

STORAGE NAME: h1519a.elt.doc
DATE: April 12, 2001

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
ELDER & LONG TERM CARE
ANALYSIS**

BILL #: HB 1519
RELATING TO: Disability Information Office in DMS
SPONSOR(S): Representative(s) Berfield
TIED BILL(S): None

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

- (1) STATE ADMINISTRATION YEAS 5 NAYS 0
 - (2) ELDER & LONG-TERM CARE YEAS 8 NAYS 0
 - (3) GENERAL GOVERNMENT APPROPRIATIONS
 - (4) COUNCIL FOR SMARTER GOVERNMENT
 - (5)
-

I. SUMMARY:

In 1990, Congress enacted the Americans with Disabilities Act (ADA). The ADA is "an Act to establish a clear and comprehensive prohibition of discrimination on the basis of disability." Its purpose is to protect individuals with disabilities from discrimination in access to employment, governmental services and programs, public accommodations, transportation, and telecommunications.

Currently the Department of Management Services (DMS) houses the ADA Working Group. The Working Group's mission is to provide technical training and assistance to all state agencies, local units of government and any interested party in the area of compliance with ADA issues. This involves coordination with all state agencies, including those agencies providing services to Florida's disabled community.

This bill creates an office separate from the ADA Working Group, which specializes in all disability related issues and provides a statewide information and referral service. It creates the Clearinghouse on Disability Information Office (Clearinghouse) and an advisory council. The program is to be administered by the DMS. DMS must provide all necessary administrative support including office space and assistance with personnel, accounting and management-information systems. The Clearinghouse functions independently of the DMS by not being subject to the control, supervision, or direction of the DMS in the performance of its duties.

A statewide toll free information and referral system must be created on all issues relating to people with disabilities. The initial focus is on state services and programs.

This bill does not appear to have a fiscal impact on local government. It appears to have a fiscal impact on state government. See "Fiscal Impact on State Government" for further details.

On April 3, 2001, the Committee on State Administration adopted an amendment to HB 1519. The amendment removes from the bill the acronym "TTY," and replaces it with "Disability Devices for the Deaf." The amendment is traveling with the bill.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|--|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

HB 1519 increases government by creating a new office to deliver certain services.¹

B. PRESENT SITUATION:

Americans with Disabilities Act

Section 413.20(6), F.S., defines "disability" as a physical or mental impairment that contributes or results in a substantial impediment to employment.

In 1990, Congress enacted the Americans with Disabilities Act (ADA). The ADA is "an Act to establish a clear and comprehensive prohibition of discrimination on the basis of disability."² Its purpose is to protect individuals with disabilities from discrimination in access to employment, governmental services and programs, public accommodations, transportation, and telecommunications.

The ADA has five titles. Each of the five titles defines and prohibits discrimination on the basis of disability within a specific area:

- Title I applies to employment and provides protection for qualified applicants and employees.
- Title II applies to programs and services of state and local governments. It provides that "subject to the provisions of this title, no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity."³
- Title III applies to public accommodations and services operated by private entities.⁴

¹ This bill adds an office to DMS and, according to DMS, duplicates the services currently being performed by the ADA Working Group. (See Department of Management Services 2001 Substantive Bill Analysis, March 26, 2001)

² ADA Guidelines, <http://www.flcourts.org/osca/judges/ada>.

³ *Id.*

⁴ Examples include attorneys, mediators, physicians, hotels, transportation services, restaurants, stores, airlines, and shopping malls.

- Title IV applies to telecommunications.
- Title V contains miscellaneous provisions.⁵

ADA Working Group

Currently the Department of Management Services (DMS) houses the ADA Working Group. The Working Group's mission is to provide technical training and assistance to all state agencies, local units of government and any interested party in the area of compliance with ADA issues. This involves coordination with all state agencies, including those agencies providing services to Florida's disabled community.⁶

Governor Bush signed Executive Order 99-80 and directed the ADA Working Group to devote themselves to the following tasks:

- Identifying and recommending methods to remove any barriers to the delivery of and access to services for people with disabilities.
- Serve as a forum for communication and a link between individuals with disabilities throughout the State of Florida and the State government, particularly the Governor and the Legislature.
- Educate policy makers and demonstrate the use of universal design and access in construction and technology.
- Assist in the coordination and support of public and private agencies serving people with disabilities.
- Provide input as requested on proposed rules, regulations and legislation at the federal or state level that directly affect the ADA.
- The Working Group and the Executive Director, with approval from the Governor, may provide information, education, and/or appropriate training to members of the Legislature about the Act and the Working Group's activities.⁷

C. EFFECT OF PROPOSED CHANGES:

This bill creates the Clearinghouse on Disability Information Office (Clearinghouse) and places it in the DMS. It requires the DMS to provide administrative support to the Clearinghouse. This includes office space and assistance with personnel, accounting, and management-information systems. The Clearinghouse is not subject to control, supervision, or direction by the DMS. The Clearinghouse must annually prepare a budget and transmit it to the Governor.

