

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

ADMINISTRATIVE ORDER A99-28

ADMINISTRATIVE ORDER RE: DESTRUCTION OF COURT REPORTER
NOTES

WHEREAS: it is the responsibility of the Chief Judge to develop a plan for the efficient and proper administration of the courts within the circuit pursuant to the authority of Fla. R. Jud. Admin. 2.050;

WHEREAS: Chapter 257, Florida Statutes establishes the State's Records Management and Archives Program under the direction of the Division of Library and Information Services, Department of State which provides for a system for the scheduling and disposal of public records;

WHEREAS: the Clerks of Court retain and destroy public records pursuant to the General Records Schedule GS11 which is published by the Division of Library and Information Services, and as stated in Fla. R. Jud. Admin. 2.075;

WHEREAS: the General Records Schedule GS11 provides the time frame for retaining and destroying the record series COURT REPORTERS' NOTES in item #38 as stated in Rule 2.075 (e) 1,2, and 3 to wit: This record series consists of verbatim notes or electronic voice recordings of judicial or discovery proceedings as stated in Rule 2.075 (e) of the Florida Rules of Court, Judicial Administration.

RETENTION:

- a) Judicial proceedings, arbitration hearing, and discovery proceedings when an original transcript has been prepared. Two (2) years from the date of the transcript.
- b) Judicial proceedings in felony cases when a transcript has not been prepared. Ten (10) years after recorded.
- c) All other judicial proceedings, arbitration hearings, and discovery proceedings when a transcript has not been prepared. Five (5) years after recorded.
- d) Duplicates. Retain until obsolete, superseded, or administrative value is lost.

WHEREAS: the General Records Schedule GS11 does not provide for extended retention of Court Reporters' Notes for felony cases in which the death penalty has been imposed;

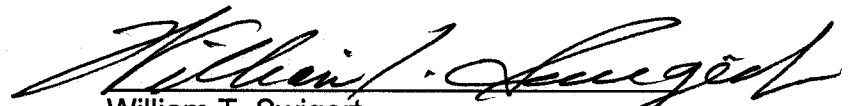
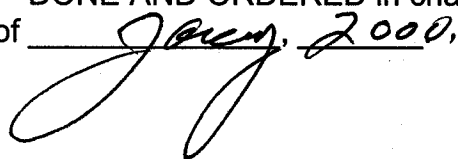
THEREFORE, in accordance with the authority vested in the Chief Judge by Rule 2.050 (3) (7) and (8) of the Florida Rules of Judicial Administration, it is hereby ORDERED THAT:

The official Court Reporters for the counties within the Fifth Judicial Circuit, or their official designees, and the respective Clerks of Courts, are ordered to comply with the retention and destruction schedule GS11 for public records, as the schedule may from time to time be amended, concerning the retention and destruction of COURT REPORTERS' NOTES, except for the destruction of COURT REPORTERS' NOTES recorded in any judicial proceeding, arbitration hearing or discovery proceeding in which the death penalty is imposed.

In any case in which the death penalty has been imposed, the COURT REPORTERS' NOTES shall be retained until such time as the defendant has been executed, expired, or the sentence has been commuted to life.

This administrative order is retroactive and applies to all COURT REPORTERS' NOTES which may still be in existence concerning any felony in which the death penalty has been imposed, the defendant so sentenced is still alive, and the sentence has not been commuted.

DONE AND ORDERED in chambers at Ocala, Marion County, Florida this 3
day of January, 2000,



William T. Swigert
Chief Judge, Fifth Judicial Circuit