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CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
1/23/2008	.	
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1 The Committee on Education Pre-K - 12 (Wise) recommended the
 2 following **amendment**:

3
 4 **Senate Amendment (with title amendment)**

5 Delete everything after the enacting clause
 6 and insert:

7 Section 1. Part XVII of chapter 468, Florida Statutes,
 8 consisting of sections 468.90, 468.901, 468.902, 468.903,
 9 468.904, 468.905, 468.906, 468.907, 468.908, 468.909, 468.910,
 10 468.911, 468.912, 468.913, and 468.914, is created to read:

11 PART XVII

12 INTERPRETERS FOR DEAF AND HARD OF HEARING

13 468.90 Definitions.--As used in this part, the term:

14 (1) "American Consortium of Certified Interpreters" means
 15 the entity that certified sign language interpreters at the



16 national level, although the association no longer administers
17 its certification examination, and whose certifications consist
18 of Level III, Generalist; Level IV, Advanced; and Level V,
19 Master, and are recognized by the Registry of Interpreters for
20 the Deaf, Inc.

21 (2) "American Sign Language" means the fully developed
22 visual-gesture language having distinct grammar, syntax, and
23 symbols that is the primary language used by the deaf community
24 in the United States.

25 (3) "American Sign Language Proficiency Interview" or
26 "Sign Communication Proficiency Interview" means the assessment
27 of fluency in American Sign Language.

28 (4) "Board" means the Board of Interpreters for the Deaf
29 and Hard of Hearing.

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

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

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

41 (8) "Deaf interpreter" means a person who is deaf or hard
42 of hearing who engages in the practice of interpreting.



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43 (9) "Department" means the Department of Business and
44 Professional Regulation.

45 (10) "Educational interpreter" means an interpreter who
46 engages in the practice of interpreting in a prekindergarten
47 through grade 12 setting.

48 (11) "Educational Interpreter Evaluation (EIE)" means the
49 test administered by the Florida Registry of Interpreters for
50 the Deaf, Inc., to assess the skills of educational interpreters
51 in the state and consists of three levels: Level 1, which is the
52 lowest skill level; Level 2, which is the intermediate skill
53 level; and Level 3, which is the highest skill level.

54 (12) "Educational Interpreter Performance Assessment
55 (EIPA)" means the assessment developed by staff members of Boys
56 Town National Research Hospital with partial support from the
57 National Institute of Health-National Institute on Deafness and
58 Other Communication Disorders grant, D-60 DC00982.

59 (13) "Florida Registry of Interpreters for the Deaf,
60 Inc.," means the state affiliate chapter of the national
61 Registry of Interpreters for the Deaf, Inc.

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

64 (15) "Interpreter" means a person who is able to interpret
65 effectively, accurately, impartially, receptively, and
66 expressively using any necessary specialized vocabulary and who
67 follows the NAD/RID Code of Professional Conduct.

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



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70 (17) "Interpreting" means the process of providing
71 accessible and effective communication between persons who are
72 deaf or hard of hearing and those who are hearing and includes,
73 but is not limited to, communication between American Sign
74 Language and English or other modalities that involve visual,
75 gestural, and tactile methods of communication.

76 (18) "Mentorship" means professional guidance by a
77 qualified practitioner, as provided by board rule, on a formal
78 or an informal basis.

79 (19) "Multilingual interpreting" means interpreting in a
80 setting that requires not only skill in English and American
81 Sign Language, but also another language, whether oral or
82 signed, and cultural sensitivity and knowledge about the parties
83 involved.

84 (20) "NAD/RID Code of Professional Conduct" means the
85 guiding principals of professionalism and ethical conduct for
86 interpreters set forth by the Registry of Interpreters for the
87 Deaf, Inc., and the National Association of the Deaf.

88 (21) "National Association of the Deaf" means the entity
89 that certified sign language interpreters at the national level,
90 although the association no longer administers its certification
91 examination, and whose certifications consist of Level III,
92 Generalist; Level IV, Advanced; and Level V, Master; and are
93 recognized in the Registry of Interpreters for the Deaf, Inc.

94 (22) "National Council on Interpreting" means the joint
95 council of the Registry of Interpreters for the Deaf, Inc., and
96 the National Association of the Deaf that issues a National
97 Interpreter Certification for sign language interpreters at the



98 national level, consisting of the National Interpreter
99 Certification, the National Interpreter Certification Advanced,
100 and the National Interpreter Certification Master.

