



TWENTIETH JUDICIAL CIRCUIT OF FLORIDA
ADMINISTRATIVE OFFICE OF THE COURTS
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MICHAEL T. MCHUGH
CHIEF JUDGE

SCOTT WILSKER
COURT ADMINISTRATOR

MEMORANDUM

TO: All Judges in the Twentieth Judicial Circuit
Amira Fox, State Attorney
Kathleen A. Smith, Public Defender
Ita Neymotin, Regional Counsel
Clerk of Courts of Lee, Collier, Charlotte, Hendry, and Glades Counties
Sheriffs of Lee, Collier, Charlotte, Hendry, and Glades Counties
County Managers of Lee, Collier, Charlotte, Hendry, and Glades Counties
Scott Wilsker, Trial Court Administrator

FROM: Michael T. McHugh, Chief Judge, Twentieth Judicial Circuit *MTM*

DATE: March 20, 2020

RE: COVID-19 – Essential Court Proceedings – Jail Management

On March 17, 2020, the Florida Department of Corrections issued a Public Announcement which, in part, states that:

- All non-critical inmate transfers have been suspended.
- New commitments and intakes have been restricted.

These restrictions imposed by the Florida Department of Corrections mean that persons who have been sentenced or are otherwise awaiting transfer to the Florida Department of Corrections' state correctional facilities will remain in confinement within local jails for an indefinite period. As such, local jail populations will necessarily increase and could exceed established jail population limits, potentially creating public safety issues and exacerbating the impact and spread of COVID-19.

In AOSC20-15, the Chief Justice of the Florida Supreme Court identified specific court events that shall be deemed "essential" or "critical" court proceedings, but also expressly stated that "[n]othing in this order limits the ability of the chief judge, consistent with the chief judge's authority and responsibilities under article V, section 2(d) of the Florida Constitution and Rule of Judicial Administration 2.215, to determine that additional proceedings, other than those suspended by Administrative Order No. AOSC20-13, are essential or are critical to the state of emergency or the public health emergency."

In accordance with the authority granted by the Chief Justice of the Supreme Court of Florida and in compliance with the goal of implementing policies to mitigate the impact of COVID-19, I, as Chief Judge of the Twentieth Judicial Circuit, find that the increased local jail populations resulting from the policy of the

Florida Department of Corrections to suspend and restrict transfer, commitment, and intake of new prisoners will increase jail populations potentially exceeding established jail population limits and potentially exacerbating the impact and spread of COVID-19. Accordingly, I hereby direct that:

The following court events shall be deemed as “Essential Court Proceedings” as a matter of jail management for the purpose of minimizing the impact of increased jail populations:

- **In-custody change of plea hearings that may result in a release from incarceration.**
- **In-custody hearings on motions to modify a sentence that may result in a release from incarceration.**
- **In-custody VOP Advisement hearings that may result in a plea and release from incarceration.**

These proceedings shall be added to the list of “Essential Court Proceedings” identified in local Administrative Order No. 2.39 as if fully set forth therein, and shall be handled in the same manner as other essential or critical court proceedings permitting in-person appearances.

This directive shall be in effect until further notice or until superseded by further order of this Court or the Florida Supreme Court.