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12/12/2006 at 09:59 AM, BOB INZER, CLERK OF COURTS

IN THE CIRCUIT COURT OF FLORIDA

OFFICE OF THE CHIEF JUDGE

ADMINISTRATIVE ORDER 2006-07

IN RE: CIRCUIT JUDGE AND COUNTY JUDGE ASSIGNMENTS, SECOND JUDICIAL CIRCUIT

WHEREAS, Administrative Order 2005-07, as amended, currently sets forth the assignments for the judges of Second Judicial Circuit, and

WHEREAS, the pending retirement of one of our county judges and the election of his replacement to take office January 2, 2007, as well as the mandates of Supreme Court Administrative Order SC06-140 prohibiting certain proceedings from being performed by general magistrates effective January 1, 2007, necessitates the reassignment of the Family Division in order to provide for the proper processing and disposition of dependency proceedings and allocation of resources in the Family Division; and

WHEREAS, Rule 2.215(b)(4), Florida Rules of Judicial Administration, provides that the Chief Judge shall assign judges to the courts and divisions and shall determine the length of each assignment, it is therefore

ORDERED the following are the judicial assignments for the Second Judicial Circuit which shall take effect on January 2, 2007, and shall remain in effect through June 30, 2007, unless modified by subsequent order.

I. **LEON COUNTY**

A. **Circuit Court Criminal Division.**

Circuit Judges John C. Cooper, Jonathan E. Sjostrom, Kathleen F. Dekker, and Charles A. Francis shall be assigned to the Criminal Division and assigned all felony cases and criminal appeals from County Court, as follows:

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1. **Circuit Judge John C. Cooper, Division A.**

Division A shall be assigned one-third of all Criminal Division cases not assigned to Divisions D and E.

2. **Circuit Judge Kathleen F. Dekker, Division B.**

Division B shall be assigned one-third of all Criminal Division cases not assigned to Divisions D and E.

3. **Circuit Judge Jonathan E. Sjostrom, Division C.**

Division C shall be assigned one-third of all Criminal Division cases not assigned to Divisions D and E.

4. **Circuit Judge Charles A. Francis, Division D.**

Division D shall be assigned all felony intake cases, statewide prosecution cases, and misdemeanor appeals from county court.

5. **Special Assignment, Division E.**

County Judge Judith W. Hawkins shall be assigned all felony drug intervention cases and felony worthless check cases.

B. **Circuit Court Civil Division.**

Circuit Judges Terry P. Lewis, Thomas Bateman III, Janet E. Ferris, and William L. Gary shall be assigned to the Civil Division and assigned all civil cases, prisoner civil petitions, and civil appeals from County Court, excluding probate and family law division cases, as follows:

1. **Circuit Judge Janet E. Ferris.**

29.16% of all civil cases and 29.16% of all prisoner petitions.

2. **Circuit Judge Terry P. Lewis.**

29.17% of all civil cases and 29.17% of all prisoner petitions.

3. **Circuit Judge William L. Gary.**

12.5% of all civil cases and 12.5% of all prisoner petitions.

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4. **Circuit Judge Thomas Bateman III.**

29.17% of all civil cases and 29.17% of all prisoner petitions.

C. **Family Division.**

Circuit Judges Nikki Ann Clark, James C. Hankinson, John E. Crusoe and Angela C. Dempsey shall be assigned to the Family Division and assigned all family law cases. The Family Division shall include the following category of cases: dissolution of marriage, division and distribution of property arising out of dissolution of marriage, annulment, support unconnected to dissolution of marriage, paternity, child support, URESA/UIFSA, custodial care of and access to children, adoption, name change, declaratory judgment actions related to pre-marital, marital and post-marital agreements, civil domestic violence and repeat violence injunctions, juvenile dependency and delinquency, and termination of parental rights. These cases, together with all pending and previously scheduled hearings, trial dates and times associated therewith, shall be assigned as follows:

1. **Circuit Judge Nikki Ann Clark.**

All Unified Family Court Section cases as defined and identified pursuant to Administrative Order No. 2006-3; all juvenile dependency cases, which shall include all pending and previously scheduled hearing dates and times associated therewith; twenty-five percent (25%) or an equal rotation of domestic violence and repeat violence cases; and an equal rotation as Family Division duty judge.

2. **Circuit Judge John E. Crusoe.**

Forty percent (40%) of all Family Division cases, excepting dependency and juvenile cases, and domestic violence cases; twenty-five percent (25%) or an equal rotation of domestic violence and repeat violence cases; and an equal rotation as Family Division duty judge.

