

IN THE THIRD JUDICIAL CIRCUIT OF FLORIDA
ADMINISTRATIVE ORDER NO. 2019-010
(Supersedes Administrative Order 2015-010)

COURT REPORTING PLAN

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

Whereas, Florida Rule of Judicial Administration 2.535(h)(3) permits the Chief Judge, after consultation with the circuit court and county court judges in the Third Judicial Circuit, to enter an administrative order (1) developing and implementing a circuit-wide plan for the court reporting of all proceedings required to be reported at public expense; (2) ensuring that all court reporting services are provided by approved court reporters; and (3) if necessary to ensure the efficient provision of court reporting services, providing for multiple delivery strategies; and

Whereas, Florida Rule of Judicial Administration 2.535(h)(4) permits the Chief Judge to enter a circuit-wide administrative order establishing a plan that authorizes the electronic recording and subsequent transcription by approved court reporters of any judicial proceedings;

It is ORDERED:

I. GENERAL.

A. *Court Reporting Department.* Court Reporting in the Third Judicial Circuit is managed and provided by Court Administration through the Court Reporting Department. The Court Reporting Department 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, and that the record is retained and archived as required by law. The Court Reporting Department provides services in all seven counties of the Third Judicial Circuit.

B. *Methods of Recording.* The Third Judicial Circuit has implemented a hybrid model of court reporting, which relies upon court-employed stenographic and digital court reporters as well as civil (or contract) court reporters.

1. Digital court reporting will be utilized for county criminal, domestic violence injunctions, delinquency, dependency, Baker Act, Marchman Act, guardianship, Jimmy Ryce, and general magistrate and hearing officer proceedings.

2. Stenographic court reporting will be utilized for capital proceedings, as further explained in this Administrative Order, and should be utilized for circuit criminal trials whenever possible. If resources are not available for the stenographic court reporting of all circuit criminal trials, then the

highest degree felonies will take priority for stenographic court reporting and digital court reporting may be utilized for the lesser degree felony trials. In no instance may digital court reporting be used for a first-degree felony trial.

3. The remaining court proceedings that must be recorded at State expense may be reported using either digital or stenographic court reporting. These proceedings include circuit criminal non-trial proceedings, termination of parental rights proceedings, crossover cases (Unified Family Court cases), and proceedings taking place outside of the regular hours of the Court.

II. DEFINITIONS.

- A. As used in this Administrative Order, the terms “approved court reporter” and “civil court reporter” have the same meaning as defined in Florida Rule of Judicial Administration 2.535(a).
- B. “Digital court reporter” means an “approved court reporter” who is also employed by the Third Judicial Circuit and who meets the Court’s qualifications to monitor or transcribe electronic recordings.
- C. “Electronic record,” as defined by Rule 2.535(a)(5), means the audio, digital, or video recording of a court proceeding. It shall specifically include the digital recording and any associated notes of any electronically recorded court proceeding made by electronic equipment owned by the Third Judicial Circuit.
- D. “Official court reporter” is an “approved court reporter,” as defined in Rule 2.535(a)(1), who is also employed by the Third Judicial Circuit as either a “digital court reporter” or a “stenographic court reporter.”
- E. “Original transcript” is the first transcription of any stenographic notes and/or electronically recorded record prepared in final form.
- F. “Stenographic court reporter” means an “approved court reporter” who is also employed by the Third Judicial Circuit and who meets the Court’s qualifications to perform stenographic court reporting.

III. THE OFFICIAL RECORD.

- A. Only one “official record” may be produced.
- B. For all proceedings in which the Court is required to provide a record, the “official record” is the transcript, which is the written record of court proceedings as produced by an approved court reporter and filed with the Clerk of the Court.
- C. For all other court proceedings, the “official record” is the transcript that is produced by a civil court reporter and filed with the Clerk of the Court.
- D. The “official record” does not include CDs, DVDs, tapes, or any other electronic record of a court proceeding, and it does not include any transcript of a court

proceeding produced by a party or other entity not authorized by this Administrative Order.

- E. 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.
- F. The Chief Judge of the Third Judicial Circuit, in his or her official capacity, is the owner of all records and electronic records made by an approved court reporter in proceedings required to be reported at public expense and proceedings required for the Court's own use. Fla. R. Jud. Admin. 2.535(d).
- G. Court Administration is the official record keeper of all official recordings of court proceedings, and such official recordings shall be maintained at a specified location, designated by Court Administration, in an organized manner for efficient retrieval.

IV. RECORDING OF COURT PROCEEDINGS.

- A. *When the Court does not Provide a Record.* The Court does not provide court reporting services at public expense for proceedings held in the Circuit Civil Division, the County Civil Division, or the Family Division (except for certain proceedings in those divisions that the Court is required to provide a record at public expense as outlined in this Administrative Order). If a party wishes to make a record of a court proceeding for which the Court does not provide a record, as explained above, 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 civil court reporter's appearance will be the responsibility of the party requesting the court reporter.
- B. *When Reporting is Required at Public Expense.* As set forth in Rule 2.535(h)(1), all proceedings required by law, court rule, or administrative order to be reported shall be reported at public expense.
- C. *When Recording may be Required at Public Expense.* As set forth in Rule 2.535(h)(2), proceedings reported for the Court's own use may be reported at public expense.
- D. *Capital Cases.* In accordance with Rule 2.535(i), a stenographic court reporter shall be used in all trials in which the State seeks the death penalty and in capital postconviction proceedings; the use of digital court reporters for these kinds of proceedings is prohibited.
 - 1. Preparation of transcripts in cases in which the State seeks the death penalty and in capital postconviction proceedings shall be given priority and all measures, including, but not limited to those listed in Rule

2.535(i)(A)1-4, shall be used to expedite these transcripts. Unless a different timeframe is ordered by the Court, the transcript of the designated proceeding(s) shall be prepared within 30 days.

2. When a jury returns a verdict of guilty as charged in a case where the State is seeking the death penalty, the judge should orally instruct the court reporter to immediately begin transcribing the trial as well as any hearings conducted by any judge throughout the pendency of the case.
 3. Upon the imposition of the death penalty, the judge shall orally instruct the court reporter to immediately begin transcribing the penalty phase of the trial, the *Spencer* hearing, any other hearings held after the verdict but prior to sentencing, and the actual sentencing hearing.
 4. At the conclusion of a case management conference, Florida Rule of Criminal Procedure 3.850 or 3.851 evidentiary hearing, or any other evidentiary postconviction hearings in a case in which a death sentence has been imposed, the judge conducting the hearing shall orally instruct the court reporter to immediately begin to transcribe the hearing(s).
 5. Where immediate transcription instructions in a death penalty proceeding are required but are not given, the State Attorney's Office or defense attorney shall move for transcription of the relevant proceedings and prepare an order to transcribe for the signature of the appropriate judge.
 6. Stenographic notes in cases in which the State seeks the death penalty and in capital postconviction proceedings shall not be "loaned out." This policy ensures that the court reporter has immediate access to the notes for the production of the transcript.
- E. *Grand Jury Proceedings*. In accordance with Rule 2.535(h)(6), testimony in grand jury proceedings shall be reported by an approved court reporter but shall not be transcribed unless required by order of Court. 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.
- F. *Juvenile Dependency and Termination of Parental Rights Cases*. In accordance with Rule 2.535(j), transcription of hearings for appeals of orders in juvenile dependency and termination of parental rights cases shall be given priority, consistent with Rule 2.215(g), over transcription of all other proceedings, unless otherwise ordered by the Court based upon a demonstrated exigency.

V. TRANSCRIPTION PROCEDURES AND DIGITAL RECORDINGS.

- A. All transcripts must comply with the form, size, spacing, and method of printing as prescribed by Rule 2.535(f). Unless otherwise ordered by the Court, all

original transcripts of a court proceeding shall be filed with the Clerk of the Court.

- B. Any judge, magistrate, hearing officer, or any judicial assistant or staff attorney on behalf of a judge, magistrate, or hearing officer may request a transcript or digital recording by oral or written request.
- C. Attorneys from the State Attorney's Office, Public Defender's Office, and Regional Conflict Counsel Office, and any court-appointed counsel may obtain a disc of a digital recording of a court proceeding by written request at no charge to their office. This digital recording is not the official record, as explained above, and shall not be disseminated or otherwise disclosed outside the attorney's office nor may it be enhanced or modified so as to reveal confidential information that would otherwise be inaudible.
- D. Attorneys from the State Attorney's Office, Public Defender's Office, and Regional Conflict Counsel Office, and any court-appointed counsel may obtain a transcript of a court proceeding with an order by the Court at no charge to their office. The Court Reporting Department shall be copied with the motion and order for transcription.
- E. Any person may purchase a digital recording of a court proceeding, except for proceedings held under the Rules of Juvenile Procedure, Baker Act proceedings, or any other exempt proceedings that shall not be provided to non-parties without an order of the Court. The digital recording will be provided on the currently utilized media format (currently, a DVD or CD). The cost for the disc of the digital recording is set forth in the attached Fee Schedule. To request a copy of a digital recording of a court proceeding, the "Court Reporting Transcript and/or DVD Request Form," found on the Court Administration website (www.jud3.flcourts.org), must be completed in its entirety and submitted to Court Administration with the appropriate payment in accordance with the instructions provided.
- F. Pursuant to Florida Supreme Court Administrative Order No. AOSC11-22, before any digital recording is released, an "Acknowledgement" regarding the "Release of Audio/Video Recording of Court Proceeding" must be signed and accompany the request form. Violation of the rules within the "Acknowledgement" may subject the requestor to an action for contempt of court.
- H. Any person may purchase a transcript of a court proceeding, except for proceedings held under the Rules of Juvenile Procedure, Baker Act proceedings, or any other exempt proceedings that shall not be provided to non-parties without an order of the Court. To request a transcript of a court proceeding, a "Court Reporting Transcript and/or DVD Request Form," found on the Court Administration website (www.jud3.flcourts.org), must be completed in its entirety and submitted to Court Administration. Upon receipt of the completed request

