



SEVENTEENTH JUDICIAL CIRCUIT OF FLORIDA

COURT REPORTING SERVICES REQUEST FOR QUALIFICATIONS (“RFQU”) # 17-2021-01

**RFQU for the provision of digital court reporting services
to
The Seventeenth Judicial Circuit Court of Florida
(Acting by and through the Office of the Trial Court Administrator)**

**Proposals are due no later than
Monday, November 29, 2021
via hand-delivery or mail to:**

**Office of the Trial Court Administrator
Broward County Courthouse
Attn. Marta Prieto
Room 19170
201 S.E. 6th Street
Fort Lauderdale, FL 33301**

***Proposals must be received by the Court by Monday, November 29, 2021 to
be considered***

**DIGITAL COURT REPORTING SERVICES FOR
THE SEVENTEENTH JUDICIAL CIRCUIT COURT OF FLORIDA
RFQU 17-2021-01**

SPECIFICATIONS

1. BACKGROUND

The term “court reporting” has a common meaning for most people. Florida Rule of General Practice & Judicial Administration 2.535(a)(4) defines “court reporting” as 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.

Court reporters are commonly understood to be operators of stenographic machines. Technological advances, however, have led to the introduction of audio and video recording devices into courtrooms to capture the record. Rule 2.535(h) requires the Chief Judge of each judicial circuit to develop an administrative plan for the provision of court reporting services provided at public expense. The Chief Judge is also responsible for ensuring that the record of court proceedings and testimony is properly taken and preserved. The funding of court reporting services is a State of Florida obligation.

2. PURPOSE

The purpose of this RFQU is to solicit proposals in accordance with established purchasing procedures in a competitive process for the acquisition of digital court reporting services, funded at public expense, for court proceedings in the Seventeenth Judicial Circuit Court of Florida (Broward County), effective on order about January 3, 2022. The Circuit reserves the right to award one or more contracts to provide the required services as deemed to be in the court’s best interest.¹

¹ Any court reporting agencies who have current contracts with the Circuit for court reporting services and who provide digital court reporting services as their primary court reporting delivery model are not required to submit a response to this RFQU. Through this RFQU, the Circuit is only seeking to add additional digital court reporting contractors to ensure an adequate number of digital court reporters are available to cover court proceedings.

3. INQUIRIES

- a. Any questions or requests for additional information regarding this RFQU must be in writing, via email, directed to:

Marta Prieto
Director, Court Reporting Services
E-Mail: mprieto@17th.flcourts.org

- b. Proposed contractors must submit questions no later than 3:00 p.m. on November 8, 2021. If necessary, clarifications or additional information will be issued by the Office of the Trial Court Administrator.
- c. Any clarification or additional information resulting from questions received by any proposed contractor(s) that may substantially affect the outcome of this RFQU will be provided in the form of a written addendum and will be placed on the “Public Notice” page of Court’s website at <http://www.17th.flcourts.org/public-notice/>. Unless issued in writing by Court Administration, nothing shall be binding upon this RFQU.

4. SCHEDULE OF EVENTS

Listed below are the dates and times by which stated actions must be taken or completed. If the Office of the Trial Court Administrator determines, in its sole discretion, that it is necessary to change any of these dates and times, it will issue an Addendum to this RFQU. All listed times are Eastern Daylight Savings Time:

Advertisement of RFQU	October 25, 2021
Question Submission Deadline	November 8, 2021 (3:00 p.m.)
Deadline for Written Responses to Questions	November 15, 2021
RFQU Submission Deadline	November 29, 2021 (3:00 p.m.)

5. SCOPE OF WORK

- a. The awarded contractor(s) shall perform, for the benefit of the Court, as required, digital court reporting services in the following designated areas requiring court reporting services at public expense in accordance with the terms of this RFQU:
 - i. Digital court reporting services in Circuit Criminal Divisions, in-court proceedings and other proceedings as directed by Court Administration, the judiciary or Chief Judge
- b. Notwithstanding the court reporting assignment(s) as described above, the Court has the right to expand or reduce the number of judicial sections within any court division, or the number of court divisions, without any liability whatsoever for the impact the exercise of such a right has on the above designated areas of assignment. The awarded contractor(s) is not guaranteed a minimum or maximum number of assignments or referrals.
- c. The awarded contractor(s) shall report and/or transcribe proceedings in the above designated areas of assignments, including scheduled and unscheduled emergency hearings held in chambers or courtrooms, which may involve, but are not necessarily limited to, jury trials, non-jury trials, arraignments, motion hearings, and all other related matters as required by the Court.
- d. In the performance of the court reporting services required hereunder, the awarded contractor(s) shall be responsible for the following:
 - i. Maintenance of a verbatim record of all legal proceedings set forth herein, and provision of accurate transcripts in the format required by this RFQU and applicable Florida Rules of General Practice and Judicial Administration, Florida Rules of Appellate Procedure, and Seventeenth Judicial Circuit Local Rules and Administrative Orders. Unedited draft copies of transcripts shall be provided upon proper request.

- ii. Retention of logs, notes, records and transcripts of court reporters, monitors, or scopists who are terminated, leave or stop working for the court reporting firm, or who are otherwise unavailable. Retention and storage policies must comply with applicable court rules.
- iii. Duplication onto disks or other acceptable electronic storage devices of all notes taken by court reporters, in or out of court, shall be submitted, upon request, in an electronic format approved by the Court to Court Reporting Services of the Office of the Trial Court Administrator.
- iv. Timely distribution of requested transcripts in accordance with applicable Court rules, orders of the court, and contract.
- v. Careful and professional maintenance and retention of all court reporter files and records created pursuant to any court proceeding covered in accordance with all applicable Court rules.
- vi. Providing replacement court reporters for other court reporting contractors when they are unable to cover their designated assignments.
- vii. Ensuring that court reporters are timely present in the courtroom prior to the start of the assigned court proceeding(s) and that they maintain a professional appearance and demeanor while performing services for the Court. The Court, at its discretion, may exclude individual reporters from providing services due to lack of performance or failure to timely provide transcripts.
- viii. Producing copies of recordings in accordance with Supreme Court of Florida Administrative Order No. AOSC11-22 (*see* Attachment “A”) and the protocol established by the Court, to include:
 - 1. Preventing the release of confidential information; the court’s process for ensuring the accuracy of the record; and certification of the recording for correctness.

2. Making available copies of audio/video recordings to attorneys of record, parties to a case, and self-represented litigants upon request so long as an acknowledgment is provided with the copy that states confidential information may be contained on the recording, further dissemination of confidential information contained on the recording is prohibited, and violation of the prohibition against dissemination may subject the requestor to an action for contempt of court.
 3. Making available copies of audio/video recordings to the public at large after review to ensure that matters protected from disclosure are kept confidential in accordance with court rule and Florida Statutes.
- ix. All records and electronic records made by an official court reporter in proceedings required to be reported at public expense shall be the property of the Court.

6. MINIMUM QUALIFICATIONS

- a. The awarded contractor(s) will be required to certify reporters servicing the areas of the Court to satisfy the qualifications stated below and reporters' certifications must be maintained, in good standing, during the term of the contract and any renewal period thereof. All documentation shall be made part of the contractor's proposal in response to this RFQU. The awarded contractor(s) will be required to provide the Court with a certificate for each new court reporter providing services to the Court before the reporter is assigned to cover a division or courtroom. The certificate shall be made available within three (3) business days of the new court reporter's assignment or date of hire.
- b. The qualifications criteria described below may be waived for court reporters with five (5) years of verifiable experience with in-court reporting as long as sufficient supporting documentation is provided within the allotted time stated above.
- c. The awarded contractor(s) should have available a minimum of two (2) court reporters per courtroom assignment, sufficient support staff, and management and principals.
- d. Circuit Criminal Divisions

- i. Each court reporter assigned to this area of the Court shall:
 1. Possess a certificate in court reporting from an accredited court reporting school or college or be proficient in Computer Aided Transcription (CAT) court reporting or machine shorthand court reporting, if providing stenographic services; and/or
 2. Possess a Registered Professional Reporter (RPR) or other certification, through testing, from the National Court Reporters Association or other national or state court reporting association (i.e., American Association of Electronic Reporters and Transcribers) acceptable to the Court, if providing digital court reporting; and
 3. Have a minimum of one (1) year of verifiable court reporting experience, including at least six (6) months of courtroom experience in criminal, civil or other adversary legal proceedings. Court reporting experience encompasses reporting of any adversary legal proceeding before a judge or other presiding official and depositions;
 4. Be proficient in the use of electronic recording equipment and annotation procedures for adversary legal proceedings; and
 5. Comply with state standards if the Supreme Court of Florida implements certification requirements for court reporters, or electronic court reporters/monitors, and any administrative order issued by the Chief Judge of this Circuit relating to court reporting and transcription.

