

AMENDED TEMPORARY ORDER GOVERNING TRIAL COURT PROCEEDINGS

In response to the COVID-19 public health emergency, the Florida Supreme Court and the Ninth Judicial Circuit have taken significant measures to limit and modify court operations to ensure the safe administration of justice.¹ All courts must use all practicable methods to minimize risk of COVID-19 exposure to those involved in court proceedings and the general public entering court facilities.

Due to the number of new daily cases and positivity rates continuing to dramatically increase nationwide, the Centers for Disease Control and Prevention (CDC) continues to recommend that all individuals, regardless of vaccination status, who live in a “high” COVID-19 transmission area, wear masks in public indoor areas as one measure to mitigate the spread of the virus. The CDC reports that Orange and Osceola counties are communities with high levels of transmission of COVID-19.

In accordance with the authority vested in the Chief Judge by Article V, section 2(d) of the Florida Constitution, sections 40.001, 43.26, and 905.01, Florida Statutes, Florida Rule of General Practice and Judicial Administration 2.215, and to promote public safety, the following adjustments to operations are hereby **ORDERED, effective immediately**:

(1) This Order applies to everyone entering any court facility² in the Ninth Judicial Circuit including litigants, lawyers, witnesses, visitors to a court facility, court staff, clerk staff, deputies, security personnel, maintenance and cleaning personnel, and Judges.

(2) All individuals who choose to wear a mask in any location within any court facility will be permitted to do so. Those who wish to be socially distanced will be accommodated if feasible. Upon request, a face mask will be provided to a participant or essential person for an in-person court proceeding at no cost. Clear face masks will also be provided for in-person court proceedings for jurors or witnesses with the exception of proceedings conducted at the Orange County Booking and Release Center and the Juvenile Detention Center.

(3) Because proceedings conducted at the Orange County Booking and Release Center (BRC) and the Juvenile Detention Center (JDC) occur within a correctional facility, the wearing of face masks will continue to be required for all court proceedings conducted at both the BRC and the JDC as long as the detention facilities require the wearing of face masks.

¹ See the Florida Supreme Court’s Emergency Orders at <https://www.floridasupremecourt.org/Emergency>.

² Court facility includes all of the main courthouses, branch courthouses, jail courtrooms, Juvenile Detention Center Virtual Hearing Space, Building A offices of the court reporters and other court employees, and the deposition rooms.

(4) Court proceedings may continue to be remotely conducted, as appropriate, to facilitate the efficient and expeditious processing of cases, except that a proceeding must be conducted in person if the Chief Judge or Presiding Judge determines that remote conduct of the proceeding is inconsistent with the United States or Florida Constitution, a statute, or a rule of court, a court order, or an opinion that has not been suspended by administrative order.

(5) All Baker Act involuntary commitment hearings and Marchman Act involuntary treatment hearings must be conducted in-person unless the individual respondent waives the right to physical presence at the hearing or unless the facility in which the individual is located is closed to hearing participants due to health and safety measures implemented by the facility for the pandemic.

(6) Pursuant to section 43.26(2)(d), Florida Statutes, the Clerks of Court, State Attorney, Public Defender, and other Court officers must attend court proceedings as directed by the Chief Judge or Presiding Judge.

(7) Juvenile Division Judges shall continue to handle shelter hearings and custody order/detention hearings daily for both Orange and Osceola Counties. Both may be conducted via conference call, video connection, or in-person as determined by the Presiding Judge.

(8) Any person who, based on current CDC guidance or local government health guidance, should quarantine due to exposure to COVID-19 or, who should isolate due to a positive COVID-19 test, is prohibited from entering any court facility.

(9) Nothing in this Order shall be construed to prevent or limit the institution of safety protocols in those spaces within courthouse facilities that are controlled by other constitutional officers.

(10) For more information regarding the comprehensive COVID-19 emergency measures for Florida trial courts please refer to Florida Supreme Court Administrative Order No. AOSC21-17, Amendment 3. (Available at <https://www.floridasupremecourt.org/Emergency>).

(11) Administrative Order 2020-06-14 is vacated and set aside except to the extent that it has been incorporated and/or amended herein. Vacating an Administrative Order that vacates a prior Order does not revive the prior Order.

DONE AND ORDERED at Orlando, Florida, this 12th day of January, 2022, *nunc pro tunc* to January 8, 2022.



Lisa T. Munyon
Chief Judge

Copies provided to:

Clerk of Court, Orange County
Clerk of Court, Osceola County
General E-Mail Distribution List
<http://www.ninthcircuit.org>