

**FLORIDA RULES FOR CERTIFICATION AND
REGULATION OF SPOKEN LANGUAGE COURT INTERPRETERS**

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CITATIONS TO OPINIONS ADOPTING OR AMENDING RULES

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I. GENERAL PROVISIONS

RULE 14.100. DEFINITIONS

The following terms have the meanings shown as used in these rules:

(a) **Court Interpreter.** Any person providing spoken language court interpreting services during a court or court-related proceeding, except persons performing such services without remuneration on behalf of persons demonstrating an inability to pay in circumstances not requiring appointment of a court interpreter.

(b) **Certified Court Interpreter.** A designation reserved for interpreters who have completed all requirements for certification in accordance with these rules and hold a valid certificate issued by the Office of the State Courts Administrator.

(c) **Language Skilled.** A designation reserved for interpreters who have completed all requirements in accordance with these rules, but who are seeking certification in a spoken language for which there is no state-certifying examination, and hold a valid certificate issued by the Office of the State Courts Administrator.

(d) **Provisionally Approved.** A designation reserved for interpreters of spoken languages for which a state-certifying examination is available, who, although not yet certified, have passed the oral performance exam at a lesser qualifying prescribed level and hold a valid certificate issued by the Office of the State Courts Administrator.

(e) **Duly Qualified Interpreter.** An interpreter who is certified or language skilled, or, if a certified or language skilled interpreter is unavailable, a provisionally approved interpreter, as these terms are defined under subdivisions (b) through (d) above.

(f) **Court.** Any county, circuit, or district court of this state or the Supreme Court of Florida.

(g) **Court Proceeding.** Any hearing or trial presided over by a state court judge, general magistrate, special magistrate, or hearing officer within the state courts system.

(h) Court-Related Proceeding. Any event, including, but not limited to, a deposition, mediation, arbitration, or examination, which occurs or could be made to occur as a result of a court order, subpoena, or general law, and for which the primary purpose is the communication or exchange of information related to a claim or defense in or the settlement of a pending or impending court case. However, a law enforcement investigation which does not yet involve the participation of the prosecuting authority shall not be considered a court-related proceeding.

(i) Limited-English-Proficient Person. A person who is unable to communicate effectively in English because the individual's primary language is not English and he or she has not developed fluency in the English language. A person with limited English proficiency may have difficulty speaking, reading, writing, or understanding English.

(j) Board. The Court Interpreter Certification Board.

(k) Compliance Period. The two-year period beginning upon issuance of a letter confirming registration or renewal of registration of a court interpreter.

(l) State-Certifying Examination. A full or abbreviated board-approved oral performance examination designed to objectively measure whether candidates possesses the minimum levels of language knowledge and fluency and interpreting skills required to perform competently during court proceedings.

(m) Written Examination. An initial qualifying or screening examination designed to measure a candidate's literacy in English, familiarity with, and usage of, court-related terms, and/or knowledge of matters regarding interpreter ethics and related professional conduct.

(n) Full Oral Performance Examination. An oral examination which measures language knowledge and fluency in both English and non-English languages, as well as the ability to successfully render meaning in target and source languages in simultaneous interpretation, consecutive interpretation, and sight translation of documents.

(o) Abbreviated Oral Performance Examination. An oral examination assessing functional proficiency to competently interpret simultaneously in court from English to a non-English language, and prerequisite to which a candidate must satisfy board-approved oral proficiency interviews in both English and non-English languages.

(p) **Oral Proficiency Interview.** A standardized language proficiency interview assessing functional speaking ability in both English and non-English languages.

(q) **Modes of Court Interpretation.** Simultaneous interpretation, consecutive interpretation, and sight translation of documents in a court setting.

(r) **Transcription.** The process of preserving audio or videotaped sound files in written form, duplicating the original, together with its translation into the target language, and, when used for evidentiary purposes, produced in dual-language format with the original and translation appearing side-by-side.

(s) **Translation.** Converting a written text from one language into written text in another language.

RULE 14.110. COURT INTERPRETER CERTIFICATION BOARD

(a) **Board Composition.** The Court Interpreter Certification Board is created to supervise a process encouraging certification of court interpreters by which qualified persons may become registered and officially designated, and in accordance with which the conduct of all persons engaged in spoken language interpreting in court and court-related proceedings shall be governed. The board shall be under the supervisory authority of the Supreme Court of Florida. It shall be composed of ten persons, appointed by the chief justice, as follows:

- (1) two county court judges;
- (2) three circuit court judges;
- (3) three trial court administrators;
- (4) one federally certified court interpreter; and
- (5) one state certified court interpreter.

