

**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**

**RESPONSE OF THE RULES OF JUDICIAL  
ADMINISTRATION COMMITTEE TO COMMENTS**

Scott M. Dimond, Chair, Rules of Judicial Administration Committee (“RJA Committee”), and John F. Harkness, Jr., Executive Director, The Florida Bar, pursuant to the Publication Notice issued by this Court on September 9, 2008, file this response of the RJA Committee to comments filed in the above-referenced matter. Most comments are primarily directed to recommendations that issued from the Commission on Trial Court Performance and Accountability (CTCPA), on which the RJA took no position in its initial comments filed in this matter. The RJA Committee wishes to specifically address two comments.

The first comment was filed by the CTCPA and addressed the RJA Committee’s comment to the original proposal from the CTCPA. Specifically, the CTCPA suggests amending subdivision (d) of rule 2.535 to replace the term “official court reporter” with “approved court reporter.” However, this proposed change is to language that was included in the CTCPA’s original proposal and did not issue from the RJA Committee. By a vote of 26-0 with one abstention, the RJA Committee has no objection to this proposed amendment.

The second comment was filed by the Florida Court Reporters Association and the Florida Coalition on Court Reporter Certification. Those entities suggest the following amendment to the RJA Committee’s proposed Committee Note to Rule 2.535:

The definitions of “electronic record” in subdivision (a)(5) and of “official record” in subdivision (a)(6) are intended to clarify that when a court proceeding or deposition is

electronically recorded by means of audio, analog, digital, or video equipment, and is also recorded via a written transcript prepared by an approved court reporter, approved transcriptionist or civil court reporter the written transcript shall be the “official record” of the proceeding to the exclusion of all electronic records. While the term “record” is used within Rule 2.535 and within Fla. R. App. P. 9.200, it has a different meaning within the unique context of each rule. Accordingly, the meaning of the term “record” as defined for purposes of this rule does not in any way alter, amend, change, or conflict with the meaning of the term “record” as defined for appellate purposes in Fla. R. App. P. 9.200(a).

By a vote of 26-0 with one abstention, the RJA Committee has no objection to this proposed amendment.

Respectfully submitted on November 24, 2008.

/s/ Scott M. Dimond

Scott M. Dimond

Chair, Rules of Judicial

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/s/ John F. Harkness, Jr.

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## **CERTIFICATIONS**

### **CERTIFICATION OF FONT COMPLIANCE**

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

### **CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing was furnished by United States mail to The Honorable Robert B. Bennett, Jr., Chair, Commission on Trial Court Performance and Accountability, 2002 Ringling Blvd., Floor 8, Sarasota, FL 34237-7002; Laura Rush, General Counsel, Office of State Courts Administrator, Supreme Court Building, 500 South Duval Street, Tallahassee, FL 32399-1900; John S. Mills, Chair, Appellate Court Rules Committee, 865 May St., Jacksonville, FL 32204-3310; Rachel E. Fugate, Counsel for Florida Media Organizations, P.O. Box 2602, Tampa, FL 33602; Barbara A. Petersen, President, and Adria E. Harper, Director, First Amendment Foundation, 336 E. College Ave., Suite 101, Tallahassee, FL 32301; Jennifer Gaul, President, and Susan D. Wasilewski, President Elect, Florida Court Reporters Association, 222 S. Westmonte Dr., Suite 101, Altamonte Springs, FL 32714, on November 24, 2008.

/s/ J. Craig Shaw

J. Craig Shaw

Staff Liaison to Rules of Judicial Administration Committee

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