

The Sixth Judicial Circuit Covid-19 Information and Updates

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Anthony Rondolino, the chief judge of the Sixth Judicial Circuit, on Wednesday, Feb. 10, 2021, modified the sixth circuit's operational plan as it affects Pasco County because a review of the most recent COVID-19 data indicates there has been sustained improvement there. As of March 15, 2021, criminal jury trials will resume in Pasco County. Among other factors taken into consideration, the weekly positivity rate of COVID-19 tests in Pasco declined from 9.6 percent for the period from Jan. 17 to Jan. 23 to 7.5 percent for the period from Jan. 31 to Feb. 6. Similarly, the number of new cases declined from 212 to 146 over the two same periods. Civil jury trials in Pasco County, however, will remain suspended until further notice. Last week, on Feb. 3, Chief Judge Rondolino modified the circuit's operational plan as it affected Pinellas County, with criminal trials resuming on March 1 and civil trials on March 15.

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Anthony Rondolino, the chief judge of the Sixth Judicial Circuit, on Wednesday, Feb. 3, 2021, modified the sixth circuit's operational plan as it affects Pinellas County because a review of the most recent COVID-19 data indicates there has been sustained improvement there. As of March 1, 2021, criminal jury trials will resume in Pinellas County. And, as of March 15, 2021, civil trials will resume in Pinellas County. Both types of trials will remain suspended in Pasco County, the other county in the circuit, until further notice. Among other factors, the weekly positivity rate of COVID-19 tests in Pasco remains above 9 percent, while in Pinellas they have dipped below 8 percent. Since the onset of the pandemic, circuits have been instructed by the Florida Supreme Court to consider resuming jury trials only when, among other things, a circuit's positivity rate has been below 10 percent for a sustained period of time.

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Anthony Rondolino, the chief judge of the Sixth Judicial Circuit, has decided to modify the Sixth Circuit's operational plan as it affects Pinellas County because of the recent spike in both the number of new Covid-19 cases and the percentage of positives. As of Jan. 5, 2021, jury trials will be temporarily suspended in Pinellas County. Chief Judge Rondolino last month temporarily suspended jury trials in Pasco County because of the COVID-19 related increases there. This means no juries will be impaneled at any of the courthouses in the two counties, and no witnesses expected to testify will be required to go to those facilities. Chief Judge Rondolino's decision vis a vis Pinellas County came after the latest statistics showed, among other things, the positivity rate jumping to 11.4 percent. Once the positivity rate of those tested breaks 10 percent, a chief judge is required to consider changing his court operational plan, which Chief Judge Rondolino has done. These suspensions are expected to remain in effect until the numbers improve and the risks reduced. Trials may be scheduled by judges, with the understanding circumstances may not permit the proceeding to go forward once the date arrives.

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Anthony Rondolino, the chief judge of the Sixth Judicial Circuit, has decided to modify the Sixth Circuit's operational plan as it affects Pasco County because of the recent spike there in positive COVID-19 tests, among other factors. As of Dec. 9, 2020, jury trials will be temporarily suspended in Pasco County. No juries will be impaneled in either of the two courthouses there, in New Port Richey and in Dade City, and no witnesses expected to testify will be required to go to those facilities. Trials will continue in Pinellas County, for now. Chief Judge Rondolino's decision came after a review Dec. 8 by him, Trial Court Administrator Gay Inskeep and Court Counsel Jennifer Parker of recent COVID-19 data in Pasco County. Pasco's positivity rate of those tested broke 10 percent, a threshold that requires any chief judge in the state to consider changing his or her court operational plan, which Chief Judge Rondolino has done. In addition, hospitalizations and emergency department visits have also increased. The suspension of trials in Pasco County is to be effective until at least Jan. 4, 2021, and may continue if circumstances do not improve. All jury trials had been put on hold across the state by the Florida Supreme Court in March. The circuit transitioned to Phase 2 in September and started jury trials in October.

