

## **OUT-OF-CUSTODY CHANGE OF PLEA PROCEDURES AND GUIDELINES FOR THE THIRD JUDICIAL CIRCUIT**

The following temporary procedures are implemented in an effort to be consistent with the Administrative Orders of the Florida Supreme Court and the Third Judicial Circuit of Florida. These are enacted due to the COVID-19 pandemic, including the continuation of all essential court proceedings and, to the extent feasible, the continuation of all non-essential hearings using communication equipment and web-based videoconferencing tools.

The following procedures govern change of pleas (COP) for out-of-custody defendants and juvenile delinquents:

### **1. Notice and setting a change of plea hearing:**

This process is to be utilized when a negotiated plea has been reached. **The plea must be in writing, signed by all parties, and sent to the presiding judge or his or her JA prior to scheduling the hearing. When applicable, a scoresheet must also be attached to the plea.**

All COP hearings will be by appointment only. Hearings may be conducted for both felony and misdemeanor cases Monday through Friday during normal operating hours using the web-based videoconferencing platform Zoom or Microsoft Teams. Appointments will be set per each judge's schedule in time increments they deem appropriate but no less than ten-minute increments.

Counsel for each party shall have current contact information, including an email address and telephone number, filed with the Clerk of Court.

Upon scheduling the hearing, counsel setting the hearing shall *Notice* the COP by filing such notice with the Clerk of Court, with service on the opposing party, and a courtesy copy emailed to the presiding judge. Counsel shall also, or the ASA if the defendant is pro se, inform the defendant (1) of the hearing date, time, and location; (2) the requirement to wear a mask; (3) that he or she may be subject to possible health screening upon entry; (4) that no non-parties may attend court hearing; and (5) that no extraneous personal belongings may be brought to the hearing. Juveniles may be accompanied to the hearing by one parent or guardian.

### **2. Location and Procedure:**

A special hearing room / station will be set up for each individual county within the Third Judicial Circuit. The court or the bailiff will have specific instructions as to where to report for your individual county.

Defendants shall arrive at least five minutes before the start of their hearing. Defendants shall report to the front entrance of the designated location. The Defendant shall bring valid photo identification. The Defendant is required to wear a mask that follows CDC recommendations. The Defendant will follow all screening procedures in place for admittance. In juvenile cases, the parent or guardian will also be subject to all screening procedures and must also wear a mask.

With the exception of one parent or guardian in juvenile cases, no other persons, including family members, will be permitted to attend the hearing in person without prior written approval from the Chief Judge. However, interested non-parties may observe the hearing remotely. The attorneys are responsible for providing the link, invite, or call-in information to interested parties (family members, victims, etc.) and informing them that they must mute themselves.

Defense counsel, state attorney, clerk, probation officer, etc. will all appear remotely. A law enforcement officer will be present at the hearing to take fingerprints and to assist the Defendant as necessary. The equipment will be cleaned between each hearing.

All proceedings shall be recorded on Zoom /Teams and the Open Court digital system.