

IN THE CIRCUIT COURT OF THE  
EIGHTEENTH JUDICIAL CIRCUIT  
OF FLORIDA

**ADMINISTRATIVE ORDER NO.:**  
**22-23**  
**SUPERSEDES 18-13-S**

**IN RE: ADMINISTRATIVE RULES - ORDER ESTABLISHING FOREIGN LANGUAGE  
COURT INTERPRETER POLICY**

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**WHEREAS**, pursuant to s. 2(d), Art. V of the Florida Constitution and section 43.26, Florida Statutes, the Chief Judge of each judicial circuit is charged with the authority and the power to do everything necessary to promote the prompt and efficient administration of justice; and

**WHEREAS**, 90.606, Florida Statutes, and Rules 2.560 and 2.565, Florida Rules of Judicial Administration, govern the appointment of court interpreters; and

**WHEREAS**, Florida Rules for Certification and Regulation of Spoken Language Court Interpreters (14 series), provide a necessary framework for the provision of qualified language professionals in the court environment; and

**WHEREAS**, the role of the Court's interpreter is to facilitate communication between the court and non-English speaker(s) (NES); and

**WHEREAS**, the Court Interpreters Office, administered by Court Administrator, consists of full-time certified Spanish language court interpreters; one interpreter in Seminole and one interpreter in Brevard. The Court Interpreters Office also has contracts with certified and qualified freelance interpreters to provide court interpreting services for Sign Language, Spanish language, and other spoken languages for the use in both circuit and county courts.

**WHEREAS**, in an effort to ensure the effective administration of justice, it is necessary that a policy be established to provide certain basic principles concerning court interpreters in the Eighteenth Judicial Circuit

**NOW, THEREFORE**, pursuant to the authority vested in me as Chief Judge of the Eighteenth Judicial Circuit of Florida under Florida Rule of Judicial Administration 2.215, the Chief Judge orders that all judges, judicial assistants, trial clerks, and attorneys appearing in this Court, as well as Court Administration, shall abide by the following:

1. Foreign language court interpreters are to be provided by the Court for Non-English and L.E.P. litigants in felony, misdemeanor, delinquency, dependency, termination of parental rights, injunction for protection, child support, paternity, civil commitment, and guardianship proceedings; as well as court-ordered psychiatric evaluations and dependency mediation. Foreign language court interpreters are also to be provided by the Court for Non-English and L.E.P. victims and witnesses when testifying in court proceedings referenced herein. Spoken language interpreter services shall not be provided for persons summoned for jury service.
2. Foreign language court interpreters are to be provided by the Court for Non-English and L.E.P. litigants in all other proceedings where the assigned judge has determined 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, and that no alternative to the appointment of an interpreter exists.
3. In cases where a court interpreter is required to be provided pursuant to the terms of this Order, it is the responsibility of the attorney or self-represented litigant to make an appropriate request for services to the Court Interpreter Services department. Court interpreter services may also be requested by a judge, judicial assistant, trial clerk, Court Administration by contacting the Court Interpreters Office directly or making a request through the website. If the services of an interpreter are needed at a hearing or trial, the attorney must inform the judicial assistant when scheduling the hearing. Opposing counsel must inform the judicial assistant of the need for interpreter services as soon as counsel is made aware of the need. Once the need for an interpreter has been determined, the requesting party must contact the Court Interpreter's office. If interpreter services are needed, the attorney shall inform the Court Interpreter's office no less than five (5) business days in advance of the scheduled date for Spanish interpreters, and seven (7) all other foreign languages. In proceedings expecting to last more than one hour, team interpreting should be utilized. Emergency requests and same day requests shall be covered whenever possible, depending upon the availability of resources.
4. Court Administration will seek the services of a free-lance interpreter if the target language is Spanish and a staff interpreter is unavailable to cover the assignment, or the target language is not offered by the staff interpreter. Court Administration must approve all individual or agency contracts. Freelance Federal or State certified interpreters will have right of first refusal on any assignment over court-qualified and otherwise qualified interpreters.
5. When interpreter services are needed to assist in more than one trial, cases will be given priority in the following order: (1) capital cases; (2) cases in which speedy trial has not been waived and the end of the speedy trial time period is most quickly approaching; and (3) by the severity of the offense. In the event of a conflict concerning the severity of the offense, the chief judge or his designee shall decide which case will be given precedence. Cases for which interpreter services were not available on the preceding day will be given priority the following day.
6. Best practices indicate two (2) interpreters should be provided for jury trials. Trials requiring foreign language interpretation shall be coordinated with the Court Interpreter's Office no less than five (5) business days in advance from the scheduled date for Spanish interpreters and for languages other than Spanish, no less than ten (10) business days in advance of the scheduled date. Jury trials involving interpreters are scheduled as "time certain" trials within a trial period. Only time certain

