

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**