



FROM THE CAPITOL

2021 FDDC CAPITOL UPDATES



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The 2021 Legislative Session has Begun!

This year the Florida Developmental Disabilities Council will prioritize the preservation of Florida's Medicaid Home and Community Based Services (HCBS) waiver for individuals with intellectual and developmental disabilities. This waiver is referred to as the iBudget waiver, which features the provision that each person's plan of service is individualized to their unique needs.

In 2020, the Florida legislature passed a generous funding package for the iBudget waiver in the Agency for Persons with Disabilities (APD) budget and decided against many managed care options to try to reduce costs in the implementation of the iBudget.

While the budget added funding to cover deficit spending increases to utilization and funding to transition people off the iBudget waiting list, the increases in provider rates for direct care workers were vetoed by the Governor.

The Governor was forced to make many vetoes to the state budget due to the COVID-19 Pandemic and its impact on reducing tourism to the state, which in turn decreased state revenue. This next session budget estimates indicate a dramatic decrease in state revenue that will force lawmakers to look for further cuts to the state budget.

The state has maintained a large multi-billion savings and has also received \$12 billion dollars in federal aid from the CARES Act. Advocates will be working to make sure that vulnerable individuals who rely on the iBudget waiver will not have to endure cuts to their services.

The Council will educate [Senate](#) and [House](#) lawmakers on the following recommendations:

- At a minimum, the iBudget must be maintained with the same funding as last year.
- The Council supports yearly increases in utilization that accurately reflect the additional needs of individuals on the iBudget waiver. Service utilization management is a crucial way to predict and contain costs. Currently, the need for more services of existing waiver recipients is the largest reason for a perceived deficit. The biggest reasons for increased service needs are due to aging caregivers, aging waiver recipients, and graduates from high school.
- The yearly budget for the waiver should include a regular reduction of the iBudget Waitlist. The Council recommends that at least 10% of the number of individuals on the waitlist be transitioned off the list each year.

- The Council supports increasing provider rates for all iBudget services included under Personal Supports.
- The Council recommends steering clear of for-profit managed care. The iBudget recipients have unique long-term care needs that are not compatible with managed care companies that work with acute health care needs. Few states have used managed care for individuals with intellectual and developmental disabilities, so there is little data from which to assess outcomes and determine quality.

Go to iBudgetWaiver.com for more information and resources in Easy Read and Spanish versions

Important Bills to Watch

[HB 681 Supported Decision-making by Tant](#)

Summary

This bill revises provisions of law relating to guardianship and alternatives to guardianship. The bill creates a process for supported decision-making (SDM), including providing requirements for court, guardian petition, supported decision-making agreement, decisionmaker and supporter, and educational agencies. Parents of children with disabilities are often told they need to seek guardianship as soon as their child turns 18. Florida law states that you cannot put someone under guardianship if there is a “less restrictive” alternative, but the law does not offer a meaningful alternative. This proposed legislation would list alternatives to guardianship in Florida Statute, including SDM and ensure judges have the information they need to protect people with disabilities. The bill would require anyone trying to put another person under guardianship or guardian advocacy to show why an alternative, including SDM, will not work. Effective Date: July 1, 2021. **The Council is supporting this proposed legislation.**

Actions

02/02/21 HOUSE - Filed.

02/18/21 HOUSE - Referred to Children, Families & Seniors Subcommittee; Civil Justice & Property Rights Subcommittee; Health & Human Services Committee.

HOUSE - Now in Children, Families & Seniors Subcommittee.

Similar Bills

[SB 1010 Supported Decision Making by Gruters](#)

02/10/21 SENATE - Referred to Children, Families, and Elder Affairs; Appropriations; Rules.

[SB 184 - Purple Alert by Berman and CS Sponsors: Transportation](#)

Summary

This bill requires the Department of Law Enforcement, in cooperation with the Department of Transportation, the Department of Highway Safety and Motor Vehicles, the Department of the Lottery, and local law enforcement agencies, to establish and implement the Purple Alert; requiring the local law enforcement agency having jurisdiction to notify media and alert subscribers if a Purple Alert is determined to be necessary and appropriate. The bill provides that the Department of Law Enforcement, as the Purple Alert coordinator, and certain agencies, employees, individuals, and entities are immune from civil liability for damages when performing certain actions in good faith. This bill is another avenue to prevent drowning and other accidents that can happen when someone with verified cognitive challenges and history wanders from their home. Effective Date: Except as otherwise expressly provided in this act and except for this section, which shall take effect July 1, 2021, this act shall take effect July 1, 2022. **The Council is supporting this**

proposed legislation.

Actions

12/04/20 SENATE - Filed.

12/15/20 SENATE - Referred to Transportation; Children, Families, and Elder Affairs; Appropriations.

02/02/21 SENATE - Favorable with CS by Transportation; 7 Yeas, 0 Nays.

02/03/21 SENATE - Committee Substitute Text (C1) Filed.

SENATE - Now in Children, Families, and Elder Affairs.

02/16/21 SENATE - Favorable by Children, Families, and Elder Affairs; 8 Yeas, Nays.

SENATE - Now in Appropriations.

Similar Bills

[HB 0079 Purple Alert by Casello](#)

02/17/21 HOUSE - Now in Appropriations Committee.

[HB 173 - Individual Education Plan Requirements for Students with Disabilities by Tant CoSponsors: Arrington, Bartleman, Benjamin, Daley, Eskamani, Grieco, Hunschofsky, Morales, Woodson](#)

Summary

This bill revises the timeline for development and implementation of a student's individual education plan (IEP) for transition services for student with disabilities to postsecondary education and career opportunities. The bill proposes an earlier timeline to assure that a path has been started before high school. Another part of the bill provides for clarity regarding a component that the Council thinks it is critical to help parents of children with disabilities understand what graduating at age 18 with a standard diploma means. Students often lose access to three years of services they would otherwise be entitled to receive if they **do not** defer graduation. Also, there are programs that are available only to students who **do** graduate at age 18. Parents and their children need to understand the differences. Effective Date: July 1, 2021. **The Council is supporting this bill.**

Actions

01/06/21 HOUSE - Filed.

01/20/21 HOUSE - Referred to Secondary Education & Career Development Subcommittee; PreK-12 Appropriations Subcommittee; Education & Employment Committee.

HOUSE - Now in Secondary Education & Career Development Subcommittee.

Similar Bills

[SB 0726 Individual Education Plan Requirements for Students with Disabilities by Taddeo](#)

03/04/21 SENATE - On Committee agenda - Education, 03/09/21, 3:30 pm, 412K.

[SB 1150 Low-Income Home Accessibility Program by Harrell](#)

Summary

The bill would establish the Low-Income Home Accessibility Program within the Florida Housing Finance Corporation (FHFC). The bill requires the FHFC to work with the Centers for Independent Living, to determine further eligibility requirements and adopt and revise policies and procedures governing the operation of the program. The bill requires that funds appropriated to the FHFC for the program be deposited in the State Housing Trust Fund. This program would provide funding and services to help individuals with disabilities

live independently with accommodations to their living situation for wheelchairs, ramps and other adaptive modifications and services. Effective Date: 7/1/2021. **The Council is supporting this bill.**

Actions

02/09/21 SENATE - Filed.

02/18/21 SENATE - Referred to Community Affairs; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Appropriations.

Similar Bills

[HB 1543 Low-income Home Accessibility Program by Koster](#)

03/05/21 HOUSE Now in Local Administration & Veterans Affairs Subcommittee.

[SB 192 - Students with Disabilities in Public Schools by Book CoSponsors: Rodrigues \(R\)](#)

Summary

This bill requires school districts to prohibit the use of seclusion on students with disabilities in public schools and requires school districts to adopt positive behavior interventions and supports. The bill creates the Video Cameras in Public School Classrooms Pilot Program and requires continuing education and in-service training for instructional personnel teaching students with emotional or behavioral disabilities. Effective Date: 7/1/2021. **The Council will only support this bill if it prohibits the use of mechanical restraints that are not prescribed by a doctor. Currently, the bill endorses the use of handcuffs, straight jackets, zip ties and tie-downs as long as they do not restrict blood circulation and breathing.**

Actions

12/07/20 SENATE - Filed.

12/15/20 SENATE - Referred to Education; Appropriations Subcommittee on Education; Appropriations.

Similar Bills

[HB 0149 Students with Disabilities in Public Schools by DuBose](#)

03/03/21 HOUSE - Favorable with CS by Early Learning & Elementary Education Subcommittee; 16 Yeas, 0 Nays.

03/04/21 HOUSE - Committee Substitute Text (C1) Filed.

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