

Amendment No. 001 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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4		.	

ORIGINAL STAMP BELOW

The Committee on Business Development & International Trade offered the following:

Amendment (with title amendment)

remove from the bill: everything after the enacting clause and insert in lieu thereof:

Section 1. Subsections (4) and (6), of section 20.15, Florida Statutes, are amended, paragraph (j) is added to subsection (3) of said section, and paragraph (d) is added to subsection (5) of said section, to read:

20.15 Department of Education.--There is created a Department of Education.

(3) DIVISIONS.--The following divisions of the Department of Education are established:

(j) Division of Occupational Access and Opportunity.

(4) DIRECTORS.--The Board of Regents is the director of the Division of Universities, the Occupational Access and Opportunity Commission is the director of the Division of Occupational Access and Opportunity, and the State Board of Community Colleges is the director of the Division of

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1 Community Colleges, pursuant to chapter 240. The directors of
2 all other divisions shall be appointed by the commissioner
3 subject to approval by the state board.

4 (5) POWERS AND DUTIES.--The State Board of Education
5 and the Commissioner of Education:

6 (d) Shall assign to the Division of Occupational
7 Access and Opportunity such powers, duties, responsibilities,
8 and functions as are necessary to ensure the coordination,
9 efficiency, and effectiveness of its programs, including, but
10 not limited to, vocational rehabilitation and independent
11 living services to persons with disabilities funded under the
12 federal Rehabilitation Act of 1973, as amended, except those
13 duties specifically assigned to the Division of Blind Services
14 of the Department of Management Services in chapter 413; those
15 duties specifically assigned to the Commissioner of Education
16 in ss. 229.512 and 229.551; those duties concerning physical
17 facilities in chapter 235; those duties assigned to the State
18 Board of Community Colleges in chapter 240; and those duties
19 assigned to the Division of Workforce Development in chapter
20 239. Effective January 1, 2001, the Occupational Access and
21 Opportunity Commission shall assume all responsibilities
22 necessary to be the designated state agency for purposes of
23 compliance with the Rehabilitation Act of 1973, as amended.

24 (6) COUNCILS AND COMMITTEES.--Notwithstanding anything
25 contained in law to the contrary, the Commissioner of
26 Education shall appoint all members of all councils and
27 committees of the Department of Education, except the Board of
28 Regents, the State Board of Community Colleges, the community
29 college district boards of trustees, the Postsecondary
30 Education Planning Commission, the Education Practices
31 Commission, the Education Standards Commission, the State

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1 Board of Independent Colleges and Universities, the
2 Occupational Access and Opportunity Commission, the Florida
3 Rehabilitation Council, the Florida Independent Living
4 Council, and the State Board of Nonpublic Career Education.

5 Section 2. Subsection (16) is added to section 120.80,
6 Florida Statutes, to read:

7 120.80 Exceptions and special requirements;
8 agencies.--

9 (16) OCCUPATIONAL ACCESS AND OPPORTUNITY
10 COMMISSION.--Notwithstanding s. 120.57(1)(a), hearings
11 concerning determinations by the Occupational Access and
12 Opportunity Commission on eligibility, plans of services, or
13 closure need not be conducted by an administrative law judge
14 assigned by the division. The commission may choose to
15 contract with some other appropriate resource in these
16 matters.

17 Section 3. Section 413.82, Florida Statutes, is
18 amended to read:

19 413.82 Definitions.--As used in ss. 413.81-413.93, the
20 term:

21 (1) "Commission" means the Commission on Occupational
22 Access and Opportunity.

23 (2) "Community rehabilitation provider" means a
24 provider of services to people in a community setting that has
25 as its primary function services directed toward employment
26 outcomes for people with disabilities.

27 (3)(2) "Corporation" means the Occupational Access and
28 Opportunity Corporation.

29 (4)(3) "Division" means the Division of Occupational
30 Access and Opportunity Vocational Rehabilitation.

31 (5)(4) "Plan" ~~"Office"~~ means the plan required by ss.

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1 ~~413.81-413.93 Executive Office of the Governor.~~

2 ~~(6)(5)"State plan"~~Plan"means the state plan for
3 vocational rehabilitation required by Title I of the federal
4 Rehabilitation Act of 1973, as amended, and ss. 413.81-413.93.

5 ~~(7)(6)~~ "Region" means a service area for a regional
6 workforce development board established by the Workforce
7 Development Board.

8 Section 4. Subsections (2), (3), (6), (7), (8), and
9 (10) of section 413.83, Florida Statutes, are amended to read:
10 413.83 Occupational Access and Opportunity Commission;
11 creation; purpose; membership.--

12 (2) The commission shall consist of 16 voting members,
13 including 15 members appointed, as provided herein, by the
14 Governor, the President of the Senate, and the Speaker of the
15 House of Representatives, and four ex officio, nonvoting
16 members. Notwithstanding any other law to the contrary,
17 appointment of members is not subject to confirmation by the
18 Senate. A majority of the membership of the commission must be
19 individuals who are familiar with the process and laws that
20 affect vocational rehabilitation services and must be
21 individuals with disabilities, parents or family members of
22 individuals with disabilities, or advocates for individuals
23 with disabilities. The membership of the commission may not
24 include more than two individuals who are, or are employed by,
25 community rehabilitation providers who contract to provide
26 vocational rehabilitation services to individuals who qualify
27 for the program.~~The commission must contain a minimum of 50~~
28 ~~percent representation from the private sector.~~The members of
29 the commission shall include:

30 (a) The Commissioner of Education, or his or her
31 designee, who shall serve as chair until January 1, 2001;

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1 after January 1, 2001, the commission shall elect a chair from
2 its membership;

3 (b) Eight employers from the private sector, three of
4 whom shall be appointed by the Governor for a term of four
5 years, three of whom shall be appointed by the President of
6 the Senate for a term of 4 years, and two of whom shall be
7 appointed by the Speaker of the House of Representatives for a
8 term of 4 years;

9 (c) An individual who is a consumer of vocational
10 rehabilitation services, who shall be appointed by the
11 Governor for a term of four years;

12 (d) A community rehabilitation provider who contracts
13 to provide vocational rehabilitation services to individuals
14 who qualify for the program and who shall be appointed by the
15 Governor for a term of 4 years;

16 (e) Five representatives of business, workforce
17 development, education, state government, local government, a
18 consumer advocate group, or a community organization, three of
19 whom shall be appointed by the Governor for a term of four
20 years, one of whom shall be appointed by the President of the
21 Senate for a term of 4 years, and one of whom shall be
22 appointed by the Speaker of the House of Representatives for a
23 term of 4 years; and

24 (f) As ex officio, nonvoting members:

25 1. The executive director or his or her designee from
26 the Advocacy Center for Persons with Disabilities;

27 2.~~(b)~~ The chair of the Florida Rehabilitation Council;

28 3.~~(c)~~ The chair of the Council for Independent Living;

29 and

30 4.~~(d)~~ The chair of the Commission for ~~the~~ Purchase
31 from the Blind or Other Severely Handicapped.

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1 ~~(e) A community rehabilitation provider who contracts~~
2 ~~to provide vocational rehabilitation services to individuals~~
3 ~~who qualify for the program, who shall be appointed by the~~
4 ~~Governor for a term of 4 years;~~

5 ~~(f) A representative from the Advocacy Center for~~
6 ~~Persons With Disabilities, who shall be appointed by the~~
7 ~~President of the Senate for a term of 4 years;~~

8 ~~(g) A consumer of vocational rehabilitation services,~~
9 ~~who shall be appointed by the Speaker of the House of~~
10 ~~Representatives for a term of 4 years; and~~

11 ~~(h) Other individuals with disabilities and~~
12 ~~representatives of business, workforce development, education,~~
13 ~~state government, local government, consumer advocate groups,~~
14 ~~employers of individuals with disabilities, or community~~
15 ~~organizations.~~

16 (3) By September 1, 2000, after receiving
17 recommendations from the commission, the Governor, the
18 President of the Senate, and the Speaker of the House of
19 Representative shall consult together and take such actions
20 necessary to bring the membership of the commission into
21 compliance with the requirements of this section. In taking
22 such action, initial terms shall be staggered as necessary to
23 ensure that of the terms of no more than one-fourth of the
24 commission's total appointed membership shall expire in any
25 1-year period.~~Initially, the Governor, the President of the~~
26 ~~Senate, and the Speaker of the House of Representatives shall~~
27 ~~each appoint as members meeting the qualifications contained~~
28 ~~in paragraph (2)(h), one member for a term of 3 years, one~~
29 ~~member for a term of 2 years, and one member for a term of 1~~
30 ~~year.~~Thereafter, after receiving recommendations from the
31 commission, the Governor, the President of the Senate, and the

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1 Speaker of the House of Representatives shall appoint all
2 members for terms of 4 years. Any vacancy shall be filled by
3 appointment by the original appointing authority for the
4 unexpired portion of the term by a person who possesses the
5 proper qualifications for the vacancy.

