Supreme Court of Florida

No. AOSC20-32
Amendment 2[1]

IN RE: COVID-19 PUBLIC HEALTH AND SAFETY PRECAUTIONS FOR OPERATIONAL PHASE TRANSITIONS

ADMINISTRATIVE ORDER

The Coronavirus Disease 2019 (COVID-19) pandemic continues to have an effect upon the operations of the State Courts System and the lives of Floridians. The Florida state courts have taken measures to mitigate not only the effects of the public health emergency upon the judicial branch and its participants but also the spread of the novel Coronavirus. On April 21, 2020, the Workgroup on the Continuity of Court Operations and Proceedings During and After COVID-19[2] was created to develop findings and recommendations on the continuation of all court

1. This amended administrative order is issued to incorporate the Workgroup on the Continuity of Court Operations and Proceedings During and After Covid-19's benchmarks governing the transition to Phase 3 and reverting to and returning from a previous operational phase in the report titled *Requirements, Benchmarks, and Guidelines Governing Operational Phase Transitions,* dated July 2, 2020.

2. See *In re: Workgroup on the Continuity of Court Operations and Proceedings During and After COVID-19,* Fla. Admin. Order No. AOSC20-28 (April 21, 2020).

operations and proceedings statewide in a manner that protects health and safety and that addresses each of the following anticipated phases of the pandemic:

a) Phase 1 – in-person contact is inadvisable, court facilities are effectively closed to the public, and in-person proceedings are rare;

b) Phase 2 – limited in-person contact is authorized for certain purposes and/or requires use of protective measures;

c) Phase 3 – in-person contact is more broadly authorized and protective measures are relaxed; and

d) Phase 4 – COVID-19 no longer presents a significant risk to public health and safety.

Among its charges, the Workgroup was specifically directed to propose guidance – based on the advice of public health experts, medical professionals, or others with expertise in the management of a pandemic and the latest health advisories and safety guidelines – for protective measures that will allow the progressive and safe return of judges, personnel, parties, counsel, jurors, and the public (hereinafter collectively referred to as "justice stakeholders") to court facilities.

Following extensive research and consultation with medical professionals, the Workgroup issued and subsequently updated its report titled *Requirements, Benchmarks, and Guidelines Governing Operational Phase Transitions, July 2,*

2020, (hereinafter "report"). In that report, the Workgroup recognized that: a) the COVID-19 situation remains dynamic and that the requirements, benchmarks, or guidance may have to be modified by a subsequent administrative order as more information regarding the pandemic and best practices becomes available; b) local community needs and resources and the specific public health conditions by county are important considerations that may have a direct bearing on the implementation of the requirements, benchmarks, and guidance; c) funding and the availability of certain equipment and supplies may impact the readiness of a court to move phases; d) justice stakeholders must feel confident that their safety and welfare are the primary considerations on which decisions are made; e) the requirements, benchmarks, or guidance should be no broader than necessary to protect public health and safety while fulfilling the court system's responsibilities for the administration of justice; and f) both Phase 2 and Phase 3 involve courts managing limited resources to address needs.

The Workgroup further noted that benchmarks for moving to Phase 3 may need to be reevaluated based on additional guidance and reports from health officials and based on experience gained while operating in Phase 2. Details of any relaxation of or changes to protective measures will need to be prescribed closer to the anticipated movement to Phase 3 to ensure access to the most current and accurate guidance and information about COVID-19. The relaxation of

protective measures proposed in Phase 3 may differ by county due to local public health circumstances and resources. Additionally, the Workgroup noted that in both Phase 2 and Phase 3 public health conditions need to be monitored at least weekly to determine if modifications to operations are needed or potentially a return to a previous phase of operations is required.

Under the administrative authority conferred upon me by article V, section 2(b) of the Florida Constitution and by Florida Rules of Judicial Administration 2.205(a)(2)(B)(iv) and 2.205(a)(2)(B)(v), I approve and adopt the findings and recommendations of the Workgroup's report, as modified, which is attached hereto and incorporated herein by reference.

To advance the benchmarks, requirements, and guidelines set forth in the report, IT IS ORDERED that:

1. Court reopening protocols and practices shall be guided by Centers for Disease Control and Prevention recommendations and align with guidance provided by the Florida Department of Health, county health departments, and local medical professionals.
2. In order to transition to Phase 2 and expand in-person activities in a manner consistent with Fla. Admin. Order No. AOSC20-23, Amendment

5,[3] each district court of appeal and each trial court must have met the five benchmark criteria provided in the report[4] and must have developed a Phase 2 operational plan addressing, at a minimum, implementation of the requirements identified in the report.[5] Requirements in the report include, but are not limited to, specific public health and safety measures such as: continuing remote work to the extent possible; enforcing social distancing guidelines; conducting health screenings with a required temperature check; requiring the use of face masks for entry into, and throughout the public areas of, the courthouse; establishing detailed hygiene, cleaning, and disinfecting protocols; posting signage throughout the courthouse to remind individuals of hygiene, face mask, social distancing, and other requirements; and developing a policy to address individuals who refuse to follow health and safety requirements and guidelines in the courthouse. In developing its Phase 2 operational plan, the court shall consult with judges, court administrators, law enforcement, other justice partners, county administrators, other building occupants, if any, and county health departments or local health experts.

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3. *In re: Comprehensive COVID-19 Emergency Measures for the Florida State Courts,* Fla. Admin. Order No. AOSC20-23, Amendment 5, (July 2, 2020).

4. See report at pp. 3-4.

5. Id. at pp. 4-11.

A copy of the Phase 2 operational plan, once finalized by the chief judge of each district court of appeal and each judicial circuit, shall be filed with the Office of the State Courts Administrator.

3. In order to transition to Phase 3 and expand in-person activities in a manner consistent with Fla. Admin. Order No. AOSC20-23, Amendment 5, each district court of appeal and each trial court must have met the Phase 3 benchmark criteria provided in the report and must have developed a Phase 3 operational plan that addresses the satisfaction of the Phase 3 benchmark criteria and details the health and safety measures being taken. In developing its Phase 3 operational plan, the court shall consult with judges, court administrators, law enforcement, other justice partners, county administrators, other building occupants, if any, and county health departments or local health experts. The plan must be reviewed by a county health department or local health expert and, once finalized by the chief judge of each district court of appeal and each judicial circuit, shall be filed with the Office of the State Courts Administrator. Each trial court chief judge must certify that a compliant Phase 3 operational plan has been submitted and that the circuit or a county within the circuit is ready to transition on a specified future date

to Phase 3. The certification must be approved by the Chief Justice prior to such transition.

4. While operating in Phase 2 or Phase 3, the chief judge shall monitor applicable public health data at least weekly to determine if a modification to operations, or a change in phases, is necessary. If the county health department or local health expert advises, or data establishes, that local health conditions have deteriorated to the point that the court no longer meets the phase requirements, the court must revert to a previous phase of operations or significantly modify operations within the current phase to comply with health and safety requirements. If the court reverts to a previous phase or amends its operational plan, the court must notify the Office of the State Courts Administrator of this circumstance and of any changes to its operational plan. After a reversion, the chief judge must follow the requirements in the report to return from a previous phase.

This order shall remain in effect until amended or terminated by subsequent administrative order of the chief justice.

DONE AND ORDERED at Tallahassee, Florida, on July 2, 2020.

AOSC20-32

Chief Justice Charles T. Canady

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ATTEST:

AOSC20-32 Amendment 2 7/2/2020

John A. Tomasino, Clerk of Court

AOSC20-32 Amendment 2 7/2/2020

COVID-19 WORKGROUP

CONTINUITY OF COURT OPERATIONS & PROCEEDINGS DURING AND AFTER

Court Operations Subgroup

Requirements, Benchmarks, and Guidelines Governing Operational Phase Transitions[1, 2, 3, 4]

July 2, 2020

Background

The Court Operations Subgroup (COS) was tasked with developing findings and recommendations on the continuation of all court operations and proceedings statewide in a manner that protects health and safety and that addresses each of the following phases of the pandemic, as defined in Fla. Admin. Order No. AOSC20-28: a) in-person contact is inadvisable, court facilities are effectively closed to the public, and in-person proceedings are rare; b) limited in-person contact is authorized for certain purposes and/or requires use of protective measures; c) in-person contact is more broadly authorized and protective measures are relaxed; and d) COVID-19 no longer presents a significant risk to public health and safety.

