

**IN THE CIRCUIT COURT, SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO AND PINELLAS COUNTIES, FLORIDA**

ADMINISTRATIVE ORDER NO. 2004-018 PA/PI CIR

RE: COURT REPORTING PLAN

Whereas Rule of Judicial Administration 2.070(g)(2) requires the Chief Judge, after consultation with the circuit court and county court judges in the circuit, to enter an administrative order developing and implementing a circuit-wide plan for court reporting of all proceedings required to be reported at public expense using full or part-time court employees or independent contractors, and

Whereas Rule of Judicial Administration 2.070(g)(3) authorizes the Chief Judge to provide for electronic recording and transcription of proceedings; and

Whereas, on June 25, 1995, after consideration of the guidelines issued by the Office of the State Courts Administrator, a plan was adopted for the circuit; and

Whereas on February 8, 2000, and February 25, 2003, the plan was amended; and

In order to provide an updated plan, it is hereby

ORDERED:

A. USE OF COURT REPORTERS

The Sixth Judicial Circuit is transitioning from a contract court reporter model to a combination of electronic and court employed court reporters. This transition will affect all parts of the Circuit but at different times.

The terms “electronically recorded” or “electronic recording” as used in this Administrative Order refer to a means of recording a court proceeding or a record of a court proceeding made by equipment owned or operated by the Sixth Judicial Circuit.

The term “certified court reporter” as used in this Administrative Order means a court reporter that holds a current certification as a Registered Professional Reporter or other higher-level certification from the National Court Reporter’s Association or has been approved by the Administrative Office of the Courts to provide court reporting services in the Sixth Judicial Circuit.

1. East Pasco County

East Pasco County currently has a combination of electronic recording and court employed court reporters and will continue with this model; however, the exact allocation between electronic reporting and court-employed court reporters may be modified. In all proceedings where the court does not provide a record, a party may use any certified court reporter.

2. West Pasco County

Due to the upcoming construction at the West Pasco Judicial Center, the court will continue to use contract court reporters until the construction is completed sufficiently to make it feasible to transition to a combination of electronic and court employed court reporters. The contract court reporters shall furnish court reporting services to the Sixth Judicial Circuit, reporting all in-court proceedings before judicial officers in West Pasco County, unless otherwise provided herein or by contract. All proceedings in which the court is required to provide a record and all proceedings in which the parties elect to provide a record must be recorded by the contract court reporters.

3. Pinellas North and South County Traffic Facilities

The court has implemented electronic recording in the North and South County Traffic Facilities. No changes are anticipated in these facilities.

4. Pinellas County Criminal Justice Center

County Court – Effective April 2, 2004, all criminal proceedings in county court in Pinellas County, including trials, shall be recorded by electronic recording using CourtSmart or similar technology.

Circuit Court - All criminal proceedings, including trials, are currently recorded by court contract court reporters. Effective July 1, 2004, all criminal proceedings in Circuit Court in Pinellas County, excluding trials, shall be recorded by electronic recording using CourtSmart or similar technology. Circuit court criminal trials shall, to the extent resources are available, be recorded by court employed court reporters. If sufficient court employed court reporters are not available, such trials may be recorded by electronic recording using CourtSmart or similar technology or the Chief Judge may authorize the use of contract court reporters. All capital cases will be recorded by court-employed court reporters or, if sufficient court employed court reporters are not available, such trials may be recorded by contract court reporters. Recording of proceedings under section 394.910 et seq. tried at the Criminal Justice Center shall be recorded in the same manner as circuit court criminal trials.

Unified Family Court, dependency and delinquency - All UFC, dependency, and delinquency proceedings are currently recorded by court contract court reporters. Effective July 1, 2004, all such proceedings including trials, shall be recorded by electronic recording using CourtSmart or similar technology, except that termination of parental rights trials shall be recorded by court employed court reporters. If sufficient court employed court reporters are not available, such proceedings may be recorded by electronic recording using CourtSmart or similar technology or the Chief Judge may authorize the use of contract court reporters.

5. Clearwater Courthouse and St. Petersburg Judicial Building

Civil - Currently parties in a civil proceeding who wish to make a record are required to use the court contract court reporters. Effective July 1, 2004, parties in civil proceedings may use any certified court reporter except that proceedings under section 394.910 et seq. shall be recorded by electronic recording using CourtSmart or similar technology, a court-employed court reporter, or the Chief Judge may authorize the use of contract court reporters.

