

# Court Reporting Policy & Self-Assessment Guide

(Prepared by the Office of the State Courts Administrator - March 2010)

This guide has been prepared to assist the trial courts with implementation of new policies and court rules that have been adopted by the Supreme Court. Assessment and implementation strategies have been provided for reference purposes only with the understanding that they may not be appropriate for all circuits.

ISSUE	POLICY GUIDE			SELF-ASSESSMENT GUIDE	
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<b>I. Court Reporter Qualifications</b>  <b>(TCP&amp;A 2007 Report Pages 19-21 &amp; 50-51)</b>	<p><b>A.1.</b> Court reporting employees and contract service providers shall meet all professional standards and training requirements established by Florida statute, court rule, the State Courts System, and the chief judge of the circuit.</p>	<p><b>B.1.</b> Court employees or contractors providing stenographic services for the State Courts System will achieve and maintain the designation of Registered Professional Reporter (RPR) as defined by the National Court Reporters Association.</p> <p><b>B.2.</b> Court employees or contractors providing digital court reporting or transcript services for the State Courts System will achieve and maintain certification with the American Association of Electronic Reporters and Transcribers (AAERT).</p> <p><b>B.3.</b> Court employees or contractors providing voice-writing services for the State Courts System will achieve and maintain certification with the National Verbatim Reporters Association (NVRA).</p> <p><b>B.4.</b> Judicial circuits shall ensure availability to real-time stenographic services, either through the use of court employees or contract service providers.</p>	<p><b>-25.383 F.S.</b>, Professional Standards/ Training Requirements- The Supreme Court shall establish minimum standards and procedures for qualifications, certification, discipline, and training for court reporters. The Supreme Court shall determine the amount of fees to charge applicants for certification and renewal of certification.</p> <p><b>-Rules 13.010-13.190</b>, Rules for Certification and Regulation of Court Reporters have been held in abeyance by the Supreme Court.</p> <p><b>-Rule 2.535(i)</b>, Court Reporting Services in Capital Cases- 1) where available, the use of an approved court reporter who has the capacity to provide real-time transcription of the proceedings; (2) if real-time transcription services are not available, the use of a computer-aided transcription qualified court reporter.</p>	<p>-Determine how many of your court reporting employees and contract service providers have the applicable professional certification.</p> <p>-Determine if your circuit will make professional certification mandatory v. preferable for employment and contractual arrangements.</p> <p>-Determine if your circuit has access to real-time court reporters, either through court employees or contract service providers.</p> <p><i>Note: Pursuant to 216.345, F.S., professional and occupational certification fees are not an allowable expense with state funds.</i></p>	<p>-Update your circuit's Court Reporting Administrative Order to include requirements/preferences for professional certification.</p> <p>-Update service provider contracts to include requirements/preferences for professional certification.</p> <p>-Update position descriptions for those positions in which professional certification are preferred or required.</p> <p>-Inform/educate court reporting employees and contractors about how to achieve professional certification.</p> <p>-If your circuit does not have access to real-time court reporters, consider encouraging employees/contractors to seek real-time training and certification.</p> <p>-Provide on-the-job training and/or mentorship by real-time court reporters.</p>
<b>II. Oversight</b>  <b>(TCP&amp;A 2007 Report Pages 17, 21-22, &amp; 49)</b>	<p><b>A.1.</b> Court reporting program employees and contract service providers are officers of the court and must comply with all applicable Florida statutes, court rules, and other requirements as established by the State Courts System and the chief judge of the circuit.</p> <p><b>A.2.</b> Judicial circuits shall comply with court reporting contracting</p>	<p>Not Applicable.</p>	<p><b>-Rule 2.535(g)</b>, Officers of the Court- Approved court reporters, civil court reporters, and approved transcriptionists are officers of the court for all purposes while acting as a court reporters in judicial proceedings or discovery proceedings or as transcriptionists. Approved court reporters, civil court reporters, and approved transcriptionists shall comply with all rules and statutes governing the proceeding that are</p>	<p>-Review Florida State Courts Intranet site for contract management best practices and sample agreements and compare with your circuit's existing contract practices and agreements. (<a href="http://intranet.flcourts.org/osca/asd/generalservices/Contract%20Administration/index2.html">http://intranet.flcourts.org/osca/asd/generalservices/Contract%20Administration/index2.html</a>)</p> <p><i>Note: A model court reporting contract may be developed by the</i></p>	<p>-Update your circuit's Court Reporting Administrative Order to include requirements for employees and contract service providers as officers of the court.</p> <p>-Update service provider contracts to include requirements for contractors as officers of the court and any other requirements in-line with contract management best practices.</p>

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	requirements as established by the State Courts System.		applicable to court reporters and approved transcriptionists.	OSCA.	<p>-Update position descriptions to include requirements for employees as officers of the court.</p> <p>-Inform/educate employees, contractors and other stakeholders on contracting best practices and “officer of the court” requirements.</p>
<b>III. Use of Clerk of Court Staff</b>  <b>(TCP&amp;A 2007 Report Pages 22)</b>	<b>A.1.</b> Judicial circuits shall not engage clerk of court staff to provide court reporting services, other than those services or responsibilities established by Florida statute, court rule, and the State Courts System.	Not Applicable.	<p><b>-29.004, F.S.</b>, State Courts System- For purposes of implementing s. 14, Art. V of the State Constitution, the elements of the state courts system to be provided from state revenues appropriated by general law are as follows: (3) Reasonable court reporting and transcription services necessary to meet constitutional requirements.</p> <p><b>-Rules 9.140(f), 9.141(b)(3), 9.146(g)(2)(c) and 9.200(d)</b>, Rules of Appellate Procedure pertaining to transcript production and transmittal.</p>	<p>-Determine if clerk employees are currently providing direct court reporting services in your circuit (i.e., recording proceedings).</p>	<p>-Determine cost of replacing direct service functions performed by clerk staff using state funded employees or contract service providers and, if applicable, for purchasing equipment and software. Keep these costs in mind when determining your funding needs for FY 2011-12 and in future years, if applicable.</p>
<b>IV. Cross-training</b>  <b>(TCP&amp;A 2007 Report Page 23)</b>	Not Applicable.	<b>A.1.</b> Judicial circuits shall explore cross-training initiatives with their court reporting employees for the provision of court reporting services.	Not Applicable.	<p>-Determine if your circuit’s court reporting employees have down-time which could be spent performing other duties so as to maximize efficiency in operations.</p>	<p>-Train digital court reporters to transcribe recordings when they are not monitoring or train stenographers to perform digital court reporting duties when stenography is not required.</p> <p>-Update position descriptions for those positions in which additional duties will be required.</p> <p>-Inform/educate court reporting employees of additional duties required. Consider encouraging employees to seek additional training, certification and/or provide on-the-job training and mentorship for additional duties.</p> <p>-Determine cost savings achieved through cross-training. Keep these cost savings in mind when</p>

