

**Licensure of
Sign Language Interpreters
In Florida**

Review and Recommendations

A Report Submitted by the

**Florida Coordinating Council for the
Deaf and Hard of Hearing**

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EXECUTIVE SUMMARY

Florida is challenged with having the second highest population of people who are deaf or hard of hearing in the nation, and is the state with the highest percentage of the population with hearing impairment. Section 413.271, Florida Statutes (2004) established the Florida Coordinating Council for the Deaf and Hard of Hearing (FCCDHH). The statute directed FCCDHH to submit a report by January 1, 2006, of its findings and recommendations regarding licensure of interpreters, specifically for deaf, hard of hearing, late deafened and deaf-blind individuals.

The Florida Coordinating Council for the Deaf and Hard of Hearing is appreciative of the opportunity to write this report thereby providing an action plan to address concerns relating to licensure of interpreters.

The following report provides background and outlines the four recommendations from the Licensure Task Force defining the creation of the Florida Interpreter Licensure Board including:

- Creation of an interpreter licensure board
- Establishment of criteria for interpreter licensure
- Establishment of administrative procedures
- Consideration of a mentorship/apprenticeship program as a solution to feasibility

INTRODUCTION

Issues resulting from deafness and hearing loss persist from birth to death. Of the estimated 1.8 million plus persons living in Florida who have been diagnosed as being deaf or hard of hearing, almost 1 million are of an age to be in the work force. The lack of effective services and communication accommodations has resulted in a national unemployment rate for deaf or hard of hearing adults of over 40%, underemployment of an additional 40% and an unemployment rate of 80% for persons who are deaf-blind. In Florida there is evidence that the unemployment rate for persons who are deaf or hard of hearing may be considerably higher than the national average.

Section 413.271, Florida Statutes (2004), established the Florida Coordinating Council for the Deaf and Hard of Hearing (FCCDHH). This legislation specified that it is the role of the council to serve as an advisory and coordinating body in the state which recommends policies that address the needs of deaf, hard of hearing, and late-deafened persons and which recommends methods that improve the coordination of services among the public and private entities that provide services pertaining to interpreter services, computer aided real-time captioning services and assistive listening devices, excluding hearing aids.

It was the directive of the legislature that the FCCDHH submit a report by January 1, 2006, of its findings and recommendations regarding standards for licensure of interpreters.

In response to the directives within s. 413.271, Florida Statutes, the council created a task force, which has prepared such a report which includes:

- a) A review of other state interpreter licensures to determine the needs and criteria related to qualifications and standards as they relate to services for deaf, hard of hearing, late-deafened, and deaf-blind individuals.
- b) Recommendations of licensure types, rules and regulations that establish requirements for compliance of interpreting professionals, including, but not limited to, communication accessibility standards in the provision of services to deaf, hard-of hearing, late-deafened and deaf-blind individuals.

Major findings and recommendations in this report are derived from several sources, including a March 2003 staff analysis by the Florida Department of Children and Families, the 2004 report by the Governor's Working Group on the Americans with Disabilities Act, public hearings, independent research by the FCCDHH, a survey conducted by the Florida Registry of Interpreters for the Deaf (FRID), and a comparison of FCAT results.

The following report provides background and outlines the four recommendations regarding licensure of interpreters in the State of Florida compiled from reports and studies including:

- (1) Creation of an interpreter licensure board.
- (2) Establishment of criteria for licensure.
- (3) Establishment of administrative procedures.
- (4) Feasibility issue; lack of qualified interpreters; solution?--Consideration of a mentorship/apprenticeship program.

The Florida Coordinating Council for the Deaf and Hard of Hearing is appreciative of the opportunity to write this report that details an action plan for addressing issues of concern relating to licensure of interpreters. Follow-up discussions need to occur on recommendations requiring legislation, policy, and funding sources identified in the reports mentioned. The FCCDHH can provide guidance on these matters.

BACKGROUND AND OVERVIEW

LICENSURE OF SIGN LANGUAGE INTERPRETERS IN FLORIDA

Current Situation

The following findings of fact and recommendations establish the necessity for sign language interpreter licensure in the State of Florida.

(1) The Governor’s Working Group on the Americans with Disabilities Act, “Recommendations Regarding Policies, Addressing the Needs of Deaf, Hard of Hearing, and Late-Deafened Persons ,” Report to the Legislature (2004)

“The demand for interpreter services far exceeds the availability of qualified interpreters. As a result, services are commonly booked with widely varying rates with a two-hour minimum. The shortage of qualified interpreters contributes to the difficulty in purchasing services even when funding and an educated purchasing entity is involved. The numbers of types of interpreter certification/evaluation categories contributes to the difficulty in the purchaser understanding the differences in qualifications. Regardless, the interpreter services must be an effective means of communication or it does not meet the reasonable accommodation test under the ADA.

“The number of qualified interpreters available across the state varies from area to area. Commonly, a purchasing entity can be required to pay transportation, lodging, per diem, and other travel cost in order to access a qualified interpreter in a specific area of the state.

“Florida does not regulate the industry of sign language interpreter services or real-time captioning. Florida has a cache of unqualified individuals providing inadequate interpreter services with little or no signing skill or knowledge of the code of professional and ethical conduct. There have been many instances of children as young as five years old being used to interpret in situations that were beyond their developmental ability to comprehend, much less to interpret. Interviews by child welfare workers concerning possible abuse or neglect against deaf children have been interpreted, at the request of the workers, by the very persons against whom the charges were made. People who are deaf and require accommodations to communicate rely on the service to make educational decisions, access the general curriculum in the pre-kindergarten through twelfth grade setting, purchase homes, seek medical care, and other household decisions. Legislation to regulate the qualifications of sign language interpreters in Florida is necessary to protect the health, safety and welfare of people who are deaf or hard of hearing. Even though state statute allows foreign language credit for ASL and teacher licensing ([F.S.] 1008.2615), not all university or community colleges offer the option.

“Recommendations:

“1) Create and implement a license procedure for interpreters under the administration of a Council of Deafness as described in proposed legislation or an entity who requires qualified nationally certified interpreters as part of the membership.

“2) Implement an incentive program to recruit more people into the field of sign language interpreting and real-time captioning.

“3) Encourage the state university system and community colleges to offer more interpreting training programs.”

(2) The Florida Coordinating Council for the Deaf and Hard of Hearing (FCCDHH), “Accessibility Needs of Deaf, Hard of Hearing, and Late-Deafened Persons in Florida: A Report on Requirements, Current Status, and Recommendations,” Report to the Governor, Legislature and Supreme Court (2005).

“Recommendation 2: Set Accessibility Standards and Monitor for Implementation of Standards”:

The FCCDHH has identified the following issues:

- “There is a lack of competency standards specific to defining quality personnel to meet the unique needs of persons who are deaf, hard of hearing, late-deafened, or deaf-blind (e.g., interpreters, Communication Access Realtime Translation providers, Realtime Captioning Providers, Support Service Providers, Descriptive Video Services, early intervention service providers for infants and toddlers with hearing loss, and a lack of competency of educators in communicating via sign language or in providing services specific to increasing a child’s use of listening skills or verbal language).
- “There is no regulation over the industry of sign language interpreter services or Communication Access Realtime Translation services. The FCCDHH is tasked by the Legislature to prepare a report regarding interpreter and CART availability, quality, and credentialing by January 1, 2006. It is critical to regulate these services so that persons who are deaf or hard of hearing can receive effective communication access through these services if desired. Regulation of Support Service Providers for persons who are deaf-blind is also a significant issue as there is currently no credentialing requirements.
- “There is a lack of compliance by medical and legal professionals in providing effective accessibility accommodations to persons who are deaf, hard of hearing, late-deafened, or deaf-blind as reported by a large number of consumers who have experienced a lack of understanding of medical care or legal advice or proceedings due to inability to communicate.
- “There is no comprehensive listing of qualified interpreters, Communication Access Realtime Translation services, Support Service Providers, or Realtime Captioning providers available to government agencies.”

Recommendations:

“A. Set minimum standards.

“e) Create and implement licensing procedures for interpreters under the Department of Business and Professional Regulation.

“f) Create and implement a registry of qualified Communication Access Realtime Translation providers to be maintained by the oversight and policy body for deaf, hard of hearing, late-deafened, and deaf-blind issues.

“B. Monitor the implementation of the standards.

“C. Provide technical assistance, training, and dissemination information.

(3) Results of the Florida Registry of Interpreters for the Deaf (FRID) Licensure Survey, 2003 Conference Attendees

During the 2003 FRID Conference, a survey was conducted of membership regarding Interpreter Licensure. The survey respondents included 46 certified interpreters and 40 state level interpreters.

Among the results of the survey were as follows:

- There is overwhelming support for licensure of interpreters to be regulated at the state level (92% of certified and 83% of state level interpreters respectively).
- Respondents were undecided regarding exact criteria for licensure.
- State level/working interpreters should have provisional permits/grandfathering for a time.
- Educational interpreters should not be exempt from licensure.
- Create a licensing board with a majority of membership comprised of interpreters.
- Criteria for licensure should be determined by a majority of interpreters.
- There should be a penalty for working without a license.
- Licensure should include continuing education.
- Placement of the licensure board:
 - (a) The certified interpreters prefer a board under the deaf commission (not DOE).
 - (b) The state level interpreters prefer a board under the Department of Business and Professional Regulation (DBPR).
- Licensure should upgrade the existing pool of professional interpreters.

As follow-up to recommendations from the survey, FRID/LAC created a licensure working committee to serve in an advisory capacity in the development of the 2006 interpreter licensure task force created under the FCCDHH.

(a) The guiding principles for the task force included the following:

- Address the recommendations from the 2003 FRID survey.
- Adhere to the National Registry of Interpreters for the Deaf and National Association of the Deaf (RID and NAD) legislation models for state licensure.
- Work within the system by using the state's DBPR system to map out licensure.

(b) Additionally, the 2006 licensure task force activities included the following:

- Suggested regulatory language to be submitted to the state by the FCCDHH
- FRID will work cooperatively with FCCDHH to determine:
 - Criteria for licensure and maintenance.
 - Cost and penalties.
 - Board composition.
 - Exemptions.
 - Provisional permits/grandfathering.
 - Grievance system.

4) Comparison of FCAT Results and Educational Interpreter Staffing

Students who are deaf or hard-of-hearing have traditionally experienced language and academic delays. As a result, these students may not perform as well on statewide assessments as students who do not have hearing loss. The following data are according to the Florida Department of Education Website and the DOE Data Warehouse and were collected in 2005.

FCAT Reading Scores 2005 - Percentages of students scoring below a level 3
(level 3 and above are proficient)

	All students	Students With Disabilities	Students who are Deaf or Hard-of-Hearing
3 rd grade	33	61	77
8 th grade	57	87	82
10 th grade	68	93	93

FCAT Math Scores 2005 – Percentages of students scoring below a level 3

	All students	Students With Disabilities	Students who are Deaf or Hard-of-Hearing
3 rd grade	32	55	67
8 th grade	41	79	73
10 th grade	37	77	75

While, in some cases, higher percentages of students who are deaf or hard-of-hearing may be performing better than students with disabilities as a whole; the data indicates that the number of these students who perform at a level can be more than 30% less than the number of students in the state who took the FCAT.

Increasingly, students who are deaf or hard-of-hearing are being educated in general education classrooms. In order to facilitate communication and provide these students with a free and appropriate public education, interpreters play a vital role in the educational team of these students by providing access to the general curriculum. Additionally, highly skilled interpreters provide appropriate language models for students, thus assisting in closing the communication and educational gap between students who are deaf or hard of hearing and their hearing peers. It must be noted that deaf and hard of hearing students who use sign language as their mode of communication rarely have such communication in the home.

5) Impact of Interpreter Licensure on the State and Consumers

The table above referenced the need for educational interpreters to serve students who are deaf or hard-of-hearing. The impact for implementing an interpreter licensure statute for the State and consumers includes provision of sufficient revenues to cover the administrative and enforcement cost for the licensing agency and regulating board similar to other licensed professions such as school psychologists, counselors, hearing aide specialists, audiologists, etc. FRID estimates approximately 1,200 applicants for licensure at an annual cost of \$100.00 - \$150.00 per applicant. Additional benefit of creating interpreter licensure is the partnership with FCCDHH to provide information and referral services to identify and notify potential licensure applicants.

The following sections detail the four recommendations made by the Licensure Task Force and specifies the composition, duties, and responsibilities of the Florida Interpreter Licensure Board.

RECOMMENDATION 1: *INTERPRETER LICENSURE BOARD.*

(1) Creation.

Although measures have been taken to establish standards for the profession of sign language interpreting by not-for-profit organizations, mainly the Registry of Interpreters for the Deaf, the profession has now matured to a point where government standards are not only desired by the profession, but also necessary to ensure quality interpreting services for consumers in Florida.

Interpreting, by its nature, is not a concrete art or science. Moreover, the profession continues to grow and expand based on new research in the field and the creation of new programs in Florida colleges and universities which focus on teaching interpreting. Therefore, in order to ensure that Florida is able to adapt to changes in the profession and able to manage any current concerns, a board should be created, to be called the "Florida Interpreter Licensure Board."

(2) Composition.

As is standard practice for most regulatory boards in the State of Florida, the Florida Interpreter Licensure Board should represent diversity, according to the population of Florida and the various consumer settings. "Consumer settings" means the settings in which sign language interpreters most often work, e.g., educational, legal, medical, etc.

The board should consist of seven members appointed by the Governor:

- Three members should be fully licensed, hearing interpreters.
 - One of the three members should be a practicing educational interpreter, as educational interpreters represent the largest population of interpreters in Florida.
- One member should be a Deaf or Hard of Hearing intermediary interpreter who holds a permit, a provisional license, or a license.
- Two members should be Deaf or Hard of Hearing consumers.
- One member should be a hearing consumer who is not an interpreter.

(3) Terms.

Board members should serve terms of four years, no member should serve more than two consecutive terms, and the initial appointments by the Governor should be staggered. Staggered terms, as outlined in the following initial appointments are standard procedure for similar boards in Florida.

Initial appointment of four years:

- Two fully licensed, hearing interpreters.
- Two Deaf or Hard of Hearing consumers.

Initial appointment of two years:

- One fully licensed, hearing interpreter.
- One deaf or hard of hearing consumer.
- One hearing consumer who is not an interpreter.

(4) Compensation.

- The members of the board shall receive no compensation for their services on the board, but they shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties.

(5) Officers.

The board shall annually elect a chairman, a vice chairman, and a secretary from the members of the board.

(6) Meetings.

The board shall hold at least one meeting annually and additional meetings as the board may deem necessary. The additional meetings may be held upon call of the chairman or upon written request of a quorum. Five members of the board shall constitute a quorum to conduct business.

(7) Removal for Cause.

As an added protection for the consumers in Florida, the licensure task force recommends that, upon recommendation of the board, the Governor may remove any member of the board for neglect of duty or malfeasance in office.

(8) Duties of the Board.

Certain Florida Statutes already provide guidelines that allow licensure boards to adopt rules that will aid in the administrative duties of the board. These statutes are ss. 120.536(1) and 120.54. (See Appendix D.)

(9) Rules.

The following rules shall be adopted after creation of the Florida Interpreter Licensure Board:

- (a) Require that interpreters adhere to the code of conduct of their respective credentialing body.

Rationale: The licensure task force discussed whether or not to create or adopt one code of conduct for all persons regulated under licensure. However, persons regulated under licensure include cued speech transliterators, sign language interpreters, and oral interpreters that work in specialized fields such as educational, medical, and legal. For this reason, the licensure task force determined that these persons, by virtue of holding a credential from their respective credentialing body, should adhere to the standards established by said credentialing body.

- (b) Adoption and enforcement of performance requirements, including education and examination standards, for interpreters; and investigation and adoption of the most appropriate and acceptable testing tools to evaluate interpreters.

Rationale: Given that the profession continues to expand, and the licensure task force foresees changes in the education and examination standards required of interpreters, the licensure task force recommends the adoption of this rule so that future changes can easily be incorporated into the requirements for licensure. For example, currently there is no examination for multi-lingual sign language interpreters; however, the licensure task force knows of at least one exam that is

currently being developed for this specialized area. No exam currently exists for interpreting for deaf-blind consumers either, but may arise in the future.

- (c) Determination of acceptable continuing education requirements to maintain licensure.

Rationale: Professional sign language interpreters, oral interpreters, and intermediary (Deaf) interpreters that hold RID certification must comply with the continuing education requirements established by RID. Because licensure for these persons is contingent upon valid RID certification, and this certification is in turn contingent upon satisfactory continuing education compliance, the burden of regulation for these persons is alleviated. However, cued speech transliterators and persons who do not hold RID certification do not need to comply with RID's CEU requirements. Therefore, the licensure task force recommends that the board adopt RID's standards for certified persons, and establish standards for non-RID certified persons. Please see the licensure task force's recommendation regarding continuing education under "Recommendation 2: Establish criteria for licensure."

- (d) Fee schedules for granting licenses and renewing licenses.

Rationale: Fees for the issuance and administration of licenses and permits will need to be established. The licensure task force makes no recommendation for fee schedules, as this will be contingent upon what is enacted into legislation.

- (e) Establishment of procedures to enable investigations for the purpose of determining whether violations of this chapter or grounds for disciplining licensees exist.

Rationale: Rules regarding the discipline of interpreters who have acted unprofessionally are necessary to uphold the purpose of licensure, which is to protect not only the profession, but also the consumers. Please see the Licensure Task Force's recommendation regarding complaints against interpreters under "Recommendation 3: Establish administrative procedures."

RECOMMENDATION 2: ESTABLISH CRITERIA FOR LICENSURE

Adequate time has also been built into the following timetable to allow for the grandfathering of non-credentialed interpreters in the state. The time allotted of two years will allow non-credentialed interpreters to seek education at a post-secondary institution to further their skills and aid in the attainment of a credential. After attaining a credential, the interpreter will fall under the applicable guidelines of the license, provisional license, or permit.

(1) Eligibility.

(a) Interpreter/Transliterators License.

1. Certification. Applicants for a license shall hold one or more of the following certifications:
 - a. Registry of Interpreters for the Deaf, Inc. Certification
 - b. RID Oral Certification, which shall be recognized to provide oral transliteration services only.
 - c. National Association of the Deaf Level IV or V.
 - d. National Council on Interpreting Certification (NIC).
 - e. TECUnit Transliteration Skills Certification (TSC) Certification; shall be recognized to provide cued speech transliteration services only.
2. Age. Applicants shall be 18 years of age or older.
3. Education:
 - a. A high school diploma or equivalent.
 - b. AA/AS for interpreters certified after 2010 to apply for license by 2010.
 - c. BA/BS for interpreters certified after 2012 to apply for license by 2012.
4. Criminal record. Applicant shall not have a felony conviction.

Rationale:

1. Interpreters meeting the criteria for a license have met or exceeded the minimum standard for obtaining an RID, NAD, NIC, or TECUnit certification.
2. RID, the NIC, and TECUnit have tests that meet the needs of interpreters in the State of Florida. Each organization has completed validity and reliability studies.
3. Those relocating interpreters already holding the required national certification will not have to re-test to work in the state.
4. It is important for interpreters to have at least the basic knowledge that is received during high school years.
5. It is the desire for TECUnit national certification to be required for cued speech transliterators.
6. Professional development CEU's are required according to the certification held (either NAD, RID, NIC, or TECUnit)

(b) Provisional License

1. Certification. Applicant shall possess one or more of the following assessments:
 - a. Florida Registry of Interpreters for the Deaf, Inc. Quality Assurance Screening Level II or III.
 - b. Florida Registry of Interpreters for the Deaf, Inc. Educational Interpreter Evaluation Level II or III.
 - c. National Association of the Deaf Level III.
 - d. Educational Interpreter Performance Assessment 4 or 5.
 - e. TECUnit TSC: 3 or 4, which shall be recognized to provide cued speech transliteration services only.
 - g. Deaf, intermediary interpreters:
 1. Passing score on RID Certified Deaf Interpreter written exam.
 2. Superior or Advanced Plus on the SCPI/ASLPI.

2. Age. Applicant must be 18 years of age or older.
3. Education. Applicant must have a high school diploma or equivalent.
4. Term. A provisional license may be held for a limit of five years.
5. Criminal record. The applicant may not have a felony conviction.

Rationale:

1. Graduates from interpreter training institutes usually require more time and experience to meet the criteria for a license and therefore by recognizing entry level interpreting skills, interpreters can begin to work in limited settings and for a limited number of years before being required to obtain a license.
2. All interpreters that have not met the requirement for a license can apply for a Provisional License.
3. Deaf interpreters may apply for a Provisional License after passing the RID CDI written test and hold a Superior or Advanced Plus on the SCPI/ASLPI.
4. Will recognize current testing tools to evaluate interpreting skills such as the Quality Assurance Screening, the Educational Interpreter Evaluation, the National Association of the Deaf, the Educational Interpreter Performance Assessment, the Cued Language Transliteration Exam (by TECUnit), and the National Interpreter Certification exam (by RID-NAD National Council on Interpreting).

(c) Permit.

1. Certification. Applicants for a permit shall hold one of the following assessments:
 - a. Florida Registry of Interpreters for the Deaf, Inc QA Level I.
 - b. Florida Registry of Interpreters for the Deaf, Inc EIE Level I.
 - c. Educational Interpreter Performance Assessment 3.
 - d. Twenty documented hours of interpreter training, 16 of which must be CDI specific; and
 - e. Superior or Advanced Plus on the SCPI/ASLPI.
 - f. Deaf interpreters: Deaf interpreters must submit an audiogram or audiological report with proof of hearing loss.
2. Age. Applicants shall be 18 years of age or older.
3. Education. Applicants must possess a high school diploma or equivalent
4. Term.
 - a. A permit may be held for a limit of two years.
 - b. A one-year extension beyond the two-year and five-year time limits will be available on a one-time basis if approved by the board.
5. Criminal record. The applicant may not have a felony conviction.

Rationale:

1. Graduates from interpreter training institutes usually require more time and experience to meet the criteria for a license and therefore by recognizing entry level interpreting skills, interpreters can begin to work in limited settings and for a limited number of years before being required to obtain a license.
2. All interpreters that have not met the requirement for a Provisional License can apply for a Registered Permit.
5. Deaf interpreters may apply for a Provisional License after passing the RID CDI written test and hold a Superior or Advanced Plus on the SCPI/ASLPI.
6. Will recognize current testing tools to evaluate interpreting skills such as the Quality Assurance Screening, the Educational Interpreter Evaluation, the National Association of the Deaf, the Educational Interpreter Performance Assessment, the Cued Language Transliteration Exam (by TECUnit), and the National Interpreter Certification exam (by RID-NAD National Council on Interpreting).

(d) Registered permit. A registered permit is offered only for the two years immediately following enactment of this law.

1. **Credentials.** Any interpreter/transliterater providing interpreter services in the State of Florida as described in the definitions of the act prior to the enactment of the Florida Interpreter Licensure Law and who does not meet the requirements of the act, and who has registered with the state within 60 calendar-days of the date of enactment of this act shall be issued a registered permit for a period of two years from the date of enactment. Those interpreters entering practice after the date of enactment shall comply with the licensing requirements as provided for in the Florida Interpreter Law.
2. **Age.** An applicant for a registered permit shall be 18 years of age or older.
3. **Education.** An applicant for a registered permit shall possess a high school diploma or equivalent.
4. **Criminal Record.** An applicant for a registered permit may not have a felony conviction.

Rationale:

Adequate time has been built into recommendation to allow for the grandfathering of non-credentialed interpreters working in the State of Florida. The two-year time period will allow non-credentialed interpreters to seek education at a post-secondary institution to further their skills and aid in the attainment of a credential. After obtaining a credential, the interpreter will fall under the applicable guidelines of the permit, provisional license, or license.

(e) Temporary license.

1. **Criteria.** Interpreters temporarily residing in Florida who meet the criteria for licensure may hold a temporary license for a period not to exceed six months. One temporary license may be held in one calendar year.
2. **Age.** Applicants for a temporary license shall be 18 years of age or older.
3. **Education.** Applicants for a temporary license shall possess a high school diploma or equivalent.
4. **Criminal record.** Applicants for a temporary license shall not have a felony conviction.

Rationale:

Florida has a unique population in which residents may reside in other states for six months out of the year.

(f) Temporary permit.

1. **Criteria; number.** Persons from another state who may or may not hold a valid credential from that state may hold a temporary permit for a period not to exceed six months. One temporary permit may be held.
2. **Age.** An applicant for a temporary permit must be at least 18 years of age or older.
3. **Education.** Applicants for a temporary permit must possess a high school diploma or equivalent.
4. **Criminal record.** An applicant for a temporary permit may not have a felony conviction.
5. **Term.** Such interpreters may not exceed 30 calendar days without providing proof of application for one of the following, either from online state application or registered letter:
 - Licensure.
 - Temporary licensure.

- Provisional licensure.
- Permit.

Rationale:

1. Requires the board to promulgate an administrative regulation governing the granting of a license through reciprocity.
2. This administrative regulation establishes the requirements for licensure by reciprocity.

(g) Special limited license.

1. The board shall have the authority, upon presentation of satisfactory proof of competency and under such rules as the board may prescribe, to issue a special limited license to an individual who demonstrates competency in a specialized area for which no formal, generally recognized evaluation exists. Specialized areas associated with the practice of interpreting shall include, but not be limited to: deaf-blind interpreting, multi-lingual interpreting and certain non-sign modalities
2. Such special limited licenses shall only be granted until such time as formal, generally recognized evaluative methods for these modalities are instituted.
3. Special limited licenses shall state the limitations as to the specialized area for which the licensee demonstrates competency.
4. Licensees under this section will come under the general terms of the laws and the regulations herein except for the evaluation section, but will not be required to demonstrate any knowledge or expertise in any other communication modality other than that which they claim as an area of specialty.
5. The board shall establish separate educational requirements for specific modalities to determine the competency claimed by the applicant for the special limited license.
6. The interpreter licensure board shall be responsible for the development and implementation of criteria and licensure standards for Interpreters specializing in deaf-blind communication facilitation.
7. Licenses shall be recognized for the area of special competency only.
8. Applicants for a special limited license shall possess a high school diploma or equivalent and be at least 18 years of age or older.
9. Applicants for a special limited license shall not have a felony conviction.

Rationale:

1. Because of the influx of individuals (deaf and hearing) from all over the world and because sign language is not universal, there is the need to utilize individuals that have competency in other spoken and/or signed languages in order to comply with federal and state mandates defining access to persons who are Deaf or Hard of Hearing.
2. Special limited language licenses provide for the utilization of individuals who have specialized spoken/signed language skills necessary for appropriate communication to occur in a sign language interpreting setting.
3. Individuals granted a special limited language license are strongly encouraged to adhere to the following:
 - a. Work alone only in the specialized language(s) designated on their license.
 - b. Work with provisional or licensed interpreters.
4. Special limited licenses apply until testing and certification are in place for that area of specialization.

(2) Fees.

The annual license fee shall be set at a cost to provide sufficient revenues to pay costs of the licensure including, but not limited to, processing licenses, issuing licenses, costs of the professional regulation board, grievance proceedings, and other associated costs of enforcing the act.

- a. The annual fee shall cover a license or permit for the 12-month period beginning March 1st of each year.
- b. A professional regulation licensure trust fund shall be established by the state.
- c. All fees collected under this act shall be deposited into the professional regulations trust fund and shall only be used for the administration and enforcement of this act.
- d. The fund shall comply with Florida Statute 455.219.

(3) Renewal and Reinstatement.

(a) Each person licensed as an interpreter shall annually, on or before March 1, submit to the board an application, current validation of a recognized credential, required documentation and pay a fee for the renewal of the interpreter license. The amount of the fee shall be promulgated by administrative regulation of the board. All licenses not renewed by March 1 of each year shall expire.

Rationale: Annual renewal will serve to ensure that practicing interpreters are maintaining or increasing their personal skill level which, in turn, assures high quality services for consumers. The March 1 date was selected to avoid conflict with other professional organizations' renewal periods. Deferring the fee amount determination unencumbered the statute from DBPR's process of determining that fee.

(b) A 45-day grace period shall be allowed after March 1, during which time a licensed interpreter may continue to practice. Licensed interpreters may renew their licenses upon payment of the renewal fee plus a late renewal fee as promulgated by administrative regulation of the board.

Rationale: The grace period gives licensed individuals the opportunity to renew if they are not able to renew at the designated time due to unforeseen circumstances. This is standard in most states' licensure rules and laws.

(c) All licenses not renewed by April 14 shall terminate based on the failure of the interpreter to renew in a timely manner. Upon termination, the licensee is no longer eligible to practice in the state.

Rationale: This follows the provision that only licensed individuals may work as interpreters in Florida. As with any license, failure to renew would mean that the individual is operating without a license, which is against the law.

(d) After the 45-day grace period, but before September 1 from the date of termination, an individual with a terminated license may have his license reinstated upon payment of the renewal fee plus a reinstatement fee as promulgated by administrative regulation of the board.

Rationale: A separate fee for renewal and reinstatement is necessary to provide incentive for individuals to renew in a timely manner. The reinstatement fee should be higher than the renewal fee in order to appropriately serve this function.

(e) A suspended license is subject to expiration and termination and may be renewed. Renewal shall not entitle the licensee to engage in the practice of interpreting until the suspension has ended or is otherwise removed by the board and the right to practice is restored by the board.

Rationale: Individuals whose licenses are suspended will be able to renew at the normal renewal time and avoid paying late fees or reinstatement fees.

(f) A revoked license is subject to expiration and termination but shall not be renewed. If it is reinstated, the licensee shall pay the reinstatement fee as promulgated by administrative regulation of the board.

Rationale: As with any license that is revoked, an interpreter license cannot be renewed, as the individual is no longer licensed. Reinstatement would be the appropriate manner in which an individual with a revoked license may be able to obtain licensure once again.

(g) The board may require that a person applying for renewal or reinstatement of licensure show evidence of completion of continuing education as prescribed by the board by administrative regulation.

Rationale: This ensures the provision of quality services, which is the purpose of requiring licensure for interpreters.

(4) Revocation.

(a) Notice in writing of a contemplated revocation or suspension of a license, of the particular cause therefore, shall be sent registered mail to the licensee at his or her last known address within 15 days after decision. The individual against whom charge is filed shall have a right to provide a letters of defense, or evidence on his or her behalf, that must be submitted within 15 days of receipt of charge as sent by certified mail to the state.

Rationale: This language provides individuals or entities the opportunity to address complaint issues in a timely fashion prior to formal revocation or suspension, and requires the board to do the same.

(b) The complainant and respondent shall be notified in writing of the state decision within 90 days after receipt. The board, on a case-by-case basis for good cause shown in writing, may extend the time for issuing its recommendation an additional 90 days.

Rationale: This language provides accountability to the process by providing a timeline for formal notification of complaint resolution, as well as providing additional time as needed.

(c) After issuing an order of revocation or suspension, the state may also file a report with the county in which the respondent resides or transacts business, to ensure appropriate injunctive relief to expedite and secure the enforcement of its order, pending the final determination.

Rationale: This language ensures that the state has recourse to proper enforcement, in particular regarding application of misdemeanor penalties, and appropriate notification of other criminal violations.

(d) All names of licensees found guilty of charges will be posted on the state website including the offense and disposition so as to inform the consumers of licensed Interpreters.

Rationale: Similar to other websites which inform the public regarding professional status, this notification assures the public full access to issues which may impact the provision of services.

(e) An application for reinstatement may be made to the board which may, upon affirmative vote of a majority of its members, or by completion of required professional development provided with documentation, be granted reinstatement.

Rationale: This language is cross-referenced in the "Application" section; it amplifies the number of board members required for approval and the process required for reinstatement.

(f) The board may recommend that a license be suspended temporarily without a hearing for a period not to exceed 30 days upon notice to a licensee, following a finding by the board that there exists a significant threat to the public safety.

Rationale: This language recognizes that some infractions require immediate action by the board to ensure public safety.

(g) An applicant for reinstatement who has been denied reinstatement has the right to request a hearing. The board's decision shall be published in writing within 90 days after the hearing and shall be based on evidence in the record.

(h) An appeal in response to an action of the board shall be in accordance with the state administrative procedures.

(5) Inactive Status.

(a) Any interpreter who notifies the state on the prescribed forms, may place his or her license on inactive status and shall be exempt from payment of renewal fees until he or she applies for reinstatement and such reinstatement is approved and a license issued.

(b) Any interpreter requesting restoration from inactive status shall be required to pay the current renewal fee and shall be required to restore his or her license as promulgated by rule.

(c) Any interpreter whose license is on inactive status shall not practice in the State of Florida.

(d) Any interpreter who shall practice in the State of Florida while his or her license is on inactive status shall be considered to be practicing without a license, which shall be grounds for discipline under this act.

(e) An interpreter may submit a request for inactive status up to two years. An interpreter on inactive status may petition the board for an extension.

Rationale: An interpreter may not be able to render services due to a temporary physical or mental disability. This section enables an interpreter to claim inactive status by notifying the licensure board and enables them to restore their status by following the guidelines established. Any interpreter who shall practice in the State of Florida while his or her license is on inactive status shall be considered to be practicing without a license, which shall be grounds for discipline under this act.

(6) Surrender of License.

Upon revocation or suspension of a license, the licensee shall immediately surrender his or her license to the state. If the licensee fails to do so, the state may seize the license.

Rationale: This provision ensures that interpreters who have had their licenses revoked or suspended do not continue to provide service after judgment has been levied against them by the Board.

(7) Violations; Penalties.

Each of the following acts constitutes a misdemeanor of the first degree, punishable as provided in Florida Statutes, s. 775.082 or s. 775.083. A misdemeanor of the first degree incurs a fine of up to \$1,000.00; this amount is consistent with many other state laws and the RID legislative model; it is considered to be a sufficient deterrent to the unlawful activities listed below:

(a) Practicing interpreting or transliterating without holding an active license to do so.

Rationale: This language provides the general description of valid license holder, especially emphasizing “active.”

(b) Using the term or title “licensed interpreter” or any other term or title which implies that a person is qualified to provide interpreting services, unless such person is duly qualified as provided in this act.

Rationale: This language ties the license to the qualifications, and precludes the use of any titles that erroneously imply the provision of qualified service.

(c) Knowingly concealing information relating to the enforcement of this part or rules adopted pursuant to this act.

Rationale: This language assures that all knowledgeable persons duly inform the public of the statute’s requirements; that no misrepresentation will interfere with qualified service provision.

(d) Using or attempting to use a license which has been suspended or revoked.

Rationale: This language provides enforcement to actions of the board on behalf of the public interest, in cases in which complaints were found to be valid.

(e) Employing, for the purpose of providing interpreter services to any consumer, any individual who is not qualified under provisions of this act.

Rationale: This language ensures that entities are equally bound to uphold the requirements of the statute in their provision of interpreting services; thus, all consumers have access to recourse through due process of law. In the past, consumers have been unaware of interpreter’s qualifications unless the interpreter presented this information voluntarily; this provision is a further safeguard against misrepresentation for private gain; it lends additional assurance to the public’s confidence that the state standard is universally applied.

(f) Obtaining or attempting to obtain a license under this part through bribery, misrepresentation, concealment of material facts or fraudulent misrepresentation.

Rationale: This language assures the public of the integrity of the information supplied in the application process, and that the board may take appropriate actions when that integrity is compromised.

(g) Has been guilty of fraud, misrepresentation, concealment or material misstatement of facts or deceit in connection with his/her services rendered as an interpreter or transliterator of the deaf.

Rationale: This provision gives the board additional enforcement capabilities in the event that any of the above-listed duplicitous activities preclude conformance with the statute.

(h) Knowingly allowing a student interpreter to provide interpreting services without a direct supervisor being present.

Rationale: This language ensures that any errors or omissions produced by the student may be rectified in a timely fashion by the presence of a qualified supervisor, and assures the public that under-qualified students do not provide service independently.

(i) Presenting as his or her own the license of another.

Rationale: It is possible that unqualified practitioners may wish to represent themselves as qualified, and will use another person's license to do so (either via an entity or an individual); this action is prohibited by this provision.

(k) Allowing the use of his or her own license by another.

Rationale: It is possible that unscrupulous practitioners may wish to abet unqualified interpreters; this provision prohibits that activity.

(l) The practice of interpreting or transliterating under a false or assumed name;

Rationale: This is the final possibility for duplicitous presentation of one's credentials, and it is similarly prohibited.

(8) Continuing Education Requirements.

All persons applying for renewal of an interpreter or transliterator license or for renewal of a specialty license must:

(a) Licensed interpreters. An applicant for annual renewal of a license is required to submit proof of current certification which will also indicate they are complying with the RID Certification Maintenance Program (CEUs) requirements.

(b) Provisional. Must annually submit proof of completing 2.0 CEUs within the previous 12-month cycle ending March 15, which will also indicate they are complying with (RID) in the Associate Continuing Education Training (ACET) program.

(c) Permit. Must annually submit proof of completing 2.0 CEUs within the previous 12-month cycle ending March 15 of the year of application.

Each licensee is responsible for maintaining records of completion of the above requirements and sending a copy to the Department of Business and Professional Regulation (DBPR).

(9) Exemptions.

(a) *Religious.*

(1) An individual engaged solely in interpreting or transliterating at a worship service or ceremony conducted by a religious entity and services for educational purposes for a religious entity or religious affiliated school not receiving public monies.

(2) Does not apply to settings requiring compliance with ADA.

(b) *Emergency.*

(1) An individual engaged in interpreting or transliterating services during an emergency situation until the services of a licensed interpreter can be obtained.

(2) An emergency is one where, after documented attempts to obtain the services of a licensed interpreter, an individual who is deaf or hard of hearing determines that the delay in obtaining a licensed interpreter might lead to injury or loss to the individual requiring services.

(3) The services of a licensed interpreter must continue to be sought while using the unlicensed interpreter.

(4) Provisions of the Good Samaritan Act shall also apply to interpreters as long as the interpreter is acting within the guidelines established within the act. See Appendix L.

(c) *Non resident.*

(1) Interpreters registered in the State to engage in interpreting (including, but not limited to conference interpreting, video-relay interpreting, cruises) including those from another state who may or may not hold a valid credential from that state for a period not to exceed thirty (30) non-consecutive calendar-days in a calendar year, at which time the interpreter must provide proof of application for licensure or temporary licensure, permit, temporary permit, or provisional license either by online application or registered letter.

(2) Such interpreters will be under the auspices of the Florida Interpreter Board and all portions of applicable law.

(3) Services provided during a national or State declared emergency will not count toward the thirty (30) days.

(d) *Miscellaneous.*

(1) Any person interpreting pro bono or for remuneration where circumstances do not allow for the fulfillment of the Stated requirements for licensure or permitting and where the services of a qualified interpreter are not required under the provisions of the Americans with Disabilities Act of 1990, 42 U.S.C. 12101 et seq., section 504 of the Rehabilitation Act of 1973, 29 U.S.C 794., I.D.E.A, NCLB, or the regulations adopted pursuant to those provisions, shall petition Florida Interpreter Licensure Board for exemption.

(2) Such persons will be subject to the grievance process.

(10) Students, Interns and Mentorship.

(a) A student is a person enrolled in a course of study and/or mentorship program leading to certificate, degree, or licensure in interpreting, provided that such person engage only in activities and services that constitute a part of a supervised plan of study that clearly designates them as student, trainee, or intern and that the supervising mentor is qualified.

(b) A qualified mentor would be any or all of the following:

1. A hearing mentor of an approved apprentice who must be an interpreter/transliterators who possesses a current:

NAD level V certification; and/or
RID certified interpreter (CSC, CT, CI or NIC) no less than five years; and/or

2. A deaf or hard of hearing mentor of an approved apprentice who must possess current:

RID Certified Deaf Interpreter (CDI) or CDI provisional certification; and/or
ASLTA professional or provisional level;

3. Instructor in an interpreter training program; and/or

4. Three letters of recommendation from individuals already approved as mentors.

RECOMMENDATION 3. ADMINISTRATIVE PROCEDURES

(1) Application Process.

(a) The initial license shall be issued upon submission of an application, an affidavit documenting current validation of a recognized credential, a recent passport-type photograph of the applicant and payment of the required non-refundable annual fee by March 1.

Rationale: March 1 was the recommended date for application submission because many other professional organizations with which interpreters are involved have fees due in July.

(b) If the board finds the credentials and the required documentation in order, a license or permit shall be issued to the applicant. If the board rejects the credentials and/or the required documentation, the applicant will be notified in writing informing him or her of the reasons for rejection within 30 calendar days.

Rationale: Thirty calendar days was considered to be a reasonable amount of time, given the potential financial impact on the applicant.

(c) Each licensed interpreter shall notify the board of any change in his/her address of record within 30 calendar days.

Rationale: Notification of change of address is important for monitoring and accountability purposes, should a complaint be filed against an interpreter licensed by the board.

(d) Incomplete application procedures shall be promulgated by administrative regulation of the board.

Rationale: Procedures need to be in place to complete the application process as quickly as possible, to ensure that interpreters are licensed appropriately.

(2) Complaint Procedure; Grievances.

(a) Complaints regarding dishonorable, unethical, or unprofessional conduct of an interpreter shall be submitted to the board, in writing or by videotape with a complaint form for review within one calendar year of the alleged violation.

Rationale: Standard DBPR language includes videotape method for Deaf constituents, which assures accessibility to the complaint process.

(b) Complaints received shall be logged and will include, but will not be limited to the following information:

Licensee's name.
Name of the complaining party.
Date of alleged violation.
Date of complaint.
Brief statement of complaint.
Disposition.

Rationale: DBPR standard language.

(c) The state will acknowledge all complaints in writing within 10 business days after being received.

Rationale: DBPR standard language.

(d) The board may recommend to the state the revocation of a license, suspension, probation with required professional development, censure or reprimand of a licensee, or such disciplinary action as the board may deem appropriate, for conduct that may result from, but not necessarily limited to:

Rationale: This language gives the board the authority to enforce its actions regarding valid complaints.

1. Obtaining or attempting to obtain a license under this part through bribery, misrepresentation, concealment of material facts or fraudulent misrepresentation.

Rationale: DBPR standard language

2. Has been guilty of fraud, misrepresentation, concealment or material misstatement of facts or deceit in connection with his/her services rendered as an interpreter or transliterator of the deaf.

Rationale: DBPR standard language

3. Has been guilty of unprofessional conduct as defined below, and /or has violated any standard of professional or ethical conduct approved and adopted the licensure board.

Rationale: DBPR standard language, includes consideration of all codes of ethics approved by the board (such as RID/NIC, QA, EIE).

Rationale: DBPR standard language, giving the board authority to review all complaints, ranging from infractions only requiring a response or discipline to those requiring enforcement of penalties, per statute.

Unprofessional conduct is defined as including, but not limited to:

a. The use of any false or fraudulent statement in any document connected with the practice of interpreting or transliterating.

Rationale: This language assures consumers that the complaint process will be administered in a judicious manner.

b. The willful violation of a privileged communication.

Rationale: This language protects consumers' right to conform to Florida's statutes regarding privilege.

c. The willful violation of confidentiality.

Rationale: Several codes of ethics address this issue; while the tenets of those codes are not listed here, confidentiality is frequently mentioned as primary among them. Confidentiality protects deaf, hard of hearing and hearing consumers from discrimination in the communication act; as a third party to this communication, interpreters have the responsibility to respect the participants' privacy.

d. Knowingly performing an act which in any way aids or assists an unlicensed person to practice interpreting or transliterating in violation of this act.

Rationale: This language precludes any interpreter's collusion with unlawful activity.

e. The practice of interpreting or transliterating under a false or assumed name;

Rationale: This language assures consumers that the interpreter's information is correct and is consistent with the information on file with DBPR.

f. The advertising for the practice of interpreting or transliterating in a deceptive or unethical manner.

Rationale: This language addresses the accuracy of the information provided to consumers prior to the request for services.

g. Intoxication or the use of drugs while performing the duties and functions of an interpreter/transliterating.

Rationale: This language assures consumers that the accuracy of the message is not negatively impacted by the introduction of mind-altering factors.

h. Repeated violations of any of the rules or regulations of the board or the violation of any section of this act.

Rationale: This language addresses the possibility of increasing consequences for repeated infractions delineated by the statute.

i. Repeated acts of gross misconduct in the practice of his/her profession.

Rationale: This language addresses the possibility of increasing consequences for cumulative infractions in the performance of service provision.

k. Has demonstrated a pattern of practice or other behavior, which demonstrates incapacity or incompetence to practice under this act.

Rationale: This language addresses the possibility that the interpreter may not be able to render appropriate service to the consumer for physiological reasons or by repeated inadequacies in a given setting.

4. Has violated any lawful order, or any provision of the act or the rules or regulations promulgated herein (see "Violations; penalties").

Rationale: This language includes other behaviors that are further specified in the section entitled "Violations; penalties," which may incur the imposition of penalties in conformance with Florida Statutes.

5. Aiding or assisting another person in violating any provision of this act or any rule adopted herein.

Rationale: This language is consistent with previous language regarding unprofessional conduct, and is specific to the statute.

RECOMMENDATION 4: MENTORSHIP/APPRENTICESHIP PROGRAM

In order to increase the needed pool of qualified sign language interpreters able to comply with the newly established sign language interpreter licensure requirements which facilitate compliance with federal law and state statutes mandating access for deaf and hard of hearing persons within the State of Florida, the Florida Coordinating Council for the Deaf and Hard of Hearing strongly recommends the establishment and support of a state-funded sign language interpreting mentorship/apprenticeship program to provide the needed skill development access support to prospective and currently employed individuals gaining or maintaining employment as licensed sign language interpreters within the State of Florida.

The Licensure Task Force encourages the investigation of a five-year state-funded mentorship/apprenticeship program for sign language interpreting that includes graduates from an Interpreter Training Program and Florida residents currently employed in providing sign language interpreting services who need to apply for interpreter licensure in order to gain or maintain employment within the State of Florida, but do not possess any national certification or Florida Registry of the Deaf Quality Assurance Screening Level or Educational Interpreter Evaluation (EIE) Level 3 that would permit them to qualify for a Florida Interpreter License.

During the five-year program, approved mentees/apprentices will each receive up to, but not exceeding, 20 mentoring visits of up to four hours each for a period not to exceed ten months within one calendar year with an FCCDHH approved mentor.

The funding for the program would utilize resources currently existing in state apprenticeship programs such as the Florida Department of Labor and Employment Security Division of Jobs and Benefits' Bureau of Workforce Program Support Apprenticeship Section (Chapter 38H-16 Apprenticeship Programs and Chapter 38H-20 State Apprenticeship Council), along with any other potential financial resources from federal programs, private institutions, sponsorships, fees, etc., for individuals not enrolled in post-secondary programs and Florida Department of Education's Workforce Education funds for those individuals within the Florida Department of Education.

The establishment of the mentorship/apprenticeship program recommended herein would intrinsically further the goals of licensure for qualified professional sign language interpreting services in order to meet the state's needs, especially those of the Florida Department of Education.

APPENDICES

Glossary of Terms Used in This Report

- a) **“Deaf”** means a person whose sense of hearing is nonfunctional, without technology, for the purpose of communication and whose primary means of communication is visual. Unless otherwise specified, the use of the term “deaf” or “Deaf” also implies persons who are hard of hearing or deaf-blind.
- Note: There is a distinction between Deaf and deaf, with “Deaf” referring to those individuals who use American Sign Language and “deaf” referring to individuals who are deaf, but who may or may not use American Sign Language. Although this distinction is not reflected in this report, it is frequently reflected in the materials of grassroots organizations.
- b) **“Hard of Hearing”** means a person who has a hearing loss which results in the possible dependence on visual methods to communicate in addition to use of residual hearing with or without the assistance of technology.
- c) **“D/HH”** is an abbreviation used to mean “deaf and/or hard of hearing.”
- d) **“Deaf-Blind”** means a person who has a substantial loss of hearing and vision and who may utilize specialized visual, auditory or tactile communication methods.
- e) **“Consumer”** means the person or persons for and between whom the interpreter facilitates communication.
- f) **“Student”** and **“Intern”** mean a person enrolled in a course of study or mentorship/apprenticeship program leading to a certificate or degree at an accredited institution or a license in interpreting.
- g) **“Mentorship”** means professional guidance by a qualified practitioner, on a formal or informal basis.
- h) **“ITP”** or **“Interpreter Training Program”** means a course of academic study leading to a degree in interpreting or transliterating.
- i) **“ASL”** or **“American Sign Language”** is a fully developed visual-gestural language with distinct grammar, syntax, and symbols; is one of hundreds of signed languages of the world; and is the primary language used by the deaf community in the United States.
- j) **“Sign language”** is a generic term used to describe a continuum of visual-gestural language and communication systems based on hand signs.
- k) **“Oral interpreting”** or **“oral transliterating”** means facilitating a mode of communication utilizing speech, speech-reading and residual hearing as a primary means of communication and using situational and culturally appropriate gestures, without the use of sign language.
- l) **“Cued speech”** means a phonetically based system to enable spoken language to appear visibly through the use of handshapes and specific locations in combination with natural mouth movements to represent sounds of spoken language.
- m) **“Interpreting”** means the process of providing accessible communication between and among persons who are deaf or hard of hearing and those who are hearing. This process includes, but is not limited to, communication between American Sign Language and English. It may also involve various other modalities that involve visual, gestural, and tactile methods.
- n) **“Translating”** means the process of providing accessible communication between and among persons who are deaf or hard of hearing and those who are hearing. This process primarily refers, but is not limited, to the facilitation between spoken English and a signed mode of English.

- o) **“Intermediary interpreting”** means interpreting in a setting which requires the addition of another interpreter in order to facilitate communication between and among persons who are deaf or hard of hearing and those who are hearing.
- p) **“Interpreter”** means a person who engages in the practice of interpreting. Unless otherwise specified, the use of the term “interpreter” also implies a person who engages in the practice of transliterating.
- q) **“Transliterating”** means a person who engages in the practice of transliterating.
- r) **“Deaf interpreter”** means a person who engages in the practice of intermediary interpreting.
- s) **“Educational interpreter”** means an interpreter who engages in the practice of interpreting in the Pre-K through 12 setting.
- t) **“Multi-lingual interpreting”** means the act of interpreting in a setting which requires not only skill in English and ASL, but also another language, whether spoken or signed, and cultural sensitivity knowledge of the parties involved.
- u) **“Certified interpreter”** means a person who holds a valid certification or certifications granted by RID, NAD, NCI, TECUnit, or EIPA.
- v) **“VRI”** or **“Video Remote Interpreting”** means interpreting services provided between two parties who may or may not be located in the same room or location.
- w) **“VRS”** or **“Video Relay Service”** means a telecommunications relay service that allows people with hearing or speech disabilities who use sign language to communicate with voice telephone users through video equipment. The video link allows the interpreter (also known as a “video interpreter” or “VI”) to view and interpret the party’s signed conversation and relay the conversation back and forth with a voice caller.
- x) **“FCCDHH”** means the Florida Coordinating Council for the Deaf and Hard of Hearing.
- y) **“LTF”** means the Licensure Task Force, under the Florida Coordinating Council for the Deaf and Hard of Hearing.
- z) **“RID”** means the Registry of Interpreters for the Deaf, which certifies sign language and oral interpreters at a national level. The RID also grants a specialist certificate in the area of legal interpreting.
- aa) **“NAD”** means the National Association of the Deaf, which certified sign language interpreters at a national level, but no longer administers its certification exam. The examination consisted of a total of five levels. Two levels were non-certified levels (Level I – Novice I and Level II – Novice II), and three levels were certified levels (Level III – Generalist; Level IV – Advanced, and Level V – Master).
- bb) **“NCI”** means the National Council on Interpreting, a joint council of the Registry of Interpreters for the Deaf and the National Association of the Deaf which certifies sign language interpreters at a national level. The NCI is also referred to as “NAD-RID”.
- cc) **“FRID”** means the Florida Registry of Interpreters for the Deaf, a state affiliate chapter of the Registry of Interpreters for the Deaf.
- dd) **“EIPA”** means the Educational Interpreter Performance Assessment, developed by staff members of Boys Town National Research Hospital with partial support from the NIH-NIDCD grant, D-60 DC00982.
- ee) **“TECUnit”** means the Teaching, Education, and Certification Unit, a national organization that assesses and certifies cued speech transliterators.
- ff) **“NIC”** means the National Interpreter Certification, a certification granted by the National Council on Interpreting.

- gg) **“QA”** refers to the Quality Assurance screening test administered by the Florida Registry of Interpreters for the Deaf to monitor the progress of uncertified interpreters in the State of Florida. The examination consists of three levels: Level I – Beginner Apprentice, Level II – Intermediate Apprentice, and Level III – Advanced Apprentice.
- hh) **“EIE”** refers to the Educational Interpreter Evaluation test administered by the Florida Registry of Interpreters for the Deaf to assess skills of educational interpreters in the State of Florida. The examination consists of three levels: Level I (lowest), Level II, and Level III (highest).
- ii) **“SCPI”** means Sign Communication Proficiency Interview. Assesses fluency in American Sign Language.
- jj) **“ASLPI”** means American Sign Language Proficiency Interview. Assesses fluency in American Sign Language.
- kk) **“CART”** or **“Communication Access Realtime Translation”** means the verbatim instant translation of the spoken word into English text by a specially trained machine stenographer or a specially trained verbatim realtime voice writer using computer-assisted translation software that is displayed on a monitor, screen, or laptop computer for consumer access. CART is recognized in the Americans with Disabilities Act as an assistive technology which affords effective communication access.

Legislation Establishing the Florida Coordinating Council for the Deaf and Hard of Hearing

Sections relevant to this report

The law that established the Florida Coordinating Council for the Deaf and Hard of Hearing, s. 413.271, Florida Statutes (2004), required that it is to develop a report and recommend policies that address the needs of the deaf, hard of hearing, and late-deafened persons.

The council shall prepare a report, which shall be filed with the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court by January 1, 2005, which must include:

- c) A review of the feasibility of and necessity for regulation of interpreters and, if found to be feasible and advantageous, a recommendation of standards for licensure. The council shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2006, describing its findings and recommendations.
- d) Recommendations for standards for and licensure of sign-language interpreters and providers of Communication-Aided Real-Time Translation services (CART) and other accreditation standards for service providers that are not subject to regulation by the state.

The council may:

- a) Secure assistance from all state departments and agencies in order to avail itself of expertise at minimal cost.
- b) Obtain information and assistance from the state or any political subdivision, municipal corporation, public officer, or governmental department or agency thereof.

All executive branch state agencies are instructed, and all other state agencies are requested, to assist the council in accomplishing its purposes.

United States and Federal Laws Pertaining to Interpreters

The Americans with Disabilities Act (ADA) of 1990 provides the cornerstone of federal disability law and prohibits discrimination against individuals with disabilities in employment, housing, education, and access to public services. In October, 2004, the U.S. District Court for the Northern District of California issued a landmark ruling in *Bates v. United Parcel Service* that signaled a victory for deaf, hard of hearing and late-deafened persons nationwide. The court held that “deaf individuals who meet United Parcel Service’s threshold requirements cannot be categorically excluded and must instead be permitted to proceed through the company’s regular processes for becoming a package-car driver, with reasonable accommodations provided to them as needed.” The suit was brought under ADA, which among many other federal and state laws, provide protection in many areas of accessibility. The laws reflected on the following pages serve to protect the rights of the deaf, hard-of-hearing, late-deafened and deaf-blind persons and ensure that this population is afforded equality of opportunity and full participation under federal and state laws.

The following Federal acts provide the foundation for ensuring access for persons with disabilities, including persons who are deaf, hard of hearing, and late-deafened.

FEDERAL LAWS PERTAINING TO DISABILITY RIGHTS

Americans with Disabilities Act of 1990: 42 U.S.C. §§ 12101 et seq.; Implementing Regulations: 29 CFR Parts 1630, 1602 (Title I, EEOC); 28 CFR Part 35 (Title II, Department of Justice); 49 CFR Parts 27, 37, 38 (Title II, III, Department of Transportation); 28 CFR Part 36 (Title III, Department of Justice); 47 CFR §§ 64.601 et seq. (Title IV, FCC) Prohibit discrimination on the basis of disability in employment, State and local government, public accommodations, commercial facilities, transportation, and telecommunications. It also applies to the United States Congress. To be protected by the ADA, one must have a disability, or have a relationship or association with an individual with a disability. An individual with a disability is defined by the ADA as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such impairment, or a person who is perceived by others as having such impairment. The ADA does not specifically name all of the impairments that are covered.

ADA Title I: Employment Requires employers with 15+ employees to provide qualified individuals with disabilities an equal opportunity to benefit from the full range of employment related opportunities available to others, e.g., it prohibits discrimination in recruitment, hiring, promotions, training, pay, social activities, and other privileges of employment. It restricts questions that can be asked about an applicant’s disability before a job offer is made, and it requires that employers make reasonable accommodation to the known physical or mental limitations of otherwise qualified individuals with disabilities, unless it results in undue hardship. Religious entities with 15+ employees are covered under Title I.

ADA Title II: Public Transportation The transportation provisions of Title II cover public transportation services, such as city buses and public rail transit (e.g. subways, commuter rails, Amtrak). Public transportation authorities may not discriminate against people with disabilities in the provision of their services. They must comply with requirements for accessibility in newly purchased vehicles, make good faith efforts to purchase or lease accessible used buses, remanufacture buses in an accessible manner, and, unless it would result in an undue burden, provide paratransit where they operate fixed-route bus or rail systems.

ADA Title II: State & Local Government Activities Title II covers all activities of state and local governments, regardless of the government entity's size or receipt of Federal funding. Title II requires that state and local governments give people with disabilities an equal opportunity to benefit from all of their programs, services, and activities (e.g. public education, employment, transportation, recreation, health care, social services, courts, voting, and town hall meetings). State and local governments are required to follow specific architectural standards in the new construction and alteration of their buildings. They also must relocate programs or otherwise provide access in inaccessible older buildings, and communicate effectively with people who have hearing, vision, or speech disabilities. Public entities are not required to take actions that would result in undue financial and administrative burdens. They are required to make reasonable modifications to policies, practices, and procedures where necessary to avoid discrimination, unless they can demonstrate that doing so would fundamentally alter the nature of the service, program, or activity being provided.

ADA Title III: Public Accommodations Title III covers businesses and nonprofit service providers that are public accommodations, privately operated entities offering certain types of courses and examinations, privately operated transportation, and commercial facilities. Public accommodations are private entities who own, lease, lease to, or operate facilities such as restaurants, retail stores, hotels, movie theaters, private schools, convention centers, doctors' offices, homeless shelters, transportation depots, zoos, funeral homes, day care centers, and recreation facilities, including sports stadiums and fitness clubs. Transportation services provided by private entities are also covered by Title III. Public accommodations must comply with basic nondiscrimination requirements that prohibit exclusion, segregation, and unequal treatment. They also must comply with specific requirements related to architectural standards for new and altered buildings; reasonable modifications to policies, practices, and procedures; effective communication with people with hearing, vision, or speech disabilities; and other access requirements. Additionally, public accommodations must remove barriers in existing buildings where it is easy to do so without much difficulty or expense, given the public accommodation's resources. Courses and examinations related to professional, educational, or trade-related applications, licensing, certifications, or credentialing must be provided in a place and manner accessible to people with disabilities, or alternative accessible arrangements must be offered. Commercial facilities, such as factories and warehouses, must comply with the ADA's architectural standards for new construction and alterations.

ADA Title IV: Telecommunications Relay Services Title IV addresses telephone and television access for people with hearing and speech disabilities. It requires common carriers (telephone companies) to establish interstate and intrastate telecommunications relay services (TRS) 24 hours a day, 7 days a week. TRS enables callers with hearing and speech disabilities who use telecommunications devices for the deaf (TDDs), also known as teletypewriters (TTYs), and callers who use voice telephones to communicate with each other through a third party communications assistant. The Federal Communications Commission (FCC) has set minimum standards for TRS services. Title IV also requires closed captioning of federally funded public service announcements.

Civil Rights of Institutionalized Persons Act of 1980: 42 U.S.C. §§ 1997 et seq. The Civil Rights of Institutionalized Persons Act (CRIPA) authorizes the U.S. Attorney General to investigate conditions of confinement at state and local government institutions, such as prisons, jails, pretrial detention centers, juvenile correctional facilities, publicly operated nursing homes, and institutions for people with psychiatric or developmental disabilities. Its purpose is to allow the Attorney General to uncover and correct widespread deficiencies that seriously jeopardize the health and safety of residents of institutions. The Attorney General does not have authority under CRIPA to investigate isolated incidents or to represent individual institutionalized persons. The Attorney General may initiate civil law suits where there is reasonable cause to believe that conditions are "egregious or flagrant," that they are subjecting residents to "grievous harm," and that they are part of a "pattern or practice" of resistance to residents' full enjoyment of

constitutional or federal rights, including Title II of the ADA and section 504 of the Rehabilitation Act.

Individuals with Disabilities Education Act: 20 U.S.C. §§ 1400 et seq.; Implementing Regulation: 34 CFR Part 300 The Individuals with Disabilities Education Act (IDEA) (formerly called P.L. 94-142 or the Education for all Handicapped Children Act of 1975) requires public schools to make available to all eligible children with disabilities a free appropriate public education in the least restrictive environment appropriate to their individual needs. IDEA requires public school systems to develop appropriate Individualized Education Programs (IEP's) for each child. The specific special education and related services outlined in each IEP reflect the individualized needs of each student. IDEA also mandates that particular procedures be followed in the development of the IEP. Each student's IEP must be developed by a team of knowledgeable persons and must be at least reviewed annually. The team includes the child's teacher; the parents, subject to certain limited exceptions; the child, if determined appropriate; an agency representative who is qualified to provide or supervise the provision of special education; and other individuals at the parents' or agency's discretion.

The Rehabilitation Act of 1973, as Amended The Rehabilitation Act prohibits discrimination on the basis of disability in programs conducted by federal agencies, in programs receiving federal financial assistance, in federal employment, and in the employment practices of federal contractors. The standards for determining employment discrimination under the Rehabilitation Act are the same as those used in Title I of the Americans with Disabilities Act.

Section 501 of the Rehabilitation Act of 1973, as amended: 29 U.S.C. § 791;
Implementing Regulation: 29 CFR § 1614.203.

Section 501 requires affirmative action and nondiscrimination in employment by federal agencies of the executive branch..

Section 503 of the Rehabilitation Act of 1973, as amended: 29 U.S.C. § 793;
Implementing Regulation: 41 CFR Part 60-741.

Section 503 requires affirmative action and prohibits employment discrimination by federal government contractors and subcontractors with contracts of more than \$10,000. Section 504 of the Rehabilitation Act of 1973, as amended: 29 U.S.C. § 794; Over 20 Implementing Regulations for federally assisted programs, including: 34 CFR Part 104 (Department of Education); 45 CFR Part 84 (Department of Health and Human Services); 28 CFR §§ 42.501 et seq.; Over 95 Implementing Regulations for federally conducted programs, including: 28 CFR Part 39 (Department of Justice)

Section 504 states that "no qualified individual with a disability in the United States shall be excluded from, denied the benefits of, or be subjected to discrimination under" any program or activity that either receives Federal financial assistance or is conducted by any Executive agency or the United States Postal Service. Each Federal agency has its own set of section 504 regulations that apply to its own programs. Agencies that provide Federal financial assistance also have section 504 regulations covering entities that receive federal aid. Requirements common to these regulations include reasonable accommodation for employees with disabilities; program accessibility; effective communication with people who have hearing or vision disabilities; and accessible new construction and alterations. Each agency is responsible for enforcing its own regulations.

Section 508 of the Rehabilitation Act of 1973, as amended: 29 U.S.C. § 794d
Section 508 establishes requirements for electronic and information technology developed, maintained, procured, or used by the Federal government; requires Federal electronic and information technology to be accessible to people with disabilities,

including employees and operated in a variety of ways and does not rely on a single sense or ability of the user. For example, a system that provides output only in visual format may not be accessible to people with visual impairments, and a system that provides output only in audio format may not be accessible to people who are deaf or hard of hearing. Some individuals with disabilities may need accessibility-related software or peripheral devices in order to use systems that comply with Section 508.

FLORIDA STATUTES

The Florida Statutes were researched to identify those provisions that uniquely address issues of importance to this population. The table that follows lists the Florida statutes identified and their related subject areas. The most significant statutes identified are those pertaining to interpreters in courtroom settings and telecommunications access. There are no provisions for overall coordination of services or adherence to ADA compliance issues for this population. Attorney General Charlie Crist initiated landmark legislation that was signed into law on June 18, 2003. The new law, entitled the Dr. Marvin Davies Florida Civil Rights Act, is a significant historical breakthrough in the Florida Civil Rights movement. The law amends the Florida Civil Rights Act of 1992 enabling the Attorney General to bring civil rights action against those who engage in a pattern or practice of discrimination, or for the issues of great public interest. The law provides the Attorney General with authority similar to that of the United States Attorney General in order to protect the rights of all Floridians.

Education, K-12: Sections 1003.01 – 1003.63. Addresses educational services and provisions for children with disabilities.

Education, Instructional Programs: Section 1003.55. Provides for instructional programs for blind or visually impaired students and deaf or hard-of-hearing students.

Interpreter Services – Arrest/Custody Situations: Section 901.245. Provides that in the event that a person who is deaf is arrested and taken into custody, the services of a qualified interpreter must be sought prior to interrogation.

Interpreter Services – Courtroom Settings: Section 90.6063. Outlines requirements for the provision of qualified interpreters in court; defines “qualified interpreters.”

Jury Services of Persons Who are Deaf: Section 40.013. Provides that no one shall be excused from jury duty solely on the basis of being deaf or hearing impaired, if that person wishes to serve, unless the presiding judge makes a finding that consideration of the evidence to be presented requires auditory discrimination or that the timely progression of the trial will be considerably affected.

Vocational Rehabilitation Services: Sections 413.011 – 413.74. This chapter pertains to the services provided by vocational rehabilitation, which includes services to deaf/hard of hearing persons. VR services are any services that help an individual, or group of individuals, to achieve an employment outcome, including interpreter services.

Florida Rulemaking Statutes

Sections relevant to this report

Title X: PUBLIC OFFICERS, EMPLOYEES, AND RECORDS
Chapter 120: ADMINISTRATIVE PROCEDURE ACT

§ 120.536 Rulemaking authority; repeal; challenge.--

(1) A grant of rulemaking authority is necessary but not sufficient to allow an agency to adopt a rule; a specific law to be implemented is also required. An agency may adopt only rules that implement or interpret the specific powers and duties granted by the enabling statute. No agency shall have authority to adopt a rule only because it is reasonably related to the purpose of the enabling legislation and is not arbitrary and capricious or is within the agency's class of powers and duties, nor shall an agency have the authority to implement statutory provisions setting forth general legislative intent or policy. Statutory language granting rulemaking authority or generally describing the powers and functions of an agency shall be construed to extend no further than implementing or interpreting the specific powers and duties conferred by the same statute.

§ 120.54 Rulemaking.--

(1) GENERAL PROVISIONS APPLICABLE TO ALL RULES OTHER THAN EMERGENCY RULES.--

(a) Rulemaking is not a matter of agency discretion. Each agency statement defined as a rule by s. 120.52 shall be adopted by the rulemaking procedure provided by this section as soon as feasible and practicable.

1. Rulemaking shall be presumed feasible unless the agency proves that:

- a. The agency has not had sufficient time to acquire the knowledge and experience reasonably necessary to address a statement by rulemaking;
- b. Related matters are not sufficiently resolved to enable the agency to address a statement by rulemaking; or
- c. The agency is currently using the rulemaking procedure expeditiously and in good faith to adopt rules which address the statement.

2. Rulemaking shall be presumed practicable to the extent necessary to provide fair notice to affected persons of relevant agency procedures and applicable principles, criteria, or standards for agency decisions unless the agency proves that:

- a. Detail or precision in the establishment of principles, criteria, or standards for agency decisions is not reasonable under the circumstances; or
- b. The particular questions addressed are of such a narrow scope that more specific resolution of the matter is impractical outside of an adjudication to determine the substantial interests of a party based on individual circumstances.

(b) Whenever an act of the Legislature is enacted which requires implementation of the act by rules of an agency within the executive branch of state government, such rules shall be drafted and formally proposed as provided in this section within 180 days after the effective date of the act, unless the act provides otherwise.

(c) No statutory provision shall be delayed in its implementation pending an agency's adoption of implementing rules unless there is an express statutory provision prohibiting its application until the adoption of implementing rules.

(d) In adopting rules, all agencies must, among the alternative approaches to any regulatory objective and to the extent allowed by law, choose the alternative that does not impose regulatory costs on the regulated person, county, or city which could be reduced by the adoption of less costly alternatives that substantially accomplish the statutory objectives.

(e) No agency has inherent rulemaking authority, nor has any agency authority to establish penalties for violation of a rule unless the Legislature, when establishing a penalty, specifically provides that the penalty applies to rules.

(f) An agency may adopt rules authorized by law and necessary to the proper implementation of a statute prior to the effective date of the statute, but the rules may not be effective until the statute upon which they are based is effective. An agency may not adopt retroactive rules, including retroactive rules intended to clarify existing law, unless that power is expressly authorized by statute.

(g) Each rule adopted shall contain only one subject.

(h) In rulemaking proceedings, the agency may recognize any material which may be judicially noticed, and it may provide that materials so recognized be incorporated into the record of the proceeding. Before the record of any proceeding is completed, all parties shall be provided a list of these materials and given a reasonable opportunity to examine them and offer written comments or written rebuttal.

(i)1. A rule may incorporate material by reference but only as the material exists on the date the rule is adopted. For purposes of the rule, changes in the material are not effective unless the rule is amended to incorporate the changes. A rule may not be amended by reference only. Amendments must set out the amended rule in full in the same manner as required by the State Constitution for laws. The Department of State may prescribe by rule requirements for incorporating materials by reference pursuant to this paragraph.

2. Notwithstanding any contrary provision in this section, when an adopted rule of the Department of Environmental Protection or a water management district is incorporated by reference in the other agency's rule to implement a provision of part IV of chapter 373, subsequent amendments to the rule are not effective as to the incorporating rule unless the agency incorporating by reference notifies the committee and the Department of State of its intent to adopt the subsequent amendment, publishes notice of such intent in the Florida Administrative Weekly, and files with the Department of State a copy of the amended rule incorporated by reference. Changes in the rule incorporated by reference are effective as to the other agency 20 days after the date of the published notice and filing with the Department of State. The Department of State shall amend the history note of the incorporating rule to show the effective date of such change. Any substantially affected person may, within 14 days after the date of publication of the notice of intent in the Florida Administrative Weekly, file an objection to rulemaking with the agency. The objection shall specify the portions of the rule incorporated by reference to which the person objects and the reasons for the objection. The agency shall not have the authority under this subparagraph to adopt those portions of the rule specified in such objection. The agency shall publish notice of the objection and of its action in response in the next available issue of the Florida Administrative Weekly.

(j) A rule published in the Florida Administrative Code must be indexed by the Department of State within 90 days after the rule is filed. The Department of State shall by rule establish procedures for indexing rules.

(2) RULE DEVELOPMENT; WORKSHOPS; NEGOTIATED RULEMAKING.--

(a) Except when the intended action is the repeal of a rule, agencies shall provide notice of the development of proposed rules by publication of a notice of rule development in the Florida Administrative Weekly before providing notice of a proposed rule as required by paragraph (3)(a). The notice of rule development shall indicate the subject area to be addressed by rule development, provide a short, plain explanation of the purpose and effect of the proposed rule, cite the specific legal authority for the proposed rule, and include the preliminary text of the proposed rules, if available, or a statement of how a person may promptly obtain, without cost, a copy of any preliminary draft, if available.

(b) All rules should be drafted in readable language. The language is readable if:

1. It avoids the use of obscure words and unnecessarily long or complicated constructions; and
2. It avoids the use of unnecessary technical or specialized language that is understood only by members of particular trades or professions.

(c) An agency may hold public workshops for purposes of rule development. An agency must hold public workshops, including workshops in various regions of the state or the agency's service area, for purposes of rule development if requested in writing by any affected person, unless the agency head explains in writing why a workshop is unnecessary. The explanation is not final agency action subject to review pursuant to ss. 120.569 and 120.57. The failure to provide the explanation when required may be a material error in procedure pursuant to s. 120.56(1)(c). When a workshop or public hearing is held, the agency must ensure that the persons responsible for preparing the proposed rule are available to explain the agency's proposal and to respond to questions or comments regarding the rule being developed. The workshop may be facilitated or mediated by a neutral third person, or the agency may employ other types of dispute resolution alternatives for the workshop that are appropriate for rule development. Notice of a rule development workshop shall be by publication in the Florida Administrative Weekly not less than 14 days prior to the date on which the workshop is scheduled to be held and shall indicate the subject area which will be addressed; the agency contact person; and the place, date, and time of the workshop.

(d)1. An agency may use negotiated rulemaking in developing and adopting rules. The agency should consider the use of negotiated rulemaking when complex rules are being drafted or strong opposition to the rules is anticipated. The agency should consider, but is not limited to considering, whether a balanced committee of interested persons who will negotiate in good faith can be assembled, whether the agency is willing to support the work of the negotiating committee, and whether the agency can use the group consensus as the basis for its proposed rule. Negotiated rulemaking uses a committee of designated representatives to draft a mutually acceptable proposed rule.

2. An agency that chooses to use the negotiated rulemaking process described in this paragraph shall publish in the Florida Administrative Weekly a notice of negotiated rulemaking that includes a listing of the representative groups that will be invited to participate in the negotiated rulemaking process. Any person who believes that his or her interest is not adequately represented may apply to participate within 30 days after publication of the notice. All meetings of the negotiating committee shall be noticed and open to the public pursuant to the provisions of this chapter. The negotiating committee shall be chaired by a neutral facilitator or mediator.

3. The agency's decision to use negotiated rulemaking, its selection of the representative groups, and approval or denial of an application to participate in the negotiated rulemaking process are not agency action. Nothing in this subparagraph is intended to

affect the rights of an affected person to challenge a proposed rule developed under this paragraph in accordance with s. 120.56(2).

(3) ADOPTION PROCEDURES.--

(a) Notices.--

1. Prior to the adoption, amendment, or repeal of any rule other than an emergency rule, an agency, upon approval of the agency head, shall give notice of its intended action, setting forth a short, plain explanation of the purpose and effect of the proposed action; the full text of the proposed rule or amendment and a summary thereof; a reference to the specific rulemaking authority pursuant to which the rule is adopted; and a reference to the section or subsection of the Florida Statutes or the Laws of Florida being implemented, interpreted, or made specific. The notice shall include a summary of the agency's statement of the estimated regulatory costs, if one has been prepared, based on the factors set forth in s. 120.541(2), and a statement that any person who wishes to provide the agency with information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided by s. 120.541(1), must do so in writing within 21 days after publication of the notice. The notice must state the procedure for requesting a public hearing on the proposed rule. Except when the intended action is the repeal of a rule, the notice shall include a reference both to the date on which and to the place where the notice of rule development that is required by subsection (2) appeared.

2. The notice shall be published in the Florida Administrative Weekly not less than 28 days prior to the intended action. The proposed rule shall be available for inspection and copying by the public at the time of the publication of notice.

3. The notice shall be mailed to all persons named in the proposed rule and to all persons who, at least 14 days prior to such mailing, have made requests of the agency for advance notice of its proceedings. The agency shall also give such notice as is prescribed by rule to those particular classes of persons to whom the intended action is directed.

4. The adopting agency shall file with the committee, at least 21 days prior to the proposed adoption date, a copy of each rule it proposes to adopt; a detailed written statement of the facts and circumstances justifying the proposed rule; a copy of any statement of estimated regulatory costs that has been prepared pursuant to s. 120.541; a statement of the extent to which the proposed rule relates to federal standards or rules on the same subject; and the notice required by subparagraph 1.

(b) Special matters to be considered in rule adoption.--

1. Statement of estimated regulatory costs.--Prior to the adoption, amendment, or repeal of any rule other than an emergency rule, an agency is encouraged to prepare a statement of estimated regulatory costs of the proposed rule, as provided by s. 120.541.

2. Small businesses, small counties, and small cities.--

a. Each agency, before the adoption, amendment, or repeal of a rule, shall consider the impact of the rule on small businesses as defined by s. 288.703 and the impact of the rule on small counties or small cities as defined by s. 120.52. Whenever practicable, an agency shall tier its rules to reduce disproportionate impacts on small businesses, small counties, or small cities to avoid regulating small businesses, small counties, or small cities that do not contribute significantly to the problem the rule is designed to address. An agency may define "small business" to include businesses employing more than 100 persons, may define "small county" to include those with populations of more than 75,000, and may define "small city" to include those with populations of more than

10,000, if it finds that such a definition is necessary to adapt a rule to the needs and problems of small businesses, small counties, or small cities. The agency shall consider each of the following methods for reducing the impact of the proposed rule on small businesses, small counties, and small cities, or any combination of these entities:

(I) Establishing less stringent compliance or reporting requirements in the rule.

(II) Establishing less stringent schedules or deadlines in the rule for compliance or reporting requirements.

(III) Consolidating or simplifying the rule's compliance or reporting requirements.

(IV) Establishing performance standards or best-management practices to replace design or operational standards in the rule.

(V) Exempting small businesses, small counties, or small cities from any or all requirements of the rule.

b.(I) If the agency determines that the proposed action will affect small businesses as defined by the agency as provided in sub-subparagraph a., the agency shall send written notice of the rule to the small business ombudsman of the Office of Tourism, Trade, and Economic Development not less than 28 days prior to the intended action.

(II) Each agency shall adopt those regulatory alternatives offered by the small business ombudsman and provided to the agency no later than 21 days after the ombudsman's receipt of the written notice of the rule which it finds are feasible and consistent with the stated objectives of the proposed rule and which would reduce the impact on small businesses. When regulatory alternatives are offered by the small business ombudsman, the 90-day period for filing the rule in subparagraph (e)2. is extended for a period of 21 days.

(III) If an agency does not adopt all alternatives offered pursuant to this sub-subparagraph, it shall, prior to rule adoption or amendment and pursuant to subparagraph (d)1., file a detailed written statement with the committee explaining the reasons for failure to adopt such alternatives. Within 3 working days of the filing of such notice, the agency shall send a copy of such notice to the small business ombudsman.

(c) Hearings.--

1. If the intended action concerns any rule other than one relating exclusively to procedure or practice, the agency shall, on the request of any affected person received within 21 days after the date of publication of the notice of intended agency action, give affected persons an opportunity to present evidence and argument on all issues under consideration. The agency may schedule a public hearing on the rule and, if requested by any affected person, shall schedule a public hearing on the rule. Any material pertinent to the issues under consideration submitted to the agency within 21 days after the date of publication of the notice or submitted at a public hearing shall be considered by the agency and made a part of the record of the rulemaking proceeding.

2. Rulemaking proceedings shall be governed solely by the provisions of this section unless a person timely asserts that the person's substantial interests will be affected in the proceeding and affirmatively demonstrates to the agency that the proceeding does not provide adequate opportunity to protect those interests. If the agency determines that the rulemaking proceeding is not adequate to protect the person's interests, it shall suspend the rulemaking proceeding and convene a separate proceeding under the provisions of ss. 120.569 and 120.57. Similarly situated persons may be requested to join and participate in the separate proceeding. Upon conclusion of the separate proceeding, the rulemaking proceeding shall be resumed.

(d) Modification or withdrawal of proposed rules.--

1. After the final public hearing on the proposed rule, or after the time for requesting a hearing has expired, if the rule has not been changed from the rule as previously filed with the committee, or contains only technical changes, the adopting agency shall file a notice to that effect with the committee at least 7 days prior to filing the rule for adoption. Any change, other than a technical change that does not affect the substance of the rule, must be supported by the record of public hearings held on the rule, must be in response to written material received on or before the date of the final public hearing, or must be in response to a proposed objection by the committee. In addition, when any change is made in a proposed rule, other than a technical change, the adopting agency shall provide a copy of a notice of change by certified mail or actual delivery to any person who requests it in writing no later than 21 days after the notice required in paragraph (a). The agency shall file the notice with the committee, along with the reasons for such change, and provide the notice to persons requesting it, at least 21 days prior to filing the rule for adoption. The notice shall be published in the Florida Administrative Weekly at least 21 days prior to filing the rule for adoption. This subparagraph does not apply to emergency rules adopted pursuant to subsection (4).

2. After the notice required by paragraph (a) and prior to adoption, the agency may withdraw the rule in whole or in part.

3. After adoption and before the effective date, a rule may be modified or withdrawn only in response to an objection by the committee or may be modified to extend the effective date by not more than 60 days when the committee has notified the agency that an objection to the rule is being considered.

4. The agency shall give notice of its decision to withdraw or modify a rule in the first available issue of the publication in which the original notice of rulemaking was published, shall notify those persons described in subparagraph (a)3. in accordance with the requirements of that subparagraph, and shall notify the Department of State if the rule is required to be filed with the Department of State.

5. After a rule has become effective, it may be repealed or amended only through the rulemaking procedures specified in this chapter.

(e) Filing for final adoption; effective date.--

1. If the adopting agency is required to publish its rules in the Florida Administrative Code, it shall file with the Department of State three certified copies of the rule it proposes to adopt, a summary of the rule, a summary of any hearings held on the rule, and a detailed written statement of the facts and circumstances justifying the rule. Agencies not required to publish their rules in the Florida Administrative Code shall file one certified copy of the proposed rule, and the other material required by this subparagraph, in the office of the agency head, and such rules shall be open to the public.

2. Filings shall be made no less than 28 days nor more than 90 days after the notice required by paragraph (a). When a required notice of change is published prior to the expiration of the time to file the rule for adoption, the period during which a rule must be filed for adoption is extended to 45 days after the date of publication. If notice of a public hearing is published prior to the expiration of the time to file the rule for adoption, the period during which a rule must be filed for adoption is extended to 45 days after adjournment of the final hearing on the rule, 21 days after receipt of all material authorized to be submitted at the hearing, or 21 days after receipt of the transcript, if one is made, whichever is latest. The term "public hearing" includes any public meeting held by any agency at which the rule is considered. The filing of a petition for an administrative

determination under the provisions of s. 120.56(2) shall toll the 90-day period during which a rule must be filed for adoption until the administrative law judge has filed the final order with the clerk.

3. At the time a rule is filed, the agency shall certify that the time limitations prescribed by this paragraph have been complied with, that all statutory rulemaking requirements have been met, and that there is no administrative determination pending on the rule.

4. At the time a rule is filed, the committee shall certify whether the agency has responded in writing to all material and timely written comments or written inquiries made on behalf of the committee. The department shall reject any rule not filed within the prescribed time limits; that does not satisfy all statutory rulemaking requirements; upon which an agency has not responded in writing to all material and timely written inquiries or written comments; upon which an administrative determination is pending; or which does not include a statement of estimated regulatory costs, if required.

5. If a rule has not been adopted within the time limits imposed by this paragraph or has not been adopted in compliance with all statutory rulemaking requirements, the agency proposing the rule shall withdraw the rule and give notice of its action in the next available issue of the Florida Administrative Weekly.

6. The proposed rule shall be adopted on being filed with the Department of State and become effective 20 days after being filed, on a later date specified in the rule, or on a date required by statute. Rules not required to be filed with the Department of State shall become effective when adopted by the agency head or on a later date specified by rule or statute. If the committee notifies an agency that an objection to a rule is being considered, the agency may postpone the adoption of the rule to accommodate review of the rule by the committee. When an agency postpones adoption of a rule to accommodate review by the committee, the 90-day period for filing the rule is tolled until the committee notifies the agency that it has completed its review of the rule.

(4) EMERGENCY RULES.--

(a) If an agency finds that an immediate danger to the public health, safety, or welfare requires emergency action, the agency may adopt any rule necessitated by the immediate danger. The agency may adopt a rule by any procedure which is fair under the circumstances if:

1. The procedure provides at least the procedural protection given by other statutes, the State Constitution, or the United States Constitution.

2. The agency takes only that action necessary to protect the public interest under the emergency procedure.

3. The agency publishes in writing at the time of, or prior to, its action the specific facts and reasons for finding an immediate danger to the public health, safety, or welfare and its reasons for concluding that the procedure used is fair under the circumstances. In any event, notice of emergency rules, other than those of educational units or units of government with jurisdiction in only one or a part of one county, including the full text of the rules, shall be published in the first available issue of the Florida Administrative Weekly and provided to the committee. The agency's findings of immediate danger, necessity, and procedural fairness shall be judicially reviewable.

(b) Rules pertaining to the public health, safety, or welfare shall include rules pertaining to perishable agricultural commodities or rules pertaining to the interpretation and implementation of the requirements of chapters 97-102 and chapter 105 of the Election Code.

(c) An emergency rule adopted under this subsection shall not be effective for a period longer than 90 days and shall not be renewable, except during the pendency of a challenge to proposed rules addressing the subject of the emergency rule. However, the agency may take identical action by the rulemaking procedures specified in this chapter.

(d) Subject to applicable constitutional and statutory provisions, an emergency rule becomes effective immediately on filing, or on a date less than 20 days thereafter if specified in the rule, if the adopting agency finds that such effective date is necessary because of immediate danger to the public health, safety, or welfare.

(5) UNIFORM RULES.--

(a)1. By July 1, 1997, the Administration Commission shall adopt one or more sets of uniform rules of procedure which shall be reviewed by the committee and filed with the Department of State. Agencies must comply with the uniform rules by July 1, 1998. The uniform rules shall establish procedures that comply with the requirements of this chapter. On filing with the department, the uniform rules shall be the rules of procedure for each agency subject to this chapter unless the Administration Commission grants an exception to the agency under this subsection.

2. An agency may seek exceptions to the uniform rules of procedure by filing a petition with the Administration Commission. The Administration Commission shall approve exceptions to the extent necessary to implement other statutes, to the extent necessary to conform to any requirement imposed as a condition precedent to receipt of federal funds or to permit persons in this state to receive tax benefits under federal law, or as required for the most efficient operation of the agency as determined by the Administration Commission. The reasons for the exceptions shall be published in the Florida Administrative Weekly.

3. Agency rules that provide exceptions to the uniform rules shall not be filed with the department unless the Administration Commission has approved the exceptions. Each agency that adopts rules that provide exceptions to the uniform rules shall publish a separate chapter in the Florida Administrative Code that delineates clearly the provisions of the agency's rules that provide exceptions to the uniform rules and specifies each alternative chosen from among those authorized by the uniform rules. Each chapter shall be organized in the same manner as the uniform rules.

(b) The uniform rules of procedure adopted by the commission pursuant to this subsection shall include, but are not limited to:

1. Uniform rules for the scheduling of public meetings, hearings, and workshops.

2. Uniform rules for use by each state agency that provide procedures for conducting public meetings, hearings, and workshops, and for taking evidence, testimony, and argument at such public meetings, hearings, and workshops, in person and by means of communications media technology. The rules shall provide that all evidence, testimony, and argument presented shall be afforded equal consideration, regardless of the method of communication. If a public meeting, hearing, or workshop is to be conducted by means of communications media technology, or if attendance may be provided by such means, the notice shall so state. The notice for public meetings, hearings, and workshops utilizing communications media technology shall state how persons interested in attending may do so and shall name locations, if any, where communications media technology facilities will be available. Nothing in this paragraph shall be construed to diminish the right to inspect public records under chapter 119. Limiting points of access to public meetings, hearings, and workshops subject to the provisions of s. 286.011 to places not normally open to the public shall be presumed to violate the right of access of the public, and any official action taken under such circumstances is void and of no effect. Other laws relating to public meetings, hearings, and workshops, including penal

and remedial provisions, shall apply to public meetings, hearings, and workshops conducted by means of communications media technology, and shall be liberally construed in their application to such public meetings, hearings, and workshops. As used in this subparagraph, "communications media technology" means the electronic transmission of printed matter, audio, full-motion video, freeze-frame video, compressed video, and digital video by any method available.

3. Uniform rules of procedure for the filing of notice of protests and formal written protests.

4. Uniform rules of procedure for the filing of petitions for administrative hearings pursuant to s. 120.569 or s. 120.57. Such rules shall require the petition to include:

a. The identification of the petitioner.

b. A statement of when and how the petitioner received notice of the agency's action or proposed action.

c. An explanation of how the petitioner's substantial interests are or will be affected by the action or proposed action.

d. A statement of all material facts disputed by the petitioner or a statement that there are no disputed facts.

e. A statement of the ultimate facts alleged, including a statement of the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action.

f. A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes.

g. A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the proposed action.

5. Uniform rules of procedure for the filing and prompt disposition of petitions for declaratory statements.

6. Provision of a method by which each agency head shall provide a description of the agency's organization and general course of its operations.

7. Uniform rules establishing procedures for granting or denying petitions for variances and waivers pursuant to s. 120.542.

(6) ADOPTION OF FEDERAL STANDARDS.--Notwithstanding any contrary provision of this section, in the pursuance of state implementation, operation, or enforcement of federal programs, an agency is empowered to adopt rules substantively identical to regulations adopted pursuant to federal law, in accordance with the following procedures:

(a) The agency shall publish notice of intent to adopt a rule pursuant to this subsection in the Florida Administrative Weekly at least 21 days prior to filing the rule with the Department of State. The agency shall provide a copy of the notice of intent to adopt a rule to the committee at least 21 days prior to the date of filing with the Department of State. Prior to filing the rule with the Department of State, the agency shall consider any written comments received within 14 days after the date of publication of the notice of intent to adopt a rule. The rule shall be adopted upon filing with the Department of State. Substantive changes from the rules as noticed shall require republishing of notice as required in this subsection.

(b) Any rule adopted pursuant to this subsection shall become effective upon the date designated in the rule by the agency; however, no such rule shall become effective earlier than the effective date of the substantively identical federal regulation.

(c) Any substantially affected person may, within 14 days after the date of publication of the notice of intent to adopt a rule, file an objection to rulemaking with the agency. The objection shall specify the portions of the proposed rule to which the person objects and the specific reasons for the objection. The agency shall not proceed pursuant to this subsection to adopt those portions of the proposed rule specified in an objection, unless the agency deems the objection to be frivolous, but may proceed pursuant to subsection (3). An objection to a proposed rule, which rule in no material respect differs from the requirements of the federal regulation upon which it is based, is deemed to be frivolous.

(d) Whenever any federal regulation adopted as an agency rule pursuant to this subsection is declared invalid or is withdrawn, revoked, repealed, remanded, or suspended, the agency shall, within 60 days thereafter, publish a notice of repeal of the substantively identical agency rule in the Florida Administrative Weekly. Such repeal is effective upon publication of the notice. Whenever any federal regulation adopted as an agency rule pursuant to this subsection is substantially amended, the agency may adopt the amended regulation as a rule. If the amended regulation is not adopted as a rule within 180 days after the effective date of the amended regulation, the original rule is deemed repealed and the agency shall publish a notice of repeal of the original agency rule in the next available Florida Administrative Weekly.

(e) Whenever all or part of any rule proposed for adoption by the agency is substantively identical to a regulation adopted pursuant to federal law, such rule shall be written in a manner so that the rule specifically references the regulation whenever possible.

(7) PETITION TO INITIATE RULEMAKING.--

(a) Any person regulated by an agency or having substantial interest in an agency rule may petition an agency to adopt, amend, or repeal a rule or to provide the minimum public information required by this chapter. The petition shall specify the proposed rule and action requested. Not later than 30 calendar days following the date of filing a petition, the agency shall initiate rulemaking proceedings under this chapter, otherwise comply with the requested action, or deny the petition with a written statement of its reasons for the denial.

(b) If the petition filed under this subsection is directed to an existing rule which the agency has not adopted by the rulemaking procedures or requirements set forth in this chapter, the agency shall, not later than 30 days following the date of filing a petition, initiate rulemaking, or provide notice in the Florida Administrative Weekly that the agency will hold a public hearing on the petition within 30 days after publication of the notice. The purpose of the public hearing is to consider the comments of the public directed to the agency rule which has not been adopted by the rulemaking procedures or requirements of this chapter, its scope and application, and to consider whether the public interest is served adequately by the application of the rule on a case-by-case basis, as contrasted with its adoption by the rulemaking procedures or requirements set forth in this chapter.

(c) Within 30 days following the public hearing provided for by paragraph (b), if the agency does not initiate rulemaking or otherwise comply with the requested action, the agency shall publish in the Florida Administrative Weekly a statement of its reasons for not initiating rulemaking or otherwise complying with the requested action, and of any changes it will make in the scope or application of the unadopted rule. The agency shall file the statement with the committee. The committee shall forward a copy of the statement to the substantive committee with primary oversight jurisdiction of the agency in each house of the Legislature. The committee or the committee with primary oversight jurisdiction may hold a hearing directed to the statement of the agency. The committee

holding the hearing may recommend to the Legislature the introduction of legislation making the rule a statutory standard or limiting or otherwise modifying the authority of the agency.

(8) RULEMAKING RECORD.--In all rulemaking proceedings the agency shall compile a rulemaking record. The record shall include, if applicable, copies of:

- (a) All notices given for the proposed rule.
- (b) Any statement of estimated regulatory costs for the rule.
- (c) A written summary of hearings on the proposed rule.
- (d) The written comments and responses to written comments as required by this section and s. 120.541.
- (e) All notices and findings made under subsection (4).
- (f) All materials filed by the agency with the committee under subsection (3).
- (g) All materials filed with the Department of State under subsection (3).
- (h) All written inquiries from standing committees of the Legislature concerning the rule.

Each state agency shall retain the record of rulemaking as long as the rule is in effect. When a rule is no longer in effect, the record may be destroyed pursuant to the records-retention schedule developed under s. 257.36(6).

**Registry of Interpreters for the Deaf
Model Legislation**
www.rid.org/model.pdf

Sections relevant to this report

**Critical Issues in Legislation Authorizing Regulatory Authority
of Professional Interpreting To Commissions/Licensing Boards**

A number of states have passed legislation that assigns the responsibility of regulating the profession to an independent licensing board, a state agency or, most often, a Commission for the Deaf. This approach normally is used when the Commission or state entity is already in existence and oversees issues related to deafness and interpreting. This approach is more costly but allows states more control over the standards employed. It also allows more flexibility to modify the standards and make any other policy changes.

Critical Issues for Legislation

- Scope of regulation* - Does the legislation cover all situations? Is the legislation limited to educational, community and/or legal situation?
- Standard(s)* - RID and NAD Certification (NAD levels to be determined by the state). If other standards are recognized it is critical that proof of validity and reliability is documented.
- Exemptions* - Are there any groups or special situations exempted from the legislation? This could be situation based: education, legal, religious, etc. Consideration also needs to be provided to out of state interpreters working for brief periods of time (i.e. state conferences, business meetings, or the one-time court situation, etc.)
- Grandfathering* - Will currently working interpreters be waived from the regulation requirements? Will there be a designated time period whereby existing practitioners are permitted to continue working that would allow them sufficient time to achieve the established standard?
- Recognition for graduates of Interpreter Education Programs (IEP)/Interpreter Preparation Programs (IPP)* – What consideration/exceptions will be provided to pre-certified individuals who have obtained college credentials from an accredited IEP/IPP?
- Continuing Education requirement or mandatory re-testing* - Once credentialing is obtained, a practitioner's skills must be monitored to ensure consumer satisfaction and confidence.
- Grievance System/Mediation* - A method to remediate complaints is critical to the credibility of any standard and to ensure consumer confidence.
- Penalty for working without credentials* - In states that mandate national certification as the standard, complaints against those working without credentials may need to be handled through the Attorney General's office. Typically the penalty for working without national certification is classified as a first-degree misdemeanor with a fine of up to \$1,000.
- Reciprocity with other states* - Consideration should be made as to the standards offered in neighboring states. This issue is moot if the other state(s) has also recognized or mandated national certification as their standard of excellence.
- Definitions* - The beginning section of the legislation must include appropriate definitions of the terminology used in the document.
- Composition of the Board* - The board must be comprised of a majority of professional interpreters (deaf and hearing). The board also must include consumers from diverse populations and representative of all areas of the state. It is also suggested that the board not be so large as to preclude efficient operation.

Board appointments - Typically, boards are appointed by the Governor of the state with the approval of the Senate from nominations submitted. It is recommended this list of nominees be developed in cooperation between the state RID Affiliate Chapter and the NAD State Affiliate. It is recommended that both organizations develop a list of qualifications in writing.

Administration - Interpreters should be involved in key decision making positions in the administration over the profession.

Fees - Unless the legislature provides funds for operating costs, fees charged to practitioners will be necessary to support the operation of the board/commission. Care must be given when determining these fees so that they do not result in higher costs to consumers or make the cost of staying in the profession too prohibitive. This may prove to be difficult due to the relatively small numbers of interpreters.

Model Legislation For Commission/Licensing Boards Interpreter Regulation

Section 1: Purpose

The purpose of this act is to provide for the establishment of standards for the practice of interpreters for the deaf in this state through licensure and regulation and control of persons engaged in offering interpreting services to the general public, to regulate the practice and licensure of interpreter for persons who are deaf or hard of hearing, creating the (*insert here whatever title/language is appropriate (i.e. Commission for the Deaf, Interpreter Licensure Board or State Board of Sign Language and Oral Interpreters Licensure)*); providing for its powers and duties; imposing penalties; and making needling appropriation.

Section 2: Definitions (Provides a list of terminology that is used and its specific meaning.)

A. *Board* - (*Insert the title of the authority charged with the oversight responsibilities.*)

B. *Qualified Licensed Interpreter* - an individual certified by the national Registry of Interpreters for the Deaf or the National Association of the Deaf, and who has met the requirements for licensure as an interpreter for persons who are deaf or hard of hearing, as established by the Board.

C. *Interpreting* - the process of providing accessible communication between and among persons who are deaf or hard of hearing and hearing. This process includes, but is not limited to, communication between American Sign Language and Spoken English. It may also involve various other modalities that involve visual, gestural and tactile methods.

D. *Interpreter Education Program (IEP)/Interpreter Preparation Program (IPP)* - a post secondary degree program of at least two years' duration that is accredited by the state or Board of Education or similar requirement by another state, district or territory.

E. *Deaf, Hard of Hearing Person* - a person who has either no hearing or who has significant hearing loss. Often these individuals need the assistance of a Qualified Licensed Interpreter for communication purposes. (Note: Many states have existing definitions in legislation that may include a medical (audiological) definition as well as a sociological definition.

Section 3: Governance

A. *Creation* - There is hereby created a departmental administrative board (*or independent board*) known as (*insert title*), which shall be housed under (*insert the name of the state agency or department, if applicable*). It shall consist of (*insert the number*) voting members, all of whom shall be residents of this state.

The majority of the board shall consist of members who are professional interpreters, of which (*insert a number*) is/are deaf. There shall be (*insert the number*) individuals who represent consumers who are deaf, hard of hearing or deaf-blind. There shall be (*insert the number*) individuals representing the general public. There shall be (*insert the number*) who are interpreter trainers. There shall be (*insert the number*) governmental members as *ex-officio* members from (*insert the name of the state agency(s) or department(s)*).

B. *Appointment by Governor* - The Governor shall appoint the members to serve on the board. A list of qualified non-government persons for the Governor's consideration shall be jointly agreed to and submitted based upon agreement by the State Affiliate Chapters of the Registry of Interpreters for the Deaf and the National Association of the Deaf.

C. *Term of office* - Initial members of the board will serve various term lengths that would eventually allow for staggered new appointments.

D. *Reappointment* - Non-government members of the board shall be eligible for reappointment to a second consecutive term.

E. *Compensation* - Each non-government member of the board shall receive compensation in accordance with state regulation.

F. *Powers and duties* -

1. It shall be the duty of the board to establish requirements and procedures for licensure (which shall include recognizing existing national interpreter certifications and other interpreter licensing systems), to pass upon the qualification of applicants for licensure, to ensure the conduct of examinations, to issue and renew licenses to interpreters who qualify under this act and to suspend or revoke the license of an interpreter.

2. The board shall be authorized and empowered to refuse, restrict, suspend or revoke a license of interpreters under this act, to conduct investigations, including the power to issue subpoenas, and to hold hearings upon charges or information indicating a violation of the provisions of this act and the regulations promulgated pursuant to this act.

3. The board shall establish and maintain a mechanism for certification/ licensure maintenance.

4. The board shall have the authority to set fees.

5. The board shall maintain a record listing the name of every living interpreter licensed to practice in the state, the last known place of business, the last known place of residence and date and number of the license of the licensee in accordance with the state code of confidentiality.

6. The board shall annually submit a report to the state describing the types of complaints received, status of the cases, action that has been taken and length of time from the initial complaint to final resolution.

7. The board shall submit annually a budget for the upcoming fiscal year.

G. *Rules and regulations* - The board shall have the power to promulgate and adopt rules and regulations consistent with this act and administration of the state that it considers necessary for the performance of its duties and proper administration of this act.

H. *Restrictions* - The powers of the board shall not involve establishing or recommending fee scales and shall not make rulings that conflict with established standards set by recognized other certification/licensing systems.

Section 4: Licensure Provisions

A. *Scope of Regulation* - Effective (*insert date*) no person shall represent himself or herself as an interpreter or engage in the practice of interpreting as defined in Section 2 of this Act unless he or she is licensed in accordance with the provisions set forth by the (*insert the title of the authority charged with the oversight responsibilities, as noted in Section 2*).

B. *Standard(s) for Licensure* - The (*insert the title of the authority charged with the oversight responsibilities, as noted in Section 2*) shall determine the appropriate measurement for interpreter competence in the state.

C. *Exemptions* - The provisions set forth by (*insert the title of the authority charged with the oversight responsibilities, as noted in Section 2*) shall not apply to:

- Nonresident interpreters working in this state less than twenty (20) days per year.
- Interpreters working in religious settings
- Interpreters working in emergency situations where the parties decide that the delay necessary to obtain a licensed interpreter is likely to cause injury or loss to the consumer
- The activities/services of an interpreter intern or student in training enrolled in a program of study in interpreting at an accredited institution of higher learning.

D. *Grandfathering* - The (*insert the title of the authority charged with the oversight responsibilities, as noted in Section 2*) shall promulgate guidelines to (a) transition currently working interpreters who do not meet the requirement for licensure; (b) shall promulgate guidelines for individuals who do not satisfy the Standard for Licensure to allow graduates possessing Associates Degrees from an accredited Interpreter Education Program/Interpreter Preparation Program; (c) adjudicate quality complaints; (d) determine penalties for practicing without a valid license; (e) determine reciprocity with other states

Section 5: Additional Provisions

A. *Privileged Communication* - Communication between deaf and hearing consumers is owned by those individuals and therefore must be legally protected. The professional interpreter is simply facilitating the communication and cannot be held accountable for that information. The confidential communications between an interpreter and the consumers served are on the same basis as those between an attorney and a client. As such, all legislation regulating the profession of interpreting must recognize this right of privileged communication between an interpreter and consumer, deaf and hearing

**National Association of the Deaf
Model Legislation**
www.nad.org/site/pp.asp?c=foINKQMBF&b=180367

**NAD Guidelines for Developing State Legislation
on Certifying and Licensing Interpreters**

In addition to the national Registry of Interpreters for the Deaf (RID)'s model legislation, the National Association of the Deaf recommends the states to also consider the following:

"Provisional/transitional" license needs to be included for those non-certified interpreters who are currently working or in interpreter training. This will minimize a sudden shortage of interpreters after the effective date of the law. Also, it will give non-certified interpreters an opportunity to practice their interpreting skills before they are tested for a national certification.

Minimum standard of qualification/certification needs to be included for nonresidential interpreters including interpreters who do remote/relay interpreting services.

English-based communication modes such as cued speech, Pidgin Sign English, and Sign Exact English need to be recognized and included for the certification requirements.

The nationally recognized certification for cued speech transliterators -- the National Training, Evaluation and Certification Unit (TECUnit) -- needs to be included along with NAD and RID) certifications.

Board Composition: Wherever possible, 51% of Board members shall be Deaf/hard of hearing. Wherever not possible, there cannot be less than 40% of Deaf/hard of hearing Board members.

Reciprocity for certification/license from other states needs to be recognized.

Privileged communication needs to be included:

Confidentiality of conversations: A qualified interpreter who is employed to interpret, transliterate, or relay a conversation between a person who can hear and a person who is deaf/hard of hearing or speech impaired is a conduit for the conversation and may not disclose or be compelled to disclose, through reporting or testimony or by subpoena, the contents of the conversations.

Criminal penalty: A qualified interpreter who is employed to interpret, transliterate, or relay a conversation between a person who can hear and a person who is deaf/hard of hearing or speech impaired commits an offense if the qualified interpreter discloses the contents of the conversation, unless the qualified interpreter obtains the consent of each party to the conversation.

**MODEL II: Legislation currently assigning authority to a Board,
state agency or commission for the Deaf**

The criteria include:

- a. Definitions: Deaf and hard of hearing; qualified interpreter; interpreting/transliterating; nationally recognized certification; Interpreter Preparation Program/Interpreter Education Program; Board.

b. Composition of the Board

1. Board appointments
2. Term of office
3. Power and duties
4. Compensation

c. Licensure

1. *Scope*: All settings including administrative and legal proceedings, educational, medical, etc.
2. *Qualifications*: Level-3 NAD or higher certification; RID certification; the National Evaluation, Training and Certification Unit.
3. *Exemptions*: religious settings; student in interpreter training/interpreter intern, unusual circumstance/emergency situations; non-residential interpreters.
4. *Grandfather clause*: A designated time period to provide non-certified interpreters who are working currently (before the law is passed and enacted)—provisional permit. That will prevent a sudden shortage of interpreters.
5. *Provisional/transitional license*: Temporary licenses for non-certified interpreters are currently working-to give them enough time to obtain a national certification.
6. *Penalty*: the first-degree misdemeanor
7. *Privileged communication*: Very critical, because it protects the confidentiality of communications between an interpreter and consumers.

Codes of Professional Conduct

1. NATIONAL COUNCIL ON INTERPRETING (NCI or NAD-RID) (www.rid.org/cpccopy4-2005.doc)

Sections relevant to this report

SCOPE

The National Association of the Deaf (NAD) and the Registry of Interpreters for the Deaf, Inc. (RID) uphold high standards of professionalism and ethical conduct for interpreters. Embodied in this Code of Professional Conduct (formerly known as the Code of Ethics) are seven tenets setting forth guiding principles, followed by illustrative behaviors.

This Code of Professional Conduct is sufficient to encompass interpreter roles and responsibilities in every type of situation (e.g., educational, legal, medical). A separate code for each area of interpreting is neither necessary nor advisable.

CODE OF PROFESSIONAL CONDUCT

Tenets

1. Interpreters adhere to standards of confidential communication.
2. Interpreters possess the professional skills and knowledge required for the specific interpreting situation.
3. Interpreters conduct themselves in a manner appropriate to the specific interpreting situation.
4. Interpreters demonstrate respect for consumers.
5. Interpreters demonstrate respect for colleagues, interns, and students of the profession.
6. Interpreters maintain ethical business practices.
7. Interpreters engage in professional development.

APPLICABILITY

A. This Code of Professional Conduct applies to certified and associate members of the Registry of Interpreters for the Deaf, Inc., Certified members of the National Association of the Deaf, interns, and students of the profession.

B. Federal, state or other statutes or regulations may supersede this Code of Professional Conduct. When there is a conflict between this code and local, state, or federal laws and regulations, the interpreter obeys the rule of law.

C. This Code of Professional Conduct applies to interpreted situations that are performed either face-to-face or remotely.

2. FLORIDA EDUCATIONAL INTERPRETER EVALUATION (EIE) **(<http://www.fridcentral.com/eiecoe.html>)**

EIE - Florida Code of Ethics for Educational Interpreters

Interpreters/Transliterators may discuss assignment-related information only with other teachers and supervisors who are directly responsible for the educational program of the Deaf/Hard of Hearing children for whom the interpreter interpreters/transliterates.

Guidelines: Interpreters/transliterators at the elementary and secondary levels are often assuming the primary role of interpreter and tutor. In this capacity the interpreter/transliterator functions as a support service provider on the educational team who answers directly to the teachers who are responsible for the child's functioning in the interpreting situation on a regular basis with the supervising teachers and/or designated administration.

Interpreters/Transliterators shall render the message faithfully, always conveying the content and spirit of the speaker, using language most readily understood by the person(s) whom they serve.

Guidelines: It is the interpreters'/transliterators' responsibility to transmit the message as it was intended. Short clarifications of presented material may be done throughout the presentation; but if explanation is required, this should be done at a later time, by the classroom teacher or the interpreter/transliterator. When interpreting/transliterating from spoken English to sign, the educational Interpreter will communicate in the manner most easily understood by the student(s). When working from sign to spoken language, the interpreter will speak the language used by the hearing person.

Under the direction of the subject area teacher, the interpreter/transliterator may tutor deaf/hard of hearing students and assist them to better comprehend the presented material. The interpreter should direct students to an appropriate person for the advice they seek.

Guidelines: In the educational setting the interpreter often assumes the dual role of interpreter/tutor. The interpreter is to interpret the message faithfully during the actual interpreted sessions but she/he may tutor and assist after the interpreting sessions have been completed. Exactly what is to be done and how tutoring is to occur will be at the discretion of the classroom teacher. The interpreter/transliterator will direct their activities depending on the classroom teacher's directions and the teaching materials the teacher provides the interpreter to use while tutoring. The interpreter will not be required to devise teaching materials or follow-up activities for deaf/hard of hearing students without input from the classroom teacher.

Interpreters/Transliterators in the educational setting shall accept employment for which they are qualified, based on their certification level on the RID evaluation, QA screening or the Florida Educational Evaluation.

Interpreters/Transliterators shall request compensation for services in a professional and judicious manner, according to the level of certification achieved on the RID evaluation, QA Screenings or the Florida Educational Interpreter Evaluation.

Guidelines: School districts are encouraged to establish salary schedules for educational interpreters/transliterators based on their achieved

certification levels on the RID Evaluation, QA Screening or the Florida Educational Interpreter Evaluation. Salary increments should be built into these schedules based on years of service and higher certification levels achieved.

Interpreters/Transliterators shall function in a manner appropriate to the situation.

Guidelines: In the educational setting, it is vital that the interpreters/transliterators conduct themselves in a professional manner reflective of the other professionals working in the schools. The interpreter/transliterator should seek the respect of the students and other school professionals and should at all times display professional conduct and modes of dress. The interpreter/transliterator should wear clothing befitting the interpreting situation, which is in contrast to skin tones, and which is not distracting to the conveyance of the signed message. The interpreter's personal conduct should demonstrate willingness to be part of the educational team and should display behaviors, which are cooperative and supportive in spirit. The interpreter/transliterator should not allow themselves to be placed in an adversarial role, and should resolve controversial issues as cooperating member of the team.

Interpreters/Transliterators shall accept the same responsibility and authority as other members of the educational staff. They will abide by and enforce federal, state, school district and individual school laws and rules.

Guidelines: As school district employees, interpreters/transliterators must assume the responsibility of knowing and enforcing governmental and school laws. As a working member of the educational team, the interpreter/transliterator is not exempt from the codes and policies established by the educational agency. Participation as an educational team member requires that interpreters/transliterators help enforce these rules and report infringements of laws, rules and codes to the appropriate authority. Students should be informed that violation of laws and rules will be reported to appropriate authorities.

Interpreters/Transliterators shall strive to further knowledge and skills through participation in workshops, professional meetings, and interaction with professional colleagues and reading of current literature in the field.

Guidelines: Interpreters/transliterators in the educational setting should assume personal responsibility for the improvement of their skills. Though School systems may offer some in-service training; the burden of skill improvement rests primarily with the interpreters themselves. School systems often have limited funds and are not willing to pay travel expenses or tuition costs for extending training. Interpreters/transliterators should recognize that this is the case and that they may have to rely on the use of personal resources for professional development.

Interpreters/Transliterators are encouraged to hold membership in local, state and national interpreting organizations, and should strive to maintain high professional standards in compliance with the educational interpreter code of ethics.

Guidelines: Interpreters/transliterators in the educational setting should consider themselves as important members of the interpreting community. As such they should obtain membership in interpreting organizations at all levels and should actively participate in the

functioning of the organization and the structuring of its goals to meet the needs of the educational interpreters/transliterators.

3. EDUCATIONAL INTERPRETER PERFORMANCE ASSESSMENT (EIPA) **www.classroominterpreting.org/EIPA/guidelines/index.asp**

EIPA Guidelines for Professional Conduct

As with any profession, especially one that involves students, there are certain ethical standards educational interpreters must abide by. Ethical standards guide decision making and appropriate professional behavior in interpreting and in the school environment.

Two leading national organizations that have guided in the development of the field of sign language/English interpreting today are the Registry for Interpreters of the Deaf (RID) and the National Association of the Deaf (NAD).

The Code of Ethics developed by RID, Inc. is a vital reference tool when working in adult-to-adult interpreted settings. However, this code is not in compliance with educational laws and practices in public school settings. Therefore, The EIPA Guidelines for Professional Conduct, focusing on the K-12 educational setting and the goals of this setting, was created. These guidelines, in brief from [sic], are as follows:

- When interpreting, communication regarding the interpreting process shall remain between the student and the interpreter. Communication regarding content knowledge should be conveyed to the teacher.
- Interpreters must maintain confidentiality about issues surrounding interpreting for a student. In general, information can be shared freely with the student's educational team. For example, interpreters may discuss aspects of interpreting with the educational team, such as the role of the interpreter, classroom logistics, the student's comprehension of language, communication style and mode, managing new vocabulary, and visual aspects of the classroom.
- Communication between the interpreter and student of a personal nature may need to be shared with district administration, such as discussion of abuse, suicide, drug use, weapons, threats, etc. It is important for the educational interpreter to be fully aware of district policy and to inform the student of his or her responsibility to share information of this type with administration.
- Ethical fitness requires the ability to recognize moral challenges and respond with deliberation, an understanding of the difference between right and wrong, and the ability to make a decision regarding it.
- Interpreters must be prepared to share information regarding the role and function of interpreters in their classroom with general education teachers.
- Educational programs have standards for staff behavior, which apply to all professionals within the educational setting, including interpreters.
- Interpreters should not teach formal sign language classes unless they have specialized training.
- Participation in the activities of professional interpreting organizations benefits the interpreter's professional development.
- Interpreters should dress in a professional manner appropriate to the educational setting.

