

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

ADMINISTRATIVE ORDER NO. A-2009-03

**ADMINISTRATIVE ORDER REGARDING RE-ASSIGNMENT OF CASES AND OUT
OF COUNTY ASSIGNMENTS
AND
RESCINDING ADMINISTRATIVE ORDER A-92-7**

WHEREAS, it has come to the attention of the Undersigned that there is a need for uniformity throughout this Fifth Circuit regarding re-assignment and assistance of dockets throughout the numerous counties herein; and the Undersigned having considered the matter of the ever increasing number of judicial recusals, disqualifications, requests for cross jurisdictional assignments; and requests for temporary judicial service in counties other than the home county of the numerous judges throughout the Circuit; and the increasing difficulty of obtaining voluntary assignments due to calendaring and scheduling restraints; and the need to establish procedures to provide for the unbiased and equitable distribution of these cases that must be re-assigned; and having considered Administrative Order Number A-1996-42 Appointing the Honorable Patricia V. Thomas as Administrative Judge for Citrus County and appointing the Honorable Don F. Briggs as Administrative Judge for Lake County; and Administrative Order Number A-2005-23 Appointing the Honorable William H. Hallman as Administrative Judge for Sumter County; and Administrative Order Number A-2005-24 Appointing the Undersigned as Administrative Judge for Hernando County and Administrative Order Number A-2006-39 Appointing the Honorable David B. Eddy as Administrative Judge for Marion County; and having considered the duties and responsibilities of the Administrative Judges as set forth by Rule 2.215(5) Florida Rules of Judicial Administration and Administrative Order A-1996-42; based on the foregoing it is:

ORDERED as follows:

1. All recusals, disqualifications and requests for temporary judicial service for both the circuit and county courts shall be directed to the Administrative Judge of the jurisdictional or "home" county of the judge making said request.
2. The Administrative Judge of the several counties of this circuit shall make diligent effort to reassign such cases on an equitable basis and provide for the dispatch of judicial business through temporary judicial service utilizing the judicial manpower of both the circuit and county courts within his or her respective county. As authorized by Administrative Order, the Administrative

Judges shall assign a county court judge to temporary service as a circuit court judge and a circuit judge as a county court judge should the need arise and as necessary to efficiently administer justice and to comply with the provisions of this order.

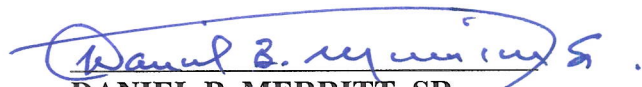
3. All requests to preside in a county other than a judge's "home" county shall be directed to the Administrative Judge of the requestor's county. After approval from the "home" county Administrative judge, said request shall then be forwarded to the Administrative Judge of the visiting county who shall either approve or deny said request. If said request is granted by both the home county and visiting county Administrative Judge, said request shall then be forwarded to the Undersigned for final approval. All requests for judicial assignments directed to the Undersigned shall be over the signature and approval of the Administrative Judges in the respective counties as outlined herein. Such requests shall be made using only the form attached hereto as **ATTACHMENT A**.
4. Due to the heavy case load of all the judges throughout this Fifth Circuit only in exceptional circumstances shall service of a judge outside of one's home county be considered for temporary assignment.
5. In order to equitably execute re-assignments authorized and approved by the Undersigned and the Administrative Judges of their respective counties, the Court Administrator is hereby directed to electronically generate separate random rotation sequence of both circuit and county court judges from which such re-assignments may be made. Upon approval of the re-assignment the Court Administrator shall cause to be generated an order assigning the designated case to the next listed judge. Multiple or companion cases may be assigned to the same judge. This procedure does not apply to any out of county requests that have been approved by the Undersigned as set forth in paragraph three (3) above.
6. Nothing herein shall preclude the Undersigned from entering Orders of Assignment in conflict with the provisions set forth herein when such is deemed necessary for the prompt and efficient administration of justice within the courts of this circuit.
7. This Order may be amended periodically by the Undersigned upon the request and

recommendations of the Administrative Judges of this Circuit.

8. Nothing in this Order is intended to hamper the collegial relationships developed between the numerous judges of the multiple counties in this circuit in assisting with docket coverage in cases of extreme emergency.
9. Administrative Order numbered A92-7 entered on May 10, 1992, is hereby rescinded.

IT IS SO DONE AND ORDERED, in Chambers, Hernando County, Florida, on this

8th day of Jan, 2010.


DANIEL B. MERRITT, SR.,
CHIEF JUDGE
FIFTH JUDICIAL CIRCUIT

ATTACHMENT A

REQUEST FOR OUT OF COUNTY ASSIGNMENT

TO: CHIEF JUDGE DANIEL B. MERRITT, SR.,

FROM: _____ (Requesting Judge)

DATE: _____

RE: _____

VS.

Case Number: _____

Present Presiding Judge: _____

PURSUANT TO ADMINISTRATIVE ORDER NUMBER A-2009-03 THIS IS TO REQUEST:
(Please Check One)

[] Re-assignment of the above styled cause due to the recusal or disqualification of the assigned Trial Judge. This matter cannot be re-assigned to a judge, either circuit or county, sitting in _____ County because _____

[] The assignment of an out-of county judge to serve in Circuit/County Court in _____ County on the following dates: _____ through _____ . Reason such service is necessary: _____

Requestor's Administrative Judge

(please initial)

_____ Approved for re-assignment

_____ Denied re-assignment

Receiving County's Administrative Judge

(please initial)

_____ Approved for re-assignment

_____ Denied re-assignment

Please forward to Chief Judge Daniel B. Merritt, Sr., for final approval

_____ **Approved**

_____ **Denied**

DANIEL B. MERRITT, SR.,

Chief Judge

Fifth Judicial Circuit