

Draft Bylaws for the Florida Assistive Technology Advisory Council

1 **Article I**

2 The Florida Alliance for Assistive Services and Technology (FAAST) as appointed by
3 Governor Lawton Chiles is the implementing agency for the Assistive Technology Act of
4 Florida, Pub. L. No. 108-364.

5 By Florida Statute 413.407, FAAST was created as a not-for-profit corporation with the
6 Florida Assistive Technology Advisory Council (ATAC) serving as the corporation's
7 Board of Directors (BOD). The Sarbanes – Oxley Act, Pub. L. 107-204, mandated more
8 fiduciary accountability for public companies. This enacted legislation is one reason the
9 ATAC and BOD have respective bylaws.

10 More importantly, the role of a Member of the ATAC is quite different than the role of a
11 BOD Member. Therefore, this set of bylaws sets the governance practices for the
12 ATAC. Different bylaws shall set the governance of the not-for-profit corporation.

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13 **Article II**

14 Section 1: Name

15 The name of the state's assistive technology program is the Florida Alliance for
16 Assistive Services and Technology (FAAST). The body governed by these bylaws is
17 the Florida Assistive Technology Advisory Council (ATAC).

18 Section 2: Location

19 The mailing and physical address for FAAST is 820 E Park Ave, D – 200, Tallahassee,
20 FL 32301.

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21 **Article III**

22 Section 1: Purpose

23 The purpose of the ATAC shall be to assist the state of Florida in carrying out the
24 activities under the Assistive Technology Act, Pub. L. No. 108-364.

25 Section 2: Legislative Mandates

- 26 1. Advise and guide FFAST in the development, implementation, and evaluation of
27 the activities carried out through the State Plan for Assistive Technology,
28 including setting measurable goals.
- 29 2. Guide FFAST and ensure compliance with the provisions of the Assistive
30 Technology Act of 2004, Pub. L. No. 108-364,
- 31 3. Advise the Executive Director on ways to improve the delivery of AT services and
32 devices, including policy, regulations, procedures, and practices.

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33 Article IV

34 Section 1: Composition

35 The Council shall consist of Members from the following categories:

- 36 • Category 1: The Council shall consist of a majority, no less than 51 percent, of
37 individuals with disabilities that use assistive technology or the family members
38 or guardians of the individuals.
- 39 • Category 2: The Council shall consist of representatives of consumer
40 organizations concerned with assistive technology.
- 41 • Category 3: The Council shall also consist of representatives of business and
42 industry, including the insurance industry, concerned with assistive technology.
- 43 • Category 4: Additional required membership:
 - 44 ○ a representative of the Division of Vocational Rehabilitation,
 - 45 ○ a representative from the Division of Blind Services,
 - 46 ○ a representative of the Florida Independent Living Council,
 - 47 ○ a representative of the Workforce Florida, Inc.,
 - 48 ○ who is represented by the Department of Economic Opportunity,
 - 49 ○ a representative of the Florida Department of Education,
 - 50 ○ and representatives of other state agencies that provide or coordinate
51 services for persons with disabilities may serve on the board when
52 deemed appropriate by a majority of the Board.

53 Members appointed under categories 2, 3, and 4 shall not count toward the majority
54 membership requirement established by category 1.

55 The Council shall be geographically representative of Florida and reflect the diversity of
56 Florida concerning race, ethnicity, types of disabilities across the age span, and users of
57 services that an individual with a disability may receive.

58 The total membership of the Council may not exceed 27 at any one time.

59

60 Section 2: Cross-generational, Cross-disability Statement

61 The Council shall strive to select consumer members representing the following
62 populations of people using assistive technology:

- 63 • a representative of people aged 60 and older and
- 64 • a representative of people aged 14 to 23.

65

66 The Council is open to members of the stakeholder communities and representatives
67 from aging, youth, and veterans' organizations, as well as entities who are interested in
68 assistive technology services in Florida.