7. COURT/CONTRACTOR CONTRACTUAL RELATIONSHIP

- a. The Seventeenth Judicial Circuit Court of Florida reserves the right to award one or more contracts to provide the required services as deemed to be in the Court's best interest. Any awarded contractor will be required to provide the services herein strictly under a contractual relationship and is not, nor shall be, construed to be an employee of the Court. As an independent contractor, the awarded contractor(s) will be required to pay any and all applicable taxes required by law; comply with all pertinent Federal, State, and local laws including the Fair Labor

Standards Act, The Americans with Disabilities Act, the Federal Civil Rights Act, and any and all relevant employment laws. The awarded contractor(s) will be responsible for all income taxes, FICA, and any other withholdings from its employees, or subcontractors' wages or salaries. Fringe benefits will be the responsibility of the awarded contractor(s) including, but not limited to, health and life insurance, mandatory social security, retirement, liability/risk management coverage, and workers' and unemployment compensation.

- b. As an independent contractor, the awarded contractor(s) will be responsible for hiring, compensating, supervising, and terminating members of its work force. It shall direct and control the manner in which work is performed, including conditions under which individual court reporters will report; when, where, and the manner in which court reporters will report; and the job assignments of individual court reporters. It shall set the hours of work for members of its work force.
- c. Office space for purposes of managing contract services or otherwise fulfilling duties pursuant to the scope of work will not be provided. Office furnishings, supplies, expenses, or other equipment will be the responsibility of the awarded contractor. The Court will not pay for any business travel, parking, training, certification or registration fees, or continuing education expenses on behalf of the awarded contractor(s) or its employees or subcontractors.
- d. Prior to commencing work, the successful contractor(s) will be required to sign a written contract incorporating the specifications and terms of this RFQU and the response thereto. It is anticipated that any contract awarded as a result of the RFQU will begin on or about January 3, 2022 and last until June 30, 2023. The contract may be renewed for a period not to exceed three (3) years. Renewal of the contract period shall be by mutual agreement in writing.
- e. The awarded contractor(s) will not be exclusively bound to the Court and may provide court reporting services to other private and public entities, provided such services do not conflict with the awarded contractor's contractual obligations to the Court.

8. COMPENSATION

- a. The awarded contractor(s) must agree to and will be compensated for transcripts that are ordered by Court Administration or judge pursuant to Seventeenth Judicial Circuit Administrative Order 2020-9-Gen. *See* Attachment “B”.
- b. **Appearance Fees for Digital Court Reporters**
 - i. A session is either 8:30 a.m. to 12:00 p.m. or 1:30 p.m. to 5:00 p.m.
 - ii. The rate per session is \$110.00.
 - iii. Additional Rate: \$8.00 per quarter hour for time prior to 8:30 a.m., between 12:00 p.m. and 1:30 p.m., or after 5:00 p.m.

9. CANCELLATION/SUSPENSION/TERMINATION

- a. The Court will reserve the right to cancel the contract, and all extensions or renewals, without cause upon no less than a thirty (30) calendar day notice, in writing, to the other party unless a shorter time is mutually agreed upon, in writing.
- b. The Court may also suspend any and all activities under the contract, at any time upon written notice and when in the best interests of the Court.
- c. In the event funds for payment, pursuant to the contract, become unavailable, the Court, may terminate the contract upon no less than a twenty-four (24) hour notice, in writing to the contractor. The Court shall be the final authority as to the availability and adequacy of funds. In the event of termination of the contract, the contractor will be compensated for any work satisfactorily completed.
- d. The Court may also terminate the contract for any nonperformance or deficient performance by the contractor. A waiver of breach of any provision of the contract shall not be deemed to be a waiver of any other breach and shall not be construed to be a modification of the terms and conditions of the contract. The provisions in the Cancellation/Termination section of the contract will not serve as a limitation on the Court’s right to remedies at law or in equity. Contractor and the Court will agree that each requirement, duty, and obligation set forth in the contract is substantial and important to the formation of the contract, and, therefore, is a material term hereof.

- e. A written notice of termination must be delivered by the Court or by any awarded contractor in writing via electronic mail to the appropriate party(ies) or its representative(s).
- f. Upon termination of the contract, the Contractor will be required to submit to the Court, as applicable, a standard invoice solely for court reporting services rendered and authorized up to the date of such termination. If termination occurs pursuant to the Cancellation/Termination provision in the contract, Contractor shall not be entitled to compensation or payment by the Court, except for services satisfactorily rendered up to the date of termination.

10.NONCOMPLIANCE

- a. Any awarded contractor will be considered in noncompliance of the contract if the contractor, or any court reporter associated with contractor's business, fails to: provide accurate transcripts in the time frame in the contract or court order; provide replacement court reporter(s) or additional court reporter(s) at all assigned proceedings in a timely manner; provide transcripts in the format required by the applicable Florida Rules of General Practice and Judicial Administration, Florida Rules of Appellate Procedure, and Seventeenth Judicial Circuit Local Rules and Administrative Orders; or fails to fully comply with any other provision of the contract. Upon noncompliance with the terms and conditions of the contract and failure by any awarded contractor to remedy with prompt and full performance, the Court, as applicable, can exercise the right to any or all of the following actions:
 - i. The Court may require a meeting with the awarded contractor to review performance problems.
 - ii. The awarded contractor(s) will be subject to financial and other consequences for failure to timely appear for assigned proceedings or for any delay in completing transcripts.
 - iii. Unilateral engagement and assignment of replacement and/or additional qualified court reporters in accordance with the contract.

- iv. Suspension or termination of the contract upon written notice as more specifically set forth in Section 9 of this RFQU.
 - v. Other appropriate remedies, including, but not limited to, implementation of a corrective action plan or imposition of Court sanctions.
- b. For the purposes of the contract, accurate transcriptions are defined as those with not more than one (1) error per ten (10) pages, excluding proper nouns; and an appearance in a timely manner is defined as a court reporter being present, able and ready to work, prior to the start of the assigned proceeding(s) and in accordance with the reporter's assignment.
 - c. At the discretion of the Court, an individual reporter may be excluded from providing services, including, but not limited to, the failure to provide accurate transcripts, unsatisfactory performance, late transcripts, overdue transcript requests or billing irregularities. If this occurs, the Director of Court Reporting Services must be notified of any action.

11.INSURANCE AND BONDS

- a. The awarded contractor(s) must not commence any work in connection with the agreement until obtaining all required liability insurance as set forth more specifically herein. The awarded contractor(s) must keep all insurance policies current throughout the period of the contract and subsequent renewals thereof.
- b. All insurance policies and bonds shall be issued by insurers licensed to do business in the State of Florida holding a certificate of authority pursuant to Chapter 624, Florida Statutes, and who shall have a minimum rating of B as listed in "Best's Key Rating Guide" published by the A.M. Best & Company, Inc.
- c. All insurance policies required herein shall be without any deductible amount and name the Seventeenth Judicial Circuit and State Courts System as an additional insured. All insurance policies shall contain language requiring thirty (30) days prior written notification to the Court of any changes in any policy or of any non-renewal or

cancellation of any policy. Copies of applicable insurance policies shall be provided to the court upon request.

