

## **Florida Laws Protecting Civil Rights for Persons with Disabilities**

*The following information can be found in the Florida Developmental Disabilities Council's "Lighting the Way to Guardianship and Other Decision-Making Alternatives."*

### **Guardian Advocate Rights**

Sec. 393.13(3), Florida Statutes, protects the rights of all persons with developmental disabilities, and state that all persons have the right to:

- a) Dignity, privacy, and humane care, including the right to be free from sexual abuse in residential facilities.
- b) Religious freedom and practice.
- c) Receive services, within available sources, which protect the personal liberty of the individual and which are provided in the least restrictive conditions necessary to achieve the purpose of treatment.
- d) Participate in an appropriate program of quality education and training services, within available resources, regardless of chronological age or degree of disability. Such persons may be provided with instruction in sex education, marriage, and family planning.
- e) Social interaction and to participate in community activities.
- f) Physical exercise and recreational opportunities.
- g) Free from harm, including unnecessary physical, chemical, or mechanical restraint, isolation, excessive medication, abuse, or neglect.
- h) Consent to or refuse treatment, subject to the powers of a guardian advocate under sec.393.12, Fla. Stat. or pursuant to Ch. 744, Fla. Stat.
- i) By reason of a developmental disability, not be excluded from participation in, or be denied the benefits of, or be subject to discrimination under any program or activity which receives public funds, and all prohibitions set forth under any other statute shall be actionable under this statute.
- j) By reason of having a developmental disability, not be denied the right to vote in public elections.

### **Guardianship Rights**

Sec. 744.3215(1), Fla. Stat., protects the rights of persons who have been determined incapacitated. Persons determined incapacitated under a Chapter 744 guardianship retain the right to:

- a) Have an annual review of the guardianship reports.
- b) Have a continuing review of the need for restriction of rights.
- c) Be restored to capacity at the earliest possible time.
- d) Be treated humanely with dignity and respect and to be protected against abuse, neglect and exploitation.
- e) Have a qualified guardian.
- f) Remain as independent as possible, including having the ward's preference as to place and standard of living in keeping with his or her financial, physical and mental capabilities.

- g) Be properly educated.
- h) Receive prudent financial management for the ward's property and to be informed how the property is being managed.
- i) Receive necessary services and rehabilitation.
- j) Be free from discrimination because of incapacity.
- k) Have access to the court.
- l) Have access to legal counsel.
- m) Receive visitors and communicate with others.
- n) Have notice of all proceedings related to guardianship.
- o) Have privacy.