

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA

Order Number 2008-16-Gen

**ADMINISTRATIVE ORDER AS TO REPORTING OF PROCEEDINGS
REQUIRED BY LAW OR RULE OF COURT OR AT PUBLIC EXPENSE**

- (a) The 17th Judicial Circuit utilizes electronic and digital recording of proceedings as required by law or rule of court.
- (b) The cost of providing services to users of the court system has increased since 2003 with public funds being spent for the utilization of electronic, or digital, or video recording or the transcription of same.
- (c) In accordance with the authority granted to the chief judge pursuant to Florida Rule of Judicial Procedure 2.215 and 2.535, it is ordered:
 - (1) Definitions. The terms as used throughout this Administrative Order shall have the following meaning.
 - (A) "Electronic and digital recording" is the capture of proceedings either electronically, digitally, or by video.
 - (B) "Court Reporter" is an individual qualified to operate a stenographic machine to take notes of proceedings and thereafter produce a transcript. It shall also include an individual who listens to and produces a transcript of an electronic and digital recording of a proceeding.
 - (C) "Court reporting agency" is a business entity which provides court reporters through a contract with the circuit to make a verbatim record of proceedings and prepare transcripts of proceedings.
 - (D) "Digital Court Reporter" is an individual who operates electronic and digital recording equipment for proceedings.
 - (E) "Official court record" shall be either the electronic and digital recording or the stenographic notes of the proceeding prior to a transcript being typed of the proceedings.
 - (F) "Proceeding" is all criminal proceedings, juvenile proceedings, and any other matter before a judge or general magistrate or hearing officer when a verbatim record is required by law or rule of court, but does not include any communications which are protected by the attorney client privilege, or work product privilege, or are otherwise not part of the public proceeding before the judge or general magistrate or hearing officer and are private in nature. If there are in camera or side bar matters heard by the presiding judge, those proceedings are part of the proceeding, but are exempt from public access, and shall only be available to the court, party to the action, and the attorney

for the party as otherwise set forth herein. All proceedings shall be captured by electronic and digital recording unless otherwise exempted herein.

(G) "Transcript" is the typed verbatim record by a court reporter of the electronic and digital recording of a proceeding or the stenographic notes of a proceeding.

(H) "Verbatim record" includes all forms in which information of proceedings is received and stored.

(2) Establishment of Court Reporting Services.

(A) An office titled Court Reporting Services is established and will be under the auspices of the Trial Court Administrator. The purpose of Court Reporting Services is to provide electronic and digital recording of proceedings required by law or rule of court and to provide transcripts of said proceedings. There shall be a Director of Court Reporting Services.

(B) The Director shall direct and manage the affairs of all electronic and digital reporting and shall implement policies and procedures for the effective administration of the program.

(C) The Director shall report to the Trial Court Administrator or designee for day to day operations. The Chief Judge or designee shall establish qualifications for Court Reporting Services staff to insure qualified court reporters or digital court reporters with the ability to record proceedings, transcribe proceedings, and certify the correctness of the transcript.

(3) Electronic and Digital Recording of Proceedings.

(A) When proceedings are being recorded as the official record, the digital court reporter monitoring the recording shall immediately notify a designated in-court official when the quality of the recording is doubtful. The proceedings shall be suspended until the equipment is operating properly.

(B) The digital court reporter shall maintain a detailed, accurate, legible record of all proceedings recorded on any media for electronic and digital recordings. All recording media shall be properly identified, together with the recording log, and will be stored for a period of time as prescribed by the Rules of Judicial Administration by Court Reporting Services.

(4) Capital cases.

(A) When the State of Florida prosecutes a case seeking the death penalty, where available, the court reporter shall use "real-time" technology.

