

**IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT  
IN AND FOR HARDEE, HIGHLANDS, AND POLK COUNTIES, FLORIDA**

**ADMINISTRATIVE ORDER 1-53.0**

**IN RE: COVID-19 EMERGENCY COURT OPERATIONS PROCEDURES**

WHEREAS, the World Health Organization (WHO) has declared COVID-19, a severe acute respiratory illness, to be a pandemic; and

WHEREAS, on March 1, 2020, the Governor of the State of Florida declared a public health emergency; and

WHEREAS, the Surgeon General and State Health Officer have also declared that a public health emergency exists; and

WHEREAS, the health, safety, and well-being of courthouse visitors, court employees, and judicial officers are a high priority; and

WHEREAS, the Florida State Courts System continues to monitor the outbreak of COVID-19 and its effects on court operations; and

WHEREAS, on March 13, 2020, the Florida Supreme Court issued AOSC20-13, *In Re: COVID-19 Emergency Procedures in the Florida State Courts*, which sets forth emergency procedures in an effort to mitigate the effect of COVID-19 on the Florida State Court System; and

WHEREAS, pursuant to AOSC20-13, “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;” and

WHEREAS, AOSC20-13 suspended “[a]ll grand jury proceedings, jury selection proceedings, and criminal and civil trials . . . during the period beginning Monday, March 16, 2020, through Friday, March 27, 2020, or as provided by subsequent order”; and

WHEREAS, AOSC20-13 suspended “[a]ll time periods involving the speedy trial procedure, in criminal and juvenile court proceedings . . . 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”; and

WHEREAS, AOSC20-13 authorizes “the chief judge of each judicial circuit . . . 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”; and

WHEREAS, on March 17, 2020, the Florida Supreme Court issued AOSC20-15, *In Re:*

*COVID-19 Essential and Critical Trial Court Proceedings*, which “direct[s] 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, IT IS ORDERED that, effectively immediately:

1. Pursuant to AOSC20-15, “no proceedings or other court events other than essential proceedings and proceedings critical to the state of emergency or 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.”
2. AOSC20-15 provides that essential proceedings include, but are 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.” AOSC20-15 does not “limit 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.”
3. AOSC20-15 provides that critical proceedings related to the state of emergency or the public health emergency, include, but are 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.”
4. General Procedures:
  - a. Public access to court facilities is limited to litigants or court participants. Spectators and family members who are not court participants may not attend proceedings until emergency conditions pass.

Any person, regardless of status, who is exhibiting symptoms consistent with COVID-19, or any person who has knowingly been in contact with another person who is suffering from the effects of the COVID-19 virus, is prohibited from entering any court facility. Court Bailiffs and local Sheriff Deputies are hereby granted the authority to screen and eject persons from courtrooms, courthouses, or court facilities in accordance with this Administrative Order.
  - b. If an assigned judge has coordinated hearings that do not involve in-person contact, then those hearings may occur without delay.

- c. In-person proceedings may occur only in essential proceedings after attempting electronic communication. In the event of an in-person hearing, the judge or the judicial officer shall take necessary steps to practice social distancing in order to minimize potential exposure to COVID-19. The presiding judge must ensure that all participants in the proceeding maintain at least a 6-foot “social distance” from each other at all times.

5. Misdemeanor and Felony Cases:

- a. All jail transports for jail arraignments and jail VOP arraignments are suspended. In the event that the assigned judge determines that the inmate’s presence is required, the proceeding may be continued for no more than 24-hours to have the inmate transported.
- b. Criminal court pretrial conferences and street arraignments are continued and shall be rescheduled to a date no sooner than April 20, 2020.
- c. Criminal court status conferences are suspended until further order of the Court.
- d. Felony jail arraignments in Polk County will be conducted on Tuesdays in the afternoon using video equipment in Courtroom 8E.
- e. Misdemeanor jail arraignments in Polk County will be conducted on Fridays in the morning using video equipment in Courtroom 8E.
- f. Felony and misdemeanor jail arraignments in Hardee and Highlands Counties will by video in a hearing room to be determined by the Administrative Judges.
- g. VOP first appearance hearings in Polk County will be combined with other first appearance hearings and will be conducted using video equipment in Courtroom 8E.
- h. Hearings on motions to set or modify release conditions for individuals who are in jail in Polk County will be conducted using video equipment in Courtroom 8E or the courtroom designated by Court Administration.

