

**IN THE CIRCUIT COURT, FIFTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA**

ADMINISTRATIVE ORDER NO. A-2020-22

**ADMINISTRATIVE ORDER CONCERNING NO BOND FOR
QUARANTINE/ISOLATION VIOLATION RELATED TO COVID-19 PANDEMIC**

Due to concerns regarding the spread and treatment of the Coronavirus, known as COVID-19, on March 1, 2020, Florida Governor Ron DeSantis signed executive order 20-51, declaring a public health emergency in the State of Florida. On March 13, 2020, the Florida Supreme Court issued AOSC20-346 amending the Florida Rules of Judicial Administration. Additionally, the Florida Supreme Court has issued Administrative Orders Nos. AOSC20-12, AOSC20-13, AOSC20-15, AOSC20-16, and AOSC20-17, regarding mitigating the impact of the Coronavirus on courts.

Both Florida law and the Florida Rules of Court authorize a chief judge to remove a condition of bail or reduce the amount of bond set for a pretrial detainee. See section 903.02(2)(b), Florida Statutes, and Fla. R. Crim. P. 3.131(d). Based on the public health emergency that exists in the State of Florida as a result of the spread of COVID-19, it is necessary to establish emergency procedures to address the release of certain pretrial detainees from the custody of the Citrus County jail, Hernando County jail, Lake County jail, Marion County jail, and the Sumter County jail.

By the power vested in the Chief Judge under Article V, section 2(d), Florida Constitution, Rule of Judicial Administration 2.215, and section 43.26, Florida Statutes,

IT IS ORDERED:

1. While the State of Florida remains under a declared public health emergency for COVID-19, any person who violates any rule adopted under section 381.00315, Fla. Stat., any isolation or quarantine, or any requirement adopted by the Department of Health in accordance with a declared public health emergency, commits a misdemeanor of the second degree. When any person is arrested for a violation of section 381.00315, Fla. Stat., who is “*reasonably believed to be infected*” with the coronavirus or who is “*reasonably believed to have been exposed*” that violation is presumed to involve a danger to the public health.

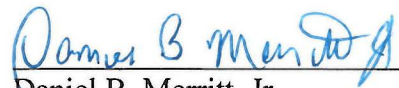
2. Due to the danger to the public health for such a violation, the bond shall initially be set at “no bond.” See *Varholy v. Sweat*, 15 So. 2d 267 (Fla. 1943) stating “To grant release on bail to persons isolated and detained on a quarantine order because they have a contagious disease which makes them dangerous to others, or to the public in general, would render quarantine laws and regulations nugatory and of no avail.” This provision does not preclude the judge presiding at first appearance hearings from modifying the “no bond” status if appropriate. This provision also does not preclude the assigned judge or duty judge from addressing other emergency relief, if the circumstances warrant it.

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3. The arresting officer in such cases shall notify the jail that the arrested person is or may be infected *before* bringing such person into any jail facility. The booking staff shall engage in appropriate measures for receiving and holding such person in order to avoid the potential transmission of the disease within the facility.

This Administrative Order Supplements Administrative Order A-2014-12-A. All provisions of Administrative Order A-2014-12-A shall remain in full force and effect except where inconsistent with this Administrative Order.

DONE AND ORDERED in Chambers at Brooksville, Hernando County, Florida, this 10th day of April 2020.



Daniel B. Merritt, Jr.
Chief Judge
Fifth Judicial Circuit