Supreme Court of Florida

No. AOSC20-13

IN RE: COVID-19 EMERGENCY PROCEDURES IN THE FLORIDA STATE COURTS

ADMINISTRATIVE ORDER

WHEREAS the World Health Organization (WHO), the federal Centers for Disease Control and Prevention (CDC), and the Florida State Emergency Operations Center have devised systems to detect and monitor the outbreak of the Coronavirus Disease 2019 (COVID-19), a severe acute respiratory illness that can spread among humans through respiratory transmission; and

WHEREAS the WHO has declared COVID-19 a pandemic, the Governor of Florida has declared a state of emergency exists, and the Surgeon General and State Health Officer have declared a public health emergency exists, and the Florida State Courts System must, therefore, in an abundance of caution, take steps to mitigate the effects of COVID-19 on the courts and court participants; and

WHEREAS mitigating the effects of COVID-19 is a high priority in the Florida State Courts System; and

WHEREAS it is the intent of this order temporarily to suspend grand jury proceedings, jury selection proceedings, and criminal and civil jury trials, and to temporarily suspend procedural requirements and limitations that could hinder efforts to mitigate the effects of COVID-19 on the courts, court participants, and all the people of Florida; and

WHEREAS it is the intent of this order to suspend the speedy trial procedure as stated herein in the manner described in *Sullivan v. State*, 913 So. 2d 762 (Fla. 5th DCA 2005), and *State v. Hernandez*, 617 So. 2d 1103 (Fla. 3rd DCA 1993); and

WHEREAS, a public health emergency currently exists in the Florida State Courts System that requires mitigation of its effects by adopting "social distancing" measures meant to reduce the increase in person-to-person transmission of the virus that causes COVID-19;

NOW THEREFORE, pursuant to the administrative authority conferred upon me by article V, section 2(b) of the Florida Constitution and Florida Rules of Judicial Administration 2.205(a)(2)(B)(iv) and 2.205(a)(2)(B)(v),

IT IS ORDERED that:

1. All chief judges of the circuit and district courts shall 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.

2. All grand jury proceedings, jury selection proceedings, and criminal and civil jury trials are suspended during the period beginning Monday, March 16, 2020, through Friday, March 27, 2020, or as provided by subsequent order. However, a proceeding that has been commenced may proceed to completion if the presiding judge, with approval of the chief judge, determines that completion of the proceeding without delay is required by the interests of justice. In addition, the requirements of the double jeopardy clause must be considered in criminal proceedings.

3. All time periods involving the speedy trial procedure, in criminal and juvenile court proceedings, are suspended from the close of business on Friday, March 13, 2020, until the close of business on Monday, March 30, 2020, or as provided by subsequent order.

4. The suspension of time limits under the speedy trial procedure restores additional days equal to the number stated herein.

5. All rules of procedure, court orders, and opinions applicable to court proceedings that limit or prohibit the use of communication equipment for the conducting of proceedings by remote electronic means are suspended from the close of business on Friday, March 13, 2020, until the close of business on Friday,

March 27, 2020, or as provided by subsequent order. However, the requirements of the confrontation clause must be met in criminal proceedings.

6. During the duration of this order, the chief judge of each judicial circuit is authorized to establish temporary procedures for the use, to the maximum extent feasible, of communication equipment for the conducting of proceedings by remote electronic means, as are necessary in their respective circuits due to the public health emergency.

7. Additional orders extending or modifying these measures will be issued as warranted by changing circumstances during the public health emergency.

DONE AND ORDERED at Tallahassee, Florida, on Friday, March 13, 2020.

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Chief Justice Charles T. Canady

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ATTEST:

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John A. Tomasino, Clerk of Court

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