

By Senator Klein

30-1298-05

1 A bill to be entitled
2 An act relating to assistive technology;
3 amending s. 413.407, F.S.; requiring the
4 Assistive Technology Advisory Council to
5 conduct certain activities required by federal
6 law; revising the composition of the membership
7 of the council; requiring that the council be
8 made up of a majority who are persons with
9 disabilities and who use assistive technology;
10 deleting a provision requiring staggered terms
11 of service; requiring the council to appoint a
12 public policy and advocacy committee; providing
13 an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Section 413.407, Florida Statutes, is
18 amended to read:

19 413.407 Assistive Technology Advisory Council.--There
20 is created the Assistive Technology Advisory Council,
21 responsible for ensuring consumer involvement in the creation,
22 application, and distribution of technology-related assistance
23 to and for persons who have disabilities. The council shall
24 fulfill its responsibilities through statewide policy
25 development, both state and federal legislative initiatives,
26 advocacy at both the state and federal level, planning of
27 statewide resource allocations, policy-level management,
28 reviews of both consumer responsiveness and the adequacy of
29 program service delivery, and by performing the functions
30 listed in this section.

31

1 (1) The council shall, in accordance with Pub. L. No.
2 108-364, carry out the following activities:

3 (a) Finance activities to increase access to, and
4 funding for, assistive technology devices and assistive
5 technology services;

6 (b) Initiate programs to reuse assistive technology
7 devices;

8 (c) Initiate loan programs for assistive technology
9 devices;

10 (d) Conduct demonstrations of assistive technology
11 devices;

12 (e) Conduct training and provide technical assistance
13 in order to increase knowledge and awareness of the uses and
14 benefits of assistive technology devices and assistive
15 technology services;

16 (f) Initiate public awareness campaigns designed to
17 provide information relating to the benefits, appropriateness,
18 and costs of assistive technology and services; and

19 (g) Coordinate and collaborate with public and private
20 entities that are responsible for policies, procedures, or
21 funding for providing assistive technology devices and
22 services to individuals with disabilities.

23 ~~(2)(a)(1)(a)~~ The council shall be composed of:

24 1. Individuals ~~Nine persons~~ who have disabilities and
25 who are assistive technology consumers or family members or
26 custodians of the individuals.

27 2. Representatives of consumer organizations concerned
28 with assistive technology.

29 ~~3.2. Up to nine~~ Representatives of business and
30 industry, including the insurance industry, concerned with
31 assistive technology.

1 ~~3. Up to nine representatives of academia, community~~
2 ~~agencies, and state agencies concerned with assistive~~
3 ~~technology.~~

4 4. A representative of the Division of Vocational
5 Rehabilitation.

6 5. A representative from the Division of Blind
7 Services.

8 6. A representative of centers for independent living
9 within the state.

10 7. A representative of the Workforce Investment Board
11 of the Agency for Workforce Innovation.

12 8. A representative of the Department of Education.

13 9. Representatives of other state agencies that
14 provide or coordinate services for persons with disabilities.

15
16 Total membership on the council ~~may shall~~ not exceed 27 at any
17 one time. A majority of the membership on the council must be
18 made up of members appointed under subparagraph 1., who shall
19 constitute no fewer than 51 percent of the total membership.

20 (b) Members of the council shall be appointed by the
21 ~~commissioner~~ secretary from a list of candidates proposed by
22 the division director.

23 (c) A majority of council members shall be persons who
24 have disabilities as described in s. 413.20(7) ~~s. 706(8)(B)~~ of
25 ~~the act~~ who are also consumers of assistive technology or
26 family members of these ~~such~~ persons.

27 (d) The members of the council shall select two
28 co-chairs from among the membership of the council.

29 1. One co-chair may be selected from the group
30 described in paragraph (c) and one co-chair shall be selected
31 from the other council members.

1 2. No co-chair may be an elected member or an employee
2 of a state agency or of any political subdivision of the
3 state.

