

**CIRCUIT CIVIL HARDEE COUNTY PROCEDURES AND GENERAL
INFORMATION**

JUDGE SUSAN L. BARBER

Physical/Mailing Address: 417 W Main, Suite 327, Wauchula, FL 33873

Phone: 863-773-6547 / Fax: 863-773-3505

COURTROOM: B, unless special advanced arrangements are made to use Courtroom A.

VIRTUAL LINK: [Click Here to enter Hardee Virtual Courtroom B](#)
(The virtual link is only active if virtual appearances are authorized)

SCHEDULING HEARINGS

1. You may email kwitt@jud10.flcourts.org with all parties included, to obtain hearing times for a hearing. You will need to provide the following information:
 - matter(s) being heard
 - amount of time needed and the
 - case number
 - party names
2. Hearings may only be scheduled once the subject motion, petition, or other matter has been filed with the Court. **Please note there is often a delay of 3-5 days between efilng and when the image is visible to the Court on the docket. You may need to provide a courtesy copy of your motion via email to the Court if your motion is not viewable on the docket screen.**
3. DO NOT set hearings for 15 minutes if the matter will, in all likelihood, take greater than 15 minutes.
4. The party scheduling a hearing is responsible for contacting all other parties to determine how much time each party will require. After obtaining available hearing times, do not include the court in any electronic communications with other parties relating to the coordination of hearing time. After all parties have agreed upon a hearing date and time, email the judicial assistant with the agreed upon date and time.
5. The parties, or counsel for the parties, will receive electronic confirmation from the Court of the hearing date and time.
6. **If an interpreter is needed**, you MUST contact the Court's Interpreters Office at 863-534-7700 and coordinate for an interpreter to be present as soon as the hearing is scheduled.
7. **Emergency or expedited hearings:** Emergency or expedited hearings **are only set by the Judge** once he has received an *Emergency Motion* for consideration and directs that an emergency hearing be set on the matter. If the *Emergency Motion* is denied as an emergency, the attorney/movant may still request that the matter be scheduled for hearing during the regular course of business.

HEARING CANCELLATIONS

1. Please call/email as soon as you learn that a hearing is to be cancelled. Only the party who set the hearing may cancel it, and it is that party's responsibility to notify all parties of the cancellation.
2. If the length of a hearing changes in any way (either more or less time will be required than what was reserved), please let the Judge's office know as soon as possible as the remainder of that time may be needed for other hearings.

HEARINGS AND VIRTUAL APPEARANCES

1. Non-evidentiary hearings scheduled for less than 30 minutes may be held virtually through Microsoft Teams. Otherwise, court permission for a virtual hearing must be obtained. Such motion to appear virtually **MUST** state that all attorneys of record have been consulted and have no objection. Failure to provide this information will result in the motion being denied.
2. Any evidentiary hearing where testimony, exhibits, or other evidence will be provided, **or** any hearings scheduled for more than 30 minutes **MUST** be scheduled as in-person hearings, unless the Court has granted a special request for a participant to provide testimony virtually. **Please note: Incapacity hearings, Final DOM hearings, Adoption hearings, MBI Hearings, Plea Hearings are evidentiary hearings.**
3. The link can be found below or on Judge Barber's webpage at www.jud10.flcourts.org/gallery/susan-l-barber. If you do not have the Microsoft Teams application installed, the link will open in your internet browser.

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(The virtual link is only active if virtual appearances are authorized)

4. Parties appearing virtually must use an active camera and microphone. **Telephonic appearances without a camera are not permitted.**

NOTICING HEARINGS

1. Hearings on non-emergency matters must be scheduled at least 10 calendar days in advance in order to ensure all interested parties receive adequate notice.
2. A party calling a case up for hearing shall provide the Court and all other parties a Notice of Hearing. You must use the Court's provided template when preparing you notice.
3. **Notices for hearing should include instructions for appearing in person,** even if virtual appearance has also been authorized. The Court will sound the halls at the courthouse for any participants electing to appear in person.
4. All parties capable of receiving email should be provided with the Notice of Hearing by email.
5. Parties unable to receive email may be served by first class, U.S. Mail.
6. A courtesy copy of the Notice of Hearing must be provided to the Court after receiving the confirmation email for the hearing date/time.

SCHEDULING MOTIONS FOR SUMMARY JUDGMENT HEARING FOR RESIDENTIAL/ COMMERCIAL FORECLOSURES WITH *PRO SE* DEFENDANTS (ONLY) INSTRUCTIONS:

1. If there is no opposing counsel, a residential or commercial foreclosure *Motion for Summary Judgment* hearing may be scheduled on our Foreclosure Docket. Please contact the Judge's office for available dates.
2. **This type of hearing may occur virtually without seeking separate permission from the Court.** However, if Plaintiff's counsel does not appear, the Court may not take action on the pending Motion.
3. The information for the virtual hearing must be included in the Notice of Hearing. Do not include instructions for appearing telephonically.
4. The Clerk of Courts is responsible for scheduling and implementing the sale date upon receipt of the executed Judgment.
5. **Judgment packets for this docket shall be forwarded to our office a minimum of 10 days prior to the hearing date.** All information readily available (i.e. attorney's fees and costs) should be completed. Our circuit requires the filing of a notarized AFFIDAVIT OF COMPLIANCE in accordance with Administrative Order No. 3-29.2. A copy of the notarized *Affidavit of Compliance* must be included in the packet. Failure to include this document will prevent the Final Judgment from being signed and processed. All original documents must be filed with the Clerk of Courts. Do not send original documents with the packet.

CONTESTED SUMMARY JUDGMENT IN ALL PROCEEDINGS

1. Summary Judgment packages must be **forwarded to our office a minimum of 10 days prior to the hearing.** Case law shall be submitted via email in Word format with relevant text/rule of law/holdings highlighted, you call also mail color copies with your hardcopy package.
2. You must follow Fla.R.Civ.P. 1.510. In addition, should you object that a fact is not supported by admissible evidence, please provide the Court with your objection/memorandum of law along with your highlighted case law with your Summary Judgment package as set forth above.
3. In your Summary Judgment package, you shall provide the Court with all documents that relate to the summary judgment requested or the non-movant's response, all supporting pleadings, your affidavits, your declarations, your Designation of Specific Facts showing there is a genuine issue for trial, Supporting Factual Positions - Rule 1.510 (c)(1) & (5), cited materials that are tabbed and highlighted that you will be arguing, and copies of relevant discovery/depositions cited in pleadings and Rule 1.510 required documents. If you are the movant, please provide a proposed reason order in Word granting summary judgment. If you are the non-movant, please provide a proposed reason order in Word denying summary judgment.
4. All original documents should be filed with the Clerk of Courts. Do not send original documents with the packet.

MOTIONS IN LIMINE

1. Motions in Limine may not be scheduled for a hearing unless and until counsel have conferred in an effort to resolve all or a portion of the Motion. The term “confer” requires a substantive conversation in person or virtually in a good faith effort to resolve the motion without the need to schedule a hearing and does not envision an exchange of ultimatums by fax, e-mail or letter.
2. The Motion in Limine or Notice of Hearing on said Motion must contain a certification that the parties have conferred (as set forth above) in an attempt to resolve each portion of the Motion prior to court’s intervention.
3. The Notice of Hearing on the Motion in Limine must identify the specific issues which remain in controversy after counsel have conferred.
4. No Motion in Limine will be heard during trial unless the judge authorizes it in advance.
5. The Motion in Limine must state with particularity the grounds upon which it is based and the substantial matters of law to be argued and shall identify any evidence or supporting material on which the movant relies.
6. The judge may summarily rule on any Motion in Limine not written with particularity as described above. Any Motion in Limine not timely filed and scheduled for hearing before pretrial conference will be considered abandoned.
7. “Omnibus” and “boilerplate” Motions in Limine are discouraged. See, *Boyles v. A&G Concrete Pools, Inc.*, 149 So.3d 39, 43-44 (Fla. 4th DCA 2014) (“Motions in Limine can serve an important function in streamlining a trial. The excessive use of them, however, can clog the docket and become a trap”).
8. A minimum of 10 days prior to the hearing, all parties shall submit their relied upon case law with relevant text/rule of law/holdings highlighted and in color along with a hardcopy of the Motion, Response and Notice of Hearing.

