Under subsections (c) and (d) (repealed) a document offered, but refused admission in evidence cannot be withdrawn without leave of court.

This rule applies only on trial and not to the taking of depositions.

On depositions, the preferred practice is to allow copies of documents (preferably photostats) to be made to be filed with the deposition and allow the originals to remain with the person having the same.

On trial, each document to be shown to a witness should be marked by the clerk for identification and thereafter referred to by that mark.

As is apparent from a reading of the rule, the field of evidence is left practically untouched by the Florida Rules of Civil Procedure, 1967 Revision. For a full treatment of evidence problems, one should consult McCormick on Evidence (West Publishing Company 1954).

Rule 1.451. Taking Testimony

(a) Testimony at Hearing or Trial. When testifying at a hearing or trial, a witness must be physically present unless otherwise provided by law or rule of procedure.

(b) Communication Equipment. The court may permit a witness to testify at a hearing or trial by contemporaneous audio or video communication equipment (1) by agreement of the parties or (2) for good cause shown upon written request of a party upon reasonable notice to all other parties. The request and notice must contain the substance of the proposed testimony and an estimate of the length of the proposed testimony. In considering sufficient good cause, the court shall weigh and address in its order the reasons stated for testimony by communication equipment against the potential for prejudice to the objecting party.

(c) Required Equipment. Communication equipment as used in this rule means a conference telephone or other electronic device that permits all those appearing or participating to hear and speak to each other simultaneously and permits all conversations of all parties to be audible to all persons present. Contemporaneous video communications equipment must make the witness visible to all participants during the testimony. For testimony by any of the foregoing means, there must be appropriate safeguards for the court to maintain sufficient control over the equipment and the transmission of the testimony so the court may stop the communication to accommodate objection or prevent prejudice.

(d) Oath. Testimony may be taken through communication equipment only if a notary public or other person authorized to administer oaths in the witness's jurisdiction is present with the witness and administers the oath consistent with the laws of the jurisdiction.

(e) Burden of Expense. The cost for the use of the communication equipment is the responsibility of the requesting party unless otherwise ordered by the court.

Added Nov. 14, 2013, effective Jan. 1, 2014 (131 So.3d 643).

Committee Note

2013 Adoption. This rule allows the parties to agree, or one or more parties to request, that the court authorize presentation of witness testimony by contemporaneous video or audio communications equipment. A party seeking to present such testimony over the objection of another party must still satisfy the good-cause standard. In determining whether good cause exists, the trial court may consider such factors as the type and stage of proceeding, the presence or absence of constitutionally protected rights, the importance of the testimony to the resolution of the case, the amount in controversy in the case, the relative cost or inconvenience of requiring the presence of the witness in court, the ability of counsel to use necessary exhibits or demonstrative aids, the limitations (if any) placed on the opportunity for opposing counsel and the finder of fact to observe the witness's demeanor, the potential for unfair surprise, the witness's affiliation with one or more parties, and any other factors the court reasonably deems material to weighing the justification the requesting party has offered in support of the request to allow a witness to testify by communications equipment against the potential for prejudice to the objecting party. With the advance of technology, the cost and availability of contemporaneous video testimony may be considered by the court in determining whether good cause is established for audio testimony.

Rule 1.452. Questions by Jurors

(a) Questions Permitted. The court shall permit jurors to submit to the court written questions directed to witnesses or to the court. Such questions will be submitted after all counsel have concluded their questioning of a witness.

(b) Procedure. Any juror who has a question directed to the witness or the court shall prepare an unsigned, written question and give the question to the bailiff, who will give the question to the judge.

(c) Objections. Out of the presence of the jury, the judge will read the question to all counsel, allow counsel to see the written question, and give counsel an opportunity to object to the question.

Added Oct. 4, 2007, effective Jan. 1, 2008 (967 So.2d 178).

Rule 1.455. Juror Notebooks

In its discretion, the court may authorize documents and exhibits to be included in notebooks for use by the jurors during trial to aid them in performing their duties.

