

1 A bill to be entitled

2 An act relating to interpreters for the deaf and hard of
3 hearing; creating pt. XV of ch. 468, F.S.; creating s.
4 468.90, F.S.; providing definitions; creating s. 468.901,
5 F.S.; creating the Board of Interpreters for the Deaf and
6 Hard of Hearing under the Department of Health; providing
7 for appointment, qualifications, and terms of board
8 members; creating s. 468.902, F.S.; providing for board
9 headquarters; creating s. 468.903, F.S.; requiring certain
10 persons to be licensed or hold a permit to practice;
11 creating s. 468.904, F.S.; providing for license and
12 permit application and renewal, reinstatement, extension,
13 suspension, and revocation; providing rulemaking
14 authority; creating s. 468.905, F.S.; providing for
15 application, examination, license, and permit fees;
16 creating s. 468.906, F.S.; providing restrictions on and
17 qualifications for licensure and permit holding; providing
18 for licensure and permit types; creating s. 468.907, F.S.;
19 providing for surrender or seizure of suspended or revoked
20 licenses and permits; requiring payment of certain fee
21 upon reinstatement; prohibiting practice under certain
22 circumstances; creating s. 468.908, F.S.; providing
23 requirements for inactive status; creating s. 468.909,
24 F.S.; providing continuing education requirements;
25 creating s. 468.910, F.S.; providing requirements for
26 submitting certain complaints; requiring the board to
27 compile certain complaint data; providing that
28 disciplinary proceedings shall be conducted under s.

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29 456.073, F.S.; providing grounds for board recommendation
30 of revocation or suspension of license or permit or other
31 disciplinary action; creating s. 468.911, F.S.; providing
32 exemptions from regulation under the part; creating s.
33 468.912, F.S.; prohibiting certain acts; providing
34 penalties; creating s. 468.913, F.S.; establishing
35 privilege for certain conversations; providing for
36 voluntary disclosure of certain privileged conversations;
37 creating s. 468.914, F.S.; providing rulemaking authority;
38 providing an effective date.
39

40 WHEREAS, the Legislature declares the practice of manual or
41 oral interpreting and transliterating services affects the
42 public health, safety, and welfare; therefore, the licensure of
43 these practices is necessary to ensure minimum standards of
44 competency and to provide the public with safe and accurate
45 manual or oral interpreting or transliterating services, and

46 WHEREAS, it is the intent of the Legislature to provide for
47 the regulation of persons in the state offering manual or oral
48 interpreting or transliterating services to individuals who are
49 deaf, hard of hearing, or dependent on the use of manual modes
50 of communication, NOW, THEREFORE,
51

52 Be It Enacted by the Legislature of the State of Florida:
53

54 Section 1. Part XV of chapter 468, Florida Statutes,
55 consisting of sections 468.90, 468.901, 468.902, 468.903,

56 468.904, 468.905, 468.906, 468.907, 468.908, 468.909, 468.910,
57 468.911, 468.912, 468.913, and 468.914, is created to read:

58 PART XV

59 INTERPRETERS FOR DEAF AND HARD OF HEARING

60
61 468.90 Definitions.--As used in this part, the term:

62 (1) "American Sign Language" means a fully developed
63 visual-gesture language with distinct grammar, syntax, and
64 symbols that is the primary language used by the deaf community
65 in the United States.

66 (2) "American Sign Language Proficiency Interview" or
67 "Sign Communication Proficiency Interview" means the assessment
68 of fluency in American Sign Language.

69 (3) "Board" means the Board of Interpreters for the Deaf
70 and Hard of Hearing.

71 (4) "Cued speech" means a phonetically based system to
72 enable spoken language to appear visually through the use of
73 hand shapes and specific locations in combination with natural
74 mouth movements to represent sounds of spoken language.

75 (5) "Deaf" means a nonfunctional sense of hearing for the
76 purpose of communication and whose primary means of
77 communication is visual. Unless otherwise specified, "deaf" also
78 means hard of hearing or deaf-blind.

79 (6) "Deaf-blind" means senses of hearing and sight that
80 are limited for the purpose of communication. A deaf-blind
81 person's primary means of communication is visual or tactile.

