IN THE DISTRICT COURT OF APPEALS

FOR THE FIFTH DISTRICT

STATE OF FLORIDA

PARENT OF J.A., A CHILD,

Appellant,

v. CASE NO.

L.T. CASE NO.

DEPT. OF CHILDREN AND FAMILIES,

Appellees.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/

**RESPONSE TO COURT’S SUA SPONTE ORDER REQUIRING STATEMENT OF JURISDICTION AND LEGAL BASIS TO CHALLENGE VALIDITY OF ADMINISTRATIVE ORDER**

COMES NOW, Parent/Appellant, by and through the undersigned attorney and files this Response to Court’s Sua Sponte Order Requiring Statement of Jurisdiction and Legal Basis to Challenge Validity of Administrative Order; and, in support thereof, would state as follows:

1. Appellant is in receipt of the Order that requires a brief statement on the following issue:

**Appellant shall specifically address why she should not be required to challenge the imposition of the administrative orders to her case in the circuit court before seeking review in the appellate court.**

Subject Matter Jurisdiction

1. Challenges to administrative orders are to be made by petition for writ of common law certiorari in the district courts of appeal pursuant to 9.030(b)(3).[[1]](#footnote-1)
2. The only exceptions are not applicable here:
   1. challenges to administrative orders making judicial assignments (which must be first brought forward by writ of prohibition at the circuit level)[[2]](#footnote-2) and
   2. challenges to administrative orders on the basis they are really local rules that circumvented the elaborate local rule review process (which must be filed with the Local Rules Advisory Committee for opinion and subsequent consideration by the Florida Supreme Court).[[3]](#footnote-3)
3. A writ of prohibition is generally not the proper vehicle to challenge an already-issued administrative order.[[4]](#footnote-4)
4. If the Court should determine that an improper remedy is sought, Appellant respectfully requests that the Court treat this cause as if the proper remedy has been sought. See Fla. App. R. Pr. §9.040(c).

Substantive Argument

1. The appellant was also directed to state a cognizable legal basis for challenging validity of administrative orders entered under the Florida Supreme Court’s emergency powers:

**ISSUE: Appellant shall file a brief statement explaining the basis for this Court’s subject matter jurisdiction. See Art. V, §2(b), Fla. Const.; Fla. R. Jud. Admin. 2.205(a)(2)(B)(iv)-(v) (providing Florida Supreme Court with authority to oversee administrative supervision of all courts and providing Chief Justice, as administrative officer of judicial branch, with authority to enter orders in emergency situations).**

1. Fla. R. Jud. Admin. 2.205(a)(2)(B)(iv)-(v) includes a non-exhaustive list of the chief justice’s administrative powers and duties; including, without limitation, the power “to **suspend, toll, or otherwise grant relief from time deadlines** imposed by otherwise applicable statutes and rules of procedure.”
2. The portions of the administrative orders in contention go beyond suspension of time deadlines. The contested parts of the orders automatically suspend vested rights to parent-child visitation in DCF cases, without motion or hearing.
3. The portion of the administrative orders that suspend parent-child visitation in DCF cases also exceeds the chief justice’s general reservation of jurisdiction to oversee and administer the courts. Fla. R. Jud. Admin. 2.120(c) defines administrative orders as “a directive necessary to administer properly the court’s affairs but not inconsistent with the constitution or with court rules and administrative orders entered by the supreme court.”[[5]](#footnote-5) The valid extent of their reach is addressed in caselaw. The instant administrative orders are over-reaching and invalid because:
   1. The administrative orders take away an existing substantive right or expectancy of a party (not merely procedural effect in furtherance of the *court’s* affairs).[[6]](#footnote-6)
   2. The administrative orders are broader and more specific than the state and local executive branch emergency orders that do not prohibit parent-child visitation (thereby violating separation of powers).[[7]](#footnote-7)
   3. Court rules generally require a motion, notice, and hearing for a valid court order to issue.[[8]](#footnote-8)  Summarily terminating parent-child visitation without motion and hearing impermissibly conflicts with established rules of procedure.[[9]](#footnote-9)
   4. The judicial administrative orders summarily terminate existing visitation rights and impermissibly impose an additional burden on parents to file a motion and schedule a hearing to reinstate parent-child and sibling visitation.[[10]](#footnote-10) This requires the cooperation of often uncooperative non-movants, and is subject to delays associated with crowded dockets, coordination of schedules, notices to parties, and subpoena of witnesses.
   5. The legal standard on visitation terms is “the child’s best interest” based on the current circumstances of the parties and children. The administrative orders impose a blanket decision on visitation across all cases, regardless of whether visitation can be safely conducted given the particulars of each case.[[11]](#footnote-11)
   6. The administrative orders are arbitrary and unevenly applied. The circuit-level administrative order 2020-10-01 (dependency division) conflicts with administrative order 2020-07-02 (domestic relations division). These orders were issued in the same circuit, but dictate different results. In the dependency division, parent-child visitation is automatically suspended. In the domestic relations division, regular time sharing is required to occur if it can be consistent with any governmental orders.[[12]](#footnote-12) Governmental orders do not explicitly prohibit parent-child visitation. See **Exhibit A**.

1. Safe parent-child visitation is an admirable, unreproachable goal, but judicial administrative orders are the wrong tool for the right job. There are other solutions that could achieve the same goal. In fact, judicial restraint may be the best option. DCF is experienced in acting quickly to ensure the safety of children, as most cases begin with an emergency shelter. There is no reason why DCF could not file appropriate emergency or expedited motions to suspend or modify parent-child visitation in specific cases where actual risks are identified. The use of blanket administrative orders to summarily suspend substantive rights should be disfavored.

**EXHIBIT A**

(n.7 – Summary/Comparison of Relevant Judicial Administrative Orders

versus Executive Branch Orders)

1. **Florida Supreme Court Administrative Orders**
   1. [Fla. Sup. Ct. AOSC20-18](https://www.floridasupremecourt.org/content/download/632718/7189517/AOSC20-18.pdf) entered 3/27/2020, p.2 ¶1 (“Requirements for in-person visitation pursuant to circuit court orders entered under chapter 39, Florida Statutes, are suspended through Friday, April 17,2020…”.
   2. [Fla. Sup. Ct. AOSC20-23](https://www.devoelaw.com/wp-content/uploads/2020/03/AOSC20-23-Fla-Sup-Ct.pdf) entered 4/6/2020, p.12-13 ¶IX (“Requirements for in-person visitation pursuant to circuit court orders entered under chapter 39, Florida Statutes, remain suspended…If a party seeks to reinstate in-person while the suspension of in-person visitation remains in effect, such reinstatement shall be determined on a case-by-case basis by the circuit court with jurisdiction over that party’s case…”.
   3. [Fla. Sup. Ct. AOSC20-23, Amendment 1](https://www.floridasupremecourt.org/content/download/633282/7195631/AOSC20-23.pdf) entered 5/4/2020, p. 14-15 ¶IX (“Requirements for in-person visitation pursuant to circuit court orders entered under chapter 39, Florida Statutes, remain suspended. This order does not affect in-person visitations when all parties and the caregiver agree that the visitation can take place in a manner that does not pose a health threat…”.
2. **Ninth Circuit Administrative Orders**
   1. [Administrative Order 2020-10](https://www.ninthcircuit.org/sites/default/files/2020-10%20-%20Temporary%20Order%20Regarding%20Visitation%20All%20Dependency%20Cases_0.pdf) entered 3/26/2020, p.2 ¶2 (addresses DCF dependency cases, “Unless specifically ordered otherwise in a particular case, ALL supervised in person [parent-child] visitation is SUSPENDED through April 17, 2020.”) [Emphasis in the original].
   2. [Administrative Order 2020-10-01](https://www.ninthcircuit.org/sites/default/files/AO2020-10-01.pdf) entered 4/15/2020, p.2 ¶2 extends suspension of in-person parent-child visitation in DCF cases to May 29, 2020.
3. **Executive Orders State of Florida**
   1. [State of Florida, Office of the Governor, Executive Order Number 20-83](https://www.flgov.com/wp-content/uploads/orders/2020/EO_20-83.pdf) entered 3/24/2020 merely directs issuance of public health advisories against gatherings of 10 or more. See p.2 ¶¶2-3.
   2. [State of Florida, Office of the Governor, Executive Order Number 20-91](https://www.flgov.com/wp-content/uploads/orders/2020/EO_20-91-compressed.pdf) entered 4/1/2020, p.5 ¶4 defines essential and non-essential activities and **allows attendance at religious services, recreational activities, taking care of pets, caring for “a loved one or friend.” This order supersedes any conflicting local orders.** See also [State of Florida, Office of the Governor, Executive Order Number 20-92](https://www.flgov.com/wp-content/uploads/orders/2020/EO_20-92.pdf) entered 4/1/2020 (providing that Executive Order 20-91 supersedes conflicting local orders.)
   3. [State of Florida, Office of the Governor, Executive Order Number 20-112](https://www.flgov.com/wp-content/uploads/2020/04/EO-20-112.pdf) effective 5/4/2020 primarily provides a plan for re-opening of non-essential or affected businesses.
4. **Executive Orders of Orange County, Florida**
   1. [Orange County, Florida, Emergency Executive Order No. 2020-01](https://ocfl.net/Portals/0/Library/Emergency-Safety/docs/coronavirus/Local%20State%20of%20Emergency%20-%2003-13-2020%20-%20Coronavirus.pdf) entered 3/13/2020 declares state of emergency.
   2. [Orange County, Florida, Emergency Executive Order No. 2020-03](https://ocfl.net/Portals/0/Library/Emergency-Safety/docs/coronavirus/Orange%20County,%20Florida%20Emergency%20Executive%20Order%20No.%202020-03.pdf) entered 3/20/2020 imposes a local curfew.
   3. [Orange County, Florida, Emergency Executive Order No. 2020-04](https://www.orangecountyfl.net/Portals/0/Library/Emergency-Safety/docs/coronavirus/Emergency%20Executive%20Order%20No.%202020-04%20-%2003-24-20.pdf) entered 3/13/2020 defines essential and non-essential activities. Broadly defines and allows essential activities. **Allows “care or assistance to minors.”** See p.2 ¶1(a).
   4. [Orange County, Florida, Emergency Executive Order No. 2020-05](https://www.orangecountyfl.net/portals/0/library/Emergency-Safety/docs/coronavirus/Orange%20County%20Executive%20Order%202020-05.pdf) entered 3/26/2020 clarifies essential and non-essential activities, and **continues to allow “care or assistance to minors.”** See p.2 ¶1(a).
   5. [Orange County, Florida, Emergency Executive Order No. 2020-12](https://www.orangecountyfl.net/portals/0/library/Emergency-Safety/docs/coronavirus/OC-EO-20-12.pdf) entered 5/1/2020 primarily provides a plan for re-opening of non-essential businesses.
   6. [Orange County, Florida, Emergency Executive Order No. 2020-14](https://www.orangecountyfl.net/portals/0/library/Emergency-Safety/docs/coronavirus/2020-14%20EEO%20-%20End%20of%20Curfew.pdf) entered 5/8/2020 ends local curfew.

1. See [1-888-Traffic Sch. v. Chief Circ. Judge, Fourth Judicial Circ., 734 So. 2d 413, 415 (Fla. 1999)](https://advance.lexis.com/api/document/collection/cases/id/3WJX-69W0-0039-40DR-00000-00?page=415&reporter=4962&cite=734%20So.%202d%20413&context=1000516) (finding that First DCA incorrectly concluded it lacked jurisdiction to review a challenge to an administrative order where jurisdiction was proper under 9.030(b)(3) (citing [Hewlett v. State](https://advance.lexis.com/search/?pdmfid=1000516&crid=f0457bbd-e485-4ba9-8380-9a0af71a4520&pdsearchterms=734+So.+2d+413&pdstartin=hlct%3A1%3A1&pdtypeofsearch=searchboxclick&pdsearchtype=SearchBox&pdqttype=or&pdpsf=&pdquerytemplateid=urn%3Aquerytemplate%3A), 661 So. 2d 112 (Fla. 4th DCA 1995) (granting certiorari petition challenging administrative order as conflicting with statute and being beyond chief judge's authority); [Valdez v. Chief Judge of the Eleventh Judicial Circuit](https://advance.lexis.com/search/?pdmfid=1000516&crid=f0457bbd-e485-4ba9-8380-9a0af71a4520&pdsearchterms=734+So.+2d+413&pdstartin=hlct%3A1%3A1&pdtypeofsearch=searchboxclick&pdsearchtype=SearchBox&pdqttype=or&pdpsf=&pdquerytemplateid=urn%3Aquerytemplate%3A5396d0c69a474cedbd615b699c2b14bc~%5EFlorida&ecomp=2gp3k&earg=pdpsf&prid=7c36283c-c290-4a75-b8b8-f6f48fc27bbb), 640 So. 2d 1164 (Fla. 3d DCA 1994) (granting certiorari petition challenging administrative order as exceeding chief judge's authority), review denied, 652 So. 2d 816 (Fla. 1995); [Department of Health & Rehab. Servs. v. Johnson](https://advance.lexis.com/search/?pdmfid=1000516&crid=f0457bbd-e485-4ba9-8380-9a0af71a4520&pdsearchterms=734+So.+2d+413&pdstartin=hlct%3A1%3A1&pdtypeofsearch=searchboxclick&pdsearchtype=SearchBox&pdqttype=or&pdpsf=&pdquerytemplateid=urn%3Aquerytemplate%3A5396d0c69a474cedbd615b699c2b14bc~%5EFlorida&ecomp=2gp3k&earg=pdpsf&prid=7c36283c-c290-4a75-b8b8-f6f48fc27bbb), 504 So. 2d 423 (Fla. 5th DCA 1987) (denying certiorari petition challenging administrative order as an attempt to legislate).

