



**IN THE CIRCUIT COURT, FOURTEENTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA, IN AND FOR BAY COUNTY**

ADMINISTRATIVE ORDER #2012-01-01

**RE: COUNTY JUDICIAL PROGRAMS AND COUNTY JUDICIAL EMPLOYEES
(RESCINDING BAY COUNTY ADMINISTRATIVE ORDERS #93-03, #95-03, AND #95-10)**

Whereas, Section 43.26, Florida Statutes (2012), and Rule 2.215 of the Florida Rules of Judicial Administration give the Chief Judge the power to do everything necessary to promote the prompt and efficient administration of justice in the Circuit and County Courts of the Fourteenth Judicial Circuit of the State of Florida (the "Court") and to exercise administrative supervision over the officers and employees of the Court; and

Whereas, Sections 29.008 and 29.0081, Florida Statutes (2012), allow Bay County, Florida (the "County") and the Court to enter into interlocal agreements to provide funding for necessary Court personnel; and

Whereas, the County has, on an annual basis, appropriated funds for the Court to employ personnel ("County Judicial Employees") to assist the Bay County Court System in the administration of the Court and in the operation of Court programs for juvenile and adult offenders ("County Judicial Programs"); and

Whereas, the Court has, since 1993, supervised the operation of the County Judicial Programs and has supervised the County Judicial Employees; and

Whereas, it is the desire of and to the benefit of the County that the Court continue to exercise administrative supervision over the County Judicial Programs and the County Judicial Employees; and

Whereas, it is necessary that the Chief Judge exercise jurisdiction over County Judicial Employees in order to promote the efficient administration of the Court, and it is desirable that personnel regulations be adopted to define and clarify the rights and obligations of the employees for the Court system and the procedures for the administration of their employment; and

Whereas, the abilities, knowledge, skill and experience of County Judicial Employees are peculiar to the judicial branch of government; and

Whereas, employees of the Court system of this Circuit are employed by and serve at the sole discretion of the Chief Judge; and

Whereas, Section 110.205(2)(c), Florida Statutes (2012), exempts all officers and employees of the judicial branch of government from State career service; and

Whereas, the Court and the County have been operating under the provisions of previous administrative orders regarding the County Judicial Employees and the County Judicial Programs;

Whereas, Administrative Orders 93-03, 95-03 and 95-10 need to be replaced with a current administrative order which reflects (1) updates to the positions occupied by County Judicial Employees, (2) updates to County Judicial Programs for juvenile and adult offenders, (3) recognition of the County Judicial Employees as state agents for liability purposes, (4) the status of workers' compensation, injury and liability coverage for participants in the County Judicial Programs, and (5) the Memorandum of Understanding between the Court and the County regarding the same;

NOW THEREFORE IT IS ORDERED:

1. The Court shall continue to supervise the following County Judicial Programs for juvenile and adult offenders and shall continue to supervise the County Judicial Employees who assist in court administration or who assist in the operation of the following County Judicial Programs:
 - a. Bay County Work Program
 - b. Bay County Pretrial Release Program
 - c. Bay County Weekender Work Program
 - d. Bay County Teen Court

2. The County shall fund the following County Judicial Employee positions:
 - a. Bay County Work Program and Bay County Pretrial Release Program Director
 - b. Administrative Assistant for Bay County Work Program
 - c. Administrative Assistant for Bay County Pretrial Release Program
 - d. Bay County Teen Court Director
 - e. Bay County Teen Court Assistant Director
 - f. Court Technology Specialist
 - g. Two Judicial Staff Assistants
3. The Court, the County Judicial Employees, and the County shall work in cooperation to develop and implement funding sources for the County Judicial Programs.
4. The Court will maintain a list of all County Judicial Employees, which will be provided to and updated in consultation with the County.
5. All Court employees of the Fourteenth Judicial Circuit, including County Judicial Employees funded by the County, are and shall be under the jurisdiction, control and supervision of the Chief Judge or his or her designee; they serve and shall serve at his or her sole discretion and pleasure and they shall be hired, supervised, managed and terminated from employment by the Chief Judge or his or her designee. Nothing contained herein shall prohibit each judicial officer from having individual control over the hiring and termination of his or her personal staff. The Court will work with the County Human Resources Department regarding personnel matters.
6. The County Judicial Employees shall be subject to the Bay County Personnel Manual (the "Manual"), the terms and provisions of which are hereby incorporated by reference. The terms and provisions of the Manual shall govern, regulate and control all personnel and employment practices and requirements except as to the calendar and the designation of holidays. The County Judicial Employees will work in accordance with the Court's calendar. Further, the terms and provisions of the Manual are hereby modified with respect to County Judicial Employees in that the Chief Judge shall be substituted for references to the Board of County Commissioners and the Trial Court Administrator shall be substituted for references to the County Human Resources Director. A copy of the Manual and any future amendments thereto shall be delivered or made available to all County Judicial Employees.

