

IN THE CIRCUIT COURT OF THE  
EIGHTEENTH JUDICIAL CIRCUIT, IN  
AND FOR BREVARD COUNTY, FLORIDA

Case No. 05-2024-CA-039369-XXCA-BC

ROBERT WILLIMA BURNS III,

Petitioner,

v.

TIM BOBANIC, in his official capacity  
as Supervisor of Elections for Brevard County,

Respondent.

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**ORDER TO APPEAR AND SHOW CAUSE WHY**  
**STATE REPRESENTATIVE RANDY FINE SHOULD NOT BE HELD IN**  
**CONTEMPT OF COURT**

**TO: State Representative Randy Fine**  
**randy@voterandyfine.com**  
**and c/o Ryan Christopher Rodems, Esquire**  
**rrodems@forthepeople.com**

YOU ARE NOTIFIED that the Court will convene a hearing on **Tuesday, October 1, 2024, at 9:00 a.m.**, at which time you are directed to appear in person at the Moore Justice Center, 2825 Judge Fran Jamieson Way, Viera, FL 32940, before the undersigned, a Judge of this Court, on this Order to Appear and Show Cause, as detailed below.

*“Contempt is an act tending to embarrass, hinder, or obstruct the court in the administration of justice, or to lessen the court’s authority or dignity.” Richey v. McLeod, 188 So. 228, 229 (Fla. 1939); Haas v. State, 196 So.3d 515 (Fla. 2d DCA 2016).*

Upon consideration of the of the Court’s observations and upon the information attached hereto, you are commanded to appear and then and there show cause why you should not be held in civil contempt of court pursuant to the above cited authority and §§38.22, 38.23, Florida Statutes, for your actions which include:

offensive conduct intended to hinder or obstruct a court proceeding; or lessen the court’s authority or dignity during this Court’s hearing held on August 19, 2024, in the above captioned matter (*See Exhibit A*) and for the willful failure to comply with the terms of the attached Order(s) and guidelines incorporated therein.


**Table of Exhibits:**

<b>Exhibit</b>	<b>Description</b>
A	Screen Shots of Representative Fine; Screen shot of Meeting Chats; and email received during the August 19, 2024, Microsoft Teams hearing.
B	Amended Order Setting Hearing [Clerk DK# 24]
C	Standing Order on Policies and Procedures Governing All Civil Cases Assigned to Division D, dated April 26, 2024 [Policy Document 02] (incorporating Division D Policies and Procedures [Policy Document 01] not attached hereto, available at <a href="https://flcourts18.org/judge-blaues-policies-page/">https://flcourts18.org/judge-blaues-policies-page/</a> )
D	Division D Trial Conduct and Courtroom Decorum Policy [Policy Document 05]
E	Administrative Order AO-09-06 Courtroom Decorum and Procedure, dated January 21, 2009.
F	The Florida Bar Best Practices Guide for Remote Court Proceedings [Policy Document 04] (Pgs. 1-4 attached, complete guide available at <a href="https://flcourts18.org/judge-blaues-policies-page/">https://flcourts18.org/judge-blaues-policies-page/</a> )

**FAILURE TO APPEAR AT THE HEARING MAY RESULT IN THE COURT ISSUING A WRIT OF BODILY ATTACHMENT FOR YOUR ARREST. IF YOU ARE ARRESTED, YOU MAY BE HELD IN JAIL UP TO 48 HOURS BEFORE A HEARING IS HELD.**

DONE AND ORDERED in Chambers at the Moore Justice Center, Brevard County, Florida, on Tuesday, September 3, 2024.

05-2024-CA-039369 09/03/2024 04:26:44 PM

A handwritten signature in black ink, appearing to read 'Scott Blaue', written over a horizontal line.

Scott Blaue, JUDGE  
05-2024-CA-039369 09/03/2024 04:26:44 PM

Conformed Copies, with attachments, served to the following via the e-Filing Portal:

