

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1137 Employment of Individuals with Disabilities

SPONSOR(S): Redondo and others

TIED BILLS: None. **IDEN./SIM. BILLS:** SB 832

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Postsecondary Education & Workforce Subcommittee	15 Y, 0 N	Wolff	Kiner
2) Education & Employment Committee	17 Y, 0 N	Wolff	Hassell

SUMMARY ANALYSIS

In 2016, the Legislature created the Employment First Act (act) which provides legislative findings regarding employment opportunities for individuals with disabilities. The purpose of the act is to prioritize the employment of individuals with disabilities and to change the employment system to better integrate individuals with disabilities into the workforce.

The bill clarifies that under the act the collaborative efforts between the designated agencies must include the collection and sharing of data. Additionally, when identifying accountability measures under the act, the partner agencies must, at a minimum, include systemwide measures to increase the number of individuals working in competitive integrated employment, decrease the number of individuals working in subminimum wage employment, and decrease the number of individuals working in nonintegrated employment settings.

The bill requires the Office of Reimagining Education and Career Help, within the Executive Office of the Governor, to issue an annual statewide report, by December 1 each year, on the implementation of the Employment First Act and progress of the identified accountability measures.

The bill does not appear to have a fiscal impact.

The bill has an effective date of July 1, 2024.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Federal Employment First Initiative

Since 2012, the United States Department of Labor, Office of Disability Employment Policy (ODEP), has promoted Employment First as a national systems-change framework centered on the premise that all individuals, including those individuals with the most significant disabilities, are capable of full participation in Competitive Integrated Employment (CIE) and community life. Under this approach, publicly-financed systems are urged to align policies, regulatory guidance, and reimbursement structures to commit to CIE as the priority option with respect to the use of publicly-financed day and employment services for youth and adults with significant disabilities.¹

OPEP oversees and operates the Employment First Community of Practice (CoP) Webinar Series, which provides the opportunity to hear from nationally recognized experts on innovative practices being used across the country to advance Employment First. CoP webinars take place on the second Wednesday of each month and topics include:

- Capacity Building, Provider Transformation;
- School-to-Work Transition;
- Employer Engagement; and
- Policy/Funding Alignment.²

Additionally, OPEP began the Employment First State Leadership Mentoring Program (EFSLMP) in 2012 in response to state requests for assistance on how to support individuals with significant disabilities in CIE. Over the 13 years it has been active, ODEP has supported 24 states in their strategic efforts to increase CIE for individuals with disabilities, including those with significant disabilities. The EFSLMP inspired selected states to facilitate policy reform and fully implement the Employment First approach with funding alignment, service coordination, and capacity building across state government agencies and external stakeholders which are all vital to promoting CIE options for individuals with significant disabilities.³

Governor's Commission on Jobs for Floridians with Disabilities

In 2011, Governor Scott created the Governor's Commission on Jobs for Floridians with Disabilities (commission).⁴ The vision of the commission is to "advance job and employment opportunities for Floridians with disabilities in order to help those Floridians achieve greater independence."⁵ The commission, which consists of 13 members appointed by the Governor,⁶ has three responsibilities:

- Identify and recommend strategies to cultivate job opportunities for persons with disabilities in the state;

¹ Department of Labor, Office of Disability Employment Policy, *Employment First*, <https://www.dol.gov/agencies/odep/initiatives/employment-first> (last visited Jan. 18, 2024).

² *Id.*

³ *Id.*

⁴ Fla. Exec. Order No. 11-161 (2011); Governor's Commission on Jobs for Floridians with Disabilities, <http://www.flgov.com/gcjfd/> (last visited Oct. 14, 2015).

⁵ Fla. Exec. Order No. 11-161, s. 1 (2011).

⁶ *Id.* at s. 4. The commission membership is as follows: two Florida citizens representing individuals with physical or developmental disabilities; four individuals representing the business community who have personal experience in creating private-sector jobs; two individuals representing the state community college system who have experience in education-to-employment transition programs; one individual who has a background in employment recruiting or experience in job training for individuals with disabilities; one representative from the Able Trust; one representative from the Division of Vocational Rehabilitation of DOE; one representative from APD; and one representative from the Agency for Workforce Development.

