

IN THE CIRCUIT COURT OF THE SEVENTEENTH
JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA

Administrative Order 2020-23-Temp

**EMERGENCY ADMINISTRATIVE ORDER
CORONAVIRUS DISEASE 2019 (COVID-19)**

- (a) Pursuant to Article V, section 2(d) of the Florida Constitution, and section 43.26, Florida Statutes, the chief judge of each judicial circuit is charged with the authority and the power to do everything necessary to promote the prompt and efficient administration of justice.
- (b) The Centers for Disease Control and the Florida Department of Health have advised people to take precautions in light of the Coronavirus Disease 2019 (COVID-19) outbreak, and specifically noting that the best way to prevent illness is to avoid exposure to the virus.
- (c) Because of the COVID-19 outbreak, Governor Ron DeSantis declared a State of Emergency on March 1, 2020, Broward County declared a Local State of Emergency on March 10, 2020, and the World Health Organization declared a global pandemic on March 11, 2020.
- (d) On March 11, 2020 Chief Justice Charles Canady issued Administrative Order No. AOSC20-12, *In Re: Response of the Florida State Courts System to Coronavirus Disease 2019 (COVID-19)*, requiring chief judges to continue ongoing planning and authorizing the use of mitigating measures to address the effects of COVID-19.
- (e) On March 13, 2020, Chief Justice Charles Canady issued Administrative Order No. AOSC20-13, *In Re: COVID-19 Emergency Procedures in the Florida State Courts*, (i) suspending grand jury proceedings, jury selection proceedings, and criminal and civil jury trials from Monday, March 16, 2020, through Friday, March 27, 2020, except for proceedings already underway and only with the approval of the chief judge; (2) suspending all 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; (iii) suspending 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 from the close of business on Friday, March 13, 2020, until the close of business on Friday, March 27, 2020, except where necessary to satisfy a defendant's right to confrontation in criminal proceedings; and (iv) authorizing the chief judge of each judicial circuit to establish temporary procedures for the use of communication equipment for the conducting of proceedings by remote electronic means, as necessary in light of the public health emergency.

(f) On March 17, 2020, Chief Justice Canady issued Administrative Order No. AOSC20-15, *In Re: COVID-19 Essential and Critical Trial Court Proceedings*, wherein he (1) designates essential court proceedings required to be performed and permits the chief judge to determine as essential additional proceedings critical to the state of emergency or public health emergency; (2) requires circuits to employ all methods practicable to minimize the risk of COVID-19 exposure to individuals involved in essential proceedings or the general public; and (3) authorizes the chief judge of each judicial circuit to cancel or postpone non-essential proceedings unless such proceedings can effectively be conducted remotely without in-person court appearances.

(g) On March 19, 2020, the Florida Supreme Court issued a press release as to the COVID-19 outbreak and court operations advising that “[a]ll of the emergency orders previously issued will be extended for at least another three weeks.”

(h) In accordance with the authority vested in the chief judge by Article V, section 2(d) of the Florida Constitution, 43.26, Florida Statutes, Florida Rule of Judicial Administration 2.215, and to promote public safety amidst the current public health emergency, it is hereby **ORDERED, effective immediately**:

I. Continuity of Operations Plan

The Seventeenth Judicial Circuit Continuity of Operations Plan is activated. Except as set forth herein, normal operations of the courts of the Seventeenth Judicial Circuit in and for Broward County, Florida are suspended from Monday, March 16, 2020 through Friday, April 17, 2020.

II. Mission Critical Events and Proceedings

A. The following procedures are hereby designated mission critical:

(1) First appearance hearings

- (2) Criminal arraignments, when necessary
- (3) Hearings on motions to set or modify monetary bail for individuals who are in custody
- (4) Juvenile detention hearings
- (5) Juvenile dependency shelter hearings
- (6) Petitions for judicial waiver of notice pursuant to section 394.01114, Florida Statutes
- (7) Hearings on petitions for the appointment of emergency temporary guardian
- (8) Risk protection orders and hearings
- (9) Injunctions for protection against domestic violence, stalking, repeat violence, dating violence, and sexual violence, and hearings
- (10) Injunctions for protection against exploitation of a vulnerable adult
- (11) Baker Act and Marchman Act proceedings
- (12) Extraordinary writs, related to the state of emergency or public health emergency or otherwise necessary to protect constitutional rights.
- (13) Issuance of warrants or authorization for wiretaps
- (14) Proceedings related to the state of emergency or public health emergency, including but not limited to violation of quarantine or isolation orders, violation of orders to limit travel, violation of orders to close public or private buildings, enforcement of curfew orders, habeas corpus petitions, and mandatory vaccinations.
- (15) Any other emergency or time sensitive matter as determined by the chief judge.

