

RULES FOR
CERTIFICATION AND REGULATION
OF COURT REPORTERS

13.010 DEFINITIONS

(a) Court Reporting; Reporting. "Court reporting," or "reporting," means the act of making a verbatim record of the spoken word, whether by the use of written symbols, stenomask equipment or electronic devices, in any proceeding pending in any of the courts of this state, including all discovery proceedings conducted in connection therewith, and all proceedings required by statute to be reported by a certified or official court reporter. It does not mean either the act of taking witness statements not intended for use in court as substantive evidence, or the act of electronic recording and transcription of proceedings as provided for in Florida Rule of Judicial Administration 2.070(g)(3).

(b) Certified Court Reporter. A "Certified Court Reporter" is a person who has satisfied the requirements established by the Florida Court Reporter Certification Board and received a certificate attesting to that fact, and is entitled to use the designation "CCR" only in connection with the reporting methodology by which those requirements were satisfied (i.e., "CCR-Stenographic," "CCR-Stenomask," "CCR-Electronic").

(c) Board. "Board" means the Florida Court Reporter Certification Board.

(d) Court. "Court" means any county, circuit or appellate court of this state.

13.020 PURPOSE

These rules are intended to ensure proficiency in the practice of court reporting, a profession which plays a critical role in the judicial system of this state, by establishing a minimum acceptable level of competence for those engaged in that profession.

13.030 SCOPE

These rules apply to all persons engaging in the practice of court reporting.

13.040 FLORIDA COURT REPORTER CERTIFICATION BOARD

(a) Board Composition. The Florida Court Reporter Certification Board is hereby created, to supervise the examination, certification, and conduct of persons engaged in court reporting. The board shall be under the supervisory authority of the Florida Supreme Court. It shall be composed of 11 persons, appointed by the chief justice as follows:

(1) two members of The Florida Bar engaged in the practice of law in the courts of this state;

(2) either 1 county or 1 circuit judge;

(3) one district court of appeal judge;
(4) one trial court administrator; and
(5) six court reporters, at least 3 of whom shall be shorthand reporters, at least 1 of whom shall be a stenomask reporter, and at least 1 of whom shall be an electronic reporter.

(b) Staff. Such staff as may be necessary to permit the board to carry out its duties shall be provided by the Office of the State Courts Administrator.

(c) Officers; Quorum. Annually, the board shall elect 1 of its members to serve as chair, and 1 to serve as vice-chair. A majority of the board shall constitute a quorum.

(d) Vacancies. Any vacancy on the board shall be filled according to subdivision (a). A person appointed to fill a vacancy shall serve for the remainder of the term of the member being replaced.

(e) Terms. The initial terms of board members shall be as follows:

(1) one year: the court-administrator member, and 2 court-reporter members;

(2) two years: 1 judicial member, 1 Florida-Bar member, and 2 court-reporter members;

(3) three years: 1 judicial member, 1 Florida-Bar member, and 2 court-reporter members.

Following the initial terms, all terms shall be 3 years, and all

court-reporter members shall be Certified Court Reporters. Board members shall be eligible for reappointment. However, no person shall serve more than 2 consecutive terms.

(f) Duties. The duties of the board shall include the following:

(1) The board shall be responsible for the testing, certification, regulation, discipline, suspension, and decertification of court reporters.

(2) The board shall have the authority to adopt rules governing its operating procedures.

(3) The board may make recommendations to the Florida Supreme Court regarding the amendment of these rules.

(g) Fees. The board shall have authority to recommend to the Florida Supreme Court such fees as the board may deem necessary to permit it to carry out its duties, including, but not limited to, application fees, examination fees, and certification renewal fees. All such fees shall be paid within the time specified by the board, shall be made payable to the State of Florida, and shall be non-refundable.

(h) Records. The board shall maintain records and minutes of its meetings and all other official actions. It shall also maintain a record of all continuing education credits earned by Certified Court Reporters, and a registry containing the names, addresses, dates of certification, methods of reporting, and

identification numbers of all Certified Court Reporters.

(i) Expenses. Members of the board shall serve without compensation. However, they shall be reimbursed for all reasonable expenses incurred in the performance of their duties, in compliance with all rules and statutes governing such reimbursement.

13.050 APPLICATION FOR CERTIFICATION

All applicants seeking certification shall apply on a form approved by the board and pay the fee established by the board.

13.060 QUALIFICATIONS

All applicants for certification must establish to the board's satisfaction that they are at least 18 years of age; that they have either graduated from high school or earned a general equivalency diploma; that they are of good moral character; and that they have read, and are familiar with, Florida rules of court bearing on the practice of court reporting. In addition, all applicants must either take and pass an examination prescribed by the board, or satisfy the board that they qualify for waiver of the examination requirement pursuant to rule 13.080(a) or (b).

