

**IN THE CIRCUIT COURT OF THE SEVENTEENTH
JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA**

Administrative Order 2020-19-Crim

**ELECTRONIC RECORDING OF
CRIMINAL DISCOVERY DEPOSITIONS**

(a) Pursuant to Article V, section 2(d) of the Florida Constitution and section 43.26, Florida Statutes, the chief judge of each judicial circuit is charged with the authority and the power to do everything necessary to promote the prompt and efficient administration of justice.

(b) Florida Rule of Judicial Administration 2.215(b)(2) states that the chief judge is the “administrative officer of the courts within the circuit and shall, consistent with branch-wide policies, direct the formation and implementation of policies and priorities for the operation of all courts and officers within the circuit.”

(c) Florida Rule of Judicial Administration 2.215(b)(3) states that the chief judge “shall, considering available resources, ensure the efficient and proper administration of all courts within [this] circuit.”

(d) Florida Rule of Criminal Procedure 3.220(h) and Florida Rule of Juvenile Procedure 8.060(d) provides for the taking of discovery depositions with the procedure for such depositions governed by the Florida Rules of Civil Procedure and Florida Rules of Judicial Administration.

(e) Florida Rule of Judicial Administration 2.535(h) permits the Chief Judge to enter a circuit-wide administrative order authorizing the electronic recording and subsequent transcription by approved court reporters or approved transcriptionists, of any judicial proceeding, including depositions, that are otherwise required to be taken stenographically.

(f) In accordance with the authority vested in the chief judge by Article V, section 2(d) of the Florida Constitution, section 43.26, Florida Statutes, and Florida Rules of Judicial Administration 2.215 and 2.535, it is hereby **ORDERED**:

(1) Any deposition in a pending criminal case scheduled by any attorney pursuant to Rules 3.220 or 8.060 may be taken by electronic means as set forth herein.

(2) Any deposition in a pending criminal case in which the defendant is charged with a “dangerous crime” as that term is defined in section 907.041(4), Florida Statutes, shall be taken stenographically, unless as otherwise stipulated by the attorneys or ordered by the presiding division judge.

(3) Procedures for Taking Depositions by Electronic Means

(a) The party noticing and taking the deposition shall be responsible for all costs associated with the electronic recording of the deposition.

(b) Each deponent shall be sworn in by a non-interested notary public or other non-interested person who is authorized to administer oaths. The person swearing in the witness need not remain in the room during the deposition.

(c) Any exhibit entered into the record during the deposition shall be maintained by the attorney offering the exhibit and a copy of same shall be provided to opposing counsel (if present) at the time offered. Exhibits shall be maintained at a minimum until the conclusion of the criminal case and in all instances in accordance with applicable retention periods set forth in the Florida Rules of Judicial Administration.

(d) Both parties shall have equal access to and otherwise be able to obtain a copy of the electronic recording of the deposition.

(e) Either party may have the deposition transcribed by a non-interested third party provider. The party ordering the transcript shall be responsible for the cost of said transcript. Any transcript prepared from an electronic recording of a deposition must comply with the form, size, spacing, and method of printing as prescribed by Florida Rule of Judicial Administration 2.535. All persons transcribing electronically recorded depositions shall certify the transcript as a true and accurate text of the electronic recording of the proceeding.

(f) The electronic recording of a deposition may be used during subsequent court proceedings as authorized by law. A written transcript (as required by court rules and law) of the deposition shall be provided to the court at the time any electronic recording is played.

(g) In the event of a disagreement as to the accuracy of an electronic recording or a transcript produced from an electronic recording, the presiding judge shall determine the dispute prior to the electronic recording and/or written transcript being offered or utilized at any subsequent hearing or trial.

DONE AND ORDERED in Chambers, Fort Lauderdale, Florida this 12th day of March, 2020.

/s/ Jack Tuter
Jack Tuter, Chief Judge