitions to appoint guardian advocates. **The Council supports this bill.**

Actions

01/05/22 HOUSE - Filed

01/12/22 HOUSE - Referred to Children, Families & Seniors Subcommittee; Civil Justice & Property Rights Subcommittee; Health & Human Services Committee

01/25/22 HOUSE - Favorable with CS by Children, Families & Seniors Subcommittee; 15 Yeas, 0

01/26/22 HOUSE - ComCommittee Substitute Text (C1) Filed

01/28/22 HOUSE - Now in Civil Justice & Property Rights Subcommittee

Similar Bills

[SB 1772 Supported Decision Making for Adults with Disabilities by Torres, Jr.](#)

01/12/22 SENATE - Referred to Children, Families, and Elder Affairs; Appropriations; Rules.

[SB 1704 Social Services Estimating Conference by Ausley](#)

Summary

This bill requires the Social Services Estimating Conference to develop The Social Services Estimating Conference shall develop information related to the iBudget system for the home-based and community-based Medicaid waiver services program and must include iBudget enrollment, the number of current waiver recipients, the size of the waiting list, the utilization rate of program services, and expenditure information that the conference determines is needed to plan for and project future budgets and the drawdown of federal matching funds. **The Council supports this bill.**

Actions

01/07/22 SENATE - Filed

01/12/22 SENATE - Referred to Children, Families, and Elder Affairs; Appropriations Subcommittee on Health and Human Services; Appropriations

Identical Bills

[HB 1569 Social Services Estimating Conference by Smith \(C\)](#)

01/16/22 HOUSE - Now in Health Care Appropriations Subcommittee

[HB 235 Restraint of Students with Disabilities in Public Schools by Plasencia](#) [CoSponsors: Eskamani, Morales, Tant](#)

Summary

This bill prohibits school personnel from using mechanical restraint on students with disabilities. This does not apply to school resource officers, school safety officers, school guardians, or school security guards as described in s. 1006.12, who may use mechanical restraint in the exercise of their powers and duties to restrict students in grades 6 through 12. **The Council supports this bill.**

Actions

10/06/21 HOUSE - Filed.

10/22/21 HOUSE - Referred to Early Learning & Elementary Education Subcommittee; Secondary Education & Career Development Subcommittee; Education & Employment Committee

01/13/22 HOUSE - Favorable by Early Learning & Elementary Education Subcommittee; 17 Yeas, 0 Nays

01/27/22 HOUSE - Favorable by Secondary Education & Career Development Subcommittee; 15 Yeas, 0 Nays

HOUSE Now in Education & Employment Committee

02/01/22 HOUSE - Favorable by Education & Employment Committee; 19 Yeas, 0 Nays

HOUSE - Placed on Calendar, on 2nd reading

Identical Bills

[SB 0390 Restraint of Students with Disabilities in Public Schools by Book](#)

02/16/22 SENATE - Subcommittee Recommendation: Favorable by Appropriations Subcommittee on Education; 8 Yeas, 0 Nays

02/17/22 SENATE - Now in Appropriations

[HB 15 Children with Developmental Delays by Tant and Hawkins \(CO-SPONSORS\) Arrington; Benjamin; Driskell; Eskamani; Goff-Marcil; Hunschofsky; Joseph; Learned; Morales; Plasencia; Skidmore; Toledo; Valdés; Williams; Woodson](#)

Summary

This bill revises definition of term "exceptional student" to include additional students with developmental delays ages birth through 9 years or through the student's completion of grade 2, whichever occurs first(current law includes up to age 5). **The Council supports this bill.**

Actions

07/21/21 HOUSE - Filed.

09/17/21 HOUSE - Referred to Early Learning & Elementary Education Subcommittee; PreK-12 Appropriations Subcommittee; Education & Employment Committee

01/19/22 HOUSE - Favorable by Early Learning & Elementary Education Subcommittee; 13 Yeas, 0 Nays

02/03/22 HOUSE - Favorable by PreK-12 Appropriations Subcommittee; 13 Yeas, 0 Nays

HOUSE - Now in Education & Employment Committee

Identical Bills

[SB 0236 Children with Developmental Delays by Jones \(CO-SPONSORS\) Ausley; Powell; Berman; Taddeo](#)

02/16/22 SENATE - Subcommittee Recommendation: Favorable by Appropriations Subcommittee on Education; 8 Yeas, 0 Nays

02/17/22 SENATE - Now in Appropriations

[HB 155 Certificates of Completion by Valdes \(CO-SPONSORS\) Benjamin; Hart; Morales](#)

Summary

This bill provides students who have been awarded certificate of completion are eligible to enroll in workforce education programs. The bill also requires identification of such programs by Charter Technical Career Centers and the bill requires students who will be awarded certificate of completion to be advised of their educational options. **The Council**

supports this bill.

