

Virtual Preferences and Procedures
The Honorable Judge Taylor R. Bowman
Polk County Family Division/Section No. 01

Virtual Hearing Link: [Polk Family Virtual Courtroom Links | 10th Judicial Circuit Court](#)

1. GENERAL PREFERENCES AND PROCEDURES

- a. Please see Taylor R. Bowman's General Preferences and Procedures for complete information. This document is intended to cover only the preferences and Procedures that apply specifically to virtual hearings.

2. APPROVAL FOR VIRTUAL APPEARANCES

- a. **All contested evidentiary matters** shall be heard in-person. An evidentiary matter is any hearing in which any documents, exhibits, etc. are to be used during the hearing and/or a party intends to present live testimony. Requests for virtual appearance at a contested evidentiary hearing will only be granted for exceptional circumstances.
- b. A party may request that a participant be allowed to appear virtually at a contested evidentiary hearing by filing a written motion identifying the basis for the request and which participant needs to appear virtually. A motion for virtual appearance must be received no later than **five (5) days** prior to the scheduled hearing date. The filing of the motion, whether opposed or unopposed, itself is not sufficient to allow a participant to appear virtually. A participant's virtual appearance will only be permitted upon the Court approving same.
- c. The Court's hearing room is set up to conduct hybrid hearings, if necessary. **However, approval for one participant to appear virtually at a contested evidentiary hearing does not change the in-person nature of the hearing for other participants.**

- d. There are many platforms providing the capability to conduct virtual court proceedings, however, the Court is prepared and equipped to conduct such hearings effectively using **Microsoft Teams**.
- e. **Virtual appearances are approved for any uncontested or non-evidentiary matters set for less than 1 hour.** Prior approval is not necessary for virtual appearances at these hearings. For example, Motions to Compel, Pretrial Hearings, Case Management Conferences, Final Hearings with MSA or Mediated Agreements may all be set for virtual hearing.
- f. It is the responsibility of any participant who will be participating virtually to ensure that they are able to connect to the virtual hearing room link with audio and video capabilities.

3. NOTICING VIRTUAL HEARINGS

- a. A party calling a case up for hearing should provide the Court and all other parties a Notice of Hearing or Order Setting Hearing which includes the following information:
 - i. A link to the “Polk Family Division 01 Virtual Courtroom” can be found at the following website: <http://www.jud10.flcourts.org/virtual-courtroom-links/polk-family>. The link is also accessible from Court Administration’s website through this procedure: Navigate through the browser to <http://www.jud10.flcourts.org/> On the right side of the page, click “Click here for Polk County Virtual Courtroom Links”, then click “Polk Family”, then click “Click here to enter Polk Family Division 01 Virtual Courtroom”.
- b. The following ADA Notice must be included in all notices of hearing or orders setting hearing:
 - i. **If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Office of the Court Administrator, (863) 534-4686, at least 7 days before your scheduled court appearance or immediately upon receiving this**

notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call TDD (863) 534-7777 or Florida Relay Service 711.

- c. Any party who is using a court reporter in a virtual hearing is responsible for providing the court reporter the hyperlink and teleconference information

4. SUBMISSION OF CASELAW AND OTHER PREHEARING MATERIALS FOR VIRTUAL HEARINGS

- a. No later than **three (3) business days** prior to any hearing, all parties must submit to the court courtesy copies of caselaw or any other materials the party intends to rely upon or refer to during the virtual hearing
- b. Prehearing materials should be submitted in electronic format and attached to an email forwarded to btitus@jud10.flcourts.org, and copied to all other parties.
- c. Each submitted item should be submitted as a separate attachment with a file name including the case number and a brief description clearly delineating the nature of the item. Example: "00DR00000 Husb Prop Fin Judg."
- d. Please contact the court before using a method other than email to transmit prehearing materials.
- e. FAILURE TO TIMELY SUBMIT THE REQUIRED COURTESY COPIES MAY RESULT IN DENIAL OF A MOTION OR CONTINUANCE OF HEARING.

