

1 A bill to be entitled
2 An act relating to interpreters for the deaf and hard of
3 hearing; amending 20.165, F.S.; including the Board of
4 Interpreters for the Deaf and Hard of Hearing to the list
5 of boards under the Department of Business and
6 Professional Regulation; creating pt. XV of ch. 468, F.S.;
7 creating s. 468.9001, F.S.; providing definitions;
8 creating s. 468.901, F.S.; creating the Board of
9 Interpreters for the Deaf and Hard of Hearing under the
10 Department of Business and Professional Regulation;
11 providing for appointment, qualifications, and terms of
12 board members; creating s. 468.902, F.S.; providing for
13 board headquarters; creating s. 468.903, F.S.; requiring
14 certain persons to be licensed or hold a permit to
15 practice; creating s. 468.904, F.S.; providing for license
16 and permit application and renewal, reinstatement,
17 extension, suspension, and revocation; providing
18 rulemaking authority; creating s. 468.905, F.S.; providing
19 for application, examination, license, and permit fees;
20 creating s. 468.906, F.S.; providing restrictions on and
21 qualifications for licensure and permit holding; providing
22 for licensure and permit types; creating s. 468.907, F.S.;
23 providing for surrender or seizure of suspended or revoked
24 licenses and permits; requiring payment of certain fee
25 upon reinstatement; prohibiting practice under certain
26 circumstances; creating s. 468.908, F.S.; providing
27 requirements for inactive status; creating s. 468.909,
28 F.S.; providing continuing education requirements;

29 creating s. 468.9101, F.S.; providing requirements for
 30 submitting certain complaints; requiring the board to
 31 compile certain complaint data; providing that
 32 disciplinary proceedings shall be conducted under s.
 33 456.073, F.S.; providing grounds for board recommendation
 34 of revocation or suspension of license or permit or other
 35 disciplinary action; creating s. 468.911, F.S.; providing
 36 exemptions from regulation under the part; creating s.
 37 468.912, F.S.; prohibiting certain acts; providing
 38 penalties; creating s. 468.913, F.S.; establishing
 39 privilege for certain communications; providing for
 40 voluntary disclosure of certain privileged communications;
 41 creating s. 468.914, F.S.; providing rulemaking authority;
 42 providing an effective date.

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

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

55
 56 Be It Enacted by the Legislature of the State of Florida:

57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84

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.
5. Construction Industry Licensing Board, created under part I of chapter 489.
6. Board of Cosmetology, created under chapter 477.
7. Electrical Contractors' Licensing Board, created under part II of chapter 489.
8. Board of Employee Leasing Companies, created under part XI of chapter 468.
9. Board of Interpreters for the Deaf and Hard of Hearing, created under part XV of chapter 468.
- ~~10.9.~~ Board of Landscape Architecture, created under part II of chapter 481.
- ~~11.10.~~ Board of Pilot Commissioners, created under chapter 310.

85 12.11. Board of Professional Engineers, created under
86 chapter 471.

87 13.12. Board of Professional Geologists, created under
88 chapter 492.

89 14.13. Board of Professional Surveyors and Mappers,
90 created under chapter 472.

91 15.14. Board of Veterinary Medicine, created under chapter
92 474.

93 Section 2. Part XV of chapter 468, Florida Statutes,
94 consisting of sections 468.9001, 468.901, 468.902, 468.903,
95 468.904, 468.905, 468.906, 468.907, 468.908, 468.909, 468.9101,
96 468.911, 468.912, 468.913, and 468.914, is created to read:

97 PART XV

98 INTERPRETERS FOR DEAF AND HARD OF HEARING

99 468.9001 Definitions.--As used in this part, the term:

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

104 (2) "American Sign Language Proficiency Interview" or
105 "Sign Communication Proficiency Interview" means the assessment
106 of fluency in American Sign Language.

107 (3) "Board" means the Board of Interpreters for the Deaf
108 and Hard of Hearing.

109 (4) "Cued speech" means a phonemically based system to
110 enable spoken language to appear visually through the use of
111 handshapes at specific locations in combination with natural
112 mouth movements to represent sounds of spoken language.

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

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

120 (7) "Deaf interpreter" means a person who is deaf and who
121 engages in the practice of interpreting, including services that
122 occur in a setting that requires two or more interpreters, or an
123 intermediary interpreter, in order to facilitate communication
124 between persons who are deaf or hard of hearing and those who
125 are hearing.

