

By Senator Berman

31-00481A-22

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1 A bill to be entitled
2 An act relating to fetal alcohol spectrum disorders;
3 amending s. 393.063, F.S.; revising the definition of
4 the term "developmental disability" to include fetal
5 alcohol spectrum disorders; defining the term "fetal
6 alcohol spectrum disorders"; amending s. 393.065,
7 F.S.; requiring the Agency for Persons with
8 Disabilities to allow certain individuals diagnosed
9 with fetal alcohol spectrum disorders to receive home
10 and community-based services; amending s. 1002.394,
11 F.S.; conforming provisions to changes made by the
12 act; providing an effective date.

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14 Be It Enacted by the Legislature of the State of Florida:

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16 Section 1. Present subsections (18) through (46) of section
17 393.063, Florida Statutes, are redesignated as subsections (19)
18 through (47), respectively, a new subsection (18) is added to
19 that section, and subsection (12) of that section is amended, to
20 read:

21 393.063 Definitions.—For the purposes of this chapter, the
22 term:

23 (12) "Developmental disability" means a disorder or
24 syndrome that is attributable to intellectual disability,
25 cerebral palsy, autism, spina bifida, Down syndrome, Phelan-
26 McDermid syndrome, ~~or~~ Prader-Willi syndrome, or a fetal alcohol
27 spectrum disorder; that manifests before the age of 18; and that
28 constitutes a substantial handicap that can reasonably be
29 expected to continue indefinitely.

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30 (18) "Fetal alcohol spectrum disorders" means the range of
 31 adverse effects that can occur in an individual who is
 32 prenatally exposed to alcohol and that may include physical,
 33 mental, behavioral, and learning disabilities associated with
 34 possible lifelong implications.

35 Section 2. Present subsections (8) through (11) of section
 36 393.065, Florida Statutes, are redesignated as subsections (9)
 37 through (12), respectively, a new subsection (8) is added to
 38 that section, and paragraph (b) of present subsection (10) of
 39 that section is amended, to read:

40 393.065 Application and eligibility determination.—

41 (8) The agency shall allow an individual who is diagnosed
 42 with a fetal alcohol spectrum disorder and who meets the
 43 eligibility requirements of subsection (1) to receive home and
 44 community-based services.

45 (11) ~~(10)~~

46 (b) The agency must provide the information required in
 47 paragraph (a) in writing to an applicant or his or her parent,
 48 legal guardian, or family member along with a written disclosure
 49 statement in substantially the following form:

50
 51 DISCLOSURE STATEMENT

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 53 Each program and service has its own eligibility requirements.
 54 By providing the information specified in section 393.065(11)(a)
 55 ~~393.065(10)(a)~~, Florida Statutes, the agency does not guarantee
 56 an applicant's eligibility for or enrollment in any program or
 57 service.

58 Section 3. Paragraph (d) of subsection (2) of section

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59 1002.394, Florida Statutes, is amended to read:

60 1002.394 The Family Empowerment Scholarship Program.—

61 (2) DEFINITIONS.—As used in this section, the term:

62 (d) "Disability" means, for a 3- or 4-year-old child or for
63 a student in kindergarten to grade 12, autism spectrum disorder,
64 as defined in the Diagnostic and Statistical Manual of Mental
65 Disorders, Fifth Edition, published by the American Psychiatric
66 Association; cerebral palsy, as defined in s. 393.063; Down
67 syndrome, as defined in s. 393.063; an intellectual disability,
68 as defined in s. 393.063; a speech impairment; a language
69 impairment; an orthopedic impairment; an other health
70 impairment; an emotional or a behavioral disability; a specific
71 learning disability, including, but not limited to, dyslexia,
72 dyscalculia, or developmental aphasia; Phelan-McDermid syndrome,
73 as defined in s. 393.063; Prader-Willi syndrome, as defined in
74 s. 393.063; spina bifida, as defined in s. 393.063; a fetal
75 alcohol spectrum disorder, as defined in s. 393.063; being a
76 high-risk child, as defined in s. 393.063(24)(a) ~~s.~~
77 ~~393.063(23)(a)~~; muscular dystrophy; Williams syndrome; rare
78 diseases which affect patient populations of fewer than 200,000
79 individuals in the United States, as defined by the National
80 Organization for Rare Disorders; anaphylaxis; a hearing
81 impairment, including deafness; a visual impairment, including
82 blindness; traumatic brain injury; hospital or homebound; or
83 identification as dual sensory impaired, as defined by rules of
84 the State Board of Education and evidenced by reports from local
85 school districts. The term "hospital or homebound" includes a
86 student who has a medically diagnosed physical or psychiatric
87 condition or illness, as defined by the state board in rule, and

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88 who is confined to the home or hospital for more than 6 months.

89 Section 4. This act shall take effect July 1, 2022.