

IN THE THIRD JUDICIAL CIRCUIT OF FLORIDA
ADMINISTRATIVE ORDER NO. 2013- 007
Replaces 2008-005

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 July 1, 2006, the Supreme Court of Florida adopted the Florida Rules for Certification and Regulation of Court Interpreters, establishing standards and procedures for qualifications, certification, professional conduct, discipline, and training of foreign language court interpreters who are appointed by a court of competent jurisdiction; and

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 foreign language court interpreters, it is necessary to

establish uniform guidelines for foreign 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. The Court Interpreter Program will maintain a list of approved interpreters for court proceedings.

3. Court interpreters will be employed as freelance interpreters on an “as needed” basis.

4. 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.

5. 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 or by telephone to 386-758-2163. E-mail sent to 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.

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

APPROVED INTERPRETERS

7. Foreign language court interpreters in the Third Circuit must meet the qualification of a Duly Qualified Interpreter as defined by Rule 14.100, Florida Rules for Certification and Regulation of Court Interpreters, prior to being hired for interpretive needs.

8. Pursuant to Fla. R. Jud. Admin. R. 2.560(e), whenever possible, foreign language court interpreters utilized in the Third Circuit must be certified pursuant to Rule 14.100, Florida Rules for Certification and Regulation of Court Interpreters or shall have a certificate of Qualification for the Office of the State Courts Administrator in Tallahassee.

9. For interpretive needs of 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 who has not met all of the standards under Rule 14.100, Florida Rules for Certification and Regulation of Court Interpreters. The presiding judge must then qualify the language interpreter of the less common languages prior to the utilization of the interpreter, in a manner consistent with Judicial Administration Rule 2.560(e)(2).

10. The appointment of an interpreter who is neither certified nor duly qualified 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)(2) of this rule, and additional compliance with the procedures for on-the-record objections or waivers provided for in subdivision (e)(3) of this rule.

11. 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.

12. Approval to serve as a court interpreter within the Third Judicial Circuit may be revoked without cause, at any time, by the Chief Judge.

QUALIFICATION

13. 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.

PAYMENT

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

CANCELLATION POLICY

15. 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.

16. 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.

17. 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 for one hour of work. Cancellations made prior to the day of the event will not result in compensation to the interpreter.

18. 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

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

20. 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.

LANGUAGE LINE

21. When an interpreter need arises at first appearance or at other court events of brief duration, in an emergency situation, on a holiday or during the weekend, a commercial “language line” may be utilized as an interpretive service. For all other court events of longer duration, such as hearings, trials, etc., a court interpreter should be

requested with sufficient notice for a court interpreter to be in the courtroom to interpret.

22. 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 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.

PROCEEDINGS

23. 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.

24. This Order rescinds and supersedes Administrative Order No. 2008-005 dated May 5, 2008.

ORDERED on November 6, 2013



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