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# Higher Education Appropriations Subcommittee

Tuesday, January 28, 2020  
3:30 p.m. – 6:30 p.m.  
Webster Hall (212 Knott)

## MEETING PACKET

**Committee Meeting Notice**  
**HOUSE OF REPRESENTATIVES**

**Higher Education Appropriations Subcommittee**

**Start Date and Time:** Tuesday, January 28, 2020 03:30 pm  
**End Date and Time:** Tuesday, January 28, 2020 06:30 pm  
**Location:** Webster Hall (212 Knott)  
**Duration:** 3.00 hrs

**Consideration of the following proposed committee bill(s):**

PCB HEA 20-01 -- Public postsecondary commercial sponsorships

**Consideration of the following bill(s):**

CS/HB 901 Vocational Rehabilitation Services by Higher Education & Career Readiness Subcommittee, Ponder

Chair's Budget Proposal for FY 2020-2021

**NOTICE FINALIZED on 01/24/2020 4:12PM by SPB**



# **The Florida House of Representatives**

## **Appropriations Committee**

### **Higher Education Appropriations Subcommittee**

**Jose Oliva**  
Speaker

**Randy Fine**  
Chair

#### **AGENDA**

Tuesday, January 28, 2020

3:30 p.m. – 6:30 p.m.

Webster Hall (212 Knott)

- I. Call to Order/Roll Call**
- II. Opening Remarks by Chair Fine**
- III. Consideration of the following proposed committee bill(s):**  
PCB HEA 20-01 -- Public postsecondary commercial sponsorships
- IV. Consideration of the following bill(s):**  
CS/HB 901 Vocational Rehabilitation Services by Higher Education & Career Readiness Subcommittee, Ponder
- V. Chair's Budget Proposal for FY 2020-2021**
- VI. Closing Remarks/Adjournment**



**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** PCB HEA 20-01 Public postsecondary commercial sponsorships

**SPONSOR(S):** Higher Education Appropriations Subcommittee

**TIED BILLS:** IDEN./SIM. **BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Higher Education Appropriations Subcommittee		Crowley <i>owl</i>	Butler <i>fb</i>

**SUMMARY ANALYSIS**

The bill creates s. 1004.098, F.S., to require State University System and Florida College System institutions' presidents to provide written notification to the Governor, the President of the Senate, and the Speaker of the House of Representatives prior to executing a contract for all non-philanthropic commercial sponsorships of \$1 million or more, designed for marketing in a public postsecondary institution's athletic facilities. If, within 30 days of receipt, any of the parties provide written objection, an act of the Legislature shall be required for authorization.

The bill takes effect July 1, 2020.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Present Situation

Currently, neither Florida statute, BOG regulation, nor SBE rule specifically addresses public postsecondary commercial sponsorships for athletic facilities.

The naming of State University System institutions' and Florida College System institutions' facilities are subject to the following requirements by law:

1. A facility constructed pursuant to facilities' matching grant programs for State University System<sup>1</sup> and Florida College System institutions<sup>2</sup> may be named in honor of a donor at the option of the university and Board of Governors for state universities, or district board of trustees for a Florida College System institution. No facility may be named after a living person without prior approval by the Legislature for university facilities, or the State Board of Education (SBE), for college facilities.<sup>3</sup>
2. Any state building, road, bridge, park, recreational complex, or other similar facility of a state university may be named for a living person by the university board of trustees in accordance with regulations adopted by the Board of Governors of the State University System.<sup>4</sup>

The Florida Board of Governors (BOG) regulations<sup>5</sup> provide for the following:

1. The naming of facilities must be approved by the institution's board of trustees, as a noticed, non-consent agenda item.
2. Non-gift related naming of facilities should be reserved for individuals who have made significant contributions to the university or to the state of Florida or to the fields of education, government, science or human betterment and who are of recognized accomplishment and character. Honorary naming of a university facility is not allowed for any active board member or employee of the Board of Governors or any active employee, student, or trustee of the university.
3. Gift-related naming of a facility requires a donation that constitutes a significant contribution to the cost of the university facility, or for an existing facility, significant improvements, both as established by board of trustees' policy. The limitations set forth for non-gift related honorary naming are not applicable to gift-related naming of a university facility.

On December 20, 2019, Florida Atlantic University announced FAU arena, home of the Owls' men's and women's basketball and volleyball teams would be known as the RoofClaim.com Arena. The 10-year agreement between FAU and CEO Brian Wedding with RoofClaim.com for the naming rights became effective immediately. The 10-year agreement is valued at \$5 million.<sup>6</sup>

The University of Central Florida (UCF) first executed naming rights for Spectrum Stadium in 2006, then known as Bright House Sports Network Stadium. In 2013, the local cable company activated a clause allowing it to renegotiate the contract, reduced by \$3 million and made the contract renewable annually with an expiration date of August 2021.<sup>7</sup> In 2017, the name was changed to Spectrum Stadium, as a result of Bright House Networks' buyout agreement with Charter Communications in May

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<sup>1</sup> s. 1013.79(11), F.S., University Facility Enhancement Challenge Grant Program, also known as the Alec P. Courtelis University Facility Enhancement Challenge Grant Program.

<sup>2</sup> s. 1011.32(12), F.S., The Florida College System Institution Capital Facilities Matching Program.

<sup>3</sup> *Ibid.*

<sup>4</sup> s. 267,062(3), F.S.

<sup>5</sup> BOG 9.005 Naming of Buildings and Facilities

[https://www.flbog.edu/wp-content/uploads/9\\_005NamingofBuildingsandFacilitiesVersionFINAL.pdf](https://www.flbog.edu/wp-content/uploads/9_005NamingofBuildingsandFacilitiesVersionFINAL.pdf)

<sup>6</sup> The Palm Beach Post <https://www.palmbeachpost.com/sports/20191220/fau-basketball-florida-atlantic-receives-5-million-sponsorship-from-roofclaimcom-to-rename-fau-arena>

<sup>7</sup> [http://www.nicholsonstudentmedia.com/sports/spectrum-replaces-naming-rights-of-bright-house-networks-stadium/article\\_95d8c71a-1fb6-11e7-8a88-e700215bb757.html](http://www.nicholsonstudentmedia.com/sports/spectrum-replaces-naming-rights-of-bright-house-networks-stadium/article_95d8c71a-1fb6-11e7-8a88-e700215bb757.html)

2016. UCF currently generates an annual payout between \$500,000 and \$1,250,000 in revenue from its naming rights for Spectrum Stadium, earning \$750,000 each year until Spectrum's current contract expires on August 1, 2021.

On May 22, 2013, UCF entered into a naming rights contract with CFE Credit Union for seven years, worth \$3.95 million, or \$564,286 per year for CFE Arena.<sup>8</sup> In May 2019, the credit union's name was rebranded as Addition Financial. Addition Financial Arena is home to the UCF Knights men's and women's basketball teams, as well as concerts, family shows and other attracts for the Central Florida area.<sup>9</sup>

On June 9, 2016, the University of Florida's (UF) Board of Trustees voted to approve a corporate partnership with Exactech in a 10 year naming agreement for \$5.9 million with a 5 year option for \$3.5 million for the Steven C. O'Connell Center to be named Exactech Arena at the Stephen C. O'Connell Center.<sup>10,11</sup>

In June of 2013, Florida State University (FSU) renegotiated an apparel contract with Nike, a long-standing corporate sponsor of athletics programs at the institution. According to a copy of the contract obtained through a public records request by Warchant.com, the deal is worth approximately \$50 million over a period of ten years, and gives Nike the rights to consult and develop new logo and uniforms for FSU, though the university retains the right of final approval of all designs.<sup>12</sup>

On August 29, 2019, UF announced a new multiyear agreement with Wells Fargo. Under this agreement, Wells Fargo will serve as both the "Official Retail Bank of the Florida Gators" and the official sponsor dedicated to women's athletics at the institution.<sup>13</sup> Financial details were not provided.

