

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Judiciary

BILL: SB 968

INTRODUCER: Senator Simmons

SUBJECT: Court Reporter Registry

DATE: March 1, 2019

REVISED: 03/04/19

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Cibula	JU	Favorable
2.			ACJ	
3.			AP	

I. Summary:

SB 968 requires the Florida Supreme Court to create and administer a court reporter registry that must be posted on the Court's website.

Each court reporter, by July 1, 2020, must register his or her name, address, phone number, e-mail address, the type of reporting provided, and list each professional credential he or she has along with the professional association that issued the credential. The Court will add the court reporter's information in the registry after the reporter submits a completed registration form which will be created by the Court. Each court reporter bears the responsibility to update his or her information within 30 days after any of the required information changes.

The bill takes effect July 1, 2019.

II. Present Situation:

A court reporter records testimony and judicial proceedings and if requested, converts the recording to a written transcript.¹ According to the "Legislative Intent" section of the bill, court reporters manage large amounts of confidential information and are impartial record keepers in court and deposition proceedings. One of their most important functions is to provide an accurate, written record for an appellate court to review in order to determine whether proper procedures and principles were followed in a lower court.²

No Standards or Licensure is Required

Florida court reporters are not required to pass any competency standards, complete any licensure requirements, or register with any professional board in order to work in this state.

¹ BLACK'S LAW DICTIONARY (10th ed. 2014).

² Florida Courts, *Court Reporting*, <https://www.flcourts.org/Resources-Services/Court-Services/Court-Reporting>.

However, because the Florida Rules of Civil Procedure state that a deposition may be taken before any notary public or other specified person authorized to take acknowledgments, many court reporters are also notaries.³

The lack of a central registry creates some concerns in the legal community. For example, if an attorney decides to order a transcript a significant amount of time after a proceeding took place but the reporter has moved, there is no central registry where the court reporter may leave a forwarding address where he or she may be reached. As a result, the record of the proceeding may leave with the reporter. Additionally, if an attorney wants to lodge a complaint against a court reporter, there is no professional board where the grievance may be registered.⁴

Estimated Number of Court Reporters in the State

Although no one can know precisely how many court reporters work in Florida because there is no central registry, one trade association estimated that there could possibly be a range of 2,500–3,000 people.⁵

Certification Requirements in Other States

According to data supplied from the National Court Reporters Association, 28 states require mandatory certification for court reporters, 11 states do not require certification, 8 states permit voluntary certification, and 3 states fall into a hybrid category which requires certification for official court reporters but not for freelance reporters.⁶

Previous Legislation

Legislation was enacted in 1995⁷ that required the Florida Supreme Court to establish minimum standards and procedures for court reporters to become qualified, certified, disciplined, and trained. The Court was authorized to set fees for the certification and renewal process and the fees were to be used to offset the costs of administering the program. The Court was also authorized to appoint or employ the necessary personnel to perform the duties that were established in the legislation. In 1998, the Florida Supreme Court adopted proposed rules contingent on the Legislature appropriating funds sufficient to cover the costs of implementing the program.⁸ However, no funds were ever appropriated and the rules were not implemented.

III. Effect of Proposed Changes:

The bill requires the Florida Supreme Court to create and administer a court reporter registry which must be posted on the Court's website.

³ FLA. R. CIV. P. 1.300.

⁴ Florida Court Reporters Association, *Registration/Certification for Court Reporters*, 5 (Feb. 2016) (on file with the Senate Committee on Judiciary).

⁵ *Id.* at 6.

⁶ Email from Matthew Barusch, National Court Reporters Association (Feb. 25, 2019) (on file with the Senate Committee on Judiciary).

⁷ Ch. 95-286, s.2, Laws of Florida (creating s. 25.383, F.S. effective July 1, 1995).

⁸ *Amendments to Florida Rule of Judicial Admin. 2.070-Court Reporters*, 725 So. 2d 1094 (1998).

By July 1, 2020, each court reporter must register his or her name and:

- Address;
- Phone number;
- E-mail address;
- The type of reporting provided; and
- List each professional credential he or she has along with the professional association that issued the credential.

The Court will add the court reporter's information in the registry after the reporter submits a completed registration form which will be created by the Court. Each court reporter bears the responsibility to update his or her information within 30 days after any of the required information changes.

The bill takes effect July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

OSCA states that a full-time Senior Court Analyst II position would be necessary to implement and maintain the registry at an annual cost of \$81,899.56 for an OPS position. If it is an ongoing FTE, the annual cost is estimated to be \$89,191. However, the annual staff support may be reducible after the implementation is completed.

OSCA currently has the hardware and software needed to store the registry data. However, an intermediate systems software programmer would be needed to program the necessary functions. The position is estimated to cost \$90 per hour. For 12 months and a total of 2,100 hours to complete the implementation, the cost would be \$189,000 in nonrecurring funds. Once implementation is completed, the existing technical staff would provide ongoing staff support.

The remaining cost would be for an Adobe Pro license which is projected to be \$311.74.⁹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 25.389 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

⁹ Office of the State Courts Administrator, *2019 Judicial Impact Statement* (March 4, 2019)
<http://abar.laspbs.state.fl.us/ABAR/Attachment.aspx?ID=28220>