

IN THE SUPREME COURT OF FLORIDA

**IN RE: AMENDMENTS TO THE
FLORIDA RULES OF JUDICIAL
ADMINISTRATION**

CASE NO.: 15-

**TIME-SENSITIVE OUT-OF-CYCLE JOINT REPORT OF THE RULES OF
JUDICIAL ADMINISTRATION COMMITTEE AND
THE COURT INTERPRETER CERTIFICATION BOARD**

Amy Singer Borman, Chair of the Rules of Judicial Administration Committee (“Committee”), The Honorable J. Kevin Abdoney, Chair of the Court Interpreter Certification Board (“Board”), and John F. Harkness, Jr., Executive Director of The Florida Bar, file this time-sensitive out-of-cycle joint report, under Florida Rule of Judicial Administration 2.140(e). This filing is in response to the Clerk of Court’s March 11, 2015, letter to the Board and Committee regarding Privately Retained Spoken Language Court Interpreters. (Appendix D.) The Court directed the Board and the Committee to “propose rule amendments necessary to ensure that privately retained spoken language court interpreters meet the newly adopted requirements for all court interpreters as provided in the Florida Rules for Certification and Regulation of Spoken Language Court Interpreters.” Appendix D at 1. The Board and Committee were further directed “to work together to propose a rule similar to rule 2.560 to govern the private retention of court interpreters.” Id. at 2. Further, the Board and Committee were directed “to consider whether other rules are needed to address noncompliance with the preference for certified and language skill court interpreters stated in the Court Interpreter Rules.” Id. An extension for this joint report was sought and granted with a filing deadline of August 31, 2015. (Appendix E.)

The proposed amendment and new rule were approved by the Committee with a vote of 27-0 and The Florida Bar Board of Governors by a vote of 41-0. The proposed amendments were advertised in The Florida Bar News for comments, and no comments were received. (Appendix C.) The proposed amendment and new rule are submitted in full-page format (Appendix A) and two-column format (Appendix B).

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The Committee and Board urge the Court to recognize this as a time-sensitive filing based on the October 1, 2015, deadline for court interpreter registration established by this Court's March 31, 2015, revised opinion in SC14-1055. (Appendix F.)

To aid the Court in understanding the need for the proposed rule amendments and time sensitivity, the Committee and Board offer the work group's specific findings.

Background

By letter of March 11, 2015, the Clerk of the Court notified the Chairs of the Committee and the Board that the Court has requested a joint proposal to amend the Rules of Judicial Administration related to spoken language court interpreters. The request follows from changes to the Rules for Certification and Regulation of Spoken Language Court Interpreters (Interpreter Rules) approved by the Court. Specifically, the Court asked the Board and the Committee to collaborate on possible revision to current Rule 2.560, and the development of a new rule provision, similar to Rule 2.560, that would govern private retention of court interpreters. While not explicitly included in the Court's referral, the Board noted that selection of court interpreters by governmental counsel is of similar concern and might be considered in relation to private retention.

The Court also requested the Committee and Board to propose additional rules to address noncompliance with the preference for appointment and retention of certified and language skilled court interpreters. A similar concern arises by operation of the Interpreter Rules with respect to a preference for provisionally approved interpreters over interpreters who are otherwise registered but who do not hold official state-level court interpreter designation.

The Court initially approved Interpreter Rules (often referred to as the "14-series" rules) in June 2006 at the same time approving Rule 2.560 governing court appointment of interpreters for non-English-speaking persons. The Interpreter Rules then recognized two official state-level designations. The first, a certified designation, identified interpreters who met rigorous standards. A second comprised "duly qualified" but lesser skilled individuals.

Rule 2.560(e) currently requires the appointment of a certified or duly qualified interpreter unless, after diligent search, the court determines that neither is available. Except for Rule 2.560 listing the certified designation first, the rule

does not distinguish between the skill levels of “certified” interpreters and “duly qualified” interpreters for purposes of appointment. Thus, the rule as initially applied, effectively treats all trained interpreters the same without regard to disparate skill levels. This initially raised no substantial concern, as neither “certified” nor “duly qualified” interpreters were as numerous as they are today. There has been a disproportionate increase of “duly qualified” interpreters resulting in readily available duly qualified interpreters who offer less costly services, resulting in appointment over more qualified certified interpreters. Absent a preference in appointment, neither the Interpreter Rules nor the Rules of Judicial Administration were working as anticipated—to ensure qualified certified interpreters be appointed.

