



Remote Court Reporting FAQ **Depositions Via Videoconference**

Q. How can I swear someone in over videoconference if the Florida Notary laws say it is not allowed?

A. The Florida Supreme Court issued Administrative Order AOSC20-16, entitled COVID-19 EMERGENCY PROCEDURES FOR THE ADMINISTERING OF OATHS VIA REMOTE AUDIO-VIDEO COMMUNICATION EQUIPMENT on March 18, 2020, to allow Florida notaries and other qualified persons to administer an oath via videoconference even though they are not in the presence of the witness **so long as they can both see and hear the witness**. This TEMPORARY order originally ended on 3/27/2020 and extended to 4/17/2020 in AOSC-17.

<https://www.floridasupremecourt.org/content/download/632105/7182680/AOSC20-16.pdf>

<https://www.floridasupremecourt.org/content/download/632431/7186205/AOSC20-17.pdf>

Q. What if the witness on videoconference is located in another state?

A. AOSC20-16 states If the witness is not located in Florida, the witness may consent to being put under oath via audio-video communication technology by a person qualified to administer an oath in the State of Florida.

Q. Do I still need to ask to see identification over videoconference?

A. Yes. AOSC20-16 states a Florida Notary can swear a witness remotely, **provided they can positively identify the witness**. Whatever you would do in person, the same practice should be done remotely. FCRA recognizes that there is still some controversy over what “positively identifying the witness” means, but we feel best practice is to ask for identification.



Q. Do I need to announce on the videoconference record that I am not present with the witness and am administering the oath remotely?

A. Yes. The court reporter should announce on the record that they are not present with the witness and that the attorneys acknowledge and agree to that arrangement. Following is suggested language to be read into the record at the start of the deposition by the court reporter:

The attorneys participating in this deposition acknowledge that I, the court reporter, am not present with the witness and that I will be reporting the proceedings and administering the oath remotely. This arrangement is pursuant to the Florida Supreme Court Administrative Order No. AOSC-20-16 (and extended by AOSC-20-17). The parties and their counsel consent to this arrangement and waive any objections to this manner of reporting. Please indicate your agreement by stating your name and your agreement on the record.

Q. What do I put on my title page as the location of the deposition?

A. List the location as “By Videoconference.” Normally, the location of the deposition is where the witness is located, but since the reporter has no way to verify where the witness is, “By Videoconference” is the suggested best practice.

Q. Should I change any of my certificate pages when doing a deposition remotely by videoconference?

A. Your certificate pages should reflect that proceedings were reported remotely and the witness was sworn remotely. You may also opt to attach a copy of the administrative orders, AOSC20-16 and AOSC20-17, to the back of your transcripts.