

**THE ELEVENTH JUDICIAL CIRCUIT
MIAMI-DADE COUNTY, FLORIDA**

**CASE NO. 16-01
(Court Administration)**

**ADMINISTRATIVE ORDER
NO. 2016-10
(Rescinding Administrative Order
No. 01-01)**

**IN RE: COURT REPORTING SERVICES
IN DEATH PENALTY TRIALS AND
CAPITAL POSTCONVICTION
PROCEEDINGS**

WHEREAS, the Supreme Court of Florida amended Florida Rule of Judicial Administration 2.535(i), which requires the Chief Judge, after consultation with the circuit court judges, to develop and implement a circuit-wide plan for court reporting in all trials in which the state seeks the death penalty and in capital post-conviction proceedings; and

WHEREAS, Rule 2.535(i) requires that the plan prohibit the use of digital court reporting as the court reporting system in death penalty and capital post-conviction proceedings;

NOW, THEREFORE, pursuant to the authority vested in me as Chief Judge of the Eleventh Judicial Circuit of Florida under Rule 2.215 of the Florida Rules of Judicial Administration, it is hereby **ORDERED**:

1. In all trials in which the State seeks the death penalty and in capital post-conviction proceedings, in-court stenographic court reporting must be used.
2. The use of digital court reporting as the court reporting system is prohibited.
3. All persons approved by the Court to perform court reporting transcription services shall give priority to capital cases in the production of transcripts, and shall use all measures necessary to expedite the preparation of the transcript, including but not limited to:

- a. where available, the use of an approved court reporter who has the capacity to provide real-time transcription of the proceedings;
 - b. if real-time transcription services are not available, the use of a computer-aided transcription qualified court reporter;
 - c. the use of scopists, text editors, alternating court reporters, or other means to expedite the finalization of the certified transcript; and
 - d. the imposition of reasonable restrictions on work assignments by employee or contract approved court reporters to ensure that transcript production in capital cases is given a priority.
4. For pre-trial hearings that address substantive motions, including but not limited to a motion to suppress, motion regarding intellectual disability, motion regarding a need for a competency hearing, or a motion addressing the constitutionality of a statute, an approved court reporter that has the capacity to provide real-time transcription or computer-aided transcription of the proceedings must be used.
5. During trial, an approved court reporter who has the capacity to provide real-time transcription or computer-aided transcription of the proceedings must be used.
 - a. When a jury returns a verdict of guilty as charged of first-degree murder, the trial judge shall instruct the court reporter(s) to transcribe the trial. In addition to the trial, the trial judge shall instruct the court reporter(s) to immediately begin to transcribe any evidentiary hearings and non-evidentiary hearings conducted by the trial judge or alternate judge throughout the pendency of the case.
 - b. At the conclusion of a judge's sentence of death, the judge shall instruct the court reporter(s) to immediately begin to transcribe the penalty phase of trial, the *Spencer* hearing or any other hearings held after the verdict but before the sentence hearing, and the actual sentencing hearing.
6. At the conclusion of a *Huff* hearing or a Florida Rule of Criminal Procedure 3.851 substantive motion, the judge conducting the hearing shall instruct the court reporter to immediately begin to transcribe the hearing(s). An approved court reporter that has the capacity to provide real-time transcription or computer-aided transcription of the proceedings must be used.
7. In the event of an appeal, the appealing party is responsible for the payment of transcripts.
8. Court reporting firms under contract in capital cases and post-conviction proceedings shall take all measures necessary to expedite the preparation of the

transcripts and ensure that transcript production is given priority.

This Administrative Order shall take effect immediately upon execution and shall remain in effect until further order of the Court. Administrative Order No. 01-01 is hereby rescinded and held for naught.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida, this 7th day of September, 2016.

**BERTILA SOTO, CHIEF JUDGE
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA**