

IN THE CIRCUIT COURT OF THE 16TH
JUDICIAL CIRCUIT OF THE STATE OF
FLORIDA IN AND FOR MONROE COUNTY

ADMINISTRATIVE ORDER 2.079/21-3
Amending AO 21-2

IN RE: COVID-19 EMERGENCY
PROCEDURES

WHEREAS, the Florida State Courts System has proactively addressed the effects on court operations of the Coronavirus Disease 2019 (COVID-19), a severe acute respiratory transmission; and

WHEREAS, the Secretary of the Department of Health and Human Services renewed the determination that a public health emergency exists in the United States effective as of July 20, 2021 and further due to the increasing new COVID-19 variant cases throughout the nation, the Centers of Disease Control and Prevention (CDC) revised its health guidance for vaccinated and unvaccinated persons on July 27, 2021; and

WHEREAS, the health, safety, and well-being of courthouse visitors, court employees and judicial officers are a high priority for the Florida State Courts System and steps must continue to be taken to mitigate the effects of COVID-19 on the courts, its participants and the general public; and

WHEREAS, the Supreme Court of Florida and the 16th Judicial Circuit have issued a series of administrative orders implementing temporary measures in order to mitigate the impact of COVID-19 and assure public safety while maintaining court operations to the maximum extent possible consistent with public safety; and

WHEREAS, at this time, levels of community transmission of COVID-19 and variants categorized by the CDC as **high** in Monroe County, warrants the reinstating of wearing face masks in the courthouse facilities; and

WHEREAS, the Florida Supreme Court has issued AOSC 21-17 Amendment 1, which establishes temporary health and safety protocols and emergency operational measures for the Florida State Court System to transition back and address the most recent developments and continue to mitigate the effects of the public health emergency on the judicial branch and its' participants.

IT IS THEREFORE ORDERED AND ADJUDGED:

1. All persons entering any of the courthouses shall wear a face mask that properly covers the nose and mouth and continue to wear a face mask while in any public common area of the courthouse including the courtrooms. Masks must remain

on inside the courtrooms unless directed otherwise by the presiding judge if necessitated to create a record, determine identification, or other reason.

2. The masks will continue to be required until the level of community transmission is reduced to **moderate**. Notice of this protocol will be prominently displayed on the court's website.
3. Physical distancing is not required but is encouraged in all areas of the courthouse facilities. Any participant in a court proceeding may request to be physically distanced. The presiding judge will address such requests as appropriate under the circumstances at the time of the request.
4. With respect to utilization of time, facilities, judicial labor and other necessary resources, proceedings shall be conducted in accordance with the following priorities from highest to lowest:
 - a. Essential proceedings including: first appearances; criminal arraignments; hearings on motions to set or modify monetary bail for individuals who are in custody; juvenile dependency shelter hearings; juvenile delinquency detention hearings; hearings on petitions for injunctions relating to safety of an individual; hearings on petitions for risk protection orders; hearings on petitions for the appointment of an emergency temporary guardian; hearings to determine whether an individual should be involuntarily committed under the Baker Act or the Marchman Act; hearings on petitions for extraordinary writs as necessary to protect constitutional rights; and other hearings deemed by the Chief Judge or the presiding judge to be of an essential or emergency nature.
 - b. Circuit and county criminal trials with an in-custody defendant.
 - c. Circuit trials for juveniles being tried as an adult.
 - d. Juvenile delinquency trials.
 - e. Circuit and county criminal trials with an out-of-custody defendant.
 - f. Termination of parental rights trials.
 - g. Circuit civil jury trials.
 - h. County civil jury trials.
 - i. All other trial court proceedings.
5. The following trial court proceedings must be conducted in person:
 - a. Non-statewide grand jury selection.

- b. Jury qualifications.
 - c. Criminal jury selection proceedings and trial proceedings, unless a remote proceeding has been approved by the Chief Judge and the requirements under Section II.E.(3), AOSC 21-17, Amendment 1 are satisfied.
 - d. Civil jury selection proceedings and trial proceedings, unless a remote proceeding has been approved by the Chief Judge and the requirements under Section II.E.(3), AOSC 21-17, Amendment 1 are satisfied.
 - e. Baker Act or Marchman Act hearings unless the individual waives the right to be physically present at the hearing.
 - f. Non-jury trials in criminal cases, unless the requirements for certain statements specified in Section II.E.(3) a.ii., AOSC 21-17, Amendment 1 are satisfied.
 - g. Termination of parental rights and delinquency trials unless the presiding judge orders the trial to be conducted remotely.
 - h. Proceedings wherein the Chief Judge or the presiding judge determines that remote conduct of the proceeding is inconsistent with the United States or Florida Constitution, a statute or rule of court, a court order, or an opinion that has not been suspended by administrative order.
6. Pursuant to AOSC21-17, Amendment 1, trial court proceedings shall continue to be conducted remotely, as appropriate, to facilitate the efficient and expeditious processing of cases, unless the chief judge or presiding judge determines that the interests of justice require the proceeding to be conducted in person.
7. First Appearances will continue to be held remotely from the Freeman Justice Center, the Marathon Courthouse and the Plantation Key Courthouse to the Monroe County Detention Centers.
8. Criminal Arraignments for incarcerated felony and misdemeanor defendants via video from the jails will be held in Marathon and Pk Courthouses. Felony and misdemeanor arraignments for incarcerated defendants who have cases in the Lower Keys Division, shall be in person and those defendants shall be transported to the Freeman Justice Center unless they are represented by counsel and have waived their appearance. Criminal Arraignments for felony and misdemeanor defendants at liberty shall continue to be conducted at all three courthouse locations and defendants shall appear in person unless they are represented by counsel and have waived their appearance.
9. Any judge, who in his/her judgment believes that it is necessary to conduct a hearing outside the parameters of this Order shall request permission to do so from the Chief Judge.

10. Inmates at the Monroe County Detention Center who have cases pending in the Lower Keys Division shall be transported to the Freeman Justice Center to personally appear at all scheduled court proceedings unless their appearance has been waived. Inmates who have scheduled court appearances in the Middle or Upper Keys Divisions shall appear via video from the detention facilities, unless the presiding judge orders that a specific inmate be transported to Court to personally appear for a particular proceeding in his or her case or arrangements have been made between Court Administration and Monroe County Corrections Administration.
11. All collateral uses of the courthouse facilities for depositions, mediations, meetings, etc. must be approved in advance by Court Administration.
12. This ORDER takes effect on August 2, 2021 and remains in effect until amended or terminated by further order of the Chief Judge. Administrative Order 2.079/21-2 is amended in its entirety and rescinded as of August 2, 2021.

DONE AND ORDERED at Key West, Monroe County, Florida this 2nd day of August 2021.



Bonnie J. Helms
Chief Judge