

By the Committee on Commerce and Economic Opportunities; and  
Senator Kirkpatrick

310-2037-00

1                                   A bill to be entitled  
2           An act relating to vocational rehabilitation;  
3           amending s. 20.15, F.S.; establishing the  
4           Division of Occupational Access and Opportunity  
5           within the Department of Education; providing  
6           that the Occupational Access and Opportunity  
7           Commission is the director of the division;  
8           requiring the department to assign certain  
9           powers, duties, responsibilities, and functions  
10          to the division; excepting from appointment by  
11          the Commissioner of Education members of the  
12          commission, the Florida Rehabilitation Council,  
13          and the Florida Independent Living Council;  
14          amending s. 120.80, F.S.; providing that  
15          hearings on 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;

1 clarifying the entitlement of commission  
2 members to reimbursement for certain expenses;  
3 amending s. 413.84, F.S.; designating the  
4 commission as the director of the Division of  
5 Occupational Access and Opportunity; specifying  
6 responsibilities of the commission; authorizing  
7 the commission to make administrative rules;  
8 authorizing the commission to hire a division  
9 director; revising time for implementation of  
10 the 5-year plan prepared by the commission;  
11 expanding the authority of the commission to  
12 contract with the corporation; removing a  
13 requirement for federal approval to contract  
14 with a direct-support organization; authorizing  
15 the commission to appear on its own behalf  
16 before the Legislature; amending s. 413.85,  
17 F.S.; eliminating limitations on the tax status  
18 of the Occupational Access and Opportunity  
19 Corporation; specifying that the corporation is  
20 not an agency for purposes of certain  
21 government procurement laws; applying  
22 provisions relating to waiver of sovereign  
23 immunity to the corporation; providing that the  
24 board of directors of the corporation be  
25 composed of no fewer than seven and no more  
26 than 15 members and that a majority of its  
27 members be members of the commission;  
28 authorizing the corporation to hire certain  
29 individuals employed by the Division of  
30 Vocational Rehabilitation; providing for a  
31 lease agreement governing such employees;

1           prescribing terms of such lease agreement;  
2           amending s. 413.86, F.S.; conforming an  
3           organizational reference; amending s. 413.87,  
4           F.S.; conforming provision to changes made in  
5           the act; amending s. 413.88, F.S.; conforming  
6           provision to changes made in the act; amending  
7           s. 413.89, F.S.; designating the department the  
8           state agency effective July 1, 2000, and the  
9           commission the state agency effective October  
10          1, 2000, for purposes of federal law; deleting  
11          an obsolete reference; authorizing the  
12          department and the commission to provide for  
13          continued administration during the time  
14          between July 1, 2000, and October 1, 2000;  
15          amending s. 413.90, F.S.; deleting provision  
16          relating to designation of an administrative  
17          entity; designating a state agency and state  
18          unit for specified purposes; transferring the  
19          Division of Vocational Rehabilitation to the  
20          Department of Education through a type two  
21          transfer; requiring a reduction in positions;  
22          providing for a budget amendment; amending s.  
23          413.91, F.S.; deleting reference to designated  
24          administrative entity; requiring the commission  
25          to assure that all contractors maintain quality  
26          control and are fit to undertake  
27          responsibilities; amending s. 413.92, F.S.;  
28          specifying entities answerable to the Federal  
29          Government in the event of a conflict with  
30          federal law; amending s. 39 of ch. 99-240, Laws  
31          of Florida; providing for the transfer of the

1 Division of Blind Services to the Department of  
2 Management Services rather than the Department  
3 of Education; amending s. 413.011, F.S.;  
4 revising the internal organizational structure  
5 of the Division of Blind Services; requiring  
6 the division to implement the provisions of a  
7 5-year plan; requiring the division to contract  
8 with community-based rehabilitation programs  
9 for the delivery of certain services; revising  
10 references to blind persons; providing  
11 definitions for the terms "community-based  
12 rehabilitation program," "council," and "plan";  
13 renaming the Advisory Council for the Blind;  
14 revising the membership and functions of the  
15 council to be consistent with federal law;  
16 requiring the council to prepare a 5-year  
17 strategic plan; requiring the council to  
18 coordinate with specified entities; deleting  
19 provisions providing for the Governor to  
20 resolve funding disagreements between the  
21 division and the council; directing that  
22 meetings be held in locations accessible to  
23 individuals with disabilities; amending s.  
24 413.014, F.S.; requiring the Division of Blind  
25 Services to report on use of community-based  
26 programs to deliver services; amending s.  
27 413.034, F.S.; revising the membership of the  
28 Commission for Purchase from the Blind or Other  
29 Severely Handicapped to conform to transfer of  
30 the Division of Blind Services and the transfer  
31 and renaming of the Division of Vocational

1           Rehabilitation; amending ss. 413.051, 413.064,  
2           413.066, 413.067, F.S.; conforming departmental  
3           references to reflect the transfer of the  
4           Division of Blind Services to the Department of  
5           Management Services; expressing the intent of  
6           the Legislature that the provisions of this act  
7           relating to blind services not conflict with  
8           federal law; providing procedures in the event  
9           such conflict is asserted; repealing s. 413.93,  
10          F.S., relating to the designated state agency  
11          under federal law; providing an effective date.  
12

13 Be It Enacted by the Legislature of the State of Florida:  
14

15           Section 1. Subsections (3), (4), and (6) of section  
16          20.15, Florida Statutes, are amended and paragraph (d) is  
17          added to subsection (5) of that section to read:

18           20.15 Department of Education.--There is created a  
19          Department of Education.

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

22           (a) Division of Community Colleges.

23           (b) Division of Public Schools and Community  
24          Education.

25           (c) Division of Universities.

