

**IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT IN AND FOR
DESOTO, MANATEE AND SARASOTA COUNTIES, FLORIDA**

**ADMINISTRATIVE ORDER NO.: 2014-11.2
(Repeals AO 2008 –09.2)**

IN RE: SECURITY AND OPERATIONS OF COURT FACILITIES

Pursuant to Article V, Section 2(d) of the Florida Constitution the Chief Judge is responsible for the administrative supervision of the courts in his circuit; and

Pursuant to Section 43.26, Florida Statutes and Florida Supreme Court Rule of Judicial Administration 2.215, the Chief Judge is authorized to regulate the use of courtrooms, supervise dockets and calendars, require the attendance of state attorneys, public defenders, clerks, bailiffs, and all other officers of the court, and to do everything necessary to promote the prompt and efficient administration of justice in the courts over which he is Chief Judge; and

Pursuant to Section 26.49, Florida Statutes, the Sheriffs of Manatee, Sarasota and Desoto Counties are the Executive Officers of the circuit court, required by Section 30.15(1)(c), Florida Statutes, in person or by deputy to attend all terms of the circuit and county courts held within their respective counties; and

The Clerks of the circuit courts, when acting under the authority of their Article V powers concerning judicial records and other matters relating to the administrative operation of the courts, are an arm of the judicial branch and are subject to the oversight and control of the judicial branch, as established by the Supreme Court in *Times Publishing Co. v. Ake*, 660 So. 2d 255 (Fla. 1995);

Section 14, Article V, of the Florida Constitution mandates that counties fund the cost of security of facilities for the trial courts, which by Section 29.008(1)(b), Florida Statutes, include not only the judicial officers of the circuit and county courts, but facilities for court “staff, jurors, volunteers of a tenant agency, and the public;” and

Section 29.008(1)(c) defines “security” as including, but not limited to, all reasonable and necessary costs of law enforcement officers or licensed security guards and all electronic, cellular, or digital monitoring and screening devices necessary to insure the safety and security of prisoners and all persons visiting or working in a courthouse facility, including protection of property owned by the county or the state; and including bailiffs, while providing courtroom and other security for each judge and other quasi-judicial officer; and

It is necessary and proper to regulate the possession of firearms, weapons, and other destructive devices, as well as chemicals and other explosive materials, within court facilities in

the Twelfth Circuit to protect members of the public, jurors, judges, other court officers, and staff, to ensure a secure environment for the orderly and safe administration of justice; and

Section 29.008(1)(c), Florida Statutes, requires the counties to maintain courthouse facilities, including but not limited to, all reasonable and necessary costs of custodial and groundskeeping services, renovation and reconstruction as needed to accommodate functions for the circuit and county courts, and for performing the court-related functions of the Clerks and for maintaining the facilities in a condition appropriate and safe for the use intended; and

The Sheriffs of DeSoto, Manatee and Sarasota Counties have requested that law enforcement officers on official business be permitted to retain their weapons upon entry in to court facilities.

NOW, THEREFORE, IT IS ORDERED:

I. “COURT FACILITIES” DEFINED:

For purposes of this administrative order, the term “court facilities” refers to the areas in a courthouse or judicial center where court functions are performed and includes, but is not limited to, courtrooms, hearing rooms, judicial chambers, offices of court staff, witness rooms, juror assembly rooms, jury deliberation rooms, mediation rooms, the offices of the Clerk of Circuit Court, and adjacent areas including restrooms, break rooms, conference rooms, deposition rooms and reception areas in the following locations:

- a. The Manatee County Judicial Center, 1051 Manatee Avenue West, Bradenton;
- b. The Historic Manatee County Courthouse, 1115 Manatee Avenue West, Bradenton;
- c. The Judge Lynn N. Silvertooth Judicial Center, 2002 Ringling Blvd, Sarasota;
- d. Criminal Justice Center, 6th Floor, 2071 Ringling Blvd., Sarasota;
- e. Sarasota Historic Courthouse, 2000 Main Street, Sarasota;
- f. R.L. Anderson Administrative Center, Courthouse Annex, 4000 S. Tamiami Trail, Venice; the second floor occupied by the Clerk’s staff or the Court;
- g. Desoto County Courthouse, 115 East Oak Street, Arcadia; and
- h. Facilities ancillary to the courthouses accessed by the public for the purpose of conducting the necessary business of the courts as required by the constitution, statutes, or court rules.

