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AT THE TIME AND DATE NOTED
PAUL F. HARTSFIELD
CLERK OF CIRCUIT COURT

IN THE SECOND JUDICIAL CIRCUIT
OF FLORIDA

OFFICE OF THE CHIEF JUDGE

ADMINISTRATIVE ORDER NO. 43

IN RE: Fees of Court Reporters

I. Pursuant to Rule 1.035(b), Florida Rules of Civil Procedure, the following fees are set and allowed to court reporters for this Circuit, and all previous orders are modified to conform herewith on the effective date of this Order.

A. Per Diem

1. Minimum - $20.00. Minimum is two (2) hours, excluding depositions. Hourly rate is at $10.00 per hour.

2. Per diem rates in criminal in-Court proceedings shall be as prescribed by Florida Supreme Court Transition Rule 12.

B. Depositions

1. In office - $20.00 minimum for first hour
- $10.00 per hour thereafter

2. Out of Office - $25.00 minimum for first hour
- $10.00 per hour thereafter

3. Any weekend or holiday depositions in which the reporter is called in, the rates are negotiable between the court reporter and the parties.

C. Transcripts

Each page of transcription shall contain all of the requirements as outlined in the Florida Rules of Judicial Administration,Rule 2.070(f) which is attached and by reference made a part of this Order.

1. Depositions:

Original and one minimum (See par. 6 below for exception)	$2.15
Additional copies	.75

2. Jury and non-jury:

Original and one minimum (See par. 6 below for exception)	2.15
Additional copies	.75

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3. Appeals:

Original and two minimum (See par. 6 below for exception)	$2.75
Additional copies	.75

4. Expedited transcript delivery (3 days normal) (up to 5 days depending on length of transcript):

Original only (See par. 6 below for exception)	2.15
All copies	.75

5. Daily or overnight transcript delivery:

Original only (See par. 6 below for exception)	2.80
All copies	.75

6. Exceptions:

Regarding depositions - The Supreme Court of Florida has held under Rule 3.220(k), Florida Rules of Criminal Procedures, that an insolvent defendant does not have an absolute right to copies of discovery deposition at County expense. Fees to be charged for criminal depositions which come under this Rule shall be $1.40 per page for original transcriptions and when applicable, 75¢ per page for additional copies unless other fees are approved by the Court.

THEREFORE, IT IS ORDERED AND ADJUDGED that attorneys shall not be entitled to copies of discovery deposition to be paid from public funds, as a matter of right, but in specific cases, copy cost may be taxed at public expense when, upon application, a trial judge approves, prior to transcription, the costs based upon express findings that transcription copies are necessary for trial.

IT IS FURTHER ORDERED AND ADJUDGED that no transcriptions or copies of transcription shall be taxed at public expense in jury and non-jury proceedings or appeals without procuring prior approval of a trial judge and that no expedited, daily, or overnight transcriptions shall be allowed at public expense without prior approval of the judge.

D. Reporting of Final Arguments - Criminal

Pursuant to Chapter 29, Florida Statutes, 1975, entitled "Official Court Reporter", and particularly Section 29.03, an official court reporter is entitled to receive compensation for reporting the final argument of counsel in a criminal case when directed to do such reporting by the presiding

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> judge or by counsel of either the State or the defendant, such compensation being not less than $10.00 for reporting each such argument. These statutory proceedings are construed to require that when only one party requests that argument of only one side be reported, then a $10.00 charge may be made, and if both parties request each of the arguments be reported, then a $20.00 charge may be made. However, in no event shall more than a $20.00 fee be charged in any case, except if there are multiple defendants, separately represented by different counsel and separate arguments are made by such counsel, the reporter may charge $10.00 for each argument made.

IT IS FURTHER ORDERED AND ADJUDGED that all bills submitted for payment, at public expense, in the foregoing matters shall be approved for payment by a trial judge before any clerk of court is authorized to remit any funds.

This Order shall become effective November 1, 1978.

DONE AND ORDERED in Chambers at Tallahassee, Florida, this 9th day of October, 1978.

Ben C. Willis

BEN C. WILLIS, CHIEF JUDGE

Copies:

All Judges
All Clerks
All Court Reporters
State Attorney
Public Defender

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(6) Indentations of no more th five spaces may be utilized for paragraphs, questions and answers and all spaces on a line as herein provided shall be utilized unless the statement, testimony, question or answer of the speaker ends short of marginal requirements.

(7) Individual volumes of a transcript, excluding depositions, shall be no more than 200 pages in length, inclusive of the index.

