

By Senator Wise

5-00266B-09

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

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

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

25 1002.362 Definitions.—As used in this section and ss.
26 1002.363, 1002.364, and 1002.365, the term:

27 (1) "Board" means the Florida Certification Board.

28 (2) "Deaf" means a nonfunctional sense of hearing for the
29 purpose of communication. A deaf person's primary means of

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

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

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

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

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

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

46 (8) "Hard of hearing" means hearing loss that results in
47 the possible dependence on visual methods to communicate.

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

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

56 (11) "Mentor" means a qualified interpreter who advises or
57 guides student interns on a formal or informal basis, as
58 determined by board rule.

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

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

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

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

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

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

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

82 1002.363 Authority to practice.—Unless otherwise exempted
83 in s. 1002.365, any person who:

84 (1) Represents himself or herself as an interpreter or
85 transliterator or conveys the impression of or assumes the
86 identity of an interpreter or transliterator; or

87 (2) Provides interpreting or transliterating services for

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

95
96 must be credentialed by the board to practice as an interpreter
97 or transliterator in accordance with s. 1002.364.

98 Section 3. Section 1002.364, Florida Statutes, is created
99 to read:

100 1002.364 Statewide Credentialing for Interpreters for the
101 Deaf and Hard of Hearing.—

102 (1) The board shall administer the statewide credentialing
103 of interpreters and transliterators who provide interpreter and
104 transliterator services in the state.

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

112 (3) A credentialing process must be established which
113 includes policies and procedures to assure the public that all
114 credentialed interpreters and transliterators meet the
115 competency standards established by the board and follow the
116 NAD/RID Code of Professional Conduct.

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

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

122 Section 4. Section 1002.365, Florida Statutes, is created
123 to read:

124 1002.365 Exemptions.—The following interpreters or
125 transl iterators are exempt from the requirements for statewide
126 credentialing:

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

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

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

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