

AMENDED ORDER GOVERNING COURT REPORTING AT PUBLIC EXPENSE

Pursuant to Florida Rule of Judicial Administration 2.535(h)(3), the chief judge, after consultation with the circuit court and county court judges in the circuit, shall enter an administrative order developing and implementing a circuit-wide plan for the court reporting of all proceedings required to be reported at public expense.

THEREFORE, IT IS ORDERED:

A. FUNDAMENTALS OF COURT REPORTING PLAN

1. Scope

Court reporting at public expense in the Ninth Judicial Circuit is managed and provided by the Office of Court Administration, Court Reporting Services. Court Reporting Services is responsible for ensuring that proceedings mandated by law to be recorded at public expense are recorded at the highest quality attainable; that accurate transcripts are prepared; that public records requests are responded to appropriately; and that the record is retained and archived as required by law.

The court reporting plan set forth in this Order delineates procedures to be followed for all proceedings required to be reported at public expense. In any proceeding in which the types of court reporting equipment or services specified in this Order are not available, Court Administration may utilize any court-employed court reporter or court equipment, or services with which it has contracted, without further order of the Court except in capital cases. Under emergency or any other exigent circumstances in which contracted services, personnel, or equipment are not available, Court Administration may utilize whatever other means of reporting is available under the circumstances, but must notify the Chief Judge of the exigency as soon as possible.

2. Court Reporting Model

The 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 Circuit may, on occasion, contract with independent court reporters and transcriptionists, all of whom also meet the definition of “approved court reporter” and “approved transcriptionist” as set forth in Florida Rule of Judicial Administration 2.535(a)(1) and (2).

Upon approval from the presiding judge, magistrate or hearing officer, parties may bring their own privately retained court reporter, however, the proceedings shall still be digitally recorded by a digital court reporter or official court reporter, and the Court’s digital recording or the official court reporter’s notes will always provide the basis for the official record. If a discrepancy occurs in a transcript produced by means other than the Court’s digital recording or by an official court reporter, the transcript prepared from the Court’s digital recording or by an official court reporter is the official record.

3. Real-time Court Reporting

Real-time court reporting is transcription by official court reporters which delivers transcription within a few seconds of the words being spoken. Real-time court reporting is limited to capital case proceedings, if available. Real-time court reporting for other types of proceedings will only be provided with Chief Judge approval, in consultation with the Manager of Court Reporting Services, and only when services are available.

4. The Record

Only one official record may be produced. In the event that a court proceeding is recorded electronically and by an Official Court Reporter, the record generated by the Official Court Reporter shall be the official record.

For all proceedings in which the Court is required to provide a record, the “official record” is the transcript, which is the written record of court proceedings as produced by an approved court reporter and filed with the Clerk of the Court. The “official record” does not include CDs, DVDs, tapes, or any other electronic record of a court proceeding nor does it include any transcript of a court proceeding produced by a party or other entity not authorized by this Order.

5. Priority

Priority in the production of transcripts shall be given to capital cases, including capital postconviction cases, termination of parental rights, juvenile dependency, and other cases entitled to priority under Florida Rule of Judicial Administration 2.215(g).

6. Death Penalty and Capital Postconviction Proceedings

Whenever possible, real time computer aided transcription qualified court reporters, employed by the Chief Judge as members of the Court Reporting Services Department, shall be used in all death penalty cases and capital postconviction proceedings in both Orange and Osceola counties. Upon completion of such proceedings, and if a transcript is requested, the Court Reporting Services Department shall deem the transcript request a priority and shall place it before all other non-capital transcript requests, regardless of the timeliness of those other requests. Additionally, the court reporter assigned to prepare the transcript in the capital case shall be removed from court coverage and relieved of all other nonessential duties until such time as the transcript has been completed and filed. Motions seeking an extension of time for preparation of the transcript shall be presented to the Chief Judge for approval or denial.

7. Court Orders

It shall be at the discretion of the Manager of Court Reporting Services to require a court order for transcription for any transcript that has not been requested for appeal and is requested as expedited or during those times when resources are limited. Each request will be handled on a case-by-case basis. Such order must be specific, and must include the dates of the requested proceedings, judge, and date transcript is needed.

Except for appeals a court order is required for a transcription of any digitally recorded court proceeding an hour or longer in duration.

8. Tapes Played and Offered as Evidence at Criminal Proceedings

When an audio or video tape recording is offered in evidence at any criminal proceeding, the court reporter shall report or record the contents of the tape as it is played at the criminal proceeding. The court reporter is only obligated to make a good faith effort to report or record the contents of the audio or video tape because a verbatim transcript may not be possible if the tape or a portion of the tape is inaudible.

B. COURT REPORTING SERVICES - HYBRID METHOD OF COVERAGE

The following table illustrates which proceedings are covered digitally, stenographically, either digitally or stenographically, and which proceedings are not covered at public expense:

DIGITAL		
	<u>Proceeding</u>	<u>Case Designations</u>
	Baker Acts	MH
	County Criminal Magistrate	MM, TR ; CT, MO
	Domestic Violence	DR ; DP
	Drug Court	DR *
	Guardianship	No case delineations *
	Initial Appearances	CP, GA
	Juvenile – Delinquency and Dependency	CF, MM, CT, TR ; MO
	Mental Health	CJ, DP
	Veteran’s Court	MH
		No case delineations *

* Only audio, no transcription provided.
 On rare occasion the proceeding types listed above may be covered stenographically.

STENO		
	<u>Proceeding</u>	<u>Case Designations</u>
	Death Penalty – all proceedings	CF, CR
	Grand Jury	CF

DIGITAL or STENO		
	<u>Proceeding</u>	<u>Case Designations</u>
	Circuit Criminal	CF, CR
	Jimmy Ryce – Mental Health	MH

NO COVERAGE		
	<u>Proceeding</u>	<u>Case Designations</u>
	Circuit Civil	CA
	County Civil	CC, SC, CO, IN
	County Appeal	MM, TR, CT
	Family	DR
	Probate	CP
	Depositions	

C. PROCEDURES WHEN THE COURT DOES NOT PROVIDE A RECORD

If a party wishes to make a record of a court proceeding for which the Court does not provide a record as delineated in the table found at paragraph B. of this Order, it is the responsibility of the party or the party's attorney to secure the services of a court reporter.

D. TRANSCRIPT/AUDIO REQUESTS

1. Attorneys/Parties

a. Appellate Transcripts

Before filing a Designation to the Court Reporter, all parties must make prior financial arrangements with Court Reporting Services or provide a signed Indigency for Appeal Order.

These documents must be submitted to Court Reporting Services by email to:

(Orange County) Felonyctrprting@ocnjcc.org; or

(Osceola County) Osceolacrrequests@ocnjcc.org;

and/or by mail at the following address:

(Orange County) Court Reporting Services, 435 North Orange Avenue, Suite 102,
Orlando, Florida 32801; or

(Osceola County) Court Reporting Services, 2 Courthouse Square, Suite 1500,
Kissimmee, Florida 34741.

All designations must contain all dates of proceedings requested for the appeal, including the defendant's name, judge's name and case number(s). Once the appropriate deposit (50%, check or money order made payable to the State of Florida) or the Indigency for Appeal Order is received, you can then e-file the appeal paperwork.

If you are from the Public Defender or Regional Counsel's Office as part of cost-sharing, your paperwork will automatically be processed upon submission of Designation to the Court Reporter.

If a Designation to the Court Reporter is e-filed before making financial arrangements or providing a signed Indigency for Appeal Order to Court Reporting Services, the court reporter will file an Acknowledgement of Nonpayment and will not proceed with the transcription until financial arrangements are met.

Final payment is due once transcripts are complete. If final payment is not made by the court reporter's appeal transcript due date, Court Reporting Services will e-file a Notice of Inability of Court Reporter to File Appeal Transcripts due to nonpayment until payment is made in full.

Transcripts requested by the Public Defender, State Attorney, Office of Criminal Conflict and Civil Regional Counsel or by a court appointed attorney, shall be billed in accordance with procedures established by the cost-sharing agreement set by the Legislature. The transcript shall be provided without prepayment.

The Clerk of Court for Orange County and the Clerk of Court for Osceola County shall send a copy of all designations filed pursuant to Florida Rule of Appellate Procedure 9.200(b) to the Manager of Court Reporting Services upon filing of the designation by appellant.

b. Non-appellate Transcripts

Attorneys of record and parties to a case will be provided with a copy of a transcript without that transcript being reviewed for confidential information. The requestor **MUST** sign a written acknowledgement that confidential information may be contained in the transcript, that further dissemination of confidential information contained in the transcript is prohibited, and violation of the prohibition may subject the requestor to contempt of court. Upon receipt of the acknowledgement and payment of fees, the transcript will be provided to such requestors.

Requests for a transcript of proceedings must be made utilizing the Transcript Request Form found on the Ninth Judicial Circuit Court website or may be requested in person at the Court Reporting Services office. The request must include sufficient information to identify the proceeding, including the date of the proceeding, name of the presiding judge, the case name and Uniform Case Number, portion of the proceedings requested, and must identify whether the requestor is an attorney of record or a party in the case.

All transcript requests require a 50% deposit before the transcript will be produced or the request must be accompanied by a court order to transcribe and that the transcript will be provided free of charge. The balance must be paid prior to receipt of the transcript. All payments must be by check or money order made payable to the State of Florida. No refunds

will be issued to a person who cancels his or her request.

Transcripts requested by the Public Defender, State Attorney, Office of Criminal Conflict and Civil Regional Counsel or by a court appointed attorney, shall be billed in accordance with procedures established by the cost-sharing agreement set by the Legislature. The transcript shall be provided without prepayment.

c. Audio

Requests for an audio recording of proceedings must be made in writing and utilizing the Audio CD Request Form found on the Ninth Judicial Circuit Court website or may be requested in person at the Court Reporting Services office. The request must include sufficient information to identify the proceeding, including the date of the proceeding, name of the presiding judge, the case name and Uniform Case Number, portion of the proceedings requested, and must identify whether the requestor is an attorney of record or a party in the case. Attorneys of record and parties to a case will be provided with a copy of an audio recording without that recording being reviewed for confidential information.