(B) Upon an appeal of the trial court proceedings, and service of a designation to the court reporter, transcripts shall:

(i) be prepared as required by the Florida Rules of Appellate Procedure;

(ii) be prepared as required by an Administrative Order or policy/procedure required by the appellate jurisdiction;

- (iii) be in consecutively numbered volumes not to exceed two hundred (200) pages per volume;
 - (iv) have each page consecutively numbered; and
 - (v) have the first page of each volume with an index which contains the names of the witnesses, list of items offered into evidence, list of items entered into evidence, have the pages where each is located.
 - (C) Transcripts of death penalty capital cases are a priority and the court reporter shall use all available methods of production to expedite same for filing in the appellate proceedings.
 - (D) When transcripts of death penalty cases are ordered and due, the court reporter shall not appear at any proceeding until the transcript is prepared and delivered as required by law, court order, or rule of court.
- (5) Unified Family Court.
- (A) All proceedings before general magistrates and/or hearing officers shall be by electronic and digital recording. An attorney or a party may retain the services of a court reporter if he or she does not want the proceeding to be by electronic and digital recording.
 - (B) Proceedings before judges shall be by electronic and digital recording only as required by law or rule of court.
- (6) Transcription of electronic and digital proceedings.
- (A) All court reporters shall prepare transcripts of proceedings to meet deadlines as established by law, court order, or rule of court.
 - (B) Any party having an interest in a court action may order a transcription of any electronic and digital recording on file, or request a copy of the original electronic and digital recording. If the proceeding is confidential and exempt from public access pursuant to law or rule of court and the party requesting the transcription is not an attorney or party of record, the requesting party must secure an order granting the request for the transcription or copy of the proceeding from the presiding judge.
 - (C) Written requests for transcription or copy of any electronic and digital recording shall be sent to Court Reporting Services and shall designate with particularity that portion of the proceeding which is to be transcribed. The request must include:
 - (i) style of case; and
 - (ii) date of proceedings; and
 - (iii) name of presiding judge or general magistrate or hearing officer, if applicable; and
 - (iv) location where recording occurred; and
 - (v) information with regard to the portion requested if not the entire proceeding.

- (7) Appellate transcription of electronic and digital proceedings.
- (A) Court Reporting Services is represented by Court Administration's Office of General Counsel when any pleadings or papers are filed with a court having appellate jurisdiction.
- (B) As required by R. Regulating Fla. Bar 4-4.2, a copy of the designation served upon Court Reporting Services pursuant to Fla. R. App. P. 9.200(b) or any other paper filed with the appellate court, shall be served upon Court Administration's Office of General Counsel at Broward County Courthouse, 201 S.E. Sixth Street, Fort Lauderdale, Florida 33301.
- (C) In the event a party serving a designation to Court Reporting Services does not receive an acknowledgement as contemplated by Fla. R. App. P. 9.200(b), the party shall contact Court Administration's Office of General Counsel to determine the status of the acknowledgment.

- (8) Transcription costs for electronic, digital or video proceedings.
- (A) All privately ordered transcripts require a 50% deposit before assignment of production and the balance is due upon receipt. No transcript shall be released by the Court Reporting Services until payment has been made in full.
- (B) Payment for transcripts shall be made payable to the State of Florida by attorney trust account check, money order, or official bank check.

(C) Rates for Court Reporting Services.

| Delivery Time | Number | Cost per page |
|-------------------------|----------------------|---------------|
| 24 hours (overnight) | Original and two (2) | \$ 7.50 |
| | Each additional copy | \$ 1.10 |
| Three (3) business days | Original and two (2) | \$ 6.50 |
| | Each additional copy | \$ 1.10 |
| Six (6) business days | Original and two (2) | \$ 5.50 |
| | Each additional copy | \$ 1.10 |
| Ten business days | Original and two (2) | \$ 5.00 |
| | Each additional copy | \$ 1.10 |
| Appeals | Original and two (2) | \$5.00 |
| | and disks | |
| | Each additional copy | \$1.10 |

The cost for a copy of compact disk, which is not transcribed, is \$25.00.

