

**DUVAL COUNTY COURTHOUSE
OPERATIONAL PLAN
PHASE 2**

In AOSC20-32, the Florida Supreme Court identified four phases of the COVID-19 pandemic:

- Phase 1
In-person contact is inadvisable, court facilities are effectively closed to the public, and in-person proceedings are rare.

- Phase 2
Limited in-person contact is authorized for certain purposes and 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 presents a significant risk to public health and safety.

The Duval County Courthouse has been operating and open for business under Phase 1 and is now ready to transition to Phase 2. The transition to Phase 2 will commence on June 15, 2020, with full implementation tentatively effective on June 22, 2020. The Florida Supreme Court has directed that prior to expanding operations beyond Phase 1, each court shall develop an operational plan.

This Court has developed its operational plan by addressing all requirements specified in AOSC20-23, Amendment 2; AOSC20-32; and the report of the COVID-19 Workgroup on the Requirements, Benchmarks, and Guidelines Governing the Transition to Limited in-Person Contact (Phase 2). The Chief Judge has consulted with fellow judges and justice system partners including the Office of the State Attorney, Office of the Public Defender, Clerk of the Court, Jacksonville Sheriff's Office, City of Jacksonville, Duval County Public Health Department, the Jacksonville Bar Association, and other community stakeholders to design this operational plan to implement Phase 2.

A court must meet five benchmarks prior to transitioning from Phase 1 to Phase 2 and expanding in-person activities. As discussed below, this Court has met all five benchmarks. Nonetheless, the Court will continue to monitor federal, state and local health department data; recommendations from local health care experts to determine the status of the local community's health conditions related to COVID-19; and news media reports. If after transitioning to Phase 2, local conditions deteriorate or resources become strained, the Chief Judge will determine if the Court should return to Phase 1 operations or adjust Phase 2 operations to meet the current public health situation or the needs of the Court.

BENCHMARKS FOR TRANSITION TO PHASE 2

Benchmark 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.

Because there have been no confirmed or suspected cases of COVID-19 in the Duval County Courthouse within the previous 14 days, Benchmark 1 has been met.

Benchmark 2

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

State and local stay-at-homes orders have been lifted in Duval County. The Court will continue to monitor official state and local actions to ensure that restrictive movement and stay-at-home orders remain lifted. Benchmark 2 has been met.

Benchmark 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 relation to a community's population density, downward trajectory of positive tests as a percentage of total tests, size of particularly vulnerable populations, and availability of medical facilities including emergency and intensive care capacity.

Duval County has had a very low incidence of COVID-19. As of June 1, 2020, the Florida Department of Health reports Duval County has had 1,654 confirmed cases of COVID-19 and 51 deaths caused by the virus. This reflects an overall infection rate of 0.17% among the county's population, with a fatality rate of 0.005% among the population and 3.1% of those who tested positive. Statewide, the fatality rate is 4.3% for those testing positive. With the increased testing that has occurred over the past few weeks, Duval County's positive rate is 2.5% compared to the state positive rate of 5.5%.

According to the U.S. Census Bureau, 14% of Duval County's population is 65 years of age or older, which is below Florida's 20.5% of the population for this age demographic. Thus, Duval County's vulnerable population is below that of the state.

According to the Agency for Healthcare Administration's hospital bed capacity dashboard, Duval County has 2,389 hospital beds throughout the area's health care system. As of June 2, 2020, there are 1,525 beds available to Duval County residents, which equates to 38.9% of bed capacity.

These factors in Benchmark 3 have been met, and the Court will continue to monitor these factors.

Benchmark 4

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

Benchmark 4 has been met as adequate testing programs are in place for Duval County residents as identified below:

- Legends Center, 5130 Soutel Dr., Jacksonville, FL 32208
- TIAA Bank Stadium, Lot J, One TIAA Bank Field Dr., Jacksonville, FL 32202
- Ascension St. Vincent’s
- CareSpot Urgent Care Centers
- Crucial Care
- CVS Pharmacies
- Florida Department of Health in Duval County
- Legends Center
- Mayo Clinic
- MedExpress Urgent Care, Atlantic Blvd.
- River Region-Arlington
- Veterans Administration Jacksonville Outpatient Clinic
- Walmart, Beach Boulevard
- Walmart, Lem Turner Road

Benchmark 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 communicates regularly with justice system partners to brief them on the status of courthouse operations and to advise them of any changes to the systems in place to meet the requirements of the Florida Supreme Court. Most recently he has conferred with these stakeholders on transitioning to Phase 2.

