

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT
OF FLORIDA

ADMINISTRATIVE ORDER NO.:
20-35

**IN RE: ADMINISTRATIVE RULES - COVID-19 PROCEDURES – FACE COVERING
REQUIREMENTS AND SELF-CHECK HEALTH SCREENING FOR LAW
ENFORCEMENT**

WHEREAS, based on the public health emergency declared in response to the COVID-19 pandemic, the Centers for Disease Control and Prevention (CDC) has recommended social distancing and wearing cloth face coverings in public settings where social distancing measures are difficult to maintain. In Administrative Order AOSC20-32 (May 21, 2020), Chief Justice Charles T. Canady of the Florida Supreme Court approved recommendations of the Workgroup on the Continuity of Court Operations and Proceedings During and After COVID-19 (Workgroup), including requirements, among others, for social distancing and the use of face masks in courthouse facilities. In light of evolving medical guidance, the Workgroup re-evaluated and clarified some of their recommendations and the chief justice adopted these requirements. Admin. Order AOSC20-32, Amendment 1 (June 16, 2020).

WHEREAS, the Workgroup, after consultation with medical professionals, recommended that everyone entering the courthouse be required to wear face masks and that face masks be worn at all times throughout the courthouse, including inside the courtroom with certain exceptions.

THEREFORE, by the power vested in the chief judge under article V, section 2(d), Florida Constitution; section 43.26, Florida Statutes; Florida Rule of Judicial Administration 2.215(b); and Florida Supreme Court Administrative Orders AOSC20-32, Amendment 1 (June 16, 2020) and AOSC20-32, Amendment 4 (June 16, 2020) and in an effort to continue mitigating the effects of COVID-19 on the courts, court participants, and other stakeholders,

IT IS HEREBY ORDERED as follows:

1. Definitions

For purposes of this administrative order, the following terms have the following meanings:

- A. *Courthouse facility* means any building in which judicial proceedings are conducted or court system representatives are stationed. However, if judicial

proceedings take place in a county jail facility, the term *courthouse facility* will be defined as the actual courtrooms within the facility and not the remainder of the facility.

- B. *Court system representative* means a designated representative of one or more of the following offices: Administrative Office of the Courts or Clerk of the Circuit Court.
- C. *Face covering* means a mask or other cloth fabric that fits snugly but comfortably over one's face and covers the nostrils and mouth completely but does not cover the eyes and remains affixed in place without the use of one's hands, compliant with CDC guidelines. Examples of compliant homemade masks may be found at: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-to-make-cloth-face-covering.html>
- D. *Face shield* means a mask situated at the crown of the head constructed out of clear plastic that covers the eyes, nose and mouth, wraps around the sides of the individual's face, and extends below the chin so that the individual's facial expressions or features may be observed.

2. Face Covering/Shield Requirement¹

- A. Entry
Anyone entering a courthouse facility through any door, except children less than 2 years old, must wear a face covering or face shield.² Litigants, attorneys, witnesses, and victims are strongly encouraged to bring their own face covering or face shield. If any person does not bring her or his own face covering or face shield, a court system representative will provide a mask at no cost.
- B. Public Areas
Face coverings or face shields must be worn at all times throughout the public areas of the courthouse facilities, including lobbies, hallways, corridors, elevators, stairwells, restrooms and courtrooms.
- C. Chambers and Private Offices
Judges and court system representatives do not have to wear face coverings or face shields in their private chambers or offices as long as social distancing is maintained. Court system representatives who do not have private offices, and where adequate social distancing is not observed, must wear face coverings or face shields at all times.
- D. Denial of Entry

¹ The requirements of this administrative order are not intended to govern activities inside of the separate offices of other constitutional officers.

² According to the June 12, 2020 Phase 2 report of the Workgroup's Court Operations Subgroup, medical experts advocate that face masks (a subset of face coverings) "offer the best protection." But the CDC recommends that certain people should not wear face masks such as children under 2 years of age and anyone who has trouble breathing or is incapacitated or otherwise unable to remove the mask without assistance. In these instances, face shields offer another potential means of preventing the transmission of the COVID-19 virus.

Entry to a courthouse facility will be denied to any person who refuses to wear a face covering or face shield or refuses to wear the face covering so that it properly covers the person's nostrils and mouth completely.

E. Face Coverings/Shields in Courtrooms

Face coverings or face shield must be worn inside courtrooms with the following exception. Presiding judges and quasi-judicial officers are empowered with the discretion to have speaking individuals such as litigants, attorneys, and witnesses remove their face coverings, or to use face shields or see-through masks instead, if (a) an individual's facial expressions or features must be observed or (b) the audio is hampered and potentially could jeopardize the creation of an accurate court record. A 6-foot social distance must be preserved at all times while face coverings are removed or while face shields are used. Presiding judges or quasi-judicial officers should not prohibit any individual from wearing a face covering or face shield in a courtroom unless there is a compelling and necessary reason. Presiding judges and quasi-judicial officers have the discretion to have any individual wearing an indecent or distracting face covering removed from the courtroom, and/or courthouse, if necessary.

F. Health and Safety Screening

The health and safety screening requirements outlined in sections A.1. and A.2 of Eighteenth Judicial Circuit Administrative Order 20-28 Amended, pertaining to temperature checks and questionnaire inquiry does not apply to law enforcement personnel, working within the courthouse or acting in their official capacity visiting the courthouse, whose agency has a policy that requires self-checking for symptoms and remaining home if they present symptoms. A copy of the agency's policy must be provided to the Chief Judge or his/her designee.

This Administrative Order shall take effect on July 13, 2020, and remain in effect until further notice or until superseded by further order of this Court or the Florida Supreme Court.

DONE AND ORDERED this 13th day of July, 2020.

LISA DAVIDSON
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CHIEF JUDGE

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