(b) **Staff.** Such staff as may be necessary to administer the program and permit the board to carry out its duties shall be provided by the Office of the State Courts Administrator insofar as funded by the Florida Legislature.

(c) **Officers; Quorum.** The chief justice shall appoint one of the board members to serve as chair. A majority of the board shall constitute a quorum.

(d) **Vacancies.** Any vacancy on the board shall be filled by appointment by the chief justice. A person appointed to fill a vacancy shall serve for the remainder of the term of the member being replaced.

(e) **Terms.** All terms shall be three years. Members shall be eligible for reappointment.

(f) **Duties.** The duties of the board shall include:

(1) registration, designation, regulation, and discipline of all court interpreters, and, upon failure to comply with these rules, suspension and revocation of registrations and acquired designations;

(2) authority to periodically review and adopt new or amended board operating procedures consistent with these rules;

(3) authority to make recommendations to the supreme court regarding language access issues and amendment of court rules relating to provision of spoken language court interpreting services; and

(4) performance of such other assignments relating to provision of spoken language court interpreting services as may be directed by the chief justice of the supreme court.

(g) **Fees.** The board shall have the authority to recommend to the supreme court such fees as the board may deem necessary to permit it to carry out its duties. Such fees shall be made payable to the State of Florida and shall be non-refundable.

(h) **Records; Registry.** The board shall maintain records and minutes of its meetings and all other official actions. It shall maintain a record of all continuing education credits earned by registered, certified, language skilled, and provisionally approved court interpreters. It shall also maintain separate registries containing the name and, as applicable, designation number, renewal date, and geographic areas where services are available for each registered and officially designated court interpreter.

(i) **Expenses.** Members of the board shall serve without compensation. However, they shall be reimbursed for all reasonable expenses incurred in the performance of their duties, in compliance with all rules and statutes governing such reimbursement.

II. INTERPRETER REGISTRATION AND DESIGNATIONS

RULE 14.200. REGISTRATION

(a) **Registration.** Court interpreters shall, prior to providing interpreter services, become registered with the Office of the State Courts Administrator.

(b) **General Prerequisites.** Unless otherwise provided, all applicants completing prerequisites for registration must:

(1) as an initial prerequisite, attend a two-day orientation program administered by the Office of the State Courts Administrator or board-approved training provider;

(2) pass a written examination approved by the board, which shall include an ethics component;

(3) submit an approved reporting form documenting completion of 20 hours of courtroom observation;

(4) take an oath to uphold the Code of Professional Conduct adopted in these rules;

(5) undergo and pass a background check according to standards prescribed by the board and published in board operating procedure;

(6) agree to obtain 16 credits of continuing education from a continuing education program approved by the board; and

(7) agree to diligently pursue designation as a certified, language skilled, or provisionally approved interpreter and, within the first year of any two-year registration or applicable renewal period, submit to:

(i) at least 1 full oral performance examination approved by the board, or, in the event a full oral performance examination is unavailable, submit to a board-approved abbreviated oral examination and demonstrate functional speaking ability in English and a non-English language through oral proficiency interviews as a prerequisite to taking the abbreviated examination;

(ii) at least 1 approved oral proficiency interview in English and a non-English language for which there is no state-certifying examination as an assessment of functional speaking ability; or

(iii) at least 1 equivalent state-certifying examination in another state that is in accordance with board-approved requisites; and

(8) submit an application for registration and enclose an initial application fee in an amount set by the supreme court.

(c) Renewal and Maintenance of Registration. Registration under this rule shall be valid for a period of 2 years. Before any person's registration may be renewed, he or she must:

(1) complete 16 credits of continuing education through a board-approved program and submit an application for continuing education credit on a reporting form furnished by the board;

(2) complete 20 law-related professional court interpreting assignments, or a lesser number of assignments totaling no fewer than 40 hours;

(3) pay any applicable renewal fee in an amount set by the supreme court; and

(4) if not officially designated as certified, language skilled, or provisionally approved, comply again with subdivisions (b)(4), (b)(5), and (b)(7) of this rule.

Officially designated state-level court interpreters who are employed by the courts in court interpreting positions may, rather than reporting discrete law-related professional assignments, provide proof of court employment and an affidavit averring compliance with this requirement. Court interpreters unable to complete the required professional court interpreting assignments because of a limited need for interpreting services in their language or in other exceptional circumstances may be eligible, upon written request and board approval, for an extension of time or exemption. A language skilled or provisionally approved interpreter who is granted an extension must, in lieu of a biennial renewal fee and as a condition of maintaining registration and any official state-level designation, pay a fee in an amount proportionate to the time of extension.

(d) Letters Confirming Registration and Renewal. Letters confirming registration and renewal of registration shall be issued to persons satisfying requirements under this rule. Any official state-level designation held by the registered interpreter shall be noted in such letters.

(e) Approved Continuing Education. The board shall keep and maintain a list of approved continuing education programs. Approval of an educational program or activity not listed shall be at the board's discretion and subject to approval on a case-by-case basis.

(f) Notification. The board shall notify all registered court interpreters in writing of the expiration of their registration and any corresponding official state-level designation at least 90 days before such date. Notice shall be given by regular United States mail or via e-mail, directed to the last postal or e-mail address on file with the board.

(g) Administrative Suspension. Registration and any corresponding official state-level designation shall be suspended automatically upon failure to comply with requirements under rule 14.200(c), but may be reinstated upon application to the board, accompanied by payment and made within 60 days of the date of suspension. Upon expiration of the 60-day grace period, registration and any official state-level designation shall be revoked and any request for reinstatement must be made in accordance with rule 14.450.

(h) Administrative Revocation. Registration shall be automatically revoked for any person who fails to submit to at least one of the foregoing examinations within the first year of any two-year registration period, except for registrants who have previously achieved the designation of certified, language skilled, or provisionally approved court interpreter. A court interpreter whose registration is revoked under this subdivision shall not be eligible for registration for a period of 1 year following revocation and must thereafter comply with all requirements of subdivision (b) of this rule.

(i) Threshold Performance. Registration may be revoked at the discretion of the board for any person who fails to attain minimum scores, in accordance with standards prescribed by the board and published in board operating procedures, on the sight translation, simultaneous interpretation, and consecutive interpretation components during a single test administration as specified under subdivision (b)(7)(i) or (b)(7)(iii), or who fails to demonstrate

satisfactory functional speaking ability as prescribed by the board during an oral proficiency interview under subdivision (b)(7)(ii).

(j) Persons Holding Valid Designation Before October 1, 2015. A person holding the designation of certified, language skilled, or provisionally approved interpreter before October 1, 2015, is deemed to be registered for the remainder of the two-year compliance period then applicable to such person. Such person's registration shall expire on the date which is two years following official designation or the last renewal of such designation. Such person must thereafter renew registration under subdivision (c) of this rule.

RULE 14.202. EXCLUSIVE DESIGNATIONS

Court interpreters shall be designated certified, language skilled, or provisionally approved upon qualifying in accordance with rules 14.205, 14.210, and 14.215.

RULE 14.205. CERTIFIED COURT INTERPRETER DESIGNATION

(a) Preferred Appointment, Retention, and Staffing. The certified court interpreter designation represents the highest qualified state-level interpreter designation and shall be the preferred designation in the selection, appointment, staffing, or private retention of court interpreters.

(b) Requirements. An applicant seeking designation as a certified court interpreter must:

(1) register under provisions of rule 14.200, complying with subdivisions 14.200(a), (b)(1) through (b)(6), and (b)(8);

(2) pass a board-approved full oral performance examination upon attaining a minimum score in accordance with standards prescribed by the board and published in board operating procedures, unless qualifying for a waiver of the examination requirement under rule 14.220; and

(3) absent availability of a full oral performance examination, pass a board-approved abbreviated oral examination, attaining a minimum score in accordance with standards prescribed by the board and published in board operating procedures, and demonstrate functional speaking ability in English and a non-English language as prescribed by the board through oral proficiency

interviews as a prerequisite to taking the abbreviated examination and qualifying for certification.

(c) **Court-Employed Interpreters.** Applicants who are selected as employee interpreters in the state courts system for a language for which a state-certifying examination is available, but who are not certified at the time of court employment, shall become certified within 1 year of being employed in a court interpreting position. The one-year requirement may be modified by the board on a case-by-case basis, if necessary, only in exceptional circumstances.

RULE 14.210. LANGUAGE SKILLED DESIGNATION

(a) **Preferred Appointment, Retention, and Staffing.** The language skilled designation represents the highest qualified state-level interpreter designation for languages for which there is currently no state-certifying examination and shall be the preferred designation over non-designated interpreters in selection, appointment, staffing, or private retention of court interpreters in the area of the language skilled individual's linguistic expertise.

(b) **Requirements.** An applicant seeking designation as a language skilled court interpreter for which there is no state-certifying examination must:

(1) register under provisions of rule 14.200, complying with subdivisions 14.200(a), (b)(1) through (b)(6), and (b)(8); and

(2) pass an approved oral proficiency interview in English and a non-English language, attaining a minimum score in accordance with standards prescribed by the board and published in board operating procedures, as an assessment of functional speaking ability.

(c) **Conditional Designation.** In the event a language-specific state-certifying examination becomes available, a language skilled interpreter shall be required to take and pass the certifying examination within 2 years of notice of its availability. Failure to become certified within this two-year period shall result in loss of the language skilled designation, unless the board approves an extension in exceptional circumstances.

RULE 14.215. PROVISIONALLY APPROVED DESIGNATION

(a) **Preferred Appointment, Retention, and Staffing.** The provisionally approved court interpreter designation represents the highest

qualified state-level interpreter designation next below the certified and language skilled designations and shall be the preferred designation in the selection, appointment, staffing, or private retention of court interpreters when certified or language skilled interpreters are unavailable.

(b) Requirements. An individual not yet certified in a spoken language for which a state-certifying examination is available may be designated as provisionally approved upon:

(1) registering under provisions of rule 14.200, complying with subdivisions 14.200(a), (b)(1) through (b)(6), and (b)(8); and

(2) attaining minimum scores on each section of the oral examination in accordance with standards prescribed by the board and published in board operating procedures.

(c) Loss of Designation. Following designation as a provisionally approved interpreter, if the interpreter fails to become certified within 2 years, the interpreter will forfeit the designation unless the board approves an extension in exceptional circumstances.

RULE 14.220. WAIVER OF EXAMINATION REQUIREMENT

(a) Federal Certification. Upon presentation of proof satisfactory to the board, the oral performance examination requirement shall be waived for anyone holding a federal courts certificate which is issued by the Administrative Office of the United States Courts and whose name appears on the registry of federally certified interpreters. No other component of certification or registration is waived by this rule.

(b) Equivalent Examination. Upon presentation of proof satisfactory to the board, the examination requirement shall be waived for anyone who has passed an equivalent examination in another state and meets minimum qualifying board-approved requisites. No other component of registration, certification, language skilled, or provisionally approved designation is waived by this rule.

RULE 14.225. ISSUANCE OF CERTIFICATES

Upon satisfactory completion of the specified requirements, the board shall issue a certificate for each official designation which shall include a designation number, date of issue, and date of expiration. A certificate issued under this rule

shall expire on the same date that the officially designated interpreter's registration expires. Registrations shall be renewed, as applicable, upon satisfaction of renewal requirements under rule 14.200(c). Certificates for certified and language skilled interpreters shall be reissued upon renewal of registration.

III. CODE OF PROFESSIONAL CONDUCT

RULE 14.300. PROFESSIONAL CONDUCT

All court interpreters shall act in a professional manner in keeping with the Code of Professional Conduct as set forth herein. Failure to adhere to the Code may lead to disciplinary action. Disciplinary action is at the discretion of the board.

RULE 14.310. ACCURACY AND COMPLETENESS

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

Committee Notes

The interpreter has a twofold duty: (1) to ensure that the proceedings in English reflect precisely what was said by a non-English speaking person, and (2) to place the non-English speaking person on an equal footing with those who understand English. This creates an obligation to conserve every element of information contained in a source language communication when it is rendered in the target language.

Therefore, interpreters are obligated to apply their best skills and judgment to preserve faithfully the meaning of what is said in court, including the style or register of speech. Verbatim, "word for word" or literal oral interpretations are not appropriate when they distort the meaning of the source language, but every spoken statement, even if it appears nonresponsive, obscene, rambling, or incoherent should be interpreted. This includes apparent misstatements and ambiguities.

Interpreters should never interject their own words, phrases, or expressions. If the need arises to explain an interpreting problem (for example, a term or phrase with no direct equivalent in the target language or a misunderstanding that only the interpreter can clarify), the interpreter should ask the court's permission to provide

an explanation. Interpreters should convey the emotional emphasis of the speaker without reenacting or mimicking the speaker's emotions, or dramatic gestures.

The obligation to preserve accuracy includes the interpreter's duty to correct any error of interpretation discovered by the interpreter during the proceeding. Interpreters should demonstrate their professionalism by objectively analyzing any challenge to their performance.

RULE 14.320. REPRESENTATION OF QUALIFICATIONS

Interpreters shall accurately and completely represent their registrations, official state-level designations, other certifications, training, and pertinent experience.

Committee Notes

Acceptance of a case by an interpreter conveys linguistic competency in legal settings. Withdrawing or being asked to withdraw from a case after it begins causes a disruption of court proceedings and is wasteful of scarce public resources. It is therefore essential that interpreters present a complete and truthful account of their training, certification and experience prior to appointment so the court can fairly evaluate their qualifications for delivering interpreting services.

RULE 14.330. 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.

Committee Notes

The interpreter serves as an officer of the court, and the interpreter's duty in a court proceeding is to serve the court and the public to which the court is a servant. This is true regardless of whether the interpreter is publicly retained at government expense or retained privately at the expense of one of the parties.

The interpreter should avoid any conduct or behavior that presents the appearance of favoritism toward any of the parties. Interpreters should maintain professional relationships with their clients, and should not take an active part in any of the proceedings. The interpreter should discourage a non-English speaking party's personal dependence. During the course of the proceedings, interpreters should not converse with parties, witnesses, jurors, attorneys, or with friends of

relatives of any party, except in the discharge of their official functions. It is especially important that interpreters, who are often familiar with attorneys or other members of the courtroom work group, including law enforcement officers, refrain from casual and personal conversation with anyone in the court that may convey an appearance of a special relationship or partiality to any of the court participants.

The interpreter should strive for professional detachment. Verbal and nonverbal displays of personal attitudes, prejudices, emotions, or opinions should be avoided at all times.

Should an interpreter become aware that a participant in the proceedings views the interpreter as having a bias or being biased, the interpreter should disclose that knowledge to the appropriate judicial authority and counsel. Any condition that interferes with the objectivity of an interpreter constitutes a conflict of interest. Before providing services in a matter, court interpreters must disclose any prior involvement to all parties and presiding officials, whether personal or professional, that could be reasonably construed as a conflict of interest. This disclosure should not include privileged or confidential information.

The following are examples including, but not limited to, circumstances that are presumed to create factual or apparent conflicts of interest for interpreters where interpreters should not serve:

(1) The interpreter is a friend, associate, or relative of a party or counsel for a party involved in the proceeding.

(2) The interpreter has served in an investigative capacity for any party involved in the proceeding.

(3) The interpreter has previously been retained by a law enforcement agency to assist in the preparation of the criminal case at issue.

(4) The interpreter or the interpreter's spouse or child has a financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that would be affected by the outcome of the case.

(5) The interpreter has been involved in the choice of a counsel or law firm for that case.

Interpreters should disclose to the court and other parties when they have previously been retained for private employment by one of the parties in the case.

An interpreter should not serve in any matter in which payment for his or her services is contingent upon the outcome of the case.

Court interpreters will not accept money or other consideration or favors of any nature or kind which might reasonably be interpreted as an attempt to influence their actions with respect to the discharge of their obligations except for the authorized payment for services.

An interpreter who is also an attorney should not serve in both capacities in the same matter. Interpreters should notify the presiding officer of any personal bias they may have involving any aspect of the proceeding. For example, an interpreter who has been the victim of a sexual assault may wish to be excused from interpreting in cases involving similar offenses.

RULE 14.340. CONFIDENTIALITY AND RESTRICTION OF PUBLIC COMMENT

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

Committee Notes

The interpreter must protect and uphold the confidentiality of all privileged information obtained during the course of her or his duties. It is especially important that the interpreter understand and uphold the attorney-client privilege, which requires confidentiality with respect to any communication between attorney and client.

This rule also applies to other types of privileged communications, except upon court order to the contrary.

Interpreters must also refrain from repeating or disclosing information obtained by them in the course of their employment that may be relevant to the legal proceeding.

