

Committee Substitute for
Committee Substitute for Senate Bill No. 206

An act relating to the Florida Coordinating Council for the Deaf and Hard of Hearing; creating the Florida Council on Deafness; providing definitions; providing for the appointment of members and the organization of the council; requiring the staff of the Department of Health to assist the council in its duties; providing the role, purpose, powers, duties, and responsibilities of the council; providing an effective date.

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

Section 1. Florida Coordinating Council for the Deaf and Hard of Hearing.—

(1) For purposes of this section, the term:

(a) “Communication access realtime translation” means the instant translation of the spoken word into English text using information technology in which the text appears on a computer monitor or other display.

(b) “Coordinating council” means the Florida Coordinating Council for the Deaf and the Hard of Hearing.

(c) “Deaf” means having a hearing impairment of such severity that an individual must depend on visual or tactile methods, or both, to communicate.

(d) “Hard of hearing” means having a hearing impairment that results in a loss of hearing functions to an individual and in which the individual relies on residual hearing that may be sufficient to process linguistic information through audition with or without amplification under favorable listening conditions; depends on visual methods to communicate; depends on assistive listening devices; or has an impairment with other auditory disabling conditions.

(e) “Interpreter” means a provider of accessible and effective communication between and among individuals who are deaf or hard of hearing and between and among such individuals and other persons. This process includes, but is not limited to, communication through American Sign Language and spoken English. It may also involve various other modalities that involve visual, gestural, and tactile methods.

For purposes of this section, individuals with any level of loss of hearing provided in the definitions in this subsection are included in references to deaf or hard of hearing individuals.

(2)(a) There is established the Florida Coordinating Council for the Deaf and Hard of Hearing. The council is assigned to the Department of Health.

(b) The coordinating council shall be composed of 17 members. The appointment of members not representing agencies shall be made by the Governor. The appointment of members representing organizations shall be made by the Governor in consultation with those organizations. The membership shall be as follows:

1. Two members representing the Florida Association of the Deaf.
2. Two members representing the Florida Association of Self Help for Hard of Hearing People.
3. A member representing the Association of Late Deafened Adults.
4. An individual who is deaf and blind.
5. A parent of an individual who is deaf.
6. A member representing the Deaf Service Center Association.
7. A member representing the Florida Registry of Interpreters for the Deaf.
8. A member representing the Florida Alexander Graham Bell Association for the Deaf and Hard of Hearing.
9. A communication access realtime translator.
10. An audiologist licensed under part I of chapter 468, Florida Statutes.
11. A hearing aid specialist licensed under part II of chapter 484, Florida Statutes.
12. The Secretary of Children and Family Services or his or her designee.
13. The Secretary of Health or his or her designee.
14. The Commissioner of Education or his or her designee.
15. The Secretary of Elderly Affairs or his or her designee.

If any organization from which a representative is to be drawn ceases to exist, a representative of a similar organization shall be named to the coordinating council. The Governor shall make appointments to the coordinating council no later than August 1, 2004, and may remove any member for cause. Each member shall be appointed to a term of 4 years. However, for the purpose of providing staggered terms, of the initial appointments not representing state agencies, seven members, including the audiologist and the hearing aid specialist, shall be appointed to 2-year terms and six members shall be appointed to 4-year terms. Any vacancy on the coordinating council shall be filled in the same manner as the original appointment, and any member appointed to fill a vacancy occurring because of death, resignation, or ineligibility for membership shall serve only for the unexpired term of the member's predecessor. Prior to serving on the coordinating council, all appointees must attend orientation training that shall address, at a minimum,

the provisions of this section; the programs operated by the coordinating council; the role and functions of the coordinating council; the current budget for the coordinating council; the results of the most recent formal audit of the coordinating council; and the requirements of the state's public records law, the code of ethics, the Administrative Procedure Act, and other laws relating to public officials, including conflict-of-interest laws.

(c) It is cause for the removal from the coordinating council of a member who during service on the coordinating council:

1. Is unable to discharge his or her duties for a substantial portion of the term for which he or she is appointed because of illness or disability; or

2. Is absent from more than one-half of the regularly scheduled coordinating council meetings during a calendar year, except when the absence is excused by majority vote of the coordinating council.

(d) The first meeting of the council shall be held no later than August 1, 2004. The council members, at the organizational meeting, shall elect by a majority vote of the members one member to serve as chair of the council for a term of 1 year. The council shall meet at least once each quarter. All meetings are subject to the call of the chair. Nine members of the council shall constitute a quorum.

(e) Members of the council shall serve without compensation but may be reimbursed for per diem and travel expenses pursuant to section 112.061, Florida Statutes.

(f) Staff of the Department of Health shall be assigned by the Secretary of Health to assist the council in the duties assigned to it by this section.

(3) It is the role of the council to serve as an advisory and coordinating body in the state which recommends policies that address the needs of deaf, hard-of-hearing, and late-deafened persons and which recommends methods that improve the coordination of services among the public and private entities that provide services pertaining to interpreter services, computer aided real-time captioning services, and assistive listening devices, excluding hearing aids. The council is authorized to provide technical assistance, advocacy, and education. To that end, the council shall:

(a) Provide information and assistance to the Legislature;

(b) Provide technical assistance to other state agencies;

(c) Provide information and referral services;

(d) Promote public and individual advocacy for deaf, hard-of-hearing, and late-deafened citizens; and

(e) Conduct public hearings as needed.

(4) The council shall prepare a report, which shall be filed with the Governor, the President of the Senate, the Speaker of the House of Repre-

sentatives, and the Chief Justice of the Supreme Court by January 1, 2005, which must include:

(a) A review of state agencies to determine if they are in compliance with accessibility standards as they relate to services for deaf, hard-of-hearing, and late-deafened individuals.

(b) A review of federal and state statutes, rules, and regulations that establish requirements that agencies must comply with, including, but not limited to, equipment and communication accessibility standards in the provision of services to deaf, hard-of-hearing, and late-deafened individuals.

(c) A review of the feasibility of and necessity for regulation of interpreters and, if found to be feasible and advantageous, a recommendation of standards for licensure. The council shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2006, describing its findings and recommendations.

(d) Recommendations for standards for and licensure of sign-language interpreters and providers of Computer-Aided Real-time Translation services (CART) and other accreditation standards for service providers that are not subject to regulation by the state.

(5) The council may:

(a) Secure assistance from all state departments and agencies in order to avail itself of expertise at minimal cost.

(b) Obtain information and assistance from the state or any political subdivision, municipal corporation, public officer, or governmental department or agency thereof.

(c) Apply for and accept funds, grants, gifts, and services from local or state government or the Federal Government, or from any of their agencies, or any other public or private source and may use funds for the purposes authorized by this section.

(6) All executive branch state agencies are instructed, and all other state agencies are requested, to assist the council in accomplishing its purposes.

(7) This act does not extend the duties or responsibilities of the council to any program, service, or activity that is subject to the jurisdiction or oversight of the Public Service Commission or that is subject to regulation under part I of chapter 468 or part II of chapter 484, Florida Statutes.

Section 2. This act shall take effect upon becoming a law.

Approved by the Governor June 24, 2004.

Filed in Office Secretary of State June 24, 2004.