

**IN THE THIRTEENTH JUDICIAL CIRCUIT  
HILLSBOROUGH COUNTY, FLORIDA**

**ADMINISTRATIVE ORDER S-2020-019**

**COVID-19 MITIGATION EFFORTS – ESSENTIAL  
AND CRITICAL COURT PROCEEDINGS**

Due to the COVID-19 outbreak, the Governor of Florida has declared that a state of emergency exists and the Surgeon General and State Health Officer has declared that a public health emergency exists. The World Health Organization has also declared COVID-19 a global pandemic. The Centers for Disease Control and Prevention (CDC) and the Florida Department of Health advise that the best way to prevent illness is to avoid exposure to the virus by social distancing. The CDC currently recommends that individuals at risk of severe illness (including older adults and persons of any age with underlying health conditions) should avoid gatherings with 10 or more people.

The Florida State Court System must, in an abundance of caution, take steps to mitigate the effects and potentially devastating impacts of COVID-19, a highly contagious virus, on participants involved in our justice system, including litigants, attorneys, judges, bailiffs, clerks, support staff, and other members of the public.

In response to the growing pandemic, the chief justice of the Florida Supreme Court has issued several recent administrative orders regarding the COVID-19 virus. Florida Supreme Court Administrative Order No. AOSC20-13 (*COVID-19 Emergency Procedures in the Florida State Courts*) requires all chief judges to continue ongoing efforts to mitigate the effects of the COVID-19 on the courts and court participants. Florida Supreme Court Administrative Order No. AOSC20-15 (*COVID-19 Essential and Critical Trial Court Proceedings*) prohibits all non-essential or non-critical court proceedings from being conducted through in-person hearings.

By the power vested in the chief judge under article V, section 2(d), Florida Constitution; section 43.26, Florida Statutes; Florida Rule of Judicial Administration 2.215(b); and Florida Supreme Court Administrative Orders AOSC20-13 and AOSC20-15, and in an effort to mitigate the effects of COVID-19 on the courts, court participants, and the communities of the Tampa Bay area and the rest of the State of Florida, it is ORDERED:

**1. Jury Trials Suspended**

All petit jury selection proceedings and criminal and civil jury trials are suspended during the period Monday, March 16, 2020, through Friday, April 17, 2020.<sup>1</sup> Unless otherwise ordered by the chief judge, all petit jury selection proceedings and criminal and civil jury trials will resume effective Monday, April 20, 2020.

**2. Grand Jury Suspended**

In accordance with Florida Supreme Court Administrative Order No. AOSC20-13 (*COVID-19 Emergency Procedures in the Florida State Courts*), all grand jury proceedings are suspended during the period Monday, March 16, 2020, through Friday, March 27, 2020.

**3. County Civil and Circuit Civil**

Except for mission critical proceedings as provided in section 14 below and any other emergency matter arising in a civil case, all judicial proceedings in all county civil and circuit civil cases, including those with witness testimony, must be conducted by either teleconference or by written submission of memoranda. If parties or their counsel do not wish to conduct their proceedings by telephone or do not have the technical capacity to do so, the proceedings must be continued until at least April 20, 2020. If the presiding judge determines that an emergency motion requires an in-person hearing conducted prior to April 20, 2020, the judge must ensure that social distancing occurs in the courtroom, as described in section 18 below. This provision has no effect on parties or their counsel conducting discovery, including depositions.

**4. Civil Traffic**

Civil traffic dockets are hereby cancelled and the clerk is directed to reschedule these dockets to a date after April 20, 2020.

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<sup>1</sup> Florida Supreme Court Administrative Order No. AOSC20-13 (*COVID-19 Emergency Procedures in the Florida State Courts*) suspends jury trials only through March 27, 2020 but this administrative order and Florida Rule of Judicial Administration 2.205(a)(2)(B) authorizes a chief judge to request from the chief justice an order to suspend, toll, or otherwise grant relief from time deadlines imposed by statutes or court rules. This chief judge intends to request such an order from the chief justice extending time deadlines through April 20, 2020.

**5. Family Law**

Except for essential court functions and proceedings as provided in section 15 below, all judicial proceedings in all family law cases, including those with witness testimony, must be conducted either by teleconference or by written submission of memoranda. If parties or their counsel do not wish to conduct their proceedings by telephone or do not have the technical capacity to do so, the proceedings must be continued until at least April 20, 2020. If the presiding judge determines that an emergency motion requires an in-person hearing conducted prior to April 20, 2020, the judge must ensure that social distancing occurs in the courtroom, as described in section 18 below. No detainee or inmate will be transported to the courthouse facilities. This provision has no effect on parties or their counsel conducting discovery, including depositions.

**6. Juvenile Dependency**

Except for (i) daily shelter hearings; (ii) shelter reviews; (iii) reviews of emergency motions and petitions, including any matters that should be heard or adjudicated prior to a child's 18<sup>th</sup> birthday; and (iv) uncontested motions for reunification, all judicial proceedings in dependency cases, including those with witness testimony, must be conducted either by teleconference or by written submission of memoranda. If parties or their counsel do not wish to conduct their proceedings by telephone or do not have the technical capacity to do so, the proceedings must be continued until at least April 20, 2020. If the presiding judge determines that an emergency motion requires an in-person hearing conducted prior to April 20, 2020, the judge must ensure that social distancing occurs in the courtroom, as described in section 18 below. No detainee or inmate will be transported to the courthouse facilities. This provision has no effect on parties or their counsel conducting discovery, including depositions.

**7. Supervised Visitation at the Children's Justice Center**

All in-person supervised visitation at the Children's Justice Center (CJC) previously court-ordered is suspended from the close of business on March 18, 2020, until the close of business on April 19, 2020. The presiding judge who ordered the supervised visitation may determine any appropriate make-up visitation at a later date.

**8. Other Visitation in Dependency Cases**

Eckerd Connects and its affiliate case management organizations and the Hillsborough County Sheriff's Office are hereby authorized to conduct by electronic means, rather than in-person, all previously ordered visitation between a child and that's child's parent, legal guardian, or sibling. Case managers and child

protective investigators must take all action to ensure that visitation is neither denied nor curtailed and that current photographs or videos of children be provided to parents whenever and however possible. The presiding judge who ordered the visitation may determine any appropriate make-up visitation at a later date.

**9. Probate**

Except for essential court functions and proceedings as provided in section 15 below, all judicial proceedings in all probate cases, including those with witness testimony, must be conducted by either teleconference or written submission of memoranda. If parties or their counsel do not wish to conduct their proceedings by telephone or do not have the technical capacity to do so, the proceedings must be continued until at least April 20, 2020. This provision has no effect on parties or their counsel conducting discovery, including depositions.

**10. Juvenile Delinquency**

Except for daily detention hearings and review of emergency motions and petitions filed in a delinquency case, all delinquency dockets are hereby cancelled and the clerk is directed to reschedule these dockets to a date after April 20, 2020. If the presiding judge determines that an emergency motion requires an in-person hearing conducted prior to April 20, 2020, the judge must ensure that social distancing occurs in the courtroom, as described in section 18 below. This provision has no effect on parties or their counsel conducting discovery, including depositions.

**11. County Criminal**

First appearance hearings, bond reduction and revocation hearings, fugitive warrants, and arraignments will proceed in Video Courtroom 17. Except for these video proceedings and any other emergency matter arising in a county criminal case, all county criminal dockets are hereby cancelled and the clerk is directed to reschedule these dockets to a date after April 20, 2020. If the presiding judge determines that an emergency motion requires an in-person hearing conducted prior to April 20, 2020, the judge must ensure that social distancing occurs in the courtroom, as described in section 18 below. No detainee or inmate will be transported to the courthouse facilities. This provision has no effect on parties or their counsel conducting discovery, including depositions.

**12. Circuit Criminal**

First appearance hearings, bond reduction and revocation hearings, fugitive warrants, technical violation of probation hearings, and negotiated pleas for incarcerated defendants will proceed in Video Courtroom 17. Except for these

video proceedings and any other emergency matter arising in a circuit criminal case, all circuit criminal dockets are hereby cancelled and the clerk is directed to reschedule these dockets to a date after April 20, 2020. If the presiding judge determines that an emergency motion requires an in-person hearing conducted prior to April 20, 2020, the judge must ensure that social distancing occurs in the courtroom, as described in section 18 below. No detainee or inmate will be transported to the courthouse facilities. This provision has no effect on parties or their counsel conducting discovery, including depositions.

### **13. Problem-Solving Courts**

Except for review of emergency motions and petitions filed in a case pending in a problem-solving court, all problem-solving courts (adult drug court, juvenile drug court, veterans treatment court, family dependency treatment court, and mental health court) are hereby cancelled and the clerk is directed to reschedule these dockets to a date after April 20, 2020. If the presiding judge determines that an emergency motion requires an in-person hearing conducted prior to April 20, 2020, the judge must ensure that social distancing occurs in the courtroom, as described in section 18 below. No detainee or inmate will be transported to the courthouse facilities and no person is to be transported to the courthouse facilities from a treatment provider.

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

The following mission critical events and proceedings are the only proceedings in which in-person hearings may be held:

- Violation of quarantine or isolation orders (§381.00315(1)(c)4., Fla. Stat.) ;
- Violation of orders to limit travel (§252.36(5), Fla. Stat.);
- Violations of orders to close public or private buildings (§381.00315(4), Fla. Stat.);
- Habeas corpus petitions (§§381.00315(4) and 381.0012, Fla. Stat.); and
- Mandatory vaccinations (§381.00315(1)(c)4., Fla. Stat.).

Under no circumstances will any hearing or court proceeding be conducted in chambers. Any mission critical proceeding listed above must be conducted in a courtroom; however, by agreement of the parties and consent of the presiding judge, the matter may be conducted telephonically or by audiovisual device.

