

**IN THE CIRCUIT COURT, SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO AND PINELLAS COUNTIES, FLORIDA**

ADMINISTRATIVE ORDER NO. 2020-033 PI-CIR

**RE: PINELLAS COUNTY EMERGENCY DUTY SCHEDULE –
OCTOBER 2, 2020 THROUGH DECEMBER 31, 2020**

It is necessary to the dispatch of the business of the Circuit and County Court, Sixth Judicial Circuit, Pinellas County, that judges be assigned weekday emergency duty, weekend emergency duty, and holiday duty. In order to perform the aforementioned duties it is necessary that circuit judges be temporarily assigned to the county court and that county judges be temporarily assigned to the circuit court.

In accordance with Article V, section 2, Florida Constitution, Rule of Judicial Administration 2.215, and section 43.26, Florida Statutes,

IT IS ORDERED:

1. Circuit Court Judges of the Sixth Judicial Circuit listed below are assigned and designated to proceed to the Pinellas County Court, Sixth Judicial Circuit. Judges of the County Court of the Sixth Judicial Circuit, Pinellas County, listed below, are assigned and designated to proceed to the Circuit Court, Sixth Judicial Circuit. The judges, under and by virtue of the authority hereof, are vested with all and singular the powers and prerogatives conferred by the Constitution and laws of the State of Florida upon the judges of the courts to which they are hereby assigned to hear and thereafter to dispose of such matters considered by them during that period of time.

2. WEEKDAY EMERGENCY DUTY

A. All judges assigned to the Circuit Civil, Family, Probate, and Circuit Criminal Divisions shall serve as weekday Emergency Duty Judge in accordance with a schedule determined and published by the Facility Coordinator at the Pinellas County Justice Center (CJC), the Clearwater Courthouse, and the St. Petersburg Judicial Building.

B. Weekday Emergency Duty Judges shall serve for one-week periods. The duty week unaffected by a holiday shall commence at 8:01 a.m. on Monday and conclude at 5:00 p.m. on Friday.

C. The weekday Emergency Duty Judge is expected to remain at the courthouse until 5:00 p.m. Monday through Friday to handle emergencies and other duty assignments occurring at the courthouse. The judge may be required to remain past 5:00 p.m. in order to consider and rule on any matter pending at 5:00 p.m. that is within the scope of responsibilities of the Emergency Duty Judge.

D. The weekday Emergency Duty Judge shall also be on call 24 hours per day to hear all emergency matters occurring after 5:00 p.m. including dating, domestic, repeat, sexual violence, and stalking injunctions (hereinafter injunctions for protection).

E. For purposes of handling petitions for temporary injunctions for protection filed at the

Clearwater Courthouse, the St. Petersburg Judicial Building, and the CJC, the Pinellas Clerk of the Circuit Court (Clerk) shall first assign the petition in accordance with the standard procedure for assignment for family law cases or as specified in other administrative orders governing assignment of such injunctions. Except as provided in subparagraph H, if the petition is not assigned to a section in that courthouse, the assigned judge is deemed to be unavailable.

F. Except as provided in subparagraph H, the duties of the Emergency Duty Judge are to hear any civil, family (other than dating, domestic, repeat and sexual violence and stalking civil injunctions unless all family judges are unavailable), probate, or criminal matter of an emergency nature **where the assigned judge is unavailable**. For purposes of this Order, unavailability means the assigned judge is absent from the courthouse. The assigned judge shall also be considered unavailable, unless the judge designates otherwise, between the hours of 5:01 p.m. and 8:00 a.m. Said duties shall include, but not necessarily be limited to the following:

1. CRIMINAL

- a. Search warrants.
- b. Arrest warrants of an emergency nature.
- c. Pre-trial release decisions not otherwise heard by the Criminal Administrative Judge or the Section Judge.
- d. Injunctions for protection filed at the CJC or forwarded by facsimile in accordance with a separate administrative order governing such petitions where the assigned judge is unavailable.
- e. Proceedings to waive parental notification of termination of pregnancy where the assigned judge is unavailable.
- f. Advisory hearings as directed by the Criminal Administrative Judge.
- g. All other emergency matters where the assigned judge is unavailable.

2. CIVIL, FAMILY, AND PROBATE

- a. Except as provided in subparagraph H, all ex parte injunctions for protection against exploitation of vulnerable adults filed at the duty judge's courthouse, regardless of whether the injunction is assigned a section number at the duty judge's courthouse, or is assigned a section number at another courthouse. All dating, domestic, repeat and sexual violence and stalking civil injunctions for protection forwarded electronically shall be handled in accordance with the separate administrative order on petitions for such injunctions.
- b. Emergency custody or visitation (time sharing) matters.
- c. Orders of Arrest and Commitment, Orders to Show Cause, Orders of Arrest, Writs of Bodily Attachment for Failure to Pay Child Support, Writs of Bodily Attachment for Failure to Appear, and Orders Holding Respondent in Custody or Releasing Respondent from Custody.
- d. Emergency Rule of Civil Procedure 1.610 injunctions.
- e. Review of Clerk's decision to issue or deny a Certificate of Indigence.
- f. Baker Act or Marchman Act petitions for involuntary commitment.

- g. Petitions for Emergency Temporary Guardianship.
- h. Emergency requests for medical treatment or removal of life support.
- i. Any other civil, family, or probate matter of an emergency nature where the assigned judge is unavailable.

G. Emergency is not a term subject to easy definition. As such, judges called upon to hear matters claimed to be emergency in nature must determine if the law or totality of the circumstances require immediate action. In the event the emergency duty judge decides the matter is not an emergency for the duty judge, the judge will require the matter to be referred to the assigned section judge for the section judge to review to determine if the matter should be expedited for hearing.

H. The Clerk is directed to provide emergency matters to the assigned judge. If the assigned judge is unavailable, the Clerk is to handle the emergency matter as follows:

1. For family matters filed at the St. Petersburg Judicial Building or Clearwater Courthouses when the assigned judge is unavailable and the duty judge is not assigned to the family law division, the Clerk is to provide the matter to the following judge:

Clearwater Assigned Judge	Family Law Judge
14	22
22	23
23	25
25	14
St. Petersburg Assigned Judge	Family Law Judge
9	12
12	17
17	24
24	9

2. For civil matters filed at the St. Petersburg Judicial Building or Clearwater Courthouses when the assigned judge is unavailable and the duty judge is not assigned to the civil division, the Clerk is to provide the matter to the following judge:

Clearwater Assigned Judge	Civil Judge
7	15
15	20
20	21
21	7
St. Petersburg Assigned Judge	Civil Judge
8	11
11	13
13	19
19	8

3. For probate matters filed at the St. Petersburg Judicial Building or Clearwater Courthouses when the probate judge in a courthouse is unavailable, then the matter is to be provided to the duty judge. For purposes of this directive a probate matter includes Baker Act and Marchman Act petitions, emergency temporary guardianship, emergency medical treatment, any matter specified in subparagraph F2(f-h), and any other probate matter.
4. For unified family court matters filed at the St. Petersburg Judicial Building or Clearwater Courthouses the matter is to be transmitted by facsimile or other electronic means to the Clerk at the CJC. The matter shall then be handled as if it had been filed at the CJC. For purposes of this directive a unified family court matter includes dependency, delinquency, and any other matter assigned to a unified family court judge.
5. For family, civil, or probate matters filed at the CJC:
 - a. When a family law matter is filed at the CJC and the assigned judge is unavailable, the matter is to be provided to the unified family court judge scheduled to handle shelter and detention hearings. If that unified family court judge is unavailable, the matter is to be provided to the felony duty judge.
 - b. When a civil or probate matter is filed at the CJC, the matter is to be provided to the felony duty judge, except as provided in paragraph 2.

Nothing in this subparagraph relieves the duty judge of the responsibility to be available as specified in this Order to handle emergency matters.

3. WEEKEND EMERGENCY DUTY

The duties of the weekend Emergency Duty Judge include all of the responsibilities specified in paragraph 2 for the weekday emergency duty judge. The duties also include advisories for first appearance pursuant to Rule of Criminal Procedure 3.130, shelter hearings pursuant to sections 39.402 and 39.506, Florida Statutes, and delinquency detention hearings pursuant to section 985.255, Florida Statutes.

4. HOLIDAY EMERGENCY DUTY

The duties of the holiday emergency duty judge include all of the responsibilities specified in paragraph 2 for the weekday emergency duty judge. The duties also include advisories for first appearance pursuant to Rule of Criminal Procedure 3.130, shelter hearings pursuant to sections 39.402 and 39.506, Florida Statutes, and delinquency detention hearings pursuant to section 985.255, Florida Statutes. On Court holidays where the Clerk remains open, two duty judges are assigned. One will handle petitions for injunctions for protection and may do so from the courthouse to which the judge is assigned or from the CJC. The other duty judge will handle advisories and all other matters.

