

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

ADMINISTRATIVE DIRECTIVE NO: OCAD2021-07

RE: DUTY JUDGE ASSIGNMENT AND RESPONSIBILITIES

WHEREAS the prompt and efficient administration of justice requires that a Judge be available in chambers during all work hours and on call after work hours and other times the courthouses are closed to handle emergency and other specifically enumerated matters, and

WHEREAS, in order to accommodate the prompt and efficient administration of justice it is necessary to provide access to judicial resources in an orderly manner, and

WHEREAS, A method of the orderly assignment of the Duty Judge and description of the Duty Judge's obligations is propitious, and

WHEREAS, the undersigned is Administrative Judge for Okaloosa County, Florida by Order of the Chief Judge of the First Judicial Circuit, and upon the authority conferred by Florida Rules of General Practice and Judicial Administration 2.515, it is thereupon:

IT IS HEREBY ORDERED:

Duty Judge Assignments

A Judge, referred to as the "Duty Judge," shall be assigned as herein described.

Duty Judges are assigned for one-week periods, commencing at 8:00 a.m. on Monday and concluding at 7:59 a.m. the following Monday.

The Okaloosa County Court Operations Manager is responsible for producing a Duty Judge assignment schedule. This schedule will evenly rotate the Duty Judge assignment between all Judges permanently assigned to Okaloosa County. The schedule will be made considering, so far as is possible, the trial schedules and other assignments of the judges to reduce potential scheduling conflicts.

The Okaloosa County Court Operations Manager will distribute the Duty Judge schedule, pursuant to separately established procedures.

If the Duty Judge becomes ill or otherwise unable to fulfill the responsibilities of their assignment, it shall be the responsibility of that Duty Judge to find another Judge who is able to fulfill the responsibilities of the assignment. Court Administration should be promptly notified of any such substitutions.

Alterations or substitutions in the Duty Judge schedule must be done in writing and in coordination with Court Administration.

Duty Judge Availability

Whether a Judge should clear, or reduce, their calendar to be available to handle the Duty Judge responsibilities is a matter left to the discretion of each Judge. Whatever calendar a Judge maintains

during the Duty Judge assignment period, that Judge is obligated to stop what they are doing to accommodate Duty Judge responsibilities.

The Duty Judge shall be physically present each workday at the courthouse during normal court business hours (from 9:00 a.m. to 5:00 p.m., with lunch from 12:00 noon to 1:30 p.m.) where the Duty Judge is permanently assigned.

The Duty Judge will be available after hours, holidays, and any time the courthouses are closed through use of the Duty Judge phone number as coordinated with Court Administration and through Court Technology Infrastructure.

The Duty Judge shall always have available all electronic devices and connectivity necessary to discharge their responsibilities as Duty Judge.

Duty Judge Responsibilities

Emergency Matters

As a general principal requests for emergency relief filed in an existing case should be heard and disposed of by the assigned Judge. The Duty Judge is responsible to hear and dispose of requests for emergency relief in existing cases only when the assigned Judge is not available to hear and dispose of the request in a timely manner.

Emergency is not a term subject to easy definition. Various statutory and rule provisions identify requests for relief as emergency requests. However, closer review of those statutes or rules discloses procedures for notice and opportunity to be heard, appointment of counsel or other requirements before the Court may grant relief, thereby negating the implication of immediate action. Thus, the label or title of the request, or the rule or statutory basis of the request, alone, does not determine the matter to be an emergency as contemplated by this Duty Judge Administrative Directive.

As such, Duty Judges called upon to consider matters claimed to be emergency in nature must determine if the law or totality of the circumstances require immediate action.

For purposes of this Administrative Directive, an emergency is defined as a matter that will result in irreparable harm, death, or result in a manifest injury if immediate relief is not afforded.

Matters which do not meet this definition shall not be submitted to the Duty Judge as an “emergency.” If the Duty Judge determines that there exists no emergency, the matter shall be scheduled with the assigned Judge.

If the Duty Judge determines an emergency exists, the Duty Judge shall enter such orders, hold such hearings, and take such action as may be necessary to dispose of the emergency.

