Senators Joyner and Wise moved the following:

**Senate Amendment (with title amendment)**

Between lines 20824 and 20825 insert:

Section 377. Subsection (5) of section 90.6063, Florida Statutes, is amended to read:

90.6063 Interpreter services for deaf persons.—

(5) The appointing authority may channel requests for qualified interpreters through:

(a) The Florida Registry of Interpreters for the Deaf;

(b) The Division of Vocational Rehabilitation of Jobs Florida the Department of Education; or

(c) Any other resource wherein the appointing authority
knows that qualified interpreters can be found.

Section 378. Paragraph (b) of subsection (6) of section 121.051, Florida Statutes, is amended to read:

121.051 Participation in the system.—
(6) SEASONAL STATE EMPLOYMENT; BLIND VENDING FACILITY OPERATORS.—

(b)1. All blind or partially sighted persons employed or licensed by the Division of Blind Services as vending facility operators on or after December 1, 1970, and prior to July 1, 1996, are hereby declared to be state employees within the meaning of this chapter, and all vending facility operators licensed and employed during that period shall be compulsory members of the Florida Retirement System in compliance with this chapter for as long as the member is a vending facility operator, except as provided in subparagraph 3.

2. Blindness shall not be deemed a retirement disability within the provisions of this chapter for such members as are contemplated by this paragraph.

3. Any vending facility operator as described in subparagraph 1. may elect, on or before July 31, 1996, to withdraw from the Florida Retirement System as provided in s. 413.051(10) and s. 413.051(11). The election to withdraw shall take effect as of July 1, 1996, and the decision to withdraw is irrevocable. A vending facility operator who withdraws from the Florida Retirement System as provided in this subparagraph shall retain all creditable service earned in the Florida Retirement System through the month that retirement contributions ceased to be reported, and no creditable service shall be earned as a vending facility operator after such month. However, any such
person may participate in the Florida Retirement System in the future if employed by a participating employer in a covered position.

4. All blind or partially sighted persons employed or licensed by the Division of Blind Services as vending facility operators on or after July 1, 1996, shall be independent contractors within the meaning of this chapter and shall not be eligible for membership in the Florida Retirement System.

Section 379. Section 215.311, Florida Statutes, is amended to read:

215.311 State funds; exceptions.—The provisions of s. 215.31 do not apply to funds collected by and under the direction and supervision of the Division of Blind Services of Jobs Florida the Department of Education as provided under ss. 413.011, 413.041, and 413.051; however, nothing in this section shall be construed to except from the provisions of s. 215.31 any appropriations made by the state to the division.

Section 380. Subsection (5) of section 394.75, Florida Statutes, is amended to read:

394.75 State and district substance abuse and mental health plans.—

(5) The district plan shall address how substance abuse and mental health services will be provided and how a system of care for target populations will be provided given the resources available in the service district. The plan must include provisions for maximizing client access to the most recently developed psychiatric medications approved by the United States Food and Drug Administration, for developing independent housing units through participation in the Section 811 program operated
by the United States Department of Housing and Urban Development, for developing supported employment services through the Division of Vocational Rehabilitation of the Department of Education, for providing treatment services to persons with co-occurring mental illness and substance abuse problems which are integrated across treatment systems, and for providing services to adults who have a serious mental illness, as defined in s. 394.67, and who reside in assisted living facilities.

Section 381. Subsection (2) of section 410.604, Florida Statutes, is amended to read:

410.604 Community care for disabled adults program; powers and duties of the department.—

(2) Any person who meets the definition of a disabled adult pursuant to s. 410.603(2) is eligible to receive the services of the community care for disabled adults program. However, the community care for disabled adults program shall operate within the funds appropriated by the Legislature. Priority shall be given to disabled adults who are not eligible for comparable services in programs of or funded by the department or the Division of Vocational Rehabilitation of the Department of Education; who are determined to be at risk of institutionalization; and whose income is at or below the existing institutional care program eligibility standard.

Section 382. Paragraph (c) of subsection (4) and subsection (8) of section 413.011, Florida Statutes, are amended to read:

413.011 Division of Blind Services, legislative policy, intent; internal organizational structure and powers; Rehabilitation Council for the Blind.—
(4) DEFINITIONS.—As used in this section, the term:

c) “Department” means the Department of Education.

(8) REHABILITATION COUNCIL FOR THE BLIND.—There is created in Jobs Florida the department the Rehabilitation Council for the Blind, which is an advisory council as defined in s. 20.03, to assist the division in the planning and development of statewide vocational rehabilitation programs and services pursuant to the Rehabilitation Act of 1973, as amended, to recommend improvements to such programs and services, and to perform the functions provided in this section.

