

16th Judicial Circuit
Operational Plan for Transitioning from Phase 1 to Phase 2

Pursuant to Supreme Court of Florida Administrative Orders AOSC20-23, Amendment 6, *Comprehensive COVID-19 Emergency Measures for the Florida State Courts* and AOSC20-32, Amendment 3, *COVID-19 Public Health and Safety Precautions for Operational Phase Transitions* the 16th Judicial Circuit has developed this Operational Plan which addresses the requirements circuits must meet prior to transitioning to Phase 2, where limited in-person contact is authorized.

Per the above-referenced Supreme Court of Florida Administrative Orders, the following phases have been identified in order to promote public health and safety in the courts during the current COVID-19 pandemic:

- Phase 1: In-person contact is inadvisable, court facilities and effectively closed to the public, and in-person proceedings are rare;
- Phase 2: Limited in-person contact is authorized for certain purposes and/or requires use of protective measures;
- Phase 3: In-person contact is more broadly authorized and protective measures are relaxed; and
- Phase 4: COVID-19 no longer presents a significant risk to public health and safety.

16th Judicial Circuit's Current Phase 1 Operations

1. The 16th Judicial Circuit has been operating in Phase 1 since March 18, 2020. Many of the health and safety measures required in Phase 2 were adopted over the past several months in anticipation of transitioning into Phase 2.
2. Employees, Remote Work and Social Distancing
 - The majority of employees have been working remotely when possible;
 - Court Administration, IT and several Judicial Assistants have been present at courthouse facilities full-time;
 - Case Managers, Court Reporters, Probation, Mediation, Pretrial and Drug Court staff have operated on a hybrid schedule between telework and physical attendance at courthouses, while some have been physically at the courthouses full-time;
 - Vulnerable employees with chronic health conditions have been teleworking full-time;
 - Employees instructed not to come to work if they don't feel well or are sick;
 - Employees required to report COVID-19 symptoms and potential exposures to supervisor or Human Resources immediately and to follow CDC and Monroe County Health Department directives;
 - When present in the courthouses, social distancing in shared workspaces is required.

3. Court Proceedings

- The only in-person hearings held are mission critical hearings;¹
- Depending on the type of proceeding, all other hearings held via video or telephonic means;
- Transportation of inmates to courthouses is suspended. All hearings requiring the attendance of inmates are held via video.

4. Health and Safety Screening/Building and Entry

- Entry is restricted to attorneys and parties appearing for mission critical court hearings;
- Health screening and temperature checks required at entry points. Signage posted advising of requirements;
- Social distancing in courtrooms and public areas enforced; all courtrooms marked out to reflect 6' social distancing requirement;
- Social distancing required in elevators;
- Lobbies and public spaces marked with 6' social distancing signs on floors and walls.

5. Hygiene Protocols and Personal Protective Equipment (PPE)

- All judges, staff and court deputies provided with cloth face mask and personal hand sanitizer;
- Disposable masks provided at no charge for persons who arrive to court facilities without one; face shields provided for witnesses, if appropriate;
- Additional PPE supplies (gloves, disposable and reusable masks, sanitizer) purchased for future use;
- Sanitizer and gloves placed at all copy machines and break rooms, as well as in the courtrooms on attorney's tables and benches and at all entry points;
- Courtrooms, hearing rooms, public areas, judge's and staff bathrooms cleaned daily by Monroe County Public Works staff.

Benchmark Criteria for Transition from Phase 1 to Phase 2

Florida Supreme Court Order AOSC20-32, *COVID-19 Public Health and Safety Precautions for Operational Phase Transitions* established the following benchmark criteria that are required to 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 have been completed and applicable employees have been directed to self-isolate or quarantine.

- This benchmark has been met in the 16th Judicial Circuit in all three courthouse facilities.

¹ Effective May 11, 2020, additional in-person hearings were authorized per Administrative Order 2.079/20-1 to address infeasibility of remote proceedings due to the lack of technological resources of parties

2. No local or state restrictive movement or stay-at-home orders that limit the ability of individuals to leave their homes during the daytime.

- There are no current local or state restrictive movement or stay-at-home orders in place. Effective June 5, 2020, Governor Ron DeSantis entered Executive Order 20-139, moving the State of Florida to Phase 2 of the Plan for Florida’s Economic Recovery.

3. Improving COVID-19 health conditions over a 14-day period in the community. The public health data necessary to determine whether this benchmark has been met will be provided on an Intranet page maintained by OSCA that will be updated on a weekly basis. This data will provide seven day averages at the county level for the most recent four week period for the following four measures:

- a. The daily number of new positive COVID-19 cases (“new cases”);**
- b. The daily percentage of positive tests based on the total number tests (“positivity rate”);**
- c. The daily number of hospitalizations for COVID-19 (“hospitalizations”); and**
- d. The daily number of emergency department visits for COVID-like illness (“ED visits”).**

To ensure uniformity statewide, courts must use this data and the following methodology in determining whether this benchmark has been met. For purposes of the methodology, the phrase “two consecutive weeks of decline or stabilization” with respect to new cases, hospitalizations, and ED visits means that the measure’s seven-day average for:

- a. The most recent week is lower than or equal to the seven-day average for the measure for the prior week; and**
- b. The prior week is lower than or equal to the seven-day average for the measure for the week that is two weeks prior to the most recent week.**

To meet this benchmark, condition “a” or “b” below must be met:

- a. Both of the seven-day averages for new cases for the most recent two-week period must be 20 or fewer and both of the following measures must demonstrate two consecutive weeks of decline or stabilization:**
 - i. The seven-day averages for hospitalizations for the most recent two-week period; and**
 - ii. The seven-day averages for ED visits for the most recent two-week period.**
- b. If either of the seven-day averages for new cases for the most recent two-week period exceed 20, then both of the following criteria must be met:**
 - i. The seven-day averages for new cases for the most recent two-week period must demonstrate two consecutive weeks or decline or stabilization; and**
 - ii. Both of the seven-day averages for the positivity rate for the most recent two-week period must be less than 10 percent. If not, then both of these**

averages must be less than 11 percent and both of the following measures must demonstrate two consecutive weeks of decline or stabilization:

- a. The seven-day averages for hospitalizations for the most recent two-week period; and**
- b. The seven-day averages for ED visits for the most recent two-week period.**

- Based on the public health data provided by the OSCA dashboard as of September 14, 2020, Monroe County meets the criteria established to transition to Phase 2.
- The Chief Judge and Trial Court Administrator consulted with the Medical Director of the Monroe County Health Department on two occasions and rely on his information and data concerning local factors and trends. He believes that local conditions allow for the 16th Judicial Circuit to enter Phase 2 at this time and is comfortable with the decision the Chief Judge has made to submit this operational plan to the Chief Justice and OSCA to move to Phase 2.

4. Sufficient availability of COVID-19 tests to meet community needs.

- There are numerous private and public testing sites to meet the needs of the community in the 16th Judicial Circuit/Monroe County.

5. Consultation with other building occupants (for multi-tenant courthouses or buildings) and with justice center 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.

- The Chief Judge and Trial Court Administrator have consulted with justice system partners over the course of the pandemic on various aspects of court operations, policies and procedures. These collaborative efforts will continue during Phase 2 and all future operational phases.

16th Judicial Circuit's Anticipated Phase 2 Operations

1. The 16th Judicial Circuit anticipates entering Phase 2 on October 5, 2020.
2. The 16th Judicial Circuit will continue to monitor the data provided by OSCA weekly to determine continued compliance with Benchmark 3.

3. Employees, Remote Work and Remote Hearings

- The only in-person proceedings held are mission critical hearings and proceedings designated as allowable in person;
- All other hearings held remotely;
- More staff required to be present in the courthouses due to increased workload and to keep operations functioning in an efficient manner;
- Vulnerable employees permitted to telework to the greatest extent possible, however, will be permitted to return to office if remote work is not possible or feasible.

4. Human Resources Policy

- On July 8, 2020, a memo was sent to all staff with information regarding new screening procedures, as well as a COVID-19 reporting policy developed with guidance from the Centers for Disease Control.
- The reporting policy and procedures have been updated and formally adopted as the 16th Judicial Circuit's Potential COVID-19 Exposure in the Workplace Policy and is attached hereto as Appendix A.

5. Health and Safety Screening

- Large signs and banners were purchased and posted outside all three courthouses advising of health screening, facemask requirement and temperature checks. These are provided in both English and Spanish.
- Everyone entering a court facility must answer questions listed on the signage about any symptoms he/she may be experiencing and other COVID-19 related matters².
- All persons entering the court facilities are subject to temperature checks administrated by the Monroe County Sheriff's Office court deputies. If an individual's temperature is 100.4 or higher, he/she is not admitted into the facility.
- Any person who fails the health screening or temperature check or who refuses the health screening or temperature check is denied entry into the facility. Information is sent to the presiding judge on a standard form advising denial of entry.
- Judges, court staff and court deputies are required to self-check daily for symptoms and are to remain home and consult with their physician or other medical professional if they show symptoms or signs of COVID-19.
- At such time when inmates are transported to courthouse facilities, the Monroe County Sheriff's Office shall be responsible for individual temperature checks and health screenings prior to transport;
- At such time when juveniles in custody are transported to courthouse facilities, the Department of Juvenile Justice shall be responsible for individual temperature checks and health screenings prior to transport.

² Current signage reflects questions that have since been amended by AOSC 20-23, Amendment 6. Signage is in the process of being updated.

6. Social Distancing

- Social distancing will be enforced in all public areas of the court facilities.
- Restaurant board signage has been placed on all floors of court facilities and outside the main lobby doors notifying entrants of social distancing requirements.
- Signage is posted on floors and walls reminding court users of the CDC recommended 6' distance between people.
- Courtroom, hearing room and waiting room seating has been marked off and reduced to allow for the CDC recommended 6' distance between people.

7. Hygiene Protocols and Personal Protective Equipment (PPE)

- It is mandatory for the use of face masks for anyone entering the court facilities³
- When two or more individuals are in the courtroom, judges, as well as all participants, are required to wear a face mask.
- Employees working at their desks do not need to wear a face mask if social distancing is possible.
- All court employees and judges were provided with a reusable cloth mask, as well as the ability to obtain reusable face shields and disposable face masks if requested.
- Disposable face masks were purchased by Court Administration and distributed to the lobbies of each court facility for members of the public who do not bring their own face mask.
- A limited number of disposable face shields are available in all courtrooms throughout the circuit to provide to witnesses, if appropriate.⁴
- Courtrooms, public areas, public restrooms and staff and judge's restrooms are cleaned and sanitized daily by Monroe County Public Works staff.
- In the courtrooms, all benches and attorney's tables have been equipped with hand sanitizer and disinfectant spray.
- Public and staff entrances have been equipped with hand sanitizer; copy rooms and breakrooms have been equipped with hand sanitizer;
- Free standing hand sanitizing stations that were installed prior to the pandemic are continued to be filled by Monroe County Public Works staff;
- Extra bottles of hand sanitizer, disposable and reusable masks, disinfecting wipes, disinfectant spray and gloves have been purchased by Court Administration and are available to staff upon request

8. Judge and Court Staff Training

- The Chief Judge and the Trial Court Administrator have kept in contact with staff about operational changes and expectations since the onset of the pandemic.
- Training on Zoom has been provided to judges and court staff by the IT department and is on-going if required.

³ Per Administrative Order 2.079/20-3

⁴ The Court Operations Subgroup Report of August 6, 2020, provides authority to Chief Judges to adopt a policy allowing the use of face shields as an alternative to a face mask during court proceedings.

9. Other Building Occupants

- The Freeman Justice Center in Key West and the Marathon Courthouse in Marathon do not have any other occupants. The Plantation Key Courthouse houses one division of the Clerk of Court and the State Attorney's Office. Those building occupants notify Court Administration when there is a potential employee exposure to COVID-19, as the court would notify them if a court employee was exposed.
- Collaboration with the Monroe County Sheriff's Office and Monroe County Public Works has been ongoing through the pandemic regarding cleaning procedures and screening procedures. This collaboration will continue through Phase 2 and all future operational phases.

10. Vulnerable Populations

- Vulnerable employees and judges will continue to be permitted to work remotely, whenever feasible;
- Vulnerable parties and attorneys are encouraged to appear remotely via telephonic or videoconference, when possible.
- A phased-in approach will occur during Phase 2 for proceedings which require the appearance of inmates. Some proceedings will continue to be handled via remote means and some will allow for in-person appearances at the court facilities.

11. Courthouse Facility and Security

- Court Security deputies are available in the courthouse lobbies to assist with the health screening and to provide temperature checks, as well as to give information to presiding judges of persons not permitted entry into the court facilities;
- See Section 5 "Health and Safety Screening" and Section 6 "Social Distancing" for more detailed information on interior and exterior accommodations made.

12. Cleaning and Disinfecting

- Courtrooms, public areas and public restrooms, as well as staff and judge's restrooms are cleaned and disinfected daily by Monroe County Public Works staff;
- In the courtrooms, all benches and attorney's tables are equipped with hand sanitizer and disinfectant spray.
- Public and staff entrances are equipped with hand sanitizer; copy rooms and breakrooms have been equipped with hand sanitizer;
- Free standing hand sanitizing stations that were installed prior to the pandemic are continuing to be filled by Monroe County Public Works staff;
- Extra bottles of hand sanitizer, disposable and reusable masks, disinfecting wipes, disinfectant spray and gloves have been purchased by Court Administration and are available to staff upon request

13. Courtrooms/Hearing Rooms

- All courtrooms, hearing rooms, jury assembly rooms and waiting areas are marked-off by social distancing guidelines.

- Only parties and their attorneys are permitted into the court facility for attendance at any in-person court proceeding;
- All benches and attorney's tables are equipped with hand sanitizer and disinfectant spray and/or wipes

16th Judicial Circuit's Potential COVID-19 Exposure in the Workplace Policy

The 16th Judicial Circuit is committed to providing a safe and healthy work environment for all judges, court staff and contractors. This policy addresses COVID-19 exposure in the workplace. The reporting requirements contained herein are fully compliant with guidance from the Centers for Disease Control (CDC) and the Florida Department of Health.

All employees must notify their immediate supervisor if they:

- are experiencing symptoms consistent with having COVID-19;
- have tested positive for or have been diagnosed with COVID-19 within the past 14 days; or
- have been in close contact with an individual who is exhibiting symptoms of or who has tested positive for COVID-19 within the past 14 days.

The immediate supervisor shall immediately advise the Court Operations Manager. Verbal contact tracing will be initiated and individuals who may have been exposed to COVID-19 in the workplace will be notified.

The following exposure guidelines apply to all employees:

- Tier 1—Positive COVID-19 test. An employee who has tested positive for COVID-19 within the past 14 days must self-isolate and follow all Monroe County Health Department and medical provider instructions and guidance. The employee must consult with the Court Operations Manager and his/her immediate supervisor to discuss and determine leave options. Full-time or part-time job responsibilities that are conducive to telework may be performed if the employee feels well enough and is amenable to such an arrangement. The employee must provide a note from a health care provider or clearance from the Monroe County Health Department to return to in-person work.
- Tier 2—Experiencing COVID-19 Symptoms or Exposure to Person who has Tested Positive for COVID 19. This is an employee who is experiencing symptoms consistent with COVID-19 or who has had close physical contact for a minimum of 15 minutes, at a distance of 6 feet or less with a person who has tested positive for COVID-19 within the past 14 days. The employee must self-isolate and consult a health care provider or the Monroe County Health Department for further guidance and possible testing. The employee must consult with the Court Operations Manager and his/her immediate supervisor to discuss and determine leave options. Full-time or part-time job responsibilities that are conducive to telework may be performed if the employee feels well enough and is amenable to such an arrangement. If the employee is tested and the results are negative, he/she may immediately return to in-person work. If the employee is not tested, or tests positive for COVID-19, he/she must follow all Monroe County Health Department and medical provider guidance regarding self-isolation and must provide a note from a health care provider or clearance from the Monroe County Health Department before returning to in-person work.

- Tier 3—Exposure to a Person who has been Exposed to a Person who has Tested Positive for COVID-19. This is an employee who has had close physical contact with a person who has been exposed to a person who has tested positive for COVID-19 (Tier 2) but has not had close contact
- with a person who has tested positive for COVID-19 (Tier 1). The employee may work in-person while monitoring for COVID-19 symptoms and should notify the Court Operations Manager and his/her immediate supervisor.

Additional Information:

The 16th Judicial Circuit will not coordinate tests for employees. If an employee suspects or was informed they were in recent close contact with a COVID-19 positive individual, it is their responsibility to schedule a test at a medical facility of their choosing.

When an employee requests sick leave under the Families First Coronavirus Response Act (FFCRA), employee must provide the following information:

- Your name;
- The date(s) for which you request leave;
- The reason for the leave; and
- A statement that you are unable to work because of the above reason.

If you request leave because you are subject to a quarantine or isolation order or to care for an individual subject to such an order, you should additionally provide the name of the government entity that issued the order. If you request leave to self-quarantine based on the advice of a health care provider or to care for an individual who is self-quarantining based on such advice, you should additionally provide the name of the care provider who gave advice.

FFCRA rules may be accessed at: <https://www.dol.gov/agencies/whd/ffcra>

The FFCRA's temporary paid leave provisions are effective on April 1, 2020, and apply to leave taken between April 1, 2020, and December 31, 2020.

You may only telework when your employer permits or allows you to perform work while you are at home or at a location other than your normal workplace. Telework is work for which normal wages must be paid and is not compensated under the paid leave provision of the FFCRA.

Sources:

<https://www.cdc.gov/coronavirus/2019-ncov/daily-life-coping/returning-to-work.html>