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1 A bill to be entitled
 2 An act relating to children with disabilities; creating
 3 the "Window of Opportunity Act"; amending 393.063 revising
 4 the definition of developmental disability; adding the
 5 definition of Down syndrome; amending s. 409.8132, F.S.;
 6 revising provisions relating to eligibility for enrollment
 7 in the Medikids program component of the Florida Kidcare
 8 program; providing conditions for enrollment of new
 9 applicants in the Florida Healthy Kids program and
 10 limiting enrollment in the Medikids program after January
 11 1, 2009; amending s. 409.814, F.S.; providing limitations
 12 on enrollment in the Medikids program after January 1,
 13 2009; providing for enrollment of new applicants in the
 14 Florida Healthy Kids program; revising duties of the board
 15 of directors of the Florida Healthy Kids Corporation
 16 regarding enrollment limitations; amending s. 409.815,
 17 F.S.; revising provisions relating to health benefits
 18 coverage for specified services to include habilitative
 19 and behavior analysis services; providing definitions;
 20 limiting the lifetime maximum of health benefits coverage
 21 for certain services; amending s. 409.906, F.S.;
 22 authorizing the Agency for Health Care Administration to
 23 seek federal approval through a state plan amendment to
 24 provide home and community-based services for autism
 25 spectrum disorder and other development disabilities;
 26 specifying eligibility criteria; specifying limitations on
 27 provision of benefits; directing the agency to coordinate
 28 with the Agency for Persons with Disabilities and the

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29 Department of Health to select and define services
 30 submitted in the state plan amendment; requiring reports
 31 to the Legislature; creating s. 456.0291, F.S.;
 32 authorizing certain licensing boards to require special
 33 continuing education on developmental disabilities for
 34 certain licensees and certificateholders; providing
 35 penalties; providing rulemaking authority; requiring the
 36 department to develop and implement a plan to promote
 37 awareness of developmental disabilities, with a focus on
 38 autism spectrum disorder; amending s. 624.91, F.S.;
 39 revising legislative intent; requiring the Florida Healthy
 40 Kids Corporation to provide information relating to costs
 41 and utilization of full-pay and Title XXI subsidized
 42 populations enrolled in Florida Healthy Kids health
 43 benefits coverage plans; creating s. 624.916, F.S.;
 44 directing the Office of Insurance Regulation to establish
 45 a work group to develop and execute a compact relating to
 46 coverage for insured persons with development
 47 disabilities; providing for membership of the work group;
 48 requiring the work group to convene within a specified
 49 period of time; requiring the compact to contain specified
 50 components; requiring a report to the Legislature;
 51 creating s. 627.6686, F.S.; providing health insurance
 52 coverage for individuals with developmental disabilities;
 53 providing definitions; providing coverage for certain
 54 screening to diagnose and treat developmental
 55 disabilities; providing limitations on coverage; providing
 56 for eligibility standards for benefits and coverage;

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57 | prohibiting insurers from denying coverage under certain
 58 | circumstances; specifying required elements of a treatment
 59 | plan; providing, beginning July 1, 2011, that the maximum
 60 | benefit shall be adjusted annually; clarifying that the
 61 | section may not be construed as limiting benefits and
 62 | coverage otherwise available to an insured under a health
 63 | insurance plan; creating s. 641.31098, F.S.; providing
 64 | coverage under a health maintenance contract for
 65 | individuals with developmental disabilities; providing
 66 | definitions; providing coverage for certain screening to
 67 | diagnose and treat developmental disabilities; providing
 68 | limitations on coverage; providing for eligibility
 69 | standards for benefits and coverage; prohibiting health
 70 | maintenance organizations from denying coverage under
 71 | certain circumstances; specifying required elements of a
 72 | treatment plan; providing, beginning July 1, 2011, that
 73 | the maximum benefit shall be adjusted annually; amending
 74 | s. 1002.39, F.S., relating to the John M. McKay
 75 | Scholarships for Students with Disabilities Program;
 76 | revising the terminology used to identify students with
 77 | certain disabilities; authorizing students who receive
 78 | certain services under the Voluntary Prekindergarten
 79 | Education Program to receive a John M. McKay Scholarship;
 80 | conforming cross-references; permitting students to
 81 | receive scholarship services at locations other than the
 82 | private school's site under specified conditions;
 83 | providing retroactive eligibility for scholarships under
 84 | certain circumstances; amending s. 1002.51, F.S.; revising

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85 definitions for the Voluntary Prekindergarten Education
 86 Program; amending s. 1002.53 and creating s. 1002.66,
 87 F.S.; establishing a prekindergarten program option for
 88 children with disabilities; providing eligibility criteria
 89 for early intervention services; providing for the
 90 approval of early intervention service providers;
 91 authorizing the expenditure of funds for early
 92 intervention services; amending s. 1002.71, F.S.;
 93 authorizing a child participating in a prekindergarten
 94 program for children with disabilities to reenroll in
 95 another program option under certain conditions; amending
 96 s. 1002.75, F.S.; revising the powers and duties of the
 97 Agency for Workforce Innovation for prekindergarten
 98 programs; amending s. 1003.01, F.S.; revising the
 99 terminology used to identify students with certain
 100 disabilities; amending s. 1004.55, F.S.; redesignating
 101 regional autism centers as Centers for Autism and Related
 102 Disabilities; revising terminology and duties of the
 103 regional autism centers; amending s. 1006.03, F.S.;
 104 requiring the Department of Education to maintain the
 105 Florida Diagnostic and Learning Resources System; revising
 106 duties of regional diagnostic and learning resources
 107 centers; creating part III of chapter 1006, F.S., relating
 108 to the Learning Gateway; creating s. 1006.80, F.S.;
 109 requiring Centers for Autism and Related Disabilities to
 110 establish a statewide system of learning gateways;
 111 specifying functions of learning gateways; creating s.
 112 1006.82, F.S.; establishing the State Learning Gateway

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113 Council; assigning the council to the Department of
 114 Education for administrative purposes; specifying the
 115 membership of the council; providing for selection of the
 116 council's chair and executive director; prescribing the
 117 council's duties; repealing ss. 411.226, 411.227, and
 118 411.228, F.S., relating to the Learning Gateway,
 119 components of the Learning Gateway, and accountability;
 120 providing effective dates.

121

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

123

124 Section 1. This act may be cited as the "Window of
 125 Opportunity Act."

126 Section 2. Section 393.063, Florida Statutes, is amended
 127 to read:

128 393.063 Definitions.--For the purposes of this chapter,
 129 the term:

130 (1) "Agency" means the Agency for Persons with
 131 Disabilities.

132 (2) "Adult day training" means training services which
 133 take place in a nonresidential setting, separate from the home
 134 or facility in which the client resides; are intended to support
 135 the participation of clients in daily, meaningful, and valued
 136 routines of the community; and may include work-like settings
 137 that do not meet the definition of supported employment.

138 (3) "Autism" means a pervasive, neurologically based
 139 developmental disability of extended duration which causes
 140 severe learning, communication, and behavior disorders with age

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141 of onset during infancy or childhood. Individuals with autism
 142 exhibit impairment in reciprocal social interaction, impairment
 143 in verbal and nonverbal communication and imaginative ability,
 144 and a markedly restricted repertoire of activities and
 145 interests.

146 (4) "Cerebral palsy" means a group of disabling symptoms
 147 of extended duration which results from damage to the developing
 148 brain that may occur before, during, or after birth and that
 149 results in the loss or impairment of control over voluntary
 150 muscles. For the purposes of this definition, cerebral palsy
 151 does not include those symptoms or impairments resulting solely
 152 from a stroke.

153 (5) "Client" means any person determined eligible by the
 154 agency for services under this chapter.

155 (6) "Client advocate" means a friend or relative of the
 156 client, or of the client's immediate family, who advocates for
 157 the best interests of the client in any proceedings under this
 158 chapter in which the client or his or her family has the right
 159 or duty to participate.

160 (7) "Comprehensive assessment" means the process used to
 161 determine eligibility for services under this chapter.

162 (8) "Comprehensive transitional education program" means
 163 the program established in s. 393.18.

164 (9) "Developmental disability" means a disorder or
 165 syndrome that is attributable to retardation, cerebral palsy,
 166 autism, spina bifida, Down syndrome or Prader-Willi syndrome;
 167 that manifests before the age of 18; and that constitutes a

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168 substantial handicap that can reasonably be expected to continue
 169 indefinitely.

170 (10) "Developmental disabilities institution" means a
 171 state-owned and state-operated facility, formerly known as a
 172 "Sunland Center," providing for the care, habilitation, and
 173 rehabilitation of clients with developmental disabilities.

174 (11) "Direct service provider" means a person 18 years of
 175 age or older who has direct face-to-face contact with a client
 176 while providing services to the client or has access to a
 177 client's living areas or to a client's funds or personal
 178 property.

179 (12) "Domicile" means the place where a client legally
 180 resides, which place is his or her permanent home. Domicile may
 181 be established as provided in s. 222.17. Domicile may not be
 182 established in Florida by a minor who has no parent domiciled in
 183 Florida, or by a minor who has no legal guardian domiciled in
 184 Florida, or by any alien not classified as a resident alien.

185 (13) "Down syndrome" means disorder caused by the presence
 186 of an extra chromosome 21 and characterized by mental
 187 retardation and distinguishing physical features.

188 (14) ~~(13)~~ "Express and informed consent" means consent
 189 voluntarily given in writing with sufficient knowledge and
 190 comprehension of the subject matter to enable the person giving
 191 consent to make a knowing decision without any element of force,
 192 fraud, deceit, duress, or other form of constraint or coercion.

193 (15) ~~(14)~~ "Family care program" means the program
 194 established in s. 393.068.

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195 (16)~~(15)~~ "Foster care facility" means a residential
 196 facility licensed under this chapter which provides a family
 197 living environment including supervision and care necessary to
 198 meet the physical, emotional, and social needs of its residents.
 199 The capacity of such a facility may not be more than three
 200 residents.

