

1 A bill to be entitled

2 An act relating to interpreters for individuals who  
3 are deaf, hard of hearing, or deaf-blind; creating  
4 part XVII of chapter 468, F.S.; providing legislative  
5 intent; defining terms; creating the Board of  
6 Interpreters for the Deaf, Hard of Hearing, and Deaf-  
7 Blind within the Department of Business and  
8 Professional Regulation; authorizing the board to  
9 adopt rules; requiring the licensure of professional  
10 interpreters for individuals who are deaf, hard of  
11 hearing, or deaf-blind; establishing fees for  
12 applications, licenses, license renewal, and  
13 administration; providing requirements for licensure,  
14 license by endorsement, license renewal, and  
15 continuing education; providing that a licensee must  
16 have an active license to engage professionally as an  
17 interpreter; providing for election of license status;  
18 providing requirements to change license status;  
19 requiring the department to provide certain notice to  
20 a licensee by a specified time; providing requirements  
21 for a provisional license; providing applicability;  
22 prohibiting certain acts; providing penalties;  
23 prohibiting the use of public funds to employ an  
24 unlicensed interpreter; prohibiting an interpreter  
25 agency from employing or subcontracting an unlicensed  
26 interpreter; providing an effective date.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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

Section 1. Part XVII of chapter 468, Florida Statutes, consisting of sections 468.901 through 468.910, is created to read:

PART XVII

INTERPRETERS FOR INDIVIDUALS WHO ARE DEAF, HARD OF HEARING, OR DEAF-BLIND

468.901 Purpose.—The Legislature finds it necessary, in the interest of the public health, safety, and welfare, to regulate the profession of interpreters for individuals who are deaf, hard of hearing, or deaf-blind.

468.902 Definitions.—As used in this part, the term:

(1) "American Sign Language" has the same meaning as provided in s. 1007.2615(2) (a).

(2) "Deaf" means having a documented hearing loss so severe that an individual is unable to process speech and language through hearing, with or without amplification.

(3) "Deaf-blind" means having a combined loss of vision and hearing that prevents an individual from using his or her vision or hearing as a primary source for accessing information.

(4) "Deaf interpreter" means an interpreter who himself or herself is deaf, hard of hearing, or deaf-blind and who holds a nationally recognized certification or interpreter training; has experience in the use of gestures, mime, props, drawings, and

53 other tools to enhance communication; and has knowledge and  
 54 understanding of deafness and the deaf community and culture.  
 55 The term includes an interpreter who has native or near-native  
 56 fluency in American Sign Language.

57 (5) "Department" means the Department of Business and  
 58 Professional Regulation.

59 (6) "Hard of hearing" means having hearing loss or another  
 60 auditory disabling condition that may require an individual to  
 61 use visual methods or assistive listening devices to  
 62 communicate.

63 (7) "Interpreter" means a person who for hire provides  
 64 language equivalency between a hearing individual and an  
 65 individual who is deaf, hard of hearing, or deaf-blind.

66 (8) "Interpreter agency" means an entity that provides  
 67 qualified interpreter services for hire.

68 (9) "Video interpreter" means an interpreter who uses  
 69 remote video technology to assist in communication between an  
 70 individual who is deaf, hard of hearing, or deaf-blind and a  
 71 hearing individual when at least one of the three parties is  
 72 located in a remote location.

73 468.903 Board of Interpreters for the Deaf, Hard of  
 74 Hearing, and Deaf-Blind; duties and powers of the board.-

75 (1) To carry out the provisions of this part, there is  
 76 created within the department the Board of Interpreters for the  
 77 Deaf, Hard of Hearing, and Deaf-Blind. Members shall be  
 78 appointed by the department upon recommendation of the Florida

79 Registry of Interpreters for the Deaf and the Florida  
 80 Association of the Deaf.

81 (2) Members shall be appointed to 4-year terms. A vacancy  
 82 on the board shall be filled for the unexpired portion of the  
 83 term in the same manner as the original appointment. A member  
 84 may not serve more than two consecutive 4-year terms or more  
 85 than 11 years on the board.

