

By Senator Brown-Waite

10-139-99

1                                   A bill to be entitled  
 2           An act relating to the Florida Independent  
 3           Living Council; amending s. 413.395, F.S.;  
 4           authorizing the Florida Independent Living  
 5           Council to incorporate as a corporation not for  
 6           profit; allowing an increase in the number of  
 7           its members; amending prerequisites to the  
 8           Governor's appointment of council members;  
 9           providing an effective date.  
 10  
 11 Be It Enacted by the Legislature of the State of Florida:  
 12  
 13           Section 1. Section 413.395, Florida Statutes, is  
 14 amended to read:  
 15           413.395 Florida Independent Living Council.--  
 16           (1) There is created the Florida Independent Living  
 17 Council to assist the division and the Division of Blind  
 18 Services of the Department of Labor and Employment Security,  
 19 as well as other state agencies and local planning and  
 20 administrative entities assisted under Title VII of the act,  
 21 in the expansion and development of statewide independent  
 22 living policies, programs, and concepts and to recommend  
 23 improvements for such programs and services. ~~To ensure~~  
 24 ~~consistency with the provisions of the act, as amended,~~The  
 25 ~~Florida Independent Living~~ council shall function  
 26 independently of the division and is ~~shall be~~ assigned to the  
 27 division for administrative purposes only. The council may  
 28 elect to be incorporated as a Florida corporation not for  
 29 profit and, upon such election, shall be assisted in the  
 30 incorporation by the division for the purposes stated in this  
 31

1 section. The appointed members of the council may constitute  
2 the board of directors for the corporation.

3 (2) The council shall consist of a minimum of 14  
4 members, excluding ex officio, nonvoting members. The members  
5 of the council shall be appointed by the Governor after  
6 soliciting recommendations from the council secretary.

7 (3) The council shall include:

8 (a) At least one director of a center for independent  
9 living who is chosen by the directors of centers for  
10 independent living within the state.

11 (b) As ex officio, nonvoting members:

12 1. A representative from the division.

13 2. A representative from the Division of Blind  
14 Services.

15 3. Representatives from other state agencies that  
16 provide services to persons who have disabilities.

17 (4) The council may include:

18 (a) Other representatives from centers for independent  
19 living.

20 (b) Parents and guardians of persons who have  
21 disabilities.

22 (c) Advocates of and for persons who have  
23 disabilities.

24 (d) Representatives from private businesses.

25 (e) Representatives from organizations that provide  
26 services for persons who have disabilities.

27 (f) Other appropriate individuals.

28 ~~(5) Total membership on the council, excluding ex~~  
29 ~~officio, nonvoting members, shall not exceed 14 at any one~~  
30 ~~time.~~

31 (5)~~(6)~~ The council shall be composed of members:

- 1           (a) Who provide statewide representation.
- 2           (b) Who represent a broad range of persons who have  
3 disabilities.
- 4           (c) Who are knowledgeable about centers for  
5 independent living and independent living services.
- 6           (d) A majority of whom are:
- 7           1. Persons who have disabilities.
- 8           2. Not employed by any state agency or center for  
9 independent living.
- 10          (6)~~(7)~~ The council shall select a chairperson from  
11 among the membership of the council.
- 12          (7)~~(8)~~ Each member of the council shall serve for a  
13 term of 3 years, except that:
- 14           (a) A member appointed to fill a vacancy occurring  
15 prior to the expiration of the term for which the predecessor  
16 was appointed shall be appointed for the remainder of such  
17 term.
- 18           (b) The terms of service of the members initially  
19 appointed shall be, as specified by the Governor, for such  
20 fewer number of years as will provide for the expiration of  
21 terms on a staggered basis.
- 22           (c) No member of the council may serve more than two  
23 consecutive full terms.
- 24          (8)~~(9)~~ Any vacancy occurring in the membership of the  
25 council shall be filled in the same manner as the original  
26 appointment. A vacancy does not affect the power of the  
27 remaining members to execute the duties of the council.
- 28          (9)~~(10)~~ The chairperson of the council shall also  
29 serve as a member of the Florida Rehabilitation Advisory  
30 Council.
- 31

1           (10)~~(11)~~ The council may meet at the call of the  
2 chairperson, at the joint request of the division and the  
3 Division of Blind Services, or at such times as may be  
4 prescribed by rule, but not less than twice each calendar  
5 year. The council shall make a report of each meeting, which  
6 shall include a record of its discussions and recommendations.  
7 The division and the Division of Blind Services shall make  
8 such reports available to the public.

9           (11)~~(12)~~ The council shall:

10           (a) Jointly develop and submit, in conjunction with  
11 the division, the state plan for independent living.

12           (b) Monitor, review, and evaluate the implementation  
13 of the state plan for independent living.

14           (c) Coordinate activities with the Florida  
15 Rehabilitation Advisory Council and other councils that  
16 address the needs of specific disability populations and  
17 issues under other federal law.

18           (d) Ensure that all regularly scheduled meetings of  
19 the council are open to the public with sufficient advance  
20 notice.

21           (e) Submit to the commissioner such periodic reports  
22 as the commissioner may reasonably request and keep such  
23 records, and afford access to such records, as the  
24 commissioner finds necessary to verify such reports.

25           Section 2. This act shall take effect July 1, 1999.

26  
27           \*\*\*\*\*

28           SENATE SUMMARY

29           Authorizes the Florida Independent Living Council to  
30 incorporate as a corporation not for profit. Allows an  
31 increase in the number of its members, which number is  
currently a maximum of 14. Revises the prerequisites to  
the Governor's appointment of council members.