126 (8) "Department" means the Department of Business and
127 Professional Regulation.

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

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

137 (11) "Educational Interpreter Performance Assessment"
138 means the assessment developed by staff members of Boys Town
139 National Research Hospital with partial support from the
140 National Institute of Health-National Institute on Deafness and

141 other Communication Disorders grant, D-60 DC00982.

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

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

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

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

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

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

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

167 (19) "National Association of the Deaf" or "NAD" means the
168 entity that certified sign language interpreters at a national

HB 991

2007

169 level, though the association no longer administers its
170 certification examination, and whose certifications consist of
171 Level III, Generalist; Level IV, Advanced; and Level V, Master;
172 and are recognized in the Registry of Interpreters for the Deaf,
173 Inc.

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

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

183 (22) "Quality Assurance Screening" means the examination
184 administered by the Florida Registry of Interpreters for the
185 Deaf, Inc., to monitor the progress of uncertified apprentice
186 interpreters in the state which examination consists of three
187 levels: Level I, Beginner Apprentice; Level II, Intermediate
188 Apprentice; and Level III, Advanced Apprentice.

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

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

196 (25) "Student" or "intern" means a person enrolled in a

197 course of study or mentorship or an apprenticeship program that
 198 leads to a certificate or degree at an accredited institution or
 199 a license in interpreting.

200 (26) "Testing, Evaluation, and Certification Unit" means
 201 the national organization that assesses and certifies cued
 202 speech transliterators.

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

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

209 468.901 Board of Interpreters for the Deaf and Hard of
 210 Hearing; membership, appointment, terms.--

211 (1) The Board of Interpreters for the Deaf and Hard of
 212 Hearing is created within the Department of Business and
 213 Professional Regulation consisting of nine members appointed by
 214 the Governor and confirmed by the Senate. To ensure continuity
 215 of board policies and to provide sufficient time for
 216 implementation of the licensure and permitting process, the
 217 Governor shall initially appoint members, as follows:

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

224 (b) One member shall be an interpreter for the deaf or

HB 991

2007

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

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

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

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

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

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

246 468.902 Board headquarters.--The board shall maintain its
247 official headquarters in Tallahassee.

248 468.903 Authority to practice.--Any person who receives
249 remuneration as an interpreter, represents himself or herself as
250 an interpreter, or conveys the impression of or assumes the
251 identity of an interpreter must be licensed or hold a permit in
252 accordance with the provisions of this part.

253 468.904 Application and renewal, reinstatement, extension,
 254 suspension, and revocation process.--

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

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

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

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

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

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

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

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

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

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

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

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

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

281 upon its determination that the credentials and documents are
282 complete.

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

286 (a) Proof of license credentials.

287 (b) The nonrefundable application fee.

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

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

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

294 (a) Proof of license credentials.

295 (b) The nonrefundable application fee.

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

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

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

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

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

312 468.905 Fees.--The board shall establish by rule the fees
 313 to be paid, as follows:

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

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

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

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

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

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

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

324 468.906 License and permit; qualifications.--

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

327 (a) Any person convicted of a felony.

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

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

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

336 (a) A Registry of Interpreters for the Deaf, Inc.,

337 certification, except that oral certification shall be
 338 recognized to provide oral transliteration services only.
 339 (b) A National Association of the Deaf Certification,
 340 Level IV or Level V.
 341 (c) An RID/NAD National Interpreting Council
 342 certification.
 343 (d) A Florida Registry of Interpreters for the Deaf
 344 Educational Interpreter Evaluation (EIE) Level III, except that
 345 the EIE III shall be recognized only for the pre-K to grade 12
 346 educational setting.
 347 (e) An Educational Interpreter Performance Assessment
 348 (EIPA) Level V, except that the EIPA V shall be recognized only
 349 for the pre-K to grade 12 educational setting.
 350 (f) A Testing, Evaluation, and Certification Unit
 351 Transliteration Skills certification, which shall be recognized
 352 for a transliteration license to provide only cued speech
 353 transliteration services.
 354 (g) An associate of arts degree or an associate of science
 355 degree held by an interpreter certified on or after January 1,
 356 2010.
 357 (h) A bachelor of arts degree or a bachelor of science
 358 degree held by an interpreter certified on or after January 1,
 359 2012.
 360 (3) PROVISIONAL LICENSE.--
 361 (a) An applicant must have successfully completed one or
 362 more of the following assessments to be eligible for provisional
 363 licensure:
 364 1. Florida Registry of Interpreters for the Deaf, Inc.,

365 Quality Assurance Screening, Level II or Level III.
 366 2. Florida Registry of Interpreters for the Deaf, Inc.,
 367 Educational Interpreter Evaluation, Level II or Level III.
 368 3. National Association of the Deaf, Level III.
 369 4. Educational Interpreter Performance Assessment, Level
 370 IV or Level V.
 371 5. Testing, Evaluation, and Certification Unit Cued
 372 American English Competency Screening, Level 3.3-4.0, except the
 373 assessment shall be recognized for a provisional license to
 374 provide only cued speech transliteration services.
 375 (b) An applicant for a deaf interpreter's provisional
 376 license must have received a passing score on the Certified Deaf
 377 Interpreter written examination and received a superior or
 378 advanced plus rating on the Sign Communication Proficiency
 379 Interview or the American Sign Language Proficiency Interview
 380 assessment.
 381 (c) The provisional license is active for not more than 5
 382 years after the date of issuance, except that the board may
 383 issue a 1-year extension. The board shall not issue more than
 384 one extension of a provisional license.
 385 (4) TEMPORARY LICENSE.--An interpreter temporarily
 386 residing in the state who meets the criteria for licensure under
 387 this part may hold a temporary license for a period not to
 388 exceed 6 months after the date of issuance of the temporary
 389 license. An interpreter may hold only one temporary license in a
 390 calendar year.
 391 (5) SPECIAL LIMITED LICENSE.--
 392 (a) The board shall have the authority, upon presentation

393 of satisfactory proof of competency and under rules adopted by
394 the board, to issue a special limited license to an individual
395 who demonstrates competency in a specialized area for which no
396 formal, generally recognized evaluation exists. Specialized
397 areas associated with the practice of interpreting include, but
398 are not limited to, interpreting for the deaf-blind,
399 multilingual interpreting, and certain nonsign modalities.

400 (b) Special limited licenses shall be granted until
401 formal, generally recognized evaluative methods for these
402 modalities are instituted.

403 (c) Special limited licenses shall state the limitations
404 as to the specialized area for which the licensee demonstrates
405 competency.

406 (d) Licenses issued under this subsection are subject to
407 the provisions of this part and the rules adopted by the board,
408 except an applicant shall not be required to demonstrate any
409 knowledge or expertise in any communication modality other than
410 the one the applicant claims as the area of his or her
411 specialty.

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

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

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

420 (6) PERMIT.--

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

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

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

428 3. Educational Interpreter Performance Assessment, Level
 429 III.

430 (b) An applicant for a deaf interpreter's permit must have
 431 successfully completed 20 documented hours of interpreter
 432 training, of which 16 hours must be certified deaf interpreter
 433 specific, and must have attained a superior or advanced plus
 434 rating on the Sign Communication Proficiency Interview or the
 435 American Sign Language Proficiency Interview assessment.

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

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

442 (7) REGISTERED PERMIT.--A registered permit shall be
 443 issued not later than July 1, 2008. Any interpreter who provides
 444 interpreter services prior to the date of enactment of this
 445 part, who does not meet the requirements of this part, and who
 446 has registered with the department not later than 60 calendar
 447 days after the date of enactment of this part, shall be issued a
 448 registered permit valid for a period of 2 years after the date

HB 991

2007

449 of enactment of this part. Any interpreter who first provides
450 interpreter services after the date of enactment of this part
451 shall comply with the licensing or permitting requirements under
452 this part.

453 (8) TEMPORARY PERMIT.--

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

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

462 1. Licensure.

463 2. Temporary licensure.

464 3. Provisional licensure.

465 4. Permit.

466 5. Special limited license.

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

468 468.907 Suspended or revoked license or permit.--

469 (1) A license or permit suspended or revoked by the board
470 is subject to immediate expiration and surrender to the
471 department.

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

474 (3) The licensee or permitholder shall pay the
475 reinstatement fee if the suspended or revoked license is
476 reinstated by the board.

477 (4) A renewed license or permit shall not entitle the
 478 licensee or permitholder to engage in the practice of
 479 interpreting until the suspension or revocation period has ended
 480 or is otherwise removed by the board and the right to practice
 481 is restored by the board.

482 468.908 Inactive status.--Any interpreter who notifies the
 483 board on forms prescribed by board rule may place his or her
 484 license on inactive status and shall be exempt from payment of
 485 renewal fees until he or she applies for reinstatement and the
 486 reinstatement is approved by the board and a license is issued.

