

Committee Substitute for
Committee Substitute for House Bill No. 1825

An act relating to services for persons who have disabilities; amending ss. 20.15, 20.171, 229.003, 229.004, and 229.0073, F.S.; conforming organizational provisions to the transfer of the Division of Vocational Rehabilitation and the Division of Blind Services from the Department of Labor and Employment Security to the Department of Education; providing for establishment and oversight of the divisions within the reorganized state education system; amending s. 413.20, F.S.; revising definitions under pt. II of ch. 413, F.S., relating to vocational rehabilitation programs; creating s. 413.201, F.S.; providing that the Department of Education is the designated state agency for implementing federal vocational rehabilitation requirements; creating s. 413.202, F.S.; providing that the Division of Vocational Rehabilitation is the designated administrative unit for such implementation; creating s. 413.203, F.S.; providing legislative intent and procedure with respect to conflicting laws; creating s. 413.206, F.S.; requiring the Division of Vocational Rehabilitation to develop a 5-year plan relating to general vocational rehabilitation programs; providing requirements for the contents of the plan; requiring annual reports; creating s. 413.207, F.S.; providing quality assurance and performance requirements for the Division of Vocational Rehabilitation; creating s. 413.208, F.S.; providing for service providers' quality assurance and fitness for their responsibilities; amending s. 413.23, F.S.; revising provisions relating to the federally required state plan for administration of vocational rehabilitation services; amending s. 413.395, F.S.; clarifying reporting requirements of the Florida Independent Living Council; revising references to conform to changes made by the act; amending s. 413.405, F.S.; renaming the Rehabilitation Advisory Council as the Florida Rehabilitation Council; revising council membership and duties; requiring the council to submit reports to the Governor, Legislature, and United States Secretary of Education; amending ss. 11.45, 90.6063, 215.311, 394.75, 395.404, 410.0245, 410.604, 413.034, 413.051, 413.064, 413.066, 413.067, 413.091, 413.092, 413.401, 413.445, 413.615, and 944.012, F.S.; revising language and references to conform to changes made by the act; requiring the Office of Program Policy Analysis and Government Accountability to conduct a review of the progress of the Division of Vocational Rehabilitation and to prepare a report; repealing pt. III of ch. 413, F.S., and s. 445.024(8), F.S., relating to creation and duties of the Occupational Access and Opportunity Commission; providing an effective date.

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

Section 1. Subsection (3) of section 20.15, Florida Statutes, is amended to read:

20.15 Department of Education.—There is created a Department of Education.

(3) DIVISIONS.—The following divisions of the Department of Education are established:

- (a) Division of Community Colleges.
- (b) Division of Public Schools and Community Education.
- (c) Division of Universities.
- (d) Division of Workforce Development.
- (e) Division of Professional Educators.
- (f) Division of Administration.
- (g) Division of Financial Services.
- (h) Division of Support Services.
- (i) Division of Technology.
- (j) Division of Blind Services.
- (k) Division of Vocational Rehabilitation.

Section 2. Paragraph (b) of subsection (4) and paragraph (c) of subsection (5) of section 20.171, Florida Statutes, are amended to read:

20.171 Department of Labor and Employment Security.—There is created a Department of Labor and Employment Security. The department shall operate its programs in a decentralized fashion.

(4)

(b) The assistant secretary is responsible for developing, monitoring, and enforcing policy and managing major technical programs and supervising the Bureau of Appeals of the Division of Unemployment Compensation. The responsibilities and duties of the position include, but are not limited to, the following functional areas:

- 1. Workers' compensation management and policy implementation.
- 2. Unemployment compensation management and policy implementation.
- ~~3.—Blind services management and policy implementation.~~
- 3.4. Oversight of the five field offices and any local offices.

(5) The following divisions are established and shall be headed by division directors who shall be supervised by and shall be responsible to the Assistant Secretary for Programs and Operations:

~~(c) Division of Vocational Rehabilitation.~~

Section 3. Paragraph (i) of subsection (5) of section 229.003, Florida Statutes, is amended to read:

229.003 Florida education governance reorganization.—

(5) Effective July 1, 2001:

(i) Notwithstanding the provisions of s. 20.15, the Commissioner of Education and the Secretary of the Florida Board of Education shall work together to commence the reorganization of the Department of Education in accordance with s. 229.0073, which shall include an Office of the Commissioner of Education comprised of the general areas of operation that are common to all delivery sectors and, in addition, shall include:

1. The creation of an Office of Technology and Information Services, an Office of Workforce and Economic Development, an Office of Educational Facilities and SMART Schools Clearinghouse, and an Office of Student Financial Assistance.

2. The creation of a Division of Colleges and Universities.

3. The creation of a Division of Community Colleges.

4. The creation of a Division of Public Schools.

5. The creation of a Division of Independent Education.

6. The creation of a Division of Vocational Rehabilitation.

7. The creation of a Division of Blind Services.

~~8.6.~~ The merger of the powers, duties, and staffs of the State Board of Independent Colleges and Universities and the State Board of Nonpublic Career Education, except as relating to any independent nonprofit college or university whose students are eligible to receive the William L. Boyd, IV, Florida resident access grants pursuant to s. 240.605, into a single Commission for Independent Education administratively housed within the Division of Independent Education.

Section 4. Paragraphs (e) and (f) are added to subsection (4) of section 229.004, Florida Statutes, to read:

229.004 Florida Board of Education.—

(4) The board, through its secretary, with the Commissioner of Education, shall be responsible for:

(e) The work of the director of the Division of Vocational Rehabilitation to establish and maintain optimal efficiency of a Division of Vocational Rehabilitation within the guidelines of s. 229.0073 and part II of chapter 413 and to achieve the mission and goals of part II of chapter 413.

(f) The work of the director of the Division of Blind Services to establish and maintain optimal efficiency of a Division of Blind Services within the guidelines of s. 229.0073 and part I of chapter 413 and to achieve the mission and goals of part I of chapter 413.

Section 5. Paragraphs (e) and (f) are added to subsection (4) of section 229.0073, Florida Statutes, to read:

229.0073 Reorganization of the Department of Education.—Effective July 1, 2001, notwithstanding the provisions of s. 20.15, the secretary's Education Reorganization Workgroup is established to direct and provide oversight for the reorganization of Florida's K-20 Department of Education. The workgroup shall be comprised of the Secretary of the Florida Board of Education, the Commissioner of Education, the Governor or his designee, the Chancellor of Colleges and Universities, the Chancellor of Community Colleges, the Chancellor of Public Schools, and the Executive Director of Independent Education, who shall consult with the legislative members of the Education Governance Reorganization Transition Task Force. The reorganization shall:

(4) Establish the following divisions within the department:

(e) Division of Vocational Rehabilitation.—The designated administrative unit for the state's vocational rehabilitation program.

(f) Division of Blind Services.—The designated administrative unit for services to blind persons.

Section 6. Section 413.20, Florida Statutes, is amended to read:

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

(1) "Act" means the Rehabilitation Act of 1973, as amended.

(2) "Activity of daily living" means an activity required on a frequent basis that permits an individual to secure or maintain independence. Such activities include, but are not limited to, personal home care, transportation, personal assistance services, housekeeping, shopping, attending school, communication, and employment.

(3) "Assessment for determining eligibility and vocational rehabilitation needs" means a review of existing data to determine whether an individual is eligible for vocational rehabilitation services and to assign the priority, and, to the extent additional data is necessary to make such determination and assignment, a preliminary assessment of such data, including the provision of goods and services during such assessment. If additional data is necessary, the division must make a comprehensive assessment of the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice needs, including the need for supported employment, of an eligible individual to make a determination of the goals, objectives, nature, and scope of vocational rehabilitation services to be included in the individualized plan for employment ~~written rehabilitation program of the individual.~~

(4) “Center for independent living” means a consumer-controlled, community-based, cross-disability, nonresidential, private, nonprofit organization designed and operated within a local community by persons who have disabilities to provide an array of independent living services.

(5) “Community rehabilitation program” means a program that provides directly or facilitates the provision of one or more services to persons who have disabilities to enable them to maximize their opportunities for employment, including career advancement.

~~(6)(5) “Department” means the Department of Education Labor and Employment Security.~~

~~(7)(6) “Disability” means a physical or mental impairment that constitutes or results in a substantial impediment to employment.~~

~~(8)(7) “Division” means the Division of Vocational Rehabilitation of the Department of Education Labor and Employment Security.~~

~~(8) “Emergency medical evacuation system” means a division-approved transportation system that provides timely skilled emergency care and movement of persons believed to have suffered brain or spinal cord injuries.~~

(9) “Employment outcome” means, with respect to an individual, entering or retaining full-time or, if appropriate, part-time competitive employment in the integrated labor market to the greatest extent practicable, supported employment, or any other type of employment, including self-employment, telecommuting, or business ownership, that is consistent with an individual’s strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice ~~or satisfying any other vocational outcome the secretary may determine to be consistent with the act.~~

(10) “Extended services” means one or more ongoing support services and other appropriate services needed to support and maintain a person who has a most significant ~~severe~~ disability in supported employment and to assist an eligible person in maintaining integrated and competitive employment. Extended services are based upon a determination of the needs of the eligible person as specified in the person’s individualized plan for employment ~~written rehabilitation program~~ and are provided by a state agency, a nonprofit private organization, an employer, or any other appropriate resource after the person has made the transition from support provided by the department.

(11) “Independent living core services” means informational and referral services; independent living skills training; peer counseling, including cross-disability peer counseling; and individual and systems advocacy.

(12) “Independent living services” means any appropriate rehabilitation service that will enhance the ability of a person who has a severe disability to live independently, to function within her or his family and community and, if appropriate, to secure and maintain employment. Services may include, but are not limited to, psychological counseling and psychotherapeutic counseling; independent living care services; community education and

related services; housing assistance; physical and mental restoration; personal attendant care; transportation; personal assistance services; interpretive services for persons who are deaf; recreational activities; services to family members of persons who have severe disabilities; vocational and other training services; telecommunications services; sensory and other technological aids and devices; appropriate preventive services to decrease the needs of persons assisted under the program; and other rehabilitation services appropriate for the independent living needs of a person who has a severe disability.

