

**AMENDED ADMINISTRATIVE ORDER GOVERNING COURT REPORTING-ORANGE
COUNTY ONLY**

WHEREAS, Orange County employs Stenograph, Stenomask and Automated Court Reporters to cover criminal and traffic proceedings; and

WHEREAS, Court employed Stenograph, Stenomask and Automated Court Reporters serve at the pleasure of the Chief Judge;

NOW, THEREFORE, I, Belvin Perry, Jr., pursuant to authority vested in me as Chief Judge of the Ninth Judicial Circuit of Florida, under Florida Rules of Judicial Administration 2.050 and 2.070, order that Administrative Order 07-95-14 is vacated and set aside and this order shall supersede that order. The following policies and procedures regarding court reporting are hereby adopted effective immediately:

I. OFFICIAL COURT REPORTERS (Stenograph and Stenomask):

1. Recommendations regarding the hiring and termination of Official Court Reporters shall be made by the Court Administrator. Official Court Reporters are under the immediate supervision of the Managing Court Reporter. The Managing Court Reporter is supervised by an Assistant Court Administrator.

2. There shall be a Managing Court Reporter who will be designated by the Chief Judge. The primary responsibility of the Managing Court Reporter is to supervise the activities of the official court reporting office. When necessary, the Managing Court Reporter will cover court proceedings. The Managing Court Reporter shall direct and manage the affairs of all official court reporters and shall implement policies and procedures for the effective administration of the official court reporting office. The responsibilities of the Managing Court Reporter include, but are not limited to, scheduling daily reporting assignments, approval of annual and sick leave, approval and supervision of court overtime, supervision of timely filing of all transcripts, assigning and reviewing work of all staff to ensure compliance with standard operational procedures, employee

performance reviews, managing the office budget, responsible for ordering supplies, maintaining equipment, and representing the official court reporting office.

3. Court Reporters within the Orange County Courts shall be certified with a Registered Professional Reporter (RPR) by the National Court Reporters Association upon employment, except upon intervention by the Chief Judge. If a court reporter is hired without his/her RPR, he/she shall be granted a grace period from the date of hire to become certified as determined by the Chief Judge. If the reporter does not receive certification during that grace period, this constitutes grounds for termination. Court Reporters who receive their Certificate of Merit (CM) and/or Realtime certification will receive additional salary compensation as soon as possible after notification to the Court Administrator. Membership dues to the National Court Reporters Association will be paid by the Court. Court Reporters should submit invoices for dues to the Managing Court Reporter.

4. All transcript orders shall be monitored by the Managing Court Reporter. A signed court order is required for each request for transcript for indigent defendants.

5. Production of transcripts shall be monitored by the Managing Court Reporter. All court reporters will prepare transcripts of court proceedings during regular working hours or during approved overtime hours and shall not be eligible to retain fees for the preparation of transcripts. The court reporter shall certify the correctness of the transcript he/she prepares. Each reporter is expected to adhere to established office procedures to ensure timely filing of transcripts. Transcripts of all judicial proceedings shall be uniform and conform to size and spacing requirements as defined in Florida Rule of Judicial Administration 2.070.

6. All privately ordered transcripts (non-court ordered) require a 50% deposit before assignment of production and the balance is due upon receipt. Verification of the appropriate deposit shall be made by the Managing Court Reporter. No transcript will be released by the Official Court Reporting Office until payment in full has been made to the Orange County Finance Department.

7. Time spent reporting a trial of a non-indigent defendant will be detailed and certified by the

Official Court Reporter to the County Comptroller for collection from the Defendant/Attorney at authorized prevailing rates.

8. Time in Court and rotation assignments shall be set and monitored by the Managing Court Reporter. To the extent possible, schedules will be prepared in advance by the Managing Court Reporter. However, the Managing Court Reporter will make changes at his/her discretion as the need arises.

9. Hours worked beyond eight (8) hours per day shall be reported daily to the Managing Court Reporter on overtime slips. In order to be paid for overtime, court reporters must work over 40 hours in a work week. All efforts will be made to adjust weekly work schedules to keep payment of overtime at a minimum. In order to work on transcripts beyond 40 hours in a work week, approval must be received in advance by the Managing Court Reporter.

10. All leave time shall be administered through the Managing Court Reporter.

11. All Court Reporters are required to dress in a neat and professional manner in the office, in the courtroom or on travel status while involved with official court business.

12. Work hours for all Court Reporters shall be from 8:00 A.M. until 5:00 P.M. with sixty minutes for lunch. Hours may fluctuate with the approval of the Managing Court Reporter to facilitate office efficiency or as compensation for court overtime or transcription production.

13. It is the duty of each court reporter to properly catalogue and store each record in a manner which will allow it to be retrieved and transcribed.

14. Official Court Reporters may be asked to assist the court in non-criminal proceedings. Such assignments will be made by the Managing Court Reporter.

15. When possible, professional leave will be granted to those reporters fulfilling the standards required for Registered Professional Reporter Certification. Requests for such leave shall be submitted for approval to the Managing Court Reporter.

16. Requests for formal extensions with the District Court of Appeal shall be the responsibility of the Managing Court Reporter.

II. ELECTRONIC AND DIGITAL RECORDING OF COURT PROCEEDINGS:

1. All preliminary criminal proceedings, preliminary hearings, all trials of misdemeanor charges, sentencings, discovery depositions, all juvenile proceedings and guardianship and mental health proceedings shall be electronically and/or digitally recorded when an official record of the proceeding is required or requested, except when ordered otherwise by the Court.

2. Operating and transcribing of electronic and/or digital recording of court proceedings and depositions shall be by Automated Court Reporters, with qualifications established by the Chief Judge of the Circuit, or his/her designee, so as to insure qualified reporters with the ability to record and transcribe proceedings and sufficiently responsible to certify as to the correctness of the transcript. The Court Reporting Office will be under the direction and control of the Chief Judge. Policies and administrative procedures will be implemented by the Court Administrator and his/her designated representatives. All Automated Court Reporters serve at the pleasure of the Chief Judge.

3. All Automated Court Reporters will constitute a pool of operators of electronic and/or digital recording equipment to be assigned as required throughout the Criminal Justice Divisions of Circuit and County Courts, and for the recording of discovery depositions. Electronic and/or digital recording equipment shall be operated by qualified personnel in such a manner and under such conditions as to ensure the production of a readable record of all proceedings. When proceedings are being recorded, the operator shall monitor the recording input and immediately notify a designated court official when the quality of the recording is doubtful.

4. All Automated Court Reporters will prepare transcripts of court proceedings and depositions during regular working hours or during approved overtime hours as may be necessary to meet court ordered deadlines and shall not be eligible to retain fees for the preparation of transcripts. The Automated Court Reporter shall certify the correctness of the transcript he/she prepares.

5. Time spent reporting a trial of a non-indigent defendant will be detailed and certified by the Automated Court Reporter to the County Comptroller for collection from the Defendant/Attorney at authorized prevailing rates.

6. Any party having an interest in a Court action may order a transcription of any tape or digital recording on file, or request a copy of the original tape itself. Written requests for transcription or copy of tape or digital recording should be sent to the Automated Court Reporting Office of the Courts and shall designate with particularity that portion of the proceedings which is needed for the movant's purpose. Requests for tapes and transcripts of confidential type proceedings require a court order. Any request must include all pertinent information to type the transcript; for example, date of proceedings/deposition, name of presiding judge, if applicable, courtroom or deposition room, names(s) of deponent(s)/witness(es). Transcripts prepared for a non-indigent party will be detailed and certified by the Automated Court Reporter to the County Comptroller for collection. No transcript will be released by the Automated Court Reporting Office until payment in full has been made to the Orange County Finance Department.

7. No transcripts of depositions will be provided to an indigent party without approval of a Circuit or County Judge. Transcripts of depositions will be provided only in Capital cases or other extraordinary circumstances which have been detailed in writing and approved by the presiding Judge. Mere trial preparation will not constitute good cause, as tape copies of depositions are provided for that purpose. Forms to request transcripts of depositions can be obtained from the Automated Court Reporters. Any party who, having ordered a transcript, and fails to immediately notify the Automated Court Reporter that the case has been disposed of, shall be obligated to pay the costs of the transcript and the County shall not bear the expense.

