

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Commerce and Tourism

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BILL: SB 832

INTRODUCER: Senator Calatayud

SUBJECT: Employment of Individuals with Disabilities

DATE: January 29, 2024

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brick</u>	<u>Bouck</u>	<u>ED</u>	<b>Favorable</b>
2.	<u>Renner</u>	<u>McKay</u>	<u>CM</u>	<b>Favorable</b>
3.	_____	_____	<u>RC</u>	_____

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## I. Summary:

SB 832 adds requirements relating to data sharing and accountability measures to the roles, responsibilities, and objectives included in the Employment First Act to achieve better employment outcomes for individuals with disabilities.

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

The bill takes effect July 1, 2024.

## II. Present Situation:

### The Employment First Act

Employment is the most direct and cost-effective means to assist an individual in achieving independence and fulfillment; however, individuals with disabilities are confronted by unique barriers to employment which inhibit their opportunities to compete fairly in the labor force. The Employment First Act provides a framework for a long-term commitment to improving employment outcomes for individuals with disabilities.<sup>1</sup> The Employment First Act:<sup>2</sup>

- Prioritizes employment of individuals with disabilities and improves the employment system to better integrate individuals with disabilities into the workforce; and
- Encourages a collaborative effort between state agencies and organizations to achieve better employment outcomes for individuals with disabilities.

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<sup>1</sup> Section 413.80(2), F.S.

<sup>2</sup> Section 413.80(3), F.S.

The Employment First Act requires certain state agencies and organizations, and others, as appropriate, to develop an interagency cooperative agreement. The agencies that must participate in developing the agreement include:<sup>3</sup>

- The Division of Vocational Rehabilitation of the Department of Education.
- The Division of Blind Services of the Department of Education.
- The Bureau of Exceptional Education and Student Services of the Department of Education.
- The Agency for Persons with Disabilities.
- The Substance Abuse and Mental Health Program Office of the Department of Children and Families.
- The Department of Commerce.
- CareerSource Florida, Inc.
- The Florida Developmental Disabilities Council.
- The Florida Association of Rehabilitation Facilities.

The interagency cooperative agreement must identify its objectives and the roles and responsibilities of the state agencies and organizations. The objectives of the agreement must include:<sup>4</sup>

- Establishing a commitment by leadership of the state 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 state agencies and organizations in the implementation of the agreement.
- Identifying financing and contracting methods that will help to prioritize employment for individuals with disabilities by state agencies and organizations.
- Establishing training methods to better integrate individuals with disabilities into the workforce.
- Ensuring collaborative efforts between multiple agencies to achieve the purposes of the Employment First Act.
- Promoting service innovations to better assist individuals with disabilities in the workplace.
- Identifying accountability measures to ensure the sustainability of the agreement.

Florida's current interagency cooperative agreement remains in effect until June 30, 2024.<sup>5</sup>

### **Office of Reimagining Education and Career Help**

In 2021, the Legislature passed the Reimagining Education and Career Help Act (REACH Act). The REACH Act serves to address the evolving needs of Florida's economy by increasing the level of collaboration and cooperation among state businesses and education communities while improving training and equity and access to a more integrated workforce and education system.<sup>6</sup>

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<sup>3</sup> Section 413.80(4), F.S.

<sup>4</sup> Section 413.80(5), F.S.

<sup>5</sup> The Able Trust, *Maximizing Employment for Persons with Disabilities in Florida* (Nov. 28, 2023), available at <https://www.abletrust.org/wp-content/uploads/2023/12/FINAL-REPORT-11.28.2023.pdf> at 30 (last visited Jan. 29, 2024).

<sup>6</sup> Chapter 2021-164, s. 1, Laws of Fla., codified at s. 14.36, F.S.

To facilitate alignment and coordination of entities responsible for Florida's workforce development system, the Office of Reimagining Education and Career Help (REACH Office) was created in the Executive Office of the Governor. The Director of the REACH Office is appointed by, and serves at the pleasure of, the Governor.<sup>7</sup>

The duties of the REACH Office are to:<sup>8</sup>

- Serve as an advisor to the Governor on matters related to the state's workforce development system.
- Establish criteria and goals for workforce development and diversification in Florida's workforce development system.
- Provide strategies to align and improve efficiency in Florida's workforce development system and the delivery of workforce related programs.
- Coordinate state and federal workforce related programs, plans, resources, and activities provided by CareerSource, the Department of Commerce, and the Department of Education (DOE).
- Oversee the workforce development information system designed by the DOE to verify the validity of data collected and monitor compliance of workforce related programs and education and training programs with applicable federal and state requirements as authorized by federal and state law.
- Serve on the Credentials Review Committee to identify non-degree and degree credentials of value and facilitate the collection of data necessary to conduct committee work.
- Coordinate and facilitate a memorandum of understanding for data sharing agreements of the state's workforce performance data among state agencies and align, to the greatest extent possible, adopted performance measures.
- Develop the criteria for assigning a letter grade for each local workforce development board.
- Streamline the clinical placement process and increase clinical placement opportunities for students, hospitals, and other clinical sites by administering, directly or through a contract, a web-based centralized clinical placement system for use by all nursing education programs subject to the requirements of nursing education program approval.
- Direct the objectives of the Talent Development Council.