26           (d) Division of Workforce Development.

27           (e) Division of Human Resource Development.

28           (f) Division of Administration.

29           (g) Division of Financial Services.

30           (h) Division of Support Services.

31           (i) Division of Technology.

1           (j) Division of Occupational Access and Opportunity.

2           (4) DIRECTORS.--The Board of Regents is the director  
3 of the Division of Universities, the Occupational Access and  
4 Opportunity Commission is the director of the Division of  
5 Occupational Access and Opportunity,and the State Board of  
6 Community Colleges is the director of the Division of  
7 Community Colleges, pursuant to chapter 240. The directors of  
8 all other divisions shall be appointed by the commissioner  
9 subject to approval by the state board.

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

12           (d) Shall assign to the Division of Occupational  
13 Access and Opportunity such powers, duties, responsibilities,  
14 and functions as are necessary to ensure the coordination,  
15 efficiency, and effectiveness of its programs, including, but  
16 not limited to, vocational rehabilitation and independent  
17 living services to persons with disabilities which services  
18 are funded under the Rehabilitation Act of 1973, as amended,  
19 except those duties specifically assigned to the Division of  
20 Blind Services of the Department of Management Services; those  
21 duties specifically assigned to the Commissioner of Education  
22 in ss. 229.512 and 229.551; those duties concerning physical  
23 facilities in chapter 235; those duties assigned to the State  
24 Board of Community Colleges in chapter 240; and those duties  
25 assigned to the Division of Workforce Development in chapter  
26 239. Effective October 1, 2000, the Occupational Access and  
27 Opportunity Commission shall assume all responsibilities  
28 necessary to be the designated state agency for purposes of  
29 compliance with the Rehabilitation Act of 1973, as amended.

30           (6) COUNCILS AND COMMITTEES.--Notwithstanding anything  
31 contained in law to the contrary, the Commissioner of

1 Education shall appoint all members of all councils and  
2 committees of the Department of Education, except the Board of  
3 Regents, the State Board of Community Colleges, the community  
4 college district boards of trustees, the Postsecondary  
5 Education Planning Commission, the Education Practices  
6 Commission, the Education Standards Commission, the State  
7 Board of Independent Colleges and Universities, the  
8 Occupational Access and Opportunity Commission, the Florida  
9 Rehabilitation Council, the Florida Independent Living  
10 Council, and the State Board of Nonpublic Career Education.

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

13 120.80 Exceptions and special requirements;  
14 agencies.--

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

22 Section 3. Section 413.82, Florida Statutes, is  
23 amended to read:

24 413.82 Definitions.--As used in ss. 413.81-413.93, the  
25 term:

26 (1) "Commission" means the Commission on Occupational  
27 Access and Opportunity.

28 (2) "Community rehabilitation provider" means a  
29 provider of services to people in a community setting which  
30 has as its primary function services directed toward  
31 employment outcomes for people with disabilities.

1           ~~(3)(2)~~ "Corporation" means the Occupational Access and  
2 Opportunity Corporation.

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

5           ~~(5)~~ "Plan" means the plan required by ss.  
6 ~~413.81-413.93.~~~~(4)~~ "Office" means the Executive Office of the  
7 Governor.

8           ~~(6)(5)~~ "State plan" means the state plan for  
9 vocational rehabilitation required by Title I of the federal  
10 Rehabilitation Act of 1973, as amended, ~~and ss. 413.81-413.93.~~

11           ~~(7)(6)~~ "Region" means a service area for a regional  
12 workforce development board established by the Workforce  
13 Development Board.

14           Section 4. Subsections (2), (3), (6), (7), (8), and  
15 (10) of section 413.83, Florida Statutes, are amended to read:

16           413.83 Occupational Access and Opportunity Commission;  
17 creation; purpose; membership.--

18           (2) The commission shall consist of 16 voting members,  
19 including 15 members appointed, as provided in this section  
20 herein, by the Governor, the President of the Senate, and the  
21 Speaker of the House of Representatives, and four ex-officio,  
22 nonvoting members. ~~The commission must contain a minimum of 50~~  
23 ~~percent representation from the private sector.~~

24 Notwithstanding any other law to the contrary, appointment of  
25 members is not subject to confirmation by the Senate. The  
26 membership of the commission may not include more than two  
27 individuals who are, or are employed by, community  
28 rehabilitation providers who contract to provide vocational  
29 rehabilitation services to individuals who qualify for the  
30 program.The members of the commission shall include:  
31



1           (a) The Commissioner of Education, or his or her  
2     designee, who shall serve as chair until October 1, 2000;  
3     after October 1, 2000, the commission shall elect a chair from  
4     its membership;

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

11          (c) An individual who is a consumer of vocational  
12    rehabilitation services, who shall be appointed by the  
13    Governor for a term of 4 years;

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

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

26          (f) As exofficio, nonvoting members:

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

29            2. The chair of the Florida Rehabilitation Council;

30            3. The chair of the Council for Independent Living;

31    and

1           4. The chair of the Commission for the Purchase from  
2 the Blind or Other Severely Handicapped.