- d. The awarded contractor(s) will be required to immediately report in writing to the Trial Court Administrator or designee any incident that might reasonably be expected to result in a claim under any of the coverage required herein.
- e. The awarded contractor(s) will be required to procure and maintain insurance of the type and in the minimum amount stated below (these requirements do not preclude the contractor(s) from procuring additional coverage types or coverage over and above the limits listed herein):

- i. **Comprehensive General Liability Insurance**

A Comprehensive General Liability Insurance Policy must be provided which shall contain minimum limits of Five Hundred Thousand Dollars (\$500,000.00) per occurrence combined single limit for bodily injury liability and property damage liability. The policy must include coverage for:

- Premises and/or operations
- Independent contractors
- Products and/or completed operations for contracts
- Broad Form Contractual Coverage applicable to the contract for the subject court reporting services, including a hold harmless and/or indemnification agreement.

- ii. **Personal Injury Coverage with Employee and Contractual Exclusion**

Personal Injury Coverage with Employee and Contractual Exclusion removed, with minimum limits of Five Hundred Thousand Dollars (\$500,000.00) per occurrence.

- iii. **Workers' Compensation Insurance**

Coverage limits must be in compliance with Chapter 440, Florida Statutes, and must include **Employers' Liability** with a limit of One Hundred Thousand Dollars (\$100,000.00) per occurrence.

12. INDEMNIFICATION

- a. The awarded contractor(s) will be liable for and indemnify, defend and hold the Court and all of its officers, agents, and employees harmless from all claims, suits, judgments or damages, including attorneys' fees and costs, arising out of any act, actions, neglect or omissions by the awarded contractor(s), its agents or employees during the performance or operation of the Contract or any subsequent modifications thereof.
- b. The inability of an awarded contractor to evaluate its liability or its evaluation of liability shall not excuse the awarded contractor's duty to defend and to indemnify, within seven (7) days after notice by the Court by certified mail, return receipt requested, by a reputable courier service. After the highest appeal taken is exhausted, only an adjudication or judgment specifically finding the awarded contractor not liable shall excuse performance of this provision. The awarded contractor(s) shall pay all costs and fees, including attorneys' fees, related to these obligations and their enforcement by the Court. The Court's failure to notify the awarded contractor of a claim shall not release the awarded contractor(s) from these duties. The awarded contractor(s) shall not be liable for the sole negligent acts of the Court.
- c. For all claims by the Court against the awarded contractor(s), regardless of where the claim is filed, the awarded contractor's liability for direct damages will be the value of the contract, not to exceed the total amount paid to the vendor for services rendered under the contract at the time of the claim.
- d. No party will be liable for special, indirect, punitive or consequential damages, including lost data or records (unless the Contract requires the Contractor to back-up data or records), even if the party has been advised no such damages are possible.
- e. No party will be liable for lost profits, lost revenues or lost institutional operating savings.
- f. The awarded contractor(s) is/are an independent contractor and not an agent or employee of the Court or State of Florida.
- g. The awarded contractor(s) expressly understand and agree any insurance protection required by the Contract or otherwise provided by contractor shall, in no way, limit the responsibility to indemnify, keep

and save harmless and defend the Court or its officers, employees, agents and instrumentalities, as herein provided. All required documents must be attached to each original contract.

13.E-VERIFY

- a. The awarded contractor(s) shall utilize the United States Department of Homeland Security's (DHS) E-Verify System (<https://www.e-verify.gov/>) to verify the employment eligibility of all new employees hired during the term of this Contract for which the contractor is providing services to the Court.
- b. The awarded contractor(s) shall also include a requirement in all subcontracts that the subcontractor shall utilize the E-Verify system to verify the employment eligibility of all new employees hired by the subcontractor after January 1, 2021, and during the term of any contract with the Court.
- c. The awarded contractor(s), prior to allowing any subcontractor to provide any services for the Court, shall provide the Court with a copy of the subcontractor's DHS E-Verify registration, along with an affidavit from the subcontractor stating that the subcontractor does not employ, contract with, or subcontract with any unauthorized aliens.
- d. If the awarded contractor(s) is/are unable to register to utilize the United States Department of Homeland Security's (DHS) E-Verify system because they are a sole proprietor with no employees, then the awarded contractor(s) must complete a registration waiver affidavit certifying the reason for non-registration which must be submitted to the Court for approval.
- e. The awarded contractor(s) shall provide the Court with both the DHS E-Verify registration or registration waiver affidavit and corresponding affidavits for all subcontractors performing services for the Court, and on an annual basis thereafter.
- f. The E-Verify requirement is mandated by state law pursuant to section 440.095, Florida Statutes.

14.SUBMITTAL REQUIREMENTS

- a. Proposals shall be typed on white letter-size paper and each element of the RFQU shall be addressed separately and in a clear, concise manner. Each element shall be labeled and indexed. Proposals shall be submitted via hand-delivery or mail to the address listed below.

- b. **One (1) original and five (5) copies** of a contractor's proposal shall submitted and received by the Court by 3:00 p.m. Monday, December 6, 2021 and may be submitted via hand-delivery or mail to the following address:

**Office of the Trial Court Administrator
Broward County Courthouse
Attn. Marta Prieto
Room 19170
201 S.E. 6th Street
Fort Lauderdale, FL 33301**

- c. Any proposal received after the advertised deadline will not be considered for award, notwithstanding the postmarked date if the proposal is mailed.
- d. Failure to submit all required documents will be deemed nonresponsive and the proposal will not be considered for award.
- e. Proposal production costs are the responsibility of the proposers.

15. PROPOSAL CONTENT

- a. Proposals shall not exceed 30 pages in length, exclusive of required forms or attachments, and contain, at a minimum, the following information:
- i. **Proposal Information:**
 1. Proposer's official business name, address (both physical and mailing), telephone and fax numbers; type of legal business such as sole proprietorship, partnership, limited liability company, or corporation, including the state of incorporation;
 2. Length of time in business;
 3. Location(s) of business operations;
 4. Firm's qualifications
 5. Names, qualifications and experience of corporate officer(s) and/or key personnel
 6. Proposed staffing: Name, qualifications (resume) and certifications of each court reporter proposed to staff the court;
 7. Description of support staff;

8. Evidence of meeting qualification requirements set forth herein;
9. Unedited draft copies of transcripts;
10. Current financial statement, including at a minimum, income statement and balance sheet; however, audited financial statements are preferred;
11. Dates of prior contracts, if any, with the Seventeenth Judicial Circuit or any other judicial circuit within the State of Florida. Include length of time and reason for termination;
12. Details of any change in ownership, if prior owner was known to have a contract with the Seventeenth Judicial Circuit;
13. Description of court reporting storage and retention policies and procedures; and
14. Updated W-9.

- ii. **Statements:** Include a statement indicating an understanding of the scope of services and the requirements thereof.
- iii. **Technology Plan:** Include a description of the computer equipment used in the performance of duties, including hardware, software, and backup and support services. Information should also include the type of audio signal used, audio connector types, network requirements, and number of channels of audio the equipment is able to support. Please provide a statement of the proposed contractor's ability to meet the technology requirements set forth in this RFQU. Photographs of relevant equipment and wiring diagram(s) of how the systems are configured should be included as part of the proposal.
- iv. **Quality Assurance Statement:** Include the firm's statement of commitment to quality assurance; the firm's capability and plan to guarantee the timely appearance of court reporters prior to the start of assigned court proceedings; plans for hiring, training, continuing education, and performance evaluations of employees and independent contractors.

- v. **Conflict Disclosure:** Include the name(s) of any employee or officer of the Seventeenth Judicial Circuit Court of Florida who owns, directly or indirectly, an interest of 5% or more in the firm. Also, include the name(s) of any employee, officer, or agent of the firm that has any conflict of interest associated with this project. *See* Conflict of Interest Form, appended hereto as Exhibit “C”.

