

Bill No. SB 2592

Barcode 254048

CHAMBER ACTION

Senate

House

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The Committee on Education (Wise) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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

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

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

- 1. Board of Architecture and Interior Design, created under part I of chapter 481.
- 2. Florida Board of Auctioneers, created under part VI of chapter 468.
- 3. Barbers' Board, created under chapter 476.
- 4. Florida Building Code Administrators and Inspectors Board, created under part XII of chapter 468.

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1 community in the United States.

2 (2) "American Sign Language Proficiency Interview" or
3 "Sign Communication Proficiency Interview" means the
4 assessment of fluency in American Sign Language.

5 (3) "Board" means the Board of Interpreters for the
6 Deaf and Hard of Hearing.

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

11 (5) "Deaf" means a nonfunctional sense of hearing for
12 the purpose of communication and whose primary means of
13 communication is visual. Unless otherwise specified, "deaf"
14 also means hard of hearing or deaf-blind.

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

19 (7) "Deaf interpreter" means a person who engages in
20 the practice of interpreting in a setting that requires two or
21 more interpreters in order to facilitate communication between
22 persons who are deaf or hard of hearing and those who are
23 hearing.

24 (8) "Department" means the Department of Business and
25 Professional Regulation.

26 (9) "Educational interpreter" means an interpreter who
27 engages in the practice of interpreting in a prekindergarten
28 through grade 12 setting.

29 (10) "Educational Interpreter Evaluation" means the
30 test administered by the Florida Registry of Interpreters for
31 the Deaf, Inc., to assess the skills of educational

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1 interpreters in the state and consists of three levels: Level
2 1, which is the lowest skill level; Level 2, which is the
3 intermediate skill level; and Level 3, which is the highest
4 skill level.

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

10 (12) "Florida Registry of Interpreters for the Deaf,
11 Inc." means the state affiliate chapter of the national
12 Registry of Interpreters for the Deaf, Inc.

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

16 (14) "Interpreter" means a person who engages in the
17 practice of interpreting for the deaf or hard of hearing and,
18 unless otherwise specified, means a person who engages in the
19 practice of transliterating.

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

22 (16) "Interpreting" means the process of providing
23 accessible communication between persons who are deaf or hard
24 of hearing and those who are hearing and includes, but is not
25 limited to, communication between American Sign Language and
26 English or other modalities that involve visual, gestural, and
27 tactile methods of communication.

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

31 (18) "Multilingual interpreting" means the act of

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1 interpreting in a setting that requires not only skill in
2 English and American Sign Language, but also another language,
3 whether oral or signed, and cultural sensitivity and knowledge
4 of the parties involved.

5 (19) "National Association of the Deaf" means the
6 entity that certified sign language interpreters at a national
7 level, though the association no longer administers its
8 certification examination, and whose certifications consist of
9 Level III, Generalist; Level IV, Advanced; and Level V,
10 Master; and are recognized in the Registry of Interpreters for
11 the Deaf, Inc.

12 (20) "National Council on Interpreting" means the
13 joint council of the Registry of Interpreters for the Deaf,
14 Inc., and the National Association of the Deaf that issues a
15 National Interpreter Certification certifying sign language
16 interpreters at the national level.

17 (21) "Oral interpreting" means facilitating a mode of
18 communication using speech, speechreading, and residual
19 hearing and situational and culturally appropriate gestures
20 without the use of sign language.

21 (22) "Quality Assurance Screening" means the
22 examination administered by the Florida Registry of
23 Interpreters for the Deaf, Inc., to monitor the progress of
24 uncertified apprentice interpreters in the state which
25 examination consists of three levels: Level I, Beginner
26 Apprentice; Level II, Intermediate Apprentice; and Level III,
27 Advanced Apprentice.

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

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

4 (25) "Student" or "intern" means a person enrolled in
5 a course of study or mentorship or an apprenticeship program
6 that leads to a certificate or degree at an accredited
7 institution or a license in interpreting.

8 (26) "Teaching, Education, and Certification Unit"
9 means the national organization that assesses and certifies
10 cued speech transliterators.

