

By the Committees on Governmental Oversight and Productivity;
Education; and Senator Wise

302-2232-04

1 A bill to be entitled
2 An act relating to individuals with
3 disabilities; amending s. 413.08, F.S.;
4 providing definitions; providing that an
5 individual with a disability has full and equal
6 access to and enjoyment of public
7 accommodations and state and local facilities,
8 programs, services, and activities; providing
9 that an individual with a disability may be
10 accompanied by a service animal in places of
11 public accommodation and in state and local
12 facilities; directing that documentation that a
13 service animal is trained may not be a
14 precondition for providing service to an
15 individual accompanied by a service animal;
16 providing that a service animal has access to
17 all areas of a government facility or public
18 accommodation that the public or customers are
19 normally permitted to occupy; directing that an
20 individual with a service animal may not be
21 segregated from other customers or the public;
22 directing that a public accommodation may not
23 impose a deposit or surcharge on an individual
24 with a disability as a precondition to
25 permitting a service animal to accompany the
26 individual; providing that an individual with a
27 disability may be liable for damage caused by a
28 service animal; providing that the animal's
29 owner is responsible for the care and
30 supervision of a service animal; providing that
31 the public accommodation or government entity

1 is not required to provide care or food or a
2 special location for a service animal;
3 providing that a public accommodation or
4 government entity may exclude or remove any
5 animal from the premises if the animal's
6 behavior poses a direct threat to the health
7 and safety of others; increasing certain
8 penalties for violations of the act; providing
9 that the trainer of a service animal has the
10 same rights and privileges as a person with a
11 disability while training the service animal;
12 amending s. 413.081, F.S.; conforming
13 provisions to changes made by the act; amending
14 s. 413.011, F.S.; providing legislative policy
15 and intent; providing duties of the Division of
16 Blind Services; requiring the division to
17 develop and implement a state plan for
18 vocational rehabilitation services; requiring
19 the division to develop and implement a state
20 plan for independent living services; providing
21 for the division to purchase and distribute
22 specialized equipment without using state
23 centralized purchasing procedures; exempting
24 such equipment from certain record and
25 inventory requirements; creating a children's
26 program; requiring background investigations of
27 division personnel; requiring division
28 personnel and applicants for employment to meet
29 level 2 screening standards as a condition of
30 employment; redesignating the Advisory Council
31 for the Blind as the Rehabilitation Council for

1 the Blind; amending ss. 413.014, 413.041,
2 413.051, and 413.091, F.S.; modernizing
3 terminology; requiring the division to conduct
4 a periodic survey of state properties; creating
5 s. 413.095, F.S.; providing for the division to
6 retain title to certain real and personal
7 property intended for use by people who have
8 visual impairments and certain personnel;
9 allowing the division to repossess, transfer,
10 and dispose of such property; providing for
11 rulemaking by the division; authorizing the
12 division to create a blind services
13 direct-support organization; providing purposes
14 and objectives; providing for members of the
15 board of the direct-support organization;
16 providing that the organization is subject to
17 s. 24, Art. I of the State Constitution, ch.
18 119, F.S., and s. 286.011, F.S.; requiring
19 expenses of the organization to be paid by
20 private funds; providing guidelines for the use
21 of the funds; repealing ss. 413.061, 413.062,
22 413.063, 413.064, 413.065, 413.066, 413.067,
23 413.068, and 413.069, F.S., relating to permits
24 for soliciting funds to benefit the blind;
25 providing an effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:

28
29 Section 1. Section 413.08, Florida Statutes, is
30 amended to read:

31

1 413.08 Rights of individuals with disabilities who
2 ~~physically disabled persons~~ use of dog guides or service
3 ~~animals dogs or nonhuman primates of the genus Cebus;~~
4 discrimination in public employment or housing accommodations;
5 penalties.--

6 (1) As used in this section the term:

7 (a) "Housing accommodation" means any real property or
8 portion thereof which is used or occupied, or intended,
9 arranged, or designed to be used or occupied, as a home,
10 residence, or sleeping place of one or more human beings. The
11 term does not include a single-family residence if the
12 occupants rent or lease to others for compensation not more
13 than one room in the residence.

14 (b) "Individual with a disability" means a person with
15 a physical or mental impairment that severely limits the
16 person's ability to perform one or more daily life living
17 skills.

18 (c) "Place of public accommodation" means a facility,
19 operated by a private person, whose operations affect commerce
20 and fall within at least one of the following categories:

21 1. An inn, hotel, motel, or other place of lodging,
22 except for an establishment located within a building that
23 contains not more than five rooms for rent or hire and that is
24 actually occupied by the proprietor of the establishment as
25 the residence of the proprietor;

26 2. A restaurant, bar, or other establishment serving
27 food or drink;

28 3. A motion picture house, theater, concert hall,
29 stadium, or other place of gathering;

30 4. An auditorium, convention center, lecture hall, or
31 other place of exhibition or entertainment;

1 5. A bakery, grocery store, clothing store, hardware
2 store, shopping center, or other sales or rental
3 establishment;

4 6. A laundromat, dry cleaner, bank, barber shop,
5 beauty shop, travel service, shoe repair service, funeral
6 parlor, gas station, office of a health care provider,
7 hospital, or other service establishment;

8 7. A terminal, depot, or other station used for
9 specified public transportation;

10 8. A museum, library, gallery, or other place of
11 public display or collection;

12 9. A park, zoo, amusement park, or other place of
13 recreation;

14 10. A day care center, senior citizen center, homeless
15 shelter, food bank, adoption agency, or other social services
16 establishment; and

17 11. A gymnasium, health spa, bowling alley, golf
18 course, or other place of exercise or recreation.

