

By Senator Bean

4-00730B-21

2021794__

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 to
24 read:

25 413.395 Florida Independent Living Council.—

26 (1) There is created the Florida Independent Living Council
27 to assist the division ~~and the Division of Blind Services of the~~
28 ~~Department of Education~~, as well as other state agencies and
29 local planning and administrative entities assisted under Title

4-00730B-21

2021794__

30 VII of the act, in the expansion and development of statewide
31 independent living policies, programs, and concepts and to
32 recommend improvements for such programs and services. The
33 council shall function independently of the division and, unless
34 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 members of the council must be persons who
46 have significant disabilities who are not employed by any state
47 agency or center for independent living. The members of the
48 council shall be appointed by the Governor after soliciting
49 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.

4-00730B-21

2021794__

- 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 disabilities.
- 63 (c) Advocates of and for persons who have disabilities.
- 64 (d) Representatives from private businesses.
- 65 (e) Representatives from organizations that provide
- 66 services for persons who have disabilities.
- 67 (f) Other appropriate individuals.
- 68 (5) The council shall be composed of members:
- 69 (a) Who provide statewide representation.
- 70 (b) Who represent a broad range of persons who have
- 71 disabilities from diverse backgrounds.
- 72 (c) Who are knowledgeable about the centers for independent
- 73 living and independent living services.
- 74 (d) A majority of whom are:
- 75 1. Persons who have disabilities.
- 76 2. Not employed by any state agency or center for
- 77 independent living.
- 78 (6) The council shall select a chairperson from among the
- 79 voting membership of the council.
- 80 (7) Each member of the council shall serve for a term of 3
- 81 years, except that:
- 82 (a) A member appointed to fill a vacancy occurring before
- 83 ~~prior to~~ the expiration of the term for which the predecessor
- 84 was appointed shall be appointed for the remainder of such term.
- 85 (b) The terms of service of the members initially appointed
- 86 shall be, as specified by the Governor, for such fewer number of
- 87 years as will provide for the expiration of terms on a staggered

4-00730B-21

2021794__

88 basis.

89 (c) ~~A~~ ~~No~~ member of the council may not serve more than two
90 consecutive full terms.

91 (8) Any vacancy occurring in the membership of the council
92 shall be filled in the same manner as the original appointment.
93 A vacancy does not affect the power of the remaining members to
94 execute the duties of the council.

95 (9) The ~~chairperson of the~~ council shall designate a
96 representative who shall also serve as a member of the Florida
97 Rehabilitation Council.

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

106 (11) The council shall:

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

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

114 (c) Coordinate activities with ~~the Florida Rehabilitation~~
115 ~~Council and~~ other entities in the state that provide services
116 similar or complementary to independent living services,

4-00730B-21

2021794

117 including entities that facilitate the provision of or provide
118 long-term community-based services and supports ~~councils that~~
119 ~~address the needs of specific disability populations and issues~~
120 ~~under other federal law.~~

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

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

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

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

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

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

144 (b) The council:

145 1. Shall coordinate with centers for independent living to

4-00730B-21

2021794__

146 avoid conflicting or overlapping activities within the centers'
147 established service areas.

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

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

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

156 413.4021 Program participant selection; tax collection
157 enforcement diversion program.—The Department of Revenue, in
158 coordination with the Florida Association of Centers for
159 Independent Living and the Florida Prosecuting Attorneys
160 Association, shall select judicial circuits in which to operate
161 the program. The association and the state attorneys' offices
162 shall develop and implement a tax collection enforcement
163 diversion program, which shall collect revenue due from persons
164 who have not remitted their collected sales tax. The criteria
165 for referral to the tax collection enforcement diversion program
166 shall be determined cooperatively between the state attorneys'
167 offices and the Department of Revenue.

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

4-00730B-21

2021794__

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

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