On September 13, 2019, UCF announced a new sponsorship agreement with Walt Disney World Resort. The multiyear agreement includes "shared marketing opportunities, in-game promotions at UCF home football games and Disney signage inside Spectrum Stadium."<sup>14</sup> Financial details were not provided.

### **Effect of Proposed Changes**

The bill creates s. 1004.098, F.S., to provide that prior to any public college or university executing a non-philanthropic commercial sponsorships of \$1 million or more that are not philanthropic and are designed for marketing in the institution's athletic facilities, the institution's president must first give written notification to the Governor, the President of the Senate, and the Speaker of the House of Representatives. If any one of the notified parties provides written objection to the proposed sponsorship agreement within 30 days of receipt, an act of the Legislature will be required to authorize it.

Future corporate sponsorship agreements similar to those described above may be subject to legislative approval upon passage of this bill, depending on the total value of the contracts.

### **B. SECTION DIRECTORY:**

**Section 1:** Creates s. 1004.098, F.S., relating to non-philanthropic commercial sponsorship agreements.

<sup>8</sup> [https://db0nus869y26v.cloudfront.net/en/CFE\\_Arena](https://db0nus869y26v.cloudfront.net/en/CFE_Arena)

<sup>9</sup> UCF Today <https://www.ucf.edu/news/cfe-arena-name-change-addition-financial/>

<sup>10</sup> <https://floridagators.com/news/2016/6/8/chris-harry-o-dome-partners-with-exactech-in-naming-agreement.aspx>

<sup>11</sup> [https://trustees.ufl.edu/media/trusteesufledu/minutes/2016/Finance\\_June-9\\_-2016.pdf](https://trustees.ufl.edu/media/trusteesufledu/minutes/2016/Finance_June-9_-2016.pdf)

<sup>12</sup> Warchant.com <https://floridastate.rivals.com/news/a-look-at-fsus-10-year-nike-contract>

<sup>13</sup> <https://www.learfield.com/2019/08/university-of-florida-wells-fargo-unveil-elevated-athletics-sponsorship/>

<sup>14</sup> <https://ucfknights.com/news/2019/9/13/general-walt-disney-world-resort-sponsors-the-ucf-knights.aspx>

**Section 2:** Provides an effective date of July 1, 2020.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

None.

2. Expenditures:

None.

### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

None.

### **C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

### **D. FISCAL COMMENTS:**

State University System and Florida College System institutions will not be able to execute certain corporate sponsorships for \$1 million or more without prior notification to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The process may reduce corporate sponsorship revenues to institutions.

## **III. COMMENTS**

### **A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

### **B. RULE-MAKING AUTHORITY:**

None.

### **C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

## **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

1                                   A bill to be entitled  
 2           An act relating to public postsecondary commercial  
 3           sponsorships; creating s. 1004.098, F.S.; requiring  
 4           the presidents of specified postsecondary institutions  
 5           to provide written notification to certain parties  
 6           before executing contracts for specified commercial  
 7           sponsorships; requiring such sponsorships to receive  
 8           legislative authorization under certain circumstances;  
 9           providing an effective date.

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

Section 1. Section 1004.098, Florida Statutes, is created to read:

1004.098 Public postsecondary commercial sponsorships.—For all commercial sponsorships of \$1 million or more that are not philanthropic and are designed for marketing in a state university's or Florida College System institution's athletic facilities, a state university or Florida College System institution president must provide written notification to the Governor, the President of the Senate, and the Speaker of the House of Representatives before executing a contract for such sponsorship. If, within 30 days after receipt, any of the aforementioned parties provide a written objection to the sponsorship to the state university or Florida College System

PCB HEA 20-01a

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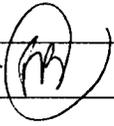
26 | institution president, an act of the Legislature shall be  
27 | required to authorize such sponsorship.

28 | Section 2. This act shall take effect July 1, 2020.



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 901 Vocational Rehabilitation Services  
**SPONSOR(S):** Higher Education & Career Readiness Subcommittee, Ponder  
**TIED BILLS:** None **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Higher Education & Career Readiness Subcommittee	14 Y, 0 N, As CS	Sleap	Fudge
2) Higher Education Appropriations Subcommittee		Crowley 	Butler 
3) Education Committee			

### SUMMARY ANALYSIS

To provide job exploration and workplace readiness training opportunities to disabled youth in Florida, the bill:

- requires the Division of Vocational Rehabilitation (division) within the Department of Education (DOE) to provide pre-employment transition services (Pre-ETS) as required by federal law, and to cooperate with other departments, agencies, public and private institutions, and providers to provide vocational rehabilitation (VR) and Pre-ETS to persons with disabilities;
- defines who may be provided Pre-ETS, requiring the division to provide Pre-ETS within a timeframe not to exceed 90 days or the division must work with other qualified providers to provide services;
- requires the division to enter into a formal interagency agreement with DOE that provides for the transition of students with disabilities, including Pre-ETS and other VR services as required by federal regulation;
- requires the division to work with all local education agencies to provide VR and Pre-ETS services and to arrange for the timely referral of students; and
- amends the required IEP for transitioning a student with a disability to postsecondary education and career opportunities, by adding Pre-ETS to the list of services that may be utilized.

For VR services, the bill removes extended evaluations as amended by the Workforce Innovation and Opportunity Act of 2014 (WIOA) and requires the division to prepare an individualized plan for employment within a reasonable time, not to exceed 90 days after the date of eligibility determination, unless certain circumstances are met.

The bill amends the membership of the Florida Rehabilitation Council to include applicants or recipients of Pre-ETS. The bill expands the Council's review, to include Pre-ETS and employment outcomes achieved for VR, including alignment with labor market demands in the state; and for youth, the availability of career pathways.

To address federal monitoring findings and observations, the bill amends the division's annual performance report to include case load data and timeframes in which eligibility is determined, plans are developed, and services are provided in addition to matching fund data and transition services outcomes data.

To respond to audit findings of The Able Trust, the bill clarifies that administrative costs are based on actual expenditures in any fiscal year and the components included in administrative costs. The bill also adds DOE's Director of VR or his or her designee as an ex officio member of the board and revises board member terms.

The bill has no fiscal impact.

The bill provides an effective date of July 1, 2020.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### **Present Situation**

According to the 2018 U.S. Census Bureau American Community Survey, approximately 2.7 million individuals with a disability live in Florida, representing over 13 percent of the state's population.<sup>1</sup> Ten percent of the state's working age (i.e. ages 18-64) population is composed of individuals with a disability.<sup>2</sup> This population has an unemployment rate twice that of persons without disabilities and such individuals may qualify for vocational rehabilitation (VR) services.<sup>3</sup>

#### **Federal Law**

##### *Rehabilitation Act of 1973*

The Rehabilitation Act of 1973, as amended, provides that the purpose of VR services is to:

- Empower individuals with disabilities to maximize employment, economic self-sufficiency, independence, and inclusion and integration into society; and
- Ensure that the federal government plays a leadership role in promoting the employment of individuals with disabilities and in assisting states and providers of services fulfill gainful employment and independent living aspirations of individuals with disabilities.<sup>4</sup>

VR is a federal-state program that assists individuals with disabilities prepare for, gain, or retain employment in meaningful careers.<sup>5</sup> The United States Department of Education's Rehabilitation Services Administration (RSA) oversees and administers the program and provides funds to state agencies for these services.<sup>6</sup>

##### *Workforce Innovation and Opportunity Act*

The Workforce Innovation and Opportunity Act of 2014 (WIOA), enacted on July 22, 2014,<sup>7</sup> aims to increase opportunities for individuals facing barriers to employment and increases the focus on the connection between education and career preparation.<sup>8</sup> In 2016, WIOA required states to submit a unified plan to the U.S. Departments of Education and Labor outlining a four-year workforce development strategy for the state's workforce development system, with a subsequent two-year modification to the submitted plan in 2018.<sup>9</sup> Florida's unified plan includes the Department of Education's Divisions of Career and Adult Education, Vocational Rehabilitation and Blind Services, the

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<sup>1</sup> U.S. Census Bureau, *Florida 2018: ACS 5-Year Estimates Data*, available at <https://data.census.gov/cedsci/table?q=&d=ACS%205-Year%20Estimates%20Data%20Profiles&table=DP02&tid=ACSDP5Y2018.DP02&y=2018&q=0400000US12&lastDisplayedRow=104> (last visited Jan. 9, 2019).

