

**IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
IN AND FOR HARDEE, HIGHLANDS, AND POLK COUNTIES, FLORIDA**

ADMINISTRATIVE ORDER NO. 1-59.0

IN RE: JUROR EXCUSAL AND POSTPONEMENT DUE TO COVID-19 PANDEMIC

WHEREAS, the World Health Organization (WHO) has declared COVID-19, a severe acute respiratory illness, to be a pandemic, and the Governor of the State of Florida and the State Surgeon General and State Health Officer have declared that a public health emergency exists in Florida; and

WHEREAS, on October 2, 2020, the Florida Supreme Court issued AOSC20-23, *In Re: Comprehensive COVID-19 Emergency Measures for the Florida State Courts, Amendment 7* (“Seventh Amended AOSC20-23”), directing each chief judge to create a process for juror excusals and postponements in order “to mitigate the spread of COVID-19 and . . . address[] hardships related to the pandemic”; and

WHEREAS, as directed by the Florida Supreme in Seventh Amended AOSC20-23, and in accordance with Article V, section 7, Florida Constitution, Florida Rule of Judicial Administration 2.215, and sections 43.26 and 40.013, Florida Statutes; and

NOW THEREFORE, IT IS ORDERED that:

1. Excusal: The Hardee, Highlands, and Polk County Clerks of the Circuit Court (hereinafter “Clerk”) shall notify the Chief Judge, or a judge designated by the Chief Judge, if a potential juror summonsed for jury service submits a sworn affidavit or otherwise indicates, subject to the penalty of perjury, that he or she:
 - a. Does not meet the Court’s health screening requirements for entry into any courthouse or court facility;
 - b. Is a person at higher risk for severe illness due to COVID-19 infection as identified by the Centers for Disease Control and requests to be excused;
 - c. Must 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.

The Chief Judge, or a judge designated by the Chief Judge, shall consider the circumstances and determine, in his/her discretion, if the person(s) should be excused from jury service. The Clerk shall, based upon the Court’s decision, excuse such jurors.

2. Postponement: The Clerk shall also notify the Chief Judge, or a judge designated by the Chief Judge, if a potential juror summonsed for jury service submits a sworn affidavit or 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.

The Chief Judge, or a judge designated by the Chief Judge, shall consider the circumstances and determine, in his/her discretion, if the person(s) should have their jury service postponed. The Clerk shall, based upon the Court's decision, postpone the jury service for such person(s) for up to six months.

3. The Clerk shall take all reasonable measures to assist the Court in determining in advance of the day of jury service that persons summoned for jury service be considered for excusal or postponement of their jury service when it appears the potential juror might be a risk for transmitting COVID-19, might suffer a severe illness if exposed to the virus, or would otherwise be unable to serve on a jury if selected during Phase 2 or Phase 3 court operational restrictions occasioned by COVID-19.
4. This Administrative Order is effective upon signing and shall remain in effect until further order of this Court or until *In re: COVID-19 Public Health and Safety Precautions for Operational Phase Transitions*, Fla. Admin. Order No. AOSC20-32, as amended, is terminated by the Florida Supreme Court, whichever occurs first.

DONE AND ORDERED in Bartow, Polk County, Florida this 7th day of October, 2020.

s/ELLEN S. MASTERS, CHIEF JUDGE

Original: Polk County Clerk of Court

Copies:

All Judges

Hardee County Clerk of Court

Highlands County Clerk of Court

Polk County Clerk of Court

Nick Sudzina, Trial Court Administrator

Office of the State Attorney

Office of the Public Defender

Office of Criminal Conflict and Civil Regional Counsel, Second District

Electronic Bar Mailing