

**IN THE SECOND JUDICIAL CIRCUIT
OF FLORIDA**

OFFICE OF THE CHIEF JUDGE

ADMINISTRATIVE ORDER 2010 - 07

IN RE: COURT REPORTING SERVICES PLAN

WHEREAS, the Supreme Court of Florida adopted Florida Rule of Judicial Administration 2.535 (2010) to ensure that court reporting services are provided in an efficient and cost-effective manner consistent with the requirements of state and federal law; and

WHEREAS, in order to provide for the requirements of the Second Judicial Circuit court reporting services

IT IS THEREFORE

ORDERED:

I. GENERAL.

Court reporting in the Second Judicial Circuit is managed and provided by the Office of Court Administration, Court Reporting Services. Court Reporting Services, supervised by a manager, is responsible for ensuring that proceedings mandated by law to be recorded at public expense are recorded at the highest quality attainable; that accurate transcripts are prepared; that public records requests are responded to appropriately; and that the record is retained and archived as required by law. Court Reporting Services is required to provide their services in all of the counties of the circuit.

As used in this order, the terms “approved court reporter,” “approved transcriptionist,” “civil court reporter,” “court reporting,” “electronic record,” and “official record” have the same meaning as defined in Florida Rule of Judicial Administration 2.535(a) (2010).

The chief judge of the Second Judicial Circuit, in his or her official capacity, is the owner of all records and electronic recordings made by an official court reporter or quasi-judicial officer in proceedings required to be reported at public expense and proceedings reported for the court’s own use. See Florida Rule of Judicial Administration 2.535(d) (2010).



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II. COURT REPORTING PROCEDURES WHERE THE COURT DOES NOT PROVIDE A RECORD.

The court does not provide court reporting services at public expense for proceedings in the following cases:

- circuit civil
- county civil
- family (Except for proceedings in which the court is required to provide a record at public expense.)

If a party wishes to make a record of a court proceeding for which the court does not provide a record as delineated in this administrative order, it is the responsibility of the party or the party's attorney to secure the services of a "civil court reporter." All costs associated with the court reporter's appearance will be the responsibility of the party requesting the court reporter. This does not preclude the taxation of costs as authorized by law.

III. GRAND JURY PROCEEDINGS.

Testimony in grand jury proceedings shall be reported by an approved stenographic or digital court reporter, but shall not be transcribed unless required by order of the court. Whenever the proceedings are being electronically recorded, the digital court reporter will remain in attendance to operate the equipment and ensure that testimony only is recorded. Other parts of grand jury proceedings, including deliberations and voting, shall not be reported. The approved court reporter's work product, including stenographic notes, electronic recordings, and transcripts, shall be filed with the clerk of the court under seal.

IV. COURT REPORTING PROCEDURES IN CAPITAL CASES.

Any proceeding involving the potential or actual imposition of the death penalty, including but not limited to pretrial hearings, trials, sentencing hearings and postconviction hearings, shall be reported by a certified court-employed stenographic court reporter; real-time capabilities where available.

When a jury returns a verdict of guilty as charged in a case where the State is seeking the death penalty, the judge shall orally instruct the court reporter to immediately begin transcribing the trial as well as any hearings conducted by the judge throughout the pendency of the case, as well as the penalty phase of the trial and the actual sentencing hearing. Oral instructions shall be followed by a written order.

All measures necessary to expedite the preparation of the transcript are required. The real-time stenographic court reporters shall be alternated as a means to expedite the finalization of the certified transcript. There shall be the imposition of reasonable



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restrictions on work assignments by employee or contract court reporters to ensure that transcription production in capital cases is given priority.

V. COURT REPORTING PROCEDURES RELATED TO ELECTRONIC RECORDING.

All persons entering a courtroom or a hearing room in the Second Judicial Circuit are hereby notified that electronic recording equipment is in use and that anything said in the courtroom or hearing room may be electronically recorded and released upon request.

Court personnel shall provide notice to participants in a courtroom proceeding that electronic recording equipment is in use and that they should safeguard information they do not want recorded. Attorneys shall take all reasonable and available precautions to protect disclosure of confidential communications in the courtroom. Such precautions may include muting microphones or going to a designated location that is inaccessible to the recording equipment. Participants have a duty to protect confidential information. See Florida Rule of Judicial Administration 2.535(5) (2010).

