

I. JUVENILE EVIDENCE PROCEDURES

It is the obligation of the person wishing to have evidence entered to pre-arrange how that will occur with the Court prior to the actual date of remote hearing.

These rules apply to both delinquency and dependency proceedings

These rules are in effect unless excused by the assigned Judge for all proceedings that include a remote appearance of any counsel or party representing themselves.

All evidence must be individually pre-marked in compliance with the following:

Case Number

Case Style

Identification of the Party who is offering the evidence

Date of the Hearing

Exhibit Number

Evidence must be exchanged at a time directed by the assigned Judge but no later than 72 hours before the hearing starts

An Index (List) of all evidence being offered for admittance must be filed in the court file and accompany the distribution of the evidence

This distribution of evidence among counsel (parties) of record may be done by electronic means or hard copy but must be done to the Clerk and Court by hard copy and must include the index noted above

The copy to the Clerk must clearly indicate to which division Clerk it should be delivered

The copy to the Clerk must have a notice of compliance with these rules on top with the index immediately following and then each of the exhibits in hard copy marked as above in identical sequential order to the index

Any hard object evidence (weapons, clothes, etc.) should be listed on the index but shall be handled as directed by assigned Judge

All documentary evidence (papers, photos, reports, etc.) shall be handled as above.

All video/audio discs (including law enforcement webcam evidence) shall be handled as above.

It is the responsibility of the party offering the evidence to make sure the evidence can be clearly seen and heard during the remote proceeding. The Clerk, JA and/or Judge is not responsible for presentation of any evidence. Presentation can be through Zoom's share screen function; by sharing documents ahead of time through email; or by using any other effective procedure. The parties must also be prepared to effectively present all items to be used for impeachment.

Please remember that in creating a record the Clerk files the evidence in a separate location than just in the present Court file. Asking a Judge to Take Judicial Notice means that you are asking that document become evidence in the present proceeding and requires the Clerk to have a copy of that document marked as above like all the other evidence for the present proceeding. Referring to it in a different Court file or even in the present Court file is not sufficient. The Judge, JA or Clerk will not be able to make that copy for you so please have marked and ready separate copies of those documents for which you are asking the Court take Judicial Notice. They should be copied and marked and placed in sequential order just like every other document after the index.

The Clerk will be responsible for making sure the evidence that is moved in is noted in the Court record and on the actual hard evidence. All evidence that is offered and not successfully entered into evidence, shall also be noted and retained by the Clerk for purposes of appeal. It is the responsibility of the presenting party to ensure that any items offered for impeachment that need to be made part of the record are delivered to the Clerk for purposes of appeal. Any evidence that is not even offered for entrance shall be returned after the proceeding following normal procedures to the person who initially submitted it to the Clerk.

II. GENERAL REMOTE HEARING GUIDELINES

A. OBJECTIONS TO REMOTE HEARINGS

All in person proceedings must comply with the Courthouse Safety requirements of the 15th Judicial Circuit's Administrative Order. In the event a party or counsel wishes to have a matter heard in person the request must be made IN WRITING via motion to the Court. The Court will consider every request individually. The request must include:

- a. Which parties, attorneys and witnesses are being requested to appear in person;
- b. The positions of all other parties, attorneys and witnesses on whether they wish to appear in person;
- c. How the requirements for Courthouse Safety will be met;
- d. If a hybrid hearing is requested, how the technological logistics will be addressed;
- e. Why remote conduct of the proceeding is inconsistent with the United States or Florida Constitution, a statute or rule of court and/or is infeasible due to a participant's lack of technological resources.