6. Juvenile Dependency Cases:

- a. Shelter hearings must not be continued. However, shelter hearings may be handled by telephone if deemed appropriate by the assigned judge. The presence of children at shelter hearings is waived through March 27, 2020.
- b. Judicial reviews, motion hearings, and other dependency hearings shall be continued unless the assigned judge determines that the named proceeding may take place using remote technology such that no in-person communication occurs. Continued hearings shall not be rescheduled to occur before April 20, 2020.

7. Juvenile Delinquency Cases:
  - a. Delinquency detention hearings must not be continued. However, detention hearings may be by telephone if deemed appropriate by the assigned judge.
  - b. Transport of juveniles for delinquency detention hearings is suspended. The juvenile will appear telephonically unless the assigned judge determines that the juvenile's presence is critical for the proceeding.
8. Risk Protection Orders (RPOs): RPO proceedings must not be suspended. However, the final hearing may be continued by the assigned judge in those instances where legally appropriate. Further, compliance hearings may be continued to the final hearing if the assigned judge deems such continuance of a compliance hearing to be necessary.
9. Baker Acts: Baker Act proceedings must not be suspended. However, the presiding judicial officer shall take necessary steps to practice social distancing in order to minimize potential exposure to COVID-19. In the event that a hearing must be held concerning whether an individual must be involuntarily committed, such hearings may take place at hospitals or by telephone if deemed appropriate by the judicial officer.
10. Marchman Act: In the event that a hearing must be held concerning whether an individual, including a juvenile, must be involuntarily committed, such hearings may take place by telephone if deemed appropriate by the judicial officer. The judicial officer shall take necessary steps to practice social distancing in order to minimize potential exposure to COVID-19.
11. Domestic Relations and Civil Cases:
  - a. The public will be permitted access to the offices of the clerk in order to file petitions for temporary injunctions pursuant to Chapter 741 (domestic violence) and Chapter 784 (dating, stalking, repeat, and sexual violence).
  - b. Hearings on petitions for temporary injunctions pursuant to Chapter 741 (domestic violence) and Chapter 784 (dating, stalking, repeat, and sexual violence) will be held telephonically if deemed appropriate by the assigned judge or in a courtroom determined by Court Administration.
  - c. Scheduled domestic relations and civil proceedings that have not been deemed critical by the assigned judge shall be continued. However, if an assigned judge has coordinated hearings that do not involve in-person contact, then those hearings may occur without delay.
12. Appointment of Emergency Guardian: All hearings on petitions for the appointment of an emergency temporary guardian may be by telephone if deemed appropriate by the assigned judge.
13. Problem Solving Court: All hearings in Problem Solving Court cases (Felony PADC; Misdemeanor PADC; Juvenile Drug Court; Young Adult Drug Court; DUI; Behavioral

Health Court; and Veteran's Court) are continued until April 20, 2020.

14. All other proceedings not referenced herein must not occur in-person; however, the assigned judge or judicial officer may conduct any proceedings by electronic communication as long as the parties or their counsel have the technical capacity to do so.
15. This Administrative Order shall be effective immediately and shall remain in effect until further notice or until superseded by further order of this Court or the Florida Supreme Court.

DONE AND ORDERED in Bartow on this 19th day of March, 2020.

s/ELLEN S. MASTERS, CHIEF JUDGE

Original:

Polk County Clerk of Court

Copies:

All Judges

Hardee County Clerk of Court

Highlands County Clerk of Court

Polk County Clerk of Court

Nick Sudzina, Trial Court Administrator

Office of the State Attorney

Office of the Public Defender

Office of Criminal Conflict and Civil Regional Counsel, Second District

Electronic Bar Mailing