

**IN THE THIRTEENTH JUDICIAL CIRCUIT
HILLSBOROUGH COUNTY, FLORIDA**

**ADMINISTRATIVE ORDER S-2024-043
(Supersedes Administrative Order S-2024-041)**

COURT REPORTING

Florida Rule of General Practice and Judicial Administration 2.535 establishes procedures for court reporting services in court proceedings and discovery proceedings. Rule 2.535(h) requires the chief judge to enter an administrative order establishing a plan for all judicial proceedings in which court reporting is required to be provided at public expense, authorizes the use of electronic recording as a substitute for traditional stenographic court reporting, and allows for multiple delivery strategies to ensure the efficient provision of court reporting services. Rule 2.535(i) requires the establishment of procedures to expedite the preparation of transcripts of trials in cases in which the death penalty is sought and in capital post-conviction proceedings while Rule 2.535(j) generally requires that transcription of hearings for appeals of orders in dependency and termination of parental rights cases be given priority over transcription of all other proceedings.

It has recently become necessary to add additional resources for transcript production in the criminal divisions as well as provisions for the posting of contact information on the court's website.

By the power vested in the chief judge under article V, section 2(d), Florida Constitution; section 43.26, Florida Statutes; and Florida Rule of General Practice and Judicial Administration 2.215(b)(2) and the above-referenced rules, it is ORDERED:

1. Types of Proceedings

For purposes of this administrative order, there are two types of judicial proceedings regarding court reporting: (a) judicial proceedings in which court reporting is required to be provided at public expense; and (b) judicial proceedings in which court reporting may be requested by a party and provided at a party's or parties' expense.

A. Judicial Proceedings Requiring Court Reporting at Public Expense

Court reporting is required to be provided at public expense for the following judicial proceedings: (i) all criminal proceedings, including proceedings conducted in all problem-solving court divisions; (ii) all proceedings conducted in the juvenile dependency and delinquency divisions; (iii) all proceedings conducted in the civil protective injunction divisions; (iv) all proceedings conducted by quasi-judicial officers; (v) proceedings conducted under section 390.01114(6), Florida Statutes (petitions for a judicial waiver of parental notice of and consent for termination of pregnancy); and (vi) the following proceedings conducted in the Probate, Guardianship, Mental Health & Trust Division: proceedings conducted under chapter 384 (sexually transmissible diseases), chapter 392 (tuberculosis control), section 393.11 (developmental disabilities – involuntary admission to residential services), section 393.12 (developmental disabilities – appointment of guardian advocate), section 393.13(4)(c)7 (developmental disabilities – appropriateness of surgery), part I of chapter 394 (Baker Act), chapter 397 (Marchman Act), chapter 415 (adult protective services), certain proceedings under chapter 744 (adjudication of incapacity), (appointment of a guardian), (modification, termination, or revocation of the adjudication of incapacity), and (restoration of capacity); proceedings under section 825.1035 (injunction for protection against exploitation of a vulnerable adult), Florida Statutes.

B. Judicial Proceedings in which Court Reporting May be Requested by and Provided at a Party's Expense

Court reporting is not required to be provided at public expense but may be requested by a party and provided at the party's or parties' expense for the following judicial proceedings: (i) proceedings conducted in the County Civil Division; (ii) proceedings conducted in the Circuit Civil Division; (iii) proceedings conducted in the Family Law Division (except for protective injunction petitions and petitions for a judicial waiver of parental notice of and consent for termination of pregnancy); and (iv) probate proceedings and guardianship proceedings not enumerated in section 1.A. of this administrative order.

2. Hybrid Model

Since the early 2000s, the Thirteenth Judicial Circuit adopted a hybrid model of court reporting. The hybrid model utilizes a combination of stenographic, digital, centralized and video media for capturing the record in all judicial proceedings in which court reporting is required to be provided at public expense. The staffing for this model includes employee and contractual resources. Furthermore, private court reporters are used in all judicial proceedings in which court reporting is not required to be provided at public expense but may be requested by a party and provided at the party's or parties' expense

3. Types of Court Reporting

A. Circuit-Employed Stenographic Court Reporting

Circuit-employed stenographic court reporters provide court reporting services to designated divisions of the Circuit Criminal Division.

