

**IN THE SECOND JUDICIAL CIRCUIT OF
FLORIDA**

OFFICE OF THE CHIEF JUDGE

**ADMINISTRATIVE ORDER 2021-05
FIRST AMENDMENT**

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

WHEREAS, the Secretary of the United States Department of Health and Human Services renewed the determination that a public health emergency exists in the United States effective as of July 20, 2021; and

WHEREAS, due to increasing new COVID-19 variant cases throughout the nation, the Centers for Disease Control and Prevention (CDC) revised its health guidance for vaccinated and unvaccinated persons on July 27, 2021; and

WHEREAS, the CDC revised its health guidance for face masks on July 28, 2021; 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

WHEREAS, to mitigate the effects of the public health emergency upon the Second Circuit and its participants during and after the emergency, I have issued administrative orders implementing temporary measures essential to the administration of justice to address the pandemic and to keep the courts operating to the fullest extent consistent with public safety; and

WHEREAS, an amendment to Administrative Order 2021-05 should establish new, temporary health and safety protocols and emergency operational measures and extend and modify previously enacted temporary emergency operational measures for purposes of mitigating the effects of the public health emergency on the Second Circuit; and

WHEREAS, Florida Supreme Court Administrative Order AOSC21-17, Amendment 1, In Re: COVID-19 Health and Safety Protocols and Emergency Operational Measures For Florida Appellate And Trial Courts paragraph I.C., authorizes chief judges to direct an exception to existing health and safety protocols related to face masks and social distancing; and

WHEREAS, Florida Supreme Court Administrative Order AOSC21-17, Amendment 1, paragraph III.B.(2)c., authorizes chief judges to order remote proceedings for hearings in Baker Act or the Marchman Act cases; 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 II. is replaced in its entirety as follows:

- II. **Health and Safety Protocols.** The following health and safety protocols are implemented effective immediately:
 - A. In Leon County, all persons in a courthouse or court facility shall wear a face mask that properly covers the nose and mouth.
 - B. In Franklin, Gadsden, Jefferson, Liberty, and Wakulla Counties, all persons in a courthouse or court facility for a court proceeding or court-related purpose shall wear a face mask that properly covers the nose and mouth.
 - C. Face masks shall be worn in all in-person court proceedings, unless the presiding judge determines the interests of justice requires otherwise for particular individuals or circumstances.
 - D. Face masks do not need to be worn in private offices when individuals are alone with the door closed.
 - E. Participants at in-person court proceedings 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 III.B.(2)b. is amended as follows:

- b. **Juror Disqualifications, Excusals, and Postponements.** Juror disqualifications, excusals, and postponements shall revert to pre-COVID policies and procedures. Judges are reminded that under section 40.013, Florida Statutes, a prospective juror may be excused from jury service upon a showing of hardship, extreme inconvenience, or public necessity.


Paragraph III.B.(2)c. is amended as follows:

- c. Hearings to determine whether an individual should be involuntarily committed under the Baker Act or the Marchman Act shall be conducted remotely.

Paragraph VI. Is added:

- VI. These protocols and measures shall remain in effect until amended or terminated by subsequent order once local health conditions no longer warrant the requirements.

DONE and ORDERED in chambers in Tallahassee, Leon County, Florida, this 30th day of July, 2021.



JONATHAN SJOSTROM
Chief Judge

- Copies furnished to:
- 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

