

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

IN RE: DUTY JUDGE RESPONSIBILITIES

ADMINISTRATIVE ORDER

NO. 2.17

- Amended -

WHEREAS, the prompt and efficient administration of justice requires that a duty judge be available in chambers during all work hours and on-call after work hours to handle specifically enumerated emergency matters;

NOW, THEREFORE, pursuant to the authority prescribed by Fla. R. Gen. Prac. & Jud. Admin. 2.215, and for the purpose of promoting the efficient administration of justice within the Twentieth Judicial Circuit, it is **ORDERED** as follow:

A. **Definitions**. The following definitions apply to this Administrative Order:

- (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.

B. **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 Trial Court Administrator through which the duty judge can be reached by cellular telephone, or other effective electronic means. 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.

I hereby certify this document to be a true and correct copy of the record on file in my office
Kevin C. Karnes, Clerk of the
Circuit Court, Lee County, FL
Dated: 03/07/24

By: 
Deputy Clerk



C. **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 violence, repeat violence, sexual violence, dating violence, and stalking;
- (6) Right-to-die cases;
- (7) Other emergency matters which involve matters of life and death or instances of irreparable harm;
- (8) First Appearances;
- (9) Shelter Hearings;
- (10) Detention Hearings;
- (11) Applications for initial probable cause determinations pursuant to the Florida Contraband Forfeiture Act, §932.703, Fla. Stat., made within ten (10) business days after the date of seizure and prior to the filing of a civil forfeiture complaint; and
- (12) Other time-sensitive *ex parte* applications authorized by statute, where no judicial assignment has been made.

D. **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., repeat violence, sexual violence and dating violence pursuant to §784.046, Fla. Stat., and stalking pursuant to §784.0485, Fla. Stat., 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.

E. **Criminal motions involving pretrial release or pretrial detention**. Criminal motions involving bond reduction or modifications of pretrial release conditions must be



scheduled in accordance with Fla. R. Crim. P. 3.131(d)(1). In any cases where the assigned criminal court judge is not available to “promptly” dispose of such motions, Rule 3.131 controls, and the only other judge who can hear the motion is the judge who imposed the conditions of bail or set the amount of bond, the chief judge of the circuit in which the defendant is to be tried, or the first appearance judge (if authorized by the judge initially setting or denying bail to modify or set conditions of release). These matters cannot be heard by the duty judge unless the duty judge otherwise meets the requirements of Rule 3.131(d)(1). Criminal motions for pretrial detention pursuant to Fla. R. Crim. P. 3.132 are to be scheduled for an evidentiary hearing before the assigned criminal court judge or designee, not the duty judge.

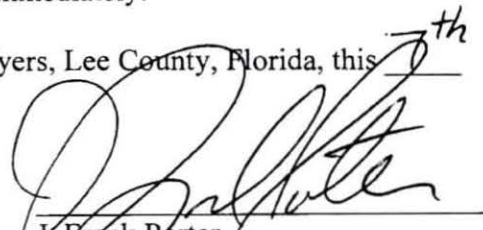
F. **Limitations.** In addition, the following matters generally should not be entertained by a duty judge:

- (1) Certified questions from 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.

G. To the extent that this amended Administrative Order is in conflict with any law, statute, or rule, the law, statute, or rule controls.

H. This amended Administrative Order is effective immediately.

DONE AND ORDERED in chambers in Fort Myers, Lee County, Florida, this 7th
day of March, 2024.


J. Frank Porter
Chief Judge

History. – Administrative Order 2.17 (Feb. 15, 1993).

