

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

17
18 WHEREAS, the Legislature declares the practice of
19 manual or oral interpreting and transliterating services
20 affects the public health, safety, and welfare; therefore, the
21 licensure of these practices is necessary to ensure minimum
22 standards of competency and to provide the public with safe
23 and accurate manual or oral interpreting or transliterating
24 services, and

25 WHEREAS, it is the intent of the Legislature to provide
26 for the regulation of persons in the state offering manual or
27 oral interpreting or transliterating services to individuals
28 who are deaf, hard of hearing, or dependent on the use of
29 manual modes of communication, NOW, THEREFORE,

30
31 Be It Enacted by the Legislature of the State of Florida:

1 persons who are deaf or hard of hearing and those who are
2 hearing.

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

4 (9) "Educational interpreter" means an interpreter who
5 engages in the practice of interpreting in a prekindergarten
6 through grade 12 setting.

7 (10) "Educational Interpreter Evaluation" means the
8 test administered by the Florida Registry of Interpreters for
9 the Deaf, Inc., to assess the skills of educational
10 interpreters in the state and consists of three levels: Level
11 1, which is the lowest skill level; Level 2, which is the
12 intermediate skill level; and Level 3, which is the highest
13 skill level.

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

19 (12) "Florida Registry of Interpreters for the Deaf,
20 Inc." means the state affiliate chapter of the national
21 Registry of Interpreters for the Deaf, Inc.

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

25 (14) "Interpreter" means a person who engages in the
26 practice of interpreting for the deaf or hard of hearing and,
27 unless otherwise specified, means a person who engages in the
28 practice of transliterating.

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

31

1 (16) "Interpreting" means the process of providing
2 accessible communication between persons who are deaf or hard
3 of hearing and those who are hearing and includes, but is not
4 limited to, communication between American Sign Language and
5 English or other modalities that involve visual, gestural, and
6 tactile methods of communication.

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

10 (18) "Multilingual interpreting" means the act of
11 interpreting in a setting that requires not only skill in
12 English and American Sign Language, but also another language,
13 whether oral or signed, and cultural sensitivity and knowledge
14 of the parties involved.

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

22 (20) "National Council on Interpreting" means the
23 joint council of the Registry of Interpreters for the Deaf,
24 Inc., and the National Association of the Deaf that issues a
25 National Interpreter Certification certifying sign language
26 interpreters at the national level.

27 (21) "Oral interpreting" means facilitating a mode of
28 communication using speech, speechreading, and residual
29 hearing and situational and culturally appropriate gestures
30 without the use of sign language.

31

1 (22) "Quality Assurance Screening" means the
2 examination administered by the Florida Registry of
3 Interpreters for the Deaf, Inc., to monitor the progress of
4 uncertified apprentice interpreters in the state which
5 examination consists of three levels: Level I, Beginner
6 Apprentice; Level II, Intermediate Apprentice; and Level III,
7 Advanced Apprentice.

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

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

15 (25) "Student" or "intern" means a person enrolled in
16 a course of study or mentorship or an apprenticeship program
17 that leads to a certificate or degree at an accredited
18 institution or a license in interpreting.

19 (26) "Teaching, Education, and Certification Unit"
20 means the national organization that assesses and certifies
21 cued speech transliterators.

22 (27) "Transliterating" means the process of providing
23 accessible communication between persons who are deaf or hard
24 of hearing and those who are hearing primarily using a signed
25 mode of English and spoken English.

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

28 468.901 Board of Interpreters for the Deaf and Hard of
29 Hearing; membership, appointment, terms.--

30 (1) The Board of Interpreters for the Deaf and Hard of
31 Hearing is created within the Department of Health and

1 initially shall consist of seven members appointed by the
2 Governor and confirmed by the Senate, as follows:

3 (a) Three members shall meet the qualifications set
4 forth in this part to be eligible to become fully licensed
5 interpreters, one of whom must be a practicing educational
6 interpreter, and the three members shall be appointed from a
7 list of nine individuals recommended by the Florida Registry
8 of Interpreters for the Deaf, Inc.

9 (b) One member shall be a deaf or hard of hearing
10 interpreter who meets the qualifications set forth in this
11 part to be eligible to hold a permit, provisional license, or
12 license, and shall be appointed from a list of three
13 individuals recommended by the Florida Registry of
14 Interpreters for the Deaf, Inc.

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

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

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

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

29 (a) Of the members initially appointed under paragraph
30 (1)(a), one member shall serve a term of 2 years and one
31 member shall serve a term of 3 years.

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

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

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

7 (5) All provisions of chapter 456 relating to the
8 activities of regulatory boards under the Department of Health
9 shall apply to the board.

10 468.902 Board headquarters.--The board shall maintain
11 its official headquarters in Tallahassee.

12 468.903 Authority to practice.--Any person who
13 receives remuneration as an interpreter, represents himself or
14 herself as an interpreter, or conveys the impression of or
15 assumes the identity of an interpreter must be licensed or
16 hold a permit in accordance with the provisions of this part.

17 468.904 Application and renewal, reinstatement,
18 extension, suspension, and revocation process.--

19 (1) The board shall adopt by rule procedures necessary
20 to implement the requirements for license and permit
21 application, license renewal, license reinstatement, permit
22 extension, license and permit suspension and revocation, and
23 continuing education requirements.

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

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

28 (a) Proof of issuance of a valid recognized
29 credential.

30 (b) A recent passport or other official photograph of
31 the applicant.

- 1 (c) Payment of the required nonrefundable application
2 fee.
- 3 (4) The board shall adopt by rule procedures for
4 handling incomplete applications.
- 5 (5) Each license or permit must be renewed no later
6 than March 1 of each year.
- 7 (6) An application for license renewal or permit
8 extension shall be submitted annually to the board and shall
9 include, but not be limited to, the following:
- 10 (a) Proof of issuance of a valid recognized
11 credential.
- 12 (b) Proof of completion of the required continuing
13 education, if applicable.
- 14 (c) The renewal or extension fee, including the late
15 fee, if appropriate.
- 16 (7) The board shall approve the issuance of a license
17 or permit, a renewal of the license, or an extension of a
18 permit upon its determination that the credentials and
19 documents are complete.
- 20 (8) An application for reinstatement of a suspended
21 license or permit shall include, but not be limited to, the
22 following:
- 23 (a) Proof of license credentials.
- 24 (b) The nonrefundable application fee.
- 25 (c) A written request including the appropriateness of
26 reinstatement.
- 27 (d) Proof of completion of continuing education, as
28 applicable.
- 29 (9) An application for reinstatement of a revoked
30 license or permit must include, but not be limited to, the
31 following:

- 1 (a) Proof of license credentials.
2 (b) The nonrefundable application fee.
3 (c) A written request including the appropriateness of
4 reinstatement.
5 (d) Proof of completion of continuing education, as
6 applicable.
7 (10) Upon a majority vote of the board to deny a
8 license or permit application, license renewal, license
9 reinstatement, or permit extension, the board shall notify the
10 applicant of the reasons for the denial in writing no later
11 than 30 calendar days after the board's action.
12 (11) A person who is issued a license or permit under
13 this part and who is acting as an interpreter shall display
14 the license or permit to a client or an interpreter service
15 consumer upon request.
16 (12) A person who is issued a license or permit under
17 this part shall notify the board of any change in his or her
18 address no later than 30 days after the change.
19 468.905 Fees.--The board shall establish by rule the
20 fees to be paid, as follows:
21 (1) Application fee, not to exceed \$35.
22 (2) Examination fee, not to exceed \$100, which is
23 refundable if the applicant is found to be ineligible to take
24 the examination.
25 (3) Reexamination fee, not to exceed \$100.
26 (4) Initial license or permit fee, not to exceed \$150.
27 (5) Annual license renewal fee, not to exceed \$150.
28 (6) Permit extension fee, not to exceed \$50.
29 (7) License reinstatement application fee, not to
30 exceed \$70.
31 468.906 License and permit; qualifications.--

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

3 (a) Any person convicted of a felony.

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

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

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

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

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

16 (c) A National Interpreting Council certification.

17 (d) A Teaching, Education, Certification Unit
18 Transliteration Skills certification, which shall be
19 recognized for a transliteration license to provide only cued
20 speech transliteration services.