6 (6) ~~The Governor shall name the chair of the~~
7 ~~commission from its appointed members.~~The commission shall
8 biennially elect one of its members as vice chair, who shall
9 preside in the absence of the chair. Neither the chair, nor
10 the vice chair, may be a provider of client services funded
11 through the commission.

12 (7) The Rehabilitation Council created by s. 413.405
13 ~~shall serve the commission and~~ shall continue to perform its
14 designated duties, with the commission as the designated state
15 vocational rehabilitation agency, effective January 1, 2001.
16 ~~The commission shall consider the recommendations made by the~~
17 ~~council.~~

18 (8) The commission may appoint advisory committees
19 that the commission considers appropriate, which may include
20 members from outside the commission to study special problems
21 or issues and advise the commission on those subjects. The
22 commission shall establish an advisory council composed of
23 representatives from not-for-profit organizations that have
24 submitted a resolution requesting membership and have had the
25 request approved by the commission.~~Any existing advisory~~
26 ~~board, commission, or council may seek to become an official~~
27 ~~advisory committee to the commission by submitting to the~~
28 ~~commission a resolution requesting affiliation and having the~~
29 ~~request approved by the commission.~~ The commission shall
30 establish the operating procedures of the committees.

31 (10) The members of the commission may rely on and are

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1 ~~subject to are entitled to be reimbursed for reasonable and~~
2 ~~necessary expenses of attending meetings and performing~~
3 ~~commission duties, including per diem and travel expenses, and~~
4 ~~for personal care attendants and interpreters needed by~~
5 ~~members during meetings, as provided in s. 413.273.~~

6 Section 5. Section 413.84, Florida Statutes, is
7 amended to read:

8 413.84 Powers and duties.--The commission:

9 (1) Effective July 1, 2000, shall serve as the
10 director of the Division of Occupational Access and
11 Opportunity of the Department of Education.

12 (2) Is responsible for establishing policy, planning,
13 and quality assurance for the programs funded and assigned to
14 the division, including, but not limited to, vocational
15 rehabilitation and independent living services to persons with
16 disabilities funded under the federal Rehabilitation Act of
17 1973, as amended, in a coordinated, efficient, and effective
18 manner.

19 (3) Has authority to adopt rules pursuant to ss.
20 120.536(1) and 120.54 to implement provisions of law
21 conferring duties upon it. Such rules and policies shall be
22 submitted to the State Board of Education for approval. If any
23 rule is not disapproved by the State Board of Education within
24 45 days after its receipt by the State Board of Education, the
25 rule shall be filed immediately with the Department of State.
26 Effective January 1, 2001, rules adopted by the commission do
27 not require approval by the State Board of Education.

28 (4) Shall, in consultation with the Commissioner of
29 Education, hire a division director to be responsible to the
30 commission for operation and maintenance of the programs
31 funded and assigned to the division.

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1 (5)~~(1)~~ Shall, no later than January ~~July~~ 1, 2001 ~~2000~~,
2 after consulting with stakeholders and holding public
3 hearings, develop and implement a 5-year plan to promote
4 occupational access and opportunities for Floridians with
5 disabilities, ~~and to fulfill the federal plan requirements.~~
6 The plan must be submitted to the Governor, the President of
7 the Senate, and the Speaker of the House of Representatives.
8 The commission may make amendments annually to the plan, which
9 must be submitted to the Governor, the President of the
10 Senate, and the Speaker of the House of Representatives by the
11 first of January.

12 (a) The plan must explore the use of Individual
13 Training Accounts, as described in the federal Workforce Act
14 of 1998, Pub. L. No. 105-220, for eligible clients. If
15 developed, these accounts must be distributed under a written
16 memorandum of understanding with One-Stop Career Center
17 operators.

18 (b) The plan must include an emergency response
19 component to address economic downturns.

20 (c) The plan must designate an administrative entity
21 that will support the commission's work; provide technical
22 assistance, training, and capacity-building assistance; help
23 raise additional federal, state, and local funds; and promote
24 innovative contracts that upgrade or enhance direct services
25 to Floridians with disabilities.

26 (d) The plan must require that the commission enter
27 into cooperative agreements with community-based
28 rehabilitation programs by workforce region to be the service
29 providers for the program; however, state ~~career service~~
30 employees shall provide all services that may not be delegated
31 under ~~mandated by~~ federal law. The commission shall, as

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1 rapidly as is feasible, increase the amount of such services
2 provided by community-based rehabilitation programs. The plan
3 must incorporate, to the maximum extent allowed by federal and
4 state law and regulation, all available funds for such
5 purposes. Funds and in-kind contributions from community and
6 private sources shall be used to enhance federal and state
7 resources.

8 (e) The plan must include recommendations regarding
9 specific performance standards and measurable outcomes, and
10 must outline procedures for monitoring operations of the
11 Occupational Access and Opportunity Corporation established
12 pursuant to s. 413.85, and the division, ~~commission~~ and the
13 operations of all providers of services under contract to the
14 commission designated administrative entity's operations to
15 ensure that performance data is maintained and supported by
16 records of such entities. The commission shall consult with
17 the Office of Program Policy Analysis and Government
18 Accountability in the establishment of performance standards,
19 measurable outcomes, and monitoring procedures.

20 ~~(6)(2)~~ Notwithstanding the provisions of part I of
21 chapter 287, shall contract, no later than July 1, 2000, with
22 the corporation ~~administrative entity designated in the plan~~
23 to execute the services, functions, and programs prescribed in
24 the plan. The commission shall serve as contract
25 administrator. ~~If approved by the federal Department of~~
26 ~~Education, the administrative entity may be a direct-support~~
27 ~~organization.~~The commission shall define the terms of the
28 contract.

29 ~~(7)(3)~~ Shall work with the employer community to
30 better define, address, and meet its business needs with
31 qualified Floridians with disabilities.

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1 (8)~~(4)~~ Is responsible for the prudent use of all
2 public and private funds provided for the commission's use,
3 ensuring that the use of all funds is in accordance with all
4 applicable laws, bylaws, and contractual requirements.

5 (9)~~(5)~~ Shall develop an operational structure to carry
6 out the plan developed by the commission.

7 (10)~~(6)~~ May appear on its own behalf before the
8 Legislature, boards, commissions, departments, or other
9 agencies of municipal, county, state, or Federal Government.

10 (11)~~(7)~~ In the performance of its duties, may
11 undertake or commission research and studies.

12 (12)~~(8)~~ Shall develop a budget, which is in keeping
13 with the plan, for the operation and activities of the
14 commission and functions of its designated administrative
15 entity. The budget shall be submitted to the Governor for
16 inclusion in the Governor's budget recommendations.

17 (13)~~(9)~~ May assign staff from the office or division
18 to assist in implementing the provisions of this act relating
19 to the Occupational Access and Opportunity Commission.

