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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/31/2012	.	
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The Committee on Health Regulation (Gaetz) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Section 383.141, Florida Statutes, is created to read:

383.141 Prenatally diagnosed conditions; patient to be provided information; definitions; clearinghouse of information; advisory council.-

(1) The Legislature finds that pregnant women who choose to undergo prenatal testing for developmental disabilities should have access to timely and informative counseling about the



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13 conditions being tested for, the accuracy of such tests, and  
14 resources for obtaining support services for such conditions. It  
15 is especially essential for a pregnant woman whose unborn child  
16 has been diagnosed with a developmental disability through  
17 prenatal testing to be adequately informed of the accuracy of  
18 such testing, implications of the diagnosis, possible treatment  
19 options, and available support networks, as the results of such  
20 testing and the counseling that follows may lead to the  
21 unnecessary abortion of unborn humans.

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

23 (a) "Down syndrome" means a chromosomal disorder caused by  
24 an error in cell division which results in the presence of an  
25 extra whole or partial copy of chromosome 21.

26 (b) "Developmental disability" includes Down syndrome and  
27 other developmental disabilities defined by s. 393.063(9).

28 (c) "Health care provider" means a physician licensed or  
29 registered under ch. 458 or 459.

30 (d) "Prenatally diagnosed condition" means an adverse fetal  
31 health condition identified by prenatal testing.

32 (e) "Prenatal test" or "prenatal testing" means a  
33 diagnostic procedure or screening procedure performed on a  
34 pregnant woman or her unborn offspring to obtain information  
35 about her offspring's health or development.

36 (3) When a developmental disability is diagnosed based on  
37 the results of a prenatal test, the health care provider who  
38 ordered the prenatal test, or his or her designee, shall provide  
39 the patient with current information about the nature of the  
40 developmental disability, the accuracy of the prenatal test, and  
41 resources for obtaining relevant support services, including



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42 hotlines, resource centers, and information clearinghouses  
43 related to Down syndrome or other prenatally diagnosed  
44 developmental disabilities; support programs for parents and  
45 families; and developmental evaluation and intervention services  
46 under s. 391.303.

47 (4) The Department of Health shall establish a  
48 clearinghouse of information related to developmental  
49 disabilities concerning providers of supportive services,  
50 information hotlines specific to Down syndrome and other  
51 prenatally diagnosed developmental disabilities, resource  
52 centers, educational programs, other support programs for  
53 parents and families, and developmental evaluation and  
54 intervention services under s. 391.303. Such information shall  
55 be made available to health care providers for use in counseling  
56 pregnant women whose unborn children have been prenatally  
57 diagnosed with developmental disabilities.

58 (a) There is established an advisory council within the  
59 Department of Health which consists of health care providers and  
60 caregivers who perform health care services for persons who have  
61 developmental disabilities, including Down syndrome and autism.  
62 This group shall consist of nine members:

- 63 1. Three members appointed by the Governor;  
64 2. Three members appointed by the President of the Senate;

65 and

- 66 3. Three members appointed by the Speaker of the House of  
67 Representatives.

68 (b) The advisory council shall provide technical assistance  
69 to the Department of Health in the establishment of the  
70 information clearinghouse and give the department the benefit of



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71 the council members' knowledge and experience relating to the  
72 needs of patients and families of patients with developmental  
73 disabilities and available support services.

74 (c) Members of the council shall elect a chairperson and a  
75 vice chairperson. The elected chairperson and vice chairperson  
76 shall serve in these roles until their terms of appointment on  
77 the council expire.

78 (d) The advisory council shall meet quarterly to review  
79 this clearinghouse of information, and may meet more often at  
80 the call of the chairperson or as determined by a majority of  
81 members.

82 (e) The council members shall serve four-year terms, except  
83 that, to provide for staggered terms, one initial appointee each  
84 from the Governor, the President of the Senate, and the Speaker  
85 of the House of Representatives shall serve a two-year term, one  
86 appointee each from these officials shall serve a three-year  
87 term, and the remaining initial appointees shall serve four-year  
88 terms. All subsequent appointments shall be for four-year terms.  
89 A vacancy shall be filled for the remainder of the unexpired  
90 term in the same manner as the original appointment.

