

OFFICE OF THE CHIEF JUDGE,  
THIRD JUDICIAL CIRCUIT, STATE  
OF FLORIDA.

ADMINISTRATIVE ORDER NO. 22-86

IN RE: USE OF VIDEOTAPE RECORDING OF  
DEPOSITION TESTIMONY

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ADMINISTRATIVE ORDER

AUTHORITY: Rule 2.070(d), Fla.R.Jud.Amd.

A. USE OF VIDEOTAPE RECORDING A Party in any court proceeding may use videotape to record testimony at a deposition. A videotape recording is the electronic recording of both sound and visual image on tape.

B. NOTICE A party intending to use videotape to record testimony at a deposition shall specify the use of videotape in the notice given pursuant to Florida Rule of Civil Procedure 1.310(b)(1). Any party receiving notice of a stenographic deposition may serve a notice complying with Florida Rule of Civil Procedure 1.310(b)(1), signifying an intention to record the deposition on videotape.

C. COSTS Videotaping shall be at the initial cost of the party who noticed and arranged the use of the videotape recording. A court reporter shall be present at any videotaping and shall record stenographically all proceedings occurring during the videotaped testimony.

D. PERSONS AUTHORIZED, RECORDING, PRESERVING, FILING  
The following provisions shall be automatically applicable upon the giving of notice pursuant to this Administrative Order:

1. PERSONS AUTHORIZED Operators of video tape equipment must be, or act in the presence of and under the supervision of, a certified court reporter. Operators shall be independent of the

parties and their attorneys and without any interest in the action. The manner of swearing the witness and the person swearing the witness shall be shown on the tape.

2. MANNER OF RECORDING Videotape equipment shall be of sufficient quality to produce an accurate and trustworthy record. Videotape equipment shall include:

- a. Lavalier microphones for each participant;
- or
- b. Two multi-directional microphones; or
- c. A mixer microphone; or
- d. Uni-directional microphones for each participant. (Any one of a through d).
- e. An 8 inch monitor-receiver.
- f. An audio recorder for simultaneous recording of testimony.
- g. A date/time generator; or
- h. A digital counter.

(Either g or h).

i. If charts, documents, drawings, photographs, x-rays or visual aids are to be used, the operator should be told in advance of the deposition by the party intending to use them so that special equipment, if needed, may be available.

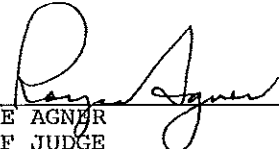
3. PRESERVING THE VIDEOTAPE RECORDING The original videotape recording of the deposition shall remain in the custody of the court reporter supervising the videotaping unless a party directs that the original is to be filed with the Clerk of the Court. The trial court may authorize the Clerk of the Court or the court reporter to release the original videotape recording upon final disposition of the action or upon the expiration of the time of appeal.

4. CERTIFICATION AND FILING The requirements of Florida Rule of Civil Procedure 1.310(f) shall apply to depositions recorded on videotape. In addition, the operator shall certify on the cartridge or cartridges the kind of equipment used (D.2.) and the total time of the deposition. The witness may review the videotape and affix his signature to the label on the cartridge unless the review is waived by the witness and the parties. The provisions of Florida Rule of Civil Procedure 1.310(e) shall apply to any stenographic transcript of the deposition.

E. MODIFICATION The provisions of Section D of this Order may be modified by the presiding judge upon application of any party.

This Order shall take effect the 19<sup>th</sup> of March, 1986.

DONE AND ORDERED this 19<sup>th</sup> day of February, 1986,  
at Perry, Florida.

  
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ROYCE AGNER  
CHIEF JUDGE