19 (d) "Service animal" means an animal that is trained
20 to perform tasks for an individual with a disability. The
21 tasks may include, but are not limited to, guiding a person
22 who is visually impaired or blind, alerting a person who is
23 deaf or hard of hearing, pulling a wheelchair, assisting with
24 mobility or balance, alerting and protecting a person who is
25 having a seizure, retrieving objects, or performing other
26 special tasks. A service animal is not a pet.

27 (2)(1)(a) An individual with a disability is ~~The deaf,~~
28 ~~hard of hearing, blind, visually handicapped, and otherwise~~
29 ~~physically disabled are~~ entitled to full and equal
30 accommodations, advantages, facilities, and privileges on all
31 common carriers, airplanes, motor vehicles, railroad trains,

1 motor buses, streetcars, boats, and other public conveyances
2 or modes of transportation; in all state and local government
3 facilities, programs, services, and activities;and at ~~hotels,~~
4 ~~lodging places,~~places of public accommodations accommodation,
5 amusement, or resort, and other places to which the general
6 public is invited, subject only to the conditions and
7 limitations established by law and applicable alike to all
8 persons. ~~This section does not require any person, firm, or~~
9 ~~corporation, or any agent thereof, to modify or provide any~~
10 ~~vehicle, premises, facility, or service to a higher degree of~~
11 ~~accommodation than is required for a person not so disabled.~~

12 (3)(b) Every individual with a disability ~~deaf or hard~~
13 ~~of hearing person, totally or partially blind person, person~~
14 ~~who is subject to epilepsy or other such seizure disorders, or~~
15 ~~physically disabled person~~ has the right to be accompanied by
16 a ~~dog guide or service~~ animal dog, specially trained for the
17 purpose, in any place of public accommodation or state or
18 local government facility, program, service, or activity ~~the~~
19 ~~places listed in paragraph (a) without being required to pay~~
20 ~~an extra charge for the dog guide or service dog; however,~~
21 ~~such a person is liable for any damage done to the premises or~~
22 ~~facilities by such a dog. The dog guide or service dog must be~~
23 ~~capable of being properly identified as being from a~~
24 ~~recognized school for seeing-eye dogs, hearing-ear dogs,~~
25 ~~service dogs, including, but not limited to, seizure-alert and~~
26 ~~seizure-response dogs, or guide dogs.~~

27 (4) Documentation that the service animal is trained
28 is not a precondition for providing service to an individual
29 accompanied by a service animal. A public accommodation or
30 government entity may ask if an animal is a service animal or
31

1 what tasks the animal has been trained to perform in order to
2 determine the difference between a service animal and a pet.

3 (5) A service animal may accompany the individual with
4 a disability to all areas of a government facility or public
5 accommodation that the public or customers are normally
6 permitted to occupy. An individual with a service animal may
7 not be segregated from other customers or the public.

8 (6)(a) A public accommodation may not impose a deposit
9 or surcharge on an individual with a disability as a
10 precondition to permitting a service animal to accompany the
11 individual with a disability, even if a deposit is routinely
12 required for pets.

13 (b) An individual with a disability is liable for
14 damage caused by a service animal if it is the regular policy
15 and practice of the public accommodation to charge nondisabled
16 persons for damages caused by their pets.

17 (7) The care or supervision of a service animal is the
18 responsibility of the individual owner. A public accommodation
19 or government entity is not required to provide care or food
20 or a special location for the service animal.

21 (8)(a) A public accommodation or government entity may
22 exclude or remove any animal from the premises, including a
23 service animal, if the animal's behavior poses a direct threat
24 to the health and safety of others. Allergies and fear of
25 animals are not valid reasons for denying access or refusing
26 service to an individual with a service animal. The perception
27 of a threat or fear based on past experience does not
28 constitute a direct threat.

29 (b) If a service animal is excluded or removed as
30 being a direct threat to others, the public accommodation or
31 government entity must provide the individual with a

1 disability the option of continuing access to the public
2 accommodation or government entity without having the service
3 animal on the premises.

4 ~~(c) Every person with paraplegia or quadriplegia has~~
5 ~~the right to be accompanied by a nonhuman primate of the genus~~
6 ~~Cebus, specially trained for the purpose of providing personal~~
7 ~~care services, in any of the places listed in paragraph (a)~~
8 ~~without being required to pay an extra charge for the nonhuman~~
9 ~~primate; however, such a person is liable for any damage done~~
10 ~~to the premises or facilities by such nonhuman primate.~~

11 (9)(2) Any person, firm, business, or corporation, or
12 the agent of any person, firm, business, or corporation, who
13 denies or interferes with admittance to, or enjoyment of, the
14 public accommodation of, facilities enumerated in subsection
15 ~~(1)~~ or otherwise interferes with the rights of, an individual
16 with a disability ~~a deaf person, a hard of hearing person, a~~
17 ~~totally or partially blind person, a person who is subject to~~
18 ~~epilepsy or other such seizure disorders, or an otherwise~~
19 ~~physically disabled person~~ under this section, or the trainer
20 of a ~~dog guide or service~~ animal dog while engaged in the
21 training of the animal under ~~such a dog~~ pursuant to subsection
22 ~~(14)(7)~~, commits is guilty of a misdemeanor of the first
23 ~~second~~ degree, punishable as provided in s. 775.082 or s.
24 775.083.