II. DUTIES AND RESPONSIBILITIES OF SHERIFFS

The Sheriffs of the three counties of the Twelfth Judicial Circuit shall provide security for the circuit and county courts, their personnel, clerks’ staff, jurors, attorneys and the public who access court facilities. For purposes of this Administrative Order, a “Deputy Sheriff” is defined as a law enforcement officer appointed by the sheriff and certified under chapter 943, who is assigned by Sheriffs to provide security to court facilities on a full-time or part time basis.

III. SECURITY GUIDELINES FOR ENTERING COURT FACILITIES

A sign warning that all persons entering the premises are subject to search and that prohibited objects will be seized shall be posted at the public entrance to each court facility.

Except as set forth below, all persons entering court facilities through public access portals shall be subject to identification verification and search. Searches shall be conducted at all points of public ingress under procedures established by the Sheriffs using personnel and equipment approved by them. Searches shall include the protocols, techniques, and equipment most likely to detect contraband, weapons, firearms, flammable, hazardous or toxic materials, bombs, biological and chemical agents. Sheriffs are authorized to confiscate prohibited objects seized from persons entering the court facility. Items which have been confiscated but are lawful to possess outside of the court facility may be returned when the owner departs the courthouse premises.

As a condition of entry to court facilities, the Sheriffs are authorized to require removal of head coverings, masks, hoods, helmets, costumes and other accoutrements that disguise or obscure the identity of the person.

Persons refusing to be searched shall be denied access to court facilities. Persons found to be in possession of contraband or illegal weapons, firearms or hazardous materials shall be promptly arrested or, in the discretion of Deputy Sheriffs, referred for investigation to the appropriate law enforcement agency.

Any person engaged in activities observed by judges or Deputy Sheriffs to be a threat to the safety of persons or property in a court facility, or who disrupts official business in the courts or in its ancillary facilities, or who violates state, county or municipal laws, shall be subject to arrest and/or ejection from the facility upon order of a judge or duly authorized law enforcement officer.

The Chief Judge, in consultation with the Sheriffs and Clerks, shall establish procedures for the screening of mail, packages, and tangible items delivered to court facilities.

A. Persons Exempt from Search

With the consent of the Chief Judge, the Trial Court Administrator, in coordination with the Sheriffs and Clerks, shall issue, control, and revoke Twelfth Circuit identification documents regulating secured access to court facilities. The following persons shall be exempt from search when entering or departing court facilities:

1. Judges and magistrates of the Twelfth Circuit, and the Trial Court Administrator;
2. Persons displaying a current Twelfth Circuit identification document issued or approved by the Trial Court Administrator authorized to enter through non-public or designated employee entrances;
3. Upon proof of proper identification, federal, state, county, and municipal law enforcement officers when on official business;
4. The elected Twelfth Circuit State Attorney, Public Defender, Sheriffs, and Clerks of Court.

B. Firearms and Weapons Control

1. Members of the Public

Except as authorized by this Administrative Order, no person shall be permitted to carry into court facilities, contraband, weapons, firearms, ammunition, non-lethal personal protection devices, flammable, hazardous or toxic materials, bombs, biological and chemical agents.

2. Clerks and Evidence Custodians

The elected Clerks of Court are permitted to carry firearms in their main offices. They are not permitted to carry firearms or weapons in other court facilities or in courtrooms, except as provided in the next paragraph.

Items described in this paragraph which are intended to be introduced in court as evidence or which are in the custody of the clerk as evidence shall be admitted to court facilities provided they are maintained in secure containers and safe condition and made available for inspection while on court facility premises and grounds.

3. Judges and 12th Circuit Court Employees¹

Judges are permitted to carry firearms in court facilities. Unless otherwise directed by the Chief Judge, all judges, judicial assistants and court administration employees are authorized to carry tasers, pepper spray, or other non-lethal but otherwise lawful personal protection devices inside court facilities.

4. Deputy Sheriffs Assigned to Court Security

Deputy sheriffs assigned as bailiffs or judicial security are permitted to carry firearms in court facilities.

All bailiffs or judicial security who are authorized to carry firearms as part of their official duties are prohibited from carrying a firearm into any court facility in this circuit when the law enforcement officer is a party to the proceeding or is not appearing in an official capacity.

5. Excepted Law Enforcement Officers²

The following law enforcement officers who meet the requirements listed in this section are also permitted to carry firearms or weapons in court facilities:

- a. DeSoto County Sheriff and deputy sheriffs;
- b. Manatee County Sheriff and deputy sheriffs;
- c. Sarasota County Sheriff and deputy sheriffs; and
- d. Law enforcement officers holding active certification from the Criminal Justice Standards and Training Commission pursuant to F.S. 943.1395, whose agency is headquartered within DeSoto, Manatee or Sarasota County and whose agency has entered into a Memorandum of Understanding with the Sheriff of its county

¹ 12th Circuit Court Employees are defined as all judicial assistants and court administration employees.

² Law enforcement officers means individuals meeting the definition set forth in F.S. 943.10(1). It does not include employees of the State Attorney's Office, probation officers, process servers or bail bondsmen.

regarding the Sheriff's parameters for allowing its law enforcement officers with weapons into court facilities.

The excepted law enforcement officers listed in sections 5a. through 5d. may enter or occupy a court facility with a firearm or weapon provided that the officer meets the following requirements:

- a. Is in a recognized law enforcement uniform or wearing visible identification that identifies them as law enforcement; and
- b. Provides appropriate identification; and
- c. Is in the court facility on official business; and
- d. Has any firearm in his or her possession in a secure holster, and has any other weapon similarly secured on the officer; and
- e. Has received training on appropriate conduct in a courtroom; and
- f. Has been trained in how to react in the event of an emergency event or other security threat in a courtroom or courthouse.

Each judge retains the discretion to prohibit the excepted law enforcement officers from carrying weapons in proceedings before him or her. The judge or presiding officer may exercise such a prohibition overall or on a case-by-case basis.

All excepted law enforcement officers who are authorized to carry firearms as part of their official duties are prohibited from carrying a firearm into any court facility in this circuit when the law enforcement officer is a party to the proceeding or is not appearing in an official capacity.

In limited instances where heightened security may be required, upon advance notice to the Chief Judge or Trial Court Administrator and with the consent of the assigned judge, Sheriffs may request a waiver of the requirement of wearing a uniform or visible identification in order to permit undercover officers to possess firearms or weapons in court facilities.

6. All Other Law Enforcement Officers

All law enforcement officers not meeting the excepted law enforcement criteria above are required to store their firearms in locked containers approved by the court. The firearms shall be secured, accessed, and retrieved upon conclusion of the officers' official business, according to the rules and procedures established by the Sheriffs.

All law enforcement officers who are authorized to carry firearms as part of their official duties are prohibited from carrying a firearm into any court facility in this circuit when the law enforcement officer is a party to the proceeding or is not appearing in an official capacity.

IV. SECURITY IN COURT PROCEEDINGS

Unless otherwise directed by a judge, the Sheriffs, through their deputies, shall attend all open and closed trials and hearings conducted in the court facilities or other locations where a

judge, magistrate or hearing officer is present and conducting official business. The Sheriffs shall take reasonable steps to provide for:

1. The safety of the Court, lawyers, parties, witnesses, jurors, court staff, and the public in all court proceedings; and
2. The orderly and safe transaction of court business.

