

# Special Needs Lawyers, PA

901 Chestnut Street, Suite C  
Clearwater, Florida 33756

Phone: (727) 443-7898  
Fax: (727) 631-0970

SpecialNeedsLawyers.com  
[info@specialneedslawyers.com](mailto:info@specialneedslawyers.com)

Travis D. Finchum, Esq.  
Board Certified in Elder Law

Linda R. Chamberlain, Esq.  
Board Certified in Elder Law

Charles F. Robinson, Esq.  
Board Certified in Elder Law

Kole J. Long, Esq.  
Elder Law Attorney

Special Needs Trusts | Elder Law | Long Term Care Planning | Medicaid | Probate | Wills & Trusts  
Incapacity Planning | Guardianship | Developmental Disabilities | Veteran's Benefits

## Elder and Disability Law Forum May, 2017

### Federal Updates

H.R. 34 – Section 5007 titled “Fairness in Medicaid Supplemental Needs Trusts” incorporated the Special Need Trust Fairness Act into a larger Bill

This act allows an individual to establish his or her own Under Age 65 Special Needs Trust (d4A) Trust, thus correcting an oversight in the original law from 1993.

## 2017 Florida Legislative Session - Bills of Interest

As of May 19, 2017

There were 3052 Bills

There are presently 240 Bills waiting to be sent to Governor  
20 have become law  
None have been vetoed by Governor yet

92 Senate bills passed both Houses:

### **CS/CS/SB 474: Hospice Care**

GENERAL BILL by Children, Families, and Elder Affairs ; Health Policy ; [Grimsley](#)

Hospice Care; Requiring the Department of Elderly Affairs, in conjunction with the Agency for Health Care Administration, to adopt national hospice outcome measures and survey data by a specified date and to make such measures available to the public; authorizing certain hospice personnel to assist in the disposal of certain prescribed controlled substances; requiring a hospice to maintain an up-to-date interdisciplinary record of care, etc.

**Effective Date:** 7/1/2017

**Last Action:** 5/3/2017 Senate - Ordered enrolled -SJ 755

**Bill Text:** [Web Page](#) | [PDF](#)

**Bill Analysis:** <https://www.flsenate.gov/Session/Bill/2017/474/Analyses/2017s00474.rc.PDF>

Short bill – 5 pages

## CS/CS/SB 724: Estates

GENERAL BILL by Banking and Insurance ; Judiciary ; [Passidomo](#)

Estates; Revising the circumstances under which the decedent's property interest in the protected homestead is excluded from the elective estate; providing for the valuation of the decedent's protected homestead under certain circumstances; requiring the payment of interest on any unpaid portion of a person's required contribution toward the elective share with respect to certain property, etc.

**Effective Date:** 7/1/2017

**Last Action:** 4/28/2017 Senate - Ordered enrolled

**Bill Text:** [Web Page](#) | [PDF](#)

**Analysis of the bill:** <http://www.flsenate.gov/Session/Bill/2017/724/Analyses/2017s00724.rc.PDF>

## CS/CS/SB 1124: Newborn Screenings

GENERAL BILL by Appropriations ; Health Policy ; [Book](#) ; (CO-INTRODUCERS) [Young](#)

Newborn Screenings; Requiring the Department of Health, upon the advice of the Genetics and Newborn Screening Advisory Council, to expand within a specified period the statewide screening of newborns to include any condition on the federal Recommended Uniform Screening Panel; requiring the council to determine whether a condition should be included in the state's screening program within a specified period after its addition to the federal panel, etc.

**Effective Date:** 7/1/2017

**Last Action:** 4/28/2017 Senate - Ordered enrolled

**Bill Text:** [Web Page](#) | [PDF](#)

Here is the current list of recommended screenings:

<https://www.hrsa.gov/advisorycommittees/mchbadvisory/heritabledisorders/recommendedpanel/>

223 House bills passed both Houses:

## CS/CS/HB 39: Autism Awareness Training for Law Enforcement Officers

GENERAL BILL by Justice Appropriations Subcommittee ; Criminal Justice Subcommittee ; Jenne ; Stafford ; (CO-INTRODUCERS) Asencio ; Avila ; Cortes, J. ; Eagle ; Gonzalez ; Harrell ; Miller, M. ; Plasencia ; Pritchett ; Roth ; Silvers ; Watson, C.

Autism Awareness Training for Law Enforcement Officers; Requires FDLE to establish continued employment training component relating to autism spectrum disorder; specifies instruction to be included in training component; provides that completion of training may count toward continued employment instruction requirements.

**Effective Date:** 10/1/2017

**Last Action:** 5/18/2017 - Signed by Officers and presented to Governor

**Bill Text:** [PDF](#)

## CS/CS/HB 277: Wills and Trusts

GENERAL BILL by Judiciary Committee ; Civil Justice and Claims Subcommittee ; Grant, J. ; White ; (CO-INTRODUCERS) Burgess ; Duran ; Fischer ; Mercado

Wills and Trusts; Creating the "Florida Electronic Wills Act"; specifying requirements that must be satisfied in the execution of electronic wills; authorizing an electronic will of a nonresident of this state which is properly executed in this or another state to be offered for and admitted to probate in this state; specifying requirements for service as a qualified custodian, etc.

**Effective Date:** 7/1/2017

**Last Action:** 5/5/2017 House - Ordered engrossed, then enrolled -HJ 1261

**Bill Text:** [PDF](#)

Analysis of Bill: <http://www.flsenate.gov/Session/Bill/2017/277/Analyses/h0277b.JDC.PDF>

## HB 371: Assistive Technology Devices

GENERAL BILL by Ausley ; (CO-INTRODUCERS) Williams

Assistive Technology Devices; Revises provisions relating to accessibility & use of assistive technology devices by persons with disabilities.