- vi. **References:** Include the name, address, e-mail address, and telephone number of at least five (5) clients for whom similar court reporting services are performed, as well as the duration of time services were performed.

****Proposals that are received without addressing all of the items in this section will be considered incomplete and may not be reviewed.****

16.EVALUATION OF PROPOSALS

- a. **Review Committee.** A Review Committee of five (5) persons will evaluate all proposals. The Review Committee reserves the right to request interviews of any or all respondents as may be necessary toward a fair and equitable proposal evaluation. The Review Committee will make a recommendation for an award or awards to the Chief Judge.

- b. **Evaluation Criteria.** Evaluation criteria will include, but will not be exclusive of, the following:

Staffing plan, including minimum qualifications of personnel as set forth in Section 6 of this RFQU (40 points)

Technological capabilities and support (40 points)

Financial viability, including profitability, liquidity, and financial stability. Analysis of leverage ratios, to include but are not limited to, industry, economic conditions, and the risk of the

procurement associated with a
proposed contract (10 points)

Quality of references (10 points)

17.ADDENDA

Any clarifications or additional information that may substantially affect the outcome of this RFQU will be provided in the form of a written addendum. Any addendum will be posted on the “Public Notice” page of the Seventeenth Judicial Circuit’s website at <http://www.17th.flcourts.org/public-notice/>.

18.PROTEST PROCEDURES

Judicial branch purchasing, including procedures and proceeding relating to bid protests, are governed by the State Courts System Purchasing Directive. The judicial branch is not encompassed within chapter 287, Florida Statutes, statutory bid requirements, or section 120.57(3), Florida Statutes, administrative proceeding relating to protest to contract solicitations or awards. The proposed is hereby placed on notice of the requirements specific to the judicial branch, as follows:

- a. Judicial branch purchasing requirements, as specified in the State Courts System Purchasing Directive, supersede and control over any General Conditions stated in this solicitation.
- b. State Courts Systems Purchasing Directives can be accessed through the Florida Courts web site at: www.flcourts.org: Administrative & Funding, “Purchasing.”
- c. State Courts System Purchasing Directives pertaining to bid protest procedures and proceeding can be accessed within the Directives, Section 6.10 Protest Procedures, and are incorporated in the General Conditions for this solicitation.

Attachment "A"

Supreme Court of Florida

No. AOSC11-22

IN RE: COURT REPORTING SERVICES IN FLORIDA'S TRIAL
COURTS

ADMINISTRATIVE ORDER

The purpose of the Commission on Trial Court Performance and Accountability is to propose policies and procedures on matters related to the efficient and effective resource management, performance measurement, and accountability of Florida's trial courts. In In re: Commission on Trial Court Performance and Accountability, No. AOSC06-54 (Fla. Sept. 19, 2006), the Commission was directed to make recommendations on the effective and efficient management of due process services with a focus on clarifying the legal and operational issues arising from the use of digital technology and with developing operational standards and best practices for providing court reporting services.

In October 2007, the Commission submitted a report to the Supreme Court entitled *Recommendations for the Provision of Court Reporting Services in Florida's Trial Courts*. The Commission also submitted a supplemental report to the Supreme Court under the same title in November 2009. Both reports focused

on recommended standards of operation and best practices for court reporting services.¹

In In re: Court Reporting Services in Florida's Trial Courts, No. AOSC10-1 (Fla. Jan. 7, 2010), the Supreme Court adopted standards of operations and best practices for court reporting as a means to ensure the effective, efficient, timely, and uniform provision of court reporting services in Florida's trial courts.

Based on the trial courts' experience in implementing the standards of operations and best practices for court reporting, the Commission on Trial Court Performance and Accountability recommended a revision to Standards of Operation XVI.A.1., 2., and 3., with regard to Producing Copies of Recordings. The revision is designed to further standardize court operations and minimize unnecessary workload for the trial courts, while continuing to protect from inappropriate release any confidential information that may be captured on electronic recordings.

The attached revised standards of operation and best practices are hereby adopted. The entities responsible for compliance with specific standards of operation and best practices are identified on the attachment.

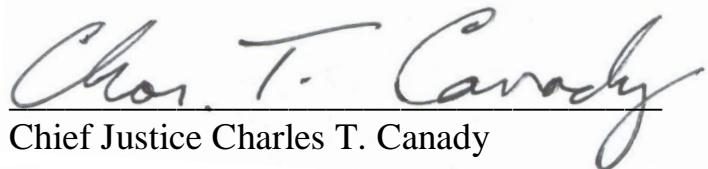
1. A "standard of operation" is defined as a *mandatory* practice and a "best practice" is defined as a *suggested* practice to improve operations but, due to the possibility of local conditions beyond the court's control, is not required.

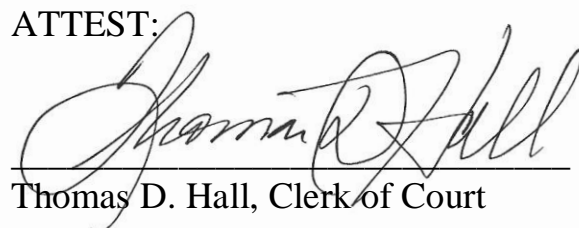
The Office of the State Courts Administrator is charged, time and resources permitting, with assisting the trial courts in implementing the standards and best practices including: establishing performance goals, developing or revising data collection systems to monitor performance, providing educational opportunities and resource materials, and providing other technical assistance as needed.

The Trial Court Budget Commission is charged with monitoring court reporting budgets to ensure, to the extent possible given the fiscal environment, that all trial courts have the appropriate level of resources to implement and maintain adherence to the standards of operation and best practices.

The attached revised standards of operation and best practices are incorporated herein by reference and shall be effective upon the signing of this order. This administrative order revises and supersedes the policy contained in Administrative Order AOSC10-1.

DONE AND ORDERED at Tallahassee, Florida, on July 20, 2011.


Chief Justice Charles T. Canady

ATTEST:

Thomas D. Hall, Clerk of Court



Standards of Operation and Best Practices for Court Reporting Services in Florida's Trial Courts

Revised July 15, 2011

[Entities responsible for implementation of the standards and practices are identified in brackets]

I. Court Reporter Qualifications

A. Standard of Operation

1. Court reporting employees and contract service providers shall meet all professional standards and training requirements established by Florida statute, court rule, the State Courts System, and the chief judge of the circuit. *[All trial courts and all court reporting employees and contractors]*

B. Best Practices

1. Court employees or contractors providing stenographic services for the State Courts System will achieve and maintain the designation of Registered Professional Reporter (RPR) as defined by the National Court Reporters Association. *[Stenographic employees and contractors]*
2. Court employees or contractors providing digital court reporting or transcript services for the State Courts System will achieve and maintain certification with the American Association of Electronic Reporters and Transcribers (AAERT). *[Digital court reporting employees and contractors]*
3. Court employees or contractors providing voice-writing services for the State Courts System will achieve and maintain certification with the National Verbatim Reporters Association (NVRA). *[Voice-writing employees and contractors]*
4. Judicial circuits shall ensure availability to real-time stenographic services, either through the use of court employees or contract service providers. *[All trial courts]*

II. Oversight

A. Standards of Operation

1. Court reporting program employees and contract service providers are officers of the court and must comply with all applicable Florida statutes, court rules, and other requirements as established by the State Courts System and the chief judge of the circuit. *[All court reporting employees and contractors]*

2. Judicial circuits shall comply with court reporting contracting requirements as established by the State Courts System. *[All trial courts]*

III. Use of Clerk of Court Staff

A. Standard of Operation

1. Judicial circuits shall not engage clerk of court staff to provide court reporting services, other than those services or responsibilities established by Florida statute, court rule, and the State Courts System. *[All trial courts]*