<sup>2</sup> *Id.*

<sup>3</sup> Florida Department of Education, Division of Vocational Rehabilitation, *2018-2019 Annual Report (2019)*, at 6, available at <http://www.rehabworks.org/rehab/AnnualReport19.pdf?id=1>.

<sup>4</sup> 29 U.S.C. s. 701(b); see also Pub. L. No. 93-112, 87 Stat. 355 (Sep. 26, 1973).

<sup>5</sup> Division of Vocational Rehabilitation, Florida Department of Education, <http://www.rehabworks.org/index.shtml> (last visited January 9, 2020).

<sup>6</sup> U.S. Department of Education, Office of Special Education and Rehabilitative Services, Rehabilitation Services Administration, *RSA's mission*, <https://rsa.ed.gov/> (last visited Jan. 9, 2020).

<sup>7</sup> Pub. L. No. 113-128, 128 Stat. 1425 (July 22, 2014).

<sup>8</sup> See U.S. Department of Labor, Employment & Training Administration, *WIOA Overview*, <https://www.doleta.gov/wioa/about/overview/> (last visited Jan. 9, 2020).

<sup>9</sup> U.S. Department of Education, Office of Special Education and Rehabilitative Services, *Workforce Innovation and Opportunity Act State Plans for 2016-2020*, <https://www2.ed.gov/about/offices/list/osers/rsa/wioa/state-plans/2016/index.html> (last visited Jan. 9, 2020).

Florida Department of Economic Opportunity, as well as CareerSource Florida.<sup>10</sup> Among other changes, WIOA now requires that state VR agencies set aside at least 15% of their federal funds to provide new pre-employment transition services (Pre-ETS) to students with disabilities who are eligible or potentially eligible for VR services.<sup>11</sup>

## State Law

### *The Florida Department of Education's Division of Vocational Rehabilitation*

In Florida, the Division of Vocational Rehabilitation (division) within the Department of Education (DOE) serves as Florida's employment program for individuals with disabilities.<sup>12</sup> The division provides services to help individuals with disabilities find, advance in, or retain employment, as well as services to youth and students with disabilities to aid in the transition from high school to a meaningful career path.<sup>13</sup> In 2018-2019, the division served 48,439 individuals, including more than 22,866 transition age youth, and assisted 5,924 individuals with disabilities to obtain or maintain a job.<sup>14</sup>

The division is designated as the administrative unit responsible for ensuring compliance with federal and state laws<sup>15</sup> and is responsible for maintaining an internal system of quality assurance and monitoring compliance with state and federal laws, rules, and regulations.<sup>16</sup> The VR program is funded as a federal-state partnership, in which 21.3% of state general revenue matches 78.7% federal grant.<sup>17</sup> To administer VR services, the division must make eligibility determinations for VR services, provide VR services in collaboration with state and local entities, conduct research, and perform VR needs assessments.<sup>18</sup> In addition, VR is responsible for providing updates and performance and financial reports to the federal RSA who conducts regulatory and programmatic monitoring and oversight of activities in VR agencies.<sup>19</sup>

### *The Florida Rehabilitation Council*

The Florida Rehabilitation Council (council) is responsible for assisting the division in the planning and development of statewide rehabilitation programs and services, recommends improvements to such programs and services, and performs specified functions. The council is responsible for performing functions such as developing and reviewing state goals and priorities in accordance with federal law and evaluating VR program effectiveness.

### *The Able Trust*

In 1990, the Legislature recognized the need to encourage public and private support to enhance vocational rehabilitation and employment of Florida's citizens who are disabled by establishing the Florida Endowment Foundation for Vocational Rehabilitation, also known as The Able Trust, as a direct

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<sup>10</sup> CareerSource Florida, *Florida's 2018-2020 WIOA Unified State Plan Two-Year Modification Summary* (2018), available at <https://careersourceflorida.com/wp-content/uploads/2018/04/WIOA-Executive-Summary.pdf>.

<sup>11</sup> Workforce Innovation Technical Assistance Center, *Pre-Employment Transition Services*, <http://www.wintac.org/topic-areas/pre-employment-transition-services> (last visited Jan. 9, 2020).

<sup>12</sup> Florida Department of Education, Division of Vocational Rehabilitation, *2018-2019 Annual Report* (2019), at 6, available at <http://www.rehabworks.org/rehab/AnnualReport19.pdf?id=1>.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.* at 6 and 10

<sup>15</sup> Section 413.202, F.S.

<sup>16</sup> Section 413.207(1), F.S.

<sup>17</sup> State of Florida, *July 1, 2016-June 30, 2020 Workforce Innovation and Opportunity Act Unified Plan* (2016), at 75, available at <https://careersourceflorida.com/docking/WIOAUnifiedPlan.pdf>.

<sup>18</sup> Section 413.23, F.S.

<sup>19</sup> State of Florida, *July 1, 2016-June 30, 2020 Workforce Innovation and Opportunity Act Unified Plan* (2016), at 75, available at <https://careersourceflorida.com/docking/WIOAUnifiedPlan.pdf>.

support organization for the division.<sup>20</sup> The Able Trust is approved by the division to be operating for the benefits and best interest of the state through a contract.<sup>21</sup> A board of directors, appointed by the Governor, oversees the operations of The Able Trust and ensures that funds are provided for programs or initiatives which engage in the research, promotion, or aid of job training and counseling for Florida's disabled citizens, and to support the work of the division.<sup>22</sup>

## Vocational Rehabilitation

### *Vocational Rehabilitation Services*

Under Florida law, an individual with a disability<sup>23</sup> is eligible for VR services if the person requires rehabilitation services to prepare for, enter, engage in, or retain gainful employment.<sup>24</sup> The division is responsible for determining eligibility or an individual for VR services, and if an individual is determined to be eligible complete an assessment to determine rehabilitation needs and ensure that an individualized plan for employment (IPE)<sup>25</sup> is prepared.<sup>26</sup> Based on an individual's VR needs, services may include services such as vocational evaluation and planning, career counseling and guidance, job-site assessment and accommodations, job placement, job coaching, and on-the-job training.<sup>27</sup>

The Rehabilitation Act of 1973, as amended, requires a state's VR program to serve individuals with the most significant disabilities first when there are not enough resources to serve everyone who is eligible for VR services.<sup>28</sup> This prioritization methodology is called the Order of Selection (OSS). The OSS categories include:

- Category 1, comprised of individuals with the most significant disabilities;
- Category 2, comprised of individuals with significant disabilities; and
- Category 3, comprised of individuals with disabilities.<sup>29</sup>

Under OSS, all eligible individuals are placed on a prioritized waiting list based on the significance of their disability.<sup>30</sup> Significance is assessed by the number of barriers created in getting or keeping a job and the nature of VR services needed.<sup>31</sup>

In 2018-2019 the division served 26,744 individuals with the most-significant disabilities in category 1 and as of June 30, 2019, the division had a waiting list of 300 individuals in category 3 to receive VR services.<sup>32</sup>

### *Pre-Employment Transition Services*

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<sup>20</sup> Section 413.615(5), F.S.; see also The Able Trust, *Our Mission*, <http://www.abletrust.org/about-us> (last visited Jan. 9, 2020).

