

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

COURT REPORTING SERVICES PLAN

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

WHEREAS, the Supreme Court of Florida has 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;

IT IS HEREBY ORDERED:

Court reporting in the Eighth Judicial Circuit is managed and provided by the Court Reporting Department of the Administrative Office of the Court. 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 timely 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 services to all of the counties within the Eighth Judicial 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 court. The official record does not include CDs, DVDs, tapes, or any other electronic media recording of a court proceeding.

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 private court reporter.

In hearings where the Court does not provide a record, all notices of hearings 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

A court reporter shall not be present in the courtroom for testimony in grand jury proceedings and other parts of grand jury proceedings, including deliberations and voting, but rather, these proceedings are recorded by audio, transferred to a CD, provided to the clerk of court, and the audio recording sealed. Said proceedings shall not be transcribed unless directed by an order of the Court. 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 post-conviction hearings, shall be reported by a certified court-employed stenographic court reporter or a certified contractual stenographic court reporter with real-time capability. If real-time transcription services are not available, a computer-aided transcription qualified court reporter may be used.
2. When a jury returns a verdict of guilty as charged in a case where the State of Florida 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 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.
7. Real-time access to the court reporter's feed in the courtroom is only available to court-appointed attorneys using state-approved equipment, unless otherwise approved.

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 to 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(h)(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. The requesting party shall be required to complete and sign a written Transcript or Audio/Video CD Request Form and Prohibition Against Dissemination (found at <http://circuit8.org/transcripts>) to obtain audio records. Pursuant to Florida Supreme Court Administrative Order AOSC06-21, before any CD is released to a non-party in a case, it shall be redacted of any confidential material found therein, as defined by applicable law, and labeled accordingly. See applicable fee schedule at <http://circuit8.org/transcripts>.

VI. Court Reporting Procedures by Division

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

Capital Cases

Trials or Post-Conviction Proceedings - Real-Time Stenography
All Other Proceedings - Stenography

Circuit Criminal

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

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*

VII. TRANSCRIPTION PROCEDURES

1. Any judge, magistrate, hearing officer, judicial assistant, or staff attorney may receive from an approved real-time court reporter, upon oral or written request, a transcript in rough-draft form or a transcript in its final certified form. They may also receive upon oral or written request a CD of a digital recording.
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, per the July 1, 2004 cost-sharing agreement for Court Reporting Services. CDs or the real-time reporter's rough draft may be made available to the 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, not used in subsequent court proceedings, not disseminated or otherwise disclosed outside their offices, and

*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 handheld 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.

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 final certified form with an order signed by the presiding judge at no charge to their offices, per 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 from 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, with the exception of proceedings under the Florida 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.
6. The media may purchase a transcript of a court proceeding, with the exception of 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.
7. Requests for a transcript of proceedings should be made in writing utilizing the Transcript Request Form found at <http://circuit8.org/transcripts>. The completed and signed form shall be submitted to Manager, Court Reporting Services, 220 South Main Street, Room B417, Gainesville, Florida 32601, or via e-mail, wablek@circuit8.org. The request must include the case name and uniform case number, date of the proceeding, and name of the presiding judge. An estimated

delivery date and cost estimate will be provided. A deposit of half the estimated amount is required to begin work on the transcript. Upon payment in full, the transcript will be filed with the clerk of court. The delivery date will be determined by the current workload.

8. In accordance with Florida Rule of Judicial Administration 2.430(e), court reporters or persons acting as court reporters for judicial or discovery proceedings shall retain the original notes or electronic records of the proceedings as follows:
 - Two (2) years from the date the transcript was filed or otherwise prepared;
 - Five (5) years from the date of the relevant court proceeding, if no transcript was prepared in non-felony cases;
 - Ten (10) years from the date of the relevant court proceeding, if no transcript was prepared in felony cases.

No court reporter shall destroy their original notes without the approval of the court reporting manager.

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 pursuant to fee schedule found at <http://circuit8.org/transcripts>.
12. The original transcript, or any amendment thereto, 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 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 electronically sign the certificate of every transcript required to be produced regardless of whether it is called an original or a copy, and submit electronically to the clerk of court.
15. Appeals require one original for electronic filing, unless otherwise ordered by the court or required by the clerk of court. Standard appeals are due 30 days after “service” of notice of appeal. If determined to be necessary, an extension of 30 days may be requested by the court reporter preparing the transcript prior to the deadline date.
16. Non-appellate transcripts will be provided in two to four weeks, depending upon 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

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

IX. TRANSCRIPTION FEES

The applicable fees for transcription and copying of the electronic record can be found at <http://circuit8.org/transcripts>.

This order replaces and supersedes prior Administrative Order No. 1.14(v1) entitled "Court Reporting Program."

ORDERED ON this 26th day of September, 2017.



Toby S. Monaco, Chief Judge