The requestor **MUST** sign an acknowledgement that confidential information may be contained in the recording, that further dissemination of confidential information contained on the recording is prohibited, and violation of the prohibition may subject the requestor to contempt of court. Upon receipt of the acknowledgement and payment of fees, a copy of the audio recording will be provided to such requestors.

All requests for an audio CD of court proceedings not covered under cost-sharing require full payment before the CD will be produced. Payments by check or money order shall be made payable to the State of Florida. No refunds will be issued to a requestor who cancels his or her request.

2. All others – Public Records Requests

a. Transcripts

All proceedings that are statutorily exempt shall only be provided to those persons statutorily authorized to obtain the record or to those persons who obtain a court order in accordance with the applicable statutory provisions.

Transcripts requested by any person other than a party or attorney of record shall be reviewed by Court Reporting Services prior to its release to ensure that matters protected by public records laws are kept confidential.

All requests for a transcript require a 50% deposit before the transcript will be produced and the balance due upon receipt. Payment by check or money order shall be made payable to the State of Florida. No refunds will be issued to a requestor who cancels his or her request.

b. Audio

All proceedings that are statutorily exempt shall only be provided to those persons statutorily authorized to obtain the record or to those persons who obtain a court order in accordance with the applicable statutory provisions.

CDs requested by any person other than a party or attorney of record shall be reviewed by Court Reporting Services prior to release to ensure that matters protected by public records laws are kept confidential. If a requested recording is found to contain confidential information, every effort will be made to provide the recording where redaction is possible, as determined by the Manager of Court Reporting Services. However, the requestor may be required to order a transcript instead. Additional fees may be incurred.

Requests for an audio recording of proceedings must be made using the Audio CD Request Form found on the Ninth Judicial Circuit Court website or may be requested in person at the Court Reporting Services office and shall include sufficient information necessary to identify the proceeding, including the date of the proceeding, name of the presiding judge, the case name and Uniform Case Number, and portion of the proceedings requested.

All requests for an audio CD of court proceedings require full payment by check or money order before the CD will be produced. Payment shall be made payable to the State of Florida. No refunds will be issued to a requestor who cancels his or her request.

E. FEES

The fees for court reporting services are set out in Appendix A. The Court may amend Appendix A to change fee rates without amending this Order.

All ordered transcripts not covered under cost-sharing require a 50% deposit before production and the balance is due upon receipt. No transcript will be released by the Court Reporting Services office until payment in full has been made to the State of Florida.

For public records requests, additional fees will be charged for any request that requires extensive use of staff or technology resources in accordance with public records laws. In addition to the cost for a CD as listed in Appendix A, fees will be charged for requests that require Court Reporting Services staff to listen to the recording and determine whether it contains confidential or exempt information.

F. MISCELLANEOUS PROVISIONS

Previous Administrative Orders Superseded: Any provisions in other active Administrative Orders that may be inconsistent with this Order are superseded and this Order shall control.

Effective Date: This Administrative Order is effective immediately.

Administrative Order Nos. 07-98-43, 07-98-44, 2009-09, 07-96-03-1, 2000-37-01, and 2019-01 are vacated and set aside except to the extent that each has been incorporated and/or amended herein. Vacating an Administrative Order that vacates a prior Order does not revive the prior Order.

DONE AND ORDERED at Orlando, Florida, this 12th day of February, 2020.

_____/s/_____
Donald A. Myers, Jr.
Chief Judge

Copies provided to:

Clerk of Court, Orange County
Clerk of Court, Osceola County
General E-Mail Distribution List
<http://www.ninthcircuit.org>

**APPENDIX A
COURT REPORTING FEES**

The following fees are established for routine audio or transcription services and expedited transcription services.

<i>Transcription Service Requested</i>	<i>Production Time Requested</i>	<i>Cost</i>
<p style="text-align: center;">Transcript PDF emailed/e-filed (not previously transcribed)</p> <p>* if available due to resources</p>	Minimum 30 days from deposit paid	\$6.00 per page
	Within 2 weeks from deposit paid*	\$7.25 per page
	Within 5 days from deposit paid*	\$8.50 per page
	Within 2 days from deposit paid*	\$9.75 per page
	Within 24 hours from deposit paid*	\$10.25 per page
	Produced same day (daily copy)*	\$11.00 per page
<p style="text-align: center;">Transcript PDF or e-filed (previously transcribed)</p>		\$1.00 per page
<p style="text-align: center;">Printed transcripts (previously transcribed)</p>		\$1.50 per page
<p style="text-align: center;">Audio CD rates</p>	Each CD produced within 5-7 days of payment	\$20.00
	Each CD when asked to be produced within 48 hours of payment	\$30.00
	Each CD produced with 24 hours of payment	\$40.00
	Each CD produced on the same day	\$45.00
<p style="text-align: center;">Public records requests</p>	Per quarter hour of review/redaction over 15 minutes	\$8.00