

IN THE CIRCUIT COURT OF THE SEVENTEENTH  
JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA

*Administrative Order 2021-62-Temp*

**CONTINUATION OF COURT OPERATIONS & JUDICIAL  
PROCEEDINGS DURING COVID-19**

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(a) Pursuant to Article V, section 2(d) of the Florida Constitution, and section 43.26, Florida Statutes, the chief judge of each judicial circuit is charged with the authority and the power to do everything necessary to promote the prompt and efficient administration of justice.

(b) On July 29, 2021, the Chief Justice of the Florida Supreme Court issued AOSC21-17 (Amendment 1), in recognition of increased COVID-19 cases throughout the state of Florida, by revising health and safety protocols and allowing for trial court chief judges to implement mandatory wearing of face masks by all persons in a courthouse if warranted by local health conditions.

(c) COVID-19 health conditions have improved in Broward County, including low and declining positivity rates, and high vaccination rates. Based on these developments, it is appropriate to modify the rules requiring the wearing of facemasks in Broward County courthouse facilities.

(d) In accordance with the authority vested in the Chief Judge by Article V, section 2(d) of the Florida Constitution, section 43.26, Florida Statutes, Florida Rule of General Practice and Judicial Administration 2.215, Florida Supreme Court Administrative Order AOSC21-17 (Amendment 1),<sup>1</sup> it is hereby **ORDERED**:

**I. General Provisions.**

Court buildings continue to be open to the public. Judges, judicial personnel, and court staff shall continue to work from their assigned courthouse locations and all in-person and remote court proceedings shall be conducted by the presiding judge from his or her designated courthouse.

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<sup>1</sup> This Administrative Order should be read in concert with AOSC21-17 (Amendment 1).

## **II. Facemasks.**

- a. Any person entering a courthouse facility who is unvaccinated against COVID-19 must wear a facemask at all times. This provision does not apply to children under the age of two.
- b. Any person entering a courthouse facility may voluntarily choose to wear a facemask, regardless of vaccination status. A person who voluntarily chooses to wear a facemask shall not be compelled to remove their facemask.
- c. All persons shall be respectful of each other, notwithstanding another person's use or non-use of a facemask.
- d. The mask protocols ordered herein are not intended to govern the activities inside the separate offices of other constitutional officers.

**III. Method of Appearance for Noticed Proceedings.** Counsel and parties must appear for court proceedings as noticed. If the proceeding is noticed for Zoom, appearance by Zoom is required, unless otherwise ordered by the presiding judge. Conversely, if the notice states "in-person" or specifies a physical courthouse location, in-person attendance at the specified location is required, unless otherwise ordered by the presiding judge.

## **IV. Conduct of Court Proceedings.**

- (1) In-Person Proceedings: The following proceedings shall proceed in-person to the maximum extent feasible:
- a. First appearance hearings;
  - b. Circuit criminal arraignments;
  - c. Hearings on motions to set or modify monetary bail for individuals who are in custody, unless the defendant waives his or her presence;
  - d. Pre-negotiated pleas in circuit and county criminal divisions;
  - e. Criminal Evidentiary Hearings;
  - f. Violation of Probation Hearings;
  - g. Sentencing Hearings;
  - h. Juvenile pleas;
  - i. Delinquency Trials, including Disposition Hearings, unless ordered by the Chief Judge or presiding judge to be conducted remotely;
  - j. Termination of Parental Rights trials, unless ordered by the Chief Judge or presiding judge to be conducted remotely;

- k. Petitions for Judicial Waiver of Notice pursuant to section 390.01114(4), Florida Statutes, unless ordered by the presiding judge to be conducted remotely;
- l. Grand Jury Proceedings; and
- m. Civil and Criminal Jury Proceedings. These proceedings may also be conducted remotely consistent with the requirements of AOSC21-17 (Amendment 1).

(2) Remote or In-Person Proceedings:

- a. Any proceeding not specifically addressed in the in-person proceeding list above may proceed either in-person or remotely, subject to:
  - i. The approval of the Chief Judge;
  - ii. Any limitations on remote conduct imposed by the United States or Florida Constitution, a statute, or rule of court; and
  - iii. The participants' access to technological resources.
- b. All proceedings conducted remotely must be conducted by the judicial or quasi-judicial officer from his or her designated courthouse.

(3) Priority of Jury Proceedings: Jury proceedings will continue in-person to the maximum extent feasible. The priority order for jury trials will be as follows (from highest to lowest):

- a. Circuit and county criminal jury trials where speedy trial<sup>2</sup> will run within twenty-days;
- b. Circuit and county criminal jury trials with an in-custody defendant;
- c. Circuit and county criminal jury trials with an out-of-custody defendant;
- d. Circuit civil jury trials; and
- e. County civil jury trials.

**V. Baker Act and Marchman Act Proceedings.**

Hearings to determine whether an individual should be involuntarily committed under the Baker Act or the Marchman Act may be conducted remotely if ordered by the Chief Judge or presiding judge or, if not, must be conducted in person.

**VI. Vacating Previous Administrative Orders.** This Administrative Order supersedes and vacates the following Administrative Orders effective November 1, 2021:

2021-29-Temp (Amendment 1)

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<sup>2</sup> Speedy trial periods shall resume in accordance with AOSC21-17 (Amendment 1).

2021-36-Temp

**DONE AND ORDERED** in Chambers, Fort Lauderdale, Florida, this 26th day of October, 2021.

/s/ Jack Tuter  
Jack Tuter, Chief Judge