201 (17)~~(16)~~ "Group home facility" means a residential
 202 facility licensed under this chapter which provides a family
 203 living environment including supervision and care necessary to
 204 meet the physical, emotional, and social needs of its residents.
 205 The capacity of such a facility shall be at least 4 but not more
 206 than 15 residents.

207 (18)~~(17)~~ "Guardian advocate" means a person appointed by a
 208 written order of the court to represent a person with
 209 developmental disabilities under s. 393.12.

210 (19)~~(18)~~ "Habilitation" means the process by which a
 211 client is assisted to acquire and maintain those life skills
 212 which enable the client to cope more effectively with the
 213 demands of his or her condition and environment and to raise the
 214 level of his or her physical, mental, and social efficiency. It
 215 includes, but is not limited to, programs of formal structured
 216 education and treatment.

217 (20)~~(19)~~ "High-risk child" means, for the purposes of this
 218 chapter, a child from 3 to 5 years of age with one or more of
 219 the following characteristics:

220 (a) A developmental delay in cognition, language, or
 221 physical development.

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222 (b) A child surviving a catastrophic infectious or
 223 traumatic illness known to be associated with developmental
 224 delay, when funds are specifically appropriated.

225 (c) A child with a parent or guardian with developmental
 226 disabilities who requires assistance in meeting the child's
 227 developmental needs.

228 (d) A child who has a physical or genetic anomaly
 229 associated with developmental disability.

230 (21)~~(20)~~ "Intermediate care facility for the
 231 developmentally disabled" or "ICF/DD" means a residential
 232 facility licensed and certified pursuant to part VIII of chapter
 233 400.

234 (22)~~(21)~~ "Medical/dental services" means medically
 235 necessary services which are provided or ordered for a client by
 236 a person licensed under chapter 458, chapter 459, or chapter
 237 466. Such services may include, but are not limited to,
 238 prescription drugs, specialized therapies, nursing supervision,
 239 hospitalization, dietary services, prosthetic devices, surgery,
 240 specialized equipment and supplies, adaptive equipment, and
 241 other services as required to prevent or alleviate a medical or
 242 dental condition.

243 (23)~~(22)~~ "Personal care services" means individual
 244 assistance with or supervision of essential activities of daily
 245 living for self-care, including ambulation, bathing, dressing,
 246 eating, grooming, and toileting, and other similar services that
 247 are incidental to the care furnished and essential to the
 248 health, safety, and welfare of the client when there is no one
 249 else available to perform those services.

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250 (24)~~(23)~~ "Prader-Willi syndrome" means an inherited
 251 condition typified by neonatal hypotonia with failure to thrive,
 252 hyperphagia or an excessive drive to eat which leads to obesity
 253 usually at 18 to 36 months of age, mild to moderate mental
 254 retardation, hypogonadism, short stature, mild facial
 255 dysmorphism, and a characteristic neurobehavior.

256 (25)~~(24)~~ "Relative" means an individual who is connected
 257 by affinity or consanguinity to the client and who is 18 years
 258 of age or older.

259 (26)~~(25)~~ "Resident" means any person with developmental
 260 disabilities residing at a residential facility, whether or not
 261 such person is a client of the agency.

262 (27)~~(26)~~ "Residential facility" means a facility providing
 263 room and board and personal care for persons with developmental
 264 disabilities.

265 (28)~~(27)~~ "Residential habilitation" means supervision and
 266 training with the acquisition, retention, or improvement in
 267 skills related to activities of daily living, such as personal
 268 hygiene skills, homemaking skills, and the social and adaptive
 269 skills necessary to enable the individual to reside in the
 270 community.

271 (29)~~(28)~~ "Residential habilitation center" means a
 272 community residential facility licensed under this chapter which
 273 provides habilitation services. The capacity of such a facility
 274 shall not be fewer than nine residents. After October 1, 1989,
 275 new residential habilitation centers may not be licensed and the
 276 licensed capacity for any existing residential habilitation
 277 center may not be increased.

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278 (30)~~(29)~~ "Respite service" means appropriate, short-term,
 279 temporary care that is provided to a person with developmental
 280 disabilities to meet the planned or emergency needs of the
 281 person or the family or other direct service provider.

282 (31)~~(30)~~ "Restraint" means a physical device, method, or
 283 drug used to control dangerous behavior.

284 (a) A physical restraint is any manual method or physical
 285 or mechanical device, material, or equipment attached or
 286 adjacent to the individual's body so that he or she cannot
 287 easily remove the restraint and which restricts freedom of
 288 movement or normal access to one's body.

289 (b) A drug used as a restraint is a medication used to
 290 control the person's behavior or to restrict his or her freedom
 291 of movement and is not a standard treatment for the person's
 292 medical or psychiatric condition. Physically holding a person
 293 during a procedure to forcibly administer psychotropic
 294 medication is a physical restraint.

295 (c) Restraint does not include physical devices, such as
 296 orthopedically prescribed appliances, surgical dressings and
 297 bandages, supportive body bands, or other physical holding when
 298 necessary for routine physical examinations and tests; for
 299 purposes of orthopedic, surgical, or other similar medical
 300 treatment; when used to provide support for the achievement of
 301 functional body position or proper balance; or when used to
 302 protect a person from falling out of bed.

303 (32)~~(31)~~ "Retardation" means significantly subaverage
 304 general intellectual functioning existing concurrently with
 305 deficits in adaptive behavior. "Significantly subaverage general

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306 intellectual functioning," for the purpose of this definition,
 307 means performance which is two or more standard deviations from
 308 the mean score on a standardized intelligence test specified in
 309 the rules of the agency. "Adaptive behavior," for the purpose of
 310 this definition, means the effectiveness or degree with which an
 311 individual meets the standards of personal independence and
 312 social responsibility expected of his or her age, cultural
 313 group, and community.

314 (33)~~(32)~~ "Seclusion" means the involuntary isolation of a
 315 person in a room or area from which the person is prevented from
 316 leaving. The prevention may be by physical barrier or by a staff
 317 member who is acting in a manner, or who is physically situated,
 318 so as to prevent the person from leaving the room or area. For
 319 the purposes of this chapter, the term does not mean isolation
 320 due to the medical condition or symptoms of the person.

321 (34)~~(33)~~ "Self-determination" means an individual's
 322 freedom to exercise the same rights as all other citizens,
 323 authority to exercise control over funds needed for one's own
 324 support, including prioritizing these funds when necessary,
 325 responsibility for the wise use of public funds, and self-
 326 advocacy to speak and advocate for oneself in order to gain
 327 independence and ensure that individuals with a developmental
 328 disability are treated equally.

329 (35)~~(34)~~ "Specialized therapies" means those treatments or
 330 activities prescribed by and provided by an appropriately
 331 trained, licensed, or certified professional or staff person and
 332 may include, but are not limited to, physical therapy, speech
 333 therapy, respiratory therapy, occupational therapy, behavior

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334 therapy, physical management services, and related specialized
335 equipment and supplies.

336 (36)~~(35)~~ "Spina bifida" means, for purposes of this
337 chapter, a person with a medical diagnosis of spina bifida
338 cystica or myelomeningocele.

339 (37)~~(36)~~ "Support coordinator" means a person who is
340 designated by the agency to assist individuals and families in
341 identifying their capacities, needs, and resources, as well as
342 finding and gaining access to necessary supports and services;
343 coordinating the delivery of supports and services; advocating
344 on behalf of the individual and family; maintaining relevant
345 records; and monitoring and evaluating the delivery of supports
346 and services to determine the extent to which they meet the
347 needs and expectations identified by the individual, family, and
348 others who participated in the development of the support plan.

349 (38)~~(37)~~ "Supported employment" means employment located
350 or provided in an integrated work setting, with earnings paid on
351 a commensurate wage basis, and for which continued support is
352 needed for job maintenance.

353 (39)~~(38)~~ "Supported living" means a category of
354 individually determined services designed and coordinated in
355 such a manner as to provide assistance to adult clients who
356 require ongoing supports to live as independently as possible in
357 their own homes, to be integrated into the community, and to
358 participate in community life to the fullest extent possible.

359 (40)~~(39)~~ "Training" means a planned approach to assisting
360 a client to attain or maintain his or her maximum potential and

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361 includes services ranging from sensory stimulation to
 362 instruction in skills for independent living and employment.

363 (41)~~(40)~~ "Treatment" means the prevention, amelioration,
 364 or cure of a client's physical and mental disabilities or
 365 illnesses.

366 Section 3. Paragraph (a) of subsection(6) and subsection
 367 (7) of section 409.8132, Florida Statutes, are amended to read:

368 409.8132 Medikids program component.--

369 (6) ELIGIBILITY.--

370 (a) A child who has attained the age of 1 year but who is
 371 under the age of 5 years is eligible to enroll in the Medikids
 372 program component of the Florida Kidcare program, if the child
 373 is a member of a family that has a family income which exceeds
 374 the Medicaid applicable income level as specified in s. 409.903,
 375 but which is equal to or below 200 percent of the current
 376 federal poverty level. In determining the eligibility of such a
 377 child, an assets test is not required. Effective January 1,
 378 2009, a child who is enrolled in ~~eligible for~~ Medikids may elect
 379 to enroll in Florida Healthy Kids coverage or employer-sponsored
 380 group coverage at the time of redetermination. ~~However, a child~~
 381 ~~who is eligible for Medikids may participate in the Florida~~
 382 ~~Healthy Kids program only if the child has a sibling~~
 383 ~~participating in the Florida Healthy Kids program and the~~
 384 ~~child's county of residence permits such enrollment.~~

385 (7) ENROLLMENT.--

386 (a) Enrollment in the Medikids program component may occur
 387 at any time throughout the year. A child may not receive
 388 services under the Medikids program until the child is enrolled

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389 in a managed care plan or MediPass. Once determined eligible, an
 390 applicant may receive choice counseling and select a managed
 391 care plan or MediPass. The agency may initiate mandatory
 392 assignment for a Medikids applicant who has not chosen a managed
 393 care plan or MediPass provider after the applicant's voluntary
 394 choice period ends. An applicant may select MediPass under the
 395 Medikids program component only in counties that have fewer than
 396 two managed care plans available to serve Medicaid recipients
 397 and only if the federal Health Care Financing Administration
 398 determines that MediPass constitutes "health insurance coverage"
 399 as defined in Title XXI of the Social Security Act.

