

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

**CASE NO. 22-01
(Court Administration)**

**ADMINISTRATIVE ORDER
NO. 22-13**

**IN RE: ELECTRONIC RECORDING
OF JUDICIAL PROCEEDINGS
WITHOUT COURT REPORTERS**

WHEREAS, pursuant to Supreme Court of Florida Administrative Order No. 11-22, In re: Court Reporting Services in Florida's Trial Courts, all judicial circuits shall codify protocols for producing copies of audio and/or video recordings in accordance with court rule and standards established by the State Court System; and

WHEREAS, pursuant to Rule 2.535(h)(4) of the Florida Rules of General Practice and Judicial Administration, governing Electronic Recording and Transcription of Proceedings Without Court Reporters, the Chief Judge may enter a circuit-wide administrative order authorizing the electronic recording and subsequent transcription, by approved court reporters, of any judicial proceedings that are otherwise required to be reported by a court reporter; and

WHEREAS, pursuant to Rule 2.535(h)(5) of the Florida Rules of General Practice and Judicial Administration, confidential communications when electronic recording equipment is used in the courtroom shall be safeguarded; and

WHEREAS, pursuant to Rule 2.420(d)(1)(B)(xiii) of the Florida Rules of General Practice and Judicial Administration, governing Public Access to Judicial Branch Records, procedures are prescribed for determining and maintaining confidentiality of court records, including protected information regarding victims of child abuse or sexual offenses; and

WHEREAS, Video-Conferencing platform and court reporting software currently authorized by the Circuit will be utilized to record hearings.

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 General

Practice and Judicial Administration, it is hereby **ORDERED**:

Electronic audio recordings of judicial proceedings on the Video Conferencing platform and court reporting software, and subsequent transcription of the official court record by a current contracted vendor court reporter of any judicial proceedings enumerated herein that are otherwise required to be reported by a court reporter, or the production of copies of electronic audio recordings of such judicial proceedings, are hereby authorized as hereinafter set forth:

I. CASE TYPES AUTHORIZED FOR ELECTRONIC AUDIO RECORDING ON THE VIDEO CONFERENCING PLATFORM OR COURT REPORTING SOFTWARE BY JUDGES, GENERAL MAGISTRATES, AND HEARING OFFICERS

A. Title IV-D Child Support

B. Probate (Guardianship and Mental Health) matters:

- a.** Incapacity
- b.** Restoration
- c.** Adult Protective Services
- d.** Emergency Temporary Guardianship
- e.** Do Not Resuscitate
- f.** Adult Marchman
- g.** Baker Act

C. Civil; Domestic, Repeat, Dating, Stalking, and Sexual Violence Injunctions for Protection

D. Family (Domestic Relations) matters referred and presided over by a General Magistrate

II. PROTOCOLS TO ENSURE QUALITY OF, AND A RELIABLE RECORD OF, ELECTRONIC AUDIO RECORDINGS OF JUDICIAL PROCEEDINGS ON THE VIDEO CONFERENCING PLATFORM OR COURT REPORTING SOFTWARE AND TO PROVIDE NOTICE THEREOF

A. The Video Conferencing meeting organizer shall include the following when creating the Video Conferencing meeting/hearing invite:

- 1. At a minimum, the subject of the court meeting/hearing 'topic' of the Video Conferencing hearing should contain the case style, inclusive of the court case number, followed by the full names of all parties. The name of the presiding judge or judicial officer, and hearing type, will automatically populate in the system.

2. It is recommended that a separate Video Conferencing meeting invite should be created for every hearing. Non-related cases should not be grouped in the same Video Conferencing meeting/hearing invite.

- B. At the commencement of all hearings conducted on the Video Conferencing platform or recorded by use of court reporting software, the parties and participants shall speak at a sufficient volume, announce the court case number, and identify their relationship to the case, followed by providing their full names and spelling of their names if requested.
- C. A sign shall be posted inside and outside of the courtroom providing notice to all participants that for all hearings involving one of the enumerated case types herein, and that the hearing is being recorded for those appearing remotely and/or by those participants appearing in-person in the courtroom and to safeguard confidential information and communications they do not want recorded.