Added Oct. 4, 2007, effective Jan. 1, 2008 (967 So.2d 178).

Rule 1.460. Continuances

A motion for continuance shall be in writing unless made at a trial and, except for good cause shown, shall be signed by the party requesting the continuance. The motion shall state all of the facts that the movant contends entitle the movant to a continuance. If a continuance is sought on the ground of nonavailability of a witness, the motion must show when it is believed the witness will be available.

Amended Oct. 9, 1980, effective Jan. 1, 1981 (391 So.2d 165); Oct. 6, 1988, effective Jan. 1, 1989 (536 So.2d 974); July 16, 1992, effective Jan. 1, 1993 (604 So.2d 1110).

Committee Notes

1980 Amendment. Subdivision (a), deleted by amendment, was initially adopted when trials were set

at a docket sounding prescribed by statute. Even then, the rule was honored more in the breach than the observance. Trials are no longer uniformly set in that manner, and continuances are granted generally without reference to the rule. Under the revised rule, motions for continuance can be filed at any time that the need arises and need not be in writing if the parties are before the court.

1988 Amendment. The supreme court, by adopting Florida Rule of Judicial Administration 2.085(c), effective July 1, 1986, required all motions for continuance to be signed by the litigant requesting the continuance. The amendment conforms rule 1.460 to rule 2.085(c); but, by including an exception for good cause, it recognizes that circumstances justifying a continuance may excuse the signature of the party.

Authors' Comment—1967

Rule 1.460 is almost identical to subsections (a), (b), and (d) of former Rule 2.4, 1954 Rules of Civil Procedure. Subsection (c) of the former rule, relating to service of a copy of the motion for continuance was omitted from the present rule inasmuch as Rule 1.080 comprehends service of such motion and other pleadings.

Applications to postpone the trial of a cause are addressed to the sound discretion of the court.

The motion should show that the party applying has used due diligence to prepare for trial and also what diligence has been used; that he cannot safely proceed to trial without certain evidence or witnesses which are not at hand and cannot be at hand if the trial proceeds at once, or showing the materiality of the expected evidence; that due effort constituting due diligence has been used (stating facts) to procure such evidence, or the attendance of such witnesses; the names and residences of such witnesses, and what facts, as distinguished from legal conclusions, they will swear to, and the reasons of the applicant for his belief that they will so swear; also sufficient facts showing reasonable grounds to believe that such testimony or witnesses can be obtained if the action be continued as requested and when, and that there are no other documents or witnesses which can be procured by whom the facts can be proven.

It should be carefully noted that any motion for a continuance must be served upon the attorney of record for the opposing party, together with a notice with the time, place and the judge before whom said motion will be called for hearing. Thus the rule requires the simultaneous service of both the motion and the notice of hearing.

As a matter of practice, although the rule does not require it, many courts require such motions for continuances to be supported by affidavits.

Rule 1.470. Exceptions Unnecessary; Jury Instructions

(a) Adverse Ruling. For appellate purposes no exception shall be necessary to any adverse ruling, order, instruction, or thing whatsoever said or done at the trial or prior thereto or after verdict, which was said or done after objection made and considered by the trial court and which affected the substantial rights of the party complaining and which is assigned as error.

(b) Instructions to Jury. The Florida Standard Jury Instructions appearing on The Florida Bar's website may be used, as provided in Florida Rule of Judicial Administration 2.580, by the trial judge in instructing the jury in civil actions. Not later than at the close of the evidence, the parties shall file written requests that the court instruct the jury on the law set forth in such requests. The court shall then require counsel to appear before it to settle the instructions to be given. At such conference, all objections shall be made and ruled upon and the court shall inform counsel of such instructions as it will give. No party may assign as error the giving of any instruction unless that party objects thereto at such time, or the failure to give any instruction unless that party requested the same. The court shall orally instruct the jury before or after the arguments of counsel and may provide appropriate instructions during the trial. If the instructions are given prior to final argument, the presiding judge shall give the jury final procedural instructions after final arguments are concluded and prior to deliberations. The court shall provide each juror with a written set of the instructions for his or her use in deliberations. The court shall file a copy of such instructions.