IV. Cross-training

A. Best Practice

1. Judicial circuits shall explore cross-training initiatives with their court reporting employees for the provision of court reporting services. *[All trial courts]*

V. Assigning Coverage

A. Best Practice

1. Court staff responsible for scheduling hearings and preparing dockets will provide dockets to the court reporting manager or other designated court administration professional or contract service provider as far in advance as possible to ensure adequate time to assign appropriate court reporting coverage of proceedings. *[All court staff responsible for scheduling hearings and preparing dockets]*

VI. Eliminating Analog Recording

A. Best Practice

1. Judicial circuits shall refrain from utilizing analog audio recording and should attempt, where practical, to replace analog with digital recording capability. *[All trial courts]*

VII. Service Delivery Models

A. Best Practice

1. Judicial circuits shall implement procedures for assigning court reporting coverage of proceedings recorded at public expense as follows:
 - a. Digital court reporting alone should be used for county criminal, domestic violence injunction, delinquency, dependency, Baker Act, Marchman Act, guardianship, Jimmy Ryce, and general magistrate/hearing officer proceedings.
 - b. Either stenography or digital court reporting may be used for circuit criminal proceedings (unless digital court reporting is otherwise unavailable), termination of parental rights proceedings, crossover cases (Unified Family Court cases), and proceedings taking place outside of the regular business hours of the court.
 - c. Stenography alone should be used for capital cases and circuit criminal trials. Specifically, real-time or CAT stenography should be prioritized for capital case trials and post conviction proceedings.

[All trial courts]

VIII. Monitoring Ratios

A. Best Practice

1. Judicial circuits shall implement procedures for assigning the monitoring of proceedings recorded at public expense using the following ratios of the number of proceedings vs. court reporters.
 - a. Circuit criminal trials, capital cases, county criminal trials, Jimmy Ryce trials, and termination of parental rights proceedings should be monitored at a 1:1 ratio.
 - b. Delinquency and dependency proceedings should be monitored at a 2:1 ratio. All other circuit and county criminal proceedings and domestic violence injunction proceedings should be monitored at a 3:1 ratio.
 - c. Baker Act, Marchman Act, guardianship, and Jimmy Ryce proceedings should be monitored at a ratio of 4:1. However, this ratio may be lowered to 1:1 if these proceedings are held offsite and/or the presiding judicial officer is using a portable digital device.
 - d. General magistrate/hearing officer proceedings should also be monitored at a ratio of 4:1, if monitored by a digital court reporter as opposed to the presiding magistrate or hearing officer.

[All trial courts]

IX. Participant Responsibilities

A. Standard of Operation

1. Judicial circuits shall codify the responsibilities of all participants during a proceeding to ensure the quality of the official record. *[All trial courts]*

B. Best Practices

1. Judges, general magistrates, and hearing officers shall: notify participants of the method of recording being utilized, remind participants to speak into the microphone at a sufficient volume and answer verbally; ask participants to identify themselves and spell their names for the record; notify court administration, the clerk, or contract service provider if equipment has been tampered with or is not functioning; remind participants to protect the equipment; signify when it is appropriate for attorneys to utilize mute buttons; and recess periodically during lengthy proceedings so that court reporters may remain alert and effective. *[Judges, general magistrates, and hearing officers]*
2. Attorneys shall inform their clients of the method of recording being utilized and take necessary precautions to protect disclosure of confidential communications during the proceeding. *[Attorneys]*
3. Court reporters shall monitor equipment during a proceeding to ensure adequate operation and immediately notify the presiding judicial officer of problems with the equipment. *[Court reporters]*
4. Bailiffs shall ensure that all participants refrain from tampering with equipment including the inappropriate use of microphone mute buttons or the unauthorized removal of microphones from their original location. *[Bailiffs]*

X. Preventing the Recording of Confidential Communications

A. Standard of Operation

1. Judicial circuits shall post signs inside and outside of all rooms in which proceedings are recorded using audio technology. The signs shall provide notice to all who enter that any conversations occurring in the room may be recorded. *[All trial courts]*

B. Best Practices

1. Judicial circuits shall post signs at attorney tables within rooms in which audio technology is used to record proceedings. The signs shall caution attorneys and their clients that their conversations may be recorded. *[All trial courts]*

2. Judicial circuits shall install microphones with “hold-to-mute” capability for those microphones used by attorneys or presiding judicial officers in proceedings recorded using non-portable digital technology. *[All trial courts]*
3. Judicial circuits shall conduct periodic training for stakeholders commonly coming into contact with the use of audio recording technology. The training shall include a description of how the technology is operated and tips for effective courtroom behavior specific to the stakeholder. *[All trial courts]*
4. Judicial Circuits shall distribute and/or make readily available audio recording resource materials (i.e., pamphlets, guide books, operator manuals, etc.) for stakeholders to assist with ensuring the quality of the official record. *[All trial courts]*

XI. Operating Digital Recording Equipment

A. Standards of Operation

1. Digital recording systems shall comply with all statewide standards for digital court recording as established by the Florida Courts Technology Commission. *[All trial courts]*
2. Judicial circuits shall implement procedures for regular testing of digital court recording systems to ensure proper operation. *[All trial courts]*

XII. Tagging the Digital Recording

A. Standards of Operation

1. Judicial circuits shall ensure appropriate tagging of digital recordings is performed for proceedings in which there is a significant likelihood that transcripts will be requested. *[All trial courts]*
2. Judicial circuits shall establish standardized “tags” and produce a reference document of same to be distributed to all circuit court reporting staff, contract service providers, and approved transcriptionists. *[All trial courts]*

XIII. Ownership of the Official Record

A. Standard of Operation

1. The court shall retain ownership and control over the official record whether it is in paper or electronic format. The court shall also reserve the right to full and complete access to any unedited notes, paper tapes, electronic files, and audio or video recordings used to create the official record. *[All trial courts]*

XIV. Storage

A. Standards of Operation

1. Judicial circuits, contract service providers, and vendors of digital technology shall comply with all storage and retrieval standards for digital court recording as established by the Florida Courts Technology Commission and otherwise established by the State Courts System and the chief judge of the circuit. *[All trial courts, court reporting contractors, and court reporting technology vendors]*
2. Judicial circuits shall codify record retention protocols to be applied to stenographic paper tape/notes, unedited CAT/real-time text, analog and digital recordings in accordance with rule 2.430, Florida Rules of Judicial Administration. *[All trial courts]*
3. Judicial circuits shall implement storage and retrieval procedures to ensure timely and secure access to transcripts, analog or digital recordings, and any supporting materials related to the production of the official record. *[All trial courts]*

B. Best Practices

1. Judicial circuits shall examine the provision of secure and direct access to a network of electronic files and digital recordings related to the official record for certain internal stakeholders of the court such as court reporting employees, judges, general magistrates, and hearing officers. Circuits shall also examine the feasibility of providing limited and secure access to other stakeholders such as state attorneys, public defenders, and court-appointed counsel. *[All trial courts]*
2. Judicial circuits shall not disclose back-up recordings of proceedings to persons not employed or contracted by the court. *[All trial courts]*

XV. Transcript Production

A. Standards of Operation

1. Transcripts may only be produced by employee or contract court reporters and transcriptionists approved by the court in accordance with rule 2.535, Florida Rules of Judicial Administration. *[All trial courts]*
2. 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 Courts System and the chief judge of the circuit.
[Court approved transcriptionists]
3. All judicial circuits shall codify protocols for transcript production in accordance with court rule and standards established by the State Courts System. These protocols shall include, but are not limited to: procedures preventing transcription of off-the-record discussions, sidebar conferences, attorney-client conversations; and other confidential information; the court's process for approving transcription services; and certification of the transcript for correctness. *[All trial courts]*
4. Judicial circuits shall enter an administrative order developing and implementing a circuit-wide plan for court reporting in all trials in which the state seeks the death penalty and in capital postconviction proceedings in accordance with rule 2.535, Florida Rules of Judicial Administration.
[All trial courts]
5. All persons approved by the court to perform court reporting transcription services shall give priority to capital cases in the production of transcripts.
[Court approved transcriptionists]
6. Judicial circuits shall prohibit the "loaning out" of stenographic notes in capital cases to ensure the court reporter has immediate access to the notes for production of the transcript. *[All trial courts]*
7. Judges shall give immediate instruction to the court reporter to begin transcription upon the return of the verdict in capital cases and immediately initiate an order approving the production of the transcript (if applicable).
[Judges]
8. Judicial circuits shall incorporate requirements related to expedited transcript requests in court reporting service contracts. *[All trial courts]*
9. Judicial circuits shall specify consequences for contractors who fail to meet expedited transcript requirements in court reporting service contracts.
[All trial courts]

