

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

**ADMINISTRATIVE ORDER S-2005-128  
(Supersedes Administrative Orders S-1995-069, S-1996-098 and S-2002-037)**

**COURT REPORTING PLAN**

**WHEREAS** Florida Rule of Judicial Administration 2.070(g)(2) requires the chief judge to enter an administrative order developing and implementing a circuit-wide plan for court reporting of all judicial proceedings required to be reported at public expense; and

**WHEREAS** the following plan for court reporting services was developed after consideration of guidelines issued by the Office of the State Courts Administrator and a report on *Court Reporting in Florida's Trial Courts Post-Revision 7* issued by the Florida Supreme Court Commission on Trial Court Performance and Accountability; and

**WHEREAS** Florida Rule of Judicial Administration 2.070(g)(3) authorizes the use of electronic recording for judicial proceedings as a substitute for traditional stenographic court reporting; and

**WHEREAS** fiscal considerations require the increased use of digital court reporting of judicial proceedings; and

**WHEREAS** Florida Rule of Judicial Administration 2.070(h) requires the development and implementation 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; it is therefore

**ORDERED:**

**1. DEFINITIONS AND DESIGNATIONS**

For the purpose of this administrative order, the following terms have the following meanings:

**A. “Circuit Court Reporter”**

“Circuit Court Reporter” means Contractor, Contractor Personnel, or any person employed by the Administrative Office of the Courts for the Thirteenth Judicial Circuit (“AOC”), who meets the AOC’s qualifications for delivery of court reporting services and whose duties include operating a stenographic machine in the courtrooms or hearing rooms of the Thirteenth Judicial Circuit.

**B. Classes of court reporters**

The State Court System has established three classes of court reporters: Court Reporter I, Court Reporter II and Digital Court Reporters. Court Reporter I and Court Reporter II are specific to the stenographic skill level of the position. For the purpose of this administrative order, persons performing court reporting in the Thirteenth Judicial Circuit shall be designated as Circuit Court Reporters or Digital Court Reporters.

**C. “Contractor”**

“Contractor” means any person or entity with whom the Court Administrator of the Thirteenth Judicial Circuit contracts to provide court reporting services for judicial proceedings required to be reported at public expense.

**D. “Contractor Personnel”**

“Contractor Personnel” includes and is collectively defined as employees, independent contractors, subcontractors, agents, assigns, students or interns of the Contractor.

**E. “Court reporting”**

“Court reporting” means the act of making a verbatim record of the spoken word, whether by the use of written symbols, stenomask equipment or electronic devices, in any judicial proceedings pending in

any of the courts of this circuit.

**F. “Digital Court Reporter”**

“Digital Court Reporter” means Contractor, Contractor Personnel, or any person employed by the AOC, who meets the AOC’s qualifications for delivery of court reporting services and whose duties include operating digital electronic recording equipment in the courtrooms or hearing rooms of the Thirteenth Judicial Circuit.

**G. “Digital court reporting”**

“Digital court reporting” means the process of digitally capturing and recording, with the assistance of encoding hardware and software, the complete verbatim Multi-Media Court Record of any and all judicial proceedings.

**H. “Equipment”**

“Equipment” means all hardware, software, storage, appliances, accessories and peripherals necessary to provide for the monitoring, recording, distribution, storage, archiving, assembling or production of the court verbatim record.

**I. “Judicial proceedings”**

“Judicial proceedings” means all communications which take place in open court between the judge (including general magistrates and hearing officers) and the lawyers or other parties to the proceedings, and the testimony of any witnesses. Judicial proceedings include, but are not limited to, courtroom hearings, chamber or hearing room hearings, pre-trial conferences, jury trials, non-jury trials, motion or docket hearings, plea hearings, status review hearings, arraignments, dispositions, sentencing hearings, injunction hearings, detention and shelter hearings, bond hearings, post-conviction relief proceedings, first appearance

proceedings, sworn statements and all other matters relating to the court’s business. This term does not include any other matters that may have been monitored or recorded at the same time but which were not part of the court’s business and which would likely not have been reported by a trained court reporter (such as private conversations between a lawyer and a client or between co-counsel).