In the event of specific threats against a judge or court personnel, the Sheriffs will provide an enhanced level of security to be determined by the exigent circumstances.

For purposes of this section only, the term “court facility” also includes areas for ingress and egress to the portions of a court facility where court functions are performed and includes but is not limited to lobbies, hallways, stairwells, escalators, and elevators.

A. Conduct Prohibited in a Court Facility

In order to ensure the integrity of the judicial process and the orderly and safe transaction of court business, a citizen’s first amendment right to observe court proceedings or to access court facilities may be restricted.³ Accordingly, in order to provide for an orderly and safe place to transact court business, the following conduct is not permitted in a court facility:

1. Conduct that disrupts court proceedings.
2. Conduct that violates the rule of sequestration of witnesses.
3. Conduct that intimidates or attempts to intimidate a party, witness, victim, victim’s family, attorney, or judge in a court proceeding.
4. Conduct that purposefully obstructs the passage of other persons in the facility.
5. Conduct that causes bias or prejudice or attempts to cause bias or prejudice to the trier of fact if such activities are allowed to occur.
6. Conduct that may prejudice jurors.
7. Conduct that may reasonably pose a threat to other persons in the facility.
8. Conduct that may reasonably pose a threat to property.
9. Entry into restricted areas of the court facility.

No person shall be permitted to photograph or video record any security system in a building occupied by judges or Clerks unless permission is granted by the Trial Court Administrator.

B. Conduct Prohibited in a Courtroom

All conduct that is prohibited in a court facility is prohibited in a courtroom. The following additional conduct is not permitted in a courtroom or hearing room during court proceedings unless otherwise authorized by the presiding judge or presiding officer:

1. The wearing of any clothing that reflects disrespect for or disrupts court proceedings.
2. Talking by persons in the audience during the proceedings.
3. The use of a cell phone, laptop, tablet, PDA, texting device, or other electronic equipment that disrupts court proceedings.
4. Unauthorized communication to persons outside of the courtroom.

³ See e.g., *Huminski v. Corsones*, 396 F. 3d 53 (2d Cir. 2004); *Braun v. Baldwin*, 346 F. 3d 761 (7th Cir. 2003); *Mead v. Gordon*, 583 F. Supp. 2d 1231 (D. Oregon 2008).

5. Possession of personal property banned from the courtroom.
6. Any other behavior that interferes with the dignified and solemn nature of court proceedings.

Judges may establish dress codes and rules for audience and litigant courtroom conduct, which, upon the judge's request, shall be enforced by Deputy Sheriffs.

This section is not intended to restrict the right of the press to report on court proceedings in accordance with Rule of Judicial Administration 2.450 and the court's Administrative Order regarding news media access to courtroom activities during trials and hearings.

C. Enforcement of Restrictions on Conduct

When a deputy sheriff observes conduct that is prohibited in a courtroom or in a court facility, the deputy shall warn the individual to cease the behavior. At a judge's direction and upon such terms as the judge may establish, deputy sheriffs may seize, retain and return any mobile phone, camera, tablet, audio recorder or player, video device, or item being used in violation of this paragraph.

If the individual continues to engage in prohibited behavior in a courtroom or court facility, the deputy sheriff shall remove the individual from the courtroom or court facility unless the individual is a party, attorney, witness, or juror in the proceeding, in which case the behavior must be brought to the attention of the presiding judge or presiding officer. A warning is not required if the individual is engaging in disorderly conduct prohibited by § 877.03, Florida Statutes, or otherwise engaging in criminal conduct.

When persons are removed from the courtroom or court facility, the deputy sheriff must place reasonable time, place, and manner restrictions on the individual's return to the courtroom or court facility. Such restrictions are to be based upon the reason for the individual's removal. Unless specifically authorized by the Court, an individual may not be prohibited from attending hearings in his or her case, from responding to a summons or subpoena, or from filing pleadings with the Clerk of the Circuit Court, but such access may, without Court authorization, be restricted by requiring that the individual be accompanied by a deputy sheriff or court security personnel.

V. COORDINATION OF SECURITY

A. Security, Emergency Action, and Safety Planning

The Chief Judge, Sheriffs, and interested agencies shall regularly consult to address security issues affecting the court and its facilities and to establish common policies and procedures relating to emergency preparedness, operations and planning.

The Chief Judge, Sheriffs and interested agencies shall collaborate in the preparation of county-specific Emergency Actions Plans and Safety Guidelines affecting court operations. Emergency Action Plans and Safety Guidelines affecting court operations shall be approved by the Chief Judge and be regularly reviewed by Sheriffs and the affected agencies to insure they are appropriate, current and compliant with state law.

In accordance with state law, all or portions of documents adopted to address court facility security issues, emergency operations, and safety procedures may be classified by the Chief Judge as exempt from public disclosure under the Florida Public Records statute.

B. Background Checks, Updates, and Revocation of Access Privileges

The Trial Court Administrator is authorized to grant or deny access to secured areas within court facilities. However, this paragraph does not prohibit Clerks from establishing their own rules and procedures for authorizing access to offices and areas provided for their use; nor does this provision prohibit Clerks from issuing and controlling keys to their own offices and work areas.

The Trial Court Administrator shall keep the Sheriffs informed of all the names of all persons to whom secure access has been granted or revoked by him.

At the request of the Trial Court Administrator or his designee, the Sheriffs shall conduct initial and subsequent background and criminal history investigations on all persons to whom the Trial Court Administrator has granted secure access. The Sheriffs shall assist the Trial Court Administrator in identifying persons whose privilege of access to court facilities should be revoked or restricted for security reasons, including providing recommendations to the Trial Court Administrator concerning the advisability of revoking or limiting any person's security pass or access to court facilities.

In addition, upon becoming informed that a person having secure access to court facilities has been arrested or is facing imminent arrest, the Sheriffs shall promptly notify the Trial Court Administrator of the circumstances and charges.

The Sheriffs shall also conduct initial and subsequent background and criminal history investigations on all vendors who regularly work within court facilities. The privilege of vendor access to court facilities may be revoked or restricted by the Trial Court Administrator for any reason.

Keys issued by the Sheriffs, Trial Court Administrator or the Clerks granting access to public or private areas of court facilities shall not be duplicated or replaced except by the express permission of the head of the issuing agency. Unauthorized duplication of court facility keys or security passes may be punishable by criminal contempt.

The Clerk of Court, State Attorney, and Public Defender or their designees shall notify the Sheriff as soon as possible whenever an employee with access credentials has been suspended or terminated so that unauthorized access can be prevented.

C. Courtroom Assignments, Office Hours, Ingress and Egress

1. The following applies to all court facilities except those listed in section C.2 below:

In consultation with the Sheriffs and the Clerks, the Chief Judge shall regulate the use of courtrooms, establish the dockets, determine the hours for the public's use of the court facilities and the office hours for occupants of court facilities, designate which entrances and exits shall be

public and private and accessible by court staff or the public, establish rules for after hours access by authorized personnel, location of bailiff stations, and procedures for controlled access to secure and non-secure areas. The Chief Judge shall designate areas of court facilities that are to be secured and accessible only by authorized personnel. Access to secure areas shall be monitored by the Sheriffs to prevent intrusion.

2. The following applies to the Historic Manatee County Courthouse and Sarasota Historic Courthouse, both primarily occupied by Clerks and their staff:

In consultation with the Sheriffs, the Clerks shall determine the hours for the public's use of their secure and nonsecure office areas, the office hours for the Clerk's employees working in the building, and rules for after hours access by authorized persons. However, when the courtrooms in these historic courthouses are used by the court, the Chief Judge shall regulate their use pursuant to section C.1 above.

