

## CHAPTER 98-19

### Committee Substitute for House Bill No. 3147

An act relating to blind services; amending s. 413.08, F.S.; prohibiting a person from interfering with a person who is engaged in training a dog guide or service dog; providing penalties; amending s. 413.011, F.S.; revising provisions relating to the Advisory Council for the Blind within the Department of Labor and Employment Security; providing definitions; providing composition of the council; providing for appointment of members; providing for terms; providing functions of the council; requiring the preparation of a resource plan; providing for staff; providing for meetings of the council; authorizing the council to conduct forums and hearings; providing for open meetings; providing an effective date.

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

Section 1. Subsection (2) of section 413.08, Florida Statutes, is amended to read:

413.08 Rights of physically disabled persons; use of dog guides or service dogs or nonhuman primates of the genus *Cebus*; discrimination in public employment or housing accommodations; penalties.—

(2) Any person, firm, or corporation, or the agent of any person, firm, or corporation, who denies or interferes with admittance to, or enjoyment of, the public facilities enumerated in subsection (1) or otherwise interferes with the rights of a deaf person, hard of hearing person, a totally or partially blind person, or an otherwise physically disabled person under this section, or the trainer of a dog guide or service dog while engaged in the training of such dog pursuant to subsection (7), is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 2. Subsection (2) of section 413.011, Florida Statutes, is renumbered as subsection (3) and amended, and a new subsection (2) is added to said section, to read:

413.011 Division of Blind Services, internal organizational structure; Advisory Council for the Blind.—

(2) As used in this section:

(a) “Act,” unless the context indicates otherwise, means the Rehabilitation Act of 1973, 29 U.S.C. ss. 701-797.

(b) “Blind” or “blindness” means the condition of any person for whom blindness is a disability as defined by the Rehabilitation Act of 1973, 29 U.S.C. s. 706(8)(b).

(c) “Department” means the Department of Labor and Employment Security.

~~(3)(2) There is hereby created in the department of Labor and Employment Security the Advisory Council for the Blind to assist the division in the planning and development of statewide rehabilitation programs and services, to recommend improvements to such programs and services, and to perform the functions provided in this section. The council shall be advisory to the director of the Division of Blind Services, and the division shall provide necessary staff assistance to the council. The council shall consist of nine members appointed by the Secretary of Labor and Employment Security. At least three members shall be blind persons. Appointment shall be for terms of 4 years. No person or persons in the employ of the state shall be eligible for membership on the council. Each member of the council shall have been a citizen and elector of this state for not less than 5 years immediately preceding the date of his or her appointment. Council members may be replaced because of poor attendance or lack of participation in the work of the council. A vacancy shall be filled for the remainder of the unexpired term in the same manner as an initial appointment. The members shall elect from among the membership a chairperson and a vice chairperson who shall each serve for a term of 1 year. No member shall be elected to consecutive terms as chairperson. Members shall receive no compensation for their services, but shall be reimbursed for travel expenses as provided in s. 112.061. The council shall meet at the call of its chairperson, at the request of a majority of its membership, at the request of the division, or at such times as may be prescribed by its rules.~~

(a) The advisory council shall be composed of:

1. At least one representative of the Independent Living Council, which representative may be the chair or other designee of the council;

2. At least one representative of a parent training and information center established pursuant to s. 631(c)(9) of the Individuals with Disabilities Act, 20 U.S.C. s. 1431(c)(9);

3. At least one representative of the client assistance program established under the act;

4. At least one vocational rehabilitation counselor who has knowledge of and experience in vocational rehabilitation services for the blind, who shall serve as an ex officio nonvoting member of the council if the counselor is an employee of the department;

5. At least one representative of community rehabilitation program service providers;

6. Four representatives of business, industry, and labor;

7. At least one representative of a disability advocacy group representing individuals who are blind;

8. At least one parent, family member, guardian, advocate, or authorized representative of an individual who is blind, has multiple disabilities, and either has difficulties representing himself or herself or is unable, due to disabilities, to represent himself or herself;

9. Current or former applicants for, or recipients of, vocational rehabilitation services; and

10. The director of the division, who shall be an ex officio member of the council.

(b) Members of the council shall be appointed by the Governor, who shall select members after soliciting recommendations from representatives of organizations representing a broad range of individuals who have disabilities, and organizations interested in those individuals.

