

RALEIGH PORTER,
Appellant,
vs.
STATE OF FLORIDA,
Appellee.
No. 90,101

[September 25, 1997]

PER CURIAM.

Appellant is under a sentence of death from the Circuit Court in Charlotte County and is presently in this Court on appeal from denial of a rule 3.850 motion. Incident to that appeal, appellant has filed a "Motion to Direct Payment of Court Reporter's Fees." We have jurisdiction. Art. V, § 3(b)(1), Fla. Const.

Appellant has been invoiced by the court reporter responsible for transcribing the various court hearings that occurred in the 3.850 proceedings which are the subject of this appeal. These transcripts are to be included in the record on appeal. Appellant is represented by the Capital Collateral Representative (CCR) pursuant to sections 27.7001-.708, Florida Statutes (1995 & Supp. 1996).

The issue presented by this motion is whether the costs for the court reporter's transcription should be paid by the County or should be paid out of the budget of CCR. We have been advised by CCR and the office of the Attorney General that in postconviction capital cases, these costs historically have been paid by the counties.

However, in Hoffman v. Haddock, 695 So. 2d 682 (Fla. 1997), we held that we could not compel the City of Jacksonville and Duval County to pay costs incident to postconviction capital proceedings because the legislature has determined that CCR is to bear this responsibility:

In this type of case, however, chapter 27 expressly directs that CCR is to provide for the collateral representation of any person convicted and sentenced to death in this state and is to be responsible for the payment of all necessary costs and expenses.

Id. at 684. We here clarify that our decision includes court reporter fees for transcription of the proceedings to be included in the record on appeal.

We rule on this motion by this opinion to express our conclusion that payment of all postconviction costs out of CCR's budget is not only statutorily required but is necessary to carry out the legislative intent expressed in section 27.7001, Florida Statutes (Supp. 1996).[\[1\]](#)

Legislative Intent.--It is the intent of the Legislature to create part IV of this chapter, consisting of ss. 27.7001-27.708, inclusive, to provide for the collateral representation of any person convicted and sentenced to death in this state, so that collateral legal proceedings to challenge any Florida capital conviction and sentence may be commenced in a timely manner and so as to assure the people of this state that the judgments of its courts may be regarded with the finality to which they are entitled in the interests of justice. It is the further intent of the Legislature that collateral representation shall not include representation during retrials, resentencings, proceedings commenced under chapter 940, or civil litigation. Moreover, we believe it will further the goal of accounting for and controlling costs in postconviction proceedings and further the efficient processing of postconviction capital cases.

Because this is a change from how these costs have been paid in the past, we urge CCR and the Commission on Administration of Justice in Capital Cases to immediately assess the impact of these costs on CCR's budgets in each of the CCR offices and at an early time do what is necessary to make the legislature aware of the need to appropriate the funds to cover these costs.

The motion is denied.

It is so ordered.

KOGAN, C.J., and SHAW, GRIMES, HARDING, WELLS and ANSTEAD, JJ., concur.

OVERTON, J., concurs with an opinion, in which KOGAN, C.J. and ANSTEAD, J., concur.

NO MOTION FOR REHEARING WILL BE ENTERTAINED BY THE COURT.

OVERTON, J., concurring.

I concur.

In doing so, I want to emphasize that court reporter costs for Florida courts are a substantial expense, borne largely by the individual counties and are a significant part of what is now termed "Article V costs." However, how the individual counties pay for this expense varies greatly from county to county throughout the state.

In some judicial circuits, there has been an effective cooperative effort by the judiciary and local county officials, who have moved aggressively to change the structure and method of providing court reporter services. They have taken total control and management of these costs, which has resulted in the provision of more efficient court reporter services at less cost to the taxpayers. In other circuits, court reporters remain largely independent, which in my view has, in most instances, resulted in more cost to the taxpayers.

In this case, the Office of the Capital Collateral Representative (CCR) has received invoices from an independent contractor providing court reporter services to Charlotte County for the amounts of \$42.75,

\$41.25, and \$826.56. In the companion case of Patton v. State, No. 89,669, CCR has received an invoice for services in Dade County from an independent court reporter contractor for \$1,493.40.

Comparatively, if these postconviction relief proceedings had been conducted in Alachua County, where most court reporter services are provided by full-time county employees who use state-of-the-art computer-aided transcription, no per page or attendance costs would have been incurred.

In my view, the Alachua plan, a copy of which is attached to this concurring opinion, is a more efficient, cost-effective method for managing court reporter costs than the methods being used in most other counties. Because the court has total control of how depositions, trials, and evidentiary hearings are reported and determines when hard-copy transcriptions are necessary, costs for court reporting services have been greatly reduced in that circuit.

I strongly believe that all judicial circuits should implement a plan similar to that being used in Alachua County. Equally as important, the state must provide substantial funds to aid and assist the counties in the payment of these article V costs. Presently, Dade County spends approximately \$5.4 million per year on court reporter costs.

Both court reporter costs and conflict counsel costs are important issues that should be addressed in the next legislative session.

KOGAN, C.J. and ANSTEAD, J., concur.

An Appeal from the Circuit Court in and for Charlotte County,

Isaac Anderson, Jr., Judge -

Case No. 78-199-CF-IA

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for Appellant

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