

IN THE 2^d JUDICIAL CIRCUIT OF FLORIDA

OFFICE OF THE CHIEF JUDGE

ADMINISTRATIVE ORDER NO: 2004-15

IN RE: COURTHOUSE SECURITY

WHEREAS, citizens should have a reasonable expectation of safety and security when they choose to seek resolution of their disputes in the courts;

WHEREAS, the health, safety, and welfare of the citizens conducting business with the court are a primary concern of the 2^d Judicial Circuit;

WHEREAS, all cases in circuit and county court may have the potential for violence to threaten the participants; circuit court cases involving felonies, domestic violence, repeat violence, dissolution of marriage, child custody, child support, juvenile dependency, juvenile delinquency, and termination of parental rights historically have the greatest potential for violence;

WHEREAS, section 14, Article V, of the Constitution of the State of Florida, mandates that "Counties shall be required to fund the cost of ... security of facilities for the trial courts...";

WHEREAS, section 29.008(1), Florida Statutes, states that "Counties are required by section 14, Article V of the state constitution to fund the cost of...security... for the circuit and county courts..." and that the term circuit and county courts is further defined by section 29.008(1)(b), Florida Statutes, to include "...all judicial officers, staff, jurors, volunteers of a tenant agency, and the public for the circuit and county courts...";

WHEREAS, section 29.008(1)(e), Florida Statutes, defines security as including, "...but not limited to, all reasonable and necessary costs of services of law enforcement officers or licensed security guards and all electronic, cellular, digital monitoring and screening devices necessary to ensure the safety and security of all persons working in a facility; to provide for security of the facility, including protection of property owned by the county or state; and for security of prisoners brought to any facility. This includes bailiffs while providing courtroom and other security for each judge and other quasi-judicial officers";

WHEREAS, the Supreme Court of Florida has ordered in it's opinion In re Report of the Family Court Steering Committee, 794 So.2d 518, 526 (Fla. 2001), that the Chief Judge develop a plan to provide "...adequate and sufficient security personnel and equipment to ensure that family divisions [of court] are safe environments for judges, non-judicial staff, and the public";

WHEREAS, pursuant to section 30.15(1)(c) Florida Statues, "Sheriffs, in their respective counties, in person or by deputy, shall...attend all terms of the circuit court and county court held in their counties...";



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WHEREAS, section 790.06 (12), Florida Statutes, prohibits "...any person to carry a concealed weapon or firearm into...any courthouse or courtroom..." regardless of license to carry concealed weapons under that chapter, and states that, "...nothing in this section would preclude a judge from carrying a concealed weapon or determining who will carry a concealed weapon in his or her courtroom...";

WHEREAS, it is necessary and appropriate to regulate the possession of firearms, weapons, and other destructive devices within court facilities in the 2^d Judicial Circuit to protect members of the public and court employees, to ensure a safe forum for the redress of legal issues, and to provide for the orderly and safe administration of justice;

WHEREAS, pursuant to section 43.19, Florida Statutes, and rule 2.050(b), Florida Rules of Judicial Administration, the Chief Judge is responsible for the administrative supervision of the courts, and has the power and responsibility to promote the prompt and efficient administration of justice in all courts within the circuit;

It is therefore **ORDERED** that:

1. This administrative order directs reasonable and necessary courthouse security in the 2^d Judicial Circuit in order to ensure the safety and security of: (a) all members of the public seeking a resolution to their disputes through the courts, (b) court employees, and (c) property owned by the county or state. A courthouse is defined as any county courthouse, courthouse annex, or other building where court is held in the 2^d Judicial Circuit.
2. All visitors in attendance at circuit or county court events in courtrooms, hearing rooms, or chambers will be screened by a bailiff prior to entering. Screening shall be sufficient to ensure that no firearms, weapons, or destructive devices shall enter the courtroom, hearing room, or chambers. Minimum screening requirements shall include a bailiff to conduct the screening, use of a metal detector, a barrier to limit free ingress, and a search of personal articles of sufficient size to hide a weapon. An x-ray machine may be used in lieu of a personal search.
3. All circuit and county judges, general magistrates, and hearing officers shall have an additional bailiff in personal attendance at all times while conducting hearings in courtrooms, hearing rooms, or chambers, not to include the bailiff conducting the screening. This bailiff shall remain in personal attendance until the docket is completed and they are dismissed by the presiding judge, general magistrate, or hearing officer.
4. Mindful of the greater risk inherent in circuit court proceedings, all courthouse floors that contain a circuit courtroom, circuit hearing room, circuit judicial chamber, general magistrate and circuit hearing officer office, or circuit jury room, shall be designated secure facilities when the circuit judge, general magistrate, or circuit hearing officers are present. When circuit judge and county judge offices are located on the same floor, that floor shall remain a secure facility when the county judge is also present. All entry ways to secure facilities shall be closed to public access except through screening as noted above.



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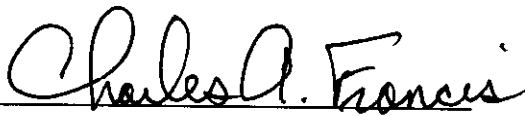
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5. All circuit and county judges, general magistrates, hearing officers, their judicial assistants, and chamber receptionists shall have personal and continuously monitored panic alarms to call for immediate law enforcement assistance if necessary. The panic alarms will be wireless and transmit an alarm to the county 911 office or the courthouse bailiff station. The panic alarm system will be tested, with prior coordination between the judicial officer and the bailiff's, once per quarter. Results of the test will be given to the Trial Court Marshal by the appropriate bailiff.
6. Each courtroom, hearing room, judicial chambers, and general magistrate and hearing officer offices shall have a functional telephone.
7. All persons are prohibited from bringing any firearms, weapons or explosive devices into secure facilities except as provided herein. Any person who carries a firearm, weapon, or destructive device into the courthouse and refuses to surrender it shall be denied entry and may be subject to arrest in accordance with applicable provisions of the Florida Statutes. Firearms, weapons, and destructive devices are defined in accordance with the Florida Statutes.
8. Federal, state and local sworn law enforcement officers on official court business and armored car service personnel on official clerk business are authorized to carry weapons or firearms into and within secure facilities. However, they shall leave their weapon outside the courthouse or temporarily relinquish it for safekeeping to the bailiff station if they are present at the courthouse as a party in a case. This does not apply to law enforcement officers who are witnesses in a case.
9. Presiding judges have absolute discretion, pursuant to section 790.06(12), Florida Statutes, to prohibit any person, including law enforcement officers, from bringing firearms, weapons, or destructive devices into any courtroom or court event. If a judge requires a law enforcement officer to relinquish their issued weapon for safekeeping to the court bailiff, the weapon shall be secured in an appropriate manner at the bailiff station.
10. All circuit and county judges, as authorized by law, have the authority to carry concealed weapons into any courthouse in the 2^d Judicial Circuit. The Chief Judge may authorize in writing any officer of the court or other similar person to carry a concealed weapon into courthouses in the 2^d Judicial Circuit.
11. At a minimum, all circuit judges, Leon County judges, general magistrates, circuit hearing officers, and judicial assistants shall have secure parking spaces in the underground parking garage of the Leon County Courthouse. Judges, general magistrates, circuit hearing officers, and judicial assistants in Franklin, Gadsden, Jefferson, Liberty, and Wakulla Counties shall have reserved, but unmarked, parking spaces in close proximity to the courthouse when they are scheduled to be in a particular courthouse.



12. Procedures for natural disasters, terrorist or criminal incidents, bomb threats, emergency medical response, hazardous material release, fire, evacuation, and workplace violence in any courthouse shall be in accordance with the Emergency Operational Procedures & Continuity of Operations Plan developed by the Court Emergency Management Group for each county.
13. The presiding judge in a pending cause has the authority to determine the specific security measures in their respective courtroom or chambers to: (a) control the conduct of proceedings before the court; (b) ensure decorum and prevent distractions; and (c) ensure the fair administration of justice.
14. The Chief Judge, or the administrative judge for each county, shall be responsible for directing standard operating procedures to limit disruption to court events in the public areas of a courthouse outside the courtroom. In cases of significant public interest the standard operating procedures may include reasonable limits on the media, protests on courthouse grounds, location of press conferences, and seating for court events. The standard operating procedures shall be enforced by the Sheriff or their designee.
15. The Trial Court Marshal shall conduct a courthouse security audit for every courthouse in conjunction with each Sheriff's Office in Franklin, Gadsden, Jefferson, Liberty, and Wakulla Counties. The courthouse security audit will focus on securing judicial areas of the courthouse, desired training and procedural enhancements, the potential need for security cameras, personal security for judges, and the modification of interior facilities and exterior grounds to enhance security. The courthouse security audit shall be conducted no later than February 28, 2005, and thereafter each state fiscal year.
16. New courthouses shall comply with the current U.S. Courts Design Guide with regard to security requirements. Renovations to existing courthouses shall incorporate the requirements of the U.S. Courts Design Guide where it is reasonable and necessary.
17. The provisions of this administrative order shall be complied with no later than May 31, 2005.
18. This administrative order rescinds and supercedes Administrative Order 2002-19. Nothing in this administrative order limits a judge's authority or discretion as found in rule, statute, or common law.

DONE AND ORDERED in the Office of the Circuit Judge, this 6th day of December, 2004.



Charles A. Francis
Chief Judge

