

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 227 w/CS Florida Coordinating Council for the Deaf and Hard of Hearing  
**SPONSOR(S):** Bilirakis and Others  
**TIED BILLS:** **IDEN./SIM. BILLS:** CS/CS/SB 206

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) State Administration	5 Y, 0 N w/CS	Brazzell	Everhart
2) Future of Florida's Families	15 Y, 0 N	Meyer	Liem
3) Education Appropriations (Sub)	17 Y, 0 N	Hammock	Mizereck
4) Appropriations			
5)			

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### SUMMARY ANALYSIS

HB 227 w/ CS creates the Florida Coordinating Council for the Deaf and Hard of Hearing, sited in the Department of Health but independent of its control. The bill provides for membership of 17 persons, including representatives of organizations of individuals who are deaf and hard or hearing and their families, organizations and professions serving those individuals, and state agencies. Among its powers and duties are to work to increase coordination among public and private entities serving individuals who are deaf or hard of hearing, provide information and education, provide services where gaps exist, review state agencies to determine their compliance with accessibility standards, study the feasibility of and necessity for licensing interpreters, and maintain a registry of qualified interpreters.

The bill requires an initial appropriation of \$450,000 from the General Revenue Fund for the first year and recurring annual appropriations in later years of \$425,000 for the basic operations of the coordinating council.

The bill takes effect upon becoming a law.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

**STORAGE NAME:** h0227d.ap.doc  
**DATE:** March 30, 2004

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. DOES THE BILL:

- |                                      |                                         |                                        |                                         |
|--------------------------------------|-----------------------------------------|----------------------------------------|-----------------------------------------|
| 1. Reduce government?                | Yes <input type="checkbox"/>            | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/>            |
| 2. Lower taxes?                      | Yes <input type="checkbox"/>            | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom?        | Yes <input type="checkbox"/>            | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/>            | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 5. Empower families?                 | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/>            | N/A <input type="checkbox"/>            |

For any principle that received a “no” above, please explain:

This bill creates a new governmental entity, the Florida Coordinating Council for the Deaf and Hard of Hearing.

#### B. EFFECT OF PROPOSED CHANGES:

##### **Background:**

Currently there is no state program specifically dedicated to meeting the broad needs of individuals of all ages who are deaf, hard-of-hearing, and late-deafened. Other state programs may provide some assistance but have limited eligibility criteria or limited scope of services. For instance, children may be served by Children’s Medical Services. Adults who are deaf, hard-of-hearing, and late-deafened who have other disabilities may be served by the Developmental Disabilities Program or Adult Services Program of the Department of Children and Families. The Vocational Rehabilitation Program with the Department of Education serves qualifying individuals with disabilities including hearing impairment in securing and maintaining employment. The Americans with Disabilities Act (ADA) Working Group, a board appointed by the Governor, addresses disability issues generally regarding compliance and implementation of the ADA and other disability rights laws.

Various community programs may provide assistance as well. There are deaf service centers in many areas of the state, which provide services including education and information and referral. Other organizations, such as Independent Living Centers, which serve the needs of individuals with a range of disabilities, also assist those who are deaf, hard-of-hearing, and late-deafened.

Chapter 83-182, Laws of Florida, created the Florida Council for the Hearing Impaired. Its duties and responsibilities included overseeing services affecting hearing impaired persons in the areas of public services, health care, and educational opportunities; determining ways to improve the level of services provided by state agencies to hearing impaired persons; serving as an advisory body on the needs of the hearing impaired; reviewing state services available to identify areas of duplication; and preparing an annual report. This council was eliminated by ch. 95-327, L.O.F., effective July 1, 1995. As of 2000, 39 states had an entity addressing the needs of individuals who are deaf, hard-of-hearing, and late-deafened; some of these states included Georgia, Arizona, Kentucky, New Mexico, Kansas, and West Virginia.

Sign-language interpreters are not currently licensed by the state. The National Registry of Interpreters for the Deaf certifies interpreters who pass its exams and agree to comply with its code of ethics, among other requirements; there is a Florida affiliate, the Florida Registry of Interpreters for the Deaf. Certification is not required for employment as an interpreter.

Regarding other specialized services for individuals who are deaf, hard-of-hearing, and late-deafened:

- Part I of ch. 468, F.S., regulates speech-language pathologists and audiologists through the Board of Speech-Language Pathology and Audiology in the Department of Health.

