

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
IN AND FOR HARDEE, HIGHLANDS AND POLK COUNTIES, FLORIDA

ADMINISTRATIVE ORDER NO. 1-22.6

IN RE: ADMINISTRATIVE PLAN FOR THE PROVISION OF
COURT REPORTING SERVICES INVOLVING PUBLIC EXPENSE

WHEREAS, the Supreme Court of Florida in Florida Rule of General Practice and Judicial Administration 2.535(h)(3), requires the chief judge of each circuit to “enter an administrative order developing and implementing a circuit-wide plan for the court reporting of all proceedings required to be reported at public expense” clearly establishing the status of personnel involved; and

WHEREAS, Florida Rule of General Practice and Judicial Administration 2.535(h)(3), further sets out that the court reporting plan “may provide for multiple service delivery strategies if they are necessary to ensure the efficient provision of court reporting services”; and

WHEREAS, the accurate recording of trial proceedings is essential to the judicial process and it is the responsibility of the Court to ensure that the record of court proceedings and testimony is properly taken and preserved; and

WHEREAS, the Court has a responsibility to ensure that reporting services are rendered efficiently and economically; and

NOW, THEREFORE, in accordance with the authority 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), it is ORDERED that the following is hereby adopted as the Tenth Circuit’s Administrative Plan for the Provision of Court Reporting Services:

I. Provision of Court Reporting Services:

- a. The Tenth Circuit will contract with independent contractors for the provision of certain court reporting services and will also utilize employees of the Electronic Court Reporter’s Office (hereinafter “ECR Office”) for certain court reporting services in Hardee, Highlands and Polk Counties as outlined below.
- b. Independent contractors, as needed and available, will provide live, in-court court reporting services only for first and second degree felony jury trials (including voir dire), termination of parental rights trials and waiver of parental notification of abortion hearings in the juvenile dependency division, and all pre-trial and post-trial matters relating to criminal cases wherein the death penalty is being sought.
- c. All other judicial proceedings that are required by law or the Court to be reported or recorded at public expense will be reported or recorded electronically, which will be accomplished through the ECR Office. However, when necessary, the Chief Judge may designate judicial proceedings to be reported or recorded in a manner

inconsistent with this administrative order that includes electronic recording by the ECR Office or live, in-court reporting services provided by independent contractors.

- d. No family, probate, mental health, public health or civil matters will be recorded utilizing public funds except as provided by statute. (The following statutes provide for recording of proceedings at public expense: Section 394.4598, Florida Statutes, concerning the appointment of a guardian advocate; Section 394.3655, Florida Statutes, concerning involuntary outpatient placement; Section 394.467, Florida Statutes, concerning involuntary inpatient placement in mental health cases; Section 744.109, Florida Statutes, concerning guardianship cases; and Section 741.30, Florida Statutes, concerning domestic violence cases. This is not an all-inclusive list.)
- e. The ECR Office is hereby designated as the “Official Court Reporter,” having the responsibility of providing the official record of the proceedings, for all matters it records as set forth above. If a matter is being recorded by ECR Office, and a litigant provides a private court reporter, the official record will be kept by the ECR Office. When a live court reporter appears at public expense, that court reporter shall be designated as the “Official Court Reporter” and the ECR Office shall not be responsible for recording the proceedings.
- f. The ECR Office is staffed by employees of the Tenth Judicial Circuit under the direction of the Chief Judge and the Trial Court Administrator. The policies and procedures and fee schedule associated with the work product of the ECR Office are attached hereto and incorporated herein as “Exhibit A” (which may be amended from time to time by a special court order).

II. Requests for Contract Court Reporters at Public Expense:

All requests for contract court reporters at public expense must be made to the Court’s Trial Coordinator at (863) 534-4692. The Trial Coordinator will then assign a contract court reporter as authorized in this administrative order.

III. Court Reporter Oversight Committee:

The Court Reporter Oversight Committee shall be comprised of several judges, representatives from court administration, and any other court personnel who may have specialized knowledge in the field of court reporting which could prove beneficial to the committee. The committee will determine the specifications and requirements of the contracts. The committee will also determine the successful contractor. Once a contract is entered into, it will be the responsibility of the committee to monitor the services provided under the contract and take actions as necessary to ensure smooth operation of the contract.

IV. Existing Reporter Notes:

Former Official Court Reporters and contract court reporters shall be responsible for storage of stenographic notes as statutorily required and for providing requested transcripts for proceedings taken by the court reporters office.

V. Effective Date:

Effective upon signing of this order, Administrative Order No. 1-22.5, entered on July 6, 2015, is hereby VACATED and SUPERCEDED by this administrative order.

