

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

IN RE: JUDICIAL LABOR AND
ROTATION POLICY

ADMINISTRATIVE ORDER
NO. 2.5
- Amended -

THIS ORDER is designed to set forth a uniform method for the division of judicial labor as well as a voluntary assignment rotation policy within the Twentieth Judicial Circuit. The Order takes into consideration this circuit's geographic, demographic and socio-economic disparity, and to the extent possible, reflects the wishes of the sitting judiciary that judicial assignments be determined primarily on the bases of seniority, ability and desire.

I. DEFINITIONS

A. Seniority – Seniority in all situations contemplated within this Administrative Order will be determined in the following order:

1. Length of service as a full-time Circuit Judge within the Twentieth Judicial Circuit.
2. In the case of simultaneous appointment or election to the Circuit Bench, seniority shall be determined by looking first to the number of years of prior service to the Circuit Bench, and in the case of a tie, then to the length of service to the County Bench, and thereafter, only if there is a tie, to the length of service as any other judicial or quasi-judicial officer, and finally on the basis of the number of years as a member of the Florida Bar.

B. Geographical Divisions - Divisions within the Twentieth Judicial Circuit shall, to the extent possible, be confined to one county. However, due to caseload fluctuations, it may be necessary for divisions to be created which involve judicial responsibilities which are split among more than one county.

C. Case Divisions - To the extent practicable, Circuit Court caseloads shall be broken

BY
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CLERK OF COURT
LEE CO. FLORIDA

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down into divisions as follows:

1. Civil Law Division.
2. Family Law Division.
3. Criminal Law Division.
4. Juvenile and Dependency Division.

These divisions shall be created and maintained by the Chief Judge and shall be subject to review based upon statistical data provided by the Court Administrator. Assignments within each division shall be as provided herein. However, due to caseload fluctuations, it may be necessary to add other divisions, including split divisions.

D. Judicial Vacancy - As used in this Order, a judicial vacancy is limited to any vacancy in a Circuit Judgeship created by the death, incapacity, removal, retirement, or a vacancy occasioned by any other cause not contemplated herein.

E. Newly Created Judicial Vacancy - As used in this Order, a newly created judicial vacancy is one certified by the Supreme Court of Florida and thereafter funded by the legislature for purposes of appointment or election.

F. Judicial Rotation - As used in this Order, a judicial rotation is defined as a complete cycle of two-year assignments through each of the four case divisions within a county (or any combination of divisions as may be necessitated by the caseload generation in any particular county) as set forth in paragraph I.C. above. Service of at least twelve (12) consecutive months within any division in the county of rotation shall be considered a completed assignment within that particular division

II. GEOGRAPHICAL DIVISIONS

The Twentieth Judicial Circuit shall be divided into geographical groups with Circuit Judges assigned there as follows:

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A. As often as may be necessary, but in no event less than once every two years beginning November 1, 2001, the Chief Judge of the circuit shall direct the Court Administrator to prepare a statistical report of the caseload throughout the circuit for the preceding two years. Based upon this statistical report, the Chief Judge shall divide the circuit into geographical divisions as equitably as possible, and assign each Circuit Judge of the circuit to one geographical division on the basis of seniority.

B. In the event a new Circuit Judgeship is created, the Chief Judge will make a determination as to where judicial labor is most needed and will thereafter provide for creation of geographical and case divisions accordingly. Assignments to these newly created vacancies will be made on the basis of seniority in accordance with this Order.

C. Each Judge of the circuit shall have chambers located in an appropriate county and facility as determined by the Chief Judge; and mileage, per diem, or other travel expenses shall not be chargeable to those chambers from the Judge's residency. Upon the adoption of this Order, no Judge shall be required to change counties during any two-year assignment under the Assignment Rotation Policy as set forth below, unless, in the opinion of the Chief Judge, exigent circumstances exist such that a change is required. After the passage of such circumstances, the Judge shall return to the original county from which the Judge was moved.

III. JUDICIAL VACANCIES AND NEWLY CREATED JUDICIAL VACANCIES

A. Any Judge, elected or appointed, who fills a judicial vacancy or newly created judicial vacancy (as those terms are defined in this Order) shall be entitled to the geographical and case division established for the vacancy unless a Judge of senior tenure should desire the geographical and case division. In that event, the vacancy will be filled on the basis of seniority.

B. For the purpose of determining whether a Judge of senior tenure desires the geographical and case division of that vacancy, the Chief Judge shall issue a written notice to all

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Circuit Judges announcing the vacancy, and any Judge who desires the vacancy must notify the Chief Judge of such desire no later than ten (10) days following the written notice. All Judges within the circuit may bid on filling the vacancy. The Judge with the most seniority who seeks to fill the vacancy shall receive the assignment.

C. In applying Paragraphs III. A and B, when a Judge moves from one geographical division to another, that Judge's seniority shall be defined as set forth in Paragraph I.A.

