

ADMINISTRATIVE ORDER No. **90-29**

IN RE: **VIDEOTAPE OF SENSITIVE WITNESSES**

WHEREAS, Rule 3.220 of the Florida Rules of Criminal Procedure was amended effective July 1, 1989, to provide, in part:

(b) (4) Deposition of Sensitive Witnesses:

Deposition of children under the age of 16 shall be videotaped unless otherwise ordered by the Court. The Court may order the videotaping of a deposition or the taking of a deposition of a witness with fragile emotional strength to be in the presence of a trial judge or a Special Master;

NOW, THEREFORE, pursuant to the authority vested in me as Associate Chief Judge of the Eleventh Judicial Circuit of Florida under Rule 2.050 of the Florida Rules of Judicial Administration, it is hereby **ORDERED** as follows:

The Administrative Office of the Courts shall provide space and equipment in the Metropolitan Justice Building to enable depositions of sensitive witnesses to be videotaped.

The scheduling of the use of said video deposition room shall be coordinated through the Administrative Office of the Courts.

An Official Court Reporter shall be appointed to take all such depositions. Said Official Court Reporter, or his or her deputy, shall record the deposition in normal fashion, notwithstanding the fact that the deposition is being videotaped. The Official Court Reporter shall be responsible for operating the video equipment.

The Administrative Office of the Courts shall supply the blank tapes for the initial deposition and be entitled to reasonable reimbursement from the parties.

At the conclusion of the deposition, the State Attorney, Public Defender and Guardian Ad Litem, if appointed in the criminal or parallel dependency proceeding shall each be given a videotape of the proceedings. Private defense counsel may obtain a copy of the tape by requesting same from the State Attorney's Office and paying reasonable cost therefor.

All tapes of video depositions shall be sealed court records. These records may only be disclosed to the State Attorney and staff, Public Defender and staff, Guardian Ad Litem and staff, private defense counsel and staff, the defendant and any expert witness retained in pursuit of the case, unless further disclosure is provided for by written order of the Court.

Neither the State Attorney, Public Defender, Guardian Ad Litem nor the private defense attorney shall duplicate his/her copy of the videotaped deposition for disclosure to anyone other than the above-mentioned court officers without prior written order of the Court.

Should copies be made pursuant to written order of Court, the party making the copy shall be responsible for controlling the access to said videotape and for the return of said videotape at the completion of the case.

Said videotape shall not be filed with the court unless used at trial, and no party other than provided above shall have access to such videotape.

In order to fully promote the purpose of Rule 3.220 with respect to the videotaping of children under the age of 16, this order shall apply to the taking of depositions of children under the age of 16 in parallel dependency proceedings.

Administrative Order No. 90-1, entered in Case No. 90-1, is hereby rescinded and held for naught.

DONE AND ORDERED in Chambers at Miami, Dade County, Florida this 2d day of October, 1990.

**HERBERT M. KLEIN, ACTING CHIEF JUDGE
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA**