

By Senator Wise

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1 A bill to be entitled
2 An act relating to deaf and hard-of-hearing services;
3 providing definitions; providing legislative findings
4 and intent; creating the Division of Deaf and Hard-of-
5 Hearing Services within the Department of Education;
6 providing an organizational structure for the
7 division; providing duties and responsibilities for
8 the division; requiring that the division submit a
9 biennial status report to the Governor and the
10 Legislature; requiring that the report contain certain
11 information; authorizing the division to apply for,
12 receive, and expend moneys from grants and gifts;
13 creating certain service programs within the division;
14 providing the duties and responsibilities of such
15 programs; creating the Commission for the Deaf and
16 Hard of Hearing within the division; providing for
17 membership; requiring that the Governor appoint
18 members; providing terms; requiring that the
19 Department of Education provide administrative support
20 to the commission; providing that board members serve
21 without compensation but receive reimbursement for per
22 diem and travel expenses; requiring that the
23 commission advise the division and advocate on behalf
24 of persons who are deaf or hard of hearing; providing
25 that members of the commission be removed for cause;
26 requiring that the commission meet quarterly;
27 requiring that the commission create bylaws;
28 prohibiting an employee of the division from serving
29 as a member of the commission; requiring the

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30 commission to appoint an executive director; requiring
31 the Governor to appoint an interim executive director;
32 amending s. 20.15, F.S.; establishing the Division of
33 Deaf and Hard-of-Hearing Services within the
34 Department of Education; repealing s. 413.271, F.S.;
35 relating to the Florida Coordinating Council for the
36 Deaf and Hard of Hearing; providing an effective date.
37

38 WHEREAS, three million of the estimated 18.6 million
39 persons living in this state have been diagnosed as having a
40 hearing impairment, and

41 WHEREAS, the lack of effective services and communication
42 accommodations has resulted in a national unemployment rate in
43 the workforce of more than 40 percent for deaf or hard-of-
44 hearing adults, and

45 WHEREAS, there is an underemployment rate of an additional
46 40 percent and an unemployment rate of 80 percent for persons
47 who are deaf-blind, and

48 WHEREAS, persons who are deaf or hard of hearing make up
49 approximately 16 percent of the residents in Florida, and

50 WHEREAS, the ability to communicate with others easily, in
51 all places and situations, is a recognized part of typical child
52 development, the attainment of educational goals, relationships
53 with friends and family, accessing medical care and other
54 services, and work settings, and

55 WHEREAS, this society in the information age is founded on
56 the ability to access information and communicate freely face-
57 to-face or through technology, and

58 WHEREAS, persons without a disability have easy access to

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59 communication technology through telephones, e-mail, text
60 messaging, television, radio, and a wide variety of other
61 technologies that are used in their daily lives, and

62 WHEREAS, all Florida residents should have an equal
63 opportunity to communicate via the various available
64 technologies or other strategies in order to fully participate
65 and productively function in society, and

66 WHEREAS, the lack of effective communication accommodations
67 for persons who are deaf or hard of hearing will result in
68 educational underachievement, underemployment, social isolation,
69 substandard health care, and poor access to public services,
70 which can lead to further isolation and related health
71 consequences, and

72 WHEREAS, the educational, social, and health effects that
73 are caused by the ineffective access to communication due to
74 hearing loss need not occur if appropriate access to early
75 language development and accessibility accommodations, supports,
76 and services are made available, and

77 WHEREAS, appropriate educational practices can lead to the
78 development of employable and productive adults if individuals
79 are provided with accessibility accommodations, and

80 WHEREAS, there is evidence in this state that the
81 unemployment rate for persons who are deaf or hard of hearing
82 may be considerably higher than the national average, NOW,
83 THEREFORE,

84

85 Be It Enacted by the Legislature of the State of Florida:

86

87 Section 1. Division of Deaf and Hard-of-Hearing Services.-

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88 (1) DEFINITIONS.—As used in this section, the term:

89 (a) "Activities of daily living" means activities required
90 on a frequent basis which permit an individual to secure or
91 maintain independence, including, but not limited to, personal
92 home care; transportation; communication; attending school;
93 employment; handling personal, legal, financial, and medical
94 services; formally requesting accommodations; and determining
95 effective communication for the individual.

