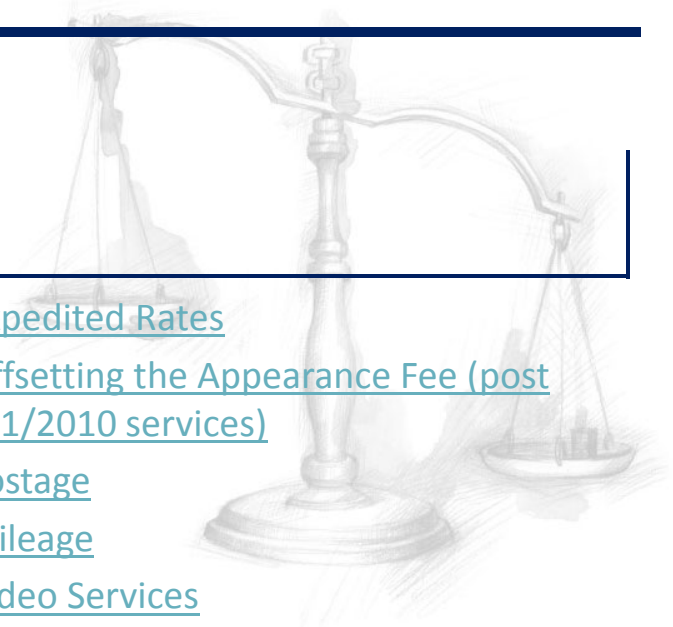




JUSTICE ADMINISTRATIVE
COMMISSION

Court Reporter Billing

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Introduction:

- This training module is intended to be an aid for the billing process.
- For additional information, please review the JAC Agreements, JAC Policies & Procedures, and the Frequently Asked Questions.
- This module delineates the requirements for a court reporter to enter into a contract with JAC, as well as the billing process to be followed.

Direct Payment:

- Court reporters who desire direct payment from JAC will need to enter into a contract. JAC makes direct payment only to court reporters who have executed a contract with JAC.
- The current contracts are available at <http://justiceadmin.com/notice/InstructionsDueProcess.aspx>
- If a court reporter does not have a contract with JAC and is unwilling to enter into a contract, then the attorney will need to pay the court reporter and seek reimbursement from JAC.

Rates for Court Reporting Services Compensated Through JAC:

- The rates for court reporting services depend on the date the service was rendered by the court reporting firm.
- For services rendered prior to July 1, 2010, the rates set by the local Indigent Services Committee apply. For services rendered on or after July 1, 2010, the uniform statewide rates apply.
- In determining the applicable rate for a transcript, as a general rule, the date that the transcript was ordered determines the applicable rate.
 - If the transcript was ordered prior to July 1, 2010, then the ISC rates apply.
 - If the transcript was ordered on or after July 1, 2010, then the statewide rates apply.



Uniform Statewide Rates:

- Deposition Appearance Fees:
 - 1st hour: \$50; thereafter \$25 per hour.
- Deposition Transcript Fee (original and one copy):
 - 10 business day delivery: \$2.95 per page
 - 5 business day delivery: \$5 per page
 - 24 hours delivery: \$7 per page
 - Additional copies: \$1 per page
- Appellate/Hearing Transcript Fee (original and up to two copies):
 - 10 business day delivery: \$3.95 per page
 - 5 business day delivery: \$6 per page
 - 24 hours delivery: \$8 per page
 - Copies (when original previously ordered): \$1 per page



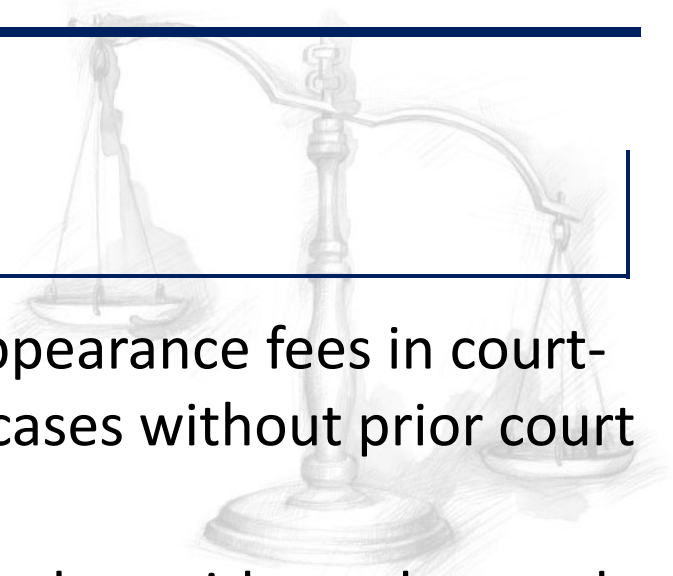
Uniform Statewide Rates Continued:

