



Supreme Court of Florida

500 South Duval Street
Tallahassee, Florida 32399-1925

CHARLES T. CANADY
CHIEF JUSTICE
RICKY POLSTON
JORGE LABARGA
C. ALAN LAWSON
CARLOS G. MUÑIZ
JUSTICES

JOHN A. TOMASINO
CLERK OF COURT

SILVESTER DAWSON
MARSHAL

MEMORANDUM

TO: Chief Judges of the District Courts of Appeal
Chief Judges of the Circuit Courts

FROM: Chief Justice Charles T. Canady

A handwritten signature in cursive script that reads "Char. T. Canady".

DATE: May 11, 2020

SUBJECT: Best Practices

To assist judges in managing various challenges that may arise with proceedings during the pandemic, the Workgroup on Continuity of Court Operations and Proceedings During and After COVID-19 has developed best practices on the following topics:

- Facilitating Pro Se Litigants with Remote Appearance Technology, which sets forth best practices and logistical considerations regarding self-represented litigants who are appearing through remote technology;
- Representing Yourself and Using Remote Appearance Technology with the Courts, which contains helpful tips for self-represented litigants who are appearing through remote technology;
- Management of Evidence in Remote Hearings in Civil and Family Cases, which provides best practices and resources regarding the management of evidence during remote hearings in civil and family cases; and

Chief Judges of the District Courts of Appeal

Chief Judges of the Circuit Courts

May 11, 2020

Page 2

- Out-of-County Inmates, which provides best practices on providing due process to out-of-county arrestees during the pandemic and includes sample forms.

Please distribute the attached best practices to all judges and the appropriate court staff in your respective jurisdiction and encourage them to make appropriate use of these helpful documents.

CTC:dgh

Attachments

cc: Justices
Judge Lisa Taylor Munyon, Workgroup Chair
DCA Clerks
DCA Marshals
Trial Court Administrators



CONTINUITY OF COURT OPERATIONS
& PROCEEDINGS DURING AND AFTER

BEST PRACTICES

Facilitating Pro Se Litigants with Remote Appearance Technology

May 6, 2020

Introduction

This guide sets forth best practices and logistical considerations with respect to facilitating pro se litigants with remote appearance technology.

The court should be mindful of the following considerations:

1. Ensure the technology is sufficient to allow the court to preside over and resolve the matter effectively.
2. Leverage remote appearance solutions that present little or no cost to pro se litigants.
3. Recognize costs to the litigants of using phone minutes and/or data if free and stable Wi-Fi is not readily available to them.
4. Verify the required equipment needed for all participants, ease of use, and the ability to access the solution remotely.
5. Control access to the proceeding for participants and determine the necessary level of privacy required for the event.
6. Ideally, use the same mode of remote appearance technology for all parties participating in the court event.
7. Account for ADA requirements and web content accessibility standards.

Match each proceeding with the remote appearance medium that (1) complies with due process standards and general law, and (2) reliably achieves the purpose of the proceeding. In many instances a phone conference will satisfy the purpose of a court event, in others, a video conference may be required or preferable.

Best Practices for Judges

Planning for the Proceeding

1. Explore the full functionality of the remote appearance platform (i.e. waiting rooms) and attend regular training for the platform and other related technologies.
2. Allow for proper spacing and allotment of time for hearings, as pro se litigants may need extra time to present their case and work through any technology issues.
3. Ensure clear public information about the availability of non-confidential court proceedings via live streaming or other access.
4. When possible, obtain reliable email addresses for the parties, and verify their ability to access a stable internet connection if a video conference is to be used.
5. Determine whether any language interpretation will be needed by any participant, and the effect that need might have on effective participation via remote appearance technology. Schedule and group hearings to optimize the use of interpreter resources.

Noticing for the Proceeding

6. Provide notice to the litigant of the intent to use Zoom or similar free remote appearance platform along with connection instructions.
7. Require that notices of hearing contain a phone number and a link to the Zoom hearing, or similar free remote appearance platform, for the specified date and time.

