

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

ADMINISTRATIVE ORDER NO. 2017-073 PA-CIR

RE: COURT SECURITY – PASCO COUNTY

The Sheriff, either in person or by deputies, must attend all terms of the circuit court and county court held in Pasco County and may be ordered to provide security to sequestered juries. See §§ 30.15(1)(c), and 30.501, Florida Statutes.

In order to promote the safety and security of all court facilities and proceedings in Pasco County; and

In order to ensure access to court proceedings as guaranteed by the First Amendment in a manner that also protects the public interest in providing for the orderly and safe transaction of court business, and

In order to assist the Chief Judge, the Circuit Court Judges, the County Court Judges and the Sheriff in carrying out their respective constitutional and statutory duties, and

Pursuant to the authority of the Chief Judge Rule of Judicial Administration 2.215 and § 43.26, Florida Statutes,

IT IS ORDERED:

1. Definitions

For purposes of this administrative order, the term “court facility” means the areas in a courthouse 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, the offices of the Clerk of the Circuit Court, and adjacent areas such as restrooms, break rooms, conference rooms, and reception areas in the following locations and includes any other buildings subsequently designated for court functions:

The Robert D. Sumner Judicial Center, 38053 Live Oak Avenue, Dade City

The West Pasco Judicial Center, 7530 Little Road, New Port Richey, FL

The Pasco Historic Courthouse, 37918 Meridian Avenue, Dade City when specifically designated for court proceedings

2. Sheriff's responsibilities

The Sheriff of Pasco County shall take reasonable steps as defined in this Administrative Order to provide for:

- a. the safety of the Court, lawyers, parties, witnesses, jurors, court staff, and the public in

court proceedings, and

- b. the orderly and safe transaction of court business.

The Sheriff may take additional lawful steps if in the Sheriff's professional judgment such steps are desirable to achieve these goals as long as the additional steps are not in conflict with an Administrative Order or an order of a presiding judge.

3. Security in court proceedings

The Sheriff of Pasco County shall provide security for all circuit court and county court proceedings including, but not limited to:

- a. all trials and hearings conducted by judges unless otherwise directed by the judge, and
- b. all proceedings or hearings, except Baker Act hearings, of general and special magistrates, hearing officers, arbitrators, and mediators (excluding private arbitrators and mediators), unless otherwise directed by the magistrate, hearing officer, arbitrator, or mediator.

All security measures within a courtroom or hearing room are subject to the presiding judge's or presiding officer's ability to control the conduct of court proceedings.

4. Orderly and safe transaction of court business

For purposes of this paragraph only, the term "court facility" also includes areas for ingress and egress to the portions of a courthouse where court functions are performed and includes but is not limited to the courthouse lobby, 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. 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). 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.

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, PDA, texting device, or other electronic equipment, that disrupts court proceedings,
4. Unauthorized communication to persons outside of the courtroom,
5. Possession of personal property banned from the courtroom,
6. Any other behavior that interferes with the dignified and solemn nature of court proceedings.

This subparagraph 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 Administrative Order 2008-076 and any other subsequent Administrative Orders regarding the Court's Media Policy.

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. 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 shall 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, disturbing assemblies prohibited by § 871.01, Florida Statutes, or otherwise engaging in criminal conduct.

When persons are removed from the courtroom or court facility, the deputy sheriff shall 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.

5. Weapons prohibited

Except for judges, bailiffs, law enforcement officers, and armored transportation service personnel who meet the criteria specified in this paragraph, no person possessing a firearm, taser, electronic control weapon, ammunition, knife, mace, pepper spray, or dangerous weapon may

enter or occupy a court facility.

Sworn officers from law enforcement agencies listed on Attachment A are exempt from the prohibition in this paragraph provided:

- a. the officer is in a recognized law enforcement uniform,
- b. the officer is in the court facility on official business,
- c. the officer displays appropriate identification, and
- d. any firearm in possession of the officer is in a secure holster.

Detectives and supervisors in the Pasco County Sheriff's Department and all law enforcement officers who are assigned to court security are exempt from the prohibition in this paragraph provided:

- a. the individual is in the court facility on official business,
- b. the individual displays appropriate identification, and
- c. any firearm in possession of the detective is in a secure holster.

Contracted armored car personnel who are assigned to armored cash-in-transit service for the Clerk of the Circuit Court are exempt from the prohibition in this paragraph provided:

- a. the individual is in a recognized armored transportation company service uniform and displays appropriate identification,
- b. the individual is in the court facility for the purpose of contracted bank transit services on behalf of the Office of the Clerk of the Circuit Court,
- c. the company has established service schedules and approved identification with the Sheriff of Pasco County, and

any firearm or other weapons in possession of the service personnel are in a secure holster.

6. Security checkpoints

a. The Sheriff of Pasco County shall take such reasonable steps as are necessary to ensure that no firearms, tasers, electronic control weapons, ammunition, knives, mace, pepper spray, other dangerous weapons, or other items that can be used as weapons, are in the possession of any individual entering a court facility except as authorized in this Administrative Order. These steps may include but are not limited to use of facial recognition systems, metal detection devices, hand-held electronic scanning devices, personal or other searches, or pat-downs by law enforcement officers. If a person refuses the request of a law enforcement officer to submit to any security measure, the person may be denied access beyond the security device.

b. If a person who is in a courthouse is denied entry or taken into custody, the bailiff shall take all reasonable steps to notify the Court if such person is a witness, defendant, victim, or attorney in a pending proceeding before the Court. Upon notification from the Court that the person is needed for court proceedings, the bailiff shall follow the Court's direction.

c. The Pasco County Department of Facilities Management shall post a notice outside the entrance to security checkpoints that persons entering the court facility are subject to security procedures.

d. Facial recognition systems shall be operated in such a manner to ensure that scans which do not produce a match are not retained in the system.

e. At the public entrance to all court facilities in Pasco County any judge, judicial assistant, or court employee displaying identification shall not be subject to security measures unless the law enforcement officer has a reasonable basis to question the validity of the identification.

f. Any contractor for the court, employee of the offices of the State Attorney, Public Defender, Regional Counsel, and the Clerk of the Circuit Court for Pasco County, attorney with an identification issued by the Sheriff as set forth in subparagraph g., or other county officer or employee using the public entrance to a court facility shall pass through the metal detection devices located at such public entrance.

g. Members of the Florida Bar, in good standing, who have their principal office in the Sixth Judicial Circuit or who practice regularly in Pasco County, may apply by completing and submitting Attachment B to the Sheriff of Pasco County for a picture identification card that will allow express entry at the West Pasco Judicial Center and Dade City Courthouse. The attorney is still required to pass through security but will be provided express entry. The Sheriff shall issue such identification cards to attorneys meeting this requirement, who are approved by the Chief Judge, who pass a background check, who pay a reasonable fee for such identification card, and who otherwise satisfy any other reasonable requirements that the Sheriff may impose to ensure security.

Administrative Orders 2009-083 PA-CIR and 2013-052 PA-CIR are hereby rescinded.

DONE AND ORDERED in Chambers at St. Petersburg, Pinellas County, Florida this
____ day of December, 2017.

ORIGINAL SIGNED ON DECEMBER 13, 2017
BY ANTHONY RONDOLINO, CHIEF JUDGE

Attachments: A Law Enforcement Agencies
 B Private Counsel Identification Card Application

cc: All Judges
The Honorable Bernie McCabe, State Attorney
The Honorable Bob Dillinger, Public Defender
The Honorable Paula O'Neil, Clerk of Court, Pasco County
The Honorable Ken Burke, Clerk of Court, Pinellas County
The Honorable Chris Nocco, Sheriff, Pasco County
The Honorable Bob Gualtieri, Sheriff, Pinellas County
Ita M. Neymotin, Regional Counsel, Second District
Ngozi Acholonu, Assistant Regional Counsel
Gay Inskeep, Trial Courts Administrator
Lillian Simon, Director of Administrative Services, Pasco County
Nichole Alvarez-Sowles, Chief Operations Officer, Pasco County Clerk's Office
Jeffrey Steinsnyder, County Attorney, Pasco County
Court Security
Florida Highway Patrol
Florida Department of Law Enforcement
Department of Corrections, Pasco and Pinellas
Florida Fish and Wildlife Conservation Commission
Law Enforcement Agencies, Pasco and Pinellas Counties
Bar Associations, Pasco and Pinellas Counties
Law Libraries, Pasco and Pinellas Counties

