

By the Committee on Appropriations; and Senator Gainer

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1 A bill to be entitled
2 An act relating to vocational rehabilitation services;
3 amending s. 413.20, F.S.; defining the term
4 "preemployment transition services"; amending s.
5 413.207, F.S.; revising information that the Division
6 of Vocational Rehabilitation must include in its
7 annual performance report to the Governor and the
8 Legislature; amending s. 413.23, F.S.; requiring the
9 division to provide preemployment transition services
10 to potentially eligible persons; amending s. 413.30,
11 F.S.; removing provisions relating to trial work
12 evaluation requirements; requiring the division to
13 assess the service needs of eligible individuals
14 within a specified period; providing for an extension
15 of time for the division's assessment under certain
16 circumstances; creating s. 413.301, F.S.; requiring
17 preemployment transition services to be provided to
18 certain individuals with disabilities under certain
19 conditions; requiring that the division provide such
20 services within a reasonable period of time under
21 certain circumstances; requiring the division to work
22 with qualified providers to provide such services
23 under certain circumstances; amending s. 413.405,
24 F.S.; revising the composition of the Florida
25 Rehabilitation Council; revising the responsibilities
26 of the council to conform to changes made by the act;
27 amending s. 413.41, F.S.; requiring the division to
28 enter into a formal interagency agreement with the
29 state education agency for certain purposes; requiring

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30 that such agreement meet specified requirements;
31 requiring the division to work with local educational
32 agencies to provide specified services and arrange for
33 timely referrals; amending s. 413.615, F.S.; revising
34 definitions and legislative intent; revising
35 provisions relating to revenue for the endowment fund
36 of the Florida Endowment for Vocational
37 Rehabilitation; revising provisions relating to the
38 board of directors of the Florida Endowment
39 Foundation; revising provisions relating to
40 administrative costs of the foundation; amending s.
41 1003.5716, F.S.; requiring that a student's individual
42 education plan contain a statement regarding
43 preemployment transition services; providing an
44 effective date.

45
46 Be It Enacted by the Legislature of the State of Florida:

47
48 Section 1. Present subsections (20) through (27) of section
49 413.20, Florida Statutes, are redesignated as subsections (21)
50 through (28), respectively, and a new subsection (20) is added
51 to that section, to read:

52 413.20 Definitions.—As used in this part, the term:

53 (20) "Preemployment transition services" means the services
54 of job exploration counseling, work-based learning experiences,
55 counseling on comprehensive transition or postsecondary
56 education programs, workplace readiness training, and
57 instruction in self-advocacy as required by the Workforce
58 Innovation and Opportunity Act of 2014, which may be provided to

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59 students with disabilities who are eligible or potentially
60 eligible for vocational rehabilitation services.

61 Section 2. Present paragraph (d) of subsection (4) of
62 section 413.207, Florida Statutes, is redesignated as paragraph
63 (e), a new paragraph (d) and paragraph (f) are added to that
64 subsection, and paragraph (a) of that subsection is amended, to
65 read:

66 413.207 Division of Vocational Rehabilitation; quality
67 assurance; performance improvement plan.—

68 (4) By December 1 of each year, the division shall submit a
69 performance report to the Governor, the President of the Senate,
70 and the Speaker of the House of Representatives which includes
71 the following information for each of the 5 most recent fiscal
72 years:

73 (a) Caseload data, by service type and service area,
74 including the number of individuals who apply for services and
75 the timeframes in which eligibility is determined, plans are
76 developed, and services are provided ~~who receive services,~~ by
77 service type, reported statewide and by service area.

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

81 (f) Transition services data, including preemployment
82 transition services, for students and youth with disabilities by
83 service type, including expenditure data on a statewide and
84 service area basis, employment outcomes achieved by youth
85 served, and postsecondary enrollment rates.

86 Section 3. Section 413.23, Florida Statutes, is amended to
87 read:

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88 413.23 Administration.—The division shall provide
89 vocational rehabilitation services to persons who have
90 disabilities determined to be eligible therefor and
91 preemployment transition services to persons potentially
92 eligible for such services and, in carrying out the purposes of
93 this part, is authorized, among other things:

94 (1) To cooperate with other departments, agencies, public
95 and private ~~and~~ institutions, ~~both public and private,~~ and
96 providers in providing for the vocational rehabilitation and
97 preemployment transition services of persons who have
98 disabilities, in studying the problems involved therein, and in
99 establishing, developing, and providing, in conformity with the
100 purposes of this part, such programs, facilities, and services
101 as may be necessary or desirable;

102 (2) To enter into reciprocal agreements with other states
103 to provide for the vocational rehabilitation of residents of the
104 states concerned;

