

1 A bill to be entitled
 2 An act relating to interpreters and transliterators;
 3 creating s. 1002.362, F.S.; requiring the Florida School
 4 for the Deaf and the Blind to designate an entity to issue
 5 credentials to interpreters and transliterators who
 6 provide services for persons who are deaf or hard of
 7 hearing; providing definitions; requiring that a person
 8 who provides interpreting or transliterating services
 9 possess a credential issued under the act; providing a
 10 temporary exception for persons who hold a credential from
 11 another state; requiring that the credentialing entity
 12 establish the Interpreters for the Deaf and Hard of
 13 Hearing Advisory Board; providing duties of the board;
 14 authorizing the credentialing entity to seek injunctive
 15 relief for certain violations; prohibiting the use of
 16 public funds to employ interpreters or transliterators who
 17 do not hold valid credentials; providing a temporary
 18 exemption for persons practicing as interpreters or
 19 transliterators on a specified date; providing an
 20 effective date.

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 22 Be It Enacted by the Legislature of the State of Florida:

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

26 1002.362 Credentialing of interpreters and
 27 transliterators.-

28 (1) The Florida School for the Deaf and the Blind shall

29 designate a statewide entity to issue credentials to
 30 interpreters and transliterators in this state.

31 (2) As used in this section, the term:

32 (a) "Credentialing entity" means the entity designated by
 33 the Florida School for the Deaf and the Blind pursuant to
 34 subsection (1).

35 (b) "Deaf" means a nonfunctional sense of hearing for the
 36 purpose of communication. A person who is deaf primarily uses
 37 visual methods of communication. Unless otherwise specified, the
 38 term also includes a person who is hard of hearing or a person
 39 who is deaf-blind.

40 (c) "Deaf-blind" means that the senses of hearing and
 41 sight are limited for the purpose of communication. A person who
 42 is deaf-blind primarily uses visual or tactile methods of
 43 communication.

44 (d) "Hard of hearing" means hearing loss that results in
 45 the possible dependence on visual methods to communicate.

46 (e) "Interpreter" means a person who provides accessible
 47 and effective communication between persons who are deaf or hard
 48 of hearing and persons who are hearing, including, but not
 49 limited to, communication through American Sign Language and
 50 English or other modalities that involve visual, gestural, oral
 51 or aural, and tactile methods of communication.

52 (f) "Sign language" means a continuum of visual-gestural
 53 language and communication systems that is based on hand signs
 54 and is not limited to American Sign Language.

55 (g) "Transliterator" means a person who provides
 56 accessible and effective communication between persons who are

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57 deaf or hard of hearing and persons who hear, primarily using
58 sign language or other signed mode of English and spoken
59 English.

60 (3) Unless otherwise exempt as provided in subsection (4)
61 or subsection (8), a person who represents himself or herself as
62 an interpreter or transliterator or who provides interpreting or
63 transliterating services for remuneration or pro bono in
64 circumstances in which the services of a qualified interpreter
65 or transliterator are requested under the Americans with
66 Disabilities Act of 1990, s. 504 of the Rehabilitation Act of
67 1973, the Individuals with Disabilities Education Improvement
68 Act of 2004, or the No Child Left Behind Act of 2001, and the
69 regulations adopted thereunder, or other applicable state or
70 federal law, must possess a credential issued under this section
71 to provide interpreter or transliterator services.

72 (4) A person who holds a credential to practice as an
73 interpreter or transliterator in another state may practice for
74 2 years after initial employment in this state without being
75 issued a credential under this section.

76 (5) The credentialing entity, in cooperation with the
77 Florida Registry of Interpreters for the Deaf, Inc., shall
78 establish the Interpreters for the Deaf and Hard of Hearing
79 Advisory Board. The board shall recommend to the credentialing
80 entity policies, procedures, and actions necessary to issue a
81 credential to interpreters and transliterators, consistent with
82 standards endorsed by the Florida Registry of Interpreters for
83 the Deaf, Inc., the Registry of Interpreters for the Deaf, Inc.,
84 and the National Association of the Deaf, Inc.

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85 (6) The credentialing entity may seek injunctive relief to
86 enjoin persons who are practicing as interpreters or
87 translitterators but who do not hold a valid credential issued
88 under this section or who are not exempt as provided in
89 subsection (4) or subsection (8).

90 (7) Public funds may not be used to employ interpreters or
91 translitterators who do not hold a valid credential issued under
92 this section.

93 (8) The following persons are exempt from the requirements
94 of this section:

95 (a) A person who provides interpreting services in
96 situations where the delay in obtaining a credentialed
97 interpreter may result in immediate injury or economic loss.

98 (b) A student or intern practicing under the supervision
99 of an interpreter or translitterator who holds a valid
100 credential.

101 (c) A noncredentialed person providing interpreting
102 services until a credentialed interpreter or translitterator is
103 secured in order to facilitate emergency services and care by a
104 hospital, pursuant to s. 395.1041, if a health care practitioner
105 determines that a delay in obtaining a credentialed interpreter
106 or translitterator may result in harm to a patient.

107 (9) A person practicing as an interpreter or
108 translitterator on July 1, 2010, must apply for a credential
109 under this section. Except as otherwise provided in subsection
110 (4) or subsection (8), a person practicing as an interpreter or
111 translitterator on or after July 1, 2012, must hold a valid
112 credential issued under this section.

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Section 2. This act shall take effect July 1, 2010.