

**IN THE COURTS OF THE FIRST JUDICIAL CIRCUIT  
ADMINISTRATIVE ORDER NO. 2020-38**

**RE: COVID-19 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 7:

1. The Clerks of Court in the counties of the First Judicial Circuit shall notify the Chief Judge, the relevant administrative judge, or the designee of either the Chief Judge or administrative 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 meets one of the following criteria:

- 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 cancer, 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. The Chief Judge, the relevant administrative judge, or the designee of either the Chief Judge or administrative judge shall consider the circumstances and determine if the person(s) should, in his/her discretion, be excused or postponed from jury service. The Clerk shall, based upon the Court's decision, excuse or postpone such jurors.
  3. The Clerks of Court in the counties of the First Judicial Circuit shall also notify the Chief Judge, the relevant administrative judge, or the designee of either the Chief Judge or administrative 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 meets one of the following criteria:
    - 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.
  4. The Chief Judge, the relevant administrative judge, or the designee of either the Chief Judge or administrative judge shall consider the circumstances and determine if the person(s) should, in his or her discretion, have 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.<sup>1</sup>

5. The Clerks of Court shall take all reasonable measures to assist the Court in determining in advance of the day of service that persons summoned for jury service be considered for postponement or rescheduling of 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 operational restrictions occasioned by COVID-19.
6. Administrative Order Number 2020-34 is hereby rescinded.

**DONE AND ORDERED** in Pensacola, Escambia County, Florida this 7<sup>th</sup> day of  
October, 2020.

  
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**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 Gaither, 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  
For Broadcast by: Okaloosa County Bar Association  
For Broadcast by: Walton County Bar Association  
For Posting at [www.FirstJudicialCircuit.org](http://www.FirstJudicialCircuit.org)

<sup>1</sup> Postponements are subject to the six-month statutory maximum specified in section 40.23, 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 Chief Judge, the relevant administrative judge, or the designee of either the Chief Judge or administrative judge is encouraged to consider whether to grant an excusal based on either reason.