

By Representative Gay

1 A bill to be entitled
2 An act relating to vocational rehabilitation;
3 amending s. 20.15, F.S.; creating the Division
4 of Occupational Access and Opportunity within
5 the Department of Education; providing for a
6 director and the assignment of powers, duties,
7 and responsibilities of the division; including
8 the Occupational Access and Opportunity
9 Commission, the Florida Rehabilitation Council,
10 and the Florida Independent Living Council in
11 an exemption regarding appointments by the
12 Commissioner of Education; amending s. 120.80,
13 F.S.; providing for the Division of
14 Occupational Access and Opportunity to contract
15 with an appropriate resource to conduct certain
16 hearings; amending s. 413.82, F.S.; revising
17 and deleting definitions of terms; amending s.
18 413.83, F.S.; revising the membership of the
19 Occupational Access and Opportunity Commission;
20 revising the method of appointment and terms of
21 office of commission members; designating the
22 commission as the state vocational
23 rehabilitation agency; requiring the commission
24 to establish an advisory council; amending s.
25 413.84, F.S.; revising duties of the
26 commission, to conform; requiring the
27 commission to hire a director of the division;
28 requiring the plan adopted by the commission to
29 provide for the monitoring of operations of
30 contracted providers of services; requiring the
31 commission to contract with the Occupational

1 Access and Opportunity Corporation to execute
2 the services, functions, and programs
3 prescribed in the plan; authorizing the
4 commission to appear on its own behalf before
5 the Legislature; deleting references to the
6 designated administrative entity; requiring the
7 budget for the commission to be included,
8 without revision, in the Department of
9 Education's budget; amending s. 413.85, F.S.;
10 deleting the authorization for the commission
11 to designate a direct-support organization as
12 its administrative entity; revising the
13 function of the corporation to permit the
14 corporation to carry out such activities and
15 tasks as the commission assigns through
16 contract; providing for the corporation, as a
17 corporation primarily acting as an
18 instrumentality of the state, to be subject to
19 s. 768.28, F.S., relating to sovereign
20 immunity; revising the membership of the board
21 of directors of the corporation; revising the
22 powers and duties of the corporation to conform
23 with its revised function, to delete the
24 requirement that the corporation establish
25 memoranda of understanding with One-Stop Career
26 Center operators, and to authorize the
27 employment of certain employees of the Division
28 of Vocational Rehabilitation; amending s.
29 413.86, F.S.; revising a reference to the
30 Division of Vocational Rehabilitation, to
31 conform; amending s. 413.87, F.S.; revising the

1 required content of a quarterly report;
2 amending s. 413.88, F.S.; revising provisions
3 regarding an annual report of the commission to
4 delete references to the designated
5 administrative entity; amending s. 413.89,
6 F.S.; specifying the time period during which
7 the Department of Education and the commission
8 may, by agreement, provide for continued
9 administration consistent with federal and
10 state law; amending s. 413.90, F.S.;
11 designating state entities for purposes of
12 compliance with the federal Rehabilitation Act
13 of 1973; providing for the transfer of the
14 Division of Vocational Rehabilitation of the
15 Department of Labor and Employment Security to
16 the Department of Education; designating the
17 competitive area for any necessary layoff in
18 the division; amending s. 413.91, F.S.;
19 revising a reference to "the designated
20 administrative entity" to "all contractors";
21 amending s. 413.92, F.S.; specifying the state
22 entity responsible for submitting a request to
23 the appropriate federal agency upon conflict of
24 laws; amending ss. 410.0245, 410.604, 413.034,
25 413.20, 413.445, 413.615, and 414.065, F.S., to
26 conform; amending ch. 99-240, Laws of Florida;
27 providing for transfer of the Division of Blind
28 Services from the Department of Labor and
29 Employment Security to the Department of
30 Management Services; revising the date upon
31 which transfer of the Division of Blind

1 Services will occur; repealing s. 413.93, F.S.,
2 relating to designated state agency; providing
3 an effective date.
4

5 Be It Enacted by the Legislature of the State of Florida:
6

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

11 20.15 Department of Education.--There is created a
12 Department of Education.

