

AMENDED TEMPORARY ORDER GOVERNING TRIAL COURT PROCEEDINGS

In response to the COVID-19 public health emergency, the Florida Supreme Court and the Ninth Judicial Circuit have taken significant measures to limit and modify court operations to ensure the safe administration of justice.¹ All courts must use all practicable methods to minimize risk of COVID-19 exposure to those involved in court proceedings and the general public entering court facilities.

Due to the number of new daily cases and positivity rates in both Orange and Osceola Counties now decreasing, the temporary modification to operations limiting public access to court facilities put in place on August 23, 2021 may now be lifted.

However, the Centers for Disease Control and Prevention (CDC) continues to recommend that all individuals, regardless of vaccination status, who live in a “high” COVID-19 transmission area, wear masks in public indoor areas. The CDC reports that Orange and Osceola counties are communities with high levels of transmission of COVID-19.

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 October 18, 2021:**

(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, clerk staff, deputies, security personnel, maintenance and cleaning personnel, and Judges.

(2) Face masks³ must be worn at all times in the public spaces of all court facilities, including courtrooms and during in-person court proceedings⁴. Upon request, a face mask will be

¹ See the Florida Supreme Court’s Emergency Orders at <https://www.floridasupremecourt.org/Emergency>.

² Court facility includes all of the main courthouses, branch courthouses, jail courtrooms, Juvenile Detention Center Virtual Hearing Space, 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: <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.

provided to a participant or essential person 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) Because 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) 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 shall be conducted as in-person proceedings unless otherwise ordered by the Presiding Judge:

- A. All 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. Hearings on petitions for risk protection orders;
- F. Return hearings on petitions for protective injunctions against exploitation of a vulnerable adult (§825.1035, Florida Statutes);
- G. Jury trials; and
- H. Grand jury proceedings.

(6) Any evidentiary proceeding not specifically addressed in paragraph (5), above, may proceed either in person or remotely, as determined by the Presiding Judge in consultation with the Chief Judge or her designee. 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 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 must ensure all participants wear an appropriate mask.

(9) All Baker and Marchman Act involuntary commitment hearings shall be conducted remotely.

(10) Pursuant to section 43.26(2)(d), Florida Statutes, the Clerks of Court, State Attorney, Public Defender, and other Court officers must attend court proceedings as directed by the Chief Judge or Presiding Judge.

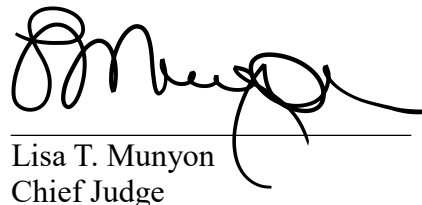
(11) Juvenile Division Judges shall continue to handle shelter hearings and custody order/detention hearings daily for both Orange and Osceola Counties. Both may be conducted via conference call, video connection, or in-person as determined by the Presiding Judge.

(12) Any person who, based on current CDC guidance or local government health guidance, should quarantine due to exposure to COVID-19 or, who should isolate due to a positive COVID-19 test, 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 Order 2020-06-12 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 8th day of October, 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>