- Transcription from tapes or audio recordings (other than depositions or hearings):
 - Either \$35 per hour listening fee, or \$3 per page, whichever is greater
- Video Services:
 - \$100 per hour per location

When a defense attorney orders a transcript, the court reporter shall bill either the number of pages for the transcript or the applicable appearance or listening fee, whichever is greater.

Appearance Fees:

- Generally, JAC may pay bills for appearance fees in court-appointed and indigent for costs cases without prior court authorization.
- As long as the deposition may be taken without the need for prior court approval, JAC does not need an order authorizing payment of appearance fees.
- In those instances where prior court approval is required, the attorney or court reporter may need to supply JAC with the court order authorizing the taking of depositions.



Calculating the Appearance Fees Under the Uniform Rates:

- For purposes of calculating the amount of an appearance fee for depositions involving multiple witnesses conducted by a court reporter, the amount is calculated per session, not per witness.
 - The first hour is compensated at a rate of \$50 per hour.
 - Each hour thereafter is compensated at a rate of \$25 per hour.

Calculating the Appearance Fees Under the Uniform Rates Continued:

- If there is an unbilled break exceeding an hour and the same court reporter returns following the break, the court reporter may bill the \$50 per hour for the first hour following the break.

For example, if the defense had depositions from 8:00 AM to 11:00 AM and from 1:30 PM to 4:30 PM, then the court reporter could bill \$100 for the first session and \$100 for the second session.

Digital Recording of Depositions:

- The uniform statewide rates imply that most depositions shall be conducted using digital recording technology. Stenographic reporting should only be used in those instances where due process requires it. Generally, this should primarily occur in capital cases in which the state is seeking death.
- Digital reporting allows for the deposition to be transcribed by a court reporter or transcriptionist other than the reporter that attended the depositions when necessary.

Certificate of Non-Appearance

- The cost of any certificate of appearance or non-appearance is covered by the appearance fees.
- There is no additional fee authorized to issue such certificates.



Obligation to Provide Recording/Notes:

- If a court reporter is unable or unwilling to prepare a transcript for a deposition for which JAC has paid an appearance fee, then the court reporter will need to turn over a copy of any recordings, stenographic notes, computer files, or other documents related to transcribing the deposition to the attorney or another court reporter designated by the attorney.
- The cost of providing a copy of any recordings, stenographic notes, computer files, or other documents related to transcribing the deposition is incorporated into the appearance fees paid to the court reporter. No additional fees will be paid to provide these copies.

Transcripts Under the Uniform Statewide Rates:

- JAC may pay for the cost of preparing a transcript of a deposition only if the attorney secures a court order finding that preparation of the transcript is necessary. When transcripts are authorized, JAC will pay for one original and one copy only. The order should reflect the name of the witness and the date of the deposition. An order may authorize transcripts for more than one witness.
- A generic order authorizing transcripts prior to the taking of depositions ***will not suffice*** for payment purposes. For example, language in the order of appointment authorizing private court-appointed counsel to order “necessary” transcripts does not suffice.

Transcripts Under the Uniform Statewide Rates Continued:

- As a general rule, the determination of whether a transcript is necessary should not be made until after the deposition has been conducted.
- The order authorizing the transcript(s) must be included in the billing packet for the transcript(s). The failure to include the order authorizing transcripts may result in delays in payment.
- Before commencing work on a transcript, a court reporter may wish to verify that the attorney has obtained an order authorizing the transcript or is in the process of obtaining such an order.

Appellate Transcripts:

- For appellate transcripts, the designation of the record may be utilized in lieu of a court order authorizing transcripts.
- The rate for appellate transcripts includes original and two paper copies and any necessary electronic copies. If additional paper copies beyond two are required, the rate for the additional paper copies is \$1 per page.
- The clerk of court or designee may sign the JAC Invoice Voucher Cover indicating receipt of the appellate transcript.



Exhibits and Electronic Copies:

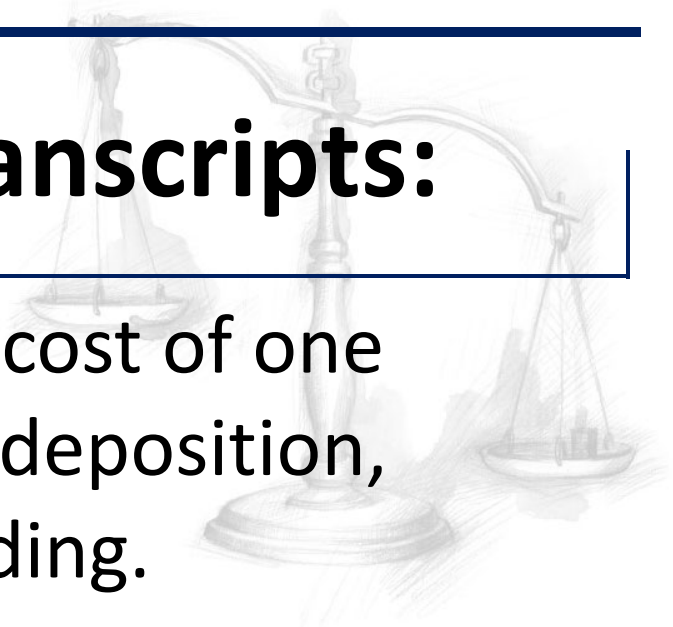
- If exhibits or other documents need to be attached to a deposition transcript, the rate for black and white copies of those documents is \$0.15 per page.
- Rates for color copies or charges for scanning exhibits will need to be approved by a court order indicating the need for color copies and scanning exhibits.
- Fees for electronic copies or emailing transcripts are generally not authorized. The rate for hearing transcripts includes the costs of preparing electronic copies as mandated by the rules of the court.

Cancellations/Failure to Appear:

- If a deposition is canceled at the last minute due to no fault of the attorney, then JAC will pay the first hour appearance fees. When an attorney does not timely notify a court reporter of a canceled deposition, then the attorney would be responsible for any cancellation fee.
- If a witness fails to appear, JAC pays for the first hour appearance fee or a reasonable amount of wait time depending on the circumstances.
- JAC pays for the actual time the court reporter was present. The billing should reflect work done from the scheduled start time through the actual finish time, regardless of how much time was scheduled.

Multiple Original Transcripts:

- JAC may only pay for the cost of one original transcript of any deposition, hearing, or other proceeding.
- Once an original has been paid from any source whatsoever, any future copies shall be at the rate paid for a copy of a transcript even if the transcript is designated as an original.

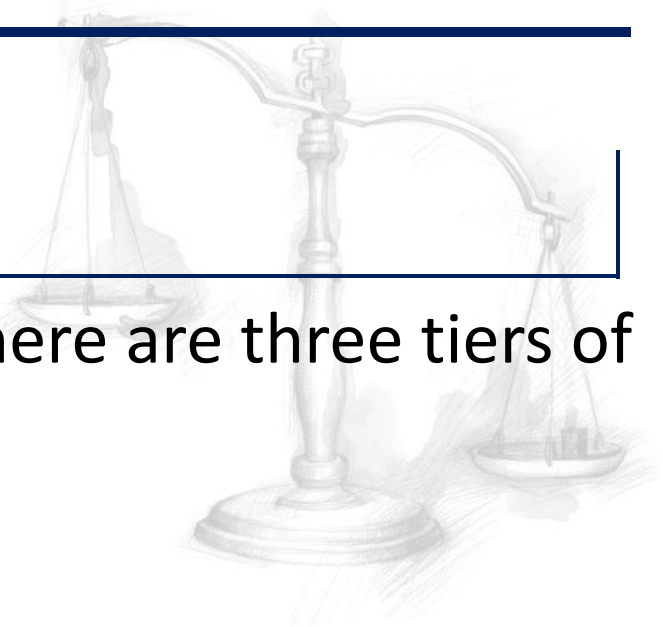


Multiple Original Transcript Examples:

- If there is a case involving several co-defendants and more than one attorney requests a transcript of the deposition of a witness, then JAC would only pay the rate for an original in one case (assuming the original rate was not previously paid). The rate for any other transcripts would be the copy rate even if an original was requested.
- If both parents appeal the result of a termination of parental rights case, JAC would not pay for two originals of the appellate transcripts (assuming both parents were represented by private court appointed counsel). JAC would only pay the copy rate as to the second transcript. Similarly, JAC would only pay the copy rate if one of the parents was represented by regional counsel and regional counsel previously paid for an original.

Expedited Rates:

- Under the statewide rates, there are three tiers of rates:
 - Regular
 - 5 day expedited, and
 - 24 hour expedited.
- In order for JAC to pay expedited rates for any transcript, an order authorizing expedited rates must be provided. The order should specify the necessity for expedited rates.



Expedited Rates Continued:

- JAC generally pays for expedited rates in those circumstances where a transcript could not be obtained at regular rates if the attorney had acted diligently. For example, JAC would not contest payment of expedited transcripts for a witness disclosed and deposed on the eve of trial.
- If the need for expedited transcripts is the result of attorney neglect, then JAC would likely contest payment of expedited rates. For example, if the attorney delayed ordering the transcript of a witness deposed well before trial until the week of trial, JAC would likely contest paying expedited rates.
- When the need for expedited transcripts is a result of attorney neglect, then the attorney may be responsible for paying the difference between the regular and expedited rates.

Offsetting the Appearance Fee (post 7/1/2010 services):

- When an attorney orders the transcript at the time of deposition, the court reporter may bill the appearance fee or the number of pages, whichever is higher.
- If the court reporter bills the appearance fee and the attorney orders the transcript within 30 days of the deposition, then the appearance fee must be offset from the transcription fee.
- Where an attorney orders a deposition transcript more than 30 days after the taking of a deposition, the amount of any appearance fee does not need to be offset from the amount of the transcript.
- A transcript is deemed ordered the earlier of:
 - the date the attorney actually ordered the transcript, or
 - the date the attorney filed a motion seeking to have the deposition transcribed.

Offsetting the Appearance Fee (post 7/1/2010 services) Continued:

- In situations involving multiple witnesses deposed during one session, the amount of the offset is calculated by dividing the appearance fee by the number of witnesses deposed. This amount would then be offset against any transcript ordered within 30 days of the deposition.
- For example, if the defense deposes three witnesses during a two hour deposition session, the total appearance fee of \$75 would be divided by three. Therefore, the offset would be \$25 if a transcript was only ordered as to one deponent.

Postage:

- For transcripts prepared in circuit, postage is not authorized.
- For transcripts prepared outside the circuit, JAC will reimburse for postage or other common carrier charges (such as UPS or FedEx). The court reporter will need to provide proof of the amount of postage (such as a receipt or a copy of the envelope showing the amount of postage).
- Where postage is authorized, JAC only pays the actual amount of postage. JAC does not pay for any shipping or handling fees beyond actual postage.

Mileage:

- As a general rule, JAC does not object to mileage reimbursement for court reporters traveling to rural circuits where there are no court reporters available to provide services. JAC is likely to object to mileage charges for court reporters to travel to another circuit where there are local court reporters available to provide services in that circuit.
- Mileage must exceed 50 miles one way before mileage is authorized. If using a privately owned vehicle, the official Department of Transportation (DOT) highway mileage from point of origin to destination (city to city) must be used.
 - <http://www2.dot.state.fl.us/CityToCityMileage/viewer.aspx>
- Map mileage claimed cannot exceed that shown on the DOT Official Highway Mileage chart. If city to city mileage is not provided through DOT, a traveler may use an internet source such as www.mapquest.com. The traveler must enter address for departure and destination address and provide a printout as supporting documentation for the travel voucher.
- A request for reimbursement of mileage must be through the travel voucher issued by the Department of Financial Services.