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

15 (j) Division of Occupational Access and Opportunity.

16 (4) DIRECTORS.--The Board of Regents is the director
17 of the Division of Universities, the Occupational Access and
18 Opportunity Commission is the director of the Division of
19 Occupational Access and Opportunity,and the State Board of
20 Community Colleges is the director of the Division of
21 Community Colleges, pursuant to chapter 240. The directors of
22 all other divisions shall be appointed by the commissioner
23 subject to approval by the state board.

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

26 (d) Shall assign to the Occupational Access and
27 Opportunity Division such powers, duties, responsibilities,
28 and functions as are necessary to ensure the coordination,
29 efficiency, and effectiveness of its programs; including, but
30 not limited to, vocational rehabilitation and independent
31 living services for persons with disabilities funded under the

1 Rehabilitation Act of 1973, as amended, except those duties
2 specifically assigned to the Division of Blind Services of the
3 Department of Labor and Employment Security in chapter 413,
4 the duties assigned to the Commissioner of Education in ss.
5 229.513 and 229.551, the duties concerning physical facilities
6 in chapter 235, the duties assigned to the State Board of
7 Community Colleges in chapter 240, and the duties assigned to
8 the Division of Workforce Development in chapter 239.
9 Effective January 1, 2001, the Occupational Access and
10 Opportunity Commission shall assume all responsibilities
11 necessary to be the designated state agency for purposes of
12 compliance with the Rehabilitation Act of 1973, as amended.

13 (6) COUNCILS AND COMMITTEES.--Notwithstanding anything
14 contained in law to the contrary, the Commissioner of
15 Education shall appoint all members of all councils and
16 committees of the Department of Education, except the Board of
17 Regents, the State Board of Community Colleges, the community
18 college district boards of trustees, the Postsecondary
19 Education Planning Commission, the Education Practices
20 Commission, the Education Standards Commission, the State
21 Board of Independent Colleges and Universities, the
22 Occupational Access and Opportunity Commission, the Florida
23 Rehabilitation Council, the Florida Independent Living
24 Council, and the State Board of Nonpublic Career Education.

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

27 120.80 Exceptions and special requirements;
28 agencies.--

29 (16) DIVISION OF OCCUPATIONAL ACCESS AND
30 OPPORTUNITY.--Notwithstanding s. 120.57(1)(a), hearings
31 concerning eligibility determinations by the division, plans

1 of services, or closure need not be conducted by an
2 administrative law judge assigned by the division. The
3 division may contract with another appropriate resource in
4 these matters.

5 Section 3. Subsections (3), (4), (5), and (6) of
6 section 413.82, Florida Statutes, are amended to read:

7 413.82 Definitions.--As used in ss. 413.81-413.93, the
8 term:

9 (3) "Division" means the Division of Occupational
10 Access and Opportunity ~~Vocational Rehabilitation.~~

11 (4) ~~"Office" means the Executive Office of the~~
12 ~~Governor.~~

13 (5) "Plan" means the ~~state plan for vocational~~
14 ~~rehabilitation required by the federal Rehabilitation Act of~~
15 ~~1973, as amended, and ss. 413.81-413.93.~~

16 (5) "State Plan" means the state plan for vocational
17 rehabilitation required by Title I of the federal
18 Rehabilitation Act of 1973, as amended.

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

22 Section 4. Subsections (2), (3), (6), (7), (8), and
23 (10) of section 413.83, Florida Statutes, are amended, and
24 subsections (4), (5), (9), (11), and (12) of said section are
25 renumbered as subsections (5), (6), (10), (12), and (13),
26 respectively, to read:

27 413.83 Occupational Access and Opportunity Commission;
28 creation; purpose; membership.--

29 (2) The commission shall consist of 16 members
30 appointed, as provided herein, by the Governor, the President
31 of the Senate, and the Speaker of the House of

1 Representatives. Notwithstanding any other provision of law to
2 the contrary, appointments of members of the commission are
3 not subject to confirmation by the Senate. By September 1,
4 2000:

5 (a) A majority of the membership of the commission
6 must be individuals who are familiar with the process and laws
7 that affect vocational rehabilitation services and must be
8 individuals with disabilities, parents of individuals with
9 disabilities, or advocates for individuals with disabilities.

10 (b) The membership of the commission may not include
11 more than two individuals who are, or are employed by,
12 community rehabilitation providers who contract to provide
13 vocational rehabilitation services to individuals who qualify
14 for the program.~~The commission must contain a minimum of 50~~
15 ~~percent representation from the private sector.~~

16 (3) By September 1, 2000,the members of the
17 commission shall include:

18 (a) The Commissioner of Education, or his or her
19 designee, who shall serve as chair until January 1, 2001.
20 After January 1, 2001, the commission shall elect a chair from
21 among its members.†

22 (b) Eight employers whose priority interest in serving
23 is the employment of persons with disabilities; three of whom
24 shall be appointed by the Governor, three of whom shall be
25 appointed by the President of the Senate, and two of whom
26 shall be appointed by the Speaker of the House of
27 Representatives.

28 (c) The following ex officio, nonvoting members:

29 1. The executive director of the Advocacy Center for
30 Persons with Disabilities, or his or her designee.

31

1 ~~2.(b)~~ The chair of the Florida Rehabilitation
2 Council.~~†~~
3 ~~3.(c)~~ The chair of the Council for Independent
4 Living.~~†~~
5 ~~4.(d)~~ The chair of the Commission for the Purchase
6 from the Blind or Other Severely Handicapped.~~†~~
7 ~~(d)(e)~~ A community rehabilitation provider who
8 contracts to provide vocational rehabilitation services to
9 individuals who qualify for the program, who shall be
10 appointed by the Governor.~~for a term of 4 years;†~~
11 ~~(f)~~ A representative from the Advocacy Center for
12 Persons With Disabilities, who shall be appointed by the
13 President of the Senate for a term of 4 years;~~†~~
14 ~~(e)(g)~~ Four individuals who are consumers ~~A consumer~~
15 of vocational rehabilitation services; one of whom shall be
16 appointed by the Governor, one of whom shall be appointed by
17 the President of the Senate, and two of whom, ~~who~~ shall be
18 appointed by the Speaker of the House of Representatives.~~for~~
19 ~~a term of 4 years; and~~
20 ~~(f)(h)~~ Two ~~Other individuals with disabilities and~~
21 ~~representatives of business, workforce development, education,~~
22 ~~state government, local government, a consumer advocate group~~
23 ~~groups, employers of individuals with disabilities, or a~~
24 ~~community organization; one of whom shall be appointed by the~~
25 ~~President of the Senate and one of whom shall be appointed by~~
26 ~~the Speaker of the House of Representatives organizations.~~
27 ~~(4)(3)~~ Initially, the Governor, the President of the
28 ~~Senate, and the Speaker of the House of Representatives shall~~
29 ~~each appoint as members meeting the qualifications contained~~
30 ~~in paragraph (2)(h), one member for a term of 3 years, one~~
31 ~~member for a term of 2 years, and one member for a term of 1~~

1 ~~year. Thereafter,~~After receiving recommendations from the
2 commission, the Governor, the President of the Senate, and the
3 Speaker of the House of Representatives shall appoint all
4 members for terms of 4 years; however, for the purpose of
5 providing staggered terms, the Governor, the President of the
6 Senate, and the Speaker of the House of Representatives shall
7 initially each appoint two members to 2-year terms, two
8 members to 3-year terms, and one member to a 4-year term. Any
9 vacancy shall be filled by appointment by the original
10 appointing authority for the unexpired portion of the term by
11 a person who possesses the proper qualifications for the
12 vacancy.

13 ~~(7)(6) The Governor shall name the chair of the~~
14 ~~commission from its appointed members.~~The commission shall
15 biennially elect one of its members as vice chair, who shall
16 preside in the absence of the chair. Neither the chair, nor
17 the vice chair, may be a provider of client services funded
18 through the commission.

19 ~~(8)(7) The Rehabilitation Council created by s.~~
20 ~~413.405 shall serve the commission and shall continue to~~
21 ~~perform its designated duties~~ with the commission as the
22 designated state vocational rehabilitation agency. The
23 commission shall consider the recommendations made by the
24 council.

25 ~~(9)(8) The commission may appoint advisory committees~~
26 ~~that the commission considers appropriate, which may include~~
27 ~~members from outside the commission to study special problems~~
28 ~~or issues and advise the commission on those subjects.~~ The
29 commission shall establish an advisory council composed of
30 representatives from not-for-profit organizations that have
31 submitted a resolution requesting membership and had the

1 ~~request approved. Any existing advisory board, commission, or~~
2 ~~council may seek to become an official advisory committee to~~
3 ~~the commission by submitting to the commission a resolution~~
4 ~~requesting affiliation and having the request approved by the~~
5 ~~commission. The commission shall establish the operating~~
6 ~~procedures of the committees.~~

7 (11)~~(10)~~ The members of the commission may rely on and
8 are subject to the provisions of ~~are entitled to be reimbursed~~
9 ~~for reasonable and necessary expenses of attending meetings~~
10 ~~and performing commission duties, including per diem and~~
11 ~~travel expenses, and for personal care attendants and~~
12 ~~interpreters needed by members during meetings, as provided in~~
13 ~~s. 413.273(1) and (3).~~

14 Section 5. Section 413.84, Florida Statutes, is
15 amended to read:

16 413.84 Powers and duties.--The commission:

17 (1) Shall serve as the director of the Division of
18 Occupational Access and Opportunity of the Department of
19 Education.

20 (2) Is responsible for establishing policy, planning,
21 and quality assurance for the programs assigned and funded to
22 the division, including, but not limited to, vocational
23 rehabilitation and independent living services for persons
24 with disabilities funded under the federal Rehabilitation Act
25 of 1973, as amended, in a coordinated, efficient, and
26 effective manner.

27 (3) Has the authority to adopt rules pursuant to ss.
28 120.536(1) and 120.54 to implement provisions of law
29 conferring duties upon it. Such rules and policies shall be
30 submitted to the State Board of Education for approval. If any
31 rule is not disapproved by the state board within 45 days

1 after its receipt by the state board, the rule shall be filed
2 immediately with the Department of State. Effective January 1,
3 2001, rules adopted by the commission do not require approval
4 by the state board.

5 (4) Shall, in consultation with the Commissioner of
6 Education, hire a division director to be responsible to the
7 commission for operation and maintenance of the programs
8 assigned to the division and funded.

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

20 (a) The plan must explore the use of Individual
21 Training Accounts, as described in the federal Workforce Act
22 of 1998, Pub. L. No. 105-220, for eligible clients. If
23 developed, these accounts must be distributed under a written
24 memorandum of understanding with One-Stop Career Center
25 operators.

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

28 (c) The plan must designate an administrative entity
29 that will support the commission's work; provide technical
30 assistance, training, and capacity-building assistance; help
31 raise additional federal, state, and local funds; and promote

1 innovative contracts that upgrade or enhance direct services
2 to Floridians with disabilities.

