

IN THE EIGHTH JUDICIAL CIRCUIT OF FLORIDA  
ADMINISTRATIVE ORDER NO. 1.14

**COURT REPORTING PROGRAM**

**In order to provide** for the requirements of the Eighth Judicial Circuit, for court reporting services; and

**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; and

**WHEREAS**, Administrative Order No. 1.14 regulates court reporting in the Eighth Judicial Circuit; It is therefore

**ORDERED:**

Court reporting in the Eighth Judicial Circuit is managed and provided by the Administrative Office of the Court, 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, that public records requests are responded to appropriately, and that the record is retained and archived as required by law. The Court Reporting Department is dedicated to providing their services in all of the counties throughout 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).

The Chief Judge of the Eighth Judicial Circuit, in his or her official capacity, is the owner of all records and electronic records 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 Fla. R. Jud. Admin. 2.535(d).

## **I. OFFICIAL RECORDS OF COURT PROCEEDINGS**

Only one “official record” may be produced. For all proceedings in which the Court is required to provide a record, the “official record” as used in this Administrative Order refers to the transcript of the proceedings as produced by an approved stenographic court reporter or an approved transcriptionist and filed with the Clerk of the Court. The official record does not include CDs, DVDs, tapes or any other electronic media recording of a court proceeding. CDs, DVDs, tapes or other electronic media recordings of court proceedings shall not be released absent an order of the Chief Judge, except to parties to the case and the attorneys of record.

## **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 divisions:

- Circuit Civil Division
- County Civil Division
- Family Division (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,” as defined in this Administrative Order.

All notices of hearings for proceedings where the Court does not provide a record must specify whether the party setting a matter for hearing will be securing the services of a court reporter; and, if so, the name and address of the 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. See Florida Rule of Judicial Administration 2.535(b).

### **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. 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**

1. 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 or a certified contractual stenographic court reporter with real-time capability where available.
2. 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 any judge throughout the pendency of the case.
3. Upon 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 the sentencing, and the actual sentencing hearing.
4. At the conclusion of a case management conference, Rule 3.850 or 3.851 evidentiary hearing, or any other evidentiary post-conviction 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 or Defense Attorney shall move for the transcription of the relevant proceedings and prepare an order to transcribe for the signature of the appropriate judge.
6. 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 restrictions on work assignments by employee or contract court reporters to ensure that transcription production in capital cases is given priority.

**V. SAFEGUARDING CONFIDENTIAL COMMUNICATIONS WHEN ELECTRONIC RECORDING EQUIPMENT IS USED IN THE COURTROOM**

All persons entering a courtroom or a hearing room in the Eighth 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 Fla. R. Jud. Admin. 2.535(5).

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.

Copies of electronically recorded court proceedings shall be provided upon request. Pursuant to Florida Supreme Court Administrative Order AOSC06-21, before any CD is released it shall be redacted of any confidential material found therein, as defined by applicable law, and labeled accordingly.

## **VI. Court Reporting Procedures by Division**

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

### **Circuit Criminal**

Trials 1<sup>st</sup> Degree - Stenography or Digital Recording  
Trials 2<sup>nd</sup> Degree - Stenography or Digital Recording  
Trials 3<sup>rd</sup> Degree - Digital Recording  
First Appearance - Digital Recording  
Adult Drug Court - Digital Recording

### **Capital Cases**

Trials or Postconviction Proceedings - Real-Time Stenography  
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  
Shelter Hearings - Digital Recording  
Termination of Parental Rights (TPR) - Stenography  
Proceedings to Waive Parental Notification of Termination of Pregnancy -  
Stenography  
Crossover Cases (Unified Family Court Cases) - Stenography or Digital  
Recording

**Domestic Violence Injunctions (All Proceedings)**

Digital Recording

**Baker Act/Marchman Act/Guardianship/Jimmy Ryce (All Proceedings)**

Digital Recording

**General Magistrate/Hearing Officer Proceedings**

Digital Recording

**Proceedings Taking Place Outside of Regular Court Hours**

Stenography or Digital Recording

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

Real-Time Stenography

2. Procedures for assignment of the monitoring of proceedings recorded at public expense using the following ratios of the number of proceedings vs. approved court reporters:

**Circuit Criminal**

Trials - 1:1

Capital Cases - 1:1

All Other Proceedings - 3:1

**County Criminal**

Trials -1:1

All Other Proceedings - 3:1

**Family Court**

Delinquency - 2:1

Dependency - 2:1

Termination of Parental Rights (TPR) - 1:1

**Domestic Violence Injunctions**

All Proceedings - 3:1

**Baker Act/Marchman Act/Guardianship/Jimmy Ryce**

All Proceedings except Jimmy Ryce Trials - 4:1 On-Site Proceedings and 1:1 Off-Site Proceedings\*

Jimmy Ryce Trials - 1:1

## **General Magistrate/Hearing Officer**

All Proceedings - 4:1 On-Site and 1:1 Off-Site Proceedings<sup>1</sup>

### **VII. TRANSCRIPTION PROCEDURES**

1. Any Judge, Magistrate, Hearing Officer, Judicial Assistant, or Staff Attorney may have a transcript in rough-draft form 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.
2. The Clerk of Court may have a CD of a digital recording of any court event at no charge to their office by written request.
3. Any State Attorney, Public Defender, Regional Counsel, or Court Appointed Counsel may obtain a transcript in rough-draft form from a real-time reporter or a CD of a digital recording by written request, at no charge to their offices since the July 1, 2004, implementation of the cost sharing agreement for court reporting services. CDs or the real-time reporter's rough draft may be made available to State Attorney, Public Defender, Regional Counsel or Court Appointed Counsel without undergoing a review provided the copies are: not used to prepare the official record except as authorized by the chief judge, used in subsequent court proceedings, disseminated or otherwise disclosed outside their offices, and are not enhanced or modified to reveal confidential information that otherwise would be inaudible.
4. Any State Attorney, Public Defender, Regional Counsel, or Court Appointed Counsel may obtain a transcript for any court event, including appeals in its final

<sup>1</sup>The 4:1 ratio is intended to address those proceedings monitored by a court reporter in an on-site courtroom or hearing room. The 1:1 ratio is acceptable, if proceedings are held off-site (i.e., hospital), with the General Magistrate/Hearing Officer assuming responsibility for operating the hand held digital recorder, ensuring that individuals are identified for the record, and delivering the electronic record to the Court Reporting Department for storage and retrieval. The recording will be labeled with the date, time and place of the recording. A docket or list of case numbers called will be provided when available.

certified form with an order signed by the presiding judge, at no charge to their offices since the July 1, 2004 implementation of the cost sharing agreement for court reporting services. Court Reporting shall be copied with the motion and order for transcription. The delivery date will be determined by the current workload. Appellate transcripts, transcripts needed for scheduled trials, and transcripts of Termination of Parental Rights cases shall take priority. If the transcript is not on appeal, the approved court reporter is at liberty to request more time of, first, the attorney that made the request of the court; or the court, if the attorney is not able to extend the time on his/her own accord.

5. Any person may purchase a transcript of a court proceeding except proceedings 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 presiding judge of Chief Judge. To request a transcript please complete the Transcript Request Form located on the Court's website [www.circuit8.org](http://www.circuit8.org). You will be provided with a cost estimate and are required to pay the full cost before the transcript is produced. You will be provided with an estimated delivery date. The time needed to prepare the transcript will be determined by the current workload with appellate transcripts and transcripts needed for scheduled trials taking priority.
6. The media may purchase a transcript of a court proceeding except proceedings 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 presiding judge or Chief Judge. To request a transcript please complete the Transcript Request Form located on the Court's website [www.circuit8.org](http://www.circuit8.org). You will be provided with a cost estimate and are required to pay the full cost before the transcript is produced. An estimated delivery date will be provided.
7. Requests for a transcript of proceedings should be made in writing utilizing the Transcript Request Form found on the internet at [www.circuit8.org](http://www.circuit8.org). This form



should be submitted to the Alachua County Family & Civil Justice Center, Attn.: Manager Court Reporting Services, Room 410, 201 East University Avenue, Gainesville, FL 32601, or via e-mail transcripts@circuit8.org. The request must include sufficient information necessary to identify the proceeding, including the date of the proceeding, name of the presiding judge, the case name and Uniform Case Number, portion of proceedings requested, and whether the proceeding was reported by stenography or digital recording.

