

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

*Administrative Order 2021-29-Temp (Amendment 1)*

**CONTINUATION OF COURT OPERATIONS & JUDICIAL  
PROCEEDINGS DURING COVID-19 PURSUANT TO AOSC21-17**

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(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) On October 12, 2020, the Circuit transitioned to Phase 2 of the Florida Supreme Court's COVID-19 pandemic operational phase. While in Phase 2, the Court continued the majority of its operations remotely and using electronic means, and conducted in-person court proceedings, including jury trials and grand jury proceedings, on a limited basis.

(c) On June 4, 2021, the Florida Supreme Court issued Administrative Order AOSC21-17 ("AOSC21-17") authorizing all courts to exit Phase 2 operations as warranted by the wide use and availability of an effective vaccine. Based on this guidance, **effective immediately**, the Seventeenth Judicial Circuit Phase 2 Operational Plan will terminate, the Circuit will no longer operate in Phase 2, and the protocols and measures specified in this Administrative Order will govern the Circuit's operations.

(d) In accordance with the authority vested in the Chief Judge by Article V, section 2(d) of the Florida Constitution, section 43.26, Florida Statutes, Florida Rule of General Practice and Judicial Administration 2.215, Florida Supreme Court Administrative Order AOSC21-17,<sup>1</sup> it is hereby **ORDERED, effective immediately, unless indicated otherwise:**

**I. General Provisions**

(1) Effective July 6, 2021, court buildings will be open to the public; judges, judicial personnel, and court staff shall work from their assigned courthouse

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<sup>1</sup> This Administrative Order should be read in concert with AOSC21-17.

locations and all in-person and remote court proceedings shall be conducted by the presiding judge from his or her designated courthouse.

- (2) Masks and Physical Distancing. As provided in AOSC21-17, the wearing of face masks is not required for entry into any courthouse facility or during in-person court proceedings.<sup>2</sup> Physical distancing is likewise not required in any courthouse facility or during in-person court proceedings. However, during in-person court proceedings, participants and observers may wear a face mask and request to be physically distanced as provided by AOSC21-17.
- (3) Method of Appearance for Noticed Proceedings. Counsel and parties must appear for court proceedings as noticed. If the proceeding is noticed for Zoom, appearance by Zoom is required, unless otherwise ordered by the presiding judge. Conversely, if the notice states “in-person” or specifies a physical courthouse location, in-person attendance at the specified location is required, unless otherwise ordered by the presiding judge.

## **II. Conduct of Court Proceedings**

- (1) In-Person Proceedings: The following proceedings shall proceed in-person to the maximum extent feasible:
  - a. First appearance hearings<sup>3</sup>;
  - b. Circuit criminal arraignments;
  - c. Hearings on motions to set or modify monetary bail for individuals who are in custody, unless the defendant waives his or her presence;
  - d. Pre-negotiated pleas in circuit and county criminal divisions;
  - e. Criminal Evidentiary Hearings;

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<sup>2</sup> As used herein, the term “in-person court proceeding” means the assembly of prospective jurors, voir dire, juror deliberations, and any status conference, hearing, trial, or other proceeding conducted by a justice, judge, magistrate, or hearing officer if conducted in-person and other court events conducted in-person as may be determined by the Chief Justice or chief judge.

<sup>3</sup> The Public Defender shall be appointed for all first appearance hearings without the necessity of an affidavit of indigence. The representation shall continue for all indigent defendants who have not retained private counsel. This provision shall apply nunc pro tunc to March 14, 2020, and shall continue until September 30, 2021, at which point an affidavit of indigence shall be necessary. This provision expires at 12:01 a.m. on October 1, 2021.

- f. Violation of Probation Hearings;
- g. Sentencing Hearings;
- h. Juvenile pleas;
- i. Delinquency Trials, including Disposition Hearings, unless ordered by the Chief Judge or presiding judge to be conducted remotely;
- j. Termination of Parental Rights trials, unless ordered by the Chief Judge or presiding judge to be conducted remotely;
- k. Petitions for Judicial Waiver of Notice pursuant to section 390.01114(4), Florida Statutes, unless ordered by the presiding judge to be conducted remotely;
- l. Baker Act and Marchman Act proceedings, unless the individual respondent waives the right to physical presence at the hearing;
- m. Grand Jury Proceedings; and
- n. Civil and Criminal Jury Proceedings. These proceedings may also be conducted remotely consistent with the requirements of AOSC21-17.

(2) Remote or In-Person Proceedings:

- a. Any proceeding not specifically addressed in the in-person proceeding list above may proceed either in-person or remotely, subject to:
  - i. The approval of the Chief Judge;
  - ii. Any limitations on remote conduct imposed by the United States or Florida Constitution, a statute, or rule of court; and
  - iii. The participants' access to technological resources.
- b. All proceedings conducted remotely must be conducted by the judicial or quasi-judicial officer from his or her designated courthouse.

(3) Priority of Jury Proceedings: Jury proceedings will continue in-person to the maximum extent feasible. The priority order for jury trials will be as follows (from highest to lowest):

- a. Circuit and county criminal jury trials where speedy trial<sup>4</sup> will run within twenty-days;
- b. Circuit and county criminal jury trials with an in-custody defendant;
- c. Circuit and county criminal jury trials with an out-of-custody defendant;
- d. Circuit civil jury trials; and
- e. County civil jury trials.

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<sup>4</sup> Speedy trial periods shall resume in accordance with AOSC21-17.

**III. Vacating Previous Administrative Orders.** This Administrative Order supersedes and vacates the following Administrative Orders effective immediately unless otherwise indicated:

2020-29-Temp

2020-30-Temp

2020-92-Temp

2021-15-Temp

2021-16-Temp

2020-38-CO (as of December 31, 2021)

2020-76-CO (as of August 2, 2021)

**DONE AND ORDERED** in Chambers, Fort Lauderdale, Florida, this 6th day of July, 2021.

/s/ Jack Tuter

Jack Tuter, Chief Judge