

ADMINISTRATIVE ORDER
NO. 2020-06-02

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, the Centers for Disease Control and the Florida Department of Health have advised people to take precautions in light of the Coronavirus Disease 2019 (COVID-19) outbreak, and specifically noting the best way to prevent illness is to avoid exposure to the virus through such measures as small gatherings and social distancing; and

WHEREAS, because of the COVID-19 outbreak, Governor Ron DeSantis declared a State of Emergency on March 1, 2020, the World Health Organization declared a global pandemic on March 11, 2020, Orange County declared a Local State of Emergency on March 13, 2020, and Osceola County declared a Local State of Emergency on March 16, 2020; and

WHEREAS, on March 13, 2020, Chief Justice Charles T. Canady issued Administrative Order No. AOSC20-13, In Re: COVID-19 Emergency Procedures in the Florida State Courts, requiring Chief Judges to continue ongoing planning and authorizing the use of mitigating measures to address the effects of COVID-19; and

WHEREAS, on March 17, 2020, Chief Justice Charles T. Canady issued Administrative Order No. AOSC20-15, In Re: COVID-19 Essential and Critical Trial Court Proceedings, requiring that no proceedings or other court events other than essential proceedings and proceedings critical to the state of emergency or the public health emergency shall be conducted through in-person hearings until such time as the public health emergency is resolved, or as provided by subsequent order; and

WHEREAS, pursuant to Administrative Order No.: AOSC20-15, In Re: COVID-19 Essential and Critical Trial Court Proceedings, the Chief Judge may determine that other proceedings and events can be effectively conducted remotely without the necessity of in-person court appearances; and

WHEREAS, on April 6, 2020, Chief Justice Charles T. Canady issued Administrative Order No. AOSC20-23, In Re: Comprehensive COVID-19 Emergency Measures for the Florida State Court, extending, refining, and strengthening previously enacted temporary remedial measures. The measures now remain in effect until the close of business on May 29, 2020; 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 Administrative Order Nos. AOSC20-13 and AOSC20-15, 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, pursuant to section 40.001, Florida Statutes, the Chief Judge of each judicial circuit is vested with overall authority and responsibility for the management, operation, and oversight of the jury system within his or her circuit, and section 905.01, Florida Statutes, requires the Chief Judge to regularly convene the grand jury for a term of 6 months.

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, it is hereby **ORDERED, effective immediately:**

(1) 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 temporary 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.

(2) 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.

(3) Pursuant to section 43.26(2)(d) of the 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. In conducting proceedings, the Ninth Judicial Circuit Court shall employ all methods practicable to minimize risk of COVID-19 exposure to

individuals involved in the proceedings or the general public.

(4) Public access to court facilities is hereby limited to counsel for parties and court participants (e.g. clerks, deputies, etc.). No parties, witnesses, spectators or family members may attend proceedings until emergency conditions pass, except as may be permitted by the Presiding Judge or the Chief Judge. Media may access court facilities, when necessary, consistent with existing administrative orders.

(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, is prohibited from entering any court facility. Sheriff's deputies in each courthouse facility are hereby granted the authority to screen and eject persons from courtrooms, courthouses, or court facilities in accordance with this Administrative Order.

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

(7) All jury trials scheduled between March 16, 2020 and May 29, 2020, are postponed until further order of this Court.

(8) Jury trials that are currently in progress shall continue unless the Presiding Judge orders otherwise.

(9) No individual summoned to appear for jury duty between March 16, 2020 and May 29, 2020, shall appear during this time. This Administrative Order does not affect the validity of summonses issued to individuals summoned for jury duty during this time or thereafter. Individuals with questions as to jury service during this time and thereafter shall contact Orange County Jury Services at 407-836-2206 or Osceola County Jury Services at 407-742-2423, depending upon county of residence.

(10) No individual currently serving on the grand jury or statewide grand jury shall appear for such service between March 16, 2020 and May 29, 2020.

(11) Speedy Trial. Any defendant facing criminal charges who raises a speedy trial issue because of the suspension of jury duty during the times set forth herein shall file a written motion and provide a courtesy copy to the Administrative Judge of the Circuit Criminal Division or the Administrative Judge of the County Criminal Division, as appropriate, and the Chief Judge.

(12) 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.

(13) 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 in person or as otherwise directed by the Presiding Judge or Chief Judge.

(14) All civil traffic dockets set between March 16, 2020 and May 29, 2020 are cancelled and shall be rescheduled to a date after the public health emergency is resolved.

(15) All mediations for small claims, county civil, family and dependency have been cancelled through May 29, 2020. Parties are encouraged to participate in a telephone or video mediation where possible, to be arranged by the parties directly.

(16) All hearings in Problem Solving Courts (including drug court, veterans' court, mental health court, and early childhood court) set between March 16, 2020 and May 29, 2020 are cancelled and shall be rescheduled. Hearings may resume utilizing telephone or video conference technology. The parties will receive notice when reset.

(17) All court proceedings scheduled to occur between March 16, 2020 and May 29, 2020 at the Orange County outlying courthouses in Winter Park, Apopka and Ocoee are cancelled and shall be rescheduled to a date after the public health emergency is resolved.

(18) 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 connection only.

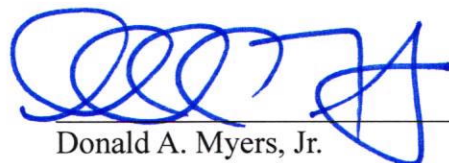
(19) In the event of any essential and critical in-person proceedings the Presiding Judge shall take necessary steps to ensure social distancing in order to minimize potential exposure to COVID-19. The Presiding Judge must ensure that all participants in the proceeding maintain at least a 6-foot "social distance" from each other at all times.

(20) 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 Judges' division pages on the Circuit's website at www.ninthcircuit.org

(21) This Administrative Order shall be subject to modification, addition, and extension as the evolving and fluid nature of the facts and circumstance may require.

(22) Administrative Order 2020-06-01 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 April, 2020. Nunc pro tunc to March 16, 2020.



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>