



CIRCUIT COURT  
FOURTH JUDICIAL CIRCUIT OF FLORIDA

HONORABLE JAMES H. DANIEL  
Circuit Judge

NASSAU COUNTY COURTHOUSE  
Robert M. Foster Justice Center

March 30, 2020

TO:           The Honorable Mark H. Mahon, Chief Judge, Fourth Judicial Circuit  
              The Honorable Steven M. Fahlgren, Circuit Court Judge  
              The Honorable Wesley R. Poole, County Court Judge  
              The Honorable John A. Crawford, Clerk of Court  
              Capt. Paula J. DeLuca, Nassau County Jail/Courthouse  
              Sgt. Ken Davis, Nassau County Courthouse Bailiff  
              Nassau County Bar Association

FROM:       The Honorable James H. Daniel, Administrative Judge

RE:           Extension and Modification of Emergency Procedures Related to COVID-19 Virus

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Please find attached Administrative Order No: 2020-7.

IN THE CIRCUIT COURT, FOURTH JUDICIAL  
CIRCUIT, IN AND FOR NASSAU COUNTY FLORIDA

**ADMINISTRATIVE ORDER NO: 2020-7**

**RE: EXTENSION & MODIFICATION OF EMERGENCY PROCEDURES RELATED TO COVID-19 VIRUS THROUGH APRIL 17, 2020.**

**WHEREAS**, the COVID-19 virus (coronavirus) pandemic continues to present a nationwide emergency and has disrupted all but essential operations of the statewide court system and Fourth Judicial Circuit;

**WHEREAS**, in response to the COVID-19 emergency, the Chief Judge of the Florida Supreme Court has now issued AOSC20-17 extending through April 17, 2020, the original emergency procedures set forth in AOSC20-13;

**WHEREAS**, the undersigned in response to AOSC20-13 issued Nassau County Administrative Order 2020-1 implementing emergency procedures and suspending certain non-essential operations for the Nassau County courts through Friday, March 27, 2020;

**WHEREAS**, the undersigned also issued Nassau County Administrative Order 2020-3 restricting the general public's access to the Robert M. Foster Justice Center in Yulee and the Historic Courthouse in Fernandina Beach (hereafter collectively "Nassau County Courthouses") through Monday, March 30, 2020;

**WHEREAS**, in the wake of AOSC20-17, there is a need for the courts in Nassau County to extend and modify those emergency procedures originally enacted in Administrative Order 2020-1 and those restrictions placed on the general public's access to the Nassau County Courthouses specified in Administrative Order 2020-3;

**WHEREAS**, the Chief Judge of the Fourth Judicial Circuit has delegated authority to the Administrative Judge for Nassau County to establish temporary procedures;

**NOW THEREFORE**, by the authority vested in the undersigned, **IT IS ORDERED**:

1. The provisions of Nassau County Administrative Orders 2020-1 and 2020-3, attached herein as Appendix A and Appendix B respectively, shall continue in full force and effect through the close of business on Friday, April 17, 2020, unless expressly modified by this order. Administrative Orders 2020-1 and 2020-3 have been modified only to the extent as described below.

2. **Felony Criminal Division**

All criminal cases in the felony division shall be handled in the following manner:

A) For all felony cases scheduled on the court's docket where the defendant is incarcerated in the Nassau County Jail (NCJ), the court will continue to conduct court appearances remotely by video conference using the Zoom Application;

B) For all felony cases scheduled on the court's docket where the defendant is out of custody and not incarcerated in the NCJ, the court will also conduct court appearances remotely by video conference using the Zoom Application;

C) The specific procedures for handling all in-custody and out-of-custody felony cases shall be developed by the presiding judge and provided to members of the bar. All counsel with cases pending in a felony division shall familiarize themselves with these procedures and shall abide by them.

3. **County Criminal Cases**

All criminal cases in pending before the County Court shall be handled in the following manner:

A) For all misdemeanor cases scheduled on the court's docket where the defendant is incarcerated in the Nassau County Jail (NCJ), the court will continue to conduct court appearances remotely by video conference using the Zoom Application;

B) For all misdemeanor cases scheduled on the court's docket where the defendant is out-of-custody, the presiding judge shall develop the specific procedures and disseminate them to the bar. All counsel with pending misdemeanor cases shall familiarize themselves with these procedures and shall abide by them.