The Clearinghouse must develop and maintain a statewide toll-free information and referral system that provides information and referral for all disability-related services, programs, assistance, and resources. This includes generic services and assistance that individuals with disabilities and their families may need.

⁵ ADA Guidelines, <http://www.flcourts.org/osca/judges/ada>.

⁶ Department of Management Services 2001 Substantive Bill Analysis, March 26, 2001.

⁷

Because a “significant disability-related and generic information and referral infrastructure already exists in this state,” the Clearinghouse is to provide a central point through which a user is directed to existing information and referral systems, and when no such system exists, other disability resources to address the user’s questions or needs.

The toll-free disability information and referral system must perform several functions that include:

- Providing information for all ages and disabilities, through both a toll-free telephone and website modalities;
- Providing information concerning the available services, eligibility, processes, and expectations to help users to navigate the system;
- Directing individuals to existing information systems, targeting the specific disability, age, or services needed;
- Developing and maintaining a comprehensive compilation of disability resources;
- Determining gaps in existing information systems and developing information resources to address this need; and
- Providing all information and materials in alternative formats upon request.

This bill requires the Clearinghouse to establish an advisory council, not to exceed 20 members that meet at least four times per year. The role of the advisory council is to assist the office in planning and developing its services. In addition, this bill establishes the criteria for selecting the advisory council members.

This bill requires agencies providing disability services to collaborate with the Clearinghouse in the sharing of information that is necessary to establish and maintain the statewide information and referral system. It also requires the Clearinghouse to collaborate with the Florida Alliance of Information and Referral Services to assist with the goal of “forming a statewide information and 211 network.”

The Clearinghouse must annually prepare a report describing the services provided. This report must be submitted by December 31 to the Governor, the President of the Senate, the Speaker of the House of Representatives, and to each state agency offering services for individuals with disabilities.

All components of the program, and delivery of services must fully comply with the ADA.

D. SECTION-BY-SECTION ANALYSIS:

See “Effect of Proposed Changes.”

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Salaries and Benefits:	Recurring ⁸	
Executive Director		\$ 68,992
Information Specialist		\$ 33,836
Staff Support		<u>\$ 29,765</u>
Total Salaries & Benefits		\$132,593
Other Personal Services:	Recurring ⁹	
Council web-page	Design & maintenance	\$ 2,500
Expenses:	Recurring¹⁰	
Travel	20 members meeting 4 times/year	\$ 32,000
Telephone ¹¹		\$ 80,000
Office Rent		\$ 12,000
Technology Purchases		\$ 8,000
Miscellaneous		<u>\$ 5,000</u>
Total Expenses		137,000
Data Processing	Recurring¹²	
Server charges		\$1,500
Total Fiscal Note		\$273,593

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

⁸ Department of Management Services 2001 Substantive Bill Analysis, March 26, 2001.

⁹ *Id.*

¹⁰ Department of Management Services 2001 Substantive Bill Analysis, March 26, 2001.

¹¹ Phone charges are estimated based on 6 incoming lines with one voice response unit. If the system must be fully automated with the capability of switching the call to another entity, these systems can exceed \$250,000 in cost.

¹² Department of Management Services 2001 Substantive Bill Analysis, March 26, 2001.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

This bill increases government by creating a new office for services already offered by the state. It does so by adding an office to DMS and duplicating the services currently being performed by the ADA Working Group.¹³

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On April 3, 2001, the Committee on State Administration adopted an amendment to HB 1519. The amendment removes from the bill the acronym "TTY," and replaces it with "Disability Devices for the Deaf." The amendment is traveling with the bill.

¹³ Department of Management Services 2001 Substantive Bill Analysis, March 26, 2001.

STORAGE NAME: h1519a.elt.doc

DATE: April 12, 2001

PAGE: 7

VII. SIGNATURES:

COMMITTEE ON ELDER & LONG TERM CARE:

Prepared by:

Staff Director:

Melanie Meyer

Tom Batchelor, Ph.D.