

**IN THE COURTS OF THE FIRST JUDICIAL CIRCUIT
ADMINISTRATIVE ORDER NO. 2021-17**

**(Vacates Administrative Orders 2020-07, 2020-08, 2020-09, 2020-11, 2020-12, 2020-15,
2020-16, 2020-21, 2020-22, 2020-26, 2020-34, 2020-35, 2020-38)**

**RE: COVID-19 HEALTH AND SAFETY PROTOCOLS AND UPDATED
OPERATIONAL MEASURES**

WHEREAS, the Florida State Courts System continues to address the massive effect of the COVID-19 pandemic on court operations; and

WHEREAS, public health conditions have improved in that nearly half of the State's population has been partially or fully vaccinated, and government-issued health standards provide that fully vaccinated persons do not need to wear face masks or physically distance in most settings; and

WHEREAS, the Supreme Court of Florida has issued AOSC21-17, which provides that "the judicial branch can now transition to operations where in-person contact is more broadly authorized"; and

WHEREAS, AOSC 21-17 directs that the trial courts shall enact new operational protocols no sooner than June 21, 2021, but no later than August 2, 2021, unless an extension is granted;

NOW, THEREFORE, pursuant to the authority of the Chief Judge, under section 43.26, Florida Statutes, and Florida Rule of Judicial Administration 2.215,

IT IS HEREBY ORDERED:

I. HEALTH AND SAFETY PROTOCOLS

- A. Unless required by federal, state, or local laws, rules, or regulations, the wearing of face masks and physical distancing are not required during in-person court proceedings.
- B. Participants and observers **may** wear face masks during in-person court proceedings, and upon request, must be provided with a face mask.
- C. Participants in in-court proceedings may request to be physically distanced, and the court will address the request as appropriate under the circumstances.

II. REMOTE AND IN-PERSON COURT PROCEEDINGS

- A. Each administrative judge shall develop a protocol for their respective counties by which facility space is maximized for trial court proceedings which must be conducted in person.
- B. Per AOSC 21-17, all rules limiting or prohibiting the use of communication equipment for remote proceedings remain suspended. Therefore, judges should continue to use communication equipment to the maximum extent possible to

facilitate the expeditious and efficient processing of cases. Participants who have the capability of participating by electronic means in remote trial court proceedings must do so.

- C. Non-statewide grand jury selection and proceedings, civil jury selection and trial proceedings, and criminal jury selection and trial proceedings must be held in person unless remote proceedings are authorized under Section II.E.(3) of AOSC 21-17.
- D. Hearings to determine whether an individual should be involuntarily committed under the Baker Act or the Marchman Act must be conducted in person unless that individual waives the right to physical presence at the hearing.
- E. In determining which proceedings shall be held in person, the following matters are priorities (from highest to lowest):
 - 1. Essential proceedings identified in Section III.D.(1) of Fla. Admin. Order No. AOSC 20-23, Amendment 13 (first appearances, criminal arraignments, hearings to set or modify bail, shelter hearings, detention hearings, hearings on petitions for injunctions related to the safety of an individual, hearings on petitions for risk protection orders, petitions for appointment of an emergency temporary guardian, hearings for involuntary commitment under the Baker Act or Marchman Act, and hearings on petitions for extraordinary writs as necessary to protect constitutional rights)
 - 2. Circuit and county criminal trials with an in-custody defendant
 - 3. Circuit trials for juveniles being tried as adults
 - 4. Juvenile delinquency trials
 - 5. Circuit and county criminal trials with an out-of-custody defendant
 - 6. Termination of parental rights trials
 - 7. Circuit civil jury trials
 - 8. County civil jury trials
 - 9. All other trial court proceedings

III. COMPETENCY DETERMINATIONS

Pursuant to AOSC 21-17, where exigencies make it impossible to meet the 20-day time period in Florida Rule of Criminal Procedure 3.210(b), trial judges should hold competency hearings as soon as feasible after the date of filing a motion to determine competency. Evaluations may be conducted remotely, if feasible.

IV. DEFENDANTS ARRESTED ON WARRANT OR CAPIAS FROM ANOTHER FLORIDA JURISDICTION

- A. Judges in the First Judicial Circuit (the “holding court”) conducting pretrial release and first appearance hearings remain authorized to address detentions and monetary bond or other conditions of pretrial release for those brought before them, rather than requiring transport of those individuals to the county where any warrant or capias originated (the “home court”). The judges must rely on information provided from

the issuing judge, defense counsel (if any) and the state attorney from the county that issued the capias or warrant.


- B. Action taken by the holding court at first appearance or pretrial release hearing should be promptly reported to the home court and reflected in the record of the case.
- C. Judges remain encouraged to coordinate with prosecutors, attorneys, defendants, and victims in order to utilize section 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.
- D. 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, the presiding judge should request that the Chief Justice or Chief Judge designate a judge of the holding court as a judge of the home court to handle emergency or other necessary matters in the case.
- E. The constitutional rights of crime victims and the public's constitutional right of access to the courts must be considered in all cases by the presiding judge.

V. OBJECTIONS TO IN-PERSON VISITATION FOR CHILDREN UNDER THE PROTECTIVE SUPERVISION OF THE FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES (DCF).

A caregiver for a child subject to the protective supervision of the DCF may object to the in-person nature of a visitation based on grounds that risks due to COVID-19 will negatively affect the health and safety of a person participating in the visitation or of a member of that person's household. The court must consider such objection and responses thereto before entering an order on visitation. This provision applies to parent-child visitation, sibling visitation, and visitation between children and other family members and non-relatives.

This administrative order shall take effect on June 21, 2021.

DONE AND ORDERED this 14 day of June, 2021.



JOHN L. MILLER
CHIEF JUDGE

Copies furnished to:

All Judges, First Judicial Circuit

All Clerks, First Judicial Circuit

Ginger B. Madden, State Attorney, First Judicial Circuit

Bruce Miller, Public Defender, First Judicial Circuit

Robin Wright, Trial Court Administrator

Elizabeth Miller, Child Welfare Legal Services

Bryan Carter, Guardian Ad Litem

Mark Jones, President of Family First Network

Paul Wallis, Chief Probation Officer for Florida Department of Juvenile Justice

Justice Administrative Commission

Candice Brower, Office of Criminal Conflict Counsel

Craig Waters, Director of Public Information, Florida Supreme Court

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