

By Senator Altman

16-00756-14

20141304\_\_

1                   A bill to be entitled  
2           An act relating to interpreters for persons who are  
3           deaf or hard of hearing; creating part XVII of ch.  
4           468, F.S., as "Interpreters for the Deaf or Hard of  
5           Hearing"; creating s. 468.861, F.S.; providing a  
6           purpose; creating s. 468.8611, F.S.; defining terms;  
7           creating s. 468.8612, F.S.; creating the Board of  
8           Interpreters for the Deaf and Hard of Hearing;  
9           providing member qualifications and terms; creating s.  
10          468.8613, F.S.; requiring the board to adopt rules;  
11          creating s. 468.8614, F.S.; providing requirements to  
12          receive a license or permit; providing continuing  
13          education requirements; creating s. 468.8615, F.S.;  
14          providing requirements for active and inactive status  
15          election; creating s. 468.8616, F.S.; authorizing a  
16          provisional permit; creating s. 468.8617, F.S.;  
17          providing fees; creating s. 468.8618, F.S.;  
18          prohibiting certain actions by individuals; providing  
19          penalties; creating s. 468.8619, F.S.; providing  
20          inapplicability; providing an effective date.

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

23  
24           Section 1. Part XVII of chapter 468, Florida Statutes,  
25           consisting of sections 468.861-468.8619, Florida Statutes, is  
26           created and entitled "Interpreters for the Deaf or Hard of  
27           Hearing."

28           Section 2. Section 468.861, Florida Statutes, is created to  
29           read:

16-00756-14

20141304\_\_

30 468.861 Purpose.—The Legislature finds it necessary and in  
31 the best interest of the public health, safety, and welfare to  
32 regulate the industry of interpreters for persons who are deaf,  
33 hard of hearing, or deaf-blind.

34 Section 3. Section 468.8611, Florida Statutes, is created  
35 to read:

36 468.8611 Definitions.—As used in this part, the term:

37 (1) "Deaf or hard of hearing" includes, but is not limited  
38 to, individuals who are deaf, hard of hearing, deaf-blind, and  
39 oral deaf.

40 (2) "Deaf-blind individual" means an individual who has a  
41 combined loss of vision and hearing which prevents the  
42 individual's vision or hearing from being used as a primary  
43 source for accessing information.

44 (3) "Deaf individual" means an individual who has a  
45 documented hearing loss so severe that the individual is unable  
46 to process speech and language through hearing, with or without  
47 amplification.

48 (4) "Deaf interpreter" means a deaf or hard of hearing  
49 individual who holds a nationally recognized certification,  
50 possesses native or near-native fluency in American Sign  
51 Language, has interpreter training or experience in the use of  
52 gestures, mime, props, drawings, and other tools to enhance  
53 communication, and has knowledge and understanding of deafness,  
54 the deaf community, and the deaf culture.

55 (5) "Department" means the Department of Business and  
56 Professional Regulation.

57 (6) "Hard of hearing individual" means an individual who  
58 has a hearing loss or other auditory disabling conditions that

16-00756-14

20141304\_\_

59 may require the use of visual methods or assistive listening  
60 devices to communicate.

61 (7) "Interpret" means to provide language equivalency  
62 between a hearing individual and an individual who is deaf or  
63 hard of hearing.

64 (8) "Interpreter" means an individual who engages in the act  
65 of interpreting.

66 (9) "Interpreting agency" means an entity that provides  
67 qualified interpreter services for a fee.

68 (10) "Signed language" means a continuum of visual-gestural  
69 language and communication systems that employ manual signs made  
70 with the hands and other movements, including facial expressions  
71 and postures of the body. The term includes, but is not limited  
72 to, American Sign Language, English-based signs, or other visual  
73 communications methods.

74 (11) "Video interpreter" means an interpreter using remote  
75 video technology who assists an individual who is deaf or hard  
76 of hearing and an individual who is hearing to communicate with  
77 each other when at least one of the three parties is in a remote  
78 location.

79 Section 4. Section 468.8612, Florida Statutes, is created  
80 to read:

81 468.8612 Board of Interpreters for the Deaf and Hard of  
82 Hearing.—

83 (1) The Board of Interpreters for the Deaf and Hard of  
84 Hearing, a board as defined in s. 20.03, is created within the  
85 department. Members shall be appointed by the secretary of the  
86 department upon recommendation of the Florida Registry of  
87 Interpreters for the Deaf and the Florida Association of the

16-00756-14

20141304\_\_

88 Deaf. Members shall be appointed to 4-year terms. A vacancy on  
89 the board shall be filled for the remaining portion of the term  
90 in the same manner as the original appointment. A member may not  
91 serve more than two consecutive 4-year terms, or more than 11  
92 years, on the board.

