

IN THE SUPREME COURT OF FLORIDA

CASE NO. 86,790

THE HONORABLE LEONARD RIVKIND , etc., et al.,

Petitioners,

-vs-

VICTOR PATTERSON,

Respondent.

**FILED**

SID J. WHITE

NOV 27 1995

CLERK, SUPREME COURT

By Billy  
Chief Deputy Clerk

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ON PETITION FOR DISCRETIONARY REVIEW  
CERTIFIED QUESTION

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BRIEF OF PETITIONERS ON THE MERITS

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## INTRODUCTION

The Petitioners, **THE HONORABLE LEONARD RIVKIND**, et al., were the Respondents below. The Respondent, **VICTOR PATTERSON** was the Petitioner below. The parties will be referred to as they stand before this Court. The case is before this Court on a certified question after the Third District Court of Appeal granted Respondent's Writ of Prohibition. The record before the Third District will be designated by the symbol "R" and the appendix to this brief will be designated by the symbol "A".

## STATEMENT OF THE CASE AND FACTS

A petition seeking a permanent domestic violence injunction was filed against the Respondent in the Domestic Violence Division of the Circuit and County Court for the Eleventh Judicial Circuit. (R. 25). Respondent filed a motion for disqualification for lack of jurisdiction contending that Acting Circuit Court Judge Langer lacked jurisdiction because only county court judges were assigned to the Domestic Violence Division and they issued in their capacity as acting circuit court judges all domestic violence injunctions. Respondent further contended that this was unlawful because the Domestic Violence Division did not share this task with the circuit court judges in the Family Division. (R.25-26). The Respondent argued that the practice of assigning only county court judges to the Division to hear all domestic violence injunctions within the Division divested the circuit court judges of their jurisdiction to issue injunctions and thus was unlawful. (R. 30). Acting Circuit Court Judge Langer found the motion for disqualification legally insufficient and denied the motion. (R. 37).

The Respondent then filed a Petition for Writ of Prohibition with the Third District Court of Appeal. (R. 1). The petition acknowledged that the Domestic Violence Division was established when this Court approved the Petitioner Rivkind's Emergency Petition for Local Rule to Establish a Domestic Violence Division. However, Respondent contended that the Domestic Violence Division was just a continuation of Petitioner's Administrative Orders 92-48 and 92-49, which Administrative Orders

established a domestic violence department within the Family Division of the Circuit Court. (R. 3). It was alleged that the Division, as controlled by Administrative Order 92-48, heard all domestic violence injunctions regardless of the existence of an already pending case between the parties in the Family Division. Calling the Division a "Department" of the Family Division, Respondent then accurately described the Division as one which performs both county and circuit court functions. The Division since its inception has been staffed solely by county court judges who are successively reappointed on a monthly basis, to be acting circuit court judges. Respondent further alleged that these judges hear all petitions for temporary and permanent injunction which are filed in the Division and also hear all criminal and civil contempt cases, misdemeanors arising from domestic violence and misdemeanor violations of domestic violence injunctions. (R. 4-5).

Respondent, based on the foregoing interpretation of the Domestic Violence Division, contended that staffing the Division only with county court judges usurped the powers of the circuit court judges in the Family Division based on the contention that only judges within the Domestic Violence Division issued domestic violence injunctions. As such, Respondent further contended that this alleged usurpation of power was an unlawful reassignment of a circuit court function to the county court since it displaced a significant responsibility of the Family Court Division to the Domestic Violence Division. Respondent further contended that since the Domestic Violence Division was a subdivision of the Family Court Division its operation as a

separate entity staffed only by county court judges permanently displaced the Family Court Division's responsibility for issuing domestic violence injunctions. (R. 6-9).

The Petitioners, pursuant to an Order to Show Cause, filed a response. Petitioners first explained to the Third District that the Local Rule to Establish A Domestic Violence Court that this Court approved superseded Administrative Orders 92-48 and 92-49. (R. 39-41). In support of this position Petitioners appended to their response the Emergency Petition filed with this Court which established the Domestic Violence Division. That petition stated that its intent was to "creat[e] a separate division bridging county and circuit courts to which shall be assigned all matters involving domestic violence" and that "the newly created division [would] be administratively coordinated with the Family Division and Criminal Division of the Circuit Court and the Criminal Division of the County Court to ensure that multiple judicial determinations concerning a single family are complimentary to, and do not conflict with one another". (R. 64). Based on the foregoing, the Domestic Violence Division of the Circuit and County Courts was established whose jurisdiction included: hearing petitions for temporary and permanent injunctions for protection from domestic violence arising under Chapter 741, Florida Statutes; petitions for temporary and permanent injunctions for protection from repeat violence arising under Chapter 784, Florida Statutes; and all misdemeanor cases involving domestic and repeat violence and criminal violations of injunctions. (R. 65). The Local Rule creating the Domestic Violence Division of the Circuit and County Courts was implemented in Court