In the event that an interpreter becomes aware of information that suggests imminent harm to someone or relates to a crime being committed during the course of the proceedings, the interpreter should immediately disclose the information to an appropriate authority within the judiciary who is not involved in the proceeding and seek advice in regard to the potential conflict in professional responsibility. An interpreter should never grant interviews to the media, make comments, or express personal opinions to any of the parties about any aspect of the case even after a verdict is rendered.

RULE 14.350. PROFESSIONAL Demeanor

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

Committee Notes

Interpreters should know and observe the established protocol, rules, procedures, and dress code when delivering interpreting services. When speaking in English, interpreters should speak at a rate and volume that enables them to be heard and understood throughout the courtroom, but the interpreter's presence should otherwise be as unobtrusive as possible. Interpreters should work without drawing undue or inappropriate attention to themselves. Interpreters should dress in a manner that is consistent with the dignity of the proceeding of the court.

Interpreters shall refrain from making any type of referral. Interpreters shall adhere to all instructions given by the court in which their services are being used.

RULE 14.360. 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.

Committee Notes

Since interpreters are responsible only for enabling others to communicate, they should limit themselves to the activity of interpreting or translating. Interpreters should refrain from initiating communications while interpreting unless it is necessary for assuring an accurate and faithful interpretation.

Interpreters may be required to initiate communications during a proceeding when they find it necessary to seek assistance in performing their duties. In this

case, the interpreter should ask the Court's permission to initiate the communication. Examples of such circumstances include seeking direction when unable to understand or express a word or thought, requesting speakers to moderate their rate of communication or repeat or rephrase something, correcting their own interpreting errors, or notifying the court of reservations about their ability to satisfy an assignment competently. In such instances, they should make it clear that they are speaking for themselves. (This is achieved by using the third person—example: “The interpreter requests that the question be repeated, clarified, etc. ...”).

An interpreter may convey legal advice from an attorney to a person only while that attorney is giving it. An interpreter should not explain the purpose of forms, services, or otherwise act as counselors or advisors unless they are interpreting for someone who is acting in that official capacity. The interpreter may translate language on a form for a person who is filling out the form, but may not explain the form or its purpose for such a person.

The interpreter should not personally perform official acts that are the official responsibility of other court officers, including, but not limited to, court clerks, pretrial release investigators or interviewers, or probation counselors.

RULE 14.370. ASSESSING AND REPORTING IMPEDIMENTS TO PERFORMANCE

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

Committee Notes

If the communications mode or language of the non-English speaking person cannot be readily interpreted, the interpreter must immediately notify the appropriate judicial authority.

Interpreters should notify the appropriate judicial authority of any environmental or physical limitation that impedes or hinders their ability to deliver interpreting services adequately (for example, the court room is not quiet enough for the interpreter to hear or be heard by the non-English speaker, more than one person at a time is speaking, or principals or witnesses of the court are speaking at a rate of speed that is too rapid for the interpreter to adequately interpret).

Interpreters should notify the presiding officer of the need to take periodic breaks to maintain mental and physical alertness and prevent interpreter fatigue. Interpreters should recommend and encourage the use of team interpreting whenever necessary.

Interpreters are encouraged to make inquiries as to the nature of a case whenever possible before accepting an assignment. This enables interpreters to match more closely their professional qualifications, skills, and experience to potential assignments and more accurately assess their ability to satisfy those assignments competently. Even competent and experienced interpreters may encounter cases where routine proceedings suddenly involve technical or specialized terminology unfamiliar to the interpreter (for example, the unscheduled testimony of an expert witness). When such instances occur, interpreters should request a brief recess to familiarize themselves with the subject matter. If familiarity with the terminology requires extensive research, interpreters must inform the presiding officer.

Interpreters should refrain from accepting a case if they feel the language and subject matter of that case are likely to exceed their skills or capacities. Interpreters should feel no compunction about notifying the presiding officer if they feel unable to perform competently, due to lack of familiarity with terminology, preparation, or difficulty in understanding a witness or defendant. Because of the difficulty in translating sound recordings, the practice of doing so in court should be discouraged at all times. In certain instances, the presiding officer will order the interpreter to translate in court an audio recording. In such case, the interpreter should do it, but should state on the record that he or she cannot certify the accuracy of the translation.