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

107 (4) To prepare a federally required state plan for
108 vocational rehabilitation, as required by the act. The state
109 plan must contain all of the elements required by s. 101 of the
110 act, including an assessment of the needs of persons who have
111 disabilities and how those needs may be most effectively met.
112 The division is authorized to make amendments to the state plan
113 considered necessary to maintain compliance with the act and to
114 implement such changes in order to qualify for and maintain
115 federal funding. After completion of the state plan or making
116 amendments to the state plan, the division must distribute

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117 copies of the state plan to the Governor, the President of the
118 Senate, the Speaker of the House of Representatives, and the
119 United States Secretary of Education.

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

122 413.30 Eligibility for vocational rehabilitation services.—

123 (3) An individual is presumed to benefit in terms of an
124 employment outcome from vocational rehabilitation services under
125 this part unless the division can demonstrate by clear and
126 convincing evidence that the individual is incapable of
127 benefiting from vocational rehabilitation services in terms of
128 an employment outcome. Before making such a determination, the
129 division must consider the individual's abilities, capabilities,
130 and capacity to perform in a work situation through the use of
131 trial work experiences. Trial work experiences include supported
132 employment, on-the-job training, or other work experiences using
133 realistic work settings. ~~Under limited circumstances, if an~~
134 ~~individual cannot take advantage of trial work experiences or if~~
135 ~~options for trial work experiences have been exhausted, the~~
136 ~~division shall conduct an extended evaluation, not to exceed 18~~
137 ~~months. The evaluation must determine the eligibility of the~~
138 ~~individual and the nature and scope of needed vocational~~
139 ~~rehabilitation services. The extended evaluation must be~~
140 ~~reviewed once every 90 days to determine whether the individual~~
141 ~~is eligible for vocational rehabilitation services.~~

142 (5) When the division determines that an individual is
143 eligible for vocational rehabilitation services, the division
144 must complete an assessment for determining eligibility and
145 vocational rehabilitation needs and ensure that an

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146 individualized plan for employment is prepared within a
147 reasonable period of time, not to exceed 90 days after the date
148 of eligibility determination, unless unforeseen circumstances
149 beyond the control of the division prevent the division from
150 completing the assessment and individualized plan for employment
151 within the 90-day timeframe and the division and the individual
152 agree that an extension of time is warranted.

153 (a) Each individualized plan for employment must be jointly
154 developed, agreed upon, and signed by the vocational
155 rehabilitation counselor or coordinator and the eligible
156 individual or, in an appropriate case, a parent, family member,
157 guardian, advocate, or authorized representative, of the
158 individual.

159 (b) The division must ensure that each individualized plan
160 for employment is designed to achieve the specific employment
161 outcome of the individual, consistent with the unique strengths,
162 resources, priorities, concerns, abilities, and capabilities of
163 the individual, and otherwise meets the content requirements for
164 an individualized plan for employment as set out in federal law
165 or regulation.

166 (c) Each individualized plan for employment shall be
167 reviewed annually, at which time the individual, or the
168 individual's parent, guardian, advocate, or authorized
169 representative, shall be afforded an opportunity to review the
170 plan and jointly redevelop and agree to its terms. Each plan
171 shall be revised as needed.

172 Section 5. Section 413.301, Florida Statutes, is created to
173 read:

174 413.301 Preemployment transition services.-

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

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

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

185 (2) When the division receives documentation that an
186 individual meets the conditions described in subsection (1), the
187 division must provide preemployment transition services within a
188 reasonable period of time, not to exceed 90 days after the date
189 that it receives an individual's consent or, for a minor, a
190 parent's or legal guardian's consent, to receive services,
191 unless unforeseen circumstances beyond the control of the
192 division prevent the division from providing services within the
193 90-day timeframe and the division and the individual or, for a
194 minor, a parent or legal guardian agree that an extension of
195 time is warranted.

196 (3) If the division is unable to provide preemployment
197 transition services within the timeframe required in subsection
198 (2), the division must, upon the request of the individual, or
199 for a minor, a parent or legal guardian, work with other
200 qualified providers to provide such services.

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

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204 413.405 Florida Rehabilitation Council.—There is created
205 the Florida Rehabilitation Council to assist the division in the
206 planning and development of statewide rehabilitation programs
207 and services, to recommend improvements to such programs and
208 services, and to perform the functions listed in this section.

209 (1) The council shall be composed of:

210 (h) Current or former applicants for, or recipients of,
211 vocational rehabilitation services, including preemployment
212 transition services.