As a general rule, all sidebar conversations are considered part of the record unless the presiding judge indicates otherwise. Extraneous and non-substantive conversations occurring at sidebar (i.e., personal or social banter between the parties or between the parties and the judge) shall not be considered as part of the record. Sidebar conferences that are digitally recorded are generally not capable of being transcribed due to the quality of the recording.

Copies of electronically recorded court proceedings shall be provided upon request. Recordings that take place after July 2009 may be released in their entirety. Recordings of earlier proceedings may be released, subject to review and redaction of any confidential or exempt information. An additional hourly rate for review and redaction is authorized.

VI. COURT REPORTING PROCEDURES BY DIVISION.

Court reporting coverage of proceedings recorded at public expense is as follows:

Circuit Criminal

Trials 1st Degree – Stenography
 Trials 2nd Degree – Stenography or Digital Recording
 Trials 3rd Degree - Stenography or Digital Recording
 First Appearance - Digital Recording
 Adult Drug Court - Digital Recording

Capital Cases

Trials or Postconviction Proceedings - Stenography (Real time, if available)
 All Other Proceedings - Stenography



All Other Circuit Criminal Proceedings

Digital Recording

County Criminal

Trials - Digital Recording

All Other Proceedings - Digital Recording

Family Court

Delinquency – Digital Recording

Juvenile Drug Court - Digital Recording

Dependency - Digital Recording

Termination of Parental Rights (TPR) - Contract stenographer or Digital Recording

Proceedings to Waive Parental Notification of Termination of Pregnancy – Stenography or Digital Recording

Crossover Case (Unified Family Court Cases) - Stenography or Digital Recording

Domestic Violence Injunctions (All Proceedings)

Digital Recording

Baker Act, Marchman Act, Guardianship, and Jimmy Ryce (All Proceedings)

Digital Recording

General Magistrate/Hearing Officer Proceedings

Digital Recording (to be recorded by magistrate/hearing officer)

Proceedings Taking Place Outside of Regular Court Hours

Stenography or Digital Recording

Computer-Aided Real-Time (CART) For Hearing Impaired (ADA)

Stenography (real-time, if available)

VII. PROCEDURES FOR ORDERING WRITTEN TRANSCRIPTS.

Any person may request a written transcript of a court proceeding except that proceedings under the Rules of Juvenile Procedure, Baker Act proceedings, or any other statutorily exempt proceeding shall only be provided to those persons authorized by law.

Requests for a written transcript of proceedings should be made in writing, utilizing a Transcript Request Form approved by Court Reporting Services. This form should be submitted to Court Reporting Services, Room 341, Leon County Courthouse, Tallahassee, FL 32301.



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Any transcript produced by Court Reporting Services will be filed with the clerk of the circuit court unless the Court orders otherwise or unless a rule of court provides otherwise.

All transcript requests submitted to the court require a deposit in the amount of 50% of the total cost (payable to the State of Florida) before the transcript will be produced; unless the request is accompanied by an order to transcribe. The balance of the cost must be paid prior to receipt of the transcript. A court order is not required to produce a transcript when the requesting party to a case agrees to pay for the transcript at the transcription rates in this order. Rates for production of transcripts will be in accordance with Attachment "A", Schedule of Fees, attached hereto.

Any judge, magistrate, hearing officer or staff attorney may obtain a transcript in rough-draft from an approved real-time court reporter or in its final certified form or a CD of a digital recording by an oral or written request.

Any state attorney, public defender, regional counsel or court appointed counsel may obtain a transcript for any court event, including appeals in its final certified form, with an order signed by the presiding judge, at no charge to their offices, due to the July 1, 2004 implementation of the cost sharing agreement for court reporting services. Court Reporting Services shall be copied with the motion and order for transcription. The delivery date will be determined by the current workload.

All transcripts must comply with Florida Rule of Judicial Administration 2.535 (2010).

Appeals require an original and two copies of the transcript, unless otherwise ordered by the court or required by the Clerk of the Court. Standard appeals are due 30 days after "service" of notice of appeal. Most of the time a standard 30-day extension will be granted upon request, if needed. A 60 to 90-day extension may be granted for lengthy trials or an unusually heavy transcript workload. An extension for the amount of time needed must be requested prior to the deadline.

