

By Senator Gainer

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1 A bill to be entitled
2 An act relating to vocational rehabilitation services;
3 amending s. 413.20, F.S.; revising and providing
4 definitions; amending s. 413.207, F.S.; revising
5 information that the Division of Vocational
6 Rehabilitation must include in its annual performance
7 report to the Governor and the Legislature; amending
8 s. 413.23, F.S.; requiring the division to provide
9 preemployment transition services to certain eligible
10 persons with disabilities; requiring the division to
11 cooperate with contracted providers to provide such
12 services; amending s. 413.30, F.S.; providing
13 eligibility requirements for the provision of
14 preemployment transition services; requiring the
15 division to assess the service needs of eligible
16 individuals within a specified period; providing for
17 an extension of such assessment under certain
18 circumstances; amending s. 413.405, F.S.; revising the
19 composition of the Florida Rehabilitation Council;
20 revising the responsibilities of the Florida
21 Rehabilitation Council to conform to changes made by
22 the act; amending s. 413.41, F.S.; requiring the
23 division to enter into formal interagency agreements
24 with certain entities for certain purposes; requiring
25 that such agreements meet specified requirements;
26 amending s. 413.731, F.S.; requiring the division to
27 contract with other providers to provide preemployment
28 transition services under certain circumstances;
29 amending s. 413.74, F.S.; requiring school districts

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30 and public agencies to use the Student Transition
31 Activities Record program for the referral of certain
32 students with disabilities; amending s. 1003.5716,
33 F.S.; requiring that a student's individual education
34 plan contain a statement regarding preemployment
35 transition services; providing an effective date.
36

37 Be It Enacted by the Legislature of the State of Florida:
38

39 Section 1. Present subsections (20) through (27) of section
40 413.20, Florida Statutes, are redesignated as subsections (21)
41 through (28), respectively, a new subsection (20) is added to
42 that section, and subsection (3) of that section is amended, to
43 read:

44 413.20 Definitions.—As used in this part, the term:

45 (3) "Assessment for determining eligibility and vocational
46 rehabilitation needs" means a review of existing data to
47 determine whether an individual is eligible for vocational
48 rehabilitation services, including preemployment transition
49 services, and to assign the priority, and, to the extent
50 additional data is necessary to make such determination and
51 assignment, a preliminary assessment of such data, including the
52 provision of goods and services during such assessment. If
53 additional data is necessary, the division must make a
54 comprehensive assessment of the unique strengths, resources,
55 priorities, concerns, abilities, capabilities, interests, and
56 informed choice, including the need for supported employment, of
57 an eligible individual to make a determination of the goals,
58 objectives, nature, and scope of vocational rehabilitation

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59 services to be included in the individualized plan for
60 employment.

61 (20) "Preemployment transition services" means the services
62 of job exploration counseling, work-based learning experiences,
63 counseling on postsecondary education, workplace readiness
64 training, and instruction in self-advocacy as required by the
65 Workforce Innovation and Opportunity Act of 2014, which may be
66 provided to students with disabilities who are eligible or
67 potentially eligible for vocational rehabilitation services.

68 Section 2. Present paragraph (d) of subsection (4) of
69 section 413.207, Florida Statutes, is redesignated as paragraph
70 (e), new paragraph (d) and paragraph (f) are added to that
71 subsection, and paragraph (a) of that subsection is amended, to
72 read:

73 413.207 Division of Vocational Rehabilitation; quality
74 assurance; performance improvement plan.—

75 (4) By December 1 of each year, the division shall submit a
76 performance report to the Governor, the President of the Senate,
77 and the Speaker of the House of Representatives which includes
78 the following information for each of the 5 most recent fiscal
79 years:

80 (a) Caseload data, by service type and service area,
81 including the number of individuals who apply for services and
82 the timeframes in which eligibility is determined, plans are
83 developed, and services are provided ~~who receive services,~~ by
84 ~~service type, reported statewide and by service area.~~

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

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88 (f) Transition services data, including preemployment
89 transition services, for students and youth with disabilities by
90 service type, including expenditure data on a statewide and
91 service area basis, employment outcomes achieved by youth
92 served, and postsecondary enrollment rates.