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Because of improving health conditions in Pinellas and Pasco counties, the Sixth Judicial Circuit on Tuesday, Sept. 1, 2020, took the next step toward allowing some people, under certain circumstances, into its courthouses for proceedings during the COVID-19 pandemic. Up until now, the circuit has been in Phase 1, as designated by the Florida Supreme Court, where in-person contact is inadvisable, court facilities are effectively closed to the public, and in-person proceedings are rare. As of Tuesday, the circuit is progressing to Phase 2, where limited in-person contact is authorized as long as protective measures are in place. In an operational plan submitted to the Florida Supreme Court on Tuesday, Anthony Rondolino, chief judge of the sixth circuit, notes that the circuit has met the five required benchmarks to make this transition. In quick summary: There have been no confirmed or suspected cases of COVID-19 in any of the circuit's courthouses over a 14-day period. There are no restrictive measures, such as those ordering residents to stay home, in either county. The positivity rate in both counties is less than 10%, and there has been a decline in new cases, in the number of hospitalizations for COVID-19, and the number of emergency room arrivals of residents exhibiting symptoms similar to those associated with the coronavirus. There is a sufficient number of COVID-19 tests available in the community, with multiple testing sites throughout both counties. And the chief judge has worked with his own administration, along with State Attorney, Public Defender, both clerks of court, both sheriffs, and both county administrations, to ensure there are adequate protocols at each of the courthouses, such as temperature-taking and inquiries as to one's health at the entrances, physical distancing, and the requirement that everyone wear a mask. Up until now, the Sixth Circuit, like all circuits throughout the state, has been required to conduct certain types of proceedings, even during the pandemic. Examples of these include first appearances, bond-reduction hearings, both juvenile dependency shelter hearings and juvenile delinquency detention hearings, all violence injunction hearings, and hearings involving petitions for risk protection orders. These have been held either in-person or remotely, through teleconferencing or the video-conferencing tool Zoom, during Phase 1, and that will also be the case during Phase 2. Similarly, other types of hearings that have been conducted remotely will continue to be conducted remotely, such as those involving small claims, and probate and guardianship. However, certain types of proceedings which had been on hold during Phase 1 will now go forward, but only after the circuit has been in Phase 2 for 30 days, and only on the condition that the health conditions within the two counties is such that the circuit continues to meet the necessary benchmarks. The types of proceedings that will now go forward include criminal trials for defendants charged with capital or life felonies, and juveniles charged as adults. Priority will be given to those who are currently being held at either of the two county jails. Chief Judge Rondolino has operational teams in place to develop plans for resuming jury trials in a safe manner, with a judge at each of the courthouses serving as a jury trial coordinator. Barring unforeseen developments, it is expected jury trials could commence on Oct. 26, 2020, but because of health and safety protocols, such as physical distancing, there are not expected to be as many under way at one time as there used to be, at least for some time. In his operational plan, Chief Judge Rondolino also details what judges, judicial assistants, and court staff, many of whom have been working remotely during Phase I, must do if they have tested positive for COVID-19, exhibit its symptoms, or who are in close contact with anyone with symptoms or the virus. There is even a new protocol in place in the event someone who works in the courthouse,

but not is employed by the circuit, such as someone who, say, works for the clerk, tests positive. In addition to submitting his operational plan to the Florida Supreme Court, Chief Judge Rondolino has signed a handful of administrative orders that dovetail with it, and address such issues as jurors. He is directing the clerks in the two counties to excuse potential jurors who, among other things, have COVID-19, who exhibit symptoms associated with the virus, who have been in contact with someone with the virus, or who have a pre-existing condition, such as chronic kidney disease, that puts them at a high risk for severe illness if they are infected with the virus. Financial hardship is also taken into consideration in the administrative order that addresses jurors. The Sixth Judicial Circuit, and the other 19 circuits in the state, will not be allowed to transition to the next least-restrictive phase – Phase III, where in-person contact is more broadly authorized – until there is an effective vaccine adequately available and in use. Below please see the links to the operational plan, the chief judge’s administrative orders on jurors and jury trials, and the most recent Florida Supreme Court administrative orders on what circuits must do to eventually return to a full operational status.