**Effective Date:** 7/1/2017

**Last Action:** 5/5/2017 House - Ordered enrolled -HJ 1262

**Bill Text:** [PDF](#)

## CS/HB 399: Guardianship

GENERAL BILL by Civil Justice and Claims Subcommittee ; Diamond ; Spano

Guardianship; Requires each examining committee member in proceeding to determine incapacity to file report with clerk of court within specified time; requires clerk to serve each report on specified persons within specified time; revises time before hearing on petition within which specified parties must be served; authorizes petitioner & alleged incapacitated person to move for continuance if service is not timely & to object to introduction of all or any part of report; specifies that admissibility of report is governed by rules of evidence; requires that adjudicatory hearing be conducted within specified time; changes time that guardian has to file required annual guardianship plan; eliminates requirement that court must first find that ward's spouse has consented to dissolution of marriage before authorizing guardian to exercise specified rights; removes cap on funeral expenses.

**Effective Date:** 7/1/2017

**Last Action:** 5/10/2017 - Chapter No. [2017-16](#)

**Bill Text:** [PDF](#)

Analysis of Bill: <http://www.flsenate.gov/Session/Bill/2017/399/Analyses/h0399f.JDC.PDF>

## CS/HB 863: Hospice Services

GENERAL BILL by Health and Human Services Committee ; Roth ; Silvers

Hospice Services; Exempts certain hospice services in not-for-profit retirement community from specified review & application requirements.

**Effective Date:** 7/1/2017

**Last Action:** 4/27/2017 House - Ordered enrolled -HJ 951

**Bill Text:** [PDF](#)

## APPROPRIATIONS

# SB 2500: Appropriations

## GENERAL BILL by Appropriations

Appropriations; Providing moneys for the annual period beginning July 1, 2017, and ending June 30, 2018, and supplemental appropriations for the period ending June 30, 2017, to pay salaries and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of state government, etc. APPROPRIATION: \$83,164,036,042.00

**Effective Date:** Except as otherwise provided herein, this act shall take effect July 1, 2017, or upon becoming law, whichever occurs later; however, if this act becomes law after July 1, 2017, then it shall operate retroactively to July 1, 2017

**Last Action:** 5/8/2017 Senate - Ordered engrossed, then enrolled -SJ 1375

**Bill Text:** [Web Page](#) | [PDF](#)

## Special Appropriations under APD budget - subject to veto by Governor

Funds from the General Revenue Fund are provided to Arc of Florida - recurring Dental Services (recurring base appropriations project).	\$3,000,000 in
DNA Comprehensive Therapy Services for Children with Autism (HB 2267)..... 733,660	
Club Challenge (Senate Form 1784).....	168,150
Arc of Florida - Training Resources (recurring base appropriations project funded as nonrecurring)..... 25,000	
Arc Gateway (recurring base appropriations project funded as nonrecurring)..... 2,000,000	
Nemours Children's Hospital (recurring base project funded as nonrecurring)..... 667,000	
JAFCO Children's Ability Center (HB 3747).....	500,000
Our Pride Academy (HB 2747).....	1,200,000
Seminole County Work Opportunity Program - Operation Grow (HB 2021)..... 240,000	
Easter Seals of Volusia and Flagler Counties (HB 2601).....	100,000
Brevard Achievement Center - Work Training Program (HB 2517)..... . 150,000	
Area Stage Company (ASC) Developmental Disabilities Theater Program for Children (HB 3473).....	175,000
Association for the Development of the Exceptional (HB 3047/ HB 2739)..... 300,000	
Loveland Center (HB 3033).....	486,000
The Arc Jacksonville - Transition to Community Employment (HB 2539)..... 300,000	
Monroe Association for ReMARCable Citizens (HB 3543).....	100,000
MACTown - MACFit Wellness Center - Palm Beach (HB 2833).....	50,000
Easter Seals of Florida - Brevard County (HB 2135).....	50,000
From the funds in Specific Appropriation 243A, \$62,000 in nonrecurring funds from the General Revenue Fund is provided to the Southwest Florida Autism Center (HB 3165).	
From the funds in Specific Appropriation 243A, \$31,850 in nonrecurring funds from the General Revenue Fund is provided to Club Challenge for Americans with Disabilities Act (ADA) accessibility modifications and other repairs to its facility (Senate Form 1784).	
From the funds in Specific Appropriation 243A, \$300,000 in nonrecurring funds from the Social Services Block Grant Trust Fund is provided to the Miracle League of Miami-Dade for the construction of recreational facilities (HB 2741).	
From the funds in Specific Appropriation 243A, \$450,000 in nonrecurring funds from the Social Services Block Grant is provided for the Arc of Tampa Bay's solar energy initiative (HB 3887)	

From the funds in Specific Appropriation 243B, \$690,000 in nonrecurring funds from the General Revenue Fund and \$100,000 in nonrecurring funds from the Social Services Block Grant Trust Fund are provided to the Arc Broward for the replacement of roofs at the main campus (HB 3029).

From the funds in Specific Appropriation 243C, \$425,000 in nonrecurring funds from the General Revenue Fund is provided to the Arc Nature Coast Life Skills Center (HB 4089)

From the funds in Specific Appropriation 243D, \$500,000 in nonrecurring funds from the Social Services Block Grant Trust Fund is provided to Youth and Family Alternatives (HB 4079).