3           ~~(b) The chair of the Florida Rehabilitation Council;~~

4           ~~(c) The chair of the Council for Independent Living;~~

5           ~~(d) The chair of the Commission for the Purchase from~~  
6 ~~the Blind or Other Severely Handicapped;~~

7           ~~(e) A community rehabilitation provider who contracts~~  
8 ~~to provide vocational rehabilitation services to individuals~~  
9 ~~who qualify for the program, who shall be appointed by the~~  
10 ~~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           ~~(g) A consumer of vocational rehabilitation services,~~  
15 ~~who shall be appointed by the Speaker of the House of~~  
16 ~~Representatives for a term of 4 years; and~~

17           ~~(h) Other individuals with disabilities and~~  
18 ~~representatives of business, workforce development, education,~~  
19 ~~state government, local government, consumer advocate groups,~~  
20 ~~employers of individuals with disabilities, or community~~  
21 ~~organizations.~~

22           (3) By September 1, 2000, after receiving  
23 recommendations from the commission, the Governor, the  
24 President of the Senate, and the Speaker of the House of  
25 Representatives shall consult together and take actions  
26 necessary to bring the membership of the commission into  
27 compliance with the requirements of this section. In taking  
28 such action, initial terms shall be staggered as necessary to  
29 ensure that the terms of no more than one-fourth of the  
30 commission's total appointed membership shall expire in any  
31 1-year period. Initially, the Governor, the President of the

1 ~~Senate, and the Speaker of the House of Representatives shall~~  
2 ~~each appoint as members meeting the qualifications contained~~  
3 ~~in paragraph (2)(h), one member for a term of 3 years, one~~  
4 ~~member for a term of 2 years, and one member for a term of 1~~  
5 ~~year.~~ Thereafter, after receiving recommendations from the  
6 commission, the Governor, the President of the Senate, and the  
7 Speaker of the House of Representatives shall appoint all  
8 members for terms of 4 years. Any vacancy shall be filled by  
9 appointment by the original appointing authority for the  
10 unexpired portion of the term by a person who possesses the  
11 proper qualifications for the vacancy.

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

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

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

1 ~~advisory committee to the commission by submitting to the~~  
2 ~~commission a resolution requesting affiliation and having the~~  
3 ~~request approved by the commission.~~The commission shall  
4 establish the operating procedures of the committees.

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

11 Section 5. Section 413.84, Florida Statutes, is  
12 amended to read:

13 413.84 Powers and duties.--The commission:

14 (1) Effective July 1, 2000, shall serve as the  
15 director of the Division of Occupational Access and  
16 Opportunity of the Department of Education.

17 (2) Is responsible for establishing policy, planning,  
18 and quality assurance for the programs assigned and funded to  
19 the division, including, but not limited to, vocational  
20 rehabilitation and independent living services to persons with  
21 disabilities which services are funded under the federal  
22 Rehabilitation Act of 1973, as amended, in a coordinated,  
23 efficient, and effective manner. The Occupational Access and  
24 Opportunity Commission has authority to adopt rules pursuant  
25 to ss. 120.536(1) and 120.54 to implement provisions of law  
26 conferring duties upon it. Such rules and policies shall be  
27 submitted to the State Board of Education for approval. If any  
28 rule is not disapproved by the State Board of Education within  
29 45 days after its receipt by the State Board of Education, the  
30 rule shall be filed immediately with the Department of State.

31

1 Effective October 1, 2000, rules adopted by the commission do  
2 not require approval by the State Board of Education.

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

7 (4)(1) Shall, no later than January July 1, 2001 2000,  
8 after consulting with stakeholders and holding public  
9 hearings, develop and implement a 5-year plan to promote  
10 occupational access and opportunities for Floridians with  
11 disabilities, ~~and to fulfill the federal plan requirements.~~

12 The plan must be submitted to the Governor, the President of  
13 the Senate, and the Speaker of the House of Representatives.

14 The commission may make amendments annually to the plan, which  
15 must be submitted to the Governor, the President of the  
16 Senate, and the Speaker of the House of Representatives by the  
17 first of January.

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

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

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

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

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

25           ~~(5)(2)~~ Notwithstanding the provisions of part I of  
26 chapter 287, shall contract, no later than July 1, 2000, with  
27 the corporation ~~administrative entity designated in the plan~~  
28 to execute the services, functions, and programs prescribed in  
29 the plan. The commission shall serve as contract  
30 administrator. ~~if approved by the federal Department of~~  
31 ~~Education, the administrative entity may be a direct-support~~

1 ~~organization.~~The commission shall define the terms of the  
2 contract.

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

6       (7)~~(4)~~ Is responsible for the prudent use of all  
7 public and private funds provided for the commission's use,  
8 ensuring that the use of all funds is in accordance with all  
9 applicable laws, bylaws, and contractual requirements.

10       (8)~~(5)~~ Shall develop an operational structure to carry  
11 out the plan developed by the commission.

12       (9)~~(6)~~ May appear on its own behalf before the  
13 Legislature, boards, commissions, departments, or other  
14 agencies of municipal, county, state, or Federal Government.

15       (10)~~(7)~~ In the performance of its duties, may  
16 undertake or commission research and studies.

17       (11)~~(8)~~ Shall develop a budget, which is in keeping  
18 with the plan, for the operation and activities of the  
19 commission and functions of its designated administrative  
20 entity. The budget shall be submitted to the Governor for  
21 inclusion in the Governor's budget recommendations.

22       (12)~~(9)~~ May assign staff from the ~~office or~~ division  
23 to assist in implementing the provisions of this act relating  
24 to the Occupational Access and Opportunity Commission.

25       Section 6. Subsections (1), (3), and (4) of section  
26 413.85, Florida Statutes, are amended 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 contract with the corporation to provide services ~~designate a~~

1 ~~direct support organization as its administrative entity, such~~  
2 organization shall be designated the Occupational Access and  
3 Opportunity Corporation:

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

8 (b) Which is organized and operated exclusively to  
9 carry out such activities and tasks as the commission assigns  
10 through contract. ~~request, receive, hold, invest, and~~  
11 ~~administer property and to manage and make expenditures for~~  
12 ~~the operation of the activities, services, functions, and~~  
13 ~~programs of the provisions of this act relating to the~~  
14 ~~Occupational Access and Opportunity Commission.~~

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

18 (d) Which shall not be considered an agency for the  
19 purposes of chapters 120, and 216, and 287; ss. 255.25 and  
20 255.254, relating to leasing of buildings; ss. 283.33 and  
21 283.35, relating to bids for printing; s. 215.31; and parts IV  
22 through VIII of chapter 112.

