

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

**ADMINISTRATIVE ORDER NO. 2021-16**

**ADMINISTRATIVE ORDER REVISING PUBLIC HEALTH  
PRECAUTIONARY MEASURES AND PROCEDURES  
*(amending local Fifth Circuit Administrative Order A-2020-12-I)***

**WHEREAS**, the Florida State Courts System has proactively addressed the effects on court operations of the Coronavirus Disease 2019 (COVID-19), a severe acute respiratory transmission; and

**WHEREAS**, the health, safety, and well-being of courthouse visitors, court employees, and judicial officers are a high priority and we must continue to take steps to mitigate the effects of COVID-19 on the courts, its participants and the general public; and

**WHEREAS**, on March 16, 2020, the undersigned Chief Judge Daniel B. Merritt, Jr. issued Administrative Order No. A-2020-12, "Administrative Order Regarding Court Closure Due to COVID-19 Pandemic", and the undersigned having since amended said order when appropriate, and issued several other orders in response to the ongoing public health emergency, and;

**WHEREAS**, on May 6, 2021, the Florida Supreme Court issued AOSC20-23, "In Re: Comprehensive COVID-19 Emergency Measures for the Florida State Courts", *Amendment 13*, which revised benchmarks and health and safety measures for Phase 2 court operations; and

**WHEREAS**, the Florida Supreme Court has adopted the Workgroup's four phases of the pandemic:

Phase 1 – in person contact is inadvisable, courthouses are effectively closed to the public, and in-person court proceedings are rare;

Phase 2 – in-person contact is authorized for certain purposes but requires use of protective measures;

Phase 3 – an effective vaccine is adequately available and in use and in-person contact is more broadly authorized; and

Phase 4 – COVID-19 no longer presents a significant risk to public health and safety.

**WHEREAS**, due to recent Florida Supreme Court amendments to AOSC20-32, *Amendment 13*, it is necessary to clarify and amend local Fifth Circuit Administrative Order A-2020-12-I, entitled "Fourth Amended Administrative Order Regarding Court Operations Due to Covid-19 Pandemic"; and

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**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;

**IT IS THEREFORE,**

**ORDERED** and **ADJUDGED** as follows:

**DEFINITIONS:**

1. For purposes of this Administrative Order, the term “**courthouse**” means any facility or building that houses jury assembly rooms, courtrooms, hearing rooms, judicial officers or court staff, or areas where court business is conducted, whether or not that building is formally called a courthouse.
2. “**In-person court proceeding**” means the assembly of prospective jurors, voir dire, juror deliberations, and any status conference, hearing, trial or other proceeding conducted by a judge, magistrate or hearing officer if conducted in person, and other court events conducted in person as may be determined by the Chief Judge.
3. The requirements set forth in this Administrative Order apply when the court is in Phase 2 and/or transitioning to Phase 3 of its operational plan for re-opening the courts.

**FACE MASKS REQUIRED TO BE WORN IN ALL  
IN-PERSON COURT PROCEEDINGS**

4. Face masks covering the nose and mouth are required to be worn by everyone, including judges (excepting for judges with judicial bench areas having plexiglass or similar type precautionary barrier between the judge and participants), during in-person court proceedings.
5. Face masks must completely cover the nose and mouth and fit snugly around the nose, chin, and sides of the face, as recommended by the CDC. For their own comfort, everyone is encouraged to bring and wear their own face masks. If a person entering the courthouse to attend an in-court proceeding does not have their own face mask, a disposable face mask will be provided to them.
6. Face masks must be worn by everyone during in-person court proceedings held in these locations, which include:
  - a. Jury assembly rooms;
  - b. Jury deliberation rooms;
  - c. Courtrooms; and
  - d. Hearing Rooms

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7. Anyone who refuses to wear a face mask during an in-person court proceeding will be denied entry to the courtroom, jury assembly room, hearing room or jury deliberation room, and the presiding judge will be advised of the denied entry due to refusal to wear a face mask.
8. The only time a face mask is not required to be worn in a courtroom or hearing room is if a judge or court employee is working alone in the courtroom or hearing room, or is with other court employees, bailiffs or trial clerks. If any parties, attorneys, victims, witnesses or members of the public are in the courtroom with the judge or court employee, face masks must be worn by all.

#### **COURTHOUSE LOCATIONS WHERE FACE MASK IS NOT REQUIRED**

9. Face masks are not required to be worn to enter the courthouse, or in public circulation areas, including elevators, waiting areas and stairwells.
10. Judges and court staff do not have to wear a face mask in their private chambers or office.
11. Face masks are not required to be worn in secure common areas, including, but not limited to, back hallways, stairwells, elevators, break rooms and copy rooms.
12. While face masks are not required to be worn in any of these indoor spaces, the wearing of face masks in these areas is highly encouraged, especially if you are a high-risk individual, reside with a high-risk person, and/or have not been fully vaccinated.
13. Employees of other agencies whose office is in a private or secure area of the courthouse should follow face mask guidelines established by their agency or department head while they are working in their private or secure area.

#### **SOCIAL DISTANCING and HYGIENE PROTOCOLS**

14. Social distancing guidelines, as recommended by the CDC, shall be strictly enforced in all in-person court proceedings in courtrooms, hearing rooms, jury assembly rooms and jury deliberation rooms. Current CDC social distancing guidance recommends staying at least six feet from other people.
15. Everyone in the courthouse must practice good hygiene protocols, such as hand washing, hand sanitizing, and covering coughs and sneezes.
16. Hand sanitizer is available throughout the courthouses, including inside courtrooms.
17. Readily visible signage is posted throughout the courthouses reminding individuals of COVID-19 symptoms, hygiene protocols, and social distancing.

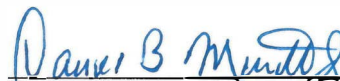
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18. Regular cleaning protocols are in effect for common areas.

**HEALTH SCREENING and TEMPERATURE CHECKS**  
**NO LONGER REQUIRED**

19. Health screening questions and temperature checks at all public courthouse entrances are no longer required.
20. Judges and court employees are no longer required to take their temperature before entering the courthouse.
21. Anyone who suspects that they are experiencing COVID-19 symptoms or any contagious symptoms of a viral illness that are not attributed to other medical reasons should exercise caution and use good judgment before entering the courthouse.
22. This Administrative Order amends public health precautionary measures and procedures set forth in local Fifth Circuit Administrative Order A-2020-12-I, effective immediately and will remain in effect until further order of this court.

**DONE AND ORDERED** in Chambers at Brooksville, Hernando County, Florida, this 12<sup>th</sup> day of May, 2021.



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