

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT
OF FLORIDA

ADMINISTRATIVE ORDER NO:
20-15 3RD AMENDED
SUPERSEDES 20-15 2ND
AMENDED

IN RE: CONTINUATION OF OPERATIONS BASED UPON COVID-19 CONCERNS

WHEREAS, the World Health Organization (WHO), have declared the Coronavirus Disease 2019 (COVID-19), a severe acute respiratory illness that can spread among individuals through respiratory transmission, a pandemic; and

WHEREAS, the WHO and the federal Centers for Disease Control and Prevention (CDC) have devised a system to detect and monitor the outbreak of COVID-19; and

WHEREAS, Florida Governor Ron Desantis on March 1, 2020, by Executive Order No.: 20-51, directed the State Health Officer and Surgeon General, Dr. Scott Rivkees to declare a public emergency in the State of Florida pursuant to F.S. 381.00315; and

WHEREAS, Florida’s Surgeon General, Dr. Scott Rivkees declared that a public health emergency exists in the State of Florida as a result of COVID-19; and

WHEREAS, Governor DeSantis issued Executive Order No.: 20-52 on March 9, 2020, declaring a State of Emergency for the State of Florida as a result of COVID-19; and

WHEREAS, Chief Justice Charles Canady issued Administrative Order No: AOSC20-13 regarding Emergency Procedures in the Florida State Courts as a result of COVID-19, including mitigating the effects of COVID19 as a high priority in the Florida State Courts System by adopting “social distancing”; and

WHEREAS, it is reasonable, that further extensions or additional Executive Orders will result due to continued outbreak of COVID-19; and

WHEREAS, the Centers for Disease Control recommends community preparedness and various prevention and mitigation measures be taken. These measures include among other things, distancing individuals from persons who are ill or have been exposed to persons ill with COVID- 19, limiting face-to face contact with individuals who are ill or have been exposed to persons ill with COVID-19, exercising social distancing which includes remaining out of congregate settings, and maintaining distance (approximately 6 feet or 2 meters) from others and remaining at home; and

WHEREAS, the John E. Polk Correctional Facility in Seminole County and the Brevard County Jail Complex in Brevard County houses inmates in a correctional setting, which by its nature includes close housing with other inmates and close contact with other individuals in the legal community; and

WHEREAS, court appearances by persons most often results in the gathering of large groups of persons; and

WHEREAS, measures are needed within the judicial setting to address the confinement and court appearances of persons who may be ill, who have been exposed to COVID-19 or persons ill with COVID-19;

WHEREAS, for the health and safety of the public, court employees, and all those who must come to the courthouse to conduct business, and in consultation with local justice partners; it has been decided that the Eighteenth Judicial Circuit must transition from Phase 2 (limited in-person contact is authorized for certain purposes and requires use of protective measures) back to Phase I (in-person contact is inadvisable, court facilities are effectively closed to the public and in-person proceedings are rare) until such time as the community again shows improving health conditions over a 14-day period;

THEREFORE, pursuant to Rule 2.215, Florida Rules of Judicial Administration, charging the Chief Judge with ensuring the efficient and proper administration of all courts within the circuit, and as an ongoing effort to mitigate the effects of COVID-19 on the courts and its participants, the Court orders as follows,

IT IS HEREBY ORDERED that:

The following provides direction for all criminal proceedings and civil proceedings until August 31, 2020, or as provided by a subsequent order, to the Judges, Clerk, Attorneys, Sheriff and litigants as to:

1. REMOTE APPEARANCES

- a. All in-custody initial appearances, arraignments, VOP arraignments, early resolution cases, bond hearings and shall be conducted by remote appearance via video conferencing at the jail. An in-custody plea may be treated like a bond hearing. Juvenile Detention proceedings shall be conducted by remote appearance via video conferencing at the jail in Brevard County. Juvenile Detention proceedings shall be conducted at the Juvenile Justice Center in Seminole County, Monday through Friday and otherwise conducted by remote appearance via video conferencing at the jail on the weekend.
- b. All Baker Acts and Marchman Acts hearings shall proceed via remotely. Emergency Guardianship matters and Risk Protection Order Hearings shall proceed remotely in Brevard County. Emergency Guardianship matters and Risk Protection Order Hearings shall proceed at the Juvenile Justice center in Seminole County Monday through Friday and otherwise conducted by remote appearance via video conferencing on the weekend.
- c. The Sheriff shall notify the Clerk, the Court, the office of the State Attorney and counsel for the defendant, upon receipt of information where an arrestee/inmate is associated with a med alert address or otherwise symptomatic.

2. STIPULATED BOND MODIFICATIONS

- a. In any case identified for Remote Appearance, whether a Circuit or County court case, wherein release from custody is thought to be in the best interest of the inmate

population and which will not have a detrimental effect upon the safety of the public, the State and Defense may submit a *Stipulated Request for Release from Custody with Conditions*

- b. The Clerk shall submit all submitted Motions and Proposed Orders to the Judge whose division the case is assigned.
- c. Should a Stipulated Request for Release from Custody with Conditions be Granted by the Court, the State and Defense may revisit the conditions of pretrial release and request the Court modify the defendant's Pre-trial release if it is determined the defendant's health no longer warrants the release for the protection of the inmate population or as a person warranting social distancing.