20 Section 6. Subsections (1), (3), and (4) of section
21 413.85, Florida Statutes, are amended to read:

22 413.85 Occupational Access and Opportunity
23 Corporation; use of property; board of directors; duties;
24 audit.--

25 (1) ESTABLISHMENT.--If the commission elects to
26 contract with an organization to provide services ~~designate a~~
27 ~~direct-support organization as its administrative entity~~, such
28 organization shall be designated the Occupational Access and
29 Opportunity Corporation:

30 (a) Which is a corporation not for profit, as defined
31 in s. 501(c)~~(6)~~ of the Internal Revenue Code of 1986, as

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1 amended, and is incorporated under the provisions of chapter
2 617 and approved by the Department of State.

3 (b) Which is organized and operated exclusively to
4 carry out such activities and tasks as request, receive, hold,
5 invest, and administer property and to manage and make
6 expenditures for the operation of the activities, services,
7 functions, and programs of the provisions of this act relating
8 to the Occupational Access and Opportunity Commission assigns
9 through contract.

10 (c) Which the commission, after review, has certified
11 to be operating in a manner consistent with the policies and
12 goals of the commission and the plan.

13 (d) Which shall not be considered an agency for the
14 purposes of chapters 120, and 216, and 287; ss. 255.25 and
15 255.254, relating to leasing of buildings; ss. 283.33 and
16 283.35, relating to bids for printing; s. 215.31; and parts IV
17 through VIII of chapter 112.

18 (e) Which shall be subject to the provisions of
19 chapter 119, relating to public records; ~~and~~ the provisions
20 of chapter 286, relating to public meetings; and s. 768.28,
21 relating to sovereign immunity, as a corporation primarily
22 acting as an instrumentality of this state.

23 (3) BOARD OF DIRECTORS.--The board of directors of the
24 corporation shall be composed of no less than 7 and no more
25 than 15 members, appointed by the commission, a majority of
26 which must be appointed from its own membership. The vice
27 chair of the commission shall serve as chair of the
28 corporation's board of directors.

29 (4) POWERS AND DUTIES.--The corporation, in the
30 performance of its duties:

31 (a) May make and enter into contracts and assume such

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1 other functions as are necessary to carry out the provisions
2 of the plan and the corporation's contract with the commission
3 which are not inconsistent with this or any other provision of
4 law.

5 (b) May develop a program to leverage the existing
6 federal and state funding and to provide upgraded or expanded
7 services to Floridians with disabilities, if directed by the
8 commission.

9 (c) May commission and adopt, in cooperation with the
10 commission, an official business name and logo to be used in
11 all promotional materials directly produced by the
12 corporation.

13 (d) May ~~The corporation shall~~ establish cooperative
14 and collaborative memoranda of understanding with One-Stop
15 Career Center operators to increase, upgrade, or expand
16 services to Floridians with disabilities who are seeking
17 employment and self-sufficiency.

18 (e) May hire any individual who, as of June 30, 2000,
19 is employed by the Division of Vocational Rehabilitation. Such
20 hiring may be done through a lease agreement program
21 established by the Department of Management Services for the
22 corporation. Under such agreement, the employee shall retain
23 his or her status as a state employee but shall work under the
24 direct supervision of the corporation. Retention of state
25 employee status shall include the right to participate in the
26 Florida Retirement System. The Department of Management
27 Services shall establish the terms and conditions of such
28 lease agreements.

29 Section 7. Section 413.86, Florida Statutes, is
30 amended to read:

31 413.86 Public-private partnerships.--The Division of

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1 Occupational Access and Opportunity ~~Vocational Rehabilitation~~
2 will enter into local public-private partnerships to the
3 extent that it is beneficial to increasing employment outcomes
4 for persons with disabilities and ensuring their full
5 involvement in the comprehensive workforce investment system.

6 Section 8. Paragraph (c) of subsection (2) of section
7 413.87, Florida Statutes, is amended to read:

8 413.87 Annual audit.--

9 (2) The corporation shall provide to the commission a
10 quarterly report that:

11 (c) Measures progress towards annual goals and
12 objectives set forth in the contract ~~commission's plan~~;

13 Section 9. Paragraph (c) of subsection (1) and
14 subsection (2) of section 413.88, Florida Statutes, are
15 amended to read:

16 413.88 Annual report of the Occupational Access and
17 Opportunity Commission; audits.--

18 (1) Before January 1 of each year, the commission
19 shall submit to the Governor, the President of the Senate, and
20 the Speaker of the House of Representatives a complete and
21 detailed report setting forth for itself and its designated
22 administrative entity:

23 (c) The assets and liabilities of the corporation
24 ~~designated administrative entity~~ at the end of its most recent
25 fiscal year.

26 (2) The Auditor General may, pursuant to his or her
27 own authority or at the direction of the Legislative Auditing
28 Committee, conduct an audit of the commission or the
29 corporation established pursuant to s. 413.85 ~~its designated~~
30 ~~administrative entity~~.

31 Section 10. Section 413.89, Florida Statutes, is

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1 amended to read:

2 413.89 State vocational rehabilitation plan;
3 preparation and submittal; administration.--Effective January
4 1, 2001 ~~Upon appointment~~, the Occupational Access and
5 Opportunity Commission is authorized to prepare and submit the
6 federally required state vocational rehabilitation plan and to
7 serve as the governing authority of programs administered by
8 the commission, including, but not limited to: administering
9 the state's plan under the Rehabilitation Act of 1973, as
10 amended; receiving federal funds as the state vocational
11 rehabilitation agency; directing the expenditure of
12 legislative appropriations for rehabilitative services through
13 its designated administrative entity or other agents; and, if
14 necessary, making any changes to the plan that the commission
15 considers necessary to maintain compliance with the federal
16 Rehabilitation Act of 1973, as amended, and implementing such
17 changes in order to continue to qualify and maintain federal
18 funding support. During the period of time between July 1,
19 2000, and January 1, 2001, the department and the appointment
20 ~~of the commission and the designation of the administrative~~
21 ~~entity, the commission and the division~~ may, by agreement,
22 provide for continued administration consistent with federal
23 and state law.

24 Section 11. Section 413.90, Florida Statutes, is
25 amended to read:

26 413.90 Designation of state administrative entity for
27 purposes of compliance.--Effective July 1, 2000, the
28 Department of Education is the designated state agency and the
29 Division of Occupational Access and Opportunity is the
30 designated state unit for purposes of compliance with the
31 federal Rehabilitation Act of 1973, as amended. Effective

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1 January 1, 2001, the Occupational Access and Opportunity
2 Commission is the designated state agency for purposes of
3 compliance with the Rehabilitation Act of 1973, as amended.
4 Effective July 1, 2000, the Division of Vocational
5 Rehabilitation ~~The division must comply with the transitional~~
6 ~~direction of the plan. If the commission designates an~~
7 ~~administrative entity other than the division, all powers,~~
8 ~~duties, and functions of and all related records, property,~~
9 ~~and equipment and all contractual rights, obligations of, and~~
10 ~~unexpended balances of appropriations and other funds or~~
11 ~~allocations of the division's component programs of the~~
12 ~~Department of Labor and Employment Security shall be~~
13 ~~transferred to the Department of Education by a type two~~
14 ~~transfer commission as provided in the plan, pursuant to s.~~
15 20.06(2) and shall become the Division of Occupational Access
16 and Opportunity. By October 1, 2000, the commission, acting as
17 the director of the division, must reduce the number of
18 positions within the division to no more than 700, inclusive
19 of those positions leased by the corporation. These positions
20 may be filled by former employees of the Division of
21 Vocational Rehabilitation. By January 31, 2001, the division
22 must reduce the number of positions to no more than 400. In
23 the event that unforeseen transition activities occur in
24 moving service delivery from division employees to community
25 rehabilitation providers and create situations negatively
26 affecting client services, and the remedy to those temporary
27 situations would require more than 400 positions, the division
28 may request a budget amendment to retain positions. The
29 request must provide full justification for the continuation
30 and include the number of positions and duration of time
31 required. In no instance shall the time required exceed 3

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1 months. Notwithstanding the provisions of s. 110.227, if a
2 layoff becomes necessary with respect to the Division of
3 Occupational Access and Opportunity, the competitive area
4 identified for such layoff shall not include any other
5 division of the Department of Education. The Department of
6 Labor and Employment Security shall assist the commission in
7 carrying out the intent of this chapter and achieving an
8 orderly transition. The Office of Planning and Budget shall
9 submit the necessary budget amendments to the Legislature in
10 order to bring the budget into compliance with the plan.

