

FROM THE CAPITOL



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Transportation Services for Persons with Disabilities and the Transportation Disadvantaged

[HB 1673 by Busatta Cabrera](#) and [SB 1380 by Hutson](#) address transportation services for persons with disabilities and changes to the Transportation Disadvantaged Commission.

Florida law defines the term “transportation disadvantaged” as those who, because of physical or mental disability, income status, or age, are unable to transport themselves or to purchase transportation and are, therefore, dependent upon others to obtain access to health care, employment, education, shopping, social activities, or other life-sustaining activities, or children who are handicapped or high-risk. In 1989, the Legislature created the Commission for Transportation Disadvantaged within the Florida Department of Transportation (FDOT) to accomplish the coordination of transportation services provided to the transportation disadvantaged.

The bill amends the Commission’s membership such that it will consist of 14 members, rather than seven members, appointed by the Governor as follows:

- The Director of the Agency for Persons with Disabilities.
- The Secretary of Transportation or his or her designee from within the Department of

- Transportation.
- The Secretary of Children and Families or his or her designee from within the Department of Children and Families.
- The Secretary of Elder Affairs.
- The State Surgeon General or his or her designee from within the Department of Health.
- Two county managers or administrators, one from a rural county and one from a county with a population of more than 150,000 according to the last state census.
- The chief executive officer or president of a hospital in this state.
- The Director of the Division of Blind Services.
- Five members who have experience in transit, transportation services, innovative technology, government procurement, mobility, or service of persons with disabilities or who have disabilities and use transportation for the transportation disadvantaged.

The bill updates the Commission's duties and requires the Commission to provide best practices, the latest technology innovations, and preferential vendor lists to county transportation disadvantaged program managers. Other requirements include an annual review and performance audit of each coordinator contract and transportation operator contract in each county. The bill would require a system for the filing, receipt, and resolution of complaints regarding the transportation disadvantaged system. Another important requirement would be to ensure that drivers of motor vehicles used to provide paratransit service attend training programs delivered by the Agency for Persons with Disabilities (APD).

The bill also provides requirements for transportation service providers who provide paratransit services to individuals with disabilities. Such requirements include providing training for drivers, providing ride booking and tracking services, and establishing reasonable time periods between a request for service and the arrival of the transportation service provider at the location specified in a request. Transparency regarding the quality of the paratransit service provided would be established in an efficient system for the reporting of adverse incidents. The APD, in collaboration with FDOT, must establish requirements for the investigation of adverse incidents reported.

These bills are moving through the committee system. The Council supports this proposed legislation.

Clarification/Correction to the 2/16/2024 Capitol Update

Representative Tant and Senator Simon's companion bills for supported decision-making authority in Florida, HB 73 and SB 446 respectively, passed the House on February 15, 2024, and still have a final passage in the Senate. Senator Simon's office expects the bill to pass through the Senate soon. Then, the bill is on the way to the Governor's desk for his signature.

Below are bills the Council is supporting or tracking. Keep in mind that bills usually must pass through three or four committees before getting to the House or Senate chambers. Once in a chamber, bills are read three times before final passage and then sent to the other chamber for acceptance to end up with one bill to send to the Governor.

Please click on bill links to track a bill's full journey through the process to date.

Important Bills to Watch

[HB 73 - Supported Decision-Making Authority by Tant](#)

Summary

This bill requires the court to consider the needs and abilities of persons with a developmental disability when determining whether to appoint a guardian advocate or a guardian. The bill creates a new type of power of attorney, termed a supported decision-making agreement (SDM agreement). The "supporter" in an SDM agreement would provide information, recommendations, and assistance to the eligible individual in making decisions and exercising his or her rights, but the supporter does not have any authority to make any binding decisions for or on behalf of the individual. The SDM agreement limits the supporter's authority to only be able to obtain information on behalf of the principal, and assist the principal in communicating with third parties, including conveying the principal's communications, decisions, and directions to third parties on behalf of the principal.

When capacity is in question, HB 73 also permits the examining committee, which determines incapacity, to allow a person to assist with communication with the individual with a disability when requested by the court-appointed counsel for the alleged incapacitated person.

The final order addressing the level of guardianship or decision-making option selected must address why a less restrictive level of care was not selected instead of a more restrictive choice.

The bill adds SDM agreements to the list of alternative methods for parental involvement in educational decision-making which an IEP team must share with the parent during the process of developing a transition plan for a student with a disability. **This bill passed the House and will be on the way to final passage in the Senate soon! The Council is supporting this bill.**

Identical Bill

[SB 0446 - Supported Decision-Making Authority by Simon](#)

[SB 212 - Medicaid Buy-In by Gruters](#)

Summary

This bill would require the Agency for Health Care Administration to establish and implement a Medicaid buy-in program for individuals with disabilities who are 18 to 64 years of age and whose incomes exceed the maximum income eligibility level for initial enrollment to obtain coverage for medical assistance under the Medicaid program. The Medicaid buy-in program must provide full Medicaid benefits to eligible individuals and limit any premiums or cost-sharing to a certain percentage of an individual's income, as determined by the agency and requires the agency to seek federal waiver approval or submit any necessary state plan amendments by October 2024. **The Council supported**

this bill; however, it appears to have died for this session with the withdrawal of HB 567.