11 (27) "Transliterating" means the process of providing
12 accessible communication between persons who are deaf or hard
13 of hearing and those who are hearing primarily using a signed
14 mode of English and spoken English.

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

17 468.901 Board of Interpreters for the Deaf and Hard of
18 Hearing; membership, appointment, terms.--

19 (1) The Board of Interpreters for the Deaf and Hard of
20 Hearing is created within the Department of Business and
21 Professional Regulation consisting of nine members appointed
22 by the Governor and confirmed by the Senate. To ensure
23 continuity of board policies and to provide sufficient time
24 for implementation of the licensure and permitting process,
25 the Governor shall initially appoint members, as follows:

26 (a) Four members shall meet the qualifications set
27 forth in this part to be eligible to become fully licensed
28 interpreters, one of whom must be a practicing educational
29 interpreter, and the four members shall be appointed from a
30 list of nine individuals recommended by the Florida Registry
31 of Interpreters for the Deaf, Inc.

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1 (b) One member shall be an interpreter for the deaf or
 2 hard of hearing who meets the qualifications set forth in this
 3 part to be eligible to hold a permit, provisional license, or
 4 license, and shall be appointed from a list of three
 5 individuals recommended by the Florida Registry of
 6 Interpreters for the Deaf, Inc.

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

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

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

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

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

24 468.902 Board headquarters.--The board shall maintain
 25 its official headquarters in Tallahassee.

26 468.903 Authority to practice.--Any person who
 27 receives remuneration as an interpreter, represents himself or
 28 herself as an interpreter, or conveys the impression of or
 29 assumes the identity of an interpreter must be licensed or
 30 hold a permit in accordance with the provisions of this part.

31 468.904 Application and renewal, reinstatement,

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1 extension, suspension, and revocation process.--

2 (1) The board shall adopt by rule procedures necessary
3 to implement the requirements for license and permit
4 application, license renewal, license reinstatement, permit
5 extension, license and permit suspension and revocation, and
6 continuing education requirements.

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

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

11 (a) Proof of issuance of a valid recognized
12 credential.

13 (b) A recent passport or other official photograph of
14 the applicant.

15 (c) Payment of the required nonrefundable application
16 fee.

17 (4) The board shall adopt by rule procedures for
18 handling incomplete applications.

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

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

24 (a) Proof of issuance of a valid recognized
25 credential.

26 (b) Proof of completion of the required continuing
27 education, if applicable.

28 (c) The renewal or extension fee, including the late
29 fee, if appropriate.

30 (7) The board shall approve the issuance of a license
31 or permit, a renewal of the license, or an extension of a

1 permit upon its determination that the credentials and
2 documents are complete.

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

6 (a) Proof of license credentials.

7 (b) The nonrefundable application fee.

8 (c) A written request including the appropriateness of
9 reinstatement.

10 (d) Proof of completion of continuing education, as
11 applicable.

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

15 (a) Proof of license credentials.

16 (b) The nonrefundable application fee.

17 (c) A written request including the appropriateness of
18 reinstatement.

19 (d) Proof of completion of continuing education, as
20 applicable.

21 (10) Upon a majority vote of the board to deny a
22 license or permit application, license renewal, license
23 reinstatement, or permit extension, the board shall notify the
24 applicant of the reasons for the denial in writing no later
25 than 30 calendar days after the board's action.

26 (11) A person who is issued a license or permit under
27 this part and who is acting as an interpreter shall display
28 the license or permit to a client or an interpreter service
29 consumer upon request.

30 (12) A person who is issued a license or permit under
31 this part shall notify the board of any change in his or her

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1 address no later than 30 days after the change.

2 468.905 Fees.--The board shall establish by rule the
3 fees to be paid, as follows:

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

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

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

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

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

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

12 (7) License reinstatement application fee, not to
13 exceed \$70.

14 468.906 License and permit; qualifications.--

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

17 (a) Any person convicted of a felony.

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

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

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

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

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

31 (c) A National Interpreting Council certification.

