

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO.: 12.510 -04/2020.10*

IN RE: MITIGATING MEASURES IN RESPONSE TO COVID-19

_____:

In response to the public health emergency caused by the outbreak of the Coronavirus Disease 2019 (COVID-19), the Florida Supreme Court has issued several temporary administrative orders amending certain rules of procedure and setting emergency policies and procedures for the judicial branch.¹ In these administrative orders, the Florida Supreme Court has, among other things:

- Identified essential court proceedings and ordered that all essential court proceedings must continue to be held in-person if they cannot be effectively held remotely,
- Required courts to employ all methods practicable to minimize the risk of COVID-19 exposure to individuals involved in essential proceedings and the general public;
- Directed the chief judge of each court to cancel or postpone in-person non-essential proceedings,
- Directed the chief judge of each court to ensure that non-essential proceedings continue to occur remotely whenever such proceedings can be effectively conducted through remote electronic means, and
- Directed every judge to remain cognizant of the constitutional rights of crime victims and criminal defendants and the public's constitutional right of access to the courts.

The overarching intent of all temporary measures ordered by the Florida Supreme Court and implemented by the Fifteenth Judicial Circuit is to keep the courts accessible and operating to the fullest extent consistent with public safety.

NOW THEREFORE, pursuant to the authority conferred by Florida Rule of Judicial Administration 2.215 it is **ORDERED** as follows:

¹ See, Fla Admin. Order No. AOSC20-23 (Fla. April 5, 2020); Fla. Admin. Order No. AOSC20-17 (Fla. March 23, 2020); Fla. Admin. Order;AOSC20-15 (Fla. March 17, 2020); Fla. Admin. Order No. AOSC20-13 (March 13, 2020); Fla. Admin Order No. AOSC20-12 (Fla. March 13, 2020) (all available at <https://www.floridasupremecourt.org/Emergency>)

I. ESSENTIAL COURT PROCEEDINGS

1. The following matters are deemed essential court proceedings:
 - a. First appearance hearings;
 - b. Criminal arraignments, when necessary;
 - c. Hearings on motions to set or modify monetary bail for individuals who are in custody;
 - d. Pre-negotiated pleas in circuit and county criminal divisions where the settlement paperwork has been provided to the presiding judge in advance of the hearing;**
 - e. Juvenile detention hearings;
 - f. Juvenile dependency shelter and arraignment hearings as necessary;
 - g. Termination of Parental Rights advisory hearings;
 - h. Petitions for Judicial Waiver of Notice pursuant to section 390.01114(4), Florida Statutes;
 - i. Hearings on petitions for the appointment of an emergency temporary guardian;
 - j. Ex parte injunctions for dating violence, domestic violence, repeat violence, sexual violence, stalking, or prevention of child abuse pursuant to Chapter 39, Florida Statutes;
 - k. **Hearings on petitions for Risk Protection Orders;**
 - l. Issuance of warrants or authorizations for wiretaps;
 - m. Baker Act and Marchman Act proceedings;
 - n. Extraordinary Writs;
 - o. Proceedings related to the state of emergency or public health emergency, including but not limited to proceedings related to: violation of quarantine or isolation orders; violation of orders to limit travel; violation of orders to close public or private buildings; and enforcement of curfew orders;

II. HANDLING OF ESSENTIAL COURT PROCEEDINGS

1. Essential court proceedings will be handled by the divisional judge, magistrate, hearing officer, or duty judge who would normally hear the matter.
- 2. Essential court proceedings shall not be held remotely unless specifically approved by the Chief Judge and only if it has been determined that they can be effectively held using the**

technology available to the Circuit. All other essential court proceedings will be held in-person. When conducting in-person essential court proceedings, all judges must employ all methods feasible to minimize the risk of COVID-19 exposure to individuals involved in the proceedings and the general public. These measures may include but are not limited to:

- a. Asking parties and attorneys who are waiting their turn to be heard to wait outside the courtroom until their case is called
- b. Requiring persons who remain in the courtroom to keep at least six feet away from other persons in the courtroom
- c. Encouraging persons to wear facial coverings when social distancing measures are not possible
- d. Staggering hearing times so as to prevent crowding

3. When conducting essential court proceedings, whether remotely or in-person, judges must consider the constitutional rights of crime victims and criminal defendants and the public's constitutional right of access to the courts.

4. Effective March 23, 2020 until further order of the Court, all Baker Act and Marchman Act hearings usually scheduled for Fridays will be held on Thursdays.

5. Pursuant to AOSC20-13, effective immediately until further order of the Court, all Baker Act involuntary commitment hearings will be conducted remotely using communication equipment.

6. Effective immediately, the Public Defender shall be appointed for all first appearance hearings and juvenile detention hearings without the necessity of an affidavit of indigency. **Further, affidavits of indigency may be e-filed by the public defender on behalf of a defendant.**

7. Per request of the Department of Children and Families ("DCF") and AOSC20-18, effective immediately, all visitation in dependency cases may be conducted remotely. Visitation scheduled will remain the same but may be conducted by electronic means with video visitation being the preferred electronic method when possible. If child(ren) are placed with family members who are willing to transport the child(ren) and supervise the visits, DCF shall draft a safety plan to allow in person visits as long as all safety measures are followed. If a parent or attorney believes the visitations must be in- person, then the party shall motion the court for such relief.

8. Effective immediately, the Office of Regional Conflict Counsel shall be appointed at all dependency shelter hearings without the necessity of an affidavit of indigency.

III. HANDLING OF NON-ESSENTIAL COURT PROCEEDINGS

1. All grand jury proceedings, jury selection proceedings, and criminal and civil jury trials were suspended beginning Monday March 16, 2020 and will remain suspended until May 29, 2020 or as further ordered by the Florida Supreme Court.

2. All non-essential proceedings will be held remotely. Each judge will, at a minimum, continue to hear and consider the following non-essential court proceedings by remote electronic means to the maximum extent feasible.

- a. **County and Circuit Criminal Divisions (including Criminal Traffic)**
 - i. Any non-essential proceeding where the defendant's presence has been waived, including pleas in absentia.
 - ii. Drug court hearings
 - iii. Any other type of hearing which can be held effectively using remote technology as determined by the presiding, Administrative, or Chief Judge

- b. **County and Circuit Civil Divisions**
 - i. UMC hearings
 - ii. Special Set Hearings on Motions to Dismiss or Motions for Summary Judgment
 - iii. Lack of Prosecution Hearings
 - iv. Evidentiary Hearings
 - v. Pretrial Conferences (including PIP pre-trial conferences)
 - vi. Mediations
 - vii. Any other type of hearing which can be held effectively using remote technology as determined by the presiding, Administrative, or Chief Judge

- c. **Family Divisions**
 - i. Motions Related to Temporary Relief
 - ii. Motions Related to Timesharing
 - 1. If the timesharing issue stems from a COVID-19 related issue, such motions shall be considered by the presiding circuit judge on an expedited basis and shall *not* be referred to a magistrate. When such a motion raises a facially sufficient claim for relief, the judge should set the motion for a remote hearing to be held, whenever possible, within five business days from the date the motion was filed. Nothing in this provision prevents the presiding judge from ordering the parties to attend mediation before the scheduled hearing.
 - iii. Contempt/Enforcement Motions
 - iv. Injunctions Related to Property
 - v. Uncontested Final Hearings
 - vi. Hearings under Chapter 63
 - vii. UMC Hearings
 - viii. Mediations
 - ix. Any other type of hearing which can be held effectively using remote technology as determined by the presiding, Administrative, or Chief Judge

- d. **Probate/Guardianship Divisions**
 - i. UMC hearings
 - ii. Evidentiary hearings less than 2 hours in length
 - iii. Emergency Temporary Guardianship hearings
 - iv. Any other type of hearing which can be held effectively using remote technology as determined by the presiding, Administrative, or Chief Judge

- e. **Juvenile Divisions**
 - i. Judicial Reviews
 - ii. Probable Cause Challenges in Dependency Cases
 - iii. Non-Essential Arraignments in Dependency and Delinquency Cases
 - iv. Any other type of hearing which can be held effectively using remote technology as determined by the presiding, Administrative, or Chief Judge

- f. **Civil Traffic Divisions**
 - i. Any non-essential proceeding where the defendant's presence has been waived
 - ii. Any other type of hearing which can be held effectively using remote technology as determined by the presiding traffic hearing officer or Chief Judge

3. Non-essential court proceedings not set by the Clerk must be calendared through the Circuit's Online Scheduling ("OLS") administrative platform.

4. So as to reduce in-person waiting time and prevent potential crowding in the courtrooms, non-essential remote proceedings may not be scheduled on an in-person essential proceedings docket.

5. When conducting non-essential court proceedings remotely, judges must consider the constitutional rights of crime victims and criminal defendants and the public's constitutional right of access to the courts.

6. All new cases opened in Small Claims will have summonses issued with a pretrial date as far out as statutorily allowed.

