

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO. 2.205-7/12*

IN RE: COURT DISASTER AND EMERGENCY PROCEDURES

During a disaster or emergency the courts will likely be unable to operate under normal rules and procedures.

NOW, THEREFORE, pursuant to the authority conferred by Florida Rule of Judicial Administration 2.215, it is **ORDERED** as follows:

1. When a disaster or emergency is declared by either the Governor, pursuant to Florida Statutes s. 252.36(2), or the Board of County Commissioners, pursuant to Florida Statutes s. 252.38 and County Ordinance 92-37, this administrative order shall take precedence over all other administrative orders of the court if in conflict except Administrative Order 2.203 which adopts the Court Emergency Management Plan. This administrative order shall also take effect if, in the opinion of the Chief Judge, a disaster or emergency is imminent and it is in the interest of the efficient administration of justice to invoke these emergency procedures.
2. The court will coordinate its efforts under the guidance of the Chief Judge or his or her designee, and will work in conjunction with the county's emergency management team. The court will provide the necessary Judges and personnel to handle first appearances, detention hearings, domestic violence petitions, and other matters determined to be an emergency by the Duty Judge or a Judge assigned to hear those matters.

GENERAL MATTERS

3. Initial notification:
 - a. When the Chief Judge is notified that a state of emergency has been declared by either the Governor or the Board of County Commissioners, or the Chief Judge determines that this order shall take effect, the Chief Judge shall notify the Court Administrator. Contemporaneous with the implementation of this order, the Court shall activate its Continuity of Operations Plan ("COOP").

b. The Court Administrator shall establish a telephone number (561) 355-6744 which will be equipped with a message advising all court personnel of the disaster or emergency, the status of court proceedings and whether or not they should report to their places of employment.

c. All court personnel are to remain in contact with the courts through this phone line. In the event there is a loss of telephone service, communication will be achieved through local radio, television and newspaper reports.

4. Communications:

a. The Chief Judge or his or her designee shall notify, through Dialogic, the Clerk of the Court, State Attorney, Public Defender, Sheriff, **Department of Juvenile Justice** and the **Department of Children and Families** of the status of court functions during an emergency.

b. It shall be the responsibility of these agencies to provide the Chief Judge with the name and telephone number of the person to receive such notification.

c. The Court Administrator or her designee shall be responsible for all news releases regarding court activities and will coordinate with the county administrative offices with reference to the operational status of court facilities.

d. The Palm Beach County Sheriff's Office shall assign radios, if available, to the Chief Judge and Court Administrator. The radios shall be accompanied by instructions on basic operating procedures.

5. Court Operations:

a. The following buildings are designated as operational centers of the courts during an emergency:

- 1) Gun Club Road Criminal Justice Complex
- 2) Main Courthouse
- 3) South County Courthouse
- 4) North County Courthouse
- 5) Belle Glade Courthouse


b. The County, in consultation with the Chief Judge, shall designate the location(s) to be used or may designate any other facility as a temporary court facility.

COURT PROCEEDINGS

6. Bond Schedules: During the period of any emergency declared by the Governor or the Board of County Commissioners, or when ordered by the Chief Judge, the bond schedule established by Administrative Order **4.202-8/11 (as amended)**, shall remain in effect.
7. Court Hearings and Judicial Staffing:
 - a. With the exception of first appearance hearings, detention hearings (dependency and delinquency) and emergencies, all court dockets and foreclosure sales are suspended during a declared emergency until the Chief Judge has determined that normal court activities can be resumed.
 - b. In the case of a hurricane, the Chief Judge shall designate a Judge who will respond to the Gun Club Road Criminal Justice Complex. The Chief Judge shall also designate an alternate Judge who will be dispatched to the Gun Club Road Criminal Justice Complex only in the event the Chief Judge determines that the services of an additional Judge will be required.
 - c. The Sheriff's Office shall provide accommodations for the Judges, **Court Administrator, Deputy Clerks of Court, State Attorney Office employees and Public Defender Office employees** during the hurricane and its aftermath until the Judges are relieved by order of the Chief Judge.
 - d. These Judges shall be responsible for conducting first appearance, juvenile detention and emergency hearings during a declared emergency.
 - e. Other Judges may be assigned to assist in these duties by the Chief Judge.
 - f. If it is not physically possible to transport juveniles to the court for detention hearings, those hearings may be conducted in the absence of the juvenile defendants. In all such cases, the Public Defender shall be appointed to represent the absent juvenile.
 - g. The Chief Judge **or the Chief Judge's designee** shall petition the Florida Supreme Court for a tolling of all statutory and rule authorized time limits during the time of the emergency, until normal court activities can be resumed.
 - h. The Court Administrator or her (his) designee shall respond to the county's emergency operations center no later than four hours before the landfall of a hurricane and shall act as the court's representative at the emergency operations center.

- i. The Chief Judge, emergency Duty Judge(s), State Attorney, Public Defender, Clerk of Court, **and Court Administrator** shall confer during an emergency to determine the workload and staffing requirements of court facilities.
8. Transportation:
 - a. If the roads are **not** passable, and upon request, the Palm Beach County Sheriff's Office shall provide transportation for the emergency Duty Judge(s) and other Judges **as well as the Court Administrator, Deputy Clerks of Court, State Attorney Office employees and Public Defender Office employees** assigned to conduct first appearance, juvenile shelter, juvenile detention or Domestic Violence Injunction hearings.
 - b. The declaration of a state of emergency by the Governor or the Board of County Commissioners shall constitute an emergency authorizing the transportation of juveniles in a police vehicle pursuant to Florida Statutes § 39.044(3).
9. Resumption of Normal Court Procedures:
 - a. The Chief Judge shall determine when normal court procedures may be resumed.
 - b. The general public, court personnel and state agencies shall be notified of the resumption of normal court procedures in the same manner as they were notified of the emergency suspension of court procedures.
 - c. Prior to the resumption of normal court procedures, the county shall survey all court buildings to determine the following:
 - 1) the condition of the building;
 - 2) the existence of electrical and water service to the building;
 - 3) telephone service to and within the building;
 - 4) the availability of security within the building; and
 - 5) the availability of access routes to the building.
 - d. The County, in consultation with the Chief Judge, shall coordinate with county personnel to determine when court facilities will be available for use by the court personnel and the general public.

DONE and SIGNED in Chambers at West Palm Beach, Palm Beach County, Florida,
this 13 day of July, 2012.


Peter D. Blanc
Chief Judge