

By the Committee on Education Pre-K - 12; and 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 within the Department of Business and
7 Professional Regulation; 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; requiring that fees be deposited into
16 the Professional Regulation Trust Fund; creating s.
17 468.906, 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" means
48 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.

76 (9) "Department" means the Department of Business and
77 Professional Regulation.

78 (10) "Educational interpreter" means an interpreter who
79 engages in the practice of interpreting in a prekindergarten
80 through grade 12 setting.

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

87 (12) "Educational Interpreter Performance Assessment

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88 (EIPA)" means the assessment developed by staff members of Boys
89 Town National Research Hospital with partial support from the
90 National Institute of Health-National Institute on Deafness and
91 Other Communication Disorders grant, D-60 DC00982.

92 (13) "Florida Registry of Interpreters for the Deaf, Inc.,"
93 means the state affiliate chapter of the national Registry of
94 Interpreters for the Deaf, Inc.

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

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

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

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

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

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

116 (20) "NAD/RID Code of Professional Conduct" means the

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117 guiding principals of professionalism and ethical conduct for
118 interpreters set forth by the Registry of Interpreters for the
119 Deaf, Inc., and the National Association of the Deaf.

120 (21) "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 (22) "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 (23) "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 (24) "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 (25) "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

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146 the area of legal interpreting.

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

150 (27) "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 (28) "Testing, Evaluation, and Certification Unit" means
155 the national organization that assesses and certifies cued speech
156 transliterations.

157 (29) "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 (30) "Transliterator" means a person who engages in the
162 practice of transliterating and adheres to the NAD/RID Code of
163 Professional Conduct.

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

166 (1) The Board of Interpreters for the Deaf and Hard of
167 Hearing is created within the Department of Business and
168 Professional Regulation consisting of nine members appointed by
169 the Governor and confirmed by the Senate. To ensure continuity of
170 board policies and to provide sufficient time for implementation
171 of the licensure and permitting process, the Governor shall
172 initially appoint members, as follows:

173 (a) Four members who meet the qualifications to be licensed
174 interpreters, one of whom must be a practicing educational

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175 interpreter, appointed by the Governor from the recommendations
176 of 12 individuals by the Florida Registry of Interpreters for the
177 Deaf, Inc.

178 (b) One member who is an interpreter for the deaf or hard
179 of hearing who is qualified to hold a permit or provisional
180 license, appointed by the Governor from the recommendations of
181 three individuals by the Florida Registry of Interpreters for the
182 Deaf, Inc.

183 (c) Two members who are deaf or hard of hearing, one of
184 whom uses American Sign Language as a primary mode of
185 communication, appointed by the Governor from the recommendations
186 of six individuals by the Florida Association of the Deaf, Inc.

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

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

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

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

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

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

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

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

208 468.902 Board headquarters.--The board shall maintain its
209 official headquarters in Tallahassee.

210 468.903 Authority to practice.--Any person who:

211 (1) Receives remuneration as an interpreter, represents
212 himself or herself as an interpreter, or conveys the impression
213 of or assumes the identity of an interpreter; or

214 (2) Provides interpreting services pro bono or for
215 remuneration in circumstances in which the services of a
216 qualified interpreter are required under the federal American
217 with Disabilities Act of 1990 , section 504 of the Rehabilitation
218 Act of 1973, the Individuals with Disabilities Education
219 Improvement Act of 2004, the No Child Left Behind Act of 2001, or
220 the regulations adopted thereunder or other applicable state or
221 federal legislation,

222
223 must be licensed or hold a permit in accordance with this part.

224 468.904 Application and renewal, reinstatement, extension,
225 suspension, and revocation process.--

226 (1) The board shall recommend and the department shall
227 adopt by rule, procedures to administer the requirements for
228 license and permit application, license renewal, license
229 reinstatement, permit extension, license and permit suspension
230 and revocation, and continuing education.

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

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- 233 to:
- 234 (a) Proof of issuance of a valid recognized credential.
- 235 (b) A recent passport or other official photograph of the
- 236 applicant.
- 237 (c) A nonrefundable application fee.
- 238 (3) Each license or permit must be renewed biennially no
- 239 later than March 1.
- 240 (4) An application for license renewal or permit extension
- 241 shall be submitted biennially to the department and must include,
- 242 but need not be limited to:
- 243 (a) Proof of issuance of a valid recognized credential.
- 244 (b) Proof of completion of required continuing education,
- 245 if applicable.
- 246 (c) A renewal or extension fee, including any late fee.
- 247 (5) The board shall approve the issuance of a license or
- 248 permit, a renewal of the license, or an extension of a permit
- 249 upon a determination that the credentials and documents are
- 250 complete.
- 251 (6) An application for reinstatement of a suspended or
- 252 revoked license or permit must include, but need not be limited
- 253 to:
- 254 (a) Proof of license credentials.
- 255 (b) A nonrefundable application fee.
- 256 (c) A written request including the appropriateness of
- 257 reinstatement.
- 258 (d) Proof of completion of continuing education, as
- 259 applicable.
- 260 (7) Upon a majority vote of the board to recommend the
- 261 denial of a license or permit application, license renewal,

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262 license reinstatement, or permit extension, the board shall
263 notify the applicant of the reasons for the denial in writing no
264 later than 30 calendar days after the board's action.

265 (8) A person who is issued a license or permit under this
266 part and who is acting as an interpreter shall display the
267 license or permit to a client or an interpreter service consumer
268 upon request.

269 (9) A person who is issued a license or permit under this
270 part shall notify the board of any address change no later than
271 30 days after the change.

272 468.905 Fees.--

273 (1) Fees are as follows:

274 (a) Application fee, not to exceed \$35.

275 (b) Initial license or permit fee, not to exceed \$150.

276 (c) Biennial license renewal fee, not to exceed \$150.

277 (d) Permit extension fee, not to exceed \$50.

278 (e) License reinstatement application fee, not to exceed
279 \$70.

280 (2) In accordance with s. 455.219(3), all moneys collected
281 by the department under this part shall be deposited into the
282 Professional Regulation Trust Fund.

283 468.906 License and permit; qualifications.--

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

286 (a) Any person convicted of a felony.

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

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

290 (2) INTERPRETER OR TRANSLITERATOR LICENSE.--An applicant

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291 must hold one or more of the following valid certifications to be
292 eligible for licensure as an interpreter or transliterator:

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

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

298 (c) A National Interpreting Council certification issued by
299 the National Council on Interpreting.

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

304 (e) An Educational Interpreter Performance Assessment Level
305 4.3-5.0, except that the EIPA 4.3-5.0 shall be recognized for the
306 pre-K through grade 12 educational setting only.

307 (f) A Testing, Evaluation, and Certification Unit
308 Transliteration Skills certification, which shall be recognized
309 for a transliteration license to provide only cued-speech
310 transliteration services.

311 (g) American Consortium of Certified Interpreters, Level IV
312 or Level V.

313 (3) PROVISIONAL LICENSE.--

314 (a) An applicant must have successfully completed one or
315 more of the following assessments to be eligible for provisional
316 licensure:

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

319 2. Florida Registry of Interpreters for the Deaf, Inc.,

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320 Educational Interpreter Evaluation, Level II or Level III.

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

322 4. Educational Interpreter Performance Assessment, Level IV
323 or Level V.

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

328 6. An American Consortium of Certified Interpreters
329 certification, Level III.

330 (b) An applicant for a deaf interpreter's provisional
331 license must have received a passing score on the Certified Deaf
332 Interpreter written examination and received a superior or
333 advanced plus rating on the Sign Communication Proficiency
334 Interview or the American Sign Language Proficiency Interview
335 assessment.

336 (c) The provisional license is valid for up to 5 years
337 after the date of issuance, except that the department may issue
338 a 1-year extension upon recommendation of the board. The
339 department may not issue more than one extension of a provisional
340 license.

341 (4) SPECIAL LIMITED LICENSE.--

342 (a) The department may, upon presentation of satisfactory
343 proof of competency and pursuant to adopted rules, issue a
344 special limited license to an individual who demonstrates
345 competency in a specialized area for which no formal, generally
346 recognized evaluation exists. Specialized areas associated with
347 the practice of interpreting include, but are not limited to,
348 interpreting for the deaf-blind, multilingual interpreting, and

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349 certain nonsign modalities.

350 (b) Special limited licenses shall be granted until formal,
351 generally recognized evaluative methods for these modalities are
352 instituted.

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

358 (d) The board shall recommend and the department shall
359 establish by rule separate educational requirements for specific
360 modalities to determine the competency claimed by the applicant
361 for a special limited license.

362 (e) The board shall recommend and the department shall
363 adopt rules regarding the development and implementation of
364 criteria and licensure standards for interpreters specializing in
365 deaf-blind communication.

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

368 (5) PERMIT.--

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

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

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

376 3. Educational Interpreter Performance Assessment, Level
377 3.5-3.9.

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378 (b) An applicant for a deaf interpreter's permit must have
379 successfully completed 20 documented hours of interpreter
380 training, of which 16 hours must be certified deaf interpreter
381 specific, and must have attained a superior or advanced plus
382 rating on the Sign Communication Proficiency Interview or the
383 American Sign Language Proficiency Interview assessment.