(c) Orders on New Trial, Directed Verdicts, etc. It shall not be necessary to object or except to any order granting or denying motions for new trials, directed verdicts, or judgments non obstante veredicto or in arrest of judgment to entitle the party against whom such ruling is made to have the same reviewed by an appellate court.

Amended Oct. 6, effective Jan. 1, 1989 (536 So.2d 974); July 16, 1992, effective Jan. 1, 1993 (604 So.2d 1110); Oct. 4, 2007, effective Jan. 1, 2008 (967 So.2d 178); Sept. 8, 2010, effective Jan. 1, 2011 (52 So.3d 579); Feb. 20, 2014 (133 So.3d 928); March 5, 2020, corrected April 2, 2020, effective April 1, 2020 (2020 WL 1593030); amended effective Jan. 28, 2021 (2021 WL 279005).

Committee Notes

1988 Amendment. The word "general" in the third sentence of subdivision (b) was deleted to require the court to specifically inform counsel of the charges it intends to give. The last sentence of that subdivision was amended to encourage judges to furnish written copies of their charges to juries.

2010 Amendment. Portions of form 1.985 were modified and moved to subdivision (b) of rule 1.470 to require the court to use published standard instructions where applicable and necessary, to permit the judge to vary from the published standard jury instructions and notes only when necessary to accurately and sufficiently instruct the jury, and to require the parties to object to preserve error in variance from published standard jury instructions and notes.

2014 Amendment. Florida Standard Jury Instructions include the Florida Standard Jury Instructions—Contract and Business Cases.

Authors' Comment—1967

Objections and Exceptions

Rule 1.470 is the same as former Rule 2.6, 1954 Rules of Civil Procedure, as amended in 1965, effective

(d) Process for Requesting Accommodations. The process for requesting accommodations is as follows:

(1) Requests for accommodations under this rule may be presented on a form approved or substantially similar to one approved by the Office of the State Courts Administrator, in another written format, or orally. Requests must be forwarded to the ADA coordinator, or designee, within the time frame provided in subdivision (d)(3).

(2) Requests for accommodations must include a description of the accommodation sought, along with a statement of the impairment that necessitates the accommodation and the duration that the accommodation is to be provided. The court, in its discretion, may require the individual with a disability to provide additional information about the impairment. Requests for accommodation shall not include any information regarding the merits of the case.

(3) Requests for accommodations must be made at least 7 days before the scheduled court appearance, or immediately upon receiving notification if the time before the scheduled court appearance is less than 7 days. The court may, in its discretion, waive this requirement.

(e) Response to Accommodation Request. The court must respond to a request for accommodation as follows:

(1) The court must consider, but is not limited by, the provisions of the Americans with Disabilities Act of 1990 in determining whether to provide an accommodation or an appropriate alternative accommodation.

(2) The court must inform the individual with a disability of the following:

(A) That the request for accommodation is granted or denied, in whole or in part, and if the request for accommodation is denied, the reason therefor; or that an alternative accommodation is granted;

(B) The nature of the accommodation to be provided, if any; and

(C) The duration of the accommodation to be provided.

If the request for accommodation is granted in its entirety, the court shall respond to the individual with a disability by any appropriate method. If the request is denied or granted only in part, or if an alternative accommodation is granted, the court must respond to the individual with a disability in writing, as may be appropriate, and if applicable, in an alternative format.

(3) If the court determines that a person is a qualified person with a disability and an accommodation is needed, a request for accommodation may be denied only when the court determines that the requested accommodation would create an undue financial or administrative burden on the court or would fundamentally alter the nature of the service, program, or activity.

(f) Grievance Procedure.

(1) Each judicial circuit and appellate court shall establish and publish grievance procedures that allow for the resolution of complaints. Those procedures may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the Florida State Courts System.

