

# FROM THE CAPITOL



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**2024  
FDDC CAPITOL UPDATES**



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## March 11, 2024, Volume 24, Issue 9

### The 2024 Legislative Session is Finished!

The Florida legislative session was completed last Friday. In the distant past, handkerchiefs were dropped by the Sergeant of Arms of the House and the Senate at the same time with witnesses to signify the end of session. Today this tradition continues, even with modern communication: sine die (which means with reference to business that has been adjourned and with no appointed date for resumption) and the ceremonial dropping of the handkerchiefs marked the end of a very positive legislative session for individuals with developmental disabilities and their families. There were more than a few bills that passed with language written to benefit individuals with developmental disabilities and one of the biggest financial investments for individuals with developmental disabilities that we have seen in the past decade.

We will start with detailed highlights from the final budget below. The House bill [HB 5001](#) is the Budget bill number this year.

**1) Dually Diagnosed Program** (mobile treatment for individuals with both a mental illness and a developmental disability). The total of **\$6,535,730** includes the nonrecurring sum of \$3,267,865 from the General Revenue Fund and \$3,267,865 from the Operations and Maintenance Trust Fund (federal match) and is provided for the Agency of Persons with Disabilities to contract for the

provision of a Dually Diagnosed Pilot Program in Broward, Orange, Hillsborough, and Leon counties, to support individuals who are dually diagnosed with mental health and developmental disabilities. The agency shall submit a pilot program status report to the Executive Office of the Governor's Office of Policy and Budget, the chair of the Senate Committee on Appropriations, and the chair of the House of Representatives Appropriations Committee by December 31, 2024. The status report must include, but is not limited to, the number of clients served, number of individuals who avoided crisis stabilization unit (CSU) admissions when the mobile response team (MRT) was initiated, length of a CSU stay for individuals seen by the MRT, placement after a CSU stay, number of training sessions provided, number of unique individuals that attended a training, and the number of unique sessions each individual attended.

**2) Individuals with Developmental Disabilities Pilot Program (the Miami-Dade and Hillsborough area managed care pilot from last year's legislative session).** The total of **\$38,378,534** is made up of \$16,360,769 in recurring general revenue and \$22,017,765 from the medical care trust fund (federal match). The funds are provided to the Agency for Health Care Administration to support capitation payments for individuals enrolled in the pilot program for individuals with developmental disabilities pursuant to s. 409.9855, Florida Statutes. The Agency for Persons with Disabilities shall determine eligibility for enrollment in the pilot. Funds are provided to support the enrollment of individuals in Region I (Miami-Dade and Monroe counties) and Region D (Hillsborough, Manatee, Highlands, Hardee, and Polk counties) who are currently on the waiting list for Home- and Community-Based Waiver services at the Agency for Persons with Disabilities who voluntarily elect to participate in the pilot program. The agency shall develop rate cells and a risk-adjusted capitation rate that blends funding for comprehensive services coverage including general Medicaid health benefits, the community services described in the iBudget waiver, and the long-term care plan benefits from the waiver for seniors served by Elder Affairs. The blended rate shall be used as the basis for reimbursement to one or more qualified long-term care plans to provide coverage for comprehensive services.

**3) iConnect System (APD's IT system).** The total of **\$3,761,926** includes \$1,880,963 in nonrecurring funds from the General Revenue Fund and \$1,880,962 in nonrecurring funds from the Operations and Maintenance Trust Fund (federal match). These funds are provided to the Agency for Persons with Disabilities to continue implementation and enhancement of the iConnect system for the purpose of providing electronic visit verification of service delivery to recipients by providers, and electronic service authorizations for Developmental Disabilities Medicaid Waiver services. Of these funds, \$500,000 in nonrecurring funds from the General Revenue Fund and \$500,000 in nonrecurring funds from the Operations and Maintenance Trust Fund shall be used to contract with an independent software quality assurance and testing provider to engage with stakeholders and provide an assessment of the iConnect project by March 1, 2025. The contract shall require that all deliverables be simultaneously provided to the agency, the Executive Office of the Governor's Office of Policy and Budget, the chair of the Senate Committee on Appropriations, and the chair of the House of Representatives Appropriations Committee. The agency, at a minimum, shall continue to provide enhanced technical assistance and host feedback and listening sessions with service providers to plan for future system enhancements. The

agency shall not begin compliance monitoring or recoupment of funds during the fiscal year. The agency shall submit quarterly project status reports to the Executive Office of the Governor's Office of Policy and Budget, the chair of the Senate Committee on Appropriations, and the chair of the House of Representatives Appropriations Committee within 30 days after the last business day of the preceding quarter.

