

CHAMBER ACTION

1 The Business Regulation Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to interpreters for the deaf and hard of
7 hearing; amending 20.165, F.S.; including the Board of
8 Interpreters for the Deaf and Blind to the list of boards
9 under the Department of Business and Professional
10 Regulation; creating pt. XV of ch. 468, F.S.; creating s.
11 468.90, F.S.; providing definitions; creating s. 468.901,
12 F.S.; creating the Board of Interpreters for the Deaf and
13 Hard of Hearing under the Department of Business and
14 Professional Regulation; providing for appointment,
15 qualifications, and terms of board members; creating s.
16 468.902, F.S.; providing for board headquarters; creating
17 s. 468.903, F.S.; requiring certain persons to be licensed
18 or hold a permit to practice; creating s. 468.904, F.S.;
19 providing for license and permit application and renewal,
20 reinstatement, extension, suspension, and revocation;
21 providing rulemaking authority; creating s. 468.905, F.S.;
22 providing for application, examination, license, and
23 permit fees; creating s. 468.906, F.S.; providing

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24 restrictions on and qualifications for licensure and
25 permit holding; providing for licensure and permit types;
26 creating s. 468.907, F.S.; providing for surrender or
27 seizure of suspended or revoked licenses and permits;
28 requiring payment of certain fee upon reinstatement;
29 prohibiting practice under certain circumstances; creating
30 s. 468.908, F.S.; providing requirements for inactive
31 status; creating s. 468.909, F.S.; providing continuing
32 education requirements; creating s. 468.910, F.S.;

33 providing requirements for submitting certain complaints;
34 requiring the board to compile certain complaint data;
35 providing that disciplinary proceedings shall be conducted
36 under s. 456.073, F.S.; providing grounds for board
37 recommendation of revocation or suspension of license or
38 permit or other disciplinary action; creating s. 468.911,
39 F.S.; providing exemptions from regulation under the part;
40 creating s. 468.912, F.S.; prohibiting certain acts;
41 providing penalties; creating s. 468.913, F.S.;

42 establishing privilege for certain conversations;
43 providing for voluntary disclosure of certain privileged
44 conservations; creating s. 468.914, F.S.; providing
45 rulemaking authority; providing an effective date.

46
47 WHEREAS, the Legislature declares the practice of manual or
48 oral interpreting and transliterating services affects the
49 public health, safety, and welfare; therefore, the licensure of
50 these practices is necessary to ensure minimum standards of

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51 competency and to provide the public with safe and accurate
 52 manual or oral interpreting or transliterating services, and
 53 WHEREAS, it is the intent of the Legislature to provide for
 54 the regulation of persons in the state offering manual or oral
 55 interpreting or transliterating services to individuals who are
 56 deaf, hard of hearing, or dependent on the use of manual modes
 57 of communication, NOW, THEREFORE,

58

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

60

61 Section 1. Paragraph (a) of subsection (4) of section
 62 20.165, Florida Statutes, is amended to read:

63 20.165 Department of Business and Professional
 64 Regulation.--There is created a Department of Business and
 65 Professional Regulation.

66 (4) (a) The following boards are established within the
 67 Division of Professions:

68 1. Board of Architecture and Interior Design, created
 69 under part I of chapter 481.

70 2. Florida Board of Auctioneers, created under part VI of
 71 chapter 468.

72 3. Barbers' Board, created under chapter 476.

73 4. Florida Building Code Administrators and Inspectors
 74 Board, created under part XII of chapter 468.

75 5. Construction Industry Licensing Board, created under
 76 part I of chapter 489.

77 6. Board of Cosmetology, created under chapter 477.

78 7. Electrical Contractors' Licensing Board, created under
79 part II of chapter 489.

80 8. Board of Employee Leasing Companies, created under part
81 XI of chapter 468.

82 9. Board of Interpreters for the Deaf and Hard of Hearing,
83 created under part XV of chapter 468.

84 ~~10.9.~~ Board of Landscape Architecture, created under part
85 II of chapter 481.