86 (3) The board shall consist of 11 members who are citizens  
 87 and residents of this state, as follows:

88 (a) Six members who are each professionally engaged  
 89 primarily as an interpreter for individuals who are deaf, hard  
 90 of hearing, or deaf-blind, at least one of whom shall be an  
 91 educational interpreter who works in the classroom, at least one  
 92 of whom shall be a video interpreter, and at least one of whom  
 93 shall be a deaf interpreter. To be eligible to serve on the  
 94 board under this paragraph, each interpreter member must:

95 1. Have been licensed by the board to operate as an  
 96 interpreter in the category for which the member is appointed,  
 97 except that this requirement does not apply to the initial  
 98 members of the board.

99 2. Have been actively engaged in the profession of  
 100 interpreters for individuals who are deaf, hard of hearing, or  
 101 deaf-blind for at least 5 consecutive years before the date of  
 102 appointment.

103 (b) Three members who are deaf, hard of hearing, or deaf-  
 104 blind who are not, and who have never been, members or

105 practitioners of a profession regulated by the board.

106 (c) One member who is professionally engaged primarily as  
 107 the owner of an interpreter agency.

108 (d) One member who is a hearing individual and who is not,  
 109 and who has never been, a member or practitioner of a profession  
 110 regulated by the board.

111 (4) A majority of the board constitutes a quorum.

112 (5) The board may adopt rules to implement the provisions  
 113 of this part.

114 468.904 Fees.—

115 (1) The board shall establish by rule fees for  
 116 applications, licenses, license renewal, and administration of  
 117 this part, as follows:

118 (a) For an applicant for an interpreter license:

119 1. An initial application fee not to exceed \$100.

120 2. An initial license fee not to exceed \$200.

121 3. A license renewal fee not to exceed \$200.

122 (b) For an application postmarked after the license  
 123 expiration date, a delinquency fee not to exceed the renewal  
 124 license fee provided in paragraph (a).

125 (c) For an inactive license, a fee not to exceed \$50.

126 (d) For renewal of an inactive license, a fee not to  
 127 exceed the license renewal fee provided in subparagraph (a)3.

128 (e) For an applicant who applies for active or inactive  
 129 status while such applicant's current license is delinquent, an  
 130 additional late fee which reasonably reflects the costs of

131 processing the licensee's request.

132 (f) For a licensee requesting to change his or her  
133 licensure status after the license renewal deadline, an  
134 additional processing fee not to exceed the license renewal fee  
135 provided in subparagraph (a)3., which reasonably reflects the  
136 costs of processing a licensee's request to change licensure  
137 status after the license renewal deadline.

138 (g) Such fees as are necessary to ensure the continued  
139 operation of the board. Fees shall be based on department  
140 estimates of the revenue required to administer this part.

141 (2) Notwithstanding subsection (1), all licensees must pay  
142 a fee of \$4 at the time of license application or renewal. The  
143 funds must be transferred to the department at the end of each  
144 license period to fund projects related to a profession  
145 regulated by the board, including continuing education programs  
146 for interpreters in this state. The board shall, at the time the  
147 funds are transferred, advise the department on high-priority  
148 areas for research or continuing education based on significant  
149 changes in the profession's practices, changes to laws of this  
150 state, or the most common types of consumer complaints. The  
151 department shall provide an annual report to the board by  
152 October 1 that summarizes the allocation of funds to  
153 institutions and new projects, and the status of previously  
154 funded projects.

155 468.905 Licensure; license by endorsement; license  
156 renewal; continuing education.—

157 (1) A person may not engage professionally as an  
158 interpreter for individuals who are deaf, hard of hearing, or  
159 deaf-blind in this state without being licensed under this part.

160 (2) (a) The department shall issue a license to each  
161 applicant certified as qualified by the board upon receipt of  
162 the initial license fee.

163 (b) A licensee may engage professionally as an interpreter  
164 while his or her license is active.

