

Proposed amendments to Rule 1.453 (Jury Request to Review Testimony) from the Civil Procedure Rules Committee

The Civil Rules Committee invites comments on the proposed rule amendment anticipated to be included in a report to the Court regarding Rule 1.453 (Jury Request to Review Testimony). The full text of the proposal can be found below and on The Florida Bar's website at www.floridabar.org/rules/ctproc/.

Interested persons have until November 30, 2021, to submit any comments, electronically, to Jason Stearns, Chair of the Civil Rules Committee, at jstearns@freeborn.com, and to the Rules Attorney, Mikalla Davis at midavis@floridabar.org.

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| Rule 1.453 (Jury Request to Review Testimony) | 28-0-0 | A new rule is added to provide guidance when a juror asks for a review of the testimony presented. |
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RULE 1.453. JURY REQUEST TO REVIEW TESTIMONY

(a) Request for Readback or Playback of Testimony. If, after retiring to consider their verdict, any juror requests a readback or playback of testimony, the jury may be conducted into the courtroom and the court may order the readback or playback of testimony. The testimony may be read or played back only after notice to counsel for the parties. Any readback or playback of testimony must be in open court in the presence of all parties. In its discretion, the court may respond in writing to a request for readback or playback of testimony without having the jury brought before the court, provided that the parties have received the opportunity to place objections on the record and both the request and response are made part of the record.

(b) Request for Transcripts. If any juror requests to have a transcript of trial testimony, the court must inform the jury that transcripts are not available but that they can request a readback or playback of testimony, which request may or may not be granted at the court's discretion. If a juror makes only a general request for transcripts, as opposed to identifying any particular witness's testimony that they wish to review, the court must also instruct the jury that, if they request a readback or playback, they must specify the particular trial testimony they wish to have read or played back. If, after being properly instructed in accordance with this subdivision, the jury requests a readback or playback of any trial testimony, the court must follow the procedures set forth in subdivision (a).