11 Section 12. Section 413.91, Florida Statutes, is
12 amended to read:

13 413.91 Service providers; quality assurance and
14 fitness for responsibilities.--The Occupational Access and
15 Opportunity Commission shall assure that all contractors ~~the~~
16 ~~designated administrative entity~~ and providers of direct
17 service maintain an internal system of quality assurance, have
18 proven functional systems, and are subject to a due-diligence
19 inquiry for their fitness to undertake service
20 responsibilities regardless of whether a contract for services
21 is competitively or noncompetitively procured.

22 Section 13. Section 413.92, Florida Statutes, is
23 amended to read:

24 413.92 Conflict of laws.--It is the intent of the
25 Legislature that the provisions of this act relating to the
26 Occupational Access and Opportunity Commission not conflict
27 with any federal statute or implementing regulation governing
28 federal grant-in-aid programs administered by the division or
29 the commission. Whenever such a conflict is asserted by the
30 applicable agency of the Federal Government, until October 1,
31 2000, the department, and after October 1, 2000, the

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1 commission shall submit to the federal Department of
2 Education, or other applicable federal agency, a request for a
3 favorable policy interpretation of the conflicting portions.
4 If the request is approved, as certified in writing by the
5 secretary of the federal Department of Education, or the head
6 of the other applicable federal agency, the commission or the
7 division is authorized to make the adjustments in the plan
8 which are necessary for achieving conformity to federal
9 statutes and regulations. Before making such adjustments, the
10 commission or the division shall provide to the President of
11 the Senate and the Speaker of the House of Representatives an
12 explanation and justification of the position of the division
13 or the commission and shall outline all feasible alternatives
14 that are consistent with this section. These alternatives may
15 include the state supervision of local service agencies by the
16 commission or the division if the agencies are designated by
17 the Governor.

18 Section 14. Paragraph (a) of subsection (1) of section
19 410.0245, Florida Statutes, is amended to read:

20 410.0245 Study of service needs; report; multiyear
21 plan.--

22 (1)(a) The Aging and Adult Services Program Office of
23 the Department of Children and Family Services shall contract
24 for a study of the service needs of the 18-to-59-year-old
25 disabled adult population served or waiting to be served by
26 the community care for disabled adults program. The Division
27 of Occupational Access and Opportunity ~~Vocational~~
28 ~~Rehabilitation~~ of the Department of Education ~~Labor and~~
29 ~~Employment Security~~ and other appropriate state agencies shall
30 provide information to the Department of Children and Family
31 Services when requested for the purposes of this study.

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1 Section 15. Subsection (2) of section 410.604, Florida
2 Statutes, is amended to read:

3 410.604 Community care for disabled adults program;
4 powers and duties of the department.--

5 (2) Any person who meets the definition of a disabled
6 adult pursuant to s. 410.603(2) is eligible to receive the
7 services of the community care for disabled adults program.
8 However, the community care for disabled adults program shall
9 operate within the funds appropriated by the Legislature.
10 Priority shall be given to disabled adults who are not
11 eligible for comparable services in programs of or funded by
12 the department or the Division of Occupational Access and
13 Opportunity ~~Vocational Rehabilitation~~ of the Department of
14 Education Labor and Employment Security; who are determined to
15 be at risk of institutionalization; and whose income is at or
16 below the existing institutional care program eligibility
17 standard.

18 Section 16. Subsection (1) of section 413.034, Florida
19 Statutes, is amended to read:

20 413.034 Commission established; membership.--

21 (1) There is created within the Department of
22 Management Services the Commission for Purchase from the Blind
23 or Other Severely Handicapped, to be composed of the secretary
24 of the Department of Management Services; the director of the
25 Division of Occupational Access and Opportunity ~~Vocational~~
26 ~~Rehabilitation~~ of the Department of Education Labor and
27 ~~Employment Security~~, who shall be an ex officio member with
28 voting rights; the director of the Division of Blind Services
29 of the Department of Management Services ~~Labor and Employment~~
30 ~~Security~~; and four members to be appointed by the Governor,
31 which four members shall be an executive director of a

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1 nonprofit agency for the blind, an executive director of a
2 nonprofit agency for other severely handicapped persons, a
3 representative of private enterprise, and a representative of
4 other political subdivisions. All appointed members shall
5 serve for terms of 4 years. Appointed commission members
6 shall serve subject to confirmation by the Senate.

7 Section 17. Subsection (7) of section 413.20, Florida
8 Statutes, is amended to read:

9 413.20 Definitions.--As used in this part, the term:

10 (7) "Division" means the Division of Occupational
11 Access and Opportunity ~~Vocational Rehabilitation~~ of the
12 Department of Education ~~Labor and Employment Security~~.

13 Section 18. Subsection (1) of section 413.445, Florida
14 Statutes, is amended to read:

15 413.445 Recovery of third-party payments for
16 vocational rehabilitation and related services.--

17 (1) As used in this section, "vocational
18 rehabilitation and related services" means any services which
19 are provided or paid for by the Division of Occupational
20 Access and Opportunity ~~Vocational Rehabilitation~~ of the
21 Department of Education ~~Labor and Employment Security~~.

22 Section 19. Subsection (5) and paragraph (b) of
23 subsection (7) of section 413.615, Florida Statutes, are
24 amended to read:

25 413.615 Florida Endowment for Vocational
26 Rehabilitation.--

27 (5) THE FLORIDA ENDOWMENT FOUNDATION FOR VOCATIONAL
28 REHABILITATION.--The Florida Endowment Foundation for
29 Vocational Rehabilitation is hereby created as a
30 direct-support organization of the Division of Occupational
31 Access and Opportunity of the Department of Education

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1 ~~Vocational Rehabilitation~~, to encourage public and private
2 support to enhance vocational rehabilitation and employment of
3 citizens who are disabled. As a direct-support organization,
4 the foundation shall operate under contract with the division
5 and shall:

6 (a) Be a Florida corporation not for profit
7 incorporated under the provisions of chapter 617 and approved
8 by the Department of State.

9 (b) Be organized and operated exclusively to raise
10 funds; to submit requests and receive grants from the Federal
11 Government, the state, private foundations, and individuals;
12 to receive, hold, and administer property; and to make
13 expenditures to or for the benefit of the rehabilitation
14 programs approved by the board of directors of the foundation.

15 (c) Be approved by the division to be operating for
16 the benefit and best interest of the state.

17 (7) CONFIDENTIALITY.--

18 (b) Records relating to clients of or applicants to
19 the Division of Occupational Access and Opportunity ~~Vocational~~
20 ~~Rehabilitation~~ that come into the possession of the foundation
21 and that are confidential by other provisions of law are
22 confidential and exempt from the provisions of s. 119.07(1)
23 and s. 24(a), Art. I of the State Constitution, and may not be
24 released by the foundation. Portions of meetings of the
25 Florida Endowment Foundation for Vocational Rehabilitation
26 during which the identities of such clients of or applicants
27 to the Division of Occupational Access and Opportunity
28 ~~Vocational Rehabilitation~~ are discussed are exempt from the
29 provisions of s. 286.011 and s. 24(b), Art. I of the State
30 Constitution.

31 Section 20. Subsection (13) of section 414.065,

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1 Florida Statutes, is amended to read:

2 414.065 Work requirements.--

3 (13) CONTRACTS FOR VOCATIONAL ASSESSMENTS AND WORK
4 EVALUATIONS.--Vocational assessments or work evaluations by
5 the Division of Occupational Access and Opportunity of the
6 Department of Education ~~Vocational Rehabilitation~~ pursuant to
7 this section shall be performed under contract with the local
8 WAGES coalitions.

