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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/17/2020	.	
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	.	

Appropriations Subcommittee on Education (Gainer) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Present subsections (20) through (27) of section 413.20, Florida Statutes, are redesignated as subsections (21) through (28), respectively, and a new subsection (20) is added to that section, to read:

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

(20) "Preemployment transition services" means the services



704798

11 of job exploration counseling, work-based learning experiences,
12 counseling on comprehensive transition or postsecondary
13 education programs, workplace readiness training, and
14 instruction in self-advocacy as required by the Workforce
15 Innovation and Opportunity Act of 2014, which may be provided to
16 students with disabilities who are eligible or potentially
17 eligible for vocational rehabilitation services.

18 Section 2. Present paragraph (d) of subsection (4) of
19 section 413.207, Florida Statutes, is redesignated as paragraph
20 (e), a new paragraph (d) and paragraph (f) are added to that
21 subsection, and paragraph (a) of that subsection is amended, to
22 read:

23 413.207 Division of Vocational Rehabilitation; quality
24 assurance; performance improvement plan.—

25 (4) By December 1 of each year, the division shall submit a
26 performance report to the Governor, the President of the Senate,
27 and the Speaker of the House of Representatives which includes
28 the following information for each of the 5 most recent fiscal
29 years:

30 (a) Caseload data, by service type and service area,
31 including the number of individuals who apply for services and
32 the timeframes in which eligibility is determined, plans are
33 developed, and services are provided ~~who receive services, by~~
34 ~~service type, reported statewide and by service area.~~

35 (d) Matching fund data, including the sources and amounts
36 of matching funds received by the division and the extent to
37 which the state is meeting its cost-sharing requirements.

38 (f) Transition services data, including preemployment
39 transition services, for students and youth with disabilities by



704798

40 service type, including expenditure data on a statewide and
41 service area basis, employment outcomes achieved by youth
42 served, and postsecondary enrollment rates.

43 Section 3. Section 413.23, Florida Statutes, is amended to
44 read:

45 413.23 Administration.—The division shall provide
46 vocational rehabilitation services to persons who have
47 disabilities determined to be eligible therefor and
48 preemployment transition services to persons potentially
49 eligible for such services and, in carrying out the purposes of
50 this part, is authorized, among other things:

51 (1) To cooperate with other departments, agencies, public
52 and private ~~and institutions, both public and private, and~~
53 providers in providing for the vocational rehabilitation and
54 preemployment transition services of persons who have
55 disabilities, in studying the problems involved therein, and in
56 establishing, developing, and providing, in conformity with the
57 purposes of this part, such programs, facilities, and services
58 as may be necessary or desirable;

59 (2) To enter into reciprocal agreements with other states
60 to provide for the vocational rehabilitation of residents of the
61 states concerned;

62 (3) To conduct research and compile statistics relating to
63 the vocational rehabilitation of persons who have disabilities;

64 (4) To prepare a federally required state plan for
65 vocational rehabilitation, as required by the act. The state
66 plan must contain all of the elements required by s. 101 of the
67 act, including an assessment of the needs of persons who have
68 disabilities and how those needs may be most effectively met.



704798

69 The division is authorized to make amendments to the state plan
70 considered necessary to maintain compliance with the act and to
71 implement such changes in order to qualify for and maintain
72 federal funding. After completion of the state plan or making
73 amendments to the state plan, the division must distribute
74 copies of the state plan to the Governor, the President of the
75 Senate, the Speaker of the House of Representatives, and the
76 United States Secretary of Education.

77 Section 4. Subsections (3) and (5) of section 413.30,
78 Florida Statutes, are amended to read:

79 413.30 Eligibility for vocational rehabilitation services.-

80 (3) An individual is presumed to benefit in terms of an
81 employment outcome from vocational rehabilitation services under
82 this part unless the division can demonstrate by clear and
83 convincing evidence that the individual is incapable of
84 benefiting from vocational rehabilitation services in terms of
85 an employment outcome. Before making such a determination, the
86 division must consider the individual's abilities, capabilities,
87 and capacity to perform in a work situation through the use of
88 trial work experiences. Trial work experiences include supported
89 employment, on-the-job training, or other work experiences using
90 realistic work settings. ~~Under limited circumstances, if an~~
91 ~~individual cannot take advantage of trial work experiences or if~~
92 ~~options for trial work experiences have been exhausted, the~~
93 ~~division shall conduct an extended evaluation, not to exceed 18~~
94 ~~months. The evaluation must determine the eligibility of the~~
95 ~~individual and the nature and scope of needed vocational~~
96 ~~rehabilitation services. The extended evaluation must be~~
97 ~~reviewed once every 90 days to determine whether the individual~~



704798

98 ~~is eligible for vocational rehabilitation services.~~

99 (5) When the division determines that an individual is
100 eligible for vocational rehabilitation services, the division
101 must complete an assessment for determining eligibility and
102 vocational rehabilitation needs and ensure that an
103 individualized plan for employment is prepared within a
104 reasonable period of time, not to exceed 90 days after the date
105 of eligibility determination, unless unforeseen circumstances
106 beyond the control of the division prevent the division from
107 completing the assessment and individualized plan for employment
108 within the 90-day timeframe and the division and the individual
109 agree that an extension of time is warranted.

110 (a) Each individualized plan for employment must be jointly
111 developed, agreed upon, and signed by the vocational
112 rehabilitation counselor or coordinator and the eligible
113 individual or, in an appropriate case, a parent, family member,
114 guardian, advocate, or authorized representative, of the
115 individual.

116 (b) The division must ensure that each individualized plan
117 for employment is designed to achieve the specific employment
118 outcome of the individual, consistent with the unique strengths,
119 resources, priorities, concerns, abilities, and capabilities of
120 the individual, and otherwise meets the content requirements for
121 an individualized plan for employment as set out in federal law
122 or regulation.

123 (c) Each individualized plan for employment shall be
124 reviewed annually, at which time the individual, or the
125 individual's parent, guardian, advocate, or authorized
126 representative, shall be afforded an opportunity to review the



704798

127 plan and jointly redevelop and agree to its terms. Each plan
128 shall be revised as needed.

129 Section 5. Section 413.301, Florida Statutes, is created to
130 read:

131 413.301 Preemployment transition services.-

132 (1) Preemployment transition services shall be provided to
133 an individual with disabilities who is between 14 and 21 years
134 of age; who is potentially eligible for vocational
135 rehabilitation services in a secondary, postsecondary, or other
136 recognized education program; and who:

137 (a) Has a current individual education plan developed by a
138 local school board in accordance with rules of the State Board
139 of Education; or

140 (b) Meets the definition of an individual with a disability
141 for the purposes of s. 504 of the Rehabilitation Act of 1973.

142 (2) When the division receives documentation that an
143 individual meets the conditions described in subsection (1), the
144 division must provide preemployment transition services within a
145 reasonable period of time, not to exceed 90 days after the date
146 that it receives an individual's consent or, for a minor, a
147 parent's or legal guardian's consent, to receive services,
148 unless unforeseen circumstances beyond the control of the
149 division prevent the division from providing services within the
150 90-day timeframe and the division and the individual or, for a
151 minor, a parent or legal guardian agree that an extension of
152 time is warranted.

153 (3) If the division is unable to provide preemployment
154 transition services within the timeframe required in subsection
155 (2), the division must, upon the request of the individual, or



704798

156 for a minor, a parent or legal guardian, work with other
157 qualified providers to provide such services.

158 Section 6. Paragraph (h) of subsection (1) and paragraph
159 (d) of subsection (9) of section 413.405, Florida Statutes, are
160 amended to read:

161 413.405 Florida Rehabilitation Council.—There is created
162 the Florida Rehabilitation Council to assist the division in the
163 planning and development of statewide rehabilitation programs
164 and services, to recommend improvements to such programs and
165 services, and to perform the functions listed in this section.

166 (1) The council shall be composed of:

167 (h) Current or former applicants for, or recipients of,
168 vocational rehabilitation services, including preemployment
169 transition services.

170 (9) In addition to the other functions specified in this
171 section, the council shall, after consulting with the board of
172 directors of CareerSource Florida, Inc.:

173 (d) To the extent feasible, conduct a review and analysis
174 of the effectiveness of, and consumer satisfaction with:

175 1. The functions performed by state agencies and other
176 public and private entities responsible for performing functions
177 for individuals who have disabilities.

178 2. Vocational rehabilitation services:

179 a. Provided or paid for from funds made available under the
180 act or through other public or private sources.

181 b. Provided by state agencies and other public and private
182 entities responsible for providing vocational rehabilitation
183 services to individuals who have disabilities.

184 3. Preemployment transition services:



704798

185 a. Provided or paid for from funds made available under the
186 act or through other public or private sources.