(a) The advisory council shall be composed of:

1. At least one representative of the Independent Living Council, which representative may be the chair or other designee of the council;

2. At least one representative of a parent training and information center established pursuant to s. 631(c)(9) of the Individuals with Disabilities Act, 20 U.S.C. s. 1431(c)(9);

3. At least one representative of the client assistance program established under the act;

4. At least one vocational rehabilitation counselor who has knowledge of and experience in vocational rehabilitation services for the blind, who shall serve as an ex officio nonvoting member of the council if the counselor is an employee of Jobs Florida the department;

5. At least one representative of community rehabilitation program service providers;

6. Four representatives of business, industry, and labor;

7. At least one representative of a disability advocacy group representing individuals who are blind;
8. At least one parent, family member, guardian, advocate, or authorized representative of an individual who is blind, has multiple disabilities, and either has difficulties representing himself or herself or is unable, due to disabilities, to represent himself or herself;

9. Current or former applicants for, or recipients of, vocational rehabilitation services; and

10. The director of the division, who shall be an ex officio member of the council.

(b) Members of the council shall be appointed by the Governor, who shall select members after soliciting recommendations from representatives of organizations representing a broad range of individuals who have disabilities, and organizations interested in those individuals.

(c) A majority of council members shall be persons who are:
   1. Blind; and
   2. Not employed by the division.

(d) The council shall select a chair from among its membership.

(e) Each member of the council shall serve for a term of not more than 3 years, except that:
   1. A member appointed to fill a vacancy occurring prior to the expiration of the term for which a predecessor was appointed shall be appointed for the remainder of such term; and
   2. The terms of service of the members initially appointed shall be, as specified by the Governor, for such fewer number of years as will provide for the expiration of terms on a staggered basis.

(f) A member of the council may not serve more than two
consecutive full terms.

(g) Any vacancy occurring in the membership of the council shall be filled in the same manner as the original appointment. A vacancy does not affect the power of the remaining members to execute the duties of the council.

(h) In addition to the other functions specified in this section, the council shall:

1. Review, analyze, and advise the division regarding the performance of the responsibilities of the division under Title I of the act, particularly responsibilities relating to:
   a. Eligibility, including order of selection;
   b. The extent, scope, and effectiveness of services provided; and
   c. Functions performed by state agencies that affect or potentially affect the ability of individuals who are blind to achieve rehabilitation goals and objectives under Title I.

2. Advise Jobs Florida the department and the division, and, at the discretion of Jobs Florida the department or division, assist in the preparation of applications, the state plan, the strategic plan, and amendments to the plans, reports, needs assessments, and evaluations required by Title I.

3. To the extent feasible, conduct a review and analysis of the effectiveness of, and consumer satisfaction with:
   a. The functions performed by state agencies and other public and private entities responsible for performing functions for individuals who are blind.
   b. Vocational rehabilitation services:
      (I) Provided or paid for from funds made available under the act or through other public or private sources.
(II) Provided by state agencies and other public and private entities responsible for providing vocational rehabilitation services to individuals who are blind.

4. Prepare and submit an annual report on the status of vocational rehabilitation services for the blind in the state to the Governor and the Commissioner of the Rehabilitative Services Administration, established under s. 702 of the act, and make the report available to the public.

5. Coordinate with other councils within the state, including the Independent Living Council, the advisory panel established under s. 613(a)(12) of the Individuals with Disabilities Education Act, 20 U.S.C. 1413(a)(12), the State Planning Council described in s. 124 of the Developmental Disabilities Assistance and Bill of Rights Act, 42 U.S.C. s. 6024, and the state mental health planning council established under s. 1916(e) of the Public Health Service Act, 42 U.S.C. 300X-4(e).

6. Advise Jobs Florida the department and division and provide for coordination and the establishment of working relationships among Jobs Florida the department, the division, the Independent Living Council, and centers for independent living in the state.

7. Perform such other functions consistent with the purposes of the act as the council determines to be appropriate that are comparable to functions performed by the council.

(i)1. The council shall prepare, in conjunction with the division, a plan for the provision of such resources, including such staff and other personnel, as may be necessary to carry out the functions of the council. The resource plan shall, to the
maximum extent possible, rely on the use of resources in existence during the period of implementation of the plan.

2. If there is a disagreement between the council and the division in regard to the resources necessary to carry out the functions of the council as set forth in this section, the disagreement shall be resolved by the Governor.

