

IN THE CIRCUIT COURT OF THE 16<sup>TH</sup>  
JUDICIAL CIRCUIT OF THE STATE OF  
FLORIDA IN AND FOR MONROE COUNTY

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ADMINISTRATIVE ORDER 2.079/21-1  
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 has proactively addressed the effects on court operations of the Coronavirus Disease 2019 (COVID-19), a severe acute respiratory transmission; 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 steps must continue to be taken to mitigate the effects of COVID-19 on the courts, its participants and the general public; 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 20-32, *Amendment 8* amends the recommendations of the COVID-19 Workgroup's report regarding health screening, personal protective equipment and hygiene protocols for staff and visitors to court facilities; 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 16<sup>th</sup> Judicial Circuit remains in Phase 2.
2. Mission critical court proceedings as defined below shall continue:
  - 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 Phase 2 operations:
- a. Jury trials and jury selection in criminal and civil cases;
  - b. 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;
  - ..... c. Non-jury trials in juvenile dependency cases;
  - d. Non-jury trials in juvenile delinquency cases;
  - e. Domestic violence, repeat violence, sexual violence, dating violence and stalking injunctions, as well as all chapter 39 injunctions.
4. The following proceedings may be conducted in person and in strict compliance with the Circuit’s Operational Plan for Phase 2 operations or by remotes means at the discretion of the presiding judge or at the direction of the Chief Judge:
- a. 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.
5. All methods feasible, including the following, will be employed to minimize the risk of COVID-19 exposure to individuals attending in-person proceedings, which are defined as the assembly of prospective jurors, voir dire, juror deliberations, and any status conference, hearing, trial or other proceedings conducted by a judge, justice, magistrate, or hearing officer if conducted in person, as well as any other court events conducted in person, as may be determined by the Chief Justice or Chief Judge:
- a. Face masks covering the nose and mouth are required for everyone during an in-person court proceeding. Any person may voluntarily choose to

wear a face mask in a courthouse when not attending an in-person court proceeding.

- b. Social distancing of at least 6 feet shall be practiced during all in-person court proceedings.
6. The following proceedings shall be conducted within the 16<sup>th</sup> 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 paragraphs 3(b) and 4 (a);
  - c. Non-evidentiary and evidentiary motions hearings in all case types, except as set forth in paragraph 3(b) and 4 (a);
  - d. Hearings in juvenile delinquency and dependency cases, except as set forth in paragraphs 3(c) and (d);
  - 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(b)(c) and (d)(e).
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, unless alternative arrangements have been made between Court Administration and Monroe County Corrections Administration. 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 16<sup>th</sup> Judicial Circuit in order to personally appear for proceedings set forth in Paragraphs 3(a), (b), (c), (d) and (e), Paragraph 4 (a) 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 or arrangements have been made between Court Administration and Monroe County Corrections Administration.
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 2.079/20-4 is amended in its entirety.

DONE AND ORDERED at Key West, Monroe County, Florida this 17<sup>th</sup> day of May, 2021.

  
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Mark H. Jones  
Chief Judge