4 (e)1. Each member of the council shall serve for a
5 term of not more than 3 years, except that+

6 ~~a.~~ a member appointed to fill a vacancy occurring
7 before ~~prior to~~ the expiration of the term for which a
8 predecessor was appointed shall be appointed for the remainder
9 of the ~~such~~ term.

10 ~~b. The terms of service of the members shall be~~
11 ~~staggered through initial appointments of 3 years for~~
12 ~~one third, 2 years for one third, and 1 year for one third.~~
13 ~~Each eligible group described in paragraph (a) shall reflect~~
14 ~~this distribution.~~

15 2. No member of the council may serve more than two
16 consecutive terms; however, any appointment under subparagraph
17 1. ~~sub-subparagraph 1.a.~~, if for less than 18 months, shall
18 not be considered a term for the purposes of this section.

19 (f) Any vacancy occurring in the membership of the
20 council shall be filled in the same manner as the original
21 appointment. A vacancy does not affect the power of the
22 remaining members to execute the duties of the council.

23 ~~(3)(2)~~ In addition to the other functions specified in
24 this section, the council shall:

25 (a) Act as the board of directors of a not-for-profit
26 corporation created by the division. Through the corporation,
27 the council shall provide direction ~~and funding~~ to Florida's
28 Alliance for Assistive Services and Technology, a project
29 sponsored by the department for the coordination and delivery
30 of appropriate, cost-effective, state-of-the-art assistive
31 technology services and devices.

1 (b) Appoint committees made up of members of the
2 council to focus on specific issues within the council's
3 mandate. Committees may request and accept in-kind
4 contributions of personnel from public or private entities to
5 supply ~~such~~ staffing as the committees deem necessary to carry
6 out their individual mandates. These committees shall include,
7 but are not limited to:

8 1. An interagency ~~A~~ committee composed of those
9 members representing state agencies, ~~functioning as an~~
10 ~~interagency workshop~~. The interagency committee ~~workshop~~ shall
11 work towards the development of ~~develop~~ cooperative agreements
12 among government agencies and perform such other duties as the
13 council deems appropriate. The interagency workshop's members
14 shall assign staff from their respective agencies to the
15 alliance, as an in-kind contribution for a specified period of
16 time, to review federal and state legislation and agency
17 policies and practices and to identify both facilitators of,
18 and barriers to, accessibility and utilization of assistive
19 technology services, devices, and funding sources.

20 2. A technology-awareness committee to guide the
21 council's public awareness and coordination and collaboration
22 activities ~~encourage the formation of technology awareness~~
23 ~~groups among consumers, providers, and other interested~~
24 ~~individuals, particularly in schools or workplaces.~~

25 3. A public policy and advocacy committee to review
26 federal and state legislation and agency policies and
27 practices and to identify both facilitators of, and barriers
28 to, access and use of assistive technology services, devices,
29 and funding sources.

30 (c) Review and approve all reports, recommendations,
31 and proposed actions of committee staff.

1 (d) Appoint the executive director of the alliance.
2 The executive director shall be responsible for overall
3 administration and day-to-day direction of the alliance, as
4 well as supervision of all staff.

5 (e) Annually review and approve the strategic or
6 business plan of the alliance, as submitted by the executive
7 director.

8 (f) Submit an annual comprehensive report of the
9 activities of the council, the corporation, and the alliance
10 to the division director.

11 (g) Perform such other functions as the council
12 determines to be appropriate which are comparable to functions
13 performed by the council.

14 (h) Convene at least four meetings each year in such
15 places as it determines to be necessary to conduct council
16 business and may conduct ~~such~~ forums or hearings as the
17 council considers appropriate. The council shall make a report
18 of each meeting which shall include a record of its
19 discussions and recommendations, all of which reports shall be
20 made available to the public.

21 Section 2. This act shall take effect July 1, 2005.

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24 SENATE SUMMARY

25 Requires the Assistive Technology Advisory Council to
26 conduct certain activities required by federal law.
27 Revises the composition of the membership of the council.
28 Requires that the council to be made up of a majority who
29 are persons with disabilities and who use assistive
30 technology. Deletes a provision requiring staggered terms
31 of service. Requires the council to appoint a public
policy and advocacy committee.