

- 1 **Key: Underline – Additions**
- 2 **~~Strikethrough – Deletions~~**
- 3 The text begins on the next page.
- 4 During discussions, please note page and line number.
- 5 Please note this is a draft. This document does not include a watermark for
- 6 accessibility purposes.

7 **413.407 Assistive Technology Advisory Council.** —There is created the Assistive  
8 Technology Advisory Council, responsible for ensuring consumer involvement in the  
9 creation, application, and distribution of technology-related assistance to and for  
10 persons who have disabilities. The council shall fulfill its responsibilities through  
11 statewide policy development, both state and federal legislative initiatives, advocacy at  
12 both the state and federal level, planning of statewide resource allocations, policy-level  
13 management, reviews of both consumer responsiveness and the adequacy of program  
14 service delivery, and by performing the functions listed in this section.

15 (1) Definitions

- 16 1. Assistive technology is any item, piece of equipment, software program, or  
17 product system that is used to increase, maintain, or improve the functional  
18 capabilities of individuals with disabilities.
- 19 2. Assistive technology service is any activity that directly assists an individual with  
20 a disability in the selection, acquisition, training, maintenance, use and  
21 replacement of an assistive technology device.
- 22 3. State level assistance authorized by Pub. L. No. 108-364 includes activities that  
23 are designed to help individuals with disabilities, their families, service providers,  
24 and others to access and acquire assistive technology devices.
- 25 4. State leadership activities authorized by Pub. L. No. 108-364 include providing  
26 training, technical assistance, information and assistance, and public awareness  
27 throughout Florida.
- 28 5. The following are state level services authorized by Pub. L. No. 108-364.
  - 29 a. Device loans are short-term loans of assistive technology devices to  
30 individuals or entities.
  - 31 b. Device demonstrations compare the features and benefits of a particular  
32 assistive technology device or category of devices for an individual or a  
33 small group of individuals.
  - 34 c. Device reuse includes device exchange activities and device  
35 reassignment/refurbishment and repair activities.

36 d. State financing activities include short-term financial loans to provide and  
37 pay for assistive technology, for the purchase, lease, or acquisition of, or  
38 payment for assistive technology.

39 ~~(2)(4)~~(a) The council shall be composed of:

40 1. No more than ten (10) individuals ~~Individuals~~ who have disabilities and who are  
41 assistive technology consumers or family members or guardians of those individuals.

42 2. A representative ~~Representatives~~ of consumer organizations concerned with  
43 assistive technology.

44 3. A representative ~~Representatives~~ of business and industry, including the  
45 insurance industry, concerned with assistive technology.

46 4. A representative of the Division of Vocational Rehabilitation.

47 5. A representative of the Division of Blind Services.

48 6. A representative of ~~the Florida Independent Living Council~~ Center for  
49 Independent Living.

50 7. A representative of CareerSource Florida, Inc.

51 8. A representative of the Department of Education.

52 9. The council, by a majority vote, may request membership from no more than two  
53 representatives ~~Representatives~~ of other state agencies that provide or coordinate  
54 services for persons with disabilities.

55 Total membership on the council shall ~~may~~ not exceed 19 ~~27~~ at any one time. A  
56 majority of the members shall be appointed in accordance with subparagraph 1.

57 (b) Members of the council shall be appointed by the Commissioner of Education  
58 from a list of candidates proposed by the division director.

59 1. State agencies representatives are selected by the head of the agency.

60 (c) A majority of council members shall be persons who have disabilities as defined  
61 in s.413.20(7) who are also consumers of assistive technology or family members of  
62 such persons.

63 (d) The members of the council shall select a two chair ~~co-chairs~~ from among the  
64 membership of the council.

65 ~~1. One co-chair may be selected from the group described in paragraph (c) and one~~  
66 ~~co-chair shall be selected from the other council members.~~

67 2. The chair ~~No co-chair shall not~~ may be an elected member or an employee of a  
68 state agency or of any political subdivision of the state.

69 (e)1. Each member of the council shall serve for a term of not more than 3 years,  
70 except that a member appointed to fill a vacancy occurring prior to the expiration of the  
71 term for which a predecessor was appointed shall be appointed for the remainder of  
72 such term.

73 2. No member of the council may serve more than two consecutive terms; however,  
74 any appointment under subparagraph 1., if for less than 18 months, shall not be  
75 considered a term for the purposes of this section.

76 3. A member who has served two consecutive terms and has been retired from the  
77 council for at least 1 year may be reappointed to the council on the same basis as a  
78 new member.

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

82 4. State agency representatives shall have no terms.

83 ~~(3)(2)~~ In addition to the other functions specified in this section, the council shall:

84 (a) ~~Act as the board of directors of a not-for-profit corporation created by the~~  
85 ~~division. Through the corporation, the council shall~~ Provide provide direction to Florida's  
86 Alliance for Assistive Services and Technology, a project sponsored by the department  
87 for the coordination and delivery of appropriate, cost-effective, state-of-the-art assistive  
88 technology services and devices.

89 (b) Appoint committees made up of members of the council to focus on specific  
90 issues within the council's mandate. Committees may request and accept in-kind  
91 contributions of personnel from public or private entities to supply such staffing as the  
92 committees deem necessary to carry out their individual mandates. These committees  
93 shall include, but are not limited to:

94 1. An interagency committee composed of those members representing state  
95 agencies. The interagency committee shall work towards the development of  
96 cooperative agreements among government agencies and perform such other duties as  
97 the council deems appropriate. The interagency committee's members shall assign staff

98 from their respective agencies to the alliance, as an in-kind contribution for a specified  
99 period of time, to review federal and state legislation and agency policies and practices  
100 and to identify both facilitators of, and barriers to, accessibility and utilization of assistive  
101 technology services, devices, and funding sources.

