

IN THE CIRCUIT COURT OF THE SEVENTEENTH  
JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA

*Administrative Order 2020-32-Temp*

**THIRD EMERGENCY ADMINISTRATIVE ORDER  
CORONAVIRUS DISEASE 2019 (COVID-19)**

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(a) Pursuant to Article V, section 2(d) of the Florida Constitution, and section 43.26, Florida Statutes, the chief judge of each judicial circuit is charged with the authority and the power to do everything necessary to promote the prompt and efficient administration of justice.

(b) The Centers for Disease Control and the Florida Department of Health have advised people to take precautions in light of the Coronavirus Disease 2019 (COVID-19) outbreak, and specifically noting that the best way to prevent illness is to avoid exposure to the virus.

(c) Because of the COVID-19 outbreak, Governor Ron DeSantis declared a State of Emergency on March 1, 2020, Broward County declared a Local State of Emergency on March 10, 2020, and the World Health Organization declared a global pandemic on March 11, 2020.

(d) Since March 17, 2020, the Florida Supreme Court has issued various emergency administrative orders, which may be found at <https://www.floridasupremecourt.org/Emergency>.

(e) On April 6, 2020, Chief Justice Charles Canady issued Administrative Order No. AOSC20-23, In Re: Comprehensive COVID-19 Emergency Measures for the Florida State Courts, extending state court COVID-19 emergency procedures through the month of May.

(f) As identified by Chief Justice Canady, the overarching intent of the Supreme Court emergency orders, and this Court's emergency orders, has been and continues to be to mitigate the impact of COVID-19, while keeping the courts operating to the fullest extent consistent with **public safety**.

(g) In accordance with the authority vested in the chief judge by Article V, section 2(d) of the Florida Constitution, 43.26, Florida Statutes, Florida Rule of Judicial Administration 2.215, and to promote public safety amidst the current public health emergency, it is hereby **ORDERED**:

### **I. Continuity of Operations Plan**

The Seventeenth Judicial Circuit Continuity of Operations Plan is activated. Except as set forth herein, normal operations of the courts of the Seventeenth Judicial Circuit in and for Broward County, Florida are suspended from Monday, March 16, 2020 through Friday, May 29, 2020.

### **II. Guiding Principles**

- A. The presiding judge in all cases must consider the constitutional rights of all litigants, crime victims and criminal defendants, and the public's constitutional right to access to the courts.
- B. This Administrative Order is intended to maintain judicial workflow to the maximum extent feasible by permitting proceedings to be conducted using technology.
- C. Judges and court personnel who can effectively conduct court and judicial branch business from a remote location shall do so.

### **III. Mission Critical Events and Proceedings**

- A. The following procedures are hereby designated mission critical:
  - (1) First appearance hearings
  - (2) Criminal arraignments, when necessary
  - (3) Hearings on motions to set or modify monetary bail for individuals who are in custody
  - (4) Juvenile detention hearings
  - (5) Juvenile dependency shelter hearings

- (6) Petitions for judicial waiver of notice pursuant to section 394.01114, Florida Statutes
- (7) Hearings on petitions for the appointment of emergency temporary guardian
- (8) Risk protection orders and hearings
- (9) Injunctions for protection against domestic violence, stalking, repeat violence, dating violence, and sexual violence, and hearings
- (10) Injunctions for protection against exploitation of a vulnerable adult
- (11) Baker Act and Marchman Act proceedings
- (12) Extraordinary writs, related to the state of emergency or public health emergency or otherwise necessary to protect constitutional rights.
- (13) Issuance of warrants or authorization for wiretaps
- (14) Proceedings related to the state of emergency or public health emergency, including but not limited to violation of quarantine or isolation orders, violation of orders to limit travel, violation of orders to close public or private buildings, enforcement of curfew orders, habeas corpus petitions, and mandatory vaccinations.
- (15) Any other emergency or time sensitive matter as determined by the chief judge.

#### **IV. Handling of Mission Critical Events and Proceedings**

##### **A. First Appearance and Other Related Criminal Matters**

- (1) A first appearance docket and other essential criminal matters shall be held Monday through Friday as determined by the Chief Judge or designee. These dockets shall also include misdemeanor and felony domestic violence matters, and any matter involving the Department of Revenue as a party where the respondent is in custody pursuant to a civil writ as a result of his or her failure to pay child support.

- (2) On court holidays, Saturdays, and Sundays, the First Appearance docket shall be conducted at 8:30 a.m. only. First appearance matters held on court holidays, Saturdays, and Sundays include, juvenile detention hearings, misdemeanor and felony domestic violence matters, and any other proceeding determined essential by the Chief Judge or designee.
- (3) **Location.** First appearance hearings will be held in *Courtroom WW4155* of the Broward County Courthouse-West Tower, 201 S.E. 6th Street, Fort Lauderdale, Florida 33301.
- (4) The Chief Judge and/or Administrative Judge of the County Court will assign judges to preside over first appearance during the suspension of the court's normal operations.
- (5) Family members of defendants appearing for their initial appearance, and witnesses and victims and their family members, if any, may be permitted access to the courthouse for the limited purpose of attending first appearance.
- (6) Until further order of the court, the Public Defender shall be appointed for all first appearance hearings without the necessity of an affidavit of indigence.
- (7) **Emergencies.** The clerk shall direct any emergency to the division judge if he or she is available. If the division judge is not available, the motion shall be brought to the attention of the Administrative Judge of the Circuit Criminal Division or Chairperson of the County Criminal Division, as appropriate, and if either are unavailable, to the Chief Judge. All hearings scheduled under this section shall be heard as determined by the Chief Judge or designee.
- (8) **Warrants.** All warrants and applications for wiretaps shall be submitted to the Criminal Duty Judge for review.
- (9) The Chief Judge, in consultation with the State Attorney, Public Defender or private counsel representing a defendant currently in the custody of the Broward Sheriff's office, may discharge a defendant, terminate his or her sentence or defer completion of their sentence in order to prevent the spread of COVID-19.

- (10) **Public Health Violations.** Any person who violates any rule adopted under section 381.00315, Florida Statutes, any isolation or quarantine, or any requirement adopted by the Department of Health in accordance with a declared public emergency, commits a misdemeanor of the second degree. Due to the danger to the public health for such violation, the bond amount shall be set at “no bond.” See *Varholy v. Sweat*, 15 So. 267 (Fla. 1943) (“To grant release on bail to persons isolated and detained on a quarantine order because they have a contagious disease which makes them dangerous to others, or to the public in general, would render quarantine laws and regulations nugatory and of no avail.”). This provision does not preclude the judge presiding at first appearance hearings from modifying the “no bond” status, if appropriate. Administrative Order 2019-98-Crim (Establishing a Bond Schedule) remains in place. However, this provision shall control to the extent it may be on conflict with any provision of Administrative Order 2019-98-Crim.

## **B. Shelter Hearings**

- (1) A shelter docket (Monday through **Sunday and court holidays**) shall be conducted as determined by the Administrative Judge of the Unified Family Division and/or Chairperson of the Dependency Division. The Chief Judge, Administrative Judge of the Unified Family Court, or Chairperson of the Dependency Division will assign judges to preside over the shelter docket.
- (2) Parents of sheltered children may be permitted access to the courthouse for the limited purpose of attending a shelter docket.
- (3) **Emergencies.** All emergency motions relating to dependency actions, including but not limited to emergency motions for change of placement, emergency medical procedures, travel, pick up orders, and injunctions under Chapter 39, Florida Statutes, shall be heard on the shelter docket, as determined by the Administrative Judge of the Unified Family Division and/or Chairperson of the Dependency Division.
- (4) **Judicial Waiver.** All petitions filed by minors seeking a judicial waiver of parental notice of termination of pregnancy pursuant section

394.01114, Florida Statutes, shall be heard on the next shelter docket following the filing of the petition, or next first appearance docket if a court holiday or weekend. The minor and her attorney shall be present at the hearing.

### **C. Juvenile Detention Hearings**

- (1) A juvenile detention docket (Monday through Friday) shall be conducted as determined by the Administrative Judge of the Unified Family Division and/or Chairperson of the Juvenile Delinquency Division. The Chief Judge or Administrative Judge of the Unified Family Court or Chairperson of the Juvenile Delinquency Division will assign judges to preside over detention hearings held Monday through Friday.
- (2) Family members of defendants appearing for their hearing, witnesses and victims and their family members, if any, may be permitted access to the courthouse for the limited purpose of attending detention hearings. Further, any juvenile out of custody may be permitted into the courthouse to attend their hearing.
- (3) *Emergencies.* All emergency motions relating to delinquency actions shall be heard on the detention docket, as determined by the Administrative Judge of the Unified Family Court and/or Chairperson of the Juvenile Delinquency Division.

### **D. Risk Protection Orders**

- (1) Law enforcement seeking to file petitions for risk protection orders (RPO) may continue to do so and the procedures set forth in Administrative Order 2019-12-Civ remain in place.
- (2) All petitions filed during the suspension of the court's normal operations shall be sent to [rpo@17th.flcourts.org](mailto:rpo@17th.flcourts.org) and the assigned judge's division email address. Stipulations as to the entry of a final RPO should also be sent via electronic means to these email addresses.
- (3) The judges assigned to any case involving a risk protection order shall strive to hold all hearings using communication equipment, if practicable.

