

ADMINISTRATIVE ORDER
NO. 2020-06-09

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

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

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); Fla. Admin. Order No. AOSC21-17 (June 4, 2021) (all available at <https://www.floridasupremecourt.org/Emergency>).

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; and

WHEREAS, at this time, effective vaccines for COVID-19 are adequately available in Florida for persons ages 12 and older; more than half of this state's eligible population has been partially or fully vaccinated; and government-issued health standards and guidance provide that fully vaccinated persons do not need to wear face masks or physically distance in most indoor and outdoor settings unless required by federal, state, or local laws, rules, or regulations. Given these developments, the judicial branch can now transition to operations where in-person contact is more broadly authorized;

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 12:01 a.m. on June 21, 2021** 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. AOSC21-17, unless required by federal, state, or local laws, rules, or regulations, the wearing of face masks³ and physical distancing are not required during in-person court proceedings⁴, with the exception of proceedings conducted at the Orange County Booking and Release Center (BRC), as set forth in more detail below; however, during in-person court proceedings:

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>.

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.

(a) Participants and observers may wear face masks. Upon request, a face mask will be provided to a participant or observer for an in-person court proceeding at no cost. Clear face masks or shields will also be provided for in-person court proceedings with the exception of proceedings conducted at the BRC. Any person may voluntarily choose to wear a face mask in a courthouse facility when not attending an in-person court proceeding.

(b) For the reason that proceedings conducted at the BRC occur within a correctional facility, and pursuant to section 768.38(3)(c)2.b., Florida Statutes, the wearing of face masks and physical distancing will continue to be required for all proceedings conducted at the BRC.⁵

(c) Although physically distancing is no longer required, all persons inside court facilities are encouraged to physically distance. Participants may request to be physically distanced.⁶ The court will address such requests as appropriate under the circumstances at the time of the request.

(3) Pursuant to AOSC21-17, trial court proceedings shall continue to be remotely conducted, as appropriate, to facilitate the efficient and expeditious processing of cases. Participants who have the capability of participating by electronic means in remote trial court proceedings must do so.

(4) Pursuant to AOSC21-17, all Baker Act involuntary commitment hearings must be conducted in-person unless the individual respondent waives the right to physical presence at the hearing.

(5) 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.

(6) 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. Termination of parental rights and juvenile delinquency cases may be conducted remotely if ordered by the chief judge or the presiding judge or, if not, must be conducted in-person.

(7) All court facility areas which were previously closed to the public due to the pandemic, such as deposition rooms, are open effective June 21, 2021.

⁵ See *Guidance for Fully Vaccinated People*, Centers for Disease Prevention and Control (CDC) (May 28, 2021) (stating “Recommendations for Indoor and Outdoor Settings Risk of SARS-CoV-2 infection is minimal for fully vaccinated people. The risk of SARS-CoV-2 transmission from fully vaccinated people to unvaccinated people is also reduced. Therefore, fully vaccinated people can resume activities without wearing a mask or physically distancing, except where required by federal, state, local, tribal, or territorial laws, rules, and regulations, including local business and workplace guidance. Fully vaccinated people should also continue to wear a well-fitted mask in correctional facilities and homeless shelters. Prevention measures are still recommended for unvaccinated people.”).

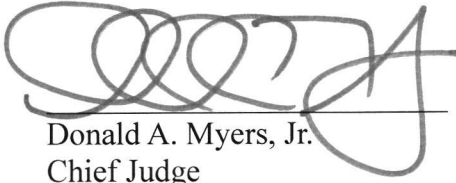
⁶ If a request for physical distancing during an in-person court proceeding is granted, the measurement used for physical distancing must comply with authoritative or controlling government-issued health standards or guidance. See Section 768.38(3)(c)2., Florida Statutes.

(8) 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 is prohibited from entering any court facility.

(9) 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. (Available at <https://www.floridasupremecourt.org/Emergency>).

(10) Administrative Orders 2020-06-08, 2020-20-02, and 2020-10-01 are vacated and set aside except to the extent that each 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 17th day of June, 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>