Recognizing the problem, the Court substantially revised the 14 series Interpreter Rules in 2014. Among other changes, the 2014 amendments restructured interpreter designations within a three-tiered system which now includes, in addition to “certified” interpreters, both “language skilled” and “provisionally approved” designations. Language skilled interpreters must meet all requirements for certification, with the single exception of passing a full oral performance examination in a spoken language for which a state-certifying exam is unavailable. Provisionally approved interpreters may qualify yet have more limited skills set, though a skills set significantly more demanding than that formerly required of persons previously considered duly qualified. More highly qualified certified and language skilled interpreters are expressly afforded a preference in appointment over both provisionally approved interpreters and all others.

In the 2014 amendments to the 14-series Interpreter Rules, the Court redefined “duly qualified” from a separate official interpreter designation to a general or collective reference for interpreters who are certified, language skilled, or provisionally approved. As applied, substitution of “certified, language skilled, or provisionally approved” in place of “certified or duly qualified” when reading Rule 2.560 gives effect to the higher standards approved by the Court in the 2014 amendments. All others may qualify for court appointment only under the more exacting limitations of Rule 2.560(e)(2)–(e)(4).

All concerns, however, were not addressed by the 2014 amendments to the Interpreter Rules that, until recently, remained applicable, with occasional exception, only to officially designated interpreters. In March 2015, the 14-series rules were amended, this time extending their application, with some limitations, to

all persons who provide spoken language interpreter services in any court or court-related proceeding. Effective April 1, 2015, the amendments, while requiring no expansion of interpreter services and attendant costs, now extend uniform standards under the Interpreter Rules to previously unregulated individuals. The 2015 amendments speak solely to the quality of interpretation and accountability of interpreters, implementing provisions ensuring standards will not differ from one court or court-related proceeding to the next simply because an individual provides services absent court appointment. Those affected are primarily privately retained and privately remunerated individuals, along with interpreters selected by government counsel, who may have been providing interpreter services in depositions and other matters absent assurances they possess even threshold skills under the Interpreter Rules. Effective October 1, 2015, all court interpreters, unless certified or otherwise officially designated, will be required to register with the Office of the State Courts Administrator (“OSCA”) before providing court interpreting services in any court or court-related proceeding.

Preliminary Matters

Important for present purposes, neither the 2014 nor the 2015 amendments to the Interpreter Rules anticipated specific revisions to Rule 2.560. Rather, the 2014 amendments redefined terms referenced in Rule 2.560(e) and, in doing so, permitted a reading of the rule, without further change, which required preference to be given to the appointment of more highly skilled interpreters. When petitioning the Court, the Board noted the Committee may later choose to revise rule 2.560(e) in a manner consistent with, and more explicitly incorporating changes in, the Interpreter Rules. Similarly, the 2015 amendments expressed no position with respect to revising the Rules of Judicial Administration. Rather, upon petitioning the Court, the Board observed related matters might be addressed in the context of other rules of court and expressed confidence such revisions would be undertaken consistent with the Court’s determination regarding then-proposed amendments to the Interpreter Rules.

With the Court’s March 11, 2015, joint referral to the Committee and Board, the leadership of these two bodies initially conferred and the Board (as the entity with expertise regarding interpreter matters), developed a “white paper” (Appendix H) upon which this joint report and recommendations are based (Appendix G). The Board made the following key suggestions, and, upon recommendation by the joint subcommittee, the Committee agreed:

As to Rule 2.560, it is recommended that due to the redefined terms under the 2014 and 2015 revisions of the Interpreter Rules, modest revisions to Rule 2.560 would allow that rule to be more explicitly consistent with the intent and definitions set forth in the Interpreter Rules concerning the appointment of interpreters.

Additionally, the Board also requested the Committee create a new companion rule governing the *retention* of spoken language court interpreters as opposed to the act of “*appointing*” such professionals to provide services in “*proceedings*.” The Court’s initial request follows from a concern that a new rule similar to Rule 2.560 may be needed to govern retention of court interpreters consistent with new Interpreter Rules.

The Board also raised in its “white paper” the issue of potential non-compliance with rules related to the assignment and retention of spoken language interpreters. Specifically, the Board’s report stated:

Noncompliance with Required Preference for More Highly Skilled Interpreters

The Court also requests the Committee and Board consider whether other rules may be needed to address noncompliance with the requirement under the Interpreter Rules affording preference to certified and language skilled court interpreters, then to persons holding a provisionally approved designation. Although suggested text would incorporate preference provisions under the Rules of Judicial Administration, this alone would impose no consequence for failure to comply. Considering options in this regard, it may be well to look to compliance provisions otherwise a part of the Rules of Judicial Administration.