82 (7) "Deaf interpreter" means a person who engages in the
83 practice of interpreting in a setting that requires two or more

84 interpreters in order to facilitate communication between
 85 persons who are deaf or hard of hearing and those who are
 86 hearing.

87 (8) "Department" means the Department of Health.

88 (9) "Educational interpreter" means an interpreter who
 89 engages in the practice of interpreting in a prekindergarten
 90 through grade 12 setting.

91 (10) "Educational Interpreter Evaluation" means the test
 92 administered by the Florida Registry of Interpreters for the
 93 Deaf, Inc., to assess the skills of educational interpreters in
 94 the state and consists of three levels: Level 1, which is the
 95 lowest skill level; Level 2, which is the intermediate skill
 96 level; and Level 3, which is the highest skill level.

97 (11) "Educational Interpreter Performance Assessment"
 98 means the assessment developed by staff members of Boys Town
 99 National Research Hospital with partial support from the
 100 National Institute of Health-National Institute on Deafness and
 101 other Communication Disorders grant, D-60 DC00982.

102 (12) "Florida Registry of Interpreters for the Deaf, Inc."
 103 means the state affiliate chapter of the national Registry of
 104 Interpreters for the Deaf, Inc.

105 (13) "Hard of hearing" means a hearing loss that results
 106 in the possible dependence on visual methods to communicate.

107 (14) "Interpreter" means a person who engages in the
 108 practice of interpreting for the deaf or hard of hearing and,
 109 unless otherwise specified, means a person who engages in the
 110 practice of transliterating.

111 (15) "Interpreter service consumer" means the person for
112 whom the interpreter facilitates communication.

113 (16) "Interpreting" means the process of providing
114 accessible communication between persons who are deaf or hard of
115 hearing and those who are hearing and includes, but is not
116 limited to, communication between American Sign Language and
117 English or other modalities that involve visual, gestural, and
118 tactile methods of communication.

119 (17) "Mentorship" means professional guidance by a
120 qualified practitioner, as provided by board rule, on a formal
121 or an informal basis.

122 (18) "Multilingual interpreting" means the act of
123 interpreting in a setting that requires not only skill in
124 English and American Sign Language, but also another language,
125 whether oral or signed, and cultural sensitivity and knowledge
126 of the parties involved.

127 (19) "National Association of the Deaf" means the entity
128 that certified sign language interpreters at a national level,
129 though the association no longer administers its certification
130 examination, and whose certifications consist of Level III,
131 Generalist; Level IV, Advanced; and Level V, Master; and are
132 recognized in the Registry of Interpreters for the Deaf, Inc.

133 (20) "National Council on Interpreting" means the joint
134 council of the Registry of Interpreters for the Deaf, Inc., and
135 the National Association of the Deaf that issues a National
136 Interpreter Certification certifying sign language interpreters
137 at the national level.

138 (21) "Oral interpreting" means facilitating a mode of
139 communication using speech, speechreading, and residual hearing
140 and situational and culturally appropriate gestures without the
141 use of sign language.

142 (22) "Quality Assurance Screening" means the examination
143 administered by the Florida Registry of Interpreters for the
144 Deaf, Inc., to monitor the progress of uncertified apprentice
145 interpreters in the state which examination consists of three
146 levels: Level I, Beginner Apprentice; Level II, Intermediate
147 Apprentice; and Level III, Advanced Apprentice.

148 (23) "Registry of Interpreters for the Deaf, Inc.," means
149 the entity that certifies sign language and oral interpreters at
150 the national level and that grants a specialist certificate in
151 the area of legal interpreting.

152 (24) "Sign language" means a continuum of visual-gestural
153 language and communication systems based on hand signs and is
154 not limited to American Sign language.

155 (25) "Student" or "intern" means a person enrolled in a
156 course of study or mentorship or an apprenticeship program that
157 leads to a certificate or degree at an accredited institution or
158 a license in interpreting.

159 (26) "Teaching, Education, and Certification Unit" means
160 the national organization that assesses and certifies cued
161 speech transliterators.

162 (27) "Transliterating" means the process of providing
163 accessible communication between persons who are deaf or hard of
164 hearing and those who are hearing primarily using a signed mode
165 of English and spoken English.