form, research will be done to determine the cost of the transcript, as set forth in the attached Fee Schedule. The requesting party will be informed of the estimated cost of the transcript, not to be less than \$50.00, and the party must submit one-half of the total cost before work will begin on the transcript. The original transcript of the court proceeding will be filed with the Clerk of the Court, and the party's copy (or copies) will not be provided until full payment has been received by Court Administration. A court order is not needed for transcripts requested under this subsection, with the exception of confidential proceedings, as explained below in subsection (J).

- I. Notwithstanding the exceptions provided for in this Administrative Order, no court proceedings will be transcribed at public expense without a court order. All expedited transcripts require a court order.
- J. If the proceeding is confidential and exempt from public access pursuant to law or rule of court, and the person requesting the transcript or digital recording is not an attorney, party of record, or court staff in the performance of his or her duties, the requesting party must secure an order granting the request for the transcription or digital recording of the proceeding from the Court.
- K. Backup recordings of proceedings shall not be disclosed to persons who are not employed or contracted by the Third Judicial Circuit without a court order.
- L. All proceedings held before the General Magistrate or Hearing Officer will be recorded electronically. An electronic copy of proceedings held before the General Magistrate or Hearing Officer may be requested in writing from the Court Reporting Department. All costs for any electronic copies of these proceedings will be paid by the requesting party. No transcripts of proceedings held before the General Magistrate or Hearing Officer will be produced by the Court Reporting Department. Any party may have a private court reporter transcribe the record of the proceeding at the party's expense.

VI. SAFEGUARDING CONFIDENTIAL COMMUNICATIONS AND PROMOTING AN ACCURATE RECORD.

- A. All persons entering a courtroom or hearing room in the Third 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.
- B. Court personnel and members of the Clerk's Offices and Court Administration shall provide notice to participants in a courtroom proceeding that electronic recording equipment is in use and that they should safeguard information that they do not want recorded.
- C. In order to ensure an accurate record of the proceedings using electronic recording equipment, all participants must comply with the following procedures:

1. All participants in a proceeding must identify themselves for the Court, speak clearly into the microphone in order for the system to make an accurate record, and ensure that microphones are on for all non-private communications. Other participants in the courtroom, including clerk of court personnel, bailiffs, attorneys, and employees of the Court, shall notify the judge or judicial officer if a participant is not speaking with sufficient volume.
2. No one shall tamper with the microphones or electronic recording equipment. Court personnel, including bailiffs, shall ensure that no one tampers with the microphones or electronic recording equipment and, to the extent possible, shall immediately notify the judge or judicial officer when it appears that someone is tampering or has tampered with the electronic recording equipment or if the equipment is not functioning properly.
3. Attorneys shall inform their clients of the method of recording being utilized and take precautions to protect disclosure of confidential communications in the courtroom or hearing room (including the use of the mute button on the microphones).
4. Court reporters shall monitor equipment during a proceeding to ensure adequate operation and immediately notify the presiding judge or judicial officer of problems with the equipment.

VII. DUTIES AND RESPONSIBILITIES OF COURT REPORTERS.

A. *Approved Court Reporters.*

1. Approved court reporters are officers of the court for all purposes while acting as court reporters and must comply with all rules and statutes that are applicable to court reporters.
2. All approved court reporters shall produce true and accurate transcripts as required.
3. All approved court reporters shall certify the transcript as a true and accurate text of the court proceeding. This certification will accompany every transcript regardless whether the transcript is an original or copy.

B. *Official Court Reporters—All.*

1. All official court reporters shall note in the record any pertinent information, including, but not limited to their name; the style of the case or event; the case number; the location, date, and time of the proceeding; whether the defendant is present; and, if applicable, the return of the jury after each recess.

