

Practice Update

Florida Allows Remote Oath Administration for Testimony

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The Florida Supreme Court has issued Administrative Order AOSC20-17, which allows oaths to be administered remotely for remote testimony, depositions, and other out-of-court legal testimony, as long as the notary or other qualified person can positively identify the witness via audio-video communications equipment (recently extended until April 17, 2020). The Court's stated intent is that the Order will "suspend any actual or implied requirement that notaries, and other persons qualified to administer an oath in the State of Florida, must be in the presence of witnesses for purposes of administering an oath for depositions and other legal testimony, so long as the notary or other qualified person can both see and hear the witness via audio-video communications equipment for purposes of readily identifying the witness."

The Order expressly suspends any "rule of procedure, court order, and opinion" applicable to remote testimony, depositions, and other legal testimony that can be read to limit the use of audio-video communications equipment to administer oaths remotely. Two examples of affected statutes include (1) Florida Rule of Civil Procedure 1.310, which currently requires that witnesses must be sworn "by a person present with the witness who is qualified to administer the oath in that location"; and (2) Rule of Judicial Administration 2.530 which

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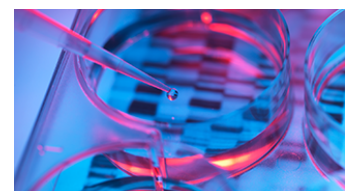
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requires that testimony may be taken via communication equipment only if the person authorized to administer the oath “is present with the witness.” Thus, any “physical” presence implied by these rules is suspended by the Order, and the presence requirement may be satisfied by using equipment that allows the person administering the oath to both see and hear the witness for purposes of readily identifying them.

This information is intended to inform firm clients and friends about legal developments, including recent decisions of various courts and administrative bodies. Nothing in this Practice Update should be construed as legal advice or a legal opinion, and readers should not act upon the information contained in this Practice Update without seeking the advice of legal counsel. Prior results do not guarantee a similar outcome.