4. TEACHING, EDUCATION, AND CERTIFICATION UNIT (TECUnit)
(<http://www.tecunit.org/codeofconduct.htm>)

Cued Language Transliterators Code of Conduct

A cued language transliterator shall:

- Facilitate communication between deaf/hard-of-hearing cued language consumers and hearing consumers.
- Provide sound-based environmental information to deaf/hard-of-hearing consumers of cued language.
- Provide appropriate training to deaf/hard-of-hearing consumers to allow for proper transliterator utilization.
- Provide hearing consumers with appropriate demonstration/explanation of the transliterator role.
- Demonstrate and implement ongoing reverence for the preservation and promotion of complete and equal access.
- Promote the progression of events as if circumstances do not necessitate transliterator presence.
- Adhere to the ethical standards of transliterating for deaf/hard-of-hearing consumers.
- Support the profession of cued language transliteration by striving to improve related skills and knowledge and the application thereof.

5. NATIONAL CONSORTIUM OF STATE COURTS (NCSC)

Model Code of Professional Responsibility for Interpreters in the Judiciary

Sections relevant to this report

Introduction

The following document is a Model Code of Professional Responsibility for Interpreters in the judiciary. The Model Code presents key concepts and precepts, which over the years have emerged in statutes, rules, case law, and professional experience. Like the Model Court Interpreter Act (Chapter 10), it has been prepared in consultation with an advisory group of individuals who have special expertise in court interpretation. The advisory group included the judges, lawyers, court administrators, and state and federally certified professional interpreters who are named in the acknowledgements for this publication.

Purposes of the Model Code

The purposes of the Model Code are threefold:

- 1) to articulate a core set of principles, which are recommended for incorporation in similar codes that may be adopted in the several states or local jurisdictions;
- 2) to serve as a reference, which may be consulted or cited by interpreters, judges, and court managers where no other authoritative standards have been adopted, and
- 3) to serve as a basis for education and training of interpreters and other legal professionals.

PREAMBLE

Many persons who come before the courts are partially or completely excluded from full participation in the proceedings due to limited English proficiency or a speech or hearing impairment. It is essential that the resulting communication barrier be removed, as far as possible, so that these persons are placed in the same position as similarly situated persons for whom there is no such barrier.¹ As officers of the court, interpreters help assure that such persons may enjoy equal access to justice and that court proceedings and court support services function efficiently and effectively. Interpreters are highly skilled professionals who fulfill an essential role in the administration of justice.

APPLICABILITY

This code shall guide and be binding upon all persons, agencies and organizations who administer, supervise use, or deliver interpreting services to the judiciary.

CANON 1: ACCURACY AND COMPLETENESS

Interpreters shall render a complete and accurate interpretation or sight translation, without altering, omitting, or adding anything to what is stated or written, and without explanation.

CANON 2: REPRESENTATION OF QUALIFICATIONS

Interpreters shall accurately and completely represent their certifications, training, and pertinent experience.

CANON 3: IMPARTIALITY AND AVOIDANCE OF CONFLICT OF INTEREST

Interpreters shall be impartial and unbiased and shall refrain from conduct that may give an appearance of bias. Interpreters shall disclose any real or perceived conflict of interest.

CANON 4. PROFESSIONAL DEMEANOR

Interpreters shall conduct themselves in a manner consistent with the dignity of the court and shall be as unobtrusive as possible.

CANON 5: CONFIDENTIALITY

Interpreters shall protect the confidentiality of all privileged and other confidential information.

CANON 6: RESTRICTION OF PUBLIC COMMENT

Interpreters shall not publicly discuss, report, or offer an opinion concerning a matter in which they are or have been engaged, even when that information is not privileged or required by law to be confidential.

CANON 7: SCOPE OF PRACTICE

Interpreters shall limit themselves to interpreting or translating, and shall not give legal advice, express personal opinions to individuals for whom they are interpreting, or engage in any other activities which may be construed to constitute a service other than interpreting or translating while serving as an interpreter.

CANON 8: ASSESSING AND REPORTING IMPEDIMENTS TO PERFORMANCE

Interpreters shall assess at all times their ability to deliver their services. When interpreters have any reservation about their ability to satisfy an assignment competently, they shall immediately convey that reservation to the appropriate judicial authority.

CANON 9: DUTY TO REPORT ETHICAL VIOLATIONS

Interpreters shall report to the proper judicial authority any effort to impede their compliance with any law, any provision of this code, or any other official policy governing court interpreting and legal translating.

CANON 10: PROFESSIONAL DEVELOPMENT

Interpreters shall continually improve their skills and knowledge and advance the profession through activities such as professional training and education, and interaction with colleagues and specialists in related fields.

Listing of Credentials

Credentials still administered as of October 2005

Credential (Short Name)	Description
Credential (Long Name)	
Organization*	
CI	Holders of this certificate are recognized as fully certified in Interpretation and have demonstrated the ability to interpret between American Sign Language (ASL) and spoken English in both sign-to-voice and voice-to-sign. The interpreter's ability to transliterate is not considered in this certification. Holders of the CI are recommended for a broad range of interpretation assignments. This test is currently available.
Certificate of Interpretation	
RID	
CT	Holders of this certificate are recognized as fully certified in Transliteration and have demonstrated the ability to transliterate between English-based sign language and spoken English in both sign-to-voice and voice-to-sign. The transliterator's ability to interpret is not considered in this certification. Holders of the CT are recommended for a broad range of transliteration assignments. This test is currently available.
Certificate of Transliteration	
RID	
CI/CT	Holders of both full certificates (as listed above) have demonstrated competence in both interpretation and transliteration. Holders of the CI and CT are recommended for a broad range of interpretation and transliteration assignments.
Certificate of Interpretation and Certificate of Transliteration	
RID	
NIC I	There are three levels of certification: Certified, Certified Advanced and Certified Expert. All certified levels are considered professional-level certified interpreters and all are eligible, as long as they meet the application criteria, to apply to take the Specialist Certificate: Legal Examination. Those who pass as Certified have shown basic professional-level interpreting/transliterating skills.
Certified	
NCI	
NIC II	There are three levels of certification: Certified, Certified Advanced and Certified Expert. All certified levels are considered professional-level certified interpreters and all are eligible, as long as they meet the application criteria, to apply to take the Specialist Certificate: Legal Examination. Those who pass Certified Advanced have scored within the standard range on the interview portion and high on the performance portion of the examination.
Certified Advanced	
NCI	
NIC III	There are three levels of certification: Certified, Certified Advanced and Certified Expert. All certified levels are considered professional-level certified interpreters and all are eligible, as long as they meet the application criteria, to apply to take the Specialist Certificate: Legal Examination. Those awarded the Certified Expert scored high on both the interview and performance portions of the test.
Certified Master	
NCI	
QA I	Work with supervisor, one-on-one where apprentice has opportunity to stop communication for clarification; example situations – social and recreational (i.e. YMCA, gyms, etc.),
Quality Assurance 1: Basic Apprentice	

FRID	<p>informational meetings and non-technical situations, library, parks, arts and crafts, non-academic adult ed., on-the-job training (not computer or technical), routine employment (not firings, reprimands, promotions, etc. – where consumer impact is high); small group or limited platform interpreting with extensive prior preparation, where there is minimal impact on the consumer.</p> <p>Do Not Use In – legal of any kind, mental health, serious medical situations, educational, interviews, formal platform, critical situations of any nature – where impact on the consumer is moderate to high.</p>
QA II Quality Assurance 2: Intermediate Apprentice FRID	<p>Discretion should be used according to the situation and the language level of the consumer; be able to function expressively and receptively with interpreting and transliterating; educational tutorial situations, informational meeting, daily living skills training, routine medical appointments, childbirth classes, some eligibility and welfare, some technical meetings, some K-12 and undergraduate coursework; one-on-one easy voicing; limited voicing and limited platform (without much opportunity for preparation)</p> <p>Do Not Use In – legal of any kind, critical or life threatening medical, mental health</p>
QA III Quality Assurance 3: Advanced Apprentice FRID	<p>Can function in many situations; where there may not be the opportunity to stop for clarification; situations as noted in Level 1 and 2, including public meetings, interviews, some mental health (routine), non-critical and non-life threatening medical situations</p> <p>Do Not Use In – legal of any kind, critical or life threatening medical, extensive mental health</p>
EIE I Educational Interpreter Evaluation Level One FRID	<p>Denotes an educational Interpreter (K-12) with entry-level abilities who accurately received and expressed at least 60% of the materials presented during the evaluation. An interpreter at this level should be able to competently handle interpreting situations in which there is an opportunity to stop the student/professional for clarification or repetition.</p>
EIE II Educational Interpreter Evaluation Level Two FRID	<p>Denotes and educational interpreter (K-12) with intermediate abilities who accurately received and expressed at least 75% of the materials presented during the evaluation. An interpreter at this level should be able to effectively handle more difficult, faster paced communication where there may or may not be an opportunity to stop for clarification or repetition.</p>
EIE III Educational Interpreter Evaluation Level Three FRID	<p>Denotes and educational interpreter (K-12) with advanced abilities who accurately received and expressed at least 90% of the materials presented during the evaluation. An interpreter with this level can proficiently handle a full range of complex communication situations occurring in an educational environment.</p>
SC:L Specialist Certificate: Legal RID	<p>Holders of this specialist certificate have demonstrated specialized knowledge of legal settings and greater familiarity with language used in the legal system. Generalist certification and documented training and experience is required prior to sitting for this exam. Holders of the SC:L are recommended for a broad range of assignments in the legal setting. This test is currently available.</p>
OTC Oral Transliteration Certificate RID	<p>Holders of this generalist certificate have demonstrated, using silent oral techniques and natural gestures, the ability to transliterate a spoken message from a person who hears to a person who is deaf or hard-of-hearing and the ability to understand and repeat the message and intent of the speech and mouth movements of the person who is deaf or hard-of-hearing. This test is currently available.</p>
CDI Certified Deaf Interpreter	<p>Holders of this certification are interpreters who are Deaf or hard-of-hearing and who have completed at least 8 hours of training on</p>

RID	the RID Code of Ethics, and 8 hours of training in general interpretation as it relates to the interpreter who is Deaf or hard-of-hearing and have passed a comprehensive combination written and performance test. Holders of this certificate are recommended for a broad range of assignments where an interpreter who is Deaf or hard-of-hearing would be beneficial. This test is currently available.
EIPA I	Demonstrates very limited sign vocabulary with frequent errors in production. At times, production may be incomprehensible. Grammatical structure tends to be nonexistent. Individual is only able to communicate very simple ideas and demonstrates great difficulty comprehending signed communication. Sign production lacks prosody and use of space for the vast majority of the interpreted message. An individual at this level is not recommended for classroom interpreting.
EIPA Level 1: Beginner	
EIPA	
EIPA II	Demonstrates only basic sign vocabulary and these limitations interfere with communication. Lack of fluency and sign production errors are typical and often interfere with communication. The interpreter often hesitates in signing, as if searching for vocabulary. Frequent errors in grammar are apparent, although basic signed sentences appear intact. More complex grammatical structures are typically difficult. Individual is able to read signs at the word level and simple sentence level but complete or complex sentences often require repetitions and repairs. Some use of prosody and space, but use is inconsistent and often incorrect. An individual at this level is not recommended for classroom interpreting.
EIPA Level 2: Advanced Beginner	
EIPA	
EIPA III	Demonstrates knowledge of basic vocabulary, but will lack vocabulary for more technical, complex, or academic topics. Individual is able to sign in a fairly fluent manner using some consistent prosody, but pacing is still slow with infrequent pauses for vocabulary or complex structures. Sign production may show some errors but generally will not interfere with communication. Grammatical production may still be incorrect, especially for complex structures, but is in general, intact for routine and simple language. Comprehends signed messages but may need repetition and assistance. Voiced translation often lacks depth and subtleties of the original message. An individual at this level would be able to communicate very basic classroom content, but may incorrectly interpret complex information resulting in a message that is not always clear. An interpreter at this level needs continued supervision and should be required to participate in continuing education in interpreting.
EIPA Level 3: Intermediate	
EIPA	
EIPA IV	Demonstrates broad use of vocabulary with sign production that is generally correct. Demonstrates good strategies for conveying information when a specific sign is not in their vocabulary. Grammatical constructions are generally clear and consistent, but complex information may still pose occasional problems. Prosody is good, with appropriate facial expression most of the time. May still have difficulty with the use of facial expression in complex sentences and adverbial non-manual markers. Fluency may deteriorate when rate or complexity of communication increases. Uses space consistently most of the time, but complex constructions or extended use of discourse cohesion may still pose problems. Comprehension of most signed messages at a normal rate is good but translation may lack some complexity of the original message. An individual at this level would be able to convey much of the classroom content but may have difficulty with complex topics or rapid turn-taking.
EIPA Level 4: Advanced Intermediate	
EIPA	
EIPA V	Demonstrates broad and fluent use of vocabulary, with a broad range of strategies for communicating new words and concepts.
EIPA Level 5: Advanced	

EIPA	Sign production errors are minimal and never interfere with comprehension. Prosody is correct for grammatical, non-manual markers, and affective purposes. Complex grammatical constructions are typically not a problem. Comprehension of sign messages is very good, communicating all details of the original message. An individual at this level is capable of clearly and accurately conveying the majority of interactions within the classroom.
TSC	The CLTNCE is a pass/fail (no levels as of Jan. 1, 1997) minimum national standard of practice. When a testee passes the CLTNCE (Cued Language Transliterator National Certification Exam) a Translator Skills Certificate (TSC) is awarded.
Translator Skills Certificate	
TECUnit	
CAECS-E Acceptable	The testee performs satisfactorily at the word and sentence level. The applicant performs consistently in areas of form, vowel accuracy, consonant-vowel constructions, sentence-level discourse, and inclusion of prosodic information like stress, prominence, and question forms. The testee should strive to maintain the aspects of his/her expressive performance which are in accordance with the accepted standards of cued American English. Applicants who received a score under 4.0 should continue developing skills in order to eliminate the errors indicated in the Errors Analysis Report.
Cued American English Competency Screening-Expressive (Level 3.4-4.0)	
TECUnit	
CAECS-E Developing	The testee demonstrates many components of cued American English correctly. However, the testee omits and/or incorrectly models several essential aspects of cued English in at least four of the following of the areas: form, vowel accuracy, consonant-vowel constructions, sentence-level discourse, and inclusion of prosodic information like stress, prominence, and question forms. The testee should continue to advance his/her expressive cueing skills. At this level, testee's performance is generally better at the word level, deteriorating at the sentence and discourse level. The omission and/or incorrect modeling of cueing mechanics at this level does not necessarily indicate that the cuer is unaware of these elements, but that he/she is unable to demonstrate these multiple tasks cohesively. The cuer should continue training in order to learn appropriate standards of cued English as necessary, and strive to synthesize these essential elements to render cued discourse fully and accurately.
Cued American English Competency Screening-Expressive (Level 2.7-3.3)	
TECUnit	
CAECS-E Emerging	The testee demonstrates some components of cued American English, but also exhibits frequent and consistent common errors. The applicant omitted and/or incorrectly modeled several essential aspects of cued English in the majority of these areas: form, vowel accuracy, consonant-vowel constructions, sentence-level discourse, and inclusion of prosodic information like stress, prominence, and question forms. The testee is advised to attend appropriate training with a qualified instructor of cued American English. The cuer should devote regular practice time to cueing at a relatively slower rate in order to correct common errors, extraneous movements, and/or omitted elements.
Cued American English Competency Screening-Expressive (Level 2.0-2.6)	
TECUnit	
CAECS-E Inaccurate	The testee demonstrates few components of cued American English and exhibits numerous and consistent errors in the nearly all of the following areas: form, vowel accuracy, consonant-vowel constructions, sentence-level discourse, and inclusion of prosodic information like stress, prominence, and question forms. The testee is advised to undergo appropriate training with a qualified instructor of cued American English and utilize appropriate training materials to re-learn basic cueing mechanics.
Cued American English Competency Screening-Expressive (Level 1.0-1.9)	
TECUnit	
CAECS-R	The CAECS-R can be taken by any individual who wishes to assess their basic cue reading skills. Employers often require both the CAECS-E and CAECS-R screenings as a prerequisite to hiring any professional who will be cueing in the educational
Cued American English Competency Screening-Reading	

TECUnit	setting. As of June 1, 2002, the CAECS-R is a prerequisite subtest of the CLTNCE, replacing the BCSPR. In some states, it is also a prerequisite subtest for State Level Assessments, or Quality Assurance Screenings. The CAECS-R screening is available at any time through the mail.
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*See Appendix A for full names of organizations abbreviated herein.

Credentials no longer administered, but still valid

Credential (Short Name)	Description
Credential (Long Name)	
Organization*	
NAD III	The individual who attains this level possesses above average voice-to-sign skills, and good sign-to-voice skills, and demonstrates the interpreting skill necessary for some situations.
NAD Level III (Generalist)	
NAD	
NAD IV	The individual who attains this level possesses excellent voice-to-sign skills and above average sign-to-voice skills, and demonstrates the interpreting skill necessary for most situations.
NAD Level IV (Advanced)	
NAD	
NAD V	The individual who attains this level possesses superior voice-to-sign skills and excellent sign-to-voice skills, and demonstrates the interpreting skill necessary for just about all situations.
NAD Level V (Master)	
NAD	
IC	Holder of this partial certificate demonstrated ability to interpret between American Sign Language and spoken English. This individual received scores on the CSC examination which prevented the awarding of full CSC certification or partial IC/TC certification. The IC was formerly known as the Expressive Interpreting Certificate (EIC). The IC is no longer offered.
Interpretation Certificate	
RID	
TC	Holders of this partial certificate demonstrated the ability to transliterate between spoken English and a signed code for English. This individual received scores on the CSC examination which prevented the awarding of full CSC certification or IC/TC certification. The TC was formerly known as the Expressive Transliterating Certificate (ETC). The TC is no longer offered.
Transliteration Certificate	
RID	
IC/TC	Holders of this partial certificate demonstrated ability to transliterate between English and a signed code for English and the ability to interpret between American Sign Language and spoken English. This individual received scores on the CSC examination which prevented the awarding of full CSC certification. The IC/TC is no longer offered.
Interpretation Certificate/Transliteration Certificate	
RID	
CSC	Holders of this full certificate have demonstrated the ability to interpret between American Sign Language and spoken English and to transliterate between spoken English and a English-based sign language. Holders of this certificate are recommended for a broad range of interpreting and transliterating assignments. The CSC examination was offered until 1987. This test is no longer offered.
Comprehensive Skills Certificate	
RID	
MCSC	The MCSC examination was designed with the intent of testing for a higher standard of performance than the CSC. Holders of this certificate were required to hold the CSC prior to taking this exam. Holders of this certificate are recommended for a broad range of interpreting and transliterating assignments. This certificate is no longer offered.
Master Comprehensive Skills Certificate	
RID	
CDI-P	Holders of this provisional certification are interpreters who are

Certified Deaf Interpreter-Provisional RID	Deaf or hard-of-hearing and who have demonstrated a minimum of one year experience working as an interpreter, completion of at least 8 hours of training on the RID Code of Ethics, and 8 hours of training in general interpretation as it relates to the interpreter who is Deaf or hard-of-hearing. Holders of this certificate are recommended for a broad range of assignments where an interpreter who is Deaf or hard-of-hearing would be beneficial. The CDI-P is no longer available.
RSC Reverse Skills Certificate RID	Holders of this full certificate demonstrated the ability to interpret between American Sign Language and English-based sign language or transliterate between spoken English and a signed code for English. Holders of this certificate are Deaf or hard-of-hearing and interpretation/transliteration is rendered in American Sign Language, spoken English, a signed code for English or written English. Holders of the RSC are recommended for a broad range of interpreting assignments where the use of an interpreter who is Deaf or hard-of-hearing would be beneficial. This certificate is no longer offered. People interested in this area should take the CDI exam.
SC:PA Specialist Certificate: Performing Arts RID	Holders of this certificate were required to hold RID generalist certification (CSC) prior to sitting for this examination and have demonstrated specialized knowledge in performing arts interpretation. Holders of this certificate are recommended for a broad range of assignments in the performing arts setting. The SC:PA is no longer offered.
Prov. SC:L Provisional Specialist Certificate: Legal RID	Holders of this provisional certificate hold generalist certification and have completed RID approved legal training. Holders of this certificate are recommended for assignments in the legal setting. Prov. SC:L is no longer available.
CLIP Conditional Legal Interpreting Permit RID	Holders of this conditional permit completed an RID recognized training program designed for interpreters and transliterators who work in legal settings. Generalist certification (CI and CT, or CSC) was required prior to enrollment in the training program. Holders of this conditional permit are recommended for a broad range of assignments in the legal setting. The CLIP is no longer available.
CLIP-R Conditional Legal Interpreting Permit-Relay RID	Holders of this conditional permit have completed an RID recognized training program designed for interpreters and transliterators who work in legal settings and who are also Deaf or hard-of-hearing. Generalist certification for interpreters/translitterators who are Deaf or hard-of-hearing (RSC, CDI-P, or CDI) is required prior to enrollment in the training program. This permit is valid until one year after the Specialist Certificate: Legal written and performance test for Deaf interpreters is available nationally. CLIP-R holders must take and pass the new legal certification examination in order to maintain certification in the specialized area of interpreting in legal settings. Holders of this conditional permit are recommended for a broad range of assignments in the legal setting. The CLIP-R is still offered.
OIC:C Oral Interpreting Certificate: Comprehensive RID	Holders of this generalist certificate demonstrated the ability to transliterate a spoken message from a person who hears to a person who is deaf or hard-of-hearing and the ability to understand and repeat the message and intent of the speech and mouth movements of the person who is deaf or hard-of-hearing. This certification is no longer offered.

OIC:S/V	Holders of this partial certificate demonstrated the ability to transliterate a spoken message from a person who hears to a person who is deaf or hard-of-hearing. This individual received scores on the OIC:C examination which prevented the awarding of full OIC:C certification. The OIC:S/V is no longer offered.
Oral Interpreting Certificate: Spoken to Visible	
RID	
OIC:V/S	Holders of this partial certificate demonstrated ability to understand the speech and silent mouth movements of a person who is deaf or hard-of-hearing and to repeat the message for a hearing person. This individual received scores on the OIC:C examination which prevented the awarding of full OIC:C certification. The OIC:V/S is no longer offered.
Oral Interpreting Certificate: Visible to Spoken	
RID	

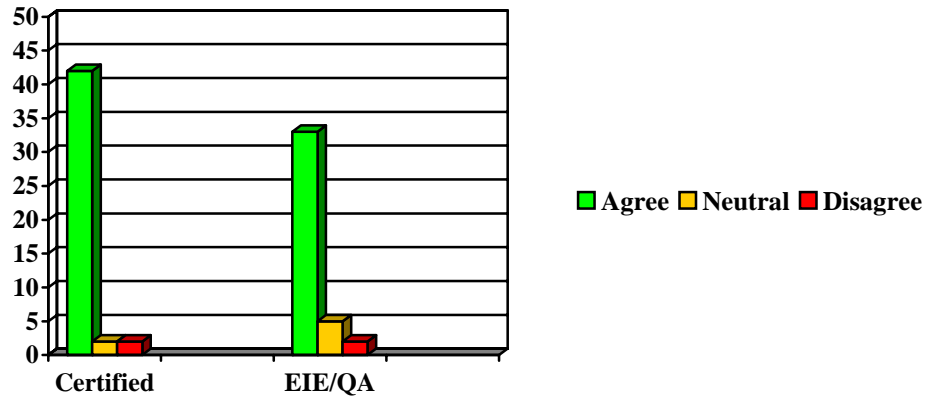
*See Appendix A for full names of organizations abbreviated herein.

