

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

ADMINISTRATIVE ORDER 1-54.0

**IN RE: ATTENDANCE OF PERSONS AT ESSENTIAL AND CRITICAL COURT
PROCEEDINGS DURING THE COVID-19 EMERGENCY**

WHEREAS, on March 19, 2020, the Court entered Administrative Order No. 1-53.0, *In Re: COVID-19 Emergency Court Operations Procedures* (“A.O. 1-53.0”); and

WHEREAS, A.O. 1-53.0 provides that “In-person proceedings may occur only in essential proceedings after attempting electronic communication. In the event of an in-person hearing, the judge or the judicial officer shall take necessary steps to practice social distancing in order to minimize potential exposure to COVID-19. The presiding judge must ensure that all participants in the proceeding maintain at least a 6-foot “social distance” from each other at all times”; and

WHEREAS, it has come to the attention of the Court that further clarification is needed regarding the phrase “after attempting electronic communication” as to the appearance of attorneys, parties, and necessary court participants at essential and critical court proceedings during the COVID-19 emergency; and

NOW THEREFORE, IT IS ORDERED that, effectively immediately:

1. In the event that the presiding judge, after attempting or considering electronic communication, determines that an essential or critical proceeding cannot be fairly accomplished without an in-person appearance, then the presiding judge should determine who should appear physically and who should appear remotely. There may be factual or legal scenarios wherein it is not fair for a party to physically appear without the party’s attorney also physically appearing. There may also be scenarios wherein it is fair for an attorney to appear remotely while the attorney’s client appears physically.

The presiding judge must make the determination as to who should appear physically and who should appear remotely based upon the specific facts and the specific matter to be disposed. The presiding judge and no one else is tasked with making such determinations. The presiding judge may be required to reschedule a proceeding in the event that the judge determines that an alternative to the ongoing attendance arrangement is inadequate. In that instance, the presiding judge shall provide directives as to which persons shall appear remotely and which persons shall appear physically.

2. The Office of the Court Administrator for the Tenth Judicial Circuit Court is tasked with providing the parties and/or their attorneys, and any other necessary court participant, with instructions regarding how to attend remotely by telephone. These instructions will be made available on the Tenth Circuit Court’s website (www.jud10.flcourts.org).

3. This Administrative Order shall be effective immediately and shall remain in effect until expiration of A.O. 1-53.0.

DONE AND ORDERED in Bartow on this 20th day of March, 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