The recommendations below specifically address Charge 3 articulated in Fla. Admin. Order No. AOSC20-28, to:

> Propose guidance – based on the advice of public health experts, medical professionals, or others with expertise in the management of a pandemic and the latest health advisories and safety guidelines – for protective measures that will allow the progressive and safe return of judges, personnel, parties, counsel, jurors, and the public to court facilities[.]

The COS conducted an extensive literature review, discussed state and national court reopening practices and guidelines, and consulted with medical professionals.[5] The COS

[1] On May 20, 2020, the Health and Safety Requirements section, on page five of the report, was modified to clarify symptoms and comport with the latest Centers for Disease Control and Prevention (CDC) guidance.
[2] On June 12, 2020, the Benchmarks for Transition from Phase 1 to Phase 2 and the Requirements and Guidelines sections were modified to clarify Benchmark 3 and to clarify the health and screening requirements, modify personal protective equipment requirements, and clarify the enforcement of requirements.
[3] On June 16, 2020, a modification was made to the Requirements and Guidelines section to clarify requirement and guideline exemptions for activities inside of the separate offices of constitutional officers in a multi-use building.
[4] On July 2, 2020, a modification was made to update the symptoms of COVID-19 to comport with the latest CDC guidance, clarify inmate and detainee screening, incorporate the benchmarks governing the transition to Phase 3, and clarify the requirements for reverting to and returning from a previous operational phase.
[5] The COS met with two medical professionals to discuss their professional opinions related to precautions courts should take in order to open their doors to the public and conduct in-person proceedings: Erin Kobetz, PhD, MPH,

recognizes that the COVID-19 situation remains dynamic and that the benchmarks and guidance offered below may have to be modified as more information regarding the pandemic and best practices becomes available. Local community needs, resources, and the specific public health conditions by county are important considerations and may have a direct bearing on implementation of the benchmarks and guidance offered below. Court reopening protocols and practices shall be guided by Centers for Disease Control and Prevention (CDC) recommendations and align with guidance provided by county health departments and local medical professionals.[6]

The COS recognizes that funding and the availability of certain equipment and supplies may impact the readiness of a court to move to Phase 2 or Phase 3. The COS recommends exploring local, state, federal, and grant funding opportunities to ensure the necessary supplies are available to protect the health and safety of all those entering the courthouse building.

Introduction

Florida is a very diverse state, and health and operational conditions vary greatly even at the local level. Precautions and safeguards necessary in one area of the state may not be necessary, appropriate, or feasible in another. Further, variations in caseloads, dockets, facilities, resources, and available employees make it difficult to establish functional and effective statewide directives. The plans and measures for resuming in-person proceedings may vary out of necessity. However, it is important that lawyers, litigants, victims, witnesses, jurors, and the public know what to expect when they interact with the courts, regardless of where that court is located within the state.

As courts consider additional in-person proceedings and more judges and court staff return to the courthouse,[7] it is imperative that judges, court staff, justice partners, and the public feel confident that their safety and welfare are the primary considerations on which decisions are made. The requirements and benchmarks provided will establish some uniformity in approach, while the operational guidelines provide needed flexibility for courts to adjust for local conditions.

Professor of Medicine and Public Health Sciences at the University of Miami Miller School of Medicine, and Cindy Prins, PhD, MPH, CIC, CPH, Clinical Associate Professor in the Department of Epidemiology at the University of Florida College of Public Health and Health Professions and College of Medicine. The Subgroup extends its thanks and appreciation for their invaluable input and expertise.

[6] The CDC's guidance as of June 26, 2020, listing the symptoms of COVID-19 and recommending at least six feet for social distancing has been included in this report at pages five through seven and page nine. Staff of the Office of the State Courts Administrator will routinely monitor the CDC guidance and notify the chief judges of the appellate and trial courts of any significant changes in the future.

[7] References in this document to a courthouse should be read to extend to any facility or building that houses courtrooms, hearing rooms, court staff or where court business is conducted, whether or not that building is formally called a courthouse.

To the extent possible, courts shall continue to use technology of all types (such as teleconferencing, videoconferencing, or other means) to facilitate the remote conduct of proceedings as an alternative to in-person proceedings. Courts should continue to innovate, increase the use of technology, and take other measures to expand remote capacity while limiting person-to-person contact when not necessary.

