

**IN THE CIRCUIT COURT FOR THE FIFTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA**

ADMINISTRATIVE ORDER NO. A-2006-33

**ADMINISTRATIVE ORDER RESCINDING AND VACATING
ADMINISTRATIVE ORDER A96-44
AND
ADMINISTRATIVE ORDER REGARDING
FIRST APPEARANCE/DUTY JUDGE RESPONSIBILITIES WITHIN
THE TRI-COUNTY AREA OF THE FIFTH JUDICIAL CIRCUIT**

WHEREAS, the Legislature has mandated that the public shall have access to judicial services for temporary injunctions in domestic violence cases during weekends, holidays and off hours during the weekdays; and

WHEREAS, there are other special, emergency cases, such as petitions for arrest warrants, search warrants, communication intercepts, medical consents, and other proceedings that arise and which require judicial action; and

WHEREAS, in order to accommodate these demands, it is necessary to provide access to judicial resources in an orderly manner; and

WHEREAS, Rule 2.050(b)(4), Florida Rules of Judicial Administration, provides for the temporary assignment of judges; and

WHEREAS, The Supreme Court of Florida has recently upheld the temporary assignment of county court judges to serve as judges of the circuit court; and

WHEREAS, it is occasionally necessary that a judge of the county court of one of the counties in the tri-county area within the Fifth Judicial Circuit, consisting of Hernando, Sumter and Citrus Counties, be assigned to serve as judge of the circuit court in order to preside over or dispose of matters before this court; and

WHEREAS, in the interest of judicial economy, the judges in the three smallest counties of the Fifth Judicial Circuit have been merged into a single schedule for First Appearance duties on holidays and weekends in the tri-county area of Hernando, Sumter, and Citrus Counties; and

WHEREAS, it is a reasonable, logical and conservative use of judicial resources to assign the First Appearance Judge in the tri-county area to act as Duty Judge for the tri-county area as well as during such weekend and holiday periods; and

WHEREAS, the Administrative Judges of the tri-county have discussed such assignments and have agreed thereto: **NOW THEREFORE IT IS**


ORDERED AND ADJUDGED as follows:

- 1) Any judge referred to as the weekend or holiday “First Appearance” judge in the tri-county area consisting of Hernando, Sumter and Citrus Counties, will also be available for weekend and holiday “Duty Judge” coverage for petitions, motions or applications for arrest warrants, search warrants, pen registers, communications intercepts, medical consents, or ex-parte injunctive relief to prevent domestic and repeat violence, as well as other emergency matters throughout the tri-county area, from 5:00 p.m. on the Friday or last official business day preceding the weekend or holiday until 8:00 a.m. on the Monday or first official business day following the weekend or holiday. In this context, the term “emergency” includes the matters listed above and other matters of extreme urgency, i.e., matters of life and death or instances of irreparable harm. In any situation except those listed above, the first appearance judge will decide if a request for judicial intervention is an emergency, or if it can wait until normal businesses hours resume; and
- 2) The First Appearance judge will be on call and available for duty judge coverage throughout the tri-county area on assigned weekends and holidays during the hours set forth above. This availability shall be facilitated through an on-call system where the first appearance/duty judge can be reached by pager and/or phone. The Administrative Judge of each of the counties in the tri-county area shall advise the Administrative Judge of each of the other counties of the number of pagers and/or telephones where the first appearance/duty judge can be reached on scheduled weekends and holidays; and
- 3) The Administrative Judges of each of the counties in the tri-county area shall develop duty judge procedures for their respective counties to ensure 24-hour coverage seven days a week, and to include the joint first appearance/duty judge responsibilities as outlined above hereinabove. Such procedures include, but are not limited to, providing the Clerk of the Court and Sheriff’s Office for each of

the counties in the tri-county area, a written notice of any revision to the schedule or switching of assignments with another judge; pager and/or telephone numbers for the "on call" judge, and a signature stamp shall be provided to the Clerk of the Court for each of the counties in the tri-county area if the judge intends to authorize use of same over the telephone rather than physically meeting with the Clerk employee or deputies. Use of a signature stamp is specifically authorized to enable the Clerk to affix a stamped signature on orders and documents after personally speaking with the judge, explaining the circumstances thereof, reading the contents of the document to the judge, and receiving verbal authorization from the judge to affix the stamped signature thereon. Such stamped signature shall have the same legal effect as a manual signature, and the Clerks of the Court shall be responsible for the safekeeping of said signature stamps, pursuant to the provisions of sec. 116.34, Florida Statutes; and

- 4) In order to fulfill the duties and functions of first appearance/duty judge in the tri-county area, or in the absence of an available circuit judge, The Honorable Donald Scaglione, County Judge of Hernando County, The Honorable Kurt Hitzemann, County Judge of Hernando County, The Honorable Thomas D. Skidmore, County Judge of Sumter County and The Honorable Mark J. Yerman, County Judge of Citrus County are hereby temporarily assigned to the Circuit Court of the Fifth Judicial Circuit as needed to carry out the duties and responsibilities as set for herein. Such assignment shall be for a period of one-year and shall expire by its own terms without further court action one year from the date it is so ordered.

IT IS SO ORDERED in Chambers, Marion County, Florida, on this 2nd day of October, 2006.


VICTOR J. MUSLEH
CHIEF JUDGE
FIFTH JUDICIAL CIRCUIT