7. The payment of salaries and benefits of County Judicial Employees shall be authorized and administered by the Bay County Board of County Commissioners in consultation with the Chief Judge or his or her designee.
8. The Court recognizes its obligation as provided under Section 29.0081(2)(b), Florida Statutes (2012), to comply with federal and state employment laws and to fully indemnify the County under such laws, as authorized by Section 768.28(19), Florida Statutes (2012), to the extent such liability is the result of the acts or omissions of the Court or its agents or employees.
9. In accordance with Section 29.0081, Florida Statutes (2012), the County Judicial Employees shall be considered employees of the County for purposes of workers' compensation and unemployment compensation under Section 440.10 and Chapter 443, Florida Statutes (2012). Judicial Employees are to be considered state agents for purposes of liability.
10. Workers' compensation, injury and liability coverage for the participants in the County Judicial Programs shall be provided for as follows:
 - a. Based on the language of Sections 440.02(17)(c)(4), 985.145 and 985.45, and Chapter 284, Part II, Florida Statutes (2012), juvenile participants in the County Judicial Programs are to be considered state employees for purposes of liability and, unless the juveniles are participating as a result of a DUI offense, as state employees for purposes of workers' compensation under Chapter 440.
 - b. Based on the language of Sections 440.02(17)(c)(4) and 948.036, Florida Statutes (2012), adult participants in the County Judicial Programs, with the exception of any adult participating as a result of a DUI offense, are to be considered state employees for purposes of workers' compensation under Chapter 440, but adult participants are not considered state employees for purposes of liability.
 - c. No participant in a County Judicial Program shall receive any remuneration from any source. As provided by Sections 948.036, 985.145 and 985.45, Florida Statutes (2012), in determining a participant's average weekly wage, unless otherwise determined by a specific funding program, any remuneration received would be considered a gratuity, and the participant is not entitled to any benefits otherwise payable under Section 440.15, Florida Statutes (2012), regardless of whether the participant may be receiving wages and remuneration from employment with another employer and regardless of the participant's future wage-earning capacity. Workers' compensation claims are essentially limited to medical benefits only.

- d. The County shall secure insurance coverage or be self-insured for (1) injury claims by any adults or juveniles who are participating in a County Judicial Program as a result of a DUI offense; and (2) liability claims relating to adult participants in the County Judicial Programs. The County shall provide the Court with proof of insurance or a letter stating the County will be self-insured.
 - e. The Court, the County Judicial Employees, and the County shall cooperate with each other in complying with the applicable policies and procedures of the Court, the County, and the Division of Risk Management regarding workers' compensation, injury or liability claims arising from the County Judicial Programs.
 - f. The County shall have the right to approve a list of all activity or labor assignments for participants in the County Judicial Programs who are participating as a result of a DUI offense, which list may be updated from time to time.
11. The Court and the County have entered into a Memorandum of Understanding regarding the supervision of the County Judicial Employees and the operation of the County Judicial Programs, the terms of which are incorporated herein by reference.

DONE AND ORDERED in Chambers at Panama City, Bay County, Florida,
this 31 day of July, 2012.



HENTZ McCLELLAN, CHIEF JUDGE



A CERTIFIED TRUE COPY
BILL KINSAUL CLERK
OF THE CIRCUIT COURT

By 
Deputy Clerk