86 ~~11.10.~~ Board of Pilot Commissioners, created under chapter
87 310.

88 ~~12.11.~~ Board of Professional Engineers, created under
89 chapter 471.

90 ~~13.12.~~ Board of Professional Geologists, created under
91 chapter 492.

92 ~~14.13.~~ Board of Professional Surveyors and Mappers,
93 created under chapter 472.

94 ~~15.14.~~ Board of Veterinary Medicine, created under chapter
95 474.

96 Section 2. Part XV of chapter 468, Florida Statutes,
97 consisting of sections 468.90, 468.901, 468.902, 468.903,
98 468.904, 468.905, 468.906, 468.907, 468.908, 468.909, 468.910,
99 468.911, 468.912, 468.913, and 468.914, is created to read:

100 PART XV

101 INTERPRETERS FOR DEAF AND HARD OF HEARING

102 468.90 Definitions.--As used in this part, the term:

103 (1) "American Sign Language" means a fully developed
104 visual-gesture language with distinct grammar, syntax, and

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105 symbols that is the primary language used by the deaf community
106 in the United States.

107 (2) "American Sign Language Proficiency Interview" or
108 "Sign Communication Proficiency Interview" means the assessment
109 of fluency in American Sign Language.

110 (3) "Board" means the Board of Interpreters for the Deaf
111 and Hard of Hearing.

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

116 (5) "Deaf" means a nonfunctional sense of hearing for the
117 purpose of communication and whose primary means of
118 communication is visual. Unless otherwise specified, "deaf" also
119 means hard of hearing or deaf-blind.

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

123 (7) "Deaf interpreter" means a person who engages in the
124 practice of interpreting in a setting that requires two or more
125 interpreters in order to facilitate communication between
126 persons who are deaf or hard of hearing and those who are
127 hearing.

128 (8) "Department" means the Department of Business and
129 Professional Regulation.

130 (9) "Educational interpreter" means an interpreter who
131 engages in the practice of interpreting in a prekindergarten
132 through grade 12 setting.

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133 (10) "Educational Interpreter Evaluation" means the test
134 administered by the Florida Registry of Interpreters for the
135 Deaf, Inc., to assess the skills of educational interpreters in
136 the state and consists of three levels: Level 1, which is the
137 lowest skill level; Level 2, which is the intermediate skill
138 level; and Level 3, which is the highest skill level.

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

144 (12) "Florida Registry of Interpreters for the Deaf, Inc."
145 means the state affiliate chapter of the national Registry of
146 Interpreters for the Deaf, Inc.

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

149 (14) "Interpreter" means a person who engages in the
150 practice of interpreting for the deaf or hard of hearing and,
151 unless otherwise specified, means a person who engages in the
152 practice of transliterating.

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

155 (16) "Interpreting" means the process of providing
156 accessible communication between persons who are deaf or hard of
157 hearing and those who are hearing and includes, but is not
158 limited to, communication between American Sign Language and
159 English or other modalities that involve visual, gestural, and
160 tactile methods of communication.

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

164 (18) "Multilingual interpreting" means the act of
165 interpreting in a setting that requires not only skill in
166 English and American Sign Language, but also another language,
167 whether oral or signed, and cultural sensitivity and knowledge
168 of the parties involved.

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

175 (20) "National Council on Interpreting" means the joint
176 council of the Registry of Interpreters for the Deaf, Inc., and
177 the National Association of the Deaf that issues a National
178 Interpreter Certification certifying sign language interpreters
179 at the national level.

180 (21) "Oral interpreting" means facilitating a mode of
181 communication using speech, speechreading, and residual hearing
182 and situational and culturally appropriate gestures without the
183 use of sign language.

184 (22) "Quality Assurance Screening" means the examination
185 administered by the Florida Registry of Interpreters for the
186 Deaf, Inc., to monitor the progress of uncertified apprentice
187 interpreters in the state which examination consists of three

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188 levels: Level I, Beginner Apprentice; Level II, Intermediate
189 Apprentice; and Level III, Advanced Apprentice.

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

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

197 (25) "Student" or "intern" means a person enrolled in a
198 course of study or mentorship or an apprenticeship program that
199 leads to a certificate or degree at an accredited institution or
200 a license in interpreting.

201 (26) "Teaching, Education, and Certification Unit" means
202 the national organization that assesses and certifies cued
203 speech transliterators.

204 (27) "Transliterating" means the process of providing
205 accessible communication between persons who are deaf or hard of
206 hearing and those who are hearing primarily using a signed mode
207 of English and spoken English.

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

210 468.901 Board of Interpreters for the Deaf and Hard of
211 Hearing; membership, appointment, terms.--

212 (1) The Board of Interpreters for the Deaf and Hard of
213 Hearing is created within the Department of Business and
214 Professional Regulation consisting of nine members appointed by
215 the Governor and confirmed by the Senate. To ensure continuity

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216 of board policies and to provide sufficient time for
217 implementation of the licensure and permitting process, the
218 Governor shall initially appoint members, as follows:

219 (a) Four members shall meet the qualifications set forth
220 in this part to be eligible to become fully licensed
221 interpreters, one of whom must be a practicing educational
222 interpreter, and the four members shall be appointed from a list
223 of nine individuals recommended by the Florida Registry of
224 Interpreters for the Deaf, Inc.

225 (b) One member shall be an interpreter for the deaf or
226 hard of hearing who meets the qualifications set forth in this
227 part to be eligible to hold a permit, provisional license, or
228 license, and shall be appointed from a list of three individuals
229 recommended by the Florida Registry of Interpreters for the
230 Deaf, Inc.

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

236 (d) Two members shall be private citizens who are hearing
237 and who do not hold a license or permit to interpret for the
238 deaf or hard of hearing.

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

242 (3) The applicable provisions of s. 20.165 shall apply to
243 the board, board membership, and licensure requirements.

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244 (4) All provisions of chapter 455 relating to the
245 activities of regulatory boards under the Department of Business
246 and Professional Regulation shall apply to the board.

247 468.902 Board headquarters.--The board shall maintain its
248 official headquarters in Tallahassee.

249 468.903 Authority to practice.--Any person who receives
250 remuneration as an interpreter, represents himself or herself as
251 an interpreter, or conveys the impression of or assumes the
252 identity of an interpreter must be licensed or hold a permit in
253 accordance with the provisions of this part.

254 468.904 Application and renewal, reinstatement, extension,
255 suspension, and revocation process.--

256 (1) The board shall adopt by rule procedures necessary to
257 implement the requirements for license and permit application,
258 license renewal, license reinstatement, permit extension,
259 license and permit suspension and revocation, and continuing
260 education requirements.

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

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

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

265 (b) A recent passport or other official photograph of the
266 applicant.

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

268 (4) The board shall adopt by rule procedures for handling
269 incomplete applications.

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

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

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

276 (b) Proof of completion of the required continuing
277 education, if applicable.

278 (c) The renewal or extension fee, including the late fee,
279 if appropriate.

280 (7) The board shall approve the issuance of a license or
281 permit, a renewal of the license, or an extension of a permit
282 upon its determination that the credentials and documents are
283 complete.

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

287 (a) Proof of license credentials.

288 (b) The nonrefundable application fee.

289 (c) A written request including the appropriateness of
290 reinstatement.

291 (d) Proof of completion of continuing education, as
292 applicable.

293 (9) An application for reinstatement of a revoked license
294 or permit must include, but not be limited to, the following:

295 (a) Proof of license credentials.

296 (b) The nonrefundable application fee.

297 (c) A written request including the appropriateness of
298 reinstatement.

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299 (d) Proof of completion of continuing education, as
300 applicable.

301 (10) Upon a majority vote of the board to deny a license
302 or permit application, license renewal, license reinstatement,
303 or permit extension, the board shall notify the applicant of the
304 reasons for the denial in writing no later than 30 calendar days
305 after the board's action.