B. Digital Court Reporting

Digital court reporters are independent contractors who contract with the Administrative Office of the Courts (AOC), including subcontractors, to operate digital electronic recording equipment in the courtrooms or hearing rooms of the Thirteenth Judicial Circuit. Digital court reporters provide services to the following divisions of the court: (i) all juvenile dependency and delinquency divisions (including detention and shelter hearings on weekends and holidays); (ii) all civil protective injunction divisions; (iii) all misdemeanor and criminal traffic divisions; (iv) all problem-solving court divisions, including Marchman Act; and (v) designated divisions of the Circuit Criminal Division.

C. Centralized Court Reporting

Centralized court reporting is a digital court reporting model in which several courtrooms or hearing rooms are monitored and recorded simultaneously utilizing digital audio and video systems from a centralized location where the digital court record is captured, annotated and indexed. All quasi-judicial officers use centralized court reporting services in this circuit.

D. Video Court Reporting

Video court reporting is the combination of a digital and video court reporting system and tools utilized to monitor and record remote court appearances in the courtroom or hearing room for events where the audio alone is insufficient to capture the record. Video court reporting is used for all proceedings in which one of the parties is located in the Hillsborough County Sheriff's jail facilities, including all proceedings in Criminal Division "O" – Preliminary Proceedings.

E. Private Stenographic Court Reporting

Private court reporters using stenographic equipment are used for judicial proceedings in which court reporting is not required to be provided at public expense but may be requested by a party and provided at the party's or parties' expense. In judicial proceedings in which court reporting is not required to be provided at public expense, it is the responsibility of the party, or the party's attorney, to secure the services of a court reporter or court reporting firm prior to the proceeding if court reporter services are desired. All costs associated with a private stenographic court reporter's appearance will be the responsibility of the party or parties requesting the court reporter. This provision does not preclude the taxation of costs as authorized by law. *See Fla. R. Gen. Prac. & Jud. Admin. 2.535(b).*

4. Management

A. Court Administrator as Manager

The court administrator or the court administrator's designee is responsible for the management of delivering court reporting services for all judicial proceedings in which court reporting is required to be provided at public expense.

B. New Divisions or Judicial Reassignments

It is anticipated that any newly created judicial subdivisions or judicial reassignments requiring court reporting services at public expense will be covered by the digital court reporting system.

C. Emergencies

In all proceedings in which the type and means of court

reporting equipment or services specified in this administrative order are not available due to emergency circumstances, the chief judge or his or her designee may utilize and implement whatever other means of court reporting is available to capture the court report.

D. Substitution of Court Reporters

Any felony divisions currently utilizing circuit-employed stenographic court reporters are subject to having digital court reporters provide services under any of the following conditions: (i) state budgetary constraints; (ii) directives of the Florida Supreme Court, the Trial Court Performance and Accountability Commission, the Office of the State Courts Administrator, or the Trial Court Budget Commission; or (iii) shortage of available circuit-employed stenographic court reporters for any given period of time, including but not limited to: vacation, illness, hiring restrictions or limitations, staff attrition or other shortfalls.

E. Capital Cases

In accordance with Florida Rule of General Practice and Judicial Administration 2.535(i), where available, a circuit-employed stenographic court reporter who has the capacity to provide real-time transcription of the judicial proceedings will be used for trials and post-conviction proceedings in capital cases. If real-time transcription services are not available, the use of a computer-aided transcription qualified court reporter will be utilized. Where available, scopists, text editors or alternating court reporters will be utilized to expedite the finalization of the certified transcript. Reasonable restrictions on work assignments by circuit-employed stenographic court reporters will be implemented to ensure transcript production in capital cases is given a priority.

5. Qualifications of Court Reporters

A. Stenographic Court Reporters

Circuit-employed stenographic court reporters and private court reporters using stenographic equipment should hold a current certification as a Registered Professional Reporter or other higher-level certification from the National Court Reporter's Association. Circuit-employed stenographic court reporters who do not hold a current certification may be approved by the court administrator or the court

administrator's designee based on past experience and demonstrated proficiency in stenographic court reporting.

