

**IN THE TWELFTH JUDICIAL CIRCUIT COURT FOR
DESOTO, MANATEE AND SARASOTA COUNTIES, FLORIDA**

**ADMINISTRATIVE ORDER 2010- 1 -2
(Supersedes 2007-14-2, 2006-6-2 and 2005-16-2)**

In re: COURT REPORTING PLAN

Recent procedural changes to the Florida Rules of Court require that a new Court Reporting Plan be entered in this circuit. Previously entered Administrative Orders 2007-14-2, 2006-6-2 and 2005-16-2, are all hereby superseded by this Court Reporting Plan. Other Administrative Orders regarding court reporting, including 2009-18-2, 2004-03-2 and 2000-25-3 remain in full force and effect.

On July 16, 2009, the Florida Supreme Court entered order No. SC08-1658, titled “In RE: Amendments to the Florida Rules of Judicial Administration and the Florida Rules of Appellate Procedure – Implementation of Commission on Trial Court Performance and Accountability Recommendations,” regarding revisions to the Florida Rules of Court pertaining to court reporting. Under the authority granted to the Chief Judge in Rules 2.215 and 2.535, Fla. R. Jud. Admin., this court hereby adopts and provides the following court reporting plan for the Twelfth Judicial Circuit.

I. METHODS OF APPROVED COURT REPORTING

The Twelfth Judicial Circuit utilizes a hybrid model of court reporting for accurately capturing the record in all judicial proceedings where court reporting is required at public expense. The hybrid model combines the use of stenographic equipment and electronic digital recording. The Chief Judge sets the policy of which court proceedings are reported electronically and stenographically throughout the circuit.¹ Additionally, Rule 2.535(h)(3), Fla.

¹ The current policy is in Administrative Order 2009-18-2.

R. Jud. Admin. requires that the circuit's court reporting plan ensure that all proceedings required to be reported at public expense are provided by "approved court reporters" or "approved transcriptionists."

The Twelfth Judicial Circuit employs stenographic court reporters and digital court recorders, all of whom meet the Rule 2.535(a)(1) definition of an "approved court reporter." In order to distinguish between the two different departments and staff, the Digital Court Recording Office employees shall be referred throughout the circuit as "DCR," and the stenographic court reporter employees shall continue to be known as the "Official Court Reporters."

The Twelfth Judicial Circuit also contracts with independent court reporters and transcriptionists, all of whom also meet the definitions of "approved court reporter" and "approved transcriptionist" as set forth in Rule 2.535(a)(1) and (2) and who have met the criteria set forth in Section II below.

All courtrooms equipped with digital recording equipment shall have signs clearly posted at the entrance that electronic recording equipment is in use, that participants should safeguard information they do not want recorded, and that attorneys must take all reasonable and available precautions to protect the disclosure of confidential communications in the courtroom.²

II. APPROVED COURT REPORTERS and APPROVED TRANSCRIPTIONISTS

A. Approved Court Reporters -- Employees or independent contractual court reporters may be used to report any and all proceedings required by law, court rule, administrative order or for the court's own use to be reported at public expense.³

All such employees and independent contractual stenographic court reporters shall be certified as a Registered Professional Reporter, a Registered Realtime Reporter, or hold a higher

² See Rule 2.535(h)(5)(A-C), Fla. R. Jud. Admin.

³ See Rule 2.535(h)(1) and (2), Fla. R. Jud. Admin.

level certification by the National Court Reporter's Association, or have otherwise demonstrated proficiency in stenographic court reporting as determined by the Court Reporting Manager and Court Administration. All contractors who perform court reporting services, including transcription, at public expense, must provide proof of their credentials, provide transcript samples and must enter into a Professional Services Agreement with Court Administration.

B. Using "Private" Court Reporters for Proceedings Required to be Reported at Public Expense – If, in order to save on potential transcript costs, an individual, agency or governmental entity wants to use their own "private" court reporter rather than the approved court reporters provided by the court to report a court proceeding which is required to be reported at public expense, a written request and proposal must be made to Chief Judge a minimum of five business days before the proposed date of using a private court reporter. The use of a private court reporter must be at no charge to the court, and the proposal must include specific documentation and signed agreements that using the private court reporter complies with all of the requirements of Rule 2.535, Fla. R. Jud. Admin., including, but not limited to the following: that the proposed "private" court reporter is an "approved court reporter" as defined in section A above; that the private court reporter agrees that the court owns the record of the proceedings; and that the private court reporter will, upon request, provide transcripts free of charge to the court and to any and all parties who are part of a shared cost agreement with the Office of the State Courts. The proposal and signed agreements must be approved by the Chief Judge and an Order Authorizing Use of Private Court Reporter must be entered by the Chief Judge in each case before a private court reporter may be used.

C. Only One Approved Court Reporter Per Court Session – There shall be only one approved court reporter used to create the record of each court session. If the proceeding is

required to be reported at public expense, an approved court reporter from DCR or an Official Court Reporter shall be used, unless the criteria for using a private court reporter has been met. In all other cases not required to be reported at public expense, if a court reporter is used, there shall be no more than one approved civil court reporter⁴ present to create the official record.

D. Approved Transcriptionists – All independent contractors who perform transcription services at public expense, including transcriptionists who provide transcript services for the court, public defender’s office, state attorney’s office, court-appointed counsel, the Office of Criminal Conflict and Civil Regional Counsel (hereafter “ORC”), or who provide transcription services for a party declared “indigent for costs”⁵ which may be reimbursable by the Justice Administrative Commission (hereafter “JAC”), must be “approved transcriptionists” as defined by Rule 2.535(a)(2).

The information and application for becoming an “approved transcriptionist” is available in Court Administration and on the circuit’s website at www.jud12.flcourts.org . The application includes transcript samples which are reviewed and approved by a court employee who is also an “approved court reporter.” All independent contractors who perform transcription services at public expense on behalf of the court must also enter into a Professional Services Agreement with Court Administration. Contact information for “approved transcriptionists” is also available on the court’s website.

⁴ As defined in Rule 2.535(a)(3).

⁵ § 27.52(5), Fla. Stat.

III. DEPOSITIONS

Effective July 1, 2005, the State Courts cannot provide court reporters for depositions in any case, therefore neither the Official Court Reporters nor the DCR Office shall provide deposition services or prepare transcripts from depositions.⁶

IV. TRANSCRIPTS OF FELONY PROCEEDINGS FOR STATE ATTORNEY, PUBLIC DEFENDER AND COURT-APPOINTED COUNSEL

Effective July 1, 2004, the Florida trial courts were no longer responsible to pay for the costs of transcripts, except for transcripts requested by trial judges or court staff. Funds to pay for transcripts are allocated to the different entities statewide (public defenders, state attorneys, and court-appointed counsel),⁷ and the JAC pays the costs for transcripts requested from these specific entities. The courts have not been allocated any funds to pay for transcripts requested by any parties, and all transcripts provided to requesting parties by the Twelfth Judicial Circuit must be paid for.

By statute, state attorneys, public defenders, the ORC and court-appointed counsel are all responsible for their own reasonable court reporting and transcription costs.⁸ In the Twelfth Judicial Circuit, the JAC has historically entered into a shared cost agreement with the Office of the State Courts Administrator for the preparation of transcripts in felony cases on behalf of the 12th Circuit's state attorney, public defender and court-appointed counsel. When the shared cost agreement was first established, the only court reporters on staff were the Official Court Reporters, who only prepared felony transcripts, which is why the shared cost agreement only

⁶ An exception is if the deposition was taken by an Official Court Reporter prior to July 1, 2005, then the standard transcript fees apply. See Section V, #3.

⁷ The Florida Legislature has historically appropriated funding for this specific purpose through the General Appropriations Act.

⁸ Sections 29.005(2); 29.006(2); and 29.007(3), Fla. Stat.

includes felony proceedings. The shared cost agreement has never been amended to include non-felony proceedings or to include any other state entities.

In all non-felony criminal court proceedings, however, the state attorney, public defender⁹ and court-appointed counsel must use their own privately contracted “approved transcriptionists” or “approved court reporters” to transcribe the electronic record of all other court proceedings that are digitally recorded by the Court.

**V. TRANSCRIPT FEES FOR FELONY PROCEEDINGS
(AND ANY OTHER COURT EVENTS REPORTED BY AN OFFICIAL COURT
REPORTER)**

The transcript rates and fees below apply to all,¹⁰ including private individuals, the ORC, other state and local government agencies and all parties determined to be indigent for costs, regardless of the method of court reporting used. These transcript rates also apply to the 12th Circuit State Attorney, Public Defender, and court-appointed counsel when there is not a shared cost agreement with the Office of the State Courts Administrator for the payment of court reporting services and transcripts in felony proceedings.

All requests for felony transcripts must be in writing and must be made to Court Administration. All transcripts require a 50% deposit to start the transcript and full payment must be received before the completed transcript is provided. The Twelfth Judicial Circuit accepts only checks and money orders made payable to "State of Florida" for payment, and cannot accept cash or credit cards as forms of payment.

⁹ The Court may, in certain instances, provide juvenile delinquency appellate transcripts to the public defender's office.

¹⁰ Except the 12th Circuit state attorney, public defender and court-appointed counsel when the shared cost agreement for felony court reporting services and transcripts is in effect.

Felony Transcript Rates (rates effective May 8, 2006)

Transcript Fee	\$7.00 per page
Expedited Transcript Fee (5 business days or less)	\$9.00 per page
Additional Copies of transcript	\$2.00 per page
ASCII Disk Provided	\$5.00 each

1. For transcripts of felony court proceedings, the Transcript Fee includes only the original transcript. Any additional copies are charged at a rate of \$2.00 per page.
2. An Expedited Transcript Fee shall apply if the requested turnaround time on the transcript is five business days or less.
3. For transcripts of depositions which occurred prior to July 1, 2005, the Transcript Fee includes the original plus one copy provided to the requesting party.

VI. REQUESTING ELECTRONIC RECORD OF DIGITALLY RECORDED COURT PROCEEDINGS

As of February 2006, all court proceedings throughout the circuit which are required to be reported at public expense are reported by either Official Court Reporters, contractual stenographers who are approved court reporters, or are digitally recorded by the DCR Office.¹¹ Prior to those dates, all non-felony court proceedings had been recorded by the Clerks of Court in Manatee and Sarasota Counties and by a contractual videographer in DeSoto County. Requests for copies of those proceedings must be made to the appropriate Clerk of Court or to Court Administration for a VHS video of the DeSoto County court proceedings.

This circuit has not been funded to employ transcriptionists, and the DCR Office does not provide written transcripts to requesting parties.¹² Upon request, the DCR Office will provide a

¹¹ The effective dates were November 15, 2004, in Sarasota County; June 1, 2005, in Manatee County; and February 2, 2006, in DeSoto County. (DeSoto County proceedings on January 19 and 26, 2006, were also digitally recorded. Requests for copies of those proceedings will be provided on a compact disc.)

¹² There are two exceptions. The Court provides transcripts of digitally recorded felony court proceedings to the agencies who participate in the shared cost agreement with the Office of the State Courts Administrator, and the Court may, in certain instances, provide juvenile delinquency appellate transcripts to the public defender's office.

CD of the requested court proceeding. An "Audio Request Form"¹³ must be completed in its entirety and submitted to the DCR Office in Court Administration, along with payment, in order to obtain a copy of a digitally recorded court proceeding. The Twelfth Judicial Circuit accepts only checks and money orders made payable to the "State of Florida," and cannot accept cash or credit cards as forms of payment.