187 b. Provided by state agencies and other public and private
188 entities responsible for providing preemployment transition
189 services to students who have disabilities.

190 4.3. The employment outcomes achieved by eligible
191 individuals receiving services under this part, including the
192 availability of health or other employment benefits in
193 connection with those employment outcomes; alignment with labor
194 market demands in the state; and for youth who have
195 disabilities, the availability of career pathways, including
196 work-based learning experiences and customized employment.

197 Section 7. Section 413.41, Florida Statutes, is amended to
198 read:

199 413.41 Cooperation by division with state agencies.—

200 (1) The division is hereby authorized to cooperate with
201 other agencies of state government or with any nonprofit,
202 charitable corporations or foundations concerned with the
203 problems of persons who have disabilities. The division may
204 provide disability evaluation, work capacity appraisal, and
205 appraisal of vocational rehabilitation potential of persons who
206 have disabilities for other public agencies pursuant to
207 agreements made with such agencies. The division may charge the
208 agencies contracting for these services the actual cost thereof.

209 (2) (a) The division shall enter into a formal interagency
210 agreement with the state education agency that provides for the
211 transition of students who have disabilities, including
212 preemployment transition services and other vocational
213 rehabilitation services as required by s. 101(a)(11)(D) of the



704798

214 Rehabilitation Act of 1973, as amended. The formal interagency
215 agreement shall comply with the requirements of 34 C.F.R. s.
216 361.22(b).

217 (b) The division shall work with all local educational
218 agencies to provide vocational rehabilitation services,
219 including preemployment transition services, to students with
220 disabilities. Such services may also include any preemployment
221 transition coordination activities, such as attending individual
222 education plan meetings for students with disabilities or
223 attending person-centered planning meetings for students with
224 disabilities who are receiving services under Title XIX of the
225 Social Security Act. The division and local educational agencies
226 must arrange for the timely referral of students for services,
227 including electronic referral as prescribed by the division.

228 Section 8. Subsections (2) through (6) and (8) and
229 paragraphs (h) and (j) of subsection (9) of section 413.615,
230 Florida Statutes, are amended to read:

231 413.615 Florida Endowment for Vocational Rehabilitation.—

232 (2) DEFINITIONS.—For the purposes of this section:

233 (a) "Board" means the board of directors of the Florida
234 Endowment Foundation for the Division of Vocational
235 Rehabilitation within the Department of Education.

236 (b) "Endowment fund" means an account established within
237 the Florida Endowment Foundation for the Division of Vocational
238 Rehabilitation within the Department of Education to provide a
239 continuing and growing source of revenue for vocational
240 rehabilitation efforts.

241 (c) "Foundation" means the Florida Endowment Foundation for
242 the Division of Vocational Rehabilitation within the Department



704798

243 of Education.

244 (d) "Operating account" means an account established under
245 paragraph (4)(c) ~~(4)(d)~~ to carry out the purposes provided in
246 subsection (10).

247 (3) LEGISLATIVE INTENT.—The Legislature recognizes that it
248 is in the best interest of the citizens of this state that
249 citizens with disabilities be afforded a fair opportunity to
250 become self-supporting, productive members of society. However,
251 there is a critical need for significant additional funding to
252 achieve this goal. Accordingly, the Legislature further finds
253 and declares that:

254 (a) With skilled evaluation procedures and proper
255 rehabilitative treatment, plus employment, training, and
256 supportive services consistent with the needs of the individual,
257 persons who are disabled can assume the activities of daily
258 living and join their communities with dignity and independence.

259 (b) The purpose of this section is to broaden the
260 participation and funding potential for further significant
261 support for the vocational rehabilitation of Florida citizens
262 who are disabled.

263 (c) It is appropriate to encourage individual and corporate
264 support and involvement, as well as state support and
265 involvement, to promote employment opportunities for disabled
266 citizens.

267 (4) REVENUE FOR THE ENDOWMENT FUND.—

268 (a) The endowment fund of the Florida Endowment for the
269 Division of Vocational Rehabilitation within the Department of
270 Education is created as a long-term, stable, and growing source
271 of revenue to be administered, in accordance with rules



704798

272 promulgated by the division, by the foundation as a direct-
273 support organization of the Division of Vocational
274 Rehabilitation within the Department of Education.

275 (b) The principal of the endowment fund shall derive from
276 any legislative appropriations which may be made to the
277 endowment, and such bequests, gifts, grants, and donations as
278 may be solicited for such purpose by the foundation from public
279 or private sources.

