

THE ELEVENTH JUDICIAL
CIRCUIT MIAMI-DADE COUNTY,
FLORIDA

CASE NO. 21-1
(Court Administration)

ADMINISTRATIVE ORDER
NO. 21-11

**IN RE: COVID-19 HEALTH AND SAFETY
PROTOCOLS AND OPERATIONAL
MEASURES**

WHEREAS, in response to the public health emergency caused by the outbreak of the Coronavirus Disease 2019 (COVID-19), the Florida Supreme Court and the Eleventh Judicial Circuit took significant initial measures to limit and modify Court operations so as to ensure the safe administration of justice.¹ During Phase 1 of the pandemic, essential proceedings were held remotely or in-person, non-essential Court proceedings were either held remotely or were suspended, and jury and grand jury proceedings were suspended.

WHEREAS, during Phase 2 of the pandemic, the Court heard the majority of non-essential proceedings through remote technology. However, limited types of non-essential proceedings, including grand jury proceedings and jury trials, were conducted in-person on a limited basis and subject to certain safety measures. The provisions governing Phase 2 were outlined in the Eleventh Judicial Circuit Court Operational Plan, as amended.

WHEREAS, on June 4, 2021, the Florida Supreme Court entered an Administrative Order, *In re: COVID-19 Health and Safety Protocols and Emergency Operational Measures for Florida Appellate and Trial Courts*, Fla. S. Ct. Admin. Order No. AOSC21-17 (Fla. June 4, 2021), authorizing all courts to exit Phase 2 operations as warranted by the wide availability and use of an effective vaccine. Based on this guidance, effective 12:01 a.m. on June 21, 2021, the Eleventh Judicial Circuit Operational Plan and COVID-19 Administrative Orders 1-20-05, 1-20-11, 1-20-12, and 1-20-13 will terminate, the Circuit will no longer operate in Phase 2, and the protocols and measures specified in this Administrative Order will govern the Circuit's operations.

WHEREAS, effective June 28, 2021, Court buildings will be open to the public; judges, judicial personnel, and Court staff will be working from their assigned courthouse locations; and all in-person and remote Court proceedings will be conducted by the presiding judicial officer from his or her courtroom or chambers.

¹ See *In re: Comprehensive COVID-19 Emergency Measures for Florida Trial Courts*, Fla. S. Ct. Admin. Order No. AOSC20-23 (Fla. May 4, 2020), as amended; *In re: COVID-19 Emergency Measures in the Florida State Courts*, Fla. Admin. Order No. AOSC20-17 (Fla. March 23, 2020), as amended (all available at <https://www.floridasupremecourt.org/Emergency>).

NOW THEREFORE, pursuant to the authority conferred by Florida Rule of General Practice and Judicial Administration 2.215, it is ORDERED as follows:

I. CONDUCT OF COURT PROCEEDINGS

1. Remote and In-Person Proceedings.
 - A. Currently Noticed Proceedings. Proceedings currently noticed for Zoom shall remain on Zoom, unless changed by the Court.
 - B. Method of Appearance. Counsel and parties must appear for Court proceedings as noticed. For example, if the proceeding is noticed for Zoom, appearance by Zoom is required. Conversely, if the notice states “in person” or specifies a physical courthouse location, in-person attendance at the specified location is required.
 - C. Division Plans. Court Division Plans for the conduct of remote and in-person proceedings are identified below and attached hereto as Appendices A through J:
 - i. Appellate Division Operations Plan, Appendix A
 - ii. Circuit Civil Division Operations Plan, Appendix B
 - iii. Circuit Criminal Division Operations Plan, Appendix C
 - iv. County Civil Division Operations Plan, Appendix D
 - v. County Criminal Division Operations Plan, Appendix E
 - vi. Domestic Violence Division Operations Plan, Appendix F
 - vii. Family Division Operations Plan, Appendix G
 - viii. General Magistrate Operations Plan, Appendix H
 - ix. Probate Division Operations Plan, Appendix I
 - x. Unified Children’s Court Division Operations Plan, Appendix J

Any proceeding not specifically addressed in the Division Plans identified above may proceed either in-person or remotely, subject to: 1) the presiding judicial officer’s discretion; 2) any limitations on remote conduct imposed by the United States Constitution, Florida Constitution, or statute; and 3) the participants’ access to technological resources.