96 (b) "American Sign Language" or "ASL" means a complete,
97 complex language that has its own unique syntax and grammar not
98 based on English and that employs signs made with the hands,
99 facial expressions, and other parts of the body to communicate
100 both concrete and abstract ideas. ASL is used primarily by
101 people in North America who are deaf and is the dominant sign
102 language of the deaf in the United States.

103 (c) "Assistive listening device" means any type of device
104 or technology that can help a person who has hearing loss
105 function better in his or her day-to-day communication
106 individually and in groups.

107 (d) "Communication Access Real Time Translation" or "CART"
108 means a technique in which a trained CART provider quickly types
109 communications occurring in real-time shorthand. A computer
110 translates the shorthand into words or captions that can be read
111 by the deaf or hard-of-hearing person.

112 (e) "Culturally deaf" means an individual who is born deaf
113 or hard of hearing or became deafened early in life, identifies
114 himself or herself as a member of the deaf community, and relies
115 primarily on sign language to communicate.

116 (f) "Deaf" means a nonfunctional sense of hearing for the

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117 purpose of communication. A deaf person has a hearing impairment
118 of such severity that he or she must depend on visual methods to
119 communicate.

120 (g) "Department" means the Department of Education.

121 (h) "Disability" means a physical or mental impairment that
122 severally limits the performance of one or more activities of
123 daily living.

124 (i) "Division" means the Division of Deaf and Hard-of-
125 Hearing Services within the Department of Education.

126 (j) "Hard of hearing" means a hearing loss that results in
127 the dependence on residual hearing that may be sufficient to
128 process linguistic information through audition with or without
129 hearing technology under favorable listening conditions. Persons
130 who are hard of hearing may also depend on visual methods and
131 assistive listening devices to communicate. Those persons do not
132 typically use American Sign Language.

133 (k) "Deaf-blind" means that the senses of hearing and sight
134 are limited for the purpose of communication. Deaf-blind persons
135 do not typically have total deafness or total blindness;
136 however, their functionality is significantly affected due to an
137 impairment of both hearing and vision. Those persons may depend
138 on tactile methods of communication or the use of assistive
139 technology.

140 (l) "Deaf and hard of hearing" means a condition in which a
141 person has hearing loss and is culturally deaf or oral deaf or
142 hard of hearing or late-deafened or deaf-blind.

143 (m) "Deaf and hard-of-hearing service" means any service,
144 provided directly or indirectly through public or private
145 agencies, which the division finds necessary to enable a person

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146 who is deaf or hard of hearing to fully engage in society and is
147 provided by or paid for by the division.

148 (n) "Late-deafened" means deafness that occurred any time
149 after the development of speech and language, often after the
150 age of adolescence. A late-deafened adult has identified with
151 hearing society through schooling and social connections and he
152 or she is unable to understand speech without hearing technology
153 or visual aids, including, but not limited to, speech reading,
154 sign language, or CART.

155 (o) "Oral deaf" means a condition in which a deaf person's
156 preferred mode of communication is verbal and auditory. An oral
157 deaf person who can both sign and speak may be considered deaf
158 if he or she is accepted as such by other deaf persons and uses
159 sign language within the deaf community.

160 (p) "Program" means an agency, organization, or
161 institution, or a unit of an agency, organization, or
162 institution, which directly provides or facilitates the
163 provision of deaf and hard-of-hearing services as its primary
164 major function.

165 (q) "Rehabilitation" means the events and processes that
166 occur after hearing loss which assist in stabilizing the
167 progression of such loss and maximizing the hearing function if
168 possible.

169 (r) "Supported employment" means competitive work in
170 integrated working settings for persons who have severe hearing
171 loss and for whom competitive employment has not traditionally
172 occurred or has been interrupted or is intermittent as a result
173 of severe hearing loss. Persons who have severe hearing loss and
174 require supported employment may need intensive supported

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175 employment services or extended services in order to perform
176 such work.

177 (s) "Supported employment services" means ongoing support
178 services, accommodations, and other appropriate services needed
179 to support and maintain a person who has a severe hearing loss
180 in supported employment.

181 (2) LEGISLATIVE FINDINGS AND INTENT.—

182 (a) The Legislature finds that the policy of the state with
183 regard to persons who are deaf or hard of hearing needs to focus
184 on encouraging and assisting these persons to achieve maximum
185 personal independence through useful, productive, and gainful
186 employment. The Legislature further finds that in order to
187 enhance the dignity and capacity for self-support for persons
188 who are deaf or hard of hearing, the state must create a system
189 of service agencies to provide the necessary support, training,
190 and education to serve these persons in the same manner that
191 persons who have other disabilities are served under state
192 programs.

193 (b) The Legislature finds that a coordinated program is
194 needed to offer services for persons who are deaf or hard of
195 hearing throughout the state. The Legislature further finds that
196 this program must be designed to maximize employment
197 opportunities for these persons and increase their independence
198 and self-sufficiency in employment, education, communication,
199 socialization, and daily living.

200 (c) It is the intent of the Legislature that all programs,
201 projects, and activities for persons who are deaf or hard of
202 hearing be carried out in a manner that is consistent with the
203 following principles:

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204 1. Respect for individual dignity, personal responsibility,
205 self-determination to live independently, and the pursuit of
206 meaningful and gainful careers based on informed choices;

207 2. Support for the involvement of an individual's parent or
208 representative if the individual is a minor or if the individual
209 requests, desires, or needs such support, including an advocate;

210 3. Respect for the individual's privacy and equal access to
211 services, including provisions for the individual's preferred
212 communication method or other accommodations; and

213 4. Integration and full participation of individuals who
214 are deaf and hard of hearing in all aspects of our society on
215 equal terms with others.

216 (3) DIVISION OF DEAF AND HARD-OF-HEARING SERVICES.—

217 (a) Purpose.—The Division of Deaf and Hard-of-Hearing
218 Services is created within the Department of Education. The
219 purpose of the division is to address the developmental, social,
220 linguistic, educational, employment, communications access, and
221 technology services, including issues involving human and civil
222 rights, housing, public policies, rules, legislation, and
223 quality of life, for all persons who are deaf and hard of
224 hearing. The internal organizational structure of the division
225 shall be designed for the purpose of ensuring the greatest
226 possible efficiency and effectiveness for providing services to
227 persons who are deaf or hard of hearing, consistent with chapter
228 20, Florida Statutes.

229 (b) Duties and responsibilities.—The division shall promote
230 the general welfare of persons who are deaf or hard of hearing
231 in the state. The division shall:

232 1. Provide direct services to persons who are deaf or hard

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233 of hearing, from birth to death, throughout the state and serve
234 as a central entry point for these persons who are in need of
235 services and supports.

236 2. Eliminate the unemployment and underemployment of
237 persons who are deaf or hard of hearing.

238 3. Increase public awareness of the needs and issues
239 affecting persons who are deaf or hard of hearing.

240 4. Comply with federal, state, and local laws and policies
241 that protect and serve persons who are deaf or hard of hearing.

242 5. Adopt public policies, rules, and programs that remove
243 the communication barriers experienced by persons who are deaf
244 or hard of hearing by providing effective and appropriate
245 auxiliary aids in public places and related services.

246 6. Coordinate with state and local agencies to ensure that
247 persons who are deaf or hard of hearing have preferred access to
248 safety and emergency services, including equal and effective
249 methods of communication accommodation.

250 7. Develop a referral service for persons who are deaf or
251 hard of hearing by serving as a clearinghouse for the needs,
252 issues, and resources available for these individuals.

253 8. Employ staff who are deaf or hard of hearing or who are
254 qualified to work with persons who are deaf or hard of hearing.

255 9. Coordinate with the department, the Florida School for
256 the Deaf and the Blind, local school districts, virtual schools,
257 charter schools, a child's home school, and private schools to
258 develop and deliver programs and services for families who have
259 children who are deaf or hard of hearing and support the school
260 personnel who are serving the students in order to increase the
261 educational outcomes for students who are deaf or hard of

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262 hearing.

263 10. Create a plan to provide human and social services for
264 persons who are deaf or hard of hearing throughout the state
265 through a network of contracted, nonprofit, and regional service
266 centers.

267 11. Adopt effective communication and accessibility
268 standards and monitor these standards in the following areas:

269 a. Emergency response and recovery for effective
270 communication access before, during, and immediately following
271 emergencies;

272 b. Transportation, including cruise and ferry terminals,
273 airline terminals, bus depots, train stations, and highway
274 communication systems;

275 c. Classroom acoustics, appropriate hearing technology, and
276 communication-access services for persons who are deaf or hard
277 of hearing;

278 d. Employment, including gainful and competitive settings;

279 e. Communication accessibility in the legal, judicial, and
280 penal systems;

281 f. Communication accessibility in the medical system and
282 with respect to medical services;

283 g. Law enforcement communication techniques and
284 accommodations for individuals and groups;

285 h. Appropriate safety and access equipment in hotels;

286 i. Accommodations implemented by public service and state
287 agencies;

288 j. Appropriate safety and access equipment in public
289 housing;

290 k. Equal access to audio information on the Internet;

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291 1. Methods of removing communication barriers for the
292 delivery of and access to services for people who are deaf or
293 hard of hearing;

294 m. Identification of a state entity that improves the
295 coordination of communication access in all publicly funded
296 services; and

297 m. Early intervention and the creation of a mandatory
298 reporting system that requires hospitals, schools, health
299 screening programs, audiologists, pediatricians, and other
300 entities to determine the presence of a hearing loss and to
301 report to the division for the compilation and monitoring of the
302 effectiveness of the programs provided.

303 12. Advise the Governor, the President of the Senate, the
304 Speaker of the House of Representatives, and the heads of all
305 state agencies on the laws, policies, and rules affecting
306 persons who are deaf or hard of hearing.

307 13. Make recommendations for the development of acoustical
308 technology for persons who are deaf or hard of hearing and
309 create a plan for implementing specific standards that are not
310 limited to schools, general assembly areas, and public spaces.

311 14. Make recommendations to the Legislature regarding
312 changes to state law, administrative rules, policies, or
313 procedures of the state which are needed to improve the
314 statewide screening program and early intervention services for
315 newborns who have hearing loss.

316 15. Monitor the coordination of the statewide communication
317 accommodations services for use by any state agency, entity, or
318 individual and the acquisition and implementation of contracts
319 with the appropriate agency, entity, or individual to provide

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320 the services.

321 16. Adopt standards for an entity to be deemed a deaf and
322 hard-of-hearing service center for contractual purposes.

323 (c) Status report.—The division shall submit a biennial
324 report to the Governor, the President of the Senate, and the
325 Speaker of the House of Representatives which contains its
326 accomplishments, activities, any new data, issues, or trends
327 affecting persons who are deaf or hard of hearing, and the needs
328 of these individuals across the state. The report must include
329 recommendations regarding necessary changes to statutes,
330 administrative rules, policies, or procedures of the state in
331 reference to all duties outlined in this section.

332 (d) Public hearings.—The division shall hold at least two
333 public hearings each year during which the division will take
334 public testimony and comments on the quality of state services
335 and programs affecting persons who are deaf or hard of hearing,
336 the functions and operations of the division, and any other
337 issues that affect persons who are deaf or hard of hearing. A
338 summary of the public hearings shall be submitted to the
339 Governor, the President of the Senate, and the Speaker of the
340 House of Representatives.

341 (e) Funding.—The Legislature shall determine a source of
342 funding in order to provide adequate staff for the division and
343 properly administer the duties specified in paragraph (b). The
344 division may apply for, receive, and expend, in its own name,
345 grants and gifts of money consistent with the duties and
346 responsibilities provided in this subsection. The division also
347 may broaden the participation and funding potential by employing
348 fiscal options, including, but not limited to, the creation of a

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349 direct-support organization.

350 (f) Rulemaking.—The division may adopt rules to administer
351 this section.

352 (4) SERVICE PROGRAMS.—The division shall administer the
353 following programs:

354 (a) Civil Rights and Advocacy Services Program.—The Civil
355 Rights and Advocacy Services Program shall:

356 1. Provide educational materials and publications to
357 promote public awareness of the lack of accessibility standards
358 to accommodate persons who are deaf, hard of hearing, late-
359 deafened, and deaf-blind.

