

By the Committee on Health Regulation; and Senator Gardiner

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1 A bill to be entitled
2 An act relating to developmental disabilities;
3 creating s. 383.141, F.S.; providing legislative
4 findings; providing definitions; requiring that health
5 care providers provide pregnant women with current
6 information about the nature of the developmental
7 disabilities tested for in certain prenatal tests, the
8 accuracy of such tests, and resources for obtaining
9 support services for Down syndrome and other
10 prenatally diagnosed developmental disabilities;
11 providing duties for the Department of Health
12 concerning establishment of an information
13 clearinghouse; creating an advocacy council within the
14 Department of Health to provide technical assistance
15 in forming the clearinghouse; providing membership for
16 the council; providing duties of the council;
17 providing terms for members of the council; providing
18 for election of a chairperson and vice chairperson;
19 providing meeting times for the council; requiring the
20 members to serve without compensation but be
21 reimbursed for per diem and travel expenses; requiring
22 the Department of Health to provide administrative
23 support; amending s. 1002.39, F.S., relating to the
24 John M. McKay Scholarships for Students with
25 Disabilities Program; expanding eligibility
26 requirements; requiring that each school provide
27 information regarding the John M. McKay Scholarship
28 Program upon the enrollment of certain dependent
29 children members of the United States Armed Forces;

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30 creating a 2-year pilot program to provide for
31 scholarships to certain students who have disabilities
32 to attend certain private schools under contract with
33 providers of supported employment services; providing
34 eligibility requirements for students; providing a
35 definition for a student who has a disability;
36 providing for the term of the scholarship; authorizing
37 supported employment services to be provided at
38 multiple sites; providing eligibility requirements for
39 providers of supported employment services and private
40 schools; providing that a private school that fails to
41 meet the eligibility requirements is ineligible to
42 participate in the program; requiring that a student
43 who chooses to participate in the program notify the
44 Department of Education of the student's acceptance
45 into the program; providing for the restrictive
46 endorsement of a warrant by a participating
47 scholarship student or parent; prohibiting a power of
48 attorney for endorsing a scholarship warrant;
49 providing requirements for scholarship funding and
50 payment; requiring that the Department of Education
51 request from the Department of Financial Services a
52 sample of endorsed warrants to review and confirm
53 compliance with endorsement requirements; amending s.
54 1004.55, F.S.; requiring each regional autism center
55 in this state to provide coordination and
56 dissemination of local and regional information
57 regarding available resources for services for
58 children who have developmental disabilities; revising

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59 the requirements for regional autism centers with
60 respect to supporting state agencies in the
61 development of training; providing an effective date.

62
63 Be It Enacted by the Legislature of the State of Florida:

64
65 Section 1. Section 383.141, Florida Statutes, is created to
66 read:

67 383.141 Prenatally diagnosed conditions; patient to be
68 provided information; clearinghouse of information;
69 advisory council.-

70 (1) The Legislature finds that pregnant women who choose to
71 undergo prenatal testing for developmental disabilities should
72 have access to timely and informative counseling about the
73 conditions being tested for, the accuracy of such tests, and
74 resources for obtaining support services for such conditions. It
75 is especially essential for a pregnant woman whose unborn child
76 has been diagnosed with a developmental disability through
77 prenatal testing to be adequately informed of the accuracy of
78 such testing, implications of the diagnosis, possible treatment
79 options, and available support networks, as the results of such
80 testing and the counseling that follows may lead to the
81 unnecessary abortion of unborn humans.

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

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

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

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88 (c) "Health care provider" means a physician licensed or
89 registered under chapter 458 or chapter 459.

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

92 (e) "Prenatal test" or "prenatal testing" means a
93 diagnostic procedure or screening procedure performed on a
94 pregnant woman or her unborn offspring to obtain information
95 about her offspring's health or development.

96 (3) When a developmental disability is diagnosed based on
97 the results of a prenatal test, the health care provider who
98 ordered the prenatal test, or his or her designee, shall provide
99 the patient with current information about the nature of the
100 developmental disability, the accuracy of the prenatal test, and
101 resources for obtaining relevant support services, including
102 hotlines, resource centers, and information clearinghouses
103 related to Down syndrome or other prenatally diagnosed
104 developmental disabilities; support programs for parents and
105 families; and developmental evaluation and intervention services
106 under s. 391.303.

107 (4) The Department of Health shall establish a
108 clearinghouse of information related to developmental
109 disabilities concerning providers of supportive services,
110 information hotlines specific to Down syndrome and other
111 prenatally diagnosed developmental disabilities, resource
112 centers, educational programs, other support programs for
113 parents and families, and developmental evaluation and
114 intervention services under s. 391.303. Such information shall
115 be made available to health care providers for use in counseling
116 pregnant women whose unborn children have been prenatally

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117 diagnosed with developmental disabilities.

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

123 1. Three members appointed by the Governor;

124 2. Three members appointed by the President of the Senate;

125 and

126 3. Three members appointed by the Speaker of the House of
127 Representatives.

128 (b) The advisory council shall provide technical assistance
129 to the Department of Health in the establishment of the
130 information clearinghouse and give the department the benefit of
131 the council members' knowledge and experience relating to the
132 needs of patients and families of patients with developmental
133 disabilities and available support services.

134 (c) Members of the council shall elect a chairperson and a
135 vice chairperson. The elected chairperson and vice chairperson
136 shall serve in these roles until their terms of appointment on
137 the council expire.

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

142 (e) The council members shall be appointed to 4-year terms,
143 except that, to provide for staggered terms, one initial
144 appointee each from the Governor, the President of the Senate,
145 and the Speaker of the House of Representatives shall be

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146 appointed to a 2-year term, one appointee each from these
147 officials shall be appointed to a 3-year term, and the remaining
148 initial appointees shall be appointed to 4-year terms. All
149 subsequent appointments shall be for 4-year terms. A vacancy
150 shall be filled for the remainder of the unexpired term in the
151 same manner as the original appointment.

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

155 (g) The Department of Health shall provide administrative
156 support for the advisory council.

157 Section 2. Paragraph (a) of subsection (2) of section
158 1002.39, Florida Statutes, is amended, and section (14) is added
159 to that section to read:

160 1002.39 The John M. McKay Scholarships for Students with
161 Disabilities Program.—There is established a program that is
162 separate and distinct from the Opportunity Scholarship Program
163 and is named the John M. McKay Scholarships for Students with
164 Disabilities Program.

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

169 (a) The student has:

170 1. Received specialized instructional services under the
171 Voluntary Prekindergarten Education Program pursuant to s.
172 1002.66 during the previous school year and the student has a
173 current individual educational plan developed by the local
174 school board in accordance with rules of the State Board of

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175 Education for the John M. McKay Scholarships for Students with
176 Disabilities Program or a 504 accommodation plan has been issued
177 under s. 504 of the Rehabilitation Act of 1973;

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

182 a. A school district for funding during the preceding
183 October and February Florida Education Finance Program surveys
184 in kindergarten through grade 12, which includes time spent in a
185 Department of Juvenile Justice commitment program if funded
186 under the Florida Education Finance Program;

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

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

194 3. Been enrolled and reported by a school district for
195 funding, during the October and February Florida Education
196 Finance Program surveys, in any of the 5 years prior to the
197 2010-2011 fiscal year; has a current individualized educational
198 plan developed by the district school board in accordance with
199 rules of the State Board of Education for the John M. McKay
200 Scholarship Program no later than June 30, 2011; and receives a
201 ~~first-time~~ John M. McKay scholarship for the 2011-2012 school
202 year. Upon request of the parent, the local school district
203 shall complete a matrix of services as required in subparagraph

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204 (5) (b) 1. for a student requesting a current individualized
205 educational plan in accordance with the provisions of this
206 subparagraph.

207
208 However, a dependent child of a member of the United States
209 Armed Forces who transfers to a school in this state from out of
210 state or from a foreign country due to a parent's permanent
211 change of station orders is exempt from this paragraph but must
212 meet all other eligibility requirements to participate in the
213 program. Upon the enrollment of the dependent child of a member
214 of the United States Armed Forces, the school shall provide
215 information regarding this program.

216 (14) THE JOHN M. MCKAY SCHOLARSHIPS FOR STUDENTS WITH
217 DISABILITIES PILOT PROGRAM.—

218 (a) The John M. McKay Scholarships for Students with
219 Disabilities Pilot Program is established for 2 years in the
220 Charlotte, DeSoto, Manatee, and Sarasota school districts to
221 provide the option to receive a scholarship for instruction at
222 private schools for students who:

223 1. Have a disability;

224 2. Are 22 years of age;

225 3. Are receiving instruction from an instructor in a
226 private school to meet the high school graduation requirements
227 in s. 1003.428;

228 4. Do not have a standard high school diploma or a special
229 high school diploma; and

230 5. Receive supported employment services, which is
231 employment that is located or provided in an integrated work
232 setting, with earnings paid on a commensurate wage basis, and

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233 for which continued support is needed for job maintenance.

234
235 As used in this subsection, the term "student with a disability"
236 includes a student who is documented as having an intellectual
237 disability; a speech impairment; a language impairment; a
238 hearing impairment, including deafness; a visual impairment,
239 including blindness; a dual sensory impairment; an orthopedic
240 impairment; another health impairment; an emotional or
241 behavioral disability; a specific learning disability,
242 including, but not limited to, dyslexia, dyscalculia, or
243 developmental aphasia; a traumatic brain injury; a developmental
244 delay; or autism spectrum disorder.

245 (b) For purposes of continuity of educational choice, a
246 student participating in the John M. McKay Scholarship Pilot
247 Program may continue to participate in the program until the
248 student graduates from high school, or reaches the age of 23,
249 whichever occurs first.

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

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

257 (e) A private school that participates in the program may
258 be sectarian or nonsectarian and must meet the following
259 requirements:

260 1. Be academically accountable for meeting the educational
261 needs of the student by annually providing to the provider of

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262 supported employment services a written explanation of the
263 student's progress.

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

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

267 4. Provide to the provider of supported employment services
268 all documentation required for a student's participation,
269 including the private school's and student's fee schedules, at
270 least 30 days before any quarterly scholarship payment is made
271 for the student. A student is not eligible to receive a
272 quarterly scholarship payment if the private school fails to
273 meet this deadline.

274

275 The inability of a private school to meet the requirements of
276 this paragraph constitutes a basis for the ineligibility of the
277 private school to participate in the scholarship program.

278 (f)1. If the student chooses to participate in the program
279 and is accepted by the provider of supported employment
280 services, the student must notify the Department of Education of
281 his or her acceptance into the program 60 days before the first
282 scholarship payment and before participating in the program in
283 order to be eligible for the scholarship.

284 2. Upon receipt of a scholarship warrant, the student or
285 parent to whom the warrant is made must restrictively endorse
286 the warrant to the provider of supported employment services for
287 deposit into the account of the provider. The student or parent
288 may not designate any entity or individual associated with the
289 participating provider of supported employment services as the
290 student's or parent's attorney in fact to endorse a scholarship

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291 warrant. A participant who fails to comply with this paragraph
292 forfeits the scholarship.

293 (g) Funds for the scholarship shall be provided through the
294 Florida Education Finance Program to the school district for
295 students who reside in the Charlotte, DeSoto, Manatee, or
296 Sarasota school districts. During the 2-year pilot program, the
297 maximum scholarship granted for an eligible student with a
298 disability shall be equivalent to the base student allocation in
299 the Florida Education Finance Program, multiplied by the high
300 school cost factor, and multiplied by the district cost
301 differential for the district in which the student resides.

302 (h) Upon notification by the Department of Education that
303 it has received the required documentation, the Chief Financial
304 Officer shall make scholarship payments in four equal amounts no
305 later than September 1, November 1, February 1, and April 1 of
306 each academic year in which the scholarship is in force. The
307 initial payment shall be made after the Department of Education
308 verifies that the student was accepted into the program, and
309 subsequent payments shall be made upon verification of continued
310 participation in the program. Payment must be by individual
311 warrant made payable to the student or parent and mailed by the
312 Department of Education to the provider of supported employment
313 services, and the student or parent shall restrictively endorse
314 the warrant to the provider of supported employment services for
315 deposit into the account of that provider.

316 (i) Subsequent to each scholarship payment, the Department
317 of Education shall request from the Department of Financial
318 Services a sample of endorsed warrants to review and confirm
319 compliance with endorsement requirements.

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

322 1004.55 Regional autism centers; public record exemptions.-

323 (4) Each center shall provide:

324 (f) Coordination and dissemination of local and regional
325 information regarding available resources for services for
326 children who have ~~with the~~ developmental disabilities as defined
327 in s. 393.063(9) and (13) ~~described in subsection (1)~~.

328 (g) Support to state agencies in the development of
329 training for early child care providers and educators with
330 respect to ~~the~~ developmental disabilities as defined in s.
331 393.063(9) and (13) ~~described in subsection (1)~~.

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