

IN THE COURTS OF THE FIRST JUDICIAL CIRCUIT
STATE OF FLORIDA

ADMINISTRATIVE ORDER NO. 2010-25

*(Vacates Administrative Order No. 2009-94 and
vacates Administrative Order No. 2010-14)*

RE: CIRCUIT-WIDE COURT REPORTING SERVICES PLAN

ORDER

WHEREAS, Florida law and the Florida Rules of Judicial Administration require that permanent records be made of certain court proceedings, and

WHEREAS, Florida Rule of Judicial Administration 2.535(h)(3) requires the Chief Judge of each Circuit to enter an administrative order developing and implementing a plan for the court reporting of all proceedings required to be reported at public expense; and

WHEREAS, Florida Rule of Judicial Administration 2.535(h)(4) permits the permanent records of court proceedings to be made either by court reporter or by electronic recording; and after consultation with the judges of the First Judicial Circuit; and

WHEREAS, it is appropriate to consolidate multiple administrative orders on the subject of court reporting services into a single Circuit-wide Court Reporting Services Plan, it is therefore

ORDERED that official records of court proceedings in the First Judicial Circuit shall be made in the following manner:

A. Definitions

1. “Court reporting” means the act of making a verbatim record of the spoken word, whether by the use of written symbols, stenomask equipment, stenographic equipment, or electronic devices, in any proceedings pending in any of the courts of this state, including all discovery proceedings conducted in connection therewith, any proceedings reported for the court’s own use, and all proceedings required by statute to be reported by an approved court reporter or civil court reporter. It does not mean the act of taking witness statements not intended for use in court as substantive evidence.
2. “Electronic recording” means using mechanical equipment to make an exact copy of the audio events of a court proceeding, and includes audio, analog, digital or video recordings.
3. “Electronic record” means the audio, analog, digital, or video record of a court proceeding.
4. “Transcribe” or “transcription” means the act of creating a written document which recounts verbatim the electronically or stenographically recorded events of a court proceeding.
5. “Official record” means the transcript, which is the written record of court proceedings and depositions prepared in accordance with Fla.R.Jud.Admin. 2.535(f).
6. “Approved court reporter” means a court employee or contractor who performs court reporting services, including transcription, at public expense and who meets the court’s certification, training and other qualifications for court reporting.
7. “Approved transcriptionist” means a court employee, contractor, or other individual who performs transcription services at public expense and who meets the court’s certification, training, and other qualifications for transcribing proceedings.
8. “Civil court reporter” means a court reporter who performs court reporting services in civil proceedings not required to be reported at public expense, and who meets the court’s certification, training, and

other qualifications for court reporting.

B. General Provisions

1. All requests for indigent transcripts must be accompanied by a court order, except Public Defender and State Attorney depositions when accompanied by appropriate forms pursuant to section 27.54 or section 27.34, Florida Statutes. No expedited, daily, or overnight transcription shall be allowed without prior approval of the Court.
2. Approved court reporters, civil court reporters and approved transcriptionists are officers of the court for all purposes while acting as court reporters in judicial proceedings or discovery proceedings or as transcriptionists. Approved court reporters, civil court reporters, and approved transcriptionists shall comply with all rules and statutes governing the proceedings that are applicable to court reporters and approved transcriptionists.
3. When a court proceeding is covered or a transcript prepared by a court reporter or transcriptionist other than a reporter or transcriptionist employed by the court, he or she will be compensated under this section as set forth in the applicable administrative order unless a separate contract has been agreed upon.
4. All persons approved by the Court to perform court reporting/transcription services shall comply with all applicable court rules and standards established by the State Court System and the Chief Judge of the circuit.
5. The First Judicial Circuit shall explore cross-training initiatives with their court reporting employees for the provision of court reporting services.
6. The use of stenographic reporting and electronic reporting shall be balanced to maximize service delivery and minimize expenditures.
7. All “approved court reporters” and “approved transcriptionists” shall be familiar with and shall comply with all policies as set forth in the policy manual maintained by the Office of the Court Reporters, First Judicial Circuit.

C. Court Reporting

1. Official records of proceedings in the courts of the First Judicial Circuit may be made by court reporting.
2. The court reporters for those proceedings to be reported at public expense may be either approved court reporters hired as employees of the court or as independent contractors. Civil court reporters may be utilized for civil proceedings not required to be reported at public expense.
3. Official court reporters in the First Judicial Circuit who are full-time employees of the State of Florida are not eligible to receive additional compensation for appearances or transcript production within the scope of their employment.
4. All court reporters or contractors providing stenographic services for the State Court System in the First Judicial Circuit are encouraged to achieve and maintain the designation of Registered Professional Reporter (RPR) as defined by the National Court Reporters Association.
5. The Court prefers and encourages all stenographic reporters to be capable of real-time reporting and transcription. Furthermore, the Court encourages every county to equip courtrooms with computer integrated equipment.

