

**ADMINISTRATIVE ORDER GOVERNING EMERGENCY EX PARTE
INJUNCTIONS FOR PROTECTION AGAINST VIOLENCE, OSCEOLA COUNTY**

WHEREAS, pursuant to Article V, section 2(d) of the Florida Constitution and section 43.26, Florida Statutes, the chief judge of each judicial circuit is charged with the authority and the power to do everything necessary to promote the prompt and efficient administration of justice; and

WHEREAS, pursuant to the chief judge's constitutional and statutory responsibility for administrative supervision of the courts within the circuit and to create and maintain an organization capable of effecting the efficient, prompt, and proper administration of justice for the citizens of this State, the chief judge is required to exercise direction, *see* Fla. R. Jud. Admin. 2.215(b)(2), (b)(3); and

WHEREAS, the clerks of court provide court-related functions which are essential to the orderly operation of the judicial branch, including, but by no means limited to effective case maintenance; and

WHEREAS, pursuant to section 741.30, Florida Statutes, the Osceola County Clerk of Court (the "Clerk") has established an Injunction Processing Unit ("IPU") (hereinafter IPU shall include the Clerk) to assist petitioners filing ex parte petitions for temporary injunctions against violence; and

WHEREAS, in addition to the foregoing, the Clerk is also responsible for: (i) receiving and docketing ex parte petitions for temporary injunctions against violence and related court filings, (ii) providing the petition to the judge assigned to the case, (iii) receiving and docketing the judge's order on the petition, (iv) notifying the parties of the court's order after the initial injunction is served, and (v) if necessary, providing the Osceola County Sheriff's Office Civil Processing Unit with a copy of the filings and court orders to coordinate service on the respondent; and

WHEREAS, the Osceola County Sheriff's Office Civil Processing Unit ("Sheriff's CPU") is responsible for: (i) receiving orders granting petitions for temporary injunctions against violence, (ii) coordinating service of the order and related court documents on the respondents, (iii) serving the orders and related court documents on respondents, and (iv) if necessary, ensuring compliance with the injunctions, including allowing respondents to retrieve personal belongings from any shared residence; and

WHEREAS, as a result, once an order is entered regarding a temporary injunction for protection against violence the process routinely takes several hours and involves multiple individuals and agencies working in concert to review the petitions, receive the judge's orders, docket the judge's orders, and if necessary, coordinate service on the respondents and enforce the injunctions; and

WHEREAS, unless a petition is docketed by the Clerk by 4:00 p.m. on normal business days, these tasks cannot be accomplished within normal business hours; and

WHEREAS, the Clerk and the Sheriff's CPU both close at 5:00 p.m.; and

WHEREAS, it is therefore necessary to provide a procedure and deadline for processing ex parte petitions for temporary injunctions against violence;

NOW, THEREFORE, I, Donald A. Myers, Jr., in order to facilitate the efficient operation of the administration of justice, and pursuant to the authority vested in me as Chief Judge of the Ninth Judicial Circuit of Florida under Florida Rule of Judicial Administration 2.215, hereby order that, **effective immediately** unless otherwise provided herein, to continue until further order, and superseding any provisions in prior Administrative Orders which may be inconsistent, as follows:

1. During normal business hours,¹ the Clerk shall ensure the timely filing and docketing of any petition for temporary injunction against violence and ensure that the judge assigned to

¹ For purposes of this Order, normal business hours shall be defined as 8:00 a.m. to 4:00 p.m., Monday through Friday, exclusive of court holidays.

the case, or the judge's designee, has electronic access to the petition and all related court documents within 30 minutes of filing and/or docketing the petition and related court filings.

2. Upon being noticed of the filing of the petition, the judge assigned to the case, or the judge's designee if the assigned judge is not available, shall endeavor to timely review the petitions and execute an order on the injunction. All reasonable efforts shall be undertaken to execute the order prior to 4:30 p.m. to allow sufficient time for the Clerk and the Sheriff's CPU to timely complete their work docketing, filing, coordinating service of, and enforcing the order.

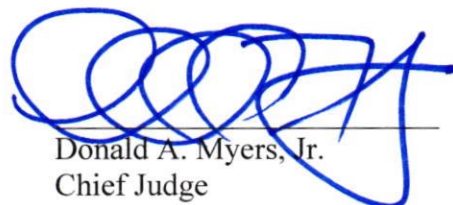
3. The Clerk shall enforce a strict cut-off time of 4:00 p.m. during normal business hours for filing and docketing any petition for temporary injunction against violence.

4. Any petitions for temporary injunction against violence, including petitions for a temporary injunction against repeat, dating, or sexual violence or petitions for a temporary injunction against stalking docketed after 4:00 p.m. will be reviewed by the judge assigned to the case, or the judge's designee if the judge is not available, the next business day. Petitioners in such cases shall be encouraged by the IPU staff to contact Help Now or law enforcement to ensure petitioners' safety and/or develop a safety plan.

5. Any petition for temporary injunction against domestic violence docketed after 4:00 p.m. will be reviewed the next business day. However, in such cases, IPU will refer petitioners to seek immediate assistance from Help Now and/or law enforcement after normal business hours.

6. Administrative Order No. 07-97-10-3 is vacated and set aside except to the extent that it has been incorporated and/or amended herein. Vacating an Administrative Order that vacates a prior Order does not revive the prior Order.

DONE AND ORDERED at Orlando, Florida, this 24 day of August, 2020.


Donald A. Myers, Jr.
Chief Judge

Copies provided to:

Clerk of Court, Orange County
Clerk of Court, Osceola County
General E-Mail Distribution List
<http://www.ninthcircuit.org>