3. The council shall, consistent with law, supervise and evaluate such staff and other personnel as may be necessary to carry out its functions.

4. While assisting the council in carrying out its duties, staff and other personnel shall not be assigned duties by the division or any other state agency or office that would create a conflict of interest.

(j) A council member may not cast a vote on any matter that would provide direct financial benefit to the member or otherwise give the appearance of a conflict of interest under state law.

(k) The council shall convene at least four meetings each year. These meetings shall occur in such places as the council deems necessary to conduct council business. The council may conduct such forums or hearings as the council considers appropriate. The meetings, hearings, and forums shall be publicly announced. The meetings shall be open and accessible to the public. The council shall make a report of each meeting which shall include a record of its discussions and recommendations, all of which reports shall be made available to the public.

Section 383. Subsection (3) of section 413.0111, Florida Statutes, is amended to read:
413.0111 Blind services direct-support organization.—
(3) The purposes and objectives of the direct-support organization must be consistent with the priority issues and objectives of Jobs Florida the Department of Education and must be in the best interests of the state, though the Division of Blind Services may permit, without charge, the appropriate use of property and facilities of the state by the direct-support organization subject to this section. Such use must be directly in keeping with the approved purposes of the direct-support organization.

Section 384. Paragraph (a) of subsection (2) and subsection (3) of section 413.051, Florida Statutes, are amended to read:

413.051 Eligible blind persons; operation of vending stands.—

(2) As used in this section, the term:

(a) “Blind licensee” means any blind person trained and licensed by the Division of Blind Services of Jobs Florida the Department of Education to operate a vending stand.

(3) Blind licensees shall be given the first opportunity to participate in the operation of vending stands on all state properties acquired after July 1, 1979, when such facilities are operated under the supervision of the Division of Blind Services of Jobs Florida the Department of Education.

Section 385. Subsection (1) of section 413.091, Florida Statutes, is amended to read:

413.091 Identification cards.—

(1) The Division of Blind Services of Jobs Florida the Department of Education shall issue identification cards to persons known to be blind or partially sighted, upon the written
request of such individual.

Section 386. Subsection (1) of section 413.092, Florida Statutes, is amended to read:

413.092 Blind Babies Program.—

(1) The Blind Babies Program is created within the Division of Blind Services of Jobs Florida the Department of Education to provide community-based early-intervention education to children from birth through 5 years of age who are blind or visually impaired, and to their parents, families, and caregivers, through community-based provider organizations. The division shall enlist parents, ophthalmologists, pediatricians, schools, Infant and Toddlers Early Intervention Programs, and therapists to help identify and enroll blind and visually impaired children, as well as their parents, families, and caregivers, in these educational programs.

Section 387. Subsections (6), (8), and (10) of section 413.20, Florida Statutes, are amended, and present subsections (7) through (26) are renumbered as subsections (6) through (25), respectively, to read:

413.20 Definitions.—As used in this part, the term:

(6) “Department” means the Department of Education.

(7)(6) “Division” means the Division of Vocational Rehabilitation of Jobs Florida the Department of Education.

(9)(10) “Extended services” means one or more ongoing support services and other appropriate services needed to support and maintain a person who has a most significant disability in supported employment and to assist an eligible person in maintaining integrated and competitive employment. Extended services are based upon a determination of the needs of
the eligible person as specified in the person’s individualized plan for employment and are provided by a state agency, a nonprofit private organization, an employer, or any other appropriate resource after the person has made the transition from support provided by Jobs Florida the department.

Section 388. Section 413.203, Florida Statutes, is amended to read:

413.203 Conflict of laws.—It is the intent of the Legislature that the provisions of this part not conflict with any federal statute or implementing regulation governing federal grant-in-aid programs administered by the Division of Vocational Rehabilitation of Jobs Florida the department. Wherever such a conflict is asserted by the applicable agency of the Federal Government, Jobs Florida the Department of Education shall submit to the United States Department of Education, or other applicable federal agency, a request for a favorable policy interpretation of the conflicting portions.

Section 389. Subsection (1) of section 413.395, Florida Statutes, is amended to read:

413.395 Florida Independent Living Council.—

(1) There is created the Florida Independent Living Council to assist the division and the Division of Blind Services of Jobs Florida the Department of Education, as well as other state agencies and local planning and administrative entities assisted under Title VII of the act, in the expansion and development of statewide independent living policies, programs, and concepts and to recommend improvements for such programs and services. The council shall function independently of the division and, unless the council elects to incorporate as a not-for-profit
corporation, is assigned to the division for administrative purposes only. The council may elect to be incorporated as a Florida corporation not for profit and, upon such election, shall be assisted in the incorporation by the division for the purposes stated in this section. The appointed members of the council may constitute the board of directors for the corporation.

