

**IN THE CIRCUIT COURT OF FLORIDA, SEVENTH JUDICIAL CIRCUIT
IN AND FOR FLAGLER, PUTNAM, ST. JOHNS AND VOLUSIA COUNTIES**

RESUMPTION OF COURT OPERATIONS

C-2021-056

(Rescinds Z-2021-029 & C-2021-042)

WHEREAS, on June 4, 2021, the Chief Justice of the Supreme Court of Florida issued an Administrative Order *IN RE: COVID-19 HEALTH AND SAFETY PROTOCOLS AND EMERGENCY OPERATIONAL MEASURES FOR FLORIDA APPELLATE AND TRIAL COURTS*, and

WHEREAS, on July 29, 2021, in response to increasing COVID-19 variant cases throughout the nation, the Chief Justice issued an amended Administrative Order *IN RE: COVID-19 HEALTH AND SAFETY PROTOCOLS AND EMERGENCY OPERATIONAL MEASURES FOR FLORIDA APPELLATE AND TRIAL COURTS* (“*AOSC 21-17, Amendment 1*”), and

WHEREAS, AOSC 21-17, Section I.B., provides unless required by federal, state, or local laws, rules, or regulations or unless authorized by Section I.C., a court may not require the wearing of face masks or physical distancing in a courthouse; and

WHEREAS, AOSC 21-17, Section I.C., provides if warranted by local health conditions a chief judge may require the wearing of face masks and/or physical distancing; and

WHEREAS, health conditions within the Seventh Judicial Circuit at the time the amended AOSC21-17 was issued required the invocation of the exception as provided by AOSC 21-17, Section I.C. related to the wearing of masks and/or physical distancing, and

WHEREAS, health conditions in Flagler, Putnam, St. Johns and Volusia Counties have significantly improved.

NOW THEREFORE, I, JAMES R. CLAYTON, Chief Judge of the Seventh Judicial Circuit of Florida, hereby order as follows:

1. **COVID EMERGENCY ORDERS:**

- a. The provisions and requirements set forth in *AOSC 21-17, Amendment 1*, over which the Chief Judge of the Seventh Judicial Circuit has no discretion, shall govern all court proceedings within the Seventh Judicial Circuit, regardless of whether they are restated within the body of this local Administrative Order.
- b. Local Administrative Orders Z-2021-029 & C-2021-042 are hereby rescinded.

2. **HEALTH AND SAFETY PROTOCOLS¹:**

¹ Restated from *AOSC 21-17, Amendment 1, Section I.B.*

- a. Unless required by federal, state, or local laws, rules, or regulations, a court may not require the wearing of face masks or physical distancing in a courthouse.
- b. Any person entering a courthouse may choose to wear a face mask and a face mask will be provided upon request.
- c. Any person entering the courthouse may request to be physically distanced, and the presiding official shall address such request as appropriate under the circumstances at the time of the request.

3. **COURT PROCEEDINGS:**

- a. Except as provided in b. below, all court proceedings may be conducted in-person, remotely, or by a hybrid method of the two in accordance with *AOSC 21-17, Amendment 1*, taking into account the constitutional rights of crime victims and criminal defendants and the public's constitutional right to access to courts.
- b. **In-Person Required.** The following court proceedings must be conducted in-person:
 - i. Grand jury selection and proceedings.
 - ii. Civil and Criminal jury selection and trial proceedings.²
 - iii. Non-jury trials involving:
 1. Criminal cases.
 2. Juvenile dependency.
 3. Juvenile delinquency.
 4. The termination of parental rights.
 - iv. Adult Protective Service Acts.
 - v. Baker Acts.
 - vi. Marchman Acts.
 - vii. First Appearances (Volusia County only).
 - viii. Juvenile Detention hearings (weekend/holiday only).
 - ix. Shelter hearings.
 - x. Requests for waiver of parental consent to abortion.
 - xi. Problem-solving courts (includes court hearings, staffing and related proceedings).
 - xii. Any other proceeding as directed by the Chief Judge.
- c. All court facilities in the Seventh Judicial Circuit are open to participants, the media and public, all court proceedings conducted by a judicial or quasi-judicial officer, even those where all or part of a proceeding is to be conducted remotely, shall be conducted from the judicial or quasi-judicial officer's courtroom or hearing room.

² Unless consent for remote proceedings is given in accordance with *AOSC21-17, Amendment 1, Section II.E.(3)a. i. or ii.*

4. **EFFECTIVE DATE, DURATION AND AMENDMENT:**

- a. This AO C-2021-056 shall take effect on November 1, 2021.
- b. This AO C-2021-056 shall automatically terminate upon the rescission or expiration *AO SC 21-17, Amendment 1*.
- c. This AO C-2021-056 is temporary and shall be evaluated regularly for a determination as to its continued application and need for amendment.
- d. This AO C-2021-056 shall be automatically amended to incorporate any amendments to *AO SC 21-17, Amendment 1*, without further local order.

TO BE RECORDED in Flagler, Putnam, St. Johns and Volusia Counties, Florida.

DONE AND ORDERED in DeLand, Volusia County, Florida this 28th day of October, 2021.



JAMES R. CLAYTON
CHIEF JUDGE