

By the Committee on Community Affairs and Representative  
Heyman

1                                   A bill to be entitled  
2           An act relating to blind services; amending s.  
3           413.08, F.S.; prohibiting a person from  
4           interfering with a person who is engaged in  
5           training a dog guide or service dog; providing  
6           penalties; amending s. 413.011, F.S.; revising  
7           provisions relating to the Advisory Council for  
8           the Blind within the Department of Labor and  
9           Employment Security; providing definitions;  
10          providing composition of the council; providing  
11          for appointment of members; providing for  
12          terms; providing functions of the council;  
13          requiring the preparation of a resource plan;  
14          providing for staff; providing for meetings of  
15          the council; authorizing the council to conduct  
16          forums and hearings; providing for open  
17          meetings; providing an effective date.

18  
19 Be It Enacted by the Legislature of the State of Florida:

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21           Section 1. Subsection (2) of section 413.08, Florida  
22 Statutes, is amended to read:

23           413.08 Rights of physically disabled persons; use of  
24 dog guides or service dogs or nonhuman primates of the genus  
25 Cebus; discrimination in public employment or housing  
26 accommodations; penalties.--

27           (2) Any person, firm, or corporation, or the agent of  
28 any person, firm, or corporation, who denies or interferes  
29 with admittance to, or enjoyment of, the public facilities  
30 enumerated in subsection (1) or otherwise interferes with the  
31 rights of a deaf person, hard of hearing person, a totally or

1 partially blind person, or an otherwise physically disabled  
2 person under this section, or the trainer of a dog guide or  
3 service dog while engaged in the training of such dog pursuant  
4 to subsection (7), is guilty of a misdemeanor of the second  
5 degree, punishable as provided in s. 775.082 or s. 775.083.

6 Section 2. Subsection (2) of section 413.011, Florida  
7 Statutes, is renumbered as subsection (3) and amended, and a  
8 new subsection (2) is added to said section, to read:

9 413.011 Division of Blind Services, internal  
10 organizational structure; Advisory Council for the Blind.--

11 (2) As used in this section:

12 (a) "Act," unless the context indicates otherwise,  
13 means the Rehabilitation Act of 1973, 29 U.S.C. ss. 701-797.

14 (b) "Blind" or "blindness" means the condition of any  
15 person for whom blindness is a disability as defined by the  
16 Rehabilitation Act of 1973, 29 U.S.C. s. 706(8)(b).

17 (c) "Department" means the Department of Labor and  
18 Employment Security.

19 (3)~~(2)~~ There is hereby created in the department of  
20 Labor and Employment Security the Advisory Council for the  
21 Blind to assist the division in the planning and development  
22 of statewide rehabilitation programs and services, to  
23 recommend improvements to such programs and services, and to  
24 perform the functions provided in this section. The council  
25 shall be advisory to the director of the Division of Blind  
26 Services, and the division shall provide necessary staff  
27 assistance to the council. The council shall consist of nine  
28 members appointed by the Secretary of Labor and Employment  
29 Security. At least three members shall be blind persons.  
30 Appointment shall be for terms of 4 years. No person or  
31 persons in the employ of the state shall be eligible for

1 ~~membership on the council. Each member of the council shall~~  
2 ~~have been a citizen and elector of this state for not less~~  
3 ~~than 5 years immediately preceding the date of his or her~~  
4 ~~appointment. Council members may be replaced because of poor~~  
5 ~~attendance or lack of participation in the work of the~~  
6 ~~council. A vacancy shall be filled for the remainder of the~~  
7 ~~unexpired term in the same manner as an initial appointment.~~  
8 ~~The members shall elect from among the membership a~~  
9 ~~chairperson and a vice chairperson who shall each serve for a~~  
10 ~~term of 1 year. No member shall be elected to consecutive~~  
11 ~~terms as chairperson. Members shall receive no compensation~~  
12 ~~for their services, but shall be reimbursed for travel~~  
13 ~~expenses as provided in s. 112.061. The council shall meet at~~  
14 ~~the call of its chairperson, at the request of a majority of~~  
15 ~~its membership, at the request of the division, or at such~~  
16 ~~times as may be prescribed by its rules.~~

17 (a) The advisory council shall be composed of:

18 1. At least one representative of the Independent  
19 Living Council, which representative may be the chair or other  
20 designee of the council;

21 2. At least one representative of a parent training  
22 and information center established pursuant to s. 631(c)(9) of  
23 the Individuals with Disabilities Act, 20 U.S.C. s.  
24 1431(c)(9);

25 3. At least one representative of the client  
26 assistance program established under the act;

27 4. At least one vocational rehabilitation counselor  
28 who has knowledge of and experience in vocational  
29 rehabilitation services for the blind, who shall serve as an  
30 ex officio nonvoting member of the council if the counselor is  
31 an employee of the department;

1           5. At least one representative of community  
2 rehabilitation program service providers;

3           6. Four representatives of business, industry, and  
4 labor;

5           7. At least one representative of a disability  
6 advocacy group representing individuals who are blind;

7           8. At least one parent, family member, guardian,  
8 advocate, or authorized representative of an individual who is  
9 blind, has multiple disabilities, and either has difficulties  
10 representing himself or herself or is unable, due to  
11 disabilities, to represent himself or herself;

12           9. Current or former applicants for, or recipients of,  
13 vocational rehabilitation services; and

14           10. The director of the division, who shall be an ex  
15 officio member of the council.

