

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 227 Florida Council on Deafness
SPONSOR(S): Bilirakis
TIED BILLS: **IDEN./SIM. BILLS:** SB 206

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) State Administration		Brazzell	Everhart
2) Future of Florida's Families			
3) Subcommittee on Education Appropriations			
4) Appropriations			
5)			

SUMMARY ANALYSIS

This bill creates the Florida Council on Deafness, a nine-member body whose members are appointed by the Governor and confirmed by the Senate, and provides for its roles and duties as an advisory and coordinating body.

This bill has a fiscal impact on state government of \$250,000 in its first year and does not appear to have a fiscal impact on local governments.

The bill takes effect upon becoming a law.

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 Council on Deafness.

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 of individuals 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 Jan. 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 Council on Deafness (Council), a nine-member body whose members are appointed by the Governor and confirmed by the Senate. Except for some members' initial terms, all terms shall be for 4 years. The Council's quorum is 5 members. It is assigned to the Department of Education (DOE) for administrative and fiscal purposes but otherwise functions independently; DOE staff assist it in carrying out its duties. The Council must meet at least quarterly.

The Council is an advisory and coordinating body that recommends policies to address the needs of deaf, hard-of-hearing, and late-deafened individuals and improve the coordination of public and private service providers. Key responsibilities of the Council include:

- Providing information and assistance to the Legislature.
- Providing technical assistance, advocacy, and education.
- Providing information and referral services.
- Reporting to the Governor, Legislature, and Chief Justice by January 1, 2005, regarding a variety of issues, among which are 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.

In carrying out its responsibilities, the Council may:

- Secure assistance from other state agencies.
- Obtain information and assistance from certain public entities.
- Accept grants 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 Council on Deafness; specifies the membership; 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 Department of Education estimates that expenditures of \$250,000 would be required in the first year for staff salaries and associated expenses (\$150,000), travel and related expenses for council members and staff for quarterly meetings (\$50,000), and the preparation of the required report, including holding public meetings across the state (\$50,000). These expenditures are not included in the Department's budget request.

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: While the bill requires the Governor to consult with organizations serving the deaf, it does not explicitly require that any of the members be persons who are deaf, hard-of-hearing, and late-deafened.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

N/A.