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03/22/2021 at 11:23 AM, GWEN MARSHALL, CLERK OF COURTS

IN THE SECOND JUDICIAL CIRCUIT OF FLORIDA

OFFICE OF THE CHIEF JUDGE

ADMINISTRATIVE ORDER 2020-13
EIGHTH AMENDMENT

IN RE: OPERATIONAL PLAN FOR COVID-19 RESPONSE

WHEREAS, Florida Supreme Court Administrative Order AOSC20-32, Amendment 6, provides standards for transition to and from various phases and procedures and data sources to support decisions concerning in-person court proceedings under benchmark criteria 3; and

WHEREAS, the 2d Circuit is currently in Phase 2 of our operational plan in response to COVID-19 as per Florida Supreme Court Administrative Order AOSC20-32, Amendment 6; and

WHEREAS, public health data for all counties in the 2d Circuit demonstrates a marked improvement in daily case averages over two consecutive weeks of seven-day averages, with generally declining COVID positivity rates, hospitalizations, and emergency department admissions with COVID-like symptoms; and

WHEREAS, vaccination rates are steadily increasing for all counties in the 2d Circuit and in three counties exceed the state average vaccination rate; and

WHEREAS, the 2d Circuit is mindful of the desire to return to normalcy and conduct increased court proceedings as directed by the Florida Supreme Court, but at the same time must balance the risk to those compelled to attend in-person proceedings, court employees, officers of the court, and to the public at large; and

WHEREAS, the 2d Circuit believes it has correctly struck that balance through implementation of comprehensive health and safety measures and careful review of various in-person and hybrid proceedings authorized below; and

By the authority of Rule 2.215, Florida Rules of General Practice and Judicial Administration, Florida Supreme Court Administrative Order AOSC20-23, Amendment 10, and Florida Supreme Court Administrative Order AOSC20-32, Amendment 6, it is therefore:

ORDERED that the operational plan of the 2d Circuit remains in Phase 2, but strikes paragraph 5 in all previous amendments, and strikes all provisions of AO 2020-13, Seventh Amendment, and substitutes the following amendments:

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5.a. Leon County.

(1) All visitors to the Leon County Courthouse and any other 2d Circuit court facility located in Leon County shall meet Florida Supreme Court requirements for protective measures as specified in AOSC20-32, amendment 6. These requirements include, but are not limited to, social distancing, health screening questions, temperature checks, and use of properly worn facemasks.

(2) In-person jury trials may be conducted as follows:

(a) Felony jury trials on the first and second workday of each week, except fifth weeks.

(b) County court criminal jury trials on the third workday of each week, inclusive of fifth weeks.

(c) Circuit civil jury trials may be held once per month through March 31, 2021 and three per month effective April 1, 2021, with jury selection on the last workday of each week.

(3) Out-of-custody pleas will occur at the Charles A. Francis County Court Annex on Tuesdays and Thursdays for county court and Fridays for felony court. The number of pleas for each docket may increase to ten on morning dockets and ten on afternoon dockets each day. Felony morning dockets will be filled, before scheduling of afternoon dockets is permitted.

(4) In-person proceedings in felony court (e.g., violation of probation, motion, or sentencing hearings) may be scheduled at the Leon County Courthouse on Tuesday, Wednesday, and Thursday afternoons starting at 1:00 pm at the discretion of a presiding judge on their business week and may require inmates to be transported from a detention facility. Hybrid proceedings are permitted in the discretion of the presiding judge. In-custody and out-of-custody proceedings may occur on the same day, however, proceedings involving in-custody defendants shall not be intermingled with proceedings involving out-of-custody defendants.

(5) A deposition room shall be provided in the Leon County Courthouse for use in situations where in-person questioning is critical, at the discretion of counsel. Routine depositions should still be conducted remotely. Counsel may schedule the deposition room through the Office of Court Administration from Monday through Friday, excluding holidays, from 8:00 am until 5:00 pm during workdays.

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(6) In-person competency and other psychiatric or psychologic exams may be conducted at the Charles A. Francis County Court Annex as scheduled through Senior Court Operations Consultant Kendra Brown.

5.b. Franklin, Gadsden, Jefferson, Liberty, and Wakulla Counties.

(1) All visitors to any 2d Circuit court facility shall meet Florida Supreme Court requirements for protective measures as specified in AOSC20-32, amendment 6. These requirements include, but are not limited to, social distancing, health screening questions, temperature checks, and use of properly worn facemasks.

(2) In-person jury trials may be conducted, dependent upon local public health data, consultation with justice system partners, and approval by the presiding judge and chief judge.

(3) Other in-person and hybrid proceedings may be conducted, dependent upon local public health data, consultation with justice system partners, and approval by the presiding judge and chief judge.

5.c. All Counties of the 2d Circuit.

(1) Grand juries may be convened and summoned in each county, dependent upon local public health data, consultation with appropriate justice system partners, and approval of the chief judge.

(2) In-person non-jury trials may be conducted, dependent upon local public health data, consultation with justice system partners, and approval by the presiding judge and chief judge.

Paragraph 8.f. is deleted and replaced by paragraph 5.a.(1) above.

All parties are reminded of the requirement from paragraph 6.b., AO 2020-13, as amended, to "make reasonable accommodations for vulnerable persons scheduled to appear in-person."

All parties are reminded of the requirement from paragraph 3.b., AO 2020-13, as amended, that "Judges shall make accommodations to ensure that any victim, parent, guardian, lawful representative of a minor who is a victim, or relative of a homicide victim shall exercise their statutory rights to be present and heard at specified court proceedings. The Office of Court Administration is instructed to include these rights to access in the development, coordination, and execution of operational plans for in-person court proceedings."

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This order rescinds all provisions of previous administrative orders that are inconsistent with these new provisions.

DONE and ORDERED in chambers in Tallahassee, Leon County, Florida, this 19th day of March, 2021.

JONATHAN SJOSTROM
Chief Judge

Copies furnished to:
All Circuit and County Judges, 2d Circuit
State Attorney, 2d Circuit
Public Defender, 2d Circuit
All Clerks of the Circuit Court, 2d Circuit
All Sheriffs, 2d Circuit
Office of Court Administration, 2d Circuit

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