

1 A bill to be entitled
2 An act relating to interpreters for the deaf and hard of
3 hearing; creating part XVII of ch. 468, F.S.; creating s.
4 468.90, F.S.; providing definitions; creating s. 468.901,
5 F.S.; creating the Board of Interpreters for the Deaf and
6 Hard of Hearing under the Florida Registry of Interpreters
7 for the Deaf, Inc.; providing for appointment,
8 qualifications, and terms of board members; creating s.
9 468.902, F.S.; providing for board headquarters; creating
10 s. 468.903, F.S.; requiring certain persons to be licensed
11 or hold a permit to practice; creating s. 468.904, F.S.;
12 providing for license and permit application and renewal,
13 reinstatement, extension, suspension, and revocation;
14 providing rulemaking authority; creating s. 468.905, F.S.;
15 providing for fees; creating s. 468.906, F.S.; providing
16 for application, examination, license, and permit fees;
17 creating s. 468.906, F.S.; providing restrictions on and
18 qualifications for licensure and permit holding; providing
19 for licensure and permit types; creating s. 468.907, F.S.;
20 providing for surrender or seizure of suspended or revoked
21 licenses and permits; creating s. 468.908, F.S.; providing
22 for inactive status; creating s. 468.909, F.S.; providing
23 continuing education requirements; creating s. 468.910,
24 F.S.; providing a process for submitting complaints;
25 requiring the board to compile certain complaint data;
26 providing for disciplinary proceedings to be conducted
27 under s. 456.073, F.S.; providing grounds for board
28 recommendation of revocation or suspension of license or

29 permit or other disciplinary action; creating s. 468.911,
 30 F.S.; providing exemptions from regulation under the part;
 31 creating s. 468.912, F.S.; prohibiting certain acts;
 32 providing penalties; creating s. 468.913, F.S.;
 33 establishing a privilege for certain conversations;
 34 providing for voluntary disclosure of certain privileged
 35 conversations; creating s. 468.914, F.S.; providing
 36 rulemaking authority; providing an effective date.

37

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

39

40 Section 1. Part XVII of chapter 468, Florida Statutes,
 41 consisting of sections 468.90, 468.901, 468.902, 468.903,
 42 468.904, 468.905, 468.906, 468.907, 468.908, 468.909, 468.910,
 43 468.911, 468.912, 468.913, and 468.914, is created to read:

44

PART XVII

45

INTERPRETERS FOR DEAF AND HARD OF HEARING

46

47 468.90 Definitions.--As used in this part, the term:

48 (1) "American Consortium of Certified Interpreters (ACCI)"

49 means the entity that certified sign language interpreters at

50 the national level, although the association no longer

51 administers its certification examination, and whose

52 certifications consist of Level III, Generalist; Level IV,

53 Advanced; and Level V, Master, and are recognized by the

54 Registry of Interpreters for the Deaf, Inc.

55 (2) "American Sign Language" means the fully developed

56 visual-gesture language having distinct grammar, syntax, and

57 symbols that is the primary language used by the deaf community
58 in the United States.

59 (3) "American Sign Language Proficiency Interview" or
60 "Sign Communication Proficiency Interview" means the assessment
61 of fluency in American Sign Language.

62 (4) "Board" means the Board of Interpreters for the Deaf
63 and Hard of Hearing.

64 (5) "Cued speech" means a phonetically based system that
65 enables spoken language to appear visually through the use of
66 hand shapes and specific locations in combination with natural
67 mouth movements to represent sounds of spoken language.

68 (6) "Deaf" means a nonfunctional sense of hearing for the
69 purpose of communication and whose primary means of
70 communication is visual. Unless otherwise specified, the term
71 also means hard of hearing or deaf-blind persons.

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

75 (8) "Deaf interpreter" means a person who is deaf or hard
76 of hearing who engages in the practice of interpreting in a
77 setting that requires two or more interpreters in order to
78 facilitate communication between persons who are deaf or hard of
79 hearing and those who are hearing.

80 (9) "Department" means the Department of Business and
81 Professional Regulation.

82 (10) "Educational interpreter" means an interpreter who
83 engages in the practice of interpreting in a prekindergarten
84 through grade 12 setting.

85 (11) "Educational Interpreter Evaluation (EIE)" means the
86 test administered by the Florida Registry of Interpreters for
87 the Deaf, Inc., to assess the skills of educational interpreters
88 in the state and consists of three levels: Level 1, which is the
89 lowest skill level; Level 2, which is the intermediate skill
90 level; and Level 3, which is the highest skill level.

91 (12) "Educational Interpreter Performance Assessment
92 (EIPA)" means the assessment developed by staff members of Boys
93 Town National Research Hospital with partial support from the
94 National Institute of Health-National Institute on Deafness and
95 other Communication Disorders grant, D-60 DC00982.

96 (13) "Florida Registry of Interpreters for the Deaf,
97 Inc.," means the state affiliate chapter of the national
98 Registry of Interpreters for the Deaf, Inc.

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

101 (15) "Interpreter" means a person who is able to interpret
102 effectively, accurately, impartially, receptively, and
103 expressively using any necessary specialized vocabulary.

104 (16) "Interpreter service consumer" means the person for
105 whom an interpreter facilitates communication.

106 (17) "Interpreting" means the process of providing
107 accessible and effective communication between persons who are
108 deaf or hard of hearing and those who are hearing and includes,
109 but is not limited to, communication between American Sign
110 Language and English or other modalities that involve visual,
111 gestural, and tactile methods of communication.

112 (18) "Mentorship" means professional guidance by a

113 qualified practitioner, as provided by board rule, on a formal
114 or an informal basis.

115 (19) "Multilingual interpreting" means interpreting in a
116 setting that requires not only skill in English and American
117 Sign Language, but also another language, whether oral or
118 signed, and cultural sensitivity and knowledge about the parties
119 involved.

120 (20) "National Association of the Deaf" means the entity
121 that certified sign language interpreters at the national level,
122 although the association no longer administers its certification
123 examination, and whose certifications consist of Level III,
124 Generalist; Level IV, Advanced; and Level V, Master; and are
125 recognized in the Registry of Interpreters for the Deaf, Inc.

126 (21) "National Council on Interpreting" means the joint
127 council of the Registry of Interpreters for the Deaf, Inc., and
128 the National Association of the Deaf that issues a National
129 Interpreter Certification for sign language interpreters at the
130 national level, consisting of the National Interpreter
131 Certification, the National Interpreter Certification Advanced,
132 and the National Interpreter Certification Master.

133 (22) "Oral interpreting" means facilitating a mode of
134 communication using speech, speechreading, and residual hearing
135 and situational and culturally appropriate gestures without the
136 use of sign language.

137 (23) "Quality Assurance Screening" means the examination
138 administered by the Florida Registry of Interpreters for the
139 Deaf, Inc., to monitor the progress of uncertified apprentice
140 interpreters in the state, which examination consists of three

141 levels: Level I, Beginner Apprentice; Level II, Intermediate
 142 Apprentice; and Level III, Advanced Apprentice.

143 (24) "Registry of Interpreters for the Deaf, Inc.," means
 144 the entity that certifies sign language and oral interpreters at
 145 the national level and that grants a specialist certificate in
 146 the area of legal interpreting.

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

150 (26) "Student" or "intern" means a person enrolled in a
 151 course of study or mentorship or an apprenticeship program that
 152 leads to a certificate or degree at an accredited institution or
 153 a license in interpreting.

154 (27) "Testing, Evaluation, and Certification Unit" means
 155 the national organization that assesses and certifies cued
 156 speech transliterators.

157 (28) "Transliterating" means the process of providing
 158 accessible communication between persons who are deaf or hard of
 159 hearing and persons who hear, primarily using a signed mode of
 160 English and spoken English.

161 (29) "Transliterator" means a person who engages in the
 162 practice of transliterating.

163 468.901 Board of Interpreters for the Deaf and Hard of
 164 Hearing; membership, appointment, and terms.--

165 (1) The Board of Interpreters for the Deaf and Hard of
 166 Hearing shall be created by the Florida Registry of Interpreters
 167 for the Deaf, Inc., and recognized by the Department of Business
 168 and Professional Regulation for the purposes of this part. The

169 board shall consist of 10 members who shall be initially
 170 appointed as follows:

171 (a) Four members who meet the qualifications to be
 172 licensed interpreters, one of whom must be a practicing
 173 educational interpreter, appointed by the Florida Registry of
 174 Interpreters for the Deaf, Inc.

175 (b) One member who is an interpreter for the deaf or hard
 176 of hearing who is qualified to hold a permit, provisional
 177 license, or license, appointed by the Florida Registry of
 178 Interpreters for the Deaf, Inc.

179 (c) Two members who are deaf or hard of hearing, one of
 180 whom uses American Sign Language as a primary mode of
 181 communication, appointed by the Florida Association of the Deaf,
 182 Inc.

183 (d) Two members who are private citizens who are hearing
 184 and do not hold a license or permit to interpret for the deaf or
 185 hard of hearing, appointed by the Florida Coordinating Council
 186 on Deaf and Hard of Hearing.

187 (e) One member who is deaf or hard of hearing, appointed
 188 by the Florida Coordinating Council on the Deaf and Hard of
 189 Hearing.

190 (2) Members appointed after the initial appointments must
 191 be licensed or hold a permit for which the initial appointees
 192 were eligible pursuant to paragraphs (1) (a) and (b).

193 (3) The applicable provisions of s. 20.165 apply to the
 194 board, board membership, and licensure requirements.

195 (4) The provisions of chapter 455 relating to regulatory
 196 boards under the Department of Business and Professional

197 Regulation apply to the board.

198 468.902 Board headquarters.--The board shall maintain its
 199 official headquarters in Tallahassee.

200 468.903 Authority to practice.--Any person who receives
 201 remuneration as an interpreter, represents himself or herself as
 202 an interpreter, or conveys the impression of or assumes the
 203 identity of an interpreter must be licensed or hold a permit in
 204 accordance with this part.

205 468.904 Application and renewal, reinstatement, extension,
 206 suspension, and revocation process.--

207 (1) The board shall recommend and the department shall
 208 adopt by rule procedures to administer the requirements for
 209 license and permit application, license renewal, license
 210 reinstatement, permit extension, license and permit suspension
 211 and revocation, and continuing education.

212 (2) An application for a license or permit shall be
 213 submitted to the board and must include, but is not limited to:

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

215 (b) A recent passport or other official photograph of the
 216 applicant.

217 (c) A nonrefundable application fee.

218 (3) Each license or permit must be renewed biennially no
 219 later than March 1.

220 (4) An application for license renewal or permit extension
 221 shall be submitted biennially to the department and must
 222 include, but is not limited to:

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

224 (b) Proof of completion of required continuing education,

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225 if applicable.

226 (c) A renewal or extension fee, including any late fee.

227 (5) The board shall approve the issuance of a license or
228 permit, a renewal of the license, or an extension of a permit
229 upon a determination that the credentials and documents are
230 complete.

231 (6) An application for reinstatement of a suspended or
232 revoked license or permit must include, but is not limited to:

233 (a) Proof of license credentials.

234 (b) A nonrefundable application fee.

235 (c) A written request including the appropriateness of
236 reinstatement.

237 (d) Proof of completion of continuing education, as
238 applicable.

239 (7) Upon a majority vote of the board to recommend the
240 denial of a license or permit application, license renewal,
241 license reinstatement, or permit extension, the board shall
242 notify the applicant of the reasons for the denial in writing no
243 later than 30 calendar days after the board's action.

244 (8) A person who is issued a license or permit under this
245 part and who is acting as an interpreter shall display the
246 license or permit to a client or an interpreter service consumer
247 upon request.

248 (9) A person who is issued a license or permit under this
249 part shall notify the board of any address change no later than
250 30 days after the change.

251 468.905 Fees.--Fees are as follows:

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

253 (2) Initial license or permit fee, not to exceed \$150.

254 (3) Biennial license renewal fee, not to exceed \$150.

255 (4) Permit extension fee, not to exceed \$50.

256 (5) License reinstatement application fee, not to exceed
 257 \$70.

258 468.906 License and permit; qualifications.--

259 (1) RESTRICTIONS.--A license or permit may not be issued
 260 to:

261 (a) Any person convicted of a felony.

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

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

265 (2) INTERPRETER OR TRANSLITERATOR LICENSE.--An applicant
 266 must hold one or more of the following valid certifications to
 267 be eligible for licensure as an interpreter or transliterator:

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

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

273 (c) A National Interpreting Council certification issued
 274 by the National Council on Interpreting.

275 (d) A Florida Registry of Interpreters for the Deaf
 276 Educational Interpreter Evaluation Level III, except that the
 277 EIE III shall be recognized for the pre-K through grade 12
 278 educational setting only.

279 (e) An Educational Interpreter Performance Assessment
 280 Level 4.3-5.0, except that the EIPA 4.3-5.0 shall be recognized

281 for the pre-K through grade 12 educational setting only.
 282 (f) A Testing, Evaluation, and Certification Unit
 283 Transliteration Skills certification, which shall be recognized
 284 for a transliteration license to provide only cued-speech
 285 transliteration services.
 286 (g) American Consortium of Certified Interpreters, Level
 287 IV or V.
 288 (3) PROVISIONAL LICENSE.--
 289 (a) An applicant must have successfully completed one or
 290 more of the following assessments to be eligible for provisional
 291 licensure:
 292 1. Florida Registry of Interpreters for the Deaf, Inc.,
 293 Quality Assurance Screening, Level II or Level III.
 294 2. Florida Registry of Interpreters for the Deaf, Inc.,
 295 Educational Interpreter Evaluation, Level II or Level III.
 296 3. National Association of the Deaf, Level III.
 297 4. Educational Interpreter Performance Assessment, Level
 298 IV or Level V.
 299 5. Testing, Evaluation, and Certification Unit Cued
 300 American English Competency Screening, Level 3.3-4.0, except
 301 that the screening shall be recognized for a provisional license
 302 to provide only cued-speech transliteration services.
 303 6. An American Consortium of Certified Interpreters
 304 certification, Level III.
 305 (b) An applicant for a deaf interpreter's provisional
 306 license must have received a passing score on the Certified Deaf
 307 Interpreter written examination and received a superior or
 308 advanced plus rating on the Sign Communication Proficiency

309 Interview or the American Sign Language Proficiency Interview
310 assessment.

311 (c) The provisional license is valid for up to 5 years
312 after the date of issuance, except that the department may issue
313 a 1-year extension upon recommendation of the board. The
314 department may not issue more than one extension of a
315 provisional license.

316 (4) TEMPORARY LICENSE.--An interpreter temporarily
317 residing in the state who meets the criteria for licensure under
318 this part may hold a temporary license for up to 6 months after
319 the date of issuance. An interpreter may be issued only one
320 temporary license in a calendar year.

321 (5) SPECIAL LIMITED LICENSE.--

322 (a) The department may, upon presentation of satisfactory
323 proof of competency and pursuant to adopted rules, issue a
324 special limited license to an individual who demonstrates
325 competency in a specialized area for which no formal, generally
326 recognized evaluation exists. Specialized areas associated with
327 the practice of interpreting include, but are not limited to,
328 interpreting for the deaf-blind, multilingual interpreting, and
329 certain nonsign modalities.

330 (b) Special limited licenses shall be granted until
331 formal, generally recognized evaluative methods for these
332 modalities are instituted.

333 (c) Licenses issued under this subsection are subject to
334 the provisions of this part and adopted rules, except that an
335 applicant is not required to demonstrate any knowledge or
336 expertise in a communication modality other than the one the

337 applicant claims as the area of his or her specialty.

338 (d) The board shall recommend and the department shall
 339 establish by rule separate educational requirements for specific
 340 modalities to determine the competency claimed by the applicant
 341 for a special limited license.

342 (e) The board shall recommend and the department shall
 343 adopt rules regarding the development and implementation of
 344 criteria and licensure standards for interpreters specializing
 345 in deaf-blind communication.

346 (f) Special limited licenses shall be recognized only for
 347 the area of special competency as specified on the license.

348 (6) PERMIT.--

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

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

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

356 3. Educational Interpreter Performance Assessment, Level
 357 3.5-3.9.

358 (b) An applicant for a deaf interpreter's permit must have
 359 successfully completed 20 documented hours of interpreter
 360 training, of which 16 hours must be certified deaf interpreter
 361 specific, and must have attained a superior or advanced plus
 362 rating on the Sign Communication Proficiency Interview or the
 363 American Sign Language Proficiency Interview assessment.

364 (c) A deaf interpreter must submit an audiogram or

365 audiological report providing proof of hearing loss.

366 (d) A permit is valid for 2 years following the date of
367 issuance, except that the department may approve a 1-year
368 extension of the permit upon recommendation of the board. The
369 department may not issue more than one extension.

370 (7) REGISTERED PERMIT.--A registered permit shall be
371 issued not later than July 1, 2009. Any interpreter who provides
372 interpreter services before that date, who does not meet the
373 credentialing requirements of this part but who otherwise
374 qualifies under s. 468.906(1), and who has registered with the
375 department not later than 60 calendar days after July 1, 2008,
376 shall be issued a registered permit valid until July 1, 2010.
377 Any interpreter who first provides interpreter services after
378 July 1, 2008, must comply with the licensing or permitting
379 requirements of this part.

380 (8) TEMPORARY PERMIT.--

381 (a) A person from another state, whether or not he or she
382 holds a valid interpreter's credential from that state, may hold
383 a temporary permit for up to 6 months after the date of
384 issuance.

385 (b) A person who holds a temporary permit must submit
386 proof of having applied to the department, within 90 days after
387 the date of issuance of the temporary permit, for any one of the
388 following:

- 389 1. Licensure.
390 2. Temporary licensure.
391 3. Provisional licensure.
392 4. Permit.

393 5. Special limited licensure.
 394 (c) A person may hold only one temporary permit.
 395 468.907 Suspended or revoked license or permit.--
 396 (1) A license or permit suspended or revoked by the
 397 department upon the recommendation of the board is subject to
 398 immediate expiration and surrender to the department.
 399 (2) The department may immediately seize a suspended or
 400 revoked license or permit.
 401 (3) A licensee or permitholder shall pay the reinstatement
 402 fee if the suspended or revoked license is reinstated by the
 403 department upon the recommendation of the board.
 404 (4) A renewed license or permit does not entitle the
 405 licensee or permitholder to engage in the practice of
 406 interpreting until the suspension or revocation period has ended
 407 or is otherwise removed and the right to practice is restored.
 408 468.908 Inactive status.--Any interpreter who notifies the
 409 department on forms prescribed by rule may place his or her
 410 license on inactive status and is exempt from payment of renewal
 411 fees until he or she applies for reinstatement and the
 412 reinstatement is approved by the department upon recommendation
 413 of the board and a license is issued.
 414 (1) Any interpreter who requests reinstatement from
 415 inactive status shall pay the reinstatement fee and shall meet
 416 the requirements for reinstatement as determined by rule.
 417 (2) An interpreter whose license is inactive may not
 418 practice in the state.
 419 (3) An interpreter who practices interpreting while his or
 420 her license is on inactive status is practicing without a

421 license and is subject to disciplinary action.

422 (4) An interpreter may request inactive status for up to 2
 423 years, after which he or she may petition the board for an
 424 extension of an inactive status as determined by rule.

425 468.909 Continuing education.--

426 (1) A licensed interpreter must biennially submit proof of
 427 current certification and indicate his or her compliance or
 428 noncompliance with the requirements of the Registry of
 429 Interpreters for the Deaf, Inc., Certification Maintenance
 430 Program.

431 (2) A licensed Testing, Evaluation, and Certification Unit
 432 cued-speech transliterator must submit proof of successful
 433 completion of 4.0 units of cued-speech continuing education
 434 during the preceding 24 months ending on March 15 of the renewal
 435 period.

436 (3) A provisional licensed interpreter must biennially
 437 submit proof of completion of 4.0 units of continuing education
 438 during the preceding 24 months ending March 15 of each year,
 439 which must also indicate compliance with the Registry of
 440 Interpreters for the Deaf, Inc., in the Associate Continuing
 441 Education Training program.

442 (4) Registered permitholders must annually submit proof of
 443 successful completion of 2.0 units of continuing education
 444 during the preceding 12 months ending March 15 of the year in
 445 which application is made.

446 (5) Each licensee and permitholder shall maintain records
 447 of successful completion of the continuing education required by
 448 this subsection and shall transmit a copy of the record to the

449 department.

450 468.910 Complaint process; grievances.--

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

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

458 (a) The name of the licensee.

459 (b) The name of the complainant.

460 (c) The date of the alleged violation.

461 (d) The date of the complaint.

462 (e) A brief statement detailing the nature of the
463 complaint.

464 (f) The final disposition of the complaint.

465 (3) The department shall acknowledge each complaint in
466 writing within 10 business days after receipt of the complaint.

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

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

473 (a) Obtaining or attempting to obtain a license under this
474 part through bribery, misrepresentation, concealment of material
475 fact, or fraudulent misrepresentation.

476 (b) Having been found guilty of fraud, misrepresentation,

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477 concealment, or material misstatement of fact or deceit in
478 connection with providing interpreter or transliterator
479 services.

480 (c) Having violated any standard of professional or
481 ethical conduct adopted by rule.

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

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

486 2. Willfully violating a privileged communication.

487 3. Willfully violating confidentiality.

488 4. Knowingly performing an act that aids or assists an
489 unlicensed person in practicing interpreting or transliterating
490 in violation of this part.

491 5. Practicing interpreting or transliterating under a
492 false or assumed name.

493 6. Advertising for the practice of interpreting or
494 transliterating in a deceptive or unethical manner.

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

497 8. Committing repeated violations of this part or rules
498 adopted under this part.

499 9. Committing repeated acts of gross misconduct in the
500 practice of interpreting or transliterating.

501 10. Demonstrating a pattern of practice or other behavior
502 that demonstrates incapacity or incompetence to practice under
503 this part.

504 (e) Having violated any lawful order or any provision of

505 the part or rules adopted under this part.

506 (f) Aiding or assisting another person in violating this
507 part or any rule adopted under this part.

508 468.911 Exemptions.--The following interpreters or
509 translitterators are exempt from this part:

510 (1) An interpreter or translitterator who provides
511 interpreting services solely at a worship service or religious
512 ceremony conducted by a religious organization or for
513 educational purposes for a religious entity or religious-
514 affiliated school that does not receive public moneys, except
515 that this exemption does not apply to settings that require
516 compliance with the Americans with Disabilities Act.

517 (2) An interpreter or translitterator who provides
518 interpreting services during an emergency. For purposes of this
519 subsection, the term "emergency" means a situation in which,
520 after documented attempts to obtain the services of a licensed
521 interpreter, an individual who is deaf or hard of hearing
522 determines that the delay in obtaining a licensed interpreter
523 might lead to injury or loss to the individual requiring
524 services, if:

525 (a) The services of a licensed interpreter must continue
526 to be sought during the emergency in which the unlicensed
527 interpreter is providing interpreting services.

528 (b) An interpreter is acting under the Good Samaritan Act,
529 as determined by rule.

530 (3) An interpreter who is not a resident of this state and
531 who:

532 (a) Is registered in this state for a period up to 30

533 nonconsecutive calendar days to engage in interpreting,
534 including, but not limited to, conference interpreting, video-
535 relay interpreting, or interpreting while on a cruise vessel
536 originating out of this state, and who may or may not hold a
537 valid credential from another state, except that:

538 1. The nonresident interpreter must provide proof of
539 having submitted an application for a license or permit before
540 the expiration of his or her registration.

541 2. Interpreting services provided during a declared
542 national or state emergency are not included in the 30-day
543 registration restriction.

544 (b) Practices under the authority of the board and this
545 part.

546 (4) Any person who provides interpreting services pro bono
547 or for remuneration in circumstances in which the services of a
548 qualified interpreter are not required under the federal
549 Americans with Disabilities Act of 1990, section 504 of the
550 Rehabilitation Act of 1973, the Individuals with Disabilities
551 Education Improvement Act of 2004, the No Child Left Behind Act
552 of 2001, or the regulations adopted thereunder or other
553 applicable state or federal legislation.

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

556 (a) Is enrolled in a course of study or mentorship program
557 leading to a certificate, degree, or licensure in interpreting,
558 if the student, intern, or person engages only in activities and
559 services that constitute a part of a supervised plan of study
560 that clearly designates him or her as a student, intern, or

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561 person; and

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

564 1. A fully licensed interpreter or transliterator who has
565 a minimum of 5 years of interpreting experience or an instructor
566 in an interpreter training program who has three letters of
567 recommendation from individuals who are approved as mentors; or

568 2. A deaf mentor meeting the requirements for a
569 provisional license.

570 (6) An unlicensed interpreter who provides interpreting
571 services to facilitate emergency services and care by hospitals
572 under s. 395.1041 when a health care practitioner determines
573 that a delay in obtaining a licensed interpreter may result in
574 harm to a patient.

575 468.912 Illegal acts; penalties.--Except as provided in s.
576 468.911(4), any person who attempts to practice interpreting or
577 transliterating for remuneration or on a voluntary basis for an
578 interpreter service consumer without having obtained a valid
579 license or permit, who knowingly files false information with
580 the board for the purpose of obtaining a license or permit, or
581 who otherwise violates this part commits a misdemeanor of the
582 first degree, punishable as provided in s. 775.082 or s.
583 775.083. Violations include, but are not limited to:

584 (1) Obtaining or attempting to obtain a license or permit
585 by means of fraud, bribery, misrepresentation, or concealment of
586 material facts.

587 (2) Knowingly performing an act that aids or assists an
588 unlicensed person or a person who does not hold a valid permit

589 to practice interpreting or transliterating.

590 (3) Interpreting or transliterating under a false or
 591 assumed name.

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

595 (5) Knowingly concealing information relating to the
 596 enforcement of this part or rules adopted under this part.

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

599 (7) Except as provided in s. 468.911(4), employing any
 600 individual who is not licensed or permitted under this part for
 601 the purpose of providing interpreter services to an interpreter
 602 services consumer.

603 (8) Knowingly allowing a student, intern interpreter, or
 604 person who interprets in the presence of a supervising mentor to
 605 provide interpreting services without direct supervision.

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

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

610 (11) Advertising professional services in a false or
 611 misleading manner.

612 468.913 Privileged communications.--

613 (1) An interpreter who interprets or transliterates a
 614 conversation between a person who can hear and a deaf person is
 615 deemed a conduit for the conversation and may not disclose or be
 616 compelled to disclose by subpoena the contents of the

617 conversation that he or she interpreted without the written
 618 consent of all persons for whom he or she provided the
 619 interpreting service.

620 (2) All communications that are recognized by law as
 621 privileged remain privileged when an interpreter is used to
 622 facilitate the communication.

623 (3) The disclosure of the contents of a privileged
 624 conversation may be voluntarily disclosed if:

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

627 (b) A communication reveals the intended commission of a
 628 crime and disclosure of the communication is judged necessary by
 629 the licensed interpreter to protect any person from a clear,
 630 imminent risk of serious mental or physical harm or injury or to
 631 forestall a serious threat to the public safety.

632 (4) Nothing prohibits a licensed interpreter from
 633 voluntarily testifying in court hearings concerning matters of
 634 child abuse or child neglect as provided under the federal
 635 Abused and Neglected Child Reporting Act.

636 (5) An educational interpreter may disclose pertinent
 637 education-related information to persons directly responsible
 638 for a child's educational program or to the members of the
 639 Individual Education Plan Team.

640 (6) With prior written agreement, staff interpreters
 641 providing services in vocational rehabilitation, mental health,
 642 or medical settings may disclose situation-related information
 643 to other staff members.

644 468.914 Rulemaking authority.--

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645 (1) The board may adopt rules pursuant to ss. 120.536(1)
646 and 120.54 to implement this part.

647 (2) In addition to the rulemaking requirements provided in
648 this part, the board shall recommend to the department, and the
649 department shall adopt, rules pertaining to, but not limited to:

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

651 (b) Performance requirements, including education and
652 examination standards for interpreters.

653 (c) Continuing education requirements.

654 (d) Appropriate and acceptable testing tools to evaluate
655 interpreters.

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

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

659 Section 2. This act shall take effect July 1, 2008.