<sup>21</sup> Section 413.615(5)-(6), F.S.

<sup>22</sup> Section 413.615(4)(8)(10), F.S.

<sup>23</sup> Disability means "a physical or mental impairment that constitutes or results in a substantial impediment to employment." Section 413.20(7), F.S.

<sup>24</sup> Section 413.30(1), F.S.

<sup>25</sup> An individualized plan for employment (IPE) includes a "comprehensive assessment of the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, 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." Section 413.20(3), F.S.

<sup>26</sup> See Section 413.30(4)-(5), F.S.

<sup>27</sup> Florida Department of Education, Division of Vocational Rehabilitation, *Frequently Asked Questions*, <http://www.rehabworks.org/faq.shtml> (last visited Jan. 9, 2020).

<sup>28</sup> U.S. Department of Education, Office of Special Education and Rehabilitative Services, *Frequently Asked Questions About RSA*, <https://www2.ed.gov/about/offices/list/osers/rsa/faq.html> (last visited January 9, 2020).

<sup>29</sup> Florida Department of Education, Division of Vocational Rehabilitation, 2018-2019 Annual Report (2019), at 10, available at <http://www.rehabworks.org/rehab/AnnualReport19.pdf?id=1>.

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

WIOA requires VR state agencies to provide Pre-ETS to an individual with a disability who is between 14 and 21 years of age; who is potentially eligible for VR services in a secondary, postsecondary, or other recognized education program and has a current individual education plan (IEP) or meets the definition of an individual with a disability for the purposes of s. 504 of the Rehabilitation Act of 1973.<sup>33</sup> The five required Pre-ETS include:

1. Job Exploration Counseling – exploring career path options suited to a student’s skills, abilities and interests;
2. Work-Based Learning Experiences – providing hands-on training for employability skills;
3. Counseling on Post-Secondary Education – providing information about continuing education options;
4. Workplace Readiness Training – a focus on employability and related skills that prepare individuals with disabilities to work; and
5. Instruction in Self-Advocacy – instruction in effective communication of one’s own needs and planning for one’s future.<sup>34</sup>

In addition to the required five Pre-ETS, VR agencies may also use funds for coordination activities such as attending IEP meetings for students with disabilities, working with local workforce development boards and others to develop work opportunities for students with disabilities, and working with schools to coordinate and provide Pre-ETS.<sup>35</sup>

In 2018-2019, the division provided Pre-ETS to 15,402 students with disabilities.<sup>36</sup> As of June 2019, the division was providing VR services to 21,248 youth and students between the ages of 14-21 years old statewide. Of those, 11,779 were receiving Pre-ETS.<sup>37</sup>

In Florida, the division collaborates with programs and providers to assist in providing Pre-ETS. One such program is Project Search, a national model for a business-led, one-year employment preparation program where high school students with a disability are provided hands-on training in the workplace.<sup>38</sup> Florida has 41 Project Search sites, the most in the nation, working with industry partners in various fields such as medical, hospitality and education.<sup>39</sup> Other programs providing Pre-ETS include job fairs, career camps, and work-based learning.<sup>40</sup>

## Monitoring and Compliance

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<sup>33</sup> Workforce Innovation Technical Assistance Center, *Pre-Employment Transition Services*, <http://www.wintac.org/topic-areas/pre-employment-transition-services> (last visited Jan. 9, 2020). “To be protected under Section 504, a student must be determined to: (1) have a physical or mental impairment that substantially limits one or more major life activities; or (2) have a record of such an impairment; or (3) be regarded as having such an impairment.” U.S. Department of Education, Office of Civil Rights, *Protecting Students with Disabilities*, <https://www2.ed.gov/about/offices/list/ocr/504faq.html> (last visited Jan. 9, 2020).

<sup>34</sup> Florida Department of Education, Division of Vocational Rehabilitation, Presentation to the House Higher Education & Career Readiness Subcommittee (Oct. 24, 2019), at 20, available at <https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3016&Session=2020&DocumentType=Meeting%20Packets&FileName=hec%2010-24-19.pdf>.

<sup>35</sup> *Id.* at 21

<sup>36</sup> Email from Liz Moya, Director of Legislative Affairs, Florida Department of Education, RE: VR Meeting Follow-up (Oct. 15, 2019).

<sup>37</sup> Florida Department of Education, Division of Vocational Rehabilitation, Presentation to the House Higher Education & Career Readiness Subcommittee (Oct. 24, 2019), at 25, available at <https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3016&Session=2020&DocumentType=Meeting%20Packets&FileName=hec%2010-24-19.pdf>.

<sup>38</sup> Email from Liz Moya, Director of Legislative Affairs, Florida Department of Education, RE: VR Meeting Follow-up (Oct. 15, 2019).

<sup>39</sup> *Id.*

<sup>40</sup> Florida Department of Education, Division of Vocational Rehabilitation, Presentation to the House Higher Education & Career Readiness Subcommittee (Oct. 24, 2019), at 23, available at <https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3016&Session=2020&DocumentType=Meeting%20Packets&FileName=hec%2010-24-19.pdf>.

## *The Florida Department of Education's Division of Vocational Rehabilitation*

The United States Department of Education's Rehabilitation Services Administration (RSA) which oversees and administers the Florida Department of Education's Division of Vocational Rehabilitation (division) program conducted a fiscal year 2017 monitoring report on the division. The report identified findings and observations related to: non-compliance with eligibility and employment plan development within the required Federal time frames; match requirements; a lower percentage of youth with disabilities exiting with employment compared to similar agencies; and the lack of a state educational agreement that meets the requirements prescribed in law among other findings.<sup>41</sup> As a follow-up to the report, the division has worked with the RSA to address some findings.<sup>42</sup>

Additionally, since the passage of the Workforce Innovation and Opportunity Act of 2014 (WIOA), statutes have not been updated to reflect the changes required by WIOA for the division to provide pre-employment transition services (Pre-ETS); however, the State Board of Education has promulgated rules to assist the division with the provision of such services.

### *The Able Trust*

In June 2019, the Florida Department of Education's Office of Inspector General conducted an audit of the administrative costs of the Florida Endowment for Vocational Rehabilitation, also known as The Able Trust.<sup>43</sup> The audit was conducted to ensure The Able Trust's administrative costs were kept to the minimum amount necessary for the efficient and effective administration of the foundation and were limited to 15 percent of total estimated expenditures in accordance with s. 413.615(9)(j), F.S.<sup>44</sup>

The audit found misinterpretation with the administrative costs statute by The Able Trust which could lead to inaccurate reporting of costs and noncompliance.<sup>45</sup> The audit recommended The Able Trust enhance its procedures to ensure accurate calculation, pursuant to s. 413.615(9)(j), ensure administrative costs are only paid from private resources and up to the prescribed percentage of the interest and earning on the endowment principal pursuant to s.413.615(9)(j), F.S.<sup>46</sup> The audit also recommended that to more accurately align the language in the statute with The Able Trust's operations, statutory language should be changed from calendar year to fiscal year and from estimated expenditures to actual expenditures.<sup>47</sup>

## **Effect of Proposed Changes**

### **The Florida Department of Education's Division of Vocational Rehabilitation**

To provide for the delivery of pre-employment transition services (Pre-ETS) to students across Florida with disabilities, as required by the Workforce Innovation and Opportunity Act of 2014 (WIOA), the bill defines pre-employment transition services (Pre-ETS) as the service of job exploration counseling, work-based learning experiences, counseling on comprehensive transition or postsecondary education programs, workplace readiness training, and instruction in self-advocacy, which may be provided to

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<sup>41</sup> U.S. Department of Education, Office of Special Education and Rehabilitative Services Rehabilitation Services Administration, *Fiscal Year 2017 Monitoring Report on the Florida Division of Vocational Rehabilitation-Vocational Rehabilitation and Support Employment Programs* (April 12, 2018), available at <https://www2.ed.gov/rschstat/eval/rehab/107-reports/fy2017-fl-g.pdf>.