9 Section 21. Section 39 of chapter 99-240, Laws of
10 Florida, is amended to read:

11 Section 39. Effective July 1, 2000 ~~January 1, 2001~~,
12 the Division of Blind Services is transferred by a type two
13 transfer as defined in section 20.06(2)~~20.06(5)~~, Florida
14 Statutes, from the Department of Labor and Employment Security
15 to the Department of Management Services ~~Education~~.

16 Section 22. (1) It is the intent of the Legislature
17 that the changes made by this act to the rehabilitation system
18 for individuals who are blind, including, but not limited to,
19 the transfer of any policy, program, or administrative
20 responsibility to the Department of Management Services, be
21 accomplished with minimal disruption of services provided to
22 the public and with minimal disruption to consumers. To that
23 end, the Legislature directs all applicable units of state
24 government to contribute to the successful implementation of
25 this act, and the Legislature believes that a transition
26 period between the effective date of this act and July 1,
27 2000, is appropriate and warranted.

28 (2) The Department of Management Services shall
29 coordinate the development and implementation of a transition
30 plan that supports the implementation of this act. The
31 Department of Management Services and the Department of Labor

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1 and Employment Security shall cooperate fully in developing
2 and implementing the plan and shall dedicate the financial and
3 staff resources that are necessary to implement the plan.

4 (3) The Governor shall designate a staff member of the
5 Office of Planning and Budgeting to serve as the Governor's
6 primary representative on matters related to implementing this
7 act and the transition plan required under this section. The
8 representative shall report to the Governor on the progress
9 being made in implementing this act and the transition plan,
10 including, but not limited to, any difficulties experienced by
11 the Department of Management Services in securing the full
12 participation and cooperation of applicable state agencies.
13 The representative shall also coordinate the submission of any
14 budget amendments, in accordance with chapter 216, Florida
15 Statutes, that may be necessary to implement this act.

16 Section 23. Section 413.011, Florida Statutes, is
17 amended to read:

18 413.011 Division of Blind Services, internal
19 organizational structure; Florida Rehabilitation Advisory
20 Council for ~~the~~ Blind Services.--

21 (1) The internal organizational structure of the
22 Division of Blind Services shall be designed for the purpose
23 of ensuring the greatest possible efficiency and effectiveness
24 of services to the blind and to be consistent with chapter 20.
25 The Division of Blind Services shall ~~plan, supervise, and~~
26 carry out the following activities, under planning and policy
27 guidance from the Florida Rehabilitation Council for Blind
28 Services:

29 (a) Implement the provisions of the 5-year strategic
30 plan prepared by the council pursuant to paragraph (3)(a), to
31 provide services to individuals of any age who are blind.

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1 **(b)**~~(a)~~ Recommend personnel as may be necessary to
2 carry out the purposes of this section.

3 **(c)**~~(b)~~ Cause to be compiled and maintained a complete
4 register of individuals in the state who are ~~the blind in the~~
5 ~~state~~, which shall describe the condition, cause of blindness,
6 and capacity for education and industrial training, with such
7 other facts as may seem to the division to be of value. Any
8 information in the register of individuals who are ~~the blind~~
9 which, when released, could identify an individual is
10 confidential and exempt from the provisions of s. 119.07(1).

11 **(d)**~~(c)~~ Inquire into the cause of blindness, inaugurate
12 preventive measures, and provide for the examination and
13 treatment of individuals who are ~~the blind~~, or those
14 threatened with blindness, for the benefit of such persons,
15 and shall pay therefor, including necessary incidental
16 expenses.

17 **(e)**~~(d)~~ Contract with community-based rehabilitation
18 programs, to the maximum extent allowable under federal law,
19 to assist individuals who are blind in obtaining ~~Aid the blind~~
20 ~~in finding~~ employment, teach them trades and occupations
21 within their capacities, assist them in disposing of products
22 made by them in home industries, assist them in obtaining
23 funds for establishing enterprises where federal funds
24 reimburse the state, and do such things as will contribute to
25 the efficiency of self-support of individuals who are ~~the~~
26 ~~blind~~, including assisting them in obtaining independent
27 living skills necessary for adjustment to blindness.

28 **(f)**~~(e)~~ Establish one or more training schools and
29 workshops for the employment of suitable individuals who are
30 ~~blind persons~~; make expenditures of funds for such purposes;
31 receive moneys from sales of commodities involved in such

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1 activities and from such funds make payments of wages,
2 repairs, insurance premiums and replacements of equipment. All
3 of the activities provided for in this section may be carried
4 on in cooperation with private workshops for individuals who
5 are ~~the~~ blind, except that all tools and equipment furnished
6 by the division shall remain the property of the state.

7 (g)(f) Contract with community-based rehabilitation
8 programs, to the maximum extent allowable under federal law,
9 to provide ~~Provide~~ special services and benefits for
10 individuals who are ~~the~~ blind in order to assist them in for
11 developing their social life through community activities and
12 recreational facilities.

13 (h)(g) Undertake such other activities as may
14 ameliorate the condition of ~~blind~~ citizens of this state who
15 are blind.

16 (i)(h) Cooperate with other agencies, public or
17 private, especially the Division of the Blind and Physically
18 Handicapped of the Library of Congress and the Division of
19 Library and Information Services of the Department of State,
20 to provide library service to individuals who are ~~the~~ blind
21 and individuals who have other disabilities ~~other handicapped~~
22 ~~persons~~ as defined in federal law and regulations in carrying
23 out any or all of the provisions of this law.

24 (j)(i) Recommend contracts and agreements with
25 federal, state, county, municipal and private corporations,
26 and individuals.

27 (k)(j) Receive moneys or properties by gift or bequest
28 from any person, firm, corporation, or organization for any of
29 the purposes herein set out, but without authority to bind the
30 state to any expenditure or policy except such as may be
31 specifically authorized by law. All such moneys or properties

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1 so received by gift or bequest as herein authorized may be
2 disbursed and expended by the division upon its own warrant
3 for any of the purposes herein set forth, and such moneys or
4 properties shall not constitute or be considered a part of any
5 legislative appropriation made by the state for the purpose of
6 carrying out the provisions of this law.

7 (l)(k) Prepare and make available to individuals who
8 are the blind, in braille and on electronic recording
9 equipment, Florida Statutes chapters 20, 120, 121, and 413, in
10 their entirety.

11 (m)(l) Adopt by rule procedures necessary to comply
12 with any plans prepared by the council for providing
13 vocational rehabilitation services for individuals who are the
14 blind.

15 (n)(m) Adopt by rule forms and instructions to be used
16 by the division in its general administration.

17 (2) As used in this section:

18 (a) "Act," unless the context indicates otherwise,
19 means the Rehabilitation Act of 1973, 29 U.S.C. ss. 701-797,
20 as amended.

21 (b) "Blind" or "blindness" means the condition of any
22 person for whom blindness is a disability as defined by the
23 Rehabilitation Act of 1973, 29 U.S.C. s. 706(8)(b), as
24 amended.

25 (c) "Community-based rehabilitation program" means a
26 provider of services to individuals in a community setting
27 which has, as its primary function, services directed toward
28 individuals of all ages who are blind.

29 (d) "Council" means the Florida Rehabilitation Council
30 for Blind Services.

31 (e)(c) "Department" means the Department of Management

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1 ~~Services Labor and Employment Security.~~

2 ~~(f) "Plan" means the 5-year strategic plan developed~~
3 ~~by the council under paragraph (3)(a).~~

4 ~~(g) "State plan" means the vocational rehabilitation~~
5 ~~plan required by the federal Rehabilitation Act of 1973, as~~
6 ~~amended.~~

7 (3) There is hereby created in the department the
8 Florida Rehabilitation Advisory Council for the Blind
9 Services. The council shall be established in accordance with
10 the act and must include at least four representatives of
11 private-sector businesses that are not providers of vocational
12 rehabilitation services. Members of the council shall serve
13 without compensation, but may be reimbursed for per diem and
14 travel expenses pursuant to s. 112.061 to assist the division
15 in the planning and development of statewide rehabilitation
16 programs and services, to recommend improvements to such
17 programs and services, and to perform the functions provided
18 in this section.

