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LEGISLATIVE ACTION

Senate	.	House
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Floor: 5/F/2R	.	
04/06/2011 03:55 PM	.	
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Senators Joyner and Wise moved the following:

Senate Amendment (with title amendment)

Between lines 20824 and 20825
insert:

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

90.6063 Interpreter services for deaf persons.—

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

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

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

(c) Any other resource wherein the appointing authority



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14 knows that qualified interpreters can be found.

15 Section 378. Paragraph (b) of subsection (6) of section
16 121.051, Florida Statutes, is amended to read:

17 121.051 Participation in the system.—

18 (6) SEASONAL STATE EMPLOYMENT; BLIND VENDING FACILITY
19 OPERATORS.—

20 (b)1. All blind or partially sighted persons employed or
21 licensed by the Division of Blind Services as vending facility
22 operators on or after December 1, 1970, and prior to July 1,
23 1996, are hereby declared to be state employees within the
24 meaning of this chapter, and all vending facility operators
25 licensed and employed during that period shall be compulsory
26 members of the Florida Retirement System in compliance with this
27 chapter for as long as the member is a vending facility
28 operator, except as provided in subparagraph 3.

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

32 3. Any vending facility operator as described in
33 subparagraph 1. may elect, on or before July 31, 1996, to
34 withdraw from the Florida Retirement System as provided in s.
35 413.051(10) ~~s. 413.051(11)~~. The election to withdraw shall take
36 effect as of July 1, 1996, and the decision to withdraw is
37 irrevocable. A vending facility operator who withdraws from the
38 Florida Retirement System as provided in this subparagraph shall
39 retain all creditable service earned in the Florida Retirement
40 System through the month that retirement contributions ceased to
41 be reported, and no creditable service shall be earned as a
42 vending facility operator after such month. However, any such



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43 person may participate in the Florida Retirement System in the
44 future if employed by a participating employer in a covered
45 position.

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

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

53 215.311 State funds; exceptions.—The provisions of s.
54 215.31 do ~~shall~~ not apply to funds collected by and under the
55 direction and supervision of the Division of Blind Services of
56 Jobs Florida ~~the Department of Education~~ as provided under ss.
57 413.011, 413.041, and 413.051; however, nothing in this section
58 shall be construed to except from the provisions of s. 215.31
59 any appropriations made by the state to the division.

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

62 394.75 State and district substance abuse and mental health
63 plans.—

64 (5) The district plan shall address how substance abuse and
65 mental health services will be provided and how a system of care
66 for target populations will be provided given the resources
67 available in the service district. The plan must include
68 provisions for maximizing client access to the most recently
69 developed psychiatric medications approved by the United States
70 Food and Drug Administration, for developing independent housing
71 units through participation in the Section 811 program operated



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72 by the United States Department of Housing and Urban
73 Development, for developing supported employment services
74 through the Division of Vocational Rehabilitation of Jobs
75 Florida ~~the Department of Education~~, for providing treatment
76 services to persons with co-occurring mental illness and
77 substance abuse problems which are integrated across treatment
78 systems, and for providing services to adults who have a serious
79 mental illness, as defined in s. 394.67, and who reside in
80 assisted living facilities.

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

83 410.604 Community care for disabled adults program; powers
84 and duties of the department.—

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

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

98 413.011 Division of Blind Services, legislative policy,
99 intent; internal organizational structure and powers;
100 Rehabilitation Council for the Blind.—



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101 (4) DEFINITIONS.—As used in this section, the term:

102 ~~(c) "Department" means the Department of Education.~~

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

111 (a) The advisory council shall be composed of:

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

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

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

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

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

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

128 7. At least one representative of a disability advocacy
129 group representing individuals who are blind;



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130 8. At least one parent, family member, guardian, advocate,
131 or authorized representative of an individual who is blind, has
132 multiple disabilities, and either has difficulties representing
133 himself or herself or is unable, due to disabilities, to
134 represent himself or herself;

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

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

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

144 (c) A majority of council members shall be persons who are:

- 145 1. Blind; and
146 2. Not employed by the division.

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

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

151 1. A member appointed to fill a vacancy occurring prior to
152 the expiration of the term for which a predecessor was appointed
153 shall be appointed for the remainder of such term; and

154 2. The terms of service of the members initially appointed
155 shall be, as specified by the Governor, for such fewer number of
156 years as will provide for the expiration of terms on a staggered
157 basis.

158 (f) A member of the council may not serve more than two



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159 consecutive full terms.

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

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

166 1. Review, analyze, and advise the division regarding the
167 performance of the responsibilities of the division under Title
168 I of the act, particularly responsibilities relating to:

169 a. Eligibility, including order of selection;

170 b. The extent, scope, and effectiveness of services
171 provided; and

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

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

180 3. To the extent feasible, conduct a review and analysis of
181 the effectiveness of, and consumer satisfaction with:

182 a. The functions performed by state agencies and other
183 public and private entities responsible for performing functions
184 for individuals who are blind.

185 b. Vocational rehabilitation services:

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



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

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

196 5. Coordinate with other councils within the state,
197 including the Independent Living Council, the advisory panel
198 established under s. 613(a)(12) of the Individuals with
199 Disabilities Education Act, 20 U.S.C. 1413(a)(12), the State
200 Planning Council described in s. 124 of the Developmental
201 Disabilities Assistance and Bill of Rights Act, 42 U.S.C. s.
202 6024, and the state mental health planning council established
203 under s. 1916(e) of the Public Health Service Act, 42 U.S.C.
204 300X-4(e).

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

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

213 (i)1. The council shall prepare, in conjunction with the
214 division, a plan for the provision of such resources, including
215 such staff and other personnel, as may be necessary to carry out
216 the functions of the council. The resource plan shall, to the



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217 maximum extent possible, rely on the use of resources in
218 existence during the period of implementation of the plan.

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

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

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

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

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

244 Section 383. Subsection (3) of section 413.0111, Florida
245 Statutes, is amended to read:



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246 413.0111 Blind services direct-support organization.-

247 (3) The purposes and objectives of the direct-support
248 organization must be consistent with the priority issues and
249 objectives of Jobs Florida ~~the Department of Education~~ and must
250 be in the best interests of the state, though the Division of
251 Blind Services may permit, without charge, the appropriate use
252 of property and facilities of the state by the direct-support
253 organization subject to this section. Such use must be directly
254 in keeping with the approved purposes of the direct-support
255 organization.

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

258 413.051 Eligible blind persons; operation of vending
259 stands.-

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

261 (a) "Blind licensee" means any blind person trained and
262 licensed by the Division of Blind Services of Jobs Florida ~~the~~
263 ~~Department of Education~~ to operate a vending stand.

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

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

271 413.091 Identification cards.-

272 (1) The Division of Blind Services of Jobs Florida ~~the~~
273 ~~Department of Education~~ shall issue identification cards to
274 persons known to be blind or partially sighted, upon the written



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275 request of such individual.

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

278 413.092 Blind Babies Program.—

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

290 Section 387. Subsections (6), (8), and (10) of section
291 413.20, Florida Statutes, are amended, and present subsections
292 (7) through (26) are renumbered as subsections (6) through (25),
293 respectively, to read:

294 413.20 Definitions.—As used in this part, the term:

295 ~~(6) "Department" means the Department of Education.~~

296 ~~(7)(8)~~ (7) "Division" means the Division of Vocational
297 Rehabilitation of Jobs Florida ~~the Department of Education~~.

298 ~~(9)(10)~~ (9) "Extended services" means one or more ongoing
299 support services and other appropriate services needed to
300 support and maintain a person who has a most significant
301 disability in supported employment and to assist an eligible
302 person in maintaining integrated and competitive employment.
303 Extended services are based upon a determination of the needs of



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304 the eligible person as specified in the person's individualized
305 plan for employment and are provided by a state agency, a
306 nonprofit private organization, an employer, or any other
307 appropriate resource after the person has made the transition
308 from support provided by Jobs Florida ~~the department~~.