Video Services:

Depositions

- Except in those instances where a deposition is required to be videotaped, a court order is required authorizing the videotaping of the deposition. The primary instance in which a court order is not required is the taking of a deposition of a child under the age of 16. Other videotaped depositions, including depositions to perpetuate testimony, must be authorized by court order.
- Absent exceptional circumstances, a deposition should not be attended by a court reporter and be videotaped. The videotape constitutes an electronic record from which a transcript can be prepared if one is needed at a later date.
- The fee for videotaping a deposition includes any fee to provide the attorney with a copy of the video of the deposition whether on videotape or other format. JAC is not authorized to pay any additional fees to provide a copy of the video to the attorney.

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Video Services Continued:

Videoconferencing

- This rate also applies to videoconferencing. The rate is \$100 per hour per location. In most instances, this should involve two locations so the rate would be \$200 per hour. Any instance of videoconferencing must be approved by court order.
- The hourly rate includes the reasonable time to setup and takedown the video equipment. For billing purposes, the minimum fee is one hour. After the first hour, the services should be billed in tenths of an hour. This applies to videotaped depositions and videoconferencing.

Entering into a Contract with JAC:

There are generally two types of Agreements JAC will enter into with in-state court reporters:

Type 1 Due Process Agreement

- This Agreement is a term agreement covering all services rendered by the court reporter between July 1 and June 30. This Agreement provides that all services will be provided at the rates established by the legislature or by JAC where the legislature has not established a rate. If a provider bills in excess of the established rates, JAC will be authorized to correct the billing to the correct rates and then process the billing for payment.

Non-Standard Agreement

- This Agreement is a case specific agreement that will cover services performed in the case indicated in the Agreement. It allows for compensation in excess of the established rates under appropriate circumstances.

Which Agreement Should A Court Reporter Execute:

- If a court reporter is willing to provide services at the uniform statewide rates, then the Type 1 Due Process Agreement should be executed. This Agreement binds the court reporter to provide services at those rates. A court reporter executing this Agreement will be eligible to provide court reporting services in any court appointed and indigent for costs cases for those circuits in which the reporter has indicated a willingness to provide services.

Which Agreement Should A Court Reporter Execute Continued:

- If a court reporter is unwilling to provide services at the statewide rates but still desires direct payment from JAC, the court reporter may execute a Non-Standard Agreement with JAC for a particular case. This will generally occur in those situations where a court has authorized a higher rate for court reporting services in a particular case due to unique circumstances. The Non-Standard Agreement would only cover the work done in that case. It does not authorize any work on other cases.
- Execution of Non-Standard Agreement will generally only occur where there is a need to transcribe a hearing that was stenographically recorded and the court reporter that attended the hearing is unwilling to prepare a transcript at the statewide rates. If the court authorizes a higher rate, then JAC will execute a Non-Standard Agreement with the court reporter in order to implement direct payment.

Submission of Billings – Correct Voucher

Cover:

- It is the responsibility of attorneys and due process providers to use correct and current voucher covers. These voucher covers are updated from time to time to take changes in law and policy into account. Current voucher covers are posted on JAC's website.
- The JAC Invoice Voucher Covers require the submission of information necessary for JAC to review a billing for compliance with statutory and contractual requirements.
- The failure to use the appropriate voucher cover can result in essential information being omitted from the billing. This can delay the processing of the billing as well as other billings because JAC staff has to spend substantial time obtaining the information that would have been included if the vendor had used the correct voucher cover.

Completion of Voucher Cover:

- The JAC Invoice Voucher Cover must be fully completed including all essential information requested in the voucher cover. When court reporters attach their own invoices in lieu of completing the billing portion of the voucher cover, the information requested in other portions of the voucher cover must still be completed.
- The attachment of a vendor's invoice only impacts the section in which the vendor checks the box indicating the invoice is attached. All other sections must be fully completed.
- The amount billed must always be provided in the JAC Invoice Voucher Cover.
- Detailed instructions on how to complete the voucher covers are available on JAC's website. Instructions are provided for each type of voucher cover.

Secure Website:

- JAC has created a secure website through which a court reporter can obtain information regarding both unpaid and paid bills submitted to JAC. Through this website a vendor can determine whether JAC has received a billing and whether JAC has approved the billing for payment. A vendor can also access letters and notices related to the billing such as audit deficiencies and letters of objection.
- Instruction on how to setup access to the secure website is available at:
 - <http://www.justiceadmin.org/login/Quick%20Reference%20Guide-Vendor%20Login.pdf>
- The JAC Help Desk can assist a court reporter in setting up secure access and in using the vendor website.

Indigent for Costs Cases:

- In some instances, a privately retained attorney may have their client declared indigent for costs. When this occurs, the attorney needs to provide JAC with specific documentation related to this determination. The attorney must provide JAC with:
 - The motion to declare the defendant indigent for costs;
 - The completed clerk's application for indigency;
 - An affidavit as to the estimated amount of attorney's fees;
 - The order declaring the defendant indigent for costs;
 - The charging document; and
 - The JAC Agreement signed by the attorney.
- Until JAC receives these documents, JAC cannot process any billing for payment related to that case.

Indigent for Costs Cases Screenshot:

- Similar to the vendor secure website, a private attorney can access a secure website related to his or her cases. One of the items the attorney can access is a screen showing whether JAC has received the six documents listed above. The attorney can print this screen. Before commencing work on an indigent for costs case, a court reporter or other due process vendor may wish to ask the attorney for a copy of this screen to verify that the attorney has provided JAC with the necessary documentation.

The Justice Administrative Commission

Case Number	
Description	
Defendant Last	
Defendant First	

IFC Attorney Contract Received
Motion for Indigence Received
Order of Indigence Received
Application for Indigence Received
Affidavit for Attorney Fees Received
Charging Document Received

Chapter 39 cases including Dependency and TPR do not require a Charging Document for Due Process vendors to be paid.

Invoice	Type	Warrant #	Total	Status
20074866	FREIGHT		\$4.95	Waiting on Response from Vendor
20074866	DEPOSITION TRANSCRIPTS		\$30.00	Waiting on Response from Vendor
20074866	DEPOSITION TRANSCRIPTS		\$65.00	Waiting on Response from Vendor
20074866	DEPOSITION TRANSCRIPTS		\$103.95	Waiting on Response from Vendor
20076062	APPEARANCE FEES	1001555	\$45.00	Paid
20076062	APPEARANCE FEES	1001555	\$65.00	Paid
20076869	DEPOSITION TRANSCRIPTS	1360736	\$103.95	Paid
20076869	POSTAGE	1360736	\$4.90	Paid

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Billing Audit Deficiencies:

- When JAC receives a billing for court reporting services which lacks necessary documentation or requisite information, JAC may send the court reporter and the attorney a Billing Audit Deficiency. It will indicate the reason JAC is unable to process the billing and will request that the court reporter and/or the attorney provide the lacking documentation or information.
- When JAC issues a Billing Audit Deficiency, the court reporter and/or attorney needs to provide the additional documentation or otherwise resolve the Billing Audit Deficiency in expeditious fashion.
- Failure to resolve the Audit Deficiency may result in JAC paying the billing at a reduced rate or returning the bill.

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Billing Audit Deficiencies Continued:

- When responding to a Billing Audit Deficiency, the court reporter or attorney must use the Audit Deficiency as the cover page for any submission. This will allow JAC staff to identify the appropriate case for which the submission was provided.
- JAC receives numerous documents and submissions on a daily basis so that the failure to use the Audit Deficiency as the cover sheet could result in further delay in payment.

Direct Deposit (EFT):

- Due process providers including court reporters must participate in a direct deposit program which allows for transfer of funds electronically to an account in a federal-chartered or state-chartered financial institution. If a provider seeks an exemption from this provision, the provider must submit in writing a request for exemption specifically delineating why he or she cannot comply with this provision.
- JAC does not review or process the application to setup electronic funds transfer. ***The application must be submitted directly to the Department of Financial Services (DFS).*** Information and the forms necessary are available on the DFS website at:
 - http://www.myfloridacfo.com/aadir/direct_deposit_web/index.htm

Direct Deposit (EFT) Continued:

- Once completed, the form should be sent to:
Direct Deposit Section
Department of Financial Services
200 E. Gaines Street
Tallahassee, Florida 32399-0359
- Please do not send these forms to JAC. JAC cannot process or review these forms.
- After setting up an EFT with DFS, if there are any changes to the payee name submitted to DFS, please submit the updated information to JAC's contract section.
- The payee name in JAC's database must match exactly with the EFT information in order for payment to be received.