Administration Case No. 95-2 by Administrative Order 95-139 and reimplemented by Administrative Order 95-204. (R. 98-99, A. 1-2). These Administrative Orders appointed county court judges to the Domestic Violence Division to hear, as acting circuit court judges, petitions for injunctive relief and to hear as county court judges all county court matters involving domestic and repeat violence. All petitions for domestic violence injunctions which are filed in the Domestic Violence Division where there is a matter pending in the Family Court Division of the Circuit Court are automatically transferred to the Family Court Division where a circuit court judge hears the petition for a domestic violence injunction. (R. 43).

Based on the foregoing structure of the Domestic Violence Division, Petitioners asserted that the temporary appointment of the county court judges to hear a portion of the temporary and permanent injunctions as acting circuit court judges was lawful. This submission was based on the fact that the acting circuit court judge only preside over a portion of the petitions for domestic violence injunctions that are filed in the Division and that only a portion of their regular duties include circuit court work. Therefore there was not a usurpation of the Circuit Court's jurisdiction either by assignment of judges or judicial activity. This position was based on the fact that the circuit court judges of the Family Division were also hearing such petitions and issuing domestic violence injunctions. (R. 51-54).

The Third District held that the Domestic Violence Division is not an independent



division of the Eleventh Judicial Circuit but rather was a "Department" within the Family Division. The Court reached this result by finding that the local rule that this Court approved creating the Domestic Violence Division was merely an approval of the previous system under Administrative Orders 92-48 and 92-49 and was not a newly created division independent from the Family Court Division. (R. 104-105) The Third District then held that since no circuit judge has ever served in the "Department", their jurisdiction was usurped by county court judges who as acting circuit court judges were the only ones issuing domestic violence injunctions in the "Department". The Third District agreed with Petitioners assertion that circuit court judges issue domestic violence injunctions in cases that are pending in the Family Division and cases which are heard on an emergency basis or by a back-up judge when it "recognize[d], *as respondents assert[ed]*, that circuit court judges still issue injunctions in other types of cases" (Emphasis added). However, the Third District found such fact irrelevant because these circuit court judges were not assigned to the "Department". The Court also found that the acting circuit court judges were not required to carry out other county court duties in addition to those county court duties associated with the "Department". (R. 105-106).

Based on the foregoing analysis the Third District found that the staffing of the Domestic Violence Division with only county court judges was an unlawful usurpation of the Circuit Court's jurisdiction to issue domestic violence injunctions and granted the Writ of Prohibition. The Court then certified the question under review and stayed

the mandate pending this Court's review. (R. 106-107).

**QUESTION PRESENTED**

**IS THE EXCLUSIVE, AND PERPETUAL MONTHLY ASSIGNMENT, CONTINUING OVER SEVERAL YEARS, OF COUNTY COURT JUDGES TO HEAR ALL PETITIONS FOR PERMANENT AND TEMPORARY INJUNCTIONS IN THE DOMESTIC VIOLENCE DEPARTMENT OF THE FAMILY DIVISION OF THE ELEVENTH JUDICIAL CIRCUIT COURT UNLAWFUL?**

## SUMMARY OF THE ARGUMENT

The Third District held that the Domestic Violence Division is not a separate Division of the Circuit Court but rather is a "Department" within the Circuit's Family Division. The Third District then held that the staffing of this "Department" with only county court judges was unlawful because the county court judges, as acting circuit court judges, were the only judges in the Family Division that issued domestic violence injunctions and this assignment usurped the jurisdiction of the circuit court to issue domestic violence injunctions.

The Third District's decision is based on the erroneous premise that the Domestic Violence Division is not a separate division of the Eleventh Judicial Circuit. This premise is wrong because the petition which this Court approved and which created the Domestic Violence Division clearly stated that the Division is a newly created and independent one.

Since the Domestic Violence Division is independent from the Family Division, the Third District's rationale concerning the usurpation of jurisdiction is also wrong and thus is irrelevant to this Court's determination of the question presented herein.. The staffing of the Domestic Violence Division only with county court judges is lawful because they handle a normal county court caseload within the Division. This caseload

consists of approximately 70% of their entire caseload and includes all crimes arising from incidents of domestic violence, criminal violations of domestic violence injunctions and criminal contempt. Their duties as acting circuit court judges do not usurp the circuit court judges' jurisdiction to issue domestic violence injunctions since the county court judges who are assigned to the Domestic Violence Division hear only a portion of the petitions for temporary and permanent domestic violence injunctions. The circuit court judges in the Family Division hear all petitions for permanent domestic violence injunctions where there is a pending case for dissolution of marriage, paternity, separate maintenance or support unconnected with dissolution. Additionally circuit court judges throughout the system hear petitions hear both temporary and permanent domestic violence injunctions.

Thus the Third District's granting of the Writ of Prohibition was erroneous and this Court should quash the instant decision.

## ARGUMENT

### **THE ELEVENTH JUDICIAL CIRCUIT'S PRACTICE OF TEMPORARILY ASSIGNING COUNTY COURT JUDGES ON A CONSECUTIVE MONTHLY BASIS TO SIT IN THE DOMESTIC VIOLENCE DIVISION AS ACTING CIRCUIT COURT JUDGES TO HEAR A PORTION OF THE PETITIONS FOR TEMPORARY AND PERMANENT INJUNCTIONS FOR PROTECTION AGAINST DOMESTIC VIOLENCE IS LAWFUL<sup>1</sup>**

In the instant decision the Third District agreed with Respondent's contention that pursuant to Administrative Order 92-48 and 92-49, the Family Division of the Circuit Court has exclusive jurisdiction to issue domestic violence injunctions and that Petitioner Rivkind's appointment of county court judges as temporary acting circuit court judges in the Domestic Violence Division unconstitutionally divested the circuit court of its jurisdiction. This holding is based on an erroneous interpretation of the new Local Rule, approved by this Court, which established the independent Domestic Violence Division of the Circuit and County Court and therefore prohibition was wrongfully issued.

The Third District is under the misguided assumption that Administrative Orders 92-48 and 92-49 are the implementing orders of the Domestic Violence Division Local Rule. This is clearly not the case since, as another panel of the Third District

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<sup>1</sup>Petitioners have changed the argument heading from a restatement of the question presented because the certified question is based on the faulty premise that the Domestic Violence Division is a "Department" of the Family Division. Based on this premise the question certified compels this Court to answer it adversely to Petitioners.

recognized in Wells v. State, 654 So. 2d 145 (Fla. 3rd DCA 1995), the Local Rule superseded the foregoing Administrative Orders. The implementation of the Domestic Violence Local Rule was done by Administrative Orders 95-139 and 95-204. (R. 98, A. 1-2).

Petitioners submit that this misconception stems from a misreading of this Court's order adopting the Local Rule. In said order this Court approved Administrative Orders 92-48 and 92-49 as a local rule from the date of entry until the date the new local rule was approved. The reason for this was to legitimize all prior proceedings which occurred pursuant to the administrative orders. It was not done to give those orders prospective application, but only to provide a proper jurisdictional basis for all court actions that had occurred thereunder. Therefore, Administrative Order 92-48 and 92-49 are irrelevant to the propriety of the Domestic Violence Division.

This position is further supported by the contents of the Emergency Petition filed with this Court in support of the Local Rule establishing the Domestic Violence Division. The petition specifically stated the Domestic Violence Division would be a separate and independent division bridging county and circuit courts. The petition also stated that this newly created division would be administratively coordinated with the Family Division and Criminal Division of the Circuit Court and the Criminal Division of the County Court, to ensure that multiple judicial determinations concerning a single family are complimentary to and do not conflict with one another. The petition then

requested this Court to approve the present local rule which established the Domestic Violence Division of the Circuit and County Courts, which this Court did. (R. 64-65, 91).

Since the Third District's understanding of the Domestic Violence Division was flawed, its analysis which held that the present assignments are unlawful is irrelevant to this Court's determination. The real question before this Court is whether the temporary assignment of county court judges to act as temporary circuit court judges in the Domestic Violence Division is lawful. In order for this assignment to be lawful it must meet the following two prong standard: the county court judges must maintain an active county court caseload in addition to matters heard as an acting circuit court judge and as an acting circuit court judge the county court judge must not hear one type of case to the exclusion of all circuit court judges. Payret v. Adams, 500 So. 2d 136 (Fla. 1986); Crusoe v. Rowls, 472 So. 2d 1163 (Fla. 1985). The Petitioners submit that the assignment of only county court judges to the Domestic Violence Division is in accord with the foregoing standards and is thus lawful.

The county court judges so assigned do not only hear circuit court domestic violence injunctions. These county court judges also act as county court judges since approximately 70% of their caseload is comprised of county court matters. (A. 3-9)<sup>2</sup>

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<sup>2</sup> This figure has been extrapolated from the Domestic Violence Division's statistical reports for the first seven months of 1995. These reports establish that



The county court matters heard by the Domestic Violence Division judges are all criminal matters arising from incidents of domestic violence, misdemeanor violations of the domestic violence injunctions and criminal contempt. Therefore, Domestic Violence Division County Court Judges do not carry a 100% circuit court caseload and as such their temporary, although successive, assignment as acting circuit court judges is constitutional. Payret v. Adams, supra.

The staffing of the Domestic Violence Division through Administrative Orders 95-139 and 95-204, not only are in compliance with the second prong but are in accordance with this Court's directive to develop a holistic approach to domestic violence problems since all domestic violence cases are handled by the newly created Domestic Violence Division of the Circuit and County Court Courts. In Re Report of the Commission on Family Courts, 646 So. 2d 178 (Fla. 1994) In said report this Court reaffirmed its position that circuit courts were to continue their efforts to develop more holistic responses to family litigation. This reaffirmation was necessary because the 1994 legislature passed Chapter 94-134 Laws of Florida, now §§741.30 and 741 31 Florida Statutes (1994 Supp.), which legislation bifurcated procedures relating to

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there are approximately 53 felony binddowns each month. There is an average of 524 new criminal cases which come into the system each month. On the average each month, each judge handles 111 temporary injunction requests, 202 civil hearings which include permanent injunctions, extensions of permanent injunctions, status reports and contempts. Each judge averages about 730 criminal hearings including reports, arraignments and trials. Based on the above each judge handles approximately 1300 temporary injunctions, 2400 civil hearings and 8700 criminal hearings.

domestic violence between the circuit and county courts. The legislation provides that the circuit court has jurisdiction to issue domestic violence injunctions and the county court has jurisdiction over the criminal violation of the injunctions.

In accordance with the foregoing this Court approved the Local Rule establishing the Domestic Violence Division of the Circuit and County Courts. In said Division the circuit court matters, the issuance of the injunctions, are handled by: (a) temporarily acting circuit court judges, (b) regular circuit court judges in the family division who issue such injunctions in the course of regularly filed family matters, and, (c) those circuit court judges assigned to emergency and back-up duty. The county court matters which consists of criminal matters arising from acts of domestic violence, violations of injunctions which are misdemeanor crimes and criminal contempt are handled by county court judges assigned to the Domestic Violence Division. Injunctions that are issued in the Branch Courts are done by county court judges as acting circuit court judges since circuit court judges are not assigned to the Branch Courts. The county court judges, in order to avoid substantial hardship on the abused spouse by requiring the alleged victim to go to the main courthouse to secure the injunction, issue said injunctions. In addition, placing Family Division judges in the Branch Courts would cause havoc in the judicial administration of the court system because of present manpower constraints.

The Third District held that even though the acting circuit court judges maintain

a county court caseload, the temporary assignment is still unlawful because the assignment usurps, supplants, or effectively deprives the Family Division of the Circuit Court jurisdiction of domestic violence injunctions on a permanent basis. See Crusoe v. Rowls, supra. Petitioners submit that this statement of the law has been erroneously applied hereto. As stated previously, the circuit court judges of the Family Division issue domestic violence injunctions in family cases that regularly come before them. The Family Division circuit court judges do not transfer their regular cases to the Domestic Violence Division whenever a request for a permanent domestic violence injunction is made. On the contrary, all applications for a permanent injunction against domestic violence are automatically transferred to the Family Division when there is a pending family case. Therefore, these temporary assignments do not deprive the Family Division circuit court judges of their jurisdiction to issue domestic violence injunctions.

In Crusoe, this Court was faced with the issue of what is the proper extent, duration, and purposes of assigning a county judge to perform circuit court jurisdiction work. The facts presented to this Court established that the chief judge of the second judicial circuit issued an administrative order assigning County Court Judge Crusoe to circuit court to hear child support enforcement proceedings. Judge Crusoe's appointment was for successive six month terms totaling a two-and-one-half-year assignment. The District Court found that the successive six months orders and the assignments thereto constituted both an abdication of circuit court jurisdiction over

child support enforcement and an attempt to confer such jurisdiction on county court judges. The District Court then granted the writ of prohibition.

This Court then quashed the District Court's decision and held that the successive six months assignments of county court judges to hear child support enforcement matters in circuit court was a proper use of the chief judge's jurisdiction to maximize an efficient administration of justice in the Second Judicial Circuit. This holding was supported by the fact that the county judges were not assigned to hear all support orders, but only those falling in a specified class. In support of the chief judge's decision that he needed additional judicial manpower to promptly hear support cases this Court stated:

The most effective way to assure compliance with support orders is knowledge that one in default will shortly have to appear before a judge to justify his default. A ready and accessible pool of judicial manpower is necessary in accomplishing this. The administrative orders under review were simply an expedient way of accomplishing this and required the county judges to supplement and aid the circuit judges rather than to replace them.