<sup>42</sup> Email from Liz Moya, Director of Legislative Affairs, Florida Department of Education, RE: VR Meeting Follow-up (Oct. 15, 2019).

<sup>43</sup> Florida Department of Education, Office of Inspector General, *The Florida Endowment for Vocational Rehabilitation, Inc., dba The Able Trust- Administrative Costs, Report # A-1819DOE-021* (June 2019), available at <http://www.fldoe.org/core/fileparse.php/7514/urlt/FEVR-ABLETRUST.PDF>.

<sup>44</sup> *Id.*

<sup>45</sup> *Id.*

<sup>46</sup> *Id.* at 3

<sup>47</sup> *Id.*

students with disabilities who are eligible or potentially eligible for vocational rehabilitation (VR) services.

The bill requires the Division of Vocational Rehabilitation (division) within the Department of Education (DOE) to provide Pre-ETS and to cooperate with other departments, agencies, public and private institutions, and providers to provide VR and Pre-ETS to persons with disabilities.

The bill creates s. 413.301, F.S., to provide that Pre-ETS is provided to an individual with disabilities who is between 14 and 21 years of age; who is potentially eligible for VR services in a secondary, postsecondary, or other recognized education program; and who has a current individual education plan (IEP) developed by a local school board in accordance with rules of the State Board of Education or meets the definition of an individual with a disability, for the purposes of s. 504 of the Rehabilitation Act of 1973. The bill requires the division to provide Pre-ETS within a reasonable period of time, not to exceed 90 days after the date of consent to receive services, unless unforeseen circumstances beyond the control of the division prevent the division from providing services and the division and the individual agree that an extension of time is warranted. The bill requires the division to work with other qualified providers to provide Pre-ETS if it cannot provide services within the specified 90 day timeframe.

The bill requires the division to enter into a formal interagency agreement with the DOE that provides for the transition of students with disabilities, including Pre-ETS and other VR services as required by s. 101(a)(11)(D) of the Rehabilitation Act of 1973, as amended. The agreement must comply with the requirements of 34 C.F.R. s. 361.22(b). The division must also work with all local educational agencies to provide Pre-ETS and other VR vocational services. The services provided by the division to local education agencies may also include coordination activities such as attending IEP meetings. The bill provides that the division and local education agencies must arrange for the timely referral of students for services, including electronic referral.

The bill amends the required IEP for the purpose of assisting a student with a disability transition to postsecondary education and career opportunities, by adding Pre-ETS to the list of services that may be needed to assist the student's transition.

The bill amends the membership of the Florida Rehabilitation Council to include applicants or recipients of Pre-ETS and adds to the Council's review, the effectiveness of, and consumer satisfaction with Pre-ETS provided or paid for by a variety of sources and delivered by state agencies and other public and private entities. In addition, the Council should review the employment outcomes achieved, including alignment with labor market demands in the state; and for youth with disabilities, the availability of career pathways, including work-based learning experiences and customized employment.

To address RSA monitoring findings and observations, the bill amends the required components of the division's annual performance report to include case load data, by service type and service area, including the timeframes in which eligibility is determined, plans are developed, and services are provided. The annual performance report must also include matching fund data and the extent to which the state is meeting its cost-sharing requirements, as well as transition services data, to include Pre-ETS, for students and youth with disabilities, along with employment outcomes achieved and postsecondary enrollment rates.

The bill removes extended evaluations for trial work experiences as amended by WIOA and requires the division to prepare an individualized plan for employment (IPE) within a reasonable time, not to exceed 90 days after the date of eligibility determination as required by federal regulation, unless unforeseen circumstances beyond the control of the division occur, or the division and the individual agree that an extension is warranted.

### **The Able Trust**

To respond to DOE's, Office of Inspector General audit's findings on The Able Trust and compliance with administrative costs, the bill clarifies that the administrative costs are based on actual expenditures

in any fiscal year and includes audits, salaries or other costs for non-officers and contractors providing services that are not directly related to the mission of the foundation, costs of promoting the purposes of the foundation, and other allowable costs, and all travel and per diem expenses of board members, officer salaries, and chief executive officer program management.

The bill repeals limitations on administrative costs that have already occurred.

The bill adds DOE's Director of VR or his or her designee as an ex officio member of The Able Trust board and revises board member terms to two 3-year terms or until resignation or removal for cause. The bill provides that a board member may continue to serve until a successor is appointed.

## B. SECTION DIRECTORY:

**Section 1.** Amends s. 413.20, F.S.; providing a definition.

**Section 2.** Amends s. 413.207, F.S.; revising information that the Division of Vocational Rehabilitation must include in its annual performance report to the Governor and the Legislature.

**Section 3.** Amends s. 413.23, F.S.; requiring the division to provide preemployment transition services to certain potentially eligible persons.

**Section 4.** Amends s. 413.30, F.S.; removing provisions relating to trial work evaluation requirements; requiring the division to assess the service needs of eligible individuals within a specified period; providing for an extension of such assessment under certain circumstances.

**Section 5.** Creates s. 413.301, F.S.; requiring preemployment transition services be provided to certain individuals with disabilities under certain conditions; requiring that the division provide such services within a reasonable period of time under certain circumstances; requiring the division to work with qualified providers to provide such services under certain circumstances.

**Section 6.** Amends s. 413.405, F.S.; revising the composition of the Florida Rehabilitation Council; revising the responsibilities of the Florida Rehabilitation Council to conform to changes made by the act.

**Section 7.** Amends s. 413.41, F.S.; requiring the division to enter into a formal interagency agreement with the state education agency for certain purposes; requiring that such agreement meet specified requirements; requiring the division to work with local educational agencies to provide specified services and arrange for referrals.

**Section 8.** Amends s. 413.615, F.S.; revising definitions and legislative intent; revising provisions relating to revenue for the endowment fund of the Florida Endowment for Vocational Rehabilitation; revising provisions relating to the board of directors of the Florida Endowment Foundation; revising provisions relating to administrative costs for the administration of the foundation.

**Section 9.** Amends s. 1003.5716, F.S.; requiring that a student's individual education plan contain a statement regarding preemployment transition services.

**Section 10.** Provides an effective date of July 1, 2020.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

None.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

**D. FISCAL COMMENTS:**

In Fiscal Year 2019-2020, the Division of Vocational Rehabilitation requested and received an increase of \$12.3 million in recurring federal budget authority to meet the federal requirements for Pre-Employment Transition Services. The bill makes necessary codifications to current practice. No additional funding is required for implementation.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

None.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On January 16, 2020, the Higher Education and Career Readiness Subcommittee adopted a proposed committee substitute (PCS) and reported the bill favorably.