Rule 2.215(b)(2) provides chief judges shall have authority to require judges, other court officers, and court personnel to comply with all judicial branch policies and procedures and direct implementation of policies and priorities for operation of the courts. Rule 2.215(h) further provides failure of a judge or attorney to comply with an order or directive of the chief judge shall be considered neglect of duty and reported to the chief justice who may report such neglect to the Judicial

Qualifications Commission or The Florida Bar. This is the procedure specified under Rule 2.320(e) in relation to a judge's failure to comply with continuing judicial education reporting requirement. The joint committee might consider a similar provision addressing noncompliance with preference provisions in relation to court-appointment and retention of court interpreters.

Recognizing enforcement provisions under the Rules of Judicial Administration do not cover self-represented litigants, the joint subcommittee may wish to separately address this concern.

White Paper, at 11-12.

The Committee, after consultation with various parties, determined, however, that no amendments concerning enforcement would be advisable as the State's judges have the authority needed to require compliance. The Committee does not believe the Court should, via a judicial administration rule, create penalties concerning failure to retain spoken word interpretation services, which may be retained by attorneys and non-attorneys alike. Costs of enforcement and due process provisions are a concern, as well as the question of the extent of the Court's constitutional authority to regulate a profession not prescribed in the Constitution of Florida.

Acknowledging these concerns, the Committee and Board agreed Rules 2.560(e) and 2.565(a) should be revised in a manner expressly requiring a preference be given the appointment and retention of more highly skilled interpreters. The Board further recommended, by a unanimous vote, a rule provision requiring audio recording of court-related proceedings in which a non-registered interpreter is retained to provide interpreter services. The Board advanced this proposal believing a record should be preserved as necessary for potential judicial review in circumstances not affording immediate assistance of a judicial officer to address concerns regarding interpreter competence and accuracy. Consensus has proven elusive within a timeframe demanding recommendations with respect to other important matters. Consequently, the Board and Committee jointly urge the Court to approve proposed language under Rules 2.560(e) and 2.565(a) requiring a preference be given the appointment and retention of more highly skilled interpreters. As further consideration might be given compliance

and enforcement issues, the Board and Committee request the Court issue a separate referral for purposes of addressing these matters on a non-expedited basis.

The Board's analysis also discussed terminology. It pointed out that though numerous provisions under the Rules of Judicial Administration include subdivisions enumerating defined terms, Rule 2.560 is not among them. Rule 2.560(e) does, however, cross-reference definitions under the Interpreter Rules in relation to appointment of certified or duly qualified interpreters. The same is true under suggested new rule language relating to retention of qualified court interpreters. In each instance, reliance on defined terms under the Interpreter Rules affords necessary clarity and gives effect to higher standards approved by the Court in the 2014 amendments. Further discussion centered upon a suggestion Rule 2.560 might be revised to include a new subdivision (g) defining “Limited-English-Proficient-Person” and “Proceeding.” The Board believes defined terms specific to Rule 2.560 are critical.

In the first instance, suggested text referencing persons having limited English proficiency more clearly acknowledges the extent to which essential comprehension of the English language affects access to the courts. The text under suggested subdivision (g)(1) is borrowed largely from the U.S. Department of Health and Human Services and referenced generally by the Department of Justice in the context of required interpreter services.

In the second instance, Interpreter Rules defining “Court Proceeding” and “Court-Related Proceeding” sweep within their ambit numerous proceedings not contemplated in relation to court-appointment of interpreters under Rule 2.560. For example, because interpreters must be appointed in criminal cases, judges and attorneys may otherwise interpret Rule 2.560 in conjunction with the definition of “court-related proceeding” in the Interpreter Rules as requiring a court-appointed interpreter for purposes of a criminal deposition. There is a real danger in the absence of a definition of “proceeding” in Rule 2.560 that the provision of interpreter services at court expense may, in practice, be unintentionally expanded contrary to recently approved Interpreter Rules. Text consistent with the Interpreter Rules appears under suggested subdivision (g)(2).