RULE 14.380. DUTY TO REPORT ETHICAL VIOLATIONS

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

Committee Notes

Because the users of interpreting services frequently misunderstand the proper role of the interpreter, they may ask or expect the interpreter to perform duties or engage in activities that run counter to the provisions of this code or other laws, regulations, or policies governing court interpreters. It is incumbent upon the interpreter to inform such persons of his or her professional obligations. If, having

been apprised of their obligations, the person persists in demanding that the interpreter violate them, the interpreter should turn to a supervisory interpreter, the judge, or another official with jurisdiction over interpreter matters to resolve the situation.

Interpreters must at all times during court proceedings interpret everything that is being said on the record, including, but not limited to jury instructions and comments made by the defendants or other participants in the proceeding unless directed to the contrary by the court on the record. Interpreters shall refrain from altering, amending, or omitting any statements made on the record even if asked by a court officer or any other party. Interpreters faced with such a request must immediately inform the party in question that this would constitute a direct violation of the interpreters' code of ethics and refuse to comply with such demand.

RULE 14.390. PROFESSIONAL DEVELOPMENT

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

Committee Notes

Interpreters must continually strive to increase their knowledge of the languages they work in professionally, including past and current trends in technical, vernacular, and regional terminology as well as their application within court proceedings.

Interpreters should keep informed of all statutes, rules of courts, and policies of the judiciary that relate to the performance of their professional duties. An interpreter should seek to elevate the standards of the profession through participation in workshops, professional meetings, interaction with colleagues, coursework, and reading current literature in the field.

IV. DISCIPLINE

RULE 14.400. APPLICATION

All court interpreters shall be subject to the disciplinary provisions under this part.

RULE 14.405. SUSPENSION OR REVOCATION

(a) Suspension or Revocation. Any official state-level interpreter designation or registration may be suspended or revoked.

(b) Cause. Any of the following may constitute cause:

- (1) conviction of a felony or misdemeanor involving moral turpitude, dishonesty, or false statements;
- (2) fraud, dishonesty, or corruption which is related to the functions and duties of a court interpreter;
- (3) continued false or deceptive advertising after receipt of a cease and desist notice from the board;
- (4) gross incompetence or unprofessional or unethical conduct;
- (5) fraud or misrepresentation in obtaining or renewing any state-level court interpreter designation or registration;
- (6) noncompliance with rule provisions directing completion of law-related professional interpreting assignments or continuing education requirements; or
- (7) nonpayment of fees.

RULE 14.410. DISCIPLINARY PROCEDURES

(a) Initiation. Disciplinary proceedings may be initiated by a standard form asserting a violation of these rules. The complaint shall be in writing under oath and filed with the Office of the State Courts Administrator. The board may initiate disciplinary proceedings on its own motion. The board shall be divided into an investigative committee and a hearing panel, in accordance with guidelines published in board operating procedures consistent with these rules.

(b) Facial Sufficiency. If a majority of the investigative committee, after an in-person or conference call meeting, finds that the allegations, if true, would constitute a violation of these rules, it shall send a copy of the complaint identifying the rule or rules alleged to have been violated to the court interpreter by certified United States mail directed to the last mailing address on file with the

board. If the complaint is found to be facially insufficient, the complaint shall be dismissed without prejudice and the complainant and interpreter shall be so notified.

(c) Response. Within 30 days of the issuance of a finding of facial sufficiency, the court interpreter shall file a written response with the investigative committee. If no response is filed, the violations identified in the finding of facial sufficiency shall be deemed admitted.

(d) Review. Upon review of the complaint and the interpreter's response, if any, the investigative committee may find that no violation has occurred and dismiss the complaint. If the complaint is not dismissed, the investigative committee shall review the complaint, the response, if any, and any underlying documentation, to determine whether there is probable cause to believe that the alleged misconduct occurred and would constitute a violation of the rules. The investigative committee may conduct a further investigation if warranted. The investigative committee may also meet with the complainant and interpreter in an attempt to resolve the matter. Such resolution may include sanctions if agreed to by the interpreter.

(e) Probable Cause Found. If probable cause exists, the investigative committee may draft formal charges and forward such charges for a hearing. In the alternative, the investigative committee may decide not to pursue the case by filing a short and plain statement of the reason(s) for non-referral and so advise the complainant and the interpreter in writing. If formal charges are filed, they shall include a short and plain statement of the matters asserted in the complaint and references to the particular rules involved.

