

IN THE CIRCUIT COURT OF THE FOURTEENTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA

ADMINISTRATIVE ORDER 02-04

In Re: Reporting of First Appearances

Whereas, the Supreme Court of Florida directs the circuit court, through rule 2.070(g)(1), Florida Rules of Judicial Administration, to ensure efficient and effective court reporting in all criminal and juvenile proceedings, and any other judicial proceedings required by law or court rule to be reported at public expense; and

Whereas, the Fifth District Court of Appeal, pointed out in its opinion of *State of Florida v. Steven Joseph Wiebe* that the weekend review of this case's records indicated that the first appearance was not stenographically or electronically reported by Citrus County and that this failure was in violation of rule 2.070(g)(1), Florida Rules of Judicial Administration; and

Whereas, the Fifth District Court of Appeal, in its opinion directed the Chief Judge of the Fifth Judicial Circuit to "promptly implement procedures to ensure compliance with Rule 2.070(g)(1) at all criminal and juvenile proceedings, including weekend first appearance hearings;

Therefore, it is ordered that each assigned judge or judges in the Counties which encompass the Fourteenth Judicial Circuit ensure that first appearing hearings, including weekend first appearance hearings and juvenile proceedings, are recorded.

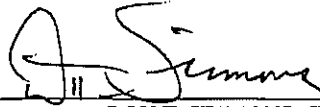
Because each county's ability to provide a live court reporter may not be feasible, economical or practical and because the first appearance hearing are appropriate hearings to electronically record, the judge or judges in a particular county should work with the Office of the Clerk, the Office of the Sheriff, the County Commission and/or any private entity operating a county jail to determine the most economical, efficient, and reliable source of reporting method to use. Also, it should be decided which entity will be responsible to ensure the proper reporting of the hearing. If it is determined that the best approach for reporting these hearings is by electronic means, then the judge or judges should ensure that the recording device selected will meet the needs of the court today and into the future. Court Administration should be consulted to assist with the purchase of any electronic or digital recording systems to ensure circuit and statewide consistency.

Lastly, policies and procedures should be developed by the presiding judge or judges to ensure the following:

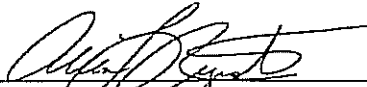
1. The consistent and clear recording of the proceeding;
 2. The safe and appropriate storage of the recordings;
 3. A retention schedule for the record pursuant to the Florida Rules of Court;
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- 4. The process and procedure for the production of transcripts, if needed;
- 5. The maintenance of the recording equipment and ancillary equipment
- 6. The purchase of recording tapes or disks.

DONE AND ORDERED in chambers, at Panama City, Bay County, this 17² day of September 2002.



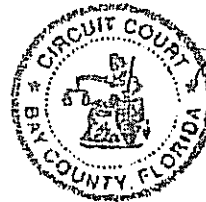
**DON T. SIRMONS, CIRCUIT JUDGE
ADMINISTRATIVE JUDGE, CRIMINAL DIVISION**



**ALLEN L. REGISTER, CIRCUIT JUDGE
ADMINISTRATIVE JUDGE, JUVENILE DIVISION**



JUDY M. PITTMAN, CHIEF JUDGE



A CERTIFIED TRUE COPY
HAROLD BAZZEL, CLERK
OF THE CIRCUIT COURT

By 
Deputy Clerk