

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

---

Prepared By: The Professional Staff of the Committee on Education

---

BILL: SB 1286

INTRODUCER: Senator Simmons

SUBJECT: Gardiner Scholarship

DATE: January 19, 2018

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Olenick	Graf	ED	<b>Pre-meeting</b>
2.			AED	
3.			AP	

---

**I. Summary:**

SB 1286 revises the definition of a rare disease for the purposes of the Gardiner Scholarship Program. Specifically, the bill:

- Specifies that a rare disease is a disorder that affects patient populations of 200,000 individuals or fewer, and
- Conforms the definition of a rare disease to the definition as defined by the Orphan Drug Act of 1983, Pub. L. No. 97-414.

The bill provides an effective date of July 1, 2018.

**II. Present Situation:**

**Gardiner Scholarship Disability Eligibility Requirements**

The Gardiner Scholarship Program was established in 2014<sup>1</sup> to provide the option for a parent of an eligible child<sup>2</sup> to better meet the individual educational needs of his or her child who has a disability.<sup>3</sup>

A “disability” as defined under the Gardiner Scholarship Program, means for a 3– or 4–year-old child or a student in kindergarten to grade 12, students with disabilities who are documented as having autism spectrum disorder; cerebral palsy; Down syndrome; an intellectual disability; Phelan-McDermid syndrome; Prader-Willi syndrome; spina-bifida; being a high-risk child; muscular dystrophy; Williams syndrome; rare diseases which affect patient populations of fewer than 200,000 individuals in the United States, as defined by the National Organization for Rare Disorders; anaphylaxis; deaf; visually impaired; traumatic brain injury; hospital or homebound;

---

<sup>1</sup> Section 16, ch. 2014-184, L.O.F.

<sup>2</sup> Section 1002.385(1) and (3), F.S.

<sup>3</sup> Section 1002.385(2)(d), F.S.

or identification as dual sensory impaired, as defined by rules of the State Board of Education and evidenced by reports from local school districts.

During the 2016-2017 school year, 7,593 students qualified for the Gardiner scholarship.<sup>4</sup>

### III. Effect of Proposed Changes:

SB 1286 revises the definition of a rare disease for the purposes of the Gardiner Scholarship Program. Specifically, the bill:

- Specifies that a rare disease is a disorder that affects patient populations of 200,000 individuals or fewer, and
- Conforms the definition of a rare disease to the definition as defined by the Orphan Drug Act of 1983, Pub. L. No. 97-414.

In 2017, the Legislature expanded the definition of disability for the purposes of the Gardiner Scholarship Program to include a child diagnosed with a rare disease or condition, which affects patient populations of fewer than 200,000 individuals in the United States, as defined by the National Organization for Rare Disorders.<sup>5</sup>

The National Organization for Rare Disorders (NORD) provides brief introductions for patients and their families to more than 1200 rare diseases.<sup>6</sup> However, NORD informs that this is not a comprehensive database since there are nearly 7,000 diseases considered rare in the United States.<sup>7</sup> Accordingly, the bill conforms the definition of a rare disease to the federal law.

The bill takes effect July 1, 2018.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

#### C. Trust Funds Restrictions:

None.

---

<sup>4</sup> Florida Department of Education, *2017 Gardiner Scholarship Statistics*, (2017), available at [http://www.fldoe.org/core/fileparse.php/5606/urlt/Gardiner\\_Dec\\_2017.pdf](http://www.fldoe.org/core/fileparse.php/5606/urlt/Gardiner_Dec_2017.pdf), Step Up for Students, *2016-2017 Step Up For Students Annual Report*, (2017), available at [https://www.stepupforstudents.org/wp-content/uploads/SU\\_AR\\_2017-16\\_Final\\_Online.pdf](https://www.stepupforstudents.org/wp-content/uploads/SU_AR_2017-16_Final_Online.pdf).

<sup>5</sup> Section 1, ch. 2017-166, L.O.F.

<sup>6</sup> National Organization for Rare Disorders, *Rare Disease Information*, <https://rarediseases.org/for-patients-and-families/information-resources/rare-disease-information/> (last visited Jan. 19, 2018).

<sup>7</sup> *Id.*

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

None.

## C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 1002.385 of the Florida Statutes:

**IX. Additional Information:**

## A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

## B. Amendments:

None.