13.070 EXAMINATION

The board, or such entity or entities to which it may delegate such authority, shall develop and administer an examination to all applicants seeking Certified Court Reporter certification, to ensure that such applicants possess a satisfactory level of proficiency in making a verbatim record of judicial, and related, proceedings. The examination shall be administered not less than twice each year, at such times and places as may be designated.

13.080 WAIVER OF EXAMINATION REQUIREMENT

Upon the presentation of proof satisfactory to the board, the examination requirement shall be waived for the following persons:

(a) anyone holding a current certificate which, in the opinion of the board, is similar to the Certified Court Reporter certificate and has been conferred by another state or the District of Columbia, provided that the examination requirements are substantially similar to those of this state;

(b) anyone holding a current Registered Professional Reporter Certificate issued after testing by the National Court Reporters Association, a current Certified Verbatim Reporter Certificate issued after testing by the National Stenomask Verbatim Reporters Association, or a current certificate issued

after testing by any organization which, in the opinion of the board, reflects a similar level of proficiency.

13.090 ISSUANCE OF CERTIFICATE

Upon satisfactory completion of the specified prerequisites, the board shall issue to an applicant a certificate as a Certified Court Reporter, which shall include an identification number and shall specify the reporting methodology by which certification was accomplished (i.e., stenographic, stenomask, or electronic). Once issued, the certificate shall remain valid unless suspended or revoked by the board.

13.100 RENEWAL OF CERTIFICATE

(a) Annual Renewal Fee. Each Certified Court Reporter shall pay an annual certificate renewal fee, in an amount set by the board. A certificate shall be suspended automatically upon nonpayment, but shall be reinstated upon application to the board, accompanied by payment, made within 60 days of the date of suspension. Upon expiration of the 60-day grace period, any request for reinstatement must be made pursuant to rule 13.190.

(b) Notification. The board shall notify all Certified Court Reporters in writing of the expiration date of their certificate at least 90 days before such date. Notice shall be by regular United States mail, directed to the last mailing

address on file with the board.

13.110 CONTINUING EDUCATION

(a) Requirement. Each Certified Court Reporter shall earn at least 30 continuing education credits every 3 calendar years. Application for approval of the preceding years' continuing education credits shall be made in writing, on a form to be furnished by the board, when the annual certificate renewal fee is paid.

(b) Approved Programs. The board shall maintain a list of approved continuing education programs. Approval of any educational program or activity not listed shall be subject to the board's discretion.

13.120 PROHIBITED CONDUCT GENERALLY

The following conduct is prohibited, and may lead to disciplinary action:

(a) accepting employment knowing that a conflict of interest exists, or continuing employment after becoming aware of the existence of a conflict of interest;

(b) partiality toward, or prejudice against, any participant in any matter which is the subject of employment;

(c) giving or receiving gifts in any manner connected with any employment;

(d) failing to disclose to the appropriate party any present or past business, financial, professional, family, or social relationship which might reasonably create an appearance of partiality in any matter which is the subject of employment;

(e) failing to take steps necessary to ensure the confidentiality of information classified as such, and entrusted to one's possession in connection with any employment;

(f) accepting, or failing to resign from, employment believed to be beyond one's level of knowledge, skill, or competence;

(g) failing timely to deliver transcripts;

(h) failing to prepare an accurate transcript;

(i) failing promptly to notify all other parties when a party orders one's work product, provided that the work product is of such a nature that it might have been ordered by any party;

(j) failing to offer the same services to all parties to the same proceeding;

(k) disseminating misleading or deceptive information regarding one's qualifications;

(l) violating any duty imposed by statute, rule, or order of court;

(m) engaging in conduct proscribed by rule 13.130.

**13.130 CONDUCT WARRANTING SUSPENSION
OR REVOCATION OF CERTIFICATION**

A certificate issued pursuant to these rules may be suspended or revoked for any of the following reasons:

(a) conviction of a felony, or of a misdemeanor involving moral turpitude, dishonesty, or false statement;

(b) fraud, dishonesty, or corruption which is related to the functions and duties of a Certified Court Reporter;

(c) continued false or deceptive advertising after receipt of a cease and desist notice from the board;

(d) alcohol or drug abuse which interferes, or poses a serious threat of interference, with the performance of the duties of a Certified Court Reporter;

(e) physical incapacity or mental instability which interferes, or poses a serious threat of interference, with the performance of the duties of a Certified Court Reporter;

(f) gross incompetence, or unprofessional or unethical conduct;

(g) willful, substantial, or repeated violation of any duty imposed by statute, rule, or order of court;

(h) fraud or misrepresentation in obtaining or renewing certification;

(i) noncompliance with continuing education requirements;

(j) nonpayment of renewal fees.

13.140 DISCIPLINARY PROCEDURES

(a) Initiation. Disciplinary proceedings may be initiated either by a sworn complaint asserting a violation of these rules, or by the board, on its own motion.