360 2. Provide educational opportunities and materials to
361 educate and inform deaf, hard of hearing, late-deafened, and
362 deaf-blind individuals and their family members of their rights
363 for reasonable accessibility accommodations and the procedures
364 to file a complaint if a lack of accommodation occurs. These
365 complaints may be filed with the division. In addition, the
366 division shall disseminate educational materials to consumers
367 with the objective of empowering them to acknowledge their own
368 need for accommodations, take advantage of services and supports
369 that exist, and file complaints, if needed, to improve
370 accessibility for themselves and other persons who are deaf,
371 hard of hearing, late-deafened, or deaf-blind.

372 3. Coordinate with the Public Service Commission to
373 publicize and maintain a list of state, county, and local
374 agencies and private businesses that provide TTY numbers.

375 (b) Education and Training Services Program.—

376 1. The Education and Training Services Program shall
377 promote and facilitate training opportunities at the state and

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378 local level to improve the competency of personnel necessary for
379 appropriate accessibility services for persons who are deaf,
380 hard of hearing, late-deafened, or deaf-blind, including, but
381 not limited to:

382 a. Interpreters;

383 b. Support service providers for the deaf-blind;

384 c. Teachers of American Sign Language as a foreign language
385 and teachers of deaf and hard-of-hearing students;

386 d. Communication Access Real Time Translation (CART)
387 providers; and

388 e. Agencies that provide early intervention services to
389 deaf and hard-of-hearing children and their families.

390 2. The program shall establish incentives at the state or
391 local level to develop opportunities to train quality personnel
392 necessary for providing appropriate early intervention,
393 educational, mental health, and vocational services and supports
394 for persons who are deaf, hard of hearing, late-deafened, or
395 deaf-blind. These incentives may include:

396 a. Providing grants to one or more universities to develop
397 online coursework, as well as face-to-face training for persons
398 providing services, including, but not limited to, early
399 intervention, educational, mental health, and vocational
400 rehabilitation services;

401 b. Providing tuition waivers directed toward underserved
402 areas in order to assist in recruiting and retaining quality
403 personnel;

404 c. Providing stipends to personnel for travel to training
405 sites; and

406 d. Providing consultation fees to highly skilled

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407 professionals who provide mentoring at a local level to support
408 informal continuing education opportunities available to
409 personnel serving children or adults who are deaf, hard of
410 hearing, late-deafened, or deaf-blind.

411 3. Collaborate and coordinate with the comprehensive system
412 of personnel development to produce, support, and deliver
413 quality training to persons who provide services to children
414 ages birth to 22 years of age who are deaf, hard of hearing,
415 late-deafened, or deaf-blind.

416 4. Establish incentives to increase opportunities to train
417 interpreters, support service providers, Communication Access
418 Real Time Translation (CART) providers, and real-time caption
419 providers. These incentives may include:

420 a. Awarding grants to community colleges to establish
421 training programs for interpreters and for support service
422 providers for the deaf-blind;

423 b. Awarding grants to community colleges and public
424 vocational schools to establish Communication Access Real Time
425 Translation (CART) training programs; and

426 c. Providing tuition waivers, especially to enhance
427 recruitment and retention of quality interpreters, support
428 services providers, or Communication Access Real Time
429 Translation (CART) providers.

430 (c) Vocational Support Services Program.—

431 1. The Vocational Support Services Program shall promote
432 and facilitate training opportunities in local areas to improve
433 the competency of personnel as necessary to provide appropriate
434 vocational services for persons who are deaf, hard of hearing,
435 late-deafened, or deaf-blind, including, but not limited to:

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436 a. Independent living skills training;
437 b. Job-seeking skills training;
438 c. Resume-building training;
439 d. Interviewing skills training;
440 e. Personal finance training;
441 f. Job-retention and follow-along services; and
442 g. Supported employment services that are based upon a
443 determination of the needs of the eligible individual as
444 specified in the person's individualized written rehabilitation
445 program. The services shall be provided singly or in
446 combination, and organized and made available in such a way as
447 to assist eligible individuals in entering or maintaining
448 integrated, competitive employment. The services shall be
449 provided for a period not to extend 18 months, but may be
450 extended under special circumstances with the consent of the
451 individual in order to achieve the objectives of the
452 rehabilitation plan.

453 2. The division shall coordinate with the local divisions
454 of vocational rehabilitation in order to ensure that consumers
455 who are deaf or hard of hearing have the applicable
456 communication supports and accommodations, including, but not
457 limited to, hearing aids, auxiliary aids, hearing service
458 animals, and other independent living technology necessary to be
459 successful in the workplace and community.

460 (d) Communication Access Services Program.—The
461 Communication Access Services Program of the division shall
462 promote and facilitate training opportunities at the state and
463 local level to improve the competency of personnel necessary for
464 providing appropriate accessibility services to persons who are

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465 deaf, hard of hearing, late-deafened, or deaf-blind, including,
466 but not limited to, interpreters, support service providers for
467 the deaf-blind, teachers of ASL as a foreign language, and
468 Communication Access Real Time Translation (CART) providers. The
469 program shall also:

470 1. Create and implement a registry of certified sign
471 language interpreters and qualified communication access real-
472 time translation providers, which shall be maintained by the
473 division for deaf, hard of hearing, late-deafened, and deaf-
474 blind issues.

475 2. Set specific emergency response and recovery standards
476 for effective communication access before, during, and
477 immediately following emergencies, such as hurricanes and other
478 natural disasters, including, but not limited to, American Sign
479 Language, Communication Access Real Time Translation, and
480 descriptive video services.

481 3. Use the database from the regional service centers for
482 the deaf and hard of hearing of all qualified interpreters,
483 support service providers, Communication Access Real Time
484 Translation (CART) services, and real-time captioning providers
485 to recommend, arrange for, or broker services for consumers in
486 the region as requested.

487 4. Use the list of contacts of the regional service centers
488 for the deaf and hard of hearing for accessibility services in
489 counties, local agencies, and private businesses that provide
490 TTY numbers or video relay numbers in order to recommend or
491 support consumer access to these services.

492 5. Guide referrals to specially trained providers or
493 appropriate support services based on consumer choice as much as

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494 possible. Support services shall include sign language
495 interpreters, CART providers, special service providers,
496 captioned videotapes, telecommunication devices for the deaf,
497 tele-mental health capability, and closed-captioning.

498 6. Promote the creation of a tax rebate or other incentives
499 for businesses that establish and advertise a TTY number or a
500 videophone number in order to create equal access similar to
501 telephone books for the public.

502 7. Participate in statewide efforts with the Department of
503 Health, the Florida Alliance for Assistive Services and
504 Technology, the Division of Vocational Rehabilitation, the
505 Florida Endowment Foundation for Vocational Rehabilitation, and
506 other appropriate state agencies, in collaboration with
507 pertinent professional associations and service organizations,
508 to develop a means by which individuals who are deaf, hard of
509 hearing, late-deafened, or deaf-blind may obtain appropriate
510 hearing technology at a reasonable cost.

511 8. Work with local service organizations or audiologists to
512 develop a hearing aid bank that would serve the economically
513 disadvantaged and be accessed while individuals are identifying
514 means of purchasing personal hearing aids or other hearing
515 technology.

516 9. Act as an advocate along with the Division of Vocational
517 Rehabilitation within the department, private insurance
518 companies, and other possible payers to provide hearing
519 technology to eligible consumers.

520 (e) Children and Family Services Program.-

521 1. The division shall promote or facilitate training
522 opportunities at the state and local level to improve the

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523 competency of personnel necessary to provide appropriate
524 services to families that have members who are deaf, hard of
525 hearing, late-deafened, or deaf-blind, including, but not
526 limited to:

527 a. Providing instruction in American Sign Language and
528 other visual communication methods, including, but not limited
529 to, instruction in manual communication systems, such as cued
530 speech and Signing Exact English.

531 b. Referring families for pediatric audiology and
532 amplification fitting services.

533 c. Being the point of first contact for families following
534 diagnosis of hearing loss until age 3 to provide emotional
535 support through counseling, outreach, and parent education and
536 unbiased communication information for families to make informed
537 choices.

538 d. Providing ongoing early intervention services for the
539 family and child as best meets the child's communication needs
540 as evidenced through biannual and ongoing monitoring of
541 communication-development data.