306 (11) A person who is issued a license or permit under this
307 part and who is acting as an interpreter shall display the
308 license or permit to a client or an interpreter service consumer
309 upon request.

310 (12) A person who is issued a license or permit under this
311 part shall notify the board of any change in his or her address
312 no later than 30 days after the change.

313 468.905 Fees.--The board shall establish by rule the fees
314 to be paid, as follows:

315 (1) Application fee, not to exceed \$35.

316 (2) Examination fee, not to exceed \$100, which is
317 refundable if the applicant is found to be ineligible to take
318 the examination.

319 (3) Reexamination fee, not to exceed \$100.

320 (4) Initial license or permit fee, not to exceed \$150.

321 (5) Annual license renewal fee, not to exceed \$150.

322 (6) Permit extension fee, not to exceed \$50.

323 (7) License reinstatement application fee, not to exceed
324 \$70.

325 468.906 License and permit; qualifications.--

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

328 (a) Any person convicted of a felony.

329 (b) Any person who has not received a high school diploma
 330 or its equivalent.

331 (c) Any person who is not 18 years of age or older.

332 (2) INTERPRETER OR TRANSLITERATOR LICENSE.--An applicant
 333 must hold one or more of the following valid certifications and
 334 a degree in higher education after the applicable date specified
 335 in paragraph (e) or paragraph (f) to be eligible for licensure
 336 as an interpreter or transliterator:

337 (a) A Registry of Interpreters for the Deaf, Inc.,
 338 certification, except that oral certification shall be
 339 recognized to provide oral transliteration services only.

340 (b) A National Association of the Deaf Certification,
 341 Level IV or Level V.

342 (c) A National Interpreting Council certification.

343 (d) A Teaching, Education, Certification Unit
 344 Transliteration Skills certification, which shall be recognized
 345 for a transliteration license to provide only cued speech
 346 transliteration services.

347 (e) An associate of arts degree or an associate of science
 348 degree held by an interpreter certified on or after January 1,
 349 2010.

350 (f) A bachelor of arts degree or a bachelor of science
 351 degree held by an interpreter certified on or after January 1,
 352 2012.

353 (3) PROVISIONAL LICENSE.--

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354 (a) An applicant must have successfully completed one or
355 more of the following assessments to be eligible for provisional
356 licensure:

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

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

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

362 4. Educational Interpreter Performance Assessment, Level
363 IV or Level V.

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

368 (b) An applicant for a deaf interpreter's provisional
369 license must have received a passing score on the Certified Deaf
370 Interpreter written examination and received a superior or
371 advanced plus rating on the Sign Communication Proficiency
372 Interview or the American Sign Language Proficiency Interview
373 assessment.

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

378 (4) TEMPORARY LICENSE.--An interpreter temporarily
379 residing in the state who meets the criteria for licensure under
380 this part may hold a temporary license for a period not to
381 exceed 6 months after the date of issuance of the temporary

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382 | license. An interpreter may hold only one temporary license in a
383 | calendar year.

384 | (5) SPECIAL LIMITED LICENSE.--

385 | (a) The board shall have the authority, upon presentation
386 | of satisfactory proof of competency and under rules adopted by
387 | the board, to issue a special limited license to an individual
388 | who demonstrates competency in a specialized area for which no
389 | formal, generally recognized evaluation exists. Specialized
390 | areas associated with the practice of interpreting include, but
391 | are not limited to, interpreting for the deaf-blind,
392 | multilingual interpreting, and certain nonsign modalities.

393 | (b) Special limited licenses shall be granted until
394 | formal, generally recognized evaluative methods for these
395 | modalities are instituted.

396 | (c) Special limited licenses shall state the limitations
397 | as to the specialized area for which the licensee demonstrates
398 | competency.

399 | (d) Licenses issued under this subsection are subject to
400 | the provisions of this part and the rules adopted by the board,
401 | except an applicant shall not be required to demonstrate any
402 | knowledge or expertise in any communication modality other than
403 | the one the applicant claims as the area of his or her
404 | specialty.

405 | (e) The board shall establish by rule separate educational
406 | requirements for specific modalities to determine the competency
407 | claimed by the applicant for a special limited license.

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

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

413 (6) PERMIT.--

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

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

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

421 3. Educational Interpreter Performance Assessment, Level
 422 III.

423 (b) An applicant for a deaf interpreter's permit must have
 424 successfully completed 20 documented hours of interpreter
 425 training, of which 16 hours must be certified deaf interpreter
 426 specific, and must have attained a superior or advanced plus
 427 rating on the Sign Communication Proficiency Interview or the
 428 American Sign Language Proficiency Interview assessment.

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

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

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435 (7) REGISTERED PERMIT.--A registered permit shall be
 436 issued not later than July 1, 2008. Any interpreter who provides
 437 interpreter services prior to the date of enactment of this
 438 part, who does not meet the requirements of this part, and who
 439 has registered with the department not later than 60 calendar
 440 days after the date of enactment of this part, shall be issued a
 441 registered permit valid for a period of 2 years after the date
 442 of enactment of this part. Any interpreter who first provides
 443 interpreter services after the date of enactment of this part
 444 shall comply with the licensing or permitting requirements under
 445 this part.

446 (8) TEMPORARY PERMIT.--

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

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

- 455 1. Licensure.
- 456 2. Temporary licensure.
- 457 3. Provisional licensure.
- 458 4. Permit.
- 459 5. Special limited license.

460 (c) A person may hold only one temporary permit.
 461 468.907 Suspended or revoked license or permit.--

462 (1) A license or permit suspended or revoked by the board
 463 is subject to immediate expiration and surrender to the
 464 department.

465 (2) The department has the right to immediately seize a
 466 suspended or revoked license or permit.

467 (3) The licensee or permitholder shall pay the
 468 reinstatement fee if the suspended or revoked license is
 469 reinstated by the board.

470 (4) A renewed license or permit shall not entitle the
 471 licensee or permitholder to engage in the practice of
 472 interpreting until the suspension or revocation period has ended
 473 or is otherwise removed by the board and the right to practice
 474 is restored by the board.

475 468.908 Inactive status.--Any interpreter who notifies the
 476 board on forms prescribed by board rule may place his or her
 477 license on inactive status and shall be exempt from payment of
 478 renewal fees until he or she applies for reinstatement and the
 479 reinstatement is approved by the board and a license is issued.

480 (1) Any interpreter who requests reinstatement from
 481 inactive status shall pay the reinstatement fee and shall meet
 482 the requirements for reinstatement as determined by board rule.

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

485 (3) Any interpreter who practices interpreting while his
 486 or her license is on inactive status shall be considered
 487 practicing without a license and is subject to disciplinary
 488 action.

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489 (4) An interpreter may submit a request for inactive
 490 status for up to 2 years, after which the inactive interpreter
 491 may petition the board for an extension of an inactive status as
 492 determined by board rule.

493 468.909 Continuing education.--

494 (1) A licensed interpreter shall annually submit proof of
 495 current certification and indicate his or her compliance or
 496 noncompliance with the requirements of the Registry of
 497 Interpreters for the Deaf, Inc., Certification Maintenance
 498 Program.

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

503 (3) A provisional licensed interpreter shall annually
 504 submit proof of completion of 2.0 units of continuing education
 505 during the preceding 12 months ending March 15 of each year,
 506 which also shall indicate compliance with the Registry of
 507 Interpreters for the Deaf, Inc., in the Associate Continuing
 508 Education Training program.

509 (4) Registered permitholders shall annually submit proof
 510 of successful completion of 2.0 units of continuing education
 511 during the preceding 12 months ending March 15 of the year in
 512 which application is made.

513 (5) Each licensee and permitholder is responsible for
 514 maintaining records of successful completion of the continuing
 515 education required by this subsection and transmitting a copy of
 516 the record to the board.

