

IN THE CIRCUIT COURT OF THE SEVENTEENTH
JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA

Order Number 2016-5-UFC

**ADMINISTRATIVE ORDER AS TO
DOMESTIC VIOLENCE CASES**

(a) Florida Rule of Judicial Administration 2.215(b)(3) states the chief judge shall “develop an administrative plan for the efficient and proper administration of all courts within that circuit.”

(b) The Florida Supreme Court mandated the creation of Unified Family Courts in each circuit to meet the unique needs of families. The Seventeenth Judicial Circuit in recognition of The Florida Supreme Court established a Unified Family Court which includes civil and criminal domestic violence cases.

(c) In accordance with the authority vested in the chief judge by Florida Rule of Judicial Administration 2.215, it is ordered:

(1) General Provisions.

- a. The term domestic violence as set forth in this Administrative Order shall be as defined in Chapter 741 or Chapter 784 as now in effect or as may be amended from time to time.
- b. Civil domestic violence are the court proceedings seeking an injunction.
- c. Criminal domestic violence are those cases wherein an individual is arrested and/or prosecuted for a crime.

(2) Civil Domestic Violence.

- a. Civil domestic violence cases shall be assigned to Division 59 or Division 63 by the Clerk of Courts (Clerk) unless otherwise designated in the Circuit Unified Family Court Plan. Division 59 and Division 63 shall hold the evidentiary hearings for civil domestic cases for the fifteen (15) day returns.
- b. The Clerk during court business hours shall assist individuals with seeking injunctions for dating violence, domestic violence, repeat violence, stalking, and sexual violence at the Broward County Courthouse at 201 S.E. Sixth Street, Fort Lauderdale, Florida 33301 or at any Satellite Courthouse as determined by the Clerk.
- c. The Clerk shall deliver a copy of all court records, during court business hours, to a judge at the Central Courthouse for review and entry of appropriate orders within one (1) hour of the filing. If the petition is filed at a Satellite Courthouse the Clerk shall deliver a copy of all court records, during court business hours, to a judge at the Central Courthouse for review and entry of appropriate orders within two (2) hours of the filing.

- d. A judge shall review and enter appropriate orders within one (1) hour of receipt of the court file.
- e. If the judge assigned to Division 59 or Division 63 is absent from the courthouse or needs assistance with hearings or review of petitions, another Unified Family Court judge shall assist the assigned judge.
- f. If a division judge is unavailable to hear a domestic violence case within a statutorily mandated period, the backup domestic violence judge shall hear the case when originally scheduled, or during the backup judge's assigned time to hear domestic violence cases, or if no time is available then on the next Friday at 1:30 p.m.
- g. The Administrative Judge for Unified Family Court shall prepare and distribute the schedule for Unified Family Court judges to provide assistance to Division 59 and Division 63.
- h. If the judge assigned to Division 59 is disqualified from a case the case shall be reassigned to Division 63.
- i. If the judge assigned to Division 63 is disqualified from a case the case shall be reassigned to Division 59.

(3) **After Hours Civil Domestic Violence Procedures.**

- a. If an individual seeks a civil domestic violence injunction between the hours of 5:00 p.m. to 8:30 a.m. on Monday to Thursday, or 5:00 p.m. Friday to 8:30 a.m. Monday, or any court holiday, or any other day that the court is closed is advised to contact Henderson Behavioral Health Crisis Line at 954-463-0911.
- b. Henderson Behavioral Health has agreed to assist the Circuit to conduct an initial screening of risk and make referrals to available community resources to alleviate the risk of harm to the individual. If community resources are available the individual will be directed to the resource and provided instructions on how to seek a civil domestic violence injunction during court business hours.
- c. If Henderson Behavioral Health determines that available community resources will not alleviate the risk of harm or an individual requests to file a petition and seek an order then the Clerk or designee shall be contacted to assist the individual.
- d. The Clerk or designee shall travel to the Broward County Courthouse at 201 S.E. Sixth Street, Fort Lauderdale, Florida 33301 upon receipt of a telephone call from Henderson Behavioral Health to assist with the preparation of the petition and related documents. The Clerk or designee shall respond to the courthouse within one (1) hour, or as soon as possible, of receiving a call from Henderson Behavioral Health. Upon the filing of the petition and related documents the Clerk or designee shall contact the Civil Duty Judge to review the petition and related documents for entry of appropriate orders.