542 e. Creating the Deaf and Hard-of-Hearing Babies Program
543 within the division to provide community-based early
544 intervention education to children from birth through 5 years of
545 age who are deaf or hard of hearing, and to their parents,
546 families, and caregivers, through community-based provider
547 organizations. The division shall enlist parents, audiologists,
548 hospitals, pediatricians, schools, Infant and Toddlers Early
549 Intervention Programs, and therapists to help identify and
550 enroll deaf and hard-of-hearing children, as well as their
551 parents, families, and caregivers, in these educational

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552 programs.

553 (I) The Deaf and Hard-of-Hearing Babies Program shall
554 promote early development, with a special emphasis on early
555 language acquisition and development to minimize developmental
556 delays. The education shall lay the groundwork for future
557 learning by helping a child progress through normal
558 developmental stages. It shall give children accessible
559 opportunities to acquire language as the same time as their
560 hearing peers, including, but not limited to, full exposure to
561 American Sign Language, auditory therapy, speech therapy, use of
562 hearing technologies, including, but not limited to, hearing
563 aids and cochlear implants. The program shall seek to ensure
564 that deaf and hard-of-hearing children enter school as ready to
565 learn as their hearing classmates. The program shall seek to
566 link these children, and their parents, families, and
567 caregivers, to other available services, support systems,
568 training, education, and employment programs that could assist
569 these families in the future. This linkage may include referrals
570 to the school districts and the Early Steps Program for
571 assessments to identify any additional services needed which are
572 not provided by the Deaf and Hard-of-Hearing Babies Program.

573 (II) The division shall establish outcomes for the Deaf and
574 Hard-of-Hearing Babies Program which shall include, but are not
575 limited to, outcomes relating to the children's age-appropriate
576 developmental stages, pre-literacy and literacy skill, age-
577 appropriate language skills, knowledge of assistive technology,
578 proficiency at daily living, ability to participate in preschool
579 and school with their hearing peers, and participation in their
580 communities. The division shall develop criteria to be used in

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581 identifying and contracting with community-based provider
582 organizations. All services offered through the Deaf and Hard-
583 of-Hearing Babies Program shall be provided by community-based
584 provider organizations. Each community-based organization that
585 provides services for deaf and hard-of-hearing children under
586 this section must employ at least one highly qualified employee
587 who is proficient in American Sign Language. The division shall
588 require any community-based provider organization delivering
589 services under this program to develop performance measures
590 related to those services and report to the division on the
591 progress in achieving those measures.

592 2. Family literacy and deaf role-model programs shall be
593 available to families of children who are deaf or hard of
594 hearing and who are younger than 8 years of age to the extent
595 that personnel and funding are available.

596 (f) Grants and Contracts Management Program.—

597 1. Resource centers for the deaf and hard of hearing shall
598 be established at the community level through detailed
599 contracts. These contracts may be awarded by the division to
600 existing deaf service centers or to new entities in communities
601 that lack support services for persons who are deaf, hard of
602 hearing, late-deafened, or deaf-blind, with preference being
603 given to existing centers that have the primary purpose of
604 servicing consumers who are deaf or hard of hearing. It is
605 intended that these resource centers expand, but not supplant,
606 the services already provided by deaf service centers so that
607 greater sufficiency, consistency, and quality of services are
608 available to the residents, regardless of where in the state
609 they reside. The aim shall be to establish resource centers for

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610 the deaf and hard of hearing throughout the state.

611 2. Not-for-profit, community-based entities shall be
612 awarded detailed contracts that define deliverables and
613 responsibilities and that the division shall monitor for purpose
614 of quality assurance and accountability. These community-based
615 entities shall be designated as the regional service centers for
616 the deaf and the hard of hearing and are responsible for the
617 following activities and core services:

618 a. Client assistance;

619 b. Information and referrals for issues relating to
620 deafness and access to accommodations;

621 c. Advocacy for persons who are deaf or hard of hearing;

622 d. Communication access;

623 e. Community education; and

624 f. Communication technology.

625 3. Each contracted specialized support service center shall
626 employ highly qualified professionals to execute the provisions
627 to the maximum extent feasible based on the funding available.
628 The division shall adopt rules to define highly qualified
629 criteria and requirements for subsequent ongoing professional
630 development and accountability.