PHASE 2 OPERATIONS

Pursuant to the Florida Supreme Court’s Administrative Orders and having met the benchmarks necessary to move from Phase 1 to Phase 2 of court operations, the following Operational Plan has been developed to move the Duval County Courthouse to Phase 2 operations.

(I)

Public Information

Information regarding the limited access to the Duval County Courthouse during Phase 2, including who will be permitted to enter the Courthouse and the requisite health screening protocols, will be disseminated to the public through signage posted at the Courthouse; the Duval County Courthouse website; press releases; posting on the social media platforms of the Duval

County Courthouse, Duval County Clerk of the Court, and the City of Jacksonville; and notifications to members of The Florida Bar and Jacksonville Bar Association.

(II)
Health and Safety Screening

The Duval County Courthouse has three entrances. The entrance for the public is on West Adams Street. Entrances on Pearl Street and Broad Street are reserved for courthouse employees and law enforcement. During Phase 2, employees shall not use the West Adams Street entrance. The Court will take the following precautions to ensure no one enters the Courthouse when there is a likelihood he or she has COVID-19 or is exhibiting symptoms of COVID-19.¹

General Public

The public will be directed to the main Courthouse entrance on West Adams Street. Prior to a member of the public entering the Courthouse, officers from the Jacksonville Sheriff's Office (JSO) will question that individual to verify he or she is entering the building to participate in a scheduled proceeding or if he or she has an appointment with a person or office in the courthouse; no one else will be permitted in the building. The JSO officer will be given lists of names of individuals expected to enter the Courthouse. These lists will be prepared by judicial assistants, court administration, and the Clerk of the Court's office.

If inclement weather occurs, this initial checkpoint will be staged immediately within the front entrance of the Courthouse.

Individuals will be admitted into the Courthouse no more than 20 minutes before a court proceeding or appointment. Judges and court personnel will take into account possible delays in the process one must go through to enter the Courthouse.

Stanchions will be set up in the Courthouse lobby in front of the West Adams Street doors to direct the flow and restrict the number of people entering the Courthouse. Signage will be posted on the floor in 6-foot increments to enforce social distancing. Upon entering the Courthouse, the public will proceed to the health screening area stationed between the doors to West Adams Street and the front of the security magnetometers. A two-step COVID-19 screening process will be administered to all who enter the building. First, health screeners from the University of North Florida's Brooks College of Health will take an individual's temperature. Second, the health screeners will review a COVID-19 questionnaire with everyone who enters the building.

¹ The CDC lists the symptoms of COVID-19 to include cough, shortness of breath or difficulty breathing, fever, chills, muscle pain, sore throat, and new loss of taste or smell. Other less common symptoms include nausea, vomiting, or diarrhea.

The health screeners will have appropriate personal protective equipment (PPE). There will be three health screeners at the West Adams Street entrance, two at the Pearl Street entrance and two at the Broad Street entrance. Health screeners can move to another entrance if needed; however, there will always be at least one health screener at each door.

If a person has a temperature of 100.4 degrees Fahrenheit or above, the officer will inform the individual that his or her temperature is above normal and he or she will not be allowed to enter the facility.

Once members of the public pass the temperature check, they will enter the Courthouse and proceed to the health screening area. Everyone entering the Courthouse must wear a mask. If someone does not have a mask or his or her mask does not provide the necessary protection, the health screeners will provide him or her with a mask. Masks must always be worn in the Courthouse. Anyone refusing to wear a mask will be escorted from the building.

At the health screening area, the health screeners will ask the following questions of all individuals who enter the Courthouse:

1. Have you had any of the following symptoms in the last 14 days (excluding those due to a known medical reason)?
 - Cough
 - Sore throat
 - Shortness of breath or difficulty breathing
 - Chills
 - Muscle pain or body aches
 - New loss of taste or smell
2. Are you currently awaiting the results of a test to determine if you have COVID-19?
3. Are you under instructions to self-isolate or quarantine due to COVID-19?
4. Have you had close contact with someone who has traveled to an area with a notably high concentration of COVID-19 cases, who is awaiting test results for COVID-19, or has received a COVID-19 diagnosis?
5. Have you traveled to an area with a notably high concentration of COVID-19 cases?

A person who answers yes to any of the five questions shall not be allowed to enter the facility.

If an individual is scheduled for a court appearance and has been denied access to the Courthouse, he or she will be directed to a bailiff who will contact the presiding judge and the Clerk of the Court. The bailiff will say only that the individual was not admitted as a result of the health screening. Alternative arrangements will be made for this person, such as handling their business over the phone, rescheduling a hearing, or other means as appropriate. Information

about alternative access to the Court, containing contact information for Court Administration and the Clerk of the Court, will be provided to the individual. The bailiff will record the number, not the names, of individuals requiring a court pass date.

The decision to deny further entry to the Courthouse based on the health screening results will be made solely by the health screeners. Persons refusing to undergo health screening will be turned away. Health screeners, however, will record the number, not names, of people who have failed the health screening.

If at any time, a member of the public leaves the Courthouse, he or she will be screened again upon return.

Courthouse Employees

Judges will enter and exit the Courthouse through the parking garages and will be required to self-check for symptoms. They must review the COVID-19 questionnaire before returning to the Courthouse. If the judge answers all the questions in the negative, the judge can return to the Courthouse. It is up to the judge to report to the Chief Judge or Human Resources Director any basis for a change to their answers.

All courthouse employees are directed to enter the Courthouse at either the Broad Street or Pearl Street employee entrances. They must review the COVID-19 questionnaire before returning to the Courthouse. If the employee answers all the questions in the negative, the employee can return to the Courthouse. It is up to the employee to report to his or her supervisor, the Human Resources Director, or the Trial Court Administrator any basis for a change to his or her answers.

Upon arrival, the health screeners will take each employee's temperature. Employees will report whether their answers to any of the five questions on the COVID-19 questionnaire has changed.

Those employees, vendors, or service providers, who currently do not enter through the Pearl Street entrance or Broad Street entrance, will go to the closest health screening station to complete a questionnaire and to have their temperature checked. Any employee previously exempt from going through the security screening remains exempt from that portion only and will be required to undergo health screening daily.

If an employee answers yes to any question or has a temperature of 100.4 degrees Fahrenheit or above, the health screener will present the employee with a single document explaining the employee has failed the health screening. The document will advise the employee that he or she must return home and immediately contact his or her immediate supervisor, the Human Resources Manager, or the Trial Court Administrator. The document will direct the employee to remain home for at least 14 days and consult a doctor or other medical professional to undergo COVID-19 testing. The employee must not challenge the determination and must leave the Courthouse immediately. An employee must provide medical clearance before returning to work.

The Human Resources Director will contact the employee who has been sent home to identify any employee he or she had come into contact within the preceding days. The Human Resources Director will notify persons who may have had contact with the employee who has been sent home and inform them they may have been exposed to a person showing symptoms of and is being tested for COVID-19. The Human Resources Director will not reveal the name of the employee who has been sent home.

Court employees must contact their supervisor immediately and remain home for 14 days if they live with a family member who:

- is exhibiting COVID-19 symptoms;
- was directed to be tested; or
- has tested positive for COVID-19.

These employees must provide medical clearance before returning to work.

Employees who are required to self-quarantine or test for COVID-19 shall be permitted to use available Emergency Paid Sick Leave (EPSL), personal sick leave, or work remotely. Employees who fail to follow these procedures shall be disciplined with sanctions that could include leave without pay and/or termination.

