

CHAPTER 2021-78

Senate Bill No. 794

An act relating to independent living services; amending s. 413.395, F.S.; removing a provision requiring the Florida Independent Living Council to assist the Division of Blind Services of the Department of Education; revising the membership of the council; revising the council's duties and responsibilities; authorizing the council to conduct certain activities as described in the state plan for independent living; requiring the council to coordinate with centers for independent living; prohibiting the council from engaging in certain activities; requiring the council to comply with state and federal laws and regulations relating to lobbying; amending s. 413.4021, F.S.; increasing the percentage of certain revenues used to administer the James Patrick Memorial Work Incentive Personal Attendant Services and Employment Assistance Program; 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 Education,~~ 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. The council shall function independently of the division and, unless the council elects to incorporate as a not-for-profit corporation, is 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 11 members, including a minimum of three persons who are employees of a center for independent living ~~14 members, excluding ex officio, nonvoting members. At least six members of the council must be persons who have significant disabilities who are not employed by any state agency or center for independent living.~~ The members of the council shall be appointed by the Governor after soliciting recommendations from the council.

(3) The council shall include:

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

~~2.3.~~ Representatives from one or more other state agencies that provide services to persons who have disabilities.

(4) The council may include:

(a) Other representatives from the 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) The council shall be composed of members:

(a) Who provide statewide representation.

(b) Who represent a broad range of persons who have disabilities from diverse backgrounds.

(c) Who are knowledgeable about the 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) The council shall select a chairperson from among the voting membership of the council.

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

(a) A member appointed to fill a vacancy occurring ~~before~~ 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) ~~A~~ No member of the council may not serve more than two consecutive full terms.

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

(10) 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 fewer 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) The council shall:

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

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

(c) Coordinate activities with ~~the Florida Rehabilitation Council and other~~ entities in the state that provide services similar or complementary to independent living services, including entities that facilitate the provision of or provide long-term community-based services and supports councils that address the needs of specific disability populations and issues under other federal law.

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

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

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

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

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

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

(b) The council:

1. Shall coordinate with centers for independent living to avoid conflicting or overlapping activities within the centers' established service areas.

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

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

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

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

(1) Notwithstanding s. 212.20, ~~75~~ 50 percent of the revenues collected from the tax collection enforcement diversion program shall be deposited into the special reserve account of the Florida Association of Centers for Independent Living, to be used to administer the James Patrick Memorial Work Incentive Personal Attendant Services and Employment Assistance Program and to contract with the state attorneys participating in the tax collection enforcement diversion program in an amount of not more than \$75,000 for each state attorney.

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

Approved by the Governor June 11, 2021.

Filed in Office Secretary of State June 11, 2021.