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

29 Persons with Disabilities and the Department of Health to
30 select and define services submitted in the state plan
31 amendment; requiring reports to the Legislature; creating
32 s. 456.0291, F.S.; authorizing certain licensing boards to
33 require special continuing education on developmental
34 disabilities for certain licensees and certificateholders;
35 providing penalties; providing rulemaking authority;
36 requiring the Department of Health to develop and
37 implement a plan to promote awareness of developmental
38 disabilities, with a focus on autism spectrum disorder;
39 amending s. 624.91, F.S.; revising legislative intent;
40 requiring the Florida Healthy Kids Corporation to provide
41 information relating to costs and utilization of full-pay
42 and Title XXI subsidized populations enrolled in Florida
43 Healthy Kids health benefits coverage plans; creating s.
44 624.916, F.S.; directing the Office of Insurance
45 Regulation to establish a work group to develop and
46 execute a compact relating to coverage for insured persons
47 with development disabilities; providing for membership of
48 the work group; requiring the work group to convene within
49 a specified period of time; requiring the compact to
50 contain specified components; requiring a report to the
51 Legislature; creating s. 627.6686, F.S.; providing health
52 insurance coverage for individuals with developmental
53 disabilities; providing definitions; providing coverage
54 for certain 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 January 1, 2012, that the
60 | maximum benefit shall be adjusted annually; clarifying
61 | that the section may not be construed as limiting benefits
62 | and coverage otherwise available to an insured under a
63 | health insurance plan; prohibiting the Office of Insurance
64 | Regulation from enforcing certain provisions against
65 | insurers that are signatories to the developmental
66 | disabilities compact; creating s. 641.31098, F.S.;
67 | providing coverage under a health maintenance contract for
68 | individuals with developmental disabilities; providing
69 | definitions; providing coverage for certain screening to
70 | diagnose and treat developmental disabilities; providing
71 | limitations on coverage; providing for eligibility
72 | standards for benefits and coverage; prohibiting health
73 | maintenance organizations from denying coverage under
74 | certain circumstances; specifying required elements of a
75 | treatment plan; providing, beginning January 1, 2012, that
76 | the maximum benefit shall be adjusted annually;
77 | prohibiting the Office of Insurance Regulation from
78 | enforcing certain provisions against health maintenance
79 | organizations that are signatories to the developmental
80 | disabilities compact; amending s. 1002.39, F.S., relating
81 | to the John M. McKay Scholarships for Students with
82 | Disabilities Program; revising the terminology used to
83 | identify students with certain disabilities; authorizing
84 | students who receive certain services under the Voluntary

85 Prekindergarten Education Program to receive a John M.
86 McKay Scholarship; conforming cross-references; permitting
87 students to receive scholarship services at locations
88 other than the private school's site under specified
89 conditions; providing retroactive eligibility for
90 scholarships under certain circumstances; amending s.
91 1002.51, F.S.; revising definitions for the Voluntary
92 Prekindergarten Education Program; amending s. 1002.53 and
93 creating s. 1002.66, F.S.; establishing a prekindergarten
94 program option for children with disabilities; providing
95 eligibility criteria for early intervention services;
96 providing for the approval of early intervention service
97 providers; authorizing the expenditure of funds for early
98 intervention services; amending s. 1002.71, F.S.;
99 authorizing a child participating in a prekindergarten
100 program for children with disabilities to reenroll in
101 another program option under certain conditions; amending
102 s. 1002.75, F.S.; revising the powers and duties of the
103 Agency for Workforce Innovation for prekindergarten
104 programs; amending s. 1003.01, F.S.; revising the
105 terminology used to identify students with certain
106 disabilities; amending s. 1004.55, F.S.; redesignating
107 regional autism centers as Centers for Autism and Related
108 Disabilities; revising terminology and duties of the
109 regional autism centers; amending s. 1006.03, F.S.;
110 requiring the Department of Education to maintain the
111 Florida Diagnostic and Learning Resources System; revising
112 duties of regional diagnostic and learning resources

113 centers; creating part III of chapter 1006, F.S., relating
 114 to the Learning Gateway; creating s. 1006.80, F.S.;
 115 requiring Centers for Autism and Related Disabilities to
 116 establish a statewide system of learning gateways;
 117 specifying functions of learning gateways; creating s.
 118 1006.82, F.S.; establishing the State Learning Gateway
 119 Council; assigning the council to the Department of
 120 Education for administrative purposes; specifying the
 121 membership of the council; providing for selection of the
 122 council's chair and executive director; prescribing the
 123 council's duties; repealing ss. 411.226, 411.227, and
 124 411.228, F.S., relating to the Learning Gateway,
 125 components of the Learning Gateway, and accountability;
 126 providing effective dates.

127
 128 Be It Enacted by the Legislature of the State of Florida:

129
 130 Section 1. This act may be cited as the "Window of
 131 Opportunity Act."

132 Section 2. Subsections (13) through (40) of section
 133 393.063, Florida Statutes, are renumbered as subsections (14)
 134 through (41), respectively, subsection (9) is amended, and a new
 135 subsection (13) is added to that section, to read:

136 393.063 Definitions.--For the purposes of this chapter,
 137 the term:

138 (9) "Developmental disability" means a disorder or
 139 syndrome that is attributable to retardation, cerebral palsy,
 140 autism, spina bifida, Down syndrome, or Prader-Willi syndrome;

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141 that manifests before the age of 18; and that constitutes a
 142 substantial handicap that can reasonably be expected to continue
 143 indefinitely.

144 (13) "Down syndrome" means a disorder caused by the
 145 presence of an extra chromosome 21 and characterized by mental
 146 retardation and distinguishing physical features.

147 Section 3. Paragraph (a) of subsection(6) and subsection
 148 (7) of section 409.8132, Florida Statutes, are amended to read:
 149 409.8132 Medikids program component.--

150 (6) ELIGIBILITY.--

151 (a) A child who has attained the age of 1 year but who is
 152 under the age of 5 years is eligible to enroll in the Medikids
 153 program component of the Florida Kidcare program, if the child
 154 is a member of a family that has a family income which exceeds
 155 the Medicaid applicable income level as specified in s. 409.903,
 156 but which is equal to or below 200 percent of the current
 157 federal poverty level. In determining the eligibility of such a
 158 child, an assets test is not required. Effective January 1,
 159 2009, a child who is enrolled in eligible for Medikids may elect
 160 to enroll in Florida Healthy Kids coverage or employer-sponsored
 161 group coverage at the time of redetermination. ~~However, a child~~
 162 ~~who is eligible for Medikids may participate in the Florida~~
 163 ~~Healthy Kids program only if the child has a sibling~~
 164 ~~participating in the Florida Healthy Kids program and the~~
 165 ~~child's county of residence permits such enrollment.~~

166 (7) ENROLLMENT.--

167 (a) Enrollment in the Medikids program component may occur
 168 at any time throughout the year. A child may not receive

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169 services under the Medikids program until the child is enrolled
170 in a managed care plan or MediPass. Once determined eligible, an
171 applicant may receive choice counseling and select a managed
172 care plan or MediPass. The agency may initiate mandatory
173 assignment for a Medikids applicant who has not chosen a managed
174 care plan or MediPass provider after the applicant's voluntary
175 choice period ends. An applicant may select MediPass under the
176 Medikids program component only in counties that have fewer than
177 two managed care plans available to serve Medicaid recipients
178 and only if the federal Health Care Financing Administration
179 determines that MediPass constitutes "health insurance coverage"
180 as defined in Title XXI of the Social Security Act.