[Chief Judge Rondolino’s operational plan](#)

[Chief Judge Rondolino’s administrative order on jurors](#)

[Chief Judge Rondolino’s administrative order on the resumption of criminal trials](#)

[Chief Judge Rondolino’s administrative order on the resumption of civil trials](#)

[Chief Judge Rondolino’s administrative order on criminal court proceedings and remote hearings exceptions](#)

[Florida Supreme Court 23-Amendment 9](#)

[Florida Supreme Court 32-Amendment 6](#)

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Face Masks Are Required In The Courthouses

“Face masks covering the nose and mouth are required for everyone entering the courthouse building with no exceptions.” That’s a direct quote from a document put together by the Workgroup On The Continuity of Court Operations and Proceedings During and After COVID-19, which was created by the Florida Supreme Court to assist judicial circuits navigate their way to full operational status, once the coronavirus no longer presents a significant risk to public health and safety. A subgroup of the workgroup on August 12 issued a list of requirements all circuits must follow. “Face masks shall be worn at all times throughout the public areas of the courthouse building, including inside the courtroom if two or more individuals are in the courtroom,” the document goes on to say. There are other requirements as well, such as those concerning social distancing, and health screens at the entrances of all courthouses. All of these workgroup requirements have been sanctioned by the Florida Supreme Court and are incorporated into administrative orders. To access the latest Florida Supreme Court administrative order at the end of which the group’s requirements appear, [click here. Florida Supreme Court Administrative Order 20-32 Amendment 6](#)

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Defendant's Presence Not Always Necessary

The Sixth Judicial Circuit is discouraging people from coming to any of our courthouses unless it is absolutely necessary. If you have been noticed to appear in court in Pinellas County for a felony, you should read this [Felony Letter](#). If you have been noticed to appear in Pinellas County for a misdemeanor, you should read this [Misdemeanor Letter](#).

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Remote Proceedings

With the Sixth Judicial Circuit's increasing use of the videoconferencing tool Zoom, we thought we should let you know that there are certain requirements. You can read about them by clicking here. [Using Zoom for Court Hearings](#). Anyone who is not a party in a proceeding, but who wishes to observe remotely via video, may do so as long as that type of proceeding is open to the public. An observer may not participate in the hearing in any way. The person wishing to observe must follow the protocol for video hearings and must contact the judge's office and request an invitation in order to be able to observe. For a list of proceedings that are not open to the public, [click here](#). **To familiarize yourself with Zoom, click here.** <https://support.zoom.us/hc/en-us/articles/206618765-Zoom-Video-Tutorials>

The Florida Bar has worked hard to ensure nothing unprofessional occurs on the part of attorneys or pro se litigants during Zoom hearings, and, to that end, has put together a list of best practices and a video on the subject. To learn more, [click here](#)

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Quarantine Violations

Anyone who is arrested on a misdemeanor violation of the coronavirus quarantine will be held without bond at the jails in Pinellas and Pasco counties, according to an administrative order signed by Anthony Rondolino, chief judge of the Sixth Judicial Circuit, on March 27, 2020. Judge Rondolino's order comes after the Florida Supreme Court instructed all judges in the state to take judicial steps related to any violation of orders governing quarantine or isolation, limits on travel, the closures of public and private buildings, and curfews, that have been put into effect after the governor declared a statewide public health emergency at the beginning of this month. "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," Judge Rondolino's order states, quoting precedent.

The order applies to anyone who has violated Florida statute 381.00315, who is "reasonably believed to be infected" with the coronavirus or who is "reasonably believed to have been exposed" to it. The arresting officer is to notify the jail that the person is or could be infected before bringing them to the jail. The booking staff will then take appropriate measures to ensure the defendant doesn't transmit the virus to anyone else at the jail while incarcerated. Judge Rondolino's order, however, does not stop the judge before whom the defendant first appears following their arrest from modifying the no-bond status or addressing the situation in some other way.

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Violence Injunction Hearings

Due to concerns about the novel coronavirus, beginning April 6, 2020, and until further decision by the Sixth Judicial Circuit, all violence injunction hearings (domestic violence, dating, sexual, stalking, and repeat violence) filed in Pinellas County will be heard at Pinellas County Justice Center (PCJC) at 14250 49th St N, Clearwater, FL 33762, in Courtroom 1, 4th Floor. Cases previously scheduled for hearing on the violence injunction mass hearing dockets for a date after April 6, 2020, will be rescheduled and amended notices of hearing will be mailed. Parties are encouraged to update their addresses with the Clerk of Court so that they receive all documents mailed by the court. If you do not receive notice of the amended court date, you may contact the Clerk of Court to request a copy of the order. Please note that cases previously scheduled for hearing on the violence injunction mass hearing dockets during the weeks of March 23 and March 30 remain scheduled as previously noticed.

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“Phase 1” – What Does it Mean?