(2) If such grievance involves a matter that may affect the orderly administration of justice, it is within the discretion of the presiding judge to stay the proceeding and seek expedited resolution of the grievance.

Former Rule 2.065 adopted Oct. 24, 1996, effective Jan. 1, 1997 (682 So.2d 89). Renumbered from Rule 2.065 Sept. 21, 2006 (939 So.2d 966). Amended effective May 20, 2010 (41 So.3d 881).

Rule 2.545. Case Management

(a) Purpose. Judges and lawyers have a professional obligation to conclude litigation as soon as it is reasonably and justly possible to do so. However, parties and counsel shall be afforded a reasonable time to prepare and present their case.

(b) Case Control. The trial judge shall take charge of all cases at an early stage in the litigation and shall control the progress of the case thereafter until the case is determined. The trial judge shall take specific steps to monitor and control the pace of litigation, including the following:

(1) assuming early and continuous control of the court calendar;

(2) identifying priority cases as assigned by statute, rule of procedure, case law, or otherwise;

(3) implementing such docket control policies as may be necessary to advance priority cases to ensure prompt resolution;

(4) identifying cases subject to alternative dispute resolution processes;

(5) developing rational and effective trial setting policies; and

(6) advancing the trial setting of priority cases, older cases, and cases of greater urgency.

(c) Priority Cases.

(1) In all noncriminal cases assigned a priority status by statute, rule of procedure, case law, or otherwise, any party may file a notice of priority status explaining the nature of the case, the source of the priority status, any deadlines imposed by law on any aspect of the case, and any unusual factors that may bear on meeting the imposed deadlines.

(2) If, in any noncriminal case assigned a priority status by statute, rule of procedure, case law, or otherwise, a party is of the good faith opinion that the case has not been appropriately advanced on the docket or has not received priority in scheduling consistent with its priority case status, that party may seek review of such action by motion for review to the chief judge or to the chief judge's designee. The filing of such a motion for review will not toll the time for seeking such other relief as may be afforded by the Florida Rules of Appellate Procedure.

(d) Related Cases.

(1) The petitioner in a family case as defined in this rule shall file with the court a notice of related cases in conformity with family law form 12.900(h), if related cases are known or reasonably ascertainable. A case is related when:

(A) it involves any of the same parties, children, or issues and it is pending at the time the party files a family case; or

(B) it affects the court's jurisdiction to proceed; or

(C) an order in the related case may conflict with an order on the same issues in the new case; or

(D) an order in the new case may conflict with an order in the earlier litigation.

(2) "Family cases" include dissolution of marriage, annulment, support unconnected with dissolution of marriage, paternity, child support, UIFSA, custodial care of and access to children, proceedings for temporary or concurrent custody of minor children by extended family, adoption, name change, declaratory judgment actions related to premarital, martial, or postmarital agreements, civil domestic, repeat violence, dating violence, stalking, and sexual violence injunctions, juvenile dependency, termination of parental rights, juvenile delinquency, emancipation of a minor, CINS/FINS, truancy, and modification and enforcement of orders entered in these cases.

(3) The notice of related cases shall identify the caption and case number of the related case, contain a brief statement of the relationship of the actions, and contain a statement addressing whether assignment to one judge or another method of coordination will conserve judicial resources and promote an efficient determination of the actions.

(4) The notice of related cases shall be filed with the initial pleading by the filing attorney or self-represented petitioner. The notice shall be filed in each of the related cases that are currently open and pending with the court and served on all other parties in each of the related cases, and as may be directed by the chief judge or designee. Parties may file joint notices. A notice of related cases filed pursuant to this rule is not an appearance. If any related case is confidential and exempt from public access by law, then a Notice of Confidential Information Within Court Filing as required by Florida Rule of Judicial Administration 2.420 shall accompany the notice. Parties shall file supplemental notices as related cases become known or reasonably ascertainable.