Court Reporting Services is required to transcribe digital and/or audio recordings only when recording equipment is approved, provided, and in the control of Court Reporting Services.

VIII. TRANSCRIPTION FEES.

The applicable fees for transcription and copying of the electronic record are as listed in Attachment "A" of this Order.

IX. PRIOR ORDERS RESCINDED.

Administrative Orders 1990-20, 1995-06, (including Addendum), 1996-02, and 2007-03 are rescinded.

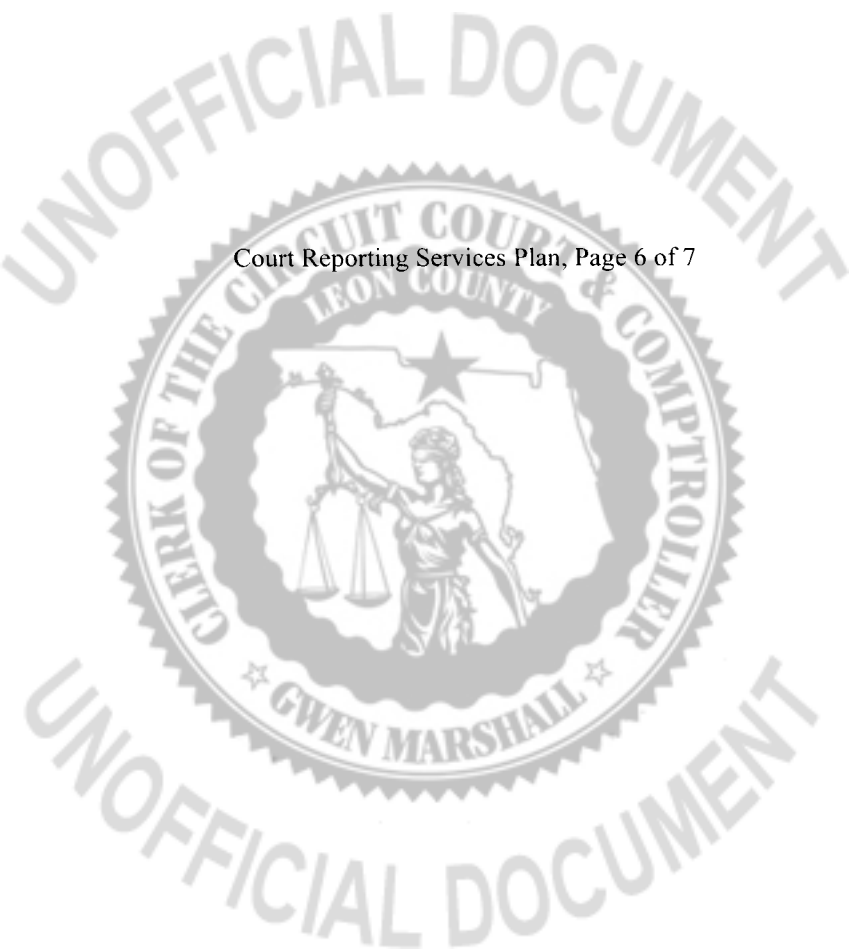


8th **DONE and ORDERED** in Chambers at Tallahassee, Leon County, Florida, this day of ~~June~~ *July*, 2010.

Charles A. Francis
CHARLES A. FRANCIS
Chief Judge

Copies to:
All Judges
State Attorney
Public Defender
All Clerks of Court, Second Circuit
Regional Counsel

Court Reporting Services Plan, Page 6 of 7



ATTACHMENT "A"

SCHEDULE OF FEES

1. Normal Delivery (Within 2 weeks to 30 days)
\$5.00 per page for an original and one copy
\$1.25 per page for each additional copy
2. Expedited Delivery (Within three to five working days)
\$7.50 per page for an original and one copy
\$2.50 per page for each additional copy
3. Rough Draft (Real-Time Stenographer) - An unedited, uncertified transcript (print, disc or e-mail.)
\$5.00 per page.
4. Electronic Record – The following fees are established for providing copies of audio and video recordings of court proceedings:
\$25.00 per audio CD
\$22.50 per hour for review and redaction

