

2017 Legislative Recap & Administrative Update SNT's and ABLE Update

Travis Finchum
Special Needs Lawyers, P.A.
Travis@SpecialNeedsLawyers.com
SpecialNeedsLawyers.com



Federal Updates

- Special Needs Trust Fairness Act is incorporated into 21st Century Cures Act
- Changes 42 USC 1396p(d)(4)(A)
- Allows a beneficiary to establish his or her own d4A

Federal Updates

- Indications of Block Grants to states for Medicaid funding – Stopped for now w/ ACA reform
- President's proposed budget submitted (\$4.1 trillion)
 - \$800 B cut to Medicaid
 - \$192 B cut to food assistance
 - \$272 B cut from other welfare programs

Florida Legislature 2017

- HB 39 – Autism Awareness Training of Law Enforcement Officers
- HB 371 – Assistive Technology Devices
- SB 1124 – Newborn Screenings

Florida Legislature 2017

- SB 724 – Estates
 - Elective Share and Homestead
 - Valuation of Elective Estate and Homestead
 - Life Est and ½ counts as 50%
 - Outright is 100%
 - Net the value
 - Contribution tolls interest after 2 years
 - Costs and fees in elective share cases

Florida Legislature 2017

- HB 399 Guardianship
- Eliminates requirement that spouse must consent to divorce of a ward
- No more funeral limits at \$6,000
- Added hearsay exception to examining committee reports if no objection ahead of time
- Reverted to old rules for deadlines for filing annual reports
- Effective July 1, 2017

Florida Legislature 2017

- HB 7073 / SB 7020 OPPG Regulations
- Ratified DOEA Rules at FAC
 - 58M-2.001
 - 58M-2.009
 - 58M-2.011

Effective March and June 2017

Florida Legislature 2017

- HB 7073 / SB 7020 OPPG Regulations
- Professional Guardian Registration and Credit Investigation
- Standards of Practice
- Disciplinary Action and Guidelines

Effective March and June 2017

Florida Legislature 2017

- HB 277 Wills and Trusts
 - 43 page bill
- Florida Electronic Wills Act
- Added in a separate trust bill too
- **VETOED by Governor**

Florida Legislature 2017

- Putting up to the vote in 2018

Florida Legislature 2017

- Putting up to vote in 2018
- Constitutional Amendments on ballot
 - Making 10% cap on non-residential values for property taxes permanent

Florida Legislature 2017

- Putting up to vote in 2018
- Constitutional Amendments on ballot
 - Making 10% cap on non-residential values for property taxes permanent
 - Homestead exemption to \$100,000

Florida Legislature 2018

- What Might we Expect

Florida Legislature 2018

- Early session starting in January
- Committees have started
- Likely to see Trust bill back (it is)
- Unlikely to see Electronic Wills, yet
- Forced share for Dependent Descendants
- Judicial Term Limits?
- Elective Share sliding scale?
- The Irma effect...

Florida Services

- Agency for Persons with Disabilities

Florida Services
Agency for Persons with Disabilities

Percent of families with I/DD supported
by a state agency

Florida 7.2% - 36th in the nation

California – 26.2%
New York – 27.8%

Florida Services
Agency for Persons with Disabilities

Percent of families with I/DD supported
by a state agency

Florida 7.2% - 36th in the nation

California – 26.2%
New York – 27.8%
Arizona – 31%
Kentucky – 36.3%

Florida Services
Agency for Persons with Disabilities

Total Fiscal effort - \$ per \$1,000 of
personal income for state residents

Florida Services
Agency for Persons with Disabilities

Total Fiscal effort - \$ per \$1,000 of
personal income for state residents

50th out of 51 (thank you Nevada) - \$1.99

New Mexico - \$5.17
South Dakota - \$4.73
Maine - \$8.02
New York – \$9.06

Florida Services

We can do better.

**Special Needs Trusts and
ABLE accounts**

Thank You!

Travis Finchum
Special Needs Lawyers, P.A.

Travis@SpecialNeedsLawyers.com

SpecialNeedsLawyers.com


