

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

ADMINISTRATIVE ORDER NO. 2017-022 PA/PI-CIR

RE: COURT REPORTING PLAN AND ELECTRONIC RECORDINGS OF COURT PROCEEDINGS

It is necessary to amend the Circuit's court reporting plan based on changes in Court procedure. Further, the costs of transcription have changed.

Pursuant to the authority of the Chief Judge in Article V, section 2, Florida Constitution, Rule of Judicial Administration 2.215 and 2.535 and sections 29.0195 and 43.26, Florida Statutes, it is

ORDERED:

A. FUNDAMENTALS OF COURT REPORTING PLAN

1. Scope

The court reporting plan set forth in this Administrative Order delineates procedures to be followed for various proceedings on a circuit-wide basis. In any proceeding in which the type of court reporting equipment or services specified in this Administrative Order are not available, the Administrative Office of the Courts (AOC) 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, the AOC 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. Definitions

The term "approved court reporter" means a court employee or Sixth Judicial Circuit contractor who performs court reporting services, including transcription, at public expense and who meets the court's certification, training, and other qualifications for court reporting.

The term "approved transcriptionist" means a court employee, Sixth Judicial Circuit contractor, or other individual who performs transcription services for the Sixth Judicial Circuit at public expense and who meets the court's certification, training, and other qualifications for transcribing proceedings.

The term "civil court reporter" means a stenographic court reporter who performs court reporting services in civil proceedings not required to be reported at public expense.

The term "court-employed stenographic court reporter" means an "approved court reporter" who is employed by the court and who meets the court's qualifications to perform stenographic court reporting.

The term “court-employed digital court reporter” means an “approved court reporter” who is employed by the court and who meets the court’s qualifications to monitor or transcribe electronic recordings.

The terms “electronic record” or “electronic recording” means the audio, analog, digital, or video record of a court proceeding made using electronic equipment owned or operated by the Sixth Judicial Circuit.

3. The 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 Circuit Court. For all other court proceedings, the “official record” is the transcript, which is the written record of court proceedings as produced by a civil court reporter and filed with the Clerk of the Circuit 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 Administrative Order.

Only one “official record” of a court proceeding may be produced. A transcript of a court proceeding that is not produced by an approved court reporter or a civil court reporter is not an official record and may not be used in court proceedings.

4. Ownership

The Chief Judge in his or her official capacity is the owner of all records of a court proceeding made by an approved court reporter or quasi-judicial officer. This includes records in paper and electronic format. The Chief Judge retains the right to full and complete access to any unedited notes, paper tapes, electronic files, and recordings used to create an “official record” of a court proceeding.

5. Officers of the Court

All approved court reporters, civil court reporters, and approved transcriptionists are officers of the court for all purposes while acting as court reporters in judicial proceedings, or discovery proceedings, or as transcriptionists.

B. COURT REPORTING PROCEDURES BY COURT DIVISION

1. Circuit Court

a. Appellate Division

The Court does not provide any court reporting services in Appellate Division matters. However, parties wishing to record oral argument in Appellate Division proceedings may use any civil court reporter in accordance with Section E of this Administrative Order.

b. Civil Division

Parties in Civil Division proceedings where the Court is not required to provide a record may use any civil court reporter in accordance with Section E of this Administrative Order. A court-employed stenographic court reporter shall report all trials in which the Court is required to provide a record, including but not limited to trials under section 394.910 et seq., Florida Statutes. If sufficient court-employed stenographic court reporters are not available, such trials may be reported by any other approved court reporter.

All other Civil Division proceedings in which the Court is required to provide a record, including but not limited to those under section 394.910 et seq., Florida Statutes, shall be reported by an approved court reporter.

c. Criminal Division

Court-employed digital court reporters shall report all Criminal Division proceedings except for first- and second-degree felony trials and capital proceedings. Unless required by law, this does not include depositions. Court-employed stenographic court reporters shall report first- and second-degree felony trials. If sufficient court-employed stenographic court reporters are not available, any other approved court reporter may report such trials. Capital proceedings are addressed in Section F of this Administrative Order.

d. Probate Division

Parties in Probate Division proceedings where the Court is not required to provide a record may use any civil court reporter in accordance with Section E of this Administrative Order. An approved court reporter shall report all proceedings in which the Court is required to provide a record, including but not limited to proceedings pursuant to Chapter 744, Florida Statutes, regarding (1) adjudication of incapacity; (2) appointment of a guardian; (3) modification, termination, or revocation of the adjudication of incapacity; or (4) restoration of capacity.

e. Family Division

Parties in proceedings governed by the Florida Family Law Rules of Procedure where the Court is not required to provide a record may use any civil court reporter in accordance with Section E of this Administrative Order. An approved court reporter shall report all proceedings in which the Court is required to provide a record, including but not limited to domestic violence proceedings under section 741.30, Florida Statutes; as well as all dating, sexual, repeat violence, and stalking injunction proceedings under Chapter 784, Florida Statutes.

Court-employed digital court reporters shall report all proceedings under the Florida Rules of Juvenile Procedure, including trials, except that Court-employed stenographic court reporters shall report termination of parental rights trials pursuant to Chapter 39, Florida Statutes, and proceedings to waive parental notification of abortion pursuant to section 390.01114, Florida Statutes. If sufficient court-employed stenographic court reporters are not available, such proceedings shall be reported by any other approved court reporter.

2. County Court

a. Civil Division

The Court provides no court reporting services for proceedings in the Civil Division. However, the parties may use any civil court reporter in accordance with Section E of this Administrative Order.

b. Criminal Division

Court-employed digital court reporters shall report all criminal proceedings, including trials.

c. Small Claims Division

The Court provides no court reporting services for proceedings in the Small Claims Division. However, the parties may use any civil court reporter in accordance with Section E of this Administrative Order.

d. Traffic Division

Civil Proceedings: All civil proceedings in the Traffic Division in Pinellas County shall be reported by electronic recording. The Court provides no court reporting services for civil proceedings in the Traffic Division in Pasco County; however, a party may record a civil traffic infraction hearing in accordance with Florida Rule of Traffic Court 6.460(b).

Criminal Proceedings: Court-employed digital court reporters shall report all criminal proceedings in the Traffic Division.

C. COURT REPORTING PROCEDURES FOR HEARINGS BEFORE GENERAL MAGISTRATES AND HEARING OFFICERS

All proceedings before general magistrates and hearing officers shall be reported by electronic recording with the exception of hearings before Civil Traffic Infraction Officers in Pasco County as more fully set forth in Section B(2)d of this Administrative Order.

D. COURT REPORTING PROCEDURES FOR HEARINGS COMMENCING OUTSIDE OF REGULAR COURT HOURS

1. General Procedures

The proceedings described in this section will be electronically recorded. If electronic recording is unavailable due to exigent circumstances, the proceeding may be recorded by any other available means, including but not limited to handheld digital voice recorders. The courtroom clerk and bailiff shall ensure that the recording equipment remains on throughout the proceeding.

Regardless of which recording method is used, the date, time, name of the judge or other presiding official, party names, and case number shall be stated at the outset of the recording. If a handheld digital voice recorder is used, the courtroom clerk in attendance shall place the

recorder in an envelope and label the envelope with the date of the proceedings and the name of the presiding judge. On the next regular court business day, the courtroom clerk shall deliver the recorder to the digital court reporting department for transfer of the recording to its equipment.

2. First Appearance Hearings (Advisories) Pursuant to the Florida Rules of Criminal Procedure or Juvenile Procedure

Advisories commenced on weekends, holidays, or at any other time outside of regular court hours shall be electronically recorded. In Pinellas County, jail personnel shall be responsible for ensuring that the electronic recording equipment is started prior to the commencement of the proceedings. In Pasco County, the AOC shall be responsible for ensuring that electronic recording equipment is set to automatically record proceedings from 8:00 a.m. until 3:00 p.m. on weekends and holidays.

