

# Administrative Memorandum

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**To:** Unified Children's Court Judges

**From:** Judge Orlando A. Prescott *OAP*  
Administrative Judge, Unified Children's Court

**Re:** Procedures for Admitting Evidence in Hearings Conducted Remotely  
During COVID-19

**Date:** April 27, 2020

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The Florida Supreme Court entered *In Re: COVID-19 Emergency Procedures for the Administering of Oaths VI Remote Audio-Video Communication Equipment*, Fla. Admin Order No. AOSC20-16 (March 18, 2020) and also entered *In Re: Comprehensive COVID-19 Emergency Measures for the Florida State Courts*, Fla. Admin. Order No. AOSC20-23 (April 6, 2020), which authorizes the chief judge of each judicial circuit to establish temporary procedures for the use, to maximum extent feasible, of communication equipment for the conducting of proceedings by remote electronic means, as are necessary in their respective circuits due to the public health emergency.

To allow for the testimony of witnesses as described in AOSC20-16 and in order to conduct evidentiary hearings remotely, it is necessary that courts and the parties have clear guidance and authority permitting the admission of documentary and other physical evidence through remote means where such evidence is not stipulated as authentic or admissible by the parties. The following procedure will be followed to allow for the introduction of evidence in hearings conducted remotely:

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**Orlando A. Prescott**  
Circuit Court Judge  
Eleventh Judicial Circuit

**Miami-Dade Children's  
Courthouse**  
155 N. W. 3rd Street  
Room 13329  
Miami, Florida 33128

**Phone: (305) 679-1722**

**FOR PARTIES REPRESENTED BY COUNSEL:**

1. This procedure applies only to the electronic use and entry of documentary, photographic, audiovisual and other evidence reasonably able to be provided and shared electronically; and
2. Counsel shall provide an electronic copy or image of any item of evidence it will seek to be introduced into evidence to the Court, and opposing counsel , at least three (3) business days before the hearing; and
3. Counsel shall provide an electronic copy or image of any item of evidence it will seek to be introduced into evidence to the witness or counsel for the witness, that the party intends to admit such evidence through, at least 3 business days before the hearing; and
4. Counsel shall electronically file any item of evidence, including documents of photo images, it will seek to be introduced into evidence through the e-filing portal. Each exhibit shall be marked for identification on the bottom of the first page of the document (Petitioner's 1A-Z, 2A-Z, etc. or Respondent's A1-26, B1-26, etc.); and
5. In addition to providing the items the party will seek to introduce into evidence, Counsel must provide an exhibit list describing each item, along with columns that can help all parties identify whether a particular item was admitted into evidence or not. Each exhibit entry must correspond with the identification markings on the proposed exhibit for identification as reflected on the bottom of the first page of the document (Petitioner's 1A-Z, 2A-Z etc. or Respondent's A1-26, B1-26 etc.)

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6. The Court may require that non-documentary evidence, such as CCTV, body worn camera footage and other video footage be submitted physically to the Clerk's office for preservation of the record; and
7. Nothing in this order otherwise changes the Court's discretion to admit or deny entry or use of such evidence, or fashion whatever relief is appropriate under the circumstances, based on surprise (or lack of surprise), failure to provide evidence in advance, impossibility of review of such evidence through remote means, or similar circumstances; and
8. In settings where the Court must review documents or items, but such item is not being admitted as evidence to prove or disprove a claim or issue, e.g., taking notice of a witness's driver license to verify identity, the party need not provide the document in advance and the Court may use an abbreviated procedure such as requiring the witness to present the document to the camera for the Court's review; and
9. To the extent exhibits were not filed before the hearing and were considered by the Court, counsel shall file such exhibits forthwith.

**FOR PARTIES NOT REPRESENTED BY COUNSEL:**

1. Self-represented parties are strongly encouraged to contact the judicial assistant assigned to the presiding judge on his/her case as soon as possible. All contact information can be found at <https://www.jud11.flcourts.org/About-the-Court/Judges/Judicial-Directory>.
2. Self-represented parties, at least three (3) business days before the hearing, shall provide an electronic copy by email to the judicial assistant of any item of evidence, including documents of photo images, he/she

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will seek to introduce into evidence. Self-represented parties should contact the judicial assistant by telephone for all required instructions prior to sending.

cc:

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