D. Electronic Recording

1. Proceedings in the courts of the First Judicial Circuit may be recorded by electronic recording.
2. Pursuant to Rule 2.420(b)(1), *Florida Rules of Judicial Administration*, “records of the judicial branch” are those records “made or received in connection with the transaction of official business by any judicial branch entity.” Incidental recordings made prior to and after the conclusion of official court proceedings are not within the scope of “court records,” as that term is defined by Rule 2.420(b)(1)(A), *Florida Rules of Judicial Administration*. Therefore, such incidental recordings are not considered “records of the judicial branch” subject to disclosure.

3. The electronic recording of court proceedings may be operated from a remote location and must be monitored at that location to ensure equipment is working properly and is producing a reliable record.
4. Court Administration is responsible for providing electronic recording equipment and operators, secure storage of the recordings after they are made, and personnel to transcribe the recordings when necessary. Court Administration shall establish written procedures which implement these responsibilities, and those procedures are incorporated herein by reference as they currently exist and as said procedures may be amended from time to time. These written procedures shall be maintained on file in the office of the Court Administrator.
5. This order authorizes the transcription of electronic reporting by “approved transcriptionists” or “approved court reporters” as defined above. Those transcriptionists or court reporters will be compensated pursuant to the applicable administrative order or pursuant to the agreed-upon contract.
6. Electronic equipment operators and transcriptionists who are full-time employees of the State of Florida are not eligible to receive additional compensation for operating the equipment, or preparing transcripts, within the scope of their employment.
7. All electronic operators and transcriptionists in the First Judicial Circuit are encouraged to achieve and maintain certification with the American Association of Electronic Reporters and Transcribers (AAERT).

E. Capital Cases

WHEREAS, Florida Rule of Judicial Administration 2.535(I) requires the development and implementation of a circuit-wide plan for court reporting in all trials in which the state seeks the death penalty and in capital post-conviction proceedings; it is


ORDERED THAT:

1. Where available, the use of an approved court reporter who has the capacity to provide real-time transcription of the proceedings will be used in cases in which the death penalty is sought by the State. When real-time transcription services are not available, a computer-aided transcription qualified court reporter shall be used.
2. Approved court reporters shall be used on a rotating basis during capital proceedings in order to expedite the completion of the certified transcripts. Scopists or text editors, if available, may be used to expedite the finalization of the certified transcripts.
3. Pursuant to Florida Rule of Appellate Procedure 9.142(a), transcripts of all proceedings conducted in the trial court in a capital case must be prepared for the purpose of the appellate record. Therefore, upon return of a guilty verdict in a capital case, the judge shall give immediate instruction to the court reporter to begin transcription of the trial as well as any other pre-trial hearings conducted by any judge throughout the pendency of the case. Upon imposition of the death penalty, the judge shall give immediate instruction to begin transcribing the penalty phase of the trial, to include the *Spencer* hearing, the sentencing hearing, and any other hearings held after the verdict but prior to sentencing. At the conclusion of any hearing conducted in the course of capital postconviction proceedings, the presiding judge shall instruct the court reporter to begin transcribing the hearing.
4. Court reporters shall give absolute priority to the timely completion of capital case transcripts. Those reporters producing such transcripts shall have any additional work assignments subject to reasonable limitations until such time as the transcripts are completed. In the event that inadequate resources are available to fulfill all other court reporting responsibilities, the managing reporter in cooperation with court administration shall address such circumstances on a case-by-case basis.
5. Extensions to the Supreme Court will only be allowed upon a showing of good cause and only with the concurrence of the Chief Judge.
6. In order to accomplish expedited transcription for trials in which the death penalty is sought and for capital postconviction proceedings, no

transcript notes will be loaned out to anyone, including attorneys,
judges, or law clerks/staff attorneys.

DONE AND ORDERED in Pensacola, Escambia County, Florida this

27th day of June, 2010.


TERRY D. TERRELL
Chief Judge

Copies furnished to:

All Judges, First Judicial Circuit

The Summation for publication by the Escambia/Santa Rosa Bar Association

Okaloosa/Walton Bar Association for publication

First Judicial Circuit website: www.FirstJudicialCircuit.org