Rates For CD's of Digitally Recorded Court Events

PC-Version CD	\$15.00 per proceeding per day
Audio-Version CD	\$25.00 per proceeding per day
Mailing Fee	\$ 3.00
VHS Video of DeSoto County proceedings (for hearings held prior to February 2, 2006)	\$15.00

1. PC-Version Compact Disc – PC-Version CD's play in any computer and contain a self-executing program to aid in the transcription of the proceeding. This is the recommended version if a typed transcript is needed. Payment is required in advance, and the cost is \$15 per proceeding per day.
2. Audio Version Compact Disc – Audio version CD's can only be played in CD players. This version will not work on a computer and does not have a self-executing program to aid in the transcription of the hearing. These CD's are more labor-intensive to produce, therefore the cost is \$25 per proceeding per day.
3. Mailing Fee - Most requestors prefer to pick up the CD's in person. However, if the requestor prefers that the CD be mailed, the \$3.00 mailing fee applies.
4. It is the responsibility of the requesting party to review the contents of the CD, specifically, that the recordings on the CD are, in fact, what was requested. It is particularly important that requestors review the content before giving the CD to an approved transcriptionist or approved court reporter to prepare a typed transcript.

VII. PROCEDURE TO SECURE TRANSCRIPTS FOR ALL FELONY APPEALS

- A. Designations - When a Notice of Appeal is filed and transcripts are requested, the Twelfth Judicial Circuit requires that a Designation to Approved Court Reporter or Approved

¹³ The Audio Request form is available in Court Administration and on the 12th Circuit's website: www.jud12.flcourts.org

Transcriptionist¹⁴ be served on the Official Court Reporters. A copy must either be mailed or hand-delivered to the Official Court Reporters. Filing an original Designation with the clerk's office does not constitute service on the Official Court Reporters. If the transcript request is for a DeSoto County appeal, the original Designation shall be served on the independent contractor who reported the case. The mailing address for each office is as follows:

Sarasota County
Official Court Reporters
Judge Lynn N. Silvertooth Judicial Center
2002 Ringling Blvd. – 4th Floor
PO Box 48927
Sarasota, FL 34230

Manatee County
Official Court Reporters
Manatee County Judicial Center
1051 Manatee Ave. West – 8th Floor
PO Box 3000
Bradenton, FL 34206-3000

B. Costs of Transcripts - Pursuant to Rule 9.200(b), costs of the original transcript and all copies shall be borne initially by the designating party. The costs of appellate transcripts are the same as other transcripts set forth in Section V. The Official Court Reporters will not begin preparing a requested transcript until a deposit of 50% of the estimated cost of the transcript is received, and the final transcript will not be provided until the balance of the transcript cost is paid in full.

C. Indigent for Costs - Attorneys with clients that have been declared indigent for costs¹⁵ may be able to secure reimbursement of the transcript costs from the JAC. **However, it is the attorney's obligation to make all necessary arrangements with the JAC in order to be reimbursed. In order to receive transcripts from the court, full payment of the transcripts is required.** The court will not submit any court reporting or transcription invoices directly to the JAC for reimbursement-- all reimbursement requests must be sent to the JAC by the attorney of record.

¹⁴ The Designation must comply with Rule 9.900(h), Fla. R. App. P.

¹⁵ §27.52(5), Fla. Stat.

D. Clerk to Provide Copies of Transcripts for Appeals - In all publicly-funded cases the clerk of the lower tribunal, rather than the court reporter, shall prepare all necessary copies of the original transcripts.¹⁶ Pursuant to Rule 9.200(b)(2), AOSC07-41 and AOSC07-28, the court reporter shall furnish electronic copies of all transcripts in Microsoft Word on a CD-Rom to the clerk of the lower tribunal and the parties.

E. Transcript Requests Limited to Issues Raised on Appeal - Pursuant to Rule 9.140(f)(2)(A), Fla. R. App. P., if a defendant's designation of a transcript of proceedings requires the expenditure of public funds, the designation to the court reporter shall only require transcripts that fairly support the issue raised on appeal. Unfortunately it has become the practice in this circuit for defense counsel to file Supplemental Designations that request transcripts of every court event that occurred in a case, including arraignment and case management hearings, jury voir dire and the entire trial. The Supplemental Designations often include court events that were specifically excluded by trial counsel in the initial Designation.

