



**IN THE CIRCUIT COURT OF THE FOURTEENTH JUDICIAL CIRCUIT  
OF THE STATE OF FLORIDA**

**ADMINISTRATIVE ORDER 2020-00-11**

**RE: COVID-19 SEVENTH AMENDED OPERATIONAL PLAN FOR THE  
FOURTEENTH JUDICIAL CIRCUIT TRANSITIONING FROM PHASE 1 TO PHASE 2**

*Updated: Calhoun and Holmes Counties transition to Phase 2*

**WHEREAS**, in accordance with AOSC 20-23 Amendment 6, and AOSC 20-32 Amendment 3, effective August 12, 2020, and the COVID-19 Court Operations Subgroup Requirements, Benchmarks, and Guidelines Governing Operational Phase Transitions dated August 6, 2020, judicial circuits are directed to develop an operational plan and to have met specified requirements before transitioning to Phase 2, wherein limited in-person contact is authorized.

**WHEREAS**, the Fourteenth Judicial Circuit will continue to implement the following health and safety precautions for Phase 2 to protect the health and safety of litigants, attorneys, visitors, court staff, judges, and other individuals entering courthouses and court facilities.

**WHEREAS**, pursuant to AOSC 20-23 Amendment 6, AOSC 20-32 Amendment 3, the following operational plan is directed.

**MISSION**

The mission of the Judicial Branch and the Fourteenth Judicial Circuit is to protect rights and liberties, uphold and interpret the law, and provide for the peaceful resolution of disputes.

**IMMEDIATE GOAL**

Transition to limited in-person contact for certain purposes utilizing protective measures.

**GENERAL**

1. The court places the health and safety of all judges, court staff, legal partners, and the general public at the highest priority. Likewise, judges shall lead during this pandemic by comporting themselves in such a manner to increase the public's confidence in court operations. Accordingly, judges will comply with all Administrative Orders issued by the Supreme Court of Florida and orders issued by the Chief Judge, including conducting in-

person proceedings according to the guidance issued by the Florida Supreme Court and applicable recommendations by the Court Operations Subgroups, regarding social distancing, maximum group size, and other restrictions and precautions.

2. All judges will use all reasonable efforts to conduct proceedings remotely to the maximum extent feasible, in accord with the law.
3. The Chief Judge will maintain regular communication with the local health authorities and Florida Department of Health and adjust this operating plan as necessary with conditions found utilizing the five benchmark criteria as described herein, for the Fourteenth Judicial Circuit and each county therein.
4. **Judges in all Calhoun and Holmes Counties are authorized to transition to phase 2-limited in-person hearings.**
5. **All other counties are not authorized to conduct non-essential limited in-person proceedings, unless as reflected on the Grid herein. No jury trials are authorized while in Phase 2 until further order. No county may transition to phase 3 until the Chief Justice approves the Circuit transition plan for transition to Phase 3.**

#### **EQUIPMENT AND SUPPLIES**

Court Administration has purchased and deployed equipment necessary to promote hygiene, social distancing and personal protection. Additional supplies and equipment shall be updated and procured on a regular basis. Equipment and supplies may be dependent upon funding sources and availability.

Should critical equipment and supplies not be available either for lack of funding or availability, transition between phases may be delayed until such time as such critical supplies may be procured to meet the safety and welfare of all persons in a courthouse.