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1 (d) A Teaching, Education, Certification Unit
2 Transliteration Skills certification, which shall be
3 recognized for a transliteration license to provide only cued
4 speech transliteration services.

5 (e) An associate of arts degree or an associate of
6 science degree held by an interpreter certified on or after
7 January 1, 2010.

8 (f) A bachelor of arts degree or a bachelor of science
9 degree held by an interpreter certified on or after January 1,
10 2012.

11 (3) PROVISIONAL LICENSE.--

12 (a) An applicant must have successfully completed one
13 or more of the following assessments to be eligible for
14 provisional licensure:

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

17 2. Florida Registry of Interpreters for the Deaf,
18 Inc., Educational Interpreter Evaluation, Level II or Level
19 III.

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

21 4. Educational Interpreter Performance Assessment,
22 Level IV or Level V.

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

27 (b) An applicant for a deaf interpreter's provisional
28 license must have received a passing score on the Certified
29 Deaf Interpreter written examination and received a superior
30 or advanced plus rating on the Sign Communication Proficiency
31 Interview or the American Sign Language Proficiency Interview

1 assessment.

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

6 (4) TEMPORARY LICENSE.--An interpreter temporarily
7 residing in the state who meets the criteria for licensure
8 under this part may hold a temporary license for a period not
9 to exceed 6 months after the date of issuance of the temporary
10 license. An interpreter may hold only one temporary license in
11 a calendar year.

12 (5) SPECIAL LIMITED LICENSE.--

13 (a) The board shall have the authority, upon
14 presentation of satisfactory proof of competency and under
15 rules adopted by the board, to issue a special limited license
16 to an individual who demonstrates competency in a specialized
17 area for which no formal, generally recognized evaluation
18 exists. Specialized areas associated with the practice of
19 interpreting include, but are not limited to, interpreting for
20 the deaf-blind, multilingual interpreting, and certain nonsign
21 modalities.

22 (b) Special limited licenses shall be granted until
23 formal, generally recognized evaluative methods for these
24 modalities are instituted.

25 (c) Special limited licenses shall state the
26 limitations as to the specialized area for which the licensee
27 demonstrates competency.

28 (d) Licenses issued under this subsection are subject
29 to the provisions of this part and the rules adopted by the
30 board, except an applicant shall not be required to
31 demonstrate any knowledge or expertise in any communication

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1 modality other than the one the applicant claims as the area
2 of his or her specialty.

3 (e) The board shall establish by rule separate
4 educational requirements for specific modalities to determine
5 the competency claimed by the applicant for a special limited
6 license.

7 (f) The board shall adopt rules regarding the
8 development and implementation of criteria and licensure
9 standards for interpreters specializing in deaf-blind
10 communication.

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

13 (6) PERMIT.--

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

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

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

21 3. Educational Interpreter Performance Assessment,
22 Level III.

23 (b) An applicant for a deaf interpreter's permit must
24 have successfully completed 20 documented hours of interpreter
25 training, of which 16 hours must be certified deaf interpreter
26 specific, and must have attained a superior or advanced plus
27 rating on the Sign Communication Proficiency Interview or the
28 American Sign Language Proficiency Interview assessment.

29 (c) A deaf interpreter's permit may not be held for
30 more than 2 years following the date of issuance, except the
31 board may approve a 1-year extension of the permit. The board

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1 shall not issue more than one extension of a permit.

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

4 (7) REGISTERED PERMIT.--A registered permit shall be
5 issued not later than July 1, 2008. Any interpreter who
6 provides interpreter services prior to the date of enactment
7 of this part, who does not meet the requirements of this part,
8 and who has registered with the department not later than 60
9 calendar days after the date of enactment of this part, shall
10 be issued a registered permit valid for a period of 2 years
11 after the date of enactment of this part. Any interpreter who
12 first provides interpreter services after the date of
13 enactment of this part shall comply with the licensing or
14 permitting requirements under this part.

15 (8) TEMPORARY PERMIT.--

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

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

- 24 1. Licensure.
- 25 2. Temporary licensure.
- 26 3. Provisional licensure.
- 27 4. Permit.
- 28 5. Special limited license.

