

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

ADMINISTRATIVE ORDER NO.: 12.510 -04/2020.9*

IN RE: MITIGATING MEASURES IN RESPONSE TO COVID-19

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In response to the outbreak of the Coronavirus Disease 2019 (COVID-19), the Governor of Florida has declared a state of emergency exists and the Surgeon General and State Health Officer have declared that a public health emergency exists. As directed by the Florida Supreme Court in AOSC20-12 and AOSC20-13, preparing for the impact of COVID-19 on court operations is a high priority for the Florida State Courts System and all chief judges of the district and circuit courts must take any mitigating measures as may be necessary to address the effects of the COVID-19 outbreak in their respective courts.

Further, on March 17, 2020, the Florida Supreme Court issued AOSC20-15, which: (1) designates essential court proceedings required and permits the chief judge to determine additional essential proceedings; (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) directs the chief judge of each circuit to cancel or postpone non-essential proceedings unless such proceedings can be effectively conducted remotely without in-person court appearances. On March 24, 2020, the Florida Supreme Court issued AOSC20-17, which combined and extended the temporary measures implemented in the above outlined COVID-19 Administrative Orders and implemented additional temporary measures, such as suspending the rule of procedure requiring the clerk to issue writs of possession. On April 6, the Florida Supreme Court issued AOSC20-23 which further extended temporary measures related to COVID-19. As a result of the foregoing, it is

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

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. Juvenile detention hearings;
- e. Juvenile dependency shelter and arraignment hearings as necessary;
- f. Termination of Parental Rights advisory hearings;
- g. Petitions for Judicial Waiver of Notice pursuant to section 390.01114(4), Florida Statutes;
- h. Hearings on petitions for the appointment of an emergency temporary guardian;
- i. Ex parte injunctions for dating violence, domestic violence, repeat violence, sexual violence, stalking, or prevention of child abuse pursuant to Chapter 39, Florida Statutes;
- j. Ex parte petitions for Risk Protection Orders;
- k. Issuance of warrants or authorizations for wiretaps;
- l. Baker Act and Marchman Act proceedings;
- m. Extraordinary Writs;
- n. 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;
- o. Any other emergency or time sensitive matter as determined by the judge; and

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. When possible, essential court proceedings will be held remotely using communication equipment. If it is not possible to conduct the proceeding remotely, the presiding judicial officer shall ensure that all available social distancing methods are utilized. Under either scenario, the presiding judicial officer must consider the public's constitutional right of access to the courts.

3. 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.

4. 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.

5. 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.

6. 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.

7. 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 OTHER MATTERS

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 other non-essential court proceedings will be suspended beginning March 18, 2020 through the end of business on May 29, 2020, unless the presiding judicial officer determines that the matter may be effectively conducted remotely with all parties using communication equipment. Each judicial officer will set the procedure for remote proceedings in their respective division and will post policies, including policies for the exchange of evidence in anticipation of a hearing, on their respective divisional webpages. When conducting remote proceedings, the presiding judicial officer must consider the public’s constitutional right of access to the courts.

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

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

5. 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 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 such an arraignment is necessary, the party should contact the divisional judge’s judicial assistant to expedite the hearing time.

6. 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.

7. 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.

8. Effective immediately, all motions raising timesharing issues stemming from the COVID-19 public health emergency shall be set for a remote hearing before the presiding circuit judge on an expedited basis and shall *not* be referred to a magistrate. Whenever possible, the hearing should be held within five business days from the date the motion was filed.

IV. SUSPENSION OF COURT ACTIVITY ON CERTAIN FRIDAYS

All courthouse buildings remain open. Mediations will be held remotely Monday through Friday. On the following Fridays, all 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, walk-in/emergency Baker Act and Marchman Act hearings at the South, North and Main Courthouses, and any other emergency or time sensitive hearing as specially set by any judge at any courthouse.

- March 27, 2020
- April 3, 2020
- April 10, 2020 (Court Holiday)
- April 17, 2020
- April 24, 2020
- May 1, 2020

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.**

DONE and ORDERED in Chambers at West Palm Beach, Palm Beach County, Florida, this 10th day of April 2020



The image shows a handwritten signature in black ink that reads "Krista Marx". To the left of the signature is a circular seal, and to the right is a faint, light-colored watermark or stamp that includes the text "ADMINISTRATIVE OFFICE OF THE COURT".

Krista Marx, Chief Judge

*Amends the version of AO 12.510-03/2020.8 entered April 6, 2020.