

By Senator Wise

5-746-07

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

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

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

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4 | Be It Enacted by the Legislature of the State of Florida:

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6 | Section 1. Paragraph (a) of subsection (4) of section
7 | 20.165, Florida Statutes, is amended to read:

8 | 20.165 Department of Business and Professional
9 | Regulation.--There is created a Department of Business and
10 | Professional Regulation.

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

13 | 1. Board of Architecture and Interior Design, created
14 | under part I of chapter 481.

15 | 2. Florida Board of Auctioneers, created under part VI
16 | of chapter 468.

17 | 3. Barbers' Board, created under chapter 476.

18 | 4. Florida Building Code Administrators and Inspectors
19 | Board, created under part XII of chapter 468.

20 | 5. Construction Industry Licensing Board, created
21 | under part I of chapter 489.

22 | 6. Board of Cosmetology, created under chapter 477.

23 | 7. Electrical Contractors' Licensing Board, created
24 | under part II of chapter 489.

25 | 8. Board of Employee Leasing Companies, created under
26 | part XI of chapter 468.

27 | 9. Board of Interpreters for the Deaf and Hard of
28 | Hearing, created under part XV of chapter 468.

29 | ~~10.9.~~ Board of Landscape Architecture, created under
30 | part II of chapter 481.

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1 ~~11.10.~~ Board of Pilot Commissioners, created under
2 chapter 310.

3 ~~12.11.~~ Board of Professional Engineers, created under
4 chapter 471.

5 ~~13.12.~~ Board of Professional Geologists, created under
6 chapter 492.

7 ~~14.13.~~ Board of Professional Surveyors and Mappers,
8 created under chapter 472.

9 ~~15.14.~~ Board of Veterinary Medicine, created under
10 chapter 474.

11 Section 2. Part XV of chapter 468, Florida Statutes,
12 consisting of sections 468.90, 468.901, 468.902, 468.903,
13 468.904, 468.905, 468.906, 468.907, 468.908, 468.909, 468.910,
14 468.911, 468.912, 468.913, and 468.914, is created to read:

15 PART XV

16 INTERPRETERS FOR DEAF AND HARD OF HEARING

17 468.90 Definitions.--As used in this part, the term:

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

22 (2) "American Sign Language Proficiency Interview" or
23 "Sign Communication Proficiency Interview" means the
24 assessment of fluency in American Sign Language.

25 (3) "Board" means the Board of Interpreters for the
26 Deaf and Hard of Hearing.

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

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1 (5) "Deaf" means a nonfunctional sense of hearing for
2 the purpose of communication and whose primary means of
3 communication is visual. Unless otherwise specified, "deaf"
4 also means hard of hearing or deaf-blind.

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

9 (7) "Deaf interpreter" means a person who engages in
10 the practice of interpreting in a setting that requires two or
11 more interpreters in order to facilitate communication between
12 persons who are deaf or hard of hearing and those who are
13 hearing.

14 (8) "Department" means the Department of Business and
15 Professional Regulation.

16 (9) "Educational interpreter" means an interpreter who
17 engages in the practice of interpreting in a prekindergarten
18 through grade 12 setting.

19 (10) "Educational Interpreter Evaluation" means the
20 test administered by the Florida Registry of Interpreters for
21 the Deaf, Inc., to assess the skills of educational
22 interpreters in the state and consists of three levels: Level
23 1, which is the lowest skill level; Level 2, which is the
24 intermediate skill level; and Level 3, which is the highest
25 skill level.

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

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1 (12) "Florida Registry of Interpreters for the Deaf,
2 Inc." means the state affiliate chapter of the national
3 Registry of Interpreters for the Deaf, Inc.

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

7 (14) "Interpreter" means a person who engages in the
8 practice of interpreting for the deaf or hard of hearing and,
9 unless otherwise specified, means a person who engages in the
10 practice of transliterating.