8. Upon receipt of the request, research will be done to determine the cost of the transcript. The cost will include a research fee of \$30, a transfer fee from storage of \$10 per box if applicable, and a per-page cost of \$4.50 for an original and one certified copy. The original transcript of the proceedings as produced by the stenographic court reporter or digital court reporter transcriptionist will be filed with the Clerk of the Court.
9. All transcripts must comply with Florida Rule of Judicial Administration 2.535.
10. No recordings of proceedings will be transcribed at public expense without a court order.
11. 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.
12. The original transcript is the first transcription of any stenographic and/or digital record prepared in final form. The original transcript of any court proceeding shall be filed with the Clerk of the Court.
13. Transcript copy is any duplicate of the original (first) transcription.
14. The stenographic and/or digital court reporter will produce true and accurate transcripts as required and will sign the certificate of every transcript required to be produced regardless of whether it is called an original or a copy.

15. Appeals require an original and two copies of the transcript, unless otherwise ordered by the court or required by the Clerk of the Court. Effective July 1, 2007, the Clerk of the Court requires a CD with the transcript in Microsoft Word attached to the original and each copy of the transcript. 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 will be granted for trials lasting longer than a week. An extension for the amount of time needed must be requested prior to the deadline. Seldom is a second extension granted.
16. Non-appellate transcripts will be provided within two weeks for less than 50 pages if the department’s current workload allows. If the transcript is over 50 pages more time will be requested depending on the length of the transcription and the department’s current workload.
17. The Court Reporting Department is required to transcribe digital and/or audio recordings only when recording equipment is approved, provided, and in the control of the Court Reporting Department.

#### **VIII. CONTRACTUAL SERVICES FEES**

The fees that are paid to approved vendors of stenographic and digital court reporter services are governed by the individual Court Reporting Contractual Services Agreements for the Eighth Judicial Circuit entered into between the Court Administrator and the Vendor.

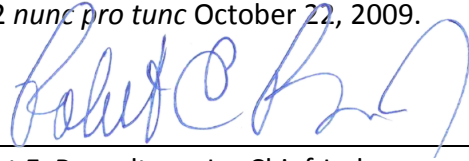
#### **IX. TRANSCRIPTION FEES**

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

This Administrative Order rescinds Administrative Order 1.1110(M) dated June 12, 2008.

This order renumbers and reformats prior Administrative Order No. 1.1110(N) entitled "Court Reporting Policy."

**ORDERED ON** this 5<sup>th</sup> day of October, 2012 *nunc pro tunc* October 22, 2009.

A handwritten signature in blue ink, appearing to read "Robert E. Roundtree, Jr.", is written over a horizontal line.

Robert E. Roundtree, Jr., Chief Judge

## ATTACHMENT "A"

### SCHEDULE OF FEES

1. A research fee payable to the State of Florida will be charged for estimating the cost of transcription, or otherwise searching for a proceeding.  
\$30.00 per search
2. A retrieval fee payable to the State of Florida will be charged for delivery from and return to the off-site record storage facility.  
\$10.00 per storage box
3. Normal Delivery – Delivery with two weeks to thirty days.  
\$4.50 – per page for an original and one copy  
\$1.00 – per page for each additional copy
4. Expedited Delivery – Delivery within three to five working days.  
\$6.75 - per page for an original and one copy  
\$1.50 - per page for each additional copy
5. Daily Copy – Delivery within one working day.  
\$9.00 - per page for an original and one copy  
\$2.00 - per page for each additional copy
6. Rough Draft (Real-Time Stenographer) – An unedited uncertified transcript (print, disc, or e-mail).  
\$3.00 - per page

Real-Time Access – Receiving instantaneous real-time voice-to-print translation of a proceeding on an individual computer from a real-time stenographer.  
\$50.00 per half day, or any part thereof

7. Electronic Record – The following fees are established for providing copies of audio and video recordings of court proceedings:  
\$25.00 per audio CD  
\$35.00 per audio/video CD  
\$22.50 per hour for review and redaction

These costs include the actual cost of duplication plus the labor cost of the personnel providing the service. See §§ 119.011(1), 119.07(4)(d), Fla. Stat.; Fla. R. Jud. Admin. 2.420(f)(3).

8. Audio Cassettes and Video Cassettes previously used to record proceedings in older cases are not available; however, a transcript from these recordings can be produced at the transcript fee rate quoted above.