

1 A bill to be entitled
 2 An act relating to independent living services;
 3 amending s. 413.395, F.S.; removing a provision
 4 requiring the Florida Independent Living Council to
 5 assist the Division of Blind Services of the
 6 Department of Education; revising the membership of
 7 the council; revising the council's duties and
 8 responsibilities; authorizing the council to conduct
 9 certain activities as described in the state plan for
 10 independent living; requiring the council to
 11 coordinate with centers for independent living;
 12 prohibiting the council from engaging in certain
 13 activities; requiring the council to comply with state
 14 and federal laws and regulations relating to lobbying;
 15 amending s. 413.4021, F.S.; increasing the percentage
 16 of certain revenues used to administer the James
 17 Patrick Memorial Work Incentive Personal Attendant
 18 Services and Employment Assistance Program; providing
 19 an effective date.

20
 21 Be It Enacted by the Legislature of the State of Florida:

22
 23 Section 1. Section 413.395, Florida Statutes, is amended
 24 to read:

25 413.395 Florida Independent Living Council.—

26 (1) There is created the Florida Independent Living
27 Council to assist the division ~~and the Division of Blind~~
28 ~~Services of the Department of Education~~, as well as other state
29 agencies and local planning and administrative entities assisted
30 under Title VII of the act, in the expansion and development of
31 statewide independent living policies, programs, and concepts
32 and to recommend improvements for such programs and services.
33 The council shall function independently of the division and,
34 unless the council elects to incorporate as a not-for-profit
35 corporation, is assigned to the division for administrative
36 purposes only. The council may elect to be incorporated as a
37 Florida corporation not for profit and, upon such election,
38 shall be assisted in the incorporation by the division for the
39 purposes stated in this section. The appointed members of the
40 council may constitute the board of directors for the
41 corporation.

42 (2) The council shall consist of 11 members, including a
43 minimum of three persons who are employees of a center for
44 independent living ~~14 members, excluding ex officio, nonvoting~~
45 ~~members~~. At least six voting members of the council must be
46 persons who have significant disabilities who are not employed
47 by any state agency or center for independent living. The
48 members of the council shall be appointed by the Governor after
49 soliciting recommendations from the council.

50 (3) The council shall include:

51 (a) At least one director of a center for independent
 52 living who is chosen by the directors of the centers for
 53 independent living within the state.

54 (b) As ex officio, nonvoting members:

55 1. A representative from the division.

56 ~~2. A representative from the Division of Blind Services.~~

57 ~~2.3.~~ Representatives from one or more other state agencies
 58 that provide services to persons who have disabilities.

59 (4) The council may include:

60 (a) Other representatives from the centers for independent
 61 living.

62 (b) Parents and guardians of persons who have
 63 disabilities.

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

65 (d) Representatives from private businesses.

66 (e) Representatives from organizations that provide
 67 services for persons who have disabilities.

68 (f) Other appropriate individuals.

69 (5) The council shall be composed of members:

70 (a) Who provide statewide representation.

71 (b) Who represent a broad range of persons who have
 72 disabilities from diverse backgrounds.

73 (c) Who are knowledgeable about the centers for
 74 independent living and independent living services.

75 (d) A majority of whom are:

- 76 1. Persons who have disabilities.
- 77 2. Not employed by any state agency or center for
78 independent living.
- 79 (6) The council shall select a chairperson from among the
80 voting membership of the council.
- 81 (7) Each member of the council shall serve for a term of 3
82 years, except that:
- 83 (a) A member appointed to fill a vacancy occurring before
84 ~~prior to~~ the expiration of the term for which the predecessor
85 was appointed shall be appointed for the remainder of such term.
- 86 (b) The terms of service of the members initially
87 appointed shall be, as specified by the Governor, for such fewer
88 number of years as will provide for the expiration of terms on a
89 staggered basis.
- 90 (c) ~~A~~ ~~no~~ member of the council may not serve more than two
91 consecutive full terms.
- 92 (8) Any vacancy occurring in the membership of the council
93 shall be filled in the same manner as the original appointment.
94 A vacancy does not affect the power of the remaining members to
95 execute the duties of the council.
- 96 (9) The ~~chairperson of the~~ council shall designate a
97 representative who shall also serve as a member of the Florida
98 Rehabilitation Council.
- 99 (10) The council may meet at the call of the chairperson,
100 at the ~~joint~~ request of the division ~~and the Division of Blind~~