(13) “Limiting disability” means a physical condition that constitutes, contributes to, or, if not corrected, will result in an impairment of one or more activities of daily living but does not result in an individual qualifying as a person who has a disability.

(14) “Occupational license” means any license, permit, or other written authority required by any governmental unit to be obtained in order to engage in an occupation.

(15) “Ongoing support services” means services provided at a twice-monthly minimum to persons who have a most significant disability severe disabilities, to:

(a) Make an assessment regarding the employment situation at the worksite of each individual in supported employment or, under special circumstances at the request of the individual, offsite.

(b) Based upon the assessment, provide for the coordination or provision of specific intensive services, at or away from the worksite, that are needed to maintain the individual’s employment stability.

The ongoing support services may consist of, but are not limited to, the provision of skilled job trainers who accompany the individual for intensive job-skill training at the worksite, job development and placement, social skills training, followup services, and facilitation of natural supports at the worksite.

(16) “Person who has a disability” means an individual who has a physical or mental impairment that, for the individual, constitutes or results in a substantial impediment to employment and who can therefore benefit in terms of an employment outcome from vocational rehabilitation services. The term encompasses the terms “person who has a significant disability” and term “person who has a most significant severe disability.”

(17) “Person who has a significant severe disability” means an individual who has a disability that is a severe physical or mental impairment that seriously limits one or more functional capacities, such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills, in terms of an employment outcome; whose vocational rehabilitation may be expected to require multiple vocational rehabilitation services over an extended period of time; and who has one or more physical or mental disabilities resulting from amputation, arthritis, autism, blindness, burn

injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, musculoskeletal disorder, neurological disorder, including stroke and epilepsy, paraplegia, quadriplegia, or other spinal cord condition, sickle-cell anemia, specific learning disability, end-stage renal disease, or another disability or a combination of disabilities that is determined, after an assessment for determining eligibility and vocational rehabilitation needs, to cause comparable substantial functional limitation.

(18) “Person who has a most significant disability” means a person who has a significant disability who meets the designated administrative unit’s criteria for a person who has a most significant disability.

~~(19)~~(18) “Personal assistance services” means a range of services, provided by one or more persons, designed to assist a person who has a disability to perform daily living activities on or off the job that the individual would typically perform if the individual did not have a disability. Such services shall be designed to increase the individual’s control in life and ability to perform everyday activities on or off the job.

~~(20)~~(19) “Physical and mental restoration” means any medical, surgical, or therapeutic treatment necessary to correct or substantially modify a physical or mental condition that is stable or slowly progressive and constitutes an impediment to employment, but is of such nature that the treatment can such correction or modification may reasonably be expected to correct or modify ~~eliminate or reduce~~ such impediment to employment within a reasonable length of time, including, but not limited to, medical, psychiatric, dental, and surgical treatment, nursing services, hospital care in connection with surgery or treatment, convalescent home care, drugs, medical and surgical supplies, and prosthetic and orthotic devices.

(21) “Program” means an agency, organization, or institution, or a unit of an agency, organization, or institution, that provides directly or facilitates the provision of vocational rehabilitation services as one of its major functions.

~~(22)~~(20) “Rehabilitation” means those events and processes occurring after injury and progressing to ultimate stabilization and maximum possible recovery.

~~(21) “Rehabilitation center” means a division-approved facility providing intermediate care that stresses rehabilitation for persons who have brain or spinal cord injuries.~~

~~(23)~~(22) “Rehabilitation service” means any service, provided directly or indirectly through public or private agencies, found by the division to be necessary to enable a person who has a limiting disability to engage in competitive employment.

~~(24)~~(23) “Rules” means rules adopted ~~made~~ by the department ~~and promulgated~~ in the manner prescribed by law.

(24) ~~“Secretary” means the secretary of the Department of Labor and Employment Security.~~

(25) “State plan” means the state plan approved by the Federal Government as qualifying for federal funds under the Rehabilitation Act of 1973, as amended. However, the term “state plan,” as used in ss. 413.39-413.401, means the State Plan for Independent Living Rehabilitative Services under Title VII(A) of the Rehabilitation Act of 1973, as amended.

(26) “Supported employment” means competitive work in integrated working settings for persons who have severe disabilities and for whom competitive employment has not traditionally occurred or for whom competitive employment has been interrupted or is intermittent as a result of a severe disability. Persons who have severe disabilities requiring supported employment need intensive supported employment services or extended services in order to perform such work.

(27) “Supported employment services” means ongoing support services and other appropriate services needed to support and maintain a person who has a severe disability in supported employment. Supported employment services are based upon a determination of the needs of the eligible individual as specified in the person’s individualized written rehabilitation program. The services are provided singly or in combination and are organized and made available in such a way as to assist eligible individuals in entering or maintaining integrated, competitive employment. The services are provided for a period of time not to extend beyond 18 months, but can be extended under special circumstances with the consent of the individual to achieve the objectives of the rehabilitation plan.

