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**ADMINISTRATIVE MEMORANDUM**

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**TO:** All Probate Division Judges

**FROM:** Yvonne Colodny, Administrative Judge - Probate Division

**DATE:** June 28, 2021

**SUBJECT:** INTRODUCTION OF EVIDENCE IN REMOTE VIRTUAL EVIDENTIARY HEARINGS

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On June 16, 2021, the Chief Judge issued Administrative Order Number 21-11 authorizing all courts to exit Phase 2 operations as warranted by the wide availability and use of effective vaccines. This Memorandum up-dates the prior Administrative Memorandum, dated April 15, 2020, captioned “Evidentiary Hearings During the Pandemic” and sets forth procedures for the introduction and use of documentary evidence through remote means in Circuit Probate Court for virtual evidentiary hearings authorized by Administrative Order Number 21-11 and Appendix “I” (Probate Division Operations Plan):

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. This procedure does not apply to physical evidence not stipulated or agreed by the parties (if applicable, parties should seek guidance from the Court, before the hearing, regarding physical evidence,); and
3. All Counsel or self-represented parties must meet and confer prior to an evidentiary hearing during which they should endeavor to stipulate to as much as practicable regarding authenticity and admissibility; and
4. At least five business days before an evidentiary hearing conducted by remote means, counsel shall file and serve as separate docket entries all evidence sought to be introduced. Such evidence shall be filed in the E-filing portal entitled “evidentiary hearing request.” All exhibits should be pre-marked for identification. In addition, counsel shall file an index listing all proposed exhibits. Where an exhibit is stipulated to be admitted, counsel shall so indicate in the manner the exhibit is marked both on the exhibit and on the index; and
5. Nothing in this procedure limits the trial court’s ability to designate supplemental procedures (for example, requiring copies to the Court in advance of the hearing); and
6. Similarly, nothing in this procedure 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 lack of compliance with these procedures; and

7. After the hearing, counsel 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 (unless the Clerk prepared an index during the hearing); and

8. To the extent exhibits were not filed before the hearing and were considered by the Court, counsel shall file such exhibits forthwith; and

9. In settings where 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; and

10. 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.

**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 28<sup>th</sup> day of June, 2021.



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**YVONNE COLODNY, ADMINISTRATIVE JUDGE  
PROBATE DIVISION**