## **15. Essential Court Functions and Proceedings**

The following essential court functions are the only proceedings in which in-person hearings may be held:

### **A. Family Law**

- Review of protective injunction petitions and return hearings;
- Child support instanters;
- Hearings on petitions seeking judicial waiver of parental notification of abortion; and
- Any hearings deemed necessary by the presiding judge due to the matter being an emergency.

### **B. Dependency**

- Juvenile shelter and shelter review hearings; and
- Any hearings deemed necessary by the presiding judge due to the matter being an emergency or of a time-sensitive nature.

### **C. Mental Health**

- Risk protection order hearings;
- Review of Baker Act petitions and initial hearings;
- Review of Marchman Act petitions and initial hearings;
- Review of petitions for Adult Protective Services and necessary hearings; and
- Any hearings deemed necessary by the presiding judge due to the matter being an emergency.

### **D. Guardianship**

- Review of petitions for emergency medical authorizations;
- Review of petitions for temporary injunctions for protection against exploitation of a vulnerable adult (§825.1035, Fla. Stat.); and
- Review of emergency temporary guardianship petitions and any necessary hearings.

### **E. Criminal**

- First appearance hearings (via video proceedings);
- Bond reduction hearings (via video proceedings);
- Fugitive warrants (via video proceedings);
- Misdemeanor arraignments (via video proceedings);
- Violation-of-probation hearings in felony cases (via video proceedings);

- Negotiated pleas in felony cases for incarcerated defendants (via video proceedings);
- Applications for execution of all warrants; and
- Any hearings deemed necessary by the presiding judge due to the matter being an emergency.

F. Delinquency

- Juvenile detention hearings; and
- Any hearings deemed necessary by the presiding judge due to the matter being an emergency.

Under no circumstances will any hearing or court proceeding be conducted in chambers. Any essential court function listed above must be conducted in a courtroom; however, by agreement of the parties and consent of the presiding judge or quasi-judicial officer, the matter may be conducted telephonically or by audiovisual device.

**16. Civil Process**

The Sheriff of Hillsborough County is hereby authorized to stay the execution of the following orders until a date after April 20, 2020:

- Writs of possession;
- Levies;
- Replevins;
- Five-day evictions;
- Writs of garnishments;
- Regular summonses;
- Legal documents;
- Mental health documents (notices of hearings and summonses / subpoenas);
- Criminal papers (juvenile criminal summonses that are served on the juvenile and their parent for a crime and criminal traffic cases, and out-of-county summonses for the same);
- Paid papers (divorce papers, notices of hearings / motions);
- Department of Revenue paperwork;
- Out-of-state orders;
- In-county and out-of-county tax deeds;
- All felony subpoenas from the State Attorney's Office except for subpoenas for first degree felony and capital felony witness subpoenas for jury trials scheduled for April 20, 2020 and later.

**17. Administrative Judges**

Any judge reviewing an emergency motion, petition, or other matter that may result in an in-person proceeding held in a courtroom should consult with the respective administrative judge before making a final determination on conducting an in-person proceeding.

**18. 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. If an in-person hearing needs to be conducted prior to April 20, 2020, the presiding judge must ensure that all participants in the proceeding maintain the appropriate social distance. People who show no signs of being sick can be contagious and unknowingly transmit the COVID-19 virus. Close personal interaction is thought to be the method of transmission in nearly all cases and it does not require actual physical contact.

**19. Effective Date**

This administrative order is effective immediately and remains in effect through April 19, 2020 at 11:59 p.m., unless extended by further order of the chief judge.

ENTERED in Tampa, Hillsborough County, Florida on March 18, 2020 at 4:48 p.m.

  
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Ronald N. Ficarrota, Chief Judge

Original to: Pat Frank, Clerk of the Circuit Court

Copy to: All Judges

All General Magistrates and Hearing Officers

Gina Justice, Trial Court Administrator

Andrew H. Warren, State Attorney

Julianne Holt, Public Defender

Chad Chronister, Sheriff

Brian Dugan, Chief, Tampa Police Department

Edward E. Duncan, Chief, Plant City Police Department

Kenneth R. Albano, Chief, Temple Terrace Police Department

Charlie Vazquez, Chief, TIA Police Department

Christopher Daniel, Chief, USF Police Department

Doug Bakke, COO, Court Operations, Clerk's Office  
Hillsborough County Bar Association  
Lesley Miller, Jr., Chair, Board of County Commissioners  
Christine Beck, Hillsborough County Attorney  
Mike Merrill, Hillsborough County Administrator  
Ita M. Neymotin, Regional Counsel, Second District  
Patrick Barrentine, Department of Corrections  
Tabitha Lambert, Guardian ad Litem Program  
Chris Card, Executive Director, Eckerd Connects  
Stephanie Bergen, OAG, Children's Legal Services  
Jonathan Jenkins, Regional Counsel's Office  
Beth Pasek, Community Development Coordinator, DCF  
Jennifer Hock, Hillsborough County Sheriff's Office  
Department of Juvenile Justice  
ACTS Juvenile Assessment Center