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					determining your funding needs for FY 2011-12 and in future years, if applicable.
<b>V. Assigning Coverage</b>  (TCP&A 2007 Report Page 23)	Not Applicable.	<b>A.1.</b> Court staff responsible for scheduling hearings and preparing dockets will provide dockets to the court reporting manager or other designated court administration professional or contract service provider as far in advance as possible to ensure adequate time to assign appropriate court reporting coverage of proceedings.	Not Applicable.	-Determine if dockets are being provided in as timely manner as possible to the person(s) responsible for assigning court reporting coverage.  -Flowchart by court division, case type, facility, etc. how dockets are being transmitted to person(s) responsible for assigning court reporting coverage.  -Identify problem areas in transmitting dockets (discuss with staff, review transmittal times if possible, etc.).	-Identify areas for potential streamlining of the transmission of dockets.  -Consider using different modes of transmission to improve efficiency such as electronic transmission.  -Inform/educate/train persons involved in docket transmission regarding any new procedures.
<b>VI. Eliminating Analog Recording</b>  (TCP&A 2007 Report Pages 23-24)	Not Applicable.	<b>A.1.</b> Judicial circuits shall refrain from utilizing analog audio recording and should attempt, where practical, to replace analog with digital recording capability.	Not Applicable.	-Determine if your circuit is still utilizing analog audio (cassette recorders) to record proceedings.  -Determine the most cost efficient and operationally sound replacement method for recording proceedings (e.g., local, centralized, or remote digital recording) now recorded using cassette recorders.  <i>Note: The below policies regarding service-delivery models and monitoring ratios should be considered in determining the replacement method.</i>	-Determine cost of purchasing replacement equipment and software and/or hiring employees and contractors to provide coverage. Keep these costs in mind when determining your funding needs for FY 2011-12 and in future years, if applicable.
<b>VII. Service Delivery Models</b> (continued on next page)  (TCP&A 2007 Report Pages 17-18, 24-27, & 49)	Not Applicable.	<b>A.1.</b> Judicial circuits shall implement procedures for assigning court reporting coverage of proceedings recorded at public expense as follows: <b>a.</b> Digital court reporting alone should be used for county criminal, domestic violence injunction, delinquency, dependency, Baker Act, Marchman Act, guardianship, Jimmy Ryce, and general magistrate/hearing officer proceedings.	<b>-Rule 2.535(h)</b> , (1) When Reporting Is Required- All proceedings required by law, court rule, or administrative order to be reported shall be reported at public expense. (2) When Reporting May Be Required- Proceedings reported for the court's own use may be reported at public expense. (3) Circuit Plan- The chief judge...shall enter an administrative order developing and implementing a	-Determine the type of service delivery model being used in your circuit by case type and proceeding type. Refer to your 2008 Court Reporting Circuit Profile.  -Identify those case types and proceeding types that will require a change in service delivery model.  <i>Note: The policy below regarding</i>	-Update your circuit's Court Reporting Administrative Order to include the required service delivery models used by case type and proceeding type.  -Determine cost savings achieved by reallocation of staff time or reduction in equipment needs when changing service delivery models. Keep this cost savings in mind when determining your funding needs for FY

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(TCP&A 2009 Supplemental Report Page 10)		<p><b>b.</b> Either stenography or digital court reporting may be used for circuit criminal proceedings (unless digital court reporting is otherwise unavailable), termination of parental rights proceedings, crossover cases (Unified Family Court cases), and proceedings taking place outside of the regular business hours of the court.</p> <p><b>c.</b> Stenography alone should be used for capital cases and circuit criminal trials. Specifically, real-time or CAT stenography should be prioritized for capital case trials and post conviction proceedings.</p>	<p>circuit-wide plan for the court reporting of all proceedings required to be reported at public expense...This plan may provide for multiple service delivery strategies if they are necessary to ensure the efficient provision of court reporting services. Each circuit's plan for court reporting services shall be developed after consideration of guidelines issued by the Office of the State Courts Administrator. (4) Electronic Recording and Transcription of Proceedings Without Court Reporters- A chief judge may enter a circuit-wide administrative order, which shall be recorded, authorizing the electronic recording and subsequent transcription by approved court reporters or approved transcriptionists, of any judicial proceedings, including depositions, that are otherwise required to be reported by a court reporter. (6) Grand Jury Proceedings- Testimony in grand jury proceedings shall be reported by an approved court reporter, but shall not be transcribed unless required by order of court... The approved court reporter's work product, including stenographic notes, electronic recordings, and transcripts, shall be filed with the clerk of the court under seal.</p> <p>Also see <b>Rules 2.535(i)</b>- Court Reporting Services in Capital Cases; <b>3.133(b)(4)</b>- Adversary preliminary hearing; <b>8.100(e)</b>- Record of testimony in juvenile cases; <b>8.625(f)</b>- Record in CINS/FINS cases; <b>12.490(d)(2) and 12.491(e)(2)</b>- magistrate hearings.</p> <p>Also see: <b>390.01114(4)(e)</b>, F.S.- Parental Notice of Abortion Act;</p>	<p><i>monitoring ratios should be considered in changing service delivery models.</i></p>	<p>2011-12 and in future years, if applicable.</p> <p>-Determine cost of purchasing additional equipment and software and/or hiring employees and contractors to provide coverage through new service delivery models. Keep these costs in mind when determining your funding needs for FY 2011-12 and in future years, if applicable.</p>

