

By Senator Gardiner

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1                   A bill to be entitled  
2           An act relating to children with disabilities;  
3           amending s. 393.063, F.S.; redefining the term  
4           "developmental disability" and defining the term "Down  
5           syndrome"; creating s. 456.0291, F.S.; requiring  
6           certain licensing boards to require continuing  
7           education on developmental disabilities for certain  
8           licensees and certificateholders; providing course  
9           content; providing penalties; providing rulemaking  
10          authority; requiring the Department of Health to  
11          develop and implement a plan to promote awareness of  
12          developmental disabilities; amending s. 627.6686,  
13          F.S.; providing health insurance coverage for  
14          individuals with developmental disabilities; amending  
15          s. 641.31098, F.S.; providing coverage under a health  
16          maintenance contract for individuals with  
17          developmental disabilities; amending s. 1002.39, F.S.,  
18          relating to the John M. McKay Scholarships for  
19          Students with Disabilities Program; authorizing  
20          students who receive certain services under the  
21          Voluntary Prekindergarten Education Program to receive  
22          a John M. McKay Scholarship; conforming cross-  
23          references; requiring a private school to refund  
24          scholarship payment under certain circumstances;  
25          permitting students to receive scholarship services at  
26          locations other than the private school's site under  
27          specified conditions; providing retroactive  
28          eligibility for scholarships under certain  
29          circumstances; amending s. 1002.51, F.S.; revising

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30 definitions for the Voluntary Prekindergarten  
31 Education Program; amending s. 1002.53 and creating s.  
32 1002.66, F.S.; establishing a prekindergarten program  
33 option for children with disabilities; providing  
34 eligibility criteria for early intervention services;  
35 providing for the approval of early intervention  
36 service providers; authorizing the expenditure of  
37 funds for early intervention services; amending s.  
38 1002.71, F.S.; authorizing a child participating in a  
39 prekindergarten program for children with disabilities  
40 to reenroll in another program option under certain  
41 conditions; amending s. 1002.75, F.S.; revising the  
42 powers and duties of the Agency for Workforce  
43 Innovation for prekindergarten programs; providing an  
44 effective date.

45  
46 Be It Enacted by the Legislature of the State of Florida:

47  
48 Section 1. Present subsections (13) through (40) of section  
49 393.063, Florida Statutes, are renumbered as subsections (14)  
50 through (41), respectively, subsection (9) of that section is  
51 amended, and a new subsection (13) is added to that section, to  
52 read:

53 393.063 Definitions.—For the purposes of this chapter, the  
54 term:

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

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59 substantial handicap that can reasonably be expected to continue  
60 indefinitely.

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

64 Section 2. Section 456.0291, Florida Statutes, is created  
65 to read:

66 456.0291 Instruction on developmental disabilities.-

67 (1) The appropriate board shall require each person  
68 licensed or certified under chapter 458, chapter 459, part I of  
69 chapter 464, chapter 490, or chapter 491 to complete a 2-hour  
70 continuing education course, approved by the board, on  
71 developmental disabilities, as defined in s. 393.063, with the  
72 addition of autism spectrum disorder, as part of every third  
73 biennial relicensure or recertification.

74 (a) The course shall consist of information on the  
75 diagnosis and treatment of developmental disabilities and  
76 information on counseling and education of a parent whose child  
77 is diagnosed with a developmental disability, with an emphasis  
78 on autism spectrum disorder.

79 (b) Each such licensee or certificateholder shall submit  
80 confirmation of having completed the course, on a form provided  
81 by the board, when submitting fees for every third biennial  
82 renewal.

83 (c) The board may approve additional equivalent courses  
84 that may be used to satisfy the requirements of this section.  
85 Each licensing board that requires a licensee to complete an  
86 educational course pursuant to this subsection may include the  
87 hours required for completion of the course in the total hours

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88 of continuing education required for such profession unless the  
89 continuing education requirements for such profession is less  
90 than 30 hours biennially.

91 (d) Any person holding two or more licenses subject to the  
92 provisions of this subsection may show proof of having taken one  
93 board-approved course on developmental disabilities for purposes  
94 of relicensure or recertification for any additional licenses.

95 (e) Failure to comply with the requirements of this  
96 subsection constitutes grounds for disciplinary action under  
97 each respective practice act and under s. 456.072(1)(k). In  
98 addition to any discipline imposed, the licensee must complete  
99 the course.

100 (2) Each board may adopt rules to carry out the provisions  
101 of this section.

102 (3) The department shall implement a plan to promote  
103 awareness of developmental disabilities, with a focus on autism  
104 spectrum disorder, to physicians licensed under chapter 458 or  
105 chapter 459 and parents. The department shall develop the plan  
106 in consultation with organizations representing allopathic and  
107 osteopathic physicians, the Board of Medicine, the Board of  
108 Osteopathic Medicine, and nationally recognized organizations  
109 that promote awareness of developmental disabilities. The  
110 department's plan must include the distribution of educational  
111 materials for parents, including a developmental assessment  
112 tool.

113 Section 3. Subsection (2) and (3) of section 627.6686,  
114 Florida Statutes, are amended to read:

115 627.6686 Coverage for individuals with autism spectrum  
116 disorder required; exception.—

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117 (2) As used in this section, the term:

118 (a) "Applied behavior analysis" means the design,  
119 implementation, and evaluation of environmental modifications,  
120 using behavioral stimuli and consequences, to produce socially  
121 significant improvement in human behavior, including, but not  
122 limited to, the use of direct observation, measurement, and  
123 functional analysis of the relations between environment and  
124 behavior.

125 (b) "Autism spectrum disorder" means any of the following  
126 disorders as defined in the most recent edition of the  
127 Diagnostic and Statistical Manual of Mental Disorders of the  
128 American Psychiatric Association:

- 129 1. Autistic disorder.
- 130 2. Asperger's syndrome.
- 131 3. Pervasive developmental disorder not otherwise  
132 specified.

133 (c) "Developmental disability" has the same meaning as in  
134 s. 393.063.

135 (d)~~(e)~~ "Eligible individual" means an individual under 18  
136 years of age or an individual 18 years of age or older who is in  
137 high school and who has been diagnosed as having a developmental  
138 disability at 8 years of age or younger.

139 (e)~~(d)~~ "Health insurance plan" means a group health  
140 insurance policy or group health benefit plan offered by an  
141 insurer which includes the state group insurance program  
142 provided under s. 110.123. The term does not include any health  
143 insurance plan offered in the individual market, any health  
144 insurance plan that is individually underwritten, or any health  
145 insurance plan provided to a small employer.

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146        ~~(f)(e)~~ "Insurer" means an insurer providing health  
147 insurance coverage, which is licensed to engage in the business  
148 of insurance in this state and is subject to insurance  
149 regulation.

150        (3) A health insurance plan issued or renewed on or after  
151 April 1, 2009, shall provide coverage to an eligible individual  
152 for:

153        (a) Well-baby and well-child screening for diagnosing the  
154 presence of autism spectrum disorder or other developmental  
155 disabilities.

156        (b) Treatment of autism spectrum disorder or other  
157 developmental disabilities through speech therapy, occupational  
158 therapy, physical therapy, and applied behavior analysis.  
159 Applied behavior analysis services shall be provided by an  
160 individual certified pursuant to s. 393.17 or an individual  
161 licensed under chapter 490 or chapter 491.

162        Section 4. Subsections (2) and (3) of section 641.31098,  
163 Florida Statutes, are amended to read:

164        641.31098 Coverage for individuals with developmental  
165 disabilities.—

166        (2) As used in this section, the term:

167        (a) "Applied behavior analysis" means the design,  
168 implementation, and evaluation of environmental modifications,  
169 using behavioral stimuli and consequences, to produce socially  
170 significant improvement in human behavior, including, but not  
171 limited to, the use of direct observation, measurement, and  
172 functional analysis of the relations between environment and  
173 behavior.

174        (b) "Autism spectrum disorder" means any of the following

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175 disorders as defined in the most recent edition of the  
176 Diagnostic and Statistical Manual of Mental Disorders of the  
177 American Psychiatric Association:

- 178 1. Autistic disorder.
- 179 2. Asperger's syndrome.
- 180 3. Pervasive developmental disorder not otherwise  
181 specified.

182 (c) "Developmental disability" has the same meaning as in  
183 s. 393.063.

184 (d)~~(e)~~ "Eligible individual" means an individual under 18  
185 years of age or an individual 18 years of age or older who is in  
186 high school who has been diagnosed as having a developmental  
187 disability at 8 years of age or younger.

188 (e)~~(d)~~ "Health maintenance contract" means a group health  
189 maintenance contract offered by a health maintenance  
190 organization. This term does not include a health maintenance  
191 contract offered in the individual market, a health maintenance  
192 contract that is individually underwritten, or a health  
193 maintenance contract provided to a small employer.

194 (3) A health maintenance contract issued or renewed on or  
195 after April 1, 2009, shall provide coverage to an eligible  
196 individual for:

197 (a) Well-baby and well-child screening for diagnosing the  
198 presence of autism spectrum disorder or other developmental  
199 disability.

200 (b) Treatment of autism spectrum disorder or other  
201 developmental disability through speech therapy, occupational  
202 therapy, physical therapy, and applied behavior analysis  
203 services. Applied behavior analysis services shall be provided

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204 by an individual certified pursuant to s. 393.17 or an  
205 individual licensed under chapter 490 or chapter 491.

206 Section 5. Subsection (2), paragraph (h) of subsection (3),  
207 paragraph (a) of subsection (4), paragraph (d) of subsection  
208 (8), and subsection (10) of section 1002.39, Florida Statutes,  
209 are amended, present subsections (11), (12), and (13) of that  
210 section are renumbered as subsections (12), (13), and (14),  
211 respectively, and new subsection (11) is added to that section,  
212 to read:

213 1002.39 The John M. McKay Scholarships for Students with  
214 Disabilities Program.—There is established a program that is  
215 separate and distinct from the Opportunity Scholarship Program  
216 and is named the John M. McKay Scholarships for Students with  
217 Disabilities Program.

218 (2) JOHN M. MCKAY SCHOLARSHIP ELIGIBILITY.—The parent of a  
219 ~~public school~~ student with a disability ~~who is dissatisfied with~~  
220 ~~the student's progress~~ may request and receive from the state a  
221 John M. McKay Scholarship for the child to enroll in and attend  
222 a private school in accordance with this section if:

223 (a) The student has:

224 1. Received early intervention services under the Voluntary  
225 Prekindergarten Education Program pursuant to s. 1002.66 during  
226 the previous school year, and the student has a current  
227 individual educational plan developed in accordance with rules  
228 of the State Board of Education; or

229 2. Spent the prior school year in attendance at a Florida  
230 public school or the Florida School for the Deaf and the Blind.  
231 For purposes of this subparagraph, prior school year in  
232 attendance means that the student was



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

234 a. A school district for funding during the preceding

235 October and February Florida Education Finance Program surveys

236 in kindergarten through grade 12, which includes ~~shall include~~

237 time spent in a Department of Juvenile Justice commitment

238 program if funded under the Florida Education Finance Program;

239 ~~b.2. Enrolled and reported by~~ The Florida School for the

240 Deaf and the Blind during the preceding October and February

241 student membership surveys in kindergarten through grade 12; or

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

243 during the preceding October and February Florida Education

244 Finance Program surveys, was at least 4 years old when so

245 enrolled and reported, and was eligible for services under s.

246 1003.21(1)(e).

247

248 However, a dependent child of a member of the United States

249 Armed Forces who transfers to a school in this state from out of

250 state or from a foreign country due to ~~pursuant to~~ a parent's

251 permanent change of station orders is exempt from this paragraph

252 but must meet all other eligibility requirements to participate

253 in the program.

254 (b) The parent has obtained acceptance for admission of the

255 student to a private school that is eligible for the program

256 under subsection (8) and has requested from the department a

257 scholarship at least 60 days before ~~prior to~~ the date of the

258 first scholarship payment. The request must be communicated

259 ~~through a communication~~ directly to the department in a manner

260 that creates a written or electronic record of the request and

261 the date of receipt of the request. The department ~~of Education~~

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262 must notify the district of the parent's intent upon receipt of  
263 the parent's request.

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

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

269 (4) TERM OF JOHN M. MCKAY SCHOLARSHIP.—

270 (a) For purposes of continuity of educational choice, a  
271 John M. McKay Scholarship remains ~~shall remain~~ in force until  
272 the student enrolls in ~~returns to~~ a public school, graduates  
273 from high school, or reaches the age of 22, whichever occurs  
274 first.