93 (2) The board shall consist of 11 members, of whom:

94 (a) Six are primarily engaged in business as sign language  
95 interpreters; however, at least one educational interpreter, one  
96 video interpreter, and one deaf interpreter shall be appointed.

97 (b) Three are deaf, hard of hearing, or deaf-blind members  
98 who are not, and have never been, members or practitioners of a  
99 profession regulated by the board.

100 (c) One is primarily engaged in business as an interpreter  
101 referral agency owner.

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

104 (3) To achieve staggered terms, the initial appointments  
105 shall be as follows:

106 (a) One member who is deaf, hard of hearing, or deaf-blind  
107 as provided under paragraph (2) (b), one member who is an  
108 interpreter referral agency owner as provided under paragraph  
109 (2) (c), and one member who is a hearing member as provided under  
110 paragraph (2) (d), for 2-year terms;

111 (b) Two members who are primarily engaged in business as  
112 sign language interpreters as provided under paragraph (2) (a)  
113 and two members who are deaf, hard of hearing, or deaf-blind as  
114 provided under paragraph (2) (b), for 3-year terms; and

115 (c) Four members who are primarily engaged in business as  
116 sign language interpreters as provided under paragraph (2) (a)

16-00756-14

20141304\_\_

117 for 4-year terms.

118 (4) To be eligible to serve, each interpreter member must  
119 have been licensed by the board to operate as an interpreter in  
120 the category with respect to which the member is appointed, be  
121 actively engaged in the interpreting profession, and have been  
122 so engaged for a period of not less than 5 consecutive years  
123 before the date of appointment. Each appointee must be a  
124 resident of the state.

125 (5) The provisions of chapter 455 relating to activities of  
126 the board apply.

127 Section 5. Section 468.8613, Florida Statutes, is created  
128 to read:

129 468.8613 Rulemaking.—The board shall adopt rules to  
130 implement and administer this part.

131 Section 6. Section 468.8614, Florida Statutes, is created  
132 to read:

133 468.8614 License; permit; continuing education.—

134 (1) A person may not engage in interpreting for persons who  
135 are deaf or hard of hearing in this state without first  
136 receiving a license or permit under this part. The board shall  
137 determine the qualifications for receiving a license or permit.

138 (2) The department shall issue a license or permit to each  
139 person qualified by the board upon receipt of the applicable  
140 fee.

141 (3) The department shall issue a license or permit to an  
142 applicant who holds an active license or permit issued by  
143 another state or territory of the United States to practice as  
144 an interpreter for the deaf or hard of hearing if:

145 (a) The criteria for issuance is substantially equivalent

16-00756-14

20141304\_\_

146 to the criteria for a license or permit under this part; or

147 (b) The state or territory has entered into a reciprocal  
148 agreement with the board for the recognition of a license or  
149 permit issued in that state for interpreters for the deaf or  
150 hard of hearing based on criteria that is substantially  
151 equivalent to the criteria for a license or permit under this  
152 part.

153 (4) (a) An applicant for initial issuance of a license or  
154 permit shall submit to a statewide criminal history records  
155 check through the Department of Law Enforcement. The department  
156 shall submit the requests for the criminal history records check  
157 to the Department of Law Enforcement for state processing, and  
158 the Department of Law Enforcement shall return the results to  
159 the department to determine whether the applicant meets  
160 licensure requirements.

161 (b) An initial applicant shall submit a complete set of  
162 fingerprints to the department with the application. The  
163 fingerprints shall be submitted to the Department of Law  
164 Enforcement for state processing, and the Department of Law  
165 Enforcement shall forward them to the Federal Bureau of  
166 Investigation for national processing for the purpose of  
167 determining if the applicant has a criminal history record. The  
168 department shall and the board may review the results of the  
169 background check to determine whether an applicant meets license  
170 or permit requirements. The cost for the fingerprint processing  
171 shall be borne by the person subject to the background  
172 screening. Such fees shall be collected by the authorized  
173 agencies or vendors, which are responsible for paying the  
174 processing costs to the Department of Law Enforcement.