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517 468.910 Complaint process; grievances.--
 518 (1) Complaints regarding dishonorable, unethical, or
 519 unprofessional conduct of an interpreter or transliterator shall
 520 be submitted to the board in writing or by videotape with a
 521 completed complaint form not later than 1 calendar year after
 522 the occurrence of the alleged violation.
 523 (2) Complaints shall be compiled by the board and shall
 524 include, but are not limited to:
 525 (a) The name of the licensee.
 526 (b) The name of the complainant.
 527 (c) The date of the alleged violation.
 528 (d) The date of the complaint.
 529 (e) A brief statement detailing the nature of the
 530 complaint.
 531 (f) The final disposition of the complaint.
 532 (3) The department shall acknowledge all complaints in
 533 writing no later than 10 business days after receipt of the
 534 complaint.
 535 (4) Disciplinary proceedings shall be conducted pursuant
 536 to s. 456.073.
 537 (5) The board may recommend to the department the
 538 revocation or suspension of a license or permit, or such
 539 disciplinary action as the board deems appropriate, for conduct
 540 that may result in or from, but not limited to:
 541 (a) Obtaining or attempting to obtain a license under this
 542 part through bribery, misrepresentation, concealment of material
 543 fact, or fraudulent misrepresentation.

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544 (b) Having been found guilty of fraud, misrepresentation,
545 concealment, or material misstatement of fact or deceit in
546 connection with providing interpreter or transliterator
547 services.

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

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

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

554 2. Willfully violating a privileged communication.

555 3. Willfully violating confidentiality.

556 4. Knowingly performing an act that aids or assists an
557 unlicensed person to practice interpreting or transliterating in
558 violation of this part.

559 5. Practicing interpreting or transliterating under a
560 false or assumed name.

561 6. Advertising for the practice of interpreting or
562 transliterating in a deceptive or unethical manner.

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

565 8. Committing repeated violations of any of the rules of
566 the board or provisions of this part.

567 9. Committing repeated acts of gross misconduct in the
568 practice of interpreting or transliterating.

569 10. Demonstrating a pattern of practice or other behavior
570 that demonstrates incapacity or incompetence to practice under
571 this part.

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

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

576 468.911 Exemptions.--The following interpreters or
577 translitterators are exempt from this part:

578 (1) An interpreter or translitterator who provides
579 interpreting services solely at a worship service or religious
580 ceremony conducted by a religious organization or for
581 educational purposes for a religious entity or religious-
582 affiliated school that does not receive public moneys, except
583 this exemption does not apply to settings that require
584 compliance with the Americans with Disabilities Act.

585 (2) An interpreter or translitterator who provides
586 interpreting services during an emergency. For purposes of this
587 subsection, "emergency" means a situation in which, after
588 documented attempts to obtain the services of a licensed
589 interpreter, an individual who is deaf or hard of hearing
590 determines that the delay in obtaining a licensed interpreter
591 might lead to injury or loss to the individual requiring
592 services, provided:

593 (a) The services of a licensed interpreter must continue
594 to be sought during the emergency in which the unlicensed
595 interpreter is providing interpreting services.

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

598 (3) An interpreter who is not a resident of this state and
599 who:

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600 (a) Is registered in this state, for a period not to
601 exceed 30 nonconsecutive calendar days in a calendar year, to
602 engage in interpreting, including, but not limited to,
603 conference interpreting, video-relay interpreting, or
604 interpreting while on a cruise vessel, and who may or may not
605 hold a valid credential from another state, except that:

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

609 2. Interpreting services provided during a declared
610 national or state emergency will not be included in the 30-day
611 registration restriction.

612 (b) Practices under the authority of the board and this
613 part.

614 (4) Any person who provides interpreting services pro bono
615 or for remuneration under circumstances that do not allow for
616 the fulfillment of the provisions for licensure or permitting
617 under this part and in circumstances under which the services of
618 a qualified interpreter are not required under the provisions of
619 the federal Americans with Disabilities Act of 1990, section 504
620 of the Rehabilitation Act of 1973, the Individuals with
621 Disabilities Education Improvement Act of 2004, the No Child
622 Left Behind Act of 2001, or the regulations adopted thereunder.

