

Money Follows the Person -A Nursing Home Transition Initiative

Support proviso language that will allow the Agency for Health Care Administration a program that will demonstrate the cost effectiveness and savings of transferring persons with disabilities out of nursing homes and into community based living. The program will allow persons with disabilities who reside in nursing homes to use their Medicaid dollars on a community based support system rather than for the nursing facility. Centers for Independent Living will provide support coordination to assist individuals transitioning into the community and help them access community services.

This initiative would allow persons who are currently residing in nursing homes to use their Medicaid funds for community supports and live in their own homes, at a greatly reduced cost to the state.

Also, in January of 2008 a class action seeking declaratory and injunctive relief was filed on behalf of Florida Medicaid eligible adults who are confined to nursing facilities. The class action claims that the class members are unnecessarily institutionalized because of the defendant's failure to cover services and support in integrated community settings. The defendants are the Secretary of the Agency for Health Care Administration, the Secretary of the Department of Elder Affairs, and the Governor of Florida.

Sadowski Fund

The Florida Housing Trust Fund (also called the Sadowski Act) was established in 1992 and is funded by a documentary tax on real estate transactions. The intent was for funds generated to keep up with real estate increases. The Governors Commission on Disability has selected this issue as one of its areas to focus on in 2008.

In recent years, the Florida legislature has imposed a statutory "cap" of \$243 million per year, thereby limiting the amount of the documentary stamp revenues that will be placed in the Trust Fund and restricted to affordable housing. The balance of the documentary stamp revenue is to be held in reserve or used for other purposes. For comparison purposes, in recent years the allocation to affordable housing has exceeded \$400 million per year to address general affordable housing needs, hurricane recovery efforts, housing from extremely low income households and housing for essential services personnel.

To expand accessible affordable housing options for people with disabilities, additional funding is needed. Capping the housing trust funds leaves an affordability gap for multiple populations of people with a disability throughout the state.

February 23 Update: SB 1434 (Crist) removes the limit on deposits to the trust fund; H 0025 is Similar and SB 334 is Comparable.

Medicaid Buy-in to Keep Medicaid Insurance While Working

Lack of access to healthcare insurance while working is cited as one of the chief barriers to persons with disabilities living independently in the community. This pilot program would allow people working with a disability to keep their Medicaid coverage by contributing to it themselves. There are many studies which support allowing people with disabilities to keep their Medicaid or buy into it while in the workforce. Such a program was once passed by the Florida Legislature and then repealed after 9-11. It is time for disabled Floridians to be able to know and enjoy the dignity of employment. The state, people with disabilities, and business would all benefit from this concept.

February 23 Update: SB 348 (Crist) and HB 529 are similar.

Accessible Voting

Since implementation of Florida's Accessible Voting Act and the Help America Vote Act (HAVA) there have been some improvements in accessible voting but there remain specific areas in which accessibility is not being formally addressed by the State of Florida. Due to the lack of proper poll worker training, resulting in violations of an accessible, private and independent vote for people with disabilities, a new rule was passed by the Secretary of State requiring that every voter be asked at the sign in table whether they need the assistance of an accessible machine. Despite the efforts of the state to educate Supervisors of Elections, the implementation of the new rule was poor and very few voters were asked if they needed the accessible machines. Improved and consistent poll worker training is necessary to alert new voters of the availability of accessible machines and the accommodations required by HAVA. Several disability advocates who authored Florida's accessible voting law examined the whole voting process during the recent Presidential elections and have identified that the following problems still remain:

- There was no consistent approach on how to accommodate people with disabilities who could not tolerate the weather (heat) or the length of time waiting in line. A statewide accommodation needs to be determined.
- All voters were not advised of the availability of an accessible machine.
- Once a voter checks in, they are provided a sleeve with direction on it advising how to insert the voting card, etc. None of this information is in accessible format.
- People with dexterity limitations have a difficult time inserting and removing the ballot without assistance.
- The current electronic machine, regarded by the state as the most accessible, does not serve all people with disabilities well. Current Florida legislation requires the accessible machines to be removed in 2012. Florida has made no formal push to the manufacturers to improve upon the accessibility level for all people with disabilities. Florida needs to be a leader in demanding accessible machines that provide a verifiable paper trail and serve all people with disabilities.
- If a person with disabilities needs assistance in any one area, such as inserting the ballot, the current procedure is to assign assistance from 2 poll workers from

different parties, which automatically eliminates the private vote. The poll workers should provide assistance at only the one point of the voter's desire and not the entire process.

