

# Supreme Court of Florida

AOSC09-20

IN RE:       RESPONSE OF THE FLORIDA STATE COURTS SYSTEM  
              TO INFLUENZA A(H1N1)

## ADMINISTRATIVE ORDER

WHEREAS the World Health Organization (WHO), the federal Centers for Disease Control, and Florida's State Emergency Response Team have devised systems to detect the possible world-wide outbreak of influenza; and

WHEREAS until recently these systems indicated no or very limited human-to-human transmission, but now they show evidence of sustained and increasing human-to-human transmission outside and within the United States and within Florida of the Influenza A(H1N1) virus; and

WHEREAS a public health emergency has been declared by Florida's Surgeon General and the Florida State Courts System, in an abundance of caution, therefore must begin to prepare;

WHEREAS the Florida State Courts have spent many years preparing for the possibility of an emergency caused by epidemic or pandemic influenza and have developed a benchguide, extensive planning materials, templates, and other

documents – which are available for all parts of the State Courts System to use – as reflected on its website at [www.flcourts.org/gen\\_public/emergency/index.shtml](http://www.flcourts.org/gen_public/emergency/index.shtml), and specifically the Strategy for Pandemic Influenza guide located at [www.flcourts.org/gen\\_public/emergency/bin/panflu\\_strategy.pdf](http://www.flcourts.org/gen_public/emergency/bin/panflu_strategy.pdf); and

WHEREAS preparations for the possible outbreak of epidemic or pandemic 2009 H1N1 influenza are now a high priority in the Florida State Courts System;

NOW THEREFORE, pursuant to the authority conferred upon me by article V, section 2(b), of the Florida Constitution as the chief administrative officer of the judicial system,

IT IS ORDERED that:

1. All chief judges of the district and circuit courts shall continue ongoing planning and take such precautions as may be necessary in the event of any influenza outbreak, including an immediate review of their emergency preparedness plans and personnel policies, and shall begin an immediate dialogue if one already has not commenced with local governmental, health, and law enforcement agencies to ensure that planning is coordinated with them. All such planning shall be consistent with the policy of mitigating the impact of Influenza A(H1N1) while keeping the courts open to the fullest extent consistent with public safety and shall be implemented at a time and in a manner consistent with any

further policy directives from this Court and with federal, state, and local public health advisories. Mitigating measures include but are not limited to:

a. developing methods of social distancing to eliminate unnecessary or risky face-to-face contact to the extent consistent with law;

b. developing sanitary procedures designed to mitigate the spread of the virus on court property; and

c. developing methods of using technology, electronic documents, electronic communications, and electronic ways of conducting court business to mitigate the spread of the virus, consistent with law, including a reduction in the use of paper.

2. The Court Emergency Management Group (CEMG) shall continue ongoing planning and take such precautions as may be necessary in the event of an influenza outbreak, including an immediate review of emergency preparedness plans and personnel policies, and shall begin an immediate dialogue if one already has not commenced with the other branches of government and any of their subdivisions that may be involved in pandemic preparedness to ensure that planning is coordinated with them. The CEMG shall recommend, develop, distribute, and implement policy directives from the Court as may be needed to deal with changes to normal operations of the State Courts necessitated by influenza including but not limited to ensuring staffing and administering attendance and leave.

3. In order that the Chief Justice may consider and enter appropriate orders and provide necessary support, the chief judges of the circuit and district courts shall inform the CEMG promptly of any indication that:

- a. employee absenteeism due to influenza is hindering court operations;
- b. face-to-face court proceedings are being impaired due to influenza;
- c. the timely disposition of cases is being threatened by influenza;
- d. legal filings arising from quarantine due to influenza have begun;
- e. a need for a tolling order is likely because of influenza; and
- f. a Continuity of Operations Plan may be activated due to influenza.

In addition, the chief judges of the circuit courts shall notify the Court Emergency Management Group promptly of any indication that:

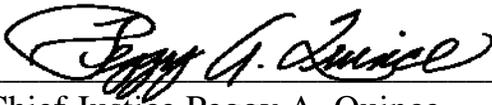
- g. the yield on juror summons is being decreased by influenza;
- h. the right to trial by jury otherwise may be impaired due to influenza; and
- i. there is any risk that a speedy trial rule cannot be met due to influenza.

All such notifications shall be transmitted through Craig Waters, Florida Supreme Court Public Information Office, by E-mail at [watersc@flcourts.org](mailto:watersc@flcourts.org).

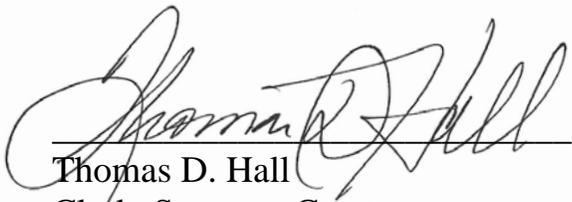
4. All chief judges of the district and circuit courts are authorized to expend state funds to purchase emergency preparedness supplies to provide increased protection for State Courts System officials, employees, and the public. Chief judges of the district and circuit courts may authorize the expedited procurement of

emergency supplies. If the expedited purchase is authorized, the requirement to obtain competitive quotes for the purchase of supplies up to \$24,999 will be temporarily waived. The authorization provided by this section is limited to purchases of emergency supplies needed to prepare for the spread of influenza and shall expire on September 30, 2009, unless extended by a directive of the Court.

DONE AND ORDERED at Tallahassee, Florida, on May 8, 2009.

  
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Chief Justice Peggy A. Quince

ATTEST:

  
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Thomas D. Hall  
Clerk, Supreme Court

