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03/24/2020 at 02:09 PM, GWEN MARSHALL, CLERK OF COURTS

IN THE SECOND JUDICIAL CIRCUIT OF FLORIDA

OFFICE OF THE CHIEF JUDGE

ADMINISTRATIVE ORDER 2020-05

IN RE: REMOTE HEARINGS REQUIRED FOR ESSENTIAL PROCEEDINGS

WHEREAS, on Sunday, March 15, 2020 I issued a memorandum directing that during the public health emergency we must minimize the number of persons physically present in the courthouse and reduce exposure risk for persons who come to court.

WHEREAS, by that memorandum, I:

- suspended inmate transport;
- directed establishment of a video plea docket;
- directed all judges to refrain from conducting hearings in chambers with lawyers or litigants physically present;
- directed that judges minimize in-person court proceedings;
- directed that protective injunction hearings be conducted by telephone, if feasible;
- excused all children from being present in court in dependency cases, and encouraged all counsel, parties and participants to appear by telephone;
- requested assistance of court security in maintaining social distancing in the courthouse; and
- established guidelines and best practices directing that judges minimize the number of persons permitted in non-public areas, and sought assistance of court security to minimize exposure risk including using available courtrooms as staging areas to avoid packed courtrooms and to maintain social distance.

WHEREAS, on March 18, 2020, I issued Administrative Order 2020-03.

WHEREAS, by that AO, I:

- Closed all court operations and facilities throughout the Second Judicial Circuit;
- Defined essential and critical court proceedings;
- Directed that no proceedings or court events except those deemed essential and critical occur through in-person hearings;
- Required that all filings by attorneys in civil and family cases be made electronically; and
- Directed the Clerks of Court to establish means to accept paper filings by pro se litigants.

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WHEREAS, on March 20, 2020 I issued Administrative Order 2020-04 establishing closure procedures.

WHEREAS, by that AO, I:

- Defined a "Remote Court Appearance";
- Directed that even proceedings designated essential or critical should be conducted to minimize face-to-face and in-person contact, and if practicable, essential or critical proceedings and cases should be conducted by remote appearance or hearing;
- Established limits on public participation in court proceedings;
- Established processes and resources for remote juvenile delinquency detention hearings;
- Established processes and resources for remote juvenile dependency shelter hearings;
- Established processes for resolution of filings designated "emergency" by the filer;
- Directed that all family law hearings, including hearings related to protective injunctions be conducted remotely;
- Directed that all civil hearings be conducted remotely;
- Directed that all specialty, treatment, and helper court hearings and staffings be conducted remotely; and
- Cancelled all non-court use of court facilities.

WHEREAS, the Second Judicial Circuit has now established three video courtrooms for use in essential and critical proceedings, especially first appearance, criminal pleas and bond hearings.

WHEREAS, reasonable resources are now available to permit critical and essential court proceedings to be conducted remotely.

IT IS HEREBY ORDERED that:

I. First appearance, pleas, bond hearings and other essential or emergency proceedings will be conducted fully remotely, unless a specific request for an in-person hearing is made by written motion and an in-person hearing is authorized by the chief judge. If the presiding judge concludes that a motion for an in-person hearing should be granted, the presiding judge shall so request and each such request will be resolved expeditiously by the chief judge or designee.

II. During remote hearings, no person shall be physically present except: (1) the presiding judge; (2) one deputy clerk of court if deemed necessary by the presiding judge; (3) one court security officer if deemed necessary by the presiding judge; and (4) court administration staff necessary to assist with remote appearance resources.

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III. During in-person hearings authorized by the chief judge, the presiding judge shall ensure and enforce that no person is present in the courtroom except: (1) the presiding judge; (2) one lawyer for each party; (3) one deputy clerk if deemed necessary by the presiding judge; (4) one necessary witness at a time; (5) court administration staff necessary to assist with remote appearance resources. Other interested persons may appear or observe by telephone or video and co-counsel may be permitted to communicate by personal cellphone or other electronic resource at the discretion of the presiding judge.

IV. During in-person hearings, the presiding judge is encouraged to direct court security officers to enforce prudent social distancing and staging practices to minimize contact and the risk of exposure.

V. Juvenile dependency shelter hearings will be conducted fully remotely. In addition to the provisions of Administrative Order 2020-04, counsel for the Department of Children and Families, the Child Protective Investigator and all other counsel, parties and participants must appear solely by remote appearance. Counsel for the Department of Children is directed to submit proposed orders electronically through the clerk of court, court case manager or judicial assistant as directed by the presiding judge.

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

VII. This AO supersedes all inconsistent provisions of any prior directive or administrative order.

DONE and ORDERED in chambers in Tallahassee, Leon County, Florida, this 24 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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