



TWENTIETH JUDICIAL CIRCUIT OF FLORIDA

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MEMORANDUM

TO: Charlotte County Bar Association, Charlotte Chapter of FACDL

FROM: Jon L. Embury, Administrative Services Manager

DATE: 4/22/21

RE: 6/21 TRANSITION Charlotte County Courts

Following a meeting with our Charlotte County Judges, I would like to share some recent updates regarding COVID 19 procedures in Charlotte and the new Administrative Order – No. AOSC21-17 which loosens the restrictions considerably as of **June 21, 2021**. This **transition** is a fluid situation and subject to change based new Administrative Orders from the Supreme Court and our Chief Judge. Below is the most up to date information the courts can provide that immediately impacts the Charlotte County Bar and our stakeholders.

1. USE OF MASKS – SOCIAL DISTANCING REQUIREMENTS

- a. As of June 21st, unless required by federal, state, or local laws, rules, or regulations, the wearing of face masks and physical distancing are **not required** during in-person court proceedings.
 - i. The wearing of face masks is optional. Participants and observers may wear face masks if they so choose;
 - ii. A face mask must be provided to a participant or observer for an in-person court proceeding if they so request.

- iii. Face masks with clear plastic panels during in-person court proceedings may be used. (Unanswered is the issue of whether, upon request, a clear plastic mask must be provided).
- b. Participants may request to be physically distanced. However, social distancing is **not** mandatory.
 - i. Each judge is authorized to address the issue as appropriate under the circumstances at the time of the request.

2. CONTINUED USE OF TECHNOLOGY IS AUTHORIZED

- a. First, all rules of procedure, court orders, and opinions applicable to court proceedings that limit or prohibit the use of communication equipment for the remote conduct of proceedings **shall remain suspended**.
- b. Participants who have the capability of participating by electronic means in remote appellate or trial court proceedings must do so.¹
 - i. Trial court proceedings shall continue to be remotely conducted, as appropriate, to facilitate the efficient and expeditious processing of cases.
 - ii. All rules of procedure, court orders, and opinions applicable to remote testimony, depositions, and other legal testimony, including the attestation of family law forms, that can be read to limit or prohibit the use of audio-video communication technology to administer oaths remotely or to witness the attestation of family law forms shall remain suspended.

¹ This provision is found at §(3) on page 8 of the administrative order. However, Subsection (b) on page 17 states: All other trial court proceedings **may** be conducted remotely or in person, except that a proceeding must be conducted in person if the presiding judge determines that remote conduct of the proceeding is inconsistent with the United States or Florida Constitution, a statute, or a rule of court, a court order, or an opinion that has not been suspended by administrative order.

Modifications to events handled via zoom or in person are outlined by ALL Charlotte County Judges and Magistrate below:

Judges Alessandrone:

Hearings to determine whether an individual should be involuntarily committed under the Baker Act or the Marchman Act will be conducted in person unless that individual waives the right to physical presence at the hearing. All other matters including FIRST APPEARANCE AND GUARDIANSHIP will remain via ZOOM until further notice

Judge Bell:

County Criminal and Civil trials will be in person, all other matters will remain via ZOOM until further notice.

Judge Burns:

County Criminal and Civil trials will be in person, all other matters will remain via ZOOM until further notice.

Judge Cupp:

Any/all pleas, ERC, evidentiary or any other type of hearings will be in court, in person for all parties. ALL ARRAIGNMENTS, CMC and PTC will continue via ZOOM.

Judge Evans:

DV remains in person. All other matters will remain via ZOOM until further notice. On and after 6/21/21 when scheduling a motion or hearing with Judge Evans, her JA will advise if the matter will be set via ZOOM or in person.

Judge Mason:

Any/all pleas, evidentiary or any other type of hearings will be in court, in person for all parties.
ALL ARRAIGNMENTS, ERC, CMC, and PTC will continue via ZOOM.

Judge Gentile:

All trials and specially set evidentiary hearings will be in person. All other matters will continue via ZOOM until further notice.

Magistrate Koch:

Unless already scheduled prior thereto with the Magistrate,

Magistrate FAMILY proceedings: **All non-jury and contested evidentiary motion hearings are in person. Pro se (all parties pro se) family docket sounding is in person. All Dependency proceedings are in person.** All CMC's, OTSC and represented family docket sounding proceedings (either, or all, parties represented) remain via ZOOM. Non-evidentiary family motion practice remains via ZOOM.

Magistrate CIVIL proceedings: **All nonjury and contested evidentiary motion hearings (except MSJ hearings which are based upon record evidence) are in person.** All CMC'S, Pre-trial conferences, non-evidentiary motion and MSJ motion practice remain via ZOOM.

Magistrate PROBATE proceedings: **All contested evidentiary hearings are in person.** All non-evidentiary motion and petitions remain via ZOOM.