8. The Automated Court Reporter will have thirty days to complete any transcript request beginning on the day the request is received by the Administrative Office. A request for delivery of a transcript in less than thirty days must have prior approval by court order. A due date annotated in the Judge's hand on the request for transcription will be acceptable.

9. The Automated Court Reporter preparing the transcript shall certify the transcript as a true and accurate text of the tape or digital recording. The material part of the original tape or digital recording of any discovery deposition may be reproduced and amplified in open court for the purpose of contradicting or impeaching the testimony of the deponent as a witness. If any dispute

arises as to whether or not any transcript truly discloses what occurred, the dispute shall be submitted to and settled by the Court and the transcript made to conform accordingly.

10. The operator of the recording equipment shall maintain a detailed, accurate, legible record of all proceedings recorded on each magnetic or digital audio tape. All magnetic or digital audio tapes, properly identified, together with the recording log, will be stored for a period of time as prescribed by the Rules of Judicial Administration in the office of the Automated Court Reporters for ready accessibility for preparation of transcripts.

III. PER DIEM:

1. These rates shall be payable to free-lance court reporters.

2. These rates shall have no application to compensation paid to court-employed stenographic, stenomask or automated court reporters. However, these rates shall be used to determine the value of court reporting services rendered by court-employed stenographic, stenomask, or automated court reporters on behalf of non-indigent criminal defendants who are obligated to reimburse Orange County for court reporting services.

3. The following per diem rates do not apply to court reporters who are needed to cover circuit criminal proceedings for court-employed stenographic or stenomask court reporters. If a free-lance court reporter is needed to cover circuit criminal proceedings, the going market rate shall apply and shall be approved by the Chief Judge.

4. Per Diem Rates Maximums

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| a. Full day (8:00 to 5:00 p.m.) | \$84.00 |
| b. Morning (8:00 to 1:00 p.m.) | \$42.00* |
| c. Afternoon (1:00 to 5:00 p.m.) | \$42.00* |

*Maximum for 4 hours. Time worked in excess of 4.0 hours may be billed at the overtime rate of \$3.00 per quarter hour.

Minimums:

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| a. one-half hour or less | \$20.00 |
| b. after first half hour | \$ 3.00** |

**Per quarter hour not to exceed maximums.

5. Overtime Rates: Time worked before 8:00 a.m. or after 5:00 p.m. can be billed at \$3.00 per quarter hour.

IV. TRANSCRIPTS:

1. All rates herein for transcripts shall be payable to free-lance reporters and for non-court ordered transcripts payable to Orange County for court reporting services.

2. All transcripts rates herein shall apply when transcripts of court proceedings or discovery depositions are prepared by court-employed court reporters on behalf of non-indigent criminal defendants who are obligated to reimburse Orange County for court reporting services.

3. Transcript Rates:

- 1. Original plus one copy - per page \$ 3.00
- 2. Additional copies - per page \$ 1.00

Expedited Transcripts:

- 1. Delivery within 24 hrs.* - page rate plus 100%
- 2. Delivery within 25-48 hrs.* - page rate plus 75%
- 3. Delivery within 49-72 hrs.* - page rate plus 50%

* Assumes order is received by OCR or ACR Office on or before 5:00 p.m. on a regular business day and delivery is due by 5:00 p.m. subsequent day(s).

4. ASCII Disk Rates:

- 1. Original disk - per page \$ 3.00
- 2. Disk copies - per page \$ 1.00

Expedited ASCII Disk Rates:

- 1. Delivery within 24 hrs.* - page rate plus 100%
- 2. Delivery within 25-48 hrs.* - page rate plus 75%
- 3. Delivery within 49-72 hrs.* - page rate plus 50%

* Assumes order is received by OCR or ACR Office on or before 5:00 p.m. on a regular business day and delivery is due by 5:00 p.m. subsequent day(s).

