

**IN THE CIRCUIT COURT, SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO AND PINELLAS COUNTIES, FLORIDA**

ADMINISTRATIVE ORDER NO. 2015-017 PA/PI-CIR

RE: COURT OPERATIONS IN EMERGENCIES

In order for the Court, Pasco County, and Pinellas County to carry out their respective functions efficiently during an emergency in a manner that minimizes disruptions and conserves taxpayer dollars, it is important that each cooperate with the other. Administrative Order 2005-042 PA/PI-CIR as amended by Administrative Orders 2006-038 PA/PI-CIR and 2012-056 PA/PI-CIR, set forth the policies and procedures of the Sixth Judicial Circuit regarding court operations in emergencies. It is necessary to consolidate and update these policies and procedures.

Pasco County and Pinellas County are required to provide facilities for the trial courts. *See* Art. V, section 14, Fla. Const.; section 29.008, Fla. Stat. The County Administrators have the power to supervise the care and custody of county property. *See* section 125.74, Fla. Stat. Pasco County and Pinellas County are required to have emergency operations plans and “establish, as necessary, a primary and one or more secondary emergency operating centers to provide continuity of government” during emergencies. *See* section 252.38(3), Fla. Stat.

The Chief Judge is responsible for the administrative supervision of the courts in the circuit and has the power to regulate the use of courtrooms and do everything necessary to promote the prompt and efficient administration of justice. *See* Art. V, section 2, Fla. Const.; section 43.26, Fla. Stat.; Fla. R. Jud. Admin. 2.215.

The State Attorney, the Public Defender, the Clerks of the Circuit Court (Clerks), and the Sheriffs each play an important role in court operations in an emergency and the cooperation of each constitutional officer is important to ensure continued operations of the Court. The Sheriffs are required to provide for security for the Court. *See* section 30.15, Fla. Stat.

The Court recognizes that some emergencies will arise with prior warning, while others will not. Some emergencies will result in only minor disruptions to court operations and other emergencies may be catastrophic resulting in loss of one or more court facilities for extended periods. This Order is intended to address these various situations to the extent practicable under the circumstances.

The Court desires to cooperate with each county and with the affected constitutional officers in the event of an emergency and establish procedures to ensure the continued operations of the Sixth Judicial Circuit in the event of an emergency.

In accordance with Article V, Section 2, Florida Constitution, Rule of Judicial Administration 2.215, and section 43.26, Florida Statutes, it is

ORDERED:

1. When an emergency situation or threat of emergency arises that requires closure of the courts, this Administrative Order shall be activated by order of the Chief Judge and regular

court operations shall cease within the affected county or counties within the Sixth Judicial Circuit. An emergency or threat of emergency may arise from any weapon (e.g., biological, germ, explosive device, technological, or any similar weapon), natural disaster (e.g., fire, flood, hurricane, tornado, thunderstorms, or other natural disasters), or other emergencies (e.g., civil unrest, nuclear, or hazardous conditions). When this Administrative Order is activated, it shall take precedence over all other administrative orders in conflict with it.

2. When regular court operations cease, the following shall occur:
 - A. All court dockets, hearings, trials, and proceedings of any kind, including foreclosure sales are cancelled except for crucial functions.
 - B. All court files will either be returned to the Clerk(s) or secured in a room without windows.
 - C. The Chief Judge will request that the Chief Justice suspend deadlines pursuant to Rule of Judicial Administration 2.205.

3. When regular court operations cease, crucial functions shall continue as specified below. Crucial functions shall continue to the extent possible except that no judge, court personnel, or other persons necessary to conduct these crucial functions shall be endangered in order to continue crucial functions. Crucial functions include:

- A. First appearance hearings pursuant to Rules of Criminal Procedure 3.130.
- B. Detention hearings pursuant to § 985.255, Fla. Stat.
- C. Shelter and arraignment hearings pursuant to §§ 39.402 and 39.506, Fla. Stat.
- D. Ex parte injunctions for dating violence, domestic violence, repeat violence, sexual violence, or stalking pursuant to sections 26.20, 741.30, 784.046, and 784.0485, Fla. Stat.
- E. Issuance of warrants or authorization for wiretaps.
- F. Any other emergency matter such as involuntary examination orders pursuant to § 394.463, Fla. Stat., emergency medical treatment pursuant to Florida Probate Rule 5.900, or other emergencies requiring immediate action by the Court to prevent harm to persons or property. Emergency matters are not subject to easy definition. As such, the judge must determine if the law or totality of the circumstances require immediate action. In the event the judge decides the matter is not an emergency, he or she will require the matter to be set before the assigned section judge on the regular calendar after regular court operations resume.
- G. Other time sensitive matters as determined by the judge.

