

Capitol Update



Announcement from the Florida Developmental Disabilities Council

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Agency for Persons with Disabilities Budget Update

The House and the Senate have conforming bills and budget bills that they will try to get passed before the Easter and Passover Holidays.

The House has a total of \$10.7 million dollars in cuts that include a cap on Tier 1 at \$120,000 where previously there was no cap, and the elimination of behavioral assistance services in standard and behaviorally focused group homes.

The Senate has these reductions AND almost \$93 million more cost reductions by reducing Tiers 2, 3, and 4 by 10%, provider rates by 10% and ICF/DD rates by 7%!

Putting a cap on Tier One and the reduction of the other Tier caps could force some individuals into residential services and the elimination of behavioral assistance will affect some group homes dramatically, threatening their existence.

The Florida Developmental Disabilities Council has taken a position to avoid further cuts in waiver dollars and services (link to position). Please call your [Senators](#) and [Representatives](#) members of the [House and Senate Appropriations Committees](#)

Protect Early Steps, Florida's Part C Program

Early Steps is administered by Children's Medical Services (CMS) in accordance with the Individuals with Disabilities Education Act (IDEA), Part C.

Early Steps, which serves children from birth to 36 months who have a developmental

delay, or a condition that places them at risk for developmental delays, provides Florida's infants and toddler's early intervention services and supports intended to improve children's chances to develop to their full potential by achieving specific developmental milestones. These milestones are essential to the development of a child's ability to learn, speak, and move at critical periods that research shows lead to optimal abilities in later life.

In 2008-09, Florida provided these critical early intervention services to 41,940 children.

For the 2010-11 fiscal year, a projected shortfall of about \$4.2 million dollars could jeopardize the federal government's ability to provide a grant to Florida. The shortfall would result in a loss of funding from the state to continue a meaningful program, and the state could lose this \$54 million early intervention program.

Research has proven that the time to have the biggest impact on a child's health and functioning is in the child's early years. Longitudinal studies have documented the savings to society in the long run by taking care of our youngest citizens now.

The Council encourages lawmakers to adequately fund the Part C Early Steps program to effectively serve all children with a developmental delay.

We will be contacting members of the [Health and Human Services Appropriations Committee in the Senate and the Health Care Appropriations Committee in the House](#) and we will let them know that the state needs 4.2 million dollars to maintain Early Steps at the current level or risk losing our federal grant to provide services critical to the health and functioning of all children ages 0-36 months that have a developmental delay. So far the House has 3.6 million in the projected Early Steps Budget and the Senate has not designated any money at this time.

[SB 2118](#) - Relating to Use, Prevention, and Reduction of Seclusion and Restraint on Students with Disabilities in Public Schools Cosponsors; Dean, Fasano and Storms

Senator Detert calendared Sen. Gardiner's bill for Tuesday 3/23 at 3:15 p.m. But, because Senator Gardiner is about to welcome a new baby into his family - Congratulations Senator Gardiner! - the bill will be temporarily postponed until the week of April 5th so that Senator Gardiner can present the bill.

Senator Gardiner's office continues to suggest that grassroots groups seek co-sponsors and **the support of Senate PreK-12 Education Committee members.**

- [Senator Nancy Detert \(R\)](#)
- [Senator Frederica S. Wilson \(D\)](#)
- [Senator Larcenia J. Bullard \(D\)](#)
- [Senator Lee Constantine \(R\)](#)
- [Senator Don Gaetz \(R\)](#)
- [Senator Ronda Storms \(R\)](#)

- [Senator John Thrasher \(R\)](#)
- [Senator Stephen R. Wise \(R\)](#)

We also have word that Representative Legg calendared HB 81 for Thursday, March 25, 2010 at 9:00 a.m. See below.

HB 81- Relating to Use, Prevention, and Reduction of Seclusion and Restraint on Students with Disabilities in Public Schools

On the Agenda for the Education Pre-K - 12 Committee, on Thursday, March 25, 2010 at 9 AM in Morris Hall (17 HOB)

by Hukill Cosponsors: Anderson, Brandenburg, Burgin, Flores, Fresen, Glorioso, Gonzalez, Heller, Hudson, Jenne, Kiar, Llorente, McBurney, Nehr, Pafford, Planas, Porth, Precourt, Sachs, Schenck, Schultz, Schwartz, Skidmore, Soto, Stargel, Steinberg, Tobia, Williams (T), Zapata