19 ~~(a) The advisory council shall be composed of:~~

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

23 ~~2. At least one representative of a parent training~~
24 ~~and information center established pursuant to s. 631(c)(9) of~~
25 ~~the Individuals with Disabilities Act, 20 U.S.C. s.~~
26 ~~1431(c)(9);~~

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

29 ~~4. At least one vocational rehabilitation counselor~~
30 ~~who has knowledge of and experience in vocational~~
31 ~~rehabilitation services for the blind, who shall serve as an~~

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1 ~~ex officio nonvoting member of the council if the counselor is~~
2 ~~an employee of the department;~~
3 5. ~~At least one representative of community~~
4 ~~rehabilitation program service providers;~~
5 6. ~~Four representatives of business, industry, and~~
6 ~~labor;~~
7 7. ~~At least one representative of a disability~~
8 ~~advocacy group representing individuals who are blind;~~
9 8. ~~At least one parent, family member, guardian,~~
10 ~~advocate, or authorized representative of an individual who is~~
11 ~~blind, has multiple disabilities, and either has difficulties~~
12 ~~representing himself or herself or is unable, due to~~
13 ~~disabilities, to represent himself or herself;~~
14 9. ~~Current or former applicants for, or recipients of,~~
15 ~~vocational rehabilitation services; and~~
16 10. ~~The director of the division, who shall be an ex~~
17 ~~officio member of the council.~~
18 (b) ~~Members of the council shall be appointed by the~~
19 ~~Governor, who shall select members after soliciting~~
20 ~~recommendations from representatives of organizations~~
21 ~~representing a broad range of individuals who have~~
22 ~~disabilities, and organizations interested in those~~
23 ~~individuals.~~
24 (c) ~~A majority of council members shall be persons who~~
25 ~~are:~~
26 1. ~~Blind; and~~
27 2. ~~Not employed by the division.~~
28 (d) ~~The council shall select a chair from among its~~
29 ~~membership.~~
30 (e) ~~Each member of the council shall serve for a term~~
31 ~~of not more than 3 years, except that:~~

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1 ~~1. A member appointed to fill a vacancy occurring~~
2 ~~prior to the expiration of the term for which a predecessor~~
3 ~~was appointed shall be appointed for the remainder of such~~
4 ~~term; and~~

5 ~~2. The terms of service of the members initially~~
6 ~~appointed shall be, as specified by the Governor, for such~~
7 ~~fewer number of years as will provide for the expiration of~~
8 ~~terms on a staggered basis.~~

9 ~~(f) No member of the council may serve more than two~~
10 ~~consecutive full terms.~~

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

15 ~~(a)(h)~~ In addition to the other functions specified in
16 ~~the act this section~~, the council shall:

17 1. Review, analyze, and direct ~~advise~~ the division
18 regarding the performance of the responsibilities of the
19 division under Title I of the act, particularly
20 ~~responsibilities relating to:~~

21 a. ~~Eligibility, including order of selection;~~

22 b. ~~The extent, scope, and effectiveness of services~~
23 ~~provided; and~~

24 c. ~~Functions performed by state agencies that affect~~
25 ~~or potentially affect the ability of individuals who are blind~~
26 ~~to achieve rehabilitation goals and objectives under Title I.~~

27 2. Provide direction for ~~Advise~~ the department and the
28 ~~division, and, at the discretion of the department or~~
29 ~~division, assist in the preparation of applications, the state~~
30 ~~plan as required by federal law, the strategic plan, and~~
31 ~~amendments to the plans, reports, and needs assessments, and~~

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- 1 ~~evaluations required by Title I.~~
- 2 3. Prepare and begin implementing, by January 1, 2001,
- 3 a 5-year strategic plan to provide services to individuals who
- 4 are blind. The division must consult with stakeholders and
- 5 conduct public hearings as part of the development of the
- 6 plan. The plan must be submitted to the Governor, the
- 7 President of the Senate, and the Speaker of the House of
- 8 Representatives. The council shall annually make amendments to
- 9 the plan, which also must be submitted to the Governor, the
- 10 President of the Senate, and the Speaker of the House of
- 11 Representatives. The plan must:
- 12 a. Provide for the maximum use of community-based
- 13 rehabilitation programs for the delivery of services and
- 14 provide for a corresponding reduction in the number of state
- 15 employees in the division to the minimum number necessary to
- 16 carry out the functions required under this section. In areas
- 17 of the state where there are not sufficient numbers of
- 18 providers, the council is authorized to develop and implement
- 19 a contingency plan which shall provide for the development of
- 20 additional capacity within the community.
- 21 b. Provide for 90 percent of the funds provided for
- 22 services to individuals who are blind to be used for direct
- 23 customer services.
- 24 4.3. To the extent feasible, conduct a review and
- 25 analysis of the effectiveness of, and consumer satisfaction
- 26 with:
- 27 a. The functions performed by state agencies and other
- 28 public and private entities responsible for performing
- 29 functions for individuals who are blind.
- 30 b. Vocational rehabilitation services:
- 31 (I) Provided or paid for from funds made available

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1 under the act or through other public or private sources.

2 (II) Provided by state agencies and other public and
3 private entities responsible for providing vocational
4 rehabilitation services to individuals who are blind.

5 ~~5.4.~~ Prepare and submit an annual report on the status
6 of ~~vocational~~ rehabilitation services for individuals who are
7 ~~the~~ blind in the state to the Governor and the commissioner of
8 the Rehabilitation ~~Rehabilitative~~ Services Administration,
9 established under s. 702 of the act, and make the report
10 available to the public.

11 ~~6.5.~~ Coordinate with other councils within the state,
12 including the Independent Living Council, the advisory panel
13 established under s. 613(a)(12) of the Individuals with
14 Disabilities Education Act, 20 U.S.C. 1413(a)(12), the State
15 Planning Council described in s. 124 of the Developmental
16 Disabilities Assistance and Bill of Rights Act, 42 U.S.C. s.
17 6024, ~~and~~ the state mental health planning council established
18 under s. 1916(e) of the Public Health Service Act, 42 U.S.C.
19 300X-4(e), the Occupational Access and Opportunity Commission,
20 and the state workforce development board under the federal
21 Workforce Investment Act.

22 ~~7.6.~~ Advise the department and division and provide
23 for coordination and the establishment of working
24 relationships among the department, the division, the
25 Independent Living Council, and centers for independent living
26 in the state.

27 ~~8.7.~~ Perform such other functions consistent with the
28 purposes of the act as the council determines to be
29 appropriate ~~that are comparable to functions performed by the~~
30 ~~council.~~

31 9. Have the authority to hire and fire the director of

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1 the division.

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

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

13 ~~2.3.~~ The council shall, consistent with law, supervise
14 and evaluate such staff and other personnel as may be
15 necessary to carry out its functions.

16 ~~3.4.~~ While assisting the council in carrying out its
17 duties, staff and other personnel shall not be assigned duties
18 by the division or any other state agency or office that would
19 create a conflict of interest.

20 ~~(c)(j)~~ No council member shall cast a vote on any
21 matter that would provide direct financial benefit to the
22 member or otherwise give the appearance of a conflict of
23 interest under state law.

24 ~~(d)(k)~~ The council shall convene at least four
25 meetings each year. These meetings shall occur in such places
26 as the council deems necessary to conduct council business.
27 The council may conduct such forums or hearings as the council
28 considers appropriate. The meetings, hearings, and forums
29 shall be publicly announced. The meetings shall be open and
30 accessible to the public. To the maximum extent possible, the
31 meetings shall be held in locations that are accessible to

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1 individuals with disabilities.The council shall make a report
2 of each meeting which shall include a record of its
3 discussions and recommendations, all of which reports shall be
4 made available to the public.

