

# 2016 State Autism Profiles FLORIDA

## DEMOGRAPHICS

In 2000, 4,473 or 1.22% of children ages 3-21 who received special education services in Florida have autism. In 2014-2015, 31,133 or 8.58% of children with disabilities ages 3-21 who received special education services have autism.

**Table 1-1: IDEA Part B - Children with Autism in Florida for 2000-2001 and 2014-2015**  
(Child Count by Age Group)

	2000-2001	2014-2015
<b>Age 3-5</b>	847	3,469
<b>Age 6-21</b>	3,626	27,664
<b>Age 3-21</b>	4,473	31,133

*Source: Reported by the State of Florida in accordance with Section 618 of IDEA to U.S. Department of Education, Office of Special Education Programs*

**Table 1-2: IDEA Part B - Children with Disabilities in Florida for 2000-2001 and 2014-2015**  
(Child Count by Age Group)

	2000-2001	2014-2015
<b>Age 3-5</b>	30,660	38,158
<b>Age 6-11</b>	169,052	148,639
<b>Age 12-17</b>	152,234	149,524
<b>Age 18-21</b>	15,389	26,604
<b>Age 6-21</b>	336,675	324,767
<b>Age 3-21</b>	367,335	362,925

*Source: Reported by the State of Florida in accordance with Section 618 of IDEA to U.S. Department of Education, Office of Special Education Programs*

## STATE TASK FORCE

### ***Governor’s Task Force on Autism Spectrum Disorders***

Under Executive Order 08-36 on March 7, 2008, Governor Charlie Crist established the Task Force on Autism Spectrum Disorders in order to set a unified agenda to address the needs of individuals with autism. The task force was scheduled to meet until June 30, 2009 and submitted a report to the governor outlining recommendations, legislative accomplishments, and progress. The task force was extended by Executive Order 09-82 on April 1, 2009. The task force is comprised of 18-22 members appointed by the governor, including parents, health care providers, representatives of state and local government agencies, advocates for autism, and other professionals with an interest in autism. Jim DeBeaugrine, interim director of the Agency for Persons with Disabilities, and Dan Marino, formerly with the Miami Dolphins and parent of a child with autism, serve as the co-chairs. The task force submitted its Final Report in March 2009. The Task Force recognized the need to create a web site to provide Florida’s families with easily accessible and useful information about autism and autism services in Florida. That web site is <http://autismflorida.com/>

## STATE INSURANCE COVERAGE

Governor Charlie Crist signed S.B. 2654 into law on May 20, 2008, which requires health insurance coverage for autism spectrum disorders. The section of the legislation known as the “Steven A. Geller Autism Coverage Act” requires coverage for well-baby and well-child screening for the diagnosis of autism spectrum disorder, and intervention and treatment for autism spectrum disorder as prescribed in a treatment plan by a doctor. The individual must have a diagnosis for autism at the age of 8 years or younger, and benefits are applied to individuals 18 years or younger or to individuals 18 years or older who are in high school. Coverage for screening and behavioral therapy, including applied behavior is subject to a maximum of \$36,000 per year with a \$200,000 lifetime maximum. (*Fla. Stat. § 627.6686*)

The law also allows the Office of Insurance Regulation to convene a workgroup that includes representatives of health insurers, health maintenance organizations and self-insured employers to sign an

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agreement to increase coverage for medically necessary therapies and behavior analysis and behavioral assistant services for a developmental disorder. (*Fla. Stat. § 624.916*) However, in 2012 this statute was repealed and there is no longer a workgroup for the purpose of negotiating insurance and access to services for people with developmental disabilities. Thus there is no longer any requirement for insurers to comply with the nonexistent OIR workgroup's findings.

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### ESSENTIAL HEALTH BENEFITS

Florida's benchmark plan does not include autism services or applied behavior analysis (ABA) in its Essential Health Benefits package, and is not required to do so. Only large group plans must offer autism services and ABA. There is no interaction between Florida's mandate and EHB or the Affordable Care Act. Florida's exchange is being run by the federal government. (Blue Cross and Blue Shield of Florida; BlueOptions 5462)

### MEDICAID

Florida's traditional Medicaid program covers autism services, including ABA, as a result of a 2013 lawsuit (*see Administrative Agencies and Courts, below*).

#### ***Florida Home and Community-Based Services Waiver: DD Individual Budgeting***

This waiver provides residential habilitation, respite, support coordination, adult dental, OT, PT, private duty nursing, respiratory therapy, skilled nursing, specialized medical equipment and supplies, specialized mental health counseling, speech therapy, transportation, behavioral analysis services, behavior assistant services, dietitian services, environmental accessibility adaptations, family and guardian training, life skills development, PERS, personal supports, residential nursing, special medical home care, supported living coaching for individuals with autism, IID, and DD from ages three and up. This waiver expires on March 14, 2019.

