

1                                   A bill to be entitled  
2           An act relating to the Florida Coordinating  
3           Council for the Deaf and Hard of Hearing;  
4           creating the Florida Council on Deafness;  
5           providing definitions; providing for the  
6           appointment of members and the organization of  
7           the council; requiring the staff of the  
8           Department of Health to assist the council in  
9           its duties; providing the role, purpose,  
10          powers, duties, and responsibilities of the  
11          council; providing an effective date.  
12

13 Be It Enacted by the Legislature of the State of Florida:  
14

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

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

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

22           (b) "Coordinating council" means the Florida  
23 Coordinating Council for the Deaf and the Hard of Hearing.

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

27           (d) "Hard of hearing" means having a hearing  
28 impairment that results in a loss of hearing functions to an  
29 individual and in which the individual: relies on residual  
30 hearing that may be sufficient to process linguistic  
31 information through audition with or without amplification

1 under favorable listening conditions; depends on visual  
2 methods to communicate; depends on assistive listening  
3 devices; or has an impairment with other auditory disabling  
4 conditions.

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

12  
13 For purposes of this section, individuals with any level of  
14 loss of hearing provided in the definitions in this subsection  
15 are included in references to deaf or hard of hearing  
16 individuals.

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

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

26 1. Two members representing the Florida Association of  
27 the Deaf.

28 2. Two members representing the Florida Association of  
29 Self Help for Hard of Hearing People.

30 3. A member representing the Association of Late  
31 Deafened Adults.

- 1           4. An individual who is deaf and blind.  
2           5. A parent of an individual who is deaf.  
3           6. A member representing the Deaf Service Center  
4 Association.  
5           7. A member representing the Florida Registry of  
6 Interpreters for the Deaf.  
7           8. A member representing the Florida Alexander Graham  
8 Bell Association for the Deaf and Hard of Hearing.  
9           9. A communication access realtime translator.  
10          10. An audiologist licensed under part I of chapter  
11 468, Florida Statutes.  
12          11. A hearing aid specialist licensed under part II of  
13 chapter 484, Florida Statutes.  
14          12. The Secretary of Children and Family Services or  
15 his or her designee.  
16          13. The Secretary of Health or his or her designee.  
17          14. The Commissioner of Education or his or her  
18 designee.  
19          15. The Secretary of Elderly Affairs or his or her  
20 designee.  
21  
22 If any organization from which a representative is to be drawn  
23 ceases to exist, a representative of a similar organization  
24 shall be named to the coordinating council. The Governor shall  
25 make appointments to the coordinating council no later than  
26 August 1, 2004, and may remove any member for cause. Each  
27 member shall be appointed to a term of 4 years. However, for  
28 the purpose of providing staggered terms, of the initial  
29 appointments not representing state agencies, seven members,  
30 including the audiologist and the hearing aid specialist,  
31 shall be appointed to 2-year terms and six members shall be

1 appointed to 4-year terms. Any vacancy on the coordinating  
2 council shall be filled in the same manner as the original  
3 appointment, and any member appointed to fill a vacancy  
4 occurring because of death, resignation, or ineligibility for  
5 membership shall serve only for the unexpired term of the  
6 member's predecessor. Prior to serving on the coordinating  
7 council, all appointees must attend orientation training that  
8 shall address, at a minimum, the provisions of this section;  
9 the programs operated by the coordinating council; the role  
10 and functions of the coordinating council; the current budget  
11 for the coordinating council; the results of the most recent  
12 formal audit of the coordinating council; and the requirements  
13 of the state's public records law, the code of ethics, the  
14 Administrative Procedure Act, and other laws relating to  
15 public officials, including conflict-of-interest laws.

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

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

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

26 (d) The first meeting of the council shall be held no  
27 later than August 1, 2004. The council members, at the  
28 organizational meeting, shall elect by a majority vote of the  
29 members one member to serve as chair of the council for a term  
30 of 1 year. The council shall meet at least once each quarter.

31

1 All meetings are subject to the call of the chair. Nine  
2 members of the council shall constitute a quorum.

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

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

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

20 (a) Provide information and assistance to the  
21 Legislature;

22 (b) Provide technical assistance to other state  
23 agencies;

24 (c) Provide information and referral services;

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

27 (e) Conduct public hearings as needed.

28 (4) The council shall prepare a report, which shall be  
29 filed with the Governor, the President of the Senate, the  
30 Speaker of the House of Representatives, and the Chief Justice  
31 of the Supreme Court by January 1, 2005, which must include:

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

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

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

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

23       (5) The council may:

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

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

30       (c) Apply for and accept funds, grants, gifts, and  
31 services from local or state government or the Federal

1 Government, or from any of their agencies, or any other public  
2 or private source and may use funds for the purposes  
3 authorized by this section.

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

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

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

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31