400 (b) Effective January 1, 2009, a new applicant for the
 401 Florida Kidcare program who has attained the age of 1 year but
 402 who is under the age of 5 years shall be enrolled in the Florida
 403 Healthy Kids program component of the Florida Kidcare program.
 404 New applicants may not be enrolled in the Medikids program
 405 component after January 1, 2009.

406 Section 4. Subsection (5) of section 409.814, Florida
 407 Statutes, is amended to read:

408 409.814 Eligibility.--A child who has not reached 19 years
 409 of age whose family income is equal to or below 200 percent of
 410 the federal poverty level is eligible for the Florida Kidcare
 411 program as provided in this section. For enrollment in the
 412 Children's Medical Services Network, a complete application
 413 includes the medical or behavioral health screening. If,
 414 subsequently, an individual is determined to be ineligible for
 415 coverage, he or she must immediately be disenrolled from the
 416 respective Florida Kidcare program component.

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417 (5) A child whose family income is above 200 percent of
 418 the federal poverty level or a child who is excluded under the
 419 provisions of subsection (4) may participate in the Medikids
 420 program as provided in s. 409.8132 or, if the child is
 421 ineligible for Medikids by reason of age or the child applied
 422 for coverage after January 1, 2009, in the Florida Healthy Kids
 423 program as provided in s. 624.91, subject to the following
 424 provisions:

425 (a) The family is not eligible for premium assistance
 426 payments and must pay the full cost of the premium, including
 427 any administrative costs.

428 (b) The agency is authorized to place limits on enrollment
 429 in Medikids by these children in order to avoid adverse
 430 selection. The number of children participating in Medikids
 431 whose family income exceeds 200 percent of the federal poverty
 432 level must not exceed 10 percent of total enrollees in the
 433 Medikids program. Effective January 1, 2009, all new applicants
 434 shall be enrolled in the Florida Healthy Kids program component
 435 of the Florida Kidcare program pursuant to this paragraph.

436 (c) The board of directors of the Florida Healthy Kids
 437 Corporation ~~is authorized to place limits on enrollment of these~~
 438 ~~children in order to avoid adverse selection. In addition, the~~
 439 ~~board~~ is authorized to offer a reduced benefit package to these
 440 children in order to limit program costs for such families. ~~The~~
 441 ~~number of children participating in the Florida Healthy Kids~~
 442 ~~program whose family income exceeds 200 percent of the federal~~
 443 ~~poverty level must not exceed 10 percent of total enrollees in~~
 444 ~~the Florida Healthy Kids program.~~

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445 Section 5. Paragraphs (r) through (v) of subsection (2) of
 446 section 409.815, Florida Statutes, are redesignated as
 447 paragraphs (s) through (w), respectively, present paragraphs
 448 (o), (r), and (u) are amended, and a new paragraph (r) is added
 449 to that subsection, to read:

450 409.815 Health benefits coverage; limitations.--

451 (2) BENCHMARK BENEFITS.--In order for health benefits
 452 coverage to qualify for premium assistance payments for an
 453 eligible child under ss. 409.810-409.820, the health benefits
 454 coverage, except for coverage under Medicaid and Medikids, must
 455 include the following minimum benefits, as medically necessary.

456 (o) Therapy services.--Covered services include
 457 habilitative and rehabilitative services, including
 458 occupational, physical, respiratory, and speech therapies, with
 459 the following limitations:

460 1. Rehabilitative services are limited to:

461 a.1. Services must be for Short-term rehabilitation when
 462 ~~where~~ significant improvement in the enrollee's condition will
 463 result; and

464 b.2. Services shall be limited to Not more than 24
 465 treatment sessions within a 60-day period per episode or injury,
 466 with the 60-day period beginning with the first treatment.

467 2. Habilitative services are limited to:

468 a. Habilitation when improvements in and maintenance of
 469 human behavior, skill acquisition, and communication will
 470 result; and

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471 b. Enrollees that are diagnosed with autism spectrum
 472 disorder, mental retardation, cerebral palsy, spina bifida, or
 473 Prader-Willi syndrome.

474 (r) Behavior analysis services.--Behavior analysis and
 475 behavior assistant services shall be covered. For purposes of
 476 this paragraph:

477 1. "Behavior analysis" means the design, implementation,
 478 and evaluation of instructional and environmental modifications
 479 to produce socially significant improvements in human behavior
 480 through skill acquisition and the reduction of problematic
 481 behavior. Behavior analysis shall be provided by an individual
 482 certified pursuant to s. 393.17 or an individual licensed under
 483 chapter 490 or chapter 491.

484 2. "Behavior assistant" means services provided by an
 485 individual with specific training to assist in carrying out
 486 plans designed by a behavior analyst.

487 (s)~~(r)~~ Lifetime maximum.--Health benefits coverage
 488 obtained under ss. 409.810-409.820 shall pay an enrollee's
 489 covered expenses at a lifetime maximum of \$1 million per covered
 490 child. However, coverage for the combination of behavior
 491 analysis services, speech therapy, physical therapy, and
 492 occupational therapy for recipients diagnosed with autism
 493 spectrum disorder, mental retardation, cerebral palsy, spina
 494 bifida, or Prader-Willi syndrome receiving these services to
 495 achieve improvements in human behavior, skill acquisition,
 496 communication, and the reduction of problematic behavior shall
 497 be limited to \$36,000 annually and may not exceed \$108,000 in
 498 total lifetime benefits.

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499 (v) ~~(u)~~ Enhancements to minimum requirements.--

500 1. This section sets the minimum benefits that must be
 501 included in any health benefits coverage, other than Medicaid or
 502 Medikids coverage, offered under ss. 409.810-409.820. Health
 503 benefits coverage may include additional benefits not included
 504 under this subsection, but may not include benefits excluded
 505 under paragraph (t) ~~(s)~~.

506 2. Health benefits coverage may extend any limitations
 507 beyond the minimum benefits described in this section.

508
 509 Except for the Children's Medical Services Network, the agency
 510 may not increase the premium assistance payment for either
 511 additional benefits provided beyond the minimum benefits
 512 described in this section or the imposition of less restrictive
 513 service limitations.

514 Section 6. Subsection (26) is added to section 409.906,
 515 Florida Statutes, to read:

516 409.906 Optional Medicaid services.--Subject to specific
 517 appropriations, the agency may make payments for services which
 518 are optional to the state under Title XIX of the Social Security
 519 Act and are furnished by Medicaid providers to recipients who
 520 are determined to be eligible on the dates on which the services
 521 were provided. Any optional service that is provided shall be
 522 provided only when medically necessary and in accordance with
 523 state and federal law. Optional services rendered by providers
 524 in mobile units to Medicaid recipients may be restricted or
 525 prohibited by the agency. Nothing in this section shall be
 526 construed to prevent or limit the agency from adjusting fees,

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527 reimbursement rates, lengths of stay, number of visits, or
 528 number of services, or making any other adjustments necessary to
 529 comply with the availability of moneys and any limitations or
 530 directions provided for in the General Appropriations Act or
 531 chapter 216. If necessary to safeguard the state's systems of
 532 providing services to elderly and disabled persons and subject
 533 to the notice and review provisions of s. 216.177, the Governor
 534 may direct the Agency for Health Care Administration to amend
 535 the Medicaid state plan to delete the optional Medicaid service
 536 known as "Intermediate Care Facilities for the Developmentally
 537 Disabled." Optional services may include:

538 (26) HOME AND COMMUNITY-BASED SERVICES FOR AUTISM SPECTRUM
 539 DISORDER AND OTHER DEVELOPMENTAL DISABILITIES.--The agency is
 540 authorized to seek and implement federal approval through a
 541 state plan amendment for home and community-based services
 542 limited to occupational therapy, speech therapy, physical
 543 therapy, behavior analysis, and behavior assistant services
 544 under the authority of and in compliance with s. 1915(i)of the
 545 Social Security Act. The services shall be provided to
 546 individuals who are 5 years of age and under and have a
 547 diagnosis of autism spectrum disorder, mental retardation,
 548 cerebral palsy, spina bifida, or Prader-Willi syndrome. Coverage
 549 for such services shall be limited to \$36,000 annually and may
 550 not exceed \$108,000 in total lifetime benefits. In accordance
 551 with allowances under s. 1915(i) of the Social Security Act,
 552 these services may be limited to a select number of eligible
 553 individuals in select geographic areas as identified by the
 554 agency. Eligible individuals may have incomes of up to 150

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555 percent of the federal poverty level. The agency shall
 556 coordinate with the Agency for Persons with Disabilities and the
 557 Department of Health to select and define the services that will
 558 be included in the state plan amendment and be provided under
 559 this subsection. The agency shall submit an annual report
 560 beginning on January 1, 2009, to the President of the Senate,
 561 the Speaker of the House of Representatives, and the relevant
 562 committees of the Senate and the House of Representatives
 563 regarding the implementation of the state plan amendment.