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			<b>394.467(6)(a)(2), F.S.</b> - Involuntary inpatient placement; <b>741.30(6)(h), F.S.</b> - Domestic violence injunctions; <b>744.109, F.S.</b> - Guardianship record.		
<p><b>VIII. Monitoring Ratios (continued on next page)</b></p> <p><b>(TCP&amp;A 2007 Report Pages 27-29)</b></p> <p><b>(TCP&amp;A 2009 Supplemental Report Pages 10-11)</b></p>	Not Applicable.	<p><b>A.1.</b> Judicial circuits shall implement procedures for assigning the monitoring of proceedings recorded at public expense using the following ratios of the number of proceedings vs. court reporters.</p> <p><b>a.</b> Circuit criminal trials, capital cases, county criminal trials, Jimmy Ryce trials, and termination of parental rights proceedings should be monitored at a 1:1 ratio.</p> <p><b>b.</b> Delinquency and dependency proceedings should be monitored at a 2:1 ratio. All other circuit and county criminal proceedings and domestic violence injunction proceedings should be monitored at a 3:1 ratio.</p> <p><b>c.</b> Baker Act, Marchman Act, guardianship, and Jimmy Ryce proceedings should be monitored at a ratio of 4:1. However, this ratio may be lowered to 1:1 if these proceedings are held offsite and/or the presiding judicial officer is using a portable digital device.</p> <p><b>d.</b> General magistrate/hearing officer proceedings should also be monitored at a ratio of 4:1, if monitored by a digital court reporter as opposed to the presiding magistrate or hearing officer.</p>	Not Applicable.	<p>-Determine the monitoring ratios being used in your circuit by case type and proceeding type. Refer to your 2008 Court Reporting Circuit Profile.</p> <p>-Identify those case types and proceeding types that will require a change in monitoring ratios.</p> <p>-Refer to the policy regarding service-delivery models above.</p> <p><i>Note: Monitoring ratios should only consider the time spent monitoring proceedings (including tagging). Time for transcript production should <u>not</u> be considered in the ratio.</i></p>	<p>-Update your circuit's Court Reporting Administrative Order to include the required monitoring ratios by case type and proceeding type.</p> <p>-Determine cost savings achieved by reallocation of staff time or reduction in equipment needs when changing monitoring ratios. Keep these cost savings in mind when determining your funding needs for FY 2011-12 and in future years, if applicable.</p> <p>-Determine cost of purchasing additional equipment and software and/or hiring employees and contractors to provide coverage with new monitoring ratios. Keep these costs in mind when determining your funding needs for FY 2011-12 and in future years, if applicable.</p>
<p><b>IX. Participant Responsibilities</b></p> <p><b>(TCP&amp;A 2007 Report Pages 18, 29-30, &amp; 50)</b></p>	<b>A.1.</b> Judicial circuits shall codify the responsibilities of all participants during a proceeding to ensure the quality of the official record.	<b>B.1.</b> Judges, general magistrates, and hearing officers shall: notify participants of the method of recording being utilized, remind participants to speak into the microphone at a sufficient volume and answer verbally; ask participants to identify themselves and spell their names for the record; notify court administration, the clerk, or contract service provider if equipment has been tampered with or is not functioning; remind participants to	<b>-Rule 2.535(h)(5), (A)</b> Court personnel shall provide notice to participants in a courtroom proceeding that electronic recording equipment is in use and that they should safeguard information they do not want recorded. <b>(B)</b> Attorneys shall take all reasonable and available precautions to protect disclosure of confidential communications in the courtroom. Such precautions may include muting	<p>-Determine if judges, general magistrates, hearing officers, attorneys, court reporters, and bailiffs in your circuit are performing the applicable responsibilities (hold meetings, etc.).</p> <p>-Determine if these responsibilities have been documented in your circuit by Administrative Order or other means.</p>	<p>-Update your circuit's Court Reporting Administrative Order to include these responsibilities.</p> <p>-Update service provider contracts to include these responsibilities.</p> <p>-Update position descriptions to include these responsibilities.</p> <p>-Inform/educate judges, general</p>

