



# Supreme Court of Florida

500 South Duval Street  
Tallahassee, Florida 32399-1925

CHARLES T. CANADY  
CHIEF JUSTICE  
RICKY POLSTON  
JORGE LABARGA  
C. ALAN LAWSON  
CARLOS G. MUÑIZ  
JOHN D. COURIEL  
JAMIE R. GROSSHANS  
JUSTICES

JOHN A. TOMASINO  
CLERK OF COURT

SILVESTER DAWSON  
MARSHAL

## MEMORANDUM

**TO:** Chief Judges of the Circuit Courts  
Trial Court Administrators

**FROM:** Chief Justice Charles T. Canady *Char. T. Canady*

**DATE:** April 13, 2022

**SUBJECT:** Resources for Virtual Court Hearings

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To assist self-represented litigants with participation in virtual court hearings as well as trial court judges in noticing and conducting such hearings, the Judicial Management Council's Workgroup on Access to Justice has developed the following resources:

- An animated video titled the "Rules for Virtual Court Hearings" to provide guidance for self-represented litigants who will appear in virtual court hearings. This video may be viewed at this link: <https://help.flcourts.org/Get-Started/Helpful-Videos/Videos-to-Assist-Litigants-Representing-Themselves-in-Court>.
- A series of four tutorial videos demonstrating how to effectively use a smartphone and computer to participate

Chief Judges of the Circuit Courts  
Trial Court Administrators  
April 13, 2022  
Page 2

in a virtual court hearing though Zoom and Microsoft Teams. These videos may be viewed at this link:  
<https://help.flcourts.org/Get-Started/Helpful-Videos/Videos-for-How-to-Use-Zoom-and-Teams-for-a-Virtual-Court-Hearing>.

- A model “Notice of Hearing” (attached) for a virtual court hearing, which provides sample language that can be used by judges and others. The model notice includes provisions addressing the contact information for technical support, if such resources are available locally, when technical issues prevent a party from connecting to, or participating in, a virtual court hearing; instructions for how to attend a virtual court hearing; and consequences for failing to appear at virtual court hearings.
- A document titled “Tips for Judges” (attached) to provide guidance and best practices to judges when conducting virtual court hearings.

I hope you will share these valuable resources with all your judges and include links to the videos on your circuit websites. I am grateful to Justice Labarga and the other members of the Workgroup for their work on critical issues related to access to justice. If you have any questions regarding the resources, please contact Ms. Tina White, chief of the Innovations and Outreach Unit within the Office of the State Courts Administrator, by email at [whitet@flcourts.org](mailto:whitet@flcourts.org).

CTC:tw

Attachment

cc: Justice Jorge Labarga, Chair of the Workgroup on Access to  
Justice  
Allison (Ali) C. Sackett, State Courts Administrator

**NOTE: This document sets forth sample language that can be provided in a notice of hearing for a court proceeding conducted via Microsoft Teams or Zoom. This language will need to be tailored to the procedures used in the judicial circuit and to the specific type of noncriminal or criminal hearing noticed.**

**[CAPTION]**

**NOTICE OF HEARING**

TO: Plaintiff/Defendant Name  
Address  
City, State Zip  
E-mail address

**PLEASE TAKE NOTICE** that on \_\_\_\_\_ (DATE) at \_\_\_\_\_ (TIME), or as soon thereafter as counsel can be heard, the undersigned will bring to be heard the \_\_\_\_\_ (MOTION) before the Honorable \_\_\_\_\_ (OFFICER).

**THIS HEARING WILL BE CONDUCTED THROUGH [MICROSOFT TEAMS OR ZOOM]. PLEASE READ THE ATTACHED INSTRUCTIONS FOR THE HEARING, WHICH INCLUDE INSTRUCTIONS FOR USING [MICROSOFT TEAMS OR ZOOM]. IF YOU HAVE TECHNICAL ISSUES THAT PREVENT YOU FROM CONNECTING TO OR PARTICIPATING IN YOUR HEARING ON [MICROSOFT TEAMS OR ZOOM], PLEASE CONTACT [NAME AND TITLE] AT [PHONE NUMBER AND/OR E-MAIL ADDRESS] AS SOON AS POSSIBLE. FAILURE TO APPEAR AT THE HEARING MAY RESULT IN CONSEQUENCES, INCLUDING PENALTIES, AS DISCUSSED IN THE INSTRUCTIONS.**

To appear by video, follow the link below  
\_\_\_\_\_ (LINK)

Or call in by phone and use ID  
\_\_\_\_\_ (PHONE), Conference ID: \_\_\_\_\_ (ID)

Be advised that this court event may be recorded from the time you initially login to [Microsoft Teams or Zoom] for your hearing until you exit [Microsoft Teams or Zoom] after your hearing.