280 ~~(c) All remaining liquid balances of funds held for~~
281 ~~investment and reinvestment by the State Board of Administration~~
282 ~~for the endowment fund on the effective date of this act shall~~
283 ~~be transmitted to the foundation within 60 days for use as~~
284 ~~provided in subsection (10).~~

285 ~~(c)(d)~~ The board of directors of the foundation shall
286 establish the operating account and shall deposit therein the
287 moneys transmitted pursuant to paragraph ~~(c)~~. Moneys in the
288 operating account shall be available to carry out the purposes
289 of subsection (10).

290 ~~(d)(e)~~ Funds received from state sources shall be accounted
291 for separately from bequests, gifts, grants, and donations which
292 may be solicited for such purposes by the foundation from public
293 or private sources. Earnings on funds received from state
294 sources and funds received from public or private sources shall
295 be accounted for separately.

296 (5) THE FLORIDA ENDOWMENT FOUNDATION FOR VOCATIONAL
297 REHABILITATION.—The Florida Endowment Foundation for Vocational
298 Rehabilitation is hereby created as a direct-support
299 organization of the Division of Vocational Rehabilitation within
300 the Department of Education, to encourage public and private



704798

301 support to enhance vocational rehabilitation and employment of
302 citizens who are disabled. As a direct-support organization, the
303 foundation shall operate under contract with the division and
304 shall:

305 (a) Be a Florida corporation not for profit incorporated
306 under the provisions of chapter 617 and approved by the
307 Department of State.

308 (b) Be organized and operated exclusively to raise funds;
309 to submit requests and receive grants from the Federal
310 Government, the state, private foundations, and individuals; to
311 receive, hold, and administer property; and to make expenditures
312 to or for the benefit of the rehabilitation programs approved by
313 the board of directors of the foundation.

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

316 (6) DIRECT-SUPPORT ORGANIZATION CONTRACT.—The contract
317 between the foundation and the division shall provide for:

318 (a) Approval of the articles of incorporation of the
319 foundation by the division.

320 (b) Governance of the foundation by a board of directors
321 appointed by the Governor.

322 (c) Submission of an annual budget of the foundation for
323 approval by the division. The division may not approve an annual
324 budget that does not comply with paragraph (9)(j).

325 (d) Approval Certification by the division, after an annual
326 financial and performance review, that the foundation is
327 operating in compliance with the terms of the contract and the
328 rules of the division, and in a manner consistent with the goals
329 of the Legislature in providing assistance to disabled citizens.



704798

330 (e) The release and conditions of the expenditure of any
331 state revenues.

332 (f) The orderly cessation of operations and reversion to
333 the state of funds held in trust by the foundation if the
334 contract is terminated, the foundation is dissolved, or this
335 section is repealed.

336 (g) The fiscal year of the foundation, to begin on July 1
337 and end on June 30 of each year.

338 (8) BOARD OF DIRECTORS.—The foundation shall be
339 administered by a board of directors, as follows:

340 (a) *Membership*.—The board of directors shall consist of the
341 director of the Division of Vocational Rehabilitation within the
342 Department of Education, or his or her designee, who shall serve
343 as an ex officio member, and nine other members who have an
344 interest in service to persons with disabilities and who:

345 1. Have skills in foundation work or other fundraising
346 activities, financial consulting, or investment banking or other
347 related experience; or

348 2. Have experience in policymaking or management-level
349 positions or have otherwise distinguished themselves in the
350 field of business, industry, or rehabilitation.

351
352 Disabled individuals who meet the above criteria shall be given
353 special consideration for appointment.

354 (b) *Appointment*.—The board members shall be appointed by
355 the Governor.

356 (c) *Terms*.—Board members shall serve for two 3-year terms
357 or until resignation or removal for cause. A board member may
358 continue to serve until a successor is appointed.



704798

359 (d) *Filling of vacancies.*—In the event of a vacancy on the
360 board caused by other than the expiration of a term, a new
361 member shall be appointed.

362 (e) *Removal for cause.*—Each member is accountable to the
363 Governor for the proper performance of the duties of office. The
364 Governor may remove any member from office for malfeasance,
365 misfeasance, neglect of duty, incompetence, or permanent
366 inability to perform official duties or for pleading nolo
367 contendere to, or being found guilty of, a crime.

368 (9) ORGANIZATION, POWERS, AND DUTIES.—Within the limits
369 prescribed in this section or by rule of the division:

370 (h) The board shall establish an operating account as
371 provided in paragraph (4) (c) ~~(4) (d)~~.