181 (b) Effective January 1, 2009, a new applicant for the
182 Florida Kidcare program who has attained the age of 1 year but
183 who is under the age of 5 years shall be enrolled in the Florida
184 Healthy Kids program component of the Florida Kidcare program.
185 New applicants may not be enrolled in the Medikids program
186 component after January 1, 2009.

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

189 409.814 Eligibility.--A child who has not reached 19 years
190 of age whose family income is equal to or below 200 percent of
191 the federal poverty level is eligible for the Florida Kidcare
192 program as provided in this section. For enrollment in the
193 Children's Medical Services Network, a complete application
194 includes the medical or behavioral health screening. If,
195 subsequently, an individual is determined to be ineligible for

196 coverage, he or she must immediately be disenrolled from the
 197 respective Florida Kidcare program component.

198 (5) A child whose family income is above 200 percent of
 199 the federal poverty level or a child who is excluded under the
 200 provisions of subsection (4) may participate in the Medikids
 201 program as provided in s. 409.8132 or, if the child is
 202 ineligible for Medikids by reason of age or the child applied
 203 for coverage after January 1, 2009, in the Florida Healthy Kids
 204 program as provided in s. 624.91, subject to the following
 205 provisions:

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

209 (b) The agency is authorized to place limits on enrollment
 210 in Medikids by these children in order to avoid adverse
 211 selection. The number of children participating in Medikids
 212 whose family income exceeds 200 percent of the federal poverty
 213 level must not exceed 10 percent of total enrollees in the
 214 Medikids program. Effective January 1, 2009, all new applicants
 215 shall be enrolled in the Florida Healthy Kids program component
 216 of the Florida Kidcare program pursuant to this paragraph.

217 (c) The board of directors of the Florida Healthy Kids
 218 Corporation ~~is authorized to place limits on enrollment of these~~
 219 ~~children in order to avoid adverse selection. In addition, the~~
 220 ~~board~~ is authorized to offer a reduced benefit package to these
 221 children in order to limit program costs for such families. ~~The~~
 222 ~~number of children participating in the Florida Healthy Kids~~
 223 ~~program whose family income exceeds 200 percent of the federal~~

224 ~~poverty level must not exceed 10 percent of total enrollees in~~
 225 ~~the Florida Healthy Kids program.~~

226 Section 5. Paragraphs (r) through (v) of subsection (2) of
 227 section 409.815, Florida Statutes, are redesignated as
 228 paragraphs (s) through (w), respectively, present paragraphs
 229 (o), (r), and (u) are amended, and a new paragraph (r) is added
 230 to that subsection, to read:

231 409.815 Health benefits coverage; limitations.--

232 (2) BENCHMARK BENEFITS.--In order for health benefits
 233 coverage to qualify for premium assistance payments for an
 234 eligible child under ss. 409.810-409.820, the health benefits
 235 coverage, except for coverage under Medicaid and Medikids, must
 236 include the following minimum benefits, as medically necessary.

237 (o) Therapy services.--Covered services include
 238 habilitative and rehabilitative services, including
 239 occupational, physical, respiratory, and speech therapies, with
 240 the following limitations:

241 1. Rehabilitative services are limited to:

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

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

248 2. Habilitative services are limited to:

249 a. Habilitation when improvements in and maintenance of
 250 human behavior, skill acquisition, and communication will
 251 result; and

252 b. Enrollees that are diagnosed with autism spectrum
 253 disorder, mental retardation, cerebral palsy, spina bifida, or
 254 Prader-Willi syndrome.

255 (r) Behavior analysis services.--Behavior analysis and
 256 behavior assistant services shall be covered. For purposes of
 257 this paragraph:

258 1. "Behavior analysis" means the design, implementation,
 259 and evaluation of instructional and environmental modifications
 260 to produce socially significant improvements in human behavior
 261 through skill acquisition and the reduction of problematic
 262 behavior. Behavior analysis shall be provided by an individual
 263 certified pursuant to s. 393.17 or an individual licensed under
 264 chapter 490 or chapter 491.

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

268 (s)~~(r)~~ Lifetime maximum.--Health benefits coverage
 269 obtained under ss. 409.810-409.820 shall pay an enrollee's
 270 covered expenses at a lifetime maximum of \$1 million per covered
 271 child. However, coverage for the combination of behavior
 272 analysis services, speech therapy, physical therapy, and
 273 occupational therapy for recipients diagnosed with autism
 274 spectrum disorder, mental retardation, cerebral palsy, spina
 275 bifida, or Prader-Willi syndrome receiving these services to
 276 achieve improvements in human behavior, skill acquisition,
 277 communication, and the reduction of problematic behavior shall
 278 be limited to \$36,000 annually and may not exceed \$108,000 in
 279 total lifetime benefits.

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

281 1. This section sets the minimum benefits that must be
 282 included in any health benefits coverage, other than Medicaid or
 283 Medikids coverage, offered under ss. 409.810-409.820. Health
 284 benefits coverage may include additional benefits not included
 285 under this subsection, but may not include benefits excluded
 286 under paragraph (t) ~~(s)~~.

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

289
 290 Except for the Children's Medical Services Network, the agency
 291 may not increase the premium assistance payment for either
 292 additional benefits provided beyond the minimum benefits
 293 described in this section or the imposition of less restrictive
 294 service limitations.

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

297 409.906 Optional Medicaid services.--Subject to specific
 298 appropriations, the agency may make payments for services which
 299 are optional to the state under Title XIX of the Social Security
 300 Act and are furnished by Medicaid providers to recipients who
 301 are determined to be eligible on the dates on which the services
 302 were provided. Any optional service that is provided shall be
 303 provided only when medically necessary and in accordance with
 304 state and federal law. Optional services rendered by providers
 305 in mobile units to Medicaid recipients may be restricted or
 306 prohibited by the agency. Nothing in this section shall be
 307 construed to prevent or limit the agency from adjusting fees,

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308 reimbursement rates, lengths of stay, number of visits, or
309 number of services, or making any other adjustments necessary to
310 comply with the availability of moneys and any limitations or
311 directions provided for in the General Appropriations Act or
312 chapter 216. If necessary to safeguard the state's systems of
313 providing services to elderly and disabled persons and subject
314 to the notice and review provisions of s. 216.177, the Governor
315 may direct the Agency for Health Care Administration to amend
316 the Medicaid state plan to delete the optional Medicaid service
317 known as "Intermediate Care Facilities for the Developmentally
318 Disabled." Optional services may include:

319 (26) HOME AND COMMUNITY-BASED SERVICES FOR AUTISM SPECTRUM
320 DISORDER AND OTHER DEVELOPMENTAL DISABILITIES.--The agency is
321 authorized to seek and implement federal approval through a
322 state plan amendment for home and community-based services
323 limited to occupational therapy, speech therapy, physical
324 therapy, behavior analysis, and behavior assistant services
325 under the authority of and in compliance with s. 1915(i) of the
326 Social Security Act. The services shall be provided to
327 individuals who are 5 years of age and under and have a
328 diagnosis of autism spectrum disorder, mental retardation,
329 cerebral palsy, spina bifida, or Prader-Willi syndrome. Coverage
330 for such services shall be limited to \$36,000 annually and may
331 not exceed \$108,000 in total lifetime benefits. In accordance
332 with allowances under s. 1915(i) of the Social Security Act,
333 these services may be limited to a select number of eligible
334 individuals in select geographic areas as identified by the
335 agency. Eligible individuals may have incomes of up to 150

336 percent of the federal poverty level. The agency shall
 337 coordinate with the Agency for Persons with Disabilities and the
 338 Department of Health to select and define the services that will
 339 be included in the state plan amendment and be provided under
 340 this subsection. The agency shall submit an annual report
 341 beginning on January 1, 2009, to the President of the Senate,
 342 the Speaker of the House of Representatives, and the relevant
 343 committees of the Senate and the House of Representatives
 344 regarding the implementation of the state plan amendment.

345 Section 7. Section 456.0291, Florida Statutes, is created
 346 to read:

347 456.0291 Requirement for instruction on developmental
 348 disabilities.--

349 (1) (a) The appropriate board shall require each person
 350 licensed or certified under chapter 458, chapter 459, part I of
 351 chapter 464, chapter 490, or chapter 491 to complete a 2-hour
 352 continuing education course, approved by the board, on
 353 developmental disabilities, as defined in s. 393.063, with the
 354 addition of autism spectrum disorder, as part of every third
 355 biennial relicensure or recertification. The course shall
 356 consist of information on the diagnosis and treatment of
 357 developmental disabilities and information on counseling and
 358 education of a parent whose child is diagnosed with a
 359 developmental disability, with an emphasis on autism spectrum
 360 disorder.

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

363 by the board, when submitting fees for every third biennial
 364 renewal.

365 (c) The board may approve additional equivalent courses
 366 that may be used to satisfy the requirements of paragraph (a).
 367 Each licensing board that requires a licensee to complete an
 368 educational course pursuant to this subsection may include the
 369 hours required for completion of the course in the total hours
 370 of continuing education required by law for such profession
 371 unless the continuing education requirements for such profession
 372 consist of fewer than 30 hours biennially.

373 (d) Any person holding two or more licenses subject to the
 374 provisions of this subsection shall be permitted to show proof
 375 of having taken one board-approved course on developmental
 376 disabilities for purposes of relicensure or recertification for
 377 additional licenses.

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

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

385 (3) The department shall implement a plan to promote
 386 awareness of developmental disabilities, with a focus on autism
 387 spectrum disorder, to physicians licensed under chapter 458 or
 388 chapter 459 and parents. The department shall develop the plan
 389 in consultation with organizations representing allopathic and
 390 osteopathic physicians, the Board of Medicine, the Board of

391 Osteopathic Medicine, and nationally recognized organizations
 392 that promote awareness of developmental disabilities. The
 393 department's plan shall include the distribution of educational
 394 materials for parents, including a developmental assessment
 395 tool.

396 Section 8. Paragraph (b) of subsection (2) and paragraph
 397 (b) of subsection (5) of section 624.91, Florida Statutes, are
 398 amended to read:

399 624.91 The Florida Healthy Kids Corporation Act.--

400 (2) LEGISLATIVE INTENT.--

401 (b) It is the intent of the Legislature that the Florida
 402 Healthy Kids Corporation serve as one of several providers of
 403 services to children eligible for medical assistance under Title
 404 XXI of the Social Security Act. Although the corporation may
 405 serve other children, the Legislature intends the primary
 406 recipients of services provided through the corporation be
 407 ~~school-age~~ children with a family income below 200 percent of
 408 the federal poverty level, who do not qualify for Medicaid. It
 409 is also the intent of the Legislature that state and local
 410 government Florida Healthy Kids funds be used to continue
 411 coverage, subject to specific appropriations in the General
 412 Appropriations Act, to children not eligible for federal
 413 matching funds under Title XXI.

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

415 (b) The Florida Healthy Kids Corporation shall:

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

419 of premiums for comprehensive insurance coverage and for the
 420 actual or estimated administrative expenses.

421 2. Arrange for the collection of any voluntary
 422 contributions to provide for payment of premiums for children
 423 who are not eligible for medical assistance under Title XXI of
 424 the Social Security Act.

425 3. Subject to the provisions of s. 409.8134, accept
 426 voluntary supplemental local match contributions that comply
 427 with the requirements of Title XXI of the Social Security Act
 428 for the purpose of providing additional coverage in contributing
 429 counties under Title XXI.

430 4. Establish the administrative and accounting procedures
 431 for the operation of the corporation.

432 5. Establish, with consultation from appropriate
 433 professional organizations, standards for preventive health
 434 services and providers and comprehensive insurance benefits
 435 appropriate to children, provided that such standards for rural
 436 areas shall not limit primary care providers to board-certified
 437 pediatricians.

438 6. Determine eligibility for children seeking to
 439 participate in the Title XXI-funded components of the Florida
 440 Kidcare program consistent with the requirements specified in s.
 441 409.814, as well as the non-Title-XXI-eligible children as
 442 provided in subsection (3).

443 7. Establish procedures under which providers of local
 444 match to, applicants to and participants in the program may have
 445 grievances reviewed by an impartial body and reported to the
 446 board of directors of the corporation.

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447 8. Establish participation criteria and, if appropriate,
448 contract with an authorized insurer, health maintenance
449 organization, or third-party administrator to provide
450 administrative services to the corporation.

451 9. Establish enrollment criteria which shall include
452 penalties or waiting periods of not fewer than 60 days for
453 reinstatement of coverage upon voluntary cancellation for
454 nonpayment of family premiums.

455 10. Contract with authorized insurers or any provider of
456 health care services, meeting standards established by the
457 corporation, for the provision of comprehensive insurance
458 coverage to participants. Such standards shall include criteria
459 under which the corporation may contract with more than one
460 provider of health care services in program sites. Health plans
461 shall be selected through a competitive bid process. The Florida
462 Healthy Kids Corporation shall purchase goods and services in
463 the most cost-effective manner consistent with the delivery of
464 quality medical care. The maximum administrative cost for a
465 Florida Healthy Kids Corporation contract shall be 15 percent.
466 For health care contracts, the minimum medical loss ratio for a
467 Florida Healthy Kids Corporation contract shall be 85 percent.
468 For dental contracts, the remaining compensation to be paid to
469 the authorized insurer or provider under a Florida Healthy Kids
470 Corporation contract shall be no less than an amount which is 85
471 percent of premium; to the extent any contract provision does
472 not provide for this minimum compensation, this section shall
473 prevail. The health plan selection criteria and scoring system,

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

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

478 12. Develop and implement a plan to publicize the Florida
479 Healthy Kids Corporation, the eligibility requirements of the
480 program, and the procedures for enrollment in the program and to
481 maintain public awareness of the corporation and the program.