All judges and court employees who will travel internationally or on a cruise, must notify the Chief Judge or Trial Court Administrator in advance of such travel. All judges and court employees who travel internationally or on a cruise will not be allowed to return to the facility for 14 days upon returning home. To the extent judges can perform their duties remotely, they must do so. Employees will need to use their available sick, annual, or compensatory leave during this 14-day period, Employees can also consult with their supervisor about the Court's telework policy to explore options for working remotely. Court employees who do not have available leave and who are unable to work remotely may be subject to leave without pay.

If no symptoms occur within the 14-day time period, judges and employees may return to work, subject to any additional requirements that may be imposed by the CDC, a state public health agency, the Chief Justice, or the Chief Judge, as a result of the state of emergency.

Judges and employees must notify the Chief Judge or Trial Court Administrator if they plan to travel to an area identified as a hot spot to determine if a 14-day quarantine is required upon their return.

Attorneys

Attorneys may enter the Courthouse at either the West Adams Street or Pearl Street entrances. Only those attorneys with JSO-issued badges may use the Pearl Street entrance.

If an attorney has a JSO-issued badge, he or she must review the COVID-19 questionnaire before returning to the Courthouse. If the attorney answers all the questions in the negative, the attorney

can return to the Courthouse. Upon arrival, JSO will take each attorney's temperature. Attorneys will then proceed to the health screeners' table to report whether their answers to any of the five questions on the COVID-19 questionnaire has changed.

If an attorney does not have a JSO-issued badge, he or she must follow the same protocol as members of the general public and be approved to enter the building after a JSO officer verifies he or she has a scheduled court proceeding or an appointment. If the attorney is not turned away, the JSO officer will take his or her temperature. The attorney must then go to the health screening tables to complete a questionnaire in one of two ways. First, a form will be available on the Duval County Courthouse website, so attorneys coming to the Courthouse can print and complete the questionnaire before arrival. The completed questionnaire must be given to the health screeners upon arrival at the Courthouse. Second, for attorneys who do not have a completed form when they arrive at the Courthouse, the health screeners will ask them the five questions on the COVID-19 questionnaire.

If an attorney answers yes to any of the five questions or has a temperature of 100.4 degrees Fahrenheit or above, he or she will be denied entry into the facility.

Inmates

JSO and the Florida Department of Corrections inmates and juveniles detained by the Department of Juvenile Justice (DJJ) must undergo health screening and temperature checks prior to being transported to the courthouse. JSO and DJJ health screenings will comply with each department's medical requirements and policy.

Inmates who appear at the Courthouse in person, must always wear a mask while in the Courthouse. JSO will provide masks upon arrival and dispose of the masks upon departure.

(III) ***Procedures Within the Courthouse***

Phase 2 requires limited in-person contact as authorized for certain purposes and/or requires use of protective measures. The Duval County Courthouse will follow current CDC social distancing guidelines that recommend staying at least six feet from other people. These guidelines will be enforced in public common areas, galleries and wells of courtrooms, hallways, elevators, restrooms, or other locations where the public might gather.

Immediately upon clearing the health screening process, individuals entering the West Adams Street entrance will proceed to the security screening. Stanchions, provided by Courthouse Maintenance, will create lines to enforce social distancing as members of the public continue entry to the Courthouse.

Security screening is provided by First Coast Security (FCS). Security personnel will wear masks and gloves when conducting security screening. All personal items are required to be scanned in

the X-Ray machine. Any containers used by security to hold personal items will be sanitized after each use. Hand sanitizer will be available in the security area.

After passing through the security screening, members of the public will leave the lobby and enter the Courthouse Atrium. If an individual must travel to another floor, he or she can use the stairs to the second floor, the escalator, or the elevators. In each case, the individual must conform to social distancing. There will be signs to indicate only two occupants in an elevator at one time.

Restrooms are located on every floor. Signs will indicate how many occupants are permitted in a restroom at one time. Measures will be taken to ensure social distancing in each restroom including limiting the number of toilets, urinals, and sinks available in each restroom.

