

By Senator Wise

5-00176A-10

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

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

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

27 1002.362 Credentialing of interpreters and
28 translitterators.-

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

5-00176A-10

2010980__

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

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

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

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

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

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

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

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

56 (g) "Transliterator" means a person who provides accessible
57 and effective communication between persons who are deaf or hard
58 of hearing and persons who hear, primarily using sign language

5-00176A-10

2010980__

59 or other signed mode of English and spoken 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.

85 (6) The credentialing entity may seek injunctive relief to
86 enjoin persons who are practicing as interpreters or
87 translilitators but who do not hold a valid credential issued

5-00176A-10

2010980__

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 of
99 an interpreter or translitterator who holds a valid credential.

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

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

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