III. Handling of Mission Critical Events and Proceedings

A. First Appearance and Other Related Criminal Matters

- (1) A first appearance docket shall be conducted at 8:30 a.m. and 1:30 p.m., Monday through Friday of each week. Any individual who was arrested, and completed processing at the Broward County Jail or other detention facility no later than 4:00 a.m., shall be placed on the 8:30 a.m. docket. Any person arrested and completed processing at the Broward County Jail or other detention facility no later than 9:00 a.m. shall be placed on the afternoon docket. These dockets shall also include misdemeanor and felony domestic violence matters, and any matter involving the Department of Revenue as a party where the respondent is in custody pursuant to a civil writ as a result of his or her failure to pay child support.
- (2) On court holidays, Saturdays, and Sundays, the First Appearance docket shall be conducted at 8:30 a.m. only. First appearance matters held on court holidays, Saturdays, and Sundays include shelter hearings, juvenile detention hearings, and misdemeanor and felony domestic violence matters.
- (3) **Location.** First appearance hearings will be held in *Courtroom WW4155* of the Broward County Courthouse-West Tower, 201 S.E. 6th Street, Fort Lauderdale, Florida 33301.
- (4) The Chief Judge and/or Administrative Judge of the County Court will assign judges to preside over first appearance during the suspension of the court's normal operations.
- (5) Family members of defendants appearing for their initial appearance, and witnesses and victims and their family members, if any, may be permitted access to the courthouse for the limited purpose of attending first appearance.
- (6) Until further order of the court, the Public Defender shall be appointed for all first appearance hearings without the necessity of an affidavit of indigency.
- (7) **Emergencies.** The clerk shall direct any emergency to the division judge if he or she is available. If the division judge is not available, the motion shall be brought to the attention of the Administrative Judge of

the Circuit Civil Division or Chairperson of the County Criminal Division, as appropriate, and if either are unavailable, to the Chief Judge. All hearings scheduled under this section shall be heard immediately following the afternoon First Appearance docket, Monday through Friday.

- (8) **Warrants.** All warrants and applications for wiretaps shall be submitted to the Criminal Duty Judge for review.
- (9) The Chief Judge, in consultation with the State Attorney, Public Defender or private counsel representing a defendant currently in the custody of the Broward Sheriff's office, may discharge a defendant, terminate his or her sentence or defer completion of their sentence in order to prevent the spread of COVID-19.

B. Shelter Hearings

- (1) A shelter docket shall be conducted at 1:30 p.m., Monday through Friday of each week in *Courtroom WW4150* of the Broward County Courthouse-West Tower, 201 S.E. 6th Street, Fort Lauderdale, Florida 33301. The Chief Judge or Administrative Judge of the Unified Family Court will assign judges to preside over the shelter docket.
- (2) Parents of sheltered children may be permitted access to the courthouse for the limited purpose of attending a shelter docket.
- (3) **Emergencies.** All emergency motions relating to dependency actions, including but not limited to emergency motions for change of placement, emergency medical procedures, travel, pick up orders, and injunctions under Chapter 39, Florida Statutes, shall be heard on the shelter docket, as determined by the Administrative Judge of the Unified Family Division and/or Chairperson of the Dependency Division.
- (4) **Judicial Waiver.** All petitions filed by minors seeking a judicial waiver of parental notice of termination of pregnancy pursuant section 394.01114, Florida Statutes, shall be heard on the next shelter docket following the filing of the petition, or next first appearance docket if a court holiday or weekend. The minor and her attorney shall be present at the hearing.

C. Juvenile Detention Hearings

- (1) A juvenile detention docket shall be conducted at 1:00 p.m., Monday through Friday of each week in Courtroom **WW4150** of the Broward County Courthouse-West Tower, 201 S.E. 6th Street, Fort Lauderdale, Florida 33301. The Chief Judge or Administrative Judge of the Unified Family Court or Chairperson of the Juvenile Delinquency Division will assign judges to preside over detention hearings held Monday through Friday.
- (2) Family members of defendants appearing for their hearing, witnesses and victims and their family members, if any, may be permitted access to the courthouse for the limited purpose of attending detention hearings. Further, any juvenile out of custody may be permitted into the courthouse to attend their hearing.
- (3) *Emergencies*. All emergency motions relating to delinquency actions shall be heard on the detention docket, as determined by the Administrative Judge of the Unified Family Court and/or Chairperson of the Juvenile Delinquency Division.

D. Risk Protection Orders

- (1) Law enforcement seeking to file petitions for risk protection orders (RPO) may continue to do so and the procedures set forth in Administrative Order 2019-12-Civ remain in place.
- (2) All petitions filed during the suspension of the court's normal operations shall be sent to rpo@17th.flcourts.org and the assigned judge's division email address. Stipulations as to the entry of a final RPO should also be sent via electronic means to these email addresses.
- (3) All ex parte temporary risk protection orders entered prior to the court's suspension of normal operations with a 14-day final hearing scheduled during the week of March 16, 2020 or March 23, 2020, are hereby extended until further order. Any temporary risk protection order entered during the time the court's normal operations are suspended shall remain in effect until further order of the court.

- (4) Any final hearings which are not completed by teleconference, while the courthouse is closed are continued until further order of court. Nothing prohibits the parties to reach stipulations or agreed orders on the merits of the case.
- (5) All ex parte temporary orders granting a risk protection order pending a final hearing shall remain in place until further order of the Court or as otherwise stipulated by the parties.
- (6) Three (3) day compliance hearings shall be conducted by telephone, if possible.
- (7) If a motion is filed to extend a risk protection order, the previously issued risk protection order shall remain in place without further order of the Court until the matter can be rescheduled during normal courthouse operations.
- (8) All hearings required to be held under section 790.401, Florida Statutes, shall be conducted using communication equipment, as described below.

E. Domestic Violence and Related Injunctions

- (1) Individuals wishing to file petitions for injunction against domestic violence, stalking, or dating, repeat or sexual violence may continue to do so and security personnel and Broward Sheriff's Office deputies shall permit their entry to the courthouse facility for this limited purpose.
- (2) **After-Hours.** The procedures for petitions for an injunction against domestic violence, stalking, or dating, repeat or sexual violence filed after normal court business hours (8:30 a.m. to 5:00 p.m.) set forth in Administrative Order 2019-81-UFC shall remain in place until further order of the court.
- (3) Any ex parte temporary injunction entered prior to the court's suspension of normal operations with a 15-day return hearing scheduled during the week of March 16, 2020 or March 23, 2020, are hereby extended until further order. Any ex parte temporary injunction entered during the time the court's normal operations are suspended shall remain in effect until further order.
- (4) Final hearings may be conducted remotely at the discretion of the presiding judge. Any final hearing which is currently scheduled that cannot be completed using communication equipment will be continued until further order of the court. Nothing in this Administrative Order precludes the parties from reaching a stipulation as to the merits or agreeing to modify any terms of an injunction. Any

stipulation or modification must be submitted to and approved by the assigned division judge.

F. Probate, Guardianship, Mental Health

(1) Individuals wishing to file the following petitions are permitted access to the courthouse for such limited purpose:

- (a) Baker Act
- (b) Marchman Act
- (c) Injunctions for protection against exploitation of a vulnerable adult
- (d) Emergency Temporary Guardianship petitions

The Clerk shall immediately bring the filing of any of the above-listed petitions to the attention of the Administrative Judge of the Probate Division for appropriate action.

G. Extraordinary Writs and Pandemic-Related Litigation.

(1) *Extraordinary Writs.* Any petition seeking extraordinary relief related to the COVID-19 outbreak or otherwise affecting an individual's constitutional rights shall be brought to the attention of the Chief Judge.

(2) The Clerk of Court shall immediately notify the Chief Judge of any legal matter filed relating to COVID-19. This includes, but is not limited to, petitions for writ of habeas corpus filed by individuals challenging a quarantine order and petitions to enforce quarantine orders.

H. County/Circuit Civil (including family and probate) Emergencies.

Persons wishing to file an emergency motion or petition in a civil case, including family and probate cases, may be permitted access to the courthouse to do so by dropping off the matter at the front desk of the West Tower of the Central Courthouse. Upon receipt of any emergency filing during the time the court's normal operations are suspended, the Clerk of Court shall contact the assigned division judge. In the event the assigned division judge is unavailable, the Clerk shall notify the Civil Duty Judge who shall handle the matter. In the event the Civil Duty Judge is unavailable, the Administrative Judge of the Circuit Civil Division or Chief Judge shall handle the matter. If

an evidentiary hearing is required as to any matter filed as and determined by the reviewing judge to be an emergency, the hearing shall be conducted using communication equipment.

I. Communication Equipment

(1) All mission critical court proceedings shall be conducted using communication equipment. Communication equipment means “a conference telephone or other electronic device that permits all those appearing or participating to hear and speak to each other, provided that all conversations of all parties is audible to all persons present.” *Fla. R. Jud. Adm. 2.530*. Communication equipment also includes videoconferencing methods.

(2) If the presiding judge determines that any mission critical proceeding requires an in-person hearing to be conducted prior to the resumption of the court’s normal operations, the judge must first consult with the Chief Judge. If it is determined that an in-person hearing is required, the judge must ensure that social distancing occurs, as described in section V below.

IV. Handling of Other Matters Not Mission Critical

A. All non-essential court proceedings are suspended and may only be performed if the presiding judge determines that the matter may effectively be conducted remotely using communication equipment. If the parties or their counsel do not wish to conduct their proceedings using communication equipment or do not have the capability to do so, the proceedings must be continued and rescheduled until at least April 20, 2020, unless all parties stipulate to the matter being determined based solely on the submission of written memoranda. Any such stipulation shall be evidenced by an agreement filed with the Clerk.

B. Jury Trials Suspended. All jury selection proceedings and criminal and civil jury trials are suspended during the period Monday, March 16, 2020, through April 17, 2020, except for those trials underway prior to the court’s suspension of normal operations and as authorized by the Chief Judge.

C. Grand Jury Suspended. All grand jury proceedings are suspended during the period Monday, March 16, 2020, through Friday, April 17, 2020.

D. Civil Traffic Infractions.

- (1) All compliance deadlines are tolled pending further order of the court.
- (2) The Clerk of Court shall not issue a D-6 license suspension or default any defendant on any civil traffic infraction.
- (3) The Clerk of Court shall not default or issue a D-6 license suspension on any defendant who is currently on a payment plan until further order of the court.

E. Foreclosures. All foreclosure sales currently scheduled for any day during which the court's normal operations are suspended are cancelled and shall be rescheduled by the Clerk of Court accordingly.

F. Defaults and Writs of Possession and for Garnishment. Until such time as the courts resume normal operations, in all county civil and circuit civil cases:

- (1) No default shall be entered by the Clerk of Court.
- (2) No court default may be sought unless submitted by motion to the presiding judge detailing exigent circumstances which may warrant judicial relief. In the event the presiding judge is unavailable, the matter shall be presented to the Administrative Judge of the County Court or the Administrative Judge of the Circuit Civil Division, as appropriate, and if either are unavailable, to the Chief Judge.
- (3) No writs of possession or writs of garnishment may issue until normal operations of the court resume.

G. Court Contractors. All orders requiring any individual under contract with the Circuit to perform a mental health examination of a defendant in a criminal case or an alleged incapacitated person in an incapacity proceeding are suspended until further order of the court. This provision shall not affect the validity of any examination or report conducted or filed prior to the issuance of this Administrative Order.

V. Social Distancing

All persons who find themselves in a courthouse facility should maintain at least a 6-foot “social distance” from each other at all times.

For up to date information concerning the resumption of normal court operations and public access to the courthouse facilities, call the Circuit’s emergency hotline at 954-831-7777 or visit the Court’s website at www.17th.flcourts.org.

This Administrative Order shall take precedence over any other Seventeenth Judicial Circuit administrative order that may be in conflict with the provisions herein.

This Administrative Order will be updated to address further items, as needed.

DONE AND ORDERED in Chambers, Fort Lauderdale, Florida, this 20th day of March, 2020.

/s/ Jack Tuter
Jack Tuter, Chief Judge