# Supreme Court of Florida

No. AOSC20-28

IN RE: WORKGROUP ON THE CONTINUITY OF COURT OPERATIONS AND PROCEEDINGS DURING AND AFTER COVID-19

ADMINISTRATIVE ORDER

As a result of the Coronavirus Disease 2019 (COVID-19) pandemic, the Florida state courts have taken measures to mitigate the effects of the public health emergency upon the judicial branch and its participants, while keeping the courts operating to the fullest extent consistent with public safety. Work in Florida's courts has gone forward on essential and critical matters in a manner designed to mitigate health risk. In addition, substantial work has been done to advance other cases by way of telephone and video conferences. While the Florida courts continue to operate under the constraints imposed by the pandemic, it is prudent and necessary to plan for steps the courts will take as those constraints are diminished.

Accordingly, the Workgroup on the Continuity of Court Operations and Proceedings During and After COVID-19 is hereby established to develop findings and recommendations on the continuation of all court operations and proceedings statewide in a manner that protects health and safety and that addresses each of the

following phases of the pandemic: a) in-person contact is inadvisable, court facilities are effectively closed to the public, and in-person proceedings are rare; b) limited in-person contact is authorized for certain purposes and/or requires use of protective measures; c) in-person contact is more broadly authorized and protective measures are relaxed; and d) COVID-19 no longer presents a significant risk to public health and safety.

The Workgroup is directed to:

1. Examine proceedings – including status and pretrial conferences, evidentiary and non-evidentiary hearings, juror selection, and jury and bench trials – that have been delayed as a result of the pandemic, identify the proceedings that are amenable to progress or resolution through remote technology and, if warranted, propose requirements for the conduct of such proceedings remotely;
2. Identify and propose solutions for legal issues, implementation challenges, and cost issues associated with the use of remote technology, including any specific challenges that may exist related to alternative dispute resolution; problem-solving courts; family courts; probate, guardianship, and mental health divisions; and other contexts as may be identified;

3. Propose guidance – based on the advice of public health experts, medical professionals, or others with expertise in the management of a pandemic and the latest health advisories and safety guidelines – for protective measures that will allow the progressive and safe return of judges, personnel, parties, counsel, jurors, and the public to court facilities;
4. Recommend the priority in which proceedings requiring in-person hearings and trials should resume;
5. Identify metrics to monitor case backlogs and performance; and
6. Identify whether certain proceedings, due to efficiencies beneficial to stakeholders, could continue to be conducted remotely when COVID-19 no longer presents a significant risk to public health and safety, as well as identify issues that should be addressed in the State Courts System's pandemic guidance material and other emergency operation documents and protocols to strengthen governance and preparedness for future events.

In addressing its charges, the Workgroup:

1. May consult with justice stakeholders and public health experts, medical professionals, or others with expertise in the management of a pandemic, as needed.

2. Shall be mindful that: a) a gradual resumption of standard court operations and proceedings may be required to effectively address health and safety issues and not overburden the court system, which may be operating with limited personnel and capacity; and b) unique local recovery needs and operational capabilities must be balanced with the goal of statewide consistency in the resumption of court operations and proceedings.

3. May make findings and recommendations for issues related to the pandemic that are not specifically identified in its charges but are necessary to improve the administration of justice.

4. May propose rule changes and, in accordance with the applicable State Courts System protocols, statutory changes that are necessary to implement the Workgroup's recommendations.

Due to the quickly evolving nature of the pandemic, the Workgroup shall present findings and recommendations to the Chief Justice through the State Courts Administrator as they are developed.

The following persons are appointed to serve on the Workgroup for a term that expires on June 30, 2020, or as may be provided by subsequent order:

The Honorable Philip G. Archer
State Attorney, Eighteenth Judicial Circuit

The Honorable Kimberly C. Bonner
Chief Judge, Twelfth Judicial Circuit

The Honorable Hope Tieman Bristol
Circuit Judge, Seventeenth Judicial Circuit

The Honorable Stacy M. Butterfield
Clerk of Courts and County Comptroller, Polk County

Mr. Jay Cohen
Attorney, Fort Lauderdale

Mr. Daniel DiGiacomo
Marshal, Fourth District Court of Appeal

The Honorable Howard L. Dimmig, II
Public Defender, Tenth Judicial Circuit

The Honorable Kevin Emas
Chief Judge, Third District Court of Appeal

Mr. Gary A. Hagan
Court Technology Officer, Fourteenth Judicial Circuit

Mr. Charles Hydovitz
Trial Court Administrator, Third Judicial Circuit

The Honorable Christopher Kelly
County Court Judge, Volusia County

The Honorable Don H. Lester
Circuit Judge, Fourth Judicial Circuit

The Honorable Janeice T. Martin
County Court Judge, Collier County

The Honorable Michael T. McHugh
Chief Judge, Twentieth Judicial Circuit

The Honorable Lisa Taylor Munyon
Circuit Judge, Ninth Judicial Circuit

The Honorable Bertila Soto
Chief Judge, Eleventh Judicial Circuit

Mr. John A. Tomasino
Clerk of Court, Supreme Court of Florida

The Honorable Lisa Taylor Munyon shall serve as chair to the Workgroup. Staff support shall be provided by the Office of the State Courts Administrator.

The Workgroup must be cognizant of the limitations on the resources available to support its efforts as it develops a work plan that will accomplish the important tasks assigned in this administrative order. With regard to meetings, the Workgroup should strive to utilize the most economical means appropriate to the type of work being accomplished.

DONE AND ORDERED at Tallahassee, Florida, on April 21, 2020.

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Chief Justice Charles T. Canady

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ATTEST:

AOSC20-28 4/21/2020

John A. Tomasino, Clerk of Court

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