3. Chapter 39 Shelter Hearings and Proceedings to Waive Parental Notification of Abortion

Shelter hearings pursuant to Chapter 39, Florida Statutes, and proceedings to waive parental notification of abortion pursuant to section 390.01114, Florida Statutes, which are commenced on weekends, holidays, or any other time outside of regular court hours shall be electronically recorded. In Pinellas County, the AOC shall be responsible for ensuring that the electronic computer recording equipment is started prior to the commencement of the proceedings. In Pasco County, the AOC shall be responsible for ensuring that electronic recording equipment is set to automatically record proceedings from 8:00 a.m. until 3:00 p.m. on weekends and holidays.

4. Procedures during Emergencies

Whenever the Sixth Judicial Circuit Administrative Order regarding “Court Operations in Emergencies” is activated, court reporting will be performed in accordance with that Administrative Order using whatever means may be available under the circumstances.

E. COURT REPORTING PROCEDURES WHERE THE COURT DOES NOT PROVIDE A RECORD

1. If a party wishes to make a record of a court proceeding for which the Court does not provide a record as delineated in this Administrative Order, it is the responsibility of the party or the party’s attorney to secure the services of a civil court reporter.

2. All notices of hearings for proceedings where the Court does not provide a record must specify whether the party setting a matter for hearing will be securing the services of a court reporter; and, if so, the name and address of the 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 Fla. R. Jud. Admin. 2.535(b).

F. COURT REPORTING PROCEDURES IN CAPITAL CASES

1. Any proceeding involving the potential or actual imposition of the death penalty, excluding depositions and including but not limited to pretrial hearings, trials, sentencing hearings, and postconviction hearings, shall be reported by a court-employed stenographic court reporter or a contract stenographic court reporter. Digital court reporting may not be used.

2. When a jury returns a verdict of guilty as charged in a case where the State is seeking the death penalty, the judge should orally instruct the court reporter to immediately begin transcribing the trial as well as any hearings conducted by any judge throughout the pendency of the case.

3. Upon the imposition of the death penalty, the judge should orally instruct the court reporter to immediately begin transcribing the penalty phase of the trial, the Spencer hearing, any other hearings held after the verdict but prior to sentencing, and the actual sentencing hearing.

At the conclusion of a case management conference, Rule of Criminal Procedure 3.850 or 3.851 evidentiary hearing, or any other evidentiary post-conviction hearings in a case in which a death sentence has been imposed, the judge conducting the hearing should orally instruct the court reporter to immediately begin to transcribe the hearing(s).

5. Where immediate transcription instructions in a death penalty proceeding are required by this Administrative Order but are not given, the State Attorney or defense attorney shall move for transcription of the relevant proceedings and prepare an order to transcribe for the signature of the appropriate administrative judge.

6. Any order to transcribe issued pursuant this section shall also be construed as a designation to the court reporter and, unless a different timeframe is ordered by the Court, the transcript of the designated proceeding(s) shall be prepared within thirty (30) days. Court-employed and contract court reporters reporting death penalty proceedings shall use reporting methods, including but not limited to the measures set out in Rule of Judicial Administration 2.535(i)(1)–(4) to ensure that transcripts are prepared expeditiously. However, nothing in this Administrative Order shall be construed to authorize payment for court reporting services beyond the regular contract rates. Payment beyond the regular contract rates may be authorized only by order of the Chief Judge.

7. All appellate transcripts in capital cases will be handled in accordance with Supreme Court Administrative Order No. AOSC 17-27 or any subsequent administrative order of the Supreme Court regarding electronic filing of transcripts in capital cases.

