

**JUDGE GERALD P. HILL, II
PROBATE AND GUARDIANSHIP DIVISION 14
PROCEDURES AND GENERAL INFORMATION**

Mailing Address: P.O. Box 9000, Drawer J-109 Bartow, FL 33831-9000

Judge's Chambers: 8B (eighth floor, west tower, red elevators)

Hearing Room: 8B-1(eighth floor, west tower, red elevators)

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

SCHEDULING HEARINGS

- A. Hearings may only be scheduled once the subject motion, petition, or other matter has been filed with the Court.
- B. Hearing time should be reserved by email to the judicial assistant, Kimberly Jenkins, at kjenkins@jud10.flcourts.org. Such requests must include the case number, party names, matter(s) to be heard, and time required. The party scheduling a hearing is responsible for contacting all other parties to determine how much time each party will require.
- C. After obtaining available hearing times, do not include the court in any electronic communications with other parties relating to the coordination of hearing time.
- D. After all parties have agreed upon a hearing date and time, email the judicial assistant with the agreed upon date and time, along with the time each party will require to present his or her position during the hearing.
- E. The parties, or counsel for the parties, will receive electronic confirmation from the Court of the hearing date and time. Confirmation emails will provide the hyperlink and teleconference information for appearing.

HEARING APPEARANCES

Until further notice all hearings will be conducted via our Virtual Probate Hearing Room. It is not necessary to have the Microsoft Teams application on your device. If you do not have the application installed, the link will open in your internet browser. The link may be found at <http://jud10.flcourts.org/virtual-courtroom-links/polk-probate-guardianship> or may be accessed below:

To appear via video, click the link below.

[Click here to enter Polk Probate/Guardianship Virtual Courtroom](#)

Or call in (audio only)

[+1 863-225-4022,442776005#](#) United States, Lakeland

Phone Conference ID: 442 776 005#

NOTICING HEARINGS

- A. 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.
- B. A party calling a case up for hearing shall provide the Court and all other parties a Notice of Hearing which includes the hyperlink for appearing by videoconference as well as the telephone number and conference ID for appearance by telephone only. The hyperlink will be included in an email from the Court confirming the hearing date and time.
- C. Hyperlink and teleconference information should be copied and pasted into the notice of hearing. A sample Notice of Hearing will be included in an email from the Court confirming the hearing date and time.
- D. All parties capable of receiving email should be provided with the Notice of Hearing by email. Hyperlinks remain active and “clickable” when served by email directly or through Florida’s E-Filing Portal.
- E. Parties unable to receive email may be served by first class, U.S. Mail.
- F. A party providing a court reporter or inviting an observer shall be responsible for providing the court reporter or non-party observer the hyperlink and teleconference information.

HEARING CANCELLATIONS

- A. Please call/email as soon as you learn that the 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.
- B. 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.

SUBMITTING PROPOSED ORDERS

- A. **Hard copies of proposed orders will no longer be accepted.**
- B. **Please do not submit proposed orders until at least three (3) business days after the relevant pleading has been e-filed to ensure the Court has the ability to view the pleading when the proposed order is received.**
- C. All proposed orders must be submitted through the Florida Courts e-filing portal. Instructions on how documents must be formatted to work with the Court's electronic order processing software are available on the Court's website or via email from Kimberly Jenkins.
- D. 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 kjenkins@jud10.flcourts.org.
- E. The correct case number must always be included on the proposed orders.
- F. In probate cases, when submitting the proposed order appointing personal representative, if bond is waived in the Last Will and Testament or if all interested parties have signed a waiver of bond, please state that the bond is \$0.00 in the proposed order. If the Court finds bond should still be required, the Court will modify the order accordingly.
- G. **It is no longer necessary to mail proposed orders and conforming copies to our office.**
- H. **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 in section (I) below, please only resubmit orders if requested by the Court.**
- I. 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.
- J. 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.

REQUIRED DOCUMENTS

- A. **CERTIFIED COPY OF DEATH CERTIFICATE:** An original certified copy of the death certificate is required to be filed within the time provided in Fla. Prob. R. 5.205, specifically:
 - a. In formal administrations and ancillary proceedings, no later than three months following the date of the first publication of the notice to creditors;
 - b. In summary administrations, prior to entry of the order of summary administration.

- B. **LAST WILL AND TESTAMENT:** When filing a testate estate, the original last will and testament must be delivered to the clerk's office for filing and safekeeping prior to the submission of any proposed order admitting will to probate or any order which requires admission of the will prior to entry (i.e., order appointing personal representative, letters of administration).

**VIRTUAL COURT PROCEDURES AND PREFERENCES
DURING PUBLIC HEALTH EMERGENCY
JUDGE GERALD P. HILL, II
POLK COUNTY PROBATE DIVISION/SECTION NO. 14**

I. GENERAL

- A. There are many platforms providing the capability to conduct virtual court proceedings. The Court is prepared and equipped to conduct such hearings effectively using the Microsoft Teams platform. If you wish to use a different platform, please contact the Court in order that it may assess whether the proceeding may be conducted effectively using the proposed platform.
- B. The procedures and preferences detailed herein apply to all virtual court proceedings, regardless of the technology or platform utilized.

II. APPEARANCES

- A. Appearance through videoconference of counsel, parties, and other court participants is favored. Those appearing by video shall keep their cameras activated throughout the hearing unless otherwise directed.
- B. Non-testifying court participants and observers may, if necessary, may appear by telephone.
- 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 shall accurately enter their first and last name digitally if prompted to do so before being admitted to a virtual courtroom.
- E. The Court may not be able to determine the identity of persons appearing by telephone only. Parties who appear by telephone will be asked to identify themselves when the Court calls out the last four digits of the phone number.