275 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—To be  
276 eligible to participate in the John M. McKay Scholarships for  
277 Students with Disabilities Program, a private school may be  
278 sectarian or nonsectarian and must:

279 (d) Maintain in this state a physical location where a  
280 scholarship student regularly attends classes or where the  
281 school provides case management services pursuant to subsection  
282 (11).

283  
284 The inability of a private school to meet the requirements of  
285 this subsection shall constitute a basis for the ineligibility  
286 of the private school to participate in the scholarship program  
287 as determined by the department.

288 (10) JOHN M. MCKAY SCHOLARSHIP FUNDING AND PAYMENT.—

289 (a)1. The maximum scholarship granted for an eligible  
290 student with disabilities shall be ~~a calculated amount~~

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291 equivalent to the base student allocation in the Florida  
292 Education Finance Program multiplied by the appropriate cost  
293 factor for the educational program that would have been provided  
294 for the student in the district school to which he or she was  
295 assigned, multiplied by the district cost differential.

296 2. In addition, a share of the guaranteed allocation for  
297 exceptional students shall be determined and added to the  
298 ~~calculated~~ amount in subparagraph 1. The calculation shall be  
299 based on the methodology and the data used to calculate the  
300 guaranteed allocation for exceptional students for each district  
301 in chapter 2000-166, Laws of Florida. Except as provided in  
302 subparagraphs 3. and 4., the calculation shall be based on the  
303 student's grade, matrix level of services, and the difference  
304 between the 2000-2001 basic program and the appropriate level of  
305 services cost factor, multiplied by the 2000-2001 base student  
306 allocation and the 2000-2001 district cost differential for the  
307 sending district. ~~Also,~~ The calculated amount shall also include  
308 the per-student share of supplemental academic instruction  
309 funds, instructional materials funds, technology funds, and  
310 other categorical funds as provided ~~for such purposes~~ in the  
311 General Appropriations Act.

312 3. The ~~calculated~~ scholarship amount for a student who is  
313 eligible under sub-subparagraph (2)(a)2.b. ~~subparagraph (2)(a)2.~~  
314 shall be calculated as provided in subparagraphs 1. and 2.  
315 However, the calculation shall be based on the school district  
316 in which the parent resides at the time of the scholarship  
317 request.

318 4. Until the school district completes the matrix required  
319 by paragraph (5)(b), the calculation shall be based on the

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320 matrix that assigns the student to support level I of service as  
321 it existed prior to the 2000-2001 school year. When the school  
322 district completes the matrix, the amount of the payment shall  
323 be adjusted as needed.

324 (b) The amount of the John M. McKay Scholarship shall be  
325 the calculated amount or the amount of the private school's  
326 tuition and fees, whichever is less. The amount of any  
327 assessment fee required by the participating private school may  
328 be paid from the total amount of the scholarship.

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

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

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

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

343 (d) Following notification on July 1, September 1, December  
344 1, or February 1 of the number of program participants, the  
345 department shall transfer, from General Revenue funds only, the  
346 amount calculated under paragraph (b) from the school district's  
347 total funding entitlement under the Florida Education Finance  
348 Program and from authorized categorical accounts to a separate

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349 account for the scholarship program for quarterly disbursement  
350 to the parents of participating students. Funds may not be  
351 transferred from any funding provided to the Florida School for  
352 the Deaf and the Blind for program participants who are eligible  
353 under sub-subparagraph (2) (a)2.b. ~~subparagraph (2) (a)2.~~ For a  
354 student exiting a Department of Juvenile Justice commitment  
355 program who chooses to participate in the scholarship program,  
356 the amount of the John M. McKay Scholarship calculated pursuant  
357 to paragraph (b) shall be transferred from the school district  
358 in which the student last attended a public school before ~~prior~~  
359 ~~to~~ commitment to the Department of Juvenile Justice. When a  
360 student enters the scholarship program, the department must  
361 receive all documentation required for the student's  
362 participation, including the private school's and the student's  
363 fee schedules, at least 30 days before the first quarterly  
364 scholarship payment is made for the student.

