

**IN THE CIRCUIT COURT, FOURTH JUDICIAL CIRCUIT,  
IN AND FOR DUVAL, CLAY AND NASSAU COUNTIES, FLORIDA**

**SECOND AMENDED ADMINISTRATIVE ORDER NO. 1994-02**

**RE: CIVIL RIGHTS POLICY STATEMENT AND CIVIL RIGHTS COMPLAINT  
PROCEDURE**

**WHEREAS**, the Florida Supreme Court has adopted and incorporated, as part of the State Courts System's Personnel Regulations, the procedures referenced in Administrative Order AOSC12-21 regarding Amendments to the Florida Supreme Court Civil Rights Complaint Procedure;

**WHEREAS**, the Supreme Court Civil Rights Complaint Procedure attached to Administrative Order AOSC12-21 provides for a procedure by which "complaints of discrimination, by and against officers and employees of the Supreme Court and Office of the State Courts Administrator, because of race, religion, sex, including sexual harassment, national origin, age, disability, marital status or retaliation, may be filed";

**WHEREAS**, pursuant to instruction from the Florida Supreme Court and the State Courts System, this Court has previously developed and approved procedures for the filing of complaints of discrimination;

**WHEREAS**, it has come to this Court's attention that First Amended Administrative Order No. 94-2, which was entered by this Court prior to the entry of AOSC12-21, should be updated and amended.

**NOW THEREFORE**, by the authority vested in me as the Chief Judge of the Fourth Judicial Circuit and pursuant to the Florida Rules of Judicial Administration, it is hereby

**ORDERED AND ADJUDGED** that:

- 1) The Fourth Judicial Circuit hereby adopts and implements the Supreme Court of Florida Administrative Order AOSC12-21 in re: Amendments to the Florida Supreme Court Civil Rights Complaint Procedure. (AOSC12-21 and the adopted policy and procedures are attached hereto as Attachment A.)
- 2) Complaints of discrimination by and against officers and employees of the State of Florida and City of Jacksonville who are personnel employed within the Duval County Courthouse, Clay County Courthouse, and Nassau County Courthouses, because of race, religion, sex, national origin, age, disability, or marital status should

be filed using the procedures described herein and in the Fourth Judicial Circuit Civil Rights Policy Statement and the Fourth Judicial Circuit Civil Rights Complaint Procedure. The internal procedures and remedies described herein are not intended to be exclusive, rather, a complaint may be referred to the appropriate outside agency. (The Fourth Judicial Circuit Civil Rights Policy Statement and the Fourth Judicial Circuit Civil Rights Complaint Procedure are attached hereto as Attachment B.)

- 3) The following positions are hereby appointed as intake officers who shall be responsible for receiving and documenting complaints of discrimination:
  - a. Trial Court Administrator
  - b. Director, Office of Judicial Staff Attorneys
  - c. Judicial Assistant to the Chief Judge
- 4) A copy of the Supreme Court of Florida AOSC12-21 in re: Amendments to the Florida Supreme Court Civil Rights Complaint Procedure shall be posted and available for review at the following locations:
  - a. Within the Duval County Courthouse: Main Lobby; Trial Court Administrator's Office; Law Library
  - b. Nassau County Law Library, Nassau County Courthouse
  - c. Office of the Administrative Judge, Clay County Courthouse
- 5) The Office of the Trial Court Administrator shall, as soon as practicable, distribute the attached policy statement and complaint procedure to all court personnel of the Fourth Judicial Circuit.
- 6) All complaints of sexual harassment will be governed by Administrative Order No. 2018-07 in re: Sexual Harassment Policy and Procedures.
- 7) All other Administrative Orders under No. 1994-02 previously entered and addressing the same subject matter are hereby vacated and superseded.
- 8) This Second Amended Administrative Order No. 1994-02 shall be recorded by the Clerk of Court, in the Official Records of Duval, Clay and Nassau Counties, in the State of Florida, and shall take effect immediately and remain in full force and effect unless and until otherwise ordered by the Court.