(28) “Third-party coverage” means any claim for, right to receive payment for or any coverage for, the payment of any vocational rehabilitation and related services.

(29) “Third-party payment” means any and all payments received or due as a result of any third-party coverage.

(30) “Transition services” means a coordinated set of activities for a student, designed within an outcome-oriented process, that promote movement from school to postschool activities, including postsecondary education; vocational training; integrated employment; including supported employment; continuing and adult education; adult services; independent living; or community participation. The coordinated set of activities must be based upon the individual student’s needs, taking into account the student’s preferences and interests, and must include instruction, community experiences, the development of employment and other postschool adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation.

(31) “Transitional living facility” means a state-approved facility as defined and licensed pursuant to chapter 400 and division-approved in accord with this part.

~~(32) “Trauma center” means a state-approved acute care facility that provides diagnosis and treatment of persons who have brain or spinal cord injuries.~~

~~(33) “Traumatic injury” means:~~

~~(a) A lesion to the spinal cord or cauda equina with evidence of significant involvement of two of the following deficits or dysfunctions:~~

- ~~1. Motor deficit.~~
- ~~2. Sensory deficit.~~
- ~~3. Bowel and bladder dysfunction; or~~

~~(b) An insult to the skull, brain, or its covering, resulting from external trauma which produces an altered state of consciousness or anatomic motor, sensory, cognitive, or behavioral deficits.~~

~~(32)(34) “Vocational rehabilitation” and “vocational rehabilitation services” mean any service, provided directly or through public or private instrumentalities, to enable an individual or group of individuals to achieve an employment outcome, including, but not limited to, medical and vocational diagnosis, an assessment for determining eligibility and vocational rehabilitation needs by qualified personnel; counseling, guidance, and work-related placement services; vocational and other training services; physical and mental restoration services; maintenance for additional costs incurred while participating in rehabilitation; interpreter services for individuals who are deaf; recruitment and training services to provide new employment opportunities in the fields of rehabilitation, health, welfare, public safety, law enforcement, and other appropriate service employment; occupational licenses; tools, equipment, and initial stocks and supplies; transportation; telecommunications, sensory, and other technological aids and devices; rehabilitation technology services; referral services designed to secure needed services from other agencies; transition services; on-the-job or other related personal assistance services; and supported employment services.~~

~~(33)(35) “Vocational rehabilitation and related services” means any services that are provided or paid for by the division.~~

Section 7. Section 413.201, Florida Statutes, is created to read:

413.201 Designated state agency.—Effective on the effective date of this act, for the purposes of effecting compliance with the Vocational Rehabilitation Act of 1973, as amended, the Department of Education is designated the official state agency.

Section 8. Section 413.202, Florida Statutes, is created to read:

413.202 Designated administrative unit.—Effective on the effective date of this act, for the purposes of effecting compliance with the Vocational Rehabilitation Act of 1973, as amended, the Division of Vocational Rehabilitation is designated as the administrative unit.

Section 9. Section 413.203, Florida Statutes, is created to read:

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

Section 10. Section 413.206, Florida Statutes, is created to read:

413.206 Five-year plan.—The division shall, by October 1, 2002, after identifying specific weaknesses in service capacity and program performance and after consulting with stakeholders, develop a 5-year plan that prioritizes any additional initiatives for the provision of vocational rehabilitation services, including privatization, according to identified needs, and details the steps needed to effectively implement those initiatives, consistent with federal requirements. The plan shall provide that the division, to the extent that it is cost-efficient and cost-effective and increases employment outcomes for persons who have disabilities, enter into local agreements or contracts with community-based rehabilitation providers to be the service providers for the vocational rehabilitation program, except for those services and activities that are federally required. The plan must ensure the full involvement of persons who have disabilities in the comprehensive workforce development system. The plan shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(1) The plan shall:

(a) Promote innovative contracts that upgrade or enhance direct services to persons who have a disability. Contracts shall be evaluated with respect to need and cost and shall be performance-based.

(b) Include recommendations regarding specific performance standards and measurable outcomes and shall outline procedures for monitoring the implementation of the plan. The division shall annually report to the Governor, the President of the Senate, and the Speaker of the House of Representatives the progress that has been made toward achieving the objectives set forth in the plan.

(2) The division shall work with the employer community to assist that community to better define, address, and meet its business needs by employing qualified persons who have a disability.

Section 11. Section 413.207, Florida Statutes, is created to read:

413.207 Division of Vocational Rehabilitation; quality assurance.—The Division of Vocational Rehabilitation shall maintain an internal system of quality assurance, have proven functional systems, perform due diligence, review provider systems of quality assurance, and be subject to monitoring for compliance with state and federal laws, rules, and regulations.

Section 12. Section 413.208, Florida Statutes, is created to read:

413.208 Service providers; quality assurance and fitness for responsibilities.—The Division of Vocational Rehabilitation shall certify providers of direct service and ensure that they maintain an internal system of quality assurance, have proven functional systems, and are subject to a due-diligence inquiry as to their fitness to undertake service responsibilities, regardless of whether a contract for services is procured competitively or noncompetitively.