ATTACHMENT A – LAW ENFORCEMENT AGENCIES

Pasco County Sheriff's Department

Dade City Police Department

New Port Richey Police Department

Port Richey Police Department

Zephyrhills Police Department

Pinellas County Sheriff's Office

Florida Department of Law Enforcement

Florida Fish and Wildlife Conservation Commission

Florida Highway Patrol

Sworn officers in other Florida jurisdictions may be allowed on a case by case basis with prior approval of the presiding judge.

IMPORTANT INFORMATION

Per Administrative Order 2017-073 PA-CIR, the Court Complex Express Entry Program has been established to provide attorneys who have their principle office in the 6th Judicial Circuit with express access to the Judicial Centers in Pasco County, while continuing to maintain appropriate security procedures. The PCID cardholder must display his or her card at all times when entering or exiting a Pasco County Judicial Center/Courthouse. Weapons are NOT allowed inside any Pasco County Judicial Center/Courthouse.

INSTRUCTIONS - Submit to PSO Human Resources • 8700 Citizen Drive, New Port Richey, FL 34654 • (727) 844-7791

1. A completed request form

2. A check or money order in the amount of \$30.00 (non-refundable) payable to the Pasco Sheriff's Office (to cover our processing fees).

PLEASE PRINT OR TYPE AND PROVIDE ALL INFORMATION REQUESTED

Last Name: _____ First Name: _____ M.I.: _____

Sex: _____ Race: _____ Date of Birth: _____ / _____ / _____ Hair Color: _____ Eye Color: _____ Ht: _____ Wt: _____

FL Driver's License#: _____ SS#: _____ FL Bar #: _____
(Please attach copy of DL) (Please attach copy of SS card) (Please attach a copy of FL Bar membership)

Home Address: _____ City: _____ State: _____ Zip Code: _____

Contact Telephone#: _____ Email Address: _____

Name of Law Firm: _____

Address: _____ City: _____ State: _____ Zip Code: _____

Mail PCID card to me at the address shown above (certified mail/return receipt requested).

I prefer to pick up the PCID card in Human Resources and authorize that the card may be given to my representative identified below:

Authorized Representative: (PLEASE PRINT) _____

I am requesting to be issued a PCID card by the Pasco Sheriff's Office. I practice in the 6th Judicial Circuit and I am a member of the Florida Bar, in good standing. I understand I must immediately report the theft or loss of the issued PCID card to the Pasco Sheriff's Office Human Resources Section, in writing. I understand the information contained on this form is public record under Florida State Statute 119. I understand PCID cards may be revoked at anytime at the discretion of the Sheriff, and PCID cards expire one year from the date of issuance. I understand I will be responsible for re-applying for a current card at that time. By completing and signing this form, I agree to all of the stipulations included in Administrative Order 2017-073 PA-CIR.

Attorney: _____ Signature: _____ Date: _____
(Please Print)

Court Security Approved Denied Date: _____ Chief Judge Approved Denied Date: _____

PCID Card Received by:

Signature of Attorney or
Authorized Representative: _____ Signature: _____ Date: _____
(Please Print)

Pasco Sheriff's Office Human Resources use ONLY

Background Completed _____ / _____ / _____ by: _____

FL Bar _____ / _____ / _____ by: _____

Photo _____ / _____ / _____ by: _____

Fee paid and sent to Fiscal _____ / _____ / _____

ID card Issued and: Mailed CM# _____ (RRR) Signed RR attached

Being picked up (have attorney or authorized representative sign above for card)