(b) Probable Cause; Notification. If a majority of the board finds probable cause to believe that a violation of these rules has occurred, it shall send written notice thereof, identifying the rule or rules alleged to have been violated, to the Certified Court Reporter by certified United States mail directed to the last mailing address on file with the board.

(c) Response. Within 30 days of the issuance of a finding of probable cause, the Certified Court Reporter shall file a written response with the board. If the Certified Court Reporter does not respond, the violations identified in the finding of probable cause shall be deemed admitted.

(d) Board Review. Within 60 days after the filing of the written response to the finding of probable cause or within 60 days following the expiration of the time within which to file a response if none is filed, the board shall review the complaint, the finding of probable cause, the response (if any), and any other pertinent materials, and decide whether to (i) dismiss the proceeding; (ii) issue a proposed disposition; or (iii) set a hearing. The board shall promptly send written notice of its decision to the Certified Court Reporter, by certified United

States mail.

(e) No Hearing Demanded. A proposed disposition issued pursuant to subdivision (d)(ii) shall become final unless the Certified Court Reporter demands a hearing within 30 days of the date on which it was issued.

(f) Timing of Hearing. Absent good cause, no hearing shall take place less than 30 days, or more than 90 days, from the date of notice pursuant to subdivision (d)(iii) or of the Certified Court Reporter's demand pursuant to subdivision (e).

(g) Identity of Complainant. Upon written request filed with the board after a hearing has been set, the board shall promptly reveal to the Certified Court Reporter the identity of the complaining party.

(h) Legal Representation. The Certified Court Reporter may be represented by an attorney at any stage of the proceeding. The Certified Court Reporter shall be responsible for all of his or her costs and expenses, including attorney fees.

13.150 DISCIPLINARY HEARINGS

(a) Pre-hearing Discovery. Pre-hearing discovery shall not be permitted unless expressly authorized by the board, in response to a written request.

(b) Rules of Evidence. Strict rules of evidence shall not apply. The board may, in its discretion, consider any evidence

presented, including affidavits, giving such evidence the weight it deems appropriate.

(c) Hearings to be Reported. The board shall ensure that all hearings are reported.

(d) Hearing Procedure. At the hearing, both the board and the Certified Court Reporter shall be afforded the opportunity to introduce documents and other relevant evidence, and to elicit sworn testimony.

(e) Board Deliberations. Following the presentation of evidence, the board shall deliberate regarding its decision. Such deliberations shall take place in private.

(f) Finality of Decision; Rehearing. Unless the Certified Court Reporter files a request for rehearing within 30 days of the date of the decision, the decision shall become final without further action. If a timely request for rehearing is filed, the decision shall not become final until the request has been disposed of by written decision, a copy of which shall be sent to the Certified Court Reporter by certified United States mail.

13.160 DISCIPLINARY DISPOSITIONS

(a) Burden of Proof. If the board finds that there is clear and convincing evidence that the Certified Court Reporter has violated one or more of these rules, it shall impose such discipline as it may deem appropriate, consistent with these

rules.

(b) Vote Required; Notification. All decisions of the board shall be by majority vote, in writing and, if adverse to the Certified Court Reporter, shall contain factual findings supporting the decision. A copy of the decision shall be sent to the Certified Court Reporter by certified United States mail.

(c) Sanctions. Discipline may consist of one or more of the following:

- (1) a private reprimand;
- (2) a public reprimand;
- (3) the imposition of costs and expenses incurred by the board in connection with the proceeding, including investigative costs;
- (4) restitution;
- (5) requiring that specified continuing education courses be taken;
- (6) requiring that one or more parts of the Certified Court Reporter certification examination be successfully taken, or retaken;
- (7) limiting the scope of practice;
- (8) requiring that work be supervised;
- (9) suspension of certification for a period not to exceed 1 year;
- (10) revocation of certification.

13.170 CONFIDENTIALITY OF DISCIPLINARY PROCEEDINGS

When a disciplinary proceeding is either dismissed or results in a private reprimand, all records of the proceeding shall remain confidential; otherwise, all such records shall become public when the board's decision becomes final.

13.180 REVIEW OF ADVERSE DISCIPLINARY DISPOSITIONS

Within 30 days of a final adverse disciplinary disposition after a hearing, the Certified Court Reporter may seek review by filing a written request, addressing the merits, with the clerk of the Supreme Court of Florida. Review shall be by the chief justice, or by such other person or persons as may be designated by the chief justice, who may take such action as is deemed appropriate, which action shall not be subject to further review.

13.190 REINSTATEMENT

A Certified Court Reporter whose certificate has been suspended or revoked may apply in writing for reinstatement. Such request shall explain why the applicant believes that he or she should be reinstated, and shall be accompanied by a renewal fee in an amount set by the board. Whether to grant or to deny such a request shall rest in the sole and absolute discretion of the board. The board may impose such conditions upon reinstatement as it deems appropriate.