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

28 (3) BOARD OF DIRECTORS.--The board of directors of the  
29 corporation shall be composed of no fewer than 7 and no more  
30 than 15 members appointed by the commission, and a majority of  
31 its members must be members of the commission ~~15 members,~~



1 ~~appointed by the commission from its own membership.~~ The vice  
2 chair of the commission shall serve as chair of the  
3 corporation's board of directors.

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

6 (a) May make and enter into contracts and assume such  
7 other functions as are necessary to carry out the provisions  
8 of the plan and the corporation's contract with the commission  
9 which are not inconsistent with this or any other provision of  
10 law.

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

15 (c) May commission and adopt, in cooperation with the  
16 commission, an official business name and logo to be used in  
17 all promotional materials directly produced by the  
18 corporation.

19 (d) The corporation shall establish cooperative and  
20 collaborative memoranda of understanding with One-Stop Career  
21 Center operators to increase, upgrade, or expand services to  
22 Floridians with disabilities who are seeking employment and  
23 self-sufficiency.

24 (e) May hire any individual who, as of June 30, 2000,  
25 is employed by the Division of Vocational Rehabilitation. Such  
26 hiring may be done through a lease agreement established by  
27 the Department of Management Services for the corporation.  
28 Under such agreement, the employee shall retain his or her  
29 status as a state employee, but shall work under the direct  
30 supervision of the corporation. Retention of state employee  
31 status shall include the right to participate in the Florida

1 Retirement System. The Department of Management Services shall  
2 establish the terms and conditions of such lease agreements.

3 Section 7. Section 413.86, Florida Statutes, is  
4 amended to read:

5 413.86 Public-private partnerships.--The Division of  
6 Occupational Access and Opportunity ~~Vocational Rehabilitation~~  
7 will enter into local public-private partnerships to the  
8 extent that it is beneficial to increasing employment outcomes  
9 for persons with disabilities and ensuring their full  
10 involvement in the comprehensive workforce investment system.

11 Section 8. Subsection (2) of section 413.87, Florida  
12 Statutes, is amended to read:

13 413.87 Annual audit.--

14 (2) The corporation shall provide to the commission a  
15 quarterly report that:

16 (a) Updates its progress and impact in creating  
17 employment and increasing the personal income of individuals  
18 with disabilities;

19 (b) Provides detailed, unaudited financial statements  
20 of sources and uses of public and private funds;

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

23 (d) Reviews all pertinent research findings and  
24 training efforts; and

25 (e) Provides other measures of accountability as  
26 requested by the commission.

27 Section 9. Section 413.88, Florida Statutes, is  
28 amended to read:

29 413.88 Annual report of the Occupational Access and  
30 Opportunity Commission; audits.--

31

1 (1) Before January 1 of each year, the commission  
2 shall submit to the Governor, the President of the Senate, and  
3 the Speaker of the House of Representatives a complete and  
4 detailed report setting forth for itself and its designated  
5 administrative entity:

6 (a) Its operations and accomplishments during the  
7 fiscal year.

8 (b) Its business and operational plan.

9 (c) The assets and liabilities of the corporation  
10 ~~designated administrative entity~~ at the end of its most recent  
11 fiscal year.

12 (d) A copy of the annual financial and compliance  
13 audit.

14 (2) The Auditor General may, pursuant to his or her  
15 own authority or at the direction of the Legislative Auditing  
16 Committee, conduct an audit of the commission or the  
17 corporation ~~its designated administrative entity~~.

18 Section 10. Section 413.89, Florida Statutes, is  
19 amended to read:

20 413.89 State vocational rehabilitation plan;  
21 preparation and submittal; administration.--Effective July 1,  
22 2000, the Department of Education is the designated state  
23 agency and the Division of Occupational Access and Opportunity  
24 is the designated state unit for purposes of compliance with  
25 the federal Rehabilitation Act of 1973, as amended. Effective  
26 October 1, 2000, ~~Upon appointment,~~ the Occupational Access and  
27 Opportunity Commission is the designated state agency for  
28 purposes of compliance with the Rehabilitation Act of 1973, as  
29 amended, and authorized to prepare and submit the federally  
30 required state vocational rehabilitation plan and to serve as  
31 the governing authority of programs administered by the

1 commission, including, but not limited to: administering the  
2 state's plan under the Rehabilitation Act of 1973, as amended;  
3 receiving federal funds as the state vocational rehabilitation  
4 agency; directing the expenditure of legislative  
5 appropriations for rehabilitative services through its  
6 designated administrative entity or other agents; and, if  
7 necessary, making any changes to the plan that the commission  
8 considers necessary to maintain compliance with the federal  
9 Rehabilitation Act of 1973, as amended, and implementing such  
10 changes in order to continue to qualify and maintain federal  
11 funding support. During the period of time between July 1,  
12 2000, and October 1, 2000, the department and the appointment  
13 of the commission and the designation of the administrative  
14 entity,the commission ~~and the division~~ may, by agreement,  
15 provide for continued administration consistent with federal  
16 and state law.

