

By Senator Soto

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1 A bill to be entitled
2 An act relating to persons who are deaf; creating s.
3 320.0849, F.S.; requiring the Department of Highway
4 Safety and Motor Vehicles to create a form that an
5 individual must complete for an identification card
6 and a placard that indicate the individual is deaf;
7 requiring the department to issue such card and
8 placard under certain circumstances; requiring the
9 department to design and develop such cards and
10 placards; requiring the department to develop and
11 adopt rules; amending s. 901.245, F.S.; requiring a
12 law enforcement officer to seek the services of an
13 interpreter before arresting or interrogating a deaf
14 person for an alleged criminal violation; providing an
15 exception in the case of an emergency; prohibiting a
16 family member from being considered a qualified
17 interpreter under certain circumstances; creating s.
18 943.0322, F.S.; establishing a database of individuals
19 who are deaf; requiring the Department of Highway
20 Safety and Motor Vehicles to allow the Department of
21 Law Enforcement access to approved forms; requiring
22 the Department of Law Enforcement to include
23 information from the forms in the database;
24 authorizing a law enforcement officer to use the
25 database before detaining or arresting certain
26 individuals; creating s. 943.1723, F.S.; requiring the
27 Criminal Justice Standards and Training Commission to
28 provide training for law enforcement officers to
29 interact with the deaf; requiring a law enforcement

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30 agency to have at least one on-call officer who is
31 trained in or knows American Sign Language or to
32 contract with qualified interpreters; defining the
33 term "law enforcement agency"; providing an effective
34 date.

35
36 Be It Enacted by the Legislature of the State of Florida:

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38 Section 1. Section 320.0849, Florida Statutes, is created
39 to read:

40 320.0849 Identification for the deaf.-

41 (1) The department must create a form that an individual
42 must complete to request an identification card and a placard
43 that indicate the individual is deaf. The department must issue
44 the card and the placard to the individual upon submission of
45 sufficient proof that he or she is deaf, as determined by the
46 department. The individual may present the identification card
47 to a law enforcement officer at the beginning of any stop and
48 may place the placard on the inside of the sun visor of a motor
49 vehicle, to be available to present to a law enforcement
50 officer.

51 (2) The department shall design and develop the content of
52 the identification card and placard and shall develop and adopt
53 rules relating to the eligibility and application for, and the
54 issuance and control of, the identification card and placard.

55 Section 2. Section 901.245, Florida Statutes, is amended to
56 read:

57 901.245 Interpreter services for deaf persons.-

58 (1) A law enforcement officer must seek ~~In the event that a~~

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59 ~~person who is deaf is arrested and taken into custody for an~~
60 ~~alleged violation of a criminal law of this state, the services~~
61 ~~of a qualified interpreter before arresting or shall be sought~~
62 ~~prior to interrogating a such deaf person who is suspected of~~
63 ~~violating a criminal law in this state, except as provided in~~
64 ~~subsection (2).~~

65 (2) In the case of an emergency when public safety is at
66 risk, a law enforcement officer may arrest a deaf person who is
67 suspected of an alleged violation of a criminal law of this
68 state, but a qualified interpreter must be provided for the
69 suspect as soon as possible. If the services of a qualified
70 interpreter cannot be obtained and all reasonable efforts have
71 been made to obtain such services, the arresting officer may
72 interrogate or take a statement from the deaf such person if the
73 ~~provided such~~ interrogation and the answers are thereto shall be
74 in writing. The interrogation and the answers ~~thereto~~ shall be
75 preserved and turned over to the court if the deaf in the event
76 ~~such~~ person is tried for the alleged offense.

77 (3) A family member may not be deemed to be a qualified
78 interpreter under this section if the deaf person objects to his
79 or her involvement or use as an interpreter.

80 Section 3. Section 943.0322, Florida Statutes, is created
81 to read:

82 943.0322 Database of deaf persons.—The department shall
83 establish a secure database to collect information that may
84 assist a law enforcement officer in identifying individuals who
85 are deaf. In order to collect information for the database, the
86 Department of Highway Safety and Motor Vehicles must allow the
87 department access to the approved forms for an identification

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88 card and a placard that indicate the individual is deaf under s.
89 320.0849. The department must include the information received
90 from the forms in the database. A law enforcement officer may
91 use the database before he or she attempts to detain or arrest
92 an individual who is suspected of violating a criminal law in
93 this state.

94 Section 4. Section 943.1723, Florida Statutes, is created
95 to read:

96 943.1723 Basic skills training for interacting with the
97 deaf.—

98 (1) The commission shall establish standards for the
99 training of law enforcement officers in interacting with the
100 deaf.

101 (2) Each law enforcement agency shall:

102 (a) Maintain at least one officer on call who is trained in
103 or knows American Sign Language; or

104 (b) Contract with qualified interpreters, as provided under
105 s. 90.6063, who will be on call and available to the law
106 enforcement agency.

107 (3) As used in this section, the term "law enforcement
108 agency" means a lawfully established state or local public
109 agency whose primary responsibility is the prevention and
110 detection of crime or the enforcement of the penal, traffic, or
111 highway laws of this state and whose agents and officers are
112 empowered by law to conduct criminal investigations and to make
113 arrests.

114 Section 5. This act shall take effect July 1, 2016.