

ADMINISTRATIVE ORDER  
NO. 2020-06-07

IN THE CIRCUIT COURT OF THE  
NINTH JUDICIAL CIRCUIT, IN AND  
FOR ORANGE AND OSCEOLA  
COUNTIES, FLORIDA

**AMENDED TEMPORARY ORDER GOVERNING TRIAL COURT PROCEEDINGS**

**WHEREAS**, pursuant to Article V, section 2(d) of the Florida Constitution and section 43.26, Florida Statutes, the Chief Judge of each judicial circuit is charged with the authority and the power to do everything necessary to promote the prompt and efficient administration of justice; and

**WHEREAS**, pursuant to the Chief Judge's constitutional and statutory responsibility for administrative supervision of the courts within the circuit and considering available resources, to create and maintain an organization capable of effecting the efficient, prompt, and proper administration of justice for the citizens of this State, the Chief Judge is required to exercise direction, *see* Fla. R. Jud. Admin. 2.215(b)(2), (b)(3); and

**WHEREAS**, in response to the public health emergency caused by the outbreak of the Coronavirus Disease 2019 (COVID-19), the Florida Supreme Court and the Ninth Judicial Circuit have taken significant measures to limit and modify court operations so as to ensure the safe administration of justice<sup>1</sup>; and

**WHEREAS**, in conducting essential proceedings and proceedings critical to the state of emergency or the public health emergency, circuit and county courts shall employ all methods practicable to minimize risk of COVID-19 exposure to individuals involved in the proceedings or the general public; and

**WHEREAS**, during the duration of the Emergency Procedures in the Florida State Court, as set forth by the Florida Supreme Court, the Chief Judge of each judicial circuit is authorized to establish temporary procedures for the use, to the maximum extent feasible, of communication

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<sup>1</sup> *See*, Fla. Admin. Order No. AOSC20-13 (Fla. March 13, 2020); Fla. Admin. Order No. AOSC20-15, (Fla. March 17, 2020); Fla. Admin. Order No. AOSC20-23 (Fla. April 6, 2020); Fla. Admin. Order No. AOSC20-23, Amendment 1 (Fla. May 4, 2020); Fla. Admin. Order No. AOSC20-23, Amendment 2 (Fla. May 21, 2020); Fla. Admin. Order No. AOSC20-32 (Fla. May 21, 2020); Fla. Admin. Order No. AOSC20-23, Amendment 3 (Fla. June 8, 2020); Fla. Admin. Order No. AOSC20-23, Amendment 4 (Fla. June 16, 2020); Fla. Admin. Order No. AOSC20-32, Amendment 1 (Fla. June 16, 2020); Fla. Admin. Order No. AOSC20-23, Amendment 5 (Fla. July 2, 2020); Fla. Admin. Order No. AOSC20-32, Amendment 2 (Fla. June 16, 2020); Fla. Admin. Order No. AOSC20-23, Amendment 6 (Fla. August 12, 2020); Fla. Admin. Order No. AOSC20-32, Amendment 3 (Fla. August 12, 2020); Fla. Admin. Order No. AOSC20-23, Amendment 7 (Fla. October 2, 2020); Fla. Admin. Order No. AOSC20-32, Amendment 4 (Fla. October 15, 2020); Fla. Admin. Order No. AOSC20-23, Amendment 8 (Fla. November 23, 2020); Fla. Admin. Order No. AOSC20-32, Amendment 5 (Fla. November 23, 2020); Fla. Admin. Order No. AOSC20-32, Amendment 6 (Fla. December 21, 2020) (all available at <https://www.floridasupremecourt.org/Emergency>).

equipment for the conducting of proceedings by remote electronic means, as are necessary in their respective circuits due to the public health emergency; and

**WHEREAS**, it is the intent of the judicial branch to transition to optimal operations in a manner that protects the public's health and safety during each of the anticipated phases of the pandemic; and

**WHEREAS**, due to the number of new daily cases and positivity rates in both Orange and Osceola Counties now decreasing significantly, the temporary modification to operations put in place on January 11, 2021 may now be lifted as detailed below and the Circuit will return to normal Phase 2 operations;

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 Judicial Administration 2.215, and to promote public safety, the following adjustments to operations are hereby **ORDERED, effective immediately** unless otherwise provided herein:

(1) **Effective Monday, February 15, 2021**, consistent with Florida Supreme Court Administrative Order No(s). AOSC20-23, AOSC20-32, and amendments thereto, and the Ninth Judicial Circuit Court Transitional Operation Plan, the Circuit will be returning to normal Phase 2 operations for in-person hearings – limited in-person contact is authorized for certain purposes with strict observance of the safety protocols in place – (1) masks required at all times in all public spaces of the courthouse, including courtrooms, (2) social distancing at all times of at least 6 feet, (3) handwashing/hand sanitizer, and (4) frequent cleaning of surface touch points.

Jury trials will resume **Monday, February 15, 2021**. Jurors will be called to appear beginning on February 15, 2021. Individuals with questions as to jury service may contact Orange County Jury Services at 407-836-2206 or Osceola County Jury Services at 407-742-2423, depending upon county of residence.

Pursuant to Amendment 4 to AOSC20-32, paragraph 5, the Ninth Judicial Circuit Court Phase 2 Operational Plan is posted on the Circuit's website, except for those portions of the plan determined to be confidential or otherwise exempt from public access pursuant to Florida Rule of Judicial Administration 2.420.

(2) Public access to court facilities shall remain limited to counsel for the parties and the litigants involved in an in-person court proceeding, and visitors to the offices of the clerk of court. Only persons essential to any proceeding will be allowed in the courtroom: Judge, clerks, parties, attorneys, victims, witnesses, court reporters, court interpreters and other persons whose presence is essential. No other persons will be allowed to enter court facilities via the public entrances or attend court proceedings, except as may be permitted by the Presiding Judge or the Chief Judge. Media may continue to access court facilities consistent with existing administrative orders. In conducting proceedings, the Ninth Judicial Circuit Court shall employ all methods practicable to minimize risk of COVID-19 exposure to anyone involved in the proceedings. Any in-person proceeding must be conducted consistent with the Circuit's Operational Plan.

(4) Pursuant to AOSC20-23 and amendments thereto, non-essential and non-critical court proceedings shall be conducted remotely, unless authorized by the Chief Judge or the Presiding Judge, in consultation with the Chief Judge, until further order, and in a manner that is consistent with the Circuit's Operational Plan, or as otherwise authorized.

(5) Any person, regardless of status, who is exhibiting symptoms consistent with COVID-19, or any person who has knowingly been in contact with another person who is suffering from the effects of the COVID-19 virus, consistent with the provisions of Ninth Judicial Circuit Administrative Order No. 2020-20, is prohibited from entering any court facility.

(6) The Ninth Judicial Circuit and County Courts shall continue to perform essential court proceedings, including but not limited to: first appearance; criminal arraignments as necessary; hearings on motions to set or modify monetary bail for individuals who are in custody; juvenile dependency shelter hearings; juvenile delinquency detention hearings; hearings on petitions for injunctions relating to safety of an individual; hearings on petitions for risk protection orders; hearings on petitions for the appointment of an emergency temporary guardian; hearings to determine whether an individual should be involuntarily committed under the Baker Act or the Marchman Act; and hearings on petitions for extraordinary writs as necessary to protect constitutional rights.

(7) The Ninth Judicial Circuit and County Courts shall also perform, as necessary and applicable, critical proceedings related to the state of emergency or the public health emergency, including but not limited to proceedings related to: violation of quarantine or isolation; violation of orders to limit travel; violation of orders to close public or private buildings; and enforcement of curfew orders.

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

(9) If a Judge has coordinated hearings that do not involve in-person contact, then those hearings may occur without delay.

(10) Effective immediately, the Public Defender is appointed for all first appearances and juvenile detention hearings, and counsel is appointed for all dependency shelter hearings, without the necessity of an affidavit of indigency.

(11) All Baker Act proceedings, Marchman Act proceedings, Emergency Guardianship proceedings, Risk Protection Order proceedings, and Petitions for Do Not Resuscitate (DNR) Orders will be conducted as directed by the Presiding Judge or Chief Judge.

(12) Juvenile Division Judges shall continue to handle shelter hearings and custody order/detention hearings daily for both Orange and Osceola Counties. Both are done via conference call or video connection only.

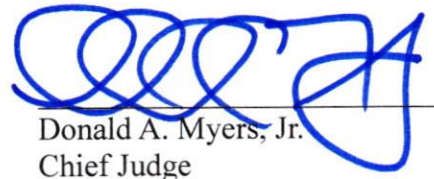
(13) In the event of any in-person proceedings the Presiding Judge shall take necessary steps to ensure (a) all participants wear an appropriate mask, and (b) social distancing in order to minimize potential exposure to COVID-19. The Presiding Judge must ensure that all participants in the proceeding maintain at least a 6-foot “social distance” from each other at all times.

(14) All essential proceedings are being conducted as set forth above. As determined by the Chief Judge, other proceedings and events may be conducted if the Presiding Judge can do so using technological resources such as video or telephone conferencing. Information concerning these other proceedings, including instructions on participating in such proceedings, can be found on the individual Judge’s division pages on the Circuit’s website at <http://www.ninthcircuit.org>.

(15) For more information regarding the comprehensive COVID-19 emergency measures for Florida trial courts please refer to Florida Supreme Court Administrative Order No. AOSC20-23, and amendments thereto. (Available at <https://www.floridasupremecourt.org/Emergency>).

(16) Administrative Order 2020-06-06 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 9<sup>th</sup> day of February, 2021.

  
Donald A. Myers, Jr.  
Chief Judge

Copies provided to:

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