

**IN THE COURTS OF THE FIRST JUDICIAL CIRCUIT  
OF THE STATE OF FLORIDA**

**ADMINISTRATIVE ORDER NO. 2020-26**

**IN RE:        AMENDED COMPREHENSIVE COVID-19 PHASE 2 OPERATIONAL  
PLAN FOR THE FIRST JUDICIAL CIRCUIT**

As a result of the Coronavirus Disease 2019 (COVID-19) pandemic, the State Surgeon General and State Health Officer on March 1, 2020, declared that a public health emergency exists in Florida, and the Governor on March 9, 2020, declared a State of Emergency for the entire state. The Florida state courts have taken measures to mitigate the effects of this public health emergency upon the judicial branch and its participants. To that end, the Supreme Court of Florida has issued administrative orders implementing temporary measures essential to the administration of justice during the COVID-19 pandemic. The overarching intent of those orders has been to mitigate the impact of COVID-19, while keeping the courts operating to the fullest extent consistent with public safety. On May 21, 2020, the Supreme Court of Florida issued Administrative Order No. AOSC20-23, *Amendment 2*, which provided directives for each judicial circuit to transition to optimal operations in a manner that protects the public's health and safety during each of the phases of the pandemic.

On May 21, 2020, the Supreme Court of Florida also issued AOSC20-32, which incorporated by reference the requirements, guidelines, and recommendations of the Workgroup on the Continuity of Court Operations and Proceedings During and After COVID-19 (the "Workgroup"). Florida Supreme Court No. AOSC20-32 provided that in order for each judicial circuit to transition to Phase 2 and expand in-person activities, each judicial circuit must have met the five benchmark criteria as outlined by the Workgroup and must have developed an operational plan, addressing, at a minimum, implementation of the requirements identified in the Workgroup Report. Thereafter, on June 4, 2020, the undersigned entered Administrative Order No. 2020-21, finding that the First Judicial Circuit had met the benchmark criteria necessary to transition to Phase 2. In addition, the First Judicial Circuit has prepared and submitted an initial operational plan, as required by AOSC 20-32.

Subsequently, on July 2, 2020, the Florida Supreme Court issued AOSC 20-32, *Amendment 2*, which directed that the chief judge of each circuit currently operating in Phase 2

shall “monitor applicable public health data at least weekly to determine if a modification to operations, or a change in phases, is necessary.” The First Judicial Circuit is currently operating in Phase 2, and is consistently monitoring the relevant data and remaining in consultation with agency partners and local health officials. Based on the local health data available as of this date, the undersigned concludes that a reversion to Phase 1 is not required, but certain amendments are necessary to the existing operational plan.

Therefore, in accordance with the authority vested in the Chief Judge by Article V, Section 2(d) of the Florida Constitution, §43.26, *Florida Statutes*, and Florida Rule of Judicial Administration 2.215, IT IS ORDERED that:

1. The courts of the First Judicial Circuit shall continue to operate in Phase 2, but with modifications to certain operations as a result of data showing a recent decline in health conditions. Specifically, with regard to the benchmark criteria set out for Phase 2 operations:
  - a. No confirmed or suspected cases of COVID-19 in the courthouse/courthouse facilities within 14 days. Confirmed COVID-19 cases have been reported in two courthouse facilities, although appropriate self-quarantine precautions are being taken by those individuals involved, and deep cleaning protocols are observed.
  - b. Rescission of local and state restrictive movement and/or stay at home orders. There have been no new stay at home orders or orders restricting movement in the local area. However, the City of Pensacola and the City of Gulf Breeze have issued orders requiring masks in local businesses, and several local businesses and community centers have closed temporarily as a result of confirmed or suspected cases of COVID-19.
  - c. Improving COVID-19 health conditions over a 14-day period in the community. Within the past week, the numbers of positive cases in the four counties of the First Judicial Circuit have increased significantly, with a seven-day average positivity rate for each of the four counties as follows:  
Escambia: 12.3 percent; Santa Rosa: 11.6 percent; Okaloosa: 14.7 percent; Walton: 14.6 percent.  
Escambia and Santa Rosa County have seen a combined increase of 1,895 cases over a seven-day period from July 7-14, 2020. Okaloosa and Walton County



have also seen an increase over the same period of 507 cases and 250 cases, respectively. The number of confirmed COVID-19 cases in Walton County is still relatively small compared to most counties in the state. In addition, although local hospitals have not reported a lack of ICU capacity, the available number of ICU beds is, at the time of this writing, substantially reduced from that which was reported in early June. In addition, at least two local jails report significant numbers of inmates have also tested positive for the COVID-19 virus.

- d. Adequate testing programs in place, increased availability of COVID-19 tests, and emerging antibody testing: Adequate testing programs are in place and there is an increased availability of COVID-19 tests. However, due to the recent surge in cases, it has been reported that test results are being delayed in many cases for as much as a week or more.
2. With these circumstances in mind, it is ordered that Phase 2 operations are limited at this time as follows:
    - a. Effective immediately, inmates are not to be transported from local jails to court facilities without explicit permission from the Chief Judge or the relevant county's administrative judge;
    - b. Effective immediately, jury trials will not be conducted without specific authorization by the Chief Judge. At the earliest, jury trials will commence on August 17, 2020, if health conditions permit;
    - c. In Escambia, Okaloosa, and Santa Rosa Counties, the following alterations to court scheduling are ordered:
      - i. Effective July 20, 2020, all motion hearings, sentencings, and contested probation violation hearings involving defendants who are presently out of custody shall be continued until further order of the undersigned, unless such proceedings can be conducted by videoconferencing.
      - ii. Criminal docket days and plea days scheduled for the remaining weeks of July may proceed as scheduled. Waivers of appearance remain strongly encouraged where appropriate, and social distancing protocols must be strictly observed. Effective August 3, 2020, docket day and plea day

scheduling will be expanded as necessary to allow for the presence of fewer people in the court facilities at any given time.

- iii. Juvenile delinquency and dependency arraignments may also be conducted in person with appropriate scheduling and social distancing protocols strictly observed.
- iv. All termination of parental rights proceedings may continue to be conducted in person, including advisory and adjudicatory hearings, provided no necessary participant is in custody.
- v. All family law proceedings shall be conducted remotely except for domestic violence injunction proceedings.
- vi. All civil proceedings shall be conducted remotely.
- vii. With the exception of those hearings outlined above, only essential and critical trial court proceedings may be conducted in person, if necessary, and with appropriate scheduling and social distancing protocols observed, as defined below:
  - First Appearances
  - Criminal Arraignments – (Appearances for out-of-custody clients may be waived by counsel).
  - Bond hearings
  - Juvenile detention hearings
  - Juvenile Dependency/Shelter Hearings
  - Chapter 39 injunctions
  - Petitions for Judicial Waiver of Parental Notice under section 390.01114(4), Fla. Stat.
  - Petitions for Emergency Incapacity Petitions and Appointment of Emergency Temporary Guardian
  - Petitions for Dating Violence, Domestic Violence, Repeat Violence, Sexual Violence or Stalking Injunctions
  - Petitions for Risk Protection Orders
  - Proceedings Involving Requests for “Do Not Resuscitate” Orders
  - Vulnerable Adult Petitions
  - Issuance of search or arrest warrants or authorizations for wiretaps
  - Baker Act and Marchman Act proceedings
  - Adult Protective Services Act proceedings
  - Family Law and Dependency cases in which the imminent safety of children is at issue
  - Extraordinary Writs as necessary to protect constitutional rights
  - Proceedings related to the state of emergency or public health emergency, including but not limited to violation of quarantine or

isolation orders, violations of orders to limit travel, violation of orders to close public or private buildings; seizure of bodily fluids, and enforcement of curfew orders

- Proceedings involving violations and sanctions for Drug Court, Veteran's Court, and Mental Health Court participants
- 48-hour hearings for those arrested for failure to pay child support
- Any other emergency proceedings or hearings as authorized by the Chief Judge.

3. While the First Judicial Circuit courts remain in Phase 2, and should improving public health circumstances dictate, the undersigned may, by separate and specific order or memorandum, allow permission for limited jury trials and inmate transportation to court facilities, without need for amendment of this operational plan.
4. All judges are encouraged to continue to explore ways to conduct proceedings remotely when possible.
5. Court protocols and practices shall continue to be guided by Centers for Disease Control and Prevention recommendations and align with guidance provided by the Florida Department of Health, the county health departments in the counties of the First Judicial Circuit, and local medical professionals.
6. The recommendations and guidelines of the Workgroup on the Continuity of Court Operations and Proceedings During and After COVID-19, as amended on July 2, 2020, are hereby adopted as part of the Amended Operational Plan for the First Judicial Circuit.
7. The administration of the First Judicial Circuit has consulted with the Office of the State Attorney, the Office of the Public Defender, the Escambia County Clerk of Court, the Santa Rosa County Clerk of Court, the Okaloosa County Clerk of Court, the Walton County Clerk of Court, the Escambia County Sheriff's Office, the Santa Rosa County Sheriff's Office, the Okaloosa County Sheriff's Office, the Walton County Sheriff's Office, the Office of Criminal Conflict and Civil Regional Counsel, the Department of Corrections, the Department of Children and Families, the County Administrators for Escambia, Santa Rosa, Okaloosa and Walton Counties, the Guardian ad Litem, and Child Welfare Legal Services. The Circuit has also consulted with the health departments of the counties comprising the First Judicial Circuit, as well as the Escambia/Santa Rosa Bar Association. The Circuit will continue to



receive and incorporate any input as needed from these agencies and any other interested parties.

8. The following procedures shall apply to court operations within the First Judicial Circuit while in Phase 2:

**a. Remote Hearings and Remote Work:** To the extent possible, all proceedings shall occur remotely by teleconferencing or videoconferencing, unless litigants or other court participants are unable to successfully participate in a remote hearing for reasons beyond the Court's control. The presiding judge must consider the constitutional rights of crime victims and criminal defendants and the public's constitutional right of access to the courts.

Judges and court personnel who can effectively conduct court and judicial branch business from a remote location may do so, subject to the needs of the court during this transitional phase.

**b. Health and Safety Screening:** All reasonable measures will be taken to ensure that no one enters the courthouses or court facilities of the First Judicial Circuit when there is a likelihood that they may have COVID-19.

Judges and staff are directed to self-monitor for the most common symptoms of COVID-19 as per current CDC guidance. No person who presents any of the symptoms of COVID-19 should report to work within any courthouse or court facility. Employees with any symptom of COVID-19 should instead stay home, contact their supervisor, and consult with their doctor or medical professional.

All others entering a courthouse or court facility will be required to undergo a health screening with a no-contact temperature check. The screening shall include the following questions:

- 1: Do you have any of the following symptoms (excluding those due to a known medical reason): cough, shortness of breath or difficulty breathing, fever or chills, fatigue, muscle or body aches, headache, sore throat, new loss of taste or smell, congestion or runny nose, nausea or vomiting, diarrhea?
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?

Any person who has a fever of 100.4 degrees Fahrenheit or greater, who answers affirmatively to any of the symptoms in Question 1 or answers affirmatively to Questions 2, 3, 4, or 5 shall not be allowed to enter the courthouse or court facility. Similarly, any person who refuses to submit to the temperature screening, to answer any of the questions, or to comply with any requirement to wear a face covering, shall not be allowed entry into the building. Any person denied entry will be provided the opportunity to make alternative arrangements for conducting their business.

Should the Court receive updated guidance from the Florida Supreme Court or the COVID-19 Workgroup regarding screening procedures and/or questions, Court Administration is directed to immediately update the existing procedures throughout the First Judicial Circuit to conform with any new guidance, without the need for further order of the undersigned or amendment of the operational plan.

- c. **Social Distancing:** Social distancing guidelines shall be established and strictly enforced in all areas of the courthouse facilities. Current guidance from the Centers for Disease Control and Prevention dictates a distance of six feet between individuals. Where practical and appropriate, areas of the court facilities will be reconfigured so as to facilitate and enforce social distancing. Maximum capacities for all courtrooms have been established and shall be strictly enforced.
- d. **Hygiene Protocols and Personal Protective Equipment:** Hygiene protocols such as hand washing and covering coughs and sneezes shall be strongly encouraged. Where available, hand sanitizer will be available for use by staff and by visitors to the courthouse facilities. Facemasks are required for everyone entering court facilities and shall be worn at all times through the courthouse,

including inside courtrooms. However, if proper social distancing can be observed, facemasks are not required in private offices. Face shields will be available for those participants 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. Public spaces will be regularly cleaned and disinfected.

- e. **Training:** To the extent that training or other assistance is required, such training will be provided by Court Administration staff.
- f. **Vulnerable Populations:** Vulnerable individuals are those 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 or other conditions requiring such therapy. Persons with scheduled hearings meeting this definition shall be accommodated with a remote hearing if possible, and may request same by a motion to the appropriate judicial officer with a copy to opposing counsel. If a remote hearing is not possible, the hearing may be continued, if it is non-essential. If it is essential or critical, every effort shall be made to conduct an in-person hearing in a manner providing the maximum available safety precautions.
- g. **Courthouse Facility and Security:**

Exterior:

- Queuing areas will be established outside of the entrances of courthouses. Social distancing signs will be placed outside of entrances to remind citizens of proper protocols.

Interior:

- If necessary, interior queuing areas will be reconfigured so as to facilitate social distancing. Where available, floor markers will be placed to remind citizens of proper protocols.
- Only persons with scheduled proceedings, appointments or official court business will be allowed into court facilities. Parents or guardians of juveniles who have proceedings in juvenile court may accompany them.
- Social distancing protocols shall be observed in all common areas.



- Physical barriers, such as sneeze guards and partitions already exist in certain high traffic areas, and have also been installed in courtrooms in some facilities.
- The number of persons allowed in shared restrooms at any given time, both public and employee, shall be limited. Persons shall, to the extent possible, practice social distancing of six feet. If an adult or adults have children with them, the persons allowed in any shared restroom should be limited to that single-family group.
- The number of persons allowed in any elevator at any given time, both public and employee, shall be limited. If an adult or adults have children with them, the persons allowed in any elevator shall be limited to that single-family group.

#### Security

- Health screenings and no-contact temperature checks shall be conducted by court security or by deputies responsible for the normal screening of persons entering the court facilities.
- Court security and local sheriffs' deputies are hereby granted the authority to enforce all social distancing guidelines and the wearing of face masks, and to remove persons from courtrooms and court facilities if required in compliance with this order.

#### **h. Cleaning and Disinfecting**

Court Administration shall, to the extent possible, maintain a supply of hand sanitizer and disinfecting wipes and shall make them available to employees and to the public throughout the courthouse, including courtrooms.

Each county has individuals to provide cleaning services to the buildings in which the court facilities are located. These individuals are to clean and disinfect high traffic areas and frequently touched surfaces multiple times per day, including restrooms, elevators, and entry doors, with enhanced nightly cleaning and disinfecting of public areas.

Employees are encouraged to clean or disinfect shared equipment, such as copiers, before every use.

Disinfecting wipes will be available in the courtrooms at counsel tables and podiums to be used by counsel or parties to clean shared surfaces.

9. Additional orders extending or modifying these measures will be issued as warranted by changing circumstances during the public health emergency.

**DONE AND ORDERED** in Chambers, at Pensacola, Escambia County, Florida, on this 16<sup>th</sup> day of July, 2020.

  
\_\_\_\_\_  
**JOHN L. MILLER**  
Chief Judge

Copies furnished to:

All Judges, First Judicial Circuit  
All Clerks, First Judicial Circuit  
William Eddins, State Attorney, First Judicial Circuit  
Bruce Miller, Public Defender, First Judicial Circuit  
All Sheriffs, First Judicial Circuit  
Robin Wright, Trial Court Administrator  
Elizabeth Miller, Child Welfare Legal Services  
Bryan Carter, Guardian Ad Litem  
Mark Jones, Family First Network  
Julie Gaither, Department of Corrections  
Paul Wallis, Florida Department of Juvenile Justice  
Justice Administrative Commission  
Candice Brower, Office of Criminal Conflict Counsel  
Craig Waters, Florida Supreme Court  
For Broadcast by: Escambia-Santa Rosa Bar Association  
For Broadcast by: Okaloosa County Bar Association  
For Broadcast by: Walton County Bar Association  
For Posting at [www.FirstJudicialCircuit.org](http://www.FirstJudicialCircuit.org)