

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
IN AND FOR INDIAN RIVER, MARTIN, OKEECHOBEE, AND ST. LUCIE COUNTIES
STATE OF FLORIDA

ADMINISTRATIVE ORDER 2021-15

(Superseding and vacating Administrative Order 2021-11)

**IN RE: REVISED COVID-19 HEALTH AND SAFETY PROTOCOLS AND
TRIAL COURT OPERATIONAL MEASURES**

WHEREAS, on March 13, 2020 the Florida Supreme Court issued its first administrative order related to the COVID-19 pandemic, and on March 19, 2020 the Nineteenth Judicial Circuit's issued its first administrative order related to same; and

WHEREAS, the Florida Supreme Court has subsequently issued several administrative orders providing temporary emergency protocols and operating measures to keep the courts operating to the fullest possible extent consistent with public safety and the chief judges of this Circuit have issued administrative orders implementing the evolving, subsequent directives of the Florida Supreme Court; and

WHEREAS, on November 4, 2021, the Florida Supreme Court issued AOSC21-17, *Amendment 2* In Re: COVID-19 Health and Safety Protocols and Emergency Operational Measures for Florida Appellate and Trial Courts;¹

NOW THEREFORE, pursuant to the authority of the chief judge under section 43.26, Florida Statutes, and Florida Rule of General Practice and Judicial Administration 2.215, it is hereby

ORDERED effective November 15, 2021:

I. Health and Safety Protocols

¹ AOSC21-17, *Amendment 2* is incorporated and attached hereto. AOSC21-17, *Amendment 2* updates the introductory paragraphs to reflect the latest emergency status of the declaration of a national public health emergency; specify the latest statewide data relating to vaccinations and new COVID-19 cases; and provide an effective date of November 15, 2021 for *Amendment 2* of AOSC21-17 and a termination date for *Amendment 1*. The administrative order also modifies the health and safety protocols specified in Section I. and requires hearings under the Baker Act or Marchman Act to be conducted in person in Section II.E.(2)b.

A. In accord with AOSC21-17, *Amendment 2*, unless required by binding law, rule, regulation, or order, no court in the Nineteenth Judicial Circuit shall require the wearing of face masks² or physical distancing in any courthouse³ within the Circuit. However, a person in a courthouse may choose to wear a face mask.

B. During an in-person court proceedings:⁴

Upon request, a face mask shall be provided to a participant or observer. A face mask with a clear plastic panel or a plastic shield may be made available to a court participant upon request. The presiding judge or other judicial officer will address requests for plastic face masks or shields as may be appropriate under the circumstances at the time of the request.

The presiding judge or other judicial officer will address requests for physical distancing as appropriate under the circumstances at the time of the request.

II. Continued Emergency Operational Measures

A. In-Person Court Proceedings. Unless authorized and approved to be conducted remotely pursuant to AOSC21-17 *Amendment 2*, Section II.E.(2) or (3), the following proceedings shall be conducted in person:

- Non-statewide grand jury selection and proceedings
- Civil jury selection proceedings and civil jury trial proceedings
- Criminal jury selection and trial proceedings, including delinquency cases
- Termination of parental rights trials
- Return/Final Hearings for Injunctions for Protection (all types)
- Risk Protection Orders (RPO's)
- Baker Act proceedings
- Marchman Act proceedings

² As used in this order, the term “face mask” refers to face masks that completely cover the nose and mouth and that fit snugly around the nose, chin, and sides of the face as described by the CDC. *See your Guide to Masks*, CDC (June 29, 2021).

³ As used in this order, the term “courthouse” means any portion of a 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 facility or building is formally called a courthouse.

⁴ As used in this order, the term “in person court proceedings” 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 Justice or chief judge.

In determining how best to utilize available court resources to conduct in-person court proceedings, consideration shall be given to the priority of proceedings set forth in AOSC21-17-*Amendment 2*, Section II.E.(5).

B. All Other Trial Court Proceedings. All trial court proceedings not listed above must be conducted remotely⁵ unless the presiding judge determines that the interests of justice require the proceeding to be conducted in person. All remote proceedings must be conducted by the judge or other judicial officer from her or his courtroom, hearing room, or judicial chambers or office.⁶

C. Case Resolution. To maximize the resolution of all cases, all judges must strictly comply with Florida Rule of General Practice and Judicial Administration 2.545(a), (b), and (e), which respectively require judges to conclude litigation as soon as it is reasonably and justly possible to do so, to take charge of all cases at an early stage and to control the progress of the case thereafter until it is determined, and to apply a firm continuance policy allowing continuances only for good cause shown.

D. Duration of Order/Prior Orders. This administrative order shall remain in full force and effect until further order of the chief judge. Administrative Order 2021-11 is hereby superseded and vacated.

DONE AND ORDERED at Ft. Pierce, St. Lucie County, Florida, this 9th day of November, 2021.



CHARLES SCHWAB, CHIEF JUDGE

⁵ For purposes of this administrative order, “remote” or “conducted remotely” means the conduct, in whole or part, of a court proceeding using telephonic or other electronic means.

⁶ Proceedings conducted remotely during weekend duty shall be exempt from this requirement.