93 Section 3. Section 413.23, Florida Statutes, is amended to
94 read:

95 413.23 Administration.—The division shall provide
96 vocational rehabilitation services, including preemployment
97 transition services, to persons who have disabilities determined
98 to be eligible therefor and, in carrying out the purposes of
99 this part, is authorized, among other things:

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

108 (2) To enter into reciprocal agreements with other states
109 to provide for the vocational rehabilitation of residents of the
110 states concerned;

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

113 (4) To prepare a federally required state plan for
114 vocational rehabilitation, as required by the act. The state
115 plan must contain all of the elements required by s. 101 of the
116 act, including an assessment of the needs of persons who have

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117 disabilities and how those needs may be most effectively met.
118 The division is authorized to make amendments to the state plan
119 considered necessary to maintain compliance with the act and to
120 implement such changes in order to qualify for and maintain
121 federal funding. After completion of the state plan or making
122 amendments to the state plan, the division must distribute
123 copies of the state plan to the Governor, the President of the
124 Senate, the Speaker of the House of Representatives, and the
125 United States Secretary of Education.

126 Section 4. Present subsections (2) through (8) of section
127 413.30, Florida Statutes, are redesignated as subsections (3)
128 through (9), respectively, a new subsection (2) is added to that
129 section, and present subsections (3) and (5) of that section are
130 amended, to read:

131 413.30 Eligibility for vocational rehabilitation services.—

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

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

140 (b) A 504 accommodation plan issued under s. 504 of the
141 Rehabilitation Act of 1973.

142 (4)~~(3)~~ An individual is presumed to benefit in terms of an
143 employment outcome from vocational rehabilitation services or
144 preemployment transition services under this part unless the
145 division can demonstrate by clear and convincing evidence that

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146 the individual is incapable of benefiting from vocational
147 rehabilitation services or preemployment transition services in
148 terms of an employment outcome. Before making such a
149 determination, the division must consider the individual's
150 abilities, capabilities, and capacity to perform in a work
151 situation through the use of trial work experiences. Trial work
152 experiences include supported employment, on-the-job training,
153 or other work experiences using realistic work settings. Under
154 limited circumstances, if an individual cannot take advantage of
155 trial work experiences or if options for trial work experiences
156 have been exhausted, the division shall conduct an extended
157 evaluation, not to exceed 18 months. The evaluation must
158 determine the eligibility of the individual and the nature and
159 scope of needed vocational rehabilitation services or
160 preemployment transition services. The extended evaluation must
161 be reviewed once every 90 days to determine whether the
162 individual is eligible for vocational rehabilitation services or
163 preemployment transition services.

164 ~~(6)~~~~(5)~~ When the division determines that an individual is
165 eligible for vocational rehabilitation services or preemployment
166 transition services, the division must complete an assessment
167 for determining ~~eligibility and~~ vocational rehabilitation or
168 preemployment transition needs and ensure that an individualized
169 plan for employment is prepared within a reasonable period of
170 time, not to exceed 90 days after the date of eligibility
171 determination, unless unforeseen circumstances beyond the
172 control of the division prevent the division from completing the
173 assessment and individualized plan for employment within the 90-
174 day timeframe and the division and the individual agree that an

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175 extension of time is warranted.

176 (a) Each individualized plan for employment must be jointly
177 developed, agreed upon, and signed by the vocational
178 rehabilitation counselor or coordinator and the eligible
179 individual or, in an appropriate case, a parent, family member,
180 guardian, advocate, or authorized representative, of the
181 individual.

182 (b) The division must ensure that each individualized plan
183 for employment is designed to achieve the specific employment
184 outcome of the individual, consistent with the unique strengths,
185 resources, priorities, concerns, abilities, and capabilities of
186 the individual, and otherwise meets the content requirements for
187 an individualized plan for employment as set out in federal law
188 or regulation.

