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

Administrative Order No. 2018-112-Gen (Amendment 3)

ADMINISTRATIVE ORDER REGARDING THE PERFORMANCE OF JUDICIAL DUTIES AND ESTABLISHING CIRCUIT CIVIL AND CRIMINAL DUTY COVERAGE

(a) Florida Rule of General Procedure and Judicial Administration 2.215 (b) (2) states that the chief judge is the "administrative officer of the courts within the circuit and shall, consistent with branch-wide policies, direct the formation on and implementation of policies and priorities for the operation of all courts and officers within the circuit."

(b) Florida Rule of General Procedure and Judicial Administration 2.215 (b) (3) states that the chief judge ensures the efficient and proper administration of all courts within [this] circuit, considering available resources"

(c) In accordance with the authority vested in the chief judge by Florida Rule of General Procedure and Judicial Administration 2.215 and pursuant to Supreme Court of Florida Administrative Order No. AOSC14-66, *In Re: Diligent Performance of Judicial Duties*, a copy of which is attached hereto, it is hereby **ORDERED** as follows:

PERFORMANCE OF JUDICIAL DUTIES

1) As set forth by Chief Justice Labarga in *In Re: Diligent Performance of Judicial Duties*, judicial officers have an obligation to conduct their affairs in a manner so as to comply with all provisions of the Code of Judicial Conduct ("Code"). The Code "reflects the commitment of Florida's judicial branch to upholding the high standards of judicial and personal conduct upon which public trust in our court depends." *In Re: Diligent Performance of Judicial Duties*, No. AOSC14-66.

2) Judicial officers "shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary." Canon 2A, Code of Judicial Conduct.

3) The duties of judicial officers shall "take precedence over all the judge's other activities." Canon 3A, Code of Judicial Conduct. For instance, judges shall, *inter alia*:

a) "[D]ispose of all judicial matters promptly, efficiently, and fairly";

b) "[B]e patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity, and shall require similar conduct of lawyers, and of staff, court officials, and others subject to the judge's direction and control";

c) "[C]ooperate with other judges and court officials in the administration of court business"; and

d) Take appropriate action when receiving information or having actual knowledge that "another judge has committed a violation of [the] Code."

4) Judicial officers having supervisory authority, including the designated administrative judges and chairs for Circuit and County Court, "shall take reasonable measures to assure the prompt disposition of matters before them and the proper performance of their other judicial responsibilities." Canon 3C (3), Code of Judicial Conduct.

CIRCUIT DUTY COVERAGE GENERALLY

5) Consistent with the above principles and pursuant to section 26.20, Florida Statutes, which requires at least one judge, in circuits having more than one circuit judge, to be *"*available as nearly as possible at all times to hold and conduct hearings*,"* the following shall govern the assignment of judges to preside over emergency matters presented during normal court business hours when the assigned judge is unavailable and for emergency matters presented after normal court business hours:

a) There shall be a duty judge for circuit/county civil matters 365 days per year, twenty-four (24) hours per day.

b) There shall be a duty judge for circuit/county criminal matters 365 days per year, twenty-four (24) hours per day.

c) **The civil and criminal duty judges shall be on duty for a (1) week period commencing Friday at 8:30 a.m. and ending the next Friday at 8:30 a.m.**

d) The civil and criminal duty judges **shall be physically present** in the courthouse building during normal court business hours (9:00 a.m. – 5:00 p.m.) during their time as the on-duty judge. If the assigned civil or criminal duty judge should have to leave the courthouse, it shall be that judge's responsibility to advise the Chief Judge and Trial Court Administrator and to obtain an alternate on-duty coverage judge until they return to the courthouse.

e) As it pertains to a motion filed as an emergency, the duty judge shall first determine whether an emergency exists. **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 court as an "emergency."** If the duty judge determines that there exists no emergency, the matter shall be scheduled with the assigned division judge. If the duty judge determines an emergency exists, he or she shall enter such orders or hold such hearings as may be necessary to rule on the emergency. The division judges shall cooperate with the Trial Court Administrator's Office in hearing an emergency matter when the assigned division judge is absent.

f) The civil and criminal duty judges shall have all the power and jurisdiction of a county court judge if he or she is assigned an emergency county court matter.

g) The civil and criminal duty judges shall provide a telephone number to be reached twenty-four (24) hours per day to the Chief Judge, Trial Court Administrator, and the Duty Officer of the Broward County Sheriff's Office. The telephone number provided shall be exempt from public disclosure pursuant to Florida Rule of Judicial Administration 2.420.

h) If a judge should resign, retire, or be reassigned, the judge assuming the division will be responsible for the duty week for that division.

i) In the event a judge is not able to preside as duty judge for his or her assigned week, the judge is responsible for securing a replacement judge and advising the Chief Judge and Trial Court Administrator, in writing by memorandum, of his or her replacement.

j) The assignment of judges for civil and criminal duty coverage shall be by memorandum from the Chief Judge and will be available in the Trial Court Administrator's Office.

CIVIL DUTY JUDGE COVERAGE

(6) The duty judge's obligations for circuit and county civil matters include emergencies filed in the civil and probate divisions, Unified Family Court, and after hours domestic violence matters. An iPad shall be made available for all judges on civil duty to respond to matters presented after hours.

(7) Any attorney or litigant with an emergency which has been filed in the civil, probate or family division, when the division judge is absent or away from the courthouse, shall proceed to the Trial Court Administrator's Office, Suite 20170, Broward County Courthouse, 201 S.E. 6th Street, Fort Lauderdale, Florida 33301. If the emergency is presented during normal business hours, the Trial Court Administrator's office shall first strive to find a judge present in the particular division from whence the emergency is pending. If no other judge is available to hear the matter, the attorney or litigant shall be directed to the on-duty civil judge.

CRIMINAL DUTY JUDGE COVERAGE

(8) As to criminal emergency matters, the provisions of Administrative Order Assigning Circuit Criminal Judges to Alternate Coverage 2023-18-Crim (Amendment 1) shall apply. Specifically, if the assigned judge is not in the courthouse and an emergency matter arises, the matter shall be presented to an alternate judge for handling. The list of alternate judges is listed Administrative Order 2023-18-Crim (amendment 1). The alternate judge shall review the matter to determine if in fact an emergency exists that would require immediate attention. If the alternate judge determines the matter an emergency, he or she shall proceed to

enter any orders or warrants as are necessary or hold any such hearings he or she may deem necessary to address the emergency matter. If the alternate judge determines the matter is not an emergency, he or she shall refer the matter to the assigned judge. The alternate judge shall give priority to the signing of warrants and shall expedite the signing of warrants over any and all other duties and responsibilities as a criminal division judge.

(9) If all alternate judges are unavailable, the matter shall then be presented to the criminal duty judge for resolution. If all alternate judges and criminal duty judge are unavailable the matter shall be presented to the Administrative Judge for the Circuit Criminal Division for resolution. If all alternate judges, criminal duty judge, and the Administrative Judge for the Circuit Criminal Division are unavailable, the matter shall be presented to the Chief Judge for resolution. If none of the foregoing are available, the attorney, law enforcement officer, or probation officer shall go to the Office of the Trial Court Administrator for assistance in locating a judge.

(10) Except as otherwise provided herein, the criminal duty judge shall be responsible for:

a. Warrants to Arrest:
Arrest warrants which could result in irreputable harm, death, imminent danger, threat to public safety, or manifest injury. Pursuant to s. 901.02, each application for arrest warrant may be in writing or electronically submitted to judge when factors as set forth in s. 901.02(1) and (2) have been met

b. Search warrants:
Each application for a search warrant may be electronically signed in accordance with to s. 933.07. A search warrant shall be deemed to be issued by a judge at the time the judge affixes the judge's signature to the warrant, electronically or in writing.

c. Warrants for the attachment of a mobile tracking device and associated orders of nondisclosure:
Each application for an order authorizing or approving the interception of a wire, oral, or electronic communication under ss. 934.42 shall be made in writing and not electronically, upon oath or affirmation to a judge of competent jurisdiction, and shall state the applicant's authority to make such application.

d. Warrants for installation and use of a trap and trace devices and associated orders of nondisclosure:
Each application for an order authorizing or approving the interception of a wire, oral, or electronic communication under ss. 934.03-934.09 shall be made in writing and not electronically, upon oath or affirmation, to a judge of competent jurisdiction and shall state the applicant's authority to make such application.

e. Warrants for installation and use of a pen register and associated orders of nondisclosure:
Each application for an order authorizing or approving the interception of a wire, oral, or electronic communication under ss. 934.32 shall be made in writing and not electronically, upon oath or affirmation to a judge of competent jurisdiction and shall state the applicant's authority to make such application.

f. Warrants for the use of a drone and asscociated orders of nondisclosure:
Pursuant to s.934.50 "Freedom for Unwarranted Surveillence Act", each application for an order authorizing or approving the use of a drone shall be made in writing and not electronically, upon oath or affirmation, to a judge of competent jurisdiction and shall state the applicant's authority to make such application.

g. Violations of probation and/or community control, supervision:
In the absence of the assigned judge and alternate judge to review each applicaiton for violation of supervision and review for approval or denial.

h. Matters described in section (9) above.