Section 13. Subsection (4) of section 413.23, Florida Statutes, is amended to read:

413.23 Administration.—The division shall provide vocational rehabilitation services to persons who have disabilities determined to be eligible therefor and, in carrying out the purposes of this part, is authorized, among other things:

(4) To prepare a federally required state plan for vocational rehabilitation, as required by the act. The state plan must contain all of the elements required by s. 101 of the act, including an assessment of the needs of persons who have disabilities and how those needs may be most effectively met. The division is authorized to make amendments to the state plan considered necessary to maintain compliance with the act and to implement such changes in order to qualify for and maintain federal funding. After completion of the state plan or making amendments to the state plan, the division must distribute copies of the state plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives, and the United States Secretary of Education.

Section 14. Subsections (1) and (9) and paragraphs (c) and (e) of subsection (11) of section 413.395, Florida Statutes, are amended to read:

413.395 Florida Independent Living Council.—

(1) There is created the Florida Independent Living Council to assist the division and the Division of Blind Services of the Department of Education Labor and Employment Security, as well as other state agencies and local planning and administrative entities assisted under Title VII of the act, in the expansion and development of statewide independent living policies, programs, and concepts and to recommend improvements for such programs and services. The council shall function independently of the division and, unless the council elects to incorporate as a not-for-profit corporation, is assigned to the division for administrative purposes only. The council may elect to be incorporated as a Florida corporation not for profit and, upon such election, shall be assisted in the incorporation by the division for the purposes stated in this section. The appointed members of the council may constitute the board of directors for the corporation.

(9) The chairperson of the council shall also serve as a member of the Florida Rehabilitation ~~Advisory~~ Council.

(11) The council shall:

(c) Coordinate activities with the Florida Rehabilitation Advisory Council and other councils that address the needs of specific disability populations and issues under other federal law.

(e) Submit to the Commissioner of the Federal Rehabilitation Administration Services such periodic reports as the commissioner may reasonably request and keep such records, and afford access to such records, as the commissioner finds necessary to verify such reports.

Section 15. Section 413.401, Florida Statutes, is amended to read:

413.401 Eligibility for independent living services.—Independent living services may be provided to any person who has a significant ~~severe~~ disability and for whom a reasonable expectation exists that independent living services will significantly assist the individual to improve her or his ability to function independently within the family or community, or to engage in or continue in employment, and to be able to function independently.

Section 16. Section 413.405, Florida Statutes, is amended to read:

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

(1) The council shall be composed of:

(a) At least one representative of the Independent Living Council, which representative may be the chairperson or other designee of the council.

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

(c) At least one representative of the client assistance program established under s. 112 of the act.

(d) At least one vocational rehabilitation counselor who has knowledge of and experience in vocational rehabilitation services, who shall serve as an ex officio, nonvoting member of the council if the counselor is an employee of the department.

(e) At least one representative of community rehabilitation program service providers.

(f) At least four representatives of business, industry, and labor.

(g) Representatives of disability advocacy groups representing a cross-section of:

1. Persons who have physical, cognitive, sensory, or mental disabilities.

2. Parents, family members, guardians, advocates, or authorized representatives of persons who have disabilities and who find it difficult to or are unable due to their disabilities to represent themselves.

(h) Current or former applicants for, or recipients of, vocational rehabilitation services.

(i) The director of the division, who shall be an ex officio member of the council.

(j) At least one representative of the state educational agency responsible for the public education of students who have a disability and who are eligible to receive vocational rehabilitation services and services under the Individuals with Disabilities Education Act.

(k) At least one representative of the board of directors of Workforce Florida, Inc.

(2) Other persons who have disabilities, representatives of state and local government, employers, community organizations, and members of the former Occupational Access and Opportunity Commission may be considered for council membership.

(3)(2) Total membership on the council, ~~excluding~~ ~~including~~ ex officio members, shall be no fewer than 15 and no more than 25 not exceed 19 at any one time.

(4)(3) Members of the council shall be appointed by the Governor, who shall select members after soliciting recommendations from representatives of organizations representing a broad range of individuals who have disabilities and organizations interested in those individuals. In selecting members, the extent to which minority populations are represented must be considered to the greatest extent practicable.

(5)(4) A majority of council members shall be persons who are:

(a) Individuals who have a physical or mental impairment that substantially limits one or more of the person's major life activities; who have a record of such an impairment; or who are regarded as having such an impairment ~~disabilities described in s. 7(8)(B) of the act.~~

(b) Not employed by the division.

(6)(5) The council shall select a chairperson from among the membership of the council.

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

(a) A member appointed to fill a vacancy occurring prior to the expiration of the term for which a predecessor was appointed shall be appointed for the remainder of such term.

(b) The terms of service of the members initially appointed shall be, as specified by the Governor, for such fewer number of years as will provide for the expiration of terms on a staggered basis.

No member of the council may serve more than two consecutive full terms.

~~(8)~~(7) Any vacancy occurring in the membership of the council shall be filled in the same manner as the original appointment. A vacancy does not affect the power of the remaining members to execute the duties of the council.