8. Real-time reporting procedures may be used only when specifically authorized by the Chief Judge.

G. COURT REPORTING PROCEDURES RELATED TO ELECTRONIC RECORDING

1. Notice to court participants and the public

All persons entering a courtroom in the Sixth Judicial Circuit are hereby notified that electronic recording equipment is in use and that anything said in the courtroom may be electronically recorded and released upon request. Persons should safeguard information they do not want recorded.

2. Participant Functions

In order to ensure an accurate record of proceedings using electronic recording equipment, all participants must comply with the following procedures:

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 with 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 courtroom clerk or bailiff shall notify the court-employed digital court reporter by calling the digital court reporting control room when proceedings are about to begin or when they have concluded.

d. The Judge shall:

- (i) Remind participants to speak into the microphone and answer verbally,
- (ii) If the judge observes or is otherwise informed that equipment has been tampered with or is malfunctioning, notify the AOC,
- (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,
 - (iv) Ensure that the microphone is muted for private communications, where mutable microphones are provided,
 - (v) Remember that non-verbal communication is not recorded,
 - (vi) Identify themselves for the record, and
 - (vii) Take all reasonable and available precautions to protect disclosure of confidential communications in the courtroom. Such precautions may include muting microphones or going to a designated location that is inaccessible to the recording equipment.

3. Administrative Office of the Courts Responsibilities

a. Except for general magistrates and hearing officers, all AOC staff who have access to electronic recording equipment, including but not limited to all “approved court reporters” and Court Technology Office staff, shall execute an oath acknowledging their responsibilities to the Court. New employees shall execute the oath prior to assuming duties.

b. 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.

c. AOC personnel shall ensure that the electronic recording equipment will reliably provide for recording of the proceeding. Digital recording systems must comply with standards established by the Florida Courts Technology Commission. AOC personnel shall implement procedures for regular testing of digital court reporting systems to ensure proper operation. For proceedings using electronic 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.

d. AOC personnel shall maintain the CD or DVD for the period of time prescribed by the Rules of Judicial Administration. AOC personnel shall develop record retention protocols for stenographic paper tape/notes, unedited CAT/real-time text, analog recordings, and digital recordings. Proceedings shall be properly identified, and shall be maintained in a manner that facilitates locating specific court proceedings for purposes of obtaining a transcript. AOC personnel shall comply with storage and retrieval

standards for digital recordings as established by the Florida Courts Technology Commission. Storage and retrieval procedures shall ensure timely and secure access to transcripts, analog or digital recordings, and any supporting materials related to the production of the official records. Stenographic court reporter notes shall be maintained under the direction and control of AOC personnel and be available for any “approved court reporter” to transcribe. Stenographic notes shall not be loaned out.

e. AOC personnel shall establish a standardized method to tag or index digital recordings and produce a reference document to be provided to and used by all “approved court reporters” and “approved transcriptionists.” Proceedings which are exempt from public disclosure shall be indexed as exempt. Proceedings in which there is a significant likelihood that transcripts will be requested must be tagged, including but not limited to proceedings in the Criminal Division of the circuit and county court.

f. AOC personnel shall establish a protocol for producing copies of electronic recordings. The protocol must provide procedures to prevent the release of confidential information, the court’s process for ensuring the accuracy of the electronic recording, and certifying the correctness of the recording. The written protocol must at a minimum provide for:

A procedure for attorneys of record, parties to a case, and self-represented litigants to be provided with a copy of an audio recording without that recording being reviewed for confidential information only if the requestor signs a written 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.

AOC shall establish a procedure to review a recording prior to its release to anyone other than an attorney of record, party to a case, or self-represented litigant to ensure that matters protected from public disclosure are kept confidential in accordance with law.

g. “Approved court reporters” and “approved transcriptionists” shall prepare transcripts of proceedings in accordance with protocols and procedures developed by the AOC. Such protocols and procedures shall be in accordance with rules of court and shall include, but not be limited to, standards for addressing off-the-record discussions; sidebar conferences; attorney-client conversations not directed to the Court, confidential information, the process for identifying a need for and obtaining additional transcription services, and certifying the correctness of the transcript prepared.

Priority in the production of transcripts shall be given to capital cases, including capital postconviction cases, juvenile dependency, termination of parental rights, and other cases entitled to priority under Rule of Judicial Administration 2.215(g). If sufficient “court-employed digital court reporters” are not available to prepare transcripts in a timely fashion, the AOC shall arrange for transcription by a “court-employed

stenographic court reporter” or “approved transcriptionist” who shall transcribe in accordance with procedures developed by the AOC. The transcript produced by the AOC or “approved transcriptionist” is the official record of the proceeding as more fully detailed in Section A(3) of this Administrative Order.

h. AOC personnel shall prepare and post notices inside and outside of all courtrooms and hearing rooms that electronic recording equipment is in use, that any conversation occurring in the room may be recorded, and that persons should safeguard information they do not want recorded.

i. Any contract entered into for court reporting services must comply with the State Court System Purchasing Directives and comply with contracting requirements as established by the Office of the State Courts Administrator. Contracts for court reporting services must incorporate requirements for expedited transcripts and must specify the consequences for contractors who fail to meet expedited transcript requirements.

4. 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.

5. Access to Control Room

Access to any electronic recording monitoring location is strictly limited to those court employees whose job functions require access. Access by any other individual is strictly prohibited absent a specific authorization granted by the Chief Judge.

H. MISCELLANEOUS COURT REPORTING PROCEDURES

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

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

3. The State Attorney, Public Defender, and Regional Counsel shall decide how court reporting services will be provided to their offices. This includes, but is not limited to, depositions noticed by these offices.

I. PROCEDURES FOR ORDERING WRITTEN TRANSCRIPTS

1. Any person may order a written transcript of a court proceeding except that proceedings under the Rules of Juvenile Procedure, Baker Act proceedings, or any other statutorily exempt proceeding shall only be provided to those persons authorized by law.

2. Requests for a written transcript of proceedings should be made in writing utilizing the Transcript Request Form found at www.jud6.org/LegalCommunity/CourtReporters.html. In Pinellas County, this form should be submitted to the Administrative Office of the Courts, 14250 49th Street North, Suite H-2000, Clearwater, FL 33762, or via email to dcrreporter@jud6.org for proceedings recorded electronically and stenocrcal@jud6.org for proceedings attended by a court-employed stenographic court reporter. In East Pasco County, this form should be submitted to the Administrative Office of the Courts, Court Reporting Department, 38053 Live Oak Avenue, Suite 124, Dade City, FL 33523, or via email to epreporter@jud6.org. In West Pasco County, this form should be submitted to the Administrative Office of the Courts, Court Reporting Department, 7530 Little Road, Room 201, New Port Richey, FL 34654, or via email to wpreporter@jud6.org.

3. Any request must 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, portion of the proceedings requested, and whether the proceeding was stenographically or electronically reported.

4. Any transcript produced by an approved court reporter will be filed with the Clerk of the Circuit Court unless the Court orders otherwise or unless a rule of court provides otherwise.

5. All transcript requests submitted to the Court require a 50% deposit before the transcript will be produced or the request must be accompanied by a court order to transcribe. The balance must be paid prior to receipt of the transcript. Rates for production of transcripts will be in accordance with separate Administrative Orders establishing rates for court reporting services. Except as otherwise provided, the AOC will not release a transcript until payment has been made in full. 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.

6. Counsel of record who are members in good standing of The Florida Bar and who also have an account in good standing may order an expedited transcript from the Court without paying a deposit. However, counsel must pay for the entire cost of the transcript prior to receipt. An account is in good standing when counsel has paid for all previously ordered transcripts and CDs.

