

IN THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR THE STATE OF FLORIDA

IN RE: DUTY JUDGE
RESPONSIBILITIES

)
) ADMINISTRATIVE ORDER
) NO: 2.17
)

(a) Purpose. The prompt and efficient administration of justice requires that a judge be available in chambers during all work hours and on call after work hours to handle specifically enumerated emergency matters.

(b) Definitions. The following definitions apply to this rule:

(1) "Duty Judge" is the judge identified in the annual duty roster who shall be available at all times to handle applications for warrants or other similar matters for law enforcement personnel, petitions for ex parte injunctive relief to prevent domestic and repeat violence, and other emergency matters defined herein.

(2) "Emergency" encompasses the foregoing ex parte applications and other matters of extreme urgency, such as matters of life and death or instances of irreparable harm. Specifically not included in this definition are matters of urgency in cases already assigned to a specific judge which can be scheduled for consideration before that judge within a reasonable period of time.

(c) Availability. The duty judge shall be available from 8:30 a.m. to 5:00 p.m. each work day at the county courthouse where the duty judge is permanently assigned. Coverage on weekends, holidays and after-hours shall be provided by an on-

call system established by the court administrator through which the duty judge can be reached by telephone, beeper, radio, etc. A judge should not have to clear his or her calendar in order to handle the duty judge's responsibilities. During the duty judge assignment, the duty judge is obligated to stop what he or she is doing to accommodate the responsibilities of the duty judge.

(d) Responsibilities. Matters appropriate for consideration by a duty judge include but are not limited to the following:

- (1) Applications for search warrants;
- (2) Applications for arrest warrants;
- (3) Applications for pen registers;
- (4) Applications for wiretap orders;
- (5) Petitions for ex parte injunctive relief to prevent domestic and repeat violence;
- (6) Right-to-die cases;
- (7) All other ex parte applications and other matters of extreme urgency which involve matters of life and death or instances of irreparable harm;
- (8) First appearances; and,
- (9) Shelter Hearings
- (10) Detention hearings.

(e) After-hours injunctive relief. To facilitate the acceptance and processing of emergency ex parte applications for injunctive relief to prevent domestic violence pursuant to § 741.30 Fla. Stat. (1991), the clerk of court in each county

within the Twentieth Circuit shall make provisions for staff to be available to assist in the disposition of such applications after normal business hours. The sheriffs of each county within the Twentieth Circuit are empowered to accept a certified copy of a faxed signed domestic violence injunction for service of process should the duty judge be equipped with a fax machine.

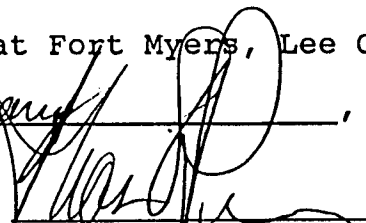
(f) Disposition of criminal matters. Criminal matters such as bond reduction hearings or modifications of pretrial detention must be scheduled in accordance with Fla. R. Crim. P.

3.131(d)(1). In any case where the assigned criminal court judge is not in a position to "promptly" dispose of any emergency criminal matters, Rule 3.131 controls, and only the judge who set bail, the presiding judge, or the first appearance judge (if authorized by the judge initially setting or denying bail to modify or set conditions of release), may handle the matter.

(g) Limitations. The following matters should not generally be entertained by a duty judge:

- (1) Certified questions at depositions;
- (2) All regular probate matters;
- (3) All cases already assigned to a presiding judge; and,
- (4) All motions for protective orders in civil or criminal matters.

DONE AND ORDERED in Chambers at Fort Myers, Lee County, Florida this 15 day of February, 1993.


Thomas S. Reese
Chief Circuit Judge

I CERTIFY THIS DOCUMENT TO BE A TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE IN MY OFFICE, CHARLIE GREEN, CLERK CIRCUIT COURT LEE COUNTY, FLORIDA.

DATED: February 17, 1993

BY: Mark Wood

History. - New.
STATE OF FLORIDA, COUNTY OF LEE

FILED FOR RECORD

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17th Day of February 1993 Record in Cir. Ct. Min.
Book 37 Page _____ and Record Verified.
By Mark Wood
CHARLIE GREEN Deputy Clerk
Clerk Circuit Court