101 (23) "Oral interpreting" means facilitating a mode of
102 communication using speech, speechreading, and residual hearing
103 and situational and culturally appropriate gestures without the
104 use of sign language.

105 (24) "Quality Assurance Screening" means the examination
106 administered by the Florida Registry of Interpreters for the
107 Deaf, Inc., to monitor the progress of uncertified apprentice
108 interpreters in the state, which examination consists of three
109 levels: Level I, Beginner Apprentice; Level II, Intermediate
110 Apprentice; and Level III, Advanced Apprentice.

111 (25) "Registry of Interpreters for the Deaf, Inc.," means
112 the entity that certifies sign language and oral interpreters at
113 the national level and that grants a specialist certificate in
114 the area of legal interpreting.

115 (26) "Sign language" means a continuum of visual-gestural
116 language and communication systems based on hand signs and is
117 not limited to American Sign Language.

118 (27) "Student" or "intern" means a person enrolled in a
119 course of study or mentorship or an apprenticeship program that
120 leads to a certificate or degree at an accredited institution or
121 a license in interpreting.

122 (28) "Testing, Evaluation, and Certification Unit" means
123 the national organization that assesses and certifies cued
124 speech transliterators.



125 (29) "Transliterating" means the process of providing
126 accessible communication between persons who are deaf or hard of
127 hearing and persons who hear, primarily using a signed mode of
128 English and spoken English.

129 (30) "Transliterating" means a person who engages in the
130 practice of transliterating and adheres to the NAD/RID Code of
131 Professional Conduct.

132 468.901 Board of Interpreters for the Deaf and Hard of
133 Hearing; membership, appointment, and terms.--

134 (1) The Board of Interpreters for the Deaf and Hard of
135 Hearing is created within the Department of Business and
136 Professional Regulation consisting of nine members appointed by
137 the Governor and confirmed by the Senate. To ensure continuity
138 of board policies and to provide sufficient time for
139 implementation of the licensure and permitting process, the
140 Governor shall initially appoint members, as follows:

141 (a) Four members who meet the qualifications to be
142 licensed interpreters, one of whom must be a practicing
143 educational interpreter, appointed by the Governor from the
144 recommendations of 12 individuals by the Florida Registry of
145 Interpreters for the Deaf, Inc.

146 (b) One member who is an interpreter for the deaf or hard
147 of hearing who is qualified to hold a permit or provisional
148 license, appointed by the Governor from the recommendations of
149 three individuals by the Florida Registry of Interpreters for
150 the Deaf, Inc.

151 (c) Two members who are deaf or hard of hearing, one of



152 whom uses American Sign Language as a primary mode of
153 communication, appointed by the Governor from the
154 recommendations of six individuals by the Florida Association of
155 the Deaf, Inc.

156 (d) Two members who are private citizens who are hearing
157 and do not hold a license or permit to interpret for the deaf or
158 hard of hearing, appointed by the Governor from the
159 recommendations of six individuals by the Florida Coordinating
160 Council for the Deaf and Hard of Hearing.

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

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

166 (a) Of the members initially appointed under paragraph
167 (1)(a), one member shall be appointed to a 2-year term and one
168 member shall be appointed to a 3-year term.

169 (b) The member initially appointed under paragraph(1)(b)
170 shall be appointed to a 1-year term.

171 (c) Of the members initially appointed under paragraph
172 (1)(c), one member shall be appointed to a 3-year term.

173 (4) A member may not serve more than two consecutive
174 terms.

175 (5) All provisions of chapter 455 relating to the
176 activities of regulatory boards under the Department of Business
177 and Professional Regulation shall apply to the board.

178 468.902 Board headquarters.--The board shall maintain its
179 official headquarters in Tallahassee.

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180 468.903 Authority to practice.--Any person who:

181 (1) Receives remuneration as an interpreter, represents
182 himself or herself as an interpreter, or conveys the impression
183 of or assumes the identity of an interpreter; or

184 (2) Provides interpreting services pro bono or for
185 remuneration in circumstances in which the services of a
186 qualified interpreter are required under the federal American
187 with Disabilities Act of 1990 , section 504 of the
188 Rehabilitation Act of 1973, the Individuals with Disabilities
189 Education Improvement Act of 2004, the No Child Left Behind Act
190 of 2001, or the regulations adopted thereunder or other
191 applicable state or federal legislation,

192
193 must be licensed or hold a permit in accordance with this part.

