

1 A bill to be entitled
 2 An act relating to interpreters for the deaf and hard of
 3 hearing; creating s. 1002.362, F.S.; providing
 4 definitions; creating s. 1002.363, F.S.; requiring that a
 5 person be credentialed by Florida Certification Board,
 6 Inc., in order to practice as an interpreter or
 7 transliterator; creating s. 1002.364, F.S.; providing for
 8 a statewide credentialing process for interpreters and
 9 transliterators; requiring that the board administer such
 10 process; requiring that the board establish an
 11 Interpreters for the Deaf and Hard of Hearing Advisory
 12 Board to recommend policies, procedures, and actions for
 13 the credentialing process; prohibiting an interpreter or
 14 transliterator from practicing in the state if his or her
 15 credential is suspended, inactive, or revoked; creating s.
 16 1002.365, F.S.; providing exemptions from the
 17 credentialing requirements under certain circumstances;
 18 providing an effective date.

19
 20 Be It Enacted by the Legislature of the State of Florida:

21
 22 Section 1. Section 1002.362, Florida Statutes, is created
 23 to read:

24 1002.362 Definitions.--As used in this section and ss.
 25 1002.363, 1002.364, and 1002.365, the term:

- 26 (1) "Board" means Florida Certification Board, Inc.
 27 (2) "Deaf" means a nonfunctional sense of hearing for the
 28 purpose of communication. A deaf person's primary means of

29 communication is visual. Unless otherwise specified, the term
30 also means a hard of hearing or deaf-blind person.

31 (3) "Deaf-blind" means that the senses of hearing and
32 sight are limited for the purpose of communication. A deaf-blind
33 person's primary means of communication is visual or tactile.

34 (4) "Deaf mentor" means a qualified interpreter who
35 advises or guides student interns on a formal or informal basis,
36 as determined by board rule, and who is deaf or hard of hearing.

37 (5) "Educational interpreter" means an interpreter or
38 transliterator who engages in the practice of interpreting in a
39 prekindergarten through grade 12 setting.

40 (6) "Florida Association of the Deaf, Inc.," means the
41 affiliate chapter of the National Association of the Deaf.

42 (7) "Florida Registry of Interpreters for the Deaf, Inc.,"
43 means the state affiliate chapter of the national Registry of
44 Interpreters for the Deaf, Inc.

45 (8) "Hard of hearing" means hearing loss resulting in the
46 possible dependence on visual methods of communication.

47 (9) "Interpreter" means a person who is engaged in the
48 practice of interpreting.

49 (10) "Interpreting" means the process of providing
50 accessible and effective communication between persons who are
51 deaf or hard of hearing and those who are hearing, including,
52 but not limited to, communication through American Sign Language
53 and English or other modalities that involve visual, gestural,
54 oral or aural, and tactile methods of communication.

55 (11) "Mentor" means a qualified interpreter who advises or
56 guides student interns on a formal or informal basis, as

57 determined by board rule.

58 (12) "Mentorship" means professional guidance provided by
 59 a qualified practitioner on a formal or informal basis, as
 60 determined by board rule.

61 (13) "NAD/RID Code of Professional Conduct" means the
 62 guiding principles of professionalism and ethical conduct for
 63 interpreters set forth by the national Registry of Interpreters
 64 for the Deaf, Inc., and the National Association of the Deaf.

65 (14) "Sign language" means a continuum of visual-gestural
 66 language and communication systems based on hand signs which is
 67 not limited to American Sign Language.

68 (15) "Student" or "intern" means a person enrolled in a
 69 course of study or mentorship or an apprenticeship program that
 70 leads to a certificate or degree from an accredited institution
 71 or a credential in transliterating or interpreting, as provided
 72 in s. 1002.364.

73 (16) "Transliterating" means the process of providing
 74 accessible and effective communication between persons who are
 75 deaf or hard of hearing and persons who hear primarily using a
 76 signed mode of English and spoken English.

77 (17) "Transliterating" means a person who engages in the
 78 practice of transliterating.

79 Section 2. Section 1002.363, Florida Statutes, is created
 80 to read:

81 1002.363 Authority to practice.--Unless otherwise exempted
 82 in s. 1002.365, a person must be credentialed by the board to
 83 practice as an interpreter or transliterator in accordance with
 84 s. 1002.364, if the person:

HB 1277

2009

85 (1) Represents himself or herself as an interpreter or
86 transliterater or conveys the impression of, or assumes the
87 identity of, an interpreter or transliterater; or

88 (2) Provides interpreting or transliterating services for
89 remuneration or pro bono in circumstances in which the services
90 of a qualified interpreter or transliterater are required under
91 the Americans with Disabilities Act of 1990, s. 504 of the
92 Rehabilitation Act of 1973, the Individuals with Disabilities
93 Education Improvement Act of 2004, the No Child Left Behind Act
94 of 2001, and the regulations adopted thereunder, or other
95 applicable state and federal laws.

96 Section 3. Section 1002.364, Florida Statutes, is created
97 to read:

98 1002.364 Statewide credentialing for interpreters for the
99 deaf and hard of hearing.--

100 (1) The board shall administer the statewide credentialing
101 of interpreters and transliteraters who provide interpreting and
102 transliterating services in the state.

103 (2) The board shall establish an Interpreters for the Deaf
104 and Hard of Hearing Advisory Board, in cooperation with the
105 Florida Registry of Interpreters for the Deaf, Inc., and the
106 Florida Association of the Deaf, Inc., which shall recommend the
107 policies, procedures, and actions necessary for the
108 credentialing of interpreting and transliterating service
109 providers.

110 (3) A credentialing process must be established which
111 includes policies and procedures to assure the public that all
112 credentialed interpreters and transliteraters meet the

HB 1277

2009

113 competency standards established by the board and follow the
114 NAD/RID Code of Professional Conduct.

115 (4) Any credential that is suspended or revoked by the
116 board is subject to immediate expiration and must be surrendered
117 to the board.

118 (5) An interpreter or transliterator whose credential is
119 suspended, inactive, or revoked may not practice in the state.

120 Section 4. Section 1002.365, Florida Statutes, is created
121 to read:

122 1002.365 Exemptions.--The following interpreters or
123 transliterators are exempt from the requirements for statewide
124 credentialing:

125 (1) An interpreter or transliterator who provides
126 interpreting or transliterating services during an emergency.
127 For purposes of this section, the term "emergency" means a
128 situation in which an individual who is deaf or hard of hearing
129 determines that the delay in obtaining a credentialed
130 interpreter may lead to the injury or death of the individual
131 requiring services.

132 (2) A student or intern interpreter who interprets in the
133 presence of a supervising mentor or deaf mentor who is
134 credentialed by the board.

135 (3) A noncredentialed interpreter or transliterator who
136 provides temporary interpreting services until a credentialed
137 interpreter or transliterator arrives to facilitate emergency
138 services and care by a hospital under s. 395.1041 if a health
139 care practitioner determines that a delay in obtaining a
140 credentialed interpreter or transliterator may result in harm to

HB 1277

2009

141 | a patient.

142 | Section 5. This act shall take effect July 1, 2009.