

**IN THE CIRCUIT COURT FOR THE FIFTH JUDICIAL CIRCUIT  
IN AND FOR HERNANDO COUNTY, FLORIDA**

**ADMINISTRATIVE ORDER H-2022-49**

**ADMINISTRATIVE ORDER ASSIGNING DUTY JUDGE ROTATION  
FOR CALENDAR YEAR 2023 AND RESCINDING  
ADMINISTRATIVE ORDER H-2021-50**

**WHEREAS**, The Undersigned having considered there are times that an assigned Judge is not available to sign orders, warrants, or other documents that require immediate action; and

**WHEREAS**, realizing that it is in the best interest of judicial efficiency that there be a Judge assigned on a regular weekly basis to handle unusual and extraordinary requests or proceedings which require such immediate action; and

**WHEREAS**, further realizing that it would be unfair and inequitable to have one Judge permanently assigned to handle such matters, and that it would be in the best interest of fairness to rotate this duty among the various Judges of the county; and

**WHEREAS**, being otherwise advised in the premises, it is upon consideration **ORDERED AND ADJUDGED** as follows:

1) The Administrative Judge of Hernando County shall place the names of all circuit and county Judges in the county into a random rotation, and shall rotate weekly the names of the Judges in order to establish a sequence of weekly assignments as Duty Judge for such duties as described herein during the calendar year 2023. A schedule of such rotation shall be prepared, attached hereto, and become a part of this order. This duty shall be in addition to weekend First Appearance duties as assigned by the Chief Judge of the circuit.

2) The assigned Duty Judge shall be physically available daily on short notice, Monday through Friday, during normal working hours when the courthouse is open and after normal working hours, to handle any matter necessary during the assigned week. Each Judge shall establish procedures as to how these matters will be handled and shall instruct their staff members of same so that any such matters taken to the Duty Judge are handled expeditiously.

**SHOULD ANY JUDGE HAVE SCHEDULING CONFLICTS FOR HIS OR HER ASSIGNED WEEKLY DUTY, IT SHALL BE HIS OR HER RESPONSIBILITY TO CONTACT ANOTHER JUDGE TO BE AVAILABLE. ANY SWITCHING OF SUCH DUTY JUDGE ASSIGNMENTS SHALL BE DONE IN WRITING WITH COPIES TO THE FOLLOWING: ALL JUDGES, CLERK OF THE CIRCUIT COURT, STATE ATTORNEY, PUBLIC DEFENDER, HERNANDO COUNTY SHERIFF'S OFFICE, AND GENERAL COUNSEL.**

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3) Nothing in this order shall preclude Judges from trading duty assignments or accepting responsibility for another Judge's duties by agreement, in writing, in the manner set forth herein.

4) The duty Judge shall be available at all times, including by phone after hours, during his or her week of duty Judge assignment, and shall be "on call" 24 hours each day, from Monday at 8:00 a.m. until Friday at 5:00 p.m. Each Judge shall provide to Court Administration a telephone number that they can be reached at by all relevant parties when they are on duty. Court Administration shall notify the parties of the phone number each entity is to call for that term of duty. Each Judge shall be considered on duty by 8:00 a.m. on the first day of his or her duty Judge week, and said duty shall terminate at 5:00 p.m. on the Friday of said duty Judge week. The phone number provided by the Hernando County duty Judge shall be made available to the Clerk of the Circuit Court, and the Hernando County Sheriff's Office. Said phone number is to be utilized for purposes related to first appearance/duty Judge responsibilities only, and is not to be used for personal reasons.

5) Pursuant to the provisions of Administrative Order A-2006-33, dated October 2, 2006, the First Appearance Judge for the tri-county area shall also assume duty Judge responsibilities for all three counties (Hernando, Citrus and Sumter) on assigned First Appearance weekends and holidays, and shall be available 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 to respond to all "duty Judge" calls for the entire tri-county area. For such duty, such assigned Hernando County Judge shall be considered on duty at 5:00 p.m. on the Friday (or last work day preceding the weekend or holiday) and shall notify the Fifth Circuit Administrative Assistant no later than 5:00 p.m. on the Friday or last workday preceding the weekend or holiday of the preferred phone number as set forth in paragraph (4) above, and shall remain on duty until the first official workday following the weekend or holiday.

6) Any County Court Judge who receives this duty is hereby assigned to act as a Judge of the Circuit Court of the Fifth Judicial Circuit should an emergency requiring the actions of a Circuit Judge arise during his or her duties.