MARI, FRANK

fmari@roperpa.com

ihaines@roperpa.com

fmmeservice@gmail.com

RODEMS, RYAN CHRISTOPHER

rrodems@forthepeople.com

episcani@forthepeople.com

ROBERT WILLIAM BURNS, III

CLERK DATA MISSING,

Robert Burns

rwburns3rd@gmail.com

Tim Bobanic

tbobanic@votebrevard.gov

J. Cole Oliver

coliver@rosswayswan.com

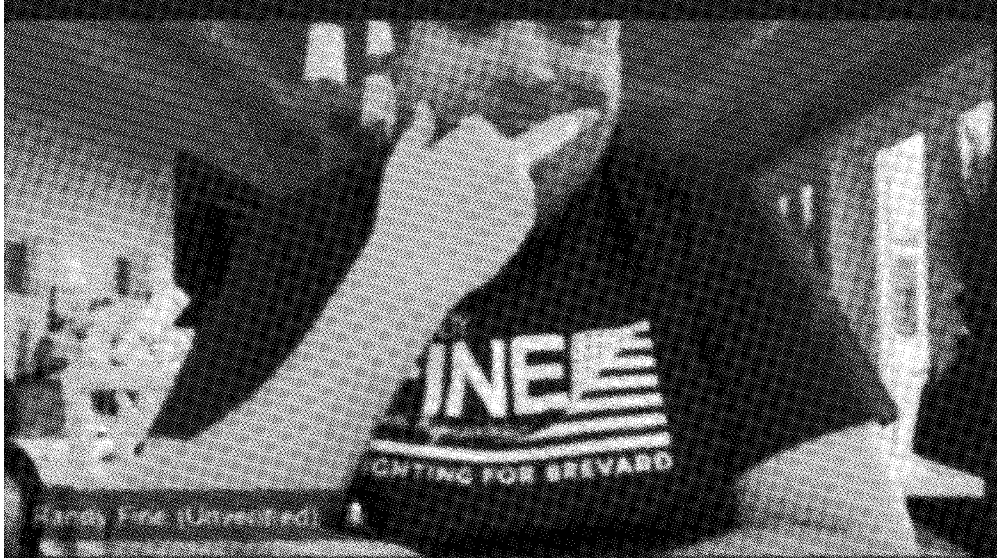
Randy Fine

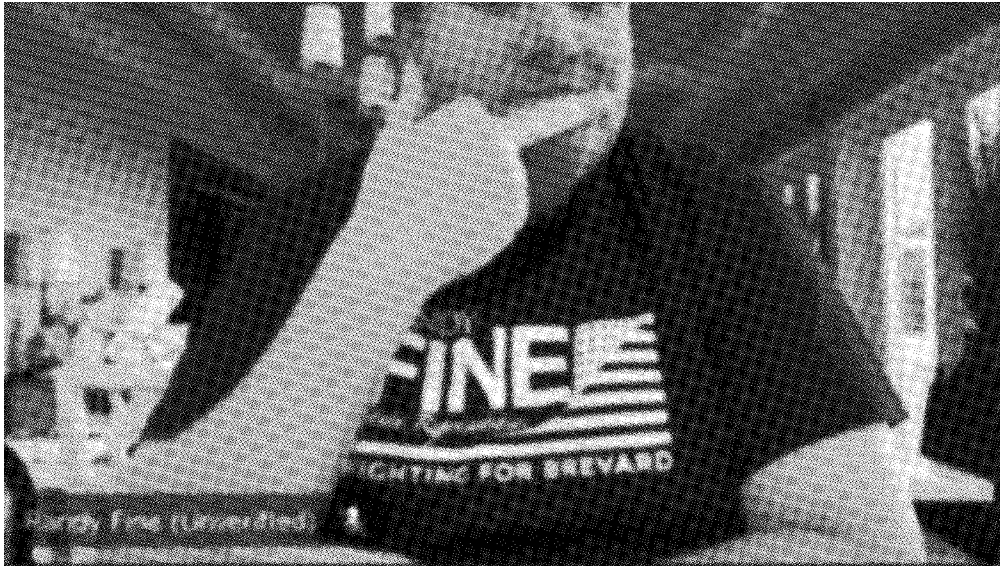
randy@voterandyfine.com

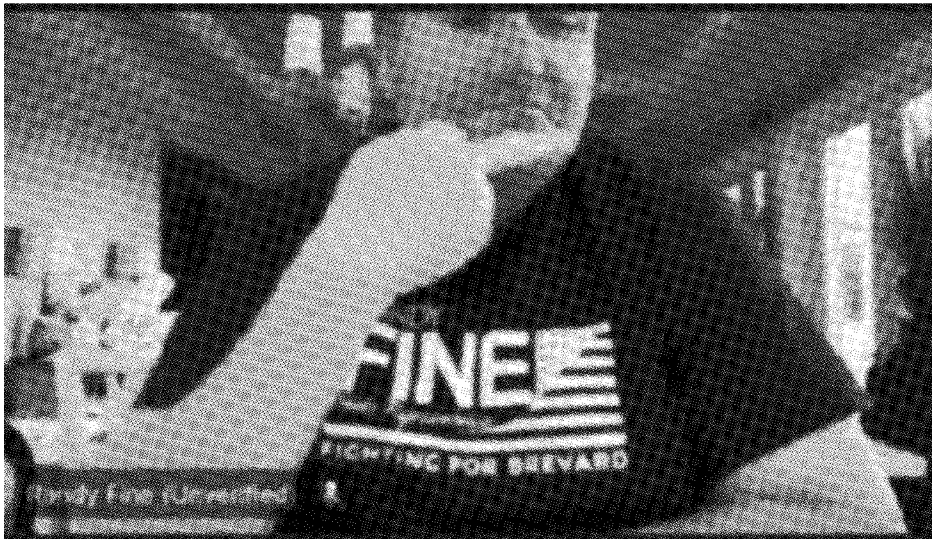
Wayne Twiddy

twiddyforcommitteeman@gmail.com

**ATTN: PERSONS WITH DISABILITIES. 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 ADA Coordinator at Court Administration, 2825 Judge Fran Jamieson Way, 3rd floor, Viera, Florida, 32940-8006, (321) 633-2171 ext. 3 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.**







Some people in this chat are outside your organization. It's possible they have message-related policies that will apply to the chat. [Learn more](#)

## Meeting chat

Wayne Twiddy (Unverified) left the chat.

Diana (Unverified) was invited to the meeting.

Diana Monday 4:19 PM

Would someone please tell State Representative Randy Fine stop the obscene gestures. It is disgusting and a disgrace. This still is a court proceeding. This is highly offensive.



Dawn Monday 4:23 PM

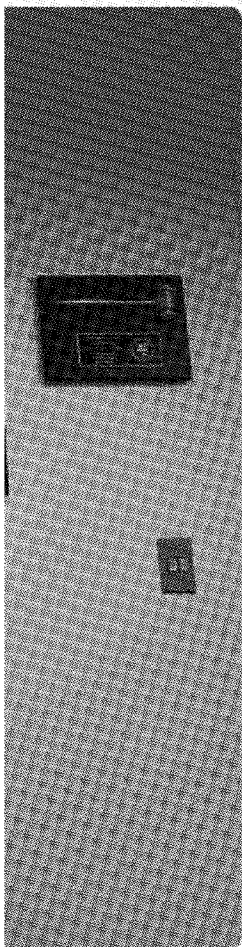