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

311 413.203 Conflict of laws.—It is the intent of the
312 Legislature that the provisions of this part not conflict with
313 any federal statute or implementing regulation governing federal
314 grant-in-aid programs administered by the Division of Vocational
315 Rehabilitation of Jobs Florida. Wherever such a conflict is
316 asserted by the applicable agency of the Federal Government,
317 Jobs Florida ~~the Department of Education~~ shall submit to the
318 United States Department of Education, or other applicable
319 federal agency, a request for a favorable policy interpretation
320 of the conflicting portions.

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

323 413.395 Florida Independent Living Council.—

324 (1) There is created the Florida Independent Living Council
325 to assist the division and the Division of Blind Services of
326 Jobs Florida ~~the Department of Education~~, as well as other state
327 agencies and local planning and administrative entities assisted
328 under Title VII of the act, in the expansion and development of
329 statewide independent living policies, programs, and concepts
330 and to recommend improvements for such programs and services.
331 The council shall function independently of the division and,
332 unless the council elects to incorporate as a not-for-profit



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333 corporation, is assigned to the division for administrative
334 purposes only. The council may elect to be incorporated as a
335 Florida corporation not for profit and, upon such election,
336 shall be assisted in the incorporation by the division for the
337 purposes stated in this section. The appointed members of the
338 council may constitute the board of directors for the
339 corporation.

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

342 413.402 Personal care attendant program.—The Florida
343 Endowment Foundation for Vocational Rehabilitation shall enter
344 into an agreement, ~~no later than October 1, 2008,~~ with the
345 Florida Association of Centers for Independent Living to
346 administer the James Patrick Memorial Work Incentive Personal
347 Attendant Services Program to provide personal care attendants
348 to persons who have severe and chronic disabilities of all kinds
349 and who are eligible under subsection (1). ~~Effective July 1,~~
350 ~~2008,~~ The Florida Association of Centers for Independent Living
351 shall receive 12 percent of the funds paid to or on behalf of
352 participants from funds to be deposited with the Florida
353 Endowment Foundation for Vocational Rehabilitation pursuant to
354 ss. 320.08068(4)(d) and 413.4021(1) to administer the program.
355 ~~For the purpose of ensuring continuity of services, a memorandum~~
356 ~~of understanding shall be executed between the parties to cover~~
357 ~~the period between July 1, 2008, and the execution of the final~~
358 ~~agreement.~~

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

361 (a) Be at least 18 years of age, be a legal resident of



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362 this state, and be significantly and chronically disabled;

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

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

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

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

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

387 Section 391. Paragraph (a) of subsection (2) of section
388 413.407, Florida Statutes, is amended to read:

389 413.407 Assistive Technology Advisory Council.—There is
390 created the Assistive Technology Advisory Council, responsible



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391 for ensuring consumer involvement in the creation, application,
392 and distribution of technology-related assistance to and for
393 persons who have disabilities. The council shall fulfill its
394 responsibilities through statewide policy development, both
395 state and federal legislative initiatives, advocacy at both the
396 state and federal level, planning of statewide resource
397 allocations, policy-level management, reviews of both consumer
398 responsiveness and the adequacy of program service delivery, and
399 by performing the functions listed in this section.

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

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

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

411 413.445 Recovery of third-party payments for vocational
412 rehabilitation and related services.—

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

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

419 1013.38 Boards to ensure that facilities comply with



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420 building codes and life safety codes.-

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

428

429 ===== T I T L E A M E N D M E N T =====

430 And the title is amended as follows:

431 Delete line 371

432 and insert:

433 1011.76, 1012.2251, 20.15, 90.6063, 121.051, 215.311,
434 394.75, 410.604, 413.011, 413.0111, 413.051, 413.091,
435 413.092, 413.20, 413.203, 413.395, 413.402, 413.407,
436 413.445, and 1013.38, F.S.; conforming provisions to