

IN THE CIRCUIT COURT OF THE 16<sup>TH</sup>  
JUDICIAL CIRCUIT OF THE STATE OF  
FLORIDA IN AND FOR MONROE COUNTY

ADMINISTRATIVE ORDER 2.079/21-2  
AMENDED

IN RE: COVID-19 EMERGENCY  
PROCEDURES

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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 State Surgeon General and the State Health Officer renewed the declaration that a public health emergency exists in Florida on April 20, 2021, the Governor extended the declaration of a state of emergency in Florida on April 27, 2021, and 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 April 21, 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 16<sup>th</sup> 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, effective vaccines for COVID-19 are readily available in Florida and Monroe County, in particular, for persons ages 12 and older, over half of the state's population and sixty-five percent of Monroe County's population have been partially or fully vaccinated and government issued health standards and guidance provide that fully vaccinated persons do not need to wear face masks or physically distance in most indoor and outdoor settings unless required by federal, state or local laws, rules, or regulations; and

WHEREAS, the Florida Supreme Court has issued AOSC 21-17, which establishes protocols and measures for the Florida State Court System to transition back to operations where in-person contact is more broadly authorized; and

WHEREAS, the health and safety protocols outlined in AOSC 21-17 may be implemented as early as June 21, 2021, and the 16<sup>th</sup> Judicial Circuit is in a position to do so as of said date;


IT IS THEREFORE ORDERED AND ADJUDGED:

1. The 16<sup>th</sup> Judicial Circuit is no longer in Phase 2 and the Operational Plan for transitioning from Phase 1 to Phase 2 is no longer in effect.
2. The wearing of face masks and physical distancing are not required during in-person court proceedings, unless required by federal, state, or local laws, rules, or regulations. However, participants and observers may wear face masks and upon their request, a face mask must be provided to them for an in-person court proceeding. Participants may request to be physically distanced whereupon the presiding judge shall exercise his or her discretion to determine the appropriate response to such request under the circumstances.
3. 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.

4. 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 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 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 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.
5. All other proceedings other than those specified in Paragraph 4 herein may be conducted either remotely or in person at the discretion of the presiding judge taking into account the various considerations and priorities set forth in this Order.
6. First Appearances will continue to be held via video from the Freeman Justice Center, the Marathon Courthouse and the Plantation Key Courthouse to the Monroe County Detention Centers.
7. Criminal Arraignments for incarcerated felony and misdemeanor defendants via video from the jails will continue to be held in all three courthouse locations, unless alternative arrangements have been made between Court Administration and Monroe County Corrections Administration. However, starting on July 1, 2021, felony and misdemeanor arraignments for incarcerated defendants who have cases in the Lower Keys Division, shall be done 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.

8. 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.
9. Effective July 1, 2021, 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.
10. All collateral uses of the courthouse facilities for depositions, mediations, meetings, etc. must be approved in advance by Court Administration.
11. This ORDER takes effect on June 21, 2021 and remains in effect until amended or terminated by further order of the Chief Judge. Administrative Order 2.079/21-1 is amended in its entirety and rescinded as of June 21, 2021.

DONE AND ORDERED at Key West, Monroe County, Florida this 15<sup>th</sup> day of June, 2021.

  
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Mark H. Jones  
Chief Judge