Glad I wasn't the only one who noticed and found it disrespectful to the court

Dawn Monday 4:52 PM

If Mr. Fine is going to continue with the hand gestures and flipping off the court, can he please turn his video off?

Robert Burns (Unverified) left the chat.

Ryan Christopher Rodems, Counsel For Randy Fine (Unverified) left the chat.





## Jennifer Johnston

---

**From:** Chuck Sheridan <Chuck@votechucksheridan.com>  
**Sent:** Monday, August 19, 2024 4:47 PM  
**To:** Jennifer Johnston  
**Cc:** mcardsh@cb360.com <UNDEFINED:mcardsh@cb360.com>  
**Subject:** Re: Case Number 05-2024-CA-039369-XXCA-BC

**WARNING:** This email came from OUTSIDE the 18th Judicial Circuit. Do NOT click any links unless you know they are safe. Use your Phish Alert Report button if unsure.

Jennifer I am watching the hearing and Randy Fine is making concern hand gestures at the Judge and Mr. Burns as well as mouthing vulgar words as F\*\*\* you a\*\*hole

Get [Outlook for Android](#)

---

**From:** Jennifer Johnston <Jennifer.Johnston@flcourts18.org>  
**Sent:** Friday, August 16, 2024 11:20:22 AM  
**To:** Chuck Sheridan <Chuck@votechucksheridan.com>  
**Cc:** mcardsh@cb360.com <UNDEFINED:mcardsh@cb360.com> <mcardsh@cb360.com>  
**Subject:** RE: Case Number 05-2024-CA-039369-XXCA-BC

No; that is all you need to do!

Sincerely,

*Jennifer C. Johnston*  
Judicial Assistant to  
Judge Scott Blaue  
18<sup>th</sup> Judicial Circuit, Brevard County  
Moore Justice Center  
2825 Judge Fran Jamieson Way  
Viera, FL 32940

*Attention: The information contained in this E-mail message may be privileged and confidential under Fla. R. Jud. Admin. 2.051 (2002) and the information contained herein is intended only for the use of the individual(s) named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copy of this communication is strictly prohibited. If you have received this communication in error, please contact the sender by reply E-mail and destroy all copies of the original message.*

---

**From:** Chuck Sheridan <Chuck@votechucksheridan.com>  
**Sent:** Friday, August 16, 2024 10:27 AM  
**To:** Jennifer Johnston <Jennifer.Johnston@flcourts18.org>  
**Cc:** mcardsh@cb360.com <UNDEFINED:mcardsh@cb360.com> <mcardsh@cb360.com>  
**Subject:** Re: Case Number 05-2024-CA-039369-XXCA-BC

**IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT,  
IN AND FOR BREVARD COUNTY, FLORIDA**

**CASE NO: 05-2024-CA-039369-XXCA-BC**

**ROBERT WILLIAM BURNS, III,  
Petitioner,**

**-vs-**

**TIM BOBANIC,  
Respondent.**

---

**AMENDED ORDER SETTING REMOTE HEARING VIA MICROSOFT TEAMS  
(Amended to Correct Date of Hearing Only)**

THIS CAUSE having previously come before the Court upon the Petition for Writ of Mandamus, Declaratory Judgment and Expedited Ruling, whereupon, on July 30, 2024, the Court entered its Order and Alternative Writ of Mandamus, directing the Petitioner to serve the Petition and the Order/Alternative Writ of Mandamus upon the Respondent and two additional interested parties, within seven days from the date of the Order, and allowed five days from the date of service for each Respondent or interested party to file written defenses to the Petition.

The Court finds the record to reflect that the Respondent was timely served on August 1, 2024 [DK #7], and timely filed a Motion to Dismiss on August 6, 2024 [DK #14]. The Court further finds that Charles Wayne Twiddy, an interested party, was timely served on August 1, 2024, and that Randy Fine, an interested party, was timely served by posting on August 2, 2024. Neither interested party has filed defenses to the relief sought in the Petition.

**Exhibit B - Page 1**

**WHEREFORE, YOU ARE HEREBY NOTIFIED** that this Court has scheduled a Hearing on the Respondent Tim Bobanic's Motion to Dismiss Petition for Writ of Mandamus, Declaratory Judgment, and Expedited Ruling, before the undersigned, a Judge of this Court, **via Microsoft Teams** on **Monday, August 19, 2024**, at **3:45pm** or as soon thereafter as the case can be heard. The Court has reserved **one hour** for this hearing.

Any person wishing to attend this hearing who has not received the Teams invite must email the Judicial Assistant at [jennifer.johnston@flcourts18.org](mailto:jennifer.johnston@flcourts18.org) to provide an email address and request the Teams invite.

The Court requires VIDEO appearance and proper Court attire.

DONE AND ORDERED on Thursday, August 15, 2024, in Chambers at the Moore Justice Center, Brevard County, Florida.

05-2024-CA-039369 08/15/2024 02:45:23 PM



Scott Blaue, judge  
05-2024-CA-039369 08/15/2024 02:45:23 PM

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished to  
MARI, FRANK  
[fmari@roperpa.com](mailto:fmari@roperpa.com)  
[ihaines@roperpa.com](mailto:ihaines@roperpa.com)  
[fmmereservice@gmail.com](mailto:fmmereservice@gmail.com)

**Exhibit B - Page 2**

Robert Burns  
rwburns3rd@gmail.com

Tim Bobanic  
tbobanic@votebrevard.gov

J. Cole Oliver  
coliver@rosswayswan.com

Randy Fine  
randy@voterandyfine.com

Wayne Twiddy  
twiddyforcommitteeman@gmail.com

Ryan Christopher Rodems  
rrodems@forthepeople.com  
episcani@forthepeople.com

this Thursday, August 15, 2024.

05-2024-CA-039369 08/15/2024 02:45:40 PM



Jennifer Johnston, Judicial Assistant  
05-2024-CA-039369 08/15/2024 02:45:40 PM

**ATTN: PERSONS WITH DISABILITIES.** 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 ADA Coordinator at Court Administration, 2825 Judge Fran Jamieson Way, 3rd floor, Viera, Florida, 32940-8006, (321) 633-2171 ext. 3 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.

