

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

IN RE:           MITIGATING MEASURES IN  
                    RESPONSE TO COVID-19

ADMINISTRATIVE  
ORDER  
NO. 2.39

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**WHEREAS**, in response to the outbreak of the Coronavirus Disease 2019 (COVID-19), the Governor of Florida has declared that a state of emergency exists and the Surgeon General and State Health Officer have declared that a public health emergency exists; and

**WHEREAS**, in AOSC20-12 (issued March 11, 2020) and AOSC20-13 (issued March 16, 2020), the Florida Supreme Court expressed that preparing for the impact of COVID-19 on court operations is a high priority for the Florida State Court System, and directed that all chief judges of the circuit courts take such mitigating measures as may be necessary to address the effects of the COVID-19 outbreak on their respective courts, while keeping the courts open to the fullest extent consistent with public safety; and

**WHEREAS**, in AOSC20-13, the Florida Supreme Court temporarily suspended grand jury proceedings, jury selection proceedings, and criminal and civil jury trials, and temporarily suspended all time periods involving the speedy trial procedure, in criminal and juvenile court proceedings; and

**WHEREAS**, in AOSC20-13, the Florida Supreme Court temporarily suspended all rules of procedure, court orders, and opinions applicable to court proceedings that limit or prohibit the use of communication equipment for the conducting of proceedings by remote electronic means; and

**WHEREAS**, on March 17, 2020, the Florida Supreme Court issued AOSC20-15, which: (1) required that all circuit and county courts continue to perform specifically designated essential court proceedings and proceedings critical to the state of emergency or the public health emergency, and permitted the chief judge to determine that additional proceedings are essential or critical to the state of emergency or the public health emergency; (2) required circuits to employ all methods practicable to minimize the risk of COVID-19 exposure to individuals involved in essential court proceedings and proceedings critical to the state of emergency or the public health emergency, or the general public; and (3) directed that all non-essential and non-critical court proceedings and events be rescheduled, postponed, or cancelled unless the chief judge determines that such other specific proceedings or events can be effectively conducted remotely using telephonic or other electronic means available without the necessity of in-person court appearances.

**NOW, THEREFORE**, in accordance with the authority vested in the Chief Judge pursuant to Fla. R. Jud. Admin. 2.215, and Florida Supreme Court AOSC20-12, AOSC20-13, and AOSC20-15, it is ordered as follows:

1. **ESSENTIAL OR CRITICAL COURT PROCEEDINGS** – The following matters are deemed essential or critical court proceedings which the circuit and county courts are required to continue performing:
  - a) First appearance hearings;
  - b) Criminal arraignments, as necessary;

- c) Hearings on motions to set or modify monetary bail for individuals who are in custody;
- d) Juvenile dependency shelter and arraignment hearings, including shelter reviews;
- e) Juvenile delinquency detention and arraignment hearings;
- f) Hearings on petitions for temporary injunctions relating to safety of an individual;
- g) Hearings on petitions for risk protection orders;
- h) Hearings on petitions for the appointment of an emergency temporary guardian;
- i) Hearings to determine whether an individual should be involuntarily committed under the Baker Act or Marchman Act;
- j) Hearings on petitions for extraordinary writs as necessary to protect constitutional rights;
- k) Hearings on petitions for judicial waiver of notice pursuant to section 390.01114(4), Florida Statutes; and
- l) Hearings related to the state of emergency or the public health emergency, including but not limited to proceedings related to violation of quarantine or isolation, violation of orders to limit travel, violation of orders to close public or private buildings, and enforcement of curfew orders.

## 2. **HANDLING OF ESSENTIAL OR CRITICAL COURT PROCEEDINGS**

- a) Essential or critical court proceedings shall be handled by the divisional judge, magistrate, hearing officer, or duty judge who would normally hear the matter.
- b) When possible, essential court proceedings shall be held remotely using communication equipment. If it is not possible to conduct the proceeding remotely, the presiding judicial or quasi-judicial officer shall ensure that all available social distancing methods are utilized.
- c) Essential court proceedings involving in-custody defendants shall be conducted remotely utilizing communication equipment. No inmate housed in any jail facility is to be transported to any courthouse or court facility absent a written order from the Chief Judge.
- d) If in-person hearings are required, the only persons allowed in the courtrooms are attorneys, parties, witnesses, and the media, subject to the approval of the presiding judge and subject to all available social



distancing methods. In addition, at this time, the only persons allowed entry into the courthouse itself or court facility, for in-person hearings or otherwise, are attorneys, parties, witnesses, the media, and persons with official court business. No one shall be permitted to accompany persons who are otherwise allowed in the courthouse, and there shall be no loitering. Any person, regardless of status, who is exhibiting symptoms consistent with COVID-19, or any person who has traveled or has knowingly been in contact with another person who is suffering from the effects of the COVID-19 virus, is prohibited from entering any court facility. Court Bailiffs and local Sheriff Deputies are hereby granted the authority to screen and eject persons from courtrooms, courthouses, or court facilities in accordance with this Administrative Order.

- e) All Baker Act and Marchman Act proceedings shall be conducted remotely utilizing communication equipment.

3. **HANDLING OF OTHER MATTERS**

- a) In accordance with the directives of the Florida Supreme Court, all grand jury proceedings, jury selection proceedings, and criminal and civil jury trials are suspended and will remain suspended until further notice or until superseded by further order of this Court or the Florida Supreme Court.
  - b) All other non-essential and non-critical court proceedings are suspended until further notice or until superseded by further order of this Court or the Florida Supreme Court, *unless* the presiding judicial or quasi-judicial officer determines that the matter may be effectively conducted remotely using communication equipment *and obtains the approval of the Chief Judge*.
  - c) All court mediations are cancelled unless conducted remotely using videoconferencing, telephonic or other electronic means without the necessity of in-person court appearances.
4. This Administrative Order shall be effective immediately and shall remain in effect until further notice or until superseded by further order of this Court or the Florida Supreme Court.

**DONE AND ORDERED** in chambers in Fort Myers, Lee County, Florida, this 17<sup>th</sup>

day of March, 2020.



Michael T. McHugh  
Chief Judge

History. – New.