91 (f) Members of the council shall serve without compensation  
92 but are entitled to reimbursement for per diem and travel  
93 expenses as provided in s. 112.061.

94 (f) The Department of Health shall provide administrative  
95 support for the advisory council.

96 Section 2. Paragraph (a) of subsection (2) of section  
97 1002.39, Florida Statutes, is amended, and section (14) is added  
98 to that section to read:

99 1002.39 The John M. McKay Scholarships for Students with



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100 Disabilities Program.—There is established a program that is  
101 separate and distinct from the Opportunity Scholarship Program  
102 and is named the John M. McKay Scholarships for Students with  
103 Disabilities Program.

104 (2) JOHN M. MCKAY SCHOLARSHIP ELIGIBILITY.—The parent of a  
105 student with a disability may request and receive from the state  
106 a John M. McKay Scholarship for the child to enroll in and  
107 attend a private school in accordance with this section if:

108 (a) The student has:

109 1. Received specialized instructional services under the  
110 Voluntary Prekindergarten Education Program pursuant to s.  
111 1002.66 during the previous school year and the student has a  
112 current individual educational plan developed by the local  
113 school board in accordance with rules of the State Board of  
114 Education for the John M. McKay Scholarships for Students with  
115 Disabilities Program or a 504 accommodation plan has been issued  
116 under s. 504 of the Rehabilitation Act of 1973;

117 2. Spent the prior school year in attendance at a Florida  
118 public school or the Florida School for the Deaf and the Blind.  
119 For purposes of this subparagraph, prior school year in  
120 attendance means that the student was enrolled and reported by:

121 a. A school district for funding during the preceding  
122 October and February Florida Education Finance Program surveys  
123 in kindergarten through grade 12, which includes time spent in a  
124 Department of Juvenile Justice commitment program if funded  
125 under the Florida Education Finance Program;

126 b. The Florida School for the Deaf and the Blind during the  
127 preceding October and February student membership surveys in  
128 kindergarten through grade 12; or



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129 c. A school district for funding during the preceding  
130 October and February Florida Education Finance Program surveys,  
131 was at least 4 years of age when so enrolled and reported, and  
132 was eligible for services under s. 1003.21(1) (e); or

133 3. Been enrolled and reported by a school district for  
134 funding, during the October and February Florida Education  
135 Finance Program surveys, in any of the 5 years prior to the  
136 2010-2011 fiscal year; has a current individualized educational  
137 plan developed by the district school board in accordance with  
138 rules of the State Board of Education for the John M. McKay  
139 Scholarship Program no later than June 30, 2011; and receives a  
140 ~~first-time~~ John M. McKay scholarship for the 2011-2012 school  
141 year. Upon request of the parent, the local school district  
142 shall complete a matrix of services as required in subparagraph  
143 (5) (b)1. for a student requesting a current individualized  
144 educational plan in accordance with the provisions of this  
145 subparagraph.

146  
147 However, a dependent child of a member of the United States  
148 Armed Forces who transfers to a school in this state from out of  
149 state or from a foreign country due to a parent's permanent  
150 change of station orders is exempt from this paragraph but must  
151 meet all other eligibility requirements to participate in the  
152 program. Upon the enrollment of the dependent child of a member  
153 of the United States Armed Forces, the school shall provide  
154 information regarding this program.

155 (14) THE JOHN M. MCKAY SCHOLARSHIPS FOR STUDENTS WITH  
156 DISABILITIES PILOT PROGRAM.-

157 (a) The John M. McKay Scholarships for Students with



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158 Disabilities Pilot Program is established for 2 years in the  
159 Charlotte, DeSoto, Manatee, and Sarasota school districts to  
160 provide the option to receive a scholarship for instruction at  
161 private schools for students who:

- 162 1. Have a disability;  
163 2. Are 22 years of age;  
164 3. Are receiving instruction from an instructor in a  
165 private school to meet the high school graduation requirements  
166 in s. 1003.428;  
167 4. Do not have a standard high school diploma or a special  
168 high school diploma; and  
169 5. Receive supported employment services, which is  
170 employment that is located or provided in an integrated work  
171 setting, with earnings paid on a commensurate wage basis, and  
172 for which continued support is needed for job maintenance.

173  
174 As used in this subsection, the term "student with a disability"  
175 includes a student who is documented as having an intellectual  
176 disability; a speech impairment; a language impairment; a  
177 hearing impairment, including deafness; a visual impairment,  
178 including blindness; a dual sensory impairment; an orthopedic  
179 impairment; another health impairment; an emotional or  
180 behavioral disability; a specific learning disability,  
181 including, but not limited to, dyslexia, dyscalculia, or  
182 developmental aphasia; a traumatic brain injury; a developmental  
183 delay; or autism spectrum disorder.

184 (b) For purposes of continuity of educational choice, a  
185 student participating in the John M. McKay Scholarship Pilot  
186 Program may continue to participate in the program until the



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187 student graduates from high school, or reaches the age of 23,  
188 whichever occurs first.

189 (c) The supported employment services may be provided at  
190 more than one site.

191 (d) The provider of supported employment services must be a  
192 nonprofit corporation under s. 501(c)(3) of the Internal Revenue  
193 Code which serves Charlotte, DeSoto, Manatee, or Sarasota school  
194 districts and must contract with a private school in this state  
195 which meets the requirements in paragraph (e).

196 (e) A private school that participates in the program may  
197 be sectarian or nonsectarian and must meet the following  
198 requirements:

199 1. Be academically accountable for meeting the educational  
200 needs of the student by annually providing to the provider of  
201 supported employment services a written explanation of the  
202 student's progress.

203 2. Comply with the anti-discrimination provisions of 42  
204 U.S.C. s. 2000d.

205 3. Meet state and local health and safety laws and codes.

206 4. Provide to the provider of supported employment services  
207 all documentation required for a student's participation,  
208 including the private school's and student's fee schedules, at  
209 least 30 days before any quarterly scholarship payment is made  
210 for the student. A student is not eligible to receive a  
211 quarterly scholarship payment if the private school fails to  
212 meet this deadline.

213  
214 The inability of a private school to meet the requirements of  
215 this paragraph constitutes a basis for the ineligibility of the





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216 private school to participate in the scholarship program.

217 (f)1. If the student chooses to participate in the program  
218 and is accepted by the provider of supported employment  
219 services, the student must notify the Department of Education of  
220 his or her acceptance into the program 60 days before the first  
221 scholarship payment and before participating in the program in  
222 order to be eligible for the scholarship.

223 2. Upon receipt of a scholarship warrant, the student or  
224 parent to whom the warrant is made must restrictively endorse  
225 the warrant to the provider of supported employment services for  
226 deposit into the account of the provider. The student or parent  
227 may not designate any entity or individual associated with the  
228 participating provider of supported employment services as the  
229 student's or parent's attorney in fact to endorse a scholarship  
230 warrant. A participant who fails to comply with this paragraph  
231 forfeits the scholarship.

232 (g) Funds for the scholarship shall be provided through the  
233 Florida Education Finance Program to the school district for  
234 students who reside in the Charlotte, DeSoto, Manatee, or  
235 Sarasota school districts. During the 2-year pilot program, the  
236 maximum scholarship granted for an eligible student with a  
237 disability shall be equivalent to the base student allocation in  
238 the Florida Education Finance Program, multiplied by the high  
239 school cost factor, and multiplied by the district cost  
240 differential for the district in which the student resides.

