



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 *UTM*

DATE: April 3, 2020

RE: COVID-19 – Violation of DOH Quarantine or Isolation Order – Hold No Bond Pending
First Appearance

In response to the outbreak of the Coronavirus Disease 2019 (COVID-19), the Governor of Florida has declared that a state of emergency exists and the Surgeon General and State Health Officer has declared that a public health emergency exists.

On April 1, 2020, Governor Ron DeSantis issued Executive Order 20-91, a “Safer At Home” directive, ordering that all persons in Florida shall limit their movements and personal interactions outside of their home to only those necessary to obtain or provide essential services or conduct essential activities.

Under Florida Statute § 381.00315, the State Health Officer is responsible for declaring public health emergencies, issuing public health advisories, and ordering isolation or quarantines. Any person who violates any rule adopted under Florida Statute § 381.00315, any isolation or quarantine, or any requirement adopted by the Department of Health pursuant to a declared public health emergency commits a misdemeanor of the second degree.

The Florida Supreme Court has held that “[t]o 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.” Varholy v. Sweat, 15 So. 2d 267 (Fla. 1943).

In accordance with the directives of the Chief Justice of the Supreme Court of Florida to take all efforts to minimize the spread of COVID-19, and in compliance with the goal of implementing policies to mitigate the

impact of COVID-19, while still maintaining judicial workflow as feasible, I, as Chief Judge of the Twentieth Judicial Circuit, hereby direct that:

Any person arrested for violating any rule adopted under Fla. Stat. § 381.00315, any isolation or quarantine, or any requirement adopted by the DOH shall be held in custody with a NO BOND HOLD pending First Appearance.

The person arrested *shall not* be given a “Notice to Appear” by Law Enforcement in lieu of being taken into custody, and *shall not* be released pursuant to any local Bond Schedule. The person arrested must be held to appear before the First Appearance Judge.

At First Appearance, the presiding judge may accept testimony from the State Health Officer or Department of Health, and may make a determination as to whether the setting of bond or bail is appropriate.

Local Administrative Order 2.39 along with this directive shall be in effect until further notice or until superseded by further order of this Court or the Florida Supreme Court.