Actions

09/21/21 HOUSE - Filed.

09/29/21 HOUSE - Referred to Secondary Education & Career Development Subcommittee, Education & Employment Committee

01/27/22 HOUSE - Favorable by Secondary Education & Career Development Subcommittee; 15 Yeas, 0 Nays

HOUSE - Now in Education & Employment Committee

Identical Bills

[SB 1068 Certificates of Completion by Jones](#)

02/02/22 SENATE - Now in Commerce and Tourism

[SB 1040 Registry of Persons with Special Needs by Brodeur-linked to SB 1042](#)

Summary

This bill is cited as the "Protect Our Loved Ones Act" and requires the Agency for Persons with Disabilities to develop and maintain a database, to be known as the Registry of Persons with Special Needs, of persons who may have developmental, psychological, or other disabilities or conditions that may be relevant to their interactions with law enforcement officers. Parents, guardians, and caregivers may enroll in the registry a person of any age with any type of developmental, psychological, or other disability or condition, including, but not limited to, autism spectrum disorder, Alzheimer's disease, dementia, bipolar disorder, and Down syndrome. Persons may also enroll themselves if they are 18 years of age or older.

The Department of Law Enforcement shall provide information from the registry to law enforcement officers to assist officers in the performance of their official duties. The registry shall provide such relevant information to a law enforcement officer engaged in his or her official duties upon an officer's request made through the Florida Crime Information Center.

HB 733 became a proposed committee bill PCS733 and changed considerably HB 733 has been replaced with **PCS 733**. Now, instead of an APD list, if an individual receives the "D" identifier on his or her identification card, such information shall be included through the Driver and Vehicle Information Database and available through the Florida Crime Information Center system. This could interfere with an individual's employment by being on a criminal database and there doesn't appear to be a way to get off the criminal database. **The Council is opposing this bill.**

Actions

11/23/21 SENATE - Filed.

12/13/21 SENATE - Referred to Children, Families, and Elder Affairs; Appropriations Subcommittee on Health and Human Services; Appropriations

02/08/22 SENATE - Favorable with CS by Children, Families, and Elder Affairs; 7 Yeas, 1 Nay

02/09/22 SENATE - Committee Substitute Text (C1) Filed

02/11/22 SENATE - Now in Appropriations Subcommittee on Health and Human Services

02/17/22 SENATE - On Committee agenda - Appropriations Subcommittee on Health and Human Services, 02/22/22, 9:00 am, 412 K

Identical Bills

[HB 0733 Registry of Persons with Special Needs by Plasencia](#)

02/16/22 HOUSE - Favorable by Infrastructure & Tourism Appropriations Subcommittee; 13 Yeas, 0 Nays

HOUSE Now in Health & Human Services Committee

Linked Bills

[SB 1042 Public Records/Registry of Persons with Special Needs by Brodeur](#)

Summary

This bill provides an exemption from public records requirements for all records, data, information, correspondence, and communications relating to the enrollment of persons in the registry of persons with special needs and authorizes law enforcement agencies, county emergency management agencies, and local fire departments to further disclose confidential and exempt information under certain circumstances. The bill provides for future legislative review and repeal of the exemption if there is a statement of public necessity.

Actions

11/23/21 SENATE - Filed

12/13/21 SENATE - Referred to Children, Families, and Elder Affairs; Appropriations Subcommittee on Health and Human Services; Appropriations

02/08/22 SENATE - Favorable with CS by Children, Families, and Elder Affairs; 8 Yeas, 0 Nays

02/09/22 SENATE - Committee Substitute Text (C1) Filed

02/11/22 SENATE - Now in Appropriations Subcommittee on Health and Human Services

02/17/22 SENATE - On Committee agenda - Appropriations Subcommittee on Health and Human Services,

02/22/22, 9:00 am, 412 K

Identical Bill

[HB 0735 Pub. Rec./Registry of Persons with Special Needs by Plasencia](#)

12/13/21 HOUSE - Now in Children, Families & Seniors Subcommittee

[SB 1692 Medicaid Buy-in Program by Pizzo](#)

Summary

This bill requires the Agency for Health Care Administration to establish and implement a Medicaid buy-in program for certain individuals with disabilities. The bill provides requirements for the program and requires the agency to seek federal waiver approval or submit any state plan amendments necessary to implement the program. The bill requires the agency to implement the program upon receiving federal approval.

