

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/CS/SB 206

SPONSOR: Governmental Oversight & Productivity and Senator Fasano

SUBJECT: Florida Council on Deafness

DATE: February 10, 2004 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Dormady</u>	<u>O'Farrell</u>	<u>ED</u>	<u>Favorable</u>
2.	<u>Rhea</u>	<u>Wilson</u>	<u>GO</u>	<u>Fav/CS</u>
3.	<u>Bryant</u>	<u>Newman</u>	<u>AED</u>	<u>Fav/CS</u>
4.	_____	_____	<u>AP</u>	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This committee substitute creates the Florida Council on Deafness, which would recommend policies that address the needs of deaf and hard of hearing persons and recommend changes to improve the coordination of services for such persons. It is authorized to provide technical assistance, advocacy and education. The council is assigned to the Florida Department of Education for administrative and fiscal purposes. The committee substitute provides for the appointment of and membership on the council. The council is charged with preparing a report to the Governor, President of the Senate, Speaker of the House of Representatives and Chief Justice of the Supreme Court on specified issues. The committee substitute provides that the council's activities will not extend 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 ch. 468, F.S., or Part II of ch. 484, F.S.

This committee substitute creates a new section of the Florida Statutes.

The committee substitute takes effect upon becoming law.

II. Present Situation:

A. Issues facing deaf and hard of hearing persons in Florida

Over 2 million deaf and hard of hearing individuals live in Florida, making the state one of the largest communities of such persons in the United States. State organizations for the deaf report the following issues encountered by deaf and hard of hearing persons in the state:

- lack of captioning,

- poor quality of sign language interpreters,
- enforcement issues regarding Americans with Disabilities Act accessibility requirements,
- lack of funding to provide services for deaf/hard of hearing persons,
- lack of resources for persons who work with deaf/hard of hearing persons, and
- lack of regulation for persons serving the deaf/hard of hearing community, including sign language interpreters, captionists, and hearing aid dealers.

B. Statutory provisions regarding councils

Section 20.03, F.S., contains definitions for executive branch entities. Under this section, a “council” or “advisory council” is defined as

an advisory body created by specific statutory enactment and appointed to function on a continuing basis for the study of the problems arising in a specified functional or program area of state government and to provide recommendations and policy alternatives.

Section 20.052, F.S., contains certain requirements for advisory bodies, commissions, boards of trustees and all other collegial bodies created by specific statutory enactment as an adjunct to an executive agency. Those requirements include the following:

- Such entities may be created only when found necessary and beneficial to the furtherance of a public purpose, and must be terminated by the Legislature when no longer necessary and beneficial.
- The Legislature and the public must be kept informed of the numbers, purposes, memberships, activities and expenses of such entities.
- Such an entity may be created if:
 - It meets a statutorily defined purpose;
 - Its powers and responsibilities conform with the definitions for governmental units in s. 20.03, F.S.;
 - Its members are appointed for 4-year staggered terms (with some exceptions);
 - Its members serve without compensation and receive only reimbursement for per diem and travel expenses.
- Unless an exemption is otherwise provided by law, all meetings of these types of bodies are public meetings for which minutes must be kept.

III. Effect of Proposed Changes:

The committee substitute establishes the Florida Council on Deafness. The council is assigned to the Department of Education for administrative and fiscal purposes, but is otherwise to function independently of the control and supervision of the department.

The council consists of twelve members who are appointed by the Governor, after consultation with statewide not-for-profit professional organizations that represent deaf, hard-of-hearing, and late-deafened individuals. Members must be confirmed by the Senate. At least one member must be an audiologist licensed under Part I of ch. 468, F.S.; at least one member must be an otolaryngologist licensed under ch. 458 or ch. 459, F.S.; and at least one member must be a

hearing aid specialist licensed under Part II of ch. 484, F.S. Appointments must be made by no later than July 1, 2004.

Members are to be appointed for 4 year terms with staggered initial appointment terms. Members are directed to select a chair at the council's first meeting, and the council must meet at least quarterly. Members will serve without compensation, but may be reimbursed for per diem and travel expenses, as provided in s. 112.061, F.S.

The council's role is to serve as an advisory and coordinating body 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 to those constituencies. The council is authorized to provide technical assistance, advocacy, and education.

The council is charged with preparing a report to the Governor, President of the Senate, Speaker of the House of Representatives, and Chief Justice of the Supreme Court by January 1, 2005, which must include specific content. Among the issues to be addressed are:

- A review of state agencies for compliance with accessibility standards as they relate to the deaf;
- A review of federal and state laws, rules, and regulations that establish requirements for state agencies in providing services to this constituency;
- A comparison of the licensure and accreditation requirements in the 10 most populous states for persons and entities providing services to this constituency (except for those entities licensed under Part I of ch. 468, F.S., or Part II of ch. 484, F.S., both directly and indirectly); and
- Recommendations regarding standards for and licensure of sign-language interpreters and providers of Computer-Aided Real-Time Translation services as well as accreditation standards for other service providers.

The council may work with the state or other agencies to obtain information and assistance in connection with its activities. It is also authorized to apply for and accept funds, grants, gifts and services from any governmental or other source for the purposes authorized in the committee substitute.

Executive agencies are instructed, and all other state agencies are requested, to assist the council in accomplishing its duties.

The 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 ch. 468, F.S. or Part II of ch. 484, F.S.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Department of Education estimates expenditures in connection with the council's work in the amount of \$250,000, distributed as follows:

- Staff (\$150,000), which were not included in the Department of Education's agency budget request.
- Travel, per diem, and accommodations for meetings at least once per quarter (\$50,000).
- Additional meetings and expenses associated with the development of the report, including public hearings (\$50,000).

The bill provides that the Commissioner of Education shall assign staff to assist the council in carrying out its duties.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

#1 by Appropriations

This amendment increases the membership of the council from 9 to 12 and makes corresponding changes in the staggered terms of initial council appointees.

#2 by Appropriations

This amendment increases the size of a quorum from 5 to 7, consistent with the changes in Amendment #1.

#3 by Appropriations

This is a technical amendment correcting the term *computer aided real-time captioning services*.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