25 (10)(3) It is the policy of this state that
26 individuals with disabilities ~~the deaf, hard of hearing,~~
27 ~~blind, visually handicapped, and otherwise physically disabled~~
28 ~~shall~~ be employed in the service of the state or political
29 subdivisions of the state, in the public schools, and in all
30 other employment supported in whole or in part by public
31 funds, and an employer may not refuse employment to an

1 ~~individual with a disability the deaf, the hard of hearing,~~
2 ~~the blind, the visually handicapped, or the otherwise~~
3 ~~physically disabled on the basis of the disability alone,~~
4 ~~unless it is shown that the particular disability prevents the~~
5 ~~satisfactory performance of the work involved.~~

6 (11)(4) Each individual with a disability is ~~Deaf~~
7 ~~persons, hard of hearing persons, blind persons, visually~~
8 ~~handicapped persons, and otherwise physically disabled persons~~
9 ~~are~~ entitled to rent, lease, or purchase, as other members of
10 the general public, any housing accommodations offered for
11 rent, lease, or other compensation in this state, subject to
12 the conditions and limitations established by law and
13 applicable alike to all persons.

14 ~~(a) As used in this subsection, the term "housing~~
15 ~~accommodations" means any real property or portion thereof~~
16 ~~which is used or occupied, or intended, arranged, or designed~~
17 ~~to be used or occupied, as the home, residence, or sleeping~~
18 ~~place of one or more human beings, but does not include any~~
19 ~~single-family residence the occupants of which rent, lease, or~~
20 ~~furnish for compensation not more than one room therein.~~

21 ~~(b) This section does not require any person renting,~~
22 ~~leasing, or otherwise providing real property for compensation~~
23 ~~to modify her or his property in any way or provide a higher~~
24 ~~degree of care for a deaf person, hard of hearing person,~~
25 ~~blind person, visually handicapped person, or otherwise~~
26 ~~physically disabled person than for a person who is not so~~
27 ~~handicapped.~~

28 (12)(c) Each individual with a disability ~~deaf person,~~
29 ~~hard of hearing person, totally or partially blind person, or~~
30 ~~otherwise physically disabled person who has a~~ service animal
31 ~~dog guide, or who obtains a~~ service animal dog guide, is

1 entitled to full and equal access to all housing
2 accommodations provided for in this section, and ~~the such a~~
3 person may ~~shall~~ not be required to pay extra compensation for
4 the service animal ~~dog guide~~. However, an individual with a
5 disability ~~such a person~~ is liable for any damage done to the
6 premises by ~~such a~~ service animal ~~dog guide~~.

7 ~~(d) Each person with paraplegia or quadriplegia who~~
8 ~~has or obtains a nonhuman primate of the genus Cebus,~~
9 ~~specially trained for the purpose of providing personal care~~
10 ~~services, is entitled to full and equal access to all housing~~
11 ~~accommodations provided for in this section, and she or he~~
12 ~~shall not be required to pay extra compensation for such a~~
13 ~~nonhuman primate. However, the person is liable for any damage~~
14 ~~done to the premises by such a nonhuman primate.~~

15 ~~(13)(5) An~~ Any employer covered under subsection(10)
16 ~~(3)who~~ discriminates against an individual with a disability
17 ~~the deaf, hard of hearing, blind, visually handicapped, or~~
18 ~~otherwise physically disabled in employment, unless it is~~
19 ~~shown that the particular disability prevents the satisfactory~~
20 ~~performance of the work involved, or any person, firm, or~~
21 ~~corporation, or the agent of any person, firm, business, or~~
22 ~~corporation, providing housing accommodations as provided in~~
23 subsection(11)~~(4)who~~ discriminates against an individual
24 with a disability ~~commits~~ ~~the deaf, hard of hearing, blind,~~
25 ~~visually handicapped, or otherwise physically disabled is~~
26 ~~guilty of~~ a misdemeanor of the first ~~second~~ degree, punishable
27 as provided in s. 775.082 or s. 775.083.

28 ~~(6)(a) As used in this section, the term "physically~~
29 ~~disabled person" means any person who has a physical~~
30 ~~impairment that substantially limits one or more major life~~
31 ~~activities.~~

1 ~~(b) As used in this section, the term "hard of hearing~~
2 ~~person" means an individual who has suffered a permanent~~
3 ~~hearing impairment that is severe enough to necessitate the~~
4 ~~use of amplification devices to discriminate speech sounds in~~
5 ~~verbal communication.~~

6 (14)~~(7)~~ Any trainer of a ~~dog guide or service animal~~
7 ~~dog~~, while engaged in the training of the service animal ~~such~~
8 ~~a dog~~, has the same rights and privileges with respect to
9 access to public facilities and the same liability for damage
10 as is provided for individuals with a disability ~~those persons~~
11 ~~described in paragraph (1)(b) accompanied by a service animal~~
12 ~~dog guides or service dogs.~~