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

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

390 (6) REGISTERED PERMIT.--A registered permit shall be issued
391 not later than July 1, 2009. Any interpreter who provides
392 interpreter services before that date, who does not meet the
393 credentialing requirements of this part but who would not be
394 disqualified by the restrictions imposed under subsection (1),
395 and who has registered with the department not later than 60
396 calendar days after July 1, 2008, shall be issued a registered
397 permit that is valid until July 1, 2010. Any interpreter who
398 first provides interpreter services after July 1, 2008, must
399 comply with the licensing or permitting requirements of this
400 part.

401 (7) TEMPORARY PERMIT.--

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

405 (b) A person who holds a temporary permit must submit proof
406 of having applied to the department, within 90 days after the

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407 date of issuance of the temporary permit, for any one of the
408 following:

- 409 1. Licensure.
410 2. Provisional licensure.
411 3. Permit.
412 4. Special limited licensure.

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

414 468.907 Suspended or revoked license or permit.--

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

418 (2) The department may immediately seize a suspended or
419 revoked license or permit.

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

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

427 468.908 Inactive status.--Any interpreter who notifies the
428 department on forms prescribed by rule may place his or her
429 license on inactive status and is exempt from payment of renewal
430 fees until he or she applies for reinstatement and the
431 reinstatement is approved by the department upon recommendation
432 of the board and a license is issued.

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

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

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

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

444 468.909 Continuing education.--

445 (1) A licensed interpreter must biennially submit proof of
446 current certification and indicate his or her compliance or
447 noncompliance with the requirements of the Registry of
448 Interpreters for the Deaf, Inc., Certification Maintenance
449 Program.

450 (2) A licensed Testing, Evaluation, and Certification Unit
451 cued-speech transliterator must submit proof of successful
452 completion of 4.0 units of cued-speech continuing education
453 during the preceding 24 months ending on March 1 of the renewal
454 period.

455 (3) A provisional licensed interpreter must biennially
456 submit proof of completion of 4.0 units of continuing education
457 during the preceding 24 months ending March 1 of the renewal
458 period, which must also indicate compliance with the Registry of
459 Interpreters for the Deaf, Inc., in the Associate Continuing
460 Education Training program.

461 (4) Registered permitholders must annually submit proof of
462 successful completion of 2.0 units of continuing education during
463 the preceding 12 months ending March 1 of the year in which
464 application is made.

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465 (5) Each licensee and permitholder shall maintain records
466 of successful completion of the continuing education required by
467 this subsection and shall transmit a copy of the record to the
468 department.

469 468.910 Complaint process; grievances.--

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

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

477 (a) The name of the licensee.

478 (b) The name of the complainant.

479 (c) The date of the alleged violation.

480 (d) The date of the complaint.

481 (e) A brief statement detailing the nature of the
482 complaint, including a specific violation of the NAD/RID Code of
483 Professional Conduct.

484 (f) The final disposition of the complaint.

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

487 (4) Disciplinary proceedings shall be conducted pursuant to
488 s. 456.073.

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

493 (a) Obtaining or attempting to obtain a license under this

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494 part through bribery, misrepresentation, concealment of material
495 fact, or fraudulent misrepresentation.

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

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

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

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

506 2. Willfully violating a privileged communication.

507 3. Willfully violating confidentiality.

508 4. Knowingly performing an act that aids or assists an
509 unlicensed person in practicing interpreting or transliterating
510 in violation of this part.

511 5. Practicing interpreting or transliterating under a false
512 or assumed name.

513 6. Advertising for the practice of interpreting or
514 transliterating in a deceptive or unethical manner.

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

517 8. Committing repeated violations of this part or rules
518 adopted under this part.

519 9. Committing repeated acts of gross misconduct in the
520 practice of interpreting or transliterating.

521 10. Demonstrating a pattern of practice or other behavior
522 that demonstrates incapacity or incompetence to practice under

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523 | this part.

524 | (e) Having violated any lawful order or any provision of
525 | the part or rules adopted under this part.

526 | (f) Aiding or assisting another person in violating this
527 | part or any rule adopted under this part.

528 | 468.911 Exemptions.--The following interpreters or
529 | translitterators are exempt from this part:

530 | (1) An interpreter or translitterator who provides
531 | interpreting services during an emergency. For purposes of this
532 | subsection, the term "emergency" means a situation in which,
533 | after documented attempts to obtain the services of a licensed
534 | interpreter, an individual who is deaf or hard of hearing
535 | determines that the delay in obtaining a licensed interpreter
536 | might lead to injury or loss to the individual requiring
537 | services, if:

538 | (a) The services of a licensed interpreter must continue to
539 | be sought during the emergency in which the unlicensed
540 | interpreter is providing interpreting services.