Actions

01/06/22 SENATE - Filed

01/12/22 SENATE - Referred to Health Policy; Appropriations Subcommittee on Health and Human Services; Appropriations

Identical Bills

[HB 0675 Medicaid Buy-in Program by Woodson and Smith, C. \(CO-SPONSORS\) Morales; Valdés](#)

12/13/21 HOUSE - Now in Finance & Facilities Subcommittee

[SB 1822 Medicaid Buy-in Program by Jones](#)

1/12/22 SENATE - Referred to Health Policy; Appropriations Subcommittee on Health and Human Services; Appropriations

[SB 414 Family Caregiver Certified Nursing Assistant Program by Powell Co-Sponsors: Book](#)

Summary

This bill Requires the Board of Nursing, in consultation with the Agency for Health Care Administration, to develop a program to train and certify family caregivers as certified nursing assistants for a specified purpose. The bill authorizes family caregivers who complete the program to take the nursing assistant competency examination. The bill also provides that caregivers who pass the examination are eligible for certification as a nursing assistant.

Actions

10/07/21 SENATE - Filed
10/13/21 SENATE - Referred to Health Policy; Appropriations Subcommittee on Health and Human Services; Appropriations
12/02/21 SENATE - Favorable by Health Policy; 7 Yeas, 0 Nays
SENATE Now in Appropriations Subcommittee on Health and Human Services

Identical Bills

[HB 0209 Family Caregiver Certified Nursing Assistant Program by Silvers](#)

10/06/21 HOUSE - Now in Finance & Facilities Subcommittee

[HB 987 In-person Visitation by Essential Caregivers by Shoaf CoSponsors: Eskamani, Salzman](#)

Summary

This bill provides that a resident or client of residential facility, developmental disabilities center, direct service provider, nursing home facility, or assisted living facility has the right to designate an essential caregiver for in-person visits. The bill requires APD and AHCA, as applicable, to develop guidelines and adopt rules relating to essential caregivers.

Actions

12/20/21 HOUSE - Filed
01/07/22 HOUSE - Referred to Finance & Facilities Subcommittee; Children, Families & Seniors Subcommittee; Health & Human Services Committee
HOUSE Now in Finance & Facilities Subcommittee
01/27/22 HOUSE - Favorable with CS by Finance & Facilities Subcommittee; 17 Yeas, 0 Nays
02/03/22 HOUSE - Favorable by Children, Families & Seniors Subcommittee; 14 Yeas, 0 Nays
HOUSE Now in Health & Human Services Committee

Compare Bills

[SB 0988 Patient Visitation Rights by Garcia](#)

02/02/22 SENATE - Now in Appropriations

[SB 1724 Designation of Essential Caregivers for In-person Visitations by Harrell](#)

01/12/22 SENATE - Referred to Health Policy; Children, Families, and Elder Affairs; Rules

[SB 1674 - Individual Education Plans by Ausley Co-Sponsors: Rodrigues \(R\)](#)

Summary

This bill requires individual education plans for certain students to contain information and instruction on the legal rights and responsibilities regarding educational decisions which transfer to students at the age of 18. The bill requiring such information to include ways in which a student may provide informed consent to allow his or her parent to continue to participate in his or her educational decisions, etc. Effective Date: 7/1/2022

Actions

01/06/22 SENATE - Filed

01/12/22 SENATE - Referred to Education; Judiciary; Rules

02/03/22 SENATE - On Committee agenda - Education, 02/08/22, 9:00 am, 412 K

02/08/22 SENATE - Favorable by Education; 9 Yeas, 0 Nays

SENATE Now in Judiciary

Identical Bills

[HB 1317 Individual Education Plans by Tant](#)

02/02/22 HOUSE - Now in Civil Justice & Property Rights Subcommittee

CONNECT WITH US

www.fddc.org



(800) 580-7801 (toll free)
(888) 488-8633 (TDD toll free)