

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/SB 1660

INTRODUCER: Judiciary Committee and Senator Torres

SUBJECT: Translation Services

DATE: February 13, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bond</u>	<u>Cibula</u>	<u>JU</u>	Fav/CS
2.	<u>Bond</u>	<u>Twogood</u>	<u>RC</u>	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1660 authorizes, but does not require, the court to offer translation services to individuals interacting with the court system in civil cases where such services are not already required by state or federal law.

The bill is effective July 1, 2024.

II. Present Situation:

English Language in the Court System

More than 60 million people living in the United States who are older than 5 years of age speak a language other than English at home.¹ Of these, more than 25 million speak English “less than very well.”² In Florida alone, nearly 30 percent of the state’s population over the age of 5 speaks a language other than English at home.³

¹ U.S. Census Bureau, *Detailed Languages Spoken at Home and Ability to Speak English for the Population 5 Years and Over for United States: 2009-2013*, <https://www.census.gov/data/tables/2013/demo/2009-2013-lang-tables.html>.

² *Id.*

³ U.S. Census Bureau, *Quick Facts: Florida*, <https://www.census.gov/quickfacts/fact/table/FL/POP815221> (last visited Jan. 25, 2024).

Court proceedings are conducted in the English language.⁴ Many individuals do not speak or understand the English language, and some disabled persons need an interpreter as required by the Americans with Disabilities Act.

The statutes provide that, when a judge determines that a witness cannot hear or understand the English language, or cannot express himself or herself in English sufficiently to be understood, an interpreter who is qualified to interpret for the witness shall be sworn to do so.⁵ The statute is silent as to payment of the cost of the interpreter.

Court rules provide that, in any criminal or juvenile delinquency proceeding in which the accused, the parent or legal guardian of the accused juvenile, the victim, or the alleged victim cannot understand or has limited understanding of English, or cannot express himself or herself in English sufficiently to be understood, an interpreter must be appointed.⁶

In all other proceedings in which a non-English-speaking or limited-English-proficient person is a litigant, an interpreter for the non-English-speaking or limited English-proficient litigant must be appointed if the court determines 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 (such as in a civil commitment, termination of parental rights, paternity, or dependency proceeding), and that no alternative to the appointment of an interpreter exists.⁷

There are numerous types of civil cases and legal matters that do not require the appointment of an interpreter.

III. Effect of Proposed Changes:

The bill allows a court to contract with a third-party translation service provider for civil cases, regardless of whether the person is indigent or represented by an attorney. The service is ministerial only, the interpreter may not furnish legal advice. The bill does not prohibit or limit a party from obtaining translation services on his or her own.

The bill is clear that a court is not required by the bill to provide translation services.

The bill takes effect July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

⁴ FLA. CONST. article II, s. 9.

⁵ Section 90.606(1)(a), F.S.

⁶ Fla. R. Gen. Prac. & Jud. Admin. 2.560(a).

⁷ Fla. R. Gen. Prac. & Jud. Admin. 2.560(b).

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 29.28 of the Florida Statutes.

IX. Additional Information:

- A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Judiciary on January 29, 2024:

The committee substitute removed all references in the bill to the clerks providing translation services, and provides that the courts are to furnish translation services.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