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

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

218 1. The functions performed by state agencies and other
219 public and private entities responsible for performing functions
220 for individuals who have disabilities.

221 2. Vocational rehabilitation services:

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

224 b. Provided by state agencies and other public and private
225 entities responsible for providing vocational rehabilitation
226 services to individuals who have disabilities.

227 3. Preemployment transition services:

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

230 b. Provided by state agencies and other public and private
231 entities responsible for providing preemployment transition
232 services to students who have disabilities.

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233 ~~4.3.~~ The employment outcomes achieved by eligible
234 individuals receiving services under this part, including the
235 availability of health or other employment benefits in
236 connection with those employment outcomes; alignment with labor
237 market demands in the state; and for youth who have
238 disabilities, the availability of career pathways, including
239 work-based learning experiences and customized employment.

240 Section 7. Section 413.41, Florida Statutes, is amended to
241 read:

242 413.41 Cooperation by division with state agencies.—

243 (1) The division is hereby authorized to cooperate with
244 other agencies of state government or with any nonprofit,
245 charitable corporations or foundations concerned with the
246 problems of persons who have disabilities. The division may
247 provide disability evaluation, work capacity appraisal, and
248 appraisal of vocational rehabilitation potential of persons who
249 have disabilities for other public agencies pursuant to
250 agreements made with such agencies. The division may charge the
251 agencies contracting for these services the actual cost thereof.

252 (2) (a) The division shall enter into a formal interagency
253 agreement with the state education agency that provides for the
254 transition of students who have disabilities, including
255 preemployment transition services and other vocational
256 rehabilitation services as required by s. 101(a)(11)(D) of the
257 Rehabilitation Act of 1973, as amended. The formal interagency
258 agreement shall comply with the requirements of 34 C.F.R. s.
259 361.22 (b).

260 (b) The division shall work with all local educational
261 agencies to provide vocational rehabilitation services,

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262 including preemployment transition services, to students with
263 disabilities. Such services may also include any preemployment
264 transition coordination activities, such as attending individual
265 education plan meetings for students with disabilities or
266 attending person-centered planning meetings for students with
267 disabilities who are receiving services under Title XIX of the
268 Social Security Act. The division and local educational agencies
269 must arrange for the timely referral of students for services,
270 including electronic referral as prescribed by the division.

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

274 413.615 Florida Endowment for Vocational Rehabilitation.—

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

276 (a) "Board" means the board of directors of the Florida
277 Endowment Foundation for the Division of Vocational
278 Rehabilitation within the Department of Education.

279 (b) "Endowment fund" means an account established within
280 the Florida Endowment Foundation for the Division of Vocational
281 Rehabilitation within the Department of Education to provide a
282 continuing and growing source of revenue for vocational
283 rehabilitation efforts.

284 (c) "Foundation" means the Florida Endowment Foundation for
285 the Division of Vocational Rehabilitation within the Department
286 of Education.

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

290 (3) LEGISLATIVE INTENT.—The Legislature recognizes that it

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291 is in the best interest of the citizens of this state that
292 citizens with disabilities be afforded a fair opportunity to
293 become self-supporting, productive members of society. However,
294 there is a critical need for significant additional funding to
295 achieve this goal. Accordingly, the Legislature further finds
296 and declares that:

297 (a) With skilled evaluation procedures and proper
298 rehabilitative treatment, plus employment, training, and
299 supportive services consistent with the needs of the individual,
300 persons who are disabled can assume the activities of daily
301 living and join their communities with dignity and independence.

302 (b) The purpose of this section is to broaden the
303 participation and funding potential for further significant
304 support for the vocational rehabilitation of Florida citizens
305 who are disabled.

306 (c) It is appropriate to encourage individual and corporate
307 support and involvement, as well as state support and
308 involvement, to promote employment opportunities for disabled
309 citizens.

310 (4) REVENUE FOR THE ENDOWMENT FUND.—

311 (a) The endowment fund of the Florida Endowment for the
312 Division of Vocational Rehabilitation within the Department of
313 Education is created as a long-term, stable, and growing source
314 of revenue to be administered, in accordance with rules
315 promulgated by the division, by the foundation as a direct-
316 support organization of the Division of Vocational
317 Rehabilitation within the Department of Education.

318 (b) The principal of the endowment fund shall derive from
319 any legislative appropriations which may be made to the

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320 endowment, and such bequests, gifts, grants, and donations as
321 may be solicited for such purpose by the foundation from public
322 or private sources.

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

328 (c)~~(d)~~ The board of directors of the foundation shall
329 establish the operating account and shall deposit therein the
330 moneys transmitted pursuant to paragraph ~~(c)~~. Moneys in the
331 operating account shall be available to carry out the purposes
332 of subsection (10).

