

**IN THE CIRCUIT COURT, SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO AND PINELLAS COUNTIES, FLORIDA**

ADMINISTRATIVE ORDER NO. 2020-027 PA/PI-CIR

RE: CORONAVIRUS PANDEMIC (COVID-19) – PHASE 2 COURT OPERATIONS

Due to concerns regarding the spread and treatment of the Coronavirus, known as COVID-19, on March 1, 2020, Florida Governor Ron DeSantis signed executive order 20-51, declaring a public health emergency in the State of Florida. The Florida Supreme Court issued Administrative Order No. AOSC20-23, *Amendment 6*, regarding mitigating the impact of the Coronavirus on the court system. The Florida Supreme Court also issued Administrative Order No. AOSC20-32, *Amendment 3*, which provides the procedures for a circuit transitioning into Phase 2 of court operations.

In order to provide for continued operations of the Court during an emergency, and in accordance with Article V, section 7, Florida Constitution, Rule of Judicial Administration 2.215, and section 43.26, Florida Statutes,

IT IS ORDERED:

1. In accordance with the Supreme Court AOSC20-32, *Amendment 3*, the Sixth Judicial Circuit's Phase 2 operational plan has been finalized and filed with the Office of the State Court's Administrator, a copy of which is attached.

2. Both Pinellas County and Pasco County have met the five benchmark criteria established by Supreme Court Orders based upon the data sources identified therein. Therefore, all court operations throughout the Sixth Circuit may now transition out of Phase 1 and into Phase 2 as of the date of this order.

3. To the greatest extent possible, the courts must continue to use technology of all types to facilitate remote proceedings. Phase 2 only authorizes limited in-person appearances for specific proceedings identified in AOSC20-23, *Amendment 6*, and neither judges nor others scheduling or attending hearings are permitted to deviate from that list.

4. Health screening, social distancing, and face coverings must continue to be used pursuant to the procedures already established in each facility during Phase 1.

5. Although jury trials are not yet allowed such trials may be permitted after the circuit has been in Phase 2 operations for a period of 30 days. As a result of planning for that possibility and also recognizing that there will be significant limitations regarding the court's ability to provide jury trials, several circuit administrative orders have already been entered. They address the following matters:

- a. The Supreme Court provided specific guidance regarding juror excusals and postponements mandating that clerks be directed to create a process that will enable automatic excusals or postponements. Administrative Order 2020-024 PA/PI-CIR

directs such a process.

- b. The new procedures for juror summons, the limited physical spaces available for safely conducting jury trials, and a backlog of in-custody criminal cases have all necessitated the creation of a formal procedure for scheduling such jury trials. Administrative Order 2020-025 PA/PI-CIR details that procedure in both Pinellas County and Pasco County.
- c. Although criminal jury trials may be scheduled in conformity with the aforementioned order, there are different considerations regarding civil jury trials. The scheduling of civil jury trials in Pasco County will be further limited by the fact the two facilities in that county need to be used for criminal jury trials and in-custody cases will have priority over all other jury trial needs. Very few, if any, civil jury trials will be able to take place as long as the in-custody criminal cases must be addressed. In Pinellas County the County Justice Center is the singular facility for in-custody cases. The St. Petersburg Judicial Building and the Clearwater Courthouses are not prisoner secure facilities, and thus may be used for scheduling civil jury trials. The procedures related to scheduling civil jury trials in both Pinellas County and Pasco County are found in Administrative Order 2020-026 PA/PI-CIR.

6. Administrative Order 2020-008 PA/PI-CIR is hereby rescinded.

DONE AND ORDERED in Chambers at St Petersburg, Pinellas County, Florida this _____ day of September 2020.

ORIGINAL SIGNED ON SEPTEMBER 1, 2020
BY ANTHONY RONDOLINO, CHIEF JUDGE

cc: All Judges
The Honorable Bernie McCabe, State Attorney
The Honorable Bob Dillinger, Public Defender
The Honorable Nikki Alvarez-Sowles, Clerk of the Court, Pasco County
The Honorable Ken Burke, Clerk of the Court, Pinellas County
Gay Inskeep, Trial Courts Administrator
Ita M. Neymotin, Regional Counsel, Second District
Ngozi C. Acholonu, Assistant Regional Counsel, Second District
Lillian Simon, Director of Administrative Services, Pasco County
Bar Associations, Pasco and Pinellas Counties
Law Libraries, Pasco and Pinellas Counties



**OPERATIONAL PLAN
FOR TRANSITIONING THE SIXTH JUDICIAL CIRCUIT
TO PHASE 2 DURING THE COVID-19 PANDEMIC**

Amendment 4

The Florida Supreme Court’s administrative orders AOSC20-23, Amendment 6, and AOSC20-32, Amendment 3, establish benchmarks, guidelines and recommendations for the four phases of court operations during and after the COVID-19 pandemic. These orders require the Chief Judge to establish an operational plan for the safe and proper administration of all courts within the Sixth Judicial Circuit (hereinafter referred to as “the Circuit”) during the pandemic. This operational plan must be in place before the Circuit may transition to Phase 2. In Phase 2, limited in-person contact is authorized for certain purposes and/or requires use of protective measures. Accordingly, the Circuit moved to Phase 2 effective September 1, 2020, based on the following factors:

1. The Circuit met the five required benchmarks to transition to Phase 2, specifically:
 - a. No confirmed or suspected cases of COVID-19 in the courthouse/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.
 - b. No local or state restrictive movement or stay-at-home orders that limit the ability of individuals to leave their homes during the daytime.
 - c. Improving COVID-19 health conditions over a 14-day period in the community. The public health data necessary to determine whether this benchmark has been met will be provided on an Intranet page maintained by the Office of State Court Administrator (OSCA). Based on the seven-day averages of this public health data at the county level for the most recent two-week period ending on August 29, 2020, the Circuit met the benchmarks for the following four measures:
 - i. New cases in both Pasco and Pinellas counties are declining.
 - ii. The positivity rate in both Pasco and Pinellas counties is less than 10%.
 - iii. The daily number of hospitalizations for COVID-19 in both counties has declined.
 - iv. The daily number of Emergency Department visits for COVID-like illness declined in both counties.

- d. Sufficient availability of COVID-19 tests to meet community needs. There were and continue to be multiple testing sites throughout the Circuit.
 - e. Consultation with other building occupants and justice system partners. The Chief Judge established a facility specific operational team for each facility to establish health and safety protocols for each court facility, including but not limited to physical distancing between individuals, the use of hand sanitizer, temperature screening, questionnaire screening, and ongoing disinfection measures for court facilities. Membership of these workgroups comprises judges, representatives of Court Administration, Office of the State Attorney, Office of the Public Defender, each Clerk of Court, each Sheriff and each County Administration within the Sixth Judicial Circuit. Other tenants such as Guardian ad Litem and Department of Corrections were consulted when appropriate. These health and safety protocols were distributed to each facility's court stakeholder occupants.
2. The Circuit continues to monitor the local COVID-19 public health metrics at least weekly to ensure that all benchmarks will continue to be met and/or to determine whether adjustments to the operational plan are needed.
 3. The Circuit has established a written human resources policy on health and safety precautions to be followed by all judges, judicial assistants, and court employees during the pandemic, which was published to all concerned and posted on the Circuit's Intranet site and updated as needed. The pertinent provisions of the policy are:

Judges, judicial assistants and employees may not appear for work if they have tested positive or have been diagnosed with COVID-19, or if they are experiencing any symptoms consistent with having COVID-19, or have been in close contact with an individual who has tested positive for COVID-19 or who is exhibiting symptoms of COVID-19. Instead, they must call their supervisor and report their illness or exposure *before returning to the office*. The supervisor will contact HR. Judges should contact HR directly to self-report pursuant to the Chief Judge's directive. Symptoms of COVID-19 may be found here:

<https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>

Judges, judicial assistants and court employees must remain home and contact their supervisor (judges should contact HR directly) if they live with a household member who:

- is experiencing symptoms consistent with having COVID-19; or
- was directed to be tested; or
- has tested positive for or has been diagnosed with COVID-19

The HR department will follow the latest CDC guidelines on self-quarantine when advising judges, judicial assistants and employees on when they may return to the workplace.

<https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/quarantine.html>

If a court stakeholder employee tests positive for COVID-19 and has had contact

with judges, judicial assistants, or court employees (e.g., a courtroom clerk), the court stakeholder supervisor will immediately inform the Trial Courts Administrator (TCA). No names are required to be provided unless necessary for alerting potentially exposed persons. If the person notified is a court employee, the employee’s supervisor must notify the TCA immediately. The supervisor should not share the name of the employee with anyone other than the TCA.

Judges, judicial assistants or employees who may have had contact with the ill person will be notified by the Courts HR Department and informed that they may have been exposed to a person who has a confirmed case of COVID-19.

The HR Department will contact the local health department for a recommendation. Depending on the specific circumstances related to the potential exposure, the Department of Health recommendations may require the court employee to:

- Be tested for COVID-19;
- Self-quarantine for 14 days; or
- Return to work because the potential for exposure is none to minimal.

Persons who are required to self-quarantine or test for COVID-19 shall be permitted to utilize their personal sick leave, and/or work remotely if circumstances warrant.

4. The Circuit has determined the type of proceedings to be conducted remotely, in-person, or a combination thereof during Phase 2, specifically:

Proceeding type ↓	Phase 2 <i>Commenced September 1, 2020</i>
First appearance (essential)	In-person and/or remote
Criminal arraignments (essential)	In-person and/or remote
Hearings on motions to set or modify monetary bail for in-custody defendants (essential)	In-person and/or remote
Juvenile dependency shelter hearings (essential)	In-person and/or remote
Juvenile delinquency detention hearings (essential)	In-person and/or remote
Hearings on Petitions for Injunctions Relating to Safety of an Individual (essential)	In-person and/or remote

Hearings on Petitions for Risk Protection Orders (essential)	In-person and/or remote
Hearings on Petitions for the Appointment of an Emergency Temporary Guardian (essential)	In-person and/or remote
Hearings to Determine Whether an Individual should be involuntarily committed under the Baker Act or the Marchman Act (essential)	In-person and/or remote
Hearing on Petitions for Extraordinary Writs as Necessary to Protect Constitutional Rights (essential)	In-person and/or remote
Critical Proceedings Related to the State of Emergency or Public Health Emergency (e.g. violation of quarantine or isolation; enforcement of curfew orders, etc.) (critical)	In-person and/or remote
Statewide grand jury selection	In-person and/or remote
Grand jury selection	<u>Pinellas</u> Resuming March 1, 2021. <u>Pasco</u> Resuming March 15, 2021.
Grand jury proceedings	<u>Pinellas</u> Resuming March 1, 2021. <u>Pasco</u> Resuming March 15, 2021.
Criminal non-jury trials	Shall be conducted remotely if parties agree.
Circuit criminal trials for capital or life felonies and for in-custody defendants charged with a first-degree felony	<u>Pinellas</u> Resuming March 1, 2021. <u>Pasco</u> Resuming March 15, 2021.

Circuit and county criminal trials with an in-custody defendant	<u>Pinellas</u> Resuming March 1, 2021.
	<u>Pasco</u> Resuming March 15, 2021.
Circuit jury trials for juveniles being tried as an adult	<u>Pinellas</u> Resuming March 1, 2021.
	<u>Pasco</u> Resuming March 15, 2021.
Circuit and county criminal trials with an out-of-custody defendant	<u>Pinellas</u> Resuming March 1, 2021.
	<u>Pasco</u> Resuming March 15, 2021.
Circuit civil jury trials	<u>Pinellas</u> Resuming March 15, 2021.
	<u>Pasco</u> Jury trials suspended as of December 8, 2020, until further notice.
County civil jury trials	<u>Pinellas</u> Resuming March 15, 2021.
	<u>Pasco</u> Jury trials suspended as of December 8, 2020, until further notice.
Termination of Parental Rights trials	Shall be conducted remotely if ordered by the chief judge or the presiding judge, or if not, shall be conducted in person.
Juvenile Delinquency Non Jury trials	Shall be conducted remotely if ordered by the chief judge or the presiding judge, or if not, shall be conducted in person.
Noncriminal Traffic Infraction Court Proceedings	Remote; speedy suspended until further order of the Florida Supreme Court.
Incompetence to Proceed	Remote, if feasible; to be heard as soon as feasible after the date of filing a motion to determine competency.
Circuit Civil non-jury proceedings	Remote
County Civil non-jury proceedings	Remote
Small Claims	Remote
Probate and Guardianship	Remote

Family	Remote
Mediation	Remote
Juvenile Diversion	Remote

5. **The Circuit operational teams developed plans for resuming jury trials in a safe manner consistent with all benchmarks, requirements and guidelines during Phase 2. Limited jury trials were permitted to start in October 2020 after the counties were successfully in Phase 2 for the required 30 days. On December 8, 2020, the seven day averages for the prior two weeks for new cases in Pasco County exceeded 20. The positivity rate for Pasco County exceeded 10% and there was an increase to both the seven day averages for hospitalizations and ED visits. The Chief Judge determined that the circumstances required a temporary suspension of jury trials in Pasco County. Since that time, the new positive cases and the positivity rate have fluctuated and there has not been a two consecutive week decline in those averages. More importantly, the positivity rate is still close to ten percent. Furthering our concerns are the predictions that the post-holiday numbers will likely increase due to travel and gatherings. Consequently, the Chief Judge has determined that circumstances require the temporary suspension of jury trials in Pasco County to continue until further notice. Jury trials in Pasco County will resume when there is a sustained improvement in the data that warrants such a change as determined by the Chief Judge. Review of recent data indicates that there is a sustained improvement. Criminal jury trials and grand jury proceedings will resume March 15, 2021.**

On January 5, 2021, the Chief Judge announced a significant increase in both the number of new Covid-19 cases and the percentage of positive cases in Pinellas County. The Chief Judge determined that the circumstances required a temporary suspension of jury trials in Pinellas County. The suspension of trials was in effect until the numbers improved and the risks were reduced. Trials continued to be scheduled, at judge’s discretion, for future dates understanding that circumstances may or may not ultimately allow such a setting to go forward. Review of recent data indicates that there is a sustained improvement. Criminal jury trials and grand jury proceedings will resume March 1, 2021. Civil jury trials will resume March 15, 2021.

6. In order to provide for the regulation of courtrooms, to ensure the safety of jurors and to increase efficiencies, the Chief Judge has designated, in a separate administrative order, a judge designated as the jury trial coordinator for each facility in the circuit. The jury trial coordinator is responsible for regulating the use of courtrooms for jury trials in that facility to ensure all social distancing and other health and safety requirements and guidelines are met.
7. Consistent with Supreme Court administrative orders and guidance by the Centers for Disease Control and Prevention, the Circuit continues to maximize remote court proceedings and programs where required or where authorized and feasible. All employees whose work can be accomplished using electronic means have the ability to work remotely. It is anticipated that most employees, especially vulnerable employees and caregiver

employees, will be able to work remotely, at least some days of the week, until at least Phase 4. Social distancing and other health protocols will be employed in shared workspaces for those employees whose assigned duties require them to report to the workplace some or all of the workweek.

Updated February 10, 2021