13 ~~(8) Any trainer of a nonhuman primate of the genus~~
14 ~~Cebus, while engaged in training such a nonhuman primate to~~
15 ~~provide personal care services to a person with paraplegia or~~
16 ~~quadriplegia, has the same rights and privileges with respect~~
17 ~~to access to public facilities and the same liability for~~
18 ~~damage as is provided for a person with paraplegia or~~
19 ~~quadriplegia who is accompanied by nonhuman primates of the~~
20 ~~genus Cebus. As used in this subsection, the term "trainer of~~
21 ~~a nonhuman primate of the genus Cebus" means a paid employee~~
22 ~~of a training organization, and does not include volunteers~~
23 ~~chosen to raise the animals.~~

24 Section 2. Section 413.081, Florida Statutes, is
25 amended to read:

26 413.081 Interference with or injury to a guide dog or
27 ~~service animal~~; penalties; restitution.--

28 (1) A ~~Any~~ person who, with reckless disregard,
29 ~~interferes with~~, or permits a dog that he or she owns or is in
30 the immediate control of to interfere~~with~~the use of a
31 ~~guide dog or service animal~~ by obstructing, intimidating, or

1 otherwise jeopardizing the safety of the service animal or its
2 user commits ~~is guilty of~~ a misdemeanor of the second degree
3 for the first offense and a misdemeanor of the first degree
4 for each subsequent offense, punishable as provided in s.
5 775.082 or s. 775.083.

6 (2) A ~~Any~~ person who, with reckless disregard, injures
7 or kills, or permits a dog that he or she owns or is in the
8 immediate control of to injure or kill, a ~~guide dog or~~ service
9 animal commits ~~is guilty of~~ a misdemeanor of the first degree,
10 punishable as provided in s. 775.082 or s. 775.083.

11 (3) A ~~Any~~ person who intentionally injures or kills,
12 or permits a dog that he or she owns or is in the immediate
13 control of to injure or kill, a ~~guide dog or~~ service animal
14 commits ~~is guilty of~~ a felony of the third degree, punishable
15 as provided in s. 775.082, or s. 775.083, or s. 775.084.

16 (4)(a) A person who is convicted of a violation of
17 this section, in addition to any other penalty, must make full
18 restitution for all damages that arise out of or are related
19 to the offense, including incidental and consequential damages
20 incurred by the ~~guide dog or~~ service animal's user.

21 (b) Restitution includes the value of the service
22 animal; replacement and training or retraining expenses for
23 the service animal and the user; veterinary and other medical
24 and boarding expenses for the service animal; medical expenses
25 for the user; and lost wages or income incurred by the user
26 during any period that the user is without the services of the
27 service ~~such an~~ animal.

28 (5) As used in this section, the term "service animal"
29 means an animal that is trained to perform tasks for an
30 individual with a disability. The tasks may include, but are
31 not limited to, guiding a person who is visually impaired or

1 blind, alerting a person who is deaf or hard of hearing,
2 pulling a wheelchair, assisting with mobility or balance,
3 alerting and protecting a person who is having a seizure,
4 retrieving objects, or performing other special tasks. A
5 service animal is not a pet.+

6 ~~(a) "Guide dog" means a dog that is trained for the~~
7 ~~purpose of guiding blind persons or a dog trained for the~~
8 ~~purpose of assisting hearing impaired persons.~~

9 ~~(b) "Service animal" means an animal that is trained~~
10 ~~for the purposes of assisting or accommodating a disabled~~
11 ~~person's sensory, mental, or physical disability.~~

12 Section 3. Section 413.011, Florida Statutes, is
13 amended to read:

14 413.011 Division of Blind Services, legislative
15 policy, intent; internal organizational structure and powers;
16 Rehabilitation Advisory Council for the Blind.--

17 (1) Policy.--It is the policy of the Legislature that
18 all programs, projects, and activities of the division are to
19 be carried out in a manner consistent with the following
20 principles:

21 (a) Respect for individual dignity, personal
22 responsibility, self-determination to live independently, and
23 pursuit of meaningful careers, based on informed choice;

24 (b) Support for the involvement of an individual's
25 representative if an individual requests, desires, or needs
26 such support;

27 (c) Respect for the individual's privacy and equal
28 access, including the use of information in accessible
29 formats; and

30 (d) Integration and full participation of individuals
31 who are blind in society on equal terms with others.

1 (2) It is the intent of the Legislature to establish a
2 coordinated program of services which will be available to
3 individuals throughout this state who are blind. The program
4 must be designed to maximize employment opportunities for such
5 individuals and to increase their independence and
6 self-sufficiency.

7 ~~(3)(1)~~ The internal organizational structure of the
8 Division of Blind Services shall be designed for the purpose
9 of ensuring the greatest possible efficiency and effectiveness
10 of services to the blind and to be consistent with chapter 20.
11 The Division of Blind Services shall plan, supervise, and
12 carry out the following activities:

13 (a) Recommend personnel as may be necessary to carry
14 out the purposes of this section.

15 (b) Develop and implement a state plan for vocational
16 rehabilitation services for individuals who are blind,
17 pursuant to section 101 of the Rehabilitation Act of 1973, as
18 amended.

19 (c) In conjunction with the Florida Independent Living
20 Council, develop and implement a 3-year state plan for
21 independent living services and provide independent living
22 services for blind and visually impaired individuals,
23 including services for older individuals who are blind,
24 pursuant to Title VII, chapter 2 of the Rehabilitation Act of
25 1973, as amended.

26 (d) Provide services that contribute to the
27 maintenance of or the increased independence of older
28 individuals who are blind.

29 (e) Establish, equip, and maintain an orientation and
30 adjustment center or centers to provide independent living
31 skills training and other training such as, but not limited

1 to, instruction in Braille; use of the long white cane for
2 independent travel; homemaking and home-management skills; and
3 communication skills, including the use of computer
4 technology, to prepare individuals who are blind or visually
5 impaired for eventual vocational training, job placement, and
6 independence.

7 (f) Establish and implement a small business
8 enterprises program and serve as the state licensing agency
9 for individuals who are blind, pursuant to the federal
10 Randolph-Sheppard Act.

11 (g) Purchase and distribute specialized equipment,
12 devices, and technology, including low-vision aids, obtained
13 directly from specialty vendors without using state
14 centralized purchasing procedures.

15 (h) In cooperation with the Library of Congress,
16 provide library services to persons who are blind and persons
17 who have other print-related disabilities.

18 (i) In cooperation with other appropriate agencies,
19 provide to employers, the state education agency, and local
20 education agencies technical assistance in the provision of
21 auxiliary aids and services to people who are blind, students,
22 and their parents in complying with the Americans with
23 Disabilities Act and the Individuals with Disabilities
24 Education Act, as amended.

25 (j) Provide technical assistance to agencies within
26 the state in order to assure that information technology
27 purchased or used by such agencies is accessible to and usable
28 by individuals who are blind, at the time the technology is
29 purchased or used.

30 (k) Participate, through the designation of the
31 director or an appropriate staff member of the division, on

1 boards, commissions, or bodies in this state for the purpose
2 of coordinating and planning services.

3 (l) Adopt rules for administering the programs of the
4 division.

5 (m) Apply for and receive money from any state or
6 federal agency to support the programs of the division.

7 (n) Develop and administer any other program that will
8 further the provision of services to people who are blind and
9 that the division determines falls within its scope of
10 responsibility.

11 ~~(b) Cause to be compiled and maintained a complete~~
12 ~~register of the blind in the state, which shall describe the~~
13 ~~condition, cause of blindness, and capacity for education and~~
14 ~~industrial training, with such other facts as may seem to the~~
15 ~~division to be of value. Any information in the register of~~
16 ~~the blind which, when released, could identify an individual~~
17 ~~is confidential and exempt from the provisions of s.~~
18 ~~119.07(1).~~

19 (o)(c) Inquire into the cause of blindness, inaugurate
20 preventive measures, and provide for the examination and
21 treatment of the blind, or those threatened with blindness,
22 for the benefit of such persons, and shall pay therefor,
23 including necessary incidental expenses.

24 (p)(d) Aid the blind in finding employment, teach them
25 trades and occupations within their capacities, assist them in
26 disposing of products made by them in home industries, assist
27 them in obtaining funds for establishing enterprises where
28 federal funds reimburse the state, and do such things as will
29 contribute to the efficiency of self-support of the blind.

30 (q)(e) Establish one or more training schools and
31 workshops for the employment of suitable blind persons; make

1 expenditures of funds for such purposes; receive moneys from
2 sales of commodities involved in such activities and from such
3 funds make payments of wages, repairs, insurance premiums and
4 replacements of equipment. All of the activities provided for
5 in this section may be carried on in cooperation with private
6 workshops for the blind, except that all tools and equipment
7 furnished by the division shall remain the property of the
8 state.

9 (r)~~(f)~~ Provide special services and benefits for the
10 blind for developing their social life through community
11 activities and recreational facilities.

12 (s)~~(g)~~ Undertake such other activities as may
13 ameliorate the condition of blind citizens of this state.

14 (t)~~(h)~~ Cooperate with other agencies, public or
15 private, especially the National Library Service for the
16 ~~Division of the~~ Blind and Physically Handicapped of the
17 Library of Congress and the Division of Library and
18 Information Services of the Department of State, to provide
19 library service to persons with visual, physical, or reading
20 disabilities ~~the blind and other handicapped persons~~ as
21 defined in federal law and regulations in carrying out any or
22 all of the provisions of this law.

23 (u)~~(i)~~ Recommend contracts and agreements with
24 federal, state, county, municipal and private corporations,
25 and individuals.

26 (v)~~(j)~~ Receive moneys or properties by gift or bequest
27 from any person, firm, corporation, or organization for any of
28 the purposes herein set out, but without authority to bind the
29 state to any expenditure or policy except such as may be
30 specifically authorized by law. All such moneys or properties
31 so received by gift or bequest as herein authorized may be

1 disbursed and expended by the division upon its own warrant
2 for any of the purposes herein set forth, and such moneys or
3 properties shall not constitute or be considered a part of any
4 legislative appropriation made by the state for the purpose of
5 carrying out the provisions of this law.

6 (w)~~(k)~~ Prepare and make available to the blind, in
7 braille and on electronic recording equipment, Florida
8 Statutes chapters 20, 120, 121, and 413, in their entirety.

9 (x)~~(l)~~ Adopt by rule:

10 1. Procedures for providing vocational rehabilitation
11 services for the blind; and-

12 2.~~(m)~~ ~~Adopt by rule forms and~~ Instructions to be used
13 by the division in its general administration.