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		<p>protect the equipment; signify when it is appropriate for attorneys to utilize mute buttons; and recess periodically during lengthy proceedings so that court reporters may remain alert and effective.</p> <p><b>B.2.</b> Attorneys shall inform their clients of the method of recording being utilized and take necessary precautions to protect disclosure of confidential communications during the proceeding.</p> <p><b>B.3.</b> Court reporters shall monitor equipment during a proceeding to ensure adequate operation and immediately notify the presiding judicial officer of problems with the equipment.</p> <p><b>B.4.</b> Bailiffs shall ensure that all participants refrain from tampering with equipment including the inappropriate use of microphone mute buttons or the unauthorized removal of microphones from their original location.</p>	microphones or going to a designated location that is inaccessible to the recording equipment. (C) Participants have a duty to protect confidential information.		<p>magistrates, hearing officers, attorneys, court reporters, bailiffs and other stakeholders about these responsibilities (i.e., develop brochures, conduct trainings, etc.).</p> <p>-Create a sample announcement to be used by judges, magistrates, and hearing officers at the beginning of proceedings.</p>
<p><b>X. Preventing the Recording of Confidential Communications</b> <i>(continued on next page)</i></p> <p><b>(TCP&amp;A 2007 Report Pages 14-16, 30-31, 50, &amp; 64)</b></p>	<p><b>A.1.</b> Judicial circuits shall post signs inside and outside of all rooms in which proceedings are recorded using audio technology. The signs shall provide notice to all who enter that any conversations occurring in the room may be recorded.</p>	<p><b>B.1.</b> Judicial circuits shall post signs at attorney tables within rooms in which audio technology is used to record proceedings. The signs shall caution attorneys and their clients that their conversations may be recorded.</p> <p><b>B.2.</b> Judicial circuits shall install microphones with “hold-to-mute” capability for those microphones used by attorneys or presiding judicial officers in proceedings recorded using non-portable digital technology.</p> <p><b>B.3.</b> Judicial circuits shall conduct periodic training for stakeholders commonly coming into contact with the use of audio recording technology. The training shall include a description of how the technology is operated and tips for effective courtroom behavior specific to the</p>	<p><b>-Rule 2.535(h)(5), (A)</b> Court personnel shall provide notice to participants in a courtroom proceeding that electronic recording equipment is in use and that they should safeguard information they do not want recorded. (B) Attorneys shall take all reasonable and available precautions to protect disclosure of confidential communications in the courtroom. Such precautions may include muting microphones or going to a designated location that is inaccessible to the recording equipment. (C) Participants have a duty to protect confidential information.</p>	<p>-Inventory all courtrooms and hearing rooms in your circuit, in which proceedings are recorded at public expense, to determine if applicable signs are posted inside and outside of each room.</p> <p>-Inventory all courtrooms and hearing rooms in your circuit, in which proceedings are audio recorded at public expense, to determine if applicable signs are posted at attorney tables.</p> <p>-Inventory all courtrooms and hearing rooms in your circuit, in which proceedings are recorded at public expense using non-portable digital technology, to determine if microphones used by attorneys and presiding judicial officers have hold-to-mute capability.</p>	<p>-Determine the number of signs needed and obtain the estimated cost. Consider the need to post signs in different languages. Keep this cost in mind when determining your funding needs for FY 2011-12 and in future years, if applicable.</p> <p>-Determine the number of hold-to-mute microphones needed and obtain the estimated cost. Keep this cost in mind when determining your funding needs for FY 2011-12 and in future years, if applicable.</p> <p>-Update your circuit’s Court Reporting Administrative Order to include the intent to provide training for stakeholders in order to prevent the recording of confidential</p>

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		<p>stakeholder.</p> <p><b>B.4.</b> Judicial Circuits shall distribute and/or make readily available audio recording resource materials (i.e., pamphlets, guide books, operator manuals, etc.) for stakeholders to assist with ensuring the quality of the official record.</p>		<p>-Determine if your circuit currently conducts periodic training for stakeholders commonly coming into contact with audio recording technology and determine if this training includes a description of how the technology is operated and tips for effective courtroom behavior specific to the stakeholder.</p> <p>-Determine if your circuit currently distributes and/or makes readily available audio recording resource materials (i.e., pamphlets, guide books, operator manuals, etc.) for stakeholders to assist with ensuring the quality of the official record.</p>	<p>communications.</p> <p>-Schedule periodic trainings for stakeholders commonly coming into contact with audio recording technology. Design these trainings to include a description of how the technology is operated and tips for effective courtroom behavior specific to each stakeholder group. Consider dialoging with the public defender, state attorney, local bar association, and regional counsel offices to identify specific needs.</p> <p>-Develop audio recording resource materials (i.e., pamphlets, guide books, operator manuals, etc.) for stakeholders. Utilize these documents during trainings and/or consider varying methods of distribution such as through the clerk's office, handouts prior to the start of proceedings, or by posting to your circuit's website.</p>
<p><b>XI. Operating Digital Recording Equipment (continued on next page)</b></p> <p><b>(TCP&amp;A 2007 Report Pages 31-32 &amp; 71-77)</b></p>	<p><b>A.1.</b> Digital recording systems shall comply with all statewide standards for digital court recording as established by the Florida Courts Technology Commission.</p> <p><b>A.2.</b> Judicial circuits shall implement procedures for regular testing of digital court recording systems to ensure proper operation.</p>	Not Applicable.	Not Applicable.	<p>-Review the <i>Technical and Functional Court Reporting Standards</i> (contact OSCA ISS to obtain October 2008 version) and review the TCBC approved refresh guidelines (contact OSCA Court Services to obtain copy).</p> <p>-Determine if your circuit's digital recording technology is in compliance with the functional and technical standards. If the technology is not in compliance, review the TCBC refresh guidelines to determine when it would be appropriate to request funding to replace the equipment.</p> <p>-Review your circuit's court reporting inventory.</p> <p>-Determine if your circuit has implemented procedures for regular testing of digital recording systems to</p>	<p>-Determine the cost of purchasing equipment and/or software to replace digital technology that is out of compliance. Keep this cost in mind when determining your funding needs for FY 2011-12 and in future years, if applicable.</p> <p>-Identify and implement procedures for testing of digital recording systems on a regular basis (per proceeding, daily, weekly, etc.).</p> <p>-Update position descriptions and service provider contracts to include requirements for testing digital recording systems on a regular basis.</p> <p>-Provide training for personnel responsible for testing digital</p>

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				ensure proper operation.	recording systems.
<b>XII. Tagging the Digital Recording</b>  <b>(TCP&amp;A 2007 Report Pages 32-33)</b>	<p><b>A.1.</b> Judicial circuits shall ensure appropriate tagging of digital recordings is performed for proceedings in which there is a significant likelihood that transcripts will be requested.</p> <p><b>A.2.</b> Judicial circuits shall establish standardized “tags” and produce a reference document of same to be distributed to all circuit court reporting staff, contract service providers, and approved transcriptionists.</p>	Not Applicable.	Not Applicable.	<p>-Determine the level of tagging taking place by proceeding type and case type in your circuit.</p> <p>-Review historical Uniform Data Reporting statistics on transcript pages produced in your circuit to identify the case types with a high demand for transcripts.</p> <p>-Refer to the policies regarding service-delivery models and monitoring ratios above.</p> <p>-Determine if your circuit has established and documented standardized tags in which court reporting employees and contractors are required to utilize.</p>	<p>-Update your circuit’s Court Reporting Administrative Order to include requirements for appropriate tagging of digital recordings using standardized tags.</p> <p>-Assign coverage of proceedings to allow for an appropriate level of tagging in consideration of transcript demand and the policies regarding service-delivery models and monitoring ratios.</p> <p>-Establish, document, and distribute standardized tags for use in your circuit.</p> <p>-Update position descriptions and service provider contracts to include requirements for tagging digital recordings using standardized tags.</p> <p>-Train/educate court reporting employees and contractors on the use of standardized tags.</p> <p>-Determine cost of ensuring tagging of recordings for proceedings in which transcripts are likely to be requested. Keep this cost in mind when determining your funding needs for FY 2011-12 and in future years, if applicable.</p>
<b>XIII. Ownership of the Official Record</b>  <b>(TCP&amp;A 2007 Report Pages 15-18, 33, &amp; 47-48)</b>	<p><b>A.1.</b> The court shall retain ownership and control over the official record whether it is in paper or electronic format. The court shall also reserve the right to full and complete access to any unedited notes, paper tapes, electronic files, and audio or video recordings used to create the official record.</p>	Not Applicable.	<p><b>-Rule 2.535(a), (5)</b> “Electronic record” means the audio, analog, digital, or video record of a court proceeding.</p> <p><b>(6)</b> “Official record” means the transcript, which is the written record of court proceedings and depositions prepared in accordance with the requirements of subdivision (f).</p> <p><b>-Rule 2.535(d),</b> The chief judge of the circuit in which a proceeding is</p>	<p>-Determine if service provider contracts in your circuit state that the court retains ownership and control over the official record (transcripts) and that the court reserves the right to full and complete access to any unedited notes, paper tapes, electronic files, and audio or video recordings used to create the official record.</p>	<p>-Update your circuit’s Court Reporting Administrative Order and service provider contracts to state that the court retains ownership and control over the official record (transcripts) and that the court reserves the right to full and complete access to any unedited notes, paper tapes, electronic files, and audio or video recordings used to create the official record.</p>

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			pending, in his or her official capacity, is the owner of all records and electronic records made by an official court reporter or quasi-judicial officer in proceedings required to be reported at public expense and proceedings reported for the court's own use.	<i>Note: This does not prevent a contractor from receiving payment for transcript production.</i>	-Inform/educate stakeholders on the court's ownership and control of the official record.
<b>XIV. Storage</b> <b>(TCP&amp;A 2007 Report Pages 15, 33-35, 44, &amp; 50)</b>	<p><b>A.1.</b> Judicial circuits, contract service providers, and vendors of digital technology shall comply with all storage and retrieval standards for digital court recording as established by the Florida Courts Technology Commission and otherwise established by the State Courts System and the chief judge of the circuit.</p> <p><b>A.2.</b> Judicial circuits shall codify record retention protocols to be applied to stenographic paper tape/notes, unedited CAT/real-time text, analog and digital recordings in accordance with rule 2.430, Florida Rules of Judicial Administration.</p> <p><b>A.3.</b> Judicial circuits shall implement storage and retrieval procedures to ensure timely and secure access to transcripts, analog or digital recordings, and any supporting materials related to the production of the official record.</p>	<p><b>B.1.</b> Judicial circuits shall examine the provision of secure and direct access to a network of electronic files and digital recordings related to the official record for certain internal stakeholders of the court such as court reporting employees, judges, general magistrates, and hearing officers. Circuits shall also examine the feasibility of providing limited and secure access to other stakeholders such as state attorneys, public defenders, and court-appointed counsel.</p> <p><b>B.2.</b> Judicial circuits shall not disclose back-up recordings of proceedings to persons not employed or contracted by the court.</p>	<p><b>-Rule 2.420(b)(1),</b> "Records of the judicial branch" are all records, regardless of physical form, characteristics, or means of transmission, made or received in connection with the transaction of official business by any judicial branch entity and consist of: (A) "court records," which are the contents of the court file, including the progress docket and other similar records generated to document activity in a case, transcripts filed with the clerk, documentary exhibits in the custody of the clerk, and electronic records, videotapes, or stenographic tapes of depositions or other proceedings filed with the clerk, and electronic records, videotapes, or stenographic tapes of court proceedings...</p> <p><b>-Rule 2.430(c),</b> Records Not Permanently Recorded- No court records under this subdivision shall be destroyed or disposed of until the final order, final docket entry, or final judgment is permanently recorded for, or recorded in the public records...Court records, except exhibits, that are not permanently recorded may be destroyed or disposed of by the clerk after a judgment has become final in accordance with the</p>	<p>-Review the <i>Standards for Integrated Digital Court Recording Systems</i> (contact OSCA ISS for latest version). Determine if all digital recording technology in your circuit is in compliance with these standards.</p> <p>-Review rule 2.430, Florida Rules of Judicial Procedure to determine if your circuit is in compliance with record retention protocols.</p> <p>-Determine if your circuit's record retention protocols have been documented.</p> <p>-Identify those stakeholders that currently have access to the network of digital recordings related to the official record and determine the level of access permitted per stakeholder group.</p> <p>-Determine if your circuit currently releases back-up recordings to persons not employed or contracted by the court. <i>Note: This refers to the release of redundant back-up recordings, not the primary recording.</i></p>	<p>-Update your circuit's Court Reporting Administrative Order and service provider contracts to include compliance with storage and retrieval standards.</p> <p>-Update your circuit's Court Reporting Administrative Order and service provider contracts to include compliance with record retention protocols.</p> <p>-Determine cost of purchasing additional equipment and software to meet the required storage and retrieval standards. Keep this cost in mind when determining your funding needs for FY 2011-12 and in future years, if applicable.</p> <p>-Consider giving stakeholders access to the network of digital recordings related to the official record and determine the appropriate level of access per stakeholder group.</p> <p>-Determine cost savings that may be achieved by allowing access to the network of digital recordings (i.e., reducing time and resources spent producing transcripts and media copies). Keep this cost savings in mind when determining your funding needs for FY 2011-12 and in future</p>

ISSUE	POLICY GUIDE			SELF-ASSESSMENT GUIDE	
	Standards of Operation <i>(Mandatory)</i>	Best Practices <i>(Recommended)</i>	Applicable Court Rules & Statutes	Possible Strategies for Assessing Current Operations	Possible Implementation Strategies/Examples
			<p>following schedule:</p> <p>-Also see <b>Rule 8.100(f)</b>.</p> <p><i>Note: Standards for Electronic Recordkeeping Systems have been submitted, by the Judicial Branch Records Management Committee, to the Supreme Court for approval. Approval of the standards is pending.</i></p>		<p>years, if applicable.</p> <p>-Inform/educate stakeholders on your circuit's protocols for record storage, retrieval, retention, access to the network, and prohibiting the release of back-up recordings.</p>
<p><b>XV. Transcript Production (continued on next page)</b></p> <p><b>(TCP&amp;A 2007 Report Pages 14-18, 35-38, 47-63)</b></p> <p><b>(TCP&amp;A 2009 Supplemental Report Page 7)</b></p>	<p><b>A.1.</b> Transcripts may only be produced by employee or contract court reporters and transcriptionists approved by the court in accordance with rule 2.535, Florida Rules of Judicial Administration.</p> <p><b>A.2.</b> All persons approved by the court to perform court reporting transcription services shall comply with all applicable court rules and standards established by the State Court System and the chief judge of the circuit.</p> <p><b>A.3.</b> All judicial circuits shall codify protocols for transcript production in accordance with court rule and standards established by the State Court System. These protocols shall include, but are not limited to: procedures preventing transcription of off-the-record discussions, sidebar conferences, attorney-client conversations, and other confidential information; the court's process for approving transcription services; and certification of the</p>	<p><b>B.1.</b> Judicial circuits shall encourage collegiality between all persons involved in expediting transcripts for capital cases.</p> <p><b>B.2.</b> Judicial circuits shall collaborate with appellate courts regarding the oversight and management of the court reporting process, with particular emphasis on the production of transcripts for capital, dependency, and termination of parental rights cases.</p> <p><b>B.3.</b> When requested, judicial circuits may provide a transcript for: appellate review, other purposes in which a transcript is considered a necessity by the court in the best interest of justice, or if an audio/video file is unavailable. A copy of the audio/video file, if available, shall be provided for all other purposes to the extent allowable under court rule.</p>	<p><b>-Rule 2.535(a)</b>, (1) "Approved court reporter" means a court employee or contractor who performs court reporting services, including transcription, at public expense and who meets the court's certification, training, and other qualifications for court reporting. (2) "Approved transcriptionist" means a court employee, contractor, or other individual who performs transcription services at public expense and who meets the court's certification, training, and other qualifications for transcribing proceedings. (3) "Civil court reporter" means a court reporter who performs court reporting services in civil proceedings not required to be reported at public expense, and who meets the court's certification, training, and other qualifications for court reporting.</p> <p><b>-Rule 2.535(g)</b>, Approved court reporters, civil court reporters, and approved transcriptionists are officers of the court for all purposes while acting as a court reporters in a judicial proceedings or discovery proceedings or as transcriptionists. Approved</p>	<p>-Determine if your circuit currently has a process for approving those individuals that are permitted to produce transcripts and if your circuit maintains a list of these individuals. <i>Note: Approved transcriptionists may be service providers that are not contracted directly by the court.</i></p> <p>-Determine if your circuit has established and codified protocols for transcript production including: transcription of off-the-record discussions, sidebar conferences, and attorney-client conversations; the court's process for approving transcription services; and certification of the transcript for correctness.</p> <p>-Determine if your circuit has 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 post-conviction proceedings.</p> <p>-Determine if transcript production is prioritized for capital cases in your circuit.</p>	<p>-Develop the criteria used by your circuit when approving individuals to produce transcripts. For the criteria consider professional certification requirements, work experience, price ranges, accessibility, etc.</p> <p>-Establish a process for approving individuals to produce transcripts in your circuit. For those individuals who are not court employees or contractors, consider developing an application for review by court personnel and the chief judge.</p> <p>-Compile a list of individuals, including contact information, that are approved to produce transcripts in your circuit and make this list widely available to all applicable stakeholders.</p> <p>-Establish and codify your circuit's protocols for transcript production and inform/educate all applicable stakeholders regarding these protocols.</p> <p>-Update your circuit's Court Reporting Administrative Order and applicable</p>

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	<p>transcript for correctness.</p> <p><b>A.4.</b> Judicial circuits 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 post-conviction proceedings in accordance with rule 2.535, Florida Rules of Judicial Administration.</p> <p><b>A.5.</b> All persons approved by the court to perform court reporting transcription services shall give priority to capital cases in the production of transcripts.</p> <p><b>A.6.</b> Judicial circuits shall prohibit the “loaning out” of stenographic notes in capital cases to ensure the court reporter has immediate access to the notes for production of the transcript.</p> <p><b>A.7.</b> Judges shall give immediate instruction to the court reporter to begin transcription upon the return of the verdict in capital cases and immediately initiate an order approving the production of the transcript (if applicable).</p> <p><b>A.8.</b> Judicial circuits shall incorporate requirements related to expedited transcript requests in court reporting service contracts.</p> <p><b>A.9.</b> Judicial circuits shall specify consequences for contractors who fail to meet expedited transcript requirements in court</p>		<p>court reporters, civil court reporters, and approved transcriptionists shall comply with all rules and statutes governing the proceeding that are applicable to court reporters and approved transcriptionists.</p> <p><b>-Rule 2.535(h)(4),</b> A chief judge may enter a circuit-wide administrative order, which shall be recorded, authorizing the electronic recording and subsequent transcription by approved court reporters or approved transcriptionists, of any judicial proceedings, including depositions, that are otherwise required to be reported by a court reporter.</p> <p>-Also note that “approved court reporter” and “approved transcriptionist” has been added throughout <b>Rules 2.535, 9.140, 9.200, and 9.900.</b></p> <p>-Also see <b>Rules 2.420-</b> public access; <b>3.133(b)(4)-</b> Adversary preliminary hearings; <b>8.100(e)-</b> Record of testimony in juvenile cases; <b>8.257(g)-</b> Record for magistrate hearings; <b>8.625(f)-</b> Record in CINS/FINS cases; <b>9.140-</b> criminal case appeals; <b>9.200-</b> Record for appellate cases; <b>9.900(h)-</b> Designation to Approved Court Reporter, Civil Court Reporter, or Approved Transcriptionist; <b>12.490(g)</b> and <b>12.491(h)-</b> Magistrate hearings.</p> <p>-Also see <b>27.0055, F.S.-</b> Official court reporters; <b>27.0061, F.S.-</b> Criminal cases; <b>29.004(3), F.S.,</b> State funding; <b>390.01114(4)(e), F.S.-</b> Parental Notice of Abortion Act; <b>744.109, F.S.-</b> Guardianship record.</p>	<p>-Determine if the “loaning out” of stenographic notes in capital cases is prohibited in your circuit.</p> <p>-Determine if judges in your circuit give immediate instruction to the court reporter to begin transcription upon the return of the verdict in capital cases and immediately initiate an order approving the production of the transcript.</p> <p>-Determine if your circuit’s court reporting service contracts include requirements for expedited transcript requests (i.e., timeframes, consequences for failure to meet timeframes, cost, prioritization, etc.). <i>Note: A model court reporting contract may be developed by the OSCA.</i></p> <p>-Determine if your circuit is using techniques to encourage collegiality between all persons involved in expediting transcripts for capital cases.</p> <p>-Determine if your circuit is collaborating with the appellate court regarding the oversight and management of the court reporting process.</p> <p>-Review historical Uniform Data Reporting statistics on transcript pages produced in your circuit to identify the case types with a high demand for transcripts (appeal v. non appeal).</p> <p>-Review statistics regarding the occurrence of appeals, by case type, in your district court.</p>	<p>service provider contracts to include transcript production protocols, a circuit-wide plan for service provision in capital cases, and requirements/ consequences with regards to producing expedited transcripts.</p> <p>-Consider forming a workgroup or holding meetings with court system partners in your circuit to collaborate on court reporting issues.</p> <p>-Consider prioritizing the use of stenographers for proceedings with a greater likelihood of a transcript being produced (in-line with the policies on service delivery models and monitoring ratios).</p> <p>-Consider providing transcripts only when requested for appellate review, other purposes in which a transcript is considered a necessity by the court in the best interest of justice, or if an audio/video file is unavailable. Consider providing a copy of the audio/video file, if available, for all other purposes.</p> <p>-Determine cost savings achieved by reducing the amount of transcripts produced by court employees and court contractors covered with state funds. Keep this cost savings in mind when determining your funding needs for FY 2011-12 and in future years, if applicable.</p> <p>-Determine any additional overhead cost associated with maintaining a process for approving individuals to produce transcripts. Keep this cost in mind when determining your funding needs for FY 2011-12 and in future years, if applicable.</p>

ISSUE	POLICY GUIDE			SELF-ASSESSMENT GUIDE	
	Standards of Operation <i>(Mandatory)</i>	Best Practices <i>(Recommended)</i>	Applicable Court Rules & Statutes	Possible Strategies for Assessing Current Operations	Possible Implementation Strategies/Examples
	reporting service contracts.			<ul style="list-style-type: none"> <li>-Review your circuit's policies on when transcripts are provided versus media copies.</li> <li>-Refer to the policies regarding service-delivery models and monitoring ratios above.</li> </ul>	
<b>XVI. Producing Copies of Recordings (continued on next page)</b>  <b>(TCP&amp;A 2007 Report Pages 14-18, 38-39, &amp; 49-50)</b>  <b>(TCP&amp;A 2009 Supplemental Report Page 7-9)</b>	<p><b>A.1.</b> Copies of audio/video recordings may be made available to attorneys, parties to a case, the media, and the public at large, after review to ensure that matters protected from disclosure are kept confidential in accordance with court rule and Florida statute.</p> <p><b>A.2.</b> All judicial circuits shall codify protocols for producing copies of audio/video recordings in accordance with court rule and standards established by the State Court System. These protocols shall include, but are not limited to: procedures preventing the release of off-the-record discussions, sidebar conferences, attorney-client conversations; and other confidential information; the court's process for ensuring the accuracy of the recording; and certification of the recording for correctness.</p>	Not Applicable.	<p><i>It is important to note that in SC08-1658, the Supreme Court pointed to Florida's well established public policy of government in the sunshine and the longstanding presumption in favor of openness for all court proceedings and allowing access to records of those proceedings. They also stated that, "digital recordings of court proceedings are now widely used throughout the state by those involved in the court system, as well as the media, and have proven useful, reliable, efficient, and cost effective. We agree that access to these recordings should not be denied or left to the unfettered discretion of the trial court or the chief judge."</i></p> <p><i>Note: Proposed Amendments to rule 2.420(d)(1), are pending before the Supreme Court. The revised rule language may provide guidance on specific items that should be considered confidential.</i></p>	<ul style="list-style-type: none"> <li>-Determine if your circuit has established protocols for producing copies of audio/video recordings and determine if they include procedures for preventing the release of off-the-record discussions, sidebar conferences, attorney-client conversations, and other confidential information; the court's process for ensuring the accuracy of the recording; and certification of the recording for correctness.</li> <li>-Review proposed rule 2.420(d)(1) in Supreme Court case 07-2051.</li> <li>-Refer to the Government-In-The-Sunshine Manual, prepared by the Florida Office of the Attorney General and published by the First Amendment Foundation for a list of the statutory exemptions that protect specific records or information from public disclosure, as well as general guidance on compliance with Florida's public records laws.</li> </ul>	<ul style="list-style-type: none"> <li>-Establish and document protocols for producing copies of audio/video recordings in your circuit, including a process for review of the copies before they are released. Consider including a protocol for using standardized tags to identify confidential or privileged information on recordings so that they may be easily located for removal when producing copies.</li> <li>-Update your circuit's Court Reporting Administrative Order to include protocols for producing copies of audio/video recordings.</li> <li>-Update service provider contracts (i.e., clerks, digital providers) to include protocols for producing copies of audio/video recordings.</li> <li>-Update position descriptions to include responsibilities related to producing copies of audio/video recordings.</li> <li>-Train/educate court reporting employees and contractors about protocols for producing copies of audio/video recordings.</li> <li>-Determine the cost of purchasing additional equipment, software and/or hiring employees and contractors related to producing copies of digital recordings. Keep this cost in mind when determining your</li> </ul>