5 Section 24. Section 413.014, Florida Statutes, is
6 amended to read:

7 413.014 Community-based rehabilitation programs.--The
8 5-year plan prepared under s. 413.011(3)(a)3. shall require
9 the Division of Blind Services to ~~shall~~ enter into cooperative
10 agreements with community-based rehabilitation programs to be
11 the service providers for the blind citizens of their
12 communities. State employees, however, shall provide all
13 services that may not be delegated under federal law.The
14 division shall, as rapidly as feasible, increase the amount of
15 such services provided by community-based rehabilitation
16 programs. The goal shall be to decrease the amount of such
17 services provided by division employees and to increase to the
18 maximum extent allowed by federal law the amount of such
19 services provided through cooperative agreements with
20 community-based service providers. In areas of the state where
21 there is a lack of eligible service providers, the Florida
22 Rehabilitation Council for Blind Services may develop and
23 implement a contingency plan to ensure that all eligible
24 individuals receive services.The division shall seek, to the
25 maximum extent allowed by federal and state law and
26 regulation, all available federal funds for such purposes.
27 Funds and in-kind matching contributions from community and
28 private sources shall be used to maximize federal funds.
29 Unless prohibited by federal law or regulation, the share of
30 the federal vocational rehabilitation grant apportioned for
31 services to the blind shall be not less than 17 percent. By

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1 December 31, annually, the council, with assistance from the
2 division, shall submit to the Governor, the President of the
3 Senate, and the Speaker of the House of Representatives a
4 status report on its progress on increasing the amount of
5 services provided by community-based rehabilitation programs
6 as required by this section. The report shall include
7 recommendations regarding reductions in the number of division
8 employees based upon increased use of community-based
9 rehabilitation programs.

10 Section 25. Subsection (6) of section 413.033, Florida
11 Statutes, is amended to read:

12 413.033 Definitions.--As used in ss. 413.032-413.037:

13 (6) "Agency" includes any political subdivision of the
14 state having its own purchasing agency, such as a county,
15 municipality, school district, vocational technical school,
16 community college, or other public body, that is supported in
17 whole or in part by funds appropriated by the Legislature.

18 Section 26. Section 413.035, Florida Statutes, is
19 amended to read:

20 413.035 Duties and powers of the commission.--

21 (1) It shall be the duty of the commission to
22 determine the market price of all products and services
23 offered for sale to the various agencies of the state by any
24 qualified nonprofit agency for the blind or other severely
25 handicapped. The price shall recover for the nonprofit agency
26 the cost of raw materials, labor, overhead, and delivery, but
27 without profit, and shall be revised from time to time in
28 accordance with changing cost factors. The commission shall
29 make such rules and regulations regarding specifications, time
30 of delivery, and assignment of products and services to be
31 supplied by nonprofit agencies for the blind or by agencies

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1 for the other severely handicapped, with priority for
2 assignment of products to agencies for the blind.

3 (2) The commission shall designate, authorization of a
4 central nonprofit agency to represent nonprofit agencies for
5 the blind or other severely handicapped; to act as the
6 contractor of record for all transactions with government
7 agencies; to facilitate the allocation of orders among
8 qualified nonprofit agencies for the blind or, authorization
9 of a central nonprofit agency to facilitate the allocation of
10 orders among qualified nonprofit agencies for other severely
11 handicapped; to oversee the performance of contracts assigned
12 to nonprofit agencies for the blind or other severely
13 handicapped; and to offer training programs, certification
14 workshops, quality control workshops, and other technical
15 assistance programs as necessary to further the purpose of
16 this act. In order to accomplish the purpose of this act, the
17 central nonprofit agency shall recover a fee of not less than
18 6 percent and not more than 8 percent of the purchase price of
19 a product or service approved by the commission for sale to
20 the state agencies and political subdivisions, and other
21 relevant matters of procedure as shall be necessary to carry
22 out the purposes of this act.

23 (3) The commission shall authorize the purchase of
24 products and services elsewhere when requisitions cannot
25 reasonably be complied with through the nonprofit agencies for
26 the blind and other severely handicapped.

27 (4)(2) The commission shall establish and publish a
28 list of products and services provided by any qualified
29 nonprofit agency for the blind and any nonprofit agency for
30 the other severely handicapped, which the commission
31 determines are suitable for procurement by agencies of the

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1 state pursuant to this act. This procurement list and
2 revision thereof shall be distributed to all purchasing
3 officers of the state and its political subdivisions.

4 Section 27. Section 413.036, Florida Statutes, is
5 amended to read:

6 413.036 Procurement of services by agencies; authority
7 of commission.--If any agency intends to procure any product
8 or service, it shall first review on the procurement list to
9 determine if a same or like product or service is available
10 from the central nonprofit agency. If available, that agency
11 shall, in accordance with rules and regulations of the
12 commission, procure such product or service at the price
13 established by the commission from the central nonprofit
14 agency representing a qualified nonprofit agency for the blind
15 or for the other severely handicapped if the product or
16 service is available within a reasonable delivery time. This
17 act shall not apply in any case in which products or services
18 are available for procurement from any agency of the state and
19 procurement therefrom is required under the provision of any
20 law currently in effect. However, this act shall have
21 precedence over any law requiring state agency procurement of
22 products or services from any other for-profit or nonprofit
23 corporation unless such precedence is waived by the commission
24 in accordance with its rules.

25 Section 28. Subsection (2) of section 413.037, Florida
26 Statutes, is amended, subsection (3) is renumbered as
27 subsection (5), and new subsections (3) and (4) are added to
28 said section, to read:

29 413.037 Cooperation with commission required; duties
30 of state agencies.--

31 (2) The commission may secure directly from any agency

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1 of the state information necessary to enable it to carry out
2 this act. Upon request of the chair of the commission, the
3 head of the agency shall furnish such information to the
4 commission. Within 60 days of the conclusion of each fiscal
5 year, each state agency and political subdivision shall
6 transmit a report of its total procurements from the central
7 nonprofit agency to the Governor, the Cabinet, the President
8 of the Senate, and the Speaker of the House of
9 Representatives.

10 (3) The Comptroller shall conduct routine compliance
11 audits of state agencies and political subdivisions to ensure
12 maximum participation under this act by all government
13 agencies.

14 (4) No state agency or institution shall purchase
15 products or services claimed to be made in workshops by
16 individuals who are blind, or who have disabilities, except as
17 specified under the provisions of this section.

18 Section 29. Paragraph (a) of subsection (2) and
19 subsection (3) of section 413.051, Florida Statutes, are
20 amended to read:

21 413.051 Eligible blind persons; operation of vending
22 stands.--

23 (2) As used in this section:

24 (a) "Blind licensee" means any person who is blind and
25 who is ~~person~~ trained and licensed by the Division of Blind
26 Services of the Department of Management Services ~~Labor and~~
27 ~~Employment Security~~ to operate a vending stand.

28 (3) Blind licensees shall be given the first
29 opportunity to participate in the operation of vending stands
30 on all state properties acquired after July 1, 1979, when such
31 facilities are operated under the supervision of the Division

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1 of Blind Services of the Department of Management Services
2 ~~Labor and Employment Security~~.

3 Section 30. Section 413.064, Florida Statutes, is
4 amended to read:

5 413.064 Rules.--The Department of Management Services
6 ~~Labor and Employment Security~~ shall adopt all necessary rules
7 pertaining to the conduct of a solicitation for the benefit of
8 individuals who are blind persons, including criteria for
9 approval of an application for a permit for such solicitation.

10 Section 31. Section 413.066, Florida Statutes, is
11 amended to read:

12 413.066 Revocation of permit.--Any failure on the part
13 of a person or organization holding a permit under the
14 provisions of ss. 413.061-413.068 to comply with the law or
15 with all rules promulgated by the Department of Management
16 Services ~~Labor and Employment Security~~ as authorized by s.
17 413.064 constitutes a ground for revocation of the permit by
18 the Division of Blind Services.

19 Section 32. Section 413.067, Florida Statutes, is
20 amended to read:

21 413.067 Penalty.--Any person who violates the
22 provisions of ss. 413.061-413.068 or any rule promulgated by
23 the Department of Management Services ~~Labor and Employment~~
24 ~~Security~~ pursuant thereto commits a misdemeanor of the second
25 degree, punishable as provided in s. 775.082 or s. 775.083.