472 So. 2d at 1165. This Court then explained its definition of temporary. If a county court judge is assigned to perform solely circuit court work, the assignment must be for a relatively short time for it to be temporary. If a county court judge is assigned to spend a portion of the time performing circuit work, the assignment can be longer, but the assignment cannot usurp, supplant, or effectively deprive circuit court jurisdiction of a particular type of case on a permanent basis. This Court then

construed the assignments liberally in accordance with the foregoing views and found them to be lawful.<sup>3</sup>

The instant situation is substantially similar to Bollinger v. Cohen, 656 So. 2d 205 (Fla. 4th DCA 1995). In Bollinger, the petitioner was charged with one count of misdemeanor battery involving domestic violence and was to be tried for the misdemeanor in the domestic violence division of the Broward circuit court. The petitioner sought a writ of prohibition to prevent the circuit judge from presiding over misdemeanor. Prohibition was denied because Judge Cohen was temporarily, yet repetitively, assigned as a county court judge to preside over at least 20% of all misdemeanor trials in domestic violence court. Since this temporary assignment did not divest the county court from all misdemeanor trials in domestic violence court, the District Court found the temporary assignment constitutional. Therefore, the writ of prohibition was denied.

The Second District in J.G. v. Holtzendorf, 648 So. 2d. 781 (Fla. 2nd DCA 1994) has dealt with a similar situation in the same manner as the Fourth District did in Bollinger. In J.G., the Chief Judge of the Twelfth Judicial Circuit entered successive

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<sup>3</sup>The Article V Task Force has unanimously approved an amendment to the Constitution allowing for county court judges to be appointed to handle circuit court matters anywhere in their county. The Report from the Task Force further recommended that county court judges not be restricted to "temporary" time limited assignments as circuit court judges. This idea provides maximum flexibility within the circuit to maximize the efficient administration of justice.

administrative orders from July 1, 1991 through December 1994, each lasting six months, which assigned the respondent as a temporary judge of the circuit court. During that period the respondent continued to fulfill his duties as a county judge as well as sharing with a circuit judge some circuit court duties involving juvenile matters and domestic relation cases. The District Court found that the temporary assignment was constitutional because respondent was not assigned indefinitely solely to circuit court duties. Instead, the respondent was given repeated six months assignment in circuit court which was in addition to his county court duties. Therefore, the writ of prohibition was denied.

The instant case is controlled by Crusoe, Bollinger and J.G. Here, as in those cases, the county court judges' assignment to circuit court is temporary and in addition to their county court duties. Further, since circuit court judges of the Family Division and circuit court judges in emergency and back-up capacity still hear domestic violence injunctions, the acting circuit court judges' appointments are temporary in accordance with the foregoing cases.

The Third District's attempt to distinguish Bollinger and J.G. is based on the same misconception of the Domestic Violence Division that permeates the entire decision, to wit: that the Domestic Violence Division is not a separate Division but is only a Department of the Family Division and the use of only acting circuit court judges to issue domestic violence injunctions usurps the jurisdiction of the circuit court judges

in the Family Division to issue domestic violence injunctions. Since this position is not supportable in fact or law, it can not be relied on to distinguish cases which clearly support Petitioners' position herein.

Based on the foregoing the Domestic Violence Division has been established, with this Court's approval, as an independent division within the Eleventh Judicial Circuit. The Division's jurisdiction is all domestic violence matters in both the circuit and county courts. It is staffed by county court judges who handle all the county court matters in the Division and as acting circuit court judges they issue a portion of the domestic violence injunctions. The circuit court judges in the Family Division issue domestic violence injunctions that are requested in family cases. Emergency and back-up circuit court judges also have the authority to issue domestic violence injunctions and routinely do so. Thus, the Third District erroneously held that the Domestic Violence Division as presently staffed is unlawful.

## CONCLUSION

Based on the foregoing, Petitioners submit that the certified question should be answered in the negative and respectfully request that this Court quash the Third District's decision.

Respectfully submitted,

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## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **PETITIONERS' BRIEF ON THE MERITS** was furnished by mail to **MANUEL ALVAREZ**, Attorney for Respondent, 1320 N.W. 14th Street, Miami, Florida 33125 on this 21 day of November, 1995.



**MICHAEL J. NEIMAND**  
Assistant Attorney General



IN THE SUPREME COURT OF FLORIDA

CASE NO. 86,790

**THE HONORABLE LEONARD RIVKIND, et al.,**

Petitioners,

vs.

**VICTOR PATTERSON,**

Respondent.

---

**APPENDIX**

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THE ELEVENTH JUDICIAL CIRCUIT  
DADE COUNTY, FLORIDA

CASE NO. 95-2  
(Court Administration)

IN RE: ASSIGNMENT OF COUNTY )  
COURT JUDGES, DADE COUNTY, TO )  
TEMPORARILY SERVE AS ACTING )  
CIRCUIT COURT JUDGES OF THE )  
ELEVENTH JUDICIAL CIRCUIT IN )  
AND FOR DADE COUNTY, FLORIDA )  
\_\_\_\_\_ )

ADMINISTRATIVE ORDER  
NO. 95-204

Pursuant to the authority vested in me as Chief Judge of the Eleventh Judicial Circuit of Florida, I, JOSEPH P. FARINA, do hereby designate all Judges of the County Court of Dade County, Florida, to temporarily serve as Acting Circuit Court Judges in the Divisions indicated below, effective October 1 through and inclusive of December 31, 1995.

Said Judges shall hear, try, conduct, and determine the following cases or proceedings, and thereafter dispose of all those matters considered by them during said period.

CRIMINAL DIVISION

1. Those cases scheduled for hearing before them as backup Judges.
2. Those driving while under the influence cases filed pursuant to Section 316.193 (2) (b), Fla. Stat. (1994).

FAMILY DIVISION

1. Final hearings of uncontested dissolutions of marriage, change of name cases and temporary changes of custody due to military service.
2. Paternity cases filed by the State Attorney's Office.
3. Those cases filed by the Child Support Enforcement Unit of the State Attorney's Office which are assigned to them by the Administrative or Associate Administrative Judge of the Family Division.

GENERAL JURISDICTION DIVISION

1. Those civil cases filed under Section 914.24, Fla. Stat. (1994), to restrain harassment of victims or witnesses.
2. Those cases assigned to them by the Administrative or Associate Administrative Judge of the General Jurisdiction Division.

DOMESTIC VIOLENCE DIVISION

1. The issuance and enforcement of injunctions for protection against domestic violence pursuant to Section 741.31, Fla. Stat., and the issuance of injunctions for protection against repeat violence pursuant to Section 784.046, Fla. Stat.

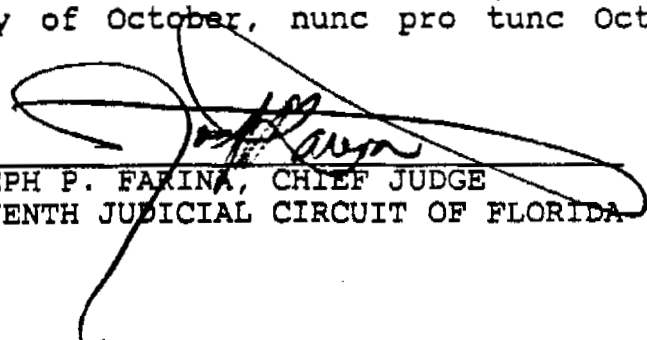
2. In addition to the above authority, those County Court Judges who are assigned to the Richard E. Gerstein Justice Building may make determinations regarding admission to bond when a person has been taken into custody for violation of a civil injunction for protection against domestic violence or repeat violence.

3. Conduct hearings, issue injunctions and enter orders as required. Said Judges may also hear and dispose of any related and pending misdemeanor charge which arises out of or stems from the facts and circumstances underlying the alleged violation of said injunction.

All Judges will also continue to serve as Judges of the County Court of Dade County and accept such other assignments as directed by the Administrative or Associate Administrative Judge of the Divisions to which they are regularly assigned.

Said Judges, under and by virtue of the authority hereof, are hereby vested with all and singular the powers conferred by the Constitution and the Laws of the State of Florida upon a Judge of the Circuit and County Courts to which they are hereby assigned.

DONE AND ORDERED in Chambers at Miami, Dade County, Florida, this 3rd day of October, nunc pro tunc October 1, 1995.

  
\_\_\_\_\_  
JOSEPH P. FARINA, CHIEF JUDGE  
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA

DOMESTIC / REPEAT VIOLENCE  
STATISTICAL REPORT

LOCATION: REG JUSTICE BUILDING MONTH: JANUARY, 1995

TEMPORARY INJUNCTIONS:

* # of individuals assisted (in-person) .....	593
# of temporary injunctions filed .....	342
# of temporary injunctions denied by Judge.....	25
# of temporary injunctions issued: 741.31     262	
784.046     55	
TOTAL: .....	317

TRANSFERS:

# of cases transferred to divorce Judge .....	32
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PERMANENT INJUNCTIONS SCHEDULED:

# of permanent injunctions issued .....	138
# of cases dismissed .....	71
**# of extended temporary injunctions .....	150
# of failed to appear (awaiting final disposition).....	103
# of permanent injunctions extended.....	2
TOTAL # of permanent Injunction hearings scheduled.....	454
# of <u>civil</u> report, civil contempt and civil status hearings set.....	46

METRO JUSTICE BUILDING ONLY:

# of bond hearings ( Injunction violations) .....	45
# of criminal hearings: arraignments .....	411
reports .....	803
trials .....	665

PREPARED BY: DORIS M. PEREZ

Figure includes all walk-in individuals requesting information or assistance, regardless of eligibility to file for Injunction for Protection.

\* Figure includes cases transferred to divorce judge at the time of the permanent Injunction hearing.

DOMESTIC / REPEAT VIOLENCE  
STATISTICAL REPORT

LOCATION: REG JUSTICE BUILDING MONTH: FEBRUARY, 199 5

TEMPORARY INJUNCTIONS:

* # of individuals assisted (in-person) .....	505
# of temporary injunctions filed .....	303
# of temporary injunctions denied by Judge.....	17
# of temporary injunctions issued: 741.31      240	
784.046      46	
TOTAL: .....	286

TRANSFERS:

# of cases transferred to divorce Judge ..... 33

PERMANENT INJUNCTIONS SCHEDULED:

# of permanent injunctions issued .....	135
# of cases dismissed .....	95
**# of extended temporary injunctions .....	152
# of failed to appear (awaiting final disposition).....	106
# of permanent injunctions extended.....	4
TOTAL # of permanent Injunction hearings scheduled.....	492
# of <u>civil</u> report, civil contempt and civil status hearings set.....	149

METRO JUSTICE BUILDING ONLY:

# of bond hearings ( Injunction violations) .....	39
# of contempt hearings: arraignments .....	392
reports .....	574
trials .....	631

PREPARED BY: DORIS M. PEREZ

• Figure includes all walk-in individuals requesting information or assistance, regardless of eligibility to file for Injunction for Protection.

• Figure includes cases transferred to divorce judge at the time of the permanent Injunction hearing.

DOMESTIC / REPEAT VIOLENCE-  
STATISTICAL REPORT

LOCATION: REG JUSTICE BUILDING      MONTH: MARCH , 199 5

TEMPORARY INJUNCTIONS:

* # of individuals assisted (in-person) .....	650
# of temporary injunctions filed .....	386
# of temporary injunctions denied by Judge.....	19
# of temporary injunctions issued: 741.31      305	
784.046      62	367
TOTAL: .....	

TRANSFERS:

# of cases transferred to divorce Judge .....	44
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PERMANENT INJUNCTIONS SCHEDULED:

# of permanent injunctions issued .....	155
# of cases dismissed .....	91
**# of extended temporary injunctions .....	167
# of failed to appear (awaiting final disposition).....	86
# of permanent injunctions extended.....	6
TOTAL # of permanent Injunction hearings scheduled.....	505
# of <u>civil</u> report, civil contempt and civil status hearings set.....	152

METRO JUSTICE BUILDING ONLY:

# of jail report hearings.....	344
# of jail arraignment hearings.....	379
# of criminal hearings: arraignments .....	421
reports .....	874
trials .....	645

PREPARED BY: DORIS M. PEREZ

- \* Figure includes all walk-in individuals requesting information or assistance, regardless of eligibility to file for Injunction for Protection.
- \*\* Figure includes cases transferred to divorce judge at the time of the permanent Injunction hearing.



DOMESTIC / REPEAT VIOLENCE  
STATISTICAL REPORT

LOCATION: REG JUSTICE BUILDING MONTH: MAY, 199 5

TEMPORARY INJUNCTIONS:

* # of individuals assisted (in-person) .....	<u>752</u>
# of temporary injunctions filed .....	<u>427</u>
# of temporary injunctions denied by Judge.....	<u>39</u>
# of temporary injunctions issued: 741.31 283	
784.046 105	
TOTAL: .....	<u>388</u>

TRANSFERS:

# of cases transferred to divorce Judge .....

30

PERMANENT INJUNCTIONS SCHEDULED:

# of permanent injunctions issued .....	<u>145</u>
# of cases dismissed .....	<u>90</u>
**# of extended temporary injunctions .....	<u>117</u>
# of failed to appear (awaiting final disposition).....	<u>115</u>
# of permanent injunctions extended.....	<u>2</u>
TOTAL # of permanent Injunction hearings scheduled.....	<u>469</u>
# of <u>civil</u> report, civil contempt and civil status hearings set.....	<u>80</u>

METRO JUSTICE BUILDING ONLY:

# of jail report hearings: .....	<u>397</u>
# of jail arraignment hearings .....	<u>377</u>
# of criminal:hearings: arraignments .....	<u>476</u>
reports .....	<u>551</u>
trials .....	<u>474</u>

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\* Figure includes all walk-in individuals requesting information or assistance, regardless of eligibility to file for Injunction for Protection.

\*\* Figure includes cases transferred to divorce judge at the time of the permanent Injunction hearing.



DOMESTIC / REPEAT VIOLENCE  
STATISTICAL REPORT

LOCATION: REG JUSTICE BUILDING

MONTH: JUNE, 1995

TEMPORARY INJUNCTIONS:

		CURRENT	YTD
* # of individuals assisted (in person).....		<u>598</u>	<u>3,749</u>
# of temporary injunctions filed.....		<u>369</u>	<u>2,153</u>
# of temporary injuctions denied by judge.....		<u>18</u>	<u>163</u>
# of temporary injunctions issued:   741.31 <u>277</u>			<u>1,584</u>
	784.046 <u>74</u>		<u>406</u>
Total: .....		<u>351</u>	<u>1,990</u>

TRANSFERS:

# of case tranferred to divorce judge..... 33      198

PERMANENT INJUNCTIONS:

# of permanent injuctions issued.....		<u>167</u>	<u>870</u>
# of cases dismissed.....		<u>104</u>	<u>539</u>
** # of extended temporary injuctions.....		<u>169</u>	<u>921</u>
# of permanent injuctions extended.....		<u>2</u>	<u>24</u>
# of failed to appear - awaiting disposition		<u>130</u>	<u>623</u>
Total # of permanent injunction hearings schedule.....		<u>572</u>	<u>2,977</u>
# of civil report, civil contempt and civil status hearings set		<u>72</u>	<u>607</u>

RICHARD E GERSTEIN JUSTICE BUILDING ONLY:

# of jail report hearings.....		<u>377</u>	<u>1,462</u>
# of jail arraignment hearings.....		<u>351</u>	<u>1,396</u>
# of criminal hearings:   arraignments.....		<u>434</u>	<u>2,513</u>
	reports.....	<u>608</u>	<u>3,949</u>
	trials.....	<u>512</u>	<u>3,506</u>

PREPARED BY: DORIS M. PEREZ

\* Figure includes all walk-in individuals requesting information or assistance, regardless of eligibility to file for Injunction for Protection.

\*\* Figure includes cases transferred to divorce judge at the time of the permanent Injunction hearing.

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DOMESTIC / REPEAT VIOLENCE  
STATISTICAL REPORT

LOCATION: REG JUSTICE BUILDING

MONTH: JULY, 95

TEMPORARY INJUNCTIONS:

		CURRENT	YTD
* # of individuals assisted (in person).....		<u>565</u>	<u>4,314</u>
# of temporary injunctions filed.....		<u>364</u>	<u>2,517</u>
# of temporary injunctions denied by judge.....		<u>18</u>	<u>181</u>
# of temporary injunctions issued: 741.31 <u>270</u>			<u>1,854</u>
784.046 <u>76</u>			<u>482</u>
Total: .....		<u>346</u>	<u>2,336</u>

TRANSFERS:

# of case transferred to divorce judge.....		<u>29</u>	<u>227</u>
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PERMANENT INJUNCTIONS:

# of permanent injunctions issued.....		<u>147</u>	<u>1,017</u>
# of cases dismissed.....		<u>96</u>	<u>635</u>
** # of extended temporary injunctions.....		<u>139</u>	<u>1,060</u>
# of permanent injunctions extended.....		<u>8</u>	<u>32</u>
// of failed to appear - awaiting disposition .....		<u>122</u>	<u>745</u>
Total # of permanent injunction hearings schedule.....		<u>512</u>	<u>3,489</u>
# of civil report, civil contempt and civil status hearings set		<u>150</u>	<u>757</u>

RICHARD E GERSTEIN JUSTICE BUILDING ONLY:

# of jail report hearings.....		<u>347</u>	<u>1,809</u>
# of jail arraignment hearings.....		<u>337</u>	<u>1,733</u>
# of criminal hearings: arraignments.....		<u>448</u>	<u>2,961</u>
reports.....		<u>870</u>	<u>4,819</u>
trials.....		<u>502</u>	<u>4,008</u>

PREPARED BY: DORIS M. PEREZ

\* Figure includes all walk-in individuals requesting information or assistance, regardless of eligibility to file for Injunction for Protection.

Figure includes cases transferred to divorce judge at the time of the permanent Injunction hearing.

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