

**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 EXTENDING
CARES ACT ORDER UNTIL FEBRUARY 24, 2021**

On March 13, 2020, under the National Emergencies Act, 50 U.S.C. §§ 1601–1651, the President 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). Among other things, the CARES Act 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:

1. 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.

2. During this national emergency, a felony plea under Rule 11, Federal Rules of Criminal Procedure (Rule(s)), and a felony sentencing under Rule 32 cannot be conducted in person without seriously jeopardizing 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.¹ Also, this video teleconferencing and telephonic conferencing authority applies with respect to equivalent plea and

¹ See Section 15002(b)(2)(A) of the CARES Act.

sentencing or disposition proceedings under the Federal Juvenile Delinquency Act, 18 U.S.C. § 403.²

The President has not terminated the national emergency declaration, which 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 further extends for an additional 90 days, through **February 24, 2021**, the authorization in the orders entered on March 29, 2020, June 29, 2020, and September 22, 2020, to use video conferencing, 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.

To the extent inconsistent with this order, any other order in this district is **SUPERSEDED**.

ORDERED in Jacksonville, Florida on November 23, 2020.



Timothy J. Corrigan

TIMOTHY J. CORRIGAN
Chief United States District Judge

² See Section 15002(b)(2)(B) of the CARES Act.