~~(9)~~(8) In addition to the other functions specified in this section, the council shall, after consulting with the board of directors of Workforce Florida, Inc.:

(a) Review, analyze, and advise the division regarding the performance of the responsibilities of the division under Title I of the act, particularly responsibilities relating to:

1. Eligibility, including order of selection.
2. The extent, scope, and effectiveness of services provided.
3. Functions performed by state agencies that affect or potentially affect the ability of individuals who have disabilities to achieve rehabilitation goals and objectives under Title I.

(b) In partnership with the division:

1. Develop, agree to, and review state goals and priorities in accordance with 34 C.F.R. 361.29(c); and

2. Evaluate the effectiveness of the vocational rehabilitation program and submit reports of progress to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the United States Secretary of Education in accordance with 34 C.F.R. 361.29(e).

~~(c)~~(b) Advise the department and the division and, ~~at the discretion of the department or division,~~ assist in the preparation of ~~applications,~~ the state plan ~~the strategic plan,~~ and amendments to the plan plans, applications, reports, needs assessments, and evaluations required by Title I.

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

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

2. Vocational rehabilitation services:

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

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

~~(e)(d)~~ Prepare and submit an annual report on the status of vocational rehabilitation services in the state to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the United States Secretary of Education and the Commissioner of the Rehabilitative Services Administration, established under s. 702 of the act, and make the report available to the public.

~~(f)(e)~~ Coordinate with other councils within Florida, including the Independent Living Council, the advisory panel established under s. 613(a)(12) of the Individuals with Disabilities Education Act, 20 U.S.C. s. 1413(a)(12), the State Planning Council described in s. 124 of the Developmental Disabilities Assistance and Bill of Rights Act, 42 U.S.C. s. 6024, and the state mental health planning council established under s. 1916(e) of the Public Health Service Act, 42 U.S.C. s. 300x-4(e), and the board of directors of Workforce Florida, Inc.

~~(g)(f)~~ Advise the department and division and provide for coordination and the establishment of working relationships among the department, the division, the Independent Living Council, and centers for independent living in the state.

~~(h)(g)~~ Perform such other functions as the council determines to be appropriate that are comparable to functions performed by the council.

~~(10)(9)(a)~~ The council shall prepare, in conjunction with the division, a plan for the provision of such resources, including at least four staff persons, as may be necessary to carry out the functions of the council. The resource plan shall, to the maximum extent possible, rely on the use of resources in existence during the period of implementation of the plan.

(b) If there is a disagreement between the council and the division in regard to the resources necessary to carry out the functions of the council as set forth in this section, the disagreement shall be resolved by the Governor.

(c) The council shall, consistent with law, supervise and evaluate such staff and other personnel as may be necessary to carry out its functions.

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

~~(11)(10)~~ The council shall convene at least four meetings each year. These meetings shall occur in such places as the council deems necessary to conduct council business. The council may conduct such forums or hearings as the council considers appropriate. The meetings, hearings, and forums shall be publicly announced. The meetings shall be open and accessible to the public unless there is a valid reason for an executive session. The council shall make a report of each meeting which shall include a record of its discussions and recommendations, all of which reports shall be made available to the public.

~~(12)(11)~~ The council shall reimburse members of the council for reasonable and necessary expenses of attending council meetings and performing

council duties, including child care and personal assistance services, as provided in and subject to the requirements of s. 112.061. The council may pay reasonable compensation to a member of the council if such member is not employed or must forfeit wages from other employment for each day the member is engaged in performing the duties of the council.

Section 17. Paragraph (a) of subsection (3) of section 11.45, Florida Statutes, is amended to read:

11.45 Definitions; duties; authorities; reports; rules.—

(3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.—

(a) The Auditor General may, pursuant to his or her own authority, or at the direction of the Legislative Auditing Committee, conduct audits or other engagements as determined appropriate by the Auditor General of:

1. The accounts and records of any governmental entity created or established by law.

2. The information technology programs, activities, functions, or systems of any governmental entity created or established by law.

3. The accounts and records of any charter school created or established by law.

4. The accounts and records of any direct-support organization or citizen support organization created or established by law. The Auditor General is authorized to require and receive any records from the direct-support organization or citizen support organization, or from its independent auditor.

5. The public records associated with any appropriation made by the General Appropriations Act to a nongovernmental agency, corporation, or person. All records of a nongovernmental agency, corporation, or person with respect to the receipt and expenditure of such an appropriation shall be public records and shall be treated in the same manner as other public records are under general law.

6. State financial assistance provided to any nonstate entity.

7. The Tobacco Settlement Financing Corporation created pursuant to s. 215.56005.

8. The Florida On-Line High School created pursuant to s. 228.082.

9. Any purchases of federal surplus lands for use as sites for correctional facilities as described in s. 253.037.

10. Enterprise Florida, Inc., including any of its boards, advisory committees, or similar groups created by Enterprise Florida, Inc., and programs. The audit report may not reveal the identity of any person who has anonymously made a donation to Enterprise Florida, Inc., pursuant to this subparagraph. The identity of a donor or prospective donor to Enterprise Florida, Inc., who desires to remain anonymous and all information identifying

such donor or prospective donor are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such anonymity shall be maintained in the auditor's report.

