

**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA
ADMINISTRATIVE ORDER – A-2016-29-A**

**AMENDED ADMINISTRATIVE ORDER ESTABLISHING
COURT INTERPRETING SERVICES PROCEDURES
FOR THE FIFTH JUDICIAL CIRCUIT**

WHEREAS, pursuant Florida Rule of Judicial Administration 2. 215 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 or sign language interpreter to be able to effectively participate and understand their court proceedings; and

WHEREAS, the role of the court interpreter is to facilitate communication between the court involving parties or witnesses who are Limited English Proficient (LEP); and

WHEREAS, qualified language interpreters and sign language interpreters for LEP and hearing impaired individuals are mandated by sections 90.606 and 90.6063, Florida Statutes, and under the provisions of the Americans with Disability Act for hearing impaired individuals, and

WHEREAS, the Court Interpreter Services Program is administered by the Trial Court Administrator and consists of full-time certified Spanish language court interpreters. The Fifth Judicial Circuit has contractors to provide court interpreting services for Sign Language, Spanish language, and other spoken languages for the use of both circuit and county courts; 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 the Court Interpreting Services Program in the Fifth Judicial Circuit;

NOW, THEREFORE, I, Don F. Briggs, Chief Judge of the Fifth Judicial Circuit of Florida under Florida Rule of Judicial Administration 2.215 order that the Court Interpreting Services Program shall abide by the following requirements:

1. The language access coordinator for the Fifth Judicial Circuit shall be Jeffery Fuller, Senior Court Operations Consultant.
2. Interpreter services may be requested by the attorney of record or the party. If the services of an interpreter are needed, requests shall be made no less than two (2) business days in advance of the scheduled court event for Spanish language court interpreters, and no less than (7) days in advance of the scheduled court event for sign language and any spoken language, other than Spanish. Once the need for an interpreter has been identified, the requesting party must contact the Language Access Coordinator by submitting an online request form by visiting The Fifth Judicial Circuit's Court Interpreter webpage at <http://www.circuit5.org/c5/court-interpreter-request-form/>.
3. When interpreter services are needed to assist in more trials than the Interpreter Department has personnel to cover, cases will be given priority based on the *Approved Court Interpreting General Recommendations, Standards of Operation and Best Practices* as referenced in Supreme Court Administrative Order AOSC11-45:
 - a. First appearances, detention hearings and reviews, shelter hearings, and final injunction hearings;
 - b. Felony trials;
 - c. Other felony matters;
 - d. Misdemeanor cases;
 - e. Delinquency cases;
 - f. Dependency cases, except shelter hearings;
 - g. Civil commitment hearings;
 - h. Civil traffic cases;
 - i. Diversion programs operated by the courts;
 - j. Other civil cases; and
 - k. Other court managed programs
4. To prevent court interpreter fatigue, it is preferable to employ a team

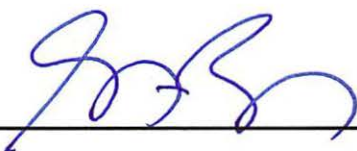
interpreting approach and schedule two interpreters for jury trials and any lengthy court events which would require more than 30 minutes of continuous court interpretation. In the event scheduling two court interpreters is not possible, interpreters should be provided with a 10 minute break after every 30 minutes of continuous interpretation to limit court interpreter fatigue and certify the accuracy of the interpretation.

5. Court interpreters shall not be required to hold discussions or offer interpretation to defendants without the presence of the defendant's counsel, unless directed by the court.
6. Court interpreters shall not be required to sit in the jury box with a defendant and shall not accompany an attorney into a holding cell to conduct "in-custody" client interviews.
7. The interpreter may assist an attorney with conducting a brief "in-custody" client exchange, such as updating or conveying an offer, within the courtroom. When necessary, the judge shall instruct the court interpreter to assist an attorney with communicating with an "in-custody" client once the defendant is brought into the courtroom.
8. Court interpreters shall not accompany defendants or any other LEP individual to the Probation Office or Clerk's Office except to assist the Judge with jury venire in the jury assembly room.
9. Court 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. If foreign language audio or video recordings are to be used as evidence in a trial or hearing, the party offering the recording shall translate the recording into English at his or her own expense, or as provided for indigent criminal defendants, and shall provide in

advance a copy of the recording, foreign language transcript, and transcript of the English translation to opposing counsel and the court. The court interpreter shall not interpret audio or video recordings during court proceedings.

11. Meaningful access to interpreter services shall be provided for LEP individuals whose presence or participation in a court matter is necessary and appropriate; whether civil, criminal, or court managed programs or court services matters.

DONE AND ORDERED in Chambers, at Tavares, Lake County, Florida this
19 day of October, 2016.



DON BRIGGS

CHIEF JUDGE

FIFTH JUDICIAL CIRCUIT