101 ~~Services~~, or at such times as may be prescribed by rule, but not
102 fewer ~~less~~ than twice each calendar year. The council shall make
103 a report of each meeting, which shall include a record of its
104 discussions and recommendations. The division ~~and the Division~~
105 ~~of Blind Services~~ shall make such reports available to the
106 public.

107 (11) The council shall:

108 (a) Jointly develop and submit, in conjunction with the
109 directors of the centers for independent living ~~division~~, the
110 state plan for independent living in accordance with federal
111 guidelines and after receiving public input from persons who
112 have disabilities and other stakeholders in the state.

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

115 (c) Coordinate activities with ~~the Florida Rehabilitation~~
116 ~~Council~~ ~~and~~ other entities in the state that provide services
117 similar or complementary to independent living services,
118 including entities that facilitate the provision of or provide
119 long-term community-based services and supports ~~councils that~~
120 ~~address the needs of specific disability populations and issues~~
121 ~~under other federal law.~~

122 (d) Meet regularly and ensure that all regularly scheduled
123 meetings of the council are open to the public with sufficient
124 advance notice.

125 (e) Submit to the administrator ~~Commissioner~~ of the

126 Administration for Community Living within the United States
 127 Department of Health and Human Services ~~Federal Rehabilitation~~
 128 ~~Administration Services~~ such periodic reports as the
 129 administrator ~~commissioner~~ may reasonably request and keep such
 130 records, and afford access to such records, as the administrator
 131 ~~commissioner~~ finds necessary to verify such reports.

132 (12) (a) The council may conduct the following activities,
 133 as authorized and described in the state plan for independent
 134 living:

135 1. Work with centers for independent living to coordinate
 136 services with public and private entities to improve independent
 137 living services provided to persons who have disabilities.

138 2. Develop resources to support the activities described
 139 in the state plan for independent living and the provision of
 140 independent living services by centers for independent living.

141 3. Other activities consistent with the purpose of this
 142 section and comparable to other activities in this section, as
 143 the council determines to be appropriate and as authorized in
 144 the state plan for independent living.

145 (b) The council:

146 1. Shall coordinate with centers for independent living to
 147 avoid conflicting or overlapping activities within the centers'
 148 established service areas.

149 2. May not engage in activities that constitute the direct
 150 provision of independent living services to persons who have

151 disabilities, including the independent living core services.

152 3. Shall comply with state and federal laws and
 153 regulations relating to restrictions and prohibitions on
 154 lobbying activities.

155 Section 2. Subsection (1) of section 413.4021, Florida
 156 Statutes, is amended to read:

157 413.4021 Program participant selection; tax collection
 158 enforcement diversion program.—The Department of Revenue, in
 159 coordination with the Florida Association of Centers for
 160 Independent Living and the Florida Prosecuting Attorneys
 161 Association, shall select judicial circuits in which to operate
 162 the program. The association and the state attorneys' offices
 163 shall develop and implement a tax collection enforcement
 164 diversion program, which shall collect revenue due from persons
 165 who have not remitted their collected sales tax. The criteria
 166 for referral to the tax collection enforcement diversion program
 167 shall be determined cooperatively between the state attorneys'
 168 offices and the Department of Revenue.

169 (1) Notwithstanding s. 212.20, 75 ~~50~~ percent of the
 170 revenues collected from the tax collection enforcement diversion
 171 program shall be deposited into the special reserve account of
 172 the Florida Association of Centers for Independent Living, to be
 173 used to administer the James Patrick Memorial Work Incentive
 174 Personal Attendant Services and Employment Assistance Program
 175 and to contract with the state attorneys participating in the

176 | tax collection enforcement diversion program in an amount of not
177 | more than \$75,000 for each state attorney.

178 | Section 3. This act shall take effect July 1, 2021.