IN THE CIRCUIT COURT OF THE  
EIGHTEENTH JUDICIAL CIRCUIT, IN  
AND FOR BREVARD COUNTY,  
FLORIDA

DIVISION: D

IN RE: ALL PENDING CIVIL CASES  
ASSIGNED TO DIVISION D

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**STANDING ORDER ON POLICIES AND PROCEDURES**  
**GOVERNING ALL CIVIL CASES ASSIGNED TO DIVISION D**

To facilitate this Court's responsibility to actively case manage and ensure the timely and just disposition of all pending civil cases in this Division, the parties shall:

1. Comply with *Division D Policies and Procedures* which can be found on this Division's link on the Court's website<sup>1</sup> and be governed accordingly.
2. Failure to comply with this Order may result in monetary and non-monetary sanctions, including, but not limited to, dismissal of the case, and striking of pleadings.

**DONE AND ORDERED** in Chambers, at Viera, Brevard County, Florida, this 26<sup>th</sup> day of April, 2024.



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SCOTT BLAUE  
CIRCUIT JUDGE

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<sup>1</sup> See website: <https://flcourts18.org/judge-blaues-policies-page/>

## DIVISION D TRIAL CONDUCT AND COURTROOM DECORUM POLICY

1. A lawyer always should interact with parties, counsel, witnesses, jurors or prospective jurors, court personnel, and judges with courtesy and civility, and should avoid undignified or discourteous conduct that is degrading to the court or the proceedings.\*

2. Counsel shall admonish all persons at counsel table that gestures, facial expressions, audible comments, or the like, as manifestations of approval or disapproval during the testimony of witnesses or at any other time, absolutely are prohibited.\*

3. During trials and evidentiary hearings, the lawyers mutually should agree to disclose the identities of witnesses, duration of witnesses anticipated to be called that day and the following day, and the order in which they will be called to testify, including depositions to be read, and should cooperate in sharing with opposing counsel all visual aid equipment.\*

4. A lawyer should abstain from conduct calculated to detract or divert the fact finder's attention from the relevant facts or otherwise cause the fact finder to reach a decision on an impermissible basis.\*

5. A lawyer should not knowingly misstate, distort, or improperly exaggerate any fact or opinion nor permit the lawyer's silence or inaction to mislead anyone.\*

6. In appearing in his or her professional capacity before a tribunal, a lawyer should not:

a. state or allude to any matter that he or she has no reasonable basis to believe is relevant to the case or that will not be supported by admissible evidence;

b. ask any question that he or she has no reasonable basis to believe is relevant to the case or that is intended to degrade a witness or other person;

c. assert a personal knowledge or opinion concerning the facts in issue, except when testifying as a witness;

d. assert a personal opinion concerning the justness of a cause, the credibility of a witness, the culpability of a civil litigant, or the guilt or innocence of an accused, but may argue, on the lawyer's analysis of the evidence, for any position or conclusion with respect to the matters at issue.\*

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\* Guidelines for Professional Conduct by the Trial Lawyers Section of The Florida Bar.

7. A question should not be interrupted by an objection unless the question is patently objectionable or there is a reasonable ground to believe that information is being included that should not be disclosed to the jury, and an attorney should not object during opening or closing statements, or during the questioning of witnesses, for the sole purpose of disrupting opposing party's trial presentation.\*

8. When a judge already has made a ruling about the inadmissibility of certain evidence, a lawyer should not seek to circumvent the effect of that ruling and get the evidence before the jury by repeated questions relating to the evidence in question, although the lawyer may make a record for later proceedings of the ground for urging the admissibility of the evidence in question. This does not preclude efforts by the lawyer to have the evidence admitted through other, proper means.\*

9. A lawyer scrupulously should abstain from all acts, comments, and attitudes calculated to curry favor with any juror, by fawning, flattery, actual or pretended solicitude for the juror's comfort or convenience, or the like.\*

10. A lawyer never should attempt to place before a tribunal or jury evidence known to be clearly inadmissible, nor make any remarks or statements intended improperly to influence the outcome of any case.\*

11. A lawyer should accede to reasonable requests for waivers of procedural formalities when the client's legitimate interests are not affected adversely.\*

12. In regard to trial exhibits, a lawyer should make a reasonably good-faith effort to identify those exhibits that the lawyer believes will be proffered into evidence.\*

13. A lawyer should not mark on or alter exhibits, charts, graphs, and diagrams without opposing counsel's permission or leave of court.\*

14. A lawyer should stipulate all facts and principles of law which are not in dispute.\*

15. Stand when Court is opened, recessed or adjourned. Stand when addressing, or being addressed by the Court. Stand when the jury enters or retires from the courtroom. When making opening statements, closing arguments or examining witnesses, do not approach either the jury or the witness without the Court's permission. Remain at the lectern unless using exhibits or charts.

