

CHAMBER ACTION

1 The Committee on State Administration recommends the following:

2  
3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to the Florida Coordinating Council for the  
7 Deaf and the Hard of Hearing; creating the Florida  
8 Coordinating Council for the Deaf and the Hard of Hearing;  
9 providing definitions; assigning the coordinating council  
10 to the Office of the Secretary of Health for administrative  
11 and fiscal accountability purposes; requiring the  
12 coordinating council to adopt a budget; providing  
13 coordinating council membership, terms of office, meeting  
14 requirements, and grounds for removal from office;  
15 requiring training as a condition of membership; providing  
16 for appointment of an executive director; providing  
17 coordinating council powers and duties, including  
18 submission of annual reports; providing for rulemaking;  
19 providing an effective date.

20  
21 Be It Enacted by the Legislature of the State of Florida:  
22

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

25           (1) DEFINITIONS.--For purposes of this section, the term:

26           (a) "Communication access realtime translation" means the  
27 instant translation of the spoken word into English text using  
28 information technology in which the text appears on a computer  
29 monitor or other display.

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

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

35           (d) "Hard of hearing" means having a hearing impairment  
36 that results in a loss of hearing functions to an individual and  
37 in which the individual: relies on residual hearing which may be  
38 sufficient to process linguistic information through audition  
39 with or without amplification under favorable listening  
40 conditions; depends on visual methods to communicate; depends on  
41 assistive listening devices; or has an impairment with other  
42 auditory disabling conditions.

43           (e) "Interpreter" means a provider of accessible and  
44 effective communication between and among individuals who are  
45 deaf or hard of hearing and between and among such individuals  
46 and other persons. This process includes, but is not limited to,  
47 communication through American Sign Language and spoken English.  
48 It may also involve various other modalities that involve  
49 visual, gestural, and tactile methods.

50

51 For purposes of this section, individuals with any level of loss  
 52 of hearing provided in the definitions in this subsection are  
 53 included in references to deaf or hard of hearing individuals.

54 (2) COORDINATING COUNCIL.--There is established the  
 55 Florida Coordinating Council for the Deaf and the Hard of  
 56 Hearing.

57 (a) The coordinating council is assigned to the Office of  
 58 the Secretary of Health for administrative and fiscal  
 59 accountability purposes, but it shall otherwise function  
 60 independently of the control, supervision, and direction of the  
 61 Department of Health.

62 (b) The coordinating council shall develop a budget  
 63 pursuant to chapter 216, Florida Statutes. The budget is not  
 64 subject to change by the department staff after it has been  
 65 approved by the coordinating council, but it shall be  
 66 transmitted to the Governor with the budget of the department.

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

68 (a) The coordinating council shall be composed of 17  
 69 members. The appointment of members not representing agencies  
 70 shall be made by the Governor. The appointment of members  
 71 representing organizations shall be made by the Governor in  
 72 consultation with those organizations. The membership shall be  
 73 as follows:

74 1. Two members representing the Florida Association of the  
 75 Deaf.

76 2. Two members representing the Florida Association of  
 77 Self Help for Hard of Hearing People.

78           3. A member representing the Association of Late Deafened  
79 Adults.

80           4. An individual who is deaf and blind.

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

82           6. A member representing the Deaf Service Center  
83 Association.

84           7. A member representing the Florida Registry of  
85 Interpreters for the Deaf.

86           8. A communication access realtime translator.

87           9. An audiologist licensed under part I of chapter 468,  
88 Florida Statutes.

89           10. A hearing aid specialist licensed under part II of  
90 chapter 484, Florida Statutes.

91           11. The Secretary of Children and Family Services or his  
92 or her designee.

93           12. The Secretary of Health or his or her designee.

94           13. The Commissioner of Education or his or her designee.

95           14. The Secretary of Health Care Administration or his or  
96 her designee.

97           15. The Secretary of Elderly Affairs or his or her  
98 designee.

99  
100 If any organization from which a representative is to be drawn  
101 ceases to exist, a representative of a similar organization  
102 shall be named to the coordinating council. The Governor shall  
103 make appointments to the coordinating council no later than  
104 August 1, 2004, and may remove any member for cause. Each member  
105 shall be appointed to a term of 4 years. However, for the

106 purpose of providing staggered terms, of the initial  
107 appointments not representing state agencies, six members,  
108 including the audiologist and the hearing aid specialist, shall  
109 be appointed to 2-year terms and six members shall be appointed  
110 to 4-year terms. Any vacancy on the coordinating council shall  
111 be filled in the same manner as the original appointment, and  
112 any member appointed to fill a vacancy occurring because of  
113 death, resignation, or ineligibility for membership shall serve  
114 only for the unexpired term of the member's predecessor. Prior  
115 to serving on the coordinating council, all appointees must  
116 attend orientation training which shall address, at a minimum,  
117 the provisions of this section; the programs operated by the  
118 coordinating council; the role and functions of the coordinating  
119 council; the current budget for the coordinating council; the  
120 results of the most recent formal audit of the coordinating  
121 council; and the requirements of the state's public records law,  
122 the code of ethics, the Administrative Procedure Act, and other  
123 laws relating to public officials, including conflict-of-  
124 interest laws.

125 (b) It is cause for the removal from the coordinating  
126 council of a member who during service on the coordinating  
127 council:

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

131 2. Is absent from more than one-half of the regularly  
132 scheduled coordinating council meetings during a calendar year,

133 except when the absence is excused by majority vote of the  
 134 coordinating council.

135 (c) The first meeting of the coordinating council shall be  
 136 held no later than September 1, 2004. The coordinating council  
 137 members, at the organizational meeting, shall elect by a  
 138 majority vote of the members one member to serve as chair of the  
 139 coordinating council for a term of 1 year. A person who  
 140 represents an agency, a profession, or an organization other  
 141 than a nonprofit deaf or hard of hearing consumer organization  
 142 may not serve as chair. The coordinating council shall meet at  
 143 least once each quarter. All meetings are subject to the call of  
 144 the chair. Twelve members of the coordinating council shall  
 145 constitute a quorum.

146 (d) Members of the coordinating council shall serve  
 147 without compensation but may be reimbursed for per diem and  
 148 travel expenses pursuant to s. 112.061, Florida Statutes.  
 149 Agencies shall provide reimbursement for per diem and travel  
 150 expenses for their representatives.

151 (e) The coordinating council shall appoint an executive  
 152 director who shall serve under the direction, supervision, and  
 153 control of the coordinating council. Preference shall be  
 154 provided to an individual who is deaf or hard of hearing who  
 155 meets all qualifications for the position. The executive  
 156 director shall employ such personnel as may be necessary to  
 157 perform adequately the functions of the coordinating council  
 158 within budgetary limitations. All employees are exempt from the  
 159 Career Service System.

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

165       (a) The coordinating council shall:

166       1. Work to ensure more efficient coordination and  
 167 collaboration among public and nonprofit organizations that  
 168 provide social and educational services to individuals who are  
 169 deaf or hard of hearing.

170       2. Develop and implement a statewide program of advocacy  
 171 and education to ensure continuity of services to individuals  
 172 who are deaf or hard of hearing.

173       3. Make available and provide an educational and  
 174 information program through printed materials, workshop and  
 175 training sessions, presentations, demonstrations, and public  
 176 awareness events about hearing loss for citizens in the state  
 177 and for public and private entities. The program shall include,  
 178 but not be limited to, information concerning referral services,  
 179 service and resource availability, interpreter and communication  
 180 access realtime translation services, accessibility and  
 181 accommodation issues, assistive technology, empowerment issues,  
 182 obligations of service providers and employers, educational  
 183 options, and current federal and state statutes, rules,  
 184 regulations, and policies regarding hearing loss.

185       4. Where gaps in service exist, provide direct services to  
 186 individuals who are deaf or hard of hearing, including  
 187 communication access, information and referral services,

188 advocacy services, education and training to the public and  
 189 private sector, and services to elderly individuals who are deaf  
 190 or hard of hearing.

191 5. Maintain a registry of available qualified interpreters  
 192 and communication access realtime translation providers for  
 193 individuals who are deaf or hard of hearing by updating the  
 194 registry at least quarterly and making the registry available to  
 195 interested persons.

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

199 7. Review the feasibility of and necessity for regulation  
 200 of interpreters and, if found to be feasible and advantageous,  
 201 recommend standards for licensure. The coordinating council  
 202 shall submit a report to the Governor, the President of the  
 203 Senate, and the Speaker of the House of Representatives by  
 204 January 1, 2006, describing its findings and recommendations.

205 8. Provide information and technical assistance to the  
 206 Legislature.

207 9. Provide technical assistance to state agencies.

208 10. Conduct public hearings and receive testimony on  
 209 behalf of the state.

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

212 12. Obtain information and assistance from the state or  
 213 any political subdivision, municipal corporation, or  
 214 governmental department or agency, or public officer thereof.

215 All executive branch state agencies are instructed, and all

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216 other state agencies are requested, to cooperate with the  
 217 coordinating council in accomplishing its duties.

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

221 14. Maintain an office in Tallahassee and regional offices  
 222 in other parts of the state.

223 15. Provide recommendations to other state entities on  
 224 compliance with accessibility issues as they relate to deaf or  
 225 hard of hearing individuals and file reports with such entities  
 226 when their services are not accessible to the deaf or the hard  
 227 of hearing citizens of the state.

228 16. Develop and implement bylaws and policies.

229 (b) The coordinating council may:

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

232 2. Accept gifts, grants, and donations of funds, services,  
 233 personal property, or real property for use in expanding and  
 234 improving services to individuals in this state who are deaf or  
 235 hard of hearing.

236 3. Contract with or provide grants to agencies,  
 237 organizations, or individuals as necessary to implement this  
 238 section.

239  
 240 This subsection does not extend the duties or responsibilities  
 241 of the coordinating council to any program, service, or activity  
 242 that is subject to the jurisdiction or oversight of the Florida  
 243 Public Service Commission or that is subject to regulation under

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244 | part I of chapter 468, Florida Statutes, or part II of chapter  
245 | 484, Florida Statutes.

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

249 |       Section 2. This act shall take effect upon becoming a law.