

Florida Supreme Court Extends Suspension of all Trial Proceedings and Implements Emergency Measures

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On Tuesday, March 25, 2020, Chief Justice Charles Canady entered Administrative Order No. AOSC20-17 which consolidates the Supreme Court's prior orders and implements additional emergency measures. The Order is intended to slow the spread of COVID-19, while simultaneously allowing for essential proceedings to move forward. The order provides as follows:

- All grand jury proceedings, jury selections, and criminal and civil jury trials are suspended through Friday, April 17, 2020, with limited exceptions subject to approval by the chief judge of the judicial circuit.
- With regard to in person hearings, the Courts may only hear "essential proceedings and proceedings critical to the state or emergency or public health emergency." All other in person proceedings are to be cancelled or postponed.
- Proceedings other than essential and critical proceedings may be heard before April 17, 2020 if the chief judge of that circuit determines that the court proceedings can be effectively conducted remotely without the necessity of in-court appearances.
- With regard to foreclosures and evictions, the requirement that clerks of court issue writs of possession "forthwith" has been suspended through April 17, 2020. In light of the ongoing pandemic, many sheriffs were unwilling to execute such writs. As a result of this order, no writs will be issued or delivered before April 17, 2020. This will result in delays in both foreclosure and eviction proceedings.
- The notarization requirement for family law forms is suspended through April 17,

2020 provided that the declarant includes an attestation in the manner set forth in the order.

- Through April 17, 2020, depositions and other forms of sworn testimony may be taken remotely. The requirement of having the notary in the physical presence of the witness has been suspended, and it is sufficient for notaries or other qualified persons to see and hear witnesses via audio-video communications.
- The chief judges are directed to "take all possible steps to facilitate conducting proceedings with the use of technology."

In the wake of the pandemic, many court proceedings are now taking place via Courtcall, conference call, Zoom videoconference or WebEx. Depositions are being held by video conference and mediations are being held by Zoom video, or continued.

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