

THE ELEVENTH JUDICIAL CIRCUIT
MIAMI-DADE COUNTY, FLORIDA

CASE NO. 83-1
(Court Administration)

IN RE: AMENDMENT TO RULES OF
CIVIL PROCEDURE BY SUPREME
COURT OF FLORIDA CONCERN-
ING THE FILING OF CIVIL DEPOSI-
TIONS AND RELATED MATTERS

ADMINISTRATIVE ORDER
NO. 83-14

WHEREAS, the Supreme Court of Florida responded to the document storage burden now experienced by all segments of Florida's court system by approving amendments to certain Rules of Civil Procedure; and

WHEREAS, Rule 1.310 (e) and (f), Fla.R.Civ.P. (1981), is one of the rules which has been amended and said Rule not only eliminates the requirement that depositions be filed with the Clerk, but Rule 1.310 (f)(3) provides as follows:

"A copy of a deposition may be filed only:

- (A) By a party or the witness when the contents of the deposition must be considered by the Court on any matter pending before the Court. Prompt notice of the filing of the deposition shall be given to all parties, unless notice is waived. A party filing the deposition shall not be required to furnish a copy of the deposition to other parties but shall furnish a copy of the deposition to any party or witness requesting it after payment of the reasonable cost of reproducing the copy by the requesting party or witness.
- (B) If the Court determines that a deposition previously transcribed is necessary for the determination of a matter pending before the Court, the Court may order that a copy be filed by any party." (Special Emphasis Added)

and,

WHEREAS, Administrative Order No. 81-37 in Case No. 81-1 (Court Administration) was entered on January 4, 1982, directing that all court reporters refrain from filing any depositions with the Clerk of this Court unless the above criteria for the filing of a deposition had been met; and

WHEREAS, depositions failing to meet above criteria for the filing of a deposition have continued to be filed in great numbers with the Clerk of this Court, creating an extremely serious document storage burden on the Clerk of this Court;

NOW, THEREFORE, I, GERALD T. WETHERINGTON, pursuant to the authority vested in me as Chief Judge of the Eleventh Judicial Circuit of Florida, do hereby direct that all court reporters, parties to civil actions, and/or attorneys of record shall refrain from filing any depositions, or copies thereof, with the Clerk of this Court unless the conditions required by Rule 1.310 (f)(3), Fla.R.Civ.P., have been met and such compliance with the Rule is made of record in the action by one of the following methods:

(1) The deposition, or copy thereof, tendered to the Clerk of this Court for filing shall be accompanied by a Notice of Filing Deposition containing a certification by a party, the witness, or counsel of record that the contents of the deposition must be considered by the Court on any matter pending before the Court.

(2) The Court has entered an order that the deposition, or a copy thereof, shall be filed in the action.

The Clerk of this Court is hereby directed not to accept for filing any deposition,

or copy thereof, which is not in compliance with the provisions of the aforementioned Rule and this Administrative Order.

Administrative Order No. 81-37 in Case No. 81-1 (Court Administration) is hereby rescinded.

It is further directed that the Court Administrator shall mail a copy of this order to each court reporter listed in Administrative Order No. 81-1 in Case No. 83-1 (Court Administration) forthwith.

The provisions of this Order shall be effective upon entry.

DONE AND ORDERED in Chambers at Miami, Dade County, Florida this 31 day of Oct. of 1983.

GERALD T. WETHERINGTON, CHIEF JUDGE
Eleventh Judicial Circuit of Florida