Similar Bill

[HB 0567 - Medicaid Expansion through Medicaid Buy-in Program by Joseph](#)
Withdrawn

[HB 313 - Transparency for Autism-Related Services by Plascencia](#)

Summary

The bill defines “manifests” and “onset” to mean the display or disclosure of characteristic signs or symptoms of an illness for use in determining Autism Spectrum Disorders and eligibility in general for the iBudget waiver. The bill would direct the agency or its designee to notify each applicant, in writing, of its individualized eligibility determination, including any specific criteria the applicant has not met from the agency's eligibility criteria described in rule. **This bill has not been heard in a House committee and has been through two Senate committees. The Council is supporting this bill.**

Identical Bill

[SB 0550 - Transparency for Autism-Related Services by Rouson](#)

[SB 794 - Medicaid Managed Care Plan Performance Metrics by Harrell](#)

Summary

The bill would require Medicaid-managed care plans to submit performance metrics monthly to the Agency for Health Care Administration. The bill would also require the agency to contract to develop and display on its public website a dashboard containing these monthly performance metrics, and the bill would require the agency to create a quarterly report on the metrics obtained. **This bill has not been heard by the Senate and the House bill has gone through two committees. The Council is supporting this bill.**

Similar Bill

[HB 783-Medicaid Managed Care Performance Metrics by Berfield](#)

[HB 77 - Recovery of Damages in Claims for Medical Negligence by Roach](#)

Summary

This bill removes a provision that prohibits parents of an adult child from recovering damages in medical negligence suits. For example, some parents of children with disabilities have lost children to death through possible medical negligence and the law currently offers no ability for parents to seek damages for their adult children even if they have disabilities. In addition to removing this provision, SB 446 and HB 129 add that damages can be sought for medical negligence of a resident living in a facility. SB 248 adds that such recoveries are contingent upon certain findings or determinations by the Agency for Health Care Administration or the Department of Health. **The only bill that has been heard on this subject is SB248 in one committee. The Council is tracking these bills.**

Identical Bills

[SB 0310 - Recovery of Damages in Claims for Medical Negligence by Martin](#)

Similar Bills

[HB 0129 - Damages Recoverable in Wrongful Death Actions by Lopez \(J\)](#)

[SB 0248 - Medical Negligence by Yarborough](#)

[SB 0442 - Damages Recoverable in Wrongful Death Actions by Book](#)

[HB 341 - Designation of a Diagnosis on Motor Vehicle Registrations by Salzman](#)

Summary

This bill authorizes motor vehicle owners or registrants to designate on his or her application form for motor vehicle registration that he or she has been diagnosed with, or is the parent or legal guardian of child or ward who has been diagnosed with, a developmental disability or psychiatric disorder and authorizes removal of such designation upon request. **The House bill is through all House committees and the Senate bill has one more committee. The Council is tracking this bill.**

Identical Bills

[SB 0288 - Designation of a Certain Diagnosis on Motor Vehicle Registrations by Rodriguez](#)

[SB 1758 - Home- and Community-Based Services Medicaid Waiver Program by Brodeur](#)

Summary

This bill requires the Agency for Persons with Disabilities (APD) to develop and implement an automated, electronic application process for crisis services and therefore deleting the requirement that application for services be made to the agency in the region in which the applicant resides. The bill specifies that applicants meeting crisis criteria are deemed to be in crisis regardless of the applicant's age. The bill requires the agency to make eligibility determination in a specified amount of time for clients in crisis. The bill also requires APD to educate new waiver recipients about the Consumer Directed Care Plus waiver. SB 1758 also includes the following provisions. First, the bill reduces the age requirement of a client's caregiver in Pre-Enrollment Category 4 from 70 years of age to 60 years of age or older. This will allow a higher number of individuals to be included in Category 4 of the pre-enrollment prioritization list. Second, \$16,562,703 in recurring funds from the General Revenue fund and \$22,289,520 in recurring funds from the Operations and Maintenance Trust Fund are appropriated to the APD in the Home- and Community-Based Services Waiver category. These funds are appropriated to offer waiver services to the greatest number of individuals permissible under the appropriation from Pre-Enrollment Categories 3, 4, and 5, including individuals whose caregivers are age 60 or older in Category 4. **This bill has passed through all committees and the Senate Floor. The Senate is waiting for the House to concur or match it with their identical bill (HB 1271). The**

Council is supporting this bill.