7. Transcripts requested by the Public Defender or State Attorney shall be billed in accordance with procedures established by the Trial Court Budget Commission. Where a defendant is represented by the Regional Counsel, by the Capital Collateral Regional Counsel, by an attorney appointed from the Registry of the Sixth Judicial Circuit, or by an attorney appointed from the Registry of the Commission on Capital Cases the transcript shall be provided without prepayment. Costs will be paid from the budget of the State Attorney, the Public Defender, the Justice Administrative Commission, or by the Chief Financial Officer as applicable.

8. Prepayment is not required for transcripts requested by the Guardian ad Litem Program or by Pasco or Pinellas Counties. The prepayment requirement may also be waived for

other governmental entities by order of the Chief Judge. In the event that a governmental entity does not timely pay for received transcripts or CDs and does not have a cost sharing agreement with the Court, the Chief Judge may reinstate the prepayment requirement without further amendment to this Administrative Order.

J. PROCEDURES FOR PUBLIC RECORDS REQUESTS FOR AUDIO RECORDINGS OF COURT PROCEEDINGS

1. Any person may order an audio recording of a court proceeding as detailed below except that proceedings under the Rules of Juvenile Procedure, Baker Act proceedings, and any other statutorily exempt proceeding 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.

2. Requests for an audio recording of proceedings must be made in writing and should be made using the Audio CD Request Form found on the internet at www.jud6.org. In Pinellas County, this form should be submitted to the Administrative Office of the Courts, Suite H-2000, 14250 49th Street North, Clearwater, FL 33762, or via email to dcrreporter@jud6.org. In East Pasco County, this form should be submitted to the Administrative Office of the Courts, Court Reporting Department, 38053 Live Oak Avenue, Suite 124, Dade City, FL 33523, or via email to epreporter@jud6.org. In West Pasco County, this form should be submitted to the Administrative Office of the Courts, Court Reporting Department, 7530 Little Road, Room 201, New Port Richey, FL 34654, or via email to wpreporter@jud6.org. The request form must include a notice that the CD cannot be used in subsequent court proceedings and inform the requestor of the procedures to obtain a transcript.

3. The request must include sufficient information necessary to identify the proceeding, including the date of the proceeding, name of the presiding judge, the case name, the Uniform Case Number, the portion of the proceedings requested, and must identify whether the requestor is an attorney of record, a party in the case, or a self-represented litigant in the case.

4. Attorneys of record, parties to a case, and self-represented litigants must sign a written acknowledgment that confidential information may be contained on the recording, further dissemination of confidential information on the recording is prohibited, and violation of the prohibition against dissemination 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.

5. Audio recordings of court proceedings requested by all other persons or entities must first be reviewed by AOC personnel to determine whether the audio recording contains confidential or exempt information prior to release of the audio recording. Upon review and redaction of confidential exempt information and payment of fees, a copy of the audio recording will be provided to such requestors.

6. When an audio CD of court proceedings is released, the CD shall include a disclaimer that it is not the official record of court proceedings and that it is not to be used in subsequent court proceedings.

7. The AOC is directed to use its best efforts to provide a CD within 10 business days. Requests for transcripts for use in court proceedings take priority over public records requests for an audio CD. The recording is made for the purpose of preparing transcripts for subsequent court proceedings and giving priority to transcripts will help to avoid costly delays in the processing of cases. However, public records requests must be responded to in a reasonable amount of time.

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

9. Counsel of record who are members in good standing of The Florida Bar and who also have an account in good standing may order an audio CD without paying a deposit. However, counsel must pay for the entire cost of the CD prior to receipt. An account is in good standing when counsel has paid for all previously ordered transcripts and CDs.

10. Requests for an audio CD from the State Attorney or Public Defender shall be billed in accordance with procedures established by the Trial Court Budget Commission. Requests for audio from the Regional Counsel, the Capital Collateral Regional Counsel, or a court appointed attorney shall be provided without prepayment. Costs will be paid from the budget of the State Attorney, the Public Defender, the Justice Administrative Commission, or by the Chief Financial Officer, as applicable.

