

IN THE CIRCUIT COURT OF THE 16TH
JUDICIAL CIRCUIT OF THE STATE OF
FLORIDA IN AND FOR MONROE COUNTY

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ADMINISTRATIVE ORDER 2.079/20-4
AMENDED

Filed and Recorded in Official Records of
MONROE COUNTY KEVIN MADOK, CPA

IN RE: COVID-19 EMERGENCY
PROCEDURES

WHEREAS, the Florida State Courts System continues to monitor and proactively address the effects on court operations of the Coronavirus Disease 2019 (COVID-19), a severe acute respiratory transmission; and

WHEREAS, the Governor of the State of Florida has declared that a state emergency exists, the Surgeon General and the State Health Officer have declared a public health emergency exists and the Centers for Disease Control and Prevention (CDC), the Florida Department of Health and the Florida Department of Management Services have published after-travel health precaution information; and

WHEREAS, the health, safety, and well-being of courthouse visitors, court employees and judicial officers are a high priority for the Florida State Courts System; and

WHEREAS, AOSC20-13 authorizes the Chief Judges of the circuit and district courts to continue ongoing efforts to mitigate the effects of COVID-19 on the courts and court participants and to prepare to activate and implement continuity of operations (COOP) plans to address the public health emergency; and

WHEREAS, AOSC20-15 directs the chief judge of each judicial circuit to cancel or postpone court proceedings other than essential proceedings and proceedings critical to the state of emergency and public health emergency; and

WHEREAS, AOSC20-23 recognizes a chief judge's authority to conduct court business or to approve additional court proceedings or events that are required in the interest of justice, if doing so is consistent with protecting the health of the participants and the public health; and

WHEREAS, AOSC 20-23, *Amendment 1* specifies the types of non-essential and non-critical proceedings the circuit and county courts should conduct remotely; and

WHEREAS, AOSC 20-23, *Amendment 6* extends, refines and strengthens previously enacted temporary remedial measures;

WHEREAS, AOSC 20-32, *Amendment 3* accepts and approves the findings and recommendations of the COVID-19 Workgroup's August 6, 2020 report which continues

the benchmark criteria that needs to be satisfied in order for a circuit to transition between phases, as well as the procedures necessary if a circuit needs to revert to a previous phase. The report additionally establishes the requirement for circuits to monitor public health data and local conditions weekly while operating in Phase 2 or Phase 3.

WHEREAS, the 16th Judicial Circuit has satisfied the benchmark criteria in order to transition from Phase 1 to Phase 2 and has prepared and submitted its Operational Plan for Transitioning from Phase 1 to Phase 2 to the Office of the State Court Administrator on September 23, 2020; and

WHEREAS, it is the policy of the Sixteenth Judicial Circuit to implement all reasonable and appropriate measures to mitigate the impact of COVID-19 and assure public safety,

IT IS THEREFORE ORDERED AND ADJUDGED:

1. The 16th Judicial Circuit shall transition to Phase 2 effective October 5, 2020.
2. Mission critical court proceedings as defined below shall continue with enhanced screening and protective measures:
 - a. First Appearances;
 - b. Bond Hearings;
 - c. Criminal Arraignments;
 - d. Juvenile Detention Hearings;
 - e. Juvenile Shelter Hearings;
 - f. Domestic Violence, repeat violence, sexual violence, dating violence and stalking injunctions, as well as all chapter 39 injunctions;
 - g. Risk Protection orders;
 - h. Marchman Acts;
 - i. Baker Acts;
 - j. Family law (including juvenile) cases where the imminent safety of children is an issue;
 - k. Vulnerable adult injunctions;
 - l. Emergency incapacity petitions and appointment of guardians;
 - m. Proceedings involving requests for “do not resuscitate” orders;
 - n. Adult Protective Service Act proceedings;
 - o. Requests for search warrants and arrest warrants;
 - p. Violations of quarantine or isolation orders;
 - q. Violations of orders to limit travel;
 - r. Violations of orders to close public or private buildings;
 - s. Seizure of bodily fluids;
 - t. Mandatory vaccinations proceedings;
 - u. Enforcement of curfew orders;
 - v. Extraordinary writs;
3. The following proceedings shall be conducted in person and in strict compliance with the Circuit’s Operational Plan for Transition from Phase 1 to Phase 2:

- a. Non-jury trials, evidentiary hearings, specially set pleas, specially set sentencings, specially set non-evidentiary motion hearings and case management conferences and specially set violation of probation pretrial conferences in criminal cases. Specifically excluded from this list are non-evidentiary hearings set on open motion calendars, pretrial conferences set on designated docket sounding calendars and pretrial conferences in violation of probation cases set on designated docket sounding calendars with unresolved pending cases, all of which shall continued to be conducted by remote means;
 - b. Non-jury trials in juvenile dependency cases;
 - c. Non-jury trials in juvenile delinquency cases;
 - d. Domestic violence, repeat violence, sexual violence, dating violence and stalking injunctions, as well as all chapter 39 injunctions.
4. All methods feasible will be employed to minimize the risk of COVID-19 exposure to individuals attending in-person proceedings, which include, but are not limited to the following:
- a. In coordination with the Monroe County Sheriff's Office, all persons entering the courthouse through the security checkpoint shall undergo a health screening, which includes a temperature check. Those individuals with a temperature of 100.4 degrees or higher or who answer affirmatively to any of the symptoms in Question 1, or who answer affirmatively to Question 2, 3, 4, or 5 below shall not be allowed to enter the facility.
 - Question 1: Do you have any of the following symptoms (excluding those due to a known medical reason other than COVID-19):
 - Cough
 - Shortness of breath or difficulty breathing
 - Fever or chills
 - Fatigue
 - Muscle or body aches
 - Headache
 - Sore throat
 - New loss of taste or smell
 - Congestion or runny nose
 - Nausea or vomiting
 - Diarrhea
 - Question 2: Are you currently awaiting the results of a test to determine if you have COVID-19 based on symptoms or suspected exposure?
 - Question 3: Are you under instructions to self-isolate or quarantine due to COVID-19?
 - Question 4: Within the past 14 days, have you had close contact with someone with a COVID-19 diagnosis or who is awaiting test results for COVID-19 based on symptoms or suspected exposure? (Note: Close contact is defined as contact that is less than 6 feet

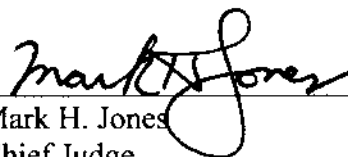
for 15 minutes or more, irrespective of whether a cloth face covering or respiratory PPE was worn.)

- b. All persons entering the courthouse through the security checkpoint shall wear a face mask which covers the nose and mouth, and which must be worn at all times throughout the building, including inside the courtrooms;
 - c. If a person attempting to enter the courthouse does not pass the required health screening, refuses the required health screening or refuses to wear a face covering they will be denied entry into the facility. If the person is a party to a case or the attorney of record who is scheduled to appear in court on the day of non-admittance, notification will be provided to the presiding judge.
 - d. Social distancing of at least 6 feet shall be practiced in all areas of the courthouse.
5. The following proceedings shall be conducted within the 16th Judicial Circuit using telephonic or other electronic means available in the circuit unless a judge determines that remote conduct of the proceeding is inconsistent with the United States or Florida Constitution, a statute, or a rule of court that has not been suspended by administrative order or would be infeasible because the court, the clerk, or other participant lacks the technological resources necessary to conduct the proceeding or, for reasons directly related to the state of emergency or the public health emergency, lacks the staff resources necessary to conduct the proceeding, in which case the proceeding shall be conducted in person:
 - a. Alternative dispute resolution proceedings;
 - b. Status, case management and pretrial conferences in all case types, except as set forth in paragraph 3(a);
 - c. Non-evidentiary and evidentiary motions hearings in all case types, except as set forth in paragraph 3(a);
 - d. Hearings in juvenile delinquency and dependency cases, except as set forth in paragraphs 3(b) and (c);
 - e. Problem-solving court staffings, hearings and wellness checks; and
 - f. Non-jury trials in all case types, except as set forth in paragraphs 3(a)(b)(c) and (d).
6. In accordance with Section III.A.(2), AOSC 20-23, *Amendment 6*, non-statewide grand jury selection and proceedings, civil jury selection and proceedings and criminal jury selection and proceedings remain suspended.
7. First Appearances will continue to be held via video from the Freeman Justice Center, the Marathon Courthouse and the Plantation Key Courthouse to the Monroe County Detention Centers.
8. Criminal Arraignments for incarcerated Felony and Misdemeanor defendants via video from the jails will continue to be held in all three courthouse locations. Criminal Arraignments for Felony and Misdemeanor defendants at liberty shall

continue to be conducted at all three courthouse locations and defendants shall appear in person unless they are represented by counsel and have waived their appearance.

9. All Risk Protection Orders hearings shall take place in person or by telephonic means at dates and times designated by the presiding judges.
10. Family and Dependency emergencies where imminent harm to a child is an issue shall be presented to the presiding judge and will be considered/heard as determined by the presiding judge in person or via remote means.
11. Requests for search and arrest warrants will be considered during normal working hours by the day duty judge at each courthouse location and on nights and weekends by the duty judge.
12. All requests for emergency mission critical civil actions shall be presented to the presiding circuit civil judge in each courthouse location during normal working hours. Hearings on these matters shall be conducted via remote means or in person as determined by the presiding judge.
13. Any judge, who in his/her judgment believes that it is necessary to conduct a hearing outside the parameters of this Order shall request permission to do so from the Chief Judge.
14. Inmates at the Monroe County Detention Centers shall be transported to the appropriate courthouse location within the 16th Judicial Circuit in order to personally appear for proceedings set forth in Paragraphs 3(a), (b), (c) and (d) and for Risk Protection Order Proceedings and Baker Act Proceedings. All other appearances by inmates shall continue to be held via video from the detention facilities, unless the presiding judge orders that a specific inmate be transported to Court to personally appear for a particular proceeding in his or her case.
15. All collateral uses of the courthouse facilities for depositions, mediations, meetings, etc. must be approved in advance by Court Administration.
16. This ORDER takes effect upon signing and remains in effect until amended or terminated by further order of the Chief Judge. Administrative Order 2.079/20-3 is amended in its entirety.

DONE AND ORDERED at Key West, Monroe County, Florida this 1st day of October, 2020.



Mark H. Jones
Chief Judge