

FIFTH JUDICIAL CIRCUIT OF FLORIDA

COVID-19 Public Health and Safety Operational Plan: Phase 2

This operational plan is provided pursuant to the requirements contained in Florida Supreme Court Administrative Order AOSC20-32, as amended, for the purpose of transitioning to Phase 2 of court operations as defined in Florida Supreme Court Administrative Order AOSC20-23, as amended (hereinafter “Phase 2”).

Mission: To mitigate the impact of COVID-19, while keeping the courts operating to the fullest extent consistent with public safety.

Goals:

1. To provide guidance for the continued adherence to social distancing and related public health advisory recommendations.
2. To protect the health and safety of judicial officers, employees, attorneys, judicial stakeholders, and services consumers, to the extent possible and in compliance with Supreme Court of Florida Orders
3. To instill confidence in the public that the judicial branch is functioning to the safest extent possible.
4. To conduct court proceedings and related court events while taking the necessary precautions.

Benchmark Criteria: To transition to Phase 2 each trial court must meet five benchmark criteria as provide in the report entitled: *Requirements, Benchmarks, and Guidelines Governing Operational Phase Transitions*, as modified. The report was made by the **Workgroup on the Continuity of Court Operations and Proceedings During and After COVID-19** which was created by the Supreme Court of Florida for the purpose of developing recommendations, *inter alia*, “for protective measures that will allow the progressive and safe return of judges, personnel, parties, counsel, jurors, and the public to court facilities.” One recommendation adopted by the Supreme Court of Florida is the requirement that each trial court develop, implement, and file an Operational Plan.

Operational Plan Development: At the outset of the current health emergency the Chief Judge established the **Fifth Judicial Circuit Covid-19 Operations Committee**, chaired by Fifth Circuit Chief Deputy Court Administrator, Jeffery K. Fuller, Esquire (hereinafter “Operations Committee”). The Operations Committee

held daily meetings beginning in the month of March, continuing through April, May, and June, held tri-weekly meetings through July and August, presently holds regular meetings every week, and holds special meetings as needed. Through the efforts of the Operations Committee, and in conjunction with local officials and stakeholders, the below Phase 2 Operational Plan was developed and implemented. A table acknowledging the Operations Committee members appears below.

FIFTH JUDICIAL CIRCUIT COVID-19 COURT OPERATIONS COMMITTEE	
The Honorable Daniel B. Merritt, Jr	Chief Judge
The Honorable Richard Howard	Citrus County Administrative Judge
The Honorable Heidi Davis	Lake County Administrative Judge
The Honorable Edward Scott	Marion County Administrative Judge
The Honorable William Hallman	Sumter County Administrative Judge
The Honorable Ann Melinda Craggs	Family Court Administrative Judge
Jon Lin	Trial Court Administrator
Jeffery K. Fuller, Esq.	Chief Deputy Court Administrator
Roy Wolgamuth, Esq.	General Counsel
Robin Hamel	Director of Human Resources
Terry Rodgers	Court Technology Officer
Debbie Clark	Director of Case Management
Stephanie Lorich	Director of Due Process Services
Tashara Barnard	Budget and Finance Manager
Kathy Rector	Citrus County Court Operations Manager
Jeremy Moore	Hernando County Court Operations Manager
Brandon Roberts	Lake County Court Operations Manager
Kristina Devaney	Marion County Court Operations Manager
Lorna Barker	Sumter County Court Operations

PHASE 2 OPERATIONAL GUIDANCE

I. REMOTE HEARINGS AND WORK

A. Remote Hearings: Consistent with Supreme Court administrative orders or similar guidance, and Fifth Judicial Circuit Administrative Order A-2020-12, as amended, all proceedings are **scheduled to occur remotely** except those deemed essential or critical, and those deemed in the interests of justice by the Chief Judge and capable of being conducted within the guidelines necessary to protect the public health and safety while fulfilling the court system's responsibilities for the administration of justice. Hybrid hearings (concurrently in-person and remotely) may be used in certain instances. The determination of the allowability and frequency of in-person hearings, or hybrid hearings, will be made by the Chief Judge in accordance with the applicable Rules, Statutes, Supreme Court Administrative Orders, this Operational Plan, Constitution of the State of Florida, and United States Constitutions.

B. Employees Working Remotely: All employees shall work remotely to the extent their work can be done remotely throughout Phases 1-3. Vulnerable employees, and those that are caregivers for someone that is vulnerable, are able to work remotely until at least Phase 4.

II. HUMAN RESOURCES POLICY REGARDING POTENTIAL COVID-19 EXPOSURE

A. Quarantine: All employees have been instructed to contact the HR Manager, Robin Hamel, to report an event that may subject them to a quarantine from the workplace.