189 (c) Each individualized plan for employment shall be
190 reviewed annually, at which time the individual, or the
191 individual's parent, guardian, advocate, or authorized
192 representative, shall be afforded an opportunity to review the
193 plan and jointly redevelop and agree to its terms. Each plan
194 shall be revised as needed.

195 Section 5. Paragraph (h) of subsection (1) and paragraph
196 (d) of subsection (9) of section 413.405, Florida Statutes, are
197 amended to read:

198 413.405 Florida Rehabilitation Council.—There is created
199 the Florida Rehabilitation Council to assist the division in the
200 planning and development of statewide rehabilitation programs
201 and services, to recommend improvements to such programs and
202 services, and to perform the functions listed in this section.

203 (1) The council shall be composed of:

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204 (h) Current or former applicants for, or recipients of,
205 vocational rehabilitation services, including preemployment
206 transition services.

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

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

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

215 2. Vocational rehabilitation services:

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

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

221 3. Preemployment transition services:

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

224 b. Provided by state agencies and other public and private
225 entities responsible for providing preemployment transition
226 services to students who have disabilities.

227 ~~4.3.~~ The employment outcomes achieved by eligible
228 individuals receiving services under this part, including the
229 availability of health or other employment benefits in
230 connection with those employment outcomes; alignment with labor
231 market demands in the state; and, for youth with disabilities,
232 the availability of career pathways, including work-based

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233 learning experiences and customized employment.

234 Section 6. Section 413.41, Florida Statutes, is amended to
235 read:

236 413.41 Cooperation by division with state agencies.—

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

246 (2) (a) The division shall enter into a formal interagency
247 agreement with the state education agency that provides for the
248 transition of students with disabilities, including
249 preemployment transition services and other vocational
250 rehabilitation services as required by s. 101(a)(11)(D) of the
251 Rehabilitation Act of 1973, as amended. The formal interagency
252 agreement shall comply with the requirements of 34 C.F.R. s.
253 361.22(b).

254 (b) The division shall enter into formal interagency
255 agreements with all local educational agencies which are
256 consistent with the state level agreement and address the
257 requirements for providing vocational rehabilitation services,
258 including referral of students with disabilities through the
259 Student Transition Activities Record program who may be eligible
260 for preemployment transition services. The agreements must also
261 include any preemployment transition coordination activities,

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262 such as attending individual education plan meetings for
263 students with disabilities or attending person-centered planning
264 meetings for students with disabilities who are receiving
265 services under title XIX of the Social Security Act.

266 Section 7. Present subsection (4) of section 413.731,
267 Florida Statutes, is redesignated as subsection (5), and a new
268 subsection (4) is added to that section, to read:

269 413.731 Legislative funding; contracting for services.—

270 (4) If the division is unable to provide preemployment
271 transition services for students with disabilities within 90
272 days after the date of determining service needs, the division
273 must contract with other providers to provide such services.

274 Section 8. Subsection (3) is added to section 413.74,
275 Florida Statutes, to read:

276 413.74 Other agencies; cooperation and referral.—

277 (3) School districts and public agencies shall use the
278 Student Transition Activities Record program to refer students
279 with disabilities who are potentially eligible for preemployment
280 transition services to the division.

281 Section 9. Paragraph (c) of subsection (2) of section
282 1003.5716, Florida Statutes, is amended to read:

283 1003.5716 Transition to postsecondary education and career
284 opportunities.—All students with disabilities who are 3 years of
285 age to 21 years of age have the right to a free, appropriate
286 public education. As used in this section, the term "IEP" means
287 individual education plan.

288 (2) Beginning not later than the first IEP to be in effect
289 when the student attains the age of 16, or younger if determined
290 appropriate by the parent and the IEP team, the IEP must include

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291 the following statements that must be updated annually:

292 (c) A statement of appropriate measurable long-term
293 postsecondary education and career goals based upon age-
294 appropriate transition assessments related to training,
295 education, employment, and, if appropriate, independent living
296 skills and the transition services, including preemployment
297 transition services and courses of study needed to assist the
298 student in reaching those goals.

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