

**IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT,
IN AND FOR OKALOOSA COUNTY, FLORIDA**

**ADMINISTRATIVE DIRECTIVE NO: OCAD2024-01
(Vacates OCAD2021-07)**

RE: DUTY JUDGE ASSIGNMENT AND RESPONSIBILITIES

WHEREAS, to establish a procedure for orderly assignment of a Duty Judge and to provide a comprehensive description of all obligations; and

WHEREAS, to facilitate the prompt and efficient administration of justice, the assigned Duty Judge must be available and in chambers throughout the entirety of the Court's operational hours and available via phone after operational hours, including weekends and Court holidays, to promptly and appropriately handle any emergency or other specifically enumerated matters; and

WHEREAS, pursuant to the provisions of Florida Rule of General Practice and Judicial Administration 2.515, it is therefore,

ORDERED AND ADJUDGED:

1. EFFECTIVE DATE: The administrative policies and procedures herein shall be effective March 27, 2024.
2. APPLICABILITY: The assigned Duty Judge shall be referred to as "Duty Judge" as herein described and shall follow the administrative policies and procedures set forth herein.
3. DUTY JUDGE ASSIGNMENTS:

TIMEFRAME: All Duty Judge assignments are for a one-week period, commencing at 8:00 a.m. (CT) each Monday and concluding at 7:59 a.m. (CT) the following Monday.

AVAILABILITY: The Duty Judge shall be physically present and available throughout the entirety of the Court's operational hours (i.e., 8:00am (CT) through 5:00pm (CT), excluding lunch) at the Okaloosa County Courthouse to which the Judicial Officer is permanently assigned.

The Duty Judge shall use discretion to clear, and/or reduce, their respective calendar, to ensure availability to handle all assignment responsibilities. The Duty Judge must halt any matter(s) in order to accommodate any and all Duty Judge responsibilities.

The Duty Judge shall be available via phone after operational hours, including weekends and Court holidays, to promptly and appropriately handle any emergency or other specifically enumerated matters. The phone number to which the Duty Judge must respond to is as established and coordinated by Court Administration and Court Technology Infrastructure.

The Duty Judge must have immediate access and connectivity to all electronic devices in order to discharge and/or fulfill the responsibilities of the assignment.

4. ASSIGNMENT SCHEDULE:

The schedule setting forth the assignment of the Duty Judge shall be determined, produced, and circulated, pursuant to established procedures, by the Okaloosa County Court Operations Manager. The schedule will evenly rotate assignment between all Judicial Officers permanently assigned to Okaloosa

County, Florida, and will be determined by the trial schedules and other assignments of each Judicial Officer to reduce any potential scheduling conflicts.

ALTERNATE ARRANGEMENTS: In the event that the Duty Judge becomes unavailable or otherwise unable to fulfill the responsibilities of the assignment, it shall be the responsibility of the Duty Judge to locate an Alternate Judge able to fulfill the assignment responsibilities. Shall an Alternate Judge be required to fulfill the assignment responsibilities, Court Administration must be promptly notified.

If an alternate arrangement is made between the Duty Judge and an Alternate Judge, all changes and/or substitutions to the Duty Judge Schedule must be communicated in writing and in coordination with Court Administration.

5. EMERGENCY MATTERS:

APPLICABILITY: Emergency Matter(s) shall be defined as a matter that may result in irreparable harm, death, or result in a manifest injury if immediate relief is not afforded. The Duty Judge may be called upon to consider matters claimed or categorized to be emergency in nature, and thus the Duty Judge shall determine if the law or totality of the circumstances require immediate action. The label or title of an Emergency Matter request, alone, does not determine the matter to be an emergency as contemplated by this Administrative Directive; however, shall the Duty Judge determine a matter as an Emergency Matter then the Duty Judge shall dispose of that matter.

Matters which do not meet this definition shall not be submitted to the Duty Judge as an Emergency Matter. If the Duty Judge determines that no emergency exists, the matter shall be scheduled with the Assigned Judge.

Any request for emergency relief pending in an existing case, shall be heard, and disposed of, in a timely manner, by the Assigned Judge to that case. If the Assigned Judge be unavailable, only then, will the request for emergency relief become the responsibility of the Duty Judge. In the event that the Assigned Judge is unavailable or otherwise unable to handle an Emergency Matter, the Duty Judge shall only be responsible for that Emergency Matter if advance notification was provided to the Duty Judge, and alternative arrangements were made by the Assigned Judge. *See* OCAD 2024-02.

If the Duty Judge determines that an Emergency Matter exists, that Judge shall enter any applicable Order(s), hold any such hearings, and take any such action as may be necessary to dispose of the Emergency Matter.

In the event that the Duty Judge determines that an Emergency Matter exists and requires a return hearing which must be conducted imminently, the Duty Judge shall conduct the return hearing personally. If the Duty Judge determines that a hearing with notice be conducted, but not imminently, that hearing shall be scheduled and conducted with the Assigned Judge. In the event that a hearing with notice is warranted, but not imminently, in a newly filed matter, that hearing shall be scheduled and conducted with the Judge that will be assigned.

If the Duty Judge determines that an Emergency Matter does not exist or in the alternative, denies an emergency requests, the requesting party is prohibited from presenting that request to any other Judicial Officer other than the Assigned Judge. If the denied emergency request was made in a newly filed action, the requesting party is prohibited from presenting that request to any other Judicial Officer other than to the Judge to whom the case will be assigned.

