

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

**ADMINISTRATIVE ORDER: A-2021-35**

**RE: TEMPORARY REQUIREMENT TO WEAR FACE MASKS IN  
DESIGNATED AREAS WITHIN COURT FACILITIES**

**WHEREAS**, at this time state health officials have renewed the declaration that a public health emergency exists; 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**, 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 allowed the judicial branch to 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 *Amendment 1*, was issued by Chief Justice Canady on July 29, 2021, *inter alia*, to create an exception to a general prohibition that “a court may not require the wearing of face masks or physical distancing in a courthouse;” 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 *Amendment 1*, Section I. C.(1), allows the Chief Judge of the Fifth Judicial Circuit to require the wearing of face masks by all persons in a courthouse

or any portion thereof, such requirement to apply at all times or during certain periods only when local health conditions warrant; and

**WHEREAS**, the positivity rates driven by the development of the Delta Variant of the COVID-19 virus have risen to such an extent in each of the various counties encompassed by the Fifth Judicial Circuit such that local health conditions warrant the establishment of temporary mitigation measures to protect the health and safety of the public and members of the Judicial Branch, pursuant to and in accord with AOSC21-17 *Amendment 1*; 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, *Amendment 1*, dated July 29, 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 immediately and terminate at **12:01 a.m. on, Saturday October 2, 2021**, unless terminated sooner by further order of the undersigned Chief Judge or extended in a likewise manner.
2. Face masks shall be required to be worn by all persons while in all areas of all Fifth Judicial Circuit facilities in which a court proceeding is to be held, including but not limited to, courtrooms, hearing rooms, and chambers should the proceeding be held therein. Face masks are to be worn in such areas prior to commencement of the proceeding, during the proceeding, and after the proceeding. However, the presiding judge in his or her sound discretion may allow the temporary removal of a face mask as justice may require.

DBM/TN

3. Face masks are required to be worn by all persons while in the Jury Assembly Room or other designated juror assembly area as may be used from time to time in each courthouse of the Circuit.
4. All persons are encouraged to wear face masks and socially distance in areas others than those named in paragraphs 2 and 3 above, particularly when the area is populated with persons waiting to enter the areas requiring facemasks for court proceedings.
5. Hearings to determine whether an individual should be involuntarily committed under the Baker Act or the Marchman Act may be conducted remotely if ordered by the Chief Judge or presiding judge or, if not, must be conducted in-person. This provision shall survive the termination of this administrative order, but will expire upon amendment, rescission or vacation of Administrative Order A-2021-19.
6. All provisions of Administrative Order A-2021-19 issued by the undersigned on June 11, 2021 not in direct conflict with this administrative order remain in full force and effect.
7. Vacation or rescission of any administrative order, unless otherwise expressly provided, does not re-instate any force or effect of any prior related administrative order or 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 25<sup>th</sup> of August 2021.

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