

IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT IN AND
FOR MIAMI-DADE COUNTY FLORIDA

FAMILY DIVISION
ADMINISTRATIVE MEMORANDUM
No. 2020-01

IN RE: INTRODUCTION OF EVIDENCE IN
HEARINGS CONDUCTED REMOTELY
DURING THE COVID-19 PANDEMIC IN THE
FAMILY DIVISION

WHEREAS, the Florida Supreme Court Chief Justice's Administrative Order AOSC20-17, directs chief judges to take all possible steps to facilitate conducting proceedings with the use of technology, and judges who can conduct court business from a remote location are strongly encouraged to do so; and

WHEREAS, court staff and court partners have worked tirelessly to resume all hearings electronically utilizing the Zoom platform in the Family Division of the 11th Judicial Circuit; and

WHEREAS, it is necessary that parties have clear guidance as to how evidence is presented to the court, the clerk, and the parties;

NOW THEREFORE, pursuant to the authority vested in me by the Chief Judge as Administrative Judge of the Family Division of the Eleventh Judicial Circuit of Florida and Rule 2.215, Florida Rules of Judicial Administration, this memorandum shall set forth procedures for use of documentary evidence through remote means in Family Division evidentiary hearings (including non-jury trials):

1. This procedure applies only to the use of documentary evidence in hearings before Judges in the Family Division. Documentary evidence includes any papers, photographs, or other items reasonably able to be shared electronically.

2. At least seven days prior to any evidentiary hearing, all parties or their counsel shall communicate electronically and try to agree to the authenticity and/or admissibility of any evidence.

3. At least seven days prior to any evidentiary hearing, all parties or their counsel shall file with the e-filing portal and serve on the opposing party or counsel, a Proposed Exhibit List.

A) The Proposed Exhibit List must contain a description of each of the exhibits a party wishes to use at an evidentiary hearing. Each exhibit listed on the Proposed Exhibit List must be marked for identification on the Proposed Exhibit List as "Petitioner's 1, 2, 3, etc." or "Respondent's A, B, C, etc.". A blank Proposed Exhibit List is attached for your convenience.

B) Parties or their counsel must indicate on the Proposed Exhibit List whether the parties agree the document may be admitted into evidence. The Judge will decide at the hearing whether to admit any document into evidence if there is no agreement.

4. At least seven days prior to any evidentiary hearing, all parties or their counsel shall file with the e-filing portal and serve on the opposing party or counsel, each Exhibit which the party wishes to use at the evidentiary hearing. Each Exhibit shall be marked for identification on the bottom of the first page of the document "Petitioner's 1, 2, 3, etc." or "Respondent's A, B, C, etc."

- A) Each marked Exhibit must correspond with the identification markings on the Proposed Exhibit List. (Petitioner's 1, 2, 3, etc. or Respondent's A, B, C, etc.).
- B) Each marked Exhibit shall be filed with an attached Notice of Filing. Each Exhibit shall be filed separately. Parties/counsel shall not file any "composites."
- C) Exhibits that have not been filed with the e-filing portal at least seven days prior and do not appear on the docket may not be admitted into evidence, at the discretion of the Judge.

5. Nothing in this procedure limits a Judge's ability to designate supplemental procedures in individual cases.

6. After the hearing, parties or their counsel must work promptly with the Clerk to prepare an Updated Exhibited List with a corrected Index of documents admitted in evidence, to ensure accuracy.

7. If other documents were used at the hearing and considered by the Court, the party who used them shall file them immediately after the hearing with a Notice of Filing.

8. If the Court must review a document, but it is not being admitted as evidence (for example, showing a driver's license to verify identity) the party need not file the document in advance but may present the document to the camera for the Court's review during the hearing.

9. If the parties comply in good faith with this procedure but technological issues prevent a meaningful review of the evidence through remote means, the Court may reset the matter.

10. This Administrative Memorandum applies only to hearings before Judges. For hearings before General Magistrates, please visit the website for each individual Magistrate directly.

11. This Administrative Memorandum shall take effect immediately and shall remain in effect until further order of the Court.

DONE AND ORDERED in Chambers at Miami-Dade, Florida, this 24th day of April 2020.

Scott M. Bernstein

Scott M. Bernstein
ADMINISTRATIVE JUDGE
FAMILY DIVISION