564 Section 7. Section 456.0291, Florida Statutes, is created
 565 to read:

566 456.0291 Requirement for instruction on developmental
 567 disabilities.--

568 (1) (a) The appropriate board shall require each person
 569 licensed or certified under chapter 458, chapter 459, part I of
 570 chapter 464, chapter 490, or chapter 491 to complete a 2-hour
 571 continuing education course, approved by the board, on
 572 developmental disabilities, as defined in s. 393.063, with the
 573 addition of autism spectrum disorder, as part of every third
 574 biennial relicensure or recertification. The course shall
 575 consist of information on the diagnosis and treatment of
 576 developmental disabilities and information on counseling and
 577 education of a parent whose child is diagnosed with a
 578 developmental disability, with an emphasis on autism spectrum
 579 disorder.

580 (b) Each such licensee or certificateholder shall submit
 581 confirmation of having completed the course, on a form provided

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582 by the board, when submitting fees for every third biennial
 583 renewal.

584 (c) The board may approve additional equivalent courses
 585 that may be used to satisfy the requirements of paragraph (a).
 586 Each licensing board that requires a licensee to complete an
 587 educational course pursuant to this subsection may include the
 588 hours required for completion of the course in the total hours
 589 of continuing education required by law for such profession
 590 unless the continuing education requirements for such profession
 591 consist of fewer than 30 hours biennially.

592 (d) Any person holding two or more licenses subject to the
 593 provisions of this subsection shall be permitted to show proof
 594 of having taken one board-approved course on developmental
 595 disabilities for purposes of relicensure or recertification for
 596 additional licenses.

597 (e) Failure to comply with the requirements of this
 598 subsection shall constitute grounds for disciplinary action
 599 under each respective practice act and under s. 456.072(1)(k).
 600 In addition to discipline by the board, the licensee shall be
 601 required to complete such course.

602 (2) Each board may adopt rules pursuant to ss. 120.536(1)
 603 and 120.54 to carry out the provisions of this section.

604 (3) The department shall implement a plan to promote
 605 awareness of developmental disabilities, with a focus on autism
 606 spectrum disorder, to physicians licensed under chapter 458 and
 607 chapter 459 and parents. The department shall develop the plan
 608 in consultation with organizations representing allopathic and
 609 osteopathic physicians, the Board of Medicine, the Board of

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610 Osteopathic Medicine, and nationally recognized organizations
 611 that promote awareness of developmental disabilities. The
 612 department's plan shall include the distribution of educational
 613 materials for parents, including a developmental assessment
 614 tool.

615 Section 8. Paragraph (b) of subsection (2) and paragraph
 616 (b) of subsection (5) of section 624.91, Florida Statutes, are
 617 amended to read:

618 624.91 The Florida Healthy Kids Corporation Act.--

619 (2) LEGISLATIVE INTENT.--

620 (b) It is the intent of the Legislature that the Florida
 621 Healthy Kids Corporation serve as one of several providers of
 622 services to children eligible for medical assistance under Title
 623 XXI of the Social Security Act. Although the corporation may
 624 serve other children, the Legislature intends the primary
 625 recipients of services provided through the corporation be
 626 ~~school-age~~ children with a family income below 200 percent of
 627 the federal poverty level, who do not qualify for Medicaid. It
 628 is also the intent of the Legislature that state and local
 629 government Florida Healthy Kids funds be used to continue
 630 coverage, subject to specific appropriations in the General
 631 Appropriations Act, to children not eligible for federal
 632 matching funds under Title XXI.

633 (5) CORPORATION AUTHORIZATION, DUTIES, POWERS.--

634 (b) The Florida Healthy Kids Corporation shall:

635 1. Arrange for the collection of any family, local
 636 contributions, or employer payment or premium, in an amount to
 637 be determined by the board of directors, to provide for payment

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638 of premiums for comprehensive insurance coverage and for the
639 actual or estimated administrative expenses.

640 2. Arrange for the collection of any voluntary
641 contributions to provide for payment of premiums for children
642 who are not eligible for medical assistance under Title XXI of
643 the Social Security Act.

644 3. Subject to the provisions of s. 409.8134, accept
645 voluntary supplemental local match contributions that comply
646 with the requirements of Title XXI of the Social Security Act
647 for the purpose of providing additional coverage in contributing
648 counties under Title XXI.

649 4. Establish the administrative and accounting procedures
650 for the operation of the corporation.

651 5. Establish, with consultation from appropriate
652 professional organizations, standards for preventive health
653 services and providers and comprehensive insurance benefits
654 appropriate to children, provided that such standards for rural
655 areas shall not limit primary care providers to board-certified
656 pediatricians.

657 6. Determine eligibility for children seeking to
658 participate in the Title XXI-funded components of the Florida
659 Kidcare program consistent with the requirements specified in s.
660 409.814, as well as the non-Title-XXI-eligible children as
661 provided in subsection (3).

662 7. Establish procedures under which providers of local
663 match to, applicants to and participants in the program may have
664 grievances reviewed by an impartial body and reported to the
665 board of directors of the corporation.

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666 8. Establish participation criteria and, if appropriate,
 667 contract with an authorized insurer, health maintenance
 668 organization, or third-party administrator to provide
 669 administrative services to the corporation.

670 9. Establish enrollment criteria which shall include
 671 penalties or waiting periods of not fewer than 60 days for
 672 reinstatement of coverage upon voluntary cancellation for
 673 nonpayment of family premiums.

674 10. Contract with authorized insurers or any provider of
 675 health care services, meeting standards established by the
 676 corporation, for the provision of comprehensive insurance
 677 coverage to participants. Such standards shall include criteria
 678 under which the corporation may contract with more than one
 679 provider of health care services in program sites. Health plans
 680 shall be selected through a competitive bid process. The Florida
 681 Healthy Kids Corporation shall purchase goods and services in
 682 the most cost-effective manner consistent with the delivery of
 683 quality medical care. The maximum administrative cost for a
 684 Florida Healthy Kids Corporation contract shall be 15 percent.
 685 For health care contracts, the minimum medical loss ratio for a
 686 Florida Healthy Kids Corporation contract shall be 85 percent.
 687 For dental contracts, the remaining compensation to be paid to
 688 the authorized insurer or provider under a Florida Healthy Kids
 689 Corporation contract shall be no less than an amount which is 85
 690 percent of premium; to the extent any contract provision does
 691 not provide for this minimum compensation, this section shall
 692 prevail. The health plan selection criteria and scoring system,

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693 and the scoring results, shall be available upon request for
 694 inspection after the bids have been awarded.

695 11. Establish disenrollment criteria in the event local
 696 matching funds are insufficient to cover enrollments.

697 12. Develop and implement a plan to publicize the Florida
 698 Healthy Kids Corporation, the eligibility requirements of the
 699 program, and the procedures for enrollment in the program and to
 700 maintain public awareness of the corporation and the program.

701 13. Secure staff necessary to properly administer the
 702 corporation. Staff costs shall be funded from state and local
 703 matching funds and such other private or public funds as become
 704 available. The board of directors shall determine the number of
 705 staff members necessary to administer the corporation.

706 14. Provide a report annually to the Governor, Chief
 707 Financial Officer, Commissioner of Education, Senate President,
 708 Speaker of the House of Representatives, and Minority Leaders of
 709 the Senate and the House of Representatives.

710 15. Provide information on a quarterly basis to the
 711 Senate, the House of Representatives, and the Governor that
 712 assesses the cost and utilization of services for the Florida
 713 Healthy Kids health benefits plans provided through the Florida
 714 Healthy Kids Corporation. The information must be specific to
 715 each eligibility component of the plan and, at a minimum,
 716 include:

717 a. The monthly enrollment and expenditures for enrollees.

718 b. The cost and utilization of specific services.

719 c. An analysis of the impact on premiums following
 720 implementation of the Window of Opportunity Act.

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721 d. An analysis of trends regarding transfer of enrollees
 722 from the Florida Healthy Kids plans to the Children's Medical
 723 Services Network plan.

724 e. Any recommendations resulting from the analysis
 725 conducted under this subparagraph.

726 ~~16.15.~~ Establish benefit packages which conform to the
 727 provisions of the Florida Kidcare program, as created in ss.
 728 409.810-409.820.

729 Section 9. Section 624.916, Florida Statutes, is created
 730 to read:

731 624.916 Developmental disabilities compact.--

732 (1) The Office of Insurance Regulation is directed to
 733 convene a work group for the purpose of negotiating a compact
 734 that includes a binding agreement among the participants
 735 relating to insurance and access to services for persons with
 736 developmental disabilities as defined in s. 393.063, with the
 737 addition of autism spectrum disorder. The work group shall
 738 consist of the following:

739 (a) Representatives of all health insurers licensed under
 740 this chapter.

741 (b) Representatives of all health maintenance
 742 organizations licensed under part I of chapter 641.

743 (c) Representatives of employers with self-insured health
 744 benefit plans.

745 (d) A designee of the Governor.

746 (e) A designee of the President of the Senate.

747 (f) A designee of the Speaker of the House of
 748 Representatives.

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749 (2) The office shall convene the work group by August 31,
 750 2008.

751 (3) The agreement shall include the following components:

752 (a) Procedures for clear and specific notice to
 753 policyholders identifying the amount, scope, and conditions
 754 under which coverage is provided for speech therapy, physical
 755 therapy, occupational therapy, and behavioral interventions when
 756 necessary due to the presence of a developmental disability.

757 (b) Penalties for documented cases of denial of claims for
 758 medically necessary services due to the presence of a
 759 developmental disability.

760 (c) Proposals for new product lines that may be offered in
 761 conjunction with traditional health insurance and provide a more
 762 appropriate means of spreading risk, financing costs, and
 763 accessing favorable prices.

764 (4) Upon completion of the negotiations for the compact,
 765 the office shall report the results to the Governor, the
 766 President of the Senate, and the Speaker of the House of
 767 Representatives. The office shall continue to monitor
 768 participation, compliance, and effectiveness of the agreement
 769 and report its findings at least annually.

770 Section 10. Section 627.6686, Florida Statutes, is created
 771 to read:

772 627.6686 Coverage for individuals with developmental
 773 disabilities required; exception.--

774 (1) As used in this section, the term:

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775 (a) "Developmental disability" has the same meaning as
 776 provided in s. 393.063, with the addition of autism spectrum
 777 disorder.

778 (b) "Eligible individual" means an individual under 18
 779 years of age or an individual 18 years of age or older who is in
 780 high school who has been diagnosed as having a developmental
 781 disability at 8 years of age or younger.

782 (c) "Health insurance plan" means a group health insurance
 783 policy or group health benefit plan offered by an insurer which
 784 includes the state group insurance program provided under s.
 785 110.123. The term does not include any health insurance plan
 786 offered in the individual market, any health insurance plan that
 787 is individually underwritten, or any health insurance plan
 788 provided to a small employer.

789 (d) "Insurer" means an insurer providing health insurance
 790 coverage, which is licensed to engage in the business of
 791 insurance in this state and is subject to insurance regulation.

792 (2) Effective July 1, 2010, a health insurance plan shall
 793 provide coverage to an eligible individual for:

794 (a) Well-baby and well-child screening for diagnosing the
 795 presence of a developmental disability.

796 (b) Treatment of a developmental disability through speech
 797 therapy, occupational therapy, physical therapy, and behavioral
 798 interventions.

799 (3) The coverage required pursuant to subsection (2) is
 800 subject to the following requirements:

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801 (a) Coverage shall be limited to treatment that is
 802 prescribed by the insured's treating physician in accordance
 803 with a treatment plan.

804 (b) Coverage for the services described in subsection (2)
 805 shall be limited to \$36,000 annually and may not exceed \$108,000
 806 in total lifetime benefits.

807 (c) Coverage may not be denied on the basis that provided
 808 services are habilitative in nature.

809 (d) Coverage may be subject to other general exclusions
 810 and limitations of the insurer's policy or plan, including, but
 811 not limited to, coordination of benefits, participating provider
 812 requirements, restrictions on services provided by family or
 813 household members, and utilization review of health care
 814 services, including the review of medical necessity, case
 815 management, and other managed care provisions.

816 (4) The coverage required pursuant to subsection (2) may
 817 not be subject to dollar limits, deductibles, or coinsurance
 818 provisions that are less favorable to an insured than the dollar
 819 limits, deductibles, or coinsurance provisions that apply to
 820 physical illnesses that are generally covered under the health
 821 insurance plan, except as otherwise provided in subsection (3).

822 (5) An insurer may not deny or refuse to issue coverage
 823 for medically necessary services, refuse to contract with, or
 824 refuse to renew or reissue or otherwise terminate or restrict
 825 coverage for an individual because the individual is diagnosed
 826 as having a developmental disability.

827 (6) The treatment plan required pursuant to subsection (3)
 828 shall include all elements necessary for the health insurance

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829 plan to appropriately pay claims. These elements include, but
 830 are not limited to, a diagnosis, the proposed treatment by type,
 831 the frequency and duration of treatment, the anticipated
 832 outcomes stated as goals, the frequency with which the treatment
 833 plan will be updated, and the signature of the treating
 834 physician.

835 (7) Beginning January 1, 2012, the maximum benefit under
 836 paragraph (3)(b) shall be adjusted annually on January 1 of each
 837 calendar year to reflect any change from the previous year in
 838 the medical component of the then current Consumer Price Index
 839 for all urban consumers, published by the Bureau of Labor
 840 Statistics of the United States Department of Labor.

841 (8) This section may not be construed as limiting benefits
 842 and coverage otherwise available to an insured under a health
 843 insurance plan.

844 (9) The Office of Insurance Regulation shall not enforce
 845 this section against an insurer that is a signatory to the
 846 developmental disabilities compact pursuant to s. 624.916.

847 Section 11. Section 641.31098, Florida Statutes, is
 848 created to read:

849 641.31098 Coverage for individuals with developmental
 850 disabilities.--

851 (1) As used in this section, the term:

852 (a) "Developmental disability" has the same meaning as
 853 provided in s. 393.063, with the addition of autism spectrum
 854 disorder.

855 (b) "Eligible individual" means an individual under 18
 856 years of age or an individual 18 years of age or older who is in

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857 high school who has been diagnosed as having a developmental
 858 disability at 8 years of age or younger.

859 (2) A health maintenance contract issued or renewed on or
 860 after July 1, 2010, must provide coverage to an eligible
 861 individual for:

862 (a) Well-baby and well-child screening for diagnosing the
 863 presence of a developmental disability.

864 (b) Treatment of a developmental disability through speech
 865 therapy, occupational therapy, physical therapy, and behavioral
 866 interventions.

867 (3) The coverage required pursuant to subsection (2) is
 868 subject to the following requirements:

869 (a) Coverage shall be limited to treatment that is
 870 prescribed by the subscriber's treating physician in accordance
 871 with a treatment plan.

872 (b) Coverage for the services described in subsection (2)
 873 shall be limited to \$36,000 annually and may not exceed \$108,000
 874 in total benefits.

875 (c) Coverage may not be denied on the basis that provided
 876 services are habilitative in nature.

877 (d) Coverage may be subject to general exclusions and
 878 limitations of the subscriber's contract, including, but not
 879 limited to, coordination of benefits, participating provider
 880 requirements, and utilization review of health care services,
 881 including the review of medical necessity, case management, and
 882 other managed care provisions.

883 (4) The coverage required pursuant to subsection (2) may
 884 not be subject to dollar limits, deductibles, or coinsurance

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885 provisions that are less favorable to a subscriber than the
 886 dollar limits, deductibles, or coinsurance provisions that apply
 887 to physical illnesses that are generally covered under the
 888 subscriber's contract, except as otherwise provided in
 889 subsection (3).

890 (5) A health maintenance organization may not deny or
 891 refuse to issue coverage for medically necessary services,
 892 refuse to contract with, or refuse to renew or reissue or
 893 otherwise terminate or restrict coverage for an individual
 894 solely because the individual is diagnosed as having a
 895 developmental disability.

896 (6) The treatment plan required pursuant to subsection (3)
 897 shall include, but is not limited to, a diagnosis, the proposed
 898 treatment by type, the frequency and duration of treatment, the
 899 anticipated outcomes stated as goals, the frequency with which
 900 the treatment plan will be updated, and the signature of the
 901 treating physician.

902 (7) Beginning January 1, 2012, the maximum benefit under
 903 paragraph (3)(b) shall be adjusted annually on January 1 of each
 904 calendar year to reflect any change from the previous year in
 905 the medical component of the then current Consumer Price Index
 906 for all urban consumers, published by the Bureau of Labor
 907 Statistics of the United States Department of Labor.

908 (8) The Office of Insurance Regulation shall not enforce
 909 this section against a health maintenance organization that is a
 910 signatory to the developmental disabilities compact pursuant to
 911 s. 624.916.

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912 Section 12. Subsections (1), (2), and (3), paragraph (a)
 913 of subsection (4), paragraph (d) of subsection (8), and
 914 paragraphs (a), (c), and (d) of subsection (10) of section
 915 1002.39, Florida Statutes, are amended, subsections (11), (12),
 916 and (13) are renumbered as subsections (13), (14), and (15),
 917 respectively, and new subsections (11) and (12) are added to
 918 that section, to read:

919 1002.39 The John M. McKay Scholarships for Students with
 920 Disabilities Program.--There is established a program that is
 921 separate and distinct from the Opportunity Scholarship Program
 922 and is named the John M. McKay Scholarships for Students with
 923 Disabilities Program.

924 (1) THE JOHN M. MCKAY SCHOLARSHIPS FOR STUDENTS WITH
 925 DISABILITIES PROGRAM.--The John M. McKay Scholarships for
 926 Students with Disabilities Program is established to provide the
 927 option to attend a public school other than the one to which
 928 assigned, or to provide a scholarship to a private school of
 929 choice, for students with disabilities for whom an individual
 930 educational ~~education~~ plan has been written in accordance with
 931 rules of the State Board of Education. Students with
 932 disabilities include K-12 students who are documented as having
 933 an intellectual disability ~~a mental handicap, including~~
 934 ~~trainable, profound, or educable;~~ a speech impairment; a ~~or~~
 935 language impairment; a hearing impairment, including deafness; a
 936 visual impairment, including blindness; a dual sensory
 937 impairment; an orthopedic ~~a physical~~ impairment or other health
 938 impairment; ~~a serious emotional disturbance, including an~~
 939 emotional or behavioral disability ~~handicap;~~ a specific learning

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940 disability, including, but not limited to, dyslexia,
 941 dyscalculia, or developmental aphasia; a traumatic brain injury;
 942 a developmental delay; or autism spectrum disorder.

943 (2) JOHN M. MCKAY SCHOLARSHIP ELIGIBILITY.--The parent of
 944 a ~~public school~~ student with a disability ~~who is dissatisfied~~
 945 ~~with the student's progress~~ may request and receive from the
 946 state a John M. McKay Scholarship for the child to enroll in and
 947 attend a private school in accordance with this section if:

948 (a) The student has either:

949 1. Received early intervention services under the
 950 Voluntary Prekindergarten Education Program pursuant to s.
 951 1002.66 during the previous school year and the student has a
 952 current individual educational plan developed in accordance with
 953 rules of the State Board of Education; or

954 2. Spent the prior school year in attendance at a Florida
 955 public school or the Florida School for the Deaf and the Blind.
 956 For purposes of this subparagraph, prior school year in
 957 attendance means that the student was+

958 ~~1.~~ enrolled and reported by:

959 a. A school district for funding during the preceding
 960 October and February Florida Education Finance Program surveys
 961 in kindergarten through grade 12, which shall include time spent
 962 in a Department of Juvenile Justice commitment program if funded
 963 under the Florida Education Finance Program;

964 ~~b.2.~~ Enrolled and reported by The Florida School for the
 965 Deaf and the Blind during the preceding October and February
 966 student membership surveys in kindergarten through grade 12; or

967 ~~c.3.~~ Enrolled and reported by A school district for

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968 funding during the preceding October and February Florida
 969 Education Finance Program surveys, was at least 4 years old when
 970 so enrolled and reported, and was eligible for services under s.
 971 1003.21(1)(e).

