

IN THE CIRCUIT COURT OF THE  
EIGHTEENTH JUDICIAL CIRCUIT  
IN AND FOR SEMINOLE COUNTY,  
FLORIDA

ADMINISTRATIVE ORDER NO.:  
08-26-S

**IN RE: ADMINISTRATIVE RULES - ORDER ESTABLISHING 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**, cases sometimes involve persons who require the assistance of a foreign language interpreter or sign language interpreter when attending court proceedings; and

**WHEREAS**, the role of the Court's interpreter is to facilitate communication between the court and non-English speaker(s) (NES) and hearing impaired individuals during court proceedings. Interpreter services are provided to the Criminal Divisions of the Circuit, Criminal Divisions of the County, and Juvenile Court, as well as Domestic Violence injunction proceedings; and

**WHEREAS**, certified or duly qualified foreign language and sign interpreters as defined in Florida Rules 14.100 are ordered by the Court as mandated by sections 90.606 and 90.6063, Florida Statutes and under the provisions of the Americans with Disability Act, and

**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 Seminole County.

**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. The Court's interpreter services shall only be utilized for individuals appearing before the court. The Court's interpreter shall not be used to cover mediations, psychiatric evaluations or any other aspect of the judicial process. Spoken language interpreter services shall not be provided for persons summoned for jury service.
2. The Court's interpreter services may only be requested by a judge, judicial assistant, trial clerk, or Court Administration. 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 Court Administration. If interpreter services are needed, the attorney shall inform court administration no less than two (2) business days in advance of the scheduled date for Spanish interpreters, and no less than ten (10) business days in advance of the scheduled date for other 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.
3. 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.
4. 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.

5. 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.
6. 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.
7. 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 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.
8. Spanish interpreters shall be present during weekend and holiday first appearances. If the need for an interpreter for a language other than Spanish arises during the weekend or holiday, the trial clerk shall utilize the language line service.
9. 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.
10. 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.

11. The use of headsets and wireless microphones may be used in the courtroom whenever available.

DONE AND ORDERED this 14th day of August 2008.

CLAYTON D. SIMMONS  
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CHIEF JUDGE

Distribution:

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