



**Pandemic Operational Plan
Fifteenth Judicial Circuit
September 2020**

The goal of the Fifteenth Judicial Circuit is to protect the health and welfare of its citizens as well as to protect the public's constitutional rights. This balancing act is met by implementing strict safety measures to ensure that those who must attend essential in-person hearings are protected and by holding the majority of all court hearings remotely.

The Fifteenth Circuit's Operational Plan follows the directives of Florida Supreme Court Administrative Orders AOSC20-23 Amendment 6 and AOSC-32 Amendment 3.

PHASE 1

The Fifteenth Circuit has operated in Phase I since March 2020. During this period, the following procedures were implemented:

STAFFING and COURTHOUSE PROTOCOLS

1. Commencing March 23, 2020 to June 1, 2020, court staff were divided into two teams and placed on a rotating teleworking/in person work schedule. The division of staff into two teams ensured less face-to-face contact yet allowed court operations to continue.
2. Strict social distancing measures were implemented for staff; Personal Protection Equipment (PPE) was distributed to all; and facemask usage became mandatory for anyone who enters a courthouse.
3. The County placed social distancing markers at locations within each of the courthouses.
4. Palm Beach County delivered facemasks to Court Administration for distribution to security personnel at the entrances of all of the Circuit's courthouses. Security personnel distribute to persons entering a courthouse without a mask.
5. Public access to the courthouses became strictly limited to parties and the media. Persons interested in attending a hearing are provided remote access via the Circuit's Public Information Officer.
6. On June 1, all court staff returned to work in a courthouse with the proper PPEs, mandatory facial coverings, and mandatory social distancing.
7. Employees and judges must self-monitor for symptoms. Any employee who is exhibiting COVID-19 symptoms or who may have been exposed to a COVID-19 positive person must stay home, be tested and may not return to the workplace until permissible pursuant to CDC guidelines.
8. Volunteer programs and courthouse tours are suspended until further notice.
9. All Law Libraries in the courthouses are closed until further notice.

10. In July 2020, in response to an increase of COVID-19 cases in Palm Beach County, employees were placed back on the Team A and Team B schedules to reduce contact among court staff.

INFORMATION SHARING

In addition to addressing court partner concerns and questions related to court proceedings, the Chief Judge and the court partners created an information sharing agreement to ensure that persons who may have been exposed to a COVID-19 ill court partner are informed so that they can take protective action.

AGREEMENT- Notice is provided to the court partners when a:

COVID-19 positive employee has had contact with other court partners within 48 hours of being COVID symptomatic or testing positive:

1. The employer of the COVID-19 positive employee will make every effort to determine a comprehensive listing of all locations the person visited where there may have been exposure to other court partners during the 48 hours prior to becoming symptomatic by interviewing the employee. If the employee is not symptomatic, the employer will determine where there may have been exposure in the 48 hours prior to the employee testing positive.
2. The information gathered under paragraph 1 will be shared with all court partners.
3. The employer will inform all court partners the date the person tested positive.
4. The employer will inform all court partners the date the person became symptomatic.

In the event an employee is symptomatic for COVID-19, being tested, and had potential contact with court partner employee(s), the employer will:

1. The employer will interview the employee and provide the locations the person visited where there may have been exposure to other court partners during the 48 hours prior to becoming symptomatic.
2. The information gathered under paragraph 1 will be shared with all court partners.
3. The employer will immediately relay test results to all court partners, when known.

COURT PROCEEDINGS—*See Administrative Order 12.510-08/2020.13*

1. During Phase 1, in person hearings were reduced to only essential hearings.
2. The Chief Judge established caps for essential hearings to ensure that the social distancing policy was followed.
3. ZOOM licenses were assigned to judges, magistrates, judicial assistants, and court staff. The ZOOM licenses allow the judicial assistants to set ZOOM hearings; allow judges and magistrates to preside over hearings remotely; allow case managers to attend remote hearings; and allow court interpreters to attend ZOOM hearings remotely.
4. A remote connection was established at the jail for First Appearance hearings. In-custody defendants appear remotely while the judge and attorneys are present in the courtroom.

5. Remote civil traffic hearings began June 1, 2020. Dockets are presided over remotely, from courthouse offices.

TRANSITION FROM PHASE 1 TO PHASE 2

The Florida Supreme Court adopted five benchmark criteria, as proposed by the “Workgroup on the Continuity of Court Operations and Proceedings During and After COVID-19”, which must be met to transition from Phase 1 to Phase 2. The Fifteenth Judicial Circuit has met all five criteria:

- 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 and applicable employee self-quarantine actions have been implemented.**

The Fifteenth Circuit has had no reported suspected COVID-19 cases in any of the five courthouses for over 30 days.

- 2. Rescission of local and state restrictive movement and/or stay-at-home orders.**

On March 29, 2020, the Palm Beach County County Administrator entered “Emergency Order Number 2020-002a Replacing Emergency Order Number 2020-002 Palm Beach County COVID-19”, which closed nonessential businesses. Under that order, movement was restricted to essential workers. On May 22, 2020, the order was repealed. Palm Beach County remains under a countywide state of emergency until September 4, 2020. However, the order does not include restrictive movement and/or stay-at-home orders. Additionally, effective May 18, 2020, Governor DeSantis issued Executive Order 2020-123, bringing Palm Beach County into Full Phase 1.

- 3. Improving COVID-19 health conditions over a 14-day period in the community, including conditions such as the number of confirmed COVID-19 cases and related deaths in relations to a community’s population density, downward trajectory of positive tests as a percent of total tests, size of particularly vulnerable populations, and availability of medical facilities including emergency and intensive care capacity.**

In Palm Beach County, there has been a decline in the average weekly positive cases and average positivity. Below, see the averages from the OSCA maintained public health data:

Weekly Average Positive Cases

July 26 to Aug. 1	Aug. 2 to Aug. 8	Aug. 9 to Aug. 15	Aug. 16 to Aug. 22
556	394	303	211

Weekly Average Positivity

July 26 to Aug. 1	Aug. 2 to Aug. 8	Aug. 9 to Aug. 15	Aug. 16 to Aug. 22
9.2%	8.6%	7.0%	5.2%

4. Adequate testing programs in place, increased availability of COVID-19 tests, and emerging antibody testing.

Palm Beach County has over 115 testing sites and has published an “Interactive Testing Map”, which enables the citizens of the County to locate a convenient testing location. Antibody testing is available at some of the locations by appointment.

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, local bar, and others necessary to resume certain case types, such as the Department of Children and Families).

The Chief Judge has had an ongoing dialogue with the court partners, specifically the Public Defender, State Attorney, Clerk, Palm Beach Sheriff’s Office, Corrections, and County Administration, related to court proceedings and courthouse facility protocols. Prior to entering Phase 2, the Chief Judge called a ZOOM meeting to discuss the details of changes that would occur in Phase 2. The other court partners (tenants) are included on discussions related to the courthouse facilities and changes to the Administrative Orders that may affect their staff. The court partners agree to the proposed date of September 9, 2020 for entering into Phase 2.

REQUIREMENTS AND GUIDELINES IDENTIFIED BY THE WORKGROUP

REMOTE HEARINGS

In Phase 2, the majority of the non-essential court proceedings will continue to be held through remote technology. Essential and non-essential proceedings that are conducted in person will be staggered with attendance limited based on the size of the courtroom or hearing room. Incarcerated litigants will continue to appear remotely from the jail. Jury trials will remain suspended until further notice.

HUMAN RESOURCES POLICY

During Phase 1, several COVID-19 related policies were produced and distributed to court staff, judicial assistants, and judges. The most recent policies are attached. In addition, the Court entered into an information sharing agreement with the primary court partners to ensure that contact tracing could be conducted in the event that an ill court partner had contact with other court partners in a courthouse facility (see page 2 above).

HEALTH AND SAFETY SCREENING

Employees and judges must self-monitor for symptoms. Any employee who is exhibiting COVID-19 symptoms or who may have been exposed to a COVID-19 positive person must stay home, be tested and may not return to the workplace until permissible pursuant to CDC guidelines. Additionally, Chief Judge Marx entered Administrative Order 12.510-08/2020.13 that mandates facial coverings for all persons entering a courthouse, health screenings, temperature screening, and social distancing.

HYGIENE PROTOCOLS AND PERSONAL PROTECTIVE EQUIPMENT (“PPE”)

From the commencement of the pandemic, the court finance team has worked diligently to acquire PPE for Judges and court staff. Every individual in the Circuit has been provided with masks, gloves, disinfectant wipes and hand sanitizer. Supplies are refreshed immediately upon request. Additionally, courts that hold essential hearings are outfitted with freestanding hand sanitizer stands. The stands are also disbursed throughout the courthouses in high traffic areas. The County provides the Court with masks for court users who appear at a courthouse facility without a facial covering. Palm Beach County Sheriff security screeners distribute the masks at the entrances of the courthouse facilities. By Administrative Order, masks are required to be worn in all of the courthouses except when seated at one’s workstation (provided social distancing is possible).

JUDGE AND COURT STAFF TRAINING

Judges, Judicial Assistants, court staff, and civil traffic hearing officers have been trained by court technology staff on the use of technology for remote hearings, meetings, and telework. Court technology staff continue to provide as-needed training upon request. Additionally, instruction for the use of ZOOM is posted on the Circuit webpage.

OTHER BUILDING OCCUPANTS

At the onset of the pandemic and continuing to date, the Chief Judge has met with the court partners to discuss protocols related to the screening of court users and employees. With agreement by the parties, the Palm Beach County Sheriff’s courthouse screeners distribute county purchased masks to court users who do not have a facial covering; take the temperature reading of all persons entering a courthouse; and conduct the health-screening questionnaire.

VULNERABLE POPULATIONS

Vulnerable persons are not required to appear for in-person court proceedings. Remote technology is utilized for non-essential hearings. The use of senior judges over the age of 70 is discontinued until further notice.

COURTHOUSE FACILITY, SECURITY AND SOCIAL DISTANCING

The County and the Circuit have worked very closely on matters related to keeping the courthouse facilities sanitized and safe for court users. The County has placed social distancing markers at six-foot intervals in courtrooms, hallways, elevators, and at all courthouse entrances. Nightly, the County's custodial staff sanitize areas used by the public and the courtrooms. If the Court identifies areas that require additional sanitation, the County responds instantaneously. The Court has created signs in English, Spanish, and Creole that inform the public of the COVID-19 protocols, requirements, and directives. The County has produced the signs for display at all of the courthouse entrances. The Court and the County have worked collaboratively on the acquisition of plexiglass for placement in areas of the courtroom and courthouse waiting areas. The plexiglass barriers are ordered and are expected to be installed in September and October 2020.

CLEANING AND DISINFECTING

County custodial staff sanitize all public areas including courtrooms on a nightly basis. Additional cleaning is provided, immediately, upon request from the Court. All court staff are provided disinfectant wipes for door handles, computer keyboards, desktops, etc. Disinfectant wipes are provided in courtrooms where in-person hearings are held.

COURTROOMS AND HEARING ROOMS

Using the square footage of courtrooms and hearing rooms, the maximum capacity of attorneys, litigants, and court staff was calculated to meet social distancing requirements. Additionally, dockets are staggered to ensure that the maximum capacity numbers are not exceeded. As mentioned above, all courtrooms and hearing rooms that are in use are cleaned and sanitized daily by custodial staff.

OTHER BUSINESS PROCESS CONSIDERATIONS

To further reduce the potential of community spread or exposure to the virus, the Circuit has taken the following proactive steps:

- All law libraries are closed until further notice
- Courthouse tours are suspended
- Voluntary intern programs are suspended
- In-person meetings are greatly discouraged
- Persons interested in viewing open court proceedings are provided a link to access the remote hearings
- Court staff will work four days in a courthouse and telework one day as a means to reduce contact between employees
- Court interpreters appear for court proceedings, remotely, when possible
- Full Court meetings are held using remote technology

EFFECTIVE DATE

The Fifteenth Judicial Circuit is prepared to transition from Phase 1 to Phase 2, effective September 9, 2020.