166 (28) "Transliterator" means a person who engages in the
 167 practice of transliterating.

168 468.901 Board of Interpreters for the Deaf and Hard of
 169 Hearing; membership, appointment, terms.--

170 (1) The Board of Interpreters for the Deaf and Hard of
 171 Hearing is created within the Department of Health and initially
 172 shall consist of seven members appointed by the Governor and
 173 confirmed by the Senate, as follows:

174 (a) Three members shall meet the qualifications set forth
 175 in this part to be eligible to become fully licensed
 176 interpreters, one of whom must be a practicing educational
 177 interpreter, and the three members shall be appointed from a
 178 list of nine individuals recommended by the Florida Registry of
 179 Interpreters for the Deaf, Inc.

180 (b) One member shall be a deaf or hard of hearing
 181 interpreter who meets the qualifications set forth in this part
 182 to be eligible to hold a permit, provisional license, or
 183 license, and shall be appointed from a list of three individuals
 184 recommended by the Florida Registry of Interpreters for the
 185 Deaf, Inc.

186 (c) Two members shall be deaf or hard of hearing, one of
 187 whom must use American Sign Language as a primary mode of
 188 communication, and shall be appointed from a list of six
 189 individuals recommended by the Florida Coordinating Council on
 190 Deaf and Hard of Hearing.

191 (d) One member shall be a private citizen who is hearing
 192 and who does not hold a license or permit to interpret for the
 193 deaf or hard of hearing.

194 (2) Members appointed after the initial appointments shall
 195 be licensed or hold a permit for which the initial appointees
 196 were eligible pursuant to paragraphs (1)(a) and (b).

197 (3) Members of the board shall be appointed for terms of 4
 198 years, except that:

199 (a) Of the members initially appointed under paragraph
 200 (1)(a), one member shall serve a term of 2 years and one member
 201 shall serve a term of 3 years.

202 (b) The member initially appointed under paragraph (1)(b)
 203 shall serve a term of 1 year.

204 (c) Of the members initially appointed under paragraph
 205 (1)(c), one member shall serve a term of 3 years.

206 (4) No member may serve more than two consecutive terms.

207 (5) All provisions of chapter 456 relating to the
 208 activities of regulatory boards under the Department of Health
 209 shall apply to the board.

210 468.902 Board headquarters.--The board shall maintain its
 211 official headquarters in Tallahassee.

212 468.903 Authority to practice.--Any person who receives
 213 remuneration as an interpreter, represents himself or herself as
 214 an interpreter, or conveys the impression of or assumes the
 215 identity of an interpreter must be licensed or hold a permit in
 216 accordance with the provisions of this part.

217 468.904 Application and renewal, reinstatement, extension,
 218 suspension, and revocation process.--

219 (1) The board shall adopt by rule procedures necessary to
 220 implement the requirements for license and permit application,
 221 license renewal, license reinstatement, permit extension,

222 license and permit suspension and revocation, and continuing
 223 education requirements.

224 (2) An application for a license or permit and license or
 225 permit renewal shall be submitted to the board.

226 (3) An application shall include, but not be limited to:

227 (a) Proof of issuance of a valid recognized credential.

228 (b) A recent passport or other official photograph of the
 229 applicant.

230 (c) Payment of the required nonrefundable application fee.

231 (4) The board shall adopt by rule procedures for handling
 232 incomplete applications.

233 (5) Each license or permit must be renewed no later than
 234 March 1 of each year.

235 (6) An application for license renewal or permit extension
 236 shall be submitted annually to the board and shall include, but
 237 not be limited to, the following:

238 (a) Proof of issuance of a valid recognized credential.

239 (b) Proof of completion of the required continuing
 240 education, if applicable.

241 (c) The renewal or extension fee, including the late fee,
 242 if appropriate.

243 (7) The board shall approve the issuance of a license or
 244 permit, a renewal of the license, or an extension of a permit
 245 upon its determination that the credentials and documents are
 246 complete.