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

625 (a) Is enrolled in a course of study or mentorship program
626 leading to a certificate, degree, or licensure in interpreting,
627 provided that the student, intern, or person who interprets in

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628 the presence of a supervising mentor engages only in activities
629 and services that constitute a part of a supervised plan of
630 study that clearly designates him or her as a student, intern,
631 or person interpreting in the presence of a supervising mentor.

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

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

638 2. A deaf mentor meeting the requirements for a
639 provisional license.

640 (6) An unlicensed interpreter who provides interpreting
641 services to facilitate emergency services and care by hospitals
642 under s. 395.1041 when a health care practitioner determines
643 that the delay to obtain a licensed interpreter may result in
644 harm to the patient.

645 468.912 Illegal acts; penalties.--Any person who attempts
646 to practice interpreting or transliterating for remuneration or
647 on a voluntary basis for an interpreter service consumer without
648 first having obtained a valid license or permit, who knowingly
649 files false information with the board for the purpose of
650 obtaining a license or permit, or who otherwise violates this
651 part commits a misdemeanor of the first degree, punishable as
652 provided in s. 775.082 or s. 775.083. Violations include, but
653 are not limited to:

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654 (1) Obtaining or attempting to obtain a license or permit
655 by means of fraud, bribery, misrepresentation, or concealment of
656 material facts.

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

660 (3) Interpreting or transliterating under a false or
661 assumed name.

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

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

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

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

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

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

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

680 (11) Advertising professional services in a false or
681 misleading manner.

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682 | 468.913 Privileged communications.--

683 | (1) An interpreter who interprets or transliterates a
684 | conversation between a person who can hear and a deaf person is
685 | deemed a conduit for the conversation and may not disclose or be
686 | compelled to disclose by subpoena the contents of the
687 | conversation that he or she interpreted without the written
688 | consent of all of the persons to whom he or she provided the
689 | interpreting service.

690 | (2) All communications that are recognized by law as
691 | privileged shall remain privileged when an interpreter is used
692 | to facilitate the communication.

693 | (3) The disclosure of the contents of a privileged
694 | conversation may be voluntarily disclosed when:

695 | (a) An interpreter services consumer waives the privilege
696 | by bringing public charges against the licensee.

697 | (b) A communication reveals the intended commission of a
698 | crime or harmful act and disclosure of the communication is
699 | judged necessary by the licensed interpreter to protect any
700 | persons from a clear, imminent risk of serious mental or
701 | physical harm or injury or to forestall a serious threat to the
702 | public safety.

703 | (4) Nothing shall prohibit a licensed interpreter from
704 | voluntarily testifying in court hearings concerning matters of
705 | adoption, child abuse, or child neglect or other matters
706 | pertaining to children, except as provided under the federal
707 | Abused and Neglected Child Reporting Act.

708 | (5) An educational interpreter may disclose pertinent
709 | information to those directly responsible for the child's

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710 educational program or to the members of the Individual
711 Education Plan Team.

712 468.914 Rulemaking authority.--

713 (1) The board is authorized to adopt rules pursuant to ss.
714 120.536(1) and 120.54 to implement the provisions of this part
715 conferring duties upon the board.

716 (2) In addition to the rulemaking requirements provided in
717 this part, the board shall adopt rules, pertaining to, but not
718 limited to:

719 (a) A code of professional conduct for licensees.

720 (b) Performance requirements, including education and
721 examination standards for interpreters.

722 (c) Continuing education requirements.

723 (d) Appropriate and acceptable testing tools to evaluate
724 interpreters.

725 (e) Fee schedules authorized under s. 468.906.

726 (f) Procedures for acceptance of funds from federal and
727 private sources to be used for the purposes of this part.

728 Section 3. This act shall take effect July 1, 2006.