



**DONALD SCAGLIONE
CIRCUIT JUDGE
FIFTH JUDICIAL CIRCUIT OF FLORIDA**

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**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
HERNANDO COUNTY, FLORIDA**

**AMENDED ADMINISTRATIVE ORDER RE: INFORMING CLIENTS WHEN
SEEKING CONTINUANCE OF HEARINGS OR TRIALS
FOR THE SCAGLIONE "DS" DIVISION ONLY
See SC 2023-962 Effective January 1, 2025 as to Rule 1.460**

Judge Scaglione requires counsel to inform their clients when seeking continuance of hearings or trials, the Court hereby establishes the following procedure, applicable to all cases before this Court, to effectuate the policy:

Effective January 1, 2019, counsel seeking a continuance of hearings or trials shall certify, by a statement included in the signed certificate of service on the motion or notice filed with this Court, that counsel has that day provided a copy of the motion or agreed notice to his/her client(s) via US Mail, e-mail, or by hand delivery. The client's name and address do not need to be included in the certificate of service unless service is otherwise required on the client. This motion requires the client's signature and/or consent, and no comment shall be filed by the client regarding the continuance being sought. This policy does not apply to the State of Florida or other governmental bodies.

Motions to Continue Trial

Motions to continue trial are disfavored and should rarely be granted. Once the case is set for trial, no continuances may be granted except for good cause shown. Lack of preparation is not grounds to continue the case. Where possible, trial dates shall be set in collaboration with counsel and self-represented parties as opposed to the issuance of unilateral dates by the Court.

A motion to continue trial shall be in writing and signed by the client.

Any motion to continue trial must be filed within 14 days after the appearance of grounds to support such motion.

The motion shall state with specificity:

1. the factual basis of the need for the continuance.
2. the proposed date by which the case will be ready for trial; and
3. the proposed action and schedule that will enable the movant to be ready for trial by the proposed date.

If amendment of pleadings or affirmative defenses is permitted under the relevant rules within 60 days of trial, the amendment shall not serve as grounds for continuance where no additional discovery is required. If the party who was granted amendment failed to facilitate discovery and the same party later seeks a continuance, the trial court may deny the continuance of the failure created interference with the trial date and the orderly progress of the case.

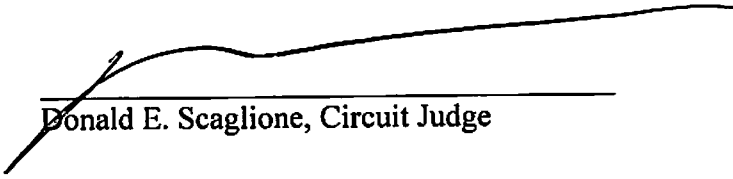
No case may be continued for a duration exceeding 12 months from its original trial date, except where the action required to cure the need for the continuance cannot be completed within 12 months.

See new DCMS Order for timelines.

Counsel's failure to comply with this order may result in the motion for continuance of hearing or trial being denied.

See new Rule 1.460 [SC 2023-962 Effective January 1, 2025]

DONE AND ORDERED at Brooksville, Florida, this 22 day of July, 2024.



Donald E. Scaglione, Circuit Judge

Rule 1.460 CONTINUANCES MOTIONS TO CONTINUE TRIAL

~~A motion for continuance shall be in writing unless made at a trial and, except for good cause shown, shall be signed by the party requesting the continuance. The motion shall state all of the facts that the movant contends entitle the movant to a continuance. If a continuance is sought on the ground of nonavailability of a witness, the motion must show when it is believed the witness will be available.~~

(a) Generally. Motions to continue trial are disfavored and should rarely be granted and then only upon good cause shown. Successive continuances are highly disfavored. Lack of due diligence in preparing for trial is not grounds to continue the case. Motions for continuance based on parental leave are governed by Florida Rule of General Practice and Judicial Administration 2.570.

(b) Motion; Requirements. A motion to continue trial must be in writing unless made at a trial and, except for good cause shown, must be signed by the named party requesting the continuance.

(c) Motion: Timing of Filing. A motion to continue trial must be filed promptly after the appearance of good cause to support such motion. Failure to promptly request a continuance may be a basis for denying the motion to continue.

(d) Motion: Contents. The moving party or counsel must make reasonable efforts to confer with the non-moving party or opposing counsel about the need for a continuance, and the nonmoving party or opposing counsel must cooperate in responding and holding a conference. All motions for continuance, even if agreed, must state with specificity:

(1) the basis of the need for the continuance, including when the basis became known to the movant;

(2) whether the motion is opposed;

(3) the action and specific dates for the action that will enable the movant to be ready for trial by the proposed date, including, but not limited to, confirming the specific date any required participants such as third-party witnesses or experts are available and

(4) the proposed date by which the case will be ready for trial and whether that date is agreed by all parties.

If the required conference did not occur, the motion must explain the dates and methods of the efforts to confer. Failure to confer by any party or attorney under this rule may result in sanctions.

(e) Efforts to Avoid Continuances. To avoid continuances, trial courts should use all appropriate methods to address the issues causing delay, including requiring depositions to preserve testimony, allowing remote appearances, and resolving conflicts with other judges as provided in the Florida Rules of General Practice and Judicial Administration.

(f) Setting Trial Date. When possible, continued trial dates must be set in collaboration with attorneys and self-represented litigants as opposed to the issuance of unilateral dates by the court.

(g) Dilatory Conduct. If a continuance is granted based on the dilatory conduct of an attorney or named party, the court may impose sanctions on the attorney, the party, or both.

(h) Order on Motion for Continuance. When ruling on a motion to continue the court must state either on the record or in a written order, the factual basis for the ruling. An order granting a motion to continue must either set a new trial period or set a case management conference. If the trial is continued, the new trial must be set for the earliest date practicable, given the needs of the case and resources of the court. The order must reflect what further activity will or will not be permitted.

Committee Notes

[No Change]