- Absentee voting is not accessible to anyone who needs alternative formats. It is a method of voting that is strongly driven by Supervisors of Elections.

February 23 Update: SB 898 and HB 207 – Early Voting are identical; HB 31 and 335 address absentee voting; HB 475 Early Voting; HB 837 Elections; and there are several placeholders in the Senate at this time.

Transportation Disadvantaged Trust Fund (TD)

The TD program under Chapter 427 currently provides rides to people with disabilities, seniors, the economically disadvantaged and children at risk who have no means of transportation. The TD Trust Fund has not received an increase from the legislature for 15 years while the cost of gas, insurance and labor have drastically increased. . Last year, 1 million requests for rides were denied due to the lack of funding. TD was originally created to address quality of life issues for the special populations listed above so they could pursue an education, get a ride to work, etc. However, the current TD Trust fund utilized 60% of the total trips for medical purposes. Transportation for Quality of Life issues such as education, work and socialization rides continue to decrease as the medical needs increase. This is partially due to the decreasing number of people being served under Medicaid Transportation. The Florida legislature needs to allocate adequate funding for medical trips that should be paid for from Medicaid funds and approve an increase in the registrations fee for vehicles in order to reverse the 15 year stalemate in funding the TD Program. It is time the TD program be properly funded so that the quality of life transportation needs of special populations are met and people with disabilities are not institutionalized in their own homes.

February 23 Update: SB 1048 (Joyner) and HB 187 are identical. No movement to date.

Protection of Florida's Accessibility Code

Pending at the federal level are revisions to the federal Americans with Disabilities Act Accessibility Guide (ADAAG). Some of these new revisions would lower the current standard adopted by Florida in Florida's Accessibility Code for Building Construction (Chapter 11 of Florida's uniform Building Code). The Department of Community Affairs expects to make recommendations to the legislature on what new provisions from the federal level should be adopted. Some of the federal proposals increase accessibility standards and some decrease the current levels of accessibility. Florida has always held a higher standard of accessibility for our residents by creating a plethora of code requirements that exceed the federal minimum. Those specific requirements were approved by DOJ and our code has been certified. In order to maintain the high Florida standard of accessibility, language needs to be inserted into Florida law mandating that any new proposals from the federal level that lower a current Florida standard be rejected in the updating of the current code, now and in the future. In order to accomplish that,

the legislature needs to make a declaration that all current accessibility standards will be maintained when adopting any new federal regulations; and any item that is proposes decreasing accessibility at the federal level will be declared a Florida specific requirement. This will provide direction and intent by the legislature to maintain all current designated standards of accessibility for any further federal proposes that decrease the standards. This language is necessary to provide guidance for the Department of Community Affairs while they study incorporation of the federal revision next year.

February 23 Update: Placeholder have been filed by Senator Bennett (366, 368)

Proposed Legislation by the Governor's Task Force on Autism

The Governor's Task Force on Autism has not finished their final report, but it is expected to be delivered to the Governor in April. Despite that, there are already bills being filed to address immunizations and their tie to autism and other issues. One proposal creates an Autism license plate to fund Achievement and Rehabilitation Centers service programs for autism and related disabilities. Another bill requires a physician to refer minors to appropriate specialists for screening for autism spectrum disorder.

February 23 Update: HB 239 (Glorioso) and SB 642 (Altman) are companion bills proposing the license plate. HB 89 (Precourt) and SB 242 (Ring) propose the required process fro physician referral for assessment.

Individuals with Disabilities Education Act (IDEA)

Florida has been designated a state at high risk by the federal Department of Education due to the lack of full compliance and implementation of IDEA for children with disabilities in 2007. Currently, the high risk status has been lifted but the issue remains. Historically, children with disabilities were not required to adhere to the Florida Sunshine State Standards but were held to a separate standard. Under No Child Left Behind (NCLB) children with disabilities are required to comply with the state standards of education. Currently, the local school districts are attempting to modify their curriculum for students with disabilities to be the same with levels of classification called 'access points.' Access points define whether the student can perform the standards with no help, some help or total help. Most parents today believe the grades they are seeing on their child's report card reflect their child's work on the Individual Education Plan (IEP) goals. But the grades on the report card reflect that student's progress in the Sunshine State Standards. Parents have not been formally advised of the difference. The Florida legislature needs to make every effort to fully comply with IDEA and NCLB.

February 23 Update: There are over 44 bills filed under Education for this upcoming session. None appears, by title, to address the above issue but there is potential for some of them to be considered possible vehicles.