ALTERNATE ARRANGEMENTS: To avoid confusion and ensure effectiveness of process, shall the Duty Judge be unavailable to receive Emergency Matters, that Judge or Judge's Judicial Assistant must provide advance notification to and make any necessary arrangement with the Alternate Judge to whom

all Emergency Matters shall be delivered to and handled by during the Duty Judge's unavailability. The Assigned Judge or Judge's Judicial Assistant must further receive confirmation that the alternative Judge is aware of any possible Emergency Matter(s) and any information related thereto.

In the event the Judge is unavailable and after the necessary arrangements have been made with the Alternate Judge, the Duty Judge or Judge's Judicial Assistant must provide advance notification to the Clerk of the Court for Okaloosa County, Florida. That advance notification must include the name of the Alternate Judge and transmitted to the Clerk of the Court via electronic mail.

6. FIRST APPEARANCES: The Duty Judge shall handle and is responsible for all First Appearances scheduled during weekends, Court holidays, and any other time in which the Okaloosa County Courthouses are closed to the public.

For the limited purpose of this Administrative Directive, First Appearances includes all Juvenile Shelter and Juvenile Detention Hearings.

7. WARRANTS: The Duty Judge shall handle and is responsible for the review and execution of all warrants, via the First Judicial Circuit eSubmit.

For the limited purposes of this Administrative Directive, warrants include, but are not limited to:

- a. Arrest Warrants
- b. Warrants for Violation Probation Requiring Expedited Execution
- c. Juvenile Pick-up Orders
- d. Search Warrants
- e. Warrants Related to Collection of or Retrieval of Electronic Information
- f. Inspection Warrants
- g. Agricultural Warrants
- h. Wiretaps
- i. Pen Registers
- j. Trap & Trace Devices
- k. Warrants for the Attachment of Mobile Tracking Devices
- l. Any Associated Orders of Nondisclosure

Law Enforcement Agencies within Okaloosa County, Florida, shall process and submit all warrants utilizing the First Judicial Circuit eSubmit process; all warrants from other local agencies within Okaloosa County may be presented via paper to the Duty Judge.

8. PETITIONS FOR ORDERS OF PROTECTION:

The Duty Judge shall handle and is responsible for the review and execution of all newly filed Petitions for Orders of Protection.

For the limited purposes of this Administrative Directive, Petitions for Orders of Protection include, but are not limited to:

- a. Entry of Temporary Orders
- b. Orders Setting Petitions for Orders of Protection for Hearings
- c. Any Additional Orders Related to Initial Petition

72-HOUR ORDERS OF PROTECTION: In addition, the Duty Judge shall handle and is responsible for the entry of any oral 72-hour Orders of Protection.

For the limited purposes of this Administrative Directive, Petitions for Orders of Protection include, but are not limited to:

- a. Domestic Violence Petitions
- b. Repeat Violence Petitions
- c. Dating Violence Petitions
- d. Sexual Violence Petitions
- e. Stalking Petitions
- f. Injunction for Protection Against Exploitation of a Vulnerable Adult

All Petitions for Orders of Protection are tracked via the Clerk of the Circuit Court Emergency Matters Dashboard for Okaloosa County. The Duty Judge shall handle and is responsible for the review of the Emergency Matters Dashboard; to ensure all Petitions for Orders of Protection are resolved prior the daily departure of the Duty Judge.

9. PETITIONS FOR INVOLUNTARY EXAMINATION AND INVOLUNTARY ADMISSION FOR ASSESSMENT, STABILIZATION, AND TREATMENT:

BAKER ACT PETITIONS: The Duty Judge shall handle and is responsible for the review and execution of all newly filed Petitions for Involuntary Examination under the Baker Act, Chapter 394, Florida Statutes. In addition, the Duty Judge shall handle the review and execution of any Orders related to Baker Acts resulting from any hearing before the General Magistrate.

MARCHMAN ACT PETITIONS: The Duty Judge shall handle and is responsible for the review and execution of all newly filed Petitions for Involuntary Admission for Assessment, Stabilization and Treatment under the Marchman Act, Chapter 397, Florida Statutes.

All Petitions for Involuntary Examination under the Baker Act and Petitions for Involuntary Admission for Assessment, Stabilization and Treatment under the Marchman Act are tracked via the Clerk of the Circuit Court Emergency Matters Dashboard. The Duty Judge shall handle and is responsible for the review of the Emergency Matters Dashboard to ensure all Petitions for Involuntary Examination under the Baker Act and Petitions for Involuntary Admission for Assessment, Stabilization and Treatment under the Marchman Act are resolved prior the daily departure of the assigned Duty Judge.

DONE AND ORDERED at Fort Walton Beach, Okaloosa County, Florida this 27th day of March 2024.

/S/ WILLIAM F. STONE
WILLIAM F. STONE
ADMINISTRATIVE JUDGE

Administrative Directive No. OCAD2024-01

Copies furnished to:

Honorable John L. Miller, Chief Judge
All Circuit and County Judges, Okaloosa County
Kasey Watson, Trial Court Administrator
Honorable J.D. Peacock II, Clerk of Circuit Court
Eric Bensinger, General Counsel
Ursula Hall, Court Operations Manager, Okaloosa County
Okaloosa Clerk of Circuit Court
Escambia-Santa Rosa Bar Association
Okaloosa Bar Association
Walton Bar Association