21 (e) An associate of arts degree or an associate of
22 science degree held by an interpreter certified on or after
23 January 1, 2010.

24 (f) A bachelor of arts degree or a bachelor of science
25 degree held by an interpreter certified on or after January 1,
26 2012.

27 (3) PROVISIONAL LICENSE.--

28 (a) An applicant must have successfully completed one
29 or more of the following assessments to be eligible for
30 provisional licensure:

31

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

3 2. Florida Registry of Interpreters for the Deaf,
4 Inc., Educational Interpreter Evaluation, Level II or Level
5 III.

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

7 4. Educational Interpreter Performance Assessment,
8 Level IV or Level V.

9 5. Teaching, Education, Certification Unit Cued
10 American English Competency Screening, Level 3.3 to 4.0,
11 except the assessment shall be recognized for a provisional
12 license to provide only cued speech transliteration services.

13 (b) An applicant for a deaf interpreter's provisional
14 license must have received a passing score on the Certified
15 Deaf Interpreter written examination and received a superior
16 or advanced plus rating on the Sign Communication Proficiency
17 Interview or the American Sign Language Proficiency Interview
18 assessment.

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

23 (4) TEMPORARY LICENSE.--An interpreter temporarily
24 residing in the state who meets the criteria for licensure
25 under this part may hold a temporary license for a period not
26 to exceed 6 months after the date of issuance of the temporary
27 license. An interpreter may hold only one temporary license in
28 a calendar year.

29 (5) SPECIAL LIMITED LICENSE.--

30 (a) The board shall have the authority, upon
31 presentation of satisfactory proof of competency and under

1 rules adopted by the board, to issue a special limited license
2 to an individual who demonstrates competency in a specialized
3 area for which no formal, generally recognized evaluation
4 exists. Specialized areas associated with the practice of
5 interpreting include, but are not limited to, interpreting for
6 the deaf-blind, multilingual interpreting, and certain nonsign
7 modalities.

8 (b) Special limited licenses shall be granted until
9 formal, generally recognized evaluative methods for these
10 modalities are instituted.

11 (c) Special limited licenses shall state the
12 limitations as to the specialized area for which the licensee
13 demonstrates competency.

14 (d) Licenses issued under this subsection are subject
15 to the provisions of this part and the rules adopted by the
16 board, except an applicant shall not be required to
17 demonstrate any knowledge or expertise in any communication
18 modality other than the one the applicant claims as the area
19 of his or her specialty.

20 (e) The board shall establish by rule separate
21 educational requirements for specific modalities to determine
22 the competency claimed by the applicant for a special limited
23 license.

24 (f) The board shall adopt rules regarding the
25 development and implementation of criteria and licensure
26 standards for interpreters specializing in deaf-blind
27 communication.

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

30 (6) PERMIT.--
31

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

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

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

8 3. Educational Interpreter Performance Assessment,
9 Level III.

10 (b) An applicant must have successfully completed 20
11 documented hours of interpreter training, of which 16 hours
12 must be certified specific, and must have attained a superior
13 or advanced plus rating on the Sign Communication Proficiency
14 Interview or the American Sign Language Proficiency Interview
15 assessment.

16 (c) A permit may not be held for more than 2 years
17 following the date of issuance, except the board may approve a
18 1-year extension of the permit. The board shall not issue more
19 than one extension of a permit.

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

22 (7) REGISTERED PERMIT.--A registered permit shall be
23 issued not later than July 1, 2008. Any interpreter who
24 provides interpreter services prior to the date of enactment
25 of this part, who does not meet the requirements of this part,
26 and who has registered with the department not later than 60
27 calendar days after the date of enactment of this part, shall
28 be issued a registered permit valid for a period of 2 years
29 after the date of enactment of this part. Any interpreter who
30 first provides interpreter services after the date of

31

1 enactment of this part shall comply with the licensing or
2 permitting requirements under this part.

3 (8) TEMPORARY PERMIT.--

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

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

12 1. Licensure.

13 2. Temporary licensure.

14 3. Provisional licensure.

15 4. Permit.

16 5. Special limited license.

