

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

ADMINISTRATIVE ORDER 2.039/98-1
AMENDED

IN RE:

COURT REPORTING SERVICES PLAN

The Supreme Court, in *In Re: Florida Rules of Judicial Administration—Court Reporting*, 650 So.2d 38 (Fla. 1995) directed 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.

On June 30, 1995, the Sixteenth Judicial Circuit Court Reporting Plan was adopted by Administrative Order 2.039. In accordance with the plan, court reporting services shall be provided by court employees. The order was subsequently amended on November 28, 1995 to include a schedule of fees.

Whereas, in 1995, the demand for court reporting services far exceeded the supply, the circuit sought some means by which to insure coverage for civil hearings in the existing noncompetitive market. Because such coverage was not statutorily required to be provided at public expense, a procedure for billing the provision of these services to the users was developed and it was hope that these revenues would offset the cost. In order to insure that the procedures would not constitute an unfair labor practice, the plan included a caveat in this regard: “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.” In addition, civil hearings were to be reported by the employee pool “as time allow(ed).” It became the expectation of users, however, that employee court reporters would always be available to report all civil hearings.

An analysis of the actual use of the employee court reporting pool for civil reporting has taken place over the past year. The findings indicate that the actual practices place an undue burden upon the circuit’s limited court reporting resources; that the costs far outweigh the collected revenues; and that the supply side of the market has shifted and become more competitive.

Further analysis of the plan uncovered a contradiction with the Policy Statement of the Florida Courts System's *Personnel Regulations Manual*, which requires the Chief Judge of the circuit to exercise administrative supervision over court personnel.

One other minor section in the plan was also found to be outdated.

In consultation with the circuit court and county court judges of the 16th Judicial Circuit,

IT IS THEREFORE ORDERED:

Administrative Order No. 2.039, *In re: Court Reporting Services Plan*, is hereby amended:

Section 4 is replaced as follows:

4. Civil hearings and trials shall be reported by private court reporters as arranged by the parties. However, cases required to be recorded by statute, such as guardian appointments, juvenile dependency cases, and final hearings in dissolution of marriage actions are the responsibility of the circuit's court reporter program and will be recorded electronically or by an employee court reporter if electronic services are not available. In addition, hearings of simplified dissolutions, temporary restraining orders, and hearings set as emergencies by a judge, are also the responsibility of the circuit's court reporting program.

Section 5 is replaced as follows:

5. All employee court reporters are at-will employees and serve at the pleasure of the appointing authority—the Chief Judge of the circuit.

Section 10 is replaced as follows:

10. Administrative Order No. 2011, In re: Electronic Court Reporting for Third Degree Felonies, is hereby rescinded.

This order shall take effect November 1, 1998.

DONE AND ORDERED at Key West, Monroe County, Florida, this the 5 day of October, 1998.

Sandra Taylor
Chief Judge