

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. Subsections (18) through (46) of section  
 17   393.063, Florida Statutes, are renumbered as subsections (19)  
 18   through (47), respectively, subsection (12) is amended, and a  
 19   new subsection (18) is added to that section, to read:

20           393.063 Definitions.—For the purposes of this chapter, the  
 21   term:

22           (12) "Developmental disability" means a disorder or  
 23   syndrome that is attributable to intellectual disability,  
 24   cerebral palsy, autism, spina bifida, Down syndrome, Phelan-  
 25   McDermid syndrome, ~~or~~ Prader-Willi syndrome, or a fetal alcohol

26 spectrum disorder; that manifests before the age of 18; and that  
 27 constitutes a substantial handicap that can reasonably be  
 28 expected to continue indefinitely.

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

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

39 393.065 Application and eligibility determination.—

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

44 (11) ~~(10)~~

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

49 DISCLOSURE STATEMENT

50 Each program and service has its own eligibility requirements.

51 By providing the information specified in section 393.065(11) (a)  
52 ~~393.065(10) (a)~~, Florida Statutes, the agency does not guarantee  
53 an applicant's eligibility for or enrollment in any program or  
54 service.

55 Section 3. Paragraph (d) of subsection (2) of section  
56 1002.394, Florida Statutes, is amended to read:

57 1002.394 The Family Empowerment Scholarship Program.—

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

59 (d) "Disability" means, for a 3- or 4-year-old child or  
60 for a student in kindergarten to grade 12, autism spectrum  
61 disorder, as defined in the Diagnostic and Statistical Manual of  
62 Mental Disorders, Fifth Edition, published by the American  
63 Psychiatric Association; cerebral palsy, as defined in s.  
64 393.063; Down syndrome, as defined in s. 393.063; an  
65 intellectual disability, as defined in s. 393.063; a speech  
66 impairment; a language impairment; an orthopedic impairment; an  
67 other health impairment; an emotional or a behavioral  
68 disability; a specific learning disability, including, but not  
69 limited to, dyslexia, dyscalculia, or developmental aphasia;  
70 Phelan-McDermid syndrome, as defined in s. 393.063; Prader-Willi  
71 syndrome, as defined in s. 393.063; spina bifida, as defined in  
72 s. 393.063; fetal alcohol spectrum disorder, as defined in s.  
73 393.063; being a high-risk child, as defined in s.  
74 393.063(24) (a) ~~s. 393.063(23) (a)~~; muscular dystrophy; Williams  
75 syndrome; rare diseases which affect patient populations of

76 fewer than 200,000 individuals in the United States, as defined  
77 by the National Organization for Rare Disorders; anaphylaxis; a  
78 hearing impairment, including deafness; a visual impairment,  
79 including blindness; traumatic brain injury; hospital or  
80 homebound; or identification as dual sensory impaired, as  
81 defined by rules of the State Board of Education and evidenced  
82 by reports from local school districts. The term "hospital or  
83 homebound" includes a student who has a medically diagnosed  
84 physical or psychiatric condition or illness, as defined by the  
85 state board in rule, and who is confined to the home or hospital  
86 for more than 6 months.

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