

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

ADMINISTRATIVE ORDER 2.079/20-3
AMENDED

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IN RE: COVID-19 EMERGENCY
PROCEDURES

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

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 publish 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 (except for grand jury proceedings, jury selection proceedings and criminal and civil jury trials, all of which are suspended) 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 5* extends, refines and strengthens previously enacted temporary remedial measures;

WHEREAS, AOSC 20-32, *Amendment 2* accepts and approves the findings and recommendations of the COVID-19 Workgroup's July 2, 2020 report which continues the benchmark criteria that needs to be satisfied in order for a circuit to transition from Phase 1 to Phase 2; establishes the criteria that needs to be satisfied for a circuit to transition from Phase 2 to Phase 3; and establishes the procedures if it is necessary for a circuit to revert to a previous phase.

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 remain in Phase 1 and shall continue to conduct "mission critical" court proceedings as defined below with enhanced screening and protective measures:
 - a. First Appearances;
 - b. Bond Hearings;
 - c. Criminal Arraignments; as necessary;
 - 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;
 - w. Any other "emergency" proceedings or hearings authorized by the Chief Judge, which includes jail pleas and admissions by incarcerated defendants via video.
2. "Mission critical" proceedings may be conducted through in-person hearings during which all methods feasible to minimize the risk of COVID-19 exposure to individuals involved in the proceedings or the general public shall be employed, to include the following:

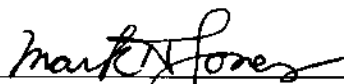
- a. In coordination with the Monroe County Sheriff's Office, all persons entering the courthouse through the security checkpoint shall undergo a health screening, which includes a temperature check. Those individuals with a temperature of 100.4 degrees or higher or who answer affirmatively to any of 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):
 - 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?
 - Question 3: Are you under instructions to self-isolate or quarantine due to COVID-19?
 - Question 4: Have you had close contact with someone with a COVID-19 diagnosis or who is awaiting test results for COVID-19?
 - Question 5: Have you traveled to an area with a notably high concentration of COVID-19 cases?
 - 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.
3. 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 proceedings 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 proceedings or, for reasons directly related to the state of emergency or the public health emergency, lacks the staff resources necessary to conduct the proceeding:

- a. Alternative dispute resolution proceedings;
 - b. Status, case management and pretrial conferences in all case types;
 - c. Non-evidentiary and evidentiary motions hearings in all case types;
 - d. Pleas in absentia in county court misdemeanor cases;
 - e. Hearings in juvenile delinquency cases;
 - f. Problem-solving court staffings, hearings and wellness checks; and
 - g. Non-jury trials in all case types, except for criminal, juvenile, delinquency, and termination of parental rights petitions in dependency cases unless the parties in an excepted case agree to the remote conduct of a jury trial.
4. No proceedings, or other court events, other than those designated "mission critical" may be conducted through in-person hearings.
 5. Entry to court facilities to participate in "mission critical" hearings as defined in Section 1 above will be limited to attorneys, litigants, witnesses, and essential personnel necessary to conduct the critical mission of the court.
 6. 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.
 7. 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 which have been postponed since March 16, 2020, have become necessary and therefore mission critical proceedings. Said arraignments shall be conducted at all three courthouse locations and defendants shall appear in person unless they are represented by counsel and have waived their appearance.
 8. Requests for Juvenile Shelter Hearings and Juvenile Detention Hearings shall be made with the presiding judge during normal working hours or the duty judge on nights and weekends.
 9. Requests for temporary injunctions shall be made with the presiding judge during normal working hours or the duty judge on nights and weekends. Injunction hearings relating to the safety of an individual shall take place in person or by remote means at dates and times designated by the presiding judges.
 10. All Risk Protection Orders hearings shall take place in person or by telephonic means at dates and times designated by the presiding judges.
 11. Requests for Baker Act and Marchman Act hearings shall be made with the presiding judges.

12. 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.
13. 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.
14. 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.
15. Any judge, who in his/her judgment feels the need to conduct a hearing outside the parameters of this Order shall request permission to do so from the Chief Judge.
16. No inmate housed in any jail facility is to be transported to any court facility in the Sixteenth Judicial Circuit absent a written order from the Chief Judge.
17. All court proceedings not specifically mentioned herein that are scheduled to take place in any facility in the Sixteenth Judicial Circuit are hereby postponed and are to be rescheduled by the parties or the court.
18. All collateral uses of the courthouse facilities for depositions, mediations, meetings, etc. are hereby canceled.
19. The Freeman Justice Center, Plantation Key Courthouse and Marathon Courthouse are closed to the general public, with the exception of those persons attending court for mission-critical proceedings as described herein, as well as persons needing to conduct business with the Clerk of Court and the State Attorney's Office at the Plantation Key Government Center.
20. This ORDER takes effect upon signing and remains in effect until amended or terminated by further order of the Chief Judge. Administrative Order 2.079/20-2 is amended in its entirety.

DONE AND ORDERED at Key West, Monroe County, Florida this 9th day of July, 2020.



Mark H. Jones
Chief Judge