



FROM THE CAPITOL

2021 FDDC CAPITOL UPDATES



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Supported Decision-Making

The Florida Developmental Disabilities Council has been a leader in Guardianship alternatives, for individuals with developmental disabilities, for years. The Council's [Lighting the Way to Guardianship](#) is a popular publication outlining different alternatives to full guardianship.

Parents of children with disabilities are often told they need to seek guardianship as soon as their child turns 18. Meanwhile, 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. Judges and loved ones need more information and options.

[Supported Decision-Making \(SDM\)](#) is an alternative to guardianship that allows people with disabilities to make their own decisions with the support of people they trust. It is a unique tool, proven successful in 12 states and D.C., that will further the Florida Legislature's intent to ensure guardianship is only imposed when there is no least restrictive alternative available. Guardianship and Guardian Advocacy are more restrictive options that are often necessary and valuable if a less restrictive option is determined not to be applicable.

Regardless of a person's legal status (even for individuals under guardian advocacy or full guardianships) the person with a disability should be meaningfully involved in making decisions about their lives and the person's wishes and preferences should be followed to the greatest extent possible.

SDM provides people with disabilities with a better quality of life. Research shows that increased self-determination leads to better outcomes in employment and community integration.

The Council is supporting the Supported Decision-Making Bills; [SB 1010 by Senator Gruters](#) and [HB 681 by Representative Tant](#). They will be encouraging the Children, Families and Elder Affairs committee [Chair in the Senate](#) and the Children, Families and Seniors [Chair in the House](#) to put these bills on their next meeting agendas.

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.

[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.

Similar Bills

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

03/15/21 HOUSE - Favorable with CS by Appropriations Committee; 27 Yeas, 0 Nays

[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.

HOUSE Now in Education & Employment Committee.

Similar Bills

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

03/12/21 SENATE - On Committee agenda - Appropriations Subcommittee on Education, 03/17/21, 3:00 pm, 412 K.

[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.

[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.

Similar Bills

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

03/12/21 HOUSE - Favorable by Secondary Education & Career Development Subcommittee; 16 Yeas, 1 Nay.

03/15/21 HOUSE - On Committee agenda - Education & Employment Committee,
03/17/21, 3:45 pm, 17 H

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