Family - Currently parties in family law proceedings who wish to make a record are required to use the court contract court reporters. Effective July 1, 2004, parties in family law proceedings may use any certified court reporter except that domestic violence proceedings under chapter 741, Florida Statutes shall be recorded by electronic recording using CourtSmart or similar technology, a court-employed court reporter, or the Chief Judge may authorize the use of contract court reporters.

Probate - Currently parties in probate proceedings who wish to make a record are required to use the court contract court reporters. Effective July 1, 2004, parties in probate proceedings may use any certified court reporter, except that guardianship and Baker Act proceedings shall be recorded by electronic recording using CourtSmart or similar technology, a court-employed court reporter, or the Chief Judge may authorize the use of contract court reporters.

6. Proceedings before general masters and hearing officers

All proceedings before general masters and hearings officers shall be recorded by electronic recording.

7. Other proceedings

a. Advisories and Chapter 39, Florida Statutes, shelter hearings conducted on weekends and holidays shall continue to be electronically recorded. For advisories in Pinellas County, jail personnel shall be responsible for ensuring that the electronic computer recording equipment in the jail is started prior to the commencement of the proceedings.

For advisories in Pasco County, bailiffs shall be responsible for ensuring that the tape recording equipment is started prior to the commencement of the proceedings. During the proceedings, the trial clerk and bailiff shall ensure that the tape recording equipment remains on. Upon conclusion of the advisory proceedings, the trial clerk in attendance shall affix the date of the proceedings and the name of the judge presiding onto the label of the tape(s).

b. Other proceedings as authorized by the Chief Judge may be electronically recorded.

B. PROCEDURES RELATED TO ELECTRONIC RECORDING

1. Participant functions

Electronic recording equipment shall be operated in such or manner as to ensure a reliable record of the proceedings. In order to ensure an accurate record of proceedings using electronic recording equipment, all participants must cooperate with the court to ensure an accurate record of the proceedings.

a. All court participants in the courtroom, including Clerks of Court, bailiffs, attorneys and employees of the court shall:

- (i) If unable to easily hear a participant in the proceedings, remind the judge that the participants need to speak with sufficient volume for the system to make an accurate recording,
- (ii) Not tamper with microphones or electronic recording equipment, and
- (iii) Immediately notify the Judge when it appears that someone is tampering or has tampered with the electronic recording equipment.

b. Bailiffs shall:

- (i) Ensure that no one tampers with microphones or the electronic recording equipment,
- (ii) Promptly notify the court of any evidence that the microphones or electronic recording equipment is not functioning properly,
- (iii) Promptly notify the court when a microphone at an attorney's table is left muted after a private conversation, and
- (iv) Remind participants to speak into the microphone.

c. The Court Clerk shall:

- (i) Notify the electronic court reporter by calling the digital court reporting control room when proceedings are about to begin or when they have concluded, and

d. The Judge shall:

- (i) Remind participants to speak into the microphone and answer verbally,
- (ii) If the judge observes equipment that has been tampered with, notify the Administrative Office of the Courts,
- (iii) If the judge observes participants being careless with equipment, remind participants to protect the court's equipment, and
- (iv) If unable to easily hear a participant in the proceedings, remind the participants to speak with sufficient volume for the system to make an accurate recording.

e. Attorneys and parties shall:

- (i) Speak clearly and speak into the microphone,
- (ii) Not tamper with microphones or electronic recording equipment,
- (iii) Ensure that microphones are on for all non-private communications, and
- (iv) Remember that non-verbal communication is not recorded.

2. Administrative Office of the Court responsibilities

a. The Administrative Office of the Court (AOC) personnel shall operate and maintain equipment so that an accurate recording is made. If the sound quality of a proceeding drops to a level that brings into question the ability to transcribe the proceeding, the judge shall be notified immediately.

b. The AOC personnel shall ensure that the electronic computer recording equipment will reliably provide for recording of the proceeding. For proceedings using electronic computer recording equipment, the AOC shall ensure that the proceeding is recorded to a hard drive and backed up on a server. The data shall be removed from the server and burned to a CD or DVD on a periodic basis. The AOC shall maintain the CD or DVD for a period of time prescribed by the Rules of Judicial Administration. Proceedings shall be properly identified, and shall be maintained in a manner that facilitates locating specific court proceedings for purposes of obtaining a transcript.

c. The AOC personnel shall prepare transcripts of proceedings recorded by electronic recording and certify the correctness of the transcript prepared. If timely transcripts cannot be prepared, the AOC shall arrange for transcription by other qualified independent contractors. The official record of the proceeding is a transcript produced by the Administrative Office of the Courts or other qualified independent contractors obtained by the AOC.