Proposed Rule Amendments

To meet the concerns detailed in the preceding section, the Board and Committee propose the Court adopt the following:

RULE 2.560. APPOINTMENT OF SPOKEN LANGUAGE COURT INTERPRETERS FOR NON-ENGLISH-SPEAKING AND LIMITED-ENGLISH-PROFICIENT PERSONS

In the title and within subdivisions (a)–(c), the proposed amendment will clarify the interpreters as “spoken language court interpreters.” Additionally, such interpreters are currently provided for non-English-speaking persons and the suggested amendment would include “limited-English-proficient” persons among those entitled to services. The recommended amendments would read:

(a) Criminal or Juvenile Delinquency Proceedings. In any criminal or juvenile delinquency proceeding in which a non-English-speaking or limited-English-proficient person is the accused, an interpreter for the non-English-speaking or limited-English-proficient person shall be appointed. In any criminal or juvenile delinquency proceeding in which a non-English-speaking or limited-English-proficient person is a victim, an interpreter shall be appointed unless the court finds that the victim does not require the services of a court-appointed interpreter.

(b) Other Proceedings. In all other proceedings in which a non-English-speaking or limited-English-proficient person is a litigant, an interpreter for the non-English-speaking or limited-English-proficient litigant shall be appointed if the court determines that the litigant’s inability to comprehend English deprives the litigant of an understanding of the court proceedings, that a fundamental interest is at stake (such as in a civil commitment, termination of parental rights, paternity, or dependency proceeding), and that no alternative to the appointment of an interpreter exists.

(c) Witnesses. In any proceeding in which a non-English-speaking or limited-English-proficient person is a witness, the appointment of an interpreter shall be governed by the applicable provisions of the Florida Evidence Code.

Subdivision (e)(1) has a suggested added sentence to establish courts’ preferences for appointment of “certified and language skilled interpreters, then to persons holding a provision approved designation.” The suggested subdivision (e)(2) amendment permits the appointment and retention of an interpreter who is not officially designated but is otherwise registered with the Office of the State

Courts Administrator in those instances when an officially designated court interpreter is unavailable. Recognizing there will be circumstances in which neither an officially designated nor registered interpreter is available, subdivision (e)(3) would provide the court the ability to appoint “an interpreter who is neither certified, language skilled, provisionally approved, nor otherwise registered.” The appointment under subdivision (e)(3) must be based upon a court finding on the record that the interpreter is qualified in a particular language and that exceptional circumstances exist. This amendment would serve dual purposes of allowing courts to appoint non-registered interpreters when necessary, while protecting interpreters serving under the appointment from potential discipline under the Interpreter Rules for violating the registration requirement. Finally, the suggested amendments to subdivision (e)(4) would conform terminology but affect no substantive change regarding obligations when using interpreters who are not officially designated in criminal and delinquency cases, to give advisements to the accused on the record and to receive objections and waivers on the record. Similar conforming amendments are suggested with respect to subdivision (e)(5). These suggested amendments would read:

(e) Qualifications of Interpreter.

(1) Appointment of Interpreters when Certified or Other Duly Qualified Interpreters Are Available. Whenever possible, a certified or other duly qualified interpreter, as defined in the Rules for Certification and Regulation of Spoken Language Court Interpreters, shall be appointed. Preference shall be given appointment of certified and language skilled interpreters, then to persons holding a provisionally approved designation.

(2) Appointment of Interpreters when Certified or Other Duly Qualified Interpreters Are Unavailable. If, after diligent search, a certified, ~~or duly qualified~~ language skilled, or provisionally approved interpreter is not available, the presiding judge, magistrate, or hearing officer, finding good cause, may appoint an interpreter who is neither certified nor ~~duly qualified may be appointed if the judge or hearing officer presiding over the proceeding finds that:~~ otherwise registered with the Office of the State Courts Administrator in accordance with the Rules for Certification and Regulation of Spoken Language Court Interpreters. No appointment shall be made under this subdivision unless the presiding judge, magistrate, or hearing officer makes a determination, on the record, the proposed interpreter is competent to interpret in the proceedings.

(3) Appointment in Exceptional Circumstances. If after diligent search no interpreter qualifying under subdivision (e)(1) of this rule is available at the time interpreter services are needed, the presiding judge, magistrate, or hearing officer, finding

(A)—good cause exists for the appointment of an interpreter who is neither certified nor duly qualified not qualifying under subdivision (e)(1), such as the prevention of burdensome delay, the request or consent of the non-English-speaking or limited-English-proficient person, or other unusual circumstance; and, may appoint an interpreter who is neither certified, language skilled, provisionally approved, nor otherwise registered with the Office of the State Courts Administrator. No appointment, including appointment of interpreters available via remote technology, shall be made under this subdivision unless the presiding judge, magistrate, or hearing officer finds

(B)—the proposed interpreter is competent to interpret in the proceedings. This finding must be made on the record based, not only on the unavailability of an interpreter otherwise qualified in a particular language, but also on specific exigent circumstances given the demands of the case and the interpreter’s sworn assertion he or she is able, either in direct or relay/intermediary interpretation, to communicate effectively in the languages in which interpreter services are required. An appointment under this subdivision shall excuse an interpreter so appointed from the registration requirements under the Rules for Certification and Regulation of Spoken Language Court Interpreters, but only for the delivery of the specific services for which the interpreter is appointed.

