

IN THE CIRCUIT COURT OF THE 11th
JUDICIAL CIRCUIT IN AND FOR DADE
COUNTY, FLORIDA

CASE NO. 79-1
(Court Administration)

IN RE: AUTHORIZATION OF USE
OF ELECTRONIC REPORTING IN
MENTAL HEALTH PROCEEDINGS

ADMINISTRATIVE ORDER
NO. 79-42

WHEREAS, LEWIS S. KIMLER was appointed as General Master and granted authority to hear and determine various mental health proceedings delineated by Administrative Order No. 79-48 heretofore entered on June 18, 1979 and,

WHEREAS, Rule 1.490(f), Rules of Civil Procedure, requires that evidence adduced into evidence or proffered before a Master be taken in writing by the Master or some other person under his authority and in his presence and to be filed in the proceeding and,

WHEREAS, the electronic reporting of the mental health proceedings above referred to will effectively and efficiently assist the Judge in reviewing the Master's recommended findings of fact, conclusions of law and recommended order and also serve as an adequate record for purposes of appellate review.

THEREFORE, by the authority vested in me as Chief Judge of the Eleventh Judicial Circuit, and pursuant to Rule 2.070(c) of the Florida Rules of Judicial Administration, it is deemed both appropriate and necessary that the various mental health proceedings above referred to be electronically reported. The premises considered, it is therefore, upon consideration,

ORDERED AND ADJUDGED as follows:

1. That all mental health proceedings referred by a Judge of this Court to a General Master, more particularly described in Administrative Order No. 79-48, be electronically

reported (except the provisions of paragraph 2.a. thereof relating to Chapter 393, Florida Statutes, and 2.b. thereof relating to Chapter 394, Florida Statutes) in lieu of stenographic reporting by a court reporter. The General Master shall be responsible to ensure that a reliable record of the proceedings occurring before him are electronically recorded to the end that the same may be electronically reproduced with clear auditory perception. The General Master shall appropriately designate, identify and authenticate the electronically produced tape or cassette in relation to the proceeding.

2. The General Master shall contemporaneously transmit the electronically produced tape or cassette together with his recommended findings of fact and conclusions of law to the Judge who referred the proceeding to him.

3. When the Judge has formulated and entered his order confirming, modifying or overruling the Master's recommended order, he shall deposit the electronically recorded tape or cassette with the Clerk of the Court who shall maintain the custody thereof in a confidential manner where the same is required by F.S. 394.459(9), F.S. 396.112 F.S. 397.053 or F.S. 409.3636 for a period of 60 days after rendition of the final order. On or after 60 days from the rendition of the final order, the Clerk shall erase, destroy or otherwise obliterate the electronically recorded tape or cassette so as to preserve the confidentiality thereof when required by law.

4. The State Attorney, the Public Defender, litigants, attorneys, interested parties and all other persons required to be in attendance at such proceedings are directed to cooperate with the General Master in overseeing the electronic recording of any proceeding to the end that a reliable record of the proceedings shall be recorded.

5. Notwithstanding the provision of this Order, any interested party may employ at his own expense and have in attendance a court reporter to stenographically record and report the proceedings to supplement the electronic reporting.

6. The provisions of this Order shall be uniform throughout this Circuit in relation to all mental health proceedings referred to a General Master by a Judge of this Court under and pursuant to Administrative Order No. 79-48 entered June 18, 1979.

DONE AND ORDERED in Chambers at the Dade County Courthouse, this 27th day of June, 1979.

EDWARD D. COWART, CHIEF JUDGE
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA