

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA

IN RE: The National Emergency  
Declared on March 13, 2020

CASE NO. 8:20-mc-25

**ADMINISTRATIVE ORDER**

This order supplements the March 29, 2020 order titled “IN RE: The National Emergency Declared on March 13, 2020,” Case No. 8:20-mc-25 (Doc. 1).

On March 13, 2020, under the National Emergencies Act, 50 U.S.C. §§ 1601–1651, the President of the United States declared a national emergency. On March 27, 2020, the President signed the Coronavirus Aid, Relief, and Economic Security Act, H.R. 748 (the CARES Act), which authorizes the Judicial Conference of the United States to provide the Chief Judge of a United States district court authority to permit identified criminal proceedings by video or audio conference.

On March 29, 2020, the Judicial Conference of the United States found that “emergency conditions due to the national emergency declared by the President with respect to COVID-19 will materially affect the functioning of the federal courts generally....” Under Section 15002(b) of the CARES Act:

A judge in this district is authorized by this order, with the consent of the defendant or a juvenile after consultation with counsel, to use video conferencing, or telephonic conferencing if video conferencing is not reasonably available, for the following:

- (A) a detention hearing under 18 U.S.C. § 3142;
- (B) an initial appearance under Rule 5, Federal Rules of Criminal Procedure;
- (C) a preliminary hearing under Rule 5.1, Federal Rules of Criminal Procedure;
- (D) a waiver of indictment under Rule 7(b), Federal Rules of Criminal Procedure;
- (E) an arraignment under Rule 10, Federal Rules of Criminal Procedure;
- (F) a hearing under Rule 32.1, Federal Rules of Criminal Procedure, to determine a violation of, and revocation of, the terms of probation or supervised release;
- (G) a hearing under 18 U.S.C. § 3148 to determine a violation of, and revocation of, the terms of pretrial release;
- (H) a hearing under Rule 40, Federal Rules of Criminal Procedure, to resolve an alleged failure to appear or a violation;
- (I) a misdemeanor plea or sentencing under Rule 43(b)(2), Federal Rules of Criminal Procedure; and
- (J) a hearing under 18 U.S.C. § 5031 et seq., except for a contested transfer hearing, a juvenile delinquency adjudication, or a trial.

During this national emergency, a felony plea under Rule 11, Federal Rules of Criminal Procedure, and a felony sentencing under Rule 32, Federal Rules of Criminal Procedure, cannot occur in person and in court without serious jeopardy to public health and safety. As a result, if a judge in an action finds for specific reasons that further delay in a felony plea or sentencing will result in serious harm to the interests of justice, the judge with the consent of the defendant or a juvenile after consultation with counsel may conduct the plea or sentencing by video teleconference or by telephonic conference if video teleconferencing is not

reasonably available.<sup>1</sup> Also, this video teleconferencing and telephonic conferencing authority applies with respect to equivalent plea and sentencing or disposition proceedings under the Federal Juvenile Delinquency Act, 18 U.S.C. § 403.<sup>2</sup>

The present pandemic remains a national public health emergency. The national emergency declaration remains in effect. Neither has the Judicial Conference of the United States found that emergency conditions due to the national emergency declared by the President under the National Emergencies Act with respect to COVID-19 no longer materially affect the operation of either the federal courts generally or the Middle District of Florida.

In accord with Section 15002(b) of the CARES Act, this order continues for an additional ninety days through September 25, 2020, the authority to use video teleconferencing or telephone conferencing if video conferencing is not reasonably available. However, this authority terminates on the last day of the national emergency declared by the President on March 13, 2020, or the day on which the Judicial Conference of the United States determines that the emergency no longer materially affects the United States courts or this district, whichever occurs first.

---

<sup>1</sup> Section 15002(b)(2)(A) of the CARES Act.

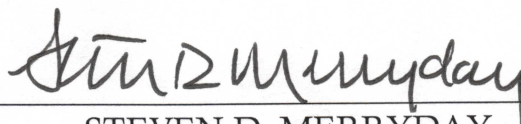
<sup>2</sup> Section 15002(b)(2)(B) of the CARES Act.



To the extent inconsistent with this order, any order in this district is

**SUPERSEDED.**

ORDERED in Tampa, Florida, on June 29<sup>th</sup>, 2020.

A handwritten signature in black ink, reading "Steven D. Merryday", written over a horizontal line.

STEVEN D. MERRYDAY  
CHIEF UNITED STATES DISTRICT JUDGE