

By Senator Wise

5-00482A-12

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1 A bill to be entitled  
2 An act relating to interpreters and transliterators;  
3 creating s. 1002.362, F.S.; defining terms; requiring  
4 that, under certain circumstances, a person who  
5 provides interpreting or transliterating services  
6 possess a credential issued under the act; providing a  
7 temporary exception for a person who holds a  
8 credential from another state; requiring that the  
9 credentialing entity establish the Interpreters for  
10 the Deaf and Hard of Hearing Advisory Board; providing  
11 duties of the board; authorizing the credentialing  
12 entity to seek injunctive relief for certain  
13 violations; prohibiting the use of public funds to  
14 employ interpreters or transliterators who do not hold  
15 valid credentials; providing a temporary exemption for  
16 persons practicing as interpreters or transliterators;  
17 requiring that a person practicing as an interpreter  
18 or transliterator on or after a specified date apply  
19 for a credential; requiring that a person practicing  
20 as an interpreter or transliterator on or after a  
21 specified date hold a valid credential; providing an  
22 effective date.

23  
24 Be It Enacted by the Legislature of the State of Florida:

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26 Section 1. Section 1002.362, Florida Statutes, is created  
27 to read:

28 1002.362 Credentialing of interpreters and  
29 translitterators.-

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30 (1) As used in this section, the term:

31 (a) "Credentialing entity" means an entity approved  
32 pursuant to s. 402.40(3).

33 (b) "Deaf" means having a hearing impairment of such  
34 severity that a person must depend on visual or tactile methods,  
35 or both, to communicate.

36 (c) "Deaf-blind" means that the senses of hearing and sight  
37 are limited for the purpose of communication. A person who is  
38 deaf-blind uses primarily visual or tactile methods of  
39 communication.

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

48 (e) "Interpreter" means a person who provides accessible  
49 and effective communication between persons who are deaf, hard  
50 of hearing, or deaf-blind and persons who are hearing,  
51 including, but not limited to, communication through American  
52 Sign Language and English or other modalities that involve  
53 visual, gestural, oral or aural, and tactile methods of  
54 communication.

55 (f) "Sign language" means a continuum of visual-gestural  
56 language and communication systems that employ signs made with  
57 the hands and other movements, including facial expressions and  
58 postures of the body. The term is not limited to American Sign

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59 Language.

60 (g) "Transliterator" means a person who provides accessible  
61 and effective communication between persons who are deaf, hard  
62 of hearing, or deaf-blind and persons who hear, primarily using  
63 sign language or other signed mode of English and spoken  
64 English.

65 (2) Unless otherwise exempt as provided in subsection (4)  
66 or subsection (8), a person who represents himself or herself as  
67 an interpreter or transliterator or who provides interpreting or  
68 transliterating services for remuneration or pro bono in  
69 circumstances in which the services of a qualified interpreter  
70 or transliterator are requested under the Americans with  
71 Disabilities Act of 1990, s. 504 of the Rehabilitation Act of  
72 1973, the Individuals with Disabilities Education Improvement  
73 Act of 2004, or the No Child Left Behind Act of 2001, and the  
74 regulations adopted thereunder, or other applicable state or  
75 federal law, must possess a credential issued under this section  
76 to provide interpreting or transliterating services.

77 (3) A person who holds a credential to practice as an  
78 interpreter or transliterator in another state may practice for  
79 2 years after initial employment in this state without being  
80 issued a credential under this section.

81 (4) The credentialing entity, in cooperation with the  
82 Florida Registry of Interpreters for the Deaf, Inc., shall  
83 establish the Interpreters for the Deaf and Hard of Hearing  
84 Advisory Board. The board shall recommend to the credentialing  
85 entity policies, procedures, and actions necessary to issue a  
86 credential to interpreters and transliterators, consistent with  
87 standards endorsed by the Florida Registry of Interpreters for

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88 the Deaf, Inc., the Registry of Interpreters for the Deaf, Inc.,  
89 and the National Association of the Deaf.

90 (5) The credentialing entity may seek injunctive relief to  
91 enjoin persons who are practicing as interpreters or  
92 translitterators but who do not hold a valid credential issued  
93 under this section or who are not exempt as provided in  
94 subsection (3) or subsection (7).

95 (6) Public funds may not be used to employ interpreters or  
96 translitterators who do not hold a valid credential issued under  
97 this section.

98 (7) The following persons are exempt from the requirements  
99 of this section:

100 (a) A person who provides interpreting services in  
101 situations in which the delay in obtaining a credentialed  
102 interpreter may result in immediate injury or economic burden.

103 (b) A student or intern practicing under the supervision of  
104 an interpreter or translitterator who holds a valid credential.

105 (c) A noncredentialed person providing interpreting  
106 services until a credentialed interpreter or translitterator is  
107 secured in order to facilitate emergency services and care by a  
108 hospital, pursuant to s. 395.1041, if a health care practitioner  
109 determines that a delay in obtaining a credentialed interpreter  
110 or translitterator may result in harm to a patient.

111 (8) A person practicing as an interpreter or translitterator  
112 on or after July 1, 2012, must apply for a credential under this  
113 section. Except as otherwise provided in subsection (3) or  
114 subsection (7), a person practicing as an interpreter or  
115 translitterator on or after July 1, 2014, must hold a valid  
116 credential issued under this section.

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Section 2. This act shall take effect July 1, 2012.