

IN THE CIRCUIT COURT, FOURTH JUDICIAL CIRCUIT
IN AND FOR CLAY COUNTY, FLORIDA

ADMINISTRATIVE ORDER

March 17, 2020

IN RE: COVID-19 EMERGENCY PROCEDURES IN CLAY COUNTY

WHEREAS, the World Health Organization, the federal Center for Disease Control and Prevention and the Florida State Emergency Operations Center have devised systems to detect and monitor the outbreak of the Coronavirus Disease 2019 (Covid-19), a severe acute respiratory illness that can spread among humans through respiratory transmission; and

WHEREAS, mitigation of the effects of Covid-19 is a high priority in the Florida State Courts System; and

WHEREAS, the Florida Supreme Court has entered Administrative Order No. AOS20-13, which suspended all grand jury proceedings, jury selection proceedings and criminal and civil jury trials beginning Monday, March 16, 2020, through Friday, March 27, 2020, or as provided by subsequent order; and

WHEREAS, Administrative Order No. AOS20-13 provides in part that during the duration of that order the chief judge of each judicial circuit is authorized to establish temporary procedures for the use, to the maximum extent feasible, of communication equipment for the conducting of proceedings by remote electronic means, as are necessary in their respective circuits due to the public health emergency; and

The Chief Judge has delegated to the undersigned administrative judge of Clay County the authority to establish temporary procedures in Clay County, Florida;

NOW, THEREFORE, by the authority vested in me by the Chief Judge of the Fourth Judicial Circuit and pursuant to the Florida Rules of Judicial Administration,

It is ORDERED as follows:

A. CIVIL AND FAMILY HEARINGS IN CLAY COUNTY, FLORIDA

Beginning immediately and until further order, all family law hearings and circuit and county court civil hearings, including *ex parte*, will be conducted by telephone or video conferencing. The parties should confer and agree on which party shall initiate a telephone or video conference before contacting a judge's chambers. If the parties cannot agree, then the moving party will be responsible

for arranging all parties' appearance on the telephone or video conference. If one or more parties are *pro se*, opposing counsel shall arrange to have *pro se* parties on the telephone or video conference before contacting the court. The parties are also responsible for making court reporter arrangements. Notices of hearing shall specify the nature of the hearing (telephone, video conference) and telephone numbers or websites to be utilized in order to allow attorneys, parties and witnesses to participate.

If the parties agree to utilize video conferencing, such hearings will be conducted using the ZOOM application, available at www.ZOOM.us. In cases in which it is feasible to present testimony by audio or video, counsel are advised to consult Rule 1.451, Florida Rules of Civil Procedure.

Setting cases for trial will be handled by e-mail only. An exemplar of each judge's trial set memorandum is available on each judge's webpage. The parties shall complete all information on the form, including desired mediator, and submit the form and desired trial date by e-mail to the judge's judicial assistant. The trial set form shall be included as an attachment to the e-mail. Any disagreement regarding mediator or trial date shall be included in the e-mail along with each party's request.

Any submissions or evidence for hearings that the parties wish the court to consider should be sent to the court as an e-mail attachment at least three business days before the hearing. Requests to submit physical documents or evidence to the court should be submitted in writing and sent to the judge. Any party who believes an in-person hearing is necessary may submit a request to the judge. Such requests will be determined on a case-by-case basis.

The civil and family judges and magistrates have the authority to continue evidentiary hearings and non-jury trials that are not time sensitive. In the event a hearing or trial is continued, the court will contact counsel and enter an order continuing the hearing or trial. Any party with a valid basis for a continuance of an evidentiary hearing may file a motion to continue, including the position of opposing counsel or party.

B. FELONY AND COUNTY CRIMINAL COURT CALENDARS

All felony and criminal calendars set for the weeks of March 16 and March 23, 2020, are canceled. All cases on those calendars will be passed for a minimum of two weeks. Until further order, there will be no chambers prior to felony calendars. If a felony defendant wishes to enter a plea or to have a time-sensitive motion heard (such as bond reduction motions or motions to modify the terms of pre-trial release, etc.) during the period from today's date until March 27, counsel should contact the judge, and arrangements will be made to handle such proceedings in Courtroom 4 by video conferencing technology available in that courtroom. Counsel may submit letters or affidavits in lieu of live testimony.

C. BAKER ACT HEARINGS

Until further order of the court, all Baker Act hearings will be conducted by telephone. The

physician, patient and Orange Park Medical Center representative will attend the hearing by telephone while physically present at the Center. The judge, court reporter and state attorney will attend the hearing in the judge's chambers. It is the public defender's choice whether to be present at either Orange Park Medical Center or in the judge's chambers.

D. DEPENDENCY AND DELINQUENCY

Conduct of calendars, hearings, trials or judicial reviews shall be left to the discretion of each presiding judge or the magistrate. However, it is preferable that all matters or cases that are not time-sensitive should be deferred for at least two weeks, and, when feasible, proceedings should utilize telephone or video conferencing as described in Section A above.

E. DOMESTIC VIOLENCE, STALKING AND OTHER SIMILAR INJUNCTIONS

Final hearings on temporary injunctions that include modifications or limitations on time-sharing or exclusive possession of a residence shall be set as usual. Final hearings on all other temporary injunctions shall be scheduled on a Wednesday afternoon approximately thirty to sixty days from that judge's regularly scheduled final hearing date.

ORDERED this 17th day of March, 2020.



Don H. Lester
Administrative Judge
Clay County

Copies to:

Mark H. Mahon, Chief Judge
Clay County Judges and Magistrates
Tara Green, Clerk of Court
Office of the State Attorney, Clay County
Office of the Public Defender, Clay County
Kids First of Florida
Clay County Sheriff's Office
Clay County Bar Association
Jacksonville Bar Association
Regional Conflict Counsel, Clay County
Department of Corrections - Probation Office, Clay County