Supreme Court of Florida

No. AOSC20-17

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

ADMINISTRATIVE ORDER

The Coronavirus Disease 2019 (COVID-19) pandemic continues to have a massive effect upon the operations of the State Courts System and the lives of all Floridians. The Florida state courts have taken measures to mitigate not only the effects of this public health emergency upon the judicial branch and its participants, but also the spread of the novel Coronavirus. Many court proceedings have been delayed and substantial efforts are being made to enable judges and court personnel to conduct court business remotely or on alternate work schedules. Judges who can conduct court business from a remote location are strongly encouraged to do so. Moreover, all judges and court personnel are strongly encouraged to employ similar comprehensive social distancing practices outside of the workplace in order to slow the spread of this dangerous disease.

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), this order is issued to

combine and extend the temporary measures implemented in three previous administrative orders.[1] This order is also issued to implement additional temporary measures essential to the administration of justice in Florida during the COVID-19 pandemic. Nothing in this order (or the three previously referenced administrative orders) is intended to limit a chief judge's authority to conduct court business or approve additional court proceedings or events that are required in the interest of justice so long as risks to the health of the individuals involved and the public health are minimized.

JURY PROCEEDINGS AND JURY TRIALS

Administrative Order No. AOSC20-13 temporarily suspended grand jury proceedings, jury selection proceedings, and criminal and civil jury trials.

It is hereby ordered that all grand jury proceedings, jury selection proceedings, and criminal and civil jury trials are further suspended through Friday, April 17, 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

1. *In re: COVID-19 Emergency Procedures in the Florida State Courts*, Fla. Admin. Order No. AOSC20-13 (March 13, 2020); *In re: COVID-19 Essential and Critical Trial Court Proceedings*, Fla. Admin. Order No. AOSC20-15 (March 17, 2020); and *In re: COVID-19 Emergency Procedures for the Administering of Oaths via Remote Audio-Video Communication Equipment*, Fla. Admin. Order No. AOSC20-16 (March 18, 2020), which are appended hereto for ease of reference.

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.

SPEEDY TRIAL PROCEDURE AND TIME PERIODS PURSUANT TO RULES 3.133(b) AND 3.134

Administrative Order No. AOSC20-13 also temporarily suspended the speedy trial procedure 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).

It is hereby ordered that all time periods involving the speedy trial procedure, in criminal and juvenile court proceedings, are further suspended through the close of business on Monday, April 20, 2020, or as provided by subsequent order. The suspension of time limits under the speedy trial procedure restores additional days equal to the number stated in Administrative Order No. AOSC20-13 and this order.

With regard to persons arrested for first degree murder, it is hereby ordered that all time periods pursuant to Florida Rules of Criminal Procedure 3.133(b) and 3.134 are suspended from the close of business on Friday, March 13, 2020, through the close of business on Friday, April 17, 2020, or as provided by subsequent order. The suspension of the time limits of Florida Rules of Criminal Procedure

3.133(b) and 3.134 restores additional days equal to the number stated in this order.

ESSENTIAL AND CRITICAL TRIAL COURT PROCEEDINGS

Administrative Order No. 20-15 required each circuit and county court to fulfill its responsibility to conduct essential proceedings and proceedings critical to the state of emergency or the public health emergency and directed the chief judge of each circuit court to cancel or postpone court proceedings other than essential and critical proceedings unless the chief judge determines that other proceedings and events can be effectively conducted remotely without the necessity of in-person court appearances.

It is hereby ordered that the provisions in Administrative Order No. AOSC20-15 shall remain in place through the close of business on Friday, April 17, 2020, or as provided by subsequent order.

It is further hereby recognized that certain essential or critical trial court proceedings in some jurisdictions may in extraordinary, limited circumstances be unavoidably delayed due to the exigencies of the ongoing emergency. When this occurs, chief judges are required to take all steps possible to minimize the delay.