#### **JUDGES AND COURT STAFF HEALTH**

1. Judges and court staff who can perform the essential functions of their job remotely will telework when possible. Vulnerable employees and those who may be caregivers for someone who is vulnerable should work remotely until further direction by Court Administration.
2. Court managers shall establish, to the maximum extent possible, a rotating system in each court unit where employees will go into the office at varying times so at least one person is teleworking each day.
3. Judges and court staff should, at a minimum, self-check for symptoms. If they present symptoms, they must remain home and should consult a medical professional. 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, or 4, shall not be allowed to enter the facility. Alternate arrangements should be made for those persons. 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 other than COVID-19):
    - Cough
    - Shortness of breath or difficulty breathing
    - Chills
    - Muscle pain
    - Sore throat
    - New loss of taste or smell
  - 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?
4. Judges and court staff will be required to wear face coverings in public areas in the courthouse, practice social distancing, and practice appropriate hygiene recommendations at all time while in public spaces.
5. All court staff and judicial assistants will be required to have a screening and temperature check before being permitted in their work areas. Court Administration will provide court staff and judicial assistants with specific details on how screening will be done and who will perform and where temperature checks will be done. Court staff are charged with the responsibility to remain vigilant as to their health conditions, and to remain at home if sick or answering in the affirmative any screening questions. Judges are encouraged to participate in this screening process.
6. Judges and Staff (or with close family members) testing positive for COVID-19 shall follow CDC, FDOH and Court Administration protocols before returning to work. Judges and Staff should follow the advice of medical professionals on this matter. ***Court Administration shall develop a Human Resources Policy to ensure proper notification by employees to Court Administration of any positive tests, to develop contact tracing, and to provide for Court Administration notification to impacted persons. Additionally, this policy shall include a policy to address individuals who refuse to follow health and safety requirements and guidelines in the courthouse.***
7. Protective Measures:
- Hand sanitizer will be widely available throughout the courthouse, including inside courtrooms, and the bench area.
  - Face masks are required for court staff entering the courthouse building, with no exceptions. Face masks should be worn at all times throughout the courthouse

building when in public areas, including in the courtrooms when two or more persons are present (unless other suitable protective measures are present). Masks shall be solid in color and shall not be distracting or in bad taste. Professionalism and good judgment should be followed.

- Judges and court staff do not have to wear a mask in their private chambers. If they do not have a private office, and ample social distancing cannot be observed, a mask should be worn at their desk.
  - Judges and court staff shall wear a mask in any public space and breakrooms when others are present.
  - Face shields or other alternative face and shield options are permitted as an alternative to a face mask during court proceedings, based upon guidance and approval from local Departments of Health.
8. Court Administration will continue to provide available supplies, training, and other technical assistance to judges and/or court staff, if necessary, on any changes/updates to this operational plan.
  9. Judges and court staff should wipe down their work areas at the end of each day including desks, keyboards, phones, etc.
  10. The Clerk will continue to provide for general cleaning of court facilities.
  11. Relevant CDC and Florida Department of Health guidance will be communicated to judges and court staff on an on-going process.
  12. The release of any sensitive health information shall be safeguarded by all judges and court staff.

### **SCHEDULING**

1. Judges and court managers should meet with their designated deputy clerks to establish staggered schedules to meet maximum occupancy in each courtroom. These schedules shall be made available to all litigants.
2. The Clerk of Court will determine maximum capacity for all courtrooms and hearing rooms. The Clerk of Court will place a sign on each room with that number.

### **VULNERABLE POPULATIONS**

1. Individuals who are over age 65 and individuals with serious underlying health conditions, such as high blood pressure, chronic lung disease, diabetes, obesity, asthma, and those whose immune systems are compromised such as by chemotherapy for cancer or other conditions requiring such therapy, are considered to be vulnerable populations.
2. Each judge will include information on orders setting hearings, docket notices, and in other communications, notifying individuals who are in vulnerable populations of the ability to

contact the court to identify themselves as a vulnerable individual and receive accommodations. A notice with this information will be posted on the courts' websites and in conspicuous locations around the court building.

3. Vulnerable populations who are scheduled for court will be accommodated by flexible court dates and continuation of existing court dates to Phases 3 and 4.

### **SOCIAL DISTANCING**

1. Only litigants and persons required for the proceeding are permitted in the courthouse during Phase 2. Live streaming options may be available in certain courts, and for those types of hearings where recordings are available, arrangements for purchase of said recordings may be made through Court Reporting Services.
2. All persons who are permitted in the court building shall maintain adequate social distancing of at least six feet.
3. No more than two individuals not from the same household will be permitted in an elevator.
4. Each restroom has been evaluated to determine the appropriate capacity to ensure social distancing and the maximum capacity. The Clerk of Court will post the number on each restroom door.
5. Public common areas, including breakrooms and snack rooms, are closed to the public, unless otherwise designated.
6. Spaces and furniture shall be reconfigured to meet distancing and security needs.

#### *Gallery*

7. The maximum number of persons permitted in the gallery of each courtroom will be posted by the Clerk of Court. The maximum capacity of the courtroom will be monitored and enforced by judges and court staff where available.
8. The gallery of the courtroom has been marked to identify appropriate social distancing in the seating. Seating is limited to, at least, every other row.

#### *Well*

9. In each courtroom, the counsel tables, witness stand, judge's bench, and clerk, court reporter, and bailiff seating will be arranged in such a way so that there is social distancing of at least 6 feet between each space. Marking may also be placed on the floor. Area shields may be purchased by Court Administration and deployed to each courtroom for enhanced protection to persons in the well area.

### **HYGIENE**

1. Hand sanitizer dispensers will be placed at the entrances to the building, outside of elevators on each floor, outside of each courtroom, and outside of bathrooms.
2. Tissues will be placed near the door of the courtroom, at counsel tables, at the witness stand, on the judges' benches, and in the hallways.
3. Readily visible signage will be posted by the Clerk of Court 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. Signs consistent with CDC guidance are permitted.
4. Hand sanitizer will be widely available throughout the courthouse, including inside courtrooms.
5. Face masks shall be worn by everyone entering the courthouse building without exception, including inside the courtroom. Face masks shall be worn at all times throughout the building. Each constitutional officer maintaining an office in the Court facility shall exercise independent judgment and discretion as to levels screening and PPE worn by their respective staffs consistent with this Order, CDC guidance and in keeping with Operational Security and Readiness.
  - This condition may change based upon the dynamic nature of present circumstances and COVID-19 infections.
  - Face shields or other alternative face covering protocol are permitted for those participants (i.e. Attorneys) involved in a court proceeding where facial expressions or features must be observed or where audio is hampered and jeopardizes the creation of an accurate court record.

## SCREENING

1. All persons (with exception of judges, court staff, court security, clerk of court, courthouse tenants) shall be required to:
  - Undergo health screening with a required temperature check. A person who refuses the health screening, who has a fever of 100.4 degrees or greater, answers affirmatively to any of the symptoms in Question 1, or answer affirmatively to Question 2, 3, or 4, 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 other than COVID-19):
      - Cough
      - Shortness of breath or difficulty breathing
      - Fever or Chills
      - Fatigue and muscle or body aches
      - Headaches
      - Sore throat

- New loss of taste or smell
  - Congestion or runny nose
  - Diarrhea
- Question 2: Are you currently awaiting the results of a test to determine if you have COVID-19 based on symptoms or suspected exposure?
  - Question 3: Are you under instructions to self-isolate or quarantine due to COVID-19?
  - Question 4: 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?
2. When individuals attempt to enter the court building, court security (or other designated person) will use an infrared thermometer to determine the temperature of the individual. Individuals whose temperature equals or exceeds 100.4°F will be refused admittance to the court building. Thermometer devices are available.
  3. Persons who are expected to make multiple entries into court facilities during a particular day may be issued a wristband to signify their authorized presence for that day. All court staff, clerks, and courthouse tenants shall wear their issued badges. Court security is exempt from this requirement.
  4. Inmates being transported from the jail to the court building will be screened for symptoms of COVID-19 and have their temperature taken prior to transport. Inmates with symptoms as described will not be transported to the court building. Transport officers shall notify the bailiff of the presiding judge as to an inmate's non-admittance. Remote proceedings shall be used to the maximum extent possible, consistent with Constitutional safeguards and protections.
  5. Other 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 applicable to the general public if the employee's employing agency has a policy that requires self-checking for symptoms and remaining home if they present symptoms.

## **FACE COVERINGS**

1. Present medical advice advocates that adequate face masks offer the best protection. **All individuals entering the courthouse building shall wear face coverings (covering nose and mouth) at all times, to the extent they can medically tolerate it. 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.**
2. Individuals should bring masks and/or cloth face coverings with them. If a person does not have a cloth mask, one will be provided by the Court so long as supplies last.

3. Any member of the public who is asked to leave the court facility shall be offered an opportunity to conduct court business virtually and/or confer with Court Administration to determine alternative arrangements to accessing the court.

### CLEANING

1. Court building cleaning staff will clean the common areas of the court building so that common spaces are cleaned at least twice a day. The Clerk of Court in partnership with its county shall arrange for cleaning of public areas and courtrooms.
2. Court building cleaning staff will clean the courtrooms at least twice a day, after morning proceedings and at the end of each day.
3. Court building cleaning staff will utilize cleaning supplies shown to be effective with this coronavirus.
4. Court building cleaning staff shall be trained on proper cleaning techniques and provided appropriate personal protective equipment.

### BENCHMARKS FOR TRANSITIONING FROM PHASE 1 TO PHASE 2

The Florida 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, current phase); 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). The Fourteenth Judicial Circuit shall follow these benchmarks as guidance for moving from Phase 1 to Phase 2, and subsequent Phases, based on local conditions and resources. If local conditions deteriorate, or resources become strained, it may be necessary for a court to return to a 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.

The following benchmark criteria must be met prior to any court in this Circuit 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. *See Grid.*
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 state or local restrictive movements/stay-at-home orders that would impede transition to Phase 2. See Grid.*



3. Improving COVID-19 health conditions over a 14-day period in the community. The public health data<sup>1</sup> 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 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 rates”);<sup>2</sup>
  - 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<sup>3</sup> 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 most recent two-week period must demonstrate two consecutive weeks of 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

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<sup>1</sup> The data source for the daily number of new positive COVID-19 cases, daily numbers of hospitalization for COVID-19, and daily number of emergency department visits for COVID-like illness is: Florida COVID-19 Case Line Data from the Florida Department of Health, <https://open-fdoh.hub.arcgis.com/datasets/florida-covid-19-case-line-data/data>. The data source for the daily percentage of positive tests based on the total number tests is: Daily county reports from the Florida Department of Health, [https://www11.doh.state.fl.us/comm/partners/covid19\\_reports\\_archive/](https://www11.doh.state.fl.us/comm/partners/covid19_reports_archive/). The data dictionary for these sources may be found at: Florida Department of Health, <https://fdoh.maps.arcgis.com/sharing/rest/content/items/efffb9350de948ac9d67f9d74190413d/data>.

<sup>2</sup> In using the positivity rate data for purposes of determining whether to transition to Phase 2 or 3 or for reversion, as discussed later in this document, the percentages may not be rounded to the nearest whole number.

<sup>3</sup> Due to the lower rates of testing in smaller counties, positivity rates can be significantly increased by only one or two positive test results. To account for this effect, the methodology authorizes counties having 20 or fewer new cases weekly for the most recent two-week period to consider the hospitalization and ED visit measures instead of positivity rates.

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.

Courts meeting the criteria for this benchmark based on declining or stabilizing new cases and positivity rates less than 10 percent may also consider the data for hospitalizations and ED visits as well as other public health data that may be available before determining whether to transition to the next phase. Given the evolving science and dynamic nature of the pandemic, other factors may weigh against transitioning even when this benchmark is met based on the referenced measures. For example, hospitalizations or ED visits may be increasing or hospital bed or intensive care unit capacity may be decreasing although the numbers of new cases and positivity rates have declined. Moreover, resource constraints, such as insufficient personal protective equipment (PPE) or a shortage in staffing, or other operational issues may exist. In any of these instances, the chief judge should consider delaying a transition until health conditions improve or operational or other issues are resolved.

4. Sufficient availability of COVID-19 tests to meet community needs. *Local providers have made testing available to all counties of the 14<sup>th</sup> Judicial Circuit. FDOH and local hospitals are presently conducting drive thru testing in all areas of the circuit. Testing rates have increased throughout the Circuit. See Grid.*

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, Department of Children and Families, Guardian ad Litem, local bar, and others necessary to resume certain case types. *Local COVID-19 Courthouse Workgroups have been established in each county to establish safety protocols in the court facility. See Grid.*

Benchmarks	Bay	Calhoun	Gulf	Holmes	Jackson	Washington
No cases in facility within 14 days or deep clean	Yes	Yes	Yes	Yes	Yes	Yes
Rescission of restrictive movement and/or stay at home orders	Yes	Yes	Yes	Yes	Yes	Yes
Improving health conditions over 14 day period	No	YES	No	YES	No	No
Adequate testing	Yes	Yes	Yes	Yes	Yes	Yes

Consultation with building occupants and justice partners	Yes	Yes	Yes	Yes	Yes	Yes
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**TRANSITIONING TO PHASE 2 AND PRIORITY HEARINGS**

1. In-person hearings shall only be conducted in accord with the Memorandum dated May 21, 2020, *Proceeding Priority When Limited In-Person Contact is authorized in Phase 2*.
2. In accord with AOSC 20-23 Amendment 6, non-statewide grand jury selection and proceedings, civil jury selection and proceedings and criminal jury selections and proceedings shall remain suspended until 30 days after the chief judge of the judicial circuit has determined that the circuit and/or county has transitioned to Phase 2.
3. While operating in Phase 2 public data and local health conditions shall be monitored on at least a weekly basis to determine if modification to operations, an amendment to the operational plan or reversion to phase is necessary.
4. The Chief Judge and Court Administration shall develop an additional transition plan and seek approval from the Chief Justice for any county eligible to transition from Phase 2 to Phase 3, and any reversion as may be applicable.

**Chief Judge Responsibilities**

The Chief Judge will monitor implementation of the Operational Plan and the actions of the CDC and Florida Department of Health and seek their recommendations. The Chief Judge will continue operating and contingency planning for the next thirty days for each county in the Circuit.

The Chief Judge will continually gather situational awareness information. The Chief Judge shall select an appropriate course of action (i.e. proceed with Phase 2 or recede to Phase 1 given medical/statistical data available at the time). The Chief Judge shall communicate this decision in writing to the judges, clerk of court, sheriff, State Attorney, Public Defender, DCF, GAL, Office of Regional Conflict Counsel, local bar, and other courthouse tenants as needed.

The following work week the Chief Judge shall draft updated guidance for the upcoming month, while tracking the fulfillment of additional support needs. In the event of a Phase change, an updated Operational Plan shall be filed in accordance with AOSC 20-23 Amendment 2.

This process shall be completed each month and for each county in the Fourteenth Judicial Circuit until otherwise ordered.

Administrative Judges, the Trial Court Administrator, senior staff and court managers, clerks of court (Bay, Calhoun, Gulf, Holmes, Jackson, and Washington), sheriffs of each county

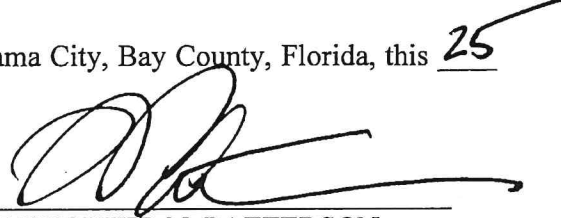
within the Circuit, Florida Department of Health and other health experts for each county, other building occupants, State Attorney, Public Defender, Office of Regional Conflict Counsel, DCF, GAL, and local bar representatives have all been apprised and their comments have been considered in making this operational plan.

**COMMUNICATION**

All updates to this plan, any ensuing plans and relevant administrative orders shall be communicated electronically, via Twitter, Instagram, and placed on each circuits' website, as well as filed in accordance with AOSC 20-23 Amendment 6 and AOSC 20-32, Amendment 3, as well as all other applicable orders. Relevant informational videos shall be placed on the circuit website and YouTube. Any other information or requests shall be handled by the Court Public Information Officers.

This Administrative Order shall take effect immediately and shall remain in effect until further order of the Court.

**DONE AND ORDERED** in Chambers, at Panama City, Bay County, Florida, this 25 day of August, 2020.



CHRISTOPHER N. PATTERSON  
CHIEF JUDGE



A CERTIFIED TRUE COPY  
BILL KINSAUL CLERK  
OF THE CIRCUIT COURT  
By Bill Kinsaul  
Deputy Clerk