   See also [Dep't of Juvenile Justice v. Soud, 685 So. 2d 1376 (Fla. 1st DCA 1997)](https://advance.lexis.com/api/document/collection/cases/id/3RX4-3JR0-003F-306Y-00000-00?cite=685%20So.%202d%201376&context=1000516) (accepting subject matter jurisdiction and granting certiorari challenging administrative order of the Fourth Judicial Circuit as violating separation of powers by impermissibly invading legislative branch delegation of authority to DJJ to oversee risk assessment instruments); [Schwarz v. Nourse, 390 So. 2d 389 (Fla. 4th DCA 1980)](https://advance.lexis.com/api/document/collection/cases/id/3RRM-D230-003C-X2FB-00000-00?cite=390%20So.%202d%20389&context=1000516) (accepting subject matter jurisdiction and granting certiorari with respect to an administrative order of the Nineteenth Circuit that violated separation of powers by expanding statutory detention criteria); and [State ex rel. Dep't of Health & Rehab. Servs. v. Upchurch, 394 So. 2d 577 (Fla. 5th DCA 1981)](https://advance.lexis.com/api/document/collection/cases/id/3RRM-CP90-003C-X3NJ-00000-00?cite=394%20So.%202d%20577&context=1000516) (accepting subject matter jurisdiction and granting certiorari with respect to an administrative order of the Seventh Circuit that violated separation of powers by expanding the situations in which Florida statutes allow secure detention). [↑](#footnote-ref-1)
2. See [1-888-Traffic Sch. v. Chief Circ. Judge, Fourth Judicial Circ., 734 So. 2d 413, 415 (Fla. 1999)](https://advance.lexis.com/api/document/collection/cases/id/3WJX-69W0-0039-40DR-00000-00?page=415&reporter=4962&cite=734%20So.%202d%20413&context=1000516) and [Wild v. Dozier, 672 So. 2d 16 (Fla. 1996)](https://advance.lexis.com/api/document/collection/cases/id/3RX4-18B0-003F-3479-00000-00?cite=672%20So.%202d%2016&context=1000516). [↑](#footnote-ref-2)
3. See Fla. R. Jud Admin. §2.050(e)(2). See also [Hartley v. State, 650 So. 2d 1044 (Fla. 4th DCA 1995)](https://advance.lexis.com/api/document/collection/cases/id/3RX4-6C70-003F-33X7-00000-00?cite=650%20So.%202d%201044&context=1000516) (recognizing “the procedural requirements for the establishment of local rules and administrative orders are quite significant” and that local rules are subjected to “greater scrutiny and allow for more public input than administrative orders.”) See Hartley at.1047. [↑](#footnote-ref-3)
4. Prohibition is a *preventive*, rather than a *corrective* remedy; it acts only to *prevent* the commission of an act, and is not an appropriate remedy to revoke an order already issued. See [State ex rel. Dep't of Health & Rehab. Servs. v. Upchurch, 394 So. 2d 577, 579 (Fla. 5th DCA 1981)](https://advance.lexis.com/api/document/collection/cases/id/3RRM-CP90-003C-X3NJ-00000-00?page=579&reporter=4962&cite=394%20So.%202d%20577&context=1000516). (citing [*English v. McCrary*, 348 So.2d 293 (Fla. 1977)](https://advance.lexis.com/search/?pdmfid=1000516&crid=628ed01b-3004-466c-8186-20dcd44e675b&pdsearchterms=394+so.2d+577&pdstartin=hlct%3A1%3A1&pdtypeofsearch=searchboxclick&pdsearchtype=SearchBox&pdqttype=or&pdpsf=&pdquerytemplateid=urn%3Aquerytemplate%3A5396d0c69a474cedbd615b699c2b14bc~%5EFlorida&ecomp=2gp3k&earg=pdpsf&prid=d078393b-e542-4b62-b58f-af4ba2baa7d2); [*State ex rel. Harris v. McCauley*, 297 So.2d 825](https://advance.lexis.com/search/?pdmfid=1000516&crid=628ed01b-3004-466c-8186-20dcd44e675b&pdsearchterms=394+so.2d+577&pdstartin=hlct%3A1%3A1&pdtypeofsearch=searchboxclick&pdsearchtype=SearchBox&pdqttype=or&pdpsf=&pdquerytemplateid=urn%3Aquerytemplate%3A5396d0c69a474cedbd615b699c2b14bc~%5EFlorida&ecomp=2gp3k&earg=pdpsf&prid=d078393b-e542-4b62-b58f-af4ba2baa7d2) (Fla. 1974); [*State ex rel. R. C. Motor Lines, Inc. v. Boyd*, 114 So.2d 169 (Fla. 1959)](https://advance.lexis.com/search/?pdmfid=1000516&crid=628ed01b-3004-466c-8186-20dcd44e675b&pdsearchterms=394+so.2d+577&pdstartin=hlct%3A1%3A1&pdtypeofsearch=searchboxclick&pdsearchtype=SearchBox&pdqttype=or&pdpsf=&pdquerytemplateid=urn%3Aquerytemplate%3A5396d0c69a474cedbd615b699c2b14bc~%5EFlorida&ecomp=2gp3k&earg=pdpsf&prid=d078393b-e542-4b62-b58f-af4ba2baa7d2); [*State ex rel. Jennings v. Frederick*, 137 Fla. 773, 189 So. 1 (1939)](https://advance.lexis.com/search/?pdmfid=1000516&crid=628ed01b-3004-466c-8186-20dcd44e675b&pdsearchterms=394+so.2d+577&pdstartin=hlct%3A1%3A1&pdtypeofsearch=searchboxclick&pdsearchtype=SearchBox&pdqttype=or&pdpsf=&pdquerytemplateid=urn%3Aquerytemplate%3A5396d0c69a474cedbd615b699c2b14bc~%5EFlorida&ecomp=2gp3k&earg=pdpsf&prid=d078393b-e542-4b62-b58f-af4ba2baa7d2); [*State ex rel. Shailer v. Booher*, 241 So.2d 720 (Fla. 4th DCA 1970)](https://advance.lexis.com/search/?pdmfid=1000516&crid=628ed01b-3004-466c-8186-20dcd44e675b&pdsearchterms=394+so.2d+577&pdstartin=hlct%3A1%3A1&pdtypeofsearch=searchboxclick&pdsearchtype=SearchBox&pdqttype=or&pdpsf=&pdquerytemplateid=urn%3Aquerytemplate%3A5396d0c69a474cedbd615b699c2b14bc~%5EFlorida&ecomp=2gp3k&earg=pdpsf&prid=d078393b-e542-4b62-b58f-af4ba2baa7d2). Thus prohibition is not a proper remedy where the order has already been entered.  
    [↑](#footnote-ref-4)
5. The sub-section that describes the chief justice’s powers falls under Part II of the Fla. R. of Jud. Admin., which may be summarily expanded, with or without notice, and without referral to the rules committee. See Rule 2.140(g). See also e.g. In Re: Amend. to the Fla. R. Jud. Admin., 929 So. 966 (Fla. 2006) (reorganizing the rules of judicial administration into five parts and adding new rule 2.140 that allows amendments to Part II, and §2.310 and 2.320 of Part III, without referral or proposal from the Rules Committee).

   However, the definition of “administrative order” (as a directive that does not conflict with the constitution or court rules) falls under Part I of the Fla. R. Jud. Admin., amendment of which must comply with review formalities specified in Rule 2.140 (a) – (f).  There is a body of caselaw that interprets and limits the topics that are properly the subject of judicial administrative orders. [↑](#footnote-ref-5)
6. An administrative order must be **directly related to administration of the court’s affairs** as opposed to application of law to litigants. In Upchurch, the chief judge argued that Fla. R. Jud. Admin. 2.050(b)(3) mandated the creation of a plan “which shall include an administrative organization capable of effecting the prompt disposition of cases . . . ” as justification for a blanket A.O. that dictated how discretion would be applied in all detention hearings. The Fifth District noted, “We do not construe the order in question as one necessary to administer the c*ourt’s*affairs.” [Emphasis in the original.] See [State ex rel. Dep't of Health & Rehab. Servs. v. Upchurch, 394 So. 2d 577 (Fla. 5th DCA 1981)](https://advance.lexis.com/api/document/collection/cases/id/3RRM-CP90-003C-X3NJ-00000-00?cite=394%20So.%202d%20577&context=1000516). [↑](#footnote-ref-6)
7. See e.g. [Dep't of Juvenile Justice v. Soud, 685 So. 2d 1376 (Fla. 1st DCA 1997)](https://advance.lexis.com/api/document/collection/cases/id/3RX4-3JR0-003F-306Y-00000-00?cite=685%20So.%202d%201376&context=1000516) (finding administrative order violated separation of powers by impermissibly invading legislative branch delegation of authority to DJJ to oversee risk assessment instruments); [Schwarz v. Nourse, 390 So. 2d 389 (Fla. 4th DCA 1980)](https://advance.lexis.com/api/document/collection/cases/id/3RRM-D230-003C-X2FB-00000-00?cite=390%20So.%202d%20389&context=1000516) (finding administrative order violated separation of powers by expanding statutory detention criteria); and [State ex rel. Dep't of Health & Rehab. Servs. v. Upchurch, 394 So. 2d 577 (Fla. 5th DCA 1981)](https://advance.lexis.com/api/document/collection/cases/id/3RRM-CP90-003C-X3NJ-00000-00?cite=394%20So.%202d%20577&context=1000516) (finding administrative order violated separation of powers by expanding the situations in which Florida statutes allow secure detention).

   Cf. Florida Supreme Court & Ninth Circuit judicial administrative orders vs. state & local executive branch orders. See **Exhibit A**. [↑](#footnote-ref-7)
8. See e.g. Fla. Fam. L. R. P. 12.100(a) and Fla. R. Juv. P. §8.235(a). [↑](#footnote-ref-8)
9. See Hatcher v. Davis, 798 So. 2d 765, 766 (Fla. 2d 2001) (finding that an administrative order that required child support respondents to schedule hearings through the department’s attorney **improperly conflicted with court rule** Fla. Fam. L. Pr. Rule 12.491(e)(1) that provides the hearing officer is responsible for assigning hearing time). [↑](#footnote-ref-9)
10. Skelly v. Skelly, 257 So. 3d 150 (Fla. 5th DCA 2018) (requiring mediation to be scheduled as precondition to effectiveness of an objection to a referral to the general magistrate was not merely supplying a “directive necessary to administer properly the court’s affairs” but instead **improperly imposed an additional burden** not required by established court rules). [↑](#footnote-ref-10)
11. Even if a statute reserves discretion to the courts, administrative orders generally cannot dictate how that discretion will be exercised across all cases, at least where **statutory discretion is intended to be exercised on a case-by-case basis**. For example, in State ex rel. Dep’t. of Health & Rehab. Servs. v. Upchurch, 394 So. 2d 577 (Fla. 5th DCA 1981), the Seventh Circuit relied on the statutory caveat “unless otherwise ordered by the court” as authority by which to enter an administrative order of general application that greatly expanded the situations in which juveniles would be securely detained. The Fifth District found that the statute’s delegation of discretion was intended to be exercised on a case-by-case basis, not by a blanket administrative order. Otherwise the court would be essentially enacting new legislation, violating separation of powers. See also Schwarz v. Nourse, 390 So. 2d 389 (Fla. 4th DCA 1980). [↑](#footnote-ref-11)
12. Cf. Ninth Circuit [Administrative Order 2020-10](https://www.ninthcircuit.org/sites/default/files/2020-10%20-%20Temporary%20Order%20Regarding%20Visitation%20All%20Dependency%20Cases_0.pdf) entered 3/26/2020 that governs DCF dependency cases provides:

    *“Unless specifically ordered otherwise in a particular case, ALL supervised in person [parent-child] visitation is SUSPENDED through April 17, 2020.”*

    See p.2 ¶2 [Emphasis in the original]. Administrative Order 2020-10-01 entered 4/15/2020, p.2 ¶2 extends this suspension to May 29, 2020.

    Ninth Circuit [Administrative Order 2020-07-02](https://www.ninthcircuit.org/sites/default/files/2020-07-02%20-%20Amended%20Emergency%20Temporary%20Standing%20Order%20Re%20Parenting%20in%20Domestic%20Relations%20Cases%2C%20Orange%20%26%20Osceola%20Counties.pdf) entered 3/27/2020 that governs divorce and paternity cases provides:

    *“If regular time sharing and exchanges can occur and be consistent with any governmental orders, then regular time sharing shall continue as Ordered by the Court . . . “.*

    See p.2-3 ¶2(e). [↑](#footnote-ref-12)