



FROM THE CAPITOL

2022 FDDC CAPITOL UPDATES



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The 2022 Legislative Session is Over!

The 2022 legislative session ended Monday, March 14 at 1:03 pm. The mandated 72-hour “cooling off period” for Florida’s budget ended over the weekend and legislators came back on Monday to vote on it.

The outcome from the Council’s **Pay Fair for My Care Campaign** was positive. The legislature agreed on **\$15.00 per hour for direct support workers who provide services for the iBudget waiver and the Agency for Persons with Disabilities (APD).**

Provisional language in the budget states that the amount of \$160,022,783 from the state’s General Revenue Fund and \$242,964,830 from federal matching funds were appropriated for the Agency for Persons with Disabilities (APD) to adjust fee for service rates at the annual rate setting date for the sole purpose of raising wages of direct care employees of Medicaid providers including 1099 employees who provide services under the Florida Medicaid Program to at least \$15.00 per hour. This comes to a total of **\$402,987,613.**

The language that the legislature used to ensure where the funding will go was unusually strong. It stated that APD shall enter into a supplemental wage agreement with each provider to include this minimum wage requirement to ensure compliance. The agreement must require the provider to agree to pay each of its employees at least \$15.00 per hour. The agreement shall include an attestation under penalty of perjury stating that every employee of the provider, as of October 1, 2022, will be paid at least \$15.00 per hour. Further, the language in the APD budget states that beginning January 1, 2023, a direct service provider not receiving a wage of at least \$15.00 per hour may bring a civil action in a court of competent jurisdiction against his or her provider and, upon prevailing, shall recover the full amount of any back wages unlawfully withheld plus the same amount as liquidated damages, and shall be awarded reasonable attorney’s fees and costs.

Specific positions to be funded at \$15.00 per hour in the iBudget waiver are as follows.

- Residential Habilitation
- Adult Day Training
- Supported Employment
- Personal Supports
- Life Skills Development Level 3
- Life Skills Development Level 2
- Life Skills Development Level 1
- Behavior Assistant Services
- Respite

Other budget items in the APD Budget include the following.

\$59,615,290 to transition about 1100 individuals off the waitlist

From the General Revenue Fund, \$23,666,667 were appropriated along with \$35,948,623 from Federal matching funds to expand the Home- and Community-Based Services Waiver by removing the greatest number of individuals permissible (roughly 1100 individuals) under the additional funding from the waiting list.

\$8,500,000 will be available to qualified dental service providers who apply for grants to serve individuals with intellectual and developmental disabilities.

See outcomes for bills below that we were 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 supported this bill.**

This bill died in the Committee process.

Similar Bills

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

This bill died in the Committee process.

[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 supported this bill.**

This bill died in the Committee process.

Identical Bills

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

This bill died in the Committee process.

[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 supported this bill.**

This bill passed!

Identical Bills

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

This bill passed as HB 235!

[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 supported this bill.**

This bill passed as SB 236!

Identical Bills

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

This bill passed!

[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 supported this bill.**

Died on the Calendar.

Identical Bills

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

This bill died in the Committee process.

[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 was neutral on this bill with the amendment.

This bill died in Appropriations.

Identical Bills

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

This bill died 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. **The Council was neutral on this bill with this last amendment.**

This bill died in Appropriations.

Identical Bill

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

Died in the Committee process.

[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. **The Council supported this bill.**

This bill died.

Identical Bills

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

This bill died.

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

This bill died.

[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. **The Council supported this bill.**

This bill died in the Committee process.

Identical Bills

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

This bill died in the Committee process.

[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 supported this bill.**

This bill passed as SB 988!

Compare Bills

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

This bill passed!

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

This bill died.

[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 supported this bill.**

This bill died in the Committee process.

Identical Bills

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

This bill died in Messages.

[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 supported this bill.**

This bill passed!

Similar Bill

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

This bill passed as HB 255!

[HB 55 Assistive Technology Advisory Council by Salzman, Tant Cosponsors: Alexander, Arrington, Borrero, Casello, Eskamani, Geller, Gottlieb, Hunschofsky, Morales](#)

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.

This bill passed as SB 418.

Identical Bills

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

This bill passed.

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