D. Beginning July 1, 2012, a Judge who fills a judicial vacancy as set forth in this Administrative Order shall preside in the county of that vacancy for a minimum of twelve (12) months. This is not intended to apply to vacancies filled prior to July 1, 2012.

E. The Chief Judge, upon leaving office, shall be permitted the option of either exchanging dockets with the successor Chief Judge or the divisional assignment of his or her choosing. Any Circuit Judge so displaced by such election shall be assigned to the vacant division.

IV. ASSIGNMENT ROTATION POLICY

A. In accordance with Fla. R. Jud. Admin. 2.215(b)(3), the Twentieth Judicial Circuit hereby adopts a voluntary assignment rotation policy. The purpose of this policy is to develop the capabilities of all Judges within the circuit so that all will be qualified to serve in any case division as provided herein.

B. This Court recognizes that due to population and caseload disparities, it would be impossible to completely divisionalize every county within this circuit. However, Charlotte, Collier and Lee County Circuit Courts are and shall continue to be fully divisionalized. Hendry and Glades Counties do not currently possess the population base or caseloads sufficient to warrant the establishment of any division of judicial labor as does exist in Charlotte, Collier and Lee Counties.

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C. Beginning January 1, 2002 and every two years thereafter, or such other time as circumstances may warrant, the Chief Judge shall determine whether any Circuit Judge within the Twentieth Judicial Circuit wishes to participate in an assignment rotation, with rotations effective July 1st of each even numbered year.

D. For the purpose of determining whether any Judges wish to participate in a rotation, the Chief Judge shall issue a written notice to all Circuit Judges within a reasonable time after January 1st of each even numbered year, announcing the two-year rotation period, and any Judge who desires to enter rotation must notify the Chief Judge in writing of such desire no later than ten (10) days following the written notice.

E. Judges electing to rotate may not choose the case division to which they will be assigned. The actual case division of their new assignment will be determined based on seniority as described in paragraph I.A. However, the Chief Judge will request preferences for case divisions and every effort will be made to honor the request after applying the seniority rules.

F. The rotating Judge will displace the Judge with the least seniority in the division into which that Judge rotates. That displaced Judge will thereafter be assigned to the case division of the rotating Judge.

G. A Judge may not return to a case division held immediately before that Judge's election to participate in a judicial rotation until after a complete rotation through the other divisions has been accomplished.

H. To the extent that a Judge is involuntarily displaced by a rotating Judge, that displaced Judge is not prohibited from later entering into rotation, or applying to fill a vacancy, and potentially returning to the division from which he or she was involuntarily displaced.

I. To the extent that a Judge enters into voluntary rotation, that Judge need not further rotate after having completed any two-year assignment, unless another Judge enters into rotation

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and displaces that Judge based upon seniority.

J. With the approval of the Chief Judge, two Judges may agree to trade geographical or case divisions within a two-year rotation.

V. GENERAL PROVISIONS

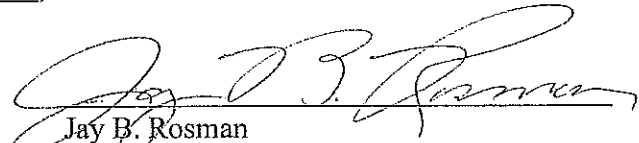
A. Nothing in this Order shall be construed so as to affect those judicial rotations which are scheduled to take place on July 1, 2012.

B. This Order becomes effective immediately, and supersedes all prior versions of Administrative Order 2.5.

C. To the extent that this Administrative Order may conflict with any rule, statute, or law, the rule, statute, or law shall prevail.

D. Nothing in this Administrative Order shall be construed as removing any authority afforded to the Chief Judge by Fla. R. Jud. Admin. 2.215(b).

DONE AND ORDERED in Chambers at Fort Myers, Lee County, Florida, this 30th day of May, 2012.


Jay B. Rosman
Chief Judge

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History. – Administrative Order 86-4 and Administrative Order 86-5; Administrative Order 2.5 (January 28, 1991) and Administrative Order 2.6 (January 28, 1991); Administrative Order 2.5 (December 17, 1993), which superseded and replaced both Administrative Order 2.5 (January 28, 1991) and Administrative Order 2.6 (January 28, 1991); Administrative Order 2.5 (January 13, 2000); Administrative Order 2.5 (January 4, 2001); Administrative Order 2.5 (May 14, 2010).

STATE OF FLORIDA, COUNTY OF LEE
FILED FOR RECORD
This 31 Day of MAY 2012 Recorded in CIRCUIT
Book 56 Page 14719 and Record Verified.
CHARLIE GREEN By AM
Clerk Circuit Court Deputy Clerk

I certify this document to be a true and correct copy of the record on file in my office, Charlie Green, Clerk Circuit/County Court, Lee County, FL
Dated: 5-31-12
By AM
Deputy Clerk