333 (d)~~(e)~~ Funds received from state sources shall be accounted
334 for separately from bequests, gifts, grants, and donations which
335 may be solicited for such purposes by the foundation from public
336 or private sources. Earnings on funds received from state
337 sources and funds received from public or private sources shall
338 be accounted for separately.

339 (5) THE FLORIDA ENDOWMENT FOUNDATION FOR VOCATIONAL
340 REHABILITATION.—The Florida Endowment Foundation for Vocational
341 Rehabilitation is hereby created as a direct-support
342 organization of the Division of Vocational Rehabilitation within
343 the Department of Education, to encourage public and private
344 support to enhance vocational rehabilitation and employment of
345 citizens who are disabled. As a direct-support organization, the
346 foundation shall operate under contract with the division and
347 shall:

348 (a) Be a Florida corporation not for profit incorporated

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349 under the provisions of chapter 617 and approved by the
350 Department of State.

351 (b) Be organized and operated exclusively to raise funds;
352 to submit requests and receive grants from the Federal
353 Government, the state, private foundations, and individuals; to
354 receive, hold, and administer property; and to make expenditures
355 to or for the benefit of the rehabilitation programs approved by
356 the board of directors of the foundation.

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

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

361 (a) Approval of the articles of incorporation of the
362 foundation by the division.

363 (b) Governance of the foundation by a board of directors
364 appointed by the Governor.

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

368 (d) Approval Certification by the division, after an annual
369 financial and performance review, that the foundation is
370 operating in compliance with the terms of the contract and the
371 rules of the division, and in a manner consistent with the goals
372 of the Legislature in providing assistance to disabled citizens.

373 (e) The release and conditions of the expenditure of any
374 state revenues.

375 (f) The orderly cessation of operations and reversion to
376 the state of funds held in trust by the foundation if the
377 contract is terminated, the foundation is dissolved, or this

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378 section is repealed.

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

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

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

388 1. Have skills in foundation work or other fundraising
389 activities, financial consulting, or investment banking or other
390 related experience; or

391 2. Have experience in policymaking or management-level
392 positions or have otherwise distinguished themselves in the
393 field of business, industry, or rehabilitation.

394

395 Disabled individuals who meet the above criteria shall be given
396 special consideration for appointment.

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

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

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

405 (e) *Removal for cause*.—Each member is accountable to the
406 Governor for the proper performance of the duties of office. The

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407 Governor may remove any member from office for malfeasance,
408 misfeasance, neglect of duty, incompetence, or permanent
409 inability to perform official duties or for pleading nolo
410 contendere to, or being found guilty of, a crime.

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

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

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

419 ~~Administrative costs include payment of travel and per diem~~
420 ~~expenses of board members, officer salaries, chief executive~~
421 ~~officer program management, audits, salaries or other costs for~~
422 ~~nonofficers and contractors providing services that are not~~
423 ~~directly related to the mission of the foundation as described~~
424 ~~in subsection (5), costs of promoting the purposes of the~~
425 ~~foundation, all travel and per diem expenses of board members,~~
426 officers' salaries, chief executive officer program management,
427 and other allowable costs. Administrative costs may be paid from
428 the following sources:

429 ~~1. Interest and earnings on the endowment principal for the~~
430 ~~2017-2018 fiscal year.~~

431 ~~2. Private sources and up to 75 percent of interest and~~
432 ~~earnings on the endowment principal for the 2018-2019 fiscal~~
433 ~~year.~~

434 ~~3. Private sources and up to 50 percent of interest and~~
435 ~~earnings on the endowment principal for the 2019-2020 fiscal~~

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436 ~~year.~~

437 ~~1.4.~~ Private sources and up to 25 percent of interest and
438 earnings on the endowment principal for the 2020-2021 fiscal
439 year.

440 ~~2.5.~~ Solely private sources for the 2021-2022 fiscal year
441 and thereafter.

442 Section 9. Paragraph (c) of subsection (2) of section
443 1003.5716, Florida Statutes, is amended to read:

444 1003.5716 Transition to postsecondary education and career
445 opportunities.—All students with disabilities who are 3 years of
446 age to 21 years of age have the right to a free, appropriate
447 public education. As used in this section, the term "IEP" means
448 individual education plan.

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

453 (c) A statement of appropriate measurable long-term
454 postsecondary education and career goals based upon age-
455 appropriate transition assessments related to training,
456 education, employment, and, if appropriate, independent living
457 skills and the transition services, including preemployment
458 transition services and courses of study needed to assist the
459 student in reaching those goals.

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