

WSC ADVISORY #2025-003
SUPPORTED DECISIONMAKING

ACTION REQUIRED

EFFECTIVE DATE: IMMEDIATELY

The Agency for Persons with Disabilities appreciates the continued commitment Waiver Support Coordinators and Consumer Directed Care Plus Consultants show in ensuring that legal representatives are appropriately included in clients' supports and services that achieve client's goals.

In 2024, amendments were made to [section 709.2209, Florida Statutes \(F.S.\)](#), regarding "supported decisionmaking agreements" for individuals with a power of attorney to exercise their rights with appropriate assistance and delegation of certain tasks through an additional designated agent. A supported decisionmaking agreement is an agreement where the power of attorney agent for an individual grants a supported decisionmaking agent the authority to receive information and to communicate on behalf of an individual without granting authority for the designated agent to bind or act on their behalf.

Supported decisionmaking agreements allow the designated supported decisionmaking agent, in addition to the power of attorney agent, to obtain information on behalf of the individual, including protected health information and educational records, and assist the individual in communicating with third parties. These agreements will allow the designated supported decisionmaking agent to aid our client in understanding their options, any possible consequences, and communicate the client's decisions.

Waiver Support Coordinators and Consumer Directed Care Plus Consultants who serve individuals who have a supported decisionmaking agreement must ensure the following:

1. Update the legal representative information in iConnect on the Contacts tab if there is a designated supported decisionmaking agent.
2. Attach a copy of both the power of attorney document and the supported decisionmaking agreement in iConnect. It is recommended that these agreements should follow the requirements as mentioned in [Chapter 2024-242](#), section 709.2209(3) F.S. as a best practice and be notarized.
3. Communicate information related to the client's services with the designated supported decisionmaking agent identified in the agreement in accordance with the supported decisionmaking agreement, in addition to the power of attorney agent.