

**IN THE CIRCUIT COURT, FOURTH JUDICIAL CIRCUIT,
IN AND FOR CLAY, DUVAL AND NASSAU COUNTIES, FLORIDA**

ADMINISTRATIVE ORDER NO. 2020-17

**RE: ORDERS TO TAKE INTO CUSTODY FOR FAILURE TO APPEAR OR A
TECHNICAL VIOLATION OF PROBATION IN JUVENILE DELINQUENCY
CASES DURING THE COVID-19 EMERGENCY**

WHEREAS, on March 9, 2020, Governor DeSantis of the State of Florida declared a state of emergency due to the outbreak of the Coronavirus in our State;

WHEREAS, on March 13, 2020, the Supreme Court of Florida entered Administrative Order No. AOSC20-13 regarding COVID-19 Emergency Procedures in the Florida State Courts, which ordered the temporary suspension of various court proceedings and noted that “mitigating the effects of COVID-19 is a high priority in the Florida State Courts System”;

WHEREAS, on May 4, 2020, the Supreme Court of Florida entered Administrative Order No. AOSC20-23 *Amendment 1* regarding Comprehensive COVID-19 Emergency Measures for the Florida State Courts that extended “previously enacted temporary remedial measures...until the close of business on May 29, 2020” and ordered that “[a]ll 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”;

WHEREAS, during the current public health emergency, juveniles continue to be arrested on orders to take into custody for failing to appear for a prior properly noticed court hearing and technical violations of probation;

WHEREAS, such orders to take into custody may contain language that requires juveniles to appear before a judge prior to their release regardless of the juvenile’s score as determined by the Detention Risk Assessment Instrument (hereinafter “DRAI”);

WHEREAS, in order to comply with the instructions from Governor DeSantis and the Supreme Court of Florida, and in order to appropriately respond to the current public health emergency, this Court finds that it is in the best interest of juveniles, their families, and the staff of the Fourth Judicial Circuit and any other agency that is directly involved with the detention of juveniles and the litigation of juvenile delinquency cases that in-person contact be limited as much as possible during the current emergency;

WHEREAS, this Court finds that allowing a juvenile to be released pursuant to the score as determined by the DRAI when that juvenile has been arrested on an order to take into custody for failing to appear for a prior properly noticed court hearing or a technical violation of probation, even when language in the order to take into custody requires that the juvenile be seen by a judge prior to release, would reduce the amount of in-person contact that would normally occur in regard to the execution of these orders;

WHEREAS, if the score as determined by the DRAI indicates that the juvenile does not meet the criteria for secure detention, the juvenile shall be released directly from the Juvenile Assessment Center to the juvenile's parent, the juvenile's legal guardian or the Department of Children and Families under the release conditions as set forth in the DRAI, notwithstanding any language in the order to take into custody for failing to appear for a prior properly noticed court hearing or a technical violation of probation indicating that the juvenile must be seen by a judge prior to release;

WHEREAS, nothing in this order will affect a juvenile who, after being arrested on an order to take into custody for failing to appear for a prior properly noticed court hearing or a technical violation issued by a Fourth Judicial Circuit judge, meets the criteria for secure detention based upon the score as determined by the DRAI;

WHEREAS, any juvenile released directly from the Juvenile Assessment Center in accordance with the terms of this administrative order to the juvenile's parent, the juvenile's legal guardian, or the Department of Children and Families will continue to be instructed by the Department of Juvenile Justice to participate in the next available detention hearing by telephone and/or video conference. Failure of the juvenile to appear by telephone or video conference may result in the issuance of another order to take into custody for failure to appear.

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

ORDERED AND ADJUDGED that:

1. As of the date of this order, when a juvenile is arrested on an order to take into custody for failing to appear for a prior properly noticed court hearing or a technical violation of probation and the score as determined by the DRAI indicates that the juvenile does not meet the criteria for secure detention, the juvenile shall be released directly from the Juvenile Assessment Center to the juvenile's parent, the juvenile's

legal guardian or the Department of Children and Families under the release conditions as set forth in the DRAI, notwithstanding any language in the order to take into custody for failing to appear for a prior properly noticed court hearing or a technical violation of probation indicating that the juvenile must be seen by a judge prior to release.

- 2. This Administrative Order shall be recorded by the Clerk of the Court, in the Official Records of Clay, Duval, and Nassau Counties, in the State of Florida, shall take effect immediately, and shall remain in full force and effect until further order of this Court.

13th **DONE AND ORDERED** in Chambers at Jacksonville, Duval County, Florida, this day of May, 2020.



MARK H. MAHON
CHIEF JUDGE

- cc: All Judges in the Fourth Judicial Circuit
 All Magistrates in the Fourth Judicial Circuit
 The Honorable Ronnie Fussell, Clerk of Courts, Duval County
 The Honorable John A. Crawford, Clerk of Courts, Nassau County
 The Honorable Tara S. Green, Clerk of Courts, Clay County
 The Honorable Charles G. Cofer, Esq., Public Defender
 The Honorable Melissa W. Nelson, Esq., State Attorney
 The Honorable Jason R. Gabriel, Esq., General Counsel
 The Honorable Mike Williams, Sheriff, Jacksonville Sheriff's Office
 The Honorable Darryl Daniels, Sheriff, Clay County Sheriff's Office
 The Honorable Bill Leeper, Sheriff, Nassau County Sheriff's Office
 Major Claude Colvin, Jacksonville Sheriff's Office, Courthouse Security
 Joseph G. Stelma, Fourth Judicial Circuit Trial Court Administrator
 Eve Janocko, Chief Deputy Trial Court Administrator
 Mike Smith, Court Technology Officer
 Steven Woodard, Emergency Preparedness Director
 Julie K. Taylor, Court Counsel
 Stephen Siegel, Esq., Office of the State Attorney
 Janet Abel, Circuit Director, Office of Criminal Conflict and Civil Regional Counsel
 Fourth Circuit Court Law Library, Duval County
 Judicial Staff Attorneys, Fourth Judicial Circuit
 The Jacksonville Bar Association
 Nassau County Bar Association
 Clay County Bar Association

STATE OF FLORIDA
 DUVAL COUNTY
 I, THE UNDERSIGNED Clerk of the Circuit Court, Duval County, Florida, DO HEREBY CERTIFY the within and foregoing is a true and correct copy of the original as it appears on record and file in the office of the Clerk of Circuit of Duval County, Florida, and the same is in full force and effect.
 WITNESS my hand and seal of the Clerk of Circuit Court at Jacksonville, Florida, this the 13th day of May, A.D., 2020



RONNIE FUSSELL
 Clerk, Circuit and County Courts
 Duval County, Florida

By: 
 Deputy Clerk