(D) At the time of delivery of a transcript, the court reporter shall certify that it is a "true and correct stenographic record from the electronic and digital recording of the proceeding."

(E) If any dispute arises as to whether the transcript accurately reflects the electronic and digital recording, the attorneys and/or parties shall first attempt to resolve the matter with the Director of Court Reporting Services or

designee. If the attorneys and/or parties are not able to resolve the matter with the Director of Court Reporting Services, then the matter shall be resolved by the presiding judge.

- (9) Court Reporter Qualifications.
- (A) A court reporter appearing for a proceeding in this Circuit must have the ability to provide a current stenographic dictionary in a digital format which sets forth his or her manner of writing verbatim records to every court reporting agency on whose behalf he or she appears.
 - (B) A court reporter appearing for a proceeding in this Circuit must have the ability to provide an ASCII disk of all transcribed proceedings.
 - (C) A court reporter must have the ability to produce a transcript as required by law and rule or court which is accurate.
- (10) Retention of records.
- (A) All verbatim records shall be maintained for the period of time required by the Florida Rules of Judicial Administration in effect at the time the record was made. The court reporter, court reporting agency, and Court Reporting Services have the obligation to maintain the verbatim records.
 - (B) The Clerk of Court shall maintain all verbatim records in his custody and possession as required by the Florida Rules of Judicial Administration.
 - (C) A court reporting agency shall secure from every court reporter that appears on behalf of the court reporting agency at a proceeding all verbatim records and thereafter maintain custody and control of same.
 - (D) The court reporter at least yearly or upon other request of the court reporting agency who secured his or her services for a proceeding shall provide a current stenographic dictionary in a digital format which sets forth his or her manner of writing verbatim records.
 - (E) The court reporter shall provide to the court reporting agency on whose behalf he or she appeared, on a monthly basis, a translated disk of all criminal and juvenile proceedings, along with an ASCII disk of all transcribed criminal and juvenile proceedings.
- (11) Contact Information for Court Reporters.
- (A) All court reporters, as an officer of the court, appearing in the 17th Judicial Circuit shall provide the following at the time of each appearance:
 - (i) his or her full name; and
 - (ii) the name of the court reporting agency contracting with the court reporter; and
 - (iii) his or her address at which pleadings or papers can be served; and
 - (iv) his or her telephone number at which he or she may be reached.
 - (B) The Clerk of Court shall place the contact information with regard to the court reporter in the court file.

- (C) A court reporter shall have a continuing duty to provide a current address and telephone number to the court reporting agency on whose behalf he or she appeared to record the proceeding as long as he or she is required to maintain the verbatim record.
- (12) In the event a court reporter or court reporting agency fails to provide a transcript, upon motion filed by any party, the presiding judge may issue an order for rule to show cause why the court reporter or court reporting agency shall not be held in contempt. Unless otherwise set forth in the order for rule to show cause the proceeding shall be a civil contempt hearing.
- (13) Notices shall be posted in every courtroom, chambers, or hearing room where proceedings are recorded by electronic, or digital, or video equipment that any and all conversations may be recorded. If an attorney, litigant, or any other individual present at the hearing does not want his or her conversation recorded, he or she should exit the location of the hearing, or mute the microphone, or ask the presiding judge to make other arrangements for the purposes of precluding having the contents of the conversation captured by electronic, or digital, or video equipment.
- (14) This Administrative Order shall not preclude the judge, attorneys of record, and parties from all consenting to the proceedings being "off the record."
- (15) This Administrative Order vacates and supersedes the following Administrative Orders: I-03-E-1; II-06-K-1; III-00-D-4A; III-04-D-4BA; III-02-D-4-1; III-04-D-4C; and IV-88-C-2.

DONE AND ORDERED in chambers at Fort Lauderdale, Broward County, Florida on January 28, 2008.

s/ Victor Tobin
Victor Tobin, Chief Judge