

IN THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR THE STATE OF FLORIDA

IN RE: TELEPHONIC MOTION HEARINGS SET)
FOR NOT LONGER THAN FIFTEEN MINUTES)
IN CIRCUIT AND COUNTY CIVIL CASES) Administrative Order 1.10

Whereas, Fla. R. Jud. Admin. 2.071(a) (2005) defines “communication equipment” as a conference telephone or other electronic device that permits all those appearing or participating to hear and speak to each other, provided that all conversation of all parties is audible to all persons present; and

Whereas, Fla. R. Jud. Admin. 2.071(c) (2005) provides that a county or circuit judge may, upon the written request of a party upon reasonable notice to all other parties, permit a requesting party to participate through communication equipment in a scheduled motion hearing; and

Whereas, Fla. R. Jud. Admin. 2.071(c) (2005) further provides that any such request (except in criminal, delinquency, and appellate proceedings) must be granted, absent a showing of good cause to deny the same, where the hearing is set for not longer than fifteen (15) minutes; and

Whereas, it is in the interest of the efficient administration of justice to set forth a threshold and uniform set of procedures to be utilized throughout the Twentieth Judicial Circuit;

IT IS HEREBY ORDERED, pursuant to the authority provided by Fla. R. Jud. Admin. 2.050, as follows:

1. In instances where a civil motion hearing is scheduled for not longer than fifteen (15) minutes, a party may file a written request to participate via conference or speaker telephone, or other applicable communication equipment, and shall provide notice to the Court and the parties to the motion.

2. Notice by the requesting party must be provided by mailing a copy of the written request at least five (5) days prior to the day of the hearing, or by delivering a copy of the written

request to the other parties or, if represented by counsel, to the other parties' attorney(s) no later than 5:00 p.m. two business days prior to the day of the hearing.

3. The requesting party shall be responsible for contacting the trial judge's Judicial Assistant and ensuring that appropriate arrangements have been made to permit participation through conference or speaker telephone, or other applicable communication equipment, on the scheduled date and time. It shall be at the discretion of the trial judge as to whether the requesting party shall be responsible for initiating the telephone or communication connection or whether the Court shall be responsible for initiating the telephone or communication connection.

4. Absent a showing of good cause, and in accordance with Fla. R. Jud. Admin. 2.071(c) (2005), the trial judge shall grant the request and make reasonable accommodations to permit the requesting party's participation through conference or speaker telephone, or other applicable communication equipment.

5. Evidentiary hearings are exempted from the application of this Administrative Order.

6. This Administrative Order specifically addresses non-evidentiary civil motion hearings set for not longer than fifteen (15) minutes. It is not intended to limit or address requests for telephonic hearings which are otherwise governed by Fla. R. Jud. Admin. 2.071.

7. To the extent that any provision of this Administrative Order may be construed as being in conflict with any law, statute, or rule, the law, statute, or rule shall prevail.

DONE AND ORDERED in Chambers at Naples, Collier County, Florida this 13th day of April, 2005.

I CERTIFY THIS DOCUMENT TO BE A TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE IN MY OFFICE, CHARLIE GREEN CLERK COUNTY COURT LEE COUNTY, FLORIDA.

DATED: 4-18-05

BY: She Murray
Deputy Clerk

Hugh D. Hayes
Hugh D. Hayes
Chief Judge

STATE OF FLORIDA, COUNTY OF LEE

FILED FOR RECORD

This 18 Day of APR 2005 Record in CIR. CT. MINUTE
Book 49 Page _____ and Record Verified.

CHARLIE GREEN By She Murray
Clerk Circuit Court Deputy Clerk