

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

JUDGE VERONICA DIAZ

RE: COVID-19 MITIGATION
COURTCALL REQUIREMENT FOR
ALL NONEVIDENTIARY HEARINGS
IN CIRCUIT CIVIL DIVISION 05

**DIVISION 13 EMERGENCY ORDER REQUIRING TELEPHONIC
APPEARANCE VIA COURTCALL IN ALL NONEVIDENTIARY
HEARINGS**

In order to conduct court business efficiently, while taking reasonable steps considering COVID-19 to minimize nonessential travel and contact, **effective immediately, all nonevidentiary hearings in Division 05 (Judge Diaz) shall be conducted telephonically via CourtCall.** To appear by phone, counsel or a party must use CourtCall at 1-888-882-6878. There will be no in-person appearances for nonevidentiary hearings in Division 05 absent further order. If a party seeks in-person appearance for any such hearing, a new motion must be filed, and a case specific order granting such relief entered prior to an in-person appearance. This order does not change any requirement for in-person appearances for evidentiary hearings or trials.

This order supersedes the information provided on the division website to the extent it is inconsistent (<https://www.jud11.flcourts.org/Judge-Details?judgeid=1091§ionid=5>) and all previous orders entered in any case requiring in person appearance for a nonevidentiary hearing. This order is subject to amendment as the Court obtains more information and guidance from local, state, and federal authorities.

BACKGROUND

On March 11, 2020, Florida Supreme Court Chief Justice Charles T. Canady issued an administrative order on behalf of the Florida State Courts in response to COVID-19 noting that “the Governor of Florida has declared a state of emergency exists and the Surgeon General and State Health Officer has declared a public health emergency exists.” AOSC20-12 at 1. The Chief Justice explained that “preparations for COVID-19 are now a high priority in the Florida State

Courts System” and ordered that measures be put in place “with the policy of mitigating the impact of COVID-19 while keeping the courts open to the fullest extent consistent with public safety.” *Id.* at 2. Such measures include the “use of technology, electronic documents, electronic communications, and other electronic means of conducting court business to mitigate the spread of COVID-19, to the extent consistent with law.” *Id.* at 3. Accordingly, in conformity with the administrative order and this Court’s inherent authority to manage its docket, and in line with federal, state, and local public health advisories and orders, this division shall implement procedures that utilize available technology to preserve access to courts and conduct court business while mitigating the spread of COVID-19.

Now, more than ever, the Court encourages open communication, creativity, planning, professionalism, understanding, and agreement where appropriate. Communicating in advance, narrowing issues, and submitting agreed orders via CourtMap where possible is cost-effective and saves time. In addition, some evidentiary hearings not subject to this order may nonetheless be conducive to telephonic appearances or other technological solutions (if agreed to by all parties) for some, or all, of the parties or witnesses.

For a contested issue, anything that is to be reviewed should be docketed sufficiently in advance of the hearing that it appears on the electronic docket. In specific circumstances, an email to the judicial assistant copying all parties submitted prior to the hearing may contain supporting material that need not otherwise be docketed or is yet to show on the docket.

Most importantly, this order seeks to provide a common-sense approach that puts health first and mitigates risk while staying open for court business. In addition to the requirement of telephonic appearances for nonevidentiary hearings as explained herein, your health and your duty to the collective well-being of the community always come first. **Regardless of the type of hearing, do not come to court if you think you have been exposed to COVID-19, have traveled to an area with widespread or ongoing community spread of COVID-19, or you are or have been sick or exhibiting fever, cough, shortness of breath, or any other possible indication of infection as described by your health care professional or relevant local, state, or federal officials.** In these circumstances, immediately contact a health care professional if you have not done so. Then, as appropriate, and with as much advance notice as possible, contact opposing counsel/parties and chambers to reset or reschedule the matter.

**ORDER REQUIRING COURTCALL APPEARANCES FOR
NONEVIDENTIARY HEARINGS IN DIVISION 05**

As explained above, it is **ORDERED** that, effective immediately, all nonevidentiary hearings in Circuit Civil Division 05 shall be conducted telephonically via CourtCall. This order applies to counsel as well as unrepresented parties. To appear by phone, counsel or a party must use CourtCall at 1-888-882- 6878. NOTE: THIS ORDER APPLIES TO DIVISION 05 (Judge Diaz) ONLY.

This order includes nonevidentiary hearings on motion calendar, special set, and foreclosure calendar, regardless of length. It also includes all status conferences, case management conferences, and calendar calls. No in-person appearances for such nonevidentiary hearings shall be allowed absent further order. It is incumbent on counsel or the unrepresented party to contact CourtCall and set up the account (if necessary) and obtain all relevant information IN ADVANCE of the scheduled hearing. If there are any issues with CourtCall (including technical issues with CourtCall that they are unable to resolve), you must alert chambers in advance of the hearing, or, if appropriate, file a motion seeking relief. This order does not include evidentiary hearings, trials, or show cause hearings where a party is required to be present.

Counsel should assist the Court in facilitating compliance with this order by unrepresented parties, including explaining the requirement of this order during a pre-hearing communication and providing a copy of this order or directing them to the division website where this order is available.

DONE AND ORDERED in Chambers in Miami-Dade County, Florida this March 13, 2020.

_____/s/_____
Veronica A. Diaz
CIRCUIT COURT JUDGE

Copy available on division website
(<https://www.jud11.flcourts.org/Judge-Details?judgeid=1091§ionid=5>)