B. Best Practices

1. Judicial circuits shall encourage collegiality between all persons involved in expediting transcripts for capital cases. *[All trial courts]*
2. Judicial circuits shall collaborate with appellate courts regarding the oversight and management of the court reporting process, with particular emphasis on the production of transcripts for capital, dependency, and termination of parental rights cases. *[All trial and appellate courts]*
3. When requested, judicial circuits may provide a transcript for: appellate review, other purposes in which a transcript is considered a necessity by the court in the best interest of justice, or if an audio/video file is unavailable. A copy of the audio/video file, if available, shall be provided for all other purposes to the extent allowable under court rule. *[All trial courts]*

XVI. Producing Copies of Recordings

A. Standards of Operation

1. All judicial circuits shall codify protocols for producing copies of audio/video recordings in accordance with court rule and standards established by the State Courts System. These protocols shall include, but are not limited to: procedures preventing the release of confidential information; the court's process for ensuring the accuracy of the recording; and certification of the recording for correctness. *[All trial courts]*
2. Copies of audio/video recordings may be made available to attorneys of record, parties to a case, and self-represented litigants upon request so long as an acknowledgement is provided with the copy that states confidential information may be contained on the recording, further dissemination of confidential information contained on the recording is prohibited, and violation of the prohibition against dissemination may subject the requestor to an action for contempt of court. *[All trial courts]*
3. Copies of audio/video recordings may be made available to the public at large after review to ensure that matters protected from disclosure are kept confidential in accordance with court rule and Florida statute. *[All trial courts]*

XVII. Cost Sharing

A. Best Practices

1. Judicial circuits using state funded court employees to provide transcription services for public defenders, state attorneys, and court-appointed counsel shall operate under the cost sharing arrangement. *[All trial courts]*
2. When requested, judicial circuits operating under the cost sharing arrangement may provide transcripts to the state attorneys, public defenders, and court-appointed counsel for: appellate review, other purposes in which a transcript is considered a necessity by the court in the best interest of justice, or if an audio/video file is unavailable. A copy of the audio file, if available, shall be provided to these entities for all other purposes to the extent allowable under court rule. *[All trial courts]*
3. Judicial circuits operating under the cost sharing arrangement are required to provide a “statement of services provided” to local state attorneys, public defenders, the Justice Administrative Commission, and the Office of the State Courts Administrator. The “statement of services provided” shall include those services that will or will not be provided by state-funded court employees versus those services that may be purchased independently from contractors. This documentation shall also include services provided or not provided by division of court, proceeding type, and any variation that exists by county and/or courthouse. The “statement of services provided” shall include a corresponding time period in which these terms are in effect and shall be no less than one fiscal year (July 1 – June 30). *[All trial courts]*

Attachment "B"

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

Administrative Order No. 2020-9-Gen

COURT REPORTING PLAN

- (a) Pursuant to Article V, section 2(d) of the Florida Constitution and section 43.26, Florida Statutes, the chief judge of each judicial circuit is charged with the authority and the power to do everything necessary to promote the prompt and efficient administration of justice.
- (b) Florida Rule of Judicial Administration 2.215(b)(2) states that the chief judge is the “administrative officer of the courts within the circuit and shall, consistent with branch-wide policies, direct the formation and implementation of policies and priorities for the operation of all courts and officers within the circuit.”
- (c) Florida Rule of Judicial Administration 2.215(b)(3) states that the chief judge “shall, considering available resources, ensure the efficient and proper administration of all courts within [this] circuit.”
- (d) Florida Rule of Judicial Administration 2.535 requires the chief judge, after consultation with the circuit and county court judges in the Seventeenth 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 using either full or part-time court employees or independent contractors; (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.
- (e) Florida Rule of Judicial Administration 2.535 permits the chief judge, after consultation with the circuit and county judges of the Seventeenth Judicial Circuit, to enter a circuit-wide administrative order authorizing the electronic recording and subsequent transcription by approved court reporters or approved transcriptionists of any judicial proceeding.
- (f) Florida Rule of Judicial Administration 2.535 further requires the chief judge, after consultation with the circuit judges of the Seventeenth Judicial Circuit, to enter an administrative order developing and implementing a circuit-wide plan for court reporting in all trials in which the State seeks the death penalty and in capital postconviction proceedings.
- (g) The Circuit’s current court reporting plan, set forth in Administrative Order 2011-22-Gen, warrants review and revision.

(h) In accordance with the authority vested in the chief judge by Article V, section 2(d) of the Florida Constitution, section 43.26, Florida Statutes, and Florida Rules of Judicial Administration 2.215 and 2.535, it is hereby **ORDERED**:

I. Definitions and Designations. For purposes of this Administrative Order, the terms below have the following definitions and designations:

(A) “Court reporter” means a contractor, contractor personnel, or any person employed by the Seventeenth Judicial Circuit Court Administration, who meets the Circuit’s qualifications for delivery of court reporting services and whose duties include operating a stenographic machine in the courtrooms of the Seventeenth Judicial Circuit.

(B) “Contractor” means any person or entity with whom the Circuit contracts to provide court reporting and/or transcription services for judicial proceedings required to be reported at public expense.

(C) “Contractor personnel” includes and is collectively defined as employees, independent contractors, subcontractors, agents, assigns, students, or interns of the contractor.

(D) “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 judicial proceeding in the courts of this Circuit.

(E) “Digital court reporter” means a contractor, contractor personnel, or any person employed by the Seventeenth Judicial Circuit Court Administration who meets the Circuit’s qualifications for delivery of court reporting services and whose duties include digitally recording judicial proceedings held in the courtrooms of the Seventeenth Judicial Circuit.

(F) “Digital court reporting” means the process of digitally capturing and recording, with the assistance of encoding hardware and software, the complete verbatim Multi-Media Court Record of any and all judicial proceedings.

(G) “Judicial proceeding” means all criminal proceedings, juvenile delinquency proceedings, dependency 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, and all communications which take place in open court during such

proceedings between the judge (including general magistrates and hearing officers) and the lawyers or other parties to the proceedings, and the testimony of any witnesses. This term does not include any communications which are protected by the attorney-client or work product privileges, or which are otherwise not part of the public proceeding before the judge, general magistrate, or hearing officer. If there are *in camera* or side bar matters heard by the presiding judge, such proceedings are part of the record, but are exempt from public access, and shall only be made available to the court, party to the action, and attorney for the party, unless the presiding judge orders otherwise.

(H) “Multi-Media Court Record” means any combination of the digital audio file, metadata file, text file, annotated file, and video file that is generated from the performance of court reporting.

(I) “Official record” means the transcript, which is the written or electronically stored record of court proceedings as prepared by a court reporter, digital court reporter, or transcriptionist and filed with the Clerk of the Court. The official record does not include CDs, DVDs, tapes, or any other electronic record of a judicial proceeding nor does it include any transcript of a court proceeding produced by a party or other entity not authorized by this Administrative Order.

(J) “Transcriptionist” means a contractor, contractor personnel, or any person employed by the Seventeenth Judicial Circuit Court Administration who performs transcription services for the Seventeenth Judicial Circuit at public expense and who meets the Circuit’s qualifications for transcribing proceedings.