247 (8) An application for reinstatement of a suspended
 248 license or permit shall include, but not be limited to, the
 249 following:

- 250 (a) Proof of license credentials.
- 251 (b) The nonrefundable application fee.
- 252 (c) A written request including the appropriateness of
 253 reinstatement.
- 254 (d) Proof of completion of continuing education, as
 255 applicable.
- 256 (9) An application for reinstatement of a revoked license
 257 or permit must include, but not be limited to, the following:
- 258 (a) Proof of license credentials.
- 259 (b) The nonrefundable application fee.
- 260 (c) A written request including the appropriateness of
 261 reinstatement.
- 262 (d) Proof of completion of continuing education, as
 263 applicable.
- 264 (10) Upon a majority vote of the board to deny a license
 265 or permit application, license renewal, license reinstatement,
 266 or permit extension, the board shall notify the applicant of the
 267 reasons for the denial in writing no later than 30 calendar days
 268 after the board's action.
- 269 (11) A person who is issued a license or permit under this
 270 part and who is acting as an interpreter shall display the
 271 license or permit to a client or an interpreter service consumer
 272 upon request.
- 273 (12) A person who is issued a license or permit under this
 274 part shall notify the board of any change in his or her address
 275 no later than 30 days after the change.
- 276 468.905 Fees.--The board shall establish by rule the fees
 277 to be paid, as follows:

- 278 (1) Application fee, not to exceed \$35.
- 279 (2) Examination fee, not to exceed \$100, which is
 280 refundable if the applicant is found to be ineligible to take
 281 the examination.
- 282 (3) Reexamination fee, not to exceed \$100.
- 283 (4) Initial license or permit fee, not to exceed \$150.
- 284 (5) Annual license renewal fee, not to exceed \$150.
- 285 (6) Permit extension fee, not to exceed \$50.
- 286 (7) License reinstatement application fee, not to exceed
 287 \$70.

288 468.906 License and permit; qualifications.--

289 (1) RESTRICTIONS.--A license or permit may not be issued
 290 under this part to:

- 291 (a) Any person convicted of a felony.
- 292 (b) Any person who has not received a high school diploma
 293 or its equivalent.
- 294 (c) Any person who is not 18 years of age or older.

295 (2) INTERPRETER OR TRANSLITERATOR LICENSE.--An applicant
 296 must hold one or more of the following valid certifications or
 297 degrees to be eligible for licensure as an interpreter or
 298 transliterator:

- 299 (a) A Registry of Interpreters for the Deaf, Inc.,
 300 certification, except that oral certification shall be
 301 recognized to provide oral transliteration services only.
- 302 (b) A National Association of the Deaf Certification,
 303 Level IV or Level V.
- 304 (c) A National Interpreting Council certification.

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305 (d) A Teaching, Education, Certification Unit
306 Transliteration Skills certification, which shall be recognized
307 for a transliteration license to provide only cued speech
308 transliteration services.

309 (e) An associate of arts degree or an associate of science
310 degree held by an interpreter certified on or after January 1,
311 2010.

312 (f) A bachelor of arts degree or a bachelor of science
313 degree held by an interpreter certified on or after January 1,
314 2012.

315 (3) PROVISIONAL LICENSE.--

316 (a) An applicant must have successfully completed one or
317 more of the following assessments to be eligible for provisional
318 licensure:

319 1. Florida Registry of Interpreters for the Deaf, Inc.,
320 Quality Assurance Screening, Level II or Level III.

321 2. Florida Registry of Interpreters for the Deaf, Inc.,
322 Educational Interpreter Evaluation, Level II or Level III.

323 3. National Association of the Deaf, Level III.

324 4. Educational Interpreter Performance Assessment, Level
325 IV or Level V.

326 5. Teaching, Education, Certification Unit Cued American
327 English Competency Screening, Level 3.3-4.0, except the
328 assessment shall be recognized for a provisional license to
329 provide only cued speech transliteration services.

330 (b) An applicant for a deaf interpreter's provisional
331 license must have received a passing score on the Certified Deaf
332 Interpreter written examination and received a superior or

333 advanced plus rating on the Sign Communication Proficiency
334 Interview or the American Sign Language Proficiency Interview
335 assessment.

336 (c) The provisional license is active for not more than 5
337 years after the date of issuance, except that the board may
338 issue a 1-year extension. The board shall not issue more than
339 one extension of a provisional license.

340 (4) TEMPORARY LICENSE.--An interpreter temporarily
341 residing in the state who meets the criteria for licensure under
342 this part may hold a temporary license for a period not to
343 exceed 6 months after the date of issuance of the temporary
344 license. An interpreter may hold only one temporary license in a
345 calendar year.

346 (5) SPECIAL LIMITED LICENSE.--

347 (a) The board shall have the authority, upon presentation
348 of satisfactory proof of competency and under rules adopted by
349 the board, to issue a special limited license to an individual
350 who demonstrates competency in a specialized area for which no
351 formal, generally recognized evaluation exists. Specialized
352 areas associated with the practice of interpreting include, but
353 are not limited to, interpreting for the deaf-blind,
354 multilingual interpreting, and certain nonsign modalities.

355 (b) Special limited licenses shall be granted until
356 formal, generally recognized evaluative methods for these
357 modalities are instituted.

358 (c) Special limited licenses shall state the limitations
359 as to the specialized area for which the licensee demonstrates
360 competency.

361 (d) Licenses issued under this subsection are subject to
 362 the provisions of this part and the rules adopted by the board,
 363 except an applicant shall not be required to demonstrate any
 364 knowledge or expertise in any communication modality other than
 365 the one the applicant claims as the area of his or her
 366 specialty.

367 (e) The board shall establish by rule separate educational
 368 requirements for specific modalities to determine the competency
 369 claimed by the applicant for a special limited license.

370 (f) The board shall adopt rules regarding the development
 371 and implementation of criteria and licensure standards for
 372 interpreters specializing in deaf-blind communication.

373 (g) Special limited licenses shall be recognized only for
 374 the area of special competency specified on the license.

375 (6) PERMIT.--

376 (a) An applicant for a permit must have successfully
 377 passed one of the following assessments to be eligible to hold a
 378 permit under this subsection:

379 1. Florida Registry of Interpreters for the Deaf, Inc.,
 380 Quality Assurance Screening, Level I.

381 2. Florida Registry of Interpreters for the Deaf, Inc.,
 382 Educational Interpreter Evaluation, Level I.

383 3. Educational Interpreter Performance Assessment, Level
 384 III.

385 (b) An applicant for a deaf interpreter's permit must have
 386 successfully completed 20 documented hours of interpreter
 387 training, of which 16 hours must be certified deaf interpreter
 388 specific, and must have attained a superior or advanced plus

389 rating on the Sign Communication Proficiency Interview or the
 390 American Sign Language Proficiency Interview assessment.

391 (c) A deaf interpreter's permit may not be held for more
 392 than 2 years following the date of issuance, except the board
 393 may approve a 1- year extension of the permit. The board shall
 394 not issue more than one extension of a permit.

395 (d) Deaf interpreters must submit an audiogram or
 396 audiological report with proof of hearing loss.

397 (7) REGISTERED PERMIT.--A registered permit shall be
 398 issued not later than July 1, 2008. Any interpreter who provides
 399 interpreter services prior to the date of enactment of this
 400 part, who does not meet the requirements of this part, and who
 401 has registered with the department not later than 60 calendar
 402 days after the date of enactment of this part, shall be issued a
 403 registered permit valid for a period of 2 years after the date
 404 of enactment of this part. Any interpreter who first provides
 405 interpreter services after the date of enactment of this part
 406 shall comply with the licensing or permitting requirements under
 407 this part.

408 (8) TEMPORARY PERMIT.--

409 (a) A person from another state, whether or not he or she
 410 holds a valid interpreter's credential from that state, may hold
 411 a temporary permit for a period not to exceed 6 months after the
 412 date of issuance of the temporary permit.

413 (b) A person who holds a temporary permit must submit
 414 proof of having applied to the department, no later than 60 days
 415 after the date of issuance of the temporary permit, for one of
 416 the following:

417 1. Licensure.
 418 2. Temporary licensure.
 419 3. Provisional licensure.
 420 4. Permit.
 421 5. Special limited license.
 422 (c) A person may hold only one temporary permit.
 423 468.907 Suspended or revoked license or permit.--
 424 (1) A license or permit suspended or revoked by the board
 425 is subject to immediate expiration and surrender to the
 426 department.
 427 (2) The department has the right to immediately seize a
 428 suspended or revoked license or permit.
 429 (3) The licensee or permitholder shall pay the
 430 reinstatement fee if the suspended or revoked license is
 431 reinstated by the board.
 432 (4) A renewed license or permit shall not entitle the
 433 licensee or permitholder to engage in the practice of
 434 interpreting until the suspension or revocation period has ended
 435 or is otherwise removed by the board and the right to practice
 436 is restored by the board.
 437 468.908 Inactive status.--Any interpreter who notifies the
 438 board on forms prescribed by board rule may place his or her
 439 license on inactive status and shall be exempt from payment of
 440 renewal fees until he or she applies for reinstatement and the
 441 reinstatement is approved by the board and a license is issued.
 442 (1) Any interpreter who requests reinstatement from
 443 inactive status shall pay the reinstatement fee and shall meet
 444 the requirements for reinstatement as determined by board rule.

445 (2) Any interpreter whose license is inactive shall not
 446 practice in the state.

447 (3) Any interpreter who practices interpreting while his
 448 or her license is on inactive status shall be considered
 449 practicing without a license and is subject to disciplinary
 450 action.

451 (4) An interpreter may submit a request for inactive
 452 status for up to 2 years, after which the inactive interpreter
 453 may petition the board for an extension of an inactive status as
 454 determined by board rule.

455 468.909 Continuing education.--

456 (1) A licensed interpreter shall annually submit proof of
 457 current certification and indicate his or her compliance or
 458 noncompliance with the requirements of the Registry of
 459 Interpreters for the Deaf, Inc., Certification Maintenance
 460 Program.

461 (2) A licensed Teaching, Education, and Certification Unit
 462 cued speech transliterator shall submit proof of successful
 463 completion of 2.0 units of continuing education during the
 464 preceding 12 months ending March 15 of each year.

465 (3) A provisional licensed interpreter shall annually
 466 submit proof of completion of 2.0 units of continuing education
 467 during the preceding 12 months ending March 15 of each year,
 468 which also shall indicate compliance with the Registry of
 469 Interpreters for the Deaf, Inc., in the Associate Continuing
 470 Education Training program.

471 (4) Registered permitholders shall annually submit proof
 472 of successful completion of 2.0 units of continuing education

473 during the preceding 12 months ending March 15 of the year in
 474 which application is made.

475 (5) Each licensee and permitholder is responsible for
 476 maintaining records of successful completion of the continuing
 477 education required by this subsection and transmitting a copy of
 478 the record to the board.

479 468.910 Complaint process; grievances.--

480 (1) Complaints regarding dishonorable, unethical, or
 481 unprofessional conduct of an interpreter or transliterator shall
 482 be submitted to the board in writing or by videotape with a
 483 completed complaint form not later than 1 calendar year after
 484 the occurrence of the alleged violation.

485 (2) Complaints shall be compiled by the board and shall
 486 include, but are not limited to:

487 (a) The name of the licensee.

488 (b) The name of the complainant.

489 (c) The date of the alleged violation.

490 (d) The date of the complaint.

491 (e) A brief statement detailing the nature of the
 492 complaint.

493 (f) The final disposition of the complaint.

494 (3) The department shall acknowledge all complaints in
 495 writing no later than 10 business days after receipt of the
 496 complaint.

497 (4) Disciplinary proceedings shall be conducted pursuant
 498 to s. 456.073.

499 (5) The board may recommend to the department the
 500 revocation or suspension of a license or permit, or such

501 disciplinary action as the board deems appropriate, for conduct
 502 that may result in or from, but not limited to:

503 (a) Obtaining or attempting to obtain a license under this
 504 part through bribery, misrepresentation, concealment of material
 505 fact, or fraudulent misrepresentation.

506 (b) Having been found guilty of fraud, misrepresentation,
 507 concealment, or material misstatement of fact or deceit in
 508 connection with providing interpreter or transliterator
 509 services.

510 (c) Having violated any standard of professional or
 511 ethical conduct adopted by board rule.

512 (d) Having been found guilty of unprofessional conduct,
 513 including, but not limited to:

514 1. Making a false or fraudulent statement in any document
 515 connected with the practice of interpreting or transliterating.

516 2. Willfully violating a privileged communication.

517 3. Willfully violating confidentiality.

518 4. Knowingly performing an act that aids or assists an
 519 unlicensed person to practice interpreting or transliterating in
 520 violation of this part.

521 5. Practicing interpreting or transliterating under a
 522 false or assumed name.

523 6. Advertising for the practice of interpreting or
 524 transliterating in a deceptive or unethical manner.

525 7. Performing as an interpreter or transliterator while
 526 intoxicated or under the influence of illegal drugs.

527 8. Committing repeated violations of any of the rules of
 528 the board or provisions of this part.

529 9. Committing repeated acts of gross misconduct in the
530 practice of interpreting or transliterating.

531 10. Demonstrating a pattern of practice or other behavior
532 that demonstrates incapacity or incompetence to practice under
533 this part.

534 (e) Having violated any lawful order or any provision of
535 the part or the rules adopted thereunder.

536 (f) Aiding or assisting another person in violating any
537 provision of this part or any rule adopted thereunder.

538 468.911 Exemptions.--The following interpreters or
539 translitterators are exempt from this part:

540 (1) An interpreter or translitterator who provides
541 interpreting services solely at a worship service or religious
542 ceremony conducted by a religious organization or for
543 educational purposes for a religious entity or religious-
544 affiliated school that does not receive public moneys, except
545 this exemption does not apply to settings that require
546 compliance with the Americans with Disabilities Act.

547 (2) An interpreter or translitterator who provides
548 interpreting services during an emergency. For purposes of this
549 subsection, "emergency" means a situation in which, after
550 documented attempts to obtain the services of a licensed
551 interpreter, an individual who is deaf or hard of hearing
552 determines that the delay in obtaining a licensed interpreter
553 might lead to injury or loss to the individual requiring
554 services, provided:

555 (a) The services of a licensed interpreter must continue
556 to be sought during the emergency in which the unlicensed
557 interpreter is providing interpreting services.

558 (b) An interpreter is acting under the Good Samaritan Act,
559 as determined by board rule.

560 (3) An interpreter who is not a resident of this state and
561 who:

562 (a) Is registered in this state, for a period not to
563 exceed 30 nonconsecutive calendar days in a calendar year, to
564 engage in interpreting, including, but not limited to,
565 conference interpreting, video-relay interpreting, or
566 interpreting while on a cruise vessel, and who may or may not
567 hold a valid credential from another state, except that:

568 1. The nonresident interpreter must provide proof to the
569 board of having submitted an application for a license or permit
570 before the expiration of his or her registration.

571 2. Interpreting services provided during a declared
572 national or state emergency will not be included in the 30-day
573 registration restriction.

574 (b) Practices under the authority of the board and this
575 part.

576 (4) Any person who provides interpreting services pro bono
577 or for remuneration under circumstances that do not allow for
578 the fulfillment of the provisions for licensure or permitting
579 under this part and in circumstances under which the services of
580 a qualified interpreter are not required under the provisions of
581 the federal Americans with Disabilities Act of 1990, section 504
582 of the Rehabilitation Act of 1973, the Individuals with

583 Disabilities Education Improvement Act of 2004, the No Child
 584 Left Behind Act of 2001, or the regulations adopted thereunder.

585 (5) A student, intern interpreter, or person who
 586 interprets in the presence of a supervising mentor who:

587 (a) Is enrolled in a course of study or mentorship program
 588 leading to a certificate, degree, or licensure in interpreting,
 589 provided that the student, intern, or person who interprets in
 590 the presence of a supervising mentor engages only in activities
 591 and services that constitute a part of a supervised plan of
 592 study that clearly designates him or her as a student, intern,
 593 or person interpreting in the presence of a supervising mentor.

594 (b) Interprets in the presence of a qualified supervising
 595 mentor. The qualified supervising mentor must be:

596 1. A fully licensed interpreter or transliterator with a
 597 minimum of 5 years of interpreting experience or an instructor
 598 in an interpreter training program who has three letters of
 599 recommendation from individuals already approved as mentors; or

600 2. A deaf mentor meeting the requirements for a
 601 provisional license.

