

ADMINISTRATIVE ORDER
NO. 2020-06-08

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. Gen. Prac. & 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 justice¹; and

¹ *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); Fla. Admin. Order No. AOSC20-23, Amendment 9 (Fla. February 21, 2021); Fla. Admin. Order No. AOSC20-23, Amendment 10 (Fla. March 9, 2021); Fla. Admin. Order No. AOSC20-23, Amendment 11 (Fla. March 26, 2021); Fla. Admin. Order No. AOSC20-32, Amendment 7 (Fla. March 26, 2021); Fla. Admin. Order No. AOSC20-23, Amendment 12 (Fla. April 13, 2021); Fla. Admin. Order No. AOSC20-23, Amendment 13 (Fla. May 6, 2021); Fla. Admin. Order No. AOSC20-32, Amendment 8 (Fla. May 6, 2021) (all available at <https://www.floridasupremecourt.org/Emergency>).

WHEREAS, as a result of the COVID-19 pandemic, the State Surgeon General and State Health Officer renewed the declaration that a public health emergency exists in Florida on April 20, 2021, the Governor extended the declaration of a state of emergency in Florida on April 27, 2021, and the Secretary of the Department of Health and Human Services renewed the determination that a public health emergency exists in the United States effective as of April 21, 2021; and

WHEREAS, in conducting proceedings 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 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;

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** unless otherwise provided herein:

(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, clerks, deputies, security personnel, and Judges.

(2) 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 continue 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 – Face masks³ covering the nose and mouth are required for everyone during an in-person court

² Court facility includes all of the main courthouses, branch courthouses, jail courtrooms, Osceola County Courthouse and Orange County Courthouse, and Building A offices of the court reporters and other court employees, and the deposition rooms.

³ The term “face mask” refers to face masks that completely cover the nose and mouth and that fit snugly around the nose, chin, and sides of the face as recommended by the CDC here: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover-guidance.html> and <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/about-face-coverings.html>.

proceeding⁴, with no exceptions. If visitors do not have a face mask, one will be provided to them at no cost. Any person may voluntarily choose to wear a face mask in a courthouse when not attending an in-person court proceeding. Face shield or other face covering protocol may be used in addition to a face mask but may not be used as an alternative to a face mask.

Appropriate social distancing, pursuant to Centers for Disease Control and Prevention, will continue to be strictly enforced during in-person court proceedings. In order to ensure adequate space in courtrooms the Court will continue to limit public admittance for court proceedings until further order.

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 General Practice and Judicial Administration 2.420.

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.

(3) 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. 2020-20-02, 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;

⁴ "In-person court proceedings" means the assembly of prospective jurors, voir dire, juror deliberations, and any status conference, hearing, trial, or other proceeding conducted by a justice, judge, magistrate, or hearing officer if conducted in-person, to include depositions conducted in a court facility deposition room, and other court events conducted in-person as may be determined by the Chief Justice or chief judge.

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) 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.

(10) 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.

(11) 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.

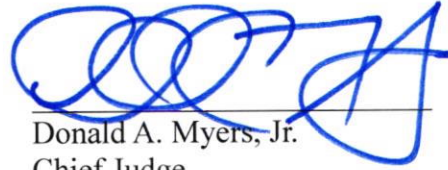
(12) In the event of any in-person proceedings the Presiding Judge shall take necessary steps to ensure (a) all participants wear an appropriate mask, and (b) social distancing in order to minimize potential exposure to COVID-19. The Presiding Judge must ensure that all participants maintain appropriate social distancing, pursuant to Centers for Disease Control and Prevention guidelines, from each other at all times during in-person court proceedings.

(13) 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>.

(14) 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>).

(15) Administrative Order 2020-06-07 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 14 day of May, 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>