trials will be assigned two interpreters. Only when a request is made for a time certain trial, which includes estimated days of service required, will the Court Administration guarantee the presence of interpreters for the duration of said trial. **A single division shall not order interpreters for more than one time-certain trial on a single day.**

7. The Court's interpreters shall not sit in the jury box with a defendant and shall not accompany an attorney into a holding cell to conduct "in-custody" client interviews, except when a unique circumstance occurs which requires the court to proceed to a holding cell to advise a defendant of certain consequences of his actions where a defendant refuses to leave a holding cell.
8. Interpreting services in front of the Court for all matters that are discussed on the record are provided by the Court's interpreter. The Court's interpreters shall not hold discussions or offer interpretation to defendants unless directed by the court and in the presence of defendant's counsel. The interpreter may assist an attorney with conducting a brief "in-custody" client exchange, such as updating or conveying an offer, within the courtroom. This shall only occur under the direction of the presiding judge. For any proceeding, any attorney may provide their own interpreter only for private consultation with their clients.
9. Interpreters may sight translate brief court documents during a court proceeding, but shall not explain court documents, procedures, or otherwise communicate with litigants outside of the court proceeding. Interpreters shall not be required to translate disposition reports or case plans during court proceedings due to the excessive length of the document.
10. The Court's interpreters shall not assist defendants after court, except to receive court minutes, judgments and sentencing paperwork. The Court's Interpreters may assist NES individuals in preparing an affidavit to determine indigent status, if requested by the Court.
11. If foreign language audio or video recordings are to be used as evidence in a trial or hearing, the party offering the recordings shall have them transcribed and translated into English at his or her own expense, or as provided for indigent criminal defendants, and shall provide in advance a copy of the recordings, foreign language transcripts, and transcripts of the English translation to opposing counsel and the court. The court interpreter shall not interpret audio or video recordings during court proceedings.
12. If the need for an interpreter arises during the weekend or holiday, the trial clerk shall utilize the language line service.
13. The Court's interpreter services shall be provided for NES parents or guardians of a minor who are directly involved in a juvenile court proceeding. Interpreter services shall be provided to any NES individual who is served a summons to appear before the court due to his or her direct involvement in a minor's juvenile court proceeding.
14. The Court's interpreter services shall be provided for domestic, dating, repeat and sexual violence injunction hearings to indigent NES parties. At the time the case has been set for hearing, the clerk shall provide the parties an affidavit for indigency. Based upon the affidavit, the clerk shall notify Court Administration if there is an indication that interpreter services may be needed.
15. The presiding judge shall call cases involving the use of interpreters before other matters but shall not be required to interrupt a proceeding that has already begun. **Interpreters shall move to their next assignment if the presiding judge does not utilize the interpreter's services within 15 minutes of their arrival, or the conclusion of the immediate case before the court, whichever**

**occurs first.** The Court Interpreter's Office will be notified when the interpreter is to return to the courtroom if the case for which their services are required is ready to be heard. When interpreters are requested for a general trial call, only one interpreter shall be present to assist with possible pleas or negotiations. Every effort shall be made to minimize the length of time the interpreter must remain in the courtroom.

16. The use of headsets and wireless microphones is encouraged in the courtroom when available.
17. Every effort must be made to obtain and use the most qualified interpreter for each court proceeding.

DONE AND ORDERED this 12th day of September 2022.

JESSICA RECKSIEDLER  
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CHIEF JUDGE

Distribution:

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