

ADMINISTRATIVE ORDERS FROM FLORIDA'S SUPREME COURT THAT ARE PERTINENT TO CIVIL RIGHTS LITIGATION [ALL-IN-ONE DOCUMENT]

{LAST UPDATE: 12/10/2023}

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AO 03-16 | FLORIDA SUPREME COURT

YEAR: 2003

NUMBER: 16

TITLE: ADOPTION OF FUNCTIONAL REQUIREMENTS, TECHNICAL STANDARDS AND STRATEGIC PLAN

PAGES: 4

Supreme Court of Florida

No. AOSC03-16

IN RE: ADOPTION OF FUNCTIONAL REQUIREMENTS, TECHNICAL STANDARDS AND STRATEGIC PLAN

ADMINISTRATIVE ORDER

The Trial Court Technology Committee was charged, in June 2001, with the responsibility for designing a long-range strategic plan to coordinate present and future technology development in the trial courts. Additionally, the Trial Court Technology Committee was directed to provide technical guidance and consultation to the Supreme Court and the Office of the State Courts Administrator regarding information systems development and operational standards, policies, and procedures relating to automation in Florida's trial courts.

The purpose of these directives was to bring standardization and automation to trial court technology. This would ensure maximization of economies as to the limited resources available for technology, and would ensure that the needs of the judicial branch, its partners in the judicial system, and the needs of the public are met in regards to access to accurate trial court data and information.

The Trial Court Technology Committee has completed its assessment of judicial systemneeds and has inventoried the technology infrastructure in the judicial branch. At a joint meeting held on October 25, 2002, the Florida Courts Technology Commission and the Trial Court Technology Committee approved a Functional Requirements Document, Technical Standards, and a statewide Strategic Plan. The Florida Courts Technology Commission also recommended that the Chief Justice enter into an administrative order to implement the above mentioned documents.

Accordingly, it is hereby ordered that:

1. Each circuit court and clerk of the court that undertakes to develop new data systems and/or upgrades to existing hardware and software for the storage and maintenance of trial court data and records must adhere to the Functional Requirements Document, Technical Standards, and the Strategic Plan as approved by the Florida Courts Technology Commission.

2. Before a system that maintains trial court data and records may be implemented by a circuit court or clerk of court, whether it is vendor created or internally created, the specifications must be submitted for approval to the Florida Courts Technology Commission to ensure that the system meets the criteria set forth in the Functional Requirements Document, Technical Standards, and Strategic Plan.

3. In order to maintain standardization within the circuits, each judicial circuit must develop a strategic plan for local implementation that is consistent with the statewide Strategic Plan. The circuit strategic plans must identify future technology initiatives in the circuit and must be submitted by October 1, 2003, to the Florida Courts Technology Commission for approval.

4. By October 1st of each subsequent year, each judicial circuit shall develop an annual operational plan that must be presented to the Florida Courts Technology Commission for approval. This operational plan will outline the tasks to be accomplished during the upcoming fiscal year and the estimated cost to achieve the tasks. To the extent that there are revenues associated with any such initiatives, the revenues should also be identified.

Assistance and guidance in the development and submission of circuit strategic and operational plans shall be provided by the Florida Courts Technology Commission.

If a circuit is not able to meet the deadlines established herein, then the circuit must provide explanation to the Chief Justice of this Court as to why it has not been able to comply with this administrative order.

DONE AND ORDERED at Tallahassee, Florida, this eighth day of April, 2003.

Chief Justice Harry Lee Anstead

ATTEST:

Thomas D. Hall, Clerk of Court
Florida Supreme Court

AO 03-49 | FLORIDA SUPREME COURT

YEAR: 2003

NUMBER: 49

TITLE: COMMITTEE ON PRIVACY AND COURT RECORDS

PAGES: 11

Supreme Court of Florida

No. AOSC03-49

IN RE: COMMITTEE ON PRIVACY AND COURT RECORDS

ADMINISTRATIVE ORDER

Government agencies across the nation increasingly face concerns over an unexpected byproduct of the Information Age – the broad release of sensitive or confidential information through electronic media. Responding to these concerns with respect to information contained in court records, this Court directed the Judicial Management Council of Florida to study the issue as it affects Florida courts.

The Council produced and submitted to the Court the "Report and Recommendations of the Judicial Management Council of Florida on Privacy and Electronic Access to Court Records." In its report the Council recognized that emerging technologies hold great promise for advances in the efficiency, effectiveness and openness of the courts. However, it concluded that current regulation is minimal and inadequate to protect the privacy interests of the public. It concluded that the Supreme Court should take steps to keep confidential and

sensitive information secure from inappropriate disclosure through the implementation of carefully considered uniform regulation.

The Council recommended that a select committee be charged with the development of comprehensive policies to be adopted by the Court to guide electronic access to court records in the future. The Council also recommended that, until such policies can be developed and implemented, court records should not be generally available electronically. The Council recognized that policy development and implementation in this area must allow sufficient time to address the complexities of confidentiality requirements imposed by statutes and court rules and the current absence of statewide uniformity in policies governing electronic distribution of court records.

During the 2002 session the Legislature created the Study Committee on Public Records and charged it with studying similar issues of privacy in the electronic release of court records as well as other public records. In our opinion, *In Re Report and Recommendations of the Judicial Management Council of Florida on Privacy and Electronic Access to Court Records*, 832 So. 2d 712 (Fla. 2002), this Court indicated agreement with the recommendations of the Judicial Management Council, but deferred action on the Council's recommendations

pending completion of work by the legislative Study Committee on Public Records.

The Study Committee on Public Records completed its report in February this year, in which it joins the Judicial Management Council in recommending that this Court adopt rules that set forth procedures regulating the electronic distribution of information contained in court records. The Study Committee also agreed that, until such time as electronic dissemination can be properly regulated, court records should not be disseminated electronically, whether via Internet access, bulk electronic release, or by other means.

The recommendations of the Study Committee on Public Records are therefore largely consistent with the recommendations of the Judicial Management Council; Each call for development of comprehensive statewide policies and a limited moratorium until these policies are in place. To effectuate these recommendations, the Chief Justice in April this year directed the Judicial Management Council Ad Hoc Workgroup on Electronic Access to Court records to provide specific guidance on the formation and charge to the recommended policy committee, and on the reach and scope of an interim moratorium. The Ad Hoc Workgroup drafted a proposed order, which it circulated to interested parties

with a request for public comment. Comments were received from fifteen parties, which the Ad Hoc Workgroup consulted in finalizing its recommended order.

Based on the foregoing recommendations, the Court has determined that the Chief Justice should establish the Committee on Privacy and Court Records. The Committee is directed to undertake the following tasks:

1. Recommend to the Florida Supreme Court comprehensive policies to regulate the electronic release of court records. The Committee should consider recommending a plan concerning the electronic release of court records that includes, at a minimum: rules of court that identify requirements that must be met as a condition of authorization to release court records electronically; a process under court rules through which a clerk of court may request and gain approval to electronically release court records; categories of court records that may or may not be authorized for electronic release; and procedures for ensuring that electronic release systems comply with applicable laws, court rules and court orders.

2. Develop and initiate strategies to reduce the amount of personal and sensitive information that may unnecessarily become a part of a court record. In this regard, the Committee should: examine court rules and

practices, including but not limited to Family Law Rule of Procedure 12.285, that may result in the unnecessary inclusion of personal and sensitive information in court records; develop and recommend strategies to educate lawyers and judges regarding the privacy implications of inclusion of personal and sensitive information in court records and official records; and develop policies regarding public education and notification about public access to court records.

3. Develop and submit to the Court recommendations regarding categories of information that are routinely included in court records that the Court should advance to the Florida Legislature for consideration as exemptions from the right of access pursuant to section 24 of Article I of the Florida Constitution.

4. The work of the Committee should be completed as expeditiously as possible in keeping with the importance of the its mission, but in no event shall the report of the Committee be submitted later than July 1, 2005.

The following individuals are appointed to serve on the Committee until the work of the Committee is completed and they are discharged by the Court:

Mr. Jon Mills, Chair
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Justice R. Fred Lewis will serve as the Supreme Court's liaison to the committee. Staff support will be provided by the Office of the State Courts Administrator.

It is further ordered that, effective immediately and until further order of this Court, no court record as defined by Rule of Judicial Administration 2.051(b)(1)(a) shall be released in any electronic form by any Florida clerk of court except as provided herein.[1]

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[1]For purposes of this Administrative Order, "electronic form" is defined by Section 3.40, below, of the Guidelines for Public Access to Court Records developed by the Conference of Chief Justices and the Conference of State Court Administrators. A document transmitted via traditional fax, received on paper and not captured as a digital file, is not contemplated to be within the meaning of "electronic form."

> Section 3.40 – Definition Of In Electronic Form.
> Information in a court record "in electronic form" includes information that exists as:
> (a) electronic representations of text or graphic documents;
> (b) an electronic image, including a video image, of a document,

The following court records are excepted from this restriction and may be provided in electronic form, except as controlled by statutory or rule restrictions:

a. a court record which has become an "official record" as defined by Florida law;

b. a court record in a case may be transmitted to a party or an attorney of record in that case;

c. a court record may be transmitted to a governmental agency or agent authorized by law, court rule, or court order to have access to that record;

d. a court record which has been solitarily and individually requested, provided it has been manually inspected by the clerk of court or deputy clerk of court and no information which is confidential or exempt is released;

e. a court record in a case which the chief judge of the jurisdiction has designated to be of significant public interest, provided it has been

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exhibit or other thing;
(c) data in the fields or files of an electronic database; or
(d) an audio or video recording, analog or digital, of an event or notes in an electronic file from which a transcript of an event can be prepared.

manually inspected by the clerk of court or deputy clerk of court and no information which is confidential or exempt is released;

f. progress dockets limited to: case numbers and case type identification; party names, addresses and dates of birth; names and addresses of counsel; lists or indices of any judgments, orders, pleadings, motions, notices or other documents in the court file; court events, clerk actions and case dispositions, provided no confidential or exempt information is released;

g. schedules and court calendars;

h. court records regarding traffic cases;

I appellate court briefs, orders and opinions; and

j. court records which have been inspected by the clerk of court or deputy clerk of court may be viewed via a public view terminal within an office of a clerk of court, provided no confidential or exempt information may be viewed.

Any existing Internet or dial-up access systems, including existing subscription access agreements, must be terminated as soon as practicable, but in any event shall not continue beyond January 1, 2004.

Nothing in this Administrative Order shall affect statutory restrictions on the placement of certain court records on a publicly available Internet website or the status of any information that is made confidential or exempt from the right of access by a provision of Florida law or rule of court.

DONE AND ORDERED at Tallahassee, Florida, on November 25, 2003.

Chief Justice Harry Lee Anstead

ATTEST:

Thomas D. Hall, Clerk

AO 04-4 | FLORIDA SUPREME COURT

YEAR: 2004

NUMBER: 4

TITLE: COMMITTEE ON PRIVACY AND COURT RECORDS

PAGES: 12

Supreme Court of Florida

No. AOSC04-4

IN RE: COMMITTEE ON PRIVACY AND COURT RECORDS

AMENDED
ADMINISTRATIVE ORDER

Administrative Order AOSC03-49 issued on November 25, 2003, is hereby withdrawn and this order is substituted in it place, nunc pro tunc to November 25, 2003.[1]

In recent years, government agencies across the nation have increasingly faced concerns over an unexpected byproduct of the Information Age—the broad release of sensitive or confidential information through electronic media. Responding to these concerns, this Court directed the Judicial Management Council of Florida to study the issue as it affects Florida courts and information contained in court records.

Subsequently, the Council produced and submitted a report to the Court "Report and Recommendations of the Judicial Management Council of Florida on

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[1]Apart from stylistic changes, the most significant areas affected by this amendment concern the effective date for compliance and exception (d) of the limited moratorium.

recognized that emerging technologies hold great promise for advances in the efficiency, effectiveness, and the openness of the courts. However, it concluded that current regulation of access to court information is minimal, and may be inadequate in some instances to protect the privacy interests of the public and those directly or indirectly involved in court proceedings, while assuring continuing public access. The report concluded that the Supreme Court should take steps to keep confidential and sensitive information secure from inappropriate disclosure, while continuing to assure public access to court information, through the implementation of a carefully considered and uniform scheme of regulation.

The Council recommended that a select committee be charged with the development of comprehensive policies and a scheme to be adopted by the Court to guide and provide electronic access to court records in the future. The Council also recommended that until such policies can be developed and implemented all court records should not be generally available electronically. The Council recognized that policy development and implementation in this area must allow sufficient time for all concerned to carefully address the complexities of any confidentiality requirements currently imposed by statutes and court rules, as well as the current absence of statewide regulation and uniformity in policies and rules governing the electronic access to court records.

In our opinion, *In Re Report and Recommendations of the Judicial Management Council of Florida on Privacy and Electronic Access to Court Records*, 832 So. 2d 712 (Fla. 2002), this Court indicated substantial agreement with the recommendations of the Judicial Management Council, but deferred action on the Council's recommendations pending completion of work by the Study Committee on Public Records created by the Legislature. During the 2002 session the Legislature created the Study Committee on Public Records and charged it with studying similar issues of privacy in the electronic release of court records as well as other public records. The Study Committee completed its work and issued its report in February of 2003.

The recommendations of the Study Committee on Public Records are largely consistent with the recommendations of the Judicial Management Council, in that each call for development of comprehensive statewide policies on access, and a limited moratorium until these policies are in place. The Study Committee joined the Judicial Management Council in recommending this Court adopt explicit policy and rules that set forth appropriate procedures regulating electronic access to information contained in court records. The Study Committee also urged that, until such time as the electronic access to such information could be properly regulated, some temporary restrictions on electronic access to court records be

imposed, whether the access is via internet, bulk electronic release, or other means.

To effectuate these recommendations, the Chief Justice directed the Judicial Management Council Ad Hoc Workgroup on electronic access to court records to provide specific guidance to him on the formation and charge to the recommended policy committee, and on the reach and scope of any interim moratorium. Subsequently, the Ad Hoc Workgroup drafted a proposal, which it circulated to interested parties with a request for public comment. Comments were received from some fifteen different parties, and the Ad Hoc Workgroup considered those comments before finalizing its recommendations to the Chief Justice. Based on the pending recommendations of the Ad Hoc Workgroup, the Court and the Chief Justice have determined that the Chief Justice should establish a Committee on Privacy and Court Records.

The Committee on Privacy and Court Records is now created by this Order, and the Committee is directed to undertake the following tasks:

1. Study, determine and recommend to the Florida Supreme Court comprehensive policies and rules governing electronic access to court records and information contained therein. The Committee should recommend a plan that includes, at a minimum: rules of court that

identify requirements that must be met as a condition of authorization to release court records electronically; a process under court rules through which a clerk of court may request and gain approval to electronically release court records; categories of court records that may or may not be authorized for electronic release; and procedures for ensuring that any electronic access system comply with other applicable laws, court rules and court orders.

2. Study, determine and recommend to the Court appropriate strategies to reduce the amount of personal and sensitive information that may unnecessarily become a part of a court record. In this regard, the Committee should examine existing court rules and practices, including but not limited to rules such as Family Law Rule of Procedure 12.285, that may currently result in the unnecessary inclusion of personal and sensitive information in court records; develop and recommend strategies to educate lawyers, judges, and the public, regarding the privacy implications of inclusion of personal and sensitive information in court records and official records; and develop policies regarding public education on public access to court records.

3. Study and develop recommendations to the Court regarding categories of information that may be routinely included in court records that should be submitted to the Florida Legislature for consideration as possible legal exemptions from the right of access as provided in section 24 of Article I of the Florida Constitution.

Limited Moratorium

In order to address the concerns for some limited moratorium on access while these important issues are being addressed, it is further ordered that, effective immediately and until further order of this Court, no court record as defined by Rule of Judicial Administration 2.051(b)(1)(a) shall be released in any electronic form[2] by any Florida clerk of court except as further provided herein.

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[2]For purposes of this Administrative Order, "electronic form" is defined by Section 3.40 of the Guidelines for Public Access to Court Records developed by the Conference of Chief Justices and the Conference of State Court Administrators. A document transmitted via traditional fax, received on paper and not captured as a digital file, is not contemplated to be within the meaning of "electronic form." Section 3.40 provides:

> Section 3.40 – Definition Of In Electronic Form.
> Information in a court record "in electronic form" includes information that exists as:
>
> (a) electronic representations of text or graphic documents;
> (b) an electronic image, including a video image, of a document, exhibit or other thing;
> (c) data in the fields or files of an electronic database; or

The following court records are excepted from this restriction and may be provided in electronic form as provided herein, except as otherwise controlled by express statutory or rule restrictions:

a. a court record which has become an "official record" as defined by Florida law;

b. a court record in a case may be transmitted to a party or an attorney of record in that case;

c. a court record may be transmitted to a governmental agency or agent authorized by law, court rule, or court order to have access to that record;

d. a court record which has been solitarily and individually requested may be provided to the requestor via electronic mail, provided it has been manually inspected by the clerk of court or deputy clerk of court and no information which is confidential or exempt is released;[3]

(d) an audio or video recording, analog or digital, of an event or notes in an electronic file from which a transcript of an event can be prepared.

[3]This provision permits a clerk of court to respond via electronic mail to an individual and specific request for a record and is designed to facilitate access to a document by persons interested in specific litigation. Because this provision requires that each document be manually inspected by a qualified person employed by the clerk of court to assure that no information which is confidential

e. a court record in a case which the chief judge of the jurisdiction has designated to be of significant public interest, provided it has been manually inspected by the clerk of court or deputy clerk of court and no information which is confidential or exempt is released;

f. progress dockets limited to: case numbers and case type identification; party names, addresses and dates of birth; names and addresses of counsel; lists or indices of any judgments, orders, pleadings, motions, notices or other documents in the court file; court events, clerk actions and case dispositions, provided no confidential or exempt information is released;

g. schedules and court calendars;

h. court records regarding traffic cases;

i. appellate court briefs, orders and opinions; and

j. court records which have been inspected by the clerk of court or deputy clerk of court may be viewed via a public view terminal within

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or exempt is released, the use of automated programs in lieu of manual inspection is not permitted. The exception does not permit electronic transmittal of documents requested in large quantity, or permit the requested record to be supplied to anyone other than the requestor.

an office of a clerk of court, provided no confidential or exempt information may be viewed.

Any existing internet or dial-up access systems, including existing subscription access agreements, must be in compliance with the terms of this Administrative Order as soon as practicable, or in any event by March 1, 2004. Nothing in this Administrative Order shall affect statutory restrictions on the placement of certain court records on a publicly available internet website or the status of any information that is otherwise made confidential or exempt from the right of access by a separate provision of Florida law or rule of court.

The following individuals are appointed to serve on the Committee until the work of the Committee is completed and they are discharged by the Court:

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Gainesville, Florida 32601

Justice R. Fred Lewis will serve as the Supreme Court's liaison to the committee. Staff support will be provided by the Office of the State Courts Administrator.

The work of the Committee should be completed as expeditiously as possible in keeping with the importance of its mission, but in no event shall the report of the Committee be submitted later than July 1, 2005.

DONE AND ORDERED at Tallahassee, Florida, on February 12, 2004.

Chief Justice Harry Lee Anstead

ATTEST:

Thomas D. Hall, Clerk

AO 04-11 | FLORIDA SUPREME COURT

YEAR: 2004

NUMBER: 11

TITLE: ELECTRONIC TRANSMISSION AND FILING OF DOCUMENTS – UPDATED ELECTRONIC FILING STANDARDS AND GUIDELINES

PAGES: 14

Supreme Court of Florida

No. AOSC04-11

IN RE: ELECTRONIC TRANSMISSION AND FILING OF DOCUMENTS – UPDATED ELECTRONIC FILING STANDARDS AND GUIDELINES

ADMINISTRATIVE ORDER

In accordance with Rule 2.090, Florida Rules of Judicial Administration, any court or clerk of the court may accept the electronic transmission of documents for filing after the clerk, together with input from the chief judge of the circuit, has obtained approval from the Supreme Court of the procedures and program for so doing.

In October 1997, the Chief Justice entered an administrative order that sets forth the standards and guidelines that must be followed to establish an acceptable electronic filing system. As referenced in that administrative order, the standards and guidelines were approved with the understanding that they may need to be periodically updated to reflect new developments in automation.

An updated version of the electronic filing standards and guidelines, which were developed and recommended by the Florida Courts Technology

Commission's Electronic Filing Committee, as set forth in the attached appendix, are hereby approved, with Functional Standard 11, entitled Document Access, to be implemented after receipt and consideration of a report and recommendations from the Supreme Court of Florida Committee on Privacy and Court Records. These new standards and guidelines replace the previous version approved in 1997 and shall be used by any party submitting an electronic filing plan for consideration by the Supreme Court.

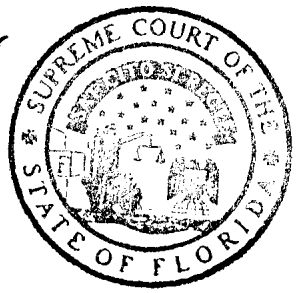
DONE AND ORDERED at Tallahassee, Florida, this 19th day of May, 2004.

Chief Justice Harry Lee Anstead

ATTEST:

By: Dublin Causseaux
Chief Deputy Clerk

Thomas D. Hall, Clerk



Standards and Guidelines for Electronic Filing
April 2004

Technical Standards

A Florida court choosing to accept court documents electronically must comply with the following standards.

Technical Standard 1. Document Format

Any information that will become part of, or is related to, a court case file, and which is being transmitted to the clerk of court electronically, must be described in a format that can be rendered with high fidelity to originals and, when possible, is searchable and tagged.

Specification
Acceptable formats include Portable Document Format (.PDF) and eXtensible Markup Language (.XML).

Commentary
In an effort to reduce redundant data entry, emphasis is placed on providing the ability to extract text from the electronic submission. For this .PDF or .XML file formats created by text based processors are preferred over facsimile or image based formats such as CCITT Group 4 TIFF (TIFF). See also Technical Guideline 2, Facsimile Images.

.PDF documents require a common reader to view and manipulate complex text and images. However, .XML documents are created using a complex grammar, which may require a mutually accepted format. Acceptable .XML documents are to be structured in compliance with the recommended standards adopted by the Joint Technology Committee of the Consortium for National Case Management Automation Functional Standards Project of the Conference of State Court Administrators and the National Association for Court Management.

Prior to transmission, electronic exhibits and images not available in text form should be embedded within the .PDF or .XML document.

Before electronic transmittal to the court, it is the responsibility of the party or other filing entity to verify the completeness and accuracy of the document after conversion to .PDF or .XML.

Technical Standard 2. Legal (Transmission) Envelope

Any electronic document or information submitted to a court with a filing or subsequent case action must be transmitted using a data structure that provides universal access at any court for electronic filing purposes.

Specification
Acceptable transmissions are to be structured in compliance with the recommended standards as adopted by the Joint Technology Committee of the Consortium for National Case Management Automation Functional Standards Project of the Conference of State Court Administrators and the National Association for Court Management.

Commentary
The Legal (Transmission) Envelope provides the format and content of information that must accompany a document that is being submitted to a court with a filing or subsequent legal action, so that a court can associate the transmission with case information in its case management and document management systems.

The Legal Envelope is limited by specification to multiple filings per envelope transmitted to one court for one case.

A conceptual model is located in the National Center for State Courts Standards for Electronic Filing Processes.
http://www.flcourts.org/osca/divisions/fctc/NCSC_E-Filing_Recommended_Process_standards_02_26_03..PDF

Technical Standard 3. Technical Requirements

All court based electronic filing processes will use Internet based open standards architecture including: Internet browsers, eXtensible Markup Language (.XML), and Web Services.

Specification
Acceptable software technology is to be based on Internet Request for Comments (RFC) and World Wide Web Consortium (W3C) adopted standards.

Technical Standard 4. Data Accompanying Submitted Documents

Filing entities are required to transmit data identifying a submitted document, the filing party and sufficient other information for entry in the court's docket or register of actions. In the case of a document initiating a new case, sufficient other information must be included to provide data to support the creation of a new case in the court's case management information system.

Specification
Each appellate or trial court will be responsible for specifying particular data requirements.

Commentary
To provide maximum benefit to the court's document submission process, electronic submission should carry sufficient structured data to permit the automatic indexing and docketing of the filing.

Technical Standard 5. Court Control of Court Documents

All electronic inquiries for court documents and information must be validated against the current, complete, and accurate court record.

Specification
Electronic documents and related data must reside in the State of Florida on hardware owned or controlled by the court.

Technical Standard 6. Use of Unique Identifier

Each lawyer or other person provided with a unique identifier for purposes of filing documents electronically must use that identifier when submitting any documents. Documents filed with the unique identifier will be presumed to have been filed by that lawyer or other person.

Specification
All electronic filing information systems must support the use of a uniform personal identifier.

Commentary
The Florida Courts Technology Commission and the Office of the State Courts Administrator must establish a uniform personal identifier system for use throughout all of the state courts information systems.

Functional Standards

Electronic filing systems must meet the following requirements to receive approval by the Supreme Court of Florida.

These standards are phrased as functional requirements to which courts choosing to implement electronic filings must adhere, although there may be a variety of technical solutions by which each functional standard is met. These standards focus primarily on ensuring the integrity of the court record.

Functional Standard 1. Document Fidelity

All documents filed electronically must be printable as paper documents without loss of content or appearance.

Commentary
Both the content and appearance of electronically submitted documents must be faithfully preserved and printable as originally formatted. Printed documents will continue to be used regularly in the conduct of court business, so it must be possible to provide an accurate printed reproduction of any electronic document. It may also be necessary to convert electronic documents to paper (or film equivalent) for archiving purposes. Color documents present a challenge due to increased resources needed to support color.

Functional Standard 2. Archiving Electronic Documents

Electronic documents must be stored in, or convertible to a format that maintains content appearance, and can be archived in accordance with specifications established by the Department of State, Division of Library and Information Services.

Commentary
The Division of Library and Information Services currently accepts paper documents, images as microfilm or microfiche, and electronic records in a standard interchange format or in ASCII on any machine readable media form which includes, but is not limited to, magnetic media such as tapes, disks, and optical disks.

Functional Standard 3. Accommodation of Paper Submissions

Electronic documents must be retained in the electronic format in which they are submitted. However, documents submitted to the court in paper form must subsequently be scanned and imaged to facilitate the creation of a single electronic case file.

Commentary
It is important to faithfully preserve and reproduce both the content and appearance of electronically submitted documents. Post-submission conversion of electronic documents to different formats (e.g., from one word processing internal format to another, or to an "interchange format") should be avoided because it can change the content and appearance of the electronic document. Even changing printers for a word processing document alters the document's appearance. A proposed document format standard for electronic submissions is the Portable Documents Format (.PDF). See Technical Standard 1. Documents filed in .PDF format will retain their content and appearance without requiring conversion.

While direct submission is the preferred way to capture documents in electronic form, courts will still need to accommodate paper submissions as a component of a comprehensive electronic case file system. To facilitate the creation of a single electronic case file, it will be necessary to convert paper submissions to electronic form. While document imaging is relatively expensive and does not provide the advantage of direct electronic submission (see Guideline 3), limited use of imaging for the storage of documents originally filed as paper may be beneficial when combined with electronic filings to maintain a single electronic case file. Paper documents can be imaged in a way that avoids loss of content or appearance. Conversion of a paper document or image to text such as through optical character recognition (OCR) introduces errors and is acceptable as a means to create searchable text but not for retaining a document in its original form or as an archival record.

Functional Standard 4. Exhibits

Every implementation of electronic filing must accommodate submission of non-electronic documents or exhibits.

Commentary
Since the application of electronic filing requires the electronic storage of official court records belonging to a case, courts must maintain an organized, searchable, and self-contained inventory of documentary and non-documentary articles and exhibits. Computer systems must collect and record meaningful information of articles and exhibits that cannot be electronically submitted using electronic filing systems.

The electronic filing system must be able to accommodate non-documentary submissions or exhibits and articles that are not paper or in a paper supported format. The system must also support multiple exhibits and must include a descriptive reference to specific items submitted. The description of each reference should be clear and distinct, including the general nature of the filing submission, the type of submission, and a general description. Examples of articles include such documentary evidence as court approved forms, executed wills, and non-documentary items such as cassette, video tapes, weapons, drugs, etc.

Functional Standard 5. Authenticity

A mechanism must be provided to ensure the authenticity of the electronically filed document. This requires the ability to verify the identity of the filing entity and the ability to verify that a document has not been altered since it was transmitted by the filing entity.

Commentary
One of the simplest ways to ensure the identity of the filing entity and document integrity is to use a secure communications channel connected to a restricted-access system and establish a login and password technique to identify the filing entity.

An enhanced and more flexible approach to meeting this standard is to implement an Internet security protocol such as a Secure Sockets Layer (SSL) that will provide data encryption, server authentication, message integrity, and optional client authentication.

An even more comprehensive solution is to use a digital signature technology, which can be used to both authenticate the identity of the filing entity and insure integrity of the document's content.

Functional Standard 6. Virus Protection

Any computer used to accept electronic filings, particularly from sources external to the court, must be protected from unauthorized network intrusions, viruses, and worms and isolated from other court networks or applications.

Media capable of carrying viruses into court computers (e.g., computer networks and electronic media) must be scanned for computer viruses before processing.

Commentary
Computer systems used for electronic filings must be protected from unauthorized network intrusion including viruses and worms. Use of security products that specialize in network intrusion detection and prevention is recommended.

Functional Standard 7. System Isolation

Any computer used to accept electronic filings, particularly from sources external to the court, must be physically isolated from other court networks or applications.

Commentary
Due to the legally privileged and confidential nature of some filed documents, network security is critical. Although access to all public court records is essential, the public should not have direct access to internal court networks or computers upon which court operations are performed. Common methods used to isolate Internet web sites that

support electronic filing include separate networks or "subnets" and/or commercial firewalls. Similar security precautions should be taken for other electronic filing methodologies.

Functional Standard 8. System Availability

Computer systems used for electronic filings must protect electronically filed documents against system and security failures during periods of system availability. Additionally, contingencies for system backup and disaster recovery mechanisms must be established.

Commentary
Several methods are available to protect against loss of electronic filings during periods of availability: (1) electronic filings can be frequently written to isolated media such as magnetic tape or optical disk; (2) electronic filings can be copied frequently to another computer system; or (3) a continuous register of information can be printed identifying the submission and submitter of each filing. Note: For courts wishing to maximize the availability of electronic filing services, the period of system availability may be nearly 24 hours per day.

Functional Standard 9. Electronic Notification of Receipt

All electronic document submissions must generate an acknowledgment message that is transmitted to the filing entity to indicate that the clerk received the document.

Commentary
At a minimum the acknowledgment should include the date and time the document was received (which should be a court's official date/time stamp), and a court assigned case number, if available, or document reference number. In addition to providing a document receipt to the filing entity (which merely acknowledges receipt of the submitted document), the court may also wish to provide a document validation (e.g., checksum or some similar validity check) by which the filing entity may be assured that the submitted document was received without change by the court. Provision for document validation is optional, but is recommended if the authentication technique implemented supports a validation feature.

Functional Standard 10. Document Integrity

Electronic filing systems must provide mechanisms for quality assurance and quality control of the submitted documents and case management data by both the court and the filing entity.

Commentary
The court may want to review the submission and validate the accuracy of the case management data before indexing and docketing an electronic filing.

Functional Standard 11. Document Access

Public access to electronically filed documents must be provided in accordance with the judicial branch policy on access to court records.

Commentary
Although most court records are public, some are expressly sealed by the court or otherwise exempt from disclosure pursuant to law or court rule. A statewide judicial branch policy on electronic access to court records is currently under development by the Supreme Court of Florida Committee on Privacy and Court Records. Courts that implement electronic filing processes must provide access to electronic court records in accordance with the policy approved by the Supreme Court. Currently, all court records that are not sealed or exempt from disclosure by law or court rule are available through the office of the clerk of court.

Technical Guidelines

The following technical guidelines, while not currently required, are recommended and may become functional standards in the future. The guidelines focus on promoting electronic filing uniformity throughout the Florida courts system. Additional technical guidelines may be developed as electronic filing processes and procedures mature.

Technical Guideline 1. Embedded Hyperlinks

Hyperlinks embedded within an electronic filing should refer only to information within the same document, or to external documents or information sources that are known to be trustworthy and stable over long periods of time. Hyperlinks should not be used to refer to external documents or information sources that are likely to change.

Commentary
The basic concern is to preserve the integrity of the record. To ensure the integrity of a document, the integrity of any external information source referenced by hyperlinks must also be assured. Information sources external to the filed document may change significantly or even be eliminated between the time the document is created and the time it is reviewed by the court. This could become problematic if the document is archived as a permanent record, then retrieved for historical review in the future. Additionally, embedded hyperlinks to external sources can raise security concerns. External hyperlinks to unreliable sources can contain malicious software that can execute arbitrary system commands or computer programs without knowledge or consent, using various web browsers or .PDF readers.

Fortunately, the information most often referenced in legal documents consists of court opinions and case law that grow by accumulation, but are not replaced. It is thus reasonable to permit citations to such databases to be embedded as hyperlinks within electronic submissions. Use of such citation hyperlinks requires that the court's electronic case management system include a component that can read and interpret the citation link and initiate the action necessary to retrieve and display the cited material. There are few other external information sources that offer this type of content stability; accordingly, hyperlinks to other external sources other than court opinions and case law should generally be avoided.

Technical Guideline 2. Facsimile Images

The use of facsimile documents as the format for electronic transmission to the court is strongly discouraged. Every effort should be made to obtain original documents in a standard electronic format that retains document content and appearance in a compact, text-searchable form.

Commentary
The standard formats for electronic filings are .PDF and .XML. See Technical Standard 1. Image files typically are twenty times larger, byte wise, than equivalent text document files, which substantially increases transmission time, hardware storage costs, and document database back up and recovery difficulties. Because of the larger file sizes, image access from remote sites over standard telephone lines could be very slow. In addition, transformation of images to text using OCR software can easily introduce errors.

If the court facilitates the creation of a single electronic case file by scanning documents submitted as paper, it is recommended that the scanned documents be captured in a .PDF format and stored in a compressed form supported by the .PDF capture software. A scanning resolution of at least 200 dots per inch (dpi) is recommended.

If for some reason the court must scan and store the document as images, it is recommended that a non-proprietary, industry accepted standard such as .TIFF be the format of choice. .TIFF can also be electronically converted to the .PDF format.

Technical Guideline 3. Digital Signatures

Digital signature standards based on public-private key encryption technology may be used both to authenticate the identity of the filing entity and ensure the integrity of a document's content.

Commentary
Several competing methods for digital signature are currently being evaluated but as yet there is no universally accepted standard or clear market-leading product or approach. Furthermore, while digital signature technologies offer excellent mechanisms for authenticating the identity of the filing entity and validating document integrity, the use of digital signature technology may make the archiving process significantly more complex. To ensure the long term ability to read and validate a document it is necessary not only to archive the document itself, but also to archive the mechanism for applying and reading the digital signature or otherwise ensure long term availability of the digital signature mechanism. These issues will no doubt be resolved by the marketplace over time, but the answers are not yet evident.

Technical Guideline 4. Interactive Support

Electronic filing systems should support either an interactive filing process or a batch (non interactive) process.

Commentary
It is unreasonable to expect a court to provide multiple electronic filing processes until the demand requires the additional effort.

Technical Guideline 5. Self-Represented Litigants

Pro se litigants should be provided a means to file documents electronically.

Commentary
To reduce the burden on the court in creating and maintaining a single electronic case file, it may be desirable to provide the means to receive electronic documents from all the participating parties in a case. This may include providing computer support for litigants at the courthouse or remote sites.

Technical Guideline 6. Accessibility

An electronic case file being used in a live courtroom environment should meet or exceed the capabilities and ease of use currently provided by a paper case file.

Commentary
Electronic documents should be available to court officers and personnel in a manner that provides timely and easy access. In addition, the electronic display should present information to the courtroom participants in such an intuitive way that anyone can immediately retrieve docket and case specific information in a manner that is no more difficult than paging through a paper file.

To meet the basic requirements of timeliness in a court environment, access to electronic court records should be almost instantaneous with a retrieval time of one to three seconds for cases on the daily calendar, five to eight seconds for cases that have had activity during the past 60 days, and 30 seconds for closed or inactive cases. The system should provide some method to notify the requesting entity if a longer time delay will occur, such as when a case has been archived.

Simultaneous access for viewing of the same case file and/or document by multiple courtroom participants should be provided.

Large monitors (17-21 inch) with split screen capability should be installed in the courtrooms to improve readability and to enable the display of a complete 8½ by 11 inch page, thereby eliminating the necessity for a reader to scroll through the page. One effective use of split screen capability is to display docketing and indexing information on one side of the screen and a case document on the other.

The methods of selecting specific documents within a case file for viewing could be implemented by treating the docket as a menu and using touch screen technology to select the document to be retrieved, or by setting up hyperlinks between the docket and the documents in an electronic case file and again using touch screen techniques to select the specific document, or by combining some other Graphical User Interface (GUI) and touch screen technique. Regardless of the document retrieval techniques employed, a

viewer should have the ability to quickly page through either an electronic document or case file. Forms and documents normally prepared by the judge or other courtroom personnel during a particular proceeding should be electronically prepared, reviewed, signed, printed, and distributed, as another function supported by the automated electronic case file system

AO 04-84 | FLORIDA SUPREME COURT

YEAR: 2004

NUMBER: 84

TITLE: MANDATORY SUBMISSION OF ELECTRONIC COPIES OF DOCUMENTS

PAGES: 4

Supreme Court of Florida

No. AOSC04-84

IN RE: MANDATORY SUBMISSION OF ELECTRONIC COPIES OF DOCUMENTS

ADMINISTRATIVE ORDER

Pursuant to this Court's Administrative Orders dated February 5, 1999, and March 13, 2002, parties in the Florida Supreme Court are required, in addition to the paper copy that is filed, to send an electronic copy of the following to the Court:

- all briefs on the merits
- all briefs on jurisdiction
- all pleadings filed in death warrant cases
- all pleadings filed in Judicial Qualifications Commission cases
- all referee reports in Florida Bar disciplinary cases
- all hearing transcripts in death penalty cases
- all petitions requesting rule amendments (including the proposed rules) - this includes Rules Reg. the Florida Bar, Bar Admission Rules, Code of Judicial Conduct, Jury Instructions, and all Rules of Procedure.
- all petitions requesting procedural rule form amendments (including the proposed forms)

- all comments in rules cases
- all petitions and responses thereto in which the Court determines it will hold oral argument, and
- any other pleadings which the Court may designate. Any case may be so designated because there is significant media or public interest in obtaining briefs, pleadings, petitions, or other documents generated by the case, and parties and counsel in the case shall be notified of this by letter from the Clerk.

Currently the electronic copy is provided by sending the Court a diskette which contains the electronic version of the document. The Court has determined it would be more efficient for the Court and the public to require the electronic version of these pleadings be sent to the Court via e-mail.

Effective October 1, 2004, **in addition to filing paper copies**, all briefs on the merits, all briefs on jurisdiction, all pleadings filed in Judicial Qualifications Commission cases, all referee reports in Florida Bar disciplinary cases, all transcripts in death penalty cases, all petitions requesting rule amendments (including the proposed rules), all petitions requesting procedural rule form amendments (including the proposed forms), all comments in rules cases, all petitions and responses thereto in which the Court determines it will hold oral argument, and any other pleadings which the Court may designate, shall be submitted electronically either via e-mail, as explained below, or by diskette but not both. If by diskette, it must be in accordance with In Re: Mandatory Submission of

Electronic Copies of Documents on Computer Diskette dated November 13, 2002. Effective April 1, 2005, all submissions must be via e-mail. Diskettes will no longer be accepted after April 1, 2005.

Electronic submissions via e-mail shall be attached to an e-mail sent to the following e-mail address: e-file@flcourts.org. This e-mail address is for this purpose only. The Clerk's Office will not respond to e-mails sent to this address. Pleadings sent to this address will not be considered a filing. The subject line of the e-mail shall contain the Supreme Court case number, if one has been assigned, or the style of the case, if a case number has not been assigned, in substantially the following format: "Filing in SC00-0" or "Filing in Doe v. Roe." The document must be e-mailed the same day the original paper copy of the document is filed or served.

Effective October 1, 2004, electronic submissions may be submitted in either Microsoft Word format or WordPerfect. Effective January 1, 2005, all electronic submissions in rules cases must be in Microsoft Word. For all other cases, effective April 1, 2005, submissions must be in Microsoft Word. Litigants and counsel should be aware that electronic versions submitted in WordPerfect will be converted by the Court to Microsoft Word and there is no guarantee that the document will be converted without error.

All electronic submissions in death **warrant** cases shall be sent to a separate

e-mail address which will be provided to counsel by the Clerk's office when a death warrant is signed.

The official recorded filing date for these pleadings shall remain the date the paper copies are received by the Clerk's Office.

Any documents required by the order to be submitted in electronic form may be rejected for filing by the Clerk of Court if the electronic version does not conform to the requirements of this order, the rules of court or match the paper copy version.

The Clerk of the Court is directed to send copies of this order to The Florida Bar News for publication in at least two issues of The Florida Bar News.

DONE AND ORDERED at Tallahassee, Florida, on September 13, 2004.

Chief Justice Barbara J. Pariente

ATTEST:

Thomas D. Hall, Clerk

AO 06-20 | FLORIDA SUPREME COURT

YEAR: 2006

NUMBER: 20

TITLE: IMPLEMENTATION OF REPORT AND RECOMMENDATIONS OF THE COMMITTEE ON PRIVACY AND COURT RECORDS

PAGES: 23

Supreme Court of Florida

No. AOSC06-20

IN RE: IMPLEMENTATION OF REPORT AND RECOMMENDATIONS OF THE COMMITTEE ON PRIVACY AND COURT RECORDS

ADMINISTRATIVE ORDER

This administrative order is issued to partially implement the Report and Recommendations of the Committee on Privacy and Court Records (the report, or the report and recommendations).[1] As explained more fully below, providing electronic access to non-confidential court records when appropriate conditions are met is a goal of the judicial branch. These conditions must not be so onerous that our approval of electronic access exists only in theory, but unfettered electronic access to all court records without policies in place to protect privacy interests and guard against unintended consequences detrimental to the judicial process cannot be allowed. Therefore, a modified limited moratorium on the electronic release of court records, to be further reviewed by July 1, 2007, must continue until permanent procedures are approved. However, in furtherance of the goal of

1. See Committee on Privacy and Court Records, Privacy, Access and Court Records: Report and Recommendations of the Committee on Privacy and Court Records (2005) (hereinafter Report).

access, the concept of a pilot program, such as that proposed by The Honorable R. B. "Chips" Shore, Clerk of Court of Manatee County, is approved, and will be reviewed by the Court as a potential model for statewide electronic access to court records.

The Committee on Privacy and Court Records (the Committee) was established[2] pursuant to recommendations of the Judicial Management Council[3] and the legislatively-created Study Committee on Public Records,[4] both of which recommended that the Supreme Court initiate a policy development process to guide the judicial branch in protecting privacy while providing electronic access to court records. After eighteen months of diligent work, the Committee submitted its comprehensive report and recommendations in August 2005, with twenty-four recommendations divided into three separate groups. On behalf of the Supreme

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2. See In re: Comm. on Privacy and Court Records, Fla. Admin. Order No. AOSC04-4 (Feb. 12, 2004) (on file with Clerk, Fla. Sup. Ct.); In re: Comm. on Privacy and Court Records, Fla. Admin. Order No. AOSC03-49 (Nov. 25, 2003) (on file with Clerk, Fla. Sup. Ct.).

3. See Judicial Management Council, Report and Recommendations of the Judicial Management Council of Florida on Privacy and Access to Court Records (2001).

4. See Study Committee on Public Records, Report of the Study Committee on Public Records (2002).

Court and the people of this State, we offer our deepest gratitude to the Committee and to its chair, Professor Jon Mills, for their dedication, time and commitment.[5]

From January through June 2006, the Court accepted public comment concerning the report and recommendations in three stages. The Court held three public meetings, on March 1, April 19, and June 14, 2006, to receive public comment. The Court appreciates the participation of those who provided comments and attended the public meetings.[6] The Committee had the difficult task of recommending comprehensive policies to the Supreme Court to regulate the electronic release of records. Two competing yet important values must be balanced in any responsible set of policies: openness and transparency in court records, on the one hand, and individual privacy, on the other hand. Any viable policy must balance these two vital principles.

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5. The Committee was composed of: Ms. Kristin Adamson, Tallahassee; Mr. Andrew Z. Adkins, Gainesville; The Honorable Edward H. Fine, West Palm Beach; Professor A. Michael Froomkin, Coral Gables; The Honorable Lydia Gardner, Orlando; The Honorable Jacqueline R. Griffin, Orlando; Mr. Thomas D. Hall, Tallahassee; Mr. Henry H. Harnage, Miami; Mr. Jon Kaney, Jr., Ormond Beach; The Honorable Judith L. Kreeger, Miami; Professor Jon Mills, Gainesville; The Honorable Barbara T. Scott, Punta Gorda; The Honorable Kim A. Skievaski, Pensacola; The Honorable Elijah Smiley, Panama City; Mr. Walt Smith, Sarasota; The Honorable Larry Turner, Gainesville.

6. Public comments currently are available on the Florida Supreme Court website: http://www.floridasupremecourt.org/pub_info/index.shtml.

The Florida court system has consistently been willing to consider and incorporate innovative techniques and new technologies into court processes. The strategic plan of the judicial branch expressly recognizes the value of information technology to improve court access and operations,[7] and the current two-year operational plan for the branch includes specific objectives related to electronic filing, integrated information systems, automated forms and increased reliance on web-based information communication.[8]

The same technology that offers substantial benefit can bring significant risk. The instantaneous and inexpensive dissemination of information contained in court records enhances accountability and supports efficiency but also poses a potential threat to the privacy interests of individuals and corporations. The potential of access to all court records electronically raises the specter of increased opportunity for identity theft and misuse of personal information.

As the Committee observed in connection with Recommendation Eight, "a court file is primarily a conduit and repository of information exchanged among

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7. See Judicial Management Council, Taking Bearings, Setting Course; The Long-Range Strategic Plan for the Florida Judicial Branch (1998) (hereinafter Taking Bearings).

8. See The Florida Supreme Court, Horizon 2006; The 2004-2006 Operational Plan for the Florida Judicial Branch (2005).

parties and the court. As such, the court file is not an open forum available for the gratuitous publication of extraneous and potentially damaging personal information."[9] When extraneous and potentially damaging personal information is available not just in paper form at the courthouse but also in electronic form, the potential for harm increases significantly.

The challenge for the judicial branch, as noted by the Committee, is "not merely to create an electronic access policy as a companion to an 'over the counter' records policy, but to create a blueprint for a comprehensive policy on court records that will serve the public and the courts as they move through the transition from a system of primarily paper records to one of primarily digital records."[10]

Policies regarding privacy and access to records must be consistent with the fundamental vision and mission of the judicial branch and ongoing efforts to achieve that vision and mission.[11] The bundle of issues regarding privacy, confidentiality and access to court records is connected inextricably within the larger context of the integration of emerging technologies into modern society, and

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9. Report, supra note 1, at 54.

10. Id. at 7.

11. See Taking Bearings, supra note 7.

these issues are not merely technical but are central to the future functioning of the courts and to relations between citizens and their government.

The efficiency of digital information management will over time compel migration from paper-based systems to electronic systems. Many clerks of court in Florida, including the Clerk of this Court, already employ scanning systems to convert paper documents into digital form for purposes of records storage and management. Additionally, several clerks of court have been authorized by this Court to accept some filings in electronic form, so that the record exists in electronic form from the beginning. Large volume institutional users of the courts, such as law enforcement agencies, state attorneys, public defenders and law firms, increasingly prefer electronic exchange of information with the courts. The issue is not whether the courts will make records available electronically, but rather when and under what conditions they will do so.

Several themes emerged from public comment and input, especially as a result of comments received from various representatives of the clerks of court. First, the clerks, as ministerial officers charged with maintaining custody of court records, cannot and should not be responsible for making substantive decisions regarding whether documents accepted for filing are confidential under current Rule of Judicial Administration 2.051(c)(8). Therefore, of critical importance is

Recommendation Two of the report, which requires that rule 2.051(c)(8) be amended to narrow "its application to a finite set of exemptions that are appropriate in the court context and readily identifiable." In directing that the rule be amended, the present administrative order specifically does not address the applicability of the absorption doctrine.[12] Thus, as part and parcel of the specification of exemptions through an amendment to rule 2.051(c)(8), the substance of Recommendation Seventeen is approved: the filer bears responsibility for asserting and establishing the confidentiality of documents beyond the categories listed in rule 2.051(c)(8).

In the same vein, the concerns of certain clerks of court and the Florida Association of Court Clerks and Comptrollers are acknowledged; the responsibility for identifying unauthorized filings cannot be placed on the clerks of court. Thus, in directing that Recommendation Eight be studied, it is understood that the current rules already provide for sanctions against those who are responsible for unauthorized filings and that the rules should be studied to determine whether any sanctions need to be strengthened to further the goal of preventing gratuitous publication of extraneous and potentially damaging information.

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12. See Report, supra note 1, at 29 ("The question is whether the rule incorporates, or absorbs, state exemptions and federal confidentialities, thus making them confidentialities under court rule.").

Second, it will be extremely difficult and unnecessarily complicated to develop a responsible system of public access to court records if each clerk of court proposes, and the Court attempts to consider, different systems of electronic access. Therefore, before public access to electronic documents systems will be allowed, the clerks of court must be prepared to comply with technical and substantive standards adopted by the Court. These standards will address policies such as user interface and identification, access fees, sealing of court documents and the redaction of confidential information. In addition, the offer of The Honorable R. B. "Chips" Shore, Clerk of Court of Manatee County, to conduct a pilot program is accepted so that the Court can examine first-hand a proposed model for public access. On behalf of the Court, we express our appreciation to Mr. Shore, who has offered thoughtful and responsible suggestions for dealing with these issues.

Third, there is a crucial distinction between maintenance of court records in electronic form, whether they are electronically filed or scanned, and public dissemination of those records through electronic means. Unfettered electronic access to all court records cannot be allowed without polices in place that protect privacy interests and guard against unintended consequences detrimental to the judicial process.

With these caveats and observations in mind, the action taken on the twenty-four recommendations contained in the Committee's report is outlined in the attached action chart. Recommendations specifically referred to various committees and other entities for implementation or for further study are addressed with more elaboration below.

1. The substance of Recommendation Eleven, General Policy On Electronic Access To Court Records, is approved. The goal of providing electronic access to non-confidential court records when appropriate precautions and conditions are met is fully supported. These precautions and conditions must not be so onerous that approval of electronic access exists in theory but not in practice. These precautions and conditions may be summarized as:

   (a) revision of Rule of Judicial Administration 2.051 to set forth a "finite set of exemptions that are readily identifiable," pursuant to Recommendation Two, but with the clarification that the Court has not made a decision as to whether the absorption doctrine applies;

   (b) provision of adequate public notice, prominently posted in clerks' offices and on websites, stating that inclusion of personal information

in court records may make that information public; this includes notice to unrepresented litigants, as set forth in Recommendation Three;

(c) ongoing and cooperative education of attorneys, judges, court staff and clerks of court concerning the privacy implications of the inclusion of personal information in court records and the scope of confidential information under Florida and federal law, as set forth in Recommendation Three;

(d) development by the Florida Courts Technology Commission, in cooperation with the clerks of court, of uniform technical and substantive standards governing the electronic release of court records to be adopted by the Court; these standards should be submitted to the Chief Justice by November 1, 2006, and should address user identification and access fee issues, as well as the screening, redacting, striking and sealing of court records to ensure that confidential information is not improperly released;

(e) public inspection of court records must remain available at no cost at the courthouse, other than those costs authorized by statute, as set forth in Recommendation Twelve (c);

(f) court records must remain fully accessible to judges and court personnel for judicial purposes, as set forth in Recommendation Twelve (d); and

(g) records in juvenile, probate and family cases, pursuant to general law, are not to be made available to the general public via a website until further study is made.

2. To implement or further study a number of the Committee's recommendations, the Committee on Access to Court Records will be established by separate administrative order. The Committee's charge, which will be fully set out in the administrative order, is to develop proposed revisions to Florida Rule of Judicial Administration 2.051 regarding confidentiality and access to records in response to Recommendations Two (Scope Of Confidentiality), as modified herein; Twelve (Conditions for Electronic Access), as modified herein; Thirteen (Confidential Information);[13] Sixteen (Unsealing Of Records); and Seventeen (Responsibility Of Filer), as modified herein. The Committee

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13. Recommendation Thirteen, which urges revision of rule 2.051 to clarify that those records defined in the rule are confidential and may not be released except as provided, is approved as being consistent with existing law. This recommendation is referred to the new committee for a proposed rule amendment or committee note consistent with this recognition.

also will consider Recommendation Eight (Unauthorized Filings), as modified herein.

3. The concept of a pilot program, such as that proposed by The Honorable R. B. "Chips" Shore, Clerk of Court of Manatee County, is approved. The Florida Courts Technology Commission, with the assistance of the Office of the State Courts Administrator (OSCA), shall develop an implementation strategy for a one-year pilot project to be conducted by the Clerk of Court of Manatee County. The Florida Courts Technology Commission, with the assistance of the OSCA, shall specify terms and conditions of the pilot project, including project goals, criteria for evaluation, reporting requirements, and a timeframe for conclusion and reporting of the results of the project. At the conclusion of the pilot period, the Florida Courts Technology Commission, with the assistance of the OSCA, shall submit a report to the Court documenting the results of the project and identifying recommendations regarding electronic access policies.

4. Until the pilot program is studied and uniform technical and substantive standards governing clerk of court websites offering electronic access to

court records are adopted by the Court, in cooperation with the clerks of court, it is necessary to continue a modified moratorium. The moratorium is not intended to be a de facto prohibition against release of information by electronic means to the public. By separate Administrative Order AOSC06-21,[14] consistent with Recommendation Five, an interim policy on the electronic release of court records is adopted. The interim policy supersedes the limited moratorium contained in In re: Committee on Privacy and Court Records, Fla. Admin. Order No. AOSC04-4 (Feb. 12, 2004) (on file with Clerk, Fla. Sup. Ct.), and shall remain in effect until further order. However, the Chief Justice will review the policy by July 1, 2007, to determine whether it should be further modified.

5. The Florida Association of Court Clerks and Comptrollers is requested to advise the Chief Justice by November 1, 2006, as to the form and placement of public notice regarding the loss of privacy and the consequences that can occur due to the unnecessary filing of personal information in court records, including notice to unrepresented litigants as set forth in Recommendation Three (Notice Regarding Personal Information).

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14. See In re: Interim Policy on Electronic Release of Court Records, Fla. Admin. Order No. AOSC06-21 (June 30, 2006) (on file with Clerk, Fla. Sup. Ct.).

6. The Florida Bar, the Florida Association of Court Clerks and Comptrollers, the Florida Court Education Council, and the Education Sections of the Florida Conference of District Court of Appeal Judges, the Florida Conference of Circuit Judges, and the Florida Conference of County Court Judges are requested to advise the Chief Justice by November 1, 2006, as to how each entity envisions responding to the relevant educational components of Recommendation Three (Education Regarding Personal Information).
7. Consistent with Recommendation Six (Materials Recommended for Protection – Confidentiality of Certain Drug Court Information), the Task Force on Treatment-Based Drug Court is requested to review applicable Florida statutes, federal law, court rules, and local drug court policies regarding protection of confidential information in drug court cases, and to advise the Chief Justice as to the appropriate scope of confidentiality regarding medical, mental heath, and drug treatment information in drug court cases and to propose any recommended revisions to court rules, Florida statutes, or drug court policies necessary to protect confidential information in these cases.

8. Also in response to Recommendation Six (Materials Recommended for Protection), the Steering Committee on Families and Children in the Court is requested to develop proposed rules of court or statutory amendments, as appropriate, to require that psycho-social evaluations, psychological evaluations, and guardian ad litem reports be placed under seal.

9. To implement Recommendation Seven (Revision to Rules and Forms Leading to Extraneous Personal Information), the Steering Committee on Families and Children in the Court is requested to review the Supreme Court Approved Family Law Forms and to propose revisions to those forms to remove any requirements for personal information that is not necessary for purposes of adjudication or case management. The various Florida Bar rules committees are also requested to review their respective bodies of rules and forms and to propose amendments to those rules and forms consistent with this recommendation. These committees should keep the Committee on Access to Court Records apprised of their work.

10. Related to Recommendation Seven, the Family Law Rules Committee is requested to propose amendments to Family Law Rule of Procedure 12.285, Mandatory Disclosure, designed to reduce the unnecessary filing

of financial information in family law cases, consistent with Recommendation Nine.

11. Consistent with Recommendation Ten (Duty to Protect Discovery Information), the various Florida Bar rules committees are requested to study whether rules exist or rules should be adopted that would require attorneys and litigants to refrain from filing discovery information with the court until such time as it is filed for good cause.

12. The Florida Courts Technology Commission is requested, with the assistance of the Office of the State Courts Administrator, to review Recommendations Twenty (Automated Search Technology), Twenty-One (Replacement of Commercial Court Records Databases) and Twenty-Three (User Identification) and to advise the Chief Justice on the implications and advisability of available policy options. In doing so, the Commission should be mindful that any access systems in Florida should be designed to minimize irresponsible use of court records. The Commission is requested to study other access systems, including the PACER system used in federal courts.

13. The Florida Association of Court Clerks and Comptrollers and the Florida Courts Technology Commission are requested to consider Recommendation Twenty-Two (Users Access Fees) and to advise the Chief Justice on the implications and advisability of system funding models that are uniform statewide and do not impose costs beyond those necessary to support the system.

As reflected in the attached action chart, a number of the recommendations are deferred pending responses to these referrals and will be addressed after consideration of those responses.

DONE AND ORDERED at Tallahassee, Florida, on June 30, 2006.

Chief Justice Barbara J. Pariente

Chief Justice-Elect R. Fred Lewis

ATTEST:

Thomas D. Hall, Clerk of Court

ACTION ON REPORT AND RECOMMENDATIONS OF THE COMMITTEE ON PRIVACY AND COURT RECORDS

RECOMMENDATION	ACTION
GROUP ONE	
RECOMMENDATION ONE: PRIVACY PROTECTION REFORM Recommends Florida Legislature enact effective privacy protection laws, consider resolution to Congress.	Letter to Legislature advising of recommendation.
RECOMMENDATION TWO: SCOPE OF CONFIDENTIALITY Review and explore revision of the rule 2.051 to narrow its application to a finite set of exemptions that are appropriate in the court context and are readily identifiable.	**Refers** to Committee on Access to Court Records, created by separate administrative order, for implementation consistent with this administrative order.
RECOMMENDATION THREE: NOTICE AND EDUCATION REGARDING PERSONAL INFORMATION Public notice and education of clerks, attorneys, judges, and court staff regarding loss of privacy due to unnecessary filing of personal information in court records.	**Refers** notice component to the Florida Association of Court Clerks and Comptrollers to advise Court as to form and placement of notice. **Refers** education component to the Florida Association of Court Clerks and Comptrollers, The Florida Bar, Florida Court Education Council, and the Education Sections of the Florida Conference of District Court of Appeal Judges, the Florida Conference of Circuit Judges, and the Florida Conference of County Court Judges for input to Chief Justice on how each will implement this recommendation.

RECOMMENDATION FOUR: COORDINATION AND OVERSIGHT OF RECORDS POLICIES. Create governance structure to oversee polices regarding all aspects of court records.	**Defers** pending completion of work of the Committee on Access to Court Records.
RECOMMENDATION FIVE: INTERIM POLICY Provide interim policy on allowable electronic access until permanent rules adopted.	**Approves** interim policy, with modifications, in separate administrative order.
RECOMMENDATION SIX: MATERIALS RECOMMENDED FOR PROTECTION	
(A) Rule revision to place psycho-social evaluations, psychological evaluations, and guardian ad litem reports under seal;	**Refers** to Steering Committee on Families and Children in the Court to propose rule revisions and statutory amendments, as appropriate.
(B) Treatment-Based Drug Court Steering Committee to make recommendations regarding the appropriate scope of confidentiality regarding medical, mental health and drug treatment information in drug court cases.	**Refers** to Treatment-Based Drug Court Steering Committee for recommendations and to propose necessary revisions to rules, statutes, or drug court polices.
GROUP TWO –MINIMIZATION	
RECOMMENDATION SEVEN: REVISION OF RULES AND FORMS LEADING TO EXTRANEOUS PERSONAL INFORMATION Review and revise rules of court and forms across all case types to avoid the filing of personal information not necessary for adjudication or case management.	**Refers** to Steering Committee on Families and Children in the Court to review the Supreme Court Approved Family Law Forms and propose amendments consistent with recommendation. **Refers** to Florida Bar rules committees to review respective bodies of rules and forms and to propose amendments consistent with recommendation.

RECOMMENDATION EIGHT: UNAUTHORIZED FILINGS Study court rule to prohibit the filing of documents that are not authorized by court rule or statute, or seeking relief by the court.	**Refers** to Committee on Access to Court Records to study and make recommendations consistent with administrative order.
RECOMMENDATION NINE: RULE OF FAMILY LAW PROCEDURE 12.285 Revise rule 12.285 to reduce the unnecessary filing of financial information in family law cases.	**Refers** to Family Law Rules Committee to implement.
RECOMMENDATIONS TEN: DUTY TO PROTECT DISCOVERY INFORMATION Create rule of procedure to require attorneys and litigants refrain from filing discovery information until such time as it is filed for good cause.	**Refers** to Florida Bar rules committees to determine if existing rules address or can be amended to address this concern.
GROUP THREE	
RECOMMENDATION ELEVEN: GENERAL POLICY ON ELECTRONIC ACCESS TO COURT RECORDS Judicial branch of Florida should adopt as a goal the provision of general public electronic access to court records through remote means in jurisdictions where conditions in Recommendation Twelve are met.	**Approves** substance of recommendation, with modification to conditions to ensure that they are not so onerous that electronic access is approved only in theory.

RECOMMENDATION TWELVE: CONDITIONS FOR ELECTRONIC ACCESS Revise rule 2.051 to allow remote access to court records in electronic form to the general public in jurisdictions where conditions are met.	**Refers** to Committee on Access to Court Records for study and proposal consistent with administrative order.
RECOMMENDATION THIRTEEN: CONFIDENTIAL INFORMATION Revise rule 2.051 to clarify that those records defined in the rule are confidential and may not be released except as provided.	**Approves** as consistent with existing law and **refers** to Committee on Access to Court Records for proposed rule amendment or committee note consistent with recommendation.
RECOMMENDATION FOURTEEN: SCOPE OF RULE 2.051 AND STATUTORY EXEMPTIONS Urges review and revision of rule 2.051 to narrow scope. Sets out three assumptions concerning rules and statutes to guide judicial branch records policy.	**Defers** pending work of the Committee on Access to Court Records.
RECOMMENDATION FIFTEEN: GUIDANCE ON CONFIDENTIAL INFORMATION Recommends initiative to provide specific guidance to clerks of court, attorneys, litigants, judges and court staff to assist in identifying and protecting confidential information in court files.	**Defers** pending completion of rule 2.051 review.

RECOMMENDATION SIXTEEN: UNSEALING OF RECORDS Revise Rule 2.051 to provide a clear and effective mechanism through which a preliminary determination that a record is exempt or confidential can be challenged and reviewed.	**Refers** to Committee on Access to Court Records to implement.
RECOMMENDATION SEVENTEEN: RESPONSIBILITY OF FILER Revise rule 2.051 to provide for certain responsibilities of filer of court documents regarding confidential information.	**Refers** to Committee on Access to Court Records for development of proposed rule changes consistent with administrative order.
RECOMMENDATION EIGHTEEN: AUTHORITY OF COURT Sets out assumptions concerning the authority of the court, the chief justice, chief judges, to direct and administer judicial branch records policy, sets out obligations.	**Defers** pending work of the Committee on Access to Court Records.
RECOMMENDATION NINETEEN: RESPONSIBILITY OF CLERK OF COURT Sets out assumptions concerning the responsibilities of clerks of court regarding confidential court records.	**Defers** pending work of the Committee on Access to Court Records.
RECOMMENDATION TWENTY: AUTOMATED SEARCH TECHNOLOGY Recommends that automated search technologies not be prohibited.	**Refers** to Florida Courts Technology Commission to review and advise on implications and advisability of policy options.

RECOMMENDATION TWENTY-ONE: REPLACEMENT OF COMMERCIAL COURT DATABASES Recommends commercial users of court records enter into agreements to regularly replace records databases.	**Refers** to Florida Courts Technology Commission to review and advise on implications and advisability of policy options.
RECOMMENDATION TWENTY-TWO: USER ACCESS FEES Recommends that costs of providing electronic access incurred by clerks of court, judges and judicial staff, local court administration, and state court administration be funded through user fees.	**Refers** to Florida Association of Court Clerks and Comptrollers and Florida Courts Technology Commission to advise on the implications and advisability of system funding models.
RECOMMENDATION TWENTY-THREE: USER IDENTIFICATION Recommends that access control systems should not require that individuals and entities that access court records electronically identify themselves.	**Declines to approve** at this time **and refers** to Florida Courts Technology Commission to review and advise on implications and advisability of policy options.
RECOMMENDATION TWENTY-FOUR: FAMILY, JUVENILE AND PROBATE RECORDS Recommends remote electronic release not be allowed to court records that arise under the rules of family and probate procedure except appellate briefs, orders and opinions.	**Declines to approve** pending review of pilot program authorized in administrative order.

AO 06-21 | FLORIDA SUPREME COURT

YEAR: 2006

NUMBER: 21

TITLE: INTERIM POLICY ON ELECTRONIC RELEASE OF COURT RECORDS

PAGES: 7

Supreme Court of Florida

No. AOSC06-21

IN RE: INTERIM POLICY ON ELECTRONIC RELEASE OF COURT RECORDS

ADMINISTRATIVE ORDER

The Committee on Privacy and Court Records (the Committee) submitted a report in August 2005, making twenty-four recommendations regarding electronic access to court records in Florida.[1] In response to this report, Administrative Order AOSC06-20 has been issued directing certain action concerning most of the Committee's recommendations.[2]

In Recommendation Five of its report, the Committee recommended that an interim policy be established controlling the electronic release of court records until such time as a permanent policy is announced and implemented. After consultation with the Court, the interim policy recommended by the Committee is approved with modification.

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1. See Committee on Privacy and Court Records, Privacy, Access and Court Records: Report and Recommendations of the Committee on Privacy and Court Records (2005).

2. See In re: Implementation of Report and Recommendations of Comm. on Privacy and Court Records, Fla. Admin. Order No. AOSC06-20 (June 30, 2006) (on file with Clerk, Fla. Sup. Ct.).

This interim policy allows extensive docket information, as well as all final orders and judgments of the courts, to be made available electronically, such as on a website, as long as no confidential information is released. In addition, a chief judge of a jurisdiction can direct that all records in a case of significant public interest may be made available electronically. To facilitate orderly access to records affecting real property, the interim policy allows certain records affecting real property to be released. Finally, under this policy, any non-confidential Florida court record can be provided electronically in response to a request, provided the record has been manually inspected by the clerk of the court in order to ensure that no confidential information is released.

Therefore, it is ordered that effective July 1, 2006, no court record, as defined by Rule of Judicial Administration 2.051(b)(1)(a), shall be released in any electronic form[3] by any Florida clerk of court except as provided herein below:[4]

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3. For purposes of this Administrative Order, "electronic form" is defined by Section 3.40 of the Guidelines for Public Access to Court Records developed by the Conference of Chief Justices and the Conference of State Courts Administrators:

> Section 3.40 – Definition Of In Electronic Form. Information in a court record 'in electronic form' includes information that exists as:
> (a) electronic representations of text or graphic documents;
> (b) an electronic image, including a video image, of a document, exhibit or other thing;
> (c) data in the fields or files of an electronic database; or

1. The following court records may be made available electronically by a Florida clerk of court provided that no information is released that is confidential pursuant to federal or state law, court rule, or court order:

a. progress dockets, limited to case numbers and case type; party name, race, gender and year of birth; names and addresses of counsel; lists or indices of any judgments, orders, pleadings, motions, notices or other documents in the court file; notations of court events, clerk actions and case dispositions; name and date of birth and death of deceased in probate cases, address of attorney of record or self-represented party in probate case;

(d) an audio or video recording, analog or digital, of an event or notes in an electronic file from which a transcript of an event can be prepared.

A document transmitted via a facsimile machine and not captured as a digital file is not contemplated to be within the meaning of "electronic form."

4. The confidentiality requirements of the interim policy stated in this administrative order govern any electronic release of court records, notwithstanding chapter 2006-285, Laws of Florida, amending section 119.071(7)(d), Florida Statutes (2005).

b. court records that are Official Records as defined by section 28.001, Florida Statutes (2005);[5]

c. court schedules and calendars;

d. traffic court records; and

e. all appellate court filings, including motions, briefs, petitions, orders and opinions.

2. The following records may be made available electronically provided the clerk of court ensures that the described records are manually inspected and no confidential information is released:

a. the chief judge of a jurisdiction may, sua sponte, direct the electronic release of a record or records in a case of significant public interest;

b. records may be transmitted to a party, an attorney of record in a case or an attorney expressly authorized by a party in a case to receive the record;

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5. Certain official records are confidential by statute. Further, section 28.2221, Florida Statutes (2005), prohibits a clerk of court from publishing on an Internet website records in cases governed by the Florida Rules of Family Law, the Florida Rules of Juvenile Procedure, or the Florida Probate Rules. Nothing in this order should be construed to negate these or any other statutory or rule restrictions.

c. a record that has been individually and specifically requested;

d. records may be transmitted to a governmental agency or agent;

e. civil cases in which a state agency, as defined by section 119.011(2), Florida Statutes (2005), is a party, with the exception that court files that are sealed pursuant to statute, court rule or court order shall not be available absent a specific order from the court unsealing the file;

f. pleadings, proof of service, motions and orders in actions affecting title to real property or tenancies to real property, including foreclosure of mortgages, ejectments, actions to clear title, specific performance, residential and non-residential evictions, forcible entry and detainers, lien contest actions, partition actions and actions in which a lis pendens has been filed;

g. pleadings, proof of service, motions and orders in actions for declaratory judgments to establish foreign decrees as Florida judgments; and

h. injunctions affecting real property, excluding domestic violence injunctions, and orders denying or dismissing an injunction affecting real property.

While the records identified above may be made available electronically, this administrative order does not require that they must be nor does this administrative order create an obligation on any clerk of court to provide remote electronic access to court records. Article V of the Constitution of the State of Florida charges the chief judges of the district and circuit courts with the administrative supervision of the courts within their jurisdiction. Therefore, any questions that may arise regarding implementation of this interim policy should be addressed to the chief judge of the jurisdiction.

This order supersedes the limited moratorium contained in In re: Committee on Privacy and Court Records, Fla. Admin. Order No. AOSC04-4 (Feb. 12, 2004) (on file with Clerk, Fla. Sup. Ct.), and shall remain in effect until further order.

DONE AND ORDERED at Tallahassee, Florida, on June 30, 2006.

Chief Justice Barbara J. Pariente

ATTEST:

Thomas D. Hall, Clerk

AO 06-27 | FLORIDA SUPREME COURT

YEAR: 2006

NUMBER: 27

TITLE: COMMITTEE ON ACCESS TO COURT RECORDS

PAGES: 7

Supreme Court of Florida

No. AOSC06-27

IN RE: COMMITTEE ON ACCESS TO COURT RECORDS

ADMINISTRATIVE ORDER

The Committee on Privacy and Court Records was established in November of 2003 and charged with providing recommendations regarding the electronic release of court records in Florida.[1] In August 2005 the committee submitted its report.[2] The committee's overall conclusion was that while remote electronic access to court records should be a goal of the Florida judicial branch, numerous obstacles exist that do not allow for responsible provision of such access at this time. The committee therefore made a number of recommendations directed to addressing those obstacles and developing the necessary conditions for responsible electronic access to court records.

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[1] See In re: Comm. on Privacy and Court Records, Fla. Admin. Order No. AOSC03-49 (Nov. 25, 2003) and In re: Comm. on Privacy and Court Records, Fla. Admin. Order No. AOSC04-4 (Feb. 12, 2004).

[2] See Committee on Privacy and Court Records, Privacy, Access and Court Records; the Report and Recommendations of the Committee on Privacy and Court Records (2005) (hereinafter Report).

The Court supports the goal of remote electronic access to court records and agrees with the Committee on Privacy and Court Records that at present the necessary conditions do not exist to permit a general, unrestricted distribution of court records. To assist in developing the necessary policies for electronic access, the Committee on Access to Court Records (hereinafter the Committee) is hereby established for a term to expire on July 1, 2008.

The primary purpose of the Committee is to review Florida Rule of Judicial Administration 2.051 and develop proposed revisions to the rule with regard to the following matters:[3]

1. Recommendation Two: Scope of Confidentiality. Review and explore revisions of rule 2.051 to narrow its application to a finite set of exemptions that are appropriate in the court context and are identifiable. The Committee should note that the Supreme Court has not made a decision as to whether the absorption doctrine[4] applies.

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[3] These tasks refer to recommendations by the Committee on Privacy and Court Records as set forth in the Report and as modified in Implementation of Report and Recommendations of the Committee on Privacy and Court Records, Fla. Admin Order No. AOSC06-20 (June 30, 2006) (hereinafter AOSC06-20).

[4] See Report, supra note 1, at 29 ("The question is whether the rule incorporates, or absorbs, state exemptions and federal confidentialities, thus making them confidentialities under court rule.").

2. Recommendation Eight: Unauthorized Filings. Study court rules to prohibit the filing of documents that are not authorized by court rule or statute, or seeking relief by the court. The responsibility for identifying unauthorized filings cannot be placed on the clerks of court. It is understood that the current rules already provide for sanctions against those who are responsible for unauthorized filings; accordingly, the rules should be studied to determine whether any sanctions need to be strengthened to further the goal of preventing gratuitous publication of extraneous and potentially damaging information.

3. Recommendation Twelve: Conditions for Electronic Access. Propose amendments to rule 2.051 to allow remote access to court records in electronic form to the general public in jurisdictions where conditions are met.

4. Recommendation Thirteen: Confidential Information. Propose revisions to rule 2.051 to clarify that those records defined in the rule are confidential and may not be released except as provided. Because this requirement is already established in existing law, the Committee

is directed to propose a rule amendment or committee note that is consistent with the recognition of the current legal requirements.

5. Recommendation Sixteen: Unsealing of Records. Propose revisions to rule 2.051 to provide a clear and effective mechanism through which a preliminary determination that a record is exempt or confidential can be challenged and reviewed.

6. Recommendation Seventeen: Responsibility of Filer. Propose revisions to rule 2.051 to provide for certain responsibilities of the filer of court documents regarding confidential information.

In addition, the Committee is directed to advise the Florida Courts Technology Commission and the Office of the State Courts Administrator regarding the terms and conditions the Committee finds advisable in the implementation of the pilot program authorized in Administrative Order AOSC06-20. The Committee is also directed to advise the Chief Justice, by June 1, 2007, of the advisability of alteration to the interim policy on electronic release of court records set out in Administrative Order AOSC06-21. The Committee may make other recommendations it deems appropriate.

The following persons are hereby appointed to serve on the Committee for a term that expires on July 1, 2008:

The Honorable Judith L. Kreeger, Chair
Circuit Judge, Eleventh Judicial Circuit

Ms. Sharon Abrams
Court Technology Officer, Eleventh Judicial Circuit

Ms. Kristin Adamson
Attorney, Tallahassee

Ms. Robin Berghorn
General Counsel, Ninth Judicial Circuit

The Honorable David Ellsperman
Clerk of Court, Marion County

The Honorable Mel Grossman
Circuit Court Judge, Seventeenth Judicial Circuit

Mr. Jonathan Kaney, Jr.
Attorney, Ormond Beach

The Honorable Melanie May
Appellate Court Judge, Fourth District Court of Appeal

Mr. Timothy McLendon
Attorney, Gainesville

Mr. Paul Regensdorf
Attorney, Ft. Lauderdale

Mr. Murray B. Silverstein
Attorney, St. Petersburg

The Honorable Kim A. Skievaski
Chief Judge, First Judicial Circuit

The Honorable Elijah Smiley
County Judge, Bay County

Mr. Walt Smith
Court Administrator, Twelfth Judicial Circuit

The Honorable Charles Williams
Circuit Judge, Twelfth Judicial Circuit

Judge Judith Kreeger shall serve as Chair and Justice Barbara J. Pariente shall serve as Supreme Court liaison to the Committee. Staff support for the Steering Committee shall be provided by the Office of the State Courts Administrator.

The Committee is directed to submit a progress report by June 1, 2007, and a final report by June 1, 2008. The Committee is authorized to propose amendments to rules of court procedure on issues addressed in this administrative order, for consideration by the Court. Recommended amendments to the rules of court procedure or forms shall be filed in petition form with the Clerk of the Florida Supreme Court. Mr. Paul Regensdorf shall serve as the liaison between the Committee and The Florida Bar Rules of Judicial Administration Committee.

Should the Committee make recommendations that require additional funding or resources to implement, the Committee is directed to establish the necessary liaison relationship with the District Court of Appeal Budget Commission or the Trial Court Budget Commission, as appropriate. At a

minimum, the Committee shall provide the chair of the respective budget commission with copies of Committee reports and recommendations that reference the need for additional court funding or resources.

DONE AND ORDERED at Tallahassee, Florida, on August 21, 2006.

Chief Justice R. Fred Lewis

ATTEST:

Thomas D. Hall, Clerk of Court

AO 07-49 | FLORIDA SUPREME COURT

YEAR: 2007

NUMBER: 49

TITLE: REVISED INTERIM POLICY ON ELECTRONIC RELEASE OF COURT RECORDS

PAGES: 8

Supreme Court of Florida

No. AOSC07-49

IN RE: REVISED INTERIM POLICY ON ELECTRONIC RELEASE OF COURT RECORDS

ADMINISTRATIVE ORDER

In June 2006, the interim policy on the electronic release of court records recommended by the Committee on Privacy and Court Records[1] was approved with modifications in In re: Interim Policy on Electronic Release of Court Records, Fla. Admin. Order No. AOSC06-21 (June 30, 2006) (on file with Clerk, Fla. Sup. Ct.). In August 2006, the Committee on Access to Court Records (Access Committee) was established and charged with, among other things, advising the Chief Justice "of the advisability of alterations to the interim policy."[2] The Access Committee submitted its recommended changes to the interim policy in June

1. See Committee on Privacy and Court Records, Privacy, Access and Court Records: Report and Recommendations of the Committee on Privacy and Court Records (2005).

2. See In re: Committee on Access to Court Records, Fla. Admin. Order No. AOSC06-27 (Aug. 21, 2006) (on file with Clerk, Fla. Sup. Ct.)

2007.[3]

This administrative order revises and supersedes the interim policy contained in Administrative Order AOSC06-21. After consultation with the Court, the revisions to the interim policy recommended by the Access Committee are approved. The revised interim policy continues to allow extensive docket information, as well as all final orders and judgments of the courts, to be made available electronically, such as on a publicly accessible internet website, as long as no confidential information is released. In addition, as originally provided, a chief judge of a jurisdiction can direct that all non-confidential records in a case of significant public interest may be made available electronically. To facilitate orderly access to records affecting real property, the revised interim policy continues to allow certain records affecting real property to be released. Further, any non-confidential Florida court record can be provided electronically in response to a request, provided the record has been manually inspected by the clerk of the court in order to ensure that no confidential information is released.

The revised policy clarifies that it does not apply to records under the control of court administration. It also limits the application of the provision that

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3. See Committee on Access to Court Records, Interim Progress Report and Recommendations on Modification to Interim Policy on Electronic Access to Court Records (2007).

addressed "traffic court records" to civil traffic infraction case records and disallows the electronic release of images of traffic citations, which can contain personal identifying information. The revised interim policy allows for the electronic release of the full date of birth of defendants in criminal cases. It permits clerks of court to provide attorneys remote electronic access to records in cases in which the entire court file is not confidential.

Therefore, it is ordered that no court record, as defined by Rule of Judicial Administration 2.420(b)(1)(a), shall be released in any electronic form[4] by any Florida clerk of court except as provided herein below:[5]

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4. For purposes of this administrative order, "electronic form" is defined by Section 3.40 of the Guidelines for Public Access to Court Records developed by the Conference of Chief Justices and the Conference of State Courts Administrators:

> Section 3.40 – Definition Of In Electronic Form. Information in a court record 'in electronic form' includes information that exists as:
>
> (a) electronic representations of text or graphic documents;
> (b) an electronic image, including a video image, of a document, exhibit or other thing;
> (c) data in the fields or files of an electronic database; or
> (d) an audio or video recording, analog or digital, of an event or notes in an electronic file from which a transcript of an event can be prepared.

A document transmitted via a facsimile machine and not captured as a digital file is not contemplated to be within the meaning of "electronic form."

5. The requirements of the interim policy stated in this administrative order

1. This policy does not apply to digital recordings of judicial proceedings or other records in the custody or control of court administrators.

2. The following court records may be made available electronically by a Florida clerk of court provided that no information is released that is confidential pursuant to federal or state law, court rule, or court order:

    a. progress dockets, limited to case numbers and case type; party name, race, gender and year of birth; names and addresses of counsel; lists or indices of any judgments, orders, pleadings, motions, notices or other documents in the court file; notations of court events, clerk actions and case dispositions; full date of birth of defendant in criminal cases; name and date of birth and death of deceased in probate cases, addresses of attorney of record or self-represented parties in probate cases;

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govern any electronic release of court records, notwithstanding chapter 2007-251, Laws of Florida, amending section 119.071(5)(a)7.d., Florida Statutes (2006), and creating section 119.0714, Florida Statutes.

b. court records that are Official Records as defined by section 28.001, Florida Statutes (2006);[6]

c. court schedules and calendars;

d. civil traffic infraction case records, but not images of traffic infraction citations; and

e. all appellate court filings, including motions, briefs, petitions, orders and opinions.

3. The following records may be made available electronically provided the clerk of court ensures that the described records are manually inspected and no confidential information is released:

a. the chief judge of a jurisdiction may, sua sponte, direct the electronic release of a record or records in a case of significant public interest;

b. records may be transmitted to a party, an attorney of record in a case or an attorney expressly authorized by a party in a case to receive the

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6. Certain official records are confidential by statute. Further, section 28.2221, Florida Statutes (2006), prohibits a clerk of court from publishing on an Internet website records in cases governed by the Florida Family Law Rules of Procedure, the Florida Rules of Juvenile Procedure, or the Florida Probate Rules. Nothing in this order should be construed to negate these or any other statutory or rule restrictions.

record;

c. a record that has been individually and specifically requested;

d. records may be transmitted to a governmental agency or agent;

e. civil cases in which a state agency, as defined by section 119.011(2), Florida Statutes (2006), is a party, with the exception that court files that are sealed pursuant to statute, court rule or court order shall not be available absent a specific order from the court unsealing the file;

f. pleadings, proof of service, motions and orders in actions affecting title to real property or tenancies to real property, including foreclosure of mortgages, ejectments, actions to clear title, specific performance, residential and non-residential evictions, forcible entry and detainers, lien contest actions, partition actions and actions in which a lis pendens has been filed;

g. pleadings, proof of service, motions and orders in actions for declaratory judgments to establish foreign decrees as Florida judgments;

h. injunctions affecting real property, excluding domestic violence injunctions, and orders denying or dismissing an injunction affecting real property; and

i. attorneys may be provided general remote electronic access to non-confidential records in cases in which the entire court file is not confidential.

While the records identified above may be made available electronically, this administrative order does not require that they must be nor does this administrative order create an obligation on any clerk of court to provide remote electronic access to court records. Article V of the Constitution of the State of Florida charges the chief judges of the district and circuit courts with the administrative supervision of the courts within their jurisdiction. Therefore, any

questions that may arise regarding implementation of this interim policy should be addressed to the chief judge of the jurisdiction.

This order shall remain in effect until further order.

DONE AND ORDERED at Tallahassee, Florida, on September 7, 2007.

Chief Justice R. Fred Lewis

ATTEST:

Thomas D. Hall, Clerk

AO 07-59 | FLORIDA SUPREME COURT

YEAR: 2007

NUMBER: 59

TITLE: FLORIDA COURTS TECHNOLOGY COMMISSION

PAGES: 9

Supreme Court of Florida

AOSC07-59

IN RE: FLORIDA COURTS TECHNOLOGY COMMISSION

ADMINISTRATIVE ORDER

Technology is increasingly influencing the manner in which the court system conducts its business. This trend represents significant promise with regard to access for court users as well as the generation of data necessary for the efficient management of the courts, yet at the same time presents numerous challenges. The purpose of the Florida Courts Technology Commission is to advise the Chief Justice and Supreme Court on matters relating to the use of technology in the Judicial Branch.

The Commission shall have primary responsibility to coordinate and review recommendations with regard to all court policy matters relating to the use of technology in support of the effective administration of justice. The Appellate Court Technology Committee, the Trial Court Technology Committee, the Electronic Filing Committee, and any other court technology committees or

workgroups that may be established shall adhere to technology policies and standards adopted by the Commission. Court technology committees or workgroups with proposals that implicate court technology policy shall present those policy recommendations to the full Commission for review and approval, prior to submission to the Supreme Court.

Over the next two years, the Commission shall perform the following specific tasks:

1. Develop a comprehensive framework for the implementation of technology within the court system that addresses the needs of judicial officers, court managers and staff, and court users. This shall include assessing existing technology utilized in the state courts to determine whether it is sufficient to meet current and anticipated future needs and, if it is not, making appropriate recommendations for adjustments. The proposed framework should be consistent with the goals and objectives established in the Long-Range Strategic Plan and the 2006-2008 Operational Plan for the Florida Judicial Branch.

2. Complete the following projects that originated from In re: Implementation of Report and Recommendations of the Committee on Privacy and Court Records, No. AOSC06-20 (Fla. June 30, 2006):

a. In cooperation with the clerks of court, propose uniform technical and substantive standards that would allow consideration of remote access to court records in electronic form, conditioned on the effective identification and protection of confidential and exempt information. These standards should address user identification issues, the screening, redacting, striking, and sealing of court records to ensure that confidential information is not improperly released. The standards should assimilate recommendations that are to be provided by the Committee on Access to Court Records, the Steering Committee on Children and Families in the Court, and the Electronic Filing Committee.

b. Continue to oversee, monitor, and evaluate the pilot project implemented by the Clerk of Court of Manatee County for electronic release of court records.

c. Evaluate appropriate security precautions that are necessary with regard to any automated search technologies that may extract information from court records; consider methods or regulations that require commercial users of electronic court records to regularly update their databases with records that

have been corrected or purged of erroneous, expunged, and sealed records; and advise the Chief Justice on the implications and advisability of available policy options.

d. Review and evaluate matters relating to user access fees identified by the Committee on Privacy and Court Records[1] and advise the Chief Justice on the implications and advisability of system funding models that are uniform statewide and do not impose costs beyond those necessary to support the system.

3. Continue to provide guidance and oversight on the development of an electronic filing portal that establishes a common entry point for all electronically filed court submissions in all jurisdictions. The Commission shall formulate proposed policies to ensure uniformity and standards to secure a comprehensive electronic record. The Commission shall also ensure proper outreach to court stakeholders to obtain input, and incorporate the results of that outreach effort into the electronic filing portal implementation plan submitted to the Court.

4. Ensure that the technology utilized at all levels of the State Courts System is capable of full integration.

[1] See Committee on Privacy and Court Records, Privacy, Access and Court Records: Report and Recommendations of the Committee on Privacy and Court Records (2005).

5. Perform such other assignments related to the use of technology in the Judicial Branch as may be directed by the Chief Justice.

The Commission should integrate appropriate security policies into all projects to ensure the integrity and efficiency of court technology systems.

The Commission should also work to incorporate the principles of accessibility into all court technology projects, through consideration and application of the requirements of the Americans with Disabilities Act of 1990; sections 262.601 through 262.606, Florida Statutes; and any other applicable state or federal disability laws.

The Commission is authorized to propose amendments to rules of court procedure and judicial administration if necessary to effectuate the tasks identified hereinabove, and in so doing the Commission is directed to establish the necessary liaison relationships with the appropriate Florida Bar rules committees.

Should the Commission make recommendations that require additional funding or resources to implement within the court system, the Commission is directed to establish the necessary liaison relationships with the District Court of Appeal Budget Commission and the Trial Court Budget Commission. At a minimum, the Commission shall provide the Chair of the appropriate Budget Commission with copies of Commission reports and recommendations that reference the need for additional court funding or resources.

The following individuals are appointed to the Commission for a term to expire on November 30, 2009:

The Honorable Mary Cay Blanks
Clerk of Court, Third District Court of Appeal
2001 S.W. 117th Avenue
Miami, Florida 33175-1716

The Honorable Angela M. Cox
County Court Judge, Duval County
330 E. Bay Street, Room 356
Jacksonville, Florida 32202

The Honorable Gary M. Farmer
Appellate Court Judge, Fourth District Court of Appeal
1525 Palm Beach Lakes Boulevard
West Palm Beach, Florida 33401

The Honorable Jim Fuller
Clerk of Court, Duval County
Duval County Courthouse, Room 103
330 East Bay Street
Jacksonville, Florida 32202-2919

The Honorable Marci L. Goodman
Circuit Court Judge, First Judicial Circuit
Santa Rosa County Courthouse, Box K
6865 Caroline Street
Milton, Florida 32570

The Honorable Sally A. Heyman
Miami-Dade County Board of County Commissioners
Stephen P. Clark Center
111 N.W. 1st Street, Suite 220
Miami, Florida 33128-1963

The Honorable Judith L. Kreeger
Circuit Court Judge, Eleventh Judicial Circuit
73 West Flagler Street
Miami, Florida 33130

The Honorable C. Alan Lawson
Appellate Court Judge, Fifth District Court of Appeal
300 South Beach Street
Daytona Beach, Florida 32114

Mr. Ted McFetridge
Trial Court Administrator, Eighth Judicial Circuit
201 E. University Avenue, Room 417
Gainesville, Florida 32601

The Honorable Manuel Menendez, Jr.
Chief Judge, Thirteenth Judicial Circuit
800 E. Twiggs Street, Suite 602
Tampa, Florida 33602

The Honorable Wayne M. Miller
County Court Judge, Monroe County
Monroe County Courthouse Annex
502 Whitehead Street, 1st Floor
Key West, Florida 33040

Mr. Ken Nelson
Court Technology Officer, Sixth Judicial Circuit
324 South Fort Harrison, Room 103
Clearwater, Florida 34616

Ms. Carol Ortman
Trial Court Administrator, Seventeenth Judicial Circuit
Broward County Courthouse
201 S.E. 6th Street, Room 880
Ft. Lauderdale, Florida 33301

Mr. Paul R. Regensdorf
Stearns, Weaver, Miller, Weissler, Alhadeff & Sitterson, P.A.
200 East Law Olas Boulevard
21st Floor, Penthouse A
Ft. Lauderdale, Florida 33301

Mr. Murray B. Silverstein
Murray B. Silverstein, P.A.
150 2nd Avenue, Suite 900
St. Petersburg, Florida 33701-3341

Mr. Kent Spuhler
Executive Director, Florida Legal Services
2425 Torreya Drive
Tallahassee, Florida 32303-4039

The Honorable Charles E. Williams
Circuit Court Judge, Twelfth Judicial Circuit
2002 Ringling Boulevard
Sarasota, Florida 34237

Judge Judith L. Kreeger will serve as Chair and Justice Raoul G. Cantero, III, will serve as the Supreme Court's liaison to the Commission through November 30, 2009. Staff support will be provided by the Office of the State Courts Administrator.

DONE AND ORDERED at Tallahassee, Florida, on November 19, 2007.

Chief Justice R. Fred Lewis

ATTEST:

Thomas D. Hall
Clerk, Supreme Court

AO 08-41 | FLORIDA SUPREME COURT

YEAR: 2008

NUMBER: 41

TITLE: IN RE: EMERGENCY REQUEST TO EXTEND TIME PERIODS UNDER ALL FLORIDA RULES OF PROCEDURE FOR THE TENTH JUDICIAL CIRCUIT

PAGES: 3

Supreme Court of Florida

AOSC08-41

IN RE: EMERGENCY REQUEST TO EXTEND TIME PERIODS UNDER ALL FLORIDA RULES OF PROCEDURE FOR THE TENTH JUDICIAL CIRCUIT

ADMINISTRATIVE ORDER

WHEREAS on Tuesday, August 19, 2008, Tropical Storm Fay caused the closure of the courts in the Tenth Judicial Circuit; and

WHEREAS this danger also may have temporarily impeded the ability of attorneys, litigants, witnesses, jurors, and others in the performance of their duties and obligations with respect to many legal processes throughout the State of Florida;

THEREFORE, pursuant to the administrative authority conferred upon me by article V, section 2, of the Florida Constitution and Florida Rule of Judicial Administration 2.205(a)(2)(B)(iv),

IT IS ORDERED that:

1. In the Tenth Judicial Circuit, all time limits authorized by rule and statute, including the speedy trial procedure, in criminal and juvenile proceedings

are tolled from 5:00 p.m. on Monday, August 18, 2008, through 8:00 a.m. on Wednesday, August 20, 2008, *nunc pro tunc*.

2. In the Tenth Judicial Circuit, all time limits authorized by rule and statute applicable to civil (inclusive of circuit and county), family, criminal, domestic violence, probate, traffic, and small claims proceedings are tolled from 5:00 p.m. on Monday, August 18, 2008, through 8:00 a.m. on Wednesday, August 20, 2008, *nunc pro tunc*.

3. In the Tenth Judicial Circuit, all time limits authorized by rule and statute applicable to notices of appeal of final and non-final orders, whether filed in the circuit or county court, are tolled from 5:00 p.m. on Monday, August 18, 2008, through 8:00 a.m. on Wednesday, August 20, 2008, *nunc pro tunc*.

4. This Court recognizes that there may be instances where, because of this Tropical Storm, these and other time limits applicable to matters in the Tenth Judicial Circuit could not be met even upon application of the tolling periods stated above. If such a claim is made, it shall be resolved by the court in which jurisdiction is vested on a case-by-case basis when a party demonstrates that the lack of compliance with requisite time periods was directly attributable to this emergency situation.

5. The Court also recognizes that matters outside the Tenth Judicial Circuit may have also been affected by this emergency situation. Consequently, the

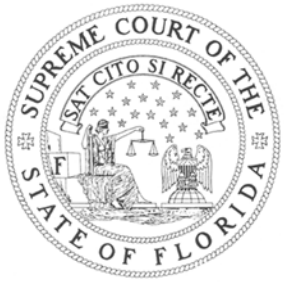
tolling of time periods in matters outside the Tenth Judicial Circuit shall be permitted only when a party demonstrates that the lack of compliance with requisite time periods was directly attributable to this emergency situation.

DONE AND ORDERED at Tallahassee, Florida, on August 25, 2008.

Chief Justice Peggy A. Quince

ATTEST:

Thomas D. Hall
Clerk, Supreme Court



AO 09-23 | FLORIDA SUPREME COURT

YEAR: 2009

NUMBER: 23

TITLE: FLORIDA COURTS TECHNOLOGY COMMISSION

PAGES: 2

Supreme Court of Florida

AOSC09-23

IN RE: FLORIDA COURTS TECHNOLOGY COMMISSION

ADMINISTRATIVE ORDER

Technology is increasingly influencing the manner in which the court system conducts its business. This trend represents significant promise with regard to access for court users as well as the generation of data necessary for the efficient management of the courts, yet at the same time presents numerous challenges. The purpose of the Florida Courts Technology Commission is to advise the Chief Justice and Supreme Court on matters relating to the use of technology in the Judicial Branch.

The current term of the Commission is scheduled to expire on November 30, 2009. In order to allow the Commission to complete its pending business, I hereby

extend the Committee's term through June 30, 2010. The Commission shall continue to utilize the directives and membership established in Administrative Order AOSC07-59, dated November 19, 2007.

DONE AND ORDERED at Tallahassee, Florida, on June 1, 2009.

Chief Justice Peggy A. Quince

ATTEST:

Thomas D. Hall
Clerk, Supreme Court

AO 09-30 | FLORIDA SUPREME COURT

YEAR: 2009

NUMBER: 30

TITLE: STATEWIDE STANDARDS FOR ELECTRONIC ACCESS TO THE COURTS

PAGES: 27

Supreme Court of Florida

No. AOSC09-30

IN RE: STATEWIDE STANDARDS FOR ELECTRONIC ACCESS TO THE COURTS

ADMINISTRATIVE ORDER

The judicial branch of Florida has long embraced the use of information technologies to increase the effectiveness, efficiency, and accessibility of the courts. Technology holds great promise for both the courts and court users. Technology has and will continue to impact court operations, similar to the way in which technology has changed business practices in other organizations. This Court recognizes that the transition of Florida's courts from paper-based information management to systems that rely primarily on digital records represents a fundamental change in the internal operations of the courts. Accordingly, care must be taken to ensure that this transformation is accomplished in a deliberate and responsible manner. As this Court said with regard to electronic access by the public to court records, "these issues are not merely

technical but are central to the future functioning of the courts and to relations between citizens and their government."[1]

Section 16, Chapter 2009-61, Laws of Florida (Committee Substitute for Senate Bill 1718), provides:

> The Legislature requests that, no later than July 1, 2009, the Supreme Court set statewide standards for electronic filing to be used by the clerks of court to implement electronic filing. The standards should specify the required information for the duties of the clerks of court and the judiciary for case management.

Electronic filing of court records primarily concerns the electronic transmission of records and supporting documentation from lawyers and litigants to the clerks of court, and further transmissions among first parties to an action, other parties, and clerks. This technology can make the process of submitting documents to the court and to other parties simpler, quicker, and less costly. It can also reduce the costs incurred by clerks of court for storing and transferring documents.

Electronic filing by itself does not effectuate migration of a court to a digital record system. Electronic filing is only one component, albeit perhaps the most critical component, of a comprehensive environment in which other components of the court process are also automated. This broader digital environment can be

[1] In Re: Implementation of Report and Recommendations of the Committee on Privacy and Court Records, AOSC06-20 (Fla. June 30, 2006).

understood as electronic access to the courts, which integrates electronic filing, electronic records management, automated scheduling, electronic records access, as well as other aspects of the court process. Electronic filing systems implemented in the Florida judicial branch must be compatible with this Court's goal of migration toward a comprehensive digital environment in an orderly fashion.

Related to the implementation of electronic filing is the concept of a single statewide Internet portal for electronic access to and transmission of court records to and from all Florida courts. This Court has previously endorsed the portal concept and directed the Electronic Filing Committee of the Florida Courts Technology Commission to develop a plan for implementation of the Florida Courts E-Portal. Thus, electronic filing systems must also be compatible with the Florida Courts E-Portal.

The Florida Courts Technology Commission is charged with advising the Chief Justice and Supreme Court on matters relating to the use of technology in the Judicial Branch. The Florida Courts Technology Commission and the Electronic Filing Committee have reviewed and proposed revisions to the electronic filing standards. The attached Florida Supreme Court Statewide Standards for Electronic Access to the Courts are hereby adopted, incorporated herein by reference, and shall be effective upon the signing of this order. These standards may be revised

by the Court in the future, as may be necessary to achieve the mutual objectives of the judicial and legislative branches as identified in Chapter 2009-61, Laws of Florida.

DONE AND ORDERED at Tallahassee, Florida, on July 1, 2009.

Chief Justice Peggy A. Quince

ATTEST:

Thomas D. Hall
Clerk, Supreme Court

Florida Supreme Court
Standards for Electronic Access to the Courts
June 2009

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1.0. EXECUTIVE SUMMARY

On May 27, 2009, Chapter 2009-61, Laws of Florida (Committee Substitute for Senate Bill 1718), was signed into law and it requests that by July 1, 2009, the Court establish e-filing standards to be used by the clerks of court to implement electronic filing. This legislation requests that the standards specify the information that the clerks of court need to perform their duties and that the judiciary needs for case management, and directs the clerks of court to begin implementation no later than October 1, 2009.

The judiciary welcomes this legislative support for its constitutional operations and functions, and through the implementation of the attached Standards, will work with the Legislature in making Florida's courts fully capable of functioning in our modern electronic age.

The term "E-Filing" used in Senate Bill 1718 in a strict sense means the electronic delivery of documents to the court. In its broader and more accepted usage, however, e-filing is used to describe electronic access to the courts in the future, where the public, their judges, the clerks, lawyers, and all who participate in our judicial system can fully utilize modern technology to obtain greater efficiencies in and access to our court system. Through SB 1718 and other initiatives the Florida courts of today will be able to effectuate electronic access to the courts in the future.

The people of the State of Florida, whether through their judicial officers, the clerks of court, their representatives (state attorneys, public defenders and private attorneys) or directly themselves, will benefit greatly from electronic access to the courts. The Commission realizes that requiring all court users to file their documents electronically would be more cost-effective than requiring courts to receive and maintain paper as well as electronic records. However the Commission also recognizes that requiring e-filing may restrict access to Florida's courts for some users. The Commission will continue to study and discuss all of the ramifications of implementing e-filing and the means of effecting e-filing throughout the state so that the people's access to their courts will not be limited by a transition to this new means of transmitting records to courts.

An electronic court file, fully accessible by all participants in the judicial system subject to the limits of Florida law and the Florida Constitution, will provide significant opportunities for increased efficiencies and ultimate cost savings to the Judicial Branch. These standards fully promote these goals through better case management, and modern electronic access to and use of an electronic record for all parties in recognition of and compliance with both the principle of public access and the legitimate right to privacy.

Electronic filing is an integral part of the Florida Courts Case Management program. Statewide standards provide for a single uniform access point, uniform standards and data elements for filing, docketing, calendaring, workflow, document development and case management. These Standards are embodied in a living document that is expected to be updated and improved as technology, business requirements, and other regulations change.

The Florida Courts E-Portal (E-Portal) is included as an essential part of these standards. The E-Portal will be a single uniform point of access for all state court electronic court filing. This E-Portal will be designed to ensure one uniform access interface throughout the state. All

electronic court filings shall be processed through the E-Portal once it is established, and any other electronic filing access methods must be approved by the FCTC E-Filing Committee. Any local e-filing or related systems that are currently operating or in the process of development must become compatible with the E-Portal when it is approved by the Florida Courts Technology Commission. Continued approvals of clerk e-filing requests are contingent upon those improvements becoming compatible with the E-Portal.

The standards provide for electronic filing of court documents and delivery of electronic data to populate the local court and clerk of court databases and the creation of an electronic court file. The electronic data elements submitted in the cover sheets that are required by rules of procedure shall be received by the management service and available to populate existing and future case management systems developed by the court and/or clerk of court.

The electronic file created by this system shall be delivered electronically by the clerk to the judiciary in a form and manner that provides an improved workflow and work environment for the judiciary. The judiciary must approve any e-filing system application or e-filing system now implemented that intends to deliver the electronic files without the hard copy to the judiciary, as well as any electronic workflow and electronic judicial work environment.

This document contains four primary sections:

Florida Courts E-Portal – On April 30, 2008, the Supreme Court, in conference, approved the "E-filing Operational Policies, Florida Statewide Electronic Filing Portal" document. The document addressed the concept for a statewide electronic access to and transmission of court records to and from all Florida courts. To enable the implementation process to move forward, the Court intends to establish competitive solicitation to obtain assistance from qualified vendors.

Standards for Electronic Filing - This updated version of the electronic filing standards has been developed and recommended by the Florida Courts Technology Commission and the Electronic Filing Committee. This updated version replaces the previous version approved in 2004 (Supreme Court Administrative Order AOSC04-11) and shall be used by any party submitting an electronic filing plan for consideration by the Supreme Court.

Case Management System Design Framework – In April 2003, Supreme Court administrative order AOSC03-16, IN RE: Adoption of Functional Requirements, Technical Standards and Strategic Plan, was executed. The order set forth certain directives to bring standardization and automation to trial court technology. These documents were created to establish certain automated/electronic criteria that would assist judges in performing their duties. Even though six years have passed since the adoption of the functional standards included in these documents, they contain considerable information that will provide a framework to move forward with a base-line for a court case management system.

Governance – As noted in Supreme Court administrative order AOSC09-23, the purpose of the Florida Courts Technology Commission is to advise the Chief Justice and the Supreme Court on matters relating to the use of technology in the Judicial Branch. In order to effectively manage the multitude of technology-related activities facing the branch, there is a critical need to establish a system of governance. This governance process will assure integration of court technology at all levels and provide oversight for compliance with established standards. The

FCTC plans to submit a recommendation for a proposed rule of judicial administration to address governance.

2.0. DEFINITIONS

Florida Courts E-Portal (E-Portal) means a statewide access point for electronic access and transmission of court records to and from the Florida courts. All filers of court records, lawyers and non-lawyers, would use the E-Portal for secure access to all courts for electronic access to the court including e-filing. The E-Portal will be capable of accepting electronic filings from multiple sources, using common data elements passing to and from each local case system.

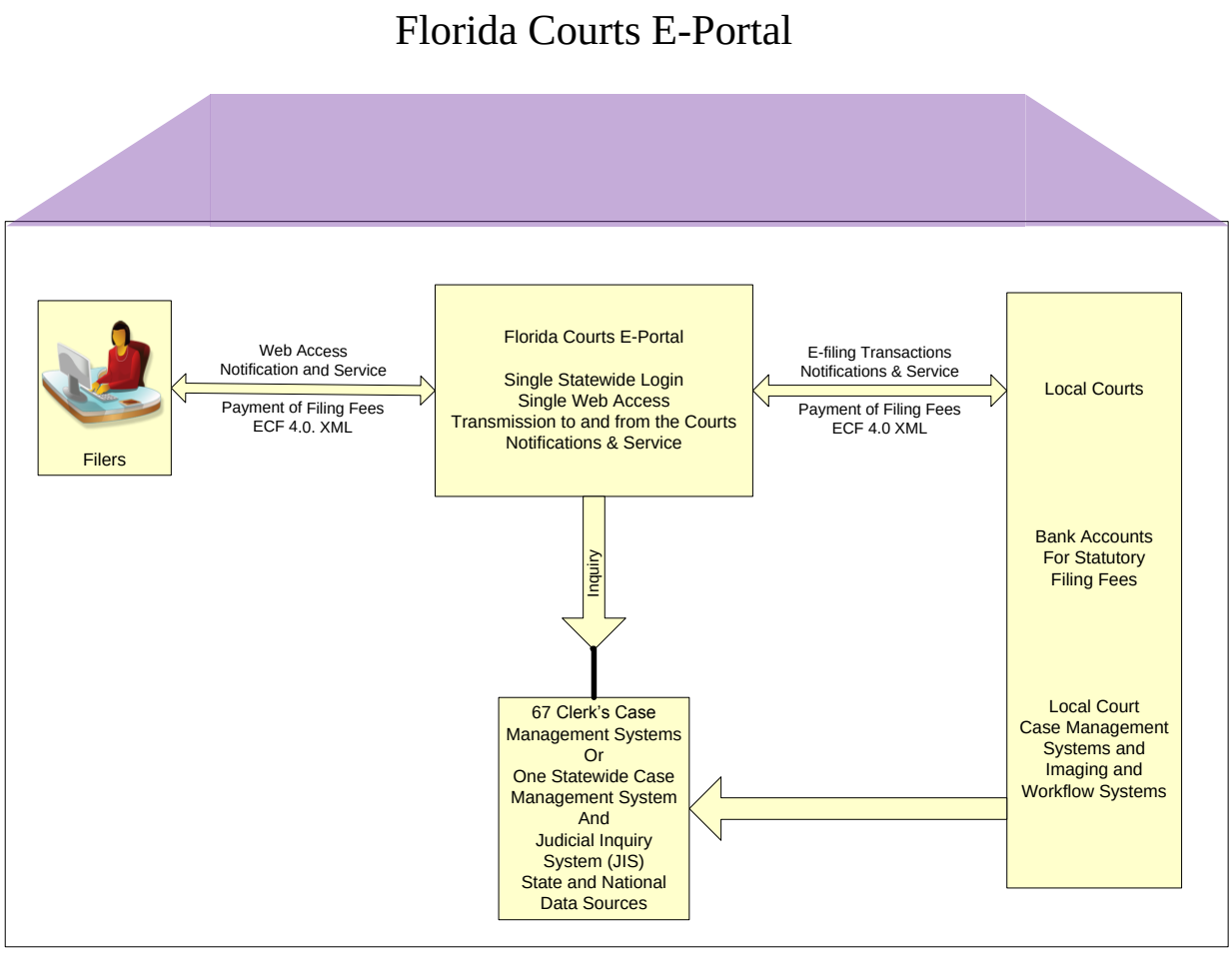
E-filing means filing court records to a case through electronic systems and processes in compliance with Florida Rules of Judicial Administration, Rule 2.525. E-filing includes filing a court record with accompanying data elements necessary to either establish an index of records for new cases or associate the record with an existing case in the case management system. E-filing may also be referred to using the acronym ECF (Electronic Court Filing as established by The National Center for State Courts).

Electronic Court Records means those records as defined in Florida Rules of Judicial Administration, Rule 2.430 filed with and/or maintained by the clerk in electronic format. Electronic court records are electronic records created, generated, sent, communicated, received, or stored by electronic means which are capable of being printed as paper, or transferred to archival media, without loss of content or material alteration of appearance. Court records may be created or converted to electronic formats by the filer and electronically filed with clerks who maintain them using electronic case maintenance systems. Court records that have been filed in paper format may be converted to electronic records using scanning technology. Electronic court records shall constitute the official record and are the equivalent to court records filed in paper. Filing with the clerk shall be accomplished by electronic transmission as stated in Florida Rules of Judicial Administration, Rule 2.525.

Electronic Access to the Courts encompasses many levels of information, functionality, and case processing conducted in the judicial branch that may be completed by electronic means. Electronic access to the courts may include technology such as e-filing, electronic access to documents, electronic calendaring, case management systems, records management systems, statistics, resource management systems, and e-commerce.

3.0. FLORIDA COURTS E-PORTAL

The E-Portal will provide capability for a common entry point for all court e-filings in the State of Florida. The E-Portal will be developed in compliance with all existing and new e-filing rules as set forth in Rule 2.525, Florida Rules of Judicial Administration, and developed by the Supreme Court's Electronic Filing Committee and subsequently approved by the Supreme Court. The Court will solicit vendors through a competitive process in accordance with Florida Law. The E-Portal will be built to maintain interfaces with other existing statewide information systems. The following diagram represents the current conceptual model of the proposed Florida Courts E-Portal:



3.1. E-Portal Functionality

The E-Portal has the following minimum functionality:

1. Single statewide login
2. Process for non-attorneys and for self-represented users to access the system
3. Uniform authentication method
4. Single point of access
5. Consolidated electronic notification section
6. Process for local validation
7. Automated interface with other e-filing systems
8. Utilize XML ECF 4.0. Standards.
9. Accommodate bi-directional transmissions to/from Courts
10. Integrate with other established state-wide systems
11. Accept electronic forms of payment

4.0 REQUESTS FOR ELECTRONIC TRANSMISSION AND FILING OF DOCUMENT INITIATIVES

In accordance with Rule 2.525, Florida Rules of Judicial Administration, a court of general or limited jurisdiction must apply to the Supreme Court for an Interim Order approving the acceptance of electronic transmission of documents for filing. Specific testing criteria must be put into place and reported during a 90 day period. After an initial period of testing the e-filing system, a site review will be conducted to verify that the electronic system meets all testing criteria, and the clerk may apply for a final order permitting e-filing with no follow-up paper filing. (Rule 2.525 (2))

The courts have been extremely flexible in allowing different types of e-filing requests to be approved. We are now at the point where there must be a standard approach to e-filing requests which should include the courts and the clerks agreeing which divisions should first implement e-filing. This will give both the court and the clerks time to update the cover sheets as specified in Section 4.1.3 Electronic Cover Sheets - Data Accompanying Submitted Documents.

4.1. E-Filing Standards

4.1.1. Size of Filing

Submissions shall not exceed 25 megabytes (25 MB) in size. No combination of files in one transmission may exceed more than 25 megabytes (25 MB) in size.

4.1.2. Document Format

Any information that will become part of, or is related to, a court case file, and which is being transmitted electronically to the clerk of court must be described in a format that can be rendered with high fidelity to originals and is searchable, tagged and complies with accessibility requirements in Chapter 282.601-606.

Appellate Court document formats will be adopted to improve the readability of the document image, improve the redaction process by providing standard fonts and font sizes, and provide consistency of appearance for images. Appellate court standards include Times New Roman font size 14 or Courier New font size 12.

4.1.3. Electronic Cover Sheets - Data Accompanying Submitted Documents

Filing entities are required to transmit data identifying a submitted document, the filing party and sufficient other information for entry in the court's docket or register of actions. In the case of a document initiating a new case, sufficient other information must be included to provide data to support the creation of a new case in the court's case management information system.

Filers are required to complete and transmit with any e-filing uniform cover sheets that comply with current rules of procedure. The court shall develop, define and continuously update the uniform electronic cover sheets. The cover sheets will be maintained on the e-filing system.

The cover sheets shall be designed to collect the data elements in .XML format that support the filing, indexing, docketing, calendaring, accounting, reporting, document development, case management and other necessary functions of the court.

In an effort to reduce redundant data entry, emphasis is placed on providing the ability to extract text from the electronic submission. For this process, word processing, .PDF or .XML file formats created by text based processors are required. Facsimile transmissions will not be allowed because they do not allow for automatic extraction of data.

4.1.4. Uniform Personal Identification

Uniform personal identification standards are necessary to promote electronic filing throughout the State of Florida. Each person provided with a unique identifier for purposes of filing documents electronically must use that identifier when submitting any documents. Documents filed with the unique identifier will be presumed to have been filed by that person.

All electronic filing information systems must support the use of a uniform personal identifier.

4.1.5. Electronic Notification of Receipt

All electronic document submissions must generate an acknowledgment message that is transmitted to the filer to indicate that the clerk received the document.

At a minimum the acknowledgment should include the date and time the document was received (which should be a court's official date/time stamp), and a court assigned case number, if available, or document reference number.

4.1.6. Security

Any computer utilized to accept e-filings, particularly from sources external to the court, must be protected from unauthorized network intrusions, viruses, and worms and isolated from other court networks or applications. Software and security devices such as antivirus, firewalls, access control lists, and other filters must be utilized. Media capable of carrying viruses into court computers (e.g., computer networks and electronic media) must be scanned for computer viruses prior to processing.

4.1.7. Filing Process and Payment

E-filing systems shall support an interactive filing process and/or a batch (non interactive) process. E-filing systems shall support electronic payment methods.

4.1.8. Web Based Application Standards

All court based e-filing processes will use Internet based open standards architecture as defined in the following:

- Rule 2.525, Florida Rules of Judicial Administration
- Supreme Court Administrative Order - AOSC03-16

- ECF 4.0 (National Center for State Courts (NCSC) – Electronic Court Filing Standard)
- Standards as defined in this document

Other reference sources of information may include:
Consolidated Case Management System Functional Standard V.0.20 (NCSC)

4.1.9. Legal Transmission Envelope

Any electronic document or information submitted to a court with a filing or subsequent case action must be transmitted using a data structure that provides universal access at any court. Submissions shall not exceed 25 megabytes (25 MB) in size. No combination of files in one transmission may accumulate to more than 25 megabytes in size.

The e-filing system shall perform a validation of the documents filed to insure that any discrepancies (such as incomplete data or viruses) are detected prior to the filing being submitted to the courts. Where possible, the user will be notified immediately if the e-filing system detects errors in the filing process. There will be different validation rules based upon the type of filing (for example: new case initiation as opposed to filings in an existing case).

4.1.10. Court Control of Court Documents - Data Storage

Original court data must reside in Florida with the intent to ensure that the original court record will reside within the State of Florida on technology which is under the direct control of the Court and in the custody of the clerks. This does not preclude additional copies to be stored within or outside the State of Florida for the purposes of disaster recovery/business continuity.

4.1.11. Local Validation

When information has been filed electronically to the clerk, the clerk will perform a local validation to examine the filing and determine that it complies with e-filing requirements and is otherwise acceptable. This local validation process will be similar for each clerk's office.

4.1.12. Document Fidelity and Authenticity

All documents filed electronically must be printable as paper documents without loss of content or appearance. A mechanism must be provided to ensure the authenticity of the electronically filed document. This requires the ability to verify the identity of the filing entity and the ability to verify that a document has not been altered after the time it was transmitted by the filing entity.

4.1.13. Embedded Hyperlinks

Hyperlinks embedded within an e-filing should refer only to information within the same document, or to external documents or information sources that are known to be trustworthy and stable over long periods of time. Hyperlinks should not be used to refer to external documents or information sources that are likely to change.

4.1.14. Exhibits

Every implementation of e-filing must accommodate the submission of non-electronic documents or exhibits. Examples of articles include such documentary evidence as court approved forms, executed wills, and non-documentary items such as cassettes, video tapes, weapons, drugs, etc.

Each exhibit that is filed in a proceeding before the Court shall be in its original form or such form as permitted under Florida Statutes or court rules pertaining to the admission of evidence, except for copies of exhibits that are submitted as attachments to pleadings, unless otherwise agreed by the parties of record,.

4.1.15. Documents Exempt from Public Access

If a filer who electronically files a document containing information identified as exempt from public access pursuant to Rule 2.420, Florida Rules of Judicial Administration and applicable statute, the filer shall indicate that the document contains confidential information by placing the notation "confidential" in the comments section. Documents that are exempt or claimed to be exempt from public access shall be processed pursuant to Rule 2.420.

4.1.16. Archiving

Electronic documents must be stored in, or convertible to a format that maintains content appearance and can be archived in accordance with standards adopted by the Supreme Court of Florida.

4.1.17. Accommodation of Paper Submissions

Documents submitted to the court in paper form shall be converted to an electronic format to facilitate the creation of a single electronic case file.

4.1.18. Public Access

Public access to electronically filed documents must be provided in accordance with the judicial branch policy on access to court records. Electronic documents must comply with Section 4.4 of this document.

4.1.19. Self-Represented Litigants

Self-represented litigants shall be provided a means to file documents electronically

4.1.20. Adding a Party

The e-filing system will accept additional parties after the initial pleading is filed.

4.2. TECHNICAL FAILURE

4.2.1. Determination of failure and effect on due date

The clerk shall deem the E-Filing System to be subject to a technical failure on a given day if the clerk's server is unable to receive and accept filings in accordance with these e-filing operational polices, either continuously or intermittently over the course of any period of time after 12:00 noon that amounts in the aggregate to more than one hour on that day. In the event of a technical failure, filings due that day which were not filed due solely to such technical failures shall be considered as due the next business day. Delayed filings shall be rejected unless they are accompanied by a declaration or affidavit attesting to the filer's attempts to file electronically that failed after 12:00 P.M. on at least two occasions that are separated by at least one hour due to such technical failure.

4.2.2. Procedure Where Notice of Electronic Filing Not Received

If a Notice of Electronic Filing is not received from the clerk in response to a transmission of a document for filing, the document will not be deemed filed. The person making the filing must attempt to refile the information electronically until such a Notice is received. Persons who file electronically bear the responsibility of ensuring that documents and other filings are electronically filed and received.

4.2.3. Retransmission of Electronic Filing

If, within 24 hours after filing information electronically, any filer discovers that the version of the document available for viewing through the Electronic Case Filing System is incomplete, garbled or otherwise does not conform to the document as transmitted when it was filed, that filer shall notify the clerk immediately and retransmit the filing if necessary.

4.2.4. System Availability and Recovery Planning

Computer systems that are used for e-filings must protect electronically filed documents against system and security failures during periods of system availability. Additionally, contingencies for system failures and disaster recovery mechanisms must be established. Scheduled downtime for maintenance and updates should be planned, and a notification shall be provided to filers in advance of the outage. Planned outages shall occur outside normal business hours as determined by the Chief Judicial Administrative Officer of the Court. E-filing systems shall comply with the security and backup policies created by the Florida Courts Technology Commission.

Plan 1: Contingency Plan

Timeframe: Immediate - during normal working hours.

Scope: Localized system failures while court is still open and operational. This plan will also be put into operation while COOP and Disaster Plans are under way.

Operational Levels: Levels of operation will be temporarily limited and may be conducted in electronic or manual processes. Since court will still be open, this plan must address how documents will be received while the system is down.

Objectives:

- Allow the Court to continue with minimum delays by providing a temporary alternate solution for access to court files.
- Conduct tests to verify the restoration process.
- Have local and local off site backup of the operating system, application software, and user data available for immediate recovery operations.
- Identify areas where redundancy is required to reduce downtime, and provide for hot standby equipment that can be utilized in the event the Contingency Plan is activated.

Plan 2: Business Continuity/Disaster Recovery

Timeframe: Disaster dependent, varies.

Scope: Declared disasters either local or regional that impact the geographic area.

Operational Levels: Temporarily unavailable or limited until facilities are deemed functional or alternate facilities can be established. Mission Essential Functions defined the Court's COOP for the affected area must be addressed in the designated priorities and timeframes.

Objectives:

- Allow court operations to recover in the existing location or alternate facility
- Provide cooperative efforts with impacted entities to establish access to court files and allow for the continuance of court proceedings
- Provide in the Contingency Plan a temporary method to meet or exceed Mission Essential Functions identified in the Court's COOP.
- Provide another tier level of recoverability by having a backup copy of the operating system, application software, and user data in a protected environment outside of the local area not subject to the same risks as the primary location for purposes of recovery according to standards approved by the FCTC.
- This plan may provide another out-of-state tier for data backup provided that the non-local in-state tier is established.

4.3. CONSIDERATION OF RECOMMENDED COURT REQUIREMENTS

4.3.1. Access

The clerk will provide free public access to court records as authorized in state statutes and in Rule 2.420, Florida Rules of Judicial Administration to the electronic case file according to statute or rule of court or Administrative Order of the Supreme Court.

The clerk will provide access to dockets, calendars and other electronic court records as authorized by statute or rule of court or Administrative Order of the Supreme Court.

4.4. ADA AND TECHNOLOGY COMPLIANCE

Accessibility Requirements

Accessibility standards for electronic and information technology are covered by federal law, known as Section 508 of the Rehabilitation Act of 1973 (as amended), which lists standards necessary to make electronic and information technology accessible to persons with disabilities. These standards, together with the requirements of the Americans with Disabilities Act and Florida law, must be met. References to these requirements throughout this document will be noted as "Section 508, Florida law and the ADA".

The following list provides reference information for understanding the requirements of Section 508, Florida law and the ADA:

- Chapters 282.601-282.606, Fla. Stat. – The Florida Accessible Electronic and Information Technology Act
- Section 508 of the Rehabilitation Act of 1973 (as amended) – United States Federal Access Board: Electronic & Information Technology Accessibility Standards (http://www.access-board.gov/gs.htm)
- The Americans with Disabilities Act of 1990 (ADA)

  Other reference sources of information may include:
  - World Wide Web Consortium (W3C) Web Access Initiative Guidelines (http://www.w3.org/)
  - ADA Best Practices Tool Kit for State and Local Governments – Chapter 5, Website accessibility Under Title II of the ADA: http://www.ada.gov/pcatoolkit/chap5toolkit.htm
  - Section 508 – (http://www.section508.gov)

All technology and information used to support creation of an electronic case file and to provide access to court records will comply with court technology standards, and the Florida AeIT Bill [Accessible Electronic and Information Technology], s. 282.601-282.606. Fla. Stat.

Additionally, all e-filing applications submitted for approval include a "Statement of Accessibility/Certification."

5.0. ELECTRONIC SERVICE

By signing the Electronic Filing Registration Form, a filer consents to receive notice electronically, and waives the right to receive notice by personal service or first class mail of any document filed electronically, except with regard to service of a complaint or summons or other filing that requires personal service. This registration form does not constitute consent to electronic service of a document that is not filed with the Court. However, written consent to electronic service of such documents may be given separately.

There may be a need to later define a process by which the clerk's office can address "an emergency" e-filing.

5.1. Computation of Time

The Court should adopt a standard that establishes when an e-filing is accomplished for purposes of the court record.

6.0. DELIVERY OF ELECTRONIC CASE FILES

An electronic case file being utilized by the court should meet or exceed the capabilities and ease of use currently provided by a paper case file. Electronic documents shall be available to court officers and personnel in a manner that provides timely and easy access. In addition, the electronic display should present information to courtroom participants that enables any person to immediately retrieve docket and case-specific information in a manner that is no more difficult than paging through a paper file. The application shall not have a negative operational impact on the court. Therefore the court shall have the opportunity to review and approve any changes to the current business process before the system may be implemented.

To meet the basic requirements of timeliness in a court environment, access to electronic court records should be almost instantaneous with a retrieval time of one to three seconds for cases on the daily calendar, five to eight seconds for cases that have had activity during the past 60 days, and 30 seconds for closed or inactive cases. The system should provide some method to notify the requesting entity if a longer time delay will occur, such as when a case has been archived.

Simultaneous access for multiple courtroom participants to view the same case file and/or document shall be provided.

Monitors shall be of sufficient size to allow comfortable viewing of electronic documents. There shall be a method to search for and select specific documents for viewing. Regardless of the document retrieval techniques employed, a viewer should have the ability to quickly page through an electronic document or a case file.

Forms and documents that a judge or other courtroom personnel normally prepare during a particular proceeding should be electronically prepared, reviewed, signed, printed, and distributed as another function supported by the automated electronic case management system.

Any system that intends to deliver electronic files instead of paper files to the judiciary must have the electronic workflow, functionality, and electronic judicial document management service approved by the judiciary before paper may be discontinued. The electronic file created by the clerk shall be made available and delivered to the judiciary in a manner that provides improved workflow and document management service to the judiciary and court staff. Filings in an electronic file that is created or updated by any system shall be available for viewing by the court immediately upon acceptance by the clerk.

According to the NCSC document Standards for Electronic Filing Processes (Technical and Business Approaches) -

> "to avoid the unintended connotation associated with the term "electronic filing" that may be interpreted as referring only to the process by which documents are submitted to a court for filing.
>
> That is only one part of a mature, full blown electronic documents process. Focusing only upon the initial filing aspect runs the risk of losing most of the potential benefits of electronic filing. At the extreme, the failure to look at electronic filing as part of a much larger process can result in an expensive system that is of little utility to court users such as judges, lawyers, litigants, and court staff. *Electronic Filing Processes* is also preferable to "Electronic Court Documents" which might apply simply to court imaging systems that create electronic documents by scanning paper filings. "Electronic Court documents" would also include standards for document management systems, which are not within the scope of these standards. *Electronic Filing Processes* incorporate scanning of paper documents, but only as an ancillary process for capturing historical documents not created for the purpose of litigation and for converting paper documents submitted by parties incapable of using electronic filing means. An *Electronic Filing Process* relies upon submission of the great bulk of documents in electronic form without requiring the routine use of paper at any step in the process.

7.0. ELECTRONIC SIGNATURES

7.1. Signatures of Registered Users

A pleading or other document is not required to bear the electronic image of the handwritten signature or an encrypted signature of the filer, but may be signed in the following manner when electronically filed through a registered user's login and password.

s/ John Doe
John Doe (e-mail address)
Bar Number 12345
Attorney for (Plaintiff/Defendant) XYZ Company
ABC Law Firm
123 South Street
Orlando, FL 32800
Telephone: (407) 123-4567

7.2. Multiple Attorneys of Record Signatures

The following procedure applies when a stipulation or other document (*e.g.*, a joint motion) requires the signatures of two or more attorneys of record:

> The filing attorney shall initially confirm that the content of the document is acceptable to all attorneys required to sign the document and shall obtain the signatures of all attorneys on the document. For purposes of this procedure, physical, facsimile, or electronic signatures are permitted.
>
> The filing attorney then shall file the document electronically, indicating the signatories, (*e.g.*, "s/ Jane Doe," "s/ John Smith," etc.) for each attorney's signature.

7.3. Original Documents and/or Handwritten Signatures

Original documents (Death Certificates, etc.) or those that contain original signatures such as affidavits, deeds, mortgages and wills must be filed manually until the court has determined the digital format by which these issues are addressed.

7.4. Judge Signature

Judges are authorized to electronically sign all orders and judgments indicating the signature as (s/ Jane Doe, Circuit Court Judge).

8.0. CASE MANAGEMENT SYSTEM DESIGN FRAMEWORK

Overview

In pursuit of the mission and vision of the Florida Judicial Branch, the courts are committed to an effective, responsive and accountable judicial system. While understanding that the quality of justice cannot be measured solely by statistics and reports, the court believes that case information is critical to its efficient management of judicial cases and it should form one cornerstone of sound court management. To that end, the Florida court system must establish a uniform statewide case management system that will provide reliable and accurate case data.

Section 16 of Senate Bill 1718 requests that the court establish standards for electronic filing including the "… duties of the clerks of court and the judiciary for case management." This section addresses case management.

A case management system can broadly be considered the set of functional standards and requirements and the resultant collection of programs, utilities, and protocols that collectively provide for initiation, processing, tracking management and reporting of cases through the judicial system. In addition to enabling the efficient flow of day to day operations, an effective case management system must provide for comprehensive and uniform reporting of case level and court activity data as required for overall court management. This critical collection and reporting component ensures fundamental accountability for efficient and effective management of court activity at all levels of the courts.

This case management system framework design contains sufficient detail to provide immediate guidance to clerks of court and other stakeholders with respect to their duties and responsibilities to the court while remaining general enough to provide for the incremental development required for this complex project. The framework builds upon existing case management work and strives to present a consistent method for system development. It presents a standard definition for a case management system and outlines the guiding design principles to be applied at all levels. Applying these principles will ensure a viable case management system that encapsulates flexibility, modularity, consistency, quality, reporting and accountability, and accessibility. This case management system is expected to incorporate case maintenance as well as case management functionality.

Appellate Case Management

Although the legislature did not specifically direct the clerks of the appellate courts to commence electronic filing by October 1, 2009, providing the appellate courts with electronic courts capability is equally important. The appellate courts and the Supreme Court cannot accept electronic records from appeals from the trial courts if they do not have the capacity to receive and store documents electronically. In any appellate electronic filing and case management system, additional functionality must be included. Particularly, collaboration elements are essential to any appellate court system, as all decisions require review by at least three judges in the appellate courts and more in the Supreme Court. The appellate courts have already attempted to design a system but funding issues prevented further development. They are currently exploring other systems. Additional funding will be necessary to make the appellate courts and the Supreme Court electronic, but the investment will save operational costs just as it will in the trial courts.

Design Guidelines

The case management system design shall be based upon the work of the Florida Courts Technology Commission as codified in Supreme Court Administrative Order AOSC03-16, IN RE: Adoption of Functional Requirement, Technical Standards and Strategic Plan. Clerks of court and court administration should submit design and implementation plans to the Florida Courts Technology Commission for review and approval before software or hardware is purchased or system development begins.
Key concepts in the design of this uniform case management system are flexibility, modularity, consistency and quality. The complexity of a uniform system dictates that it be developed as an

interoperable suite of component modules such as e-filing or civil case management, rather than as one monolithic application. To ensure that users obtain the most benefit from this system as quickly as possible, design managers must ensure that each component provides significant, if not full, functionality without critical dependence on other, as yet undeveloped, components. Interoperability and independence require that each component include the intrinsic capability to share data and other common resources in a consistent manner across all components of the system.

Such interoperability is a challenge, given that the case management needs of the various divisions of court and of court programs differ significantly. However, every effort should be made to define a common framework upon which the case processing components for each division of court and court program can be based. For example, existing standards define a cross divisional case flow with the following common functional components:

- Case Initiation and Indexing
- Docketing and Related Record Keeping Function
- Schedule and Case Management
- Ticklers, User Alerts & Automated Workflow and Forms Generation
- Document Processing
- Calendaring
- Hearings
- Disposition
- Case Closure
- Accounting
- Audit Trail Management
- File Archival and Destruction
- Document Management
- Exhibit Management
- Statistical Reports
- Management Reports
- Electronic Designation of Appellate Records

The technical standards and plan described in Administrative Order AOSC03-16 is a solid starting point for the development work ahead. However, like all systems which serve the public, court processes and court needs evolve over time in response to changes in statutes, other law, court rules and best practices. As each component of the overall case management system is developed, systems design managers should review the above standards for applicability and update requirements and standards as necessary. Also, as the functional requirements and technical standards encapsulated in AOSC03-16 were developed in 2003, the system design managers should, as a first planning step, conduct a complete review and update of the cross functional requirements to ensure that they have a comprehensive, up-to-date picture of common elements upon which to base a uniform system design.

Actual implementation of the uniform case management system components may require additions or deletions to these specifications to ensure that the final system is relevant to the case and data management issues facing court managers today and in the future. However, frequent

changes, even those that are considered necessary, can negatively impact systems development and usability leading to inefficient or ineffective systems. The development plan for each component should provide for periodic expansion cycles to ensure that the case management system remains responsive to evolving court needs and to changes in statutes or rules of court.

One purpose of any case management system is to facilitate the administration of case activity within the courts and to provide court managers with the supporting information that is necessary to effectively manage that activity. Consequently, it is critical that the system remain relevant to its users at all levels of court. This is achieved by recognizing the information needs of the users and by facilitating the addition of new elements as required through a well defined and responsive expansion process. Data that is collected should be available in a timeframe that best fits the needs of the users. The system should provide the capability for case management users to easily extract data or perform non-standard query actions as required by emerging needs.

As an integral aspect of general design, system development should incorporate quality elements such as specific input data validations and mechanisms for monitoring and correcting data that fail validation as close to the input level as possible. Data should be checked for inadmissible data combinations, incompatible data, and missing data. The system should provide for the straightforward correction of data at the level closest to origination which includes the point of document submission. This will increase the likelihood that data will be accurate and reliable and reduce the amount of effort that must be expended to ensure that accuracy. Additionally, the case management system should provide for macro level quality evaluation including audit trails, automated checks and reasonableness reviews by subject matter experts. System design should ensure that conducting these evaluations on a regular basis is a simple and straightforward process.

All case management system components should be designed to easily allow for two-way sharing of data with other internal system components and with external sources at the state or national level. Wherever possible, the case management system should implement statewide and national standard concepts and classifications and a common methodology for data representation and transfer. This would allow data from multiple sources both within and without the court system to interoperate seamlessly within the context of case management and reporting.

Current Data Collection Systems

Existing data collection systems provide critical management data to the courts at all levels. The modular nature of the development process for a case management system requires the careful consideration of existing reporting requirements to ensure that completion of one component of the system does not inadvertently reduce the quality or quantity of data currently collected. The court has several critical data collection and reporting mechanisms currently in place, such as are detailed in Florida Rules of Judicial Administration 2.240, 2.245 and 2.250 and §25.075, Florida Statutes and other relevant rules and statutes. These reporting mechanisms cannot and should not be abandoned prematurely. Although every effort will be made to consolidate data collection and reporting mechanisms during the development process, clerks of court, circuit court administration and other reporting entities should expect to continue data collection and reporting under the appropriate guidelines until directed otherwise by the courts.

Security and Confidentiality

All case management components should employ the utmost care in ensuring the confidentiality of case records as appropriate and at all levels of case and data processing. Redaction software should be deployed as appropriate to ensure that confidentiality is protected on display or archive. Appropriate security and encryption measures should be built into the system so that the transfer and storage of data within the system does not expose sensitive data to unauthorized access. Statutory requirements for retention, availability, display and purging of cases that are sealed or expunged or otherwise restricted should be strictly and programmatically enforced. System design should provide for the secure deletion of case records as necessary across separate system components.

Other Standards

As individual case management components are developed, similar work at the national level should be considered. For example, the National Center for State Courts (NCSC) has identified the general movement of a case through the judicial system as presented in their "Introduction to Function Standards, Draft February 2, 2001." The NCSC has also provided a series of general Case Management Standards which may serve as a resource in the development process. However, no uniformly accepted national standards exist. Consequently, systems design methodology managers should review the standards articulated by the National Center for State Courts in their Case Management Standards (http://www.ncsconline.org/d_tech/standards/default.asp) for applicability to individual case management components and incorporate those standards which are determined to be relevant to an efficient and effective Florida case management system.

9.0. GOVERNANCE

A Governance Structure shall be established to make certain that initiatives regarding electronic access to the court meet established standards, maximize and/or improve workflow processes, improve accessibility to the court, and allow stakeholders to communicate in a manner that allows for effective integration of systems. Governance shall be established by the Court once recommendations by the Florida Courts Technology Commission have been received.

Efforts to integrate systems such as e-filing and case management offer many opportunities to be more cost effective and efficient. Integration brings with it the critical need to have collaboration among stakeholders who share an interest in using the information, content of information, and the functionality of software applications. The introduction of new systems or changes to existing systems with the goal to improve processes may also bring with it unintended negative impact upon others who have a shared interest or need.

The goals of governance are the following:

1. Governance provides a process whereby new systems or major changes to existing systems may be vetted to maximize workflow and to reduce potential negative impact and implementation issues.

2. Governance provides a process to verify that at all times the system meets required standards and rules, so that the person who seeks to acquire new systems or change an existing system may seek and receive approval to do so.

3. Governance provides a means for needed changes in business workflow to be accepted and implemented into the organizational culture.

The FCTC will draft a proposed rule of judicial administration to address how governance will be implemented within the judicial branch.

AO 10-32 | FLORIDA SUPREME COURT

YEAR: 2010

NUMBER: 32

TITLE: IN RE: INTERIM POLICY ON ELECTRONIC APPELLATE COURT RECORDS

PAGES: 4

Supreme Court of Florida

No. AOSC10-32

IN RE: INTERIM POLICY ON ELECTRONIC APPELLATE COURT RECORDS

ADMINISTRATIVE ORDER

The purpose of the Appellate Court Technology Committee, which is a standing committee of the Florida Courts Technology Commission, is to provide technical guidance and consultation to the Florida Courts Technology Commission and the Office of the State Courts Administrator regarding information systems development and operational policies and procedures relating to automation in Florida's district courts of appeal.

Based on recommendations of the Florida Courts Technology Commission, this Court has approved various applications of electronic technology for use in Florida's trial and appellate courts. Approved applications of technology in various Florida trial courts have enabled the clerks of those tribunals to make and maintain some court records in electronic form. These electronic court records are available for use in the appellate courts, to the advantage of the litigants, counsel, and appellate court personnel, thereby resulting in potential savings for the expense of using and storing the court records in paper form.

However, current rules of court procedure do not authorize appellate courts to utilize these electronic trial court records as the Record on Appeal, thereby necessitating the duplicative transmission and use of both paper and electronic records. The Appellate Court Technology Committee has recommended that court records of proceedings in a lower tribunal that are made or maintained in electronic form should be accepted by Florida appellate courts. The Florida Courts Technology Commission concurs in that recommendation.

Accordingly, it is hereby ordered that:

1. Any court record, as defined in rule 2.420(b)(1)(A), Florida Rules of Judicial Administration, of proceedings in a lower tribunal that is made or maintained in one of the following electronic formats shall be deemed sufficient to satisfy the requirements of rule 9.200(d), Florida Rules of Appellate Procedure, when transmitted to an appellate court of this State by the clerk of the lower tribunal:

   - indexed, fully searchable PDF;
   - fully searchable PDF, not indexed; or
   - PDF, but not searchable.

   Because the format for the record to be provided to appellate courts in Florida in the future is likely to be a fully indexed, fully searchable

PDF document, trial court clerks are encouraged to start creating that type of record as soon as possible.

2. When determined to be feasible by the Chief Justice of the Supreme Court or the chief judge of a district court of appeal, the Chief Justice or chief judge may exercise his or her administrative authority to dispense with the requirement for a paper copy of the Record on Appeal to be submitted with the electronic version transmitted to the appellate court by the clerk of the lower tribunal.

3. Effective February 1, 2011, any filing by an attorney in one of the district courts of appeal or the Supreme Court of Florida shall be in digital format as well as in paper. The clerk of the respective appellate court shall publish instructions on the manner in which these electronic documents will be submitted.

4. When determined to be feasible by the Chief Justice of the Supreme Court of Florida or the chief judge of a district court of appeal, the Chief Justice or chief judge may exercise his or her administrative authority to dispense with the requirement for a paper copy to be submitted with the digital document filed by an attorney.

Nothing in this order is intended to impact upon the judicial processing of cases at the trial court level. Trial court clerks must continue to provide paper to the judiciary until the circuit court chief judge authorizes the elimination of paper files. At such time, the clerk of court must convert all documents to searchable PDFs.

DONE AND ORDERED at Tallahassee, Florida, on June 29, 2010.

Chief Justice Peggy A. Quince

ATTEST:

Thomas D. Hall
Clerk, Supreme Court

AO 10-33 | FLORIDA SUPREME COURT

YEAR: 2010

NUMBER: 33

TITLE: IN RE: TRIAL COURT BUDGET COMMISSION

PAGES: 2

Supreme Court of Florida

No. AOSC10-33

IN RE: TRIAL COURT BUDGET COMMISSION

ADMINISTRATIVE ORDER

The purpose of the Trial Court Budget Commission is to oversee the preparation and implementation of the trial court component of the judicial branch budget. The Commission is directly responsible for recommending budgeting and funding policies and procedures for the trial court budget, in order to support a trial court system that will effectively carry out the administration of justice.

The terms of the chair and vice chair have expired. The Court expresses its appreciation and admiration for the distinguished service rendered by The Honorable Belvin Perry, Jr. as Commission Chair and The Honorable Charles A. Francis as Commission Vice Chair. Judge Perry and Judge Francis will continue to serve as members of the Commission.

The Honorable John Laurent is appointed as Commission Chair and The Honorable Margaret Steinbeck is appointed as Commission Vice-Chair through June 30, 2012.

The Honorable Judy M. Pittman has resigned from the Trial Court Budget Commission. The following individual is appointed to complete the remainder of Judge Pittman's term on the Commission, which expires on November 30, 2010:

The Honorable Elijah Smiley
Circuit Judge
Fourteenth Judicial Circuit

In accordance with rule 2.053, Florida Rules of Judicial Administration, the chairpersons of the Florida Conference of Circuit Judges and the Florida Conference of County Court Judges serve as ex officio, nonvoting members of the Commission. Accordingly, The Honorable Kevin Emas is appointed to serve on the Commission for his term as Chair of the Florida Conference of Circuit Judges. The Honorable Wayne Miller, who is currently a member of the Trial Court Budget Commission, will continue to serve in that capacity and will also represent the Florida Conference of County Court Judges on the Commission during his term as President of the Conference.

DONE AND ORDERED at Tallahassee, Florida, on July 1, 2010.

Chief Justice Charles T. Canady

ATTEST:

Thomas D. Hall
Clerk, Supreme Court

AO 10-47 | FLORIDA SUPREME COURT

YEAR: 2010

NUMBER: 47

TITLE: IN RE: COMMISSION ON DISTRICT COURT OF APPEAL PERFORMANCE AND ACCOUNTABILITY

PAGES: 6

Supreme Court of Florida

No. AOSC10-47

IN RE: COMMISSION ON DISTRICT COURT OF APPEAL PERFORMANCE AND ACCOUNTABILITY

ADMINISTRATIVE ORDER

The Commission on District Court of Appeal Performance and Accountability was established in 2002 for the purpose of proposing policies and procedures on matters related to the efficient and effective functioning of Florida's district courts through the development of comprehensive resource management, performance measurement, and accountability programs. This charge responds to mandates that emanate from section 19, Article III, Constitution of the State of Florida; Chapter 216, Florida Statutes; and the judicial branch's long-range strategic plan.

Court committees are a vital component in the governance of the judicial branch. Committees established by the Supreme Court assist in the development

of policies and operating procedures that enhance the administration of justice. In recent years, as a result of the global recession and the subsequent decline in state financial resources, the Florida State Courts System has sustained significant reductions in operating funds and staff positions. Even given the demanding fiscal times we are in, work of the Commission on District Court of Appeal Performance and Accountability must proceed.

The Commission must, however, be cognizant of the limitations on the resources available to support its efforts as it develops a work plan that will accomplish, to the best of the Commission's abilities, the important tasks assigned in this administrative order. Accordingly, the chair should use discretion in the establishment of subcommittees that require operating funds and staff support. With regard to meetings, the Commission on District Court of Appeal Performance and Accountability should strive to utilize the most economical means appropriate to the type of work being accomplished.

During the next two years, the Commission is expected to perform the following tasks:

1. Develop a process for the Commission on District Court of Appeal Performance and Accountability to periodically review statewide performance indicators and report to the Supreme Court on the

efficiency, effectiveness, and timeliness of case processing in the district courts.

2. Continue to monitor dependency and termination of parental rights case data and provide recommendations for improving case management practices. Collaborate with the multi-disciplinary dependency court improvement panel as needed.

3. Continue to review district court case management information and ensure the establishment of uniform data definitions and uniform reporting procedures, as needed. Work with the Appellate Court Technology Committee regarding any revisions to the district court case management system that may impact the definitions and/or reporting of district court data.

4. Continue to propose judicial branch responses to any statutory requirements and requests by the Florida Legislature and the Office of the Governor related to district court performance and accountability.

The following individuals are appointed to serve on the Commission for terms to expire on June 30, 2012:

The Honorable Chris W. Altenbernd
Judge, Second District Court of Appeal

Mr. Ty W. Berdeaux
Marshal, Fifth District Court of Appeal

Ms. Mary Cay Blanks
Clerk, Third District Court of Appeal

The Honorable Jay P. Cohen
Judge, Fifth District Court of Appeal

Mr. Thomas D. Hall
Clerk, Florida Supreme Court

The Honorable Vance Salter
Judge, Third District Court of Appeal

The Honorable William A. Van Nortwick
Judge, First District Court of Appeal

The Honorable Martha C. Warner
Judge, Fourth District Court of Appeal

Commission reports should be submitted to the Chief Justice through the State Courts Administrator.

The Commission on District Court of Appeal Performance and Accountability is authorized to propose amendments to rules of court procedure on issues involving the operational efficiency and effectiveness of the district courts, for consideration by the Court. Should the Commission recommend amendments to the rules of court procedure or forms, it shall file such recommendations in petition form with the Clerk of the Florida Supreme Court.

Should the Commission on District Court of Appeal Performance and Accountability make recommendations that require additional funding or resources to implement, the Commission is directed to establish the necessary liaison

relationship with the District Court of Appeal Budget Commission or the Trial Court Budget Commission, as appropriate. At a minimum, the Commission shall provide the chair of the respective budget commission with copies of Commission reports and recommendations that reference the need for additional court funding or resources, prior to the finalization of those reports.

Should the Commission on District Court of Appeal Performance and Accountability make recommendations about the education and training needs of judges and court staff, the Commission is directed to establish the necessary liaison relationships with the Florida Court Education Council. At a minimum, the Commission shall provide the Chair of the Florida Court Education Council with copies of Commission reports and recommendations that reference court education, prior to the finalization of those reports.

The Judicial Branch Governance Study Group was established in the fall of 2009 and directed by the Supreme Court to undertake an in-depth study of the current governance system of the judicial branch of Florida. There is a possibility the results of that initiative may necessitate a re-evaluation of this administrative order, at a future date.

The Honorable William A. Van Nortwick shall serve as chair through June 30, 2012. The Honorable Ricky L. Polston shall continue to serve as the Supreme

Court's liaison to the Commission. Staff support will be provided by the Office of the State Courts Administrator.

DONE AND ORDERED at Tallahassee, Florida, on August 20, 2010.

Chief Justice Charles T. Canady

ATTEST:

Thomas D. Hall
Clerk, Supreme Court

AO 13-7 | FLORIDA SUPREME COURT

YEAR: 2013

NUMBER: 7

TITLE: ELECTRONIC FILING IN THE SUPREME COURT OF FLORIDA VIA THE FLORIDA COURTS E-FILING PORTAL

PAGES: 6

Supreme Court of Florida

No. AOSC13-7

IN RE: ELECTRONIC FILING IN THE SUPREME COURT OF FLORIDA VIA THE FLORIDA COURTS E-FILING PORTAL

ADMINISTRATIVE ORDER

Upon consideration of the status of electronic filing in the Supreme Court of Florida (the Court), and in compliance with this Court's Revised Opinion in *In Re: Amendments to the Florida Rules of Civil Procedure, the Florida Rules of Judicial Administration, the Florida Rules of Criminal Procedure, the Florida Probate Rules, the Florida Small Claims Rules, the Florida Rules of Juvenile Procedure, the Florida Rules of Appellate Procedure, and the Florida Family Law Rules of Procedure – Electronic Filing*, 102 So. 3d 451 (Fla. 2012), and the Court's Order dated November 28, 2012, the schedule for implementation of electronic filing at the Supreme Court of Florida through the Florida Courts E-Filing Portal (Portal) is amended as follows:

1. Effective 12:01 a.m., Wednesday, February 27, 2013, e-filing through the Portal in the Court will be optional for all attorneys.

2. Effective 12:01 a.m., Monday, April 1, 2013, e-filing through the Portal in the Court will be mandatory for all attorneys.

3. The URL address for the Portal is www.myflcourtaccess.com. Prior to filing, each filer will be required to register for a password secured Portal account. Once assigned a user name and password, it is the responsibility of the filer to safeguard his or her username and password to prevent unauthorized filings. Any electronic filings received via the filer's username are presumed to have been submitted by the filer.

4. Informational training videos about appellate court filings using the Portal are available for all users at http://www.flclerks.com/eFiling_authority.html.

5. Documents may be submitted in an Adobe portable document format ("PDF"), Microsoft Word 97 or higher, or Corel WordPerfect or other format which may be later specified by the Court.

6. The filing date shall be the date of receipt by the Portal. Pleadings filed electronically will automatically have the Court's time/date stamp electronically affixed along the top of the first page of the document. Filers should leave a sufficient margin on the first page to accommodate the Court's time/date stamp. Filers must submit pleadings so that they are properly oriented to be read without needing to be rotated (such as on their side or upside-down).

7. When making filings the user should follow instructions provided through the Portal and select the appropriate document type when prompted. Each separate pleading or document filed electronically through the Portal must be submitted as a single complete document. Likewise, multiple documents must be submitted as separate documents.

a. For example, a brief should NOT be filed in separate parts such as the cover page as one filing, the table of contents as a second filing, the table of citations as a third filing and the body of the brief as a fourth filing. A brief is a single document and must be filed as a single filing as a Mandatory Document as indicated within the Portal.

b. If a pleading consists of more than one document (such as an appendix), each document should be filed as an Optional Document as indicated within the Portal.

c. If a separate type of filing is submitted at the same time (such as a Motion for Attorneys' Fees), it should be filed as an Optional Document as indicated within the Portal.

d. If any document filed is larger than the limitation size indicated on the Documents page of the Portal, it must be broken into parts that will then be numbered and attached as Volumes of that document as indicated within the Portal.

8. Letters and correspondence addressed to the Court or the Clerk of the Court, including transmittal and cover letters, are not permitted to be filed electronically with the Court and may not be included with electronic pleadings.

9. The electronic copy of a document is not required to contain the attorney's original signature, but may include an electronic signature indicator in the form of /s/ [name] on the appropriate signature line. Submission of a document to the Portal by a registered attorney will constitute a notice of appearance in the case by that attorney if an appearance in the case has not previously been made. By submitting a document to the Portal, an attorney certifies that he or she is complying with all rules of procedure regarding service to his or her opponents or other parties—the Portal is not currently able to provide electronic service to or for parties—in compliance with Rule 2.516 of the Rules of Judicial Administration.

10. After a document has been electronically filed through the Portal, confirmation will be automatically emailed to the filer at his or her registered email address(s) confirming receipt by the Court.

11. Once an electronic filing has been submitted to the Court through the Portal, it becomes a filing with the Court. Court filings will be docketed in the case after processing by the Clerk's Office during regular business hours unless the electronic filing is not docketed based on a deficiency. The filer will be notified and may then re-file after correcting the deficiency.

12. If the filer discovers after submitting the document that there is a mistake, he or she must file an amended filing as well as a motion requesting that the Court accept the amended filing. To avoid multiple filings of the same document, filers should carefully review their filings before submitting them to the Portal.

13. Failure to comply with this order may result in the filing being stricken and the case being dismissed or the filing being stricken and submission of the case to the Court without the benefit of the filing. If, for any reason, a party is unable to comply with this order, counsel must file a motion as a separate document with the paper original brief or pleading setting forth the reasons for which counsel cannot comply and requesting a hardship exception.

14. No paper copy of any document filed through the Portal by an attorney is required to be filed and will not be accepted by the Court, absent a specific order by the Court. Any requirement for the filing of multiple paper copies that may remain in the rules of procedure is discontinued.

15. Documents that have been filed through the Portal will no longer be accepted via email as provided in Administrative Order 04-84.

16. Non-attorney parties and attorneys not in good standing with The Florida Bar are currently not permitted to file through the Portal at this time and must continue to file in paper format pursuant to the Florida Rules of Appellate Procedure and the Florida Rules of Judicial Administration; however, the

additional copies to be filed with the Court prescribed by the rules are no longer required.

17. Members of The Florida Bar are requested to remain diligent in keeping track of updated requirements regarding filing through the Portal. Additional Administrative Orders may issue as required and will be posted on this Court's web site at: http://www.floridasupremecourt.org/clerk/adminorders/index.shtml.

DONE AND ORDERED at Tallahassee, Florida, on February 18, 2013.

Ricky Polston, Chief Justice

ATTEST:

Thomas D. Hall, Clerk of Court

AO 14-2 | FLORIDA SUPREME COURT

YEAR: 2014

NUMBER: 2

TITLE: IN RE: DISTRICT COURT OF APPEAL BUDGET COMMISSION

PAGES: 2

Supreme Court of Florida

No. AOSC14-2

IN RE: DISTRICT COURT OF APPEAL BUDGET COMMISSION

ADMINISTRATIVE ORDER

The District Court of Appeal Budget Commission was created to oversee the preparation and implementation of the district court component of the judicial branch budget. The commission is directly responsible for recommending budgeting and funding policies and procedures for the district court budgets, so that the funding requirements of each of the intermediate appellate courts can be adequately addressed while promoting statewide operational consistency.

Florida Rule of Judicial Administration 2.235 was recently amended to provide that the president of the District Court of Appeal Judges Conference shall serve as an ex officio nonvoting member of the commission. Accordingly, The Honorable Melanie G. May is hereby appointed to serve as a nonvoting member of the commission, effective September 10, 2013, *nunc pro tunc*, and extending through the duration of her term as president of the conference.

DONE AND ORDERED at Tallahassee, Florida, on January 28, 2014.

Ricky Polston, Chief Justice

ATTEST:

John A. Tomasino, Clerk of Court

AO 14-17 | FLORIDA SUPREME COURT

YEAR: 2014

NUMBER: 17

TITLE: IN RE: JUROR SELECTION PLAN: ALACHUA COUNTY

PAGES: 21

Supreme Court of Florida

No. AOSC14-17

IN RE: JUROR SELECTION PLAN: ALACHUA COUNTY

ADMINISTRATIVE ORDER

Section 40.225, Florida Statutes, provides for the selection of jurors to serve within the county by an "automated electronic system." Pursuant to that section, the chief judge of the circuit must review and consent to the juror selection process, and the clerk of the circuit court must submit to the Supreme Court of Florida a description of the method for selecting jurors. Section 40.225(3), Florida Statutes, charges the Chief Justice of the Supreme Court with the review and approval of the proposed juror selection process, hereinafter referred to as the "juror selection plan."

The use of technology in the selection of jurors has been customary within Florida for more than 20 years and the Supreme Court has developed standards necessary to ensure that juror selection plans satisfy statutory, methodological, and due process requirements. The Court has tasked the Office of the State Courts

Administrator with evaluating proposed plans to determine their compliance with those standards.

On February 28, 2014, the Clerk of the Circuit Court for Alachua County submitted the Alachua County Juror Selection Plan for review and approval in accordance with section 40.225(2), Florida Statutes. The proposed plan reflects changes to both hardware and software used for juror pool selection in Alachua County.

The Office of the State Courts Administrator has completed an extensive review of the proposed Alachua County Juror Selection Plan, including an evaluation of statutory, due process, statistical, and mathematical elements associated with selection of jury candidates. The plan meets established requirements for approval.

Accordingly, the attached Alachua County Juror Selection Plan, submitted on February 28, 2014, by The Honorable J. K. Irby, Clerk of the Circuit Court, Alachua County, and approved by The Honorable Robert E. Roundtree, Chief Judge of the Eighth Judicial Circuit, is hereby approved for use.

DONE AND ORDERED at Tallahassee, Florida, on March 11, 2014.

Ricky Polston, Chief Justice

ATTEST:

John A. Tomasino, Clerk of Court

CLERK OF THE CIRCUIT AND COUNTY COURTS

EIGHTH JUDICIAL CIRCUIT
ALACHUA COUNTY COURTHOUSE
201 EAST UNIVERSITY AVENUE
GAINESVILLE, FLORIDA 32601

J.K. IRBY
CLERK

TELEPHONE:
352-374-3636

February 28, 2014

Court Services
Office of the State Courts Administrator
500 South Duval Street
Tallahassee, Florida 32399-1925

Re: Juror Selection Application

Dear Court Services:

Enclosed for your review is the Juror Pool Selection Plan for Alachua County. Included is the proposed hardware, software, random number generator program and algorithms to be used in the jury selection process. We are seeking Office of the State Courts Administrator review and Supreme Court approval of this process.

The Honorable Robert E. Roundtree, Chief Judge of the Eighth Judicial Circuit, has reviewed the attached documentation. A copy of his letter indicating his approval is attached.

Please let me know if you need any additional information. I look forward to the Court's approval of this proposed jury pool selection plan.

Respectfully,

J. K. "Buddy" Irby
Alachua County Clerk of Court

xc: The Honorable Robert E. Roundtree, Chief Judge , Eighth Judicial Circuit
Ted McFetridge, Court Administrator, Eight Judicial Circuit

Eighth Judicial Circuit of Florida

Alachua, Baker, Bradford, Gilchrist, Levy and Union Counties

Chambers of
Robert. E. Roundtree, Jr.
Chief Judge

Alachua County Courthouse
Family and Civil Justice Center
201 East University Avenue
Gainesville, Florida 32601
(352) 374-3644
(352) 374-3640 (fax)

Karen A. Wable
Judicial Assistant

February 26, 2014

Court Services
Office of the State Courts Administrator
Supreme Court Building
500 South Duval Street
Tallahassee, FL 32399

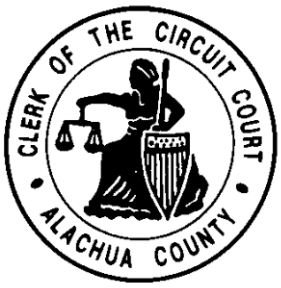
Dear Court Services:

By this letter, I am certifying that I have reviewed and consent to the proposed jury pool selection plan which is attached.

Sincerely,

Robert E. Roundtree, Jr.

Enclosure



Alachua County

Jury Selection Plan

February, 2014

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Purpose and Scope

The purpose of this document is to describe the design and implementation of the jury selection process to be used in a new jury management system (JuryView) for Alachua County, Florida.

The scope of this document includes the algorithms and methods used to:

- Create and maintain a master candidate table, and
- Select a set of names from the master candidate table to create a jury pool.

Also included in the scope is a description of the equipment, operating system and programming software, methods, and modes of operation to be used in the jury selection process.

Sufficient detail will be provided to satisfy the statutory condition of selection "by lot and at random" and of due process as required by chapter 40, Florida Statutes.

Initial Candidate Selection List Creation List

A. Source Lists

The initial candidate selection list is created from:

1. The quarterly list of names provided by the Department of Highway Safety and Motor Vehicles (DHSMV) pursuant to section 40.011, Florida Statutes. DHSMV provides the Florida Court Clerks and Comptrollers (FCCC) with a data file that contains all persons holding a valid Florida Driver License or Identification Card. FCCC acts as a distribution agent, grouping the data by County and dispersing it to the Clerk of Court. This data file only includes Alachua County residents.
2. The existing juror candidates from the existing juror management system along with qualification data, which will be imported from Alachua County's current jury selection system. The DHSMV data file will be processed against the existing, adding new names and updating existing information, such as addresses.
3. Manually entered candidates from the existing juror candidate data. JuryView allows individuals to be manually entered as required.

In addition:

4. The Clerk is the official custodian for the Master Candidate table (source list) and is responsible for the security and integrity of the list and all processes.
5. The Master Candidate Table (final juror candidate list) will not contain less than 250 names per section 40.02, Florida Statutes.

B. Source Data Adjustments

1. The clerk's office receives the DHSMV source data from FCCC quarterly via a dedicated network connection and the file is placed into a secured folder on a server for processing. The data received is an ASCII, fixed-length file and is not modified in any way.
2. When names are imported, they are matched with existing data and the contact information is updated in JuryView, but the name retains JuryView's exclusion codes.
3. FCCC also provides a data file from the Office of Vital Statistics to the clerk twice a month that contains a list of persons who are deceased. This is also an ASCII, fixed-length file and is also placed into a secure folder on a server for processing. It is not modified in any way. Once

received, the data is imported and parsed and used to update the candidates table in JuryView. Each deceased person is flagged as permanently excused and no longer eligible for selection. These flagged names are kept and compared with each quarterly load.

4. The clerk's jury manager receives a monthly report of persons who are determined incapacitated or incompetent from the Clerk's probate department. These names are manually flagged as permanently excused and kept and compared with each data load.
5. FDLE provides felony convictions to the clerk monthly, and the names on the felony conviction list are manually flagged in JuryView as permanently excused and kept and compared with each data load.
6. The DHSMV file gives age information and persons can request removal from the candidate list if they are age 70 or older. These exclusions are entered manually, flagged as permanently excused, and kept and compared with each load.
7. For those people who have filed request-to-serve affidavits, their information is manually entered into the candidates table by the clerk's office and the names are flagged so that they are not removed in later quarterly updates.
8. Candidate names are marked with exclusion codes based on the exclusion lists identified above per sections 40.013, 40.022 or 40.023, Florida Statutes. Candidate data also retains service information, such as whether a candidate is on an open panel. Candidate names are flagged as excluded if they are prohibited from serving, have already served, or their service is otherwise excused or postponed. JuryView also allows exemption entries, such as those over 70 or caretakers, and allows for postponements so that those candidates will be included in later venires. For example, if an individual is postponed until January 15, 2014, due to a scheduling conflict, that postponement date is stored in their record and the first venire created on or after that date will automatically include that individual in addition to those that were selected at random. Once the candidate is in a pool, they cannot be pulled into a new term automatically, but can be manually added to the retainer pool (excused jurors with future availability dates) and when the 'retainer pool' box is checked, these jurors are selected first for the next pool of candidates.

C. Time Frame

1. The DHSMV file is provided quarterly: January, April, July, and October. The master Candidate table is updated with this information when received.
2. The file containing the names of deceased persons is provided on the 1st and the 15th of each month. The Master Candidate table is updated with this information when it is received.
3. Reports on incompetent persons and convicted felons are received monthly.
4. Those filing affidavits asking to serve as jurors are entered manually by the clerk of court as the affidavits are received.
5. Candidates that are excused pursuant to section 40.013, Florida Statues, or postponed to a later date are updated on demand.

D. Initial Jury Candidate List

1. JuryView's initial database creation process loads DHSMV data from the work table into the permanent tables [Impjuror] in the application using the SQL Server script to transfer the single table structure to an SQL server 2008 R2 64-bit relational database. JuryView identifies duplicates at the point of loading the DHSMV file. Duplicates are extracted and placed in a

separate table [Jurordup]. JuryView can be configured to sort out zip codes that are not Alachua County 326 zip codes to find errors in the data sent by FCCC, which is already sorted by county. Once this juror database is built the first time, all quarterly updates will be performed against it. This initial creation will be scheduled to coincide with the receipt of quarterly DHSMV data. Each name is assigned a unique id number as it is imported in or added to JuryView.

2. This application is being acquired to replace an existing application. Once the initial database is created, specified data will be imported from the current system. Imported data includes (a) records of candidates that are not qualified to serve, such as felons, the deceased, and the incapacitated; (b) those who have served within the last year, (c) those over 70 who have requested exclusion; (d) those who have been added by affidavit; and (e) those whose upcoming service is scheduled. No names will be modified during this import.
3. With quarterly updates, each new name found in the DHSMV data, is added to the database and assigned a unique id number. If the name exists in the database, the person's information is updated with the DHSMV data. Jurors that exist in the database, but are not in the quarterly DHSMV list are blocked from service, unless they were manually added as part of the affidavit process. [When a juror is in the database but not in the incoming file, they get a temporary excusal of IMPEXJUR for the following quarter—the date range comes from the quarterly refresh date.] The quarterly data refresh does not override excusal or deferral flags.
4. Those filing affidavits asking to serve as jurors are entered manually by the Clerk of Court as the affidavits are received.
5. Exclusions:
    a. The Department of Health file with names of the deceased is provided by FCCC. This file is reviewed and the listed names are manually flagged as excluded.
    b. The other required exclusions are also manually flagged upon receipt of the incapacity and convicted felon reports.
    c. Deferrals are also flagged with a date so that when a deferred juror is reviewed for selection, the name is excluded if the time on the deferral has not expired.
    d. Jurors who have served are also flagged with a 12-month deferral and will be passed over for selection until the deferral date has expired.

Name Selection

A. Equipment and Software

JuryView is a graphical, client-server-based application written in Uniface. The current version is 2.51 and is owned by CourtView. It is a commercial application, which is also being used in Sarasota and Flagler Counties.

The application will be housed in a virtual server hosted within a Microsoft Hyper-V Cluster on Dell PowerEdge 710 servers. The database server is also hosted in a clustered Dell PowerEdge 710 servers running SQL Server 2008 R2 (64 bit). Both clusters are running Microsoft Windows Server 2008 R2 (64 bit).

Changes in the clerk's operating system will not affect the software.

B. Security

The Clerk of Court is the official custodian and is responsible for the security and integrity of the name lists and of the juror pool selection process.

All servers are located in the Clerk's Office located in the Alachua County Civil and Family Justice Center. The Clerk's Office has a designated Data Center which is secured by a code-key lock. Only authorized personnel have access to the Clerk's Data Center. The Data Center is designed for 24/7 operation and is supported by an uninterruptible power supply and generator systems.

JuryView is a client-server-based application and, as such, is not accessible to the public. The software application is secured via passwords, set to allow only the appropriate clerks access to the application. Court Administration will be supplied their own passwords to the application so they can continue to process excusals and postponements as is done under the current application.

All information necessary for auditing purposes, including random number seed sets is stored perpetually in tables as part of the application base.

C. Process Overview for Name Selection

The clerk's office and a judge determine that a jury pool needs to be created and how many potential jurors the pool should contain. Information about this pool is entered into JuryView such as the date, number of jurors needed, etc. JuryView can select whatever number of jurors is needed as often as needed.

JuryView begins the selection process by assigning a random number to each juror record with a status code of 'qual.' Uniface then sorts the jurors by the randomly assigned numbers in sequential order. Then the program filters out any juror that is not eligible to serve, which is based on the juror's status. Individuals are then selected based on their number until the predetermined or requested population is filled. This deferral process is repeated for every term and panel selection. This is a more detailed overview:

1. The RNG is initialized with the seed set (see Section E Initialization).
2. A request is made to the RNG for a random number.
3. The random number is assigned to the first record in the candidate table with a status of 'qualified.' Should the RNG return a number that has already been selected, the process returns to step 1.
4. If there are unassigned records with a status of 'qualified,' the process returns to step 1, otherwise it ends.
5. A record set [Master Juror Table] is created with an SQL Select against the master Candidate table. The SQL Select contains the necessary select/omit logic so as to filter out any juror that has an excusal with begin and end dates that do NOT fall in the panel date range, including a person who has served within the past year to serve in this jury pool. [The definition of excused is a juror that has an EXEMPT_CD not null and EXEMPT_START_DT and EXEMPT_END_DT are populated in the JUROR table.] This deferral process is repeated for every term/panel selection.
6. JuryView then assigns individuals to jury pools from the Master Juror table created in section 5, with jurors selected in juror number order based on the random number that was assigned, the lowest number being selected first, until each pool has the needed number of jurors.

D. Name Selection Algorithm

Random Number Generator

The Random Number Generator (RNG) used in JuryView is the Mersenne Twister (MT)[1]. The routine was re-written in C++ to produce the desired results within the JuryView application and a copy of the source code is included (Attachment A). The jryrndgn routine (attached) receives five parameters. One parameter is the term, service or panel ID. The other four parameters are the seed values generated by the MicroSoft SQL Server Rand function. Each seed value is generated by repeated invocation of the following TSQL statement:

```
SELECT @seed1=CONVERT(int, RAND() * 1000) * 1000000
        + CONVERT(int, RAND() * 1000) * 10000
        + CONVERT(int, RAND() * 1000) * 1
        + (DATEPART(ms, GETDATE()) * 10000) * 100
```

See Appendix B, Code for the seedgen procedure along with notes from the original tpr that created this process.

Certification

The output of the version of the Mersenne Twister used in the CourtView application JuryView 2.51 was verified against the test output provided by the authors in the file: mt19937ar.out available on the authors web site: http://www.math.sci.hiroshima-u.ac.jp/~m-mat/MT/emt.html

The generator was initialized with the values <0x123, 0x234, 0x345, 0x456> and 1000 numbers were generated from the function genrand_int32. The last fifteen values are provided for comparison.

3759461013	981457956	830587662	877191791	650996736
988064871	515461600	089077232	225147448	249609188
2643151863	896204135	416995901	397735321	460025646

E. Initialization

RNG

The RNG is written in C++ and all other processes are written in MS SQL Server SQL language and it is compiled as a stored procedure in the Master Jury database. This process is explained in the following example:

A list containing all potential juror names in Alachua County is loaded into JuryView from the acceptable source data (DHSMV). At the time the venires are ready to be built JuryView assigns a random number to each qualified individual until the requested number of jurors is filled. These jurors will be "skipped" at the next venire list creation because they have already been selected.

Parameters

The other four parameters are the seed values generated in the stored procedure seedgen which generates four seeds by using the MicroSoft SQL Server RAND function.[2] The formula builds each

[1] Developed by Makato Matsumoto and Takuji Nishimura in 1996, with improved initialization in 2002. http://www.math.sci.hiroshima-u.ac.jp/~m-mat/MT/emt.html

[2] SQL Server 2008 R2 version explained at http://msdn.microsoft.com/en-us/library/ms177610(v=sql.105).aspx

seed by using the RAND function to generate a number between 1 and 999 that is then multiplied by 1000000 then takes that number and adds it to a new RAND number between 1 and 999 which is multiplied by 1; this number is then added to a number generated from the millisecond of the current time multiplied to 10000 then multiplied by 100. This formula is used to generate each seed value.

The random key for each juror is generated by the Mersenne Twister using jryrngdn.exe and is populated using the RAND_NBR.RANDNBR field. The random key value is only updated for each juror that meets the cert level (term, service, and panel) requirements that the juror is qualified for. The following scripts: rand_term_juror, rand_service_juror, and rand_panel_juror are used to populate the random key field on each juror. Each script has detailed descriptions of how these values are generated. The quarterly draw generates the random key value on the JURY_POOL table with the same formula from the seedgen procedure that generates the seed values.

The four seed values (seed1, seed2, seed3, seed4) in the RANDSEED table are 32-bit values. Please see addendum.

Random numbers (rand_nbr) are created for jurors that meet certain criteria (status_cd = 'QUAL'), which you can see in the RAND_TERM_JUROR procedure, because these are the only jurors that can be selected in the uniface code. The RANDJURY (Attachment C) and RAND_TERM_JUROR (Attachment D) procedures and the seedgen procedure (Attachment B) referenced above are the 3 SQL procedures used in the randomization.

Starting, Stopping and Other Factors

The process described for the Name Selection Algorithm has no start or stop features. Each name is assigned a random number. In the event of a failure in the system during this processing, the venire list can be recreated on demand. A record of the old and new seed values for the RNG are stored for auditing purposes.

If a failure happens during the creation of the venire all random number are assigned first before any juror is place on a venire so the randomization will have already been completed. But if the list is only partially completed there is no proper method to fill it manually and keep the true randomization so the best process for any venire that did not complete would be to delete the unfinished venire and re-run the process which will again regenerate random numbers and assign those to qualified jurors until the process properly completes for the full amount of requested jurors.

APPENDIX A

Random Number Generator Algorithm for Initial Seed Value

```
#include <stdio.h>
#include <fglsys.h>
#include <ifxtypes.h>

#define  TAB_SIZE 97
#define  NO_OF_BITS 24
#define  MOD_1 179
#define  MOD_2 169
#define  CONST_1 53
#define  CONST_2 362436
#define  CONST_3 7654321
#define  CONST_4 16777213
#define  CONST_5 96
#define  CONST_6 32
#define  CONST_7 16777216.0
#define  MASK 0xffffff
#define  RAND_TABLE "/usr/tmp/rtable"

struct table
{
      long c_val;
      short i_ind;
      short j_ind;
      float uni_tabl[TAB_SIZE];
};

/* This function creates the 97 row table of floating values which is used
   later in the UNI function.  The table UNI_TABL is saved in a non-printable
   file along with 3 array counters, C_VAL, I_IND, and J_IND.  This file will
   be read in again in the UNI function each time that the calling program
   needs a new random number.  The table, I_IND, and J_IND are all modified
   in the UNI function and saved to the file upon exit so that the changed
   contents of the file can be read back in when the next random number is
   requested by the calling program.                                    */

int set_uni(params)
   int params;
{
      short             i, j, k, l;
      struct table      table_str;
      register int      i1, j1;
      long        rem, rem1;
      unsigned long     sum;
      FILE        *t_ptr;
      short             status = 0;

      /* This file is used to store the table.  It is read back into
         the UNI function later.                                    */

      if ((t_ptr = fopen(RAND_TABLE, "w+")) == NULL)
      {
            /* fprintf(stderr, "Can't create rtable for writing\n");*/
        status = -1;
      }
```

```
      else  /* rtable open for writing */
      {
        if (params == 4)
        {

          popshort(&l);       /* pop seed numbers off the stack */
          popshort(&k);
          popshort(&j);
          popshort(&i);

          /*************************************************************/
          /* This section is from the original C program on the Targon. */
          /* The logic has not been modified at all.                 */

          for (i1 = 0; i1 < TAB_SIZE ; i1++)
          {
            sum = 0;
            for (j1 = NO_OF_BITS; j1 > 0; j1--) {
                  rem1 = (long)((i * j) % MOD_1);
                  rem1 = (long)((rem1 * k) % MOD_1);
                  i = j;
                  j = k;
                  k = (short)rem1;
                  rem = (long)(((CONST_1 * l) + 1) % MOD_2);
                  l = rem;
                  sum *= 2;
                  rem = (long)((l*rem1) % 64);
                  if (rem >= CONST_6)
                        sum += 1;
            }
            table_str.uni_tabl[i1] = sum;
          }
          table_str.c_val = CONST_2;
          table_str.i_ind = CONST_5;
          table_str.j_ind = CONST_6;
          /*                                                  */
          /*************************************************************/

          /* Now save the table to a file so it can be read in later.  */

          fwrite (&table_str, sizeof(table_str),1,t_ptr);
          fclose (t_ptr);
        }
        else            /* 4 parameters were not passed to function     */
        {
          status = -2;
        }
      }
  retshort(status);     /* Push the status onto the stack.  This lets the */
  return(1);            /* calling 4gl know if the C function executed.   */
}

/* This function reads in table from the file, gets the next random number,
   and then saves the new modified record.                          */

int uni(int params)
{
```

```
    struct table      table_str;
    long        uni_val;
    FILE        *t_ptr;
    double            uni_num;
    long        voter_number;
    long        stemp = 0;
    short       status = 0;

if ((t_ptr = fopen(RAND_TABLE, "r+")) == NULL)


{
    /* fprintf(stderr, "Can't open randtable for read update\n");*/
  status = -3;
}
else      /* File opened for read */
{
  if (params == 1)    /* 1 parameter passed to function */
  {
    poplong(&voter_number); /* Pop voter reg number off of stack */
    fread (&table_str, sizeof(table_str),1,t_ptr); /* Read table */

    /*************************************************************/
    /* This section is from the original C program on the Targon */
    /* The logic has not been modified at all.                   */

    uni_val = table_str.uni_tabl[table_str.i_ind] -
      table_str.uni_tabl[table_str.j_ind];
    uni_val &= MASK;
    table_str.uni_tabl[table_str.i_ind] = uni_val;

    if (table_str.i_ind == 0)
    table_str.i_ind = CONST_5;
    else
    table_str.i_ind--;

    if (table_str.j_ind ==0)
      table_str.j_ind = CONST_5;
    else
      table_str.j_ind--;

    table_str.c_val -= CONST_3;
    if (table_str.c_val < 0)
    table_str.c_val += CONST_4;
    uni_val -= table_str.c_val;
    uni_val &= MASK;

  /*************************************************************/

  /* Now rewind the file, save the table, close the file, and
     return to the calling program.                           */

    rewind(t_ptr);
    fwrite (&table_str, sizeof(table_str),1,t_ptr);
    fclose (t_ptr);

          /* Calculate random number */
    stemp = (long) ((uni_val / CONST_7) * voter_number) + 1;
```

```
    }
    else          /* 1 parameter was not passed to function */
    {
      status = -4;
    }
  }
  retlong(stemp); /* Push random number onto stack and*/
  retshort(status);     /* push status onto stack for 4gl */
  return(2);
}
```

Appendix B

The code for the seedgen procedure along with notes from the original tpr that created this process below:

```
CREATE PROCEDURE seedgen @nbr int, @group char(10),  @group_id int, @SeedId int OUT
AS
SET NOCOUNT ON
SET ROWCOUNT 0
--------------------------------------------------------------------------------
--------------------------------------------------------------------------------
--seedgen.ms2
--
--Steve Smith
--April 18, 2002
--
--Generates four random number seeds and inserts them into randseed.
--
--Parameters:
-------------
--@nbr: The number of numbers to generate using the 4 seed values.
--
--@group: The type of group the numbers are being generated for.
--
--@group_id: The id of the group.
--------------------------------------------------------------------------------
--History:
----------
--04 FEB 2003       SJS
--
--Added the commit at the end of the procedure.  For some reason, a hanging
--transaction was being created that locked the row created by this proc.  This
--lock would then prevent the c routine from retrieving the record from the
--table and using the seeds.
--------------------------------------------------------------------------------
--------------------------------------------------------------------------------
 -------------------------Working Variables-----------------------------------
DECLARE @seed1 int,     @seed2 int,         @seed3 int,
        @seed4 int,     @randseed_id int,   @ins_by char(12),
        @term_id int,   @service_id int,    @panel_id int
--------------------------------------------------------------------------------
--Get the user name of the person logged into the database.--
---------------------------------------------------------------
SELECT @ins_by = SUSER_SNAME()
--Load the id of the group into its correct variable--
--for insert into randseed.                        --
-----------------------------------------------------
SELECT @term_id = NULL
SELECT @service_id = NULL
SELECT @panel_id = NULL
IF (@group = 'TERM')
BEGIN
   SELECT @term_id = @group_id
END
ELSE
BEGIN
IF (@group = 'SERVICE')
```

```
   BEGIN
      SELECT @service_id = @group_id
   END
   ELSE
   BEGIN
      IF (@group = 'PANEL')
      BEGIN
         SELECT @panel_id = @group_id
      END
   END
END
--Generate the 4 random seed values.--
---------------------------------------
SELECT @seed1 = CONVERT(int, RAND() * 1000) * 1000000
              + CONVERT(int, RAND() * 1000) * 1000
              + CONVERT(int, RAND() * 1000) * 1
              + (DATEPART(ms,GETDATE()) * 10000) * 100


SELECT @seed2 = CONVERT(int, RAND() * 1000) * 1000000
              + CONVERT(int, RAND() * 1000) * 1000
              + CONVERT(int, RAND() * 1000) * 1
              + (DATEPART(ms,GETDATE()) * 10000) * 100

SELECT @seed3 = CONVERT(int, RAND() * 1000) * 1000000
              + CONVERT(int, RAND() * 1000) * 1000
              + CONVERT(int, RAND() * 1000) * 1
              + (DATEPART(ms,GETDATE()) * 10000) * 100

SELECT @seed4 = CONVERT(int, RAND() * 1000) * 1000000
              + CONVERT(int, RAND() * 1000) * 1000
              + CONVERT(int, RAND() * 1000) * 1
              + (DATEPART(ms,GETDATE()) * 10000) * 100
  --Generate a primary key value for the table.--
-----------------------------------------------
EXEC randjury 'randseed', 99999999, @randseed_id OUT
--Insert into randseed table.--
-------------------------------
INSERT INTO randseed
   (seed1,         seed2,
    seed3,         seed4,
    randseed_id,   u_version,
    act_dttm,      ins_by,
    ins_dttm,      ins_prg,
    upd_by,        upd_dttm,
    upd_prg,       nbr,
    term_id,       service_id,
    panel_id)
VALUES
   (@seed1,        @seed2,
    @seed3,        @seed4,
    @randseed_id,  '!',
    GETDATE(),     @ins_by,
    GETDATE(),     'seedgen',
    @ins_by,       GETDATE(),
    'seedgen',     @nbr,
    @term_id,      @service_id,
```

```
    @panel_id)
--Assign the value of the random seed id parameter.--
-----------------------------------------------------
SELECT @SeedId = @randseed_id
--04 FEB 2003       SJS                    --
--                                         --
--Added commit to prevent c routine from being--
--blocked when trying to retrieve the record. --
-------------------------------------------------
COMMIT

-------------------------End of Proc.----------------------------------------
```

RETURN

This is copied from the original issue that created this process(see tpr 38102 for details):

Notes:
-=-=-=-=-
-Execute flrand.mss first
-Execute randjury.mss second
-Execute seedgen.mss third
-Execute remaining SQL scripts
-JRYRNDGEN.EXE should be placed in the root directory of the JuryView application.
-Notice that we are introducing a URR into the JuryView application (jury2_0n.urr). The ASN file for the application will
need to be edited to include this file. For examples, see the QA CRTV ASN file and the DEV ASN file for Jury 2.0.
Create the following System Parameters:
-=-
These system parameters are used by the application to tell which randomization routine
to use (either SQL -the old way- or using the new C routine). If the system parameters are not
found in the system, the application will default to using the old SQL randomization routine. The value of 'SQL' designates that the SQL routine should be used. The value of 'CRAND' designates that the new C routine should be used.

Group: RANDGEN
Level: GLOBAL
Name: RAND_TERM
Value SQL or CRAND

Group: RANDGEN
Level: GLOBAL
Name: RAND_SERVICE
Value SQL or CRAND

Group: RANDGEN
Level: GLOBAL
Name: RAND_PANEL
Value SQL or CRAND

New C Routine
-=-=-=-=-=-=-=-
The new C routine needs four seed values to produce random numbers. These four seed values are stored in the
randseed table. The id of the group (term, service or panel) that the numbers are being generated for is also stored in

the randseed table. The numbers generated by the four seed values are stored in the randnbr table. When each
number is assigned a juror, the number is logged with the jurors juror_id in the randnbr table.

SQL Routine
-=-=-=-=-=-=-
The SQL routine does not use seeds and does not log which juror received which number. It simply uses the native
random number generator for the DBMS being used to assign jurors random numbers.

AO 14-19 | FLORIDA SUPREME COURT

YEAR: 2014

NUMBER: 19

TITLE: STANDARDS FOR ACCESS TO ELECTRONIC COURT RECORDS

PAGES: 16

Supreme Court of Florida

No. AOSC14-19
Amended[1]

IN RE: STANDARDS FOR ACCESS TO ELECTRONIC COURT RECORDS

ADMINISTRATIVE ORDER

The Florida State Courts System has had a long-standing commitment to responsible access to electronic court records. Since 2004, considerable efforts have been directed toward developing the infrastructure and policies necessary to protect and limit confidential and sensitive information in court records, while simultaneously establishing mechanisms to afford public access to non-confidential court records. These efforts included the adoption of a limited moratorium on access to electronic court records to address concerns about sensitive and confidential information contained in these records. See In re:

1. An amended version of this administrative order is hereby issued to clarify procedures and time frames relating to the orderly transition from current policies governing the access to electronic court records, established in In re: Revised Interim Policy on Electronic Release of Court Records, Fla. Admin. Order No. AOSC07-49 (Sept. 7, 2007), to the implementation of the Standards for Access to Electronic Court Records and Access Security Matrix adopted in this administrative order. See pages 4 through 6 of this amended administrative order.

Committee on Privacy and Court Records, Fla. Admin. Order No. AOSC04-4 (Feb. 12, 2004); In re: Implementation of Report and Recommendations of the Committee on Privacy and Court Records, Fla. Admin. Order No. AOSC06-20 (June 30, 2006); In re: Interim Policy on Electronic Release of Court Records, Fla. Admin. Order No. AOSC06-21 (June 30, 2006); and In re: Revised Interim Policy on Electronic Release of Court Records, Fla. Admin. Order No. AOSC07-49 (Sept. 7, 2007).

The Court also adopted new rules and amendments to Florida Rule of Judicial Administration 2.420 to minimize the presence of sensitive and confidential information in court records, require filers to identify and protect confidential information in their pleadings, and narrow the scope of statutory exemptions applicable to court records to a standard list of twenty exemptions subject to automatic redaction by the clerks of court. See In re: Amendments to Florida Rule of Judicial Administration 2.420 and the Florida Rules of Appellate Procedure, 31 So. 3d 756 (Fla. 2010); In re: Amendments to Florida Rule of Judicial Administration 2.420, 124 So. 3d 819 (Fla. 2013); and In re: Implementation of Committee on Privacy and Court Records Recommendations – Amendments to the Florida Rules of Civil Procedure; the Florida Rules of Judicial Administration; the Florida Rules of Criminal Procedure; the Florida Probate

Rules; the Florida Small Claims Rules; the Florida Rules of Appellate Procedure; and the Florida Family Law Rules of Procedure, 78 So. 3d 1045 (Fla. 2011).

During this time period, the Court also adopted standards and rules to implement e-filing and e-service in the trial and appellate courts, significantly moving the courts toward a fully electronic, mostly paperless environment. See In re: Statewide Standards for Electronic Access to the Courts, Fla. Admin. Order No. AOSC09-30 (July 1, 2009); In re: Amendments to the Florida Rules of Civil Procedure, the Florida Rules of Judicial Administration, the Florida Rules of Criminal Procedure, the Florida Probate Rules, the Florida Small Claims Rules, the Florida Rules of Juvenile Procedure, the Florida Rules of Appellate Procedure, and the Florida Family Law Rules of Procedure – Electronic Filing, 102 So. 3d 451 (Fla. 2012); In re: Amendments to the Florida Rules of Judicial Administration, the Florida Rules of Civil Procedure, the Florida Rules of Criminal Procedure, the Florida Probate Rules, the Florida Rules of Traffic Court, the Florida Small Claims Rules, the Florida Rules of Juvenile Procedure, the Florida Rules of Appellate Procedure, and the Florida Family Law Rules of Procedures – E-Mail Service Rules, 102 So. 3d 505 (Fla. 2012); and In re: Amendments to Florida Rule of Judicial Administration 2.516, 112 So. 3d 1173 (Fla. 2013).

The Florida Courts Technology Commission (hereinafter "FCTC") has recommended approval and adoption of the Standards for Access to Electronic

Court Records and Access Security Matrix in accordance with its authority under Florida Rule of Judicial Administration 2.236 to "establish, periodically review and update technical standards for technology used and to be used in the judicial branch to receive, manage, maintain, use, secure and distribute court records by electronic means, consistent with technology policies established by the supreme court." Adoption of the standards and matrix is the next logical step toward responsible public access to electronic court records.

The standards and matrix, developed by the Governance Access Board under the authority of FCTC, provide a carefully structured mechanism to facilitate appropriate, differentiated levels of access to court records to members of the general public and user groups with specialized credentials, and judges and court and clerks' office staff, based upon governing statutes and court rules. The standards and matrix are based upon a model developed by the Manatee County Clerk of Court for a pilot program that operated from 2007 to 2011 under Supreme Court supervision and oversight. That program was determined to have been successful in providing appropriate access to electronic court records while effectively protecting confidential information in an evaluation performed by the National Center for State Courts in 2011.

Clerks currently providing limited online Internet access, pursuant to the authority of AOSC07-49, may continue to provide that service so long as the clerk

applies to FCTC's Access Governance Board for approval to provide online access consistent with this amended administrative order within 60 days from its issuance; otherwise the clerk shall terminate such limited online Internet access currently provided pursuant to AOSC07-49.

As part of the process of implementing the standards and matrix, a statewide pilot program will monitor and coordinate all established clerk initiatives relating to online access to electronic court records. Under the pilot program, each clerk or circuit court will apply to FCTC's Access Governance Board, through the Office of the State Courts Administrator, for approval by the FCTC of its electronic records access system. Within 120 days from approval of the clerk's initial application, a 90-day pilot program must begin and, at the end of such pilot, the clerk shall be fully compliant with this administrative order. After establishing compliance with the requirements of the standards and matrix adopted herein, the clerk shall request approval to provide online access to electronic court records. As the certification process is implemented, the Court will review for approval each clerk's certification request to ensure that sufficient security measures are in place.

Access to electronic court records presently is governed by the restrictions imposed by In re: Revised Interim Policy on Electronic Release of Court Records, Fla. Admin. Order No. AOSC07-49 (Sept. 7, 2007). The Court hereby adopts the

Standards for Access to Electronic Court Records and Access Security Matrix, as amended by the Court, to supersede the restrictions imposed by AOSC07-49. The Standards for Access to Electronic Court Records and Access Security Matrix are attached hereto and incorporated herein by reference.[2]

The Standards for Access to Electronic Court Records and Access Security Matrix shall be effective upon the signing of this administrative order. No other electronic access may be provided other than pursuant to this administrative order.

DONE AND ORDERED, nunc pro tunc, to March 19, 2014, at Tallahassee, Florida, on May 23, 2014.

Ricky Polston, Chief Justice

ATTEST:

John A. Tomasino, Clerk of Court

2. The Standards for Access to Electronic Court Records and the Access Security Matrix are also available on the Florida Courts website. See http://www.flcourts.org/resources-and-services/court-technology/technology-standards.stml.

Standards For Access To Electronic Court Records

March 2014

These standards establish statewide technical and operational requirements for access to electronic court records by the public, special user groups, judges, and court and clerk's office personnel. The standards also implement the Access Security Matrix, which governs remote internet and clerk's office access to electronic court records.

ACCESS METHODS

There are three different methods for accessing electronic court records.

1. Direct access via application to internal live data
2. Web-based application for replicated or live data with security
3. Web-based portal for public viewing of replicated data and variable levels of security based on user role

Direct or web access to live production data is generally limited to court and clerk officers and authorized court and clerk's office staff. Most users will access replicated data to protect the integrity and availability of the official court record maintained by the clerk.

ACCESS SECURITY MATRIX

The Access Security Matrix appended to these standards governs access to electronic court records based upon user roles and applicable rules, statutes, and administrative policies. The matrix performs the following functions:

1. Establishes user groups
2. Establishes access levels
3. Assigns access level for each user group based on case type
4. Assigns access level for all docket codes

The Access Governance Board, under the authority of the Florida Courts Technology Commission, is responsible for maintaining the matrix by timely incorporating legislative and rule changes that impact access to electronic court records. Access permitted under the Access Security Matrix applies equally to electronic and paper court records.

USER GROUPS

Access to electronic court records is determined by the user's role and applicable statutes, rules, and administrative policy. Access may be restricted to certain user groups based on case type, document type, or information contained within records. All individuals and entities authorized under these standards to have greater access than the general public must establish policies to protect confidential records and information in accordance with applicable rule and statutory requirements. Remote electronic access may be more restrictive than clerk in-house electronic access.

USER GROUPS	ACCESS PERMITTED	SECURITY REQUIREMEMTS
Judges and authorized court and clerk's office personnel	All court records, except those expunged pursuant to s. 943.0585, F.S., with discretionary limits based on local security policy. Each court and clerk must establish policies to ensure that access to confidential records and information is limited to those individuals who require access in performance of their official duties. Access to records sealed pursuant to s. 943.059, F.S., is permitted judges to assist in performance of case-related adjudicatory responsibilities.	In-house secure network and secure web access.
Parties	All records in the party's case except those that are expunged or sealed; access may be denied to information automatically confidential under rule 2.420(d)(1), or made confidential by court order, depending upon case type and the language of the order.	Secure access on case-by-case basis. Access by notarized request to insure identity of party.
General public	All records except those that are expunged or sealed, automatically confidential under rule 2.420(d)(1), or made confidential by court order. No remote access to images of records in cases governed by the Florida Family Law Rules of Procedure, Florida Rules of Juvenile Procedure, or Florida Probate Rules, pursuant to s. 28.2221(5)(a), F.S.	None. Anonymous internet access permitted.

USER GROUPS	ACCESS PERMITTED	SECURITY REQUIREMEMTS
Individuals registered for subscriber service	All records except those that are expunged or sealed, automatically confidential under rule 2.420(d)(1), or made confidential by court order. Viewable on request remote access to images of records in cases governed by the Florida Family Law Rules of Procedure, Florida Rules of Juvenile Procedure, or Florida Probate Rules, pursuant to s. 28.2221(5)(a), F.S.	Secure access through user name and password by written notarized agreement.
Attorneys of record	All records except those that are expunged or sealed; access may be denied to records or information automatically confidential under rule 2.420(d)(1), or made confidential by court order, depending upon the type of case and the language of the court order.	Secure access through user name and password by written notarized agreement.
Authorized state or local government agencies	All records except those that are expunged or sealed, automatically confidential under rule 2.420(d)(1), or made confidential by court order. Access to social security numbers as permitted by s.119.071, F.S.	Secure access through user name and password by written notarized agreement. Agency gatekeeper is responsible for maintaining authorized user list.

USER GROUPS	ACCESS PERMITTED	SECURITY REQUIREMEMTS
Certified law enforcement officers of federal or state law enforcement agencies, including state attorney's offices, and state attorney general's office	All records except those that are expunged or sealed, automatically confidential under rule 2.420(d)(1), or made confidential by court order. Access to social security numbers as permitted by s.119.071, F.S. Access to HIV test results as permitted by ss. 775.0877, 951.27, and 960.003, F.S. Access to sexually transmitted disease results as permitted by s. 384.29(1), F.S. Access to birth certificates as permitted by s. 382.013(5), F.S. Access to mental health records as permitted by s. 916.107(8), F.S. Access to addresses of domestic violence victims, and identities of victims of sexual and child abuse when originating from law enforcement as permitted by s. 119.071(2), F.S. Access to children and families in need of services records as permitted by s.984.06(3), F.S. Access to juvenile records as permitted by s. 39.0132(4)(a)(1), F.S.	Secure access through user name and password by written notarized agreement. Agency gatekeeper is responsible for maintaining an authorized user list.

USER GROUPS	ACCESS PERMITTED	SECURITY REQUIREMEMTS
	Access to juvenile delinquency records as permitted by s. 985.04, F.S. Access limited to law enforcement personnel who require access in performance of their official job duties.	
Department of Children and Families personnel, or authorized service providers of the agency.	All records except those that are expunged or sealed, automatically confidential under rule 2.420(d)(1), or made confidential by court order. Access to social security numbers as permitted by s. 119.071, F.S. Access to birth certificates as permitted by s. 382.013(5), F.S. Access to children and families in need of services records as permitted by s. 984.06(3), F.S. Access to juvenile records as permitted by s. 39.0132(3), F.S. Access to juvenile delinquency records as permitted by s. 985.04, F.S. Access to records is limited to agency personnel and service providers who	Secure access through user name and password by written notarized agreement. Agency gatekeeper is responsible for maintaining authorized user list.

USER GROUPS	ACCESS PERMITTED	SECURITY REQUIREMEMTS
	require access in performance of their official job duties.	
Commercial purchasers of bulk records.	All records except those that are expunged or sealed, automatically confidential under rule 2.420(d)(1) or made confidential by court order. Access to social security numbers as permitted by s. 119.071, F.S,	Secure access through user name and password by written notarized agreement. Commercial purchaser gatekeeper is responsible for maintaining an authorized user list.
Administrative	Access for administrative purposes only to manage accounts for an organization with multiple users	Secure access to maintain and update user accounts. Gatekeeper can represent an agency under a single notarized agreement.

ACCESS LEVELS

Access permitted to:

A. all but expunged; access to sealed records permitted judges to assist with case-related adjudicatory responsibilities
B. all but expunged or sealed, or automatically confidential under rule 2.420(d)(1)
C. all but expunged or sealed, automatically confidential under rule 2.420(d)(1), or made confidential by court order
D. all but expunged or sealed, automatically confidential under rule 2.420(d)(1), or made confidential by court order; images viewable upon request
E. case number, party names, dockets only
F. case number and party names only
G. case number only

H. Viewable on request access level applies to documents containing confidential information that must be redacted; this access level requires examination of the case file by a clerk to identify and redact confidential information before the record can be viewed. Requests for judicial orders will be reviewed by the clerk for redaction or application of security protocols consistent with these standards. The order will be available to the requestor only after the redaction or application of security protocols have been implemented to protect the judicial signature.

SECURITY

No sensitive security information should be presented on the user interface. Sensitive data shall be exchanged over trusted paths, or using adequate encryption between users, between users and systems, and between systems. The system must employ appropriate security and encryption measures to prevent disclosure of confidential data to unauthorized persons.

Minimum Technical Requirements:

1. Encryption (general public and authenticated)**
2. No cut and paste of workable links
3. No access to live data; replicated records will be used for public access
4. Authenticated access for access beyond general public access
5. Monitor bulk data transfers to identify and mitigate abuses of the system by utilizing access programs using automated methods.
6. All metadata related to creator, editor and contributor must be stripped from the document.

**Encryption protects the integrity of the record and prevents exposure to potential security risks. It also prevents authenticated users with higher access from sending links to information to non-authorized users.

INTEGRITY OF THE COURT RECORD

To protect the integrity and availability of the court record, public access will not be to the original record, but to a replicated and redacted version of the record.

Links online shall be encrypted where a user may not be able to cut and paste a URL and get back to a page. Link refresh times shall be limited and time out.

REDACTION

Redaction is the process of obscuring confidential information contained within a public record from view. Redacted portions of the record are blacked out. Redaction may be accomplished manually or through use of technology such as redaction software. Redaction software is used when information is in electronic form. If redaction software is used, it must identify and protect confidential records through redaction of confidential content. For efficiency, redaction software is preferred over manual processes when the files are in electronic form.

There are generally two levels of redaction:

- Level 1 -The system reads the images and uses the knowledge base to auto-redact suspect regions
- Level 2 -Redacted images are presented to a first reviewer to accept or decline to redact selected data on the image

Redaction software may not work in some circumstances, such as with handwritten text or poor quality images. There must be a process to review records that cannot be redacted by software. It is recommended that these records be made available upon request, so proper review and redaction can be completed before they are provided on-line for viewing. The default view for judges is the non-redacted version of the record.

QUALITY ASSURANCE

Clerks must employ redaction processes through human review, the use of redaction software or a combination of both. Clerks must audit the process adopted at least annually for quality assurance and must incorporate into their processes new legislation or court rules relating to protection of confidential information. It is recommended that clerks advise commercial purchasers that court records are regularly updated, and encourage use of updated records.

PERFORMANCE

Search parameters for internet access to electronic records will be limited to the following:

A. Public User

1. case type
2. case number
3. party name
4. citation number
5. date range

B. Authenticated Users may have more robust search features.

Non-confidential data or data accessed by an authenticated user may be viewed immediately. Some images may be "viewable on request" to allow time for the redaction process.

Images are view only, and therefore cannot be modified. No search of images is allowed for internet public access. This type of search would invite bots, overburden the system, and weaken the security systems in place to protect confidential information. Internal users may search images if legally authorized to do so.

Only authorized automated search programs, to be used solely on the indices, shall be used with the court’s electronic public access system. Automated search programs may not be used on any other component of the court’s electronic public access system. The court and clerk will

determine the criteria for authorization of any automated search programs. Such authorization may be revoked or modified at the discretion of the court and clerk.

ARCHIVAL REQUIREMENTS

Electronic records must be archived in a manner that protects the records from degradation, loss of content, or problems with software compatibility relative to the proper rendering of electronic records.

AUTHENTICATION REQUIREMENTS

Members of the general public do not require a username or password to access information that is generally available to the public. For information that is accessible to individuals or entities beyond general public access, users must be authenticated to verify their role and associated access levels. Users must subscribe to the access system, and provide information to verify their identity. Users are then assigned a login account. At a minimum, users accessing records and information beyond general public access must have a user name and password, and have the ability to change their password using self service within the access portal.

USER MAINTENANCE

Each state or local government agency or law office with personnel who access electronic records in a role that must be authenticated must assign a gatekeeper to notify clerk's office staff of employee or contractor changes. Each agency and law office must remove terminated employees or contractors and must accept responsibility for unauthorized access. The clerks must develop and maintain agreements clearly defining responsibilities for user maintenance.

ACCESS SECURITY MATRIX

AO 14-32 | FLORIDA SUPREME COURT

YEAR: 2014

NUMBER: 32

TITLE: IN RE: APPOINTMENTS TO STANDING COMMITTEE ON THE UNLICENSED PRACTICE OF LAW

PAGES: 3

Supreme Court of Florida

No. AOSC14-32

IN RE: APPOINTMENTS TO STANDING COMMITTEE ON THE UNLICENSED PRACTICE OF LAW

ADMINISTRATIVE ORDER

Pursuant to Rule 10-3.1 of the Rules Governing the Investigation and Prosecution of The Unlicensed Practice of Law, the following individuals are hereby appointed to the Unlicensed Practice of Law Standing Committee effective July 1, 2014:

Attorney Members:

Sui Chung
Miami, Florida 33133

Gregory Ryan Cohen
North Palm Beach, Florida 33408

Jason Hunter Korn
Naples, Florida 34108

Public Members:

Paulita E. Kundid
Daytona Beach, Florida 32114

Ellen Wile
Bradenton, Florida 34205

Additionally, the following individuals are hereby reappointed to the Unlicensed Practice of Law Standing Committee effective July 1, 2014:

Attorney Members:

Barbara P. Burke
Maitland, Florida 32794

Jeffrey Michael Kolokoff
Miami, Florida 33130

Public Members:

Manohar Athavale
Lake Worth, Florida 33467

Stanley M. Giannet
Wesley Chapel, Florida 33543

Monte Gordon
Coral Gables, Florida 33134

David Lanaux
Fort Myers, Florida 33904

Gino Martone
Lauderdale Lakes, Florida 33311

Nancy A. Murphy
Tallahassee, Florida 32303

The following individual is hereby removed as a member of the Unlicensed Practice of Law Standing Committee effective July 1, 2014.

Public Member:

Ricardo E. Gonzalez
Miami, Florida 33233

DONE AND ORDERED at Tallahassee, Florida, on June 11, 2014.

Ricky Polston, Chief Justice

ATTEST:

John A. Tomasino, Clerk of Court

AO 15-26 | FLORIDA SUPREME COURT

YEAR: 2015

NUMBER: 26

TITLE: IN RE: DISTRICT COURT OF APPEAL BUDGET COMMISSION

PAGES: 4

Supreme Court of Florida

No. AOSC15-26

IN RE: DISTRICT COURT OF APPEAL BUDGET COMMISSION

ADMINISTRATIVE ORDER

The District Court of Appeal Budget Commission was created to oversee the preparation and implementation of the district court component of the judicial branch budget. The commission is directly responsible for recommending budgeting and funding policies and procedures for the district court budgets, so that the funding requirements of each of the intermediate appellate courts can be adequately addressed while promoting statewide operational consistency.

Florida Rule of Judicial Administration 2.235(e) provides that the voting membership of the commission shall include the chief judge of each district court of appeal, who shall serve for his or her term as chief judge, and one additional judge from each district, who shall serve for a four-year term. The terms of a number of members of the commission have expired, and a number of members who were serving as the second judge from the respective district have transitioned into the chief judge position.

Accordingly, the following chief judges shall serve on the commission until their respective terms as chief judge are completed:

The Honorable L. Clayton Roberts
Chief Judge, First District Court of Appeal

The Honorable Craig C. Villanti[1]
Chief Judge, Second District Court of Appeal

The Honorable Richard J. Suarez
Chief Judge, Third District Court of Appeal

The Honorable Cory J. Ciklin
Chief Judge, Fourth District Court of Appeal

The Honorable C. Alan Lawson
Chief Judge, Fifth District Court of Appeal

Further, in order to maintain staggered terms for voting members as provided in Florida Rule of Judicial Administration 2.235(e)(4), the following judges shall serve as the second judge member from the respective district for the terms indicated. The following members are appointed for a term that expires on June 30, 2017, which is the remainder of the term for the membership held by his or her predecessor:

The Honorable Bradford L. Thomas
First District Court of Appeal

1. The Honorable Craig C. Villanti was appointed to serve in his capacity as chief judge of the Second District Court of Appeal by In re: District Court of Appeal Budget Commission, Fla. Admin. Order No. AOSC15-10 (April 6, 2015).

The Honorable Leslie B. Rothenberg
Third District Court of Appeal

The Honorable Wendy W. Berger
Fifth District Court of Appeal

The following members shall serve as the second judge member from the respective district for a term that expires on June 30, 2019:

The Honorable Stevan T. Northcutt
Second District Court of Appeal

The Honorable Jonathan D. Gerber
Fourth District Court of Appeal

Additionally, Florida Rule of Judicial Administration 2.235(e)(2) provides that the chief justice will appoint one member to serve as chair and one member to serve as vice chair of the commission for a four-year term or until the member's term on the commission expires. In accordance with In re: District Court of Appeal Budget Commission, Fla. Admin. Order No. AOSC13-24 (June 17, 2013), Judge C. Alan Lawson shall continue to serve as chair until June 30, 2017, or until his term on the commission expires. Judge L. Clayton Roberts is hereby designated to serve as vice chair until June 30, 2019, or until his term on the commission expires.

DONE AND ORDERED at Tallahassee, Florida, on August 28, 2015.

Jorge Labarga, Chief Justice

ATTEST:

John A. Tomasino, Clerk of Court

AO 16-28 | FLORIDA SUPREME COURT

YEAR: 2016

NUMBER: 28

TITLE: IN RE: FLORIDA COURTS TECHNOLOGY COMMISSION

PAGES: 3

Supreme Court of Florida

No. AOSC16-28

IN RE: FLORIDA COURTS TECHNOLOGY COMMISSION

ADMINISTRATIVE ORDER

The purpose of the Florida Courts Technology Commission is to oversee, manage, and direct the development and use of technology within the judicial branch under the direction of the Florida Supreme Court, as specified in Florida Rule of Judicial Administration 2.236. In carrying out that purpose, the Florida Courts Technology Commission shall perform its rule-based responsibilities consistent with The Long-Range Strategic Plan for the Florida Judicial Branch 2016-2021, including but not limited to Goal 4.4 (Improve data exchanges and integration processes with the clerks of court and other justice system partners).

One of the primary responsibilities of the Commission is to promote public trust and confidence in the judicial branch by delivering timely, consistent, and useful information through traditional and innovative communication methods, as well as utilizing compatible technology infrastructures to improve case management to meet the needs of the judicial branch and court users.

When the Commission was re-established in 2010, a system of staggered terms was instituted to avoid majority turnover in any year. Some members' terms will expire on June 30, 2016. To accomplish the continuing tasks of modernizing court processes through automation and expanding self-service options for court users, as well as safeguarding the security, integrity, and confidentiality of court data and technology systems, the following individuals are hereby reappointed to serve as members of the Commission for a term that begins on July 1, 2016, and expires on June 30, 2019:

The Honorable Robert Hilliard
County Court Judge, Santa Rosa County

The Honorable Ronald Ficarrotta
Chief Judge, Thirteen Judicial Circuit

The Honorable Stevan T. Northcutt
Appellate Court Judge, Second District Court of Appeal

Mr. Thomas Genung
Trial Court Administrator, Nineteenth Judicial Circuit

Ms. Jannet Lewis
Court Technology Officer, Tenth Judicial Circuit

The Honorable Karen Rushing
Clerk of Court, Sarasota County

The Honorable Mary Cay Blanks
Clerk of Court, Third District Court of Appeal

Mr. Laird Lile
Attorney at Law, Naples

Additionally, The Honorable Lisa Taylor Munyon shall continue to serve as Chair through June 30, 2017, when her current term on the Commission is scheduled to expire. Staff support and expenses for the Commission will be provided by the Office of the State Courts Administrator.

DONE AND ORDERED at Tallahassee, Florida, on June 20, 2016.

Chief Justice Jorge Labarga

ATTEST:

John A. Tomasino, Clerk of Court

AO 17-33 | FLORIDA SUPREME COURT

YEAR: 2017

NUMBER: 33

TITLE: IN RE: COURT INTERPRETER CERTIFICATION BOARD

PAGES: 2

Supreme Court of Florida

No. AOSC17-33

IN RE: COURT INTERPRETER CERTIFICATION BOARD

ADMINISTRATIVE ORDER

The purpose of the Court Interpreter Certification Board is to assist the Supreme Court of Florida in overseeing the certification and regulation of court interpreters as set forth in the Florida Rules for Certification and Regulation of Spoken Language Court Interpreters. The Board's responsibilities are established in Rule 14.100(f) of those rules.

The following members' terms will expire on June 30, 2017:

The Honorable James T. Browning
County Court Judge
Levy County

The Honorable Lisa D. Campbell
Circuit Court Judge
Thirteenth Judicial Circuit

Ms. Barbara Dawicke
Trial Court Administrator
Fifteenth Judicial Circuit

The following individuals are hereby appointed and reappointed, respectively, to fill these vacancies, for terms that expire on June 30, 2020:

The Honorable Bill Blue
County Court Judge
Taylor County

The Honorable Lisa D. Campbell
Circuit Court Judge
Thirteenth Judicial Circuit

Ms. Barbara Dawicke
Trial Court Administrator
Fifteenth Judicial Circuit

DONE AND ORDERED at Tallahassee, Florida, on June 27, 2017.

Chief Justice Jorge Labarga

ATTEST:

John A. Tomasino, Clerk of Court

AO 17-34 | FLORIDA SUPREME COURT

YEAR: 2017

NUMBER: 34

TITLE: IN RE: TRIAL COURT BUDGET COMMISSION

PAGES: 2

Supreme Court of Florida

No. AOSC17-34

IN RE: TRIAL COURT BUDGET COMMISSION

ADMINISTRATIVE ORDER

The purpose of the Trial Court Budget Commission is to oversee the preparation and implementation of the trial court component of the judicial branch budget. The commission is directly responsible for recommending budgeting and funding policies and procedures for the trial court budget, in order to support a trial court system that will effectively carry out the administration of justice.

When the commission was originally appointed, a system of staggered terms was instituted to avoid majority turnover in any year. Additionally, pursuant to rule 2.230, Florida Rules of Judicial Administration, the membership must include 14 trial court judges and 7 trial court administrators.

A vacancy will exist on the commission due to the retirement of The Honorable Robert E. Roundtree, Jr., Circuit Court Judge in the Eighth Judicial Circuit. The Court acknowledges and appreciates Judge Roundtree's service and leadership on the commission. The following person is appointed effective July 1,

2017, to fill the remainder of Judge Roundtree's term, which will expire on November 30, 2018:

The Honorable Monica J. Brasington
Circuit Court Judge, Eighth Judicial Circuit

Further, The Honorable Margaret O. Steinbeck, Circuit Court Judge in the Twentieth Judicial Circuit and a commission member, is appointed effective July 1, 2017, to fill the remainder of Judge Roundtree's term as commission chair, which expires on June 30, 2018.

DONE AND ORDERED at Tallahassee, Florida, on June 27, 2017.

Chief Justice Jorge Labarga

ATTEST:

John A. Tomasino, Clerk of Court

AO 17-35 | FLORIDA SUPREME COURT

YEAR: 2017

NUMBER: 35

TITLE: IN RE: DISTRICT COURT OF APPEAL BUDGET COMMISSION

PAGES: 3

Supreme Court of Florida

No. AOSC17-35

IN RE: DISTRICT COURT OF APPEAL BUDGET COMMISSION

ADMINISTRATIVE ORDER

The District Court of Appeal Budget Commission was created to oversee the preparation and implementation of the district court component of the judicial branch budget. The commission is directly responsible for recommending budgeting and funding policies and procedures for the district court budgets, so that the funding requirements of each of the intermediate appellate courts can be adequately addressed while promoting statewide operational consistency.

Florida Rule of Judicial Administration 2.235(e) provides that the voting membership of the commission shall include the chief judge of each district court of appeal, who shall serve for his or her term as chief judge, and one additional judge from each district court, who shall serve for a four-year term. The terms of a number of members of the commission expire on June 30, 2017. Some members who currently serve as the second judge from the respective district court will become chief judge on July 1, 2017.

Accordingly, the following judges shall serve on the commission commencing on July 1, 2017, and continuing until their respective terms as chief judge are completed:[1]

The Honorable Bradford L. Thomas
First District Court of Appeal

The Honorable Edward C. LaRose
Second District Court of Appeal

The Honorable Leslie B. Rothenberg
Third District Court of Appeal

The Honorable Jonathan D. Gerber
Fourth District Court of Appeal

Additionally, in order to maintain staggered terms for voting members as provided in Florida Rule of Judicial Administration 2.235(e)(4), The Honorable Spencer D. Levine shall serve as the second judge member from the Fourth District Court of Appeal, effective July 1, 2017, for a term that expires on June 30, 2019, which is the remainder of the term for the membership held by his predecessor. Effectively July 1, 2017, the following members shall serve as the second judge member from the respective district court for a term that expires on June 30, 2021:[2]

1. The Honorable Jay P. Cohen was appointed to serve in his capacity and for his term as chief judge of the Fifth District Court of Appeal by In re: District Court of Appeal Budget Commission, Fla. Admin. Order No. AOSC17-1 (Jan. 17, 2017).

2. The Honorable Stevan T. Northcutt was appointed to serve as the second judge member from the Second District Court of Appeal, for a term that

The Honorable L. Clayton Roberts
First District Court of Appeal

The Honorable Barbara Lagoa
Third District Court of Appeal

The Honorable Wendy W. Berger
Fifth District Court of Appeal

Further, Florida Rule of Judicial Administration 2.235(e)(2) provides that the chief justice will appoint one member to serve as chair and one member to serve as vice chair, each for a four-year term or until the member's term on the commission expires. In accordance with In re: District Court of Appeal Budget Commission, Fla. Admin. Order No. AOSC17-1 (Jan. 17, 2017), Judge Jonathan D. Gerber shall continue to serve as chair until June 30, 2019. Judge L. Clayton Roberts is hereby designated to serve as vice chair until June 30, 2021, when his term on the commission is scheduled to expire.

DONE AND ORDERED at Tallahassee, Florida, on June 27, 2017.

Jorge Labarga, Chief Justice

ATTEST:

John A. Tomasino, Clerk of Court

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expires June 30, 2019, by In re: District Court of Appeal Budget Commission, Fla. Admin. Order No. AOSC15-26 (Aug. 28, 2015).

AO 18-16 | FLORIDA SUPREME COURT

YEAR: 2018

NUMBER: 16

TITLE: ACCESS TO ELECTRONIC COURT RECORDS

PAGES: 19

Supreme Court of Florida

No. AOSC18-16

IN RE: ACCESS TO ELECTRONIC COURT RECORDS

ADMINISTRATIVE ORDER

The Florida State Courts System strives to promote public trust and confidence in the judicial branch by delivering timely, consistent, and useful information through traditional and innovative communication methods and safeguarding the security, integrity, and confidentiality of court data.

In re: Standards for Access to Electronic Court Records, Fla. Admin. Order No. AOSC14-19 (amended May 23, 2014), governs appropriate, differentiated levels of access to electronic court records and prescribes a process by which a clerk of court who wishes to provide court records online must develop and test in a pilot program its online electronic records access system and, when it demonstrates through such pilot program compliance with the Standards for Access to Electronic Court Records and the Access Security Matrix adopted by the Supreme Court, seek Supreme Court approval to provide online access to electronic court records. The clerks of court for three counties have completed the

pilot program and are seeking approval to provide online access to electronic court records.

Through AOSC14-19, the Supreme Court adopted the standards and the security matrix and subsequently amended the standards and security matrix in succeeding administrative orders. The Florida Courts Technology Commission (Commission) has recommended additional amendments to the standards and the security matrix.

NOW, THEREFORE, the Supreme Court takes the following actions.

Approval of Clerk of Court Requests

The clerks of court for Brevard, Monroe, and Wakulla counties have engaged in a pilot program for at least 90 days to test its online electronic records access system; submitted at least three monthly status reports to the Office of the State Courts Administrator; reported all incidents of inadvertent release and unauthorized access to confidential information, if any occurred; took the appropriate corrective actions necessary to address all reported incidents related to confidential information; and ensured compliance with the current version of the standards and security matrix.

In addition, each clerk of court submitted a certification request, consistent with AOSC14-19, and a written description of the steps, processes, or tools used to validate compliance with the standards and the security matrix. The Access

Governance Board (Board) of the Commission reviewed each request and recommended approval, and the Commission concurred with the recommendation of the Board.

Accordingly, the requests to provide online access to electronic court records submitted by Brevard, Monroe, and Wakulla clerks of court are hereby approved, subject to the following terms and conditions:

1. Within 90 days following the date of this order, each clerk of court must implement its online electronic records access system in accordance with the standards and the security matrix adopted by AOSC14-19 and amended by AOSC17-47.
2. Each clerk shall incorporate any future amendments or updates to the standards and security matrix into the clerk's existing online electronic records access system.
3. To ensure compliance with the standards or security matrix, each clerk of court shall provide the Supreme Court or its designee access accounts for all roles in the security matrix, if so requested.

Violation of any of these terms and conditions shall constitute grounds for revocation of the approval to implement online electronic records access in the respective county.

Amendments to the Access Security Matrix and the Standards for Access to Electronic Court Records

The Board received a request from the Florida Court Clerks & Comptrollers Technology Group to update the security matrix relating to mental health cases. Several mental health cases were excluded from the security matrix; thus, no security roles were attached. Based on statute, the Board modified the security matrix by adding Professional Guardian; Mental Health Miscellaneous; Substance Abuse Assessment/Treatment; and Tuberculosis/STD Treatment/Other Confidential case types. These updates also incorporate the changes made by Fla. R. Jud. Admin. 2.420(d)(1)(B), which includes new exemptions to public records law for non-court records that the clerks of court are required to protect.

A Realigning of the Standards and Matrix Workgroup was created to revise and edit the standards and security matrix to ensure the documents complement one another. Previously in the standards, several user roles were lumped into similar categories by statutory citations for access to specific types of records; a few user roles denoted rules and statutes that did not grant access to that specific role; and the default view for judges was the non-redacted version of the record. In the new version of the standards, the user roles are separated and renamed to be synonymous to those in the security matrix; relevant rules and statutes have been added to indicate access and certain rules and statutes are more specific as they relate to the user role, rules and statutes that did not grant access to specific user

roles have been removed; the Administrative user role has been deleted to eliminate ambiguity between an administrator and a gatekeeper; a gatekeeper is defined; the User Maintenance section is updated to allow clerks who currently use an online process to register users to use their online electronic records access system as opposed to registered user agreements; and the requirement for the default view for judges to see the non-redacted version of the record has been removed.

In accordance with its authority under Florida Rule of Judicial Administration 2.236 to "establish, periodically review, and update technical standards for technology used and to be used in the judicial branch to receive, manage, maintain, use, secure, and distribute court records by electronic means, consistent with the technology policies established by the supreme court," the Commission concurred with the Board's recommendations and submitted amended standards and an amended matrix for the Court's consideration.

As a means for the judicial branch to continue to ensure responsible access to electronic court records, the Court hereby adopts the amended Standards for Access to Electronic Court Records and the amended Access Security Matrix to

supersede those previously adopted. The amended standards and matrix are attached hereto and incorporated herein by reference.[1]

DONE AND ORDERED at Tallahassee, Florida, on June 21, 2018.

AOSC18-16 6/21/2018

Chief Justice Jorge Labarga

AOSC18-16 6/21/2018

ATTEST:

AOSC18-16 6/21/2018

John A. Tomasino, Clerk of Court

AOSC18-16 6/21/2018

1. The Standards for Access to Electronic Court Records and the Access Security Matrix are also available on the Florida Courts website. See http://www.flcourts.org/resources-and-services/court-technology/technology-standards.stml.

Standards for Access to Electronic Court Records

April 2018

These standards establish statewide technical and operational requirements for access to electronic court records by the public, special user groups, judges, and court and clerk's office personnel. These standards also implement the Access Security Matrix, which governs remote web-based and clerks' office access to electronic court records.

ACCESS METHODS

There are three different methods for accessing electronic court records:

1. Direct access via application to internal live data;
2. Web-based application for replicated or live data with security; and
3. Web-based portal for public viewing of replicated data and variable levels of security based on user role.

Direct or web-based access to live production data is generally limited to authorized court and clerk's office personnel. Most users will access replicated data to protect the integrity and availability of the official court record maintained by the clerk.

ACCESS SECURITY MATRIX

The Access Security Matrix (the "Matrix") appended to these standards governs access to electronic court records based upon user roles and applicable court rules, statutes, and administrative policies. The Matrix performs the following functions:

1. Establishes user groups;
2. Establishes access levels; and
3. Assigns access level for each user group based on case type.

The Access Governance Board ("the Board"), under the authority of the Florida Courts Technology Commission (the "FCTC"), is responsible for maintaining the Matrix by timely incorporating legislative and rule changes that impact access to electronic court records. Access permitted under the Matrix applies equally to electronic and paper court records.

USER AGREEMENTS

The FCTC, in conjunction with the clerks, must develop and maintain agreements clearly defining responsibilities for user access.

Clerks may use an online agreement, instead of a paper agreement, that requires users to agree to terms using an online click-through (for example, clicking on the "I AGREE" button, as with other online term agreements) as long as the agreement terms are versioned so that updates can be tracked. When agreement terms change, users are required to accept the new terms, either electronically or in paper. A sworn agreement is required or each user role, except for the

Registered User role as defined by the Matrix. User agreements submitted in paper shall be retained by the clerk.

GATEKEEPER

In an effort to effectively manage access and ensure security, an agency may utilize a gatekeeper, who shall be an employee of that agency, for the purpose of adding, updating, and deleting user or agency information. A gatekeeper shall only add users commensurate with an agency's user role type and/or as registered users. Each agency shall be responsible for ensuring that each user added by the gatekeeper is only given access that is commensurate to their job duties. Nothing in this definition shall nullify any other duty imposed upon the gatekeeper by the Board.

USER ROLES

Access to electronic court records is determined by the user's role and applicable statutes, court rules, and applicable administrative policy. Access may be restricted to certain user roles based on case type, document type, or information contained within court records. All individuals and entities authorized under these standards to have greater access than the general public must establish policies to protect confidential records and information in accordance with applicable court rule and statutory requirements. Remote electronic access may be more restrictive than in-person in-house electronic access at clerks' offices.

MATRIX USER ROLES	ACCESS PERMITTED	USER SECURITY REQUIREMENTS
User Role 1 Judges and authorized court and clerk's office personnel	All court records, except those expunged pursuant to s. 943.0585, F.S., with discretionary limits based on local security policy. Each court and clerk must establish policies to ensure that access to confidential records and information is limited to those individuals who require access in performance of their official duties. Access to records sealed pursuant to s. 943.059(4), F.S., is permitted for judges to assist in performance of case-related adjudicatory responsibilities.	In-house secure network and secure web access.

MATRIX USER ROLES	ACCESS PERMITTED	USER SECURITY REQUIREMENTS
User Role 2 Florida State Attorneys' Offices	All records except those that are expunged or sealed, automatically confidential under rule 2.420(d)(1), or made confidential by court order. Access to Social Security numbers by ss. 119.071(5)(a)6.b. and 119.0714(1)(i), F.S. Access to HIV test results as permitted by s. 381.004(5)(c), F.S. Access to sexually transmitted disease results as permitted by s. 384.29(1), F.S. Access to birth certificates as permitted by ss. 382.013(5) and 382.025(1)(a)5, F.S. Access to mental health records as permitted by ss. 394.4615(3)(b), 394.4655(3)4)(c), and F.S. Access to identities of victims of sexual and child abuse when originating from law enforcement as permitted by s. 119.0714(1)(h), F.S. Access to children and families in need of services records as permitted by s. 984.06(3), F.S. Access to juvenile records as permitted by ss. 39.0132(4)(a)(1) and 985.04(1)(b), F.S.	Secure access through user name and password by written notarized agreement. Agency gatekeeper is responsible for maintaining authorized user list. Each state attorney must establish policies to ensure that access to confidential records and information is limited to those individuals who require access in performance of their official duties.

MATRIX USER ROLES	ACCESS PERMITTED	USER SECURITY REQUIREMENTS
User Role 3 Attorneys of record	All records except those that are expunged or sealed; access may be denied to records or information automatically confidential under rule 2.420(d)(1), or made confidential by court order, depending upon the type of case and the language of the court order.	Secure access through user name and password by written notarized agreement. The gatekeeper is responsible for maintaining authorized user list.
User Role 4 Parties	All records in the party's case except those that are expunged or sealed; access may be denied to information automatically confidential under rule 2.420(d)(1), or made confidential by court order, depending upon case type and the language of the order.	Secure access on case-by-case basis. Access by notarized request to insure identity of party.
User Role 5 Public in Clerks' offices and registered users	All records except those that are expunged or sealed, automatically confidential under rule 2.420(d)(1), or made confidential by court order. Viewable on request remote access to images of records in cases governed by the Florida Family Law Rules of Procedure, Florida Rules of Juvenile Procedure, or Florida Probate Rules, pursuant to s. 28.2221(5)(a), F.S.	Secure access through user name and password by written notarized agreement or in person at Clerks' offices.
User Role 6 General government and constitutional officers	All records except those that are expunged or sealed, automatically confidential under rule 2.420(d)(1), Fla. R. Jud. Admin., or made confidential by court order. Access to social security numbers as permitted by ss. 119.071(5)(a)6.b. and 119.0714(1)(i), F.S.	Secure access through user name and password by written notarized agreement. Agency gatekeeper is responsible for maintaining authorized user list. <u>Each agency must establish policies to ensure that access to confidential records and information is</u>

MATRIX USER ROLES	ACCESS PERMITTED	USER SECURITY REQUIREMENTS
		limited to those individuals who require access in performance of their official duties.
User Role 7 General public (without registration agreement)	All records except those that are expunged or sealed, automatically confidential under rule 2.420(d)(1), or made confidential by court order. No remote access to images of records in cases governed by the Florida Family Law Rules of Procedure, Florida Rules of Juvenile Procedure, or Florida Probate Rules, pursuant to s. 28.2221(5)(a), F.S.	None. Anonymous web-based access permitted.
User Role 8 Certified law enforcement officers of federal and Florida state and local law enforcement agencies, Florida Department of Corrections, and their authorized users	All records except those that are expunged or sealed, automatically confidential under rule 2.420(d)(1), Fla. R. Jud. Admin., or made confidential by court order. Access to social security numbers as permitted by ss. 119.071(5)(a)6.b. and 119.0714(1)(i), F.S. Access to HIV test results as permitted by ss. 381.004(2)(e), and 951.27 F.S. Access to sexually transmitted disease results as permitted by s. 384.29(1), F.S. Access to birth certificates as permitted by ss. 382.013(5) and 382.025(1)(a)5., F.S. Access to identities of victims of sexual and child abuse when	Secure access through user name and password by written notarized agreement. Agency gatekeeper is responsible for maintaining an authorized user list. Each agency must establish policies to ensure that access to confidential records and information is limited to those individuals who require access in performance of their official duties.

MATRIX USER ROLES	ACCESS PERMITTED	USER SECURITY REQUIREMENTS
	originating from law enforcement as permitted by s. 119.0714(1)(h), F.S. Access to children and families in need of services records as permitted by s. 984.06(3), F.S. Access to juvenile records as permitted by ss. 39.0132(4)(a)(1) and 985.04(1)(b), F.S.	
User Role 9 Florida Attorney General's Office and the Florida Department of Children and Families	All records except those that are expunged or sealed, automatically confidential under rule 2.420(d)(1), Fla. R. Jud. Admin., or made confidential by court order. Access to social security numbers as permitted by ss. 119.071(5)(a)6.b. and 119.0714(1)(i), F.S. Access to birth certificates as permitted by ss. 382.013(5) and 382.025(1)(a)5., F.S. Access to children and families in need of services records as permitted by s. 984.06(3), F.S. Access to juvenile records as permitted by ss. 39.0132(4)(a)(1) and 985.04(1)(b), F.S.	Secure access through user name and password by written notarized agreement. Agency gatekeeper is responsible for maintaining authorized user list. Each agency must establish policies to ensure that access to confidential records and information is limited to those individuals who require access in performance of their official duties.

MATRIX USER ROLES	ACCESS PERMITTED	USER SECURITY REQUIREMENTS
User Role 10 Florida School Districts (Truancy)	All records except those that are expunged or sealed, automatically confidential under rule 2.420(d)(1), Fla. R. Jud. Admin., or made confidential by court order. Access to social security numbers as permitted by ss. 119.071(5)(a)6.b. and 119.0714(1)(i), F.S. Access to juvenile delinquency records as permitted by s. 985.04(1)(b), F.S.	Secure access through user name and password by written notarized agreement. Agency gatekeeper is responsible for maintaining authorized user list. Each school district must establish policies to ensure that access to confidential records and information is limited to those individuals who require access in performance of their official duties.
User Role 11 Commercial purchasers of bulk records	All records except those that are expunged or sealed, automatically confidential under rule 2.420(d)(1), Fla. R. Jud. Admin., or made confidential by court order. No remote access to images of records in cases governed by the Florida Family Law Rules of Procedure, Florida Rules of Juvenile procedure, or Florida Probate Rules, pursuant to s. 28.2221(5)(a), F.S.	Secure access through user name and password by written notarized agreement. Commercial purchaser gatekeeper is responsible for maintaining an authorized user list.
User Role 12 Florida Public Defenders' Offices (Institutional Access only)	All records except those that are expunged or sealed; access may be denied to records or information automatically confidential under rule 2.420(d)(1), Fla. R. Jud. Admin., or made confidential by court order, depending upon the type of case and the language of the court order. The Office of the Public Defender is considered the	Secure access through user name and password by written notarized agreement. The gatekeeper is responsible for maintaining authorized user list. Each public defender must establish policies to ensure that access to confidential records and information is limited to those individuals who require access in

MATRIX USER ROLES	ACCESS PERMITTED	USER SECURITY REQUIREMENTS
	attorney of record at a defendant's first appearance as permitted by s. 985.045(2) and rules 8.010 and 8.165, Fla. R. Juv. P. for juvenile defendants and s. 27.51 and rule 3.130, Fla. R. Crim. P. for adult defendants. Access will be changed to User Role 6 when the public defender is no longer the attorney of record or another attorney is assigned.	performance of their official duties.

ACCESS LEVELS

Access levels are defined as follows:

A. All but expunged, or sealed under Ch. 943;
B. All but expunged, or sealed under Ch. 943, or sealed under rule 2.420;
C. All but expunged, or sealed under Ch. 943 and sealed under rule 2.420, or confidential;
D. All but expunged, sealed, or confidential; record images viewable upon request;
E. Case number, party names, dockets only;
F. Case number and party names only;
G. Case number only; and
H. No access.

Viewable on request access level applies to documents containing confidential information that must be redacted; this access level requires examination of the case file by a clerk to identify and redact confidential information before the record can be viewed.

REDACTION

Redaction is the process of obscuring confidential information contained within a public record from view. Redacted portions of a record are blacked out. Redaction may be accomplished manually or through use of technology such as redaction software. Redaction software is used when information is in electronic form. If redaction software is used, it must identify and protect confidential information through redaction of confidential content. For efficiency, redaction software is preferred over manual processes when the files are in electronic form.

There are generally two levels of redaction:

- Level 1 -The system reads the images and uses the knowledge base to auto-redact suspect regions.
- Level 2 -Redacted images are presented to a first reviewer to accept or decline to redact selected data on the image.

Redaction software which identifies confidential information may be used; however, a manual process must also exist to identify confidential information which may not be readily identified by an auto redaction process or for case types/documents that are available upon request

QUALITY ASSURANCE

Clerks must employ redaction processes through human review, the use of redaction software, or a combination of both. Clerks must audit the process adopted at least annually for quality assurance and must incorporate into their processes new legislation or court rules relating to protection of confidential information. It is recommended that clerks advise commercial purchasers that court records are regularly updated, and encourage use of updated records.

CLERK SECURITY

No sensitive security information should be presented on the user interface. Sensitive data shall be exchanged over trusted paths or by using adequate encryption between users; between users and systems; and between systems. The system must employ appropriate security and encryption measures to prevent disclosure of confidential data to unauthorized persons.

Minimum Technical Requirements:

1. Encryption (general public and authenticated)**;
2. No “cutting and pasting” of workable links;
3. Hyperlinks must not include authentication credentials;
4. No access to live data; replicated records will be used for public access;
5. Authenticated access for access beyond general public access; and
6. Monitor bulk data transfers to identify and mitigate abuses of the system by utilizing access programs using automated methods.

**Encryption protects the integrity of the record and prevents exposure to potential security risks. It also prevents authenticated users with higher access from sending links to information to non-authorized users.

INTEGRITY OF THE COURT RECORD

To protect the integrity and availability of the court record, public access will not be to the original record, but to a replicated version that is redacted, if applicable.

Online links shall be encrypted to prevent return access to a URL via “cutting and pasting.” Link refresh times shall appropriately time out as determined by each individual clerk, but links shall refresh no less than once every 30 minutes.

PERFORMANCE

Search parameters for web-based access to electronic records will be limited to the following:

A. User Role 7 (General Public)

1. Case type;
2. Case number;
3. Party name;
4. Citation number; and
5. Date range.

B. Other user roles with authenticated users may have more robust search features than general public users.

Non-confidential data or data accessed by an authenticated user may be viewed immediately. Some images may be "viewable on request" to allow time for the redaction process.

Online access to documents stored as images may be provided. Documents stored as images are "view only." If a requested document is maintained by the clerk in a searchable format, the document may be provided to the public in that format, but only in response to a specific request. Search capability, if available, will be limited to such requested document and must not support automated bulk searches.

Only authorized automated search programs, to be used solely on the indices, shall be used with the court's electronic public access system. Automated search programs may not be used on any other component of the court's electronic public access system. The court and clerk will determine the criteria for authorization of any automated search programs. Such authorization may be revoked or modified at the discretion of the court and clerk.

ARCHIVAL REQUIREMENTS

Electronic records must be archived in a manner that protects the records from degradation, loss of content, or problems with software compatibility relative to the proper rendering of electronic records and in compliance with applicable law or Supreme Court guidelines.

AUTHENTICATION REQUIREMENTS

Members of the general public do not require a username or password to access information that is generally available to the public. For information that is accessible to individuals or entities beyond general public access, users must be authenticated to verify their role and associated access levels. Users must subscribe to the access system, and provide information to verify their identity. Users are then assigned a login account. At a minimum, users accessing records and information beyond general public access must have a user name and password, and have the ability to change their password using self-service within the web-based application.

ACCESS SECURITY MATRIX



Access Security
Matrix v8 April 2018.x

Access Security Matrix

(April 2018 version 8)

User Role (Subscribers)																
Key to access codes A = All but expunged, or sealed under Ch. 943 B = All but expunged, or sealed under Ch. 943 or sealed under rule 2.420 C = All but expunged, or sealed under Ch. 943 and sealed under rule 2.420; or confidential D = All but expunged, sealed or confidential; record images viewable upon request E = Case number, party names, dockets only F = Case number and party names only G = Case number only H = No access See Access Details		1. Judges and authorized court and clerk's office personnel (Internal access by authorization)	2. Florida State Attorney's Offices	3. Attorneys of Record	4. Parties	5. Public in Clerks' offices and registered users	6. General Gov't and Const Officers	7. General public (without registration agreement)	8. Certified law enforcement officers of federal and Florida state and local law enforcement agencies, Florida Department of Corrections, and their authorized users	9. Florida Attorney General's Office and the Florida Department of Children and Families	10. Florida School Districts (Truancy)	11. Commercial purchasers of bulk records	12. Florida Public Defender's Offices (institutional access only)		***VOR Statute List (F.S.): 787, 794, 796, 800, 825, 827, 847, 921 VOR is at the case level ***Viewable on Request (VOR) - to ensure that information is properly removed prior to public access, some case types and document types have a special electronic security called viewable on request. Selecting an image of a court document in cases or documents coded viewable on request will not allow the user to view the record at that point. Instead, a request is generated to a clerk, who performs a second examination of the document to remove personal identification information and information about the victims of sexual or child abuse crimes. After the clerk has completed, the requestor then receives a notice that the document is available for viewing. Once a document has been requested and reviewed, it is available for all future access without requiring a request/review.
Case - Charge/Filing Description	**PRIVACY**													**UCN**	**Applicable rules and statutes**
County Criminal Appeals	P	A	B	B	C	D	C	D	B	C	C	D	B	AP	Rule 2.420(d) & (f)
County Criminal Appeals Sexual Abuse	VOR	A	B	B	D	D	D	D	B	D	D	D	B	AP	Rule 2.420(d) & (f); §119.071(2)(h), F.S.; Chs. 794, 796, 800, 827, & 847, F.S.
County Civil Appeals	P	A	B	B	B	D	C	D	B	C	C	D	C	AP	Rule 2.420(d)
Circuit Civil	P	A	B	B	B	D	C	D	B	C	C	D	C	CA	Rule 2.420(d) & Rule 1.210
Jimmy Ryce Act	VOR	A	B	B	D	D	D	D	B	D	D	D	B	CA	Rule 2.420(d); Chapter 119, F.S.; § 394.921(1)&(2), F.S.
Mortgage Foreclosure	P	A	B	B	B	D	C	D	B	C	C	D	C	CA	Rule 2.420(d) & Rule 1.210
Circuit Civil Private (Sexual Abuse & Medical Malpractice	VOR	A	B	B	D	D	D	D	B	D	D	D	D	CA	Rule 2.420(d)(1)(B)(xiii); §119.071(2)(h), F.S.; §119.0714(1)(h), F.S. & §28.2221(5)(a), F.S.
Circuit Civil - Trusts (Pre 2010)	P	A	B	B	B	D	C	E	B	C	C	E	C	CA	Rule 2.420(d)(1)(B); Chapter 119, F.S. & §28.2221(5)(a), F.S.
County Civil	P	A	B	B	B	D	C	D	B	C	C	D	C	CC	Rule 2.420(d) & Rule 1.210
County Foreclosure	P	A	B	B	B	D	C	D	B	C	C	D	C	CC	Rule 2.420(d) & Rule 1.210
Felony	P	A	B	B	C	D	C	D	B	C	C	D	B	CF	Rule 2.420(d) & Chapter 119, F.S.
Felony - sexual cases	VOR	A	B	B	C	D	D	D	B	D	D	D	B	CF	Rule 2.420(d)(1) & §119.071(2)(h)1.b or c, F.S., Chs. 794, 796, 800, 827, & 847, F.S.
Juvenile Delinquency	P	A	B	B	B	G	G	G	B	G	G	G	B	CJ	§985.04(1) & (2), F.S.; §985.045(2), F.S.; §985.036(1), F.S. & §985.11(3), F.S.
County Ordinance Infractions	P	A	B	B	B	D	C	D	B	C	C	D	C	CO	Rule 2.420
County Ordinance - Arrests	P	A	B	B	C	D	C	D	B	C	C	D	B	CO	Rule 2.420
Probate	P	A	D	D	D	D	D	E	D	D	D	E	D	CP	Rule 2.410; §28.2221(5)(a), F.S.
Probate Miscellaneous	P	A	D	D	D	D	D	E	D	D	D	E	D	CP	Rule 2.410; §28.2221(5)(a), F.S.
Criminal Traffic	P	A	B	B	C	D	C	D	B	C	C	D	B	CT	Rule 2.420(d) & (f)
Juvenile Dependency	P	A	B	B	C	G	G	G	B	B	G	G	G	DP	Rule 2.420(d); §39.0132(3)&(4)(a), F.S.
Juvenile Truancy	P	A	B	B	B	G	G	G	B	B	B	G	G	DP	§984.06(3), F.S.
Domestic Relations	P	A	B	B	B	D	C	E	B	C	C	E	C	DR	Rule 2.420(d); Chapter 119, F.S. & §28.2221(5)(a), F.S.
Domestic Relations Adoption (FINAL)	P	A	G	D	D	G	G	G	G	G	G	G	G	DR	§63.162(1)(2), F.S. & §63.022(4)(i), F.S.
DR Adoption (while open and pending)	P	A	G	B	D	G	G	G	G	G	G	G	G	DR	§63.162(1)(2), F.S. & §63.022(4)(i), F.S.
Domestic Relations - Paternity	P	A	B	B	B	D	C	E	B	C	C	E	C	DR	Rule 2.420(d); §742.011, F.S. & §28.2221(5)(a), F.S.
Domestic Relations - Paternity -sealed	P	A	F	F	F	F	F	F	F	F	F	F	F	DR	§742.011, F.S.; §742.091, F.S.; §742.16(9), F.S.; §742.031(1), F.S. & §28.2221(5)(a), F.S.
Delayed Birth Certificate	P	A	B	B	B	D	C	E	B	C	C	E	C	DR	Rule 2.420(d)(1)(B)(vi); §382.025(1), F.S.; §382.0195(1), F.S.& §28.2221(5)(a), F.S.
Name Change	P	A	B	B	B	D	C	E	B	C	C	E	C	DR	§68.07, F.S. & §28.2221(5)(a), F.S.
Dissolution	P	A	B	B	B	D	C	E	B	C	C	E	C	DR	Rule 2.420(d); §28.2221(5)(a), F.S.& §61.043(1), F.S.
Repeat Violence	P	A	B	B	D	D	C	E	B	C	C	E	B	DR	Rule 2.420(d)(1)(B)(xii); §741.30(8)(c)5b, F.S. & §28.2221(5)(a), F.S.
Administrative Support Proceeding	P	A	B	B	B	D	C	E	B	C	C	E	C	DR	§409.2563(2)(d), F.S. & §28.2221(5)(a), F.S.
Parental Notice of Abortion	VOR	A	G	B	B	G	G	G	G	G	G	G	G	DR	Rule 8.805(b); Rule 8.835; Rule 2.420(d)(1)(B)(vii); §390.01114(4)(e) & §390.01116
Sexual Violence	VOR	A	B	B	D	D	D	E	B	D	D	E	C	DR	Rule 2.420(d) & (f), Chapter 119.071(2)(h)1 (b) or (c), F.S. & §784.046(4), F.S.
Termination of Parental Rights	P	A	B	B	G	G	G	G	B	B	G	G	G	DR	§39.814(3) & (4), F.S.
URESA/UIFSA	P	A	B	B	B	D	C	E	B	C	C	E	C	DR	Rule 2.420(d) & §28.2221(5)(a), F.S.
Extradition	VOR	A	B	B	C	D	D	D	B	D	D	D	C	CF	Rule 2.420(d) & (f)
Guardianship/Guardian Advocate (Developmental Disabilities)	P	A	B	B	B	D	C	E	C	C	C	E	C	GA	§744.1076, F.S. & §744.3701, F.S.; & 393.12, F.S.
Guardianship Miscellaneous/Professional Guardian	P	A	B	B	C	D	C	E	C	C	C	E	C	GA	§744.1076, F.S.; §744.3701, F.S. & §744.2003, F.S.
Non-Criminal Infractions	P	A	B	B	B	D	C	D	B	C	C	D	C	IN	Rule 2.420(d)
Juvenile Miscellaneous	P	A	B	B	G	G	G	G	G	G	G	G	G	DP	§985.04(1) & (2), F.S. & 985.045(2), F.S.
~~Financial Miscellaneous~~ [Deactivated]	~~P~~	~~G~~	~~B~~	~~G~~	~~G~~	~~G~~	~~G~~	~~G~~	~~G~~	~~G~~	~~G~~	~~G~~	~~G~~	~~MM~~	~~Rule 2.420(d) & Chapter 119, F.S.~~
Miscellaneous Firearms	P	A	B	B	B	D	C	D	B	C	C	D	B	MM	Rule 2.420(d); Chapter 119, F.S. & §790.065(4), F.S.