(c) A majority of council members shall be persons who are:

1. Blind; and

2. Not employed by the division.

(d) The council shall select a chair from among its membership.

(e) Each member of the council shall serve for a term of not more than 3 years, except that:

1. A member appointed to fill a vacancy occurring prior to the expiration of the term for which a predecessor was appointed shall be appointed for the remainder of such term; and

2. The terms of service of the members initially appointed shall be, as specified by the Governor, for such fewer number of years as will provide for the expiration of terms on a staggered basis.

(f) No member of the council may serve more than two consecutive full terms.

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

(h) In addition to the other functions specified in this section, the council shall:

1. Review, analyze, and advise the division regarding the performance of the responsibilities of the division under Title I of the act, particularly responsibilities relating to:

a. Eligibility, including order of selection;

b. The extent, scope, and effectiveness of services provided; and

c. Functions performed by state agencies that affect or potentially affect the ability of individuals who are blind to achieve rehabilitation goals and objectives under Title I.

2. Advise the department and the division, and, at the discretion of the department or division, assist in the preparation of applications, the state

plan, the strategic plan, and amendments to the plans, reports, needs assessments, and evaluations required by Title I.

3. To the extent feasible, conduct a review and analysis of the effectiveness of, and consumer satisfaction with:

a. The functions performed by state agencies and other public and private entities responsible for performing functions for individuals who are blind.

b. Vocational rehabilitation services:

(I) Provided or paid for from funds made available under the act or through other public or private sources.

(II) Provided by state agencies and other public and private entities responsible for providing vocational rehabilitation services to individuals who are blind.

4. Prepare and submit an annual report on the status of vocational rehabilitation services for the blind in the state to the Governor and the Commissioner of the Rehabilitative Services Administration, established under s. 702 of the act, and make the report available to the public.

5. Coordinate with other councils within the state, including the Independent Living Council, the advisory panel established under s. 613(a)(12) of the Individuals with Disabilities Education Act, 20 U.S.C. 1413(a)(12), the State Planning Council described in s. 124 of the Developmental Disabilities Assistance and Bill of Rights Act, 42 U.S.C. s. 6024, and the state mental-health planning council established under s. 1916(e) of the Public Health Service Act, 42 U.S.C. 300X-4(e).

6. Advise the department and division and provide for coordination and the establishment of working relationships among the department, the division, the Independent Living Council, and centers for independent living in the state.

7. Perform such other functions consistent with the purposes of the act as the council determines to be appropriate that are comparable to functions performed by the council.

(i)1. The council shall prepare, in conjunction with the division, a plan for the provision of such resources, including such staff and other personnel, as may be necessary to carry out the functions of the council. The resource plan shall, to the maximum extent possible, rely on the use of resources in existence during the period of implementation of the plan.

2. If there is a disagreement between the council and the division in regard to the resources necessary to carry out the functions of the council as set forth in this section, the disagreement shall be resolved by the Governor.

3. The council shall, consistent with law, supervise and evaluate such staff and other personnel as may be necessary to carry out its functions.

4. While assisting the council in carrying out its duties, staff and other personnel shall not be assigned duties by the division or any other state agency or office that would create a conflict of interest.

(j) No council member shall cast a vote on any matter that would provide direct financial benefit to the member or otherwise give the appearance of a conflict of interest under state law.

(k) The council shall convene at least four meetings each year. These meetings shall occur in such places as the council deems necessary to conduct council business. The council may conduct such forums or hearings as the council considers appropriate. The meetings, hearings, and forums shall be publicly announced. The meetings shall be open and accessible to the public. The council shall make a report of each meeting which shall include a record of its discussions and recommendations, all of which reports shall be made available to the public.

Section 3. This act shall take effect July 1 of the year in which enacted.

Became a law without the Governor's approval April 22, 1998.

Filed in Office Secretary of State April 21, 1998.