

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 type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

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

This CS creates a new advisory body, the Florida Council on Deafness, and it creates a new commission, the Florida Commission for the Blind.

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.

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.

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.

The 1999 Legislature transferred the Division of Blind Services from the Department of Labor and Employment Security to the Department of Education. Section 39, ch. 99-240, L.O.F. The transfer was effective January 1, 2002.

The Division of Blind Services is charged with the following powers and duties:

- Recommend personnel to implement its assigned duties;
- Compile a state registry of the blind describing the condition, cause, and capacity for education and industrial training;
- Inquire into the cause of blindness, establish preventive measures, and provide for the examination and treatment of the blind, or those threatened with blindness;
- Assist the blind in finding employment and in establishing self-employment enterprises with the assistance of federal funds;
- Establish training schools and workshops for the employment of blind persons;
- Provide special services and benefits for the blind for developing social life through community activities and recreational activities;
- Undertake any other action to assist blind citizens;
- Cooperate with other agencies to provide library service to the blind in conjunction with the Library of Congress and other entities;
- Recommend contracts and agreements;
- Receive funds or properties by gift or bequest;
- Prepare and make available to the blind, in Braille and on electronic recording equipment, applicable provisions in the Florida Statutes relating to blind services; and
- Adopt rules for the general administration of the division.

The division administers six programs: (1) Vocational Rehabilitation for the Blind, (2) Independent Living for the Adult Blind, (3) Braille and Talking Books Library, (4) Business Enterprises, (5) Early Intervention, a children's program, and (6) the Blind Babies Program. The programs are funded through a combination of state and federal dollars, usually on a matching basis.

- Within the division an Advisory Council for the Blind assists the division in the planning and development of statewide rehabilitation programs and services, recommends improvements to the programs, and performs a variety of other duties.

Florida Council on Deafness

The CS 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 for administrative and fiscal purposes but otherwise functions independently; DOE staff assist it in carrying out its duties.

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, 2004, 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.
- Accept grants and use these funds for programs and providing other assistance.
- Contract for necessary goods and services.

Florida Commission for the Blind

The CS creates the Florida Commission for the Blind (Commission), a nine-member body, the majority of whom are blind, whose members are appointed by the Governor and confirmed by the Senate. The Commission is the designated state agency pursuant to the Rehabilitation Act of 1973. The Commission is established as the agency head for the Division of Blind Services (Division); the Division is the designated state unit pursuant to the Rehabilitation Act of 1973

The CS creates a children's program within the Division to serve children age 5 through transition to the Vocational Rehabilitation Program. Its purpose is to supplement services offered by the school system to foster the child's ability to learn and function independently.

The CS requires the Division to provide vocational rehabilitation and independent living services to blind persons. The CS requires the Commission to publish an annual report, including a list of its accomplishments and sufficient information to evaluate the progress of the Division.

C. SECTION DIRECTORY:

Section 1: Creates an unnumbered section of law which establishes the Florida Council on Deafness; specifies the membership; and provides roles and duties.

Section 2: Creates an unnumbered section of law which establishes the Florida Commission for the Blind; specifies the membership; provides its roles and duties; creates within the Division of Blind Services a children's program; provides its roles and duties; provides for dispute resolution.

Section 3: Amends s. 20.15, F.S., relating to Department of Education; provides exception to appointment by commissioner for all commissions and Florida Commission for the Blind.

Section 4: Amends s. 413.011, F.S., relating to organizational structure of Division of Blind Services; provides purpose; deletes requirement for compilation and maintenance of register of the blind; provides policy; adds definition of Florida Commission for the Blind; deletes Advisory Council for the Blind.

Section 5: Amends s. 413.0115, F.S., relating to authorization of State Board of Administration to invest division's portfolio; replaces "Division of Blind Services" with "Florida Commission for the Blind."

Section 6: Amends s. 413.012, F.S., relating to confidential records; allows for disclosure of confidential and exempt records to the Florida Commission for the Blind under certain circumstances; prohibits redisclosure.

Section 7: Amends s. 413.013, F.S., relating to destruction of records; allows Florida Commission for the Blind to authorize destruction of division records.

