

CHAPTER 99-136

Senate Bill No. 114

An act relating to the Florida Independent Living Council; amending s. 413.395, F.S.; authorizing the Florida Independent Living Council to incorporate as a corporation not for profit; allowing an increase in the number of its members; amending prerequisites to the Governor's appointment of council members; providing an effective date.

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

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

413.395 Florida Independent Living Council.—

(1) There is created the Florida Independent Living Council to assist the division and the Division of Blind Services of the Department of Labor and Employment Security, as well as other state agencies and local planning and administrative entities assisted under Title VII of the act, in the expansion and development of statewide independent living policies, programs, and concepts and to recommend improvements for such programs and services. ~~To ensure consistency with the provisions of the act, as amended, The Florida Independent Living council shall function independently of the division and, unless the council elects to incorporate as a not-for-profit corporation, is shall be assigned to the division for administrative purposes only. The council may elect to be incorporated as a Florida corporation not for profit and, upon such election, shall be assisted in the incorporation by the division for the purposes stated in this section. The appointed members of the council may constitute the board of directors for the corporation.~~

(2) The council shall consist of a minimum of 14 members, excluding ex officio, nonvoting members. The members of the council shall be appointed by the Governor after soliciting recommendations from the council secretary.

(3) The council shall include:

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

(b) As ex officio, nonvoting members:

1. A representative from the division.
2. A representative from the Division of Blind Services.
3. Representatives from other state agencies that provide services to persons who have disabilities.

(4) The council may include:

- (a) Other representatives from centers for independent living.
- (b) Parents and guardians of persons who have disabilities.
- (c) Advocates of and for persons who have disabilities.
- (d) Representatives from private businesses.
- (e) Representatives from organizations that provide services for persons who have disabilities.

(f) Other appropriate individuals.

~~(5) Total membership on the council, excluding ex officio, nonvoting members, shall not exceed 14 at any one time.~~

~~(5)~~(6) The council shall be composed of members:

- (a) Who provide statewide representation.
- (b) Who represent a broad range of persons who have disabilities.
- (c) Who are knowledgeable about centers for independent living and independent living services.

(d) A majority of whom are:

1. Persons who have disabilities.
2. Not employed by any state agency or center for independent living.

~~(6)~~(7) The council shall select a chairperson from among the membership of the council.

~~(7)~~(8) Each member of the council shall serve for a term of 3 years, except that:

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

(b) 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.

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

~~(8)~~(9) 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.

~~(9)~~(10) The chairperson of the council shall also serve as a member of the Florida Rehabilitation Advisory Council.

~~(10)~~(11) The council may meet at the call of the chairperson, at the joint request of the division and the Division of Blind Services, or at such times as may be prescribed by rule, but not less than twice each calendar year. The council shall make a report of each meeting, which shall include a record of its discussions and recommendations. The division and the Division of Blind Services shall make such reports available to the public.

~~(11)~~(12) The council shall:

(a) Jointly develop and submit, in conjunction with the division, the state plan for independent living.

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

(c) Coordinate activities with the Florida Rehabilitation Advisory Council and other councils that address the needs of specific disability populations and issues under other federal law.

(d) Ensure that all regularly scheduled meetings of the council are open to the public with sufficient advance notice.

(e) Submit to the commissioner such periodic reports as the commissioner may reasonably request and keep such records, and afford access to such records, as the commissioner finds necessary to verify such reports.

Section 2. This act shall take effect July 1, 1999.

Approved by the Governor April 22, 1999.

Filed in Office Secretary of State April 22, 1999.