16. Address all remarks to the Court, not to opposing counsel or the opposing party.

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\* Guidelines for Professional Conduct by the Trial Lawyers Section of The Florida Bar.

17. Avoid disparaging personal remarks or acrimony toward opposing counsel and remain wholly detached from any ill feeling between the litigants or witnesses.

18. Refer to all persons, including witnesses, other counsel and the parties by their surnames and not by their first or given names unless the permission of the Court is sought in advance.

19. Only one attorney for each party shall examine, or cross examine each witness. The attorney stating objections, if any, during direct examination, shall be the attorney recognized for cross examination.

20. Counsel should request permission before approaching the bench, clerk, jury or witness. Any documents counsel wishes to have the Court examine should be handed to the clerk. Any paper or exhibit not previously marked for identification should first be handed to the clerk to be marked before it is tendered to a witness for his examination; and any exhibit offered in evidence should, at the time of such offer, be handed to opposing counsel.

21. No exhibit, whether marked for identification or not, shall be held in any manner, or placed in any position in the courtroom, that would allow the trier of fact to see the exhibit unless it has been admitted into evidence and permission to publish the exhibit to the jury has been obtained from the Court.

22. In making objections, counsel should state only the legal grounds for the objection and should withhold all further comment or argument unless elaboration is requested by the Court.

23. When examining a witness, counsel shall not repeat or echo the answer given by the witness.

24. Offers of, or requests for, a stipulation should be made privately, not within the hearing of the trier of fact.

25. In opening statements and in arguments to the trier of fact, counsel shall not express personal knowledge or opinions concerning any matter in issue.

26. All parties, attorneys and witnesses should refrain from interrupting or talking over one another.

27. Counsel shall refrain from attempting to make a re-argument after the Judge has ruled.

28. Counsel shall complete resolution negotiations and advise clients of their settlement options in advance of court hearings.



29. No tobacco use in any form is permitted. No bottles, beverage containers, paper cups or edibles are allowed in the courtroom, except as permitted by the Court. No gum chewing is permitted.

30. Cell phones and pagers should be turned off or in a vibrate mode. Computers should be used with audio off.

31. All counsel shall provide a copy of this policy to clients prior to coming to court.

32. Pursuant to Family Law Rule of Procedure 12.407, no children are allowed in the courtroom, waiting area or adjacent hallway without prior approval of the court, unless the child(ren) is a party to the action.

33. Following the discharge of the alternate juror(s) or dismissal of the jury following a verdict, mistrial or other disposition of the case, counsel shall not be permitted to initiate contact with or initiate communication with such juror(s) or cause another to initiate contact or communication with any such juror(s) regarding the trial, including but not limited to personally and individually thanking such juror(s) for their service and/or their verdict as they exit the courtroom. Any lawyer seeking to communicate with or cause another to communicate with or interview any juror(s) to determine whether the verdict may be subject to legal challenge shall comply with the procedures detailed in Florida Rule of Civil Procedure 1.431(h) and Rule 4-3.5(d)(4) of the Rules Regulating the Florida Bar.

IN THE CIRCUIT COURT OF THE  
EIGHTEENTH JUDICIAL CIRCUIT  
OF FLORIDA

**ADMINISTRATIVE ORDER NO.:**  
**09-06**  
**SUPERSEDES 92-116**

**IN RE: COURTROOM DECORUM AND PROCEDURE**

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WHEREAS, some practitioners are unfamiliar with the traditions of the Courts of the Eighteenth Judicial Circuit, and

WHEREAS, certain basic principles of conduct and decorum enhance the dignity of the court, and

WHEREAS, the following provisions will improve the efficiency of court proceedings, it is therefore,

ORDERED:

1. When appearing in any Court of the Eighteenth Judicial Circuit, unless excused by the presiding judge, all counsel (including, where the context applies, all persons at counsel table) shall abide by the following:
  - a) Stand as Court is opened, recessed, or adjourned, unless directed to remain seated.
  - b) Stand when the jury enters or retires from the courtroom.
  - c) Stand when addressing, or being addressed by, the Court.
  - d) Counsel shall not suggest to the jury that individual voir dire may be requested without first obtaining permission of the court.
  - e) Stand at the lectern while examining any witness; except that counsel may approach the Clerk's desk or the witness for purposes of handling or tendering exhibits. It is not necessary to request permission to approach a witness unless the witness has been declared adverse or hostile.
  - f) Stand at the lectern while making opening statements or closing arguments except to show evidence to the jury.

