

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

**DOMESTIC VIOLENCE DIVISION
ADMINISTRATIVE MEMORANDUM**

**IN RE: INTRODUCTION OF EVIDENCE IN
HEARINGS CONDUCTED REMOTELY
DURING THE COVID-19 PANDEMIC IN THE
DOMESTIC VIOLENCE 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 Domestic Violence 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;

WHEREAS, this procedure applies only to the use of documentary evidence. Documentary evidence includes any papers, emails, photographs, or other items reasonably able to be shared electronically;

NOW THEREFORE, pursuant to the authority vested in me by the Chief Judge as Administrative Judge of the Domestic Violence 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 Domestic Violence Division criminal and civil evidentiary hearings (including non-jury trials and excluding jury trials):

Civil DV Injunction Hearings:

1. In order to assist with presenting documentary evidence remotely the parties may contact the court's judicial assistant a minimum of (2) two business days prior to the scheduled hearing date. The judicial assistant will facilitate the sending of evidence electronically by litigants to a unique email address assigned to each domestic violence division. The judicial assistant will forward this evidence to the opposing party. Unless otherwise agreed to by the parties in writing, the presiding judge will not review any evidence sent electronically until the hearing.

2. During the recorded hearing, all admitted evidence will be identified and marked by the judge utilizing a number and/or lettering format. Subsequent to the hearing, all admitted evidence will be forwarded to the clerk's office for filing.

DV Criminal Hearings (excluding jury trials):

1. 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 48 hours before the hearing; and

2. Counsel must electronically file any item of evidence it will seek to be introduced into evidence through the e-filing portal at least 48 hours before the hearing; and

3. 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; and

4. For parties not represented by Counsel:

a. 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>.

b. Self-represented parties shall provide an electronic copy by email to the judicial assistant of any physical evidence they will seek to introduce into evidence (including documents or photo images) at least two (2) business days before the hearing. Self-represented parties should contact the judicial assistant by telephone for all required instructions prior to sending.

5. The Court may require that non-documentary evidence be submitted physically to the Clerk's office for preservation of the record. In appropriate circumstances, the Court may require an image of the physical item be filed with Clerk in lieu of the original item; and

6. 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

7. 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.

General:


1. Nothing in this Administrative Memo limits a Judge's ability to designate supplemental procedures in individual cases.

2. 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.

3. All rules of procedure, court orders, and opinions applicable to remote testimony, depositions, and other legal testimony, that can be read to limit or prohibit the introduction, authentication or admission of evidence through the use of audio-video communications equipment, are hereby suspended, and will remain suspended until the expiration of the provisions of paragraph five in In Re: COVID-19 Emergency Procedures in the Florida State Courts, Fla. Admin. Order No. AOSC20-13 (March 13, 2020), and any orders extending AOSC20-13.

4. 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.



Carroll Kelly
ADMINISTRATIVE JUDGE
Domestic Violence Division