

**IN THE COURTS OF THE FIRST JUDICIAL CIRCUIT
ADMINISTRATIVE ORDER NO. 2020-34**

**RE: PHASE 2 - SUMMONING OF JURORS AND EXCUSAL/POSTPONEMENT
PROCESS**

WHEREAS, the Florida State Courts System is continuing to address the massive effect of the COVID-19 pandemic on court operations; and

WHEREAS, the First Judicial Circuit is authorized to resume jury trials, having entered Phase 2 of operations on June 8, 2020, as defined by Fla. Admin. Order No. AOSC 20-32, as amended, and more than 30 days have elapsed since that transition; and

WHEREAS, adequate protocols have been developed and safety precautions and screening measures have been implemented to ensure that citizens may serve as jurors in a manner consistent with public safety; and

WHEREAS, it is incumbent upon the Court to provide defendants with the right to a jury trial enshrined in our Constitution, while continuing to mitigate the spread of COVID-19 and addressing the hardships related to the ongoing pandemic which may affect potential jurors;

NOW THEREFORE; pursuant to the authority of the Chief Judge, under section 43.26, Florida Statutes, and Florida Rule of Judicial Administration 2.215,

IT IS HEREBY ORDERED:

Effective immediately, pursuant to Fla. Admin. Order No. AOSC 20-23, Amendment 6,

1. The Clerks of Court in the counties of the First Judicial Circuit are ordered to create a process that will enable the automatic excusal of any potential juror who indicates, subject to penalty of perjury, that he or she:
 - a. Cannot meet screening requirements for courthouse entry as specified under the most recent guidance from the Supreme Court of Florida and/or the COVID-19 Workgroup;

- b. Is at higher risk for severe illness as a result of COVID-19 infection as identified by the Centers for Disease Control and Prevention and requests to be excused. Per the CDC guidelines, this category includes those who are over the age of 65 or immunocompromised, or those who have underlying medical conditions such as chronic kidney disease, COPD, obesity, serious heart conditions (i.e., heart failure, coronary artery disease, cardiomyopathy), sickle cell disease, or Type 2 diabetes mellitus.
 - c. Is required to care for a child or relative whose regular care provider is closed or unavailable for reasons related to COVID-19; or
 - d. Is receiving leave pursuant to the Families First Coronavirus Response Act.
2. Court Administration shall be responsible for notifying the Clerks should the Court receive updated guidance from the Florida Supreme Court or the COVID-19 Workgroup regarding screening procedures and questions, or from the CDC regarding those at higher risk for severe illness. The Clerks shall update their processes accordingly.
3. The Clerks of Court in the counties of the First Judicial Circuit are further ordered to create a process that will enable the automatic postponement of jury duty for up to six months for any potential juror¹ who indicates, subject to penalty of perjury, that he or she:
- a. has recently returned to work after being unemployed due to COVID-19, or
 - b. has suffered a financial or personal loss due to COVID-19 that makes it a hardship to perform jury service.

¹ Postponements are subject to the six-month statutory maximum specified in section 40.23(2), Florida Statutes. If granting a postponement based on one or both of these reasons would exceed the statutory maximum because of a previous postponement granted to a potential juror, the Clerk shall inquire of the presiding judge or the Chief Judge as to whether an excusal should be granted.

4. The procedures outlined above are in addition to the statutory exemptions already applicable to potential jurors under section 40.013, Florida Statutes.

DONE AND ORDERED in Pensacola, Escambia County, Florida this 27 day of August, 2020.



JOHN L. MILLER
CHIEF JUDGE

Copies furnished to:

All Judges, First Judicial Circuit
All Clerks, First Judicial Circuit
William Eddins, State Attorney, First Judicial Circuit
Bruce Miller, Public Defender, First Judicial Circuit
All Sheriffs, First Judicial Circuit
Robin Wright, Trial Court Administrator
Elizabeth Miller, Child Welfare Legal Services
Bryan Carter, Guardian Ad Litem
Mark Jones, Family First Network
Julie Gather, Department of Corrections
Paul Wallis, Florida Department of Juvenile Justice
Justice Administrative Commission
Candice Brower, Office of Criminal Conflict Counsel
Craig Waters, Florida Supreme Court
For Broadcast by: Escambia-Santa Rosa Bar Association
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