Section 390. Section 413.402, Florida Statutes, is amended to read:

413.402 Personal care attendant program.—The Florida Endowment Foundation for Vocational Rehabilitation shall enter into an agreement, no later than October 1, 2008, with the Florida Association of Centers for Independent Living to administer the James Patrick Memorial Work Incentive Personal Attendant Services Program to provide personal care attendants to persons who have severe and chronic disabilities of all kinds and who are eligible under subsection (1). Effective July 1, 2008. The Florida Association of Centers for Independent Living shall receive 12 percent of the funds paid to or on behalf of participants from funds to be deposited with the Florida Endowment Foundation for Vocational Rehabilitation pursuant to ss. 320.08068(4)(d) and 413.4021(1) to administer the program. For the purpose of ensuring continuity of services, a memorandum of understanding shall be executed between the parties to cover the period between July 1, 2008, and the execution of the final agreement.

(1) In order to be eligible to participate in the program, a person must:

(a) Be at least 18 years of age, be a legal resident of
this state, and be significantly and chronically disabled;

(b) Require a personal care attendant for assistance with
or support for at least two activities of daily living as
defined in s. 429.02, as determined by a physician,
psychologist, or psychiatrist;

(c) Require a personal care attendant in order to accept a
job or maintain substantial gainful employment; and

(d) Be able to acquire and direct a personal care
attendant.

(2)(a) The Florida Association of Centers for Independent
Living shall provide training to program participants on hiring
and managing a personal care attendant and, in cooperation with
the oversight group described in paragraph (b), adopt and revise
the policies and procedures governing the personal care
attendant program and the training program.

(b) The oversight group shall include, but need not be
limited to, a member of the Florida Association of Centers for
Independent Living, a person who is participating in the
program, and one representative each from the Department of
Revenue, the Department of Children and Family Services, the
Division of Vocational Rehabilitation in Jobs Florida the
Department of Education, the Medicaid program in the Agency for
Health Care Administration, the Florida Endowment Foundation for
Vocational Rehabilitation, and the Brain and Spinal Cord Injury
Program in the Department of Health.

Section 391. Paragraph (a) of subsection (2) of section
413.407, Florida Statutes, is amended to read:

413.407 Assistive Technology Advisory Council.—There is
created the Assistive Technology Advisory Council, responsible
for ensuring consumer involvement in the creation, application, and distribution of technology-related assistance to and for persons who have disabilities. The council shall fulfill its responsibilities through statewide policy development, both state and federal legislative initiatives, advocacy at both the state and federal level, planning of statewide resource allocations, policy-level management, reviews of both consumer responsiveness and the adequacy of program service delivery, and by performing the functions listed in this section.

(2) In addition to the other functions specified in this section, the council shall:

(a) Act as the board of directors of a not-for-profit corporation created by the division. Through the corporation, the council shall provide direction to Florida’s Alliance for Assistive Services and Technology, a project sponsored by Jobs Florida the department for the coordination and delivery of appropriate, cost-effective, state-of-the-art assistive technology services and devices.

Section 392. Subsection (1) of section 413.445, Florida Statutes, is amended to read:

413.445 Recovery of third-party payments for vocational rehabilitation and related services.—

(1) As used in this section, the term “vocational rehabilitation and related services” means any services that are provided or paid for by the Division of Vocational Rehabilitation of Jobs Florida the Department of Education.

Section 393. Subsection (3) of section 1013.38, Florida Statutes, is amended to read:

1013.38 Boards to ensure that facilities comply with
building codes and life safety codes.—

(3) The Department of Management Services may, upon request, provide facilities services for the Florida School for the Deaf and the Blind, the Division of Blind Services of Jobs Florida, and public broadcasting. As used in this section, the term “facilities services” means project management, code and design plan review, and code compliance inspection for projects as defined in s. 287.017(5).

And the title is amended as follows:

Delete line 371 and insert:

1011.76, 1012.2251, 20.15, 90.6063, 121.051, 215.311, 394.75, 410.604, 413.011, 413.0111, 413.051, 413.091, 413.092, 413.20, 413.203, 413.395, 413.402, 413.407, 413.445, and 1013.38, F.S.; conforming provisions to