5. APPEARANCES AT VIRTUAL HEARINGS

- a. Appearance through videoconference of counsel, parties, and other court participants is favored for uncontested and/or non-evidentiary matters. Those appearing by video may keep their cameras deactivated throughout the hearing until called upon to present unless otherwise directed. Unless speaking to the Court, all must remain muted or will be muted by the Court.

- b. **Non-testifying court participants** may, if necessary, appear by telephone. However, virtual appearance is encouraged and telephonic appearance should only be used when virtual appearance is not feasible.
- c. The Court may utilize a virtual “lobby” when calling a docket. Please be patient while waiting in the lobby.
- d. **Persons appearing by videoconference in virtual proceedings should accurately enter their first and last name digitally if prompted to do so before being admitted to a virtual courtroom.** This helps the Court identify participants and to ensure the participants are timely admitted into the virtual courtroom.

6. WITNESSES AND TESTIMONY AT VIRTUAL HEARINGS

- a. Persons authorized to administer the Oath of Witness, including judges, must have audio-visual communication with the witness.
- b. Credibility of witnesses cannot be effectively assessed without audio-visual communication.
- c. Witnesses appearing in virtual court proceedings must appear by videoconference technology.
- d. Any party calling a witness who is appearing virtually is responsible for providing the witness with the hyperlink for accessing the virtual courtroom.

7. EVIDENCE FOR VIRTUAL HEARINGS

- a. **This section only applies to those contested and/or evidentiary matters in which the Court has granted a virtual appearance. If the hearing is in-person, please refer to the Court’s General Preferences and Procedures.**
- b. If any exhibits are to be introduced during the virtual hearing, they must be provided to the Court (copying opposing counsel) at least **three (3) business days** in advance of the hearing and **pre-marked** as per *Administrative Order 5-20.8*. **If a party’s exhibits are under 50 pages, they may be provided to the Court via email at**

btitus@jud10.flcourts.org. If a party's exhibits are over 50 pages or contain audio-video evidence, please provide them via hard copy (US mail, express mail, or hand delivery to the mailroom).

- c. Any exhibits a party intends to introduce at a hearing should be pre-marked. Below is an example of how the exhibits should be marked:

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

- d. The Court is prepared and equipped to allow for publishing documentary, photographic, and audio-visual evidence during the virtual court proceedings through screen-sharing technology, if necessary.

8. CLIENT CONSULTATION AT VIRTUAL HEARINGS

- a. Client consultation is permitted during virtual court proceedings.
- b. Client consultation must occur through a separate connection such as telephone, email, or text. Attorneys and their clients may mute their microphones and cancel their camera when engaging in attorney client consultation. With permission, attorneys and their clients may temporarily disconnect from the virtual hearing space if necessary, to engage in consultation.

9. VIRTUAL COURTROOM ETIQUETTE

- a. Dress appropriately for court.
- b. Eliminate distractions as much as possible. Appearances should be made from a location free from excessive background noise.
- c. 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, and if you are appearing by phone, please disclose your identity immediately upon inquiry.

- d. Mute your microphone before entering the virtual courtroom. Keep your microphone muted when not speaking and do not speak out of turn.
- e. When appearing by video and speaking to the Court or presenting to the Court, do not deactivate your camera unless authorized by the Court.
- f. Court-provided remote technology includes a “chat” feature. The chat feature should not be utilized without express authorization from the Court.
- g. If asked to unmute your microphone, activate your camera, or otherwise identify yourself, and do so. Participants who refuse to comply with instructions may be removed from the virtual hearing space and not allowed to rejoin.
- h. Do not engage in other business or activity while participating in or observing a virtual court proceeding, such as reading the newspaper, smoking, chewing tobacco, or eating. Non-alcoholic drinks will be permitted.
- i. Anyone who engages in unruly or disrespectful conduct may be removed from the virtual hearing space and not allowed to rejoin.
- j. In general, show the same courtesy and respect you would in an in person setting.