

FROM THE



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Supported Decision-Making Passes!

This session, Representative Tant and Senator Simon filed companion bills for supported decision-making authority in Florida, [HB 73](#) and [SB 446](#) respectively. These bills have support from the Florida Bar and disability advocates, and after several years of work, the bill passed last night!

A special thanks to Representative Tant for shepherding this bill through the challenges of making it agreeable to several different groups, including the Elder Law and Real Property sections of the Florida Bar.

The Council supports meaningful alternatives to full guardianship and guardian advocacy. Supported Decision-Making (SDM) can be explored when guardianships are considered. Some of the more restrictive forms of guardianship, while necessary for some individuals, can be considered a last resort after less restrictive options are explored.

The highlights of this bill include:

- Requiring the court to consider the needs and abilities of persons with a developmental disability when determining whether to appoint a guardian advocate or a guardian;
- Creating a new type of power of attorney, termed a supported decision-making agreement (SDM agreement). The “supporter” in an SDM

agreement would provide information, recommendations, and assistance to the eligible individual in making decisions and exercising his or her rights, but the supporter does not have any authority to make any binding decisions for or on behalf of the individual. The SDM agreement limits the supporter's authority to only be able to obtain information on behalf of the individual and assist the individual in communicating with third parties;

- Requiring the court to address why a less restrictive level of care was not selected instead of a more restrictive choice;
- Adding SDM agreements to the list of alternative methods for parental involvement in educational decision-making, which an IEP team must share with the parent during the process of developing a transition plan for a student with a disability.

Self-advocates Michael Lincoln-McCreight and Kayla Roberts were tireless in their advocacy to get this bill passed. Kayla Roberts got her lawmaker, Representative Koster, to sign on as a cosponsor and we thank her for her help. Disability Rights Florida educated lawmakers and disability groups and was a steadfast presence in every aspect of the process.

Thanks again to Representative Tant and Senator Simon for the passage of this bill. Now it is on the way to the Governor's desk for his signature.

Below are bills the Council is supporting or tracking. Keep in mind that bills usually must pass through three or four committees before getting to the House or Senate chambers. Once in a chamber, bills are read three times before final passage and then sent to the other chamber for acceptance to end up with one bill to send to the Governor.

Please click on bill links to track a bill's full journey through the process to date.

Important Bills to Watch

[HB 73 - Supported Decision-Making Authority by Tant](#)

Summary

This bill requires the court to consider the needs and abilities of persons with a developmental disability when determining whether to appoint a guardian advocate or a guardian. The bill creates a new type of power of attorney, termed a supported decision-making agreement (SDM agreement). The "supporter" in an SDM agreement would provide information, recommendations, and assistance to the eligible individual in making decisions and exercising his or her rights, but the supporter does not have any authority to make any binding decisions for or on behalf of the individual. The SDM agreement limits the supporter's authority to only be able to obtain information on behalf of the principal, and assist the principal in communicating with third parties, including conveying the principal's communications, decisions, and directions to third parties on behalf of the principal.

When capacity is in question, HB 73 also permits the examining committee, which determines incapacity, to allow a person to assist with communication with the individual with a disability when requested by the court-appointed

counsel for the alleged incapacitated person.

The final order addressing the level of guardianship or decision-making option selected must address why a less restrictive level of care was not selected instead of a more restrictive choice.

The bill adds SDM agreements to the list of alternative methods for parental involvement in educational decision-making which an IEP team must share with the parent during the process of developing a transition plan for a student with a disability. **This bill passed! The Council is supporting this bill.**

Identical Bill

[SB 0446 - Supported Decision-Making Authority by Simon](#)

[SB 212 - Medicaid Buy-In by Gruters](#)

Summary

This bill would require the Agency for Health Care Administration to establish and implement a Medicaid buy-in program for individuals with disabilities who are 18 to 64 years of age and whose incomes exceed the maximum income eligibility level for initial enrollment to obtain coverage for medical assistance under the Medicaid program. The Medicaid buy-in program must provide full Medicaid benefits to eligible individuals and limit any premiums or cost-sharing to a certain percentage of an individual's income, as determined by the agency and requires the agency to seek federal waiver approval or submit any necessary state plan amendments by October 2024. **The Council supported this bill; however, it appears to have died for this session with the withdrawal of HB 567.**

Similar Bill

[HB 0567 - Medicaid Expansion through Medicaid Buy-in Program by Joseph](#)
Withdrawn

[HB 313 - Transparency for Autism-Related Services by Plascencia](#)

Summary

The bill defines "manifests" and "onset" to mean the display or disclosure of characteristic signs or symptoms of an illness for use in determining Autism Spectrum Disorders and eligibility in general for the iBudget waiver. The bill would direct the agency or its designee to notify each applicant, in writing, of its individualized eligibility determination, including any specific criteria the applicant has not met from the agency's eligibility criteria described in rule. **The Council is supporting this bill.**

Identical Bill

[SB 0550 - Transparency for Autism-Related Services by Rouson](#)

[SB 794 - Medicaid Managed Care Plan Performance Metrics by Harrell](#)

Summary

The bill would require Medicaid managed care plans to submit performance metrics monthly to the Agency for Health Care Administration. The bill would also require the agency to contract to develop and display on its public website a dashboard containing these monthly performance metrics; and the bill would require the agency to create a quarterly report on the metrics obtained. **The Council is supporting this bill.**

Similar Bill

[HB 783-Medicaid Managed Care Performance Metrics by Berfield](#)

[HB 77 - Recovery of Damages in Claims for Medical Negligence by Roach](#)

Summary

This bill removes a provision that prohibits parents of an adult child from recovering damages in medical negligence suits. For example, some parents of children with disabilities have lost children to death through possible medical negligence and the law currently offers no ability for parents to seek damages for their adult children even if they have disabilities. In addition to removing this provision, SB 446 and HB 129 add that damages can be sought for medical negligence of a resident living in a facility. SB 248 adds that such recoveries are contingent upon certain findings or determinations by the Agency for Health Care Administration or the Department of Health. **The Council is tracking these bills.**

Identical Bills

[SB 0310 - Recovery of Damages in Claims for Medical Negligence by Martin](#)

Similar Bills

[HB 0129 - Damages Recoverable in Wrongful Death Actions by Lopez \(J\)](#)

[SB 0248 - Medical Negligence by Yarborough](#)

[SB 0442 - Damages Recoverable in Wrongful Death Actions by Book](#)

[HB 341 - Designation of a Diagnosis on Motor Vehicle Registrations by Salzman](#)

Summary

This bill authorizes motor vehicle owners or registrants to designate on his or her application form for motor vehicle registration that he or she has been diagnosed with, or is the parent or legal guardian of child or ward who has been diagnosed with, a developmental disability or psychiatric disorder and authorizes removal of such designation upon request. **The Council is tracking this bill.**

Identical Bills

[SB 0288 - Designation of a Certain Diagnosis on Motor Vehicle Registrations by Rodriguez](#)

[SB 1758 - Home- and Community-Based Services Medicaid Waiver Program by Brodeur](#)

Summary

This bill requires the Agency for Persons with Disabilities (APD) to develop and implement an automated, electronic application process for crisis services and therefore deleting the requirement that application for services be made to the agency in the region in which the applicant resides. The bill specifies that applicants meeting crisis criteria are deemed to be in crisis regardless of the applicant's age. The bill requires the agency to make eligibility determination in a specified amount of time for clients in crisis. The bill also requires APD to educate new waiver recipients about the Consumer Directed Care Plus waiver. SB 1758 also includes the following provisions. First, the bill reduces the age requirement of a client's caregiver in Pre-Enrollment Category 4 from 70 years of age to 60 years of age or older. This will allow a higher number of individuals to be included in Category 4 of the pre-enrollment prioritization list. Second, \$16,562,703 in recurring funds from the General Revenue fund and \$22,289,520 in recurring funds from the Operations and Maintenance Trust Fund are appropriated to the APD in the Home- and Community-Based Services Waiver category. These funds are appropriated to offer waiver services to the greatest number of individuals permissible under the appropriation from Pre-Enrollment Categories 3, 4, and 5, including individuals whose caregivers are age 60 or older in Category 4. **This bill has passed through all committees and the Senate Floor. The Senate is waiting for the House to concur or match it with their identical bill. Council is supporting this bill.**

Identical Bill

[HB 1271 - Individuals with Disabilities by Buchanan](#)

Similar Bills

[HB 1047 - Home-and Community-Based Services Medicaid Waiver Program by Melo](#)

[SB 1170 - Home- and Community-Based Services Medicaid Waiver Program by Bradley](#)

[HB 829 - Autism Spectrum Disorder Training for Law Enforcement Officers by Stark](#)

Summary

This bill provides requirements for training officers for interacting with individuals with autism spectrum disorder. The bill requires the Criminal Justice Standards and Training Commission to adopt rules requiring such training as part of continued employment training for officers. The Council is supporting this bill.

Similar Bill

[SB 0864 - Autism Spectrum Disorder Training for Law Enforcement and Correctional Officers by Collins](#)

[HB 439 - Corporal Punishment Bill by Waldron](#)

Summary

This bill requires charter schools to comply with corporal punishment laws and

removes provisions authorizing teachers to administer corporal punishment. The bill provides duties and responsibilities for principals relating to corporal punishment. The bill requires notification be provided to parents and prohibits the use of corporal punishment on students with an Individual Education Plan, 504 plan, Exceptional students as defined in s. 1003.01(9), homeless students and students in alternative schools. Finally, the bill specifies reporting requirements. **The Council is supporting this bill.**

Identical Bill

[SB 1318 - Corporal Punishment by Thompson](#)

[SB 1578 - Student Elopement by Torres, Jr.](#)

Summary

The bill requires public schools to create a School Staff Assistance for Emergencies (SAFE) Team and a school elopement plan. The bill specifies the membership and responsibilities of the SAFE Team. The bill would require the SAFE Team to create student-specific elopement quick reference guides for certain students and requires public schools to annually submit their plans to the district school board. **The Council is supporting this bill.**

Identical Bill

[HB 1395 - Student Elopement by Eskamani](#)

[SB 832 - Employment of Individuals with Disabilities by Calatayud](#)

Summary

This bill requires the collection and sharing of data between multiple agencies for the interagency cooperative agreement under the Employment First Act and requires the Office of Reimagining Education and Career Help to issue an annual statewide report by a specified date each year.

This bill is important to the Council, because we initiated the Employment First Act. **This bill is important to the Council because we initiated the Employment First Act. This bill has passed through all House and Senate Committees. The Council is supporting this bill.**

Identical Bill

[HB 1137 - Employment of Individuals with Disabilities by Redondo](#)

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