- Identify barriers in state and local programs that hinder individuals with disabilities from gaining employment and proposing solutions to mitigate those barriers; and
- Develop and leverage state and community resources to advance service delivery.⁷

Each year, on or before July 26, the commission must provide a report to the Governor outlining its accomplishments during the previous 12 months.⁸

Florida's Employment First Initiative

In 2013, Governor Scott issued Executive Order Number 13-284, which ordered that an interagency cooperative agreement (agreement) be created between state agencies and other disability service organizations to ensure a long-term commitment to improving employment for individuals who have a disability.⁹ It required certain agencies¹⁰ to develop and implement the agreement with the following objectives:

- Establish a commitment among the agencies' leadership to maximize resources and coordinate with each other to improve employment outcomes for persons with disabilities seeking publicly funded services;
- Develop strategic goals and reasonable benchmarks to assist the agencies in implementing the agreement;
- Identify financing and contracting methods that will prioritize employment among the array of services paid for or provided by agencies;
- Identify ways training opportunities can be better utilized by agency employees and contracted providers to ensure the effectiveness of employment services;
- Ensure collaboration occurs during the development of service plans, including the Individual Plan for Employment, when individuals are served by multiple agencies to achieve their employment goals;
- Promote service innovation; and
- Identify accountability measures to ensure sustainability.¹¹

In 2014, a five-year agreement identified as the Employment First Initiative was executed by the following agencies and organizations:

- Agency for Persons with Disabilities (APD);
- The Bureau of Exceptional Education and Student Services of the Department of Education (DOE);
- The Division of Vocational Rehabilitation of DOE;
- The Division of Blind Services of DOE;
- DEO;
- CareerSource Florida, Inc.;
- The Substance Abuse and Mental Health Office of Department of Children and Families (DCF);
- The Florida Developmental Disabilities Council, Inc.; and
- The Florida Association of Rehabilitation Facilitates, Inc.¹²

⁷ *Id.* at s. 2.

⁸ *Id.* at s. 3.

⁹ Fla. Exec. Order No. 13-284, s. 1 (2013).

¹⁰ The following agencies were tasked with developing the agreement: Division of Vocational Rehabilitation of DOE; Division of Blind Services of DOE; Bureau of Exception Education and Student Services of DOE; APD; Mental Health and Substance Abuse Program of DCF; Workforce Florida, Inc.; Florida Developmental Disabilities Council; and other state agencies and disability organizations that wish to participate. Fla. Exec. Order No. 13-284 at s. 4.

¹¹ *Id.* at s. 3.

¹² Interagency Cooperative Agreement, Employment First Initiative, FLDOE Contract No. IA-556 (2014), *available at* <https://apd.myflorida.com/customers/docs/2.Employment%20First%20Interagency%20Cooperative%20Agreement.5.7.14.pdf>

[hereinafter *Interagency Cooperative Agreement*].

The agreement was executed and became effective on July 1, 2014.¹³ It incorporated the objectives from the executive order and established an organizational structure.¹⁴ The agreement established three entities to carry out its required responsibilities: the Employment Partnership Coalition,¹⁵ the State Level Employment First Collaborative Team,¹⁶ and the Grassroots Level Group.¹⁷ The agreement further provided that it will automatically terminate on June 30, 2019, unless it is renewed.¹⁸

Employment First Act

In 2016, the Legislature created the Employment First Act (act) which provides legislative findings regarding employment opportunities for individuals with disabilities.¹⁹ The purpose of the act is to prioritize the employment of individuals with disabilities and to change the employment system to better integrate individuals with disabilities into the workforce.²⁰

To its stated purpose, the act requires the following agencies and organizations to develop and implement an interagency cooperative agreement (agreement) to provide the framework for a long-term commitment to improving employment outcomes for individuals with disabilities:

- The Division of Vocational Rehabilitation of DOE;
- The Division of Blind Services of DOE;
- The Bureau of Exceptional Education and Student Services of DOE;
- APD;
- The Substance Abuse and Mental Health Program of DCF;
- DEO;
- CareerSource Florida, Inc.;
- The Florida Developmental Disabilities Council;
- The Florida Association of Rehabilitation Facilities, Inc.; and
- Other appropriate organizations.²¹

The agreement must identify the roles and responsibilities of these agencies and organizations and the objectives of the agreement, which must include:

- Establishing a commitment by the leadership of the agencies and organizations to maximize resources and coordination to improve employment outcomes for individuals with disabilities who seek publicly funded services;
- Developing strategic goals and benchmarks to assist the agencies and organizations in implementing the agreement;
- Identifying financing and contracting methods that will help to prioritize employment for individuals with disabilities;
- Establishing training methods to better integrate individuals with disabilities into the workforce;
- Ensuring collaborative efforts between multiple agencies to achieve the purposes of the act;
- Promoting service innovations to better assist individuals with disabilities in the workplace; and

¹³ *Id.* at s. IV.