All parties in publicly-funded cases shall adhere to Rule 9.140(f)(2), and all transcript requests must only be those portions of the proceedings necessary to support the issues raised on appeal or the statement of judicial acts to be reviewed.

VIII. NOTICES OF APPEAL and DESIGNATIONS TO COURT REPORTERS FOR ALL NON-FELONY PROCEEDINGS

A. Designations and Acknowledgments - When a Notice of Appeal is filed and transcripts are requested for any non-felony court proceeding which was digitally recorded by the DCR Office, **the Designation to Approved Court Reporter or Approved Transcriptionist should not be sent to Court Administration or the DCR Office.** The DCR Office does not provide written transcripts. Upon receipt of a completed Audio Request Form and payment, if

¹⁶ Rule 9.140(f)(2)(F), Fla. R. App. P.

applicable, the DCR Office will provide an electronic record of the court proceeding on a CD which may be transcribed by an “approved court reporter” or “approved transcriptionist” as defined by Rule 2.535(a), Fla. R. Jud. Admin., and as set forth in Rule 9.200(b), Fla. R. App. P. Furthermore, since the DCR Office does not provide transcripts, it is not authorized to complete any Acknowledgments¹⁷ that are received.

All Designations and Acknowledgments shall be sent by the Appellant/Appellee to the “approved court reporter” or “approved transcriptionist” hired by the requesting party to transcribe the CD. **The Designation shall not direct the DCR Office, the Official Court Reporters or Court Administration to transcribe the proceedings.** In order to comply with appellate time standards, it is suggested that the Designations not be served to the “approved court reporter” or “approved transcriptionist” until the Appellant/Appellee has received and reviewed the contents of the CD which contain the record under review.

B. **Clerk to Provide Copies of Transcripts for Appeals** - In all publicly-funded cases the clerk of the lower tribunal, rather than the court reporter, shall prepare all necessary copies of the original transcripts.¹⁸ Pursuant to Rule 9.200(b)(2), AOSC07-41 and AOSC07-28, the court reporter shall furnish electronic copies of all transcripts in Microsoft Word on a CD-Rom to the clerk of the lower tribunal and the parties.

IX. COURT ORDERED TRANSCRIPTS OF CIVIL PROCEEDINGS

Transcript requests made by the Court for civil proceedings in which the parties have arranged for an outside court reporter to report, shall be furnished to the Court. Payment to the outside court reporter for those transcripts will be the responsibility of the parties.

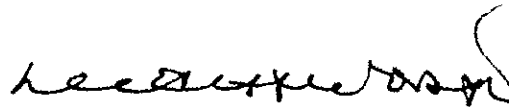
¹⁷ See Rule 9.900(h), Fla. R. App. P. – Approved Court Reporter’s or Approved Transcriptionist’s Acknowledgment.

¹⁸ Rule 9.140(f)(2)(F), Fla. R. App. P.

X. OTHER RELATED ADMINISTRATIVE ORDERS

Administrative Orders 2009-18.2 (Limiting Court Appearances by Official Court Reporters), 2004-3.2 (Procedures for Obtaining Transcripts Prepared by the Official Court Reporters in Matters Involving Confidential or Exempt Information), and 2000-25.3 (Transcripts in All Death Penalty Cases and Capital Post Conviction Procedures) remain in full force and effect. All other Administrative Orders not in conflict with this order shall also remain in full force and effect. Administrative Orders 2007-14-2, 2006-6-2 and 2005-16-2 are superseded and vacated.

DONE and ORDERED in Sarasota, Sarasota County, Florida, on this 7th day of January, 2010.



**LEE E. HAWORTH, CHIEF JUDGE
TWELFTH JUDICIAL CIRCUIT
STATE OF FLORIDA**

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