3. **Circuit Judge James C. Hankinson.**

Forty percent (40%) of all Family Division cases, excepting dependency and juvenile cases, and domestic violence cases; twenty-five percent (25%) or an equal rotation of domestic violence and repeat violence cases; and an equal rotation as Family Division duty judge.

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4. **Circuit Judge Angela C. Dempsey.**

All juvenile delinquency cases and twenty percent (20%) of all Family Division cases, excepting dependency, and domestic violence cases; twenty-five percent (25%) or an equal rotation of domestic violence and repeat violence cases; and an equal rotation as Family Division duty judge.

5. **Special Assignments.**

County Judge Augustus D. Aikens, Jr. shall be assigned all juvenile drug intervention cases. County Judge Judith W. Hawkins shall be assigned all Simplified Dissolution of Marriage cases.

6. **Reassignment of Certain Cases Currently Assigned to Circuit Judge Nikki Ann Clark.**

All existing Family Division cases, except Unified Family Court Section cases, and domestic violence and repeat violence cases, currently assigned to Circuit Judge Nikki Ann Clark, which shall include all pending and previously scheduled hearing and trial dates and times associated therewith, shall be assigned forty percent (40%) to Circuit Judge John E. Crusoe, twenty percent (20%) to Circuit Judge Angela C. Dempsey, and forty percent (40%) to Circuit Judge James C. Hankinson. Circuit Judge Nikki Ann Clark shall continue the responsibility for all such cases prior to the effective date of this order. The Clerk of Circuit Court shall promptly prepare a proposed reassignment schedule of the existing case load so that all affected parties and their counsel will be advised as to the assignment of such cases on or after January 1, 2007. The clerk shall provide the proposed reassignment list to the Chief Judge and each Family Division judge, and post the same on his public website on or before Friday, December 15, 2006. Any hearings or other matters to be scheduled or determined in those cases prior to January 2, 2007, shall be scheduled with and the responsibility of Circuit Judge Nikki Ann Clark. Any matters to be scheduled for hearing or determination after January 2, 2007, shall be scheduled with and the responsibility of the successor judge to such case. All judges and general masters shall assist each other in the orderly migration of cases in accordance with the assignments made herein and in the transition of workloads as assigned herein.

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7. **Family Division Assignment of General Magistrates.**

Administrative General Magistrate Dawn Caloca-Johnson shall retain her administrative responsibilities pursuant to Administrative Order 2004-12, and shall be assigned to assist Circuit Judge James C. Hankinson. General Magistrate Thomas W. Lager shall be assigned to assist Circuit Judge John E. Crusoe and Circuit Judge Angela C. Dempsey.

8. Administrative Orders 2004-01, 2004-08, 2004-12, and 2005-04 (as Amended), shall remain in full force and effect excepting any provision concerning the assignment of cases to general magistrates which may be inconsistent with this order. Administrative Order 2006-3 shall remain in full force and effect except paragraph 7, which is specifically superseded by this order.

D. **Probate Division.**

1. Circuit Judge L. Ralph Smith, Jr. shall be assigned to the Probate Division and assigned all probate cases.

2. County Judge Augustus D. Aikens, Jr. is hereby assigned all Baker Act and Marchman Act proceedings in the Probate Division and is hereby assigned as primary backup to the Probate Division.

E. **County Court Criminal Division.**

County Judges Augustus D. Aikens, Jr., Timothy Harley and Judith W. Hawkins shall be assigned to the County Court Criminal Division which shall include all pending and previously scheduled hearing and trial dates and times associated therewith, and shall rotate among themselves all Misdemeanor and Traffic cases dockets as designated by the Administrative Judge of the County Court.

F. **First Appearances.**

All First Appearances, except otherwise assigned weekend and holiday duty, shall be assigned to County Judge Timothy Harley, or may be assigned on a rotating basis as determined and assigned by the Administrative Judge of the County Court.

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G. **County Court Civil Division.**

County Judges James O. Shelfer and Ronald W. "Ron" Flury shall be assigned to the County Court Civil Division, which shall include all pending and previously scheduled hearing and trial dates and times associated therewith, as follows:

1. **County Judge James O. Shelfer.**

   Fifty percent (50%) of all civil cases.

2. **County Judge Ronald W. "Ron" Flury.**

   Fifty percent (50%) of all civil cases.

II. **GADSDEN COUNTY**

A. Circuit Judge P. Kevin Davey shall be assigned all circuit criminal cases, and criminal appeals from County Court.

B. Circuit Judge George S. Reynolds, III, shall be assigned all circuit civil cases, family cases, probate cases and juvenile dependency cases, and civil appeals from County Court.

C. County Judge Stewart Parsons shall have a special assignment of all circuit juvenile delinquency cases, which shall include all pending and previously scheduled hearing and trial dates and times associated therewith.

D. General Magistrate Thomas W. Lager shall be assigned to assist Circuit Judge George S. Reynolds, III, with the juvenile dependency cases, but only to the extent authorized by law and court rules.

III. **WAKULLA COUNTY**

Circuit Judge N. Sanders Sauls shall be assigned all circuit criminal, civil, family, including juvenile delinquency and dependency cases, and probate cases, and all appeals from County Court.

IV. **JEFFERSON COUNTY**

Circuit Judge L. Ralph Smith, Jr. shall be assigned all circuit criminal, civil, juvenile delinquency and dependency cases and probate cases, and all appeals from County Court.

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V. **FRANKLIN COUNTY**

Circuit Judge William L. Gary shall be assigned all circuit criminal, civil, juvenile delinquency and dependency cases and probate cases, and all appeals from County Court.

VI. **LIBERTY COUNTY**

A. Circuit Judge George S. Reynolds, III, shall be assigned all circuit civil cases, family cases, probate cases and juvenile dependency cases, and civil appeals from County Court.

B. Circuit Judge L. Ralph Smith, Jr. shall be assigned all circuit criminal cases, juvenile delinquency cases and criminal appeals from County Court.

VII. **MISCELLANEOUS ASSIGNMENTS**

A. **Administrative Judges.**

The following are appointed and shall serve as Administrative Judges in the following divisions:

1. **Leon County - Circuit Court.**

a. Circuit Judge Kathleen F. Dekker - Criminal Division.

b. Circuit Judge Janet E. Ferris - Civil Division.

c. Circuit Judge Nikki Ann Clark - Family Division.

2. **Leon County Court.**

a. County Judge Timothy Harley is appointed and shall serve as Administrative Judge for the County Court.

b. This order shall not supercede other orders assigning county judges on a temporary basis or any order assigning a county judge as a temporary backup to a circuit judge.

3. **Gadsden, Jefferson, Liberty, Franklin and Wakulla Counties.**

a. Chief Judge Charles A. Francis shall retain all administrative judge responsibilities for Gadsden, Jefferson, Liberty,

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Franklin and Wakulla Counties, except as to the Family Division cases.

b. Circuit Judge George S. Reynolds, III, is hereby designated Administrative Judge in Gadsden County and Liberty County for the purpose of coordinating Family Division case matters in those counties.

c. Circuit Judge William L. Gary is hereby designated Administrative Judge in Franklin County for the purpose of coordinating Family Division case matters in that county.

d. Circuit Judge L. Ralph Smith, Jr. is hereby designated Administrative Judge in Jefferson County for the purpose of coordinating Family Division case matters in that county.

e. Circuit Judge N. Sanders Sauls is hereby designated Administrative Judge in Wakulla County for the purpose of coordinating Family Division case matters in that county.

4. **Duties of Administrative Judges.**

Those judges designated administrative judges hereunder are expressly given the authority, consistent with this order and other applicable administrative orders, to assist with the administrative supervision of the designated court or division, and to specifically regulate the use of hearing rooms and courtrooms assigned to the court or division, and to provide for duty coverage within the assigned division or court. No administrative judge is delegated the authority to enter any administrative order as that authority is reserved to the Chief Judge.

B. **Collections Court.**

County Judge Judith W. Hawkins shall be assigned to all Leon County Collection Court cases.

C. **Weekend and Holiday Duty**.

The Trial Court Administrator shall prepare a rotation list designating a particular circuit or county judge to serve as the duty judge on holidays and weekends. The duty judge shall handle all first appearance proceedings in Leon, Franklin, Gadsden, Liberty, Jefferson, and Wakulla Counties. The duty

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judge shall also handle any arrest warrants, search warrants, petitions for injunctions, emergency hearings or other emergency matters brought to the duty judge's attention. For the purposes of this order, the weekend shall commence at 5:00 p.m. on Friday and terminate at 8:00 a.m. on Monday. Holiday duty other than those falling during weekend duty, shall commence at 5:00 p.m. the day before the holiday and terminate at 8:00 a.m. the day after the holiday. **The duty judge shall be available by telephone to address emergency calls at all times during their rotations, and shall be responsible for providing telephone numbers (including cell phone) to the Trial Court Administrator so that the duty judge may be reached at all times during the duty rotation.**

VIII. EMERGENCY MATTERS

A. Cross-Assignments.

All circuit judges and county judges in Leon, Gadsden, Jefferson, Liberty, Franklin and Wakulla Counties are hereby cross-assigned to preside over any emergency within their individual counties or assignments in the circuit or county court.

