20040083162 RECORDED IN PUBLIC RECORDS LEON COUNTY FL BK: 3155 PG: 1025,
09/02/2004 at 12:39 PM, BOB INZER, CLERK OF COURTS

RECORDED IN THE PUBLIC
RECORDS OF LEON CO. FLA.
IN THE BOOK & PAGE IND
AUG 13 9 55 AM 1979
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Supreme Court of Florida having adjudged that Administrative Order No. 79-17 is invalid, the same is hereby nullified, withdrawn, set aside and revoked and all instructions as set forth in the Order to the Clerks, Court Reporters and other personnel are withdrawn.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 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."

UNOFFICIAL DOCUMENT

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

UNOFFICIAL DOCUMENT
CLERK OF THE CIRCUIT COURT & COMPTROLLER LEON COUNTY GWEN MARSHALL
UNOFFICIAL DOCUMENT