



CIRCUIT COURT
FOURTH JUDICIAL CIRCUIT OF FLORIDA

HONORABLE JAMES H. DANIEL
Circuit Judge

NASSAU COUNTY COURTHOUSE
Robert M. Foster Justice Center

March 17, 2020

TO: The Honorable Mark H. Mahon, Chief Judge, Fourth Judicial Circuit
The Honorable Steven M. Fahlgren, Circuit Court Judge
The Honorable Wesley R. Poole, County Court Judge
The Honorable John A. Crawford, Clerk of Court
Capt. Paula J. DeLuca, Nassau County Jail/Courthouse
Sgt. Ken Davis, Nassau County Courthouse Bailiff
Nassau County Bar Association

FROM: The Honorable James H. Daniel, Administrative Judge

RE: Emergency Procedures Related to COVID-19 Virus

Please find attached Administrative Order No: 2020-1.

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

ADMINISTRATIVE ORDER NO: 2020-1

RE: **EMERGENCY PROCEDURES RELATED TO COVID-19 VIRUS**

In recognition of the emergency conditions resulting from the threat of the current COVID-19 virus (corona virus) pandemic, the CDC recommendation of no more than ten (10) individuals present for any event or meeting, and Florida Supreme Court Order AOSC20-13;

IT IS ORDERED AND ADJUDGED:

The following procedures shall be implemented for the period of time specified below:

I. CIVIL, FAMILY, PROBATE, GUARDIAN DIVISIONS

A. All hearings in cases pending in the circuit court civil division (CA case numbers), family law divisions (DR case numbers), probate division (CP case numbers), and guardianship division (GA case numbers), excluding petitions for injunctions for protection against domestic violence, repeat violence, dating violence, sexual violence, and stalking, shall be conducted either by telephonic means or video conference utilizing the Zoom Application or Skype. The parties are responsible for coordinating with the judge's office and/or Family Court Services to set up any telephonic or video hearing.

B. All circuit civil jury trials shall be handled in the manner outlined in Section XI below.

C. Exhibits for any telephonic or video conference shall be provided to the court no less than twenty-four (24) hours before the hearing begins. Exhibits shall be furnished either by electronic mail or hand delivery to the judge's judicial assistant. If supplying exhibits by electronic mail, the judge will not automatically print them for marking and filing with the clerk. It is the responsibility of each party before a hearing to check with the individual judge to see whether they

will be required to submit hard copies of any exhibits or the judge's office will print them out. The size of any proposed exhibits will be one factor in that determination.

II. FELONY CRIMINAL DIVISION

A. Felony calendars at the Judicial Annex in Yulee for March 19, 2020, and March 26, 2020, are cancelled. Except for cases where the defendant is incarcerated in the Nassau County Jail (NCJ), all felony criminal cases (CF case numbers) scheduled for those dates will be rescheduled for a date after April 2, 2020. Attorneys should not come to court on either date where calendar has been suspended.

B. For all felony cases scheduled on the court's docket on March 19, 2020, and March 26, 2020, where the defendant is incarcerated in the NCJ, the court will conduct those hearings remotely by video conference using the Zoom Application.

C. Attorneys may appear remotely for those hearings or appear in the judge's chambers. However, seating will strictly be limited to ten (10) people. If an attorney wishes to appear remotely, it is their responsibility to contact the judge to receive the remote access link.

D. Prior to the remote hearings for inmates in the NCJ, the judge's office will contact all defense attorneys that have clients on the docket to determine whether their appearance at the hearing is necessary or if they may be administratively passed to another day. The only cases that will be handled by remote appearance are those where a defendant is entering a plea, an attorney has scheduled a hearing, or there is a need to address a substantive matter. All others will be passed to a date beyond April 2, 2020.

E. For now, regular felony docket will resume on April 2, 2020. However, that may be subject to change based on subsequent administrative order from the Florida Supreme Court and/or a need to address a continuing threat from the COVID-19 virus.

F. All felony criminal jury trials shall be handled in the manner outlined in Section XI below.

G. For out of custody defendants, or in custody defendants requiring lengthier hearings in a courtroom, attorneys may contact the judge on a case-by-case basis to see if the judge will schedule a hearing.

III. COUNTY CRIMINAL CASES

A. County court criminal calendars at the Judicial Annex in Yulee and the Historic Courthouse in Fernandina for the weeks starting March 16, 2020, and March 23, 2020, are cancelled. Except for cases where the defendant is incarcerated in the Nassau County Jail (NCJ), all county court criminal cases (MM case numbers) scheduled for those dates will be rescheduled administratively. Attorneys should not come to court on any date where calendar has been cancelled.

B. For all county court cases scheduled on the court's docket on Monday, March 23, 2020, at 1:30 p.m., where the defendant is incarcerated in the NCJ, the court will conduct those hearings remotely by video conference using the Zoom Application.

C. Attorneys may appear remotely for those hearings or appear in the judge's chambers. However, seating will strictly be limited to ten (10) people. If an attorney wishes to appear remotely, it is their responsibility to contact the judge to receive the remote access link.

D. Prior to the remote hearings for inmates in the NCJ, the judge's office will contact all defense attorneys that have clients on the docket to determine whether their appearance at the hearing is necessary or if they may be administratively passed to another day. The only cases that will be handled by remote appearance are those where a defendant is entering a plea, an attorney has scheduled a hearing, or there is a need to address a substantive matter. All others will be passed to April 1, 2020, or beyond.

E. For now, regular county court docket will resume beginning the week of March 30 2020. However, that may be subject to change based on subsequent administrative order from the Florida Supreme Court and/or a need to address a continuing threat from the COVID-19 virus.

F. All county court criminal jury trials shall be handled in the manner outlined in Section XI below.

G. For out of custody defendants, or in custody defendants requiring lengthier hearings in a courtroom, attorneys may contact the judge on a case-by-case basis to see if the judge will schedule a hearing.

IV. SMALL CLAIMS CASES

A. All small claims cases (SC case number) scheduled for the weeks of March 16, 2020, and March 23, 2020, will be rescheduled.

V. COUNTY COURT CIVIL CASES

A. All hearings in cases pending in the county court civil division (CC case numbers) shall be conducted either by telephonic means or video conference utilizing the Zoom Application or Skype. The parties are responsible for coordinating with the judge's office to set up any telephonic or video hearing.

B. All county court civil jury trials shall be handled in the manner outlined in Section XI below.

C. Exhibits for any telephonic or video conference shall be provided to the court no less than twenty-four (24) hours before the hearing begins. Exhibits shall be furnished either by electronic mail or hand delivery to the judge's judicial assistant. If supplying exhibits by electronic mail, the judge will not automatically print them for marking and filing with the clerk. It is the responsibility of each party before a hearing to check with the individual judge to see whether they

will be required to submit hard copies of any exhibits or the judge's office will print them out. The size of any proposed exhibits will be one factor in that determination.

VI. DOMESTIC VIOLENCE CASES

A. The domestic violence calendars for both circuit court divisions shall proceed forward on their regularly scheduled days. All cases involving petitions for injunctions for protection against domestic violence, repeat violence, dating violence, sexual violence, and stalking, will not be administratively continued unless by specific order of the presiding judge. Continuances may be granted on a case-by-case basis upon request of the parties, their attorneys, or the needs of the court.

B. However, the procedures for each domestic violence case shall be in accordance with CDC recommendations and there will be only one case in the courtroom at a given time. No witnesses or family members shall be allowed in the courtroom unless authorized by the presiding judge. Parties may request a continuance if they require witness testimony.

C. Only the parties, their attorneys, representatives from Micah's Place, and court personnel will be in the courtroom for a domestic violence case.

D. The court will extend all temporary injunctions when a continuance is granted.

VII. JUVENILE DELINQUENCY CASES

A. All juvenile delinquency cases (CJ case number) scheduled for Wednesday, March 25, 2020, will be continued administratively. Calendar for that date has been suspended.

VIII. SPECIALTY COURTS

A. All Nassau County specialty (Adult Drug Court, Mental Health Court, and Veterans Court) courts are cancelled for the weeks of March 16, 2020, and March 23, 2020. Cases scheduled for those weeks shall be continued to the next regularly scheduled court date beginning the week of March 30, 2020.

B. All defendants and participants currently in a Nassau County specialty court must continue to participate in the color wheel drug testing program, or other drug testing program as required by their case manager, unless the testing program has been suspended. Additionally, each shall receive a form entitled "COVID-19 Modified PSC Requirements" and all defendants and participants shall follow all of the directions contained therein. Defendants and participants must still comply with all directions from their case managers, probation officers, assigned counselors and therapists, and any prior order of the presiding judge to the extent they are not inconsistent with the directions contained within the "COVID-19 Modified PSC Requirements" form.

IX. MARCHMAN ACT & BAKER ACT CASES

A. Marchman Act cases and Baker Act cases (MH case numbers) shall proceed as regularly scheduled given the urgency of such petitions.

X. DEPENDENCY

A. All dependency cases (DP case number) scheduled for the dependency calendars on March 20, 2020, and March 27, 2020, are continued until Wednesday, April 1, 2020.

B. Shelter hearings shall be conducted in court on an as-needed basis. They will not be postponed given the urgency of such petitions. However, they will be conducted in such a manner to comply with CDC guidelines limiting the number of individuals. Only parents, attorneys for the department and/or the parents, and a DCF caseworker will be permitted in the courtroom, in addition to necessary court personnel.

XI. JURY TRIALS

A. As of this time, all jury trials have been suspended statewide through the week of March 30, 2020.

B. The Fourth Judicial Circuit has further suspended all civil jury trials through Friday, May 1, 2020.

C. Nassau County currently has no civil or criminal jury trials scheduled until the week of April 20, 2020. Understanding that all jury summons must be sent out by the Clerk of the Court by April 3, 2020, the decision to cancel all criminal jury trials for April will be deferred until the week of March 30, 2020.

D. In addition to further guidance from the Florida Supreme Court, the administrative judge will confer with the other judges sitting in Nassau County, the Clerk of the Courts and any of his designees, the director of the State Attorney's Office, the director of the Public Defender's Office, and representatives from the Nassau County Sheriff's Office before making a final decision on suspending April criminal jury trials.

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DONE AND ORDERED in Chambers at Yulee, Nassau County, Florida, this the 17TH day of March, 2020.



JAMES H. DANIEL