

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

**ADMINISTRATIVE ORDER: A-2020-30**

**ADMINISTRATIVE ORDER AUTHORIZING OUT-OF-CUSTODY  
CHANGE OF PLEA HEARINGS TO BE CONDUCTED IN-PERSON  
IN THE INTERESTS OF JUSTICE**

**WHEREAS**, on March 16, 2020, the undersigned Chief Judge Daniel B. Merritt, Jr. issued Administrative Order No. A-2020-12, "*Administrative Order Regarding Court Closure Due to COVID-19 Pandemic*," and having issued several other orders in response to the on-going public emergency; and

**WHEREAS**, local Fifth Circuit Administrative Order A-2020-12-F was entered on July 1, 2020, while the Fifth Circuit remained in Phase 1, requiring and immediately implementing health and safety procedures and protocols, including health screening questions, temperature taking, and the wearing of masks within Fifth Circuit courthouses, all as previously provided for by prior Florida Supreme Court Administrative Orders and Workgroup recommendations; and

**WHEREAS**, on July 2, 2020, the Florida Supreme Court entered AOSC-20-23, *Amendment 5*, which reserves to Chief Judges and provides in relevant part that "*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*"; and

**WHEREAS**, it is and remains, the goal of the Fifth Judicial Circuit's judges and court staff to protect the public and participants involved in our justice system and to provide safe and effective access for those seeking justice through our court system, and;

**WHEREAS**, Pursuant to Article V, Section 2(d) of the Florida Constitution, and Section 43.26, Florida Statutes, the Chief Judge of each judicial circuit is charged with the authority and the power to do everything necessary to promote the prompt and efficient administration of justice; and

**WHEREAS**, Florida Rule of Judicial Administration 2.215(b)(3) states the Chief Judge "shall, considering available resources, ensure the efficient and proper administration of all courts within this circuit," due consideration having been given Florida Supreme Court Administrative Orders AOSC20-17, AOSC20-18, AOSC20-19, AOSC20-23, AOSC20-23, *Amendment 5*, and AOSC20-32 *Amendment 2, (with updated Workgroup Court Operations Subgroup Report attached and incorporated)*, and in an effort to continue mitigating the effects of COVID-19 and also promote the efficient administration of justice; and

**WHEREAS**, it being in the interest of justice, due process, the public, the liberty of the participants, being a narrow promotion of a limited modicum of judicial efficiency, and upon consultation with the State Attorney and Public Defender of the Fifth Circuit, respectively; and

**WHEREAS**, the Fifth Circuit has been and remains in Phase 1 since March 16, 2020, and transition to Phase 2 remains indeterminate for the immediate and foreseeable future as a result of the Covid-19 pandemic;

**IT IS THEREFORE,**

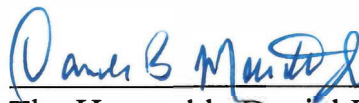
**ORDERED and ADJUDGED** as follows:

1. In the interest of justice, all criminal division judges may hold in-person and/or combination hybrid in-person and electronic change of plea hearings for out-of-custody defendants during Phase 1. Any such hearings shall be conducted in compliance with all Covid-19 Public Health and Safety Precautions and Procedures set forth in local and fully operational Fifth Judicial Circuit Administrative Order A-2020-12-F referenced above and relevant Florida Supreme Court Administrative Orders, including the requirements of wearing face masks, social distancing, hygiene protocols, and the requirements of temperature and health screenings for everyone who enters a courthouse.

2. Social distancing requirements will be enforced and judges shall take all necessary measures to conservatively schedule these hearings in a manner that ensures compliance with these procedures, including staggered start times, adequate waiting space, and reasonable limitation on the number of such hearings in a given time period to comply with such health and safety requirements.

3. This order shall be subject to amendment and/or modification as the circumstances and interests of justice may require.

**DONE and ORDERED** in Chambers at Brooksville, Hernando County, Florida this 21st of July 2020.

A handwritten signature in blue ink, reading "Daniel B. Merritt, Jr.", written over a horizontal line.

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