

**Fla. R. Jud. Admin. Rule 2.530 - COMMUNICATION TECHNOLOGY [Effective October 1, 2022]**

(a) **Definitions.** The following definitions apply to this rule:

(1) "Audio communication technology" means electronic devices, systems, applications, or platforms that permit all participants to hear and speak to all other participants in real time.

(2) "Audio-video communication technology" means electronic devices, systems, applications, or platforms that permit all participants to hear, see, and speak to all other participants in real time.

(3) "Communication technology" means audio communication technology or audio-video communication technology.

(4) "Court official" means a county or circuit court judge, general magistrate, special magistrate, or hearing officer.

**(b) Generally.** Unless governed by another rule of procedure or general law and with the exception of civil proceedings for involuntary commitment pursuant to section 394.467, Florida Statutes, communication technology may be used for all proceedings before a court official, as provided by this rule. Subject to subdivision (b)(1) or (b)(2), if applicable, a court official may authorize the use of communication technology for the presentation of testimony or for other participation in a proceeding upon the written motion of a party or at the discretion of the court official. **Reasonable advance notice of the specific form of communication technology<sup>1</sup> to be used and directions for access to the communication technology must be provided in the written motion or in a written notice** from the court official exercising discretion. *The motion or notice must be served on all who are entitled to notice of the proceeding. A party may file an objection in writing to the use of communication technology **within 10 days after service** of the motion or notice or within such other period as may be directed by the court official. **A party waives objections to the use of communication technology by failing to timely object to the motion or notice unless, before the date of the proceeding, the party establishes good cause for the failure to timely object.** A courtesy copy of the written motion or objection must be provided to the court official in an electronic or a paper format as directed by the court official. The court official must consider any objection before authorizing the use of communication technology. The decision to authorize the use of communication technology over objection shall be in the discretion of the court official.*

**(1) Non-Evidentiary Proceedings.** A court official must grant a motion to use communication technology for a non evidentiary proceeding scheduled for 30 minutes or less unless the court official determines that good cause exists to deny the motion.

**(2) Testimony.**

**(A) Procedure. A written motion by a party to present testimony through communication technology must set forth good cause why the testimony should be allowed in the specific form requested and must specify whether each party consents to the form requested.** In determining

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<sup>1</sup>All notices for remote hearings for Judge Cox shall include: "At the designated hearing time, you will appear through Zoom teleconferencing (without charge) via video by clicking <https://zoom.us/j/6168154963>."

whether good cause exists, the court official may consider, without limitation, the technological capabilities of the courtroom, how the presentation of testimony through communication technology advances the proceeding or case to resolution, the consent of the parties, the time-sensitivity of the matter, the nature of the relief sought and the amount in controversy in the case, the resources of the parties, the anticipated duration of the testimony, the need and ability to review and identify documents during testimony, the probative value of the testimony, the geographic location of the witness, the cost and inconvenience in requiring the physical presence of the witness, the need to observe the demeanor of the witness, the potential for unfair surprise, and any other matter relevant to the request.

**(B) Administration of the Oath.** Before Testimony may be taken/presented through communication equipment only if a notary public or other technology, the oath must be administered to the witness as provided in this subdivision.

(i) Person Administering the Oath is Physically Present with the Witness. An oath may be administered to a witness testifying through communication technology by a person who is physically present with the witness if the person is authorized to administer oaths in the witness's jurisdiction is present with the witness and administers the oath is administered consistent with the laws of that jurisdiction.

(ii) Person Administering the Oath is not Physically Present with the Witness. An oath may be administered to a witness testifying through audio-video communication technology by a person who is not physically present with the witness if the person is authorized to administer oaths in the State of Florida and the oath is administered through audio-video communication technology in a manner consistent with the general laws of the State of Florida. If the witness is not located in the State of Florida, the witness must consent to be bound by an oath administered under the general laws of the State of Florida.

**(C) Limitation on the Form of Communication Technology Used.** If the use of communication technology is authorized under this rule for a proceeding in which the mental capacity or competency of a person is at issue, only audio-video communication technology may be used for the presentation of testimony by that person.

**(c) Use by Jurors.** At the discretion of a chief judge, an administrative judge, or a county or circuit court judge, prospective jurors may participate, prior to the beginning of voir dire, through communication technology in a court proceeding to determine whether the prospective jurors will be disqualified, be excused, or have their jury duty postponed. If authorized by another rule of procedure, prospective jurors may participate in voir dire and empaneled jurors may participate in a trial through audio-video communication technology.

**(d) Burden of Expense.** Unless otherwise directed by the court, the cost for the use of audio-video communication technology is the responsibility of the requesting party, subject to allocation or taxation as costs.

**(e) Override of Family Violence Indicator.** Communications technology may be used for a hearing on a petition to override a family violence indicator under Florida Family Law Rule of Procedure 12.650.