**4) Adult Pathways Waiver (planning and actuarial study for a capitated waiver option).** The total of **\$300,000** includes \$150,000 in nonrecurring funds from the General Revenue Fund and \$150,000 in nonrecurring funds from the Operations and Maintenance Trust Fund (federal match) are provided for the Agency for Persons with Disabilities to conduct an actuarial analysis to determine the appropriate annual per person cap for an Adult Pathways Waiver that would offer a limited array of services to help address intermediate levels of need for individuals as they transition to adulthood. The agency shall submit the results of the actuarial analysis to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than December 31, 2024.

**5) Pre-Enrollment (crisis waitlist) to iBudget waiver.** The total of **\$64,782,137** includes \$27,616,625 in recurring funds from the General Revenue Fund and \$37,165,512 in recurring funds from the Operations and Maintenance Trust Fund (federal match) are provided to expand the Home- and Community-Based Services Waiver by removing the greatest number of individuals permissible under the additional funding from the waiting list.

**6) Inclusion of siblings who can come off the waitlist this year.** The total of **\$16,889,514** that includes \$7,200,000 from the General Revenue Fund and \$9,689,514 from the Operations and Maintenance Trust Fund (federal match) is provided to the Agency for Persons with Disabilities to expand the Home- and Community-Based Services Waiver by providing services to the greatest number of individuals permissible under the appropriation from pre-enrollment category 6 who have a sibling in pre-enrollment category 3, category 4, category 5, or category 6.

**7) Dental services for individuals with developmental disabilities.** A total of **\$11,500,000** for dental services. In the event the Agency for Persons with Disabilities is unable to competitively procure a contract with a nonprofit organization for a statewide dental services program for those with developmental disabilities, funds shall be used by the agency to administer the program until such a contract can be executed.

**8) The 10% universal rate increase for all iBudget waiver providers passed in SB 7016, the Live Healthy bill.** The sum of **\$195,768,884** that includes the sums of \$83,456,275 in recurring funds from the General Revenue Fund and \$112,312,609 in recurring funds from the Operations and Maintenance Trust Fund (federal match) are appropriated in the Home- and Community- Based Services Waiver category to the Agency for Persons with Disabilities to provide a uniform iBudget Waiver provider rate increase.

**9) SB 1758 also includes the following budget 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, a total of **\$38,852,223** that includes \$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 (federal match) 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.**

**Below are bills the Council supported or tracked. 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.**

**When the Governor receives a bill, he can sign it, let it become law without his signature or veto the bill. The Legislature can overturn a veto the next time they meet by two-thirds vote of both chambers.**

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

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## **Important Bills to Watch**

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

#### **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 and is on the way to the Governor for his approval!! The Council supported this bill.**

## Identical Bill

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

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### [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 died for this session with the withdrawal of HB 567.**

#### Similar Bill

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

Withdrawn

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

#### Identical Bill

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

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

#### Similar Bill

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

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## [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. **These bills died. The Council tracked 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](#)

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

### **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. **This bill passed and is on the way to the Governor for his approval!! The Council tracked this bill.**

### **Identical Bills**

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

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

### **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 passed and is on the way to the Governor for his approval!! The Council supported 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](#)

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[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 died. The Council supported this bill.**

#### **Similar Bill**

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

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[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 died. The Council supported this bill.**

#### **Identical Bill**

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

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## [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](#)

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

### 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 passed and is on the way to the Governor for his approval!! The Council supported this bill.**

### Identical Bill

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

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## [HB 43 - Medicaid Behavioral Health Provider Performance by Silvers Co-Sponsors: 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 died. The Council supported this bill.**

### Similar Bill

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

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



## 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 passed and is on the way to the Governor for his approval!! The Council supported this bill.**

## Compare Bills

[HB 1617- Behavioral Health Teaching Hospitals by Garrison](#)

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

## 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. **This bill passed and is on the way to the Governor for his approval!! The Council supported this bill.**

## Identical Bills

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

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