IN THE CIRCUIT COURT OF THE SEVENTEENTH
JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA

Administrative Order 2022-37-Gen (Amendment 1)

PROCEDURES FOR SUBMITTING EVIDENCE USING WEB-BASED VIDEO CONFERENCING PLATFORMS

(a) Pursuant to Article V, section 2(d) of the Florida Constitution, and section 43.26, Florida Statutes, the chief judge of each judicial circuit is charged with the authority and the power to do everything necessary to promote the prompt and efficient administration of justice.

(b) In SC21-990, "In Re: Amendments to Florida Rules of Civil Procedure, Florida Rules of General Practice and Judicial Administration, Florida Rules of Criminal Procedure, Florida Rules of Traffic Court, Florida Small Claims Rules, and Florida Rules of Appellate Procedure," (effective October 1, 2022) the Florida Supreme Court provided for broader authorization for the remote conduct of certain court proceedings.

(c) In accordance with the authority vested in the Chief Judge by Article V, section 2(d) of the Florida Constitution, section 43.26, Florida Statutes, and Florida Rule of General Practice and Judicial Administration 2.215, it is hereby **ORDERED:**

I. ADMISSION OF EVIDENCE

(1) The following procedures and rules apply for the introduction of evidence in any court proceeding that is held using web-based video conferencing platforms:

(a) No later than two (2) business days prior to an evidentiary hearing or trial, all counsel and/or self-represented parties shall:

(i) Confer (via email, telephonically, or videoconference) to discuss the admissibility of evidence for the hearing or trial;

(ii) Pre-mark, in numerical order (*e.g.,* Pl. Ex. 1, Def. Ex. 1, etc.), all evidence, *excluding impeachment evidence*, that is to be admitted or offered and to upload such evidence to the 17th Judicial Circuit's Court Management System (Supporting Documents).

(b) Any party objecting to any evidence shall file a written motion setting forth the legal basis for the objection prior to the hearing.

(c) The presence of an in-court clerk is required for any evidentiary hearing or trial held remotely (except hearings set before general magistrates, family hearing officers or traffic hearing officers). The in-court clerk shall create an evidence log of all exhibits admitted into evidence during the proceeding.

(d) Any evidence log created by an in-court clerk may contain the following language: "This evidence log/exhibit list was created during the hearing/trial listed herein. The parties were ordered by the Court to file the evidence, consistent with this evidence log/exhibit list, subsequent to the hearing/trial."

(e) Immediately following the hearing, the in-court clerk shall email the evidence log to the judicial assistant for the presiding judge. Upon receipt, the judicial assistant shall email the evidence log to all counsel of record and/or self-represented parties.

(f) *Filing of Evidence*

(i) No later than five (5) business days after receipt of the evidence log, the parties shall file all admitted evidence, together with a copy of the evidence log with the Clerk of Court. The filed evidence shall be marked numerically in the order admitted on the evidence log.

(ii) Evidence submitted in electronic format, such as a thumb drive, flash drive, compact disc, or other similar electronic storage medium, shall be filed in the evidence log by type of evidence, and list all file names contained on the device.

(iii) In cases where there is only one attorney of record, the attorney, as an officer of the court, shall comply with all provisions herein regarding the filing of evidence.

(iv) The Clerk of Court shall accept "paper" evidence from self-represented litigants.

(v) If the presiding judge determines only the original writing, record, or photograph or other physical evidence is necessary to be admitted into evidence, after the hearing or trial, the moving party shall contact the Clerk of Courts' evidence division (954-831-5537) to coordinate the Clerk of Courts' taking possession of the exhibit.

This Administrative Order vacates and supersedes Administrative Order 2022-31-Gen.

DONE AND ORDERED in Chambers, Fort Lauderdale, Florida, this 12th day of September, 2022.

/s/Jack Tuter
Jack Tuter, Chief Judge