

1                   A bill to be entitled  
2           An act relating to autism spectrum disorder; providing a  
3           short title; amending s. 402.305, F.S.; including autism  
4           spectrum disorder within training requirements for  
5           personnel of child care facilities; providing application;  
6           creating s. 627.6686, F.S.; providing definitions;  
7           requiring health insurance plans to provide coverage for  
8           screening, diagnosis, intervention, and treatment of  
9           autism spectrum disorder in certain children; requiring a  
10          treatment plan; prohibiting an insurer from denying or  
11          refusing coverage or refusing to renew or reissue or  
12          terminate coverage based on a diagnosis of autism spectrum  
13          disorder; providing coverage limitations; providing  
14          treatment plan requirements; limiting the frequency of  
15          requests for updating a treatment plan; providing  
16          eligibility requirements; providing a maximum benefit  
17          limitation; providing for annual adjustments of the  
18          maximum benefit limitation; providing construction;  
19          requiring public institutions of higher education to  
20          incorporate into educator certificate course curricula  
21          certain recommendations of the Commissioner of Education  
22          relating to autism awareness and teaching students who  
23          have autism spectrum disorder; requiring the commissioner  
24          to develop recommendations for certain instruction and  
25          course curricula relating to autism spectrum disorder;  
26          requiring the commissioner to submit such recommendations  
27          to the State Board of Education and the Board of Governors  
28          of the State University System; requiring the commissioner

29 to consult with the State Surgeon General and other  
 30 certain entities in developing such recommendations;  
 31 specifying requirements for such recommendations;  
 32 requiring the State Board of Education and the Board of  
 33 Governors of the State University System to adopt rules;  
 34 specifying implementation subject to legislative  
 35 appropriation; requiring the Department of Health, in  
 36 conjunction with the Department of Education, the  
 37 Department of Children and Family Services, the Agency for  
 38 Health Care Administration, and the Agency for Persons  
 39 with Disabilities, to establish a statewide system of  
 40 early autism spectrum disorder intervention services for  
 41 certain infants and toddlers; specifying system  
 42 requirements; requiring the department to establish an  
 43 Internet website for disseminating certain information;  
 44 requiring the State Surgeon General to adopt rules;  
 45 providing application; providing an effective date.

46  
 47 Be It Enacted by the Legislature of the State of Florida:

48  
 49 Section 1. This act may be cited as the "Window of  
 50 Opportunity Act."

51 Section 2. Paragraph (d) of subsection (2) of section  
 52 402.305, Florida Statutes, is amended to read:

53 402.305 Licensing standards; child care facilities.--

54 (2) PERSONNEL.--Minimum standards for child care personnel  
 55 shall include minimum requirements as to:

56 (d) Minimum training requirements for child care

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57 personnel.

58 1. Such minimum standards for training shall ensure that  
59 all child care personnel take an approved 40-clock-hour  
60 introductory course in child care, which course covers at least  
61 the following topic areas:

62 a. State and local rules and regulations which govern  
63 child care.

64 b. Health, safety, and nutrition.

65 c. Identifying and reporting child abuse and neglect.

66 d. Child development, including typical and atypical  
67 language, cognitive, motor, social, and self-help skills  
68 development.

69 e. Observation of developmental behaviors, including using  
70 a checklist or other similar observation tools and techniques to  
71 determine the child's developmental age level.

72 f. Specialized areas, including computer technology for  
73 professional and classroom use and early literacy and language  
74 development of children from birth to 5 years of age, as  
75 determined by the department, for owner-operators and child care  
76 personnel of a child care facility.

77 g. Autism spectrum disorder.

78  
79 Within 90 days after employment, child care personnel shall  
80 begin training to meet the training requirements. Child care  
81 personnel shall successfully complete such training within 1  
82 year after the date on which the training began, as evidenced by  
83 passage of a competency examination. Successful completion of  
84 the 40-clock-hour introductory course shall articulate into

85 community college credit in early childhood education, pursuant  
86 to ss. 1007.24 and 1007.25. Exemption from all or a portion of  
87 the required training shall be granted to child care personnel  
88 based upon educational credentials or passage of competency  
89 examinations. Child care personnel possessing a 2-year degree or  
90 higher that includes 6 college credit hours in early childhood  
91 development or child growth and development, or a child  
92 development associate credential or an equivalent state-approved  
93 child development associate credential, or a child development  
94 associate waiver certificate shall be automatically exempted  
95 from the training requirements in sub-subparagraphs b., d., and  
96 e.

97 2. The introductory course in child care shall stress, to  
98 the extent possible, an interdisciplinary approach to the study  
99 of children.

100 3. The introductory course shall cover recognition and  
101 prevention of shaken baby syndrome, prevention of sudden infant  
102 death syndrome, recognition and care of infants and toddlers who  
103 have autism spectrum disorder, and early childhood brain  
104 development within the topic areas identified in this paragraph.

105 4. On an annual basis in order to further their child care  
106 skills and, if appropriate, administrative skills, child care  
107 personnel who have fulfilled the requirements for the child care  
108 training shall be required to take an additional 1 continuing  
109 education unit of approved inservice training, or 10 clock hours  
110 of equivalent training, as determined by the department.

111 5. Child care personnel shall be required to complete 0.5  
112 continuing education unit of approved training or 5 clock hours

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113 of equivalent training, as determined by the department, in  
114 early literacy and language development of children from birth  
115 to 5 years of age one time. The year that this training is  
116 completed, it shall fulfill the 0.5 continuing education unit or  
117 5 clock hours of the annual training required in subparagraph 4.

118 6. Procedures for ensuring the training of qualified child  
119 care professionals to provide training of child care personnel,  
120 including onsite training, shall be included in the minimum  
121 standards. It is recommended that the state community child care  
122 coordination agencies (central agencies) be contracted by the  
123 department to coordinate such training when possible. Other  
124 district educational resources, such as community colleges and  
125 career programs, can be designated in such areas where central  
126 agencies may not exist or are determined not to have the  
127 capability to meet the coordination requirements set forth by  
128 the department.

129 7. Training requirements shall not apply to certain  
130 occasional or part-time support staff, including, but not  
131 limited to, swimming instructors, piano teachers, dance  
132 instructors, and gymnastics instructors.

133 8. The department shall evaluate or contract for an  
134 evaluation for the general purpose of determining the status of  
135 and means to improve staff training requirements and testing  
136 procedures. The evaluation shall be conducted every 2 years. The  
137 evaluation shall include, but not be limited to, determining the  
138 availability, quality, scope, and sources of current staff  
139 training; determining the need for specialty training; and  
140 determining ways to increase inservice training and ways to

141 increase the accessibility, quality, and cost-effectiveness of  
 142 current and proposed staff training. The evaluation methodology  
 143 shall include a reliable and valid survey of child care  
 144 personnel.

145 9. The child care operator shall be required to take basic  
 146 training in serving children with disabilities within 5 years  
 147 after employment, either as a part of the introductory training  
 148 or the annual 8 hours of inservice training.

149 Section 3. Section 627.6686, Florida Statutes, is created  
 150 to read:

151 627.6686 Coverage for autism spectrum disorder required;  
 152 exception.--

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

154 (a) "Applied behavior analysis" means the design,  
 155 implementation, and evaluation of environmental modifications,  
 156 using behavioral stimuli and consequences, to produce socially  
 157 significant improvement in human behavior, including, but not  
 158 limited to, the use of direct observation, measurement, and  
 159 functional analysis of the relations between environment and  
 160 behavior.

161 (b) "Autism spectrum disorder" means any of the following  
 162 disorders as defined in the most recent edition of the  
 163 Diagnostic and Statistical Manual of Mental Disorders of the  
 164 American Psychiatric Association:

- 165 1. Autistic disorder.
- 166 2. Asperger's syndrome.
- 167 3. Pervasive developmental disorder not otherwise  
 168 specified.

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169        (c) "Health insurance plan" means a group health insurance  
170 policy or group health benefit plan offered by an insurer which  
171 includes the state group insurance program provided under s.  
172 110.123. The term does not include any health insurance plan  
173 offered in the individual market, any health insurance plan that  
174 is individually underwritten, or any health insurance plan  
175 provided to a small employer.

176        (d) "Insurer" means an insurer, health maintenance  
177 organization, or any other entity providing health insurance  
178 coverage which is licensed to engage in the business of  
179 insurance in this state and is subject to insurance regulation.

180        (2) A health insurance plan shall provide coverage for  
181 well-baby and well-child screening for diagnosing the presence  
182 of autism spectrum disorder and the intervention and treatment  
183 of autism spectrum disorder through speech therapy, occupational  
184 therapy, physical therapy, applied behavior analysis, treatment  
185 by a psychiatrist or psychologist, and any other necessary  
186 medical care. Coverage provided under this section is limited to  
187 treatment that is prescribed by the insured's treating medical  
188 physician in accordance with a treatment plan. With regards to a  
189 health insurance plan, an insurer may not deny or refuse to  
190 issue coverage for, refuse to contract with, or refuse to renew  
191 or reissue or otherwise terminate or restrict coverage for an  
192 individual because the individual is diagnosed as having autism  
193 spectrum disorder.

194        (3) The coverage required pursuant to subsection (2) may  
195 not be subject to dollar limits, deductibles, or coinsurance  
196 provisions that are less favorable to an insured than the dollar

197 limits, deductibles, or coinsurance provisions that apply to  
 198 physical illnesses that are generally covered under the health  
 199 insurance plan, except as otherwise provided for in subsection  
 200 (5). The coverage required in subsection (2) may not be denied  
 201 on the basis that provided services are habilitative in nature.  
 202 The coverage may not be subject to any limits on the number of  
 203 visits an insured may make to a service provider. However, the  
 204 coverage required pursuant to subsection (2) may be subject to  
 205 other general exclusions and limitations of the insurer's policy  
 206 or plan, including, but not limited to, coordination of  
 207 benefits, participating provider requirements, restrictions on  
 208 services provided by family or household members, and  
 209 utilization review of health care services, including the review  
 210 of medical necessity, case management, and other managed care  
 211 provisions.

212 (4) The treatment plan required pursuant to subsection (2)  
 213 must include all elements necessary for the health insurance  
 214 plan to appropriately pay claims. These elements include, but  
 215 are not limited to, a diagnosis, the proposed treatment by type,  
 216 the frequency and duration of treatment, the anticipated  
 217 outcomes stated as goals, the frequency by which the treatment  
 218 plan will be updated, and the treating medical doctor's  
 219 signature. A health insurance plan may request an updated  
 220 treatment plan only once every 6 months from the treating  
 221 medical doctor for purposes of reviewing medical necessity  
 222 unless the health insurance plan and the treating medical doctor  
 223 agree that a more frequent review is necessary due to emerging  
 224 clinical circumstances.



225 (5) To be eligible for benefits and coverage under this  
 226 section, an individual must be diagnosed as having autistic  
 227 spectrum disorder at 8 years of age or younger. The benefits and  
 228 coverage provided pursuant to this section shall be provided to  
 229 any eligible person younger than 18 years of age or to any  
 230 eligible person 18 years of age or older who is in high school.  
 231 Coverage for applied behavior analysis is subject to a maximum  
 232 benefit of \$36,000 per year. Beginning January 1, 2010, this  
 233 maximum benefit shall be adjusted annually on January 1 of each  
 234 calendar year to reflect any change from the previous year in  
 235 the medical component of the then current Consumer Price Index,  
 236 All Urban Consumers, as published by the United States  
 237 Department of Labor's Bureau of Labor Statistics.

238 (6) This section may not be construed as limiting benefits  
 239 and coverage otherwise available to an insured under a health  
 240 insurance plan.

241 Section 4. (1) Beginning with the 2008-2009 school year,  
 242 each public institution of higher education offering coursework  
 243 for educator certification required under s. 1012.56, Florida  
 244 Statutes, shall incorporate into existing course curricula the  
 245 recommendations developed by the Commissioner of Education  
 246 pursuant to subsection (2) concerning instruction in autism  
 247 spectrum disorder and other developmental disabilities awareness  
 248 and methods of teaching students who have autism spectrum  
 249 disorder and other developmental disabilities.

250 (2) (a) The Commissioner of Education shall develop  
 251 recommendations for instruction in awareness of autism spectrum  
 252 disorder and other developmental disabilities and methods of

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253 teaching students who have autism spectrum disorder and other  
254 developmental disabilities for educator certification programs  
255 in accordance with subsection (1) and shall submit the  
256 recommendations to the State Board of Education and the Board of  
257 Governors of the State University System. In developing the  
258 recommendations, the commissioner shall consult with the State  
259 Surgeon General and representatives from entities that promote  
260 awareness about autism spectrum disorder and other developmental  
261 disabilities and provide programs and services to people who  
262 have autism spectrum disorder and other developmental  
263 disabilities, including, but not limited to, regional autism  
264 centers established under s. 1004.55, Florida Statutes, and  
265 representatives of the education community in this state.

266 (b) The Commissioner of Education shall develop  
267 recommendations to incorporate autism spectrum disorder and  
268 other developmental disabilities awareness instruction and  
269 methods of teaching students who have autism spectrum disorder  
270 and other developmental disabilities for teacher and  
271 paraprofessional in-service and other training programs, where  
272 appropriate, and shall submit the recommendations to the State  
273 Board Education and the Board of Governors of the State  
274 University System. In developing the recommendations, the  
275 commissioner shall consult with the State Surgeon General,  
276 representatives from entities that promote awareness about  
277 autism and other developmental disabilities and provide programs  
278 and services to people who have autism and other developmental  
279 disabilities, including representatives of the education  
280 community in this state.

281 (c) The recommendations developed by the Commissioner of  
 282 Education pursuant to paragraphs (a) and (b) shall address:

283 1. Characteristics of students who have autism spectrum  
 284 disorder and other developmental disabilities.

285 2. Curriculum planning, curricular and instructional  
 286 modifications, adaptations, and specialized strategies and  
 287 techniques.

288 3. Assistive technology.

289 4. Inclusive educational practices, including  
 290 collaborative partnerships.

291 (3) The State Board of Education and the Board of  
 292 Governors of the State University System, based upon the  
 293 recommendations developed by the Commissioner of Education  
 294 pursuant to subsection (2), shall adopt rules pursuant to ss.  
 295 120.536(1) and 120.54, Florida Statutes, necessary to implement  
 296 this section.

297 (4) Implementation of this section is subject to an  
 298 appropriation by the Legislature.

299 Section 5. (1) The Department of Health, in conjunction  
 300 with the Department of Education, the Department of Children and  
 301 Family Services, the Agency for Health Care Administration, and  
 302 the Agency for Persons with Disabilities, shall establish a  
 303 statewide system of early intervention services for eligible  
 304 infants and toddlers from birth to age 2, inclusive, who have  
 305 physical, cognitive, communication, social or emotional, and  
 306 adaptive developmental delays or disabilities in accordance with  
 307 Part H of the Individuals with Disabilities Education Act, 20  
 308 U.S.C. ss. 1471 et seq.

309       (2) The early intervention program in the Department of  
310 Health established pursuant to subsection (1) shall provide for  
311 addressing the specific needs of children who have autism  
312 spectrum disorders and their families. Such activities shall  
313 include, but not be limited to:

314       (a) Developing, in consultation with autism experts and  
315 advocates, including, but not limited to, regional autism  
316 centers established under s. 1004.55, Florida Statutes,  
317 guidelines for health care professionals to use in evaluating  
318 infants and toddlers living in this state for autism spectrum  
319 disorder and to ensure the timely referral by health care  
320 professionals of infants and toddlers who are identified as  
321 having autism spectrum disorder or suspected of being on the  
322 autism spectrum to the early intervention program in order to  
323 provide appropriate services to those infants and toddlers as  
324 early as possible.

325       (b) Referring affected children who are identified as  
326 having autism spectrum disorder or suspected of being on the  
327 autism spectrum and their families to schools and agencies,  
328 including community, consumer, and parent-based agencies, and  
329 organizations and other programs mandated by Part C of the  
330 Individuals with Disabilities Education Act, 20 U.S.C. ss. 1431  
331 et seq., which offer programs specifically designed to meet the  
332 unique needs of children who have autism spectrum disorder.

333       (c) Collecting data on statewide autism spectrum disorder  
334 screening, diagnosis, and intervention programs and systems that  
335 can be used for applied research, program evaluation, and policy  
336 development.

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337        (d) Disseminating information on the screening, diagnosis,  
338 intervention, treatment, and medical care of individuals who  
339 have autism spectrum disorder to health care professionals and  
340 the public.

341        (3) The Department of Health shall establish an Internet  
342 website to comply with the requirements of paragraph (2)(d).

343        (4) The State Surgeon General shall adopt rules pursuant  
344 to ss. 120.536(1) and 120.54, Florida Statutes, to administer  
345 this section.

346        Section 6. This act shall take effect January 1, 2009, and  
347 applies to health insurance policies or plans issued, renewed,  
348 entered into, or delivered on or after that date.