16-00756-14

20141304\_\_

175 (c) If an applicant has been convicted of a felony, the  
176 board may deny the application based upon the severity of the  
177 crime, the relationship of the crime to interpreting, or the  
178 potential for public harm. In denying or approving a license or  
179 permit, the department shall also consider the length of time  
180 since the commission of the crime and the rehabilitation of the  
181 applicant. The department may not deny a license or permit to an  
182 applicant based solely upon a felony conviction or the  
183 applicant's failure to provide proof of restoration of civil  
184 rights.

185 (5) (a) Each licensee or permitholder must renew his or her  
186 license every 2 years. The department shall mail each licensee  
187 or permitholder an application for renewal at least 60 days  
188 before expiration. The applicant for renewal shall complete,  
189 sign, and forward the renewal application to the department,  
190 together with the appropriate fee. Upon receipt of the  
191 application and fee, the department shall determine whether the  
192 applicant is qualified and, if qualified, renew the license.

193 (b) Each licensee or permitholder shall provide proof, in a  
194 form established by the board, that the licensee or permitholder  
195 has completed at least 40 hours of continuing education courses  
196 during each biennium since the issuance or renewal of the  
197 license or permit. A portion of the required 40 hours must deal  
198 with the profession of interpreting. The board shall establish  
199 criteria for the approval of continuing education courses and  
200 providers, including requirements relating to the content of  
201 courses and standards for approval of providers. The board may  
202 establish criteria for accepting alternative nonclassroom  
203 continuing education on an hour-for-hour basis. The board shall

16-00756-14

20141304\_\_

204 prescribe the continuing education, if any, which is required  
205 during the first biennium of initial licensure. A licensee or  
206 permitholder is not required to complete the full 40 hours of  
207 continuing education if he or she has held the license or permit  
208 for less than an entire biennium.

209 Section 7. Section 468.8615, Florida Statutes, is created  
210 to read:

211 468.8615 Inactive and delinquent status; renewal and  
212 cancellation notices.-

213 (1) A person may not engage in services as an interpreter  
214 for the deaf or hard of hearing unless he or she has an active  
215 license or permit. A person who engages in interpreting without  
216 an active license or permit is subject to disciplinary action as  
217 provided in s. 468.8618.

218 (2) A licensee or permitholder may elect, at the time of  
219 licensure renewal, an active or inactive status.

220 (3) The holder of an inactive license or permit may convert  
221 the license or permit to active status at any time if he or she  
222 meets the requirements for active status, pays any additional  
223 fees necessary to equal those imposed on an active status  
224 licensee or permitholder, pays any applicable late fees, and  
225 meets all continuing education requirements prescribed by the  
226 board.

227 (4) If a licensee or permitholder does not renew an active  
228 or inactive license or permit before its expiration, the license  
229 or permit shall be delinquent. A delinquent licensee or  
230 permitholder must apply with a completed application, as  
231 determined by the board, for active or inactive status during  
232 the current licensure cycle. Failure by a delinquent licensee or



16-00756-14

20141304\_\_

233 permitholder to restore active or inactive status before the end  
234 of the current licensure cycle renders the license void, and any  
235 subsequent attempts to obtain a license or permit shall be  
236 treated as an initial application for a license or permit.

237 (6) The board may not require the holder of an inactive  
238 license or permit to complete more than one renewal cycle of  
239 continuing education in order to reactivate the license or  
240 permit.

241 (7) The status of a licensee or permitholder does not  
242 affect the board's right to impose or enforce disciplinary  
243 action for acts or omissions committed by such person while  
244 holding a license or permit.

245 (8) At least 60 days before the end of a licensure cycle,  
246 the department shall forward:

247 (a) A renewal notification to the holder of an active or  
248 inactive license or permit at his or her address of record; and

249 (b) A notice of pending cancellation of license or permit  
250 to a delinquent licensee or permitholder at his or her address  
251 of record.

252 Section 8. Section 468.8616, Florida Statutes, is created  
253 to read:

254 468.8616 Provisional permit.—The department shall, upon  
255 receipt of a completed application and appropriate fee, issue a  
256 provisional permit to an interpreter who applies to the  
257 department and demonstrates that he or she is employed as an  
258 interpreter as of July 1, 2014, and has at least 5 years of  
259 documented full time experience as an interpreter for the deaf  
260 and hard of hearing. Applicants wishing to obtain a provisional  
261 permit must apply before September 1, 2014.

16-00756-14

20141304\_\_

262 Section 9. Section 468.8617, Florida Statutes, is created  
263 to read:

264 468.8617 Fees.—

265 (1) The board shall charge a fee for applications for a  
266 license or permit, license or permit renewal applications,  
267 recordmaking, and recordkeeping.