Summary

This bill provides that manual physical restraint shall be used only in emergency when there is imminent risk of serious injury or death to student or others; it provides restrictions on use of manual physical restraint and prohibits the use of manual physical restraint by school personnel who are not trained and certified to use district-approved methods for applying restraint techniques. The bill prohibits school personnel from placing a student in seclusion and provides requirements for use of time-out. It requires schools to prepare an incident report after occasion of student restraint and also requires development and revision of school district policies and procedures. The Council has taken a position supporting this legislation. [Council Position](#)

Effective Date: July 1, 2010

Actions

08/20/09 HOUSE Filed

10/01/09 HOUSE Referred to PreK-12 Policy Committee; Health Care Services Policy Committee; PreK-12 Appropriations Committee; Education Policy Council

HOUSE Now in PreK-12 Policy Committee-March 25, 2010 at 9:00 a.m.

Similar Bills

SB 2118 - Relating to Students with Disabilities/Seclusion/Restraint by Gardiner

03/01/10 SENATE Referred to Education Pre-K - 12; Children, Families, and Elder Affairs; Education Pre-K - 12 Appropriations

03/18/10 SENATE temporarily postponed in the Education Pre-K - 12 Committee.

SB 1166- Relating to Community Residential Homes by Altman

HB 645, Community Residential Homes, (Companion Bill to SB 1166) is on the Agenda for the

Military & Local Affairs Policy Committee on **Thursday, March 25, 2010, at 9:00 AM, in Webster Hall, Room 212, the Knott Building**

Co-Sponsors: Storms

Summary

This bill prohibits rules adopted by the Agency for Persons with Disabilities from restricting the number of facilities designated as community residential homes located within a planned residential community. The bill also defines the term "planned residential community" and provides that community residential homes located within a planned residential community may be contiguous to one another and exempt from the 1000 foot rule. The 1000 foot [rule](#) states that group homes that have six beds or less may not be within 1000 feet of each other.

EFFECTIVE DATE: 07/01/2010.

Actions

01/21/10 SENATE Referred to Community Affairs; Children, Families, and Elder Affairs

02/16/10 SENATE Favorable by Community Affairs; 10 Yeas, 0 Nays

02/17/10 SENATE Now in Children, Families, and Elder Affairs

Identical Bills

HB 0645 - Relating to Community Residential Homes by Stargel

Actions

01/28/10 HOUSE Referred to Military & Local Affairs Policy Committee; Health Care Services Policy Committee; Economic Development & Community Affairs Policy Council
HOUSE

HB 645, Community Residential Homes, (Companion Bill to SB 1166) is on the Agenda for the

Military & Local Affairs Policy Committee on Thursday, March 25, 2010, at 9:00 AM, in Webster Hall, Room 212, the Knott Building

[SB 1388](#) - Relating to Intellectual Disabilities by Haridopolos

Summary

This bill amends provisions in statute by substituting the term "intellectual disability" for the term "mental retardation." The bill revises definitions relating to intermediate care facilities for the developmentally disabled to delete unused terms. The bill also provides that the name Arc of Florida is substituted for the Association for Retarded Citizens. This bill is a "reviser bill". It provides a directive to the Division of Statutory Revision.

EFFECTIVE DATE: 07/01/2010.

Committees of Reference

Children, Families, and Elder Affairs, Criminal Justice, Judiciary, Health and Human Services Appropriations

Actions

01/26/10 SENATE Filed

[SB 2038](#) - Relating to Medicaid Buy-in Program/Persons with Disabilities by Crist

On the Agenda for the Health Regulation Committee on Friday, March 26, 2010, at 10:15 am, in the Knott Building, Room 412

Summary

The bill provides for Medicaid eligibility for certain persons with disabilities under a Medicaid buy-in program, subject to specific federal authorization. The proposed Work Incentive Medicaid Coverage program

would continue to offer Medicaid coverage to people with disabilities who are working. Once they enrolled in the program they would have the opportunity to earn more and save more than the allowable limits for regular Medicaid and still retain their health care coverage through the State's Medicaid Program. The bill requires the Department of Children and Family Services to adopt rules for determining eligibility. The bill also directs the Department of Health to perform all disability determinations. Finally, the bill requires the Agency for Health Care Administration to seek amendments to specified Medicaid waivers for certain persons with disabilities. The Council supports this legislation.

[Council position](#)

EFFECTIVE DATE: 07/01/2010.