SUBMITTING PROPOSED ORDERS

1. All proposed orders must be submitted through the Florida Courts e-filing portal.
2. Please do not submit proposed orders without submitting a courtesy of the supporting motion and a cover letter explaining whether a hearing was held or whether the entry of the proposed order is requested without the necessity of a hearing. Do not submit a cover letter that only says, “Enclosed please find a proposed order”, without the required explanation referenced above. Such cover letters are not helpful. **PLEASE NOTE: The Court is unable to view efiled motions until 3-5 days after they are efiled.** If you do not also submit a courtesy copy of your motion through the e-filing portal with your proposed order, there will be a delay in the Court entertaining your request.
3. With prior approval from the judicial assistant, parties who are unable to submit orders through the e-filing portal may submit the orders in Word (.docx) format to kwitt@jud10.flcourts.org.
4. Hard copies of proposed orders will no longer be accepted. Do not mail proposed orders and conforming copies to our office.

5. Please submit each proposed order only one time. Multiple submissions of orders will delay processing. If you have not received any communication from the Court and your order has not been entered within one week of submission, you may contact the judicial assistant regarding the status of your order(s). Except as provided below, please only resubmit orders if requested by the Court.
6. Once the order has been properly signed and e-filed, the attorneys and parties of record who are registered with the e-filing portal will receive a copy of the signed order via email from the portal. Attorneys submitting proposed orders in cases in which there are pro se parties are responsible for mailing copies of orders to the pro se parties.
7. If you receive notice that your proposed order is not being entered for any reason, you will need to resubmit your order once the matter which precluded entry of the order has been corrected or addressed at a hearing.
8. **Amended orders without explanation in either the body of the proposed amended order or via cover letter will almost always be rejected.**
9. **PRO SE PETITIONERS: IF YOUR SUBMISSIONS ARE NOT LEGIBLE, THEY WILL BE REJECTED.**

SUBMITTING EMERGENCY MOTIONS FOR CONSIDERATION

Please email the Judge's office a copy of the Emergency Motion to the office. Any emergency motion submitted for ex parte consideration, should clearly so state. Unless the Emergency Motion is being submitted ex parte, the email shall include a cover letter that indicates that this submission has been copied to the opposing party/ counsel, who may send in a timely response per the procedure of this Judge's office. After reviewing the Emergency Motion and any response received from the other side, Judge Rafool will decide if the matter raised is a true emergency and whether the hearing should be advanced on the docket.

TRIALS

To have your case set for trial, you will need to file a Notice for Trial with the Clerk of Court and email or mail a hard copy to this office. Do not rely on the clerk to provide our office with the information. If you do not receive a trial order within a reasonable time, you should inquire with the judicial assistant. Jury trials are scheduled during a one-week trial period. Non-Jury trials are scheduled during the three-week motion block. Virtual appearance at a scheduled pre-trial conference is generally permitted absent special circumstances.

FORMAT OF FILED TRANSCRIPTS

All transcripts provided or filed with the Court must be in full-page format, unless condensed transcripts are authorized by the Court. The Portable Document Format ("PDF") file(s) of all transcripts must be text searchable.

MARKING TRIAL EXHIBITS

Prior to any hearing all documents intended for admission into evidence shall have exhibit identification information pre-marked in a form suitable for receipt into evidence. The exhibit labels shall be in substantially the following format:

Case No. _____
Party _____ Exhibit No. _____
Admitted _____ Excluded _____
Date: _____

The party submitting the exhibit shall fill in all blanks on the label except “admitted” and “excluded.”

