

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

**OPERATIONAL PLAN
FOR MOVING FROM PHASE 1 TO PHASE 2**

(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) As identified by Chief Justice Canady, the overarching intent of the Supreme Court emergency orders, and this Court's emergency orders, has been and continues to be to mitigate the impact of COVID-19 while keeping the courts operating to the fullest extent consistent with public safety.

(f) On April 21, 2020, Chief Justice Canady issued AOSC20-28 establishing the Workgroup on the Continuity of Court Operations and Proceedings During and After COVID-19 ("Workgroup"), to develop findings and recommendations on the continuation of all court operations and proceedings statewide in a manner that protects health and safety.

(g) On May 21, 2020, Chief Justice Canady issued Administrative Order No. AOSC20-32, *In Re: COVID-19 Public Health and Safety Precautions for Phase 2*, accepting and approving the findings and recommendations of the Workgroup's report titled *Requirements, Benchmarks, and Guidelines Governing the Transitions to Limited In-Person Contact (Phase 2)*.

It is the intent of the judicial branch to transition to optimal operations in a manner that protects the public's health and safety during each of the following anticipated phases of the pandemic:

- **Phase 1** – All in-person contact is inadvisable; court facilities closed to the public; in-person proceedings 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;
- **Phase 4** – COVID-19 no longer present a significant risk to public health and safety.

PHASE 1: The Seventeenth Circuit closed its doors to the public on March 16, 2020; and is currently in Phase 1, where in-person contact is inadvisable, access to court facilities is extremely limited and in-person proceedings are not being conducted. The Court continued its operations via the use of remote technology, primarily the web-based video conferencing platform Zoom. To date, over 6,000 hearings have been conducted remotely for both essential and non-essential court proceedings to the extent possible and consistent with Supreme Court Administrative Orders.

PHASE 2: In Phase 2, limited in-person contact is authorized for certain purposes and/or requires use of protective measures. Consistent with Supreme Court administrative orders and guidance by the Centers for Disease Control and Prevention, the Seventeenth Judicial Circuit continues to maximize remote court proceedings and programs where required or where authorized and feasible. All employees whose work can be accomplished using electronic means have the ability to work remotely. It is anticipated that vulnerable employees and caregiver employees will be able to work remotely until at least Phase 4.

To advance to Phase 2, the Supreme Court outlined the following provisions:

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. Each appellate court and each trial court must have met the five benchmark criteria provided in AOSC20-32 and must have developed an operational plan addressing, at a minimum, implementation of the requirements identified in the Workgroup's report.
3. In developing its operational plan, the court shall consult with judges, court administrators, justice partners, county administrators, other building occupants, if any, and county health departments or local health experts. A copy of the operational plan, once finalized by the chief judge or chief justice, shall be filed with the Office of the State Courts Administrator.

BENCHMARK CRITERIA:

1. No confirmed or suspected cases in court facility within 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 health conditions over a 14-day period in the community including review and analysis of the daily number of new positive COVID-19 cases, the daily percentage of positive tests based on the total number of tests, the daily number of hospitalizations for COVID-19, and the daily number of emergency department visits for COVID-like illness. The review and analysis of such measures will be done in accordance with Supreme Court mandated methodology.
4. Adequate testing programs in place, increased availability of tests and emerging antibody testing.
5. Consultation with other building occupants, and with justice partners (including but not limited to Clerk of Court, SAO, PD, BSO, Broward Bar and others necessary to resume certain case types (DCF, DJJ)).

At this time, the required benchmarks have been met as:

- A. No confirmed or suspected cases of COVID-19 in the courthouse/court facility within 14 days.

B. Rescission of local and state restrictive movement and/or stay at home orders. Rescissions of local or state-level orders have occurred. On May 1, 2020, Governor Ron DeSantis announced limited reopening of recreational trails and beaches. Executive Order 2020-123 brings all Florida counties into Full Phase 1: Safe. Smart. Step-by-Step. Plan for Florida's Recovery effective May 18. Most local restaurants and retail establishments are now open at 50% occupancy and with enhanced safety protocols.

C. Improving COVID-19 health conditions over a 14-day period in the community. Court Administration will actively monitor the public health data made available by the Florida Department of Health and posted to the Florida Courts Intranet to ensure initial and continued compliance of this benchmark. If, at any point, the public health data does not support continued operation in phase 2, the court will either revert to phase 1 or amend this operational plan accordingly.

D. Adequate testing programs in place, increased availability of COVID-19 tests, and emerging antibody tests. <https://www.broward.org/CoronaVirus/Pages/Collection-Sites.aspx>

E. Consultation with other building occupants and justice system partners.

OPERATIONAL PLAN: The Seventeenth Judicial Circuit has developed this Operational Plan after consultation with and the assistance of our stakeholders, including Broward County Administration, Broward Clerk of Courts, State Attorney, Public Defender and Broward Sheriff's Office. After extensive conversations all parties are unified in deciding that while the Circuit is able to move to Phase 2, any face-to-face proceedings should be extremely limited and only those proceedings which are authorized shall be permitted.

Steps being taken to ensure the safety of all those coming to the courthouse, including the public, Judges and staff are as follows:

- **HEALTH AND SAFETY SCREENING:**

1. Equipment to measure each person's temperature upon entering the courthouse is being put in place. Court Administration has secured staffing through G4S to measure temperatures and ask the required questions. Any individual registering a temperature of 100.4° or greater shall not be permitted into the building. Further, any person who answers affirmatively to the questions listed below shall not be permitted into the building:

- a. Do you have any of the following symptoms (excluding those due to a known medical reason):
 - i. Cough
 - ii. Shortness of breath or difficulty breathing
 - iii. Chills
 - iv. Muscle pain
 - v. Sore throat
 - vi. New loss of taste or smell
 - b. Are you currently awaiting the results of a test to determine if you have COVID-19?
 - c. Are you under instructions to self-isolate or quarantine due to COVID-19?
 - d. Have you had close contact with someone with a COVID-19 diagnosis or who is awaiting test results for COVID-19?
 - e. Have you traveled to an area with a notably high concentration of COVID-19 cases?
2. Facemasks are required to be worn to enter the courthouse and must be worn in all common areas throughout the building and courtrooms. Those individuals who do not have a facemask will be provided with one.
 3. A simplified form has been developed solely indicating non-admittance based on failure to comply with the guidelines or based on the screening/temperature check. This process will safeguard against the release of sensitive health information in communicating to the court that a person was not allowed to enter the facility. If a person is not permitted to enter the courthouse, alternate arrangements shall be made for the person (i.e. reschedule hearing, conduct business over the phone, or other means appropriate).
 4. At this time, only one entrance is open to the public in the main courthouse. All visitors will come in through the one entrance. There is a separate exit so that there should be no interaction between those entering and exiting. There are markers on the sidewalk leading to the courthouse entrance to ensure social distancing.
 5. Security screening areas have been reconfigured to avoid crowding and ensure social distancing

- **HR POLICY:**

1. Court Administration has developed a human resources policy addressing potential COVID-19 exposure in the workplace that is applicable to court employees, including judicial assistants, and judges who enter a court facility to perform all or part of their work. The policy is attached to this Operational Plan as Appendix A.

- **SOCIAL DISTANCING:**

1. The lobby areas and hallways have been reconfigured to indicate 6-foot intervals on the floors and walls. Seating has been removed from these areas to enable social distancing.
2. Any permitted in-person hearing shall be scheduled at staggered times to prevent crowding of the hallways and waiting areas.
3. Persons having a hearing are being notified not to arrive to the courthouse more than 15 minutes prior to their hearing. Only those persons directly involved in the hearing shall be permitted into the courtroom.
4. Courtrooms have been reconfigured to limit the number of persons permitted to ensure social distancing.
5. BSO and G4S personnel are responsible for enforcing security and social distancing guidelines. A policy has been established regarding those persons who refuse to follow the guidelines.
6. Only those persons with scheduled proceedings or appointments with a person or office in the courthouse will be permitted to enter the courthouse. If a person does not have a proceeding or appointment, information will be provided to them on how to set one.

- **HYGIENE PROTOCOLS AND PPE:**

1. Judges and Court Administration employees, as well as the Clerk of Courts, State Attorney, Public Defender, BSO and Broward County have been directed to self-check for symptoms and if they present symptoms, they **must** remain at home.
2. Signage has been placed in the hallways throughout the courthouse, reminding individuals of hygiene protocols and social distancing, and providing directional guidance.

3. County staff routinely clean and disinfect high traffic areas and frequently touched surfaces and conduct enhanced nightly cleaning and disinfecting of all areas.
4. Hand sanitizer and/or disinfecting wipes are available throughout the courthouse.
5. Signage will be placed on doors to shared restrooms restricting the number of persons.

- **COURTROOMS:**

1. In Phase 2, the Court will continue to conduct hearings remotely on all matters in which it is feasible. Certain hearings may be permitted face-to-face if one of the following exceptions exist:
 - i. Remote conduct of the proceeding is inconsistent with the United States or Florida Constitution, a statute, or a rule of court that has not been suspended by administrative order; or
 - ii. Remote conduct of the proceeding would be infeasible because the court, the clerk, or other participant in a proceeding lacks the technological resources necessary to conduct the proceeding or, for reasons directly related to the state of emergency or the public health emergency, lacks the staff resources necessary to conduct the proceeding.
2. In-person hearings will be prioritized as outlined in Memorandum issued by Chief Justice Canady (Attached at Appendix 1).
3. During Phase 2, only limited courtrooms will be available for any authorized in-person hearings. Those courtrooms designated for such use have been determined to be able to be reconfigured to ensure social distancing.
4. All proceedings will continue to be held remotely unless under the exceptions above.
5. Facemasks will be worn in all courtrooms.
6. Ongoing training is being provided to Judges and staff to enable them to conduct proceedings remotely.

- **COURT ADMINISTRATION OFFICES:**

1. Court Administration has detailed those offices containing open area seating (cubicles), and will stagger staff to ensure 6-foot intervals. For those areas where such social distancing is not possible staff will be required to wear facemasks at their desks.
2. Breakrooms and conference rooms have been reconfigured to limit the number of persons to ensure 6 foot distancing. In those areas where this is not possible all staff are required to wear facemasks.

- **OTHER AREAS OF THE COURTHOUSE:**

1. The number of individuals permitted in elevators will be limited to the extent possible to permit 6-foot intervals. All persons using elevators are required to wear facemasks.
2. All documents shall be filed electronically if feasible.
3. Pro se litigants will be asked to provide an email address for electronic mailing of papers and orders.
4. Drop boxes will be available for public submission of papers.

- **DEPARTMENT OF DETENTION/COURT MOVEMENT:**

1. Any inmate identified as suspect, confirmed or exposed will not be transported to the courthouse.
2. Inmates being transported to the courthouse will have their temperature taken at a designated staging area.
3. Staff and inmates will wear masks at all times.
4. The number of inmates moving through or being held in court holding areas into the courtrooms and back will be reduced in order to practice social distancing.
5. All restraints used will be sanitized before and after each use.
6. Cleaning will be conducted daily to include frequently touched objects and surfaces, holding cells, work stations, movement areas etc.
7. Hand sanitizer dispensers will be placed in designated areas.

THIS PLAN IS ONGOING AND SUBJECT TO CHANGE AS CONDITIONS CHANGE.