

FILED FOR RECORD

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PAUL PHARRIS  
CLERK OF CIRCUIT COURT  
INDIAN RIVER COUNTY

BY \_\_\_\_\_

IN THE CIRCUIT COURT, NINETEENTH  
JUDICIAL CIRCUIT IN AND FOR INDIAN  
RIVER, MARTIN, OKEECHOBEE AND  
SAINT LUCIE COUNTIES, FLORIDA

IN RE: ELECTRONIC  
REPORTING

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ADMINISTRATIVE ORDER NO. 75-2

Pursuant to Rule 1.020 (b)(3)(vii) RCP, it is

ORDERED AND ADJUDGED:

1. The use of electronic reporting for any court proceeding required to be reported in the above entitled Circuit is hereby authorized. The assigned judge in a specific case may require a stenographic reporter, if available, or either party may provide and pay for the cost of a qualified stenographic reporter. The assigned judge shall determine the qualifications of a stenographic reporter who is not an official or deputy court reporter; when accepted by the court, such court reporter shall be subject to the orders of the court and directions to transcribe the record from all parties.

2. The Clerk of the Circuit Court in the respective counties shall furnish qualified personnel to operate the electronic recording equipment in such manner and under such conditions as to insure the production of an understandable and reliable record of all proceedings. The qualifications of such individuals shall be established by the Chief Judge of the Circuit. As proceedings are being recorded, the operator shall constantly monitor the recording input and immediately notify the bailiff when the quality of the recording is doubtful.

3. In order to insure a reliable record of proceedings, the assigned judge and the court's supportive personnel shall respectively perform the following:

A. JUDGE

- (a) Inform all participants and spectators that the proceeding is being recorded
- (b) Instruct participants to speak loudly and distinctly
- (c) Remind counsel and witnesses whose words are mumbled, or otherwise inaudible, to speak more loudly and distinctly
- (d) Insure all questions receive verbal responses
- (e) Insure each speaker identify himself and identify (name) each person to whom he refers or makes any statement concerning
- (f) Remind witnesses to speak into the microphone and counsel not to move any considerable distance away from the microphone
- (g) Remind counsel not to interrupt opposing counsel as this produces an indiscernable recording
- (h) Insure physical and visible happenings, explanations and drawings are reported in sound
- (i) Should be alert to the bailiff of any signal to stop the proceeding to remedy a situation which is hampering the recording
- (j) Should immediately remedy any situation which is not conducive to a reliable and transcribable recording
- (k) With the assistance of the bailiff maintain courtroom discipline

B. BAILIFF

- (a) Assist the judge in maintaining courtroom discipline
- (b) Be constantly alert for signals from the recorder to remedy any circumstances which is hampering the effectiveness of the recording
- (c) Relay any problem to the judge in such instances where the judges' assistance is necessary

C. RECORDER OPERATOR/MONITOR

1. Immediately signal the clerk of any disturbance or situation which interferes with the recording such as:
  - (a) Mumbled words
  - (b) Inaudible speaking
  - (c) Technical words which need to be spelled
  - (d) Nonverbal responses, or demonstrations
  - (e) Unnecessary rustling of law books or papers before a microphone
  - (f) When a witness makes statements concerning a particular person but does not identify the person by name
  - (g) When a speaker (counsel) moves any considerable distance away from his microphone
  - (h) When a witness or counsel places himself in such a position in which he cannot be heard, such as behind a blackboard
2. Keep a log of each proceeding which will contain the following information necessary to file and transcribe the recording:
  - (a) Name of the court
  - (b) Place where proceeding is being held
  - (c) Tape number
  - (d) Page number
  - (e) Hour court convened
  - (f) Date
  - (g) Judge
  - (h) Recorder's name
  - (i) Case title
  - (j) Case number
  - (k) Nature of the proceeding
  - (l) Names of counsel
3. Enter in the log by their corresponding tape location numbers
  - (a) Names of speakers
  - (b) Motions
  - (c) Pleas

- (d) Exhibits
- (e) Spelling of technical words
- (f) Physical events of significance
  - (1) Counsel moves to bench
  - (2) Counsel handing over exhibit
  - (3) Drawing on blackboard
- (g) Any interruption of the proceeding

D. COUNSEL

- (a) Speak loudly and distinctly
- (b) Not move any considerable distance away from the microphone
- (c) Make all explanations verbally
- (d) Not place himself in a position which will shield his voice such as behind a blackboard

E. WITNESS

- (a) Speak loudly and distinctly
- (b) Make all responses verbally
- (c) Identify (name) any person to whom he refers or makes a statement concerning
- (d) Cooperate with the recorder's efforts to have technical words spelled for the log

4. The operator of the recording equipment shall maintain a detailed, accurate, legible written log of all proceedings recorded on each magnetic tape. The magnetic tapes, properly identified, together with the recording log, shall be delivered to the clerk and the clerk shall cause the original tape to be indexed in a book kept for that purpose, sealed so that it cannot be opened without noticeably breaking such seal and safely stored for permanent preservation.

5. Any party may, upon motion, notice and hearing, secure from the presiding judge an order for a transcription to be made from the tape on file with the clerk. A motion for transcription shall designate with particularity that portion of the proceedings recorded on the tape that is needed for the movant's purpose. The

transcription may be made by any qualified individual appointed by the Court other than those persons named in Rule 1.300(d) RCP, unless otherwise stipulated in writing by the parties. It shall be the duty of the attorney for the party desiring the transcription to obtain a competent party to make such transcription. Such person shall certify the transcript as a true and accurate text of the tape, which certification shall be before a notary public or other officer authorized to administer oaths, and when so certified shall be prima facie a correct statement of such testimony and proceedings. If any dispute arises as to whether any transcript truly disclosed what occurred, the dispute shall be submitted to and settled by the presiding judge and the transcript made to conform accordingly. Compensation for preparing the transcript shall be the same as the fee paid court reporters for like services, i.e., \$1.50 per page for original and one copy, plus 50¢ per page for each additional copy. An order granting a motion to transcribe shall direct the method of payment.

6. The person authorized to transcribe the tape shall give the clerk a receipt for the tape and upon completion of the transcription shall immediately return the tape to the clerk for re-seal and storage.

7. Transcripts of recorded proceedings shall meet all requirements of the Florida Appellate Rules.

8. The use of electronic equipment for taking any deposition is hereby authorized. If the parties stipulate in writing a deposition may be taken before any person at any time or place upon any notice and in any manner and when so taken may be used like other depositions. Unless the parties so stipulate, the deposition shall be taken in the Court House where the trial is to be held and before any notary public, judicial officer or any person appointed by the Court in which the action is pending. The material part of the original tape of any discovery deposition may be caused to be reproduced and amplified in open court for the purpose of contradicting or impeaching the testimony of the deponent as a witness.

9. Presently, until further order of the Chief Judge, it is intended that civil matters will be stenographically reported, unless ordered otherwise by the presiding judge.

10. (A) When civil matters are ordered to be recorded electronically, a per diem as provided in Transition Rule 12, i.e., \$25.00 for any use of the equipment before lunch and \$25.00 for any use of the equipment after lunch, plus \$10.00 per hour exceeding five hours per day, shall be paid to the Clerk by the plaintiff and taxed as costs. Such funds so received by the Clerk shall be disbursed to the County General Fund.

(B) In criminal cases:

(a) When a defendant is not determined indigent or partially indigent, upon adjudication of guilt or when adjudication of guilt is withheld as a condition of probation, the same fee provided for in 10(A) above for civil cases shall be taxed as costs and paid to the Clerk by the defendant. Such funds so received by the Clerk shall be disbursed to the County General Fund.

(b) When a defendant is determined indigent or partially indigent, upon adjudication of guilt or when adjudication of guilt is withheld as a condition of probation, such fee shall be taxed as costs and included in the statement of claim against said defendant and his estate, as provided in Sec. 27.56 F.S. Said statement of claim shall include all costs of court as a separately itemized amount which shall be paid by the Office of the Public Defender to the Clerk out of the first funds collected on said statement of claim. Such funds when received by the Clerk shall be disbursed to the County General Fund

DONE AND ORDERED in quadruplicate at Vero Beach, Indian River County, Florida, this 24 day of September, A.D. 1975.

  
Chief Judge