

Bill No. CS for CS for SB 206

Amendment No. ____ Barcode 240368

CHAMBER ACTION

Senate

House

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Senator Jones moved the following amendment:

Senate Amendment (with title amendment)

On page 1, line 14, through
page 4, line 28, delete those lines

and insert:

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

(1) DEFINITIONS.--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

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1 impairment that results in a loss of hearing functions to an
2 individual and in which the individual: relies on residual
3 hearing which may be sufficient to process linguistic
4 information through audition with or without amplification
5 under favorable listening conditions; depends on visual
6 methods to communicate; depends on assistive listening
7 devices; or has an impairment with other auditory disabling
8 conditions.

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

16
17 For purposes of this section, individuals with any level of
18 loss of hearing provided in the definitions in this subsection
19 are included in references to deaf or hard of hearing
20 individuals.

21 (2) COORDINATING COUNCIL.--There is established the
22 Florida Coordinating Council for the Deaf and the Hard of
23 Hearing.

24 (a) The coordinating council is assigned to the Office
25 of the Secretary of Health for administrative and fiscal
26 accountability purposes, but it shall otherwise function
27 independently of the control, supervision, and direction of
28 the Department of Health.

29 (b) The coordinating council shall develop a budget
30 pursuant to chapter 216, Florida Statutes. The budget is not
31 subject to change by the department staff after it has been

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1 approved by the coordinating council, but it shall be
2 transmitted to the Governor with the budget of the department.

3 (3) COORDINATING COUNCIL MEMBERSHIP, TRAINING,
4 MEETINGS.--

5 (a) The coordinating council shall be composed of 17
6 members. The appointment of members not representing agencies
7 shall be made by the Governor. The appointment of members
8 representing organizations shall be made by the Governor in
9 consultation with those organizations. The membership shall be
10 as follows:

11 1. Two members representing the Florida Association of
12 the Deaf.

13 2. Two members representing the Florida Association of
14 Self Help for Hard of Hearing People.

15 3. A member representing the Association of Late
16 Deafened Adults.

17 4. An individual who is deaf and blind.

18 5. A parent of an individual who is deaf.

19 6. A member representing the Deaf Service Center
20 Association.

21 7. A member representing the Florida Registry of
22 Interpreters for the Deaf.

23 8. A member representing the Florida Alexander Graham
24 Bell Association for the Deaf and Hard of Hearing.

25 9. A communication access realtime translator.

26 10. An audiologist licensed under part I of chapter
27 468, Florida Statutes.

28 11. A hearing aid specialist licensed under part II of
29 chapter 484, Florida Statutes.

30 12. The Secretary of Children and Family Services or
31 his or her designee.

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1 13. The Secretary of Health or his or her designee.

2 14. The Commissioner of Education or his or her
3 designee.

4 15. The Secretary of Elderly Affairs or his or her
5 designee.

6
7 If any organization from which a representative is to be drawn
8 ceases to exist, a representative of a similar organization
9 shall be named to the coordinating council. The Governor shall
10 make appointments to the coordinating council no later than
11 August 1, 2004, and may remove any member for cause. Each
12 member shall be appointed to a term of 4 years. However, for
13 the purpose of providing staggered terms, of the initial
14 appointments not representing state agencies, seven members,
15 including the audiologist and the hearing aid specialist,
16 shall be appointed to 2-year terms and six members shall be
17 appointed to 4-year terms. Any vacancy on the coordinating
18 council shall be filled in the same manner as the original
19 appointment, and any member appointed to fill a vacancy
20 occurring because of death, resignation, or ineligibility for
21 membership shall serve only for the unexpired term of the
22 member's predecessor. Prior to serving on the coordinating
23 council, all appointees must attend orientation training which
24 shall address, at a minimum, the provisions of this section;
25 the programs operated by the coordinating council; the role
26 and functions of the coordinating council; the current budget
27 for the coordinating council; the results of the most recent
28 formal audit of the coordinating council; and the requirements
29 of the state's public records law, the code of ethics, the
30 Administrative Procedure Act, and other laws relating to
31 public officials, including conflict-of-interest laws.

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1 (b) It is cause for the removal from the coordinating
2 council of a member who during service on the coordinating
3 council:

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

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

11 (c) The first meeting of the coordinating council
12 shall be held no later than September 1, 2004. The
13 coordinating council members, at the organizational meeting,
14 shall elect by a majority vote of the members one member to
15 serve as chair of the coordinating council for a term of 1
16 year. A person who represents an agency, a profession, or an
17 organization other than a nonprofit deaf or hard of hearing
18 consumer organization may not serve as chair. The coordinating
19 council shall meet at least once each quarter. All meetings
20 are subject to the call of the chair. Twelve members of the
21 coordinating council shall constitute a quorum.

22 (d) Members of the coordinating council shall serve
23 without compensation but may be reimbursed for per diem and
24 travel expenses pursuant to s. 112.061, Florida Statutes.
25 Agencies shall provide reimbursement for per diem and travel
26 expenses for their representatives.

27 (e) The coordinating council shall appoint an
28 executive director who shall serve under the direction,
29 supervision, and control of the coordinating council.
30 Preference shall be provided to an individual who is deaf or
31 hard of hearing who meets all qualifications for the position.