**DONE AND ORDERED** in Chambers at Jacksonville, Duval County, Florida, this  
29<sup>th</sup> day of October, 2018.

  
**MARK H. MAHON**  
**CHIEF JUDGE**

cc: All Judges in the Fourth Judicial Circuit  
All Magistrates in the Fourth Judicial Circuit  
The Honorable Ronnie Fussell, Clerk of Courts, Duval County  
The Honorable Tara S. Green, Clerk of the Circuit Court, Clay County  
The Honorable John A. Crawford, Clerk of the Circuit Court, Nassau County  
The Honorable Charles G. Cofer, Esq., Public Defender  
The Honorable Melissa W. Nelson, Esq., State Attorney  
The Honorable Jason R. Gabriel, Esq., General Counsel  
The Honorable Mike Williams, Sheriff, Jacksonville Sheriff's Office  
Major Steve Weintraub, Jacksonville Sheriff's Office, Courthouse Security  
Joseph G. Stelma, Fourth Judicial Circuit Trial Court Administrator  
Eve Janocko, Chief Deputy Trial Court Administrator  
Mike Smith, Court Technology Officer  
Julie K. Taylor, Court Counsel  
Stephen Siegel, Esq., Office of the State Attorney  
Jim Kowalski, Esq., Executive Director JALA  
Charles Bishop, Family Court Manager, Fourth Circuit  
Janet Abel, Circuit Director, Office of Criminal Conflict and Civil Regional Counsel  
Fourth Circuit Court Law Library, Duval County  
Judicial Staff Attorneys, Fourth Judicial Circuit  
Blake Johnson, Esq., President, FACDL (Local Chapter)  
The Jacksonville Bar Association  
The Clay County Bar Association  
The Nassau County Bar Association

# ATTACHMENT A

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# Supreme Court of Florida

No. AOSC12-21

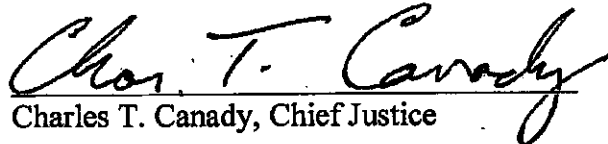
IN RE: AMENDMENTS TO THE FLORIDA SUPREME COURT  
CIVIL RIGHTS COMPLAINT PROCEDURE

## ADMINISTRATIVE ORDER

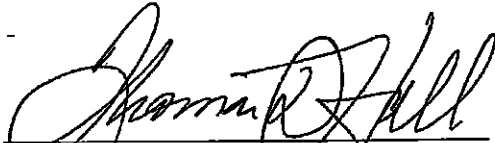
The Florida Supreme Court Civil Rights Complaint Procedure has been updated, clarified and amended to address the confidentiality of complaints of discrimination by and against justices and Supreme Court and Office of the State Courts Administrator employees in accordance with current statutory and court rule requirements. Complaints of sexual harassment against justices are governed by In re: Sexual Harassment Policy and Procedures for Complaints against Justices, AOSC04-07 (March 25, 2004). All other complaints of discrimination by and against justices and employees will be governed by these amended procedures.

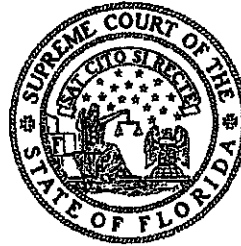
The amended procedures are approved and incorporated into the State Courts System Personnel Regulations. They are attached and incorporated into this Administrative Order and will be implemented upon issuance of the Order.

DONE AND ORDERED at Tallahassee, Florida, on June 29, 2012.

  
Charles T. Canady, Chief Justice

ATTEST:

  
Thomas D. Hall, Clerk of Court



## SUPREME COURT CIVIL RIGHTS COMPLAINT PROCEDURE

This procedure was adopted pursuant to Administrative Order In Re: Personnel Rules and Regulations issued by the Chief Justice of the Supreme Court on September 23, 1993 and amended pursuant to In Re: Amendments to the Florida Supreme Court Civil Rights Complaint Procedure, AOSC12-21 (June 29, 2012). The procedure sets forth the steps to be taken to investigate and provide for a prompt and equitable resolution to complaints of discrimination in employment decisions.