(f) Hearing Panel Review. Within 60 days after the filing of the formal charges, the hearing panel shall review the complaint, the finding of probable cause, and the response, if any, and decide whether to (i) dismiss the proceeding, (ii) issue a proposed disposition, or (iii) set a hearing. The hearing panel shall promptly send written notice of its decision to the court interpreter and to the complainant by certified United States mail, return receipt requested.

(g) No Hearing Demanded. A proposed disposition issued pursuant to subdivision (f)(ii) shall become final unless the court interpreter demands a hearing within 30 days of the date it was issued.

(h) Hearing Demanded. If the court interpreter demands a hearing in a timely manner, the hearing shall take place no less than 30 days nor more than 90

days from the date of notice pursuant to subdivision (f)(iii) or of the court interpreter's demand pursuant to subdivision (g).

(i) **Legal Representation.** The court interpreter may be represented by an attorney at any stage of the proceeding. The court interpreter shall be responsible for all of his or her costs and expenses, including attorneys fees.

RULE 14.420. DISCIPLINARY HEARINGS

(a) **Pre-Hearing Discovery.** Pre-hearing discovery shall not be permitted unless expressly authorized by the hearing panel, in response to a written request.

(b) **Rules of Evidence.** Strict rules of evidence shall not apply. The hearing panel may, in its discretion, consider any evidence presented, including affidavits, giving such evidence the weight it deems appropriate.

(c) **Hearings to be Reported or Electronically Recorded.** The hearing panel shall ensure that all hearings are reported or electronically recorded.

(d) **Hearing Procedure.** At the hearing, both the hearing panel and the court interpreter shall be afforded the opportunity to introduce documents and other relevant evidence, and to elicit sworn testimony.

(e) **Hearing Panel Deliberations.** Following the presentation of evidence, the hearing panel shall deliberate regarding its decision. Such deliberations shall take place in private.

(f) **Finality of Decision; Rehearing.** Unless the court interpreter files a request for rehearing within 30 days of the date of the decision, the decision shall become final without further action. If a timely request for rehearing is filed, the decision shall not become final until the request has been disposed of by written decision, a copy of which shall be sent to the court interpreter by certified United States mail.

RULE 14.430. DISCIPLINARY DISPOSITIONS

(a) **Burden of Proof.** If the hearing panel finds that there is clear and convincing evidence that the court interpreter has violated one or more of these rules, it shall impose such discipline as it may deem appropriate, consistent with these rules.

(b) **Vote Required; Notification.** All decisions of the hearing panel shall be by majority vote, in writing and, if adverse to the court interpreter, shall contain factual findings supporting the decision. A copy of the decision shall be sent to the court interpreter by certified United States mail.

(c) **Sanctions.** Sanctions may consist of one or more of the following:

- (1) a private reprimand;
- (2) a public reprimand;
- (3) the imposition of costs and expenses incurred by the hearing panel in connection with the proceeding, including investigative costs;
- (4) restitution;
- (5) a requirement that specified continuing education courses and/or additional law-related professional interpreting assignments be completed within a specified period of time;
- (6) a requirement that one or more parts of a court interpreter examination be successfully taken or retaken;
- (7) a limitation on the scope of practice or interpreting services;
- (8) a requirement that work be supervised;
- (9) suspension of registration or official state-level designation for a period not to exceed 1 year; or
- (10) revocation of registration or official state-level designation.

RULE 14.440. CONFIDENTIALITY OF DISCIPLINARY PROCEEDINGS

All complaints alleging misconduct against individuals subject to disciplinary action under these rules, including the interpreter's response, if any, and all other records made or received as part of the complaint procedure, are exempt from public disclosure under rule 2.420(c)(3)(B), Florida Rules of Judicial Administration, and shall remain confidential until a finding of probable cause or no probable cause is established regardless of the outcome of any appeal.

RULE 14.450. REINSTATEMENT

A court interpreter whose registration or official state-level designation has been suspended or revoked may, at any time, apply in writing for reinstatement. Such request shall explain why the applicant believes that he or she should be reinstated, and shall be accompanied by a renewal fee in an amount set by the board. Such a request shall be granted when the board determines, based upon relevant facts and circumstances, good cause exists warranting reinstatement. The board may impose such reasonable conditions upon reinstatement as it deems appropriate.

RULE 14.460. CHIEF JUSTICE REVIEW

Any interpreter found to have committed a violation of these rules shall have a right of review by the chief justice, whose decision shall be final.