

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT
OF FLORIDA

ADMINISTRATIVE ORDER NO.:
21- 11 5TH AMENDED
SUPERSEDES 21-11 4TH
AMENDED
EFFECTIVE AUGUST 20, 2021

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. Or within the past 14 days, 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 fourteen days in accordance with the CDC guidelines.

3. Social distancing Upon Entry

- A. ***In person proceedings***-In the event of any in-person essential 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.

- B. ***Baker Acts and Marchman Proceedings*** -All Baker and Marchman Act proceedings shall be conducted remotely.
- C. ***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 telephonic or other electronic means.
- D. ***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*. The parties shall exercise appropriate social distancing for all jury trials.
 - i. ***Exhibits for trial*** – The parties will be required to conference so it can be determined before trial any exhibits that may be stipulated for entry at the beginning of the trial. Those stipulated exhibits which are in the form of photographs or documents will be required to be copied placed in three ring binders for the Clerk, Counsel and the Court with an exhibit list identifying those exhibits. This will minimize the contact or exchange of paper during the trial. Any video will be in the form of CD or USB that will be able to be shown on screen in the courtroom for everyone to see limiting the exchange or contact with the exhibit.
 - ii. ***Jury instructions*** will be required to be prepared for the court, counsel and each juror to minimize the contact or exchange of paper during the trial.
 - iii. ***Public*** – The public are not permitted due to social distancing requirements and limited capacity to view the trial in the courtroom. The trial will be made available via a link so the public may have an opportunity to watch if they choose. The member of the public will need to contact the judge’s judicial assistant to make arrangements to view the trial remotely.
- E. ***Staggering dockets*** -Judges are encouraged to stagger any in person proceedings based upon the courtroom capacity in order to maintain appropriate social distancing in the courtroom and hallways especially for large docket days such as docket sounding, calendar call, arraignments, pretrial conferences or trial scheduling conferences. If there is insufficient capacity in the courtroom and hallways to accommodate the docket, individuals will be required to wait outside and/or given a time by the court to return to the courthouse for his or her court proceeding.¹ Each judge will be responsible to ensure that all individuals in the courtroom and hallways are exercising social distancing.
- F. All Judges may exercise their discretion in determining whether any other proceedings shall be conducted in person or remotely.

¹ Judges may have a designated time for a portion of the alphabet or docket to return, so the defendant may be notified rather than wait outside the courthouse.

4. **Face Covering/Shield Requirement² in Brevard County**

- A. ***Entry***-Anyone entering a courthouse facility through any door, except children less than 2 years old, must wear a face covering. Litigants, attorneys, witnesses, and victims are strongly encouraged to bring their own face covering. If any person does not bring her or his own face covering, a court system representative will provide a mask at no cost.
- B. ***Public Areas***-Face coverings must be worn at all times throughout the public areas of the courthouse facilities, including lobbies, hallways, corridors, elevators, stairwells, restrooms and courtrooms.
- C. ***Chambers and Private Offices***-Judges and court system representatives do not have to wear face coverings in their private chambers or offices as long as social distancing is maintained. Court system representatives who do not have private offices, and where adequate social distancing is not observed, must wear face coverings at all times.
- D. ***Denial of Entry***-Entry to a courthouse facility will be denied to any person who refuses to wear a face covering or refuses to wear the face covering so that it properly covers the person's nostrils and mouth completely. If after entry, any individual refusing to comply with the Sections E and F of this order shall be required to leave the courthouse facility.
- E. ***Face Coverings in Courtrooms***-Face masks covering the nose and mouth are required for everyone in the courtroom, with no exceptions. Face masks shall be worn at all times throughout the public areas of the courthouse building, including inside the courtroom if two or more individuals are in the courtroom. Presiding judges and quasi-judicial officers have the discretion to have any individual wearing an indecent or distracting face covering removed from the courtroom, and/or courthouse, if necessary.
- F. ***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.³Therefore, all county and circuit judges in the Eighteenth Judicial Circuit shall require the following persons to wear clear face masks while inside courtrooms: a) all testifying witnesses; b) all named parties to a case during trial, including defendants in criminal cases; and c) venire members during voir dire. Otherwise, standard cloth face masks are permitted to be used by any other individual in a courthouse facility.

5. **Face Coverings/Shield Requirement in Seminole County**

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 Seminole

² The requirements of this administrative order are not intended to govern activities inside of the separate offices of other constitutional officers.

³ 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.”

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.

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 20th day of August, 2021.

JESSICA RECKSIDLER
JESSICA RECKSIDLER
CHIEF JUDGE

Distribution:

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