- (4) All ex parte temporary orders granting a risk protection order where the final hearing cannot take place because of the court's closure shall remain in place until further order of the Court or as otherwise stipulated by the parties.
- (5) Any final hearings, which cannot be completed using communication equipment while the courthouse is closed, are continued until further order of court. Nothing prohibits the parties from negotiating stipulations or agreed orders on the merits of the case.
- (6) Three (3) day compliance hearings shall be conducted by telephone, if possible.
- (7) If a motion is filed to extend a risk protection order, the previously issued risk protection order shall remain in place without further order of the Court until the matter can be rescheduled during normal courthouse operations.
- (8) All hearings required to be held under section 790.401, Florida Statutes, shall be conducted using communication equipment, as described below.

#### **E. Domestic Violence and Related Injunctions**

- (1) Individuals wishing to file petitions for injunction against domestic violence, stalking, or dating, repeat or sexual violence may continue to do so and security personnel and Broward Sheriff's Office deputies shall permit their entry to the courthouse facility for this limited purpose.
- (2) **After-Hours.** The procedures for petitions for an injunction against domestic violence, stalking, or dating, repeat or sexual violence filed after normal court business hours (8:30 a.m. to 5:00 p.m.) set forth in Administrative Order 2019-81-UFC shall remain in place until further order of the court.
- (3) The judges assigned to any domestic violence or related case shall strive to hold all hearings using communication equipment, if practicable.
- (4) Any ex parte temporary injunction entered in a domestic violence or related case (stalking, dating violence, repeat violence, sexual violence) where the final hearing cannot take place because of the court's closure shall remain in place until further order of the court.
- (5) Final hearings may be conducted remotely at the discretion of the presiding judge. Any final hearing which is currently scheduled that cannot be completed using communication equipment will be continued until further order of the court. Nothing in this

Administrative Order precludes the parties from negotiating a stipulation as to the merits or agreeing to modify any terms of an injunction, provided however, any stipulation or modification must be submitted to and approved by the assigned division judge.

#### **F. Probate, Guardianship, Mental Health**

(1) Individuals wishing to file the following petitions are permitted access to the courthouse for such limited purpose:

- (a) Baker Act
- (b) Marchman Act
- (c) Injunctions for protection against exploitation of a vulnerable adult
- (d) Emergency Temporary Guardianship petitions

The Clerk shall immediately bring the filing of any of the above-listed petitions to the attention of the assigned division judge for appropriate action. In the event the assigned division judge does not respond, is unavailable, or is otherwise absent from the courthouse, the Clerk shall direct the matter to the Administrative Judge of the Probate Division for appropriate action.

#### **G. Extraordinary Writs and Pandemic-Related Litigation.**

(1) *Extraordinary Writs.* Any petition seeking extraordinary relief related to the COVID-19 outbreak or otherwise affecting an individual's constitutional rights shall be brought to the attention of the Chief Judge.

(2) The Clerk of Court shall immediately notify the Chief Judge of any legal matter filed relating to COVID-19. This includes, but is not limited to, petitions for writ of habeas corpus filed by individuals challenging a quarantine order and petitions to enforce quarantine orders.

#### **H. Circuit Civil (including Unified Family and Probate) Emergencies.**

Persons wishing to file an emergency motion or petition in a **circuit** civil case, including family and probate cases, may be permitted access to the courthouse to do so by dropping off the matter at the front desk of the West Tower of the Central Courthouse. Upon receipt of any emergency filing during the time the court's normal operations are suspended, the Clerk of Court shall contact



the assigned division judge. In the event the assigned division judge is unavailable, the Clerk shall notify the Administrative Judge of Circuit Civil or Unified Family, as appropriate, who shall handle the matter or locate a judge in the appropriate division to handle the matter. In the event the administrative judges of circuit civil or unified family are unavailable, the Civil Duty Judge shall handle the matter. In the event the Civil Duty Judge is unavailable, Chief Judge shall handle the matter. If an evidentiary hearing is required as to any matter filed as and determined by the reviewing judge to be an emergency, the hearing shall be conducted using communication equipment.

#### **I. Communication Equipment**

- (1) All mission critical/essential court proceedings shall be conducted using communication equipment. Communication equipment means “a conference telephone or other electronic device that permits all those appearing or participating to hear and speak to each other, provided that all conversations of all parties is audible to all persons present.” *Fla. R. Jud. Adm.* 2.530. Communication equipment also includes videoconferencing methods.
- (2) If the presiding judge determines that any mission critical proceeding requires an in-person hearing to be conducted prior to the resumption of the court’s normal operations, the judge must first consult with the Chief Judge. If it is determined that an in-person hearing is required, the judge must ensure that social distancing occurs, as described in section V below.

#### **V. Handling of Other Matters Not Mission Critical**

- A. All non-essential court proceedings, including non-jury trials, evidentiary hearings, motion calendar hearings, status conferences, pretrial conferences, and mediations, should continue in an effort to avoid substantial backlog of pending and newly-filed actions. To this end, proceedings in circuit civil, probate, and unified family (including non-essential dependency and delinquency) should only be held via communication equipment, as defined above.<sup>1</sup> Proceedings, including mediations, should not be cancelled and every attempt to continue court operations in these divisions should be made.

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<sup>1</sup> See *In Re COVID-19 Emergency Measures in the Florida State Courts*, Administrative Order No. AOSC20-17, pg. 9 (“To maintain judicial workflow to the maximum extent feasible, chief judges are directed to take all possible steps to facilitate conducting proceedings with the use of technology.”)

Proceedings, including mediations, may only be cancelled with the permission of the presiding judge. Nothing herein precludes the parties from stipulating that matters be determined based solely on the submission of written memoranda. Any such stipulation, however, shall be evidenced by an agreement filed with the Clerk.

**B. Jury Trials Suspended.** All jury selection proceedings and criminal and civil jury trials are suspended during the period Monday, March 16, 2020, through Friday, May 29, 2020, except for those trials underway prior to the court's suspension of normal operations and as authorized by the Chief Judge.

**C. Grand Jury Suspended.** All grand jury proceedings are suspended during the period Monday, March 16, 2020, through Friday, May 29, 2020.

**D. Civil Traffic Infractions.**

(1) All compliance deadlines are tolled pending further order of the court.

(2) The Clerk of Court shall not issue a D-6 license suspension or default any defendant on any civil traffic infraction.

(3) The Clerk of Court shall not default or issue a D-6 license suspension on any defendant who is currently on a payment plan until further order of the court.

**E. Foreclosures.** All foreclosure sales currently scheduled for any day during which the court's normal operations are suspended are cancelled and shall be rescheduled by the Clerk of Court accordingly.

**F. Defaults and Writs of Possession and for Garnishment.** Until such time as the courts resume normal operations, in all county civil and circuit civil cases:

(1) No default shall be entered by the Clerk of Court.

(2) No court default may be sought unless submitted by motion to the presiding judge detailing exigent circumstances which may warrant judicial relief. In the event the presiding judge is unavailable, the matter shall be presented to the Administrative Judge of the appropriate division, and if such judge is unavailable, to the Chief Judge.

(3) No writs of possession or writs of garnishment may issue until normal operations of the court resume.

**(1) Payment and Collection of Fines/Court Costs.** In consultation with the Clerk of Court, effective upon signing, and until close of business on Friday, May 29, 2020, unless amended by subsequent order, the Clerk may, upon written request from a defendant, grant one request for an extension of time for the payment of fines and/or costs imposed in circuit and county criminal cases for a period of sixty (60) days from the due date imposed by the court at the time of sentencing, and for non-criminal traffic violations for a period of sixty (60) days. Such extensions of time are not authorized for the payment of fines and/or costs that are a condition of probation. No additional extensions of time by the Clerk are authorized without prior court approval. Individuals seeking to request an extension of time should visit [www.browardclerk.org](http://www.browardclerk.org) to obtain the requisite form. Completed forms can be emailed to [TrafficClerk@browardclerk.org](mailto:TrafficClerk@browardclerk.org) with the subject line “Request for Extension of Time for Payment of Fines and/or Fees.”

**(2) Bond Forfeitures.** All time limits prescribed by statute or rule of court pertaining to the forfeiture of bonds and/or payment of bonds forfeited are extended until the close of business on Friday, May 29, 2020.

**(3) Mental Health Evaluations.** All orders requiring any individual under contract with the Circuit to perform a mental health examination of a defendant in a criminal or juvenile delinquency or dependency case or an alleged incapacitated person in an incapacity proceeding are suspended until further order of the court. This provision shall not affect the validity of any examination or report conducted or filed prior to the issuance of this or any prior iterations of this Court’s emergency administrative orders.

## **VI. Social Distancing**

All persons who find themselves in a courthouse facility should maintain at least a 6-foot “social distance” from each other at all times.

For up to date information concerning the resumption of normal court operations and public access to the courthouse facilities, call the Circuit’s emergency hotline at 954-831-7777 or visit the Court’s website at [www.17th.flcourts.org](http://www.17th.flcourts.org).

This Administrative Order shall take precedence over any other Seventeenth Judicial Circuit administrative order that may be in conflict with the provisions herein, including Administrative Orders 2020-23-Temp and 2020-27-Temp.

**DONE AND ORDERED** in Chambers, Fort Lauderdale, Florida, this 6th day of April, 2020.

/s/ Jack Tuter  
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Jack Tuter, Chief Judge