Only complaints of discrimination, by and against officers and employees of the Supreme Court and Office of the State Courts Administrator, because of race, religion, sex, including sexual harassment, national origin, age, disability, marital status or retaliation, may be filed using the procedures described herein. Complaints of sexual harassment against justices must be addressed through the separate procedures outlined in In re: Sexual Harassment Policy and Procedures for Complaints against Justices, AOSC04-07 (March 25, 2004). Complaints of discrimination made under the Americans with Disabilities Act must also be referred to the Court's ADA Coordinator.

### A. Intake Officer

The Chief Justice shall appoint an intake officer who will be responsible for receiving and documenting complaints of discrimination by and against officers and employees. The name, office location, and phone number of the intake officer must be posted in a prominent place, along with this complaint procedure.

The Intake Officer for all officers and employees is Karen Samuel, Human Resource Officer. Ms. Samuel may be contacted at (850) 410-0646. Her office is located in Personnel Services, Supreme Court Building.

### B. Procedure

1. All complaints of discrimination will be treated seriously and acted upon promptly. Officers or employees will not be retaliated against for exercising their right to file a complaint under this procedure or for assisting or participating in the complaint procedure. Any officer, employee, or applicant for employment, who believes that he or she is a victim of discrimination, should report the matter either orally or in writing, to the intake officer or the employee's supervisor. Complaints of discrimination must be reported within ninety (90) days of the date of the alleged violation. If a complaint of discrimination is reported to the supervisor, the supervisor must report the complaint to the intake officer within two (2) working days.

2. The intake officer will discuss the allegations of the complaint with the complainant, advise the complainant of the options available under this complaint procedure, and document in writing the option the complainant elects to pursue. The intake officer will interview the officer or employee against whom the complaint is made and report the allegations of the complaint to the Chief Justice within five (5) working days. The Chief Justice may attempt to resolve the complaint informally through mutual conciliation, or may appoint an investigative officer(s) who will investigate the complaint, and report findings of the investigation to the Chief Justice.
3. If mutual conciliation is agreed upon by the complainant and the officer or employee the complaint is against, the Chief Justice or his or her designee will meet with the individuals involved to discuss the nature of the complaint and methods for resolution. The Chief Justice or his or her designee may recommend alternative dispute resolution as a method for resolving the complaint. Alternative dispute resolution may be initiated at any stage of this procedure.
4. Investigations:
  - a. The investigative officer(s) shall:
    - 1) Interview the complainant concerning the nature and facts of the complaint.
    - 2) Interview the officer or employee the complaint is made against to obtain his or her response to the complaint. The officer or employee the complaint is made against may prepare a written response to the complaint.
    - 3) Interview any witnesses as the investigative officer(s) deems necessary.
    - 4) Prepare and submit a written report to the Chief Justice describing the nature of the complaint and the findings of the investigation.
  - b. The Chief Justice will determine the validity of the complaint. The Chief Justice may meet with all individuals concerned with a goal toward mutual resolution, dismiss the complaint, authorize appropriate discipline up to and including dismissal, or refer the complaint to the appropriate outside agency. The Chief Justice may meet with the complainant and the officer or employee



against whom the complaint is made, either separately or together, and inform them of his or her decision.

**C. Confidentiality**

**1. Complaints against justices**

All records made or received by the Chief Justice or his or her designee through use of this complaint procedure are exempt from public disclosure under rule 2.420(c)(3)(A), Florida Rules of Judicial Administration. Such records are exempt from public disclosure for the duration of the initial inquiry, internal investigation and resolution of the complaint, and at all times thereafter, unless the records are forwarded to the Judicial Qualifications Commission.

If records pertaining to a complaint of discrimination are forwarded to the Judicial Qualifications Commission, such records will be confidential under rule 2.420(c)(3)(A) and rule 23(a), Rules of the Judicial Qualifications Commission, until any formal charges against the justice are filed by the investigative panel of the commission with the clerk of the Florida Supreme Court.

Records within the possession of the Chief Justice or designee and pertaining to a complaint of discrimination that has been forwarded to the Judicial Qualifications Commission will become public upon formal charges being filed with the clerk of the Florida Supreme Court.