(g) Compensation. Each official court reporter shall on a monthly basis certify to the chief judge of the circuit to which he is appointed the number of hours service of the reporter and his or her approved deputies in criminal and juvenile proceedings, excluding depositions, in circuit and county courts. Upon approval by the chief judge such certification shall be submitted by the chief judge or his designee to the state courts administrator no later than the tenth day of the following month.

(1) Each official circuit court reporter shall serve a maximum of sixty hours per month for which compensation by the State of Florida will be as provided by law.

(2) Minimum credit toward this sixty hours of two and one-half hours each day shall be given for first appearance in any court before the lunch recess and a minimum credit of two and one-half hours shall be given for first appearance after that recess. An hour-for-hour credit will be given for actual time spent in court exceeding five hours per day.

(3) Any number of hours accumulated in addition to sixty by the formula set forth above shall be compensated at the rate of $10 per hour.

(4) Each official circuit court reporter may accumulate credit for the services of any of his or her officially approved deputies in the same manner as if he or she had performed these services personally.

(5) Each official circuit court reporter shall make his or her certification to the chief judge of the circuit on forms provided by the state courts administrator. The forms shall be uniform in and for all judicial circuits throughout the state.

(h) Reporter as Officer of Court. A court reporter, whether an official court reporter or deputy court reporter, is an officer of the court for all purposes while acting as a reporter in a judicial proceeding. He or she shall comply with all rules and statutes governing the proceeding that are applicable to court reporters.

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(d) Video Tape and Non-Stenographic Depositions. The judges of the circuit by majority vote may adopt a standard order governing the use of video tape depositions and authorizing that the testimony at a deposition be recorded by other than stenographic means for use in any court proceedings. The order shall designate the manner of recording, preserving and filing of depositions and may include other provisions to assure that the recorded testimony will be accurate and trustworthy. The order shall, subject to the provisions of Rule 1.280(c), be automatically applicable upon the giving of notice of taking any video tape or non-stenographic deposition but may be modified by the presiding judge upon the application of any party. The order shall be uniform in and for all courts throughout the territorial jurisdiction of the judicial circuit and shall be recorded.

(e) Fees. The judges of a circuit court by majority vote may set the fees for court proceedings and depositions to be charged by court reporters by administrative order. The order shall be uniform in and for all courts throughout the territorial jurisdiction of the judicial circuit and shall be recorded. In the absence of an order the fees for court proceedings and depositions to be charged by court reporters shall be as provided by law.

(f) Transcripts. Transcripts of all judicial proceedings, including depositions, shall be uniform in and for all courts throughout the state. The form size, spacing and method of typing transcripts are as follows:

(1) All proceedings shall be typed or printed on paper 8-1/2 inches by 11 in size, prepared for binding at the top or on the left side margin.

(2) All margins, measured from the edge of the paper, shall be no more than 1-1/2 inches at the top and left side and no more than 1/2 inch at the right side.

(3) There shall be no less than 25 typed or printed lines per page and all typing or printing shall be double spaced, except where there are quotations or citations listed which shall be single spaced, with no more than a double space between paragraphs.

(4) Type size or print shall be pica or comparable type or print of no less than ten characters to the inch.

(5) Statements, testimony, questions and answers shall begin on the same line following the identification of the speaker with no more than two spaces between the identification of the speaker and the commencement of the statement, testimony, question or answer.

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RULE 2.070. COURT REPORTING

(a) When Reporting Required. All criminal and juvenile proceedings, and any other judicial proceedings required by law or court rule to be reported at public expense, shall be reported. Any proceeding shall be reported on the request of any party. The party so requesting shall pay the reporting fees but this requirement shall not preclude the taxation of costs as authorized by law. Grand jury proceedings, upon order of the chief judge of the circuit, shall be reported; however, no transcription may be made without an order of a court of competent jurisdiction requiring said transcription.

(b) Record. When trial proceedings are being reported, no part of the proceedings shall be omitted unless all of the parties agree to do so and the court approves the agreement.

(c) Electronic Reporting.

(1) When the chief judge deems it appropriate or necessary, he may authorize by administrative order the use of electronic reporting for any judicial proceedings, including depositions, required to be reported. Appropriate procedures shall be prescribed in the order which shall:

(A) Set forth responsibilities for the court's support personnel to ensure a reliable record of the proceedings;

(B) Provide a means to have the recording transcribed, either in whole or in part, when necessary for an appeal; and

(C) Provide for the safekeeping of such recordings.

The order shall be uniform in and for all courts throughout the territorial jurisdiction of the judicial circuit and shall be recorded.

(2) The presiding judge in a specific case, however, may require a stenographic reporter, if available, or either party may request, or provide and pay for the cost of a qualified stenographic reporter. The presiding 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.

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