**PLEASE GOVERN YOURSELVES ACCORDINGLY.**

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[SIGNATURE BLOCK FOR  
PERSON PROVIDING NOTICE]

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a copy of the foregoing has been filed and served on all parties via Florida’s E-Filing Portal, electronic mail, or U.S. Mail this \_\_\_\_\_(DATE)\_\_\_\_\_.

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[SIGNATURE OF PERSON  
PROVIDING NOTICE]

**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 [identify applicable court personnel by name, address, and telephone number] 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 711.**

## **INSTRUCTIONS FOR APPEARING BY VIDEO** **ON MICROSOFT TEAMS**

### ***Before the Day of Your Hearing:***

- You will need an electronic device such as a desktop or laptop computer, smartphone, or tablet that has a camera and microphone, an e-mail account, and a reliable internet connection.
- Using a desktop or laptop computer, go to <https://teams.microsoft.com/download>. Download the program, click on the installer, and follow the steps to complete the installation.
- Using a mobile device, find the Microsoft Teams app in the Play Store for Android devices or in the App Store for Apple devices. Download the app to install it to your device.
- Once the program for your desktop or laptop or the application for your mobile device is installed, open the program or application and create an account. After logging in, you will be able to use Microsoft Teams for free.
- Allow enough time in advance of your hearing to familiarize yourself with how to use Microsoft Teams.

### ***On the Day of Your Hearing:***

- To ensure you have a good connection, use the Microsoft Teams link provided in this notice to login to your hearing at least 10 minutes before the hearing is scheduled to begin.
- You may initially be placed on hold in what is referred to as a lobby or waiting room. When you are in the lobby or waiting room, you will not hear court proceedings. You will need to wait until the Judge allows you to enter the virtual court hearing.
- When you enter the virtual courtroom, **IMMEDIATELY MUTE YOUR MICROPHONE.**
- **UNMUTE YOUR MICROPHONE ONLY** when you are responding to the Judge.
- Once you finish your response, **MUTE YOUR MICROPHONE** until you are asked to respond again.
- **DO NOT** speak unless you are directed to do so by the Judge.

If you have technical issues that prevent you from connecting to or participating in your hearing on Microsoft Teams, please contact [name and title] at [phone number and/or e-mail address] as soon as possible.

*\*\*Note: For non-criminal proceedings, the following provides a general description of the potential consequences for a failure to appear, which will need to be tailored for certain case types:*

A court hearing held on Microsoft Teams, like a court hearing held in person, is an official court event subject to consequences for a failure to appear at the hearing. If you fail to appear at your properly noticed hearing on Microsoft Teams, the consequences, depending on the type of case, may include, but are not limited to, one or more of the following:

- Cancellation of your hearing.
- Conduct and resolution of the hearing without your participation.
- Dismissal of your case if you are a plaintiff (i.e., the person who filed the case).
- Entry of a judgment against you (referred to as a “default judgment”) if you are a defendant (i.e., the person who is sued).
- Penalties such as fines, jail time, and suspension of your driver’s license.

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A court hearing held on Microsoft Teams, like a court hearing held in person, is an official court event subject to consequences for a failure to appear at the hearing. If you fail to appear at your hearing on Microsoft Teams, the consequences, depending on the circumstances, may include, but are not limited to, one or more of the following:

- **Bench warrant.** The judge can issue a warrant for your arrest. You can be taken into custody at any time after the warrant is issued. For example, during a routine traffic stop, the law enforcement officer will see the warrant in the state's computer system and take you into custody. In serious felony cases, the judge will send law enforcement to arrest you at your home, place of work, or another location where you are present.
- **Failure to Appear.** You can be charged with a new and separate criminal offense of *Failure to Appear*. You can be arrested for this new offense, the judge can keep you in jail until a hearing on your failure to appear, and you can be incarcerated when you have been found guilty of a failure to appear.
- **Contempt of Court.** The judge can find you in contempt of court for willfully failing to obey a court order when you could have complied with the court order. Contempt of court can subject you to fines, sanctions, and incarceration.
- **Suspension of your driver's license.** In criminal traffic cases, the judge or magistrate can order that your driver's license be suspended when you have failed to appear in court. The suspension will be in effect at least until you appear before a judge to address the failure to appear.

- **Bond revocation or change in conditions of release.** If you are released on bond following a criminal charge, your bond can be revoked and forfeited for a failure to appear because this failure is considered a violation of the terms of your bond. Depending on the circumstances, you may be legally obligated to pay the full amount of your bond to the bondsman and the court may increase your bond, keep you in jail until your case is resolved, or impose other sanctions and restrictions. If the court did not require you to post bond and released you on your own recognizance or on pre-trial release, the judge can change your conditions of release by imposing a surety bond and other sanctions and restrictions for a failure to appear.

For additional resources to assist with your preparation for, and participation in, a virtual court hearing, please watch:

- The video titled the “Rules for Virtual Court Hearings” available here: <https://help.flcourts.org/Get-Started/Helpful-Videos/Videos-to-Assist-Litigants-Representing-Themselves-in-Court>.
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## **INSTRUCTIONS FOR APPEARING BY VIDEO ON ZOOM**

### ***Before the Day of Your Hearing:***

- You will need an electronic device such as a desktop or laptop computer, smartphone, or tablet that has a camera and microphone, an e-mail account, and a reliable internet connection.
- Using a desktop or laptop computer, go to [https://zoom.us/download#client\\_4meeting](https://zoom.us/download#client_4meeting). Download the program, click on the installer, and follow the steps to complete the installation.
- Using a mobile device, find the Zoom app in the Play Store for Android devices or in the App Store for Apple devices. Download the app to install it to your device.
- Once the program for your desktop or laptop or the application for your mobile device is installed, open the program or app and create an account. After logging in, you will be able to use Zoom for free.
- Allow enough time in advance of your hearing to familiarize yourself with how to use Zoom.

### ***On the Day of Your Hearing:***

- To ensure you have a good connection, use the Zoom link provided in this notice to login to your hearing at least 10 minutes before the hearing is scheduled to begin.
- You may initially be placed on hold in what is referred to as a lobby or waiting room. When you are in the lobby or waiting room, you will not hear court proceedings. You will need to wait until the Judge allows you to enter the virtual court hearing.
- When you enter the virtual courtroom, **IMMEDIATELY MUTE YOUR MICROPHONE.**
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- **DO NOT** speak unless you are directed to do so by the Judge.

If you have technical issues that prevent you from connecting to or participating in your hearing on Zoom, please contact [name and title] at [phone number and/or e-mail address] as soon as possible.

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## **Tips for Judges When Conducting Virtual Court Hearings**

- Designate a court or clerk staff person who can be contacted if a participant cannot login to the hearing, is disconnected from the hearing, or is having other technical difficulties. Provide contact information for the designee in the notice of hearing.
- Provide your procedures for submitting documents and exhibits before and during the hearing to counsel and parties.
- Maintain the same measure of decorum in virtual court hearings as in courtroom proceedings held in person.
- Begin with admonishments about the following:
  1. Counsel, parties, and all other participants must be in a quiet location free from interruptions; must not be driving a vehicle and must immediately pull over to a safe location if driving; and must behave as if they are present in the courtroom.
  2. Participants should use no more than one electronic device for the hearing. Using more than one device (e.g., using a phone while participating in the hearing on a computer) can cause audio feedback and interference.
  3. Recording the proceeding is not allowed by anyone except the court reporter or the court.
  4. All participants should have their microphones muted and should speak only when recognized by the court.
  5. Participants should never talk over another speaker. It is difficult in person and sometimes even more difficult during a remote proceeding for the court reporter to take down what is said if people speak at the same time or interrupt one another.

6. A violation of these rules may result in consequences that include, but are not limited to, being muted or removed from the hearing, termination of the hearing, or a finding of contempt of court.
- Best practices during the virtual court hearing include:
    1. Confirming that all participants can hear what is being said and can indicate immediately if they cannot hear.
    2. Including a staff member (if sufficient staffing resources are available) as a co-host to admit participants from the waiting room, monitor screen activity, remove disruptive participants, and mute and unmute participants.
    3. Allowing sufficient time for responses to questions and clarifying discussion that may have been subject to overlapping speakers due to bandwidth issues or delays in transmission.
    4. Providing a method to enable confidential communication between a party and counsel. For example, an attorney can meet confidentially with his or her client in a “breakout room” and when the session is completed, the parties can rejoin the hearing.
    5. Exercising care when using a remote interpreter to ensure pauses in between each statement.