102 2. A technology-awareness committee to guide the council's public awareness,  
103 coordination, and collaboration activities.

104 3. A public policy and advocacy committee to review federal and state legislation  
105 and agency policies and practices and to identify facilitators of and barriers to access  
106 and utilization of assistive technology services, devices, and funding sources.

107 (c) Review and approve all reports, recommendations, and proposed actions of  
108 committee staff.

109 (d) Appoint the executive director of the alliance. The executive director shall be  
110 responsible for overall administration and day-to-day direction of the alliance, as well as  
111 supervision of all staff.

112 (e) Annually review and approve the strategic or business plan of the alliance, as  
113 submitted by the executive director.

114 (f) Submit an annual comprehensive report of the activities of the council, the  
115 corporation, and the alliance to the division director.

116 (g) Perform such other functions as the council determines to be appropriate which  
117 are comparable to functions performed by the council.

118 (h) Convene at least two ~~four~~ meetings each year in such places as it determines to  
119 be necessary to conduct council business and may conduct such forums or hearings as  
120 the council considers appropriate. The council shall make a report of each meeting  
121 which shall include a record of its discussions and recommendations, all of which  
122 reports shall be made available to the public.

123 (3) In accordance with Pub. L. No. 108-364, the council shall:

124 (a) Investigate alternate financing options that will increase access to and funding  
125 for assistive technology devices and assistive technology services.

126 (b) Develop assistive technology demonstrations, reutilization programs, and loan  
127 programs.

128 (c) Provide training and technical assistance in order to increase knowledge and  
129 awareness of the uses and benefits of assistive technology devices and assistive  
130 technology services.

131 (d) Promote public awareness activities designed to provide information relating to  
132 the benefits of assistive technology devices and assistive technology services.

133 (e) Promote coordination and collaboration among public and private entities that  
134 are responsible for policies, procedures, or funding for the provision of assistive  
135 technology devices and assistive technology services.

136 (4) (a). Act as the board of directors of a not-for-profit corporation created by the  
137 division.

138 (b) The board of directors shall govern the corporation by s. 617.

139 (c) Members of the board of director shall serve without compensation except for the  
140 council's Executive Director.

141 (d) The corporation shall reimburse for reasonable, necessary, and actual travel  
142 expenses according to s. 112.061.

143 1. The board of directors shall be composed of the chair of the council.

144 (e) The chair shall select two council members who have disabilities and who are  
145 assistive technology consumers or family members or guardians of those individuals.

146 (f) The chair shall select one council member who is a representative of consumer  
147 organizations concerned with assistive technology or a representative of business and  
148 industry, including the insurance industry, concerned with assistive technology.

149 (g) The chair shall select a council member to serve as the secretary of the  
150 corporation.

151 (h) The chair shall select a council member to serve as the treasurer of the  
152 corporation.

153 2. An individual selected by a majority of the board of directors with skills in  
154 foundation work or other fundraising activities, financial consulting, or investment  
155 banking or other related experience.

156 3. An individual selected by a majority of the board of directors with experience in  
157 policymaking or management-level positions or have otherwise distinguished  
158 themselves in the field of business, industry, or rehabilitation.

159 4. The Executive Director of the council.  
160 (i) The Executive Director shall serve as long as employed by the council.  
161 5. Total membership of the board of directors shall not exceed nine (9) at one time.  
162 6. Each council member serving on the board of directors term shall run concurrently  
163 with the member's council term.  
164 (j) The Executive Director of the council shall be a member of the board  
165 (k) Each member of the board not a council member shall serve for a term of not  
166 more than three (3) years.  
167 (l) No member of the board may serve more than two consecutive terms.  
168 (m) A member who has served two consecutive terms and has been retired from the  
169 council for at least one (1) year may be reappointed to the board.  
170 (n) In the event of a vacancy on the board of directors caused by other than the  
171 expiration of a term, the chair shall appoint a new board member.  
172 (5) In addition to the other functions specified in this section, the board shall:  
173 (a) The board of directors shall convene at least four meetings each year in such  
174 places as it determines to be necessary to implement the provisions of this section and  
175 shall conduct its business per rules promulgated by the agency.  
176 (b) The board of directors shall make a report of each meeting which shall include a  
177 record of its discussions and recommendations, all of which reports shall be made  
178 available to the public.  
179 (c) Provide financial oversight of the corporation.  
180 (d) Approve the corporation's annual budget.  
181 (e) Conduct an annual audit in accordance in Pub. L. No. 107-204.  
182 1. Solicit and receive bequests, gifts, grants, donations, goods, and services to further  
183 the delivery of assistive technology services to individuals with a disability.  
184 2. Enter into contracts with the federal government, state or local agencies, private  
185 entities, or individuals to carry out the mission and purpose of the corporation.  
186 3. Identify, initiate, and fund services provided by the corporation.  
187 4. Monitor, review, and annually evaluate funded programs to determine whether  
188 funding should be continued, terminated, reduced, or increased.  
189 5. Establish an operating account for the corporation to fund its services.

190        (f) Ensure administrative costs shall be kept to the minimum amount necessary for the  
191        efficient and effective administration of the corporation and are limited to 15 percent of  
192        total estimated expenditures in any calendar year.

193        **History.**—s. 27, ch. 94-324; s. 1, ch. 2005-204; s. 8, ch. 2010-70; s. 17, ch. 2015-98