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70 Section 3: Appointment and Terms

71 Each Member of the Council shall serve for a term of not more than three years, except
72 for a Member appointed to fill a vacancy. The new Member shall serve the remaining
73 term.

74 No Member of the Council may serve more than two consecutive terms.

75 A Member who has served two consecutive terms and has been retired from the
76 Council for at least one year may submit an application to the Council on the same
77 basis as a new member.

78 Section 4: Nominations

79 The Commissioner of Education shall appoint Members from a list of candidates
80 proposed by the Director of the Division of Vocational Rehabilitation (DVR). Members
81 shall recommend names of candidates to the Director of DVR for appointment to fill
82 ATAC vacancies.

83 Section 5: Attendance

84 A Member shall provide prior notice and a reasonable explanation to the Executive
85 Director for absences. The Executive director may request assistance from the Co-
86 Chairs concerning what constitutes a reasonable explanation. The Executive Director
87 shall contact a Member with two (2) consecutive absences to ascertain the member's
88 continuing interest in serving on the Council. The Executive Director shall advise
89 Members of the Council within 72 hours of the member's stated interest, if any, in
90 continuing membership.

91 The Council may consider requesting a resignation from or a replacement for that
92 Member. Any requests shall be subject to a majority vote of the Council.

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93 **Article V**

94 Section 1: Meeting Dates and Location

95 The Council shall meet two times per year. Members may suggest meeting dates and
96 locations. The Executive Director shall be responsible for notifying Members,
97 distributing any needed materials in advance, publishing the required notice to comply
98 with the Florida Open Meetings law, and making all other necessary arrangements.

99 The Director, in consultation with the Council Co-Chairs, may call special meetings in
100 conformity with the notice requirements of the Florida Open Meetings Law and FFAST
101 Policy 217 Open Meeting and Open Records.

102 Section 2: Agenda

103 All members of the Council shall receive an agenda before each regularly scheduled
104 meeting. The Executive Director, in consultation with the Council Co-Chairs, shall
105 prepare the agenda.

106 Members shall have an opportunity to add, delete, or modify agenda items at the
107 beginning of all Council meetings.

108 Section 3: Quorum

109 A majority of Members in attendance at any regularly scheduled or specially called
110 meeting shall constitute a quorum for taking final action on all matters properly before
111 the Council except for the adoption of amendments to the Bylaws.

112 Section 4: Accessibility and Accommodations

113 The Council shall only use accessible locations for its meetings. The Council shall
114 provide reasonable accommodations if requested in advance. The Executive Director,
115 in consultation with the Council Co-Chairs, shall designate meeting locations.

116 Section 5: Minutes

117 The Executive Director or designee shall take the Council meeting minutes.

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118 **Article VI**

119 Section 1: Co-Chairs Election

120 Members shall select two Co-Chairs from among the membership of the Council.

121 Members shall select one Co-Chair from individuals with disabilities that use assistive
122 technology or the family members or guardians of the individuals.

123 Members shall select the other Co-Chair from the other members, not a state agency
124 representative.

125 Section 2: Duties of the Co-Chairs

126 1. Preside at all Council meetings.

127 2. Appoint Members to committees and ad hoc task forces.

128 3. Collaborate with the Executive Director to establish the agenda for meetings of
129 the Council.

130 4. Handle matters requiring Council attention before the next scheduled meeting.

131 a. The Co-Chairs shall notify all Council members within 72 hours, in writing,
132 of any decision made under Article VI, Section 2, #4.

133 Section 3: Terms of Co-Chairs

134 Co-Chairs shall serve a two-year term. Members shall elect one new Co-Chair per year.

135 Section 4: Correlation to the FFAST Board of Directors

136 The Co-Chairs shall serve as the Co-Chairs of the FFAST Board of Directors.

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137 Article VII: Committees and Task Forces

138 Section 1: Committees and Task Forces

139 1. Service Delivery Evaluation Committee

140 a. Purpose

141 i. The purpose of this committee is to provide quarterly oversight of
142 FAAST core services.

143 1. FAAST core services consist of the following:

144 a. State Level Activities

- 145 i. Device Loan Activities,
- 146 ii. Device Demonstrations,
- 147 iii. ReUse Activities, and
- 148 iv. State Financing Activities.

149 b. State Leadership Activities

- 150 i. Training,
- 151 ii. Information and Assistance,
- 152 iii. Public Awareness, and
- 153 iv. Technical Assistance.

154 c. FAAST provides these services through the following
155 entities:

- 156 i. State Headquarters,
- 157 ii. Regional Demonstration Centers, and
- 158 iii. Regional ReUse Centers.

159 b. Methods

- 160 i. The committee shall solicit information from Members and non-
161 Council members representing private industry, agencies, and
162 organizations serving people with disabilities.
- 163 ii. The committee shall review quarterly deliverable reports and
164 service maps.
- 165 iii. The committee shall review collaborations with other agencies,
166 organizations, and bodies providing assistive technology services
167 and devices throughout Florida.
- 168 iv. The committee shall compare service delivery models from other
169 assistive technology programs to determine effectiveness and
170 efficiency of the Florida model.
- 171 v. The committee shall assess Return on Investment of services to
172 maximize taxpayer funding while also ensuring Floridians with
173 disabilities assistive technology needs are met.

174 c. Reporting

- 175 i. The Committee shall provide a written report to the Council twice a
176 year.
- 177 ii. The report shall address each core service.

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- 178 iii. The report shall also make recommendations on the service
179 delivery model.
- 180 2. Public Policy, Advocacy & Interagency Committee
- 181 a. Purpose
- 182 i. Review federal and state legislation and agency policies and
183 practices and to identify facilitators of and barriers to access and
184 utilization of assistive technology services, devices, and funding
185 sources.
- 186 ii. Work towards the development of cooperative agreements among
187 government agencies.
- 188 b. Methods
- 189 i. Monthly reviews of federal and state legislation along with agency
190 notice to ascertain facilitators of and barriers to assistive
191 technology.
- 192 ii. Committee Members and FFAST Team Members may identify
193 opportunities for cooperative relationships and present them to the
194 Committee.
- 195 c. Reporting
- 196 i. The Committee shall provide a written report to the Council twice a
197 year.
- 198 3. Technology-awareness Committee
- 199 a. Guide the council's public awareness, coordination, and collaboration
200 activities.

201 The Co-Chairs, with approval of the Council, shall form committees and task forces, as
202 needed.

203 Appointments to committees and nominations or requests for membership on any task
204 force may be made to the Co-Chairs of the Council and are subject to their approval.

205 Section 2: General Rules for Committees and Task Forces

206 Committees and task forces shall make reports to the Council.

207 Appointments to committees or task forces are not limited to Members. The Co-Chairs
208 may appoint individuals with needed expertise and resources.

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209 **Article VIII**

210 All meetings of the Council shall use 704 Parliamentary Procedures.

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211 **Article IX**

212 Section 1: Financial Conflict

213 No Member shall knowingly vote on any matters that may result directly or indirectly in
214 financial advancement for herself/himself or any family member, including in-laws.

215 Each Member shall complete 702 Conflict of Interest Annual Statement and 705 Annual
216 Code of Ethics Statement.

217 Section 2: Vested Interest

218 A member shall disclose her/his interest in or membership in any agency or group with
219 a vested interest in matters presented to the Council before his or her participation in
220 any discussion of the matter. The member shall abstain from voting on any action taken
221 by the Council on that matter.

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222 **Article X**

223 Approval of original by-laws and subsequent amendments shall be by a two-thirds (2/3)
224 majority vote of Members.

225 Members shall receive original by-laws or proposed changes a minimum of fifteen (15)
226 days before consideration.