241 (h) Upon notification by the Department of Education that  
242 it has received the required documentation, the Chief Financial  
243 Officer shall make scholarship payments in four equal amounts no  
244 later than September 1, November 1, February 1, and April 1 of



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245 each academic year in which the scholarship is in force. The  
246 initial payment shall be made after the Department of Education  
247 verifies that the student was accepted into the program, and  
248 subsequent payments shall be made upon verification of continued  
249 participation in the program. Payment must be by individual  
250 warrant made payable to the student or parent and mailed by the  
251 Department of Education to the provider of supported employment  
252 services, and the student or parent shall restrictively endorse  
253 the warrant to the provider of supported employment services for  
254 deposit into the account of that provider.

255 (i) Subsequent to each scholarship payment, the Department  
256 of Education shall request from the Department of Financial  
257 Services a sample of endorsed warrants to review and confirm  
258 compliance with endorsement requirements.

259 Section 3. Paragraphs (f) and (g) of subsection (4) of  
260 section 1004.55, Florida Statutes, are amended to read:

261 1004.55 Regional autism centers; public record exemptions.-

262 (4) Each center shall provide:

263 (f) Coordination and dissemination of local and regional  
264 information regarding available resources for services for  
265 children who have with the developmental disabilities as defined  
266 in s. 393.063(9) and s.393.063(13) described in subsection (1).

267 (g) Support to state agencies in the development of  
268 training for early child care providers and educators with  
269 respect to ~~the~~ developmental disabilities as defined in s.  
270 393.063(9) and s.393.063(13) described in subsection (1).

271 Section 4. This act shall take effect July 1, 2012.

272  
273 ===== T I T L E A M E N D M E N T =====



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274 And the title is amended as follows:

275 Delete everything before the enacting clause  
276 and insert:

277 A bill to be entitled

278 An act relating to developmental disabilities;  
279 creating s. 383.141, F.S.; providing legislative  
280 findings; providing definitions; requiring that health  
281 care providers provide pregnant women with current  
282 information about the nature of the developmental  
283 disabilities tested for in certain prenatal tests, the  
284 accuracy of such tests, and resources for obtaining  
285 support services for Down syndrome and other  
286 prenataally diagnosed developmental disabilities;  
287 providing duties for the Department of Health  
288 concerning establishment of an information  
289 clearinghouse; creating an advocacy council within the  
290 Department of Health to provide technical assistance  
291 in forming the clearinghouse; providing membership for  
292 the council; providing duties of the council;  
293 providing terms for members of the council; providing  
294 for election of a chairperson and vice chairperson;  
295 providing meeting times for the council; requiring the  
296 members to serve without compensation but be  
297 reimbursed for per diem and travel expenses; requiring  
298 the Department of Health to provide administrative  
299 support; amending s. 1002.39, F.S.; expanding  
300 eligibility requirements; requiring that each school  
301 provide information regarding the John M. McKay  
302 Scholarship Program upon the enrollment of certain



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303 dependent children members of the United States Armed  
304 Forces; creating a 2-year pilot program to provide for  
305 scholarships to certain students who have disabilities  
306 to attend certain private schools under contract with  
307 providers of supported employment services; providing  
308 eligibility requirements for students; providing a  
309 definition for a student who has a disability;  
310 providing for the term of the scholarship; authorizing  
311 supported employment services to be provided at  
312 multiple sites; providing eligibility requirements for  
313 providers of supported employment services and private  
314 schools; providing that a private school that fails to  
315 meet the eligibility requirements is ineligible to  
316 participate in the program; requiring that a student  
317 who chooses to participate in the program notify the  
318 Department of Education of the student's acceptance  
319 into the program; providing for the restrictive  
320 endorsement of a warrant by a participating  
321 scholarship student or parent; prohibiting a power of  
322 attorney for endorsing a scholarship warrant;  
323 providing requirements for scholarship funding and  
324 payment; requiring that the Department of Education  
325 request from the Department of Financial Services a  
326 sample of endorsed warrants to review and confirm  
327 compliance with endorsement requirements; amending s.  
328 1004.55, F.S.; requiring each regional autism center  
329 in this state to provide coordination and  
330 dissemination of local and regional information  
331 regarding available resources for services for



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332 children who have developmental disabilities; revising  
333 the requirements for regional autism centers with  
334 respect to supporting state agencies in development  
335 training; providing an effective date.