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

13 (16) "Interpreting" means the process of providing
14 accessible communication between persons who are deaf or hard
15 of hearing and those who are hearing and includes, but is not
16 limited to, communication between American Sign Language and
17 English or other modalities that involve visual, gestural, and
18 tactile methods of communication.

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

22 (18) "Multilingual interpreting" means the act of
23 interpreting in a setting that requires not only skill in
24 English and American Sign Language, but also another language,
25 whether oral or signed, and cultural sensitivity and knowledge
26 of the parties involved.

27 (19) "National Association of the Deaf" means the
28 entity that certified sign language interpreters at a national
29 level, though the association no longer administers its
30 certification examination, and whose certifications consist of
31 Level III, Generalist; Level IV, Advanced; and Level V,

1 Master; and are recognized in the Registry of Interpreters for
2 the Deaf, Inc.

3 (20) "National Council on Interpreting" means the
4 joint council of the Registry of Interpreters for the Deaf,
5 Inc., and the National Association of the Deaf that issues a
6 National Interpreter Certification certifying sign language
7 interpreters at the national level.

8 (21) "Oral interpreting" means facilitating a mode of
9 communication using speech, speechreading, and residual
10 hearing and situational and culturally appropriate gestures
11 without the use of sign language.

12 (22) "Quality Assurance Screening" means the
13 examination administered by the Florida Registry of
14 Interpreters for the Deaf, Inc., to monitor the progress of
15 uncertified apprentice interpreters in the state which
16 examination consists of three levels: Level I, Beginner
17 Apprentice; Level II, Intermediate Apprentice; and Level III,
18 Advanced Apprentice.

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

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

26 (25) "Student" or "intern" means a person enrolled in
27 a course of study or mentorship or an apprenticeship program
28 that leads to a certificate or degree at an accredited
29 institution or a license in interpreting.

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1 (26) "Teaching, Education, and Certification Unit"
2 means the national organization that assesses and certifies
3 cued speech transliterators.

4 (27) "Transliterating" means the process of providing
5 accessible communication between persons who are deaf or hard
6 of hearing and those who are hearing primarily using a signed
7 mode of English and spoken English.

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

10 468.901 Board of Interpreters for the Deaf and Hard of
11 Hearing; membership, appointment, terms.--

12 (1) The Board of Interpreters for the Deaf and Hard of
13 Hearing is created within the Department of Business and
14 Professional Regulation consisting of nine members appointed
15 by the Governor and confirmed by the Senate. To ensure
16 continuity of board policies and to provide sufficient time
17 for implementation of the licensure and permitting process,
18 the Governor shall initially appoint members, as follows:

19 (a) Four members shall meet the qualifications set
20 forth in this part to be eligible to become fully licensed
21 interpreters, one of whom must be a practicing educational
22 interpreter, and the four members shall be appointed from a
23 list of nine individuals recommended by the Florida Registry
24 of Interpreters for the Deaf, Inc.

25 (b) One member shall be an interpreter for the deaf or
26 hard of hearing who meets the qualifications set forth in this
27 part to be eligible to hold a permit, provisional license, or
28 license, and shall be appointed from a list of three
29 individuals recommended by the Florida Registry of
30 Interpreters for the Deaf, Inc.

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

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

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

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

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

18 468.902 Board headquarters.--The board shall maintain
19 its official headquarters in Tallahassee.

20 468.903 Authority to practice.--Any person who
21 receives remuneration as an interpreter, represents himself or
22 herself as an interpreter, or conveys the impression of or
23 assumes the identity of an interpreter must be licensed or
24 hold a permit in accordance with the provisions of this part.

25 468.904 Application and renewal, reinstatement,
26 extension, suspension, and revocation process.--

27 (1) The board shall adopt by rule procedures necessary
28 to implement the requirements for license and permit
29 application, license renewal, license reinstatement, permit
30 extension, license and permit suspension and revocation, and
31 continuing education requirements.

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

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

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

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

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

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

8 (7) License reinstatement application fee, not to
9 exceed \$70.

10 468.906 License and permit; qualifications.--

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

13 (a) Any person convicted of a felony.

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

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

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

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

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

27 (c) A National Interpreting Council certification.

28 (d) A Teaching, Education, Certification Unit
29 Transliteration Skills certification, which shall be
30 recognized for a transliteration license to provide only cued
31 speech transliteration services.

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

4 (f) A bachelor of arts degree or a bachelor of science
5 degree held by an interpreter certified on or after January 1,
6 2012.

7 (3) PROVISIONAL LICENSE.--

8 (a) An applicant must have successfully completed one
9 or more of the following assessments to be eligible for
10 provisional licensure:

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

13 2. Florida Registry of Interpreters for the Deaf,
14 Inc., Educational Interpreter Evaluation, Level II or Level
15 III.

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

17 4. Educational Interpreter Performance Assessment,
18 Level IV or Level V.

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

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

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

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

9 (5) SPECIAL LIMITED LICENSE.--

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

19 (b) Special limited licenses shall be granted until
20 formal, generally recognized evaluative methods for these
21 modalities are instituted.

22 (c) Special limited licenses shall state the
23 limitations as to the specialized area for which the licensee
24 demonstrates competency.

25 (d) Licenses issued under this subsection are subject
26 to the provisions of this part and the rules adopted by the
27 board, except an applicant shall not be required to
28 demonstrate any knowledge or expertise in any communication
29 modality other than the one the applicant claims as the area
30 of his or her specialty.

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

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

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

11 (6) PERMIT.--

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

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

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

19 3. Educational Interpreter Performance Assessment,
20 Level III.

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

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

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

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

14 (8) TEMPORARY PERMIT.--

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

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

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

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

29 468.907 Suspended or revoked license or permit.--
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1 (1) A license or permit suspended or revoked by the
2 board is subject to immediate expiration and surrender to the
3 department.

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

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

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

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

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

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

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

30 (4) An interpreter may submit a request for inactive
31 status for up to 2 years, after which the inactive interpreter

1 may petition the board for an extension of an inactive status
2 as determined by board rule.

3 468.909 Continuing education.--

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

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

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

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

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

27 468.910 Complaint process; grievances.--

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

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

5 (a) The name of the licensee.

6 (b) The name of the complainant.

7 (c) The date of the alleged violation.

8 (d) The date of the complaint.

9 (e) A brief statement detailing the nature of the
10 complaint.

11 (f) The final disposition of the complaint.

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

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

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

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

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

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

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

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

4 2. Willfully violating a privileged communication.

5 3. Willfully violating confidentiality.

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

9 5. Practicing interpreting or transliterating under a
10 false or assumed name.

11 6. Advertising for the practice of interpreting or
12 transliterating in a deceptive or unethical manner.

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

15 8. Committing repeated violations of any of the rules
16 of the board or provisions of this part.

17 9. Committing repeated acts of gross misconduct in the
18 practice of interpreting or transliterating.

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

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

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

26 468.911 Exemptions.--The following interpreters or
27 transliterators are exempt from this part:

28 (1) An interpreter or transliterator who provides
29 interpreting services solely at a worship service or religious
30 ceremony conducted by a religious organization or for
31 educational purposes for a religious entity or

1 religious-affiliated school that does not receive public
2 moneys, except this exemption does not apply to settings that
3 require compliance with the Americans with Disabilities Act.

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

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

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

17 (3) An interpreter who is not a resident of this state
18 and who:

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

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

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

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1 **(b) Practices under the authority of the board and**
2 **this part.**

3 **(4) Any person who provides interpreting services pro**
4 **bono or for remuneration under circumstances that do not allow**
5 **for the fulfillment of the provisions for licensure or**
6 **permitting under this part and in circumstances under which**
7 **the services of a qualified interpreter are not required under**
8 **the provisions of the federal Americans with Disabilities Act**
9 **of 1990, section 504 of the Rehabilitation Act of 1973, the**
10 **Individuals with Disabilities Education Improvement Act of**
11 **2004, the No Child Left Behind Act of 2001, or the regulations**
12 **adopted thereunder.**

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

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

23 **(b) Interprets in the presence of a qualified**
24 **supervising mentor. The qualified supervising mentor must be:**

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

30 **2. A deaf mentor meeting the requirements for a**
31 **provisional license.**

1 (6) An unlicensed interpreter who provides
2 interpreting services to facilitate emergency services and
3 care by hospitals under s. 395.1041 when a health care
4 practitioner determines that the delay to obtain a licensed
5 interpreter may result in harm to the patient.

6 468.912 Illegal acts; penalties.--Any person who
7 attempts to practice interpreting or transliterating for
8 remuneration or on a voluntary basis for an interpreter
9 service consumer without first having obtained a valid license
10 or permit, who knowingly files false information with the
11 board for the purpose of obtaining a license or permit, or who
12 otherwise violates this part commits a misdemeanor of the
13 first degree, punishable as provided in s. 775.082 or s.
14 775.083. Violations include, but are not limited to:

15 (1) Obtaining or attempting to obtain a license or
16 permit by means of fraud, bribery, misrepresentation, or
17 concealment of material facts.

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

21 (3) Interpreting or transliterating under a false or
22 assumed name.

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

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

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

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

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

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

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

12 (11) Advertising professional services in a false or
13 misleading manner.

14 468.913 Privileged communications.--

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

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

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

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

29 (b) A communication reveals the intended commission of
30 a crime or harmful act and disclosure of the communication is
31 judged necessary by the licensed interpreter to protect any

1 persons from a clear, imminent risk of serious mental or
2 physical harm or injury or to forestall a serious threat to
3 the public safety.

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

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

13 468.914 Rulemaking authority.--

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

17 (2) In addition to the rulemaking requirements
18 provided in this part, the board shall adopt rules, pertaining
19 to, but not limited to:

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

21 (b) Performance requirements, including education and
22 examination standards for interpreters.

23 (c) Continuing education requirements.

24 (d) Appropriate and acceptable testing tools to
25 evaluate interpreters.

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

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

29 Section 3. This act shall take effect July 1, 2007.
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SENATE SUMMARY

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2
3 Creates a Board of Interpreters for the Deaf and Hard of
4 Hearing under the Department of Business and Professional
5 Regulation. Provides definitions relating to interpreters
6 for the deaf and hard of hearing. Provides requirements
7 for the appointment of members to the Board of
8 Interpreters for the Deaf and Hard of Hearing. Provides
9 that all provisions of ch. 455, F.S., relating to
10 regulatory boards under the Department of Business and
11 Professional Regulation apply to the board. Requires the
12 board to maintain its official headquarters in
13 Tallahassee. Requires licensing of any interpreter.
14 Provides processes for application, renewal,
15 reinstatement, extension, suspension, and revocation of
16 licenses. Authorizes the board to establish fees to be
17 paid for application, examinations, and licenses.
18 Provides qualifications for licensing and permitting of
19 interpreters or transliterators. Provides consequences
20 for suspended or revoked permits. Provides a process for
21 exemption in which a translator may place his or her
22 license on inactive status. Requires continuing education
23 and compliance with requirements for licensing. Provides
24 for a complaint process regarding the unethical conduct
25 of an interpreter or transliterator. Provides for
26 disciplinary proceedings and consequences for misconduct.
27 Provides exemptions for certain interpreters. Provides
28 penalties for persons who attempt to practice
29 interpreting without a valid license, file false
30 information with the board for the purposes of obtaining
31 a license or permit, or otherwise violate the rules.
Provides that communications with an interpreter present
are privileged and may be disclosed only in certain legal
situations. Authorizes the board to adopt rules.