11. The Florida Development Finance Corporation or the capital development board or the programs or entities created by the board. The audit or report may not reveal the identity of any person who has anonymously made a donation to the board pursuant to this subparagraph. The identity of a donor or prospective donor to the board who desires to remain anonymous and all information identifying such donor or prospective donor are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such anonymity shall be maintained in the auditor's report.

12. The records pertaining to the use of funds from voluntary contributions on a motor vehicle registration application or on a driver's license application authorized pursuant to ss. 320.023 and 322.081.

13. The records pertaining to the use of funds from the sale of specialty license plates described in chapter 320.

14. The transportation corporations under contract with the Department of Transportation that are acting on behalf of the state to secure and obtain rights-of-way for urgently needed transportation systems and to assist in the planning and design of such systems pursuant to ss. 339.401-339.421.

15. The acquisitions and divestitures related to the Florida Communities Trust Program created pursuant to chapter 380.

16. The Florida Water Pollution Control Financing Corporation created pursuant to s. 403.1837.

17. The Florida Partnership for School Readiness created pursuant to s. 411.01.

~~18. The Occupational Access and Opportunity Commission created pursuant to s. 413.83.~~

~~18.19.~~ The Florida Special Disability Trust Fund Financing Corporation created pursuant to s. 440.49.

~~19.20.~~ Workforce Florida, Inc., or the programs or entities created by Workforce Florida, Inc., created pursuant to s. 445.004.

~~20.21.~~ The corporation defined in s. 455.32 that is under contract with the Department of Business and Professional Regulation to provide administrative, investigative, examination, licensing, and prosecutorial support services in accordance with the provisions of s. 455.32 and the practice act of the relevant profession.

~~21.22.~~ The Florida Engineers Management Corporation created pursuant to chapter 471.

22.23. The Investment Fraud Restoration Financing Corporation created pursuant to chapter 517.

23.24. The books and records of any permitholder that conducts race meetings or jai alai exhibitions under chapter 550.

24.25. The corporation defined in part II of chapter 946, known as the Prison Rehabilitative Industries and Diversified Enterprises, Inc., or PRIDE Enterprises.

Section 18. Paragraph (b) of 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:

(b) The Division of Vocational Rehabilitation Program Office of the Department of Education ~~Labor and Employment Security~~; or

Section 19. Section 215.311, Florida Statutes, is amended to read:

215.311 State funds; exceptions.—The provisions of s. 215.31 shall not apply to funds collected by and under the direction and supervision of the Division of Blind Services of the Department of Education ~~Labor and Employment Security~~ as provided under ss. 413.011, 413.041, and 413.051; however, nothing in this section shall be construed to except from the provisions of s. 215.31 any appropriations made by the state to the division.

Section 20. Subsection (5) of section 394.75, Florida Statutes, is amended to read:

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

(5) The district plan shall address how substance abuse and mental health services will be provided and how a system of care for target populations will be provided given the resources available in the service district. The plan must include provisions for maximizing client access to the most recently developed psychiatric medications approved by the United States Food and Drug Administration, for developing independent housing units through participation in the Section 811 program operated by the United States Department of Housing and Urban Development, for developing supported employment services through the Division of Vocational Rehabilitation of the Department of Education ~~Labor and Employment Security~~, for providing treatment services to persons with co-occurring mental illness and substance abuse problems which are integrated across treatment systems, and for providing services to adults who have a serious mental illness, as defined in s. 394.67, and who reside in assisted living facilities.

Section 21. Subsection (2) of section 395.404, Florida Statutes, is amended to read:

395.404 Review of trauma registry data; confidentiality and limited release.—

(2) Notwithstanding the provisions of s. 381.74, each trauma center and acute care hospital shall submit severe disability and head-injury registry data to the department as provided by rule ~~in lieu of submitting such registry information to the Department of Labor and Employment Security~~. Each trauma center and acute care hospital shall continue to provide initial notification of persons who have severe disabilities and head injuries to the Department of ~~Health Labor and Employment Security~~ within timeframes provided in chapter 413. Such initial notification shall be made in the manner prescribed by the Department of ~~Health Labor and Employment Security~~ for the purpose of providing timely vocational rehabilitation services to the severely disabled or head-injured person.

Section 22. Paragraph (a) of subsection (1) of section 410.0245, Florida Statutes, is amended to read:

410.0245 Study of service needs; report; multiyear plan.—

(1)(a) The Adult Services Program Office of the Department of Children and Family Services shall contract for a study of the service needs of the 18-to-59-year-old disabled adult population served or waiting to be served by the community care for disabled adults program. The Division of Vocational Rehabilitation of the Department of ~~Education Labor and Employment Security~~ and other appropriate state agencies shall provide information to the Department of Children and Family Services when requested for the purposes of this study.