The office is required to provide the public with access to available federal, state, and local services and provide stakeholders with a systemwide, global view of workforce related program data across various programs through actionable qualitative and quantitative information.<sup>9</sup>

### **The Florida Endowment Foundation for Vocational Rehabilitation**

The Florida Endowment Foundation for Vocational Rehabilitation (Able Trust), is a direct support organization for the Division of Vocational Rehabilitation, within the DOE, that is intended to encourage public and private support to enhance vocational rehabilitation and employment of citizens who are disabled.<sup>10</sup> A board of directors, appointed by the Governor, oversees the operations of the Able Trust and ensures that funds are provided for programs or

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<sup>7</sup> Section 14.36(1), F.S.

<sup>8</sup> Section 14.36(3)(a)-(j), F.S.

<sup>9</sup> Section 14.36(5), F.S.

<sup>10</sup> Section 413.615(5), F.S.

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 of Vocational Rehabilitation.<sup>11</sup>

The Able Trust is required to conduct research and issue reports on the systems in Florida that provide services to individuals with disabilities, including autism and intellectual and developmental disabilities.<sup>12</sup> The board of the Able Trust was required to submit a report to the Legislature, and duly did so on November 28, 2023. The board was required to:<sup>13</sup>

- 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.

In the report, the board recommended that the partners to the interagency cooperative agreement should establish uniform employment outcome data and set targets for improvement that encompass various employment outcomes, including competitive or gainful employment.<sup>14</sup> The board noted it would be particularly valuable for agencies if the employment outcome data and targets for improvement included the categories of:<sup>15</sup>

- Competitive integrated employment;<sup>16</sup>
- Non-integrated employment; and
- Sub-minimum wage employment.

The Able Trust noted that the centralization of data, reporting, and information on an interagency portal for streamlined service access, reporting, and follow-up may serve to enhance awareness

<sup>11</sup> Sections 413.615(4)(c), and (8)-(10), F.S.

<sup>12</sup> Section 413.615(10)(a)2., F.S.

<sup>13</sup> Section 413.615(10)(a)2., F.S.

<sup>14</sup> The Able Trust, *Maximizing Employment for Persons with Disabilities in Florida* (Nov. 28, 2023), available at <https://www.abletrust.org/wp-content/uploads/2023/12/FINAL-REPORT-11.28.2023.pdf> at 30 (last visited Jan. 29, 2024).

<sup>15</sup> The Able Trust, *Maximizing Employment for Persons with Disabilities in Florida* (Nov. 28, 2023), available at <https://www.abletrust.org/wp-content/uploads/2023/12/FINAL-REPORT-11.28.2023.pdf> at 30 (last visited Jan. 29, 2024).

<sup>16</sup> The term "competitive integrated employment" refers to full-time or part-time work (including self-employment) where an individual is paid at least minimum wage or the standard rate for similar work, is eligible for the same benefits as other employees, works in a setting where they interact with non-disabled individuals to a similar extent as their non-disabled counterparts, and has comparable opportunities for advancement. 29 U.S.C. s. 705(5).

and communication regarding post-secondary education and employment resources, employer-centric support and resources for individuals with disabilities, and awareness of resources related to transportation, housing, and benefits or medical assistance planning services.<sup>17</sup>

### III. Effect of Proposed Changes:

SB 832 modifies s. 413.80, F.S., to add to the roles, responsibilities, and objectives of the interagency cooperative agreement that implements the Employment First Act to achieve better employment outcomes for individuals with disabilities.

The bill requires that the interagency cooperative agreement ensure that collaborative efforts between the agencies include the collection and sharing of data. The bill also requires that the accountability measures in the interagency cooperative agreement include, minimally, 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 also requires the Office of Reimagining Education and Career Help to issue an annual statewide report by December 1 each year on the implementation of the Employment First Act and progress made on the accountability measures.

The bill takes effect July 1, 2024.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

#### C. Trust Funds Restrictions:

None.

#### D. State Tax or Fee Increases:

None.

#### E. Other Constitutional Issues:

None.

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<sup>17</sup> The Able Trust, *Maximizing Employment for Persons with Disabilities in Florida* (Nov. 28, 2023), available at <https://www.abletrust.org/wp-content/uploads/2023/12/FINAL-REPORT-11.28.2023.pdf> at 31 (last visited Jan. 29, 2024).

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

None.

## C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 413.80 of the Florida Statutes.

**IX. Additional Information:**

## A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

## B. Amendments:

None.