3 (d) The plan must require that the commission enter
4 into cooperative agreements with community-based
5 rehabilitation programs to be the service providers for the
6 program; however, state ~~career service~~ employees shall provide
7 all services that may not be delegated under ~~mandated by~~
8 federal law. The commission shall, as rapidly as is feasible,
9 increase the amount of such services provided by
10 community-based rehabilitation programs. The plan must
11 incorporate, to the maximum extent allowed by federal and
12 state law and regulation, all available funds for such
13 purposes. Funds and in-kind contributions from community and
14 private sources shall be used to enhance federal and state
15 resources.

16 (e) The plan must include recommendations regarding
17 specific performance standards and measurable outcomes, and
18 must outline procedures for monitoring the commission's ~~and~~
19 ~~designated administrative entity's~~ operations, and the
20 operations of all providers of services under contract to the
21 commission, to ensure that performance data is maintained and
22 supported by records of such entities. The commission shall
23 consult with the Office of Program Policy Analysis and
24 Government Accountability in the establishment of performance
25 standards, measurable outcomes, and monitoring procedures.

26 ~~(6)(2)~~ Notwithstanding the provisions of part I of
27 chapter 287, shall contract, no later than July 1, 2000, with
28 the Operational Access and Opportunity Corporation established
29 pursuant to s. 413.85 ~~administrative entity designated in the~~
30 ~~plan~~ to execute the services, functions, and programs
31 prescribed in the plan. The commission shall serve as contract

1 administrator. ~~If approved by the federal Department of~~
2 ~~Education, the administrative entity may be a direct-support~~
3 ~~organization.~~The commission shall define the terms of the
4 contract.

5 (7)~~(3)~~ Shall work with the employer community to
6 better define, address, and meet its business needs with
7 qualified Floridians with disabilities.

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

12 (9)~~(5)~~ Shall develop an operational structure to carry
13 out the plan developed by the commission.

14 (10)~~(6)~~ May appear on its own behalf before the
15 Legislature, boards, commissions, departments, or other
16 agencies of municipal, county, state, or Federal Government.

17 (11)~~(7)~~ In the performance of its duties, may
18 undertake or commission research and studies.

19 (12)~~(8)~~ Shall develop a budget, which is in keeping
20 with the plan, for the operation and activities of the
21 commission ~~and functions of its designated administrative~~
22 ~~entity.~~ The budget shall be submitted to the Commissioner of
23 Education for inclusion, without revision, in the Department
24 of Education's budget ~~Governor for inclusion in the Governor's~~
25 ~~budget recommendations.~~

26 (13)~~(9)~~ May assign staff from the office or division
27 to assist in implementing the provisions of this act relating
28 to the Occupational Access and Opportunity Commission.

29 Section 6. Paragraphs (a), (b), (d), and (e) of
30 subsection (1), subsection (3), and paragraphs (b) and (d) of
31 subsection (4) of section 413.85, Florida Statutes, are

1 amended, and paragraph (e) is added to subsection (4) of said
2 section, to read:

3 413.85 Occupational Access and Opportunity
4 Corporation; use of property; board of directors; duties;
5 audit.--

6 (1) ESTABLISHMENT.--If the commission elects to
7 contract with an organization to provide services ~~designate a~~
8 ~~direct support organization as its administrative entity~~, such
9 organization shall be designated the Occupational Access and
10 Opportunity Corporation:

11 (a) Which is a corporation not for profit, as defined
12 in s. 501(c)(~~6~~) of the Internal Revenue Code of 1986, as
13 amended, and is incorporated under the provisions of chapter
14 617 and approved by the Department of State.

15 (b) Which is organized and operated exclusively to
16 carry out such activities and tasks as ~~request, receive, hold,~~
17 ~~invest, and administer property and to manage and make~~
18 ~~expenditures for the operation of the activities, services,~~
19 ~~functions, and programs of the provisions of this act relating~~
20 ~~to the Occupational Access and Opportunity Commission~~ assigns
21 through contract.