C) Pre-trial hearings for out-of-custody defendants that are normally scheduled for Wednesday mornings starting at 8:00 a.m. at the Historic Courthouse in Fernandina Beach shall be relocated to the Courthouse Annex in Yulee and shall now be start on Wednesdays at 1:30 p.m.

4. **Juvenile Delinquency Cases**

A) For all juvenile delinquency cases, the court will conduct court appearances remotely by video conference using the Zoom application.

B) The specific procedures for handling all in-custody and out-of-custody delinquency cases shall be developed by the presiding judge and provided to members of the bar. All counsel with cases pending in a felony division shall familiarize themselves with these procedures and shall abide by them.

5. **Dependency Cases**

A) For all dependency cases, the court will conduct all court appearances scheduled before a circuit judge or magistrate by video conference using the Zoom application.

B) Upon request by the Department of Children and Families, the court will conduct a shelter hearing in-person if circumstances require that the hearing be held in a courtroom. The court will consider such requests on a case-by-case basis. However, any shelter hearing held at the courthouse will be conducted in such a manner to comply with CDC guidelines limiting the

number of individuals. Only parents, attorneys for the department and/or the parents, and a DCF caseworker will be permitted in the courtroom, in addition to necessary court personnel.

6. **Small Claims Cases**

A) Any case in small claims court shall be heard either remotely by Zoom application or telephonically. The presiding County Court judge shall establish necessary procedures for conducting small claims hearings.

7. **Domestic Violence Injunctions**

A) All cases involving injunctions for protection against domestic violence, repeat violence, sexual violence, dating violence, or stalking shall continue to be addressed in the manner outlined in Administrative Order 2020-1. However, if a party wishes to present testimony from a third-party witness, then the case may be continued and any temporary injunction extended through the continuance date, if the third-party witness is unable to testify remotely by Zoom application. It is advisable to contact the presiding judge's office at least 24 hours *before* the hearing to coordinate third-party testimony.

8. **Foreclosure, Eviction, & Writs of Possession**

A) Foreclosure cases and residential tenant eviction cases may proceed forward. The presiding judge has the discretion to grant a continuance on a case-by-case basis if necessary.

B) Foreclosure sales will not automatically be cancelled. The presiding judge has the discretion to cancel a specific sale upon request based upon the circumstances of the case.

C) In accordance with AOSC20-17, the requirement in Florida Rule of Civil Procedure 1.580(a) for the clerk to issue a writ of possession "forthwith" shall be suspended through the close of business on Friday, April 17, 2020, and no county or circuit judge shall issue an order directing the Clerk to issue a writ of possession during the period of suspension.

9. **Specialty Courts**

A) All Veterans' Court sessions scheduled for April of 2020 have been cancelled. The presiding judge has developed procedures for all Veterans' Court participants and each participant shall abide by those procedures until regular sessions return.

B) Adult Drug Court and Mental Health Court shall resume on their normally scheduled dates starting the week of March 30, 2020. However, each specialty court session will be heard remotely by Zoom application.

9. **Jury Trials**

A) All criminal jury trials have been suspended through April 17, 2020.

10. No other provisions of Administrative Orders 2020-1 and 2020-3 have been modified.

**DONE AND ORDERED** in Chambers at Yulee, Nassau County, Florida, this the 30<sup>TH</sup> day of March, 2020.

  
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JAMES H. DANIEL

IN THE CIRCUIT COURT, FOURTH JUDICIAL  
CIRCUIT, IN AND FOR NASSAU COUNTY FLORIDA

ADMINISTRATIVE ORDER NO: 2020-1

RE: **EMERGENCY PROCEDURES RELATED TO COVID-19 VIRUS**

In recognition of the emergency conditions resulting from the threat of the current COVID-19 virus (corona virus) pandemic, the CDC recommendation of no more than ten (10) individuals present for any event or meeting, and Florida Supreme Court Order AOSC20-13;

**IT IS ORDERED AND ADJUDGED:**

The following procedures shall be implemented for the period of time specified below:

**I. CIVIL, FAMILY, PROBATE, GUARDIAN DIVISIONS**

A. All hearings in cases pending in the circuit court civil division (CA case numbers), family law divisions (DR case numbers), probate division (CP case numbers), and guardianship division (GA case numbers), excluding petitions for injunctions for protection against domestic violence, repeat violence, dating violence, sexual violence, and stalking, shall be conducted either by telephonic means or video conference utilizing the Zoom Application or Skype. The parties are responsible for coordinating with the judge's office and/or Family Court Services to set up any telephonic or video hearing.