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1 The executive director shall employ such personnel as may be
2 necessary to perform adequately the functions of the
3 coordinating council within budgetary limitations. All
4 employees are exempt from the Career Service System.

5 (4) POWERS AND DUTIES.--The coordinating council is
6 found to be necessary to further the public purpose of
7 facilitating the independence, health and safety,
8 socialization, education, employment, well-being, civil
9 rights, and quality of life of individuals who are deaf or
10 hard of hearing. To this end:

11 (a) The coordinating council shall:

12 1. Work to ensure more efficient coordination and
13 collaboration among public and nonprofit organizations that
14 provide social and educational services to individuals who are
15 deaf or hard of hearing.

16 2. Develop and implement a statewide program of
17 advocacy and education to ensure continuity of services to
18 individuals who are deaf or hard of hearing.

19 3. Make available and provide an educational and
20 information program through printed materials, workshop and
21 training sessions, presentations, demonstrations, and public
22 awareness events about hearing loss for citizens in the state
23 and for public and private entities. The program shall
24 include, but not be limited to, information concerning
25 referral services, service and resource availability,
26 interpreter and communication access realtime translation
27 services, accessibility and accommodation issues, assistive
28 technology, empowerment issues, obligations of service
29 providers and employers, educational options, and current
30 federal and state statutes, rules, regulations, and policies
31 regarding hearing loss.

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1 4. Where gaps in service exist, provide direct
2 services to individuals who are deaf or hard of hearing,
3 including communication access, information and referral
4 services, advocacy services, education and training to the
5 public and private sector, and services to elderly individuals
6 who are deaf or hard of hearing.

7 5. Maintain a registry of available qualified
8 interpreters and communication access realtime translation
9 providers for individuals who are deaf or hard of hearing by
10 updating the registry at least quarterly and making the
11 registry available to interested persons.

12 6. Review state agencies to determine if they are in
13 compliance with accessibility standards as they relate to
14 services for the deaf or hard of hearing.

15 7. Review the feasibility of and necessity for
16 regulation of interpreters and, if found to be feasible and
17 advantageous, recommend standards for licensure. The
18 coordinating council shall submit a report to the Governor,
19 the President of the Senate, and the Speaker of the House of
20 Representatives by January 1, 2006, describing its findings
21 and recommendations.

22 8. Provide information and technical assistance to the
23 Legislature.

24 9. Provide technical assistance to state agencies.

25 10. Conduct public hearings and receive testimony on
26 behalf of the state.

27 11. Secure assistance from all state departments and
28 agencies in order to avail itself of expertise at minimal
29 cost.

30 12. Obtain information and assistance from the state
31 or any political subdivision, municipal corporation, or

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1 governmental department or agency, or public officer thereof.
2 All executive branch state agencies are instructed, and all
3 other state agencies are requested, to cooperate with the
4 coordinating council in accomplishing its duties.

5 13. Submit an annual report to the Governor, the
6 President of the Senate, and the Speaker of the House of
7 Representatives by July 1 of each year beginning July 2005.

8 14. Maintain an office in Tallahassee and regional
9 offices in other parts of the state.

10 15. Provide recommendations to other state entities on
11 compliance with accessibility issues as they relate to deaf or
12 hard of hearing individuals and file reports with such
13 entities when their services are not accessible to the deaf or
14 the hard of hearing citizens of the state.

15 16. Develop and implement bylaws and policies.

16 (b) The coordinating council may:

17 1. Appoint one or more advisory committees to consult
18 with and advise the coordinating council.

19 2. Accept gifts, grants, and donations of funds,
20 services, personal property, or real property for use in
21 expanding and improving services to individuals in this state
22 who are deaf or hard of hearing.

23 3. Contract with or provide grants to agencies,
24 organizations, or individuals as necessary to implement this
25 section.

26
27 This subsection does not extend the duties or responsibilities
28 of the coordinating council to any program, service, or
29 activity that is subject to the jurisdiction or oversight of
30 the Florida Public Service Commission or that is subject to
31 regulation under part I of chapter 468, Florida Statutes, or

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1 part II of chapter 484, Florida Statutes.

2 (5) RULEMAKING.--The Department of Health may adopt
3 rules, pursuant to ss. 120.536(1) and 120.54, Florida
4 Statutes, as necessary to implement the provisions of this
5 section.

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7 (Redesignate subsequent sections.)

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10 ===== T I T L E A M E N D M E N T =====

11 And the title is amended as follows:

12 On page 1, lines 2-10, delete those lines

13

14 and insert:

15 An act relating to the Florida Coordinating
16 Council for the Deaf and the Hard of Hearing;
17 creating the Florida Coordinating Council for
18 the Deaf and the Hard of Hearing; providing
19 definitions; assigning the coordinating council
20 to the Office of the Secretary of Health for
21 administrative and fiscal accountability
22 purposes; requiring the coordinating council to
23 adopt a budget; providing coordinating council
24 membership, terms of office, meeting
25 requirements, and grounds for removal from
26 office; requiring training as a condition of
27 membership; providing for appointment of an
28 executive director; providing coordinating
29 council powers and duties, including submission
30 of annual reports; providing for rulemaking;
31 providing an effective date.