602 468.912 Illegal acts; penalties.--Any person who attempts
 603 to practice interpreting or transliterating for remuneration or
 604 on a voluntary basis for an interpreter service consumer without
 605 first having obtained a valid license or permit, who knowingly
 606 files false information with the board for the purpose of
 607 obtaining a license or permit, or who otherwise violates this
 608 part commits a misdemeanor of the first degree, punishable as
 609 provided in s. 775.082 or s. 775.083. Violations include, but
 610 are not limited to:

611 (1) Obtaining or attempting to obtain a license or permit
 612 by means of fraud, bribery, misrepresentation, or concealment of
 613 material facts.

614 (2) Knowingly performing an act that in any way aids or
 615 assists an unlicensed person or a person who does not hold a
 616 valid permit to practice interpreting or transliterating.

617 (3) Interpreting or transliterating under a false or
 618 assumed name.

619 (4) Using the name or title of "licensed interpreter" or
 620 any other name or title which implies that he or she is licensed
 621 or holds a permit under this part.

622 (5) Knowingly concealing information relating to the
 623 enforcement of this part or rules adopted thereunder.

624 (6) Using or attempting to use a license or permit that is
 625 suspended or revoked.

626 (7) Employing any individual who is not licensed or
 627 permitted under this part for the purpose of providing
 628 interpreter services to an interpreter services consumer.

629 (8) Knowingly allowing a student, intern interpreter, or
 630 person who interprets in the presence of a supervising mentor to
 631 provide interpreting services without direct supervision as
 632 provided under this part.

633 (9) Presenting the license or permit of another person as
 634 his or her own license.

635 (10) Allowing the use of his or her license or permit by
 636 another person.

637 (11) Advertising professional services in a false or
 638 misleading manner.

639 468.913 Privileged communications.--

640 (1) An interpreter who interprets or transliterates a
641 conversation between a person who can hear and a deaf person is
642 deemed a conduit for the conversation and may not disclose or be
643 compelled to disclose by subpoena the contents of the
644 conversation that he or she interpreted without the written
645 consent of all of the persons to whom he or she provided the
646 interpreting service.

647 (2) All communications that are recognized by law as
648 privileged shall remain privileged when an interpreter is used
649 to facilitate the communication.

650 (3) The disclosure of the contents of a privileged
651 conversation may be voluntarily disclosed when:

652 (a) An interpreter services consumer waives the privilege
653 by bringing public charges against the licensee.

654 (b) A communication reveals the intended commission of a
655 crime or harmful act and disclosure of the communication is
656 judged necessary by the licensed interpreter to protect any
657 persons from a clear, imminent risk of serious mental or
658 physical harm or injury or to forestall a serious threat to the
659 public safety.

660 (4) Nothing shall prohibit a licensed interpreter from
661 voluntarily testifying in court hearings concerning matters of
662 adoption, child abuse, or child neglect or other matters
663 pertaining to children, except as provided under the federal
664 Abused and Neglected Child Reporting Act.

665 (5) An educational interpreter may disclose pertinent
666 information to those directly responsible for the child's

667 educational program or to the members of the Individual
 668 Education Plan Team.
 669 468.914 Rulemaking authority.--
 670 (1) The board is authorized to adopt rules pursuant to ss.
 671 120.536(1) and 120.54 to implement the provisions of this part
 672 conferring duties upon the board.
 673 (2) In addition to the rulemaking requirements provided in
 674 this part, the board shall adopt rules, pertaining to, but not
 675 limited to:
 676 (a) A code of professional conduct for licensees.
 677 (b) Performance requirements, including education and
 678 examination standards for interpreters.
 679 (c) Continuing education requirements.
 680 (d) Appropriate and acceptable testing tools to evaluate
 681 interpreters.
 682 (e) Fee schedules authorized under s. 468.906.
 683 (f) Procedures for acceptance of funds from federal and
 684 private sources to be used for the purposes of this part.
 685 Section 2. This act shall take effect July 1, 2006.