



## Supreme Court of Florida

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### **Florida's Chief Justice issues new pandemic orders launching a remote civil jury trial pilot program, setting new health safety measures, & amending prior emergency orders**

TALLAHASSEE – Florida's Chief Justice Charles Canady issued an order late on May 21, 2020, creating a [new pilot program](#) for civil jury trials to be held using remote technology. It will explore ways to let one of the most central parts of the state justice system – jury trials – begin again using health-related distancing during the coronavirus pandemic.

All jury trials in Florida have been halted, and a backlog has developed, since [March 13, 2020](#). This occurred because of the danger of spreading coronavirus in the close quarters used in standard jury procedures. Florida has relied on an in-person jury system for 175 years since it achieved statehood in 1845. Jury trials are required by both the federal and state constitutions in certain instances.

Under the pilot program, the statewide [COVID-19 Workgroup](#) will develop requirements and will select up to five Florida trial circuits to participate in the pilot. At this point, trials will only be civil, non-criminal cases and all parties must consent to participate in the pilot.

In other actions last night, Canady also took the following measures:

- Issued a separate new order establishing [health & safety precautions](#) to be used in Phase 2 of the expansion of court operations. These precautions are based on a report issued by a statewide advisory COVID-19 Workgroup.
- [Amended](#) an earlier order called SCAO20-23 that provides comprehensive emergency procedures for use in courts in the pandemic. The amendments incorporate the new Phase 2 safety procedures contained in the COVID-19 Workgroup report.

Phase 2 is the time when limited in-person contact will be authorized in courts and court proceedings, but protective measures still will be required. It will be followed by Phase 3, when in-person contact is more broadly authorized, and Phase 4, when coronavirus no longer presents a significant risk.

Transition to Phase 2 in the Florida state courts will occur when each trial and appeals court has:

- Met five benchmark criteria: (a) no COVID-19 cases in the courthouse within 14 days or the use of deep cleaning if such cases have occurred; (b) local and state restrictive orders permit the activity; (c) the community shows at least 14 days of improvements in case reporting; (d) adequate testing programs are in place; and (e) other building occupants and justice system partners have been consulted.
- Developed an operational plan addressing implementation of the COVID-19 Workgroup's report. The plan must be updated regularly to reflect advancements in best practices.

Florida's State Courts currently are in Phase 1, the time when the most restrictive limits are placed on in-person contact to avoid possible coronavirus infections.

The Chief Justice will review these and other COVID-19 orders as the pandemic emergency develops and will modify or extend them if needed.

Statewide and local court emergency orders and advisories are available on the Florida Supreme Court's website: <https://www.floridasupremecourt.org/Emergency>

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