2. Priority of Jury Proceedings. Jury proceedings will continue to the maximum extent feasible. The priority order for jury trials will be as follows (from highest to lowest):
 - a. Circuit and county criminal trials where speedy trial will run within twenty-days
 - b. Circuit and county criminal trials with an in-custody defendant
 - c. Circuit and county criminal trials with an out-of-custody defendant
 - d. Circuit civil jury trials
 - e. County civil jury trials

3. Baker Act Involuntary Hearings. Effective July 1, 2021, all Baker Act and Marchman Act involuntary commitment hearings will be conducted in accordance with the Probate Operations Plan attached as Appendix I.

II. COURTHOUSE SAFETY

In order to ensure the safety of those required to be at the courthouses, the following restrictions apply to all county and circuit courthouses located in Miami-Dade County, Florida.

1. Masks. Although masks are not required, participants and observers may choose to wear a mask during any in-person proceeding. Persons who wish to wear a mask and did not bring one will be provided with a mask upon request. Unvaccinated persons are encouraged to wear masks.
2. Physical Distancing. Physical distancing is no longer required. Participants in an in-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.
3. Previously Restricted Public Areas. Areas previously closed to the public due to the pandemic are open effective June 28, 2021.

III. ACCESS TO REMOTE PROCEEDINGS

Any person who wishes to access a proceeding being held remotely should contact the office of the presiding judge or general magistrate at least one day in advance of the proceeding. When a hearing is being conducted remotely, such persons shall be provided with a call-in number or a website link.

IV. NO TRANSPORTATION OF INFECTED OR QUARANTINED INMATES

The Miami-Dade Corrections and Rehabilitation Department shall not transport any inmate at the Miami-Dade County Jail, who is either in pre-house quarantine or is being quarantined based on a confirmed or suspected COVID-19 diagnosis, to the courthouses for attendance at a court proceeding. However, inmates who are in pre-house quarantine or who are being quarantined will be given the opportunity to attend court proceedings remotely while in pre-house quarantine or quarantine, or their cases will be reset.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida, this 16th day of June 2021.

**BERTILA SOTO, CHIEF JUDGE
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA**

Appendix A
Appellate Division Operations Plans

Event	Duration	Zoom	Live
Oral Arguments	30 min	Alternative: only with agreement of counsel and approval of court at least 30 days before hearing	Presumed hearing procedure
Judicial Reviews	2-3 hours	Only procedure —judges, GC, and clerks only, no parties nor counsel	No option

Appendix B
Circuit Civil Division Operations Plans

Event	Duration	Zoom	Live
Motion Calendar	5-10 minute matters	Only hearing procedure	No alternative. Live must seek special set hearing
Special Set	Under 30 minutes	Presumed hearing procedure	Alternative: Only with agreement of counsel and approval of judge
Special Set	Longer than 30 minutes	Alternative: Only upon agreement of counsel and approval of judge	Presumed hearing procedure
Evidentiary Hearing	Any duration	Alternative: Only upon agreement of counsel and approval of judge	Presumed hearing procedure
Bench Trial	Any duration	Alternative: Only upon agreement of counsel and approval of judge	Presumed trial procedure
Jury Trial	Any duration	Not available, except for jury prequalification upon stipulation	Trial procedure
Witness Appearance	Any duration	Must be prearranged, meet legal requirements, and approval of court	Presumed appearance procedure

Appendix C

Circuit Criminal Division Operations Plan

Effective June 28, 2021, the Circuit Criminal Division will resume normal in-person court operations. Additionally, each division will be required to provide at least two Zoom calendar opportunities per week to accommodate simple and brief (no more than five minutes) non-evidentiary hearings that do not require the presence of the defendant or a victim or witness. The division judge must approve the setting of the hearing on Zoom. The Judicial Assistant will control all access to the Zoom calendar and will be responsible for ensuring all parties are notified. The Zoom calendars will begin after the in-person calendar and will have a “__ :01 or __ :31” time designation depending on the individual division judges’ schedules. Examples of hearings that may be appropriate for the Zoom calendar:

1. Motion for Continuance
2. Motion to Seal/Expunge
3. Motion to Compel
4. Motion for Rule to Show Cause
5. Motion for Return of Property
6. Motion or Request for An Arthur Hearing (this can also be done via email)
7. Motion for Appointment of Expert to Determine Competency
8. Motion to Withdraw by Public Defender or Regional Counsel
9. Motion for Substitution of Counsel
10. Motion to Remove from Collections
11. Justice Administrative Commission motions
12. Over the Cap fee motions
13. Pretrial Intervention Referrals and Acceptance
14. Transfer Traffic Tickets
15. Surety Motions re: Bond Estreature
16. Rule 3 status reports
17. Other Motions to be determined by the division judge on a case-by-case basis

Appendix D
County Civil Division Operations Plan

Event	Duration	Zoom	Live
Motion Calendar	5-10 minute matters	REQUIRED	Not an option. Live must seek special set hearing
Special Set	Under 30 minutes	Presumptive Method	Only upon agreement of counsel and approval of judge
Special Set	Longer than 30 minutes	Only upon agreement of counsel and approval of judge	Presumptive Method
Evidentiary hearing	Any duration	Only upon agreement of counsel and approval of judge	Presumptive Method
Bench Trial	Any duration	Only upon agreement of counsel and approval of judge	Presumptive Method
Jury Trial	Any duration	Not available, except for jury prequalification upon stipulation and approval by judge	REQUIRED
Witness appearance	Any duration	Must be prearranged, meet legal requirements, and approval of court	Presumptive Method
Small Claims Pre-Trial	Any duration	Not an option	REQUIRED
Lack of Prosecution Hearing	Any duration	Allowed only by judge order	Presumptive Method
Calendar Calls	Any duration	Allowed only by judge order	Presumptive Method

Appendix E

County Criminal Division Operations Plan

1. All Arraignments will continue by Zoom hearings. Notices will include opt-out instructions to contact the assigned Judge who will calendar a live hearing for that defendant.
2. Motions without evidence, shorter than 10 minutes, will continue by Zoom, unless requested otherwise through the assigned Judge. (EG: Motions to Compel, Motions for Deposition)
3. Motions with evidence will be set for in-person hearings through the assigned Judge.
4. Effective August 2, 2021, County Criminal will return to the setting format of sounding Trials in the mornings and conducting Trials in the afternoon. The Morning Soundings will be conducted by Zoom with in-person trials scheduled that afternoon. Bench trials will be in person, unless all parties agree to proceed otherwise. All Jury Trials will be in person.

Appendix F

Domestic Violence Division Operations Plan

DOMESTIC VIOLENCE DIVISION MISDEMEANOR HEARINGS – starting July 19th			
EVENT	DURATION	ZOOM	LIVE
First Appearance	Any duration	REQUIRED	No
Arraignments	Any duration	No	REQUIRED: D’s presence waived unless appearance ordered by Judge
Sounding	Any duration	Presumptive Method	As ordered by Judge
Motions	1-15 minute matters	Presumptive Method	As ordered by Judge
Motions	15+ minutes	Judicial approval	Presumptive Method
Evidentiary Motions	Any duration	Judicial approval	Presumptive Method
Judicial Review (7/29 weekly)	Any duration	Presumptive Method	As ordered by Judge
Probation Violation (8/13)	Any duration	Judicial approval	REQUIRED
Bench Trials	Any duration	Upon agreement of counsel/Judicial approval	REQUIRED
Juror Prequalification	Any duration	REQUIRED	No
Jury Trials (x3 7/19)	Any duration	No	REQUIRED
Mental Health Court (8/5)	Any duration	Judicial approval	Presumptive Method
DV Drug Court (8/20)	Any duration	Judicial approval	Presumptive Method

DOMESTIC VIOLENCE DIVISION CIVIL HEARINGS – starting July 26th			
EVENT	DURATION	ZOOM	LIVE
Permanent Injunction Hearings	Any duration	As requested by Petitioner at intake	Judicial approval
Permanent Injunction Hearings	Any duration	Judicial approval	As requested by Petitioner at intake
Civil Injunction Motions	1-15 minute matters	Presumptive Method	Judicial approval
Civil Injunction Special Sets	15+ minutes	Judicial approval on case by case basis	Judicial approval on case by case basis
Civil Compliance	Any duration	Presumptive Method	No
Civil Contempt	Any duration	Presumptive Method	As ordered by Judge
Criminal Contempt (start date TBD)	Any duration	Judicial approval	REQUIRED
Risk Protection Compliance	Any duration	REQUIRED	As ordered by Judge
RPO Final Hearings	Any duration	Presumptive Method	Judicial approval
RPO Motions	Any duration	Presumptive Method	Judicial approval

-**In custody defendants/respondents** will appear in the required/presumptive manner indicated for each event type unless Dept. of Corrections is unable to facilitate the appearance.

-Unless directed by the Court, **any hearings currently noticed for Zoom shall remain on Zoom.**

Appendix G

Family Division Operations Plan

EVENT	DURATION	ZOOM*	LIVE
MOTION CALENDAR	5 minutes	Only Hearing Procedure	No option. For Live Hearing Party must seek special set hearing.
NON-EVIDENTIARY SPECIAL SET	Under 30 minutes Examples: Complex Motion to Dismiss; Extensive Discovery Motions; Complex Motion for Protective Order	Presumed Hearing Procedure	Only upon Request of the Parties and Approval of Court
NON-EVIDENTIARY SPECIAL SET	Longer than 30 minutes	Only upon Request of the Parties and Approval of Court	Presumed Hearing Procedure
EVIDENTIARY SPECIAL SET	Any duration	Only upon Request of the Parties and Approval of Court	Presumed Hearing Procedure
CASE MANAGEMENT CONFERENCE	Any duration	Only upon Request of the Parties and Approval of Court OR at the Court's Discretion	Presumed Hearing Procedure
TRIALS	Any duration	Only upon Request of the Parties and Approval of Court	Presumed Hearing Procedure
UCDS	Any duration	Administratively	
ADOPTIONS	Any duration	Available by Request of the Parties and Approval of Court	Presumed Hearing Procedure
DOMESTIC VIOLENCE HEARINGS	Any duration	Only upon Request of the Parties and Approval of Court	Presumed Hearing Procedure
PETITIONS FOR NAME CHANGE	Any duration	Administratively	
PETITIONS FOR TEMPORARY CUSTODY	Any duration	Only upon Motion of the Parties and Approval of Court	Presumed Hearing Procedure
WITNESS APPEARANCE	Any duration	Must be prearranged, meet legal requirements, and approval of the court	Presumed Appearance Procedure

