

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT
OF FLORIDA

ADMINISTRATIVE ORDER NO.:
22-03
SUPERSEDES 21- 11 6TH
AMENDED

IN RE: ADMINISTRATIVE RULES - COVID-19 PROCEDURES

WHEREAS, reopening the courts of the Eighteenth Judicial Circuit has been in conformity with AOSC 20-23 and AOSC 20-32 as periodically amended; and

WHEREAS, having determined that the judicial branch can now transition to operations where in-person contact is more broadly authorized, the Florida Supreme Court issued AOSC 21-17 on June 4, 2021 which provides that AOSC 20-23 and AOSC 20-32 shall terminate at 12:01 a.m. on June 21, 2021; and AOSC 21-17 Amendment 1 on July 29, 2021 provides the Chief Judge the authority for implementation of health and safety protocols;

WHEREAS, AOSC 21-17 establishes new, temporary health and safety protocols and extends and modifies previously enacted temporary emergency operational measures.

THEREFORE, pursuant to the authority of the Chief Judge under section 43.26, Florida Statutes, and Florida Rule of Judicial Administration 2.215,

IT IS HEREBY ORDERED as follows:

1. Definitions

For purposes of this administrative order, the following terms have the following meanings:

- A. *Courthouse facility* means any building in which judicial proceedings are conducted or court system representatives are stationed. However, if judicial proceedings take place in a county jail facility, the term *courthouse facility* will be defined as the actual courtrooms within the facility and not the remainder of the facility.
- B. *Court system representative* means a designated representative of one or more of the following offices: Administrative Office of the Courts or Clerk of the Circuit Court.

C. *Face covering* means a mask or other cloth fabric that completely covers the nose and mouth and fits snugly but comfortably around the nose, chin and sides of the face but does not cover the eyes and remains affixed in place without the use of one's hands, compliant with CDC guidelines.

2. **Requirements before Entry**

A. All individuals prior to entering any courthouse facility MUST SELF CHECK themselves for any possible COVID symptoms. Should anyone exhibit the following symptoms:

1. Coughing
2. Consistent shortness of breath or difficulty breathing
3. Fever above 100.4 or chills
4. Sore throat
5. Runny nose
6. Congestion
7. Muscle or body aches
8. New loss of taste or smell
9. Nausea or vomiting
10. Diarrhea
11. Recently, you have had close contact with someone with a COVID-19 diagnosis or who is awaiting test results for COVID-19 based on symptoms or suspected exposure (Note: Close contact is defined as contact that is less than 6 feet for 15 minutes or more)

Should anyone have the above symptoms prior to coming to court they should remain home and should consult their doctor or other medical professional. Any individual demonstrating any of the above symptoms are required to contact the judge and/or the judge's judicial assistant himself or herself if unrepresented or through his or her attorney to inform the court of the inability to attend the court date. Any party in any proceeding is responsible for notifying the court, and if they fail to do so will be noted as a failure to appear for the court date.

B. Should any individual be confirmed COVID positive whether symptomatic or asymptomatic they are prohibited from entering the courthouse and are required to quarantine in accordance with the CDC guidelines.

3. ***In person proceedings***- If a person requests the enforcement of social distancing measures, the Court will consider the circumstances and determine if the request will be granted. If granted, the Court will follow the applicable health guidelines.

A. ***Baker Acts and Marchman Proceedings*** -All Baker Act and Marchman Act proceedings may proceed in-person, however all participants may be permitted to appear remotely. It will be the discretion of the court as to how to proceed.

B. ***Remote proceedings***-Each judge shall take all necessary steps to support the remote conduct of other trial court proceedings with the use of technology, in accordance with this administrative order. For purposes of this administrative

order, “remote conduct,” or “conducted remotely” means the conduct, in part or in whole, of a court proceeding using electronic means.

- C. ***Jury Trials***-All jury trials shall be conducted in person, unless consent is provided as directed in Section II.E.(3)a of Supreme Court Administrative Order *AOSC 21-17*.
- D. All Judges may exercise their discretion in determining whether any other proceedings shall be conducted in person or remotely.

4. **Face Covering/Shield Requirement¹ in Brevard and Seminole Counties**

- A. All persons entering the Courthouse or attending an in-Court proceeding may wear a face mask if they choose, however they are not required to wear a facemask in any Courthouse facilities upon entry. Should you wish to wear a face mask and do not have one, one may be available upon request. It is left up to the individual judge based on the capacity of the courtroom or proceedings if s/he chooses to require face masks within the courtroom. If the judge requires a face mask the individual is required to wear one during the proceedings.
- B. ***Clear Face Masks***-In Florida Supreme Court Administrative Order *AOSC 21-17*, it is stated that the chief judge may adopt a policy authorizing the use of clear face masks.²Therefore, if a potential juror in any venire voluntarily wears a mask in court, all county and circuit judges in the Eighteenth Judicial Circuit shall require the potential juror wear clear face masks while inside courtrooms during the voir dire. The individual judge may determine how to proceed if the witnesses or parties choose to wear face masks. Otherwise, standard cloth face masks are permitted to be used by any other individual in a courthouse facility.

6. **Health and Safety Screening**

All agency employees and courthouse employees shall be required to continue to self-check for symptoms and remain home if they present symptoms. A copy of the agency’s policy must be provided to the Chief Judge or his/her designee.

This Administrative Order shall remain in effect until further notice or until superseded by further order of this Court or the Florida Supreme Court.

DONE AND ORDERED this 5th day of January, 2022.

JESSICA RECKSIEDLER
JESSICA RECKSIEDLER
CHIEF JUDGE

¹ The requirements of this administrative order are not intended to govern activities inside of the separate offices of other constitutional officers.

² According to *AOSC 21-17, Section I.C.*, “[i]f warranted by local health conditions, the Chief Justice or a chief judge may require either or both of the following health and safety protocols: a. The wearing of face masks by all persons in a courthouse or in any portion thereof. As determined by the Chief Justice or a chief judge, such requirement may apply at all times or during certain periods only. b. Physical distancing during an in-person court proceeding.”

Distribution:

All Circuit and County Judges (Brevard and Seminole Counties)
Court Administration (Brevard and Seminole Counties)
Clerk of Court (Brevard and Seminole Counties)
State Attorney (Brevard and Seminole Counties)
Public Defender (Brevard and Seminole Counties)
Sheriff (Brevard and Seminole Counties)
Bar Association (Brevard and Seminole Counties)
Law Library (Brevard and Seminole Counties)