

ADMINISTRATIVE ORDER
NO. 2020-06-10

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

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) Fla. Admin. Order No. AOSC21-17, Amendment 1 (Fla. July 29, 2021) (all available at <https://www.floridasupremecourt.org/Emergency>).

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 Courts, 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 the pandemic; and

WHEREAS, due to increasing new COVID-19 variant cases throughout the nation, the Centers for Disease Control and Prevention (CDC) revised its health guidance for vaccinated and unvaccinated persons on July 27, 2021 recommending that vaccinated individuals wear masks in indoor, public locations in certain areas. The CDC further recommends that vaccinated people who live in places with "high" or "substantial" COVID-19 transmission resume wearing masks indoors. CDC prevention measure guidance for unvaccinated individuals had always been and still continues to be the wearing of a well-fitted mask in indoor public places; and

WHEREAS, the local positivity rate in the Ninth Judicial Circuit has dramatically increased due to the spread of variant cases causing a significant and swift increase in COVID-19 cases prompting the Orange County, Florida mayor to recommend that individuals wear masks indoors again, and noting that the county is in "crisis mode" due to the current COVID-19 situation. The Orange County, Florida mayor issued an executive order on July 28, 2021 declaring a state of emergency due to Orange County's startling spike in coronavirus positivity;

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 August 2, 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, Amendment 1, and as warranted by local health conditions, the wearing of face masks³ is required

² Court facility includes all of the main courthouses, branch courthouses, jail courtrooms, Juvenile Detention Center Virtual Hearing Space, 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](https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/about-face-coverings.html)

at all times in all public spaces of all court facilities, including courtrooms and during in-person court proceedings⁴. 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 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) For the reason that 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.

(4) Pursuant to AOSC21-17, Amendment 1, trial court proceedings shall 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. Participants who have the capability of participating by electronic means in remote trial court proceedings must do so.

(5) The following matters should be conducted as in-person proceedings:

- A. All county and circuit hearings in criminal cases;
- B. Juvenile delinquency change of plea hearings and pretrial conferences;
- C. Delinquency trials, including disposition and post-disposition hearings, and submission of fingerprints or a DNA sample, or both;
- D. Hearings on petitions seeking a judicial waiver of the notice and consent requirements of section 390.01114, Florida Statutes;
- E. In Orange County, return hearings on petitions for protective injunctions against (i) domestic violence; (ii) repeat violence; (iii) dating violence; (iv) sexual violence; (v) stalking; or (vi) prevention of child abuse under chapter 39, Florida Statutes;
- F. Hearings on petitions for risk protection orders;
- G. Return hearings on petitions for protective injunctions against exploitation of a vulnerable adult (§825.1035, Florida Statutes);
- H. Jury trials; and
- I. Grand jury proceedings.

(6) Any evidentiary proceeding not specifically addressed in paragraph (5) of this Administrative Order may proceed either in person or remotely, subject to the Presiding Judge's discretion, except that a proceeding must be conducted in person if the Presiding Judge determines that remote conduct of the proceeding is inconsistent with United States or Florida Constitution, a

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.

statute, or a rule of court.

(7) Non-evidentiary hearings in civil, family, and dependency cases shall be conducted remotely unless the Presiding Judge determines that the interests of justice require the proceeding to be conducted in person.

(8) In the event of any in-person proceedings the Presiding Judge shall take necessary steps to ensure all participants wear an appropriate mask in order to minimize potential exposure to COVID-19.

(9) Pursuant to AOSC21-17, Amendment 1, all Baker and Marchman Act involuntary commitment hearings shall be conducted remotely until further order of the Chief Judge.

(10) 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.

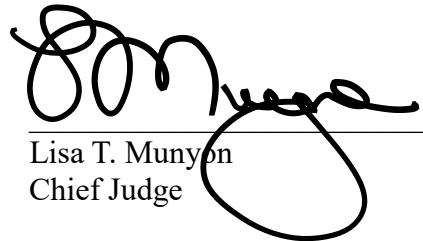
(11) Juvenile Division Judges shall continue to handle shelter hearings and custody order/detention hearings daily for both Orange and Osceola Counties. Both may be conducted via conference call, video connection, or in-person.

(12) Any person, regardless of vaccination status, who has tested positive for COVID-19 in the last 14 days or who should isolate or quarantine pursuant to current CDC guidance is prohibited from entering any court facility.

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

(14) Administrative Orders 2020-06-09 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 30th day of July, 2021.



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>