

# Legislative Update 2023

with some cases courtesy of Amy Fanzlaw and  
Collett Small

Travis Finchum

Special Needs Lawyers, PA

[www.SpecialNeedsLawyers.com](http://www.SpecialNeedsLawyers.com)

# Florida Legislative Session ended May 5, 2023

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There were 1829 Bills that were introduced (not counting amendments)

374 Bills passed both the House and Senate

Some have been signed by the Governor

and some are still waiting

Budget is \$117 Billion

# I have identified 9 Bills, plus the 2 Appropriations Bills to discuss

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We will also discuss several other updates, changes in policy or court cases that have come out or are in the works.

# \$117 Billion Budget

\$112.1 Billion Budget 2022-23

FY 2021-2022:	\$101 billion
FY 2020-2021:	\$93 billion
FY 2019-2020:	\$91 billion
FY 2018-2019:	\$88 billion
FY 2017-2018:	\$82 billion
FY 2016-2017:	\$82 billion
FY 2015-2016:	\$78 billion
FY 2014-2015:	\$77 billion
FY 2013-2014:	\$74 billion
FYI 2012-2013:	\$69 billion

# Do Not Resuscitate - CS/CS/SB 1098 - CS/CS/ HB119

(DNR's) Withholding or Withdrawal of Life-prolonging Procedures; Authorizing a court to delegate the right to consent to the withholding or withdrawal of life-prolonging procedures of incapacitated persons in certain circumstances; requiring that initial and annual guardianship plans, respectively, state whether any power under the ward's preexisting order not to resuscitate or advance directive is revoked, modified, suspended, or transferred to the guardian; authorizing a guardian to petition a court for approval to consent to withhold or withdraw life-prolonging procedures under certain circumstances, etc.

# Support for Adult Dependent Children – SB 226, HB 813

Providing that civil suits to establish support for dependent adult children may be filed only in a certain court by specified individuals. Requiring support to be paid to the dependent adult child or other specified persons or a special needs trust. Specifying that a child support order does not terminate on the child's 18<sup>th</sup> birthday in certain circumstances. Requiring the court to consider certain factors when determining the amount of support for a dependent adult child. Proving an additional circumstance under which a guardian advocate must be represented by an attorney in guardianship proceedings.

# Fatality Review Teams – SB 1542, HB 1567

Revises provisions related to elder and vulnerable adult abuse fatality review teams, including the scope of such review teams to include a review of fatal and near-fatal incidents of abuse, exploitation, or neglect of vulnerable adults in addition to elderly persons. Authorizes elder abuse fatality review teams existing on a specified date to continue to do so and requiring them to comply with specified provisions. Revises annual reporting requirements, and provides that communications, information, and records produced or acquired by a review team are not subject to discovery or introduction to evidence in certain proceedings. Effective date July 1, 2023. Pending action by governor.

# MV Realty Bill – SB 770, HB 861

Residential Loan Alternative Agreements; Specifying restrictions on residential loan alternative agreements for the disposition of residential real property; prohibiting a court from enforcing such agreements by certain means; providing that such agreements are void if listing services do not begin within a certain timeframe; specifying penalties and remedies, etc.



# SB 978 – HB 901 Secured Transactions

Kearney Fix - Providing that a description of certain accounts and entitlements by a certain type of collateral is insufficient for the purpose of security agreements, etc.

Needs to be specific – IRA's, Life Insurance, Pensions.

# SB 278, HB 619 – Non Tax Certificates

Amends §§ 198.26 and 198.32 to provide that proof that an estate has paid the state estate tax or is exempt from the tax is not required for estates of decedents who die after December 31, 2004 so long as federal law pertaining to estate tax does not allow for a state death tax credit or a state generation-skipping transfer tax credit. Effective date July 1, 2023.

# SB 1504, HB 6939 – PACE Programs

Changes Program of All-Inclusive Care for Elderly (PACE) oversight (out of Department of Elderly Affairs and just under Agency for Health Care Administration) by deleting provisions requiring AHCA to consult with DOEA regarding PACE administration. It also allows for more than one PACE organization to operate in each region by deleting language restricting a defined geographic service area to one PACE organization.

# SB 114, HB 29 – Tax Exemption for Diapers

With regard to sales tax, it creates permanent exemptions for adult incontinence products, oral hygiene products, specified baby/toddler products and clothes, machinery and equipment to produce renewable natural gas, among other things. Includes sales tax holidays and other tax breaks.

# SB 232, HB 603 – Exploitation of Vulnerable Persons

Specifying conditions under which a person commits exploitation of a person 65 years of age or older. Providing criminal penalties for violations of the act. Specifying that not knowing the age of a victim is not a defense to such crime. Authorizing persons who are in imminent danger of exploitation to petition for an injunction for protection. Providing time limitations for commencing prosecution for violations. Effective date October 1, 2023.

# General Appropriations Bills – HB 5001, SB 2500

\$117 Billion – before any Governor Vetoes

Raises the Personal Needs Allowance from  
\$130 to \$160.

# Some Federal updates: Secure 2.0

- RMD age to 73 as of 1/1/23 and will move to 75 over 10 years.
- Lots of retirement account changes
- Raised the age to qualify for ABLE Accounts to 46 in the year 2026
- Allows a charity to be named as a residual beneficiary of an accumulation SNT and not blow up the life expectancy calculations

# New Medicaid and SSI Related Medicaid Numbers

1. Federal Benefit Rate (SSI Max check) - \$941
2. ICP income limit - \$2742 ind., \$5484 couple
3. Community Spouse Resource Allowance - \$148,620
4. Home Equity Interest Limit - \$688,000
5. Transfer of Asset Divisor - \$10,809



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## Thank You

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