Section 8: Amends s. 413.014, F.S., relating to community-based rehabilitation programs; makes grammatical change.

Section 9: Amends s. 413.021, F.S., relating to sale, exhibition of products and services by blind persons; replaces "Division of Blind Services" with "Florida Commission for the Blind."

Section 10: Amends s. 413.031, F.S., relating to products purchased by state agencies and institutions; replaces "Division of Blind Services" with "Florida Commission for the Blind."

Section 11: Amends s. 413.041, F.S., relating to placement in vending facilities in public places; grammatical changes.

Section 12: Amends s. 413.051, F.S., relating to operation of vending stands; makes grammatical changes; requires approval of Florida Commission for the Blind before Division of Blind Services may adopt rules regarding vending facility program.

Section 13: Amends s. 413.091, F.S., relating to identification cards; makes grammatical changes.

Section 14: Amends s. 413.092, F.S., relating to Blind Babies Program; replaces "Division of Blind Services" with "Florida Commission for the Blind;" makes grammatical changes.

Section 15: Creates s. 413.093, F.S., relating to budget procedures; requires that Executive Director of Florida Commission for the Blind recommend budget to the Commission; specifies procedure for Commission's legislative budget requests.

Section 16: Creates s. 413.094, F.S., relating to management flexibility; requires that Commission develop annual operating budget; provides flexibility to transfer or reallocate funds among accounts for disbursement; Commission to maintain records; provides for establishment of positions.

Section 17: Creates s. 413.095, F.S., relating to retention of title to and disposal of property and equipment; allows Division of Blind Services to retain and transfer title to property for operation of the Division's programs; authorizes sale of surplus property; provides Florida Commission for the Blind exclusive rights to rulemaking in this area.

Section 18: Creates an unnumbered section of law which authorizes Florida Commission for the Blind to incorporate a direct support organization (DSO); specifies the membership; provides purposes and objectives; directs use of funds; allows employees of Division of Blind Services to solicit donations for the DSO.

Section 19: Creates an unnumbered section of the law which provides that reorganization of the Division of Blind Services does not modify the status of division employees.

Section 20: Amends s. 413.395, F.S., relating to the Florida Independent Living Council; replaces "Division of Blind Services" with "Florida Commission for the Blind."

Section 21: Amends s. 553.512, F.S., relating to Accessibility Advisory Council modifications and waivers; replaces "Division of Blind Services" with "Florida Commission for the Blind."

Section 22: Amends s. 1013.38, F.S.; replaces "Division of Blind Services" with "Florida Commission for the Blind."

Section 23: Repeals ss. 413.061, 413.062, 413.063, 413.064, 413.065, 413.066, 413.067, 413.068 and 413.069, F.S.

Section 24: 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:

Travel for council members for four meetings annually is estimated at \$25,000 per year.

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: None.

B. RULE-MAKING AUTHORITY:

The CS provides the Commission exclusive rights to rulemaking relating to retention of title to and disposal of property and equipment used for programs of the Division. It also provides the Commission rulemaking authority for administration of Division programs, and requires the adoption of rules relating to consumer dispute resolution

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.

The bill does not provide for removal and replacement of individuals derelict in their duties as council members. While not a requirement, such a provision may facilitate the council's accomplishing its duties.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

This bill was amended by the Committee on State Administration on April 8, 2003. This amendment:

- changes the body from a commission to a council.
- provides for administrative location within the Department of Education rather than the Governor's Office and for staff assistance by the Department of Education.
- increases its membership from 7 to 9 members and removes the requirement that its members represent certain groups.
- deletes the requirement that it have offices and employ staff.
- eliminates its power to license and accredit certain services and to ensure compliance by state agencies with accessibility standards.
- removes the requirement that it offer certain services.
- requires a report on specific topics.

This bill was reported favorably with a committee substitute.

On April 14, 2003, the Committee on the Future of Florida's Families adopted one amendment to the Committee Substitute adopted by the Committee on State Administration. That amendment incorporated the CS SB 2126 which addresses the Commission on the Blind. .

This analysis is drafted to the Committee Substitute adopted by the Committee on the Future of Florida's Families.