

By Senator Garcia

36-00599-26

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A bill to be entitled

An act relating to the communication rights of individuals with disabilities; creating s. 393.0665, F.S.; defining terms; providing that individuals with a disability have the right to communicate in their preferred manner; prohibiting state agencies, schools, and health care providers from restricting or denying such individuals access to their preferred alternative communication method; specifying alternative communication methods recognized under the act; specifying rights that individuals with disabilities have with respect to their communication needs; requiring the Agency for Persons with Disabilities to adopt rules and develop certain training; providing requirements for the training; establishing the Communication Rights Advisory Board within the agency for a specified purpose; providing for membership and duties of the board; providing for future repeal of the board; requiring the agency to adopt procedures for reporting violations of specified provisions; providing for administrative penalties; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 393.0665, Florida Statutes, is created to read:

393.0665 Communication Bill of Rights for Individuals with Disabilities.—

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(1) DEFINITIONS.—As used in this section, the term:

(a) “Alternative communication method” means a communication technique or device that is evidence-based or recognized by relevant professional organizations, including, but not limited to, the American Speech-Language-Hearing Association, and that allows an individual with a disability to communicate independently without improper influence.

(b) “Health care provider” means any facility licensed under this chapter or a provider as defined in s. 408.803.

(c) “Individual with a disability” means a person with a developmental disability as defined in s. 393.063; a physical or mental impairment that substantially limits one or more major life activities; or any other disability as defined under state or federal law, including the Americans with Disabilities Act.

(d) “School” means any child care, early education, elementary, secondary, or postsecondary educational setting.

(e) “State agency” means a separate agency or unit of state government created or established by law and any entity under the control of or established for the benefit of a state agency.

(2) COMMUNICATION RIGHTS.—

(a) An individual with a disability has the right to communicate in his or her preferred manner. A state agency, a school, or a health care provider in this state may not restrict or deny an individual with a disability access to his or her preferred alternative communication method.

(b) Alternative communication methods recognized under this section include, but are not limited to, all of the following:

1. Augmentative and alternative communication devices.
2. Letterboards and typing-based communication.

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59 3. Sign language and nonverbal gestural systems.

60 4. Speech-generating devices or other assistive
61 technologies.

62 (c) Individuals with disabilities have the right to:

63 1. Have their preferred alternative communication method
64 recognized and supported in educational, health, and public
65 settings.

66 2. Access needed speech-language therapy and communication
67 support from licensed professionals without arbitrary
68 restrictions.

69 3. Have reasonable access to trained staff in public
70 facilities or programs to support their specialized
71 communication needs.

72 4. Receive communication support from trained staff,
73 including agency staff, direct-support professionals, educators,
74 and health care providers.

75 5. Be free from bans or restrictions on their preferred
76 alternative communication methods.

77 (3) AGENCY RESPONSIBILITIES.—

78 (a) The agency shall adopt rules to implement this section,
79 including a statement of rights and the obligations of staff and
80 providers required to observe the communication rights of
81 individuals with disabilities under this section.

82 (b) The agency shall develop training programs for direct-
83 support professionals, educators, and health care staff. The
84 training must include, but need not be limited to, instruction
85 on all of the following:

86 1. Communication accommodations and alternative
87 communication methods.

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88 2. The requirements of this section, including supporting
89 an individual's preferred alternative communication method
90 unless another method is agreed upon by the individual or his or
91 her legal guardian.

92 (4) COMMUNICATION RIGHTS ADVISORY BOARD.—The Communication
93 Rights Advisory Board is created within the agency to advise the
94 agency on matters relating to individuals with disabilities.

95 (a) The board shall be composed of 15 members, at least 7
96 of whom must be individuals with disabilities or family members
97 or guardians of individuals with disabilities and the remainder
98 of whom must be either professionals who, in the course of their
99 respective professions, treat or serve individuals with
100 disabilities or representatives of disability advocacy
101 organizations. Board members shall be appointed as follows:

102 1. Three members appointed by the Governor.

103 2. Three members appointed by the President of the Senate.

104 3. Three members appointed by the Speaker of the House of
105 Representatives.

106 4. Three members appointed by the Minority Leader of the
107 Senate.

108 5. Three members appointed by the Minority Leader of the
109 House of Representatives.

110 (b) The board shall do all of the following:

111 1. Advise the agency on the implementation of this section.

112 2. Review policies and practices to ensure compliance with
113 communication rights enumerated under this section.

114 3. Submit an annual report to the Governor, the President
115 of the Senate, and the Speaker of the House of Representatives.

116 (c) In accordance with s. 20.052(8), this subsection is

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117 repealed October 2, 2029, unless reviewed and saved from repeal
118 through reenactment by the Legislature.

119 (5) ENFORCEMENT.—

120 (a) The agency shall establish procedures for individuals
121 with disabilities or their representatives to report violations
122 of this section.

123 (b) Violations of this section are subject to a civil
124 penalty of \$500 per violation in addition to any other
125 administrative action imposed in accordance with s. 393.0673 or
126 s. 408.813, as applicable, for such violation.

127 Section 2. This act shall take effect July 1, 2026.