365 (e) Upon notification by the department that it has  
366 received the documentation required under paragraph (d), the  
367 Chief Financial Officer shall make scholarship payments in four  
368 equal amounts no later than September 1, November 1, February 1,  
369 and April 1 of each academic year in which the scholarship is in  
370 force. The initial payment shall be made after department  
371 verification of admission acceptance, and subsequent payments  
372 shall be made upon verification of continued enrollment and  
373 attendance at the private school. Payment must be by individual  
374 warrant made payable to the student's parent and mailed by the  
375 department to the private school of the parent's choice, and the  
376 parent shall restrictively endorse the warrant to the private  
377 school for deposit into the account of the private school. If

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378 the student withdraws from the private school, the private  
379 school shall prorate the unused portion of the scholarship  
380 payment and refund that amount to the department. If the student  
381 immediately transfers to another private school, the unused  
382 amount of the scholarship may be paid to the new school.

383 (f) Subsequent to each scholarship payment, the department  
384 shall request from the Department of Financial Services a sample  
385 of endorsed warrants to review and confirm compliance with  
386 endorsement requirements.

387 (11) ALTERNATIVE SITES FOR INSTRUCTION AND SERVICES.—A  
388 student who is eligible for a scholarship under this section may  
389 receive regular and direct instruction and services from a  
390 private school at a site other than the school's physical  
391 location if the following criteria are met:

392 (a) The student's parent provides a notarized statement  
393 from the medical doctor or psychologist treating the student's  
394 disability which documents that the student's welfare, or the  
395 welfare of other students in the classroom, will be jeopardized  
396 if the student is required to regularly attend class at the  
397 school's physical location. The notarized statement must be:

398 1. Annually provided to the department at least 60 days  
399 before the first scholarship payment date for the school year;  
400 and

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

403 (b) The private school serving the student:

404 1. Employs or contracts with a case manager who coordinates  
405 and monitors the student's instruction and services, reviews and  
406 maintains the documentation submitted under subparagraph 2., and

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407 provides the student's parent and private school with monthly  
 408 reports on the student's progress;

409 2. Requires private school employees or contracted  
 410 personnel who provide regular and direct instruction or services  
 411 to the student at the alternative site to submit documentation  
 412 of the instruction, services, and progress of the student to the  
 413 case manager; and

414 3. Notifies the department of each student served pursuant  
 415 to this subsection.

416 (c) A student who received a scholarship in the 2005-2006  
 417 or 2006-2007 school year under this section, but who was unable  
 418 to receive a scholarship in the 2006-2007 or 2007-2008 school  
 419 year due to the regular and direct contact requirement in  
 420 paragraph (3)(h), is eligible for a scholarship in the 2009-2010  
 421 school year if the student:

422 1. Demonstrates that he or she would have met the criteria  
 423 in paragraph (a) at the time of his or her 2006-2007 or 2007-  
 424 2008 scholarship; and

425 2. Except for the prior school year attendance requirement  
 426 in paragraph (2)(a), satisfies the requirements for a  
 427 scholarship under this section.

428 Section 6. Present subsections (2) through (5) of section  
 429 1002.51, Florida Statutes, are renumbered as subsections (4)  
 430 through (7), respectively, and new subsections (2) and (3) are  
 431 added to that section, to read:

432 1002.51 Definitions.—As used in this part, the term:

433 (2) "Disability" means any disability listed in the  
 434 definition of exceptional student in s. 1003.01.

435 (3) "Early intervention service provider" means a provider

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436 delivering early intervention services under s. 1002.66.

437 Section 7. Subsections (1) and (3) of section 1002.53,  
438 Florida Statutes, as amended by section 4 of chapter 2009-3,  
439 Laws of Florida, are amended to read:

440 1002.53 Voluntary Prekindergarten Education Program;  
441 eligibility and enrollment.—

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

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

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

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

453 (c) A school-year prekindergarten program delivered by a  
454 public school; or

455 (d) Beginning with the 2011-2012 school year, a  
456 prekindergarten program for children with disabilities, if the  
457 child has a disability and is eligible for the program under s.  
458 1002.66.

459  
460 Except as provided in s. 1002.71(4), a child may not enroll in  
461 more than one of these programs.