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					<p>funding needs for FY 2011-12 and in future years, if applicable.</p> <p>-Determine cost savings achieved by reducing the amount of transcripts produced by court employees and court contractors covered with state funds. Keep this cost savings in mind when determining your funding needs for FY 2011-12 and in future years, if applicable.</p>
<p><b>XVII. Cost Sharing</b> <b>(continued on next page)</b></p> <p><b>(TCP&amp;A 2007 Report Pages 39-43)</b></p>	Not Applicable.	<p><b>A.1.</b> Judicial circuits using state funded court employees to provide transcription services for public defenders, state attorneys, and court-appointed counsel shall operate under the cost sharing arrangement.</p> <p><b>A.2.</b> When requested, judicial circuits operating under the cost sharing arrangement may provide transcripts to the state attorneys, public defenders, and court-appointed counsel for: appellate review, other purposes in which a transcript is considered a necessity by the court in the best interest of justice, or if an audio/video file is unavailable. A copy of the audio file, if available, shall be provided to these entities for all other purposes to the extent allowable under court rule.</p> <p><b>A.3.</b> Judicial circuits operating under the cost sharing arrangement are required to provide a “statement of services provided” to local state attorneys, public defenders, the Justice Administrative Commission, and the Office of the State Courts Administrator. The “statement of services provided” shall include those services that will or will not be provided by state-funded court employees versus those services that may be purchased independently</p>	<p><b>-27.511, F.S.,</b> Offices of criminal conflict and civil regional counsel; legislative intent; qualifications; appointment; duties.</p> <p><b>-29.006, F.S.,</b> Indigent defense costs-- For purposes of implementing s. 14, Art. V of the State Constitution, the elements of the public defenders' offices and criminal conflict and civil regional counsel offices to be provided from state revenues appropriated by general law are as follows: (2) Reasonable court reporting and transcription services necessary to meet constitutional or statutory requirements, including the cost of transcribing and copying depositions of witnesses and the cost of foreign language and sign-language interpreters and translators.</p> <p><b>-29.018, F.S.,</b> Cost sharing of due-process services; legislative intent- It is the intent of the Legislature to provide state-funded due process services to the state courts system, state attorneys, public defenders, criminal conflict and civil regional counsel, and private court-appointed counsel in the most cost-effective and efficient manner. The state courts system, state attorneys, public defenders, criminal conflict and civil</p>	<p>-Determine if your circuit is providing court reporting transcription services to public defenders, state attorneys, and/or court-appointed counsel. Determine whether these services are provided solely by employees or if they are also provided by contractors.</p> <p>-Review your circuit’s policies on when transcripts are provided versus media copies.</p> <p>-Refer to the policies regarding service-delivery models and monitoring ratios above.</p>	<p>-If your circuit is providing court reporting transcription services to public defenders, state attorneys, and/or court-appointed counsel with state-funded resources and you are not officially part of the cost sharing arrangement, please notify the OSCA so that appropriate funding may be pursued to support these services.</p> <p>-If your circuit is providing cost sharing services, consider only providing these services using court employees (rather than contractors).</p> <p>-Consider providing transcripts only when requested for appellate review, other purposes in which a transcript is considered a necessity by the court in the best interest of justice, or if an audio/video file is unavailable. Consider providing a copy of the audio/video file, if available, for all other purposes.</p> <p>-As soon as possible, develop a statement of services provided for each entity under the cost sharing arrangement. Consider referring to those services that will or will not be provided by state-funded court employees versus those services that may be purchased independently from contractors- by division of court, proceeding type, and any variation</p>

ISSUE	POLICY GUIDE			SELF-ASSESSMENT GUIDE	
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		<p>from contractors. This documentation shall also include services provided or not provided by division of court, proceeding type, and any variation that exists by county and/or courthouse. The “statement of services provided” shall include a corresponding time period in which these terms are in effect and shall be no less than one fiscal year (July 1 – June 30).</p>	<p>regional counsel, and the Justice Administrative Commission on behalf of private court-appointed counsel may enter into contractual agreements to share, on a pro rata basis, the costs associated with court reporting services, court interpreter and translation services, court experts, and all other due process services funded by the state pursuant to this chapter. These costs shall be budgeted within the funds appropriated to each of the affected users of services.</p> <p><b>-29.0195, F.S.,</b> Recovery of expenditures for state-funded services- The trial court administrator of each circuit shall recover expenditures for state-funded services when those services have been furnished to a user of the state court system who possesses the present ability to pay. The rate of compensation for such services shall be the actual cost of the services, including the cost of recovery. The trial court administrator shall deposit moneys recovered under this section in the Operating Trust Fund within the state court system. The trial court administrator shall recover the costs of court reporter services and transcription; court interpreter services, including translation; and any other service for which state funds were used to provide a product or service within the circuit. This section does not authorize cost recovery from entities described in ss. 29.005, 29.006, and 29.007.</p> <p>(Also see 2007 GAA permitting cost recovery collection from regional counsel offices).</p>		<p>that exists by county and/or courthouse. Also consider including a corresponding time period in which the terms are in effect (no less than one state fiscal year).</p> <p>-Determine cost savings achieved by reducing the amount of transcripts produced under the cost sharing agreement. Keep this cost savings in mind when determining your funding needs for FY 2011-12 and in future years, if applicable.</p>