



## FROM THE CAPITOL

2022 FDDC CAPITOL UPDATES



### VOLUME 22, ISSUE 7 - March 7

#### The Last Week of the 2022 Legislative Session

The 2022 legislative session is due to end this Friday, March 11. The budget must be completed on Tuesday to allow for the 72-hour “cooling off period” or time to read and digest the budget bill before the legislature votes on it.

The Health and Human Services/Health Care Conference committees completed their work last Thursday and bumped up unresolved issues to the Appropriations Chairs. **The House and Senate have agreed on \$15 hour for direct support workers who provide services for the iBudget and the Agency for Persons with Disabilities (APD)**, but other budget items like funding for the iBudget waitlist and APD employment internships have not been resolved.

In addition to the unresolved budget items, the Appropriations Chairs will work on APD proviso language or language that instructs the state on how to implement the funding that is approved. The Council is educating Legislative leadership on the necessity of getting funding to direct support providers as efficiently and quickly as possible.

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

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#### 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 - Committee Substitute Text (C1) Filed

This bill was heard and passed in one House committee this session

### Similar Bills

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

This bill was not heard in any committee in the Senate

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[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

This bill was not heard in any committee in the Senate

### Identical Bills

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

This bill was not heard in any committee in the House

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[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  
02/24/22 HOUSE - Now in Health Care Appropriations Subcommittee  
03/02/22 HOUSE - Read Third Time; Passed (Vote: 115 Yeas / 0 Nays  
03/04/22 SENATE Withdrawn from Appropriations; Placed on Calendar, on 2nd Reading;  
Substituted for SB 0390; Read Second Time; Read Third Time; Passed (Vote: 38 Yeas / 0  
Nays)  
HOUSE Ordered enrolled  
HOUSE Enrolled Text (ER) Filed

### Identical Bills

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

03/04/22 SENATE - Read Second Time; Substituted for HB 0235; Laid on Table, Refer to  
HB

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#### [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

HOUSE - Placed on Calendar, on 2nd reading

### Identical Bills

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

03/01/22 SENATE Read Second Time; Read Third Time; Passed (Vote: 38 Yeas / 0 Nays)  
03/04/22 HOUSE Placed on Special Order Calendar, 03/07/22

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#### [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

HOUSE - Placed on Calendar, on 2nd reading

### Identical Bills

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

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

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### [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.*

**UPDATE!!** SB 1040 by Senator Brodeur and CS/HB 733 by Representative Plascencia are moving through the process. These bills have been amended and they have changed significantly as follows:

- There is no longer an involvement with ID cards and driver's licenses.
- There is no attachment to DMV and Criminal databases.
- There is a way to get off the list when one turns 18 and is a competent adult.
- The registry is local and participation by a local entity is optional and being on the list is voluntary.
- This bill gives guidelines to local law enforcement that already have an informal list.
- The bill gives law enforcement an avenue to “know their community” especially if training is provided.

**The Council is neutral on this bill with the amendment.**

#### 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

02/24/22 SENATE - Now in Appropriations

SENATE - On Committee agenda - Appropriations, 02/28/22, 10:30 am, 412K

02/28/22 SENATE - Temporarily Postponed by Appropriations

### Identical Bills

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

02/23/22 HOUSE - Temporarily Postponed by 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. **The Council is neutral on this bill with this last amendment.**

### 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

02/24/22 SENATE - Now in Appropriations

SENATE - On Committee agenda - Appropriations, 02/28/22, 10:30 am, 412K - PC S

02/28/22 SENATE Temporarily Postponed by Appropriations

### Identical Bill

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

This bill was not heard in any committee in the House

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#### [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

This bill was not heard in any committee in the Senate

## Identical Bills

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

This bill was not heard in any committee in the House

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

This bill was not heard in any committee in the Senate

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### [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

This bill was heard in one Senate committee

## Identical Bills

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

This bill was not heard in any committee in the House

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

#### Summary

This bill provides that a resident or client of a 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. **The Council supports this bill.**

#### 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

03/03/22 HOUSE - Placed on Calendar, on 2nd reading



## Compare Bills

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

03/04/22 HOUSE - In Messages

### [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

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### [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. **The Council supports this bill.**

#### 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](#)

03/02/22 HOUSE - Read Third Time; Passed (Vote: 114 Yeas / 0 Nays)

SENATE - In Messages

SENATE - Received; Referred to Rules

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### [HB 255C1 Private Instructional Personnel Providing Applied Behavior Analysis Services by Plasencia Cosponsors: Tant, Williams CS Sponsors: Early Learning & Elementary Education Subcommittee](#)

#### Summary

This bill revises the definition of "private instructional personnel" to include certain registered behavior technicians; and requires such technicians to meet specified requirements. **The Council supports this bill.**

#### Actions

03/02/22 HOUSE - Read Third Time; Passed (Vote: 115 Yeas / 0 Nays)

03/04/22 SENATE - Withdrawn from Rules; Placed on Calendar, on 2nd Reading; Substituted for SB 0538; Read Second Time; Read Third Time; Passed (Vote: 37 Yeas / 0 Nays)

HOUSE - Ordered enrolled

HOUSE - Enrolled Text (ER) Filed

#### Similar Bill

### [SB 0538 Private Instructional Personnel Providing Applied Behavior Analysis Services by Hooper](#)

03/04/22 SENATE - Read Second Time; Substituted for HB 0255; Laid on Table, Refer to HB 0255

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## Summary

This bill revises provisions relating to membership of and appointments, and reappointments to Assistive Technology Advisory Council. The bill requires council members to select the chair from among council membership. It also revises provisions relating to committees appointed to perform the council's functions and expands the council's functions to include fundraising activities.

## Actions

03/03/22 HOUSE - Read Second Time; Substituted for SB 0418; Laid on Table, Refer to SB 0418

## Identical Bills

[SB 418 Assistive Technology Advisory Council by Pizzo](#)

03/06/22 SENATE - Enrolled Text (ER) Filed

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