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

18 468.907 Suspended or revoked license or permit.--

19 (1) A license or permit suspended or revoked by the
20 board is subject to immediate expiration and surrender to the
21 department.

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

24 (3) The licensee or permitholder shall pay the
25 reinstatement fee if the suspended or revoked license is
26 reinstated by the board.

27 (4) A renewed license or permit shall not entitle the
28 licensee or permitholder to engage in the practice of
29 interpreting until the suspension or revocation period has
30 ended or is otherwise removed by the board and the right to
31 practice is restored by the board.

1 468.908 Inactive status.--Any interpreter who notifies
2 the board on forms prescribed by board rule may place his or
3 her license on inactive status and shall be exempt from
4 payment of renewal fees until he or she applies for
5 reinstatement and the reinstatement is approved by the board
6 and a license is issued.

7 (1) Any interpreter who requests reinstatement from
8 inactive status shall pay the reinstatement fee and shall meet
9 the requirements for reinstatement as determined by board
10 rule.

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

13 (3) Any interpreter who practices interpreting while
14 his or her license is on inactive status shall be considered
15 practicing without a license and is subject to disciplinary
16 action.

17 (4) An interpreter may submit a request for inactive
18 status for up to 2 years, after which the inactive interpreter
19 may petition the board for an extension of an inactive status
20 as determined by board rule.

21 468.909 Continuing education.--

22 (1) A licensed interpreter shall annually submit proof
23 of current certification and indicate his or her compliance or
24 noncompliance with the requirements of the Registry of
25 Interpreters for the Deaf, Inc., Certification Maintenance
26 Program.

27 (2) A licensed Teaching, Education, and Certification
28 Unit cued speech transliterator shall submit proof of
29 successful completion of 2.0 units of continuing education
30 during the preceding 12 months ending March 15 of each year.
31

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

7 (4) Registered permitholders shall annually submit
8 proof of successful completion of 2.0 units of continuing
9 education during the preceding 12 months ending March 15 of
10 the year in which application is made.

11 (5) Each licensee and permitholder is responsible for
12 maintaining records of successful completion of the continuing
13 education required by this subsection and transmitting a copy
14 of the record to the board.

15 468.910 Complaint process; grievances.--

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

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

23 (a) The name of the licensee.

24 (b) The name of the complainant.

25 (c) The date of the alleged violation.

26 (d) The date of the complaint.

27 (e) A brief statement detailing the nature of the
28 complaint.

29 (f) The final disposition of the complaint.
30
31

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

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

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

10 (a) Obtaining or attempting to obtain a license under
11 this part through bribery, misrepresentation, concealment of
12 material fact, or fraudulent misrepresentation.

13 (b) Having been found guilty of fraud,
14 misrepresentation, concealment, or material misstatement of
15 fact or deceit in connection with providing interpreter or
16 transliterator services.

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

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

21 1. Making a false or fraudulent statement in any
22 document connected with the practice of interpreting or
23 transliterating.

24 2. Willfully violating a privileged communication.

25 3. Willfully violating confidentiality.

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

29 5. Practicing interpreting or transliterating under a
30 false or assumed name.

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1 6. Advertising for the practice of interpreting or
2 transliterating in a deceptive or unethical manner.

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

5 8. Committing repeated violations of any of the rules
6 of the board or provisions of this part.

7 9. Committing repeated acts of gross misconduct in the
8 practice of interpreting or transliterating.

9 10. Demonstrating a pattern of practice or other
10 behavior that demonstrates incapacity or incompetence to
11 practice under this part.

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

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

16 468.911 Exemptions.--The following interpreters or
17 transliterators are exempt from this part:

18 (1) An interpreter or transliterator who provides
19 interpreting services solely at a worship service or religious
20 ceremony conducted by a religious organization or for
21 educational purposes for a religious entity or
22 religious-affiliated school that does not receive public
23 moneys, except this exemption does not apply to settings that
24 require compliance with the Americans with Disabilities Act.

25 (2) An interpreter or transliterator who provides
26 interpreting services during an emergency. For purposes of
27 this subsection, "emergency" means a situation in which, after
28 documented attempts to obtain the services of a licensed
29 interpreter, an individual who is deaf or hard of hearing
30 determines that the delay in obtaining a licensed interpreter
31

1 might lead to injury or loss to the individual requiring
2 services, provided:

3 (a) The services of a licensed interpreter must
4 continue to be sought during the emergency in which the
5 unlicensed interpreter is providing interpreting services.