3. Protection of equipment

In order to ensure a reliable record of proceedings using electronic recording, microphones and other electronic equipment must be protected. Any willful act that disables or circumvents the proper recording of a proceeding, or any willful destruction of such equipment will be treated as contempt of court and will be enforced in accordance with Rule of Criminal Procedure 3.830 or 3.840.

4. Requests for transcripts

Any person may order a transcript of any electronic recording except that proceedings under the Rules of Juvenile Procedure, Baker Act proceedings, or any other exempt proceeding shall not be provided without a court order. Requests for a transcript of proceedings in Pinellas County should be made in writing to the Administrative Office of the Courts, Head Electronic Court Reporter, H Wing, Second Floor, 14250 49th Street North, Clearwater, FL 33762. Requests for a transcript of electronically recorded proceedings in Pasco County shall be made in writing to the Administrative Office of the Courts, Court Technology Office, 7530 Little Road, Room 219, New Port Richey, Florida. 34654. Requests for transcripts of proceedings recorded by the contract court reporter should be made to Judy G. Moukakis and Associates Inc., 7530 Little Road, Court Reporters Annex, New Port Richey Florida 34654. Any request must include sufficient information necessary to locate the proceeding, including the date of the proceeding, name of the presiding judge, the case name and Uniform Case Number, courtroom, and portion of the proceedings requested. If a transcript is ordered, either for an appeal or for further use in the trial court, the court-employed court reporters shall be used for such transcribing. If sufficient court employed court reporters are not available to timely provide transcripts, contract court reporters may be used for transcription purposes.

All transcripts require a 50% deposit before the transcript will be produced. The balance must be paid upon receipt of the transcript. Rates for production of transcripts will be at the rates established in Administrative Order 2003-66 or any subsequent Administrative Order establishing rates for court reporting services. The Administrative Office of the Courts will not release a transcript until payment has been made in full. All payments must be by check or money order. Payment for all transcripts requested prior to July 1, 2004, shall be made payable to the Pasco or Pinellas County Board of County Commissioners. Payment for all transcripts requested on or after July 1, 2004, shall be made payable to the State of Florida.

All transcripts ordered by the Public Defender or State Attorney shall be provided without prepayment; however, upon release of the transcript, the budget for the Public Defender or the State Attorney shall be debited for the cost of production of the transcript. For requests made prior to July 1, 2004, the costs shall be debited to the Public Defender or State Attorney's county budget. For requests made on or after July 1, 2004, payment shall be made via journal transfer on at least a monthly basis.

5. Access to Control Room

Unless otherwise specifically authorized by the Chief Judge, access to the central monitoring room at the Criminal Justice Center shall be restricted to those court employees whose job functions require access.

C. GENERAL ISSUES

1. Except in West Pasco County where contract court reporters will record proceedings as provided in paragraph (A)(2), effective July 1, 2004, 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 certified court reporter.

All notices of hearings for proceedings where the court does not provide a record must specify whether or not the party setting a matter for hearing will be securing 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. See Florida Rule of Judicial Administration 2.070(b).

Only one official record may be made. The court will not allow two records to be made of the same proceeding.

Only certified court reporters may be used. In order to report court proceedings in the Sixth Judicial Circuit, a court reporter must be approved by the Administrative Office of the Court. In order to be approved, a court reporter must either hold a current certification as a Registered Professional Reporter or other higher-level certification from the National Court Reporter's Association or be approved based upon training and experience. If a court reporter arrives to report a particular proceeding but is not an approved court reporter for the Sixth Judicial Circuit, the judge may, after inquiry to determine the qualifications of the reporter, authorize an individual reporter to report a specific proceeding.

2. A court reporter reporting a deposition may report a hearing to have a certified question answered regardless of whether the matter would normally be recorded by the court.

3. Hearings of administrative agencies conducted in court facilities may be reported by the agency's own reporters.

4. The State Attorney and Public Defender shall decide how court reporting services will be provided to their offices.

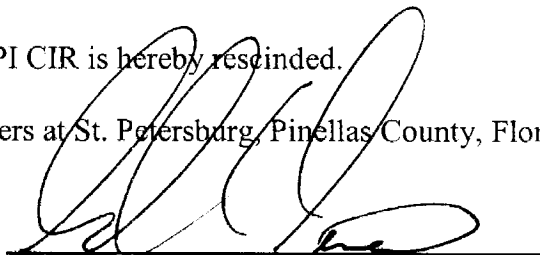
5. All Administrative Office of the Court staff who have access to electronic recording equipment shall execute an oath acknowledging their responsibilities to the Court. New employees shall execute the oath prior to assuming duties.