(34) On-the-Record Objections or Waivers in Criminal and Juvenile Delinquency Proceedings. In any criminal or juvenile delinquency proceeding in which the interpreter is neither certified nor duly qualified not appointed under subdivision (e)(1) of this rule, the court shall advise the accused, on the record, that the proposed interpreter is not certified or duly qualified, language skilled, or provisionally approved pursuant to the Rules for Certification and Regulation of Spoken Language Court Interpreters. The accused’s objection to the appointment of a proposed interpreter, or the accused’s waiver of the appointment of a certified or duly qualified, language skilled, or provisionally approved interpreter, shall also be on the record.

(45) Additional on-the-Record Findings, Objections, and Waivers Required at Subsequent Proceedings. The appointment of an interpreter who is ~~neither certified nor duly qualified~~not certified, language skilled, or provisionally approved in accordance with the Rules for Certification and Regulation of Spoken Language Court Interpreters shall be limited to a specific proceeding and shall not be extended to subsequent proceedings in a case without additional findings of good cause and qualification as required by subdivision (e)(~~23~~) of this rule, and additional compliance with the procedures for on-the-record objections or waivers provided for in subdivisions (e)(~~34~~) of this rule.

The proposed new subdivision (g) provides definitions for limited-English-proficient person and proceedings to aid attorneys and parties by giving necessary clarity of the roles of these individual. This new subdivision would read:

(g) Definitions. When used in this rule, the following terms shall have the meanings set forth below:

(1) 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.

(2) Proceeding. Any hearing or trial, excluding an administrative hearing or trial, presided over by a judge, general magistrate, special magistrate, or hearing officer within the state courts.

RULE 2.565. RETENTION OF SPOKEN LANGUAGE COURT INTERPRETERS FOR NON-ENGLISH-SPEAKING AND LIMITED-ENGLISH-PROFICIENT PERSONS BY ATTORNEYS AND SELF-REPRESENTED LITIGANTS

Rule 2.565 is a new rule proposed to require attorneys and self-represented litigants to observe the same preferences when retaining interpreters for court proceedings and court-related proceedings as do the courts when appointing interpreters under Rule 2.560. Specifically, an attorney or a self-represented litigant would be required to give preference to retaining certified or language

skilled interpreters, then to provisionally approved interpreters. Rule 2.565(a). If, after diligent search, an officially designated interpreter is unavailable, an attorney or self-represented litigant could “retain an interpreter who is otherwise registered with the Office of the State Courts Administrator.” Rule 2.565(b). In exceptional circumstances, if neither an officially designated nor a registered interpreter is available, the attorney or self-represented litigant, for good cause, could “retain an interpreter who is neither certified, language skilled, provisionally approved, nor otherwise registered with the Office of the State Courts Administrator.” Rule 2.565(c). These suggested new provisions would read:

(a) Retention of Interpreters when Certified or Other Duly Qualified Interpreters Are Available. In the absence of a requirement that a spoken language interpreter be appointed by the Court under rule 2.560, when the services of an interpreter are required to assist a non-English-speaking or limited-English-proficient litigant or witness in a court proceeding or court-related proceeding as defined in the Rules for Certification and Regulation of Spoken Language Court Interpreters, an attorney or self-represented litigant shall, whenever possible, retain a certified, language skilled or provisionally approved interpreter, as defined in the Rules for Certification and Regulation of Spoken Language Court Interpreters. Preference shall be given retention of certified and language skilled interpreters, then to persons holding a provisionally approved designation.

(b) Retention of Interpreters when Certified or Other Duly Qualified Interpreters Are Unavailable. If, after diligent search, a certified, language skilled, or provisionally approved interpreter is not available, an attorney or self-represented litigant may retain an interpreter who is otherwise registered with the Office of the State Courts Administrator in accordance with the Rules for Certification and Regulation of Spoken Language Court Interpreters.