482 13. Secure staff necessary to properly administer the
483 corporation. Staff costs shall be funded from state and local
484 matching funds and such other private or public funds as become
485 available. The board of directors shall determine the number of
486 staff members necessary to administer the corporation.

487 14. Provide a report annually to the Governor, Chief
488 Financial Officer, Commissioner of Education, Senate President,
489 Speaker of the House of Representatives, and Minority Leaders of
490 the Senate and the House of Representatives.

491 15. Provide information on a quarterly basis to the
492 Senate, the House of Representatives, and the Governor that
493 assesses the cost and utilization of services for the Florida
494 Healthy Kids health benefits plans provided through the Florida
495 Healthy Kids Corporation. The information must be specific to
496 each eligibility component of the plan and, at a minimum,
497 include:

498 a. The monthly enrollment and expenditures for enrollees.

499 b. The cost and utilization of specific services.

500 c. An analysis of the impact on premiums following
501 implementation of the Window of Opportunity Act.

502 d. An analysis of trends regarding transfer of enrollees
 503 from the Florida Healthy Kids plans to the Children's Medical
 504 Services Network plan.

505 e. Any recommendations resulting from the analysis
 506 conducted under this subparagraph.

507 ~~16.15.~~ Establish benefit packages which conform to the
 508 provisions of the Florida Kidcare program, as created in ss.
 509 409.810-409.820.

510 Section 9. Section 624.916, Florida Statutes, is created
 511 to read:

512 624.916 Developmental disabilities compact.--

513 (1) The Office of Insurance Regulation is directed to
 514 convene a work group for the purpose of negotiating a compact
 515 that includes a binding agreement among the participants
 516 relating to insurance and access to services for persons with
 517 developmental disabilities as defined in s. 393.063, with the
 518 addition of autism spectrum disorder. The work group shall
 519 consist of the following:

520 (a) Representatives of all health insurers licensed under
 521 this chapter.

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

524 (c) Representatives of employers with self-insured health
 525 benefit plans.

526 (d) A designee of the Governor.

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

528 (f) A designee of the Speaker of the House of
 529 Representatives.

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530 (2) The office shall convene the work group by August 31,
531 2008.

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

533 (a) Procedures for clear and specific notice to
534 policyholders identifying the amount, scope, and conditions
535 under which coverage is provided for speech therapy, physical
536 therapy, occupational therapy, and behavioral interventions when
537 necessary due to the presence of a developmental disability.

538 (b) Penalties for documented cases of denial of claims for
539 medically necessary services due to the presence of a
540 developmental disability.

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

545 (4) Upon completion of the negotiations for the compact,
546 the office shall report the results to the Governor, the
547 President of the Senate, and the Speaker of the House of
548 Representatives. The office shall continue to monitor
549 participation, compliance, and effectiveness of the agreement
550 and report its findings at least annually.

551 Section 10. Section 627.6686, Florida Statutes, is created
552 to read:

553 627.6686 Coverage for individuals with developmental
554 disabilities required; exception.--

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

556 (a) "Developmental disability" has the same meaning as
557 provided in s. 393.063, with the addition of autism spectrum
558 disorder.

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

563 (c) "Health insurance plan" means a group health insurance
564 policy or group health benefit plan offered by an insurer which
565 includes the state group insurance program provided under s.
566 110.123. The term does not include any health insurance plan
567 offered in the individual market, any health insurance plan that
568 is individually underwritten, or any health insurance plan
569 provided to a small employer.

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

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

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

577 (b) Treatment of a developmental disability through speech
578 therapy, occupational therapy, physical therapy, and behavioral
579 interventions.

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

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

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

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

590 (d) Coverage may be subject to other general exclusions
591 and limitations of the insurer's policy or plan, including, but
592 not limited to, coordination of benefits, participating provider
593 requirements, restrictions on services provided by family or
594 household members, and utilization review of health care
595 services, including the review of medical necessity, case
596 management, and other managed care provisions.

597 (4) The coverage required pursuant to subsection (2) may
598 not be subject to dollar limits, deductibles, or coinsurance
599 provisions that are less favorable to an insured than the dollar
600 limits, deductibles, or coinsurance provisions that apply to
601 physical illnesses that are generally covered under the health
602 insurance plan, except as otherwise provided in subsection (3).

603 (5) An insurer may not deny or refuse to issue coverage
604 for medically necessary services, refuse to contract with, or
605 refuse to renew or reissue or otherwise terminate or restrict
606 coverage for an individual because the individual is diagnosed
607 as having a developmental disability.

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

610 plan to appropriately pay claims. These elements include, but
 611 are not limited to, a diagnosis, the proposed treatment by type,
 612 the frequency and duration of treatment, the anticipated
 613 outcomes stated as goals, the frequency with which the treatment
 614 plan will be updated, and the signature of the treating
 615 physician.

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

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

625 (9) The Office of Insurance Regulation may not enforce
 626 this section against an insurer that is a signatory to the
 627 developmental disabilities compact established under s. 624.916.

628 Section 11. Section 641.31098, Florida Statutes, is
 629 created to read:

630 641.31098 Coverage for individuals with developmental
 631 disabilities.--

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

633 (a) "Developmental disability" has the same meaning as
 634 provided in s. 393.063, with the addition of autism spectrum
 635 disorder.

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

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

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

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

645 (b) Treatment of a developmental disability through speech
646 therapy, occupational therapy, physical therapy, and behavioral
647 interventions.

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

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

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

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

658 (d) Coverage may be subject to general exclusions and
659 limitations of the subscriber's contract, including, but not
660 limited to, coordination of benefits, participating provider
661 requirements, and utilization review of health care services,
662 including the review of medical necessity, case management, and
663 other managed care provisions.

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

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666 provisions that are less favorable to a subscriber than the
667 dollar limits, deductibles, or coinsurance provisions that apply
668 to physical illnesses that are generally covered under the
669 subscriber's contract, except as otherwise provided in
670 subsection (3).

671 (5) A health maintenance organization may not deny or
672 refuse to issue coverage for medically necessary services,
673 refuse to contract with, or refuse to renew or reissue or
674 otherwise terminate or restrict coverage for an individual
675 solely because the individual is diagnosed as having a
676 developmental disability.

677 (6) The treatment plan required pursuant to subsection (3)
678 shall include, but is not limited to, a diagnosis, the proposed
679 treatment by type, the frequency and duration of treatment, the
680 anticipated outcomes stated as goals, the frequency with which
681 the treatment plan will be updated, and the signature of the
682 treating physician.

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

689 (8) The Office of Insurance Regulation may not enforce
690 this section against a health maintenance organization that is a
691 signatory to the developmental disabilities compact established
692 under s. 624.916.

693 Section 12. Subsections (1), (2), and (3), paragraph (a)
 694 of subsection (4), paragraph (d) of subsection (8), and
 695 paragraphs (a), (c), and (d) of subsection (10) of section
 696 1002.39, Florida Statutes, are amended, subsections (11), (12),
 697 and (13) are renumbered as subsections (13), (14), and (15),
 698 respectively, and new subsections (11) and (12) are added to
 699 that section, to read:

700 1002.39 The John M. McKay Scholarships for Students with
 701 Disabilities Program.--There is established a program that is
 702 separate and distinct from the Opportunity Scholarship Program
 703 and is named the John M. McKay Scholarships for Students with
 704 Disabilities Program.

705 (1) THE JOHN M. MCKAY SCHOLARSHIPS FOR STUDENTS WITH
 706 DISABILITIES PROGRAM.--The John M. McKay Scholarships for
 707 Students with Disabilities Program is established to provide the
 708 option to attend a public school other than the one to which
 709 assigned, or to provide a scholarship to a private school of
 710 choice, for students with disabilities for whom an individual
 711 educational ~~education~~ plan has been written in accordance with
 712 rules of the State Board of Education. Students with
 713 disabilities include K-12 students who are documented as having
 714 an intellectual disability ~~a mental handicap, including~~
 715 ~~trainable, profound, or educable;~~ a speech impairment; a ~~or~~
 716 language impairment; a hearing impairment, including deafness; a
 717 visual impairment, including blindness; a dual sensory
 718 impairment; an orthopedic ~~a physical~~ impairment or other health
 719 impairment; ~~a serious emotional disturbance, including an~~
 720 emotional or behavioral disability ~~handicap;~~ a specific learning

721 disability, including, but not limited to, dyslexia,
 722 dyscalculia, or developmental aphasia; a traumatic brain injury;
 723 a developmental delay; or autism spectrum disorder.

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

729 (a) The student has either:

730 1. Received early intervention services under the
 731 Voluntary Prekindergarten Education Program pursuant to s.
 732 1002.66 during the previous school year and the student has a
 733 current individual educational plan developed in accordance with
 734 rules of the State Board of Education; or

735 2. Spent the prior school year in attendance at a Florida
 736 public school or the Florida School for the Deaf and the Blind.
 737 For purposes of this subparagraph, prior school year in
 738 attendance means that the student was+

739 ~~1.~~ Enrolled and reported by:

740 a. A school district for funding during the preceding
 741 October and February Florida Education Finance Program surveys
 742 in kindergarten through grade 12, which shall include time spent
 743 in a Department of Juvenile Justice commitment program if funded
 744 under the Florida Education Finance Program;

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

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

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749 funding during the preceding October and February Florida
750 Education Finance Program surveys, was at least 4 years old when
751 so enrolled and reported, and was eligible for services under s.
752 1003.21(1)(e).

753
754 However, a dependent child of a member of the United States
755 Armed Forces who transfers to a school in this state from out of
756 state or from a foreign country pursuant to a parent's permanent
757 change of station orders is exempt from this paragraph but must
758 meet all other eligibility requirements to participate in the
759 program.

760 (b) The parent has obtained acceptance for admission of
761 the student to a private school that is eligible for the program
762 under subsection (8) and has requested from the department a
763 scholarship at least 60 days prior to the date of the first
764 scholarship payment. The request must be through a communication
765 directly to the department in a manner that creates a written or
766 electronic record of the request and the date of receipt of the
767 request. The Department of Education must notify the district of
768 the parent's intent upon receipt of the parent's request.

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

771 (a) Enrolled in a school operating for the purpose of
772 providing educational services to youth in Department of
773 Juvenile Justice commitment programs;

774 (b) Receiving a corporate income tax credit scholarship
775 under s. 220.187;

776 (c) Receiving an educational scholarship pursuant to this

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777 chapter;

778 (d) Participating in a home education program as defined
779 in s. 1002.01(1);

780 (e) Participating in a private tutoring program pursuant
781 to s. 1002.43;

782 (f) Participating in a virtual school, correspondence
783 school, or distance learning program that receives state funding
784 pursuant to the student's participation unless the participation
785 is limited to no more than two courses per school year;

786 (g) Enrolled in the Florida School for the Deaf and the
787 Blind; or

788 (h) Not having regular and direct contact with his or her
789 private school teachers at the school's physical location,
790 except as provided in subsection (11).

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

792 (a) For purposes of continuity of educational choice, a
793 John M. McKay Scholarship shall remain in force until the
794 student enrolls in ~~returns to~~ a public school, graduates from
795 high school, or reaches the age of 22, whichever occurs first.

796 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.--To be
797 eligible to participate in the John M. McKay Scholarships for
798 Students with Disabilities Program, a private school may be
799 sectarian or nonsectarian and must:

800 (d) Maintain in this state a physical location where a
801 scholarship student regularly attends classes or where it
802 provides case management services under subsection (11).

803

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

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805 | this subsection shall constitute a basis for the ineligibility
806 | of the private school to participate in the scholarship program
807 | as determined by the department.

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

809 | (a)1. The maximum scholarship granted for an eligible
810 | student with disabilities shall be a calculated amount
811 | equivalent to the base student allocation in the Florida
812 | Education Finance Program multiplied by the appropriate cost
813 | factor for the educational program that would have been provided
814 | for the student in the district school to which he or she was
815 | assigned, multiplied by the district cost differential.

816 | 2. In addition, a share of the guaranteed allocation for
817 | exceptional students shall be determined and added to the
818 | calculated amount. The calculation shall be based on the
819 | methodology and the data used to calculate the guaranteed
820 | allocation for exceptional students for each district in chapter
821 | 2000-166, Laws of Florida. Except as provided in subparagraphs
822 | 3. and 4., the calculation shall be based on the student's
823 | grade, matrix level of services, and the difference between the
824 | 2000-2001 basic program and the appropriate level of services
825 | cost factor, multiplied by the 2000-2001 base student allocation
826 | and the 2000-2001 district cost differential for the sending
827 | district. Also, the calculated amount shall include the per-
828 | student share of supplemental academic instruction funds,
829 | instructional materials funds, technology funds, and other
830 | categorical funds as provided for such purposes in the General
831 | Appropriations Act.

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832 3. The calculated scholarship amount for a student who is
833 eligible under sub-subparagraph (2)(a)2.b. ~~subparagraph (2)(a)2.~~
834 shall be calculated as provided in subparagraphs 1. and 2.
835 However, the calculation shall be based on the school district
836 in which the parent resides at the time of the scholarship
837 request.

838 4. Until the school district completes the matrix required
839 by paragraph (5)(b), the calculation shall be based on the
840 matrix that assigns the student to support level I of service as
841 it existed prior to the 2000-2001 school year. When the school
842 district completes the matrix, the amount of the payment shall
843 be adjusted as needed.

