

**IN THE SECOND JUDICIAL
CIRCUIT OF FLORIDA**

OFFICE OF THE CHIEF JUDGE

**ADMINISTRATIVE ORDER NO:
2015-04**

IN RE: LEON COUNTY DUTY JUDGE

WHEREAS, applications for search warrants and other legal matters of extreme urgency, i.e., matters of life and death or instances of true irreparable harm that require immediate action by a judge, may arise outside the course of normal court business hours in Leon County;

WHEREAS, local law enforcement agencies and other parties have contacted judges of their choice to hear these matters;

WHEREAS, it is appropriate and necessary that the Court create a system to fairly assign this burden and assure access to a judge to consider applications for search warrants and hear other legal matters of extreme urgency outside normal court business hours; and

WHEREAS, pursuant to section 43.19, Florida Statutes, and rule 2.215(b), Florida Rules of Judicial Administration, the Chief Judge is responsible for the administrative supervision of the courts, and has the power and responsibility to promote the prompt and efficient administration of justice in all courts within the circuit; it is therefore

ORDERED that:

1. By separate document, the Chief Judge shall promulgate a Leon County duty judge assignment document so that a judge, hereinafter referred to as the "Leon County duty judge," shall be available as directed in this administrative order to handle applications for search warrants and other emergency matters in Leon County.
2. For purposes of this administrative order, "emergency matters" encompass applications for search warrants and other legal matters of extreme urgency, i.e., matters of life and death or instances of true irreparable harm that require immediate action by a judge. Not included in this definition are matters of extreme urgency when the Leon County Courthouse is open or the irreparable harm will not worsen if addressed during the next normal court business day or at the routine weekend and holiday first appearance hearings held at the Leon County Jail. This order is not intended to replace the responsibility of a judge

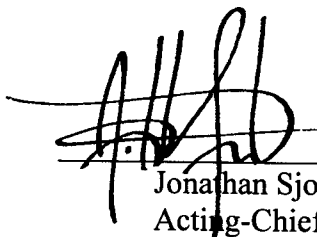


- duly assigned to review domestic and repeat violence injunctions as part of his or her regular assignment during the normal court business day.
3. The Leon County duty judge shall not be responsible for emergency matters in Franklin, Gadsden, Jefferson, Liberty, and Wakulla Counties; those emergency matters will be the responsibility of the local county judge or duly assigned circuit judge.
 4. Every judge in the circuit with a Leon County assignment, even part-time assignment, shall be assigned to preside in turn as the Leon County duty judge. The Office of Court Administration for the Second Judicial Circuit will prepare a draft of the Leon County duty judge assignment document for the Chief Judge's review and approval. Once approved, the Leon County duty judge assignment document will be distributed to all assigned judges.
 5. Assignment as a Leon County duty judge will coincide, insofar as possible, with the routine weekend and holiday first appearance hearings assigned to each judge. When the routine weekend and holiday first appearance schedule has a non-Leon County assigned judge, then Leon County assigned judges will be scheduled to perform Leon County duty judge duties in as fair a manner as possible, with each having equal assignment over an extended period of time.
 6. All Leon County Court Judges are hereby temporarily assigned to serve as Circuit Judges while functioning as the Leon County duty judge and 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.
 7. Alterations or substitutions in the published Leon County duty judge assignment document must be executed via e-mail between the judges with a copy sent to the Office of Court Administration for the Second Judicial Circuit. Judges may freely assign and re-assign this duty as they see fit, as long as all parties to the reassignment agree and the Office of Court Administration for the Second Judicial Circuit is notified.
 8. Local law enforcement or others needing access to the Leon County duty judge will call a single cellular telephone number provided by the Office of Court Administration for the Second Judicial Circuit. The Leon County duty judge cellular telephone will be provided by the Office of Court Administration for the Second Judicial Circuit and given to each Leon County duty judge in turn as their duty period begins.
 9. The transfer of responsibility from one Leon County duty judge to the next shall occur at 8:30 am on Tuesday of each week. The Leon County duty judge will receive a cellular telephone and a charger.



10. The Leon County duty judge is responsible to answer this cellular telephone any time other than normal court business days from 7:00 am until 5:00 pm. This includes answering this cellular telephone on weekends and holidays after the first appearance is completed at the Leon County Jail. The Leon County duty judge will then handle the search warrant or other emergency matters in Leon County. Applications for search warrants and other legal matters of extreme urgency that arise between the times of 7:00 am and until 5:00 pm on normal court business days will be handled by the properly assigned judge or procedures, not the Leon County duty judge.
11. If the Leon County duty judge cannot be reached, the party attempting to call the Leon County duty judge should contact the Office of Court Administration for the Second Judicial Circuit, who will likewise attempt to contact the Leon County duty judge, and if unsuccessful, contact the Chief Judge.
12. If the Leon County duty judge determines that the after normal court business hours call was not a matter of extreme urgency, i.e., a matter of life and death or instance of true irreparable harm, they should report this to the Office of Court Administration for the Second Judicial Circuit. The Office of Court Administration for the Second Judicial Circuit will investigate the matter and refer all findings and documents to the Chief Judge, who may or may not act upon this information as the Chief Judge deems appropriate.
13. The provisions of this administrative order shall be complied with effective July 1st, 2015.
14. This administrative order complements Administrative Order 2014-05 and First, Second, Third, and Fourth Amendments thereto, and in no way supersedes Paragraph VIII of said order, especially for emergency matters to be handled during normal court business hours.

DONE AND ORDERED in the Office of the Circuit Judge, this 30th day of June, 2015.



Jonathan Sjostrom
Acting-Chief Judge

