

ADMINISTRATIVE ORDER  
NO. 07-96-03-1

IN THE CIRCUIT COURT OF THE  
NINTH JUDICIAL CIRCUIT, IN  
AND FOR ORANGE AND  
OSCEOLA COUNTIES, FLORIDA

**AMENDED ADMINISTRATIVE ORDER REQUIRING THE  
TRANSCRIPTION OF TAPES PLAYED AND OFFERED AS EVIDENCE  
AT CRIMINAL PROCEEDINGS IN THE CRIMINAL DIVISION  
OF THE NINTH JUDICIAL CIRCUIT**

**WHEREAS**, pursuant to the Administrative Order entered by the Florida Supreme Court on July 6, 1995, In Re: Record in Capital Cases; Martinez v. State, 761 So. 2d 1074 (Fla. 2000); and the policies established by the Criminal Division in the Ninth Judicial Circuit; and

**WHEREAS**, to ensure adequate records for appeals of criminal cases;

**NOW, THEREFORE, I**, Belvin Perry, Jr., pursuant to the authority vested in me as Chief Judge of the Ninth Judicial Circuit of Florida under Florida Rule of Judicial Administration 2.050 do hereby order that:

1. When an audio or video tape recording is offered in evidence at any criminal proceeding, the official court reporter if covering the case shall report, or the automated court reporter if covering the case shall record, the contents of the tape as it is played at the criminal proceeding. If a transcript of the proceeding is subsequently required, the audio or video tape recording shall be transcribed and included in the transcript. The court reporter is only obligated to make a good faith effort to report or record the contents of the audio or video tape because a verbatim transcript may not be possible if the tape or a portion of the tape is inaudible.

2. When an audio or video tape recording is offered in evidence at any criminal proceeding and an appeal is initiated, but the tape was not reported or recorded by the court reporter as it was played, the procedure stated below shall be followed:

a. No later than ten (10) days after the filing of the Notice of Appeal, the party who entered the tape into evidence shall cause the audio tape or audio portion of the video tape to be transcribed for the record on appeal and shall file a Notice with the Clerk that such tape will be transcribed.

b. Within five (5) working days of obtaining the transcript of the tape, the proponent shall forward a copy of the transcript to opposing counsel.

c. Counsel shall stipulate to the accuracy of the transcript or designate any parts thereof which are in dispute.

d. If the opposing counsel objects to the accuracy of the transcript, the opposing counsel shall also obtain a separate transcript of the tape within ten (10) days of receipt of proponent's transcript and shall forward a copy of the transcript to the proponent within five (5) working days of obtaining the transcript.

e. The tape and copies of the transcripts shall be delivered to the Judge and the Judge shall make a determination as to which transcript is more accurate. The Judge shall resolve any areas of dispute therein as he or she hears the tape being played.

f. The copy of the transcript which the Judge deems is more accurate shall be marked and admitted as a court exhibit. The transcript shall be filed in the court file (not separately with other evidentiary exhibits) and shall be a part of the record on appeal.

g. These time limits as stated above may be modified by Court order.

3. This Administrative Order is effective immediately and Administrative Order No. 07-96-03 dated August 2, 1996 is vacated and set aside.

**DONE AND ORDERED** at Orlando, Florida, this 16<sup>th</sup> day of November, 2001.

/s/ Belvin Perry, Jr.  
Belvin Perry, Jr.  
Chief Judge

Copies to:

All Circuit & County Judges, Ninth Judicial Circuit  
State Attorney's Office, Ninth Judicial Circuit  
Public Defender's Office, Ninth Judicial Circuit  
General Counsel, Orange County Sheriff's Office  
Orange County Attorney's Office  
Osceola County Attorney  
Orange County Corrections  
Orange County Bar Association  
Bar Briefs, Orange County Bar Association  
Paul C. Perkins Bar Association  
Hispanic Bar of Central Florida  
Central Florida Association for Women Lawyers  
Clerk of Courts, Orange County  
Orange County Law Library  
Clerk of Courts, Osceola County  
The Osceola County Bar Association  
The Osceola County Law Library  
The Osceola County Sheriff's Office  
Director, The Osceola County Dept. of Corrections  
Office of the Statewide Prosecutor  
Central Florida Criminal Defense Attorneys Association  
Executive Director of The Florida Bar  
Official Records, Orange County Comptroller

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