29 (c) A person may hold only one temporary permit.

30 468.907 Suspended or revoked license or permit.--

31 (1) A license or permit suspended or revoked by the

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1 board is subject to immediate expiration and surrender to the
2 department.

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

5 (3) The licensee or permitholder shall pay the
6 reinstatement fee if the suspended or revoked license is
7 reinstated by the board.

8 (4) A renewed license or permit shall not entitle the
9 licensee or permitholder to engage in the practice of
10 interpreting until the suspension or revocation period has
11 ended or is otherwise removed by the board and the right to
12 practice is restored by the board.

13 468.908 Inactive status.--Any interpreter who notifies
14 the board on forms prescribed by board rule may place his or
15 her license on inactive status and shall be exempt from
16 payment of renewal fees until he or she applies for
17 reinstatement and the reinstatement is approved by the board
18 and a license is issued.

19 (1) Any interpreter who requests reinstatement from
20 inactive status shall pay the reinstatement fee and shall meet
21 the requirements for reinstatement as determined by board
22 rule.

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

25 (3) Any interpreter who practices interpreting while
26 his or her license is on inactive status shall be considered
27 practicing without a license and is subject to disciplinary
28 action.

29 (4) An interpreter may submit a request for inactive
30 status for up to 2 years, after which the inactive interpreter
31 may petition the board for an extension of an inactive status

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1 as determined by board rule.

2 468.909 Continuing education.--

3 (1) A licensed interpreter shall annually submit proof
4 of current certification and indicate his or her compliance or
5 noncompliance with the requirements of the Registry of
6 Interpreters for the Deaf, Inc., Certification Maintenance
7 Program.

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

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

18 (4) Registered permitholders shall annually submit
19 proof of successful completion of 2.0 units of continuing
20 education during the preceding 12 months ending March 15 of
21 the year in which application is made.

22 (5) Each licensee and permitholder is responsible for
23 maintaining records of successful completion of the continuing
24 education required by this subsection and transmitting a copy
25 of the record to the board.

26 468.910 Complaint process; grievances.--

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

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

3 (a) The name of the licensee.

4 (b) The name of the complainant.

5 (c) The date of the alleged violation.

6 (d) The date of the complaint.

7 (e) A brief statement detailing the nature of the
8 complaint.

9 (f) The final disposition of the complaint.

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

13 (4) Disciplinary proceedings shall be conducted
14 pursuant to s. 456.073.

15 (5) The board may recommend to the department the
16 revocation or suspension of a license or permit, or such
17 disciplinary action as the board deems appropriate, for
18 conduct that may result in or from, but not limited to:

19 (a) Obtaining or attempting to obtain a license under
20 this part through bribery, misrepresentation, concealment of
21 material fact, or fraudulent misrepresentation.

22 (b) Having been found guilty of fraud,
23 misrepresentation, concealment, or material misstatement of
24 fact or deceit in connection with providing interpreter or
25 transliterator services.

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

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

30 1. Making a false or fraudulent statement in any
31 document connected with the practice of interpreting or

1 transliterating.

2 2. Willfully violating a privileged communication.

3 3. Willfully violating confidentiality.

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

7 5. Practicing interpreting or transliterating under a
8 false or assumed name.

9 6. Advertising for the practice of interpreting or
10 transliterating in a deceptive or unethical manner.

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

13 8. Committing repeated violations of any of the rules
14 of the board or provisions of this part.

15 9. Committing repeated acts of gross misconduct in the
16 practice of interpreting or transliterating.

17 10. Demonstrating a pattern of practice or other
18 behavior that demonstrates incapacity or incompetence to
19 practice under this part.

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

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

24 468.911 Exemptions.--The following interpreters or
25 transl iterators are exempt from this part:

26 (1) An interpreter or transliterator who provides
27 interpreting services solely at a worship service or religious
28 ceremony conducted by a religious organization or for
29 educational purposes for a religious entity or
30 religious-affiliated school that does not receive public
31 moneys, except this exemption does not apply to settings that

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1 require compliance with the Americans with Disabilities Act.

2 (2) An interpreter or transliterator who provides
3 interpreting services during an emergency. For purposes of
4 this subsection, "emergency" means a situation in which, after
5 documented attempts to obtain the services of a licensed
6 interpreter, an individual who is deaf or hard of hearing
7 determines that the delay in obtaining a licensed interpreter
8 might lead to injury or loss to the individual requiring
9 services, provided:

10 (a) The services of a licensed interpreter must
11 continue to be sought during the emergency in which the
12 unlicensed interpreter is providing interpreting services.

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

15 (3) An interpreter who is not a resident of this state
16 and who:

17 (a) Is registered in this state, for a period not to
18 exceed 30 nonconsecutive calendar days in a calendar year, to
19 engage in interpreting, including, but not limited to,
20 conference interpreting, video-relay interpreting, or
21 interpreting while on a cruise vessel, and who may or may not
22 hold a valid credential from another state, except that:

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

26 2. Interpreting services provided during a declared
27 national or state emergency will not be included in the 30-day
28 registration restriction.

29 (b) Practices under the authority of the board and
30 this part.

31 (4) Any person who provides interpreting services pro

1 bono or for remuneration under circumstances that do not allow
 2 for the fulfillment of the provisions for licensure or
 3 permitting under this part and in circumstances under which
 4 the services of a qualified interpreter are not required under
 5 the provisions of the federal Americans with Disabilities Act
 6 of 1990, section 504 of the Rehabilitation Act of 1973, the
 7 Individuals with Disabilities Education Improvement Act of
 8 2004, the No Child Left Behind Act of 2001, or the regulations
 9 adopted thereunder.

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

12 (a) Is enrolled in a course of study or mentorship
 13 program leading to a certificate, degree, or licensure in
 14 interpreting, provided that the student, intern, or person who
 15 interprets in the presence of a supervising mentor engages
 16 only in activities and services that constitute a part of a
 17 supervised plan of study that clearly designates him or her as
 18 a student, intern, or person interpreting in the presence of a
 19 supervising mentor.

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

22 1. A fully licensed interpreter or transliterator with
 23 a minimum of 5 years of interpreting experience or an
 24 instructor in an interpreter training program who has three
 25 letters of recommendation from individuals already approved as
 26 mentors; or

27 2. A deaf mentor meeting the requirements for a
 28 provisional license.

29 (6) An unlicensed interpreter who provides
 30 interpreting services to facilitate emergency services and
 31 care by hospitals under s. 395.1041 when a health care

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1 practitioner determines that the delay to obtain a licensed
2 interpreter may result in harm to the patient.

3 468.912 Illegal acts; penalties.--Any person who
4 attempts to practice interpreting or transliterating for
5 remuneration or on a voluntary basis for an interpreter
6 service consumer without first having obtained a valid license
7 or permit, who knowingly files false information with the
8 board for the purpose of obtaining a license or permit, or who
9 otherwise violates this part commits a misdemeanor of the
10 first degree, punishable as provided in s. 775.082 or s.
11 775.083. Violations include, but are not limited to:

12 (1) Obtaining or attempting to obtain a license or
13 permit by means of fraud, bribery, misrepresentation, or
14 concealment of material facts.

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

18 (3) Interpreting or transliterating under a false or
19 assumed name.

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

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

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

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

30 (8) Knowingly allowing a student, intern interpreter,
31 or person who interprets in the presence of a supervising

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1 mentor to provide interpreting services without direct
2 supervision as provided under this part.

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

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

7 (11) Advertising professional services in a false or
8 misleading manner.

9 468.913 Privileged communications.--

10 (1) An interpreter who interprets or transliterates a
11 conversation between a person who can hear and a deaf person
12 is deemed a conduit for the conversation and may not disclose
13 or be compelled to disclose by subpoena the contents of the
14 conversation that he or she interpreted without the written
15 consent of all of the persons to whom he or she provided the
16 interpreting service.

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

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

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

24 (b) A communication reveals the intended commission of
25 a crime or harmful act and disclosure of the communication is
26 judged necessary by the licensed interpreter to protect any
27 persons from a clear, imminent risk of serious mental or
28 physical harm or injury or to forestall a serious threat to
29 the public safety.

