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IN THE SECOND JUDICIAL CIRCUIT
OF FLORIDA.

OFFICE OF THE CHIEF JUDGE

ADMINISTRATIVE ORDER NO. 73-

RECORDED IN THE PUBLIC RECORDS OF LEON CO. FLA. IN THE BOOK & PAGE IND.
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PAUL F. HARTSFIELD
CLERK OF CIRCUIT COURT

IN RE: Court Reporters Expenses

1. Pursuant to Chapter 65-609 Laws of Florida, Acts of 1965, the several counties of the Second Judicial Circuit were directed to pay to the Official Court Reporters the sum of $125.00 per month each, as additional compensation. However, said statute is a population act applicable to a circuit with a population of not more than 140,900. According to the 1970 official census, the population of the Second Circuit is 167,761, and thus exceeds the population bracket provided in Chapter 65-609.

2. In Section 7, Chapter 72-404, Acts of 1972, an amendment was made to Section 29.04, Florida Statutes (dealing with salaries and expenses of Official Court Reporters) which provides as follows:

> "(3) The funds necessary to pay costs of reporting in criminal proceedings shall be supplemented by the respective counties as necessary to provide competent reporters in such proceedings."

3. It is found that since the implementation of amended Article V of the State Constitution, effective January 1, 1973, new demands for court reporting in juvenile proceedings, in county court and in many other procedures made necessary because of federal court judgments pertaining to criminal procedures and that to provide competent reporters for all such proceedings it is necessary that the state salary and allowances be supplemented for reporters who are subject to duty in criminal proceedings in the counties of Leon, Jefferson, Wakulla and Franklin Counties. In the Gadsden-Liberty Section of the circuit, in which the Honorable Hugh M. Taylor is Administrative Judge, arrangements have been made with Mrs. Priscilla Williams, Official Court Reporter, to devote full time to those counties without specific duty elsewhere in the circuit and she is presently supplemented by Gadsden County to perform certain secretarial duties to Judge Taylor. It is deemed that such present

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arrangements are adequate for Mrs. Williams and for those two counties. All of the other official reporters and all deputy reporters are resident in Leon County, and to assure the availability of proper reporting much scheduled time for criminal proceedings must be reserved, though often, because of pleas, dismissals and continuances which could not be reasonably foreseen, the reserved time is not utilized. However, because of such time reservations the reporters are precluded from accepting civil employment during such times. For these reasons and because of general economic conditions it is deemed that the official reporters resident in Leon County, but who are also subject to and are assigned to duty in the other three counties, justly need and deserve a supplement of $125.00 per month each, to be paid by such counties and prorated among and paid by said four counties in the same proportion that the population of each county bears to the total population of the four counties.

4. The 1970 population, according to the official census of such counties, and the pro rata percentage of each is as follows:

County	Population	Percentage of total	Pro rata of salary
Leon	103,047	82.3%	$102.87
Jefferson	8,778	7.1%	8.88
Wakulla	6,309	5.0%	6.25
Franklin	7,065	5.6%	7.00
TOTAL	125,199	100.0%	$125.00

5. Those reporters deemed entitled to be provided such supplements are: Miss Frances Thigpen, Mrs. Loretta White, Mrs. Jada Dolcater, Mrs. Carol Causseaux, and Mrs. Betty Kirkland.

6. In assuming the power to implement said subjection (3) of Section 29.04, Florida Statutes, 1972 Supplement to Florida Statutes 1971, and to determine the necessity of county supplements to provide competent reporters in criminal proceedings in said counties, the undersigned Chief Judge deems that such is authorized by law for the following reasons:

(a) Article V, Section 2(d), Florida Constitution, provides: "A Chief Judge in each circuit shall be chosen from among the circuit judges as provided by Supreme Court rule. The Chief Judge shall be responsible for the administrative supervision of the circuit courts and county courts in his circuit."

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(b) Rule 1.020 (b), Rules of Civil Procedure provides, among other things:

"(2) . . . The Chief Judge shall exercise administrative supervision . . . over the Judges and officers of the courts, . . .

(3) Powers and duties:

III. The Chief Judge may assign clerks, bailiffs, and other officers of the courts . . . He may require the attendance of . . . court reporters . . . that he may deem necessary, for the proper and efficient administration of justice."

(c) Section 29.01, 1972 Supplement to Florida Statutes, 1971 provides for the determination by the Chief Judge of the number of Official Court Reporters and Deputy Court Reporters necessary for the courts in his circuit, subject to Supreme Court approval, and also gives the Chief Judge, with the approval of the Judges affected, the power and duty to appoint Official and Deputy Court Reporters. It also provides that all reporters and deputies "shall serve at the pleasure of the Chief Judge and the majority of the Judges in which the reporter is serving."

(d) Rule 1.035 (b) provides that the Circuit Judges, by majority vote, may set fees to be charged by court reporters by general order which shall be uniform throughout the territorial jurisdiction of the circuit court.

(e) All of the foregoing indicate that the Chief Judge is given specific responsibility to obtain adequate and competent court reporters for the courts, and that it is his duty to assign them. He also, with the approval of a majority of the Circuit Judges of the circuit, appoints the reporters and deputy reporters and prescribes the fees they may charge. The legislature, in F.S. 29.04, prescribes the annual salary and traveling expenses of official reporters, but also, in subsection (3) specifically authorizes and requires that funds necessary to pay the cost of reporting in criminal proceedings "be supplemented by the respective counties as necessary to provide competent reporters in such proceedings." The statute does not prescribe specifically how or by whom shall be determined the necessity of competent reporters or of the amount of funds to be provided by county supplementation for same. However, it would seem that the Chief Judge is under a duty to consider such needs and to make an administrative decision on same, and that the Boards of County Commissioners may act pursuant to such decisions.

7. The Circuit Judges of the circuit, in conference called by the Chief Judge, have considered this Administrative Order and have by motion duly made and passed approved same and authorized their endorsement of same.

8. Accordingly, it is found and determined that the counties of Leon, Jefferson, Wakulla, and Franklin are obligated to pay to each of the Official Court Reporters listed in paragraph 5 herein the sums per month set forth in paragraph 4, commencing October 1, 1973.

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9. It is further found that all sums paid by any of the counties of this circuit pursuant to said Chapter 65-609 are found to have been and are necessary to provide competent reporters in criminal proceedings in the several counties and are properly and lawfully paid.

10. A signed copy of this Order shall be furnished each Clerk of the Circuit Court of this circuit, who shall cause same to be recorded in the appropriate public records of the county.

DONE AND ORDERED this 26th day of September, 1973.

Ben C. Willis
CHIEF JUDGE

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CLERK OF THE CIRCUIT COURT & COMPTROLLER
LEON COUNTY
GWEN MARSHALL
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