

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT
OF FLORIDA

ADMINISTRATIVE ORDER NO.:
21-11 AMENDED
SUPERSEDES 21-11

**IN RE: ADMINISTRATIVE RULES - COVID-19 PROCEDURES – FACE COVERING
REQUIREMENTS AND SELF-CHECK HEALTH SCREENING**

WHEREAS, based on the public health emergency declared in response to the COVID-19 pandemic, the Centers for Disease Control and Prevention (CDC) has recommended social distancing and wearing cloth face coverings in public settings where social distancing measures are difficult to maintain. In Administrative Order AOSC20-32 (May 21, 2020), Chief Justice Charles T. Canady of the Florida Supreme Court approved recommendations of the Workgroup on the Continuity of Court Operations and Proceedings During and After COVID-19 (Workgroup), including requirements, among others, for social distancing and the use of face masks in courthouse facilities. In light of evolving medical guidance, the Workgroup re-evaluated and clarified some of their recommendations and the Chief Justice adopted these requirements. Admin. Order AOSC20-32, Amendment 6 (December 21, 2020).

WHEREAS, the Workgroup, after consultation with medical professionals, recommended that everyone entering the courthouse be required to wear face masks and that face masks be worn at all times throughout the courthouse, including inside the courtroom with certain exceptions.

THEREFORE, by the power vested in the chief judge under article V, section 2(d), Florida Constitution; section 43.26, Florida Statutes; Florida Rule of Judicial Administration 2.215(b); and Florida Supreme Court Administrative Orders AOSC20-32, Amendment 1 (June 16, 2020) and AOSC20-32, Amendment 6 (December 21, 2020) and in an effort to continue mitigating the effects of COVID-19 on the courts, court participants, and other stakeholders,

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. Examples of compliant homemade masks may be found at: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-to-make-cloth-face-covering.html>. Pursuant to Supreme Court Administrative Order AOSC20-32 Amendment 6 (December 21, 2020) the use of a face shield is no longer authorized as an alternative to the use of a face mask.

2. **Face Covering/Shield Requirement¹**

A. Entry

Anyone entering a courthouse facility through any door, except children less than 2 years old, must wear a face covering ² 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

¹ The requirements of this administrative order are not intended to govern activities inside of the separate offices of other constitutional officers.

² According to the June 12, 2020 Phase 2 report of the Workgroup's Court Operations Subgroup, medical experts advocate that face masks (a subset of face coverings) "offer the best protection." But the CDC recommends that certain people should not wear face masks such as children under 2 years of age and anyone who has trouble breathing or is incapacitated or otherwise unable to remove the mask without assistance. In these very limited instances, face shields offer another potential means of preventing the transmission of the COVID-19 virus.

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 *AOSC20-32 Amendment 6*, rendered December 21, 2020, the Chief Justice adopted the findings and recommendations of the COVID-19 Workgroup report which was incorporated by reference. At page 10 of the Workgroup report, it is stated that the chief judge may adopt a policy authorizing the use of clear face masks or cloth face masks that have clear plastic panels. Therefore, all county and circuit judges in the Eighteenth Judicial Circuit shall require the following persons to wear clear face masks and/or cloth face masks with clear plastic panels 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.

G. Health and Safety Screening

The health and safety screening requirements outlined in sections A.1. and A.2 of Eighteenth Judicial Circuit Administrative Order 20-28 Amended, pertaining to temperature checks and questionnaire inquiry does not apply to law enforcement personnel and/or courthouse employees, working within the courthouse or acting in their official capacity visiting the courthouse, whose agency has a policy that requires self-checking for symptoms and remaining 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 take effect immediately, and remain in effect until further notice or until superseded by further order of this Court or the Florida Supreme Court.

DONE AND ORDERED this 13th day of January, 2021.

LISA DAVIDSON
LISA DAVIDSON
CHIEF JUDGE

Distribution:

All Circuit and County Judges (Brevard and Seminole Counties)
Court Administration (Brevard and Seminole Counties)
Clerk of Court (Brevard and Seminole Counties)
State Attorney (Brevard and Seminole Counties)
Public Defender (Brevard and Seminole Counties)
Sheriff (Brevard and Seminole Counties)
Bar Association (Brevard and Seminole Counties)
Law Library (Brevard and Seminole Counties)