

Phase 2 Operational Plan for the Eighth Judicial Circuit

Alachua, Baker, Bradford, Gilchrist, Levy, and Union Counties

On June 16, 2020, The Chief Justice of the Florida Supreme Court signed AOSC20-32 Amendment 1, which acknowledged the continuing impact of the COVID-19 Pandemic on court operations, and which identified four phases through which the trial courts must progress in order to return to full and safe operational capacity. The Phases are as follows:

Phase I – in-person contact is inadvisable, court facilities are effectively closed to the public, and in-person proceedings are rare

Phase II – limited in-person contact is authorized for certain purposes and/or requires the use of protective measures

Phase III – in-person contact is more broadly authorized and protective measures are relaxed

Phase IV – COVID-19 no longer presents a significant risk to public health and safety

In order to move from Phase I to Phase II, each court is required to meet certain mandatory benchmarks and develop and submit an operational plan which addresses safety related requirements and guidelines.

BENCHMARKS

The following five benchmark criteria identified in AOSC20-32 Amendment 1, must be met prior to moving to Phase II.

1. No confirmed or suspected cases of COVID-19 in the court facility within a 14-day period; or if confirmed or suspected cases have occurred in the court facility, deep cleaning and disinfecting of exposed areas and applicable employee self-quarantine actions have been implemented.
2. Rescission of local and state restrictive movement and/or stay-at-home orders.
3. Improving COVID-19 health conditions over a 14-day period in the community. Exact conditions may vary by community. In verifying compliance with this benchmark, factors to consider include, but are not limited to: the number of confirmed COVID-19 cases and related deaths in relation to a community's population density; downward trajectory of positive tests as a percent of total tests; size of particularly vulnerable populations; availability of medical facilities including emergency and intensive care capacity; and the number of new hospitalizations (or new emergency department visits) for influenza-like or COVID-like symptoms.

4. Adequate testing programs in place, increased availability of COVID-19 tests, and emerging antibody testing.
5. Consultation with other building occupants (for multi-tenant courthouses or buildings) and with justice system partners (including, but not limited to clerk of court, state attorney, public defender, law enforcement, local bar, and others necessary to resume certain case types, such as the Department of Children and Families).

Upon reviewing the medical data, and in consultation with medical health professionals throughout the circuit, the Chief Judge will establish by Administrative Order when each of the counties of the Eighth Judicial Circuit have met the benchmark criteria to move to Phase 2.

Once in Phase 2, review of the medical data and consultation with medical health professionals shall continue, and if deteriorating conditions so dictate, some or all of the Eighth Judicial Circuit counties may be required to return to Phase 1.

REQUIREMENTS AND GUIDELINES

The Supreme Court has identified several requirements that must be addressed in the operational plan, as well as recommended guidelines for achieving a high level of safety within the courthouse which may be addressed in the operational plan. Compliance with these requirements and guidelines is designed to earn public trust and confidence in the court's efforts to put the safety of the public, and its employees, first and foremost.

Stakeholders Involved in Planning Process

In preparation for moving through the phases contemplated by the Florida Supreme Court and the COVID-19 Workgroup, the Chief Judge of the Eighth Judicial Circuit has appointed and met with multiple workgroups consisting of circuit-wide justice system partners, to collaborate with the court and help point the way forward. In addition to these circuit-wide workgroups, the Chief Judge has convened smaller groups comprised of the stakeholders specific to each county in the circuit in an attempt to address county-specific concerns, questions, barriers, and strengths to craft solutions appropriate for each local community.

These multiple workgroups are comprised of Judges, Court Administration staff, State Attorney, Public Defender, Regional Counsel, Clerks of Court, Sheriffs, County Administration, County Health Department, and the local bar.

Other Courthouse Occupants

As required, the court has collaborated with other courthouse occupants in each county to reach consensus on critical issues and protective measures. Where consensus has not been possible, such as the requirement that face coverings be worn, protective measures have been instituted exclusively in the judicial areas of the building only, emphasized by appropriate signage.

Remote hearings

All court events which can be effectively conducted remotely, shall continue to proceed by electronic means with no in-person court appearances. The Zoom platform and telephone conferencing have been successfully used for almost all event types and will continue to be used wherever feasible. Remote proceedings will continue to be used whenever possible, even in situations where in-person hearings might be authorized.

Non-Essential, Non-Critical Court Proceedings

Any court event which cannot be effectively conducted remotely with no in-person court appearances, shall not proceed unless it is an essential or critical court proceeding, as defined in AOSC20-23 Amendment 4, Paragraph III.D and Eighth Judicial Circuit AO 11.32, or qualifies as an “Other Trial Court Proceeding” as defined in AOSC20-23 Amendment 4, Paragraph III.E.

Essential or Critical Court proceedings

Any court event which cannot be effectively conducted remotely, may proceed with in-person court appearances if it is an essential or critical court proceeding as defined in AOSC20-23 Amendment 4, Paragraph III.D and Eighth Judicial Circuit AO 11.32, or qualifies as an “Other Trial Court Proceeding” as defined in AOSC20-23 Amendment 4, Paragraph III.E, and the safety precautions set forth below are employed. Such hearings shall be conducted remotely to the maximum extent possible, using a hybrid approach in which some participants appear in person and some appear remotely when feasible.

Remote Work

All court employees are required to work remotely to the maximum extent possible. If individuals are needed to come to one of the courthouses to complete their job duties, they must comply with the safety protocols set forth below, and staggered schedules must be implemented to reduce risk.

Health and Safety Screening

Self-Screening. All judges and employees are required to self-check and self-report potential COVID-19 symptoms. Those with symptoms which include: cough, shortness of breath or difficulty breathing, chills, muscle pain, sore throat, or new loss of taste or smell, must stay home and are encouraged to consult a medical professional for further guidance.

Temperature Checks. Each courthouse in the circuit will have in place either a handheld, touchless thermometer or an infrared temperature scanning machine at each entrance. Every person entering a courthouse will receive a temperature check from a health professional (paramedic, EMT, or nurse), a representative from court security, or other qualified individual agreed upon by the court and the county. Any person with a temperature at or above 100.4 will be denied entry into that courthouse and alternative arrangements will be made for that person's court appearance.

Screening Questions. Each person seeking entry into a courthouse will be asked the screening questions set forth below. Positive responses will result in the person being denied entry into that courthouse and alternative arrangements will be made for that person's court appearance.

Question 1: Have you tested positive for COVID-19 within the previous 14 days, or are you awaiting a COVID-19 test result?

Question 2: Have you had close contact with someone who has a current COVID-19 diagnosis, or with someone who is awaiting a COVID-19 test result?

Question 3: Are you under instructions to self-isolate or quarantine due to COVID-19?

Question 4: Do you have any of the following COVID-19 symptoms (not due to a known medical reason):

- New or worsening cough
- Shortness of breath or difficulty breathing
- Chills
- Muscle pain
- Sore throat
- New loss of taste or smell

Social Distancing

A distance of at least six feet shall be maintained between all individuals, including areas of private circulation.

Signage reminding the public and staff of this requirement is posted prominently throughout all courthouses.

Seating in the waiting areas and hallways have been reconfigured to promote social distancing.

Elevators have been designated to allow either 1 or 2 people in each elevator (depending upon the size of the elevator) at any given time.

Each courtroom will be limited to a maximum of 10 people in the gallery to maximize social distancing, which will be enforced by court security. Six-foot social distancing will be carefully

observed in the well of the courtroom and enforced by the presiding judge. Hearing times and court events will be staggered whenever in-person appearances are contemplated to promote social distancing in the courtrooms, as well as the common areas of the courthouses. In circumstances where in-person court events are authorized, hybrid hearings are encouraged to minimize in-person appearances.

Only individuals essential to a proceeding will be permitted in the courthouse to minimize the number of people present at any time.