II. Hybrid Model of Court Reporting. The Seventeenth Judicial Circuit has implemented a hybrid model of court reporting, combining the use of stenographic equipment by contractors, and electronic digital recording by contractors and court employees and subsequent transcription by approved transcriptionists and/or court employees.

III. Ownership of Records. The Chief Judge of the Seventeenth Judicial Circuit, in his or her official capacity, is the owner of all records and electronic records made by a court reporter, digital court reporter, or transcriptionist in proceedings required to be reported at public expense and proceedings reported for the Court’s own use.

IV. Court Reporting Procedures 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 proceedings that the Court is required to provide at public expense and which are specifically listed herein). If a party wishes to make a record of a court proceeding for which the Court does not provide a record, it is the responsibility of the party or the party's attorney to secure the services of a 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.

V. Court Reporting Procedures by Division. Court reporting coverage of proceedings recorded at public expense are as follows:

Capital Cases

Trials or Post-Conviction Proceedings – Stenography (real-time, when available)
All Other Proceedings – Stenography

Circuit Criminal

Trials 1st Degree – Stenography or Digital Recording
Trials 2nd Degree – Stenography or Digital Recording
Trials 3rd Degree – Stenography or Digital Recording
First Appearance – Digital Recording
Adult Drug Court – Digital Recording
All Other Circuit Criminal Proceedings – Stenography or Digital Recording

County Criminal

All County Criminal Proceedings – Digital Recording

Unified Family Court

Juvenile Delinquency – Digital Recording
Juvenile Drug Court – Digital Recording
Dependency – Digital Recording
Shelter Hearings – Digital Recording
Termination of Parental Rights (TPR) under Ch. 39, Fla. Stat. – Digital Recording

Domestic Violence Injunctions (all proceedings, civil and criminal)
Digital Recording

Baker Act/Marchman Act/Guardianship/Jimmy Ryce

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

VI. Electronic (Digital) Recording. Pursuant to Florida Rule of Judicial Administration 2.535, the use of electronic recording and subsequent transcription by persons other than court reporters of any judicial proceedings that are otherwise required to be reported by a court reporter is permitted only as set forth herein.

(A) Court Reporting Services.

(1) Electronic court reporting in the Seventeenth Judicial Circuit is primarily managed and provided by the Office of the Trial Court Administrator through the office of Court Reporting Services (CRS). CRS is responsible for ensuring that proceedings mandated by law to be recorded at public expense and which are recorded by CRS are recorded at the highest quality attainable, that accurate transcripts are prepared, and that the record is retained and archived as required by law. There shall be a Director/Manager of CRS who, under the auspices of the Trial Court Administrator, shall:

- a. Direct and manage the operations of all court reporting services provided within the Circuit, inclusive of maintaining schedules for the circuit and county courts.
- b. Implement policies and procedures for the effective administration of court reporting programs.
- c. Provide and coordinate training of digital court reporters employed by the Circuit and assigned to digitally record judicial proceedings in the circuit and county courts, as needed.
- d. Recommend the establishment of new programs and/or services to ensure the use of the latest court reporting technology.
- e. Ensure adequate court reporting coverage for all courtrooms where the court is required to provide a record.

(2) The Director/Manager shall report to the Trial Court Administrator or designee for day-to-day operations. The Chief Judge or his or her designee shall establish qualifications for CRS staff to ensure qualified court reporters or digital court reporters with the ability to record and transcribe proceedings, and certify the correctness of the transcript.

(3) Court employees working within CRS are considered officers of the court and shall not disclose or discuss any confidential information to which they may be privy. As officers of the court, employees must comply with all applicable Florida statutes, court rules, and other requirements as established by the Chief Judge, Trial Court Administrator, and/or State Courts System.

(B) Reliability of the Record. To ensure a reliable record of proceedings electronically recorded, the following procedures and directives are prescribed to be applied in all cases where electronic recording is used.

(1) CRS shall be responsible for capturing, managing, maintaining, and storing the complete verbatim Multi-Media Court Record for all judicial proceedings electronically recorded by CRS.

(2) Operation of Equipment. The Court's electronic recording equipment shall be operated by CRS and/or such other persons designated by the Trial Court Administrator or Chief Judge. All equipment utilized by digital court reporters shall be operated and maintained in such a manner and under such conditions to ensure the reliability of capturing the record. These employees shall operate the electronic recording equipment in such manner and under such conditions as to ensure the production and safekeeping of an understandable recording capable of being transcribed into a reliable record.

(3) Monitoring the Recordings. When proceedings are being electronically recorded by CRS as the official court record, the digital court reporter shall monitor the recording input and shall immediately signal or notify the trial judge or other designated in-court official when the quality of the recording is in question or doubtful.

(4) Responsibility of Other Court Personnel. When electronic digital court reporting is utilized in a courtroom, all court personnel and participants are expected to comply with this Administrative Order.

- a. *Trial Judges, General Magistrates and Hearing Officers.* In all proceedings in which electronic digital court reporting is utilized, the judge, general magistrate or hearing officer should remind all participants:
 - i. The proceeding is being recorded and/or monitored.
 - ii. All questions need verbal responses.
 - iii. Each participant shall identify self, spell their names for the record, speak clearly, loudly, and distinctly into or near a microphone.
 - iv. Counsel shall not speak at the same time that witnesses or other counsel are speaking or otherwise interrupt or obstruct the recording of another's speech.
 - v. All physical and visible happenings and events are reported in sound.
 - vi. To notify the court if equipment has been tampered with or is not functioning.
 - vii. The proceedings will be stopped when needed to remedy any matter preventing an adequate recording.
 - viii. To signify when it is appropriate to use the "mute" button.
- b. *Court Deputies.* The court deputy should assist the trial judge, general magistrate or hearing officer as needed or desired in maintaining courtroom discipline and should be constantly alert for signals from the trial judge, general magistrate or hearing officer or clerks to communicate with others and to remedy any circumstance interfering with the making of an adequate recording. The court deputy shall ensure that all participants refrain from tampering with equipment including the inappropriate use of microphone mute buttons or the unauthorized removal of microphones from their original location.
- c. *Counsel.* All participating counsel must be constantly aware of the special requirements for making a clear, reliable, and transcribable recording. Counsel must speak loudly, distinctly, and only from a position at or near a microphone. Counsel must make all directions and explanations verbally and should air and direct all witnesses as needed. Counsel should use the push to mute feature on the counsel table when engaging in privileged communications or otherwise go to a location that is inaccessible to the recording equipment.

(5) Alteration or Circumvention of Recording System Prohibited. Alteration or circumvention of the court's electronic recording system is prohibited. This includes, but is not limited to, unplugging a microphone, repositioning a microphone, covering a microphone, or permanently engaging a microphone's mute switch with books, rubber bands, or other objects. All parties shall operate on the assumption that their conversations are being recorded while in the courtroom. The mute switches provided are designed for brief moments of private consultation. Parties desiring to have extended private conversations should take appropriate measures including, but not limited to, going to a location that is inaccessible to the recording equipment. Persons who tamper with the digital recording equipment, including the microphones, may be held in contempt of court.

(6) All courtrooms where electronic recording may take place shall have appropriate signage indicating to all persons the following:

PLEASE BE ADVISED

THIS COURTROOM IS EQUIPPED WITH AN ELECTRONIC RECORDING SYSTEM. THIS EQUIPMENT IS SENSITIVE ENOUGH TO RECORD AUDIBLE CONVERSATIONS ANYWHERE IN THE COURTROOM

VII. Retention of Stenographic Notes, Digital and Electronic Recordings.

Pursuant to Florida Rule of Judicial Administration 2.430, court reporters, digital court reporters, or persons acting as court reporters for judicial proceedings shall retain the original notes or electronic records of judicial proceedings covered as follows:

(1) Two (2) years from the date the transcript was filed or otherwise prepared.