¹⁴ *Id.*

¹⁵ The coalition is composed of the leaders of each agency or organization that is a participant in the agreement and charged with overall coordination and implementation of activities required by the agreement, as well as to ensure continuous improvement.

¹⁶ The team is composed of staff assigned by the participating entities and meets on a monthly basis. The team is responsible for identifying the barriers within extant systems and practices and creating potential solutions for those barriers. The team will present recommendations based upon their findings to the coalition.

¹⁷ The group is “composed of self-advocates and local stakeholders representing a cross-section of persons with various disabilities.” The group meets quarterly to share information and “ensure the voice of the stakeholders is heard.”

¹⁸ *Interagency Cooperative Agreement, supra* note 25 at s. VI.

¹⁹ Section 7, ch. 2016-3, L.O.F., codified at s. 413.80, F.S.

²⁰ Section 413.80(3), F.S.

²¹ Section 413.80(4), F.S.

- Identifying accountability measures to ensure the sustainability of the agreement.²²

System Review and 2019 Employment First Interagency Cooperative Agreement

In 2018, a comprehensive review of Florida's Employment First system was conducted collaboratively by key stakeholders, including the Florida Department of Education, Division of Vocational Rehabilitation; the Florida Agency for Persons with Disabilities; and the Florida Developmental Disabilities Council, Inc. By fostering collaboration, identifying challenges and disparities within disability employment services, and aligning available workforce with labor market needs, Florida has leveraged its existing infrastructure for disability and employment. The state has devised action plans that address both inter- and intra-agency objectives, ensuring that any Floridian with a disability who seeks employment can achieve economic self-sufficiency.²³

Utilizing the High-Performing States Model as a framework for transformative actions, state agencies and organizations successfully established a state-level interagency coalition, fostered interagency cooperative agreements, and formulated an interagency plan. The report emphasizes several key elements of Florida's Employment First interagency collaboration:

- Multilevel leadership engagement, including collaborative teams at the local level.
- An extensive review of state policies and practices to pinpoint those that either facilitate or hinder integrated employment.
- Baseline employment outcome data collection for each participating agency or organization.
- A comprehensive set of services and strategies designed to advance the Employment First initiative, including:
 - The Abilities WorkWeb Portal and Help Desk.
 - The Florida Unique Abilities Partner Program.
 - Local Level Employment First Collaborative Teams.
 - The Department of Financial Services' Financial Literacy Program for Individuals with Developmental Disabilities.
 - Workers' compensation laws that extend coverage to individuals with disabilities participating in state-sponsored on-the-job training.²⁴

Following this system review, all of the signatories to the original interagency cooperative agreement plus The Arc of Florida, Inc.,²⁵ and the Florida Commission for the Transportation of the Disadvantaged²⁶ entered into the current agreement in 2019.²⁷ The current agreement remains in effect until June 30, 2024.²⁸ This agreement serves as the foundational framework for outlining the roles and responsibilities of state agencies and organizations.²⁹

The Florida Endowment Foundation for Vocational Rehabilitation (The ABLE Trust)

²² Section 413.80(5), F.S.

²³ Winsor, Jean E. et al., *Using the High-Performing States Model to Facilitate Employment First in Florida*, 2019, available at <https://content.iospress.com/download/journal-of-vocational-rehabilitation/jvr191016?id=journal-of-vocational-rehabilitation%2Fjvr191016>.

²⁴ *Id.*

²⁵ The Arc of Florida is a nonprofit organization whose mission is to improve the quality of life for persons with intellectual and developmental disabilities. The Arc of Florida, *About*, <https://www.arcflorida.org/about> (last visited Jan. 18, 2024).