4. Hearing time for crucial functions will be scheduled at a time and place established by the Chief Judge and to the extent possible will be scheduled at the regular time for Advisories. In addition to the scheduled time, ex parte relief for crucial functions may be requested from the Emergency Response Team Judge. When an emergency condition is anticipated, the Chief Judge may determine that hearings for crucial functions may be conducted prior to the regularly scheduled time for Advisories.

A. In Pasco County, crucial functions may be scheduled at the:

1. Pasco County Jail at 20101 Central Blvd., Land O'Lakes,
2. Robert D. Sumner Judicial Center at 38053 Live Oak Ave., Dade City, or
3. West Pasco Judicial Center at 7530 Little Rd., New Port Richey,

in that order of preference with the specific location to be determined by the Pasco Administrative Judge in consultation with the Chief Judge based upon conditions at the time.

B. In Pinellas County, crucial functions may be scheduled at the:

1. Pinellas County Justice Center at 14250 49th St. North, Clearwater,
2. Pinellas County Jail at 14400 49th St. North, Clearwater,
3. Clearwater Courthouse at 315 Court St., Clearwater, or
4. St. Petersburg Judicial Building at 545 1st Ave. North, St. Petersburg,

in that order of preference with the specific location to be determined by the Chief Judge based upon conditions at the time.

In the event none of these facilities are available or cannot be reasonably accessed to conduct crucial functions, the Chief Judge may suspend crucial functions, or may, after consultation with the County Administrator or his or her designee, designate any other county owned or county leased facility that can be accessed for the purpose of conducting crucial functions, or may determine that crucial functions in Pasco County should be conducted in Pinellas County or the crucial functions in Pinellas County should be conducted in Pasco County.

5. The Chief Judge may activate Emergency Response Teams as necessary depending upon the circumstances. When activated, the following individuals shall lead the Emergency Response Teams:

Team A – Pinellas Criminal Administrative Judge

Team B – Pasco County Court Administrative Judge

Team C – Chief Judge

Team D – Pasco Administrative Judge

Team E – Pinellas County Court Administrative Judge

Each of the foregoing administrative judges may designate another judge who has agreed to serve in that capacity. The name of the designated judge must be provided to the Chief Judge in writing to relieve the foregoing administrative judges from this responsibility. The Chief Judge may name a judge as his or her designee to serve as team leader for Emergency Response Team C. The designee has the responsibilities specified in this Order for a judge on the Emergency Response Team but does not have any other responsibilities of the Chief Judge or Acting Chief Judge specified in this Order.

Each Emergency Response Team shall consist of:

- A. The administrative judge,
- B. An assistant state attorney, and if the State Attorney determines it is necessary, an investigator for the state attorney and one support staff for the state attorney,
- C. An assistant public defender, and if the Public Defender determines it is necessary, an investigator for the Public Defender and one support staff for the Public Defender,
- Two deputy clerks of court,
- E. Three bailiffs,
- F. A court reporter, and
- G. If the administrative judge determines it is necessary, court technology staff, and one additional court staff.

The applicable public official shall designate the specific individuals for the teams. Teams A, C, and E will be staffed by Pinellas County. Teams B and D will be staffed by Pasco County. If during a specific emergency a team member is not available, the applicable public official shall designate an alternative team member for that emergency.

Once this Administrative Order is activated, the administrative judge, the deputy clerks of court, the assistant state attorney, and the assistant public defender for Team A are responsible for conducting crucial functions in Pinellas County prior to and during the emergency and the administrative judge, the deputy clerks of court, the assistant state attorney, and the assistant public defender for Team B are responsible for conducting crucial functions in Pasco County prior to and during the emergency. Crucial functions prior to and during an emergency may be limited or suspended at any time if the Administrative Judge or Chief Judge determines that it is not reasonable to continue crucial functions.