B. Digital Court Reporters

The AOC will be responsible for providing qualified and trained digital court reporters to perform the digital court reporting services. The AOC is also responsible for providing internal training on the digital court reporting system to digital court reporters performing the services.

6. Reliability of the Record

A. Multi-Media Court Record

In judicial proceedings in which court reporting is required to be provided at public expense, the digital court reporters are responsible for monitoring, capturing, annotating, cataloging, and indexing the verbatim multi-media court record. The multi-media court record is any combination of the digital audio file, metadata file, text file, annotated file and video file that is generated from the performance of court reporting. The AOC's contractors for managed technology services are then responsible for managing, maintaining and storing the complete verbatim multi-media court record for these judicial proceedings in accordance with their contracts.

B. Equipment Usage

All equipment utilized in the delivery of court reporting services by the circuit-employed stenographic court reporters and the digital court reporters must be operated and maintained in such a manner and under such conditions to ensure the reliability of capturing the record.

C. Monitoring of the Recordings

All judicial proceedings captured by the digital court reporting system must be monitored to ensure the audio level and sound quality of the recording does not jeopardize the ability to play back recorded audio or the ability to transcribe judicial proceedings. If the audio level of the recording is not sufficient to produce a reliable record, the digital court reporter must immediately notify the presiding judge. It is also the digital court reporter's responsibility to notify the presiding judge if the digital court reporter becomes aware

of matters other than the judicial proceedings being recorded (such as private conversations between a lawyer and a client or between co-counsel).

D. Testing Prior to Court Sessions

Prior to the beginning of each court session captured by the digital court reporting system, the digital court reporter must test all equipment to establish that all microphones, appliances and peripherals are operating at a level sufficient to ensure the recording of the record, playback of the audio and production of a transcript.

E. Judge's Responsibility in Digital Court Reporting Proceedings

In all proceedings in which digital court reporting is utilized, judges should remind participants to speak into the microphone and identify themselves for the record prior to speaking.

F. Court Reporter's Notification to Judge of Inaudibility

If a circuit-employed stenographic court reporter, a digital court reporter, or a private court reporter using stenographic equipment is unable to hear a participant during the course of a judicial proceeding, the court reporter must request that the judge direct and remind the participants to respond verbally and speak with sufficient volume to ensure a reliable record is captured.

G. Counsel's Responsibility in Digital Court Reporting Proceedings

It is counsel's responsibility to notify and request the presiding judge to direct court personnel to mute a microphone if counsel wishes to have confidential conversations with clients or other persons in an area where counsel believes such conversations may be recorded by the digital court reporting system.

H. Tampering of Equipment

Any observed incident of tampering with the equipment utilized in the delivery of court reporting services must immediately be brought to the presiding judge's attention.

I. Annotations and Indexing of the Multi-Media Record

To ensure the reliability, integrity, safekeeping and accurate transcription of the record, digital court reporters must capture, monitor, annotate, catalog and index the verbatim multi-media court record.

7. Notices of Hearing for Civil and Family Law Proceedings Should Mention Court Reporting

All notices for hearing for judicial proceedings in the County Civil Division, Circuit Civil Division, and Family Law Division should specify whether or not the party setting the matter for hearing will be securing the services of a court reporter.

8. Transcription

A. Requests

i. *Proceedings Reported or Recorded at Public Expense*

An individual may request and obtain, without court order, a transcript of any judicial proceeding reported or recorded at public expense unless a record of such proceeding is deemed confidential (such as juvenile proceedings and Baker Act proceedings) by e-mailing the appropriate entity that provides approved transcriptionists. Contact information for requesting transcripts may be obtained at the following link on the court's website: www.fljud13.org.

ii. *Proceedings Reported by Private Court Reporters*

Requests for transcripts of judicial proceedings reported by private court reporters using stenographic equipment must be made to the private court reporter who provided the court reporting service.

B. Production

When a transcript of a judicial proceeding or a portion of a judicial proceeding is requested from either circuit-employed stenographic court reporters, the court's contractor for transcription services, or private court reporters, an accurate and timely transcript must be produced in accordance with Florida Rule of General Practice and Judicial Administration 2.535(f) and Florida Rule of Appellate Procedure 9.200(b).

