

By Senator Soto

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1 A bill to be entitled
2 An act relating to persons who are deaf; creating s.
3 320.0849, F.S.; authorizing a deaf individual to make
4 a written request to the Department of Highway Safety
5 and Motor Vehicles for an identification card and
6 placard to indicate that the individual is deaf;
7 requiring the department to issue such a card and
8 placard under certain circumstances; requiring the
9 department to design and develop such cards and
10 placards; requiring the department to develop and
11 adopt rules; amending s. 901.245, F.S.; requiring a
12 law enforcement officer to seek an interpreter before
13 arresting a deaf person for an alleged criminal
14 violation; providing an exception in the case of an
15 emergency; prohibiting a family member from being
16 considered a qualified interpreter under certain
17 circumstances; creating s. 943.0322, F.S.;
18 establishing a database of persons who are deaf;
19 authorizing the Department of Law Enforcement to use
20 the database before detaining or arresting certain
21 individuals; requiring the department to create a form
22 for the submission of information for the database;
23 creating s. 943.1723, F.S.; requiring the Criminal
24 Justice Standards and Training Commission to provide
25 basic skills training for law enforcement officers to
26 interact with the deaf; requiring a law enforcement
27 agency to have at least one on-call officer who is
28 trained in or knows American Sign Language or to
29 contract on an on-call basis with a professional

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30 interpreter agency; defining the term "law enforcement
31 agency"; providing an effective date.
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33 Be It Enacted by the Legislature of the State of Florida:
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35 Section 1. Section 320.0849, Florida Statutes, is created
36 to read:

37 320.0849 Identification for the deaf.-

38 (1) An individual who is deaf may submit a written request
39 to the department for an identification card and placard that
40 indicate the individual is deaf. The department shall issue the
41 card and placard to an individual upon submission of sufficient
42 proof that he or she is deaf, as determined by the department.
43 The individual who is deaf may present the identification card
44 to a law enforcement officer at the beginning of any stop, and
45 may place the placard on the inside of the visor of a motor
46 vehicle so as to be available to present to a law enforcement
47 officer, to indicate that the individual is deaf.

48 (2) The department is responsible for the design and
49 content of the identification card and placard and shall develop
50 and adopt rules relating to the eligibility and application for,
51 and the issuance and control of, the identification card and
52 placard.

53 Section 2. Section 901.245, Florida Statutes, is amended to
54 read:

55 901.245 Interpreter services for deaf persons.-

56 (1) In the event that a person who is deaf is arrested and
57 taken into custody for an alleged violation of a criminal law of
58 this state, The services of a qualified interpreter must ~~shall~~

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59 be sought prior to a law enforcement officer arresting or
60 interrogating a ~~such~~ deaf person who is suspected of a violation
61 of a criminal law in this state, except as provided in
62 subsection (2).

63 (2) In the case of an emergency when public safety is at
64 risk, a law enforcement officer may arrest a deaf person, but a
65 qualified interpreter must be provided as soon as possible. If
66 the services of a qualified interpreter cannot be obtained and
67 all reasonable efforts have been made to obtain a qualified
68 interpreter, the arresting officer may interrogate or take a
69 statement from the deaf ~~such~~ person if the ~~provided such~~
70 interrogation and the answers are thereto shall be in writing.
71 The interrogation and the answers thereto shall be preserved and
72 turned over to the court if in the event such person is tried
73 for the alleged offense.

74 (3) A family member may not be deemed to be a qualified
75 interpreter under this section if the deaf person objects to his
76 or her involvement.

77 Section 3. Section 943.0322, Florida Statutes, is created
78 to read:

79 943.0322 Persons who are deaf database.—The department
80 shall establish a database to collect information that may
81 assist a law enforcement officer in identifying an individual
82 who is deaf. The database may be used before an officer attempts
83 to detain or arrest an individual who is suspected of a
84 violation of a criminal law in this state. The department must
85 create a form to collect this information for the database,
86 which an individual may complete when requesting an
87 identification card or placard that indicates the individual is

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88 deaf under s. 320.0849.

89 Section 4. Section 943.1723, Florida Statutes, is created
90 to read:

91 943.1723 Basic skills training for dealing with the deaf.-

92 (1) The commission shall establish standards for the
93 training of law enforcement officers in dealing with the deaf.

94 (2) Each law enforcement agency shall:

95 (a) Maintain at least one officer on call who is trained in
96 or knows American Sign Language; or

97 (b) Contract with a professional interpreter agency that
98 will be on call and available to the law enforcement agency.

99 (3) As used in this section, the term "law enforcement
100 agency" means a lawfully established state or local public
101 agency whose primary responsibility is the prevention and
102 detection of crime or the enforcement of the penal, traffic, or
103 highway laws of this state and whose agents and officers are
104 empowered by law to conduct criminal investigations and to make
105 arrests.

106 Section 5. This act shall take effect July 1, 2015.