5. OTHER MATTERS

A. For purposes of this Order, assignments shall operate as follows:

1. For a weekend unaffected by a holiday, responsibility of the weekend duty judge

shall commence at 5:01 p.m. on Friday preceding the weekend on which the judge is scheduled and shall conclude at 8:00 a.m. on the following Monday.

2. For a holiday occurring on Friday, responsibility of the holiday duty judge shall commence at 5:01 p.m. on Thursday and conclude at 5:00 p.m. on Friday, whereupon the weekend duty judge shall assume responsibility. For a Thursday holiday that precedes a Friday holiday, the responsibility of the Thursday holiday duty judge shall commence at 5:01 p.m. on Wednesday and conclude at 5:00 p.m. on Thursday.
3. For a holiday occurring on Monday, responsibility of the holiday duty judge shall commence at 8:01 a.m. on Monday and conclude at 8:00 a.m. on Tuesday. For a Tuesday holiday following a Monday holiday, the responsibility of the Tuesday holiday duty judge shall commence at 8:01 a.m. on Tuesday and conclude at 8:00 a.m. on Wednesday.
4. For a holiday that occurs on Tuesday, Wednesday or Thursday that neither precedes nor follows another holiday, responsibility of the holiday duty judge shall commence at 5:01 p.m. on the day preceding the holiday and shall conclude at 8:00 a.m. the next business day.

B. Emergency duty may require that the judge travel to the Clerk's office, the Sheriff's office, or other remote locations after 5:01 p.m. or on weekends or holiday. To eliminate such travel, a fax machine will be made available to the Emergency Duty Judge. Any judge choosing to use the fax machine is responsible for bringing it to work at the conclusion of duty responsibilities.

C. Since the Court is mandated to be available for certain proceedings on a 24-hour basis, every judge is required to provide a telephone or beeper number by which that judge can be contacted when assigned to emergency duty. This contact number will be made available to the appropriate agencies. Any judge choosing to use the Court's beeper is responsible for bringing it to work at the conclusion of duty responsibilities.

D. In the event a judge wants to change duty assignment, it is the judge's responsibility to find a judge willing to change assignments. It is also the judge's responsibility to notify all persons affected by the change.

E. The duties of the emergency duty judge are expanded to include all matters specifically mentioned in this Order and any other emergency, which should arise during a judge's duty.

6. SCHEDULE

If the following assignments conflict with any other commitments, **IT IS THE OBLIGATION OF THE JUDGE ASSIGNED TO MAKE ARRANGEMENTS WITH ANOTHER JUDGE TO EXCHANGE THE DUTY. IT IS THE RESPONSIBILITY OF THE ASSIGNED JUDGE TO PROVIDE TIMELY NOTIFICATION OF THE EXCHANGE TO ALL PERSONS AFFECTED BY THE EXCHANGE.**

Judges assigned to the Circuit and County Courts shall serve as duty judge in accordance with the following schedule:

DATE	JUDGE	HOLIDAYS
OCTOBER		
3-4	Carballo	
10-11	Moore	
17-18	C. Helinger	
24-25	Federico	
31	Komninos	
NOVEMBER		
1	Komninos	
7-8	Bedinghaus	
11	McKytton	Veterans Day*
14-15	Ley	
21-22	Senior Judge	
26	Loar	Thanksgiving Holiday*
27	Berlin	Thanksgiving Holiday*
28-29	Berlin	
DECEMBER		
5-6	St. John	
12-13	Hessinger	
19-20	Szematowicz	
24	Pollack	Christmas Holiday*
25	Riba	Christmas Holiday*
26-27	Todd	

*Court Holidays

Effective October 2, 2020, Administrative Order 2020-017 is hereby rescinded.

DONE AND ORDERED in Chambers at St. Petersburg, Pinellas County, Florida, this _____ day of September 2020.

ORIGINAL SIGNED ON SEPTEMBER 30, 2020
BY ANTHONY RONDOLINO, CHIEF JUDGE

cc: All Pinellas Judges
The Honorable Bernie McCabe, State Attorney
The Honorable Bob Dillinger, Public Defender
The Honorable Ken Burke, Clerk of the Circuit Court, Pinellas County
The Honorable Bob Gualtieri, Pinellas County Sheriff
Gay Inskeep, Trial Courts Administrator
Ita M. Neymotin, Regional Counsel, Second District
Ngozi Acholonu, Assistant Regional Counsel, Second District
Community Action Stops Abuse (CASA)
The Haven, Domestic Violence Center
Court Security
Law Libraries, Pinellas and Pasco County
Bar Associations, Pinellas and Pasco County