

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 1099 CS

Assistive Technology Advisory Council

**SPONSOR(S):** Justice

**TIED BILLS:**

**IDEN./SIM. BILLS:** SB 1704

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Choice & Innovation Committee	6 Y, 0 N, w/CS	Hassell	Aldis
2) Education Appropriations Committee			
3) Education Council			
4) _____			
5) _____			

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### SUMMARY ANALYSIS

HB 1099 revises Florida's Assistive Technology Advisory Council (Council) to comport with newly enacted requirements in the Assistive Technology Act of 2004, specifically the establishment of the Advisory Council.

This bill provides that the Council shall be composed of the following members: individuals who have disabilities and who are assistive technology consumers or family members or guardians of those individuals, representatives of consumer organizations concerned with assistive technology, representatives of business and industry, including the insurance industry, concerned with assistive technology, a representative of the Division of Vocational Rehabilitation, the Division of Blind Services, the Independent Living Council, Workforce Florida, Inc, the Department of Education, and representatives of other state agencies that provide or coordinate services for persons with disabilities.

This bill revises the Council members' terms of service and the duties of the Council. The bill establishes the public policy and advocacy committee which is designed to review federal and state legislation and agency policies and practices and to identify facilitators of and barriers to access and utilization of assistive technology services, devices, and funding sources.

In accordance with Federal law, this bill requires the Council to do the following:<sup>1</sup>

- Investigate finance options to increase access to and funding for assistive technology devices and services.
- Develop assistive technology demonstrations, reutilization programs, and loan programs.
- Provide training and technical assistance to increase knowledge and awareness of the uses and benefits of assistive technology devices and services.
- Promote public awareness activities designed to provide information relating to the benefits of assistive technology devices and services.
- Promote coordination and collaboration among public and private entities that are responsible for policies, procedures, or funding for the provision of assistive technology devices and services.

There is no fiscal impact associated with this bill.

This bill provides for an effective date of July 1, 2005.

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<sup>1</sup> Pub. L. No. 108-364 (October 25, 2004)

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

This bill does not appear to implicate any of the House Principles.

#### B. EFFECT OF PROPOSED CHANGES:

##### **Federal Law**

In November 2004, the Assistive Technology Act of 2004<sup>2</sup> amended the Assistive Technology Act of 1998<sup>3</sup> to support State grant programs that address the assistive technology needs of individuals with disabilities, and for other purposes.<sup>4</sup> Congress found “[o]ver the past 15 years, the Federal Government has invested in the development of comprehensive statewide programs of technology-related assistance, which have proven effective in assisting individuals with disabilities in accessing assistive technology devices and assistive technology services. This partnership between the Federal Government and the States provided an important service to individuals with disabilities by strengthening the capacity of each State to assist individuals with disabilities of all ages meet their assistive technology needs.”<sup>5</sup> Pursuant to the Assistive Technology Act of 2004, Congress established the Advisory Council for the purpose of providing consumer-responsive, consumer-driven advice to the State for, planning of, implementation of, and evaluation of the activities carried out through the grant,<sup>6</sup> including setting the measurable goals.<sup>7</sup>

##### **Florida Law**

The Assistive Technology Advisory Council (Council) established pursuant to s. 413.407, F.S., is responsible for ensuring consumer involvement in the creation, application, and distribution of technology-related assistance to and for persons who have disabilities. The Council is required to fulfill its responsibilities through statewide policy development, state and federal legislative initiatives, advocacy at the state and federal level, statewide resource allocation planning, policy-level management, and reviews of consumer responsiveness and the adequacy of customer delivery.<sup>8</sup>

Currently, the Council is composed of nine persons who have disabilities and who are assistive technology consumers, representatives of consumer organizations concerned with assistive technology, up to nine representatives of business and industry concerned with assistive technology, and up to nine representatives of academia, community agencies, and state agencies concerned with assistive technology.<sup>9</sup> Total Council membership cannot exceed 27 members at any time.

Council members are appointed by the secretary from a list of candidates proposed by the division director, and a majority of Council members shall be persons with disabilities<sup>10</sup> who are also consumers of assistive technology or family members of such persons.<sup>11</sup> Also, Council members shall serve for a

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<sup>2</sup> 29 USC 3001

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

<sup>4</sup> Pub. L. No. 108-364 (October 25, 2004)

<sup>5</sup> *Id.*

<sup>6</sup> 29 USC 3003

<sup>7</sup> Pub. L. No. 108-364 (October 25, 2004)

<sup>8</sup> s. 413.407(1), F.S.