III. WITNESSES AND TESTIMONY

- 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. A party calling a witness is responsible for providing the witness the hyperlink for accessing the virtual courtroom. The hyperlink will be provided to the parties in the email confirming hearing time. The hyperlink may be copied and pasted into an email forwarded to the witness.
- E. Consistent with prevailing social distancing recommendations of public health authorities, parties are strongly discouraged from allowing witnesses and observers to appear from the same location as any other party, witness, observer, or attorney.

IV. EVIDENCE

- A. All exhibits and other evidence must be submitted to the court **no less than seven (7) calendar days prior to the hearing.**
- B. **IF THE TOTAL NUMBER OF PAGES OF EXHIBITS IS LESS THAN FIFTY:** Documentary, photographic, and audio-video evidence may be submitted to the Court via email to kjenkins@jud10.flcourts.org. All parties must be copied on any emails transmitting evidence to the Court. All exhibits must be pre-marked when submitted to the Court.
- C. **IF THE TOTAL NUMBER OF PAGES OF EXHIBITS IS MORE THAN FIFTY:** A party whose exhibits total more than fifty pages must submit the exhibits in hard copy to the Court with a copy to all other counsel or pro se parties.
- D. Physical objects, including digital storage media, will not be accepted by the Court without express preauthorization based upon good cause. A party seeking to submit physical objects to the Court must contact the Court prior to delivery. At the party's election, a digital image of the object may be submitted instead.
- E. Audio-video evidence should be transmitted to the Court as a digital file attached to an email or by file-sharing. For information on submitting such evidence, please email 10thVirtualCourtSupport@jud10.flcourts.org, or call (863) 534-7788.

- F. Each item of evidence must be submitted as a discreet file, including a composite exhibit, and given a file name with the following information: case number, party, exhibit number, brief description.
- G. Following the hearing, documentary and photographic evidence will be printed by the court or the clerk (in color if requested), appropriately labeled, and forwarded to the evidence vault in the Clerk's office.
- H. The digital marking and provisional receipt of audio-video evidence will be noted by the Court on the record during the hearing. Such evidence will not be taken into custody by the Clerk of Courts until such time as it is determined that receipt of media storage from court participants is consistent with public health recommendations. Upon taking physical custody of media storage, the Clerk will note the date possession is taken *nunc pro tunc* to the date of the hearing.
- I. If necessary for appellate review, the immediate taking into physical custody by the Clerk of digital storage media or other physical objects will be considered on a case by case basis. Parties should contact the Court well in advance of such requests in order that the Court may consult with clerk staff as to appropriate procedures and safeguards.

V. PUBLICATION AND REFRESHING MEMORY

- A. The Court is prepared and equipped to publish documentary, photographic, and audio-video evidence during virtual court proceedings through screen-sharing technology.
- B. A party who anticipates the need to refresh the memory of a witness should provide whatever material will be used to refresh memory no later than five (5) days in advance of the hearing. If not evidence, material used to refresh memory should be given an appropriate file name designating it as "other material."
- C. A party who discovers the need to refresh memory mid-hearing may provide material during the hearing. Such a party will receive instructions from the Court as to the manner in which such material should be transmitted.
- D. A party who has "screen-sharing" capability or another method of publishing evidence or refreshing memory on his or her own will be permitted to do so if the Court determines the party can do so effectively, taking into consideration fairness to opposing parties and, if applicable, the witness.

VI. SIDEBAR CONFERENCES

- A. If provided with a separate hyperlink and teleconference ID for purposes of sidebar conferences, do not share such information with any person except another party, counsel for the party, or court reporter.

- B. When a sidebar conference is necessary, disconnect from the virtual hearing space and join the sidebar conference space when instructed. When the sidebar conference has concluded, disconnect from the sidebar conference space and rejoin the virtual hearing space.

VII. CLIENT CONSULTATION

- 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 cameras 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.

VIII. ATTENDANCE OF OBSERVERS

- A. Unless otherwise ordered, family members, friends, and other observers 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 virtual hearing space and not allowed to rejoin.
- B. It is the parties' obligation to provide the hyperlink and teleconference information to persons wanting to observe virtual court proceedings. Other persons not affiliated with a party may contact Tenth Circuit Court Technology for access to the virtual hearing space.

IX. VIRTUAL COURTROOM ETIQUETTE

- A. Virtual hearings are formal court proceedings and must be treated as if they were taking place in person in a hearing room or courtroom.
- B. Dress appropriately for court.
- C. Eliminate distractions as much as possible. Appearances should be made from an interior location free from excessive background noise.
- D. 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.
- E. Mute your microphone before entering the virtual courtroom. Keep your mic muted when not speaking and do not speak out of turn.

- F. When appearing by video, do not deactivate your camera unless authorized by the Court.
- G. Court-provided remote technology includes a “chat” feature. The chat feature shall not be utilized without express authorization from the Court.
- H. 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.
- I. Do not engage in other business or activity while participating or observing a virtual court proceeding, such as reading the newspaper, smoking, chewing tobacco, or eating. Non-alcoholic drinks will be permitted.
- J. Participants or observers who engage in unruly or disrespectful conduct will be removed from the virtual hearing space and not allowed to rejoin.
- K. In general, show the same courtesy and respect you would in an in person setting.