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03/20/2020 at 04:24 PM, GWEN MARSHALL, CLERK OF COURTS

IN THE SECOND JUDICIAL CIRCUIT OF FLORIDA

OFFICE OF THE CHIEF JUDGE

ADMINISTRATIVE ORDER 2020-04

IN RE: CLOSURE PROCEDURES IN RESPONSE TO THE COVID-19 PANDEMIC

WHEREAS, the Chief Judge issued Administrative Order 2020-03 closing all court operations except essential court proceedings, critical proceedings related to the state or emergency or public health emergency, and proceedings conducted solely using telephonic or other electronic means in all courthouses and facilities of the Second Judicial Circuit to implement and comply with the administrative orders of the Florida Supreme Court related to the public health emergency created by COVID-19; and

WHEREAS, the Chief Judge issues this additional administrative order to establish procedures for (1) essential court proceedings, (2) critical proceedings related to the state of emergency or public health emergency, and (3) other proceedings or events conducted by remote appearance; and

WHEREAS, this order applies to all court proceedings in the Second Judicial Circuit for the duration of the public health emergency or until further administrative order.

IT IS HEREBY ORDERED that:

I. Proceedings Conducted by Remote Appearance or Hearing. "Remote Appearance or Hearing" means: any reasonable electronic means of being heard by a judge including, without limit, telephone, video, skype, conference call or similar. A "remote appearance or hearing" means no lawyer or litigant is permitted to be physically present and must participate in the hearing solely by telephone or video.

A. Nothing in this order is intended to limit a judge from resolving any legal filing without a hearing as otherwise authorized by law.

B. No proceedings except those designated herein or by Supreme Court Administrative Order as essential court proceedings, or critical proceedings related to the state of emergency or public health emergency shall be conducted by in-person hearings except as authorized on a case by case basis by the chief judge.

C. Even proceedings designated essential or critical should be conducted to minimize face to face and in-person contact. If practicable essential or critical proceedings and cases should be conducted by remote appearance or hearing.

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II. First Appearance Hearing Procedure and In-Custody Plea, Pretrial Release and Bond Hearings. First appearance, in-custody plea, pretrial release and bond hearings are hereby designated as essential proceedings and proceedings critical to the state of emergency or public health emergency.

A. On weekends, first appearance for each county will be conducted in courtroom 2D of the Leon County Courthouse for each county of the Second Circuit and shall commence after the conclusion of juvenile detention hearings, if any. All persons in custody will be present by remote appearance only for first appearance.

B. Media is permitted to attend first appearance in-person upon request. One family member or other supporter for each accused person will be permitted to attend first appearance upon request. Counsel for the prosecution, public defender and previously retained private counsel may attend in-person or by telephone.

C. The clerk or court administration personnel will contact each jail or booking officer in each county to arrange the first appearance remote appearance as directed by the presiding judge.

D. The court will be available to and as requested conduct plea, pretrial release and bond hearings for in-custody persons Monday through Friday. The Leon County felony administrative judge and county court administrative judge, and the circuit and county judge assigned to each County are authorized to establish the process and schedule to set and conduct such hearings. No detained or sentenced person will be transported for plea, pretrial release or bond hearings but must appear by video and/or telephone.

III. Juvenile Dependency Shelter Hearing Procedure (all counties). Juvenile Dependency Shelter Hearings for any child sheltered within the counties of the Second Judicial Circuit shall be conducted in courtroom 3H of the Leon County Courthouse beginning at 8:30 am Monday through Friday and in courtroom 2D on weekends and holidays. All parents, the Office of the Guardian Ad Litem (including counsel, child advocate managers, and volunteers), Office of Regional Counsel, and parents' counsel may appear only by telephone. Counsel for the Department of Children and Families and the Child Protective Investigator may appear in-person in the designated shelter hearing courtroom or by telephone as they choose to facilitate preparation and copying of orders.

IV. Juvenile Delinquency Detention Hearing Procedure (all counties).

A. Juvenile delinquency detention hearings for any child arrested (and not otherwise released) in any county of the Second Judicial Circuit will be conducted by video from Leon County Courtroom 3E Monday through Friday and courtroom 2D on weekends, and such hearings shall commence after the conclusion of shelter hearings, if any.

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B. "Detention hearings" includes hearings to seek the release of any juvenile from secure detention. The Department of Juvenile Justice shall not automatically release from secure detention a child whose 21-day trial has not commenced. All children held for 21-day trials shall be brought before the court on the 21st day by video or other electronic medium for a detention hearing prior to release. Any child who is the subject of a motion for release shall be brought before the court by remote appearance for a detention hearing unless the court issues a written order for release.

V. Family Law and Civil Procedure for Petitions for Protective Injunctions and Emergencies.

A. Each clerk's office of each county shall forward to the family law judge all petitions seeking protective injunctions for review and resolution to the assigned judge for that county/case. The judge will resolve the petition by the appropriate order and transmit the executed order to the clerk. The existing procedures currently utilized by each judge with a family law caseload and circuit civil with an emergency filing remains unchanged at this time.

B. No family law hearings, including hearings related to protective injunctions, will be conducted in-person except by specific authorization of the chief judge. The court has developed a COVID-19 telephonic hearing protocol for all protective injunctions and implemented these procedures with all clerks throughout the circuit.

VI. Designation of Current Mailing and Email Address and Cellphone Number. All litigants filing civil and/or family law documents must complete and submit to the Clerk of Court a Designation of Current Mailing and Email Address form or otherwise provide a physical and email address and/or cellphone number for receipt of notices and participation in remote hearings.

VII. All In-Person Civil, Family Law and Protective Injunction Hearings Cancelled and Reset for Remote Appearance.

A. For the duration of the public health emergency, all judges, magistrates and hearing officers are directed to refrain from conducting any proceeding or hearing in all civil, family law and protective injunction cases through in-person hearings. All such matters must be conducted solely through remote appearance or hearing except as specifically authorized, cases by case, by the chief judge.

B. Each family law and civil judge is directed to review their assigned cases and cancel, postpone or reschedule hearings and other proceedings only for remote appearance.

VIII. Specialty, Treatment and Helper Courts. All hearings in specialty, treatment and helper courts (adult and juvenile drug courts, Veterans Treatment Court, misdemeanor mental health dockets, early childhood court and similar) including hearings and staffings must be conducted solely through remote appearance or hearing. Each presiding judge in specialty,

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treatment and helper courts is directed to review their assigned cases and cancel, postpone or reschedule hearings and other proceedings only for remote appearance.

IX. Writs of Possession and Evictions. Each sheriff of the Second Judicial Circuit is authorized to stay execution of writs of possession and orders directing removal of tenants through eviction proceedings for the duration of the public health emergency or further administrative order.

X. Driver's License Suspension in Civil Traffic Cases. Each Clerk of Court is authorized to postpone suspension of driver's licenses for non-Court ordered sanctions in all Civil Traffic Cases for the duration of the public health emergency or further administrative order.

XI. Foreclosure Sales. Until otherwise determined, bidders must make both their bid deposits and purchase payments by Fedwire or Automated Clearing House per the specifications of the Clerk of Court.

XII. Non-Court Use of Court Facilities. All uses of court facilities (such as Teen Court, courthouse tours, ceremonies and the like) other than for the purpose of conducting hearings and proceedings are cancelled. This provision affects only court facilities and operations.

XIII. Effective Date. This administrative order is effective immediately, and in effect until further order of the Chief Judge.

DONE and ORDERED in chambers in Tallahassee, Leon County, Florida, this 20th day of March, 2020.

JONATHAN SJOSTROM
Chief Judge

Copies furnished to:
All Circuit and County Judges, Second Judicial Circuit
All Clerks of the Court, Second Judicial Circuit
All Sheriffs, Second Judicial Circuit
State Attorney, Second Judicial Circuit
Public Defender, Second Judicial Circuit
Office of Court Administration, Second Judicial Circuit

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