

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO. 11.108-09/21*

IN RE: DUTY JUDGE/EMERGENCIES

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. **Advances in technology have made it so any judge may serve as duty judge regardless of the judge's assigned courthouse. Accordingly, effective 12:01 a.m. on January 3, 2022, the following policies and procedures will govern duty judge coverage.**

NOW, THEREFORE, pursuant to the authority conferred by Florida Rule of General Practice and Judicial Administration 2.215, it is **ORDERED**:

DEFINITION OF "EMERGENCY"

1. By separate administrative order, the chief judge shall promulgate an annual duty roster so that a judge, commonly referred to as the "duty judge," shall be available at all times to handle applications for search warrants, pen registers, petitions for ex parte injunctive relief to prevent domestic violence, and other emergency matters. In this context, the term "emergency" encompasses ex parte applications and other matters of extreme urgency, i.e., 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 duty judge shall be available from 8:30 a.m. to 5:00 p.m. each work day **at their assigned courthouse**. Before leaving the courthouse each work day, the duty judge shall call the domestic violence clerk at extension 3-4506 to determine whether they are processing any last minute petitions and, if so, the duty judge must remain at the courthouse until the petition is completed, reviewed and acted upon by the duty judge. On holidays and weekends, the duty judge shall be available from 9:00 a.m. until approximately noon at the Criminal Justice Complex on Gun Club Road in West Palm Beach. After-hours coverage shall be **initiated through cell phone and/or email contact**.

RESPONSIBILITIES

3. Whether a judge should 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. at the Criminal Justice Complex on Gun Club Road in West Palm Beach. **Petitions for Risk Protection Order filed pursuant to Administrative Order 6.312(5) will also be heard by the duty judge at first appearance.**

5. **COURT HOLIDAYS WHEN THE CLERK'S OFFICE IS OPEN:** In the event the Court is observing a holiday on a day that the Clerk's Office is open to the public, the following coverage shall apply between the hours of 8 am and 4pm.
 - a. **Baker and Marchman Act Petitions shall be covered by the Administrative Magistrate or his/her designee.**

 - b. **Eviction related matters, domestic violence petitions, and guardianship and probate emergency matters (including Risk Protection Orders) shall be covered by the divisional judge assigned to the case or his/her designee.**

 - c. **Any other emergency matter not referenced above shall be referred to the duty judge.**

All magistrates and judges assigned to coverage under this section shall contact the Clerk's Chief Operating Officer - Courts and Official Records no later than the close of business on the last business day before the court holiday to advise how they wish to be reached on the court holiday (e.g. via email, cell phone contact, etc.).

Any emergency filed after 4pm shall be referred to the duty judge.

6. **EXTENSION HEARINGS** - Extension hearings shall be scheduled before the Family Division Judge to which the case is assigned.

TRANSFER OF RESPONSIBILITY AND EQUIPMENT

7. The transfer of responsibility from one duty judge to the next shall occur at 8:30 a.m. on Monday of each week, including those weeks in which Monday is a holiday. A cellular phone shall be provided to the duty judge. A binder containing relevant statutes, rules and case law shall be provided to the duty judge. This material will also be available to the duty judge on the court's computer system. The equipment and information shall be transferred from one duty judge to the next at the beginning of the duty assignment.

OPERATING PRINCIPLES

8. Every judge in the circuit shall be assigned to preside at weekend and holiday first appearance hearings. All County Court Judges are hereby temporarily assigned to serve as Circuit Judges while functioning as a duty judge and they are vested with all and singular the powers and prerogatives conferred by the Constitution and Laws of the State of Florida upon a Circuit Court Judge.
9. Duty judge assignments shall rotate in alphabetical order except that no judge should be required to serve more than one holiday weekend in a calendar year, in which case the Chief Judge may alter the schedule as necessary to ensure fairness and equity.
10. Alterations or substitutions in the published annual duty judge roster must be done in writing with a copy sent to Court Administration.

DONE and SIGNED in Chambers at West Palm Beach, Palm Beach County, Florida,
this 20th day of September, 2021.



Glenn D. Kelley
Chief Judge

*supersedes admin. order 11.108-09/08 as of 12:01 a.m. on January 3, 2022. Administrative Order 11.108-09/08 remains in effect until then.