

**THE ELEVENTH JUDICIAL CIRCUIT
MIAMI-DADE COUNTY, FLORIDA**

**CASE NO. 21-1
(Court Administration)**

**ADMINISTRATIVE ORDER
NO. 21-06
(Rescinding AO 01-07)
(Companion to AO No. 99-50)**

**IN RE: DESIGNATION OF LOCATION
FOR TAKING DEPOSITIONS OF
CHILDREN UNDER THE AGE OF
EIGHTEEN**

WHEREAS, the Chief Judge of the Eleventh Judicial Circuit, pursuant to Rule 2.215, Florida Rule of Judicial Administration, has the authority to adopt administrative orders necessary to ensure the operation of the Eleventh Judicial Circuit ("Court");

WHEREAS, section 914.16, Florida Statutes, requires the Chief Judge to establish reasonable limits on discovery depositions and interviews of a victim or witness under the age of 16, in child and sexual abuse cases arising out of sections 794.011, 800.04, or 827.03, Florida Statutes, or of a victim who is a person with an intellectual disability, as defined in section 393.063(21), Florida Statutes, in abuse cases arising out of sections 794.011, 800.02, 800.03, or 825.102, Florida Statutes;

WHEREAS, the determination of such location shall comply with the Florida Rules of Criminal Procedure 3.220(h)(3) and (4), and sections 92.53 and 92.54, Florida Statutes, which permit the court to order videotaped testimony of a victim or witness under the age of 18, or a person with an intellectual disability, whether the case is civil or criminal in nature, in lieu of live trial testimony in open court;

WHEREAS, the taking of discovery depositions may be foreign, and sometimes intimidating to children, particularly in certain types of criminal cases;

WHEREAS, these considerations are balanced with the rights of the public and the person charged with a violation of the law; and

WHEREAS, in view of such considerations, it has been determined that it is in the best interest of a victim or witness under the age of 18, or of a victim with an intellectual disability, to be provided certain protections pursuant to Chapter 39 and section 92.55,

Florida Statutes, from potential psychological damage, including a determination of the location for discovery depositions.

NOW, THEREFORE, pursuant to the authority vested in me as Chief Judge of the Eleventh Judicial Circuit of Florida, it is hereby **ORDERED**:

Effectively immediately, in all criminal cases where a victim or witness is under the age of 18, or is a person with an intellectual disability regardless of age, is to be deposed, the location shall be at the Orlowitz-Lee Children's Advocacy Center, also known as Kristi House, located at 1265 NW 12th Avenue, Miami, Florida 33136 unless by agreement of the parties.

This Administrative Order shall become effective immediately upon signing. Administrative Order No. 01-07 is hereby rescinded and held for naught. Any conflict between this Administrative Order and Administrative Order No. 99-50 regarding the location of depositions of victims and witnesses under the age of 18, or victims or witnesses with an intellectual disability, shall be decided in favor of this Order. To the extent that any portion of this Administrative Order may be construed as conflicting with any law, statute, or rule, the law, statute, or rule shall prevail.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida, this 28th day of April 2021.

**BERTILA SOTO, CHIEF JUDGE
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA**