

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

Administrative Order 2020-31-Temp

**ADMINISTRATIVE ORDER REGARDING FAILURE TO APPEAR
CUSTODY ORDERS IN JUVENILE DELINQUENCY CASES**

- (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) Since March 17, 2020, the Florida Supreme Court has issued various emergency administrative orders requiring chief judges to continue planning and authorizing the use of mitigating measures to address the effects of COVID-19. These administrative orders may be found at <https://www.floridasupremecourt.org/Emergency>.
- (e) The Seventeenth Judicial Circuit is currently operating under Administrative Order 2020-27-Temp and continuing to conduct essential proceedings and proceedings critical to the state of emergency or public health emergency.
- (f) Juveniles continue to get arrested on outstanding custody orders for “failure to appear” (FTA) for a prior properly noticed court hearing and such orders contain language that the juvenile is not to be released until seen by a judge.

(g) Some of the juveniles arrested on FTA custody orders do not meet the criteria to be held in secure detention based on the Department of Juvenile Justice Detention Screening Instrument but will nevertheless be held in the secure detention facility until seen by a judge as required by the terms of the custody order that formed the basis for the arrest.

(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**:

(1) All juveniles arrested on Seventeenth Judicial Circuit issued FTA custody orders will continue to be taken to the Juvenile Assessment Center (JAC) for detention screening.

(2) If, after a juvenile arrested on a Seventeenth Judicial Circuit issued FTA custody order completes detention screening, he or she meets the criteria for secure detention, the juvenile will be transported to the juvenile detention center to be held until the next available custody order/detention hearing where the presiding judge will make a ruling on the need for continued secure detention.

(3) If, however, a juvenile arrested on a Seventeenth Judicial Circuit issued FTA custody order does not meet the criteria for secure detention after screening, the juvenile shall be released directly from the JAC to his or her parent or legal guardian under the release conditions as set forth in the Department of Juvenile Justice Detention Screening Instrument, notwithstanding any language in the subject custody order indicating no release until seen by a judge.

(4) Any juvenile released directly from the JAC in accordance with this Administrative Order, and the juvenile's parent or legal guardian, shall be provided a new notice to appear (NTA) by the Department of Juvenile Justice. Court Administration juvenile delinquency case management shall coordinate with the Department of Juvenile Justice for purposes of the NTAs.

(5) This Administrative Order will remain in effect until the emergency procedures outlined in Administrative Order 2020-27-Temp (as may be amended, modified, or supplemented) are lifted or until further order of the court, whichever occurs first.

DONE AND ORDERED in Chambers, Fort Lauderdale, Florida, this 2nd day of April, 2020.

/s/ Jack Tuter
Jack Tuter, Chief Judge