541 | (b) An interpreter is acting under the Good Samaritan Act,
542 | as determined by rule.

543 | (2) An interpreter who is not a resident of this state and
544 | who:

545 | (a) Is registered in this state for a period up to 30
546 | nonconsecutive calendar days to engage in interpreting,
547 | including, but not limited to, conference interpreting, video-
548 | relay interpreting, or interpreting while on a cruise vessel
549 | originating out of this state, and who may or may not hold a
550 | valid credential from another state, except that:

551 | 1. The nonresident interpreter must provide proof of having

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552 submitted an application for a license or permit before the
553 expiration of his or her registration.

554 2. Interpreting services provided during a declared
555 national or state emergency are not included in the 30-day
556 registration restriction.

557 (b) Practices under the authority of the board and this
558 part.

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

561 (a) Is enrolled in a course of study or mentorship program
562 leading to a certificate, degree, or licensure in interpreting,
563 if the student, intern, or person engages only in activities and
564 services that constitute a part of a supervised plan of study
565 that clearly designates him or her as a student, intern, or
566 person; and

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

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

573 2. A deaf mentor meeting the requirements for a provisional
574 license.

575 (4) An unlicensed interpreter who provides interpreting
576 services to facilitate emergency services and care by hospitals
577 under s. 395.1041 when a health care practitioner determines that
578 a delay in obtaining a licensed interpreter may result in harm to
579 a patient.

580 (5) Any person who provides interpreting services without

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581 | remuneration on behalf of a physician licensed pursuant to
582 | chapter 458 or chapter 459 to a deaf or hard of hearing patient
583 | of the physician.

584 | 468.912 Illegal acts; penalties.--Except as provided in s.
585 | 468.911(4), any person who attempts to practice interpreting or
586 | transliterating for remuneration or on a voluntary basis for an
587 | interpreter service consumer without having obtained a valid
588 | license or permit, who knowingly files false information with the
589 | board for the purpose of obtaining a license or permit, or who
590 | otherwise violates this part commits a misdemeanor of the first
591 | degree, punishable as provided in s. 775.082 or s. 775.083.

592 | Violations include, but are not limited to:

593 | (1) Obtaining or attempting to obtain a license or permit
594 | by means of fraud, bribery, misrepresentation, or concealment of
595 | material facts.

596 | (2) Knowingly performing an act that aids or assists an
597 | unlicensed person or a person who does not hold a valid permit to
598 | practice interpreting or transliterating.

599 | (3) Interpreting or transliterating under a false or
600 | assumed name.

601 | (4) Falsely using the name or title of "licensed
602 | interpreter" or any other name or title that implies that he or
603 | she is licensed or holds a permit under this part.

604 | (5) Knowingly concealing information relating to the
605 | enforcement of this part or rules adopted under this part.

606 | (6) Using or attempting to use a license or permit that is
607 | suspended or revoked.

608 | (7) Except as provided in s. 468.911(4), employing any
609 | individual who is not licensed or permitted under this part for

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610 the purpose of providing interpreter services to an interpreter
611 services consumer.

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

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

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

619 (11) Advertising professional services in a false or
620 misleading manner.

621 468.913 Privileged communications.--

622 (1) An interpreter who interprets or transliterates a
623 conversation between a person who can hear and a deaf person, is
624 deemed a conduit for the conversation and may not disclose or be
625 compelled to disclose by subpoena the contents of the
626 conversation that he or she interpreted without the written
627 consent of all persons for whom he or she provided the
628 interpreting service.

629 (2) All communications that are recognized by law as
630 privileged remain privileged when an interpreter is used to
631 facilitate the communication.

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

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

636 (b) A communication reveals the intended commission of a
637 crime.

638 (4) A licensed interpreter is not prohibited from

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639 voluntarily testifying in court hearings concerning matters of
640 child abuse or child neglect as provided under the federal Abused
641 and Neglected Child Reporting Act.

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

646 (6) With prior written agreement, staff interpreters
647 providing services in vocational rehabilitation, mental health,
648 or medical settings may disclose situation-related information to
649 other staff members.

650 468.914 Rulemaking authority.--

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

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

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

657 (b) Performance requirements, including education and
658 examination standards for interpreters.

659 (c) Continuing education requirements.

660 (d) Appropriate and acceptable testing tools to evaluate
661 interpreters.

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

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

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