



## FROM THE CAPITOL

2021 FDDC CAPITOL UPDATES



### VOLUME 21, ISSUE 5 - April 13

#### It is Time to Act to Preserve the iBudget Waiver!

It is almost Budget Conference time! This is the time of the legislative session when the House and the Senate allocate money to their appropriations subcommittees. The House and the Senate subcommittees each meet as one group to decide on one budget. There are resource materials at [iBudgetWaiver.com](http://iBudgetWaiver.com) for information in Easy Read and Spanish versions that the Florida Developmental Disabilities Council will use to educate these health related appropriations lawmakers in the [Senate](#) and [House](#) with these recommendations:

- At a minimum, the iBudget must be maintained with the same funding as last year. ***The Governor and the House are holding this position.***
- The Council supports yearly increases in utilization that accurately reflect the additional needs of individuals on the iBudget waiver. The biggest reasons for increased service needs are due to aging caregivers, aging waiver recipients, and graduates from high school. ***None of the budgets address this issue so far.***
- 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 Governor and the House are recommending that only 300 individuals in crisis come off the waiting list this year. The Council is urging lawmakers to do better than that number.***
- The Council supports increasing provider rates for all iBudget services included under Personal Supports. Currently the turnover rate for Personal Support providers is 51%. Advocates are hoping rate increases will help them stay in these positions. ***Last year the Governor had to veto these rate increases. The Council will ask lawmakers to restore them!***
- The Employment Enhancement program has historically been funding for supported employment and internships for those on the waitlist who qualify. ***This year there is no funding in any budget for this program. The Council is asking for \$500,000 for these employment services.***

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#### 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.

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#### **[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.

04/12/21 SENATE - on Committee agenda - Appropriations, 004/15/21, 9:00 a.m., 412 K.

### Similar Bills

#### [HB 0079 - Purple Alert by Casello](#)

03/24/21 HOUSE - Favorable with CS by Judiciary Committee; 17 Yeas, 0 Nays.

*HOUSE - Committee Substitute Text (C2) Filed.*

03/26/21 HOUSE - Placed on Calendar, on 2nd reading.

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#### [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.

03/12/21 HOUSE - Favorable with CS by Secondary Education & Career Development Subcommittee; 17 Yeas, 0 Nays.  
*HOUSE Committee Substitute Text (C1) Filed.*

03/16/21 HOUSE - **Reference to PreK-12 Appropriations Subcommittee removed;** Remaining reference: Education & Employment Committee.

03/24/21 HOUSE - Favorable with CS by Education & Employment Committee; 21 Yeas, 0 Nays.

03/25/21 HOUSE - Committee Substitute Text (C2) Filed.

03/29/21 HOUSE - Placed on Calendar, on 2nd reading.

### Similar Bills

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

03/17/21 SENATE - Subcommittee on Education; 8 Yeas, 0 Nays.

03/18/21 SENATE - Now in Appropriations.

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## [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.

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## [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.

03/23/21 SENATE - Favorable with CS by Education; 9 Yeas, 0 Nays.

03/25/21 SENATE - Committee Substitute Text (C1) Filed.

04/08/21 SENATE - Subcommittee Recommendation: Favorable by Appropriations Subcommittee on Education; 8 Yeas, 0 Nays.

04/09/21 SENATE - Now in Appropriations.

### Similar Bills

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

04/08/21 HOUSE - Placed on Special Order Calendar, 04/13/21.

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**[SB 714 - Resource Information for Individuals with Disabilities by Taddeo CS](#)  
[Sponsors: Children, Families, and Elder Affairs](#)**

**Summary**

This bill requires the Agency for Persons with Disabilities to provide specified written information to persons applying for iBudget waiver services, whether they are accepted, rejected or on the waitlist. Information includes state and local resources that will help individuals with disabilities and their families find out what is available to them especially around training and employment services. The resources do not guarantee admission into these programs. Effective Date: 7/1/2021. **The Council is neutral on this bill.**

**Actions**

01/21/21 SENATE - Filed.

01/28/21 SENATE - Referred to Children, Families, and Elder Affairs; Appropriations Subcommittee on Health and Human Services; Appropriations.

03/09/21 SENATE - Favorable with CS by Children, Families, and Elder Affairs; 8 Yeas, 0 Nays.

03/10/21 SENATE - Committee Substitute Text (C1) Filed.

*SENATE - References to Appropriations Subcommittee on Health and Human Services, Appropriations removed; Reference to Rules added; Remaining reference: Rules.*

04/06/21 SENATE - Favorable with CS by Rules; 16 Yeas, 0 Nays.

**04/09/21 SENATE - Placed on Special Order Calendar, 04/15/21.**

**Similar Bills**

**[HB 0117 - Resource Information for Individuals with Disabilities by Tant](#)**

**04/08/21 HOUSE - Placed on Special Order Calendar, 04/15/21.**

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**[HB 269 - Definition of Developmental Disability I by Morales](#)**

**Summary**

This bill revises definition of term "developmental disability." This bill may be cited as "Diana's Law." It replaces the current statutory definition of "developmental disability" with the definition of the term currently used in federal law.

Specifically, the bill defines a developmental disability as a severe, chronic disability of an individual that:

- Is attributable to a mental or physical impairment or combination of mental and physical impairments.
- Is manifested before the individual attains age 22.
- Is likely to continue indefinitely.
- Results in substantial functional limitations in 3 or more of the following areas of major life activity:
  - Self-care.
  - Receptive and expressive language.
  - Learning.
  - Mobility.
  - Self-direction.
  - Capacity for independent living.

- Economic self-sufficiency; and
- Reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.

The bill also provides that an individual from birth to age 9 who has a substantial developmental delay or specific congenital or acquired condition, may be considered to have a developmental disability without meeting three or more of the above criteria if the individual, without services and supports, has a high probability of meeting such criteria later in life. Effective Date: July 1, 2021. **The Council is supporting this bill.**

### **Actions**

01/14/21 HOUSE - Filed.

02/03/21 HOUSE - Referred to Children, Families & Seniors Subcommittee; Health Care Appropriations Subcommittee; PreK-12 Appropriations Subcommittee; Health & Human Services Committee.

*HOUSE - Now in Children, Families & Seniors Subcommittee.*

### **Similar Bills**

[SB 1686 - Definition of Developmental Disability by Torres, Jr.](#)

03/16/21 SENATE - Favorable by Children, Families, and Elder Affairs; 8 Yeas, 0 Nays

03/17/21 SENATE - Now in Appropriations Subcommittee on Health and Human Services

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