26 Section 33. It is the intent of the Legislature that
27 the provisions of this act relating to services for
28 individuals who are blind not conflict with any federal
29 statute or implementing regulation governing federal
30 grant-in-aid programs administered by the Division of Blind
31 Services or the Florida Rehabilitation Council for Blind

Amendment No. 001 (for drafter's use only)

1 Services. Whenever such a conflict is asserted by the United
2 States Department of Education or other applicable agency of
3 the Federal Government, the council shall submit to the United
4 States Department of Education or other applicable federal
5 agency a request for a favorable policy interpretation of the
6 conflicting portions of such statute or regulation. If the
7 request is approved, as certified in writing by the Secretary
8 of the United States Department of Education, or the head of
9 the other applicable federal agency, the council or the
10 division is authorized to adjust the plan as necessary to
11 achieve conformity with federal statutes or regulations.
12 Before adjusting the plan, the council or the division shall
13 provide to the President of the Senate and the Speaker of the
14 House of Representatives an explanation and justification of
15 the position of the council or division, and shall outline all
16 feasible alternatives that are consistent with this act. These
17 alternatives may include the state supervision of local
18 service agencies by the council or the division if the
19 agencies are designated by the Governor.

20 Section 34. Section 413.93, Florida Statutes, is
21 repealed.

22 Section 35. This act shall take effect upon becoming a
23 law.

24
25
26 ===== T I T L E A M E N D M E N T =====

27 And the title is amended as follows:
28 remove from the title of the bill: the entire title
29
30 and insert in lieu thereof:

31 A bill to be entitled

Amendment No. 001 (for drafter's use only)

1 An act relating to vocational rehabilitation;
2 amending s. 20.15, F.S.; establishing the
3 Division of Occupational Access and Opportunity
4 within the Department of Education; providing
5 that the Occupational Access and Opportunity
6 Commission is the director of the division;
7 requiring the department to assign certain
8 powers, duties, responsibilities, and functions
9 to the division; including the Occupational
10 Access and Opportunity Commission, the Florida
11 Rehabilitation Council, and the Florida
12 Independent Living Council in an exemption
13 regarding the appointment of members; amending
14 s. 120.80, F.S.; providing that hearings on
15 certain vocational rehabilitation
16 determinations by the Occupational Access and
17 Opportunity Commission need not be conducted by
18 an administrative law judge; amending s.
19 413.82, F.S.; providing definitions for the
20 terms "community rehabilitation provider,"
21 "plan," and "state plan"; conforming
22 references; amending s. 413.83, F.S.;
23 specifying that appointment of members to the
24 commission is not subject to Senate
25 confirmation; revising composition of and
26 appointments to the commission; eliminating a
27 requirement that the Rehabilitation Council
28 serve the commission; authorizing the
29 commission to establish an advisory council
30 composed of representatives from not-for-profit
31 organizations under certain conditions;

Amendment No. 001 (for drafter's use only)

1 clarifying the entitlement of commission
2 members to reimbursement for certain expenses;
3 amending s. 413.84, F.S.; designating the
4 commission the director of the Division of
5 Occupational Access and Opportunity; specifying
6 responsibilities of the commission; authorizing
7 the commission to adopt rules; authorizing the
8 commission to hire a division director;
9 revising timeframe for development and
10 implementation of the 5-year plan prepared by
11 the commission; revising requirements for the
12 plan; expanding the authority of the commission
13 to contract with the corporation; removing a
14 requirement for federal approval to contract
15 with a direct-support organization; authorizing
16 the commission to appear on its own behalf
17 before the Legislature; amending s. 413.85,
18 F.S.; eliminating limitations on the tax status
19 of the Occupational Access and Opportunity
20 Corporation; revising the purpose of the
21 corporation; specifying that the corporation is
22 not an agency for purposes of certain
23 government procurement laws; applying
24 provisions relating to waiver of sovereign
25 immunity to the corporation; revising the
26 composition of the board of directors of the
27 corporation; revising the powers and duties of
28 the corporation; authorizing the corporation to
29 hire certain individuals employed by the
30 Division of Vocational Rehabilitation;
31 providing for a lease agreement governing such

Amendment No. 001 (for drafter's use only)

1 employees; prescribing terms of such lease
2 agreement; amending s. 413.86, F.S.; conforming
3 a reference; amending s. 413.87, F.S.;
4 conforming a provision regarding a quarterly
5 report to changes made in the act; amending s.
6 413.88, F.S.; conforming a provision regarding
7 an annual report to changes made in the act;
8 amending s. 413.89, F.S.; deleting obsolete
9 language; providing an effective date;
10 authorizing the department and the commission
11 to provide for continued administration during
12 the time between July 1, 2000, and October 1,
13 2000; amending s. 413.90, F.S.; providing
14 designated state entities for purposes of
15 compliance with federal law; deleting a
16 provision relating to designation of an
17 administrative entity; transferring the
18 Division of Vocational Rehabilitation to the
19 Department of Education; renaming the division
20 as the Division of Occupational Access and
21 Opportunity; requiring a reduction in
22 positions; providing for budget amendment;
23 designating the competitive area for any
24 necessary layoff in the division; amending s.
25 413.91, F.S.; deleting reference to the
26 designated administrative entity; requiring the
27 commission to assure that all contractors
28 maintain quality control and are fit to
29 undertake responsibilities; amending s. 413.92,
30 F.S.; specifying entities answerable to the
31 Federal Government in the event of a conflict

Amendment No. 001 (for drafter's use only)

1 with federal law; amending ss. 410.0245,
2 410.604, 413.034, 413.20, 413.445, 413.615, and
3 414.065, F.S., to conform; amending chapter
4 99-240, Laws of Florida; providing for the
5 transfer of the Division of Blind Services to
6 the Department of Management Services rather
7 than the Department of Education; revising the
8 timeframe for such transfer; providing
9 legislative intent relating to changes to the
10 rehabilitation system; amending s. 413.011,
11 F.S.; revising the internal organizational
12 structure of the Division of Blind Services;
13 requiring the division to implement the
14 provisions of a 5-year plan; requiring the
15 division to contract with community-based
16 rehabilitation programs for the delivery of
17 certain services; revising references to blind
18 persons; providing definitions for the terms
19 "community-based rehabilitation program,"
20 "council," "plan," and "state plan"; changing
21 the name of the Advisory Council for the Blind;
22 revising the membership and functions of the
23 council to be consistent with federal law;
24 requiring the council to prepare a 5-year
25 strategic plan; requiring the council to
26 coordinate with specified entities; authorizing
27 the council to hire and fire the director of
28 the division; deleting language providing for
29 the Governor to resolve funding disagreements
30 between the division and the council; directing
31 meetings to be held in locations accessible to

Amendment No. 001 (for drafter's use only)

1 individuals with disabilities; amending s.
2 413.014, F.S.; requiring the Division of Blind
3 Services to report on use of community-based
4 programs to deliver services; requiring the
5 development of a contingency plan for areas
6 with a lack of service providers; amending s.
7 413.033, F.S.; revising the definition of the
8 term "agency"; amending s. 413.035, F.S.;
9 revising the powers and duties of the
10 Commission for Purchase from the Blind or Other
11 Severely Handicapped; amending s. 413.036,
12 F.S.; revising procedures for procurement of
13 services by agencies; amending s. 413.037,
14 F.S.; requiring a report of procurements from
15 the central nonprofit agency; requiring routine
16 compliance audits; prohibiting certain
17 purchases except as provided by the act;
18 amending ss. 413.051, 413.064, 413.066, and
19 413.067, F.S.; conforming departmental
20 references to reflect the transfer of the
21 Division of Blind Services to the Department of
22 Management Services; expressing the intent of
23 the Legislature that the provisions of this act
24 relating to blind services not conflict with
25 federal law; providing procedures in the event
26 such conflict is asserted; repealing s. 413.93,
27 F.S., relating to the designated state agency
28 under federal law; providing an effective date.
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31