All teams may be activated to conduct crucial functions following an emergency to the extent that the team members are reasonably available. Following the emergency, the Emergency Response Team Judge may handle crucial functions and any other court business that is properly before the Court.

6. Once this Administrative Order is activated, the Trial Courts Administrator shall, to the extent possible under emergency conditions:

- A. Notify all judges and court personnel by email that this Emergency Order has been activated.

B. Notify the following entities by email that this Emergency Order has been activated: the Clerks, State Attorney, Public Defender, Sheriffs, the Department of Juvenile Justice, and the Department of Children and Families, the Emergency Management Director for Pasco County, the Emergency Management Director for Pinellas County, and the Director of Justice Coordination in Pinellas County. Each entity shall provide the Trial Courts Administrator with the name and email address of the person to receive notification that this Emergency Order has been activated.

C. Establish a voice mail system at the main line for the Administrative Office of the Courts (727-464-4470) advising the public of the state of emergency and the suspension of regular court proceedings and advising lawyers and litigants how to have crucial matters heard.

D. Issue a press release to media outlets and post notice on the Court's website advising the public of the state of emergency and the suspension of regular court proceedings.

E. Activate the telephone tree for judges, judicial assistants, and court staff if necessary under the circumstances.

7. Once this Administrative Order is activated, judges, judicial assistants, and court staff should call the voice mail system at the Administrative Office of the Courts at 727-464-4470 or 727-582-7511 or an alternate number provided or check the Court's website at www.jud6.org to obtain information about the status of court operations. In the event the Trial Courts Administrator is aware that the voice mail system is inaccessible but phone service is still available, the telephone tree will be activated. The telephone tree is a notification system that has three parts:

A. The Chief Judge will notify the administrative judges who in turn notify the judges in their division. All judges notify their judicial assistant.

B. The Trial Courts Administrator will notify senior court staff, who in turn notify supervisors, who in turn notify all employees.

C. The Court Counsel will notify the senior staff attorneys, who in turn notify staff attorneys and other employees.

If a judge, judicial assistant, or court staff has not been able to access the voice mail system and has not been contacted about the status of court operations, the reverse of the telephone tree should be used. Administrative judges are to contact the Chief Judge, judges are to contact their administrative judge, judicial assistants are to contact their judge, and court staff are to contact their supervisor to obtain information. In the event that phone service is disrupted or the website cannot be accessed, media reports should be reviewed to obtain information about the status of court operations.

8. Judges are encouraged to provide a phone number to the Trial Courts Administrator to be used if the telephone tree is activated during an emergency. If a judge decides not to provide an emergency phone number, the judge shall inform the Trial Courts Administrator and the judge will not be included in any notifications using the telephone tree. Judicial assistants are encouraged to provide a phone number to their judge so that if the telephone tree is activated, the judge can notify the judicial assistant about the status of court operations.

9. All court personnel are required to:

- A. Provide a telephone number to their supervisor where they can be reached during an emergency,
- B. Once this Administrative Order is activated, remain in contact with the Court by contacting the voice mail call in system or their supervisor, and
- C. In the event of loss of telephone service, monitor media reports for information on the status of court operations and information about when and where to report to work.

In addition, court reporters, court technology staff, and other court staff may be assigned to an Emergency Response Team or may be required to perform functions prior to, during, and after an emergency.

10. Once this Administrative Order is activated, the Clerk(s), State Attorney, Public Defender, Sheriffs, the Department of Juvenile Justice, and the Department of Children and Families, shall call the voice mail system at the Administrative Office of the Courts at 727-464-4470 or an alternate number provided to each entity to obtain information about the status of court operations. In the event the voice mail system is inaccessible, the above entities are to contact the Chief Judge or Trial Courts Administrator through phone or radio service to obtain information about the status of court operations. In the event that phone service and radio service is disrupted, media reports should be reviewed to obtain information about the status of court operations. Other entities such as the Department of Corrections, the Salvation Army, Domestic Violence shelters, the Emergency Management Director for Pasco County, the Emergency Management Director for Pinellas County, and the Director of Justice Coordination in Pinellas County are encouraged to call the voice mail system to obtain information about the status of court operations.

11. The Public Defender will:

- A. Provide the Trial Courts Administrator with the name and email information for the person to receive notification that this Administrative Order has been activated.
- B. Once this Administrative Order is activated, periodically call the voice mail system at 727-464-4470 in the Administrative Office of the Courts to determine the status of court proceedings. If the voice mail system is not accessible, contact the Trial Courts Administrator for information on the status of court operations.

C. Designate staff for the Emergency Response Teams so that crucial functions can be performed.

D. Communicate with the Chief Judge regarding any issues affecting the ability of the Public Defender's Office to perform crucial functions during an emergency.

12. The State Attorney will:

A. Provide the Trial Courts Administrator with the name and email information for the person to receive notification that this Administrative Order has been activated.

B. Once this Administrative Order is activated, periodically call the voice mail system at 727-464-4470 in the Administrative Office of the Courts to determine the status of court proceedings. If the voice mail system is not accessible, contact the Trial Courts Administrator for information on the status of court operations.

C. Designate staff for the Emergency Response Teams so that crucial functions can be performed.

D. Communicate with the Chief Judge regarding any issues affecting the ability of the State Attorney's Office to perform crucial functions during an emergency.

13. The Clerks of the Circuit Court will:

A. Provide the Trial Courts Administrator with the name and email information for the person to receive notification that this Administrative Order has been activated.

B. Provide sufficient staff to maintain regular services to the Court until regular court operations cease.

C. Once this Administrative Order is activated, periodically call the voice mail system at 727-464-4470 in the Administrative Office of the Courts to determine the status of court proceedings. If the voice mail system is not accessible, contact the Chief Judge for information on the status of court operations.

D. Designate deputy clerks necessary for Emergency Response Teams and sufficient means to manually take minutes and otherwise document court proceedings.

E. Communicate with the Chief Judge regarding any issues affecting the ability of the Clerks to perform crucial functions during an emergency.

When regular court operations cease, the Clerk(s) are encouraged to also cease regular court operations. If the Clerk(s) continue regular operations when regular court operations have ceased, the Clerk(s) shall bring all emergency matters that are filed to the attention of the Emergency Response Team Judge in a manner directed by the judge.

14. The Sheriffs will:

A. Provide the Trial Courts Administrator with the name and email information for the person to receive notification that this Administrative Order has been activated.

B. Designate bailiffs to provide security for Emergency Response Teams.

C. Once this Administrative Order is activated, periodically call the voice mail system at 727-464-4470 in the Administrative Office of the Courts to determine the status of court proceedings. If the voice mail system is not accessible, contact the Chief Judge for information on the status of court operations.

D. Provide transportation for the Clerk(s), Public Defender, State Attorney, emergency judge, court reporter, and others determined necessary by the Emergency Response Team Judge to the facility designated for crucial functions upon request of the Emergency Response Team Judge or Chief Judge if conditions require such transportation in order to conduct crucial functions.

E. When this Administrative Order is activated, the Sheriffs are authorized:

1. To relocate any person in the custody of the Sheriff to an alternative jail or prison facility or other secure facility within the State of Florida.
2. To assign a deferred reporting date to all persons who are scheduled to report to the jail, including those who are scheduled for weekend jail time.

F. When this Administrative Order is activated and when mandatory evacuation is ordered by the Board of County Commissioners, the Sheriff or the Sheriff's designee may in his or her sole discretion relocate or release, on their own recognizance, those persons listed below who are housed in those sections of the jail for which mandatory evacuation has been directed. Should release, rather than relocation of the inmates be necessary, the Sheriff shall release inmates on the following stages:

1. Work release inmates including those who are electronically monitored and those who are not electronically monitored. Those who are electronically monitored should continue to be electronically monitored as conditions permit.
2. County court sentenced misdemeanants as determined by the Sheriff.
3. Non-sentenced misdemeanants as determined by the Sheriff.
4. Non-violent felons as determined by the Sheriff.

If the Pasco County Sheriff determines that additional inmates should be released, the Sheriff will consult with the Pasco Administrative Judge or the Chief Judge and advise him or her of the facts and circumstances making the release of additional inmates necessary for the safety and security of the inmates and the detention and corrections staff. If the Pinellas County Sheriff determines that additional inmates should be released, the Sheriff will consult with the Pinellas Criminal Administrative Judge or the Chief Judge and advise him or her of the facts and circumstances making the release of additional inmates necessary for the safety and security of the inmates and the detention and corrections staff. Should the designated judge find the release of inmates necessary and appropriate under the particular facts and circumstances described to him or her by the Sheriff or the Sheriff's designee, the designated judge may order the release of the following inmates:

5. Inmates whose sentence will be completed within 7 days following release.

6. Other inmates designated by the Pasco Administrative Judge for Pasco County, the Pinellas Criminal Administrative Judge for Pinellas County, or the Chief Judge for either county.