**J. “Multi-Media Court Record”**

“Multi-Media Court Record” means 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.

**K. “Server”**

“Server” means a computer that hosts an application or collects data from remote computer stations.

**L. “Services”**

“Services” includes and is collectively defined as digital court reporting services and transcription services.

**M. “Transcription”**

“Transcription” means the process of converting the complete verbatim Multi-Media Court Record generated by a Digital Court Reporter or the notes, disks or tapes generated by a Circuit Court Reporter, into a text file as a printed certified transcript.

**2. COURT REPORTING TRANSITION**

**A. State Responsibility**

Pursuant to Article V, Revision 7 of the Florida Constitution, court reporting services in Florida’s court system, which had traditionally been a county’s cost and responsibility, became the State of Florida’s

cost and responsibility effective July 1, 2004.

**B. Trial Court Performance and Accountability Commission**

It is the responsibility of the Florida Supreme Court Commission on Trial Court Performance and Accountability (“Commission”) to review the operations and management of the state’s court reporting systems.

**C. Statewide Plan**

In February 2005, the Commission released policy recommendations for court reporting services in a report titled *Court Reporting in Florida’s Trial Courts Post-Revision 7*. The Commission developed a Statewide Plan for the Effective Use and Management of Court Reporting Services, and recommended that the goals, objectives and strategies in the plan be utilized at the circuit and state level in operating and managing court reporting services.

**3. HYBRID MODEL OF COURT REPORTING**

**A. Overview**

In accordance with the goals, objectives and strategies outlined by the Commission, the Thirteenth Judicial Circuit, through its Court Reporting Committee, 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 where court reporting is required at public expense. The staffing for this model includes employee and contractual resources. As of the effective date of this administrative order: (1) the Contractor is the University of South Florida Board of Trustees on behalf of WUSF-TV; (2) stenographic court reporting services are provided by Circuit Court Reporters; and (3) digital court

reporting services are provided by Record Transcripts, Incorporated. It is anticipated that centralized court reporting services will be used by general magistrates and hearing officers<sup>1</sup>.

**B. Stenographic Court Reporting**

Stenographic Court Reporting utilizes real-time stenographic reporters employed or contracted by the AOC.

**C. Digital Court Reporting**

Digital Court Reporting is a total managed service by a contractual digital service provider. This total managed service provides a 1:1 digital reporter coverage ratio per court division. This service also provides the equipment, management, maintenance and support of the equipment utilized in operating the digital court reporting system.

**D. 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. **E** .

**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.

**4. MANAGEMENT AND USE OF COURT REPORTING**

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<sup>1</sup> Currently the court reporting needs of general magistrates and hearing officers are met through the use of electronic analog tape recording.

**A. Court Administrator as Manager**

The Court Administrator, or his or her designee, is responsible for the management of delivering court reporting services for all judicial proceedings required to be reported at public expense.

**B. Circuit Court Reporters**

Circuit Court Reporters provide court reporting services to designated felony divisions<sup>2</sup>.

**C. Digital Court Reporters**

Digital Court Reporters provide Services to the following divisions of the court: (a) juvenile dependency and delinquency (includes detention and shelter hearings on weekends and holidays); (b) domestic violence (civil injunction cases and misdemeanor cases, Tampa and Plant City); (c) drug courts; (d) designated felony divisions; (e) misdemeanor (Tampa and Plant City); and (f) first appearance and emergency (daily, including weekends and holidays)<sup>3</sup>.

**D. New Divisions, Judicial Reassignments and Emergencies**

In addition to the divisions designated in the previous subsection, it is anticipated that any newly created divisions, judicial reassignments or emergency circumstances requiring court reporting services at public expense will be covered by Digital Court Reporters when feasible.

**E. Substitution of Court Reporters**

Any felony divisions currently utilizing Circuit Court Reporters to provide court reporting services are subject to having Digital Court Reporters provide the Services under any of the following conditions:

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<sup>2</sup> As of the effective date of this administrative order, Circuit Court Reporters provide court reporting services to nine (9) felony divisions.

<sup>3</sup> As of the effective date of this administrative order, Digital Court Reporters provide Services to nineteen (19) divisions of the Thirteenth Judicial Circuit.

(a) state budgetary constraints; (b) directives of the Florida Supreme Court, the Office of the State Courts Administrator or the Trial Court Budget Commission; or (c) shortage of available Circuit Court Reporters for any given period of time, including but not limited to: vacation, illness, hiring restrictions or limitations, staff attrition or other shortfalls.

**F. Capital Cases**

Pursuant to Florida Rule of Judicial Administration 2.070(h), where available, a Circuit Court Reporter who has the capacity to provide real-time transcription of the judicial proceedings shall be used for court reporting services 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 Court Reporters will be implemented to ensure transcript production in capital cases is given a priority.

**5. QUALIFICATIONS OF COURT REPORTERS**

**A. Circuit Court Reporters**

Circuit Court Reporters shall hold a current certification as a Registered Professional Reporter or other higher-level certification from the National Court Reporter's Association. Circuit Court Reporters who do not hold a current certification may be approved by the Court Administrator or his or her designee based on past experience and demonstrated proficiency in stenographic court reporting.

**B. Digital Court Reporters**

The Contractor shall be responsible for providing qualified and trained Digital Court Reporters to perform the Services. The Contractor shall also be responsible for any training, certification or continuing

education associated with the Digital Court Reporters performing the Services.

**6. RELIABILITY OF THE RECORD**

**A. Contractor's Responsibility**

The Contractor, through Contractor Personnel, shall be responsible for capturing, managing, maintaining and storing the complete verbatim Multi-Media Court Record in all judicial proceedings reported at public expense utilizing digital court reporting.

**B. Equipment Usage**

All equipment utilized in the delivery of court reporting services by the Circuit Court Reporters and the Digital Court Reporters shall 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 shall 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 shall immediately notify the presiding judge. It shall also be 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, all

equipment shall be tested by the Digital Court Reporter to establish 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 Court Reporter or a Digital Court Reporter is unable to hear a participant during the course of a judicial proceeding, the court reporter shall request the judge to 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 shall be 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 shall immediately be brought to the presiding judge’s attention.

**7. TRANSCRIPTION**

**A. Requests**

An individual may request and obtain, without court order, a transcript of any reported or recorded judicial proceeding unless a record of such proceeding is deemed confidential (such as juvenile proceedings

and Baker Act proceedings). Requests for transcripts of judicial proceedings reported or recorded at public expense shall be made to the Circuit Court Reporters or to the Digital Court Reporters who provided the reporting or recording service.

**B. Production**

When a transcript of a judicial proceeding or a portion of a judicial proceeding is requested from either the Circuit Court Reporters or from the Digital Court Reporters, an accurate and timely transcript shall be produced in accordance with Florida Rule of Judicial Administration 2.070(e) and Florida Rule of Appellate Procedure 9.200(b).

**C. Capital Cases**

Circuit Court Reporters who report in capital cases shall, pursuant to Florida Rule of Appellate Procedure 9.142(a)(2), file with the clerk of the lower tribunal on clearly labeled computer disks, sufficient copies of these transcripts for the clerk of the lower tribunal to include the disks in the record transmitted to the court and to the parties.

**8. SAFEKEEPING OF THE RECORD**

**A. Circuit Court Reporters' Records**

Circuit Court Reporters shall manage, maintain, store and retain all stenographic notes, disks, tapes and transcripts from all judicial proceedings in a safe and secure place. Such records shall be retained in accordance with Florida Rule of Judicial Administration 2.075.

**B. Transfer of Circuit Court Reporters' Records to the AOC Server**

Circuit Court Reporters, with assistance from the Court Communications and Technology Services (“CCTS”) staff, are responsible for the transfer and downloading of all data files onto the court server from

all judicial proceedings reported in designated felony divisions. This server is owned, managed, maintained and supported by the AOC to ensure the integrity and safekeeping of the record.

**C. Multi-Media Court Record**

The Contractor, through Contractor Personnel, shall: (a) maintain the complete verbatim Multi-Media Court Record of all judicial proceedings reported at public expense in an archivable and retrievable format for the purpose of digital audio playback and transcription production; (b) be responsible for the daily management and maintenance of the metadata database, the database and data files which contain the verbatim Multi-Media Court Record; and (c) retain the complete verbatim Multi-Media Court Records and printed transcripts in accordance with Florida Rule of Judicial Administration 2.075.

**D. Court Communications and Technology Services' Responsibility**

The CCTS department shall be responsible for the daily management, maintenance and support of the AOC data distribution networks, audio/visual systems, video systems and sub systems in all courtrooms that utilize digital court reporting. CCTS shall manage, maintain, support and provide daily server administration to the AOC's primary digital audio server and back-up server to ensure the integrity and safekeeping of the Multi-Media Court Record.

**E. Contractor's Server**

The Contractor or Contractor Personnel shall own, manage, maintain and support its own server(s) and back-up server(s) for the purpose of storing, archiving and retrieving the verbatim Multi-Media Court Record in order to ensure the integrity and safekeeping of the record.

**F. Compliance with AOC Policies**

The Contractor and all Contractor Personnel shall comply with all policies and standard operating

procedures established by the AOC, including, but not limited to, security and confidentiality policies and procedures.

**9. ANNOTATIONS AND INDEXING OF THE MULTI-MEDIA RECORD**

To ensure the reliability, integrity, safekeeping and accurate transcription of the record, Digital Court Reporters shall capture, monitor, annotate, catalog and index the verbatim Multi-Media Court Record.

**10. OWNERSHIP OF THE RECORDS**

To ensure the reliability, integrity, safekeeping and accurate transcription of the record, the AOC shall retain ownership of the complete verbatim Multi-Media Court Record generated in all judicial proceedings required to be reported at public expense. The Multi-Media Court Record shall remain the property of the AOC regardless of where the Multi-Media Court Record resides. The AOC shall also retain ownership of the complete verbatim court record generated by all Circuit Court Reporters.

**11. ON-SITE SUPPORT**

To ensure the reliability, integrity, safekeeping and accurate transcription of the record, the Contractor and CCTS shall maintain daily on-site support and management personnel.

**12. EMERGENCY BACK-UP PLAN**

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

**13. SIGNAGE**

Appropriate signs shall be placed outside all courtrooms and hearing rooms where digital court

recording or monitoring is being utilized to capture the record. Such signs shall 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.

**14. 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 shall 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 shall be 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 shall 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 shall only be entered after the court has held a hearing on the matter.

**15. PREVIOUS ADMINISTRATIVE ORDERS SUPERSEDED**

This administrative order supersedes Administrative Orders S-1995-069, S-1996-098 and S-

2002-037.

**16. EFFECTIVE DATE**

This administrative order is effective immediately.

**DONE AND ORDERED** in chambers in Tampa, Hillsborough County, Florida, this 11<sup>th</sup> day of August, 2005.

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s/ Manuel Menendez, Jr.  
Manuel Menendez, Jr., Chief Judge

Original to: Pat Frank, Clerk of the Circuit Court  
Copies to: All Judges, General Magistrates and Hearing Officers  
Michael L. Bridenback, Court Administrator  
Julianne Holt, Public Defender  
Mark Ober, State Attorney  
Joann Urofsky, General Manager, WUSF Public Broadcasting  
Mike Martin, Systems Design Engineer/Project Manager, WUSF  
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Dave Sullivan, President, Record Transcripts, Incorporated  
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