



**FIFTH DISTRICT COURT OF APPEAL
COVID-19 PHASE 2 OPERATIONAL PLAN
SEPTEMBER 2020**

Introduction

On April 21, 2020, Chief Justice Charles T. Canady issued AOSC20-28, creating the Workgroup on the Continuity of Court Operations and Proceedings During and After COVID-19. On May 14, 2020, the Workgroup issued its recommendations, resulting in the issuance of AOSC20-32 (COVID-19 Public Health and Safety Precautions for Phase 2). Pursuant to AOSC20-32 (Attachment A), wherein the recommendations of the Workgroup on the Continuity of Court Operations and Proceedings During and After COVID-19 (Attachments B & C) were adopted.

Chief Judge Kerry I. Evander has ordered that the recommendations contained in the report be adopted by the Fifth District Court of Appeal. Subsequently, the following pages outline the operational plan for the Fifth District Court of Appeal's transition to Phase 2.

Benchmarks

The adopted recommendations from the COVID-19 Workgroup included five benchmarks that are required to be met before a court can transition to Phase 2. These benchmarks included the following:

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.
2. Rescission of local and state restrictive movement and/or stay-at-home orders.
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 percent of total tests, size of particularly vulnerable populations, and availability of medical facilities including emergency and intensive care capacity.
4. Adequate testing programs in place, increased availability of COVID-19 tests, and emerging antibody testing.
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).

Remote Oral Arguments and Remote Work

- While in Phase 2, employees that can work remotely should still do so. However, under certain conditions, approved staff may return to work while maintaining social distancing in accordance with CDC and DOH guidelines.
- In addition to judges, who have a private office, no more than two staff members shall work at the same time within a suite. Employees should obtain permission and coordinate with their supervisor if they need to come into the office to work.
- The facilities shall remain closed to the general public, and only visitors having verified business with the Court, that cannot be completed otherwise shall be allowed to enter.
- Remote oral arguments shall remain in effect during Phase 2.
- Judges will continue to conference remotely, by MS Teams or telephonically.
- Staff from the Marshal's Office and Clerk's Office that are essential and unable to work remotely, will continue to work in the facility, maintaining social distancing and utilizing proper PPE.

Health and Safety Screening

- Employees shall continually self-assess and proactively refrain from coming to the building if they show any signs or symptoms that could indicate an infection.
- Visitors entering the building will be screened for signs of a temperature or other risk factors before entry is allowed. Deputy marshals will be mindful of privacy issues when conducting health screening. Anyone with a temperature of 100.4 or higher, or who answers yes to any of the following questions, will not be allowed to enter:
 1. Do you have any of the following symptoms (excluding those due to a known medical reason)?
 - Cough
 - Shortness of breath or difficulty breathing
 - Chills

- Muscle pain
 - Sore throat
 - 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 with a COVID-19 diagnosis or who is awaiting test results for COVID-19?
 5. Have you travelled to an area with a notably high concentration of COVID-19 cases?
- If entry is granted, visitors must wear a mask at all times while in the building, and one will be provided if they do not already have one.
 - If entry is denied, the Marshal shall be notified and the reason for non-entry documented. These documents shall be kept in a confidential file in the Marshal's Office.

Social Distancing

- All employees shall maintain social distancing and wear a mask while in the building if they are not by themselves working in their offices or at their desks.
- Employees are encouraged to utilize their own cloth washable masks if they have them. If they do not have a mask, they should contact the Marshal's Office for a disposable one.
- No unnecessary visitors will be allowed in the building. Health screening of those required to enter will be conducted, and a non-contact system is in place for their interaction with deputy clerks.

Hygiene Protocols and Personal Protective Equipment

- Signage is posted at various locations around the facilities reminding employees of proper pandemic hygiene.
- Hand sanitizer dispensers are distributed throughout the building and employees are encouraged to wash their hands or use the dispensers regularly.
- N-95 and 3-ply masks have been procured and are available.

- All employees, visitors and vendors shall be required to wear masks while in the building (under the previously outlined conditions) and shall be issued an appropriate mask if they do not already have one.
- Gloves are also on hand and available as needed.

Judge and Court Staff Training

- Judges and employees will continue to receive training and information on proper procedures during Phase 2 and beyond.
- Informational and reminder posters have been placed at employee entrances and other strategic locations.
- Deputy marshals have been training in proper health screening techniques

Other Building Occupants

- There are no other building occupants.

Vulnerable Populations

- Judges, staff and visitors are provided with appropriate PPE equipment as needed. Oral arguments are conducted remotely and streamed live, thereby allowing vulnerable populations to attend in safety. Judges and staff that can work remotely are doing so.
- A Pro Se that must file in person is allowed to do so only after health screening, confirmation from the Clerk's Office that they need access, and have the appropriate paperwork ready. They are required to wear a mask while in the building, documents are received via a non-contact method.
- US Mail is received through a non-contact drop box on the exterior of the building.
- Accommodation shall be made for any vulnerable employees or an employee that is a caregiver to a vulnerable person.

Courthouse Facility and Security

- Deputy marshals shall enforce the social distancing and PPE guidelines on all visitors and vendors.
- Break rooms shall not be occupied by more employees than can safely socially distance while utilizing them.

- Oral arguments will continue to be held remotely, thereby eliminating the need for queuing and barricades.
- Only a Pro Se that is unable to file documents in any other method will be granted entry, and only one persona at a time.
- All documents will be received in a non-contact method.

Security

- Deputy marshals are on site and continue to provide security for the facility.
- Deputy marshals have been instructed on appropriate methods to utilize when screening vendors, visitors, deliveries, etc.

Cleaning and Disinfecting

- Custodial staff has been provided with the proper PPE equipment and cleaning supplies.
- The facility will continue to be thoroughly cleaned and disinfected every evening and early morning before employees arrive.
- All offices have been provided alcohol and disinfection wipes so the occupants can continue to sanitize their keyboards and other objects.

Courtroom

- The courtroom will not be in use during Phase 2.

Other Business Considerations

- All remote oral arguments are streamed live and archived on YouTube for public access.

The Marshal's Office receives daily updates from the Volusia County Emergency Management office, and the Marshal shall continue to monitor the status of the COVID-19 Pandemic in the local community.