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AT THE TIME AND DATE NOTED  
PAUL F. HARTSFIELD  
CLERK OF CIRCUIT COURT

IN THE SECOND JUDICIAL  
CIRCUIT OF FLORIDA

OFFICE OF THE CHIEF JUDGE

ADMINISTRATIVE ORDER NO. 79-38

IN RE: Filing of Depositions in Criminal and Civil Cases  
by the Court Reporter and Revoking Administrative  
Order Number 79-17

The Supreme Court of Florida having adjudged that  
Administrative Order No. 79-17 is invalid, the same is  
hereby nullified, withdrawn, set aside and revoked and  
all instructions as set forth in the Order to the Clerks,  
Court Reporters and other personnel are withdrawn.

After consideration of the Supreme Court ruling  
and in compliance with the Florida Rules of Court, the  
following shall govern the filing of deposition-transcripts  
by Court Reporters in Civil and Criminal matters.

Florida Rules of Court, 1979, Rule 1.310, Rules  
of Civil Procedure, Depositions Upon Oral Examination,  
provides in subsection (f) (1) as follows:

"If transcribed, the officer shall certify on  
the deposition that the witness was duly sworn  
by him and that the deposition is a true record  
of the testimony given by the witness. He shall  
then securely seal the deposition in an envelope  
endorsed with the title of the action and marked  
'Deposition of (here insert name of witness)'  
and shall promptly file it with the court in  
which the action is pending or send it by regis-  
tered or certified mail to the clerk for filing."

Subsection (f) (2) provides as follows:

"Upon payment of reasonable charges therefor  
the officer shall furnish a copy of the deposition  
to any party or to the deponent."

In the Rules of Criminal Procedures, Rule 3.220(d),  
Discovery Depositions, states in part:

"...Except as provided herein, the procedure  
for taking such depositions, including the  
scope of the examination, shall be the same  
as that provided in the Florida Rules of  
Civil Procedure."

Administrative Order No. 79-38  
Page # 2

Rule 3.190(j)(5), Rules of Criminal Procedure, states:

"Except as otherwise provided, the rules governing the taking and filing of oral depositions, the objections thereto, the issuing, execution and return of the commission and the opening of the depositions in civil actions shall apply in criminal cases."

Rule 1.400, Rules of Civil Procedure, states:

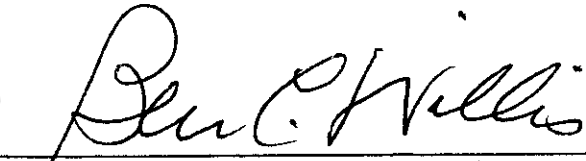
"Upon the filing of any deposition or affidavit taken under any rule or statute it shall be deemed published, unless otherwise ordered by the court, and may be opened and examined by any party in the presence of the clerk. The clerk may unseal the deposition and file it with other papers in the court file."

In compliance with the Florida Rules of Court as heretofore mentioned, it is therefore

ORDERED AND ADJUDGED that duly certified transcripts of all depositions shall, in accordance with the above rules, be securely sealed in an envelope endorsed with the title of the action and marked "Deposition of (here insert the name of witness)" and shall promptly file it with the Court in which the action is pending or send it by registered or certified mail to the clerk for filing. Such deposition shall then become a part of the public record of the case and may be unsealed by the clerk unless previous action by the Court in the case involved has ordered the deposition or Court file or portions thereof which would include the deposition to be sealed.

This Order shall take effect immediately.

DONE AND ORDERED in Chambers at Tallahassee, Florida, this 10th day of August, 1979.

  
BEN C. WILLIS, CHIEF JUDGE

Copies:

- All Clerks of Court, Second Circuit
- All County and Circuit Judges
- All Court Reporters, official and free lance
- State Attorney
- Public Defender
- President, Tallahassee Bar
- Court Administrator

