

IN THE CIRCUIT COURT OF THE 16TH
JUDICIAL CIRCUIT OF THE STATE OF
FLORIDA IN AND FOR MONROE
COUNTY

ADMINISTRATIVE ORDER 2.007/96-1
AMENDED

IN RE:

DUTY JUDGES/EMERGENCIES
_____:

WHEREAS, the prompt and efficient administration of justice requires a judge to be available in chambers during work hours and on-call after work hours to handle emergency matters:

NOW, THEREFORE, it is ORDERED as follows:

DEFINITION OF “EMERGENCY”

1. By master calendar memoranda, the Court Administrator’s Office, under the direction of the Chief Judge, shall promulgate a semi-annual duty roster so that a judge, commonly referred to as the “duty judge”, shall be available at all times to handle ex parte applications, e.g. search warrant, petitions for ex parte injunctive relief to prevent domestic violence, and other matters of life and death or instances of irreparable harm. Not included in this definition are matters of extreme urgency in cases which have been assigned to a trial division if the assigned trial judge or his or her alternate is present in the courthouse.

HOURS

2. The magistrate of each courthouse location shall be the “duty judge” and shall be available from 8:30 a.m. to 5:00 p.m. each work day. After hours coverage shall be provided through an on-call system in which the duty judge can be reached by telephone through the communications division of the Monroe County Sheriff’s Office.

RESPONSIBILITIES

3. Whether a judge shall clear his or her calendar to be available to handle the duty judge’s responsibilities is a matter left to the discretion of each judge. If a judge maintains a normal or reduced workload during the duty judge assignment period, that judge is obligated to stop what he or she is doing to accommodate duty judge responsibilities.

4. FIRST APPEARANCES – HOLIDAYS & WEEKENDS. The duty judge shall preside at holiday and weekend first appearance hearings which shall commence at 9:00 a.m.
5. Magistrate duty each weekday shall be held by county judges who are headquartered in Key West. Magistrate hearings in the branch courthouses shall be held by the county judge assigned to the respective facility.

OPERATING PRINCIPLES

6. Every judge in the circuit shall be assigned as the “duty judge” and to preside at weekend and holiday first appearance hearings.
7. Duty judge assignments shall rotate in alphabetical order. The exception shall be that when a judge receives a three-day weekend assignment followed by a second three-day assignment in the same calendar year, the rotation shall be altered to permit the second assignment to fall on two-day weekend.
8. Alternations or authorizations in the published semi-annual duty judge roster must be done in writing with a copy to Court Administration.

DONE AND SIGNED in Chambers, at Key West, Monroe County, Florida, this the
22, day of February, 1996.

Richard G. Payne
Chief Judge