- g) Address all remarks to the Court and not to opposing counsel.
- h) Avoid disparaging personal remarks or acrimony toward opposing counsel. Do not participate in, or accommodate any ill feeling between the litigants or witnesses, but remain wholly detached therefrom.
- i) Refer to all persons, including witnesses, other counsel and the parties by their surnames and not by their first or given names.
- j) Only one attorney for each party shall examine, or cross examine each witness. The attorney stating objections, if any, during direct examination, shall be the attorney recognized for cross examination.
- k) Counsel should request permission before approaching the bench.
- l) Any paper or exhibit should first be handed to opposing counsel and then to the Clerk to be marked for identification before it is tendered to a witness for his or her examination. Any exhibit offered in evidence should, at the time of such offer, be handed to opposing counsel.
- m) Counsel should state only the legal grounds when making an objection and should withhold all further comment or argument unless elaboration is requested by the Court.
- n) Counsel shall not repeat or echo the answer given by the witness during questioning.
- o) Offers of, or requests for, a stipulation should be made privately, not within the hearing of the jury.
- p) In opening statements and in arguments to the jury, counsel shall not express personal knowledge or opinion concerning any matter in issue; shall not read or purport to read from deposition or trial transcripts not in evidence, and shall not suggest to the jury, directly or indirectly, that it may or should request transcripts or the reading of any testimony by the reporter.
- q) Counsel shall inform all persons at counsel table that gestures, facial expressions, audible comments, or the like, as manifestations of approval or disapproval, during the testimony of witnesses, or at any other time, are absolutely prohibited, and may be the subject of contempt of court or other sanctions.
- r) Smoking, eating, and food are prohibited in the courtroom at any time. Counsel may have water available if the Court gives permission.
- s) Small children who are unable to behave are not admitted to the courtroom unless absolutely required

for the trial or hearing. Children under the age of 12 years are presumed to be too young to sit during court proceedings.

2. In all criminal proceedings unless excused by the presiding judge, all counsel and defendants shall abide by the following in addition to the requirements of Paragraph 1(a-s) above:
  - a) The prosecuting attorney shall present to the Court at the beginning of each jury trial a full and complete set of jury instructions and verdict forms. The jury instructions may be in electronic format if allowed by the Court. The jury instructions shall include all Category I lesser-included offenses. Defense counsel shall present to the Court at the beginning of each jury trial, any special instructions and Category II lesser-included offenses that will be requested and proposed verdict forms containing all lesser-included offenses.
  - b) All motions to suppress evidence shall be filed and heard prior to the trial week. Except for good cause shown, the Court will summarily deny any motion that is not timely filed pursuant to Fla. R. Crim. P. 3.060 and 3.190(h)(4).
  - c) Motions should contain specific reference to applicable legal authority that is relied upon by the movant in support of the motion. Rule 3.190(a), Fla. R. Crim. P. Copies of applicable statutes or controlling case law may be attached to the motion or a separate memorandum may be submitted. Pertinent portions of authorities may be underlined or highlighted.
  - d) Cases which will resolve themselves by way of plea should be promptly scheduled for hearing unless the plea is to take place at docket sounding or a pretrial or scheduling conference. It is the primary responsibility of counsel for the defense to see that a specific hearing time is scheduled for the plea.
  - e) Plea agreements should be used in all negotiated felony pleas. These forms should be fully completed and signed by all parties prior to the plea hearing.
  - f) Any disputes as to "score sheets" for sentencing shall be resolved prior to the sentencing hearing. Objections to a score sheet should be communicated to the prosecuting attorney prior to the sentencing hearing.
3. The requirements stated in this rule are minimal, not all-inclusive. They are intended to emphasize and supplement, not supplant or limit, the ethical obligations of counsel

under the Code of Professional Responsibility or the time honored customs of experienced trial counsel. Individual judges of the Court may, in any case, or generally, announce and enforce additional prohibitions or requirements; or may excuse compliance with any one or more of the provisions of this rule.

DONE and ORDERED this 21st day of January, 2009.

