

IN THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR THE STATE OF FLORIDA

IN RE: INTRODUCTION AND MANAGEMENT
OF EVIDENCE IN REMOTE HEARINGS
IN CIVIL AND FAMILY LAW CASES
DURING THE COVID-19 PANDEMIC

ADMINISTRATIVE
ORDER
NO. 2.40

FILED

MAY 20 2020

Linda Doggett, Clerk Circuit
Court in Lee County, Florida

WHEREAS, under the Florida Supreme Court's Administrative Orders issued in response to COVID-19, non-essential and non-critical court proceedings, including evidentiary and non-jury trials, were ordered to be conducted remotely using telephonic or other available electronic means; and

WHEREAS, in the Twentieth Judicial Circuit, court staff and court partners have worked tirelessly to continue court proceedings electronically utilizing telephonic appearances and video appearances; and

WHEREAS, in addition to allowing such remote testimony and swearing in of witnesses as described in the Florida Supreme Court's Administrative Orders issued in response to COVID-19, it is necessary that the courts and the parties have clear guidance as to how such evidence is presented to the court, the clerk and the parties;

NOW, THEREFORE, pursuant to the authority vested in me as Chief Judge by Rule 2.215, Florida Rules of Judicial Administration, and by the Florida Supreme Court through its recent Administrative Orders related to COVID-19, this order shall set forth procedures for introduction and use of documentary evidence through remote means in civil (county and circuit) and family law evidentiary hearings (including non-jury trials) throughout the Twentieth Judicial Circuit:

1. These procedures apply only to the electronic use and entry of documentary, photographic, audiovisual and other evidence reasonably able to be provided and shared electronically in civil (county and circuit) and family law cases, and shall apply equally to counsel and self-represented parties.
2. For evidence not stipulated or agreed to, the parties should seek guidance before the hearing from the Court, if applicable, as to how the evidence should be submitted and how objections are to be made.
3. All counsel and self-represented parties shall meet and confer via telephone, email or videoconference (not in person) prior to an evidentiary hearing during which they should endeavor to stipulate to as much as practicable regarding authenticity and admissibility.
4. All counsel and self-represented parties shall meet and confer via telephone, email or videoconference (not in person) in connection with the evidence submissions, and, where an exhibit is stipulated to be admitted, counsel (or a self-represented party if all parties are self-represented) shall so indicate in the manner the exhibit is marked both on the exhibit and on the index.



5. At least five (5) business days before an evidentiary hearing is to be conducted by remote means, each counsel/party shall exchange with each other, and shall file with the clerk, all evidence and demonstrative aids sought to be introduced. All exhibits must be pre-marked for identification and shall include an index listing all proposed exhibits with the exhibit numbers or letters. Where possible, counsel/parties should seek to file jointly.
6. Counsel/parties shall provide a copy of exhibits to be utilized at the hearing to the presiding judge at least five (5) business days prior to the hearing. Counsel and self-represented parties shall contact the judge's office regarding this requirement to confirm proper submission procedure (for example, hard copies or electronic submission).
7. Counsel/parties shall ensure that all witnesses are in possession of the evidence proposed to be admitted through that witness.
8. Nothing in this Administrative Order limits the trial court's ability to designate supplemental procedures.
9. Similarly, nothing in this Administrative Order limits the trial court's discretion to admit, admit for a limited purpose, or deny entry or use of such evidence, or fashion whatever relief is appropriate under the circumstances, based on the Florida Rules of Evidence or lack of compliance with these procedures.
10. After the hearing, counsel/parties must work promptly to prepare a corrected index of exhibits which have been introduced in evidence marked in the manner designated by the Court or the Clerk at the hearing.
11. 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.
12. This Administrative Order shall take effect immediately and shall remain in effect until superseded or vacated by further order of this Court or the Florida Supreme Court.

DONE AND ORDERED in chambers in Fort Myers, Lee County, Florida, this 18th

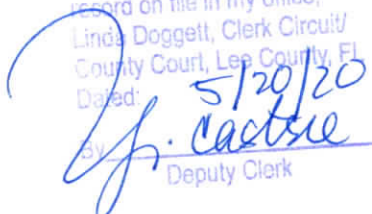
day of May, 2020.



Michael T. McHugh
Chief Judge

History. – New.

I certify this document to be a true and correct copy of the record on file in my office,
Linda Doggett, Clerk Circuit/
County Court, Lee County, FL
Dated: 5/20/20


Deputy Clerk

