

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 571 Court Reporter Registry  
**SPONSOR(S):** Civil Justice Subcommittee, Rodriguez, A.M.  
**TIED BILLS:** IDEN./SIM. **BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Civil Justice Subcommittee	13 Y, 0 N, As CS	Bruno	Poche
2) Justice Appropriations Subcommittee			
3) Judiciary Committee			

### SUMMARY ANALYSIS

The legal system relies on court reporters to make a verbatim record of the spoken word through methods such as stenography or digital recording. Florida lacks a regulatory scheme or registry for court reporters. The lack of registry presents difficulties when a party or court needs a transcript but cannot locate the court reporter. Without a registry, there is no designated place for a court reporter to leave a forwarding address upon moving, retiring, or otherwise leaving his or her office. The total number of court reporters in the state is also unknown because court reporters are not required to register or obtain certification.

CS/HB 571 creates a statewide court reporter registry, to be administered by the Florida Supreme Court (Court) and published on its website. The bill requires each court reporter to register by July 1, 2020:

- His or her name;
- Address;
- Phone number;
- Email address;
- Method of reporting; and
- All professional credentials.

The bill requires a court reporter to update his or her information within 30 days of a change. The bill will help attorneys and courts locate transcripts. Further, it will provide clarity on the demographics of court reporters in Florida, such as the total number, how many use each method of reporting, and the professional credentials of the population.

The bill will have a negative fiscal impact on the Court.

The bill has an effective date of July 1, 2019.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Background

The legal system relies on court reporters to make a verbatim record of the spoken word.<sup>1</sup> Methods of court reporting include:

- **Stenography:** using a mechanical stenograph machine to transcribe in shorthand.
- **Computer-aided transcription:** using an electronic stenograph machine to transcribe in shorthand.
- **Real-time court reporting:** using an electronic stenograph machine to transcribe into unedited text.
- **Voice-writing:** speaking into a handheld mask containing a microphone.
- **Analog and digital recording:** recording by analog or digital methods.<sup>2</sup>

Shorthand, unedited text, or recordings may later be transcribed or edited into a readable document, known as the official record,<sup>3</sup> for use in legal proceedings.

Court reporters handle sensitive and confidential matters. Their proficiency, impartiality, and ethics are essential to fair operation of law. As such, courts require them to comply with legal and ethical obligations as officers of the court.<sup>4</sup> Although s. 25.383, F.S., requires the Florida Supreme Court (Court) to establish minimum standards for court reporters,<sup>5</sup> there are no such statewide rules. In 1998, the Court proposed rules for certification and regulation of court reporters;<sup>6</sup> however, the proposed rules were contingent on funding from the Legislature for implementation costs and never went into effect.<sup>7</sup> In the absence of a uniform regulatory system, individual circuits may establish standards by administrative order.<sup>8</sup>

Florida lacks a court reporter registry, presenting difficulties when a party or court needs a transcript but cannot locate the court reporter.<sup>9</sup> Without a registry, there is no designated place for a court reporter to leave a forwarding address upon moving, retiring, or otherwise leaving his or her office.<sup>10</sup> The total number of court reporters in the state is also unknown because court reporters are not required to register or obtain certification.<sup>11</sup>

##### Effect of Proposed Changes

CS/HB 571 creates a statewide court reporter registry, to be administered by the Court and published on its website. The bill requires each court reporter to register by July 1, 2020:

- His or her name;
- Address;
- Phone number;

<sup>1</sup> Fla. R. Jud. Admin. 2.535(a)(4).

<sup>2</sup> Florida Courts, *Court Reporting Methods Used in Florida's Trial Courts*, <http://www.flcourts.org/content/download/218951/1979652/CourtReporting-Methods.pdf> (last visited Mar. 11, 2019).

<sup>3</sup> Fla. R. Jud. Admin. 2.535(a)(6).

<sup>4</sup> Fla. R. Jud. Admin. 2.535(g).

<sup>5</sup> S. 25.383, F.S.

<sup>6</sup> *Amendments to Fla. R. Jud. Admin. 2.070 – Court Reporters*, 725 So.2d 1094 (Fla. 1998).

<sup>7</sup> *Id.*

<sup>8</sup> See, e.g., Seventh Judicial Circuit, Administrative Order P-2014-023 (Jan. 4, 2014), [http://www.circuit7.org/Program%20and%20Services/Court\\_reporter\\_qualifications.pdf](http://www.circuit7.org/Program%20and%20Services/Court_reporter_qualifications.pdf) (last visited Mar. 11, 2019).

<sup>9</sup> Holly Kapacinskas and Melanie Simpkins, *Registration/Certification for Court Reporters: Information Packet*, Florida Court Reporters Association (Feb. 2016).

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

- Email address;
- Method of reporting; and
- All professional credentials.

The bill requires a court reporter to update his or her information within 30 days of a change. The bill will help attorneys and courts locate transcripts. Further, it will provide clarity on the demographics of court reporters in Florida, such as the total number, how many use each method of reporting, and the professional credentials of the population.

**B. SECTION DIRECTORY:**

**Section 1:** Creates s. 25.389, F.S., relating to court reporter registry.

**Section 2:** Providing an effective date of July 1, 2019.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

None.

2. Expenditures:

The bill will have a negative fiscal impact on the Court related to the registry's initial implementation and maintenance costs.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

None.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

**D. FISCAL COMMENTS:**

None.

## **III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to affect county or municipal governments.

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

Not applicable.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On March 20, 2019, the Civil Justice Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment removed legislative intent language.

This analysis is drafted to the committee substitute as passed by the Civil Justice Subcommittee.