Clayton D. Simmons  
CLAYTON D. SIMMONS  
CHIEF JUDGE

DISTRIBUTION:

All Circuit and County Judges (Brevard and Seminole Counties)  
Court Administration (Brevard and Seminole Counties)  
Clerk of Court (Brevard and Seminole Counties)  
State Attorney (Brevard and Seminole Counties)  
Public Defender (Brevard and Seminole Counties)  
Sheriff (Brevard and Seminole Counties)  
Bar Association (Brevard and Seminole Counties)  
Law Library (Brevard and Seminole Counties)  
County Attorney (Brevard County)



The Florida Bar Recommended  
**Best Practices**  
for  
**Remote Court Proceedings**



**The Florida Bar Recommended**

**Best Practices**

**for**

**Remote Court Proceedings**

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The following Recommended Best Practices are designed to provide a guide to all participants, based on currently available technology, to maximize the effectiveness of remote proceedings. They are not intended to relax or supplant the Florida Statutes, the Florida rules of court, local rules of court, administrative orders, individual judges' instructions, the Rules Regulating the Florida Bar (including, without limitation, the Rules of Professional Conduct), or any other substantive or procedural law (collectively, the "Applicable Law, Rules, and Procedures"). All Applicable Law, Rules, and Procedures are intended to prevail, unless expressly stated otherwise.

*Updated 07-2022*



# INDEX

1. Remote Procedures Applicable to All Proceedings
2. Remote Procedures Applicable to Non-evidentiary Hearings
3. Remote Procedures Applicable to Evidentiary Hearings
4. Remote Deposition Procedures
5. Remote Mediations



# 1. Remote Procedures Applicable to All Proceedings

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- 1.1. Participants must dress and otherwise present professionally, as if they are physically appearing in a courtroom, deposition or mediation. Participants should notify their court reporter or other technical assistants to follow the same requirements. Participants should conduct remote proceedings in a quiet location where they are free from distractions, with as little ambient noise as possible, and with lighting that allows all participants to clearly see each other. Participants must not operate a motor vehicle while participating in a remote proceeding and should otherwise ensure that their participation does not create a public safety issue.
- 1.2. Participants in video conferencing proceedings must use a device that allows them to have access to a camera, a speaker, and a microphone. This includes having the necessary device to be able to view any shared documents on the screen of the device, when applicable. It is recommended that participants have their video camera turned on, especially when speaking. Participants must have an adequate internet connection. A wired internet connection is preferable over a wireless connection. Participants should ensure that they have working audio and video, know how to mute and unmute, turn the video on and off, share screens, and are generally familiar with these Best Practices. If any participant does not have access to a device that allows for video conferencing, that participant may attend a remote proceeding by telephone or as otherwise determined by the court, as long as adherence to remote protocols stated above are met.
- 1.3. Prior to the proceeding, participants should familiarize themselves with the requirements and other operational aspects of the virtual platform being used. If possible, participants should display their full name (and not just a first name, nickname, or phone number) and any party they represent, if applicable. Self-represented parties should add "pro se" after their name.
- 1.4. At the commencement of a remote proceeding, all participants should identify themselves to the other participants and should also identify any other person present with them, even if that person is off-camera. If another person enters the room with a participant during the proceeding, that participant should notify the other participants and identify the person at that time.
- 1.5. When not speaking or preparing to make timely objections during the proceedings, the parties, lawyers, their clients, and non-testifying witnesses should mute themselves.
- 1.6. For all court proceedings, the court should provide the link to the virtual platform that is being used. No participant should create either a visual or audio recording of a court proceeding without permission of the court. Except as otherwise provided herein, if a participant desires an official record of the proceeding, the participant should hire a court reporter to appear unless the official record is otherwise preserved as authorized by the court.
- 1.7. Requests for continuances based solely on a participant's preference to wait until the court event can be conducted in person are disfavored, and will be considered only under extraordinary circumstances. Parties and counsel should make any such requests as early as practicable.
- 1.8. The court should provide for a breakout room if a lawyer needs to confer with his or her client during the proceeding, or in the event the participants need to discuss a matter off the record.
- 1.9. All notices of remote proceedings must (i) indicate that the proceeding will occur by video conferencing; (ii) include, if available, the video conferencing details, including links and login information; (iii) state that no party or counsel should appear in person at the proceeding; (iv) indicate whether the proceedings will be video-recorded and identify the videographer as required by Applicable Laws, Rules, and Procedures; and (v) provide instructions for participation by telephone if a self-represented party does not have access to the video conferencing platform that is being used. For security purposes, unique links and login information are preferred.
- 1.10. Judges may begin all court proceedings with an explanation of the video conferencing procedures, including the process the court will use to designate participants to speak.