

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

ADMINISTRATIVE ORDER H-2017-48

ADMINISTRATIVE ORDER ESTABLISHING
CASELOAD ASSIGNMENT FOR THE CALENDAR YEAR 2018

The undersigned, having reviewed the caseload and having considered the matter of judicial assignments in the courts of Hernando County, within the Fifth Judicial Circuit of Florida, for calendar year 2018, and in consideration thereof, it is:

ORDERED AND ADJUDGED that effective January 1, 2018, the following caseload assignments shall be in effect for Hernando County:

1. The Honorable Daniel B. Merritt, Jr., Circuit Judge of Hernando County, is hereby assigned the following cases:

- a. One-half ($\frac{1}{2}$) of all felony cases, which will be divided into two separate dockets, the "C" and "D" dockets; and
- b. One-half ($\frac{1}{2}$) of all felony bond estreature; and
- c. All guardianship and mental health cases; and
- d. All juvenile delinquency cases; and
- e. All mental health/Baker Act/Marchman Act proceedings; and he shall be responsible for establishing a suitable schedule for such hearings with the appropriate facilities; and
- f. Twenty percent (20%) of all Ryce Act cases; and
- g. All administrative duties as Administrative Judge for Hernando County.

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2. The Honorable Curtis J. Neal, Circuit Judge of Hernando County, is hereby assigned the following cases:

a. Twenty percent (20%) of all domestic relations cases, except for DV, RDV, and dating violence cases. Said assigned judge shall also coordinate with the General Magistrate for coverage of uncontested and *pro se* dissolution actions and other matters which may be heard by a General Magistrate; and

b. All probate cases; and

c. Seventy five percent (75%) of all foreclosure actions; and

d. Oversight on all UIFSA, Title IV-D and DCF/DOR-related child support cases, which cases are scheduled to be heard by a Support Enforcement Hearing Office.

e. overflow felony trials as may occur and based upon his availability.

3. The Honorable Stephen E. Toner, Jr., Circuit Judge of Hernando County, is hereby assigned the following cases:

a. One-half (1/2) of all felony cases, which will be divided into two separate dockets, the "A" and "B" dockets; and

b. One-half (1/2) of all felony bond estreature cases; and

c. All juvenile dependency cases, including all shelter hearings, arraignments, judicial reviews, pre-trials and trials. However, said Judge shall coordinate the juvenile dependency caseload with the General Magistrate for coverage of dependency arraignments, judicial review hearings, status reviews, and other matters which may be heard by a General Magistrate; and

d. Forty percent (40%) of all Ryce Act cases.

4. The Honorable Donald Scaglione, Circuit Judge of Hernando County, is hereby assigned the following cases:

a. All civil jury cases including eminent domain proceedings; and

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- b. All cases assigned to Drug Court; and
- c. All cases assigned to Mental Health Court and Veterans' Court; and
- d. Twenty percent (20%) of all Ryce Act cases.

5. The Honorable Thomas R. Eineman, Circuit Judge of Hernando County, is hereby assigned the following cases:

a. Fifty percent (50%) of all domestic relations cases, except for DV, RDV, and dating violence cases. Said assigned judge shall also coordinate with the General Magistrate for coverage of uncontested and *pro se* dissolution actions and other matters which may be heard by a General Magistrate; and

b. All cases designated to the Unified Family Court; and

c. All domestic violence, repeat domestic violence, sexual violence, stalking and dating violence restraining orders; and

d. Twenty percent (20%) of all Ryce Act cases.

6. The Honorable Peter M. Brigham, Circuit Judge of Hernando County, who will serve in Hernando County three days a week, is hereby assigned the following cases:

a. All civil non-jury cases except mortgage foreclosure actions; and

b. Twenty five percent (25%) of all mortgage foreclosure actions; and

c. Thirty percent (30%) of all domestic relations cases, except for DV, RDV, and dating violence cases. Said assigned judge shall also coordinate with the General Magistrate for coverage of uncontested and *pro se* dissolution actions and other matters which may be heard by a General Magistrate.

All circuit judges assigned to Hernando County are hereby appointed as judges of the Family Law Division of Hernando County and designated as Judges of the Unified Family Court in accordance with Administrative Order H-2015-21.

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7. The Honorable Kurt Hitzemann, County Judge of Hernando County, is hereby assigned the following cases:

- a. One-half ($\frac{1}{2}$) of all criminal misdemeanor cases; and
- b. One-half ($\frac{1}{2}$) of all civil actions in which the matter in controversy is within the jurisdiction of the County Court, or for which the County Court by statute has exclusive jurisdiction; and
- c. One-half ($\frac{1}{2}$) of all civil traffic infractions and ALL RED LIGHT CAMERA TICKET CASES; and
- d. One-half ($\frac{1}{2}$) of all violations of municipal, city and county ordinance cases referred to County Court; and
- e. First appearance hearings, to be conducted by the two county judges on a rotating schedule to be established and disseminated by said judges; and
- f. Authority to conduct hearings and make a determination whether an alleged contemnor has the present ability to pay support and willfully failed to pay such support, when such person is brought before the County Judge for first appearance, pursuant to the provisions of Rule 12.615, Fla. Fam. L.R.P.

8. The Honorable Kristie M. Ruppe, County Judge of Hernando County, is hereby assigned the following cases:

- a. One-half ($\frac{1}{2}$) of all criminal misdemeanor cases; and
- b. One-half ($\frac{1}{2}$) of all civil actions in which the matter in controversy is within the jurisdiction of the County Court, or for which the County Court by statute has exclusive jurisdiction; and
- c. One-half ($\frac{1}{2}$) of all civil traffic infractions, *except red light camera ticket cases*; and
- d. One-half ($\frac{1}{2}$) of all violations of municipal, city and county ordinance cases referred to County Court; and

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- e. First appearance hearings, to be conducted by the two county judges on a rotating schedule to be established and disseminated by said judges; and
- f. Authority to conduct hearings and make a determination whether an alleged contemnor has the present ability to pay support and willfully failed to pay such support, when such person is brought before the County Judge for first appearance, pursuant to the provisions of Rule 12.615, Fla. Fam. L.R.P.

9. The County Judges of Hernando County are hereby assigned to act as a Judge of the Circuit Court should an emergency requiring the action(s) of a Circuit Judge arise during such county judge's service as duty judge or on an emergency basis. A separate Order of appointment is not required.

10. The General Magistrate assigned to Hernando County, Yolanda Romagnolo, is hereby assigned to hear such matters as are assigned by the Chief Judge of the Fifth Judicial Circuit, the Family Law Administrative Judge of the Circuit, or the Administrative Judge of Hernando County, including but not limited to:

- a. Juvenile dependency arraignments, judicial reviews and status review hearings; and
- b. Final hearings in *pro se* and uncontested dissolution actions; and
- c. Taking testimony and issuing finding of facts and recommendations as to conclusions of law in family law and civil cases as assigned, upon referral by the Court, or upon the stipulation and consent of all parties, pursuant to the rules of court; and
- d. Conducting case management conferences to coordinate progress in an action, schedule trials, pre-trials and motion hearings, and mediation conferences to preclude cases from languishing on the judicial dockets, upon referral by the Court.
- e. Such other duties and powers as allowed, pursuant to Rule 1.490, Fla. R. Civ. Pro., and Rule 12.490, Fla. Fam. L.R.P., that the Administrative Judge of Hernando County finds to be beneficial to judicial economy.

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11. It will be the responsibility of each judge to obtain coverage whenever he is unavailable for his assigned duties. The Court Administration Office will reasonably assist each judge, when requested, in attempting to obtain such substitute coverage; however, the final responsibility for obtaining such coverage, prior to any planned absence, remains with the requesting judge. Any emergency or time-mandated hearings arising during those periods when the assigned judge is not available shall be heard by the duty judge.

12. When it becomes necessary for either of the assigned felony judges to recuse on any felony case, that case, if possible, will be assigned to the other felony judge; and if that judge must recuse on such case, it will be assigned to one of the other sitting judges in the county, if possible. When it becomes necessary for the juvenile dependency judge to recuse on any assigned dependency case, that case will be assigned to one of the other sitting judges in the county, if possible.

13. Grand jury duties will be assigned to the regular felony court judges on a rotating basis.

14. Child support hearings will be conducted at least twice each month, generally by the Child Support Enforcement Hearing Officer or in the absence of the Hearing Officer such hearings will be conducted by the General Magistrate, the specific days to be determined at a later date.

15. Juvenile delinquency and juvenile dependency hearings will each generally be conducted at least once each week, the specific schedules to be determined by the assigned judges or assigned magistrate. Shelter hearings will be conducted as needed upon notice.

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16. The last week of each month will generally be the uniform jury trial week for all courts. However, there will be four trial weeks per month available for felony trials, to-wit: Felony Dockets "A" and "B" will be established during the first and third weeks of each month respectively; and Felony Dockets "C" and "D" will be established during the second and fourth weeks of each month respectively. A schedule of jury trial weeks for the following year shall be issued by the Administrative Judge before the end of each year. If a conflict arises, counsel shall resolve same through coordination with the offices of the respective judges involved in accordance with the provisions of *Rule 2.550, Fla. R. Jud. Admin.* Each judge shall be and remain available and shall actively assist the other judges in conducting the scheduled jury trials of all judges for each jury trial week. Any judge(s) who want to schedule a trial period longer than one week should advise the Administrative Judge and the Court Administration Office before the annual schedule is prepared, if possible. In the event any judge determines at a later date that an additional trial week is necessary, he shall be responsible for coordinating same with the Clerk of the Court and the Jury Office, and shall advise the Administrative Judge and the Court Administration Office of such additional dates as soon as possible.

17. Cases will be assigned to the various judges by the clerk's office on a rotating basis at the time of filing, pursuant to the caseload assignments established in this Order. In no event will attorneys be able to request a specific judge; and all assignments will be made in a blind draw method by the Clerk of the Court. Every effort will be made to avoid any possibility of a practice commonly referred to as "judge shopping" in any manner.

18. When a petition is filed seeking a domestic violence injunction, the office of the assigned judge must be contacted to sign an ex-parte temporary restraining order and to obtain a hearing date for a permanent restraining order. When such judge is not available, the duty judge shall next be contacted to obtain a signature, then any available judge; but a hearing date must still be obtained from the office of the assigned judge.

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19. When a petition is filed to establish a temporary emergency guardianship, the office of the assigned judge must be contacted to sign the order for same and to obtain a hearing date as to establishment of a permanent guardianship. When such judge is not available, the duty judge shall next be contacted to obtain a signature, then any available judge; but a hearing date must still be obtained from the office of the assigned judge.

20. When a shelter petition or other emergency pleading is filed in a dependency proceeding, the office of the dependency judge assigned must be initially contacted to coordinate the scheduling of a hearing. When such judge is not otherwise available, the Duty Judge shall next be contacted to address the issues raised.

21. All judges shall make a maximum effort to see that this system of case assignment functions effectively. Among the courtesies expected are that insofar as possible, judges will arrange their court dockets in advance so as not to conflict, and that judges will communicate among themselves to resolve any conflicts or problems that do arise in regard to this system. To this end, and for other purposes, such as to discuss ongoing problems, to disseminate information, and to provide a forum for those persons who may have need to address the judges on administrative issues, periodically, the Administrative Judge in and for Hernando County may schedule a judges' meeting at such times as deemed necessary and appropriate. All judges sitting in Hernando County shall be requested to personally meet to discuss issues, procedures, policies, or other matters of interest to the judiciary. Effective communications and cooperation will be required, and all judges are thanked in advance by the undersigned for such expected professional courtesies.

IT IS FURTHER ORDERED AND ADJUDGED that this order shall remain in full force and effect until rescinded or superseded. Nothing herein shall preclude the assignment of the above-named judges to individual cases or terms of service other than set forth above.

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DONE AND ORDERED in Chambers in Brooksville, Hernando County,
Florida, this 2nd day of Oct., 2017.



Daniel B Merritt Jr

DANIEL B. MERRITT, JR.

Administrative Judge

Hernando County