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

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

492 (3) Any interpreter who practices interpreting while his
 493 or her license is on inactive status shall be considered
 494 practicing without a license and is subject to disciplinary
 495 action.

496 (4) An interpreter may submit a request for inactive
 497 status for up to 2 years, after which the inactive interpreter
 498 may petition the board for an extension of an inactive status as
 499 determined by board rule.

500 468.909 Continuing education.--

501 (1) A licensed interpreter shall annually submit proof of
 502 current certification and indicate his or her compliance or
 503 noncompliance with the requirements of the Registry of
 504 Interpreters for the Deaf, Inc., Certification Maintenance

HB 991

2007

505 Program.

506 (2) A licensed Testing, Evaluation, and Certification Unit
507 cued speech transliterator shall submit proof of successful
508 completion of 2.0 units of continuing education during the
509 preceding 12 months ending March 15 of each year.

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

516 (4) Registered permitholders shall annually submit proof
517 of successful completion of 2.0 units of continuing education
518 during the preceding 12 months ending March 15 of the year in
519 which application is made.

520 (5) Each licensee and permitholder is responsible for
521 maintaining records of successful completion of the continuing
522 education required by this subsection and transmitting a copy of
523 the record to the board.

524 468.9101 Complaint process; grievances.--

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

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

532 (a) The name of the licensee.

- 533 (b) The name of the complainant.
- 534 (c) The date of the alleged violation.
- 535 (d) The date of the complaint.
- 536 (e) A brief statement detailing the nature of the
 537 complaint.
- 538 (f) The final disposition of the complaint.
- 539 (3) The department shall acknowledge all complaints in
 540 writing no later than 10 business days after receipt of the
 541 complaint.
- 542 (4) Disciplinary proceedings shall be conducted pursuant
 543 to s. 456.073.
- 544 (5) The board may recommend to the department the
 545 revocation or suspension of a license or permit, or such
 546 disciplinary action as the board deems appropriate, for conduct
 547 that may result in or from, but not limited to:
- 548 (a) Obtaining or attempting to obtain a license under this
 549 part through bribery, misrepresentation, concealment of material
 550 fact, or fraudulent misrepresentation.
- 551 (b) Having been found guilty of fraud, misrepresentation,
 552 concealment, or material misstatement of fact or deceit in
 553 connection with providing interpreter or transliterator
 554 services.
- 555 (c) Having violated any standard of professional or
 556 ethical conduct adopted by board rule.
- 557 (d) Having been found guilty of unprofessional conduct,
 558 including, but not limited to:
- 559 1. Making a false or fraudulent statement in any document
 560 connected with the practice of interpreting or transliterating.

- 561 2. Willfully violating a privileged communication.
- 562 3. Willfully violating confidentiality.
- 563 4. Knowingly performing an act that aids or assists an
 564 unlicensed person to practice interpreting or transliterating in
 565 violation of this part.
- 566 5. Practicing interpreting or transliterating under a
 567 false or assumed name.
- 568 6. Advertising for the practice of interpreting or
 569 transliterating in a deceptive or unethical manner.
- 570 7. Performing as an interpreter or transliterator while
 571 intoxicated or under the influence of illegal drugs.
- 572 8. Committing repeated violations of any of the rules of
 573 the board or provisions of this part.
- 574 9. Committing repeated acts of gross misconduct in the
 575 practice of interpreting or transliterating.
- 576 10. Demonstrating a pattern of practice or other behavior
 577 that demonstrates incapacity or incompetence to practice under
 578 this part.
- 579 (e) Having violated any lawful order or any provision of
 580 the part or the rules adopted thereunder.
- 581 (f) Aiding or assisting another person in violating any
 582 provision of this part or any rule adopted thereunder.
- 583 468.911 Exemptions.--The following interpreters or
 584 transliterators are exempt from this part:
- 585 (1) An interpreter or transliterator who provides
 586 interpreting services solely at a worship service or religious
 587 ceremony conducted by a religious organization or for
 588 educational purposes for a religious entity or religious-

HB 991

2007

589 affiliated school that does not receive public moneys, except
590 this exemption does not apply to settings that require
591 compliance with the Americans with Disabilities Act.

592 (2) An interpreter or transliterator who provides
593 interpreting services during an emergency. For purposes of this
594 subsection, "emergency" means a situation in which, after
595 documented attempts to obtain the services of a licensed
596 interpreter, an individual who is deaf or hard of hearing
597 determines that the delay in obtaining a licensed interpreter
598 might lead to injury or loss to the individual requiring
599 services, provided:

600 (a) The services of a licensed interpreter must continue
601 to be sought during the emergency in which the unlicensed
602 interpreter is providing interpreting services.

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

605 (3) An interpreter who is not a resident of this state and
606 who:

607 (a) Is registered in this state, for a period not to
608 exceed 30 nonconsecutive calendar days in a calendar year, to
609 engage in interpreting, including, but not limited to,
610 conference interpreting, video-relay interpreting, or
611 interpreting while on a cruise vessel, and who may or may not
612 hold a valid credential from another state, except that:

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

616 2. Interpreting services provided during a declared

617 national or state emergency will not be included in the 30-day
 618 registration restriction.

619 (b) Practices under the authority of the board and this
 620 part.

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

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

632 (a) Is enrolled in a course of study or mentorship program
 633 leading to a certificate, degree, or licensure in interpreting,
 634 provided that the student, intern, or person who interprets in
 635 the presence of a supervising mentor engages only in activities
 636 and services that constitute a part of a supervised plan of
 637 study that clearly designates him or her as a student, intern,
 638 or person interpreting in the presence of a supervising mentor.

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

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

645 2. A deaf mentor meeting the requirements for a
 646 provisional license.

647 (6) An unlicensed interpreter who provides interpreting
 648 services to facilitate emergency services and care by hospitals
 649 under s. 395.1041 when a health care practitioner determines
 650 that the delay to obtain a licensed interpreter may result in
 651 harm to the patient. The services of a licensed interpreter must
 652 continue to be sought by the treating hospital, and the licensed
 653 interpreter shall replace the unlicensed interpreter upon
 654 arrival at the facility.

655 468.912 Illegal acts; penalties.--Any person who attempts
 656 to practice interpreting or transliterating for remuneration or
 657 on a voluntary basis for an interpreter service consumer without
 658 first having obtained a valid license or permit, who knowingly
 659 files false information with the board for the purpose of
 660 obtaining a license or permit, or who otherwise violates this
 661 part commits a misdemeanor of the first degree, punishable as
 662 provided in s. 775.082 or s. 775.083. Violations include, but
 663 are not limited to:

664 (1) Obtaining or attempting to obtain a license or permit
 665 by means of fraud, bribery, misrepresentation, or concealment of
 666 material facts.

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

670 (3) Interpreting or transliterating under a false or
 671 assumed name.

672 (4) Using the name or title of "licensed interpreter" or

673 any other name or title which implies that he or she is licensed
 674 or holds a permit under this part.

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

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

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

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

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

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

690 (11) Advertising professional services in a false or
 691 misleading manner.

692 468.913 Privileged communications.--

693 (1) An interpreter who interprets or transliterates a
 694 conversation between a person who can hear and a deaf person is
 695 deemed a conduit for the conversation and may not disclose or be
 696 compelled to disclose by subpoena the contents of the
 697 conversation that he or she interpreted without the written
 698 consent of all of the persons to whom he or she provided the
 699 interpreting service.

700 (2) All communications that are recognized by law as

701 privileged shall remain privileged when an interpreter is used
 702 to facilitate the communication.

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

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

707 (b) A communication reveals the intended commission of a
 708 crime or harmful act and disclosure of the communication is
 709 judged necessary by the licensed interpreter to protect any
 710 persons from a clear, imminent risk of serious mental or
 711 physical harm or injury or to forestall a serious threat to the
 712 public safety.

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

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

722 468.914 Rulemaking authority.--

723 (1) The board is authorized to adopt rules pursuant to ss.
 724 120.536(1) and 120.54 to implement the provisions of this part
 725 conferring duties upon the board.

726 (2) In addition to the rulemaking requirements provided in
 727 this part, the board shall adopt rules, pertaining to, but not
 728 limited to:

HB 991

2007

- 729 (a) A code of professional conduct for licensees.
- 730 (b) Performance requirements, including education and
 731 examination standards for interpreters.
- 732 (c) Continuing education requirements.
- 733 (d) Appropriate and acceptable testing tools to evaluate
 734 interpreters.
- 735 (e) Fee schedules authorized under s. 468.906.
- 736 (f) Procedures for acceptance of funds from federal and
 737 private sources to be used for the purposes of this part.
- 738 Section 3. This act shall take effect July 1, 2007.