Identical Bill

[HB 1271 - Individuals with Disabilities by Buchanan](#)

Similar Bills

[HB 1047 - Home-and Community-Based Services Medicaid Waiver Program by Melo](#)

[SB 1170 - Home- and Community-Based Services Medicaid Waiver Program by Bradley](#)

[HB 829 - Autism Spectrum Disorder Training for Law Enforcement Officers by Stark](#)

Summary

This bill provides requirements for training officers for interacting with individuals with autism spectrum disorder. The bill requires the Criminal Justice Standards and Training Commission to adopt rules requiring such training as part of continued employment training for officers. **This bill has one more committee in the Senate and two more in the House. The Council is supporting this bill.**

Similar Bill

[SB 0864 - Autism Spectrum Disorder Training for Law Enforcement and Correctional Officers by Collins](#)

[HB 439 - Corporal Punishment Bill by Waldron](#)

Summary

This bill requires charter schools to comply with corporal punishment laws and removes provisions authorizing teachers to administer corporal punishment. The bill provides duties and responsibilities for principals relating to corporal punishment. The bill requires notification be provided to parents and prohibits the use of corporal punishment on students with an Individual Education Plan, 504 plan, Exceptional students as defined in s. 1003.01(9), homeless students and students in alternative schools. Finally, the bill specifies reporting requirements. **This bill passed one committee and has not been heard in the Senate. The Council is supporting this bill.**

Identical Bill

[SB 1318 - Corporal Punishment by Thompson](#)

[SB 1578 - Student Elopement by Torres, Jr.](#)

Summary

The bill requires public schools to create a School Staff Assistance for Emergencies (SAFE) Team and a school elopement plan. The bill specifies the membership and responsibilities of the SAFE Team. The bill would require the SAFE Team to create student-specific elopement quick reference guides for certain students and requires public schools to annually submit their plans to the district school board. **This bill has not been heard in any committees.**

The Council is supporting this bill.

Identical Bill

[HB 1395 - Student Elopement by Eskamani](#)

[SB 832 - Employment of Individuals with Disabilities by Calatayud](#)

Summary

This bill requires the collection and sharing of data between multiple agencies for the interagency cooperative agreement under the Employment First Act and requires the Office of Reimagining Education and Career Help to issue an annual statewide report by a specified date each year.

This bill is important to the Council, because we initiated the Employment First Act. **This bill is important to the Council because we initiated the Employment First Act. This bill has passed through all House and Senate Committees. The Council is supporting this bill.**

Identical Bill

[HB 1137 - Employment of Individuals with Disabilities by Redondo](#)

[HB 43 - Medicaid Behavioral Health Provider Performance by Silvers](#)

[CoSponsors: Bartleman, Lopez \(J\), Tant, Waldron, Williams CS](#)

[Sponsors: Select Committee on Health Innovation](#)

Summary

This bill adds revisions to the Agency for Health Care Administration's (AHCA's) quality selection criteria for Medicaid program provider service networks to include behavioral health care providers. The bill would require AHCA to establish provider network standards for behavioral health providers in Medicaid programs and require AHCA to establish outcome performance goals related to behavioral health. The bill also revises requirements for quality measures for managed care plans. **This bill has been heard in two committees in the House and none in the Senate. The Council is supporting this bill.**

Similar Bill

[SB 1280 - Medicaid Behavioral Health Provider Performance by Davis](#)

[SB 330 - Behavioral Health Teaching Hospitals by Boyd CoSponsors: Rouson CS Sponsors: Appropriations Committee on Health and Human Services](#)

Summary

This bill creates part VI of Chapter 395, Florida Statutes, entitled "Behavioral Health Teaching Hospitals"; The bill has definitions for the terms "agency" and "behavioral health teaching hospital". The bill contains criteria that a hospital must meet to receive designation as a behavioral health teaching hospital.

This bill has been heard in one committee in the Senate and is set to be heard in one committee in the House. The Council is supporting this bill.

Compare Bills

[HB 1673 - Transportation Services for Persons with Disabilities and the Transportation Disadvantaged by Busatta Cabrera CS Sponsors: Transportation & Modals Subcommittee](#)

Summary

This bill contains revisions for the membership and duties of the Commission for Transportation Disadvantaged. The bill includes responsibilities of transportation service providers with respect to driver training, installation of video camera monitoring systems, and technology-based services. The bill requires provider and local government to establish standards relating to reasonable time periods between request for service and arrival of provider, limitation of duration of travel times, transparency regarding quality of service provided, and system for reporting adverse incidents and reporting them to APD. The bill requires APD and DOT to establish requirements for investigation of adverse incidents. **The House version has passed two committees and the Senate bill has passed one committee. The Council is supporting this bill.**

Identical Bills

[SB 1380-Transportation Services for Persons with Disabilities and the Transportation Disadvantaged by Hutson](#)

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