G. Should the Sheriff determine that an emergency situation, other than when the Board of County Commissioners has ordered mandatory evacuation, requires the release of inmates, the Sheriff will consult with the Chief Judge and advise him or her of the facts and circumstances which make release of inmates necessary for the safety and security of the inmates and the detention and corrections staff. Should the Chief Judge find the release of inmates necessary and appropriate under the particular facts and circumstances described to him by the Sheriff or the Sheriff's designee, the Chief Judge may order the release of inmates in the following stages:

1. Work release inmates including those who are electronically monitored and those who are not electronically monitored. Those who are electronically monitored should continue to be electronically monitored as conditions permit.
2. County court sentenced misdemeanants as determined by the Sheriff.
3. Non-sentenced misdemeanants as determined by the Sheriff.
4. Non-violent felons as determined by the Sheriff.
5. Inmates whose sentence will be completed within 7 days following release.
6. Other inmates designated by the Chief Judge.

The Sheriff must provide all persons who are released pursuant to paragraph F. or G. a date and time to return to the jail for completion of his or her sentence following the emergency, except that inmates who are released by specific approval of the Pasco Administrative Judge in Pasco County, the Pinellas Criminal Administrative Judge in Pinellas County, or the Chief Judge pursuant to paragraph F.5 or G.5 because his or her sentence will be completed within 7 days following release will be deemed to have completed his or her sentence and are not required to return to jail.

Inmates who are released pursuant to paragraph F. or G. and who return as provided herein above shall be given one day's credit against his or her sentence for each day or portion thereof during such time as the inmate was released. Inmates who fail to timely return shall not be given credit against his or her sentence for any time released pursuant to this Order. A warrant shall be issued for the arrest for any inmate who fails or refuses to report as provided herein and such warrants shall be presented to the Pasco Administrative Judge or Pinellas Criminal Administrative Judge. Inmates who fail to appear will be subject to court sanctions, possible contempt, and may be charged with additional criminal violations. When the Sheriff provides a date and time for the inmate to return, the Sheriff shall also provide notice of these consequences for failure to return.

Release of a defendant pursuant to paragraph F. or G. is solely to address the emergency circumstances and is not pretrial release. Such release does not change the bond status of the defendant when released or upon the return of the defendant to jail.

Within 15 days following the release of any inmate pursuant to paragraph F. or G., the Sheriff shall provide a report to the Chief Judge on the number of inmates released and the status of those inmates.

15. Pasco and Pinellas Counties will:
- A. Provide and maintain the facilities designated for crucial functions in the county by maintaining electricity, sewer, water, telephone, computer networks, computer mainframe, and other essential services to the building during an emergency to the extent it is safe to do so and within the control of the county.
 - B. Provide communication equipment for the Chief Judge, Pasco Administrative Judge, Pasco County Court Administrative Judge, Pinellas Criminal Administrative Judge, the Trial Courts Administrator, the Court Counsel, and four additional court personnel designated by the Chief Judge. Such communications equipment must function between counties and be designed to function during an emergency.
 - C. Assist the Chief Judge in identifying alternative county properties where court functions may be conducted during or after an emergency if the designated courthouses are not available.
 - D. After an emergency condition has ceased, quickly inspect court facilities. The inspection shall be done in conjunction with court staff and a joint report provided to the Chief Judge regarding the status of court facilities.
 - E. In the event the Chief Judge determines, after consultation with the County Administrator or his or her designee, that the condition of a facility prevents regular court operations from being resumed, immediately identify an alternative facility where regular court operations can resume.

16. When this Administrative Order is activated, local law enforcement agencies shall issue a notice to appear for all local ordinance violations and all first or second-degree misdemeanors unless otherwise required by law to arrest a person.