14 (4)~~(2)~~ As used in this section, the term:

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

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

20 (c) "Department" means the Department of Education.

21 (5) There is created within the Division of Blind
22 Services a children's program to serve children who are blind
23 from 5 years of age through transition to the Vocational
24 Rehabilitation Program. This program must supplement services
25 already offered by the school system to foster the child's
26 learning and ability to function independently. The child's
27 parents, guardian, and family members should be an integral
28 part of the program in order to foster independence.

29 (6) Property that is purchased by a state agency for
30 the purpose of making accommodations for individuals who are
31 blind is not subject to the record and inventory requirements

1 set forth in s. 273.02. A state agency may use funds from all
2 possible sources to make accommodations for individuals who
3 are blind.

4 (7) The division shall require all employees and
5 applicants for employment to undergo personnel screening and
6 security background investigations as provided in chapter 435,
7 using the level two standards for screening set forth in that
8 chapter, as a condition of employment and continued
9 employment. All division employees and applicants for
10 employment must meet level 2 screening standards as provided
11 in s. 435.04 prior to employment and as a condition of
12 continued employment.

13 (8)(3) There is hereby created in the department the
14 Rehabilitation Advisory Council for the Blind, which is an
15 advisory council as defined in s. 20.03, to assist the
16 division in the planning and development of statewide
17 vocational rehabilitation programs and services pursuant to
18 the Rehabilitation Act of 1973, as amended, to recommend
19 improvements to such programs and services, and to perform the
20 functions provided in this section.

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

22 1. At least one representative of the Independent
23 Living Council, which representative may be the chair or other
24 designee of the council;

25 2. At least one representative of a parent training
26 and information center established pursuant to s. 631(c)(9) of
27 the Individuals with Disabilities Act, 20 U.S.C. s.
28 1431(c)(9);

29 3. At least one representative of the client
30 assistance program established under the act;

31

1 4. At least one vocational rehabilitation counselor
2 who has knowledge of and experience in vocational
3 rehabilitation services for the blind, who shall serve as an
4 ex officio nonvoting member of the council if the counselor is
5 an employee of the department;

6 5. At least one representative of community
7 rehabilitation program service providers;

8 6. Four representatives of business, industry, and
9 labor;

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

12 8. At least one parent, family member, guardian,
13 advocate, or authorized representative of an individual who is
14 blind, has multiple disabilities, and either has difficulties
15 representing himself or herself or is unable, due to
16 disabilities, to represent himself or herself;

17 9. Current or former applicants for, or recipients of,
18 vocational rehabilitation services; and

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

21 (b) Members of the council shall be appointed by the
22 Governor, who shall select members after soliciting
23 recommendations from representatives of organizations
24 representing a broad range of individuals who have
25 disabilities, and organizations interested in those
26 individuals.

27 (c) A majority of council members shall be persons who
28 are:

29 1. Blind; and

30 2. Not employed by the division.

31

1 (d) The council shall select a chair from among its
2 membership.

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

5 1. A member appointed to fill a vacancy occurring
6 prior to the expiration of the term for which a predecessor
7 was appointed shall be appointed for the remainder of such
8 term; and

9 2. The terms of service of the members initially
10 appointed shall be, as specified by the Governor, for such
11 fewer number of years as will provide for the expiration of
12 terms on a staggered basis.

13 (f) A ~~No~~ member of the council may not serve more than
14 two consecutive full terms.

15 (g) Any vacancy occurring in the membership of the
16 council shall be filled in the same manner as the original
17 appointment. A vacancy does not affect the power of the
18 remaining members to execute the duties of the council.

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

21 1. Review, analyze, and advise the division regarding
22 the performance of the responsibilities of the division under
23 Title I of the act, particularly responsibilities relating to:

24 a. Eligibility, including order of selection;

25 b. The extent, scope, and effectiveness of services
26 provided; and

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

30 2. Advise the department and the division, and, at the
31 discretion of the department or division, assist in the

1 preparation of applications, the state plan, the strategic
2 plan, and amendments to the plans, reports, needs assessments,
3 and evaluations required by Title I.

4 3. To the extent feasible, conduct a review and
5 analysis of the effectiveness of, and consumer satisfaction
6 with:

7 a. The functions performed by state agencies and other
8 public and private entities responsible for performing
9 functions for individuals who are blind.

10 b. Vocational rehabilitation services:

11 (I) Provided or paid for from funds made available
12 under the act or through other public or private sources.

13 (II) Provided by state agencies and other public and
14 private entities responsible for providing vocational
15 rehabilitation services to individuals who are blind.

16 4. Prepare and submit an annual report on the status
17 of vocational rehabilitation services for the blind in the
18 state to the Governor and the Commissioner of the
19 Rehabilitative Services Administration, established under s.
20 702 of the act, and make the report available to the public.

21 5. Coordinate with other councils within the state,
22 including the Independent Living Council, the advisory panel
23 established under s. 613(a)(12) of the Individuals with
24 Disabilities Education Act, 20 U.S.C. 1413(a)(12), the State
25 Planning Council described in s. 124 of the Developmental
26 Disabilities Assistance and Bill of Rights Act, 42 U.S.C. s.
27 6024, and the state mental health planning council established
28 under s. 1916(e) of the Public Health Service Act, 42 U.S.C.
29 300X-4(e).