30 (4) Nothing shall prohibit a licensed interpreter from
31 voluntarily testifying in court hearings concerning matters of

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1 adoption, child abuse, or child neglect or other matters
2 pertaining to children, except as provided under the federal
3 Abused and Neglected Child Reporting Act.

4 (5) An educational interpreter may disclose pertinent
5 information to those directly responsible for the child's
6 educational program or to the members of the Individual
7 Education Plan Team.

8 468.914 Rulemaking authority.--

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

12 (2) In addition to the rulemaking requirements
13 provided in this part, the board shall adopt rules, pertaining
14 to, but not limited to:

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

16 (b) Performance requirements, including education and
17 examination standards for interpreters.

18 (c) Continuing education requirements.

19 (d) Appropriate and acceptable testing tools to
20 evaluate interpreters.

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

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

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

25

26

27 ===== T I T L E A M E N D M E N T =====

28 And the title is amended as follows:

29 Delete everything before the enacting clause

30

31 and insert:

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1 A bill to be entitled

2 An act relating to interpreters for the deaf

3 and hard of hearing; amending 20.165, F.S.;

4 including the Board of Interpreters for the

5 Deaf and Blind to the list of boards under the

6 Department of Business and Professional

7 Regulation; creating pt. XV of ch. 468, F.S.;

8 creating s. 468.90, F.S.; providing

9 definitions; creating s. 468.901, F.S.;

10 creating the Board of Interpreters for the Deaf

11 and Hard of Hearing under the Department of

12 Business and Professional Regulation; providing

13 for appointment, qualifications, and terms of

14 board members; creating s. 468.902, F.S.;

15 providing for board headquarters; creating s.

16 468.903, F.S.; requiring certain persons to be

17 licensed or hold a permit to practice; creating

18 s. 468.904, F.S.; providing for license and

19 permit application and renewal, reinstatement,

20 extension, suspension, and revocation;

21 providing rulemaking authority; creating s.

22 468.905, F.S.; providing for application,

23 examination, license, and permit fees; creating

24 s. 468.906, F.S.; providing restrictions on and

25 qualifications for licensure and permit

26 holding; providing for licensure and permit

27 types; creating s. 468.907, F.S.; providing for

28 surrender or seizure of suspended or revoked

29 licenses and permits; requiring payment of

30 certain fee upon reinstatement; prohibiting

31 practice under certain circumstances; creating

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1 s. 468.908, F.S.; providing requirements for
 2 inactive status; creating s. 468.909, F.S.;
 3 providing continuing education requirements;
 4 creating s. 468.910, F.S.; providing
 5 requirements for submitting certain complaints;
 6 requiring the board to compile certain
 7 complaint data; providing that disciplinary
 8 proceedings shall be conducted under s.
 9 456.073, F.S.; providing grounds for board
 10 recommendation of revocation or suspension of
 11 license or permit or other disciplinary action;
 12 creating s. 468.911, F.S.; providing exemptions
 13 from regulation under the part; creating s.
 14 468.912, F.S.; prohibiting certain acts;
 15 providing penalties; creating s. 468.913, F.S.;
 16 establishing privilege for certain
 17 conversations; providing for voluntary
 18 disclosure of certain privileged conversations;
 19 creating s. 468.914, F.S.; providing rulemaking
 20 authority; providing an effective date.

21
 22 WHEREAS, the Legislature declares the practice of
 23 manual or oral interpreting and transliterating services
 24 affects the public health, safety, and welfare; therefore, the
 25 licensure of these practices is necessary to ensure minimum
 26 standards of competency and to provide the public with safe
 27 and accurate manual or oral interpreting or transliterating
 28 services, and

29 WHEREAS, it is the intent of the Legislature to provide
 30 for the regulation of persons in the state offering manual or
 31 oral interpreting or transliterating services to individuals

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1 | who are deaf, hard of hearing, or dependent on the use of
2 | manual modes of communication, NOW, THEREFORE,

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