***Zoom events shall be conducted from Chambers**

Appendix H
General Magistrate Operations Plan

Event	Duration	Zoom	In Person
Motion Calendar	5-10 minute matters	Only hearing procedure	No option.
Non-EVIDENTIARY Special Set	Under 30 minutes	Presumed hearing procedure	Only upon request with agreement of counsel and Court approval
Special Set	Longer than 30 minutes	Only upon request of the parties and Court Approval	Presumed hearing procedure
Evidentiary hearing	Any duration		Presumed hearing procedure
Bench Trial	Any duration	Only upon request of both Parties and approval of Court	Presumed hearing procedure
Jury Trial	Any duration	Not available	Trial procedure
Witness appearance	Any duration	Alternative: Must be prearranged, meet legal requirements, and approval of court	Presumed appearance procedure
PETITION FOR TEMPORARY CUSTODY	Any duration	Must be party requested with agreement for both parties. With court approval	Presumed Appearance procedure

Appendix I
Probate Division Operations Plan

Event	Duration	Zoom	In Person
Motion Calendar	5-10 minute matters	Only hearing procedure	No option. Live must seek special set hearing
Special Set	Under 30 minutes	Presumed hearing procedure	Alternate: only with agreement of counsel and approval of judge
Special Set	Longer than 30 minutes	Only upon agreement of counsel and approval of judges	Presumed hearing procedure
Evidentiary hearing	Any duration	Only upon agreement of counsel and approval of judge	Presumed hearing procedure
Bench Trial	Any duration	Only upon agreement of counsel and approval of judge	Presumed hearing procedure
Jury Trial	Any duration	Not available, except for jury prequalification upon stipulation	Trial procedure
Witness appearance	Any duration	Alternative: Must be prearranged, meet legal requirements, and approval of court	Presumed appearance procedure
Baker Act (starting July 1, 2021)	Any duration	No option	Required Live
Marchman Act (starting July 1, 2021)	Any duration	No option	Required Live

Appendix J
Unified Children’s Court Division - Miami-Dade Children’s Courthouse (MDCC)
Operations Plan (Effective July 12, 2021)

EVENT	VIRTUAL/REMOTE (ZOOM)	IN-PERSON	HYBRID ZOOM & IN-PERSON*
First Appearance Weekly Rotation Duty Calendars for: <ul style="list-style-type: none"> ● Juvenile Dependency Shelter ● Juvenile Delinquency Detention & Sounding Order to Take Into Custody (Arrest Warrants) Juvenile Marchman Hearings	Not available	Only hearing procedure	Not available
Trials/Adjudicatory Hearings (Bench) for: <ul style="list-style-type: none"> ● Juvenile Delinquency ● Termination of Parental Rights ● Juvenile Dependency 	Alternative: Only with agreement of all parties and approval of presiding Judge	Presumed trial procedure	Alternative: Only with agreement of all parties and approval of presiding Judge
Special Set Evidentiary Hearings	Alternative: Only with agreement of all parties and approval of presiding Judge	Presumed hearing procedure	Alternative: Only with agreement of all parties and approval of presiding Judge
Issue Juvenile Dependency Pick-up Orders	Presumed hearing procedure	Alternative: Only with agreement of all parties and approval of presiding Judge	Alternative: Only with agreement of all parties and approval of presiding Judge
Quash Juvenile Delinquency Pick-up Orders	Not available	Only hearing procedure	Not available
Judicial Waiver Hearings	Not available	Only hearing procedure	Not available
All other court proceedings set on Calendar, including: <ul style="list-style-type: none"> ● Motions ● Special Set Hearings (other than Evidentiary) ● Juvenile Dependency & Termination of Parental Rights Hearings ● Juvenile Delinquency Hearings ● Family Hearings ● Domestic Violence Injunction for Protection Hearings 	Presumed hearing procedure	Alternative: Only with agreement of all parties and approval of presiding Judge	Alternative: Only with agreement of all parties and approval of presiding Judge
Weekend & Court Holiday First Appearance Calendars at REG for: <ul style="list-style-type: none"> ● Juvenile Dependency Shelter ● Juvenile Delinquency Detention 	Not available	Only hearing procedure	Not available

*NOTE: The MDCC facility is configured with the technical capabilities to conduct Hybrid Zoom and In-Person Hearings in all courtrooms.