972
 973 However, a dependent child of a member of the United States
 974 Armed Forces who transfers to a school in this state from out of
 975 state or from a foreign country pursuant to a parent's permanent
 976 change of station orders is exempt from this paragraph but must
 977 meet all other eligibility requirements to participate in the
 978 program.

979 (b) The parent has obtained acceptance for admission of
 980 the student to a private school that is eligible for the program
 981 under subsection (8) and has requested from the department a
 982 scholarship at least 60 days prior to the date of the first
 983 scholarship payment. The request must be through a communication
 984 directly to the department in a manner that creates a written or
 985 electronic record of the request and the date of receipt of the
 986 request. The Department of Education must notify the district of
 987 the parent's intent upon receipt of the parent's request.

988 (3) JOHN M. MCKAY SCHOLARSHIP PROHIBITIONS.--A student is
 989 not eligible for a John M. McKay Scholarship while he or she is:

990 (a) Enrolled in a school operating for the purpose of
 991 providing educational services to youth in Department of
 992 Juvenile Justice commitment programs;

993 (b) Receiving a corporate income tax credit scholarship
 994 under s. 220.187;

995 (c) Receiving an educational scholarship pursuant to this

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996 chapter;

997 (d) Participating in a home education program as defined

998 in s. 1002.01(1);

999 (e) Participating in a private tutoring program pursuant

1000 to s. 1002.43;

1001 (f) Participating in a virtual school, correspondence

1002 school, or distance learning program that receives state funding

1003 pursuant to the student's participation unless the participation

1004 is limited to no more than two courses per school year;

1005 (g) Enrolled in the Florida School for the Deaf and the

1006 Blind; or

1007 (h) Not having regular and direct contact with his or her

1008 private school teachers at the school's physical location,

1009 except as provided in subsection (11).

1010 (4) TERM OF JOHN M. MCKAY SCHOLARSHIP.--

1011 (a) For purposes of continuity of educational choice, a

1012 John M. McKay Scholarship shall remain in force until the

1013 student enrolls in ~~returns to~~ a public school, graduates from

1014 high school, or reaches the age of 22, whichever occurs first.

1015 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.--To be

1016 eligible to participate in the John M. McKay Scholarships for

1017 Students with Disabilities Program, a private school may be

1018 sectarian or nonsectarian and must:

1019 (d) Maintain in this state a physical location where a

1020 scholarship student regularly attends classes or where it

1021 provides case management services under subsection (11).

1022

1023 The inability of a private school to meet the requirements of

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1024 | this subsection shall constitute a basis for the ineligibility
 1025 | of the private school to participate in the scholarship program
 1026 | as determined by the department.

1027 | (10) JOHN M. MCKAY SCHOLARSHIP FUNDING AND PAYMENT.--

1028 | (a)1. The maximum scholarship granted for an eligible
 1029 | student with disabilities shall be a calculated amount
 1030 | equivalent to the base student allocation in the Florida
 1031 | Education Finance Program multiplied by the appropriate cost
 1032 | factor for the educational program that would have been provided
 1033 | for the student in the district school to which he or she was
 1034 | assigned, multiplied by the district cost differential.

1035 | 2. In addition, a share of the guaranteed allocation for
 1036 | exceptional students shall be determined and added to the
 1037 | calculated amount. The calculation shall be based on the
 1038 | methodology and the data used to calculate the guaranteed
 1039 | allocation for exceptional students for each district in chapter
 1040 | 2000-166, Laws of Florida. Except as provided in subparagraphs
 1041 | 3. and 4., the calculation shall be based on the student's
 1042 | grade, matrix level of services, and the difference between the
 1043 | 2000-2001 basic program and the appropriate level of services
 1044 | cost factor, multiplied by the 2000-2001 base student allocation
 1045 | and the 2000-2001 district cost differential for the sending
 1046 | district. Also, the calculated amount shall include the per-
 1047 | student share of supplemental academic instruction funds,
 1048 | instructional materials funds, technology funds, and other
 1049 | categorical funds as provided for such purposes in the General
 1050 | Appropriations Act.

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1051 3. The calculated scholarship amount for a student who is
 1052 eligible under sub-subparagraph (2) (a) 2.b. ~~subparagraph (2) (a) 2.~~
 1053 shall be calculated as provided in subparagraphs 1. and 2.
 1054 However, the calculation shall be based on the school district
 1055 in which the parent resides at the time of the scholarship
 1056 request.

1057 4. Until the school district completes the matrix required
 1058 by paragraph (5) (b), the calculation shall be based on the
 1059 matrix that assigns the student to support level I of service as
 1060 it existed prior to the 2000-2001 school year. When the school
 1061 district completes the matrix, the amount of the payment shall
 1062 be adjusted as needed.

1063 (c)1. The school district shall report all students who
 1064 are attending a private school under this program. The students
 1065 with disabilities attending private schools on John M. McKay
 1066 Scholarships shall be reported separately from other students
 1067 reported for purposes of the Florida Education Finance Program.

1068 2. For program participants who are eligible under sub-
 1069 subparagraph (2) (a) 2.b. ~~subparagraph (2) (a) 2.~~, the school
 1070 district that is used as the basis for the calculation of the
 1071 scholarship amount as provided in subparagraph (a) 3. shall:

1072 a. Report to the department all such students who are
 1073 attending a private school under this program.

1074 b. Be held harmless for such students from the weighted
 1075 enrollment ceiling for group 2 programs in s. 1011.62(1)(d)3.a.
 1076 during the first school year in which the students are reported.

1077 (d) Following notification on July 1, September 1,
 1078 December 1, or February 1 of the number of program participants,

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1079 the department shall transfer, from General Revenue funds only,
 1080 the amount calculated under paragraph (b) from the school
 1081 district's total funding entitlement under the Florida Education
 1082 Finance Program and from authorized categorical accounts to a
 1083 separate account for the scholarship program for quarterly
 1084 disbursement to the parents of participating students. Funds may
 1085 not be transferred from any funding provided to the Florida
 1086 School for the Deaf and the Blind for program participants who
 1087 are eligible under sub-subparagraph (2) (a) 2.b. ~~subparagraph~~
 1088 ~~(2)(a)2.~~ For a student exiting a Department of Juvenile Justice
 1089 commitment program who chooses to participate in the scholarship
 1090 program, the amount of the John M. McKay Scholarship calculated
 1091 pursuant to paragraph (b) shall be transferred from the school
 1092 district in which the student last attended a public school
 1093 prior to commitment to the Department of Juvenile Justice. When
 1094 a student enters the scholarship program, the department must
 1095 receive all documentation required for the student's
 1096 participation, including the private school's and student's fee
 1097 schedules, at least 30 days before the first quarterly
 1098 scholarship payment is made for the student.

1099 (11) ALTERNATIVE SITES FOR INSTRUCTION AND SERVICES.--A
 1100 student eligible for a scholarship under this section may
 1101 receive regular and direct instruction and services from a
 1102 private school at a site other than the school's physical
 1103 location if the following criteria are met:

1104 (a) The student's parent provides a notarized statement
 1105 from the medical doctor or psychologist treating the student's
 1106 disability which certifies that the student's welfare or the

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1107 welfare of other students in the classroom will be jeopardized
 1108 if the student is required to regularly attend class at the
 1109 school's physical location. Such notarized statement must be:

1110 1. Annually provided to the department at least 60 days
 1111 prior to the date of the first scholarship payment for each
 1112 school year.

1113 2. Based on an annual review of the student's disability
 1114 by the student's medical doctor or psychologist.

1115 (b) The private school serving the student:

1116 1. Employs or contracts with a case manager who
 1117 coordinates and monitors the student's instruction and services,
 1118 reviews and maintains the documentation submitted under
 1119 subparagraph 2., and provides the student's parent and private
 1120 school with monthly reports on the student's progress.

1121 2. Requires private school employees or contracted
 1122 personnel who provide regular and direct instruction or services
 1123 to a student at a site other than the private school's physical
 1124 location to submit to the case manager documentation of the
 1125 instruction, services, and progress of the student.

1126 3. Notifies the department of each student subject to this
 1127 subsection.

1128 (12) RETROACTIVE SCHOLARSHIP ELIGIBILITY.--A student who
 1129 received a scholarship under this section in the 2005-2006
 1130 school year, but who was unable to receive a scholarship in the
 1131 2006-2007 school year due to the regular and direct contact
 1132 requirement in paragraph (3) (h), is eligible for a scholarship
 1133 in the 2008-2009 school year if the student:

1134 (a) Demonstrates that he or she would have met the

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1135 criteria of paragraph (11)(a) at the time of his or her 2006-
 1136 2007 scholarship.

1137 (b) Satisfies the requirements for a scholarship under
 1138 this section other than the prior school year attendance
 1139 requirement in paragraph (2)(a).

1140 Section 13. Subsections (2) through (5) of section
 1141 1002.51, Florida Statutes, are renumbered as subsections (4)
 1142 through (7), respectively, and new subsections (2) and (3) are
 1143 added to that section to read:

1144 1002.51 Definitions.--As used in this part, the term:

1145 (2) "Disability" means any disability for purposes of
 1146 exceptional students defined in s. 1003.01.

1147 (3) "Early intervention service provider" means a provider
 1148 delivering early intervention services under s. 1002.66.

1149 Section 14. Subsections (1) and (3) of section 1002.53,
 1150 Florida Statutes, are amended to read:

1151 1002.53 Voluntary Prekindergarten Education Program;
 1152 eligibility and enrollment.--

1153 (1) There is created the Voluntary Prekindergarten
 1154 Education Program, which. ~~The program shall take effect in each~~
 1155 ~~county at the beginning of the 2005-2006 school year and shall~~
 1156 be organized, designed, and delivered in accordance with s. 1(b)
 1157 and (c), Art. IX of the State Constitution.

1158 (3) The parent of each child eligible under subsection (2)
 1159 may enroll the child in one of the following programs:

1160 (a) A school-year prekindergarten program delivered by a
 1161 private prekindergarten provider under s. 1002.55;

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1162 (b) A summer prekindergarten program delivered by a public
 1163 school or private prekindergarten provider under s. 1002.61; ~~or~~

1164 (c) A school-year prekindergarten program delivered by a
 1165 public school, if offered by a school district that is eligible
 1166 under s. 1002.63; or

1167 (d) Beginning with the 2011-2012 school year, a
 1168 prekindergarten program for children with disabilities, if the
 1169 child has a disability and is eligible for the program under s.
 1170 1002.66.

1171
 1172 Except as provided in s. 1002.71(4), a child may not enroll in
 1173 more than one of these programs.

1174 Section 15. Section 1002.66, Florida Statutes, is created
 1175 to read:

1176 1002.66 Prekindergarten program for children with
 1177 disabilities.--

1178 (1) Beginning with the 2011-2012 school year, a child with
 1179 a disability who enrolls with the early learning coalition under
 1180 s. 1002.53(3)(d) is eligible for a prekindergarten program of
 1181 early intervention services if:

1182 (a) The child is eligible for the Voluntary
 1183 Prekindergarten Education Program under s. 1002.53(2).

1184 (b) A current individual educational plan has been
 1185 developed for the child in accordance with rules of the State
 1186 Board of Education.

1187 (2) The parent of a child who is eligible for the
 1188 prekindergarten program for children with disabilities may
 1189 select one or more early intervention services that the child's

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1190 individual educational plan indicates is appropriate for the
 1191 child. These early intervention services may include, but are
 1192 not limited to:

1193 (a) Applied behavior analysis.
 1194 (b) Speech-language pathology.
 1195 (c) Occupational therapy.
 1196 (d) Physical therapy.

1197 (3) The early intervention services provided for a child
 1198 under this section must be delivered according to professionally
 1199 accepted standards and must, in accordance with the performance
 1200 standards adopted by the department under s. 1002.67, address
 1201 the age-appropriate progress of the child in the development of
 1202 the capabilities, capacities, and skills required under s. 1(b),
 1203 Art. IX of the State Constitution.

1204 (4) Each Center for Autism and Related Disabilities
 1205 established under s. 1004.55 shall, within the center's region,
 1206 approve early intervention service providers whose services meet
 1207 the standards in subsection (3), maintain a list of approved
 1208 providers, and notify each school district and early learning
 1209 coalition in the center's region of the approved provider list.
 1210 Upon the request of a child's parent, a Center for Autism and
 1211 Related Disabilities may approve an early intervention service
 1212 provider that is not on the approved list if the provider's
 1213 services meet the standards in subsection (3) and the child's
 1214 individual educational plan indicates that the services are
 1215 appropriate for the child.

1216 (5) From the funds allocated to the early learning
 1217 coalition for the Voluntary Prekindergarten Education Program,

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1218 the coalition shall reimburse an approved early intervention
 1219 service provider for authorized services provided for an
 1220 eligible child, except that the cumulative total of services
 1221 reimbursed for a child may not exceed the amount of the base
 1222 student allocation provided for the Voluntary Prekindergarten
 1223 Education Program in the General Appropriations Act.

1224 Section 16. Paragraph (a) of subsection (4) of section
 1225 1002.71, Florida Statutes, is amended to read:

1226 1002.71 Funding; financial and attendance reporting.--

1227 (4) Notwithstanding s. 1002.53(3) and subsection (2):

1228 (a) A child who, for any of the prekindergarten programs
 1229 listed in s. 1002.53(3), has not completed more than 10 percent
 1230 of the hours authorized to be reported for funding under
 1231 subsection (2), or has not expended more than 10 percent of the
 1232 funds authorized for the child under s. 1002.66, may withdraw
 1233 from the program for good cause, reenroll in one of the
 1234 programs, and be reported for funding purposes as a full-time
 1235 equivalent student in the program for which the child is
 1236 reenrolled.

1237
 1238 A child may reenroll only once in a prekindergarten program
 1239 under this section. A child who reenrolls in a prekindergarten
 1240 program under this subsection may not subsequently withdraw from
 1241 the program and reenroll. The Agency for Workforce Innovation
 1242 shall establish criteria specifying whether a good cause exists
 1243 for a child to withdraw from a program under paragraph (a),
 1244 whether a child has substantially completed a program under

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1245 paragraph (b), and whether an extreme hardship exists which is
 1246 beyond the child's or parent's control under paragraph (b).

1247 Section 17. Paragraphs (a) and (f) of subsection (2) of
 1248 section 1002.75, Florida Statutes, are amended to read:

1249 1002.75 Agency for Workforce Innovation; powers and
 1250 duties; operational requirements.--

1251 (2) The Agency for Workforce Innovation shall adopt
 1252 procedures governing the administration of the Voluntary
 1253 Prekindergarten Education Program by the early learning
 1254 coalitions and school districts for:

1255 (a) Enrolling children in and determining the eligibility
 1256 of children for the Voluntary Prekindergarten Education Program
 1257 under ss. 1002.53 and 1002.66 ~~ss. 1002.53~~.

1258 (f) Paying private prekindergarten providers, and public
 1259 schools, and early intervention service providers under ss.
 1260 1002.66 and 1002.71 ~~ss. 1002.71~~.

1261 Section 18. Paragraph (a) of subsection (3) of section
 1262 1003.01, Florida Statutes, is amended to read:

1263 1003.01 Definitions.--As used in this chapter, the term:

1264 (3)(a) "Exceptional student" means any student who has
 1265 been determined eligible for a special program in accordance
 1266 with rules of the State Board of Education. The term includes
 1267 students who are gifted; and students who have an intellectual
 1268 disability, autism spectrum disorder, a speech impairment, a
 1269 language impairment, an orthopedic impairment or other health
 1270 impairment, traumatic brain injury, a visual impairment, an
 1271 emotional or behavioral disability, or a specific learning
 1272 disability, including, but not limited to, dyslexia,

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1273 dyscalculia, or developmental aphasia; students who are deaf or
 1274 hard of hearing or dual sensory impaired; students who are
 1275 hospitalized or homebound; and with disabilities who are
 1276 ~~mentally handicapped, speech and language impaired, deaf or hard~~
 1277 ~~of hearing, visually impaired, dual sensory impaired, physically~~
 1278 ~~impaired, emotionally handicapped, specific learning disabled,~~
 1279 ~~hospital and homebound, autistic, developmentally delayed~~
 1280 ~~children,~~ ages birth through 5 years of age with developmental
 1281 delays, and ~~or~~ children, ~~ages birth through 2 years of age,~~ with
 1282 established conditions, which ~~that~~ are identified in State Board
 1283 of Education rules pursuant to s. 1003.21(1)(e).

1284 Section 19. Effective upon this act becoming a law,
 1285 section 1004.55, Florida Statutes, is amended to read:

1286 1004.55 Regional autism Centers for Autism and Related
 1287 Disabilities.--

1288 (1) Seven regional autism Centers for Autism and Related
 1289 Disabilities are established to provide nonresidential resource
 1290 and training services for persons of all ages and of all levels
 1291 of intellectual functioning who have an autism spectrum
 1292 disorder, as defined in s. 393.063; who have a pervasive
 1293 developmental disorder that is not otherwise specified, ~~who~~
 1294 ~~have an autistic-like disability,~~ ~~who have a dual sensory~~
 1295 ~~impairment,~~ ~~or who have a sensory impairment, or other~~
 1296 disability for purposes of exceptional students defined in s.
 1297 1003.01 with other handicapping conditions. Each center shall be
 1298 operationally and fiscally independent and shall provide
 1299 services within its geographical region of the state. Service
 1300 delivery shall be consistent for all centers. Each center shall

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1301 coordinate services within and between state and local agencies
 1302 and school districts but may not duplicate services provided by
 1303 those agencies or school districts. The respective locations and
 1304 service areas of the centers are:

1305 (a) The Department of Communication Disorders at Florida
 1306 State University, which serves Bay, Calhoun, Escambia, Franklin,
 1307 Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty,
 1308 Madison, Okaloosa, Santa Rosa, Taylor, Wakulla, Walton, and
 1309 Washington Counties.

1310 (b) The College of Medicine at the University of Florida,
 1311 which serves Alachua, Bradford, Citrus, Columbia, Dixie,
 1312 Gilchrist, Hamilton, Hernando, Lafayette, Levy, Marion, Putnam,
 1313 Suwannee, and Union Counties.

1314 (c) The University of Florida Health Science Center at
 1315 Jacksonville, which serves Baker, Clay, Duval, Flagler, Nassau,
 1316 and St. Johns Counties.

1317 (d) The Louis de la Parte Florida Mental Health Institute
 1318 at the University of South Florida, which serves Charlotte,
 1319 Collier, DeSoto, Glades, Hardee, Hendry, Highlands,
 1320 Hillsborough, Lee, Manatee, Pasco, Pinellas, Polk, and Sarasota
 1321 Counties.

1322 (e) The Mailman Center for Child Development and the
 1323 Department of Psychology at the University of Miami, which
 1324 serves Broward, Dade, and Monroe Counties.

1325 (f) The College of Health and Public Affairs at the
 1326 University of Central Florida, which serves Brevard, Lake,
 1327 Orange, Osceola, Seminole, Sumter, and Volusia Counties.

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1328 (g) The Department of Exceptional Student Education at
 1329 Florida Atlantic University, which serves Palm Beach, Martin,
 1330 St. Lucie, Okeechobee, and Indian River Counties.