One of the directives from the Florida Supreme Court regarding the current pandemic sets forth four phases for operational planning purposes:

Phase 1 – in-person contact is inadvisable, court facilities are effectively closed to the public, and in-person proceedings are rare;

Phase 2 – limited in-person contact is authorized for certain purposes and/or requires use of protective measures;

Phase 3 – in-person contact is more broadly authorized and protective measures are relaxed; and

Phase 4 – COVID-19 no longer presents a significant risk to public health and safety.

The Sixth Circuit judiciary is in Phase 1. The phases differ from those established by executive orders of the Governor, county commissions, or municipalities. The phases discussed above are what the *court* must follow regarding resuming full operations.

So, back to the title question – what does it mean to be in “Phase 1?”

Here are the types of proceedings that may be handled during Phase 1, together with how they may be handled, e.g., in-person, by remote means, or both:

Proceeding type	How handled
First appearance (essential)	In-person and/or remotely
Criminal arraignments (essential)	In-person and/or remotely
Hearings on motions to set or modify monetary bail for in-custody defendants (essential)	In-person and/or remotely
Juvenile dependency shelter hearings (essential)	In-person and/or remotely

Juvenile delinquency detention hearings (essential)	In-person and/or remotely
Hearings on Petitions for Injunctions Relating to Safety of an Individual (essential)	In-person and/or remotely
Hearings on Petitions for Risk Protection Orders (essential)	In-person and/or remotely
Hearings on Petitions for the Appointment of an Emergency Temporary Guardian (essential)	In-person and/or remotely
Hearings to Determine Whether an Individual should be involuntarily committed under the Baker Act or the Marchman Act (essential)	In-person and/or remotely
Hearing on Petitions for Extraordinary Writs as Necessary to Protect Constitutional Rights (essential)	In-person and/or remotely

Critical Proceedings Related to the State of Emergency or Public Health Emergency (e.g. violation of quarantine or isolation; enforcement of curfew orders, etc.) (critical)	In-person and/or remotely
Statewide grand jury selection	Suspended until July 26, 2020.
Grand jury selection	Suspended until 30 days after transition to Phase 2.
Grand jury proceedings	Suspended until 30 days after transition to Phase 2.
Criminal non-jury trials	Suspended until 30 days after transition to Phase 2.
Any trial with speedy trial issues ¹	Suspended.
Circuit criminal trials for capital or life felonies and for in-custody defendants charged with a first-degree felony ²	Suspended until 30 days after transition to Phase 2.

¹ Priority order of trial list is found in the Supreme Court's COVID-19 Workgroup Report on Recommendations for the Priority in Which to Resume Civil and Criminal Jury Trials.

² With regard to persons arrested for first degree murder, all times periods under Florida Rules of Criminal Procedure 3.133(b) and 3.134 shall remain suspended until such time as grand jury proceedings are resumed.

Circuit and county criminal trials with an in-custody defendant	Suspended until 30 days after transition to Phase 2.
Circuit jury trials for juveniles being tried as an adult	Suspended until 30 days after transition to Phase 2.
Circuit and county criminal trials with an out-of-custody defendant	Suspended until 30 days after transition to Phase 2.
Circuit civil jury trials	Suspended until 30 days after transition to Phase 2 (unless circuit is in approved pilot project).
County civil jury trials	Suspended until 30 days after transition to Phase 2.
Termination of Parental Rights trials	Remotely at discretion of judge.
Juvenile Delinquency Non Jury trials	Remotely at discretion of judge.
Noncriminal Traffic Infraction Court Proceedings	Remotely; speedy suspended until further order of the Florida Supreme Court (plans are underway to conduct these proceedings remotely).

Incompetence to Proceed	Remotely, if feasible; to be heard as soon as feasible after the date of filing a motion to determine competency
Circuit Civil non-jury proceedings	Remotely
County Civil non-jury proceedings	Remotely
Small Claims	Remotely (these proceedings are planned to begin remotely in Pinellas on July 16 th , and sometime subsequent to that date in Pasco)
Probate and Guardianship	Remotely
Family	Remotely
Mediation	Remotely
Juvenile Diversion	Remotely

Before moving to Phase 2, certain benchmarks must be met regarding the incidence of COVID-19 in a particular county. The chief judge must evaluate available data and resources and determine whether local circumstances warrant moving into Phase 2 where more in-person hearings could be safely conducted. Once that determination is made, this website will be updated to reflect what activities can take place and in what manner during Phase 2.