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

8 (3) An interpreter who is not a resident of this state
9 and who:

10 (a) Is registered in this state, for a period not to
11 exceed 30 nonconsecutive calendar days in a calendar year, to
12 engage in interpreting, including, but not limited to,
13 conference interpreting, video-relay interpreting, or
14 interpreting while on a cruise vessel, and who may or may not
15 hold a valid credential from another state, except that:

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

19 2. Interpreting services provided during a declared
20 national or state emergency will not be included in the 30-day
21 registration restriction.

22 (b) Practices under the authority of the board and
23 this part.

24 (4) Any person who provides interpreting services pro
25 bono or for remuneration under circumstances that do not allow
26 for the fulfillment of the provisions for licensure or
27 permitting under this part and in circumstances under which
28 the services of a qualified interpreter are not required under
29 the provisions of the federal Americans with Disabilities Act
30 of 1990, section 504 of the Rehabilitation Act of 1973, the
31 Individuals with Disabilities Education Improvement Act of

1 2004, the No Child Left Behind Act of 2001, or the regulations
2 adopted thereunder.

3 (5) A student or intern interpreter who:

4 (a) Is enrolled in a course of study or mentorship
5 program leading to a certificate, degree, or licensure in
6 interpreting, provided that the student or intern engages only
7 in activities and services that constitute a part of a
8 supervised plan of study that clearly designates him or her as
9 a student or an intern.

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

12 1. A fully licensed interpreter or transliterator with
13 a minimum of 5 years of interpreting experience or an
14 instructor in an interpreter training program who has three
15 letters of recommendation from individuals already approved as
16 mentors; or

17 2. A deaf mentor meeting the requirements for a
18 provisional license.

19 468.912 Illegal acts; penalties.--Any person who
20 attempts to practice interpreting or transliterating for
21 remuneration or on a voluntary basis for an interpreter
22 service consumer without first having obtained a valid license
23 or permit, who knowingly files false information with the
24 board for the purpose of obtaining a license or permit, or who
25 otherwise violates this part commits a misdemeanor of the
26 first degree, punishable as provided in s. 775.082 or s.
27 775.083. Violations include, but are not limited to:

28 (1) Obtaining or attempting to obtain a license or
29 permit by means of fraud, bribery, misrepresentation, or
30 concealment of material facts.

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

4 (3) Interpreting or transliterating under a false or
5 assumed name.

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

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

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

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

16 (8) Knowingly allowing a student or intern interpreter
17 to provide interpreting services without direct supervision as
18 provided under this part.

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

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

23 (11) Advertising professional services in a false or
24 misleading manner.

25 468.913 Privileged communications.--

26 (1) An interpreter who interprets or transliterates a
27 conversation between a person who can hear and a deaf person
28 is deemed a conduit for the conversation and may not disclose
29 or be compelled to disclose by subpoena the contents of the
30 conversation that he or she interpreted without the written
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1 consent of all of the persons to whom he or she provided the
2 interpreting service.

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

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

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

10 (b) A communication reveals the intended commission of
11 a crime or harmful act and disclosure of the communication is
12 judged necessary by the licensed interpreter to protect any
13 persons from a clear, imminent risk of serious mental or
14 physical harm or injury or to forestall a serious threat to
15 the public safety.

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

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

25 468.914 Rulemaking authority.--

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

29 (2) In addition to the rulemaking requirements
30 provided in this part, the board shall adopt rules, pertaining
31 to, but not limited to:

- 1 (a) A code of professional conduct for licensees.
2 (b) Performance requirements, including education and
3 examination standards for interpreters.
4 (c) Continuing education requirements.
5 (d) Appropriate and acceptable testing tools to
6 evaluate interpreters.
7 (e) Fee schedules authorized under s. 468.906.
8 (f) Procedures for acceptance of funds from federal
9 and private sources to be used for the purposes of this part.

10 Section 2. This act shall take effect July 1, 2006.

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