

**IN THE THIRD JUDICIAL CIRCUIT OF FLORIDA**  
**ADMINISTRATIVE ORDER NO. 2017-001**  
**Replaces 2015-003**

**COURT INTERPRETER PROGRAM**

*Whereas*, pursuant to the Fifth Amendment of the United States Constitution, no person shall “be deprived of life, liberty, or property, without due process of law;” and

*Whereas*, pursuant to Article I, section 21 of the Florida Constitution, all persons are entitled to access to the courts; and

*Whereas*, non-English speaking persons or hearing impaired persons, when participating in a court proceeding, cannot be guaranteed due process of law or meaningful access to the courts without the assistance of a foreign language interpreter or sign language interpreter; and

*Whereas*, on March 31, 2015, the Supreme Court of Florida adopted Amendments to the Florida Rules for Certification and Regulation of Spoken Language Interpreters, enhancing the standards and procedures for qualifications, certification, professional conduct, discipline, and training of spoken language court interpreters who are appointed by a court of competent jurisdiction; and

*Whereas*, on December 8, 2016, the Supreme Court of Florida adopted Amendments to the Florida Rules of Judicial Administration,

*Whereas*, pursuant to Rule 2.560, Florida Rules of Judicial Administration, foreign language interpreters shall be appointed under specified circumstances; and

*Whereas*, in order to ensure compliance with the Americans With Disabilities Act and rule 2.540, Florida Rules of Judicial Administration; and

*Whereas*, to ensure uniform and skilled interpretations, to avoid real or perceived

conflicts of interest within court proceedings, and in order to meet the Supreme Court of Florida standards and procedures for spoken language court interpreters, it is necessary to establish uniform guidelines for spoken and sign language court interpretation within the Third Judicial Circuit. It is therefore

**ORDERED:**

### **INTERPRETER REQUESTS**

1. The Third Judicial Circuit will operate a Court Interpreter Program under the direction of the Administrative Office of the Courts.

2. To the extent possible events requiring the use of foreign language and sign language interpreters will be conducted via Video Remote Interpreting (VRI). In instances, where VRI is not practical or unavailable, such as trials or when communication is needed for persons who are deaf-blind, Court interpreters will be employed as freelance interpreters on an "as needed" basis.

3. The scheduling of court interpreters, pursuant to the Rules of Judicial Administration, Rule 2.560, shall occur only through the Court Interpreter Program. Making the request for an interpreter is the responsibility of the litigant requiring the interpreter, the attorney representing the litigant, and/or the attorney summoning the witness requiring an interpreter.

4. Requests for court interpreters shall be made no less than three (3) days in advance of the court date absent exceptional circumstances. Requests may be made by e-mail at [Interpreter@jud3.flcourts.org](mailto:Interpreter@jud3.flcourts.org) or by telephone to 386-758-2163. E-mail sent to [Interpreter@jud3.flcourts.org](mailto:Interpreter@jud3.flcourts.org) cannot include any other addresses in the "To", "cc" or "bcc" address lines. Additional addresses will prevent delivery to the interpreter address.

Persons making the interpreter request must include the following information:

- a. the style of the case;
- b. the date and time the interpreter is needed;
- c. the language needed;
- d. the name of the person requiring the service;
- e. the name and telephone number of the person making the request;
- f. the location of the event; and
- g. the estimated duration of the event.

5. If receipt of the interpreter request is not confirmed within 24 hours, call 386-758-2163 to confirm the request.

#### **APPROVED INTERPRETERS**

6. Pursuant to Rule 14.205(a), Florida Rules for Certification and Regulation of Spoken Language Court Interpreters, certified interpreters shall be given priority when scheduling interpreters. Absent a certified interpreter, the Third Circuit Court Interpreter Program may schedule Language Skilled interpreters, pursuant to Rule 14.215.

7. For languages rarely encountered in the Third Judicial Circuit, *e.g.*, Farsi or Mandarin Chinese, the Court Interpreter Program may be required to schedule an interpreter designated as language skilled as outlined in Rule 14.100 (c), Florida Rules for Certification and Regulation of Spoken Language Court Interpreters.

8. The appointment of an interpreter who is not certified, language skilled, or provisionally approved shall be limited to a specific proceeding and shall not be extended to subsequent proceedings in a case without additional findings of good cause. The presiding judge must qualify the language interpreter prior to the utilization of the interpreter, in a manner consistent with Judicial Administration Rule 2.560(e)(2) or Rule 2.560(e)(3).

9. Interpreters certified by the Registry of Interpreters for the Deaf/National

Association of the Deaf shall be appointed to provide interpreting services to court participants who are deaf, hard of hearing, late-deafened, or deaf blind. If, after diligent search, a registered interpreter is not available, an interpreter who is otherwise qualified may be appointed if good cause is found.