194 468.904 Application and renewal, reinstatement, extension,
195 suspension, and revocation process.--

196 (1) The board shall recommend and the department shall
197 adopt by rule, procedures to administer the requirements for
198 license and permit application, license renewal, license
199 reinstatement, permit extension, license and permit suspension
200 and revocation, and continuing education.

201 (2) An application for a license or permit shall be
202 submitted to the board and must include, but need not be limited
203 to:

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

205 (b) A recent passport or other official photograph of the
206 applicant.

207 (c) A nonrefundable application fee.



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

210 (4) An application for license renewal or permit extension
211 shall be submitted biennially to the department and must
212 include, but need not be limited to:

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

214 (b) Proof of completion of required continuing education,
215 if applicable.

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

217 (5) The board shall approve the issuance of a license or
218 permit, a renewal of the license, or an extension of a permit
219 upon a determination that the credentials and documents are
220 complete.

221 (6) An application for reinstatement of a suspended or
222 revoked license or permit must include, but need not be limited
223 to:

224 (a) Proof of license credentials.

225 (b) A nonrefundable application fee.

226 (c) A written request including the appropriateness of
227 reinstatement.

228 (d) Proof of completion of continuing education, as
229 applicable.

230 (7) Upon a majority vote of the board to recommend the
231 denial of a license or permit application, license renewal,
232 license reinstatement, or permit extension, the board shall
233 notify the applicant of the reasons for the denial in writing no
234 later than 30 calendar days after the board's action.

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235 (8) A person who is issued a license or permit under this
236 part and who is acting as an interpreter shall display the
237 license or permit to a client or an interpreter service consumer
238 upon request.

239 (9) A person who is issued a license or permit under this
240 part shall notify the board of any address change no later than
241 30 days after the change.

242 468.905 Fees.--Fees are as follows:

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

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

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

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

247 (5) License reinstatement application fee, not to exceed
248 \$70.

249 468.906 License and permit; qualifications.--

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

252 (a) Any person convicted of a felony.

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

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

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

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



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

264 (c) A National Interpreting Council certification issued
265 by the National Council on Interpreting.

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

270 (e) An Educational Interpreter Performance Assessment
271 Level 4.3-5.0, except that the EIPA 4.3-5.0 shall be recognized
272 for the pre-K through grade 12 educational setting only.

273 (f) A Testing, Evaluation, and Certification Unit
274 Transliteration Skills certification, which shall be recognized
275 for a transliteration license to provide only cued-speech
276 transliteration services.

277 (g) American Consortium of Certified Interpreters, Level
278 IV or Level V.

279 (3) PROVISIONAL LICENSE.--

280 (a) An applicant must have successfully completed one or
281 more of the following assessments to be eligible for provisional
282 licensure:

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

285 2. Florida Registry of Interpreters for the Deaf, Inc.,
286 Educational Interpreter Evaluation, Level II or Level III.

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

288 4. Educational Interpreter Performance Assessment, Level
289 IV or Level V.



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290 5. Testing, Evaluation, and Certification Unit Cued
291 American English Competency Screening, Level 4.0-4.2, except
292 that the screening shall be recognized for a provisional license
293 to provide only cued-speech transliteration services.

294 6. An American Consortium of Certified Interpreters
295 certification, Level III.

296 (b) An applicant for a deaf interpreter's provisional
297 license must have received a passing score on the Certified Deaf
298 Interpreter written examination and received a superior or
299 advanced plus rating on the Sign Communication Proficiency
300 Interview or the American Sign Language Proficiency Interview
301 assessment.

302 (c) The provisional license is valid for up to 5 years
303 after the date of issuance, except that the department may issue
304 a 1-year extension upon recommendation of the board. The
305 department may not issue more than one extension of a
306 provisional license.

307 (4) SPECIAL LIMITED LICENSE.--

308 (a) The department may, upon presentation of satisfactory
309 proof of competency and pursuant to adopted rules, issue a
310 special limited license to an individual who demonstrates
311 competency in a specialized area for which no formal, generally
312 recognized evaluation exists. Specialized areas associated with
313 the practice of interpreting include, but are not limited to,
314 interpreting for the deaf-blind, multilingual interpreting, and
315 certain nonsign modalities.



316 (b) Special limited licenses shall be granted until
317 formal, generally recognized evaluative methods for these
318 modalities are instituted.

319 (c) Licenses issued under this subsection are subject to
320 the provisions of this part and adopted rules, except that an
321 applicant is not required to demonstrate any knowledge or
322 expertise in a communication modality other than the one the
323 applicant claims as the area of his or her specialty.

324 (d) The board shall recommend and the department shall
325 establish by rule separate educational requirements for specific
326 modalities to determine the competency claimed by the applicant
327 for a special limited license.

328 (e) The board shall recommend and the department shall
329 adopt rules regarding the development and implementation of
330 criteria and licensure standards for interpreters specializing
331 in deaf-blind communication.

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

334 (5) PERMIT.--

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

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

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

342 3. Educational Interpreter Performance Assessment, Level
343 3.5-3.9.



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344 (b) An applicant for a deaf interpreter's permit must have
345 successfully completed 20 documented hours of interpreter
346 training, of which 16 hours must be certified deaf interpreter
347 specific, and must have attained a superior or advanced plus
348 rating on the Sign Communication Proficiency Interview or the
349 American Sign Language Proficiency Interview assessment.

350 (c) A deaf interpreter must submit an audiogram or
351 audiological report providing proof of hearing loss.

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

356 (6) REGISTERED PERMIT.--A registered permit shall be
357 issued not later than July 1, 2009. Any interpreter who provides
358 interpreter services before that date, who does not meet the
359 credentialing requirements of this part but who would not be
360 disqualified by the restrictions imposed under subsection (1),
361 and who has registered with the department not later than 60
362 calendar days after July 1, 2008, shall be issued a registered
363 permit that is valid until July 1, 2010. Any interpreter who
364 first provides interpreter services after July 1, 2008, must
365 comply with the licensing or permitting requirements of this
366 part.

367 (7) TEMPORARY PERMIT.--

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



372 (b) A person who holds a temporary permit must submit
373 proof of having applied to the department, within 90 days after
374 the date of issuance of the temporary permit, for any one of the
375 following:

376 1. Licensure.

377 2. Provisional licensure.

378 3. Permit.

379 4. Special limited licensure.

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

381 468.907 Suspended or revoked license or permit.--

382 (1) A license or permit suspended or revoked by the
383 department upon the recommendation of the board is subject to
384 immediate expiration and surrender to the department.

385 (2) The department may immediately seize a suspended or
386 revoked license or permit.

387 (3) A licensee or permitholder shall pay the reinstatement
388 fee if the suspended or revoked license is reinstated by the
389 department upon the recommendation of the board.

390 (4) A renewed license or permit does not entitle the
391 licensee or permitholder to engage in the practice of
392 interpreting until the suspension or revocation period has ended
393 or is otherwise removed and the right to practice is restored.

394 468.908 Inactive status.--Any interpreter who notifies the
395 department on forms prescribed by rule may place his or her
396 license on inactive status and is exempt from payment of renewal
397 fees until he or she applies for reinstatement and the
398 reinstatement is approved by the department upon recommendation
399 of the board and a license is issued.



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400 (1) Any interpreter who requests reinstatement from
401 inactive status shall pay the reinstatement fee and shall meet
402 the requirements for reinstatement as determined by rule.

403 (2) An interpreter whose license is inactive may not
404 practice in the state.

405 (3) An interpreter who practices interpreting while his or
406 her license is on inactive status is practicing without a
407 license and is subject to disciplinary action.

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

411 468.909 Continuing education.--

412 (1) A licensed interpreter must biennially submit proof of
413 current certification and indicate his or her compliance or
414 noncompliance with the requirements of the Registry of
415 Interpreters for the Deaf, Inc., Certification Maintenance
416 Program.

417 (2) A licensed Testing, Evaluation, and Certification Unit
418 cued-speech transliterator must submit proof of successful
419 completion of 4.0 units of cued-speech continuing education
420 during the preceding 24 months ending on March 15 of the renewal
421 period.

422 (3) A provisional licensed interpreter must biennially
423 submit proof of completion of 4.0 units of continuing education
424 during the preceding 24 months ending March 15 of the renewal
425 period, which must also indicate compliance with the Registry of
426 Interpreters for the Deaf, Inc., in the Associate Continuing
427 Education Training program.