30 6. Advise the department and division and provide for
31 coordination and the establishment of working relationships

1 among the department, the division, the Independent Living
2 Council, and centers for independent living in the state.

3 7. Perform such other functions consistent with the
4 purposes of the act as the council determines to be
5 appropriate that are comparable to functions performed by the
6 council.

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

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

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

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

25 (j) A ~~No~~ council member may not ~~shall~~ cast a vote on
26 any matter that would provide direct financial benefit to the
27 member or otherwise give the appearance of a conflict of
28 interest under state law.

29 (k) The council shall convene at least four meetings
30 each year. These meetings shall occur in such places as the
31 council deems necessary to conduct council business. The

1 council may conduct such forums or hearings as the council
2 considers appropriate. The meetings, hearings, and forums
3 shall be publicly announced. The meetings shall be open and
4 accessible to the public. The council shall make a report of
5 each meeting which shall include a record of its discussions
6 and recommendations, all of which reports shall be made
7 available to the public.

8 Section 4. Section 413.014, Florida Statutes, is
9 amended to read:

10 413.014 Community ~~Community-based~~ rehabilitation
11 programs.--The Division of Blind Services shall enter into
12 cooperative agreements with community ~~community-based~~
13 rehabilitation programs as defined by the Rehabilitation Act
14 of 1973, as amended, to be the service providers for the blind
15 citizens of their communities. The division shall, as rapidly
16 as feasible, increase the amount of such services provided by
17 community ~~community-based~~ rehabilitation programs. The goal
18 shall be to decrease the amount of such services provided by
19 division employees and to increase to the maximum extent
20 allowed by federal law the amount of such services provided
21 through cooperative agreements with community ~~community-based~~
22 service providers. The division shall seek, to the maximum
23 extent allowed by federal and state law and regulation, all
24 available federal funds for such purposes. Funds and in-kind
25 matching contributions from community and private sources
26 shall be used to maximize federal funds. Unless prohibited by
27 federal law or regulation, the share of the federal vocational
28 rehabilitation grant apportioned for services to the blind may
29 ~~shall be~~ be not be less than 17 percent.

30 Section 5. Section 413.041, Florida Statutes, is
31 amended to read:

1 413.041 Eligible blind persons; placement in vending
2 facilities in public places.--For the purpose of assisting
3 blind persons to become self-supporting, the Division of Blind
4 Services is hereby authorized to carry on activities to
5 promote the employment of eligible blind persons, including
6 the licensing and establishment of such persons as operators
7 of vending facilities on public property. The ~~said~~ division
8 may cooperate with any agency of the Federal Government in the
9 furtherance of the provisions of the Act of Congress entitled
10 "An Act to authorize the operation of stands in federal
11 buildings by blind persons, to enlarge the economic
12 opportunities of the blind and for other purposes," Pub. L.
13 No. 732, 74th Congress, and the ~~said~~ division may cooperate in
14 the furtherance of the provisions of any other act of Congress
15 providing for the rehabilitation of the blind which is that
16 ~~may now be in effect or is~~ may hereafter ~~be~~ enacted by
17 Congress.

18 Section 6. Subsections (1), (2), (4), (7), and (9), of
19 section 413.051, Florida Statutes, are amended to read:

20 413.051 Eligible blind persons; operation of vending
21 stands.--

22 (1) This section may be cited ~~shall be known~~ as the
23 Little Randolph Sheppard Act.

24 (2) As used in this section, the term:

25 (a) "Blind licensee" means any blind person trained
26 and licensed by the Division of Blind Services of the
27 Department of Education to operate a vending stand.

28 (b) "Vending stand" means any manually operated
29 cafeteria, snack bar, cart service, shelter, counter, or other
30 manually operated facility for the sale of newspapers,
31

1 periodicals, confections, tobacco products, foods, beverages,
2 or other such articles or services.

3 (c) "State agency" means any agency of the state.

4 (d) "State property" means any building or land owned,
5 leased, or otherwise controlled by the state, but does not
6 include any building or land under the control of the Board of
7 Regents, a community college district board of trustees, or
8 any state correctional institution as defined in s. 944.02.

9 (e) "Property custodian" or "person in charge" means
10 any employee, agent, or person who is in control of or
11 responsible for the maintenance, operation, and protection of
12 any state property.

13 (4) The Division of Blind Services shall conduct ~~be~~
14 ~~responsible for~~ a periodic survey of all state properties and,
15 where feasible, shall establish vending facilities to be
16 operated by blind licensees.

17 (7) A ~~No~~ person or persons may not ~~shall~~ be offered or
18 granted any concession by any property custodian or person in
19 charge to operate a vending stand on any state property
20 acquired after July 1, 1979, unless the division is notified
21 of that proposed concession.

22 (9) This section does not ~~It is the legislative intent~~
23 ~~that this section shall not apply or operate, in any way or~~
24 ~~any manner, to~~ divest any person or organization presently
25 operating a vending stand on state, county, or municipal
26 property from continuing to do so; however, the property
27 custodian or person in charge shall notify the Division of
28 Blind Services at least 180 days prior to the expiration
29 whether the ~~such~~ vending facility location is suitable for
30 operation by a blind licensee.

31

1 Section 7. Section 413.091, Florida Statutes, is
2 amended to read:

3 413.091 Identification cards.--

4 (1) The Division of Blind Services of the Department
5 of Education shall ~~is hereby empowered to~~ issue identification
6 cards to persons known to be blind or partially sighted, upon
7 the written request of such individual.