JURY INSTRUCTIONS

In accordance with the uniform Order Setting Pretrial Conference and Jury Trial and Directing Mediation, Plaintiff shall provide a complete set of proposed jury instructions. Defendant shall provide only special instructions not included in Plaintiff’s submission. The proposed instructions should be submitted via email to the judicial assistant no later than the Friday before the trial. Said instructions should be in Word format.

MOTION(S) FOR REHEARING

1. Florida Rule of Civil Procedure 1.530(b) provides that a Motion for New Trial or Motion for Rehearing should be served within 10 days of the jury verdict or 10 days from the filing of a judgment in a non-jury action. You must file the original with the Clerk and email or mail in a courtesy copy to the Judge. If a rehearing is to be held, the judicial assistant will email you available dates and times for you to clear and notice the hearing.
2. Any Motion for Reconsideration shall follow the same procedures as a Motion for Rehearing.

FORMATTING ORDERS

1. Orders must have the correct format for the Judge’s signature to apply. Any orders that have been submitted that do not contain the correct format with be rejected. The Tenth Circuit has an Administrative Order regarding the correct formatting.
2. All proposed orders must include a section at the bottom showing copies to all parties by name and email address, if known, or mailing address.
3. Below is the exact formatting that can be copied and pasted into the signature part of the order:

ORDERED in Wauchula, Hardee County, Florida on DDDD.

JJJJ

CCCC

REJECTED ORDERS

5. Rejected orders are done so by the Judge. Usually, rejections occur when documents are missing from the court file, or when an adequate explanation has not been provided via cover letter accompanying the proposed order.
6. The Judicial Assistant is not who is directing that a hearing is to be set or otherwise rejecting proposed orders. The Judicial Assistant rarely, if ever, knows why a proposed order is rejected, other than the explanation given with the rejection. **Please DO NOT contact the Judicial Assistant with questions about a rejected order.** Any additional or missing information may be provided by resubmitting a detailed cover letter with the proposed order.

ATTENDANCE OF OBSERVERS

1. Unless otherwise ordered, family members and interested parties are permitted to attend and observe. However, observers will not be permitted to speak except upon request of a party with permission of the Court. Observers who speak without permission or engage in unruly, disruptive, or disrespectful conduct will be removed from the hearing and not allowed to rejoin.
2. It is the parties' obligation to provide the hyperlink information to persons wanting to observe virtual court proceedings, if authorized, and to notify the Court in advance so the virtual link can be activated. Other persons not affiliated with a party may contact Tenth Circuit Court Technology for access to the virtual hearing space.

VIRTUAL COURTROOM ETIQUETTE

1. Virtual hearings are formal court proceedings and must be treated as if they were taking place in person in a hearing room or courtroom.
2. Dress appropriately for court.
3. Eliminate distractions as much as possible. Appearances should be made from an interior location free from excessive background noise.
4. To minimize distractions, log in or call a few minutes before the scheduled hearing begins. Identify yourself when in the virtual meeting with your real name. You are reminded that appearances via telephone only (without a camera) are generally not permitted.
5. **Mute your microphone before entering the virtual courtroom.** Keep your mic muted when not speaking and do not speak out of turn.
6. When appearing by video, do not deactivate your camera unless authorized by the Court.
7. Court-provided remote technology includes a "chat" feature. The chat feature shall not be utilized without express authorization from the Court.
8. If asked to unmute your microphone, activate your camera, or otherwise identify yourself, do so. Participants who refuse to comply with instructions will be removed from the virtual hearing space and not allowed to rejoin.
9. Participants or observers who engage in unruly or disrespectful conduct will be removed from the virtual hearing space and not allowed to rejoin.

10. In general, show the same courtesy and respect you would in an in person setting.

Administrative Orders: Copies of all Administrative Orders for the Circuit are available on our website at WWW.JUD10.FLCOURTS.ORG

Revised 01/23/2026