B. Emergency Hearings.

The following procedures shall apply when requests to schedule emergency hearings are made in the circuit criminal, civil, family or probate divisions and county courts of the Second Judicial:

1. For the purpose of this order, emergency circuit criminal, civil, family or probate and county court matters shall be defined as non-routine matters which, by their nature, require the immediate action by a judge to prevent physical harm, irreparable property damage or a hardship of such a critical nature that the swift intervention of the court is deemed necessary.

2. A request for an emergency hearing shall be presented in writing to the judge assigned to the case.

3. In the event the judge assigned to the case is unavailable, and a duty judge has not been designated to address such emergency request, the request for an emergency hearing shall be brought to the Chief Judge or the Chief Judge pro tem, to determine whether an emergency hearing is needed. For the purpose of this order, the unavailability of the judge shall mean that the judge is physically not present in the

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courthouse in which the emergency must be heard and will remain so for such a period that necessity requires the matter to be submitted to the Chief Judge.

4. If the Chief Judge determines that there is an emergency that requires the immediate attention of a judge, the Office of Court Administration shall be notified and a judge shall be identified to handle the emergency.

5. Only the judge identified to handle the emergency shall be permitted to resolve the emergency. If the judge assigned to the emergency is unable to rule on the emergency matter due to a conflict, the Office of Court Administration shall again be contacted and another judge shall be identified to resolve the emergency.

IX. BACK-UP AND SUPPLEMENTAL ASSIGNMENTS

A. **Circuit Judges**.

Each circuit judge of the Second Judicial Circuit is assigned to supplement and aid the county court in the county to which the circuit judge is assigned. Each circuit judge is also authorized to supplement and aid any other circuit or county judge in the circuit when the circuit judge or county judge is unavailable or otherwise request assistance, or is assigned by the Chief Judge.

B. **County Judges**.

Each county judge of the Second Judicial Circuit is temporarily assigned in their respective counties to supplement and aid the circuit court. However, county judges shall not be assigned to handle contested family law cases, or child support and/or enforcement cases, in their respective counties, except in an emergency or when expressly assigned by the Chief Judge. Each county judge of the Second Judicial Circuit is authorized to supplement and aid any other circuit or county judge in the circuit when the circuit judge or county judge is unavailable or otherwise requests assistance, or is assigned by the Chief Judge.

C. **Simplified Dissolution of Marriage Cases**.

1. County judges in each of the counties of the Second Judicial Circuit shall have jurisdiction over all simplified dissolution of marriage cases.

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2. For the purposes of public convenience and administrative efficiency, simplified dissolution of marriage cases may be filed in the Circuit Civil Division of the clerk's office in each of the counties of the Second Judicial Circuit, and shall be processed accordingly.

D. **Jury Qualification**.

1. County Judge James O. Shelfer and County Judge Ronald W. "Ron" Flury are assigned to qualify the Leon County jurors on Friday and Monday jury selection days.

2. The circuit judges assigned to Gadsden, Franklin, Jefferson, Liberty and Wakulla Counties shall be responsible for qualifying the jury venire during their respective trial weeks.

X. SCHEDULING OF COURTROOMS AND HEARING ROOMS

The scheduling of courtrooms and hearing rooms in Leon County shall be assigned by the Office of Court Administration under the supervision of the Chief Judge. Courtrooms and hearing rooms assigned to divisions or County Court by the Office of Court Administration shall be subject to the supervision of the Administrative Judge of that division and the Administrative Judge of County Court in accordance with the assignment memorandum in effect as the same may be amended from time to time.

XI. EFFECTIVE DATE AND PREVIOUS ASSIGNMENT ORDERS

This order shall be effective January 2, 2007, and upon that date Administrative Order 2005-07, as amended, shall be superseded and terminated.

DONE and ORDERED in Chambers in Tallahassee, Leon County, Florida, this 11th day of December, 2006.

Charles A. Francis

CHARLES A. FRANCIS
Chief Judge

cc: All Circuit and County Judges, Second Judicial Circuit
All Clerks of Court, Second Judicial Circuit
Public Defender
State Attorney

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