

IN THE SUPREME COURT OF FLORIDA

IN RE: AMENDMENTS TO THE  
FLORIDA RULES OF JUDICIAL  
ADMINISTRATION AND THE FLORIDA  
RULES OF APPELLATE PROCEDURE --  
IMPLEMENTATION OF COMMISSION ON  
TRIAL COURT PERFORMANCE AND  
ACCOUNTABILITY RECOMMENDATIONS

CASE NO. SC08-1658

COMMENT OF THE COMMISSION ON TRIAL COURT  
PERFORMANCE AND ACCOUNTABILITY

The Honorable Robert B. Bennett, Jr., Circuit Judge, Twelfth Judicial Circuit, and Chair, Commission on Trial Court Performance and Accountability, in response to the invitation issued by this Court, files this Comment to the out-of-cycle report of The Florida Bar's Rules of Judicial Administration Committee concerning rule amendments proposed by the Commission to implement its recommendations for the provision of court reporting services in the trial courts.

The rule proposals submitted to the Court by the Commission were referred to the Rules of Judicial Administration Committee on February 28 for fast-track consideration and submission of proper out-of-cycle proposals. By report filed August 18, the Rules of Judicial Administration Committee recommended that the Commission's proposals for changes to Rule 2.535 be adopted with the incorporation of the Committee's recommendations.

The Committee recommended the following modifications, shown in strikethroughs and italics, to the Commission's proposal for new Subdivision (d):

**Ownership of ~~the~~ Records.** *The court chief judge of the court in which a proceeding is pending, in his or her official capacity, is the owner of ~~the~~ 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.*

The term "official" court reporter referenced in Subdivision (d) is not included elsewhere in proposed changes to Rule 2.535. The Commission

recommends, for internal consistency, that the term “approved” court reporter replace “official” court reporter in Subdivision (d). “Approved” court reporter is defined in proposed new Subdivision (a) to Rule 2.535 as “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.” As modified by this change, shown in underlining, the Committee’s recommended changes to Subdivision (d) would state as follows:

**Ownership of the Records.** *The ~~court~~ chief judge of the court in which a proceeding is pending, in his or her official capacity, is the owner of ~~the~~ all records and electronic records made by an ~~official~~ approved court reporter or quasi-judicial officer in proceedings required to be reported at public expense and proceedings reported for the court’s own use.*

Respectfully submitted on September 16, 2008.

/s/Robert B. Bennett, Jr.  
Robert B. Bennett, Jr.  
Chair, Commission on Trial Court  
Performance and Accountability

Circuit Judge  
Twelfth Judicial Circuit

## **CERTIFICATION OF FONT COMPLIANCE**

I certify that this Comment was prepared in 14-point Times New Roman font.

## **CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a copy of the foregoing Comment was furnished by United States mail to: Scott M. Dimond, Chair, Rules of Judicial Administration Committee, 2665 S. Bayshore Dr., Penthouse 2, Miami, FL 33133 and John S. Mills, Chair, Appellate Court Rules Committee, 865 May St., Jacksonville, FL 32204-3310 on September 19, 2008.

/s/Laura Rush  
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