Starting the Proceeding

8. Start each hearing by laying the ground rules. Describe how the hearing will be conducted and how the platform will be used.
9. Announce the case number prior to commencement of the proceeding and require all parties to announce themselves to assist with the court record, tagging, and transcription.
10. Address parties on the record to verify that they are waiving their right to be present in the courtroom for the proceedings. In addition, if there is a victim involved, ensure that the victim's rights are addressed on the record.
11. Assure all sides they will be heard, but that the use of the technology requires a rigid rule of speaking one-at-a-time. The judge will invite comment from each person and allow opportunities to respond. The judge runs the hearing and by name invites testimony, argument, etc. from each person so the record is clear and the hearing is orderly.
12. Despite not being physically in the courtroom, the court should continue to remind participants the proceeding is live, is being recorded, and that courtroom decorum rules apply.
13. The court should advise participants if the proceeding is being recorded and note restrictions on the unauthorized recording of the proceeding.

During the Proceeding

14. Judges should encourage the use of gallery view in the remote video settings, allowing all parties and participants to see each other in the hearing.
15. Be prepared to postpone the hearing if the pro se litigant has issues using the technology.
16. Finalize orders and file and serve through the CAPS Viewer or E-Portal.

Logistics

Contact Information / Procedures

1. Provide extra notice of hearings. Consider mailing the virtual hearing information to the pro se litigant with clear instructions on how to contact the court to arrange remote participation.
2. Provide a telephone option, toll-free if possible, as an alternative for video appearance if appropriate.

Procedural Practices

3. Judges and/or court staff must act as hosts to control remote meetings. Appoint the case manager or other staff as co-host so that they can help manage the waiting room and rename participants as needed.

Document Handling

4. Consider the need for an electronic signature workflow solution, with detailed instructions, when responding or filing.
5. Provide the capability for all parties to deliver all potential evidence to the court in advance.

Consider attaching the companion best practices guide, [Representing Yourself and Using Remote Appearance Technology with the Courts](#), to pro se litigant communications. The companion guide has been posted to many court and clerk websites and shared with justice stakeholders.

Technology Features of the Remote Appearance Platform

6. When hosting hearings, the court should enable the "Waiting Room" function in Zoom. The "Waiting Room" allows the host to control who is admitted to the hearing and prevent participation by individuals who are not litigants in that case.
7. Train self-help staff and/or all staff so that they can troubleshoot with the pro se litigants. Provide a Zoom Procedure Guide to all staff.

BEST PRACTICES

Representing Yourself and Using Remote Appearance Technology with the Courts

May 6, 2020

Remember, even though your hearing is happening over the phone or through the internet, it is a court proceeding. You should act the way you would if you were in the courtroom in person. Court rules and standards apply.

Please review the following tips:

Do:

- Do let the court know if you don't have a phone or access to the internet. The court may be able to help you find a way to participate or may postpone the hearing.
- Do visit the video call website (such as [Zoom](#)) or a video sharing website ([YouTube](#)) for guides, helpful videos, and additional information.
- Do prepare for your virtual hearing. If you plan to participate in your hearing by video, download the video application before your scheduled hearing. Be sure to test your speaker, microphone, and camera before the hearing. Video call software websites often provide a test link to try your equipment before the actual event (Zoom test example [here](#)).
- Do dress appropriately, like you would if actually going to the courthouse.
- Do limit distractions during your hearing. Put all pets and other things that may be a distraction in a different room. Find a quiet place to participate in the hearing.
- Do keep your device on mute when not speaking. Keeping your phone, mobile device, or computer on mute unless speaking reduces feedback and limits background noise.
- Do call the court in advance if you want to present evidence. If you have documents or witnesses you want available for your hearing, check the judge's website or call the court for more information.
- Do make sure others using your Wi-Fi network minimize their usage during your hearing so you have the best possible connection.

Don't:

- Don't ignore the virtual hearing. If you cannot make the hearing or have a conflict, notify the court.
- Don't talk over others, it makes it hard for the judge and others to hear. Wait to speak until asked to by the judge.
- Don't do other things while on the call. Just like in an actual courtroom, you must pay attention to make sure you don't miss something important that is said or something the judge asks you to do.



BEST PRACTICES

Management of Evidence in Remote Hearings in Civil and Family Cases

May 5, 2020

Introduction

This guide sets forth best practices with respect to the management of evidence during remote hearings in civil and family cases, provides an overview of the requirements for the conduct of in-person and remote hearings specified in [Florida Supreme Court Administrative Order 20-23, Amendment 1](#), and provides links to other resources generally addressing remote hearings.

Best Practices for Remote Evidentiary Hearings

Local administrative orders (AOs) should establish procedures for the filing and management of exhibits and the taking of witness testimony in remote hearings. Issues that a Florida judicial circuit may wish to address include specifying:

1. Procedures that distinguish between requirements for:
 - a. Parties represented by counsel and self-represented parties, if appropriate; and
 - b. Physical exhibits, exhibits capable of being provided electronically, and witness testimony.
2. Requirements for the parties to exchange exhibits and confer remotely before the hearing for the purpose of stipulating, as much as practicable, to the authenticity and admissibility of the exhibits. With respect to physical evidence, parties could be directed to exchange pictures of the evidence.
3. Requirements for the parties to file with the court any objections to exhibits by a specified deadline and procedures for the setting of hearings to resolve all such objections before the evidentiary hearing.
4. Requirements for the parties to:
 - a. Exchange witness lists that include the witnesses' names, email addresses, and cell and landline phone numbers before the hearing;
 - b. Ensure their witnesses who will lay the predicate for evidence have a copy of the evidence;
 - c. Ensure their witnesses have the necessary technology to participate in the remote hearing and, if not, specify requirements for the provision of an affidavit from the party explaining and attesting to the inability for the witness to access such resources;

- d. Ensure their witnesses are aware of the witness testimony protocol discussed below.
 - e. Meet specified deadlines for the provision of the witness lists to the court along with the identification of any witness for whom an interpreter or an accommodation under the Americans with Disabilities Act will be required or for whom they request sequestration. The name of the interpreter should be included in the witness list.
5. Requirements for the marking and indexing of exhibits, filing methods, e.g., via the clerk or ePortal, email to the presiding judge, or upload to a cloud storage service, and filing deadlines.
 - a. With respect to physical evidence, the local AO could direct the parties to contact the presiding judge on a case-by-case basis and to indicate whether there is agreement among the parties as to how the physical evidence will be filed. Options for submission might include filing a picture of the physical evidence or submitting the evidence in a sealed, clear plastic bag.
 - b. Consider advising parties that documents or other items that the presiding judge must review during the hearing, but which are not being submitted as evidence, e.g., a driver's license to verify identity, do not have to be provided to the judge in advance and may be presented to the judge during the hearing using the camera.
6. Any applicable limits on the time that will be allotted for the hearing.
7. Provisions indicating that:
 - a. Discovery, evidence, and other rules of procedure still apply, unless suspended or amended by the Florida Supreme Court, as does the right to due process in all court proceedings; however, the courts and parties are encouraged to use flexibility during the public health emergency for the equitable resolution of cases.
 - b. As such, nothing in the local AO limits the presiding judge's discretion to:
 - i. Establish other procedures consistent with the AO;¹
 - ii. Admit or deny evidence in the case or determine other relief appropriate under the circumstances; and
 - iii. Reset the hearing if technological issues prevent the meaningful review of evidence, where the parties have complied in good faith with the procedures, to use more appropriate electronic means or, if authorized

¹ In all cases, the presiding judge should ensure that any procedure independently established by the judge is equitable and does not result in an advantage to one party over the other.

under Florida Supreme Court AOSC 20-23, Amendment 1, for an in-person hearing.²

8. Provisions notifying parties that they should contact the presiding judge's office to determine whether the judge has established additional procedures for a remote hearing.
9. Provisions notifying parties of the suspension of certain rules, court orders, and opinions by Florida Supreme Court AOSC 20-23, Amendment 1, relating to remote hearings and remote administration of oaths.
10. Procedures that ensure the public's right of access to court hearings while maintaining any confidentiality that may apply to information in exhibits or witness testimony.³
11. Responsibilities of the parties for providing for the transcription of the record and indicating that court reporters may remotely participate in the hearing.
12. Post-hearing procedures for the filing of exhibits not filed before the hearing, for a corrected index of exhibits introduced in evidence, and for the parties to retain copies of evidence admitted or denied admission by the presiding judge until the resolution of the case and exhaustion of any appeal.
13. Sanctions applicable to a party's failure to comply with the requirements of the local AO. Consider including these sanctions in the presiding judge's standing order or order setting the hearing.

For examples of recent AOs on this topic, see [Eleventh Judicial Circuit Administrative Memoranda](#).

Best Practices for Witnesses

With respect to witnesses, additional evidentiary issues for which the presiding judge of a remote hearing may wish to prepare include:

1. Advising witnesses at the beginning of the hearing or before their testimony of the following protocol for their testimony: they must be alone in a quiet room during their

² Under AOSC 20-23, Amendment 1, in-person hearings may be conducted only for essential proceedings. Additionally, under the AO, non-essential proceedings must be conducted remotely unless one of the two exceptions discussed in Footnote 4, below, apply.

³ For a discussion of the strong presumption of openness for all court proceedings and of confidentiality requirements applicable in the judicial branch, see the [Government-In-The-Sunshine-Manual](#), 2020 Edition, by the Office of the Attorney General, at pages 12-13 and 63-68, respectively. Although the public has a right of access, it does not have the right to participate in the proceeding.

testimony, may not use a virtual background, and are ordered, subject to contempt of court, to turn off all electronic devices except for the device enabling participation in the hearing and to refrain from exchanging any electronic messages during their testimony.

2. Requiring witnesses to remain in a Zoom waiting room until they are called to testify and removing them from the hearing following their testimony. To enable this function, the presiding judge or clerk must host the Zoom hearing. This functionality is critical in the event that a witness must remain in a waiting room because he or she is sequestered. If sequestration is necessary, one of the following options will be needed:
 - a. The posting of a video of the proceeding after the hearing, rather than the live streaming the proceeding; or
 - b. Determination of some other mechanism that ensures the witness is unable to view the live-streamed proceeding.
3. Confirming that the witness is alone by requiring him or her to use his or her camera to scan the room before and after testimony and noting this for the record.

Florida Supreme Court Administrative Order 20-23, Amendment 1

Florida Supreme Court Administrative Order 20-23, Amendment 1 requires the trial courts to conduct:

- Essential and critical proceedings in a manner that employs all methods feasible to minimize risk of COVID-19 exposure to all; and
- Non-essential and non-critical court proceedings using electronic means unless a judge determines that remote conduct of the proceeding is subject to an exception.⁴

Included within the categories of proceedings above are requirements for the conduct of certain proceedings in civil and family cases:

Civil and Family Essential Proceedings - <i>must be conducted remotely or in-person</i>	Civil and Family Non-Essential Proceedings – <i>must be conducted remotely</i>
Juvenile dependency shelter hearings	Alternative dispute resolution proceedings
Juvenile delinquency detention hearings	Status, case management, and pretrial conferences
Hearings on petitions for injunctions relating to safety of an individual	Non-evidentiary and evidentiary motion hearings
Hearings on petitions for risk protection orders	Hearings in juvenile delinquency cases

⁴ The exceptions are that the remote conduct of the proceeding would be: (a) inconsistent with the United States or Florida Constitution, a statute, or a rule of court that has not been suspended by administrative order; or (b) infeasible because the court, the clerk, or other participant in a proceeding lacks the technological resources necessary to conduct the proceeding or, for reasons directly related to the state of emergency or the public health emergency, lacks the staff resources necessary to conduct the proceeding.

Hearings on petitions for the appointment of an emergency temporary guardian	Hearings in noncriminal traffic infraction cases
Hearings to determine whether an individual should be involuntarily committed under the Baker Act or the Marchman Act	Problem-solving court staffings, hearings, and wellness checks
Hearings on petitions for extraordinary writs as necessary to protect constitutional rights	Non-jury trials, except for juvenile delinquency and termination of parental rights petitions in dependency cases unless the parties in those cases agree to remote conduct

To facilitate the remote conduct of proceedings, the AO:

- Authorizes chief judges to establish temporary procedures for the use, to the maximum extent feasible, of communication equipment for the conduct of remote proceedings.
- Authorizes the remote administration of oaths by audio-video communication technology for witnesses.
- Suspends all rules of procedure, court orders, and opinions applicable to:
 - Court proceedings that limit or prohibit the use of communication equipment for conducting proceedings by remote electronic means; and
 - Remote testimony, depositions, and other legal testimony that limit or prohibit the use of audio-video communications equipment to administer oaths remotely or to witness the attestation of family law forms.

Other Resources Generally Addressing Remote Hearings

1. Florida:
 - a. [Video of a Remote Mock Trial](#), Seventeenth Judicial Circuit, posted May 1, 2020.
 - b. [Benchguide Checklist for Procedural Safeguards During Hearings for Judges](#), Eleventh Judicial Circuit, May 4, 2020: checklist addressing items that a judge should consider before and during a remote hearing conducted via Zoom.
 - c. [Zoom Script for Judge](#), Eleventh Judicial Circuit, May 4, 2020: script for judges that establishes ground rules for a Zoom hearing.
2. National Center for State Courts
 - a. [Checklist for judges in virtual proceedings](#), April 22, 2020: short checklist indicating issues to be considered by judges when conducting remote hearings.
3. [Michigan’s Virtual Court Resources](#): contains a variety of remote hearing resources, including:
 - a. [Trial Courts Virtual Courtroom Standards and Guidelines](#), April 17, 2020: guidance for the Michigan judiciary on the best practices for conducting remote hearings.

- b. [Remote Proceedings Checklist](#), April 20, 2020: step-by-step guidance for the use of Zoom to set up and conduct a remote hearing.
 - c. [Frequently Asked Questions Regarding Expansion of Remote Proceedings](#), April 30, 2020: helpful, extensive list of questions regarding the expanded use of remote hearings.
4. [Texas Electronic Hearings with Zoom](#), Texas Judicial Branch: contains a variety of helpful resources for conducting remote hearings using Zoom.



BEST PRACTICES

Out-of-County Inmates

May 7, 2020

Introduction

This guide sets forth best practices with respect to providing due process to out-of-county arrestees during the COVID-19 pandemic.

Best Practices for Judges, State Attorneys, Public Defenders, and Law Enforcement Agencies

Reliable contacts are essential

1. Court administrative staff in each circuit must maintain an up-to-date list of statewide contacts for judges, state attorneys (SA), public defenders (PD), the Office of Criminal Conflict and Civil Regional Counsel, clerks of court (clerk), and the jail in each county to facilitate reliable communication among stakeholders.
2. Upon booking into a county jail on an out-of-county warrant or capias, it is strongly recommended that the hosting county jail or pretrial service staff send an email to the following eight contact persons: SA, PD, clerk, and the judge in both the home and holding counties. If possible, the email should include the documentation related to the arrest.
3. The first appearance judge should, after inquiry of the arrestee, make a provisional appointment of the PD in the hosting county.
4. The provisionally appointed PD should contact the home county PD and discuss options for release, plea in absentia, bond reductions, and/or pleas pursuant to section 910.035, Florida Statutes, etc., if applicable. These options include both non-transfer of venue options and transfer of venue pursuant to section 910.035, Florida Statutes.

Timeliness is key

1. All contacts and communication among stakeholders, including victim contact by the SAO, should take place as expeditiously as possible.
2. Except when charges are also pending in the host county, if an inmate remains incarcerated in a host county ten (10) days following a first appearance hearing, the judge and state attorney in the host county must re-contact their counterparts in the issuing county to verify if the state continues to desire extradition and whether the current monetary bond or other conditions of pretrial release should be modified.

The attached forms will expedite the process

1. Jails should facilitate inmates executing pleas in absentia to be entered in the home county for misdemeanor offenses.
2. The jail point of contact should be available to receive pleas in absentia from attorneys by email using the attached forms.
3. To facilitate the execution of pleas, jails should facilitate remote, private conferencing between the attorney and inmate, as well as fingerprinting and the validation of inmate identity and signature.

4. The jail should return the plea form to the hosting PD for routing to the home county.
5. Jails should assist inmates to appear virtually for the entry of pleas whenever possible.

Request to Transfer a New Case

Explanation and Instructions – Please Read Carefully!

A “Request to Transfer a New Case” is a form that allows you to request a transfer of a new criminal case(s) pending outside of the arresting county (i.e., pending criminal charges **not** in the county of arrest) to be resolved locally. In other words, if you are housed in a jail outside of the county where you have pending criminal charges, and you wish to resolve new pending charge(s) in the county of arrest, you may request to transfer the case to the county where you are incarcerated. **You may not use this form for violations of probation or violations of community control.**

This form should only be used if you have criminal charges pending outside of the arresting county.

Instructions

- (1) Please fill out the attached form (“Request to Transfer a New Case”) in blue or black ink and print legibly. The attached form may also be filled-in electronically.
 - a. Write the correct case number, county, and circuit for your pending charges. The more accurate information you provide, the quicker this request can be processed.
- (2) The attached form refers to “Home Court” and “Holding Court.”
 - a. “Home Court” is the court where your case originated (i.e., where the arrest warrant was issued).
 - b. “Holding Court” is the court located in the county where you are currently in jail.
- (3) Once this form is completed, provide it to jail staff who will forward it to the “Holding Court” judge who handled or will handle your first appearance.
- (4) Your completed form will be filed with the “Home Court.” It includes a “Response to Request to Transfer a New Case,” which will be completed by the “Home Court” State Attorney’s Office. *Do not fill out the “Response to Request to Transfer a New Case.”*
- (5) If the State Attorney’s Office agrees to the transfer, the “Home Court” Clerk of the Court will transmit the necessary documents to transfer your case to the “Holding Court” Clerk of the Court, and you will be called before this Court to address the pending charges.

Please understand that this request will only be granted upon the written approval of the prosecuting attorney from the county where the charge(s) was filed.

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
 (*"Home Court"*)
IN AND FOR _____ COUNTY, FLORIDA
 (*"Home Court"*)

STATE OF FLORIDA,

v.

CASE NO.: _____

Defendant.

_____/

REQUEST TO TRANSFER A NEW CASE

Defendant has been charged by information or indictment for criminal offense(s) arising in _____ (*"Home Court"*) County, Florida. However, Defendant is currently incarcerated in _____ (*"Holding Court"*) County, Florida, and due to the current state of emergency, law enforcement cannot transport Defendant to _____ (*"Home Court"*) County, Florida, for prosecution.

Accordingly, pursuant to section 910.035(1), Florida Statutes, Defendant seeks transfer of pending new _____ (*"Home Court"*) County criminal case (case number _____), to the _____ Judicial Circuit so that he or she may enter a plea of guilty or nolo contendere.

_____ (*initial here*) Defendant understands that by requesting this transfer, Defendant waives his or her right to trial in the county in which the indictment or information is pending and consents to the disposition of the case in the _____ Judicial Circuit in and for _____ (*"Holding Court"*) County, Florida.

_____ (*initial here*) Defendant further acknowledges that transfer of the instant case is subject to the approval of the prosecuting attorney of the court in which the information or indictment is pending. If the instant case is transferred to the _____ Judicial Circuit for resolution and Defendant chooses to enter a plea of not guilty, Defendant understands that the instant case will be returned to the court in which the prosecution was commenced, and the proceeding shall be restored to the docket of that court. See § 910.035(3), Fla. Stat.

Defendant

Date

***This form, once completed, should be sent to the first-appearance judge and electronically filed by the judge’s judicial assistant in the “Home Court” case and a copy to the home county State Attorney’s Office.

CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of _____, 20_____,
the foregoing Request was furnished to the below parties by U.S. Mail, hand delivery, or
electronic means to:

Original:

Clerk of the Circuit Court in and for _____ County, Florida (“Home Court”)

Copies:

Office of the State Attorney, _____ Circuit, in and for _____ County, Florida
Defendant

By: _____
Person Sending Copies

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
IN AND FOR _____ COUNTY, FLORIDA

STATE OF FLORIDA,

v.

CASE NO.: _____

_____,
Defendant.
_____ /

RESPONSE TO REQUEST TO TRANSFER A NEW CASE

COMES NOW, _____, on
behalf of the _____ Circuit State Attorney's Office. I am the prosecutor
assigned to the above-styled case. I have received the Defendant's "Request to Transfer a New
Case," and I agree / do not agree to the transfer of the instant case for resolution in the
_____ Judicial Circuit in and for _____ County.

Respectfully submitted,

Name _____

Signature _____

Email _____

Phone _____

*****If the Office of the State Attorney agrees with the request, the Clerk of the Court is respectfully requested to transmit the papers in the proceeding (or certified copies) to the appropriate Judicial Circuit Clerk of the Court, as required by section 910.035(a), Florida Statutes, so that prosecution may commence. If the Office of the State Attorney disagrees with the transfer, no further action by the Clerk is necessary, and the case will be tried in the "Home Court."**

CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of _____, 20_____,
the foregoing Response was furnished to the below parties by U.S. Mail, hand delivery, or
electronic means to:

Original:

Clerk of the Circuit Court in and for _____ County, Florida (“Home Court”)

Copies:

Office of the State Attorney, _____ Circuit, in and for _____ County, Florida

Clerk of the Circuit Court in and for _____ County, Florida (“Holding Court”)

Defendant

By: _____
Person Sending Copies

Request to Resolve Violation of Probation While Incarcerated in Holding Court

Explanation and Instructions – Please Read Carefully!