268 (a) The application fee may not exceed \$100.

269 (b) The initial license or permit fee may not exceed \$300.

270 (c) The biennial renewal fee may not exceed \$300.

271 (d) The board may establish delinquency fees, not to exceed  
272 the applicable fee for renewal applications made after the  
273 expiration date of the license or permit.

274 (e) The board shall impose a fee for renewal of an inactive  
275 license or permit, not to exceed the renewal fee for an active  
276 license or permit. The inactive license or permit fee may not  
277 exceed \$50.

278 (f) The board shall impose an additional late fee on a  
279 delinquent licensee or permitholder when such applicant applies  
280 for active or inactive status.

281 (g) The board shall impose an additional fee, not to exceed  
282 the applicable biennial renewal fee, which reasonably reflects  
283 the costs of processing a request to change a status at any time  
284 other than at the beginning of a licensure cycle.

285 (h) The board shall establish fees that are adequate to  
286 ensure the continued operation of the board. Fees shall be based  
287 on department estimates of the revenue required to implement and  
288 administer this part and the rules adopted thereto.

289 (2) In addition to the initial application fees and renewal  
290 fees under subsection (1), a fee of \$4 shall be assessed by the

16-00756-14

20141304\_\_

291 department at the time of application or renewal which shall be  
292 collected and transferred at the end of each licensure cycle to  
293 the department to fund projects relating to interpreting for the  
294 deaf and hard of hearing or to continuing education programs  
295 offered to persons engaged in interpreting for the deaf and hard  
296 of hearing in this state. The board shall, at the time the funds  
297 are transferred, advise the department on the most needed areas  
298 of research or continuing education based on significant changes  
299 in industry practices or this part, or on the most common types  
300 of consumer complaints. The board's advice is not binding on the  
301 department. The department shall report to the board in October  
302 of each year, summarizing the allocation of the funds by  
303 institution and summarizing the new projects funded and the  
304 status of previously funded projects.

305 Section 10. Section 468.8618, Florida Statutes, is created  
306 to read:

307 468.8618 Prohibitions; penalties.-

308 (1) An interpreting agency may not employ or subcontract  
309 with an interpreter who does not hold a license or permit issued  
310 under this part.

311 (2) Public funds may not be used to employ interpreters who  
312 do not hold a license or permit issued under this part.

313 (3) A person may not:

314 (a) Falsely hold himself or herself out as having a license  
315 or permit as an interpreter for the deaf and hard of hearing.

316 (b) Falsely impersonate a licensee or permitholder.

317 (c) Present as his or her own the license or permit of  
318 another.

319 (d) Knowingly give false or forged evidence to the board or

16-00756-14

20141304\_\_

320 a member thereof.

321 (e) Use or attempt to use a license or permit that has been  
322 suspended or revoked.

323 (f) Act in the capacity of an interpreter for the deaf or  
324 hard of hearing, or advertise himself or herself as available to  
325 engage in the services or act in the capacity of an interpreter,  
326 without holding a license or permit.

327 (4) A person who violates subsection (3) commits a  
328 misdemeanor of the first degree, punishable as provided in s.  
329 775.082 or s. 775.083. A person who violates subsection (3)  
330 after having been previously found guilty of such violation  
331 commits a felony of the third degree, punishable as provided in  
332 s. 775.082 or s. 775.083.

333 Section 11. Section 468.8619, Florida Statutes, is created  
334 to read:

335 468.8619 Inapplicability.—This part does not apply to:

336 (1) A student or intern practicing for a limited number of  
337 hours under the supervision of an interpreter who holds a valid  
338 license or provisional permit.

339 (2) An interpreter providing interpretation to or from  
340 foreign signed or spoken languages for which a national  
341 certification exam does not exist.

342 (3) An appointing authority, pursuant to s. 395.1041, which  
343 uses an unlicensed interpreter who does not meet the  
344 requirements of this part in an emergency situation if:

345 (a) The decision was made in the best medical or legal  
346 judgment of the appointing authority;

347 (b) A life-threatening emergency situation exists; and

348 (c) All reasonable efforts have been exhausted by the

16-00756-14

20141304\_\_

349 appointing authority to locate a licensed interpreter from  
350 within a 60-mile radius, and documentation to that effect is  
351 provided to the division upon request.

352 (4) During a state or national emergency, an individual  
353 facilitating communication between a first responder and a  
354 person who is deaf, hard of hearing, or deaf-blind until a  
355 qualified interpreter may be found.

356 Section 12. This act shall take effect October 1, 2014.