

**IN THE SECOND JUDICIAL CIRCUIT OF
FLORIDA**

OFFICE OF THE CHIEF JUDGE

**ADMINISTRATIVE ORDER 2021-05
SECOND AMENDMENT**

**IN RE: COVID-19 HEALTH AND SAFETY PROTOCOLS AND EMERGENCY OPERATIONAL
MEASURES FOR THE SECOND CIRCUIT**

WHEREAS, Florida Supreme Court Administrative Order AOSC21-17, Amendment 1, paragraph I.C.(1), authorized chief judges to require the wearing of face masks by all persons in a courthouse or any portion thereof if warranted by local health conditions, which this court did through Second Circuit Administrative Order 2021-05, First Amendment; and

WHEREAS, Florida Supreme Court Administrative Order AOSC21-17, Amendment 1, paragraph I.C.(2) further directs that when local conditions no longer warrant this requirement, courts must return to previous health and safety protocols; and

WHEREAS, the fourth wave of the COVID pandemic continues to resolve, as indicated by the number of new cases in the Second Circuit generally declining for five consecutive weeks, and is now less than the peak of the previous three waves; and

WHEREAS, the Second Circuit vaccination rate exceeds 53% of individuals eligible to receive the vaccination, while the large number of individuals with a previous positive COVID diagnosis suggests boosted community resistance to infection by some degree; and

WHEREAS, section 768.38(3)(c)2., Florida Statutes, requires the courts to make "... a good faith effort to substantially comply with authoritative or controlling government-issued health standards or guidance..." and no counties in the Second Circuit currently require face masks in county facilities; and

WHEREAS, Gadsden and Leon Counties, because of their size, conduct more jury trials than the other counties and need more time to prepare for new health and safety protocols;

WHEREAS, nothing in this order or previous orders limits the inherent authority of a presiding judge to control the conduct of court proceedings; and

WHEREAS, by the administrative authority granted in Rule 2.215, Florida Rules of General Practice and Judicial Administration, and Florida Supreme Court Administrative Order AOSC21-17, Amendment 1, it is therefore **ORDERED** that:

Paragraph I. is replaced in its entirety as follows:

- I. **Implementation Schedule.** This order shall take effect in Franklin, Jefferson, Liberty, and Wakulla Counties on October 8, 2021, and in Gadsden and Leon Counties on October 15, 2021, and remain in effect until amended or terminated by subsequent order.

Paragraph II. is replaced in its entirety as follows:

- II. **Health and Safety Protocols.**
 - A. Unless required by federal, state, or local laws, rules, or regulations, the wearing of face masks and physical distancing are not required during in-person court proceedings.
 - B. During in-person court proceedings:
 - (1) Participants and observers may wear face masks. Upon request, a face mask will be provided to a participant or observer for an in-person court proceeding.
 - (2) Participants may request to be physically distanced. The presiding judge will address such requests as appropriate under the circumstances at the time of the request.

Paragraph VI. is deleted.

The provisions from Second Circuit AO 2021-05, paragraph III.B.(4), are still in effect to maximize the resolution of all cases, and:

“requires lawyers to conclude litigation as soon as it is reasonably and justly possible to do so, and that the pandemic alone is not a basis for a lawyer’s failure to prepare a case for trial or otherwise actively manage a case ...” and “... judges shall strictly comply with rule 2.545(a), (b), and (e), Florida Rules of General Practice and Judicial Administration, which require judges to conclude litigation as soon as it is reasonably and justly possible to do so, take charge of all cases at an early stage and to control the progress of the case thereafter until it is determined, and apply a firm continuance policy allowing continuances only for good cause shown.”

This order continues to strongly encourage remote conduct of trial court proceedings through the use of technology, as directed by Florida Supreme Court Administrative Order AOSC21-17, Amendment 1. The Chief Justice, through memorandum Remote Conduct of Trial Court, dated August 27, 2021, states that the “... purpose of these

provisions is to facilitate remote conduct of the referenced trial court proceedings as a matter of course while the effects of the public health emergency continue to impact the court system” and the “... intent of this language is for the referenced trial court proceedings to be remotely conducted, with in-person conduct required only when remote conduct is inconsistent with one of the listed legal authorities or necessitated by the interests of justice.”

DONE and ORDERED in chambers in Tallahassee, Leon County, Florida, this 6TH day of October, 2021.



JONATHAN SLOSTROM
Chief Judge

Copies furnished to:

Office of the State Courts Administrator
All Circuit and County Judges, Second Circuit
State Attorney, Second Circuit
Public Defender, Second Circuit
All Clerks of the Circuit Court, Second Circuit
All Sheriffs, Second Circuit
Local Bar Associations
Office of Court Administration, Second Circuit