C. Capital Cases

Circuit-employed stenographic court reporters who report in capital cases must expeditiously prepare transcripts for inclusion in the record by the clerk of circuit court in accordance with Florida Rule of Appellate Procedure 9.142.

D. Dependency and Termination of Parental Rights Cases

In accordance with Florida Rule of General Practice and Judicial Administration 2.535(j), the court's contractor for transcription services must ensure that transcription of hearings for appeals of orders in juvenile dependency and termination of parental rights cases are given priority over transcription of all other proceedings, unless otherwise ordered by the court based upon a demonstrated exigency.

9. Safekeeping of the Record

Circuit-employed stenographic court reporters and private court reporters using stenographic equipment must manage, maintain, store and retain all stenographic notes, digital medium and transcripts from all judicial proceedings in a safe and secure place in accordance with Florida Rule of General Practice and Judicial Administration 2.430. In accordance with their contracts, the AOC's contractors for managed technology services are responsible for the safekeeping of the complete verbatim multi-media court record of all judicial proceedings in which court reporting is required to be provided at public expense. The AOC's Court Technology Department is responsible for overseeing and securing the servers on which records of proceedings in which court reporting is required to be provided at public expense are maintained.

10. Official Record in Civil and Family Law Proceedings

There will be only one official record taken by one private court reporter for judicial proceedings conducted in the County Civil Division, Circuit Civil Division, and Family Law Division. Attorneys and parties involved in these divisions must resolve any court reporting conflicts among themselves prior to the proceeding commencing.

11. Ownership of the Records

To ensure the reliability, integrity, safekeeping and accurate transcription of the record, the AOC will retain ownership of the complete verbatim multi-media court record generated in all judicial proceedings in which court reporting is required to be provided at public expense. The multi-media court record will remain the property of the AOC regardless of where the multi-media court record resides. The AOC will also retain ownership of the complete verbatim court record generated by all circuit-employed stenographic court reporters.

12. Signage

The AOC is responsible for placing appropriate signs outside all courtrooms and hearing rooms where digital court reporting or monitoring is being utilized to capture the record. Such signs will provide notice to all who enter the courtroom or hearing room of the use of digital court reporting and that any conversations may be recorded.

13. Constraints

A. Prohibition against Divulging or Transcribing Statements or Conversations Not Part of a Judicial Proceeding

Anyone who has or gains access to any recordings produced from the multi-media court record must not reveal, divulge or transcribe for anyone, any statements, matters or conversations monitored, intercepted or recorded by any digital recording system in the courts of Hillsborough County, Florida, except those matters which occurred in open court and are directly related to the judicial proceeding at the time the monitoring was conducted or the recording made.

B. Divulging or Transcribing Statements or Conversations Not Part of a Judicial Proceeding Only Upon Court Order

Anyone who has or gains access to any recordings produced from the multi-media court record is prohibited from revealing, transcribing or utilizing in any fashion, any matters monitored or recorded except those occurring during judicial proceedings, unless

otherwise provided by specific order of the court. Any such order will only be entered after all the parties monitored or recorded have been properly noticed of the request for information or the request for a transcript. If the parties cannot stipulate to the distribution of the recording or transcript, such an order will only be entered after the court has held a hearing on the matter.

14. Previous Administrative Order Superseded

This administrative order supersedes Administrative Order S-2024-041 (*Court Reporting*).

15. Effective Date

This administrative order is effective May 13, 2024.

ENTERED on May ~~13~~ ¹⁴, 2024.

Christopher C. Sabella, Chief Judge

- Original: Cindy Stuart, Clerk of the Circuit Court
- Copy: All Judges, General Magistrates and Hearing Officers
- Gina Justice, Court Administrator
- Julianne Holt, Public Defender
- Susan S. Lopez, State Attorney
- Ita M. Neymotin, Regional Counsel, Second District
- Sharon Holm, General Manager, Record Transcripts, Incorporated
- Mallory Sanders, Director, eScribers, LLC