16           (b) Members of the council shall be appointed by the  
17 Governor, who shall select members after soliciting  
18 recommendations from representatives of organizations  
19 representing a broad range of individuals who have  
20 disabilities, and organizations interested in those  
21 individuals.

22           (c) A majority of council members shall be persons who  
23 are:

24           1. Blind; and

25           2. Not employed by the division.

26           (d) The council shall select a chair from among its  
27 membership.

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

30           1. A member appointed to fill a vacancy occurring  
31 prior to the expiration of the term for which a predecessor

1 was appointed shall be appointed for the remainder of such  
2 term; and

3 2. The terms of service of the members initially  
4 appointed shall be, as specified by the Governor, for such  
5 fewer number of years as will provide for the expiration of  
6 terms on a staggered basis.

7 (f) No member of the council may serve more than two  
8 consecutive full terms.

9 (g) Any vacancy occurring in the membership of the  
10 council shall be filled in the same manner as the original  
11 appointment. A vacancy does not affect the power of the  
12 remaining members to execute the duties of the council.

13 (h) In addition to the other functions specified in  
14 this section, the council shall:

15 1. Review, analyze, and advise the division regarding  
16 the performance of the responsibilities of the division under  
17 Title I of the act, particularly responsibilities relating to:

18 a. Eligibility, including order of selection;  
19 b. The extent, scope, and effectiveness of services  
20 provided; and

21 c. Functions performed by state agencies that affect  
22 or potentially affect the ability of individuals who are blind  
23 to achieve rehabilitation goals and objectives under Title I.

24 2. Advise the department and the division, and, at the  
25 discretion of the department or division, assist in the  
26 preparation of applications, the state plan, the strategic  
27 plan, and amendments to the plans, reports, needs assessments,  
28 and evaluations required by Title I.

29 3. To the extent feasible, conduct a review and  
30 analysis of the effectiveness of, and consumer satisfaction  
31 with:

- 1           a. The functions performed by state agencies and other  
2 public and private entities responsible for performing  
3 functions for individuals who are blind.
- 4           b. Vocational rehabilitation services:
- 5           (I) Provided or paid for from funds made available  
6 under the act or through other public or private sources.
- 7           (II) Provided by state agencies and other public and  
8 private entities responsible for providing vocational  
9 rehabilitation services to individuals who are blind.
- 10          4. Prepare and submit an annual report on the status  
11 of vocational rehabilitation services for the blind in the  
12 state to the Governor and the Commissioner of the  
13 Rehabilitative Services Administration, established under s.  
14 702 of the act, and make the report available to the public.
- 15          5. Coordinate with other councils within the state,  
16 including the Independent Living Council, the advisory panel  
17 established under s. 613(a)(12) of the Individuals with  
18 Disabilities Education Act, 20 U.S.C. 1413(a)(12), the State  
19 Planning Council described in s. 124 of the Developmental  
20 Disabilities Assistance and Bill of Rights Act, 42 U.S.C. s.  
21 6024, and the state mental-health planning council established  
22 under s. 1916(e) of the Public Health Service Act, 42 U.S.C.  
23 300X-4(e).
- 24          6. Advise the department and division and provide for  
25 coordination and the establishment of working relationships  
26 among the department, the division, the Independent Living  
27 Council, and centers for independent living in the state.
- 28          7. Perform such other functions consistent with the  
29 purposes of the act as the council determines to be  
30 appropriate that are comparable to functions performed by the  
31 council.

1       (i)1. The council shall prepare, in conjunction with  
2 the division, a plan for the provision of such resources,  
3 including such staff and other personnel, as may be necessary  
4 to carry out the functions of the council. The resource plan  
5 shall, to the maximum extent possible, rely on the use of  
6 resources in existence during the period of implementation of  
7 the plan.

8       2. If there is a disagreement between the council and  
9 the division in regard to the resources necessary to carry out  
10 the functions of the council as set forth in this section, the  
11 disagreement shall be resolved by the Governor.

12       3. The council shall, consistent with law, supervise  
13 and evaluate such staff and other personnel as may be  
14 necessary to carry out its functions.

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

19       (j) No council member shall cast a vote on any matter  
20 that would provide direct financial benefit to the member or  
21 otherwise give the appearance of a conflict of interest under  
22 state law.

23       (k) The council shall convene at least four meetings  
24 each year. These meetings shall occur in such places as the  
25 council deems necessary to conduct council business. The  
26 council may conduct such forums or hearings as the council  
27 considers appropriate. The meetings, hearings, and forums  
28 shall be publicly announced. The meetings shall be open and  
29 accessible to the public. The council shall make a report of  
30 each meeting which shall include a record of its discussions  
31

1 and recommendations, all of which reports shall be made  
2 available to the public.  
3           Section 3. This act shall take effect July 1 of the  
4 year in which enacted.  
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