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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2010	.	
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The Committee on Children, Families, and Elder Affairs (Wise) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Services for Children with Developmental Disabilities Task Force.—The Services for Children with Developmental Disabilities Task Force is created to make recommendations and develop a plan for the creation of, and enrollment in, the Developmental Disabilities Savings Program.

(1) The task force shall consist of the following members:

(a) A member of the House of Representatives appointed by



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13 the Speaker of the House of Representatives.

14 (b) A member of the Senate appointed by the President of  
15 the Senate.

16 (c) The director of the Agency for Persons with  
17 Disabilities.

18 (d) The director of the Division of Vocational  
19 Rehabilitation.

20 (e) The executive director of the State Board of  
21 Administration.

22 (f) The Commissioner of Education.

23 (g) The executive director of The Arc of Florida.

24 (h) An Arc of Florida family board member appointed by the  
25 executive director of The Arc of Florida.

26 (i) The chair of the Family Care Council Florida.

27 (j) A parent representative from the Family Care Council  
28 Florida appointed by the chair of the Family Care Council  
29 Florida.

30 (2) The Agency for Persons with Disabilities shall provide  
31 administrative support to the task force.

32 (3) Members of the task force shall serve without  
33 compensation but are entitled to reimbursement for per diem and  
34 travel expenses as provided in s. 112.061, Florida Statutes.

35 (4) The task force shall submit its recommendations and  
36 plan to the President of the Senate and the Speaker of the House  
37 of Representatives when it has completed its task or April 2,  
38 2012, whichever occurs first.

39 (4) The task force shall continue until enrollment in the  
40 Developmental Disabilities Savings Program has commenced, at  
41 which time the task force is abolished or June 31, 2013,



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42 whichever occurs first.

43 Section 2. Developmental Disabilities Savings Program.—

44 (1) LEGISLATIVE INTENT.—

45 (a) The Legislature recognizes the need to provide  
46 opportunities for increased access to services, at the  
47 discretion of the family, for those families who have children  
48 with developmental disabilities. The years after a student who  
49 has a developmental disability ages out of the education system  
50 are critical for learning and transitioning. The Legislature  
51 finds that the creation of a savings program for such families  
52 can offer future accessibility to services, regardless of  
53 income, insurance, or Medicaid eligibility.

54 (b) It is the intent of the Legislature that a  
55 developmental disabilities savings program that includes a  
56 contract plan be established through which many of the costs  
57 associated with children who have developmental disabilities who  
58 age out of the education system may be paid or saved for in  
59 advance. It is the intent that a developmental disabilities  
60 savings program be conducted in a manner that maximizes program  
61 efficiency and effectiveness.

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

63 (a) "Contract plan" means the advance payment plan under  
64 the Developmental Disabilities Savings Program that provides the  
65 opportunity for a purchaser to enter into an advance payment  
66 contract to provide funds that a purchaser may use for future or  
67 other eligible services for a qualified beneficiary.

68 (b) "Developmental disability" means a disability defined  
69 in s. 393.063 or a severe, chronic disability that:

70 1. Is attributable to a mental or physical impairment or a



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71 combination of those impairments.

72 2. Occurs before the individual reaches 18 years of age.

73 3. Is likely to continue indefinitely.

74 4. Results in substantial functional limitations in three  
75 or more of the following areas of major life activity: self-  
76 care, receptive and expressive language, learning, mobility,  
77 self-direction, capacity for independent living, or economic  
78 self-sufficiency.

79 5. Reflects the individual's need for a combination and  
80 sequence of special, interdisciplinary, or generic services,  
81 individualized supports, or other forms of assistance that are  
82 of lifelong or extended duration and are individually planned  
83 and coordinated.

84 6. For a child younger than 10 years of age, is likely to  
85 meet the criteria in subparagraphs 1.-5. without intervention.

86 (c) "Eligible services" means:

87 1. Specific services that may include respite care,  
88 provision of rehabilitation and habilitation services, assistive  
89 technology, personal assistance services, counseling, support  
90 for families headed by aging caregivers, vehicular and home  
91 modifications, and assistance with extraordinary expenses  
92 associated with the needs of individuals with developmental  
93 disabilities.

