

THIRTEENTH JUDICIAL CIRCUIT OPERATIONAL PLAN FOR TRANSITIONING FROM PHASE 1 TO PHASE 2 DURING THE COVID-19 PANDEMIC

BACKGROUND

The Thirteenth Judicial Circuit is addressing the directives of the Florida Supreme Court, as described in Administrative Orders AOSC20-23, Amendment 8 (November 23, 2020) and AOSC20-32, Amendment 6 (December 21, 2020) in order to promote public health and safety during the COVID-19 pandemic. The anticipated phases of court operations are as follows¹:

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

To advance from Phase 1 to Phase 2, judicial circuits must²:

1. Meet the five benchmark criteria provided within the report of the COVID-19 Workgroup on the Continuity of Court Operations and Proceedings During and After, Court Operations Subgroup (Workgroup), titled *Requirements, Benchmarks, and Guidelines Governing Operational Phase Transitions, Amendment 9 (December 17, 2020)* (Report); and
2. File an operational plan with the Office of the State Courts Administrator addressing implementation of the requirements identified in the Workgroup's Report.

REOPENING PROTOCOLS & PRACTICES

All of the following protocols and practices have been established with the guidance provided within the Report. In addition, the Thirteenth Judicial Circuit

¹ Florida Supreme Court Administrative Order 20-23, Amendment 8, (November 23, 2020) - Comprehensive COVID-19 Emergency Measures for Florida Trial Courts.

² Florida Supreme Court Administrative Order 20-32, Amendment 6 (December 21, 2020) - COVID-19 Public Health and Safety Precautions for Operational Phase Transitions.

has aligned the Report guidance with guidance provided by the Florida Department of Health and the Hillsborough County Health Department.

BENCHMARK CRITERIA

The following benchmark criteria have been met by the Thirteenth Judicial Circuit:

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.

The Thirteenth Circuit has a collaborative relationship with the Hillsborough County Facilities Department. The county has contracted with a vendor to provide timely sanitation services of exposed or potentially exposed court spaces. Isolation or self-quarantine actions are implemented immediately following exposure.

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.

Governor Ron DeSantis issued Executive Order 2020-123, effective May 18, 2020, bringing most Florida counties, to include Hillsborough, to Full Phase 1 in his Safe. Smart. Step-by-Step. Plan for Florida's Recovery. Governor DeSantis issued Executive Order 2020-139, effective June 5, 2020, bringing Florida counties to Phase 2 in his Safe. Smart. Step-by-Step. Plan for Florida's Recovery. Governor DeSantis issued Executive Order 2020-244, effective September 25, 2020, bringing Florida counties to Phase 3 in his Safe. Smart. Step-by-Step. Plan for Florida's recovery. Restaurants may not be restricted to less than 100% of its indoor capacity without a COVID-19 emergency order that quantifies the economic impact and explains the public health necessity.

3. Improving COVID-19 health conditions over a 14-day period in the community.

The Intranet page maintained by OSCA indicates that public health indicators for Hillsborough County were within the parameters applicable to Phase 2 operations when the Thirteenth Circuit moved to Phase 2 on August 31, 2020. Chief Judge Ronald Ficarrota modified operations for the Thirteenth Circuit on January 8, 2021, via Administrative Order S-2021-008, due to the

weekly average COVID positivity in Hillsborough County increasing above 10% for the first time. Non-jury, in-person proceedings are temporarily suspended until March 1, 2021, with petit and grand jury proceedings temporarily suspended until February 8, 2021. These suspensions may be extended by further order of the chief judge.

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

Hillsborough County has added testing sites, including drive-through testing at CVS Pharmacies and other easy-to-access establishments. We have also established a relationship with a local public health expert, which enables the circuit to address specific public health questions in an expedient manner.

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

The chief judge and trial court administrator consult with the Clerk of the Circuit Court, the Sheriff of Hillsborough County, the State Attorney, and the Public Defender, or their representatives, on at least a biweekly basis to discuss matters pertaining to criminal proceedings specifically.

REQUIREMENTS & GUIDELINES **IDENTIFIED BY THE WORKGROUP**

Remote Hearings and Remote Work

During Phase 2, the Thirteenth Circuit continues to encourage telework among judges, judicial assistants, AOC personnel and stakeholders. Judicial proceedings will primarily be conducted via remote hearings. Most in-person proceedings are temporarily suspended pursuant to Administrative Order S-2021-008. The transportation of incarcerated defendants is also temporarily suspended.

Human Resources Policy

The circuit has implemented a *Potential COVID-19 Exposure in the Workplace Policy, Rev. 2/10/2021*, (see attached).

Health and Safety Screening

The chief judge issued Administrative Order S-2021-006 (*Health and Safety Requirements in Courthouse Facilities During COVID-19 Mitigation Efforts*) that requires a health screening, including temperature check, and face masks in order to enter and occupy any courthouse facility in the Thirteenth Judicial Circuit (Hillsborough County).

Social Distancing

Since March 18, 2020, the chief judge has encouraged social distancing within courthouse facilities and has required that presiding judges ensure that all in-person proceedings are conducted so that all participants maintain the appropriate social distancing. See also Administrative Order S-2021-006 (*Health and Safety Requirements in Courthouse Facilities During COVID-19 Mitigation Efforts*).

Hygiene Protocols and Personal Protective Equipment (PPE)

Courthouse staff and visitors will queue for building entry using social distancing protocols. They will be screened for COVID-19 indicators and temperature checked. Daily wristbands will be provided to those who pass the health and temperature screening to enable movement among court properties on the same day without supplemental health screening. Staff and visitors are encouraged to bring their own face mask; however, the AOC will provide a face mask to those in need. Witnesses may be provided clear face masks so that they can testify in-person with visible facial expressions, upon judicial determination. Signage applicable to health and safety are on display, in both English and Spanish, throughout all courthouse facilities, addressing hand washing, social distancing, face masks, and limited touch of the face.

Judge and Court Staff Training

Training and technical assistance have been provided, and continue to be available, to judges, judicial assistants, and court staff regarding the use of remote technology necessary to conduct remote judicial proceedings and telework. A dedicated intranet space also contains written self-help resources. Pre-recorded video messages are made available to judges, judicial assistants, and court staff via the circuit's YouTube channel, posted as unlisted, to communicate meaningful updates and address training needs. The Executive Team of the Administrative Office of the Court (AOC) has also taken the online Contact Tracing training course provided by Johns Hopkins Bloomberg School of Public Health.

Other Building Occupants

On June 8, 2020, representatives of the AOC, Clerk and Sheriff met to discuss the specific protocols involved with health screening of visitors and staff. Consensus was reached as to the manner by and location at which Sheriff contractors will conduct health screening. The process by which those who fail to gain court

facility access will be assisted was also established collaboratively. These protocols have also been shared with the State Attorney and Public Defender.

Vulnerable Populations

Only in rare circumstances will a vulnerable individual be required to attend a judicial proceeding in-person. Accommodations have been prepared to reduce the need for vulnerable individuals to appear in-person, to include generous excusals for prospective jurors aged 65 and older, and a reliance upon remote appearance technology.

Courthouse Facility and Security

Courthouse staff and visitors will queue for building entry using social distancing protocols. Distinct points of entry and exit are designated for all courthouse facilities. Tape, paint and adhesive signs are used to demark floors, at six-foot intervals as a social distancing aid. Signage applicable to health and safety are on display, in both English and Spanish, throughout all courthouse facilities, addressing hand washing, social distancing, face masks, and limited touch of the face.

Cleaning and Disinfecting

Disinfectant products and gloves are placed in common spaces, such as breakrooms, copy rooms and conference rooms. Courthouse staff will sanitize within these spaces immediately following use. Courtrooms will also be stocked with disinfecting products and gloves so that parties can clean furniture and fixtures between use. Thorough cleaning and sanitation services will be provided on touch surfaces two times per business day and each business evening by Hillsborough County Facilities Department. Hand sanitizer is also readily available in public spaces.

Courtroom/Hearing Room

All courtrooms and hearing rooms of the Thirteenth Circuits have been measured and maximum occupancy is recorded to maintain social distancing within each space. Judges and quasi-judicial officers may be assigned size-appropriate courtrooms for the purpose of approved in-person hearings. Hand sanitizer and sanitizing products are available for courtroom and hearing room occupants.

Other Business Process Considerations

The following additional steps have been taken to prepare for the Thirteenth Judicial Circuit to transition to Phase 2:

- Remote appearance technology has been incorporated into the Hillsborough County jails to facilitate remote appearances by incarcerated defendants, to include a means to provide private conversations between attorneys and clients.
- Remote participation technology has been incorporated into AOC business processes to facilitate remote due-process functions, such as court reporting and court interpreting.
- Certain AOC departments and programs have developed staggered shift schedules, in conjunction with telework opportunities, to minimize crowding.
- The AOC collaborated with Clerk personnel to establish best practices for handling evidence, to include the use of gloves, sealable envelopes or bags, and a preference for electronic evidence, where practical.

Effective Date

The Thirteenth Judicial Circuit transitioned from Phase 1 to Phase 2, on August 31, 2020. Operations were modified on January 8, 2021 in response to rising COVID positivity. The circuit's Operational Plan was made effective on January 26, 2021 and the related Potential COVID-19 Exposure in the Workplace Policy was made effective February 10, 2021.

Attachment: Potential COVID-19 Exposure in the Workplace Policy,
 Thirteenth Judicial Circuit