(5) Each party has a continuing duty to inform the court of any proceedings in this or any other state that could affect the current proceeding.

(6) Whenever it appears to a party that two or more pending cases present common issues of fact and that assignment to one judge or another method of coordination will significantly promote the efficient administration of justice, conserve judicial resources, avoid inconsistent results, or prevent multiple court appearances by the same parties on the same issues, the party may file a notice of related cases requesting coordination of the litigation.

(e) Continuances. All judges shall apply a firm continuance policy. Continuances should be few, good cause should be required, and all requests should be heard and resolved by a judge. All motions for continuance shall be in writing unless made at a trial and, except for good cause shown, shall be signed by the party requesting the continuance. All motions for continuance in priority cases shall clearly identify such priority status and explain what effect the motion will have on the progress of the case.

Former Rule 2.085, added May 14, 1986, effective July 1, 1986 (493 So.2d 423). Amended Sept. 29, 1988, effective Jan. 1, 1989 (536 So.2d 195); Oct. 8, 1992, effective Jan. 1, 1993 (609 So.2d 465); Aug. 29, 2002, effective Oct. 1, 2002 (826 So.2d 233); July 10, 2003, effective Jan. 1, 2004 (851 So.2d 698); Nov. 18, 2004, effective Jan. 1, 2005 (889 So.2d 68); Nov. 3, 2005, effective Jan. 1, 2006 (915 So.2d 157). Renumbered from Rule 2.085 Sept. 21, 2006 (939 So.2d 966). Amended Oct. 6, 2011 (75 So.3d 203); Jan. 16, 2014, effective April 1, 2014 (132 So.3d 1114).

Committee Notes

The provisions in subdivision (c) of this rule govern ing priority cases should be read in conjunction wit the provisions of rule 2.215(g), governing the duty t expedite priority cases.

Historical Notes

Committee Notes added July 10, 2008, eff. Jan. 1, 2009 (986 So.2d 560).

Rule 2.550. Calendar Conflicts

(a) Guidelines. In resolving calendar conflicts betwe state courts of Florida or between a state court and a f court in Florida, the following guidelines must be consi

(1) Any case priority status established by statute, r procedure, case law, or otherwise shall be evaluated to mine the effect that resolving a calendar conflict might h the priority case or cases.

(2) Juvenile dependency and termination of parental cases are generally to be given preference over other except for speedy trial and capital cases.

(3) Criminal cases are generally to be given preferenc civil cases.

(4) Jury trials are generally to be given preference ov jury trials.

(5) Appellate arguments, hearings, and conferences a erally to be given preference over trial court proce

(6) The case in which the trial date has been fi generally should take precedence.

(b) Additional Circumstances. Factors such as cost bers of witnesses and attorneys involved, travel, length age of case, and other relevant matters may warrant de from these case guidelines.

(c) Notice and Agreement; Resolution by Judges. an attorney is scheduled to appear in 2 courts at the sa and cannot arrange for other counsel to represent the interests, the attorney shall give prompt written notice conflict to opposing counsel, the clerk of each court, a presiding judge of each case, if known. If the presidin of the case cannot be identified, written notice of the shall be given to the chief judge of the court having juri over the case, or to the chief judge's designee. The ju their designees shall confer and undertake to avoid the by agreement among themselves. Absent agreement, c should be promptly resolved by the judges or their desig accordance with the above case guidelines.

Former Rule 2.052 adopted Oct. 24, 1996, effective Jan. 1, 1997 (682 S Amended Aug. 29, 2002, effective Oct. 1, 2002 (826 So.2d 233). Renumb Rule 2.052 Sept. 21, 2006 (939 So.2d 966).

Committee Notes

1996 Adoption. The adoption of this rule v prompted by the Resolution of the Florida Sta Federal Judicial Council Regarding Calendar C flicts Between State and Federal Courts, which sta as follows:

WHEREAS, the great volume of cases filed in state and federal courts of Florida creates calen conflicts between the state and federal courts Florida which should be resolved in a fair, effici