The PCS revises HB 901 in the following ways:

- Provides a definition for pre-employment transition services (Pre-ETS).
- Requires the division to provide Pre-ETS to persons potentially eligible for such services and to cooperate with other entities and providers to provide vocational rehabilitation (VR) and Pre-ETS.
- Removes provisions related to trial work evaluation requirements as amended by WIOA.
- Requires the division to prepare an individualized plan for employment for an individual eligible for VR within a reasonable time, not to exceed 90 days after the date of eligibility determination, unless certain circumstances are met.
- Creates s. 413.301, F.S., defining who may be provided Pre-ETS, requiring the division to provide Pre-ETS within a time frame not to exceed 90 days, unless certain circumstances are met, or they must work with other qualified providers.

- Requires the division to work with all local education agencies to provide VR and Pre-ETS services and to arrange for the timely referral of students.
- For the Florida Endowment for Vocational Rehabilitation, revises definitions, repeals limitations on administrative costs that have already occurred, clarifies that administrative costs are based on actual expenditures in any fiscal year and the components included in administrative costs, adds the Director of VR or his or her designee as an ex-officio member of the Foundation board, and revises board member terms.

The analysis is drafted to the committee substitute adopted by the Higher Education and Career Readiness Subcommittee.

1                   A bill to be entitled  
2           An act relating to vocational rehabilitation services;  
3           amending s. 413.20, F.S.; providing a definition;  
4           amending s. 413.207, F.S.; revising information that  
5           the Division of Vocational Rehabilitation must include  
6           in its annual performance report to the Governor and  
7           the Legislature; amending s. 413.23, F.S.; requiring  
8           the division to provide preemployment transition  
9           services to certain potentially eligible persons;  
10          amending s. 413.30, F.S.; removing provisions relating  
11          to trial work evaluation requirements; requiring the  
12          division to assess the service needs of eligible  
13          individuals within a specified period; providing for  
14          an extension of such assessment under certain  
15          circumstances; creating s. 413.301, F.S.; requiring  
16          preemployment transition services be provided to  
17          certain individuals with disabilities under certain  
18          conditions; requiring that the division provide such  
19          services within a reasonable period of time under  
20          certain circumstances; requiring the division to work  
21          with qualified providers to provide such services  
22          under certain circumstances; amending s. 413.405,  
23          F.S.; revising the composition of the Florida  
24          Rehabilitation Council; revising the responsibilities  
25          of the Florida Rehabilitation Council to conform to

26 changes made by the act; amending s. 413.41, F.S. ;  
27 requiring the division to enter into a formal  
28 interagency agreement with the state education agency  
29 for certain purposes; requiring that such agreement  
30 meet specified requirements; requiring the division to  
31 work with local educational agencies to provide  
32 specified services and arrange for referrals; amending  
33 s. 413.615, F.S.; revising definitions and legislative  
34 intent; revising provisions relating to revenue for  
35 the endowment fund of the Florida Endowment for  
36 Vocational Rehabilitation; revising provisions  
37 relating to the board of directors of the Florida  
38 Endowment Foundation; revising provisions relating to  
39 administrative costs for the administration of the  
40 foundation; amending s. 1003.5716, F.S.; requiring  
41 that a student's individual education plan contain a  
42 statement regarding preemployment transition services;  
43 providing an effective date.

44  
45 Be It Enacted by the Legislature of the State of Florida:

46  
47 Section 1. Subsections (20) through (27) of section  
48 413.20, Florida Statutes, are renumbered as subsections (21)  
49 through (28), respectively, and a new subsection (20) is added  
50 to that section, to read:

51 413.20 Definitions.—As used in this part, the term:  
 52 (20) "Preemployment transition services" means the  
 53 services of job exploration counseling, work-based learning  
 54 experiences, counseling on comprehensive transition or  
 55 postsecondary education programs, workplace readiness training,  
 56 and instruction in self-advocacy as required by the Workforce  
 57 Innovation and Opportunity Act of 2014, which may be provided to  
 58 students with disabilities who are eligible or potentially  
 59 eligible for vocational rehabilitation services.

60 Section 2. Paragraph (d) of subsection (4) of section  
 61 413.207, Florida Statutes, is redesignated as paragraph (e),  
 62 paragraph (a) of that subsection is amended, and new paragraphs  
 63 (d) and (f) are added to that subsection, to read:

64 413.207 Division of Vocational Rehabilitation; quality  
 65 assurance; performance improvement plan.—

66 (4) By December 1 of each year, the division shall submit  
 67 a performance report to the Governor, the President of the  
 68 Senate, and the Speaker of the House of Representatives which  
 69 includes the following information for each of the 5 most recent  
 70 fiscal years:

71 (a) Caseload data, by service type and service area,  
 72 including the number of individuals who apply for services and  
 73 the timeframes in which eligibility is determined, plans are  
 74 developed, and services are provided ~~who receive services, by~~  
 75 ~~service type, reported statewide and by service area.~~

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

79        (f) Transition services data, including preemployment  
80 transition services, for students and youth with disabilities by  
81 service type, including expenditure data on a statewide and  
82 service area basis, employment outcomes achieved by youth  
83 served, and postsecondary enrollment rates.

84        Section 3. Section 413.23, Florida Statutes, is amended to  
85 read:

86        413.23 Administration.—The division shall provide  
87 vocational rehabilitation services to persons who have  
88 disabilities determined to be eligible therefor and  
89 preemployment transition services to persons potentially  
90 eligible for such services and, in carrying out the purposes of  
91 this part, is authorized, among other things:

92        (1) To cooperate with other departments, agencies, public  
93 and private ~~and institutions, both public and private,~~ and  
94 providers in providing for the vocational rehabilitation and  
95 preemployment transition services of persons who have  
96 disabilities, in studying the problems involved therein, and in  
97 establishing, developing, and providing, in conformity with the  
98 purposes of this part, such programs, facilities, and services  
99 as may be necessary or desirable;

100        (2) To enter into reciprocal agreements with other states

101 to provide for the vocational rehabilitation of residents of the  
 102 states concerned;

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

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

118 Section 4. Subsections (3) and (5) of section 413.30,  
 119 Florida Statutes, are amended to read:

120 413.30 Eligibility for vocational rehabilitation  
 121 services.—

122 (3) An individual is presumed to benefit in terms of an  
 123 employment outcome from vocational rehabilitation services under  
 124 this part unless the division can demonstrate by clear and  
 125 convincing evidence that the individual is incapable of

126 benefiting from vocational rehabilitation services in terms of  
 127 an employment outcome. Before making such a determination, the  
 128 division must consider the individual's abilities, capabilities,  
 129 and capacity to perform in a work situation through the use of  
 130 trial work experiences. Trial work experiences include supported  
 131 employment, on-the-job training, or other work experiences using  
 132 realistic work settings. ~~Under limited circumstances, if an~~  
 133 ~~individual cannot take advantage of trial work experiences or if~~  
 134 ~~options for trial work experiences have been exhausted, the~~  
 135 ~~division shall conduct an extended evaluation, not to exceed 18~~  
 136 ~~months. The evaluation must determine the eligibility of the~~  
 137 ~~individual and the nature and scope of needed vocational~~  
 138 ~~rehabilitation services. The extended evaluation must be~~  
 139 ~~reviewed once every 90 days to determine whether the individual~~  
 140 ~~is eligible for vocational rehabilitation services.~~

141 (5) When the division determines that an individual is  
 142 eligible for vocational rehabilitation services, the division  
 143 must complete an assessment for determining eligibility and  
 144 vocational rehabilitation needs and ensure that an  
 145 individualized plan for employment is prepared within a  
 146 reasonable period of time, not to exceed 90 days after the date  
 147 of eligibility determination, unless unforeseen circumstances  
 148 beyond the control of the division prevent the division from  
 149 completing the assessment and individualized plan for employment  
 150 within the 90-day timeframe and the division and the individual

151 agree that an extension of time is warranted.

