



# Supreme Court of Florida

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## MEMORANDUM

**TO:** Chief Judges of the District Courts of Appeal  
Chief Judges of the Trial Courts  
Clerks and Marshals of the District Courts of Appeal  
Trial Court Administrators

**FROM:** Chief Justice Charles T. Canady *Char. T. Canady*

**DATE:** August 12, 2020

**SUBJECT:** COVID-19 Public Health and Safety Precautions for  
Operational Phase Transitions

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On July 21, 2020, I directed the Workgroup on the Continuity of Court Operations and Proceedings During and After COVID-19 to review the factors to be considered by the courts in determining whether their communities have experienced improving COVID-19 health conditions over a 14-day period (Benchmark 3). Specifically, I asked the Workgroup to consider whether these factors reflect the latest science and data available and whether sufficient guidance was provided to the courts as to how the factors should be evaluated. In operationalizing the existing guidance, it had come to my attention that certain areas of the benchmarks needed to be clarified as a result of the ever-evolving nature of the health crisis and to assist trial and appellate courts in uniformly determining the appropriate phase in which to operate.

Following additional research and consultation with public health experts, the Workgroup has recommended revisions to its report titled *Requirements, Benchmarks, and Guidelines Governing Operational Phase Transitions*. I have adopted those recommendations and they are reflected in Fla. Admin. Order No. AOSC20-32,

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Amendment 3, and the attached, revised report. The report now includes a standard methodology for courts to apply when determining improving health conditions and relies on the number of new positive COVID-19 cases, percentage of positive tests based on the total number of tests, number of hospitalizations for COVID-like illness, and number of emergency department visits for COVID-like illness to determine if Benchmark 3 has been met. Additionally, a methodology, based on those same four measures, is used to determine if a court must amend its operational plan or revert to a previous phase because current, local health conditions no longer satisfy Benchmark 3 while the court is operating in Phase 2 or Phase 3. The amended administrative order and report provides courts with a uniform way to interpret Florida Department of Health data. Such data will be compiled each week by the Office of the State Courts Administrator (OSCA) in a standard format and made available on the State Court System's Intranet.

The revised report also addresses several other issues that warranted clarification. Those issues include: providing that evening curfews do not prevent a transition to a subsequent phase; requiring human resource policies that address reporting and exposure issues for court employees and judges; and modifying the health screening questions for courthouse entry to comport with the latest guidance from the Centers for Disease Control and Prevention and the current public health situation.

As noted in Fla. Admin. Order No. AOSC20-32, Amendment 3, if a court has transitioned to Phase 2 on or before August 12, 2020, in compliance with the previous versions of that order, the court may remain in Phase 2, but must comply with all requirements of the order and the report for continuing and operating in Phase 2. Additionally, a court remaining in Phase 2: a) shall adopt a human resources policy in compliance with the order, which must be incorporated into the court's operational plan; and b) shall begin weekly monitoring of the data provided by the OSCA to determine compliance with Benchmark 3 on Tuesday, August 18, 2020.

CTC:aqj

Attachments