22 (d) Which shall not be considered an agency for the
23 purposes of chapters 120, 287, and 216; ss. 255.25 and
24 255.254, relating to leasing of buildings; ss. 283.33 and
25 283.35, relating to bids for printing; s. 215.31; and parts IV
26 through VIII of chapter 112.

27 (e) Which shall be a corporation primarily acting as
28 an instrumentality of the state and shall be subject to the
29 provisions of chapter 119, relating to public records, ~~and~~ the
30 provisions of chapter 286, relating to public meetings, and
31 the provisions of s. 768.28, relating to sovereign immunity.

1 (3) BOARD OF DIRECTORS.--The board of directors of the
2 corporation shall be composed of no less than 7 and not more
3 than 15 members, appointed by the commission; a majority of
4 which must be appointed from its own membership. The vice
5 chair of the commission shall serve as chair of the
6 corporation's board of directors.

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

9 (b) May develop a program to leverage the existing
10 federal and state funding and to provide upgraded or expanded
11 services to Floridians with disabilities, if directed to do so
12 by the commission.

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, 1999,
19 was employed by the Division of Vocational Rehabilitation. The
20 corporation is authorized to enter into a lease agreement with
21 the Department of Management Services for the lease of state
22 employees from such entity, wherein an employee shall retain
23 his or her status as a state employee but shall work under the
24 direct supervision of the corporation, and shall retain the
25 right to participate in the Florida Retirement System. The
26 Department of Management Services shall establish the terms
27 and conditions of such lease agreements.

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

30 413.86 Public-private partnerships.--The Division of
31 Occupational Access and Opportunity shall ~~Vocational~~

1 ~~Rehabilitation will~~ enter into local public-private
2 partnerships to the extent that it is beneficial to increasing
3 employment outcomes for persons with disabilities and ensuring
4 their full involvement in the comprehensive workforce
5 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, and paragraph (d) of subsection (1) of said section
16 is redesignated as paragraph (c) of said subsection, to read:

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

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

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

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

1 Section 10. Section 413.89, Florida Statutes, is
2 amended to read:

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

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

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

1 federal Rehabilitation Act of 1973, as amended. Effective
2 January 1, 2001, the Occupational Access and Opportunity
3 Commission is the designated state agency for purposes of
4 compliance with the Rehabilitation Act of 1973, as amended.
5 Effective July 1, 2000, the Division of Vocational
6 Rehabilitation ~~The division must comply with the transitional~~
7 ~~direction of the plan. If the commission designates an~~
8 ~~administrative entity other than the division, all powers,~~
9 ~~duties, and functions of and all related records, property,~~
10 ~~and equipment and all contractual rights, obligations of, and~~
11 ~~unexpended balances of appropriations and other funds or~~
12 ~~allocations of the division's component programs of the~~
13 ~~Department of Labor and Employment Security shall be~~
14 ~~transferred by a type one transfer to the Division of~~
15 ~~Occupational Access and Opportunity of the Department of~~
16 ~~Education commission as provided in the plan, pursuant to s.~~
17 ~~20.06(1)(2).~~ Notwithstanding the provisions of s. 110.227, if
18 a layoff becomes necessary with respect to the Division of
19 Occupational Access and Opportunity, the competitive area
20 identified for such layoff shall not include any other
21 division of the Department of Education. ~~The Department of~~
22 ~~Labor and Employment Security shall assist the commission in~~
23 ~~carrying out the intent of this chapter and achieving an~~
24 ~~orderly transition. The Office of Planning and Budget shall~~
25 ~~submit the necessary budget amendments to the Legislature in~~
26 ~~order to bring the budget into compliance with the plan.~~
27 Section 12. Section 413.91, Florida Statutes, is
28 amended to read:
29 413.91 Service providers; quality assurance and
30 fitness for responsibilities.--The Occupational Access and
31 Opportunity Commission shall assure that all contractors the

1 ~~designated administrative entity~~ and providers of direct
2 service maintain an internal system of quality assurance, have
3 proven functional systems, and are subject to a due-diligence
4 inquiry for their fitness to undertake service
5 responsibilities regardless of whether a contract for services
6 is competitively or noncompetitively procured.

7 Section 13. Section 413.92, Florida Statutes, is
8 amended to read:

9 413.92 Conflict of laws.--It is the intent of the
10 Legislature that the provisions of this act relating to the
11 Occupational Access and Opportunity Commission not conflict
12 with any federal statute or implementing regulation governing
13 federal grant-in-aid programs administered by the division or
14 the commission. Whenever such a conflict is asserted by the
15 applicable agency of the Federal Government, until January 1,
16 2001, the Department of Education and after January 1, 2001,
17 the commission shall submit to the federal Department of
18 Education, or other applicable federal agency, a request for a
19 favorable policy interpretation of the conflicting portions.
20 If the request is approved, as certified in writing by the
21 secretary of the federal Department of Education, or the head
22 of the other applicable federal agency, the commission or the
23 division is authorized to make the adjustments in the plan
24 which are necessary for achieving conformity to federal
25 statutes and regulations. Before making such adjustments, the
26 commission or the division shall provide to the President of
27 the Senate and the Speaker of the House of Representatives an
28 explanation and justification of the position of the division
29 or the commission and shall outline all feasible alternatives
30 that are consistent with this section. These alternatives may
31 include the state supervision of local service agencies by the

1 commission or the division if the agencies are designated by
2 the Governor.

3 Section 14. Paragraph (a) of subsection (1) of section
4 410.0245, Florida Statutes, is amended to read:

5 410.0245 Study of service needs; report; multiyear
6 plan.--

7 (1)(a) The Aging and Adult Services Program Office of
8 the Department of Children and Family Services shall contract
9 for a study of the service needs of the 18-to-59-year-old
10 disabled adult population served or waiting to be served by
11 the community care for disabled adults program. The Division
12 of Occupational Access and Opportunity ~~Vocational~~
13 ~~Rehabilitation~~ of the Department of Education ~~Labor and~~
14 ~~Employment Security~~ and other appropriate state agencies shall
15 provide information to the Department of Children and Family
16 Services when requested for the purposes of this study.

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

19 410.604 Community care for disabled adults program;
20 powers and duties of the department.--

21 (2) Any person who meets the definition of a disabled
22 adult pursuant to s. 410.603(2) is eligible to receive the
23 services of the community care for disabled adults program.
24 However, the community care for disabled adults program shall
25 operate within the funds appropriated by the Legislature.
26 Priority shall be given to disabled adults who are not
27 eligible for comparable services in programs of or funded by
28 the department or the Division of Occupational Access and
29 Opportunity ~~Vocational Rehabilitation~~ of the Department of
30 Education ~~Labor and Employment Security~~; who are determined to
31 be at risk of institutionalization; and whose income is at or

1 below the existing institutional care program eligibility
2 standard.

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

5 413.034 Commission established; membership.--

6 (1) There is created within the Department of
7 Management Services the Commission for Purchase from the Blind
8 or Other Severely Handicapped, to be composed of the secretary
9 of the Department of Management Services; the director of the
10 Division of Occupational Access and Opportunity ~~Vocational~~
11 ~~Rehabilitation~~ of the Department of Education ~~Labor and~~
12 ~~Employment Security~~, who shall be an ex officio member with
13 voting rights; the director of the Division of Blind Services
14 of the Department of Labor and Employment Security; and four
15 members to be appointed by the Governor, which four members
16 shall be an executive director of a nonprofit agency for the
17 blind, an executive director of a nonprofit agency for other
18 severely handicapped persons, a representative of private
19 enterprise, and a representative of other political
20 subdivisions. All appointed members shall serve for terms of 4
21 years. Appointed commission members shall serve subject to
22 confirmation by the Senate.

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

25 413.20 Definitions.--As used in this part, the term:

26 (7) "Division" means the Division of Occupational
27 Access and Opportunity ~~Vocational Rehabilitation~~ of the
28 Department of Education ~~Labor and Employment Security~~.

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

31

1 413.445 Recovery of third-party payments for
2 vocational rehabilitation and related services.--

3 (1) As used in this section, "vocational
4 rehabilitation and related services" means any services which
5 are provided or paid for by the Division of Occupational
6 Access and Opportunity ~~Vocational Rehabilitation~~ of the
7 Department of Education ~~Labor and Employment Security~~.

8 Section 19. Subsection (5) and paragraph (b) of
9 subsection (7) of section 413.615, Florida Statutes, are
10 amended to read:

11 413.615 Florida Endowment for Vocational
12 Rehabilitation.--

13 (5) THE FLORIDA ENDOWMENT FOUNDATION FOR VOCATIONAL
14 REHABILITATION.--The Florida Endowment Foundation for
15 Vocational Rehabilitation is hereby created as a
16 direct-support organization of the Division of Occupational
17 Access and Opportunity of the Department of Education
18 ~~Vocational Rehabilitation~~, to encourage public and private
19 support to enhance vocational rehabilitation and employment of
20 citizens who are disabled. As a direct-support organization,
21 the foundation shall operate under contract with the division
22 and shall:

23 (a) Be a Florida corporation not for profit
24 incorporated under the provisions of chapter 617 and approved
25 by the Department of State.

26 (b) Be organized and operated exclusively to raise
27 funds; to submit requests and receive grants from the Federal
28 Government, the state, private foundations, and individuals;
29 to receive, hold, and administer property; and to make
30 expenditures to or for the benefit of the rehabilitation
31 programs approved by the board of directors of the foundation.

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

3 (7) CONFIDENTIALITY.--

4 (b) Records relating to clients of or applicants to
5 the Division of Occupational Access and Opportunity ~~Vocational~~
6 ~~Rehabilitation~~ that come into the possession of the foundation
7 and that are confidential by other provisions of law are
8 confidential and exempt from the provisions of s. 119.07(1)
9 and s. 24(a), Art. I of the State Constitution, and may not be
10 released by the foundation. Portions of meetings of the
11 Florida Endowment Foundation for Vocational Rehabilitation
12 during which the identities of such clients of or applicants
13 to the Division of Occupational Access and Opportunity
14 ~~Vocational Rehabilitation~~ are discussed are exempt from the
15 provisions of s. 286.011 and s. 24(b), Art. I of the State
16 Constitution.

17 Section 20. Subsection (13) of section 414.065,
18 Florida Statutes, is amended to read:

19 414.065 Work requirements.--

20 (13) CONTRACTS FOR VOCATIONAL ASSESSMENTS AND WORK
21 EVALUATIONS.--Vocational assessments or work evaluations by
22 the Division of Occupational Access and Opportunity of the
23 Department of Education ~~Vocational Rehabilitation~~ pursuant to
24 this section shall be performed under contract with the local
25 WAGES coalitions.

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

28 Section 39. Effective July 1, 2000 ~~January 1, 2001~~,
29 the Division of Blind Services is transferred by a type two
30 transfer as defined in section 20.06(2)~~(5)~~, Florida Statutes,
31

1 from the Department of Labor and Employment Security to the
2 Department of Management Services ~~Education~~.

3 Section 22. Section 413.93, Florida Statutes, is
4 repealed.

5 Section 23. This act shall take effect July 1, 2000.

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HOUSE SUMMARY

Transfers the Division of Vocational Rehabilitation of the Department of Labor and Employment Security to the Department of Education, and renames the division the Division of Occupational Access and Opportunity. Revises provisions relating to the Division of Vocational Rehabilitation, to conform. Revises provisions relating to the provision of vocational rehabilitation. Transfers the Division of Blind Services to the Department of Management Services. See bill for details.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.