[http://www.ahca.myflorida.com/Medicaid/Policy\\_and\\_Quality/Policy/federal\\_authorities/federal\\_waivers/index.shtml](http://www.ahca.myflorida.com/Medicaid/Policy_and_Quality/Policy/federal_authorities/federal_waivers/index.shtml)

### EDUCATION

Students with autism are eligible to receive exceptional student education services if there is evidence of an uneven development in language, social, adaptive and/or communication skills; impairment in social interaction with people or the environment (absent, delayed, atypical); impairment in communication skills; restricted repetitive and/or stereotyped patterns of behavior; reference to evidence of onset during the first three years of life has been deleted. The Special Policies & Procedures (SP&P) content must comprise of a comprehensive evaluation of the student that includes a psychological and speech/language assessments, development, and a review of medical information. (*Rule 6A-6.03023, FAC*)

In 2015 two bills were introduced to help ensure the screening for, evaluation or diagnosis of autism spectrum disorder. The Senate bill 144 required the physician to refer the minor to an appropriate specialist for screening for autism spectrum disorder under certain circumstances. It also authorized the parent or legal guardian to have direct access to said screening for a minor from the Early Steps program or another appropriate specialist in autism under certain circumstances. The second bill, H.B. 49 requires certain insurers & HMOs (health maintenance organizations) to provide direct patient access to a specialized diagnostician. Both bills, however, died in March 2016.

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## EDUCATION PROGRAMS AND ACTIVITIES

### ***Florida Regional Center for Autism and Related Disabilities (CARD)***

Florida has seven regional Centers for Autism and Related Disabilities (CARD) sites housed at state universities. The Florida legislature allocates funds that are administered to the seven through the state's Department of Education. The CARD sites provide information, resources and training for individuals with autism and pervasive developmental disorders. Additionally, they support state agencies in the development of training for early child care providers and educators on children with developmental disabilities. Annual reports are submitted to the university president and Department of Education. (*Florida Statute 48-1004.5*)

### ***Behavior Analysts***

In the 2015 legislative session, parallel bills were introduced in the House and Senate to create a Board of Applied Behavior Analysis within the Division of Medical Quality Assurance. H.B. 5449 and S.B. 628 establish requirements for licensure of behavior analysts and licensed assistant behavior analysts, establish fees, set up penalties for unlicensed practice and other board responsibilities. Currently the state may establish a certification process for behavior analysts or recognize the certification of behavior analysts awarded by a nonprofit corporation that adheres to the national standards of boards that determine professional credentials. The bills were referred to the House Health Quality Subcommittee and the Senate Appropriations Committee. Both bills died in committee.

## OTHER STATE RESOURCES

### ***Florida Autism Charter School of Excellence***

In 2006, the Florida Department of Education awarded a \$700,000 grant to establish a charter school for a Florida Autism Center of Excellence for students from the ages 3 to 22 years with autism in Hillsborough, Pasco, Pinellas, Sarasota, Polk, and Manatee counties.

<http://www.faceprogram.org/>

## ADMINISTRATIVE AGENCIES AND COURTS

On March 23, 2012, U.S. District Court Judge Joan Lenard ordered Florida's Medicaid program immediately to cover applied behavior analysis (ABA) therapy for children with autism spectrum disorder, saying that the treatment is medically necessary and is not considered "experimental," as claimed by the state. The written order was issued on March 26, 2012 and applies to all Medicaid-eligible individuals under the age of 21. On September 20, 2013, the 11th Circuit Court of Appeal upheld the lower court ruling. About 8,500 Florida children on Medicaid have been diagnosed with autism spectrum disorder, and this decision will benefit them and children who are diagnosed in the future. *K.G. v. Dudek*, 839 F.Supp.2d 1254 (2011); *K.G. ex rel. Garrido v. Dudek*, 864 F. Supp. 2d 1314 (S.D. Fla. 2012); *D. C. Docket No. 1:11-cv-20684-JAL*

In April 2016, S.B. 936 was passed, an act that encourages the use of devices, such as bracelets, necklaces, and pocket to assist law enforcement, correctional, or other public safety officials and other concerned persons in quickly identifying individuals who have been diagnosed with an autism spectrum disorder or a related developmental.

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## STATE LEGISLATIVE CALENDAR

The Florida Legislature generally meets in on the first Tuesday after the first Monday in March for sixty days.

<http://www.leg.state.fl.us/>

### *Sponsors of Autism Legislation*

Sen. Aaron Bean (R -Jacksonville) District 4  
Sen. Rene Garcia (R-Miami-Dade) District 38

Rep. Janet Cruz (D-Tampa) District 62  
Rep. Bill Hager (R-Boca Raton) District 89  
Rep. Patrick Joseph Rooney (R-Palm Beach Gardens)  
District 85