6. The attached procedures that implement the transition from court contract court reporting to a combination of electronic and in-house court reporters are hereby adopted and may be changed by the Chief Judge without further amendment to this Administrative Order.

Administrative Order 2003-007 PA/PI CIR is hereby rescinded.

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DONE AND ORDERED in Chambers at St. Petersburg, Pinellas County, Florida, this day of April 2004.



David A. Demers, Chief Judge

cc: All Pinellas and Pasco Judges
The Honorable Bernie McCabe, State Attorney
The Honorable Robert H. Dillinger, Public Defender
The Honorable Karleen F. DeBlaker, Clerk of Court, Pinellas County
The Honorable Jed Pittman, Clerk of Court, Pasco County
Gay L. Inskip, Trial Courts Administrator
Carol Heath, Director, Court Services Division, Pinellas County Clerk's Office
Betty Henderson, Assistant Court Services Director, Pasco County Clerk's Office
Kerry L. Rice, Deputy Courts Administrator, Pasco County
Law Libraries, Pasco and Pinellas Counties
Bar Associations, Pasco and Pinellas Counties
Robert A. Dempster & Associates
Kanabay & Kanabay

Electronic Court Reporting Office

Criminal Justice Center

14250 49th Street North, Suite H 2000

Clearwater, Florida 33762

Phone: 727-453-7474

Ordering a Transcript

To order a transcript a completed Electronic Recording Transcript Request Form with deposit is required. To ensure a prompt response to your request, please fill out the form in its entirety. This form and the rates for court reporting services can be found on the World Wide Web at www.jud6.org/transcripts or by contacting the Electronic Court Reporting Office at the address above. Transcripts will be produced and available for pickup within 30 days of the request unless the request specifies expedited service.

Instructions to order a Transcript of an Entire Proceeding

- Complete the Requestor and Case Information sections.
- Check the "Transcript of Full Proceeding" box and specify the number of copies.
- Indicate the transcript completion time and send the completed form with deposit to the Electronic Court Reporting Office. Deposit is based on half of the estimated cost for the transcript. Please contact the Electronic Court Reporter office for the deposit amount. Payment shall be made by check or money order payable to: (before 7/1/04) Pinellas County Board of County Commissioners; (7/1/04 and after) State of Florida.
- Someone on our staff will contact you when your request has been processed. Completed requests can be picked up at the Electronic Court Reporting Office upon receipt of the invoice balance.

Instructions to order a Partial Transcript of a Proceeding

- Complete the Requestor and Case Information sections.
- Check the "Transcript of Partial Proceeding" box and specify the number of copies.
- Select the Trial Event. Choices include Voir Dire, Opening or Closing Arguments, Sentencing, and Testimony of Witness. If requesting the testimony of a witness, please indicate which witness(es) on the line provided.
- Indicate the transcript completion time and send the completed form with deposit to the Electronic Court Reporting Office. Deposit is based on half of the estimated cost for the transcript. Please contact the Electronic Court Reporter office for the deposit amount. Payment shall be made by check or money order payable to: (before 7/1/04) Pinellas County Board of County Commissioners; (7/1/04 and after) State of Florida.
- Someone on our staff will contact you when your request has been processed. Completed requests can be picked up at the Electronic Court Reporting Office upon receipt of the invoice balance.

General Information

- Proceedings exempt from public record shall not be transcribed or copied for release to the public absent specific court order.
- Parties, other than the State Attorney or Public Defender, requesting transcripts using public funds must produce an Order to Transcribe.
- Upon receipt of an Electronic Recording Transcript Form, the Court Reporter will forward a copy of the form to the Court File.
- Upon completion of an order for transcription, the Court Reporter will send the original transcript or partial transcript, as ordered, to the court file along with a completed request form.
- Once a proceeding has been transcribed, subsequent requests for additional copies shall be referred to the Clerk of Circuit Court.

Rates:

Original (Regular Completion)	\$3.50 per page
Original (Expedited -One Business Day)	\$7.00 per page
Original (Expedited – Two Business Days)	\$6.00 per page
Original (Expedited – Three Business Days)	\$5.25 per page
Copies	\$.25 per page