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

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

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

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

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

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860 the department shall transfer, from General Revenue funds only,
861 the amount calculated under paragraph (b) from the school
862 district's total funding entitlement under the Florida Education
863 Finance Program and from authorized categorical accounts to a
864 separate account for the scholarship program for quarterly
865 disbursement to the parents of participating students. Funds may
866 not be transferred from any funding provided to the Florida
867 School for the Deaf and the Blind for program participants who
868 are eligible under sub-subparagraph (2)(a)2.b. ~~subparagraph~~
869 ~~(2)(a)2.~~ For a student exiting a Department of Juvenile Justice
870 commitment program who chooses to participate in the scholarship
871 program, the amount of the John M. McKay Scholarship calculated
872 pursuant to paragraph (b) shall be transferred from the school
873 district in which the student last attended a public school
874 prior to commitment to the Department of Juvenile Justice. When
875 a student enters the scholarship program, the department must
876 receive all documentation required for the student's
877 participation, including the private school's and student's fee
878 schedules, at least 30 days before the first quarterly
879 scholarship payment is made for the student.

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

885 (a) The student's parent provides a notarized statement
886 from the medical doctor or psychologist treating the student's
887 disability which certifies that the student's welfare or the

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

891 1. Annually provided to the department at least 60 days
 892 prior to the date of the first scholarship payment for each
 893 school year.

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

896 (b) The private school serving the student:

897 1. Employs or contracts with a case manager who
 898 coordinates and monitors the student's instruction and services,
 899 reviews and maintains the documentation submitted under
 900 subparagraph 2., and provides the student's parent and private
 901 school with monthly reports on the student's progress.

902 2. Requires private school employees or contracted
 903 personnel who provide regular and direct instruction or services
 904 to a student at a site other than the private school's physical
 905 location to submit to the case manager documentation of the
 906 instruction, services, and progress of the student.

907 3. Notifies the department of each student subject to this
 908 subsection.

909 (12) RETROACTIVE SCHOLARSHIP ELIGIBILITY.--A student who
 910 received a scholarship under this section in the 2005-2006
 911 school year, but who was unable to receive a scholarship in the
 912 2006-2007 school year due to the regular and direct contact
 913 requirement in paragraph (3) (h), is eligible for a scholarship
 914 in the 2008-2009 school year if the student:

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

916 criteria of paragraph (11)(a) at the time of his or her 2006-
 917 2007 scholarship.

918 (b) Satisfies the requirements for a scholarship under
 919 this section other than the prior school year attendance
 920 requirement in paragraph (2)(a).

921 Section 13. Subsections (2) through (5) of section
 922 1002.51, Florida Statutes, are renumbered as subsections (4)
 923 through (7), respectively, and new subsections (2) and (3) are
 924 added to that section to read:

925 1002.51 Definitions.--As used in this part, the term:

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

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

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

932 1002.53 Voluntary Prekindergarten Education Program;
 933 eligibility and enrollment.--

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

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

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

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

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

948 (d) Beginning with the 2011-2012 school year, a
 949 prekindergarten program for children with disabilities, if the
 950 child has a disability and is eligible for the program under s.
 951 1002.66.

952
 953 Except as provided in s. 1002.71(4), a child may not enroll in
 954 more than one of these programs.

955 Section 15. Section 1002.66, Florida Statutes, is created
 956 to read:

957 1002.66 Prekindergarten program for children with
 958 disabilities.--

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

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

965 (b) A current individual educational plan has been
 966 developed for the child in accordance with rules of the State
 967 Board of Education.

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

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971 individual educational plan indicates is appropriate for the
972 child. These early intervention services may include, but are
973 not limited to:

974 (a) Applied behavior analysis.

975 (b) Speech-language pathology.

976 (c) Occupational therapy.

977 (d) Physical therapy.

978 (3) The early intervention services provided for a child
979 under this section must be delivered according to professionally
980 accepted standards and must, in accordance with the performance
981 standards adopted by the department under s. 1002.67, address
982 the age-appropriate progress of the child in the development of
983 the capabilities, capacities, and skills required under s. 1(b),
984 Art. IX of the State Constitution.

985 (4) Each Center for Autism and Related Disabilities
986 established under s. 1004.55 shall, within the center's region,
987 approve early intervention service providers whose services meet
988 the standards in subsection (3), maintain a list of approved
989 providers, and notify each school district and early learning
990 coalition in the center's region of the approved provider list.

991 Upon the request of a child's parent, a Center for Autism and
992 Related Disabilities may approve an early intervention service
993 provider that is not on the approved list if the provider's
994 services meet the standards in subsection (3) and the child's
995 individual educational plan indicates that the services are
996 appropriate for the child.

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

999 the coalition shall reimburse an approved early intervention
 1000 service provider for authorized services provided for an
 1001 eligible child, except that the cumulative total of services
 1002 reimbursed for a child may not exceed the amount of the base
 1003 student allocation provided for the Voluntary Prekindergarten
 1004 Education Program in the General Appropriations Act.

1005 Section 16. Paragraph (a) of subsection (4) of section
 1006 1002.71, Florida Statutes, is amended to read:

1007 1002.71 Funding; financial and attendance reporting.--

1008 (4) Notwithstanding s. 1002.53(3) and subsection (2):

1009 (a) A child who, for any of the prekindergarten programs
 1010 listed in s. 1002.53(3), has not completed more than 10 percent
 1011 of the hours authorized to be reported for funding under
 1012 subsection (2), or has not expended more than 10 percent of the
 1013 funds authorized for the child under s. 1002.66, may withdraw
 1014 from the program for good cause, reenroll in one of the
 1015 programs, and be reported for funding purposes as a full-time
 1016 equivalent student in the program for which the child is
 1017 reenrolled.

1018
 1019 A child may reenroll only once in a prekindergarten program
 1020 under this section. A child who reenrolls in a prekindergarten
 1021 program under this subsection may not subsequently withdraw from
 1022 the program and reenroll. The Agency for Workforce Innovation
 1023 shall establish criteria specifying whether a good cause exists
 1024 for a child to withdraw from a program under paragraph (a),
 1025 whether a child has substantially completed a program under

1026 paragraph (b), and whether an extreme hardship exists which is
 1027 beyond the child's or parent's control under paragraph (b).

1028 Section 17. Paragraphs (a) and (f) of subsection (2) of
 1029 section 1002.75, Florida Statutes, are amended to read:

1030 1002.75 Agency for Workforce Innovation; powers and
 1031 duties; operational requirements.--

1032 (2) The Agency for Workforce Innovation shall adopt
 1033 procedures governing the administration of the Voluntary
 1034 Prekindergarten Education Program by the early learning
 1035 coalitions and school districts for:

1036 (a) Enrolling children in and determining the eligibility
 1037 of children for the Voluntary Prekindergarten Education Program
 1038 under ss. 1002.53 and 1002.66 ~~ss. 1002.53~~.

1039 (f) Paying private prekindergarten providers, and public
 1040 schools, and early intervention service providers under ss.
 1041 1002.66 and 1002.71 ~~ss. 1002.71~~.