7. All scheduled foreclosure sales are hereby cancelled up to and including May 29, 2020.

8. In consultation with, and upon the agreement of the State Attorney and Public Defender, the Court has determined that out-of-custody misdemeanor arraignments and traffic court arraignments do not constitute essential court proceedings under section I.(1)(b), above. Therefore, all **in-person** out-of-custody misdemeanor arraignments and traffic court arraignments currently scheduled on the docket from March 23, 2020 through and including May 29, 2020 are hereby canceled and will be reset by the Clerk and Comptroller's Office on a date no less than 60 days from the date the arraignment is currently scheduled. All misdemeanor and traffic court cases filed on or after March 23, 2020 shall be set at least 60 days out, unless specifically ordered

by the Court. In the event a party believes that an **in-person** arraignment is necessary, the party should contact the divisional judge's judicial assistant to expedite the hearing time. **If the defendant waives his or her presence, the arraignment may be held remotely as provided in section III.(2)(a)i., above.**

9. Effective immediately, the Clerk and Comptroller's Office shall not issue a D-6 license suspension or default any defendant on any civil or criminal traffic violation until further order of the Court.

10. Effectively immediately through the close of business on Friday, May 29, 2020 or as further ordered by the Florida Supreme Court, the Clerk and Comptroller's Office shall not issue writs of possession.

IV. SUSPENSION OF COURT ACTIVITY ON CERTAIN FRIDAYS

All courthouse buildings remain open. **On Fridays through and including May 1, 2020, all in-person essential** court hearings are suspended with the exception of: first appearances at the Gun Club Criminal Justice Complex, juvenile detention and shelter hearings at the Main Courthouse, and walk-in/emergency Baker Act and Marchman Act hearings at the South, North and Main Courthouses. Mediations will be held remotely Monday through Friday. **Non-essential remote hearings may be held on Fridays at the discretion of the presiding judge.**

V. DEFENDANTS RELEASED ON SUPERVISED OWN RECOGNIZANCE (S.O.R.)

Effective immediately until further order from the Court, all pre-trial criminal defendants who have been released S.O.R. may report telephonically.

VI. PRETRIAL RELEASE PROGRAM

Effectively immediately until further order from the Court, the Palm Beach County Pretrial Release Program is not required to conduct in-person interviews of defendants prior to first appearance.

VII. TEMPORARY MODIFICATION TO BOND SCHEDULE (Administrative Order 4.202-3/2020)

Effective immediately until further order from the Court, the following provisions regarding bond prior to first appearance control over any provision to the contrary contained in Administrative Order No. 4.202-03/2020:

1. Any person arrested pursuant to section 381.00315(6), Florida Statutes, for the offense of violating any rule adopted under section 381.00315, Florida Statutes, any isolation or quarantine, or any requirement adopted by the Department of Health or its designee—a second degree misdemeanor—is not eligible for release on bond prior to a first appearance hearing.

2. Any person arrested for a third degree felony other than those identified in Section I of A.O. 4.202-3/2020 or Burglary of a Conveyance or Structure pursuant to section 810.02(4),

Florida Statutes, shall be eligible for release prior to first appearance with a \$1,000 bond, regardless of whether the arrestee lives in Palm Beach County.

3. Persons arrested for a misdemeanor are not required to provide proof of a current permanent address in order to be released O.R. if otherwise eligible.

VIII. TEMPORARY SUSPENSION OF WEEKEND SENTENCES

1. Effective immediately until further order from the Court, the Weekend Sentences program at the Palm Beach County Jail as referenced in Administrative Order 4.909-9/08 is hereby suspended. As a result of this suspension:

- a. All weekend jail sentences previously imposed are hereby tolled and held in abeyance until further order of the Court. Defendants serving a weekend jail sentence will be required to resume and complete the terms of their sentence once the suspension is lifted.
- b. No sentence imposed by a presiding judge shall include a weekend jail sentence that will start during the term of this suspension.

IX. ACCESS TO REMOTE PROCEEDINGS

Members of the media or public may contact the court's Public Information Officer at least one day in advance to obtain information regarding access for a specific hearing being conducted through communication equipment. Unless closed per rule, statute, or court order, all hearings, whether conducted in-person or electronically, remain accessible to the public.

DONE and ORDERED in Chambers at West Palm Beach, Palm Beach County, Florida, this 17th day of April 2020.



The image shows a handwritten signature in cursive that reads "Krista Marx". The signature is written over a faint, semi-transparent watermark that includes the text "THE JUDICIAL BRANCH OF FLORIDA" and "ADMINISTRATIVE OFFICE OF THE COURT". To the left of the signature is a circular seal, which is also part of the watermark.

Krista Marx, Chief Judge

*Amends the version of AO 12.510-03/2020.9 entered April 10, 2020.