B. Notification: The Chief Judge has named HR Manager, Robin Hamel, as his representative for purposes of initial notification if a judge or other judicial officer experiences an event that may subject them to a quarantine from the workplace.

C. Qualifying Events: A person may be subject to a quarantine from the workplace if they experience any of the following events: 1) A positive COVID-19 test; 2) have experienced COVID-like symptoms; 3) are currently experiencing COVID-like symptoms; 4) are awaiting COVID-19 test results

after experiencing COVID-like symptoms; 5) close contact with someone who has tested positive for COVID-19; 6) close contact with someone experiencing COVID-19 like symptoms; or 7) close contact with someone awaiting test results who has experienced COVID-like symptoms. **This list is NOT all inclusive.**

D. Confidentiality of Persons Subject to Quarantine: The names of those persons identified as subject to quarantine will be added to a confidential spreadsheet for the purpose of tracking relevant dates, including return to work date.

E. Return to Work Date after Quarantine: The Human Resources Department will notify employees subject to quarantine of their return to work date.

F. Exposure Quarantine: Employees who have come into contact with a person who has a confirmed case of COVID-19 will be subject to a **14 day work-place quarantine**, however a person subject to a quarantine from the workplace who chooses to provide a negative test may be removed from the quarantine list.

G. Positive COVID-19 Test: Pursuant to CDC guidelines a positive COVID-19 test requires a **10-day quarantine**. The beginning date for quarantine will be measured from the date the test was taken. An employee may not return to work after **ten days** unless they are determined by the Human Resources Department to have: 1) No current symptoms; and 2) has been fever-free for 24 hours without the use of medication(s).

H. Availability of Remote Work while COVID-19 Positive: COVID-19 related leave is available, however, this leave type is finite. Employees who have tested positive for COVID-19 who are experiencing mild or no symptoms may choose to work remotely during quarantine without using their available leave.

I. Contact Tracing: Immediately upon an employee reporting a potential quarantine event, the Human Resources Department will ask permission to notify other employees who may have had close contact of the

possibility of the need to self-quarantine. If the employee subject to potential quarantine wishes to remain anonymous, Human Resources will “contact-trace” but will maintain employee confidentiality.

J. Notification to County Officials: The Trial Court Administrator will send an email notifying the affected county that a potential-quarantine event has been reported, and reminding everyone to follow proper cleaning procedures, wear a mask, social distance, and wash hands for 20 seconds. This email also serves as notice that contact tracing is occurring and anyone who has been in contact with this employee will receive a private call from HR.

K. Deep Cleaning: When there is a report of a potential quarantine event, Human Resources will contact the Court Operations Manager in the affected county to determine the areas that may need to be deep cleaned and sanitized.

L. Continuing Education: A return to work flyer with details about the above policy and steps to follow to insure areas are cleaned, masks are worn, and social distancing rules are followed are frequently sent out to employees, as well as posted on our intranet and visible to all employees.

III. SOCIAL DISTANCING GUIDELINES; ENFORCEMENT

A. All areas of each courthouse, including areas of private circulation are subject to social distancing guidelines. Current CDC social distancing guidance recommends staying at least six feet from other people.

B. Common areas: All common areas of each courthouse, including public common areas, galleries and wells of the courtrooms, hallways, elevators, restrooms, or other locations where the public might gather, have been prepared to ensure social distancing. This preparation included: signage, floor markings, reconfiguration of, or removal of, chairs, benches or other furniture.

C. Court Business Management: Customized hearings schedules are in place, or will be established, to ensure a limited number of persons, who have legitimate business with the court, or have need of services provided in the courthouse, will have adequate space in the common areas such as hallways, restrooms, and elevators to comply with social distancing guidelines.

D. Entry and Exit Points:

1) Exterior:

a. Configuration, re-designation, or closure of ingress points, egress points, and queuing areas has been implemented to meet CDC social distancing guidelines.

b. Highly visible tape, paint, or other means have been used to demark the floor and/or walls, to the extent possible, at six-foot intervals as a social distancing aide.

c. Directional signage, if necessary has also been utilized.

2) Interior:

a. Queueing areas have been configured in such a way as to meet CDC social distancing guidelines.

b. Occupancy limits have been set to allow for maximum social distancing within the building.

c. Tape, paint, or other means have been used to demark the floor and/or walls, to the extent possible, at six-foot intervals as a social distancing aide. Directional signage, if necessary.

d. Physical barriers, such as sneeze guards and partitions, in spaces where an employee might come into close contact with large numbers of people, such as an information desk, have been installed. Where physical barriers are not feasible, remote methods of providing services are considered.

3) Non-public Areas:

a. Open office areas, if any, have been reconfigured to comply with CDC social distancing guidelines or the employee has been assigned a different office area.

b. Break rooms, waiting areas, cafeterias, and other spaces where people tend to congregate are closed or reconfigured.

c. The number of persons allowed in a shared restroom is limited to meet CDC social distancing guidelines.

E. Enforcement: Security Personnel will enforce social distancing guidelines in a manner not inconsistent with the guidelines set forth below in Section VII. Security personnel will reasonably enforce social distancing, PPE, and other guidelines. Court security personnel shall request persons to comply with face covering requirements. If a person chooses not to comply the person will be asked to leave the facility and to provide contact information so that any hearing may be rescheduled for a later date and/or by alternative remote electronic means.

IV. HEALTH AND SAFETY SCREENINGS; VULNERABLE POPULATIONS

A. Entry: All persons entering the courthouse shall undergo health screening (see screening questionnaire below) with required temperature check. Persons who have a fever of 100.4 degrees or greater, answer affirmatively to any of the symptoms in Question 1, or answer affirmatively to Question(s) 2, 3, or 4, shall not be allowed to enter the facility. Alternative arrangements for services are available to any person refused entry, including services provided electronically or telephonically, rescheduling a hearing, or other means as appropriate.

B. Notice of Refused Entry: To safeguard against release of sensitive health information in communicating to the court that a person was not allowed to enter the facility, a simplified notification or form will be used that solely indicates “Court participant was not admitted based on refusal to comply with the guidelines or based on the screening/temperature check.”

C. Judges, Court Employees, Courthouse Security, and Constitutional Officers with offices in the courthouse: Have been advised to self-check for symptoms. If they present symptoms, they will remain home and consult their doctor or other medical professional.

D. Screening Questions: The following screening questionnaire is used to determine whether a person is allowed entry in the courthouse facility.

Question 1: Do you have any of the following symptoms (excluding those due to a known medical reason):

Fever/body temperature of 100.4 degrees or greater

Cough

Shortness of breath or difficulty breathing

Chills
Muscle pain
Sore throat
New loss of taste or smell

Question 2: Are you currently awaiting the results of a test to determine if you have COVID-19?

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

Question 4: Have you had close contact with someone with a COVID-19 diagnosis or is awaiting test results for COVID-19?

E. Vulnerable Populations: Vulnerable individuals are those over age 65 and individuals with serious underlying health conditions, such as high blood pressure, chronic lung disease, diabetes, obesity, asthma, and those whose immune systems are compromised such as by chemotherapy for cancer or other conditions requiring such therapy.

1) If an in-person hearing is scheduled, and a person who meets the above definition of a "vulnerable individual" wishes to request an accommodation to avoid an in-person appearance, that person shall file a motion with a copy to the appropriate judicial office and all counsel or parties of record. The parties may stipulate to the granting of the motion, or a telephonic or videoconference hearing on the motion should be scheduled by the judicial office.

2) When feasible and where due process rights are not negatively impacted, and if good cause is shown, a motion requesting accommodations should be granted to reduce the need for vulnerable individuals to appear in-person at the courthouse.

3) If good cause is shown, but granting the requested accommodation is not feasible or would impact the right to due process, a non-essential or non-critical hearing should be continued. If the hearing is essential or critical, the judge and parties, with the assistance of the Administrative Office of the Courts, shall make every effort to schedule and conduct the in-person hearing in a manner so as to provide the maximum available safety precautions and social distancing, for

example, providing a special set hearing, eliminating all other persons from the gallery of the courtroom, or providing a hybrid-type of accommodation.

V. HYGIENE PROTOCOLS AND PERSONAL PROTECTIVE EQUIPMENT (PPE)

A. Hygiene Protocols: The hygiene protocols established by the CDC and local Department of Health shall be promoted and followed. Extensive hygiene and social distancing signage and information are posted throughout the courthouse(s).

B. Hand sanitizer: The Fifth Judicial Circuit has obtained an adequate supply of hand sanitizer and has made it widely available throughout the courthouse, while also maintaining an effective reserve.

C. Face Masks: Face masks are required for everyone entering the courthouse building, with no exceptions. Face masks shall be worn at all times throughout the courthouse building, including inside the courtroom. The Fifth Judicial Circuit has obtained and has maintained an adequate supply of face masks, enough to supply any expected amount of persons needing one to enter.

D. Judges, court staff, and constitutional officers and their staff with offices in the courthouse: Wearing a mask in their private chambers or office, as long as social distancing is possible, is not required. If they do not have a private office, and ample social distancing cannot be observed, a mask should be worn while at their desk.

E. Mask Availability: If visitors do not have a face mask, one will be provided to them at no cost.

F. Alternative face covering: The Fifth Judicial Circuit has obtained, and will maintain, an adequate supply of clear face shields to provide to those participants involved in a court proceeding where facial expressions or features must be observed or where audio is hampered and jeopardizes the creation of an accurate court record.

