

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

ADMINISTRATIVE ORDER: A-2021-19

**ADMINISTRATIVE ORDER RE:
NORMALIZATION OF JUDICIAL OPERATIONS**

WHEREAS, at this time state health officials have renewed the declaration that a public health emergency exists; the Governor has extended the declaration of a state of emergency; the Secretary of the Department of Health and Human Services has renewed the determination that a public health emergency exists in the United States; and Florida Supreme Court Chief Justice, Charles T. Canady, has issued administrative orders to mitigate the effects of the public health emergency upon the judicial branch and its participants; and

WHEREAS, throughout the COVID-19 emergency, Chief Justice Canady has issued orders implementing temporary measures essential to the administration of justice to address the pandemic and to keep the courts operating to the fullest extent consistent with public safety; and

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

WHEREAS, on June 4, 2021, Florida Supreme Court Chief Justice Charles T. Canady issued *In re: COVID-19 Health and Safety Protocols and Emergency Operational Measures for Florida Appellate and Trial Courts*, Fla. Admin. Order No. AOSC21-17. This Order allows the judicial branch to now transition to more normalized operations where in-person contact and hearings are more broadly authorized; and

WHEREAS, *In re: COVID-19 Health and Safety Protocols and Emergency Operational Measures for Florida Appellate and Trial Courts*, Fla. Admin. Order No. AOSC21-17, finds that effective vaccines for COVID-19 are adequately available in Florida; almost one-half of the state's population has been at least partially vaccinated; and government-issued health standards and guidance provide

that fully vaccinated persons do not need to wear face masks or physically distance in most indoor and outdoor settings; and

WHEREAS, *In re: COVID-19 Health and Safety Protocols and Emergency Operational Measures for Florida Appellate and Trial Courts*, Fla. Admin. Order No. AOSC21-17 establishes new, temporary health and safety protocols and emergency operational measures **taking effect at 12:01 a.m. on Monday, June 21, 2021, that must be implemented by all courts;** and

WHEREAS, the “phased” approach to reopening and normalizing judicial branch operations as previously required by *In re: Comprehensive COVID-19 Emergency Measures for Florida Trial Courts*, Fla. Admin. Order No. AOSC20-23, Amendment 13; and *In re: COVID-19 Public Health and Safety Precautions for Operational Phase Transitions*, Fla. Admin. Order No. AOSC20-32, Amendment 8 AOSC20-23, **shall terminate at 12:01 a.m. on Monday, June 21, 2021**, pursuant to *In re: COVID-19 Health and Safety Protocols and Emergency Operational Measures for Florida Appellate and Trial Courts*, Fla. Admin. Order No. AOSC21-17; 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 all relevant Florida Supreme Court Administrative Orders, in particular AOSC21-17, dated June 4, 2021, and in an effort to continue mitigating the effects of COVID-19 on the courts, court participants, and other stakeholders as well as to promote the efficient and proper administration of the courts;

IT IS THEREFORE,

ORDERED and **ADJUDGED** as follows:

1. This administrative order and all provisions herein shall take effect at **12:01 a.m. on, Monday, June 21, 2021.**

2. The “phased” approach to the reopening and normalizing of judicial branch operations outlined in previous administrative orders issued by the undersigned pursuant to prior Florida Supreme Court administrative orders is rescinded. The Fifth Judicial Circuit of Florida COVID-19 Public Health and Safety Operational Plan: Phase 2 is hereby deemed inoperative at **12:01 a.m. on Monday, June 21, 2021.**
3. All counties in the Fifth Judicial Circuit have been operating in Phase 2 in accordance with Florida Supreme Court Administrative Orders AOSC20-23 and AOSC20-32, as amended, and those orders have now been rescinded by the Florida Supreme Court. Therefore, all counties of the Fifth Circuit are **hereby ordered to operate pursuant to the provisions of this order and *In re: COVID-19 Health and Safety Protocols and Emergency Operational Measures for Florida Appellate and Trial Courts*, Fla. Admin. Order No. AOSC21-17, dated June 4, 2021, which is hereby adopted in full and shall be followed in the Fifth Judicial Circuit.** All Judges, Magistrates, and Hearing Officers of the Fifth Judicial Circuit are hereby directed to comply with the provisions of AOSC21-17.
4. Unless required by federal, state, or local laws, rules, or regulations, **the wearing of face masks and physical distancing are not required during in-person court proceedings.** However, during in-person proceedings: (1) participants and observers may wear face masks and, upon request, a face mask must be provided to a participant or observer for an in-person court proceeding; and (2) participants may request to be physically distanced. The court will address such requests as appropriate under the circumstances at the time of the request.

PROCEEDINGS TO BE HELD IN-PERSON

5. Fifth Judicial Circuit grand jury selection and proceedings, civil jury selection proceedings and trial proceedings, and criminal jury selection proceedings and trial proceedings must be conducted in person.
6. Hearings to determine whether an individual should be involuntarily committed under the Baker Act or the Marchman Act must be conducted in person unless that individual waives the right to physical presence at the hearing.

7. Termination of parental rights and juvenile delinquency cases may be conducted remotely if ordered by the chief judge or the presiding judge or, if not, must be conducted in person.
8. Essential proceedings as previously identified in Section III.D.(1) of Fla. Admin. Order No. AOSC20-23, Amendment 13, must be conducted in person.

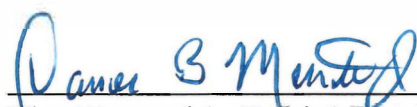
OTHER TRIAL COURT PROCEEDINGS

9. All *other trial court proceedings* may be conducted remotely or in person, 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.
10. Trial court proceedings shall continue to be remotely conducted, “*as appropriate*” (*IF the presiding judge in his/her discretion determines the hearing type is amenable and “appropriate” for remote hearing*), to facilitate the efficient and expeditious processing of cases. Participants who have the capability of participating by electronic means in such remote proceedings must do so. For purposes of this administrative order, “remote conduct,” “remotely conduct,” or “conducted remotely” means the conduct, in part or in whole, of a court proceeding using telephonic or other electronic means.
11. Judges and Court employees, courthouse security, and constitutional officers with offices in the courthouse have been advised to self-check for symptoms. If they present symptoms, they will remain home and consult their doctor or other medical professional.
12. The following previously entered circuit wide local administrative orders are rescinded:
 - Administrative Order A-2020-12-I, entitled Fourth Amended Administrative Order Regarding Court Operations Due to COVID-19 Pandemic.

- Administrative Order A-2021-16 entitled Administrative Order Revising Public Health Precautionary Measures and Procedures
- Administrative Order A-2020-43 entitled Administrative Order Authorizing Limited Additional “In-Person” Trial Court Criminal Proceedings in Phase 2
- Administrative Order A-2020-20-B, entitled “Amended Administrative Order Regarding Suspension of Execution of Outstanding Inmate Transfer Orders”, dated April 16, 2020.
- Administrative Order A-2020-21-B, entitled “2nd Amended Administrative Order Regarding Emergency Temporary Standing Order Regarding Parenting in Domestic Relations Cases”, dated April 6, 2020.
- Administrative Order A-2020-22, entitled “Administrative Order Concerning No Bond for Quarantine/Isolation Violation Related to Covid-19 Pandemic”, dated April 10, 2020.
- Administrative Order A-2020-29-A entitled Administrative Order Regarding Temporary Jury Duty Excusal or Postponement Process RE: Covid-19 Pandemic.
- Administrative Order A-2020-30 entitled Administrative Order Authorizing Out of Custody Change of Plea Hearings to be Conducted In-Person in the Interest of Justice.

13. Vacation or rescission of any administrative order does not re-instate any force or effect of any prior related administrative order. Likewise, with any superseded administrative order. This order may be subject to amendment as the circumstances require.

DONE and ORDERED in Chambers at Brooksville, Hernando County, Florida this 11th of June 2021.



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