

By Senator Wise

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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,

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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

46 468.90 Definitions.--As used in this part, the term:

47 (1) "American Consortium of Certified Interpreters (ACCI)"  
48 means the entity that certified sign language interpreters at the  
49 national level, although the association no longer administers  
50 its certification examination, and whose certifications consist  
51 of Level III, Generalist; Level IV, Advanced; and Level V,  
52 Master, and are recognized by the Registry of Interpreters for  
53 the Deaf, Inc.

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

58 (3) "American Sign Language Proficiency Interview" or "Sign

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59 Communication Proficiency Interview" means the assessment of  
60 fluency in American Sign Language.

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

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

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

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

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

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

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

84 (11) "Educational Interpreter Evaluation (EIE)" means the  
85 test administered by the Florida Registry of Interpreters for the  
86 Deaf, Inc., to assess the skills of educational interpreters in  
87 the state and consists of three levels: Level 1, which is the

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88 lowest skill level; Level 2, which is the intermediate skill  
89 level; and Level 3, which is the highest skill level.

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

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

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

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

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

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

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

114 (19) "Multilingual interpreting" means interpreting in a  
115 setting that requires not only skill in English and American Sign  
116 Language, but also another language, whether oral or signed, and

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117 cultural sensitivity and knowledge about the parties involved.

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

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

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

135 (23) "Quality Assurance Screening" means the examination  
136 administered by the Florida Registry of Interpreters for the  
137 Deaf, Inc., to monitor the progress of uncertified apprentice  
138 interpreters in the state, which examination consists of three  
139 levels: Level I, Beginner Apprentice; Level II, Intermediate  
140 Apprentice; and Level III, Advanced Apprentice.

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

145 (25) "Sign language" means a continuum of visual-gestural

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146 language and communication systems based on hand signs and is not  
147 limited to American Sign Language.

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

152 (27) "Testing, Evaluation, and Certification Unit" means  
153 the national organization that assesses and certifies cued speech  
154 translitterators.

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

159 (29) "Translitterator" means a person who engages in the  
160 practice of translitterating.

161 468.901 Board of Interpreters for the Deaf and Hard of  
162 Hearing; membership, appointment, and terms.--

163 (1) The Board of Interpreters for the Deaf and Hard of  
164 Hearing shall be created by the Florida Registry of Interpreters  
165 for the Deaf, Inc., and recognized by the Department of Business  
166 and Professional Regulation for the purposes of this part. The  
167 board shall consist of 10 members who shall be initially  
168 appointed as follows:

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

173 (b) One member who is an interpreter for the deaf or hard  
174 of hearing who is qualified to hold a permit, provisional

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175 license, or license, appointed by the Florida Registry of  
176 Interpreters for the Deaf, Inc.

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

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

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

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

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

192 (4) The provisions of chapter 455 relating to regulatory  
193 boards under the Department of Business and Professional  
194 Regulation apply to the board.

195 468.902 Board headquarters.--The board shall maintain its  
196 official headquarters in Tallahassee.

197 468.903 Authority to practice.--Any person who receives  
198 remuneration as an interpreter, represents himself or herself as  
199 an interpreter, or conveys the impression of or assumes the  
200 identity of an interpreter must be licensed or hold a permit in  
201 accordance with this part.

202 468.904 Application and renewal, reinstatement, extension,  
203 suspension, and revocation process.--

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

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

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

212           (b) A recent passport or other official photograph of the  
213 applicant.

214           (c) A nonrefundable application fee.

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

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

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

221           (b) Proof of completion of required continuing education,  
222 if applicable.

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

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

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

230           (a) Proof of license credentials.

231           (b) A nonrefundable application fee.

232           (c) A written request including the appropriateness of

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233 reinstatement.

234 (d) Proof of completion of continuing education, as  
235 applicable.

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

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

245 (9) A person who is issued a license or permit under this  
246 part shall notify the board of any address change no later than  
247 30 days after the change.

248 468.905 Fees.--Fees are as follows:

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

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

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

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

253 (5) License reinstatement application fee, not to exceed  
254 \$70.

255 468.906 License and permit; qualifications.--

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

258 (a) Any person convicted of a felony.

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

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

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

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

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

270       (c) A National Interpreting Council certification issued by  
271 the National Council on Interpreting.

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

276       (e) An Educational Interpreter Performance Assessment Level  
277 4.3-5.0, except that the EIPA 4.3-5.0 shall be recognized for the  
278 pre-K through grade 12 educational setting only.

279       (f) A Testing, Evaluation, and Certification Unit  
280 Transliteration Skills certification, which shall be recognized  
281 for a transliteration license to provide only cued-speech  
282 transliteration services.

283       (g) American Consortium of Certified Interpreters, Level IV  
284 or V.

285       (3) PROVISIONAL LICENSE.--

286       (a) An applicant must have successfully completed one or  
287 more of the following assessments to be eligible for provisional  
288 licensure:

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

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

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

294       4. Educational Interpreter Performance Assessment, Level IV  
295 or Level V.

296       5. Testing, Evaluation, and Certification Unit Cued  
297 American English Competency Screening, Level 3.3-4.0, except that  
298 the screening shall be recognized for a provisional license to  
299 provide only cued-speech transliteration services.

300       6. An American Consortium of Certified Interpreters  
301 certification, Level III.

302       (b) An applicant for a deaf interpreter's provisional  
303 license must have received a passing score on the Certified Deaf  
304 Interpreter written examination and received a superior or  
305 advanced plus rating on the Sign Communication Proficiency  
306 Interview or the American Sign Language Proficiency Interview  
307 assessment.

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

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

318       (5) SPECIAL LIMITED LICENSE.--

319       (a) The department may, upon presentation of satisfactory

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

327 (b) Special limited licenses shall be granted until formal,  
328 generally recognized evaluative methods for these modalities are  
329 instituted.

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

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

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

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

345 (6) PERMIT.--

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

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

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

353       3. Educational Interpreter Performance Assessment, Level  
354 3.5-3.9.

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

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

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

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

377       (8) TEMPORARY PERMIT.--

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

381 (b) A person who holds a temporary permit must submit proof  
382 of having applied to the department, within 90 days after the  
383 date of issuance of the temporary permit, for any one of the  
384 following:

- 385 1. Licensure.
- 386 2. Temporary licensure.
- 387 3. Provisional licensure.
- 388 4. Permit.
- 389 5. Special limited licensure.

390 (c) A person may hold only one temporary permit.  
391 468.907 Suspended or revoked license or permit.--

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

395 (2) The department may immediately seize a suspended or  
396 revoked license or permit.

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

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

404 468.908 Inactive status.--Any interpreter who notifies the  
405 department on forms prescribed by rule may place his or her  
406 license on inactive status and is exempt from payment of renewal

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407 fees until he or she applies for reinstatement and the  
408 reinstatement is approved by the department upon recommendation  
409 of the board and a license is issued.

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

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

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

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

421 468.909 Continuing education.--

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

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

432 (3) A provisional licensed interpreter must biennially  
433 submit proof of completion of 4.0 units of continuing education  
434 during the preceding 24 months ending March 15 of each year,  
435 which must also indicate compliance with the Registry of

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436 Interpreters for the Deaf, Inc., in the Associate Continuing  
437 Education Training program.

438 (4) Registered permitholders must annually submit proof of  
439 successful completion of 2.0 units of continuing education during  
440 the preceding 12 months ending March 15 of the year in which  
441 application is made.

442 (5) Each licensee and permitholder shall maintain records  
443 of successful completion of the continuing education required by  
444 this subsection and shall transmit a copy of the record to the  
445 department.

446 468.910 Complaint process; grievances.--

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

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

454 (a) The name of the licensee.

455 (b) The name of the complainant.

456 (c) The date of the alleged violation.

457 (d) The date of the complaint.

458 (e) A brief statement detailing the nature of the  
459 complaint.

460 (f) The final disposition of the complaint.

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

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

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

469 (a) Obtaining or attempting to obtain a license under this  
470 part through bribery, misrepresentation, concealment of material  
471 fact, or fraudulent misrepresentation.

472 (b) Having been found guilty of fraud, misrepresentation,  
473 concealment, or material misstatement of fact or deceit in  
474 connection with providing interpreter or transliterator services.

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

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

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

481 2. Willfully violating a privileged communication.

482 3. Willfully violating confidentiality.

483 4. Knowingly performing an act that aids or assists an  
484 unlicensed person in practicing interpreting or transliterating  
485 in violation of this part.

486 5. Practicing interpreting or transliterating under a false  
487 or assumed name.

488 6. Advertising for the practice of interpreting or  
489 transliterating in a deceptive or unethical manner.

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

492 8. Committing repeated violations of this part or rules  
493 adopted under this part.

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494 9. Committing repeated acts of gross misconduct in the  
495 practice of interpreting or transliterating.

496 10. Demonstrating a pattern of practice or other behavior  
497 that demonstrates incapacity or incompetence to practice under  
498 this part.

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

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

503 468.911 Exemptions.--The following interpreters or  
504 translitterators are exempt from this part:

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

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

520 (a) The services of a licensed interpreter must continue to  
521 be sought during the emergency in which the unlicensed  
522 interpreter is providing interpreting services.

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

525 (3) An interpreter who is not a resident of this state and  
526 who:

527 (a) Is registered in this state for a period up to 30  
528 nonconsecutive calendar days to engage in interpreting,  
529 including, but not limited to, conference interpreting, video-  
530 relay interpreting, or interpreting while on a cruise vessel  
531 originating out of this state, and who may or may not hold a  
532 valid credential from another state, except that:

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

536 2. Interpreting services provided during a declared  
537 national or state emergency are not included in the 30-day  
538 registration restriction.

539 (b) Practices under the authority of the board and this  
540 part.

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

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

551 (a) Is enrolled in a course of study or mentorship program

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552 leading to a certificate, degree, or licensure in interpreting,  
553 if the student, intern, or person engages only in activities and  
554 services that constitute a part of a supervised plan of study  
555 that clearly designates him or her as a student, intern, or  
556 person; and

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

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

563 2. A deaf mentor meeting the requirements for a provisional  
564 license.

565 (6) An unlicensed interpreter who provides interpreting  
566 services to facilitate emergency services and care by hospitals  
567 under s. 395.1041 when a health care practitioner determines that  
568 a delay in obtaining a licensed interpreter may result in harm to  
569 a patient.

570 468.912 Illegal acts; penalties.--Except as provided in s.  
571 468.911(4), any person who attempts to practice interpreting or  
572 transliterating for remuneration or on a voluntary basis for an  
573 interpreter service consumer without having obtained a valid  
574 license or permit, who knowingly files false information with the  
575 board for the purpose of obtaining a license or permit, or who  
576 otherwise violates this part commits a misdemeanor of the first  
577 degree, punishable as provided in s. 775.082 or s. 775.083.

578 Violations include, but are not limited to:

579 (1) Obtaining or attempting to obtain a license or permit  
580 by means of fraud, bribery, misrepresentation, or concealment of

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581 material facts.

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

585 (3) Interpreting or transliterating under a false or  
586 assumed name.

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

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

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

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

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

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

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

605 (11) Advertising professional services in a false or  
606 misleading manner.

607 468.913 Privileged communications.--

608 (1) An interpreter who interprets or transliterates a  
609 conversation between a person who can hear and a deaf person is

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610 deemed a conduit for the conversation and may not disclose or be  
611 compelled to disclose by subpoena the contents of the  
612 conversation that he or she interpreted without the written  
613 consent of all persons for whom he or she provided the  
614 interpreting service.

615 (2) All communications that are recognized by law as  
616 privileged remain privileged when an interpreter is used to  
617 facilitate the communication.

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

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

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

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

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

635 (6) With prior written agreement, staff interpreters  
636 providing services in vocational rehabilitation, mental health,  
637 or medical settings may disclose situation-related information to  
638 other staff members.

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639       468.914 Rulemaking authority.--

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

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

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

646       (b) Performance requirements, including education and  
647 examination standards for interpreters.

648       (c) Continuing education requirements.

649       (d) Appropriate and acceptable testing tools to evaluate  
650 interpreters.

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

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

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