152 (a) Each individualized plan for employment must be  
 153 jointly developed, agreed upon, and signed by the vocational  
 154 rehabilitation counselor or coordinator and the eligible  
 155 individual or, in an appropriate case, a parent, family member,  
 156 guardian, advocate, or authorized representative, of the  
 157 individual.

158 (b) The division must ensure that each individualized plan  
 159 for employment is designed to achieve the specific employment  
 160 outcome of the individual, consistent with the unique strengths,  
 161 resources, priorities, concerns, abilities, and capabilities of  
 162 the individual, and otherwise meets the content requirements for  
 163 an individualized plan for employment as set out in federal law  
 164 or regulation.

165 (c) Each individualized plan for employment shall be  
 166 reviewed annually, at which time the individual, or the  
 167 individual's parent, guardian, advocate, or authorized  
 168 representative, shall be afforded an opportunity to review the  
 169 plan and jointly redevelop and agree to its terms. Each plan  
 170 shall be revised as needed.

171 Section 5. Section 413.301, Florida Statutes, is created  
 172 to read:

173 413.301 Preemployment transition services.-

174 (1) Preemployment transition services shall be provided to  
 175 an individual with disabilities who is between 14 and 21 years

176 of age; who is potentially eligible for vocational  
 177 rehabilitation services in a secondary, postsecondary, or other  
 178 recognized education program; and who has:

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

182 (b) Meets the definition of an individual with a  
 183 disability for the purposes of s. 504 of the Rehabilitation Act  
 184 of 1973.

185 (2) When the division receives documentation that an  
 186 individual meets the conditions described in subsection (1), the  
 187 division must provide preemployment transition services within a  
 188 reasonable period of time, not to exceed 90 days after the date  
 189 that it receives an individual's consent or, for a minor, a  
 190 parent's or legal guardian's consent, to receive services,  
 191 unless unforeseen circumstances beyond the control of the  
 192 division prevent the division from providing services within the  
 193 90-day timeframe and the division and the individual or, for a  
 194 minor, a parent or legal guardian agree that an extension of  
 195 time is warranted.

196 (3) If the division is unable to provide preemployment  
 197 transition services within the timeframe required in subsection  
 198 (2), the division must, upon the request of the individual, or  
 199 for a minor, a parent or legal guardian, work with other  
 200 qualified providers to provide such services.

201 Section 6. Paragraph (h) of subsection (1) and paragraph  
 202 (d) of subsection (9) of section 413.405, Florida Statutes, are  
 203 amended to read:

204 413.405 Florida Rehabilitation Council.—There is created  
 205 the Florida Rehabilitation Council to assist the division in the  
 206 planning and development of statewide rehabilitation programs  
 207 and services, to recommend improvements to such programs and  
 208 services, and to perform the functions listed in this section.

209 (1) The council shall be composed of:

210 (h) Current or former applicants for, or recipients of,  
 211 vocational rehabilitation services, including preemployment  
 212 transition services.

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

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

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

221 2. Vocational rehabilitation services:

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

224 b. Provided by state agencies and other public and private  
 225 entities responsible for providing vocational rehabilitation

226 services to individuals who have disabilities.

227 3. Preemployment transition services:

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

230 b. Provided by state agencies and other public and private  
 231 entities responsible for providing preemployment transition  
 232 services to students who have disabilities.

233 ~~4.3-~~ The employment outcomes achieved by eligible  
 234 individuals receiving services under this part, including the  
 235 availability of health or other employment benefits in  
 236 connection with those employment outcomes; alignment with labor  
 237 market demands in the state; and for youth with disabilities,  
 238 the availability of career pathways, including work-based  
 239 learning experiences and customized employment.

240 Section 7. Section 413.41, Florida Statutes, is amended to  
 241 read:

242 413.41 Cooperation by division with state agencies.—

243 (1) The division is hereby authorized to cooperate with  
 244 other agencies of state government or with any nonprofit,  
 245 charitable corporations or foundations concerned with the  
 246 problems of persons who have disabilities. The division may  
 247 provide disability evaluation, work capacity appraisal, and  
 248 appraisal of vocational rehabilitation potential of persons who  
 249 have disabilities for other public agencies pursuant to  
 250 agreements made with such agencies. The division may charge the

251 agencies contracting for these services the actual cost thereof.

252 (2)(a) The division shall enter into a formal interagency  
 253 agreement with the state education agency that provides for the  
 254 transition of students with disabilities, including  
 255 preemployment transition services and other vocational  
 256 rehabilitation services as required by s. 101(a)(11)(D) of the  
 257 Rehabilitation Act of 1973, as amended. The formal interagency  
 258 agreement shall comply with the requirements of 34 C.F.R. s.  
 259 361.22(b).

260 (b) The division shall work with all local educational  
 261 agencies to provide vocational rehabilitation services,  
 262 including preemployment transition services, to students with  
 263 disabilities. Such services may also include any preemployment  
 264 transition coordination activities, such as attending individual  
 265 education plan meetings for students with disabilities or  
 266 attending person-centered planning meetings for students with  
 267 disabilities who are receiving services under title XIX of the  
 268 Social Security Act. The division and local educational agencies  
 269 must arrange for the timely referral of students for services,  
 270 including electronic referral as prescribed by the division.

271 Section 8. Subsections (2), (3), (4), (5), (6), and (8)  
 272 and paragraphs (h) and (j) of subsection (9) of section 413.615,  
 273 Florida Statutes, are amended to read:

274 413.615 Florida Endowment for Vocational Rehabilitation.—

275 (2) DEFINITIONS.—For the purposes of this section:

276 (a) "Board" means the board of directors of the Florida  
 277 Endowment Foundation for the Division of Vocational  
 278 Rehabilitation within the Department of Education.

279 (b) "Endowment fund" means an account established within  
 280 the Florida Endowment Foundation for the Division of Vocational  
 281 Rehabilitation within the Department of Education to provide a  
 282 continuing and growing source of revenue for vocational  
 283 rehabilitation efforts.

284 (c) "Foundation" means the Florida Endowment Foundation  
 285 for the Division of Vocational Rehabilitation within the  
 286 Department of Education.

287 (d) "Operating account" means an account established under  
 288 paragraph (4)(c) ~~(4)(d)~~ to carry out the purposes provided in  
 289 subsection (10).

290 (3) LEGISLATIVE INTENT.—The Legislature recognizes that it  
 291 is in the best interest of the citizens of this state that  
 292 citizens with disabilities be afforded a fair opportunity to  
 293 become self-supporting, productive members of society. However,  
 294 there is a critical need for significant additional funding to  
 295 achieve this goal. Accordingly, the Legislature further finds  
 296 and declares that:

297 (a) With skilled evaluation procedures and proper  
 298 rehabilitative treatment, plus employment, training, and  
 299 supportive services consistent with the needs of the individual,  
 300 persons who are disabled can assume the activities of daily

301 living and join their communities with dignity and independence.

302 (b) The purpose of this section is to broaden the  
 303 participation and funding potential for further significant  
 304 support for the vocational rehabilitation of Florida citizens  
 305 who are disabled.

306 (c) It is appropriate to encourage individual and  
 307 corporate support and involvement, as well as state support and  
 308 involvement, to promote employment opportunities for disabled  
 309 citizens.

310 (4) REVENUE FOR THE ENDOWMENT FUND.—

311 (a) The endowment fund of the Florida Endowment for the  
 312 Division of Vocational Rehabilitation within the Department of  
 313 Education is created as a long-term, stable, and growing source  
 314 of revenue to be administered, in accordance with rules  
 315 promulgated by the division, by the foundation as a direct-  
 316 support organization of the Division of Vocational  
 317 Rehabilitation within the Department of Education.

318 (b) The principal of the endowment fund shall derive from  
 319 any legislative appropriations which may be made to the  
 320 endowment, and such bequests, gifts, grants, and donations as  
 321 may be solicited for such purpose by the foundation from public  
 322 or private sources.

323 ~~(c) All remaining liquid balances of funds held for~~  
 324 ~~investment and reinvestment by the State Board of Administration~~  
 325 ~~for the endowment fund on the effective date of this act shall~~

326 ~~be transmitted to the foundation within 60 days for use as~~  
 327 ~~provided in subsection (10).~~

328 (c)~~(d)~~ The board of directors of the foundation shall  
 329 establish the operating account and shall deposit therein the  
 330 moneys transmitted ~~pursuant to paragraph (c)~~. Moneys in the  
 331 operating account shall be available to carry out the purposes  
 332 of subsection (10).

333 (e) Funds received from state sources shall be accounted  
 334 for separately from bequests, gifts, grants, and donations which  
 335 may be solicited for such purposes by the foundation from public  
 336 or private sources. Earnings on funds received from state  
 337 sources and funds received from public or private sources shall  
 338 be accounted for separately.

339 (5) THE FLORIDA ENDOWMENT FOUNDATION FOR VOCATIONAL  
 340 REHABILITATION.—The Florida Endowment Foundation for Vocational  
 341 Rehabilitation is hereby created as a direct-support  
 342 organization of the Division of Vocational Rehabilitation within  
 343 the Department of Education, to encourage public and private  
 344 support to enhance vocational rehabilitation and employment of  
 345 citizens who are disabled. As a direct-support organization, the  
 346 foundation shall operate under contract with the division and  
 347 shall:

348 (a) Be a Florida corporation not for profit incorporated  
 349 under the provisions of chapter 617 and approved by the  
 350 Department of State.

351 (b) Be organized and operated exclusively to raise funds;  
 352 to submit requests and receive grants from the Federal  
 353 Government, the state, private foundations, and individuals; to  
 354 receive, hold, and administer property; and to make expenditures  
 355 to or for the benefit of the rehabilitation programs approved by  
 356 the board of directors of the foundation.

357 (c) Be approved by the division to be operating for the  
 358 benefit and best interest of the state.

359 (6) DIRECT-SUPPORT ORGANIZATION CONTRACT.—The contract  
 360 between the foundation and the division shall provide for:

361 (a) Approval of the articles of incorporation of the  
 362 foundation by the division.

363 (b) Governance of the foundation by a board of directors  
 364 appointed by the Governor.

365 (c) Submission of an annual budget of the foundation for  
 366 approval by the division. The division may not approve an annual  
 367 budget that does not comply with paragraph (9)(j).

368 (d) Approval Certification by the division, after an  
 369 annual financial and performance review, that the foundation is  
 370 operating in compliance with the terms of the contract and the  
 371 rules of the division, and in a manner consistent with the goals  
 372 of the Legislature in providing assistance to disabled citizens.

373 (e) The release and conditions of the expenditure of any  
 374 state revenues.

375 (f) The orderly cessation of operations and reversion to

376 the state of funds held in trust by the foundation if the  
 377 contract is terminated, the foundation is dissolved, or this  
 378 section is repealed.

379 (g) The fiscal year of the foundation, to begin on July 1  
 380 and end on June 30 of each year.

381 (8) BOARD OF DIRECTORS.—The foundation shall be  
 382 administered by a board of directors, as follows:

383 (a) Membership.—The board of directors shall consist of  
 384 the director of the Division of Vocational Rehabilitation within  
 385 the Department of Education, or his or her designee, who shall  
 386 serve as an ex officio member and nine other members who have an  
 387 interest in service to persons with disabilities and who:

388 1. Have skills in foundation work or other fundraising  
 389 activities, financial consulting, or investment banking or other  
 390 related experience; or

391 2. Have experience in policymaking or management-level  
 392 positions or have otherwise distinguished themselves in the  
 393 field of business, industry, or rehabilitation.

394  
 395 Disabled individuals who meet the above criteria shall be given  
 396 special consideration for appointment.

397 (b) Appointment.—The board members shall be appointed by  
 398 the Governor.

399 (c) Terms.—Board members shall serve for two 3-year terms  
 400 or until resignation or removal for cause. A board member may

401 continue to serve until a successor is appointed.

402 (d) Filling of vacancies.—In the event of a vacancy on the  
 403 board caused by other than the expiration of a term, a new  
 404 member shall be appointed.

405 (e) Removal for cause.—Each member is accountable to the  
 406 Governor for the proper performance of the duties of office. The  
 407 Governor may remove any member from office for malfeasance,  
 408 misfeasance, neglect of duty, incompetence, or permanent  
 409 inability to perform official duties or for pleading nolo  
 410 contendere to, or being found guilty of, a crime.

411 (9) ORGANIZATION, POWERS, AND DUTIES.—Within the limits  
 412 prescribed in this section or by rule of the division:

413 (h) The board shall establish an operating account as  
 414 provided in paragraph (4)(c) ~~(4)(d)~~.

415 (j) Administrative costs shall be kept to the minimum  
 416 amount necessary for the efficient and effective administration  
 417 of the foundation and are limited to 15 percent of total actual  
 418 ~~estimated~~ expenditures in any fiscal ~~calendar~~ year.

419 ~~Administrative costs include payment of travel and per diem~~  
 420 ~~expenses of board members, officer salaries, chief executive~~  
 421 ~~officer program management,~~ audits, salaries or other costs for  
 422 nonofficers and contractors providing services that are not  
 423 directly related to the mission of the foundation as described  
 424 in subsection (5), costs of promoting the purposes of the  
 425 foundation, all travel and per diem expenses of board members,

426 officers' salaries, and chief executive officer program  
 427 management, and other allowable costs. Administrative costs may  
 428 be paid from the following sources:

429 ~~1. Interest and earnings on the endowment principal for~~  
 430 ~~the 2017-2018 fiscal year.~~

431 ~~2. Private sources and up to 75 percent of interest and~~  
 432 ~~earnings on the endowment principal for the 2018-2019 fiscal~~  
 433 ~~year.~~

434 ~~3. Private sources and up to 50 percent of interest and~~  
 435 ~~earnings on the endowment principal for the 2019-2020 fiscal~~  
 436 ~~year.~~

437 1.4. Private sources and up to 25 percent of interest and  
 438 earnings on the endowment principal for the 2020-2021 fiscal  
 439 year.

440 2.5. Solely private sources for the 2021-2022 fiscal year  
 441 and thereafter.

442 Section 9. Paragraph (c) of subsection (2) of section  
 443 1003.5716, Florida Statutes, is amended to read:

444 1003.5716 Transition to postsecondary education and career  
 445 opportunities.—All students with disabilities who are 3 years of  
 446 age to 21 years of age have the right to a free, appropriate  
 447 public education. As used in this section, the term "IEP" means  
 448 individual education plan.

449 (2) Beginning not later than the first IEP to be in effect  
 450 when the student attains the age of 16, or younger if determined

CS/HB 901

2020

451 appropriate by the parent and the IEP team, the IEP must include  
452 the following statements that must be updated annually:

453 (c) A statement of appropriate measurable long-term  
454 postsecondary education and career goals based upon age-  
455 appropriate transition assessments related to training,  
456 education, employment, and, if appropriate, independent living  
457 skills and the transition services, including preemployment  
458 transition services and courses of study needed to assist the  
459 student in reaching those goals.

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