1331 (2) There is established for each center a constituency
 1332 board, which shall work collaboratively with the center. Each
 1333 board shall consist of no fewer than six members, each of whom
 1334 is either an individual who has a disability ~~that is~~ described
 1335 in subsection (1) or is a member of a family that includes a
 1336 person who has such a disability, who are selected by each
 1337 university president from a list that has been developed by the
 1338 Autism Society of Florida and other relevant constituency groups
 1339 that represent persons who have sensory impairments or other
 1340 disabilities as described in subsection (1). As representatives
 1341 of the center's constituencies, these boards shall meet
 1342 quarterly with the staff of each of the centers to provide
 1343 advice on policies, priorities, and activities. Each board shall
 1344 submit to the university president and to the Department of
 1345 Education an annual report that evaluates the activities and
 1346 accomplishments of its center during the year. The board for
 1347 each center should raise funds equivalent to 2 percent of the
 1348 total funds allocated to that center in each fiscal year.

1349 (3) To promote statewide planning and coordination, a
 1350 conference must be held annually for staff from each of the
 1351 seven centers and representatives from each center's
 1352 constituency board. The purpose of the conference is to
 1353 facilitate coordination, networking, cross-training, and
 1354 feedback among the staffs and constituency boards of the
 1355 centers.

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- 1356 (4) (a) Each center shall provide:
- 1357 1. A staff that has expertise in autism spectrum
- 1358 disorders, and autistic-like behaviors, and in sensory
- 1359 impairments, and other disabilities described in subsection (1).
- 1360 2. Individual and direct family assistance in the home,
- 1361 community, and school. A center's assistance should not supplant
- 1362 other responsibilities of state and local agencies, and each
- 1363 school district is responsible for providing an appropriate
- 1364 education program for clients of a center who are school age.
- 1365 3. Technical assistance and consultation services,
- 1366 including specific intervention and assistance for a client of
- 1367 the center, the client's family, and the school district, and
- 1368 any other services that are appropriate.
- 1369 4. Professional training programs that include developing,
- 1370 providing, and evaluating preservice and inservice training in
- 1371 state-of-the-art practices for personnel who work with the
- 1372 populations served by the centers and their families.
- 1373 5. Public education programs to increase awareness of the
- 1374 public about autism spectrum disorders, autistic-related
- 1375 disabilities of communication and behavior, dual sensory
- 1376 impairments, ~~and sensory impairments,~~ and other disabilities
- 1377 described in subsection (1) with other handicapping conditions.
- 1378 6. Coordination of regional learning gateways established
- 1379 in accordance with s. 1006.80.
- 1380 7. Approval of early intervention service providers for
- 1381 prekindergarten programs for children with disabilities in
- 1382 accordance with s. 1002.66.

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1383 (b) Direct medical intervention or pharmaceutical
 1384 intervention is prohibited in any center on or after July 1,
 1385 2008.

1386 (5) The State Board of Education, in cooperation with the
 1387 ~~regional autism~~ Centers for Autism and Related Disabilities,
 1388 shall adopt the necessary rules to carry out the purposes of
 1389 this section.

1390 Section 20. Effective upon this act becoming a law,
 1391 subsection (1), paragraph (b) of subsection (2), and subsections
 1392 (3) and (4) of section 1006.03, Florida Statutes, are amended to
 1393 read:

1394 1006.03 Florida Diagnostic and Learning Resources System;
 1395 regional resource centers.--

1396 (1) The department shall maintain the Florida Diagnostic
 1397 and Learning Resources System, which shall be comprised of a
 1398 network of regional diagnostic and learning resources resource
 1399 centers for exceptional students. The regional centers shall, to
 1400 assist in the provision of medical, physiological,
 1401 psychological, and educational testing and other services
 1402 designed to evaluate and diagnose exceptionalities, to make
 1403 referrals for necessary instruction and services, and to
 1404 facilitate the provision of instruction and services to
 1405 exceptional students. The department shall cooperate with the
 1406 Department of Children and Family Services and the Centers for
 1407 Autism and Related Disabilities in identifying service needs and
 1408 areas.

1409 (2) Within its identified service area, each regional
 1410 center shall:

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1411 (b) Assist in the provision of services for exceptional
 1412 children, using to the maximum, but not supplanting, the
 1413 existing facilities and services of each school district.

1414 (3) Regional diagnostic and learning resources ~~resource~~
 1415 centers may provide testing and evaluation services to private
 1416 school students and other children who are not enrolled in
 1417 public schools.

1418 (4) Regional diagnostic and learning resources ~~resource~~
 1419 centers may assist districts in providing testing and evaluation
 1420 services for infants and preschool children with or at risk of
 1421 developing disabilities, and may assist districts in providing
 1422 interdisciplinary training and resources to parents of infants
 1423 and preschool children with or at risk of developing
 1424 disabilities and to early learning ~~school-readiness~~ programs.

1425 Section 21. Effective upon this act becoming a law, part
 1426 III of chapter 1006, Florida Statutes, shall be entitled
 1427 "Learning Gateway" and shall consist of sections 1006.80 and
 1428 1006.82, Florida Statutes.

1429 Section 22. Effective upon this act becoming a law,
 1430 section 1006.80, Florida Statutes, is created to read:

1431 1006.80 Regional learning gateways.--The Centers for
 1432 Autism and Related Disabilities established under s. 1004.55, in
 1433 collaboration with the Department of Education and the Florida
 1434 Diagnostic and Learning Resources System, shall establish a
 1435 statewide system of learning gateways. The system must include
 1436 the establishment of a learning gateway in the geographic region
 1437 of each center. Each region's leaning gateway shall:

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1438 (1) Establish a single point of access for referral to the
 1439 appropriate agencies for the screening and assessment of
 1440 children younger than 5 years of age for disabilities,
 1441 conducting diagnostic evaluations for children with suspected
 1442 disabilities, and referring children with disabilities for early
 1443 intervention services and early learning programs.

1444 (2) Designate a central telephone number in the center's
 1445 region, and an Internet website, for parents, practitioners, and
 1446 providers to obtain information about services available through
 1447 the learning gateway, screenings, assessments, diagnostic
 1448 evaluations, early intervention services, and early learning
 1449 programs for children with disabilities.

1450 (3) Provide followup contact for families whose children
 1451 are determined ineligible for services under Part B or Part C of
 1452 the federal Individuals with Disabilities Education Act.

1453 (4) Provide interagency coordination in the center's
 1454 region among the regional offices of state agencies, including
 1455 offices of the Division of Children's Medical Services Network
 1456 of the Department of Health; regional diagnostic and learning
 1457 resources centers; diagnostic and learning resources centers at
 1458 state universities; school districts; early learning coalitions;
 1459 county and municipal agencies; community agencies and
 1460 organizations; and public and private providers of early
 1461 intervention services and early learning programs, in order to
 1462 develop and implement strategies to reduce a child's waiting
 1463 time for services, reduce interagency duplication, and reduce
 1464 interagency differences in eligibility criteria for services and

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1465 programs which cause cross-agency screenings, assessments, and
 1466 diagnostic evaluations.

1467 (5) Facilitate the integration of services, linkages among
 1468 providers, and the array of services required to address the
 1469 needs of children and families.

1470 (6) Improve community awareness and education for parents
 1471 and practitioners about the developmental milestones, and the
 1472 warning signs or precursors of disabilities, exhibited by
 1473 children younger than 5 years of age.

1474 (7) Provide training and technical assistance for parents,
 1475 practitioners, and providers.

1476 Section 23. Effective upon this act becoming a law,
 1477 section 1006.82, Florida Statutes, is created to read:

1478 1006.82 State Learning Gateway Council.--

1479 (1) There is created the State Learning Gateway Council,
 1480 which is assigned to the Department of Education for
 1481 administrative purposes. The council is composed of the
 1482 following agency heads, and officers of the following
 1483 organizations, or their permanent designees:

1484 (a) Secretary of Children and Family Services.

1485 (b) Director of the Agency for Persons with Disabilities.

1486 (c) Director of Workforce Innovation.

1487 (d) State Surgeon General.

1488 (e) Secretary of Health Care Administration.

1489 (f) Commissioner of Education.

1490 (g) The director of a regional diagnostic and learning
 1491 resources center appointed by the Commissioner of Education.

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- 1492 (h) The director of a diagnostic and learning resources
 1493 center at a state university, selected from among the directors
 1494 of the university centers.
- 1495 (i) Chair of the Florida Early Learning Advisory Council.
 1496 (j) President of the Autism Society of Florida.
 1497 (k) President of the Florida Association for Behavioral
 1498 Analysis.
- 1499 (l) President of the Florida Pediatric Society.
 1500 (m) President of the Florida Psychological Association.
 1501 (2) The council shall select a chair from among its
 1502 members. An executive director of a Center for Autism and
 1503 Related Disabilities, selected from among the executive
 1504 directors of the centers, shall serve as the council's executive
 1505 director.
- 1506 (3) The council shall coordinate the statewide
 1507 implementation of regional learning gateways and shall advise
 1508 the Legislature, the Governor, and the agencies represented by
 1509 the council's members on the system of regional learning
 1510 gateways.
- 1511 (4) (a) The agencies represented by the council's
 1512 membership shall enter into an interagency agreement to provide
 1513 staffing and administrative support for the council.
- 1514 (b) Council members are entitled to per diem and travel
 1515 expenses for required attendance at council meetings in
 1516 accordance with the provisions of s. 112.061.
- 1517 (5) The council appointments shall be made, and the
 1518 council shall conduct its initial meeting, within 45 days after
 1519 the effective date of this section.

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1520 Section 24. Effective upon this act becoming a law,
1521 sections 411.226, 411.227, and 411.228, Florida Statutes, are
1522 repealed.

1523 Section 25. Except as otherwise expressly provided in this
1524 act, this act shall take effect July 1, 2008.