(c) Retention in Exceptional Circumstances. If, after diligent search, no interpreter qualifying under subdivision (a) or (b) of this rule is available, an attorney or self-represented litigant, for good cause, may retain an interpreter who is neither certified, language skilled, provisionally approved, nor otherwise registered with the Office of the State Courts Administrator.

Proposed Rule 2.565(d) establishes the requirement of a written declaration to substantiate good cause for the appointment of an interpreter who is without formal designation or registered status. Specifically, the declarant would be required to aver in a sworn or verified writing that a diligent search has been conducted; neither a certified, language skilled, provisionally approved interpreter nor an interpreter otherwise registered is available; and, to the best of the declarant's knowledge, the proposed interpreter is competent to interpret. The declarant would also be required to include the contact information of the proposed interpreter, the non-English language interpreted, the date of the interpreted event, and the nature of the interpreted event. Rule 2.565(d)(3). This new subdivision would read:

(d) Written Declaration Substantiating Good Cause. No interpreter shall be retained under subdivision (c) unless the attorney or a self-represented litigant states under oath or affirms in a verified writing that:

(1) a diligent search has been conducted;

(2) neither a certified, language skilled, provisionally approved interpreter nor an interpreter otherwise registered with the Office of the State Courts Administrator is available to interpret in person or via remote technology; and

(3) to the best of the attorney or self-represented litigant's information and belief, the proposed interpreter is competent to interpret. In addition, the written declaration shall include the full name, mailing address, and telephone number of the proposed interpreter; the non-English language interpreted; the date of the interpreted event; and nature of the interpreted event.

Proposed Rule 2.565(e) would establish the requirement for filing and retention of the written declaration, and the declarant's duties with respect to notice. Specifically, subdivision (e)(1) requires the original declaration be filed with the court or agency having jurisdiction over any pending court action or administrative action with copies served on all parties; subdivision (e)(2) requires the declarant, if there is no pending action at the time of interpreter service, to maintain the original declaration and make it available to all other parties and future court judicial officers. Additionally, this subdivision specifically excuses the proposed interpreter from registration requirements for the particular services

provided if the written declaration is filed with the OSCA. This proposed subdivision would read:

(e) Filing and Retention of Written Declaration. An attorney or self-represented litigant substantiating good cause under subdivision (d) shall submit, via e-mail, a copy of the verified written declaration with the Court Interpreter Program Office in the Office of the State Courts Administrator. A prescribed form and dedicated e-mail address appear on the Court's website. The filer shall thereafter furnish a copy to the proposed interpreter, and shall:

(1) file the original declaration in any pending court action or administrative action and serve a copy thereof on all other parties; or

(2) if no action is pending at the time interpreter services are provided, retain the original declaration and serve a copy thereof on the non-English-speaking or limited-English-proficient person at the time interpreter services are provided. The declaration shall be made available to all other parties and to any state court or administrative judge, magistrate, or hearing officer upon request in any action later filed to which the interpreted event is relevant. The filing with the Office of the State Courts Administrator of a written declaration in substantial conformity with this subdivision shall excuse the proposed interpreter from the registration requirements under the Rules for Certification and Regulation of Spoken Language Interpreters for the delivery of the specific interpreter services for which certification is made.

The Board and Committee request the Court to note that Rule 2.560(e)(2) presently permits appointment of lesser qualified interpreters if certified or other formally designated interpreters are unavailable. The suggested rule text would permit appointment and retention of *non-registered* interpreters in exceptional circumstances. Effective October 1, 2015, Rule 14.200(a) will require all interpreters to become registered before providing interpreter services in any court or court-related proceeding. As an unintended result, unless changes affording a limited exception are approved by the Court before October 1, non-registered interpreters appointed or retained in exceptional circumstances will be unable to comply with the Interpreter Rules. Absent a timely remedy, non-registered interpreters may face an unacceptable choice and potential jeopardy with regard to

possible discipline under the Interpreter Rules. For this reason, the Board and Committee urge expedited consideration of these matters.

Respectfully submitted on _____.

/s/ Amy Singer Borman

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CERTIFICATE OF SERVICE

A true copy of this Report with all Appendices has been served on the following people in conjunction with the filing through the Florida Courts E-Filing Portal on this ____ day of August 2015:

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CERTIFICATION OF COMPLIANCE

I certify that this rule was read against West's *Florida Rules of Court – State* (2015 Ed.).

I certify that this report was prepared in compliance with the font requirements of *Fla. R. App. P. 9.210(a)(2)*.

/s/ Krys Godwin

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