

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
 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.
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37 | Be It Enacted by the Legislature of the State of Florida:
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39 | Section 1. Subsections (20) through (27) of section
 40 | 413.20, Florida Statutes, are renumbered as subsections (21)
 41 | through (28), respectively, subsection (3) is amended, and a new
 42 | subsection (20) is added to that section, to read:

43 | 413.20 Definitions.—As used in this part, the term:

44 | (3) "Assessment for determining eligibility and vocational
 45 | rehabilitation needs" means a review of existing data to
 46 | determine whether an individual is eligible for vocational
 47 | rehabilitation services, including preemployment transition
 48 | services, and to assign the priority, and, to the extent
 49 | additional data is necessary to make such determination and
 50 | assignment, a preliminary assessment of such data, including the

51 provision of goods and services during such assessment. If
52 additional data is necessary, the division must make a
53 comprehensive assessment of the unique strengths, resources,
54 priorities, concerns, abilities, capabilities, interests, and
55 informed choice, including the need for supported employment, of
56 an eligible individual to make a determination of the goals,
57 objectives, nature, and scope of vocational rehabilitation
58 services to be included in the individualized plan for
59 employment.

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

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

71 413.207 Division of Vocational Rehabilitation; quality
72 assurance; performance improvement plan.—

73 (4) By December 1 of each year, the division shall submit
74 a performance report to the Governor, the President of the
75 Senate, and the Speaker of the House of Representatives which

76 | includes the following information for each of the 5 most recent
 77 | fiscal years:

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

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

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

91 | Section 3. Section 413.23, Florida Statutes, is amended to
 92 | read:

93 | 413.23 Administration.—The division shall provide
 94 | vocational rehabilitation services, including preemployment
 95 | transition services, to persons who have disabilities determined
 96 | to be eligible therefor and, in carrying out the purposes of
 97 | this part, is authorized, among other things:

98 | (1) To cooperate with other departments, agencies, public
 99 | and private ~~and institutions, both public and private, and~~
 100 | contracted providers in providing for the vocational

101 rehabilitation and preemployment transition services of persons
102 who have disabilities, in studying the problems involved
103 therein, and in establishing, developing, and providing, in
104 conformity with the purposes of this part, such programs,
105 facilities, and services as may be necessary or desirable;

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

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

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

124 Section 4. Subsections (2) through (8) of section 413.30,
125 Florida Statutes, are renumbered as subsections (3) through (9),

126 respectively, present subsections (3) and (5) are amended, and a
127 new subsection (2) is added to that section, to read:

128 413.30 Eligibility for vocational rehabilitation
129 services.—

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

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

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

140 (4)(3) An individual is presumed to benefit in terms of an
141 employment outcome from vocational rehabilitation services or
142 preemployment transition services under this part unless the
143 division can demonstrate by clear and convincing evidence that
144 the individual is incapable of benefiting from vocational
145 rehabilitation services or preemployment transition services in
146 terms of an employment outcome. Before making such a
147 determination, the division must consider the individual's
148 abilities, capabilities, and capacity to perform in a work
149 situation through the use of trial work experiences. Trial work
150 experiences include supported employment, on-the-job training,

151 or other work experiences using realistic work settings. Under
152 limited circumstances, if an individual cannot take advantage of
153 trial work experiences or if options for trial work experiences
154 have been exhausted, the division shall conduct an extended
155 evaluation, not to exceed 18 months. The evaluation must
156 determine the eligibility of the individual and the nature and
157 scope of needed vocational rehabilitation services or
158 preemployment transition services. The extended evaluation must
159 be reviewed once every 90 days to determine whether the
160 individual is eligible for vocational rehabilitation services or
161 preemployment transition services.

162 ~~(6)(5)~~ When the division determines that an individual is
163 eligible for vocational rehabilitation services or preemployment
164 transition services, the division must complete an assessment
165 for determining ~~eligibility and~~ vocational rehabilitation or
166 preemployment transition needs and ensure that an individualized
167 plan for employment is prepared within a reasonable period of
168 time, not to exceed 90 days after the date of eligibility
169 determination, unless unforeseen circumstances beyond the
170 control of the division prevent the division from completing the
171 assessment and individualized plan for employment within the 90-
172 day timeframe and the division and the individual agree that an
173 extension of time is warranted.

174 (a) Each individualized plan for employment must be
175 jointly developed, agreed upon, and signed by the vocational

176 rehabilitation counselor or coordinator and the eligible
177 individual or, in an appropriate case, a parent, family member,
178 guardian, advocate, or authorized representative, of the
179 individual.

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

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

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

196 413.405 Florida Rehabilitation Council.—There is created
197 the Florida Rehabilitation Council to assist the division in the
198 planning and development of statewide rehabilitation programs
199 and services, to recommend improvements to such programs and
200 services, and to perform the functions listed in this section.

201 (1) The council shall be composed of:

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

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

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

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

213 2. Vocational rehabilitation services:

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

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

219 3. Preemployment transition services:

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

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

225 ~~4.3-~~ The employment outcomes achieved by eligible

226 individuals receiving services under this part, including the
 227 availability of health or other employment benefits in
 228 connection with those employment outcomes; alignment with labor
 229 market demands in the state; and for youth with disabilities,
 230 the availability of career pathways, including work-based
 231 learning experiences and customized employment.

232 Section 6. Section 413.41, Florida Statutes, is amended to
 233 read:

234 413.41 Cooperation by division with state agencies.—

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

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

251 361.22 (b) .

252 (b) The division shall enter into formal interagency
253 agreements with all local educational agencies which are
254 consistent with the state level agreement and address the
255 requirements for providing vocational rehabilitation services,
256 including referral of students with disabilities through the
257 Student Transition Activities Record program who may be eligible
258 for preemployment transition services. The agreements must also
259 include any preemployment transition coordination activities,
260 such as attending individual education plan meetings for
261 students with disabilities or attending person-centered planning
262 meetings for students with disabilities who are receiving
263 services under title XIX of the Social Security Act.

264 Section 7. Subsection (4) of section 413.731, Florida
265 Statutes, is renumbered as subsection (5), and a new subsection
266 (4) is added to that section, to read:

267 413.731 Legislative funding; contracting for services.—

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

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

274 413.74 Other agencies; cooperation and referral.—

275 (3) School districts and public agencies shall use the

276 Student Transition Activities Record program to refer students
277 with disabilities who are potentially eligible for preemployment
278 transition services to the division.

279 Section 9. Paragraph (c) of subsection (2) of section
280 1003.5716, Florida Statutes, is amended to read:

281 1003.5716 Transition to postsecondary education and career
282 opportunities.—All students with disabilities who are 3 years of
283 age to 21 years of age have the right to a free, appropriate
284 public education. As used in this section, the term "IEP" means
285 individual education plan.

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

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

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