

ADMINISTRATIVE ORDER
NO. 2020-06-06

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, 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 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 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

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) (all available at <https://www.floridasupremecourt.org/Emergency>).

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, due to the number of new daily cases continuing to increase significantly and positivity rates in both Orange and Osceola Counties now exceeding 11%, the health conditions in the community require a temporary modification to operations;

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, the following adjustments to operations are hereby **ORDERED, effective immediately** unless otherwise provided herein:

(1) 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, there will be no jury trials and no jurors called to appear from now until at least February 15, 2021. Resumption of jury trials will depend on the COVID-19 data levels and trends.

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 Judicial Administration 2.420.

(2) **Effective Monday, January 11, 2021**, public access to court facilities is hereby limited to: (1) counsel for the parties, litigants, victims and witnesses involved in an ongoing court proceeding where such person's in-person appearance is necessary, and (2) visitors to the offices of the clerk of court. No friends or family will be admitted. 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.

(3) **Effective Tuesday, January 19, 2021**, essential and critical trial court proceedings as defined in AOSC20-23 (Amendment 8), Section III.D.(1) and (2) (Available at <https://www.floridasupremecourt.org/Emergency>) shall be conducted remotely, unless the Chief Judge or Presiding Judge in consultation with the Chief Judge, determines that it is necessary to conduct the proceeding in-person. Any in-person proceeding must be conducted consistent with the Circuit's Operational Plan. No other in-person hearings are to be conducted. All matters scheduled to occur prior to January 19, 2021 will be permitted to proceed with strict observance of the safety protocols in place – (1) masks required at all times in all public spaces of the

courthouse, including courtrooms, (2) social distancing at all times of at least 6 feet, (3) handwashing/hand sanitizer, and (4) frequent cleaning of surface touch points.

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

(10) 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.

(11) 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.

(12) 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.

(13) 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.

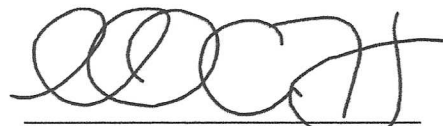
(14) In the event of any in-person proceedings the Presiding Judge shall take necessary steps to ensure (a) all participants wear an appropriate mask, and (b) social distancing in order to minimize potential exposure to COVID-19. The Presiding Judge must ensure that all participants in the proceeding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

(15) 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>.

(16) 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>).

(17) Administrative Order 2020-06-05 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 14th day of January, 2021, *nunc pro tunc* to January 11, 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>