

IN THE CIRCUIT COURT OF THE THIRD JUDICIAL CIRCUIT
ADMINISTRATIVE ORDER NO.: 2020- 07

NO BOND FOR QUARANTINE AND ISOLATION VIOLATIONS

WHEREAS, the State of Florida remains under a declared public health emergency due to COVID-19, and Governor Ron DeSantis issued a “Safer at Home” directive on April 1, 2020, whereby he ordered “all persons in Florida [to] limit their movements and personal interactions outside of their home to only those necessary to obtain or provide essential services or conduct essential activities”;

WHEREAS, section 381.00315(6), Florida Statutes, provides that “[a]ny person who violates any rule adopted under this section, any isolation or quarantine, or any requirement adopted by the department pursuant to a declared public health emergency, commits a misdemeanor of the second degree”;

WHEREAS, Florida law, section 903.02(2)(b), Florida Statutes, and Florida Rule of Criminal Procedure 3.131(d), authorizes a chief judge to remove a condition of bail or reduce the amount of bond set for a pretrial detainee; and

WHEREAS, by the authority vested in me as the Chief Judge of the Third Judicial Circuit, specifically, Florida Rule of Judicial Administration 2.215;

It is therefore **ORDERED**:

Violations of section 381.00315 by persons who are “reasonably believed to be infected” with COVID-19 or who are “reasonably believed to have been exposed” to COVID-19 are presumed to involve a danger to the public health. Accordingly, bond for such arrestees shall initially be set at “no bond.” See *Varholy v. Sweat*, 15 So. 2d 267 (Fla. 1943) (“To 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.”).

The arresting officer in such cases shall notify the jail that the arrested person is or may be infected *before* bringing such person into any jail facility. The booking staff shall engage in appropriate measures for receiving and holding such person in order to avoid the potential transmission of the disease within the facility.

This does not preclude the judge presiding at first appearance hearings from modifying the “no bond” status, if appropriate. This provision also does not preclude the assigned judge or duty judge from addressing other emergency relief, if the circumstances warrant it.

This administrative order is effective immediately. All previous administrative orders remain in full force and effect except where inconsistent with this Administrative Order.

DONE AND ORDERED in Columbia County, Florida, on April 7, 2020.



Mark E. Feagle, Chief Judge

Copies to:

All Third Circuit Judges and Judicial Assistants
Office of Public Defender
Office of State Attorney
Office of Regional Conflict Counsel
Third Circuit Bar
Third Judicial Circuit Clerks
Office Probation and Parole
Sheriffs of the Third Judicial Circuit