

IN THE CIRCUIT COURT OF THE 16TH
JUDICIAL CIRCUIT OF THE STATE OF
FLORIDA IN AND FOR MONROE
COUNTY

ADMINISTRATIVE ORDER 2.039

IN RE:

COURT REPORTING SERVICES PLAN

WHEREAS, the Supreme Court of Florida has found that an emergency exists in the present court reporting system in Florida, 650 So2d 38, Fla. Rules of Jud. Admin. (Fla. 1995); and,

WHEREAS, in response to the emergency the court adopted amendments to rule 2.070 of the Florida Rules of Judicial Administration requiring the chief judge to enter an administrative order developing and implementing a circuitwide plan for the court reporting of all proceedings required to be reported at public expense using either full or part-time court employees or independent contractors; and

WHEREAS, the circuit court and county court judges in the circuit were consulted as to the most efficient and economic means of providing court reporting services; and

WHEREAS, the court administrator under the direction of the chief judge provided an analysis of the financial, technological, and personnel resources available in the circuit to provide court reporting services; and

WHEREAS, the current system for providing court reporting services in the 16th Judicial Circuit (Monroe County) blurs the distinction required by the Supreme Court of Florida, as well by state and federal laws, between public employees and private service providers; and

WHEREAS, an issue paper regarding the funding of court reporting services in Monroe County was presented to the Board of County Commissioners at a regularly scheduled meeting; and

WHEREAS, the Board of County Commissioners for Monroe County approved in concept a new system for providing court reporting services including the establishment of four full-time judicial employees on county payroll;

NOW, THEREFORE, it is **ORDERED** that the following plan is established to provide court reporting services in the Sixteenth Judicial Circuit of Florida (Monroe County):

1. The current four Official Court Reporters will become full-time judicial employees on county payroll creating a pool for the purpose of reporting and transcribing (when ordered) all felony proceedings, evidentiary hearings, juvenile proceedings, and county criminal trials as required. As employees, these reporters are not eligible to receive additional compensation from the county for appearances or transcript production within the scope of their employment.
2. All official court reporters shall achieve and maintain the designation of Registered Professional Reporter (RPR) as defined by the National Court Reporter Association. Equivalent designations from other associations will also be acceptable as a minimum standard for official court reporters. Currently employed official court reporters that lack the registered professional reporter or an equivalent designation shall have two (2) years to achieve such as designation.
3. Depositions in capital cases assigned to court-appointed attorneys will be reported and transcribed (when ordered) by the employee court reporter pool.
4. Civil hearings will be reported by the pool as time allows in order to insure coverage in a noncompetitive market and to increase revenue to the county through the billing of hearing fees to the private attorneys. However, nothing in this order restricts outside competition for civil work by any qualified reporter nor should this order be construed as suggesting or implying any right to the civil workload by the employees in the pool.
5. All court reporters serve at the pleasure of and as directed by the Chief Judge and the majority of the judges in the 16th Judicial Circuit.
6. One of the reporters shall be designated as a manager to coordinate court and deposition appearances as well as transcript work.
7. When the workload prevents proper coverage of the courts, the Managing Court Reporter is authorized to retain the reporting services of a private provider whose appearance and transcript fees in criminal hearings shall be paid through the Fine and Forfeiture Fund and, in civil cases, shall be paid directly by the attorneys.
8. It is expected that due to workload, depositions in all indigent criminal cases where a private attorney is assigned due to the Public Defender having a conflict in the case will continue to be taken by private court reporting providers. However, conflict attorneys shall inquire as to the availability of an employee reporter prior to retaining private providers for reporting these depositions.
9. Wherein Administrative Order No. 2.012, In re: Electronic Recording of Depositions, prohibits the taking of a deposition involving a defendant represented by the Office of the Public Defender by an Official (Court Reporter) or freelance reporter without prior approval of the presiding judge, in those cases where the presiding judge approves the taking of a deposition by stenographic

means, the Office of the Public Defender shall first contact the Managing Court Reporter as to the availability of an employee reporter prior to retaining the services of a freelance reporter.

10. Administrative Order No. 2.011, In re: Electronic Court Reporting for Third Degree Felonies, remains in effect.
11. Administrative Order No. 2.012, In re: Electronic Reporting of Depositions, remains in effect.
12. Administrative Order No. 2.013, In re: Electronic Reporting of Judicial Proceedings, remains in effect.
13. Administrative Order No. 2.016, In re: Transcripts for Multi-Defendant Criminal Cases, remains in effect.
14. Administrative Order No. 2.023, In re: Court Reporters/Fee Schedules/Transcript Specifications/Forms, remains in effect.
15. Administrative Order No. 11.002, In re: Official Court Reporters Appointment, and all its amendments are hereby rescinded.

This order shall take effect July 1, 1995.

DONE AND ORDERED at Key West, Monroe County, Florida, this the
30 day of June, 1995.

Richard J. Fowler
Chief Judge