372 (j) Administrative costs shall be kept to the minimum
373 amount necessary for the efficient and effective administration
374 of the foundation and are limited to 15 percent of total actual
375 ~~estimated~~ expenditures in any fiscal ~~calendar~~ year.

376 Administrative costs include ~~payment of travel and per diem~~
377 ~~expenses of board members, officer salaries, chief executive~~
378 ~~officer program management,~~ audits, salaries or other costs for
379 nonofficers and contractors providing services that are not
380 directly related to the mission of the foundation as described
381 in subsection (5), costs of promoting the purposes of the
382 foundation, all travel and per diem expenses of board members,
383 officers' salaries, chief executive officer program management,
384 and other allowable costs. Administrative costs may be paid from
385 the following sources:

386 1. ~~Interest and earnings on the endowment principal for the~~
387 ~~2017-2018 fiscal year.~~



704798

388 ~~2. Private sources and up to 75 percent of interest and~~
389 ~~earnings on the endowment principal for the 2018-2019 fiscal~~
390 ~~year.~~

391 ~~3. Private sources and up to 50 percent of interest and~~
392 ~~earnings on the endowment principal for the 2019-2020 fiscal~~
393 ~~year.~~

394 1.4. Private sources and up to 25 percent of interest and
395 earnings on the endowment principal for the 2020-2021 fiscal
396 year.

397 ~~2.5.~~ Solely private sources for the 2021-2022 fiscal year
398 and thereafter.

399 Section 9. Paragraph (c) of subsection (2) of section
400 1003.5716, Florida Statutes, is amended to read:

401 1003.5716 Transition to postsecondary education and career
402 opportunities.—All students with disabilities who are 3 years of
403 age to 21 years of age have the right to a free, appropriate
404 public education. As used in this section, the term "IEP" means
405 individual education plan.

406 (2) Beginning not later than the first IEP to be in effect
407 when the student attains the age of 16, or younger if determined
408 appropriate by the parent and the IEP team, the IEP must include
409 the following statements that must be updated annually:

410 (c) A statement of appropriate measurable long-term
411 postsecondary education and career goals based upon age-
412 appropriate transition assessments related to training,
413 education, employment, and, if appropriate, independent living
414 skills and the transition services, including preemployment
415 transition services and courses of study needed to assist the
416 student in reaching those goals.



704798

417 Section 10. This act shall take effect July 1, 2020.

418

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

420 And the title is amended as follows:

421 Delete everything before the enacting clause
422 and insert:

423 A bill to be entitled
424 An act relating to vocational rehabilitation services;
425 amending s. 413.20, F.S.; defining the term
426 "preemployment transition services"; amending s.
427 413.207, F.S.; revising information that the Division
428 of Vocational Rehabilitation must include in its
429 annual performance report to the Governor and the
430 Legislature; amending s. 413.23, F.S.; requiring the
431 division to provide preemployment transition services
432 to potentially eligible persons; amending s. 413.30,
433 F.S.; removing provisions relating to trial work
434 evaluation requirements; requiring the division to
435 assess the service needs of eligible individuals
436 within a specified period; providing for an extension
437 of time for the division's assessment under certain
438 circumstances; creating s. 413.301, F.S.; requiring
439 preemployment transition services to be provided to
440 certain individuals with disabilities under certain
441 conditions; requiring that the division provide such
442 services within a reasonable period of time under
443 certain circumstances; requiring the division to work
444 with qualified providers to provide such services
445 under certain circumstances; amending s. 413.405,



704798

446 F.S.; revising the composition of the Florida
447 Rehabilitation Council; revising the responsibilities
448 of the council to conform to changes made by the act;
449 amending s. 413.41, F.S.; requiring the division to
450 enter into a formal interagency agreement with the
451 state education agency for certain purposes; requiring
452 that such agreement meet specified requirements;
453 requiring the division to work with local educational
454 agencies to provide specified services and arrange for
455 timely referrals; amending s. 413.615, F.S.; revising
456 definitions and legislative intent; revising
457 provisions relating to revenue for the endowment fund
458 of the Florida Endowment for Vocational
459 Rehabilitation; revising provisions relating to the
460 board of directors of the Florida Endowment
461 Foundation; revising provisions relating to
462 administrative costs of the foundation; amending s.
463 1003.5716, F.S.; requiring that a student's individual
464 education plan contain a statement regarding
465 preemployment transition services; providing an
466 effective date.