11. Prepayment is not required for audio CDs requested by the Guardian ad Litem Program or by Pasco or Pinellas Counties. The prepayment requirement may also be waived for other governmental entities by order of the Chief Judge. In the event that a governmental entity does not timely pay for received transcripts or CDs and does not have a cost sharing agreement with the court, the Chief Judge may reinstate the a prepayment requirement without further amendment to this Administrative Order.

K. COURT REPORTING FEES

1. The fees charged by the AOC for transcription services of proceedings where the Court is required to provide a record will be the calculated actual cost of the service including the cost of recovery. Those fees are set out in Appendix A to this Administrative Order.

2. Fees for providing copies of audio recordings of court proceedings will be charged at the rates set in Appendix A to this Administrative Order. Additional fees will be charged for any request that requires extensive use of staff or technology resources in accordance with Rule of Judicial Administration 2.420. In addition to the cost for a copy of the recording listed in Appendix A, fees will be charged for requests that require AOC staff to listen to the recording and determine whether it contains confidential or exempt information.

3. Nothing in this section or in Appendix A shall affect the contracts entered into between the Court and any court reporter. Further, nothing in this Administrative Order precludes the State Attorney, Public Defender, or Regional Counsel from entering a memorandum of understanding with the Court regarding requests for audio recordings of court proceedings.

4. The Court may amend Appendix A to this Administrative Order to change the rates for transcription services or copies of audio recordings without amending this Administrative Order.

Administrative Orders 2007-080, 2011-059, and 2012-057 are hereby rescinded.

DONE AND ORDERED in Chambers at St. Petersburg, Pinellas County, Florida, this ____ day of May, 2017.

ORIGINAL SIGNED ON MAY 9, 2017
BY ANTHONY RONDOLINO, CHIEF JUDGE

cc: All Judges
The Honorable Bernie McCabe, State Attorney
The Honorable Bob Dillinger, Public Defender
The Honorable Paula S. O'Neil, Clerk of the Circuit Court, Pasco County
The Honorable Ken Burke, Clerk of the Circuit Court, Pinellas County
Gay L. Inskip, Trial Courts Administrator
Ita M. Neymotin, Regional Counsel, Second District
Ngozi Acholonu, Assistant Regional Counsel
Claretha Harris, Chief Deputy Director, Pinellas County Clerk's Office
Debbie Gay, Assistant Court Services Director, Pasco County Clerk's Office
Lillian Simon, Director of Administrative Services, Pasco County
Law Libraries, Pasco and Pinellas Counties
Bar Associations, Pasco and Pinellas Counties
Court contract court reporting firms

**APPENDIX A
COURT REPORTING FEES**

1. The following fees are established for routine transcription services and expedited transcription services requiring no more than sixty pages of transcript per day:

<i>Transcription Service Requested</i>	<i>Production Time Requested</i>	<i>Cost</i>
Non-appellate transcription	Routine	\$6.00 per page
	Ten business days	\$7.00 per page
	Three business days	\$8.50 per page
	Two business days	\$9.00 per page
	One business day	\$10.00 per page
Appellate transcription	Routine	\$7.00 per page
	Ten business days	\$8.00 per page
	Three business days	\$9.50 per page
	Two business days	\$10.00 per page
	One business day	\$11.00 per page

2. Additional paper copies or digital copies in PDF or Word format may be purchased only after the fee under section 1 is satisfied. The fee for additional paper copies is \$2.00 per page, and the fee for a digital copy in PDF or Word format is \$5.00 per transcript.

3. For parties and attorneys of record, the fee for providing an audio recording of a court proceeding is \$25.00 per four hours of audio. For nonparties, the fee is \$40.00 per four hours of audio.

4. Fees to read back a portion of the record are \$15.00 per quarter hour.