

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

**ADMINISTRATIVE ORDER NO. 2-60.2**

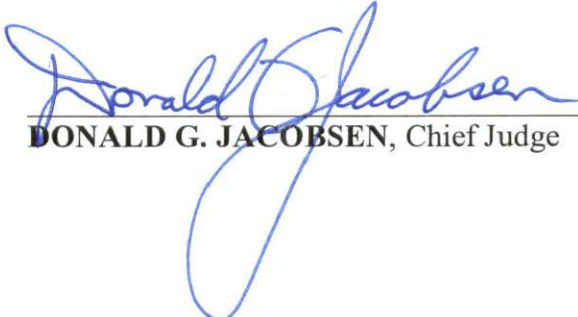
**IN RE: COURT REPORTING SERVICES IN CAPITAL CASES**

**WHEREAS**, Florida Rule of Judicial Administration 2.535(i), requires that the Chief Judge, in consultation with the circuit court judges in the Circuit, shall enter an administrative order developing and implementing a circuit-wide plan for court reporting in all trials in which the state seeks the death penalty and in capital postconviction proceedings, it is hereby **ORDERED** that effective immediately:

- I. The following policies shall be complied with in cases in which the death penalty is being sought and in capital postconviction proceedings:
  1. Where available, a court reporter who has the capacity to provide real-time transcription of the proceedings shall be utilized in all proceedings in the case.
  2. If real-time transcription services are not available, a computer-aided transcription qualified court reporter shall be utilized.
  3. Where available, to expedite the finalization of the certified transcript, scopists, text editors, and/or alternating court reporters shall be utilized.
  4. Reasonable restrictions on work assignments by employee or contract court reporters shall be implemented to ensure that transcript production in capital cases is given a priority.
  
- II. In order to comply with the policies in Section I, the following procedures shall be followed in all cases in which the death penalty is being sought and in capital postconviction proceedings:
  1. When a jury returns a verdict of guilty as charged of first-degree murder, the trial judge shall orally instruct the court reporter to immediately begin to transcribe the trial. In addition to the trial, the trial judge shall orally instruct the court reporter(s) to immediately begin to transcribe any evidentiary hearings or non-evidentiary hearings conducted by the trial judge or other judge throughout the pendency of the case. No written order authorizing this transcription shall be required.
  2. At the conclusion of a judge's sentence of death, the judge shall orally instruct the court reporter to immediately begin to transcribe the penalty phase of the trial, the *Spencer* hearing, any other hearings held after the verdict, but before the judge's sentencing hearing, and the actual sentencing hearing held by the trial judge. No written order authorizing this transcription shall be required.

3. At the conclusion of the *Huff* hearing, the 3.850/3.851 evidentiary hearing, and any other evidentiary post-conviction hearings in a case in which a death sentence has been imposed, the judge conducting the hearing shall orally instruct the court reporter to immediately begin to transcribe the hearing(s). No written order authorizing this transcription shall be required.
  4. Court reporter employees of the contract court reporters shall give priority to that court reporters are to be paid other than the regular rates for transcription, unless otherwise ordered by the Chief Judge.
  5. Court reporter employees of the contract court reporters reporting trials wherein the state is seeking the death penalty, or post-conviction hearings where the defendant has already been sentenced to death shall use reporting methods, including but not limited to, the measures set out in Rule 2.535(i)(1),(2), and (3), to ensure that transcripts are prepared expeditiously.
  6. Contract court reporters must follow the dictates of Rule 2.535(i)(4) to ensure that their court reporter employees have the time to give priority to capital transcripts.
  7. Costs of transcription ordered herein shall be paid as follows:
    - a. If the defendant takes the appeal, the costs shall be paid by the defense.
    - b. If the state takes the appeal, the costs shall be paid by the state.
    - c. If no appeal is taken, the costs shall be paid by the court.
- III. In cases in which the State has not filed a notice of its intention to seek the death penalty (“undeclared cases”), upon motion by either party or on the Court’s own motion, the trial judge may decide on a case by case basis that a live court reporter is appropriate for hearings concerning substantive issues. In such cases, this administrative order is applicable and shall be complied with for the specific hearing. All motions for live court reporters for hearings in cases in “undeclared cases” shall be filed and copied on the trial judge at least five (5) days prior to the scheduled hearing.
- IV. This Administrative Order is effective immediately and cancels and supersedes Administrative Order 2-60.1, dated July 14, 2010.

DONE AND ORDERED in chambers on this 13<sup>th</sup> day of October, 2015.

  
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**DONALD G. JACOBSEN**, Chief Judge

Original to:  
Clerk of Court – Polk County

Copies furnished to:  
All Circuit and County Judges  
Clerk of the Court - Hardee County  
Clerk of the Court -Highlands County  
Electronic Court Reporting Department  
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