165 (3) (a) An applicant for an initial license shall submit to  
166 a statewide criminal history records check through the  
167 Department of Law Enforcement. The department shall submit the  
168 requests for the criminal history records check to the  
169 Department of Law Enforcement for state processing, and the  
170 Department of Law Enforcement shall return the results to the  
171 department to determine if the applicant meets licensure  
172 requirements. If the applicant has been convicted of a felony,  
173 the board may deny a license to the applicant based upon the  
174 severity of the crime, the relationship of the crime to a  
175 profession regulated by the board, or the potential for public  
176 harm. In denying or approving licenses, the board shall also  
177 consider the length of time since the commission of the crime  
178 and the rehabilitation of the applicant. The board may not deny  
179 a license to an applicant based solely upon a felony conviction  
180 or the applicant's failure to provide proof of restoration of  
181 civil rights.

182 (b) An applicant for an initial license shall submit a

183 complete set of fingerprints to the department along with the  
184 application. The fingerprints shall be submitted to the  
185 Department of Law Enforcement for state processing, and the  
186 Department of Law Enforcement shall forward the fingerprints to  
187 the Federal Bureau of Investigation for national processing for  
188 the purpose of determining if the applicant has a criminal  
189 history record. The department shall and the board may review  
190 the background results to determine if an applicant meets  
191 licensure requirements. The cost for the fingerprint processing  
192 shall be borne by the applicant. These fees shall be collected  
193 by the authorized agencies or vendors and remitted to the  
194 Department of Law Enforcement.

195 (4) The board shall approve a license by endorsement and  
196 the department shall issue such license to an applicant who  
197 holds a valid interpreter license issued by another state or  
198 territory of the United States if:

199 (a) The criteria for issuance of such license by the other  
200 state or territory is substantially equivalent to the license  
201 criteria of this state; or

202 (b) The other state or territory has entered into a  
203 reciprocal agreement with the board for recognition of such  
204 interpreter license based on criteria for the issuance of such  
205 license that is substantially equivalent to the license criteria  
206 of this state.

207 (5) (a) An applicant for license renewal shall renew his or  
208 her license every 2 years by submitting a completed renewal



209 application, provided by the board and mailed to the applicant  
 210 by the department, and the required fee.

211 (b) An applicant for license renewal shall provide proof,  
 212 on a form established by the board, that the licensee has  
 213 completed at least 40 hours of continuing education courses  
 214 every 2 years since the issuance or renewal of his or her  
 215 license. The board shall establish by rule that a portion of the  
 216 required 40 hours must relate to a profession regulated by the  
 217 board. The board shall establish by rule criteria for the  
 218 approval of continuing education courses and providers,  
 219 including requirements relating to the content of courses and  
 220 standards for approval of providers, and may by rule establish  
 221 criteria for accepting alternative nonclassroom continuing  
 222 education on an hour-for-hour basis. The board shall prescribe  
 223 by rule the continuing education, if any, that is required  
 224 during the first 2 years of initial licensure.

225 (c) Upon receipt of a completed and signed renewal  
 226 application and the appropriate fee, the department shall renew  
 227 the license.

228 468.906 Licensure status; renewal and cancellation  
 229 notices.-

230 (1) A licensee may not engage professionally as an  
 231 interpreter unless the licensee has an active license. A  
 232 licensee who engages professionally as an interpreter without an  
 233 active license is subject to disciplinary action as provided in  
 234 s. 468.909.

235       (2) The board shall permit a licensee to elect, at the  
236 time of license renewal, active or inactive status.

237       (3) A licensee who elects inactive status may change to  
238 active status at any time if the licensee meets all of the  
239 requirements for active status, pays the additional license fees  
240 necessary to have an active license, pays any applicable late  
241 fees, and meets all continuing education requirements prescribed  
242 by the board.

243       (4) A licensee shall submit a completed application, as  
244 provided by board rule, to renew an active or inactive license  
245 before the license expires. If a licensee fails to submit such  
246 application by the required deadline, the board shall change the  
247 license to a delinquent license. If a delinquent licensee fails  
248 to apply for license renewal of an active or inactive license  
249 before expiration of the current license period, he or she must  
250 reapply for an initial license.

