

IN THE CIRCUIT COURT, FOURTH JUDICIAL CIRCUIT  
IN AND FOR CLAY COUNTY, FLORIDA

ADMINISTRATIVE ORDER

July 8, 2020

IN RE: COVID-19 EMERGENCY PROCEDURES IN CLAY COUNTY  
RESTRICTIONS ON ACCESS TO JUDGE WILLIAM A. WILKES JUDICIAL  
COMPLEX

WHEREAS, the COVID-19 virus (coronavirus) is now considered by the World Health Organization to be a global pandemic; and

WHEREAS, the COVID-19 virus is highly contagious with no current vaccine to limit its spread and no known medication to eliminate or reduce the virus in the bodies of those infected; and

WHEREAS, the state and federal governments have enacted numerous restrictions on daily activities, work, and travel, in addition to issuing detailed recommendations in an effort to limit the general public's exposure to the COVID-19 virus; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) has issued a recommendation that events and meetings should be limited to no more than ten (10) people and that individuals should practice "social spacing" by keeping a separation distance of no less than six (6) feet; and

WHEREAS, the emergency related to the COVID-19 virus pandemic has disrupted all but essential operations of the statewide court system and Fourth Judicial Circuit, including the suspension of jury trials, grand jury proceedings, and all non-emergency civil and family proceedings; and

WHEREAS, the Fourth Circuit, in accordance with statewide and nationwide policies adopted by both private employers and government agencies, has encouraged all but essential personnel to work from home and has quarantined those employees who have traveled outside of the country, traveled on long airline flights through airports, or have weakened immune systems; and

WHEREAS, the health and safety of employees working at the Judge William A. Wilkes Judicial Complex (the "Courthouse") and those citizens that must utilize courthouse services provided by the Fourth Judicial Circuit, the Clerk of the Court, the State Attorney's Office, the Public Defender's Office, the Property Appraiser's office, Tax Collector's Office, and the county court probation office, are of utmost importance; and

WHEREAS, the more members of the general public that have access to the Courthouse, the more it will necessarily increase the chance of exposing courthouse employees and other members of the general public to the COVID-19 virus; and

WHEREAS the Chief Justice of the Florida Supreme Court has, by administrative orders AOSC20-23, as amended, and AOSC20-32, as amended, has identified phases of court operation and has specified the requirements that must be met before transitioning to a higher phase, which include in part development of an operational plan which must be filed with OSCA; and

WHEREAS, the Chief Judge of the Fourth Judicial Circuit has delegated authority to the undersigned administrative judge for Clay County to develop an operational plan and procedures;

NOW THEREFORE, by the authority vested in the undersigned, IT IS ORDERED:

1. The Judge William A. Wilkes Judicial Complex is declared to be in Phase 2 status. Commencing as of the date of this order, courthouse operations shall be conducted as set forth in, and consistent with, the attached operational plan.

DONE AND ORDERED in Chambers at Green Cove Springs, Clay County, Florida, this the 8th day of July, 2020.



Don H. Lester  
Administrative Judge  
Clay County

Copies to:

Hon. Mark H. Mahon  
All Clay County Judges  
Hon. Tara Green, Clerk of Court  
Clay County Sheriff's Office  
Orange Park Police Department  
Green Cove Springs Police Department  
Lt. Mark Cowan  
Office of the State Attorney, Clay County  
Office of the Public Defender, Clay County  
Clay County Bar Association  
Quigley House  
Jacksonville Area Legal Aid, Clay County Office



## **OPERATIONAL PLAN**

**(Amendment 1)**

**Transition to Phase 2 and Beyond**

**COVID-19 Pandemic**

**JUDGE WILLIAM A. WILKES JUDICIAL COMPLEX**

**CLAY COUNTY, FLORIDA**

**Fourth Judicial Circuit**

**Don H. Lester, Administrative Judge**

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# I. INTRODUCTION

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 Judge William A. Wilkes Judicial Complex (“the Courthouse”) has been operating and open for business under Phase 1 and is now ready to transition to Phase 2. 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 “Workgroup Report”). The Administrative Judge, along with a committee<sup>1</sup> tasked with developing the Operational Plan, consulted with fellow judges and justice system partners including the Office of the State Attorney, Office of the Public Defender, Clerk of the Court, Clay County Sheriff’s Office, Clay County Manager, Clay County Public Health

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<sup>1</sup> Committee members are Judge Angela M. Cox, Judge Timothy R. Collins and Judge Steven B. Whittington.

Department, Clay County EOC, the Clay County Bar Association, and other community stakeholders to design this Operational Plan.

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, news media reports, and recommendations from local health care experts to determine the status of the local community's health conditions related to COVID-19. If after transitioning to Phase 2, local conditions deteriorate or resources become strained, the Administrative Judge will determine if the Court should return to Phase 1 operations or adjust Phase 2 operations to meet the current public health situation.

## II. SATISFACTION OF BENCHMARKS

The Workgroup Report identified five benchmarks which must be met prior to a court transitioning from Phase 1 to Phase 2. As discussed below, Clay County has met all five benchmarks.

***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.***

Since the start of the COVID-19 pandemic, there has been no confirmed or suspected case of COVID-19 in the Courthouse. Employees who may have been exposed to COVID-19 were self-quarantined; however, none of those employees tested positive for COVID-19, and there are currently no employees in quarantine. Nevertheless, since the start of the pandemic, the Courthouse has continuously engaged in deep cleaning and disinfection of facilities.

Accordingly, this benchmark has been satisfied.

***A. Recession of local and state restrictive movement and/or stay-at-home orders.***

On April 21, 2020, Governor Ron DeSantis began to lift Florida's stay-at-home order and has moved portions of Florida into Phase 1 of the Governor's reopening. Clay County did not have a separate stay-at-home order. Clay County is fully into Phase 2 of the Governor's reopening of Florida, including but not limited to 50% occupancy in restaurants and movie theaters, opening of nail salons, hair salons, gyms etc. Clay County has reopened parks and playgrounds with no restrictions to include youth activity facilities.

Accordingly, this benchmark has been satisfied.

***2. 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 the 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.***

Clay County has had very low incidences of COVID-19. As reflected in the chart, attached as Exhibit A, as of June 7, 2020, the Florida Department of Health reports that Clay County has had 397 confirmed cases (of Florida residents) of COVID-19 and 32 deaths caused by the virus. According to the most recent census bureau information, Clay County currently has a population of 219,252. (It is noteworthy that of the 397 confirmed cases, 48% of those occurred with persons in long-term care facilities). This reflects an overall infection rate of 0.1% among the county's population, with a fatality rate of 0.01% among the population and 8% of those who tested positive.

In addition, over the last 14 days, as reflected in Exhibit A, there has been a very low percentage of positive tests for COVID-19, despite an increase in testing. Finally, the chart reflects a decrease in emergency department visits for COVID-19-type symptoms.

According to the U.S. Census Bureau, 15.8% of Clay 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, Clay County's vulnerable population is below that of the state.

According to the Agency for Health Care Administration, ("AHCA"), as of June 7, 2020, Clay County had a total of 416 hospital beds with 65 beds currently available. Clay County hospitals have 48 ICU beds. Clay County is a part of the Jacksonville, Duval County metropolitan area. According to AHCA, as of June 7, 2020, Duval County had a total bed census of 2,370 with 1,610 beds available. Most of the hospitals in Duval County are within short driving distance from Clay County. Since the start of the pandemic, there have been no reports that hospitals in the area have been unduly burdened with the care of patients related to COVID-19.

Accordingly, this benchmark has been met.



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

According to the Clay County Emergency Operations Center, free drive through COVID-19 testing is available to Clay County citizens with or without signs or symptoms at the Florida Department of Health in Green Cove Springs. For individuals showing symptoms, additional COVID-19 Test Collection Sites available for Clay County residents are as follows: 1) Care Spot Middleburg; 2) Care Spot Orange Park; 3) Palms Medical Group Orange Park; 4) Aza Health Green Cove Springs; 5) Aza Health Keystone Heights; and 6) Lot J at TIAA Bank Field in Jacksonville. Antibody testing is also available to individuals at Lot J at TIAA Bank Field.

Further, in neighboring Duval County, the following testing sites are available and all are within short driving distance from the residents of Clay County:

- 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
- River Region-Arlington
- Veterans Administration Jacksonville Outpatient Clinic
- Walmart, Beach Boulevard
- Walmart, Lem Turner Road

Accordingly, this benchmark is satisfied.

**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 types of cases, such as the Department of Children and Families).**

The Administrative Judge and members of the committee have met with representatives from each of the Courthouse's tenants and other local stakeholders. All have been briefed on the

status of courthouse operations, the requirements of the Florida Supreme Court and the proposed Operational Plan.

Accordingly, this benchmark has been satisfied.

### III. OPERATIONAL PLAN FOR PHASE 2

Pursuant to the relevant Administrative Orders, and having met the benchmarks necessary to transition from Phase 1 to Phase 2, the following Operational Plan has been created.

#### *A. Remote Hearings and Remote Work*

Since the start of the pandemic, all judges are now capable of conducting remote hearings. Licenses have been purchased for all six full-time Clay County judges and the two magistrates to use the Zoom teleconference platform. In addition, all judges have devices capable of conducting teleconference proceedings from their offices or homes. The judges have received training in the operation of teleconferencing software and hardware.

Since the start of the pandemic, the Clay County judges have conducted numerous remote hearings through the use of teleconference technology. During Phase 2, the Clay County judges and magistrates will continue to conduct remote hearings in the majority of cases. However, there are certain proceedings which cannot be conducted using remote teleconference technology. During Phase 1, some matters which were not deemed essential and were not capable of being conducted remotely were not conducted, which has caused some delay and backlog in those matters. It is only those proceedings which cannot be conducted remotely, which will be conducted in person, or through a hybrid proceeding, in Phase 2.

Further, courthouse employees will be permitted to work remotely to the extent their work can be done remotely. Particular effort has been made, and will continue to be made, to ensure that vulnerable employees, and those that are caregivers for someone who is vulnerable, are able to work remotely.

## ***B. Health and Security Screening***

The Courthouse has one public entrance located at the front of the Courthouse. Courthouse employees use an employee entrance located at the back of the Courthouse. Judges enter the Courthouse through an entrance adjacent to a secured parking lot.

### ***General public***

The public will continue to use the public entrance during Phase 2.<sup>2</sup> Prior to entry, officers from the Clay County Sheriff's Office (CCSO) will question that individual to verify he or she is entering the building to participate in a scheduled proceeding or is present to complete essential business that cannot be conducted remotely, such as the filing of a domestic violence injunction; no one else will be permitted in the Courthouse. CCSO officers will wear appropriate personal protective equipment (PPE). CCSO officers will be provided lists of names of individuals expected at the Courthouse on a given day. The 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 with adequate shelter.

Individuals will be admitted into the Courthouse no more than 20 minutes before a court proceeding or appointment. Everyone entering the Courthouse must wear a mask. If someone does not have a mask or their mask does not provide the necessary protection, one will be provided to him or her at no cost. Masks must always be worn in the Courthouse. Anyone refusing to wear a mask will be escorted from the building.

Stanchions will be set up in the Courthouse lobby 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

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<sup>2</sup> This includes members of the State Attorney's Office, Public Defender's Office, Regional Conflict Counsel, Capital Collateral Regional Counsel, other government attorneys, and private attorneys.

enforce social distancing. Upon entering the Courthouse, the public will proceed to the health screening area. A two-step COVID-19 screening process will be administered by CCSO officers to include a temperature check and questionnaire. The temperature check will be conducted with an infra-red touchless device. 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 Courthouse.

The questionnaire can be completed in one of two ways. First, the questionnaire will be available on the Clay County Clerk's website so individuals can print and complete the questionnaire before their arrival. The completed questionnaire must be given to the health screeners upon arrival at the Courthouse. Second, for those who do not have a completed form when they arrive at the Courthouse, the health screeners will ask the following questions of all individuals who enter the Courthouse:

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?

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

If an individual is scheduled for a court appearance and has been denied access to the Courthouse, a bailiff will contact the presiding judge. 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. Persons refusing to undergo health screening will be denied access to the Courthouse. All questionnaires will be destroyed throughout the day. CCSO officers, 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.

Once persons entering the Courthouse pass through health screening, they will then proceed to security screening. Security screening is conducted by Gideon's Security personnel and CCSO officers. Strict hygiene protocols will be implemented in the handling of personal items (e.g., phones, keys, wallets and purses) that need to be examined with x-ray machines and security monitors to minimize possible contamination.

Hand sanitizer will be readily available in the security screening area. Persons waiting to be screened by security will be required to social distance. The ground will be marked at six foot intervals to establish social distance spacing. Security personnel have been trained on the aforementioned procedures for security screening. After persons clear the security screening area they will then immediately move to that area of the Courthouse where their presence is required.

## *Employees*

Employees will continue to use the employee entrance at the back of the Courthouse. CCSO officers will conduct a health screen consistent with the health screening discussed above to include the COVID-19 questionnaire and temperature check. Vendors and other service providers who need to enter the Courthouse will use the employee entrance and will be required to undergo the health screening set out above. There are a sufficient number of CCSO officers to staff the public and employee entrances throughout the day.

If an employee answers yes to any question on the questionnaire 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 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. An employee must provide medical clearance before returning to work. The employee's supervisor (or a designated human resource officer) will contact the employee who has been sent home to identify any employee he or she had come into contact with in the preceding days. The supervisor 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 supervisor will not reveal the name of the employee who has been sent home.

Court employees must contact their supervisor (or human resource officer) 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 for COVID-19; or

- has tested positive for COVID-19.

These employees must provide medical clearance before returning to work.

Judges will self-check for symptoms. Judges must complete the COVID-19 questionnaire before returning to the Courthouse. If the judge answers all the questions in the negative, the judge will certify his or her answers and commit to immediately reporting any basis for a change to the answers.

Law enforcement personnel, working within the courthouse or acting in their official capacity visiting the courthouse, whose agency has a policy that requires self-checking for symptoms and remaining home if they present symptoms are not subject to the health screening described in the Operational Plan. Other employees working within the courthouse, who are authorized to enter the courthouse with a security badge or other means that allows entry without the screening applicable to the general public, are not subject to the health screening described in the Operational Plan if the employee's employing agency has a policy that requires self-checking for symptoms and remaining home if they present symptoms.

All judges and court employees who will travel internationally or on a cruise, must notify the Administrative Judge 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. 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 Administrative Judge 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.

### ***Inmates***



Inmates, including juveniles in detention, who appear at the Courthouse in person, must always wear a mask while in the Courthouse. Inmates are health screened upon admission to the Clay County Jail. The Courthouse will rely on the health screening of inmates by CCSO and the health screening of juveniles conducted by the Department of Juvenile Justice.

During Phase 2, inmates will not be transported to the Courthouse, except for exceptional circumstances, and only with the permission of the Administrative Judge. Proceedings involving inmates will continue to be conducted through remote teleconferencing. A room in the Clay County Jail, which had been used for First Appearances in the past, has been converted for daily use for video proceedings involving inmates. The Administrative Judge's judicial assistant will continue to maintain the schedule for use of the jail video hearing room, to attempt to avoid more than one judge scheduling remote video matters from the jail at the same time.

The Clay County judges will conduct hearings involving state prison inmates through remote means when feasible. Although the Florida Department of Corrections will not facilitate remote video hearings, hearings will be conducted over the telephone, when feasible. This reduces the need to transport a prisoner from the state prison system to Clay County.

### ***C. Social Distancing***

Social distancing will be enforced throughout the Courthouse including within courtrooms. To that end, security personnel and bailiffs will be instructed to continually move throughout the Courthouse to ensure that the members of the public are maintaining the appropriate social distance, i.e. at least six feet away from one another. Further, signage, in both English and Spanish, have been placed throughout the Courthouse addressing proper hygiene protocols (hand washing, hand sanitizer, etc.), social distancing reminders, markings on the floor to notate distance, directional signage, and the requirement to wear a mask. There are five public elevators in the

Courthouse. During Phase 2, only two people will be allowed in an elevator at a time in order to maintain social distancing.

The judges will coordinate hearings on a staggered schedule to limit the number of people in the Courthouse at a given time. Courtrooms have been reconfigured to ensure adequate space for social distancing. Only litigants, their counsel, victims, testifying witnesses, court reporters, interpreters, bailiffs and any other person whose presence is essential will be permitted in the courtrooms. All persons in the courtroom, including court staff and the judge, will wear face masks; however, if circumstances are such that facial expressions or features must be observed, or masks impede 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 will also be available. The fingerprint stands will be sanitized after each use with alcohol wipes, and the person fingerprinted will be provided a disinfectant wipe when finished.

The exchange of documents in the courtrooms will be limited as much as feasible. Electronic submission of paperwork, e.g., exhibits, court notices, sentencing guideline scoresheets, will be used instead. If documents must be exchanged, social distance protocols will be followed. If a podium or table is used in the courtroom, the user will disinfect before use. Cleaning products will be provided in each courtroom for this purpose.

To maintain 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. Bailiffs 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 located outside each courtroom, as well as throughout the Courthouse, and only two people will be permitted on

a bench at one time to maintain social distancing. Upon completion of their court business, visitors will immediately leave the Courthouse.

Restrooms are located on each floor of the Courthouse and 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.

#### ***D. Hygiene Protocols and Personal Protection Equipment (PPE)***

Many of the hygiene protocols have already been discussed in this Operational 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 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, and 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 at least two times a day, during normal business hours, and an enhanced cleaning and disinfection of all surfaces will be performed every evening.

Plexiglass barriers have been installed in areas where there is the most direct contact with the public.

#### ***E. Public Dissemination of Limited Access to Courthouse***

Information regarding the limited access 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 press releases, posting on the Clay County Emergency Operations website, Clay County Clerk of Court's website, to the Clay County Bar Association, and on each Judge's judicial page.

#### **IV. CONCLUSION**

The Courthouse has met all benchmarks for moving to Phase 2 and has an operational plan in place for Phase 2 that complies with the Workgroup Report. Thus, Clay County should proceed to Phase 2 without delay in order 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 and best practices and to adjust for lessons learned during its deployment. The Clay County judges have gone to great lengths to provide for the public and Courthouse employees' welfare. All persons entering the Courthouse should be assured that their health and safety is of paramount importance.