

**IN THE CIRCUIT COURT OF FLORIDA, SEVENTH JUDICIAL CIRCUIT
IN AND FOR FLAGLER, PUTNAM, ST. JOHNS AND VOLUSIA COUNTIES**

RE: THIRD AMENDED Emergency Court Procedures (COVID-19)

**REF: Z-2020-042
(Replaces Z-2020-035)**

WHEREAS, the COVID-19 virus continues to beset our nation, the State of Florida, and the communities within the Seventh Judicial Circuit, and

WHEREAS, the Florida Supreme Court has issued Administrative Orders urging the need to take necessary precautions, and adopting procedures to mitigate the spread of the COVID-19 virus, and

WHEREAS, the courts must provide a level of functionality in satisfying mission critical functions, while at the same time heeding the advice of health officials, and

WHEREAS, protecting the health and well-being of the public, court staff, and judges continues to be of paramount concern;

NOW THEREFORE, I, RAUL A. ZAMBRANO, Chief Judge of the Seventh Judicial Circuit of Florida, by virtue of the authority vested in me by Article V, Section 2 of the Florida Constitution, and the Administrative Orders of the Florida Supreme Court, hereby **ORDER** that the provisions outlined herein take effect on June 1, 2020 at 8:00 a.m. EDT.

All previous Supreme Court administrative orders addressing COVID-19 constitute mandates to the Seventh Judicial Circuit and are therefore incorporated herein. This administrative order is to be read in conjunction with Supreme Court orders.

1. All jury trials, grand jury proceedings and associated jury selections remain suspended through July 2, 2020.
2. All non-criminal, civil infraction proceedings remain suspended until further notice.
3. Court proceedings deemed critical and essential as defined below are to be conducted remotely if possible. Such proceedings may be conducted “in-person”, if necessary:
 - a) First appearances;
 - b) Criminal arraignments;
 - c) Bond hearings;
 - d) Juvenile detention hearings;
 - e) Juvenile shelter hearings;
 - f) Injunctions for protection (including “Orders Setting Hearing” where a temporary injunction was not issued);
 - g) Risk protection orders;
 - h) Marchman Acts;
 - i) Baker Acts;

- j) Family law (including juvenile) cases where the imminent safety of children is an issue;
 - k) Requests for waivers of parental notices of abortion;
 - l) Vulnerable Adult injunctions;
 - m) Emergency incapacity petitions and appointment of guardians;
 - n) Proceedings involving requests for “do not resuscitate” orders;
 - o) Adult Protective Service Act proceedings;
 - p) Requests for search warrants and arrest warrants;
 - q) Violations of quarantine or isolation orders;
 - r) Violations of orders to limit travel;
 - s) Violations of orders to close public or private buildings;
 - t) Enforcement of curfew orders;
 - u) Seizure of bodily fluids;
 - v) Vaccination proceedings;
 - w) Extraordinary writs (with the exception of writs of possession); and
 - x) Any other “emergency” proceedings or hearings as authorized by the Chief Judge.
4. The following non-critical and non-essential proceedings may only be conducted remotely, except as noted below:
- a) Mediations (or other forms of alternative dispute resolution);
 - b) Proceedings conducted by General Magistrates and Child Support Enforcement Hearing Officers;
 - c) Status, case management, and pretrial conferences;
 - d) Non-evidentiary and evidentiary motion hearings;
 - e) Misdemeanor pleas in absentia;
 - f) Juvenile delinquency hearings;
 - g) Involuntary commitment of sexually violent predator hearings;
 - h) Problem-solving court staffings, hearings, and wellness checks; and
 - i) Non-jury trials (including juvenile dependency adjudicatory hearings and evidentiary hearings pursuant to §39.507(7)(b), Florida Statutes), except for
 - Criminal cases, unless the parties agree that it should be conducted remotely
 - Termination of parental rights or juvenile delinquency cases, unless the presiding judge determines that it should be conducted remotely
5. Due to limitations associated with remote appearance technology, proceedings wherein the services of a sign language interpreter are required are to be conducted “in-person.”
6. Public entry to any court facility is subject to the following conditions:
- A non-invasive temperature check. Any individual with a temperature of 100.4 degrees Fahrenheit or greater will be denied entry.
 - A general health screening to check for symptoms. Any individual who answers affirmatively to any of the symptoms will be denied entry.
 - A general screening involving possible exposure to COVID-19. Any individual who answers affirmatively to questions associated with possible exposure will be denied entry.
 - Wearing of a facial covering or mask. Any individual who refuses to wear a facial covering will be denied entry or asked to vacate the facility.
 - Adhere to social distancing and other spatial requirements. Any individual who refuses to abide by social distancing or other spatial requirements will be asked to vacate the facility.
7. Judges and other court facility occupants are to take appropriate measures to ensure that occupancy levels of courtrooms and other spaces are not exceeded, including, but not limited to, staggered appearance times or queuing outside.

8. Court facility occupants are to make arrangements for their respective staffs to monitor their health, wear facial coverings or masks when in public areas of court facilities, and to otherwise abide by the mandates of this Order.
9. First Appearances/Bond Hearings will take place in all counties at their regularly scheduled times, in their regularly scheduled locations.
10. Juvenile Shelter and Shelter Review Hearings: Weekday Volusia County juvenile shelter and shelter review hearings will take place "in-person" or by electronic means before assigned judges at the Volusia County Courthouse, 101 N. Alabama Avenue, DeLand, or City Island Courthouse Annex, 125 E. Orange Avenue, Daytona Beach, at times set by the assigned judges. Weekend shelters will take place "in-person" at 8:30 a.m. at the Volusia County Branch Jail. All Flagler, Putnam and St. Johns County shelter and shelter review hearings will take place "in-person" or by electronic means at times designated by the Administrative Judges of the respective counties.
11. Juvenile Detention Hearings: Weekday Volusia County juvenile detention hearings will take place "in-person" or by electronic means before assigned judges at the Volusia County Courthouse or City Island Courthouse Annex, at times set by the assigned judges. Weekend detention hearings will take place "in-person" at 8:30 a.m. at the Volusia County Branch Jail. All Flagler, Putnam and St. Johns County detention hearings will take place "in-person" or by electronic means at times designated by the Administrative Judges of the respective counties.
12. Family Law Injunctions: All domestic violence, repeat violence, sexual violence, dating violence, stalking, and Chapter 39 injunction hearings, (including "Orders Setting Hearing" where a temporary injunction was not issued) in Volusia County will take place "in-person" or by electronic means before assigned judges at the Volusia County Courthouse or City Island Courthouse Annex, at times set by the assigned judges. Injunction hearings in Flagler, Putnam and St. Johns Counties will take place "in-person" or by electronic means at times designated by the Administrative Judges of the respective counties.
13. Risk Protection Orders (RPOs): All RPO hearings in Volusia County will take place "in-person" or by electronic means at a time designated by the assigned judge at the Volusia County Courthouse. All RPO hearings in Flagler, Putnam and St. Johns Counties will take place "in-person" or by electronic means at times designated by the Administrative Judges of the respective counties. All "3-day" hearings pursuant to § 790.401(7)(f), Florida Statutes, are to be extended and conducted in conjunction with "14-day" hearings pursuant to § 790.041(3)(a).
14. Marchman Acts: All Marchman Act hearings in Volusia County will take place "in-person" or by electronic means at a time designated by the assigned judge at the Volusia County Courthouse. Marchman Act hearings in Flagler, Putnam and St. Johns Counties will take place "in-person" or by electronic means at times designated by the Administrative Judges of the respective counties.
15. Baker Acts: All Volusia and Flagler County Baker Act hearings will take place "in-person" or by electronic means at 8:30 a.m. "In-person" hearings will take place in the assigned rooms within Halifax Medical Center and SMA Healthcare in Daytona Beach. Hearings by electronic means will take place at the Volusia County Courthouse. All Putnam and St. Johns County Baker Act hearings will take place "in-person" or by electronic means at times designated by the assigned judges. "In-person" hearings will take place in the assigned room within Flagler Hospital in St. Augustine. Hearings by electronic means will take place at the Richard O. Watson Judicial Center in St. Augustine.
16. Family / Dependency emergencies where imminent harm to a child is at issue: All Volusia County Family/Dependency emergency hearings will take place "in-person" or by electronic means at times designated by the assigned judges at the Volusia County Courthouse or City Island Courthouse Annex. Flagler, Putnam and St. Johns County Family/Dependency emergency hearings will take place "in-

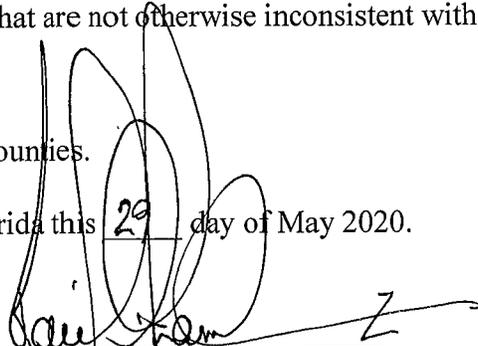
person” or by electronic means at times and in locations designated by the Administrative Judges of the respective counties. A separate Administrative Order (Z-2020-036) is now in place to address parenting/timesharing issues regarding children.