251       (5) A licensee with a delinquent license must submit a  
252 completed application, as provided by board rule, electing  
253 active or inactive status during the current license period. If  
254 a licensee fails to submit such application by the expiration of  
255 the current license period, the board shall change the license  
256 status to void, and the licensee must reapply for an initial  
257 license.

258       (6) The board may not require a licensee with an inactive  
259 license to complete more than the continuing education  
260 requirements for a single 2-year period as provided in s.

261 468.905(5)(b) to reactivate his or her license.

262 (7) The board's right to impose or enforce discipline on a  
 263 licensee for acts or omissions committed by the licensee while  
 264 holding a license is not affected by the licensee's status or  
 265 any change in such status.

266 (8) At least 60 days before the end of a license period,  
 267 the department shall forward to the licensee's address of  
 268 record:

269 (a) For a licensee with an active or inactive license, a  
 270 license renewal notification.

271 (b) For a licensee with a delinquent license, a notice of  
 272 pending cancellation of such license.

273 468.907 Provisional licenses.—

274 (1) The board shall, upon receipt of a completed  
 275 application and the appropriate fee, issue a provisional license  
 276 to an interpreter who demonstrates that he or she was employed  
 277 as an interpreter on or before July 1, 2014, and who has at  
 278 least 5 years of documented full-time experience as an  
 279 interpreter.

280 (2) An application and fee for a provisional license under  
 281 subsection (1) must be postmarked by September 1, 2014.

282 468.908 Exemptions.—This part does not apply to:

283 (1) A student or intern practicing for a limited number of  
 284 hours under the supervision of an interpreter with a valid  
 285 license.

286 (2) An interpreter of foreign-signed or foreign-spoken

287 languages for which no national certification examinations  
288 exist.

289 (3) An interpreter who does not have an active license and  
290 who is engaged in the provision of emergency services or care  
291 pursuant to s. 395.1041 if it is in the best medical or legal  
292 judgment of the hospital, physician, or other provider of  
293 emergency services or care, and if all of the following  
294 conditions are met:

295 (a) An emergency medical condition, as defined in s.  
296 395.002, exists.

297 (b) The hospital, physician, or other provider of  
298 emergency services or care exhausts all reasonable efforts to  
299 locate a licensed interpreter from within a 60-mile radius, and  
300 documentation to that effect is available to the department upon  
301 request.

302 (4) An individual who, during a state or national  
303 emergency, facilitates communication between an individual who  
304 is deaf, hard of hearing, or deaf-blind and a first responder  
305 until a licensed interpreter may be found.

306 468.909 Prohibitions; penalties.—

307 (1) A person may not:

308 (a) Falsely hold himself or herself out as a licensed  
309 interpreter for individuals who are deaf, hard of hearing, or  
310 deaf-blind.

311 (b) Falsely impersonate a licensed interpreter.

312 (c) Present as his or her own the license of another.

313 (d) Knowingly give false or forged evidence to the board  
 314 or a board member.

315 (e) Use or attempt to use a suspended or revoked license.

316 (f) Act in the capacity of an interpreter for individuals  
 317 who are deaf, hard of hearing, or deaf-blind or advertise  
 318 himself or herself as available to engage professionally as an  
 319 interpreter without being licensed under this part.

320 (2) For purposes of this section, an interpreter with an  
 321 inactive or suspended license is considered unlicensed.

322 (3) (a) An unlicensed interpreter who violates any of the  
 323 provisions of subsection (1) commits a misdemeanor of the first  
 324 degree, punishable as provided in s. 775.082 or s. 775.083.

325 (b) An unlicensed interpreter who commits a violation of  
 326 subsection (1) after having previously been convicted of, or  
 327 pled guilty or nolo contendere to, regardless of adjudication,  
 328 such a violation commits a felony of the third degree,  
 329 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

330 468.910 Employment of unlicensed interpreters.-

331 (1) Public funds may not be used to employ an interpreter  
 332 who is not licensed under this part.

333 (2) An interpreter agency may not employ or subcontract an  
 334 interpreter who is not licensed under this part.

335 Section 2. This act shall take effect July 1, 2014.