5. Video Taped Depositions:

Court Reporters shall be compensated at a maximum rate of \$80.00 per hour for video taped depositions.

V. TAPES:

When cassette or video tapes of recorded proceedings are purchased by anyone other than an indigent criminal defendant the following rates shall apply:

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| Minimum (60 minutes or less of recording time) | \$15.00 |
| Each additional 60 minute tape | \$15.00 |
| Each 90 minute tape | \$20.00 |
| Video tape | \$25.00 |

VI. OTHER PROVISIONS:

1. The value of actual time spent by court-employed reporters in reporting proceedings or depositions on behalf of non-indigent criminal defendants who are obligated to reimburse Orange County for court reporting services will be determined by reference to per diem rates herein.

2. When court-employed reporters have prepared transcripts on behalf of non-indigent criminal defendants who are obligated to reimburse Orange County for court reporting services, the value of transcripts shall be determined by reference to transcript rates herein.

3. Any court-employed court reporter who has performed court reporting services that are reimbursable to Orange County shall furnish to the Orange County Comptroller on approved forms, the information necessary for billing and collecting from counsel for defendants.

4. Judges of the Circuit Court shall establish fees for per diem and transcripts. All transcripts of judicial proceedings and depositions shall be uniform in size and method of typing in conformity with the provisions of Florida Rule of Judicial Administration 2.070(f).

5. In an effort to effectively provide legal services to indigent persons, The Legal Aid Society of the Orange County Bar Association, Greater Orlando Area Legal Services and attorneys representing indigent persons in pro bono cases are authorized to use the services of the Automated Court Reporters free of charge for depositions and transcripts deemed necessary and

upon court order.

VII. STORAGE OF COURT REPORTER NOTES:

The Clerk of the Circuit and County Courts of Orange County, Florida is authorized and directed to continue to maintain court reporter notes in a secure place and to provide record keeping of said notes and to produce them for review or transcription as directed by the Court.

1. As provided in Chapter 28, Florida Statutes, the Clerk of the Circuit and County Courts is the custodian of all official records and proceedings in those courts, with responsibility for the storage and preservation of all official court records, including electronic recordings of civil, criminal and juvenile cases and discovery depositions. The Clerk also has the duty to destroy electronic recordings of court proceedings and depositions in accordance with records schedules promulgated by the Division of Archives, History and Management.

2. In order to alleviate some of the records storage problem being experienced by the Clerk, agreement has been made with the Chief Judge and the Clerk that it will be mutually beneficial to store magnetic tapes of recording of court proceedings and depositions in the office of Automated Court Reporters. This agreement is a temporary remedy for a length of time not yet determined. In order to accomplish this purpose without usurpation by the Courts of the Clerk's duty and responsibility, the Clerk of Circuit and County Courts is hereby authorized to appoint an individual on the Court Administrative Staff as a Deputy Clerk for the sole and specific purpose of indexing, storing and managing electronic records of court proceedings and depositions for a temporary and undetermined length of time, with the Clerk retaining full duty and responsibility for the storage, retention and destruction of all voice recordings of court proceedings and discovery depositions.

DONE AND ORDERED in Chambers at Orlando, Florida, this 12th day of April, 1999.

/s/ Belvin Perry, Jr.
Belvin Perry, Jr.
Chief Judge

Copies to:

All Circuit & County Judges, Ninth Judicial Circuit
State Attorney's Office, Ninth Judicial Circuit
Public Defender's Office, Ninth Judicial Circuit
General Counsel, Orange County Sheriff's Office
Orange County Corrections
Orange County Bar Association
Bar Briefs, Orange County Bar Association
Paul C. Perkins Bar Association
Hispanic Bar Association
Clerk of Courts, Orange County
Orange County Law Library
Clerk of Courts, Osceola County
The Osceola County Bar Association
The Osceola County Law Library
The Osceola County Sheriff's Office
Director, The Osceola County Dept. of Corrections
Office of the Statewide Prosecutor
Central Florida Criminal Defense Attorneys Association
Executive Director of The Florida Bar
Official Records, Orange County Comptroller

Administrative Order No. 07-98-43