

IN THE CIRCUIT COURT OF THE 16TH
JUDICIAL CIRCUIT OF THE STATE OF
FLORIDA IN AND FOR MONROE COUNTY

ADMINISTRATIVE ORDER 12.033

IN RE:

APPOINTMENT OF CLERK AD INTERIM
FOR MONROE COUNTY, FLORIDA

WHEREAS, the Clerk of the Circuit Court in and for Monroe County, Danny L. Kolhage, has announced his resignation effective upon his taking office as County Commissioner November 20, 2012; and

WHEREAS, the current term of office for Danny L. Kolhage expires on January 8, 2013; and

WHEREAS, continued operation of the Court system and County government require that the office of the Clerk of the Circuit Court be filled at all times; and

WHEREAS, the Governor has indicated that he will not appoint a person to fill the vacancy resulting from Danny L. Kolhage's resignation as Clerk;

WHEREAS, §28.09, Florida Statutes, provides that “[i]n the case of a vacancy occurring in the office of a clerk of the circuit court, the [chief] judge of that court shall appoint a clerk *ad interim*, who shall assume all of the responsibilities, perform all the duties, and receive the same compensation for the time being as if he or she had been duly appointed to fill the office;” and

WHEREAS, Amy Heavilin was elected Clerk of the Circuit Court in and for Monroe County during the general election held on November 6, 2012 for a term of office that, pursuant to §100.041, Florida Statutes, will begin on January 8, 2013;

NOW THEREFORE, IT IS HEREBY:

ORDERED that, pursuant to F.S. §28.09, and the power vested in me as Chief Judge of the Sixteenth Judicial Circuit in and for Monroe County, AMY HEAVILIN is hereby appointed Clerk *Ad Interim* for the unexpired portion of the remainder of Danny Kolhage's term of office unless and until the Governor appoints another person to fill that vacancy; and

ORDERED that this appointment order shall take effect immediately following Danny Kolhage assuming the office as Monroe County Commissioner, District I, on November 20, 2012, and continue until Amy Heavilin, the newly elected Clerk, takes office on January 8, 2013; and


ORDERED that as Clerk *ad interim* Amy Heavilin shall have the full power, authority, and duties imposed by the Florida law of the Clerk of the Circuit Court for the 16th Judicial Circuit, including but not limited to duties and authority as Clerk to the Board of County Commissioners of Monroe County and County Comptroller; and

ORDERED that all documents and instruments, including checks, warrants, and drafts bearing the attestation and/or signature of Danny L. Kolhage, in his capacity as Clerk, which he executed prior to his resignation, shall remain valid thereafter; and

ORDERED that Amy Heavilin, upon her appointment as Clerk *ad interim*, and her deputy clerks, shall have full authority to substitute the name "Amy Heavilin" by interlineation for the name "Danny L. Kolhage" and the term "Clerk *Ad Interim*" on all warrants, legal documents and any other papers and documents as necessary to allow for timely and effective processing by the Clerk's Office during the transition; and

ORDERED that this Administrative Order is intended to be construed so that there will be no interruption in Mr. Kolhage's public service and that the office of Clerk shall always be occupied by a person qualified to hold that office and exercise its powers.

DONE AND ORDERED in chambers in Key West, Monroe County, Florida, this 19th day of November, 2012.



DAVID J. AUDLIN, JR.
Chief Judge