

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

AMENDED ADMINISTRATIVE ORDER: A-2021-52-A

RE: MASKING/DISTANCING NOT REQUIRED

(amended to comply with FL.S.Ct.Admin.

Order No. AOSC21-17, Amendment 2, Nov. 4, 2021)

WHEREAS, at this time there remains concerns about the well known Covid 19 virus related public health pandemic. Various local and Florida Supreme Court administrative orders have been issued to mitigate the effects of the public health emergency upon the judicial branch and its participants, including recent Fifth Judicial Circuit Administrative Order A-2021-35-A, dated September 24, 2021, which temporarily reinstated a masking policy for court participants during court proceedings in response to renewed infection positivity rates and/or delta variant increased infections; and

WHEREAS, prior thereto, 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 were 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 also previously 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) allowed the Chief Judge of the Fifth Judicial Circuit to require the wearing of 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 and *local health conditions* have improved and *no longer warrant* the mandated temporary masking requirements of local Fifth Circuit temporary administrative order A-2021-35-A, dated September 24, 2021; 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 2**, has been issued by Justice Canady **on November 4, 2021**, *inter alia*, removing Section I.C.(1) thereby removing the 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 2**, also removes Section II.E.(4)b. which allowed “[h]earings to determine whether an individual should be involuntarily committed under the Baker Act or Marchman Act may be conducted remotely if ordered by the chief judge or presiding judge or, if not, must be conducted in person” and replaces Section II.E.(4)b. with Section II.E.(2)b. which requires said hearing(s) “must be conducted in person unless that individual waives the right to physical presence at the hearing”; 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, as amended in *Amendment 2*, on November 4, 2021, and to promote the efficient and proper administration of the courts;

IT IS THEREFORE,

ORDERED and **ADJUDGED** as follows:

1. In order to comply with Florida Supreme Court Administrative Order AOSC21-17 and *Amendment 2* thereto, local Fifth Circuit temporary administrative order A-2021-35-A, dated September 24, 2021, which temporarily reinstated a masking policy for court participants during court proceedings in response at that time to renewed infection positivity rates and/or delta variant increased infections **has expired and terminated at 12:01 a.m. Monday November 1, 2021.**
2. **Pursuant to and in compliance with Florida Supreme Court Administrative Order AOSC21-17 and Amendment 2 thereto, commencing on at 12:01 a.m. Monday, November 15, 2021,** 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.
3. Though face masks and social distancing remain encouraged, face masks and/or social distancing shall no longer be mandatorily required while in all areas of all Fifth Judicial Circuit judicial facilities in which court proceedings are held, including but not limited to, courtrooms, hearing rooms, jury assembly, and chambers should the proceeding be held therein.
4. The Judges of the Fifth Circuit shall comply with previously entered Florida Supreme Court Order AOSC21-17, dated June 4, 2021, as amended in *Amendment 2* thereto **on November 4, 2021**, which allowed the judicial branch to transition to more normalized operations where in-person contact and hearings are more broadly authorized.
5. Vacation, rescission, or expiration of any administrative order, unless otherwise expressly provided, does not reinstate any force or effect of any prior related administrative order. Likewise, with any superseded or amended administrative order. This order may be subject to amendment as the circumstances require.

DONE and ORDERED in Chambers at Brooksville, Hernando County,
Florida this 5th of November 2021.

Handwritten signature of Daniel B. Merritt, Jr. in blue ink, written over a horizontal line.

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