

Florida Independent Living Council, Inc.
Legislative Platform 2010

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.

Preventing Harmful Restraint and Seclusion in Schools Act

Directs the Secretary of Education (Secretary) to establish minimum standards that:

- (1) prohibit elementary and secondary school personnel from managing any student by using any mechanical or chemical restraint, physical restraint or escort that restricts breathing, or aversive behavioral intervention that compromises student health and safety;
- (2) prohibit such personnel from using physical restraint or seclusion, unless such measures are required to eliminate an imminent danger of physical injury to the student or others and, in such case, only when certain precautions are taken;
- (3) require states and local educational agencies (LEAs) to ensure that a sufficient number of school personnel receive state-approved training and certification in first aid and certain safe and effective student management techniques;
- (4) prohibit physical restraint or seclusion from being written into a student's Individual Education plan, 504 Plan, individual safety plan, behavioral plan, or individual education program as a planned intervention; and
- (5) require schools to establish procedures to quickly notify parents if physical restraint or seclusion is imposed on their child and quickly notify the state Protection and Advocacy System if the child is seriously injured or dies from such measures. Authorizes the Secretary to award grants to states and, through them, competitive sub grants to LEAs to:
 - (6) establish, implement, and enforce policies and procedures to meet such standards; and
 - (7) implement school-wide positive behavior supports. Directs the Secretary to conduct a national assessment of this Act & its effectiveness. Gives Protection and Advocacy Systems the authority, provided under the Developmental Disabilities Assistance and Bill of Rights Act of 2000, to investigate, monitor, and enforce this Act & protections for students. Directs the Secretary of Health and Human Services to establish standards for Head Start agencies that are consistent with the minimum standards for the management

of elementary and secondary school students. Authorizes the Secretary to allocate funds to the Secretary of Health and Human Services to assist Head Start agencies in establishing, implementing, and enforcing policies and procedures to meet such standards.

Eliminate the Waiting List for Agency for Persons with Disabilities (APD)

There are presently over 19,000 people with developmental disabilities who receive no services in the State of Florida. Governor Charlie Crist's proposed budget will allow Florida's most vulnerable citizens to continue to receive services in their community. APD serves about 35,000 people with developmental disabilities each year, helping them to participate in important life activities like going to work, living independently, and learning life skills.

FILC supports Governor Crist's budget proposal of \$1.16 billion for APD for Fiscal Year 2010-11. The agency's budget was \$1.08 billion in Fiscal Year 2009-10 and \$1.06 billion in Fiscal Year 2008-09. FILC recommends that the increased APD budget prioritize serving people on the waiting list and adding dental services to the Home & Community Based Services Waiver as a choice for all people served by APD.

The White Cane Law

The White Cane Law has been in force in Florida since the late 1930s and is intended to make it safer for people with disabilities to cross streets. Every year organizations of and for the blind hold events to draw attention to this law, located under Chapter 413 of the Florida Statutes. Even after 70 years the law is still not recognized by drivers or enforced by police departments. To help us make the law better known, we propose the following:

A sufficient number of questions relating to this law be developed and included on the test which new drivers must study and pass so that it will be likely that every new driver will have to answer a question about the law.

The White Cane law must be included in the curricula of every school engaged in the training of police officers.

The legislature will mandate that local police departments report on their enforcement of this law in the same manner and to the same extent that they report on other crimes.

Accessible Voting

In 2007 the Florida legislature passed a law f.s. 101.56075 mandating that all counties move to an optical scan voting system with a paper trail. As a part of that law, an exception was made for voters with disabilities who would continue to vote using the touch screen voting machines, made illegal for others to use. Counties were required to acquire accessible optical scan systems by 2012. A broad coalition of organizations are

urging the legislature to extend to 2016 the use of these machines which have been declared unreliable for general use.

The Florida Independent Living Council, Inc. urges that the legislature not permit this extension and asks that the legislature require the Secretary of State to release HAVA (Help America Vote Act) funds he now holds to counties so they can purchase appropriate accessible devices by 2012.

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 Governor's Commission on Disability has selected this issue as one of its areas of focus since 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 addressing 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.

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 who want to live independently in the community. This pilot program would allow workers 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.

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.