(2) Five (5) years from the date of the relevant court proceeding, if no transcript was prepared in a non-felony case.

(3) Ten (10) years from the date of the relevant court proceeding, if no transcript was prepared in felony cases.

VIII. Court Reporting Procedures in Capital Cases.

(A) Any judicial proceeding in which the State of Florida seeks the death penalty, including but not limited to pretrial hearings, trials, sentencing hearings, and postconviction hearings, shall be reported by a court reporter. The use of digital court reporting as the court reporting system is prohibited. If available, real-time stenography shall be used. All persons and entities, including contractors, providing court reporting services shall give priority to capital cases in the production of transcripts, and shall use all measures necessary to expedite the preparation of the transcript, including but not limited to:

- (1) Where available, the use of a court reporter who has the capacity to provide real-time transcription of the proceedings;
- (2) If real-time transcription services are not available, the use of a computer-aided transcription qualified court reporter;
- (3) The use of scopists, text editors, alternating court reporters, or other means to expedite the finalization of the transcript; and
- (4) The imposition of reasonable restriction on work assignments by employee or contractor court reporters to ensure that transcript production in capital cases is given a priority.

IX. Procedures for Requesting Electronic Recordings and Transcripts

(A) Electronic Recordings

- (1) *Non-Parties and Attorneys Not of Record.* Any non-party or attorney who is not listed on the Clerk's docketing system as an attorney of record may request and obtain a digital recording of a judicial proceeding recorded by CRS, except for proceedings held under the Rules of Juvenile Procedure, Baker Act proceedings, or any other exempt proceeding that shall not be provided to non-parties without an order of the presiding judge. The request will be treated as a request for public records in accordance with the Florida Rules of Judicial Administration and any applicable local administrative order. A review of the electronic recording is required to ensure the redaction of any confidential material found therein.
- (2) *Parties and Attorneys of Record.* Attorneys of record and parties to a case, including self-represented litigants, seeking to obtain a digital recording of a judicial proceeding electronically recorded by CRS must execute an

acknowledgement that states confidential information may be contained on the recording, further dissemination of confidential information contained in the recording is prohibited, and violation of the prohibition against the dissemination may subject the requestor to an action for contempt of court.

(3) The digital recording will be provided on the currently utilized media format (CD). The cost for a compact disc, the contents of which are not transcribed, is \$25.00. To request a copy of a digital recording of a judicial proceeding recorded by CRS a “Multi-Media Request Form” must be completed in its entirety and submitted to CRS with the appropriate payment in accordance with the instructions provided. The “Multi-Media Request Form” is available in CRS and will be made available on the Circuit’s website.

(B) Transcripts

(1) *Non-Parties and Attorneys Not of Record.* Any non-party or attorney who is not listed on the Clerk’s docketing system as an attorney of record may request and obtain, without a court order, a written transcript of any reported or recorded judicial proceeding unless a record of such proceeding is deemed confidential and exempt from public access (for example, juvenile delinquency and Baker Act proceedings), in which case the transcript shall only be provided to those persons authorized by law. This request will be treated as a request for public records in accordance with the Florida Rules of Judicial Administration and any applicable local administrative order. A review of the transcript is required to ensure the redaction of any confidential material found therein.

(2) Requests for a written transcript of judicial proceedings electronically recorded by CRS shall be made in writing utilizing a Transcript Request Form approved by and available from CRS. The form will also be made available on the Circuit’s website. All privately requested/ordered transcripts require an initial 50% nonrefundable deposit, with the balance due upon receipt. No transcript shall be released by CRS until payment has been made in full. A court order is not required for transcripts requested under this section, with the exception of confidential proceedings, as explained below in paragraph (C).

(3) All transcripts prepared by any court reporter, digital court reporter, or transcriptionist must comply with the form, size, spacing, and method of printing as prescribed by Florida Rule of Judicial Administration 2.535, and

Florida Rules of Appellate Procedure, as applicable. All court reporters and digital court reporters shall prepare transcripts of proceedings to meet deadlines as established by law, court order, or rule of court. Only CRS, or a transcriptionist approved by the Court and at the request of CRS, may prepare the transcript as the official court record from an electronic and digital recording.

- (4) Any written transcript produced by CRS or approved transcriptionist from an electronic recording will be filed with the Clerk of the Court unless the court orders otherwise or a rule of court provides otherwise.
 - (5) When an attorney of record or self-represented party requires a transcript of a proceeding electronically recorded by CRS for purposes of an appeal, a designation to court reporter shall be served upon CRS. The designation must be hand-delivered or emailed to CRS at 201 S.E. 6th Street, Room 19170, Fort Lauderdale, Florida 33301, crstran@17th.flcourts.org. Filing an original designation with the Clerk of the Court does not constitute service on CRS. In the event a party serving a designation upon CRS does not receive an acknowledgement as contemplated by Florida Rule of Appellate Procedure 9.200(b), the party shall contact CRS or Court Administration's Office of the General Counsel to determine the status of the acknowledgement.
 - (6) All persons transcribing digital recordings, whether court personnel or contractors, shall certify the transcript as a true and accurate text of the digital recording of the proceeding. All court personnel providing a copy of the original recording on electronic medium, such as compact disk, shall certify the copy to be true and accurate. 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/Manager of CRS or designee. If the attorneys and/or parties are not able to resolve the matter with the Director/Manager of Court Reporting Services, then the matter shall be resolved by the presiding judge.
- (C) If the electronic recording or transcript requested pertains to a proceeding that 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 of record, party to the case, 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 presiding judge.

(D) Transcription Costs for Electronic, Digital, or Video Proceedings by CRS.

- a. All privately ordered transcripts require an initial 50% nonrefundable deposit, with the balance due upon receipt. No transcript shall be released by CRS until payment has been made in full.
- b. Payment for privately ordered transcripts shall be made payable to the State of Florida by attorney trust account check, money order or official bank check.
- c. The following fees are established for routine audio or transcription services and expedited transcription services.

Delivery Time *if available due to resources	Number	Cost per page
24 hours (overnight)*	Original and two (2) Each additional copy	\$10.25 \$1.10
Three (3) business days from deposit*	Original and two (2) Each additional copy	\$9.75 \$1.10
Six (6) business days from deposit*	Original and two (2) Each additional copy	\$8.50 \$1.10
Ten (10) business days*	Original and two (2) Each additional copy	\$7.25 \$1.10
Thirty (30) days from deposit	Original and two (2) Each additional copy	\$6.00 \$1.10
Appeals	Original and two (2) and disks Each additional copy	\$5.00 \$1.10

The cost for a copy of a compact disc, the contents of which are not transcribed, is \$25.00.

This Administrative Order supersedes and vacates Administrative Order 2011-22-Gen.

DONE AND ORDERED in Chambers, Fort Lauderdale, Florida, this 22nd day of January, 2020.

/s/ Jack Tuter
Jack Tuter, Chief Judge

Attachment "C"

Conflict of Interest Disclosure Form

I HEREBY CERTIFY that:

1. I _____ {name} am the _____
{title} and the duly authorized representative of {firm name} _____
whose address is _____
_____ ; and

2. I possess the legal authority to make this affidavit on behalf of myself and the firm for which I am acting; and,

3. Except as listed, no employee or officer of the Court owns an interest of 5% or more in the firm, and no employee, officer, or agent of the firm has any conflict of interest, real or apparent, due to ownership, other clients, contracts, or interests associated with this project; and,

4. This proposal is made without prior understanding, agreement, or connection with any other corporation, firm, or person submitting a proposal for the same services, and is in all respects fair and without collusion or fraud.

EXCEPTIONS: (Attach a list of exceptions) (If none, so state)

Signature Printed Name

Firm Name Date

STATE OF FLORIDA
COUNTY OF

Sworn to (or affirmed) and subscribed before me by means of physical presence or online
notarization, this ____ day of _____.

Personally Known OR Produced Identification

Type of Identification Produced