G. Janitorial and Custodial

- 1) Detailed cleaning protocols for all areas have been established and those responsible are aware.
- 2) Adequate supplies of cleaning products are available throughout the facility.
- 3) Court facilities cleaning contractors have ensured that high traffic areas and frequently touched surfaces are scheduled to be cleaned and sanitized multiple times per day.
- 4) Enhanced nightly cleaning of all areas is scheduled.
- 5) Hand sanitizer and disinfectant wipes are available throughout the facility for use by employees and visitors and custodial personnel.
- 6) Cleaning supplies are staged, and employees are instructed to clean shared office equipment before every use.

H. Courtrooms/Hearing Rooms

- 1) Courtroom maximum occupancy based on the size and configuration of the room and social distancing protocols has been established.
- 2) A courtroom admittance policy limiting those persons physically permitted in the courtroom to the parties, attorneys, victims, witnesses, court reporter, court interpreter and other persons whose presence is essential.
- 3) Clean and sanitize shared surfaces, such as counsel tables and podiums, after every proceeding or similar court event at which they are used. Minimize use of shared surfaces where feasible.
- 4) Staggering scheduled court appearances and employee schedules to minimize the number of people in the building at any time and prevent crowding has been established and will continue to be revised as operationally needed.
- 5) Adequate steps to ensure the public is provided a reasonable means of access to the proceeding have been established, for those

proceedings in which the public's right to in-person access is appropriate.

VI. SIGNAGE

A. In conjunction with the Florida Department of Health, the United States Centers for Disease Control, local health officials, and in accord with Florida Supreme Court Administrative Order(s), the Fifth Judicial Circuit has posted instructional and informational signage regarding the procedures to be followed during the COVID-19 health emergency. The signage is visible, pervasive, informational, and across a variety of platforms (i.e. door signs, wall signs, placards, shielding, and electronic screens).

VII. FACE COVERING ENFORCEMENT POLICY

A. Authority: Pursuant to Administrative Order A-2020-12, as amended: "Face coverings are required for everyone entering the courthouse building, with no exceptions. Face coverings shall be worn at all times throughout the public areas of the courthouse building, including inside the courtroom." It further provides, "If visitors do not have a face covering, one should be provided to them at no cost."

B. Lawful Enforcement:

1) Violations in the Presence of a Judge

a. Violations of A-2020-12, as amended, that occur in the presence of a judge may constitute direct contempt of court and may be dealt with accordingly.

2) Violation Outside the Presence of a Judge

a. Violations of A-2020-12, as amended, that occur outside the presence of a judge may constitute indirect contempt of court. If criminal, procedurally the person would be handled in accordance with Rule of Criminal Procedure 3.840. Indirect criminal contempt proceedings provide the violator with due process protections. Regarding acts of indirect contempt, Sheriff Deputies and other sworn law enforcement officers, cannot take the type of immediate action they could take as if a crime occurred in their presence. Ultimately, a judge would need to

order a person to be taken into custody. Accordingly, when persons in the courthouse, but outside of the presence of a judge, refuse to wear a mask as required by the Administrative Order, Security Personnel and Law Enforcement Officers, will proceed forward as follows:

1. Persons who refuse to wear a mask are to be provided with a copy of A-2020-12, as amended, by Security Personnel, thereby placing them on notice of the requirements of the administrative order.

2. If these persons persist in their refusal to wear a mask as required by the order, Security Personnel may direct them to leave the courthouse. Security Personnel providing contractual services have the authority to order same.

3. If, after having been directed to leave the premises, the person refuses to leave, they may be considered to have committed the offense of trespass after warning, and may be dealt with accordingly.

4. If any person intentionally touches or strikes any Security Personnel, including pushing them in an effort to enter the courthouse, they may be considered to have committed the offense of battery on a security officer, and may be dealt with accordingly. Any other crime that occurs (assault, disorderly conduct, etc.) will be dealt with accordingly.

C. Refusal to Continue to Wear Face Covering After Entry:

a. Persons inside of the courthouse who after gaining entry, refuse to wear masks in the offices of the other constitutional officers (i.e., State Attorney's Office or Clerk's Office), Law Enforcement Officers would respond in a similar manner as outlined in Paragraph B of this Section. Thus, if a person were to refuse to leave an office having been directed to do so by an employee with the authority to direct them to leave, Law Enforcement may deal with that person as they would any trespasser. Or, if they commit any other crime, Law Enforcement could deal with them accordingly.

D. Supplemental Enforcement: If it comes to anyone's attention that person(s) are refusing to wear masks in defiance of Administrative Order A-2020-12, as amended, Law Enforcement may immediately notify the Administrative Judge of the appropriate county, the duty judge of the appropriate county, or any other judge present, who may thereafter instruct their bailiffs to have that person brought before them to address their conduct.