The Clerks may designate areas of their buildings that are to be secure and accessible only by authorized personnel. Public areas and access to nonpublic areas shall be monitored by the Sheriffs for security purposes. Clerks may establish their own policies for permitting meetings, public gatherings, distribution of printed materials, photographs, and video recordings within areas occupied exclusively by Clerks' staff.

D. Access to Courthouse Facilities by Groups, Clubs, Organizations or Individuals

No group, club, organization, or individual shall be permitted to use or access any court facility containing courtrooms for the purpose of conducting protests, public or private meetings, audio recordings, social events, photo or video shoots, seminars, educational or information conferences without the prior approval of the Trial Court Administrator.

The policies regarding access to court facilities (as defined in the paragraph above) that are primarily occupied by clerks of court shall be determined by the Clerk of Court occupying that court facility.

Requests by news media representatives to televise, video or audio record the interior of a building containing a courtroom or courtroom activities shall be approved by the Trial Court Administrator or his designee prior to admission of the representatives into court facility. However, in accordance with the Rules of Judicial Administration, on a case-by-case basis judges may establish their own protocol for access by the media in their assigned courtroom. A separate Administrative Order addresses the circuit's policy regarding news media access to courtroom activities during trials and hearings.

E. Public Demonstrations and Protections of Jurors and Court Personnel

It is crucial to the administration of justice that movement of persons into and out of court facilities be unimpeded, and that judges, attorneys, litigants and jurors be allowed to perform their duty on the premises without undue interference and without being improperly approached or influenced.

Deputy Sheriffs shall prohibit any activity which is perceived to be a threat to the safety of persons or property within court facilities or on court facilities grounds, or which disrupts the official business conducted within such facilities, or which may reasonably be construed as an attempt to influence or intimidate jurors, litigants or judges, or which suggest or conspicuously indicate support or opposition for or against a litigant, or which constitutes a violation of Florida Statute or county ordinance. Distribution of printed materials such as leaflets, flyers or brochures is prohibited in buildings containing courtrooms or upon court facility grounds without the prior consent of the Trial Court Administrator.

Sheriffs are responsible for setting security rules, proximity limits, boundaries, demonstration times and locations for persons who may be expected to exercise their constitutional rights to parade, peaceably assemble and protest outside court facilities. Responsibilities shall include routes for the safe and secure ingress and egress of jurors, judges, litigants and attorneys to and from court facilities or their homes (upon specific request of a judge or recommendation from the sheriff's office), and include procedures from protecting jurors from exposure to persons attempting to improperly influence the jury's work, deliberations or verdict.

VI. MAINTENANCE OF COURTHOUSE FACILITIES & PARKING

Pursuant to Section 29.008(1)(e), the counties shall maintain court facilities in a condition appropriate and safe for court operations. This includes reasonable and necessary costs of custodial and groundskeeping services, renovations and reconstruction as needed to accommodate functions of the county and circuit courts, and court-related functions of the Clerks' offices.

Court facilities shall have adequate parking areas for judges and court employees. The counties shall provide judges, the Trial Court Administrator, and the elected Clerks of Court reserved parking in secure locations closest to their chambers and offices. Secure and non-secure parking spaces for persons working in court facilities shall be provided by the counties and assigned by the Trial Court Administrator, acting in coordination with county administrators.

Items or equipment affecting security shall receive the highest priority for repair, replacement or upgrade. The counties shall provide timely response to the court's request for facilities' renovation and reconstruction, and for maintenance and custodial services, and shall implement a plan for the routine replacement or repair of worn, obsolete, deteriorating or broken furnishings, fixtures, equipment and other property provided by the counties to the court.

By this order Administrative Order 2008-09.2 is repealed, and this order is effective immediately.

DONE AND ORDERED in Sarasota, Sarasota County, Florida this 5th day of August, 2014.



Andrew D. Owens, Jr., Chief Judge

Distribution to:

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