631 (5) COMMISSION FOR THE DEAF AND HARD OF HEARING.—

632 (a) *Membership.*—The Commission for the Deaf and Hard of
633 Hearing shall be composed of not more than 15 members. The
634 appointment of members representing organizations shall be made
635 by the Governor. The membership shall be as follows:

636 1. One person who is deaf and whose primary mode of
637 communication is American Sign Language;

638 2. One person who is hard of hearing;

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- 639 3. One person who is late-deafened;
640 4. One person who is deaf-blind and whose primary mode of
641 communication is tactile communication or close proximity and
642 smaller signing space;
643 5. One parent of a child who is deaf or hard of hearing and
644 is between the ages of 5 and 21, inclusive;
645 6. One representative of an agency that serves persons who
646 are deaf or hard of hearing;
647 7. One teacher of children who are deaf or hard of hearing;
648 8. One sign language interpreter for the deaf;
649 9. One person who is deaf and whose primary mode of
650 communication is speech-based;
651 10. One person who is a Communication Access Real Time
652 Translation (CART) provider;
653 11. One parent of a child who is deaf or hard of hearing
654 and is younger than 5 years of age;
655 12. Three members at large who have substantiated knowledge
656 of deaf and hard-of-hearing issues; and
657 13. The Commissioner of Education or his or her designee.
658 (b) Terms.—Each member shall be appointed to a 3-year term.
659 A member may not serve more than two consecutive terms. Any
660 vacancy on the commission for any reason other than the
661 expiration of a term shall be filled in the same manner as the
662 original appointment for the remainder of the unexpired term.
663 The commission shall select one member as chairperson and one
664 member as vice chairperson. The department shall provide
665 administrative services to the commission. Members of the
666 commission shall serve without compensation, but are entitled to
667 reimbursement for per diem and travel expenses pursuant to s.

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668 112.061, Florida Statutes. The commission shall advise the
669 division regarding issues affecting persons who are deaf or hard
670 of hearing and advocate on the behalf of these persons to ensure
671 that they have equal access to the services, programs, and
672 opportunities available to others.

673 (c) Removal.—A member of the commission may be removed if
674 he or she:

675 1. Is unable to discharge his or her duties for a
676 substantial portion of the term for which he or she is appointed
677 due to illness or disability; or

678 2. Is absent from more than one-half of the regularly
679 scheduled meetings during a calendar year, unless the absence is
680 excused by a majority vote of the commission members.

681 (d) Meetings.—The commission shall meet a minimum of four
682 quarterly meetings.

683 (e) Bylaws.—The commission shall create bylaws that govern
684 the administrative functions of the commission.

685 (f) Membership restriction.—An employee of the division may
686 not serve as a member of the commission.

687 (g) Executive director.—The commission shall appoint an
688 executive director who shall serve under the direction,
689 supervision, and control of the commission. The executive
690 director, with the consent of the commission, shall employ such
691 personnel as necessary to perform adequately the functions of
692 the commission within budgetary limitations. All employees of
693 the commission are exempt from the career service system. The
694 Governor, with recommendations from associations for the deaf
695 and hard of hearing, shall appoint an interim executive director
696 until the commission appoints the permanent executive director

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697 of its choice.

698 Section 2. Subsections (3) and (6) of section 20.15,
699 Florida Statutes, are amended to read:

700 20.15 Department of Education.—There is created a
701 Department of Education.

702 (3) DIVISIONS.—The following divisions of the Department of
703 Education are established:

704 (a) Division of Community Colleges.

705 (b) Division of Public Schools.

706 (c) Division of Workforce Education.

707 (d) Division of Vocational Rehabilitation.

708 (e) Division of Blind Services.

709 (f) Division of Accountability, Research, and Measurement.

710 (g) Division of Finance and Operations.

711 (h) Division of Deaf and Hard-of-Hearing Services.

712 (6) COUNCILS AND COMMITTEES.—Notwithstanding anything
713 contained in law to the contrary, the commissioner shall appoint
714 all members of all councils and committees of the Department of
715 Education, except the Commission for Independent Education,
716 Commission for the Deaf and Hard of Hearing, and the Education
717 Practices Commission.

718 Section 3. Section 413.271, Florida Statutes, is repealed.

719 Section 4. This act shall take effect July 1, 2009.