

**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA**

ADMINISTRATIVE ORDER: A-2020-29-A

**ADMINISTRATIVE ORDER REGARDING TEMPORARY JURY DUTY
EXCUSAL OR POSTPONEMENT PROCESS RE: COVID-19 PANDEMIC
*(amended to comport with AOSC20-23, Amendment 7)***

WHEREAS, the Florida State Courts system must continue to take steps to mitigate the effects of COVID-19 on the courts, participants, and general public; and

WHEREAS, the public health crisis related to corona virus, COVID-19, is ongoing, Florida Supreme Court Chief Justice, Charles T. Canady, has issued orders restricting certain usual activities of the courts; and

WHEREAS, Chief Justice Charles T. Canady and Governor Ron DeSantis have issued several orders addressing the ongoing public health emergency and made changes to normal practices and procedures, and;

WHEREAS, on April 21, 2020, Chief Justice Charles T. Canady issued AOSC 20-28 "*Workgroup on The Continuity of Court Operations and Proceedings During and After COVID-19.*" Part of this workgroup's task is to make findings and recommendations and to develop a plan for the Florida Court system to return to full operation, and;

WHEREAS, on May 4, 2020, Chief Justice Charles T. Canady issued AOSC20-23, *Amendment 1, "Comprehensive Covid-19 Emergency Measures for the Florida State Courts"*, setting forth certain findings and recommendations of said Workgroup, and;

WHEREAS, on May 21, 2020, Chief Justice Charles T. Canady issued AOSC20-23 *In Re: Comprehensive COVID-19 Emergency Measures for the Florida State Courts, Amendment 2*; AOSC20-31 *In Re: Remote Civil Jury Trial Pilot Program*; AOSC20-32 *In Re: COVID-19 Public Health and Safety Precautions for Phase 2*; Memorandum regarding COVID-19 Public Health and

Safety Precautions for Phase 2; and Memorandum regarding Proceeding Priority When Limited In-Person Contact is Authorized in Phase 2.

WHEREAS, on July 2, 2020 Chief Justice Charles T. Canady issued AOSC20-23 *In Re: Comprehensive COVID-19 Emergency Measures for the Florida State Courts, Amendment 5*; to revise, *inter alia*, section III.C. (Juror Excusals and Postponements).

WHEREAS, on October 2, 2020 Chief Justice Charles T. Canady issued AOSC20-23 *In Re: Comprehensive COVID-19 Emergency Measures for the Florida State Courts, Amendment 7*; to revise, *inter alia*, section III.C. (Juror Excusals and Postponements), eliminating the requirement that Chief Judges direct Clerks of Court to create a process of “automatic” excusal or postponement of jury duty related to Covid-19 and directing Chief Judges to create a process to consider such requests; and

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, Florida Rule of Judicial Administration 2.215(b)(3) states the Chief Judge "shall, considering available resources, ensure the efficient and proper administration of all courts within this circuit," due consideration having been given Florida Supreme Court Administrative Orders AOSC20-23, as amended, and AOSC20-32 as amended, (*with updated Workgroup Court Operations Subgroup Report attached and incorporated*), and in an effort to continue mitigating the effects of COVID-19 on the courts, court participants, and other stakeholders:

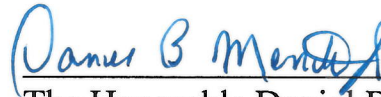
IT IS THEREFORE,

ORDERED and ADJUDGED as follows:

1. For the purposes of limiting in-person contact to mitigate the spread of COVID-19 and of addressing hardships related to the pandemic, the undersigned Chief Judge hereby establishes the following process whereby:

- a. **Excusal** of a potential juror shall be considered presumptive of grant of excusal by the judge reviewing juror excusal requests though the ultimate discretion shall remain with the reviewing judge, if the potential juror indicates, subject to penalty of perjury, that he or she:
 - i) Does not meet the court's Phase 2 or Phase 3 screening requirements for courthouse entry as established in the Fifth Judicial Circuit COVID-19 Public Health and Safety: Operational Plan: Phase 2;
 - ii) Is a person at higher risk for severe illness due to COVID-19 infection as identified by the Centers for Disease Control and Prevention and requests to be excused;
 - iii) Must care for a child or relative whose regular care provider is closed or unavailable for reasons related to COVID-19; or
 - iv) Is receiving leave pursuant to the Families First Coronavirus Response Act.
 - b. **Postponement** of the service of a potential juror for up to six months shall be considered presumptive of grant of postponement by the judge reviewing juror postponement requests though the ultimate discretion remains with the reviewing judge, if the potential juror indicates, subject to penalty of perjury, that he or she:
 - i.) Has recently returned to work after being unemployed due to COVID-19; or
 - ii.) Has suffered a financial or personal loss due to COVID-19 that makes it a hardship to perform jury service.
2. Any portion of Administrative Order A-2020-29 ordering the Clerks of Courts of the various counties within the Fifth Judicial Circuit to create a process of "automatic" excusal or postponement of service of any juror by reason of COVID-19 is hereby vacated and replaced by the provisions herein. The authority to excuse or postpone service due to COVID-19 reasons is expressly reserved to the Judiciary who shall continue to review juror excusal requests, including Covid-19 requests, as required.

DONE and ORDERED in Chambers at Brooksville, Hernando County,
Florida this 9th of October 2020.

A handwritten signature in blue ink that reads "Daniel B. Merritt, Jr." written in a cursive style.

The Honorable Daniel B. Merritt, Jr.
Chief Judge, Fifth Judicial Circuit