8 (2) The individual shall submit proof of blindness as
9 specified by the division.

10 (3) The division is ~~will be~~ responsible for design and
11 content of the identification card and shall develop and adopt
12 ~~promulgate~~ rules, regulations, and procedures relating to the
13 eligibility and application for, and issuance and control of,
14 these identification cards.

15 Section 8. Section 413.095, Florida Statutes, is
16 created to read:

17 413.095 Retention of title to and disposal of property
18 and equipment.--

19 (1) The Division of Blind Services retains title to
20 any real or personal property, such as tools, instruments,
21 training supplies, equipment, motor vehicles, real property,
22 or other items of value acquired by the division for use by
23 people who have visual impairments or personnel employed in
24 operating programs of the division, and may repossess and
25 transfer such property for use by other people who have visual
26 impairments or personnel employed in the operation of the
27 division.

28 (2) The Division of Blind Services may offer for sale
29 any surplus items acquired in the operation of the program
30 when they are no longer necessary or may exchange them for
31 necessary items that can be used to greater advantage. When

1 any such surplus equipment is sold or exchanged, a receipt for
2 the sale or exchange which shows the consideration given for
3 the equipment must be taken from the purchaser, and the
4 consideration must be forwarded to the division to be included
5 in the division's portfolio of investments pursuant to s.
6 413.0115. Such funds are exempt from the State Treasury
7 pursuant to s. 215.311, and are available for expenditure for
8 any purposes consistent with ss. 413.011-413.092.

9 (3) The division has the exclusive right to develop
10 rules relating to records and recordkeeping for property owned
11 by the division which is referred to in subsections (1) and
12 (2).

13 Section 9. Blind services direct-support
14 organization.--

15 (1) As used in this section, the term "direct-support
16 organization" means a not-for-profit corporation incorporated
17 under chapter 617, Florida Statutes, and organized and
18 operated to conduct programs and activities; initiate
19 developmental projects; raise funds; request and receive
20 grants, gifts, and bequests of moneys; acquire, receive, hold,
21 invest, and administer, in its own name, securities, funds,
22 objects of value, or other property, real or personal; and
23 make expenditures to or for the direct or indirect benefit of
24 the state and for blind persons in this state.

25 (2)(a) The Division of Blind Services is authorized to
26 organize and incorporate a direct-support organization
27 pursuant to the requirements of this section and chapter 617,
28 Florida Statutes, to accomplish the purposes and objectives
29 set forth in this section.

30 (b) The first board of seven members of the
31 direct-support organization shall be appointed by the

1 Governor. Two members shall be appointed to serve 2-year
2 terms, three members shall be appointed to serve 3-year terms,
3 and two members shall be appointed to serve 4-year terms.
4 Thereafter, the board shall be self-appointed according to the
5 established by-laws.

6 (c) The director of the division or his or her
7 designee shall serve as an ex officio member of the board of
8 the direct-support organization.

9 (d) The direct-support organization is subject to the
10 requirements of Section 24 of Article I of the State
11 Constitution, chapter 119, Florida Statutes, and section
12 286.011, Florida Statutes.

13 (e) Upon the dissolution of the corporation, all
14 properties of the corporation revert to the division.

15 (f) The direct-support organization shall maintain
16 donations and direct service expenditures in a bank account
17 outside of the State Treasury.

18 (g) Any administrative costs of running and promoting
19 the purposes of the corporation must be paid by private funds.

20 (3) The purposes and objectives of the direct-support
21 organization must be consistent with the priority issues and
22 objectives of the Department of Education and must be in the
23 best interests of the state, though the Division of Blind
24 Services may permit, without charge, the appropriate use of
25 property and facilities of the state by the direct-support
26 organization subject to this section. Such use must be
27 directly in keeping with the approved purposes of the
28 direct-support organization.

29 (4) Funds designated for the direct-support
30 organization must be used for the enhancement of programs and
31 projects of the Division of Blind Services. All moneys

1 received by the direct-support organization must be deposited
2 into an account of the direct-support organization and must be
3 used by the organization in a manner consistent with the
4 purposes and goals of the direct-support organization.

5 (5) The direct-support organization shall comply with
6 the audit requirements of section 215.981, Florida Statutes.

7 (6) The director of the Division of Blind Services may
8 designate employees of the division to solicit donations from
9 public or private sources to fund the authorized purposes of
10 the direct-support organization.

11 Section 10. Sections 413.061, 413.062, 413.063,
12 413.064, 413.065, 413.066, 413.067, 413.068, and 413.069,
13 Florida Statutes, are repealed.

14 Section 11. This act shall take effect July 1, 2004.

15
16 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
17 COMMITTEE SUBSTITUTE FOR
18 CS/SB 1918

19 Amends s. 413.08, F.S., related to rights of individuals with
20 disabilities, use of service animals and discrimination.

21 Provides definitions for "housing accommodation," "individual
22 with a disability," "place of public accommodation," and
23 "service animal."

24 Amends s. 413.081(5), F.S., to redefine "service animal."
25 Requires the Division of Blind Services to develop and
26 implement a state plan for vocational rehabilitation services
27 for individuals who are blind and, in conjunction with the
28 Florida Independent Living Council, develop and implement a
29 state plan for independent living services.
30
31