

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 Rules

BILL: SB 418

INTRODUCER: Senator Pizzo and others

SUBJECT: Assistive Technology Advisory Council

DATE: January 25, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Palazes</u>	<u>Bouck</u>	<u>ED</u>	Favorable
2.	<u>McMillan</u>	<u>McKay</u>	<u>CM</u>	Favorable
3.	<u>Palazes</u>	<u>Phelps</u>	<u>RC</u>	Pre-meeting

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; and
- 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. It 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 Jan. 7, 2022).

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 requires the Secretary of Education to support state grant programs that assist states in undertaking activities for maximizing the ability of individuals with disabilities across the human lifespan and across the wide array of disabilities.³ In addition, the Act requires states to establish advisory councils for the purpose of consumer-response and consumer-driven advice to the state for planning, 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 the designated State agency;
- 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; and
- Representatives of other state agencies, public agencies, or private organizations, as determined by the state.

Further, states are required to ensure a majority 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 with respect to race, ethnicity, types of disabilities across the age span, and users of types of services that an individual with a disability may receive.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

² 29 U.S.C. s. 3001, et. seq.

³ 29 U.S.C. s. 3003(a).

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.

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

- Individuals who have disabilities¹¹ and who are assistive technology consumers or family members or guardians of those individuals;¹²
- 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; and
- 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.¹³ The Council is required to appoint two co-chairs among the membership of the Council.¹⁴ Members of the Council serve for a term of 3 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 1 year prior to reappointment.¹⁵

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.¹⁶ The Council's committees must include, but are not limited to:¹⁷

- An interagency committee composed of those members representing state agencies;¹⁸

⁹ Section 413.407(2)(a) F.S. Florida's Alliance for Assistive Services and Technology 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. *See Id.*

¹⁰ Section 413.407(1)(a), F.S.

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

¹² These individuals must make up a majority of the membership.

¹³ Section 413.407(1)(b), F.S.

¹⁴ Section 413.407(1)(d), F.S.

¹⁵ Section 413.407(1)(e), F.S.

¹⁶ Committees may request and accept in-kind contributions of personnel from public or private entities to supply such staffing as the committees deem necessary to carry out their individual mandates. *See s. 413.407(2)(b), F.S.*

¹⁷ Section 413.407(2)(b), F.S.

¹⁸ The interagency committee must work towards the development of cooperative agreements among government agencies and perform other duties as the council deems appropriate. The interagency committee's members must 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. *See s. 413.407(2)(b)1., F.S.*

- A technology-awareness committee to guide the Council's public awareness, coordination, and collaboration activities; and
- 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:

The bill 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. The bill authorizes a representative from a center for 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, and that representative must be appointed by the head of the corresponding state agency. Additionally, the bill removes the requirement that Council membership may not exceed 27 members.

The bill 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 consecutive terms to be reappointed, from 1 year to 3 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, and assigns the duties of that 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:

The bill allows the Council to do fundraising activities. Section 20.03, F.S., provides that a “council” or “advisory council” means an advisory body created by specific statutory enactment and appointed to function on a continuing basis for the study of the problems arising in a specified functional or program area of state government and to provide recommendations and policy alternatives.

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.