

By Senator Kirkpatrick

5-1394A-00

1                                   A bill to be entitled  
2           An act relating to vocational rehabilitation;  
3           amending s. 120.80, F.S.; providing that  
4           hearings on certain vocational rehabilitation  
5           determinations by the Occupational Access and  
6           Opportunity Commission need not be conducted by  
7           an administrative law judge; amending s.  
8           413.83, F.S.; specifying that appointment of  
9           private citizens to the commission is not  
10          subject to Senate confirmation; eliminating a  
11          requirement that the Governor name the chairman  
12          of the commission; eliminating a requirement  
13          that the Rehabilitation Council serve the  
14          commission; clarifying the entitlement of  
15          commission members to reimbursement for certain  
16          expenses; amending s. 413.84, F.S.; revising  
17          required elements of the 5-year plan prepared  
18          by the commission; expanding the authority of  
19          the commission to contract with a designated  
20          administrative entity; removing a requirement  
21          for federal approval to contract with a  
22          direct-support organization; authorizing the  
23          commission to appear on its own behalf before  
24          the Legislature; amending s. 413.85, F.S.;  
25          eliminating limitations on the tax status of  
26          the Occupational Access and Opportunity  
27          Corporation; specifying that the corporation is  
28          not an agency for purposes of certain  
29          government procurement laws; applying  
30          provisions relating to waiver of sovereign  
31          immunity to the corporation; providing that the

1 board of directors of the corporation be  
2 composed of the commission membership;  
3 authorizing the corporation to hire certain  
4 individuals employed by the Division of  
5 Vocational Rehabilitation; providing for a  
6 lease agreement governing such employees;  
7 prescribing terms of such lease agreement;  
8 providing an effective date.

9  
10 Be It Enacted by the Legislature of the State of Florida:

11  
12 Section 1. Subsection (16) is added to section 120.80,  
13 Florida Statutes, to read:

14 120.80 Exceptions and special requirements;  
15 agencies.--

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

24 Section 2. Subsections (2), (6), (7), and (10) of  
25 section 413.83, Florida Statutes, are amended to read:

26 413.83 Occupational Access and Opportunity Commission;  
27 creation; purpose; membership.--

28 (2) The commission shall consist of 16 members  
29 appointed, as provided herein, by the Governor, the President  
30 of the Senate, and the Speaker of the House of  
31 Representatives. The commission must contain a minimum of 50

1 percent representation from the private sector.  
2 Notwithstanding any other law to the contrary, appointment of  
3 private-citizen members is not subject to confirmation by the  
4 Senate.The members of the commission shall include:  
5 (a) The Commissioner of Education, or his or her  
6 designee, who shall serve as chair;  
7 (b) The chair of the Florida Rehabilitation Council;  
8 (c) The chair of the Council for Independent Living;  
9 (d) The chair of the Commission for the Purchase from  
10 the Blind or Other Severely Handicapped;  
11 (e) A community rehabilitation provider who contracts  
12 to provide vocational rehabilitation services to individuals  
13 who qualify for the program, who shall be appointed by the  
14 Governor for a term of 4 years;  
15 (f) A representative from the Advocacy Center for  
16 Persons With Disabilities, who shall be appointed by the  
17 President of the Senate for a term of 4 years;  
18 (g) A consumer of vocational rehabilitation services,  
19 who shall be appointed by the Speaker of the House of  
20 Representatives for a term of 4 years; and  
21 (h) Other individuals with disabilities and  
22 representatives of business, workforce development, education,  
23 state government, local government, consumer advocate groups,  
24 employers of individuals with disabilities, or community  
25 organizations.  
26 (6) ~~The Governor shall name the chair of the~~  
27 ~~commission from its appointed members.~~The commission shall  
28 biennially elect one of its members as vice chair, who shall  
29 preside in the absence of the chair. ~~Neither the chair, nor~~  
30 ~~The vice chair,~~may not be a provider of client services  
31 funded through the commission.

1           (7) The Rehabilitation Council created by s. 413.405  
2 ~~shall serve the commission and shall continue to perform its~~  
3 ~~designated duties~~ with the commission as the designated state  
4 vocational rehabilitation agency. ~~The commission shall~~  
5 ~~consider the recommendations made by the council.~~

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

13           Section 3. Paragraph (d) of subsection (1) and  
14 subsections (2) and (6) of section 413.84, Florida Statutes,  
15 are amended to read:

16           413.84 Powers and duties.--The commission:

17           (1) Shall, no later than July 1, 2000, after  
18 consulting with stakeholders and holding public hearings,  
19 develop and implement a 5-year plan to promote occupational  
20 access and opportunities for Floridians with disabilities, and  
21 to fulfill the federal plan requirements. The plan must be  
22 submitted to the Governor, the President of the Senate, and  
23 the Speaker of the House of Representatives. The commission  
24 may make amendments annually to the plan, which must be  
25 submitted to the Governor, the President of the Senate, and  
26 the Speaker of the House of Representatives by the first of  
27 January.

28           (d) The plan must require that the commission or its  
29 administrative entity enter into cooperative agreements with  
30 community-based rehabilitation programs to be the service  
31 providers for the program; however, state ~~career service~~

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

10 (2) Notwithstanding the provisions of part I of  
11 chapter 287 and without limitation otherwise as to its powers  
12 as an agency under state law, shall contract, no later than  
13 July 1, 2000, with the administrative entity designated in the  
14 plan to execute the services, functions, and programs  
15 prescribed in the plan. The commission shall serve as contract  
16 administrator. ~~If approved by the federal Department of~~  
17 ~~Education, the administrative entity may be a direct-support~~  
18 ~~organization.~~The commission shall define the terms of the  
19 contract.

20 (6) May appear on its own behalf before the  
21 Legislature as well as boards, commissions, departments, or  
22 other agencies of municipal, county, state, or Federal  
23 Government.

24 Section 4. Subsections (1) and (3) of section 413.85,  
25 Florida Statutes, are amended, and paragraph (e) is added to  
26 subsection (4) of that section, to read:

27 413.85 Occupational Access and Opportunity  
28 Corporation; use of property; board of directors; duties;  
29 audit.--

30 (1) ESTABLISHMENT.--If the commission elects to  
31 designate a direct-support organization as its administrative

1 entity, such organization shall be designated the Occupational  
2 Access and Opportunity Corporation:

3 (a) Which is a corporation not for profit, as defined  
4 in s. 501(c)~~s. 501(c)(6)~~ of the Internal Revenue Code of  
5 1986, as amended, and is incorporated under the provisions of  
6 chapter 617 and approved by the Department of State.

7 (b) Which is organized and operated exclusively to  
8 request, receive, hold, invest, and administer property and to  
9 manage and make expenditures for the operation of the  
10 activities, services, functions, and programs of the  
11 provisions of this act relating to the Occupational Access and  
12 Opportunity Commission.

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

16 (d) Which shall not be considered an agency for the  
17 purposes of chapters 120, and 216, and 287; ss. 255.25 and  
18 255.254, relating to leasing of buildings; ss. 283.33 and  
19 283.35, relating to bids for printing; s. 215.31; and parts IV  
20 through VIII of chapter 112.

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

26 (3) BOARD OF DIRECTORS.--The board of directors of the  
27 corporation shall be composed of the commission membership ~~15~~  
28 ~~members, appointed by the commission from its own membership.~~  
29 The vice chair of the commission shall serve as chair of the  
30 corporation's board of directors.

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