

AMENDED COURT PROCEDURES: BREVARD COUNTY PHASE 2

Based upon the current situation with COVID-19 and pursuant to the Supreme Court's Administrative Order AOSC20-23 along with its second amendment issued on May 21, 2020, AOSC20-32, the Supreme Court's May 21, 2020 Memoranda, and the Amended Administrative Order 20-15, procedures need to be implemented to mitigate the effects of the pandemic upon the judicial branch and its participants. The Supreme Court has provided guidance regarding transitioning between Phase 1, where in-person contact is inadvisable, court facilities are effectively closed to the public, and in-person proceedings are rare, and Phase 2, where limited in-person contact is permitted.

HEALTH & WELFARE

1. Judges should use their discretion in excusing anyone who is supposed to attend a hearing in-person who is fearful of entering the Courthouse due to the pandemic and allowing that person to appear telephonically and/or remotely.
2. All persons entering the Brevard County Courthouses must appear at the Courthouses with valid photo ID, such as a driver's license.
3. All pro se litigants shall register their email or make use of the portal: <https://www.myflcourtaccess.com/default.aspx>
4. Follow CDC protocols to the maximum extent possible.
5. Elevator capacity is limited to 4 individuals in each Courthouse.
6. Masks must be worn by all those in the Courthouse.
7. HEALTH SCREENERS at each Courthouse will take temperatures of each member of the public entering the Courthouse. The health screener will take note of any health concerns pertaining to the person attempting to enter the Courthouse.
 - i. If the health screener determines that an individual has a temperature or other health concerns, the health screener will notify the Deputy at the front entrance.
 - ii. Upon notification, the Deputy will identify the individual by his/her driver's license or other identification. The Deputy at the front entrance will inform the Clerk of the Court assigned to the

Courtroom in which the individual was to appear that the individual will not be appearing, although he/she had intended to appear for their Court appearance.

- iii. The Clerk of the Court will provide the individual with his/her new Court date before the individual leaves the Courthouse. The Clerk shall also give the individual excused from his/her Court appearance the phone number and email address of the Judicial Assistant for the Judge presiding over the rescheduled proceeding.
8. If a client's appearance is required, Attorneys shall contact their client prior to court dates to determine if there are health risks involved with the client's appearance in the Courthouse. The attorney should contact the Judge's Judicial Assistant to notify him/her of the need to continue the matter. The attorney is responsible for notifying his/her client of the new court date and time.
9. Hallways and all seating will be marked in six-foot intervals.
10. The County will disinfect all high touch areas of the Courthouse twice daily. The County will also provide two trigger spray bottles of disinfectant in each Courtroom for users to perform disinfection of their areas as needed.

CRIMINAL COURT (Felony and Misdemeanor)

Each Criminal Division Judge may decide whether a hearing is amenable to being held remotely. In the discretion of the criminal judge a matter that is not conducive to being heard remotely may be held in person.

CIVIL COURT CIRCUIT AND COUNTY:

1. All civil matters should be accomplished remotely. However, civil judges in their discretion may hold in person hearings if a matter is not conducive to being heard remotely.
2. Pre-trial conferences should be set by the Civil Division Judges' Judicial Assistants. At the pre-trial conference, trial dates should be given by the Judicial Assistants.

PIP CASES:

1. PIP Cases: The Clerk of Court shall cancel the Small Claims pre-trial conference in PIP cases when:
 - a. The Plaintiff is represented by counsel; and
 - b. The Defendant-insurance carrier/company is a named Defendant.
 - c. The Clerk of Court shall then remove the case from the Small Claims docket with the progress docket reflecting that the Pre-Trial Conference has been cancelled.
 - d. In the event both sides are represented by counsel, the Florida Rules of Civil Procedures shall be invoked with the case to be noticed for trial by either party once ready.
 - e. If the Defendant/insurance carrier/company is not represented by counsel prior to the actual pre-trial conference date it shall retain counsel no later than twenty days (20) calendar days after the scheduled pre-trial conference, otherwise, the Clerk of the Court shall enter a Clerk's default upon motion.

INJUNCTIONS

Injunctions are essential proceedings. Each Judge may decide at his/her discretion whether he/she will hold injunction hearings in person or remotely. Senior Judges will be utilized to undertake the daily influx of injunction cases. Each Family Division Judge and Judges Silverman, Garagozlo, and Baker will work off the backlog of injunction cases in their division.

CIVIL TRAFFIC INFRACTIONS:

Civil traffic infractions scheduled in July and August, 2020, at the Moore Justice Center will be heard from 5:30 p.m. to 8:30 p.m. in person on Tuesdays, Wednesdays and Thursdays.

FAMILY COURT:

All cases governed by Florida Family Law Rules of Procedure (except as pertains to injunctions) shall be heard remotely unless the Judge

assigned to a case determines that it cannot be fairly heard remotely and then the Judge may set the matter to a date and time to be heard in-person.

BAKER ACTS & MARCHMAN ACTS

1. Baker Acts will be heard remotely until facilities where Baker Acts are heard permit in person hearings.
2. Marchman Acts are essential proceedings and will be heard in person.

JUVENILE DEPENDENCY HEARINGS

Shelter hearings, arraignments, advisory hearings, dependency trials and termination of parental rights trials are essential proceedings. For shelters, arraignments and advisory hearings, parents and attorneys may attend in person; all other participants will attend remotely. Dependency and termination of parental rights trials may be held in person or remotely at the discretion of the Dependency Judge.

JUVENILE DELINQUENCY HEARINGS

Juvenile delinquency hearings/proceedings, including Detention hearings, will be heard in Person or remotely at the discretion of the Juvenile Delinquency Judge.

RISK PROTECTION ORDERS:

Will be heard in person or remotely at the discretion of the assigned Judge.

ALTERNATIVE DISPUTE RESOLUTION PROCEEDINGS

Must be conducted remotely.

GUARDIANSHIP

All Guardianship matters shall be heard remotely. However, a judge may hold guardianship matters in person if the hearing is not conducive to being held remotely.

EXTRAORDINARY WRITS:

Shall be heard remotely or in person as determined by the assigned Judge.

PROBLEM SOLVING COURT STAFFINGS, HEARINGS

Shall be heard remotely.

REMOTE HEARINGS:

Will be conducted by Microsoft TEAMS or telephone as appropriate except Baker Act hearings (the mental health facilities set up the Baker Act hearings using a special version of Zoom that is HIPAA compliant).

SENIOR JUDGE DAYS:

Judges, after conferring with the Chief Judge, may utilize Senior Judges to help with the backlog of cases.

RESCHEDULING CASES:

Except for those cases involving individuals who are excused from their Court proceedings due to health concerns as set forth in Health and Welfare, section 7 above, and are rescheduled by the Clerk of the Court, all cases that are rescheduled shall be re-noticed by the Judicial Assistant whose Judge is assigned to the case. The notice should contain information about whether the case will be heard remotely or in person. The re-noticed hearing shall contain instructions as to how to participate telephonically or remotely.

Judicial Assistants shall notify the Clerk's Office regarding hearings that will be heard in person in order that the Clerk's Office can ensure that a court clerk will be present at the proceeding.

DATED this 4th day of June, 2020.

Lisa Davidson

Lisa Davidson
Chief Judge

Eighteenth Judicial Circuit