17 Section 11. Section 413.90, Florida Statutes, is  
18 amended to read:

19 413.90 Designated State Agency and Designated State  
20 Unit Designation of administrative entity.--Effective July 1,  
21 2000, the Division of Vocational Rehabilitation ~~The division~~  
22 ~~must comply with the transitional direction of the plan. If~~  
23 ~~the commission designates an administrative entity other than~~  
24 ~~the division, all powers, duties, and functions of and all~~  
25 ~~related records, property, and equipment and all contractual~~  
26 ~~rights, obligations of, and unexpended balances of~~  
27 ~~appropriations and other funds or allocations of the~~  
28 ~~division's component programs of the Department of Labor and~~  
29 ~~Employment Security shall be transferred to the Department of~~  
30 ~~Education by a type two transfer commission as provided in the~~  
31 ~~plan,pursuant to s. 20.06(2) and shall become the Division of~~

1 Occupational Access and Opportunity. The commission and the  
2 Department of Education, in establishing the Division of  
3 Occupational Access and Opportunity, may establish no more  
4 than 700 positions inclusive of those positions leased by the  
5 corporation. These positions may be filled by former employees  
6 of the Division of Vocational Rehabilitation. By October 1,  
7 2000, the division shall reduce the number of positions to no  
8 more than 300. If unforeseen transition activities occur in  
9 moving service delivery from division employees to community  
10 rehabilitation providers and create situations negatively  
11 affecting client services, and the remedy to those temporary  
12 situations would require more than 300 positions, the division  
13 may request a budget amendment to retain positions. The  
14 request must provide full justification for the continuation  
15 and include the number of positions and duration of time  
16 required. In no instance shall the time required exceed 3  
17 months.The Department of Labor and Employment Security shall  
18 assist the commission in carrying out the intent of this  
19 chapter and achieving an orderly transition. The Office of  
20 Planning and Budget shall submit the necessary budget  
21 amendments to the Legislature in order to bring the budget  
22 into compliance with the plan.

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

25       413.91 Service providers; quality assurance and  
26 fitness for responsibilities.--The Occupational Access and  
27 Opportunity Commission shall assure that all contractors ~~the~~  
28 ~~designated administrative entity~~ and providers of direct  
29 service maintain an internal system of quality assurance, have  
30 proven functional systems, and are subject to a due-diligence  
31 inquiry for their fitness to undertake service

1 responsibilities regardless of whether a contract for services  
2 is competitively or noncompetitively procured.

3 Section 13. Section 413.92, Florida Statutes, is  
4 amended to read:

5 413.92 Conflict of laws.--It is the intent of the  
6 Legislature that the provisions of this act relating to the  
7 Occupational Access and Opportunity Commission not conflict  
8 with any federal statute or implementing regulation governing  
9 federal grant-in-aid programs administered by the division or  
10 the commission. Whenever such a conflict is asserted by the  
11 applicable agency of the Federal Government, until October 1,  
12 2000, the department, and after October 1, 2000, the  
13 commission shall submit to the federal Department of  
14 Education, or other applicable federal agency, a request for a  
15 favorable policy interpretation of the conflicting portions.  
16 If the request is approved, as certified in writing by the  
17 secretary of the federal Department of Education, or the head  
18 of the other applicable federal agency, the commission or the  
19 division is authorized to make the adjustments in the plan  
20 which are necessary for achieving conformity to federal  
21 statutes and regulations. Before making such adjustments, the  
22 commission or the division shall provide to the President of  
23 the Senate and the Speaker of the House of Representatives an  
24 explanation and justification of the position of the division  
25 or the commission and shall outline all feasible alternatives  
26 that are consistent with this section. These alternatives may  
27 include the state supervision of local service agencies by the  
28 commission or the division if the agencies are designated by  
29 the Governor.

30 Section 14. Section 39 of chapter 99-240, Laws of  
31 Florida, is amended to read:

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

6           Section 15. Section 413.011, Florida Statutes, is  
7 amended to read:

8           413.011 Division of Blind Services, internal  
9 organizational structure; Florida Rehabilitation Advisory  
10 ~~Council for the Blind~~ Services.--

11           (1) The internal organizational structure of the  
12 Division of Blind Services shall be designed for the purpose  
13 of ensuring the greatest possible efficiency and effectiveness  
14 of services to the blind and to be consistent with chapter 20.  
15 The Division of Blind Services shall ~~plan, supervise, and~~  
16 carry out the following activities under planning and policy  
17 guidance from the Florida Rehabilitation Council for Blind  
18 Services:

19           (a) Implement the provisions of the 5-year strategic  
20 plan prepared by the council under paragraph (3)(a) to provide  
21 services to individuals who are blind.

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

24           (c)~~(b)~~ Cause to be compiled and maintained a complete  
25 register of individuals in the state who are ~~the blind in the~~  
26 ~~state~~, which shall describe the condition, cause of blindness,  
27 and capacity for education and industrial training, with such  
28 other facts as may seem to the division to be of value. Any  
29 information in the register of individuals who are ~~the~~ blind  
30 which, when released, could identify an individual is  
31 confidential and exempt from the provisions of s. 119.07(1).

1            (d)~~(c)~~ Inquire into the cause of blindness, inaugurate  
2 preventive measures, and provide for the examination and  
3 treatment of individuals who are ~~the~~ blind, or those  
4 threatened with blindness, for the benefit of such persons,  
5 and shall pay therefor, including necessary incidental  
6 expenses.

7            (e)~~(d)~~ Contract with community-based rehabilitation  
8 programs, to the maximum extent allowable under federal law,  
9 to assist individuals who are blind in obtaining ~~Aid the blind~~  
10 ~~in finding~~ employment, teach them trades and occupations  
11 within their capacities, assist them in disposing of products  
12 made by them in home industries, assist them in obtaining  
13 funds for establishing enterprises where federal funds  
14 reimburse the state, and do such things as will contribute to  
15 the efficiency of self-support of individuals who are ~~the~~  
16 blind.