Sources:

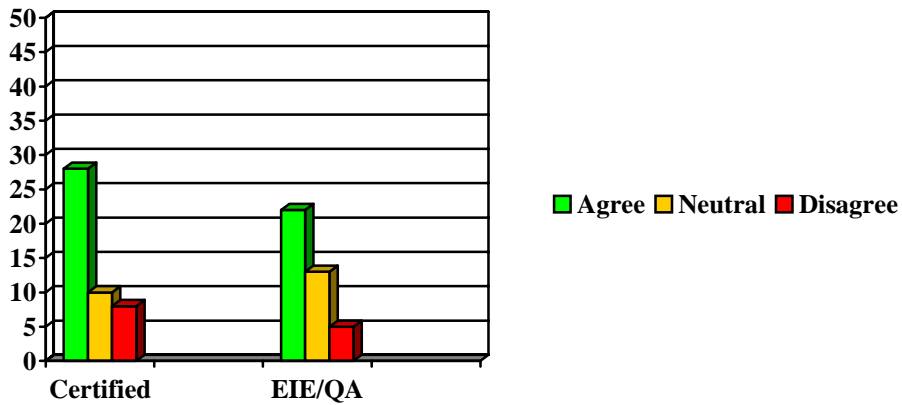
- RID: www.rid.org
- FRID: www.fridcentral.com
- NCI: www.rid.org
- NAD: www.nad.org
- TECUnit: www.tecunit.org
- EIPA: www.classroominterpreting.org

Responses to Selected Questions from the FRID Survey of Interpreters Regarding State Licensure

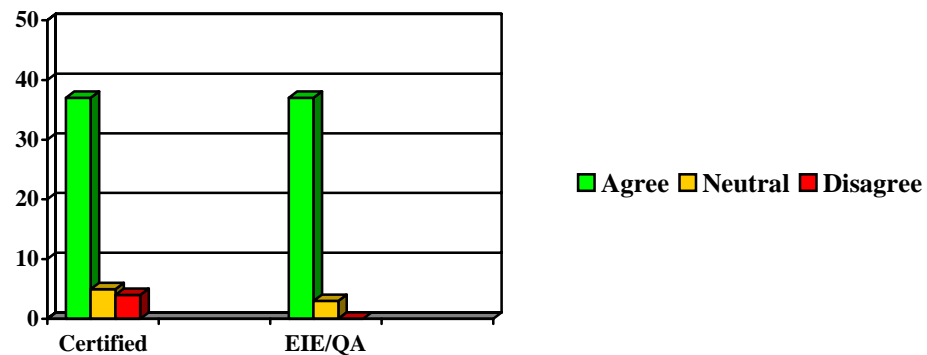
1. Interpreters should be regulated at the state level by licensure.



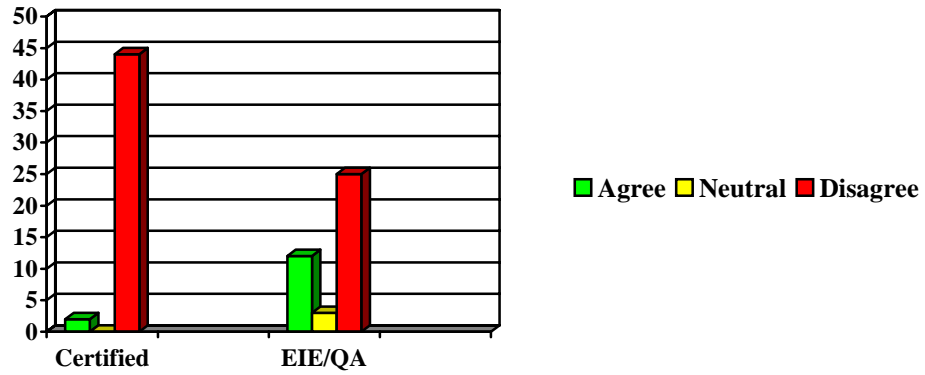
2. Licensure fees should be structured to pay for licensure.



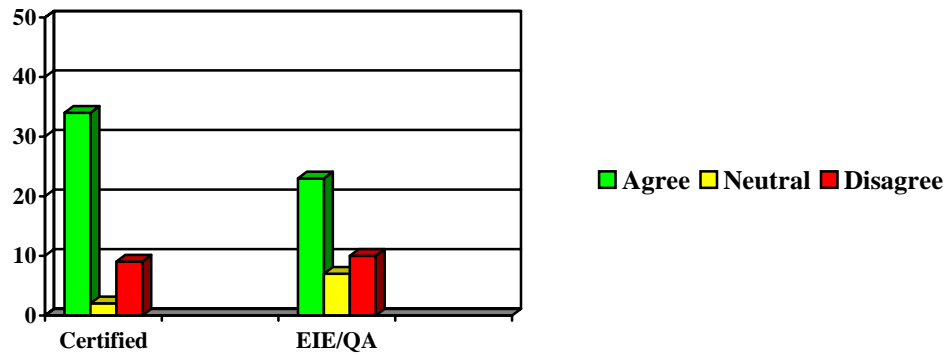
3. A provisional license should be available for those holding EIE and QA.



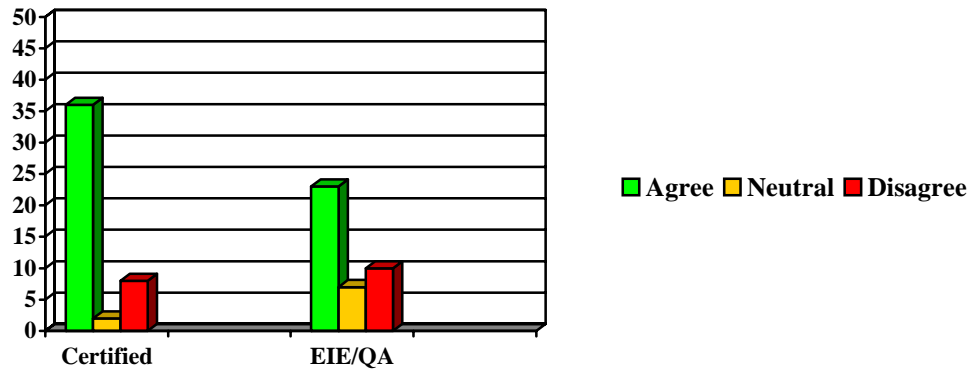
4. Educational interpreters should be exempt from any state licensure.



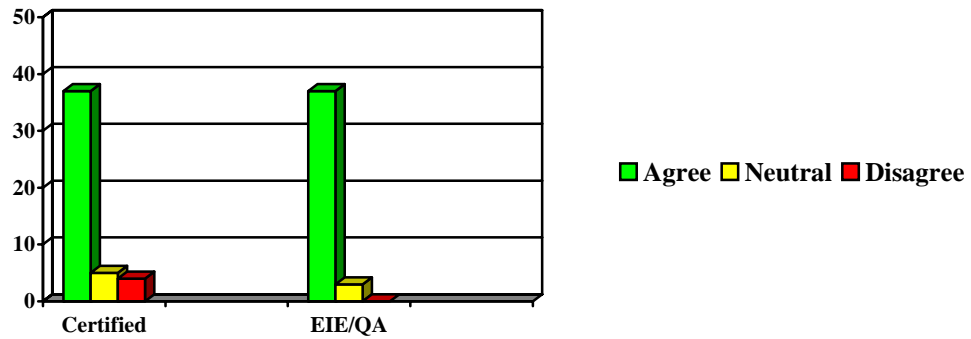
5. A majority of interpreters should comprise any license board.



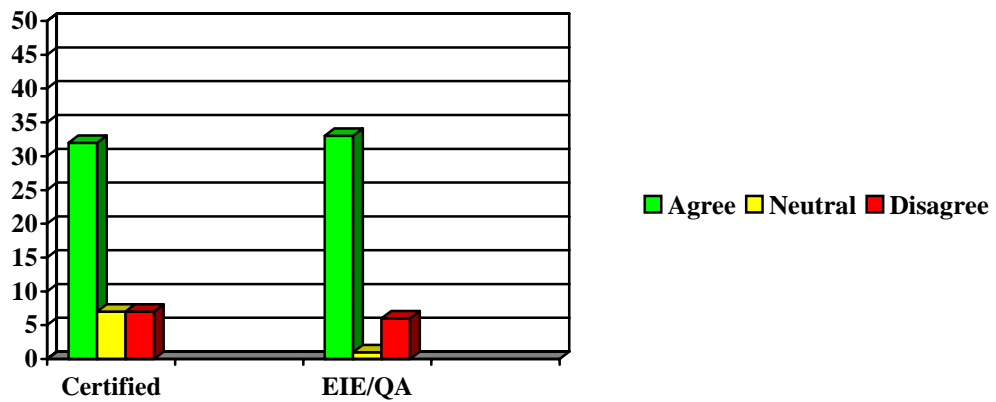
6. Licensure criteria should be established by a majority of interpreters.



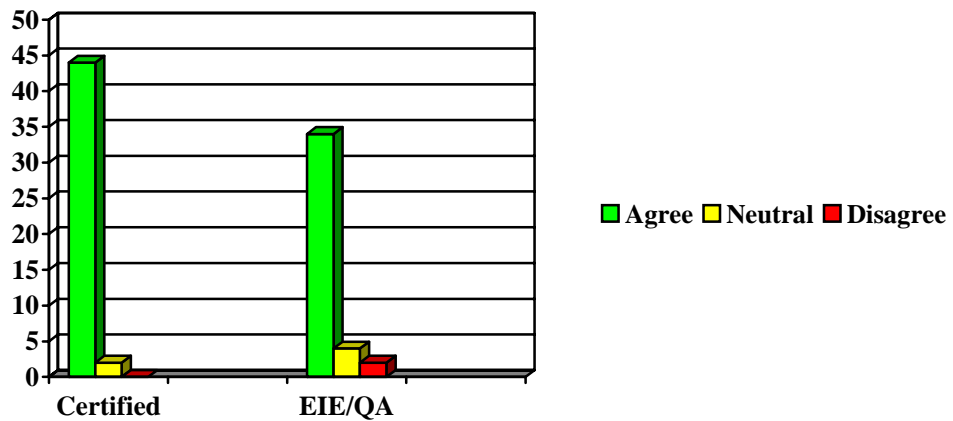
7. A provisional license should be available for those holding EIE and QA.



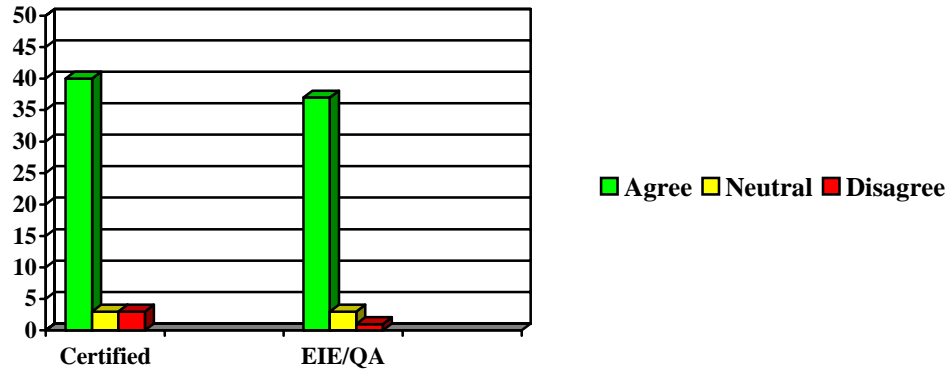
8. All working interpreters should be “grandfathered” as meeting criteria for a set time period.



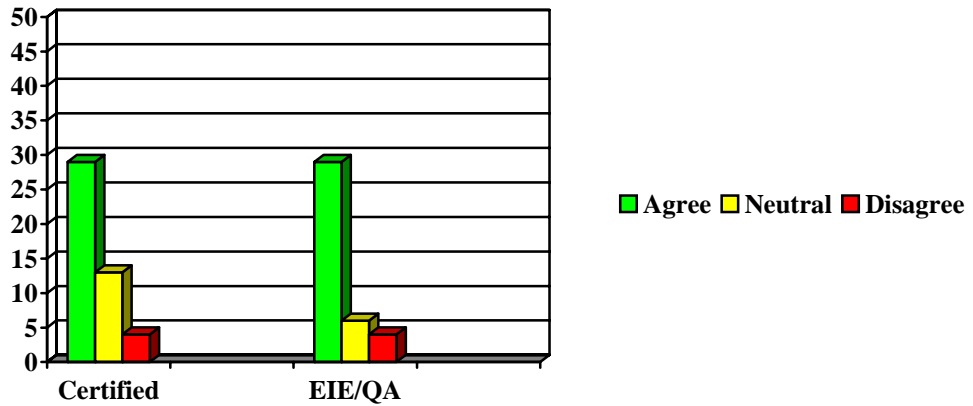
9. Once licensure is established there should be a fine/penalty for working without a license.



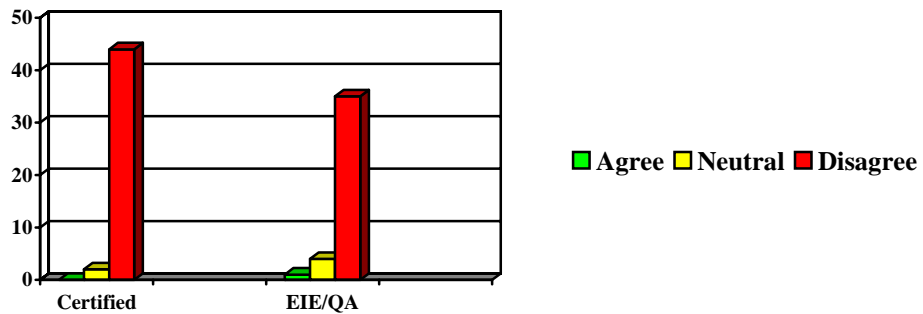
10. Licensure should require documentation of continuing education.



11. Licensure would motivate me to increase my credentials.



12. Licensure would cause me to leave the profession.



Current credentialed Interpreter statistics in the State of Florida

Credential	Documented number of holders in Florida
RID	386
NAD	31
QA/EIE III	107
QA/EIE II	208
QA/EIE I	204
EIPA	4
TOTAL	940

Interpreter Training Programs in Florida

Education Facility	Type	Location
Daytona Beach Community College	2 year	Daytona Beach
Florida Community College at Jacksonville	2 year	Jacksonville
Hillsborough Community College	2 year	Tampa
Miami-Dade Community College	2 year	Miami
St. Petersburg College	2 year	Clearwater
University of South Florida	4 year	Tampa

Mentorship Program Report

State of Florida Mentorship/Apprentice Program for Sign Language Interpreters

Proposed Law:

In order to increase the pool of qualified Sign language interpreters in order to comply with Federal law and state statutes, and provide access to Deaf and Hard of Hearing persons within the State of Florida,

The State of Florida shall provide a 5-year funded mentor/apprentice program for Sign Language Interpreting to include graduates from an Interpreter Training Program or Florida residents currently employed in providing Sign language services who are in need to apply for Interpreter Licensure in order to be employed or maintain employment within the State of Florida but do not possess any national certification or Florida Registry of the Deaf Quality Screening Level (QA) 3 or Educational Interpreter Evaluation (EIE) Level 3 that would permit them to qualify for a Florida Interpreter License.

Program Goal:

The goal of the Sign Language Interpreting mentorship/apprentice program is to provide the opportunity for graduates from an Interpreter Training Program or Florida residents currently employed or in providing sign language services to be provided with the opportunity to advance their skills in order to assist them to pass any of the requirements needed under licensure in order to get maintain or gain employment.

Mentor/Apprentice program utilize face-to-face, internet video, VRS, phone (voice/tty), and any other means for the program to be available throughout every Florida county,

Oversight of Program:

Program will consist of Florida Coordinating Council of Deaf and Hard of Hearing (FCCDHH) as supervising body to oversee mentor and apprentice applications, FCCDHH will be responsible to approve mentors as qualified and approve applications for apprenticeship into the program. FCCDHH approvals will be in compliance with the requirements and stipulations cited herein, notwithstanding any additional stipulations determined by the FCCDHH in cooperation with Florida Licensure Board.

Program/Delivery of Service:

During the 5-year period minimum of 500 Approved Apprentices will each receive up to but not exceeding 20 mentoring visits of up to four hours each for a period not to exceed 10 months within one calendar year with a FCCDHH Approved Mentor.

Approved Mentors (individual, from agency intern/mentoring programs, or from Interpreting Training Programs) will meet with approved applicants and establish a professional development plan specific to the Approved Apprentice's professional development needs and designed to meet the program goals noted herein.

Professional development plans will include, but not be limited to, one on one meetings, on site visits, and attendance in specified workshops.

Upon completion of the program, apprentice shall receive a Letter of Completion from the mentor. A copy of the letter will also be sent to the Licensure Board/ FCCDHH.

Applicant may then proceed and is wholly responsible to obtain all necessary documentation in order to qualify for obtaining Florida Sign Language Interpreter License in order to gain or remain in an employment of providing Sign language services within the State of Florida.

Failure to complete the program or fulfill the requirements stipulated in the professional development plan will result in a letter sent to applicant and to Licensure Board and FCCDHH of "Incomplete" and/or Termination. Apprentice receiving and Incomplete or a Termination letter will not be granted the opportunity to apply for a Florida Sign Language Interpreter License for 1 year, unless exempted by the FCCDHH.

Procedure for Applying for Apprenticeship:

Applicants will register with the Licensure Board and request a one year "Mentorship/Apprenticeship Dispensation", submitting all the required documentation noted herein.

Applicants must

- not possessing any national certification

and show proof/documentation to Licensure Board of:

- being in last year of an Interpreter Training Program, or
- submit application within 6 months of graduating from an Interpreter Training Program, or
- currently employed/subcontracting in providing interpreting services.
(employment verification needed)

Licensure board/FCCDHH will verify and will determine if applicant satisfies the requirements noted herein.

Notification to Apprentice Applicants:

If applicant is approved for the program, FCCDHH will respond to applicant via certified mail APPROVAL letter to be an apprentice to meet and establish a 10-month mentorship with 20 visits of four hours each with an FCCDHH approved mentor at no cost for services to the apprentice.

An approval letter will entitle the applicant to present to any of the State/FCCDHH approved mentor/apprenticeship providers to be included in the mentor/apprenticeship program of their choice at no cost to the approved applicant, henceforth referred to as the apprentice.

Upon completion of the 10 month mentorship/apprentice, applicants receive a Completion of Program letter from the FCCDHH. Applicant will, upon completion, be granted the maximum allotted time allowed with State Sign Language Interpreting License requirements to obtain any of the licensure requirements in order to be gainfully employed in the State of Florida.

Any delay in the approved apprentice completing the requirements due to the mentor's voluntary or involuntary removal from the program shall not impact the status of the apprentice in the program. Apprentice will write a letter to the FCCDHH for an automatic extension of up to 60 days to obtain and set up a continuation of the apprenticeship professional development plan with a different Approved Mentor.

Failure on the part of the attendee to comply with the program's requirements as stipulated by the assigned mentor will result in a letter to the apprentice and licensure Board/FCDHH indicating Incomplete and/or Termination from the program. The FCCDHH will send letter via certified mail denying the request for apprenticeship with the explanation for the denial.

Appeals:

Apprentice Applicant will have 30 days to appeal to the Licensure Board and FCCDHH a) denial for entrance into an approved mentorship/apprentice program, b) or any Termination c) or receiving any Incomplete from program. Licensure Board and FCCDHH

will meet to review the appeal and respond within 60 days. This review and subsequent decision will be final.

Applicants in appeal will not be denied employment until all appeals have been exhausted.

Extensions for Approved Apprentices:

Requests for extension of the Apprentice shall be made to the FCCDHH. FCCDHH may grant an extension of the Mentorship based on the following documentation:

- (1) Letters of support from the Approved Apprentice's mentor, and a parent of a pupil the Approved Apprentice interprets for, or the special education director of the district in which the person is employed, or the representative from the service center of the deaf and hard-of-hearing, or Agency Director mentorship/internship program or a Interpreter Training Program director of a interpreter training program or
- (2) Records of the person's formal education, training, experience, and progress on the person's apprenticeship plan, and
- (3) An explanation of why the extension is needed.

As a condition of receiving the extension, the Approved Apprentice as determined by the apprentice's mentor and the FCCDHH must comply with a revised professional development plan and an accompanying time line for completing the requirements of the revised mentoring plan.

Mentor qualifications:

All hearing, Deaf and Hard of Hearing (i.e., individual mentors, mentors approved through a contracted agency with an intern/mentorship program or Interpreter Training Program) a) must be a member of Conference of Interpreter Trainers (CIT) and b) satisfy the requirements as stipulated herein. Once approved, mentors must first show documentation of completing a national mentor training course approved by the Florida Coordinating Council of Deaf and Hard of Hearing before they can accept any Approved Apprentice or be paid any fees. Failure to do so will result in fees for services being denied.

1- A hearing mentor of an approved apprentice must be an interpreter/transliterater who possesses a current license.

2-A Deaf or Hard of Hearing mentor of an approved apprentice must possess current license.

3-Instructor in an Interpreter Training Program with 3 letters of recommendation from individuals already approved as Mentors of the program.

Notification:

If a mentor applicant is approved for the program, FCCDHH will respond to applicant via certified mail with an APPROVAL letter and contract stipulating responsibilities and fees to be paid. Mentor is to meet the program requirements of establishing a specific action/professional development plan for the approved apprentice, and a time line of 20 visits of four (4) hours not to exceed 10 months along with any additional stipulations determined by the FCCDHH,

An approval letter will entitle the mentor applicant to be listed as a Florida State/FCCDHH Approved Mentor that provides the program mentoring services at no cost to the approved apprentice as determined by FCCDHH under the stipulations herein.

If mentor applicant does not satisfy the requirements, the FCCDHH will send letter via certified mail denying the request for mentor with the explanation for the denial.

Failure of a mentor to in fact have or falsify the appropriate documentation, or to fulfill or to maintain and/or adhere to the program requirements will result in FCCDH termination from the a) the process of receiving approval b) any contract agreement in process or concluded c) and/or removal from the program and any Approved mentor list with said individual and d) individual may not reapply for mentorship status for a period no less than (2) years.

Appeals

Mentor Applicant denied into the program or an Approved Mentor has approved mentor status revoked will have 30 days to appeal any denial for entrance into an approved mentor program or any termination from program to the Licensure Board and FCCDHH. Licensure Board and FCCDHH will meet to review the appeal and respond within 60 days. This review and subsequent decision will be final.

Mentor may be temporarily suspended from providing Mentoring services until appeal process completed.