ADMINISTRATION OF CASES IN WHICH DEFENDANT IS ARRESTED ON WARRANT OR CAPIAS FROM ANOTHER FLORIDA JURISDICTION

To mitigate the health risks associated with the incarceration and transportation of defendants during the pandemic, when a defendant is arrested on a warrant or capias from another Florida jurisdiction, chief judges of the circuit courts are hereby encouraged to facilitate communication between the circuit or county where the case originated ("home court") and the circuit or county where the defendant is incarcerated ("holding court"), for the handling of matters on a temporary basis, as follows:

a. Pretrial Release and First Appearance Hearings

Chief judges are authorized to direct judges conducting pretrial release and first appearance hearings to address detention and monetary bond or other conditions of pretrial release in the county of arrest, regardless of whether the case is transferred, rather than requiring transport of the defendant to the county where any warrant or capias originated.

For capiases and violation of probation warrants, before setting monetary bond or other conditions of pretrial release, the first appearance judge must obtain relevant information from the issuing judge, and from the state attorney's office(s) if necessary, in order to make a proper decision regarding monetary bond or other conditions of pretrial release.

Action taken by the holding court at first appearance and any pretrial release hearing should be promptly reported to the home court and reflected in the record of the case.

Any provision of Florida Rule of Criminal Procedure 3.131 inconsistent with these measures is hereby suspended.

b. Pleas

Judges are further encouraged to coordinate with prosecutors, attorneys, defendants, and victims in order to utilize § 910.035, Florida Statutes, which allows for pleas of guilty or nolo contendere for persons arrested in counties outside of the county of prosecution, upon the consent of the defendant and the state attorney in the county where the crime was committed.

c. Rights of Parties

In cases that are not handled by a plea or pretrial release such that the defendant will continue to be detained in the jurisdiction of the holding court for an indefinite period of time, chief judges are directed to ensure that the due process rights of the defendant are protected by facilitating the temporary transfer of the case to the holding court, if necessary; by having a judge from the holding court designated by the Chief Justice, or designated by the chief judge if the home and holding court are within the same circuit,

as a judge of the home court to handle emergency or other necessary matters in the case; or by other appropriate means.

The constitutional rights of victims must also be considered in all cases by the presiding judge.

These modified court procedures shall remain in place through the close of business on Friday, April 17, 2020, or as provided by subsequent order.

INCOMPETENCE TO PROCEED

Where exigencies make it impossible to meet the 20-day time period in Florida Rule of Criminal Procedure 3.210(b), chief judges of the circuit courts are hereby authorized to direct judges to hold competency hearings as soon as practicable after the date of filing a motion to determine competency. Chief judges are also authorized to allow experts and attorneys to conduct and attend competency evaluations by remote means, if practicable.

These modified court procedures shall remain in place through the close of business on Friday, April 17, 2020, or as provided by subsequent order.

WRITS OF POSSESSION

Given the exigencies of the public health emergency, the requirement in Florida Rule of Civil Procedure 1.580(a) for the clerk to issue a writ of possession "forthwith" shall be suspended through the close of business on Friday, April 17, 2020, or as provided by subsequent order.

FAMILY LAW FORMS

Except as indicated below, the requirement that Florida Family Law Forms be notarized or signed in the presence of a deputy clerk is hereby suspended through the close of business on Friday, April 17, 2020, or as provided by subsequent order, if the filer includes the following statement before the filer's signature:

> Under penalties of perjury, I declare that I have read this document and the facts stated in it are true.

This exception does not apply to Florida Family Law Forms 12.902(f)(1), Marital Settlement Agreement for Dissolution of Marriage with Dependent or Minor Child(ren), 12.902(f)(2), Marital Settlement Agreement for Dissolution of Marriage with Property but No Dependent or Minor Child(ren), 12.902(f)(3), Marital Settlement Agreement for Simplified Dissolution of Marriage, and any other family law form that transfers the ownership of property, which must continue to be notarized or signed in the presence of a deputy clerk prior to filing.

ADMINISTERING OF OATHS VIA REMOTE AUDIO-VIDEO COMMUNICATION EQUIPMENT

Administrative Order No. AOSC20-16 suspended any actual or implied requirement that notaries, and other persons qualified to administer an oath in the State of Florida, must be in the presence of witnesses for purposes of administering an oath for depositions and other legal testimony, so long as the notary or other

qualified person can both see and hear the witness via audio-video communications equipment for purposes of readily identifying the witnesses.

It is hereby ordered that the provisions in Administrative Order No. AOSC20-16 shall remain in place through the close of business on Friday, April 17, 2020, or as provided by subsequent order.

OTHER PROCEDURAL REQUIREMENTS AND LIMITATIONS

It is further ordered that all other provisions in Administrative Orders No. AOSC20-13, No. AOSC20-15, and AOSC20-16 that temporarily suspended 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 shall remain in place through the close of business on Friday, April 17, 2020, or as provided by subsequent order.

MAINTAINING WORKFLOW AS FEASIBLE

To maintain judicial workflow to the maximum extent feasible, chief judges are directed to take all possible steps to facilitate conducting proceedings with the use of technology.

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These emergency measures are necessary to ensure public health and safety during this unprecedented pandemic; however, the constitutional right of access to the courts by the public must be considered by the presiding judge in all cases.

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

The provisions of this order regarding time periods pursuant to Florida Rules of Criminal Procedure 3.133(b) and 3.134 are effective beginning on March 13, 2020, *nunc pro tunc*. All other provisions of this order are effective upon either the date established in the original orders (see footnote 1) or the date this order is signed.

DONE AND ORDERED at Tallahassee, Florida, on March 24, 2020.

AOSC20-17 3/24/2020

Chief Justice Charles T. Canady

AOSC20-17 3/24/2020

ATTEST:

AOSC20-17 3/24/2020

John A. Tomasino, Clerk of Court

AOSC20-17 3/24/2020

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.

AOSC20-13 3/13/2020

Chief Justice Charles T. Canady

AOSC20-13 3/13/2020

ATTEST:

AOSC20-13 3/13/2020

John A. Tomasino, Clerk of Court

AOSC20-13 3/13/2020

Supreme Court of Florida

No. AOSC20-15

IN RE: COVID-19 ESSENTIAL AND CRITICAL TRIAL COURT PROCEEDINGS

ADMINISTRATIVE ORDER

WHEREAS the World Health Organization has declared the outbreak of the Coronavirus Disease 2019 (COVID-19) a pandemic, the Governor of Florida has declared a state of emergency exists, and the Surgeon General and State Health Officer has declared a public health emergency exists; and

WHEREAS the Florida State Courts System must continue to take steps to mitigate the effects of COVID-19 on the courts, court participants, and the general public; and

WHEREAS *In re COVID-19 Emergency Procedures in the Florida State Courts*, Fla. Admin. Order No. AOSC20-13 (March 13, 2020), suspended grand jury proceedings, jury selection proceedings, and criminal and civil jury trials during the period of Monday, March 16, 2020, through Friday, March 27, 2020, or as provided by subsequent order; and

WHEREAS, it is the intent of this order to require each circuit and county court in the State of Florida to fulfill its responsibility to conduct essential proceedings and proceedings critical to the state of emergency or the public health emergency, while suspending other proceedings as necessary to mitigate the effects of such operations on COVID-19 exposure; and

WHEREAS, it is the intent of this order to direct the chief judge of each circuit court to cancel or postpone court proceedings other than essential proceedings and proceedings critical to the state of emergency and public health emergency, unless the chief judge determines that other proceedings or events can be effectively conducted remotely without the necessity of in-person court appearances;

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 circuit and county courts shall continue to perform essential court proceedings, including but not limited to: first appearance; criminal arraignments as necessary; hearings on motions to set or modify monetary bail for individuals who are in custody; juvenile dependency shelter hearings; juvenile delinquency detention hearings; hearings on petitions for temporary injunctions relating to

safety of an individual; hearings on petitions for risk protection orders; hearings on petitions for the appointment of an emergency temporary guardian; hearings to determine whether an individual should be involuntarily committed under the Baker Act or the Marchman Act; and hearings on petitions for extraordinary writs as necessary to protect constitutional rights.

