

IN THE EIGHTH JUDICIAL CIRCUIT OF FLORIDA  
ADMINISTRATIVE ORDER NO. 9.07

**DUTY JUDGE AND EMERGENCY HEARING PROCEDURE**

**WHEREAS**, the Legislature has mandated that the public shall have access to judicial services for temporary injunctions in domestic violence cases during weekends, holidays and off hours during the week days, and

**WHEREAS**, there are other special, emergency cases, such as petitions for arrest warrants, search warrants, pen registers, communication intercepts, medical consents, and other proceedings that arise and which require judge action, and

**WHEREAS**, in order to accommodate these demands, it is necessary to provide access to judicial resources in an orderly manner, it is therefore

**ORDERED:**

A judge, referred to as the “duty judge,” will be available for after hours and weekend coverage for petitions, motions, or applications for arrest warrants, search warrants, pen registers, communication intercepts, medical consents, or ex parte injunctive relief to prevent domestic and repeat violence, and other emergency matters. In this context, the term “emergency” includes the matters listed above and other matters of extreme urgency, i.e., matters of life and death or instances of irreparable harm. In any situation except those listed above, the duty judge will decide if a request for judicial intervention is an emergency.

The duty judge will also conduct Alachua County detention hearings and first appearances during weekends and holidays. These are held at 9:00 am in the Alachua County Courthouse.

**HOURS**

The duty judge will be available after hours, weekends, holidays, and any time the courthouse is closed. This availability shall be facilitated through an on-call system, where the duty

judge can be reached by pager or phone. It is the responsibility of the duty judge to respond to the pager or phone.

The duty judge is on-call on weekends, on holidays, after 5:00 p.m. on weekdays and any other time that the courthouse is closed. Assignment will begin on Friday at 12:00 noon and continue until the next Friday morning at 9:00 a.m. When a holiday other than Christmas or Thanksgiving, falls on Friday, the duty judge will assume on-call responsibility beginning at noon on Thursday.

The duty judge will provide back-up coverage for emergencies from noon through 5:00 pm on the day that the assignment begins, but only when the judge assigned to the case is unavailable.

Assignments for Christmas and Thanksgiving holidays are divided between two judges. The first judge is assigned to the first two days and the second judge is assigned to the remaining days. Transfer of the beeper to the second judge will take place at 9:00 am on the starting day of the second judge's assignment. The second judge will continue as the duty judge for the remainder of the week, through Friday morning.

## **SCHEDULING**

The duty judge assignments are found on the Duty Judge Schedule. The schedule is approved by the Chief Judge and is published in December each year. The assignment is determined on a rotation basis from the list of circuit judges and Alachua County Court judges.

A separate rotation is used for holiday duty, i.e., weeks with holidays. Holiday duty can be a week long assignment that includes a holiday, or a shorter assignment of only two days during the Thanksgiving or Christmas holidays.

Adjustments to the schedule will only be made to insure that, if regular rotation and holiday rotation overlap, there will not be two on-call assignments for any judge in any given month. If a judge's regular rotation falls in the same month as that judge's holiday duty, then regular duty will be reassigned to the previous month.

A judge who needs coverage for an assignment will be responsible for finding a substitute and giving written notification of the substitution to the court administrator's office.

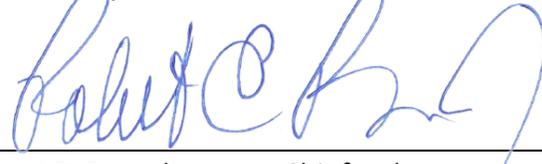
### **DOMESTIC AND REPEAT VIOLENCE INJUNCTIONS**

When petitions for injunction against domestic violence or repeat violence are filed during duty judge on-call or backup call hours, the office of the Clerk of The Court shall include a form order with any petition for temporary injunction against domestic or repeat violence, when any such petition is presented to the duty judge. The form order will be provided to the clerk's office by the Chief Judge of the circuit.

Administrative Order 5.1030(B), titled Temporary Injunctions in Domestic Violence Cases (Duty Judge), is hereby rescinded and superseded by this order.

This order renumbers and reformats prior Administrative Order No. 8.1192 entitled "Duty Judge and Emergency Hearing Procedure."

**ORDERED ON** this 8<sup>th</sup> day of October, 2012 *nunc pro tunc* December 8, 1995.



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Robert E. Roundtree, Jr., Chief Judge