²⁶ The Florida Legislature created the Commission for the Transportation Disadvantaged in 1989. The Commission sets policies and provides direction to its staff in quality assurance and program evaluation, technical assistance, and training, review of policies and procedures, contract management, and financial accountability. The Commission for the Transportation Disadvantaged administers the Transportation Disadvantaged Trust Fund and implements all provisions in Chapter 427.013 F.S. Florida Department of Transportation, Florida Commission for the Transportation of the Disadvantaged, *About Us*, <https://www.fdot.gov/ctd/aboutus> (last visited Jan. 18, 2024).

²⁷ Email, Florida Endowment Foundation for Vocational Rehabilitation (Jan. 18, 2024), with attachment, on file with the Postsecondary Education & Workforce Subcommittee.

²⁸ *Id.*

²⁹ *Id.*

In 1990, the Legislature recognized the need to encourage public and private support to enhance vocational rehabilitation and employment of Florida's citizens who are disabled by establishing the Florida Endowment Foundation for Vocational Rehabilitation, also known as The ABLE Trust, as a direct support organization for the Division of Vocational Rehabilitation within the DOE. The ABLE Trust is approved by the division to be operating for the benefits and best interest of the state through a contract.³⁰ A board of directors, appointed by the Governor, oversees the operations of The ABLE Trust and ensures that funds are provided for programs or initiatives which engage in the research, promotion, or aid of job training and counseling for Florida's disabled citizens, and to support the work of the division.³¹

In 2023, the Legislature required the Florida Endowment Foundation for Vocational Rehabilitation to conduct research and issue a report on the systems in Florida that provide services to individuals with disabilities, including autism and intellectual and developmental disabilities.³² The board was required to, and did, submit the report to the Legislature by December 1, 2023. The report was statutorily required to:

- Identify the current systems for service delivery to persons with disabilities, including operations, services, coordination activities, and structures.
- Identify barriers and obstacles in transportation for persons with disabilities living in the home or receiving community-based services for jobs, medical appointments, and peer-to-peer groups.
- Identify workforce issues related to direct support professionals, behavioral or mental health specialists, health care practitioners, and other individuals who assist with the provision of services to persons with disabilities.
- Examine the best practices for uniform and efficient service delivery and the coordination of and transition among systems, including transitioning out of high school.
- Examine federal and state law and rules that impact or limit supports or services for persons with disabilities.
- Identify systemwide incongruency and inefficiencies in service delivery.
- Identify opportunities for job coaching and community participation supports, including those opportunities for individuals who cannot or choose not to go into the community because of underlying issues.³³

2023 Maximizing Employment for Persons with Disabilities in Florida Report on Employment First

The final report from the Florida Endowment Foundation for Vocational Rehabilitation concluded that in order to fully maximize the efforts of the Employment First partners, more work must be done to align policies, regulatory guidance, and reimbursement structures to promote and support competitive integrated employment as Florida's priority of publicly funded day and employment services.³⁴

Specifically, the report recommended long-term strategic and annual action plans for achieving the specified criteria should be developed, implemented, and measured. Additionally, the report stated that the partners should establish uniform employment outcome data and set targets for improvement and accountability.³⁵

Effect of Proposed Changes

The bill clarifies that under the act the collaborative efforts between the designated agencies must include the collection and sharing of data. Additionally, when identifying accountability measures under the act, the partner agencies must, at a minimum, include systemwide measures to increase the

³⁰ Section 413.615(5)-(6), F.S.

³¹ Sections 413.615(4), (8), and (10), F.S.

³² Section 5, ch. 2023-81, L.O.F.

³³ Section 413.615(10)(a)2., F.S.

³⁴ Florida Endowment Foundation for Vocation Rehabilitation, *Maximizing Employment for Persons with Disabilities in Florida*, at 30, available at <https://www.abletrust.org/wp-content/uploads/2023/12/FINAL-REPORT-11.28.2023.pdf>.

³⁵ *Id.*

number of individuals working in CIE, decrease the number of individuals working in subminimum wage employment, and decrease the number of individuals working in nonintegrated employment settings.

The bill requires the Office of Reimagining Education and Career Help, within the Executive Office of the Governor, to issue an annual statewide report, by December 1 each year, on the implementation of the Employment First Act and progress of the identified accountability measures.

B. SECTION DIRECTORY:

Section 1: Amends s. 413.80, F.S.; requiring the collection and sharing of data between multiple agencies for the interagency cooperative agreement; providing requirements for accountability measures; requiring the Office of Reimagining Education and Career Help to issue an annual statewide report by a specified date each year.

Section 2: Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

None.