94 2. Health-related services that may include medical,  
95 dental, mental health, and other human and social services to  
96 enhance the well-being of the individual, as well as durable and  
97 consumable medical supplies.

98 3. Housing-related services that may result in individuals  
99 with developmental disabilities having access to and use of



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100 housing and housing supports and services in their communities,  
101 including assistance related to renting, owning, or modifying an  
102 apartment or home.

103 4. Education-related services such as attendance in a  
104 training or educational setting, technology, and personnel-  
105 related services that assist in obtaining and maximizing the  
106 educational experience.

107 5. Employment-related services that are necessary to assist  
108 the individual in meeting essential job functions through  
109 technology, personnel-related expenses, and transportation  
110 expenses.

111 (d) "Internal Revenue Code" means the Internal Revenue Code  
112 of 1986, as defined in s. 220.03, and regulations adopted  
113 thereunder.

114 (e) "Purchaser" means a parent or grandparent who is a  
115 resident of the state who makes or is obligated to make advance  
116 payments for eligible services in accordance with a contract  
117 plan for his or her child or grandchild or a nonresident,  
118 noncustodial parent who makes or is obligated to make advance  
119 payments for eligible services in accordance with a contract  
120 plan for his or her child.

121 (f) "Qualified beneficiary" means a person with a  
122 developmental disability who is a resident of the state and who  
123 is under 22 years of age at the time a purchaser enters into an  
124 advance payment contract.

125 (g) "Savings program" means the Developmental Disabilities  
126 Savings Program.

127 (3) SAVINGS PROGRAM.—the Developmental Disabilities Savings  
128 Program is created. The program must:



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129           (a) The savings program shall provide a contract plan  
130 through which eligible services for individuals with  
131 developmental disabilities may be paid in advance.

132           (b) The program shall provide education and training  
133 concerning the savings program and its benefits for individuals  
134 who have developmental disabilities to advance their goals and  
135 become contributing members of society.

136           (c) Inform the purchaser of the potential effect of advance  
137 payment contracts offered under the savings program on  
138 eligibility for Medicaid or other state or federally funded  
139 programs.

140           (4) IMPLEMENTATION.—The savings program may not be  
141 implemented until it has obtained all of the following:

142           (a) A written opinion of qualified counsel specializing in  
143 federal securities law that the savings program and the offering  
144 of participation in the savings program does not violate federal  
145 securities law.

146           (b) A private letter ruling from the Internal Revenue  
147 Service, indicating that monies deposited according to contract  
148 plans and payments made according to the contract plan pursuant  
149 to the savings program are tax deferred under the Internal  
150 Revenue Code. If the Internal Revenue Service declines to rule  
151 on the request, the Program may rely on legal opinion rendered  
152 by a qualified attorney specializing in tax law.

153           (5) CONSTRUCTION.—the savings program may not be construed  
154 as a promise or guarantee that a qualified beneficiary or a  
155 designated beneficiary will become Medicaid eligible, receive  
156 permanent services, be enrolled in the Medicaid waiver program,  
157 or receive any other state or federal assistance.



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158 Section 3. This act shall take effect July 1, 2010.

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160 ===== T I T L E A M E N D M E N T =====

161 And the title is amended as follows:

162 Delete everything before the enacting clause  
163 and insert:

164 A bill to be entitled  
165 An act relating to the Developmental Disabilities  
166 Savings Program; creating the Services for Children  
167 with Developmental Disabilities Task Force; requiring  
168 the task force to develop recommendations and a plan  
169 for the creation of, and enrollment in, the  
170 Developmental Disabilities Savings Program; providing  
171 for membership of the task force; requiring the Agency  
172 for Persons with Disabilities to provide  
173 administrative support to the task force; requiring  
174 the task force to submit its plan and recommendations  
175 to the Legislature; providing for abolishment of the  
176 task force; creating the Developmental Disabilities  
177 Savings Program; providing legislative findings and  
178 intent; providing definitions; providing requirements  
179 for the program; providing requirements that must be  
180 met prior to implementation of the program; providing  
181 for construction; providing an effective date.