1042 Section 18. Paragraph (a) of subsection (3) of section
 1043 1003.01, Florida Statutes, is amended to read:

1044 1003.01 Definitions.--As used in this chapter, the term:

1045 (3)(a) "Exceptional student" means any student who has
 1046 been determined eligible for a special program in accordance
 1047 with rules of the State Board of Education. The term includes
 1048 students who are gifted; and students who have an intellectual
 1049 disability, autism spectrum disorder, a speech impairment, a
 1050 language impairment, an orthopedic impairment or other health
 1051 impairment, traumatic brain injury, a visual impairment, an
 1052 emotional or behavioral disability, or a specific learning
 1053 disability, including, but not limited to, dyslexia,

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1054 dyscalculia, or developmental aphasia; students who are deaf or
 1055 hard of hearing or dual sensory impaired; students who are
 1056 hospitalized or homebound; and with disabilities who are
 1057 ~~mentally handicapped, speech and language impaired, deaf or hard~~
 1058 ~~of hearing, visually impaired, dual sensory impaired, physically~~
 1059 ~~impaired, emotionally handicapped, specific learning disabled,~~
 1060 ~~hospital and homebound, autistic, developmentally delayed~~
 1061 ~~children, ages birth through 5 years of age with developmental~~
 1062 delays, and or children, ages birth through 2 years of age, with
 1063 established conditions, which that are identified in State Board
 1064 of Education rules pursuant to s. 1003.21(1)(e).

1065 Section 19. Effective upon this act becoming a law,
 1066 section 1004.55, Florida Statutes, is amended to read:

1067 1004.55 Regional autism Centers for Autism and Related
 1068 Disabilities.--

1069 (1) Seven regional autism Centers for Autism and Related
 1070 Disabilities are established to provide nonresidential resource
 1071 and training services for persons of all ages and of all levels
 1072 of intellectual functioning who have an autism spectrum
 1073 disorder, as defined in s. 393.063; who have a pervasive
 1074 developmental disorder that is not otherwise specified, ~~who~~
 1075 ~~have an autistic-like disability,~~ ~~who have a dual sensory~~
 1076 ~~impairment,~~ ~~or who have a sensory impairment, or other~~
 1077 disability for purposes of exceptional students defined in s.
 1078 1003.01 with other handicapping conditions. Each center shall be
 1079 operationally and fiscally independent and shall provide
 1080 services within its geographical region of the state. Service
 1081 delivery shall be consistent for all centers. Each center shall

1082 coordinate services within and between state and local agencies
 1083 and school districts but may not duplicate services provided by
 1084 those agencies or school districts. The respective locations and
 1085 service areas of the centers are:

1086 (a) The Department of Communication Disorders at Florida
 1087 State University, which serves Bay, Calhoun, Escambia, Franklin,
 1088 Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty,
 1089 Madison, Okaloosa, Santa Rosa, Taylor, Wakulla, Walton, and
 1090 Washington Counties.

1091 (b) The College of Medicine at the University of Florida,
 1092 which serves Alachua, Bradford, Citrus, Columbia, Dixie,
 1093 Gilchrist, Hamilton, Hernando, Lafayette, Levy, Marion, Putnam,
 1094 Suwannee, and Union Counties.

1095 (c) The University of Florida Health Science Center at
 1096 Jacksonville, which serves Baker, Clay, Duval, Flagler, Nassau,
 1097 and St. Johns Counties.

1098 (d) The Louis de la Parte Florida Mental Health Institute
 1099 at the University of South Florida, which serves Charlotte,
 1100 Collier, DeSoto, Glades, Hardee, Hendry, Highlands,
 1101 Hillsborough, Lee, Manatee, Pasco, Pinellas, Polk, and Sarasota
 1102 Counties.

1103 (e) The Mailman Center for Child Development and the
 1104 Department of Psychology at the University of Miami, which
 1105 serves Broward, Dade, and Monroe Counties.

1106 (f) The College of Health and Public Affairs at the
 1107 University of Central Florida, which serves Brevard, Lake,
 1108 Orange, Osceola, Seminole, Sumter, and Volusia Counties.

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1109 (g) The Department of Exceptional Student Education at
1110 Florida Atlantic University, which serves Palm Beach, Martin,
1111 St. Lucie, Okeechobee, and Indian River Counties.

1112 (2) There is established for each center a constituency
1113 board, which shall work collaboratively with the center. Each
1114 board shall consist of no fewer than six members, each of whom
1115 is either an individual who has a disability ~~that is~~ described
1116 in subsection (1) or is a member of a family that includes a
1117 person who has such a disability, who are selected by each
1118 university president from a list that has been developed by the
1119 Autism Society of Florida and other relevant constituency groups
1120 that represent persons who have sensory impairments or other
1121 disabilities as described in subsection (1). As representatives
1122 of the center's constituencies, these boards shall meet
1123 quarterly with the staff of each of the centers to provide
1124 advice on policies, priorities, and activities. Each board shall
1125 submit to the university president and to the Department of
1126 Education an annual report that evaluates the activities and
1127 accomplishments of its center during the year. The board for
1128 each center should raise funds equivalent to 2 percent of the
1129 total funds allocated to that center in each fiscal year.

1130 (3) To promote statewide planning and coordination, a
1131 conference must be held annually for staff from each of the
1132 seven centers and representatives from each center's
1133 constituency board. The purpose of the conference is to
1134 facilitate coordination, networking, cross-training, and
1135 feedback among the staffs and constituency boards of the
1136 centers.

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1137 (4) (a) Each center shall provide:

1138 1. A staff that has expertise in autism spectrum
1139 disorders, and autistic-like behaviors, and in sensory
1140 impairments, and other disabilities described in subsection (1).

1141 2. Individual and direct family assistance in the home,
1142 community, and school. A center's assistance should not supplant
1143 other responsibilities of state and local agencies, and each
1144 school district is responsible for providing an appropriate
1145 education program for clients of a center who are school age.

1146 3. Technical assistance and consultation services,
1147 including specific intervention and assistance for a client of
1148 the center, the client's family, and the school district, and
1149 any other services that are appropriate.

1150 4. Professional training programs that include developing,
1151 providing, and evaluating preservice and inservice training in
1152 state-of-the-art practices for personnel who work with the
1153 populations served by the centers and their families.

1154 5. Public education programs to increase awareness of the
1155 public about autism spectrum disorders, autistic-related
1156 disabilities of communication and behavior, dual sensory
1157 impairments, ~~and sensory impairments,~~ and other disabilities
1158 described in subsection (1) with other handicapping conditions.

1159 6. Coordination of regional learning gateways established
1160 in accordance with s. 1006.80.

1161 7. Approval of early intervention service providers for
1162 prekindergarten programs for children with disabilities in
1163 accordance with s. 1002.66.

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1164 (b) Direct medical intervention or pharmaceutical
 1165 intervention is prohibited in any center on or after July 1,
 1166 2008.

1167 (5) The State Board of Education, in cooperation with the
 1168 ~~regional autism~~ Centers for Autism and Related Disabilities,
 1169 shall adopt the necessary rules to carry out the purposes of
 1170 this section.

