

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 114

SPONSOR: Senator Brown-Waite

SUBJECT: Florida Independent Living Council

DATE: February 1, 1999 REVISED: 2/2/99 _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Schmeling</u>	<u>Maclure</u>	<u>CM</u>	<u>Fav/1 amendment</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

This bill authorizes the Florida Independent Living Council to incorporate as a not-for-profit corporation, modifies the number of council members to a minimum of 14 members, and requires appointments to be based on recommendations from the council.

This bill amends section 413.395, Florida Statutes.

II. Present Situation:

The provisions of s. 705(a) of Title VII of the federal Rehabilitation Act of 1973 (the act), as amended, require a state to establish a Statewide Independent Living Council (SILC) to be eligible to receive federal financial assistance under the chapter. The act requires members of the council to be appointed by the Governor after soliciting recommendations from representatives of organizations representing a broad range of individuals with disabilities and organizations interested in individuals with disabilities.

Subsection 413.395(1), F.S., provides for the creation of the Florida Independent Living Council (FILC) to assist the Division of Vocational Rehabilitation and the Division of Blind Services of the Department of Labor and Employment Security, as well as other entities, in the expansion and development of statewide independent living policies, programs, and concepts, and to recommend improvements for such programs and services. Subsection 413.395(2), F.S., requires members of the council to be appointed by the Governor after soliciting recommendations from the Secretary of the Department of Labor and Employment Security. Florida law requires that the FILC function independently of the Division, but assigns FILC to the Division of Vocational Rehabilitation for administrative purposes. Amendments to the federal act in 1992 prohibit a state from establishing an SILC as an entity within a state agency.

Under the State Independent Living Plan, developed by FILC with the Division of Vocational Rehabilitation and the Division of Blind Services, 13 consumer-controlled Centers for

Independent Living receive federal and state funds to provide information and referral, independent living skills training, peer counseling, and individual and systems advocacy at the local level.

Advisory Legal Opinion 96-77 by the Florida Attorney General found that due to the absence of legislative authority, the Florida Independent Living Council did not have the authority to reorganize into a not-for-profit corporation.

III. Effect of Proposed Changes:

This bill amends s. 413.395, F.S., to permit the Florida Independent Living Council (FILC) to incorporate as a Florida not-for-profit corporation. Membership of the council is modified from no more than 14 members to a minimum of 14 members, and appointments to the council must be based on recommendations from the council instead of the Secretary of the Department of Labor and Employment Security.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Although the federal Rehabilitation Services Administration (RSA) has not charged the FILC with being in violation of the federal law that requires the FILC to be established as an entity outside a state agency, the RSA has questioned such placement of the FILC in the Division of Vocational Rehabilitation. In the event the RSA cites Florida for nonconformity, this bill would allow the FILC to immediately incorporate, perceivably coming into compliance with federal law. However, if the FILC incorporates as authorized by this bill, it would appear that the FILC is still required to be assigned to the Division of Vocational Rehabilitation for administrative purposes, as the bill retains that administrative placement.

VIII. Amendments:

#1 by Commerce and Economic Opportunities:

Specifies that the assignment of the Florida Independent Living Council to the Division of Vocational Rehabilitation for administrative purposes shall not apply if the council incorporates as a not-for-profit corporation.