17. When this Administrative Order is activated, the bond schedule shall be modified so that all persons charged with a local ordinance violation or persons charged with a misdemeanor shall be released on the defendant's own recognizance (ROR) except as follows:

- A. The bond schedule is not modified for those defendants charged with failure to appear in violation of § 843.15, Fla. Stat., stalking in violation of § 784.048, Fla. Stat., or any domestic violence offense as defined in § 741.28, Fla. Stat.
- B. Those defendants charged with a non-felony DUI in violation of § 316.193, Florida Statutes, or a non-felony BUI in violation of § 327.35, Fla. Stat. must be retained until the statutory criteria are met. Once the criteria are met, the defendants shall be released on ROR.

18. In the event of the death of the Chief Judge or any other emergency that prevents the Chief Judge from carrying out his or her duties or from appointing an Acting Chief Judge, the powers and duties of the Chief Judge shall be discharged by the following Acting Chief Judge in the order of succession specified:

- A. The senior most Circuit Judge with the longest service as a judge, including service as a county judge;
- B. The senior most former Chief Judge;
- C. The Pinellas Criminal Administrative Judge;
- D. The Pasco Administrative Judge.

The Acting Chief Judge shall serve until the Chief Judge is able to carry out his or her duties. If the event permanently deprives the Chief Judge of the ability to carry out the duties of Chief Judge, the Acting Chief Judge will hold that position until the Chief Justice or the Chief Justice's designee appoints a successor Chief Judge or the Judges of the Circuit elect a successor, whichever comes first.

19. In the event a catastrophic event prevents activation of this Administrative Order and communications are disrupted, the Emergency Response Teams will meet in Pasco County at the West Pasco Judicial Center, 7530 Little Road, New Port Richey or in Pinellas County at the Pinellas County Justice Center, 14250 49th Street North, Clearwater, at noon, 48 hours after the cessation of the emergency.

20. Once this Administrative Order is activated, regular court operations shall resume only to the degree and manner designated by the Chief Judge or the Acting Chief Judge.

21. For proceedings that were cancelled during the emergency, the following procedure shall apply to rescheduling of hearings. If the parties scheduled the hearing or the proceeding was set upon request of a party, it is the responsibility of the parties to reschedule the hearing provided that the Court may sua sponte reschedule the matter. Proceedings such as traffic court and domestic violence proceedings that are scheduled by the Court will be rescheduled by the Clerk(s) on order of the Court.

Administrative Orders 2005-042 PA/PI-CIR, 2006-038 PA/PI-CIR, and 2012-056 PA/PI-CIR are hereby rescinded.

DONE AND ORDERED in Chambers at Clearwater, Pinellas County, Florida, this ____ day of March, 2015.

ORIGINAL SIGNED ON MARCH 27, 2015
BY J. THOMAS MCGRADY, CHIEF JUDGE

cc: All Judges, Judicial Assistants and Court Staff
The Honorable Bernie McCabe, State Attorney
The Honorable Bob Dillinger, Public Defender
The Honorable Paula S. O'Neil, Clerk of the Circuit Court, Pasco
The Honorable Ken Burke, Clerk of the Circuit Court, Pinellas
The Honorable Chris Nocco, Sheriff, Pasco County
The Honorable Bob Gualtieri, Sheriff, Pinellas County
Gay Inskip, Trial Courts Administrator
Ngozi Acholonu, Assistant Regional Counsel
Kimberly Collins, Director of Criminal Court, Pasco County Clerk's Office
Lillian Simon, Director of Administrative Services for Pasco County
Myriam Irizarry, Chief Deputy Director, Pinellas County Clerk's Office
Jeffrey Steinsnyder, County Attorney, Pasco County
Jim Bennett, County Attorney, Pinellas County
Michele Baker, County Administrator, Pasco County
Mark S. Woodard, County Administrator, Pinellas County
Florida Department of Juvenile Justice
Florida Department of Children and Families
Florida Department of Corrections
Annette Doying, Emergency Management, Pasco County
Sally Bishop, Emergency Management, Pinellas County
Ann Simmons, Justice Coordination Director, Pinellas County
Probation and Parole, Pasco County
Domestic Violence Shelters, Pasco and Pinellas Counties
Law Enforcement Agencies, Pasco and Pinellas Counties
Bar Associations, Pasco and Pinellas Counties
Law Libraries, Pasco and Pinellas Counties