B. All circuit civil jury trials shall be handled in the manner outlined in Section XI below.

C. Exhibits for any telephonic or video conference shall be provided to the court no less than twenty-four (24) hours before the hearing begins. Exhibits shall be furnished either by electronic mail or hand delivery to the judge's judicial assistant. If supplying exhibits by electronic mail, the judge will not automatically print them for marking and filing with the clerk. It is the responsibility of each party before a hearing to check with the individual judge to see whether they

Appendix "A"

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John A. Crawford Clerk of Courts, Nassau County, Florida

will be required to submit hard copies of any exhibits or the judge's office will print them out. The size of any proposed exhibits will be one factor in that determination.

## **II. FELONY CRIMINAL DIVISION**

A. Felony calendars at the Judicial Annex in Yulee for March 19, 2020, and March 26, 2020, are cancelled. Except for cases where the defendant is incarcerated in the Nassau County Jail (NCJ), all felony criminal cases (CF case numbers) scheduled for those dates will be rescheduled for a date after April 2, 2020. Attorneys should not come to court on either date where calendar has been suspended.

B. For all felony cases scheduled on the court's docket on March 19, 2020, and March 26, 2020, where the defendant is incarcerated in the NCJ, the court will conduct those hearings remotely by video conference using the Zoom Application.

C. Attorneys may appear remotely for those hearings or appear in the judge's chambers. However, seating will strictly be limited to ten (10) people. If an attorney wishes to appear remotely, it is their responsibility to contact the judge to receive the remote access link.

D. Prior to the remote hearings for inmates in the NCJ, the judge's office will contact all defense attorneys that have clients on the docket to determine whether their appearance at the hearing is necessary or if they may be administratively passed to another day. The only cases that will be handled by remote appearance are those where a defendant is entering a plea, an attorney has scheduled a hearing, or there is a need to address a substantive matter. All others will be passed to a date beyond April 2, 2020.

E. For now, regular felony docket will resume on April 2, 2020. However, that may be subject to change based on subsequent administrative order from the Florida Supreme Court and/or a need to address a continuing threat from the COVID-19 virus.



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F. All felony criminal jury trials shall be handled in the manner outlined in Section XI below.

G. For out of custody defendants, or in custody defendants requiring lengthier hearings in a courtroom, attorneys may contact the judge on a case-by-case basis to see if the judge will schedule a hearing.

### III. COUNTY CRIMINAL CASES

A. County court criminal calendars at the Judicial Annex in Yulee and the Historic Courthouse in Fernandina for the weeks starting March 16, 2020, and March 23, 2020, are cancelled. Except for cases where the defendant is incarcerated in the Nassau County Jail (NCJ), all county court criminal cases (MM case numbers) scheduled for those dates will be rescheduled administratively. Attorneys should not come to court on any date where calendar has been cancelled.

B. For all county court cases scheduled on the court's docket on Monday, March 23, 2020, at 1:30 p.m., where the defendant is incarcerated in the NCJ, the court will conduct those hearings remotely by video conference using the Zoom Application.

C. Attorneys may appear remotely for those hearings or appear in the judge's chambers. However, seating will strictly be limited to ten (10) people. If an attorney wishes to appear remotely, it is their responsibility to contact the judge to receive the remote access link.

D. Prior to the remote hearings for inmates in the NCJ, the judge's office will contact all defense attorneys that have clients on the docket to determine whether their appearance at the hearing is necessary or if they may be administratively passed to another day. The only cases that will be handled by remote appearance are those where a defendant is entering a plea, an attorney has scheduled a hearing, or there is a need to address a substantive matter. All others will be passed to April 1, 2020, or beyond.

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E. For now, regular county court docket will resume beginning the week of March 30 2020. However, that may be subject to change based on subsequent administrative order from the Florida Supreme Court and/or a need to address a continuing threat from the COVID-19 virus.

F. All county court criminal jury trials shall be handled in the manner outlined in Section XI below.

G. For out of custody defendants, or in custody defendants requiring lengthier hearings in a courtroom, attorneys may contact the judge on a case-by-case basis to see if the judge will schedule a hearing.

IV. SMALL CLAIMS CASES

A. All small claims cases (SC case number) scheduled for the weeks of March 16, 2020, and March 23, 2020, will be rescheduled.

V. COUNTY COURT CIVIL CASES

A. All hearings in cases pending in the county court civil division (CC case numbers) shall be conducted either by telephonic means or video conference utilizing the Zoom Application or Skype. The parties are responsible for coordinating with the judge's office to set up any telephonic or video hearing.

B. All county court civil jury trials shall be handled in the manner outlined in Section XI below.

C. Exhibits for any telephonic or video conference shall be provided to the court no less than twenty-four (24) hours before the hearing begins. Exhibits shall be furnished either by electronic mail or hand delivery to the judge's judicial assistant. If supplying exhibits by electronic mail, the judge will not automatically print them for marking and filing with the clerk. It is the responsibility of each party before a hearing to check with the individual judge to see whether they

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will be required to submit hard copies of any exhibits or the judge's office will print them out. The size of any proposed exhibits will be one factor in that determination.

#### VI. DOMESTIC VIOLENCE CASES

A. The domestic violence calendars for both circuit court divisions shall proceed forward on their regularly scheduled days. All cases involving petitions for injunctions for protection against domestic violence, repeat violence, dating violence, sexual violence, and stalking, will not be administratively continued unless by specific order of the presiding judge. Continuances may be granted on a case-by-case basis upon request of the parties, their attorneys, or the needs of the court.

B. However, the procedures for each domestic violence case shall be in accordance with CDC recommendations and there will be only one case in the courtroom at a given time. No witnesses or family members shall be allowed in the courtroom unless authorized by the presiding judge. Parties may request a continuance if they require witness testimony.

C. Only the parties, their attorneys, representatives from Micah's Place, and court personnel will be in the courtroom for a domestic violence case.

D. The court will extend all temporary injunctions when a continuance is granted.

#### VII. JUVENILE DELINQUENCY CASES

A. All juvenile delinquency cases (CJ case number) scheduled for Wednesday, March 25, 2020, will be continued administratively. Calendar for that date has been suspended.

#### VIII. SPECIALTY COURTS

A. All Nassau County specialty (Adult Drug Court, Mental Health Court, and Veterans Court) courts are cancelled for the weeks of March 16, 2020, and March 23, 2020. Cases scheduled for those weeks shall be continued to the next regularly scheduled court date beginning the week of March 30, 2020.

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B. All defendants and participants currently in a Nassau County specialty court must continue to participate in the color wheel drug testing program, or other drug testing program as required by their case manager, unless the testing program has been suspended. Additionally, each shall receive a form entitled "COVID-19 Modified PSC Requirements" and all defendants and participants shall follow all of the directions contained therein. Defendants and participants must still comply with all directions from their case managers, probation officers, assigned counselors and therapists, and any prior order of the presiding judge to the extent they are not inconsistent with the directions contained within the "COVID-19 Modified PSC Requirements" form.

**IX. MARCHMAN ACT & BAKER ACT CASES**

A. Marchman Act cases and Baker Act cases (MH case numbers) shall proceed as regularly scheduled given the urgency of such petitions.

**X. DEPENDENCY**

A. All dependency cases (DP case number) scheduled for the dependency calendars on March 20, 2020, and March 27, 2020, are continued until Wednesday, April 1, 2020.

B. Shelter hearings shall be conducted in court on an as-needed basis. They will not be postponed given the urgency of such petitions. However, they will be conducted in such a manner to comply with CDC guidelines limiting the number of individuals. Only parents, attorneys for the department and/or the parents, and a DCF caseworker will be permitted in the courtroom, in addition to necessary court personnel.

**XI. JURY TRIALS**

A. As of this time, all jury trials have been suspended statewide through the week of March 30, 2020.

B. The Fourth Judicial Circuit has further suspended all civil jury trials through Friday, May 1, 2020.

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C. Nassau County currently has no civil or criminal jury trials scheduled until the week of April 20, 2020. Understanding that all jury summons must be sent out by the Clerk of the Court by April 3, 2020, the decision to cancel all criminal jury trials for April will be deferred until the week of March 30, 2020.