Program Costs:

Program will cover costs of mentor fees, mentoring courses for the mentors as approved by FCCDHH; travel stipend for mentor, training materials for apprentice, cost of specified workshops for apprentice and stipend for applicants' travel as determined contractually by FCCDHH and FCCDHH costs to manage the program.

Program Costs will not cover any application costs.

Estimated budget total for 5 years: \$1,800,000.

80 hrs each professional development plan x 500 statewide approved apprentices= 40,000 work hrs.

40,000 work hrs at \$30/hr = \$1,200,000

FCCDHH staffing needs= \$200,000

Travel and workshop Stipends, materials, etc. = \$200,000

Notification of programs, maintaining list, etc. = \$100,000

Maintain statistics on the mentoring results and cost effectiveness: \$100,000

Summary of Florida Interpreter Licensure Eligibility

License Type	Interpreter Credentials/Assessments (One listed unless specified)	Education and requirements
Florida Interpreter License	(1) RID (any) (2) NIC (any) (3) NAD IV or V (4) TECUnit TSC (Transliteration Skills Certification)	(1) High School Diploma or equivalent (2) Eighteen (18) years or older (3) No felony conviction (4) After 2010, AA/AS for initial license (5) After 2014, BA/BS for initial license
<i>Unlimited annual renewals</i>		
Provisional License	(1) QA II or III (2) EIE II or III (3) NAD III (4) EIPA 4 or 5 (5) TECUnit CAECS-E Acceptable (3.3-4.0)	(1) High School Diploma or equivalent (2) Eighteen (18) years or older (3) No felony conviction
<i>May be renewed annually for up to 5 years</i>	<u>Deaf Interpreters</u> (1) Passing score on CDI written, <u>and</u> (2) Superior or Advanced Plus on SCPI or ASLPI	
Permit	(1) QA I (2) EIE I (3) EIPA 3 <u>Deaf Interpreters</u> (1) Twenty (20) documented hours of interpreter training, 16 of which must be CDI specific, <u>and</u> (2) Superior or Advanced Plus on SCPI or ASLPI	(1) High School Diploma or equivalent (2) Eighteen (18) years or older (3) No felony conviction
<i>May be renewed annually for up to 2 years</i>		
Registered Permit (Grandfather Clause)	(1) Does not meet the requirements for Permit, Provisional License or License (2) Must have been providing interpreter services in the State of Florida as described in the statutory definitions prior to the enactment of the law. (3) Must register with the State <u>within 60 days</u> of the date of enactment of the law to be eligible.	(1) High School Diploma or equivalent (2) Eighteen (18) years or older (3) No felony conviction
<i>May be renewed annually for up to 2 years following enactment (Will not be available after 2 years)</i>		
Temporary License	(1) Interpreters temporarily residing in Florida who meet the criteria for licensure may hold a temporary license for a period not to exceed six (6) months.	(1) High School Diploma or equivalent (2) Eighteen (18) years or older (3) No felony conviction
<i>One temporary license may be issued per calendar year</i>		
Temporary Permit	(1) Persons from another state who may or may not hold a valid credential from that state may hold a temporary permit for a period not to exceed six (6) months. Only one temporary permit may be issued to a person.	(1) High School Diploma or equivalent (2) Eighteen (18) years or older (3) No felony conviction
<i>One temporary permit may be issued per individual</i>		
Special Limited License	(1) Proof of competency under such rules as the board may prescribe and demonstrates competency in a specialized area for which no formal, generally recognized evaluation exists. Including, but not limited to, Multi-lingual, deaf-blind, non-sign modalities.	(1) High School Diploma or equivalent (2) Eighteen (18) years or older (3) No felony conviction (4) Limit practice to scope of special limited license, as prescribed by the board
<i>Renewable annually until such time as formal, generally recognized evaluative methods are instituted</i>		

The **Good Samaritan Act** reads as follows:

768.13 Good Samaritan Act; immunity from civil liability.--

(1) This act shall be known and cited as the "Good Samaritan Act."

(2)(a) Any person, including those licensed to practice medicine, who gratuitously and in good faith renders emergency care or treatment either in direct response to emergency situations related to and arising out of a public health emergency declared pursuant to s. 381.00315, a state of emergency which has been declared pursuant to s. 252.36 or at the scene of an emergency outside of a hospital, doctor's office, or other place having proper medical equipment, without objection of the injured victim or victims thereof, shall not be held liable for any civil damages as a result of such care or treatment or as a result of any act or failure to act in providing or arranging further medical treatment where the person acts as an ordinary reasonably prudent person would have acted under the same or similar circumstances.

(b)1. Any health care provider, including a hospital licensed under chapter 395, providing emergency services pursuant to obligations imposed by 42 U.S.C. s. 1395dd, s. 395.1041, s. 395.401, or s. 401.45 shall not be held liable for any civil damages as a result of such medical care or treatment unless such damages result from providing, or failing to provide, medical care or treatment under circumstances demonstrating a reckless disregard for the consequences so as to affect the life or health of another.

2. The immunity provided by this paragraph applies to damages as a result of any act or omission of providing medical care or treatment, including diagnosis:

a. Which occurs prior to the time the patient is stabilized and is capable of receiving medical treatment as a non-emergency patient, unless surgery is required as a result of the emergency within a reasonable time after the patient is stabilized, in which case the immunity provided by this paragraph applies to any act or omission of providing medical care or treatment which occurs prior to the stabilization of the patient following the surgery.

b. Which is related to the original medical emergency.

3. For purposes of this paragraph, "reckless disregard" as it applies to a given health care provider rendering emergency medical services shall be such conduct that a health care provider knew or should have known, at the time such services were rendered, created an unreasonable risk of injury so as to affect the life or health of another, and such risk was substantially greater than that which is necessary to make the conduct negligent.

4. Every emergency care facility granted immunity under this paragraph shall accept and treat all emergency care patients within the operational capacity of such facility without regard to ability to pay, including patients transferred from another emergency care facility or other health care provider pursuant to Pub. L. No. 99-272, s. 9121. The failure of an emergency care facility to comply with this subparagraph constitutes grounds for the department to initiate disciplinary action against the facility pursuant to chapter 395.

(c)1. Any health care practitioner as defined in s. 456.001(4) who is in a hospital attending to a patient of his or her practice or for business or personal reasons unrelated to direct patient care, and who voluntarily responds to provide care or treatment to a patient with whom at that time the practitioner does not have a then-existing health care patient-practitioner relationship, and when such care or treatment is necessitated by a sudden or unexpected situation or by an occurrence that demands immediate medical attention, shall not be held liable for any civil damages as a result of any act or omission

relative to that care or treatment, unless that care or treatment is proven to amount to conduct that is willful and wanton and would likely result in injury so as to affect the life or health of another.

2. The immunity provided by this paragraph does not apply to damages as a result of any act or omission of providing medical care or treatment unrelated to the original situation that demanded immediate medical attention.

3. For purposes of this paragraph, the Legislature's intent is to encourage health care practitioners to provide necessary emergency care to all persons without fear of litigation as described in this paragraph.

(d) Any person whose acts or omissions are not otherwise covered by this section and who participates in emergency response activities under the direction of or in connection with a community emergency response team, local emergency management agencies, the Division of Emergency Management of the Department of Community Affairs, or the Federal Emergency Management Agency is not liable for any civil damages as a result of care, treatment, or services provided gratuitously in such capacity and resulting from any act or failure to act in such capacity in providing or arranging further care, treatment, or services, if such person acts as a reasonably prudent person would have acted under the same or similar circumstances.

(2) Any person, including those licensed to practice veterinary medicine, who gratuitously and in good faith renders emergency care or treatment to an injured animal at the scene of an emergency on or adjacent to a roadway shall not be held liable for any civil damages as a result of such care or treatment or as a result of any act or failure to act in providing or arranging further medical treatment where the person acts as an ordinary reasonably prudent person would have acted under the same or similar circumstances.

Comparison of states with proposed or enacted legislation to regulate interpreters

State by State Comparison, Part I

Note: All states require 18 years or older, no felony convictions, and a high school diploma or equivalent.

State	Status	Types and Criteria	Grandfathering Registered Permit	Exemptions	Penalties
Alabama	Passed	<u>License</u> – Nationally Certified interpreters <u>Permit</u> – Code of ethics and an interpreter performance assessment approved by the board	1.7 years	Supervised students/interns maximum of 16 weeks, Interpreters practicing solely in religious setting,	Fine up to \$1000, suspension or revocation Class C misdemeanor
Alaska	Proposed	<u>License</u> – RID certification or NAD 4/5, Specialty certificates (noted on license) <u>Provisional</u> – RID associate member, ITP graduate or minimum of 300 hours of experience (2 years – renewable one time)	2 years	Supervised students/interns maximum of 16 weeks, Interpreters practicing solely in religious setting,	Class B Misdemeanor, Up to \$1000 fine
Arizona	Passed	RID or NCRA Certification	Certificate of competency – 1 year	None	Revocation
California	Proposed	RID, NAD, American Consortium of Certified Interpreters, or other entities determined by the board		Supervised students/interns, Interpreters practicing solely in religious setting, Emergencies as described here-in, teleconference interpreters	\$1000

State	Status	Types and Criteria	Grandfathering Registered Permit	Exemptions	Penalties
Connecticut	Passed	RID Certification for Medical, legal, NAD 4/5 or RID written and minimum of NAD 3, TECUnit for cued speech	Has passed	None stated	None stated
Illinois	Proposed	<u>License</u> – RID – CI, CT, CDI, Oral, NAD III, IV, V, TECUnit or any other agency authorized by rule. (degree after 2009) <u>Provisional</u> – IC, TC, NAD, I, II other agency recognized by rule (5 year limit on provisional) May establish criteria for credentialed specialist (Deaf-blind, Language deficit, etc)	None stated	Supervised students/interns, Interpreters practicing solely in religious setting, Emergencies a Good Samaritan, Educational Interpreters	Civil penalty of up to \$2,500 per violation, Censure, suspension, revocation Class A misdemeanor

State	Status	Types and Criteria	Grandfathering Registered Permit	Exemptions	Penalties
Indiana	Passed	RID Certification , NAD 4/5 or RID written and minimum of NAD 3 and CEU s of 2 per year for 5 years, TECUnit for cued speech, EIPA for SEE II for signed English in the K-12 setting July 1, 2007 BA degree – Those meeting requirements prior to that date are exempt from this requirement	Educational Interpreters until 2010	Deaf Education teachers with Deaf Ed endorsement	Not listed
Iowa	Proposed	Licensure examination approved by the board	2 year temporary license	Supervised students/interns, Interpreters practicing solely in religious setting, Emergencies a good Samaritan, Substitute educational interpreters not to exceed 21 days	Suspension or Revocation
Kentucky	Passed	RID certification or NAD IV or V or for cued speech TECUnit certification, or other certification as required by federal law	1 year temporary license for BA ITP graduate, 2 years for associate level interpreter training graduate	Supervised students/interns, interpreters practicing solely in religious settings, emergencies as a Good Samaritan	Class C misdemeanor suspension, revocation

State	Status	Types and Criteria	Grandfathering Registered Permit	Exemptions	Penalties
Maine	Passed	<u>Certified License</u> – RID or NAD IV, V <u>Limited</u> – Proof of education and training of minimum of 100 hours – college level or by RID certified interpreters	Limited license for 3 years non-renewable and 2 years for new applicants	Non-residents, medical emergencies	Class E Crime, Suspension or revocation
Minnesota	Proposed	<u>Licensure</u> – RID certification, NAD certification, or a State developed competency examination, TECUnit for Cued Speech <u>Provisional</u> ITP graduates for 2 years	Provisional for ITP graduates	None listed	None listed
Missouri	Passed	Novice (3 years), Apprentice (3 years), Intermediate, Advanced, comprehensive (RID and NAD V) and restricted K-12 (ASL, PSE, or SEE) and Missouri Interpreter Certification system Evaluation	Rescinded March 2002	None listed	Suspension or revocation
Nebraska	Proposed	Must establish the requirements – particularly for educational interpreters K-12	N/A	N/A	Temporary or permanent injunctions revocation

State	Status	Types and Criteria	Grandfathering Registered Permit	Exemptions	Penalties
Nevada	Passed	License – RID, NAD III, IV, or V, or TECUnit for cued speech EIPA IV or V (Educational settings only)	May be decided by the board	None listed	Civil penalty up to \$5000
New Hampshire	Passed	Those evaluations determined by the board	N/A	Supervised students/interns, Interpreters practicing solely in religious setting, Emergencies a good Samaritan, Educational Interpreters	Class A Misdemeanor up to \$2000 and/or Suspension, revocation
New Mexico	Proposed	RID or NAD III, IV, V	None	none	Suspension and revocation
North Carolina	Passed	Licensure - RID, or NAD IV, V, Cued speech certification, NCICS A or B (QA state system) 2 year degree effective July 2008 for new applicants Provisional – NAD II, III, NCICS C, Cued Language I, II, or III, EIPA 3 or above (may be held for 2 years)	None	Supervised students/interns, Interpreters practicing solely in religious setting, Emergencies a good Samaritan, Educational Interpreters	Injunctive relief Cease and desist order
Ohio	Passed	Licensure— RID or NAD III, IV, or V	Five years post-graduation from an ITP	None	Misdemeanor, first degree

State	Status	Types and Criteria	Grandfathering Registered Permit	Exemptions	Penalties
Pennsylvania	Alternative	70 % or above on the EIPA for educational interpreting Examinations approved by the "office"	None	Supervised students/interns, Interpreters practicing solely in religious setting, Emergencies as a Good Samaritan, Private school interpreters, Interpreters requested by the deaf or hard of hearing person who is informed, volunteers	Fine not to exceed \$1000 and imprisonment not to exceed 90 days
Rhode Island	Passed	<u>Certified Licensure</u> – RID <u>Certification License</u> - State competency examination <u>Special limited licenses</u> – determined by the board <u>Temporary license</u> – Supervised graduates or interns with mentors	3 years	Volunteers, emergency situations, those who fit the criteria for court interpreters under RI law	Revocation or suspension
South Dakota	Alternative	RID or NAD III, IV and V	None	None	Revocation or suspension
Texas	Alternative	TSID Examination and NAD III or above	none	Not cited	Revocation or suspension

State	Status	Types and Criteria	Grandfathering Registered Permit	Exemptions	Penalties
Utah	Alternative	Not clear	None listed	Armed forces members in the act of duty, Supervised students/interns, Interpreters practicing solely in religious setting, Emergencies a good Samaritan, Educational Interpreters, during national or state emergencies	Suspension or revocation
Wisconsin	Proposed	Licensure RID or NAD IV, V Provisional graduation from an ITP and passing of RID written examination and continued membership in RID	2 years	Educational interpreters	Fines not to exceed \$200 or imprisonment not to exceed 6 months

State by State Comparison, Part II

State	Scope	Interstate reciprocity	CEU requirements	Board composition	Fees
Alabama	Inclusive	Reciprocity with states with like standards, Board will license such persons	Yes	4 RID certified interpreters (1 must be an educational interpreter), 3 DHH consumers, 2 members at large	To cover the costs of the licensure
Alaska	Inclusive	14 days with no agreement Agreement with states with like licensure standards		3 certified interpreters one of whom is CDI, 1 deaf or hard of hearing member, 1 Member –at-Large with DHH knowledge	To cover the costs of the licensure
Arizona	Legal, Law enforcement, governmental	none	None	Operated by Deaf council	To cover the costs of the licensure
California	Inclusive	30 days	None	Not specified	To cover the costs of the licensure
Connecticut	Inclusive	Unknown	2 per year for 5 year cycles	Unknown	To cover the costs of the licensure
Illinois	Community interpreters for adult consumers	None stated	Yes	3 certified interpreters, 2 certified deaf interpreters, 2 DHH consumers	To cover the costs of the licensure
Indiana	Inclusive	None stated	2 CEUs per year in specific content areas	For Grievance purposes – 2 RID/NAD certified interpreters, 2 D/HH consumers and 1 non D/HH consumer	

State	Scope	Interstate reciprocity	CEU requirements	Board composition	Fees
Iowa	Inclusive	14 days without a license	Not stated	4 Licensed interpreters, one of whom must be an educational interpreter, 3 consumers, 2 of whom must be deaf.	Iowa Department of Health appropriation
Kentucky	Inclusive	Not addressed	15 hours (1.5 CEUs per year)	5 Nationally Certified interpreters with a minimum of 5 years of experience, 1 certified deaf interpreter, 1 knowledgeable consumer	To cover the costs of the licensure \$50
Maine	Inclusive	Exempted	None for RID interpreters, 15 hours (1.5 CEUs) annually for others	Not specified	To cover the costs of the licensure
Minnesota	Inclusive	Not addressed	Not addressed	Not addressed	To cover the costs of the licensure
Missouri	Inclusive	RID, NAD application for licensure	1.2 CEUs annually	5 members – not described	Costs of licensure \$10 application, \$150 testing fee, \$50 reinstatement fee
Nebraska	Inclusive Privilege	N/A	N/A	2 licensed interpreters, 2 deaf or hard of hearing persons, 2 local government representatives, Executive director of the Deaf commission or designee, and Director of Health and human services or designee	To cover the costs of licensure

State	Scope	Interstate reciprocity	CEU requirements	Board composition	Fees
Nevada	Inclusive (relatives may not interpret for relatives in court proceedings)	none	none	Not specified	To cover the costs of licensure
New Hampshire	Non-inclusive (Educational interpreters not included)	Certified or licensed by another state may work for 250 hours	None	4 licensed interpreters, 5 consumers (3 deaf users of sign-language, 1 deaf/oral, one non-deaf) Proposed by NH Assn of the Deaf	To cover the costs of licensure
New Mexico	Inclusive (Privilege)	None	None	Not described	To cover the costs of licensure
North Carolina	Non-inclusive (Educational Interpreters exempted)	Like licensure from another state	None	9 members – Licensed interpreter, interpreter for deaf-blind, Member of NC Assn of Deaf, employee of Dept of Health and Human Services, Cued speech transliterator, Licensed Educational Interpreter, ITP faculty member, public member	To cover the costs of licensure Not to exceed \$225 annually
Ohio	Inclusive	none	none	Not described	To cover the costs of licensure
Pennsylvania	Inclusive	14 days of interpreting	None	11 members – 4 certified interpreters, 1 interpreter trainer, 4 public members (2 deaf, 1 hard of hearing and 1 deaf-blind) 2 government members	To cover the cost of licensure (\$85,000 appropriated from the professional licensure augmentation account)
Rhode Island	Inclusive	Like licensure	To be established	Not specified	To cover licensure costs

State	Scope	Interstate reciprocity	CEU requirements	Board composition	Fees
South Dakota	Inclusive	None	none	Not specified	To cover the costs of licensure
Texas	Inclusive	none	None cited	Not listed	Costs to pay for licensure
Utah	Non inclusive (Educational interpreters exempted)	Any one licensed to practice in another state	None cited	11 members – 4 professional interpreters, 4 deaf or hard of hearing persons, 3 state department representatives	Costs to cover licensure
Wisconsin	Non-inclusive (educational interpreters exempted)	None cited	None cited	Not specified	Costs to cover licensure

RECOMMENDATIONS FOR CART SERVICES

While many deaf consumers utilize American Sign Language (ASL) or other interpreters, Communication Access Realtime Translation (commonly known as “CART”) services are used primarily by hard-of-hearing and late-deafened consumers. There is currently no certification or licensure in place for Florida’s CART providers.

In 2005, the Florida Coordinating Council for the Deaf and Hard of Hearing assigned a Task Force to explore certification and licensure for interpreters and CART providers. While the interpreter group pursued licensure, the CART group explored (and continues to explore) many options of regulation.

CART Task Force Determinations & Recommendations

- Credentialing of Florida CART providers and regulation of the quality of services is desired to protect consumers;
- There is a shortage of qualified CART providers, and as a result, the CART profession in Florida is not mature enough for licensure;
- CART trainings are crucial to increasing the number of qualified providers and improving the quality of services.
- Current national certification programs test the technical skills necessary for many CART providers. These programs do not adequately test the non-technical aspects of CART.
- Condensed Text Services should not be included in CART Credentialing (see addendum)
- Florida’s CART consumers should be directed to the most qualified and nationally certified CART providers in Florida and should be educated on standards and provided a vehicle for complaints.

Addendum

CONDENSED TEXT SERVICES CART TASK FORCE RECOMMENDATIONS

The law that established the Florida Coordinating Council for the Deaf and Hard of Hearing (413.271, Fl. Stat. 2004) required that the FCCDHH develop a report and recommend policies that address the needs of the deaf, hard of hearing, and late-deafened persons. Specifically, the Council was tasked to prepare a report by January 1, 2006, to include recommendations for standards for, and licensure of, sign-language interpreters and providers of Communication Access Realtime Translation services (CART) and other accreditation standards for service providers that are not subject to regulation by the state. The Council formed a Task Force to accomplish this goal.

The Task Force split into two groups for economy of effort - the interpreting licensure group and the CART licensure/accreditation group. Early on, the CART group realized that there are other modalities of speech to text services available (collectively called Condensed Text Services and hereinafter referred to as CTS for purposes of this report), which could be included in the effort to set accreditation standards, ultimately leading to licensure. These various modalities include but are not limited to C-Print® and the Typewell Educational Transcription System. These services, while not verbatim or “word for word,” are utilized in certain situations, primarily post-secondary educational settings.

The CART Task force recognizes these speech to text services yet struggled with the task of including CTS in the accreditation effort at this time. The rationale for this assumption includes the following observations:

- Widespread confusion exists between CTS and verbatim CART or Realtime Captioning, which prohibits the consumer from making an informed choice as to what service they actually need and receive.
- Condensed Text Services are offered as a low-cost replacement for verbatim CART, not always considering the needs of the end-user (consumer).
- D/HOH/LD consumers requesting CART or Captioning in Florida’s schools, colleges and universities commonly receive CTS instead.
- No standardized training exists across the continuum of Condensed Text Services.
- No independent and objective testing or national certification standards exists for Condensed Text Services, thus rendering it impossible to adequately compare the quality and consistency of services provided through standardized and quantifiable testing methods and test results.

- Some consumers prefer CTS to CART and should be allowed to choose the preferred method after being educated about the differences.

To conclude, the CART Task Force expects these issues to be resolved in the future as the profession of Condensed Text Services evolves and national certification standards are initiated, which will alleviate our present concerns. Thus, the provision of verbatim communication access is the only modality considered for CART accreditation by the Task Force at this time.

RECOMMENDATIONS FOR SSP SERVICES

Support Service Providers (SSPs) are trained to work with individuals in the deaf-blind (D-B) community. The main purpose for SSPs is to empower the D-B individual so he/she can lead an independent life. An SSP is usually someone who has received basic training in working and socializing with people who are Deaf-Blind. An SSP is the eyes, ears and, often, transportation for a D-B individual.

Task Force Determinations & Recommendations

- Florida Deaf-Blind Association SSP Guidelines and a Registry of Interpreters for the Deaf Code of Ethics are available to Florida SSPs.
- There is currently no certification or licensure in place for SSPs.
- Florida's deaf-blind consumers should have easy access to the SSP Guidelines and the Code of Ethics in order to know their rights.