IN THE CIRCUIT COURT OF THE SEVENTEENTH
JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA

Administrative Order 2020-80-Temp

HEALTH & SAFETY REQUIREMENTS IN COURTHOUSE FACILITIES DURING COVID-19

(a) Pursuant to Article V, section 2(d) of the Florida Constitution, and section 43.26, Florida Statutes, the chief judge of each judicial circuit is charged with the authority and the power to do everything necessary to promote the prompt and efficient administration of justice.

(b) The Centers for Disease Control and the Florida Department of Health have advised people to take precautions in light of the Coronavirus Disease 2019 (COVID-19) outbreak, and specifically noting that the best way to prevent illness is to avoid exposure to the virus.

(c) Because of the COVID-19 outbreak, Governor Ron DeSantis declared a State of Emergency on March 1, 2020, Broward County declared a Local State of Emergency on March 10, 2020, and the World Health Organization declared a global pandemic on March 11, 2020.

(d) Since March 17, 2020, the Florida Supreme Court has issued various emergency administrative orders addressing the judicial branch's response to the COVID-19 pandemic. These administrative orders may be found by visiting the following web page: https://www.floridasupremecourt.org/Emergency.

(e) In response to the COVID-19 pandemic, the Florida Supreme Court established the Workgroup on the Continuity of Court Operations and Proceedings During and After COVID-19, which has developed findings and recommendations on the continuation of all court operations and proceedings in a manner that protects health and safety, including requiring all individuals entering a courthouse to wear facial coverings and to undergo a health screening and temperature check.

(f) In accordance with the authority vested in the chief judge by Article V, section 2(d) of the Florida Constitution, section 43.26, Florida Statutes, Florida Rule of Judicial Administration 2.215, and Florida Supreme Court Administrative Order

AOSC20-32, Amendment 3 (August 12, 2020), and in an effort to promote public safety amidst the current public health emergency, it is hereby **ORDERED:**

I. **Definitions.** For purposes of this Administrative Order, the following terms have the following meanings:

A. *Courthouse facility* means any building in which judicial proceedings are conducted or court system representatives are stationed, including, but not limited to: the Broward County Central Judicial Complex located at 201 S.E. 6th Street, Fort Lauderdale, Florida 33301; the North Regional Courthouse located at 1600 West Hillsboro Boulevard, Deerfield Beach, Florida 33442; the West Regional Courthouse located at 100 North Pine Island Road, Plantation, Florida 33324; and the South Regional Courthouse located at 3550 Hollywood Boulevard, Hollywood, Florida 33021.

B. *Court system representative* means a designated representative of one or more of the following offices: Office of the Trial Court Administrator, Clerk of the Court, or Broward County Sheriff.

C. *Face covering* means a mask or other cloth fabric that fits over one's face and covers the nostrils and mouth completely but does not cover the eyes and remains affixed in place without the use of one's hands, concurrent with CDC guidelines. Information on compliant homemade masks can be found here: https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-to-make-cloth-face-covering.html.

D. *Health screening* means a temperature check and answers to all of the following questions:

i. Do you have any of the following symptoms[1] (excluding those due to a known medical reason other than COVID-19):
- Cough
- Shortness of breath
- Fever or chills
- Fatigue
- Muscle or body aches
- Headache

[1] https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html

- Sore throat
- New loss of taste or smell
- Congestion or runny nose
- Nausea or vomiting
- Diarrhea

ii. Are you currently awaiting the results of a test to determine if you have COVID-19 based on symptoms or suspected exposure?

iii. Are you under instructions to self-isolate or quarantine due to COVID-19?

iv. Within the past 14 days, have you had close contact with someone with a COVID-19 diagnosis or who is awaiting test results for COVID-19 based on symptoms or suspected exposure? Close contact is defined as contact that is less than 6 feet for 15 minutes or more, irrespective of whether a cloth face covering or respiratory personal protective equipment was worn.

II. **Health Screening Requirement**

A. Screening

Persons attempting to enter any courthouse facility must undergo a daily health screening. Persons who:

Refuse to answer all health screening questions;
Refuse to undergo a temperature check;
Register a temperature of 100.4° Fahrenheit or greater; or
Answer "yes" to any of the symptoms in the health screening questions

may be denied entry to the courthouse facility by a court system representative. Individuals registering a temperature of 100.4° Fahrenheit or greater may have their temperature checked again after waiting at least 10 minutes.

III. Face Covering Requirement[2]

A. Entry

Persons entering a courthouse facility, except children less than 2 years of age, must wear a face covering. All persons are strongly encouraged to bring their own face covering. If any person does not bring his or her own face covering, a court system representative will provide a face covering at no cost.

B. Public Areas

Face coverings must be worn at all times throughout the public and common areas of the courthouse facilities, including lobbies, hallways (including secure hallways), corridors, elevators, stairwells, restrooms, and courtrooms.

C. Chambers and Private Offices

Judges and court administration employees do not have to wear face coverings in their private chambers or offices as long as social distancing is maintained. Court administration employees who do not have private offices, and where adequate social distancing cannot be observed, must wear face coverings at all times.

IV. Denial of Entry

A. Any person denied entry to a courthouse facility because of registering a temperature of 100.4° Fahrenheit or greater or an affirmative answer to the health screening questions will be provided alternative arrangements for handling their business, including handling the matter over web-based videoconferencing (Zoom) or the telephone, rescheduling a hearing, or other means as appropriate.

B. Any person who refuses to undergo a required temperature check and/or fails to answer the health screening questions or who refuses to wear a face covering may be denied entry into the courthouse and pursuant to section 810.03(3), Florida Statutes, any law enforcement agency may remove the person from the courthouse facility.

[2] The requirements of this Administrative Order are not intended to govern the activities inside of the separate offices of other constitutional officers.

V. Face Coverings in Courtrooms

Face coverings must be worn inside courtrooms with the following exception. Presiding judges and quasi-judicial officers are empowered with the discretion to have individuals who are speaking, such as litigants, attorneys, and witnesses, remove their face coverings, if an individual's facial expression or features must be observed; or an individual's voice is inaudible, or hampered, and potentially could jeopardize the creation of an accurate court record. A 6-foot social distance must be preserved at all times while face coverings are removed. Presiding judges and quasi-judicial officers should not prohibit any individual from wearing a face covering in a courtroom unless there is a compelling and necessary reason. Presiding judges and quasi-judicial officers have the discretion to have any individual wearing an indecent or distracting face covering removed from the courtroom.

VI. Social Distancing

All persons in a courthouse facility should maintain at least a 6-foot social distance from each other at all times. If an in-person court proceeding has been approved by the chief judge, the presiding judge must ensure that all participants who are physically present in the courtroom (parties, attorneys, witnesses, victims, bailiffs, clerks, court reporters, court interpreters, technicians, and judge) maintain the appropriate social distance.

VII. Sanctions

The requirement to wear face coverings in individual courtrooms will be enforced by the presiding judges and quasi-judicial officers. In addition to the enforcement mechanisms stated in this Administrative Order, any person who willfully violates the provisions of this Administrative Order may be subject to the contempt powers of the court or removal from the courthouse facility or courtroom by any law enforcement officer.

DONE AND ORDERED in Chambers, Fort Lauderdale, Broward County, Florida, this 25th day of September, 2020.

/s/ Jack Tuter
Jack Tuter, Chief Judge