The snack bar on the second floor of the Courthouse must comply with federal, state, and local guidelines and requirements, including those set forth by the Department of Health.

Courtrooms will be sectioned off with strict adherence to social distancing of six feet between occupants. Only litigants, their counsel, victims, testifying witnesses, court reporters, interpreters, and other persons whose presence is essential will be permitted in the courtrooms. Public access for others to the proceedings will be facilitated through electronic means via live streaming, recordings, or Zoom access.

The courtrooms have been marked for six feet of social distancing between the judge and court clerks and visitors to the courtroom. All persons in the courtroom, including court staff will wear face masks; however, if circumstances are such that facial expressions or features must be observed, or masks are impeding the ability to accurately hear the proceedings, clear face shields will be available.

If specimens need to be obtained, from persons, e.g. fingerprints, bailiffs will wear gloves in addition to face masks. Face shields and disposable aprons will also be available. The fingerprint stands will be sanitized after each use with alcohol wipes, and the subject fingerprinted will be provided a disinfectant wipe when finished.

To the extent possible, there will not be exchanges of paper in the courtrooms; electronic submission of paperwork, e.g. court notices, sentencing guideline scoresheets, will be employed. If papers must be exchanged, social distance protocols will be used.

If a podium or table is used in the courtroom, the user will disinfect before use. Sanitizer will be provided in each courtroom for doing this.

To enforce social distancing, the number of individuals in each courtroom is limited. Given the different sizes of the courtrooms, the number of people in each courtroom will not exceed CDC guidelines and will comply with orders of the Governor or Chief Justice of the Florida Supreme Court. The bailiff will monitor the number of people in the courtroom as well as the members of the public who are waiting outside the courtroom. Benches are placed outside each courtroom. There can be only two people on a bench at one time to maintain social distancing.

The Jacksonville Bar Association's meeting room and lounge will remain closed until further notice.

The Courthouse library will remain closed; however, the public and attorneys can continue to use online services.

Upon completion of their court business, visitors will leave the Courthouse. All members of the public must exit the Courthouse on West Adams Street through the west doors. This will ensure departures will be physically separated from those arriving to the Courthouse and going through screening.

(IV) ***Hygiene Procedures***

Many of the hygiene protocols already have been discussed in this Plan; however, the following are some general hygiene protocols that will be used during Phase 2.

Hand sanitizer will be widely available throughout the Courthouse, including but not limited to screening areas, queuing areas, waiting areas, offices, and courtrooms. Cleaning supplies have been provided to all Courthouse employees and have been placed at various areas within the Courthouse. Employees will be directed to clean the surfaces they use, including but not limited to keyboards, laptops, desk surfaces.

All water fountains in the Courthouse will be covered and taken out of service.

The enhanced cleaning practices that have been employed since the beginning of Phase 1 will continue through Phase 2. Normal touch surfaces like door handles and elevator buttons will be cleaned multiple times a day. Restrooms will be cleaned and disinfected two times a day, during normal business hours, and an enhanced cleaning and disinfection of all surfaces will be performed every evening.

Plexiglass barriers will be installed in areas where there is the most direct contact with the public including but not limited to courtrooms and offices.

(V) ***Remote Hearings***

The Court will rely on the COVID-19 Workgroup recommendations set out in Phase 2 Recommendations for the Priority to Resume Certain In-Person Trial Court Proceedings, attached to AOSC20-32. Hearings for civil, family, and criminal court divisions will be prioritized as recommended in that report.

Prior to the start of the pandemic, all judges and magistrates assigned to the Duval County Courthouse were already using tablet devices with video conferencing capabilities. These

devices can be used anywhere with a connection to the internet, such as a home or office. Licenses for the Zoom teleconference platform have now been purchased for all judges and magistrates to facilitate the use of their tablet devices for remote proceedings.

Since the start of the pandemic, numerous remote proceedings have been conducted through videoconferencing and teleconferencing. During Phase 2, remote proceedings will continue to be conducted where feasible. Inmates will not be transported to the Duval County Courthouse unless there are exceptional circumstances and only with the permission of the presiding judge. To accommodate the additional remote conferencing needs of the county, the following changes or additions have been made:

- Court reporters and probation officers will perform their duties, when possible, via remote connection to reduce the number of people present in the courtroom.
- Courtroom J2 has been designated for local out-of-custody defendants who lack teleconferencing capabilities to appear “in-person” without physically being in the same courtroom as the judge or court staff.
- Installation or configuration of already existing videoconferencing systems at the Pre-Trial Detention Facility (10 units), Montgomery Correctional Center (4 units), and Community Transition Center (2 units) to allow for defendants to remotely connect without being transported to the Courthouse. The Administrative Judge’s judicial assistant will maintain the schedule for use of the videoconferencing rooms to avoid exceeding the capacity of the telecommunication systems. Bailiffs at the Duval County Jail, Montgomery Correctional Center, and Community Transition Center will oversee precautionary measures in the video rooms.
- Mobile fingerprinting cards are used at remote teleconferencing sites to collect criminal defendants’ fingerprints without bringing criminal defendants to the Courthouse.
- Individual courtrooms have been outfitted with all the videoconferencing technology necessary to conduct remote proceedings, including digital smartboards for bailiffs to manage the parties connecting remotely in a digital waiting room. Bailiffs using these smartboards will allow for expedited transitions between proceedings, much in the same way they did prior to remote proceedings.
- Creation of digital breakout rooms where access is restricted to an attorney and his or her client’s teleconferencing accounts to maintain confidential communication over digital platforms.
- Although the Florida Department of Corrections will not facilitate remote video conferencing for prison inmates, hearings will be conducted over the telephone where feasible.
- All juvenile detention proceedings will continue to be conducted remotely.

When necessary and appropriate, the Court will conduct “hybrid” proceedings (concurrently in-person and remote). Physical presence in the courtroom in hybrid proceedings will be limited to those persons who have no alternative remote capabilities. All other individuals will be required to use remote conferencing capabilities. Specific courtrooms designated for hybrid proceedings have been configured to integrate the already in place sound system with the Zoom teleconferencing platform. This integration will provide effective communication between remote and in-person participants without needing to equip each in-person participant with an individual teleconferencing device.

A proceeding will not be conducted remotely or as a hybrid when doing so is:

- inconsistent with the United States or Florida Constitutions, a statute, or a rule of court that has not been suspended by administrative order; or
- is infeasible because the Court, the clerk or other participant 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.

To date, however, this has not been an issue and the technological infrastructure of the Fourth Judicial Circuit has allowed for a seamless transition to entirely remote proceedings across many of the essential functions of the Court.

(VI) ***Remote Work***

Employees who have been working remotely through Phase 1 will continue to work remotely to the extent their work can be done remotely through Phase 2. Where necessary, department heads have designed a staggered return for employees to allow for social distancing. Departments that have been closed to the public during Phase 1, will continue to be closed to the public through at least Phase 2 and will continue their Phase 1 procedures assisting the public through teleconferencing and emails.

Employees who are considered vulnerable and/or have an underlying condition as specified by the Centers for Disease Control and Prevention (CDC) and those who are caregivers for someone who is vulnerable or has an underlying condition will be able to work remotely until at least Phase 4.

(VII) ***Conclusion***

The Duval County Courthouse has met all the benchmarks for transitioning to Phase 2 and has an operational plan that complies with the COVID-19 Workgroup’s Report. Thus, Duval County should proceed to Phase 2 without delay to provide greater access to the courts, where remote

proceedings are not possible or feasible, and begin to address the delays and backlogs created by Phase 1 operations. This Operational Plan will be reviewed and updated on a regular basis to keep pace with advancements in best practices and to adjust for lessons learned during its deployment. The public's trepidation to come to the Courthouse is natural. As the Plan demonstrates, however, the Duval County Judges, the City of Jacksonville, the Jacksonville Sheriff's Office, Trial Court Administration, and the Clerk of the Court have gone to great lengths to provide for the public and Courthouse employees' welfare. All persons entering the Duval County Courthouse should be assured their health and safety is of paramount importance.