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05/14/2021 at 11:57 AM, GWEN MARSHALL, CLERK OF COURTS

IN THE SECOND JUDICIAL CIRCUIT OF FLORIDA

OFFICE OF THE CHIEF JUDGE

ADMINISTRATIVE ORDER 2020-13
NINTH AMENDMENT

IN RE: OPERATIONAL PLAN FOR COVID-19 RESPONSE

WHEREAS, Florida Supreme Court Administrative Order AOSC20-32, Amendment 8, 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 8; and

WHEREAS, public health data for the 2d Circuit indicates that Franklin, Jefferson, Liberty, and Wakulla Counties satisfy benchmark criteria to advance to Phase 3, Gadsden and Leon Counties satisfy benchmark criteria to remain in Phase 2, and the overall number of confirmed new COVID cases has declined almost 11% circuit-wide over the past two weeks; and

WHEREAS, an effective vaccine is adequately available and in use, while vaccination rates continue to increase for all counties in the 2d Circuit; 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 careful review of various in-person 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 13, and Florida Supreme Court Administrative Order AOSC20-32, Amendment 8, it is therefore:

ORDERED that the operational plan of the 2d Circuit remains in Phase 2, and substitutes the following amendments:

Paragraph 1.b. is amended as follows:

b. The transition to Phases 3 and 4 will be careful and deliberate.

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Paragraph 1.e., related to outdated timelines for transition to Phase 3, is deleted.

Paragraphs 1.f and 1.g. are renumbered paragraphs 1.e and 1.f., respectively.

Paragraph 2., related to transition to Phase 2, is deleted and the following language is substituted:

2. The Chief Judge or Office of Court Administration shall consult and conduct outreach with justice system partners and local health departments while transitioning to Phases 3 and 4.

Paragraph 3. title is amended as follows:

3. General Considerations for the Transition to Phases 3 and 4.

Paragraph 3.a. is amended as follows:

3.a. The Chief Judge must specifically approve each in-person court proceeding while in Phases 2 or 3, followed by advance consultation with other necessary justice system partners and coordination through the Office of Court Administration.

Paragraph 5.a.(1), pertaining to Leon County, is amended as follows:

(1) All persons in any 2d Circuit courtroom or hearing room for an in-person court proceeding shall meet Florida Supreme Court requirements for protective measures as specified in AOSC20-32, Amendment 8, to include social distancing and use of properly worn facemasks.

Paragraph 5.a.(4), pertaining to Leon County, is amended as follows:

(4) Circuit criminal and county criminal court in-person proceedings, to include but not limited to violation of probation, motion, or sentencing hearings, may be scheduled at the Leon County Courthouse at the discretion of the administrative judges for the respective divisions. These in-person proceedings may require inmates to be transported from a detention facility. 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.

Paragraph 5.b.(1), pertaining to Franklin, Gadsden, Jefferson, Liberty, and Wakulla Counties, is amended as follows:

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(1) All persons in any 2d Circuit courtroom or hearing room for an in-person court proceeding shall meet Florida Supreme Court requirements for protective measures as specified in AOSC20-32, Amendment 8, to include social distancing and use of properly worn facemasks.

Paragraphs 6.d., 6.e., and 6.f., pertaining to mandatory health screening questions and temperature checks, are deleted.

Paragraphs 6.g., 6.h., 6.i., and 6.j. are renumbered paragraphs 6.d., 6.e., 6.f. and 6.g., respectively.

Paragraph 7. title is amended as follows:

7. Recommended Guidelines for Phases 2 and 3.

Paragraphs 7.d., 7.e., and 7.f., pertaining to miscellaneous health and safety measures, are rescinded.

Paragraph 8., pertaining to courthouse restrictions, is rescinded.

Paragraph 9., pertaining to media access, is renumbered paragraph 8.

Paragraph 10., pertaining to effective date, is renumbered paragraph 9.

Paragraph 11., pertaining to rescinding all provisions of previous Administrative Orders that are inconsistent with these new provisions, is renumbered Paragraph 10.

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."

DONE and ORDERED in chambers in Tallahassee, Leon County, Florida, this 14th day of May, 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

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