If the Duty Judge determines the nature of the emergency requires a return hearing be conducted imminently, the Duty Judge will conduct the return hearing personally. If the Duty Judge determines a hearing with notice is required but does not need to be conducted imminently, the hearing will be scheduled with the assigned Judge or, if application is made in a newly filed action, the Judge that will be assigned.

Although a matter may not be otherwise specifically enumerated in this Administrative Directive, and the Duty Judge determines the matter is an emergency then the Duty Judge shall dispose of that matter.

If the Duty Judge determines that an emergency does not exist or denies the emergency request, the requesting party is prohibited from presenting the request to any other Judge other than the assigned Judge or, if the request is made in a newly filed action, the Judge to whom the case will be assigned.

First Appearances

The Duty Judge is responsible for First Appearances on weekends, holidays, and other times the courthouses are closed.

For the limited purpose of this Duty Judge Administrative Directive, First Appearances include Juvenile Shelter Hearings and Juvenile Detention Hearings.

Warrants

The Duty Judge is responsible for the review and execution of all warrants.

For the limited purposes of this Duty Judge Administrative Directive, the term warrants includes, but is not limited to, arrest warrants, warrants for violation probation needing expedited execution, juvenile pick up orders, search warrants, warrants for the collection of or retrieval of electronic information, inspection warrants, agricultural warrants, wiretaps, pen registers, trap and trace devices, warrants for the attachment of mobile tracking devices, and any associated orders of non-disclosure.

Warrants will be submitted to the Duty Judge using the First Judicial Circuit eSubmit process. Law Enforcement Agencies working primarily within Okaloosa County are using eSubmit to process and submit warrants. Warrants from other than local agencies may be presented on paper.

Petitions for Orders of Protection

The Duty Judge is responsible for the review and execution of all newly filed Petitions for Orders of Protection and entry of temporary orders, orders setting the matters for hearing or other orders related to the initial petition. In addition, the Duty Judge is responsible for entry of oral 72-hour orders of protection. Orders for protection include, but are not limited to, Domestic Violence Petitions, Repeat Violence Petitions, Dating Violence Petitions, Sexual Violence Petitions and Stalking Petitions.

Petitions for Orders of Protection are tracked on the Clerk of the Circuit Court Emergency Matters Dashboard. The Duty Judge is responsible for review of the Emergency Matters Dashboard to be certain all Petitions for Orders of Protection are resolved before the Duty Judge leaves the Courthouse.

Petitions for Involuntary Examination and Involuntary Admission for Assessment, Stabilization and Treatment

The Duty Judge is responsible for the review and execution of all newly filed Petitions for Involuntary Examination under the Baker Act. The Duty Judge is also responsible for the review

and execution of the Baker Act Orders resulting from the Magistrate hearings at the receiving facility.

The Duty Judge is responsible for the review and execution of all newly filed Petitions for Involuntary Admission for Assessment, Stabilization and Treatment under the Marchman Act.

Petitions for Involuntary Examination under the Baker Act and Petitions for Involuntary Admission for Assessment, Stabilization and Treatment under the Marchman Act are tracked on the Clerk of the Circuit Court Emergency Matters Dashboard. The Duty Judge is responsible for review of the Emergency Matters Dashboard to be certain 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 before the Duty Judge leaves the Courthouse.

DONE AND ORDERED in Chambers in Fort Walton Beach, Okaloosa County, Florida this 10th day of August 2021.

S/ WILLIAM F. STONE

WILLIAM F. STONE

ADMINISTRATIVE JUDGE

Conformed copies furnished to:

Honorable John L. Miller, Chief Judge
All Judges, Okaloosa County
State Attorney's Office, Shalimar, and Crestview
Public Defender's Office, Shalimar, and Crestview
Honorable J.D. Peacock II, Clerk of Circuit Court
Robin Wright, Trial Court Administrator
Valerie Broxson, Court Operations Manager
Probation & Diversion Programs Florida Department of Corrections
Probation & Parole Services
Florida Department of Children and Families