17. Probate/Guardianship: All hearings in Volusia County vulnerable adult injunctions, emergency incapacity petitions / appointment of guardians, “do not resuscitate” requests, and Adult Protective Service Acts will take place “in-person” or by electronic means at a time designated by the assigned judge at the Volusia County Courthouse. All hearings in Flagler, Putnam and St. Johns County cases will take place “in-person” or by electronic means at times designated by the Administrative Judges of the respective counties.
18. Warrants: All requests for wiretaps, search warrants, and arrest warrants will be considered/heard by the on-call judge in the respective counties.
19. Civil: All Volusia County extraordinary writs, enforcement of curfew orders, mandatory vaccination proceedings, seizure of bodily fluids, violations of orders to close public and private buildings, violations of orders limiting travel, and violations of quarantine or isolation orders will take place “in-person” or by electronic means at times designated by the assigned judges at the Volusia County Courthouse, City Island Courthouse Annex, or at a location designated by the Department of Health. All hearings in Flagler, Putnam and St. Johns County cases will take place “in-person” or by electronic means at times and in locations designated by the Administrative Judges of the respective counties, or the Department of Health.
20. Criminal: Criminal arraignments (including Violations of Probation), competency hearings, and negotiated pleas/sentences involving persons incarcerated in county jails will take place in all counties at times and in locations as designated by the assigned judges. In regards individuals who are not in custody, the assigned judges are to attempt to conduct such proceedings first by electronic means. If a defendant fails to “appear” at the remote hearing, the matter may be rescheduled for an “in-person” proceeding at a court facility that is operating at a Phase 2 or higher (see reference to Phases in # 30 below).
21. Any judge who wishes to conduct a hearing outside the parameters of this Order, must seek permission from the Chief Judge.
22. Inmates housed in county jails are only to be transported to court facilities in the Seventh Judicial Circuit on a case-by-case basis when specifically authorized by the Chief Judge or the Administrative Judges of the respective counties. All weekend jail sentences are tolled and held in abeyance until further order of the Court.
23. All collateral uses of court facilities are postponed.
24. All visitation in dependency cases shall be conducted pursuant to administrative order of the Florida Supreme Court.
25. The Clerks of Court of the respective counties are directed to cancel foreclosure sales, cease issuance of writs of possession, and cease issuance of D-6 drivers’ license suspensions.
26. Except as otherwise provided herein, when available, electronic means of communication is to be used to minimize face-to-face contact among judges, attorneys and litigants.
 - a) Judges may require attorneys to appear by electronic means for hearings;
 - b) Attorneys appearing electronically are to conduct themselves in a professional manner;
 - c) Attorneys appearing electronically are to appear from settings that are free from extraneous noise or interruptions;
 - d) Participants appearing electronically are reminded not to engage in activities that may otherwise detract from the focus of the hearing (ie. driving a vehicle).

27. The Public Defender's Office is appointed to represent all persons arrested and appearing at a first appearance hearing, unless the person affirmatively rejects counsel.
28. Probation officers and Court Services officers, without Court permission, may alter reporting and drug testing schedules of probationers, defendants on pretrial supervision, and Treatment Court participants.
29. Pursuant to administrative order of the Florida Supreme Court, Judges James R. Clayton and Terrence R. Perkins are hereby designated and authorized to address and dispose of cases from other circuits/counties until July 6, 2020.
30. Due to the rapidly changing nature of the current situation and the variant operational capacities/limitations of each court facility within the circuit, the designation of operational phases of each facility will necessitate the issuance of separate administrative orders. Any court facility occupant (ie. Court Administration, Clerk, State Attorney, Public Defender, Sheriff) located in a facility operating at a Phase 2 designation or higher, may resume normal operations that are not otherwise inconsistent with the provisions of this Order.

TO BE RECORDED in Flagler, Putnam, St. Johns and Volusia counties.

DONE AND ORDERED in Daytona Beach, Volusia County, Florida this 29 day of May 2020.



RAUL A. ZAMBRANO
CHIEF JUDGE