<sup>9</sup> *Id.*

<sup>10</sup> Pursuant to s. 413.20(7), F.S., disability means a physical or mental impairment that constitutes or results in a substantial impediment to employment.

<sup>11</sup> s. 413.407(1), F.S.

term no more than 3 years and their terms of service are required to be staggered. Each eligible group of Council members described above is required to reflect this distribution.

Pursuant to s. 413.407(2)(a), F.S., the Council is required to act as a board of directors of a not-for-profit corporation created by the division, and through this corporation the Council is required to provide direction and funding to Florida's Alliance for Assistive Services and Technology (AAST).<sup>12</sup> Also, the Council is required to appoint members to committees to focus on specific issues within the Council's mandate.<sup>13</sup> The current committees required by law include a committee of those representing state agencies functioning as an interagency workshop and a technology-awareness committee.

### **Effects of Proposed Changes**

This bill revises Florida's Assistive Technology Advisory Council (Council) to comport with newly enacted requirements in the Assistive Technology Act of 2004, specifically the establishment of the Advisory Council.<sup>14</sup>

This bill provides that the Council shall be composed of the following members:

- Individuals who have disabilities and who are assistive technology consumers or family members or guardians of those individuals.
- Representatives of consumer organizations concerned with assistive technology.
- Representatives of business and industry, including the insurance industry, concerned with assistive technology.
- A representative of the Division of Vocational Rehabilitation.
- A representative of Division of Blind Services.
- A representative of Independent Living Council.
- A representative of Workforce Florida, Inc.
- A representative of the Department of Education.
- Representatives of other state agencies that provide or coordinate services for persons with disabilities.

This bill directs the Department of Education to appoint council members from a list of candidates proposed by the division director. This bill clarifies that the majority of council members appointed by the Department of Education are required to be individuals who have disabilities<sup>15</sup> and who are assistive technology consumers or family members or guardians of those individuals. This bill removes the requirement that Council members' terms of service are required to be staggered, and that each eligible group of Council members described above are required to reflect this distribution. The bill also provides that a member who has served two consecutive terms and has been retired from the council for at least one year may be reappointed to the council on the same basis as a new member.

This bill maintains the requirement that the Council provide direction to the AAST; however, this bill removes the requirement that the Council provide funding to the AAST. Also, this bill establishes the public policy and advocacy committee which is designed to review federal and state legislation and agency policies and practices and to identify facilitators of and barriers to access and utilization of assistive technology services, devices, and funding sources.

In accordance with Federal law, this bill requires the Council to do the following:<sup>16</sup>

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<sup>12</sup> The AAST is a project sponsored by the department for the coordination and delivery of appropriate, cost-effective, state-of-the-art assistive technology services and devices.

<sup>13</sup> s. 413.407(2)(b), F.S.

<sup>14</sup> Pub. L. No. 108-364 (October 25, 2004)

<sup>15</sup> Pursuant to s. 413.20(7), F.S., disability means a physical or mental impairment that constitutes or results in a substantial impediment to employment.

<sup>16</sup> Pub. L. No. 108-364 (October 25, 2004)

- Investigate finance options to increase access to and funding for assistive technology devices and services.
- Develop assistive technology demonstrations, reutilization programs, and loan programs.
- Provide training and technical assistance to increase knowledge and awareness of the uses and benefits of assistive technology devices and services.
- Promote public awareness activities designed to provide information relating to the benefits of assistive technology devices and services.
- Promote coordination and collaboration among public and private entities that are responsible for policies, procedures, or funding for the provision of assistive technology devices and services.

C. SECTION DIRECTORY:

Section 1. Amends s. 413.407, F.S., revises the Assistive Technology Advisory Council to comport with currently enacted Federal legislation.

Section 2. Provides for effective date.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to have a fiscal impact on state revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on state expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a direct economic impact on the private sector.

D. FISCAL COMMENTS:

None.

## III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a city or county to expend funds or to take any action requiring the expenditure of funds.

The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

This bill does not reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not create any rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

#### **IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES**

On April 5, 2005, the Choice and Innovation Committee adopted one amendment and reported the bill favorably with a committee substitute. The amendment provided that a member who has served two consecutive terms and has been retired from the council for at least one year may be reappointed to the council on the same basis as a new member.

This analysis is drafted to the committee substitute.