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428 (4) Registered permitholders must annually submit proof of
429 successful completion of 2.0 units of continuing education
430 during the preceding 12 months ending March 15 of the year in
431 which application is made.

432 (5) Each licensee and permitholder shall maintain records
433 of successful completion of the continuing education required by
434 this subsection and shall transmit a copy of the record to the
435 department.

436 468.910 Complaint process; grievances.--

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

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

444 (a) The name of the licensee.

445 (b) The name of the complainant.

446 (c) The date of the alleged violation.

447 (d) The date of the complaint.

448 (e) A brief statement detailing the nature of the
449 complaint, including a specific violation of the NAD/RID Code of
450 Professional Conduct.

451 (f) The final disposition of the complaint.

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

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

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

460 (a) Obtaining or attempting to obtain a license under this
461 part through bribery, misrepresentation, concealment of material
462 fact, or fraudulent misrepresentation.

463 (b) Having been found guilty of fraud, misrepresentation,
464 concealment, or material misstatement of fact or deceit in
465 connection with providing interpreter or transliterator
466 services.

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

469 (d) Having violated any standard of professional or
470 ethical conduct as prescribed in the NAD/RID Code of
471 Professional Conduct, including, but not limited to:

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

474 2. Willfully violating a privileged communication.

475 3. Willfully violating confidentiality.

476 4. Knowingly performing an act that aids or assists an
477 unlicensed person in practicing interpreting or transliterating
478 in violation of this part.

479 5. Practicing interpreting or transliterating under a
480 false or assumed name.

481 6. Advertising for the practice of interpreting or
482 transliterating in a deceptive or unethical manner.



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

485 8. Committing repeated violations of this part or rules
486 adopted under this part.

487 9. Committing repeated acts of gross misconduct in the
488 practice of interpreting or transliterating.

489 10. Demonstrating a pattern of practice or other behavior
490 that demonstrates incapacity or incompetence to practice under
491 this part.

492 (e) Having violated any lawful order or any provision of
493 the part or rules adopted under this part.

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

496 468.911 Exemptions.--The following interpreters or
497 transliterators are exempt from this part:

498 (1) An interpreter or transliterator who provides
499 interpreting services during an emergency. For purposes of this
500 subsection, the term "emergency" means a situation in which,
501 after documented attempts to obtain the services of a licensed
502 interpreter, an individual who is deaf or hard of hearing
503 determines that the delay in obtaining a licensed interpreter
504 might lead to injury or loss to the individual requiring
505 services, if:

506 (a) The services of a licensed interpreter must continue
507 to be sought during the emergency in which the unlicensed
508 interpreter is providing interpreting services.

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



511 (2) An interpreter who is not a resident of this state and
512 who:

513 (a) Is registered in this state for a period up to 30
514 nonconsecutive calendar days to engage in interpreting,
515 including, but not limited to, conference interpreting, video-
516 relay interpreting, or interpreting while on a cruise vessel
517 originating out of this state, and who may or may not hold a
518 valid credential from another state, except that:

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

522 2. Interpreting services provided during a declared
523 national or state emergency are not included in the 30-day
524 registration restriction.

525 (b) Practices under the authority of the board and this
526 part.

527 (3) A student, intern interpreter, or person who
528 interprets in the presence of a supervising mentor who:

529 (a) Is enrolled in a course of study or mentorship program
530 leading to a certificate, degree, or licensure in interpreting,
531 if the student, intern, or person engages only in activities and
532 services that constitute a part of a supervised plan of study
533 that clearly designates him or her as a student, intern, or
534 person; and

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

537 1. A fully licensed interpreter or transliterator who has
538 a minimum of 5 years of interpreting experience or an instructor

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539 in an interpreter training program who has three letters of
540 recommendation from individuals who are approved as mentors; or

541 2. A deaf mentor meeting the requirements for a
542 provisional license.

543 (4) An unlicensed interpreter who provides interpreting
544 services to facilitate emergency services and care by hospitals
545 under s. 395.1041 when a health care practitioner determines
546 that a delay in obtaining a licensed interpreter may result in
547 harm to a patient.

548 468.912 Illegal acts; penalties.--Except as provided in s.
549 468.911(4), any person who attempts to practice interpreting or
550 transliterating for remuneration or on a voluntary basis for an
551 interpreter service consumer without having obtained a valid
552 license or permit, who knowingly files false information with
553 the board for the purpose of obtaining a license or permit, or
554 who otherwise violates this part commits a misdemeanor of the
555 first degree, punishable as provided in s. 775.082 or s.
556 775.083. Violations include, but are not limited to:

557 (1) Obtaining or attempting to obtain a license or permit
558 by means of fraud, bribery, misrepresentation, or concealment of
559 material facts.

560 (2) Knowingly performing an act that aids or assists an
561 unlicensed person or a person who does not hold a valid permit
562 to practice interpreting or transliterating.

563 (3) Interpreting or transliterating under a false or
564 assumed name.



565 (4) Falsely using the name or title of "licensed
566 interpreter" or any other name or title that implies that he or
567 she is licensed or holds a permit under this part.

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

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

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

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

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

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

583 (11) Advertising professional services in a false or
584 misleading manner.

585 468.913 Privileged communications.--

586 (1) An interpreter who interprets or transliterates a
587 conversation between a person who can hear and a deaf person, is
588 deemed a conduit for the conversation and may not disclose or be
589 compelled to disclose by subpoena the contents of the
590 conversation that he or she interpreted without the written
591 consent of all persons for whom he or she provided the
592 interpreting service.



593 (2) All communications that are recognized by law as
594 privileged remain privileged when an interpreter is used to
595 facilitate the communication.

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

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

600 (b) A communication reveals the intended commission of a
601 crime.

602 (4) A licensed interpreter is not prohibited from
603 voluntarily testifying in court hearings concerning matters of
604 child abuse or child neglect as provided under the federal
605 Abused and Neglected Child Reporting Act.

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

610 (6) With prior written agreement, staff interpreters
611 providing services in vocational rehabilitation, mental health,
612 or medical settings may disclose situation-related information
613 to other staff members.

614 468.914 Rulemaking authority.--

615 (1) The board may adopt rules pursuant to ss. 120.536(1)
616 and 120.54 to administer this part.

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

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



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621 (b) Performance requirements, including education and
622 examination standards for interpreters.

623 (c) Continuing education requirements.

624 (d) Appropriate and acceptable testing tools to evaluate
625 interpreters.

626 (e) Fee schedules authorized under s. 468.905.

627 (f) Procedures for acceptance of funds from federal and
628 state sources to be used for the purposes of this part.

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

630

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

632 And the title is amended as follows:

633 Delete everything before the enacting clause
634 and insert:

635 A bill to be entitled
636 An act relating to interpreters for the deaf and hard of
637 hearing; creating part XVII of ch. 468, F.S.; creating s.
638 468.90, F.S.; providing definitions; creating s. 468.901,
639 F.S.; creating the Board of Interpreters for the Deaf and
640 Hard of Hearing within the Department of Business and
641 Professional Regulation; providing for appointment,
642 qualifications, and terms of board members; creating s.
643 468.902, F.S.; providing for board headquarters; creating
644 s. 468.903, F.S.; requiring certain persons to be licensed
645 or hold a permit to practice; creating s. 468.904, F.S.;
646 providing for license and permit application and renewal,
647 reinstatement, extension, suspension, and revocation;
648 providing rulemaking authority; creating s. 468.905, F.S.;

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649 providing for fees; creating s. 468.906, F.S.; providing
650 restrictions on and qualifications for licensure and
651 permit holding; providing for licensure and permit types;
652 creating s. 468.907, F.S.; providing for surrender or
653 seizure of suspended or revoked licenses and permits;
654 creating s. 468.908, F.S.; providing for inactive status;
655 creating s. 468.909, F.S.; providing continuing education
656 requirements; creating s. 468.910, F.S.; providing a
657 process for submitting complaints; requiring the board to
658 compile certain complaint data; providing for disciplinary
659 proceedings to be conducted under s. 456.073, F.S.;

660 providing grounds for board recommendation of revocation
661 or suspension of license or permit or other disciplinary
662 action; creating s. 468.911, F.S.; providing exemptions
663 from regulation under the part; creating s. 468.912, F.S.;

664 prohibiting certain acts; providing penalties; creating s.
665 468.913, F.S.; establishing a privilege for certain
666 conversations; providing for voluntary disclosure of
667 certain privileged conversations; creating s. 468.914,
668 F.S.; providing rulemaking authority; providing an
669 effective date.