

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

ADMINISTRATIVE ORDER H-2022-48-B

**SECOND AMENDED ADMINISTRATIVE ORDER ESTABLISHING
CASELOAD ASSIGNMENT FOR THE CALENDAR YEAR 2023
(amended as to case loads in county court)**

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 2023, and in consideration thereof:

It is **HEREBY ORDERED AND ADJUDGED** that effective at 12:01 a.m. March 20, 2023, the following amended 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:

CIRCUIT CRIMINAL & JUVENILE DELINQUENCY 2023 Judicial Assignment	
Felony One Half (50%) of all Felony Cases, Divided into two (2) dockets, "C" Docket and "D" Docket	Jimmy Ryce Act Cases One Fourth (25%) of all Jimmy Ryce Act Cases
Guardianship All Guardianship and Mental Health Cases including Injunctions Against Exploitation of Vulnerable Adults	Juvenile Delinquency All Juvenile Delinquency Cases

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<p>Baker Act/Marchman Act</p> <p>All Mental Health/Baker Act/Marchman Act</p>	<p>Felony Bond Estreature</p> <p>One Half (50%) of all Felony Bond Estreature</p>
<p>Administrative Judge Duties</p> <p>All administrative duties as Chief Judge of the Circuit and Administrative Judge for Hernando County</p>	

2. The **HONORABLE STEPHEN E. TONER, JR.**, Circuit Judge of Hernando County, is hereby assigned the following cases:

<p>CIRCUIT CRIMINAL & DEPENDENCY</p>	
<p>2023 Judicial Assignment</p>	
<p>Felony</p> <p>One Half (50%) of all Felony Cases, Divided into two (2) dockets, "A" Docket and "B" Docket</p>	<p>Jimmy Ryce Act Cases</p> <p>One Fourth (25%) of all Jimmy Ryce Act Cases</p>
<p>Felony Bond Estreature</p> <p>One Half (50%) of all Felony Bond Estreature</p>	
<p>Juvenile Dependency Cases:</p> <p>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; Parental Notice of Abortion Cases.</p>	

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3. The **HONORABLE DONALD SCAGLIONE**, Circuit Judge of Hernando County, is hereby assigned the following cases:

CIRCUIT CIVIL	
2023 Judicial Assignment	
Civil Actions	Jimmy Ryce Act
Of all civil actions, eighty-five percent (85%) of all <u>jury civil</u> ; in which the matter in controversy is within the jurisdiction of the Circuit Court, or for which the Circuit Court has exclusive jurisdiction; including ALL (100%) eminent domain cases.	One Half (50%) of all Jimmy Ryce Act Cases.

4. The **HONORABLE PAMELA VERGARA**, Circuit Judge of Hernando County, is hereby assigned the following cases:

CIRCUIT CIVIL AND PROBATE	
2023 Judicial Assignment	
Civil Actions	Probate
Of all Civil Actions, one hundred percent (100%) of all <u>non-jury civil</u> , in which the matter in controversy is within the jurisdiction of the Circuit Court, or for which the Circuit Court by statute has exclusive jurisdiction; including one hundred percent (100%) foreclosure cases.	All Probate Cases

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5. The **HONORABLE THOMAS R. EINEMAN**, Circuit Judge of Hernando County, is hereby assigned the following cases:

DOMESTIC RELATIONS	
2023 Judicial Assignment	
Unified Family Court	Children in Need of Services and Families in Need of Services
All cases designated to Unified Family Court (UFC);	All CINS/FINS Cases
Family Law (DR) cases:	
One Half (50%) of all Family Law (DR) 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.	
Child Support Oversight	
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 Officer.	

6. The **HONORABLE DON BARBEE JR.**, Circuit Judge of Hernando County, is hereby assigned the following cases:

CIRCUIT CIVIL, DOMESTIC RELATIONS & PROBLEM-SOLVING COURTS
2023 Judicial Assignment
Family Law (DR) cases:
One Half (50%) of all Family Law (DR) 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.

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Civil Actions		
Fifteen percent (15%) of all <u>jury civil</u> actions, in which the matter in controversy is within the jurisdiction of the Circuit Court, or for which the Circuit Court by statute has exclusive jurisdiction;		
PROBLEM SOLVING COURTS		
Veterans' Treatment Court	Drug Court	Mental Health Court
The schedule shall be established and disseminated by said judge.	The schedule shall be established and disseminated by said judge.	The schedule shall be established and disseminated by said judge.
DOMESTIC RELATIONS		
Injunctions and Temporary Restraining Orders:		
All Injunctions and Temporary Restraining Orders: Including domestic violence, repeat domestic violence, sexual violence, stalking and dating violence restraining orders.		

7. 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 an assigned dependency case, that case will be assigned to one of the other sitting judges in the county, if possible.
8. Grand jury duties will be assigned to the regular felony court judges on a rotating basis.
9. **ALL CIRCUIT JUDGES ASSIGNED TO HERNANDO COUNTY ARE HEREBY APPOINTED AS JUDGES OF THE FAMILY LAW DIVISION OF HERNANDO COUNTY AND DESIGNATED AS**

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JUDGES OF THE UNIFIED FAMILY COURT IN ACCORDANCE WITH ADMINISTRATIVE ORDER H-2018-27.

10. 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 JUDGES SERVICE AS DUTY JUDGE OR ON AN EMERGENCY BASIS. A SEPARATE ORDER OF APPOINTMENT IS NOT REQUIRED.

11. The **HONORABLE KURT HITZEMANN**, County Judge of Hernando County, is hereby assigned the following cases:

COUNTY COURT	
2023 Judicial Assignment	
<p>Misdemeanors</p> <p>One Half (50%) of All Criminal Misdemeanor Cases</p>	<p>First appearance hearings</p> <p>to be conducted by the two county judges on a rotating schedule to be established and disseminated by said judges</p>
<p>Civil Traffic</p> <p>One Half (50%) of All Civil Traffic Infractions and All Red-Light Camera Ticket Cases</p>	<p>Ordinances</p> <p>One Half (50%) of All Violations of Municipal, City and County Ordinance Cases Referred to County Court</p>
<p>County Civil Actions</p> <p>One Half (50%) 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.</p>	

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Writ of Bodily Attachment

Authority to conduct hearings and decide 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.

12. The **HONORABLE BARBARA-JO BELL**, County Judge of Hernando County, is hereby assigned the following cases:

COUNTY COURT	
2023 Judicial Assignment	
Misdemeanors One Half (50%) of All Criminal Misdemeanor Cases	First appearance hearings, to be conducted by the two county judges on a rotating schedule to be established and disseminated by said judges
Civil Traffic One Half (50%) of All Civil Traffic Infractions and All Red-Light Camera Ticket Cases	Ordinances One Half (50%) of All Violations of Municipal, City and County Ordinance Cases Referred to County Court
One Half (50%) 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.	

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Writ of Bodily Attachment

Authority to conduct hearings and decide 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.

13. 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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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.
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. Gen. Prac. & 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 or she 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

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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.
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. Any Risk Protection Order (RPO) requests and requests for entry of a temporary RPO shall be received by the weekly "duty" judge. If a temporary RPO is issued, the issuing duty judge will be responsible for scheduling and holding the mandated "compliance" hearing within three (3) days (whether it goes to the following week when they are not duty judge or not) The duty judge receiving the RPO request will also be responsible for scheduling and holding the mandated return evidentiary hearing after issuance of a temporary RPO or the final RPO evidentiary hearing within fourteen (14) days on their respective dockets as their schedule permits. Requests for extensions of temporary or final RPOs will also be the responsibility of the duty judge who

received the initial request as it will have become their assigned case.

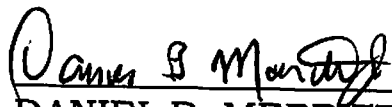
22. It will be the responsibility of each judge to obtain coverage whenever the judge is unavailable for assigned duties. The Court Administration Office will reasonably assist each judge in obtaining such substitute coverage, if requested; however, the final responsibility for obtaining such coverage, 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.

23. All judges shall make a maximum effort to see that this system of case assignment functions effectively. Among the courtesies expected, insofar as possible, judges will arrange their court dockets in advance so as not to conflict. Additionally, judges will communicate among themselves to resolve any conflicts or problems that do arise regarding 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 need to address the judges on administrative issues, periodically, the Administrative Judge in and for Hernando County may schedule a judge's 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.

24. Administrative Order H-2020-41-A entitled "Administrative Order Establishing Caseload Assignment for the Calendar Year 2021: Replacing H-2019-45" is rescinded. Rescission of an administrative order rescinding, vacating, superseding, or replacing a previous administrative order does not act to reinstate the previously rescinded order, or any portion thereof.

It is **FURTHER ORDERED AND ADJUDGED** that this order shall remain in full force and effect until amended, rescinded, replaced, 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.

DONE AND ORDERED in Chambers in Brooksville, Hernando County, Florida, this 20th day of March 2023.



DANIEL B. MERRITT, JR.
Administrative Judge
Hernando County