Any Circuit Court Judge who receives this duty is hereby assigned to act as a Judge of the County Court of Hernando County should an emergency requiring the actions of a County Judge arise during his or her duties.

7) The Clerks of Circuit Court in the three counties in the tri-county area have each been provided a signature stamp for each of the Judges in Hernando County so that said clerks may affix the stamped signatures on orders and documents requiring the signature of the duty Judge, after personally speaking to the Judge, explaining the situation, reading the document over the telephone, and receiving verbal authorization from the Judge to affix the signature stamp thereon. Such stamped signature shall have the same legal effect as a manual signature, and the Clerks of the Courts of the respective counties shall be responsible for the safekeeping of said signature stamps, pursuant to the provisions of §116.34, Florida Statutes.

8) As soon as practical before the end of each calendar year, but no later than October 1 of such year, each Judge shall submit a written list to the Administrative Judge of the county

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indicating, as best as they are able to determine at that date, what vacations and other days off they wish to take for the coming calendar year, including but not limited to judicial conferences, educational seminars, and continuing education meetings. When any such dates are changed, or added to, the Administrative Judge and General Counsel are to be notified immediately, in writing.

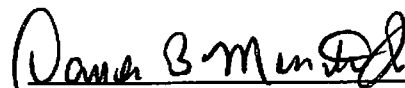
9) Unless an emergency occurs, by this arrangement there shall always be at least one Judge physically available in Hernando County to handle the business of the county as it may arise during each duty week. Should a conflict arise which would leave the county without judicial coverage during any particular week or a portion thereof, it shall be the responsibility of the assigned duty Judge for that week to coordinate with other Judges to ensure coverage is maintained in some manner similar to that set forth in this order.

10) Before any additional unscheduled time is taken off by any Judge of this county, that Judge should first ascertain that coverage is available for his or her particular assignments during any scheduled duty Judge period. If coverage is not available, and should the days occur in a week in which said Judge is assigned as duty Judge for the county, then such Judge should not take off such days without first arranging coverage for the day or days taken off in the manner set forth in this order.

11) The Administrative Judge, local Court Administration and the General Counsel shall at all times be kept advised, in writing, of all changes or modifications to the duty Judge schedule so they may maintain a master list of which Judge is responsible for coverage.

It is **FURTHER ORDERED** and **ADJUDGED** that this Order shall take effect at 12:01a.m. January 1, 2023 and shall rescind and replace Administrative Order H-2021-50 at that time.

**DONE and ORDERED** in Chambers in Brooksville, Hernando County, Florida, this 28<sup>th</sup> day of October 2022.



Daniel B. Merritt, Jr  
Chief Judge  
Fifth Judicial Circuit

## DUTY SCHEDULE FOR 2023

MONTH	WEEK OF	JUDGE
<b>January</b> <i>New Years Day 2nd Morley</i>	3-6	Barbee
<i>FJC Phase I 8<sup>th</sup> -13<sup>th</sup> Merritt Jr. 7<sup>th</sup>-8<sup>th</sup></i>	9-13	Hitzemann
<i>MLK 15<sup>th</sup> Barbee 14<sup>th</sup>-16<sup>th</sup></i>	17-20	Scaglione
	23-27	Vergara
<b>February</b> <i>Bell 28<sup>th</sup>-29<sup>th</sup></i>	Jan 30 – Feb 3	Toner
<i>Hitzemann 4<sup>th</sup>-5<sup>th</sup></i>	6-10	Bell
	13-17	Merritt Jr.
	20-24	Eineman
<b>March</b>	Feb 27 – Mar 3	Barbee
	6-10	Hitzemann
<i>Eineman 11<sup>th</sup>-12<sup>th</sup></i>	13-17	Scaglione
	20-24	Vergara
<i>Scaglione 25<sup>th</sup>-26<sup>th</sup></i>	27-31	Toner
<b>April</b> <i>Toner 1<sup>st</sup>-2<sup>nd</sup></i>	3-6	Bell
<i>Good Friday 7<sup>th</sup> Millitello 7<sup>th</sup>-9<sup>th</sup></i>	10-14	Merritt Jr.
<i>Vergara 15<sup>th</sup>-16<sup>th</sup></i>	17-21	Eineman
	24-28	Barbee
<b>May</b>	1-5	Hitzemann
	8-12	Scaglione

## DUTY SCHEDULE FOR 2023

MONTH	WEEK OF	JUDGE
<i>Merritt Jr. 13<sup>th</sup>-14<sup>th</sup></i>	<b>15-19</b>	<b>Vergara</b>
<i>Barbee 20<sup>th</sup>-21<sup>st</sup></i>	<b>22-26</b>	<b>Toner</b>
<b>June</b> <i>Memorial Day 29<sup>th</sup></i> <i>Hatcher 27<sup>th</sup>-29<sup>th</sup></i>	<b>May 30- Jun 2</b>	<b>Bell</b>
<i>Scaglione 3<sup>rd</sup>-4<sup>th</sup></i>	<b>5-9</b>	<b>Merritt Jr.</b>
<i>Hitzemann 10<sup>th</sup>-11<sup>th</sup></i>	<b>12-16</b>	<b>Eineman</b>
	<b>19-23</b>	<b>Hitzemann</b>
	<b>26-30</b>	<b>Barbee</b>
<b>July</b> <i>July 4<sup>th</sup></i> <i>Yerman</i>	<b>3, 5-7</b>	<b>Scaglione</b>
	<b>10-14</b>	<b>Vergara</b>
<i>Eineman 15<sup>th</sup>-16<sup>th</sup></i> <i>County Judge Conf. 18-20</i>	<b>17-21</b>	<b>Toner</b>
	<b>24-28</b>	<b>Merritt Jr.</b>
<b>August</b> <i>Circuit Judge Conf. 7/30-8/2</i> <i>Bell 29<sup>th</sup>-30<sup>th</sup></i>	<b>July 31 -August 4</b>	<b>Bell</b>
<i>Toner 5<sup>th</sup>-6<sup>th</sup></i>	<b>7-11</b>	<b>Eineman</b>
	<b>14-18</b>	<b>Barbee</b>
<i>Vergara 19<sup>th</sup>-20<sup>th</sup></i>	<b>21-25</b>	<b>Hitzemann</b>
<b>September</b>	<b>Aug 28-September 1</b>	<b>Scaglione</b>
<i>Labor Day 4<sup>th</sup></i> <i>Helm</i>	<b>5-8</b>	<b>Vergara</b>
	<b>11-15</b>	<b>Toner</b>

## DUTY SCHEDULE FOR 2023

MONTH	WEEK OF	JUDGE
<i>Merritt Jr. 16<sup>th</sup>-17<sup>th</sup></i>	<b>18-22</b>	<b>Bell</b>
<i>Yom Kippur 25<sup>th</sup> Barbee 23<sup>rd</sup>-25<sup>th</sup></i>	<b>26-29</b>	<b>Merritt Jr.</b>
<b>October</b>	<b>2-6</b>	<b>Eineman</b>
<i>Bell 7<sup>th</sup>-8<sup>th</sup></i>	<b>9-13</b>	<b>Barbee</b>
<i>Hitzemann 14<sup>th</sup>-15<sup>th</sup></i>	<b>16-20</b>	<b>Hitzemann</b>
	<b>23-27</b>	<b>Scaglione</b>
<b>November</b>	<b>Oct 30 – Nov 3</b>	<b>Vergara</b>
	<b>6-9</b>	<b>Toner</b>
<i>Veterans Day Observed 10<sup>th</sup> Nimeth 10<sup>th</sup>-12<sup>th</sup></i>	<b>13-17</b>	<b>Bell</b>
<i>Eineman 18<sup>th</sup> -19<sup>th</sup> Thanksgiving 23<sup>rd</sup>-24<sup>th</sup> Howard 23<sup>rd</sup>-26<sup>th</sup></i>	<b>20-22</b>	<b>Merritt Jr.</b>
<b>December</b>	<b>Nov 27– Dec 1</b>	<b>Eineman</b>
<i>Scaglione 2<sup>nd</sup>-3<sup>rd</sup></i>	<b>4-8</b>	<b>Barbee</b>
<i>Toner 9<sup>th</sup>-10<sup>th</sup></i>	<b>11-15</b>	<b>Hitzemann</b>
	<b>18-22</b>	<b>Scaglione</b>
<i>Christmas Day 25<sup>th</sup> Chief Judge Designated 26<sup>th</sup> Vergara 23<sup>rd</sup>-26<sup>th</sup></i>	<b>27-29</b>	<b>Vergara</b>