Benchmark Criteria for Transition from Phase 1 to Phase 2

The Supreme Court identified four phases of the pandemic: a) in-person contact is inadvisable, court facilities are effectively closed to the public, and in-person proceedings are rare (Phase 1); b) limited in-person contact is authorized for certain purposes and/or requires use of protective measures (Phase 2); c) in-person contact is more broadly authorized and protective measures are relaxed (Phase 3); and d) COVID-19 no longer presents a significant risk to public health and safety (Phase 4). Using the benchmarks provided, courts may consider moving from Phase 1 to Phase 2, wholly or in-part, based on local conditions and resources. If local conditions deteriorate, or resources become strained, it may be necessary for a court to revert to Phase 1 or adjust facets of how it is operating in Phase 2 to meet the current public health situation or the needs of the court. Additional information regarding reverting to and returning from a previous operational phase is found later in this document.

The following benchmark criteria[8] must be met prior to any court transitioning from Phase 1 to Phase 2 and expanding in-person activities:

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.

[8] Consistent with the criteria utilized by the White House (Opening Up America Again plan), Governor DeSantis (Re-Open Florida), the CDC, the US Courts. Some language modeled after that used by the Supreme Court of Missouri.

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).

It is important to ensure capacity exists for increasing or modifying operations and that all health and safety concerns are met.

Operational Plan for Transition from Phase 1 to Phase 2

Prior to expanding operations beyond Phase 1 as outlined in AOSC20-23, as amended, each court shall develop an operational plan. Broadly, the plan should describe the court's planning process and use of the benchmark criteria, detail those involved in the planning, and identify the steps to be taken in order to increase operations. Further, the court must ensure that its plan addresses all requirements discussed below and may wish to also address the guidelines specified below in that plan.

Once the plan has been finalized and approved by the chief judge, a copy shall be provided to OSCA for informational purposes.[9] As the plan is updated, revised copies shall be submitted.

While operating in Phase 2, applicable public health data shall be monitored at least weekly to determine if a modification to operations, or a change in phases, is necessary.

Requirements and Guidelines for Transition from Phase 1 to Phase 2[10]

The following requirements provide the key elements that must be included in each court's Phase 2 operational plan. Guidelines are also provided for each court's consideration. Each court may develop a single plan that encompasses all facilities and operations or may develop a separate plan for each facility or operational or functional area. Many of these requirements and guidelines may still apply when transitioning from Phase 2 to Phase 3. As noted in the Phase 3 benchmarks, courts must identify any modified or relaxed Phase 2 requirements and guidelines, as well as any public health and safety practices planned for Phase 3.

In developing the operational plan, courts shall engage and consult with judges, court administrators, law enforcement, other justice partners, county administrators, other building occupants, if any, and county health departments or local health experts. The plan will need to

[9] In current practice, courts are required to file their Continuity of Operations Plan and other emergency preparedness plans with the General Services Unit.

[10] In the case of a multi-use building, these requirements and guidelines are not intended to govern activities inside of the separate offices of other constitutional officers.

be updated on a regular basis to keep pace with advancements in best practices and to adjust for lessons learned. Courts are encouraged to establish an ongoing relationship and communication with county health departments or local health experts. Those relationships will help inform recommendations regarding the local court's readiness to authorize limited in-person contact for certain purposes and institute any appropriate measures to further safeguard public health and safety.

Remote Hearings and Remote Work

To the extent possible, consistent with Supreme Court administrative orders or similar guidance, all proceedings shall occur remotely (such as by teleconferencing, videoconferencing, or other means) unless litigants or other court participants are unable to successfully participate in a remote hearing for reasons beyond the court's control. Courts may need to conduct hybrid hearings (concurrently in-person and remotely) in certain instances. Further, all employees should be allowed to work remotely to the extent their work can be done remotely throughout Phases 1-3. Particular effort should be made to ensure that vulnerable employees, and those that are caregivers for someone that is vulnerable, are able to work remotely until at least Phase 4.

Health and Safety Screening

General Considerations

- Take precautions to ensure no one enters the courthouse when there is a likelihood that they may have COVID-19.[11, 12]
- Direct judges and employees, at a minimum, to self-check for symptoms. If they present symptoms, they must remain home and should consult their doctor or other medical professional. Law enforcement personnel, working within the courthouse or acting in their official capacity visiting the courthouse, whose agency has a policy that requires self-checking for symptoms and remaining home if they present symptoms are not subject to the health screening described below.[13] Other

[11] As of June 26, 2020, the CDC lists the symptoms of COVID-19 to include cough, shortness of breath or difficulty breathing, fever or chills, muscle or body aches, fatigue, headache, sore throat, new loss of taste or smell, congestion or runny nose, nausea or vomiting, or diarrhea.

[12] For purposes of this document, entry into a courthouse in a multi-use building refers to the security point at which individuals are screened before entering the courthouse.

[13] Workgroup member Public Defender Dimmig, who represents the Florida Public Defender Association, dissents from the portion of this recommendation that would allow a law enforcement officer, who is entering the courthouse for purposes of testifying as a witness in a jury trial, to bypass the health screening. Public Defender Dimmig expressed concern that a juror, who will later hear the officer's testimony, may see the officer receive the differential treatment that may improperly influence the juror who must, pursuant to the jury instructions, treat the officer's testimony the same as any other witness with respect to credibility. Public Defender Dimmig is also concerned that defendants, and some members of the public at large, will question the fairness of a court system that gives preferential treatment to certain witnesses simply because they are law enforcement officers. Workgroup member Chief Judge Bonner of the Twelfth Judicial Circuit concurred in Public Defender Dimmig's dissent and also noted that it will be overly cumbersome to distinguish at the courthouse entrance who is on or off

employees working within a courthouse, who are authorized to enter the courthouse with a security badge or other means that allows entry without the security screening applicable to the general public, are not subject to the health screening described below if the employee's employing agency has a policy that requires self-checking for symptoms and remaining home if they present symptoms. Require all others entering the courthouse to undergo health screening with a required temperature check.[14] 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 2, 3, 4, or 5 shall not be allowed to enter the facility. Alternative arrangements should be made for this person, such as handling their business over the phone, rescheduling a hearing, or other means as appropriate. The screening shall include the following questions:

- Question 1: Do you have any of the following symptoms (excluding those due to a known medical reason):
  - Cough
  - Shortness of breath or difficulty breathing
  - Fever or chills
  - Fatigue
  - Muscle or body aches
  - Headache
  - Sore throat
  - New loss of taste or smell
  - Congestion or runny nose
  - Nausea or vomiting
  - Diarrhea
- 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 who is awaiting test results for COVID-19?
- Question 5: Have you travelled to an area with a notably high concentration of COVID-19 cases?

o Establish a process to safeguard against release of sensitive health information in communicating to the court that a person was not allowed to enter the facility (e.g.,

duty and who has already been screened. Further, Chief Judge Bonner noted that the likelihood of substantially longer lines because of officer screenings seems minimal given that in-person proceedings are limited in Phase 2 and that creation of a "line cut" gives a public optic that certain professions are exempt from a screening with which the public must comply.

[14] The responsibility for conducting the health screening and temperature check should be defined within the local operational plan.

a checkbox form solely indicating non-admittance based on refusal to comply with the guidelines or based on the screening/temperature check).

- Consider whether special attention needs to be given to how inmates or detainees from jail and juvenile facilities who may be transported to a courtroom will be screened, including consideration of a lower threshold temperature as an indicator of symptoms. At a minimum, if inmates and detainees do not undergo a health screening and temperature check prior to being transported to the courthouse, they are subject to the health screening and temperature check requirements that are applicable to members of the public for entry into the courthouse.

Social Distancing

Social distancing guidelines shall be established and strictly enforced during Phases 1 and 2. This includes all areas of the courthouse, including areas of private circulation. Current CDC social distancing guidance recommends staying at least six feet from other people.

- Ensure social distancing in public common areas, galleries and wells of the courtroom, hallways, elevators, restrooms, or other locations where the public might gather.
  - Some areas may need to be reconfigured or have chairs, benches or other furniture removed to ensure social distancing.
  - Special attention should be given to scheduling hearings on a staggered schedule as common areas such as hallways, restrooms, and elevators may become crowded in such a way that it is impossible to maintain appropriate social distancing.

Hygiene Protocols and Personal Protective Equipment (PPE)

- Establish hygiene protocols, such as hand washing and covering coughs and sneezes.
- Post readily visible signage[15] throughout the courthouse reminding individuals of hygiene protocols, including hand washing, as well as social distancing, directional guidance and any changes to processes due to the pandemic.
- Establish guidelines for the purchase and use of hand sanitizer and PPE.
  - Hand sanitizer should be widely available throughout the courthouse, including inside courtrooms.
  - Face masks covering the nose and mouth are required for everyone entering the courthouse building, with no exceptions. Face masks shall be worn at all times throughout the public areas of the courthouse building, including inside the courtroom if two or more individuals are in the courtroom. If visitors do not have a face mask, one should be provided to them at no cost. The following exclusions apply to wearing face masks in a courthouse:

[15] Any signage used should (at a minimum) be in English and Spanish and shall comply with the Americans with Disabilities Act.

- Judges and court staff do not have to wear a mask in their private chambers or office as long as social distancing is possible. If they do not have a private office, and ample social distancing is not observed, a mask should be worn while at their desk.
- Present medical advice advocates that adequate face masks offer the best protection. However, a chief judge may adopt a policy allowing the use of a face shield or other face covering protocol as an alternative to a face mask during a court proceeding if the court determines, based on consultation with the county health department or other local health experts, that scientific guidance supports use of the alternative as a reasonable means to protect participants in the proceeding. If a court adopts such a policy, it shall apply the policy consistently across all court proceedings in the same courthouse.

▪ Consider other PPE, such as gloves and face shields, for use as appropriate. Health experts have noted that proper hand hygiene is generally preferable to gloves. An example where multiple types of PPE (mask, gloves, face shield or goggles, and apron or other covering) may be required is during the fingerprinting process.

Judge and Court Staff Training

- Provide training or other technical assistance to judges and court staff, if necessary, on changes required by the operational plan.

Other Building Occupants

- Collaborate with other building occupants and law enforcement to ensure agreement on health, safety, cleaning and disinfecting,[16] and related issues to avoid contamination by other occupants in a multi-tenant courthouse.

Vulnerable Populations[17]

- Provide accommodations to reduce the need for vulnerable individuals to appear in-person at the courthouse, when feasible.

[16] CDC guidance on cleaning and disinfecting public spaces, workplaces, and other public locations is available here: https://www.cdc.gov/coronavirus/2019-ncov/community/reopen-guidance.html.
[17] CDC guidance on people who need to take extra precautions is available here: https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/index.html.

Courthouse Facility and Security

Exterior

- Consider ingress and egress as well as queuing areas and the need to temporarily close some entry points or designate for entry or exit only.
- Use tape, paint, or other means to demark the floor and/or walls, to the extent possible, at six-foot intervals as a social distancing aid.
- Provide directional signage, if necessary.

Interior

- Reconfigure queueing areas, if needed.
- Determine if any occupancy limits or constraints are necessary to allow for maximum social distancing within the building. Some courts may consider only admitting persons with scheduled proceedings or appointments with a person or office in the courthouse, even for non-court matters. If a person does not have an appointment, provide information on how to set one. Also, limit their entry to, for example, 10 minutes prior to the scheduled appointment or proceeding time.
- Use tape, paint, or other means to demark the floor and/or walls, to the extent possible, at six-foot intervals as a social distancing aide.
- Review all space within the courthouse to determine any mitigation measures that can be taken and reconfiguration that may be necessary to allow for proper social distancing. Open office areas, in particular, may require reconfiguration or movement of employees to other areas.
- Close or reconfigure areas such as break rooms, waiting areas, cafeterias, and other spaces where people tend to congregate, as needed.
- Consider installing 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. While such a barrier may protect from droplets caused by a sneeze, it is not a replacement for wearing a mask.
- Limit the number of persons allowed in a shared restroom.

Security

- Determine what security practices or policies may require modification.
- Reconfigure the security screening station, if needed.
- Develop policies, training, and/or other technical assistance for security personnel if they are charged with health screening visitors.

- Establish a policy regarding persons who refuse to follow health and safety requirements and guidelines, such as not wearing a mask.[18]

Cleaning and Disinfecting

- Establish and enforce detailed cleaning and disinfecting protocols for all areas.
- Make adequate supplies of cleaning and disinfecting products available throughout the facility.
- Clean and disinfect high traffic areas and frequently touched surfaces multiple times per day.
- Perform enhanced nightly cleaning and disinfecting of all areas.
- Make hand sanitizer and sanitizing or disinfecting wipes readily available throughout the facility for use by employees and visitors.
- Clean or disinfect shared equipment, such as copiers, before every use.

Courtroom/Hearing Room

- Establish a courtroom maximum occupancy based on the size and configuration of the room and social distancing protocols.
- Consider a courtroom admittance policy to limit persons from entering with family members or friends that are not essential to the proceeding. Limit those physically permitted in the courtroom to the parties, attorneys, victims, witnesses, court reporter, court interpreter and other persons whose presence is essential.
- Determine potential waiting area(s) to ensure social distancing while parties wait for their proceeding.
- Follow and enforce strict social distancing protocols.
- Make hand sanitizer and sanitizing or disinfecting wipes available for use.
- Clean or disinfect shared surfaces, such as counsel tables and podiums, after every proceeding or similar court event at which they are used.

Other Business Process Considerations

- Consider a staggered schedule for court appearances and employee schedules to minimize the number of people in the building at any time and prevent crowding.
- Prioritize certain proceedings or events, if needed.
- Consider dividing employees into shifts so that there is no overlap in scheduling. If a member from one shift tests positive for COVID-19, it will be easier to identify potentially exposed colleagues.

[18] The Workgroup recognizes that law enforcement's primary responsibility is the provision of security. Court employees and law enforcement/security officers shall make reasonable efforts to enforce these health and safety requirements and guidelines, consistent with the local operational plan and judicial direction as applicable.

- Take adequate steps to ensure the public is provided a reasonable means of access to the proceeding, for those proceedings in which the public's right to in-person access is appropriate.
- Live-stream or record the proceeding, if practicable, and make the recording available as soon as possible following the conclusion of the proceeding.
- Develop a process or protocol for handling paper, both from the public and from employees. Use of a drop box may be prudent for some public submissions. Creation and use of electronic documents is a preferable practice. When paper has been submitted, scanning of all paper and transmitting electronically is a preferable practice.
- Consider staffing strategies, such as redeployment of personnel, to meet staffing needs and social distancing requirements.

All aspects of the operational plan should be applied evenly throughout each courthouse. It is understood that differences in locations or facilities may necessitate modified practices at a different courthouse within the same county or circuit.

The operational plan should provide the court with the guidance and structure necessary to navigate moving from Phase 1 to Phase 2, once the benchmark criteria have been met. All pertinent aspects of the plan should be shared broadly to ensure employees and the public are aware of the precautions being taken and are on notice of what to expect when conducting business at the courthouse. In addition to providing such information in hearing notices or other case-related postings, courts are encouraged to utilize their court's public information officer to share the information.

Benchmark Criteria for Transition from Phase 2 to Phase 3

The COS recognizes the importance of mitigating the negative effects of the public health crisis, while keeping courts operating to the fullest extent possible based on the latest recommended public health and safety measures and scientific guidance. Each court must carefully examine and balance increasing court operations with ensuring public health and safety in making a determination to transition to Phase 3. In Fla. Admin. Order No. AOSC20-28, Phase 3 is defined as "in-person contact is more broadly authorized and protective measures are relaxed." Phase 3 represents a more significant "reopening" of the courts where the nature of case types and the volume of cases being heard in-person will increase.

The following benchmark criteria must be met prior to any court transitioning from Phase 2 to Phase 3 and further expanding in-person activities:

a. Continual operation under Phase 2 for at least one month before proceeding to Phase 3.
b. Confirmation that the court continues to meet Phase 2 benchmark criteria (1 through 5 below) for transition from Phase 2 to Phase 3, with criteria 3 being modified for purposes of Phase 3 to require stable or improving health conditions.

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) Stable or 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 the clerk of court, the state attorney, the public defender, law enforcement, the local bar, and others necessary to resume certain case types, such as the Department of Children and Families).

c. Confirmation of the availability of adequate resources, supplies, and capacity to accommodate the authorization of broader in-person contact in Phase 3, consistent with national, state, and local public health guidance.
d. Identification of any modified or relaxed Phase 2 requirements and guidelines, as well as any public health and safety practices planned for Phase 3.
e. Consideration of public health data information from Benchmark b.3), above, or other data that may be recommended by a county health department or local health expert to substantiate the transition to Phase 3.

Operational Plan for Transition from Phase 2 to Phase 3

The court shall develop a Phase 3 operational plan that addresses the satisfaction of the criteria listed in a. through e. above. The plan shall be reviewed by the county health department or a local health expert and such consultation with the department or expert must be documented in the plan. The plan must be submitted to OSCA upon completion.

For trial courts, the chief judge must certify to the Chief Justice that a compliant Phase 3 operational plan has been submitted and that the circuit or a county within a circuit is ready to transition on a specified future date to Phase 3. Prior to such transition, the Chief Justice must approve the certification.

While operating in Phase 3, applicable public health data shall be monitored at least weekly to determine if a modification to operations, or a change in phases, is necessary.

The subgroup recognizes the following with respect to the transition from Phase 2 to Phase 3:

- Both Phase 2 and Phase 3 involve courts allocating limited resources to needs that exceed capacity. Transition to Phase 3 will not be uniform across courts due to differing needs and resources.
- Any benchmarks for moving to Phase 3 may need to be reevaluated based on further guidance and reports from health officials.
- Per AOSC20-28, Phase 3 includes the relaxation of protective measures. The subgroup recognizes that the details of any relaxation of or changes to protective measures will need to be prescribed closer to the anticipated transition of courts to Phase 3 to ensure access to the most current and accurate guidance and information about COVID-19. The relaxation of protective measures in Phase 3 may differ by county due to local public health circumstances and resources.

Reverting to and Returning from a Previous Operational Phase

If the county health department or local health expert advises, or data establishes, that local health conditions have deteriorated to the point that the court no longer meets the phase requirements, the court must revert to a previous phase of operations or significantly modify operations within the current phase to comply with health and safety requirements.

Additionally, resource constraints or other issues may require a court to significantly alter its operations or amend its operational plan to adjust to the ongoing nature of the public health crisis.

If the court reverts to a previous phase or amends its operational plan, the court must notify OSCA of this circumstance and of any changes to its operational plan. After a reversion, to return to:

- Phase 2, the chief judge must ensure the circuit or county within the circuit satisfies the five Phase 2 benchmark criteria and has an operational plan as required by this document. The circuit or county within the circuit must notify OSCA of the return to Phase 2.
- Phase 3, the chief judge must ensure the circuit or county within the circuit satisfies all benchmark criteria and has an operational plan as required by this document. The chief judge must also recertify to the Chief Justice that the circuit or a county within the circuit is ready to transition on a specified future date to Phase 3. Before the transition, the Chief Justice must approve the recertification.

Resource Items to Consider Having Available as Phase Transitions are Considered

The following is a non-exclusive list of items that courts may need as part of their operational plans. The COS recommends that local, state, federal, and grant funding opportunities be explored to address COVID-19-related equipment and supply needs. The list below is provided as a starting point for each court's consideration.

Hygiene, Cleaning, and Disinfecting

- Hand Sanitizer
- Dispensers for hand sanitizer (touchless preferred)
- Sanitizing or disinfecting wipes
- Dispensers for wipes (touchless preferred)
- Disposable masks
- Dispensers or storage containers for masks
- Gloves
- Face shields
- Goggles
- Thermometers (touchless)
- Appropriate cleaning supplies (soap, cleaning or disinfecting spray, etc.)
- Handwashing or hand sanitizing stations outside of the facility
- Tissues/paper towels (in addition for use to cover sneezes, can be used to open doors, etc.)
- Cleanable or disposable covers for commonly touched or used items, such as microphones

Facilities, Security, Queuing, Social Distancing

- Clip Boards
- Writing Utensils
- Barricades
- Stanchions
- Gaffer's or other type of tape to demark spacing
- Folding tables/chairs
- Radios or other communication devices
- Laptop/tablet for data collection
- Portable document scanners
- Large format monitors
- Medical grade or waterproof keyboards, mice and similar computer accessories (to allow for proper cleaning and disinfecting of shared accessories)
- Fingerprinting pads
- Portable podiums (to limit sharing of existing podium during a proceeding)
- Acrylic partitions or other barrier in spaces like information desks

- Wrist bands or other means for indicating a person has been screened (for example, to allow for them to leave for lunch and return without having to undergo expanded screening again)

Signage

- Hygiene protocols (hand washing, hand sanitizer, etc.)
- Social distancing reminders
- Markings to notate distance
- Directional signage
- Instructions/reminders for new procedures
- Admittance/Health screening notice
- Requirement to wear mask