Notes taken by the investigative officer, when used to prepare the investigative report and not circulated to others, are not public record.

**2. Complaints against employees**

All records made or received by the Chief Justice or his or her designee through use of this complaint procedure are exempt from public disclosure until a finding is made relating to probable cause, the investigation of the complaint becomes inactive, or the complaint and related records are made part of the official record of a hearing or court proceeding. Notes taken by the investigative officer, when used to prepare the investigative report and not circulated to others, are not public record.

**D. External Measures**

Irrespective of these internal procedures, the complainant retains the right before, during, or after the conclusion of this procedure to seek other remedies as provided by law. The complainant may file a charge with the Equal Employment

Opportunity Commission (EEOC) or with the Florida Commission on Human Relations (FCHR). The EEOC may be reached toll free at 1-800-669-4000. The FCHR may be reached at (850) 488-7082. Information about how to file a charge of discrimination with either EEOC or FCHR is posted on the FCHR Internet site at <http://fchr.state.fl.us>.

Complaints against attorneys may be reported to The Florida Bar at 650 Apalachee Parkway, Tallahassee, Florida 32399-2300. The Florida Bar may be contacted at (850) 561-5600.

#### E. Records

All complaints of discrimination and their resolution must be documented in writing and maintained by the intake officer. If an investigation takes place, and the investigative officer has submitted a written report to the Chief Justice, the record of any resulting disciplinary action will be maintained in the disciplined employee's personnel file. The investigative report will be maintained by the intake officer.

# ATTACHMENT B

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**FOURTH JUDICIAL CIRCUIT  
CIVIL RIGHTS POLICY STATEMENT**

It is the policy of the Fourth Judicial Circuit to provide a workplace free from any and all forms of illegal discrimination, and to provide equal employment opportunity to every employee and applicant for employment based solely on his or her qualifications to perform the job, and without discrimination on account of race, ethnicity, sex, religion, national origin, disability, marital status, or age, except as provided by law, with respect to recruitment, appointment, training, promotion, retention, separation, or any other employment practice.

In accordance with Title I of the Americans with Disabilities Act of 1990, the Fourth Judicial Circuit will not discriminate in any employment practice against qualified individuals with a disability, individuals regarded as having a disability, or individuals with an association with a person with a known disability. Furthermore, it is the policy of the Fourth Judicial Circuit to provide a reasonable accommodation, if necessary, to all qualified individuals with a disability in order to assure equal opportunity in the application process, to enable a qualified individual with a disability to perform the essential functions of a job, and to enable an employee with a disability to enjoy equal benefits and privileges of employment. A reasonable accommodation will be made, on a case by case basis, if it does not impose an undue hardship on court operations.

It is the policy of the Fourth Judicial Circuit to provide a businesslike environment free from all forms of employee discrimination, including incidents of sexual harassment. Sexual harassment occurs if there are unwelcome sexual advances, unwelcome requests for sexual favors, or unwelcome verbal or physical conduct of a sexual nature from or involving an employee's supervisors, peers, subordinates, or other persons in contact with an employee during the course of the conduct of the employee's business when:

1. Submission to such conduct is made either explicitly or implicitly, a term or condition of an individual's employment; or
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

It is the policy of the Fourth Judicial Circuit that all complaints of discrimination shall be treated seriously and acted upon promptly in accordance with complaint procedures approved and adopted by the Chief Judge of the Fourth Judicial Circuit.

Failure to comply with this policy may result in discipline up to and including dismissal, and/or referral to appropriate enforcement and disciplinary bodies. No individual shall be discriminated against, harassed, threatened, or intimidated for filing a complaint under these policies. Any individual who knowingly files a false complaint may be subject to discipline up to and including dismissal.

**FOURTH JUDICIAL CIRCUIT  
CIVIL RIGHTS COMPLAINT PROCEDURE**

This procedure is adopted pursuant to Administrative Order In Re: Amendments to the Florida Supreme Court Civil Rights Complaint Procedure issued by the Chief Justice of the Florida Supreme Court on June 29, 2012, and sets forth the steps to be taken to investigate and provide a prompt and equitable resolution to complaints of discrimination.

**I. Procedure**

1. All complaints of discrimination shall be treated seriously and acted upon promptly. Any individual who believes that he or she is a victim of discrimination should report the matter either orally or in writing to an intake officer or the employee's supervisor within ninety (90) days of the date of the alleged violation. If reported to the supervisor, the supervisor will report the complaint to an intake officer.

2. The intake officer shall interview the individual against whom the complaint is filed and report the details to the Chief Judge within five (5) working days. Complaints of discrimination under the Americans with Disabilities Act shall also be referred to the Court's ADA Coordinator. The Chief Judge may attempt to informally resolve the complaint through mutual conciliation, or appoint an investigative officer(s) who will make an investigation and report to the Chief Judge on the matter.

3. If mutual conciliation is agreed upon by the complainant and the individual against whom the complaint is filed, the Chief Judge, or an appointed representative, will meet with the individuals involved to discuss the nature of the complaint and methods for resolution. The Chief Judge, his or her appointed representative, or the individuals involved may recommend an alternative dispute resolution as a method for resolving the complaint. Alternative dispute resolution may be initiated at any stage of this procedure.

4. If an investigative officer(s) is appointed:

A. The investigative officer(s) shall:

(i) Interview the complainant concerning the nature and facts of the complaint.

(ii) Interview the individual against whom the complaint is filed to obtain his or her understanding of the complaint and perception of the facts of the complaint. The individual against whom the complaint is filed may prepare a written response to the complaint.

(iii) Interview any witnesses as the investigative officer(s) deems necessary.

(iv) Prepare and submit a written report to the Chief Judge describing the nature and facts of the complaint.

B. The Chief Judge shall make a determination of the validity of the complaint. The Chief Judge may meet with all individuals concerned with a goal toward mutual resolution, dismissal of the complaint, authorizing the appropriate discipline up to and including dismissal, or referral of the complaint to the appropriate outside agency. The Chief Judge may meet with the complainant and the individual against whom the complaint is filed, either separately or together, and inform them of his or her decision.

**II. Confidentiality**

Written materials developed through the use of this procedure are confidential pursuant to Rule 2.420, Public Access to and Protection of Judicial Branch Records, Florida Rules of Judicial Administration.

**III. Additional Remedies**

Irrespective of these internal procedures, the complainant retains the right before, during, or after the proceedings to seek remedy outside the Court's internal procedure as provided by law.

The board of Governors of the Florida Bar, by authority of the Florida Supreme Court, and under its Rules and Regulations, has the jurisdiction to investigate all reported instances of misconduct by members of the Florida Bar. The Florida Bar is located at 651 E. Jefferson Street, Tallahassee, Florida, 32399.

**IV. Records**

All records of complaints of discrimination and their resolution shall be documented and maintained by the intake officers. If an investigation takes place and the investigative officer has submitted a written report to the Chief Judge, any record of any resulting disciplinary action will be maintained in the disciplined employee's personnel file in case of an employee, or in the Court Administrator's Office in all other cases.

**EQUAL EMPLOYMENT OPPORTUNITY**

I have received and read a copy of the Fourth Judicial Circuit's Civil Rights Policy Statement and Civil Rights Complaint Procedure. I understand the policy is set forth regarding discrimination, the procedures for resolving civil rights complaints and the consequences of any violation of this policy.

\_\_\_\_\_  
Employee's Name

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

STATE OF FLORIDA  
DUVAL COUNTY

I, THE UNDERSIGNED Clerk of the Circuit Court, Duval County, Florida, DO HEREBY CERTIFY the within and foregoing is a true and correct copy of the original as it appears on record and file in the office of the Clerk of Circuit of Duval County, Florida, and the same is in full force and effect.

WITNESS my hand and seal of the Clerk of Circuit Court of Duval County, Florida, this the 29th day of Oct, A.D. 2012

RONNIE BISSELL  
Clerk, Circuit and County Courts  
Duval County, Florida

By: [Signature]  
Deputy Clerk