III. PROTOCOLS FOR PROTECTION AND SAFEGUARDING OF CONFIDENTIAL INFORMATION AND COMMUNICATIONS

- A. Attorneys should inform their clients of the method of recording being utilized at the time of the hearing, Video Conferencing platform or court reporting software, request that those present in-person speak directly into microphones in the courtroom and take all reasonable and necessary precautions to protect disclosure of confidential communications and information during the judicial proceedings. Such precautions may include muting microphones or going to a designated location that is inaccessible to the recording equipment.
- B. Participants have a duty to protect confidential information, and must take reasonable measures to ensure confidential information is protected

IV. PROTOCOLS FOR PRODUCTION OF TRANSCRIPTS BY AN APPROVED COURT REPORTER OF ELECTRONIC AUDIO RECORDINGS OF JUDICIAL PROCEEDINGS

- A. The official court record may be transcribed, in whole or part, by an approved court reporting contract vendor, upon request. **Electronic audio recordings of judicial proceedings platform do not constitute**

an official court record.

- B.** All requests for transcripts of electronic audio recordings of judicial proceedings shall be submitted electronically utilizing the Official Audio/Transcript Request Form available on the Eleventh Judicial Circuit Court website, www.jud11.flcourts.org.
- C.** All requests for audio and transcripts may incur a fee both by the Circuit for the retrieval and release of the audio recording and by the Court Reporting firm selected that will be utilizing the audio to provide the transcript.

V. PROTOCOLS FOR PRODUCTION OF COPIES OF ELECTRONIC AUDIO RECORDINGS OF JUDICIAL PROCEEDINGS

- A.** All requests for copies of audio recordings of judicial proceedings by attorneys of record, parties to a case, and self-represented litigants shall be submitted electronically utilizing the Audio/Transcript Recording Request Form, in conjunction with the Prohibition Against Dissemination Form, available on the Eleventh Judicial Circuit Court website, www.jud11.flcourts.org, under the Digital Court Reporting Services site. Upon full review a final invoice shall be sent to the requestor, which must be paid prior to release of the audio recording.
- B.** All requests for copies of audio recordings of judicial proceedings by the public at large (non-parties to a case) shall be submitted electronically utilizing the Audio/Transcript Recording Request Form available on the Eleventh Judicial Circuit Court website, www.jud11.flcourts.org, under the Digital Court Reporting Services site. These requests will be processed as public records request in accordance with Florida Rules of General Practice and Judicial Administration 2.420, which requires review to ensure that matters protected from disclosure are kept confidential. If statutorily authorized fees for this public records request apply, notice shall be sent to the requestor of the estimated cost for processing, and a deposit must be received. Upon full review in accordance with Rule 2.420, a final invoice shall be sent to the requestor, which must be paid prior to release of the audio recording.

VI. PROTOCOLS FOR PRESERVATION AND SAFEKEEPING OF ELECTRONIC AUDIO OF JUDICIAL PROCEEDINGS

- A.** All electronic audio recordings of judicial proceedings on the Video Conferencing platform shall reside on the cloud-based Video

Conferencing platform.

- B.** All electronic audio recordings of judicial proceedings on the court reporting software shall reside on a back-up server.
- C.** All electronic audio recordings of judicial proceedings shall be maintained and stored in accordance with the applicable case type retention schedule, pursuant to Rule 2.430 of the Florida Rules of General Practice and Judicial Administration.
- D.** All electronic audio recordings of judicial proceedings will be archived on the Eleventh Judicial Circuit's digital court reporting platform.

This Administrative Order shall become effective immediately upon execution and shall remain in effect until further order of the Court.

DONE and ORDERED in Chambers at Miami-Dade, Florida, this 13th day of September, 2022.

**NUSHIN G. SAYFIE, CHIEF JUDGE
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA**