

**AMENDMENT 2**  
**TENTH CIRCUIT PHASE 2 OPERATIONAL PLAN (COVID-19)**

On August 24, 2020, the Court approved the *Tenth Circuit Phase 2 Operational Plan (COVID-19)* (hereinafter “Operational Plan”). The Court transitioned Hardee, Highlands, and Polk Counties to Phase 2 court operations on August 25, 2020, by entry of Administrative Order Number 1-57.0, *In Re: Phase 2 COVID-19 Emergency Court Operations Procedures*.<sup>1</sup> Thereafter, on September 22, 2020, the Court entered Amendment 1 to the Operational Plan requiring a plexiglass barrier or a clear face mask for persons testifying in a court proceeding.

As required by the Operational Plan, the Chief Judge reviews local public health data and conditions weekly to determine if a change to the Operational Plan or to the Court’s operations is necessary. A review of the current and previous week’s data for Polk County and Highlands County reveals that a change to the Operational Plan and to the Court’s operations is necessary.

The undersigned met on December 9, 2020, with the Director of the Polk County Health Department and building partners in the Bartow Courthouse to discuss the health data and to brainstorm potential changes to the Operational Plan or the Court’s operations. It was determined that changes be made to both the Operational Plan and the Court’s operations as set forth below:

Amendments to the Operational Plan:

- Building Partners/Occupants: The Department of Corrections is added to the Building Partners/Occupants section for the Polk County Courthouse; however, the Circuit Administrator of the Department of Corrections has agreed to close its office located in the Bartow Courthouse beginning on December 11, 2020, until the Court transitions to Phase 3 court operations.
- Court Employees and Remote Work: Bullet point 4 of the Court Employees and Remote Work section is amended to require department directors to re-evaluate the current workplans for the employees in their departments to determine which employees are able to work remotely and to submit the revised workplan to the Administrative Office of the Court for review and approval.

Changes to the Court’s Operations:

- All Bartow Courthouse building partners/occupants will make their best efforts to limit the number of visitors to the courthouse.
- Visitors to the State Attorney’s Office (hereinafter “SAO”) at the Bartow Courthouse are limited to those on official business. SAO visitors should be prepared to show courthouse security personnel an appointment letter, subpoena, or other documentation detailing the time of their appointment.
- The Office of the Public Defender has already reduced staff working in-person in the Bartow Courthouse.
- The Polk County Clerk of the Court is exploring additional methods of reducing the number of customers by using electronic solutions. The Clerk should continue to

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<sup>1</sup> Administrative Order 1-57.0 was amended by Administrative Order 1-57.1 on September 22, 2020, and by Administrative Order 1-57.2 on October 7, 2020.

- pursue the alternatives being explored.
- The Polk County Janet A. Essary Drug Court Lab (hereinafter “Lab”) was previously approved after an inspection by the Polk County Health Department to test no more than 20 people per hour. Beginning immediately, the Lab will reduce the number of people tested to no more than 15 people per hour through and including January 15, 2021.
  - The Polk County Trial Court Coordinator will reduce juror panels for trials held at the Bartow Courthouse by 35% through and including January 15, 2021, in order to reduce the number of jurors summoned to the Bartow Courthouse.
  - No jury trials will be conducted in Highlands County until after December 31, 2020.

This second amendment shall be effective on the date approved below. All other provisions of the Operational Plan, including previous amendments, shall remain in full force and effect.

Approved on this 10th day of December, 2020.

s/ELLEN S. MASTERS, Chief Judge