

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 418

INTRODUCER: Senators Pizzo and Jones

SUBJECT: Assistive Technology Advisory Council

DATE: November 29, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Palazesi</u>	<u>Bouck</u>	<u>ED</u>	<u>Pre-meeting</u>
2.	_____	_____	<u>CM</u>	_____
3.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 418 modifies the composition of the Florida Assistive Technology Advisory Council (Council), which is responsible for the comprehensive statewide program of technology related assistance for individuals with disabilities. The bill also:

- Removes the maximum limit on Council membership and modifies requirements specifying representation on the Council.
- Requires the appointment of a single chair of the Council.
- Modifies requirements for reappointments to the Council.
- Removes the designation of specific committees.
- Expands the Council’s functions to include fundraising activities.

The bill takes effect on July 1, 2022.

II. Present Situation:

Assistive technology helps people with disabilities live, work, learn and play as independently as possible. Assistive technology is any device, item, gadget, tool, hardware, or software used to increase, maintain, or improve the functional capabilities of both individuals of all ages who have disabilities and older adults who may find a need for assistance. Assistive technology provides people who have disabilities the option to access education and the workplace, to live within their communities, and enjoy recreational activities.¹

¹ Florida Alliance for Assistive Services & Technology, *What is Assistive Technology (A.T.)?* <https://faast.org/> (last visited Nov. 18, 2021).

Federal Law

In 2004, the Assistive Technology Act of 1998 was amended by the Assistive Technology Act of 2004 (Act), to recognize the substantial progress that had been made in the development of assistive technology devices that benefit individuals with disabilities.² The Act required the Secretary of Education to support state grant programs that assist states in undertaking activities for maintaining and strengthening a permanent comprehensive statewide program of technology related assistance, for individuals with disabilities of all ages.³ In addition, the Act required states to establish advisory councils for the purpose of consumer-response and consumer-driven advice to the state for planning of the implementation and evaluation of activities carried out through the grants made available by the act.⁴

The state implemented advisory council must be comprised of the following members:⁵

- Individuals with disabilities that use assistive technology or the family members or guardians of the individuals;
- A representative of a state center for Independent living;
- A representative of the state workforce development board established under section 101 of the Workforce Innovation and Opportunity Act;
- A representative of the State educational agency;
- Representatives of other state agencies, public agencies, or private organizations, as determined by the state.

Further, states are required to ensure a majority, not less than 51 percent, of the members of the advisory council, are members appointed as individuals with disabilities or family members or guardians of individuals with disabilities that use assistive technology.⁶ The council must also be geographically representative of the state and reflect the diversity of the state.⁷

Florida Law

The Assistive Technology Advisory Council (Council) is responsible for ensuring consumer involvement in the creation, application, and distribution of technology-related assistance to and for persons who have disabilities.⁸ The Council acts as the board of directors and provides direction, through a not-for-profit corporation created by the Division of Vocational Rehabilitation (DVR) of the Department of Education, to Florida's Alliance for Assistive Services and Technology.⁹

The Council may not exceed 27 members at any one time. The Council must be composed of the following members:¹⁰

² 29 U.S.C. s. 3001, et. seq.

³ Pub. .L. No. 108-364 (Oct. 25, 2004).

⁴ 29 U.S.C. s. 3003(c)(2)(A).

⁵ 29 U.S.C. s 3003(c)(2)(B)(i).

⁶ 29 U.S.C. s. 3003(c)(2)(B)(ii)(I).

⁷ 29 U.S.C. s 3003(c)(2)(B)(iii).

⁸ Section. 413.407, F.S.

⁹ Section 413.407, F.S.(2)(a). Florida's Alliance for Assistive Services is a project sponsored by the Department of Education for the coordination and delivery of appropriate, cost-effective, state-of-the-art assistive technology services and devices. *Id.*

¹⁰ Section 413.407 (1)(a), F.S

- Individuals who have disabilities¹¹ and who are assistive technology consumers or family members or guardians of those individuals, who must make up a majority of the membership;
- 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 the Division of Blind Services;
- A representative of the Florida Independent Living Council;
- A representative of CareerSource Florida, Inc.;
- A representative of the Department of Education;
- Representatives of other state agencies that provide or coordinate services for persons with disabilities.

The Council is appointed by the Commissioner of Education from a list of candidates proposed by the director of the DVR.¹² The Council is required to appoint two co-chairs among the membership of the Council.¹³ Members of the Council serve for a term of three years and cannot serve more than two consecutive terms, and a member that has served two consecutive terms must be retired from the council for at least one year prior to reappointment.¹⁴

Members of the Council are required to appoint committees made up of members of the council to focus on specific issues within the council's mandates. The Council's committees shall include, but are not limited to:¹⁵

- An interagency committee composed of those members representing state agencies. The interagency committee shall work towards the development of cooperative agreements among government agencies and perform such other duties as the council deems appropriate. The interagency committee's members shall assign staff from their respective agencies to the alliance, as an in-kind contribution for a specified period of time, to review federal and state legislation and agency policies and practices and to identify both facilitators of, and barriers to, accessibility and utilization of assistive technology services, devices, and funding sources.
- A technology-awareness committee to guide the council's public awareness, coordination, and collaboration activities.
- A public policy and advocacy committee 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.

III. Effect of Proposed Changes:

SB 418 modifies s. 413.407, F.S., to revise the composition of the Florida Assistive Technology Council (Council) to allow only one representative of a consumer organization and one representative of business and industry, and authorizes a representative from a center for

¹¹ A disability means a physical or mental impairment that constitutes or results in a substantial impediment to employment. Section 413.20(7), F.S.

¹² Section 413.407(1)(b), F.S.

¹³ Section.413.407(1)(d), F.S.

¹⁴ Section 413.407(1)(e), F.S.

¹⁵ Section 413.407(2)(b), F.S.

independent living, rather than from the Florida Independent Living Council. The bill also provides that a representative from another state agency that provides or coordinates services for persons with disabilities can be added to the Council if requested by a majority vote of the Council members, that representative must be appointed by the head of the corresponding state agency. Finally, the bill removes the requirement that Council membership cannot exceed 27 members.

The bill further aligns the Council membership with federal requirements that members of the Council be geographically representative of the state, reflective of the diversity of the state's population with respect to race, ethnicity, age, gender, type of disability, and type of disability-related services and devices received. The bill directs the Council to elect a single chair of the council. The bill maintains the limit of two consecutive terms for members, but revises the number of years a council member must be retired from the Council after two terms to be reappointed, from one year to three years.

The bill deletes the requirement that Council members form a technology awareness committee and a public policy and advocacy committee. The bill removes the interagency committee, assigning the duties of the committee to the members representing state agencies. The bill also allows Council members to participate in fundraising activities on behalf of the Council, which could lead to additional funding for the Council.

The bill takes effect on July 1, 2022.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 413.407 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.