Access Security Matrix

(April 2018 version 8)

User Role (Subscribers)															
Key to access codes A = All but expunged, or sealed under Ch. 943 B = All but expunged, or sealed under Ch. 943 or sealed under rule 2.420 C = All but expunged, or sealed under Ch. 943 and sealed under rule 2.420; or confidential D = All but expunged, sealed or confidential; record images viewable upon request E = Case number, party names, dockets only F = Case number and party names only G = Case number only H = No access See Access Details		1. Judges and authorized court and clerk's office personnel (Internal access by authorization)	2. Florida State Attorney's Offices	3. Attorneys of Record	4. Parties	5. Public in Clerks' offices and registered users	6. General Gov't and Const Officers	7. General public (without registration agreement)	8. Certified law enforcement officers of federal and Florida state and local law enforcement agencies, Florida Department of Corrections, and their authorized users	9. Florida Attorney General's Office and the Florida Department of Children and Families	10. Florida School Districts (Truancy)	11. Commercial purchasers of bulk records	12. Florida Public Defender's Offices (institutional access only)		*****VOR Statute List (F.S.):** 787, 794, 796, 800, 825, 827, 847, 921 VOR is at the case level ***Viewable on Request (VOR) - to ensure that information is properly removed prior to public access, some case types and document types have a special electronic security called viewable on request. Selecting an image of a court document in cases or documents coded viewable on request will not allow the user to view the record at that point. Instead, a request is generated to a clerk, who performs a second examination of the document to remove personal identification information and information about the victims of sexual or child abuse crimes. After the clerk has completed, the requestor then receives a notice that the document is available for viewing. Once a document has been requested and reviewed, it is available for all future access without requiring a request/review.
Case - Charge/Filing Description	**PRIVACY**													**UCN**	**Applicable rules and statutes**
Baker Act and Mental Health Miscellaneous	P	A	B	B	B	D	D	E	C	D	D	E	B	MH	Rule 5.900; §394.4615, F.S.; §393.11, F.S.; §765.105, F.S.; §916.107(3)(a), §415.1051, F.S. & §394.459(8)
Substance Abuse - Assessment/Treatment	P	A	B	B	B	G	G	G	B	B	G	G	G	MH	Rule 2.420(d); §397.501(7), F.S. & §397.6760, F.S.
Tuberculosis/STD Treatment/Other Confidential	P	A	B	B	B	G	G	G	B	B	G	G	G	MH	§392.55, F.S. & §384.27, F.S.
~~Substance Abuse cases filed pre 10-1-2010 disabled~~ [Deactivated]	~~P~~	~~A~~	~~B~~	~~B~~	~~D~~	~~G~~	~~G~~	~~G~~	~~G~~	~~G~~	~~G~~	~~G~~	~~G~~	~~MH~~	~~§397.501, F.S.~~
Incapacity	P	A	B	B	B	D	C	E	C	C	C	E	C	MH	Rule 2.420(d) & §744.3701, F.S.
Misdemeanor	P	A	B	B	D	D	C	D	B	C	C	D	B	MM	Rule 2.420(d)
Misdemeanor - sexual cases	VOR	A	B	B	D	D	D	D	B	D	D	D	B	MM	Rule 2.420(d) & §119.071(2)(h), F.S.
Municipal Ordinance Infraction	P	A	B	B	B	D	C	D	B	C	C	D	C	MO	Rule 2.420(d)
Municipal Ordinance Arrest	P	A	B	B	B	D	C	D	B	C	C	D	B	MO	Rule 2.420(d)
Misdemeanor-Misc	VOR	A	B	B	B	D	D	D	B	D	D	D	B	MM	Rule 2.420(d)
Parking	P	A	B	B	B	D	C	D	B	C	C	D	B	CO	Rule 2.420(d)
Small Claims	P	A	B	B	B	D	D	D	D	D	D	D	C	SC	Rule 2.420(d)
Traffic Infractions	P	A	B	B	B	D	C	D	B	C	C	D	B	TR	Rule 2.420(d)
Any case marked sealed	S	A	G	G	G	G	G	G	G	G	G	G	G		Any case that has a SEALED Privacy at the case level
Any expunged case	E	H	H	H	H	H	H	H	H	H	H	H	H		Any case that has an EXPUNGED Privacy at the case level
Sealed Family Law Case	S	A	G	B	B	G	G	G	G	G	G	G	G		Case by case basis giving Party/Attorney access

AO 18-74 | FLORIDA SUPREME COURT

YEAR: 2018

NUMBER: 74

TITLE: ELECTRONIC FILING AND ELECTRONIC SERVICE IN THE DISTRICT COURTS OF APPEAL

PAGES: 2

Supreme Court of Florida

No. AOSC18-74

IN RE: ELECTRONIC FILING AND ELECTRONIC SERVICE IN THE DISTRICT COURTS OF APPEAL

ADMINISTRATIVE ORDER

The five District Courts of Appeal sought and received approval from the Appellate Courts Technology Commission to utilize the Florida Courts E-Filing Portal (statewide portal) for electronic receipt of case-related documents. Starting December 14, 2018, all filings to the Second District Court of Appeal must be submitted via the statewide portal except when a paper filing is authorized. In 2019, at dates to be announced, all filings to the First, Third, Fourth, and Fifth District Courts of Appeal must be submitted via the statewide portal except when a paper filing is authorized. When electronically filing documents via the statewide portal, filers shall comply with all relevant Florida Rules of Appellate Procedure, Florida Rules of Judicial Administration, and Florida Supreme Court Standards for Electronic Access to the Courts. Filers are encouraged to utilize the statewide portal for electronic service of their filings and for payment of their case-related fees.

This administrative order does not affect the service of documents originating from the five District Courts of Appeal, which will continue to use eDCA to serve all acknowledgment letters, orders, opinions, mandates, and other outgoing filings on electronic filers through a link provided by eDCA Casemail. As a result, all electronic filers remain obligated to register as eDCA users and remain responsible for ensuring their email addresses are current in their eDCA accounts.

DONE AND ORDERED, at Tallahassee, Florida, on December 10, 2018.

AOSC18-74 12/10/2018

Charles T. Canady, Chief Justice

AOSC18-74 12/10/2018

ATTEST:

AOSC18-74 12/10/2018

John A. Tomasino, Clerk of Court

AOSC18-74 12/10/2018

AO 19-5 | FLORIDA SUPREME COURT

YEAR: 2019

NUMBER: 5

TITLE: IN RE: TRIAL COURT BUDGET COMMISSION

PAGES: 3

Supreme Court of Florida

No. AOSC19-5

IN RE: TRIAL COURT BUDGET COMMISSION

ADMINISTRATIVE ORDER

The purpose of the Trial Court Budget Commission is to oversee the preparation and implementation of the trial court component of the judicial branch budget. The Commission is directly responsible for recommending budgeting and funding policies and procedures for the trial court budget, in order to support a trial court system that will effectively carry out the administration of justice.

When the Commission was originally appointed, a system of staggered terms was instituted to avoid majority turnover in any year. Additionally, pursuant to rule 2.230, Florida Rules of Judicial Administration, the membership must include 14 trial court judges and seven trial court administrators.

Six of the 21 members' terms expired on November 30, 2018. The following individuals are reappointed to serve as members of the Commission for a term that expires on November 30, 2024:

The Honorable Monica J. Brasington
Circuit Court Judge, Eighth Judicial Circuit

The Honorable Ronald Ficarrotta
Circuit Court Chief Judge, Thirteenth Judicial Circuit

The Honorable Frederick J. Lauten
Circuit Court Chief Judge, Ninth Judicial Circuit

The Honorable Anthony Rondolino
Circuit Court Chief Judge, Sixth Judicial Circuit

Mr. Grant Slayden
Trial Court Administrator, Second Judicial Circuit

The Honorable Bertila Soto
Circuit Court Chief Judge, Eleventh Judicial Circuit

Additionally, a vacancy exists on the Commission in a position previously held by the then-trial court administrator from the Nineteenth Judicial Circuit. The following individual is appointed to fill the remainder of that term, which expires on November 30, 2020:

The Honorable Kathleen Roberts
County Court Judge, Martin County, Nineteenth Judicial Circuit

Further, two vacancies exist on the Commission due to the retirement of The Honorable Catherine M. Brunson, Circuit Court Judge in the Fifteenth Judicial Circuit, and the retirement of The Honorable Patricia V. Thomas, Circuit Court Judge in the Fifth Judicial Circuit. The following individual is appointed to fill the remainder of Judge Brunson's term, which expires on November 30, 2020:

The Honorable Glenn Kelley
Circuit Court Judge, Fifteenth Judicial Circuit

The following individual is appointed to fill the remainder of Judge Thomas' term, which expires on November 30, 2022:

Mr. Jonathan Lin
Trial Court Administrator, Fifth Judicial Circuit

DONE AND ORDERED at Tallahassee, Florida, on January 7, 2019.

AOSC19-5 1/7/2019

Chief Justice Charles T. Canady

AOSC19-5 1/7/2019

ATTEST:

AOSC19-5 1/7/2019

John A. Tomasino, Clerk of Court

AOSC19-5 1/7/2019

AO 19-6 | FLORIDA SUPREME COURT

YEAR: 2019

NUMBER: 6

TITLE: IN RE: DISTRICT COURT OF APPEAL BUDGET COMMISSION

PAGES: 2

Supreme Court of Florida

No. AOSC19-6

IN RE: DISTRICT COURT OF APPEAL BUDGET COMMISSION

ADMINISTRATIVE ORDER

The District Court of Appeal Budget Commission was created to oversee the preparation and implementation of the district court component of the judicial branch budget. The commission is directly responsible for recommending budgeting and funding policies and procedures for the district court budgets, so that the funding requirements of each of the intermediate appellate courts can be adequately addressed while promoting statewide operational consistency.

Florida Rule of Judicial Administration 2.235(e) provides that the voting membership of the commission shall include the chief judge of each district court of appeal, who shall serve for his or her term as chief judge, and one additional judge from each district court, who shall be appointed by the chief justice with advice from the chief judge.

The Honorable Barbara Lagoa was appointed to the Supreme Court of Florida, and The Honorable Jay P. Cohen completed his term as chief judge, thereby completing their service on the commission. Accordingly, the following

individuals are appointed to the commission for terms that extend through their service as chief judge of the respective district court of appeal:

The Honorable Kevin Emas
Third District Court of Appeal

The Honorable Kerry I. Evander
Fifth District Court of Appeal

Additionally, in order to maintain staggered terms for voting members as provided in Florida Rule of Judicial Administration 2.235(e)(4), and in accordance with a recommendation from the chief judge, The Honorable Ivan F. Fernandez is appointed to serve as the second judge member from the Third District Court of Appeal, for a term that expires on June 30, 2021, which is the remainder of the unexpired term held by his predecessor in that position.

DONE AND ORDERED at Tallahassee, Florida, on February 4, 2019.

AOSC19-6 2/4/2019

Chief Justice Charles T. Canady

AOSC19-6 2/4/2019

ATTEST:

AOSC19-6 2/4/2019

John A. Tomasino, Clerk of Court

AOSC19-6 2/4/2019

AO 19-20 | FLORIDA SUPREME COURT

YEAR: 2019

NUMBER: 20

TITLE: ACCESS TO ELECTRONIC COURT RECORDS

PAGES: 15

Supreme Court of Florida

No. AOSC19-20

IN RE: ACCESS TO ELECTRONIC COURT RECORDS

ADMINISTRATIVE ORDER

The Florida State Courts System strives to promote public trust and confidence in the judicial branch by delivering timely, consistent, and useful information through traditional and innovative communication methods and safeguarding the security, integrity, and confidentiality of court data.

In re: Standards for Access to Electronic Court Records, Fla. Admin. Order No. AOSC14-19 (amended May 23, 2014), governs appropriate, differentiated levels of access to electronic court records. Through AOSC14-19, the Supreme Court adopted the Standards for Access to Electronic Court Records and the Access Security Matrix. The standards and matrix provide a carefully structured mechanism to facilitate appropriate, differentiated levels of access to court records to members of the general public, user groups with specialized credentials, judges, and court and clerks' office staff, based upon governing statutes and court rules. Through subsequent administrative orders the standards and security matrix have been amended, as necessary and appropriate.

The Access Governance Board (Board) of the Florida Courts Technology Commission (Commission) has recommended additional amendments to the standards. In some online electronic records access systems, attorneys have indefinite access even after they are no longer the attorney of record. Therefore, the Board recommended updating the Attorney of Record user role in the standards to denote an attorney's access will be changed to registered user when the attorney's appearance is terminated in accordance with Florida Rule of Judicial Administration 2.505(f). The Board also recommended removing the requirement of a written notarized agreement to access electronic records for users who are Public in Clerks' offices and Registered Users. Lastly, the Board recommended updating the gatekeeper language in the standards to allow one or more gatekeepers, or a designee authorized by an agency head or an authorized gatekeeper, to add, update, and delete user or agency information to manage access and ensure security. The Commission concurred with the Board's recommendations and submitted amended standards for the Court's consideration.

As a means for the judicial branch to continue to ensure responsible access to electronic court records, the Court hereby adopts the amended Standards for Access to Electronic Court Records to supersede those adopted in *In re: Access to*

Electronic Court Records, Fla. Admin. Order No. AOSC18-16 (June 21, 2018).

The amended standards are attached hereto and incorporated herein by reference.[1]

DONE AND ORDERED at Tallahassee, Florida, on April 16, 2019.

AOSC19-20 4/16/2019

Chief Justice Charles T. Canady

AOSC19-20 4/16/2019

ATTEST:

AOSC19-20 4/16/2019

John A. Tomasino, Clerk of Court

AOSC19-20 4/16/2019

1. The Standards for Access to Electronic Court Records and the Access Security Matrix are also available on the Florida Courts website. See https://www.flcourts.org/Resources-Services/Court-Technology/Technology-Standards.

Standards for Access to Electronic Court Records

April 2019

These standards establish statewide technical and operational requirements for access to electronic court records by the public, special user groups, judges, and court and clerk's office personnel. These standards also implement the Access Security Matrix, which governs remote web-based and clerks' office access to electronic court records.

ACCESS METHODS

There are three different methods for accessing electronic court records:

1. Direct access via application to internal live data;
2. Web-based application for replicated or live data with security; and
3. Web-based portal for public viewing of replicated data and variable levels of security based on user role.

Direct or web-based access to live production data is generally limited to authorized court and clerk's office personnel. Most users will access replicated data to protect the integrity and availability of the official court record maintained by the clerk.

ACCESS SECURITY MATRIX

The Access Security Matrix (the "Matrix") appended to these standards governs access to electronic court records based upon user roles and applicable court rules, statutes, and administrative policies. The Matrix performs the following functions:

1. Establishes user groups;
2. Establishes access levels; and
3. Assigns access level for each user group based on case type.

The Access Governance Board ("the Board"), under the authority of the Florida Courts Technology Commission (the "FCTC"), is responsible for maintaining the Matrix by timely incorporating legislative and rule changes that impact access to electronic court records. Access permitted under the Matrix applies equally to electronic and paper court records.

USER AGREEMENTS

The FCTC, in conjunction with the clerks, must develop and maintain agreements clearly defining responsibilities for user access.

Clerks may use an online agreement, instead of a paper agreement, that requires users to agree to terms using an online click-through (for example, clicking on the "I AGREE" button, as with other online term agreements) as long as the agreement terms are versioned so that updates can be tracked. When agreement terms change, users are required to accept the new terms, either electronically or in paper. A notarized agreement is required for each user role, except for the

Registered User role as defined by the Matrix. User agreements submitted in paper shall be retained by the clerk.

GATEKEEPER

In an effort to effectively manage access and ensure security, an agency may utilize one or more gatekeepers, or a designee authorized by an agency head or an authorized gatekeeper who shall be an employee of that agency, for the purpose of adding, updating, and deleting user or agency information. A gatekeeper shall only add users commensurate with an agency's user role type and/or as registered users. Each agency shall be responsible for ensuring that each user added by the gatekeeper is only given access that is commensurate to their job duties. Nothing in this definition shall nullify any other duty imposed upon the gatekeeper by the Board.

USER ROLES

Access to electronic court records is determined by the user's role and applicable statutes, court rules, and applicable administrative policy. Access may be restricted to certain user roles based on case type, document type, or information contained within court records. All individuals and entities authorized under these standards to have greater access than the general public must establish policies to protect confidential records and information in accordance with applicable court rule and statutory requirements. Remote electronic access may be more restrictive than in-person in-house electronic access at clerks' offices.

MATRIX USER ROLES	ACCESS PERMITTED	USER SECURITY REQUIREMENTS
User Role 1 Judges and authorized court and clerk's office personnel	All court records, except those expunged pursuant to s. 943.0585, F.S., with discretionary limits based on local security policy. Each court and clerk must establish policies to ensure that access to confidential records and information is limited to those individuals who require access in performance of their official duties. Access to records sealed pursuant to s. 943.059(4), F.S., is permitted for judges to assist in performance of case-related adjudicatory responsibilities.	In-house secure network and secure web access.

MATRIX USER ROLES	ACCESS PERMITTED	USER SECURITY REQUIREMENTS
User Role 2 Florida State Attorneys' Offices	All records except those that are expunged or sealed, automatically confidential under rule 2.420(d)(1), or made confidential by court order. Access to Social Security numbers by ss. 119.071(5)(a)6.b. and 119.0714(1)(i), F.S. Access to HIV test results as permitted by s. 381.004(5)(c), F.S. Access to sexually transmitted disease results as permitted by s. 384.29(1), F.S. Access to birth certificates as permitted by ss. 382.013(5) and 382.025(1)(a)5, F.S. Access to mental health records as permitted by ss. 394.4615(3)(b), 394.4655(3)4)(c), and F.S. Access to identities of victims of sexual and child abuse when originating from law enforcement as permitted by s. 119.0714(1)(h), F.S. Access to children and families in need of services records as permitted by s. 984.06(3), F.S. Access to juvenile records as permitted by ss. 39.0132(4)(a)(1) and 985.04(1)(b), F.S.	Secure access through user name and password by written notarized agreement. Agency gatekeeper is responsible for maintaining authorized user list. Each state attorney must establish policies to ensure that access to confidential records and information is limited to those individuals who require access in performance of their official duties.

MATRIX USER ROLES	ACCESS PERMITTED	USER SECURITY REQUIREMENTS
User Role 3 Attorneys of record	All records except those that are expunged or sealed; access may be denied to records or information automatically confidential under rule 2.420(d)(1), or made confidential by court order, depending upon the type of case and the language of the court order. Access will be changed to Registered User when the attorney's appearance is terminated in accordance with rule 2.505.	Secure access through user name and password by written notarized agreement. The gatekeeper is responsible for maintaining authorized user list.
User Role 4 Parties	All records in the party's case except those that are expunged or sealed; access may be denied to information automatically confidential under rule 2.420(d)(1), or made confidential by court order, depending upon case type and the language of the order.	Secure access on case-by-case basis. Access by notarized request to insure identity of party.
User Role 5 Public in Clerks' offices and Registered Users	All records except those that are expunged or sealed, automatically confidential under rule 2.420(d)(1), or made confidential by court order. Viewable on request remote access to images of records in cases governed by the Florida Family Law Rules of Procedure, Florida Rules of Juvenile Procedure, or Florida Probate Rules, pursuant to s. 28.2221(5)(a), F.S.	Secure access through user name and password or in person at Clerks' offices.
User Role 6 General government and constitutional officers	All records except those that are expunged or sealed, automatically confidential under rule 2.420(d)(1), Fla. R. Jud. Admin., or made confidential by court order.	Secure access through user name and password by written notarized agreement. Agency gatekeeper is responsible for maintaining authorized user list.

MATRIX USER ROLES	ACCESS PERMITTED	USER SECURITY REQUIREMENTS
	Access to social security numbers as permitted by ss. 119.071(5)(a)6.b. and 119.0714(1)(i), F.S.	Each agency must establish policies to ensure that access to confidential records and information is limited to those individuals who require access in performance of their official duties.
User Role 7 General public (without registration agreement)	All records except those that are expunged or sealed, automatically confidential under rule 2.420(d)(1), or made confidential by court order. No remote access to images of records in cases governed by the Florida Family Law Rules of Procedure, Florida Rules of Juvenile Procedure, or Florida Probate Rules, pursuant to s. 28.2221(5)(a), F.S.	None. Anonymous web-based access permitted.
User Role 8 Certified law enforcement officers of federal and Florida state and local law enforcement agencies, Florida Department of Corrections, and their authorized users	All records except those that are expunged or sealed, automatically confidential under rule 2.420(d)(1), Fla. R. Jud. Admin., or made confidential by court order. Access to social security numbers as permitted by ss. 119.071(5)(a)6.b. and 119.0714(1)(i), F.S. Access to HIV test results as permitted by ss. 381.004(2)(e), and 951.27 F.S. Access to sexually transmitted disease results as permitted by s. 384.29(1), F.S. Access to birth certificates as permitted by ss. 382.013(5) and 382.025(1)(a)5., F.S.	Secure access through user name and password by written notarized agreement. Agency gatekeeper is responsible for maintaining an authorized user list. Each agency must establish policies to ensure that access to confidential records and information is limited to those individuals who require access in performance of their official duties.

MATRIX USER ROLES	ACCESS PERMITTED	USER SECURITY REQUIREMENTS
	Access to identities of victims of sexual and child abuse when originating from law enforcement as permitted by s. 119.0714(1)(h), F.S. Access to children and families in need of services records as permitted by s. 984.06(3), F.S. Access to juvenile records as permitted by ss. 39.0132(4)(a)(1) and 985.04(1)(b), F.S.	
User Role 9 Florida Attorney General's Office and the Florida Department of Children and Families	All records except those that are expunged or sealed, automatically confidential under rule 2.420(d)(1), Fla. R. Jud. Admin., or made confidential by court order. Access to social security numbers as permitted by ss. 119.071(5)(a)6.b. and 119.0714(1)(i), F.S. Access to birth certificates as permitted by ss. 382.013(5) and 382.025(1)(a)5., F.S. Access to children and families in need of services records as permitted by s. 984.06(3), F.S. Access to juvenile records as permitted by ss. 39.0132(4)(a)(1) and 985.04(1)(b), F.S.	Secure access through user name and password by written notarized agreement. Agency gatekeeper is responsible for maintaining authorized user list. Each agency must establish policies to ensure that access to confidential records and information is limited to those individuals who require access in performance of their official duties.

MATRIX USER ROLES	ACCESS PERMITTED	USER SECURITY REQUIREMENTS
User Role 10 Florida School Districts (Truancy)	All records except those that are expunged or sealed, automatically confidential under rule 2.420(d)(1), Fla. R. Jud. Admin., or made confidential by court order. Access to social security numbers as permitted by ss. 119.071(5)(a)6.b. and 119.0714(1)(i), F.S. Access to juvenile delinquency records as permitted by s. 985.04(1)(b), F.S.	Secure access through user name and password by written notarized agreement. Agency gatekeeper is responsible for maintaining authorized user list. Each school district must establish policies to ensure that access to confidential records and information is limited to those individuals who require access in performance of their official duties.
User Role 11 Commercial purchasers of bulk records	All records except those that are expunged or sealed, automatically confidential under rule 2.420(d)(1), Fla. R. Jud. Admin., or made confidential by court order. No remote access to images of records in cases governed by the Florida Family Law Rules of Procedure, Florida Rules of Juvenile procedure, or Florida Probate Rules, pursuant to s. 28.2221(5)(a), F.S.	Secure access through user name and password by written notarized agreement. Commercial purchaser gatekeeper is responsible for maintaining an authorized user list.
User Role 12 Florida Public Defenders' Offices (Institutional Access only)	All records except those that are expunged or sealed; access may be denied to records or information automatically confidential under rule 2.420(d)(1), Fla. R. Jud. Admin., or made confidential by court order, depending upon the type of case and the language of the court order. The Office of the Public Defender is considered the	Secure access through user name and password by written notarized agreement. The gatekeeper is responsible for maintaining authorized user list. Each public defender must establish policies to ensure that access to confidential records and information is limited to those individuals who require access in

MATRIX USER ROLES	ACCESS PERMITTED	USER SECURITY REQUIREMENTS
	attorney of record at a defendant's first appearance as permitted by s. 985.045(2) and rules 8.010 and 8.165, Fla. R. Juv. P. for juvenile defendants and s. 27.51 and rule 3.130, Fla. R. Crim. P. for adult defendants. Access will be changed to User Role 6 when the public defender is no longer the attorney of record or another attorney is assigned.	performance of their official duties.

ACCESS LEVELS

Access levels are defined as follows:

A. All but expunged, or sealed under Ch. 943;
B. All but expunged, or sealed under Ch. 943, or sealed under rule 2.420;
C. All but expunged, or sealed under Ch. 943 and sealed under rule 2.420, or confidential;
D. All but expunged, sealed, or confidential; record images viewable upon request;
E. Case number, party names, dockets only;
F. Case number and party names only;
G. Case number only; and
H. No access.

Viewable on request access level applies to documents containing confidential information that must be redacted; this access level requires examination of the case file by a clerk to identify and redact confidential information before the record can be viewed.

REDACTION

Redaction is the process of obscuring confidential information contained within a public record from view. Redacted portions of a record are blacked out. Redaction may be accomplished manually or through use of technology such as redaction software. Redaction software is used when information is in electronic form. If redaction software is used, it must identify and protect confidential information through redaction of confidential content. For efficiency, redaction software is preferred over manual processes when the files are in electronic form.

There are generally two levels of redaction:

- Level 1 -The system reads the images and uses the knowledge base to auto-redact suspect regions.
- Level 2 -Redacted images are presented to a first reviewer to accept or decline to redact selected data on the image.

Redaction software which identifies confidential information may be used; however, a manual process must also exist to identify confidential information which may not be readily identified by an auto redaction process or for case types/documents that are available upon request

QUALITY ASSURANCE

Clerks must employ redaction processes through human review, the use of redaction software, or a combination of both. Clerks must audit the process adopted at least annually for quality assurance and must incorporate into their processes new legislation or court rules relating to protection of confidential information. It is recommended that clerks advise commercial purchasers that court records are regularly updated, and encourage use of updated records.

CLERK SECURITY

No sensitive security information should be presented on the user interface. Sensitive data shall be exchanged over trusted paths or by using adequate encryption between users; between users and systems; and between systems. The system must employ appropriate security and encryption measures to prevent disclosure of confidential data to unauthorized persons.

Minimum Technical Requirements:

1. Encryption (general public and authenticated)**;
2. No "cutting and pasting" of workable links;
3. Hyperlinks must not include authentication credentials;
4. No access to live data; replicated records will be used for public access;
5. Authenticated access for access beyond general public access; and
6. Monitor bulk data transfers to identify and mitigate abuses of the system by utilizing access programs using automated methods.

**Encryption protects the integrity of the record and prevents exposure to potential security risks. It also prevents authenticated users with higher access from sending links to information to non-authorized users.

INTEGRITY OF THE COURT RECORD

To protect the integrity and availability of the court record, public access will not be to the original record, but to a replicated version that is redacted, if applicable.

Online links shall be encrypted to prevent return access to a URL via "cutting and pasting." Link refresh times shall appropriately time out as determined by each individual clerk, but links shall refresh no less than once every 30 minutes.

PERFORMANCE

Search parameters for web-based access to electronic records will be limited to the following:

A. User Role 7 (General Public)

1. Case type;
2. Case number;
3. Party name;
4. Citation number; and
5. Date range.

B. Other user roles with authenticated users may have more robust search features than general public users.

Non-confidential data or data accessed by an authenticated user may be viewed immediately. Some images may be "viewable on request" to allow time for the redaction process.

Online access to documents stored as images may be provided. Documents stored as images are "view only." If a requested document is maintained by the clerk in a searchable format, the document may be provided to the public in that format, but only in response to a specific request. Search capability, if available, will be limited to such requested document and must not support automated bulk searches.

Only authorized automated search programs, to be used solely on the indices, shall be used with the court's electronic public access system. Automated search programs may not be used on any other component of the court's electronic public access system. The court and clerk will determine the criteria for authorization of any automated search programs. Such authorization may be revoked or modified at the discretion of the court and clerk.

ARCHIVAL REQUIREMENTS

Electronic records must be archived in a manner that protects the records from degradation, loss of content, or problems with software compatibility relative to the proper rendering of electronic records and in compliance with applicable law or Supreme Court guidelines.

AUTHENTICATION REQUIREMENTS

Members of the general public do not require a username or password to access information that is generally available to the public. For information that is accessible to individuals or entities beyond general public access, users must be authenticated to verify their role and associated access levels. Users must subscribe to the access system, and provide information to verify their identity. Users are then assigned a login account. At a minimum, users accessing records and information beyond general public access must have a user name and password, and have the ability to change their password using self-service within the web-based application.

Access Security Matrix

(April 2018 version 8)

Key to access codes
A = All but expunged, or sealed under Ch. 943
B = All but expunged, or sealed under Ch. 943 or sealed under rule 2.420
C = All but expunged, or sealed under Ch. 943 and sealed under rule 2.420; or confidential
D = All but expunged, sealed or confidential; record images viewable upon request
E = Case number, party names, dockets only
F = Case number and party names only
G = Case number only
H = No access

See Access Details

*****VOR Statute List (F.S.):**
787, 794, 796, 800, 825, 827, 847, 921
VOR is at the case level

***Viewable on Request (VOR) - to ensure that information is properly removed prior to public access, some case types and document types have a special electronic security called viewable on request. Selecting an image of a court document in cases or documents coded viewable on request will not allow the user to view the record at that point. Instead, a request is generated to a clerk, who performs a second examination of the document to remove personal identification information and information about the victims of sexual or child abuse crimes. After the clerk has completed, the requestor then receives a notice that the document is available for viewing. Once a document has been requested and reviewed, it is available for all future access without requiring a request/review.

		User Role (Subscribers)														
Case - Charge/Filing Description	**PRIVACY**	**1. Judges and authorized court and clerk's office personnel (Internal access by authorization)**	**2. Florida State Attorney's Offices**	**3. Attorneys of Record**	**4. Parties**	**5. Public in Clerks' offices and registered users**	**6. General Gov't and Const Officers**	**7. General public (without registration agreement)**	**8. Certified law enforcement officers of federal and Florida state and local law enforcement agencies, Florida Department of Corrections, and their authorized users**	**9. Florida Attorney General's Office and the Florida Department of Children and Families**	**10. Florida School Districts (Truancy)**	**11. Commercial purchasers of bulk records**	**12. Florida Public Defender's Offices (institutional access only)**	**UCN**	**Applicable rules and statutes**
County Criminal Appeals	P	A	B	B	C	D	C	D	B	C	C	D	B	AP	Rule 2.420(d) & (f)
County Criminal Appeals Sexual Abuse	VOR	A	B	B	D	D	D	D	B	D	D	D	B	AP	Rule 2.420(d) & (f); §119.071(2)(h), F.S.; Chs. 794, 796, 800, 827, & 847, F.S.
County Civil Appeals	P	A	B	B	B	D	C	D	B	C	C	D	C	AP	Rule 2.420(d)
Circuit Civil	P	A	B	B	B	D	C	D	B	C	C	D	C	CA	Rule 2.420(d) & Rule 1.210
Jimmy Ryce Act	VOR	A	B	B	D	D	D	D	B	D	D	D	B	CA	Rule 2.420(d); Chapter 119, F.S.; § 394.921(1)&(2), F.S.
Mortgage Foreclosure	P	A	B	B	B	D	C	D	B	C	C	D	C	CA	Rule 2.420(d) & Rule 1.210
Circuit Civil Private (Sexual Abuse & Medical Malpractice	VOR	A	B	B	D	D	D	D	B	D	D	D	D	CA	Rule 2.420(d)(1)(B)(xiii); §119.071(2)(h), F.S.; §119.0714(1)(h), F.S. & §28.2221(5)(a), F.S.
Circuit Civil - Trusts (Pre 2010)	P	A	B	B	B	D	C	E	B	C	C	E	C	CA	Rule 2.420(d)(1)(B); Chapter 119, F.S. & §28.2221(5)(a), F.S.
County Civil	P	A	B	B	B	D	C	D	B	C	C	D	C	CC	Rule 2.420(d) & Rule 1.210
County Foreclosure	P	A	B	B	B	D	C	D	B	C	C	D	C	CC	Rule 2.420(d) & Rule 1.210
Felony	P	A	B	B	C	D	C	D	B	C	C	D	B	CF	Rule 2.420(d) & Chapter 119, F.S.
Felony - sexual cases	VOR	A	B	B	C	D	D	D	B	D	D	D	B	CF	Rule 2.420(d)(1) & §119.071(2)(h)1.b or c, F.S., Chs. 794, 796, 800, 827, & 847, F.S.
Juvenile Delinquency	P	A	B	B	B	G	G	G	B	G	G	G	B	CJ	§985.04(1) & (2), F.S.; §985.045(2), F.S.; §985.036(1), F.S. & §985.11(3), F.S.
County Ordinance Infractions	P	A	B	B	B	D	C	D	B	C	C	D	C	CO	Rule 2.420
County Ordinance - Arrests	P	A	B	B	C	D	C	D	B	C	C	D	B	CO	Rule 2.420
Probate	P	A	D	D	D	D	D	E	D	D	D	E	D	CP	Rule 2.410; §28.2221(5)(a), F.S.
Probate Miscellaneous	P	A	D	D	D	D	D	E	D	D	D	E	D	CP	Rule 2.410; §28.2221(5)(a), F.S.
Criminal Traffic	P	A	B	B	C	D	C	D	B	C	C	D	B	CT	Rule 2.420(d) & (f)
Juvenile Dependency	P	A	B	B	C	G	G	G	B	B	G	G	G	DP	Rule 2.420(d); §39.0132(3)&(4)(a), F.S.
Juvenile Truancy	P	A	B	B	B	G	G	G	B	B	B	G	G	DP	§984.06(3), F.S.
Domestic Relations	P	A	B	B	B	D	C	E	B	C	C	E	C	DR	Rule 2.420(d); Chapter 119, F.S. & §28.2221(5)(a), F.S.
Domestic Relations Adoption (FINAL)	P	A	G	D	D	G	G	G	G	G	G	G	G	DR	§63.162(1)(2), F.S. & §63.022(4)(i), F.S.
DR Adoption (while open and pending)	P	A	G	B	D	G	G	G	G	G	G	G	G	DR	§63.162(1)(2), F.S. & §63.022(4)(i), F.S.
Domestic Relations - Paternity	P	A	B	B	B	D	C	E	B	C	C	E	C	DR	Rule 2.420(d); §742.011, F.S. & §28.2221(5)(a), F.S.
Domestic Relations - Paternity -sealed	P	A	F	F	F	F	F	F	F	F	F	F	F	DR	§742.011, F.S.; §742.091, F.S.; §742.16(9), F.S.; §742.031(1), F.S. & §28.2221(5)(a), F.S.
Delayed Birth Certificate	P	A	B	B	B	D	C	E	B	C	C	E	C	DR	Rule 2.420(d)(1)(B)(vi); §382.025(1), F.S.; §382.0195(1), F.S.& §28.2221(5)(a), F.S.
Name Change	P	A	B	B	B	D	C	E	B	C	C	E	C	DR	§68.07, F.S. & §28.2221(5)(a), F.S.
Dissolution	P	A	B	B	B	D	C	E	B	C	C	E	C	DR	Rule 2.420(d); §28.2221(5)(a), F.S.& §61.043(1), F.S.
Repeat Violence	P	A	B	B	D	D	C	E	B	C	C	E	B	DR	Rule 2.420(d)(1)(B)(xii); §741.30(8)(c)5b, F.S. & §28.2221(5)(a), F.S.
Administrative Support Proceeding	P	A	B	B	B	D	C	E	B	C	C	E	C	DR	§409.2563(2)(d), F.S. & §28.2221(5)(a), F.S.
Parental Notice of Abortion	VOR	A	G	B	B	G	G	G	G	G	G	G	G	DR	Rule 8.805(b); Rule 8.835; Rule 2.420(d)(1)(B)(vii); §390.01114(4)(e) & §390.01116
Sexual Violence	VOR	A	B	B	D	D	D	E	B	D	D	E	C	DR	Rule 2.420(d) & (f), Chapter 119.071(2)(h)1 (b) or (c), F.S. & §784.046(4), F.S.
Termination of Parental Rights	P	A	B	B	G	G	G	G	B	B	G	G	G	DR	§39.814(3) & (4), F.S.
URESA/UIFSA	P	A	B	B	B	D	C	E	B	C	C	E	C	DR	Rule 2.420(d) & §28.2221(5)(a), F.S.
Extradition	VOR	A	B	B	C	D	D	D	B	D	D	D	C	CF	Rule 2.420(d) & (f)
Guardianship/Guardian Advocate (Developmental Disabilities)	P	A	B	B	B	D	C	E	C	C	C	E	C	GA	§744.1076, F.S. & §744.3701, F.S.; & 393.12, F.S.
Guardianship Miscellaneous/Professional Guardian	P	A	B	B	C	D	C	E	C	C	C	E	C	GA	§744.1076, F.S.; §744.3701, F.S. & §744.2003, F.S.
Non-Criminal Infractions	P	A	B	B	B	D	C	D	B	C	C	D	C	IN	Rule 2.420(d)
Juvenile Miscellaneous	P	A	B	B	G	G	G	G	G	G	G	G	G	DP	§985.04(1) & (2), F.S. & 985.045(2), F.S.
~~Financial Miscellaneous~~ [Deactivated]	~~P~~	~~G~~	~~B~~	~~G~~	~~G~~	~~G~~	~~G~~	~~G~~	~~G~~	~~G~~	~~G~~	~~G~~	~~G~~	~~MM~~	~~Rule 2.420(d) & Chapter 119, F.S.~~
Miscellaneous Firearms	P	A	B	B	B	D	C	D	B	C	C	D	B	MM	Rule 2.420(d); Chapter 119, F.S. & §790.065(4), F.S.

Access Security Matrix

(April 2018 version 8)

User Role (Subscribers)															
Key to access codes A = All but expunged, or sealed under Ch. 943 B = All but expunged, or sealed under Ch. 943 or sealed under rule 2.420 C = All but expunged, or sealed under Ch. 943 and sealed under rule 2.420; or confidential D = All but expunged, sealed or confidential; record images viewable upon request E = Case number, party names, dockets only F = Case number and party names only G = Case number only H = No access See Access Details		1. Judges and authorized court and clerk's office personnel (Internal access by authorization)	2. Florida State Attorney's Offices	3. Attorneys of Record	4. Parties	5. Public in Clerks' offices and registered users	6. General Gov't and Const Officers	7. General public (without registration agreement)	8. Certified law enforcement officers of federal and Florida state and local law enforcement agencies, Florida Department of Corrections, and their authorized users	9. Florida Attorney General's Office and the Florida Department of Children and Families	10. Florida School Districts (Truancy)	11. Commercial purchasers of bulk records	12. Florida Public Defender's Offices (institutional access only)		***VOR Statute List (F.S.): 787, 794, 796, 800, 825, 827, 847, 921 VOR is at the case level ***Viewable on Request (VOR) - to ensure that information is properly removed prior to public access, some case types and document types have a special electronic security called viewable on request. Selecting an image of a court document in cases or documents coded viewable on request will not allow the user to view the record at that point. Instead, a request is generated to a clerk, who performs a second examination of the document to remove personal identification information and information about the victims of sexual or child abuse crimes. After the clerk has completed, the requestor then receives a notice that the document is available for viewing. Once a document has been requested and reviewed, it is available for all future access without requiring a request/review.
Case - Charge/Filing Description	**PRIVACY**													**UCN**	**Applicable rules and statutes**
Baker Act and Mental Health Miscellaneous	P	A	B	B	B	D	D	E	C	D	D	E	B	MH	Rule 5.900; §394.4615, F.S.; §393.11, F.S.; §765.105, F.S.; §916.107(3)(a), §415.1051, F.S. & §394.459(8)
Substance Abuse - Assessment/Treatment	P	A	B	B	B	G	G	G	B	B	G	G	G	MH	Rule 2.420(d); §397.501(7), F.S. & §397.6760, F.S.
Tuberculosis/STD Treatment/Other Confidential	P	A	B	B	B	G	G	G	B	B	G	G	G	MH	§392.55, F.S. & §384.27, F.S.
~~Substance Abuse cases filed pre 10-1-2010 disabled~~ [Deactivated]	~~P~~	~~A~~	~~B~~	~~B~~	~~D~~	~~G~~	~~G~~	~~G~~	~~G~~	~~G~~	~~G~~	~~G~~	~~G~~	~~MH~~	~~§397.501, F.S.~~
Incapacity	P	A	B	B	B	D	C	E	C	C	C	E	C	MH	Rule 2.420(d) & §744.3701, F.S.
Misdemeanor	P	A	B	B	D	D	C	D	B	C	C	D	B	MM	Rule 2.420(d)
Misdemeanor - sexual cases	VOR	A	B	B	D	D	D	D	B	D	D	D	B	MM	Rule 2.420(d) & §119.071(2)(h), F.S.
Municipal Ordinance Infraction	P	A	B	B	B	D	C	D	B	C	C	D	C	MO	Rule 2.420(d)
Municipal Ordinance Arrest	P	A	B	B	B	D	C	D	B	C	C	D	B	MO	Rule 2.420(d)
Misdemeanor-Misc	VOR	A	B	B	B	D	D	D	B	D	D	D	B	MM	Rule 2.420(d)
Parking	P	A	B	B	B	D	C	D	B	C	C	D	B	CO	Rule 2.420(d)
Small Claims	P	A	B	B	B	D	D	D	D	D	D	D	C	SC	Rule 2.420(d)
Traffic Infractions	P	A	B	B	B	D	C	D	B	C	C	D	B	TR	Rule 2.420(d)
Any case marked sealed	S	A	G	G	G	G	G	G	G	G	G	G	G		Any case that has a SEALED Privacy at the case level
Any expunged case	E	H	H	H	H	H	H	H	H	H	H	H	H		Any case that has an EXPUNGED Privacy at the case level
Sealed Family Law Case	S	A	G	B	B	G	G	G	G	G	G	G	G		Case by case basis giving Party/Attorney access

AO 19-74 | FLORIDA SUPREME COURT

YEAR: 2019

NUMBER: 74

TITLE: JUDICIAL ELECTRONIC FILING

PAGES: 5

Supreme Court of Florida

No. AOSC19-74

IN RE: JUDICIAL ELECTRONIC FILING

ADMINISTRATIVE ORDER

The transition from a paper-based information management system to one that primarily relies on digital records represents a fundamental change in the internal operations of Florida's state courts. As stated in *In re: Statewide Standards for Electronic Access to the Courts*, Fla. Admin. Order No. AOSC09-30 (July 1, 2009), "electronic filing is only one component . . . of a comprehensive environment in which other components of the court process are also automated."

Through their implementation of electronic filing and reliance on an automated case management system, the Supreme Court and the district courts of appeal have been leaders as the Florida state courts transition to a fully electronic environment that is largely paperless. Additionally, considerable efforts have been directed toward developing the infrastructure and policies necessary for parties to electronically file documents through the Florida Courts E-Filing Portal ("Portal"), while simultaneously establishing mechanisms to accept and maintain documents electronically. In 2013, this Court further endorsed the comprehensive automated

court environment concept by directing attorneys to electronically file documents in both the civil and criminal divisions.[1] Since then, electronic filing ("e-filing") has been a successful endeavor that saves time and money. An electronic court file that is fully accessible by all judicial system participants provides significant opportunities for increased efficiencies and, ultimately, cost savings to the judiciary.

The trial courts are an integral component in the transition to a fully electronic court environment. As funding has become available, the trial courts have worked diligently to implement the Court Application Processing System ("CAPS"), which is a computer application designed for in-court and in-chambers use by trial court judges and court staff, enabling them to work electronically on cases from any location and across many devices and data sources. The purpose of CAPS is to provide judges with rapid and reliable access to case information; provide access to and use of case files and other data while managing cases, scheduling and conducting hearings, adjudicating disputes, and recording and reporting judicial activity; and allow judges to prepare or accept, review, modify, electronically sign, file, and serve orders. However, although significant progress

1. See *In re: Electronic Filing in the Supreme Court of Florida Via the Florida Courts E-Filing Portal*, Fla. Admin. Order No. AOSC13-7, and *In re: Electronic Filing of Criminal Cases in the Trial Courts of Florida Via the Florida Courts E-Filing Portal*, Fla. Admin. Order No. AOSC13-48.

has been made to implement these systems, not all circuits, counties, or divisions have a fully-operational CAPS at this time.

Successful implementation of judicial e-filing using CAPS in the trial courts, as recommended by the Florida Courts Technology Commission ("Commission"), is contingent upon CAPS being implemented in every trial court, the appropriate functionality being available in CAPS, and the system being integrated with the Portal to receive proposed orders and file electronically signed orders.

Therefore, mandatory judicial e-filing must be undertaken concomitantly with the broader issue of ensuring access to CAPS for all judges. In conjunction with the Judicial E-filing Workgroup, the Commission submitted the *Judicial E-Filing Workgroup Report* (August 23, 2018), which is a proposed plan to address workload and other considerations associated with judicial e-filing. That report recommends trial courts operate within CAPS to electronically sign orders, including those prepared in court, and file them through the Portal or directly to the clerk's case maintenance system, utilizing standardized self-populating templates. Additionally, the report supports the continued development and improvement of the Portal and recommends filers use the Portal to submit proposed orders to CAPS.

After considering the *Judicial E-Filing Workgroup Report*, and in order for the judicial branch to continue enhancing the utilization of technology in a

uniform manner to increase the effectiveness, efficiency, and accessibility of the state courts, the Court hereby adopts as its policy that the Court Application Processing System (CAPS) be deployed in every circuit, county, and division of Florida's trial courts and that CAPS be used by all judges, when available. Each circuit is directed to pursue, from their respective counties, the funding necessary to implement and maintain CAPS in all divisions.

Moreover, the Court hereby requires judges to electronically sign orders and file them through the Portal or directly to the clerk's case maintenance system when CAPS is available, fully-operational, and integrated with the Portal to receive proposed orders and file electronically signed orders. The Court also encourages the utilization of standardized, self-populating templates to improve the consistency of orders from case to case and county to county. Finally, although several CAPS systems allow for the direct filing of proposed orders, the Court supports the continued development of the Portal and hereby encourages the submission of proposed orders through the Portal to CAPS.

Chief judges of the trial courts are responsible for overseeing implementation of judicial e-filing within their respective circuit, pursuant to the policies and guidance set forth in this administrative order. Chief judges shall notify the Florida Courts Technology Commission when each county within their respective circuit has fully implemented judicial e-filing in

accordance with this administrative order. If a trial court is not able to fully implement judicial e-filing in every county in that circuit within six months of the date of this order, the chief judge shall report that information to the Florida Courts Technology Commission and continue to report on a biannual basis thereafter until every county within the circuit has fully implemented judicial e-filing. The report shall include a description of the trial court's progress and indicate the reasons it has not implemented judicial electronic filing within that jurisdiction, including when it is not practical. In multi-county circuits, the report should provide this information on a county-by-county basis.

DONE AND ORDERED at Tallahassee, Florida, on November 1, 2019.

AOSC19-74 11/1/2019

Chief Justice Charles T. Canady

AOSC19-74 11/1/2019

ATTEST:

AOSC19-74 11/1/2019

John Tomasino, Clerk of Court

AOSC19-74 11/1/2019

AO 20-16 | FLORIDA SUPREME COURT

YEAR: 2020

NUMBER: 16

TITLE: IN RE: COVID-19 EMERGENCY PROCEDURES FOR THE ADMINISTERING OF OATHS VIA REMOTE AUDIO-VIDEO COMMUNICATION EQUIPMENT ADMINISTRATIVE ORDER

PAGES: 3

Supreme Court of Florida

No. AOSC20-16

IN RE: COVID-19 EMERGENCY PROCEDURES FOR THE ADMINISTERING OF OATHS VIA REMOTE AUDIO-VIDEO COMMUNICATION EQUIPMENT

ADMINISTRATIVE ORDER

WHEREAS the World Health Organization has declared the Coronavirus Disease 2019 (COVID-19) a pandemic, the Governor of Florida has declared a state of emergency exists, and the Surgeon General and State Health Officer have declared a public health emergency exists, and the Florida State Courts System must take steps to mitigate the effects of the COVID-19 on legal proceedings and participants in those legal proceedings; and

WHEREAS mitigating the effects of COVID-19 is a high priority on the Florida State Courts System; and

WHEREAS it is the intent of this order to suspend any actual or implied requirement that notaries, and other persons qualified to administer an oath in the State of Florida, must be in the presence of witnesses for purposes of administering an oath for depositions and other legal testimony, so long as the notary or other

qualified person can both see and hear the witness via audio-video communications equipment for purposes of readily identifying the witness; and

WHEREAS a public health emergency currently exists in Florida requiring mitigation including social distancing measures meant to reduce the increase in person-to-person transmission of the virus that causes COVID-19;

NOW THEREFORE, under the administrative authority conferred upon me by article V, section 2(b) of the Florida Constitution and Florida Rules of Judicial Administration 2.205(a)(2)(B)(iv) and 2.205(a)(2)(B)(v),

IT IS ORDERED that:

1. Notaries and other persons qualified to administer an oath in the State of Florida may swear a witness remotely by audio-video communication technology from a location within the State of Florida, provided they can positively identify the witness; and

2. If a witness is not located within the State of Florida, a witness may consent to being put on oath via audio-video communication technology by a person qualified to administer an oath in the State of Florida; and

3. All rules of procedure, court orders, and opinions applicable to remote testimony, depositions, and other legal testimony, including the attestation of family law forms, that can be read to limit or prohibit the use of audio-video communications equipment to administer oaths remotely or to witness the

attestation of family law forms, are hereby suspended, and will remain suspended until the expiration of the provisions of paragraph five in *In Re: COVID-19 Emergency Procedures in the Florida State Courts*, Fla. Admin. Order No. AOSC20-13 (March 13, 2020), and any orders extending AOSC20-13.

DONE AND ORDERED at Tallahassee, Florida, on March 18, 2020.

AOSC20-16 3/18/2020

Chief Justice Charles T. Canady

AOSC20-16 3/18/2020

ATTEST:

AOSC20-16 3/18/2020

John A. Tomasino, Clerk of Court

AOSC20-16 3/18/2020

AO 20-23 | FLORIDA SUPREME COURT

YEAR: 2020

NUMBER: 23

TITLE: IN RE: COMPREHENSIVE COVID-19 EMERGENCY MEASURES FOR THE FLORIDA STATE COURTS ADMINISTRATIVE ORDER

PAGES: 14

Supreme Court of Florida

No. AOSC20-23

IN RE: COMPREHENSIVE COVID-19 EMERGENCY MEASURES FOR THE FLORIDA STATE COURTS

ADMINISTRATIVE ORDER

As a result of the Coronavirus Disease 2019 (COVID-19) pandemic, the State Surgeon General and State Health Officer on March 1, 2020, declared that a public health emergency exists in Florida, and the Governor on March 9, 2020, declared a state of emergency for the entire state. The Florida state courts have taken measures to mitigate the effects of this public health emergency upon the judicial branch and its participants. To that end, I have issued several administrative orders implementing temporary measures essential to the administration of justice during the COVID-19 pandemic.[1] The overarching intent

1. *In re: COVID-19 Emergency Procedures in the Florida State Courts*, Fla. Admin. Order No. AOSC20-13 (March 13, 2020); *In re: COVID-19 Essential and Critical Trial Court Proceedings*, Fla. Admin. Order No. AOSC20-15 (March 17, 2020); *In re: COVID-19 Emergency Procedures for the Administering of Oaths via Remote Audio-Video Communication Equipment*, Fla. Admin. Order No. AOSC20-16 (March 18, 2020); *In re: COVID-19 Emergency Measures in the Florida State Courts*, Fla. Admin. Order No. AOSC20-17 (March 24, 2020); *In re: COVID-19 Emergency Procedures in Relation to Visitation for Children Under the Protective Supervision of the Department of Children and Families*, Fla. Admin. Order No. AOSC20-18 (March 27, 2020); and *In re: COVID-19 Emergency Procedures for Speedy Trial in Noncriminal Traffic Infraction Court Proceedings*, Fla. Admin Order No. AOSC20-19 (March 30, 2020).

of those orders has been to mitigate the impact of COVID-19, while keeping the courts operating to the fullest extent consistent with public safety.

This order extends, refines, and strengthens previously enacted temporary remedial measures. The measures shall remain in effect until the close of business on May 29, 2020, unless a different end date is indicated herein or as provided by subsequent order.

Under the administrative authority conferred upon me by article V, section 2(b) of the Florida Constitution and by Florida Rules of Judicial Administration 2.205(a)(2)(B)(iv) and 2.205(a)(2)(B)(v),

IT IS ORDERED that:

I. GUIDING PRINCIPLES

A. The presiding judge in all cases must consider the constitutional rights of crime victims and criminal defendants and the public's constitutional right of access to the courts.

B. To maintain judicial workflow to the maximum extent feasible, chief judges are directed to take all necessary steps to facilitate conducting proceedings with the use of technology.

C. Nothing in this order is intended to limit a chief judge's authority to conduct court business or to approve additional court proceedings or events (except for grand jury proceedings, jury selection proceedings, and criminal and civil jury

trials, all of which are suspended) that are required in the interest of justice, if doing so is consistent with protecting the health of the participants and the public health.

D. Judges and court personnel who can effectively conduct court and judicial branch business from a remote location shall do so.

II. USE OF TECHNOLOGY

A. All rules of procedure, court orders, and opinions applicable to court proceedings that limit or prohibit the use of communication equipment for conducting proceedings by remote electronic means shall remain suspended.[2]

B. The chief judge of each judicial circuit remains 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.[3]

C. Administering of Oaths

(1) Notaries and other persons qualified to administer an oath in the State of Florida may swear a witness remotely by audio-video

2. This measure initially went into effect at the close of business on March 13, 2020. (AOSC20-13).

3. This measure initially went into effect on Friday, March 13, 2020. (AOSC20-13).

communication technology from a location within the State of Florida, provided they can positively identify the witness.[4]

(2) If a witness is not located within the State of Florida, a witness may consent to being put on oath via audio-video communication technology by a person qualified to administer an oath in the State of Florida.[5]

(3) All rules of procedure, court orders, and opinions applicable to remote testimony, depositions, and other legal testimony, including the attestation of family law forms, that can be read to limit or prohibit the use of audio-video communications equipment to administer oaths remotely or to witness the attestation of family law forms, shall remain suspended.[6]

(4) Notaries and other persons qualified to administer an oath in the State of Florida may swear in new attorneys to The Florida Bar remotely by audio-video communication technology from a location within the State of Florida, provided they can positively identify the new attorney.

(5) For purposes of the provisions regarding the administering of oaths, the term "positively identify" means that the notary or other qualified person can both see and hear the witness or new attorney via audio-video

4. This measure initially went into effect on March 18, 2020. (AOSC20-16).
5. This measure initially went into effect on March 18, 2020. (AOSC20-16).
6. This measure initially went into effect on March 18, 2020. (AOSC20-16).

communications equipment for purposes of readily identifying the witness or new attorney.

III. COURT PROCEEDINGS

A. Jury Proceedings and Jury Trials. All grand jury proceedings, jury selection proceedings, and criminal and civil jury trials shall remain suspended.[7]

B. Essential and Critical Trial Court Proceedings.[8]

(1) All circuit and county courts shall continue to perform essential court proceedings, including but not limited to: first appearance; criminal arraignments as necessary; hearings on motions to set or modify monetary bail for individuals who are in custody; juvenile dependency shelter hearings; juvenile delinquency detention hearings; hearings on petitions for injunctions relating to safety of an individual; hearings on petitions for risk protection orders; hearings on petitions for the appointment of an emergency temporary guardian; hearings to determine whether an individual should be involuntarily committed under the Baker Act or the Marchman Act; and hearings on petitions for extraordinary writs as necessary to protect constitutional rights.

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7. This measure initially went into effect on March 16, 2020. (AOSC20-13).

8. These measures initially went into effect on March 17, 2020. (AOSC20-15).

(2) In addition to essential proceedings, all circuit and county courts shall perform, as necessary and applicable, critical proceedings related to the state of emergency or the public health emergency, including but not limited to proceedings related to: violation of quarantine or isolation; violation of orders to limit travel; violation of orders to close public or private buildings; and enforcement of curfew orders.

(3) It is recognized that certain essential or critical trial court proceedings in some jurisdictions may in extraordinary, limited circumstances be unavoidably delayed due to the exigencies of the ongoing emergency. When this occurs, chief judges are required to take all steps feasible to minimize the delay.

(4) In conducting essential proceedings and proceedings critical to the state of emergency or the public health emergency, circuit and county courts shall employ all methods feasible to minimize risk of COVID-19 exposure to individuals involved in the proceedings or the general public.

C. Non-essential and Non-critical Court Proceedings.[9] Each chief judge shall continue to review cases and court events and the communications technology resources available to the circuit, each county, and each judge. The chief judge shall issue directives to the judges of the respective circuit and county

9. This measure initially went into effect on March 17, 2020. (AOSC20-15).

courts to reschedule, postpone, or cancel all non-essential and non-critical court proceedings and events unless the chief judge determines that such other specific proceedings or events can be effectively conducted remotely using telephonic or other electronic means available in the subject jurisdiction without the necessity of in-person court appearances.

D. Limits on In-person Hearings.[10] No proceedings or other court events other than essential proceedings and proceedings critical to the state of emergency or the public health emergency shall be conducted through in-person hearings.

IV. SUSPENSION OF TIME PERIODS IN CERTAIN RULES OF CRIMINAL PROCEDURE

A. Speedy Trial.[11] All time periods involving the speedy trial procedure in criminal and juvenile court proceedings shall remain suspended through the close of business on Monday, June 1, 2020. This suspension shall be applied in the manner described in *Sullivan v. State*, 913 So. 2d 762 (Fla. 5th DCA 2005), and *State v. Hernandez*, 617 So. 2d 1103 (Fla. 3rd DCA 1993). The suspension of time limits under the speedy trial procedure restores additional days equal to the number stated in the previous orders and this order.

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10. This measure initially went into effect on March 17, 2020. (AOSC20-15).

11. This measure initially went into effect at the close of business on March 13, 2020. (AOSC20-13 and AOSC20-17).

B. Persons Arrested for First Degree Murder.[12] With regard to persons arrested for first degree murder, all time periods under Florida Rules of Criminal Procedure 3.133(b) and 3.134 shall remain suspended. The suspension of the time limits of Florida Rules of Criminal Procedure 3.133(b) and 3.134 restores additional days equal to the number stated in the previous order and this order.

C. Incompetence to Proceed.[13] Where exigencies make it impossible to meet the 20-day time period in Florida Rule of Criminal Procedure 3.210(b), chief judges of the circuit courts remain authorized to direct judges to hold competency hearings as soon as feasible after the date of filing a motion to determine competency. Chief judges also remain authorized to allow experts and attorneys to conduct and attend competency evaluations by remote means, if feasible.

V. DEFENDANTS ARRESTED ON WARRANT OR CAPIAS FROM ANOTHER FLORIDA JURISDICTION[14]

To mitigate the health risks associated with the incarceration and transportation of defendants during the pandemic, when a defendant is arrested on a warrant or capias from another Florida jurisdiction, chief judges of the circuit courts remain encouraged to facilitate communication between the circuit or

12. This measure initially went into effect at the close of business on March 13, 2020. (AOSC20-17).

13. This measure initially went into effect on March 24, 2020. (AOSC20-17).

14. These measures initially took effect on March 24, 2020. (AOSC20-17).

county where the case originated ("home court") and the circuit or county where the defendant is incarcerated ("holding court"), for the handling of matters on a temporary basis, as follows:

A. Pretrial Release and First Appearance Hearings. Chief judges remain authorized to direct judges conducting pretrial release and first appearance hearings to address detention and monetary bond or other conditions of pretrial release in the county of arrest, regardless of whether the case is transferred, rather than requiring transport of the defendant to the county where any warrant or capias originated.

For capiases and violation of probation warrants, before setting monetary bond or other conditions of pretrial release, the first appearance judge must obtain relevant information from the issuing judge, and from the state attorney's office(s) if necessary, in order to make a proper decision regarding monetary bond or other conditions of pretrial release.

Action taken by the holding court at first appearance and any pretrial release hearing should be promptly reported to the home court and reflected in the record of the case.

Any provision of Florida Rule of Criminal Procedure 3.131 inconsistent with these measures remains suspended.

B. Pleas. Judges remain encouraged to coordinate with prosecutors, attorneys, defendants, and victims in order to utilize section 910.035, Florida Statutes, which allows for pleas of guilty or nolo contendere for persons arrested in counties outside of the county of prosecution, upon the consent of the defendant and the state attorney in the county where the crime was committed.

C. Rights of Parties. In cases that are not handled by a plea or pretrial release such that the defendant will continue to be detained in the jurisdiction of the holding court for an indefinite period of time, chief judges are directed to ensure that the due process rights of the defendant are protected by facilitating the temporary transfer of the case to the holding court, if necessary; by having a judge from the holding court designated by the Chief Justice, or designated by the chief judge if the home and holding court are within the same circuit, as a judge of the home court to handle emergency or other necessary matters in the case; or by other appropriate means.

D. Victims. The constitutional rights of crime victims must also be considered in all cases by the presiding judge.

VI. SPEEDY TRIAL PROCEDURE IN NONCRIMINAL TRAFFIC INFRACTION COURT PROCEEDINGS[15]

All time periods involving the speedy trial procedure in noncriminal traffic infraction court proceedings remain suspended through the close of business on Monday, June 1, 2020. The suspension of time limits under the speedy trial procedure restores additional days equal to the number stated in the previous order and this order. This order is not intended to preclude conducting noncriminal traffic infraction proceedings if the chief judge of the circuit has determined that it is feasible to conduct such proceedings remotely.

VII. WRITS OF POSSESSION[16]

The requirement in Florida Rule of Civil Procedure 1.580(a) for the clerk to issue a writ of possession "forthwith" remains suspended.

VIII. FAMILY LAW FORMS[17]

Except as indicated below, the requirement that Florida Family Law Forms be notarized or signed in the presence of a deputy clerk remains suspended, if the filer includes the following statement before the filer's signature:

> Under penalties of perjury, I declare that I have read this document and the facts stated in it are true.

15. This measure initially took effect on March 13, 2020. (AOSC20-19).
16. This measure initially took effect on March 24, 2020. (AOSC20-17).
17. This measure initially took effect on March 24, 2020. (AOSC20-17).

This exception does not apply to Florida Family Law Forms 12.902(f)(1), Marital Settlement Agreement for Dissolution of Marriage with Dependent or Minor Child(ren), 12.902(f)(2), Marital Settlement Agreement for Dissolution of Marriage with Property but No Dependent or Minor Child(ren), 12.902(f)(3), Marital Settlement Agreement for Simplified Dissolution of Marriage, and any other family law form that transfers the ownership of property, which must continue to be notarized or signed in the presence of a deputy clerk prior to filing.

IX. VISITATION FOR CHILDREN UNDER THE PROTECTIVE SUPERVISION OF THE FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES (DCF)[18]

Requirements for in-person visitation pursuant to circuit court orders entered under chapter 39, Florida Statutes, remain suspended. This order does not affect in-person visitations when all parties and the caregiver agree that the visitation can take place in a manner that does not pose a health threat.

In lieu of in-person visitation, visitation shall be conducted through electronic means with video communication as the preferred means, although telephonic contact is permitted if video communication is not feasible.

18. These measures initially took effect on March 27, 2020. (AOSC20-18).

The suspension of in-person visitation applies to parent-child visitation, sibling visitation, and visitation between children and other family members and non-relatives.

If a party seeks to reinstate in-person visitation while the suspension of in-person visitation requirements remains in effect, such reinstatement shall be determined on a case-by-case basis by the circuit court with jurisdiction over that party's case. Reinstatement of in-person visitation may be ordered if the court determines that it will not jeopardize the health, safety, and well-being of all children and adults (including caregivers) who will be affected by the in-person visitation.

Nothing in these provisions regarding visitation for children under the protective supervision of the DCF overrides existing circuit administrative orders to the extent that those orders are not in conflict with this order. Circuits may enter additional administrative orders addressing visitation and contact pursuant to chapter 39, Florida Statutes, to the extent that they are not in conflict with this order.

* * * * * * * * *

Additional orders extending or modifying these measures will be issued as warranted by changing circumstances during the public health emergency.

DONE AND ORDERED at Tallahassee, Florida, on April 6, 2020.

AOSC20-23 4/6/2020

Chief Justice Charles T. Canady

AOSC20-23 4/6/2020

ATTEST:

AOSC20-23 4/6/2020

John A. Tomasino, Clerk of Court

AOSC20-23 4/6/2020

AO 20-23(1) | FLORIDA SUPREME COURT

YEAR: 2020

NUMBER: 23

TITLE: IN RE: COMPREHENSIVE COVID-19 EMERGENCY MEASURES FOR THE FLORIDA STATE COURTS ADMINISTRATIVE ORDER

PAGES: 16

AMENDMENT: 1

Supreme Court of Florida

No. AOSC20-23
Amendment 1[1]

IN RE: COMPREHENSIVE COVID-19 EMERGENCY MEASURES FOR THE FLORIDA STATE COURTS

ADMINISTRATIVE ORDER

As a result of the Coronavirus Disease 2019 (COVID-19) pandemic, the State Surgeon General and State Health Officer on March 1, 2020, declared that a public health emergency exists in Florida, and the Governor on March 9, 2020, declared a state of emergency for the entire state. The Florida state courts have taken measures to mitigate the effects of this public health emergency upon the judicial branch and its participants. To that end, I have issued several

1. This administrative order is issued to revise section III.A. (Jury Proceedings and Jury Trials) by providing that all grand jury proceedings, jury selection proceedings, and criminal and civil jury trials shall remain suspended through July 2, 2020; section III.C. (Non-essential and Non-critical Court Proceedings) by specifying the types of proceedings the circuit and county courts should conduct remotely; section IV.A. (Speedy Trial) by providing that all time periods involving the speedy trial procedure in criminal and juvenile court proceedings shall remain suspended through the close of business on Monday, July 6, 2020; section IV.B. (Persons Arrested for First Degree Murder) by providing that, with regard to persons arrested for first degree murder, all time periods under Florida Rules of Criminal Procedure 3.133(b) and 3.134 shall remain suspended through July 2, 2020; and section VI. (Speedy Trial Procedure in Noncriminal Traffic Infraction Court Proceedings) to conform with revised section III.C. Additionally, footnote 10 was amended to reflect the revisions to section III.C.

administrative orders implementing temporary measures essential to the administration of justice during the COVID-19 pandemic.[2] The overarching intent of those orders has been to mitigate the impact of COVID-19, while keeping the courts operating to the fullest extent consistent with public safety.

This order extends, refines, and strengthens previously enacted temporary remedial measures. The measures shall remain in effect until the close of business on May 29, 2020, unless a different end date is indicated herein or as provided by subsequent order.

Under the administrative authority conferred upon me by article V, section 2(b) of the Florida Constitution and by Florida Rules of Judicial Administration 2.205(a)(2)(B)(iv) and 2.205(a)(2)(B)(v),

IT IS ORDERED that:

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2. *In re: COVID-19 Emergency Procedures in the Florida State Courts*, Fla. Admin. Order No. AOSC20-13 (March 13, 2020); *In re: COVID-19 Essential and Critical Trial Court Proceedings*, Fla. Admin. Order No. AOSC20-15 (March 17, 2020); *In re: COVID-19 Emergency Procedures for the Administering of Oaths via Remote Audio-Video Communication Equipment*, Fla. Admin. Order No. AOSC20-16 (March 18, 2020); *In re: COVID-19 Emergency Measures in the Florida State Courts*, Fla. Admin. Order No. AOSC20-17 (March 24, 2020); *In re: COVID-19 Emergency Procedures in Relation to Visitation for Children Under the Protective Supervision of the Department of Children and Families*, Fla. Admin. Order No. AOSC20-18 (March 27, 2020); and *In re: COVID-19 Emergency Procedures for Speedy Trial in Noncriminal Traffic Infraction Court Proceedings*, Fla. Admin Order No. AOSC20-19 (March 30, 2020).

I. GUIDING PRINCIPLES

A. The presiding judge in all cases must consider the constitutional rights of crime victims and criminal defendants and the public's constitutional right of access to the courts.

B. To maintain judicial workflow to the maximum extent feasible, chief judges are directed to take all necessary steps to facilitate conducting proceedings with the use of technology.

C. Nothing in this order is intended to limit a chief judge's authority to conduct court business or to approve additional court proceedings or events (except for grand jury proceedings, jury selection proceedings, and criminal and civil jury trials, all of which are suspended) that are required in the interest of justice, if doing so is consistent with protecting the health of the participants and the public health.

D. Judges and court personnel who can effectively conduct court and judicial branch business from a remote location shall do so.

II. USE OF TECHNOLOGY

A. All rules of procedure, court orders, and opinions applicable to court proceedings that limit or prohibit the use of communication equipment for conducting proceedings by remote electronic means shall remain suspended.[3]

B. The chief judge of each judicial circuit remains 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.[4]

C. Administering of Oaths

(1) Notaries and other persons qualified to administer an oath in the State of Florida may swear a witness remotely by audio-video communication technology from a location within the State of Florida, provided they can positively identify the witness.[5]

(2) If a witness is not located within the State of Florida, a witness may consent to being put on oath via audio-video communication

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3. This measure initially went into effect at the close of business on March 13, 2020. (AOSC20-13).

4. This measure initially went into effect on Friday, March 13, 2020. (AOSC20-13).

5. This measure initially went into effect on March 18, 2020. (AOSC20-16).

technology by a person qualified to administer an oath in the State of Florida.[6]

(3) All rules of procedure, court orders, and opinions applicable to remote testimony, depositions, and other legal testimony, including the attestation of family law forms, that can be read to limit or prohibit the use of audio-video communications equipment to administer oaths remotely or to witness the attestation of family law forms, shall remain suspended.[7]

(4) Notaries and other persons qualified to administer an oath in the State of Florida may swear in new attorneys to The Florida Bar remotely by audio-video communication technology from a location within the State of Florida, provided they can positively identify the new attorney.

(5) For purposes of the provisions regarding the administering of oaths, the term "positively identify" means that the notary or other qualified person can both see and hear the witness or new attorney via audio-video communications equipment for purposes of readily identifying the witness or new attorney.

6. This measure initially went into effect on March 18, 2020. (AOSC20-16).
7. This measure initially went into effect on March 18, 2020. (AOSC20-16).

III. COURT PROCEEDINGS

A. Jury Proceedings and Jury Trials. All grand jury proceedings, jury selection proceedings, and criminal and civil jury trials shall remain suspended through July 2, 2020.[8]

B. Essential and Critical Trial Court Proceedings.[9]

(1) All circuit and county courts shall continue to perform essential court proceedings, including but not limited to: first appearance; criminal arraignments as necessary; hearings on motions to set or modify monetary bail for individuals who are in custody; juvenile dependency shelter hearings; juvenile delinquency detention hearings; hearings on petitions for injunctions relating to safety of an individual; hearings on petitions for risk protection orders; hearings on petitions for the appointment of an emergency temporary guardian; hearings to determine whether an individual should be involuntarily committed under the Baker Act or the Marchman Act; and hearings on petitions for extraordinary writs as necessary to protect constitutional rights.

(2) In addition to essential proceedings, all circuit and county courts shall perform, as necessary and applicable, critical proceedings related to the

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8. This measure initially went into effect on March 16, 2020. (AOSC20-13).

9. These measures initially went into effect on March 17, 2020. (AOSC20-15).

state of emergency or the public health emergency, including but not limited to proceedings related to: violation of quarantine or isolation; violation of orders to limit travel; violation of orders to close public or private buildings; and enforcement of curfew orders.

(3) It is recognized that certain essential or critical trial court proceedings in some jurisdictions may in extraordinary, limited circumstances be unavoidably delayed due to the exigencies of the ongoing emergency. When this occurs, chief judges are required to take all steps feasible to minimize the delay.

(4) In conducting essential proceedings and proceedings critical to the state of emergency or the public health emergency, circuit and county courts shall employ all methods feasible to minimize risk of COVID-19 exposure to individuals involved in the proceedings or the general public.

C. Non-essential and Non-critical Court Proceedings.[10] Each chief judge shall continue to review cases and court events and the communications technology resources available to the circuit, each county, and each judge. The Workgroup on the Continuity of Court Operations and Proceedings During and

10. A measure related to these proceedings initially went into effect on March 17, 2020. (AOSC20-15). Substantial revisions are made by this amended order.

After COVID-19 has determined that the following proceedings are amenable to being conducted remotely:

(1) Alternative dispute resolution proceedings;

(2) Status, case management, and pretrial conferences in all case types;

(3) Non-evidentiary and evidentiary motion hearings in all case types;

(4) Arraignments and pleas in absentia in county court misdemeanor cases;

(5) Hearings in juvenile delinquency cases;

(6) Hearings in noncriminal traffic infraction cases;

(7) Problem-solving court staffings, hearings, and wellness checks; and

(8) Non-jury trials in all case types, except for criminal, juvenile delinquency, and termination of parental rights petitions in dependency cases unless the parties in an excepted case agree to the remote conduct of a non-jury trial.

It is hereby ordered that each of the above-listed proceedings shall be conducted using telephonic or other electronic means available in the subject jurisdiction unless a judge determines that remote conduct of the proceeding:

- Is inconsistent with the United States or Florida Constitution, a statute, or a rule of court that has not been suspended by administrative order; or

- Would be infeasible because the court, the clerk, or other participant in a proceeding lacks the technological resources necessary to conduct the proceeding or, for reasons directly related to the state of emergency or the public health emergency, lacks the staff resources necessary to conduct the proceeding.

Chief judges shall take all necessary steps to ensure that the above-listed proceedings are conducted to the fullest extent possible, consistent with the guidance established in this section.

D. Limits on In-person Hearings.[11] No proceedings or other court events other than essential proceedings and proceedings critical to the state of emergency or the public health emergency shall be conducted through in-person hearings.

IV. SUSPENSION OF TIME PERIODS IN CERTAIN RULES OF CRIMINAL PROCEDURE

A. Speedy Trial.[12] All time periods involving the speedy trial procedure in criminal and juvenile court proceedings shall remain suspended through the close of business on Monday, July 6, 2020. This suspension shall be applied in the manner described in *Sullivan v. State*, 913 So. 2d 762 (Fla. 5th DCA 2005), and *State v. Hernandez*, 617 So. 2d 1103 (Fla. 3rd DCA 1993). The suspension of time

11. This measure initially went into effect on March 17, 2020. (AOSC20-15).

12. This measure initially went into effect at the close of business on March 13, 2020. (AOSC20-13 and AOSC20-17).

limits under the speedy trial procedure restores additional days equal to the number stated in the previous orders and this order.

B. Persons Arrested for First Degree Murder.[13] With regard to persons arrested for first degree murder, all time periods under Florida Rules of Criminal Procedure 3.133(b) and 3.134 shall remain suspended through July 2, 2020. The suspension of the time limits of Florida Rules of Criminal Procedure 3.133(b) and 3.134 restores additional days equal to the number stated in the previous order and this order.

C. Incompetence to Proceed.[14] Where exigencies make it impossible to meet the 20-day time period in Florida Rule of Criminal Procedure 3.210(b), chief judges of the circuit courts remain authorized to direct judges to hold competency hearings as soon as feasible after the date of filing a motion to determine competency. Chief judges also remain authorized to allow experts and attorneys to conduct and attend competency evaluations by remote means, if feasible.

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13. This measure initially went into effect at the close of business on March 13, 2020. (AOSC20-17).

14. This measure initially went into effect on March 24, 2020. (AOSC20-17).

V. DEFENDANTS ARRESTED ON WARRANT OR CAPIAS FROM ANOTHER FLORIDA JURISDICTION[15]

To mitigate the health risks associated with the incarceration and transportation of defendants during the pandemic, when a defendant is arrested on a warrant or capias from another Florida jurisdiction, chief judges of the circuit courts remain encouraged to facilitate communication between the circuit or county where the case originated ("home court") and the circuit or county where the defendant is incarcerated ("holding court"), for the handling of matters on a temporary basis, as follows:

A. Pretrial Release and First Appearance Hearings. Chief judges remain authorized to direct judges conducting pretrial release and first appearance hearings to address detention and monetary bond or other conditions of pretrial release in the county of arrest, regardless of whether the case is transferred, rather than requiring transport of the defendant to the county where any warrant or capias originated.

For capiases and violation of probation warrants, before setting monetary bond or other conditions of pretrial release, the first appearance judge must obtain relevant information from the issuing judge, and from the state attorney's office(s)

15. These measures initially took effect on March 24, 2020. (AOSC20-17).

if necessary, in order to make a proper decision regarding monetary bond or other conditions of pretrial release.

Action taken by the holding court at first appearance and any pretrial release hearing should be promptly reported to the home court and reflected in the record of the case.

Any provision of Florida Rule of Criminal Procedure 3.131 inconsistent with these measures remains suspended.

B. Pleas. Judges remain encouraged to coordinate with prosecutors, attorneys, defendants, and victims in order to utilize section 910.035, Florida Statutes, which allows for pleas of guilty or nolo contendere for persons arrested in counties outside of the county of prosecution, upon the consent of the defendant and the state attorney in the county where the crime was committed.

C. Rights of Parties. In cases that are not handled by a plea or pretrial release such that the defendant will continue to be detained in the jurisdiction of the holding court for an indefinite period of time, chief judges are directed to ensure that the due process rights of the defendant are protected by facilitating the temporary transfer of the case to the holding court, if necessary; by having a judge from the holding court designated by the Chief Justice, or designated by the chief judge if the home and holding court are within the same circuit, as a judge of the

home court to handle emergency or other necessary matters in the case; or by other appropriate means.

D. Victims. The constitutional rights of crime victims must also be considered in all cases by the presiding judge.

VI. SPEEDY TRIAL PROCEDURE IN NONCRIMINAL TRAFFIC INFRACTION COURT PROCEEDINGS[16]

All time periods involving the speedy trial procedure in noncriminal traffic infraction court proceedings remain suspended. The suspension of time limits under the speedy trial procedure restores additional days equal to the number stated in the previous order and this order.

VII. WRITS OF POSSESSION[17]

The requirement in Florida Rule of Civil Procedure 1.580(a) for the clerk to issue a writ of possession "forthwith" remains suspended.

VIII. FAMILY LAW FORMS[18]

Except as indicated below, the requirement that Florida Family Law Forms be notarized or signed in the presence of a deputy clerk remains suspended, if the filer includes the following statement before the filer's signature:

> Under penalties of perjury, I declare that I have read this document and the facts stated in it are true.

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16. This measure initially took effect on March 13, 2020. (AOSC20-19).
17. This measure initially took effect on March 24, 2020. (AOSC20-17).
18. This measure initially took effect on March 24, 2020. (AOSC20-17).

This exception does not apply to Florida Family Law Forms 12.902(f)(1), Marital Settlement Agreement for Dissolution of Marriage with Dependent or Minor Child(ren), 12.902(f)(2), Marital Settlement Agreement for Dissolution of Marriage with Property but No Dependent or Minor Child(ren), 12.902(f)(3), Marital Settlement Agreement for Simplified Dissolution of Marriage, and any other family law form that transfers the ownership of property, which must continue to be notarized or signed in the presence of a deputy clerk prior to filing.

IX. VISITATION FOR CHILDREN UNDER THE PROTECTIVE SUPERVISION OF THE FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES (DCF)[19]

Requirements for in-person visitation pursuant to circuit court orders entered under chapter 39, Florida Statutes, remain suspended. This order does not affect in-person visitations when all parties and the caregiver agree that the visitation can take place in a manner that does not pose a health threat.

In lieu of in-person visitation, visitation shall be conducted through electronic means with video communication as the preferred means, although telephonic contact is permitted if video communication is not feasible.

19. These measures initially took effect on March 27, 2020. (AOSC20-18).

The suspension of in-person visitation applies to parent-child visitation, sibling visitation, and visitation between children and other family members and non-relatives.

If a party seeks to reinstate in-person visitation while the suspension of in-person visitation requirements remains in effect, such reinstatement shall be determined on a case-by-case basis by the circuit court with jurisdiction over that party's case. Reinstatement of in-person visitation may be ordered if the court determines that it will not jeopardize the health, safety, and well-being of all children and adults (including caregivers) who will be affected by the in-person visitation.

Nothing in these provisions regarding visitation for children under the protective supervision of the DCF overrides existing circuit administrative orders to the extent that those orders are not in conflict with this order. Circuits may enter additional administrative orders addressing visitation and contact pursuant to chapter 39, Florida Statutes, to the extent that they are not in conflict with this order.

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Additional orders extending or modifying these measures will be issued as warranted by changing circumstances during the public health emergency.

DONE AND ORDERED at Tallahassee, Florida, on May 4, 2020.

AOSC20-23

Chief Justice Charles T. Canady

AOSC20-23 Amendment 1 5/4/2020

ATTEST:

AOSC20-23 Amendment 1 5/4/2020

John A. Tomasino, Clerk of Court

AOSC20-23 Amendment 1 5/4/2020

AO 20-23(2) | FLORIDA SUPREME COURT

YEAR: 2020

NUMBER: 23

TITLE: IN RE: COMPREHENSIVE COVID-19 EMERGENCY MEASURES FOR THE FLORIDA STATE COURTS ADMINISTRATIVE ORDER

PAGES: 17

AMENDMENT: 2

Supreme Court of Florida

No. AOSC20-23
Amendment 2[1]

IN RE: COMPREHENSIVE COVID-19 EMERGENCY MEASURES FOR THE FLORIDA STATE COURTS

ADMINISTRATIVE ORDER

As a result of the Coronavirus Disease 2019 (COVID-19) pandemic, the State Surgeon General and State Health Officer on March 1, 2020, declared that a public health emergency exists in Florida, and the Governor on March 9, 2020, declared a state of emergency for the entire state. The Florida state courts have taken measures to mitigate the effects of this public health emergency upon the

1. This administrative order is issued to provide ongoing guidance and direction to the judicial branch during the COVID-19 pandemic, specifically as the courts transition into Phase 2 court operations, when limited in-person contact is authorized for certain purposes and/or requires use of protective measures. Changes include the addition of intent language regarding the four anticipated phases of court operations during the pandemic; a reference to *In re: COVID-19 Public Health and Safety Precautions for Phase 2*, Fla. Admin. Order No. AOSC20-32 (May 21, 2020); revisions to section I.D (Guiding Principles), section II.B. (Use of Technology), section III (Court Proceedings) heading to insert new footnote, III.A. (Jury Proceedings and Jury Trials), III.B. (Essential and Critical Trial Court Proceedings), III.C. (Non-essential and Non-critical Court Proceedings), III.D. (Limits on In-person Hearings), V.A. (Pretrial Release and First Appearance Hearings); and the insertion of new Section VII. (Suspension of Time Periods in Certain Small Claims Rules) and the renumbering of subsequent sections.

judicial branch and its participants. To that end, I have issued several administrative orders implementing temporary measures essential to the administration of justice during the COVID-19 pandemic.[2] The overarching intent of those orders has been to mitigate the impact of COVID-19, while keeping the courts operating to the fullest extent consistent with public safety.

It is the intent of the judicial branch to transition to optimal operations in a manner that protects the public's health and safety during each of the following anticipated phases of the pandemic:

a) Phase 1 – in-person contact is inadvisable, court facilities are effectively closed to the public, and in-person proceedings are rare;

b) Phase 2 – limited in-person contact is authorized for certain purposes and/or requires use of protective measures;

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2. *In re: COVID-19 Emergency Procedures in the Florida State Courts*, Fla. Admin. Order No. AOSC20-13 (March 13, 2020); *In re: COVID-19 Essential and Critical Trial Court Proceedings*, Fla. Admin. Order No. AOSC20-15 (March 17, 2020); *In re: COVID-19 Emergency Procedures for the Administering of Oaths via Remote Audio-Video Communication Equipment*, Fla. Admin. Order No. AOSC20-16 (March 18, 2020); *In re: COVID-19 Emergency Measures in the Florida State Courts*, Fla. Admin. Order No. AOSC20-17 (March 24, 2020); *In re: COVID-19 Emergency Procedures in Relation to Visitation for Children Under the Protective Supervision of the Department of Children and Families*, Fla. Admin. Order No. AOSC20-18 (March 27, 2020); and *In re: COVID-19 Emergency Procedures for Speedy Trial in Noncriminal Traffic Infraction Court Proceedings*, Fla. Admin Order No. AOSC20-19 (March 30, 2020).

c) Phase 3 – in-person contact is more broadly authorized and protective measures are relaxed; and

d) Phase 4 – COVID-19 no longer presents a significant risk to public health and safety.

This order extends, refines, and strengthens previously enacted temporary remedial measures. The measures shall remain in effect until *In re: COVID-19 Public Health and Safety Precautions for Phase 2,* Fla. Admin. Order No. AOSC20-32 (May 21, 2020), is amended or terminated or unless a different end date is indicated herein, or as may be provided by subsequent order.

Under the administrative authority conferred upon me by article V, section 2(b) of the Florida Constitution and by Florida Rules of Judicial Administration 2.205(a)(2)(B)(iv) and 2.205(a)(2)(B)(v),

IT IS ORDERED that:

I. GUIDING PRINCIPLES

A. The presiding judge in all cases must consider the constitutional rights of crime victims and criminal defendants and the public's constitutional right of access to the courts.

B. To maintain judicial workflow to the maximum extent feasible, chief judges are directed to take all necessary steps to facilitate conducting proceedings with the use of technology.

C. Nothing in this order is intended to limit a chief judge's authority to conduct court business or to approve additional court proceedings or events (except for grand jury proceedings, jury selection proceedings, and criminal and civil jury trials, all of which are suspended) that are required in the interest of justice, if doing so is consistent with protecting the health of the participants and the public health.

D. Judges and court personnel who can effectively conduct court and judicial branch business from a remote location shall do so. Participants who have the capability of participating by electronic means in remote court proceedings shall do so.

II. USE OF TECHNOLOGY

A. All rules of procedure, court orders, and opinions applicable to court proceedings that limit or prohibit the use of communication equipment for conducting proceedings by remote electronic means shall remain suspended.[3]

B. The chief judge of each district court of appeal and each judicial circuit remains authorized to establish procedures for the use, to the maximum extent feasible, of communication equipment for the conducting of proceedings by remote

3. This measure initially went into effect at the close of business on March 13, 2020. (AOSC20-13).

electronic means, as are necessary in their respective district or circuit due to the public health emergency.[4]

C. Administering of Oaths

(1) Notaries and other persons qualified to administer an oath in the State of Florida may swear a witness remotely by audio-video communication technology from a location within the State of Florida, provided they can positively identify the witness.[5]

(2) If a witness is not located within the State of Florida, a witness may consent to being put on oath via audio-video communication technology by a person qualified to administer an oath in the State of Florida.[6]

(3) All rules of procedure, court orders, and opinions applicable to remote testimony, depositions, and other legal testimony, including the attestation of family law forms, that can be read to limit or prohibit the use of audio-video communications equipment to administer oaths remotely or to witness the attestation of family law forms, shall remain suspended.[7]

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4. This measure initially went into effect on Friday, March 13, 2020. (AOSC20-13).

5. This measure initially went into effect on March 18, 2020. (AOSC20-16)

6. This measure initially went into effect on March 18, 2020. (AOSC20-16)

7. This measure initially went into effect on March 18, 2020. (AOSC20-16)

(4) Notaries and other persons qualified to administer an oath in the State of Florida may swear in new attorneys to The Florida Bar remotely by audio-video communication technology from a location within the State of Florida, provided they can positively identify the new attorney.

(5) For purposes of the provisions regarding the administering of oaths, the term "positively identify" means that the notary or other qualified person can both see and hear the witness or new attorney via audio-video communications equipment for purposes of readily identifying the witness or new attorney.

III. COURT PROCEEDINGS[8]

A. Jury Proceedings and Jury Trials. All grand jury proceedings, jury selection proceedings, and criminal and civil jury trials shall remain suspended through July 2, 2020.[9] A pilot project to identify and evaluate issues relating to the conduct of a jury trial through remote means has been authorized through *In re: Remote Civil Jury Trial Pilot Program*, Fla. Admin. Order No. AOSC20-31 (May 21, 2020).

8. The provisions in Section III referencing civil cases apply to small claims, probate, county civil, circuit civil, as well as appellate civil proceedings.

9. This measure initially went into effect on March 16, 2020. (AOSC20-13).

B. Essential and Critical Trial Court Proceedings.[10] Essential and critical trial court proceedings should continue to be conducted remotely or, if necessary, in person.

(1) All circuit and county courts shall continue to perform essential court proceedings, including but not limited to: first appearance; criminal arraignments; hearings on motions to set or modify monetary bail for individuals who are in custody; juvenile dependency shelter hearings; juvenile delinquency detention hearings; hearings on petitions for injunctions relating to safety of an individual; hearings on petitions for risk protection orders; hearings on petitions for the appointment of an emergency temporary guardian; hearings to determine whether an individual should be involuntarily committed under the Baker Act or the Marchman Act; and hearings on petitions for extraordinary writs as necessary to protect constitutional rights.

(2) In addition to essential proceedings, all circuit and county courts shall perform, as necessary and applicable, critical proceedings related to the state of emergency or the public health emergency, including but not limited to proceedings related to: violation of quarantine or isolation; violation of

10. These measures initially went into effect on March 17, 2020. (AOSC20-15).

orders to limit travel; violation of orders to close public or private buildings; and enforcement of curfew orders.

(3) It is recognized that certain essential or critical trial court proceedings in some jurisdictions may in extraordinary, limited circumstances be unavoidably delayed due to the exigencies of the ongoing emergency. When this occurs, chief judges are required to take all steps feasible to minimize the delay.

(4) In conducting essential proceedings and proceedings critical to the state of emergency or the public health emergency, circuit and county courts shall employ all methods feasible to minimize risk of COVID-19 exposure to individuals involved in the proceedings or the general public.

C. Non-essential and Non-critical Court Proceedings.[11] Each chief judge shall continue to review cases and court events and the communications technology resources available to the circuit, each county, and each judge. The Workgroup on the Continuity of Court Operations and Proceedings During and After COVID-19 has determined that the following proceedings are amenable to being conducted remotely:

(1) Alternative dispute resolution proceedings;

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11. A measure related to these proceedings initially went into effect on March 17, 2020. (AOSC20-15). Revisions are made by this amended order.

(2) Status, case management, and pretrial conferences in all case types;

(3) Non-evidentiary and evidentiary motion hearings in all case types;

(4) Pleas in absentia in county court misdemeanor cases;

(5) Hearings in juvenile delinquency cases;

(6) Hearings in noncriminal traffic infraction cases;

(7) Hearings in involuntary commitment of sexually violent predator cases;

(8) Problem-solving court staffings, hearings, and wellness checks; and

(9) Non-jury trials in all case types,[12] except for:

- Criminal cases unless the parties in such case agree to the remote conduct of a non-jury trial; or
- Termination of parental rights or juvenile delinquency cases, unless the chief judge or the presiding judge in the case determines that the non-jury trial should proceed remotely.

It is hereby ordered that each of the above-listed proceedings shall be conducted using telephonic or other electronic means available in the subject jurisdiction unless a judge determines that one of the following exceptions applies:

12. This includes evidentiary hearings pursuant to section 39.507(7)(b), Florida Statutes, and dependency adjudicatory hearings.

- Remote conduct of the proceeding is inconsistent with the United States or Florida Constitution, a statute, or a rule of court that has not been suspended by administrative order; or
- Remote conduct of the proceeding would be infeasible because the court, the clerk, or other participant in a proceeding lacks the technological resources necessary to conduct the proceeding or, for reasons directly related to the state of emergency or the public health emergency, lacks the staff resources necessary to conduct the proceeding.

Chief judges shall take all necessary steps to ensure that the above-listed proceedings are conducted to the fullest extent possible, consistent with the guidance established in this section.

D. Limits on In-person Hearings.[13] No proceedings or other court events other than essential proceedings and proceedings critical to the state of emergency or the public health emergency shall be conducted through in-person hearings. However, after the chief judge of a judicial circuit has determined that the circuit has transitioned to Phase 2 pursuant to Fla. Admin. Order No. AOSC20-32, non-essential and non-critical court proceedings that cannot be conducted remotely,

13. This measure initially went into effect on March 17, 2020. (AOSC20-15).

because one of the exceptions under III.C. applies, may be conducted in person in a manner consistent with the circuit's operational plan.

IV. SUSPENSION OF TIME PERIODS IN CERTAIN RULES OF CRIMINAL PROCEDURE

A. Speedy Trial.[14] All time periods involving the speedy trial procedure in criminal and juvenile court proceedings shall remain suspended through the close of business on Monday, July 6, 2020. This suspension shall be applied in the manner described in *Sullivan v. State,* 913 So. 2d 762 (Fla. 5th DCA 2005), and *State v. Hernandez,* 617 So. 2d 1103 (Fla. 3rd DCA 1993). The suspension of time limits under the speedy trial procedure restores additional days equal to the number stated in the previous orders and this order.

B. Persons Arrested for First Degree Murder.[15] With regard to persons arrested for first degree murder, all time periods under Florida Rules of Criminal Procedure 3.133(b) and 3.134 shall remain suspended through July 2, 2020. The suspension of the time limits of Florida Rules of Criminal Procedure 3.133(b) and 3.134 restores additional days equal to the number stated in the previous order and this order.

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14. This measure initially went into effect at the close of business on March 13, 2020. (AOSC20-13 and AOSC20-17).

15. This measure initially went into effect at the close of business on March 13, 2020. (AOSC20-17).

C. Incompetence to Proceed.[16] Where exigencies make it impossible to meet the 20-day time period in Florida Rule of Criminal Procedure 3.210(b), chief judges of the circuit courts remain authorized to direct judges to hold competency hearings as soon as feasible after the date of filing a motion to determine competency. Chief judges also remain authorized to allow experts and attorneys to conduct and attend competency evaluations by remote means, if feasible.

V. DEFENDANTS ARRESTED ON WARRANT OR CAPIAS FROM ANOTHER FLORIDA JURISDICTION[17]

To mitigate the health risks associated with the incarceration and transportation of defendants during the pandemic, when a defendant is arrested on a warrant or capias from another Florida jurisdiction, chief judges of the circuit courts remain encouraged to facilitate communication between the circuit or county where the case originated ("home court") and the circuit or county where the defendant is incarcerated ("holding court"), for the handling of matters on a temporary basis, as follows:

A. Pretrial Release and First Appearance Hearings. Chief judges remain authorized to direct judges conducting pretrial release and first appearance hearings to address detention and monetary bond or other conditions of pretrial

16. This measure initially went into effect on March 24, 2020. (AOSC20-17).

17. These measures initially took effect on March 24, 2020. (AOSC20-17).

release in the county of arrest, regardless of whether the case is transferred, rather than requiring transport of the defendant to the county where any warrant or capias originated.

For capiases and violation of probation warrants, before setting monetary bond or other conditions of pretrial release, the first appearance judge, in order to make a proper decision regarding monetary bond or other conditions of pretrial release, must rely on relevant information from the following individuals in the county that issued the capias or warrant: the issuing judge, defense counsel if any, and the state attorney.

Action taken by the holding court at first appearance and any pretrial release hearing should be promptly reported to the home court and reflected in the record of the case.

Any provision of Florida Rule of Criminal Procedure 3.131 inconsistent with these measures remains suspended.

B. Pleas. Judges remain encouraged to coordinate with prosecutors, attorneys, defendants, and victims in order to utilize section 910.035, Florida Statutes, which allows for pleas of guilty or nolo contendere for persons arrested in counties outside of the county of prosecution, upon the consent of the defendant and the state attorney in the county where the crime was committed.

C. Rights of Parties. In cases that are not handled by a plea or pretrial release such that the defendant will continue to be detained in the jurisdiction of the holding court for an indefinite period of time, chief judges are directed to ensure that the due process rights of the defendant are protected by facilitating the temporary transfer of the case to the holding court, if necessary; by having a judge from the holding court designated by the Chief Justice, or designated by the chief judge if the home and holding court are within the same circuit, as a judge of the home court to handle emergency or other necessary matters in the case; or by other appropriate means.

D. Victims. The constitutional rights of crime victims must also be considered in all cases by the presiding judge.

VI. SPEEDY TRIAL PROCEDURE IN NONCRIMINAL TRAFFIC INFRACTION COURT PROCEEDINGS[18]

All time periods involving the speedy trial procedure in noncriminal traffic infraction court proceedings remain suspended. The suspension of time limits under the speedy trial procedure restores additional days equal to the number stated in the previous order and this order.

18. This measure initially took effect on March 13, 2020. (AOSC20-19).

VII. SUSPENSION OF TIME PERIODS IN CERTAIN SMALL CLAIMS RULES

All time periods referenced in Florida Small Claims Rule 7.090(b) that are applicable to the clerk of the court in small claims cases are suspended.

VIII. WRITS OF POSSESSION[19]

The requirement in Florida Rule of Civil Procedure 1.580(a) for the clerk to issue a writ of possession "forthwith" remains suspended.

IX. FAMILY LAW FORMS[20]

Except as indicated below, the requirement that Florida Family Law Forms be notarized or signed in the presence of a deputy clerk remains suspended, if the filer includes the following statement before the filer's signature:

> Under penalties of perjury, I declare that I have read this document and the facts stated in it are true.

This exception does not apply to Florida Family Law Forms 12.902(f)(1), Marital Settlement Agreement for Dissolution of Marriage with Dependent or Minor Child(ren), 12.902(f)(2), Marital Settlement Agreement for Dissolution of Marriage with Property but No Dependent or Minor Child(ren), 12.902(f)(3), Marital Settlement Agreement for Simplified Dissolution of Marriage, and any

19. This measure initially took effect on March 24, 2020. (AOSC20-17).
20. This measure initially took effect on March 24, 2020. (AOSC20-17)

other family law form that transfers the ownership of property, which must continue to be notarized or signed in the presence of a deputy clerk prior to filing.

X. VISITATION FOR CHILDREN UNDER THE PROTECTIVE SUPERVISION OF THE FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES (DCF)[21]

Requirements for in-person visitation pursuant to circuit court orders entered under chapter 39, Florida Statutes, remain suspended. This order does not affect in-person visitations when all parties and the caregiver agree that the visitation can take place in a manner that does not pose a health threat.

In lieu of in-person visitation, visitation shall be conducted through electronic means with video communication as the preferred means, although telephonic contact is permitted if video communication is not feasible.

The suspension of in-person visitation applies to parent-child visitation, sibling visitation, and visitation between children and other family members and non-relatives.

If a party seeks to reinstate in-person visitation while the suspension of in-person visitation requirements remains in effect, such reinstatement shall be determined on a case-by-case basis by the circuit court with jurisdiction over that party's case. Reinstatement of in-person visitation may be ordered if the court

21. These measures initially took effect on March 27, 2020. (AOSC20-18).

determines that it will not jeopardize the health, safety, and well-being of all children and adults (including caregivers) who will be affected by the in-person visitation.

Nothing in these provisions regarding visitation for children under the protective supervision of the DCF overrides existing circuit administrative orders to the extent that those orders are not in conflict with this order. Circuits may enter additional administrative orders addressing visitation and contact pursuant to chapter 39, Florida Statutes, to the extent that they are not in conflict with this order.

* * * * * * * * *

Additional orders extending or modifying these measures will be issued as warranted by changing circumstances during the public health emergency.

DONE AND ORDERED at Tallahassee, Florida, on May 21, 2020.

AOSC20-23 (2) 5/21/20

Chief Justice Charles T. Canady

AOSC20-23 (2) 5/21/20

ATTEST:

AOSC20-23 (2) 5/21/20

John A. Tomasino, Clerk of Court

AOSC20-23 (2) 5/21/20

AO 20-23(3) | FLORIDA SUPREME COURT

YEAR: 2020

NUMBER: 23

TITLE: IN RE: COMPREHENSIVE COVID-19 EMERGENCY MEASURES FOR THE FLORIDA STATE COURTS ADMINISTRATIVE ORDER

PAGES: 18

AMENDMENT: 3

Supreme Court of Florida

No. AOSC20-23
Amendment 3[1]

IN RE: COMPREHENSIVE COVID-19 EMERGENCY MEASURES FOR THE FLORIDA STATE COURTS

ADMINISTRATIVE ORDER

As a result of the Coronavirus Disease 2019 (COVID-19) pandemic, the State Surgeon General and State Health Officer on March 1, 2020, declared that a public health emergency exists in Florida, and the Governor on March 9, 2020, declared a state of emergency for the entire state. The Florida state courts have taken measures to mitigate the effects of this public health emergency upon the judicial branch and its participants. To that end, I have issued several administrative orders implementing temporary measures essential to the

1. This administrative order is issued to revise section III.A. (Jury Proceedings and Jury Trials) by extending the suspension of all jury proceedings and to address the restoration of time to the term of an impaneled grand jury; create a new section III.B. (Remote Civil Jury Trial Pilot Program) to address the conduct of remote civil jury trials as part of the program; revise section IV.A. (Speedy Trial) to extend the suspension of speedy trial in criminal and juvenile court proceedings; revise IV.B. (Persons Arrested for First Degree Murder) to extend the suspension of certain rules of criminal procedure; and revise section VIII. (Writs of Possession) to provide a termination date for the suspension of the requirement for clerks to issue a writ of possession "forthwith."

administration of justice during the COVID-19 pandemic.[2] The overarching intent of those orders has been to mitigate the impact of COVID-19, while keeping the courts operating to the fullest extent consistent with public safety.

It is the intent of the judicial branch to transition to optimal operations in a manner that protects the public's health and safety during each of the following anticipated phases of the pandemic:

a) Phase 1 – in-person contact is inadvisable, court facilities are effectively closed to the public, and in-person proceedings are rare;

b) Phase 2 – limited in-person contact is authorized for certain purposes and/or requires use of protective measures;

c) Phase 3 – in-person contact is more broadly authorized and protective measures are relaxed; and

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2. *In re: COVID-19 Emergency Procedures in the Florida State Courts*, Fla. Admin. Order No. AOSC20-13 (March 13, 2020); *In re: COVID-19 Essential and Critical Trial Court Proceedings*, Fla. Admin. Order No. AOSC20-15 (March 17, 2020); *In re: COVID-19 Emergency Procedures for the Administering of Oaths via Remote Audio-Video Communication Equipment*, Fla. Admin. Order No. AOSC20-16 (March 18, 2020); *In re: COVID-19 Emergency Measures in the Florida State Courts*, Fla. Admin. Order No. AOSC20-17 (March 24, 2020); *In re: COVID-19 Emergency Procedures in Relation to Visitation for Children Under the Protective Supervision of the Department of Children and Families*, Fla. Admin. Order No. AOSC20-18 (March 27, 2020); and *In re: COVID-19 Emergency Procedures for Speedy Trial in Noncriminal Traffic Infraction Court Proceedings*, Fla. Admin Order No. AOSC20-19 (March 30, 2020).

d) Phase 4 – COVID-19 no longer presents a significant risk to public health and safety.

This order extends, refines, and strengthens previously enacted temporary remedial measures. The measures shall remain in effect until *In re: COVID-19 Public Health and Safety Precautions for Phase 2*, Fla. Admin. Order No. AOSC20-32 (May 21, 2020), is amended or terminated or unless a different end date is indicated herein, or as may be provided by subsequent order.

Under the administrative authority conferred upon me by article V, section 2(b) of the Florida Constitution and by Florida Rules of Judicial Administration 2.205(a)(2)(B)(iv) and 2.205(a)(2)(B)(v),

IT IS ORDERED that:

I. GUIDING PRINCIPLES

A. The presiding judge in all cases must consider the constitutional rights of crime victims and criminal defendants and the public's constitutional right of access to the courts.

B. To maintain judicial workflow to the maximum extent feasible, chief judges are directed to take all necessary steps to facilitate conducting proceedings with the use of technology.

C. Nothing in this order is intended to limit a chief judge's authority to conduct court business or to approve additional court proceedings or events (except

for grand jury proceedings, jury selection proceedings, and criminal and civil jury trials, all of which are suspended) that are required in the interest of justice, if doing so is consistent with protecting the health of the participants and the public.

D. Judges and court personnel who can effectively conduct court and judicial branch business from a remote location shall do so. Participants who have the capability of participating by electronic means in remote court proceedings shall do so.

II. USE OF TECHNOLOGY

A. All rules of procedure, court orders, and opinions applicable to court proceedings that limit or prohibit the use of communication equipment for conducting proceedings by remote electronic means shall remain suspended.[3]

B. The chief judge of each district court of appeal and each judicial circuit remains authorized to establish 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 district or circuit due to the public health emergency.[4]

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3. This measure initially went into effect at the close of business on March 13, 2020. (AOSC20-13).

4. This measure initially went into effect on Friday, March 13, 2020. (AOSC20-13).

C. Administering of Oaths

(1) Notaries and other persons qualified to administer an oath in the State of Florida may swear a witness remotely by audio-video communication technology from a location within the State of Florida, provided they can positively identify the witness.[5]

(2) If a witness is not located within the State of Florida, a witness may consent to being put on oath via audio-video communication technology by a person qualified to administer an oath in the State of Florida.[6]

(3) All rules of procedure, court orders, and opinions applicable to remote testimony, depositions, and other legal testimony, including the attestation of family law forms, that can be read to limit or prohibit the use of audio-video communications equipment to administer oaths remotely or to witness the attestation of family law forms, shall remain suspended.[7]

(4) Notaries and other persons qualified to administer an oath in the State of Florida may swear in new attorneys to The Florida Bar remotely by audio-video communication technology from a location within the State of Florida, provided they can positively identify the new attorney.

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5. This measure initially went into effect on March 18, 2020. (AOSC20-16)
6. This measure initially went into effect on March 18, 2020. (AOSC20-16)
7. This measure initially went into effect on March 18, 2020. (AOSC20-16)

(5) For purposes of the provisions regarding the administering of oaths, the term "positively identify" means that the notary or other qualified person can both see and hear the witness or new attorney via audio-video communications equipment for purposes of readily identifying the witness or new attorney.

III. COURT PROCEEDINGS[8]

A. Jury Proceedings and Jury Trials. Statewide grand jury proceedings shall remain suspended through July 26, 2020. All other jury proceedings, including grand jury proceedings, jury selection proceedings, and criminal and civil jury trials, shall remain suspended through July 17, 2020.[9] Additional days equal to the number of days for which grand jury proceedings are suspended shall be restored to the term of the impaneled statewide grand jury or other impaneled grand jury; however, the number of days restored may not exceed the number of days the impaneled grand jury had remaining in its term when the suspension began.

B. Remote Civil Jury Trial Pilot Program. A pilot project to identify and evaluate issues relating to the conduct of a civil jury trial through remote means has been authorized through *In re: Remote Civil Jury Trial Pilot Program*, Fla.

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8. The provisions in Section III referencing civil cases apply to small claims, probate, county civil, circuit civil, as well as appellate civil proceedings.

9. This measure initially went into effect on March 16, 2020. (AOSC20-13).

Admin. Order No. AOSC20-31 (May 21, 2020). Notwithstanding any other provision in this administrative order, judicial circuits selected to participate in the program by the Workgroup on the Continuity of Court Operations and Proceedings During and After COVID-19 may conduct remote civil jury trials pursuant to the requirements established by the workgroup; however, to conduct any portion of those trials in person, the chief judge of the participating judicial circuit must have determined that the circuit or applicable county within the circuit has transitioned to Phase 2 pursuant to Fla. Admin. Order No. AOSC20-32, and must conduct the in-person proceeding in a manner that is consistent with the circuit's operational plan.

C. Essential and Critical Trial Court Proceedings.[10] Essential and critical trial court proceedings should continue to be conducted remotely or, if necessary, in person.

(1) All circuit and county courts shall continue to perform essential court proceedings, including but not limited to: first appearance; criminal arraignments; hearings on motions to set or modify monetary bail for individuals who are in custody; juvenile dependency shelter hearings; juvenile delinquency detention hearings; hearings on petitions for

10. These measures initially went into effect on March 17, 2020. (AOSC20-15).

injunctions relating to safety of an individual; hearings on petitions for risk protection orders; hearings on petitions for the appointment of an emergency temporary guardian; hearings to determine whether an individual should be involuntarily committed under the Baker Act or the Marchman Act; and hearings on petitions for extraordinary writs as necessary to protect constitutional rights.

(2) In addition to essential proceedings, all circuit and county courts shall perform, as necessary and applicable, critical proceedings related to the state of emergency or the public health emergency, including but not limited to proceedings related to: violation of quarantine or isolation; violation of orders to limit travel; violation of orders to close public or private buildings; and enforcement of curfew orders.

(3) It is recognized that certain essential or critical trial court proceedings in some jurisdictions may in extraordinary, limited circumstances be unavoidably delayed due to the exigencies of the ongoing emergency. When this occurs, chief judges are required to take all steps feasible to minimize the delay.

(4) In conducting essential proceedings and proceedings critical to the state of emergency or the public health emergency, circuit and county courts

shall employ all methods feasible to minimize risk of COVID-19 exposure to individuals involved in the proceedings or the general public.

D. Non-essential and Non-critical Court Proceedings.[11] Each chief judge shall continue to review cases and court events and the communications technology resources available to the circuit, each county, and each judge. The Workgroup on the Continuity of Court Operations and Proceedings During and After COVID-19 has determined that the following proceedings are amenable to being conducted remotely:

(1) Alternative dispute resolution proceedings;

(2) Status, case management, and pretrial conferences in all case types;

(3) Non-evidentiary and evidentiary motion hearings in all case types;

(4) Pleas in absentia in county court misdemeanor cases;

(5) Hearings in juvenile delinquency cases;

(6) Hearings in noncriminal traffic infraction cases;

(7) Hearings in involuntary commitment of sexually violent predator cases;

(8) Problem-solving court staffings, hearings, and wellness checks; and

11. A measure related to these proceedings initially went into effect on March 17, 2020. (AOSC20-15).

(9) Non-jury trials in all case types,[12] except for:

- Criminal cases unless the parties in such case agree to the remote conduct of a non-jury trial; or
- Termination of parental rights or juvenile delinquency cases, unless the chief judge or the presiding judge in the case determines that the non-jury trial should proceed remotely.

It is hereby ordered that each of the above-listed proceedings shall be conducted using telephonic or other electronic means available in the subject jurisdiction unless a judge determines that one of the following exceptions applies:

- Remote conduct of the proceeding is inconsistent with the United States or Florida Constitution, a statute, or a rule of court that has not been suspended by administrative order; or
- Remote conduct of the proceeding would be infeasible because the court, the clerk, or other participant in a proceeding lacks the technological resources necessary to conduct the proceeding or, for reasons directly related to the state of emergency or the public health emergency, lacks the staff resources necessary to conduct the proceeding.

12. This includes evidentiary hearings pursuant to section 39.507(7)(b), Florida Statutes, and dependency adjudicatory hearings.

Chief judges shall take all necessary steps to ensure that the above-listed proceedings are conducted to the fullest extent possible, consistent with the guidance established in this section.

E. Limits on In-person Hearings.[13] No proceedings or other court events other than essential proceedings and proceedings critical to the state of emergency or the public health emergency shall be conducted through in-person hearings. However, after the chief judge of a judicial circuit has determined that the circuit has transitioned to Phase 2 pursuant to Fla. Admin. Order No. AOSC20-32, non-essential and non-critical court proceedings that cannot be conducted remotely, because one of the exceptions under III.D. applies, may be conducted in person in a manner consistent with the circuit's operational plan.

IV. SUSPENSION OF TIME PERIODS IN CERTAIN RULES OF CRIMINAL PROCEDURE

A. Speedy Trial.[14] All time periods involving the speedy trial procedure in criminal and juvenile court proceedings shall remain suspended through the close of business on Monday, July 20, 2020. This suspension shall be applied in the manner described in *Sullivan v. State*, 913 So. 2d 762 (Fla. 5th DCA 2005), and *State v. Hernandez*, 617 So. 2d 1103 (Fla. 3rd DCA 1993). The suspension of time

13. This measure initially went into effect on March 17, 2020. (AOSC20-15).

14. This measure initially went into effect at the close of business on March 13, 2020. (AOSC20-13 and AOSC20-17).

limits under the speedy trial procedure restores additional days equal to the number stated in the previous orders and this order.

B. Persons Arrested for First Degree Murder.[15] With regard to persons arrested for first degree murder, all time periods under Florida Rules of Criminal Procedure 3.133(b) and 3.134 shall remain suspended through July 17, 2020. The suspension of the time limits of Florida Rules of Criminal Procedure 3.133(b) and 3.134 restores additional days equal to the number stated in the previous orders and this order.

C. Incompetence to Proceed.[16] Where exigencies make it impossible to meet the 20-day time period in Florida Rule of Criminal Procedure 3.210(b), chief judges of the circuit courts remain authorized to direct judges to hold competency hearings as soon as feasible after the date of filing a motion to determine competency. Chief judges also remain authorized to allow experts and attorneys to conduct and attend competency evaluations by remote means, if feasible.

V. DEFENDANTS ARRESTED ON WARRANT OR CAPIAS FROM ANOTHER FLORIDA JURISDICTION[17]

15. This measure initially went into effect at the close of business on March 13, 2020. (AOSC20-17).

16. This measure initially went into effect on March 24, 2020. (AOSC20-17).

17. These measures initially took effect on March 24, 2020. (AOSC20-17).

To mitigate the health risks associated with the incarceration and transportation of defendants during the pandemic, when a defendant is arrested on a warrant or capias from another Florida jurisdiction, chief judges of the circuit courts remain encouraged to facilitate communication between the circuit or county where the case originated ("home court") and the circuit or county where the defendant is incarcerated ("holding court"), for the handling of matters on a temporary basis, as follows:

A. Pretrial Release and First Appearance Hearings. Chief judges remain authorized to direct judges conducting pretrial release and first appearance hearings to address detention and monetary bond or other conditions of pretrial release in the county of arrest, regardless of whether the case is transferred, rather than requiring transport of the defendant to the county where any warrant or capias originated.

For capiases and violation of probation warrants, before setting monetary bond or other conditions of pretrial release, the first appearance judge, in order to make a proper decision regarding monetary bond or other conditions of pretrial release, must rely on relevant information from the following individuals in the county that issued the capias or warrant: the issuing judge, defense counsel if any, and the state attorney.

Action taken by the holding court at first appearance and any pretrial release hearing should be promptly reported to the home court and reflected in the record of the case.

Any provision of Florida Rule of Criminal Procedure 3.131 inconsistent with these measures remains suspended.

B. Pleas. Judges remain encouraged to coordinate with prosecutors, attorneys, defendants, and victims in order to utilize section 910.035, Florida Statutes, which allows for pleas of guilty or nolo contendere for persons arrested in counties outside of the county of prosecution, upon the consent of the defendant and the state attorney in the county where the crime was committed.

C. Rights of Parties. In cases that are not handled by a plea or pretrial release such that the defendant will continue to be detained in the jurisdiction of the holding court for an indefinite period of time, chief judges are directed to ensure that the due process rights of the defendant are protected by facilitating the temporary transfer of the case to the holding court, if necessary; by having a judge from the holding court designated by the Chief Justice, or designated by the chief judge if the home and holding court are within the same circuit, as a judge of the home court to handle emergency or other necessary matters in the case; or by other appropriate means.

D. Victims. The constitutional rights of crime victims must also be considered in all cases by the presiding judge.

VI. SPEEDY TRIAL PROCEDURE IN NONCRIMINAL TRAFFIC INFRACTION COURT PROCEEDINGS[18]

All time periods involving the speedy trial procedure in noncriminal traffic infraction court proceedings remain suspended. The suspension of time limits under the speedy trial procedure restores additional days equal to the number stated in the previous orders and this order.

VII. SUSPENSION OF TIME PERIODS IN CERTAIN SMALL CLAIMS RULES

All time periods referenced in Florida Small Claims Rule 7.090(b) that are applicable to the clerk of the court in small claims cases are suspended.

VIII. WRITS OF POSSESSION[19]

The requirement in Florida Rule of Civil Procedure 1.580(a) for the clerk to issue a writ of possession "forthwith" remains suspended through June 30, 2020.

IX. FAMILY LAW FORMS[20]

Except as indicated below, the requirement that Florida Family Law Forms be notarized or signed in the presence of a deputy clerk remains suspended, if the filer includes the following statement before the filer's signature:

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18. This measure initially took effect on March 13, 2020. (AOSC20-19).
19. This measure initially took effect on March 24, 2020. (AOSC20-17).
20. This measure initially took effect on March 24, 2020. (AOSC20-17).

Under penalties of perjury, I declare that I have read this document and the facts stated in it are true.

This exception does not apply to Florida Family Law Forms 12.902(f)(1), Marital Settlement Agreement for Dissolution of Marriage with Dependent or Minor Child(ren), 12.902(f)(2), Marital Settlement Agreement for Dissolution of Marriage with Property but No Dependent or Minor Child(ren), 12.902(f)(3), Marital Settlement Agreement for Simplified Dissolution of Marriage, and any other family law form that transfers the ownership of property, which must continue to be notarized or signed in the presence of a deputy clerk prior to filing.

X. VISITATION FOR CHILDREN UNDER THE PROTECTIVE SUPERVISION OF THE FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES (DCF)[21]

Requirements for in-person visitation pursuant to circuit court orders entered under chapter 39, Florida Statutes, remain suspended. This order does not affect in-person visitations when all parties and the caregiver agree that the visitation can take place in a manner that does not pose a health threat.

In lieu of in-person visitation, visitation shall be conducted through electronic means with video communication as the preferred means, although telephonic contact is permitted if video communication is not feasible.

21. These measures initially took effect on March 27, 2020. (AOSC20-18).

The suspension of in-person visitation applies to parent-child visitation, sibling visitation, and visitation between children and other family members and non-relatives.

If a party seeks to reinstate in-person visitation while the suspension of in-person visitation requirements remains in effect, such reinstatement shall be determined on a case-by-case basis by the circuit court with jurisdiction over that party's case. Reinstatement of in-person visitation may be ordered if the court determines that it will not jeopardize the health, safety, and well-being of all children and adults (including caregivers) who will be affected by the in-person visitation.

Nothing in these provisions regarding visitation for children under the protective supervision of the DCF overrides existing circuit administrative orders to the extent that those orders are not in conflict with this order. Circuits may enter additional administrative orders addressing visitation and contact pursuant to chapter 39, Florida Statutes, to the extent that they are not in conflict with this order.

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Additional orders extending or modifying these measures will be issued as warranted by changing circumstances during the public health emergency.

DONE AND ORDERED at Tallahassee, Florida, on June 8, 2020.

AOSC20-23 A3 6/8/2020

Chief Justice Charles T. Canady

AOSC20-23 A3 6/8/2020

ATTEST:

AOSC20-23 A3 6/8/2020

John A. Tomasino, Clerk of Court

AOSC20-23 A3 6/8/2020

AO 20-23(4) | FLORIDA SUPREME COURT

YEAR: 2020

NUMBER: 23

TITLE: IN RE: COMPREHENSIVE COVID-19 EMERGENCY MEASURES FOR THE FLORIDA STATE COURTS ADMINISTRATIVE ORDER

PAGES: 20

AMENDMENT: 4

Supreme Court of Florida

No. AOSC20-23
Amendment 4[1]

IN RE: COMPREHENSIVE COVID-19 EMERGENCY MEASURES FOR THE FLORIDA STATE COURTS

ADMINISTRATIVE ORDER

As a result of the Coronavirus Disease 2019 (COVID-19) pandemic, the State Surgeon General and State Health Officer on March 1, 2020, declared that a

1. This administrative order is issued to revise section I.B. and C. (Guiding Principles) by defining terms and making conforming changes for other changes in the order; revise sections II.A. and B. (Use of Technology) to use the newly defined terms; revise section III.A. (Court Proceedings) to change the suspension period for jury proceedings other than statewide grand jury proceedings; revise section III.B. (Remote Civil Jury Trial Pilot Program) by making conforming changes for other changes in the order; create a new section III.C. (Juror Excusals and Postponements) to specify reasons for juror excusals and postponements; redesignate section III.D. (Non-essential and Non-critical Court Proceedings) as section III.E. (Other Trial Court Proceedings) and amend it to specify the manner in which trial court proceedings, other than essential or critical trial court proceedings, shall be conducted; redesignate section III.E. (Limits on In-Person Hearings) as section III.F. (Limits on In-Person Conduct of Other Trial Court Proceedings) and amend it to revise the limits on in-person proceedings; revise section IV.A. (Speedy Trial) to extend the suspension of the speedy trial procedure for criminal and juvenile court proceedings and extend the recapture period under certain circumstances; revise section IV.B. (Persons Arrested for First Degree Murder) to revise the suspension of specified rules of criminal procedure; and revise section VI. (Speedy Trial Procedure in Noncriminal Traffic Infraction Court Proceedings) to specify a termination date for the suspension of the speedy trial procedure in the referenced proceedings.

public health emergency exists in Florida, and the Governor on March 9, 2020, declared a state of emergency for the entire state. The Florida state courts have taken measures to mitigate the effects of this public health emergency upon the judicial branch and its participants. To that end, I have issued several administrative orders implementing temporary measures essential to the administration of justice during the COVID-19 pandemic.[2] The overarching intent of those orders has been to mitigate the impact of COVID-19, while keeping the courts operating to the fullest extent consistent with public safety.

It is the intent of the judicial branch to transition to optimal operations in a manner that protects the public's health and safety during each of the following anticipated phases of the pandemic:

a) Phase 1 – in-person contact is inadvisable, court facilities are effectively closed to the public, and in-person proceedings are rare;

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2. *In re: COVID-19 Emergency Procedures in the Florida State Courts*, Fla. Admin. Order No. AOSC20-13 (March 13, 2020); *In re: COVID-19 Essential and Critical Trial Court Proceedings*, Fla. Admin. Order No. AOSC20-15 (March 17, 2020); *In re: COVID-19 Emergency Procedures for the Administering of Oaths via Remote Audio-Video Communication Equipment*, Fla. Admin. Order No. AOSC20-16 (March 18, 2020); *In re: COVID-19 Emergency Measures in the Florida State Courts*, Fla. Admin. Order No. AOSC20-17 (March 24, 2020); *In re: COVID-19 Emergency Procedures in Relation to Visitation for Children Under the Protective Supervision of the Department of Children and Families*, Fla. Admin. Order No. AOSC20-18 (March 27, 2020); and *In re: COVID-19 Emergency Procedures for Speedy Trial in Noncriminal Traffic Infraction Court Proceedings*, Fla. Admin Order No. AOSC20-19 (March 30, 2020).

b) Phase 2 – limited in-person contact is authorized for certain purposes and/or requires use of protective measures;

c) Phase 3 – in-person contact is more broadly authorized and protective measures are relaxed; and

d) Phase 4 – COVID-19 no longer presents a significant risk to public health and safety.

This order extends, refines, and strengthens previously enacted temporary remedial measures. The measures shall remain in effect until *In re: COVID-19 Public Health and Safety Precautions for Phase 2*, Fla. Admin. Order No. AOSC20-32, Amendment 1 (June 16, 2020), is amended or terminated or unless a different end date is indicated herein, or as may be provided by subsequent order.

Under the administrative authority conferred upon me by article V, section 2(b) of the Florida Constitution and by Florida Rules of Judicial Administration 2.205(a)(2)(B)(iv) and 2.205(a)(2)(B)(v),

IT IS ORDERED that:

I. GUIDING PRINCIPLES

A. The presiding judge in all cases must consider the constitutional rights of crime victims and criminal defendants and the public's constitutional right of access to the courts.

B. To maintain judicial workflow to the maximum extent feasible, chief judges are directed to take all necessary steps to facilitate the remote conduct of proceedings with the use of technology. For purposes of this administrative order, "remote conduct" or "conducted remotely" means the conduct, in part or in whole, of a court proceeding using telephonic or other electronic means.

C. Nothing in this order is intended to limit a chief judge's authority to conduct court business or to approve additional court proceedings or events that are required in the interest of justice, if doing so is consistent with this administrative order and protecting the health of the participants and the public.

D. Judges and court personnel who can effectively conduct court and judicial branch business from a remote location shall do so. Participants who have the capability of participating by electronic means in remote court proceedings shall do so.

II. USE OF TECHNOLOGY

A. All rules of procedure, court orders, and opinions applicable to court proceedings that limit or prohibit the use of communication equipment for the remote conduct of proceedings shall remain suspended.[3]

3. This measure initially went into effect at the close of business on March 13, 2020. (AOSC20-13).

B. The chief judge of each district court of appeal and each judicial circuit remains authorized to establish procedures for the use, to the maximum extent feasible, of communication equipment for the remote conduct of proceedings, as are necessary in their respective district or circuit due to the public health emergency.[4]

C. Administering of Oaths

(1) Notaries and other persons qualified to administer an oath in the State of Florida may swear a witness remotely by audio-video communication technology from a location within the State of Florida, provided they can positively identify the witness.[5]

(2) If a witness is not located within the State of Florida, a witness may consent to being put on oath via audio-video communication technology by a person qualified to administer an oath in the State of Florida.[6]

(3) All rules of procedure, court orders, and opinions applicable to remote testimony, depositions, and other legal testimony, including the attestation of family law forms, that can be read to limit or prohibit the use

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4. This measure initially went into effect on Friday, March 13, 2020. (AOSC20-13).

5. This measure initially went into effect on March 18, 2020. (AOSC20-16).

6. This measure initially went into effect on March 18, 2020. (AOSC20-16).

of audio-video communications equipment to administer oaths remotely or to witness the attestation of family law forms, shall remain suspended.[7]

(4) Notaries and other persons qualified to administer an oath in the State of Florida may swear in new attorneys to The Florida Bar remotely by audio-video communication technology from a location within the State of Florida, provided they can positively identify the new attorney.

(5) For purposes of the provisions regarding the administering of oaths, the term "positively identify" means that the notary or other qualified person can both see and hear the witness or new attorney via audio-video communications equipment for purposes of readily identifying the witness or new attorney.

III. COURT PROCEEDINGS

A. Jury Proceedings and Jury Trials. Statewide grand jury proceedings shall remain suspended through July 26, 2020. All other jury proceedings, including grand jury proceedings, jury selection proceedings, and criminal and civil jury trials, shall remain suspended until 30 days after the chief judge of a judicial circuit has determined that the circuit or a county within the circuit has transitioned to Phase 2 pursuant to Fla. Admin. Order No. AOSC20-32,

7. This measure initially went into effect on March 18, 2020. (AOSC20-16).

Amendment 1.[8] Additional days equal to the number of days for which grand jury proceedings are suspended shall be restored to the term of the impaneled statewide grand jury or other impaneled grand jury; however, the number of days restored may not exceed the number of days the impaneled grand jury had remaining in its term when the suspension began.

B. Remote Civil Jury Trial Pilot Program. A pilot project to identify and evaluate issues relating to the conduct of a civil jury trial through remote means has been authorized through *In re: Remote Civil Jury Trial Pilot Program*, Fla. Admin. Order No. AOSC20-31, Amendment 1 (June 8, 2020). Notwithstanding any other provision in this administrative order, judicial circuits selected to participate in the program by the Workgroup on the Continuity of Court Operations and Proceedings During and After COVID-19 may conduct remote civil jury trials pursuant to the requirements established by the workgroup. If any portion of those trials will be conducted in person, such conduct must be consistent with Section III.F.

C. Juror Excusals and Postponements. For purposes of limiting in-person contact to mitigate the spread of COVID-19 and of addressing hardships related to the pandemic, each chief judge of a judicial circuit shall direct the clerks of court to create a process that will enable the automatic:

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8. This measure initially went into effect on March 16, 2020. (AOSC20-13).

(1) Excusal of a potential juror who indicates, subject to penalty of perjury, that he or she:

- Does not meet the court's Phase 2 screening requirements for courthouse entry as established in the circuit's operational plan;
- Is a person at higher risk for severe illness due to COVID-19 infection as identified by the Centers for Disease Control and Prevention and requests to be excused;
- Must care for a child or relative whose regular care provider is closed or unavailable for reasons related to COVID-19; or
- Is receiving leave pursuant to the Families First Coronavirus Response Act.

(2) Postponement of the service of a potential juror for up to six months because the potential juror indicates, subject to penalty of perjury, that he or she:

- Has recently returned to work after being unemployed due to COVID-19; or
- Has suffered a financial or personal loss due to COVID-19 that makes it a hardship to perform jury service.[9]

9. Postponements are subject to the six-month statutory maximum specified in section 40.23(2), Florida Statutes. If granting a postponement based on one or both of these reasons would exceed the statutory maximum because of a previous

D. Essential and Critical Trial Court Proceedings.[10] Essential and critical trial court proceedings should continue to be conducted remotely or, if necessary, in person.

(1) All circuit and county courts shall continue to perform essential court proceedings, including but not limited to: first appearance; criminal arraignments; hearings on motions to set or modify monetary bail for individuals who are in custody; juvenile dependency shelter hearings; juvenile delinquency detention hearings; hearings on petitions for injunctions relating to safety of an individual; hearings on petitions for risk protection orders; hearings on petitions for the appointment of an emergency temporary guardian; hearings to determine whether an individual should be involuntarily committed under the Baker Act or the Marchman Act; and hearings on petitions for extraordinary writs as necessary to protect constitutional rights.

(2) In addition to essential proceedings, all circuit and county courts shall perform, as necessary and applicable, critical proceedings related to the state of emergency or the public health emergency, including but not limited

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postponement granted to a potential juror, the chief judge or the presiding judge is encouraged to consider whether to grant an excusal based on either reason.

10. These measures initially went into effect on March 17, 2020. (AOSC20-15).

to proceedings related to: violation of quarantine or isolation; violation of orders to limit travel; violation of orders to close public or private buildings; and enforcement of curfew orders.

(3) It is recognized that certain essential or critical trial court proceedings in some jurisdictions may in extraordinary, limited circumstances be unavoidably delayed due to the exigencies of the ongoing emergency. When this occurs, chief judges are required to take all steps feasible to minimize the delay.

(4) In conducting essential proceedings and proceedings critical to the state of emergency or the public health emergency, circuit and county courts shall employ all methods feasible to minimize risk of COVID-19 exposure to individuals involved in the proceedings or the general public.

E. Other Trial Court Proceedings.[11] Trial court proceedings that are not designated as essential or critical trial court proceedings under Section III.D. shall be conducted as follows. All in-person conduct of such proceedings must be consistent with Section III.F.

11. A measure related to these proceedings initially went into effect on March 17, 2020. (AOSC20-15).

(1) Statewide grand jury selection and proceedings shall be conducted remotely or in person after the suspension of these proceedings ends pursuant to Section III.A.

(2) Grand jury selection and proceedings, other than statewide grand jury selection and proceedings; civil jury selection and trials; and criminal jury selection and trials shall be conducted in person after the suspension of these proceedings ends pursuant to Section III.A.

(3) Non-jury trials in:

- Criminal cases shall be conducted remotely if the parties agree to such conduct or, if not, shall be conducted in person.
- Termination of parental rights and juvenile delinquency cases shall be conducted remotely if ordered by the chief judge or the presiding judge or, if not, shall be conducted in person.

(4) All other trial court proceedings shall be conducted remotely unless a judge determines that one of the following exceptions applies, in which case the proceeding shall be conducted in person:

- Remote conduct of the proceeding is inconsistent with the United States or Florida Constitution, a statute, or a rule of court that has not been suspended by administrative order; or

- Remote conduct of the proceeding would be infeasible because the court, the clerk, or other participant in a proceeding lacks the technological resources necessary to conduct the proceeding or, for reasons directly related to the state of emergency or the public health emergency, lacks the staff resources necessary to conduct the proceeding.

Chief judges shall take all necessary steps to ensure that the above-listed proceedings are conducted to the fullest extent possible, consistent with the guidance established in this section.

F. Limits on In-person Conduct of Other Trial Court Proceedings.[12] Other trial court proceedings identified under Section III.E. may be conducted in-person only if the chief judge of a judicial circuit has determined that the circuit or a county within the circuit has transitioned to Phase 2 pursuant to Fla. Admin. Order No. AOSC20-32, Amendment 1, and the proceeding is conducted in a manner that is consistent with the circuit's operational plan.

12. This measure initially went into effect on March 17, 2020. (AOSC20-15).

IV. SUSPENSION OF TIME PERIODS IN CERTAIN RULES OF CRIMINAL PROCEDURE

A. Speedy Trial.[13] All time periods involving the speedy trial procedure in criminal and juvenile court proceedings shall remain suspended until 90 days after the Chief Justice has approved the certification of a chief judge of a judicial circuit that the circuit or a county within the circuit has transitioned to Phase 3, the benchmarks for which are currently under development as indicated in Fla. Admin. Order No. AOSC20-32, Amendment 1. This suspension shall be applied in the manner described in *Sullivan v. State*, 913 So. 2d 762 (Fla. 5th DCA 2005), and *State v. Hernandez*, 617 So. 2d 1103 (Fla. 3rd DCA 1993). The suspension of time limits under the speedy trial procedure restores additional days equal to the number stated in the previous orders and this order. Additionally, when the time periods involving the speedy trial procedure in criminal and juvenile court proceedings are no longer suspended in a circuit or county within a circuit, each of the 10-day time periods in Fla. R. Crim. P. 3.191(p)(3) and Fla. R. Juv. P. 8.090(m)(3) shall be increased to 30 days until such time as the circuit or county within a circuit has transitioned to Phase 4.

13. This measure initially went into effect at the close of business on March 13, 2020. (AOSC20-13 and AOSC20-17).

B. Persons Arrested for First Degree Murder.[14] With regard to persons arrested for first degree murder, all time periods under Florida Rules of Criminal Procedure 3.133(b) and 3.134 shall remain suspended until such time as grand jury proceedings are resumed pursuant to Section III.A. The suspension of the time limits of Florida Rules of Criminal Procedure 3.133(b) and 3.134 restores additional days equal to the number stated in the previous orders and this order.

C. Incompetence to Proceed.[15] Where exigencies make it impossible to meet the 20-day time period in Florida Rule of Criminal Procedure 3.210(b), chief judges of the circuit courts remain authorized to direct judges to hold competency hearings as soon as feasible after the date of filing a motion to determine competency. Chief judges also remain authorized to allow experts and attorneys to conduct and attend competency evaluations by remote means, if feasible.

V. DEFENDANTS ARRESTED ON WARRANT OR CAPIAS FROM ANOTHER FLORIDA JURISDICTION[16]

To mitigate the health risks associated with the incarceration and transportation of defendants during the pandemic, when a defendant is arrested on a warrant or capias from another Florida jurisdiction, chief judges of the circuit

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14. This measure initially went into effect at the close of business on March 13, 2020. (AOSC20-17).

15. This measure initially went into effect on March 24, 2020. (AOSC20-17).

16. These measures initially took effect on March 24, 2020. (AOSC20-17).

courts remain encouraged to facilitate communication between the circuit or county where the case originated ("home court") and the circuit or county where the defendant is incarcerated ("holding court"), for the handling of matters on a temporary basis, as follows:

A. Pretrial Release and First Appearance Hearings. Chief judges remain authorized to direct judges conducting pretrial release and first appearance hearings to address detention and monetary bond or other conditions of pretrial release in the county of arrest, regardless of whether the case is transferred, rather than requiring transport of the defendant to the county where any warrant or capias originated.

For capiases and violation of probation warrants, before setting monetary bond or other conditions of pretrial release, the first appearance judge, in order to make a proper decision regarding monetary bond or other conditions of pretrial release, must rely on relevant information from the following individuals in the county that issued the capias or warrant: the issuing judge, defense counsel if any, and the state attorney.

Action taken by the holding court at first appearance and any pretrial release hearing should be promptly reported to the home court and reflected in the record of the case.

Any provision of Florida Rule of Criminal Procedure 3.131 inconsistent with these measures remains suspended.

B. Pleas. Judges remain encouraged to coordinate with prosecutors, attorneys, defendants, and victims in order to utilize section 910.035, Florida Statutes, which allows for pleas of guilty or nolo contendere for persons arrested in counties outside of the county of prosecution, upon the consent of the defendant and the state attorney in the county where the crime was committed.

C. Rights of Parties. In cases that are not handled by a plea or pretrial release such that the defendant will continue to be detained in the jurisdiction of the holding court for an indefinite period of time, chief judges are directed to ensure that the due process rights of the defendant are protected by facilitating the temporary transfer of the case to the holding court, if necessary; by having a judge from the holding court designated by the Chief Justice, or designated by the chief judge if the home and holding court are within the same circuit, as a judge of the home court to handle emergency or other necessary matters in the case; or by other appropriate means.

D. Victims. The constitutional rights of crime victims must also be considered in all cases by the presiding judge.

VI. SPEEDY TRIAL PROCEDURE IN NONCRIMINAL TRAFFIC INFRACTION COURT PROCEEDINGS[17]

All time periods involving the speedy trial procedure in noncriminal traffic infraction court proceedings remain suspended until 60 days after the chief judge of a judicial circuit has determined that the circuit or a county within the circuit has transitioned to Phase 2 pursuant to Fla. Admin. Order No. AOSC20-32, Amendment 1, or 60 days after the effective date of this administrative order, whichever date is later. The suspension of time limits under the speedy trial procedure restores additional days equal to the number stated in the previous orders and this order.

VII. SUSPENSION OF TIME PERIODS IN CERTAIN SMALL CLAIMS RULES

All time periods referenced in Florida Small Claims Rule 7.090(b) that are applicable to the clerk of the court in small claims cases are suspended.

VIII. WRITS OF POSSESSION[18]

The requirement in Florida Rule of Civil Procedure 1.580(a) for the clerk to issue a writ of possession "forthwith" remains suspended through June 30, 2020.

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17. This measure initially took effect on March 13, 2020. (AOSC20-19).
18. This measure initially took effect on March 24, 2020. (AOSC20-17).

IX. FAMILY LAW FORMS[19]

Except as indicated below, the requirement that Florida Family Law Forms be notarized or signed in the presence of a deputy clerk remains suspended, if the filer includes the following statement before the filer's signature:

> Under penalties of perjury, I declare that I have read this document and the facts stated in it are true.

This exception does not apply to Florida Family Law Forms 12.902(f)(1), Marital Settlement Agreement for Dissolution of Marriage with Dependent or Minor Child(ren), 12.902(f)(2), Marital Settlement Agreement for Dissolution of Marriage with Property but No Dependent or Minor Child(ren), 12.902(f)(3), Marital Settlement Agreement for Simplified Dissolution of Marriage, and any other family law form that transfers the ownership of property, which must continue to be notarized or signed in the presence of a deputy clerk prior to filing.

X. VISITATION FOR CHILDREN UNDER THE PROTECTIVE SUPERVISION OF THE FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES (DCF)[20]

Requirements for in-person visitation pursuant to circuit court orders entered under chapter 39, Florida Statutes, remain suspended. This order does not affect

19. This measure initially took effect on March 24, 2020. (AOSC20-17).
20. These measures initially took effect on March 27, 2020. (AOSC20-18).

in-person visitations when all parties and the caregiver agree that the visitation can take place in a manner that does not pose a health threat.

In lieu of in-person visitation, visitation shall be conducted through electronic means with video communication as the preferred means, although telephonic contact is permitted if video communication is not feasible.

The suspension of in-person visitation applies to parent-child visitation, sibling visitation, and visitation between children and other family members and non-relatives.

If a party seeks to reinstate in-person visitation while the suspension of in-person visitation requirements remains in effect, such reinstatement shall be determined on a case-by-case basis by the circuit court with jurisdiction over that party's case. Reinstatement of in-person visitation may be ordered if the court determines that it will not jeopardize the health, safety, and well-being of all children and adults (including caregivers) who will be affected by the in-person visitation.

Nothing in these provisions regarding visitation for children under the protective supervision of the DCF overrides existing circuit administrative orders to the extent that those orders are not in conflict with this order. Circuits may enter additional administrative orders addressing visitation and contact pursuant to

chapter 39, Florida Statutes, to the extent that they are not in conflict with this order.

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Additional orders extending or modifying these measures will be issued as warranted by changing circumstances during the public health emergency.

DONE AND ORDERED at Tallahassee, Florida, on June 16, 2020.

AOSC20-23 A4

Chief Justice Charles T. Canady

AOSC20-23 A4 6/16/2020

ATTEST:

AOSC20-23 A4 6/16/2020

John A. Tomasino, Clerk of Court

AOSC20-23 A4 6/16/2020

AO 20-23(5) | FLORIDA SUPREME COURT

YEAR: 2020

NUMBER: 23

TITLE: IN RE: COMPREHENSIVE COVID-19 EMERGENCY MEASURES FOR THE FLORIDA STATE COURTS ADMINISTRATIVE ORDER

PAGES: 23

AMENDMENT: 5

Supreme Court of Florida

No. AOSC20-23
Amendment 5[1]

IN RE: COMPREHENSIVE COVID-19 EMERGENCY MEASURES FOR THE FLORIDA STATE COURTS

ADMINISTRATIVE ORDER

As a result of the Coronavirus Disease 2019 (COVID-19) pandemic, the State Surgeon General and State Health Officer on March 1, 2020, declared that a

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1. This administrative order is issued to create a new section II.D. (Law School Practice Programs) to address issues relating to remote appearance by law students participating in the programs; create an introductory paragraph for section III. (Court Proceedings); revise section III.A. (Jury Proceedings and Jury Trials) to address in-person conduct and suspensions of statewide grand jury proceedings and make conforming changes based on other revisions in the order; revise section III.B. (Remote Civil Jury Trial Pilot Program) to enable in-person conduct of portions of the trials under certain circumstances; revise section III.C. (Juror Excusals and Postponements), section III.E. (Other Trial Court Proceedings), section III.F. (Limits on In-person Conduct of Other Trial Court Proceedings), and section IV.A. (Speedy Trial) to make conforming changes based on other revisions in the order and to reflect the issuance of Fla. Admin. Order No. AOSC20-32, Amendment 2; revise section IV.B. (Persons Arrested for First Degree Murder) to address the suspension of certain rules of criminal procedure during specified suspensions of grand jury proceedings; revise section VI. (Speedy Trial Procedure in Noncriminal Traffic Infraction Court Proceedings) to continue the suspension of the speedy trial procedure; revise section VII. (Suspension of Time Periods in Certain Small Claims Rules) to specify that the suspension of the time periods will end on a date certain; delete section VIII. (Writs of Possession) and renumber subsequent sections; and create a new section X. (Reversion to a Previous Phase) to address procedures for circumstances wherein a circuit or county must revert to a previous phase of the pandemic.

public health emergency exists in Florida, and the Governor on March 9, 2020, declared a state of emergency for the entire state. The Florida state courts have taken measures to mitigate the effects of this public health emergency upon the judicial branch and its participants. To that end, I have issued several administrative orders implementing temporary measures essential to the administration of justice during the COVID-19 pandemic.[2] The overarching intent of those orders has been to mitigate the impact of COVID-19, while keeping the courts operating to the fullest extent consistent with public safety.

It is the intent of the judicial branch to transition to optimal operations in a manner that protects the public's health and safety during each of the following anticipated phases of the pandemic:

a) Phase 1 – in-person contact is inadvisable, court facilities are effectively closed to the public, and in-person proceedings are rare;

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2. *In re: COVID-19 Emergency Procedures in the Florida State Courts*, Fla. Admin. Order No. AOSC20-13 (March 13, 2020); *In re: COVID-19 Essential and Critical Trial Court Proceedings*, Fla. Admin. Order No. AOSC20-15 (March 17, 2020); *In re: COVID-19 Emergency Procedures for the Administering of Oaths via Remote Audio-Video Communication Equipment*, Fla. Admin. Order No. AOSC20-16 (March 18, 2020); *In re: COVID-19 Emergency Measures in the Florida State Courts*, Fla. Admin. Order No. AOSC20-17 (March 24, 2020); *In re: COVID-19 Emergency Procedures in Relation to Visitation for Children Under the Protective Supervision of the Department of Children and Families*, Fla. Admin. Order No. AOSC20-18 (March 27, 2020); and *In re: COVID-19 Emergency Procedures for Speedy Trial in Noncriminal Traffic Infraction Court Proceedings*, Fla. Admin Order No. AOSC20-19 (March 30, 2020).

b) Phase 2 – limited in-person contact is authorized for certain purposes and/or requires use of protective measures;

c) Phase 3 – in-person contact is more broadly authorized and protective measures are relaxed; and

d) Phase 4 – COVID-19 no longer presents a significant risk to public health and safety.

This order extends, refines, and strengthens previously enacted temporary remedial measures. The measures shall remain in effect until *In re: COVID-19 Public Health and Safety Precautions for Operational Phase Transitions* , Fla. Admin. Order No. AOSC20-32, Amendment 2 (July 2, 2020), is amended or terminated or unless a different end date is indicated herein, or as may be provided by subsequent order.

Under the administrative authority conferred upon me by article V, section 2(b) of the Florida Constitution and by Florida Rules of Judicial Administration 2.205(a)(2)(B)(iv) and 2.205(a)(2)(B)(v),

IT IS ORDERED that:

I. GUIDING PRINCIPLES

A. The presiding judge in all cases must consider the constitutional rights of crime victims and criminal defendants and the public's constitutional right of access to the courts.

B. To maintain judicial workflow to the maximum extent feasible, chief judges are directed to take all necessary steps to facilitate the remote conduct of proceedings with the use of technology. For purposes of this administrative order, "remote conduct" or "conducted remotely" means the conduct, in part or in whole, of a court proceeding using telephonic or other electronic means.

C. Nothing in this order is intended to limit a chief judge's authority to conduct court business or to approve additional court proceedings or events that are required in the interest of justice, if doing so is consistent with this administrative order and protecting the health of the participants and the public.

D. Judges and court personnel who can effectively conduct court and judicial branch business from a remote location shall do so. Participants who have the capability of participating by electronic means in remote court proceedings shall do so.

II. USE OF TECHNOLOGY

A. All rules of procedure, court orders, and opinions applicable to court proceedings that limit or prohibit the use of communication equipment for the remote conduct of proceedings shall remain suspended.[3]

3. This measure initially went into effect at the close of business on March 13, 2020. (AOSC20-13).

B. The chief judge of each district court of appeal and each judicial circuit remains authorized to establish procedures for the use, to the maximum extent feasible, of communication equipment for the remote conduct of proceedings, as are necessary in their respective district or circuit due to the public health emergency.[4]

C. Administering of Oaths

(1) Notaries and other persons qualified to administer an oath in the State of Florida may swear a witness remotely by audio-video communication technology from a location within the State of Florida, provided they can positively identify the witness.[5]

(2) If a witness is not located within the State of Florida, a witness may consent to being put on oath via audio-video communication technology by a person qualified to administer an oath in the State of Florida.[6]

(3) All rules of procedure, court orders, and opinions applicable to remote testimony, depositions, and other legal testimony, including the attestation of family law forms, that can be read to limit or prohibit the use

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4. This measure initially went into effect on Friday, March 13, 2020. (AOSC20-13).

5. This measure initially went into effect on March 18, 2020. (AOSC20-16)

6. This measure initially went into effect on March 18, 2020. (AOSC20-16)

of audio-video communications equipment to administer oaths remotely or to witness the attestation of family law forms shall remain suspended.[7]

(4) Notaries and other persons qualified to administer an oath in the State of Florida may swear in new attorneys to The Florida Bar remotely by audio-video communication technology from a location within the State of Florida, provided they can positively identify the new attorney.

(5) For purposes of the provisions regarding the administering of oaths, the term "positively identify" means that the notary or other qualified person can both see and hear the witness or new attorney via audio-video communications equipment for purposes of readily identifying the witness or new attorney.

D. Law School Practice Programs.

(1) A supervising attorney in a law school practice program, under Rule 11-1.2(b) of the Rules Regulating the Florida Bar, may utilize audio-video communication technology to remotely supervise the law student in satisfaction of the requirement that the supervising attorney be physically present. The supervising attorney and law student must maintain a separate, confidential communication channel during the proceedings.

7. This measure initially went into effect on March 18, 2020. (AOSC20-16)

(2) In a law school practice program, the requirement in Rule 11-1.2(b) of the Rules Regulating the Florida Bar that an indigent person and the supervising attorney must consent in writing to representation by a supervised law student may be satisfied by the judge receiving the consent verbally under oath.

III. COURT PROCEEDINGS

The following provisions govern the conduct of court proceedings, except as modified by Section X., addressing reversions to a previous phase by a circuit or a county within the circuit.

A. Jury Proceedings and Jury Trials.

(1) Statewide grand jury proceedings shall remain suspended through July 26, 2020.

a. After the suspension ends, the proceedings shall be conducted remotely or, if one of the following criteria is satisfied, may be conducted in person:

- The presiding judge for the statewide grand jury, under consultation with the county health department or local health expert, determines that the in-person proceeding can be conducted in a manner that protects the health and safety of all participants if the circuit is in or has reverted to Phase 1; or
- The circuit has transitioned to Phase 2 or Phase 3 pursuant to Fla. Admin. Order No. AOSC20-32, Amendment 2, and the proceeding is

conducted in a manner that is consistent with the circuit's operational plan.

b. If the presiding judge for the statewide grand jury determines that the proceedings of the statewide grand jury cannot proceed remotely or in person in Phase 1, the presiding judge may issue a local administrative order suspending the proceedings for a specified period of time not to exceed 30 days after the circuit returns to Phase 2.

(2) Non-statewide grand jury selection and proceedings, civil jury selection and trial proceedings, and criminal jury selection and trial proceedings shall remain suspended until 30 days after the chief judge of a judicial circuit has determined that the circuit or a county within the circuit has transitioned to Phase 2 pursuant to Fla. Admin. Order No. AOSC20-32, Amendment 2.[8]

(3) Additional days equal to the number of days for which grand jury proceedings are suspended shall be restored to the term of the impaneled statewide grand jury or other impaneled grand jury; however, the number of days restored may not exceed the number of days the impaneled grand jury had remaining in its term when the suspension began.

B. Remote Civil Jury Trial Pilot Program. A pilot project to identify and evaluate issues relating to the conduct of a civil jury trial through remote means

8. This measure initially went into effect on March 16, 2020. (AOSC20-13).

has been authorized through *In re: Remote Civil Jury Trial Pilot Program*, Fla. Admin. Order No. AOSC20-31, Amendment 1 (June 8, 2020). Notwithstanding any other provision in this administrative order, judicial circuits selected to participate in the program by the Workgroup on the Continuity of Court Operations and Proceedings During and After COVID-19 may conduct remote civil jury trials pursuant to the requirements established by the workgroup. To conduct any portion of those trials in person:

(1) The chief judge, under consultation with the county health department or local health expert, must determine that the in-person proceeding can be conducted in a manner that protects the health and safety of all participants if the circuit or a county within the circuit is in or has reverted to Phase 1; or

(2) The circuit or a county within the circuit must have transitioned to Phase 2 or Phase 3 pursuant to Fla. Admin. Order No. AOSC20-32, Amendment 2, and the proceeding must be conducted in a manner that is consistent with the circuit's operational plan.

C. Juror Excusals and Postponements. For purposes of limiting in-person contact to mitigate the spread of COVID-19 and of addressing hardships related to the pandemic, each chief judge of a judicial circuit shall direct the clerks of court to create a process that will enable the automatic:

(1) Excusal of a potential juror who indicates, subject to penalty of perjury, that he or she:

a. Does not meet the court's Phase 2 or Phase 3 screening requirements for courthouse entry as established in the circuit's operational plan;

b. Is a person at higher risk for severe illness due to COVID-19 infection as identified by the Centers for Disease Control and Prevention and requests to be excused;

c. Must care for a child or relative whose regular care provider is closed or unavailable for reasons related to COVID-19; or

d. Is receiving leave pursuant to the Families First Coronavirus Response Act.

(2) Postponement of the service of a potential juror for up to six months because the potential juror indicates, subject to penalty of perjury, that he or she:

a. Has recently returned to work after being unemployed due to COVID-19; or

b. Has suffered a financial or personal loss due to COVID-19 that makes it a hardship to perform jury service.[9]

D. Essential and Critical Trial Court Proceedings.[10] Essential and critical trial court proceedings should continue to be conducted remotely or, if necessary, in person.

(1) All circuit and county courts shall continue to perform essential court proceedings, including but not limited to: first appearance; criminal arraignments; hearings on motions to set or modify monetary bail for individuals who are in custody; juvenile dependency shelter hearings; juvenile delinquency detention hearings; hearings on petitions for injunctions relating to safety of an individual; hearings on petitions for risk protection orders; hearings on petitions for the appointment of an emergency temporary guardian; hearings to determine whether an individual should be involuntarily committed under the Baker Act or the Marchman Act; and hearings on petitions for extraordinary writs as necessary to protect constitutional rights.

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9. Postponements are subject to the six-month statutory maximum specified in section 40.23(2), Florida Statutes. If granting a postponement based on one or both of these reasons would exceed the statutory maximum because of a previous postponement granted to a potential juror, the chief judge or the presiding judge is encouraged to consider whether to grant an excusal based on either reason.

10. These measures initially went into effect on March 17, 2020. (AOSC20-15).

(2) In addition to essential proceedings, all circuit and county courts shall perform, as necessary and applicable, critical proceedings related to the state of emergency or the public health emergency, including but not limited to proceedings related to: violation of quarantine or isolation; violation of orders to limit travel; violation of orders to close public or private buildings; and enforcement of curfew orders.

(3) It is recognized that certain essential or critical trial court proceedings in some jurisdictions may in extraordinary, limited circumstances be unavoidably delayed due to the exigencies of the ongoing emergency. When this occurs, chief judges are required to take all steps feasible to minimize the delay.

(4) In conducting essential proceedings and proceedings critical to the state of emergency or the public health emergency, circuit and county courts shall employ all methods feasible to minimize risk of COVID-19 exposure to individuals involved in the proceedings or the general public.

E. Other Trial Court Proceedings.[11] Trial court proceedings that are not addressed under Section III.A. or III.D. shall be conducted as follows. All in-person conduct of such proceedings must be consistent with Section III.F.

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11. A measure related to these proceedings initially went into effect on March 17, 2020. (AOSC20-15).

(1) Non-statewide grand jury selection and proceedings, civil jury selection and trial proceedings, and criminal jury selection and trial proceedings shall be conducted in person after the suspension of these proceedings ends pursuant to Section III.A.

(2) Non-jury trials in:

a. Criminal cases shall be conducted remotely if the parties agree to such conduct or, if not, shall be conducted in person.

b. Termination of parental rights and juvenile delinquency cases shall be conducted remotely if ordered by the chief judge or the presiding judge or, if not, shall be conducted in person.

(3) All other trial court proceedings shall be conducted remotely unless a judge determines that one of the following exceptions applies, in which case the proceeding shall be conducted in person:

a. Remote conduct of the proceeding is inconsistent with the United States or Florida Constitution, a statute, or a rule of court that has not been suspended by administrative order; or

b. Remote conduct of the proceeding would be infeasible because the court, the clerk, or other participant in a proceeding lacks the technological resources necessary to conduct the proceeding or, for reasons directly related to the state of emergency or the

public health emergency, lacks the staff resources necessary to conduct the proceeding.

Chief judges shall take all necessary steps to ensure that the above-listed proceedings are conducted to the fullest extent possible, consistent with the guidance established in this section.

F. Limits on In-person Conduct of Other Trial Court Proceedings.[12] Other trial court proceedings identified under Section III.E. may be conducted in-person only if the circuit or a county within the circuit has transitioned to Phase 2 or Phase 3 pursuant to Fla. Admin. Order No. AOSC20-32, Amendment 2, and the proceeding is conducted in a manner that is consistent with the circuit's operational plan.

IV. SUSPENSION OF TIME PERIODS IN CERTAIN RULES OF CRIMINAL PROCEDURE

A. Speedy Trial.[13]

(1) All time periods involving the speedy trial procedure in criminal and juvenile court proceedings shall remain suspended until 90 days after the Chief Justice has approved the certification of a chief judge of a judicial circuit that the

12. This measure initially went into effect on March 17, 2020. (AOSC20-15).

13. This measure initially went into effect at the close of business on March 13, 2020. (AOSC20-13 and AOSC20-17).

circuit or a county within the circuit has transitioned to Phase 3 pursuant to Fla. Admin. Order No. AOSC20-32, Amendment 2.

(2) This suspension shall be applied in the manner described in *Sullivan v. State*, 913 So. 2d 762 (Fla. 5th DCA 2005), and *State v. Hernandez*, 617 So. 2d 1103 (Fla. 3rd DCA 1993). The suspension of time limits under the speedy trial procedure restores additional days equal to the number stated in the previous orders and this order. Additionally, when the time periods involving the speedy trial procedure in criminal and juvenile court proceedings are no longer suspended in a circuit or county within a circuit, each of the 10-day time periods in Fla. R. Crim. P. 3.191(p)(3) and Fla. R. Juv. P. 8.090(m)(3) shall be increased to 30 days until such time as the circuit or county within a circuit has transitioned to Phase 4.

B. Persons Arrested for First Degree Murder.[14] With regard to persons arrested for first degree murder, all time periods under Florida Rules of Criminal Procedure 3.133(b) and 3.134 shall:

(1) Remain suspended until such time as grand jury proceedings are resumed pursuant to Section III.A. The suspension of the time limits of Florida Rules of Criminal Procedure 3.133(b) and 3.134 restores additional days equal to the number stated in the previous orders and this order.

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14. This measure initially went into effect at the close of business on March 13, 2020. (AOSC20-17).

(2) Be suspended during any period of time in which grand jury proceedings are suspended under Section III.A.(1)b. or X.B. The suspension of the time limits of Florida Rules of Criminal Procedure 3.133(b) and 3.134 restores additional days equal to the number of days of the suspension under Section III.A.(1)b. or X.B.

C. Incompetence to Proceed.[15] Where exigencies make it impossible to meet the 20-day time period in Florida Rule of Criminal Procedure 3.210(b), chief judges of the circuit courts remain authorized to direct judges to hold competency hearings as soon as feasible after the date of filing a motion to determine competency. Chief judges also remain authorized to allow experts and attorneys to conduct and attend competency evaluations by remote means, if feasible.

V. DEFENDANTS ARRESTED ON WARRANT OR CAPIAS FROM ANOTHER FLORIDA JURISDICTION[16]

To mitigate the health risks associated with the incarceration and transportation of defendants during the pandemic, when a defendant is arrested on a warrant or capias from another Florida jurisdiction, chief judges of the circuit courts remain encouraged to facilitate communication between the circuit or county where the case originated ("home court") and the circuit or county where

15. This measure initially went into effect on March 24, 2020. (AOSC20-17).

16. These measures initially took effect on March 24, 2020. (AOSC20-17).

the defendant is incarcerated ("holding court"), for the handling of matters on a temporary basis, as follows:

A. Pretrial Release and First Appearance Hearings. Chief judges remain authorized to direct judges conducting pretrial release and first appearance hearings to address detention and monetary bond or other conditions of pretrial release in the county of arrest, regardless of whether the case is transferred, rather than requiring transport of the defendant to the county where any warrant or capias originated.

For capiases and violation of probation warrants, before setting monetary bond or other conditions of pretrial release, the first appearance judge, in order to make a proper decision regarding monetary bond or other conditions of pretrial release, must rely on relevant information from the following individuals in the county that issued the capias or warrant: the issuing judge, defense counsel if any, and the state attorney.

Action taken by the holding court at first appearance and any pretrial release hearing should be promptly reported to the home court and reflected in the record of the case.

Any provision of Florida Rule of Criminal Procedure 3.131 inconsistent with these measures remains suspended.

B. Pleas. Judges remain encouraged to coordinate with prosecutors, attorneys, defendants, and victims in order to utilize section 910.035, Florida Statutes, which allows for pleas of guilty or nolo contendere for persons arrested in counties outside of the county of prosecution, upon the consent of the defendant and the state attorney in the county where the crime was committed.

C. Rights of Parties. In cases that are not handled by a plea or pretrial release such that the defendant will continue to be detained in the jurisdiction of the holding court for an indefinite period of time, chief judges are directed to ensure that the due process rights of the defendant are protected by facilitating the temporary transfer of the case to the holding court, if necessary; by having a judge from the holding court designated by the Chief Justice, or designated by the chief judge if the home and holding court are within the same circuit, as a judge of the home court to handle emergency or other necessary matters in the case; or by other appropriate means.

D. Victims. The constitutional rights of crime victims must also be considered in all cases by the presiding judge.

VI. SPEEDY TRIAL PROCEDURE IN NONCRIMINAL TRAFFIC INFRACTION COURT PROCEEDINGS[17]

All time periods involving the speedy trial procedure in noncriminal traffic infraction court proceedings remain suspended. The suspension of time limits under the speedy trial procedure restores additional days equal to the number stated in the previous orders and this order.

VII. SUSPENSION OF TIME PERIODS IN CERTAIN SMALL CLAIMS RULES

All time periods referenced in Florida Small Claims Rule 7.090(b) that are applicable to the clerk of the court in small claims cases are suspended through October 30, 2020.

VIII. FAMILY LAW FORMS[18]

Except as indicated below, the requirement that Florida Family Law Forms be notarized or signed in the presence of a deputy clerk remains suspended, if the filer includes the following statement before the filer's signature:

> Under penalties of perjury, I declare that I have read this document and the facts stated in it are true.

This exception does not apply to Florida Family Law Forms 12.902(f)(1), Marital Settlement Agreement for Dissolution of Marriage with Dependent or Minor Child(ren), 12.902(f)(2), Marital Settlement Agreement for Dissolution of

17. This measure initially took effect on March 13, 2020. (AOSC20-19).
18. This measure initially took effect on March 24, 2020. (AOSC20-17).

Marriage with Property but No Dependent or Minor Child(ren), 12.902(f)(3), Marital Settlement Agreement for Simplified Dissolution of Marriage, and any other family law form that transfers the ownership of property, which must continue to be notarized or signed in the presence of a deputy clerk prior to filing.

IX. VISITATION FOR CHILDREN UNDER THE PROTECTIVE SUPERVISION OF THE FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES (DCF)[19]

Requirements for in-person visitation pursuant to circuit court orders entered under chapter 39, Florida Statutes, remain suspended. This order does not affect in-person visitations when all parties and the caregiver agree that the visitation can take place in a manner that does not pose a health threat.

In lieu of in-person visitation, visitation shall be conducted through electronic means with video communication as the preferred means, although telephonic contact is permitted if video communication is not feasible.

The suspension of in-person visitation applies to parent-child visitation, sibling visitation, and visitation between children and other family members and non-relatives.

If a party seeks to reinstate in-person visitation while the suspension of in-person visitation requirements remains in effect, such reinstatement shall be

19. These measures initially took effect on March 27, 2020. (AOSC20-18).

determined on a case-by-case basis by the circuit court with jurisdiction over that party's case. Reinstatement of in-person visitation may be ordered if the court determines that it will not jeopardize the health, safety, and well-being of all children and adults (including caregivers) who will be affected by the in-person visitation.

Nothing in these provisions regarding visitation for children under the protective supervision of the DCF overrides existing circuit administrative orders to the extent that those orders are not in conflict with this order. Circuits may enter additional administrative orders addressing visitation and contact pursuant to chapter 39, Florida Statutes, to the extent that they are not in conflict with this order.

X. REVERSION TO A PREVIOUS PHASE

If a circuit or a county within the circuit reverts to a previous phase, as addressed in Fla. Admin. Order No. AOSC20-32, Amendment 2, the following provisions govern.

A. Certain Jury Proceedings and Jury Trials. If a circuit or a county within the circuit reverts to Phase 1, juror selection and proceedings for a non-statewide grand jury and juror selection and trial proceedings for a civil or criminal case that:

(1) Were not commenced before the reversion are suspended until the circuit or county returns to Phase 2, at which time such proceedings may be commenced in person in a manner consistent with the circuit's operational plan.

(2) Were commenced before the reversion may proceed to completion in person if the chief judge determines that completion of the proceeding without delay is required by the interests of justice and determines, under consultation with the county health department or local health expert, that the in-person proceeding can be conducted in a manner that protects the health and safety of all participants. The requirements of the double jeopardy clause must be considered in criminal proceedings.

B. Suspension of Impaneled Non-statewide Grand Jury. If the chief judge determines that the proceedings of an impaneled non-statewide grand jury cannot continue in Phase 1, the chief judge may issue a local administrative order suspending the proceedings for a specified period of time not to exceed 30 days after the circuit or county within the circuit returns to Phase 2. The provisions of Section III.A.(3) apply with respect to the restoration of time to the term of the impaneled non-statewide grand jury during such suspension.

C. Speedy Trial. If a circuit or a county within the circuit reverts from Phase 3 to Phase 1 or Phase 2, all time periods involving the speedy trial procedure in criminal and juvenile court proceedings are suspended until 90 days after the Chief

Justice has approved the recertification of a chief judge of a judicial circuit that the circuit or county within the circuit has again transitioned to Phase 3 pursuant to Fla. Admin. Order No. AOSC20-32, Amendment 2. The provisions of Section IV.A.(2) apply except that the suspension of time limits under this section restores additional days equal to the number of days of the suspension under this section.

* * *

Additional orders extending or modifying these measures will be issued as warranted by changing circumstances during the public health emergency.

DONE AND ORDERED at Tallahassee, Florida, on July 2, 2020.

AOSC20-23

Chief Justice Charles T. Canady

AOSC20-23 Amendment 5 7/2/2020

ATTEST:

AOSC20-23 Amendment 5 7/2/2020

John A. Tomasino, Clerk of Court

AOSC20-23 Amendment 5 7/2/2020

AO 20-23(6) | FLORIDA SUPREME COURT

YEAR: 2020

NUMBER: 23

TITLE: IN RE: COMPREHENSIVE COVID-19 EMERGENCY MEASURES FOR THE FLORIDA STATE COURTS ADMINISTRATIVE ORDER

PAGES: 23

AMENDMENT: 6

Supreme Court of Florida

No. AOSC20-23
Amendment 6[1]

IN RE: COMPREHENSIVE COVID-19 EMERGENCY MEASURES FOR THE FLORIDA STATE COURTS

ADMINISTRATIVE ORDER

As a result of the Coronavirus Disease 2019 (COVID-19) pandemic, the State Surgeon General and State Health Officer on March 1, 2020, declared that a public health emergency exists in Florida, and the Governor on March 9, 2020, declared a state of emergency for the entire state. The Florida state courts have taken measures to mitigate the effects of this public health emergency upon the judicial branch and its participants. To that end, I have issued several administrative orders implementing temporary measures essential to the administration of justice during the COVID-19 pandemic.[2] The overarching intent

1. This administrative order is issued to update cross-references to Fla. Admin. Order No. AOSC20-32, as amended, and to the administrative authority for this order; to clarify when the order terminates; and to conform terminology in Section X.C. (Reversion to a Previous Phase; Speedy Trial) to terminology used in Fla. Admin. Order No. AOSC20-32, as amended.

2. *In re: COVID-19 Emergency Procedures in the Florida State Courts*, Fla. Admin. Order No. AOSC20-13 (March 13, 2020); *In re: COVID-19 Essential and Critical Trial Court Proceedings*, Fla. Admin. Order No. AOSC20-15 (March 17, 2020); *In re: COVID-19 Emergency Procedures for the Administering of Oaths via Remote Audio-Video Communication Equipment*, Fla. Admin. Order No. AOSC20-

of those orders has been to mitigate the impact of COVID-19, while keeping the courts operating to the fullest extent consistent with public safety.

It is the intent of the judicial branch to transition to optimal operations in a manner that protects the public's health and safety during each of the following anticipated phases of the pandemic:

a) Phase 1 – in-person contact is inadvisable, court facilities are effectively closed to the public, and in-person proceedings are rare;

b) Phase 2 – limited in-person contact is authorized for certain purposes and/or requires use of protective measures;

c) Phase 3 – in-person contact is more broadly authorized and protective measures are relaxed; and

d) Phase 4 – COVID-19 no longer presents a significant risk to public health and safety.

This order extends, refines, and strengthens previously enacted temporary remedial measures. The measures shall remain in effect until *In re: COVID-19*

16 (March 18, 2020); *In re: COVID-19 Emergency Measures in the Florida State Courts*, Fla. Admin. Order No. AOSC20-17 (March 24, 2020); *In re: COVID-19 Emergency Procedures in Relation to Visitation for Children Under the Protective Supervision of the Department of Children and Families*, Fla. Admin. Order No. AOSC20-18 (March 27, 2020); and *In re: COVID-19 Emergency Procedures for Speedy Trial in Noncriminal Traffic Infraction Court Proceedings*, Fla. Admin Order No. AOSC20-19 (March 30, 2020).

Public Health and Safety Precautions for Operational Phase Transitions, Fla. Admin. Order No. AOSC20-32, as amended, is terminated or as may be provided by subsequent order.

Under the administrative authority conferred upon me by article V, section 2(b) of the Florida Constitution, by Florida Rules of Judicial Administration 2.205(a)(2)(B)(iv) and 2.205(a)(2)(B)(v), and by Rule Regulating the Florida Bar 1-12.1(j),

IT IS ORDERED that:

I. GUIDING PRINCIPLES

A. The presiding judge in all cases must consider the constitutional rights of crime victims and criminal defendants and the public's constitutional right of access to the courts.

B. To maintain judicial workflow to the maximum extent feasible, chief judges are directed to take all necessary steps to facilitate the remote conduct of proceedings with the use of technology. For purposes of this administrative order, "remote conduct" or "conducted remotely" means the conduct, in part or in whole, of a court proceeding using telephonic or other electronic means.

C. Nothing in this order is intended to limit a chief judge's authority to conduct court business or to approve additional court proceedings or events that

are required in the interest of justice, if doing so is consistent with this administrative order and protecting the health of the participants and the public.

D. Judges and court personnel who can effectively conduct court and judicial branch business from a remote location shall do so. Participants who have the capability of participating by electronic means in remote court proceedings shall do so.

II. USE OF TECHNOLOGY

A. All rules of procedure, court orders, and opinions applicable to court proceedings that limit or prohibit the use of communication equipment for the remote conduct of proceedings shall remain suspended.[3]

B. The chief judge of each district court of appeal and each judicial circuit remains authorized to establish procedures for the use, to the maximum extent feasible, of communication equipment for the remote conduct of proceedings, as are necessary in their respective district or circuit due to the public health emergency.[4]

C. Administering of Oaths

(1) Notaries and other persons qualified to administer an oath in the

3. This measure initially went into effect at the close of business on March 13, 2020. (AOSC20-13).

4. This measure initially went into effect on Friday, March 13, 2020. (AOSC20-13).

State of Florida may swear a witness remotely by audio-video communication technology from a location within the State of Florida, provided they can positively identify the witness.[5]

(2) If a witness is not located within the State of Florida, a witness may consent to being put on oath via audio-video communication technology by a person qualified to administer an oath in the State of Florida.[6]

(3) All rules of procedure, court orders, and opinions applicable to remote testimony, depositions, and other legal testimony, including the attestation of family law forms, that can be read to limit or prohibit the use of audio-video communications equipment to administer oaths remotely or to witness the attestation of family law forms shall remain suspended.[7]

(4) Notaries and other persons qualified to administer an oath in the State of Florida may swear in new attorneys to The Florida Bar remotely by audio-video communication technology from a location within the State of Florida, provided they can positively identify the new attorney.

(5) For purposes of the provisions regarding the administering of oaths, the term "positively identify" means that the notary or other qualified

5. This measure initially went into effect on March 18, 2020. (AOSC20-16).
6. This measure initially went into effect on March 18, 2020. (AOSC20-16).
7. This measure initially went into effect on March 18, 2020. (AOSC20-16).

person can both see and hear the witness or new attorney via audio-video communications equipment for purposes of readily identifying the witness or new attorney.

D. Law School Practice Programs.

(1) A supervising attorney in a law school practice program, under Rule 11-1.2(b) of the Rules Regulating the Florida Bar, may utilize audio-video communication technology to remotely supervise the law student in satisfaction of the requirement that the supervising attorney be physically present. The supervising attorney and law student must maintain a separate, confidential communication channel during the proceedings.

(2) In a law school practice program, the requirement in Rule 11-1.2(b) of the Rules Regulating the Florida Bar that an indigent person and the supervising attorney must consent in writing to representation by a supervised law student may be satisfied by the judge receiving the consent verbally under oath.

III. COURT PROCEEDINGS

The following provisions govern the conduct of court proceedings, except as modified by Section X., addressing reversions to a previous phase by a circuit or a county within the circuit.

A. Jury Proceedings and Jury Trials.

(1) Statewide grand jury proceedings shall remain suspended through July 26, 2020.

a. After the suspension ends, the proceedings shall be conducted remotely or, if one of the following criteria is satisfied, may be conducted in person:

- The presiding judge for the statewide grand jury, under consultation with the county health department or local health expert, determines that the in-person proceeding can be conducted in a manner that protects the health and safety of all participants if the circuit is in or has reverted to Phase 1; or
- The circuit has transitioned to Phase 2 or Phase 3 pursuant to Fla. Admin. Order No. AOSC20-32, as amended, and the proceeding is conducted in a manner that is consistent with the circuit's operational plan.

b. If the presiding judge for the statewide grand jury determines that the proceedings of the statewide grand jury cannot proceed remotely or in person in Phase 1, the presiding judge may issue a local administrative order suspending the proceedings for a specified period of time not to exceed 30 days after the circuit returns to Phase 2.

(2) Non-statewide grand jury selection and proceedings, civil jury selection and trial proceedings, and criminal jury selection and trial proceedings shall remain suspended until 30 days after the chief judge of a judicial circuit has determined that the circuit or a county within the circuit has transitioned to Phase 2 pursuant to Fla. Admin. Order No. AOSC20-32, as amended.[8]

(3) Additional days equal to the number of days for which grand jury proceedings are suspended shall be restored to the term of the impaneled statewide grand jury or other impaneled grand jury; however, the number of days restored may not exceed the number of days the impaneled grand jury had remaining in its term when the suspension began.

B. Remote Civil Jury Trial Pilot Program. A pilot project to identify and evaluate issues relating to the conduct of a civil jury trial through remote means has been authorized through *In re: Remote Civil Jury Trial Pilot Program*, Fla. Admin. Order No. AOSC20-31, Amendment 1 (June 8, 2020). Notwithstanding any other provision in this administrative order, judicial circuits selected to participate in the program by the Workgroup on the Continuity of Court Operations and Proceedings During and After COVID-19 may conduct remote civil jury trials pursuant to the requirements established by the workgroup. To conduct any portion of those trials in person:

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8. This measure initially went into effect on March 16, 2020. (AOSC20-13).

(1) The chief judge, under consultation with the county health department or local health expert, must determine that the in-person proceeding can be conducted in a manner that protects the health and safety of all participants if the circuit or a county within the circuit is in or has reverted to Phase 1; or

(2) The circuit or a county within the circuit must have transitioned to Phase 2 or Phase 3 pursuant to Fla. Admin. Order No. AOSC20-32, as amended, and the proceeding must be conducted in a manner that is consistent with the circuit's operational plan.

C. Juror Excusals and Postponements. For purposes of limiting in-person contact to mitigate the spread of COVID-19 and of addressing hardships related to the pandemic, each chief judge of a judicial circuit shall direct the clerks of court to create a process that will enable the automatic:

(1) Excusal of a potential juror who indicates, subject to penalty of perjury, that he or she:

a. Does not meet the court's Phase 2 or Phase 3 screening requirements for courthouse entry as established in the circuit's operational plan;

b. Is a person at higher risk for severe illness due to COVID-19 infection as identified by the Centers for Disease Control and Prevention and requests to be excused;

c. Must care for a child or relative whose regular care provider is closed or unavailable for reasons related to COVID-19; or

d. Is receiving leave pursuant to the Families First Coronavirus Response Act.

(2) Postponement of the service of a potential juror for up to six months because the potential juror indicates, subject to penalty of perjury, that he or she:

a. Has recently returned to work after being unemployed due to COVID-19; or

b. Has suffered a financial or personal loss due to COVID-19 that makes it a hardship to perform jury service.[9]

D. Essential and Critical Trial Court Proceedings.[10] Essential and critical trial court proceedings should continue to be conducted remotely or, if necessary, in person.

(1) All circuit and county courts shall continue to perform essential court proceedings, including but not limited to: first appearance; criminal

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9. Postponements are subject to the six-month statutory maximum specified in section 40.23(2), Florida Statutes. If granting a postponement based on one or both of these reasons would exceed the statutory maximum because of a previous postponement granted to a potential juror, the chief judge or the presiding judge is encouraged to consider whether to grant an excusal based on either reason.

10. These measures initially went into effect on March 17, 2020. (AOSC20-15).

arraignments; hearings on motions to set or modify monetary bail for individuals who are in custody; juvenile dependency shelter hearings; juvenile delinquency detention hearings; hearings on petitions for injunctions relating to safety of an individual; hearings on petitions for risk protection orders; hearings on petitions for the appointment of an emergency temporary guardian; hearings to determine whether an individual should be involuntarily committed under the Baker Act or the Marchman Act; and hearings on petitions for extraordinary writs as necessary to protect constitutional rights.

(2) In addition to essential proceedings, all circuit and county courts shall perform, as necessary and applicable, critical proceedings related to the state of emergency or the public health emergency, including but not limited to proceedings related to: violation of quarantine or isolation; violation of orders to limit travel; violation of orders to close public or private buildings; and enforcement of curfew orders.

(3) It is recognized that certain essential or critical trial court proceedings in some jurisdictions may in extraordinary, limited circumstances be unavoidably delayed due to the exigencies of the ongoing emergency. When this occurs, chief judges are required to take all steps feasible to minimize the delay.

(4) In conducting essential proceedings and proceedings critical to the state of emergency or the public health emergency, circuit and county courts shall employ all methods feasible to minimize risk of COVID-19 exposure to individuals involved in the proceedings or the general public.

E. Other Trial Court Proceedings.[11] Trial court proceedings that are not addressed under Section III.A. or III.D. shall be conducted as follows. All in-person conduct of such proceedings must be consistent with Section III.F.

(1) Non-statewide grand jury selection and proceedings, civil jury selection and trial proceedings, and criminal jury selection and trial proceedings shall be conducted in person after the suspension of these proceedings ends pursuant to Section III.A.

(2) Non-jury trials in:

a. Criminal cases shall be conducted remotely if the parties agree to such conduct or, if not, shall be conducted in person.

b. Termination of parental rights and juvenile delinquency cases shall be conducted remotely if ordered by the chief judge or the presiding judge or, if not, shall be conducted in person.

11. A measure related to these proceedings initially went into effect on March 17, 2020. (AOSC20-15).

(3) All other trial court proceedings shall be conducted remotely unless a judge determines that one of the following exceptions applies, in which case the proceeding shall be conducted in person:

a. Remote conduct of the proceeding is inconsistent with the United States or Florida Constitution, a statute, or a rule of court that has not been suspended by administrative order; or

b. Remote conduct of the proceeding would be infeasible because the court, the clerk, or other participant in a proceeding lacks the technological resources necessary to conduct the proceeding or, for reasons directly related to the state of emergency or the public health emergency, lacks the staff resources necessary to conduct the proceeding.

Chief judges shall take all necessary steps to ensure that the above-listed proceedings are conducted to the fullest extent possible, consistent with the guidance established in this section.

F. Limits on In-person Conduct of Other Trial Court Proceedings.[12] Other trial court proceedings identified under Section III.E. may be conducted in-person only if the circuit or a county within the circuit has transitioned to Phase 2 or

12. This measure initially went into effect on March 17, 2020. (AOSC20-15).

Phase 3 pursuant to Fla. Admin. Order No. AOSC20-32, as amended, and the proceeding is conducted in a manner that is consistent with the circuit's operational plan.

IV. SUSPENSION OF TIME PERIODS IN CERTAIN RULES OF CRIMINAL PROCEDURE

A. Speedy Trial.[13]

(1) All time periods involving the speedy trial procedure in criminal and juvenile court proceedings shall remain suspended until 90 days after the Chief Justice has approved the certification of a chief judge of a judicial circuit that the circuit or a county within the circuit has transitioned to Phase 3 pursuant to Fla. Admin. Order No. AOSC20-32, as amended.

(2) This suspension shall be applied in the manner described in *Sullivan v. State*, 913 So. 2d 762 (Fla. 5th DCA 2005), and *State v. Hernandez*, 617 So. 2d 1103 (Fla. 3rd DCA 1993). The suspension of time limits under the speedy trial procedure restores additional days equal to the number stated in the previous orders and this order. Additionally, when the time periods involving the speedy trial procedure in criminal and juvenile court proceedings are no longer suspended in a circuit or county within a circuit, each of the 10-day time periods in Fla. R.

13. This measure initially went into effect at the close of business on March 13, 2020. (AOSC20-13 and AOSC20-17).

Crim. P. 3.191(p)(3) and Fla. R. Juv. P. 8.090(m)(3) shall be increased to 30 days until such time as the circuit or county within a circuit has transitioned to Phase 4.

B. Persons Arrested for First Degree Murder.[14] With regard to persons arrested for first degree murder, all time periods under Florida Rules of Criminal Procedure 3.133(b) and 3.134 shall:

(1) Remain suspended until such time as grand jury proceedings are resumed pursuant to Section III.A. The suspension of the time limits of Florida Rules of Criminal Procedure 3.133(b) and 3.134 restores additional days equal to the number stated in the previous orders and this order.

(2) Be suspended during any period of time in which grand jury proceedings are suspended under Section III.A.(1)b. or X.B. The suspension of the time limits of Florida Rules of Criminal Procedure 3.133(b) and 3.134 restores additional days equal to the number of days of the suspension under Section III.A.(1)b. or X.B.

C. Incompetence to Proceed.[15] Where exigencies make it impossible to meet the 20-day time period in Florida Rule of Criminal Procedure 3.210(b), chief judges of the circuit courts remain authorized to direct judges to hold competency hearings as soon as feasible after the date of filing a motion to determine

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14. This measure initially went into effect at the close of business on March 13, 2020. (AOSC20-17).

15. This measure initially went into effect on March 24, 2020. (AOSC20-17).

competency. Chief judges also remain authorized to allow experts and attorneys to conduct and attend competency evaluations by remote means, if feasible.

V. DEFENDANTS ARRESTED ON WARRANT OR CAPIAS FROM ANOTHER FLORIDA JURISDICTION[16]

To mitigate the health risks associated with the incarceration and transportation of defendants during the pandemic, when a defendant is arrested on a warrant or capias from another Florida jurisdiction, chief judges of the circuit courts remain encouraged to facilitate communication between the circuit or county where the case originated ("home court") and the circuit or county where the defendant is incarcerated ("holding court"), for the handling of matters on a temporary basis, as follows:

A. Pretrial Release and First Appearance Hearings. Chief judges remain authorized to direct judges conducting pretrial release and first appearance hearings to address detention and monetary bond or other conditions of pretrial release in the county of arrest, regardless of whether the case is transferred, rather than requiring transport of the defendant to the county where any warrant or capias originated.

For capiases and violation of probation warrants, before setting monetary bond or other conditions of pretrial release, the first appearance judge, in order to

16. These measures initially took effect on March 24, 2020. (AOSC20-17).

make a proper decision regarding monetary bond or other conditions of pretrial release, must rely on relevant information from the following individuals in the county that issued the capias or warrant: the issuing judge, defense counsel if any, and the state attorney.

Action taken by the holding court at first appearance and any pretrial release hearing should be promptly reported to the home court and reflected in the record of the case.

Any provision of Florida Rule of Criminal Procedure 3.131 inconsistent with these measures remains suspended.

B. Pleas. Judges remain encouraged to coordinate with prosecutors, attorneys, defendants, and victims in order to utilize section 910.035, Florida Statutes, which allows for pleas of guilty or nolo contendere for persons arrested in counties outside of the county of prosecution, upon the consent of the defendant and the state attorney in the county where the crime was committed.

C. Rights of Parties. In cases that are not handled by a plea or pretrial release such that the defendant will continue to be detained in the jurisdiction of the holding court for an indefinite period of time, chief judges are directed to ensure that the due process rights of the defendant are protected by facilitating the temporary transfer of the case to the holding court, if necessary; by having a judge from the holding court designated by the Chief Justice, or designated by the chief

judge if the home and holding court are within the same circuit, as a judge of the home court to handle emergency or other necessary matters in the case; or by other appropriate means.

D. Victims. The constitutional rights of crime victims must also be considered in all cases by the presiding judge.

VI. SPEEDY TRIAL PROCEDURE IN NONCRIMINAL TRAFFIC INFRACTION COURT PROCEEDINGS[17]

All time periods involving the speedy trial procedure in noncriminal traffic infraction court proceedings remain suspended. The suspension of time limits under the speedy trial procedure restores additional days equal to the number stated in the previous orders and this order.

VII. SUSPENSION OF TIME PERIODS IN CERTAIN SMALL CLAIMS RULES

All time periods referenced in Florida Small Claims Rule 7.090(b) that are applicable to the clerk of the court in small claims cases are suspended through October 30, 2020.

17. This measure initially took effect on March 13, 2020. (AOSC20-19).

VIII. FAMILY LAW FORMS[18]

Except as indicated below, the requirement that Florida Family Law Forms be notarized or signed in the presence of a deputy clerk remains suspended, if the filer includes the following statement before the filer's signature:

> Under penalties of perjury, I declare that I have read this document and the facts stated in it are true.

This exception does not apply to Florida Family Law Forms 12.902(f)(1), Marital Settlement Agreement for Dissolution of Marriage with Dependent or Minor Child(ren), 12.902(f)(2), Marital Settlement Agreement for Dissolution of Marriage with Property but No Dependent or Minor Child(ren), 12.902(f)(3), Marital Settlement Agreement for Simplified Dissolution of Marriage, and any other family law form that transfers the ownership of property, which must continue to be notarized or signed in the presence of a deputy clerk prior to filing.

IX. VISITATION FOR CHILDREN UNDER THE PROTECTIVE SUPERVISION OF THE FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES (DCF)[19]

Requirements for in-person visitation pursuant to circuit court orders entered under chapter 39, Florida Statutes, remain suspended. This order does not affect

18. This measure initially took effect on March 24, 2020. (AOSC20-17).
19. These measures initially took effect on March 27, 2020. (AOSC20-18).

in-person visitations when all parties and the caregiver agree that the visitation can take place in a manner that does not pose a health threat.

In lieu of in-person visitation, visitation shall be conducted through electronic means with video communication as the preferred means, although telephonic contact is permitted if video communication is not feasible.

The suspension of in-person visitation applies to parent-child visitation, sibling visitation, and visitation between children and other family members and non-relatives.

If a party seeks to reinstate in-person visitation while the suspension of in-person visitation requirements remains in effect, such reinstatement shall be determined on a case-by-case basis by the circuit court with jurisdiction over that party's case. Reinstatement of in-person visitation may be ordered if the court determines that it will not jeopardize the health, safety, and well-being of all children and adults (including caregivers) who will be affected by the in-person visitation.

Nothing in these provisions regarding visitation for children under the protective supervision of the DCF overrides existing circuit administrative orders to the extent that those orders are not in conflict with this order. Circuits may enter additional administrative orders addressing visitation and contact pursuant to

chapter 39, Florida Statutes, to the extent that they are not in conflict with this order.

X. REVERSION TO A PREVIOUS PHASE

If a circuit or a county within the circuit reverts to a previous phase, as addressed in Fla. Admin. Order No. AOSC20-32, as amended, the following provisions govern.

A. Certain Jury Proceedings and Jury Trials. If a circuit or a county within the circuit reverts to Phase 1, juror selection and proceedings for a non-statewide grand jury and juror selection and trial proceedings for a civil or criminal case that:

(1) Were not commenced before the reversion are suspended until the circuit or county returns to Phase 2, at which time such proceedings may be commenced in person in a manner consistent with the circuit's operational plan.

(2) Were commenced before the reversion may proceed to completion in person if the chief judge determines that completion of the proceeding without delay is required by the interests of justice and determines, under consultation with the county health department or local health expert, that the in-person proceeding can be conducted in a manner that protects the health and safety of all participants. The requirements of the double jeopardy clause must be considered in criminal proceedings.

B. Suspension of Impaneled Non-statewide Grand Jury. If the chief judge determines that the proceedings of an impaneled non-statewide grand jury cannot continue in Phase 1, the chief judge may issue a local administrative order suspending the proceedings for a specified period of time not to exceed 30 days after the circuit or county within the circuit returns to Phase 2. The provisions of Section III.A.(3) apply with respect to the restoration of time to the term of the impaneled non-statewide grand jury during such suspension.

C. Speedy Trial. If a circuit or a county within the circuit reverts from Phase 3 to Phase 1 or Phase 2, all time periods involving the speedy trial procedure in criminal and juvenile court proceedings are suspended until 90 days after the Chief Justice has approved the recertification of a chief judge of a judicial circuit that the circuit or county within the circuit has returned to Phase 3 pursuant to Fla. Admin. Order No. AOSC20-32, as amended. The provisions of Section IV.A.(2) apply except that the suspension of time limits under this section restores additional days equal to the number of days of the suspension under this section.

* * *

Additional orders extending or modifying these measures will be issued as warranted by changing circumstances during the public health emergency.

DONE AND ORDERED at Tallahassee, Florida, on August 12, 2020.

AOSC20-23 a6

Chief Justice Charles T. Canady

AOSC20-23 a6 8/12/2020

ATTEST:

AOSC20-23 Amendment 6 8/12/2020

John A. Tomasino, Clerk of Court

AOSC20-23 Amendment 6 8/12/2020

AO 20-23(7) | FLORIDA SUPREME COURT

YEAR: 2020

NUMBER: 23

TITLE: IN RE: COMPREHENSIVE COVID-19 EMERGENCY MEASURES FOR THE FLORIDA STATE COURTS ADMINISTRATIVE ORDER

PAGES: 23

AMENDMENT: 7

Supreme Court of Florida

No. AOSC20-23
Amendment 7[1]

IN RE: COMPREHENSIVE COVID-19 EMERGENCY MEASURES FOR THE FLORIDA STATE COURTS

ADMINISTRATIVE ORDER

As a result of the Coronavirus Disease 2019 (COVID-19) pandemic, the State Surgeon General and State Health Officer on March 1, 2020, declared that a public health emergency exists in Florida, and the Governor on March 9, 2020, declared a state of emergency for the entire state. The Florida state courts have taken measures to mitigate the effects of this public health emergency upon the judicial branch and its participants. To that end, I have issued several administrative orders implementing temporary measures essential to the administration of justice during the COVID-19 pandemic.[2] The overarching intent

1. This administrative order is issued to reflect a historical date reference in Section III.A.(1), relating to statewide grand jury proceedings; to continue the authority for the conduct of remote civil jury trials by certain judicial circuits in Section III.B., relating to the Remote Civil Jury Trial Pilot Program; and to revise the process for excusals and postponements in Section III.C., relating to juror excusals and postponements.

2. *In re: COVID-19 Emergency Procedures in the Florida State Courts,* Fla. Admin. Order No. AOSC20-13 (March 13, 2020); *In re: COVID-19 Essential and Critical Trial Court Proceedings,* Fla. Admin. Order No. AOSC20-15 (March 17, 2020); *In re: COVID-19 Emergency Procedures for the Administering of Oaths via*

of those orders has been to mitigate the impact of COVID-19, while keeping the courts operating to the fullest extent consistent with public safety.

It is the intent of the judicial branch to transition to optimal operations in a manner that protects the public's health and safety during each of the following anticipated phases of the pandemic:

a) Phase 1 – in-person contact is inadvisable, court facilities are effectively closed to the public, and in-person proceedings are rare;

b) Phase 2 – limited in-person contact is authorized for certain purposes and/or requires use of protective measures;

c) Phase 3 – in-person contact is more broadly authorized and protective measures are relaxed; and

d) Phase 4 – COVID-19 no longer presents a significant risk to public health and safety.

This order extends, refines, and strengthens previously enacted temporary remedial measures. The measures shall remain in effect until *In re: COVID-19*

Remote Audio-Video Communication Equipment, Fla. Admin. Order No. AOSC20-16 (March 18, 2020); *In re: COVID-19 Emergency Measures in the Florida State Courts*, Fla. Admin. Order No. AOSC20-17 (March 24, 2020); *In re: COVID-19 Emergency Procedures in Relation to Visitation for Children Under the Protective Supervision of the Department of Children and Families*, Fla. Admin. Order No. AOSC20-18 (March 27, 2020); and *In re: COVID-19 Emergency Procedures for Speedy Trial in Noncriminal Traffic Infraction Court Proceedings*, Fla. Admin Order No. AOSC20-19 (March 30, 2020).

Public Health and Safety Precautions for Operational Phase Transitions, Fla. Admin. Order No. AOSC20-32, as amended, is terminated or as may be provided by subsequent order.

Under the administrative authority conferred upon me by article V, section 2(b) of the Florida Constitution, by Florida Rules of Judicial Administration 2.205(a)(2)(B)(iv) and 2.205(a)(2)(B)(v), and by Rule Regulating the Florida Bar 1-12.1(j),

IT IS ORDERED that:

I. GUIDING PRINCIPLES

A. The presiding judge in all cases must consider the constitutional rights of crime victims and criminal defendants and the public's constitutional right of access to the courts.

B. To maintain judicial workflow to the maximum extent feasible, chief judges are directed to take all necessary steps to facilitate the remote conduct of proceedings with the use of technology. For purposes of this administrative order, "remote conduct" or "conducted remotely" means the conduct, in part or in whole, of a court proceeding using telephonic or other electronic means.

C. Nothing in this order is intended to limit a chief judge's authority to conduct court business or to approve additional court proceedings or events that

are required in the interest of justice, if doing so is consistent with this administrative order and protecting the health of the participants and the public.

D. Judges and court personnel who can effectively conduct court and judicial branch business from a remote location shall do so. Participants who have the capability of participating by electronic means in remote court proceedings shall do so.

II. USE OF TECHNOLOGY

A. All rules of procedure, court orders, and opinions applicable to court proceedings that limit or prohibit the use of communication equipment for the remote conduct of proceedings shall remain suspended.[3]

B. The chief judge of each district court of appeal and each judicial circuit remains authorized to establish procedures for the use, to the maximum extent feasible, of communication equipment for the remote conduct of proceedings, as are necessary in their respective district or circuit due to the public health emergency.[4]

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3. This measure initially went into effect at the close of business on March 13, 2020. (AOSC20-13).

4. This measure initially went into effect on Friday, March 13, 2020. (AOSC20-13).

C. Administering of Oaths

(1) Notaries and other persons qualified to administer an oath in the State of Florida may swear a witness remotely by audio-video communication technology from a location within the State of Florida, provided they can positively identify the witness.[5]

(2) If a witness is not located within the State of Florida, a witness may consent to being put on oath via audio-video communication technology by a person qualified to administer an oath in the State of Florida.[6]

(3) All rules of procedure, court orders, and opinions applicable to remote testimony, depositions, and other legal testimony, including the attestation of family law forms, that can be read to limit or prohibit the use of audio-video communications equipment to administer oaths remotely or to witness the attestation of family law forms shall remain suspended.[7]

(4) Notaries and other persons qualified to administer an oath in the State of Florida may swear in new attorneys to The Florida Bar remotely by audio-video communication technology from a location within the State of Florida, provided they can positively identify the new attorney.

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5. This measure initially went into effect on March 18, 2020. (AOSC20-16).
6. This measure initially went into effect on March 18, 2020. (AOSC20-16).
7. This measure initially went into effect on March 18, 2020. (AOSC20-16).

(5) For purposes of the provisions regarding the administering of oaths, the term "positively identify" means that the notary or other qualified person can both see and hear the witness or new attorney via audio-video communications equipment for purposes of readily identifying the witness or new attorney.

D. Law School Practice Programs.

(1) A supervising attorney in a law school practice program, under Rule 11-1.2(b) of the Rules Regulating the Florida Bar, may utilize audio-video communication technology to remotely supervise the law student in satisfaction of the requirement that the supervising attorney be physically present. The supervising attorney and law student must maintain a separate, confidential communication channel during the proceedings.

(2) In a law school practice program, the requirement in Rule 11-1.2(b) of the Rules Regulating the Florida Bar that an indigent person and the supervising attorney must consent in writing to representation by a supervised law student may be satisfied by the judge receiving the consent verbally under oath.

III. COURT PROCEEDINGS

The following provisions govern the conduct of court proceedings, except as modified by Section X., addressing reversions to a previous phase by a circuit or a county within the circuit.

A. Jury Proceedings and Jury Trials.

(1) Statewide grand jury proceedings were suspended through July 26, 2020.

a. After the suspension, the proceedings shall be conducted remotely or, if one of the following criteria is satisfied, may be conducted in person:

- The presiding judge for the statewide grand jury, under consultation with the county health department or local health expert, determines that the in-person proceeding can be conducted in a manner that protects the health and safety of all participants if the circuit is in or has reverted to Phase 1; or
- The circuit has transitioned to Phase 2 or Phase 3 pursuant to Fla. Admin. Order No. AOSC20-32, as amended, and the proceeding is conducted in a manner that is consistent with the circuit's operational plan.

b. If the presiding judge for the statewide grand jury determines that the proceedings of the statewide grand jury cannot proceed remotely or in person in Phase 1, the presiding judge may issue a local administrative order suspending the proceedings for a specified period of time not to exceed 30 days after the circuit returns to Phase 2.

(2) Non-statewide grand jury selection and proceedings, civil jury selection and trial proceedings, and criminal jury selection and trial proceedings shall remain suspended until 30 days after the chief judge of a judicial circuit has determined that the circuit or a county within the circuit has transitioned to Phase 2 pursuant to Fla. Admin. Order No. AOSC20-32, as amended.[8]

(3) Additional days equal to the number of days for which grand jury proceedings are suspended shall be restored to the term of the impaneled statewide grand jury or other impaneled grand jury; however, the number of days restored may not exceed the number of days the impaneled grand jury had remaining in its term when the suspension began.

B. Remote Civil Jury Trial Pilot Program. A pilot project to identify and evaluate issues relating to the conduct of a civil jury trial through remote means was authorized through *In re: Remote Civil Jury Trial Pilot Program*, Fla. Admin. Order No. AOSC20-31, Amendment 1 (June 8, 2020). Notwithstanding any other provision in this administrative order, the judicial circuits that were selected to participate in the program by the Workgroup on the Continuity of Court Operations and Proceedings During and After COVID-19 may continue to conduct remote civil jury trials pursuant to the requirements established by the workgroup. The selection of cases for such trials must be based upon the case being conducive

8. This measure initially went into effect on March 16, 2020. (AOSC20-13).

to a remote proceeding, and all parties must consent to participating in the remote trial. To conduct any portion of those trials in person:

(1) The chief judge, under consultation with the county health department or local health expert, must determine that the in-person proceeding can be conducted in a manner that protects the health and safety of all participants if the circuit or a county within the circuit is in or has reverted to Phase 1; or

(2) The circuit or a county within the circuit must have transitioned to Phase 2 or Phase 3 pursuant to Fla. Admin. Order No. AOSC20-32, as amended, and the proceeding must be conducted in a manner that is consistent with the circuit's operational plan.

C. Juror Excusals and Postponements. For purposes of limiting in-person contact to mitigate the spread of COVID-19 and of addressing hardships related to the pandemic, each chief judge of a judicial circuit shall create a process whereby the:

(1) Excusal of a potential juror shall be considered if the potential juror indicates, subject to penalty of perjury, that he or she:

a. Does not meet the court's Phase 2 or Phase 3 screening requirements for courthouse entry as established in the circuit's operational plan;

b. Is a person at higher risk for severe illness due to COVID-19 infection as identified by the Centers for Disease Control and Prevention and requests to be excused;

c. Must care for a child or relative whose regular care provider is closed or unavailable for reasons related to COVID-19; or

d. Is receiving leave pursuant to the Families First Coronavirus Response Act.

(2) Postponement of the service of a potential juror for up to six months shall be considered if the potential juror indicates, subject to penalty of perjury, that he or she:

a. Has recently returned to work after being unemployed due to COVID-19; or

b. Has suffered a financial or personal loss due to COVID-19 that makes it a hardship to perform jury service.[9]

9. Postponements are subject to the six-month statutory maximum specified in section 40.23(2), Florida Statutes. If granting a postponement based on one or both of these reasons would exceed the statutory maximum because of a previous postponement granted to a potential juror, the chief judge or the presiding judge is encouraged to consider whether to grant an excusal based on either reason.

D. Essential and Critical Trial Court Proceedings.[10] Essential and critical trial court proceedings should continue to be conducted remotely or, if necessary, in person.

(1) All circuit and county courts shall continue to perform essential court proceedings, including but not limited to: first appearance; criminal arraignments; hearings on motions to set or modify monetary bail for individuals who are in custody; juvenile dependency shelter hearings; juvenile delinquency detention hearings; hearings on petitions for injunctions relating to safety of an individual; hearings on petitions for risk protection orders; hearings on petitions for the appointment of an emergency temporary guardian; hearings to determine whether an individual should be involuntarily committed under the Baker Act or the Marchman Act; and hearings on petitions for extraordinary writs as necessary to protect constitutional rights.

(2) In addition to essential proceedings, all circuit and county courts shall perform, as necessary and applicable, critical proceedings related to the state of emergency or the public health emergency, including but not limited to proceedings related to: violation of quarantine or isolation; violation of orders to

10. These measures initially went into effect on March 17, 2020. (AOSC20-15).

limit travel; violation of orders to close public or private buildings; and enforcement of curfew orders.

(3) It is recognized that certain essential or critical trial court proceedings in some jurisdictions may in extraordinary, limited circumstances be unavoidably delayed due to the exigencies of the ongoing emergency. When this occurs, chief judges are required to take all steps feasible to minimize the delay.

(4) In conducting essential proceedings and proceedings critical to the state of emergency or the public health emergency, circuit and county courts shall employ all methods feasible to minimize risk of COVID-19 exposure to individuals involved in the proceedings or the general public.

E. Other Trial Court Proceedings.[11] Trial court proceedings that are not addressed under Section III.A. or III.D. shall be conducted as follows. All in-person conduct of such proceedings must be consistent with Section III.F.

(1) Non-statewide grand jury selection and proceedings, civil jury selection and trial proceedings, and criminal jury selection and trial proceedings shall be conducted in person after the suspension of these proceedings ends pursuant to Section III.A.

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11. A measure related to these proceedings initially went into effect on March 17, 2020. (AOSC20-15).

(2) Non-jury trials in:

a. Criminal cases shall be conducted remotely if the parties agree to such conduct or, if not, shall be conducted in person.

b. Termination of parental rights and juvenile delinquency cases shall be conducted remotely if ordered by the chief judge or the presiding judge or, if not, shall be conducted in person.

(3) All other trial court proceedings shall be conducted remotely unless a judge determines that one of the following exceptions applies, in which case the proceeding shall be conducted in person:

a. Remote conduct of the proceeding is inconsistent with the United States or Florida Constitution, a statute, or a rule of court that has not been suspended by administrative order; or

b. Remote conduct of the proceeding would be infeasible because the court, the clerk, or other participant in a proceeding lacks the technological resources necessary to conduct the proceeding or, for reasons directly related to the state of emergency or the public health emergency, lacks the staff resources necessary to conduct the proceeding.

Chief judges shall take all necessary steps to ensure that the above-listed proceedings are conducted to the fullest extent possible, consistent with the guidance established in this section.

F. Limits on In-person Conduct of Other Trial Court Proceedings.[12] Other trial court proceedings identified under Section III.E. may be conducted in-person only if the circuit or a county within the circuit has transitioned to Phase 2 or Phase 3 pursuant to Fla. Admin. Order No. AOSC20-32, as amended, and the proceeding is conducted in a manner that is consistent with the circuit's operational plan.

IV. SUSPENSION OF TIME PERIODS IN CERTAIN RULES OF CRIMINAL PROCEDURE

A. Speedy Trial.[13]

(1) All time periods involving the speedy trial procedure in criminal and juvenile court proceedings shall remain suspended until 90 days after the Chief Justice has approved the certification of a chief judge of a judicial circuit that the circuit or a county within the circuit has transitioned to Phase 3 pursuant to Fla. Admin. Order No. AOSC20-32, as amended.

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12. This measure initially went into effect on March 17, 2020. (AOSC20-15).

13. This measure initially went into effect at the close of business on March 13, 2020. (AOSC20-13 and AOSC20-17).

(2) This suspension shall be applied in the manner described in *Sullivan v. State*, 913 So. 2d 762 (Fla. 5th DCA 2005), and *State v. Hernandez*, 617 So. 2d 1103 (Fla. 3rd DCA 1993). The suspension of time limits under the speedy trial procedure restores additional days equal to the number stated in the previous orders and this order. Additionally, when the time periods involving the speedy trial procedure in criminal and juvenile court proceedings are no longer suspended in a circuit or county within a circuit, each of the 10-day time periods in Fla. R. Crim. P. 3.191(p)(3) and Fla. R. Juv. P. 8.090(m)(3) shall be increased to 30 days until such time as the circuit or county within a circuit has transitioned to Phase 4.

B. Persons Arrested for First Degree Murder.[14] With regard to persons arrested for first degree murder, all time periods under Florida Rules of Criminal Procedure 3.133(b) and 3.134 shall:

(1) Remain suspended until such time as grand jury proceedings are resumed pursuant to Section III.A. The suspension of the time limits of Florida Rules of Criminal Procedure 3.133(b) and 3.134 restores additional days equal to the number stated in the previous orders and this order.

(2) Be suspended during any period of time in which grand jury proceedings are suspended under Section III.A.(1)b. or X.B. The suspension of the time limits

14. This measure initially went into effect at the close of business on March 13, 2020. (AOSC20-17).

of Florida Rules of Criminal Procedure 3.133(b) and 3.134 restores additional days equal to the number of days of the suspension under Section III.A.(1)b. or X.B.

C. Incompetence to Proceed.[15] Where exigencies make it impossible to meet the 20-day time period in Florida Rule of Criminal Procedure 3.210(b), chief judges of the circuit courts remain authorized to direct judges to hold competency hearings as soon as feasible after the date of filing a motion to determine competency. Chief judges also remain authorized to allow experts and attorneys to conduct and attend competency evaluations by remote means, if feasible.

V. DEFENDANTS ARRESTED ON WARRANT OR CAPIAS FROM ANOTHER FLORIDA JURISDICTION[16]

To mitigate the health risks associated with the incarceration and transportation of defendants during the pandemic, when a defendant is arrested on a warrant or capias from another Florida jurisdiction, chief judges of the circuit courts remain encouraged to facilitate communication between the circuit or county where the case originated ("home court") and the circuit or county where the defendant is incarcerated ("holding court"), for the handling of matters on a temporary basis, as follows:

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15. This measure initially went into effect on March 24, 2020. (AOSC20-17).

16. These measures initially took effect on March 24, 2020. (AOSC20-17).

A. Pretrial Release and First Appearance Hearings. Chief judges remain authorized to direct judges conducting pretrial release and first appearance hearings to address detention and monetary bond or other conditions of pretrial release in the county of arrest, regardless of whether the case is transferred, rather than requiring transport of the defendant to the county where any warrant or capias originated.

For capiases and violation of probation warrants, before setting monetary bond or other conditions of pretrial release, the first appearance judge, in order to make a proper decision regarding monetary bond or other conditions of pretrial release, must rely on relevant information from the following individuals in the county that issued the capias or warrant: the issuing judge, defense counsel if any, and the state attorney.

Action taken by the holding court at first appearance and any pretrial release hearing should be promptly reported to the home court and reflected in the record of the case.

Any provision of Florida Rule of Criminal Procedure 3.131 inconsistent with these measures remains suspended.

B. Pleas. Judges remain encouraged to coordinate with prosecutors, attorneys, defendants, and victims in order to utilize section 910.035, Florida Statutes, which allows for pleas of guilty or nolo contendere for persons arrested in

counties outside of the county of prosecution, upon the consent of the defendant and the state attorney in the county where the crime was committed.

C. Rights of Parties. In cases that are not handled by a plea or pretrial release such that the defendant will continue to be detained in the jurisdiction of the holding court for an indefinite period of time, chief judges are directed to ensure that the due process rights of the defendant are protected by facilitating the temporary transfer of the case to the holding court, if necessary; by having a judge from the holding court designated by the Chief Justice, or designated by the chief judge if the home and holding court are within the same circuit, as a judge of the home court to handle emergency or other necessary matters in the case; or by other appropriate means.

D. Victims. The constitutional rights of crime victims must also be considered in all cases by the presiding judge.

VI. SPEEDY TRIAL PROCEDURE IN NONCRIMINAL TRAFFIC INFRACTION COURT PROCEEDINGS[17]

All time periods involving the speedy trial procedure in noncriminal traffic infraction court proceedings remain suspended. The suspension of time limits under the speedy trial procedure restores additional days equal to the number stated in the previous orders and this order.

17. This measure initially took effect on March 13, 2020. (AOSC20-19).

VII. SUSPENSION OF TIME PERIODS IN CERTAIN SMALL CLAIMS RULES

All time periods referenced in Florida Small Claims Rule 7.090(b) that are applicable to the clerk of the court in small claims cases are suspended through October 30, 2020.

VIII. FAMILY LAW FORMS[18]

Except as indicated below, the requirement that Florida Family Law Forms be notarized or signed in the presence of a deputy clerk remains suspended, if the filer includes the following statement before the filer's signature:

> Under penalties of perjury, I declare that I have read this document and the facts stated in it are true.

This exception does not apply to Florida Family Law Forms 12.902(f)(1), Marital Settlement Agreement for Dissolution of Marriage with Dependent or Minor Child(ren), 12.902(f)(2), Marital Settlement Agreement for Dissolution of Marriage with Property but No Dependent or Minor Child(ren), 12.902(f)(3), Marital Settlement Agreement for Simplified Dissolution of Marriage, and any other family law form that transfers the ownership of property, which must continue to be notarized or signed in the presence of a deputy clerk prior to filing.

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18. This measure initially took effect on March 24, 2020. (AOSC20-17).

IX. VISITATION FOR CHILDREN UNDER THE PROTECTIVE SUPERVISION OF THE FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES (DCF)[19]

Requirements for in-person visitation pursuant to circuit court orders entered under chapter 39, Florida Statutes, remain suspended. This order does not affect in-person visitations when all parties and the caregiver agree that the visitation can take place in a manner that does not pose a health threat.

In lieu of in-person visitation, visitation shall be conducted through electronic means with video communication as the preferred means, although telephonic contact is permitted if video communication is not feasible.

The suspension of in-person visitation applies to parent-child visitation, sibling visitation, and visitation between children and other family members and non-relatives.

If a party seeks to reinstate in-person visitation while the suspension of in-person visitation requirements remains in effect, such reinstatement shall be determined on a case-by-case basis by the circuit court with jurisdiction over that party's case. Reinstatement of in-person visitation may be ordered if the court determines that it will not jeopardize the health, safety, and well-being of all

19. These measures initially took effect on March 27, 2020. (AOSC20-18).

children and adults (including caregivers) who will be affected by the in-person visitation.

Nothing in these provisions regarding visitation for children under the protective supervision of the DCF overrides existing circuit administrative orders to the extent that those orders are not in conflict with this order. Circuits may enter additional administrative orders addressing visitation and contact pursuant to chapter 39, Florida Statutes, to the extent that they are not in conflict with this order.

X. REVERSION TO A PREVIOUS PHASE

If a circuit or a county within the circuit reverts to a previous phase, as addressed in Fla. Admin. Order No. AOSC20-32, as amended, the following provisions govern.

A. Certain Jury Proceedings and Jury Trials. If a circuit or a county within the circuit reverts to Phase 1, juror selection and proceedings for a non-statewide grand jury and juror selection and trial proceedings for a civil or criminal case that:

(1) Were not commenced before the reversion are suspended until the circuit or county returns to Phase 2, at which time such proceedings may be commenced in person in a manner consistent with the circuit's operational plan.

(2) Were commenced before the reversion may proceed to completion in person if the chief judge determines that completion of the proceeding without

delay is required by the interests of justice and determines, under consultation with the county health department or local health expert, that the in-person proceeding can be conducted in a manner that protects the health and safety of all participants. The requirements of the double jeopardy clause must be considered in criminal proceedings.

B. Suspension of Impaneled Non-statewide Grand Jury. If the chief judge determines that the proceedings of an impaneled non-statewide grand jury cannot continue in Phase 1, the chief judge may issue a local administrative order suspending the proceedings for a specified period of time not to exceed 30 days after the circuit or county within the circuit returns to Phase 2. The provisions of Section III.A.(3) apply with respect to the restoration of time to the term of the impaneled non-statewide grand jury during such suspension.

C. Speedy Trial. If a circuit or a county within the circuit reverts from Phase 3 to Phase 1 or Phase 2, all time periods involving the speedy trial procedure in criminal and juvenile court proceedings are suspended until 90 days after the Chief Justice has approved the recertification of a chief judge of a judicial circuit that the circuit or county within the circuit has returned to Phase 3 pursuant to Fla. Admin. Order No. AOSC20-32, as amended. The provisions of Section IV.A.(2) apply except that the suspension of time limits under this section restores additional days equal to the number of days of the suspension under this section.

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Additional orders extending or modifying these measures will be issued as warranted by changing circumstances during the public health emergency.

DONE AND ORDERED at Tallahassee, Florida, on October 2, 2020.

AOSC20-23 A7

Chief Justice Charles T. Canady

AOSC20-23 A7 10/2/2020

ATTEST:

AOSC20-23 A7 10/2/2020

John A. Tomasino, Clerk of Court

AOSC20-23 A7 10/2/2020

AO 20-23(8) | FLORIDA SUPREME COURT

YEAR: 2020

NUMBER: 23

TITLE: IN RE: COMPREHENSIVE COVID-19 EMERGENCY MEASURES FOR THE FLORIDA STATE COURTS ADMINISTRATIVE ORDER

PAGES: 27

AMENDMENT: 8

Supreme Court of Florida

No. AOSC20-23
Amendment 8[1]

IN RE: COMPREHENSIVE COVID-19 EMERGENCY MEASURES FOR FLORIDA TRIAL COURTS

ADMINISTRATIVE ORDER

As a result of the Coronavirus Disease 2019 (COVID-19) pandemic, the State Surgeon General and State Health Officer on March 1, 2020, declared that a

1. This administrative order is issued to: remove reference to appellate courts throughout the order and indicate that the order governs trial courts; make technical changes throughout the order to recognize that all trial courts have transitioned to Phase 2 at least once; amend the descriptions of Phases 2 and 3 in the introduction to the order; recognize that additional guidance for the remote conduct of proceedings may be issued in Section I.B.; authorize the remote conduct of civil jury trials by all judicial circuits in Section III.B.; authorize the remote conduct of certain potential juror proceedings and add citations to the statutory provisions authorizing the reasons for excusals and postponements in Section III.C.; reorganize, clarify, and amend provisions in Sections III.D. and E.; create a new Section III.F. to specify chief judge responsibilities for the conduct of certain in-person proceedings and to provide a recommended priority in which to conduct such proceedings; create a new Section III.G. to address the responsibilities of courts and lawyers in maximizing the resolution of cases; create a new Section III.H. to specify that all trial court proceedings may be conducted in person in Phase 3 subject to specified requirements; and remove Section VII. as the provision has expired. This order is also issued to address the calculation of time that accrued before a suspension of: the speedy trial procedure in criminal, juvenile, and noncriminal traffic proceedings in Sections IV.A. and VI.; certain rules relating to persons arrested for first degree murder in Section IV.B.; and the speedy trial procedure in criminal and juvenile proceedings due to a reversion in Section IX.C.

public health emergency exists in Florida, and the Governor on March 9, 2020, declared a state of emergency for the entire state. The Florida state courts have taken measures to mitigate the effects of this public health emergency upon the judicial branch and its participants. To that end, I have issued several administrative orders implementing temporary measures essential to the administration of justice during the COVID-19 pandemic.[2] The overarching intent of those orders has been to mitigate the impact of COVID-19, while keeping the courts operating to the fullest extent consistent with public safety.

It is the intent of the judicial branch to transition to optimal operations in a manner that protects the public's health and safety during each of the following anticipated phases of the pandemic:

a) Phase 1 – in-person contact is inadvisable, court facilities are effectively closed to the public, and in-person proceedings are rare;

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2. *In re: COVID-19 Emergency Procedures in the Florida State Courts*, Fla. Admin. Order No. AOSC20-13 (March 13, 2020); *In re: COVID-19 Essential and Critical Trial Court Proceedings*, Fla. Admin. Order No. AOSC20-15 (March 17, 2020); *In re: COVID-19 Emergency Procedures for the Administering of Oaths via Remote Audio-Video Communication Equipment*, Fla. Admin. Order No. AOSC20-16 (March 18, 2020); *In re: COVID-19 Emergency Measures in the Florida State Courts*, Fla. Admin. Order No. AOSC20-17 (March 24, 2020); *In re: COVID-19 Emergency Procedures in Relation to Visitation for Children Under the Protective Supervision of the Department of Children and Families*, Fla. Admin. Order No. AOSC20-18 (March 27, 2020); and *In re: COVID-19 Emergency Procedures for Speedy Trial in Noncriminal Traffic Infraction Court Proceedings*, Fla. Admin Order No. AOSC20-19 (March 30, 2020).

b) Phase 2 – in-person contact is authorized for certain purposes but requires use of protective measures;

c) Phase 3 – an effective vaccine is adequately available and in use and in-person contact is more broadly authorized; and

d) Phase 4 – COVID-19 no longer presents a significant risk to public health and safety.

This order extends, refines, and strengthens previously enacted temporary remedial measures. The measures shall remain in effect until *In re: COVID-19 Public Health and Safety Precautions for Operational Phase Transitions*, Fla. Admin. Order No. AOSC20-32, as amended, is terminated or as may be provided by subsequent order.

Under the administrative authority conferred upon me by article V, section 2(b) of the Florida Constitution, by Florida Rules of Judicial Administration 2.205(a)(2)(B)(iv) and 2.205(a)(2)(B)(v), and by Rule Regulating the Florida Bar 1-12.1(j),

IT IS ORDERED that:

I. GUIDING PRINCIPLES

A. The presiding judge in all cases must consider the constitutional rights of crime victims and criminal defendants and the public's constitutional right of access to the courts.

B. To maintain judicial workflow to the maximum extent feasible, chief judges shall take all necessary steps to support the remote conduct of proceedings with the use of technology, in accordance with this administrative order and other applicable standards and guidance as may be adopted by the Chief Justice or supreme court. For purposes of this administrative order, "remote conduct" or "conducted remotely" means the conduct, in part or in whole, of a court proceeding using telephonic or other electronic means.

C. Nothing in this order is intended to limit a chief judge's authority to conduct court business or to approve additional court proceedings or events that are required in the interest of justice, if doing so is consistent with this administrative order and protecting the health of the participants and the public.

D. Judges and court personnel who can effectively conduct court and judicial branch business from a remote location shall do so. Participants who have the capability of participating by electronic means in remote court proceedings shall do so.

II. USE OF TECHNOLOGY

A. All rules of procedure, court orders, and opinions applicable to court proceedings that limit or prohibit the use of communication equipment for the remote conduct of proceedings shall remain suspended.[3]

B. The chief judge of each judicial circuit remains authorized to establish procedures for the use, to the maximum extent feasible, of communication equipment for the remote conduct of proceedings, as are necessary in their respective circuit due to the public health emergency.[4]

C. Administering of Oaths

(1) Notaries and other persons qualified to administer an oath in the State of Florida may swear a witness remotely by audio-video communication technology from a location within the State of Florida, provided they can positively identify the witness.[5]

(2) If a witness is not located within the State of Florida, a witness may consent to being put on oath via audio-video communication technology by a person qualified to administer an oath in the State of Florida.[6]

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3. This measure initially went into effect at the close of business on March 13, 2020. (AOSC20-13).

4. This measure initially went into effect on Friday, March 13, 2020. (AOSC20-13).

5. This measure initially went into effect on March 18, 2020. (AOSC20-16).

6. This measure initially went into effect on March 18, 2020. (AOSC20-16).

(3) All rules of procedure, court orders, and opinions applicable to remote testimony, depositions, and other legal testimony, including the attestation of family law forms, that can be read to limit or prohibit the use of audio-video communications equipment to administer oaths remotely or to witness the attestation of family law forms shall remain suspended.[7]

(4) Notaries and other persons qualified to administer an oath in the State of Florida may swear in new attorneys to The Florida Bar remotely by audio-video communication technology from a location within the State of Florida, provided they can positively identify the new attorney.

(5) For purposes of the provisions regarding the administering of oaths, the term "positively identify" means that the notary or other qualified person can both see and hear the witness or new attorney via audio-video communications equipment for purposes of readily identifying the witness or new attorney.

D. Law School Practice Programs.

(1) A supervising attorney in a law school practice program, under Rule 11-1.2(b) of the Rules Regulating The Florida Bar, may utilize audio-video communication technology to remotely supervise the law student in satisfaction of the requirement that the supervising attorney be physically present. The

7. This measure initially went into effect on March 18, 2020. (AOSC20-16).

supervising attorney and law student must maintain a separate, confidential communication channel during the proceedings.

(2) In a law school practice program, the requirement in Rule 11-1.2(b) of the Rules Regulating The Florida Bar that an indigent person and the supervising attorney must consent in writing to representation by a supervised law student may be satisfied by the judge receiving the consent verbally under oath.

III. TRIAL COURT PROCEEDINGS

The following provisions govern the conduct of trial court proceedings during Phases 1 through 3, except as modified by Section IX., addressing reversions to a previous phase by a circuit or a county within the circuit.

A. Jury Proceedings and Jury Trials.

(1) Statewide grand jury proceedings were suspended through July 26, 2020.

a. After the suspension, the proceedings shall be conducted remotely or, if one of the following criteria is satisfied, may be conducted in person:

- The presiding judge for the statewide grand jury, in consultation with the county health department or local health expert, determines that the in-person proceeding can be conducted in a manner that protects the health and safety of all participants if the circuit is operating in Phase 1; or

- The circuit is operating in Phase 2 or Phase 3 pursuant to Fla. Admin. Order No. AOSC20-32, as amended, and the proceeding is conducted in a manner that is consistent with the circuit's operational plan.

b. If the presiding judge for the statewide grand jury determines that the proceedings of the statewide grand jury cannot proceed remotely or in person in Phase 1, the presiding judge may issue a local administrative order suspending the proceedings for a specified period of time not to exceed 30 days after the circuit returns to Phase 2.

(2) Non-statewide grand jury selection and proceedings, civil jury selection and trial proceedings, and criminal jury selection and trial proceedings shall remain suspended until 30 days after the chief judge of a judicial circuit has determined that the circuit or a county within the circuit has transitioned to Phase 2 pursuant to Fla. Admin. Order No. AOSC20-32, as amended.[8]

(3) Additional days equal to the number of days for which grand jury proceedings are suspended shall be restored to the term of the impaneled statewide grand jury or other impaneled grand jury; however, the number of days restored may not exceed the number of days the impaneled grand jury had remaining in its term when the suspension began.

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8. This measure initially went into effect on March 16, 2020. (AOSC20-13).

B. Remote Civil Jury Trials. Notwithstanding any other provision in this administrative order, a judicial circuit may remotely conduct civil jury trials pursuant to the requirements established by the Workgroup on the Continuity of Court Operations and Proceedings During and After COVID-19 for the pilot program that was authorized through *In re: Remote Civil Jury Trial Pilot Program*, Fla. Admin. Order No. AOSC20-31, Amendment 1 (June 8, 2020), and other applicable standards and guidance as may be adopted by the Chief Justice or supreme court. The selection of cases for such trials must be based upon the case being conducive to a remote proceeding, and all parties must consent to participating in the remote trial. Within 30 days after the remote conduct of a civil jury trial for the first time in a judicial circuit, the circuit shall present the results of the trial and report its findings and recommendations to the Chief Justice through the state courts administrator. To conduct any portion of those trials in person:

(1) The chief judge, in consultation with the county health department or local health expert, must determine that the in-person proceeding can be conducted in a manner that protects the health and safety of all participants if the circuit or a county within the circuit is operating in Phase 1; or

(2) The circuit or a county within the circuit must be operating in Phase 2 or Phase 3 pursuant to Fla. Admin. Order No. AOSC20-32, as amended, and the

proceeding must be conducted in a manner that is consistent with the circuit's operational plan.

C. Juror Disqualifications, Excusals, and Postponements. For purposes of limiting in-person contact to mitigate the spread of COVID-19 and of addressing hardships related to the pandemic, each chief judge of a judicial circuit:

(1) May authorize the remote conduct of a proceeding in which disqualifications or excusals pursuant to section 40.013, Florida Statutes, or postponements pursuant to section 40.23, Florida Statutes, may be considered for persons who are summoned as a pool for possible juror service as described in section 40.011(5)(b), Florida Statutes.

(2) Shall create a process whereby the:

a. Excusal of a potential juror shall be considered pursuant to section 40.013(5) and (6), Florida Statutes, if the potential juror indicates, subject to penalty of perjury, that he or she:

i. Does not meet the court's Phase 2 or Phase 3 screening requirements for courthouse entry as established in the circuit's operational plan;

ii. Is a person at higher risk for severe illness due to COVID-19 infection as identified by the Centers for Disease Control and Prevention and requests to be excused;

iii. Must care for a child or relative whose regular care provider is closed or unavailable for reasons related to COVID-19; or

iv. Is receiving leave pursuant to the Families First Coronavirus Response Act.

b. Postponement of the service of a potential juror for up to six months shall be considered pursuant to section 40.23(2), Florida Statutes, if the potential juror indicates, subject to penalty of perjury, that he or she:

i. Has recently returned to work after being unemployed due to COVID-19; or

ii. Has suffered a financial or personal loss due to COVID-19 that makes it a hardship to perform jury service.[9, 10]

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9. Postponements are subject to the six-month statutory maximum specified in section 40.23(2), Florida Statutes. If granting a postponement based on one or both of these reasons would exceed the statutory maximum because of a previous postponement granted to a potential juror, the chief judge or the presiding judge is encouraged to consider whether to grant an excusal based on either reason.

10. For clarification purposes, the statutory provisions authorizing the reasons listed for excusals and postponements, which are necessitated by the pandemic, have been cited in Section III.C.(2). This clarification is effective as of June 16, 2020, *nunc pro tunc*.

D. Essential and Critical Trial Court Proceedings.[11]

(1) All trial courts shall continue to perform essential trial court proceedings, including but not limited to: first appearance; criminal arraignments; hearings on motions to set or modify monetary bail for individuals who are in custody; juvenile dependency shelter hearings; juvenile delinquency detention hearings; hearings on petitions for injunctions relating to safety of an individual; hearings on petitions for risk protection orders; hearings on petitions for the appointment of an emergency temporary guardian; hearings to determine whether an individual should be involuntarily committed under the Baker Act or the Marchman Act; and hearings on petitions for extraordinary writs as necessary to protect constitutional rights.

(2) In addition to essential trial court proceedings, all trial courts shall perform, as necessary and applicable, critical trial court proceedings related to the state of emergency or the public health emergency, including but not limited to proceedings related to: violation of quarantine or isolation; violation of orders to limit travel; violation of orders to close public or private buildings; and enforcement of curfew orders.

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11. These measures initially went into effect on March 17, 2020. (AOSC20-15).

(3) In Phase 1 and Phase 2, essential and critical trial court proceedings shall be conducted remotely, unless the chief judge or presiding judge, in consultation with the chief judge, determines that it is necessary to conduct the proceeding in person. If the circuit or county within a circuit is operating in Phase 1, in-person conduct of a proceeding may occur if the chief judge, in consultation with the county health department or local health expert, determines that the in-person proceeding can be conducted in a manner that protects the health and safety of all participants. If the circuit or county within a circuit is operating in Phase 2, in-person conduct of a proceeding must be consistent with the circuit's operational plan.

(4) It is recognized that certain essential or critical trial court proceedings in some jurisdictions may in extraordinary, limited circumstances be unavoidably delayed due to the exigencies of the ongoing emergency. When this occurs, chief judges are required to take all steps feasible to minimize the delay.

E. Other Trial Court Proceedings.[12] Trial court proceedings that are not addressed under Section III.A.(1) or III.D. shall be conducted as follows during Phase 1 and Phase 2. If in-person conduct of the proceeding is required below, the proceeding may be conducted in person only if the circuit or a county within the

12. A measure related to these proceedings initially went into effect on March 17, 2020. (AOSC20-15).

circuit is operating in Phase 2 pursuant to Fla. Admin. Order No. AOSC20-32, as amended, in a manner that is consistent with the circuit's operational plan, or as otherwise authorized under Section III.B(1) or IX.A.(2).

(1) Non-statewide grand jury selection and proceedings, civil jury selection and trial proceedings, and criminal jury selection and trial proceedings shall be conducted in person after the suspension of these proceedings ends pursuant to Section III.A.(2).

(2) Non-jury trials in:

a. Criminal cases shall be conducted remotely if the parties agree to such conduct or, if not, shall be conducted in person.

b. Termination of parental rights and juvenile delinquency cases shall be conducted remotely if ordered by the chief judge or the presiding judge or, if not, shall be conducted in person.

(3) All other trial court proceedings shall be conducted remotely, except that a proceeding shall be conducted in person if the chief judge or presiding judge, in consultation with the chief judge, determines that remote conduct of the proceeding:

a. Is inconsistent with the United States or Florida Constitution, a statute, or a rule of court that has not been suspended by administrative order; or

b. Would be infeasible because the court, the clerk, or other participant in a proceeding lacks the technological resources necessary to conduct the proceeding or, for reasons directly related to the state of emergency or the public health emergency, lacks the staff resources necessary to conduct the proceeding.

Chief judges shall take all necessary steps to ensure that the above-listed proceedings are conducted to the fullest extent feasible, consistent with the guidance established in this section.

F. In-Person Conduct of Trial Court Proceedings in Phase 2. While a circuit or county within a circuit is operating in Phase 2, it is the responsibility of the chief judge to ensure that trial court proceedings that must be in person pursuant Section III.D. or E. are conducted to the fullest extent feasible, consistent with the circuit's operational plan. Chief judges shall have the discretion to determine how best to utilize available trial court resources and facility space to conduct in-person proceedings, whether criminal or non-criminal, but before making such determination should consider the following priorities listed from highest to lowest:

(1) Essential and critical trial court proceedings.

(2) Circuit and county criminal trials with an in-custody defendant.

(3) Circuit trials for juveniles being tried as an adult.

(4) Juvenile delinquency trials.

(5) Circuit and county criminal trials with an out-of-custody defendant.

(6) Termination of parental rights trials.

(7) Circuit civil jury trials.

(8) County civil jury trials.

(9) All other trial court proceedings.

G. Case Resolution. To maximize the resolution of cases, chief judges:

(1) Shall direct all judges within their circuits to strictly comply with Florida Rule of Judicial Administration 2.545(a), (b), and (e), which respectively require judges to conclude litigation as soon as it is reasonably and justly possible to do so, to take charge of all cases at an early stage and to control the progress of the case thereafter until it is determined, and to apply a firm continuance policy allowing continuances only for good cause shown.

(2) Are encouraged, where consistent with public health and safety and the circuit's operational plan, to:

a. Use non-traditional facilities or underutilized courthouse space to increase the court's capacity for in-person proceedings;

b. Reassign judges and court staff to proceedings having the highest priority;

c. Implement scheduling practices that promote the conduct of as many jury trials as feasible; and

d. Communicate to the local Bar that lawyers must strictly comply with Florida Rule of Judicial Administration 2.545(a), which requires lawyers to conclude litigation as soon as it is reasonably and justly possible to do so, and that the pandemic alone is not a basis for a lawyer's failure to prepare a case for trial or otherwise actively manage a case.

H. In-person Conduct of Trial Court Proceedings in Phase 3.[13] All trial court proceedings may be conducted in person if the circuit or a county within the circuit is operating in Phase 3 pursuant to Fla. Admin. Order No. AOSC20-32, as amended, and the proceeding is conducted in a manner that is consistent with the circuit's operational plan.

13. This measure initially went into effect on March 17, 2020. (AOSC20-15).

IV. SUSPENSION OF TIME PERIODS IN CERTAIN RULES OF CRIMINAL PROCEDURE

A. Speedy Trial.[14]

(1) All time periods involving the speedy trial procedure in criminal and juvenile court proceedings shall remain suspended until 90 days after the Chief Justice has approved the certification of a chief judge of a judicial circuit that the circuit or a county within the circuit has transitioned to Phase 3 pursuant to Fla. Admin. Order No. AOSC20-32, as amended.

(2) When the suspension ends and the time periods resume in a circuit or county within a circuit:

a. Any time that accrued under the procedure for a person before the suspension began on March 13, 2020, shall be subtracted from the time periods provided by the procedure. *See, e.g.*, *Sullivan v. State*, 913 So. 2d 762 (Fla. 5th DCA 2005), and *State v. Hernandez*, 617 So. 2d 1103 (Fla. 3rd DCA 1993).

b. Each of the 10-day time periods in Fla. R. Crim. P. 3.191(p)(3) and Fla. R. Juv. P. 8.090(m)(3) shall be increased to 30 days until such time as the circuit or county within a circuit has transitioned to Phase 4.

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14. This measure initially went into effect at the close of business on March 13, 2020. (AOSC20-13 and AOSC20-17).

B. Persons Arrested for First Degree Murder.[15] With regard to persons arrested for first degree murder, all time periods under Florida Rules of Criminal Procedure 3.133(b) and 3.134 shall:

(1) Remain suspended until such time as grand jury proceedings are resumed pursuant to Section III.A. When the suspension ends and the time periods resume, any time that accrued under the rules for a person before the suspension began on March 13, 2020, shall be subtracted from the time periods provided by the rules.

(2) Be suspended during any period of time in which grand jury proceedings are suspended under Section III.A.(1)b. or IX.B. When the suspension ends and the time periods resume, any time that accrued under the rules for a person before the suspension began on March 13, 2020, shall be subtracted from the time periods provided by the rules.

C. Incompetence to Proceed.[16] Where exigencies make it impossible to meet the 20-day time period in Florida Rule of Criminal Procedure 3.210(b), chief judges of the circuit courts remain authorized to direct judges to hold competency hearings as soon as feasible after the date of filing a motion to determine

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15. This measure initially went into effect at the close of business on March 13, 2020. (AOSC20-17).

16. This measure initially went into effect on March 24, 2020. (AOSC20-17).

competency. Chief judges also remain authorized to allow experts and attorneys to conduct and attend competency evaluations by remote means, if feasible.

V. DEFENDANTS ARRESTED ON WARRANT OR CAPIAS FROM ANOTHER FLORIDA JURISDICTION[17]

To mitigate the health risks associated with the incarceration and transportation of defendants during the pandemic, when a defendant is arrested on a warrant or capias from another Florida jurisdiction, chief judges of the circuit courts remain encouraged to facilitate communication between the circuit or county where the case originated ("home court") and the circuit or county where the defendant is incarcerated ("holding court"), for the handling of matters on a temporary basis, as follows:

A. Pretrial Release and First Appearance Hearings. Chief judges remain authorized to direct judges conducting pretrial release and first appearance hearings to address detention and monetary bond or other conditions of pretrial release in the county of arrest, regardless of whether the case is transferred, rather than requiring transport of the defendant to the county where any warrant or capias originated.

For capiases and violation of probation warrants, before setting monetary bond or other conditions of pretrial release, the first appearance judge, in order to

17. These measures initially took effect on March 24, 2020. (AOSC20-17).

make a proper decision regarding monetary bond or other conditions of pretrial release, must rely on relevant information from the following individuals in the county that issued the capias or warrant: the issuing judge, defense counsel if any, and the state attorney.

Action taken by the holding court at first appearance and any pretrial release hearing should be promptly reported to the home court and reflected in the record of the case.

Any provision of Florida Rule of Criminal Procedure 3.131 inconsistent with these measures remains suspended.

B. Pleas. Judges remain encouraged to coordinate with prosecutors, attorneys, defendants, and victims in order to utilize section 910.035, Florida Statutes, which allows for pleas of guilty or nolo contendere for persons arrested in counties outside of the county of prosecution, upon the consent of the defendant and the state attorney in the county where the crime was committed.

C. Rights of Parties. In cases that are not handled by a plea or pretrial release such that the defendant will continue to be detained in the jurisdiction of the holding court for an indefinite period of time, chief judges are directed to ensure that the due process rights of the defendant are protected by facilitating the temporary transfer of the case to the holding court, if necessary; by having a judge from the holding court designated by the Chief Justice, or designated by the chief

judge if the home and holding court are within the same circuit, as a judge of the home court to handle emergency or other necessary matters in the case; or by other appropriate means.

D. Victims. The constitutional rights of crime victims must also be considered in all cases by the presiding judge.

VI. SPEEDY TRIAL PROCEDURE IN NONCRIMINAL TRAFFIC INFRACTION COURT PROCEEDINGS[18]

The time period involving the speedy trial procedure in noncriminal traffic infraction court proceedings shall remain suspended. When the suspension ends and the time period resumes, any time that accrued under the procedure for a person before the suspension began on March 13, 2020, shall be subtracted from the time period provided by the procedure.

VII. FAMILY LAW FORMS[19]

Except as indicated below, the requirement that Florida Family Law Forms be notarized or signed in the presence of a deputy clerk remains suspended, if the filer includes the following statement before the filer's signature:

> Under penalties of perjury, I declare that I have read this document and the facts stated in it are true.

18. This measure initially took effect on March 13, 2020. (AOSC20-19).
19. This measure initially took effect on March 24, 2020. (AOSC20-17).

This exception does not apply to Florida Family Law Forms 12.902(f)(1), Marital Settlement Agreement for Dissolution of Marriage with Dependent or Minor Child(ren), 12.902(f)(2), Marital Settlement Agreement for Dissolution of Marriage with Property but No Dependent or Minor Child(ren), 12.902(f)(3), Marital Settlement Agreement for Simplified Dissolution of Marriage, and any other family law form that transfers the ownership of property, which must continue to be notarized or signed in the presence of a deputy clerk prior to filing.

VIII. VISITATION FOR CHILDREN UNDER THE PROTECTIVE SUPERVISION OF THE FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES (DCF)[20]

Requirements for in-person visitation pursuant to circuit court orders entered under chapter 39, Florida Statutes, remain suspended. This order does not affect in-person visitations when all parties and the caregiver agree that the visitation can take place in a manner that does not pose a health threat.

In lieu of in-person visitation, visitation shall be conducted through electronic means with video communication as the preferred means, although telephonic contact is permitted if video communication is not feasible.

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20. These measures initially took effect on March 27, 2020. (AOSC20-18).

The suspension of in-person visitation applies to parent-child visitation, sibling visitation, and visitation between children and other family members and non-relatives.

If a party seeks to reinstate in-person visitation while the suspension of in-person visitation requirements remains in effect, such reinstatement shall be determined on a case-by-case basis by the circuit court with jurisdiction over that party's case. Reinstatement of in-person visitation may be ordered if the court determines that it will not jeopardize the health, safety, and well-being of all children and adults (including caregivers) who will be affected by the in-person visitation.

Nothing in these provisions regarding visitation for children under the protective supervision of the DCF overrides existing circuit administrative orders to the extent that those orders are not in conflict with this order. Circuits may enter additional administrative orders addressing visitation and contact pursuant to chapter 39, Florida Statutes, to the extent that they are not in conflict with this order.

IX. REVERSION TO A PREVIOUS PHASE

If a circuit or a county within the circuit reverts to a previous phase, as addressed in Fla. Admin. Order No. AOSC20-32, as amended, the following provisions govern.

A. Certain Jury Proceedings and Jury Trials. If a circuit or a county within the circuit reverts to Phase 1, juror selection and proceedings for a non-statewide grand jury and juror selection and trial proceedings for a civil or criminal case that:

(1) Were not commenced before the reversion are suspended until the circuit or county returns to Phase 2, at which time such proceedings may be commenced in person in a manner consistent with the circuit's operational plan.

(2) Were commenced before the reversion may proceed to completion in person if the chief judge determines that completion of the proceeding without delay is required by the interests of justice and determines, in consultation with the county health department or local health expert, that the in-person proceeding can be conducted in a manner that protects the health and safety of all participants. The requirements of the double jeopardy clause must be considered in criminal proceedings.

B. Suspension of Impaneled Non-statewide Grand Jury. If the chief judge determines that the proceedings of an impaneled non-statewide grand jury cannot continue in Phase 1, the chief judge may issue a local administrative order suspending the proceedings for a specified period of time not to exceed 30 days after the circuit or county within the circuit returns to Phase 2. The provisions of Section III.A.(3) apply with respect to the restoration of time to the term of the impaneled non-statewide grand jury during such suspension.

C. Speedy Trial. If a circuit or a county within the circuit reverts from Phase 3 to Phase 1 or Phase 2, all time periods involving the speedy trial procedure in criminal and juvenile court proceedings are suspended until 90 days after the Chief Justice has approved the recertification of a chief judge of a judicial circuit that the circuit or county within the circuit has returned to Phase 3 pursuant to Fla. Admin. Order No. AOSC20-32, as amended. When the suspension ends and the time periods resume:

(1) Any time that accrued under the speedy trial procedure for a person before the initial suspension of the procedure began on March 13, 2020, and while the procedure was in effect during Phase 3 shall be subtracted from the time periods provided by the procedure. *See, e.g.*, *Sullivan v. State*, 913 So. 2d 762 (Fla. 5th DCA 2005), and *State v. Hernandez*, 617 So. 2d 1103 (Fla. 3rd DCA 1993).

(2) Each of the 10-day time periods in Fla. R. Crim. P. 3.191(p)(3) and Fla. R. Juv. P. 8.090(m)(3) shall be increased to 30 days until such time as the circuit or county within a circuit has transitioned to Phase 4.

* * *

Additional orders extending or modifying these measures will be issued as warranted by changing circumstances during the public health emergency.

DONE AND ORDERED at Tallahassee, Florida, on November 23, 2020.

AOSC20-23 A8

Chief Justice Charles T. Canady

AOSC20-23 A8 11/23/2020

ATTEST:

AOSC20-23 A8 11/23/2020

John A. Tomasino, Clerk of Court

AOSC20-23 A8 11/23/2020

AO 20-23 (9) | FLORIDA SUPREME COURT

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Supreme Court of Florida

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Amendment 9[1]

IN RE: COMPREHENSIVE COVID-19 EMERGENCY MEASURES FOR FLORIDA TRIAL COURTS

ADMINISTRATIVE ORDER

As a result of the Coronavirus Disease 2019 (COVID-19) pandemic, the State Surgeon General and State Health Officer on March 1, 2020, declared that a public health emergency exists in Florida, and the Governor on March 9, 2020, declared a state of emergency for the entire state. The Florida state courts have taken measures to mitigate the effects of this public health emergency upon the judicial branch and its participants. To that end, I have issued several administrative orders implementing temporary measures essential to the administration of justice during the COVID-19 pandemic.[2] The overarching intent

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1. This administrative order is issued to technically clarify Section I.B. to include the term "remotely conduct," amend Section III.B. to authorize the conduct of remote criminal jury trials, conform an internal cross-reference in Section III.E., and amend the requirements for the conduct of remote criminal bench trials in Section III.E.(2)a.

2. *In re: COVID-19 Emergency Procedures in the Florida State Courts*, Fla. Admin. Order No. AOSC20-13 (March 13, 2020); *In re: COVID-19 Essential and Critical Trial Court Proceedings,* Fla. Admin. Order No. AOSC20-15 (March 17, 2020); *In re: COVID-19 Emergency Procedures for the Administering of Oaths via Remote Audio-Video Communication Equipment,* Fla. Admin. Order No. AOSC20-

of those orders has been to mitigate the impact of COVID-19, while keeping the courts operating to the fullest extent consistent with public safety.

It is the intent of the judicial branch to transition to optimal operations in a manner that protects the public's health and safety during each of the following anticipated phases of the pandemic:

a) Phase 1 – in-person contact is inadvisable, court facilities are effectively closed to the public, and in-person proceedings are rare;

b) Phase 2 – in-person contact is authorized for certain purposes but requires use of protective measures;

c) Phase 3 – an effective vaccine is adequately available and in use and in-person contact is more broadly authorized; and

d) Phase 4 – COVID-19 no longer presents a significant risk to public health and safety.

This order extends, refines, and strengthens previously enacted temporary remedial measures. The measures shall remain in effect until *In re: COVID-19*

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16 (March 18, 2020); *In re: COVID-19 Emergency Measures in the Florida State Courts*, Fla. Admin. Order No. AOSC20-17 (March 24, 2020); *In re: COVID-19 Emergency Procedures in Relation to Visitation for Children Under the Protective Supervision of the Department of Children and Families*, Fla. Admin. Order No. AOSC20-18 (March 27, 2020); and *In re: COVID-19 Emergency Procedures for Speedy Trial in Noncriminal Traffic Infraction Court Proceedings*, Fla. Admin Order No. AOSC20-19 (March 30, 2020).

Public Health and Safety Precautions for Operational Phase Transitions, Fla. Admin. Order No. AOSC20-32, as amended, is terminated or as may be provided by subsequent order.

Under the administrative authority conferred upon me by article V, section 2(b) of the Florida Constitution, by Florida Rules of Judicial Administration 2.205(a)(2)(B)(iv) and 2.205(a)(2)(B)(v), and by Rule Regulating the Florida Bar 1-12.1(j),

IT IS ORDERED that:

I. GUIDING PRINCIPLES

A. The presiding judge in all cases must consider the constitutional rights of crime victims and criminal defendants and the public's constitutional right of access to the courts.

B. To maintain judicial workflow to the maximum extent feasible, chief judges shall take all necessary steps to support the remote conduct of proceedings with the use of technology, in accordance with this administrative order and other applicable standards and guidance as may be adopted by the Chief Justice or supreme court. For purposes of this administrative order, "remote conduct," "remotely conduct," or "conducted remotely" means the conduct, in part or in whole, of a court proceeding using telephonic or other electronic means.

C. Nothing in this order is intended to limit a chief judge's authority to conduct court business or to approve additional court proceedings or events that are required in the interest of justice, if doing so is consistent with this administrative order and protecting the health of the participants and the public.

D. Judges and court personnel who can effectively conduct court and judicial branch business from a remote location shall do so. Participants who have the capability of participating by electronic means in remote court proceedings shall do so.

II. USE OF TECHNOLOGY

A. All rules of procedure, court orders, and opinions applicable to court proceedings that limit or prohibit the use of communication equipment for the remote conduct of proceedings shall remain suspended.[3]

B. The chief judge of each judicial circuit remains authorized to establish procedures for the use, to the maximum extent feasible, of communication equipment for the remote conduct of proceedings, as are necessary in their respective circuit due to the public health emergency.[4]

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3. This measure initially went into effect at the close of business on March 13, 2020. (AOSC20-13).

4. This measure initially went into effect on Friday, March 13, 2020. (AOSC20-13).

C. Administering of Oaths

(1) Notaries and other persons qualified to administer an oath in the State of Florida may swear a witness remotely by audio-video communication technology from a location within the State of Florida, provided they can positively identify the witness.[5]

(2) If a witness is not located within the State of Florida, a witness may consent to being put on oath via audio-video communication technology by a person qualified to administer an oath in the State of Florida.[6]

(3) All rules of procedure, court orders, and opinions applicable to remote testimony, depositions, and other legal testimony, including the attestation of family law forms, that can be read to limit or prohibit the use of audio-video communications equipment to administer oaths remotely or to witness the attestation of family law forms shall remain suspended.[7]

(4) Notaries and other persons qualified to administer an oath in the State of Florida may swear in new attorneys to The Florida Bar remotely by audio-video communication technology from a location within the State of Florida, provided they can positively identify the new attorney.

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5. This measure initially went into effect on March 18, 2020. (AOSC20-16).
6. This measure initially went into effect on March 18, 2020. (AOSC20-16).
7. This measure initially went into effect on March 18, 2020. (AOSC20-16).

(5) For purposes of the provisions regarding the administering of oaths, the term "positively identify" means that the notary or other qualified person can both see and hear the witness or new attorney via audio-video communications equipment for purposes of readily identifying the witness or new attorney.

D. Law School Practice Programs.

(1) A supervising attorney in a law school practice program, under Rule 11-1.2(b) of the Rules Regulating The Florida Bar, may utilize audio-video communication technology to remotely supervise the law student in satisfaction of the requirement that the supervising attorney be physically present. The supervising attorney and law student must maintain a separate, confidential communication channel during the proceedings.

(2) In a law school practice program, the requirement in Rule 11-1.2(b) of the Rules Regulating The Florida Bar that an indigent person and the supervising attorney must consent in writing to representation by a supervised law student may be satisfied by the judge receiving the consent verbally under oath.

III. TRIAL COURT PROCEEDINGS

The following provisions govern the conduct of trial court proceedings during Phases 1 through 3, except as modified by Section IX., addressing reversions to a previous phase by a circuit or a county within the circuit.

A. Jury Proceedings and Jury Trials.

(1) Statewide grand jury proceedings were suspended through July 26, 2020.

a. After the suspension, the proceedings shall be conducted remotely or, if one of the following criteria is satisfied, may be conducted in person:

i. The presiding judge for the statewide grand jury, in consultation with the county health department or local health expert, determines that the in-person proceeding can be conducted in a manner that protects the health and safety of all participants if the circuit is operating in Phase 1; or

ii. The circuit is operating in Phase 2 or Phase 3 pursuant to Fla. Admin. Order No. AOSC20-32, as amended, and the proceeding is conducted in a manner that is consistent with the circuit's operational plan.

b. If the presiding judge for the statewide grand jury determines that the proceedings of the statewide grand jury cannot proceed remotely or in person in Phase 1, the presiding judge may issue a local administrative order suspending the proceedings for a specified period of time not to exceed 30 days after the circuit returns to Phase 2.

(2) Non-statewide grand jury selection and proceedings, civil jury selection and trial proceedings, and criminal jury selection and trial proceedings shall remain

suspended until 30 days after the chief judge of a judicial circuit has determined that the circuit or a county within the circuit has transitioned to Phase 2 pursuant to Fla. Admin. Order No. AOSC20-32, as amended.[8]

(3) Additional days equal to the number of days for which grand jury proceedings are suspended shall be restored to the term of the impaneled statewide grand jury or other impaneled grand jury; however, the number of days restored may not exceed the number of days the impaneled grand jury had remaining in its term when the suspension began.

B. Remote Civil and Criminal Jury Trials.

(1) Notwithstanding any other provision in this administrative order, a judicial circuit may remotely conduct:

a. Civil jury trials if all parties consent to participating in the remote trial.

b. Criminal jury trials if:

i. The defendant provides consent in writing and orally on the record establishing that the defendant has knowingly, voluntarily, and intelligently agreed to the remote conduct of the trial;

ii. Counsel for the defendant, if the defendant is represented, indicates orally on the record that they have discussed the potential advantages and disadvantages of remote conduct of the trial with the defendant

8. This measure initially went into effect on March 16, 2020. (AOSC20-13).

and have concluded that the defendant has knowingly, voluntarily, and intelligently agreed to the remote conduct of the trial; and

iii. The prosecutor indicates the State's and, if applicable, the victim's positions orally on the record regarding remote conduct of the trial for purposes of consideration by the presiding judge in determining whether to remotely conduct the trial.

(2) A court proceeding to obtain the statements required to be provided orally on the record pursuant to Section III.B.(1)b. may be remotely conducted.

(3) The cases selected for a remote jury trial must be:

a. Based upon the case being conducive to a remote proceeding; and

b. Conducted pursuant to the requirements specified in the report titled *Requirements and Evaluation Criteria – Remote Civil and Criminal Jury Trials* and other applicable standards and guidance as may be adopted by the Chief Justice or supreme court.

(4) Within 30 days after the remote conduct of a jury trial for the first time in a judicial circuit, the circuit shall present the results of the trial and report its findings and recommendations to the Chief Justice through the state courts administrator.

(5) To conduct any portion of a remote jury trial in person:

a. The chief judge, in consultation with the county health department or local health expert, must determine that the in-person proceeding can be conducted in a manner that protects the health and safety of all participants if the circuit or a county within the circuit is operating in Phase 1; or

b. The circuit or a county within the circuit must be operating in Phase 2 or Phase 3 pursuant to Fla. Admin. Order No. AOSC20-32, as amended, and the proceeding must be conducted in a manner that is consistent with the circuit's operational plan.

C. Juror Disqualifications, Excusals, and Postponements. For purposes of limiting in-person contact to mitigate the spread of COVID-19 and of addressing hardships related to the pandemic, each chief judge of a judicial circuit:

(1) May authorize the remote conduct of a proceeding in which disqualifications or excusals pursuant to section 40.013, Florida Statutes, or postponements pursuant to section 40.23, Florida Statutes, may be considered for persons who are summoned as a pool for possible juror service as described in section 40.011(5)(b), Florida Statutes.

(2) Shall create a process whereby the:

a. Excusal of a potential juror shall be considered pursuant to section 40.013(5) and (6), Florida Statutes, if the potential juror indicates, subject to penalty of perjury, that he or she:

i. Does not meet the court's Phase 2 or Phase 3 screening requirements for courthouse entry as established in the circuit's operational plan;

ii. Is a person at higher risk for severe illness due to COVID-19 infection as identified by the Centers for Disease Control and Prevention and requests to be excused;

iii. Must care for a child or relative whose regular care provider is closed or unavailable for reasons related to COVID-19; or

iv. Is receiving leave pursuant to the Families First Coronavirus Response Act.

b. Postponement of the service of a potential juror for up to six months shall be considered pursuant to section 40.23(2), Florida Statutes, if the potential juror indicates, subject to penalty of perjury, that he or she:

i. Has recently returned to work after being unemployed due to COVID-19; or

ii. Has suffered a financial or personal loss due to COVID-19 that makes it a hardship to perform jury service.[9, 10]

D. Essential and Critical Trial Court Proceedings.[11]

(1) All trial courts shall continue to perform essential trial court proceedings, including but not limited to: first appearance; criminal arraignments; hearings on motions to set or modify monetary bail for individuals who are in custody; juvenile dependency shelter hearings; juvenile delinquency detention hearings; hearings on petitions for injunctions relating to safety of an individual; hearings on petitions for risk protection orders; hearings on petitions for the appointment of an emergency temporary guardian; hearings to determine whether an individual should be involuntarily committed under the Baker Act or the Marchman Act; and hearings on petitions for extraordinary writs as necessary to protect constitutional rights.

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9. Postponements are subject to the six-month statutory maximum specified in section 40.23(2), Florida Statutes. If granting a postponement based on one or both of these reasons would exceed the statutory maximum because of a previous postponement granted to a potential juror, the chief judge or the presiding judge is encouraged to consider whether to grant an excusal based on either reason.

10. For clarification purposes, the statutory provisions authorizing the reasons listed for excusals and postponements, which are necessitated by the pandemic, have been cited in Section III.C.(2). This clarification is effective as of June 16, 2020, *nunc pro tunc*.

11. These measures initially went into effect on March 17, 2020. (AOSC20-15).

(2) In addition to essential trial court proceedings, all trial courts shall perform, as necessary and applicable, critical trial court proceedings related to the state of emergency or the public health emergency, including but not limited to proceedings related to: violation of quarantine or isolation; violation of orders to limit travel; violation of orders to close public or private buildings; and enforcement of curfew orders.

(3) In Phase 1 and Phase 2, essential and critical trial court proceedings shall be conducted remotely, unless the chief judge or presiding judge, in consultation with the chief judge, determines that it is necessary to conduct the proceeding in person. If the circuit or county within a circuit is operating in Phase 1, in-person conduct of a proceeding may occur if the chief judge, in consultation with the county health department or local health expert, determines that the in-person proceeding can be conducted in a manner that protects the health and safety of all participants. If the circuit or county within a circuit is operating in Phase 2, in-person conduct of a proceeding must be consistent with the circuit's operational plan.

(4) It is recognized that certain essential or critical trial court proceedings in some jurisdictions may in extraordinary, limited circumstances be unavoidably delayed due to the exigencies of the ongoing emergency. When this occurs, chief judges are required to take all steps feasible to minimize the delay.

E. Other Trial Court Proceedings.[12] Trial court proceedings that are not addressed under Section III.A.(1) or III.D. shall be conducted as follows during Phase 1 and Phase 2. If in-person conduct of the proceeding is required below, the proceeding may be conducted in person only if the circuit or a county within the circuit is operating in Phase 2 pursuant to Fla. Admin. Order No. AOSC20-32, as amended, in a manner that is consistent with the circuit's operational plan, or as otherwise authorized under Section III.B(5)a. or IX.A.(2).

(1) Non-statewide grand jury selection and proceedings, civil jury selection and trial proceedings, and criminal jury selection and trial proceedings shall be conducted in person after the suspension of these proceedings ends pursuant to Section III.A.(2).

(2) Non-jury trials in:

a. Criminal cases may be conducted remotely if the requirements for certain statements specified in Section III.B.(1)b.i., ii., and iii. are satisfied or, if not, shall be conducted in person.

b. Termination of parental rights and juvenile delinquency cases shall be conducted remotely if ordered by the chief judge or the presiding judge or, if not, shall be conducted in person.

12. A measure related to these proceedings initially went into effect on March 17, 2020. (AOSC20-15).

(3) All other trial court proceedings shall be conducted remotely, except that a proceeding shall be conducted in person if the chief judge or presiding judge, in consultation with the chief judge, determines that remote conduct of the proceeding:

a. Is inconsistent with the United States or Florida Constitution, a statute, or a rule of court that has not been suspended by administrative order; or

b. Would be infeasible because the court, the clerk, or other participant in a proceeding lacks the technological resources necessary to conduct the proceeding or, for reasons directly related to the state of emergency or the public health emergency, lacks the staff resources necessary to conduct the proceeding.

Chief judges shall take all necessary steps to ensure that the above-listed proceedings are conducted to the fullest extent feasible, consistent with the guidance established in this section.

F. In-Person Conduct of Trial Court Proceedings in Phase 2. While a circuit or county within a circuit is operating in Phase 2, it is the responsibility of the chief judge to ensure that trial court proceedings that must be in person pursuant Section III.D. or E. are conducted to the fullest extent feasible, consistent with the circuit's operational plan. Chief judges shall have the discretion to determine how best to

utilize available trial court resources and facility space to conduct in-person proceedings, whether criminal or non-criminal, but before making such determination should consider the following priorities listed from highest to lowest:

(1) Essential and critical trial court proceedings.

(2) Circuit and county criminal trials with an in-custody defendant.

(3) Circuit trials for juveniles being tried as an adult.

(4) Juvenile delinquency trials.

(5) Circuit and county criminal trials with an out-of-custody defendant.

(6) Termination of parental rights trials.

(7) Circuit civil jury trials.

(8) County civil jury trials.

(9) All other trial court proceedings.

G. Case Resolution. To maximize the resolution of cases, chief judges:

(1) Shall direct all judges within their circuits to strictly comply with Florida Rule of Judicial Administration 2.545(a), (b), and (e), which respectively require judges to conclude litigation as soon as it is reasonably and justly possible to do so, to take charge of all cases at an early stage and to control the progress of the case thereafter until it is determined, and to apply a firm continuance policy allowing continuances only for good cause shown.

(2) Are encouraged, where consistent with public health and safety and the circuit's operational plan, to:

a. Use non-traditional facilities or underutilized courthouse space to increase the court's capacity for in-person proceedings;

b. Reassign judges and court staff to proceedings having the highest priority;

c. Implement scheduling practices that promote the conduct of as many jury trials as feasible; and

d. Communicate to the local Bar that lawyers must strictly comply with Florida Rule of Judicial Administration 2.545(a), which requires lawyers to conclude litigation as soon as it is reasonably and justly possible to do so, and that the pandemic alone is not a basis for a lawyer's failure to prepare a case for trial or otherwise actively manage a case.

H. In-person Conduct of Trial Court Proceedings in Phase 3.[13] All trial court proceedings may be conducted in person if the circuit or a county within the circuit is operating in Phase 3 pursuant to Fla. Admin. Order No. AOSC20-32, as

13. This measure initially went into effect on March 17, 2020. (AOSC20-15).

amended, and the proceeding is conducted in a manner that is consistent with the circuit's operational plan.

IV. SUSPENSION OF TIME PERIODS IN CERTAIN RULES OF CRIMINAL PROCEDURE

A. Speedy Trial.[14]

(1) All time periods involving the speedy trial procedure in criminal and juvenile court proceedings shall remain suspended until 90 days after the Chief Justice has approved the certification of a chief judge of a judicial circuit that the circuit or a county within the circuit has transitioned to Phase 3 pursuant to Fla. Admin. Order No. AOSC20-32, as amended.

(2) When the suspension ends and the time periods resume in a circuit or county within a circuit:

a. Any time that accrued under the procedure for a person before the suspension began on March 13, 2020, shall be subtracted from the time periods provided by the procedure. *See, e.g.*, *Sullivan v. State*, 913 So. 2d 762 (Fla. 5th DCA 2005), and *State v. Hernandez*, 617 So. 2d 1103 (Fla. 3rd DCA 1993).

b. Each of the 10-day time periods in Fla. R. Crim. P. 3.191(p)(3) and Fla. R. Juv. P. 8.090(m)(3) shall be increased to 30 days until such time as the circuit or county within a circuit has transitioned to Phase 4.

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14. This measure initially went into effect at the close of business on March 13, 2020. (AOSC20-13 and AOSC20-17).

B. Persons Arrested for First Degree Murder.[15] With regard to persons arrested for first degree murder, all time periods under Florida Rules of Criminal Procedure 3.133(b) and 3.134 shall:

(1) Remain suspended until such time as grand jury proceedings are resumed pursuant to Section III.A. When the suspension ends and the time periods resume, any time that accrued under the rules for a person before the suspension began on March 13, 2020, shall be subtracted from the time periods provided by the rules.

(2) Be suspended during any period of time in which grand jury proceedings are suspended under Section III.A.(1)b. or IX.B. When the suspension ends and the time periods resume, any time that accrued under the rules for a person before the suspension began on March 13, 2020, shall be subtracted from the time periods provided by the rules.

C. Incompetence to Proceed.[16] Where exigencies make it impossible to meet the 20-day time period in Florida Rule of Criminal Procedure 3.210(b), chief judges of the circuit courts remain authorized to direct judges to hold competency hearings as soon as feasible after the date of filing a motion to determine

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15. This measure initially went into effect at the close of business on March 13, 2020. (AOSC20-17).

16. This measure initially went into effect on March 24, 2020. (AOSC20-17).

competency. Chief judges also remain authorized to allow experts and attorneys to conduct and attend competency evaluations by remote means, if feasible.

V. DEFENDANTS ARRESTED ON WARRANT OR CAPIAS FROM ANOTHER FLORIDA JURISDICTION[17]

To mitigate the health risks associated with the incarceration and transportation of defendants during the pandemic, when a defendant is arrested on a warrant or capias from another Florida jurisdiction, chief judges of the circuit courts remain encouraged to facilitate communication between the circuit or county where the case originated ("home court") and the circuit or county where the defendant is incarcerated ("holding court"), for the handling of matters on a temporary basis, as follows:

A. Pretrial Release and First Appearance Hearings. Chief judges remain authorized to direct judges conducting pretrial release and first appearance hearings to address detention and monetary bond or other conditions of pretrial release in the county of arrest, regardless of whether the case is transferred, rather than requiring transport of the defendant to the county where any warrant or capias originated.

For capiases and violation of probation warrants, before setting monetary bond or other conditions of pretrial release, the first appearance judge, in order to

17. These measures initially took effect on March 24, 2020. (AOSC20-17).

make a proper decision regarding monetary bond or other conditions of pretrial release, must rely on relevant information from the following individuals in the county that issued the capias or warrant: the issuing judge, defense counsel if any, and the state attorney.

Action taken by the holding court at first appearance and any pretrial release hearing should be promptly reported to the home court and reflected in the record of the case.

Any provision of Florida Rule of Criminal Procedure 3.131 inconsistent with these measures remains suspended.

B. Pleas. Judges remain encouraged to coordinate with prosecutors, attorneys, defendants, and victims in order to utilize section 910.035, Florida Statutes, which allows for pleas of guilty or nolo contendere for persons arrested in counties outside of the county of prosecution, upon the consent of the defendant and the state attorney in the county where the crime was committed.

C. Rights of Parties. In cases that are not handled by a plea or pretrial release such that the defendant will continue to be detained in the jurisdiction of the holding court for an indefinite period of time, chief judges are directed to ensure that the due process rights of the defendant are protected by facilitating the temporary transfer of the case to the holding court, if necessary; by having a judge from the holding court designated by the Chief Justice, or designated by the chief

judge if the home and holding court are within the same circuit, as a judge of the home court to handle emergency or other necessary matters in the case; or by other appropriate means.

D. Victims. The constitutional rights of crime victims must also be considered in all cases by the presiding judge.

VI. SPEEDY TRIAL PROCEDURE IN NONCRIMINAL TRAFFIC INFRACTION COURT PROCEEDINGS[18]

The time period involving the speedy trial procedure in noncriminal traffic infraction court proceedings shall remain suspended. When the suspension ends and the time period resumes, any time that accrued under the procedure for a person before the suspension began on March 13, 2020, shall be subtracted from the time period provided by the procedure.

VII. FAMILY LAW FORMS[19]

Except as indicated below, the requirement that Florida Family Law Forms be notarized or signed in the presence of a deputy clerk remains suspended, if the filer includes the following statement before the filer's signature:

> Under penalties of perjury, I declare that I have read this document and the facts stated in it are true.

18. This measure initially took effect on March 13, 2020. (AOSC20-19).
19. This measure initially took effect on March 24, 2020. (AOSC20-17).

This exception does not apply to Florida Family Law Forms 12.902(f)(1), Marital Settlement Agreement for Dissolution of Marriage with Dependent or Minor Child(ren), 12.902(f)(2), Marital Settlement Agreement for Dissolution of Marriage with Property but No Dependent or Minor Child(ren), 12.902(f)(3), Marital Settlement Agreement for Simplified Dissolution of Marriage, and any other family law form that transfers the ownership of property, which must continue to be notarized or signed in the presence of a deputy clerk prior to filing.

VIII. VISITATION FOR CHILDREN UNDER THE PROTECTIVE SUPERVISION OF THE FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES (DCF)[20]

Requirements for in-person visitation pursuant to circuit court orders entered under chapter 39, Florida Statutes, remain suspended. This order does not affect in-person visitations when all parties and the caregiver agree that the visitation can take place in a manner that does not pose a health threat.

In lieu of in-person visitation, visitation shall be conducted through electronic means with video communication as the preferred means, although telephonic contact is permitted if video communication is not feasible.

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20. These measures initially took effect on March 27, 2020. (AOSC20-18).

The suspension of in-person visitation applies to parent-child visitation, sibling visitation, and visitation between children and other family members and non-relatives.

If a party seeks to reinstate in-person visitation while the suspension of in-person visitation requirements remains in effect, such reinstatement shall be determined on a case-by-case basis by the circuit court with jurisdiction over that party's case. Reinstatement of in-person visitation may be ordered if the court determines that it will not jeopardize the health, safety, and well-being of all children and adults (including caregivers) who will be affected by the in-person visitation.

Nothing in these provisions regarding visitation for children under the protective supervision of the DCF overrides existing circuit administrative orders to the extent that those orders are not in conflict with this order. Circuits may enter additional administrative orders addressing visitation and contact pursuant to chapter 39, Florida Statutes, to the extent that they are not in conflict with this order.

IX. REVERSION TO A PREVIOUS PHASE

If a circuit or a county within the circuit reverts to a previous phase, as addressed in Fla. Admin. Order No. AOSC20-32, as amended, the following provisions govern.

A. Certain Jury Proceedings and Jury Trials. If a circuit or a county within the circuit reverts to Phase 1, juror selection and proceedings for a non-statewide grand jury and juror selection and trial proceedings for a civil or criminal case that:

(1) Were not commenced before the reversion are suspended until the circuit or county returns to Phase 2, at which time such proceedings may be commenced in person in a manner consistent with the circuit's operational plan.

(2) Were commenced before the reversion may proceed to completion in person if the chief judge determines that completion of the proceeding without delay is required by the interests of justice and determines, in consultation with the county health department or local health expert, that the in-person proceeding can be conducted in a manner that protects the health and safety of all participants. The requirements of the double jeopardy clause must be considered in criminal proceedings.

B. Suspension of Impaneled Non-statewide Grand Jury. If the chief judge determines that the proceedings of an impaneled non-statewide grand jury cannot continue in Phase 1, the chief judge may issue a local administrative order suspending the proceedings for a specified period of time not to exceed 30 days after the circuit or county within the circuit returns to Phase 2. The provisions of Section III.A.(3) apply with respect to the restoration of time to the term of the impaneled non-statewide grand jury during such suspension.

C. Speedy Trial. If a circuit or a county within the circuit reverts from Phase 3 to Phase 1 or Phase 2, all time periods involving the speedy trial procedure in criminal and juvenile court proceedings are suspended until 90 days after the Chief Justice has approved the recertification of a chief judge of a judicial circuit that the circuit or county within the circuit has returned to Phase 3 pursuant to Fla. Admin. Order No. AOSC20-32, as amended. When the suspension ends and the time periods resume:

(1) Any time that accrued under the speedy trial procedure for a person before the initial suspension of the procedure began on March 13, 2020, and while the procedure was in effect during Phase 3 shall be subtracted from the time periods provided by the procedure. *See, e.g.*, *Sullivan v. State*, 913 So. 2d 762 (Fla. 5th DCA 2005), and *State v. Hernandez*, 617 So. 2d 1103 (Fla. 3rd DCA 1993).

(2) Each of the 10-day time periods in Fla. R. Crim. P. 3.191(p)(3) and Fla. R. Juv. P. 8.090(m)(3) shall be increased to 30 days until such time as the circuit or county within a circuit has transitioned to Phase 4.

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Additional orders extending or modifying these measures will be issued as warranted by changing circumstances during the public health emergency.

DONE AND ORDERED at Tallahassee, Florida, on February 17, 2021.

AOSC20-23 A9

Chief Justice Charles T. Canady

AOSC20-23 A9 2/17/2021

ATTEST:

AOSC20-23 A9 2/17/2021

John A. Tomasino, Clerk of Court

AOSC20-23 A9 2/17/2021

AO 20-23 (10) | FLORIDA SUPREME COURT

YEAR: 2020

NUMBER: 23

TITLE: IN RE: COMPREHENSIVE COVID-19 EMERGENCY MEASURES FOR FLORIDA TRIAL COURTS

PAGES: 31

AMENDMENT: 10

Supreme Court of Florida

No. AOSC20-23
Amendment 10[1]

IN RE: COMPREHENSIVE COVID-19 EMERGENCY MEASURES FOR FLORIDA TRIAL COURTS

ADMINISTRATIVE ORDER

As a result of the Coronavirus Disease 2019 (COVID-19) pandemic, the State Surgeon General and State Health Officer on March 1, 2020, declared that a public health emergency exists in Florida, and the Governor on March 9, 2020, declared a state of emergency for the entire state. The Florida state courts have taken measures to mitigate the effects of this public health emergency upon the judicial branch and its participants. To that end, I have issued several administrative orders implementing temporary measures essential to the administration of justice during the COVID-19 pandemic.[2] The overarching intent

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1. This administrative order is issued to create a new Section III.G.(1) that provides requirements for case management in certain civil cases.

2. *In re: COVID-19 Emergency Procedures in the Florida State Courts*, Fla. Admin. Order No. AOSC20-13 (March 13, 2020); *In re: COVID-19 Essential and Critical Trial Court Proceedings,* Fla. Admin. Order No. AOSC20-15 (March 17, 2020); *In re: COVID-19 Emergency Procedures for the Administering of Oaths via Remote Audio-Video Communication Equipment,* Fla. Admin. Order No. AOSC20-16 (March 18, 2020); *In re: COVID-19 Emergency Measures in the Florida State Courts*, Fla. Admin. Order No. AOSC20-17 (March 24, 2020); *In re: COVID-19 Emergency Procedures in Relation to Visitation for Children Under the Protective*

of those orders has been to mitigate the impact of COVID-19, while keeping the courts operating to the fullest extent consistent with public safety.

It is the intent of the judicial branch to transition to optimal operations in a manner that protects the public's health and safety during each of the following anticipated phases of the pandemic:

a) Phase 1 – in-person contact is inadvisable, court facilities are effectively closed to the public, and in-person proceedings are rare;

b) Phase 2 – in-person contact is authorized for certain purposes but requires use of protective measures;

c) Phase 3 – an effective vaccine is adequately available and in use and in-person contact is more broadly authorized; and

d) Phase 4 – COVID-19 no longer presents a significant risk to public health and safety.

This order extends, refines, and strengthens previously enacted temporary remedial measures. The measures shall remain in effect until *In re: COVID-19 Public Health and Safety Precautions for Operational Phase Transitions*, Fla.

Supervision of the Department of Children and Families, Fla. Admin. Order No. AOSC20-18 (March 27, 2020); and *In re: COVID-19 Emergency Procedures for Speedy Trial in Noncriminal Traffic Infraction Court Proceedings*, Fla. Admin Order No. AOSC20-19 (March 30, 2020).

Admin. Order No. AOSC20-32, as amended, is terminated or as may be provided by subsequent order.

Under the administrative authority conferred upon me by article V, section 2(b) of the Florida Constitution, by Florida Rules of General Practice and Judicial Administration 2.205(a)(2)(B)(iv) and 2.205(a)(2)(B)(v), and by Rule Regulating the Florida Bar 1-12.1(j),

IT IS ORDERED that:

I. GUIDING PRINCIPLES

A. The presiding judge in all cases must consider the constitutional rights of crime victims and criminal defendants and the public's constitutional right of access to the courts.

B. To maintain judicial workflow to the maximum extent feasible, chief judges shall take all necessary steps to support the remote conduct of proceedings with the use of technology, in accordance with this administrative order and other applicable standards and guidance as may be adopted by the Chief Justice or supreme court. For purposes of this administrative order, "remote conduct," "remotely conduct," or "conducted remotely" means the conduct, in part or in whole, of a court proceeding using telephonic or other electronic means.

C. Nothing in this order is intended to limit a chief judge's authority to conduct court business or to approve additional court proceedings or events that

are required in the interest of justice, if doing so is consistent with this administrative order and protecting the health of the participants and the public.

D. Judges and court personnel who can effectively conduct court and judicial branch business from a remote location shall do so. Participants who have the capability of participating by electronic means in remote court proceedings shall do so.

II. USE OF TECHNOLOGY

A. All rules of procedure, court orders, and opinions applicable to court proceedings that limit or prohibit the use of communication equipment for the remote conduct of proceedings shall remain suspended.[3]

B. The chief judge of each judicial circuit remains authorized to establish procedures for the use, to the maximum extent feasible, of communication equipment for the remote conduct of proceedings, as are necessary in their respective circuit due to the public health emergency.[4]

3. This measure initially went into effect at the close of business on March 13, 2020. (AOSC20-13).

4. This measure initially went into effect on Friday, March 13, 2020. (AOSC20-13).

C. Administering of Oaths

(1) Notaries and other persons qualified to administer an oath in the State of Florida may swear a witness remotely by audio-video communication technology from a location within the State of Florida, provided they can positively identify the witness.[5]

(2) If a witness is not located within the State of Florida, a witness may consent to being put on oath via audio-video communication technology by a person qualified to administer an oath in the State of Florida.[6]

(3) All rules of procedure, court orders, and opinions applicable to remote testimony, depositions, and other legal testimony, including the attestation of family law forms, that can be read to limit or prohibit the use of audio-video communications equipment to administer oaths remotely or to witness the attestation of family law forms shall remain suspended.[7]

(4) Notaries and other persons qualified to administer an oath in the State of Florida may swear in new attorneys to The Florida Bar remotely by audio-video communication technology from a location within the State of Florida, provided they can positively identify the new attorney.

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5. This measure initially went into effect on March 18, 2020. (AOSC20-16).
6. This measure initially went into effect on March 18, 2020. (AOSC20-16).
7. This measure initially went into effect on March 18, 2020. (AOSC20-16).

(5) For purposes of the provisions regarding the administering of oaths, the term "positively identify" means that the notary or other qualified person can both see and hear the witness or new attorney via audio-video communications equipment for purposes of readily identifying the witness or new attorney.

D. Law School Practice Programs.

(1) A supervising attorney in a law school practice program, under Rule 11-1.2(b) of the Rules Regulating The Florida Bar, may utilize audio-video communication technology to remotely supervise the law student in satisfaction of the requirement that the supervising attorney be physically present. The supervising attorney and law student must maintain a separate, confidential communication channel during the proceedings.

(2) In a law school practice program, the requirement in Rule 11-1.2(b) of the Rules Regulating The Florida Bar that an indigent person and the supervising attorney must consent in writing to representation by a supervised law student may be satisfied by the judge receiving the consent verbally under oath.

III. TRIAL COURT PROCEEDINGS

The following provisions govern the conduct of trial court proceedings during Phases 1 through 3, except as modified by Section IX., addressing reversions to a previous phase by a circuit or a county within the circuit.

A. Jury Proceedings and Jury Trials.

(1) Statewide grand jury proceedings were suspended through July 26, 2020.

a. After the suspension, the proceedings shall be conducted remotely or, if one of the following criteria is satisfied, may be conducted in person:

i. The presiding judge for the statewide grand jury, in consultation with the county health department or local health expert, determines that the in-person proceeding can be conducted in a manner that protects the health and safety of all participants if the circuit is operating in Phase 1; or

ii. The circuit is operating in Phase 2 or Phase 3 pursuant to Fla. Admin. Order No. AOSC20-32, as amended, and the proceeding is conducted in a manner that is consistent with the circuit's operational plan.

b. If the presiding judge for the statewide grand jury determines that the proceedings of the statewide grand jury cannot proceed remotely or in person in Phase 1, the presiding judge may issue a local administrative order suspending the proceedings for a specified period of time not to exceed 30 days after the circuit returns to Phase 2.

(2) Non-statewide grand jury selection and proceedings, civil jury selection and trial proceedings, and criminal jury selection and trial proceedings shall remain

suspended until 30 days after the chief judge of a judicial circuit has determined that the circuit or a county within the circuit has transitioned to Phase 2 pursuant to Fla. Admin. Order No. AOSC20-32, as amended.[8]

(3) Additional days equal to the number of days for which grand jury proceedings are suspended shall be restored to the term of the impaneled statewide grand jury or other impaneled grand jury; however, the number of days restored may not exceed the number of days the impaneled grand jury had remaining in its term when the suspension began.

B. Remote Civil and Criminal Jury Trials.

(1) Notwithstanding any other provision in this administrative order, a judicial circuit may remotely conduct:

a. Civil jury trials if all parties consent to participating in the remote trial.

b. Criminal jury trials if:

i. The defendant provides consent in writing and orally on the record establishing that the defendant has knowingly, voluntarily, and intelligently agreed to the remote conduct of the trial;

ii. Counsel for the defendant, if the defendant is represented, indicates orally on the record that they have discussed the potential advantages and disadvantages of remote conduct of the trial with the defendant

8. This measure initially went into effect on March 16, 2020. (AOSC20-13).

and have concluded that the defendant has knowingly, voluntarily, and intelligently agreed to the remote conduct of the trial; and

iii. The prosecutor indicates the State's and, if applicable, the victim's positions orally on the record regarding remote conduct of the trial for purposes of consideration by the presiding judge in determining whether to remotely conduct the trial.

(2) A court proceeding to obtain the statements required to be provided orally on the record pursuant to Section III.B.(1)b. may be remotely conducted.

(3) The cases selected for a remote jury trial must be:

a. Based upon the case being conducive to a remote proceeding; and

b. Conducted pursuant to the requirements specified in the report titled *Requirements and Evaluation Criteria – Remote Civil and Criminal Jury Trials* and other applicable standards and guidance as may be adopted by the Chief Justice or supreme court.

(4) Within 30 days after the remote conduct of a jury trial for the first time in a judicial circuit, the circuit shall present the results of the trial and report its findings and recommendations to the Chief Justice through the state courts administrator.

(5) To conduct any portion of a remote jury trial in person:

a. The chief judge, in consultation with the county health department or local health expert, must determine that the in-person proceeding can be conducted in a manner that protects the health and safety of all participants if the circuit or a county within the circuit is operating in Phase 1; or

b. The circuit or a county within the circuit must be operating in Phase 2 or Phase 3 pursuant to Fla. Admin. Order No. AOSC20-32, as amended, and the proceeding must be conducted in a manner that is consistent with the circuit's operational plan.

C. Juror Disqualifications, Excusals, and Postponements. For purposes of limiting in-person contact to mitigate the spread of COVID-19 and of addressing hardships related to the pandemic, each chief judge of a judicial circuit:

(1) May authorize the remote conduct of a proceeding in which disqualifications or excusals pursuant to section 40.013, Florida Statutes, or postponements pursuant to section 40.23, Florida Statutes, may be considered for persons who are summoned as a pool for possible juror service as described in section 40.011(5)(b), Florida Statutes.

(2) Shall create a process whereby the:

a. Excusal of a potential juror shall be considered pursuant to section 40.013(5) and (6), Florida Statutes, if the potential juror indicates, subject to penalty of perjury, that he or she:

i. Does not meet the court's Phase 2 or Phase 3 screening requirements for courthouse entry as established in the circuit's operational plan;

ii. Is a person at higher risk for severe illness due to COVID-19 infection as identified by the Centers for Disease Control and Prevention and requests to be excused;

iii. Must care for a child or relative whose regular care provider is closed or unavailable for reasons related to COVID-19; or

iv. Is receiving leave pursuant to the Families First Coronavirus Response Act.

b. Postponement of the service of a potential juror for up to six months shall be considered pursuant to section 40.23(2), Florida Statutes, if the potential juror indicates, subject to penalty of perjury, that he or she:

i. Has recently returned to work after being unemployed due to COVID-19; or

ii. Has suffered a financial or personal loss due to COVID-19 that makes it a hardship to perform jury service.[9, 10]

D. Essential and Critical Trial Court Proceedings.[11]

(1) All trial courts shall continue to perform essential trial court proceedings, including but not limited to: first appearance; criminal arraignments; hearings on motions to set or modify monetary bail for individuals who are in custody; juvenile dependency shelter hearings; juvenile delinquency detention hearings; hearings on petitions for injunctions relating to safety of an individual; hearings on petitions for risk protection orders; hearings on petitions for the appointment of an emergency temporary guardian; hearings to determine whether an individual should be involuntarily committed under the Baker Act or the Marchman Act; and hearings on petitions for extraordinary writs as necessary to protect constitutional rights.

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9. Postponements are subject to the six-month statutory maximum specified in section 40.23(2), Florida Statutes. If granting a postponement based on one or both of these reasons would exceed the statutory maximum because of a previous postponement granted to a potential juror, the chief judge or the presiding judge is encouraged to consider whether to grant an excusal based on either reason.

10. For clarification purposes, the statutory provisions authorizing the reasons listed for excusals and postponements, which are necessitated by the pandemic, have been cited in Section III.C.(2). This clarification is effective as of June 16, 2020, *nunc pro tunc*.

11. These measures initially went into effect on March 17, 2020. (AOSC20-15).

(2) In addition to essential trial court proceedings, all trial courts shall perform, as necessary and applicable, critical trial court proceedings related to the state of emergency or the public health emergency, including but not limited to proceedings related to: violation of quarantine or isolation; violation of orders to limit travel; violation of orders to close public or private buildings; and enforcement of curfew orders.

(3) In Phase 1 and Phase 2, essential and critical trial court proceedings shall be conducted remotely, unless the chief judge or presiding judge, in consultation with the chief judge, determines that it is necessary to conduct the proceeding in person. If the circuit or county within a circuit is operating in Phase 1, in-person conduct of a proceeding may occur if the chief judge, in consultation with the county health department or local health expert, determines that the in-person proceeding can be conducted in a manner that protects the health and safety of all participants. If the circuit or county within a circuit is operating in Phase 2, in-person conduct of a proceeding must be consistent with the circuit's operational plan.

(4) It is recognized that certain essential or critical trial court proceedings in some jurisdictions may in extraordinary, limited circumstances be unavoidably delayed due to the exigencies of the ongoing emergency. When this occurs, chief judges are required to take all steps feasible to minimize the delay.

E. Other Trial Court Proceedings.[12] Trial court proceedings that are not addressed under Section III.A.(1) or III.D. shall be conducted as follows during Phase 1 and Phase 2. If in-person conduct of the proceeding is required below, the proceeding may be conducted in person only if the circuit or a county within the circuit is operating in Phase 2 pursuant to Fla. Admin. Order No. AOSC20-32, as amended, in a manner that is consistent with the circuit's operational plan, or as otherwise authorized under Section III.B(5)a. or IX.A.(2).

(1) Non-statewide grand jury selection and proceedings, civil jury selection and trial proceedings, and criminal jury selection and trial proceedings shall be conducted in person after the suspension of these proceedings ends pursuant to Section III.A.(2).

(2) Non-jury trials in:

a. Criminal cases may be conducted remotely if the requirements for certain statements specified in Section III.B.(1)b.i., ii., and iii. are satisfied or, if not, shall be conducted in person.

b. Termination of parental rights and juvenile delinquency cases shall be conducted remotely if ordered by the chief judge or the presiding judge or, if not, shall be conducted in person.

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12. A measure related to these proceedings initially went into effect on March 17, 2020. (AOSC20-15).

(3) All other trial court proceedings shall be conducted remotely, except that a proceeding shall be conducted in person if the chief judge or presiding judge, in consultation with the chief judge, determines that remote conduct of the proceeding:

a. Is inconsistent with the United States or Florida Constitution, a statute, or a rule of court that has not been suspended by administrative order; or

b. Would be infeasible because the court, the clerk, or other participant in a proceeding lacks the technological resources necessary to conduct the proceeding or, for reasons directly related to the state of emergency or the public health emergency, lacks the staff resources necessary to conduct the proceeding.

Chief judges shall take all necessary steps to ensure that the above-listed proceedings are conducted to the fullest extent feasible, consistent with the guidance established in this section.

F. In-Person Conduct of Trial Court Proceedings in Phase 2. While a circuit or county within a circuit is operating in Phase 2, it is the responsibility of the chief judge to ensure that trial court proceedings that must be in person pursuant Section III.D. or E. are conducted to the fullest extent feasible, consistent with the circuit's operational plan. Chief judges shall have the discretion to determine how best to utilize available trial court resources and facility space to conduct in-person proceedings, whether criminal or non-criminal, but before making such

determination should consider the following priorities listed from highest to lowest:

(1) Essential and critical trial court proceedings.

(2) Circuit and county criminal trials with an in-custody defendant.

(3) Circuit trials for juveniles being tried as an adult.

(4) Juvenile delinquency trials.

(5) Circuit and county criminal trials with an out-of-custody defendant.

(6) Termination of parental rights trials.

(7) Circuit civil jury trials.

(8) County civil jury trials.

(9) All other trial court proceedings.

G. Case Management and Resolution. To maximize the resolution of cases, chief judges:

(1) Shall issue an administrative order applicable to each county within the judicial circuit, except as provided in Section III.G.(1)b., that takes effect on April 30, 2021, and that requires the presiding judge for each civil case[13] to actively manage civil cases in the manner specified below.

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13. As used in Section III.G.(1), the term "civil case" means actions to which the Florida Rules of Civil Procedure apply, as identified in Florida Rule of Civil Procedure 1.010, and actions in which the court has ordered that the action proceed under one or more of the Florida Rules of Civil Procedure pursuant to Florida

a. The administrative order shall:

i. Require review of each civil case to determine whether it is complex, streamlined, or general.

1. Complex civil cases are actions that have been or may be designated by court order as complex under Florida Rule of Civil Procedure 1.201. Upon such designation, the action shall proceed as provided in the rule.

2. Streamlined civil cases shall be identified based on criteria determined by the chief judge and specified in the administrative order. Criteria that the chief judge may wish to consider for the identification of streamlined cases include whether the case involves: few parties; non-complex issues related to liability and damages; few anticipated pretrial motions; limited need for

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Small Claims Rule 7.020(c), but does not include actions subject to section 51.011, Florida Statutes. *See* Florida Rule of Civil Procedure 1.010 (stating that the Florida Rules of Civil Procedure "apply to all actions of a civil nature and all special statutory proceedings in the circuit courts and county courts except those to which the Florida Probate Rules, the Florida Family Law Rules of Procedure, or the Small Claims Rules apply."); Florida Small Claims Rule 7.020(c) (stating that "In any particular action, the court may order that action to proceed under 1 or more additional Florida Rules of Civil Procedure on application of any party or the stipulation of all parties or on the court's own motion."); and section 51.011, Florida Statutes (providing a summary procedure for the resolution of certain actions when specified by statute or rule).

discovery; few witnesses; minimal documentary evidence; and an anticipated trial length of less than two days.

3. General civil cases are all other civil cases.

ii. Require the presiding judge to issue a case management order for each streamlined and general civil case that at a minimum specifies the deadlines for service of complaints, service under extensions, and adding new parties and the deadlines by which: fact and expert discovery shall be completed; all objections to pleadings and pretrial motions shall be resolved; and mediation shall have occurred. The case management order shall also specify the projected date of trial; indicate that the deadlines established in the order will be strictly enforced by the court; indicate that a firm trial date will be ordered by the presiding judge when the case is at issue pursuant to Florida Rule of Civil Procedure 1.440; and address any other matters required by the chief judge. If the streamlined or general civil case:

1. Is filed on or after April 30, 2021, the case management order shall be issued within 30 days of service of the complaint on the last of all named defendants.

2. Was filed before April 30, 2021, the case management order shall be issued within 30 days of service of the complaint on the last of

all named defendants or by May 28, 2021, whichever date is later. The case management order shall address each deadline identified under Section III.G.(1)a.ii. and the projected date for trial if such event has not yet occurred in the case or has not yet been specified by other court order.

iii. Establish maximum periods within which the deadlines required by Section III.G.(1)a.ii. and the projected date of trial shall be set in the case management order. The maximum periods shall be differentiated based on the whether the civil case is streamlined or general and shall be consistent with the time standards specified in Florida Rule of General Practice and Judicial Administration 2.250(a)(1)(B) for the completion of civil cases.

b. If a judicial circuit or county within the judicial circuit is implementing a written civil case management protocol as of the effective date of this order that requires the entry of a case management order for each civil case that addresses each deadline identified under Section III.G.(1)a.ii. and the projected date for trial, the chief judge may continue to use the protocol in the judicial circuit or county instead of issuing the administrative order required by this section.

c. Each administrative order issued by the chief judge pursuant to this section and written civil case management protocol described in Section III.G.(1)b.

shall be submitted to the chair of the Workgroup on the Improved Resolution of Civil Cases, as established by *In Re: Workgroup on Improved Resolution of Civil Cases*, Fla. Admin. Order No. AOSC19-73 (Oct. 31, 2019), by May 7, 2021. If subsequently amended, the administrative order or protocol shall be submitted to the chair of the workgroup within seven days after the amendment is issued.

(2) Shall direct all judges within their circuits to strictly comply with Florida Rule of General Practice and Judicial Administration 2.545(a), (b), and (e), which respectively require judges to conclude litigation as soon as it is reasonably and justly possible to do so, to take charge of all cases at an early stage and to control the progress of the case thereafter until it is determined, and to apply a firm continuance policy allowing continuances only for good cause shown.

(3) Are encouraged, where consistent with public health and safety and the circuit's operational plan, to:

a. Use non-traditional facilities or underutilized courthouse space to increase the court's capacity for in-person proceedings;

b. Reassign judges and court staff to proceedings having the highest priority;

c. Implement scheduling practices that promote the conduct of as many jury trials as feasible; and

d. Communicate to the local Bar that lawyers must strictly comply with Florida Rule of General Practice and Judicial Administration 2.545(a), which requires lawyers to conclude litigation as soon as it is reasonably and justly possible to do so, and that the pandemic alone is not a basis for a lawyer's failure to prepare a case for trial or otherwise actively manage a case.

H. In-person Conduct of Trial Court Proceedings in Phase 3.[14] All trial court proceedings may be conducted in person if the circuit or a county within the circuit is operating in Phase 3 pursuant to Fla. Admin. Order No. AOSC20-32, as amended, and the proceeding is conducted in a manner that is consistent with the circuit's operational plan.

IV. SUSPENSION OF TIME PERIODS IN CERTAIN RULES OF CRIMINAL PROCEDURE

A. Speedy Trial.[15]

(1) All time periods involving the speedy trial procedure in criminal and juvenile court proceedings shall remain suspended until 90 days after the Chief Justice has approved the certification of a chief judge of a judicial circuit that the circuit or a county within the circuit has transitioned to Phase 3 pursuant to Fla. Admin. Order No. AOSC20-32, as amended.

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14. This measure initially went into effect on March 17, 2020. (AOSC20-15).

15. This measure initially went into effect at the close of business on March 13, 2020. (AOSC20-13 and AOSC20-17).

(2) When the suspension ends and the time periods resume in a circuit or county within a circuit:

a. Any time that accrued under the procedure for a person before the suspension began on March 13, 2020, shall be subtracted from the time periods provided by the procedure. *See, e.g.*, *Sullivan v. State*, 913 So. 2d 762 (Fla. 5th DCA 2005), and *State v. Hernandez*, 617 So. 2d 1103 (Fla. 3rd DCA 1993).

b. Each of the 10-day time periods in Fla. R. Crim. P. 3.191(p)(3) and Fla. R. Juv. P. 8.090(m)(3) shall be increased to 30 days until such time as the circuit or county within a circuit has transitioned to Phase 4.

B. Persons Arrested for First Degree Murder.[16] With regard to persons arrested for first degree murder, all time periods under Florida Rules of Criminal Procedure 3.133(b) and 3.134 shall:

(1) Remain suspended until such time as grand jury proceedings are resumed pursuant to Section III.A. When the suspension ends and the time periods resume, any time that accrued under the rules for a person before the suspension began on March 13, 2020, shall be subtracted from the time periods provided by the rules.

16. This measure initially went into effect at the close of business on March 13, 2020. (AOSC20-17).

(2) Be suspended during any period of time in which grand jury proceedings are suspended under Section III.A.(1)b. or IX.B. When the suspension ends and the time periods resume, any time that accrued under the rules for a person before the suspension began on March 13, 2020, shall be subtracted from the time periods provided by the rules.

C. Incompetence to Proceed.[17] Where exigencies make it impossible to meet the 20-day time period in Florida Rule of Criminal Procedure 3.210(b), chief judges of the circuit courts remain authorized to direct judges to hold competency hearings as soon as feasible after the date of filing a motion to determine competency. Chief judges also remain authorized to allow experts and attorneys to conduct and attend competency evaluations by remote means, if feasible.

V. DEFENDANTS ARRESTED ON WARRANT OR CAPIAS FROM ANOTHER FLORIDA JURISDICTION[18]

To mitigate the health risks associated with the incarceration and transportation of defendants during the pandemic, when a defendant is arrested on a warrant or capias from another Florida jurisdiction, chief judges of the circuit courts remain encouraged to facilitate communication between the circuit or county where the case originated ("home court") and the circuit or county where

17. This measure initially went into effect on March 24, 2020. (AOSC20-17).

18. These measures initially took effect on March 24, 2020. (AOSC20-17).

the defendant is incarcerated ("holding court"), for the handling of matters on a temporary basis, as follows:

A. Pretrial Release and First Appearance Hearings. Chief judges remain authorized to direct judges conducting pretrial release and first appearance hearings to address detention and monetary bond or other conditions of pretrial release in the county of arrest, regardless of whether the case is transferred, rather than requiring transport of the defendant to the county where any warrant or capias originated.

For capiases and violation of probation warrants, before setting monetary bond or other conditions of pretrial release, the first appearance judge, in order to make a proper decision regarding monetary bond or other conditions of pretrial release, must rely on relevant information from the following individuals in the county that issued the capias or warrant: the issuing judge, defense counsel if any, and the state attorney.

Action taken by the holding court at first appearance and any pretrial release hearing should be promptly reported to the home court and reflected in the record of the case.

Any provision of Florida Rule of Criminal Procedure 3.131 inconsistent with these measures remains suspended.

B. Pleas. Judges remain encouraged to coordinate with prosecutors, attorneys, defendants, and victims in order to utilize section 910.035, Florida Statutes, which allows for pleas of guilty or nolo contendere for persons arrested in counties outside of the county of prosecution, upon the consent of the defendant and the state attorney in the county where the crime was committed.

C. Rights of Parties. In cases that are not handled by a plea or pretrial release such that the defendant will continue to be detained in the jurisdiction of the holding court for an indefinite period of time, chief judges are directed to ensure that the due process rights of the defendant are protected by facilitating the temporary transfer of the case to the holding court, if necessary; by having a judge from the holding court designated by the Chief Justice, or designated by the chief judge if the home and holding court are within the same circuit, as a judge of the home court to handle emergency or other necessary matters in the case; or by other appropriate means.

D. Victims. The constitutional rights of crime victims must also be considered in all cases by the presiding judge.

VI. SPEEDY TRIAL PROCEDURE IN NONCRIMINAL TRAFFIC INFRACTION COURT PROCEEDINGS[19]

The time period involving the speedy trial procedure in noncriminal traffic infraction court proceedings shall remain suspended. When the suspension ends and the time period resumes, any time that accrued under the procedure for a person before the suspension began on March 13, 2020, shall be subtracted from the time period provided by the procedure.

VII. FAMILY LAW FORMS[20]

Except as indicated below, the requirement that Florida Family Law Forms be notarized or signed in the presence of a deputy clerk remains suspended, if the filer includes the following statement before the filer's signature:

> Under penalties of perjury, I declare that I have read this document and the facts stated in it are true.

This exception does not apply to Florida Family Law Forms 12.902(f)(1), Marital Settlement Agreement for Dissolution of Marriage with Dependent or Minor Child(ren), 12.902(f)(2), Marital Settlement Agreement for Dissolution of Marriage with Property but No Dependent or Minor Child(ren), 12.902(f)(3), Marital Settlement Agreement for Simplified Dissolution of Marriage, and any

19. This measure initially took effect on March 13, 2020. (AOSC20-19).
20. This measure initially took effect on March 24, 2020. (AOSC20-17).

other family law form that transfers the ownership of property, which must continue to be notarized or signed in the presence of a deputy clerk prior to filing.

VIII. VISITATION FOR CHILDREN UNDER THE PROTECTIVE SUPERVISION OF THE FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES (DCF)[21]

Requirements for in-person visitation pursuant to circuit court orders entered under chapter 39, Florida Statutes, remain suspended. This order does not affect in-person visitations when all parties and the caregiver agree that the visitation can take place in a manner that does not pose a health threat.

In lieu of in-person visitation, visitation shall be conducted through electronic means with video communication as the preferred means, although telephonic contact is permitted if video communication is not feasible.

The suspension of in-person visitation applies to parent-child visitation, sibling visitation, and visitation between children and other family members and non-relatives.

If a party seeks to reinstate in-person visitation while the suspension of in-person visitation requirements remains in effect, such reinstatement shall be determined on a case-by-case basis by the circuit court with jurisdiction over that party's case. Reinstatement of in-person visitation may be ordered if the court

21. These measures initially took effect on March 27, 2020. (AOSC20-18).

determines that it will not jeopardize the health, safety, and well-being of all children and adults (including caregivers) who will be affected by the in-person visitation.

Nothing in these provisions regarding visitation for children under the protective supervision of the DCF overrides existing circuit administrative orders to the extent that those orders are not in conflict with this order. Circuits may enter additional administrative orders addressing visitation and contact pursuant to chapter 39, Florida Statutes, to the extent that they are not in conflict with this order.

IX. REVERSION TO A PREVIOUS PHASE

If a circuit or a county within the circuit reverts to a previous phase, as addressed in Fla. Admin. Order No. AOSC20-32, as amended, the following provisions govern.

A. Certain Jury Proceedings and Jury Trials. If a circuit or a county within the circuit reverts to Phase 1, juror selection and proceedings for a non-statewide grand jury and juror selection and trial proceedings for a civil or criminal case that:

(1) Were not commenced before the reversion are suspended until the circuit or county returns to Phase 2, at which time such proceedings may be commenced in person in a manner consistent with the circuit's operational plan.

(2) Were commenced before the reversion may proceed to completion in person if the chief judge determines that completion of the proceeding without delay is required by the interests of justice and determines, in consultation with the county health department or local health expert, that the in-person proceeding can be conducted in a manner that protects the health and safety of all participants. The requirements of the double jeopardy clause must be considered in criminal proceedings.

B. Suspension of Impaneled Non-statewide Grand Jury. If the chief judge determines that the proceedings of an impaneled non-statewide grand jury cannot continue in Phase 1, the chief judge may issue a local administrative order suspending the proceedings for a specified period of time not to exceed 30 days after the circuit or county within the circuit returns to Phase 2. The provisions of Section III.A.(3) apply with respect to the restoration of time to the term of the impaneled non-statewide grand jury during such suspension.

C. Speedy Trial. If a circuit or a county within the circuit reverts from Phase 3 to Phase 1 or Phase 2, all time periods involving the speedy trial procedure in criminal and juvenile court proceedings are suspended until 90 days after the Chief Justice has approved the recertification of a chief judge of a judicial circuit that the circuit or county within the circuit has returned to Phase 3 pursuant to Fla. Admin.

Order No. AOSC20-32, as amended. When the suspension ends and the time periods resume:

(1) Any time that accrued under the speedy trial procedure for a person before the initial suspension of the procedure began on March 13, 2020, and while the procedure was in effect during Phase 3 shall be subtracted from the time periods provided by the procedure. *See, e.g.*, *Sullivan v. State*, 913 So. 2d 762 (Fla. 5th DCA 2005), and *State v. Hernandez*, 617 So. 2d 1103 (Fla. 3rd DCA 1993).

(2) Each of the 10-day time periods in Fla. R. Crim. P. 3.191(p)(3) and Fla. R. Juv. P. 8.090(m)(3) shall be increased to 30 days until such time as the circuit or county within a circuit has transitioned to Phase 4.

* * *

Additional orders extending or modifying these measures will be issued as warranted by changing circumstances during the public health emergency.

DONE AND ORDERED at Tallahassee, Florida, on March 9, 2021.

AOSC20-23 a10

Chief Justice Charles T. Canady

AOSC20-23 a10 03/09/2021

ATTEST:

AOSC20-23 a10 03/09/2021

John A. Tomasino, Clerk of Court

AOSC20-23 a10 03/09/2021

AO 20-23 (11) | FLORIDA SUPREME COURT

YEAR: 2020

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TITLE: IN RE: COMPREHENSIVE COVID-19 EMERGENCY MEASURES FOR FLORIDA TRIAL COURTS

PAGES: 31

AMENDMENT: 11

Supreme Court of Florida

No. AOSC20-23
Amendment 11[1]

IN RE: COMPREHENSIVE COVID-19 EMERGENCY MEASURES FOR FLORIDA TRIAL COURTS

ADMINISTRATIVE ORDER

As a result of the Coronavirus Disease 2019 (COVID-19) pandemic, the State Surgeon General and State Health Officer on March 1, 2020, declared that a public health emergency exists in Florida, and the Governor on March 9, 2020, declared a state of emergency for the entire state. The Florida state courts have taken measures to mitigate the effects of this public health emergency upon the judicial branch and its participants. To that end, I have issued several administrative orders implementing temporary measures essential to the administration of justice during the COVID-19 pandemic.[2] The overarching intent

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1. This amended administrative order is issued to revise Sections I.B. and D., relating to the conduct of business from a remote location and participation in remote proceedings.

2. *In re: COVID-19 Emergency Procedures in the Florida State Courts*, Fla. Admin. Order No. AOSC20-13 (March 13, 2020); *In re: COVID-19 Essential and Critical Trial Court Proceedings,* Fla. Admin. Order No. AOSC20-15 (March 17, 2020); *In re: COVID-19 Emergency Procedures for the Administering of Oaths via Remote Audio-Video Communication Equipment,* Fla. Admin. Order No. AOSC20-16 (March 18, 2020); *In re: COVID-19 Emergency Measures in the Florida State Courts*, Fla. Admin. Order No. AOSC20-17 (March 24, 2020); *In re: COVID-19*

of those orders has been to mitigate the impact of COVID-19, while keeping the courts operating to the fullest extent consistent with public safety.

It is the intent of the judicial branch to transition to optimal operations in a manner that protects the public's health and safety during each of the following anticipated phases of the pandemic:

a) Phase 1 – in-person contact is inadvisable, court facilities are effectively closed to the public, and in-person proceedings are rare;

b) Phase 2 – in-person contact is authorized for certain purposes but requires use of protective measures;

c) Phase 3 – an effective vaccine is adequately available and in use and in-person contact is more broadly authorized; and

d) Phase 4 – COVID-19 no longer presents a significant risk to public health and safety.

This order extends, refines, and strengthens previously enacted temporary remedial measures. The measures shall remain in effect until *In re: COVID-19 Public Health and Safety Precautions for Operational Phase Transitions*, Fla.

Emergency Procedures in Relation to Visitation for Children Under the Protective Supervision of the Department of Children and Families, Fla. Admin. Order No. AOSC20-18 (March 27, 2020); and *In re: COVID-19 Emergency Procedures for Speedy Trial in Noncriminal Traffic Infraction Court Proceedings*, Fla. Admin Order No. AOSC20-19 (March 30, 2020).

Admin. Order No. AOSC20-32, as amended, is terminated or as may be provided by subsequent order.

Under the administrative authority conferred upon me by article V, section 2(b) of the Florida Constitution, by Florida Rules of General Practice and Judicial Administration 2.205(a)(2)(B)(iv) and 2.205(a)(2)(B)(v), and by Rule Regulating the Florida Bar 1-12.1(j),

IT IS ORDERED that:

I. GUIDING PRINCIPLES

A. The presiding judge in all cases must consider the constitutional rights of crime victims and criminal defendants and the public's constitutional right of access to the courts.

B. To maintain judicial workflow to the maximum extent feasible, chief judges shall take all necessary steps to support the remote conduct of proceedings with the use of technology, in accordance with this administrative order and other applicable standards and guidance as may be adopted by the Chief Justice or supreme court. Participants who have the capability of participating by electronic means in remote proceedings shall do so. For purposes of this administrative order, "remote conduct," "remotely conduct," or "conducted remotely" means the conduct, in part or in whole, of a court proceeding using telephonic or other electronic means.

C. Nothing in this order is intended to limit a chief judge's authority to conduct court business or to approve additional court proceedings or events that are required in the interest of justice, if doing so is consistent with this administrative order and protecting the health of the participants and the public.

D. Judges and court personnel who can effectively conduct court and judicial branch business from a remote location may do so. Judges and court personnel who work in the courthouse shall do so in a manner that is consistent with the circuit's operational plan required by Fla. Admin. Order No. AOSC20-32, as amended.

II. USE OF TECHNOLOGY

A. All rules of procedure, court orders, and opinions applicable to court proceedings that limit or prohibit the use of communication equipment for the remote conduct of proceedings shall remain suspended.[3]

B. The chief judge of each judicial circuit remains authorized to establish procedures for the use, to the maximum extent feasible, of communication equipment for the remote conduct of proceedings, as are necessary in their respective circuit due to the public health emergency.[4]

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3. This measure initially went into effect at the close of business on March 13, 2020. (AOSC20-13).

4. This measure initially went into effect on Friday, March 13, 2020. (AOSC20-13).

C. Administering of Oaths

(1) Notaries and other persons qualified to administer an oath in the State of Florida may swear a witness remotely by audio-video communication technology from a location within the State of Florida, provided they can positively identify the witness.[5]

(2) If a witness is not located within the State of Florida, a witness may consent to being put on oath via audio-video communication technology by a person qualified to administer an oath in the State of Florida.[6]

(3) All rules of procedure, court orders, and opinions applicable to remote testimony, depositions, and other legal testimony, including the attestation of family law forms, that can be read to limit or prohibit the use of audio-video communications equipment to administer oaths remotely or to witness the attestation of family law forms shall remain suspended.[7]

(4) Notaries and other persons qualified to administer an oath in the State of Florida may swear in new attorneys to The Florida Bar remotely by audio-video communication technology from a location within the State of Florida, provided they can positively identify the new attorney.

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5. This measure initially went into effect on March 18, 2020. (AOSC20-16).
6. This measure initially went into effect on March 18, 2020. (AOSC20-16).
7. This measure initially went into effect on March 18, 2020. (AOSC20-16).

(5) For purposes of the provisions regarding the administering of oaths, the term "positively identify" means that the notary or other qualified person can both see and hear the witness or new attorney via audio-video communications equipment for purposes of readily identifying the witness or new attorney.

D. Law School Practice Programs.

(1) A supervising attorney in a law school practice program, under Rule 11-1.2(b) of the Rules Regulating The Florida Bar, may utilize audio-video communication technology to remotely supervise the law student in satisfaction of the requirement that the supervising attorney be physically present. The supervising attorney and law student must maintain a separate, confidential communication channel during the proceedings.

(2) In a law school practice program, the requirement in Rule 11-1.2(b) of the Rules Regulating The Florida Bar that an indigent person and the supervising attorney must consent in writing to representation by a supervised law student may be satisfied by the judge receiving the consent verbally under oath.

III. TRIAL COURT PROCEEDINGS

The following provisions govern the conduct of trial court proceedings during Phases 1 through 3, except as modified by Section IX., addressing reversions to a previous phase by a circuit or a county within the circuit.

A. Jury Proceedings and Jury Trials.

(1) Statewide grand jury proceedings were suspended through July 26, 2020.

a. After the suspension, the proceedings shall be conducted remotely or, if one of the following criteria is satisfied, may be conducted in person:

i. The presiding judge for the statewide grand jury, in consultation with the county health department or local health expert, determines that the in-person proceeding can be conducted in a manner that protects the health and safety of all participants if the circuit is operating in Phase 1; or

ii. The circuit is operating in Phase 2 or Phase 3 pursuant to Fla. Admin. Order No. AOSC20-32, as amended, and the proceeding is conducted in a manner that is consistent with the circuit's operational plan.

b. If the presiding judge for the statewide grand jury determines that the proceedings of the statewide grand jury cannot proceed remotely or in person in Phase 1, the presiding judge may issue a local administrative order suspending the proceedings for a specified period of time not to exceed 30 days after the circuit returns to Phase 2.

(2) Non-statewide grand jury selection and proceedings, civil jury selection and trial proceedings, and criminal jury selection and trial proceedings shall remain

suspended until 30 days after the chief judge of a judicial circuit has determined that the circuit or a county within the circuit has transitioned to Phase 2 pursuant to Fla. Admin. Order No. AOSC20-32, as amended.[8]

(3) Additional days equal to the number of days for which grand jury proceedings are suspended shall be restored to the term of the impaneled statewide grand jury or other impaneled grand jury; however, the number of days restored may not exceed the number of days the impaneled grand jury had remaining in its term when the suspension began.

B. Remote Civil and Criminal Jury Trials.

(1) Notwithstanding any other provision in this administrative order, a judicial circuit may remotely conduct:

a. Civil jury trials if all parties consent to participating in the remote trial.

b. Criminal jury trials if:

i. The defendant provides consent in writing and orally on the record establishing that the defendant has knowingly, voluntarily, and intelligently agreed to the remote conduct of the trial;

ii. Counsel for the defendant, if the defendant is represented, indicates orally on the record that they have discussed the potential advantages and disadvantages of remote conduct of the trial with the defendant

8. This measure initially went into effect on March 16, 2020. (AOSC20-13).

and have concluded that the defendant has knowingly, voluntarily, and intelligently agreed to the remote conduct of the trial; and

iii. The prosecutor indicates the State's and, if applicable, the victim's positions orally on the record regarding remote conduct of the trial for purposes of consideration by the presiding judge in determining whether to remotely conduct the trial.

(2) A court proceeding to obtain the statements required to be provided orally on the record pursuant to Section III.B.(1)b. may be remotely conducted.

(3) The cases selected for a remote jury trial must be:

a. Based upon the case being conducive to a remote proceeding; and

b. Conducted pursuant to the requirements specified in the report titled *Requirements and Evaluation Criteria – Remote Civil and Criminal Jury Trials* and other applicable standards and guidance as may be adopted by the Chief Justice or supreme court.

(4) Within 30 days after the remote conduct of a jury trial for the first time in a judicial circuit, the circuit shall present the results of the trial and report its findings and recommendations to the Chief Justice through the state courts administrator.

(5) To conduct any portion of a remote jury trial in person:

a. The chief judge, in consultation with the county health department or local health expert, must determine that the in-person proceeding can be conducted in a manner that protects the health and safety of all participants if the circuit or a county within the circuit is operating in Phase 1; or

b. The circuit or a county within the circuit must be operating in Phase 2 or Phase 3 pursuant to Fla. Admin. Order No. AOSC20-32, as amended, and the proceeding must be conducted in a manner that is consistent with the circuit's operational plan.

C. Juror Disqualifications, Excusals, and Postponements. For purposes of limiting in-person contact to mitigate the spread of COVID-19 and of addressing hardships related to the pandemic, each chief judge of a judicial circuit:

(1) May authorize the remote conduct of a proceeding in which disqualifications or excusals pursuant to section 40.013, Florida Statutes, or postponements pursuant to section 40.23, Florida Statutes, may be considered for persons who are summoned as a pool for possible juror service as described in section 40.011(5)(b), Florida Statutes.

(2) Shall create a process whereby the:

a. Excusal of a potential juror shall be considered pursuant to section 40.013(5) and (6), Florida Statutes, if the potential juror indicates, subject to penalty of perjury, that he or she:

i. Does not meet the court's Phase 2 or Phase 3 screening requirements for courthouse entry as established in the circuit's operational plan;

ii. Is a person at higher risk for severe illness due to COVID-19 infection as identified by the Centers for Disease Control and Prevention and requests to be excused;

iii. Must care for a child or relative whose regular care provider is closed or unavailable for reasons related to COVID-19; or

iv. Is receiving leave pursuant to the Families First Coronavirus Response Act.

b. Postponement of the service of a potential juror for up to six months shall be considered pursuant to section 40.23(2), Florida Statutes, if the potential juror indicates, subject to penalty of perjury, that he or she:

i. Has recently returned to work after being unemployed due to COVID-19; or

ii. Has suffered a financial or personal loss due to COVID-19 that makes it a hardship to perform jury service.[9, 10]

D. Essential and Critical Trial Court Proceedings.[11]

(1) All trial courts shall continue to perform essential trial court proceedings, including but not limited to: first appearance; criminal arraignments; hearings on motions to set or modify monetary bail for individuals who are in custody; juvenile dependency shelter hearings; juvenile delinquency detention hearings; hearings on petitions for injunctions relating to safety of an individual; hearings on petitions for risk protection orders; hearings on petitions for the appointment of an emergency temporary guardian; hearings to determine whether an individual should be involuntarily committed under the Baker Act or the Marchman Act; and hearings on petitions for extraordinary writs as necessary to protect constitutional rights.

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9. Postponements are subject to the six-month statutory maximum specified in section 40.23(2), Florida Statutes. If granting a postponement based on one or both of these reasons would exceed the statutory maximum because of a previous postponement granted to a potential juror, the chief judge or the presiding judge is encouraged to consider whether to grant an excusal based on either reason.

10. For clarification purposes, the statutory provisions authorizing the reasons listed for excusals and postponements, which are necessitated by the pandemic, have been cited in Section III.C.(2). This clarification is effective as of June 16, 2020, *nunc pro tunc*.

11. These measures initially went into effect on March 17, 2020. (AOSC20-15).

(2) In addition to essential trial court proceedings, all trial courts shall perform, as necessary and applicable, critical trial court proceedings related to the state of emergency or the public health emergency, including but not limited to proceedings related to: violation of quarantine or isolation; violation of orders to limit travel; violation of orders to close public or private buildings; and enforcement of curfew orders.

(3) In Phase 1 and Phase 2, essential and critical trial court proceedings shall be conducted remotely, unless the chief judge or presiding judge, in consultation with the chief judge, determines that it is necessary to conduct the proceeding in person. If the circuit or county within a circuit is operating in Phase 1, in-person conduct of a proceeding may occur if the chief judge, in consultation with the county health department or local health expert, determines that the in-person proceeding can be conducted in a manner that protects the health and safety of all participants. If the circuit or county within a circuit is operating in Phase 2, in-person conduct of a proceeding must be consistent with the circuit's operational plan.

(4) It is recognized that certain essential or critical trial court proceedings in some jurisdictions may in extraordinary, limited circumstances be unavoidably delayed due to the exigencies of the ongoing emergency. When this occurs, chief judges are required to take all steps feasible to minimize the delay.

E. Other Trial Court Proceedings.[12] Trial court proceedings that are not addressed under Section III.A.(1) or III.D. shall be conducted as follows during Phase 1 and Phase 2. If in-person conduct of the proceeding is required below, the proceeding may be conducted in person only if the circuit or a county within the circuit is operating in Phase 2 pursuant to Fla. Admin. Order No. AOSC20-32, as amended, in a manner that is consistent with the circuit's operational plan, or as otherwise authorized under Section III.B(5)a. or IX.A.(2).

(1) Non-statewide grand jury selection and proceedings, civil jury selection and trial proceedings, and criminal jury selection and trial proceedings shall be conducted in person after the suspension of these proceedings ends pursuant to Section III.A.(2).

(2) Non-jury trials in:

a. Criminal cases may be conducted remotely if the requirements for certain statements specified in Section III.B.(1)b.i., ii., and iii. are satisfied or, if not, shall be conducted in person.

b. Termination of parental rights and juvenile delinquency cases shall be conducted remotely if ordered by the chief judge or the presiding judge or, if not, shall be conducted in person.

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12. A measure related to these proceedings initially went into effect on March 17, 2020. (AOSC20-15).

(3) All other trial court proceedings shall be conducted remotely, except that a proceeding shall be conducted in person if the chief judge or presiding judge, in consultation with the chief judge, determines that remote conduct of the proceeding:

a. Is inconsistent with the United States or Florida Constitution, a statute, or a rule of court that has not been suspended by administrative order; or

b. Would be infeasible because the court, the clerk, or other participant in a proceeding lacks the technological resources necessary to conduct the proceeding or, for reasons directly related to the state of emergency or the public health emergency, lacks the staff resources necessary to conduct the proceeding.

Chief judges shall take all necessary steps to ensure that the above-listed proceedings are conducted to the fullest extent feasible, consistent with the guidance established in this section.

F. In-Person Conduct of Trial Court Proceedings in Phase 2. While a circuit or county within a circuit is operating in Phase 2, it is the responsibility of the chief judge to ensure that trial court proceedings that must be in person pursuant Section III.D. or E. are conducted to the fullest extent feasible, consistent with the circuit's operational plan. Chief judges shall have the discretion to determine how best to utilize available trial court resources and facility space to conduct in-person proceedings, whether criminal or non-criminal, but before making such

determination should consider the following priorities listed from highest to lowest:

(1) Essential and critical trial court proceedings.

(2) Circuit and county criminal trials with an in-custody defendant.

(3) Circuit trials for juveniles being tried as an adult.

(4) Juvenile delinquency trials.

(5) Circuit and county criminal trials with an out-of-custody defendant.

(6) Termination of parental rights trials.

(7) Circuit civil jury trials.

(8) County civil jury trials.

(9) All other trial court proceedings.

G. Case Management and Resolution. To maximize the resolution of cases, chief judges:

(1) Shall issue an administrative order applicable to each county within the judicial circuit, except as provided in Section III.G.(1)b., that takes effect on April 30, 2021, and that requires the presiding judge for each civil case[13] to actively manage civil cases in the manner specified below.

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13. As used in Section III.G.(1), the term "civil case" means actions to which the Florida Rules of Civil Procedure apply, as identified in Florida Rule of Civil Procedure 1.010, and actions in which the court has ordered that the action proceed under one or more of the Florida Rules of Civil Procedure pursuant to Florida

a. The administrative order shall:

i. Require review of each civil case to determine whether it is complex, streamlined, or general.

1. Complex civil cases are actions that have been or may be designated by court order as complex under Florida Rule of Civil Procedure 1.201. Upon such designation, the action shall proceed as provided in the rule.

2. Streamlined civil cases shall be identified based on criteria determined by the chief judge and specified in the administrative order. Criteria that the chief judge may wish to consider for the identification of streamlined cases include whether the case involves: few parties; non-complex issues related to liability and damages; few anticipated pretrial motions; limited need for

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Small Claims Rule 7.020(c), but does not include actions subject to section 51.011, Florida Statutes. *See* Florida Rule of Civil Procedure 1.010 (stating that the Florida Rules of Civil Procedure "apply to all actions of a civil nature and all special statutory proceedings in the circuit courts and county courts except those to which the Florida Probate Rules, the Florida Family Law Rules of Procedure, or the Small Claims Rules apply."); Florida Small Claims Rule 7.020(c) (stating that "In any particular action, the court may order that action to proceed under 1 or more additional Florida Rules of Civil Procedure on application of any party or the stipulation of all parties or on the court's own motion."); and section 51.011, Florida Statutes (providing a summary procedure for the resolution of certain actions when specified by statute or rule).

discovery; few witnesses; minimal documentary evidence; and an anticipated trial length of less than two days.

3. General civil cases are all other civil cases.

ii. Require the presiding judge to issue a case management order for each streamlined and general civil case that at a minimum specifies the deadlines for service of complaints, service under extensions, and adding new parties and the deadlines by which: fact and expert discovery shall be completed; all objections to pleadings and pretrial motions shall be resolved; and mediation shall have occurred. The case management order shall also specify the projected date of trial; indicate that the deadlines established in the order will be strictly enforced by the court; indicate that a firm trial date will be ordered by the presiding judge when the case is at issue pursuant to Florida Rule of Civil Procedure 1.440; and address any other matters required by the chief judge. If the streamlined or general civil case:

1. Is filed on or after April 30, 2021, the case management order shall be issued within 30 days of service of the complaint on the last of all named defendants.

2. Was filed before April 30, 2021, the case management order shall be issued within 30 days of service of the complaint on the last of

all named defendants or by May 28, 2021, whichever date is later. The case management order shall address each deadline identified under Section III.G.(1)a.ii. and the projected date for trial if such event has not yet occurred in the case or has not yet been specified by other court order.

iii. Establish maximum periods within which the deadlines required by Section III.G.(1)a.ii. and the projected date of trial shall be set in the case management order. The maximum periods shall be differentiated based on the whether the civil case is streamlined or general and shall be consistent with the time standards specified in Florida Rule of General Practice and Judicial Administration 2.250(a)(1)(B) for the completion of civil cases.

b. If a judicial circuit or county within the judicial circuit is implementing a written civil case management protocol as of the effective date of this order that requires the entry of a case management order for each civil case that addresses each deadline identified under Section III.G.(1)a.ii. and the projected date for trial, the chief judge may continue to use the protocol in the judicial circuit or county instead of issuing the administrative order required by this section.

c. Each administrative order issued by the chief judge pursuant to this section and written civil case management protocol described in Section III.G.(1)b.

shall be submitted to the chair of the Workgroup on the Improved Resolution of Civil Cases, as established by *In Re: Workgroup on Improved Resolution of Civil Cases*, Fla. Admin. Order No. AOSC19-73 (Oct. 31, 2019), by May 7, 2021. If subsequently amended, the administrative order or protocol shall be submitted to the chair of the workgroup within seven days after the amendment is issued.

(2) Shall direct all judges within their circuits to strictly comply with Florida Rule of General Practice and Judicial Administration 2.545(a), (b), and (e), which respectively require judges to conclude litigation as soon as it is reasonably and justly possible to do so, to take charge of all cases at an early stage and to control the progress of the case thereafter until it is determined, and to apply a firm continuance policy allowing continuances only for good cause shown.

(3) Are encouraged, where consistent with public health and safety and the circuit's operational plan, to:

a. Use non-traditional facilities or underutilized courthouse space to increase the court's capacity for in-person proceedings;

b. Reassign judges and court staff to proceedings having the highest priority;

c. Implement scheduling practices that promote the conduct of as many jury trials as feasible; and

d. Communicate to the local Bar that lawyers must strictly comply with Florida Rule of General Practice and Judicial Administration 2.545(a), which requires lawyers to conclude litigation as soon as it is reasonably and justly possible to do so, and that the pandemic alone is not a basis for a lawyer's failure to prepare a case for trial or otherwise actively manage a case.

H. In-person Conduct of Trial Court Proceedings in Phase 3.[14] All trial court proceedings may be conducted in person if the circuit or a county within the circuit is operating in Phase 3 pursuant to Fla. Admin. Order No. AOSC20-32, as amended, and the proceeding is conducted in a manner that is consistent with the circuit's operational plan.

IV. SUSPENSION OF TIME PERIODS IN CERTAIN RULES OF CRIMINAL PROCEDURE

A. Speedy Trial.[15]

(1) All time periods involving the speedy trial procedure in criminal and juvenile court proceedings shall remain suspended until 90 days after the Chief Justice has approved the certification of a chief judge of a judicial circuit that the circuit or a county within the circuit has transitioned to Phase 3 pursuant to Fla. Admin. Order No. AOSC20-32, as amended.

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14. This measure initially went into effect on March 17, 2020. (AOSC20-15).

15. This measure initially went into effect at the close of business on March 13, 2020. (AOSC20-13 and AOSC20-17).

(2) When the suspension ends and the time periods resume in a circuit or county within a circuit:

a. Any time that accrued under the procedure for a person before the suspension began on March 13, 2020, shall be subtracted from the time periods provided by the procedure. *See, e.g.*, *Sullivan v. State*, 913 So. 2d 762 (Fla. 5th DCA 2005), and *State v. Hernandez*, 617 So. 2d 1103 (Fla. 3rd DCA 1993).

b. Each of the 10-day time periods in Fla. R. Crim. P. 3.191(p)(3) and Fla. R. Juv. P. 8.090(m)(3) shall be increased to 30 days until such time as the circuit or county within a circuit has transitioned to Phase 4.

B. Persons Arrested for First Degree Murder.[16] With regard to persons arrested for first degree murder, all time periods under Florida Rules of Criminal Procedure 3.133(b) and 3.134 shall:

(1) Remain suspended until such time as grand jury proceedings are resumed pursuant to Section III.A. When the suspension ends and the time periods resume, any time that accrued under the rules for a person before the suspension began on March 13, 2020, shall be subtracted from the time periods provided by the rules.

16. This measure initially went into effect at the close of business on March 13, 2020. (AOSC20-17).

(2) Be suspended during any period of time in which grand jury proceedings are suspended under Section III.A.(1)b. or IX.B. When the suspension ends and the time periods resume, any time that accrued under the rules for a person before the suspension began on March 13, 2020, shall be subtracted from the time periods provided by the rules.

C. Incompetence to Proceed.[17] Where exigencies make it impossible to meet the 20-day time period in Florida Rule of Criminal Procedure 3.210(b), chief judges of the circuit courts remain authorized to direct judges to hold competency hearings as soon as feasible after the date of filing a motion to determine competency. Chief judges also remain authorized to allow experts and attorneys to conduct and attend competency evaluations by remote means, if feasible.

V. DEFENDANTS ARRESTED ON WARRANT OR CAPIAS FROM ANOTHER FLORIDA JURISDICTION[18]

To mitigate the health risks associated with the incarceration and transportation of defendants during the pandemic, when a defendant is arrested on a warrant or capias from another Florida jurisdiction, chief judges of the circuit courts remain encouraged to facilitate communication between the circuit or county where the case originated ("home court") and the circuit or county where

17. This measure initially went into effect on March 24, 2020. (AOSC20-17).

18. These measures initially took effect on March 24, 2020. (AOSC20-17).

the defendant is incarcerated ("holding court"), for the handling of matters on a temporary basis, as follows:

A. Pretrial Release and First Appearance Hearings. Chief judges remain authorized to direct judges conducting pretrial release and first appearance hearings to address detention and monetary bond or other conditions of pretrial release in the county of arrest, regardless of whether the case is transferred, rather than requiring transport of the defendant to the county where any warrant or capias originated.

For capiases and violation of probation warrants, before setting monetary bond or other conditions of pretrial release, the first appearance judge, in order to make a proper decision regarding monetary bond or other conditions of pretrial release, must rely on relevant information from the following individuals in the county that issued the capias or warrant: the issuing judge, defense counsel if any, and the state attorney.

Action taken by the holding court at first appearance and any pretrial release hearing should be promptly reported to the home court and reflected in the record of the case.

Any provision of Florida Rule of Criminal Procedure 3.131 inconsistent with these measures remains suspended.

B. Pleas. Judges remain encouraged to coordinate with prosecutors, attorneys, defendants, and victims in order to utilize section 910.035, Florida Statutes, which allows for pleas of guilty or nolo contendere for persons arrested in counties outside of the county of prosecution, upon the consent of the defendant and the state attorney in the county where the crime was committed.

C. Rights of Parties. In cases that are not handled by a plea or pretrial release such that the defendant will continue to be detained in the jurisdiction of the holding court for an indefinite period of time, chief judges are directed to ensure that the due process rights of the defendant are protected by facilitating the temporary transfer of the case to the holding court, if necessary; by having a judge from the holding court designated by the Chief Justice, or designated by the chief judge if the home and holding court are within the same circuit, as a judge of the home court to handle emergency or other necessary matters in the case; or by other appropriate means.

D. Victims. The constitutional rights of crime victims must also be considered in all cases by the presiding judge.

VI. SPEEDY TRIAL PROCEDURE IN NONCRIMINAL TRAFFIC INFRACTION COURT PROCEEDINGS[19]

The time period involving the speedy trial procedure in noncriminal traffic infraction court proceedings shall remain suspended. When the suspension ends and the time period resumes, any time that accrued under the procedure for a person before the suspension began on March 13, 2020, shall be subtracted from the time period provided by the procedure.

VII. FAMILY LAW FORMS[20]

Except as indicated below, the requirement that Florida Family Law Forms be notarized or signed in the presence of a deputy clerk remains suspended, if the filer includes the following statement before the filer's signature:

> Under penalties of perjury, I declare that I have read this document and the facts stated in it are true.

This exception does not apply to Florida Family Law Forms 12.902(f)(1), Marital Settlement Agreement for Dissolution of Marriage with Dependent or Minor Child(ren), 12.902(f)(2), Marital Settlement Agreement for Dissolution of Marriage with Property but No Dependent or Minor Child(ren), 12.902(f)(3), Marital Settlement Agreement for Simplified Dissolution of Marriage, and any

19. This measure initially took effect on March 13, 2020. (AOSC20-19).
20. This measure initially took effect on March 24, 2020. (AOSC20-17).

other family law form that transfers the ownership of property, which must continue to be notarized or signed in the presence of a deputy clerk prior to filing.

VIII. VISITATION FOR CHILDREN UNDER THE PROTECTIVE SUPERVISION OF THE FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES (DCF)[21]

Requirements for in-person visitation pursuant to circuit court orders entered under chapter 39, Florida Statutes, remain suspended. This order does not affect in-person visitations when all parties and the caregiver agree that the visitation can take place in a manner that does not pose a health threat.

In lieu of in-person visitation, visitation shall be conducted through electronic means with video communication as the preferred means, although telephonic contact is permitted if video communication is not feasible.

The suspension of in-person visitation applies to parent-child visitation, sibling visitation, and visitation between children and other family members and non-relatives.

If a party seeks to reinstate in-person visitation while the suspension of in-person visitation requirements remains in effect, such reinstatement shall be determined on a case-by-case basis by the circuit court with jurisdiction over that party's case. Reinstatement of in-person visitation may be ordered if the court

21. These measures initially took effect on March 27, 2020. (AOSC20-18).

determines that it will not jeopardize the health, safety, and well-being of all children and adults (including caregivers) who will be affected by the in-person visitation.

Nothing in these provisions regarding visitation for children under the protective supervision of the DCF overrides existing circuit administrative orders to the extent that those orders are not in conflict with this order. Circuits may enter additional administrative orders addressing visitation and contact pursuant to chapter 39, Florida Statutes, to the extent that they are not in conflict with this order.

IX. REVERSION TO A PREVIOUS PHASE

If a circuit or a county within the circuit reverts to a previous phase, as addressed in Fla. Admin. Order No. AOSC20-32, as amended, the following provisions govern.

A. Certain Jury Proceedings and Jury Trials. If a circuit or a county within the circuit reverts to Phase 1, juror selection and proceedings for a non-statewide grand jury and juror selection and trial proceedings for a civil or criminal case that:

(1) Were not commenced before the reversion are suspended until the circuit or county returns to Phase 2, at which time such proceedings may be commenced in person in a manner consistent with the circuit's operational plan.

(2) Were commenced before the reversion may proceed to completion in person if the chief judge determines that completion of the proceeding without delay is required by the interests of justice and determines, in consultation with the county health department or local health expert, that the in-person proceeding can be conducted in a manner that protects the health and safety of all participants. The requirements of the double jeopardy clause must be considered in criminal proceedings.

B. Suspension of Impaneled Non-statewide Grand Jury. If the chief judge determines that the proceedings of an impaneled non-statewide grand jury cannot continue in Phase 1, the chief judge may issue a local administrative order suspending the proceedings for a specified period of time not to exceed 30 days after the circuit or county within the circuit returns to Phase 2. The provisions of Section III.A.(3) apply with respect to the restoration of time to the term of the impaneled non-statewide grand jury during such suspension.

C. Speedy Trial. If a circuit or a county within the circuit reverts from Phase 3 to Phase 1 or Phase 2, all time periods involving the speedy trial procedure in criminal and juvenile court proceedings are suspended until 90 days after the Chief Justice has approved the recertification of a chief judge of a judicial circuit that the circuit or county within the circuit has returned to Phase 3 pursuant to Fla. Admin.

Order No. AOSC20-32, as amended. When the suspension ends and the time periods resume:

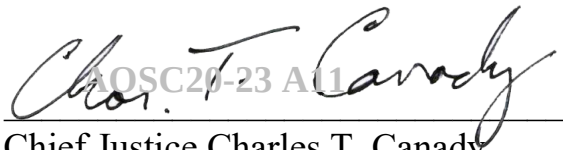
(1) Any time that accrued under the speedy trial procedure for a person before the initial suspension of the procedure began on March 13, 2020, and while the procedure was in effect during Phase 3 shall be subtracted from the time periods provided by the procedure. *See, e.g.*, *Sullivan v. State*, 913 So. 2d 762 (Fla. 5th DCA 2005), and *State v. Hernandez*, 617 So. 2d 1103 (Fla. 3rd DCA 1993).

(2) Each of the 10-day time periods in Fla. R. Crim. P. 3.191(p)(3) and Fla. R. Juv. P. 8.090(m)(3) shall be increased to 30 days until such time as the circuit or county within a circuit has transitioned to Phase 4.

* * *

Additional orders extending or modifying these measures will be issued as warranted by changing circumstances during the public health emergency.

DONE AND ORDERED at Tallahassee, Florida, on March 26, 2021.



Chief Justice Charles T. Canady

AOSC20-23 A11 03/26/2021

ATTEST:

AOSC20-23 A11
03/26/2021

John A. Tomasino, Clerk of Court

AOSC20-23 A11 03/26/2021

AO 20-23 (12) | FLORIDA SUPREME COURT

YEAR: 2020

NUMBER: 23

TITLE: IN RE: COMPREHENSIVE COVID-19 EMERGENCY MEASURES FOR FLORIDA TRIAL COURTS

PAGES: 32

AMENDMENT: 12

Supreme Court of Florida

No. AOSC20-23
Amendment 12[1]

IN RE: COMPREHENSIVE COVID-19 EMERGENCY MEASURES FOR FLORIDA TRIAL COURTS

ADMINISTRATIVE ORDER

As a result of the Coronavirus Disease 2019 (COVID-19) pandemic, the State Surgeon General and State Health Officer on March 1, 2020, declared that a public health emergency exists in Florida, and the Governor on March 9, 2020, declared a state of emergency for the entire state. The Florida state courts have taken measures to mitigate the effects of this public health emergency upon the judicial branch and its participants. To that end, I have issued several administrative orders implementing temporary measures essential to the administration of justice during the COVID-19 pandemic.[2] The overarching intent

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1. This amended administrative order is issued to revise Section III.G., relating to civil case management requirements.

2. *In re: COVID-19 Emergency Procedures in the Florida State Courts*, Fla. Admin. Order No. AOSC20-13 (March 13, 2020); *In re: COVID-19 Essential and Critical Trial Court Proceedings,* Fla. Admin. Order No. AOSC20-15 (March 17, 2020); *In re: COVID-19 Emergency Procedures for the Administering of Oaths via Remote Audio-Video Communication Equipment,* Fla. Admin. Order No. AOSC20-16 (March 18, 2020); *In re: COVID-19 Emergency Measures in the Florida State Courts*, Fla. Admin. Order No. AOSC20-17 (March 24, 2020); *In re: COVID-19 Emergency Procedures in Relation to Visitation for Children Under the Protective*

of those orders has been to mitigate the impact of COVID-19, while keeping the courts operating to the fullest extent consistent with public safety.

It is the intent of the judicial branch to transition to optimal operations in a manner that protects the public's health and safety during each of the following anticipated phases of the pandemic:

a) Phase 1 – in-person contact is inadvisable, court facilities are effectively closed to the public, and in-person proceedings are rare;

b) Phase 2 – in-person contact is authorized for certain purposes but requires use of protective measures;

c) Phase 3 – an effective vaccine is adequately available and in use and in-person contact is more broadly authorized; and

d) Phase 4 – COVID-19 no longer presents a significant risk to public health and safety.

This order extends, refines, and strengthens previously enacted temporary remedial measures. The measures shall remain in effect until *In re: COVID-19 Public Health and Safety Precautions for Operational Phase Transitions*, Fla.

Supervision of the Department of Children and Families, Fla. Admin. Order No. AOSC20-18 (March 27, 2020); and *In re: COVID-19 Emergency Procedures for Speedy Trial in Noncriminal Traffic Infraction Court Proceedings*, Fla. Admin Order No. AOSC20-19 (March 30, 2020).

Admin. Order No. AOSC20-32, as amended, is terminated or as may be provided by subsequent order.

Under the administrative authority conferred upon me by article V, section 2(b) of the Florida Constitution, by Florida Rules of General Practice and Judicial Administration 2.205(a)(2)(B)(iv) and 2.205(a)(2)(B)(v), and by Rule Regulating the Florida Bar 1-12.1(j),

IT IS ORDERED that:

I. GUIDING PRINCIPLES

A. The presiding judge in all cases must consider the constitutional rights of crime victims and criminal defendants and the public's constitutional right of access to the courts.

B. To maintain judicial workflow to the maximum extent feasible, chief judges shall take all necessary steps to support the remote conduct of proceedings with the use of technology, in accordance with this administrative order and other applicable standards and guidance as may be adopted by the Chief Justice or supreme court. Participants who have the capability of participating by electronic means in remote proceedings shall do so. For purposes of this administrative order, "remote conduct," "remotely conduct," or "conducted remotely" means the conduct, in part or in whole, of a court proceeding using telephonic or other electronic means.

C. Nothing in this order is intended to limit a chief judge's authority to conduct court business or to approve additional court proceedings or events that are required in the interest of justice, if doing so is consistent with this administrative order and protecting the health of the participants and the public.

D. Judges and court personnel who can effectively conduct court and judicial branch business from a remote location may do so. Judges and court personnel who work in the courthouse shall do so in a manner that is consistent with the circuit's operational plan required by Fla. Admin. Order No. AOSC20-32, as amended.

II. USE OF TECHNOLOGY

A. All rules of procedure, court orders, and opinions applicable to court proceedings that limit or prohibit the use of communication equipment for the remote conduct of proceedings shall remain suspended.[3]

B. The chief judge of each judicial circuit remains authorized to establish procedures for the use, to the maximum extent feasible, of communication equipment for the remote conduct of proceedings, as are necessary in their respective circuit due to the public health emergency.[4]

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3. This measure initially went into effect at the close of business on March 13, 2020. (AOSC20-13).

4. This measure initially went into effect on Friday, March 13, 2020. (AOSC20-13).

C. Administering of Oaths

(1) Notaries and other persons qualified to administer an oath in the State of Florida may swear a witness remotely by audio-video communication technology from a location within the State of Florida, provided they can positively identify the witness.[5]

(2) If a witness is not located within the State of Florida, a witness may consent to being put on oath via audio-video communication technology by a person qualified to administer an oath in the State of Florida.[6]

(3) All rules of procedure, court orders, and opinions applicable to remote testimony, depositions, and other legal testimony, including the attestation of family law forms, that can be read to limit or prohibit the use of audio-video communications equipment to administer oaths remotely or to witness the attestation of family law forms shall remain suspended.[7]

(4) Notaries and other persons qualified to administer an oath in the State of Florida may swear in new attorneys to The Florida Bar remotely by audio-video communication technology from a location within the State of Florida, provided they can positively identify the new attorney.

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5. This measure initially went into effect on March 18, 2020. (AOSC20-16).
6. This measure initially went into effect on March 18, 2020. (AOSC20-16).
7. This measure initially went into effect on March 18, 2020. (AOSC20-16).

(5) For purposes of the provisions regarding the administering of oaths, the term "positively identify" means that the notary or other qualified person can both see and hear the witness or new attorney via audio-video communications equipment for purposes of readily identifying the witness or new attorney.

D. Law School Practice Programs.

(1) A supervising attorney in a law school practice program, under Rule 11-1.2(b) of the Rules Regulating The Florida Bar, may utilize audio-video communication technology to remotely supervise the law student in satisfaction of the requirement that the supervising attorney be physically present. The supervising attorney and law student must maintain a separate, confidential communication channel during the proceedings.

(2) In a law school practice program, the requirement in Rule 11-1.2(b) of the Rules Regulating The Florida Bar that an indigent person and the supervising attorney must consent in writing to representation by a supervised law student may be satisfied by the judge receiving the consent verbally under oath.

III. TRIAL COURT PROCEEDINGS

The following provisions govern the conduct of trial court proceedings during Phases 1 through 3, except as modified by Section IX., addressing reversions to a previous phase by a circuit or a county within the circuit.

A. Jury Proceedings and Jury Trials.

(1) Statewide grand jury proceedings were suspended through July 26, 2020.

a. After the suspension, the proceedings shall be conducted remotely or, if one of the following criteria is satisfied, may be conducted in person:

i. The presiding judge for the statewide grand jury, in consultation with the county health department or local health expert, determines that the in-person proceeding can be conducted in a manner that protects the health and safety of all participants if the circuit is operating in Phase 1; or

ii. The circuit is operating in Phase 2 or Phase 3 pursuant to Fla. Admin. Order No. AOSC20-32, as amended, and the proceeding is conducted in a manner that is consistent with the circuit's operational plan.

b. If the presiding judge for the statewide grand jury determines that the proceedings of the statewide grand jury cannot proceed remotely or in person in Phase 1, the presiding judge may issue a local administrative order suspending the proceedings for a specified period of time not to exceed 30 days after the circuit returns to Phase 2.

(2) Non-statewide grand jury selection and proceedings, civil jury selection and trial proceedings, and criminal jury selection and trial proceedings shall remain

suspended until 30 days after the chief judge of a judicial circuit has determined that the circuit or a county within the circuit has transitioned to Phase 2 pursuant to Fla. Admin. Order No. AOSC20-32, as amended.[8]

(3) Additional days equal to the number of days for which grand jury proceedings are suspended shall be restored to the term of the impaneled statewide grand jury or other impaneled grand jury; however, the number of days restored may not exceed the number of days the impaneled grand jury had remaining in its term when the suspension began.

B. Remote Civil and Criminal Jury Trials.

(1) Notwithstanding any other provision in this administrative order, a judicial circuit may remotely conduct:

a. Civil jury trials if all parties consent to participating in the remote trial.

b. Criminal jury trials if:

i. The defendant provides consent in writing and orally on the record establishing that the defendant has knowingly, voluntarily, and intelligently agreed to the remote conduct of the trial;

ii. Counsel for the defendant, if the defendant is represented, indicates orally on the record that they have discussed the potential advantages and disadvantages of remote conduct of the trial with the defendant

8. This measure initially went into effect on March 16, 2020. (AOSC20-13).

and have concluded that the defendant has knowingly, voluntarily, and intelligently agreed to the remote conduct of the trial; and

iii. The prosecutor indicates the State's and, if applicable, the victim's positions orally on the record regarding remote conduct of the trial for purposes of consideration by the presiding judge in determining whether to remotely conduct the trial.

(2) A court proceeding to obtain the statements required to be provided orally on the record pursuant to Section III.B.(1)b. may be remotely conducted.

(3) The cases selected for a remote jury trial must be:

a. Based upon the case being conducive to a remote proceeding; and

b. Conducted pursuant to the requirements specified in the report titled *Requirements and Evaluation Criteria – Remote Civil and Criminal Jury Trials* and other applicable standards and guidance as may be adopted by the Chief Justice or supreme court.

(4) Within 30 days after the remote conduct of a jury trial for the first time in a judicial circuit, the circuit shall present the results of the trial and report its findings and recommendations to the Chief Justice through the state courts administrator.

(5) To conduct any portion of a remote jury trial in person:

a. The chief judge, in consultation with the county health department or local health expert, must determine that the in-person proceeding can be conducted in a manner that protects the health and safety of all participants if the circuit or a county within the circuit is operating in Phase 1; or

b. The circuit or a county within the circuit must be operating in Phase 2 or Phase 3 pursuant to Fla. Admin. Order No. AOSC20-32, as amended, and the proceeding must be conducted in a manner that is consistent with the circuit's operational plan.

C. Juror Disqualifications, Excusals, and Postponements. For purposes of limiting in-person contact to mitigate the spread of COVID-19 and of addressing hardships related to the pandemic, each chief judge of a judicial circuit:

(1) May authorize the remote conduct of a proceeding in which disqualifications or excusals pursuant to section 40.013, Florida Statutes, or postponements pursuant to section 40.23, Florida Statutes, may be considered for persons who are summoned as a pool for possible juror service as described in section 40.011(5)(b), Florida Statutes.

(2) Shall create a process whereby the:

a. Excusal of a potential juror shall be considered pursuant to section 40.013(5) and (6), Florida Statutes, if the potential juror indicates, subject to penalty of perjury, that he or she:

i. Does not meet the court's Phase 2 or Phase 3 screening requirements for courthouse entry as established in the circuit's operational plan;

ii. Is a person at higher risk for severe illness due to COVID-19 infection as identified by the Centers for Disease Control and Prevention and requests to be excused;

iii. Must care for a child or relative whose regular care provider is closed or unavailable for reasons related to COVID-19; or

iv. Is receiving leave pursuant to the Families First Coronavirus Response Act.

b. Postponement of the service of a potential juror for up to six months shall be considered pursuant to section 40.23(2), Florida Statutes, if the potential juror indicates, subject to penalty of perjury, that he or she:

i. Has recently returned to work after being unemployed due to COVID-19; or

ii. Has suffered a financial or personal loss due to COVID-19 that makes it a hardship to perform jury service.[9, 10]

D. Essential and Critical Trial Court Proceedings.[11]

(1) All trial courts shall continue to perform essential trial court proceedings, including but not limited to: first appearance; criminal arraignments; hearings on motions to set or modify monetary bail for individuals who are in custody; juvenile dependency shelter hearings; juvenile delinquency detention hearings; hearings on petitions for injunctions relating to safety of an individual; hearings on petitions for risk protection orders; hearings on petitions for the appointment of an emergency temporary guardian; hearings to determine whether an individual should be involuntarily committed under the Baker Act or the Marchman Act; and hearings on petitions for extraordinary writs as necessary to protect constitutional rights.

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9. Postponements are subject to the six-month statutory maximum specified in section 40.23(2), Florida Statutes. If granting a postponement based on one or both of these reasons would exceed the statutory maximum because of a previous postponement granted to a potential juror, the chief judge or the presiding judge is encouraged to consider whether to grant an excusal based on either reason.

10. For clarification purposes, the statutory provisions authorizing the reasons listed for excusals and postponements, which are necessitated by the pandemic, have been cited in Section III.C.(2). This clarification is effective as of June 16, 2020, *nunc pro tunc*.

11. These measures initially went into effect on March 17, 2020. (AOSC20-15).

(2) In addition to essential trial court proceedings, all trial courts shall perform, as necessary and applicable, critical trial court proceedings related to the state of emergency or the public health emergency, including but not limited to proceedings related to: violation of quarantine or isolation; violation of orders to limit travel; violation of orders to close public or private buildings; and enforcement of curfew orders.

(3) In Phase 1 and Phase 2, essential and critical trial court proceedings shall be conducted remotely, unless the chief judge or presiding judge, in consultation with the chief judge, determines that it is necessary to conduct the proceeding in person. If the circuit or county within a circuit is operating in Phase 1, in-person conduct of a proceeding may occur if the chief judge, in consultation with the county health department or local health expert, determines that the in-person proceeding can be conducted in a manner that protects the health and safety of all participants. If the circuit or county within a circuit is operating in Phase 2, in-person conduct of a proceeding must be consistent with the circuit's operational plan.

(4) It is recognized that certain essential or critical trial court proceedings in some jurisdictions may in extraordinary, limited circumstances be unavoidably delayed due to the exigencies of the ongoing emergency. When this occurs, chief judges are required to take all steps feasible to minimize the delay.

E. Other Trial Court Proceedings.[12] Trial court proceedings that are not addressed under Section III.A.(1) or III.D. shall be conducted as follows during Phase 1 and Phase 2. If in-person conduct of the proceeding is required below, the proceeding may be conducted in person only if the circuit or a county within the circuit is operating in Phase 2 pursuant to Fla. Admin. Order No. AOSC20-32, as amended, in a manner that is consistent with the circuit's operational plan, or as otherwise authorized under Section III.B(5)a. or IX.A.(2).

(1) Non-statewide grand jury selection and proceedings, civil jury selection and trial proceedings, and criminal jury selection and trial proceedings shall be conducted in person after the suspension of these proceedings ends pursuant to Section III.A.(2).

(2) Non-jury trials in:

a. Criminal cases may be conducted remotely if the requirements for certain statements specified in Section III.B.(1)b.i., ii., and iii. are satisfied or, if not, shall be conducted in person.

b. Termination of parental rights and juvenile delinquency cases shall be conducted remotely if ordered by the chief judge or the presiding judge or, if not, shall be conducted in person.

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12. A measure related to these proceedings initially went into effect on March 17, 2020. (AOSC20-15).

(3) All other trial court proceedings shall be conducted remotely, except that a proceeding shall be conducted in person if the chief judge or presiding judge, in consultation with the chief judge, determines that remote conduct of the proceeding:

a. Is inconsistent with the United States or Florida Constitution, a statute, or a rule of court that has not been suspended by administrative order; or

b. Would be infeasible because the court, the clerk, or other participant in a proceeding lacks the technological resources necessary to conduct the proceeding or, for reasons directly related to the state of emergency or the public health emergency, lacks the staff resources necessary to conduct the proceeding.

Chief judges shall take all necessary steps to ensure that the above-listed proceedings are conducted to the fullest extent feasible, consistent with the guidance established in this section.

F. In-Person Conduct of Trial Court Proceedings in Phase 2. While a circuit or county within a circuit is operating in Phase 2, it is the responsibility of the chief judge to ensure that trial court proceedings that must be in person pursuant Section III.D. or E. are conducted to the fullest extent feasible, consistent with the circuit's operational plan. Chief judges shall have the discretion to determine how best to utilize available trial court resources and facility space to conduct in-person proceedings, whether criminal or non-criminal, but before making such

determination should consider the following priorities listed from highest to lowest:

(1) Essential and critical trial court proceedings.

(2) Circuit and county criminal trials with an in-custody defendant.

(3) Circuit trials for juveniles being tried as an adult.

(4) Juvenile delinquency trials.

(5) Circuit and county criminal trials with an out-of-custody defendant.

(6) Termination of parental rights trials.

(7) Circuit civil jury trials.

(8) County civil jury trials.

(9) All other trial court proceedings.

G. Case Management and Resolution. To maximize the resolution of cases, chief judges:

(1) Shall issue an administrative order applicable to each county within the judicial circuit, except as provided in Section III.G.(1)b., that takes effect on April 30, 2021, and that requires the presiding judge for each civil case[13] to actively manage civil cases in the manner specified below.

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13. As used in Section III.G.(1), the term "civil case" means actions to which the Florida Rules of Civil Procedure apply, as identified in Florida Rule of Civil Procedure 1.010, and actions in which the court has ordered that the action proceed under one or more of the Florida Rules of Civil Procedure pursuant to Florida

a. The administrative order shall:

i. Require review of each civil case to determine whether it is complex, streamlined, or general.

1. Complex civil cases are actions that have been or may be designated by court order as complex under Florida Rule of Civil Procedure 1.201. Upon such designation, the action shall proceed as provided in the rule.

2. Streamlined civil cases shall be identified based on criteria determined by the chief judge and specified in the administrative order. Criteria that the chief judge may wish to consider for the

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Small Claims Rule 7.020(c) if the deadline for the trial date specified in Florida Small Claims Rule 7.090(d) no longer applies in the action, but does not include actions subject to section 51.011, Florida Statutes, post-judgment proceedings, and writs to which Florida Rule of Civil Procedure 1.630 applies. *See* Florida Rule of Civil Procedure 1.010 (stating that the Florida Rules of Civil Procedure "apply to all actions of a civil nature and all special statutory proceedings in the circuit courts and county courts except those to which the Florida Probate Rules, the Florida Family Law Rules of Procedure, or the Small Claims Rules apply."); Florida Small Claims Rule 7.020(c) (stating that "In any particular action, the court may order that action to proceed under 1 or more additional Florida Rules of Civil Procedure on application of any party or the stipulation of all parties or on the court's own motion."); Florida Small Claims Rule 7.090(d) (providing that the trial in a small claims action must be set not more than 60 days from the date of the pretrial conference except as otherwise specified); Florida Rule of Civil Procedure 1.630 (addressing actions for the issuance of writs of mandamus, prohibition, quo warranto, and habeas corpus); and section 51.011, Florida Statutes (providing a summary procedure for the resolution of certain actions when specified by statute or rule).

identification of streamlined cases include whether the case involves: few parties; non-complex issues related to liability and damages; few anticipated pretrial motions; limited need for discovery; few witnesses; minimal documentary evidence; and an anticipated trial length of less than two days.

3. General civil cases are all other civil cases.

ii. Require the presiding judge to issue a case management order for each streamlined and general civil case that at a minimum specifies the deadlines for service of complaints, service under extensions, and adding new parties and the deadlines by which: fact and expert discovery shall be completed; all objections to pleadings and pretrial motions shall be resolved; and mediation shall have occurred. The case management order shall also specify the projected date of trial; indicate that the deadlines established in the order will be strictly enforced by the court; indicate that a firm trial date will be ordered by the presiding judge when the case is at issue pursuant to Florida Rule of Civil Procedure 1.440; and address any other matters required by the chief judge. If the streamlined or general civil case is:

1. Subject to dismissal for a lack of prosecution pursuant to Florida Rule of Civil Procedure 1.420(e), a case management order is

required only if the court determines that the action should remain pending and shall be issued within 30 days after such determination.

2. Subject to a statutory stay or a moratorium preventing the prosecution of the case, the case management order shall be issued in a case filed:
    - On or after April 30, 2021, within 45 days after the stay or the moratorium ends or within 30 days after service of the complaint on the last of all named defendants, whichever date is later; or
    - Before April 30, 2021, by December 3, 2021, within 45 days after the stay or the moratorium ends, or within 30 days after service of the complaint on the last of all named defendants, whichever date is later. The case management order shall address each deadline identified under Section III.G.(1)a.ii. and the projected date for trial if such event has not yet occurred in the case or has not yet been specified by other court order.
3. Not subject to a statutory stay or a moratorium, the case management order shall be issued in a case filed:

- On or after April 30, 2021, within 30 days after service of the complaint on the last of all named defendants; or
- Before April 30, 2021, the case management order shall be issued by December 3, 2021. The case management order shall address each deadline identified under Section III.G.(1)a.ii. and the projected date for trial if such event has not yet occurred in the case or has not yet been specified by other court order.

iii. Establish maximum periods within which the deadlines required by Section III.G.(1)a.ii. and the projected date of trial shall be set in the case management order. The maximum periods shall be differentiated based on whether the civil case is streamlined or general and shall be consistent with the time standards specified in Florida Rule of General Practice and Judicial Administration 2.250(a)(1)(B) for the completion of civil cases.

b. If a judicial circuit or county within the judicial circuit is implementing a written civil case management protocol as of the effective date of this order that requires the entry of a case management order for each civil case that addresses each deadline identified under Section III.G.(1)a.ii. and the projected date for trial,

the chief judge may continue to use the protocol in the judicial circuit or county instead of issuing the administrative order required by this section.

c. Each administrative order issued by the chief judge pursuant to this section and written civil case management protocol described in Section III.G.(1)b. shall be submitted to the chair of the Workgroup on the Improved Resolution of Civil Cases, as established by *In Re: Workgroup on Improved Resolution of Civil Cases*, Fla. Admin. Order No. AOSC19-73 (Oct. 31, 2019), by May 7, 2021. If subsequently amended, the administrative order or protocol shall be submitted to the chair of the workgroup within seven days after the amendment is issued.

(2) Shall direct all judges within their circuits to strictly comply with Florida Rule of General Practice and Judicial Administration 2.545(a), (b), and (e), which respectively require judges to conclude litigation as soon as it is reasonably and justly possible to do so, to take charge of all cases at an early stage and to control the progress of the case thereafter until it is determined, and to apply a firm continuance policy allowing continuances only for good cause shown.

(3) Are encouraged, where consistent with public health and safety and the circuit's operational plan, to:

a. Use non-traditional facilities or underutilized courthouse space to increase the court's capacity for in-person proceedings;

b. Reassign judges and court staff to proceedings having the highest priority;

c. Implement scheduling practices that promote the conduct of as many jury trials as feasible; and

d. Communicate to the local Bar that lawyers must strictly comply with Florida Rule of General Practice and Judicial Administration 2.545(a), which requires lawyers to conclude litigation as soon as it is reasonably and justly possible to do so, and that the pandemic alone is not a basis for a lawyer's failure to prepare a case for trial or otherwise actively manage a case.

H. In-person Conduct of Trial Court Proceedings in Phase 3.[14] All trial court proceedings may be conducted in person if the circuit or a county within the circuit is operating in Phase 3 pursuant to Fla. Admin. Order No. AOSC20-32, as amended, and the proceeding is conducted in a manner that is consistent with the circuit's operational plan.

14. This measure initially went into effect on March 17, 2020. (AOSC20-15).

IV. SUSPENSION OF TIME PERIODS IN CERTAIN RULES OF CRIMINAL PROCEDURE

A. Speedy Trial.[15]

(1) All time periods involving the speedy trial procedure in criminal and juvenile court proceedings shall remain suspended until 90 days after the Chief Justice has approved the certification of a chief judge of a judicial circuit that the circuit or a county within the circuit has transitioned to Phase 3 pursuant to Fla. Admin. Order No. AOSC20-32, as amended.

(2) When the suspension ends and the time periods resume in a circuit or county within a circuit:

a. Any time that accrued under the procedure for a person before the suspension began on March 13, 2020, shall be subtracted from the time periods provided by the procedure. *See, e.g.*, *Sullivan v. State*, 913 So. 2d 762 (Fla. 5th DCA 2005), and *State v. Hernandez*, 617 So. 2d 1103 (Fla. 3rd DCA 1993).

b. Each of the 10-day time periods in Fla. R. Crim. P. 3.191(p)(3) and Fla. R. Juv. P. 8.090(m)(3) shall be increased to 30 days until such time as the circuit or county within a circuit has transitioned to Phase 4.

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15. This measure initially went into effect at the close of business on March 13, 2020. (AOSC20-13 and AOSC20-17).

B. Persons Arrested for First Degree Murder.[16] With regard to persons arrested for first degree murder, all time periods under Florida Rules of Criminal Procedure 3.133(b) and 3.134 shall:

(1) Remain suspended until such time as grand jury proceedings are resumed pursuant to Section III.A. When the suspension ends and the time periods resume, any time that accrued under the rules for a person before the suspension began on March 13, 2020, shall be subtracted from the time periods provided by the rules.

(2) Be suspended during any period of time in which grand jury proceedings are suspended under Section III.A.(1)b. or IX.B. When the suspension ends and the time periods resume, any time that accrued under the rules for a person before the suspension began on March 13, 2020, shall be subtracted from the time periods provided by the rules.

C. Incompetence to Proceed.[17] Where exigencies make it impossible to meet the 20-day time period in Florida Rule of Criminal Procedure 3.210(b), chief judges of the circuit courts remain authorized to direct judges to hold competency hearings as soon as feasible after the date of filing a motion to determine

16. This measure initially went into effect at the close of business on March 13, 2020. (AOSC20-17).

17. This measure initially went into effect on March 24, 2020. (AOSC20-17).

competency. Chief judges also remain authorized to allow experts and attorneys to conduct and attend competency evaluations by remote means, if feasible.

V. DEFENDANTS ARRESTED ON WARRANT OR CAPIAS FROM ANOTHER FLORIDA JURISDICTION[18]

To mitigate the health risks associated with the incarceration and transportation of defendants during the pandemic, when a defendant is arrested on a warrant or capias from another Florida jurisdiction, chief judges of the circuit courts remain encouraged to facilitate communication between the circuit or county where the case originated ("home court") and the circuit or county where the defendant is incarcerated ("holding court"), for the handling of matters on a temporary basis, as follows:

A. Pretrial Release and First Appearance Hearings. Chief judges remain authorized to direct judges conducting pretrial release and first appearance hearings to address detention and monetary bond or other conditions of pretrial release in the county of arrest, regardless of whether the case is transferred, rather than requiring transport of the defendant to the county where any warrant or capias originated.

For capiases and violation of probation warrants, before setting monetary bond or other conditions of pretrial release, the first appearance judge, in order to

18. These measures initially took effect on March 24, 2020. (AOSC20-17).

make a proper decision regarding monetary bond or other conditions of pretrial release, must rely on relevant information from the following individuals in the county that issued the capias or warrant: the issuing judge, defense counsel if any, and the state attorney.

Action taken by the holding court at first appearance and any pretrial release hearing should be promptly reported to the home court and reflected in the record of the case.

Any provision of Florida Rule of Criminal Procedure 3.131 inconsistent with these measures remains suspended.

B. Pleas. Judges remain encouraged to coordinate with prosecutors, attorneys, defendants, and victims in order to utilize section 910.035, Florida Statutes, which allows for pleas of guilty or nolo contendere for persons arrested in counties outside of the county of prosecution, upon the consent of the defendant and the state attorney in the county where the crime was committed.

C. Rights of Parties. In cases that are not handled by a plea or pretrial release such that the defendant will continue to be detained in the jurisdiction of the holding court for an indefinite period of time, chief judges are directed to ensure that the due process rights of the defendant are protected by facilitating the temporary transfer of the case to the holding court, if necessary; by having a judge from the holding court designated by the Chief Justice, or designated by the chief

judge if the home and holding court are within the same circuit, as a judge of the home court to handle emergency or other necessary matters in the case; or by other appropriate means.

D. Victims. The constitutional rights of crime victims must also be considered in all cases by the presiding judge.

VI. SPEEDY TRIAL PROCEDURE IN NONCRIMINAL TRAFFIC INFRACTION COURT PROCEEDINGS[19]

The time period involving the speedy trial procedure in noncriminal traffic infraction court proceedings shall remain suspended. When the suspension ends and the time period resumes, any time that accrued under the procedure for a person before the suspension began on March 13, 2020, shall be subtracted from the time period provided by the procedure.

VII. FAMILY LAW FORMS[20]

Except as indicated below, the requirement that Florida Family Law Forms be notarized or signed in the presence of a deputy clerk remains suspended, if the filer includes the following statement before the filer's signature:

> Under penalties of perjury, I declare that I have read this document and the facts stated in it are true.

19. This measure initially took effect on March 13, 2020. (AOSC20-19).
20. This measure initially took effect on March 24, 2020. (AOSC20-17).

This exception does not apply to Florida Family Law Forms 12.902(f)(1), Marital Settlement Agreement for Dissolution of Marriage with Dependent or Minor Child(ren), 12.902(f)(2), Marital Settlement Agreement for Dissolution of Marriage with Property but No Dependent or Minor Child(ren), 12.902(f)(3), Marital Settlement Agreement for Simplified Dissolution of Marriage, and any other family law form that transfers the ownership of property, which must continue to be notarized or signed in the presence of a deputy clerk prior to filing.

VIII. VISITATION FOR CHILDREN UNDER THE PROTECTIVE SUPERVISION OF THE FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES (DCF)[21]

Requirements for in-person visitation pursuant to circuit court orders entered under chapter 39, Florida Statutes, remain suspended. This order does not affect in-person visitations when all parties and the caregiver agree that the visitation can take place in a manner that does not pose a health threat.

In lieu of in-person visitation, visitation shall be conducted through electronic means with video communication as the preferred means, although telephonic contact is permitted if video communication is not feasible.

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21. These measures initially took effect on March 27, 2020. (AOSC20-18).

The suspension of in-person visitation applies to parent-child visitation, sibling visitation, and visitation between children and other family members and non-relatives.

If a party seeks to reinstate in-person visitation while the suspension of in-person visitation requirements remains in effect, such reinstatement shall be determined on a case-by-case basis by the circuit court with jurisdiction over that party's case. Reinstatement of in-person visitation may be ordered if the court determines that it will not jeopardize the health, safety, and well-being of all children and adults (including caregivers) who will be affected by the in-person visitation.

Nothing in these provisions regarding visitation for children under the protective supervision of the DCF overrides existing circuit administrative orders to the extent that those orders are not in conflict with this order. Circuits may enter additional administrative orders addressing visitation and contact pursuant to chapter 39, Florida Statutes, to the extent that they are not in conflict with this order.

IX. REVERSION TO A PREVIOUS PHASE

If a circuit or a county within the circuit reverts to a previous phase, as addressed in Fla. Admin. Order No. AOSC20-32, as amended, the following provisions govern.

A. Certain Jury Proceedings and Jury Trials. If a circuit or a county within the circuit reverts to Phase 1, juror selection and proceedings for a non-statewide grand jury and juror selection and trial proceedings for a civil or criminal case that:

(1) Were not commenced before the reversion are suspended until the circuit or county returns to Phase 2, at which time such proceedings may be commenced in person in a manner consistent with the circuit's operational plan.

(2) Were commenced before the reversion may proceed to completion in person if the chief judge determines that completion of the proceeding without delay is required by the interests of justice and determines, in consultation with the county health department or local health expert, that the in-person proceeding can be conducted in a manner that protects the health and safety of all participants. The requirements of the double jeopardy clause must be considered in criminal proceedings.

B. Suspension of Impaneled Non-statewide Grand Jury. If the chief judge determines that the proceedings of an impaneled non-statewide grand jury cannot continue in Phase 1, the chief judge may issue a local administrative order suspending the proceedings for a specified period of time not to exceed 30 days after the circuit or county within the circuit returns to Phase 2. The provisions of Section III.A.(3) apply with respect to the restoration of time to the term of the impaneled non-statewide grand jury during such suspension.

C. Speedy Trial. If a circuit or a county within the circuit reverts from Phase 3 to Phase 1 or Phase 2, all time periods involving the speedy trial procedure in criminal and juvenile court proceedings are suspended until 90 days after the Chief Justice has approved the recertification of a chief judge of a judicial circuit that the circuit or county within the circuit has returned to Phase 3 pursuant to Fla. Admin. Order No. AOSC20-32, as amended. When the suspension ends and the time periods resume:

(1) Any time that accrued under the speedy trial procedure for a person before the initial suspension of the procedure began on March 13, 2020, and while the procedure was in effect during Phase 3 shall be subtracted from the time periods provided by the procedure. *See, e.g.*, *Sullivan v. State*, 913 So. 2d 762 (Fla. 5th DCA 2005), and *State v. Hernandez*, 617 So. 2d 1103 (Fla. 3rd DCA 1993).

(2) Each of the 10-day time periods in Fla. R. Crim. P. 3.191(p)(3) and Fla. R. Juv. P. 8.090(m)(3) shall be increased to 30 days until such time as the circuit or county within a circuit has transitioned to Phase 4.

* * *

Additional orders extending or modifying these measures will be issued as warranted by changing circumstances during the public health emergency.

DONE AND ORDERED at Tallahassee, Florida, on April 13, 2021.

AOSC20-23-A12

Chief Justice Charles T. Canady

AOSC20-23-A12 04/13/2021

ATTEST:

AOSC20-23-A12
04/13/2021

John A. Tomasino, Clerk of Court

AOSC20-23-A12 04/13/2021

AO 20-23 (13) | FLORIDA SUPREME COURT

YEAR: 2020

NUMBER: 23

TITLE: IN RE: COMPREHENSIVE COVID-19 EMERGENCY MEASURES FOR FLORIDA TRIAL COURTS

PAGES: 32

AMENDMENT: 13

Supreme Court of Florida

No. AOSC20-23
Amendment 13[1]

IN RE: COMPREHENSIVE COVID-19 EMERGENCY MEASURES FOR FLORIDA TRIAL COURTS

ADMINISTRATIVE ORDER

As a result of the Coronavirus Disease 2019 (COVID-19) pandemic, the State Surgeon General and State Health Officer renewed the declaration that a public health emergency exists in Florida on April 20, 2021, the Governor extended the declaration of a state of emergency in Florida on April 27, 2021, and the Secretary of the Department of Health and Human Services renewed the determination that a public health emergency exists in the United States effective as of April 21, 2021. To mitigate the effects of the public health emergency upon the judicial branch and its participants I have issued administrative orders implementing temporary measures essential to the administration of justice to

1. This amended administrative order is issued to: update the introductory paragraphs of this order; remove reference to working remotely in Section I.D.; and remove the provision in Section III.C.(2)(i), addressing excusals for potential jurors who do not meet screening requirements for courthouse entry because those requirements were terminated by *In re: COVID-19 Public Health and Safety Precautions for Operational Phase Transitions*, Fla. Admin. Order No. AOSC20-32, Amendment 8.

address the pandemic.[2] The overarching intent of those orders has been to mitigate the effects of COVID-19, while keeping the courts operating to the fullest extent consistent with public safety.

It is the intent of the judicial branch to transition to optimal operations in a manner that protects the public's health and safety during each of the following anticipated phases of the pandemic:

a) Phase 1 – in-person contact is inadvisable, courthouses are effectively closed to the public, and in-person court proceedings are rare;

b) Phase 2 – in-person contact is authorized for certain purposes but requires use of protective measures;

c) Phase 3 – an effective vaccine is adequately available and in use and in-person contact is more broadly authorized; and

d) Phase 4 – COVID-19 no longer presents a significant risk to public health

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2. *In re: COVID-19 Emergency Procedures in the Florida State Courts*, Fla. Admin. Order No. AOSC20-13 (March 13, 2020); *In re: COVID-19 Essential and Critical Trial Court Proceedings,* Fla. Admin. Order No. AOSC20-15 (March 17, 2020); *In re: COVID-19 Emergency Procedures for the Administering of Oaths via Remote Audio-Video Communication Equipment,* Fla. Admin. Order No. AOSC20-16 (March 18, 2020); *In re: COVID-19 Emergency Measures in the Florida State Courts*, Fla. Admin. Order No. AOSC20-17 (March 24, 2020); *In re: COVID-19 Emergency Procedures in Relation to Visitation for Children Under the Protective Supervision of the Department of Children and Families*, Fla. Admin. Order No. AOSC20-18 (March 27, 2020); and *In re: COVID-19 Emergency Procedures for Speedy Trial in Noncriminal Traffic Infraction Court Proceedings*, Fla. Admin Order No. AOSC20-19 (March 30, 2020).

and safety.

This order extends, refines, and modifies previously enacted temporary remedial measures. The measures shall remain in effect until *In re: COVID-19 Public Health and Safety Precautions for Operational Phase Transitions*, Fla. Admin. Order No. AOSC20-32, as amended, is terminated or as may be provided by subsequent order.

Under the administrative authority conferred upon me by article V, section 2(b) of the Florida Constitution, by Florida Rules of General Practice and Judicial Administration 2.205(a)(2)(B)(iv) and 2.205(a)(2)(B)(v), and by Rule Regulating the Florida Bar 1-12.1(j),

IT IS ORDERED that:

I. GUIDING PRINCIPLES

A. The presiding judge in all cases must consider the constitutional rights of crime victims and criminal defendants and the public's constitutional right of access to the courts.

B. To maintain judicial workflow to the maximum extent feasible, chief judges shall take all necessary steps to support the remote conduct of proceedings with the use of technology, in accordance with this administrative order and other applicable standards and guidance as may be adopted by the Chief Justice or supreme court. Participants who have the capability of participating by electronic

means in remote proceedings shall do so. For purposes of this administrative order, "remote conduct," "remotely conduct," or "conducted remotely" means the conduct, in part or in whole, of a court proceeding using telephonic or other electronic means.

C. Nothing in this order is intended to limit a chief judge's authority to conduct court business or to approve additional court proceedings or events that are required in the interest of justice, if doing so is consistent with this administrative order and protecting the health of the participants and the public.

D. Judges and court personnel who work in the courthouse shall do so in a manner that is consistent with the circuit's operational plan required by Fla. Admin. Order No. AOSC20-32, as amended.

II. USE OF TECHNOLOGY

A. All rules of procedure, court orders, and opinions applicable to court proceedings that limit or prohibit the use of communication equipment for the remote conduct of proceedings shall remain suspended.[3]

B. The chief judge of each judicial circuit remains authorized to establish procedures for the use, to the maximum extent feasible, of communication

3. This measure initially went into effect at the close of business on March 13, 2020. (AOSC20-13).

equipment for the remote conduct of proceedings, as are necessary in their respective circuit due to the public health emergency.[4]

C. Administering of Oaths

(1) Notaries and other persons qualified to administer an oath in the State of Florida may swear a witness remotely by audio-video communication technology from a location within the State of Florida, provided they can positively identify the witness.[5]

(2) If a witness is not located within the State of Florida, a witness may consent to being put on oath via audio-video communication technology by a person qualified to administer an oath in the State of Florida.[6]

(3) All rules of procedure, court orders, and opinions applicable to remote testimony, depositions, and other legal testimony, including the attestation of family law forms, that can be read to limit or prohibit the use of audio-video communications equipment to administer oaths remotely or to witness the attestation of family law forms shall remain suspended.[7]

(4) Notaries and other persons qualified to administer an oath in the State of Florida may swear in new attorneys to The Florida Bar remotely by audio-video

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4. This measure initially went into effect on Friday, March 13, 2020. (AOSC20-13).

5. This measure initially went into effect on March 18, 2020. (AOSC20-16).

6. This measure initially went into effect on March 18, 2020. (AOSC20-16).

7. This measure initially went into effect on March 18, 2020. (AOSC20-16).

communication technology from a location within the State of Florida, provided they can positively identify the new attorney.

(5) For purposes of the provisions regarding the administering of oaths, the term "positively identify" means that the notary or other qualified person can both see and hear the witness or new attorney via audio-video communications equipment for purposes of readily identifying the witness or new attorney.

D. Law School Practice Programs.

(1) A supervising attorney in a law school practice program, under Rule 11-1.2(b) of the Rules Regulating The Florida Bar, may utilize audio-video communication technology to remotely supervise the law student in satisfaction of the requirement that the supervising attorney be physically present. The supervising attorney and law student must maintain a separate, confidential communication channel during the proceedings.

(2) In a law school practice program, the requirement in Rule 11-1.2(b) of the Rules Regulating The Florida Bar that an indigent person and the supervising attorney must consent in writing to representation by a supervised law student may be satisfied by the judge receiving the consent verbally under oath.

III. TRIAL COURT PROCEEDINGS

The following provisions govern the conduct of trial court proceedings during Phases 1 through 3, except as modified by Section IX., addressing reversions to a previous phase by a circuit or a county within the circuit.

A. Jury Proceedings and Jury Trials.

(1) Statewide grand jury proceedings were suspended through July 26, 2020.

a. After the suspension, the proceedings shall be conducted remotely or, if one of the following criteria is satisfied, may be conducted in person:

i. The presiding judge for the statewide grand jury, in consultation with the county health department or local health expert, determines that the in-person proceeding can be conducted in a manner that protects the health and safety of all participants if the circuit is operating in Phase 1; or

ii. The circuit is operating in Phase 2 or Phase 3 pursuant to Fla. Admin. Order No. AOSC20-32, as amended, and the proceeding is conducted in a manner that is consistent with the circuit's operational plan.

b. If the presiding judge for the statewide grand jury determines that the proceedings of the statewide grand jury cannot proceed remotely or in person in Phase 1, the presiding judge may issue a local administrative order suspending the

proceedings for a specified period of time not to exceed 30 days after the circuit returns to Phase 2.

(2) Non-statewide grand jury selection and proceedings, civil jury selection and trial proceedings, and criminal jury selection and trial proceedings shall remain suspended until 30 days after the chief judge of a judicial circuit has determined that the circuit or a county within the circuit has transitioned to Phase 2 pursuant to Fla. Admin. Order No. AOSC20-32, as amended.[8]

(3) Additional days equal to the number of days for which grand jury proceedings are suspended shall be restored to the term of the impaneled statewide grand jury or other impaneled grand jury; however, the number of days restored may not exceed the number of days the impaneled grand jury had remaining in its term when the suspension began.

B. Remote Civil and Criminal Jury Trials.

(1) Notwithstanding any other provision in this administrative order, a judicial circuit may remotely conduct:

a. Civil jury trials if all parties consent to participating in the remote trial.

b. Criminal jury trials if:

8. This measure initially went into effect on March 16, 2020. (AOSC20-13).

i. The defendant provides consent in writing and orally on the record establishing that the defendant has knowingly, voluntarily, and intelligently agreed to the remote conduct of the trial;

ii. Counsel for the defendant, if the defendant is represented, indicates orally on the record that they have discussed the potential advantages and disadvantages of remote conduct of the trial with the defendant and have concluded that the defendant has knowingly, voluntarily, and intelligently agreed to the remote conduct of the trial; and

iii. The prosecutor indicates the State's and, if applicable, the victim's positions orally on the record regarding remote conduct of the trial for purposes of consideration by the presiding judge in determining whether to remotely conduct the trial.

(2) A court proceeding to obtain the statements required to be provided orally on the record pursuant to Section III.B.(1)b. may be remotely conducted.

(3) The cases selected for a remote jury trial must be:

a. Based upon the case being conducive to a remote proceeding; and

b. Conducted pursuant to the requirements specified in the report titled *Requirements and Evaluation Criteria – Remote Civil and Criminal Jury Trials* and other applicable standards and guidance as may be adopted by the Chief Justice or supreme court.

(4) Within 30 days after the remote conduct of a jury trial for the first time in a judicial circuit, the circuit shall present the results of the trial and report its findings and recommendations to the Chief Justice through the state courts administrator.

(5) To conduct any portion of a remote jury trial in person:

a. The chief judge, in consultation with the county health department or local health expert, must determine that the in-person proceeding can be conducted in a manner that protects the health and safety of all participants if the circuit or a county within the circuit is operating in Phase 1; or

b. The circuit or a county within the circuit must be operating in Phase 2 or Phase 3 pursuant to Fla. Admin. Order No. AOSC20-32, as amended, and the proceeding must be conducted in a manner that is consistent with the circuit's operational plan.

C. Juror Disqualifications, Excusals, and Postponements. For purposes of limiting in-person contact to mitigate the spread of COVID-19 and of addressing hardships related to the pandemic, each chief judge of a judicial circuit:

(1) May authorize the remote conduct of a proceeding in which disqualifications or excusals pursuant to section 40.013, Florida Statutes, or postponements pursuant to section 40.23, Florida Statutes, may be considered for

persons who are summoned as a pool for possible juror service as described in section 40.011(5)(b), Florida Statutes.

(2) Shall create a process whereby the:

a. Excusal of a potential juror shall be considered pursuant to section 40.013(5) and (6), Florida Statutes, if the potential juror indicates, subject to penalty of perjury, that he or she:

i. Is a person at higher risk for severe illness due to COVID-19 infection as identified by the Centers for Disease Control and Prevention and requests to be excused;

ii. Must care for a child or relative whose regular care provider is closed or unavailable for reasons related to COVID-19; or

iii. Is receiving leave pursuant to the Families First Coronavirus Response Act.

b. Postponement of the service of a potential juror for up to six months shall be considered pursuant to section 40.23(2), Florida Statutes, if the potential juror indicates, subject to penalty of perjury, that he or she:

i. Has recently returned to work after being unemployed due to COVID-19; or

ii. Has suffered a financial or personal loss due to COVID-19 that makes it a hardship to perform jury service.[9, 10]

D. Essential and Critical Trial Court Proceedings.[11]

(1) All trial courts shall continue to perform essential trial court proceedings, including but not limited to: first appearance; criminal arraignments; hearings on motions to set or modify monetary bail for individuals who are in custody; juvenile dependency shelter hearings; juvenile delinquency detention hearings; hearings on petitions for injunctions relating to safety of an individual; hearings on petitions for risk protection orders; hearings on petitions for the appointment of an emergency temporary guardian; hearings to determine whether an individual should be involuntarily committed under the Baker Act or the Marchman Act; and hearings on petitions for extraordinary writs as necessary to protect constitutional rights.

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9. Postponements are subject to the six-month statutory maximum specified in section 40.23(2), Florida Statutes. If granting a postponement based on one or both of these reasons would exceed the statutory maximum because of a previous postponement granted to a potential juror, the chief judge or the presiding judge is encouraged to consider whether to grant an excusal based on either reason.

10. For clarification purposes, the statutory provisions authorizing the reasons listed for excusals and postponements, which are necessitated by the pandemic, have been cited in Section III.C.(2). This clarification is effective as of June 16, 2020, *nunc pro tunc*.

11. These measures initially went into effect on March 17, 2020. (AOSC20-15).

(2) In addition to essential trial court proceedings, all trial courts shall perform, as necessary and applicable, critical trial court proceedings related to the state of emergency or the public health emergency, including but not limited to proceedings related to: violation of quarantine or isolation; violation of orders to limit travel; violation of orders to close public or private buildings; and enforcement of curfew orders.

(3) In Phase 1 and Phase 2, essential and critical trial court proceedings shall be conducted remotely, unless the chief judge or presiding judge, in consultation with the chief judge, determines that it is necessary to conduct the proceeding in person. If the circuit or county within a circuit is operating in Phase 1, in-person conduct of a proceeding may occur if the chief judge, in consultation with the county health department or local health expert, determines that the in-person proceeding can be conducted in a manner that protects the health and safety of all participants. If the circuit or county within a circuit is operating in Phase 2, in-person conduct of a proceeding must be consistent with the circuit's operational plan.

(4) It is recognized that certain essential or critical trial court proceedings in some jurisdictions may in extraordinary, limited circumstances be unavoidably delayed due to the exigencies of the ongoing emergency. When this occurs, chief judges are required to take all steps feasible to minimize the delay.

E. Other Trial Court Proceedings.[12] Trial court proceedings that are not addressed under Section III.A.(1) or III.D. shall be conducted as follows during Phase 1 and Phase 2. If in-person conduct of the proceeding is required below, the proceeding may be conducted in person only if the circuit or a county within the circuit is operating in Phase 2 pursuant to Fla. Admin. Order No. AOSC20-32, as amended, in a manner that is consistent with the circuit's operational plan, or as otherwise authorized under Section III.B(5)a. or IX.A.(2).

(1) Non-statewide grand jury selection and proceedings, civil jury selection and trial proceedings, and criminal jury selection and trial proceedings shall be conducted in person after the suspension of these proceedings ends pursuant to Section III.A.(2).

(2) Non-jury trials in:

a. Criminal cases may be conducted remotely if the requirements for certain statements specified in Section III.B.(1)b.i., ii., and iii. are satisfied or, if not, shall be conducted in person.

b. Termination of parental rights and juvenile delinquency cases shall be conducted remotely if ordered by the chief judge or the presiding judge or, if not, shall be conducted in person.

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12. A measure related to these proceedings initially went into effect on March 17, 2020. (AOSC20-15).

(3) All other trial court proceedings shall be conducted remotely, except that a proceeding shall be conducted in person if the chief judge or presiding judge, in consultation with the chief judge, determines that remote conduct of the proceeding:

a. Is inconsistent with the United States or Florida Constitution, a statute, or a rule of court that has not been suspended by administrative order; or

b. Would be infeasible because the court, the clerk, or other participant in a proceeding lacks the technological resources necessary to conduct the proceeding or, for reasons directly related to the state of emergency or the public health emergency, lacks the staff resources necessary to conduct the proceeding.

Chief judges shall take all necessary steps to ensure that the above-listed proceedings are conducted to the fullest extent feasible, consistent with the guidance established in this section.

F. In-Person Conduct of Trial Court Proceedings in Phase 2. While a circuit or county within a circuit is operating in Phase 2, it is the responsibility of the chief judge to ensure that trial court proceedings that must be in person pursuant Section III.D. or E. are conducted to the fullest extent feasible, consistent with the circuit's operational plan. Chief judges shall have the discretion to determine how best to utilize available trial court resources and facility space to conduct in-person proceedings, whether criminal or non-criminal, but before making such

determination should consider the following priorities listed from highest to lowest:

(1) Essential and critical trial court proceedings.

(2) Circuit and county criminal trials with an in-custody defendant.

(3) Circuit trials for juveniles being tried as an adult.

(4) Juvenile delinquency trials.

(5) Circuit and county criminal trials with an out-of-custody defendant.

(6) Termination of parental rights trials.

(7) Circuit civil jury trials.

(8) County civil jury trials.

(9) All other trial court proceedings.

G. Case Management and Resolution. To maximize the resolution of cases, chief judges:

(1) Shall issue an administrative order applicable to each county within the judicial circuit, except as provided in Section III.G.(1)b., that takes effect on April 30, 2021, and that requires the presiding judge for each civil case[13] to actively manage civil cases in the manner specified below.

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13. As used in Section III.G.(1), the term "civil case" means actions to which the Florida Rules of Civil Procedure apply, as identified in Florida Rule of Civil Procedure 1.010, and actions in which the court has ordered that the action proceed under one or more of the Florida Rules of Civil Procedure pursuant to Florida

a. The administrative order shall:

i. Require review of each civil case to determine whether it is complex, streamlined, or general.

1. Complex civil cases are actions that have been or may be designated by court order as complex under Florida Rule of Civil Procedure 1.201. Upon such designation, the action shall proceed as provided in the rule.

2. Streamlined civil cases shall be identified based on criteria determined by the chief judge and specified in the administrative order. Criteria that the chief judge may wish to consider for the

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Small Claims Rule 7.020(c) if the deadline for the trial date specified in Florida Small Claims Rule 7.090(d) no longer applies in the action, but does not include actions subject to section 51.011, Florida Statutes, post-judgment proceedings, and writs to which Florida Rule of Civil Procedure 1.630 applies. *See* Florida Rule of Civil Procedure 1.010 (stating that the Florida Rules of Civil Procedure "apply to all actions of a civil nature and all special statutory proceedings in the circuit courts and county courts except those to which the Florida Probate Rules, the Florida Family Law Rules of Procedure, or the Small Claims Rules apply."); Florida Small Claims Rule 7.020(c) (stating that "In any particular action, the court may order that action to proceed under 1 or more additional Florida Rules of Civil Procedure on application of any party or the stipulation of all parties or on the court's own motion."); Florida Small Claims Rule 7.090(d) (providing that the trial in a small claims action must be set not more than 60 days from the date of the pretrial conference except as otherwise specified); Florida Rule of Civil Procedure 1.630 (addressing actions for the issuance of writs of mandamus, prohibition, quo warranto, and habeas corpus); and section 51.011, Florida Statutes (providing a summary procedure for the resolution of certain actions when specified by statute or rule).

identification of streamlined cases include whether the case involves: few parties; non-complex issues related to liability and damages; few anticipated pretrial motions; limited need for discovery; few witnesses; minimal documentary evidence; and an anticipated trial length of less than two days.

3. General civil cases are all other civil cases.

ii. Require the presiding judge to issue a case management order for each streamlined and general civil case that at a minimum specifies the deadlines for service of complaints, service under extensions, and adding new parties and the deadlines by which: fact and expert discovery shall be completed; all objections to pleadings and pretrial motions shall be resolved; and mediation shall have occurred. The case management order shall also specify the projected date of trial; indicate that the deadlines established in the order will be strictly enforced by the court; indicate that a firm trial date will be ordered by the presiding judge when the case is at issue pursuant to Florida Rule of Civil Procedure 1.440; and address any other matters required by the chief judge. If the streamlined or general civil case is:

1. Subject to dismissal for a lack of prosecution pursuant to Florida Rule of Civil Procedure 1.420(e), a case management order is

required only if the court determines that the action should remain pending and shall be issued within 30 days after such determination.

2. Subject to a statutory stay or a moratorium preventing the prosecution of the case, the case management order shall be issued in a case filed:
    - On or after April 30, 2021, within 45 days after the stay or the moratorium ends or within 30 days after service of the complaint on the last of all named defendants, whichever date is later; or
    - Before April 30, 2021, by December 3, 2021, within 45 days after the stay or the moratorium ends, or within 30 days after service of the complaint on the last of all named defendants, whichever date is later. The case management order shall address each deadline identified under Section III.G.(1)a.ii. and the projected date for trial if such event has not yet occurred in the case or has not yet been specified by other court order.
3. Not subject to a statutory stay or a moratorium, the case management order shall be issued in a case filed:

- On or after April 30, 2021, within 30 days after service of the complaint on the last of all named defendants; or
- Before April 30, 2021, the case management order shall be issued by December 3, 2021. The case management order shall address each deadline identified under Section III.G.(1)a.ii. and the projected date for trial if such event has not yet occurred in the case or has not yet been specified by other court order.

iii. Establish maximum periods within which the deadlines required by Section III.G.(1)a.ii. and the projected date of trial shall be set in the case management order. The maximum periods shall be differentiated based on whether the civil case is streamlined or general and shall be consistent with the time standards specified in Florida Rule of General Practice and Judicial Administration 2.250(a)(1)(B) for the completion of civil cases.

b. If a judicial circuit or county within the judicial circuit is implementing a written civil case management protocol as of the effective date of this order that requires the entry of a case management order for each civil case that addresses each deadline identified under Section III.G.(1)a.ii. and the projected date for trial,

the chief judge may continue to use the protocol in the judicial circuit or county instead of issuing the administrative order required by this section.

c. Each administrative order issued by the chief judge pursuant to this section and written civil case management protocol described in Section III.G.(1)b. shall be submitted to the chair of the Workgroup on the Improved Resolution of Civil Cases, as established by *In Re: Workgroup on Improved Resolution of Civil Cases*, Fla. Admin. Order No. AOSC19-73 (Oct. 31, 2019), by May 7, 2021. If subsequently amended, the administrative order or protocol shall be submitted to the chair of the workgroup within seven days after the amendment is issued.

(2) Shall direct all judges within their circuits to strictly comply with Florida Rule of General Practice and Judicial Administration 2.545(a), (b), and (e), which respectively require judges to conclude litigation as soon as it is reasonably and justly possible to do so, to take charge of all cases at an early stage and to control the progress of the case thereafter until it is determined, and to apply a firm continuance policy allowing continuances only for good cause shown.

(3) Are encouraged, where consistent with public health and safety and the circuit's operational plan, to:

a. Use non-traditional facilities or underutilized courthouse space to increase the court's capacity for in-person proceedings;

b. Reassign judges and court staff to proceedings having the highest priority;

c. Implement scheduling practices that promote the conduct of as many jury trials as feasible; and

d. Communicate to the local Bar that lawyers must strictly comply with Florida Rule of General Practice and Judicial Administration 2.545(a), which requires lawyers to conclude litigation as soon as it is reasonably and justly possible to do so, and that the pandemic alone is not a basis for a lawyer's failure to prepare a case for trial or otherwise actively manage a case.

H. In-person Conduct of Trial Court Proceedings in Phase 3.[14] All trial court proceedings may be conducted in person if the circuit or a county within the circuit is operating in Phase 3 pursuant to Fla. Admin. Order No. AOSC20-32, as amended, and the proceeding is conducted in a manner that is consistent with the circuit's operational plan.

14. This measure initially went into effect on March 17, 2020. (AOSC20-15).

IV. SUSPENSION OF TIME PERIODS IN CERTAIN RULES OF CRIMINAL PROCEDURE

A. Speedy Trial.[15]

(1) All time periods involving the speedy trial procedure in criminal and juvenile court proceedings shall remain suspended until 90 days after the Chief Justice has approved the certification of a chief judge of a judicial circuit that the circuit or a county within the circuit has transitioned to Phase 3 pursuant to Fla. Admin. Order No. AOSC20-32, as amended.

(2) When the suspension ends and the time periods resume in a circuit or county within a circuit:

a. Any time that accrued under the procedure for a person before the suspension began on March 13, 2020, shall be subtracted from the time periods provided by the procedure. *See, e.g.*, *Sullivan v. State*, 913 So. 2d 762 (Fla. 5th DCA 2005), and *State v. Hernandez*, 617 So. 2d 1103 (Fla. 3rd DCA 1993).

b. Each of the 10-day time periods in Fla. R. Crim. P. 3.191(p)(3) and Fla. R. Juv. P. 8.090(m)(3) shall be increased to 30 days until such time as the circuit or county within a circuit has transitioned to Phase 4.

---

15. This measure initially went into effect at the close of business on March 13, 2020. (AOSC20-13 and AOSC20-17).

B. Persons Arrested for First Degree Murder.[16] With regard to persons arrested for first degree murder, all time periods under Florida Rules of Criminal Procedure 3.133(b) and 3.134 shall:

(1) Remain suspended until such time as grand jury proceedings are resumed pursuant to Section III.A. When the suspension ends and the time periods resume, any time that accrued under the rules for a person before the suspension began on March 13, 2020, shall be subtracted from the time periods provided by the rules.

(2) Be suspended during any period of time in which grand jury proceedings are suspended under Section III.A.(1)b. or IX.B. When the suspension ends and the time periods resume, any time that accrued under the rules for a person before the suspension began on March 13, 2020, shall be subtracted from the time periods provided by the rules.

C. Incompetence to Proceed.[17] Where exigencies make it impossible to meet the 20-day time period in Florida Rule of Criminal Procedure 3.210(b), chief judges of the circuit courts remain authorized to direct judges to hold competency hearings as soon as feasible after the date of filing a motion to determine

16. This measure initially went into effect at the close of business on March 13, 2020. (AOSC20-17).

17. This measure initially went into effect on March 24, 2020. (AOSC20-17).

competency. Chief judges also remain authorized to allow experts and attorneys to conduct and attend competency evaluations by remote means, if feasible.

V. DEFENDANTS ARRESTED ON WARRANT OR CAPIAS FROM ANOTHER FLORIDA JURISDICTION[18]

To mitigate the health risks associated with the incarceration and transportation of defendants during the pandemic, when a defendant is arrested on a warrant or capias from another Florida jurisdiction, chief judges of the circuit courts remain encouraged to facilitate communication between the circuit or county where the case originated ("home court") and the circuit or county where the defendant is incarcerated ("holding court"), for the handling of matters on a temporary basis, as follows:

A. Pretrial Release and First Appearance Hearings. Chief judges remain authorized to direct judges conducting pretrial release and first appearance hearings to address detention and monetary bond or other conditions of pretrial release in the county of arrest, regardless of whether the case is transferred, rather than requiring transport of the defendant to the county where any warrant or capias originated.

For capiases and violation of probation warrants, before setting monetary bond or other conditions of pretrial release, the first appearance judge, in order to

18. These measures initially took effect on March 24, 2020. (AOSC20-17).

make a proper decision regarding monetary bond or other conditions of pretrial release, must rely on relevant information from the following individuals in the county that issued the capias or warrant: the issuing judge, defense counsel if any, and the state attorney.

Action taken by the holding court at first appearance and any pretrial release hearing should be promptly reported to the home court and reflected in the record of the case.

Any provision of Florida Rule of Criminal Procedure 3.131 inconsistent with these measures remains suspended.

B. Pleas. Judges remain encouraged to coordinate with prosecutors, attorneys, defendants, and victims in order to utilize section 910.035, Florida Statutes, which allows for pleas of guilty or nolo contendere for persons arrested in counties outside of the county of prosecution, upon the consent of the defendant and the state attorney in the county where the crime was committed.

C. Rights of Parties. In cases that are not handled by a plea or pretrial release such that the defendant will continue to be detained in the jurisdiction of the holding court for an indefinite period of time, chief judges are directed to ensure that the due process rights of the defendant are protected by facilitating the temporary transfer of the case to the holding court, if necessary; by having a judge from the holding court designated by the Chief Justice, or designated by the chief

judge if the home and holding court are within the same circuit, as a judge of the home court to handle emergency or other necessary matters in the case; or by other appropriate means.

D. Victims. The constitutional rights of crime victims must also be considered in all cases by the presiding judge.

VI. SPEEDY TRIAL PROCEDURE IN NONCRIMINAL TRAFFIC INFRACTION COURT PROCEEDINGS[19]

The time period involving the speedy trial procedure in noncriminal traffic infraction court proceedings shall remain suspended. When the suspension ends and the time period resumes, any time that accrued under the procedure for a person before the suspension began on March 13, 2020, shall be subtracted from the time period provided by the procedure.

VII. FAMILY LAW FORMS[20]

Except as indicated below, the requirement that Florida Family Law Forms be notarized or signed in the presence of a deputy clerk remains suspended, if the filer includes the following statement before the filer's signature:

> Under penalties of perjury, I declare that I have read this document and the facts stated in it are true.

19. This measure initially took effect on March 13, 2020. (AOSC20-19).
20. This measure initially took effect on March 24, 2020. (AOSC20-17).

This exception does not apply to Florida Family Law Forms 12.902(f)(1), Marital Settlement Agreement for Dissolution of Marriage with Dependent or Minor Child(ren), 12.902(f)(2), Marital Settlement Agreement for Dissolution of Marriage with Property but No Dependent or Minor Child(ren), 12.902(f)(3), Marital Settlement Agreement for Simplified Dissolution of Marriage, and any other family law form that transfers the ownership of property, which must continue to be notarized or signed in the presence of a deputy clerk prior to filing.

VIII. VISITATION FOR CHILDREN UNDER THE PROTECTIVE SUPERVISION OF THE FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES (DCF)[21]

Requirements for in-person visitation pursuant to circuit court orders entered under chapter 39, Florida Statutes, remain suspended. This order does not affect in-person visitations when all parties and the caregiver agree that the visitation can take place in a manner that does not pose a health threat.

In lieu of in-person visitation, visitation shall be conducted through electronic means with video communication as the preferred means, although telephonic contact is permitted if video communication is not feasible.

---

21. These measures initially took effect on March 27, 2020. (AOSC20-18).

The suspension of in-person visitation applies to parent-child visitation, sibling visitation, and visitation between children and other family members and non-relatives.

If a party seeks to reinstate in-person visitation while the suspension of in-person visitation requirements remains in effect, such reinstatement shall be determined on a case-by-case basis by the circuit court with jurisdiction over that party's case. Reinstatement of in-person visitation may be ordered if the court determines that it will not jeopardize the health, safety, and well-being of all children and adults (including caregivers) who will be affected by the in-person visitation.

Nothing in these provisions regarding visitation for children under the protective supervision of the DCF overrides existing circuit administrative orders to the extent that those orders are not in conflict with this order. Circuits may enter additional administrative orders addressing visitation and contact pursuant to chapter 39, Florida Statutes, to the extent that they are not in conflict with this order.

IX. REVERSION TO A PREVIOUS PHASE

If a circuit or a county within the circuit reverts to a previous phase, as addressed in Fla. Admin. Order No. AOSC20-32, as amended, the following provisions govern.

A. Certain Jury Proceedings and Jury Trials. If a circuit or a county within the circuit reverts to Phase 1, juror selection and proceedings for a non-statewide grand jury and juror selection and trial proceedings for a civil or criminal case that:

(1) Were not commenced before the reversion are suspended until the circuit or county returns to Phase 2, at which time such proceedings may be commenced in person in a manner consistent with the circuit's operational plan.

(2) Were commenced before the reversion may proceed to completion in person if the chief judge determines that completion of the proceeding without delay is required by the interests of justice and determines, in consultation with the county health department or local health expert, that the in-person proceeding can be conducted in a manner that protects the health and safety of all participants. The requirements of the double jeopardy clause must be considered in criminal proceedings.

B. Suspension of Impaneled Non-statewide Grand Jury. If the chief judge determines that the proceedings of an impaneled non-statewide grand jury cannot continue in Phase 1, the chief judge may issue a local administrative order suspending the proceedings for a specified period of time not to exceed 30 days after the circuit or county within the circuit returns to Phase 2. The provisions of Section III.A.(3) apply with respect to the restoration of time to the term of the impaneled non-statewide grand jury during such suspension.

C. Speedy Trial. If a circuit or a county within the circuit reverts from Phase 3 to Phase 1 or Phase 2, all time periods involving the speedy trial procedure in criminal and juvenile court proceedings are suspended until 90 days after the Chief Justice has approved the recertification of a chief judge of a judicial circuit that the circuit or county within the circuit has returned to Phase 3 pursuant to Fla. Admin. Order No. AOSC20-32, as amended. When the suspension ends and the time periods resume:

(1) Any time that accrued under the speedy trial procedure for a person before the initial suspension of the procedure began on March 13, 2020, and while the procedure was in effect during Phase 3 shall be subtracted from the time periods provided by the procedure. *See, e.g.*, *Sullivan v. State*, 913 So. 2d 762 (Fla. 5th DCA 2005), and *State v. Hernandez*, 617 So. 2d 1103 (Fla. 3rd DCA 1993).

(2) Each of the 10-day time periods in Fla. R. Crim. P. 3.191(p)(3) and Fla. R. Juv. P. 8.090(m)(3) shall be increased to 30 days until such time as the circuit or county within a circuit has transitioned to Phase 4.

* * *

Additional orders extending or modifying these measures will be issued as warranted by changing circumstances during the public health emergency.

DONE AND ORDERED at Tallahassee, Florida, on May 6, 2021.

AOSC20-23 A13

Chief Justice Charles T. Canady

AOSC20-23 A13 5/6/2021

ATTEST:

AOSC20-23 A13 5/6/2021

John A. Tomasino, Clerk of Court

AOSC20-23 A13 5/6/2021

AO 20-40 | FLORIDA SUPREME COURT

YEAR: 2020

NUMBER: 40

TITLE: IN RE: JUROR SELECTION PLAN: FRANKLIN COUNTY ADMINISTRATIVE ORDER

PAGES: 22

Supreme Court of Florida

No. AOSC20-40

IN RE: JUROR SELECTION PLAN: FRANKLIN COUNTY

ADMINISTRATIVE ORDER

Section 40.225, Florida Statutes, provides for the selection of jurors to serve within the county by "an automated electronic system." Pursuant to that section, the chief judge of the circuit must review and consent to the juror selection process, and the clerk of the circuit court must submit to the Supreme Court of Florida a description of the method for selecting jurors. Section 40.225(3), Florida Statutes, charges the Chief Justice of the Supreme Court with the review and approval of the proposed juror selection process, hereinafter referred to as the "juror selection plan."

The use of technology in the selection of jurors has been customary within Florida for more than 20 years and the Supreme Court has developed standards necessary to ensure that juror selection plans satisfy statutory, methodological, and due process requirements. The Court has tasked the Office of the State Courts Administrator with evaluating proposed plans for compliance with those standards.

By letter dated February 7, 2020, the Clerk of the Court for Franklin County submitted the Franklin County Juror Pool Selection Plan for review and approval

in accordance with section 40.225(2), Florida Statutes. The proposed plan reflects changes to both hardware and software used for juror pool selection in Franklin County.

The Office of the State Courts Administrator has completed an extensive review of the proposed Franklin County Juror Selection Plan, including an evaluation of statutory, due process, statistical, and mathematical elements associated with selection of jury candidates. The plan meets established requirements for approval.

Accordingly, the attached Franklin County Juror Pool Selection Plan, received on February 12, 2020, from The Honorable Marcia M. Johnson, Clerk of Court for Franklin County, and approved by The Honorable Jonathan Sjostrom, Chief Judge of the Second Circuit, is hereby approved for use.

DONE AND ORDERED at Tallahassee, Florida, on June 10, 2020.

AOSC20-40 6/10/2020

Chief Justice Charles T. Canady

AOSC20-40 6/10/2020

ATTEST:

AOSC20-40 6/10/2020

John A. Tomasino, Clerk of Court

AOSC20-40 6/10/2020

MARCIA M. JOHNSON
FRANKLIN COUNTY
CLERK OF THE CIRCUIT COURT

33 MARKET STREET, SUITE 203
APALACHICOLA, FL 32320

(850) 653-8861
FAX (850) 653-2261

February 7, 2020

Court Services
Office of the State Courts Administrator
Supreme Court Building
500 South Duval Street
Tallahassee, FL 32399

Dear Court Services:

Enclosed for your review is the Juror Pool Selection Plan for Franklin County. Included is the proposed hardware, software, random number generator program and algorithms to be used in the jury selection process. We are seeking Office of the State Courts Administrator review and Supreme Court approval of this process.

Chief Judge Jonathan Sjostrom has reviewed the attached documentation. A signed statement indicating his review is attached.

Please let me know if there is any other information that I may provide to you. I look forward to the Court's approval of the proposed jury pool selection plan. Thank you.

Sincerely,

Marcia M. Johnson

Marcia M. Johnson, Clerk of Court

Franklin County

Attachments

xc: The Honorable Jonathan Sjostrom, Chief Judge Second Circuit,
Trial Court Administrator

OFFICE OF

JONATHAN SJOSTROM
CHIEF JUDGE
SECOND JUDICIAL CIRCUIT

LORRAINE GAUSS
JUDICIAL ASSISTANT
PHONE: (850) 606-4321
FAX: (850) 606-4474

LEON COUNTY COURTHOUSE
301 SOUTH MONROE STREET
TALLAHASSEE, FLORIDA 32301

February 7, 2020

Court Services
Office of the State Courts Administrator
Supreme Court Building
500 South Duval Street
Tallahassee, FL 32399

Dear Court Services:

In accordance with section 40.225(1), Florida Statutes, I have reviewed the juror pool selection plan for Franklin County and consent to its use within my circuit.

Respectfully,

Jonathan Sjostrom
Chief Judge

FRANKLIN COUNTY CLERK OF COURT

January 24, 2020

Prepared by:

Marcia M. Johnson

Franklin County Clerk of Court

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Purpose and Scope

The purpose of this document is to describe the design and implementation of the Jury Selection Process to be used in a new Jury Management System for Franklin County, Florida. The scope of this document includes the algorithms and methods used to:

- Create and Maintain a Master Candidate table
- Select a set of names from the Master Candidate table to create a Jury Pool

Also in scope is a description of the equipment, operating system and programming software, methods, and modes of operation to be used in the Jury Selection process. Sufficient detail will be provided to satisfy the statutory condition of selection "by lot and at random" and of due process as required by Chapter 40, Florida Statues.

I. Creation of the Initial Candidate Selection List

A. Source Lists

The initial candidate selection list is created from three (3) sources:

1. The quarterly list of names provided by the Department of Highway Safety and Motor Vehicles ("DHSMV") pursuant to 40.011 F.S. This data file is processed against the Master Candidate (master_jurors) table, adding new names and updating existing information, such as addresses.

2. The list of names of persons who have filed affidavits pursuant to 40.011 F.S. requesting to serve as a Juror. The JMS provides the capability for the Clerk to manually add individuals to the Master Candidate table as required.

3. An exclusion list containing those persons who are unable to serve, have already served, or whose service is otherwise excused or postponed pursuant to 40.013, 40.022, and 40.023 F.S. The JMS provides the capability for the Clerk to Exempt someone from service (i.e. Over 70), to Exclude some from serving on an individual Venire (i.e. a Caretaker), and to Postpone someone so that they will be included in a later Venire. For example, if an individual was postponed until September 30th 2012 due to a scheduling conflict, that postponement date is stored in their Master Candidate record, and the first Venire that is created on or after that date will automatically include that individual in addition to those that were selected at random.

4. The Clerk is the official custodian for the Master Candidate table (Source List) and is responsible for the security and integrity of the list and all processes.

5. The Master Candidate table will contain not less than 250 names, pursuant to 40.02 F.S.

B. Source Data Adjustments

1. Quarterly, DHSMV provides the Florida Court Clerks and Comptrollers ("FCCC") with a data file that contains all persons holding a valid Florida Driver License or Identification Card. FCCC acts as a distribution agent, grouping the data by County and dispersing it to the Clerk of Court. Franklin County receives this data from FCCC quarterly via a dedicated network connection and the file is placed into a secured folder on a server for processing. The data received is an ASCII, fixed-length file, and is not modified in any way.

Once received, the DHSMV data is parsed and used to update the Master Candidate table in the Jury Management System where new persons are added and existing persons are updated (address, etc.). The Master Candidate table is a MSSQL relational database containing all eligible candidates gathered from the Initial Candidate Source Lists.

2. For those people who have filed affidavits pursuant to 40.011 F.S. requesting to serve as a Juror, their information is manually entered into the Candidates table by the Clerk of Court.

3. FCCC provides an ASCII data file to the Clerk of Court twice per month that contains persons who have deceased. This is an ASCII, fixed-length file similar to the Quarterly DHSMV file, and is also placed into a secured folder on a server for processing. It is not modified in any way. Once received, the data is parsed andused to update the Candidates table in the Jury Management System. Each deceased person is marked as such in the Master Candidate table and is no longer eligible for selection.

C. Time Frame

The DHSMV file is provided by FCCC quarterly, in January, April, July, and October. The Master Candidate table is updated with this information when it is received. Persons requesting to serve by signing an Affidavit are entered manually by the Clerk of Court as received. The Department of Health file containing deceased persons is provided by FCCC twice per month, on the 1st and the 15th. The Master Candidate table is updated with this information when it is received. Candidates that are excused pursuant to 40.013 F.S. or postponed to a later date are updated on-demand by the Clerk of Court.

D. Initial Jury Candidate List

Since this is a new application that is being created to replace an existing application, the Master Candidate table will be initially loaded by converting the current master Jury list file from an Informix database to a MSSQL database. No names will be excluded or modified during this conversion. This table contains all individuals possessing a Florida driver license or ID card as provided by the DHSMV for Franklin County.

II. Name Selection

A. Equipment and Software

The Jury Management System is a graphical, browser-based application written in Microsoft's .NET environment, using the Visual Studio 2015 software development tool. It is a custom application designed and developed by Civitek.

The application will be housed on multiple servers with the following specifications:

- Model: virtual machine; physical HW model HPE proliant BL460 Gen9
- Processor: Physical CPUs = Intel Xeon E5-2630 v3 2.4 GHz. Dual socket; 8 cores per socket; 16 cores per host. Virtual CPUs = 2 virtual cpu's (per vm); total 4 cores (per vm).
- Memory: 8 GB memory per vm
- HDD:[SIZE] (OS Partition – C:\)[size] 80GB (Data Partition – E:\) 20 GB. Can be expanded.
- NIC: physical nic = Broadcom qlogic 57840 10 Gbps; virtual nic = vmxnet3 vmware network adapter.
- OS: Windows Server 2016 Standard Edition x64 version 1607 build 14393.2490

The database will be housed on four clustered database servers/SAN configuration model with the following specifications:

Server

- Model: ProLiant DL380 Gen9
- OS: Windows 2012 R2\ SQL server 2016 enterprise AlwaysOn
- Processor: Xeon e5-2667 v3, 2 sockets with 8 cores at 3.20GHz
- Memory: 768GB Ram Memory

Storage Area Network (SAN)

- Model: HP HP 3Par 7400
- Storage capacity: 54 Terabytes
- Storage allocated to the Jury database: 25 GB

The Server will store the SQL Server 2016 database software. The SAN will store the actual Jury database.

B. Security

The Clerk of Court is the official custodian and is responsible for the security and integrity of the name lists and of the juror pool selection process. All servers are located in the Civitek Data Center, which is secured by magnetic key-lock. Only authorized System Administrators have access to the Data Center. The Data Center is designed for 24x7 operations, and is supported by an Uninterruptible Power Supply and generator systems.

The Jury Management System is an Intranet application and as such, is not accessible to the public via the Internet. Only authorized users have access to the application. Only Civitek application developers and database administrators have access to the database. All information necessary for auditing purposes, including random number seed sets, is stored perpetually in MSSQL Server relational database tables as part of the application base.

C. Process Overview for Name Selection

The Clerk of Court and a Judge determine that a Jury Pool needs to be created and how many potential jurors the pool should contain. Information about this pool is entered into the Jury Management System ("JMS") such as the venire date, number of jurors needed, etc.

The JMS begins the selection process by determining the number of all eligible jury candidates (persons not permanently excused, have not served in the past year, etc.) from the Master Candidate table. For example, the Master Candidate table contains approximately 488,000 names in total, but approximately 280,000 names have either been Exempted (i.e. Over 70, Convicted Felon, Deceased, etc.) , or served or summoned within 1 year, or have been Postponed. The resulting set contains approximately 206,000 names. Each of these 206,000 names by example has a uniquely assigned Juror_ID.

The system seeds the CLCG4 Random Number Generator ("RNG") with a seed set and obtains a random number for each of the eligible jury candidates.

The next step of the Jury Selection process is to assign a Random Number to each of the 206,000 Juror_ID(s) and save to the Eligible Jurors temporary table. (Note: The Eligible Jurors temporary table is emptied at the start of this process.)

The Eligible Jurors temporary table is then sorted by the random number and read providing a randomly ordered list of jurors until the desired number of jurors for the pool is obtained. For example 15,000 requested jurors of the 206,000 Eligible Jurors would be randomly selected from the Eligible Jurors temporary table to create the Jury Pool.

D. Name Selection Algorithm

Random Number Generator

The Random Number Generator ("RNG") used in the Jury Management System is the C# implementation of the CLCG4 Random Number Generator by Pierre L'ecuyer and Terry H. Andres originally written in C and based on the Combination of Four LCGs(Linear Congruential Generators).

This is a portable package for uniform random number generation based on a backbone generator with period length near 2^121, which is a combination of four linear congruential generators. The package provides for multiple (virtual) generators evolving in parallel. Each generator also has many disjoint subsequences, and software tools are provided to reset the state of any generator to the beginning of its first, previous, or current subsequence. Such facilities are helpful to maintain synchronization for implementing variance reduction methods in simulation.

A sample of output showing the C# version of CLCG4 RNG produces identical values as the C version is provided in Appendix B: CLCG4 Random Number Generator.

For testing validation of the CLCG4 Random Number Generator, please refer to Appendix C: CLCG4 Random Number Generator – Validation Results.

Seed Sets

The RNG must be seeded before use to set a starting point for random number generation. The CLCG4 Random Number Generator accepts 4, 32-bit (128 bits) seed values and can produce astronomically more (upwards of 3x10^38) streams.

The JMS will create the 4 value seed set automatically in real time when a Jury Pool is being selected (see the Initialization Section (E) for details of how the seeds are created. After the random selection process is complete, the seed set that was used will be stored in a table for auditing purposes as well as an internal JMS step that verifies the same set of 4 Seed values have not been previously used. *This will 100% guarantee that the same 4 value seed set combination will never be used more than once.*

Name Selection Process

1. A record set is created with an SQL Select from the Master Candidate table. The SQL Select contains the necessary select/omit logic so as to include only persons actually eligible to serve at that point in time. It omits persons who have been excused or are otherwise not eligible to serve in this Jury Pool (i.e. Over 70, Convicted Felon, Deceased, other permanent excusals, or served or summoned within 1 year, and is not postponed to a future venire date.).

2. The RNG is initialized with the seed set (See Section (E) Initialization).

3. The system seeds the CLCG4 Random Number Generator ("RNG") with a seed set and obtains a random number for each of the eligible jury candidates.

4. The Eligible Jurors temporary table is emptied.

5. A Random Number is assigned to each of eligible jurors determined in step 1 and then saved to the Eligible Jurors temporary table. The Eligible Jurors temporary table consists of two columns the Juror_ID and the Random_Integer <random number>.

Juror ID	Random Integer
10	4144534
13	9745733
15	7682723
18	1316912
19	6204797

Etc... (Up to All Eligible Jurors determined in step 1).

6. The Eligible Jurors temporary table is then sorted by random number and read providing a randomly ordered list of jurors.

Juror ID	Random Integer
330698	2011963
459678	2012031
189324	2012063
137539	2012090
360849	2012095

Etc... (Will include All Eligible Jurors determined in step 1, just order by the Random Number).

7. All the jurors who have previously been granted a postponement for the current venire date are the first included into the selection list for jury service.

8. The top number of Eligible Jurors requested minus those previously postponement to this date as described in Step 7, are read from the randomly ordered list of jurors as defined in Step 6 and then inserted into the Pool_Jurors table as the Jury Pool members. During this process the record in the Master Candidate table is updated to reflect selection and thereby omitting them form the next Eligible Juror selection for 1 year.

9. The total number of requested jurors has been fulfilled and the Jury Pool has been selected.

E. Initialization

Seed Set Creation

The CLCG4 Random Number Generator requires four seed values upon initialization. These four seed values are four 32-bit integers, automatically system generated by the getSeedValue() class method which uses the Microsoft CryptGenRandom [advapi32.dll] function. The CryptGenRandom is a cryptographically secure pseudorandom number generator function and produces random bytes which are multiples of 8 bits. The CryptoAPI uses underlying system entropy to seed its internal crypto-graphic RNG. The entropy pool is hashed using one of the SHA algorithms so it applies approximately 128-160 bits of randomness (4-5 32-bit words).

The four seeds produced by the getSeedValue() class method are stored in a JMS SQL database table for auditing purposes as well as an internal JMS step that verifies the same set of four Seed values have not been previously used.

The review the C# code of the getSeedValue() class method and the usage of the Microsoft CryptGenRandom [advapi32.dll] function to produce the random four Seed Set values, please refer to Appendix A: CryptGenRandom Seed Value Generator.

Appendix A: CryptGenRandom Seed Value Generator (C# Language Version)

```
public static int getSeedValue()
{
 //The getSeedValue()class method produces four, 32-bit integers using the Microsoft CryptGenRandom
 //[advapi32.dll] function. The CryptGenRandom is a cryptographically secure pseudorandom number generator function
 //that produces random bytes which are multiples of 8 bits.
 //The CryptoAPI uses underlying system entropy to seed its internal crypto-graphic RNG.
 //The entropy pool is hashed using one of the SHA algorithms so it applies approximately 128-160 bits
 //of randomness (4-5 32-bit words).

    //-------------------------------------------------------------------------------------------
    // Declare and initialize variables.

    IntPtr hProv = new IntPtr();

    uint dwLength = 32;
    Byte[] pbBuffer;
    pbBuffer = new byte[dwLength];

    //--------------------------------------------------------------------

    uint[] seed;
    seed = new uint[4];

    //--------------------------------------------------------------------

    try
    {
        bool res = Crypt32.CryptAcquireContext(out hProv, "", null, PROV_RSA_FULL, CRYPT_VERIFYCONTEXT);

        if (res == true)
        {

            bool res2 = Crypt32.CryptGenRandom(hProv, dwLength, pbBuffer);

            if (res2 == true)
            {
                Buffer.BlockCopy(pbBuffer, 0, seed, 0, 16);

                gSeed1 = seed[0];
                gSeed2 = seed[1];
                gSeed3 = seed[2];
                gSeed4 = seed[3];

            }
            else
            {
                throw new ArgumentException("Error: Unable to instantiate Crypt32.CryptGenRandom.");
            }


            bool res3 = Crypt32.CryptReleaseContext(hProv, 0);

            return 1;
        }
        else
        {
            throw new ArgumentException("Error: Unable to instantiate Crypt32.CryptAcquireContext.");
        }


    }
    catch (Exception ex)
    {
        throw new ArgumentException("Error = " + ex.Message);
    }

}
```

Appendix B: CLCG4 Random Number Generator (C# Language Version)

```
using System;
using System.Collections.Generic;
using System.Linq;
using System.Text;

namespace RandomGenerator
{
    public class RandomGenerator
    {
        public static long Maxgen = 100;
        public static long i;
        public static long j;

        public static long[] aw = new long[4];
        public static long[] avw = new long[4];

        public static long[] a = new long[4] { 45991, 207707, 138556, 49689 };
        public static long[] m = new long[4] { 2147483647, 2147483543, 2147483423, 2147483323 };

        public static long[,] Ig = new long[4, 101];
        public static long[,] Lg = new long[4, 101];
        public static long[,] Cg = new long[4, 101];

        public static long H = 32768; // = 2^15 : use in MultModM.

        public enum SeedType
        {
            InitialSeed,
            LastSeed,
            NewSeed,
        }

        public static int gSeed1;
        public static int gSeed2;
        public static int gSeed3;
        public static int gSeed4;

        /*************************************************************************

        This is the Random Number Generator Based on the Combination of Four LCGs
        (Linear Congruential Generators) by Pierre L'ecuyer and Terry H. Andres.

         *
         * This is a portable package for uniform random number generation based on a
         * backbone generator with period length near 2^121, which is a combination
         * of four linear congruential generators.  The package provides for multiple
         * (virtual) generators evolving in parallel.  Each generator also has many
         * disjoint subsequences, and software tools are provided to reset the state
         * of any generator to the beginning of its first, previous, or current
         * subsequence.  Such facilities are helpful to maintain synchronization for
         * implementing variance reduction methods in simulation.
         *
         * For those who are interested in the details or the theories behind the
         * implementation, you can refer to the following papers by Prof. L'Ecuyer:
         *
         * 1. A Random Number Generator Based on the Combination of Four LCGs.
         *     (This can be downloaded from the "papers" page of Prof. L'Ecuyer's
         *     web page: http://www.iro.umontreal.ca/~lecuyer/myftp/papers/clcg4.ps).
         * 2. Implementing a Random Number Package with Splitting Facilities
         *    (ACM Transactions on Math. Software, Vol. 17, No. 1, March 91,
         *     p. 98-111)
         * 3. Efficient and portable combined random number generators.
         *    (Communications of the ACM, 31(6):742-749 and 774, 1988.)
         *
```

```
         * and the papers referred to therein.
         *
        ************************************************************************/

        public static float[] getBlockOfRandomNumbers(int seed1, int seed2, int seed3, int seed4,
int iCount, int iTestSwitch)
        {

            /************************************************************************
             *
             * The Seeds MUST satisfy the following constraints:
                 1<= s[0] <=2147483646
                 1<= s[1] <=2147483542
                 1<= s[2] <=2147483422
                 1<= s[3] <=2147483322.

            ************************************************************************/

            long[] s = new long[4];

            if (iTestSwitch == 1)
            {
                // TEST Random Number Generator
                //1) Initialize the CLCG4 generator using the defaults.
                //   You will have access to 100 sub-generators in an array indexed from 0 to 99.
                //2) Advance the generator 20,000 numbers for generators 0, 1, 2, 3
                //3) The next five numbers from each generator segment and they should match the
                     numbers below.

                //   Skipping 20,000 numbers for generator 0 - 3 ...
                //       Gen 0      Gen 1          Gen 2          Gen 3
                //     ---------  ---------      ---------      ---------
                //1 - 0.5466955  0.8833518      0.8046209      0.7498480
                //2 - 0.3769046  0.9406571      0.7508963      0.0273824
                //3 - 0.8909396  0.5905970      0.6122372      0.0797647
                //4 - 0.8216189  0.1320690      0.2008421      0.4063177
                //5 - 0.0613126  0.9316329      0.2755311      0.1423134

                gSeed1 = 11111111; //<-- Initialize using the defaults of the TEST Requirements.
                gSeed2 = 22222222; //<-- Initialize using the defaults of the TEST Requirements.
                gSeed3 = 33333333; //<-- Initialize using the defaults of the TEST Requirements.
                gSeed4 = 44444444; //<-- Initialize using the defaults of the TEST Requirements.
                iCount = 5;        //<-- This required by the Rules of the TEST Requirements

                float[] fReturnBlock2 = new float[20]; //<-- 20 to return 4 Blocks of 5 from the
                                                       //    4 Generator Segments for TESTING.

                InitDefault();

                // Advance the generator 20,000 numbers for generators 0, 1, 2, 3
                    for (i = 1; i <= 20000; i++) GenVal(0);
                    for (i = 1; i <= 20000; i++) GenVal(1);
                    for (i = 1; i <= 20000; i++) GenVal(2);
                    for (i = 1; i <= 20000; i++) GenVal(3);

               //IF want to see the next 5 Test RAW Result Values for each of the 4 Generator Segments
               //output in a Console Applicaton in which you have reference the RandomGenertor.dll
               //then un-remark the 11 lines below.

                    //Console.WriteLine("Gen 0");
                    //for (i = 1; i <= iCount; i++) Console.WriteLine("{0:F2}", i + ": " + GenVal(0));
                    //Console.WriteLine("----------------");
                    //Console.WriteLine("Gen 1");
                    //for (i = 1; i <= iCount; i++) Console.WriteLine("{0:F2}", i + ": " + GenVal(1));
                    //Console.WriteLine("----------------");
                    //Console.WriteLine("Gen 2");
                    //for (i = 1; i <= iCount; i++) Console.WriteLine("{0:F2}", i + ": " + GenVal(2));
                    //Console.WriteLine("----------------");
                    //Console.WriteLine("Gen 3");
                    //for (i = 1; i <= iCount; i++) Console.WriteLine("{0:F2}", i + ": " + GenVal(3));

                //Return the next 5 Test Result Values for each of the 4 Generator Segments
                for (i = 0; i < iCount; i++)
                {
                    fReturnBlock2[i] = (float)GenVal(0);
```

```
            }

            for (i = 0; i < iCount; i++)
            {
                fReturnBlock2[i + 5] = (float)GenVal(1);
            }

            for (i = 0; i < iCount; i++)
            {
                fReturnBlock2[i + 10] = (float)GenVal(2);
            }

            for (i = 0; i < iCount; i++)
            {
                fReturnBlock2[i + 15] = (float)GenVal(3);
            }


            return fReturnBlock2;

        }
        else
        {
            // Random Number Generator
            gSeed1 = seed1;
            gSeed2 = seed2;
            gSeed3 = seed3;
            gSeed4 = seed4;

            float[] fReturnBlock2 = new float[iCount];

            InitDefault();

            for (i = 0; i < iCount; i++)
            {
                fReturnBlock2[i] = (float)GenVal(0);
            }

            return fReturnBlock2;
        }

    }

    static long MultModM(long s, long t, long M)
    /* Returns (s*t) MOD M.  Assumes that -M < s < M and -M < t < M.     */
    /* See L'Ecuyer and Cote (1991).                                     */
    {
        long R, S0, S1, q, qh, rh, k;

        if (s < 0) s += M;
        if (t < 0) t += M;
        if (s < H) { S0 = s; R = 0; }
        else
        {
            S1 = s / H; S0 = s - H * S1;
            qh = M / H; rh = M - H * qh;
            if (S1 >= H)
            {
                S1 -= H; k = t / qh; R = H * (t - k * qh) - k * rh;
                while (R < 0) R += M;
            }
            else R = 0;
            if (S1 != 0)
            {
                q = M / S1; k = t / q; R -= k * (M - S1 * q);
                if (R > 0) R -= M;
                R += S1 * (t - k * q);
                while (R < 0) R += M;
            }
            k = R / qh; R = H * (R - k * qh) - k * rh;
            while (R < 0) R += M;
```

```
        }
        if (S0 != 0)
        {
            q = M / S0; k = t / q; R -= k * (M - S0 * q);
            if (R > 0) R -= M;
            R += S0 * (t - k * q);
            while (R < 0) R += M;
        }
        return R;
    }


    //*-------------------------------------------------------------------------*/

    public static void SetSeed(short g, long[] s)
    {
        if (g > Maxgen) Console.WriteLine("ERROR: SetSeed with g > Maxgen \n");
        for (j = 0; j < 4; j++) Ig[j, g] = s[j];
        InitGenerator(g, SeedType.InitialSeed);
    }

    public static void WriteState(short g)
    {
        Console.WriteLine("\n State of generator g = %u :", g);
        for (j = 0; j < 4; j++)
        {
            Console.WriteLine("\n   Cg[%u] = %lu", j, Cg[j, g]);
        }
        Console.WriteLine("\n");
    }

    public static void GetState(short g, long[] s)
    {
        for (j = 0; j < 4; j++) s[j] = Cg[j, g];
    }

    public static void InitGenerator(long g, SeedType Where)
    {
        if (g > Maxgen) Console.WriteLine("ERROR: InitGenerator with g > Maxgen \n");
        for (j = 0; j < 4; j++)
        {
            switch (Where)
            {
                case SeedType.InitialSeed:
                    Lg[j, g] = Ig[j, g]; break;
                case SeedType.NewSeed:
                    Lg[j, g] = MultModM(aw[j], Lg[j, g], m[j]); break;
                case SeedType.LastSeed:
                    break;
            }
            Cg[j, g] = Lg[j, g];
        }
    }

    public static void SetInitialSeed(long[] s)
    {
        long g;
        for (j = 0; j < 4; j++) Ig[j, 0] = s[j];
        InitGenerator(0, SeedType.InitialSeed);
        for (g = 1; g <= Maxgen; g++)
        {
            for (j = 0; j < 4; j++)
                Ig[j, g] = MultModM(avw[j], Ig[j, (g - 1)], m[j]);
            InitGenerator(g, SeedType.InitialSeed);
        }

    }

    public static void Init(long v, long w)
    {
        long[] sd = new long[4] { gSeed1, gSeed2, gSeed3, gSeed4 };
```

```
            for (j = 0; j < 4; j++)
            {
                aw[j] = a[j];
                for (i = 1; i <= w; i++)
                    aw[j] = MultModM(aw[j], aw[j], m[j]);
                avw[j] = aw[j];
                for (i = 1; i <= v; i++)
                    avw[j] = MultModM(avw[j], avw[j], m[j]);
            }
            SetInitialSeed(sd);
        }

        public static double GenVal(short g)
        {
            long k, s;
            double u;
            u = 0.0;
            if (g > Maxgen) Console.WriteLine("ERROR: Genval with g > Maxgen \n");

            s = Cg[0, g]; k = s / 46693;
            s = 45991 * (s - k * 46693) - k * 25884;
            if (s < 0) s = s + 2147483647; Cg[0, g] = s;
            u = u + 4.65661287524579692e-10 * s;

            s = Cg[1, g]; k = s / 10339;
            s = 207707 * (s - k * 10339) - k * 870;
            if (s < 0) s = s + 2147483543; Cg[1, g] = s;
            u = u - 4.65661310075985993e-10 * s;
            if (u < 0) u = u + 1.0;

            s = Cg[2, g]; k = s / 15499;
            s = 138556 * (s - k * 15499) - k * 3979;
            if (s < 0.0) s = s + 2147483423; Cg[2, g] = s;
            u = u + 4.65661336096842131e-10 * s;
            if (u >= 1.0) u = u - 1.0;

            s = Cg[3, g]; k = s / 43218;
            s = 49689 * (s - k * 43218) - k * 24121;
            if (s < 0) s = s + 2147483323; Cg[3, g] = s;
            u = u - 4.65661357780891134e-10 * s;
            if (u < 0) u = u + 1.0;

            return (u);
        }

        public static void InitDefault()
        {
            Init(31, 41);
        }

    }
}
```

Appendix C: CLCG4 Random Number Generator – Validation Results

The validation of the C# implementation of the CLCG4 Random Number Generator can be tested by following these steps.

1) Initialize the CLCG4 generator using the defaults defined

Seed1 = 11111111

Seed2 = 22222222

Seed3 = 33333333

Seed4 = 44444444

(Note: You will have access to 100 sub-generators in an array indexed from 0 to 99.)

2) Advance the generator 20,000 numbers for generators 0, 1, 2, 3

3) The next five numbers from each generator segment and they should match the numbers

```
Skipping 20,000 numbers for generator 0 - 3 ...

       Gen 0      Gen 1          Gen 2          Gen 3

    ---------    ---------      ---------      ---------

1 - 0.5466955    0.8833518      0.8046209      0.7498480

2 - 0.3769046    0.9406571      0.7508963      0.0273824

3 - 0.8909396    0.5905970      0.6122372      0.0797647

4 - 0.8216189    0.1320690      0.2008421      0.4063177

5 - 0.0613126    0.9316329      0.2755311      0.1423134
```

This can also be tested by via C# .Net by passing **iTestSwitch** = 1 to the RandomGenerator.getBlockOfRandomNumbers(iSeed1, iSeed2, iSeed3, iSeed4, iCount, **iTestSwitch**) class method.

Appendix D: Acknowledgements and References

Acknowledgments

The CLCG4 Random Number Generator upon which this implementation was based was created by Pierre L'ecuyer and Terry H. Andres.

A Random Number Generator Based on the Combination of Four LCGs.

(This can be downloaded from the "papers" page of Prof. L'Ecuyer's web page: http://www.iro.umontreal.ca/~lecuyer/myftp/papers/clcg4.ps).

A PDF version of this document is attached.

Additional Associated References

1) P.Bratley, B. L. Fox, and L. E. Schrage. A Guide to Simulation Springer-Verlag, New York, second edition, 1987.

2) D. E. Knuth. The Art of Computer Programming, Volume 2: Seminumerical Algorithms. Addison-Wesley, Reading, Mass., second edition, 1981

3) A. M. Law and W. D. Kelton. Simulation Modeling and Analysis. McGraw-Hill, New York, second edition, 1991.

4) P.L'Ecuyer. Effcient and portable combined random number generators. Communications of the ACM, 31(6):742-749 and 774, 1988. See also the correspondence in the same journal, 32, 8 (1989) 1019-1024

5) P.L'Ecuyer. Random numbers for simulation. Communications of the ACM, 33(10):85-97, 1990.

AO 20-42 | FLORIDA SUPREME COURT

YEAR: 2020

NUMBER: 42

TITLE: IN RE: JUROR SELECTION PLAN: GULF COUNTY

PAGES: 22

Supreme Court of Florida

No. AOSC20-42

IN RE: JUROR SELECTION PLAN: GULF COUNTY

ADMINISTRATIVE ORDER

Section 40.225, Florida Statutes, provides for the selection of jurors to serve within the county by "an automated electronic system." Pursuant to that section, the chief judge of the circuit must review and consent to the juror selection process, and the clerk of the circuit court must submit to the Supreme Court of Florida a description of the method for selecting jurors. Section 40.225(3), Florida Statutes, charges the Chief Justice of the Supreme Court with the review and approval of the proposed juror selection process, hereinafter referred to as the "juror selection plan."

The use of technology in the selection of jurors has been customary within Florida for more than 20 years and the Supreme Court has developed standards necessary to ensure that juror selection plans satisfy statutory, methodological, and due process requirements. The Court has tasked the Office of the State Courts Administrator with evaluating proposed plans for compliance with those standards.

By letter dated February 17, 2020, the Clerk of the Court for Gulf County submitted the Gulf County Juror Pool Selection Plan for review and approval in

accordance with section 40.225(2), Florida Statutes. The proposed plan reflects changes to both hardware and software used for juror pool selection in Gulf County.

The Office of the State Courts Administrator has completed an extensive review of the proposed Gulf County Juror Selection Plan, including an evaluation of statutory, due process, statistical, and mathematical elements associated with selection of jury candidates. The plan meets established requirements for approval.

Accordingly, the attached Gulf County Juror Pool Selection Plan, received on February 17, 2020, from The Honorable Rebecca L. Norris, Clerk of Court for Gulf County, and approved by The Honorable Christopher N. Patterson, Chief Judge of the Fourteenth Circuit, is hereby approved for use.

DONE AND ORDERED at Tallahassee, Florida, on June 10, 2020.

AOSC20-42 6/10/2020

Chief Justice Charles T. Canady

AOSC20-42 6/10/2020

ATTEST:

AOSC20-42 6/10/2020

John A. Tomasino, Clerk of Court

AOSC20-42 6/10/2020

REBECCA L. NORRIS
Gulf County Clerk of Court & Comptroller
1000 Cecil G. Costin, Sr. Blvd., Room 148, Port St. Joe, Florida 32456
850-229-6112 • 850-639-2175 — Wewahitchka branch

February 17, 2020

Court Services
Office of the State Courts Administrator
Supreme Court Building
500 South Duval Street
Tallahassee, FL 32399

Dear Court Services:

Enclosed for your review is Juror Pool Selection Plan 2020 for Gulf County. Included is the proposed hardware, software, random number generator program and algorithms to be used in the jury selection process. We are seeking Office of the State Courts Administrator review and Supreme Court approval of this process.

Chief Judge Christopher N. Patterson has reviewed the attached documentation. A signed statement indicating his review is attached.

Please let me know if there is any other information that I may provide to you. I look forward to the Court's approval of the proposed jury pool selection plan. Thank you.

Sincerely,

Rebecca L. Norris, Clerk of Court
Gulf County

Attachments

xc: The Honorable Christopher N. Patterson, Chief Judge
Robyn Gable, Trial Court Administrator

CHAMBERS OF
CHIEF JUDGE
FOURTEENTH JUDICIAL CIRCUIT OF FLORIDA
Serving Bay, Calhoun, Gulf, Holmes, Jackson and Washington counties

Christopher N. Patterson
Circuit Judge, B.C.S.

Amanda Williams
Judicial Assistant
williamsa@jud14.flcourts.org

February 13, 2020

300 EAST 4TH STREET
P.O. BOX 2237 (32402)
PANAMA CITY, FL 32401
(850) 914-6485
(850) 747-5159 FAX

Court Services
Office of the State Courts Administrator
Supreme Court Building
500 South Duval Street
Tallahassee, FL 32399

Dear Court Services:

In accordance with section 40.225(1), Florida Statutes, I have reviewed the juror pool selection plan for Gulf County and consent to its use within my circuit.

Sincerely,

Christopher N. Patterson
Chief Judge, 14th Judicial Circuit

GULF COUNTY
CLERK OF CIRCUIT COURT

February 13, 2020

Prepared by:

Rebecca L. Norris

Clerk of Circuit Court, Gulf County

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Purpose and Scope

The purpose of this document is to describe the design and implementation of the Jury Selection Process to be used in a new Jury Management System for Gulf County, Florida. The scope of this document includes the algorithms and methods used to:

- Create and Maintain a Master Candidate table
- Select a set of names from the Master Candidate table to create a Jury Pool

Also in scope is a description of the equipment, operating system and programming software, methods, and modes of operation to be used in the Jury Selection process. Sufficient detail will be provided to satisfy the statutory condition of selection "by lot and at random" and of due process as required by Chapter 40, Florida Statues.

I. Creation of the Initial Candidate Selection List

A. Source Lists

The initial candidate selection list is created from three (3) sources:

1. The quarterly list of names provided by the Department of Highway Safety and Motor Vehicles ("DHSMV") pursuant to 40.011 F.S. This data file is processed against the Master Candidate (master_jurors) table, adding new names and updating existing information, such as addresses.

2. The list of names of persons who have filed affidavits pursuant to 40.011 F.S. requesting to serve as a Juror. The JMS provides the capability for the Clerk to manually add individuals to the Master Candidate table as required.

3. An exclusion list containing those persons who are unable to serve, have already served, or whose service is otherwise excused or postponed pursuant to 40.013, 40.022, and 40.023 F.S. The JMS provides the capability for the Clerk to Exempt someone from service (i.e. Over 70), to Exclude some from serving on an individual Venire (i.e. a Caretaker), and to Postpone someone so that they will be included in a later Venire. For example, if an individual was postponed until September 30th 2012 due to a scheduling conflict, that postponement date is stored in their Master Candidate record, and the first Venire that is created on or after that date will automatically include that individual in addition to those that were selected at random.

4. The Clerk is the official custodian for the Master Candidate table (Source List) and is responsible for the security and integrity of the list and all processes.

5. The Master Candidate table will contain not less than 250 names, pursuant to 40.02 F.S.

B. Source Data Adjustments

1. Quarterly, DHSMV provides the Florida Court Clerks and Comptrollers ("FCCC") with a data file that contains all persons holding a valid Florida Driver License or Identification Card. FCCC acts as a distribution agent, grouping the data by County and dispersing it to the Clerk of Court. Gulf County receives this data from FCCC quarterly via a dedicated network connection and the file is placed into a secured folder on a server for processing. The data received is an ASCII, fixed-length file, and is not modified in any way.

Once received, the DHSMV data is parsed and used to update the Master Candidate table in the Jury Management System where new persons are added and existing persons are updated (address, etc.). The Master Candidate table is a MSSQL relational database containing all eligible candidates gathered from the Initial Candidate Source Lists.

2. For those people who have filed affidavits pursuant to 40.011 F.S. requesting to serve as a Juror, their information is manually entered into the Candidates table by the Clerk of Court.

3. FCCC provides an ASCII data file to the Clerk of Court twice per month that contains persons who have deceased. This is an ASCII, fixed-length file similar to the Quarterly DHSMV file, and is also placed into a secured folder on a server for processing. It is not modified in any way. Once received, the data is parsed and used to update the Candidates table in the Jury Management System. Each deceased person is marked as such in the Master Candidate table and is no longer eligible for selection.

C. Time Frame

The DHSMV file is provided by FCCC quarterly, in January, April, July, and October. The Master Candidate table is updated with this information when it is received. Persons requesting to serve by signing an Affidavit are entered manually by the Clerk of Court as received. The Department of Health file containing deceased persons is provided by FCCC twice per month, on the 1st and the 15th. The Master Candidate table is updated with this information when it is received. Candidates that are excused pursuant to 40.013 F.S. or postponed to a later date are updated on-demand by the Clerk of Court.

D. Initial Jury Candidate List

Since this is a new application that is being created to replace an existing application, the Master Candidate table will be initially loaded by converting the current master Jury list file from an Informix database to a MSSQL database. No names will be excluded or modified during this conversion. This table contains all individuals possessing a Florida driver license or ID card as provided by the DHSMV for Gulf County.

II. Name Selection

A. Equipment and Software

The Jury Management System is a graphical, browser-based application written in Microsoft's .NET environment, using the Visual Studio 2015 software development tool. It is a custom application designed and developed by Civitek.

The application will be housed on multiple servers with the following specifications:

- Model: virtual machine; physical HW model HPE proliant BL460 Gen9
- Processor: Physical CPUs = Intel Xeon E5-2630 v3 2.4 GHz. Dual socket; 8 cores per socket; 16 cores per host. Virtual CPUs = 2 virtual cpu's (per vm); total 4 cores (per vm).
- Memory: 8 GB memory per vm
- HDD:[SIZE] (OS Partition – C:\)[size] 80GB (Data Partition – E:\) 20 GB. Can be expanded.
- NIC: physical nic = Broadcom qlogic 57840 10 Gbps; virtual nic = vmxnet3 vmware network adapter.
- OS: Windows Server 2016 Standard Edition x64 version 1607 build 14393.2490

The database will be housed on four clustered database servers/SAN configuration model with the following specifications:

Server

- Model: ProLiant DL380 Gen9
- OS: Windows 2012 R2\ SQL server 2016 enterprise AlwaysOn
- Processor: Xeon e5-2667 v3, 2 sockets with 8 cores at 3.20GHz
- Memory: 768GB Ram Memory

Storage Area Network (SAN)

- Model: HP HP 3Par 7400
- Storage capacity: 54 Terabytes
- Storage allocated to the Jury database: 25 GB

The Server will store the SQL Server 2016 database software. The SAN will store the actual Jury database.

B. Security

The Clerk of Court is the official custodian and is responsible for the security and integrity of the name lists and of the juror pool selection process. All servers are located in the Civitek Data Center, which is secured by magnetic key-lock. Only authorized System Administrators have access to the Data Center. The Data Center is designed for 24x7 operations, and is supported by an Uninterruptible Power Supply and generator systems.

The Jury Management System is an Intranet application and as such, is not accessible to the public via the Internet. Only authorized users have access to the application. Only Civitek application developers and database administrators have access to the database. All information necessary for auditing purposes, including random number seed sets, is stored perpetually in MSSQL Server relational database tables as part of the application base.

C. Process Overview for Name Selection

The Clerk of Court and a Judge determine that a Jury Pool needs to be created and how many potential jurors the pool should contain. Information about this pool is entered into the Jury Management System ("JMS") such as the venire date, number of jurors needed, etc.

The JMS begins the selection process by determining the number of all eligible jury candidates (persons not permanently excused, have not served in the past year, etc.) from the Master Candidate table. For example, the Master Candidate table contains approximately 488,000 names in total, but approximately 280,000 names have either been Exempted (i.e. Over 70, Convicted Felon, Deceased, etc.) , or served or summoned within 1 year, or have been Postponed. The resulting set contains approximately 206,000 names. Each of these 206,000 names by example has a uniquely assigned Juror_ID.

The system seeds the CLCG4 Random Number Generator ("RNG") with a seed set and obtains a random number for each of the eligible jury candidates.

The next step of the Jury Selection process is to assign a Random Number to each of the 206,000 Juror_ID(s) and save to the Eligible Jurors temporary table. (Note: The Eligible Jurors temporary table is emptied at the start of this process.)

The Eligible Jurors temporary table is then sorted by the random number and read providing a randomly ordered list of jurors until the desired number of jurors for the pool is obtained. For example 15,000 requested jurors of the 206,000 Eligible Jurors would be randomly selected from the Eligible Jurors temporary table to create the Jury Pool.

D. Name Selection Algorithm

Random Number Generator

The Random Number Generator ("RNG") used in the Jury Management System is the C# implementation of the CLCG4 Random Number Generator by Pierre L'ecuyer and Terry H. Andres originally written in C and based on the Combination of Four LCGs(Linear Congruential Generators).

This is a portable package for uniform random number generation based on a backbone generator with period length near 2^121, which is a combination of four linear congruential generators. The package provides for multiple (virtual) generators evolving in parallel. Each generator also has many disjoint subsequences, and software tools are provided to reset the state of any generator to the beginning of its first, previous, or current subsequence. Such facilities are helpful to maintain synchronization for implementing variance reduction methods in simulation.

A sample of output showing the C# version of CLCG4 RNG produces identical values as the C version is provided in Appendix B: CLCG4 Random Number Generator.

For testing validation of the CLCG4 Random Number Generator, please refer to Appendix C: CLCG4 Random Number Generator – Validation Results.

Seed Sets

The RNG must be seeded before use to set a starting point for random number generation. The CLCG4 Random Number Generator accepts 4, 32-bit (128 bits) seed values and can produce astronomically more (upwards of 3x10^38) streams.

The JMS will create the 4 value seed set automatically in real time when a Jury Pool is being selected (see the Initialization Section (E) for details of how the seeds are created. After the random selection process is complete, the seed set that was used will be stored in a table for auditing purposes as well as an internal JMS step that verifies the same set of 4 Seed values have not been previously used. *This will 100% guarantee that the same 4 value seed set combination will never be used more than once.*

Name Selection Process

1. A record set is created with an SQL Select from the Master Candidate table. The SQL Select contains the necessary select/omit logic so as to include only persons actually eligible to serve at that point in time. It omits persons who have been excused or are otherwise not eligible to serve in this Jury Pool (i.e. Over 70, Convicted Felon, Deceased, other permanent excusals, or served or summoned within 1 year, and is not postponed to a future venire date.).

2. The RNG is initialized with the seed set (See Section (E) Initialization).

3. The system seeds the CLCG4 Random Number Generator ("RNG") with a seed set and obtains a random number for each of the eligible jury candidates.

4. The Eligible Jurors temporary table is emptied.

5. A Random Number is assigned to each of eligible jurors determined in step 1 and then saved to the Eligible Jurors temporary table. The Eligible Jurors temporary table consists of two columns the Juror_ID and the Random_Integer <random number>.

Juror_ID	**Random Integer**
10	4144534
13	9745733
15	7682723
18	1316912
19	6204797

Etc… (Up to All Eligible Jurors determined in step 1).

6. The Eligible Jurors temporary table is then sorted by random number and read providing a randomly ordered list of jurors.

Juror_ID	Random Integer
330698	2011963
459678	2012031
189324	2012063
137539	2012090
360849	2012095

Etc… (Will include All Eligible Jurors determined in step 1, just order by the Random Number).

7. All the jurors who have previously been granted a postponement for the current venire date are the first included into the selection list for jury service.

8. The top number of Eligible Jurors requested minus those previously postponement to this date as described in Step 7, are read from the randomly ordered list of jurors as defined in Step 6 and then inserted into the Pool_Jurors table as the Jury Pool members. During this process the record in the Master Candidate table is updated to reflect selection and thereby omitting them form the next Eligible Juror selection for 1 year.

9. The total number of requested jurors has been fulfilled and the Jury Pool has been selected.

E. Initialization

Seed Set Creation

The CLCG4 Random Number Generator requires four seed values upon initialization. These four seed values are four 32-bit integers, automatically system generated by the getSeedValue() class method which uses the Microsoft CryptGenRandom [advapi32.dll] function. The CryptGenRandom is a cryptographically secure pseudorandom number generator function and produces random bytes which are multiples of 8 bits. The CryptoAPI uses underlying system entropy to seed its internal crypto-graphic RNG. The entropy pool is hashed using one of the SHA algorithms so it applies approximately 128-160 bits of randomness (4-5 32-bit words).

The four seeds produced by the getSeedValue() class method are stored in a JMS SQL database table for auditing purposes as well as an internal JMS step that verifies the same set of four Seed values have not been previously used.

The review the C# code of the getSeedValue() class method and the usage of the Microsoft CryptGenRandom [advapi32.dll] function to produce the random four Seed Set values, please refer to Appendix A: CryptGenRandom Seed Value Generator.

Appendix A: CryptGenRandom Seed Value Generator (C# Language Version)

```
public static int getSeedValue()
{
 //The getSeedValue()class method produces four, 32-bit integers using the Microsoft CryptGenRandom
 //[advapi32.dll] function. The CryptGenRandom is a cryptographically secure pseudorandom number generator function
 //that produces random bytes which are multiples of 8 bits.
 //The CryptoAPI uses underlying system entropy to seed its internal crypto-graphic RNG.
 //The entropy pool is hashed using one of the SHA algorithms so it applies approximately 128-160 bits
 //of randomness (4-5 32-bit words).

    //--------------------------------------------------------------------------------------
    // Declare and initialize variables.

    IntPtr hProv = new IntPtr();

    uint dwLength = 32;
    Byte[] pbBuffer;
    pbBuffer = new byte[dwLength];

    //--------------------------------------------------------------------

    uint[] seed;
    seed = new uint[4];

    //--------------------------------------------------------------------

    try
    {
        bool res = Crypt32.CryptAcquireContext(out hProv, "", null, PROV_RSA_FULL, CRYPT_VERIFYCONTEXT);

        if (res == true)
        {

            bool res2 = Crypt32.CryptGenRandom(hProv, dwLength, pbBuffer);

            if (res2 == true)
            {
                Buffer.BlockCopy(pbBuffer, 0, seed, 0, 16);

                gSeed1 = seed[0];
                gSeed2 = seed[1];
                gSeed3 = seed[2];
                gSeed4 = seed[3];

            }
            else
            {
                throw new ArgumentException("Error: Unable to instantiate Crypt32.CryptGenRandom.");
            }


            bool res3 = Crypt32.CryptReleaseContext(hProv, 0);

            return 1;
        }
        else
        {
            throw new ArgumentException("Error: Unable to instantiate Crypt32.CryptAcquireContext.");
        }


    }
    catch (Exception ex)
    {
        throw new ArgumentException("Error = " + ex.Message);
    }

}
```

Appendix B: CLCG4 Random Number Generator (C# Language Version)

```
using System;
using System.Collections.Generic;
using System.Linq;
using System.Text;

namespace RandomGenerator
{
    public class RandomGenerator
    {
        public static long Maxgen = 100;
        public static long i;
        public static long j;

        public static long[] aw = new long[4];
        public static long[] avw = new long[4];

        public static long[] a = new long[4] { 45991, 207707, 138556, 49689 };
        public static long[] m = new long[4] { 2147483647, 2147483543, 2147483423, 2147483323 };

        public static long[,] Ig = new long[4, 101];
        public static long[,] Lg = new long[4, 101];
        public static long[,] Cg = new long[4, 101];

        public static long H = 32768; // = 2^15 : use in MultModM.

        public enum SeedType
        {
            InitialSeed,
            LastSeed,
            NewSeed,
        }

        public static int gSeed1;
        public static int gSeed2;
        public static int gSeed3;
        public static int gSeed4;

        /************************************************************************

        This is the Random Number Generator Based on the Combination of Four LCGs
        (Linear Congruential Generators) by Pierre L'ecuyer and Terry H. Andres.

         *
         * This is a portable package for uniform random number generation based on a
         * backbone generator with period length near 2^121, which is a combination
         * of four linear congruential generators.  The package provides for multiple
         * (virtual) generators evolving in parallel.  Each generator also has many
         * disjoint subsequences, and software tools are provided to reset the state
         * of any generator to the beginning of its first, previous, or current
         * subsequence.  Such facilities are helpful to maintain synchronization for
         * implementing variance reduction methods in simulation.
         *
         * For those who are interested in the details or the theories behind the
         * implementation, you can refer to the following papers by Prof. L'Ecuyer:
         *
         * 1. A Random Number Generator Based on the Combination of Four LCGs.
         *     (This can be downloaded from the "papers" page of Prof. L'Ecuyer's
         *     web page: http://www.iro.umontreal.ca/~lecuyer/myftp/papers/clcg4.ps).
         * 2. Implementing a Random Number Package with Splitting Facilities
         *    (ACM Transactions on Math. Software, Vol. 17, No. 1, March 91,
         *     p. 98-111)
         * 3. Efficient and portable combined random number generators.
         *    (Communications of the ACM, 31(6):742-749 and 774, 1988.)
         *
```

```
         * and the papers referred to therein.
         *
        *************************************************************************/

        public static float[] getBlockOfRandomNumbers(int seed1, int seed2, int seed3, int seed4,
int iCount, int iTestSwitch)
        {

            /*************************************************************************
             *
             * The Seeds MUST satisfy the following constraints:
                 1<= s[0] <=2147483646
                 1<= s[1] <=2147483542
                 1<= s[2] <=2147483422
                 1<= s[3] <=2147483322.

            *************************************************************************/

            long[] s = new long[4];

            if (iTestSwitch == 1)
            {
                // TEST Random Number Generator
                //1) Initialize the CLCG4 generator using the defaults.
                //   You will have access to 100 sub-generators in an array indexed from 0 to 99.
                //2) Advance the generator 20,000 numbers for generators 0, 1, 2, 3
                //3) The next five numbers from each generator segment and they should match the
                     numbers below.

                //   Skipping 20,000 numbers for generator 0 - 3 ...
                //       Gen 0      Gen 1           Gen 2           Gen 3
                //     ---------  ---------       ---------       ---------
                //1 - 0.5466955  0.8833518       0.8046209       0.7498480
                //2 - 0.3769046  0.9406571       0.7508963       0.0273824
                //3 - 0.8909396  0.5905970       0.6122372       0.0797647
                //4 - 0.8216189  0.1320690       0.2008421       0.4063177
                //5 - 0.0613126  0.9316329       0.2755311       0.1423134

                gSeed1 = 11111111; //<-- Initialize using the defaults of the TEST Requirements.
                gSeed2 = 22222222; //<-- Initialize using the defaults of the TEST Requirements.
                gSeed3 = 33333333; //<-- Initialize using the defaults of the TEST Requirements.
                gSeed4 = 44444444; //<-- Initialize using the defaults of the TEST Requirements.
                iCount = 5;        //<-- This required by the Rules of the TEST Requirements

                float[] fReturnBlock2 = new float[20]; //<-- 20 to return 4 Blocks of 5 from the
                                                       //    4 Generator Segments for TESTING.

                InitDefault();

                // Advance the generator 20,000 numbers for generators 0, 1, 2, 3
                    for (i = 1; i <= 20000; i++) GenVal(0);
                    for (i = 1; i <= 20000; i++) GenVal(1);
                    for (i = 1; i <= 20000; i++) GenVal(2);
                    for (i = 1; i <= 20000; i++) GenVal(3);

                //IF want to see the next 5 Test RAW Result Values for each of the 4 Generator Segments
                //output in a Console Applicaton in which you have reference the RandomGenertor.dll
                //then un-remark the 11 lines below.

                    //Console.WriteLine("Gen 0");
                    //for (i = 1; i <= iCount; i++) Console.WriteLine("{0:F2}", i + ": " + GenVal(0));
                    //Console.WriteLine("----------------");
                    //Console.WriteLine("Gen 1");
                    //for (i = 1; i <= iCount; i++) Console.WriteLine("{0:F2}", i + ": " + GenVal(1));
                    //Console.WriteLine("----------------");
                    //Console.WriteLine("Gen 2");
                    //for (i = 1; i <= iCount; i++) Console.WriteLine("{0:F2}", i + ": " + GenVal(2));
                    //Console.WriteLine("----------------");
                    //Console.WriteLine("Gen 3");
                    //for (i = 1; i <= iCount; i++) Console.WriteLine("{0:F2}", i + ": " + GenVal(3));

                //Return the next 5 Test Result Values for each of the 4 Generator Segments
                for (i = 0; i < iCount; i++)
                {
                    fReturnBlock2[i] = (float)GenVal(0);
```

```
            }

            for (i = 0; i < iCount; i++)
            {
                fReturnBlock2[i + 5] = (float)GenVal(1);
            }

            for (i = 0; i < iCount; i++)
            {
                fReturnBlock2[i + 10] = (float)GenVal(2);
            }

            for (i = 0; i < iCount; i++)
            {
                fReturnBlock2[i + 15] = (float)GenVal(3);
            }


            return fReturnBlock2;

        }
        else
        {
            // Random Number Generator
            gSeed1 = seed1;
            gSeed2 = seed2;
            gSeed3 = seed3;
            gSeed4 = seed4;

            float[] fReturnBlock2 = new float[iCount];

            InitDefault();

            for (i = 0; i < iCount; i++)
            {
                fReturnBlock2[i] = (float)GenVal(0);
            }

            return fReturnBlock2;
        }

    }

    static long MultModM(long s, long t, long M)
    /* Returns (s*t) MOD M.  Assumes that -M < s < M and -M < t < M.     */
    /* See L'Ecuyer and Cote (1991).                                     */
    {
        long R, S0, S1, q, qh, rh, k;

        if (s < 0) s += M;
        if (t < 0) t += M;
        if (s < H) { S0 = s; R = 0; }
        else
        {
            S1 = s / H; S0 = s - H * S1;
            qh = M / H; rh = M - H * qh;
            if (S1 >= H)
            {
                S1 -= H; k = t / qh; R = H * (t - k * qh) - k * rh;
                while (R < 0) R += M;
            }
            else R = 0;
            if (S1 != 0)
            {
                q = M / S1; k = t / q; R -= k * (M - S1 * q);
                if (R > 0) R -= M;
                R += S1 * (t - k * q);
                while (R < 0) R += M;
            }
            k = R / qh; R = H * (R - k * qh) - k * rh;
            while (R < 0) R += M;
```

```
        }
        if (S0 != 0)
        {
            q = M / S0; k = t / q; R -= k * (M - S0 * q);
            if (R > 0) R -= M;
            R += S0 * (t - k * q);
            while (R < 0) R += M;
        }
        return R;
    }


    //*---------------------------------------------------------------------*/

    public static void SetSeed(short g, long[] s)
    {
        if (g > Maxgen) Console.WriteLine("ERROR: SetSeed with g > Maxgen \n");
        for (j = 0; j < 4; j++) Ig[j, g] = s[j];
        InitGenerator(g, SeedType.InitialSeed);
    }

    public static void WriteState(short g)
    {
        Console.WriteLine("\n State of generator g = %u :", g);
        for (j = 0; j < 4; j++)
        {
            Console.WriteLine("\n   Cg[%u] = %lu", j, Cg[j, g]);
        }
        Console.WriteLine("\n");
    }

    public static void GetState(short g, long[] s)
    {
        for (j = 0; j < 4; j++) s[j] = Cg[j, g];
    }

    public static void InitGenerator(long g, SeedType Where)
    {
        if (g > Maxgen) Console.WriteLine("ERROR: InitGenerator with g > Maxgen \n");
        for (j = 0; j < 4; j++)
        {
            switch (Where)
            {
                case SeedType.InitialSeed:
                    Lg[j, g] = Ig[j, g]; break;
                case SeedType.NewSeed:
                    Lg[j, g] = MultModM(aw[j], Lg[j, g], m[j]); break;
                case SeedType.LastSeed:
                    break;
            }
            Cg[j, g] = Lg[j, g];
        }
    }

    public static void SetInitialSeed(long[] s)
    {
        long g;
        for (j = 0; j < 4; j++) Ig[j, 0] = s[j];
        InitGenerator(0, SeedType.InitialSeed);
        for (g = 1; g <= Maxgen; g++)
        {
            for (j = 0; j < 4; j++)
                Ig[j, g] = MultModM(avw[j], Ig[j, (g - 1)], m[j]);
            InitGenerator(g, SeedType.InitialSeed);
        }

    }

    public static void Init(long v, long w)
    {
        long[] sd = new long[4] { gSeed1, gSeed2, gSeed3, gSeed4 };
```

```
            for (j = 0; j < 4; j++)
            {
                aw[j] = a[j];
                for (i = 1; i <= w; i++)
                    aw[j] = MultModM(aw[j], aw[j], m[j]);
                avw[j] = aw[j];
                for (i = 1; i <= v; i++)
                    avw[j] = MultModM(avw[j], avw[j], m[j]);
            }
            SetInitialSeed(sd);
        }

        public static double GenVal(short g)
        {
            long k, s;
            double u;
            u = 0.0;
            if (g > Maxgen) Console.WriteLine("ERROR: Genval with g > Maxgen \n");

            s = Cg[0, g]; k = s / 46693;
            s = 45991 * (s - k * 46693) - k * 25884;
            if (s < 0) s = s + 2147483647; Cg[0, g] = s;
            u = u + 4.65661287524579692e-10 * s;

            s = Cg[1, g]; k = s / 10339;
            s = 207707 * (s - k * 10339) - k * 870;
            if (s < 0) s = s + 2147483543; Cg[1, g] = s;
            u = u - 4.65661310075985993e-10 * s;
            if (u < 0) u = u + 1.0;

            s = Cg[2, g]; k = s / 15499;
            s = 138556 * (s - k * 15499) - k * 3979;
            if (s < 0.0) s = s + 2147483423; Cg[2, g] = s;
            u = u + 4.65661336096842131e-10 * s;
            if (u >= 1.0) u = u - 1.0;

            s = Cg[3, g]; k = s / 43218;
            s = 49689 * (s - k * 43218) - k * 24121;
            if (s < 0) s = s + 2147483323; Cg[3, g] = s;
            u = u - 4.65661357780891134e-10 * s;
            if (u < 0) u = u + 1.0;

            return (u);
        }

        public static void InitDefault()
        {
            Init(31, 41);
        }

    }
}
```

Appendix C: CLCG4 Random Number Generator – Validation Results

The validation of the C# implementation of the CLCG4 Random Number Generator can be tested by following these steps.

1) Initialize the CLCG4 generator using the defaults defined

Seed1 = 11111111

Seed2 = 22222222

Seed3 = 33333333

Seed4 = 44444444

(Note: You will have access to 100 sub-generators in an array indexed from 0 to 99.)

2) Advance the generator 20,000 numbers for generators 0, 1, 2, 3

3) The next five numbers from each generator segment and they should match the numbers

```
Skipping 20,000 numbers for generator 0 - 3 ...

       Gen 0      Gen 1           Gen 2           Gen 3

    ---------     ---------       ---------       ---------

1 - 0.5466955     0.8833518       0.8046209       0.7498480

2 - 0.3769046     0.9406571       0.7508963       0.0273824

3 - 0.8909396     0.5905970       0.6122372       0.0797647

4 - 0.8216189     0.1320690       0.2008421       0.4063177

5 - 0.0613126     0.9316329       0.2755311       0.1423134
```

This can also be tested by via C# .Net by passing **iTestSwitch** = 1 to the RandomGenerator.getBlockOfRandomNumbers(iSeed1, iSeed2, iSeed3, iSeed4, iCount, **iTestSwitch**) class method.

Appendix D: Acknowledgements and References

Acknowledgments

The CLCG4 Random Number Generator upon which this implementation was based was created by Pierre L'ecuyer and Terry H. Andres.

A Random Number Generator Based on the Combination of Four LCGs.

(This can be downloaded from the "papers" page of Prof. L'Ecuyer's web page: http://www.iro.umontreal.ca/~lecuyer/myftp/papers/clcg4.ps).

A PDF version of this document is attached.

Additional Associated References

1) P.Bratley, B. L. Fox, and L. E. Schrage. A Guide to Simulation Springer-Verlag, New York, second edition, 1987.

2) D. E. Knuth. The Art of Computer Programming, Volume 2: Seminumerical Algorithms. Addison-Wesley, Reading, Mass., second edition, 1981

3) A. M. Law and W. D. Kelton. Simulation Modeling and Analysis. McGraw-Hill, New York, second edition, 1991.

4) P.L'Ecuyer. Effcient and portable combined random number generators. Communications of the ACM, 31(6):742-749 and 774, 1988.
See also the correspondence in the same journal, 32, 8 (1989) 1019-1024

5) P.L'Ecuyer. Random numbers for simulation. Communications of the ACM, 33(10):85-97, 1990.

AO 20-108 | FLORIDA SUPREME COURT

YEAR: 2020

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TITLE: ACCESS TO ELECTRONIC COURT RECORDS

PAGES: 17

Supreme Court of Florida

No. AOSC20-108

IN RE: ACCESS TO ELECTRONIC COURT RECORDS

ADMINISTRATIVE ORDER

In March 2014, the Supreme Court adopted the Standards for Access to Electronic Court Records and the Access Security Matrix. *In re: Standards for Access to Electronic Court Records*, Fla. Admin. Order No. AOSC14-19 (amended May 23, 2014), governs appropriate, differentiated levels of access to electronic court records and prescribes a process by which a clerk of court who wishes to provide court records online must develop and test in a pilot program its online electronic records access system and, when it demonstrates through such pilot program compliance with the Standards for Access to Electronic Court Records and the Access Security Matrix adopted by the Supreme Court, seek Supreme Court approval to provide online access to electronic court records.

Since that time, the Florida Courts Technology Commission (hereinafter "Commission") has recommended changes to the standards and security matrix, as necessary based on rules and statutes. The Court has adopted revisions to the

standards and matrix through *In re: Access to Electronic Court Records*, Fla. Admin. Order No. AOSC19-20 (April 16, 2019).

The Commission received and reviewed requests from the Office of Criminal Conflict and Civil Regional Counsel (hereinafter "OCCCRC") regarding access to specific case types defined by sections 27.511(5) and 27.511(6)(a), Florida Statutes, and the Florida Statewide Guardian ad Litem Office (hereinafter "SGALO") regarding access to a child's confidential dependency records based on the authority in section 39.820, Florida Statutes. The Commission has recommended updating the standards and security matrix by creating separate user roles for the OCCCRC and the SGALO. Additionally, the Commission also recommended that the OCCCRC and the SGALO be required to establish policies ensuring that access to confidential records and information is limited to necessary individuals requiring access in the performance of their official duties. The Commission further recommended several administrative and structural changes to the Matrix, including updating the definition for institutional access and consolidating, collapsing, or renaming certain case types.

As a means for the judicial branch to continue to ensure responsible access to electronic court records, the Court hereby adopts the amended Standards for Access to Electronic Court Records and the amended Access Security Matrix to

supersede those previously adopted. The amended standards and matrix are attached hereto and incorporated herein by reference.[1]

DONE AND ORDERED at Tallahassee, Florida, on November 20, 2020.

AOSC20-108 11/20/2020

Chief Justice Charles T. Canady

AOSC20-108 11/20/2020

ATTEST:

AOSC20-108 11/20/2020

John A. Tomasino, Clerk of Court

AOSC20-108 11/20/2020

1. The Standards for Access to Electronic Court Records and the Access Security Matrix are also available on the Florida Courts website. See https://www.flcourts.org/Resources-Services/Court-Technology/Technology-Standards.

Standards for Access to Electronic Court Records

November 2020

These standards establish statewide technical and operational requirements for access to electronic court records by the public, special user groups, judges, and court and clerk's office personnel. These standards also implement the Access Security Matrix, which governs remote web-based and clerks' office access to electronic court records.

ACCESS METHODS

There are three different methods for accessing electronic court records:

1. Direct access via application to internal live data;
2. Web-based application for replicated or live data with security; and
3. Web-based portal for public viewing of replicated data and variable levels of security based on user role.

Direct or web-based access to live production data is generally limited to authorized court and clerk's office personnel. Most users will access replicated data to protect the integrity and availability of the official court record maintained by the clerk.

ACCESS SECURITY MATRIX

The Access Security Matrix (the "Matrix") governs access to electronic court records based upon user roles and applicable court rules, statutes, and administrative policies. The Matrix performs the following functions:

1. Establishes user groups;
2. Establishes access levels; and
3. Assigns access level for each user group based on case type.

The Access Governance Board ("the Board"), under the authority of the Florida Courts Technology Commission (the "FCTC"), is responsible for maintaining the Matrix by timely incorporating legislative and rule changes that impact access to electronic court records. Access permitted under the Matrix applies equally to electronic and paper court records.

USER AGREEMENTS

The FCTC, in conjunction with the clerks, must develop and maintain agreements clearly defining responsibilities for user access.

Clerks may use an online agreement, instead of a paper agreement, that requires users to agree to terms using an online click-through (for example, clicking on the "I AGREE" button, as with other online term agreements) as long as the agreement terms are versioned so that updates can be tracked. When agreement terms change, users are required to accept the new terms, either electronically or in paper. A notarized agreement is required for each user role, except for the

Registered User role as defined by the Matrix. User agreements submitted in paper shall be retained by the clerk.

GATEKEEPER

In an effort to effectively manage access and ensure security, an agency may utilize one or more gatekeepers, or a designee authorized by an agency head or an authorized gatekeeper who shall be an employee of that agency, for the purpose of adding, updating, and deleting user or agency information. A gatekeeper shall only add users commensurate with an agency's user role type and/or as registered users. Each agency shall be responsible for ensuring that each user added by the gatekeeper is only given access that is commensurate to their job duties. Nothing in this definition shall nullify any other duty imposed upon the gatekeeper by the Board.

USER ROLES

Access to electronic court records is determined by the user's role and applicable statutes, court rules, and applicable administrative policy. Access may be restricted to certain user roles based on case type, document type, or information contained within court records. All individuals and entities authorized under these standards to have greater access than the general public must establish policies to protect confidential records and information in accordance with applicable court rule and statutory requirements. Remote electronic access may be more restrictive than in-person in-house electronic access at clerks' offices.

MATRIX USER ROLES	ACCESS PERMITTED	USER SECURITY REQUIREMENTS
User Role 1 Judges and authorized court and clerk's office personnel	All court records, except those expunged pursuant to §943.0585, F.S., with discretionary limits based on local security policy. Each court and clerk must establish policies to ensure that access to confidential records and information is limited to those individuals who require access in performance of their official duties. Access to records sealed pursuant to §943.059(4), F.S., is permitted for judges to assist in performance of case-related adjudicatory responsibilities.	In-house secure network and secure web access.

MATRIX USER ROLES	ACCESS PERMITTED	USER SECURITY REQUIREMENTS
User Role 2 Florida State Attorneys' Offices	All records except those that are expunged or sealed, automatically confidential under rule 2.420(d)(1), Fla. R. Jud. Admin., or made confidential by court order. Access to Social Security numbers by §§119.071(5)(a)6.b. and 119.0714(1)(i), F.S. Access to HIV test results as permitted by §381.004(5)(c), F.S. Access to sexually transmitted disease results as permitted by §384.29(1), F.S. Access to birth certificates as permitted by §§382.013(5) and 382.025(1)(a)5, F.S. Access to mental health records as permitted by §§394.4615(3)(b), 394.4655(3)4)(c), and F.S. Access to identities of victims of sexual and child abuse when originating from law enforcement as permitted by §119.0714(1)(h), F.S. Access to children and families in need of services records as permitted by §984.06(3), F.S. Access to juvenile records as permitted by §§39.0132(4)(a)(1) and 985.04(1)(b), F.S.	Secure access through username and password by written notarized agreement. Agency gatekeeper is responsible for maintaining authorized user list. Each state attorney must establish policies to ensure that access to confidential records and information is limited to those individuals who require access in performance of their official duties.

MATRIX USER ROLES	ACCESS PERMITTED	USER SECURITY REQUIREMENTS
User Role 3 Attorneys of record	All records except those that are expunged or sealed; access may be denied to records or information automatically confidential under rule 2.420(d)(1), Fla. R. Jud. Admin., or made confidential by court order, depending upon the type of case and the language of the court order. Access will be changed to Registered User when the attorney's appearance is terminated in accordance with rule 2.505, Fla. R. Jud. Admin.	Secure access through username and password by written notarized agreement. The gatekeeper is responsible for maintaining authorized user list.
User Role 4 Parties	All records in the party's case except those that are expunged or sealed; access may be denied to information automatically confidential under rule 2.420(d)(1), Fla. R. Jud. Admin., or made confidential by court order, depending upon case type and the language of the order.	Secure access on case-by-case basis. Access by notarized request to insure identity of party.
User Role 5 Public in Clerks' offices and Registered Users	All records except those that are expunged or sealed, automatically confidential under rule 2.420(d)(1), Fla. R. Jud. Admin., or made confidential by court order. Viewable on request remote access to images of records in cases governed by the Florida Family Law Rules of Procedure, Florida Rules of Juvenile Procedure, or Florida Probate Rules, pursuant to §28.2221(5)(a), F.S.	Secure access through username and password or in person at Clerks' offices.
User Role 6 General government and constitutional officers	All records except those that are expunged or sealed, automatically confidential under rule 2.420(d)(1), Fla. R.	Secure access through username and password by written notarized agreement. Agency gatekeeper is

MATRIX USER ROLES	ACCESS PERMITTED	USER SECURITY REQUIREMENTS
	Jud. Admin., or made confidential by court order. Access to social security numbers as permitted by §§119.071(5)(a)6.b. and 119.0714(1)(i), F.S.	responsible for maintaining authorized user list. Each agency must establish policies to ensure that access to confidential records and information is limited to those individuals who require access in performance of their official duties.
User Role 7 General public (without registration agreement)	All records except those that are expunged or sealed, automatically confidential under rule 2.420(d)(1), Fla. R. Jud. Admin., or made confidential by court order. No remote access to images of records in cases governed by the Florida Family Law Rules of Procedure, Florida Rules of Juvenile Procedure, or Florida Probate Rules, pursuant to §28.2221(5)(a), F.S.	None. Anonymous web-based access permitted.
User Role 8 Certified law enforcement officers of federal and Florida state and local law enforcement agencies, Florida Department of Corrections, and their authorized users	All records except those that are expunged or sealed, automatically confidential under rule 2.420(d)(1), Fla. R. Jud. Admin., or made confidential by court order. Access to social security numbers as permitted by §§119.071(5)(a)6.b. and 119.0714(1)(i), F.S. Access to HIV test results as permitted by §§381.004(2)(e), and 951.27 F.S. Access to sexually transmitted disease results as permitted by §384.29(1), F.S.	Secure access through username and password by written notarized agreement. Agency gatekeeper is responsible for maintaining an authorized user list. Each agency must establish policies to ensure that access to confidential records and information is limited to those individuals who require access in performance of their official duties.

MATRIX USER ROLES	ACCESS PERMITTED	USER SECURITY REQUIREMENTS
	Access to birth certificates as permitted by §§382.013(5) and 382.025(1)(a)5., F.S. Access to identities of victims of sexual and child abuse when originating from law enforcement as permitted by §119.0714(1)(h), F.S. Access to children and families in need of services records as permitted by §984.06(3), F.S. Access to juvenile records as permitted by §§39.0132(4)(a)(1) and 985.04(1)(b), F.S.	
User Role 9 Florida Attorney General's Office and the Florida Department of Children and Families	All records except those that are expunged or sealed, automatically confidential under rule 2.420(d)(1), Fla. R. Jud. Admin., or made confidential by court order. Access to social security numbers as permitted by §§119.071(5)(a)6.b. and 119.0714(1)(i), F.S. Access to birth certificates as permitted by §§382.013(5) and 382.025(1)(a)5., F.S. Access to children and families in need of services records as permitted by §984.06(3), F.S. Access to juvenile records as permitted by §§39.0132(4)(a)(1) and	Secure access through username and password by written notarized agreement. Agency gatekeeper is responsible for maintaining authorized user list. Each agency must establish policies to ensure that access to confidential records and information is limited to those individuals who require access in performance of their official duties.

MATRIX USER ROLES	ACCESS PERMITTED	USER SECURITY REQUIREMENTS
	985.04(1)(b), F.S.	
User Role 10 Florida School Districts (Truancy)	All records except those that are expunged or sealed, automatically confidential under rule 2.420(d)(1), Fla. R. Jud. Admin., or made confidential by court order. Access to social security numbers as permitted by §§119.071(5)(a)6.b. and 119.0714(1)(i), F.S. Access to juvenile delinquency records as permitted by §985.04(1)(b), F.S.	Secure access through username and password by written notarized agreement. Agency gatekeeper is responsible for maintaining authorized user list. Each school district must establish policies to ensure that access to confidential records and information is limited to those individuals who require access in performance of their official duties.
User Role 11 Commercial purchasers of bulk records	All records except those that are expunged or sealed, automatically confidential under rule 2.420(d)(1), Fla. R. Jud. Admin., or made confidential by court order. No remote access to images of records in cases governed by the Florida Family Law Rules of Procedure, Florida Rules of Juvenile Procedure, or Florida Probate Rules, pursuant to §28.2221(5)(a), F.S.	Secure access through username and password by written notarized agreement. Commercial purchaser gatekeeper is responsible for maintaining an authorized user list.

MATRIX USER ROLES	ACCESS PERMITTED	USER SECURITY REQUIREMENTS
User Role 12 Florida Office of the Public Defender (Institutional Access only)	All records except those that are expunged or sealed; access may be denied to records or information automatically confidential under rule 2.420(d)(1), Fla. R. Jud. Admin., or made confidential by court order, depending upon the type of case and the language of the court order. The Office of the Public Defender is considered the attorney of record at a defendant's first appearance as permitted by §985.045(2) and rules 8.010 and 8.165, Fla. R. Juv. P., for juvenile defendants and §27.51, F.S., and rule 3.130, Fla. R. Crim. P. for adult defendants. Access will be changed to User Role 6 when the public defender is no longer the attorney of record or another attorney is assigned.	Secure access through username and password by written notarized agreement. The gatekeeper is responsible for maintaining authorized user list. Each public defender must establish policies to ensure that access to confidential records and information is limited to those individuals who require access in performance of their official duties.
User Role 13 Office of Criminal Conflict and Civil Regional Counsel (Institutional Access only)	All records except those that are expunged or sealed; access may be denied to records or information automatically confidential under rule 2.420(d)(1), Fla. R. Jud. Admin., or made confidential by court order, depending upon the type of case and the language of the court order. The Office of Criminal Conflict and Civil Regional Counsel (OCCCRC) is considered the attorney of record at a party's first appearance in civil proceedings	Secure access through username and password by written notarized agreement. The gatekeeper is responsible for maintaining authorized user list. Each regional counsel must establish written policies to ensure that access to confidential records and information is limited to those individuals who require access in performance of their official duties.

MATRIX USER ROLES	ACCESS PERMITTED	USER SECURITY REQUIREMENTS
	listed in §27.511(6), F.S., and in criminal proceedings is entitled to appointment as attorney of record upon the Public Defender's declaration of conflict in case types listed in §27.511(5), F.S. Access will be changed to User Role 6 when the OCCCRC is no longer the attorney of record or another attorney is assigned.	
User Role 14 Statewide Guardian ad Litem Office	All records except those that are expunged or sealed, automatically confidential under rule 2.420(d)(1), Fla. R. Jud. Admin., or made confidential by court order. Access to social security numbers as permitted by §§119.071(5)(a)6.b. and 119.0714(1)(i), F.S. Access to birth certificates as permitted by §§382.013(5) and 382.025(1)(a)5., F.S. Access to children and families in need of services records as permitted by §984.06(3), F.S. Access to juvenile records as permitted by §§ 39.0132(4)(a)(1) and 985.04(1)(b), F.S. Access for guardian ad litem appointed as permitted by §39.822, F.S.	Secure access through username and password by written notarized agreement. The gatekeeper is responsible for maintaining authorized user list. Each guardian ad litem must establish policies to ensure that access to confidential records and information is limited to those individuals who require access in performance of their official duties.

ACCESS LEVELS

Access levels are defined as follows:

A. All but expunged, or sealed under Ch. 943, F.S.;
B. All but expunged, or sealed under Ch. 943, F.S., or sealed under Fla. R. Jud. Admin. 2.420;
C. All but expunged, or sealed under Ch. 943, F.S. and sealed under Fla. R. Jud. Admin. 2.420, or confidential;
D. All but expunged, sealed, or confidential; record images viewable upon request;
E. Case number, party names, dockets only;
F. Case number and party names only;
G. Case number only; and
H. No access.

Viewable on request access level applies to documents containing confidential information that must be redacted; this access level requires examination of the case file by a clerk to identify and redact confidential information before the record can be viewed.

INSTITUTIONAL ACCESS

Institutional Access applies to roles of the Florida Office of Public Defender and the Office of Criminal Conflict and Civil Regional Counsel in cases where they are appointed or are the presumptive attorney of record. The term "institution" as used within these standards means a statutorily-created organization or agency responsible for providing legal representation to an individual or group of individuals. This designation allows institutional users - including paralegals, legal assistants, and other staff - to view assigned cases as if they were the "attorney of record." Once an institution ceases representation in a case, access is severed and the institution's users default to the General Government user role.

REDACTION

Redaction is the process of obscuring confidential information contained within a public record from view. Redacted portions of a record are blacked out. Redaction may be accomplished manually or through use of technology such as redaction software. Redaction software is used when information is in electronic form. If redaction software is used, it must identify and protect confidential information through redaction of confidential content. For efficiency, redaction software is preferred over manual processes when the files are in electronic form.

There are generally two levels of redaction:

1. Level 1 -The system reads the images and uses the knowledge base to auto-redact suspect regions.
2. Level 2 -Redacted images are presented to a first reviewer to accept or decline to redact selected data on the image.

Redaction software which identifies confidential information may be used; however, a manual process must also exist to identify confidential information which may not be readily identified by an auto redaction process or for case types/documents that are available upon request.

QUALITY ASSURANCE

Clerks must employ redaction processes through human review, the use of redaction software, or a combination of both. Clerks must audit the process adopted at least annually for quality assurance and must incorporate into their processes new legislation or court rules relating to protection of confidential information. It is recommended that clerks advise commercial purchasers that court records are regularly updated and encourage use of updated records.

CLERK SECURITY

No sensitive security information should be presented on the user interface. Sensitive data shall be exchanged over trusted paths or by using adequate encryption between users; between users and systems; and between systems. The system must employ appropriate security and encryption measures to prevent disclosure of confidential data to unauthorized persons.

Minimum Technical Requirements:

1. Encryption (general public and authenticated)**;
2. No "cutting and pasting" of workable links;
3. Hyperlinks must not include authentication credentials;
4. No access to live data; replicated records will be used for public access;
5. Authenticated access for access beyond general public access; and
6. Monitor bulk data transfers to identify and mitigate abuses of the system by utilizing access programs using automated methods.

**Encryption protects the integrity of the record and prevents exposure to potential security risks. It also prevents authenticated users with higher access from sending links to information to non-authorized users.

INTEGRITY OF THE COURT RECORD

To protect the integrity and availability of the court record, public access will not be to the original record, but to a replicated version that is redacted, if applicable.

Online links shall be encrypted to prevent return access to a URL via "cutting and pasting." Link refresh times shall appropriately time out as determined by each individual clerk, but links shall refresh no less than once every 30 minutes.

PERFORMANCE

Search parameters for web-based access to electronic records will be limited to the following:

A. User Role 7 (General Public)
    1. Case type;
    2. Case number;
    3. Party name;
    4. Citation number; and
    5. Date range.

B. Other user roles with authenticated users may have more robust search features than general public users.

Non-confidential data or data accessed by an authenticated user may be viewed immediately. Some images may be "viewable on request" to allow time for the redaction process.

Online access to documents stored as images may be provided. Documents stored as images are "view only." If a requested document is maintained by the clerk in a searchable format, the document may be provided to the public in that format, but only in response to a specific request. Search capability, if available, will be limited to such requested document and must not support automated bulk searches.

Only authorized automated search programs, to be used solely on the indices, shall be used with the court's electronic public access system. Automated search programs may not be used on any other component of the court's electronic public access system. The court and clerk will determine the criteria for authorization of any automated search programs. Such authorization may be revoked or modified at the discretion of the court and clerk.

ARCHIVAL REQUIREMENTS

Electronic records must be archived in a manner that protects the records from degradation, loss of content, or problems with software compatibility relative to the proper rendering of electronic records and in compliance with applicable law or Supreme Court guidelines.

AUTHENTICATION REQUIREMENTS

Members of the general public do not require a username or password to access information that is generally available to the public. For information that is accessible to individuals or entities beyond general public access, users must be authenticated to verify their role and associated access levels. Users must subscribe to the access system and provide information to verify their identity. Users are then assigned a login account. At a minimum, users accessing records and information beyond general public access must have a username and password and have the ability to change their password using self-service within the web-based application.

Access Security Matrix

(November 2020 v9)

Key to access codes

A = All but expunged, or sealed under Ch. 943, F.S.
B = All but expunged, or sealed under Ch. 943, F.S., or sealed under Fla. R. Jud. Admin. 2.420
C = All but expunged, or sealed under Ch. 943 and sealed under Fla. R. Jud. Admin. 2.420, or confidential
D = All but expunged, sealed or confidential; record images viewable upon request
E = Case number, party names, dockets only
F = Case number and party names only
G = Case number only
H = No access

*****VOR Statute List (F.S.):**
787, 794, 796, 800, 825, 827, 847, 921
VOR is at the case level

***Viewable on Request (VOR) - to ensure that information is properly removed prior to public access, some case types and document types have a special electronic security called viewable on request. Selecting an image of a court document in cases or documents coded viewable on request will not allow the user to view the record at that point. Instead, a request is generated to a clerk, who performs a second examination of the document to remove personal identification information and information about the victims of sexual or child abuse crimes. After the clerk has completed, the requestor then receives a notice that the document is available for viewing. Once a document has been requested and reviewed, it is available for all future access without requiring a request/review.

		User Role (Subscribers)																
Case - Charge/Filing Description	**PRIVACY**	**1. Judges and authorized court and clerk's office personnel (Internal access by authorization)**	**2. Florida State Attorney's Offices**	**3. Attorneys of Record**	**4. Parties**	**5. Public in Clerks' offices and registered users**	**6. General Gov't and Const Officers**	**7. General public (without registration agreement)**	**8. Certified law enforcement officers of federal and Florida state and local law enforcement agencies, Florida Department of Corrections, and their authorized users**	**9. Florida Attorney General's Office, Florida Department of Children and Families**	**10. Florida School Districts (Truancy)**	**11. Commercial purchasers of bulk records**	**12. Florida Office of the Public Defender (Institutional Access only)**	**13. Office of Criminal Conflict and Civil Regional Counsel (Institutional Access only)**	**14. Statewide Guardian ad Litem Office**	**UCN**	**Applicable rules and statutes**
County Criminal Appeals	P	A	B	B	C	D	C	D	B	C	C	D	B	C	D	AP	Rule 2.420(d) & (f)
County Criminal Appeals Sexual Abuse	VOR	A	B	B	D	D	D	D	B	D	D	D	B	D	D	AP	Rule 2.420(d) & (f), §119.071(2)(h), F.S., Chs. 794, 796, 800, 827 & 847, F.S.
County Civil Appeals	P	A	B	B	B	D	C	D	B	C	C	D	C	C	D	AP	Rule 2.420(d)
Circuit Civil	P	A	B	B	B	D	C	D	B	C	C	D	C	C	C	CA	Rule 2.420(d) & Rule 1.210
Jimmy Ryce Act	VOR	A	B	B	D	D	D	D	B	D	D	D	B	D	D	CA	Rule 2.420(d), Chapter 119, F.S.& § 394.921(1)&(2), F.S.
Mortgage Foreclosure	P	A	B	B	B	D	C	D	B	C	C	D	C	C	D	CA	Rule 2.420(d) & Rule 1.210
Circuit Civil Private (Sexual Abuse & Medical Malpractice)	VOR	A	B	B	D	D	D	D	B	D	D	D	D	D	D	CA	Rule 2.420(d)(1)(B)(xiii), §§119.071(2)(h), 119.0714(1)(h), & 28.2221(5)(a), F.S.
Circuit Civil - Trusts (Pre 2010)	P	A	B	B	B	D	C	E	B	C	C	E	C	C	C	CA	Rule 2.420(d)(1)(B); Chapter 119, F.S. & §28.2221(5)(a), F.S.
County Civil	P	A	B	B	B	D	C	D	B	C	C	D	C	C	C	CC	Rule 2.420(d) & Rule 1.210
Felony	P	A	B	B	C	D	C	D	B	C	C	D	B	C	C	CF	Rule 2.420(d) & Chapter 119, F.S.
Felony - sexual cases	VOR	A	B	B	C	D	D	D	B	D	D	D	B	D	D	CF	Rule 2.420(d)(1), §119.071(2)(h)1.b or c, F.S., Chs. 794, 796, 800, 827, & 847, F.S.
Juvenile Delinquency	P	A	B	B	B	G	G	G	B	G	G	G	B	G	G	CJ	§§985.04(1) & (2), 985.045(2), 985.036(1) & 985.11(3), F.S.
County Ordinance Infractions	P	A	B	B	B	D	C	D	B	C	C	D	C	C	C	CO	Rule 2.420
County Ordinance - Arrests	P	A	B	B	C	D	C	D	B	C	C	D	B	C	C	CO	Rule 2.420
Probate Formal Administration	P	A	D	D	D	D	D	E	D	D	D	E	D	D	D	CP	Rule 2.420; §§28.2221(5)(a) & 733.604 (b), F.S.
Probate Other	P	A	D	B	D	D	D	E	D	D	D	E	D	D	D	CP	Rule 2.420; §§28.2221(5)(a) & 735.201-302, F.S.
Criminal Traffic	P	A	B	B	C	D	C	D	B	C	C	D	B	C	C	CT	Rule 2.420(d) & (f)
Juvenile Dependency	P	A	B	B	C	G	G	G	B	B	G	G	G	B	B	DP	Rule 2.420(d), §§39.0132(3)&(4)(a), 39.822(3) & 27.511(6)(a), F.S.
Juvenile Truancy	P	A	B	B	B	G	G	G	B	B	B	G	G	B	B	DP	§984.06(3) & §27.511(6)(a), F.S.
Domestic Relations	P	A	B	B	B	D	C	E	B	C	C	E	C	C	C	DR	Rule 2.420(d), §§28.2221(5)(a), 61.043(1), 68.07, 382.025(1), 382.0195(1), 409.2563(2)(d) & 742.011, F.S.
Domestic Relations Adoption (FINAL)	P	A	G	D	D	G	G	G	G	G	G	G	G	G	G	DR	§§63.162(1)(2) & 63.022(4)(i), F.S.
DR Adoption (while open and pending)	P	A	G	B	D	G	G	G	G	G	G	G	G	B	G	DR	§§63.162(1)(2), 63.022(4)(i), & 27.511(6)(a), F.S.
Domestic Relations - Paternity - sealed	P	A	F	F	F	F	F	F	F	F	F	F	F	F	F	DR	§§742.011, 742.091, 742.16(9), 742.031(1), & 28.2221(5)(a), F.S.
DR Violence Injunctions (all) Before Service	C	A	B	B	G	G	G	G	D	G	G	G	G	G	G	DR	Rule 2.420(d)(1)(B)(xxiii), §§119.0714(1)(k)3 & 28.2221(5)(a), F.S.
DR Violence Injunctions (all but sexual) After Service	P	A	B	B	D	D	C	E	B	C	C	E	B	C	C	DR	Rule 2.420(d)(1)(B)(xxiii), §§119.0714(1)(k)3 & 28.2221(5)(a), F.S.
Parental Notice of Abortion	VOR	A	G	B	B	G	G	G	G	G	G	G	G	G	G	DR	Rule 8.805(b), Rule 8.835, Rule 2.420(d)(1)(B)(vii), §§390.01114(4)(e) & 390.01116, F.S.
Sexual Violence After Service	VOR	A	B	B	D	D	D	E	B	D	D	E	C	D	D	DR	Rule 2.420(d)(1)(B)(xiii) & (f), §119.071(2)(h)1 (b) or (c), F.S.
Termination of Parental Rights	P	A	B	B	G	G	G	G	B	B	G	G	G	B	B	DR	§§39.814(3) & (4), 39.822(3) & 27.511(6)(a), F.S.
Extradition	VOR	A	B	B	C	D	D	D	B	D	D	D	C	D	D	CF	Rule 2.420(d) & (f)
Guardianship/Guardian Advocate (Developmental Disabilities)	P	A	B	B	B	D	C	E	C	C	C	E	C	B	C	GA	§§744.1076, 744.3701, 393.12 & 27.511(6)(a), F.S.
Guardianship Miscellaneous/Professional Guardian	P	A	B	B	C	D	C	E	C	C	C	E	C	B	C	GA	§§744.1076, 744.3701, 744.2003 & 27.511(6)(a), F.S.
Non-Criminal Infractions	P	A	B	B	B	D	C	D	B	C	C	D	C	C	C	IN	Rule 2.420(d)
Juvenile Miscellaneous	P	A	B	B	G	G	G	G	G	G	G	G	G	B	G	DP	§§985.04(1) & (2), 985.045(2) & 27.511(6)(a), F.S.
Miscellaneous Firearms	P	A	B	B	B	D	C	D	B	C	C	D	B	C	D	MM	Rule 2.420(d), §§119 & 790.065(4), F.S.
Mental Health Miscellaneous	P	A	B	B	B	D	D	E	C	D	D	E	B	D	D	MH	Rule 5.900, §§393.11, 765.105, 916.107(3)(a), & 415.1051, F.S.
Baker Act	C	A	B	B	B	G	G	G	B	B	G	G	B	G	B	MH	Rule 2.420(d), §§394.459(8) & 394.4615, F.S.
Substance Abuse - Assessment/Treatment	C	A	B	B	B	G	G	G	B	B	G	G	G	B	B	MH	Rule 2.420(d), §§397.501(7), 397.6760 & 27.511(6)(a), F.S.
Tuberculosis/STD Treatment/Other Confidential	P	A	B	B	B	G	G	G	B	B	G	G	G	B	B	MH	§§392.55, 384.27 & 27.511(6)(a), F.S.
Incapacity	P	A	B	B	B	D	C	E	C	C	C	E	C	B	C	MH	Rule 2.420(d), §§744.3701, & 27.511(6)(a), F.S.
Misdemeanor	P	A	B	B	D	D	C	D	B	C	C	D	B	C	C	MM	Rule 2.420(d)
Misdemeanor - sexual cases	VOR	A	B	B	D	D	D	D	B	D	D	D	B	D	D	MM	Rule 2.420(d) & §119.071(2)(h), F.S.
Municipal Ordinance Infraction	P	A	B	B	B	D	C	D	B	C	C	D	C	C	C	MO	Rule 2.420(d)
Municipal Ordinance Arrest	P	A	B	B	B	D	C	D	B	C	C	D	B	C	C	MO	Rule 2.420(d)
Misdemeanor-Misc	VOR	A	B	B	B	D	D	D	B	D	D	D	B	D	D	MM	Rule 2.420(d)
Parking	P	A	B	B	B	D	C	D	B	C	C	D	B	C	C	CO	Rule 2.420(d)

Access Security Matrix

(November 2020 v9)

User Role (Subscribers)																	
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Case - Charge/Filing Description	**PRIVACY**															**UCN**	**Applicable rules and statutes**
Small Claims	P	A	B	B	B	D	D	D	D	D	D	D	C	D	D	SC	Rule 2.420(d)
Traffic Infractions	P	A	B	B	B	D	C	D	B	C	C	D	B	C	C	TR	Rule 2.420(d)
Any case marked sealed	S	A	G	G	G	G	G	G	G	G	G	G	G	G	G		Any case that has a SEALED Privacy at the case level
Any expunged case	E	H	H	H	H	H	H	H	H	H	H	H	H	H	H		Any case that has an EXPUNGED Privacy at the case level
Sealed Family Law Case	S	A	G	B	B	G	G	G	G	G	G	G	G	G	G		Case by case basis giving Party/Attorney access

Domestic Relations consists of Administrative Support Proceeding, Delayed Birth Certificate, Dissolution, Domestic Relations-Paternity, URESA/UIFSA, and Name Change
County Civil consists of County Foreclosure

AO 21-17 | FLORIDA SUPREME COURT

YEAR: 2021

NUMBER: 17

TITLE: IN RE: COVID-19 HEALTH AND SAFETY PROTOCOLS AND EMERGENCY OPERATIONAL MEASURES FOR FLORIDA APPELLATE AND TRIAL COURTS

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Supreme Court of Florida

No. AOSC21-17

IN RE: COVID-19 HEALTH AND SAFETY PROTOCOLS AND EMERGENCY OPERATIONAL MEASURES FOR FLORIDA APPELLATE AND TRIAL COURTS

ADMINISTRATIVE ORDER

As a result of the Coronavirus Disease 2019 (COVID-19) pandemic, the State Surgeon General and State Health Officer renewed the declaration that a public health emergency exists in Florida on April 20, 2021, the Governor extended the declaration of a state of emergency in Florida on April 27, 2021, and the Secretary of the Department of Health and Human Services renewed the determination that a public health emergency exists in the United States effective as of April 21, 2021. To mitigate the effects of the public health emergency upon the judicial branch and its participants, I have issued administrative orders implementing temporary measures essential to the administration of justice to

address the pandemic and to keep the courts operating to the fullest extent consistent with public safety.[1]

At this time, effective vaccines for COVID-19 are adequately available in Florida for persons ages 12 and older; almost half of this state's population has been partially or fully vaccinated; and government-issued health standards and guidance provide that fully vaccinated persons do not need to wear face masks or physically distance in most indoor and outdoor settings unless

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1. *In re: COVID-19 Emergency Procedures in the Florida State Courts*, Fla. Admin. Order No. AOSC20-13 (March 13, 2020); *In re: COVID-19 Essential and Critical Trial Court Proceedings,* Fla. Admin. Order No. AOSC20-15 (March 17, 2020); *In re: COVID-19 Emergency Procedures for the Administering of Oaths via Remote Audio-Video Communication Equipment,* Fla. Admin. Order No. AOSC20-16 (March 18, 2020); *In re: COVID-19 Emergency Measures in the Florida State Courts*, Fla. Admin. Order No. AOSC20-17 (March 24, 2020); *In re: COVID-19 Emergency Procedures in Relation to Visitation for Children Under the Protective Supervision of the Department of Children and Families*, Fla. Admin. Order No. AOSC20-18 (March 27, 2020); *In re: COVID-19 Emergency Procedures for Speedy Trial in Noncriminal Traffic Infraction Court Proceedings*, Fla. Admin Order No. AOSC20-19 (March 30, 2020); *In re: Comprehensive COVID-19 Emergency Measures for the Florida State Courts*, Fla. Admin. Order No. AOSC20-23 (April 6, 2020) and as amended thereafter; *In re: COVID-19 Public Health and Safety Precautions for Phase 2*, Fla. Admin. Order No. AOSC20-32 (May 21, 2020) and as amended thereafter; and *In re: Comprehensive COVID-19 Emergency Measures for Florida Appellate Courts*, Fla. Admin. Order No. AOSC20-109 (Nov. 23, 2020) and as amended thereafter.

required by federal, state, or local laws, rules, or regulations.[2] Given these developments, the judicial branch can now transition to operations where in-person contact is more broadly authorized.

This order establishes new, temporary health and safety protocols and emergency operational measures and extends and modifies previously enacted temporary emergency operational measures for purposes of mitigating the effects of the public health emergency on the judicial branch and its participants during and after the emergency. The protocols and measures shall take effect at 12:01 a.m. on June 21, 2021, and shall remain in effect until amended or terminated by subsequent order. The following three administrative orders shall terminate at 12:01 a.m. on June 21,

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2. *See Guidance for Fully Vaccinated People,* Centers for Disease Prevention and Control (CDC) (May 28, 2021) (stating "**Recommendations for Indoor and Outdoor Settings**
Risk of SARS-CoV-2 infection is minimal for fully vaccinated people. The risk of SARS-CoV-2 transmission from fully vaccinated people to unvaccinated people is also reduced. Therefore, fully vaccinated people can resume activities without wearing a mask or physically distancing, except where required by federal, state, local, tribal, or territorial laws, rules, and regulations, including local business and workplace guidance. Fully vaccinated people should also continue to wear a well-fitted mask in correctional facilities and homeless shelters. Prevention measures are still recommended for unvaccinated people.").

2021: (1) *In re: Comprehensive COVID-19 Emergency Measures for Florida Trial Courts*, Fla. Admin. Order No. AOSC20-23, Amendment 13; (2) *In re: COVID-19 Public Health and Safety Precautions for Operational Phase Transitions*, Fla. Admin. Order No. AOSC20-32, Amendment 8; and (3) *In re: Comprehensive COVID-19 Emergency Measures for Florida Appellate Courts*, Fla. Admin. Order No. AOSC20-109, Amendment 2.

Under the administrative authority conferred upon me by article V, section 2(b) of the Florida Constitution, by Florida Rules of General Practice and Judicial Administration 2.205(a)(2)(B)(iv) and 2.205(a)(2)(B)(v), and by Rule Regulating The Florida Bar 1-12.1(j),

IT IS ORDERED that:

I. HEALTH AND SAFETY PROTOCOLS

A. Implementation.

(1) The health and safety protocols required under Section I.B. may be implemented by a court as early as June 21, 2021, and must be implemented by all courts by August 2, 2021, unless the Chief Justice authorizes an extension of time. If a court requires an extension of time, the court must file a written request for an extension by submitting the request via email to

AOSCreplies@flcourts.org by July 16, 2021. The written request must identify the local conditions warranting the extension, propose a plan for alternative health and safety protocols that complies with authoritative or controlling government-issued health standards or guidance, and specify the period requested for the extension.

(2) A court that does not implement the health and safety protocols required under Section I.B. on June 21, 2021, must:

a. Continue operating pursuant to its Phase 2 operational plan, established under Fla. Admin. Order No. AOSC20-32, Amendment 8, until it implements the health and safety protocols required by Section I.B. or, if approved by the Chief Justice, implements alternative health and safety protocols under Section I.A.(1).

b. Provide notice on its website indicating that the court continues to operate pursuant to its Phase 2 operational plan and indicating the date that the court intends to implement the health and safety protocols required under Section I.B. or alternative health and safety protocols.

B. Protocols. As provided by section 768.38(3)(c)2., Florida Statutes, courts must make "a good faith effort to substantially

comply with authoritative or controlling government-issued health standards or guidance" during their operations.[3] To this end, unless required by federal, state, or local laws, rules, or regulations, the wearing of face masks and physical distancing are not required during in-person court proceedings;[4] however, during in-person court proceedings:

(1) Participants and observers may wear face masks.[5] Upon request, a face mask must be provided to a participant or observer for an in-person court proceeding. Further, the Chief Justice or a

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3. Section 768.38(3)(c)2.b., Florida Statutes, further states "If more than one source or set of standards or guidance was authoritative or controlling at the time the cause of action accrued, the defendant's good faith effort to substantially comply with any one of those sources or sets of standards or guidance confers such immunity from civil liability." See Chapter 21-1, sections 1 and 5, Laws of Fla. (providing that section 768.38, Florida Statutes, took effect on March 29, 2021).

4. As used in this order, the term "in-person court proceeding" means the assembly of prospective jurors, voir dire, juror deliberations, and any status conference, hearing, trial, or other proceeding conducted by a justice, judge, magistrate, or hearing officer if conducted in person and other court events conducted in person as may be determined by the Chief Justice or chief judge.

5. As used in this order, the term "face mask" refers to face masks that completely cover the nose and mouth and that fit snugly around the nose, chin, and sides of the face as described by the CDC. See Guidance for Wearing Masks, CDC (April 19, 2021).

chief judge may adopt a policy addressing the use of face masks with clear plastic panels during in-person court proceedings. If such a policy is adopted, it must apply consistently across all in-person court proceedings in the same courthouse.

(2) Participants may request to be physically distanced.[6] The court will address such requests as appropriate under the circumstances at the time of the request.

II. EMERGENCY OPERATIONAL MEASURES

The following provisions govern remote and in-person conduct of appellate and trial court proceedings, as applicable, beginning on June 21, 2021. All in-person court proceedings must be conducted in a manner consistent with Section I.

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6. If a request for physical distancing during an in-person court proceeding is granted, the measurement used for physical distancing must comply with authoritative or controlling government-issued health standards or guidance. *See* Section 768.38(3)(c)2., Florida Statutes.

A. Use of Technology.

(1) The presiding judge in all cases must consider the constitutional rights of crime victims and criminal defendants and the public's constitutional right of access to the courts.[7]

(2) To maximize the availability of facility space for trial court proceedings that must be conducted in person, each chief judge of a judicial circuit should take all necessary steps to support the remote conduct of other trial court proceedings with the use of technology, in accordance with this administrative order and other applicable standards and guidance as may be adopted by the Chief Justice or supreme court.[8]

(3) Participants who have the capability of participating by electronic means in remote appellate or trial court proceedings must do so.[9] For purposes of this administrative order, "remote

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7. Similar measures initially went into effect in Fla. Admin. Order No. AOSC20-17 on March 24, 2020, and were subsequently also addressed in Fla. Admin. Order No. AOSC20-23 and Fla. Admin. Order No. AOSC20-109.

8. Id.

9. This measure initially went into effect in Fla. Admin. Order No. AOSC20-23, Amendment 2, on May 21, 2020, and was subsequently also addressed in Fla. Admin. Order No. AOSC20-109.

conduct," "remotely conduct," or "conducted remotely" means the conduct, in part or in whole, of a court proceeding using telephonic or other electronic means.[10]

(4) All rules of procedure, court orders, and opinions applicable to court proceedings that limit or prohibit the use of communication equipment for the remote conduct of proceedings shall remain suspended.[11]

(5) The Chief Justice and chief judges remain authorized to establish procedures for the use, to the maximum extent feasible, of communication equipment for the remote conduct of proceedings to facilitate the efficient and expeditious processing of cases.[12]

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10. This measure initially went into effect in Fla. Admin. Order No. AOSC 20-23, Amendment 4, on June 16, 2020, and was subsequently also addressed in Fla. Admin. Order No. AOSC20-109.

11. This measure initially went into effect in Fla. Admin. Order No. AOSC 20-13 at the close of business on March 13, 2020, and was subsequently also addressed in Fla. Admin. Order No. AOSC 20-17, Fla. Admin. Order No. AOSC20-23, and Fla. Admin. Order No. AOSC20-109.

12. A similar measure initially went into effect in Fla. Admin. Order No. AOSC 20-13 on Friday, March 13, 2020, and was subsequently also addressed in Fla. Admin. Order No. AOSC 20-17, Fla. Admin. Order No. AOSC20-23, and Fla. Admin. Order No. AOSC20-109.

B. Administration of Oaths.

(1) Notaries and other persons qualified to administer an oath in the State of Florida may swear a witness remotely by audio-video communication technology from a location within the State of Florida, provided they can positively identify the witness.[13]

(2) If a witness is not located within the State of Florida, a witness may consent to being put on oath via audio-video communication technology by a person qualified to administer an oath in the State of Florida.[14]

(3) All rules of procedure, court orders, and opinions applicable to remote testimony, depositions, and other legal testimony, including the attestation of family law forms, that can be read to limit or prohibit the use of audio-video communication technology to administer oaths remotely or to witness the attestation of family law forms shall remain suspended.[15]

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13. This measure initially went into effect in Fla. Admin. Order No. AOSC 20-16 on March 18, 2020, and was subsequently also addressed in Fla. Admin. Order No. AOSC 20-17 and in Fla. Admin. Order No. AOSC20-23.

14. Id.

15. Id.

(4) Notaries and other persons qualified to administer an oath in the State of Florida may swear in new attorneys to The Florida Bar remotely by audio-video communication technology from a location within the State of Florida, provided they can positively identify the new attorney.[16]

(5) For purposes of the provisions regarding the administering of oaths, the term "positively identify" means that the notary or other qualified person can both see and hear the witness or new attorney via audio-video communication technology for purposes of readily identifying the witness or new attorney.[17]

C. Law School Practice Programs.[18]

(1) A supervising attorney in a law school practice program, under Rule 11-1.2(b) of the Rules Regulating The Florida Bar, may utilize audio-video communication technology to remotely supervise the law student in satisfaction of the requirement that the

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16. This measure initially went into effect in Fla. Admin. Order No. AOSC 20-23 on April 6, 2020, and was subsequently also addressed in Fla. Admin. Order No. AOSC20-109.

17. Id.

18. These measures initially went into effect in Fla. Admin. Order No. AOSC 20-23, Amendment 5, on July 2, 2020, and were subsequently also addressed in Fla. Admin. Order No. AOSC20-109.

supervising attorney be physically present. The supervising attorney and law student must maintain a separate, confidential communication channel during the proceedings.

(2) In a law school practice program, the requirement in Rule 11-1.2(b) of the Rules Regulating The Florida Bar that an indigent person and the supervising attorney must consent in writing to representation by a supervised law student may be satisfied by the judge receiving the consent verbally under oath.

D. Appellate Court Proceedings. Oral argument and other court proceedings and events may be conducted remotely or in person at the discretion of the Chief Justice or chief judge.[19]

19. Measures relating to appellate court proceedings initially went into effect in Fla. Admin. Order No. AOSC20-13 on March 13, 2020, and were subsequently also addressed in Fla. Admin. Order No. AOSC20-17, Fla. Admin. Order No. AOSC20-23, and Fla. Admin. Order No. AOSC20-109.

E. Trial Court Proceedings.[20]

(1) Juror Disqualifications, Excusals, and Postponements.[21] Each chief judge of a judicial circuit may authorize the remote conduct of a proceeding in which disqualifications or excusals pursuant to section 40.013, Florida Statutes, or postponements pursuant to section 40.23, Florida Statutes, may be considered for persons who are summoned as a pool for possible juror service as described in section 40.011(5)(b), Florida Statutes.

(2) Jury and Other Proceedings.

a. Non-statewide grand jury selection and proceedings, civil jury selection proceedings and trial proceedings, and criminal jury selection proceedings and trial proceedings must be conducted in person, unless a remote civil or criminal jury selection proceeding or trial proceeding is authorized under Section II.E.(3).

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20. Measures relating to trial court proceedings initially went into effect in Fla. Admin. Order No. AOSC20-13 on March 13, 2020, and were subsequently also addressed in Fla. Admin. Order No. AOSC20-15, Fla. Admin. Order No. AOSC20-16, Fla. Admin. Order No. AOSC20-17, Fla. Admin. Order No. AOSC20-18, Fla. Admin. Order No. AOSC20-19, and Fla. Admin. Order No. AOSC20-23.

21. This measure initially went into effect in Fla. Admin. Order No. AOSC20-23, Amendment 8, on November 23, 2020.

b. Hearings to determine whether an individual should be involuntarily committed under the Baker Act or the Marchman Act must be conducted in person unless that individual waives the right to physical presence at the hearing.

(3) Remote Civil and Criminal Jury Selection Proceedings and Trial Proceedings.[22]

a. A judicial circuit may remotely conduct:

i. Civil jury selection proceedings or trial proceedings if all parties consent to participating in the remote proceeding.

ii. Criminal jury selection proceedings or trial proceedings if:

1. The defendant provides consent in writing and orally on the record establishing that the defendant has knowingly, voluntarily, and intelligently agreed to the remote conduct of the proceeding;

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22. The measure authorizing remote civil jury proceedings initially went into effect in Fla. Admin. Order No. AOSC20-23, Amendment 3, on June 8, 2020, and the measure authorizing remote criminal jury proceedings initially went into effect in Fla. Admin. Order No. AOSC20-23, Amendment 9, on February 17, 2021.

2. Counsel for the defendant, if the defendant is represented, indicates orally on the record that they have discussed the potential advantages and disadvantages of remote conduct of the proceeding with the defendant and have concluded that the defendant has knowingly, voluntarily, and intelligently agreed to the remote conduct of the proceeding; and
3. The prosecutor indicates the State's and, if applicable, the victim's positions orally on the record regarding remote conduct of the proceeding for purposes of consideration by the presiding judge in determining whether to remotely conduct the proceeding.

b. A court proceeding to obtain the statements required to be provided orally on the record pursuant to Section II.E.(3)a.ii. may be remotely conducted.

c. The cases selected for a remote jury proceeding must be based upon the case being conducive to a remote proceeding and conducted pursuant to the requirements specified in the report

titled *Requirements and Evaluation Criteria – Remote Civil and Criminal Jury Trials* and other applicable standards and guidance as may be adopted by the Chief Justice or supreme court.

d. Within 30 days after the remote conduct of a jury selection proceeding or trial proceeding for the first time in a judicial circuit, the circuit must present the results of the proceeding and report its findings and recommendations to the Chief Justice through the state courts administrator.

(4) Other Trial Court Proceedings.[23] Trial court proceedings that are not addressed under Section II.E.(1), (2), or (3) may be conducted as follows:

a. Non-jury trials in:

i. Criminal cases may be conducted remotely if the requirements for certain statements specified in Section II.E.(3)a.ii. are satisfied or, if not, must be conducted in person.

ii. Termination of parental rights and juvenile delinquency cases may be conducted remotely if ordered by the chief

23. Similar measures initially went into effect in Fla. Admin. Order No. AOSC20-23, Amendment 1, on May 4, 2020.

judge or the presiding judge or, if not, must be conducted in person.

b. All other trial court proceedings may be conducted remotely or in person, except that a proceeding must be conducted in person if the chief judge or presiding judge determines that remote conduct of the proceeding is inconsistent with the United States or Florida Constitution, a statute, or a rule of court, a court order, or an opinion that has not been suspended by administrative order. Trial court proceedings shall continue to be remotely conducted, as appropriate, to facilitate the efficient and expeditious processing of cases.

(5) In-Person Trial Court Proceedings.[24] It is the responsibility of the chief judge to ensure that trial court proceedings that must be in person pursuant Section II.E.(2) or (4) are conducted to the fullest extent feasible consistent with Section I. Chief judges shall have the discretion to determine how best to utilize available trial court resources and facility space to conduct in-person proceedings,

24. Similar measures initially went into effect in Fla. Admin. Order No. AOSC20-23, Amendment 8, on November 23, 2020.

but before making such determination should consider the following priorities listed from highest to lowest:

a. Essential proceedings as previously identified in Section III.D.(1) of Fla. Admin. Order No. AOSC20-23, Amendment 13.

b. Circuit and county criminal trials with an in-custody defendant.

c. Circuit trials for juveniles being tried as an adult.

d. Juvenile delinquency trials.

e. Circuit and county criminal trials with an out-of-custody defendant.

f. Termination of parental rights trials.

g. Circuit civil jury trials.

h. County civil jury trials.

i. All other trial court proceedings.

(6) Case Resolution.[25] To maximize the resolution of all cases, chief judges:

a. Must direct all judges within their circuits to strictly comply with Florida Rule of General Practice and Judicial Administration 2.545(a), (b), and (e), which respectively require judges to conclude litigation as soon as it is reasonably and justly possible to do so, to take charge of all cases at an early stage and to control the progress of the case thereafter until it is determined, and to apply a firm continuance policy allowing continuances only for good cause shown.

b. Are encouraged, where consistent with public health and safety, to:

a. Use non-traditional facilities or underutilized courthouse space to increase the court's capacity for in-person proceedings.

b. Reassign judges and court staff to proceedings having the highest priority.

c. Implement scheduling practices that promote the conduct of as many jury trials as feasible. Consistent with Section II.E.(5),

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25. Id.

the scheduling of trials in criminal cases should be prioritized to facilitate the prompt resolution of these cases.

d. Communicate to the local Bar that lawyers must strictly comply with Florida Rule of General Practice and Judicial Administration 2.545(a), which requires lawyers to conclude litigation as soon as it is reasonably and justly possible to do so, and that the pandemic alone is not a basis for a lawyer's failure to prepare a case for trial or otherwise actively manage a case.

(7) Civil Case Management.[26] To maximize the resolution of civil cases, chief judges were required to have issued an administrative order applicable to each county within the judicial circuit, except as provided in Section II.E.(7)b., that took effect on April 30, 2021, to require the presiding judge for each civil case[27] to actively manage civil cases in the manner specified below.

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26. These measures initially went into effect in Fla. Admin. Order No. AOSC20-23, Amendment 10, on March 9, 2021.

27. As used in Section II.E.(7), the term "civil case" means actions to which the Florida Rules of Civil Procedure apply, as identified in Florida Rule of Civil Procedure 1.010, and actions in which the court has ordered that the action proceed under one or more of the Florida Rules of Civil Procedure pursuant to Florida Small Claims Rule 7.020(c) if the deadline for the trial date specified in Florida Small Claims Rule 7.090(d) no longer applies in the

a. The administrative order must have:

i. Required review of each civil case to determine whether it is complex, streamlined, or general.

1. Complex civil cases are actions that have been or may be designated by court order as complex under Florida Rule of Civil Procedure 1.201. Upon such designation, the action must proceed as provided in the rule.

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action, but does not include actions subject to section 51.011, Florida Statutes, post-judgment proceedings, and writs to which Florida Rule of Civil Procedure 1.630 applies. *See* Florida Rule of Civil Procedure 1.010 (stating that the Florida Rules of Civil Procedure "apply to all actions of a civil nature and all special statutory proceedings in the circuit courts and county courts except those to which the Florida Probate Rules, the Florida Family Law Rules of Procedure, or the Small Claims Rules apply."); Florida Small Claims Rule 7.020(c) (stating that "In any particular action, the court may order that action to proceed under 1 or more additional Florida Rules of Civil Procedure on application of any party or the stipulation of all parties or on the court's own motion."); Florida Small Claims Rule 7.090(d) (providing that the trial in a small claims action must be set not more than 60 days from the date of the pretrial conference except as otherwise specified); Florida Rule of Civil Procedure 1.630 (addressing actions for the issuance of writs of mandamus, prohibition, quo warranto, and habeas corpus); and section 51.011, Florida Statutes (providing a summary procedure for the resolution of certain actions when specified by statute or rule).

2. Streamlined civil cases must be identified based on criteria determined by the chief judge and specified in the administrative order. Criteria that the chief judge may wish to consider for the identification of streamlined cases include whether the case involves: few parties; non-complex issues related to liability and damages; few anticipated pretrial motions; limited need for discovery; few witnesses; minimal documentary evidence; and an anticipated trial length of less than two days.
3. General civil cases are all other civil cases.

ii. Required the presiding judge to issue a case management order for each streamlined and general civil case that at a minimum specifies the deadlines for service of complaints, service under extensions, and adding new parties and the deadlines by which: fact and expert discovery must be completed; all objections to pleadings and pretrial motions must be resolved; and mediation must have occurred. The case management order must also specify the projected date of trial; indicate that the

deadlines established in the order will be strictly enforced by the court; indicate that a firm trial date will be ordered by the presiding judge when the case is at issue pursuant to Florida Rule of Civil Procedure 1.440; and address any other matters required by the chief judge. If the streamlined or general civil case is:

1. Subject to dismissal for a lack of prosecution pursuant to Florida Rule of Civil Procedure 1.420(e), a case management order is required only if the court determines that the action should remain pending and must be issued within 30 days after such determination.
2. Subject to a statutory stay or a moratorium preventing the prosecution of the case, the case management order must be issued in a case filed:
    - On or after April 30, 2021, within 45 days after the stay or the moratorium ends or within 30 days after service of the complaint on the last of all named defendants, whichever date is later; or

- Before April 30, 2021, by December 3, 2021, within 45 days after the stay or the moratorium ends, or within 30 days after service of the complaint on the last of all named defendants, whichever date is later. The case management order must address each deadline identified under Section II.E.(7)a.ii. and the projected date for trial if such event has not yet occurred in the case or has not yet been specified by other court order.

3. Not subject to a statutory stay or a moratorium, the case management order must be issued in a case filed:
   - On or after April 30, 2021, within 30 days after service of the complaint on the last of all named defendants; or
   - Before April 30, 2021, the case management order must be issued by December 3, 2021. The case management order must address each deadline identified under Section II.E.(7)a.ii. and the projected date for trial if such event has not

yet occurred in the case or has not yet been specified by other court order.

iii. Established maximum periods within which the deadlines required by Section II.E.(7)a.ii. and the projected date of trial must be set in the case management order. The maximum periods must be differentiated based on whether the civil case is streamlined or general and must be consistent with the time standards specified in Florida Rule of General Practice and Judicial Administration 2.250(a)(1)(B) for the completion of civil cases.

b. If a judicial circuit or county within the judicial circuit was implementing a written civil case management protocol as of March 9, 2021, that required the entry of a case management order for each civil case that addressed each deadline identified under Section II.E.(7)a.ii. and the projected date for trial, the chief judge is authorized to continue to use the protocol in the judicial circuit or county instead of issuing the administrative order required by this section.

c. Each administrative order issued by the chief judge pursuant to this section and written civil case management protocol described in Section II.E.(7)b. was required to be submitted to the chair of the Workgroup on the Improved Resolution of Civil Cases, as established by *In Re: Workgroup on Improved Resolution of Civil Cases*, Fla. Admin. Order No. AOSC19-73 (Oct. 31, 2019), by May 7, 2021. If subsequently amended, the administrative order or protocol must be submitted to the chair of the workgroup within seven days after the amendment is issued.

(8) Speedy Trial in Criminal Court Proceedings.[28]

a. All time periods involving the speedy trial procedure in criminal court proceedings remain suspended until the close of business on:

i. October 4, 2021, for persons who were taken into custody[29] before March 14, 2020. When the suspension

28. This measure initially went into effect in Fla. Admin. Order No. AOSC20-13 at the close of business on March 13, 2020, and was subsequently also addressed in Fla. Admin. Order No. AOSC20-17 and in Fla. Admin. Order No. AOSC20-23.

29. As used in Section II.E.(8)a., the term "taken into custody" has the same meaning as provided in Florida Rule of Criminal Procedure 3.191(d).

ends and the time periods resume, any time that accrued under the procedure for a person before the suspension began at the close of business on March 13, 2020, must be subtracted from the time periods provided by the procedure. *See, e.g.*, *Sullivan v. State*, 913 So. 2d 762 (Fla. 5th DCA 2005), and *State v. Hernandez*, 617 So. 2d 1103 (Fla. 3rd DCA 1993).

ii. January 3, 2022, for persons who were taken into custody on or after March 14, 2020.

b. When the time periods involving the speedy trial procedure resume under Section II.E.(8)a.:

i. The 10-day time period in Florida Rule of Criminal Procedure 3.191(p)(3) is increased to 30 days; and

ii. Florida Rule of Criminal Procedure 3.191(*l*) is modified to authorize a court to order an extension of the time periods provided under the rule for the following exceptional circumstances: general congestion of the court's docket, a lack of courtroom space, an unavailability of jurors, or a personnel shortage for

public defenders, state attorneys, clerks of court, or the courts.

(9) Speedy Trial in Juvenile Court Proceedings.[30] All time periods involving the speedy trial procedure in juvenile court proceedings remain suspended until the close of business on October 4, 2021. When the suspension ends and the time periods resume, any time that accrued under the procedure for a juvenile before the suspension began at the close of business on March 13, 2020, must be subtracted from the time periods provided by the procedure. *See, e.g., Sullivan v. State*, 913 So. 2d 762 (Fla. 5th DCA 2005), and *State v. Hernandez*, 617 So. 2d 1103 (Fla. 3rd DCA 1993).

(10) Incompetence to Proceed.[31] Where exigencies make it impossible to meet the 20-day time period in Florida Rule of Criminal Procedure 3.210(b), chief judges of the circuit courts

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30. This measure initially went into effect in Fla. Admin. Order No. AOSC20-13 at the close of business on March 13, 2020, and was subsequently also addressed in Fla. Admin. Order No. AOSC 20-17 and in Fla. Admin. Order No. AOSC20-23.

31. This measure initially went into effect in Fla. Admin. Order No. AOSC20-17 on March 24, 2020, and was subsequently also addressed in Fla. Admin. Order No. AOSC20-23.

remain authorized to direct judges to hold competency hearings as soon as feasible after the date of filing a motion to determine competency. Chief judges also remain authorized to allow experts and attorneys to conduct and attend competency evaluations by remote means, if feasible.

(11) Defendants Arrested on Warrant or Capias from Another Florida Jurisdiction.[32] To mitigate the health risks associated with the incarceration and transportation of defendants during the pandemic, when a defendant is arrested on a warrant or capias from another Florida jurisdiction, chief judges of the circuit courts remain encouraged to facilitate communication between the circuit or county where the case originated ("home court") and the circuit or county where the defendant is incarcerated ("holding court"), for the handling of matters on a temporary basis, as follows:

a. Pretrial Release and First Appearance Hearings. Chief judges remain authorized to direct judges conducting pretrial release and first appearance hearings to address detention and

32. These measures initially took effect in Fla. Admin. Order No. AOSC20-17 on March 24, 2020, and were subsequently also addressed in Fla. Admin. Order No. AOSC20-23.

monetary bond or other conditions of pretrial release in the county of arrest, regardless of whether the case is transferred, rather than requiring transport of the defendant to the county where any warrant or capias originated.

For capiases and violation of probation warrants, before setting monetary bond or other conditions of pretrial release, the first appearance judge, in order to make a proper decision regarding monetary bond or other conditions of pretrial release, must rely on relevant information from the following individuals in the county that issued the capias or warrant: the issuing judge, defense counsel if any, and the state attorney.

Action taken by the holding court at first appearance and any pretrial release hearing should be promptly reported to the home court and reflected in the record of the case.

Any provision of Florida Rule of Criminal Procedure 3.131 inconsistent with these measures remains suspended.

b. Pleas. Judges remain encouraged to coordinate with prosecutors, attorneys, defendants, and victims in order to utilize section 910.035, Florida Statutes, which allows for pleas of guilty or nolo contendere for persons arrested in counties outside of the

county of prosecution, upon the consent of the defendant and the state attorney in the county where the crime was committed.

c. Rights of Parties. In cases that are not handled by a plea or pretrial release such that the defendant will continue to be detained in the jurisdiction of the holding court for an indefinite period of time, chief judges are directed to ensure that the due process rights of the defendant are protected by facilitating the temporary transfer of the case to the holding court, if necessary; by having a judge from the holding court designated by the Chief Justice, or designated by the chief judge if the home and holding court are within the same circuit, as a judge of the home court to handle emergency or other necessary matters in the case; or by other appropriate means.

d. Victims. The constitutional rights of crime victims must also be considered in all cases by the presiding judge.

(12) Speedy Trial in Noncriminal Traffic Infraction Court Proceedings.[33] The time period involving the speedy trial procedure in noncriminal traffic infraction court proceedings remains suspended until the close of business on October 4, 2021. When the suspension ends and the time period resumes, any time that accrued under the procedure for a person before the suspension began at the close of business on March 13, 2020, must be subtracted from the time period provided by the procedure.

(13) Family Law Forms.[34] Except as indicated below, the requirement that Florida Family Law Forms be notarized or signed in the presence of a deputy clerk remains suspended, if the filer includes the following statement before the filer's signature:

> Under penalties of perjury, I declare that I have read this document and the facts stated in it are true.

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33. This measure initially went into effect in Fla. Admin. Order No. AOSC20-19 at the close of business on March 13, 2020, and was subsequently also addressed in Fla. Admin. Order No. AOSC20-23.

34. This measure initially took effect in Fla. Admin. Order No. AOSC 20-17 on March 24, 2020, and was subsequently also addressed in Fla. Admin. Order No. AOSC20-23.

This exception does not apply to Florida Family Law Forms 12.902(f)(1), Marital Settlement Agreement for Dissolution of Marriage with Dependent or Minor Child(ren), 12.902(f)(2), Marital Settlement Agreement for Dissolution of Marriage with Property but No Dependent or Minor Child(ren), 12.902(f)(3), Marital Settlement Agreement for Simplified Dissolution of Marriage, and any other family law form that transfers the ownership of property, which must continue to be notarized or signed in the presence of a deputy clerk prior to filing.

(14) Objections to In-Person Visitation for Children under the Protective Supervision of the Florida Department of Children and Families (DCF). A caregiver for a child subject to the protective supervision of the DCF may object to the in-person nature of a visitation on grounds that risks due to COVID-19 will negatively affect the health or safety of a person participating in the visitation or of a member of that person's household. The court must consider such objection and responses thereto before entering an order on visitation. This section applies to parent-child visitation, sibling visitation, and visitation between children and other family members and non-relatives.

* * *

Additional orders extending or modifying these measures will be issued as warranted to mitigate the effects of the public health emergency on the judicial branch and its participants.

DONE AND ORDERED at Tallahassee, Florida, on June 4, 2021.

AOSC21-17 06/04/2021

Chief Justice Charles T. Canady

AOSC21-17 06/04/2021

ATTEST:

AOSC21-17 06/04/2021

John A. Tomasino, Clerk of Court

AOSC21-17 06/04/2021

AO 21-17 (1) | FLORIDA SUPREME COURT

YEAR: 2021

NUMBER: 17

TITLE: IN RE: COVID-19 HEALTH AND SAFETY PROTOCOLS AND EMERGENCY OPERATIONAL MEASURES FOR FLORIDA APPELLATE AND TRIAL COURTS

PAGES: 32

Supreme Court of Florida

No. AOSC21-17
Amendment 1[1]

IN RE: COVID-19 HEALTH AND SAFETY PROTOCOLS AND EMERGENCY OPERATIONAL MEASURES FOR FLORIDA APPELLATE AND TRIAL COURTS

ADMINISTRATIVE ORDER

As a result of the Coronavirus Disease 2019 (COVID-19) pandemic, the Secretary of the United States Department of Health and Human Services renewed the determination that a public health emergency exists in the United States effective as of July 20,

1. This amended administrative order updates the introductory paragraphs to delete references to certain declarations of emergencies in this state that have expired; reflect the latest status for the declaration of a national public health emergency and the latest change in health guidance by the CDC; state the purpose for the amended order; and delete provisions specifying an effective date and terminating certain administrative orders, which are now obsolete due to the passage of time. This amended administrative order also deletes provisions that are now obsolete due to the passage of time in Sections I.A. and II.; modifies the health and safety protocols in Section I.B. and expands their application to a courthouse, rather than during an in-person court proceeding only; creates an exception to these protocols in Section I.C.; and modifies provisions governing the conduct of Baker Act and Marchman Act hearings and other trial court proceedings in Sections II.E.(2) and (4).

2021. Further, due to increasing new COVID-19 variant cases throughout the nation, the Centers for Disease Control and Prevention (CDC) revised its health guidance for vaccinated and unvaccinated persons on July 27, 2021.

To mitigate the effects of the public health emergency upon the judicial branch and its participants during and after the emergency, I have issued administrative orders implementing temporary measures essential to the administration of justice to address the pandemic and to keep the courts operating to the fullest extent consistent with public safety.[2] In order to address the most recent

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2. *In re: COVID-19 Emergency Procedures in the Florida State Courts*, Fla. Admin. Order No. AOSC20-13 (March 13, 2020); *In re: COVID-19 Essential and Critical Trial Court Proceedings,* Fla. Admin. Order No. AOSC20-15 (March 17, 2020); *In re: COVID-19 Emergency Procedures for the Administering of Oaths via Remote Audio-Video Communication Equipment,* Fla. Admin. Order No. AOSC20-16 (March 18, 2020); *In re: COVID-19 Emergency Measures in the Florida State Courts*, Fla. Admin. Order No. AOSC20-17 (March 24, 2020); *In re: COVID-19 Emergency Procedures in Relation to Visitation for Children Under the Protective Supervision of the Department of Children and Families*, Fla. Admin. Order No. AOSC20-18 (March 27, 2020); *In re: COVID-19 Emergency Procedures for Speedy Trial in Noncriminal Traffic Infraction Court Proceedings*, Fla. Admin Order No. AOSC20-19 (March 30, 2020); *In re: Comprehensive COVID-19 Emergency Measures for the Florida State Courts*, Fla. Admin. Order No. AOSC20-23 (April 6, 2020) and as amended thereafter; *In re: COVID-19 Public Health and Safety*

developments and continue to mitigate the effects of the public health emergency on the judicial branch and its participants during and after the emergency, this amended order is issued to modify and extend previously enacted temporary health and safety protocols and emergency operational measures. These protocols and measures shall remain in effect until amended or terminated by subsequent order.

Under the administrative authority conferred upon me by article V, section 2(b) of the Florida Constitution, by Florida Rules of General Practice and Judicial Administration 2.205(a)(2)(B)(iv) and 2.205(a)(2)(B)(v), and by Rule Regulating The Florida Bar 1-12.1(j),

IT IS ORDERED that:

I. HEALTH AND SAFETY PROTOCOLS

A. Implementation. The health and safety protocols under Section I.B. or I.C. must be implemented by all courts by August 2, 2021. Each court must continue operating pursuant to its Phase 2

Precautions for Phase 2, Fla. Admin. Order No. AOSC20-32 (May 21, 2020) and as amended thereafter; and *In re: Comprehensive COVID-19 Emergency Measures for Florida Appellate Courts*, Fla. Admin. Order No. AOSC20-109 (Nov. 23, 2020) and as amended thereafter.

operational plan, established under Fla. Admin. Order No. AOSC20-32, Amendment 8, until such implementation occurs.

B. Protocols.[3] Unless required by federal, state, or local laws, rules, or regulations or unless authorized by Section I.C., a court may not require the wearing of face masks[4] or physical distancing in a courthouse;[5] however, a person in a courthouse may choose to wear a face mask. Further, during an in-person court proceeding:[6]

(1) A face mask must be provided upon request to a participant or observer. The Chief Justice or a chief judge may

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3. In the case of a multi-use facility or building, the protocols in Sections I.B. and I.C. are not intended to govern activities inside of the separate offices of other constitutional officers.

4. As used in this order, the term "face mask" refers to face masks that completely cover the nose and mouth and that fit snugly around the nose, chin, and sides of the face as described by the CDC. *See Your Guide to Masks*, CDC (June 29, 2021).

5. As used in this order, the term "courthouse" means any portion of a facility or building that houses jury assembly rooms, courtrooms, hearing rooms, judicial officers, or court staff or areas where court business is conducted, whether or not that facility or building is formally called a courthouse.

6. As used in this order, the term "in-person court proceeding" means the assembly of prospective jurors, voir dire, juror deliberations, and any status conference, hearing, trial, or other proceeding conducted by a justice, judge, magistrate, or hearing officer if conducted in person and other court events conducted in person as may be determined by the Chief Justice or chief judge.

adopt a policy addressing the use of face masks with clear plastic panels during in-person court proceedings. If adopted, the policy must apply consistently across all in-person court proceedings in the same courthouse.

(2) Participants may request to be physically distanced. The court will address such requests as appropriate under the circumstances at the time of the request.

C. Exception.

(1) If warranted by local health conditions, the Chief Justice or a chief judge may require either or both of the following health and safety protocols:

a. The wearing of face masks by all persons in a courthouse or in any portion thereof. As determined by the Chief Justice or a chief judge, such requirement may apply at all times or during certain periods only.

b. Physical distancing during an in-person court proceeding.

(2) Notice of a protocol required under Section I.C.(1) must be prominently displayed on the court's website. When local health conditions no longer warrant either or both of the requirements, the

court must return to implementation of the applicable protocol under Section I.B.

II. EMERGENCY OPERATIONAL MEASURES

The following provisions govern remote and in-person conduct of appellate and trial court proceedings, as applicable. All in-person court proceedings must be conducted in a manner consistent with Section I.

A. Use of Technology.

(1) The presiding judge in all cases must consider the constitutional rights of crime victims and criminal defendants and the public's constitutional right of access to the courts.[7]

(2) To maximize the availability of facility space for trial court proceedings that must be conducted in person, each chief judge of a judicial circuit should take all necessary steps to support the remote conduct of other trial court proceedings with the use of technology, in accordance with this administrative order and other

7. Similar measures initially went into effect in Fla. Admin. Order No. AOSC20-17 on March 24, 2020, and were subsequently also addressed in Fla. Admin. Order No. AOSC20-23 and Fla. Admin. Order No. AOSC20-109.

applicable standards and guidance as may be adopted by the Chief Justice or supreme court.[8]

(3) Participants who have the capability of participating by electronic means in remote appellate or trial court proceedings must do so.[9] For purposes of this administrative order, "remote conduct," "remotely conduct," or "conducted remotely" means the conduct, in part or in whole, of a court proceeding using telephonic or other electronic means.[10]

(4) All rules of procedure, court orders, and opinions applicable to court proceedings that limit or prohibit the use of communication equipment for the remote conduct of proceedings shall remain suspended.[11]

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8. *Id.*

9. This measure initially went into effect in Fla. Admin. Order No. AOSC20-23, Amendment 2, on May 21, 2020, and was subsequently also addressed in Fla. Admin. Order No. AOSC20-109.

10. This measure initially went into effect in Fla. Admin. Order No. AOSC 20-23, Amendment 4, on June 16, 2020, and was subsequently also addressed in Fla. Admin. Order No. AOSC20-109.

11. This measure initially went into effect in Fla. Admin. Order No. AOSC 20-13 at the close of business on March 13, 2020, and was subsequently also addressed in Fla. Admin. Order No. AOSC 20-17, Fla. Admin. Order No. AOSC20-23, and Fla. Admin. Order No. AOSC20-109.

(5) The Chief Justice and chief judges remain authorized to establish procedures for the use, to the maximum extent feasible, of communication equipment for the remote conduct of proceedings to facilitate the efficient and expeditious processing of cases.[12]

B. Administration of Oaths.

(1) Notaries and other persons qualified to administer an oath in the State of Florida may swear a witness remotely by audio-video communication technology from a location within the State of Florida, provided they can positively identify the witness.[13]

(2) If a witness is not located within the State of Florida, a witness may consent to being put on oath via audio-video communication technology by a person qualified to administer an oath in the State of Florida.[14]

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12. A similar measure initially went into effect in Fla. Admin. Order No. AOSC 20-13 on Friday, March 13, 2020, and was subsequently also addressed in Fla. Admin. Order No. AOSC 20-17, Fla. Admin. Order No. AOSC20-23, and Fla. Admin. Order No. AOSC20-109.

13. This measure initially went into effect in Fla. Admin. Order No. AOSC 20-16 on March 18, 2020, and was subsequently also addressed in Fla. Admin. Order No. AOSC 20-17 and in Fla. Admin. Order No. AOSC20-23.

14. *Id.*

(3) All rules of procedure, court orders, and opinions applicable to remote testimony, depositions, and other legal testimony, including the attestation of family law forms, that can be read to limit or prohibit the use of audio-video communication technology to administer oaths remotely or to witness the attestation of family law forms shall remain suspended.[15]

(4) Notaries and other persons qualified to administer an oath in the State of Florida may swear in new attorneys to The Florida Bar remotely by audio-video communication technology from a location within the State of Florida, provided they can positively identify the new attorney.[16]

(5) For purposes of the provisions regarding the administering of oaths, the term "positively identify" means that the notary or other qualified person can both see and hear the witness or new attorney via audio-video communication technology for purposes of readily identifying the witness or new attorney.[17]

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15. *Id.*

16. This measure initially went into effect in Fla. Admin. Order No. AOSC 20-23 on April 6, 2020, and was subsequently also addressed in Fla. Admin. Order No. AOSC20-109.

17. *Id.*

C. Law School Practice Programs.[18]

(1) A supervising attorney in a law school practice program, under Rule 11-1.2(b) of the Rules Regulating The Florida Bar, may utilize audio-video communication technology to remotely supervise the law student in satisfaction of the requirement that the supervising attorney be physically present. The supervising attorney and law student must maintain a separate, confidential communication channel during the proceedings.

(2) In a law school practice program, the requirement in Rule 11-1.2(b) of the Rules Regulating The Florida Bar that an indigent person and the supervising attorney must consent in writing to representation by a supervised law student may be satisfied by the judge receiving the consent verbally under oath.

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18. These measures initially went into effect in Fla. Admin. Order No. AOSC 20-23, Amendment 5, on July 2, 2020, and were subsequently also addressed in Fla. Admin. Order No. AOSC20-109.

D. Appellate Court Proceedings. Oral argument and other court proceedings and events may be conducted remotely or in person at the discretion of the Chief Justice or chief judge.[19]

E. Trial Court Proceedings.[20]

(1) Juror Disqualifications, Excusals, and Postponements.[21] Each chief judge of a judicial circuit may authorize the remote conduct of a proceeding in which disqualifications or excusals pursuant to section 40.013, Florida Statutes, or postponements pursuant to section 40.23, Florida Statutes, may be considered for persons who are summoned as a pool for possible juror service as described in section 40.011(5)(b), Florida Statutes.

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19. Measures relating to appellate court proceedings initially went into effect in Fla. Admin. Order No. AOSC20-13 on March 13, 2020, and were subsequently also addressed in Fla. Admin. Order No. AOSC20-17, Fla. Admin. Order No. AOSC20-23, and Fla. Admin. Order No. AOSC20-109.

20. Measures relating to trial court proceedings initially went into effect in Fla. Admin. Order No. AOSC20-13 on March 13, 2020, and were subsequently also addressed in Fla. Admin. Order No. AOSC20-15, Fla. Admin. Order No. AOSC20-16, Fla. Admin. Order No. AOSC20-17, Fla. Admin. Order No. AOSC20-18, Fla. Admin. Order No. AOSC20-19, and Fla. Admin. Order No. AOSC20-23.

21. This measure initially went into effect in Fla. Admin. Order No. AOSC20-23, Amendment 8, on November 23, 2020.

(2) Jury and Other Proceedings. Non-statewide grand jury selection and proceedings, civil jury selection proceedings and trial proceedings, and criminal jury selection proceedings and trial proceedings must be conducted in person, unless a remote civil or criminal jury selection proceeding or trial proceeding is authorized under Section II.E.(3).

(3) Remote Civil and Criminal Jury Selection Proceedings and Trial Proceedings.[22]

a. A judicial circuit may remotely conduct:

i. Civil jury selection proceedings or trial proceedings if all parties consent to participating in the remote proceeding.

ii. Criminal jury selection proceedings or trial proceedings if:

1. The defendant provides consent in writing and orally on the record establishing that the defendant has

22. The measure authorizing remote civil jury proceedings initially went into effect in Fla. Admin. Order No. AOSC20-23, Amendment 3, on June 8, 2020, and the measure authorizing remote criminal jury proceedings initially went into effect in Fla. Admin. Order No. AOSC20-23, Amendment 9, on February 17, 2021.

knowingly, voluntarily, and intelligently agreed to the remote conduct of the proceeding;

2. Counsel for the defendant, if the defendant is represented, indicates orally on the record that they have discussed the potential advantages and disadvantages of remote conduct of the proceeding with the defendant and have concluded that the defendant has knowingly, voluntarily, and intelligently agreed to the remote conduct of the proceeding; and

3. The prosecutor indicates the State's and, if applicable, the victim's positions orally on the record regarding remote conduct of the proceeding for purposes of consideration by the presiding judge in determining whether to remotely conduct the proceeding.

b. A court proceeding to obtain the statements required to be provided orally on the record pursuant to Section II.E.(3)a.ii. may be remotely conducted.

c. The cases selected for a remote jury proceeding must be based upon the case being conducive to a remote proceeding and conducted pursuant to the requirements specified in the report titled *Requirements and Evaluation Criteria – Remote Civil and Criminal Jury Trials* and other applicable standards and guidance as may be adopted by the Chief Justice or supreme court.

d. Within 30 days after the remote conduct of a jury selection proceeding or trial proceeding for the first time in a judicial circuit, the circuit must present the results of the proceeding and report its findings and recommendations to the Chief Justice through the state courts administrator.

(4) Other Trial Court Proceedings.[23] Trial court proceedings that are not addressed under Section II.E.(1), (2), or (3) may be conducted as follows:

a. Non-jury trials in:

i. Criminal cases may be conducted remotely if the requirements for certain statements specified in Section

23. Similar measures initially went into effect in Fla. Admin. Order No. AOSC20-23, Amendment 1, on May 4, 2020.

II.E.(3)a.ii. are satisfied or, if not, must be conducted in person.

ii. Termination of parental rights and juvenile delinquency cases may be conducted remotely if ordered by the chief judge or the presiding judge or, if not, must be conducted in person.

b. 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.

c. All other trial court proceedings:

i. Must be conducted remotely if requested by a party unless the chief judge or presiding judge determines that the interests of justice require the proceeding to be conducted in person.

ii. Should be conducted remotely, as appropriate, to facilitate the efficient and expeditious processing of cases, except that a proceeding must be conducted in person if the chief judge or presiding judge determines that remote conduct of the proceeding is inconsistent

with the United States or Florida Constitution, a statute, or a rule of court, a court order, or an opinion that has not been suspended by administrative order.

(5) In-Person Trial Court Proceedings.[24] It is the responsibility of the chief judge to ensure that trial court proceedings that must be in person pursuant Section II.E.(2) or (4) are conducted to the fullest extent feasible consistent with Section I. Chief judges shall have the discretion to determine how best to utilize available trial court resources and facility space to conduct in-person proceedings, but before making such determination should consider the following priorities listed from highest to lowest:

a. Essential proceedings as previously identified in Section III.D.(1) of Fla. Admin. Order No. AOSC20-23, Amendment 13.

b. Circuit and county criminal trials with an in-custody defendant.

c. Circuit trials for juveniles being tried as an adult.

d. Juvenile delinquency trials.

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24. Similar measures initially went into effect in Fla. Admin. Order No. AOSC20-23, Amendment 8, on November 23, 2020.

e. Circuit and county criminal trials with an out-of-custody defendant.

f. Termination of parental rights trials.

g. Circuit civil jury trials.

h. County civil jury trials.

i. All other trial court proceedings.

(6) Case Resolution.[25] To maximize the resolution of all cases, chief judges:

a. Must direct all judges within their circuits to strictly comply with Florida Rule of General Practice and Judicial Administration 2.545(a), (b), and (e), which respectively require judges to conclude litigation as soon as it is reasonably and justly possible to do so, to take charge of all cases at an early stage and to control the progress of the case thereafter until it is determined, and to apply a firm continuance policy allowing continuances only for good cause shown.

b. Are encouraged, where consistent with public health and safety, to:

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25. *Id.*

i. Use non-traditional facilities or underutilized courthouse space to increase the court's capacity for in-person proceedings.

ii. Reassign judges and court staff to proceedings having the highest priority.

iii. Implement scheduling practices that promote the conduct of as many jury trials as feasible. Consistent with Section II.E.(5), the scheduling of trials in criminal cases should be prioritized to facilitate the prompt resolution of these cases.

iv. Communicate to the local Bar that lawyers must strictly comply with Florida Rule of General Practice and Judicial Administration 2.545(a), which requires lawyers to conclude litigation as soon as it is reasonably and justly possible to do so, and that the pandemic alone is not a basis for a lawyer's failure to prepare a case for trial or otherwise actively manage a case.

(7) Civil Case Management.[26] To maximize the resolution of civil cases, chief judges were required to have issued an administrative order applicable to each county within the judicial circuit, except as provided in Section II.E.(7)b., that took effect on April 30, 2021, to require the presiding judge for each civil case[27] to actively manage civil cases in the manner specified below.

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26. These measures initially went into effect in Fla. Admin. Order No. AOSC20-23, Amendment 10, on March 9, 2021.

27. As used in Section II.E.(7), the term "civil case" means actions to which the Florida Rules of Civil Procedure apply, as identified in Florida Rule of Civil Procedure 1.010, and actions in which the court has ordered that the action proceed under one or more of the Florida Rules of Civil Procedure pursuant to Florida Small Claims Rule 7.020(c) if the deadline for the trial date specified in Florida Small Claims Rule 7.090(d) no longer applies in the action, but does not include actions subject to section 51.011, Florida Statutes, post-judgment proceedings, and writs to which Florida Rule of Civil Procedure 1.630 applies. *See* Florida Rule of Civil Procedure 1.010 (stating that the Florida Rules of Civil Procedure "apply to all actions of a civil nature and all special statutory proceedings in the circuit courts and county courts except those to which the Florida Probate Rules, the Florida Family Law Rules of Procedure, or the Small Claims Rules apply."); Florida Small Claims Rule 7.020(c) (stating that "In any particular action, the court may order that action to proceed under 1 or more additional Florida Rules of Civil Procedure on application of any party or the stipulation of all parties or on the court's own motion."); Florida Small Claims Rule 7.090(d) (providing that the trial in a small claims action must be set not more than 60 days from the date of the pretrial conference except as otherwise specified); Florida Rule of Civil Procedure 1.630 (addressing actions

a. The administrative order must have:

i. Required review of each civil case to determine whether it is complex, streamlined, or general.

1. Complex civil cases are actions that have been or may be designated by court order as complex under Florida Rule of Civil Procedure 1.201. Upon such designation, the action must proceed as provided in the rule.

2. Streamlined civil cases must be identified based on criteria determined by the chief judge and specified in the administrative order. Criteria that the chief judge may wish to consider for the identification of streamlined cases include whether the case involves: few parties; non-complex issues related to liability and damages; few anticipated pretrial motions; limited need for discovery; few witnesses; minimal

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for the issuance of writs of mandamus, prohibition, quo warranto, and habeas corpus); and section 51.011, Florida Statutes (providing a summary procedure for the resolution of certain actions when specified by statute or rule).

documentary evidence; and an anticipated trial length of less than two days.

3. General civil cases are all other civil cases.

ii. Required the presiding judge to issue a case management order for each streamlined and general civil case that at a minimum specifies the deadlines for service of complaints, service under extensions, and adding new parties and the deadlines by which: fact and expert discovery must be completed; all objections to pleadings and pretrial motions must be resolved; and mediation must have occurred. The case management order must also specify the projected date of trial; indicate that the deadlines established in the order will be strictly enforced by the court; indicate that a firm trial date will be ordered by the presiding judge when the case is at issue pursuant to Florida Rule of Civil Procedure 1.440; and address any other matters required by the chief judge. If the streamlined or general civil case is:

1. Subject to dismissal for a lack of prosecution pursuant to Florida Rule of Civil Procedure 1.420(e), a case

management order is required only if the court determines that the action should remain pending and must be issued within 30 days after such determination.

2. Subject to a statutory stay or a moratorium preventing the prosecution of the case, the case management order must be issued in a case filed:

    - On or after April 30, 2021, within 45 days after the stay or the moratorium ends or within 30 days after service of the complaint on the last of all named defendants, whichever date is later; or
    - Before April 30, 2021, by December 3, 2021, within 45 days after the stay or the moratorium ends, or within 30 days after service of the complaint on the last of all named defendants, whichever date is later. The case management order must address each deadline identified under Section II.E.(7)a.ii. and the projected date for trial if such event has not yet occurred in the

case or has not yet been specified by other court order.

3. Not subject to a statutory stay or a moratorium, the case management order must be issued in a case filed:
    - On or after April 30, 2021, within 30 days after service of the complaint on the last of all named defendants; or
    - Before April 30, 2021, the case management order must be issued by December 3, 2021. The case management order must address each deadline identified under Section II.E.(7)a.ii. and the projected date for trial if such event has not yet occurred in the case or has not yet been specified by other court order.

iii. Established maximum periods within which the deadlines required by Section II.E.(7)a.ii. and the projected date of trial must be set in the case management order. The maximum periods must be differentiated based on whether the civil case is streamlined or general and must be consistent with the

time standards specified in Florida Rule of General Practice and Judicial Administration 2.250(a)(1)(B) for the completion of civil cases.

b. If a judicial circuit or county within the judicial circuit was implementing a written civil case management protocol as of March 9, 2021, that required the entry of a case management order for each civil case that addressed each deadline identified under Section II.E.(7)a.ii. and the projected date for trial, the chief judge is authorized to continue to use the protocol in the judicial circuit or county instead of issuing the administrative order required by this section.

c. Each administrative order issued by the chief judge pursuant to this section and written civil case management protocol described in Section II.E.(7)b. was required to be submitted to the chair of the Workgroup on the Improved Resolution of Civil Cases, as established by *In Re: Workgroup on Improved Resolution of Civil Cases*, Fla. Admin. Order No. AOSC19-73 (Oct. 31, 2019), by May 7, 2021. If subsequently amended, the administrative order or protocol must be submitted to the chair of the workgroup within seven days after the amendment is issued.

(8) Speedy Trial in Criminal Court Proceedings.[28]

a. All time periods involving the speedy trial procedure in criminal court proceedings remain suspended until the close of business on:

i. October 4, 2021, for persons who were taken into custody[29] before March 14, 2020. When the suspension ends and the time periods resume, any time that accrued under the procedure for a person before the suspension began at the close of business on March 13, 2020, must be subtracted from the time periods provided by the procedure. *See, e.g.*, *Sullivan v. State*, 913 So. 2d 762 (Fla. 5th DCA 2005), and *State v. Hernandez*, 617 So. 2d 1103 (Fla. 3rd DCA 1993).

ii. January 3, 2022, for persons who were taken into custody on or after March 14, 2020.

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28. This measure initially went into effect in Fla. Admin. Order No. AOSC20-13 at the close of business on March 13, 2020, and was subsequently also addressed in Fla. Admin. Order No. AOSC20-17 and in Fla. Admin. Order No. AOSC20-23.

29. As used in Section II.E.(8)a., the term "taken into custody" has the same meaning as provided in Florida Rule of Criminal Procedure 3.191(d).

b. When the time periods involving the speedy trial procedure resume under Section II.E.(8)a.:

i. The 10-day time period in Florida Rule of Criminal Procedure 3.191(p)(3) is increased to 30 days; and

ii. Florida Rule of Criminal Procedure 3.191(*l*) is modified to authorize a court to order an extension of the time periods provided under the rule for the following exceptional circumstances: general congestion of the court's docket, a lack of courtroom space, an unavailability of jurors, or a personnel shortage for public defenders, state attorneys, clerks of court, or the courts.

(9) Speedy Trial in Juvenile Court Proceedings.[30] All time periods involving the speedy trial procedure in juvenile court proceedings remain suspended until the close of business on October 4, 2021. When the suspension ends and the time periods resume, any time that accrued under the procedure for a juvenile

30. This measure initially went into effect in Fla. Admin. Order No. AOSC20-13 at the close of business on March 13, 2020, and was subsequently also addressed in Fla. Admin. Order No. AOSC 20-17 and in Fla. Admin. Order No. AOSC20-23.

before the suspension began at the close of business on March 13, 2020, must be subtracted from the time periods provided by the procedure. *See, e.g., Sullivan v. State*, 913 So. 2d 762 (Fla. 5th DCA 2005), and *State v. Hernandez*, 617 So. 2d 1103 (Fla. 3rd DCA 1993).

(10) Incompetence to Proceed.[31] Where exigencies make it impossible to meet the 20-day time period in Florida Rule of Criminal Procedure 3.210(b), chief judges of the circuit courts remain authorized to direct judges to hold competency hearings as soon as feasible after the date of filing a motion to determine competency. Chief judges also remain authorized to allow experts and attorneys to conduct and attend competency evaluations by remote means, if feasible.

(11) Defendants Arrested on Warrant or Capias from Another Florida Jurisdiction.[32] To mitigate the health risks associated with the incarceration and transportation of defendants during the

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31. This measure initially went into effect in Fla. Admin. Order No. AOSC20-17 on March 24, 2020, and was subsequently also addressed in Fla. Admin. Order No. AOSC20-23.

32. These measures initially took effect in Fla. Admin. Order No. AOSC20-17 on March 24, 2020, and were subsequently also addressed in Fla. Admin. Order No. AOSC20-23.

pandemic, when a defendant is arrested on a warrant or capias from another Florida jurisdiction, chief judges of the circuit courts remain encouraged to facilitate communication between the circuit or county where the case originated ("home court") and the circuit or county where the defendant is incarcerated ("holding court"), for the handling of matters on a temporary basis, as follows:

a. Pretrial Release and First Appearance Hearings. Chief judges remain authorized to direct judges conducting pretrial release and first appearance hearings to address detention and monetary bond or other conditions of pretrial release in the county of arrest, regardless of whether the case is transferred, rather than requiring transport of the defendant to the county where any warrant or capias originated.

For capiases and violation of probation warrants, before setting monetary bond or other conditions of pretrial release, the first appearance judge, in order to make a proper decision regarding monetary bond or other conditions of pretrial release, must rely on relevant information from the following individuals in the county that issued the capias or warrant: the issuing judge, defense counsel if any, and the state attorney.

Action taken by the holding court at first appearance and any pretrial release hearing should be promptly reported to the home court and reflected in the record of the case.

Any provision of Florida Rule of Criminal Procedure 3.131 inconsistent with these measures remains suspended.

b. Pleas. Judges remain encouraged to coordinate with prosecutors, attorneys, defendants, and victims in order to utilize section 910.035, Florida Statutes, which allows for pleas of guilty or nolo contendere for persons arrested in counties outside of the county of prosecution, upon the consent of the defendant and the state attorney in the county where the crime was committed.

c. Rights of Parties. In cases that are not handled by a plea or pretrial release such that the defendant will continue to be detained in the jurisdiction of the holding court for an indefinite period of time, chief judges are directed to ensure that the due process rights of the defendant are protected by facilitating the temporary transfer of the case to the holding court, if necessary; by having a judge from the holding court designated by the Chief Justice, or designated by the chief judge if the home and holding court are within the same circuit, as a judge of the home court to handle

emergency or other necessary matters in the case; or by other appropriate means.

d. Victims. The constitutional rights of crime victims must also be considered in all cases by the presiding judge.

(12) Speedy Trial in Noncriminal Traffic Infraction Court Proceedings.[33] The time period involving the speedy trial procedure in noncriminal traffic infraction court proceedings remains suspended until the close of business on October 4, 2021. When the suspension ends and the time period resumes, any time that accrued under the procedure for a person before the suspension began at the close of business on March 13, 2020, must be subtracted from the time period provided by the procedure.

(13) Family Law Forms.[34] Except as indicated below, the requirement that Florida Family Law Forms be notarized or signed

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33. This measure initially went into effect in Fla. Admin. Order No. AOSC20-19 at the close of business on March 13, 2020, and was subsequently also addressed in Fla. Admin. Order No. AOSC20-23.

34. This measure initially took effect in Fla. Admin. Order No. AOSC 20-17 on March 24, 2020, and was subsequently also addressed in Fla. Admin. Order No. AOSC20-23.

in the presence of a deputy clerk remains suspended, if the filer includes the following statement before the filer's signature:

> Under penalties of perjury, I declare that I have read this document and the facts stated in it are true.

This exception does not apply to Florida Family Law Forms 12.902(f)(1), Marital Settlement Agreement for Dissolution of Marriage with Dependent or Minor Child(ren), 12.902(f)(2), Marital Settlement Agreement for Dissolution of Marriage with Property but No Dependent or Minor Child(ren), 12.902(f)(3), Marital Settlement Agreement for Simplified Dissolution of Marriage, and any other family law form that transfers the ownership of property, which must continue to be notarized or signed in the presence of a deputy clerk prior to filing.

(14) Objections to In-Person Visitation for Children under the Protective Supervision of the Florida Department of Children and Families (DCF). A caregiver for a child subject to the protective supervision of the DCF may object to the in-person nature of a visitation on grounds that risks due to COVID-19 will negatively affect the health or safety of a person participating in the visitation or of a member of that person's household. The court must

consider such objection and responses thereto before entering an order on visitation. This section applies to parent-child visitation, sibling visitation, and visitation between children and other family members and non-relatives.

* * *

Additional orders extending or modifying these measures will be issued as warranted to mitigate the effects of the public health emergency on the judicial branch and its participants.

DONE AND ORDERED at Tallahassee, Florida, on July 29, 2021.

AOSC21-17-A1

Chief Justice Charles T. Canady

AOSC21-17-A1 07/29/2021

ATTEST:

AOSC21-17-A1 07/29/2021

John A. Tomasino, Clerk of Court

AOSC21-17-A1 07/29/2021

AO 21-17 (2) | FLORIDA SUPREME COURT

YEAR: 2021

NUMBER: 17

TITLE: IN RE: COVID-19 HEALTH AND SAFETY PROTOCOLS AND EMERGENCY OPERATIONAL MEASURES FOR FLORIDA APPELLATE AND TRIAL COURTS

PAGES: 32

Supreme Court of Florida

No. AOSC21-17
Amendment 2[1]

IN RE: COVID-19 HEALTH AND SAFETY PROTOCOLS AND EMERGENCY OPERATIONAL MEASURES FOR FLORIDA APPELLATE AND TRIAL COURTS

ADMINISTRATIVE ORDER

As a result of the Coronavirus Disease 2019 (COVID-19) pandemic, the Secretary of the United States Department of Health and Human Services renewed the determination that a public health emergency exists in the United States effective as of October 18, 2021. To mitigate the effects of the public health emergency upon the judicial branch and its participants during and after the emergency, I have issued administrative orders implementing temporary measures essential to the administration of justice to

1. This amended administrative order updates the introductory paragraphs to reflect the latest status for the declaration of a national public health emergency; specify the latest statewide data relating to vaccinations and new COVID-19 cases; and provide an effective date for Amendment 2 to this order and a termination date for Amendment 1 to this order. This amended administrative order also modifies the health and safety protocols specified in Section I. and requires hearings under the Baker Act or Marchman Act to be conducted in person in Section II.E.(2)b.

address the pandemic and to keep the courts operating to the fullest extent consistent with public safety.[2]

At this time, effective vaccines for COVID-19 are adequately available in Florida; more than 70% of this state's population have been partially or fully vaccinated; and statewide data from the Florida Department of Health for the past 10 weeks has shown decreasing weekly numbers of new COVID-19 cases. Accordingly, to address the most recent developments and continue to mitigate

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2. *In re: COVID-19 Emergency Procedures in the Florida State Courts*, Fla. Admin. Order No. AOSC20-13 (March 13, 2020); *In re: COVID-19 Essential and Critical Trial Court Proceedings,* Fla. Admin. Order No. AOSC20-15 (March 17, 2020); *In re: COVID-19 Emergency Procedures for the Administering of Oaths via Remote Audio-Video Communication Equipment,* Fla. Admin. Order No. AOSC20-16 (March 18, 2020); *In re: COVID-19 Emergency Measures in the Florida State Courts*, Fla. Admin. Order No. AOSC20-17 (March 24, 2020); *In re: COVID-19 Emergency Procedures in Relation to Visitation for Children Under the Protective Supervision of the Department of Children and Families*, Fla. Admin. Order No. AOSC20-18 (March 27, 2020); *In re: COVID-19 Emergency Procedures for Speedy Trial in Noncriminal Traffic Infraction Court Proceedings*, Fla. Admin Order No. AOSC20-19 (March 30, 2020); *In re: Comprehensive COVID-19 Emergency Measures for the Florida State Courts*, Fla. Admin. Order No. AOSC20-23 (April 6, 2020) and as amended thereafter; *In re: COVID-19 Public Health and Safety Precautions for Phase 2*, Fla. Admin. Order No. AOSC20-32 (May 21, 2020) and as amended thereafter; and *In re: Comprehensive COVID-19 Emergency Measures for Florida Appellate Courts*, Fla. Admin. Order No. AOSC20-109 (Nov. 23, 2020) and as amended thereafter.

the effects of the public health emergency on the judicial branch and its participants during and after the emergency, this amended order is issued to modify the previously enacted temporary health and safety protocols and to modify or extend the previously enacted emergency operational measures. This amended order shall take effect at 12:01 a.m. on November 15, 2021, and shall remain in effect until amended or terminated by subsequent order. *In re: COVID-19 Health and Safety Protocols and Emergency Operational Measures for Florida Appellate Courts*, Fla. Admin. Order No. 21-17, Amendment 1, shall terminate at 12:01 a.m. on November 15, 2021.

Under the administrative authority conferred upon me by article V, section 2(b) of the Florida Constitution, by Florida Rules of General Practice and Judicial Administration 2.205(a)(2)(B)(iv) and 2.205(a)(2)(B)(v), and by Rule Regulating The Florida Bar 1-12.1(j),

IT IS ORDERED that:

I. HEALTH AND SAFETY PROTOCOLS[3]

Unless required by any binding law, rule, regulation, or order, a court may not require the wearing of face masks[4] or physical distancing in a courthouse;[5] however, a person in a courthouse may choose to wear a face mask. Further, during an in-person court proceeding:[6]

A. A face mask must be provided upon request to a participant or observer. The Chief Justice or a chief judge may adopt a policy addressing the use of face masks with clear plastic

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3. In the case of a multi-use facility or building, the protocols in this section are not intended to govern activities inside of the separate offices of other constitutional officers.

4. As used in this order, the term "face mask" refers to face masks that completely cover the nose and mouth and that fit snugly around the nose, chin, and sides of the face as described by the CDC. *See Your Guide to Masks*, CDC (June 29, 2021).

5. As used in this order, the term "courthouse" means any portion of a facility or building that houses jury assembly rooms, courtrooms, hearing rooms, judicial officers, or court staff or areas where court business is conducted, whether or not that facility or building is formally called a courthouse.

6. As used in this order, the term "in-person court proceeding" means the assembly of prospective jurors, voir dire, juror deliberations, and any status conference, hearing, trial, or other proceeding conducted by a justice, judge, magistrate, or hearing officer if conducted in person and other court events conducted in person as may be determined by the Chief Justice or chief judge.

panels by persons who choose to wear a face mask during in-person court proceedings. If adopted, the policy must apply consistently across all in-person court proceedings in the same courthouse.

B. Participants may request to be physically distanced. The court will address such requests as appropriate under the circumstances at the time of the request.

II. EMERGENCY OPERATIONAL MEASURES

The following provisions govern remote and in-person conduct of appellate and trial court proceedings, as applicable. All in-person court proceedings must be conducted in a manner consistent with Section I.

A. Use of Technology.

(1) The presiding judge in all cases must consider the constitutional rights of crime victims and criminal defendants and the public's constitutional right of access to the courts.[7]

(2) To maximize the availability of facility space for trial court proceedings that must be conducted in person, each chief judge of a

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7. Similar measures initially went into effect in Fla. Admin. Order No. AOSC20-17 on March 24, 2020, and were subsequently also addressed in Fla. Admin. Order No. AOSC20-23 and Fla. Admin. Order No. AOSC20-109.

judicial circuit should take all necessary steps to support the remote conduct of other trial court proceedings with the use of technology, in accordance with this administrative order and other applicable standards and guidance as may be adopted by the Chief Justice or supreme court.[8]

(3) Participants who have the capability of participating by electronic means in remote appellate or trial court proceedings must do so.[9] For purposes of this administrative order, "remote conduct," "remotely conduct," or "conducted remotely" means the conduct, in part or in whole, of a court proceeding using telephonic or other electronic means.[10]

(4) All rules of procedure, court orders, and opinions applicable to court proceedings that limit or prohibit the use of

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8. *Id.*

9. This measure initially went into effect in Fla. Admin. Order No. AOSC20-23, Amendment 2, on May 21, 2020, and was subsequently also addressed in Fla. Admin. Order No. AOSC20-109.

10. This measure initially went into effect in Fla. Admin. Order No. AOSC20-23, Amendment 4, on June 16, 2020, and was subsequently also addressed in Fla. Admin. Order No. AOSC20-109.

communication equipment for the remote conduct of proceedings shall remain suspended.[11]

(5) The Chief Justice and chief judges remain authorized to establish procedures for the use, to the maximum extent feasible, of communication equipment for the remote conduct of proceedings to facilitate the efficient and expeditious processing of cases.[12]

B. Administration of Oaths.

(1) Notaries and other persons qualified to administer an oath in the State of Florida may swear a witness remotely by audio-video communication technology from a location within the State of Florida, provided they can positively identify the witness.[13]

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11. This measure initially went into effect in Fla. Admin. Order No. AOSC20-13 at the close of business on March 13, 2020, and was subsequently also addressed in Fla. Admin. Order No. AOSC 20-17, Fla. Admin. Order No. AOSC20-23, and Fla. Admin. Order No. AOSC20-109.

12. A similar measure initially went into effect in Fla. Admin. Order No. AOSC20-13 on Friday, March 13, 2020, and was subsequently also addressed in Fla. Admin. Order No. AOSC20-17, Fla. Admin. Order No. AOSC20-23, and Fla. Admin. Order No. AOSC20-109.

13. This measure initially went into effect in Fla. Admin. Order No. AOSC20-16 on March 18, 2020, and was subsequently also addressed in Fla. Admin. Order No. AOSC20-17 and in Fla. Admin. Order No. AOSC20-23.

(2) If a witness is not located within the State of Florida, a witness may consent to being put on oath via audio-video communication technology by a person qualified to administer an oath in the State of Florida.[14]

(3) All rules of procedure, court orders, and opinions applicable to remote testimony, depositions, and other legal testimony, including the attestation of family law forms, that can be read to limit or prohibit the use of audio-video communication technology to administer oaths remotely or to witness the attestation of family law forms shall remain suspended.[15]

(4) Notaries and other persons qualified to administer an oath in the State of Florida may swear in new attorneys to The Florida Bar remotely by audio-video communication technology from a location within the State of Florida, provided they can positively identify the new attorney.[16]

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14. *Id.*

15. *Id.*

16. This measure initially went into effect in Fla. Admin. Order No. AOSC20-23 on April 6, 2020, and was subsequently also addressed in Fla. Admin. Order No. AOSC20-109.

(5) For purposes of the provisions regarding the administering of oaths, the term "positively identify" means that the notary or other qualified person can both see and hear the witness or new attorney via audio-video communication technology for purposes of readily identifying the witness or new attorney.[17]

C. Law School Practice Programs.[18]

(1) A supervising attorney in a law school practice program, under Rule 11-1.2(b) of the Rules Regulating The Florida Bar, may utilize audio-video communication technology to remotely supervise the law student in satisfaction of the requirement that the supervising attorney be physically present. The supervising attorney and law student must maintain a separate, confidential communication channel during the proceedings.

(2) In a law school practice program, the requirement in Rule 11-1.2(b) of the Rules Regulating The Florida Bar that an indigent person and the supervising attorney must consent in writing to

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17. *Id.*

18. These measures initially went into effect in Fla. Admin. Order No. AOSC20-23, Amendment 5, on July 2, 2020, and were subsequently also addressed in Fla. Admin. Order No. AOSC20-109.

representation by a supervised law student may be satisfied by the judge receiving the consent verbally under oath.

D. Appellate Court Proceedings. Oral argument and other court proceedings and events may be conducted remotely or in person at the discretion of the Chief Justice or chief judge.[19]

E. Trial Court Proceedings.[20]

(1) Juror Disqualifications, Excusals, and Postponements.[21] Each chief judge of a judicial circuit may authorize the remote conduct of a proceeding in which disqualifications or excusals pursuant to section 40.013, Florida Statutes, or postponements pursuant to section 40.23, Florida Statutes, may be considered for

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19. Measures relating to appellate court proceedings initially went into effect in Fla. Admin. Order No. AOSC20-13 on March 13, 2020, and were subsequently also addressed in Fla. Admin. Order No. AOSC20-17, Fla. Admin. Order No. AOSC20-23, and Fla. Admin. Order No. AOSC20-109.

20. Measures relating to trial court proceedings initially went into effect in Fla. Admin. Order No. AOSC20-13 on March 13, 2020, and were subsequently also addressed in Fla. Admin. Order No. AOSC20-15, Fla. Admin. Order No. AOSC20-16, Fla. Admin. Order No. AOSC20-17, Fla. Admin. Order No. AOSC20-18, Fla. Admin. Order No. AOSC20-19, and Fla. Admin. Order No. AOSC20-23.

21. This measure initially went into effect in Fla. Admin. Order No. AOSC20-23, Amendment 8, on November 23, 2020.

persons who are summoned as a pool for possible juror service as described in section 40.011(5)(b), Florida Statutes.

(2) Jury and Other Proceedings.

a. Non-statewide grand jury selection and proceedings, civil jury selection proceedings and trial proceedings, and criminal jury selection proceedings and trial proceedings must be conducted in person, unless a remote civil or criminal jury selection proceeding or trial proceeding is authorized under Section II.E.(3).

b. Hearings to determine whether an individual should be involuntarily committed under the Baker Act or the Marchman Act must be conducted in person unless that individual waives the right to physical presence at the hearing.

(3) Remote Civil and Criminal Jury Selection Proceedings and Trial Proceedings.[22]

a. A judicial circuit may remotely conduct:

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22. The measure authorizing remote civil jury proceedings initially went into effect in Fla. Admin. Order No. AOSC20-23, Amendment 3, on June 8, 2020, and the measure authorizing remote criminal jury proceedings initially went into effect in Fla. Admin. Order No. AOSC20-23, Amendment 9, on February 17, 2021.

i. Civil jury selection proceedings or trial proceedings if all parties consent to participating in the remote proceeding.

ii. Criminal jury selection proceedings or trial proceedings if:

1. The defendant provides consent in writing and orally on the record establishing that the defendant has knowingly, voluntarily, and intelligently agreed to the remote conduct of the proceeding;
2. Counsel for the defendant, if the defendant is represented, indicates orally on the record that they have discussed the potential advantages and disadvantages of remote conduct of the proceeding with the defendant and have concluded that the defendant has knowingly, voluntarily, and intelligently agreed to the remote conduct of the proceeding; and
3. The prosecutor indicates the State's and, if applicable, the victim's positions orally on the record regarding remote conduct of the proceeding for

purposes of consideration by the presiding judge in determining whether to remotely conduct the proceeding.

b. A court proceeding to obtain the statements required to be provided orally on the record pursuant to Section II.E.(3)a.ii. may be remotely conducted.

c. The cases selected for a remote jury proceeding must be based upon the case being conducive to a remote proceeding and conducted pursuant to the requirements specified in the report titled *Requirements and Evaluation Criteria – Remote Civil and Criminal Jury Trials* and other applicable standards and guidance as may be adopted by the Chief Justice or supreme court.

d. Within 30 days after the remote conduct of a jury selection proceeding or trial proceeding for the first time in a judicial circuit, the circuit must present the results of the proceeding and report its findings and recommendations to the Chief Justice through the state courts administrator.

(4) Other Trial Court Proceedings.[23] Trial court proceedings that are not addressed under Section II.E.(1), (2), or (3) may be conducted as follows:

a. Non-jury trials in:

i. Criminal cases may be conducted remotely if the requirements for certain statements specified in Section II.E.(3)a.ii. are satisfied or, if not, must be conducted in person.

ii. Termination of parental rights and juvenile delinquency cases may be conducted remotely if ordered by the chief judge or the presiding judge or, if not, must be conducted in person.

b. All other trial court proceedings:

i. Must be conducted remotely if requested by a party unless the chief judge or presiding judge determines that the interests of justice require the proceeding to be conducted in person.

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23. Similar measures initially went into effect in Fla. Admin. Order No. AOSC20-23, Amendment 1, on May 4, 2020.

ii. Should be conducted remotely, as appropriate, to facilitate the efficient and expeditious processing of cases, except that a proceeding must be conducted in person if the chief judge or presiding judge determines that remote conduct of the proceeding is inconsistent with the United States or Florida Constitution, a statute, or a rule of court, a court order, or an opinion that has not been suspended by administrative order.

(5) In-Person Trial Court Proceedings.[24] It is the responsibility of the chief judge to ensure that trial court proceedings that must be in person pursuant Section II.E.(2) or (4) are conducted to the fullest extent feasible consistent with Section I. Chief judges shall have the discretion to determine how best to utilize available trial court resources and facility space to conduct in-person proceedings, but before making such determination should consider the following priorities listed from highest to lowest:

24. Similar measures initially went into effect in Fla. Admin. Order No. AOSC20-23, Amendment 8, on November 23, 2020.

a. Essential proceedings as previously identified in Section III.D.(1) of Fla. Admin. Order No. AOSC20-23, Amendment 13.

b. Circuit and county criminal trials with an in-custody defendant.

c. Circuit trials for juveniles being tried as an adult.

d. Juvenile delinquency trials.

e. Circuit and county criminal trials with an out-of-custody defendant.

f. Termination of parental rights trials.

g. Circuit civil jury trials.

h. County civil jury trials.

i. All other trial court proceedings.

(6) Case Resolution.[25] To maximize the resolution of all cases, chief judges:

a. Must direct all judges within their circuits to strictly comply with Florida Rule of General Practice and Judicial Administration 2.545(a), (b), and (e), which respectively require

25. *Id.*

judges to conclude litigation as soon as it is reasonably and justly possible to do so, to take charge of all cases at an early stage and to control the progress of the case thereafter until it is determined, and to apply a firm continuance policy allowing continuances only for good cause shown.

b. Are encouraged, where consistent with public health and safety, to:

i. Use non-traditional facilities or underutilized courthouse space to increase the court's capacity for in-person proceedings.

ii. Reassign judges and court staff to proceedings having the highest priority.

iii. Implement scheduling practices that promote the conduct of as many jury trials as feasible. Consistent with Section II.E.(5), the scheduling of trials in criminal cases should be prioritized to facilitate the prompt resolution of these cases.

iv. Communicate to the local Bar that lawyers must strictly comply with Florida Rule of General Practice and Judicial Administration 2.545(a), which requires lawyers to

conclude litigation as soon as it is reasonably and justly possible to do so, and that the pandemic alone is not a basis for a lawyer's failure to prepare a case for trial or otherwise actively manage a case.

(7) Civil Case Management.[26] To maximize the resolution of civil cases, chief judges were required to have issued an administrative order applicable to each county within the judicial circuit, except as provided in Section II.E.(7)b., that took effect on April 30, 2021, to require the presiding judge for each civil case[27] to actively manage civil cases in the manner specified below.

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26. These measures initially went into effect in Fla. Admin. Order No. AOSC20-23, Amendment 10, on March 9, 2021.

27. As used in Section II.E.(7), the term "civil case" means actions to which the Florida Rules of Civil Procedure apply, as identified in Florida Rule of Civil Procedure 1.010, and actions in which the court has ordered that the action proceed under one or more of the Florida Rules of Civil Procedure pursuant to Florida Small Claims Rule 7.020(c) if the deadline for the trial date specified in Florida Small Claims Rule 7.090(d) no longer applies in the action, but does not include actions subject to section 51.011, Florida Statutes, post-judgment proceedings, and writs to which Florida Rule of Civil Procedure 1.630 applies. *See* Florida Rule of Civil Procedure 1.010 (stating that the Florida Rules of Civil Procedure "apply to all actions of a civil nature and all special statutory proceedings in the circuit courts and county courts except those to which the Florida Probate Rules, the Florida Family Law Rules of Procedure, or the Small Claims Rules apply."); Florida

a. The administrative order must have:

i. Required review of each civil case to determine whether it is complex, streamlined, or general.

1. Complex civil cases are actions that have been or may be designated by court order as complex under Florida Rule of Civil Procedure 1.201. Upon such designation, the action must proceed as provided in the rule.

2. Streamlined civil cases must be identified based on criteria determined by the chief judge and specified in the administrative order. Criteria that the chief judge may wish to consider for the identification of streamlined cases include whether the case involves:

Small Claims Rule 7.020(c) (stating that "In any particular action, the court may order that action to proceed under 1 or more additional Florida Rules of Civil Procedure on application of any party or the stipulation of all parties or on the court's own motion."); Florida Small Claims Rule 7.090(d) (providing that the trial in a small claims action must be set not more than 60 days from the date of the pretrial conference except as otherwise specified); Florida Rule of Civil Procedure 1.630 (addressing actions for the issuance of writs of mandamus, prohibition, quo warranto, and habeas corpus); and section 51.011, Florida Statutes (providing a summary procedure for the resolution of certain actions when specified by statute or rule).

few parties; non-complex issues related to liability and damages; few anticipated pretrial motions; limited need for discovery; few witnesses; minimal documentary evidence; and an anticipated trial length of less than two days.

3. General civil cases are all other civil cases.

ii. Required the presiding judge to issue a case management order for each streamlined and general civil case that at a minimum specifies the deadlines for service of complaints, service under extensions, and adding new parties and the deadlines by which: fact and expert discovery must be completed; all objections to pleadings and pretrial motions must be resolved; and mediation must have occurred. The case management order must also specify the projected date of trial; indicate that the deadlines established in the order will be strictly enforced by the court; indicate that a firm trial date will be ordered by the presiding judge when the case is at issue pursuant to Florida Rule of Civil Procedure 1.440; and

address any other matters required by the chief judge. If the streamlined or general civil case is:

1. Subject to dismissal for a lack of prosecution pursuant to Florida Rule of Civil Procedure 1.420(e), a case management order is required only if the court determines that the action should remain pending and must be issued within 30 days after such determination.
2. Subject to a statutory stay or a moratorium preventing the prosecution of the case, the case management order must be issued in a case filed:
    - On or after April 30, 2021, within 45 days after the stay or the moratorium ends or within 30 days after service of the complaint on the last of all named defendants, whichever date is later; or
    - Before April 30, 2021, by December 3, 2021, within 45 days after the stay or the moratorium ends, or within 30 days after service of the complaint on the last of all named defendants, whichever date is later. The case management

order must address each deadline identified under Section II.E.(7)a.ii. and the projected date for trial if such event has not yet occurred in the case or has not yet been specified by other court order.

3. Not subject to a statutory stay or a moratorium, the case management order must be issued in a case filed:
    - On or after April 30, 2021, within 30 days after service of the complaint on the last of all named defendants; or
    - Before April 30, 2021, the case management order must be issued by December 3, 2021. The case management order must address each deadline identified under Section II.E.(7)a.ii. and the projected date for trial if such event has not yet occurred in the case or has not yet been specified by other court order.

iii. Established maximum periods within which the deadlines required by Section II.E.(7)a.ii. and the projected date of trial must be set in the case

management order. The maximum periods must be differentiated based on whether the civil case is streamlined or general and must be consistent with the time standards specified in Florida Rule of General Practice and Judicial Administration 2.250(a)(1)(B) for the completion of civil cases.

b. If a judicial circuit or county within the judicial circuit was implementing a written civil case management protocol as of March 9, 2021, that required the entry of a case management order for each civil case that addressed each deadline identified under Section II.E.(7)a.ii. and the projected date for trial, the chief judge is authorized to continue to use the protocol in the judicial circuit or county instead of issuing the administrative order required by this section.

c. Each administrative order issued by the chief judge pursuant to this section and written civil case management protocol described in Section II.E.(7)b. was required to be submitted to the chair of the Workgroup on the Improved Resolution of Civil Cases, as established by *In Re: Workgroup on Improved Resolution of Civil Cases*, Fla. Admin. Order No. AOSC19-73 (Oct. 31, 2019), by May

7, 2021. If subsequently amended, the administrative order or protocol must be submitted to the chair of the workgroup within seven days after the amendment is issued.

(8) Speedy Trial in Criminal Court Proceedings.[28]

a. All time periods involving the speedy trial procedure in criminal court proceedings remain suspended until the close of business on:

i. October 4, 2021, for persons who were taken into custody[29] before March 14, 2020. When the suspension ends and the time periods resume, any time that accrued under the procedure for a person before the suspension began at the close of business on March 13, 2020, must be subtracted from the time periods provided by the procedure. *See, e.g.*, *Sullivan v. State*,

28. This measure initially went into effect in Fla. Admin. Order No. AOSC20-13 at the close of business on March 13, 2020, and was subsequently also addressed in Fla. Admin. Order No. AOSC20-17 and in Fla. Admin. Order No. AOSC20-23.

29. As used in Section II.E.(8)a., the term "taken into custody" has the same meaning as provided in Florida Rule of Criminal Procedure 3.191(d).

913 So. 2d 762 (Fla. 5th DCA 2005), and *State v. Hernandez*, 617 So. 2d 1103 (Fla. 3rd DCA 1993).

ii. January 3, 2022, for persons who were taken into custody on or after March 14, 2020.

b. When the time periods involving the speedy trial procedure resume under Section II.E.(8)a.:

i. The 10-day time period in Florida Rule of Criminal Procedure 3.191(p)(3) is increased to 30 days; and

ii. Florida Rule of Criminal Procedure 3.191(*l*) is modified to authorize a court to order an extension of the time periods provided under the rule for the following exceptional circumstances: general congestion of the court's docket, a lack of courtroom space, an unavailability of jurors, or a personnel shortage for public defenders, state attorneys, clerks of court, or the courts.

(9) Speedy Trial in Juvenile Court Proceedings.[30] All time periods involving the speedy trial procedure in juvenile court proceedings remain suspended until the close of business on October 4, 2021. When the suspension ends and the time periods resume, any time that accrued under the procedure for a juvenile before the suspension began at the close of business on March 13, 2020, must be subtracted from the time periods provided by the procedure. *See, e.g., Sullivan v. State*, 913 So. 2d 762 (Fla. 5th DCA 2005), and *State v. Hernandez*, 617 So. 2d 1103 (Fla. 3rd DCA 1993).

(10) Incompetence to Proceed.[31] Where exigencies make it impossible to meet the 20-day time period in Florida Rule of Criminal Procedure 3.210(b), chief judges of the circuit courts remain authorized to direct judges to hold competency hearings as soon as feasible after the date of filing a motion to determine

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30. This measure initially went into effect in Fla. Admin. Order No. AOSC20-13 at the close of business on March 13, 2020, and was subsequently also addressed in Fla. Admin. Order No. AOSC20-17 and in Fla. Admin. Order No. AOSC20-23.

31. This measure initially went into effect in Fla. Admin. Order No. AOSC20-17 on March 24, 2020, and was subsequently also addressed in Fla. Admin. Order No. AOSC20-23.

competency. Chief judges also remain authorized to allow experts and attorneys to conduct and attend competency evaluations by remote means, if feasible.

(11) Defendants Arrested on Warrant or Capias from Another Florida Jurisdiction.[32] To mitigate the health risks associated with the incarceration and transportation of defendants during the pandemic, when a defendant is arrested on a warrant or capias from another Florida jurisdiction, chief judges of the circuit courts remain encouraged to facilitate communication between the circuit or county where the case originated ("home court") and the circuit or county where the defendant is incarcerated ("holding court"), for the handling of matters on a temporary basis, as follows:

a. Pretrial Release and First Appearance Hearings. Chief judges remain authorized to direct judges conducting pretrial release and first appearance hearings to address detention and monetary bond or other conditions of pretrial release in the county of arrest, regardless of whether the case is transferred, rather than

32. These measures initially took effect in Fla. Admin. Order No. AOSC20-17 on March 24, 2020, and were subsequently also addressed in Fla. Admin. Order No. AOSC20-23.

requiring transport of the defendant to the county where any warrant or capias originated.

For capiases and violation of probation warrants, before setting monetary bond or other conditions of pretrial release, the first appearance judge, in order to make a proper decision regarding monetary bond or other conditions of pretrial release, must rely on relevant information from the following individuals in the county that issued the capias or warrant: the issuing judge, defense counsel if any, and the state attorney.

Action taken by the holding court at first appearance and any pretrial release hearing should be promptly reported to the home court and reflected in the record of the case.

Any provision of Florida Rule of Criminal Procedure 3.131 inconsistent with these measures remains suspended.

b. Pleas. Judges remain encouraged to coordinate with prosecutors, attorneys, defendants, and victims in order to utilize section 910.035, Florida Statutes, which allows for pleas of guilty or nolo contendere for persons arrested in counties outside of the county of prosecution, upon the consent of the defendant and the state attorney in the county where the crime was committed.

c. Rights of Parties. In cases that are not handled by a plea or pretrial release such that the defendant will continue to be detained in the jurisdiction of the holding court for an indefinite period of time, chief judges are directed to ensure that the due process rights of the defendant are protected by facilitating the temporary transfer of the case to the holding court, if necessary; by having a judge from the holding court designated by the Chief Justice, or designated by the chief judge if the home and holding court are within the same circuit, as a judge of the home court to handle emergency or other necessary matters in the case; or by other appropriate means.

d. Victims. The constitutional rights of crime victims must also be considered in all cases by the presiding judge.

(12) Speedy Trial in Noncriminal Traffic Infraction Court Proceedings.[33] The time period involving the speedy trial procedure in noncriminal traffic infraction court proceedings remains suspended until the close of business on October 4, 2021. When

33. This measure initially went into effect in Fla. Admin. Order No. AOSC20-19 at the close of business on March 13, 2020, and was subsequently also addressed in Fla. Admin. Order No. AOSC20-23.

the suspension ends and the time period resumes, any time that accrued under the procedure for a person before the suspension began at the close of business on March 13, 2020, must be subtracted from the time period provided by the procedure.

(13) Family Law Forms.[34] Except as indicated below, the requirement that Florida Family Law Forms be notarized or signed in the presence of a deputy clerk remains suspended, if the filer includes the following statement before the filer's signature:

> Under penalties of perjury, I declare that I have read this document and the facts stated in it are true.

This exception does not apply to Florida Family Law Forms 12.902(f)(1), Marital Settlement Agreement for Dissolution of Marriage with Dependent or Minor Child(ren), 12.902(f)(2), Marital Settlement Agreement for Dissolution of Marriage with Property but No Dependent or Minor Child(ren), 12.902(f)(3), Marital Settlement Agreement for Simplified Dissolution of Marriage, and any other family law form that transfers the ownership of property, which

34. This measure initially took effect in Fla. Admin. Order No. AOSC20-17 on March 24, 2020, and was subsequently also addressed in Fla. Admin. Order No. AOSC20-23.

must continue to be notarized or signed in the presence of a deputy clerk prior to filing.

(14) Objections to In-Person Visitation for Children under the Protective Supervision of the Florida Department of Children and Families (DCF). A caregiver for a child subject to the protective supervision of the DCF may object to the in-person nature of a visitation on grounds that risks due to COVID-19 will negatively affect the health or safety of a person participating in the visitation or of a member of that person's household. The court must consider such objection and responses thereto before entering an order on visitation. This section applies to parent-child visitation, sibling visitation, and visitation between children and other family members and non-relatives.

* * *

Additional orders extending or modifying these measures will be issued as warranted to mitigate the effects of the public health emergency on the judicial branch and its participants.

DONE AND ORDERED at Tallahassee, Florida, on November 4, 2021.

AOSC21-17 A2

Chief Justice Charles T. Canady

AOSC21-17 A2 11/04/2021

ATTEST:

AOSC21-17 A2
11/04/2021

John A. Tomasino, Clerk of Court

AOSC21-17 A2 11/04/2021

AO 21-17 (3) | FLORIDA SUPREME COURT

YEAR: 2021

NUMBER: 17

TITLE: IN RE: COVID-19 HEALTH AND SAFETY PROTOCOLS AND EMERGENCY OPERATIONAL MEASURES FOR FLORIDA APPELLATE AND TRIAL COURTS

PAGES: 31

Supreme Court of Florida

No. AOSC21-17
Amendment 3[1]

IN RE: COVID-19 HEALTH AND SAFETY PROTOCOLS AND EMERGENCY OPERATIONAL MEASURES FOR FLORIDA APPELLATE AND TRIAL COURTS

ADMINISTRATIVE ORDER

As a result of the Coronavirus Disease 2019 (COVID-19) pandemic, the Secretary of the United States Department of Health and Human Services renewed the determination that a public health emergency exists in the United States effective as of October 18, 2021. To mitigate the effects of the public health emergency upon the judicial branch and its participants during and after the emergency, I have issued administrative orders implementing temporary measures essential to the administration of justice to

1. This amended administrative order updates the introductory paragraphs and amends Section II.E.(2)b., relating to the conduct of hearings under the Baker Act or Marchman Act.

address the pandemic and to keep the courts operating to the fullest extent consistent with public safety.[2]

To address the most recent developments and continue to mitigate the effects of the public health emergency on the judicial branch and its participants during and after the emergency, this amended order is issued to extend the previously enacted temporary health and safety protocols and to modify or extend the previously enacted emergency operational measures.

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2. *In re: COVID-19 Emergency Procedures in the Florida State Courts*, Fla. Admin. Order No. AOSC20-13 (March 13, 2020); *In re: COVID-19 Essential and Critical Trial Court Proceedings,* Fla. Admin. Order No. AOSC20-15 (March 17, 2020); *In re: COVID-19 Emergency Procedures for the Administering of Oaths via Remote Audio-Video Communication Equipment,* Fla. Admin. Order No. AOSC20-16 (March 18, 2020); *In re: COVID-19 Emergency Measures in the Florida State Courts*, Fla. Admin. Order No. AOSC20-17 (March 24, 2020); *In re: COVID-19 Emergency Procedures in Relation to Visitation for Children Under the Protective Supervision of the Department of Children and Families*, Fla. Admin. Order No. AOSC20-18 (March 27, 2020); *In re: COVID-19 Emergency Procedures for Speedy Trial in Noncriminal Traffic Infraction Court Proceedings*, Fla. Admin Order No. AOSC20-19 (March 30, 2020); *In re: Comprehensive COVID-19 Emergency Measures for the Florida State Courts*, Fla. Admin. Order No. AOSC20-23 (April 6, 2020) and as amended thereafter; *In re: COVID-19 Public Health and Safety Precautions for Phase 2*, Fla. Admin. Order No. AOSC20-32 (May 21, 2020) and as amended thereafter; and *In re: Comprehensive COVID-19 Emergency Measures for Florida Appellate Courts*, Fla. Admin. Order No. AOSC20-109 (Nov. 23, 2020) and as amended thereafter.

Under the administrative authority conferred upon me by article V, section 2(b) of the Florida Constitution, by Florida Rules of General Practice and Judicial Administration 2.205(a)(2)(B)(iv) and 2.205(a)(2)(B)(v), and by Rule Regulating The Florida Bar 1-12.1(j),

IT IS ORDERED that:

I. HEALTH AND SAFETY PROTOCOLS[3]

Unless required by any binding law, rule, regulation, or order, a court may not require the wearing of face masks[4] or physical distancing in a courthouse;[5] however, a person in a courthouse may choose to wear a face mask. Further, during an in-person court proceeding:[6]

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3. In the case of a multi-use facility or building, the protocols in this section are not intended to govern activities inside of the separate offices of other constitutional officers.

4. As used in this order, the term "face mask" refers to face masks that completely cover the nose and mouth and that fit snugly around the nose, chin, and sides of the face as described by the CDC. *See Your Guide to Masks*, CDC (June 29, 2021).

5. As used in this order, the term "courthouse" means any portion of a facility or building that houses jury assembly rooms, courtrooms, hearing rooms, judicial officers, or court staff or areas where court business is conducted, whether or not that facility or building is formally called a courthouse.

6. As used in this order, the term "in-person court proceeding" means the assembly of prospective jurors, voir dire, juror deliberations, and any status conference, hearing, trial, or

A. A face mask must be provided upon request to a participant or observer. The Chief Justice or a chief judge may adopt a policy addressing the use of face masks with clear plastic panels by persons who choose to wear a face mask during in-person court proceedings. If adopted, the policy must apply consistently across all in-person court proceedings in the same courthouse.

B. Participants may request to be physically distanced. The court will address such requests as appropriate under the circumstances at the time of the request.

II. EMERGENCY OPERATIONAL MEASURES

The following provisions govern remote and in-person conduct of appellate and trial court proceedings, as applicable. All in-person court proceedings must be conducted in a manner consistent with Section I.

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other proceeding conducted by a justice, judge, magistrate, or hearing officer if conducted in person and other court events conducted in person as may be determined by the Chief Justice or chief judge.

A. Use of Technology.

(1) The presiding judge in all cases must consider the constitutional rights of crime victims and criminal defendants and the public's constitutional right of access to the courts.[7]

(2) To maximize the availability of facility space for trial court proceedings that must be conducted in person, each chief judge of a judicial circuit should take all necessary steps to support the remote conduct of other trial court proceedings with the use of technology, in accordance with this administrative order and other applicable standards and guidance as may be adopted by the Chief Justice or supreme court.[8]

(3) Participants who have the capability of participating by electronic means in remote appellate or trial court proceedings must do so.[9] For purposes of this administrative order, "remote

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7. Similar measures initially went into effect in Fla. Admin. Order No. AOSC20-17 on March 24, 2020, and were subsequently also addressed in Fla. Admin. Order No. AOSC20-23 and Fla. Admin. Order No. AOSC20-109.

8. *Id.*

9. This measure initially went into effect in Fla. Admin. Order No. AOSC20-23, Amendment 2, on May 21, 2020, and was subsequently also addressed in Fla. Admin. Order No. AOSC20-109.

conduct," "remotely conduct," or "conducted remotely" means the conduct, in part or in whole, of a court proceeding using telephonic or other electronic means.[10]

(4) All rules of procedure, court orders, and opinions applicable to court proceedings that limit or prohibit the use of communication equipment for the remote conduct of proceedings shall remain suspended.[11]

(5) The Chief Justice and chief judges remain authorized to establish procedures for the use, to the maximum extent feasible, of communication equipment for the remote conduct of proceedings to facilitate the efficient and expeditious processing of cases.[12]

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10. This measure initially went into effect in Fla. Admin. Order No. AOSC20-23, Amendment 4, on June 16, 2020, and was subsequently also addressed in Fla. Admin. Order No. AOSC20-109.

11. This measure initially went into effect in Fla. Admin. Order No. AOSC20-13 at the close of business on March 13, 2020, and was subsequently also addressed in Fla. Admin. Order No. AOSC 20-17, Fla. Admin. Order No. AOSC20-23, and Fla. Admin. Order No. AOSC20-109.

12. A similar measure initially went into effect in Fla. Admin. Order No. AOSC20-13 on Friday, March 13, 2020, and was subsequently also addressed in Fla. Admin. Order No. AOSC20-17, Fla. Admin. Order No. AOSC20-23, and Fla. Admin. Order No. AOSC20-109.

B. Administration of Oaths.

(1) Notaries and other persons qualified to administer an oath in the State of Florida may swear a witness remotely by audio-video communication technology from a location within the State of Florida, provided they can positively identify the witness.[13]

(2) If a witness is not located within the State of Florida, a witness may consent to being put on oath via audio-video communication technology by a person qualified to administer an oath in the State of Florida.[14]

(3) All rules of procedure, court orders, and opinions applicable to remote testimony, depositions, and other legal testimony, including the attestation of family law forms, that can be read to limit or prohibit the use of audio-video communication technology to administer oaths remotely or to witness the attestation of family law forms shall remain suspended.[15]

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13. This measure initially went into effect in Fla. Admin. Order No. AOSC20-16 on March 18, 2020, and was subsequently also addressed in Fla. Admin. Order No. AOSC20-17 and in Fla. Admin. Order No. AOSC20-23.

14. *Id.*

15. *Id.*

(4) Notaries and other persons qualified to administer an oath in the State of Florida may swear in new attorneys to The Florida Bar remotely by audio-video communication technology from a location within the State of Florida, provided they can positively identify the new attorney.[16]

(5) For purposes of the provisions regarding the administering of oaths, the term "positively identify" means that the notary or other qualified person can both see and hear the witness or new attorney via audio-video communication technology for purposes of readily identifying the witness or new attorney.[17]

C. Law School Practice Programs.[18]

(1) A supervising attorney in a law school practice program, under Rule 11-1.2(b) of the Rules Regulating The Florida Bar, may utilize audio-video communication technology to remotely supervise the law student in satisfaction of the requirement that the

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16. This measure initially went into effect in Fla. Admin. Order No. AOSC20-23 on April 6, 2020, and was subsequently also addressed in Fla. Admin. Order No. AOSC20-109.

17. *Id.*

18. These measures initially went into effect in Fla. Admin. Order No. AOSC20-23, Amendment 5, on July 2, 2020, and were subsequently also addressed in Fla. Admin. Order No. AOSC20-109.

supervising attorney be physically present. The supervising attorney and law student must maintain a separate, confidential communication channel during the proceedings.

(2) In a law school practice program, the requirement in Rule 11-1.2(b) of the Rules Regulating The Florida Bar that an indigent person and the supervising attorney must consent in writing to representation by a supervised law student may be satisfied by the judge receiving the consent verbally under oath.

D. Appellate Court Proceedings. Oral argument and other court proceedings and events may be conducted remotely or in person at the discretion of the Chief Justice or chief judge.[19]

19. Measures relating to appellate court proceedings initially went into effect in Fla. Admin. Order No. AOSC20-13 on March 13, 2020, and were subsequently also addressed in Fla. Admin. Order No. AOSC20-17, Fla. Admin. Order No. AOSC20-23, and Fla. Admin. Order No. AOSC20-109.

E. Trial Court Proceedings.[20]

(1) Juror Disqualifications, Excusals, and Postponements.[21] Each chief judge of a judicial circuit may authorize the remote conduct of a proceeding in which disqualifications or excusals pursuant to section 40.013, Florida Statutes, or postponements pursuant to section 40.23, Florida Statutes, may be considered for persons who are summoned as a pool for possible juror service as described in section 40.011(5)(b), Florida Statutes.

(2) Jury and Other Proceedings.

a. Non-statewide grand jury selection and proceedings, civil jury selection proceedings and trial proceedings, and criminal jury selection proceedings and trial proceedings must be conducted in person, unless a remote civil or criminal jury selection proceeding or trial proceeding is authorized under Section II.E.(3).

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20. Measures relating to trial court proceedings initially went into effect in Fla. Admin. Order No. AOSC20-13 on March 13, 2020, and were subsequently also addressed in Fla. Admin. Order No. AOSC20-15, Fla. Admin. Order No. AOSC20-16, Fla. Admin. Order No. AOSC20-17, Fla. Admin. Order No. AOSC20-18, Fla. Admin. Order No. AOSC20-19, and Fla. Admin. Order No. AOSC20-23.

21. This measure initially went into effect in Fla. Admin. Order No. AOSC20-23, Amendment 8, on November 23, 2020.

b. Hearings to determine whether an individual should be involuntarily committed under the Baker Act or the Marchman Act must be conducted in person unless the facility in which the individual is located is closed to hearing participants due to health and safety measures implemented by the facility for the pandemic or the individual waives the right to physical presence at the hearing.

(3) Remote Civil and Criminal Jury Selection Proceedings and Trial Proceedings.[22]

a. A judicial circuit may remotely conduct:

i. Civil jury selection proceedings or trial proceedings if all parties consent to participating in the remote proceeding.

ii. Criminal jury selection proceedings or trial proceedings if:

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22. The measure authorizing remote civil jury proceedings initially went into effect in Fla. Admin. Order No. AOSC20-23, Amendment 3, on June 8, 2020, and the measure authorizing remote criminal jury proceedings initially went into effect in Fla. Admin. Order No. AOSC20-23, Amendment 9, on February 17, 2021.

1. The defendant provides consent in writing and orally on the record establishing that the defendant has knowingly, voluntarily, and intelligently agreed to the remote conduct of the proceeding;
2. Counsel for the defendant, if the defendant is represented, indicates orally on the record that they have discussed the potential advantages and disadvantages of remote conduct of the proceeding with the defendant and have concluded that the defendant has knowingly, voluntarily, and intelligently agreed to the remote conduct of the proceeding; and
3. The prosecutor indicates the State's and, if applicable, the victim's positions orally on the record regarding remote conduct of the proceeding for purposes of consideration by the presiding judge in determining whether to remotely conduct the proceeding.

b. A court proceeding to obtain the statements required to be provided orally on the record pursuant to Section II.E.(3)a.ii. may be remotely conducted.

c. The cases selected for a remote jury proceeding must be based upon the case being conducive to a remote proceeding and conducted pursuant to the requirements specified in the report titled *Requirements and Evaluation Criteria – Remote Civil and Criminal Jury Trials* and other applicable standards and guidance as may be adopted by the Chief Justice or supreme court.

d. Within 30 days after the remote conduct of a jury selection proceeding or trial proceeding for the first time in a judicial circuit, the circuit must present the results of the proceeding and report its findings and recommendations to the Chief Justice through the state courts administrator.

(4) Other Trial Court Proceedings.[23] Trial court proceedings that are not addressed under Section II.E.(1), (2), or (3) may be conducted as follows:

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23. Similar measures initially went into effect in Fla. Admin. Order No. AOSC20-23, Amendment 1, on May 4, 2020.

a. Non-jury trials in:

i. Criminal cases may be conducted remotely if the requirements for certain statements specified in Section II.E.(3)a.ii. are satisfied or, if not, must be conducted in person.

ii. Termination of parental rights and juvenile delinquency cases may be conducted remotely if ordered by the chief judge or the presiding judge or, if not, must be conducted in person.

b. All other trial court proceedings:

i. Must be conducted remotely if requested by a party unless the chief judge or presiding judge determines that the interests of justice require the proceeding to be conducted in person.

ii. Should be conducted remotely, as appropriate, to facilitate the efficient and expeditious processing of cases, except that a proceeding must be conducted in person if the chief judge or presiding judge determines that remote conduct of the proceeding is inconsistent with the United States or Florida Constitution, a statute,

or a rule of court, a court order, or an opinion that has not been suspended by administrative order.

(5) In-Person Trial Court Proceedings.[24] It is the responsibility of the chief judge to ensure that trial court proceedings that must be in person pursuant Section II.E.(2) or (4) are conducted to the fullest extent feasible consistent with Section I. Chief judges shall have the discretion to determine how best to utilize available trial court resources and facility space to conduct in-person proceedings, but before making such determination should consider the following priorities listed from highest to lowest:

a. Essential proceedings as previously identified in Section III.D.(1) of Fla. Admin. Order No. AOSC20-23, Amendment 13.

b. Circuit and county criminal trials with an in-custody defendant.

c. Circuit trials for juveniles being tried as an adult.

d. Juvenile delinquency trials.

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24. Similar measures initially went into effect in Fla. Admin. Order No. AOSC20-23, Amendment 8, on November 23, 2020.

e. Circuit and county criminal trials with an out-of-custody defendant.

f. Termination of parental rights trials.

g. Circuit civil jury trials.

h. County civil jury trials.

i. All other trial court proceedings.

(6) Case Resolution.[25] To maximize the resolution of all cases, chief judges:

a. Must direct all judges within their circuits to strictly comply with Florida Rule of General Practice and Judicial Administration 2.545(a), (b), and (e), which respectively require judges to conclude litigation as soon as it is reasonably and justly possible to do so, to take charge of all cases at an early stage and to control the progress of the case thereafter until it is determined, and to apply a firm continuance policy allowing continuances only for good cause shown.

b. Are encouraged, where consistent with public health and safety, to:

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25. *Id.*

i. Use non-traditional facilities or underutilized courthouse space to increase the court's capacity for in-person proceedings.

ii. Reassign judges and court staff to proceedings having the highest priority.

iii. Implement scheduling practices that promote the conduct of as many jury trials as feasible. Consistent with Section II.E.(5), the scheduling of trials in criminal cases should be prioritized to facilitate the prompt resolution of these cases.

iv. Communicate to the local Bar that lawyers must strictly comply with Florida Rule of General Practice and Judicial Administration 2.545(a), which requires lawyers to conclude litigation as soon as it is reasonably and justly possible to do so, and that the pandemic alone is not a basis for a lawyer's failure to prepare a case for trial or otherwise actively manage a case.

(7) Civil Case Management.[26] To maximize the resolution of civil cases, chief judges were required to have issued an administrative order applicable to each county within the judicial circuit, except as provided in Section II.E.(7)b., that took effect on April 30, 2021, to require the presiding judge for each civil case[27] to actively manage civil cases in the manner specified below.

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26. These measures initially went into effect in Fla. Admin. Order No. AOSC20-23, Amendment 10, on March 9, 2021.

27. As used in Section II.E.(7), the term "civil case" means actions to which the Florida Rules of Civil Procedure apply, as identified in Florida Rule of Civil Procedure 1.010, and actions in which the court has ordered that the action proceed under one or more of the Florida Rules of Civil Procedure pursuant to Florida Small Claims Rule 7.020(c) if the deadline for the trial date specified in Florida Small Claims Rule 7.090(d) no longer applies in the action, but does not include actions subject to section 51.011, Florida Statutes, post-judgment proceedings, and writs to which Florida Rule of Civil Procedure 1.630 applies. *See* Florida Rule of Civil Procedure 1.010 (stating that the Florida Rules of Civil Procedure "apply to all actions of a civil nature and all special statutory proceedings in the circuit courts and county courts except those to which the Florida Probate Rules, the Florida Family Law Rules of Procedure, or the Small Claims Rules apply."); Florida Small Claims Rule 7.020(c) (stating that "In any particular action, the court may order that action to proceed under 1 or more additional Florida Rules of Civil Procedure on application of any party or the stipulation of all parties or on the court's own motion."); Florida Small Claims Rule 7.090(d) (providing that the trial in a small claims action must be set not more than 60 days from the date of the pretrial conference except as otherwise specified); Florida Rule of Civil Procedure 1.630 (addressing actions

a. The administrative order must have:

i. Required review of each civil case to determine whether it is complex, streamlined, or general.

1. Complex civil cases are actions that have been or may be designated by court order as complex under Florida Rule of Civil Procedure 1.201. Upon such designation, the action must proceed as provided in the rule.

2. Streamlined civil cases must be identified based on criteria determined by the chief judge and specified in the administrative order. Criteria that the chief judge may wish to consider for the identification of streamlined cases include whether the case involves: few parties; non-complex issues related to liability and damages; few anticipated pretrial motions; limited need for discovery; few witnesses; minimal

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for the issuance of writs of mandamus, prohibition, quo warranto, and habeas corpus); and section 51.011, Florida Statutes (providing a summary procedure for the resolution of certain actions when specified by statute or rule).

documentary evidence; and an anticipated trial length of less than two days.

3. General civil cases are all other civil cases.

ii. Required the presiding judge to issue a case management order for each streamlined and general civil case that at a minimum specifies the deadlines for service of complaints, service under extensions, and adding new parties and the deadlines by which: fact and expert discovery must be completed; all objections to pleadings and pretrial motions must be resolved; and mediation must have occurred. The case management order must also specify the projected date of trial; indicate that the deadlines established in the order will be strictly enforced by the court; indicate that a firm trial date will be ordered by the presiding judge when the case is at issue pursuant to Florida Rule of Civil Procedure 1.440; and address any other matters required by the chief judge. If the streamlined or general civil case is:

1. Subject to dismissal for a lack of prosecution pursuant to Florida Rule of Civil Procedure 1.420(e), a case

management order is required only if the court determines that the action should remain pending and must be issued within 30 days after such determination.

2. Subject to a statutory stay or a moratorium preventing the prosecution of the case, the case management order must be issued in a case filed:

    - On or after April 30, 2021, within 45 days after the stay or the moratorium ends or within 30 days after service of the complaint on the last of all named defendants, whichever date is later; or
    - Before April 30, 2021, by December 3, 2021, within 45 days after the stay or the moratorium ends, or within 30 days after service of the complaint on the last of all named defendants, whichever date is later. The case management order must address each deadline identified under Section II.E.(7)a.ii. and the projected date for trial if such event has not yet occurred in the

case or has not yet been specified by other court order.

3. Not subject to a statutory stay or a moratorium, the case management order must be issued in a case filed:
    - On or after April 30, 2021, within 30 days after service of the complaint on the last of all named defendants; or
    - Before April 30, 2021, the case management order must be issued by December 3, 2021. The case management order must address each deadline identified under Section II.E.(7)a.ii. and the projected date for trial if such event has not yet occurred in the case or has not yet been specified by other court order.

iii. Established maximum periods within which the deadlines required by Section II.E.(7)a.ii. and the projected date of trial must be set in the case management order. The maximum periods must be differentiated based on whether the civil case is streamlined or general and must be consistent with the

time standards specified in Florida Rule of General Practice and Judicial Administration 2.250(a)(1)(B) for the completion of civil cases.

b. If a judicial circuit or county within the judicial circuit was implementing a written civil case management protocol as of March 9, 2021, that required the entry of a case management order for each civil case that addressed each deadline identified under Section II.E.(7)a.ii. and the projected date for trial, the chief judge is authorized to continue to use the protocol in the judicial circuit or county instead of issuing the administrative order required by this section.

c. Each administrative order issued by the chief judge pursuant to this section and written civil case management protocol described in Section II.E.(7)b. was required to be submitted to the chair of the Workgroup on the Improved Resolution of Civil Cases, as established by *In Re: Workgroup on Improved Resolution of Civil Cases*, Fla. Admin. Order No. AOSC19-73 (Oct. 31, 2019), by May 7, 2021. If subsequently amended, the administrative order or protocol must be submitted to the chair of the workgroup within seven days after the amendment is issued.

(8) Speedy Trial in Criminal Court Proceedings.[28]

a. All time periods involving the speedy trial procedure in criminal court proceedings remain suspended until the close of business on:

i. October 4, 2021, for persons who were taken into custody[29] before March 14, 2020. When the suspension ends and the time periods resume, any time that accrued under the procedure for a person before the suspension began at the close of business on March 13, 2020, must be subtracted from the time periods provided by the procedure. *See, e.g.*, *Sullivan v. State*, 913 So. 2d 762 (Fla. 5th DCA 2005), and *State v. Hernandez*, 617 So. 2d 1103 (Fla. 3rd DCA 1993).

ii. January 3, 2022, for persons who were taken into custody on or after March 14, 2020.

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28. This measure initially went into effect in Fla. Admin. Order No. AOSC20-13 at the close of business on March 13, 2020, and was subsequently also addressed in Fla. Admin. Order No. AOSC20-17 and in Fla. Admin. Order No. AOSC20-23.

29. As used in Section II.E.(8)a., the term "taken into custody" has the same meaning as provided in Florida Rule of Criminal Procedure 3.191(d).

b. When the time periods involving the speedy trial procedure resume under Section II.E.(8)a.:

i. The 10-day time period in Florida Rule of Criminal Procedure 3.191(p)(3) is increased to 30 days; and

ii. Florida Rule of Criminal Procedure 3.191(*l*) is modified to authorize a court to order an extension of the time periods provided under the rule for the following exceptional circumstances: general congestion of the court's docket, a lack of courtroom space, an unavailability of jurors, or a personnel shortage for public defenders, state attorneys, clerks of court, or the courts.

(9) Speedy Trial in Juvenile Court Proceedings.[30] All time periods involving the speedy trial procedure in juvenile court proceedings remain suspended until the close of business on October 4, 2021. When the suspension ends and the time periods resume, any time that accrued under the procedure for a juvenile

30. This measure initially went into effect in Fla. Admin. Order No. AOSC20-13 at the close of business on March 13, 2020, and was subsequently also addressed in Fla. Admin. Order No. AOSC20-17 and in Fla. Admin. Order No. AOSC20-23.

before the suspension began at the close of business on March 13, 2020, must be subtracted from the time periods provided by the procedure. *See, e.g., Sullivan v. State*, 913 So. 2d 762 (Fla. 5th DCA 2005), and *State v. Hernandez*, 617 So. 2d 1103 (Fla. 3rd DCA 1993).

(10) Incompetence to Proceed.[31] Where exigencies make it impossible to meet the 20-day time period in Florida Rule of Criminal Procedure 3.210(b), chief judges of the circuit courts remain authorized to direct judges to hold competency hearings as soon as feasible after the date of filing a motion to determine competency. Chief judges also remain authorized to allow experts and attorneys to conduct and attend competency evaluations by remote means, if feasible.

(11) Defendants Arrested on Warrant or Capias from Another Florida Jurisdiction.[32] To mitigate the health risks associated with the incarceration and transportation of defendants during the

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31. This measure initially went into effect in Fla. Admin. Order No. AOSC20-17 on March 24, 2020, and was subsequently also addressed in Fla. Admin. Order No. AOSC20-23.

32. These measures initially took effect in Fla. Admin. Order No. AOSC20-17 on March 24, 2020, and were subsequently also addressed in Fla. Admin. Order No. AOSC20-23.

pandemic, when a defendant is arrested on a warrant or capias from another Florida jurisdiction, chief judges of the circuit courts remain encouraged to facilitate communication between the circuit or county where the case originated ("home court") and the circuit or county where the defendant is incarcerated ("holding court"), for the handling of matters on a temporary basis, as follows:

a. Pretrial Release and First Appearance Hearings. Chief judges remain authorized to direct judges conducting pretrial release and first appearance hearings to address detention and monetary bond or other conditions of pretrial release in the county of arrest, regardless of whether the case is transferred, rather than requiring transport of the defendant to the county where any warrant or capias originated.

For capiases and violation of probation warrants, before setting monetary bond or other conditions of pretrial release, the first appearance judge, in order to make a proper decision regarding monetary bond or other conditions of pretrial release, must rely on relevant information from the following individuals in the county that issued the capias or warrant: the issuing judge, defense counsel if any, and the state attorney.

Action taken by the holding court at first appearance and any pretrial release hearing should be promptly reported to the home court and reflected in the record of the case.

Any provision of Florida Rule of Criminal Procedure 3.131 inconsistent with these measures remains suspended.

b. Pleas. Judges remain encouraged to coordinate with prosecutors, attorneys, defendants, and victims in order to utilize section 910.035, Florida Statutes, which allows for pleas of guilty or nolo contendere for persons arrested in counties outside of the county of prosecution, upon the consent of the defendant and the state attorney in the county where the crime was committed.

c. Rights of Parties. In cases that are not handled by a plea or pretrial release such that the defendant will continue to be detained in the jurisdiction of the holding court for an indefinite period of time, chief judges are directed to ensure that the due process rights of the defendant are protected by facilitating the temporary transfer of the case to the holding court, if necessary; by having a judge from the holding court designated by the Chief Justice, or designated by the chief judge if the home and holding court are within the same circuit, as a judge of the home court to handle

emergency or other necessary matters in the case; or by other appropriate means.

d. Victims. The constitutional rights of crime victims must also be considered in all cases by the presiding judge.

(12) Speedy Trial in Noncriminal Traffic Infraction Court Proceedings.[33] The time period involving the speedy trial procedure in noncriminal traffic infraction court proceedings remains suspended until the close of business on October 4, 2021. When the suspension ends and the time period resumes, any time that accrued under the procedure for a person before the suspension began at the close of business on March 13, 2020, must be subtracted from the time period provided by the procedure.

(13) Family Law Forms.[34] Except as indicated below, the requirement that Florida Family Law Forms be notarized or signed

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33. This measure initially went into effect in Fla. Admin. Order No. AOSC20-19 at the close of business on March 13, 2020, and was subsequently also addressed in Fla. Admin. Order No. AOSC20-23.

34. This measure initially took effect in Fla. Admin. Order No. AOSC20-17 on March 24, 2020, and was subsequently also addressed in Fla. Admin. Order No. AOSC20-23.

in the presence of a deputy clerk remains suspended, if the filer includes the following statement before the filer's signature:

> Under penalties of perjury, I declare that I have read this document and the facts stated in it are true.

This exception does not apply to Florida Family Law Forms 12.902(f)(1), Marital Settlement Agreement for Dissolution of Marriage with Dependent or Minor Child(ren), 12.902(f)(2), Marital Settlement Agreement for Dissolution of Marriage with Property but No Dependent or Minor Child(ren), 12.902(f)(3), Marital Settlement Agreement for Simplified Dissolution of Marriage, and any other family law form that transfers the ownership of property, which must continue to be notarized or signed in the presence of a deputy clerk prior to filing.

(14) Objections to In-Person Visitation for Children under the Protective Supervision of the Florida Department of Children and Families (DCF). A caregiver for a child subject to the protective supervision of the DCF may object to the in-person nature of a visitation on grounds that risks due to COVID-19 will negatively affect the health or safety of a person participating in the visitation or of a member of that person's household. The court must

consider such objection and responses thereto before entering an order on visitation. This section applies to parent-child visitation, sibling visitation, and visitation between children and other family members and non-relatives.

* * *

Additional orders extending or modifying these measures will be issued as warranted to mitigate the effects of the public health emergency on the judicial branch and its participants.

DONE AND ORDERED at Tallahassee, Florida, on January 8, 2022.

AOSC21-17 A3

Chief Justice Charles T. Canady

AOSC21-17 A3 01/08/2022

ATTEST:

AOSC21-17 A3 01/08/2022

John A. Tomasino, Clerk of Court

AOSC21-17 A3 01/08/2022

AO 21-19 | FLORIDA SUPREME COURT

YEAR: 2021

NUMBER: 19

TITLE: IN RE: MEDIATOR ETHICS ADVISORY COMMITTEE

PAGES: 2

Supreme Court of Florida

No. AOSC21-19

IN RE: MEDIATOR ETHICS ADVISORY COMMITTEE

ADMINISTRATIVE ORDER

The Mediator Ethics Advisory Committee provides written advisory opinions to mediators concerning interpretations of the Florida Rules for Certified and Court-Appointed Mediators and guidance on standards of conduct.

Sandra Victor has resigned from her service on the committee. In accordance with rule 10.910, Florida Rules for Certified and Court-Appointed Mediators, the following Supreme Court certified mediator is appointed to complete the remainder of Ms. Victor's four-year term, which expires on June 30, 2022:

SOUTHWEST DIVISION:
Mr. Brian T. Gruber
Seminole, Florida

In addition, the terms of three committee members expire on June 30, 2021. In accordance with the rule, the following certified mediators are hereby reappointed to serve on the committee for a term that expires on June 30, 2025:

NORTHERN DIVISION:
Mr. Eugene R. Presley, Jr.
Tallahassee, Florida

CENTRAL DIVISION:
Ms. Jean M. Dwyer
Ormond Beach, Florida

SOUTHWEST DIVISION:
Mr. John Prevas
Belleair, Florida

DONE AND ORDERED at Tallahassee, Florida, on June 14, 2021.

AOSC21-19 06/14/2021

Chief Justice Charles T. Canady

AOSC21-19 06/14/2021

ATTEST:

AOSC21-19 06/14/2021

John A. Tomasino, Clerk of Court

AOSC21-19 06/14/2021

AO 21-31 | FLORIDA SUPREME COURT

YEAR: 2021

NUMBER: 31

TITLE: IN RE: EMERGENCY REQUEST TO EXTEND TIME PERIODS UNDER ALL FLORIDA RULES OF PROCEDURE FOR DESOTO, MANATEE, AND SARASOTA COUNTIES IN THE TWELFTH JUDICIAL CIRCUIT

PAGES: 3

Supreme Court of Florida

No. AOSC21-31

IN RE: EMERGENCY REQUEST TO EXTEND TIME PERIODS UNDER ALL FLORIDA RULES OF PROCEDURE FOR DESOTO, MANATEE, AND SARASOTA COUNTIES IN THE TWELFTH JUDICIAL CIRCUIT

ADMINISTRATIVE ORDER

WHEREAS on Tuesday, July 6, 2021, Tropical Storm Elsa caused the closure of the courts in Desoto, Manatee, and Sarasota Counties in the Twelfth Judicial Circuit; and

WHEREAS on Monday, July 5, 2021, the courts were closed for the observance of Independence Day; and

WHEREAS this emergency also may have temporarily impeded the ability of attorneys, litigants, witnesses, jurors, and others in the performance of their duties and obligations with respect to many legal processes throughout the State of Florida; and

WHEREAS it is the intent of this order to equitably relieve parties in all pending cases by extending legal time limits that they otherwise would have been unable to meet due to the emergency;

THEREFORE, pursuant to the administrative authority conferred upon me by article V, section 2 of the Florida Constitution, and Florida Rules of Judicial Administration 2.205(a)(2)(B)(iv) and 2.205(a)(2)(B)(v),

IT IS ORDERED that:

1. In Desoto, Manatee, and Sarasota Counties all time limits prescribed or allowed by rule of procedure, court order, statutes applicable to court proceedings, or otherwise pertaining to court proceedings, which are not currently suspended by *In re: COVID-19 Health and Safety Protocols and Emergency Operational Measures for Florida Appellate and Trial Courts,* Fla. Admin. Order No. 21-17, as amended, are extended from the close of business on Friday, July 2, 2021, until the close of business on Wednesday, July 7, 2021.

2. The extension of time periods under this order shall apply only when the last day of those periods falls within the time extended.

3. This Court recognizes that there may be instances where, because of this emergency, these and other time limits applicable to matters in or outside Desoto, Manatee, and Sarasota Counties

could not be met even upon application of the periods stated above. If such a claim is made, it shall be resolved by the court in which jurisdiction is vested on a case-by-case basis when a party demonstrates that the lack of compliance with requisite time periods was directly attributable to this emergency and that equitable remedy is required.

DONE AND ORDERED at Tallahassee, Florida, on July 8, 2021.

AOSC21-31 07/08/2021

Chief Justice Charles T. Canady

AOSC21-31 07/08/2021

ATTEST:

AOSC21-31 07/08/2021

John A. Tomasino, Clerk of Court

AOSC21-31 07/08/2021

AO 21-45 | FLORIDA SUPREME COURT

YEAR: 2021

NUMBER: 45

TITLE: ACCESS TO ELECTRONIC COURT RECORDS

PAGES: 18

Supreme Court of Florida

No. AOSC21-45

IN RE: ACCESS TO ELECTRONIC COURT RECORDS

ADMINISTRATIVE ORDER

In March 2014, the Supreme Court adopted the Standards for Access to Electronic Court Records and the Access Security Matrix (hereinafter "Standards and Matrix") in *In re: Standards for Access to Electronic Court Records*, Fla. Admin. Order No. AOSC14-19 (amended May 23, 2014), which governs appropriate, differentiated levels of access to electronic court records.

Since then, the Florida Courts Technology Commission (hereinafter "Commission") has recommended changes to the Standards and Matrix, as necessary, based on applicable rules and statutes, and the Court adopted the most recent revisions through *In re: Access to Electronic Court Records*, Fla. Admin. Order No. AOSC20-108 (Nov. 20, 2020).

The Commission has proposed updates to the language in the Standards to match the language in the Matrix for User Roles 2, 6, 8, 9, 10, 12, 13, and 14. Additionally, the Commission has proposed revisions to the descriptive language for Level B and Level C Access regarding sealed and confidential records in the Matrix.

The Commission also reviewed a request from the Office of Statewide Prosecution (hereinafter "Office") and has recommended adding the Office to the Standards and Matrix affording them the same level of access as the Florida State Attorneys' Offices. In addition, the Commission has recommended that the Office be required to establish policies to ensure that access to confidential records and information is limited to those individuals who require access in the performance of their official duties.

Furthermore, the Commission has recommended that the Court approve an administrative change to the privacy designation for certain case types from "Public" to "Confidential" in the Matrix.[1]

1. These case types are confidential in the clerk of court case maintenance systems but are not depicted on the Access Security Matrix. Therefore, the change recommended by the Commission does not affect the access that each user role has.

As a means for the judicial branch to continue to ensure responsible access to electronic court records, the Court hereby adopts the amended Standards and Matrix to supersede those previously adopted. The amended Standards and Matrix are attached hereto and incorporated herein by reference.[2]

DONE AND ORDERED at Tallahassee, Florida, on September 3, 2021.

AOSC21-45 09/03/2021

Chief Justice Charles T. Canady

AOSC21-45 09/03/2021

ATTEST:

AOSC21-45 09/03/2021

John A. Tomasino, Clerk of Court

AOSC21-45 09/03/2021

2. The Standards for Access to Electronic Court Records and the Access Security Matrix are also available on the Florida Courts website. See https://www.flcourts.org/Resources-Services/Court-Technology/Technology-Standards.

Standards for Access to Electronic Court Records

September 2021

These standards establish statewide technical and operational requirements for access to electronic court records by the public, special user groups, judges, and court and clerk's office personnel. These standards also implement the Access Security Matrix, which governs remote web-based and clerks' office access to electronic court records.

ACCESS METHODS

There are three different methods for accessing electronic court records:

1. Direct access via application to internal live data;
2. Web-based application for replicated or live data with security; and
3. Web-based portal for public viewing of replicated data and variable levels of security based on user role.

Direct or web-based access to live production data is generally limited to authorized court and clerk's office personnel. Most users will access replicated data to protect the integrity and availability of the official court record maintained by the clerk.

ACCESS SECURITY MATRIX

The Access Security Matrix (the "Matrix") governs access to electronic court records based upon user roles and applicable court rules, statutes, and administrative policies. The Matrix performs the following functions:

1. Establishes user groups;
2. Establishes access levels; and
3. Assigns access level for each user group based on case type.

The Access Governance Board ("the Board"), under the authority of the Florida Courts Technology Commission (the "FCTC"), is responsible for maintaining the Matrix by timely incorporating legislative and rule changes that impact access to electronic court records. Access permitted under the Matrix applies equally to electronic and paper court records.

USER AGREEMENTS

The FCTC, in conjunction with the clerks, must develop and maintain agreements clearly defining responsibilities for user access.

Clerks may use an online agreement, instead of a paper agreement, that requires users to agree to terms using an online click-through (for example, clicking on the "I AGREE" button, as with other online term agreements) as long as the agreement terms are versioned so that updates can be tracked. When agreement terms change, users are required to accept the new terms, either electronically or in paper. A notarized agreement is required for each user role, except for the

Registered User role as defined by the Matrix. User agreements submitted in paper shall be retained by the clerk.

GATEKEEPER

In an effort to effectively manage access and ensure security, an agency may utilize one or more gatekeepers, or a designee authorized by an agency head, or an authorized gatekeeper who shall be an employee of that agency, for the purpose of adding, updating, and deleting user or agency information. A gatekeeper shall only add users commensurate with an agency's user role type and/or as registered users. Each agency shall be responsible for ensuring that each user added by the gatekeeper is only given access that is commensurate to their job duties. Nothing in this definition shall nullify any other duty imposed upon the gatekeeper by the Board.

USER ROLES

Access to electronic court records is determined by the user's role and applicable statutes, court rules, and applicable administrative policy. Access may be restricted to certain user roles based on case type, document type, or information contained within court records. All individuals and entities authorized under these standards to have greater access than the general public must establish policies to protect confidential records and information in accordance with applicable court rule and statutory requirements. Remote electronic access may be more restrictive than in-person in-house electronic access at clerks' offices.

ACCESS LEVELS

Access levels are defined as follows:

A. All but expunged, or sealed under Ch. 943, F.S.;
B. All but expunged, or sealed under Ch. 943, F.S., or sealed by court order;
C. All but expunged, or sealed under Ch. 943, F.S. or sealed by court order or confidential under Fla. R. Gen. Prac. & Jud. Admin. 2.420;
D. All but expunged, sealed, or confidential, record images viewable upon request;
E. Case number, party names, dockets only;
F. Case number and party names only;
G. Case number only; and
H. No access.

Viewable on request access level applies to documents containing confidential information that must be redacted; this access level requires examination of the case file by a clerk to identify and redact confidential information before the record can be viewed.

MATRIX USER ROLES	ACCESS PERMITTED	USER SECURITY REQUIREMENTS
User Role 1 Judges and authorized court and clerk's office personnel	All court records, except those expunged pursuant to §943.0585, F.S., with discretionary limits based on local security policy. Each court and clerk must establish policies to ensure that access to confidential records and information is limited to those individuals who require access in the performance of their official duties. Access to records sealed pursuant to §943.059(4), F.S., is permitted for judges to assist in the performance of case-related adjudicatory responsibilities.	In-house secure network and secure web access.
User Role 2 Florida State Attorneys' Offices and the Office of Statewide Prosecution	All records except those that are expunged or sealed, or, unless Level B access is assigned to this role in the Access Security Matrix, those records automatically confidential under rule 2.420(d)(1), Fla. R. Gen. Prac. & Jud. Admin., or made confidential by court order. Access to Social Security numbers by §§119.071(5)(a)6.b. and 119.0714(1)(i), F.S. Access to HIV test results as permitted by §381.004(5)(c), F.S. Access to sexually transmitted disease results as permitted by §384.29(1), F.S.	Secure access through username and password by written notarized agreement. The agency gatekeeper is responsible for maintaining the authorized user list. <u>Each agency must establish policies to ensure that access to confidential records and information is limited to those individuals who require access in the performance of their official duties.</u>

MATRIX USER ROLES	ACCESS PERMITTED	USER SECURITY REQUIREMENTS
	Access to birth certificates as permitted by §§382.013(5) and 382.025(1)(a)5, F.S. Access to mental health records as permitted by §§394.4615(3)(b), 394.4655(3)4)(c), and F.S. Access to identities of victims of sexual and child abuse when originating from law enforcement as permitted by §119.0714(1)(h), F.S. Access to children and families in need of services records as permitted by §984.06(3), F.S. Access to juvenile records as permitted by §§39.0132(4)(a)(1) and 985.04(1)(b), F.S.	
User Role 3 Attorneys of record	All records except those that are expunged or sealed; access may be denied to records or information automatically confidential under rule 2.420(d)(1), Fla. R. Gen. Prac. & Jud. Admin., or made confidential by court order, depending upon the type of case and the language of the court order. Access will be changed to Registered User when the attorney's appearance is terminated in accordance with rule 2.505, Fla. R. Gen. Prac. & Jud. Admin.	Secure access through username and password by written notarized agreement. The gatekeeper is responsible for maintaining the authorized user list.

MATRIX USER ROLES	ACCESS PERMITTED	USER SECURITY REQUIREMENTS
User Role 4 Parties	All records in the party's case except those that are expunged or sealed; access may be denied to information automatically confidential under rule 2.420(d)(1), Fla. R. Gen. Prac. & Jud. Admin., or made confidential by court order, depending upon case type and the language of the order.	Secure access on a case-by-case basis. Access by notarized request to insure the identity of the party.
User Role 5 Public in Clerks' offices and Registered Users	All records except those that are expunged or sealed, automatically confidential under rule 2.420(d)(1), Fla. R. Gen. Prac. & Jud. Admin., or made confidential by court order. Viewable on request remote access to images of records in cases governed by the Florida Family Law Rules of Procedure, Florida Rules of Juvenile Procedure, or Florida Probate Rules, pursuant to §28.2221(5)(a), F.S.	Secure access through username and password or in person at Clerks' offices.
User Role 6 General government and constitutional officers	All records except those that are expunged or sealed, or, unless Level "B" access is assigned to this role in the Access Security Matrix, those records automatically confidential under rule 2.420(d)(1), Fla. R. Gen. Prac. & Jud. Admin., or made confidential by court order. Access to social security numbers as permitted by §§119.071(5)(a)6.b. and 119.0714(1)(i), F.S.	Secure access through username and password by written notarized agreement. The agency gatekeeper is responsible for maintaining the authorized user list. <u>Each agency must establish policies to ensure that access to confidential records and information is limited to those individuals who require access in the performance of their official duties.</u>

MATRIX USER ROLES	ACCESS PERMITTED	USER SECURITY REQUIREMENTS
User Role 7 General public (without registration agreement)	All records except those that are expunged or sealed, automatically confidential under rule 2.420(d)(1), Fla. R. Gen. Prac. & Jud. Admin., or made confidential by court order. No remote access to images of records in cases governed by the Florida Family Law Rules of Procedure, Florida Rules of Juvenile Procedure, or Florida Probate Rules, pursuant to §28.2221(5)(a), F.S.	None. Anonymous web-based access permitted.
User Role 8 Certified law enforcement officers of federal and Florida state and local law enforcement agencies, Florida Department of Corrections, and their authorized users	All records except those that are expunged or sealed, or, unless Level "B" access is assigned to this role in the Access Security Matrix, those records automatically confidential under rule 2.420(d)(1), Fla. R. Gen. Prac. & Jud. Admin., or made confidential by court order. Access to social security numbers as permitted by §§119.071(5)(a)6.b. and 119.0714(1)(i), F.S. Access to HIV test results as permitted by §§381.004(2)(e), and 951.27 F.S. Access to sexually transmitted disease results as permitted by §384.29(1), F.S. Access to birth certificates as permitted by §§382.013(5) and 382.025(1)(a)5., F.S.	Secure access through username and password by written notarized agreement. The agency gatekeeper is responsible for maintaining the authorized user list. Each agency must establish policies to ensure that access to confidential records and information is limited to those individuals who require access in the performance of their official duties.

MATRIX USER ROLES	ACCESS PERMITTED	USER SECURITY REQUIREMENTS
	Access to identities of victims of sexual and child abuse when originating from law enforcement as permitted by §119.0714(1)(h), F.S. Access to children and families in need of services records as permitted by §984.06(3), F.S. Access to juvenile records as permitted by §§39.0132(4)(a)(1) and 985.04(1)(b), F.S.	
User Role 9 Florida Attorney General's Office and the Florida Department of Children and Families	All records except those that are expunged or sealed, or, unless Level "B" access is assigned to this role in the Access Security Matrix, those records automatically confidential under rule 2.420(d)(1), Fla. R. Gen. Prac. & Jud. Admin., or made confidential by court order. Access to social security numbers as permitted by §§119.071(5)(a)6.b. and 119.0714(1)(i), F.S. Access to birth certificates as permitted by §§382.013(5) and 382.025(1)(a)5., F.S. Access to children and families in need of services records as permitted by §984.06(3), F.S. Access to juvenile records as permitted by §§39.0132(4)(a)(1) and 985.04(1)(b), F.S.	Secure access through username and password by written notarized agreement. The agency gatekeeper is responsible for maintaining the authorized user list. <u>Each agency must establish policies to ensure that access to confidential records and information is limited to those individuals who require access in the performance of their official duties.</u>

MATRIX USER ROLES	ACCESS PERMITTED	USER SECURITY REQUIREMENTS
User Role 10 Florida School Districts (Truancy)	All records except those that are expunged or sealed, or, unless Level "B" access is assigned to this role in the Access Security Matrix, those records automatically confidential under rule 2.420(d)(1), Fla. R. Gen. Prac. & Jud. Admin., or made confidential by court order. Access to social security numbers as permitted by §§119.071(5)(a)6.b. and 119.0714(1)(i), F.S. Access to juvenile delinquency records as permitted by §985.04(1)(b), F.S.	Secure access through username and password by written notarized agreement. Agency gatekeeper is responsible for maintaining authorized user list. Each school district must establish policies to ensure that access to confidential records and information is limited to those individuals who require access in the performance of their official duties.
User Role 11 Commercial purchasers of bulk records	All records except those that are expunged or sealed, automatically confidential under rule 2.420(d)(1), Fla. R. Gen. Prac. & Jud. Admin., or made confidential by court order. No remote access to images of records in cases governed by the Florida Family Law Rules of Procedure, Florida Rules of Juvenile Procedure, or Florida Probate Rules, pursuant to §28.2221(5)(a), F.S.	Secure access through username and password by written notarized agreement. The commercial purchaser gatekeeper is responsible for maintaining an authorized user list.
User Role 12 Florida Office of the Public Defender (Institutional Access only)	All records except those that are expunged or sealed; or, unless Level "B" access is assigned to this role in the Access Security Matrix, access may be denied to records or information automatically confidential under rule	Secure access through username and password by written notarized agreement. The gatekeeper is responsible for maintaining authorized user list.

MATRIX USER ROLES	ACCESS PERMITTED	USER SECURITY REQUIREMENTS
	2.420(d)(1), Fla. R. Gen. Prac. & Jud. Admin., or made confidential by court order, depending upon the type of case and the language of the court order. The Office of the Public Defender is considered the attorney of record at a defendant's first appearance as permitted by §985.045(2) and rules 8.010 and 8.165, Fla. R. Juv. P., for juvenile defendants and §27.51, F.S., and rule 3.130, Fla. R. Crim. P. for adult defendants. Access will be changed to User Role 6 when the public defender is no longer the attorney of record or another attorney is assigned.	Each public defender must establish policies to ensure that access to confidential records and information is limited to those individuals who require access in the performance of their official duties.
User Role 13 Office of Criminal Conflict and Civil Regional Counsel (Institutional Access only)	All records except those that are expunged or sealed; or, unless Level "B" access is assigned to this role in the Access Security Matrix, access may be denied to records or information automatically confidential under rule 2.420(d)(1), Fla. R. Jud. Admin., or made confidential by court order, depending upon the type of case and the language of the court order. The Office of Criminal Conflict and Civil Regional Counsel (OCCCRC) is considered the attorney of record at a party's first appearance in civil proceedings	Secure access through username and password by written notarized agreement. The gatekeeper is responsible for maintaining authorized user list. Each regional counsel must establish written policies to ensure that access to confidential records and information is limited to those individuals who require access in the performance of their official duties.

MATRIX USER ROLES	ACCESS PERMITTED	USER SECURITY REQUIREMENTS
	listed in §27.511(6), F.S., and in criminal proceedings is entitled to appointment as attorney of record upon the Public Defender's declaration of conflict in case types listed in §27.511(5), F.S. Access will be changed to User Role 6 when the OCCCRC is no longer the attorney of record or another attorney is assigned.	
User Role 14 Statewide Guardian ad Litem Office	All records except those that are expunged or sealed, or, unless Level "B" access is assigned to this role in the Access Security Matrix, automatically confidential under rule 2.420(d)(1), Fla. R. Gen. Prac. & Jud. Admin., or made confidential by court order. Access to social security numbers as permitted by §§119.071(5)(a)6.b. and 119.0714(1)(i), F.S. Access to birth certificates as permitted by §§382.013(5) and 382.025(1)(a)5., F.S. Access to children and families in need of services records as permitted by §984.06(3), F.S. Access to juvenile records as permitted by §§ 39.0132(4)(a)(1) and 985.04(1)(b), F.S.	Secure access through username and password by written notarized agreement. The gatekeeper is responsible for maintaining authorized user list. <u>Each guardian ad litem must establish policies to ensure that access to confidential records and information is limited to those individuals who require access in the performance of their official duties.</u>

MATRIX USER ROLES	ACCESS PERMITTED	USER SECURITY REQUIREMENTS
	Access for guardian ad litem appointed as permitted by §39.822, F.S.	

INSTITUTIONAL ACCESS

Institutional Access applies to roles of the Florida Office of Public Defender and the Office of Criminal Conflict and Civil Regional Counsel in cases where they are appointed or are the presumptive attorney of record. The term "institution" as used within these standards means a statutorily-created organization or agency responsible for providing legal representation to an individual or group of individuals. This designation allows institutional users - including paralegals, legal assistants, and other staff - to view assigned cases as if they were the "attorney of record." Once an institution ceases representation in a case, access is severed and the institution's users default to the General Government user role.

REDACTION

Redaction is the process of obscuring confidential information contained within a public record from view. Redacted portions of a record are blacked out. Redaction may be accomplished manually or through use of technology such as redaction software. Redaction software is used when information is in electronic form. If redaction software is used, it must identify and protect confidential information through redaction of confidential content. For efficiency, redaction software is preferred over manual processes when the files are in electronic form.

There are generally two levels of redaction:

1. Level 1 -The system reads the images and uses the knowledge base to auto-redact suspect regions.
2. Level 2 -Redacted images are presented to a first reviewer to accept or decline to redact selected data on the image.

Redaction software which identifies confidential information may be used; however, a manual process must also exist to identify confidential information which may not be readily identified by an auto redaction process or for case types/documents that are available upon request.

QUALITY ASSURANCE

Clerks must employ redaction processes through human review, the use of redaction software, or a combination of both. Clerks must audit the process adopted at least annually for quality assurance and must incorporate into their processes new legislation or court rules relating to

protection of confidential information. It is recommended that clerks advise commercial purchasers that court records are regularly updated and encourage the use of updated records.

CLERK SECURITY

No sensitive security information should be presented on the user interface. Sensitive data shall be exchanged over trusted paths or by using adequate encryption between users; between users and systems; and between systems. The system must employ appropriate security and encryption measures to prevent disclosure of confidential data to unauthorized persons.

Minimum Technical Requirements:

1. Encryption (general public and authenticated)**;
2. No "cutting and pasting" of workable links;
3. Hyperlinks must not include authentication credentials;
4. No access to live data, replicated records will be used for public access;
5. Authenticated access for access beyond general public access; and
6. Monitor bulk data transfers to identify and mitigate abuses of the system by utilizing access programs using automated methods.

**Encryption protects the integrity of the record and prevents exposure to potential security risks. It also prevents authenticated users with higher access from sending links to information to non-authorized users.

INTEGRITY OF THE COURT RECORD

To protect the integrity and availability of the court record, public access will not be to the original record, but to a replicated version that is redacted, if applicable.

Online links shall be encrypted to prevent return access to a URL via "cutting and pasting." Link refresh times shall appropriately time out as determined by each individual clerk, but links shall refresh no less than once every 30 minutes.

PERFORMANCE

Search parameters for web-based access to electronic records will be limited to the following:

A. User Role 7 (General Public)
   1. Case type;
   2. Case number;
   3. Party name;
   4. Citation number; and
   5. Date range.

B. Other user roles with authenticated users may have more robust search features than general public users.

Non-confidential data or data accessed by an authenticated user may be viewed immediately. Some images may be "viewable on request" to allow time for the redaction process.

Online access to documents stored as images may be provided. Documents stored as images are "view only." If a requested document is maintained by the clerk in a searchable format, the document may be provided to the public in that format, but only in response to a specific request. Search capability, if available, will be limited to such requested document and must not support automated bulk searches.

Only authorized automated search programs, to be used solely on the indices, shall be used with the court's electronic public access system. Automated search programs may not be used on any other component of the court's electronic public access system. The court and clerk will determine the criteria for authorization of any automated search programs. Such authorization may be revoked or modified at the discretion of the court and clerk.

ARCHIVAL REQUIREMENTS

Electronic records must be archived in a manner that protects the records from degradation, loss of content, or problems with software compatibility relative to the proper rendering of electronic records, and in compliance with applicable law or Supreme Court guidelines.

AUTHENTICATION REQUIREMENTS

Members of the general public do not require a username or password to access information that is generally available to the public. For information that is accessible to individuals or entities beyond general public access, users must be authenticated to verify their role and associated access levels. Users must subscribe to the access system and provide information to verify their identity. Users are then assigned a login account. At a minimum, users accessing records and information beyond general public access must have a username and password and have the ability to change their password using self-service within the web-based application.

Access Security Matrix

(September 2021 v10)

User Role (Subscribers)

Key to access codes
A = All but expunged, or sealed under Ch. 943, F.S.
B = All but expunged, or sealed under Ch. 943, F.S., or sealed by court order
C = All but expunged, or sealed under Ch. 943 or confidential under Fla. R. Gen. Prac. & Jud. Admin. 2.420, or by court order
D = All but expunged, sealed or confidential; record images viewable upon request
E = Case number, party names, dockets only
F = Case number and party names only
G = Case number only
H = No access

Case - Charge/Filing Description	PRIVACY	1. Judges and authorized court and clerk's office personnel (Internal access by authorization)	2. Florida State Attorney's Offices and the Office of Statewide Prosecution	3. Attorneys of Record	4. Parties	5. Public in Clerks' offices and registered users	6. General Gov't and Const Officers	7. General public (without registration agreement)	8. Certified law enforcement officers of federal and Florida state and local law enforcement agencies, Florida Department of Corrections, and their authorized users	9. Florida Attorney General's Office, Florida Department of Children and Families	10. Florida School Districts (Truancy)	11. Commercial purchasers of bulk records	12. Florida Office of the Public Defender (Institutional Access only)	13. Office of Criminal Conflict and Civil Regional Counsel (Institutional Access only)	14. Statewide Guardian ad Litem Office	UCN	Applicable rules and statutes
County Criminal Appeals	P	A	B	B	C	D	C	D	B	C	C	D	B	C	D	AP	Rule 2.420(d) & (f)
County Criminal Appeals Sexual Abuse	VOR	A	B	B	D	D	D	D	B	D	D	D	B	D	D	AP	Rule 2.420(d) & (f), §119.071(2)(h), F.S., Chs. 794, 796, 800, 827 & 847, F.S.
County Civil Appeals	P	A	B	B	B	D	C	D	B	C	C	D	C	C	D	AP	Rule 2.420(d)
Circuit Civil	P	A	B	B	B	D	C	D	B	C	C	D	C	C	C	CA	Rule 2.420(d) & Rule 1.210
Jimmy Ryce Act	VOR	A	B	B	D	D	D	D	B	D	D	D	B	D	D	CA	Rule 2.420(d), Chapter 119, F.S.& § 394.921(1)&(2), F.S.
Mortgage Foreclosure	P	A	B	B	B	D	C	D	B	C	C	D	C	C	D	CA	Rule 2.420(d) & Rule 1.210
Circuit Civil Private (Sexual Abuse & Medical Malpractice)	VOR	A	B	B	D	D	D	D	B	D	D	D	D	D	D	CA	Rule 2.420(d)(1)(B)(xiii), §§119.071(2)(h), 119.0714(1)(h), & 28.2221(5)(a), F.S.
Circuit Civil - Trusts (Pre 2010)	P	A	B	B	B	D	C	E	B	C	C	E	C	C	C	CA	Rule 2.420(d)(1)(B); Chapter 119, F.S. & §28.2221(5)(a), F.S.
County Civil	P	A	B	B	B	D	C	D	B	C	C	D	C	C	C	CC	Rule 2.420(d) & Rule 1.210
Felony	P	A	B	B	C	D	C	D	B	C	C	D	B	C	C	CF	Rule 2.420(d) & Chapter 119, F.S.
Felony - sexual cases	VOR	A	B	B	C	D	D	D	B	D	D	D	B	D	D	CF	Rule 2.420(d)(1), §119.071(2)(h)1.b or c, F.S., Chs. 794, 796, 800, 827, & 847, F.S.
Juvenile Delinquency	C	A	B	B	B	G	G	G	B	G	G	G	B	G	G	CJ	§§985.04(1) & (2), 985.045(2), 985.036(1) & 985.11(3), F.S.
County Ordinance Infractions	P	A	B	B	B	D	C	D	B	C	C	D	C	C	C	CO	Rule 2.420
County Ordinance - Arrests	P	A	B	B	C	D	C	D	B	C	C	D	B	C	C	CO	Rule 2.420
Probate Formal Administration	P	A	D	D	D	D	D	E	D	D	D	E	D	D	D	CP	Rule 2.420; §§28.2221(5)(a) & 733.604 (b), F.S.
Probate Other	P	A	D	B	D	D	D	E	D	D	D	E	D	D	D	CP	Rule 2.420; §§28.2221(5)(a) & 735.201-302, F.S.
Criminal Traffic	P	A	B	B	C	D	C	D	B	C	C	D	B	C	C	CT	Rule 2.420(d) & (f)
Juvenile Dependency	C	A	B	B	C	G	G	G	B	B	G	G	G	B	B	DP	Rule 2.420(d), §§39.0132(3)&(4)(a), 39.822(3) & 27.511(6)(a), F.S.
Juvenile Truancy	C	A	B	B	B	G	G	G	B	B	B	G	G	B	B	DP	§984.06(3) & §27.511(6)(a), F.S.
Domestic Relations	P	A	B	B	B	D	C	E	B	C	C	E	C	C	C	DR	Rule 2.420(d), §§28.2221(5)(a), 61.043(1), 68.07, 382.025(1), 382.0195(1), 409.2563(2)(d) & 742.011, F.S.
Domestic Relations Adoption (FINAL)	C	A	G	D	D	G	G	G	G	G	G	G	G	G	G	DR	§§63.162(1)(2) & 63.022(4)(i), F.S.
DR Adoption (while open and pending)	C	A	G	B	D	G	G	G	G	G	G	G	G	B	G	DR	§§63.162(1)(2), 63.022(4)(i), & 27.511(6)(a), F.S.
Domestic Relations - Paternity - sealed	P	A	F	F	F	F	F	F	F	F	F	F	F	F	F	DR	§§742.011, 742.091, 742.16(9), 742.031(1), & 28.2221(5)(a), F.S.
DR Violence Injunctions (all) Before Service	C	A	B	B	G	G	G	G	D	G	G	G	G	G	G	DR	Rule 2.420(d)(1)(B)(xxiii), §§119.0714(1)(k)3 & 28.2221(5)(a), F.S.
DR Violence Injunctions (all but sexual) After Service	P	A	B	B	D	D	C	E	B	C	C	E	B	C	C	DR	Rule 2.420(d)(1)(B)(xxiii), §§119.0714(1)(k)3 & 28.2221(5)(a), F.S.
Parental Notice of Abortion	VOR	A	G	B	B	G	G	G	G	G	G	G	G	G	G	DR	Rule 8.805(b), Rule 8.835, Rule 2.420(d)(1)(B)(vii), §§390.01114(4)(e) & 390.01116, F.S.
Sexual Violence After Service	VOR	A	B	B	D	D	D	E	B	D	D	E	C	D	D	DR	Rule 2.420(d)(1)(B)(xiii) & (f), §119.071(2)(h)1 (b) or (c), F.S.
Termination of Parental Rights	C	A	B	B	G	G	G	G	B	B	G	G	G	B	B	DR	§§39.814(3) & (4), 39.822(3) & 27.511(6)(a), F.S.
Extradition	VOR	A	B	B	C	D	D	D	B	D	D	D	C	D	D	CF	Rule 2.420(d) & (f)
Guardianship/Guardian Advocate (Developmental Disabilities)	P	A	B	B	B	D	C	E	C	C	C	E	C	B	C	GA	§§744.1076, 744.3701, 393.12 & 27.511(6)(a), F.S.
Guardianship Miscellaneous/Professional Guardian	P	A	B	B	C	D	C	E	C	C	C	E	C	B	C	GA	§§744.1076, 744.3701, 744.2003 & 27.511(6)(a), F.S.
Non-Criminal Infractions	P	A	B	B	B	D	C	D	B	C	C	D	C	C	C	IN	Rule 2.420(d)
Juvenile Miscellaneous	C	A	B	B	G	G	G	G	G	G	G	G	G	B	G	DP	§§985.04(1) & (2), 985.045(2) & 27.511(6)(a), F.S.
Miscellaneous Firearms	P	A	B	B	B	D	C	D	B	C	C	D	B	C	D	MM	Rule 2.420(d), §§119 & 790.065(4), F.S.
Mental Health Miscellaneous	P	A	B	B	B	D	D	E	C	D	D	E	B	D	D	MH	Rule 5.900, §§393.11, 765.105, 916.107(3)(a), & 415.1051, F.S.
Baker Act	C	A	B	B	B	G	G	G	B	B	G	G	B	G	B	MH	Rule 2.420(d), §§394.459(8) & 394.4615, F.S.
Substance Abuse - Assessment/Treatment	C	A	B	B	B	G	G	G	B	B	G	G	G	B	B	MH	Rule 2.420(d), §§397.501(7), 397.6760 & 27.511(6)(a), F.S.
Tuberculosis/STD Treatment/Other Confidential	C	A	B	B	B	G	G	G	B	B	G	G	G	B	B	MH	§§392.55, 384.27 & 27.511(6)(a), F.S.
Incapacity	P	A	B	B	B	D	C	E	C	C	C	E	C	B	C	MH	Rule 2.420(d), §§744.3701, & 27.511(6)(a), F.S.
Misdemeanor	P	A	B	B	D	D	C	D	B	C	C	D	B	C	C	MM	Rule 2.420(d)
Misdemeanor - sexual cases	VOR	A	B	B	D	D	D	D	B	D	D	D	B	D	D	MM	Rule 2.420(d) & §119.071(2)(h), F.S.
Municipal Ordinance Infraction	P	A	B	B	B	D	C	D	B	C	C	D	C	C	C	MO	Rule 2.420(d)
Municipal Ordinance Arrest	P	A	B	B	B	D	C	D	B	C	C	D	B	C	C	MO	Rule 2.420(d)
Misdemeanor-Misc	VOR	A	B	B	B	D	D	D	B	D	D	D	B	D	D	MM	Rule 2.420(d)

***VOR Statute List (F.S.):**
787, 794, 796, 800, 825, 827, 847, 921
VOR is at the case level

***Viewable on Request (VOR) - to ensure that information is properly removed prior to public access, some case types and document types have a special electronic security called viewable on request. Selecting an image of a court document in cases or documents coded viewable on request will not allow the user to view the record at that point. Instead, a request is generated to a clerk, who performs a second examination of the document to remove personal identification information and information about the victims of sexual or child abuse crimes. After the clerk has completed, the requestor then receives a notice that the document is available for viewing. Once a document has been requested and reviewed, it is available for all future access without requiring a request/review.

Access Security Matrix

(September 2021 v10)

		User Role (Subscribers)															
Key to access codes A = All but expunged, or sealed under Ch. 943, F.S. B = All but expunged, or sealed under Ch. 943, F.S., or sealed by court order C = All but expunged, or sealed under Ch. 943 or confidential under Fla. R. Gen. Prac. & Jud. Admin. 2.420, or by court order D = All but expunged, sealed or confidential; record images viewable upon request E = Case number, party names, dockets only F = Case number and party names only G = Case number only H = No access		1. Judges and authorized court and clerk's office personnel (Internal access by authorization)	2. Florida State Attorney's Offices and the Office of Statewide Prosecution	3. Attorneys of Record	4. Parties	5. Public in Clerks' offices and registered users	6. General Gov't and Const Officers	7. General public (without registration agreement)	8. Certified law enforcement officers of federal and Florida state and local law enforcement agencies, Florida Department of Corrections, and their authorized users	9. Florida Attorney General's Office, Florida Department of Children and Families	10. Florida School Districts (Truancy)	11. Commercial purchasers of bulk records	12. Florida Office of the Public Defender (Institutional Access only)	13. Office of Criminal Conflict and Civil Regional Counsel (Institutional Access only)	14. Statewide Guardian ad Litem Office		***VOR Statute List (F.S.): 787, 794, 796, 800, 825, 827, 847, 921 VOR is at the case level ***Viewable on Request (VOR) - to ensure that information is properly removed prior to public access, some case types and document types have a special electronic security called viewable on request. Selecting an image of a court document in cases or documents coded viewable on request will not allow the user to view the record at that point. Instead, a request is generated to a clerk, who performs a second examination of the document to remove personal identification information and information about the victims of sexual or child abuse crimes. After the clerk has completed, the requestor then receives a notice that the document is available for viewing. Once a document has been requested and reviewed, it is available for all future access without requiring a request/review.
Case - Charge/Filing Description	**PRIVACY**															**UCN**	**Applicable rules and statutes**
Parking	P	A	B	B	B	D	C	D	B	C	C	D	B	C	C	CO	Rule 2.420(d)
Small Claims	P	A	B	B	B	D	D	D	D	D	D	D	C	D	D	SC	Rule 2.420(d)
Traffic Infractions	P	A	B	B	B	D	C	D	B	C	C	D	B	C	C	TR	Rule 2.420(d)
Any case marked sealed	S	A	G	G	G	G	G	G	G	G	G	G	G	G	G		Any case that has a SEALED Privacy at the case level
Any expunged case	E	H	H	H	H	H	H	H	H	H	H	H	H	H	H		Any case that has an EXPUNGED Privacy at the case level
Sealed Family Law Case	S	A	G	B	B	G	G	G	G	G	G	G	G	G	G		Case by case basis giving Party/Attorney access

Domestic Relations consists of Administrative Support Proceeding, Delayed Birth Certificate, Dissolution, Domestic Relations-Paternity, URESA/UIFSA, and Name Change
County Civil consists of County Foreclosure

AO 21-50 | FLORIDA SUPREME COURT

YEAR: 2021

NUMBER: 50

TITLE: IN RE: JUROR SELECTION PLAN: TAYLOR COUNTY

PAGES: 23

Supreme Court of Florida

No. AOSC21-50

IN RE: JUROR SELECTION PLAN: TAYLOR COUNTY

ADMINISTRATIVE ORDER

Section 40.225, Florida Statutes, provides for the selection of jurors to serve within the county by "an automated electronic system." Pursuant to that section, the chief judge of the circuit must review and consent to the juror selection process, and the clerk of the circuit court must submit to the Supreme Court of Florida a description of the method for selecting jurors. Section 40.225(3), Florida Statutes, charges the Chief Justice of the Supreme Court with the review and approval of the proposed juror candidate selection process, hereinafter referred to as the "juror pool selection plan."

The Supreme Court has developed standards necessary to ensure that juror pool selection plans satisfy statutory, methodological, and due process requirements. The Court has

tasked the Office of the State Courts Administrator with evaluating proposed plans for compliance with those standards.

By letter dated and received on June 15, 2021, the Clerk of the Court for Taylor County submitted a request for the review and approval of the Taylor County Juror Pool Selection Plan in accordance with section 40.225(2), Florida Statutes. The proposed plan reflects changes to both hardware and software used for juror pool selection in Taylor County.

The Office of the State Courts Administrator has completed an extensive review of the proposed Taylor County Juror Pool Selection Plan, including an evaluation of statutory, due process, statistical, and mathematical elements associated with selection of juror candidates. The plan meets established requirements for approval.

Accordingly, the attached Taylor County Juror Pool Selection Plan, from The Honorable Gary Knowles, Clerk of Court for Taylor County, and approved by The Honorable Mark E. Feagle, Chief Judge of the Third Judicial Circuit, is hereby approved for use.

DONE AND ORDERED at Tallahassee, Florida, on October 13, 2021.

AOSC21-50 10/13/2021

Chief Justice Charles T. Canady

AOSC21-50 10/13/2021

ATTEST:

AOSC21-50 10/13/2021

John A. Tomasino, Clerk of Court

AOSC21-50 10/13/2021

Clerk of the Circuit Court & Comptroller

Gary Knowles

Taylor County, Florida

June 15, 2021

Court Services
Office of the State Courts Administrator
Supreme Court Building
500 South Duval Street
Tallahassee, FL 32399

Dear Court Services:

Enclosed for your review is Juror Pool Selection Plan for Taylor County. Included is the proposed hardware, software, random number generator program and algorithms to be used in the jury selection process. We are seeking Office of the State Courts Administrator review and Supreme Court approval of this process.

Chief Judge Feagle has reviewed the attached documentation. A signed statement indicating his review is attached.

Please let me know if there is any other information that I may provide to you. I look forward to the Court's approval of the proposed jury pool selection plan. Thank you.

Sincerely,

Gary Knowles, Clerk of Court

Taylor County

Attachments

xc: The Honorable Mark Feagle, Chief Judge 3rd Judicial Circuit
Trial Court Administrator

108 NORTH JEFFERSON STREET, SUITE 102, PERRY, FL 32347
P.O. BOX 620, PERRY, FL 32348
Phone: (850) 838-3506 Fax: (850) 838-3549 www.taylorclerk.com

OFFICE OF THE CIRCUIT COURT
THIRD JUDICIAL CIRCUIT OF FLORIDA

Columbia, Dixie, Hamilton, Lafayette, Madison, Suwannee, and Taylor Counties

MARK E. FEAGLE
Chief Judge

LESLI L. PROVEAUX
Judicial Assistant
lesli@jud3.flcourts.org

June 14, 2021

Court Services
Office of the State Courts Administrator
Supreme Court Building
500 South Duval Street
Tallahassee, FL 32399

Re: Juror Pool Selection Plan for Taylor County

Dear Court Services:

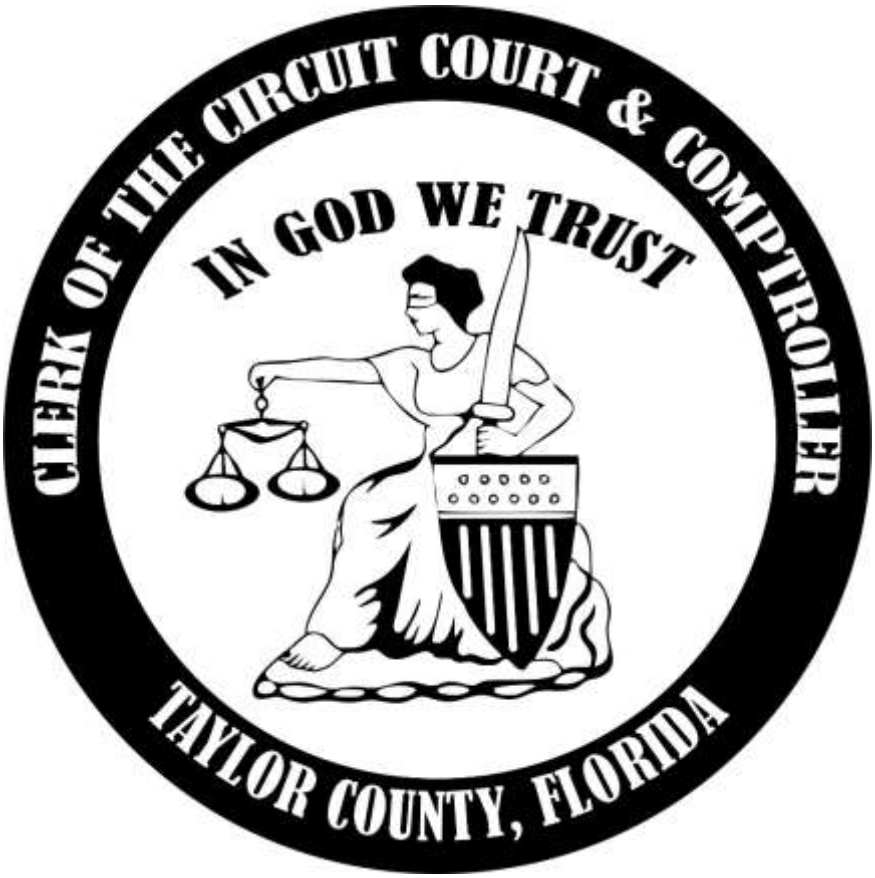
In accordance with section 40.225(1), Florida Statutes, I have reviewed the juror pool selection plan for Taylor County and consent to its use within our circuit.

Thank you.

Very truly yours,

Mark E. Feagle, Chief Judge

MEF/llp



JUNE 7, 2021

Prepared by:

KEVIN ROBINSON

Clerk of Courts, Information Technology Department

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Purpose and Scope

The purpose of this document is to describe the design and implementation of the Jury Selection Process to be used in a new Jury Management System for Taylor County, Florida. The scope of this document includes the algorithms and methods used to:

- Create and Maintain a Master Candidate table
- Select a set of names from the Master Candidate table to create a Jury Pool

Also in scope is a description of the equipment, operating system and programming software, methods, and modes of operation to be used in the Jury Selection process. Sufficient detail will be provided to satisfy the statutory condition of selection "by lot and at random" and of due process as required by Chapter 40, Florida Statues.

I. Creation of the Initial Candidate Selection List

A. Source Lists

The initial candidate selection list is created from three (3) sources:

1. The quarterly list of names provided by the Department of Highway Safety and Motor Vehicles ("DHSMV") pursuant to 40.011 F.S. This data file is processed against the Master Candidate (master_jurors) table, adding new names and updating existing information, such as addresses.

2. The list of names of persons who have filed affidavits pursuant to 40.011 F.S. requesting to serve as a Juror. The JMS provides the capability for the Clerk to manually add individuals to the Master Candidate table as required.

3. An exclusion list containing those persons who are unable to serve, have already served, or whose service is otherwise excused or postponed pursuant to 40.013, 40.022, and 40.023 F.S. The JMS provides the capability for the Clerk to Exempt someone from service (i.e. Over 70), to Exclude some from serving on an individual Venire (i.e. a Caretaker), and to Postpone someone so that they will be included in a later Venire. For example, if an individual was postponed until September 30th 2012 due to a scheduling conflict, that postponement date is stored in their Master Candidate record, and the first Venire that is created on or after that date will automatically include that individual in addition to those that were selected at random.

4. The Clerk is the official custodian for the Master Candidate table (Source List) and is responsible for the security and integrity of the list and all processes.

5. The Master Candidate table will contain not less than 250 names, pursuant to 40.02 F.S.

B. Source Data Adjustments

1. Quarterly, DHSMV provides the Florida Court Clerks and Comptrollers ("FCCC") with a data file that contains all persons holding a valid Florida Driver License or Identification Card. FCCC acts as a distribution agent, grouping the data by County and dispersing it to the Clerk of Court. Taylor County receives this data from FCCC quarterly via a dedicated network connection and the file is placed into a secured folder on a server for processing. The data received is an ASCII, fixed-length file, and is not modified in any way.

Once received, the DHSMV data is parsed and used to update the Master Candidate table in the Jury Management System where new persons are added and existing persons are updated (address, etc.). The Master Candidate table is a MSSQL relational database containing all eligible candidates gathered from the Initial Candidate Source Lists.

2. For those people who have filed affidavits pursuant to 40.011 F.S. requesting to serve as a Juror, their information is manually entered into the Candidates table by the Clerk of Court.

3. FCCC provides an ASCII data file to the Clerk of Court twice per month that contains persons who have deceased. This is an ASCII, fixed-length file similar to the Quarterly DHSMV file, and is also placed into a secured folder on a server for processing. It is not modified in any way. Once received, the data is parsed and used to update the Candidates table in the Jury Management System. Each deceased person is marked as such in the Master Candidate table and is no longer eligible for selection.

C. Time Frame

The DHSMV file is provided by FCCC quarterly, in January, April, July, and October. The Master Candidate table is updated with this information when it is received. Persons requesting to serve by signing an Affidavit are entered manually by the Clerk of Court as received. The Department of Health file containing deceased persons is provided by FCCC twice per month, on the 1st and the 15th. The Master Candidate table is updated with this information when it is received. Candidates that are excused pursuant to 40.013 F.S. or postponed to a later date are updated on-demand by the Clerk of Court.

D. Initial Jury Candidate List

Since this is a new application that is being created to replace an existing application, the Master Candidate table will be initially loaded by converting the current master Jury list file from an Informix database to a MSSQL database. No names will be excluded or modified during this conversion. This table contains all individuals possessing a Florida driver license or ID card as provided by the DHSMV for Taylor County.

II. Name Selection

A. Equipment and Software

The Jury Management System is a graphical, browser-based application written in Microsoft's .NET environment, using the Visual Studio 2015 software development tool. It is a custom application designed and developed by Civitek.

The application will be housed on multiple servers with the following specifications:

- Model: virtual machine; physical HW model HPE proliant BL460 Gen9
- Processor: Physical CPUs = Intel Xeon E5-2630 v3 2.4 GHz. Dual socket; 8 cores per socket; 16 cores per host. Virtual CPUs = 2 virtual cpu's (per vm); total 4 cores (per vm).
- Memory: 8 GB memory per vm
- HDD:[SIZE] (OS Partition – C:\)[size] 80GB (Data Partition – E:\) 20 GB. Can be expanded.
- NIC: physical nic = Broadcom qlogic 57840 10 Gbps; virtual nic = vmxnet3 vmware network adapter.
- OS: Windows Server 2016 Standard Edition x64 version 1607 build 14393.2490

The database will be housed on four clustered database servers/SAN configuration model with the following specifications:

Server

- Model: ProLiant DL380 Gen9
- OS: Windows 2012 R2\ SQL server 2016 enterprise AlwaysOn
- Processor: Xeon e5-2667 v3, 2 sockets with 8 cores at 3.20GHz
- Memory: 768GB Ram Memory

Storage Area Network (SAN)

- Model: HP HP 3Par 7400
- Storage capacity: 54 Terabytes
- Storage allocated to the Jury database: 25 GB

The Server will store the SQL Server 2016 database software. The SAN will store the actual Jury database.

B. Security

The Clerk of Court is the official custodian and is responsible for the security and integrity of the name lists and of the juror pool selection process. All servers are located in the Civitek Data Center, which is secured by magnetic key-lock. Only authorized System Administrators have access to the Data Center. The Data Center is designed for 24x7 operations, and is supported by an Uninterruptible Power Supply and generator systems.

The Jury Management System is an Intranet application and as such, is not accessible to the public via the Internet. Only authorized users have access to the application. Only Civitek application developers and database administrators have access to the database. All information necessary for auditing purposes, including random number seed sets, is stored perpetually in MSSQL Server relational database tables as part of the application base.

C. Process Overview for Name Selection

The Clerk of Court and a Judge determine that a Jury Pool needs to be created and how many potential jurors the pool should contain. Information about this pool is entered into the Jury Management System ("JMS") such as the venire date, number of jurors needed, etc.

The JMS begins the selection process by determining the number of all eligible jury candidates (persons not permanently excused, have not served in the past year, etc.) from the Master Candidate table. For example, the Master Candidate table contains approximately 488,000 names in total, but approximately 280,000 names have either been Exempted (i.e. Over 70, Convicted Felon, Deceased, etc.) , or served or summoned within 1 year, or have been Postponed. The resulting set contains approximately 206,000 names. Each of these 206,000 names by example has a uniquely assigned Juror_ID.

The system seeds the CLCG4 Random Number Generator ("RNG") with a seed set and obtains a random number for each of the eligible jury candidates.

The next step of the Jury Selection process is to assign a Random Number to each of the 206,000 Juror_ID(s) and save to the Eligible Jurors temporary table. (Note: The Eligible Jurors temporary table is emptied at the start of this process.)

The Eligible Jurors temporary table is then sorted by the random number and read providing a randomly ordered list of jurors until the desired number of jurors for the pool is obtained. For example 15,000 requested jurors of the 206,000 Eligible Jurors would be randomly selected from the Eligible Jurors temporary table to create the Jury Pool.

D. Name Selection Algorithm

Random Number Generator

The Random Number Generator ("RNG") used in the Jury Management System is the C# implementation of the CLCG4 Random Number Generator by Pierre L'ecuyer and Terry H. Andres originally written in C and based on the Combination of Four LCGs(Linear Congruential Generators).

This is a portable package for uniform random number generation based on a backbone generator with period length near 2^121, which is a combination of four linear congruential generators. The package provides for multiple (virtual) generators evolving in parallel. Each generator also has many disjoint subsequences, and software tools are provided to reset the state of any generator to the beginning of its first, previous, or current subsequence. Such facilities are helpful to maintain synchronization for implementing variance reduction methods in simulation.

A sample of output showing the C# version of CLCG4 RNG produces identical values as the C version is provided in Appendix B: CLCG4 Random Number Generator.

For testing validation of the CLCG4 Random Number Generator, please refer to Appendix C: CLCG4 Random Number Generator – Validation Results.

Seed Sets

The RNG must be seeded before use to set a starting point for random number generation. The CLCG4 Random Number Generator accepts 4, 32-bit (128 bits) seed values and can produce astronomically more (upwards of 3x10^38) streams.

The JMS will create the 4 value seed set automatically in real time when a Jury Pool is being selected (see the Initialization Section (E) for details of how the seeds are created. After the random selection process is complete, the seed set that was used will be stored in a table for auditing purposes as well as an internal JMS step that verifies the same set of 4 Seed values have not been previously used. *This will 100% guarantee that the same 4 value seed set combination will never be used more than once.*

Name Selection Process

1. A record set is created with an SQL Select from the Master Candidate table. The SQL Select contains the necessary select/omit logic so as to include only persons actually eligible to serve at that point in time. It omits persons who have been excused or are otherwise not eligible to serve in this Jury Pool (i.e. Over 70, Convicted Felon, Deceased, other permanent excusals, or served or summoned within 1 year, and is not postponed to a future venire date.).

2. The RNG is initialized with the seed set (See Section (E) Initialization).

3. The system seeds the CLCG4 Random Number Generator ("RNG") with a seed set and obtains a random number for each of the eligible jury candidates.

4. The Eligible Jurors temporary table is emptied.

5. A Random Number is assigned to each of eligible jurors determined in step 1 and then saved to the Eligible Jurors temporary table. The Eligible Jurors temporary table consists of two columns the Juror_ID and the Random_Integer <random number>.

Juror_ID	**Random Integer**
10	4144534
13	9745733
15	7682723
18	1316912
19	6204797

Etc… (Up to All Eligible Jurors determined in step 1).

6. The Eligible Jurors temporary table is then sorted by random number and read providing a randomly ordered list of jurors.

Juror_ID	Random Integer
330698	2011963
459678	2012031
189324	2012063
137539	2012090
360849	2012095

Etc… (Will include All Eligible Jurors determined in step 1, just order by the Random Number).

7. All the jurors who have previously been granted a postponement for the current venire date are the first included into the selection list for jury service.

8. The top number of Eligible Jurors requested minus those previously postponement to this date as described in Step 7, are read from the randomly ordered list of jurors as defined in Step 6 and then inserted into the Pool_Jurors table as the Jury Pool members. During this process the record in the Master Candidate table is updated to reflect selection and thereby omitting them form the next Eligible Juror selection for 1 year.

9. The total number of requested jurors has been fulfilled and the Jury Pool has been selected.

E. Initialization

Seed Set Creation

The CLCG4 Random Number Generator requires four seed values upon initialization. These four seed values are four 32-bit integers, automatically system generated by the getSeedValue() class method which uses the Microsoft CryptGenRandom [advapi32.dll] function. The CryptGenRandom is a cryptographically secure pseudorandom number generator function and produces random bytes which are multiples of 8 bits. The CryptoAPI uses underlying system entropy to seed its internal crypto-graphic RNG. The entropy pool is hashed using one of the SHA algorithms so it applies approximately 128-160 bits of randomness (4-5 32-bit words).

The four seeds produced by the getSeedValue() class method are stored in a JMS SQL database table for auditing purposes as well as an internal JMS step that verifies the same set of four Seed values have not been previously used.

The review the C# code of the getSeedValue() class method and the usage of the Microsoft CryptGenRandom [advapi32.dll] function to produce the random four Seed Set values, please refer to Appendix A: CryptGenRandom Seed Value Generator.

Appendix A: CryptGenRandom Seed Value Generator (C# Language Version)

```
public static int getSeedValue()
{
 //The getSeedValue()class method produces four, 32-bit integers using the Microsoft CryptGenRandom
 //[advapi32.dll] function. The CryptGenRandom is a cryptographically secure pseudorandom number generator function
 //that produces random bytes which are multiples of 8 bits.
 //The CryptoAPI uses underlying system entropy to seed its internal crypto-graphic RNG.
 //The entropy pool is hashed using one of the SHA algorithms so it applies approximately 128-160 bits
 //of randomness (4-5 32-bit words).

    //--------------------------------------------------------------------------------------
    // Declare and initialize variables.

    IntPtr hProv = new IntPtr();

    uint dwLength = 32;
    Byte[] pbBuffer;
    pbBuffer = new byte[dwLength];

    //--------------------------------------------------------------------

    uint[] seed;
    seed = new uint[4];

    //--------------------------------------------------------------------

    try
    {
        bool res = Crypt32.CryptAcquireContext(out hProv, "", null, PROV_RSA_FULL, CRYPT_VERIFYCONTEXT);

        if (res == true)
        {

            bool res2 = Crypt32.CryptGenRandom(hProv, dwLength, pbBuffer);

            if (res2 == true)
            {
                Buffer.BlockCopy(pbBuffer, 0, seed, 0, 16);

                gSeed1 = seed[0];
                gSeed2 = seed[1];
                gSeed3 = seed[2];
                gSeed4 = seed[3];

            }
            else
            {
                throw new ArgumentException("Error: Unable to instantiate Crypt32.CryptGenRandom.");
            }


            bool res3 = Crypt32.CryptReleaseContext(hProv, 0);

            return 1;
        }
        else
        {
            throw new ArgumentException("Error: Unable to instantiate Crypt32.CryptAcquireContext.");
        }


    }
    catch (Exception ex)
    {
        throw new ArgumentException("Error = " + ex.Message);
    }

}
```

Appendix B: CLCG4 Random Number Generator (C# Language Version)

```
using System;
using System.Collections.Generic;
using System.Linq;
using System.Text;

namespace RandomGenerator
{
    public class RandomGenerator
    {
        public static long Maxgen = 100;
        public static long i;
        public static long j;

        public static long[] aw = new long[4];
        public static long[] avw = new long[4];

        public static long[] a = new long[4] { 45991, 207707, 138556, 49689 };
        public static long[] m = new long[4] { 2147483647, 2147483543, 2147483423, 2147483323 };

        public static long[,] Ig = new long[4, 101];
        public static long[,] Lg = new long[4, 101];
        public static long[,] Cg = new long[4, 101];

        public static long H = 32768; // = 2^15 : use in MultModM.

        public enum SeedType
        {
            InitialSeed,
            LastSeed,
            NewSeed,
        }

        public static int gSeed1;
        public static int gSeed2;
        public static int gSeed3;
        public static int gSeed4;

        /*************************************************************************

        This is the Random Number Generator Based on the Combination of Four LCGs
        (Linear Congruential Generators) by Pierre L'ecuyer and Terry H. Andres.

         *
         * This is a portable package for uniform random number generation based on a
         * backbone generator with period length near 2^121, which is a combination
         * of four linear congruential generators.  The package provides for multiple
         * (virtual) generators evolving in parallel.  Each generator also has many
         * disjoint subsequences, and software tools are provided to reset the state
         * of any generator to the beginning of its first, previous, or current
         * subsequence.  Such facilities are helpful to maintain synchronization for
         * implementing variance reduction methods in simulation.
         *
         * For those who are interested in the details or the theories behind the
         * implementation, you can refer to the following papers by Prof. L'Ecuyer:
         *
         * 1. A Random Number Generator Based on the Combination of Four LCGs.
         *     (This can be downloaded from the "papers" page of Prof. L'Ecuyer's
         *     web page: http://www.iro.umontreal.ca/~lecuyer/myftp/papers/clcg4.ps).
         * 2. Implementing a Random Number Package with Splitting Facilities
         *    (ACM Transactions on Math. Software, Vol. 17, No. 1, March 91,
         *     p. 98-111)
         * 3. Efficient and portable combined random number generators.
         *    (Communications of the ACM, 31(6):742-749 and 774, 1988.)
         *
```

```
         * and the papers referred to therein.
         *
        *************************************************************************/

        public static float[] getBlockOfRandomNumbers(int seed1, int seed2, int seed3, int seed4,
int iCount, int iTestSwitch)
        {

            /*************************************************************************
             *
             * The Seeds MUST satisfy the following constraints:
                 1<= s[0] <=2147483646
                 1<= s[1] <=2147483542
                 1<= s[2] <=2147483422
                 1<= s[3] <=2147483322.

            *************************************************************************/

            long[] s = new long[4];

            if (iTestSwitch == 1)
            {
                // TEST Random Number Generator
                //1) Initialize the CLCG4 generator using the defaults.
                //   You will have access to 100 sub-generators in an array indexed from 0 to 99.
                //2) Advance the generator 20,000 numbers for generators 0, 1, 2, 3
                //3) The next five numbers from each generator segment and they should match the
                     numbers below.

                //   Skipping 20,000 numbers for generator 0 - 3 ...
                //       Gen 0      Gen 1           Gen 2           Gen 3
                //     ---------  ---------       ---------       ---------
                //1 - 0.5466955  0.8833518       0.8046209       0.7498480
                //2 - 0.3769046  0.9406571       0.7508963       0.0273824
                //3 - 0.8909396  0.5905970       0.6122372       0.0797647
                //4 - 0.8216189  0.1320690       0.2008421       0.4063177
                //5 - 0.0613126  0.9316329       0.2755311       0.1423134

                gSeed1 = 11111111; //<-- Initialize using the defaults of the TEST Requirements.
                gSeed2 = 22222222; //<-- Initialize using the defaults of the TEST Requirements.
                gSeed3 = 33333333; //<-- Initialize using the defaults of the TEST Requirements.
                gSeed4 = 44444444; //<-- Initialize using the defaults of the TEST Requirements.
                iCount = 5;        //<-- This required by the Rules of the TEST Requirements

                float[] fReturnBlock2 = new float[20]; //<-- 20 to return 4 Blocks of 5 from the
                                                       //    4 Generator Segments for TESTING.

                InitDefault();

                // Advance the generator 20,000 numbers for generators 0, 1, 2, 3
                    for (i = 1; i <= 20000; i++) GenVal(0);
                    for (i = 1; i <= 20000; i++) GenVal(1);
                    for (i = 1; i <= 20000; i++) GenVal(2);
                    for (i = 1; i <= 20000; i++) GenVal(3);

                //IF want to see the next 5 Test RAW Result Values for each of the 4 Generator Segments
                //output in a Console Applicaton in which you have reference the RandomGenertor.dll
                //then un-remark the 11 lines below.

                    //Console.WriteLine("Gen 0");
                    //for (i = 1; i <= iCount; i++) Console.WriteLine("{0:F2}", i + ": " + GenVal(0));
                    //Console.WriteLine("----------------");
                    //Console.WriteLine("Gen 1");
                    //for (i = 1; i <= iCount; i++) Console.WriteLine("{0:F2}", i + ": " + GenVal(1));
                    //Console.WriteLine("----------------");
                    //Console.WriteLine("Gen 2");
                    //for (i = 1; i <= iCount; i++) Console.WriteLine("{0:F2}", i + ": " + GenVal(2));
                    //Console.WriteLine("----------------");
                    //Console.WriteLine("Gen 3");
                    //for (i = 1; i <= iCount; i++) Console.WriteLine("{0:F2}", i + ": " + GenVal(3));

                //Return the next 5 Test Result Values for each of the 4 Generator Segments
                for (i = 0; i < iCount; i++)
                {
                    fReturnBlock2[i] = (float)GenVal(0);
```

```
            }

            for (i = 0; i < iCount; i++)
            {
                fReturnBlock2[i + 5] = (float)GenVal(1);
            }

            for (i = 0; i < iCount; i++)
            {
                fReturnBlock2[i + 10] = (float)GenVal(2);
            }

            for (i = 0; i < iCount; i++)
            {
                fReturnBlock2[i + 15] = (float)GenVal(3);
            }


            return fReturnBlock2;

        }
        else
        {
            // Random Number Generator
            gSeed1 = seed1;
            gSeed2 = seed2;
            gSeed3 = seed3;
            gSeed4 = seed4;

            float[] fReturnBlock2 = new float[iCount];

            InitDefault();

            for (i = 0; i < iCount; i++)
            {
                fReturnBlock2[i] = (float)GenVal(0);
            }

            return fReturnBlock2;
        }

    }

    static long MultModM(long s, long t, long M)
    /* Returns (s*t) MOD M.  Assumes that -M < s < M and -M < t < M.     */
    /* See L'Ecuyer and Cote (1991).                                     */
    {
        long R, S0, S1, q, qh, rh, k;

        if (s < 0) s += M;
        if (t < 0) t += M;
        if (s < H) { S0 = s; R = 0; }
        else
        {
            S1 = s / H; S0 = s - H * S1;
            qh = M / H; rh = M - H * qh;
            if (S1 >= H)
            {
                S1 -= H; k = t / qh; R = H * (t - k * qh) - k * rh;
                while (R < 0) R += M;
            }
            else R = 0;
            if (S1 != 0)
            {
                q = M / S1; k = t / q; R -= k * (M - S1 * q);
                if (R > 0) R -= M;
                R += S1 * (t - k * q);
                while (R < 0) R += M;
            }
            k = R / qh; R = H * (R - k * qh) - k * rh;
            while (R < 0) R += M;
```

```
        }
        if (S0 != 0)
        {
            q = M / S0; k = t / q; R -= k * (M - S0 * q);
            if (R > 0) R -= M;
            R += S0 * (t - k * q);
            while (R < 0) R += M;
        }
        return R;
    }


    //*---------------------------------------------------------------------*/

    public static void SetSeed(short g, long[] s)
    {
        if (g > Maxgen) Console.WriteLine("ERROR: SetSeed with g > Maxgen \n");
        for (j = 0; j < 4; j++) Ig[j, g] = s[j];
        InitGenerator(g, SeedType.InitialSeed);
    }

    public static void WriteState(short g)
    {
        Console.WriteLine("\n State of generator g = %u :", g);
        for (j = 0; j < 4; j++)
        {
            Console.WriteLine("\n   Cg[%u] = %lu", j, Cg[j, g]);
        }
        Console.WriteLine("\n");
    }

    public static void GetState(short g, long[] s)
    {
        for (j = 0; j < 4; j++) s[j] = Cg[j, g];
    }

    public static void InitGenerator(long g, SeedType Where)
    {
        if (g > Maxgen) Console.WriteLine("ERROR: InitGenerator with g > Maxgen \n");
        for (j = 0; j < 4; j++)
        {
            switch (Where)
            {
                case SeedType.InitialSeed:
                    Lg[j, g] = Ig[j, g]; break;
                case SeedType.NewSeed:
                    Lg[j, g] = MultModM(aw[j], Lg[j, g], m[j]); break;
                case SeedType.LastSeed:
                    break;
            }
            Cg[j, g] = Lg[j, g];
        }
    }

    public static void SetInitialSeed(long[] s)
    {
        long g;
        for (j = 0; j < 4; j++) Ig[j, 0] = s[j];
        InitGenerator(0, SeedType.InitialSeed);
        for (g = 1; g <= Maxgen; g++)
        {
            for (j = 0; j < 4; j++)
                Ig[j, g] = MultModM(avw[j], Ig[j, (g - 1)], m[j]);
            InitGenerator(g, SeedType.InitialSeed);
        }

    }

    public static void Init(long v, long w)
    {
        long[] sd = new long[4] { gSeed1, gSeed2, gSeed3, gSeed4 };
```

```
            for (j = 0; j < 4; j++)
            {
                aw[j] = a[j];
                for (i = 1; i <= w; i++)
                    aw[j] = MultModM(aw[j], aw[j], m[j]);
                avw[j] = aw[j];
                for (i = 1; i <= v; i++)
                    avw[j] = MultModM(avw[j], avw[j], m[j]);
            }
            SetInitialSeed(sd);
        }

        public static double GenVal(short g)
        {
            long k, s;
            double u;
            u = 0.0;
            if (g > Maxgen) Console.WriteLine("ERROR: Genval with g > Maxgen \n");

            s = Cg[0, g]; k = s / 46693;
            s = 45991 * (s - k * 46693) - k * 25884;
            if (s < 0) s = s + 2147483647; Cg[0, g] = s;
            u = u + 4.65661287524579692e-10 * s;

            s = Cg[1, g]; k = s / 10339;
            s = 207707 * (s - k * 10339) - k * 870;
            if (s < 0) s = s + 2147483543; Cg[1, g] = s;
            u = u - 4.65661310075985993e-10 * s;
            if (u < 0) u = u + 1.0;

            s = Cg[2, g]; k = s / 15499;
            s = 138556 * (s - k * 15499) - k * 3979;
            if (s < 0.0) s = s + 2147483423; Cg[2, g] = s;
            u = u + 4.65661336096842131e-10 * s;
            if (u >= 1.0) u = u - 1.0;

            s = Cg[3, g]; k = s / 43218;
            s = 49689 * (s - k * 43218) - k * 24121;
            if (s < 0) s = s + 2147483323; Cg[3, g] = s;
            u = u - 4.65661357780891134e-10 * s;
            if (u < 0) u = u + 1.0;

            return (u);
        }

        public static void InitDefault()
        {
            Init(31, 41);
        }

    }
}
```

Appendix C: CLCG4 Random Number Generator – Validation Results

The validation of the C# implementation of the CLCG4 Random Number Generator can be tested by following these steps.

1) Initialize the CLCG4 generator using the defaults defined

Seed1 = 11111111

Seed2 = 22222222

Seed3 = 33333333

Seed4 = 44444444

(Note: You will have access to 100 sub-generators in an array indexed from 0 to 99.)

2) Advance the generator 20,000 numbers for generators 0, 1, 2, 3

3) The next five numbers from each generator segment and they should match the numbers

```
Skipping 20,000 numbers for generator 0 - 3 ...

       Gen 0      Gen 1           Gen 2           Gen 3

    ---------     ---------       ---------       ---------

1 - 0.5466955     0.8833518       0.8046209       0.7498480

2 - 0.3769046     0.9406571       0.7508963       0.0273824

3 - 0.8909396     0.5905970       0.6122372       0.0797647

4 - 0.8216189     0.1320690       0.2008421       0.4063177

5 - 0.0613126     0.9316329       0.2755311       0.1423134
```

This can also be tested by via C# .Net by passing **iTestSwitch** = 1 to the RandomGenerator.getBlockOfRandomNumbers(iSeed1, iSeed2, iSeed3, iSeed4, iCount, **iTestSwitch**) class method.

Appendix D: Acknowledgements and References

Acknowledgments

The CLCG4 Random Number Generator upon which this implementation was based was created by Pierre L'ecuyer and Terry H. Andres.

A Random Number Generator Based on the Combination of Four LCGs.

(This can be downloaded from the "papers" page of Prof. L'Ecuyer's web page: http://www.iro.umontreal.ca/~lecuyer/myftp/papers/clcg4.ps).

A PDF version of this document is attached.

Additional Associated References

1) P.Bratley, B. L. Fox, and L. E. Schrage. A Guide to Simulation Springer-Verlag, New York, second edition, 1987.

2) D. E. Knuth. The Art of Computer Programming, Volume 2: Seminumerical Algorithms. Addison-Wesley, Reading, Mass., second edition, 1981

3) A. M. Law and W. D. Kelton. Simulation Modeling and Analysis. McGraw-Hill, New York, second edition, 1991.

4) P.L'Ecuyer. Effcient and portable combined random number generators. Communications of the ACM, 31(6):742-749 and 774, 1988.
See also the correspondence in the same journal, 32, 8 (1989) 1019-1024

5) P.L'Ecuyer. Random numbers for simulation. Communications of the ACM, 33(10):85-97, 1990.

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IN RE: FLORIDA COURTS TECHNOLOGY COMMISSION

ADMINISTRATIVE ORDER

The purpose of the Florida Courts Technology Commission is to oversee, manage, and direct the development and use of technology within the judicial branch under the direction of the Florida Supreme Court, as specified in Florida Rule of General Practice and Judicial Administration 2.236.

Mr. Murray Silverstein has resigned from the Commission, thereby creating a vacancy. The following individual is appointed to complete the remainder of Mr. Silverstein's term, which expires on June 30, 2024:

Mr. Robert Blumberg
Attorney at Law
Miami, Florida

DONE AND ORDERED at Tallahassee, Florida, on March 8, 2022.

AOSC22-5 03/08/2022

Chief Justice Charles T. Canady

AOSC22-5 03/08/2022

ATTEST:

AOSC22-5 03/08/2022

John A. Tomasino, Clerk of Court

AOSC22-5 03/08/2022

AO 22-7 | FLORIDA SUPREME COURT

YEAR: 2022

NUMBER: 7

TITLE: ACCESS TO ELECTRONIC COURT RECORDS

PAGES: 20

Supreme Court of Florida

No. AOSC22-7

IN RE: ACCESS TO ELECTRONIC COURT RECORDS

ADMINISTRATIVE ORDER

In March 2014, the Supreme Court adopted the Standards for Access to Electronic Court Records (hereinafter "Standards") and the Access Security Matrix (hereinafter "Matrix") in *In re: Standards for Access to Electronic Court Records*, Fla. Admin. Order No. AOSC14-19 (amended May 23, 2014), to govern appropriate, differentiated levels of access to electronic court records.

Since then, the Florida Courts Technology Commission (hereafter "Commission") has recommended changes to the Standards and the Matrix, as necessary, based on applicable rules and statutes, and the Court adopted the most recent revisions through *In re: Access to Electronic Court Records*, Fla. Admin. Order No. AOSC21-45 (September 3, 2021).

In June 2021, the Florida Court Clerks & Comptrollers (hereinafter "FCCC") chose to voluntarily implement the Matrix into the Comprehensive Case Information System (hereinafter "CCIS"), a statewide electronic court case data system that is maintained by the FCCC. As a result of the changes to CCIS made by the FCCC in June 2021, several government users' access to confidential case information in CCIS was affected, which prompted several requests for amendments to the Standards and the Matrix to be submitted.

After thoughtfully reviewing all amendment requests, the Commission recommended that the Court create a separate user role for the Justice Administrative Commission (hereinafter "JAC"). Additionally, the Commission recommended that the JAC be required to establish policies and procedures to ensure that access to confidential records and information is limited to those individuals who require access to said records and information in the performance of their official duties.

The Commission also recommended that the Florida Department of Law Enforcement be added to the existing Certified Law Enforcement Officers of Federal and Florida State and Local

Law Enforcement Agencies, and Florida Department of Corrections user role on the Standards and the Matrix.

Moreover, since The Florida Bar (hereinafter "Bar") is an extension of the judicial branch, the Commission recommended that the Bar be provided with the same access as judges and authorized court and clerk's office personnel.

Additionally, the Commission recommended revising the access levels for the Office of Criminal Conflict and Civil Regional Counsel to allow attorney of record access to certain criminal and civil cases.

The Commission further recommended revising current access levels for other user types to ensure the appropriate access to case information was properly reflected on the Matrix.

Further, the Commission recommended that the Mortgage Foreclosure case type be consolidated into the Circuit Civil case type, and that Medical Malpractice be moved from the Circuit Civil Private (Sexual Abuse) case type to the Circuit Civil case type, and small claims access be expanded for certain users.

As a means for the judicial branch to continue to ensure responsible access to electronic court records, the Court hereby

adopts the amended Standards and Matrix to supersede those previously adopted. The amended Standards and Matrix are attached hereto and incorporated herein by reference.[1]

DONE AND ORDERED at Tallahassee, Florida, on March 24, 2022.

AOSC22-7 03/24/2022

Chief Justice Charles T. Canady

AOSC22-7 03/24/2022

ATTEST:

AOSC22-7 03/24/2022

John A. Tomasino, Clerk of Court

AOSC22-7 03/24/2022

1. The Standards for Access to Electronic Court Records and the Access Security Matrix are also available on the Florida Courts website. See https://www.flcourts.org/Resources-Services/Court-Technology/Technology-Standards.

Standards for Access to Electronic Court Records

March 2022

These standards establish statewide technical and operational requirements for access to electronic court records by the public, special user groups, judges, and court and clerk's office personnel. These standards also implement the Access Security Matrix, which governs remote web-based and clerks' office access to electronic court records.

ACCESS METHODS

There are three different methods for accessing electronic court records:

1. Direct access via application to internal live data;
2. Web-based application for replicated or live data with security; and
3. Web-based portal for public viewing of replicated data and variable levels of security based on user role.

Direct or web-based access to live production data is generally limited to authorized court and clerk's office personnel. Most users will access replicated data to protect the integrity and availability of the official court record maintained by the clerk.

ACCESS SECURITY MATRIX

The Access Security Matrix (the "Matrix") governs access to electronic court records based upon user roles and applicable court rules, statutes, and administrative policies. The Matrix performs the following functions:

1. Establishes user groups;
2. Establishes access levels; and
3. Assigns access level for each user group based on case type.

The Access Governance Board ("the Board"), under the authority of the Florida Courts Technology Commission (the "FCTC"), is responsible for maintaining the Matrix by timely incorporating legislative and rule changes that impact access to electronic court records. Access permitted under the Matrix applies equally to electronic and paper court records.

USER AGREEMENTS

The FCTC, in conjunction with the clerks, must develop and maintain agreements clearly defining responsibilities for user access.

Clerks may use an online agreement, instead of a paper agreement, that requires users to agree to terms using an online click-through (for example, clicking on the "I AGREE" button, as with other online term agreements) as long as the agreement terms are versioned so that updates can be tracked. When agreement terms change, users are required to accept the new terms, either electronically or in paper. A notarized agreement is required for each user role, except for the

Registered User role as defined by the Matrix. User agreements submitted in paper shall be retained by the clerk.

GATEKEEPER

In an effort to effectively manage access and ensure security, an agency may utilize one or more gatekeepers, or a designee authorized by an agency head, or an authorized gatekeeper who shall be an employee of that agency, for the purpose of adding, updating, and deleting user or agency information. A gatekeeper shall only add users commensurate with an agency's user role type and/or as registered users. Each agency shall be responsible for ensuring that each user added by the gatekeeper is only given access that is commensurate to their job duties. Nothing in this definition shall nullify any other duty imposed upon the gatekeeper by the Board.

USER ROLES

Access to electronic court records is determined by the user's role and applicable statutes, court rules, and applicable administrative policy. Access may be restricted to certain user roles based on case type, document type, or information contained within court records. All individuals and entities authorized under these standards to have greater access than the general public must establish policies to protect confidential records and information in accordance with applicable court rule and statutory requirements. Remote electronic access may be more restrictive than in-person in-house electronic access at clerks' offices.

ACCESS LEVELS

Access levels are defined as follows:

A. All but expunged, or sealed under Ch. 943, F.S.;
B. All but expunged, or sealed under Ch. 943, F.S., or sealed by court order;
C. All but expunged, or sealed under Ch. 943, F.S. or sealed by court order or confidential under Fla. R. Gen. Prac. & Jud. Admin. 2.420;
D. All but expunged, sealed, or confidential, record images viewable upon request;
E. Case number, party names, dockets only;
F. Case number and party names only;
G. Case number only; and
H. No access.

Viewable on request access level applies to documents containing confidential information that must be redacted; this access level requires examination of the case file by a clerk to identify and redact confidential information before the record can be viewed.

MATRIX USER ROLES	ACCESS PERMITTED	USER SECURITY REQUIREMENTS
User Role 1 Judges and authorized court and clerk's office personnel	All court records, except those expunged pursuant to §943.0585, F.S., with discretionary limits based on local security policy. Each court and clerk must establish policies to ensure that access to confidential records and information is limited to those individuals who require access in the performance of their official duties. Access to records sealed pursuant to §943.059(4), F.S., is permitted for judges to assist in the performance of case-related adjudicatory responsibilities.	In-house secure network and secure web access.
User Role 2 Florida State Attorneys' Offices and the Office of Statewide Prosecution	All records except those that are expunged or sealed, or, unless Level B access is assigned to this role in the Access Security Matrix, those records automatically confidential under rule 2.420(d)(1), Fla. R. Gen. Prac. & Jud. Admin., or made confidential by court order. Access to Social Security numbers by §§119.071(5)(a)6.b. and 119.0714(1)(i), F.S. Access to HIV test results as permitted by §381.004(5)(c), F.S. Access to sexually transmitted disease results as permitted by §384.29(1), F.S.	Secure access through username and password by written notarized agreement. The agency gatekeeper is responsible for maintaining the authorized user list. **Each agency must establish policies to ensure that access to confidential records and information is limited to those individuals who require access in the performance of their official duties.**

MATRIX USER ROLES	ACCESS PERMITTED	USER SECURITY REQUIREMENTS
	Access to birth certificates as permitted by §§382.013(5) and 382.025(1)(a)5, F.S. Access to mental health records as permitted by §§394.4615(3)(b), 394.4655(3)4)(c), and F.S. Access to identities of victims of sexual and child abuse when originating from law enforcement as permitted by §119.0714(1)(h), F.S. Access to children and families in need of services records as permitted by §984.06(3), F.S. Access to juvenile records as permitted by §§39.0132(4)(a)(1) and 985.04(1)(b), F.S.	
User Role 3 Attorneys of record	All records except those that are expunged or sealed; access may be denied to records or information automatically confidential under rule 2.420(d)(1), Fla. R. Gen. Prac. & Jud. Admin., or made confidential by court order, depending upon the type of case and the language of the court order. Access will be changed to Registered User when the attorney's appearance is terminated in accordance with rule 2.505, Fla. R. Gen. Prac. & Jud. Admin.	Secure access through username and password by written notarized agreement. The gatekeeper is responsible for maintaining the authorized user list.

MATRIX USER ROLES	ACCESS PERMITTED	USER SECURITY REQUIREMENTS
User Role 4 Parties	All records in the party's case except those that are expunged or sealed; access may be denied to information automatically confidential under rule 2.420(d)(1), Fla. R. Gen. Prac. & Jud. Admin., or made confidential by court order, depending upon case type and the language of the order.	Secure access on a case-by-case basis. Access by notarized request to ensure the identity of the party.
User Role 5 Public in Clerks' offices and Registered Users	All records except those that are expunged or sealed, automatically confidential under rule 2.420(d)(1), Fla. R. Gen. Prac. & Jud. Admin., or made confidential by court order. Viewable on request remote access to images of records in cases governed by the Florida Family Law Rules of Procedure, Florida Rules of Juvenile Procedure, or Florida Probate Rules, pursuant to §28.2221(5)(a), F.S.	Secure access through username and password or in person at Clerks' offices.
User Role 6 General government and constitutional officers	All records except those that are expunged or sealed, or, unless Level "B" access is assigned to this role in the Access Security Matrix, those records automatically confidential under rule 2.420(d)(1), Fla. R. Gen. Prac. & Jud. Admin., or made confidential by court order. Access to social security numbers as permitted by §§119.071(5)(a)6.b. and 119.0714(1)(i), F.S.	Secure access through username and password by written notarized agreement. The agency gatekeeper is responsible for maintaining the authorized user list. **Each agency must establish policies to ensure that access to confidential records and information is limited to those individuals who require access in the performance of their official duties.**

MATRIX USER ROLES	ACCESS PERMITTED	USER SECURITY REQUIREMENTS
User Role 7 General public (without registration agreement)	All records except those that are expunged or sealed, automatically confidential under rule 2.420(d)(1), Fla. R. Gen. Prac. & Jud. Admin., or made confidential by court order. No remote access to images of records in cases governed by the Florida Family Law Rules of Procedure, Florida Rules of Juvenile Procedure, or Florida Probate Rules, pursuant to §28.2221(5)(a), F.S.	None. Anonymous web-based access permitted.
User Role 8 Certified law enforcement officers of federal and Florida state and local law enforcement agencies, Florida Department of Corrections, and the Florida Department of Law Enforcement	All records except those that are expunged or sealed, or, unless Level "B" access is assigned to this role in the Access Security Matrix, those records automatically confidential under rule 2.420(d)(1), Fla. R. Gen. Prac. & Jud. Admin., or made confidential by court order. Access to social security numbers as permitted by §§119.071(5)(a)6.b. and 119.0714(1)(i), F.S. Access to HIV test results as permitted by §§381.004(2)(e), and 951.27 F.S. Access to sexually transmitted disease results as permitted by §384.29(1), F.S. Access to birth certificates as permitted by §§382.013(5) and 382.025(1)(a)5., F.S.	Secure access through username and password by written notarized agreement. The agency gatekeeper is responsible for maintaining the authorized user list. **Each agency must establish policies to ensure that access to confidential records and information is limited to those individuals who require access in the performance of their official duties.**

MATRIX USER ROLES	ACCESS PERMITTED	USER SECURITY REQUIREMENTS
	Access to identities of victims of sexual and child abuse when originating from law enforcement as permitted by §119.0714(1)(h), F.S. Access to children and families in need of services records as permitted by §984.06(3), F.S. Access to juvenile records as permitted by §§39.0132(4)(a)(1) and 985.04(1)(b), F.S.	
User Role 9 Florida Attorney General's Office and the Florida Department of Children and Families	All records except those that are expunged or sealed, or, unless Level "B" access is assigned to this role in the Access Security Matrix, those records automatically confidential under rule 2.420(d)(1), Fla. R. Gen. Prac. & Jud. Admin., or made confidential by court order. Access to social security numbers as permitted by §§119.071(5)(a)6.b. and 119.0714(1)(i), F.S. Access to birth certificates as permitted by §§382.013(5) and 382.025(1)(a)5., F.S. Access to children and families in need of services records as permitted by §984.06(3), F.S. Access to juvenile records as permitted by §§39.0132(4)(a)(1) and 985.04(1)(b), F.S.	Secure access through username and password by written notarized agreement. The agency gatekeeper is responsible for maintaining the authorized user list. **Each agency must establish policies to ensure that access to confidential records and information is limited to those individuals who require access in the performance of their official duties.**

MATRIX USER ROLES	ACCESS PERMITTED	USER SECURITY REQUIREMENTS
User Role 10 Florida School Districts (Truancy)	All records except those that are expunged or sealed, or, unless Level "B" access is assigned to this role in the Access Security Matrix, those records automatically confidential under rule 2.420(d)(1), Fla. R. Gen. Prac. & Jud. Admin., or made confidential by court order. Access to social security numbers as permitted by §§119.071(5)(a)6.b. and 119.0714(1)(i), F.S. Access to juvenile delinquency records as permitted by §985.04(1)(b), F.S.	Secure access through username and password by written notarized agreement. Agency gatekeeper is responsible for maintaining authorized user list. **Each school district must establish policies to ensure that access to confidential records and information is limited to those individuals who require access in the performance of their official duties.**
User Role 11 Commercial purchasers of bulk records	All records except those that are expunged or sealed, automatically confidential under rule 2.420(d)(1), Fla. R. Gen. Prac. & Jud. Admin., or made confidential by court order. No remote access to images of records in cases governed by the Florida Family Law Rules of Procedure, Florida Rules of Juvenile Procedure, or Florida Probate Rules, pursuant to §28.2221(5)(a), F.S.	Secure access through username and password by written notarized agreement. The commercial purchaser gatekeeper is responsible for maintaining an authorized user list.
User Role 12 Florida Office of the Public Defender (Institutional Access only)	All records except those that are expunged or sealed; or, unless Level "B" access is assigned to this role in the Access Security Matrix, access may be denied to records or information automatically confidential under rule	Secure access through username and password by written notarized agreement. The gatekeeper is responsible for maintaining authorized user list.

MATRIX USER ROLES	ACCESS PERMITTED	USER SECURITY REQUIREMENTS
	2.420(d)(1), Fla. R. Gen. Prac. & Jud. Admin., or made confidential by court order, depending upon the type of case and the language of the court order. The Office of the Public Defender is considered the attorney of record at a defendant's first appearance as permitted by §985.045(2) and rules 8.010 and 8.165, Fla. R. Juv. P., for juvenile defendants and §27.51, F.S., and rule 3.130, Fla. R. Crim. P. for adult defendants. Access will be changed to User Role 6 when the public defender is no longer the attorney of record or another attorney is assigned.	**Each public defender must establish policies to ensure that access to confidential records and information is limited to those individuals who require access in the performance of their official duties.**
User Role 13 Office of Criminal Conflict and Civil Regional Counsel (Institutional Access only)	All records except those that are expunged or sealed; or, unless Level "B" access is assigned to this role in the Access Security Matrix, access may be denied to records or information automatically confidential under rule 2.420(d)(1), Fla. R. Jud. Admin., or made confidential by court order, depending upon the type of case and the language of the court order. The Office of Criminal Conflict and Civil Regional Counsel (OCCCRC) is considered the attorney of record at a party's first appearance in civil proceedings	Secure access through username and password by written notarized agreement. The gatekeeper is responsible for maintaining authorized user list. **Each regional counsel must establish written policies to ensure that access to confidential records and information is limited to those individuals who require access in the performance of their official duties,**

MATRIX USER ROLES	ACCESS PERMITTED	USER SECURITY REQUIREMENTS
	listed in §27.511(6), F.S., and in criminal proceedings is entitled to appointment as attorney of record upon the Public Defender's declaration of conflict in case types listed in §27.511(5), F.S. Access will be changed to User Role 6 when the OCCCRC is no longer the attorney of record or another attorney is assigned.	
User Role 14 Statewide Guardian ad Litem Office	All records except those that are expunged or sealed, or, unless Level "B" access is assigned to this role in the Access Security Matrix, automatically confidential under rule 2.420(d)(1), Fla. R. Gen. Prac. & Jud. Admin., or made confidential by court order. Access to social security numbers as permitted by §§119.071(5)(a)6.b. and 119.0714(1)(i), F.S. Access to birth certificates as permitted by §§382.013(5) and 382.025(1)(a)5., F.S. Access to children and families in need of services records as permitted by §984.06(3), F.S. Access to juvenile records as permitted by §§ 39.0132(4)(a)(1) and 985.04(1)(b), F.S.	Secure access through username and password by written notarized agreement. The gatekeeper is responsible for maintaining authorized user list. **Each guardian ad litem must establish policies to ensure that access to confidential records and information is limited to those individuals who require access in the performance of their official duties.**

MATRIX USER ROLES	ACCESS PERMITTED	USER SECURITY REQUIREMENTS
	Access for guardian ad litem appointed as permitted by §39.822, F.S.	
User Role 15 Justice Administrative Commission	All records except those that are expunged or sealed; or, unless Level "B" access is assigned to this role in the Access Security Matrix, access may be denied to records or information automatically confidential under rule 2.420(d)(1), Fla. R. Gen. Prac. & Jud. Admin., or made confidential by court order, depending upon the type of case and the language of the court order. Access to Social Security numbers by §§119.071(5)(a)6.b. and 119.0714(1)(i), F.S. Access to HIV test results as permitted by §381.004(5)(c), F.S. Access to sexually transmitted disease results as permitted by §384.29(1), F.S. Access to birth certificates as permitted by §§382.013(5) and 382.025(1)(a)5, F.S. Access to mental health records as permitted by §§394.4615(3)(b), 394.4655(3)4)(c), and F.S.	Secure access through username and password by written notarized agreement. The gatekeeper is responsible for maintaining authorized user list. **The justice administrative commission must establish policies to ensure that access to confidential records and information is limited to those individuals who require access in the performance of their official duties.**

MATRIX USER ROLES	ACCESS PERMITTED	USER SECURITY REQUIREMENTS
	Access to identities of victims of sexual and child abuse when originating from law enforcement as permitted by §119.0714(1)(h), F.S. Access to children and families in need of services records as permitted by §984.06(3), F.S. Access to juvenile records as permitted by §§39.0132(4)(a)(1) and 985.04(1)(b), F.S.	

INSTITUTIONAL ACCESS

Institutional Access applies to roles of the Florida Office of Public Defender and the Office of Criminal Conflict and Civil Regional Counsel in cases where they are appointed or are the presumptive attorney of record. The term "institution" as used within these standards means a statutorily-created organization or agency responsible for providing legal representation to an individual or group of individuals. This designation allows institutional users - including paralegals, legal assistants, and other staff - to view assigned cases as if they were the "attorney of record." Once an institution ceases representation in a case, access is severed and the institution's users default to the General Government user role.

REDACTION

Redaction is the process of obscuring confidential information contained within a public record from view. Redacted portions of a record are blacked out. Redaction may be accomplished manually or through the use of technology such as redaction software. Redaction software is used when information is in electronic form. If redaction software is used, it must identify and protect confidential information through redaction of confidential content. For efficiency, redaction software is preferred over manual processes when the files are in electronic form.

There are generally two levels of redaction:

1. Level 1 -The system reads the images and uses the knowledge base to auto-redact suspect regions.
2. Level 2 -Redacted images are presented to a first reviewer to accept or decline to redact selected data on the image.

Redaction software which identifies confidential information may be used; however, a manual process must also exist to identify confidential information which may not be readily identified by an auto redaction process or for case types/documents that are available upon request.

QUALITY ASSURANCE

Clerks must employ redaction processes through human review, the use of redaction software, or a combination of both. Clerks must audit the process adopted at least annually for quality assurance and must incorporate into their processes new legislation or court rules relating to protection of confidential information. It is recommended that clerks advise commercial purchasers that court records are regularly updated and encourage the use of updated records.

CLERK SECURITY

No sensitive security information should be presented on the user interface. Sensitive data shall be exchanged over trusted paths or by using adequate encryption between users; between users and systems; and between systems. The system must employ appropriate security and encryption measures to prevent disclosure of confidential data to unauthorized persons.

Minimum Technical Requirements:

1. Encryption (general public and authenticated)**;
2. No "cutting and pasting" of workable links;
3. Hyperlinks must not include authentication credentials;
4. No access to live data, replicated records will be used for public access;
5. Authenticated access for access beyond general public access; and
6. Monitor bulk data transfers to identify and mitigate abuses of the system by utilizing access programs using automated methods.

**Encryption protects the integrity of the record and prevents exposure to potential security risks. It also prevents authenticated users with higher access from sending links to information to non-authorized users.

INTEGRITY OF THE COURT RECORD

To protect the integrity and availability of the court record, public access will not be to the original record, but to a replicated version that is redacted, if applicable.

Online links shall be encrypted to prevent return access to a URL via "cutting and pasting." Link refresh times shall appropriately time out as determined by each individual clerk, but links shall refresh no less than once every 30 minutes.

PERFORMANCE

Search parameters for web-based access to electronic records will be limited to the following:

A. User Role 7 (General Public)
    1. Case type;
    2. Case number;
    3. Party name;
    4. Citation number; and
    5. Date range.

B. Other user roles with authenticated users may have more robust search features than general public users.

Non-confidential data or data accessed by an authenticated user may be viewed immediately. Some images may be "viewable on request" to allow time for the redaction process.

Online access to documents stored as images may be provided. Documents stored as images are "view only." If a requested document is maintained by the clerk in a searchable format, the document may be provided to the public in that format, but only in response to a specific request. Search capability, if available, will be limited to such requested document and must not support automated bulk searches.

Only authorized automated search programs, to be used solely on the indices, shall be used with the court's electronic public access system. Automated search programs may not be used on any other component of the court's electronic public access system. The court and clerk will determine the criteria for authorization of any automated search programs. Such authorization may be revoked or modified at the discretion of the court and clerk.

ARCHIVAL REQUIREMENTS

Electronic records must be archived in a manner that protects the records from degradation, loss of content, or problems with software compatibility relative to the proper rendering of electronic records, and in compliance with applicable law or Supreme Court guidelines.

AUTHENTICATION REQUIREMENTS

Members of the general public do not require a username or password to access information that is generally available to the public. For information that is accessible to individuals or entities beyond general public access, users must be authenticated to verify their role and associated access levels. Users must subscribe to the access system and provide information to verify their identity. Users are then assigned a login account. At a minimum, users accessing records and information beyond general public access must have a username and password and have the ability to change their password using self-service within the web-based application.

Access Security Matrix -Workgroup Recommended Changes

(March 2022 v11)

User Role (Subscribers)

Key to access codes
A = All but expunged, or sealed under Ch. 943, F.S.
B = All but expunged, or sealed under Ch. 943, F.S., or sealed by court order
C = All but expunged, or sealed under Ch. 943 or confidential under Fla. R. Gen. Prac. & Jud. Admin. 2.420, or by court order
D = All but expunged, sealed or confidential; record images viewable upon request
E = Case number, party names, dockets only
F = Case number and party names only
G = Case number only
H = No access

***VOR Statute List (F.S.):**
787, 794, 796, 800, 825, 827, 847, 921
VOR is at the case level

***Viewable on Request (VOR) - to ensure that information is properly removed prior to public access, some case types and document types have a special electronic security called viewable on request. Selecting an image of a court document in cases or documents coded viewable on request will not allow the user to view the record at that point. Instead, a request is generated to a clerk, who performs a second examination of the document to remove personal identification information and information about the victims of sexual or child abuse crimes. After the clerk has completed, the requestor then receives a notice that the document is available for viewing. Once a document has been requested and reviewed, it is available for all future access without requiring a request/review.

Case - Charge/Filing Description	**PRIVACY**	**1. Judges and authorized court and clerk's office personnel (internal access by authorization)**	**2. Florida State Attorney's Offices and the Office of Statewide Prosecution**	**3. Attorneys of Record**	**4. Parties**	**5. Public in Clerks' offices and registered users**	**6. General Gov't and Const Officers**	**7. General public (without registration agreement)**	**8. Certified law enforcement officers of federal and Florida state and local law enforcement agencies, Florida Department of Corrections, and the Florida Department of Law Enforcement**	**9. Florida Attorney General's Office and Florida Department of Children and Families**	**10. Florida School Districts (Truancy)**	**11. Commercial purchasers of bulk records**	**12. Florida Office of the Public Defender (Institutional Access only)**	**13. Office of Criminal Conflict and Civil Regional Counsel (Institutional Access only)**	**14. Statewide Guardian ad Litem Office**	**15. Justice Administrative Commission**	**UCN**	**Applicable rules and statutes**
County Criminal Appeals	P	A	B	B	C	D	C	D	B	C	C	D	B	B	D	B	AP	Rule 2.420(d) & (f)
County Criminal Appeals Sexual Abuse	VOR	A	B	B	D	D	D	D	B	D	D	D	B	B	D	B	AP	Rule 2.420(d) & (f), §119.071(2)(h), F.S., Chs. 794, 796, 800, 827 & 847, F.S.
County Civil Appeals	P	A	B	B	B	D	C	D	B	C	C	D	C	C	D	C	AP	Rule 2.420(d)
Circuit Civil	P	A	B	B	B	C	C	C	B	C	C	D	C	C	C	C	CA	Rule 2.420(d) & Rule 1.210
Jimmy Ryce Act	VOR	A	B	B	D	D	D	D	B	D	D	D	B	B	D	B	CA	Rule 2.420(d), Chapter 119, F.S.& § 394.921(1)&(2), F.S.
Circuit Civil Private (Sexual Abuse)	VOR	A	B	B	D	D	D	D	B	D	D	D	D	D	D	D	CA	Rule 2.420(d)(1)(B)(xiii), §§119.071(2)(h), 119.0714(1)(h), & 28.2221(5)(a), F.S.
Circuit Civil - Trusts (Pre 2010)	P	A	B	B	B	C	C	E	B	C	C	E	C	C	C	C	CA	Rule 2.420(d)(1)(B); Chapter 119, F.S. & §28.2221(5)(a), F.S.
County Civil	P	A	B	B	B	C	C	C	B	C	C	D	C	C	C	C	CC	Rule 2.420(d) & Rule 1.210
Felony	P	A	B	B	C	D	C	D	B	C	C	D	B	B	C	B	CF	Rule 2.420(d) & Chapter 119, F.S.
Felony - sexual cases	VOR	A	B	B	C	D	D	D	B	D	D	D	B	B	D	B	CF	Rule 2.420(d)(1), §119.071(2)(h)1.b or c, F.S., Chs. 794, 796, 800, 827, & 847, F.S.
Juvenile Delinquency	C	A	B	B	B	G	G	G	B	G	G	G	B	B	G	B	CJ	§§985.04(1) & (2), 985.045(2), 985.036(1) & 985.11(3), F.S.
County Ordinance Infractions	P	A	B	B	B	D	C	D	B	C	C	D	C	B	C	C	CO	Rule 2.420
County Ordinance - Arrests	P	A	B	B	C	D	C	D	B	C	C	D	B	B	C	C	CO	Rule 2.420
Probate Formal Administration	P	A	D	D	D	D	D	E	D	D	D	E	D	D	D	D	CP	Rule 2.420; §§28.2221(5)(a) & 733.604 (b), F.S.
Probate Other	P	A	D	B	D	D	D	E	D	D	D	E	D	D	D	D	CP	Rule 2.420; §§28.2221(5)(a) & 735.201-302, F.S.
Criminal Traffic	P	A	B	B	C	D	C	D	B	C	C	D	B	B	C	B	CT	Rule 2.420(d) & (f)
Juvenile Dependency	C	A	B	B	C	G	G	G	B	B	G	G	G	B	B	B	DP	Rule 2.420(d), §§39.0132(3)&(4)(a), 39.822(3) & 27.511(6)(a), F.S.
Juvenile Truancy	C	A	B	B	B	G	G	G	B	B	B	G	G	B	B	B	DP	§984.06(3) & §27.511(6)(a), F.S.
Domestic Relations	P	A	B	B	B	D	C	E	B	C	C	E	C	B	C	C	DR	Rule 2.420(d), §§28.2221(5)(a), 61.043(1), 68.07, 382.025(1), 382.0195(1), 409.2563(2)(d) & 742.011, F.S.
Domestic Relations Adoption (FINAL)	C	A	G	D	D	G	G	G	G	G	G	G	G	D	G	G	DR	§§63.162(1)(2) & 63.022(4)(i), F.S.
DR Adoption (while open and pending)	C	A	G	B	D	G	G	G	G	G	G	G	G	B	G	G	DR	§§63.162(1)(2), 63.022(4)(i), & 27.511(6)(a), F.S.
Domestic Relations - Paternity - sealed	P	A	F	F	F	F	F	F	F	F	F	F	F	F	F	F	DR	§§742.011, 742.091, 742.16(9), 742.031(1), & 28.2221(5)(a), F.S.
DR Violence Injunctions (all) Before Service	C	A	B	B	G	G	G	G	D	G	G	G	G	G	G	G	DR	Rule 2.420(d)(1)(B)(xxiii), §§119.0714(1)(k)3 & 28.2221(5)(a), F.S.
DR Violence Injunctions (all but sexual) After Service	P	A	B	B	D	D	C	E	B	C	C	E	B	B	C	C	DR	Rule 2.420(d)(1)(B)(xxiii), §§119.0714(1)(k)3 & 28.2221(5)(a), F.S.
Parental Notice of Abortion	VOR	A	G	B	B	G	G	G	G	G	G	G	G	~~B~~	G	B	DR	Rule 8.805(b), Rule 8.835, Rule 2.420(d)(1)(B)(vii), §§390.01114(6)(e) & 390.01116, F.S.
Sexual Violence After Service	VOR	A	B	B	D	D	D	E	B	D	D	E	C	B	D	B	DR	Rule 2.420(d)(1)(B)(xiii) & (f), §119.071(2)(h)1 (b) or (c), F.S.
Termination of Parental Rights	C	A	B	B	G	G	G	G	B	B	G	G	G	B	B	B	DR	§§39.814(3) & (4), 39.822(3) & 27.511(6)(a), F.S.
Extradition	VOR	A	B	B	C	D	D	D	B	D	D	D	C	D	D	B	CF	Rule 2.420(d) & (f)
Guardianship/Guardian Advocate (Developmental Disabilities)	P	A	B	B	B	D	C	E	C	C	C	E	C	B	C	B	GA	§§744.1076, 744.3701, 393.12 & 27.511(6)(a), F.S.
Guardianship Miscellaneous/Professional Guardian	P	A	B	B	C	D	C	E	C	C	C	E	C	B	C	B	GA	§§744.1076, 744.3701, 744.2003 & 27.511(6)(a), F.S.
Non-Criminal Infractions	P	A	B	B	B	D	C	D	B	C	C	D	C	C	C	C	IN	Rule 2.420(d)
Juvenile Miscellaneous	C	A	B	B	G	G	G	G	G	G	G	G	G	B	G	G	DP	§§985.04(1) & (2), 985.045(2) & 27.511(6)(a), F.S.
Miscellaneous Firearms	P	A	B	B	B	D	C	D	B	C	C	D	B	B	D	C	MM	Rule 2.420(d), §§119 & 790.065(4), F.S.
Mental Health Miscellaneous	P	A	B	B	B	D	D	E	C	D	D	E	B	B	D	B	MH	Rule 5.900, §§393.11, 765.105, 916.107(3)(a), & 415.1051, F.S.
Baker Act	C	A	B	B	B	G	G	G	B	B	G	G	B	B	B	B	MH	Rule 2.420(d), §§394.459(8) & 394.4615, F.S.
Substance Abuse - Assessment/Treatment	C	A	B	B	B	G	G	G	B	B	G	G	G	B	B	B	MH	Rule 2.420(d), §§397.501(7), 397.6760 & 27.511(6)(a), F.S.
Tuberculosis/STD Treatment/Other Confidential	C	A	B	B	B	G	G	G	B	B	G	G	G	B	B	B	MH	§§392.55, 384.27 & 27.511(6)(a), F.S.
Incapacity	P	A	B	B	B	D	C	E	C	C	C	E	C	B	C	B	MH	Rule 2.420(d), §§744.3701, & 27.511(6)(a), F.S.
Misdemeanor	P	A	B	B	D	D	C	D	B	C	C	D	B	B	C	B	MM	Rule 2.420(d)
Misdemeanor - sexual cases	VOR	A	B	B	D	D	D	D	B	D	D	D	B	B	D	B	MM	Rule 2.420(d) & §119.071(2)(h), F.S.
Municipal Ordinance Infraction	P	A	B	B	B	D	C	D	B	C	C	D	C	B	C	C	MO	Rule 2.420(d)
Municipal Ordinance Arrest	P	A	B	B	B	D	C	D	B	C	C	D	B	B	C	C	MO	Rule 2.420(d)
Misdemeanor-Misc	VOR	A	B	B	B	D	D	D	B	D	D	D	B	B	D	B	MM	Rule 2.420(d)
Parking	P	A	B	B	B	D	C	D	B	C	C	D	B	B	C	C	CO	Rule 2.420(d)

Access Security Matrix -Workgroup Recommended Changes

(March 2022 v11)

		User Role (Subscribers)																
Key to access codes A = All but expunged, or sealed under Ch. 943, F.S. B = All but expunged, or sealed under Ch. 943, F.S., or sealed by court order C = All but expunged, or sealed under Ch. 943 or confidential under Fla. R. Gen. Prac. & Jud. Admin. 2.420, or by court order D = All but expunged, sealed or confidential; record images viewable upon request E = Case number, party names, dockets only F = Case number and party names only G = Case number only H = No access		1. Judges and authorized court and clerk's office personnel (Internal access by authorization)	2. Florida State Attorney's Offices and the Office of Statewide Prosecution	3. Attorneys of Record	4. Parties	5. Public in Clerks' offices and registered users	6. General Gov't and Const Officers	7. General public (without registration agreement)	8. Certified law enforcement officers of federal and Florida state and local law enforcement agencies, Florida Department of Corrections, and the Florida Department of Law Enforcement	9. Florida Attorney General's Office and Florida Department of Children and Families	10. Florida School Districts (Truancy)	11. Commercial purchasers of bulk records	12. Florida Office of the Public Defender (Institutional Access only)	13. Office of Criminal Conflict and Civil Regional Counsel (Institutional Access only)	14. Statewide Guardian ad Litem Office	15. Justice Administrative Commission		***VOR Statute List (F.S.): 787, 794, 796, 800, 825, 827, 847, 921 VOR is at the case level ***Viewable on Request (VOR) - to ensure that information is properly removed prior to public access, some case types and document types have a special electronic security called viewable on request. Selecting an image of a court document in cases or documents coded viewable on request will not allow the user to view the record at that point. Instead, a request is generated to a clerk, who performs a second examination of the document to remove personal identification information and information about the victims of sexual or child abuse crimes. After the clerk has completed, the requestor then receives a notice that the document is available for viewing. Once a document has been requested and reviewed, it is available for all future access without requiring a request/review.
Case - Charge/Filing Description	**PRIVACY**																**UCN**	**Applicable rules and statutes**
Small Claims	P	A	B	B	B	C	C	C	C	C	C	D	C	C	C	C	SC	Rule 2.420(d)
Traffic Infractions	P	A	B	B	B	D	C	D	B	C	C	D	B	B	C	C	TR	Rule 2.420(d)
Any case marked sealed	S	A	G	G	G	G	G	G	G	G	G	G	G	G	G	G		Any case that has a SEALED Privacy at the case level
Any expunged case	E	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H		Any case that has an EXPUNGED Privacy at the case level
Sealed Family Law Case	S	A	G	B	B	G	G	G	G	G	G	G	G	G	G	G		Case by case basis giving Party/Attorney access

Domestic Relations consists of Administrative Support Proceeding, Delayed Birth Certificate, Dissolution, Domestic Relations-Paternity, URESA/UIFSA, and Name Change
County Civil consists of County Foreclosure
Circuit Civil consists of Mortgage Foreclosure

AO 22-18 | FLORIDA SUPREME COURT

YEAR: 2022

NUMBER: 18

TITLE: WORKGROUP ON THE IMPLEMENTATION OF AN ADDITIONAL DISTRICT COURT OF APPEAL

PAGES: 7

Supreme Court of Florida

No. AOSC22-18

IN RE: WORKGROUP ON THE IMPLEMENTATION OF AN ADDITIONAL DISTRICT COURT OF APPEAL

ADMINISTRATIVE ORDER

WHEREAS, pursuant to Article V, section 9, of the Florida Constitution, and rules 2.240 and 2.241, Florida Rules of General Practice and Judicial Administration, the Supreme Court of Florida in *In re: Redefinition of Appellate Districts and Certification of Need for Additional Appellate Judges*, Case No. SC21-1543, determined that a sixth appellate district should be created in Florida, that accompanying changes should be made to the existing boundaries of certain other districts, and that seven new appellate judgeships were needed for the continued effective operation of the newly aligned district courts of appeal; and

WHEREAS, in accordance with Article V, section 9, of the Florida Constitution, the Florida Legislature considered the Court's recommendations and enacted Committee Substitute for House Bill

7027 (2022 Reg. Sess., Enrolled), which the Governor approved on June 2, 2022; and

WHEREAS, the establishment of an additional district court of appeal and the accompanying realignment of other appellate districts requires thoughtful planning and preparation in the State Courts System to ensure that the work of the appellate courts continues without undue disruption; and

WHEREAS, it is recognized that some matters related to establishment of an additional district court of appeal will be within the purview of the chief judges as chief administrative officers of the respective district court pursuant to rule 2.210, Florida Rules of General Practice and Judicial Administration, or a judge designated by the Chief Justice to serve as the interim chief administrative officer for the Sixth District Court of Appeal, while other matters will have implications across the court system and therefore warrant consistent application on a branch-wide basis; and

WHEREAS, matters related to establishment of an additional district court of appeal, including unanticipated issues that will no doubt arise during the course of establishment, will benefit from

analysis by and insights from a group of district court judges and staff, even if ultimately determined to be within the purview of individual chief judges or a judge designated by the Chief Justice to serve as the interim chief administrative officer for the Sixth District Court of Appeal;

NOW THEREFORE, the Workgroup on the Implementation of an Additional District Court of Appeal is hereby established for the purpose of identifying and making recommendations on the various operational and fiscal matters that are necessary to ensure the ongoing effective and efficient functioning of Florida's district courts of appeal through this transition, such as human resources; interim and permanent facilities; equipment; technology, security, fiscal, and administrative services; case processing and disposition; and interim governance issues.

The Workgroup may consult with other court system committees and justice system stakeholders as it deems necessary and appropriate. If the Workgroup identifies an issue that appears to be within the jurisdiction of another court system committee, it shall notify the chair of the other committee in writing with a copy

to the Chief Justice and State Courts Administrator, for consideration if the other committee determines the matter is within the authority conferred upon it by rule or administrative order. The Workgroup may propose, for consideration by the Supreme Court, statutory changes and amendments to rules of court procedure related to the establishment of a sixth district court of appeal and the accompanying changes to the existing boundaries of certain other districts.

In order to respond quickly as issues arise relating to the realignment of Florida's appellate courts, the Workgroup shall present its recommendations to the Chief Justice through the State Courts Administrator as they are developed. The Chief Justice will address issues, consistent with the Chief Justice's authority as chief administrative officer for the judicial branch pursuant to rule 2.205, Florida Rules of General Practice and Judicial Administration, that are identified by the Workgroup or are otherwise identified. The Workgroup shall share in writing any of its recommendations on implementation actions that are determined to be exclusively within the authority of the chief judges

or a judge designated by the Chief Justice to serve as the interim chief administrative officer for the Sixth District Court of Appeal with the respective judges for their assistance and consideration and provide a copy to the Chief Justice and State Courts Administrator.

Among other activities, the Workgroup shall:

1. Submit by August 19, 2022, a preliminary list of operational issues for which the Workgroup recommends consistent statewide implementation versus discretion in implementation by each district court of appeal pursuant to rule 2.210, Florida Rules of General Practice and Judicial Administration. The Workgroup may supplement these issues as necessary.
2. Submit by August 19, 2022, a recommended timeline for completion of critical operational activities in advance of the January 1, 2023, effective date of the district court boundary changes and new judgeships.
3. Submit no later than November 30, 2022, any recommendations that require action by the Supreme Court

in advance of the January 1, 2023, effective date of the district court boundary changes and new judgeships.

The following persons are appointed to serve on the Workgroup for a term that expires on June 30, 2023:

Mr. Daniel DiGiacomo
Appellate Court Marshal

The Honorable Brian D. Lambert
Appellate Judge

The Honorable Robert Morris
Appellate Judge

Ms. Kristina Samuels
Appellate Court Clerk

The Honorable Meredith L. Sasso
Appellate Judge

The Honorable John K. Stargel
Appellate Judge

The Honorable Dan Traver
Appellate Judge

Additionally, the following persons are appointed to serve as ex officio non-voting members for a term that expires on June 30, 2023:

The Honorable Jonathan D. Gerber
Chair, Legislative Committee
Florida Conference of District Court of Appeal Judges

The Honorable Stevan Northcutt
Chair, Appellate Court Technology Committee

The Honorable L. Clayton Roberts
Chair, District Court of Appeal Budget Commission

Judge Sasso shall serve as Chair of the Workgroup. The Chair may establish ad hoc subgroups, not limited to members of the Workgroup, as necessary and to report back to the full Workgroup. Staff support shall be provided by the Office of the State Courts Administrator.

DONE AND ORDERED at Tallahassee, Florida, on June 7, 2022.

AOSC22-18 06/07/2022

Chief Justice Charles T. Canady

AOSC22-18 06/07/2022

ATTEST:

AOSC22-18 06/07/2022

John A. Tomasino, Clerk of Court

AOSC22-18 06/07/2022

AO 22-31 | FLORIDA SUPREME COURT

YEAR: 2022

NUMBER: 31

TITLE: LOCAL RULE ADVISORY COMMMITTEE

PAGES: 3

Supreme Court of Florida

No. AOSC22-31

IN RE: LOCAL RULE ADVISORY COMMITTEE

ADMINISTRATIVE ORDER

In accordance with Florida Rule of General Practice and Judicial Administration 2.140(h), the chief justice may appoint a Local Rule Advisory Committee to make recommendations to the Supreme Court concerning local rules and administrative orders submitted pursuant to Florida Rule of General Practice and Judicial Administration 2.215(e). Accordingly, I hereby appoint a Local Rule Advisory Committee, for a term to expire on June 30, 2024.

Court committees are a vital component in the governance of the judicial branch because they assist in the development of policies and operating procedures that enhance the administration of justice. In performing its responsibilities, the Local Rule Advisory Committee shall be guided by the goals of the *Long-Range Strategic Plan for the Florida Judicial Branch 2022-2027*. Specifically, in furtherance of Long-Range Issue 1 (Deliver justice effectively,

efficiently, and fairly), the committee should encourage the use of consistent practices and procedures statewide.

The following persons are hereby reappointed to the committee for a term that expires on June 30, 2024:

The Honorable Ross L. Bilbrey
First District Court of Appeal
2000 Drayton Drive
Tallahassee, Florida 32399

Ms. Amy Borman
Office of the Palm Beach County Clerk of the Circuit Court
301 North Olive Avenue, Floor 9
West Palm Beach, Florida 33401

Ms. Patricia Gladson
General Counsel, Eleventh Judicial Circuit
Lawson E. Thomas Courthouse Center, Room #3033
175 NW 1st Avenue
Miami, Florida 33130

The Honorable Heather Higbee
Circuit Court Judge, Ninth Judicial Circuit
Orange County Courthouse
425 North Orange Avenue
Orlando, Florida 32801

The Honorable Darryl Manning
County Court Judge, Hillsborough
George Edgecomb Courthouse
800 East Twiggs Street
Tampa, Florida 33602

The Honorable Michael T. McHugh
Chief Judge, Twentieth Judicial Circuit
Lee County Justice Center
1700 Monroe Street
Fort Myers, Florida 33901

The Honorable John L. Miller
Circuit Court Judge, First Judicial Circuit
M.C. Blanchard Judicial Building
190 Governmental Center
Pensacola, Florida 32502

The Honorable Julie Taylor
County Court Judge, Duval County
Duval County Courthouse
501 West Adams Street
Jacksonville, Florida 32202

Judge Ross L. Bilbrey shall serve as Chair of the committee through June 30, 2024. The Local Rule Advisory Committee shall submit its recommendations to the Clerk of the Supreme Court of Florida or as directed in the referral letter. Staff support shall be provided by the Office of the State Courts Administrator.

DONE AND ORDERED at Tallahassee, Florida, on July 12, 2022.

Chief Justice Carlos G. Muñiz

ATTEST:

John A. Tomasino, Clerk of Court

AO 22-81 | FLORIDA SUPREME COURT

YEAR: 2022

NUMBER: 81

TITLE: IMPLEMENTATION OF A SIXTH DISTRICT COURT OF APPEAL AND REALIGNMENT OF THE JURISDICTIONAL BOUNDARIES OF OTHER APPELLATE DISTRICTS

PAGES: 4

Supreme Court of Florida

No. AOSC22-81

IN RE: IMPLEMENTATION OF A SIXTH DISTRICT COURT OF APPEAL AND REALIGNMENT OF THE JURISDICTIONAL BOUNDARIES OF OTHER APPELLATE DISTRICTS

ADMINISTRATIVE ORDER

Effective January 1, 2023, chapter 2022-163, Laws of Fla., authorizes a sixth district court of appeal; realigns the jurisdictional boundaries of the existing First, Second, and Fifth district courts of appeal; and authorizes seven new appellate judgeships. Under the law, the Fourth Judicial Circuit will move from the First District into the Fifth District; the Ninth Judicial Circuit will move from the Fifth District, and the Tenth and Twentieth judicial circuits will move from the Second District, forming the Sixth District; and the Sixth, Twelfth, and Thirteenth judicial circuits will remain in the Second District. The jurisdictional boundaries of the Third District and the Fourth District will not change.

The Workgroup on the Implementation of an Additional District Court of Appeal,[1] in cooperation with the affected courts, is charged with making recommendations to the chief justice regarding implementation of the law. Consistent with the Workgroup's recommendations, this administrative order prescribes procedures to effectuate an orderly transition from five to six appellate districts in Florida.

I. TRANSFER OF CASES FILED BEFORE JANUARY 1, 2023

A. Vesting of Jurisdiction. Pursuant to chapter 2022-163, Laws of Fla., as of 12:01 a.m. on January 1, 2023, jurisdiction of all matters pending in the First District that originated in the Fourth Judicial Circuit shall vest in the Fifth District, and jurisdiction of all matters pending in the Fifth District and the Second District that originated from the Ninth, Tenth, and Twentieth judicial circuits shall vest in the Sixth District.

B. Transfer of Cases. The chief judges of the First, Second, and Fifth district courts of appeal shall implement procedures for

1. *In re: Workgroup on the Implementation of an Additional District Court of Appeal*, Fla. Admin. Order No. AOSC22-18 (June 7, 2022).

the orderly transfer of pending cases originating from judicial circuits that are transitioning from one appellate district court to another. Effective January 1, 2023, the First District shall transfer to the Fifth District any pending cases originating from the Fourth Judicial Circuit; the Second District shall transfer to the Sixth District any pending cases originating from the Tenth and Twentieth judicial circuits; and the Fifth District shall transfer to the Sixth District any pending cases originating from the Ninth Judicial Circuit. The transferring court shall issue in each case being transferred an order of transfer that the clerk shall serve on all parties and on the clerk of the lower tribunal, if any, in which the cause originated. The clerk of the district court receiving a transferred case shall serve on the parties and on the clerk of the lower tribunal, if any, an acknowledgment letter or order in each case. Any subsequent filings in a case that has been transferred shall be filed with the clerk of the receiving court using the new case number identified on the acknowledgment letter or order.

II. FILING OF NEW CASES ON OR AFTER JANUARY 1, 2023

Effective January 1, 2023, all new matters properly within the

jurisdiction of a district court of appeal which originate from the Fourth Judicial Circuit must be filed with the Fifth District, and all new matters that originate from the Ninth Judicial Circuit, the Tenth Judicial Circuit, or the Twentieth Judicial Circuit must be filed with the Sixth District. The current mailing address for the clerk of the Sixth District is 811 East Main Street, Lakeland, Florida, 33801. The current mailing address for the clerk of the Second District is 1700 North Tampa Street, Suite 300, Tampa, Florida, 33602.

DONE AND ORDERED at Tallahassee, Florida, on November 1, 2022.

AOSC22-81

Chief Justice Carlos G. Muñiz

AOSC22-81

ATTEST:

AOSC22-81 11/01/2022

John A. Tomasino, Clerk of Court

AOSC22-81 11/01/2022

APPENDIX

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