D. In addition to further guidance from the Florida Supreme Court, the administrative judge will confer with the other judges sitting in Nassau County, the Clerk of the Courts and any of his designees, the director of the State Attorney's Office, the director of the Public Defender's Office, and representatives from the Nassau County Sheriff's Office before making a final decision on suspending April criminal jury trials.

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**DONE AND ORDERED** in Chambers at Yulee, Nassau County, Florida, this the 17<sup>TH</sup> day of March, 2020.

  
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JAMES H. DANIEL

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John A. Crawford Clerk of Courts, Nassau County, Florida

IN THE CIRCUIT COURT, FOURTH JUDICIAL  
CIRCUIT, IN AND FOR NASSAU COUNTY FLORIDA

**ADMINISTRATIVE ORDER NO: 2020-3**

**RE: RESTRICTIONS ON ACCESS TO ROBERT M. FOSTER JUSTICE CENTER  
AND HISTORIC COURTHOUSE IN FERNANDINA BEACH**

WHEREAS, the COVID-19 virus (coronavirus) is now considered by the World Health Organization to be a global pandemic;

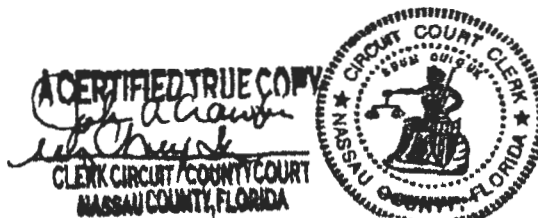
WHEREAS, the COVID-19 virus is highly contagious with no current vaccine to limit its spread and no known medication to eliminate or reduce the virus in the bodies of those infected;

WHEREAS, to date, over 6000 people nationwide have confirmed cases of the COVID-19 virus and the virus has caused the death of over 100 people;

WHEREAS, the state and federal governments have enacted numerous restrictions on daily activities, work, and travel, in addition to issuing detailed recommendations in an effort to limit the general public's exposure to the COVID-19 virus;

WHEREAS, the Centers for Disease Control and Prevention (CDC) has issued a recommendation that events and meetings should be limited to no more than ten (10) people and that individuals should practice "social spacing" by keeping a separation distance of no less than six (6) feet;

WHEREAS, the emergency related to the COVID-19 virus pandemic has disrupted all but essential operations of the statewide court system and Fourth Judicial Circuit, including the suspension of jury trials, grand jury proceedings, and all non-emergency civil and family proceedings;



Appendix "B"

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**WHEREAS**, the Fourth Circuit, in accordance with statewide and nationwide policies adopted by both private employers and government agencies, has encouraged all but essential personnel to work from home and has quarantined those employees who have traveled outside of the country, traveled on long airline flights through airports, or have weakened immune systems;

**WHEREAS**, the health and safety of employees working at both the Robert M. Foster Justice Center and the Historic Courthouse in Fernandina (hereafter collectively "Nassau County Courthouses"), and those citizens that must utilize courthouse services provided by the Fourth Judicial Circuit, the Clerk of the Court, the State Attorney's Office, the Public Defender's Office, the Property Appraiser's office, Tax Collector's Office, and the county court probation office, is of utmost importance;

**WHEREAS**, the more members of the general public that have access to the Nassau County Courthouses, the more it will necessarily increase the chance of exposing courthouse employees and other members of the general public to the COVID-19 virus;

**WHEREAS**, the Chief Judge of the Fourth Judicial Circuit has delegated authority to the Administrative Judge for Nassau County to establish temporary procedures;

**NOW THEREFORE**, by the authority vested in the undersigned, **IT IS ORDERED**:

1. Access to the Nassau County Courthouses shall be restricted in the manner more fully described in this order until Monday, March 30, 2020, in accordance with the suspension of activities as outlined by the AOSC20-13 and AOSC20-15 issued by the Florida Supreme Court.

2. No member of the general public shall enter the Nassau County Courthouses unless the following circumstances apply:

A. Required in-person attendance at a scheduled court proceeding that has not been postponed, continued, or otherwise required to be conducted telephonically and/or by video conference as a result of a separate administrative order;

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- B. Filing a petition for an injunction for protection against domestic violence, repeat violence, dating violence, sexual violence, or stalking;
  - C. Filing a petition to establish an emergency guardianship (pro se filing only);
  - D. Filing an emergency motion for a pick-up order or other emergency motion in a family law case where the issue is related to timesharing, parental responsibility, visitation, or the safety of any minor child (pro se filing only);
  - E. Filing a petition or request seeking a Risk Protection Order;
  - F. Filing a motion for temporary custody of a minor child by an extended family member under Chapter 751, Florida Statutes (pro se filing only);
  - G. Filing a petition for involuntary assessment, examination, and/or stabilization under the Baker Act (mental health) and the Marchman Act (substance abuse);
  - H. Tenant deposits into the court registry following service of eviction notice or pleadings (pro se tenants only);
  - I. Filing petition for writ of habeas corpus (only if filed by friend, wife, husband, parent, or guardian of detained person).
  - J. Obtaining a marriage license;
  - K. Filing an emergency motion to stay a writ of possession or writ of execution (pro se).
3. All other functions provided at the Nassau County Courthouses are deemed non-essential and may be accomplished through alternative methods.
4. Those members of the general public needing access to the following services provided by the Clerk of the Courts shall do so in the manner described in this section:
- A. Certified Copies: Telephone requests with documents returned by mail;
  - B. Notices of Commencement: By mail or facsimile request;
  - C. Real Estate Closing Documents: e-recording system;
  - D. Records Review: Clerk of Courts website at [nassauclerk.com](http://nassauclerk.com) or contact Clerk's Public Information Specialist at 904-548-4664.
5. Tax Deed Sales shall be postponed until further order of the court.



6. Probation services through Clear View Transformations shall be conducted by telephone only.

7. Defendants who are out of custody and represented by the Public Defender's Office are restricted from meeting with counsel in person at the Nassau County Courthouses.

8. Defendants who are in custody and represented by the Public Defender's Office may only be transported to the Nassau County Courthouses pursuant to specific authorization by the presiding judge over the felony circuit court division or the county court judge.

9. Private attorneys may enter the Nassau County Courthouses under the following circumstances:

A. Required in-person attendance at a scheduled court proceeding that has not been postponed, continued, or otherwise required to be conducted telephonically and/or by video conference as a result of a separate administrative order;

B. Filing emergency motions and petitions that cannot otherwise be electronically filed;

C. Express authorization by a sitting circuit or county court judge in Nassau County.

10. This order does not affect access to the Nassau County Courthouses by any of the following individuals: a) employees who work at the Nassau County Courthouse as a state employee for the Fourth Judicial Circuit; b) employees of the Nassau County Clerk of the Courts; c) employees of the Nassau County Sheriff's Office; d) employees working in the veteran's services office at the Nassau County Courthouses; e) county employees working in teen court; f) county employees or contract workers in building services or whose job otherwise requires repairing, cleaning, and/or maintaining Nassau Courthouse facilities; g) State Representative Card Byrd or employees who work in his office; h) State Senator Aaron Bean and employees who work in his office; i) employees of Clear View Transformations with an office in the Nassau County Courthouse; j) County Court Judges, Circuit Court Judges, Magistrates, and Senior Judges in the

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Fourth Judicial Circuit; k) employees working in the Property Appraiser's Office in the Nassau County Courthouses; l) any court reporter that is assigned to a scheduled court proceeding in the Nassau County Courthouses; m) employees of the Fernandina Beach Police Department; n) employees working in the Tax Collector's Office in the Nassau County Courthouses; and o) any employee whose job requires them to regularly work at the Nassau County Courthouses;

11. However, all employees working at the Nassau County Courthouses who are not providing essential services are strongly encouraged to work remotely from their own residence in accordance with their employer's policies;

12. Any employee, attorney, or member of the general public who has been diagnosed with the COVID-19 virus, or who has knowingly been exposed to a person diagnosed with the COVID-19 virus, is restricted from access to the Nassau County Courthouses notwithstanding any other provision in this administrative order.

**DONE AND ORDERED** in Chambers at Yulee, Nassau County, Florida, this the 19<sup>TH</sup> day of March, 2020.

  
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JAMES H. DANIEL