### **QUALIFICATION**

10. Prior to commencement of each court event, a court interpreter must be qualified by the presiding judge and take an oath pursuant to section 90.606 (3), Florida Statutes.

### **VIDEO REMOTE INTERPRETING**

11. Video remote interpreting utilizing integrated audio/video technology to provide on-demand simultaneous interpretation services from a remote location is approved for use in the Third Judicial Circuit. VRI is suited for court events of short duration, such as arraignments, pleas, violations of probation, etc.

12. Use of VRI for providing services for persons with hearing loss, shall comply with all federal requirements. Currently, real-time, full-motion video and audio over a dedicated high-speed, wide-bandwidth video connection or wireless connection that delivers high quality video images that do not produce lags, choppy, grainy or blurry images or irregular pauses; a sharply delineated image that is large enough to display the interpreter's face, arms, hands and fingers, and the participating individuals face, arms, hands and fingers regardless of his or her body position; and a clear audible transmission of voices are required. (U.S. Department of Justice, Civil Rights Division, Disability Rights Section)



## **LANGUAGE LINE**

13. When an unscheduled need arises or on holidays/ weekends, and it is in the best interest of the court to proceed without waiting to obtain a certified interpreter or to use VRI, a commercial “language line” may be utilized as an interpretive service. For all other court events an interpreter request should be made to Court Administration with sufficient notice for VRI to be utilized or a court interpreter to be in the courtroom to interpret.

14. Court Administration’s Language Line account information is available for use only when court is convened. All calls placed to Language Line using the Court Administration account information shall be followed up with an e-mail to [interpreter@jud3.flcourts.org](mailto:interpreter@jud3.flcourts.org) or phone call to Court Administration 386-758-2163. The following information is needed: name of defendant, duration of call, and purpose of call. If a call is placed that is not for a convened court event or if Court Administration is not notified of the call details, the entity placing the call may be responsible for the charges.

## **PAYMENT**

15. Payment of court interpreters will be made pursuant to the terms outlined in each interpreter’s individual Professional Services Agreement.

## **CANCELLATION POLICY**

16. Persons who request a sign language interpreter must inform the Court Interpreter Program of a cancellation at least two working days prior to the scheduled event. Failure to provide at least two working days notice may result in the person or entity requesting the interpreter to be responsible for payment of the interpreter invoice.

17. Persons who request a foreign language interpreter must inform the Court

Interpreter Program of a cancellation twenty-four hours prior to the scheduled court event. Failure to provide this notice may result in the person or entity requesting the interpreter to be responsible for payment of the interpreter invoice.

18. Court interpreters will be notified of cancellations by the Court Interpreter Program at the time of the cancellation. If notification of a cancellation is not given until the day of the event, the Court interpreter will be paid pursuant to the terms outlined in each interpreter's individual Professional Services Agreement. Cancellations made prior to the day of the event will not result in compensation to the interpreter.

19. A court interpreter must notify the Court Interpreter Program immediately if unable to interpret at a scheduled event. Failure to give advance notice may result in removal from the Court Interpreter Program list.

#### **TARDINESS POLICY**

20. If an interpreter expects to be late to an event, the interpreter shall immediately notify Court Administration at 386-758-2163.

21. If the Judge continues or otherwise is unable to hear the case due to the tardiness of the interpreter, Court Administration reserves the right to deny reimbursement compensation and/or mileage for the interpretation services as they were not performed.

#### **PROCEEDINGS**

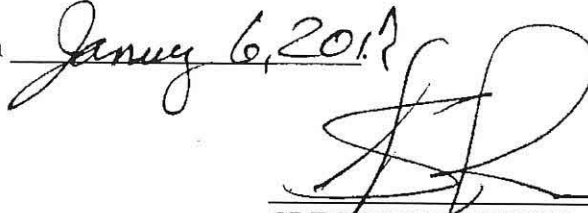
22. A court interpreter may only interpret for one defendant or party during a proceeding where the appearance of a conflict of interest may be created (ie; family law case) or where due to the duration of the event the interpreter would not receive adequate breaks (ie, trial). In those instances, each defendant or party to a proceeding in need of

interpretative services shall be assigned an interpreter. In extenuating circumstances, the parties may waive any potential conflict and/or the interpreter shall be provided sufficient breaks to ensure accurate interpretation.

23. All Court participants and Court Administration must make the best use of the interpreter's time and availability by ensuring that those cases requiring an interpreter are promptly called and brought to the court's attention.

24. This Order rescinds and supersedes Administrative Order No. 2015-003.

**ORDERED** on January 6, 2017



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GREGORY S. PARKER, CHIEF JUDGE

Copies provided to:

All Third Judicial Circuit Judges  
All Third Judicial Circuit Judicial Assistants  
All Third Judicial Circuit Clerks of Court  
All Third Judicial Circuit Sheriffs  
Public Defender  
State Attorney  
Regional Conflict Counsel