A “Request to Resolve Violation of Probation While Incarcerated in Holding Court” is a form that allows you to request that your pending violation of probation (VOP) or community control (VOCC) be resolved while you are housed in another circuit. Therefore, you should only use this form if (1) you are currently facing an allegation of violating probation or community control and (2) are not currently being held in the same circuit as your violation of probation or community control charge.

You may not use this form to address new charges; rather, you should use the packet titled “Request to Transfer New Case.”

Instructions

- (1) Please fill out the attached form in blue or black ink and print legibly. Write the correct case number, county, and circuit for your pending VOP/VOCC. The attached form may also be filled-in electronically.
- (2) The attached form refers to “Home Court” and “Holding Court.” “Home Court” is the court where your pending violation of probation or community control is. “Holding Court” is the county where you are currently in jail.
- (3) Once this form is completed, provide it to jail staff who will forward it to the circuit judge authorized to hear and resolve cases statewide.
- (4) This form will first be reviewed by the Holding Court. The Holding Court will contact the Home Court and determine whether (1) the pending VOP/VOCC can be handled by the Holding Court, (2) the Home Court can resolve the pending VOP/VOCC charges remotely, or (3) the pending VOP/VOCC cannot be resolved until you are transported to the Home Court.
 - a. The Holding Court Judge who would preside over your VOP/VOCC has temporary jurisdiction to handle “necessary matters relating to cases of criminal defendants being held indefinitely outside of the jurisdiction in which the defendant’s case is pending.” Florida Supreme Court Admin. Order 2020-92. However, before the Holding Court can resolve your VOP/VOCC, you will need to acknowledge that you have the right to have your VOP/VOCC resolved in the Home Court and that you waive venue.

Completion and submission of this form does not guarantee that your pending violation of probation or community control will be resolved prior to Defendant’s transfer to the “Home Court.” However, efforts by the Holding Court will be made to coordinate with the Home Court to either resolve your VOP/VOCC remotely or have it handled with the Holding Court.

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
 (“Home Court”)
IN AND FOR _____ COUNTY, FLORIDA
 (“Home Court”)

STATE OF FLORIDA,

v.

CASE NO.: _____
 (“Home Court”)

_____,
Defendant.
 _____/

REQUEST TO RESOLVE VIOLATION OF PROBATION
WHILE INCARCERATED IN HOLDING COURT

Defendant is currently facing an allegation for violating probation or community control in _____ (“Home Court”) County, Florida. However, Defendant is currently incarcerated in _____ (“Holding Court”) County, Florida, and due to the current state of emergency, law enforcement cannot transport Defendant to _____ (“Home Court”) County, Florida, for resolution of VOP/VOCC. Therefore, the Defendant

_____ (initial here) Requests that his VOP/VOCC be resolved while he is housed in _____ (“Holding Court”) County, Florida.

_____ (initial here) Understands that if he or she ultimately resolves his or her VOP/VOCC with the “Holding Court,” then he or she waives venue and the right to have his or her VOP/VOCC resolved in the “Home Court.”

_____ (initial here) Understands that this form does not guarantee that his or her pending violation of probation or community control will be resolved prior to Defendant’s transfer to the “Home Court.”

 Defendant

 Date

*****This form, once completed, should be sent to the local county judge for copies to be sent and to be electronically filed by the judge’s judicial assistant in the “Home Court” case.**

CERTIFICATE OF SERVICE

(To be completed by the local judge's judicial assistant)

I hereby certify that on this _____ day of _____, 20_____,
the foregoing Request was furnished to the below parties by U.S. Mail, hand delivery, or
electronic means to:

Original:

Clerk of the Circuit Court in and for _____ County, Florida (*"Home Court"*)

Copies:

Appropriate judge in Home Court

Court Administration in Home Court

Defendant

Office of the State Attorney, _____ Circuit, in and for _____ County, Florida (*"Home Court"*)

By: _____
Judicial Assistant