Committees of Reference

Health Regulation, Children, Families, and Elder Affairs, Health and Human Services Appropriations; Policy and Steering Committee on Ways and Means

Actions

02/16/10 SENATE Filed

03/01/10 SENATE Referred to Health Regulation; Children, Families, and Elder Affairs; Health and Human Services Appropriations; Policy & Steering Committee on Ways and Means

On the Agenda for the Health Regulation Committee on Friday, March 26, 1010, at 10:15 am, in the Knott Building, Room 412

Similar Bills

HB 0837 - Relating to Medicaid Buy-in for Persons with Disabilities by Homan

02/10/10 HOUSE Referred to Health Care Regulation Policy Committee; Health Care Appropriations Committee; Health & Family Services Policy Council

[SB 0214](#) -Relating to Autism by Ring

Summary

This bill requires a physician to refer a minor whose parent suspects the minor has an autism spectrum disorder, cerebral palsy, or Down syndrome to an appropriate specialist for screening, evaluation, or diagnosis. The bill requires health insurers and health maintenance organizations to provide direct access to an appropriate specialist for a diagnosis. The terms "direct access" and "appropriate specialist" are defined in the bill. The bill mandates health insurance policies and health maintenance organization contracts to provide at least three visits per policy year for the screening, evaluation, or diagnosis of autism spectrum disorder, cerebral palsy, or Down syndrome.

EFFECTIVE DATE: 07/01/2010.

Actions

10/05/09 SENATE Filed

12/09/09 SENATE Referred to Health Regulation; Banking and Insurance; Policy & Steering Committee on Ways and Means

03/04/10 SENATE on Committee agenda - Health Regulation, 03/09/10, 3:30 pm, 412 K

03/11/10 SENATE Committee Substitute Text (C1) Filed

03/15/10 SENATE Reference to Governmental Oversight and Accountability added; Remaining references: Banking and Insurance; Governmental Oversight and Accountability; Policy & Steering Committee on Ways and Means

03/15/10 SENATE Now in Banking and Insurance

03/19/10 On the SENATE agenda for the Committee on Banking and Insurance, 03/24/10, 1:15pm in Room 412, Knott Bldg.

Compare

HB 0107 -Relating to Autism by Coley

09/11/09 HOUSE Filed

10/12/09 HOUSE Referred to Health Care Regulation Policy Committee; Insurance, Business & Financial Affairs Policy Committee; Government Operations Appropriations Committee; General Government Policy Council 03/22/10

HOUSE Favorable with CS by Health Care Regulation Policy Committee; 10 Yeas, 1 Nay

SB 0222 - Relating to Childhood Vaccinations by Ring

Summary

This bill requires a pediatrician or attending physician to discuss the risks, benefits, and alternatives of each vaccination before a child is vaccinated. The bill provides requirements for the administration of certain vaccines required for school entry. Licensed health care providers will be required to provide certain vaccine information statements to parents, legal guardians, and legal representatives before administering certain vaccines to children. EFFECTIVE DATE: 07/01/2010.

Actions

10/05/09 SENATE Filed

12/09/09 SENATE Referred to Health Regulation; Children, Families, and Elder Affairs; Policy & Steering Committee on Ways and Means

Similar

HB 0117 -Relating to Childhood Vaccinations by Ambler

09/15/09 HOUSE Filed

10/12/09 HOUSE Referred to Health Care Regulation Policy Committee; PreK-12 Appropriations Committee; Civil Justice & Courts Policy Committee; Health Care Appropriations Committee

02/16/10 HOUSE Temporarily postponed by Health Care Regulation Policy Committee

03/01/10 HOUSE Withdrawn prior to introduction

SB 0490 -Relating to Dentistry by Smith

Summary

This bill defines the term "public health supervision" and redefines the term "health access settings" to include school-based prevention programs. The bill would authorize dental hygienists to perform certain additional dental hygiene services under public health supervision. The bill provides that certain tasks are remediable and delegable to dental hygienists in certain settings. The bill includes a list of remediable and delegable tasks. EFFECTIVE DATE: 07/01/2010.

Actions

10/20/09 SENATE Filed

12/09/09 SENATE Referred to Health Regulation; Education Pre-K - 12; Health and

Human Services Appropriations

Similar

HB 1469 -Relating to Dentistry and Dental Hygiene by Patterson

03/10/10 HOUSE Referred to Health Care Regulation Policy Committee; Health Care Appropriations Committee; Health & Family Services Policy Council

HB 0719-Relating to Child Care by Zapata

Summary

This bill revises provisions relating to standards that child care facilities must meet to obtain and maintain a Gold Seal Quality Care provider designation. The bill requires the Department of Children and Families to notify specified accrediting associations upon adoption of additional or revised Gold Seal Quality Care program standards. This bill also revises minimum age requirements and establishes minimum education standards for child care personnel. Minimum staff credential requirements. Are redefined. Effective Date: July 1, 2010