1171 Section 20. Effective upon this act becoming a law,
 1172 subsection (1), paragraph (b) of subsection (2), and subsections
 1173 (3) and (4) of section 1006.03, Florida Statutes, are amended to
 1174 read:

1175 1006.03 Florida Diagnostic and Learning Resources System;
 1176 regional resource centers.--

1177 (1) The department shall maintain the Florida Diagnostic
 1178 and Learning Resources System, which shall be comprised of a
 1179 network of regional diagnostic and learning resources resource
 1180 centers for exceptional students. The regional centers shall, to
 1181 assist in the provision of medical, physiological,
 1182 psychological, and educational testing and other services
 1183 designed to evaluate and diagnose exceptionalities, ~~to~~ make
 1184 referrals for necessary instruction and services, and ~~to~~
 1185 facilitate the provision of instruction and services to
 1186 exceptional students. The department shall cooperate with the
 1187 Department of Children and Family Services and the Centers for
 1188 Autism and Related Disabilities in identifying service needs and
 1189 areas.

1190 (2) Within its identified service area, each regional
 1191 center shall:

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1192 (b) Assist in the provision of services for exceptional
 1193 children, using to the maximum, but not supplanting, the
 1194 existing facilities and services of each school district.

1195 (3) Regional diagnostic and learning resources ~~resource~~
 1196 centers may provide testing and evaluation services to private
 1197 school students and other children who are not enrolled in
 1198 public schools.

1199 (4) Regional diagnostic and learning resources ~~resource~~
 1200 centers may assist districts in providing testing and evaluation
 1201 services for infants and preschool children with or at risk of
 1202 developing disabilities, and may assist districts in providing
 1203 interdisciplinary training and resources to parents of infants
 1204 and preschool children with or at risk of developing
 1205 disabilities and to early learning ~~school-readiness~~ programs.

1206 Section 21. Effective upon this act becoming a law, part
 1207 III of chapter 1006, Florida Statutes, shall be entitled
 1208 "Learning Gateway" and shall consist of sections 1006.80 and
 1209 1006.82, Florida Statutes.

1210 Section 22. Effective upon this act becoming a law,
 1211 section 1006.80, Florida Statutes, is created to read:

1212 1006.80 Regional learning gateways.--The Centers for
 1213 Autism and Related Disabilities established under s. 1004.55, in
 1214 collaboration with the Department of Education and the Florida
 1215 Diagnostic and Learning Resources System, shall establish a
 1216 statewide system of learning gateways. The system must include
 1217 the establishment of a learning gateway in the geographic region
 1218 of each center. Each region's leaning gateway shall:

1219 (1) Establish a single point of access for referral to the
 1220 appropriate agencies for the screening and assessment of
 1221 children younger than 5 years of age for disabilities,
 1222 conducting diagnostic evaluations for children with suspected
 1223 disabilities, and referring children with disabilities for early
 1224 intervention services and early learning programs.

1225 (2) Designate a central telephone number in the center's
 1226 region, and an Internet website, for parents, practitioners, and
 1227 providers to obtain information about services available through
 1228 the learning gateway, screenings, assessments, diagnostic
 1229 evaluations, early intervention services, and early learning
 1230 programs for children with disabilities.

1231 (3) Provide followup contact for families whose children
 1232 are determined ineligible for services under Part B or Part C of
 1233 the federal Individuals with Disabilities Education Act.

1234 (4) Provide interagency coordination in the center's
 1235 region among the regional offices of state agencies, including
 1236 offices of the Division of Children's Medical Services Network
 1237 of the Department of Health; regional diagnostic and learning
 1238 resources centers; diagnostic and learning resources centers at
 1239 state universities; school districts; early learning coalitions;
 1240 county and municipal agencies; community agencies and
 1241 organizations; and public and private providers of early
 1242 intervention services and early learning programs, in order to
 1243 develop and implement strategies to reduce a child's waiting
 1244 time for services, reduce interagency duplication, and reduce
 1245 interagency differences in eligibility criteria for services and

1246 programs which cause cross-agency screenings, assessments, and
 1247 diagnostic evaluations.

1248 (5) Facilitate the integration of services, linkages among
 1249 providers, and the array of services required to address the
 1250 needs of children and families.

1251 (6) Improve community awareness and education for parents
 1252 and practitioners about the developmental milestones, and the
 1253 warning signs or precursors of disabilities, exhibited by
 1254 children younger than 5 years of age.

1255 (7) Provide training and technical assistance for parents,
 1256 practitioners, and providers.

1257 Section 23. Effective upon this act becoming a law,
 1258 section 1006.82, Florida Statutes, is created to read:

1259 1006.82 State Learning Gateway Council.--

1260 (1) There is created the State Learning Gateway Council,
 1261 which is assigned to the Department of Education for
 1262 administrative purposes. The council is composed of the
 1263 following agency heads, and officers of the following
 1264 organizations, or their permanent designees:

- 1265 (a) Secretary of Children and Family Services.
- 1266 (b) Director of the Agency for Persons with Disabilities.
- 1267 (c) Director of Workforce Innovation.
- 1268 (d) State Surgeon General.
- 1269 (e) Secretary of Health Care Administration.
- 1270 (f) Commissioner of Education.
- 1271 (g) The director of a regional diagnostic and learning
 1272 resources center appointed by the Commissioner of Education.

1273 (h) The director of a diagnostic and learning resources
 1274 center at a state university, selected from among the directors
 1275 of the university centers.

1276 (i) Chair of the Florida Early Learning Advisory Council.

1277 (j) President of the Autism Society of Florida.

1278 (k) President of the Florida Association for Behavioral
 1279 Analysis.

1280 (l) President of the Florida Pediatric Society.

1281 (m) President of the Florida Psychological Association.

1282 (2) The council shall select a chair from among its
 1283 members. An executive director of a Center for Autism and
 1284 Related Disabilities, selected from among the executive
 1285 directors of the centers, shall serve as the council's executive
 1286 director.

1287 (3) The council shall coordinate the statewide
 1288 implementation of regional learning gateways and shall advise
 1289 the Legislature, the Governor, and the agencies represented by
 1290 the council's members on the system of regional learning
 1291 gateways.

1292 (4) (a) The agencies represented by the council's
 1293 membership shall enter into an interagency agreement to provide
 1294 staffing and administrative support for the council.

1295 (b) Council members are entitled to per diem and travel
 1296 expenses for required attendance at council meetings in
 1297 accordance with the provisions of s. 112.061.

1298 (5) The council appointments shall be made, and the
 1299 council shall conduct its initial meeting, within 45 days after
 1300 the effective date of this section.

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1301 Section 24. Effective upon this act becoming a law,
1302 sections 411.226, 411.227, and 411.228, Florida Statutes, are
1303 repealed.

1304 Section 25. Except as otherwise expressly provided in this
1305 act and except for this section, which shall take effect upon
1306 this act becoming a law, this act shall take effect July 1,
1307 2008.