Any law enforcement officer submitting any of the above, in person or electronically, as set forth in section a-h, to the criminal duty judge after 5:00 p.m and before 9:00 a.m. shall certify that the matter submitted is urgent and requires immediate attention.

(11) The Administrative Criminal Judge for the Circuit Criminal Division, or his or her designee, is assigned to hear certain matters relevant to criminal investigations prior to arrest or the filing of formal charges, wherein notice and an opportunity to be heard are required, including:

a. investigative requests requiring a hearing,
b. petitions for medical records for DUI investigations,
c. medical records involving HIV status,
d. destruction of evidence and property, and
e. applications for and any matters relating to intercept and disclosure of wire, oral, or electronic communications pursuant to section 934.09, Florida Statutes.

(12) This Administrative Order amends Administrative Order 2018-112-Gen (Amendment 2)

DONE AND ORDERED at Fort Lauderdale, Broward County, Florida, this 21st day of January, 2025.

/s/Jack Tuter
Jack Tuter, Chief Judge

Supreme Court of Florida

No. AOSC14-66

IN RE: DILIGENT PERFORMANCE OF JUDICIAL DUTIES

ADMINISTRATIVE ORDER

Article V, section 2(a), of the Florida Constitution invests in this Court the authority and responsibility for the administrative supervision of all courts in this State, including the promulgation of canons of judicial conduct and establishment of policy concerning the judiciary in rules of judicial administration.[1] The Code of Judicial Conduct reflects the commitment of Florida's judicial branch to upholding the high standards of judicial and personal conduct upon which public trust in our courts depends. We recognize that the vast majority of all judges in this State act with diligence and faithful commitment to their judicial duties. We also recognize that the judiciary has a duty to ensure that all judges consistently meet their obligations under the Code.

[1] 1. See Fla. R. Jud. Admin. 2.205(a)(1)(A).

In all things, "a judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary." Canon 2A, Code of Judicial Conduct. Canon 3 requires that all judges perform their judicial duties diligently. In order for public confidence to be maintained, the citizens of this State must be assured that judges are performing their duties impartially and diligently, and that such duties "shall take precedence over all the judge's other activities." Canon 3A, Code of Judicial Conduct. Article V, section 13, of the Florida Constitution, also requires that judges shall devote full time to their judicial duties. Our courts are required to "dispose of all judicial matters promptly, efficiently, and fairly." Canon 3B(8), Code of Judicial Conduct. All judges have a duty to "cooperate with other judges and court officials in the administration of court business." Canon 3C(1), Code of Judicial Conduct. Each judge is required to "take appropriate action" whenever the judge "receives information or has actual knowledge that another judge has committed a violation of [the] Code." Canon 3D(1), Code of Judicial Conduct. Chief judges have a special responsibility: "A judge with supervisory authority for the judicial performance of other judges shall take reasonable measures to assure prompt disposition of matters before them and the proper performance of their other judicial responsibilities." Canon 3C(3), Code of Judicial Conduct.

Under the Rules of Judicial Administration, the chief judge of each circuit is the administrative officer of the courts within that circuit and exercises administrative supervision over all judges and court personnel in that circuit. Fla. R. Jud. Admin. 2.215(b)(2). This includes the authority to "report the neglect of duty by a judge to the Judicial Qualifications Commission or other appropriate person or body, or take such other corrective action as may be appropriate." Fla. R. Jud. Admin. 2.215(b)(11). The failure of any judge to comply with an administrative order or directive of the chief judge "is considered neglect of duty" and shall be reported by the chief judge to the chief justice of this Court. Fla. R. Jud. Admin. 2.215(h).

In furtherance of our commitment to ensuring that all judges perform their duties faithfully and diligently, the chief judge in each judicial circuit is hereby directed to act as follows:

> The chief judge in each circuit shall separately communicate to all trial court judges in that circuit the importance of a professional work ethic and accountability to the judiciary as a full-time commitment under the Code and the Constitution of Florida. This commitment includes the responsibility set forth in Canon 3C(1) requiring that a judge "should cooperate with other judges and court officials in the administration of court business." Where a judge's calendar allows, each judge should cooperate with other judges to assure that all cases and matters are handled as efficiently and expeditiously as possible. In addition, each chief judge shall take all administrative actions necessary to monitor the work of each judge of the circuit to ensure that appropriate action is taken in any case where a judge neglects his or her duties.
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> DONE AND ORDERED at Tallahassee, Florida, on December 1, 2014.

Jorge Labarga, Chief Justice

ATTEST:

John A. Tomasino, Clerk of Court