Actions

01/19/10 HOUSE Filed

01/28/10 HOUSE Referred to Health Care Services Policy Committee; Health Care Appropriations Committee; Health & Family Services Policy Council

01/28/10 HOUSE Now in Health Care Services Policy Committee

Similar

SB 1382-Relating to Child Care Facilities by Rich 02/03/10

02/03/10 SENATE Referred to Children, Families, and Elder Affairs; Health and Human Services Appropriations

HB 1505 -Relating to John M. McKay Scholarships for Students with Disabilities Program by Flores

Summary

This bill revises student eligibility requirements for participation in this scholarship program. It authorizes students who are eligible to enter kindergarten to receive the John M. McKay Scholarship. It provides eligibility requirements for students identified with a developmental delay and authorizes students who were enrolled and reported by a school district for funding during any prior year to receive the scholarship. The bill authorizes the Commissioner of Education to deny, suspend, or revoke a private school's participation in the program for certain acts or omissions by owner or operator. And finally the bill permits students to receive instruction and services at a site other than the physical location of the private school under specified conditions. Effective Date: July 1, 2010

Actions

03/01/10 HOUSE Filed

03/10/10 HOUSE Referred to PreK-12 Policy Committee; PreK-12 Appropriations Committee; Education Policy Council

03/17/10 HOUSE Favorable with CS by PreK-12 Policy Committee; 12 Yeas, 0 Nays

03/18/10 HOUSE Committee Substitute Text (C1) Filed

03/19/10 HOUSE Now in PreK-12 Appropriations Committee

Compare

SB 2746 -Relating to Education Programs for Children with Disabilities by

Gardiner03/09/10 SENATE Referred to Education Pre-K - 12; Commerce; Education Pre-K - 12 Appropriations

SB 2192-Relating to Prepaid Developmental Disabilities Savings Program
by Peaden, Jr.

Summary

This bill provides for administration and management of the savings program by the Florida Prepaid College Board in conjunction with the Stanley G. Tate Florida Prepaid College Program. The bill provides that the prepaid contract fund and the investment fund shall consist of certain moneys. The bill creates the Prepaid Services for Parents of Children with Developmental Disabilities Study Group.

Effect of Proposed Changes:

The Savings Program provides that the Legislature intends:

- The creation of such a program can offer accessibility to services regardless of a family's income, insurance or Medicaid eligibility.
- A program consisting of a prepaid contract plan and an investment plan will allow for advance payment of or saving for the costs associated with children who are developmentally disabled as they age out of the education system.
- The prepaid contract plan is to be interchangeable with an advance payment plan of the Stanley G. Tate Florida Prepaid College Program.
- The investment plan is to be a supplement or alternative to the prepaid contract plan, which will allow funds to be placed in trust to meet future needs.
- The program is to be conducted to maximize program efficiency and effectiveness.

EFFECTIVE DATE: 07/01/2010.

Actions

02/18/10 SENATE Filed

03/01/10 SENATE Referred to Children, Families, and Elder Affairs; Governmental Oversight and Accountability; Finance and Tax; Higher Education Appropriations; Policy & Steering Committee on Ways and Means

03/18/10 SENATE Favorable with CS by Children, Families, and Elder Affairs; 8 Yeas, 0 Na

Identical

HB 1111-Relating to Prepaid Developmental Disabilities Savings Program by Ford

03/01/10 HOUSE Referred to Health Care Services Policy Committee; State Universities & Private Colleges Policy Committee; Full Appropriations Council on Education & Economic Development; Health & Family Services Policy Council
HOUSE Now in Health Care Services Policy Committee

SB 2200 - Relating to Allocation/Expenditure of State Lottery Revenues
by Altman

Summary

This bill requires net proceeds from a scratch-off lottery game to be allocated to the Division of Vocational Rehabilitation in the Department of Education to be distributed to programs offering services to individuals with developmental disabilities. EFFECTIVE

DATE: 07/01/2010.

Actions

02/18/10 SENATE Filed

03/01/10 SENATE Referred to Regulated Industries; Education Pre-K - 12; Education Pre-K - 12 Appropriations; Policy & Steering Committee on Ways and Means

Identical Bills

HB 0943 - Relating to Allocation and Expenditure of State Lottery Revenues by Proctor

02/18/10 HOUSE Referred to PreK-12 Appropriations Committee; Governmental Affairs Policy Committee; Full Appropriations Council on Education & Economic Development