

IN THE CIRCUIT COURT,  
SEVENTH JUDICIAL CIRCUIT,  
IN AND FOR FLAGLER COUNTY, FLORIDA

**JURY TRIAL PROCEDURES DURING COVID-19 EMERGENCY**

WHEREAS, the State of Florida remains under a declared public health emergency due to the COVID- 19 pandemic, and

WHEREAS, the Chief Justice of the Florida Supreme Court and the Chief Judge of the Seventh Judicial Circuit have established procedures providing for jury trial of certain cases during this emergency, and

WHEREAS, the Courts in Flagler County were approved to operate under Phase 2 standards as set forth by Florida Supreme Court Administrative Order AOSC20-23, Amendment 5, and such Courts have conducted Phase 2 Court operations continuously since June 8, 2020 in compliance with the Operational Plan of the Flagler Courts, and

WHEREAS, the Courts in Flagler County are ready to commence jury trials utilizing the Jury Management Considerations and Recommendations of the Florida Supreme Court's COVID-19 Continuity of Court Operations Workgroup, and

WHEREAS, this Court is committed to providing fair and impartial trials while assuring the health and safety of all jurors, parties, court personnel, counsel, witnesses, and the community;

NOW THEREFORE, it is

ORDERED and ADJUDGED that:

1. These emergency procedures and guidelines shall supplement the Court's standard Pretrial and Trial Procedures found on the Court's website at [www.circuit7.org](http://www.circuit7.org) and shall apply to jury trials conducted during Phase 2 and 3 Court operations.
2. All persons entering the Courthouse shall wear a face mask covering their mouth and nose, similar in form and application to those used by medical staff, while in the Courthouse. Those refusing to wear a face mask will be denied admission to the Courthouse.
3. Face masks shall be worn by all jurors during all phases of trial, including jury selection and deliberations, unless directed otherwise by the presiding judge.
4. Defendants in criminal trials may be asked to briefly remove their face masks, if necessary for in-court identification.

5. All persons within the Courthouse shall observe adequate social distancing of at least 6 feet from any other person, and jury and group circulation that minimizes contact with others.

6. Prospective jurors and those selected to serve on juries will be subject to the same health screening as all other persons entering the Courthouse. The names of any prospective jurors who fail health screening or are refused admission to the Courthouse shall be provided to the clerk and presiding judge.

7. Prospective jurors shall be directed to report to the Courthouse in small groups with staggered times, not all at once. The clerk and court shall determine the numbers and timing of such staggered groups, depending on the needs of each case.

8. The parties are encouraged to use the available in-court technology. The Courtrooms are equipped with Wi-Fi, Internet access, and extensive audio and video presentation components. The Courtroom has numerous digital display monitors, including separate video and audio displays for the jurors, witnesses, judge and attorneys. In addition, there are 4 large screen monitors within the courtroom. The attorneys may use this technology to present audio and video exhibits to the Court and jury. The attorneys are expected to use this technology to the extent possible in the presentation of the evidence and remote testimony, especially for minor or technical witnesses, consistent with the notions of a fair trial and the protection of the rights of the accused.

9. During trial, witnesses may be permitted by the presiding judge to remove their face masks, depending on the availability of other health and safety protections and other factors deemed necessary by the judge. But, if the witness is permitted to remove their mask, it shall only be when testifying and after being seated on the witness stand, so the jury may observe their facial expressions.

10. Witnesses shall remain at least 6 feet from the jury and all courtroom personnel at all times when testifying. Witnesses may not step down from the witness stand when testifying without the Court's approval, and if so, shall remain at least 6' from the jury and courtroom personnel.

11. The Rule of Witness Sequestration shall apply to all witnesses, unless counsel seeks an exception prior to trial. All counsel shall advise witnesses of the requirements of the Rule of Witness Sequestration. Witnesses waiting to testify may wait in the witness rooms or in the hallway outside the courtroom but, at all times, shall maintaining social distancing and observe the Rule of Sequestration.

12. Counsel examining a witness shall not leave the podium and approach a witness without seeking the Court's permission.

13. All trial exhibits shall be provided to the clerk before jury selection and any objections to such exhibits shall be noted separately. Exhibits will not be physically published but may be shown to the jury by using the technology in the courtroom.

14. Sidebar conferences are strongly discouraged. The Court will rule on evidentiary objections based on the legal basis stated for the objection, and the response of the proponent of the evidence, if requested from the Court.

15. Counsel shall remain behind the podium at all times, including opening statement and closing argument, absent permission from the Court.

16. Public access to the courtroom will not be permitted during the trial. This includes family members, friends, members of the bar not trying the case, or other spectators. Trials will be live streamed for those who desire to observe.

17. Jury deliberations and breaks will not occur in the jury room adjacent to the courtroom, due to social distancing restrictions. Jury deliberations and breaks will likely take place in the juror lounge or an adjoining courtroom.

18. In the event a juror wishes to examine evidence, Jurors may be provided necessary Personal Protective Equipment, like disposable gloves, during trial and deliberations.

19. Lunch will be provided to jurors during the trial so they will not need to go out to restaurants. Menus will be distributed late morning. Jurors may bring their own lunch if they desire. Jurors may eat lunch in the juror lounge or outside but will be requested to remain within the Courthouse grounds.

20. The presiding judges may in their discretion deviate from these procedures at any time in order to promote the health and safety of the jury or provide a fair and impartial trial to the accused.

21. Any objections to the procedures outlined in this Order shall be deemed waived if not raised by the start of jury selection.

DONE AND ORDERED in Chambers in Flagler County, Bunnell, Florida this 17<sup>th</sup> day of July, 2020.

/s/ Terence R. Perkins

---

TERENCE R. PERKINS  
ADMINISTRATIVE JUDGE