17            (f)~~(e)~~ Establish one or more training schools and  
18 workshops for the employment of suitable individuals who are  
19 blind ~~persons~~; make expenditures of funds for such purposes;  
20 receive moneys from sales of commodities involved in such  
21 activities and from such funds make payments of wages,  
22 repairs, insurance premiums and replacements of equipment. All  
23 of the activities provided for in this section may be carried  
24 on in cooperation with private workshops for individuals who  
25 are ~~the~~ blind, except that all tools and equipment furnished  
26 by the division shall remain the property of the state.

27            (g)~~(f)~~ Contract with community-based rehabilitation  
28 programs, to the maximum extent allowable under federal law,  
29 to provide special services and benefits for individuals who  
30 are ~~the~~ blind in order to assist them in ~~for~~ developing their  
31



1 social life through community activities and recreational  
2 facilities.

3 (h)~~(g)~~ Undertake such other activities as may  
4 ameliorate the condition of ~~blind~~ citizens of this state who  
5 are blind.

6 (i)~~(h)~~ Cooperate with other agencies, public or  
7 private, especially the Division of the Blind and Physically  
8 Handicapped of the Library of Congress and the Division of  
9 Library and Information Services of the Department of State,  
10 to provide library service to individuals who are ~~the~~ blind  
11 and individuals who have other disabilities ~~other handicapped~~  
12 ~~persons~~ as defined in federal law and regulations in carrying  
13 out any or all of the provisions of this law.

14 (j)~~(i)~~ Recommend contracts and agreements with  
15 federal, state, county, municipal and private corporations,  
16 and individuals.

17 (k)~~(j)~~ Receive moneys or properties by gift or bequest  
18 from any person, firm, corporation, or organization for any of  
19 the purposes herein set out, but without authority to bind the  
20 state to any expenditure or policy except such as may be  
21 specifically authorized by law. All such moneys or properties  
22 so received by gift or bequest as herein authorized may be  
23 disbursed and expended by the division upon its own warrant  
24 for any of the purposes herein set forth, and such moneys or  
25 properties shall not constitute or be considered a part of any  
26 legislative appropriation made by the state for the purpose of  
27 carrying out the provisions of this law.

28 (l)~~(k)~~ Prepare and make available to individuals who  
29 are ~~the~~ blind, in braille and on electronic recording  
30 equipment, Florida Statutes chapters 20, 120, 121, and 413, in  
31 their entirety.

1           ~~(m)(1)~~ Adopt by rule procedures necessary to comply  
2 with any plans prepared by the council and the Occupational  
3 Access and Opportunity Commission for providing vocational  
4 rehabilitation services for individuals who are ~~the~~ blind.

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

7           (2) As used in this section:

8           (a) "Act," unless the context indicates otherwise,  
9 means the Rehabilitation Act of 1973, 29 U.S.C. ss. 701-797.

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

13           ~~(c)~~ "Community-based rehabilitation program" means a  
14 provider of services to individuals in a community setting  
15 which has as its primary function services directed toward  
16 individuals who are blind.

17           ~~(d)~~ "Council" means the Florida Rehabilitation Council  
18 for Blind Services.

19           ~~(e)(c)~~ "Department" means the Department of Management  
20 Services Labor and Employment Security.

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

23           (3) There is ~~hereby~~ created in the department the  
24 Florida Rehabilitation Advisory Council for the Blind  
25 Services. The council shall be established in accordance with  
26 the act and must include at least four representatives of  
27 private-sector businesses that are not providers of vocational  
28 rehabilitation services. Members of the council shall serve  
29 without compensation, but may be reimbursed for per diem and  
30 travel expenses pursuant to s. 112.061.~~to assist the division~~  
31 ~~in the planning and development of statewide rehabilitation~~

1 ~~programs and services, to recommend improvements to such~~  
2 ~~programs and services, and to perform the functions provided~~  
3 ~~in this section.~~

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

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

8 ~~2. At least one representative of a parent training~~  
9 ~~and information center established pursuant to s. 631(c)(9) of~~  
10 ~~the Individuals with Disabilities Act, 20 U.S.C. s.~~  
11 ~~1431(c)(9);~~

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

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

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

21 ~~6. Four representatives of business, industry, and~~  
22 ~~labor;~~

23 ~~7. At least one representative of a disability~~  
24 ~~advocacy group representing individuals who are blind;~~

25 ~~8. At least one parent, family member, guardian,~~  
26 ~~advocate, or authorized representative of an individual who is~~  
27 ~~blind, has multiple disabilities, and either has difficulties~~  
28 ~~representing himself or herself or is unable, due to~~  
29 ~~disabilities, to represent himself or herself;~~

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

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

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

9           ~~(c) A majority of council members shall be persons who~~  
10 ~~are:~~

11           ~~1. Blind; and~~

12           ~~2. >Not employed by the division.~~

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

15           ~~(e) Each member of the council shall serve for a term~~  
16 ~~of not more than 3 years, except that:~~

17           ~~1. A member appointed to fill a vacancy occurring~~  
18 ~~prior to the expiration of the term for which a predecessor~~  
19 ~~was appointed shall be appointed for the remainder of such~~  
20 ~~term; and~~

21           ~~2. The terms of service of the members initially~~  
22 ~~appointed shall be, as specified by the Governor, for such~~  
23 ~~fewer number of years as will provide for the expiration of~~  
24 ~~terms on a staggered basis.~~

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

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

31

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

3           1. Review, analyze, and advise the division regarding  
4 the performance of the responsibilities of the division under  
5 Title I of the act, particularly responsibilities relating to:

6           a. Eligibility, including order of selection;

7           b. The extent, scope, and effectiveness of services  
8 provided; and

9           c. Functions performed by state agencies that affect  
10 or potentially affect the ability of individuals who are blind  
11 to achieve rehabilitation goals and objectives under Title I.