462 Section 8. Section 1002.66, Florida Statutes, is created to  
463 read:

464 1002.66 Prekindergarten program for children with



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465 disabilities.-

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

470 (a) The child is eligible for the Voluntary Prekindergarten  
471 Education Program under s. 1002.53.

472 (b) A current individual educational plan has been  
473 developed for the child in accordance with rules of the State  
474 Board of Education.

475 (2) The parent of a child who is eligible for the  
476 prekindergarten program for children with disabilities may  
477 select one or more early intervention services that the child's  
478 individual educational plan indicates is appropriate for the  
479 child. These early intervention services may include, but are  
480 not limited to:

481 (a) Applied behavior analysis.

482 (b) Speech-language pathology.

483 (c) Occupational therapy.

484 (d) Physical therapy.

485 (3) The early intervention services provided for a child  
486 under this section must be delivered according to professionally  
487 accepted standards and must, in accordance with the performance  
488 standards adopted by the department under s. 1002.67, address  
489 the age-appropriate progress of the child in the development of  
490 the capabilities, capacities, and skills required under s. 1(b),  
491 Art. IX of the State Constitution.

492 (4) The department shall approve early intervention service  
493 providers whose services meet the standards in subsection (3),

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494 maintain a list of approved providers, and notify each school  
495 district and early learning coalition of the approved provider  
496 list. Upon the request of a child's parent, the department may  
497 approve an early intervention service provider that is not on  
498 the approved list if the provider's services meet the standards  
499 in subsection (3) and the child's individual educational plan  
500 indicates that the services are appropriate for the child.

501 (5) From the funds allocated to the early learning  
502 coalition for the Voluntary Prekindergarten Education Program,  
503 the coalition shall reimburse an approved early intervention  
504 service provider for authorized services provided to an eligible  
505 child, except that the cumulative total of services reimbursed  
506 for a child may not exceed the amount of the base student  
507 allocation provided in the Voluntary Prekindergarten Education  
508 Program in the General Appropriations Act.

509 Section 9. Paragraph (a) of subsection (4) of section  
510 1002.71, Florida Statutes, as amended by chapter 2009-3, Laws of  
511 Florida, is amended to read:

512 1002.71 Funding; financial and attendance reporting.-

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

514 (a) A child who, for any of the prekindergarten programs  
515 listed in s. 1002.53(3), has not completed more than 10 percent  
516 of the hours authorized to be reported for funding under  
517 subsection (2), or has not expended more than 10 percent of the  
518 funds authorized for the child under s. 1002.66, may withdraw  
519 from the program for good cause, reenroll in one of the  
520 programs, and be reported for funding purposes as a full-time  
521 equivalent student in the program in ~~for~~ which the child is  
522 reenrolled. The total funding for a child who reenrolls in one

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523 of the programs may ~~shall~~ not exceed one full-time equivalent  
524 student.

525

526 A child may reenroll only once in a prekindergarten program  
527 under this section. A child who reenrolls in a prekindergarten  
528 program under this subsection may not subsequently withdraw from  
529 the program and reenroll. The Agency for Workforce Innovation  
530 shall establish criteria specifying whether a good cause exists  
531 for a child to withdraw from a program under paragraph (a),  
532 whether a child has substantially completed a program under  
533 paragraph (b), and whether an extreme hardship exists which is  
534 beyond the child's or parent's control under paragraph (b).

535 Section 10. Paragraphs (a) and (f) of subsection (2) of  
536 section 1002.75, Florida Statutes, are amended to read:

537 1002.75 Agency for Workforce Innovation; powers and duties;  
538 operational requirements.—

539 (2) The Agency for Workforce Innovation shall adopt  
540 procedures governing the administration of the Voluntary  
541 Prekindergarten Education Program by the early learning  
542 coalitions and school districts for:

543 (a) Enrolling children in and determining the eligibility  
544 of children for the Voluntary Prekindergarten Education Program  
545 under ss. 1002.53 and 1002.66 ~~s. 1002.53~~.

546 (f) Paying private prekindergarten providers, and public  
547 schools, and early intervention service providers under ss.  
548 1002.66 and 1002.71 ~~s. 1002.71~~.

549 Section 11. This act shall take effect July 1, 2009.

550