Section 23. Subsection (2) of section 410.604, Florida Statutes, is amended to read:

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

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

Section 24. Subsection (1) of section 413.034, Florida Statutes, is amended to read:

413.034 Commission established; membership.—

(1) There is created within the Department of Management Services the Commission for Purchase from the Blind or Other Severely Handicapped,

to be composed of the secretary of the Department of Management Services; the director of the Division of Vocational Rehabilitation of the Department of ~~Education Labor and Employment Security~~, who shall be an ex officio member with voting rights; the director of the Division of Blind Services of the Department of ~~Education Labor and Employment Security~~; and four members to be appointed by the Governor, which four members shall be an executive director of a nonprofit agency for the blind, an executive director of a nonprofit agency for other severely handicapped persons, a representative of private enterprise, and a representative of other political subdivisions. All appointed members shall serve for terms of 4 years. Appointed commission members shall serve subject to confirmation by the Senate.

Section 25. Paragraph (a) of subsection (2) and subsection (3) of section 413.051, Florida Statutes, are amended to read:

413.051 Eligible blind persons; operation of vending stands.—

(2) As used in this section:

(a) “Blind licensee” means any blind person trained and licensed by the Division of Blind Services of the Department of ~~Education Labor and Employment Security~~ to operate a vending stand.

(3) Blind licensees shall be given the first opportunity to participate in the operation of vending stands on all state properties acquired after July 1, 1979, when such facilities are operated under the supervision of the Division of Blind Services of the Department of ~~Education Labor and Employment Security~~.

Section 26. Section 413.064, Florida Statutes, is amended to read:

413.064 Rules.—The Department of ~~Education Labor and Employment Security~~ shall adopt all necessary rules pertaining to the conduct of a solicitation for the benefit of blind persons, including criteria for approval of an application for a permit for such solicitation.

Section 27. Section 413.066, Florida Statutes, is amended to read:

413.066 Revocation of permit.—Any failure on the part of a person or organization holding a permit under the provisions of ss. 413.061-413.068 to comply with the law or with all rules promulgated by the Department of ~~Education Labor and Employment Security~~ as authorized by s. 413.064 constitutes a ground for revocation of the permit by the Division of Blind Services.

Section 28. Section 413.067, Florida Statutes, is amended to read:

413.067 Penalty.—Any person who violates the provisions of ss. 413.061-413.068 or any rule promulgated by the Department of ~~Education Labor and Employment Security~~ pursuant thereto commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 29. Subsection (1) of section 413.091, Florida Statutes, is amended to read:

413.091 Identification cards.—

(1) The Division of Blind Services of the Department of Education Labor and Employment Security is hereby empowered to issue identification cards to persons known to be blind or partially sighted, upon the written request of such individual.

Section 30. Subsection (1) of section 413.092, Florida Statutes, is amended to read:

413.092 Blind Babies Program.—

(1) The Blind Babies Program is created within the Division of Blind Services of the Department of Education Labor and Employment Security to provide community-based early-intervention education to children from birth through 5 years of age who are blind or visually impaired, and to their parents, families, and caregivers, through community-based provider organizations. The division shall enlist parents, ophthalmologists, pediatricians, schools, Infant and Toddlers Early Intervention Programs, and therapists to help identify and enroll blind and visually impaired children, as well as their parents, families, and caregivers, in these educational programs.

Section 31. Subsection (1) of section 413.445, Florida Statutes, is amended to read:

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

(1) As used in this section, “vocational rehabilitation and related services” means any services ~~that which~~ are provided or paid for by the Division of Vocational Rehabilitation of the Department of Education Labor and Employment Security.

Section 32. Subsection (12) of section 413.615, Florida Statutes, is amended to read:

413.615 Florida Endowment for Vocational Rehabilitation.—

(12) ANNUAL REPORT.—The board shall issue a report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Commissioner of Education Secretary of Labor and Employment Security by February 1 each year, summarizing the performance of the endowment fund for the previous fiscal year, summarizing the foundation’s fundraising activities and performance, and detailing those activities and programs supported by the endowment principal or earnings on the endowment principal or by bequests, gifts, grants, donations, and other valued goods and services received.

Section 33. Subsection (5) of section 944.012, Florida Statutes, is amended to read:

944.012 Legislative intent.—The Legislature hereby finds and declares that:

(5) In order to make the correctional system an efficient and effective mechanism, the various agencies involved in the correctional process must coordinate their efforts. Where possible, interagency offices should be physically located within major institutions and should include representatives of the Florida State Employment Service, the vocational rehabilitation programs of the Department of Education ~~Labor and Employment Security~~, and the Parole Commission. Duplicative and unnecessary methods of evaluating offenders must be eliminated and areas of responsibility consolidated in order to more economically utilize present scarce resources.

Section 34. Before the 2005 Regular Session of the Legislature, the Office of Program Policy Analysis and Government Accountability shall conduct a review of and prepare a report on the progress of the Division of Vocational Rehabilitation of the Department of Education.

Section 35. (1) Part III of chapter 413, Florida Statutes, consisting of sections 413.81, 413.82, 413.83, 413.84, 413.85, 413.86, 413.87, 413.88, 413.89, 413.90, 413.91, 413.92, and 413.93, Florida Statutes, is repealed.

(2) Subsection (8) of section 445.024, Florida Statutes, is repealed.

Section 36. This act shall take effect upon becoming a law.

Approved by the Governor April 11, 2002.

Filed in Office Secretary of State April 11, 2002.