12           2. Advise the department and the division, and provide  
13 direction for, ~~at the discretion of the department or~~  
14 ~~division, assist in~~ the preparation of applications, the state  
15 plan as required by federal law, the strategic plan, and  
16 amendments to the plans, reports, needs assessments, and  
17 evaluations required by Title I.

18           3. Prepare and begin implementing, by January 1, 2001,  
19 a 5-year strategic plan to provide services to individuals who  
20 are blind. The division must consult with stakeholders and  
21 conduct public hearings as part of the development of the  
22 plan. The plan must be submitted to the Governor, the  
23 President of the Senate, and the Speaker of the House of  
24 Representatives. The council annually shall make amendments to  
25 the plan, which also must be submitted to the Governor, the  
26 President of the Senate, and the Speaker of the House of  
27 Representatives. The plan must provide for the maximum use of  
28 community-based rehabilitation programs for the delivery of  
29 services and a corresponding reduction in the number of state  
30 employees in the division to the minimum number necessary to  
31 carry out the functions required under this section. The plan

1 also must provide for 90 percent of the funds provided for  
2 services to individuals who are blind to be used for direct  
3 customer services.

4 ~~4.3.~~ To the extent feasible, conduct a review and  
5 analysis of the effectiveness of, and consumer satisfaction  
6 with:

7 a. The functions performed by state agencies and other  
8 public and private entities responsible for performing  
9 functions for individuals who are blind.

10 b. Vocational rehabilitation services:

11 (I) Provided or paid for from funds made available  
12 under the act or through other public or private sources.

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

16 ~~5.4.~~ Prepare and submit an annual report on the status  
17 of vocational rehabilitation services for individuals who are  
18 ~~the~~ blind in the state to the Governor and the Commissioner of  
19 the Rehabilitative Services Administration, established under  
20 s. 702 of the act, and make the report available to the  
21 public.

22 ~~6.5.~~ Coordinate with other councils within the state,  
23 including the Independent Living Council, the advisory panel  
24 established under s. 613(a)(12) of the Individuals with  
25 Disabilities Education Act, 20 U.S.C. 1413(a)(12), the State  
26 Planning Council described in s. 124 of the Developmental  
27 Disabilities Assistance and Bill of Rights Act, 42 U.S.C. s.  
28 6024, and the state mental health planning council established  
29 under s. 1916(e) of the Public Health Service Act, 42 U.S.C.  
30 300X-4(e), the Occupational Access and Opportunity Commission,  
31

1 and the state Workforce Development Board under the federal  
2 Workforce Investment Act.

3 7.6. Advise the department and division and provide  
4 for coordination and the establishment of working  
5 relationships among the department, the division, the  
6 Independent Living Council, and centers for independent living  
7 in the state.

8 8.7. Perform such other functions consistent with the  
9 purposes of the act as the council determines to be  
10 appropriate that are comparable to functions performed by the  
11 council.

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

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

23 2.3. The council shall, consistent with law, supervise  
24 and evaluate such staff and other personnel as may be  
25 necessary to carry out its functions.

26 3.4. While assisting the council in carrying out its  
27 duties, staff and other personnel shall not be assigned duties  
28 by the division or any other state agency or office that would  
29 create a conflict of interest.

30 (c)(j) No council member shall cast a vote on any  
31 matter that would provide direct financial benefit to the

1 member or otherwise give the appearance of a conflict of  
2 interest under state law.

3 (d)~~(k)~~ The council shall convene at least four  
4 meetings each year. These meetings shall occur in such places  
5 as the council deems necessary to conduct council business.  
6 The council may conduct such forums or hearings as the council  
7 considers appropriate. The meetings, hearings, and forums  
8 shall be publicly announced. The meetings shall be open and  
9 accessible to the public. To the maximum extent possible, the  
10 meetings shall be held in locations that are accessible to  
11 individuals with disabilities.The council shall make a report  
12 of each meeting which shall include a record of its  
13 discussions and recommendations, all of which reports shall be  
14 made available to the public.

15 Section 16. Section 413.014, Florida Statutes, is  
16 amended to read:

17 413.014 Community-based rehabilitation programs.--The  
18 5-year plan prepared under s. 413.011(3)(a)3. shall require  
19 the Division of Blind Services to ~~shall~~ enter into cooperative  
20 agreements with community-based rehabilitation programs to be  
21 the service providers for the blind citizens of their  
22 communities. State employees, however, shall provide all  
23 services that may not be delegated under federal law.The  
24 division shall, as rapidly as feasible, increase the amount of  
25 such services provided by community-based rehabilitation  
26 programs. The goal shall be to decrease the amount of such  
27 services provided by division employees and to increase to the  
28 maximum extent allowed by federal law the amount of such  
29 services provided through cooperative agreements with  
30 community-based service providers. The division shall seek,  
31 to the maximum extent allowed by federal and state law and



1 regulation, all available federal funds for such purposes.  
2 Funds and in-kind matching contributions from community and  
3 private sources shall be used to maximize federal funds.  
4 Unless prohibited by federal law or regulation, the share of  
5 the federal vocational rehabilitation grant apportioned for  
6 services to the blind shall be not less than 17 percent. By  
7 December 31 of each year, the division shall submit to the  
8 Governor, the President of the Senate, and the Speaker of the  
9 House of Representatives a status report on its progress on  
10 increasing the amount of services provided by community-based  
11 rehabilitation programs as required by this section. The  
12 report shall include recommendations on reductions in the  
13 number of division employees based upon increased use of  
14 community-based rehabilitation programs.

