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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. 79-17

IN RE: Sealing of Deposition Transcriptions in Civil and Criminal Cases

It has come to the attention of this office that when depositions have been transcribed in criminal and civil cases the transcription is historically and routinely filed in the official court file where they are subject to review and copy by anyone. This procedure can affect the right to a fair trial by either party if the transcriptions are allowed to be open for public inspection prior to the conclusion of the proceeding.

In the 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 registered 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."

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CLERK OF THE CIRCUIT COURT LEON COUNTY FLORIDA COMPTROLLER GWEN MARSHALL
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Rule 3.190(j)(5), Rules of Criminal Procedures, 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."

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 depositions then become subject to unsealing only by direction of the court in which the action is pending.

This Order shall take effect immediately.

DONE AND ORDERED in Chambers at Tallahassee, Florida, this 16th day of March, 1979.

Ben C. Willis

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

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