- e. The Civil Duty Judge shall review the petition and related documents received from the Clerk as soon as possible. The Clerk may email or fax the petition and related documents to the Civil Duty Judge.
- f. The Civil Duty Judge, after review of the petition and related documents, shall enter any order(s) as appropriate and return the order to the Clerk by email, fax, or in person.
- g. The Clerk shall certify any and all orders received by email or fax for distribution as required law. The orders received by email or fax shall be deemed originals and included in the court records by the Clerk.

(4) **Extension of Injunctions Upon Court Closure**

- a. If the Chief Judge directs the closure of the Seventeenth Judicial Circuit court on a day or days not a Saturday, Sunday, or court holiday, then all injunctions and injunctions ready to expire where motions to extend have been filed are extended until further order of the court.
- b. If the Chief Judge directs the closure of the Seventeenth Judicial Circuit court on a day or days not a Saturday, Sunday, or court holiday, then all cases set for hearing on that date are extended until further order of the court.
- c. Any hearings set on a day the Chief Judge directed closure of the courts shall be re-noticed for hearing with service of the re-notice upon the parties within twenty (20) days of the reopening of the courts. The Clerk of Court shall prepare and serve all re-notices or other papers required to reset the hearings.

(5) **Criminal Domestic Violence.**

- a. Felony domestic violence cases shall be assigned to Division FV/GC/57 by the Clerk of Courts unless otherwise designated in the Circuit Unified Family Court Plan.
- b. Misdemeanor domestic violence cases shall be assigned to Division 57/MV by the Clerk of Courts unless otherwise designated in the Circuit Unified Family Court Plan.
- c. The Clerk of Courts shall not assign a criminal domestic violence case to Divisions FV/GC/57 or 57/MV any offense charged by indictment or information by the State of Florida involving i) murder in the first degree; ii) child abuse; iii) juvenile matters; and iv) sex offenses unless between “family or household members.”¹
- d. The Clerk of Courts shall not assign a criminal domestic violence case to Divisions FV/GC/57 or 57/MV any criminal domestic violence case charged by indictment or information by the State of Florida if the defendant has another criminal case, violation of probation case, or

¹ “Family or household members” are those individuals as defined by the Florida Statutes as now in effect or as may be amended from time to time.

violation of community control case pending in another circuit criminal division. The new domestic violence case shall be assigned to the same circuit criminal division assigned the defendant's pending case.

- e. If a criminal domestic violence case is inadvertently assigned to a criminal division other than FV, GC, 57, or MV, the case shall be transferred to the appropriate Unified Family Court criminal domestic violence division by the assigned division judge.
- f. The judges assigned to the Unified Family Court criminal domestic violence divisions are alternates of each other for emergency matters.
- g. If the judge assigned to the circuit criminal domestic violence division enters an order of disqualification or recusal, the Clerk of Courts shall assign the case to the county criminal domestic violence division.² If the judge assigned to the county criminal domestic violence division enters an order of disqualification or recusal, the Clerk of Courts shall assign the case to the circuit criminal domestic violence division.³
- h. The Broward County Sheriff at the time of booking shall review and identify each arrest for criminal domestic violence charges. Any and all documents provided by the Broward County Sheriff's Office to the Court or Clerk as to a criminal domestic violence arrest shall be clearly and prominently marked or stamped "Domestic Violence".
- i. The Clerk shall, as to criminal domestic violence cases, clearly and prominently mark or stamp the case file and court records to reflect the nature of the case as "Domestic Violence."
- j. Any individual arrested for criminal domestic violence shall be processed, booked, and held at the main jail until after his or her first appearance.
- k. If an individual is detained on a criminal domestic violence misdemeanor violation of probation warrant with no bond or is unable to post bond, he or she shall have an initial hearing on the violation of probation as required by law or rule of procedure at the date and time as set by the county criminal court domestic violence judge.

² By separate Administrative Order the judge assigned to the county criminal domestic violence division is designated an acting circuit court judge.

³ By separate Administrative Order the judge assigned to the circuit criminal domestic violence division is designated an acting county court judge.

This Administrative Order vacates and supersedes Administrative Orders 2013-41-UFC.

DONE AND ORDERED in chambers at Fort Lauderdale, Broward County, Florida on
January 13, 2016.

/s/ Peter M. Weinstein
Peter M. Weinstein, Chief Judge