2. In addition to essential proceedings, all circuit and county courts shall perform, as necessary and applicable, critical proceedings related to the state of emergency or the public health emergency, including but not limited to proceedings related to: violation of quarantine or isolation; violation of orders to limit travel; violation of orders to close public or private buildings; and enforcement of curfew orders.

3. In conducting essential proceedings and proceedings critical to the state of emergency or the public health emergency, circuit and county courts shall employ all methods practicable to minimize risk of COVID-19 exposure to individuals involved in the proceedings or the general public.

4. Nothing in this order limits the ability of the chief judge, consistent with the chief judge's authority and responsibilities under article V, section 2(d) of the Florida Constitution and Rule of Judicial Administration 2.215, to determine that additional proceedings, other than those suspended by Administrative Order No. AOSC20-13, are essential or are critical to the state of emergency or the public

health emergency. However, no proceedings or other court events other than essential proceedings and proceedings critical to the state of emergency or the public health emergency shall be conducted through in-person hearings until such time as the public health emergency is resolved, or as provided by subsequent order.

5. Each chief judge shall review cases and court events and the communications technology resources available to the circuit, each county, and each judge. The chief judge shall issue directives to the judges of the respective circuit and county courts to reschedule, postpone, or cancel all non-essential and non-critical court proceedings and events unless the chief judge determines that such other specific proceedings or events can be effectively conducted remotely using telephonic or other electronic means available in the subject jurisdiction without the necessity of in-person court appearances.

6. This order shall take effect immediately and extends until the close of business on Friday, March 27, 2020, or as provided by subsequent order. The provisions of Administrative Order No. AOSC20-13 remain in force. 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 March 17, 2020.

AOSC20-15 3/17/2020

Chief Justice Charles T. Canady

AOSC20-15 3/17/2020

ATTEST:

AOSC20-15 3/17/2020

John A. Tomasino, Clerk of Court

AOSC20-15 3/17/2020

Supreme Court of Florida

No. AOSC20-16

IN RE: COVID-19 EMERGENCY PROCEDURES FOR THE ADMINISTERING OF OATHS VIA REMOTE AUDIO-VIDEO COMMUNICATION EQUIPMENT

ADMINISTRATIVE ORDER

WHEREAS the World Health Organization has declared the Coronavirus Disease 2019 (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 take steps to mitigate the effects of the COVID-19 on legal proceedings and participants in those legal proceedings; and

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

WHEREAS it is the intent of this order to suspend any actual or implied requirement that notaries, and other persons qualified to administer an oath in the State of Florida, must be in the presence of witnesses for purposes of administering an oath for depositions and other legal testimony, so long as the notary or other

qualified person can both see and hear the witness via audio-video communications equipment for purposes of readily identifying the witness; and

WHEREAS a public health emergency currently exists in Florida requiring mitigation including social distancing measures meant to reduce the increase in person-to-person transmission of the virus that causes COVID-19;

NOW THEREFORE, under 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. Notaries and other persons qualified to administer an oath in the State of Florida may swear a witness remotely by audio-video communication technology from a location within the State of Florida, provided they can positively identify the witness; and

2. If a witness is not located within the State of Florida, a witness may consent to being put on oath via audio-video communication technology by a person qualified to administer an oath in the State of Florida; and

3. All rules of procedure, court orders, and opinions applicable to remote testimony, depositions, and other legal testimony, including the attestation of family law forms, that can be read to limit or prohibit the use of audio-video communications equipment to administer oaths remotely or to witness the

attestation of family law forms, are hereby suspended, and will remain suspended until the expiration of the provisions of paragraph five in *In Re: COVID-19 Emergency Procedures in the Florida State Courts*, Fla. Admin. Order No. AOSC20-13 (March 13, 2020), and any orders extending AOSC20-13.

DONE AND ORDERED at Tallahassee, Florida, on March 18, 2020.

AOSC20-16 3/18/2020

Chief Justice Charles T. Canady

AOSC20-16 3/18/2020

ATTEST:

AOSC20-16 3/18/2020

John A. Tomasino, Clerk of Court

AOSC20-16 3/18/2020