3. CRIMINAL PROCEEDINGS DEALING WITH OUT OF CUSTODY DEFENDANTS

- a. All out of custody defendants' appearances for docket soundings, pre-trials, docket reviews, and calendar calls shall be continued until after August 31, 2020, or as provided by subsequent order. All out of custody defendants' appearances shall be waived for arraignments, including VOP arraignments.
- b. Requests for continuance will be accepted without signature of the defendant provided they are signed by counsel for the defendant.
- c. Any time periods involving the speedy trial procedure shall be suspended as set forth by administrative orders executed by Chief Justice Charles T. Canady.
- d. Any other nonemergent hearing may move forward, providing the parties appear remotely.

4. INJUNCTIONS

- a. All domestic violence, repeat violence, dating violence, stalking, sexual violence, dating violence, vulnerable adult injunctions, and cyberstalking injunction hearings relating to the safety of an individual shall proceed via video-conferencing or telephonic calls. Any current temporary injunction shall remain in place until the date of rescheduled hearing. Any temporary injunction that is granted between the date of this administrative order and August 31, 2020, shall remain in place until the hearing on the permanent injunction is scheduled.
- b. Any Petition for Temporary *ex parte* injunctions which includes domestic violence, repeat violence, dating violence, stalking, sexual violence, dating violence, vulnerable adult and cyberstalking will continued to be addressed at the Courthouses in Brevard County and Seminole County. Should said petition be granted, all time limits shall be pursuant to 4a. of this administrative order.

5. PROPERTY CASES

- a. All foreclosure sales, hearings and nonjury trials shall be suspended until August 31, 2020, or as provided by subsequent order. The proceeding shall be scheduled to the next available date.
- b. All eviction, ejectment or writs of possession, unlawful detainers shall be suspended until August 31, 2020, or as provided by subsequent order. The clerk may issue the summons for these matters, but the summons cannot be served by the Sheriff or Process Servers until this suspension is lifted.

- c. Any time periods involving service or scheduling a hearing shall be suspended. The Sheriff and all Process Servers are directed to suspend all service of process for these types of proceedings during this time. The suspension of time limits for service shall restore additional days equal to the number stated herein.

6. COUNTY COURT CIVIL PROCEEDINGS

- a. All small claim case management and/or pretrial conferences and trials are to be suspended and recommence after August 31, 2020 or as provided by subsequent order. All hearings for civil traffic infractions shall proceed remotely or be continued until after August 31, 2020. If rescheduled, the traffic hearings will be re-noticed with a new court date to take place after August 31, 2020. Any time periods involving scheduling the hearing for a civil traffic infraction shall be suspended. The suspension of time limits for scheduling said hearing shall restore additional days equal to the number stated herein.

7. CIVIL FAMILY DEPENDENCY PROCEEDINGS

- a. All contested Family trials shall be rescheduled after August 31, 2020, or as provided by subsequent order. However, if parties and their attorneys stipulate, evidentiary hearings and trials in Family cases may be heard remotely.
- b. All Civil and Family Motions that do not require testimony or the presentation of exhibits may be scheduled through the assigned Judge's Judicial Assistant to be heard remotely.
- c. All Dependency Shelters shall proceed as normally scheduled before the Dependency Judges or their designee. However, attendance at Shelter hearings shall be limited to only the parties involved and their attorneys. Minors should not be brought to shelter hearings.
- d. All Department of Revenue hearings may be cancelled and rescheduled to take place after August 31, 2020, or as provided by subsequent order. However, if able the Department of Revenue hearings may proceed remotely. The Department of Revenue shall be responsible for notifying all parties for any remote appearance or otherwise of any continuance and the newly rescheduled court dates.
- e. All civil family adoptions, name changes and uncontested divorces may be continued and rescheduled after August 31, 2020 or until further ordered by this court. However, if able they may proceed remotely. The parties would be required to provide email addresses to the court in order to appear remotely.
- f. In all family and juvenile mediations, parties and their attorneys may appear remotely for the mediation. Any mediation agreement may be signed electronically and confirmed via email by the parties during mediation. The parties' emails shall be filed in the court file and considered as confirmation of the settlement agreement, should it be necessary for enforcement.
- g. Any other nonemergent hearings may move forward, providing the parties appear remotely.

- h. PROBLEM SOLVING COURTS Veterans' Court, Mental Health Court (Felony and Misdemeanor), and Drug Court (Adult and Juvenile) are to be conducted remotely or continued until August 31, 2020, or as provided by subsequent order.
8. Each division shall notify the Clerk of court of the rescheduled dates to continue any of the court events indicated above.
 9. The Court by this administrative order directs Judicial Assistants to re-notice all parties of the new date for any civil proceeding or criminal hearing, unless on the record in court may be done by the Clerk of Court.
 10. All Judicial Officers and Magistrates shall have the discretion to conduct in person hearings, or telephonic hearings which in their good judgment warrants consideration on an emergency basis.
 11. Members of the public may enter the courthouses at the Eighteenth Judicial Circuit to conduct business with the Clerk of Court.
 12. All persons entering the courthouses at the Eighteenth Judicial Circuit shall wear a mask throughout their stay in the courthouse. Employees of the courthouse may remove their mask whenever they are in their own offices and are not having interaction with other persons.
 13. This Administrative Order shall be subject to modification, addition, and extension as the evolving and fluid nature of the facts and circumstances may require.

DONE and ORDERED this 20th day of July, 2020.

LISA DAVIDSON
LISA DAVIDSON
CHIEF JUDGE

Distribution:

All Circuit and County Judges (Brevard and Seminole Counties)
Court Administration (Brevard and Seminole Counties)
Clerk of Court (Brevard and Seminole Counties)
Public Defender (Brevard and Seminole Counties)
State Attorney (Brevard and Seminole Counties)
Sheriff (Brevard and Seminole Counties)
Bar Association (Brevard and Seminole Counties)
Law Library (Brevard and Seminole Counties)