- Part II of ch. 484 provides for regulation of the dispensing of hearing aids; the Board of Hearing Aid Specialists in the Department of Health oversees that activity.
- In accordance with provisions of part II of ch. 427, the Florida Public Service Commission implements, promotes, and oversees the administration of a statewide telecommunications access system to provide access to telecommunications relay services.

Proviso language in the 2003 General Appropriations Act provided that the Department of Management Services, in consultation with advocacy groups and appropriate state agencies, prepare a report by January 1, 2004, providing recommendations regarding the needs of deaf, hard-of-hearing, and late-deafened persons. Specific issues to be addressed included state agency compliance with accessibility standards and licensure of sign-language interpreters, providers of Computer-Aided Real-time Translation services, and other service provider accreditation standards.

The report was submitted by the Governor's Working Group on the Americans with Disabilities Act, which compiled the report in cooperation with the Florida Summit for Deaf, Hard of Hearing, and Late-Deafened Persons, a coalition of 12 statewide organizations involved in advocacy and services. The report's overall recommendation was to establish an oversight and policy body to address deaf, hard of hearing, and late-deafened issues. The report did not address in detail state agency compliance with accessibility standards and licensure and accreditation of certain service providers, though the Department is compiling an addendum to further address those issues.

Section 20.03(7), F.S., defines a "council" or "advisory council" 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 and other collegial bodies created by a specific statutory enactment as an adjunct to executive agencies. Among those requirements, 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.

### **Proposed Changes:**

The bill creates the Florida Coordinating Council for the Deaf and Hard of Hearing (coordinating council), sited in the Department of Health but independent of its control. The bill provides for membership of 17 persons, including representatives of organizations of individuals who are deaf and hard or hearing and their families, organizations and professions serving those individuals, and state agencies. Members are appointed by the Governor. The coordinating council is required to meet quarterly. It is to maintain an office in Tallahassee and regional offices elsewhere in the state and may hire staff.

Among its powers and duties are to:

- Work to increase coordination among public and private entities serving individuals who are deaf or hard of hearing,
- Provide information and education,
- Provide services where gaps exist,
- Review state agencies to determine their compliance with accessibility standards,
- Study the feasibility of and necessity for licensing interpreters,
- Maintain a registry of qualified interpreters,
- Issue an annual report beginning on July 1, 2005, and
- Take testimony on behalf of the state.

In carrying out its responsibilities, the coordinating council may:

- Secure assistance from other state agencies.

- Obtain information and assistance from certain public entities.
- Accept grants and donations and use these funds for programs and providing other assistance.

This bill takes effect upon becoming a law.

C. SECTION DIRECTORY:

Section 1: Creates an unnumbered section of law which establishes the Florida Coordinating Council for the Deaf and Hard of Hearing; specifies the membership; and provides powers and duties.

Section 2: Provides that the bill shall take effect upon becoming a law.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues: None.
2. Expenditures: The bill requires appropriations for FY 2004-2005 from the General Revenue Fund of \$450,000. This includes \$225,000 for staff salaries, benefits, and expenses (three staff) and approximately \$50,000 for coordinating council travel. One-time expenditure for required study is estimated to cost \$25,000 for public hearings and other expenses. Expenditures for services are estimated to cost \$150,000. HB 1835, Specific Appropriation 551, appropriates \$450,000 in the Department of Health as referenced in proviso. The appropriation required from the General Revenue Fund for FY 2005-2006 is \$425,000 and includes all of the FY 2004-2005 expenditures except for the study.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues: None.
2. Expenditures: None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR: None.

D. FISCAL COMMENTS: None.

## III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision: Not applicable.

2. Other: Not applicable.

B. RULE-MAKING AUTHORITY: Not applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS: None.

#### **IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**

HB 227 was amended by the Committee on State Administration on March 22, 2004. This strike-all amendment creates the Florida Coordinating Council (coordinating council) for the Deaf and Hard of Hearing, sited in the Department of Health but independent of its control. The bill provides for membership of 17 persons, including representatives of organizations of individuals who are deaf and hard or hearing and their families, organizations and professions serving those individuals, and state agencies. Members are appointed by the Governor. The coordinating council is required to meet quarterly. It is to maintain an office in Tallahassee and regional offices elsewhere in the state and may hire staff. Among its powers and duties are to work to increase coordination among public and private entities serving individuals who are deaf or hard of hearing, provide information and education, provide services where gaps exist, review state agencies to determine their compliance with accessibility standards, study the feasibility of and necessity for licensing interpreters, maintain a registry of qualified interpreters, issue an annual report beginning on July 1, 2005, and take testimony on behalf of the state.