15 Section 17. Subsection (1) of section 413.034, Florida  
16 Statutes, is amended to read:

17 413.034 Commission established; membership.--

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

1 other political subdivisions. All appointed members shall  
2 serve for terms of 4 years. Appointed commission members  
3 shall serve subject to confirmation by the Senate.

4 Section 18. Paragraph (a) of subsection (2) and  
5 subsection (3) of section 413.051, Florida Statutes, are  
6 amended to read:

7 413.051 Eligible blind persons; operation of vending  
8 stands.--

9 (2) As used in this section:

10 (a) "Blind licensee" means any blind person trained  
11 and licensed by the Division of Blind Services of the  
12 Department of Management Services ~~Labor and Employment~~  
13 ~~Security~~ to operate a vending stand.

14 (3) Blind licensees shall be given the first  
15 opportunity to participate in the operation of vending stands  
16 on all state properties acquired after July 1, 1979, when such  
17 facilities are operated under the supervision of the Division  
18 of Blind Services of the Department of Management Services  
19 ~~Labor and Employment Security~~.

20 Section 19. Section 413.064, Florida Statutes, is  
21 amended to read:

22 413.064 Rules.--The Department of Management Services  
23 ~~Labor and Employment Security~~ shall adopt all necessary rules  
24 pertaining to the conduct of a solicitation for the benefit of  
25 individuals who are blind persons, including criteria for  
26 approval of an application for a permit for such solicitation.

27 Section 20. Section 413.066, Florida Statutes, is  
28 amended to read:

29 413.066 Revocation of permit.--Any failure on the part  
30 of a person or organization holding a permit under the  
31 provisions of ss. 413.061-413.068 to comply with the law or

1 with all rules promulgated by the Department of Management  
2 Services ~~Labor and Employment Security~~ as authorized by s.  
3 413.064 constitutes a ground for revocation of the permit by  
4 the Division of Blind Services.

5 Section 21. Section 413.067, Florida Statutes, is  
6 amended to read:

7 413.067 Penalty.--Any person who violates the  
8 provisions of ss. 413.061-413.068 or any rule promulgated by  
9 the Department of Management Services ~~Labor and Employment~~  
10 ~~Security~~ pursuant thereto commits a misdemeanor of the second  
11 degree, punishable as provided in s. 775.082 or s. 775.083.

12 Section 22. It is the intent of the Legislature that  
13 the provisions of this act relating to services for  
14 individuals who are blind not conflict with any federal  
15 statute or implementing regulation governing federal  
16 grant-in-aid programs administered by the Division of Blind  
17 Services or the Florida Rehabilitation Council for Blind  
18 Services. Whenever such a conflict is asserted by the U.S.  
19 Department of Education or other applicable agency of the  
20 Federal Government, the council shall submit to the U.S.  
21 Department of Education or other applicable federal agency a  
22 request for a favorable policy interpretation of the  
23 conflicting portions of such statute or regulation. If the  
24 request is approved, as certified in writing by the Secretary  
25 of the U.S. Department of Education or the head of the other  
26 applicable federal agency, the council or the division is  
27 authorized to adjust the plan as necessary to achieve  
28 conformity with federal statutes or regulations. Before  
29 adjusting the plan, the council or the division shall provide  
30 to the President of the Senate and the Speaker of the House of  
31 Representatives an explanation and justification of the

1 position of the council or division and shall outline all  
2 feasible alternatives that are consistent with this act. These  
3 alternatives may include the state supervision of local  
4 service agencies by the council or the division if the  
5 agencies are designated by the Governor.

6 Section 23. Section 413.93, Florida Statutes, is  
7 repealed.

8 Section 24. This act shall take effect upon becoming a  
9 law except that the provisions of this act amending sections  
10 413.011, 413.014, 413.034, 413.051, 413.064, 413.066, and  
11 413.067, Florida Statutes, shall take effect October 1, 2000.

12  
13  
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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2 COMMITTEE SUBSTITUTE FOR  
3 Senate Bill 2374

4 The committee substitute differs substantially and principally  
5 from Senate Bill 2374 in that the committee substitute:

6 -Creates the Division of Occupational Access and Opportunity  
7 within the Department of Education and establishes the  
8 Occupational Access and Opportunity Commission (commission) as  
9 the director of the new division, effective July 1, 2000;

10 -Prescribes that effective July 1, 2000, the Department of  
11 Education is the designated state agency for purposes of  
12 compliance with the federal Rehabilitation Act of 1973, as  
13 amended; effective October 1, 2000, the commission will become  
14 the designated state agency;

15 -Provides that effective July 1, 2000, the Division of  
16 Occupational Access and Opportunity will be the designated  
17 state unit for purposes of the federal Rehabilitation Act of  
18 1973, as amended;

19 -Transfers the Division of Vocational Rehabilitation within  
20 the Department of Labor and Employment Security (DLES) to the  
21 Division of Occupational Access and Opportunity, effective  
22 July 1, 2000; and requires a reduction in the number of  
23 positions to 700 upon transfer; a further reduction to 300  
24 positions is required by October 1, 2000;

25 -Changes the date from July 1, 2000, to January 1, 2001, for  
26 development and and implementation of a 5-year plan by the  
27 commission;

28 -Transfers the Division of Blind Services within DLES to the  
29 Department of Management Services, effective July 1, 2000; and  
30 requires a 25-percent reduction in the number of division  
31 staff who do not provide direct services;

-Renames the Advisory Council for the Blind the Florida  
Rehabilitation Council for Blind Services and removes certain  
planning and policy activities from the Division of Blind  
Services, requiring these activities to be done by the  
council; and;

-Requires that a 5-year plan be prepared by the Florida  
Rehabilitation Council for Blind Services; this plan must  
require the Division of Blind Services to enter into  
cooperative agreements with community-based rehabilitation  
programs to be the service providers.