DONE AND ORDERED on this 7th day of November, 2023.

s/JAMES A. YANCEY, Chief Judge

Original: Polk County Clerk of the Circuit Court

Distribution:

Each Judge

Clerks of the Court – Hardee, Highlands and Polk Counties

Office of the State Attorney

Office of the Public Defender

Electronic Court Reporter's Office

Contract Court Reporters

Electronic Bar Mailing

EXHIBIT A

TENTH CIRCUIT ELECTRONIC COURT REPORTER'S OFFICE POLICIES AND PROCEDURES & FEE SCHEDULE

In the Tenth Judicial Circuit, the Electronic Court Reporter's Office (hereinafter "ECR Office") monitors court proceedings pursuant to Administrative Order No. 1-22.6 that are being recorded electronically. An Electronic Court Reporter Manager leads the department. The Electronic Court Reporter Manager's responsibilities are to supervise the activities of the staff, manage the affairs of the ECR Office, and implement policies and procedures for the effective administration of the office.

- I. Transcripts Rendered at Public Expense to the State Attorney's Office, the Public Defender's Office, and the Office of Criminal Conflict and Civil Regional Counsel: Effective upon the signing of Administrative Order No. 1-22.6, requests for transcripts of proceedings shall be made in writing directly to the ECR Office or via a link on the Court's website and must include a request for transcription signed by an agency representative who has been previously identified to the Court as having authorization to make such requests. Costs for transcription services rendered at public expense to the State Attorney's Office, the Public Defender's Office, and the Office of Criminal Conflict and Civil Regional Counsel are covered by the transfer of due process funds as outlined in the General Appropriations Act.
- II. Transcripts Rendered at Public Expense to Private Court Appointed Counsel: Effective upon the signing of Administrative Order No. 1-22.6, requests for transcripts of proceedings shall be made in writing directly to the ECR Office or via a link on the Court's website and must include a signed court order granting private court appointed counsel's motion for transcription. Because the ECR Office does not have a contract with the Justice Administrative Commission, private court appointed counsel that requests transcripts to be rendered at public expense is responsible for paying the ECR Office directly for all transcription and compact disc costs and counsel must seek reimbursement of the costs from the Justice Administrative Commission.
- III. Transcripts Not Rendered at Public Expense: Effective upon the signing of Administrative Order No. 1-22.6, requests for transcripts of proceedings not rendered at public expense shall be made in writing directly to the ECR Office or via a link on the Court's website. Requests for transcripts not rendered at public expense require a 50 percent deposit for trials and other hearings, with the balance due upon receipt.
- IV. Requests for Compact Discs:
 - A. Requests for compact discs of court proceedings shall be made in writing directly to the ECR Office or via a link on the Court's website. As addressed above, cost for compact discs to the State Attorney's Office, the Public Defender's Office, and the Office of Criminal Conflict and Civil Regional Counsel are covered by the transfer of due process funds as outlined in the General Appropriations Act; however, private court appointed counsel are responsible for payment and must seek reimbursement from the Justice Administrative Commission.

- B. Compact discs will not be released until full payment has been received.
- C. The cost for this service is outlined below in the Fee Schedule for the Tenth Circuit Electronic Court Reporter's Office.

V. ECR Office Contact Information:

A. Polk County ECR Office Location:

- 1. The ECR Office is located on the 7th floor of the Polk County Courthouse, Blue Side, at 255 North Broadway, Bartow, Florida.
- 2. Mailing Address – Post Office Box 9000, Drawer J124, Bartow, FL 33831-9000.
- 3. Telephone Number – (863) 534-4009.
- 4. Fax Number – (863) 534-2599.

B. Hardee County and Highlands County ECR Office Location:

- 1. The ECR Office is located on the 3rd floor of the Highlands County Courthouse.
- 2. Mailing Address – 430 S. Commerce Avenue, Rm. 309, Sebring, Florida 33870.
- 3. Telephone Number – (863) 402-6981 or 863-402-6982.
- 4. Fax Number – (863) 402-6980.

VI. Fee Schedule for the Tenth Circuit Electronic Court Reporter's Office:

A. Regular Transcript Rates: Effective upon the signing of Administrative Order 1-22.6:

- 1. Electronic delivery (delivery within 30 days by e-filing, e-serve, and/or e-mail): \$7.50 per transcript page.
- 2. If paper transcript (delivery within 30 days): \$7.50 per transcript page.
- 3. Additional copies: \$2.00 per transcript page.

B. Expedited Transcript Rate: (***only when permitted by the Electronic Court Reporter Manager***): Delivery within 72 hours: \$15.00 per transcript page.

C. Compact Disc Rate: \$30.00 per copy.

VII. Payment: All payments must be in the form of a law firm check, cashier's check or money order made payable to the State of Florida. No cash or credit cards will be accepted.