Hygiene Protocols and Personal Protective Equipment

Signs are posted throughout the courthouses which encourage appropriate hygiene protocols, such as frequent handwashing, covering sneezes and coughs, and maintaining a six-foot distance. Such signs contain both words and images which communicate requirements to individuals who may not read, write, or speak English, and which comply with the ADA.

Hand sanitizer is available throughout the courthouses, including inside courtrooms. Funds have been earmarked for the purchase of hand sanitizer and other PPE, and guidelines have been established for ensuring that an adequate supply is maintained.

Face coverings are required in all public areas of the courthouse. Signs to this effect are prominently posted. Everyone is required to wear face coverings in public areas, and in private areas whenever a six-foot social distance cannot be maintained.

Exceptions may be made for judges and employees in their private offices. If an individual is permitted to temporarily lower their face covering for any reason, social distancing must be strictly maintained. All individuals are encouraged to bring their own face covering, but disposable facemasks will be provided, free of charge, to any individual seeking to attend a court event who does not have their own face covering.

A cleaning protocol has been established to disinfect surfaces that may be used by multiple individuals, such as podiums, tables and chairs, doorknobs, bannisters, and rest rooms.

Barriers have been installed in areas where the public comes into close contact with staff, such as information desks. Other physical barriers and protocols have been put in place to maintain a social distance between the public and other system partners, such as court security and clerks of court.

Enforcement

Failure or refusal to comply with any of the safety measures outlined above may result in the offending party being excluded from the courthouse, removed from the courthouse, or subject to contempt of court.

Judge and Court Staff Training

Training and support will be made available to all judges and staff to assist them in complying with this plan.

Safeguards for Vulnerable Populations

In order to protect vulnerable individuals, court events involving anyone 65 years of age or older or a person with a serious underlying medical condition (as identified by the CDC at www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-at-higher-risk.html) shall, upon request, be held in a separate proceeding in which only those persons necessary to address that case are present in the courtroom. Language to this effect shall be included on signage at courthouse entrances and on notices of hearings.

Courthouse Facility and Security

Exterior. All entry and exit points have been examined and reconfigured as necessary to ensure social distancing, and to discourage the congregation of individuals in a small area

Interior. All spaces, including courtrooms, have been given new maximum occupancy signs strictly limiting the number of individuals allowed in each space. Court security is given a list of names each day of those individuals permitted to enter for an authorized in-person proceeding. All others will be denied entry and provided with appropriate contact information to obtain information regarding next steps.

Security. Security personnel have been involved in each county workgroup and have provided input regarding reconfigurations that have been necessary. Each sheriff's office has agreed to assist the court with enforcing social distancing in courtrooms and enforcing safety protocols in the court's administrative order.

Cleaning and Disinfecting

Adequate cleaning and disinfecting supplies will be regularly distributed to each courtroom throughout the circuit to aid in ensuring that frequently used surfaces are disinfected regularly.

Court staff, county staff, and other justice system partners have agreed to partner in ensuring that surfaces are disinfected frequently.

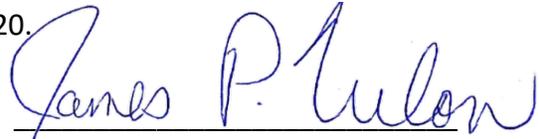
Cleaning and disinfecting of frequently touched surfaces in the public areas of the courthouse will be done throughout the day by county staff.

Hand sanitizer will be made available throughout the courthouse.

CONCLUSION

The submission of this Operational Plan and the meeting of the benchmark criteria when established by Administrative Order, would allow the Eighth Judicial Circuit to transition to Phase 2, and expand in-person activities consistent with AOSC20-23 Amendment 2 and AOSC20-32 Amendment 1 in a manner that protects the health and safety of the public, court staff, court partners, attorneys, and judges.

Approved and Submitted this 23th day of June, 2020.


James P. Nilon, Chief Judge