2. All official court reporters will make an accurate and complete stenographic or digital record of events in all cases in which a record is mandated by law, the Court, or Court Administration.
3. No requests for extension of time for transcript production may be submitted without first receiving the approval of the Trial Court Administrator.
4. All official court reporters may not engage in private court reporting without specific approval of the Trial Court Administrator.
5. The official court reporter may be responsible for transcription of notes after employment ends, as requested by the Court or Trial Court Administrator, and shall be paid at the lower rate provided for in the attached Fee Schedule. Transcripts prepared after release of employment shall be delivered to Court Administration for distribution along with the notes within 45 days from the date the notes are released. Invoices for preparation of the transcript will be processed for payment upon receipt of recordings.
6. If transcripts are requested and paid for by a private party, the former court reporter shall be responsible for distribution of the transcripts, billing and collection of the funds due resulting from the preparation of the transcript. All stenographic notes and recordings must be returned within 45 days from the date the notes are released.

C. *Official Court Reporters—Digital Court Reporters.*

1. Upon accepting employment, employees of the Court Reporting Department assume the responsibilities and duties of an officer of the Court. Court Reporting Department employees are hereby empowered to administer oaths to witnesses at events when acting in the performance of their official duties.
2. Employees of the Court Reporting Department may not disclose, directly or indirectly, orally or in writing, to anyone other than a party or a party's attorney of record, information obtained through the performance of their duties unless specifically authorized by the Court. Confidentiality survives an employee's termination.
3. All court personnel providing a copy of the original digital recording on electronic medium shall certify the copy to be true and accurate.

D. *Contract Court Reporters.*

1. Contract court reporters shall produce all recordings (audio, stenographic, and/or paper) with submission of the invoice. Receipt of the recordings is required prior to payment of the invoices.

VIII. FEES.

- A. *Transcript Fees.* The costs for preparation of a transcript are set forth in the attached Fee Schedule, Attachment A.
- B. *Digital Recording Fees.* The cost for a digital recording of a court proceeding on the currently available format is set forth in the attached Fee Schedule, Attachment A.
- C. *Contractual Services Fees.* The fees paid to an approved court reporter who is not employed by the Third Judicial Circuit are set forth in the attached Fee Schedule, Attachment A.

IX. PROCEDURES DURING EMERGENCIES.

Whenever the Chief Judge or other designated official declares an emergency, court reporting will be performed using whatever means may be available under the circumstances.

X. EFFECTIVE DATE.

This Administrative Order is effective immediately and supersedes all previous administrative orders addressing court reporting plans.

DONE AND ORDERED in Columbia County, Florida on October 23, 2019.



MARK E. FEAGLE, CHIEF JUDGE

Attachment A: Fee Schedule

Copies to:

Circuit Judges
County Judges
State Attorney
Public Defender
Office of Regional Conflict Counsel
Judicial Assistants
Clerks of Courts
Court Administration
Court Reporting Department

Attachment A: Fee Schedule

TRANSCRIPT PREPARATION: STENOGRAPH OR DIGITAL							
Event	Fee	Court Order if prepared at public expense				Court Order Required	
		State Attorney	Public Defender	Court Appointed	Indigent for Costs	Private	
Appeals, Audio, Trial/Hearing/Court Proceedings							
Original & 1, per page	\$ 4.00	Yes	Yes	Yes	Yes	No	
Original & 1, Expedited, 2-3 Days	\$ 6.00	Yes	Yes	Yes	Yes	Yes	
Extra copies, per page, electronic	\$ 0.50	No	No	No	No	No	
Extra copies, per page, paper	\$ 1.00	No	No	No	No	No	
Real-time, rough draft, per page	\$ 2.00	No	No	No	No	No	
Transcript Deposit	\$ 50.00	n/a	n/a	n/a	n/a	No	
Postage Rate	Actual cost, will vary	n/a	n/a	n/a	n/a	n/a	
Media Duplication							
DVD	\$ 25.00	No	No	No	No	No	
Postage Rate for DVD	\$ 1.50						
<p>*A \$50 desposit or half of the cost of the transcript, whichever is greater, is required before preparation of a transcript, which shall be applied to the cost of the transcript when requested by a private party. All fees will be paid by money order, postal order, or cashier's check. Attorney trust fund checks will also be accepted. Any balance due must be paid before the transcript will be released.</p>							

APPEARANCE/ATTENDANCE (CONTRACT COURT REPORTERS)

Event	Fee
First Hour (or any fraction thereof)*	\$ 50.00
Each hour thereafter	\$ 35.00
Each half-hour thereafter	\$ 17.50
Each quarter-hour thereafter	\$ 8.75
Over 8 hours, each hour thereafter	\$ 52.50
Over 8 hours, each half-hour thereafter	\$ 26.25
Over 8 hours, each quarter-hour thereafter	\$ 13.12
Cancellation less than 8 hour	\$ 50.00
Real-time, 1/2 day or any part thereof	\$ 50.00