

FIFTH DISTRICT COURT OF APPEAL
STATE OF FLORIDA

Case No. 5D2025-0708
LT Case No. 27-2024-CA-540

HERNANDO COUNTY, a political
subdivision of the STATE OF
FLORIDA,

Appellant,

v.

McGEE & MASON, P.A., AND
JOSEPH MASON, ESQUIRE,

Appellees.

Nonfinal appeal from the Circuit Court for Hernando County.
Don Collins Barbee, Jr., Judge.

Melissa A. Tartaglia and Jon A. Jouben, of Hernando County
Attorney's Office, Brooksville, for Appellant.

Robert Bruce Snow, of Robert Bruce Snow, P.A., Brooksville,
for Appellees.

March 27, 2026

EDWARDS, J.

Hernando County, a political subdivision of the state of
Florida, appeals the trial court's non-final order denying its motion
to dismiss the multi-count complaint of McGee & Mason, P.A. and

Joseph Mason, Esquire (“Appellees”), in which Appellees sought payment of outstanding attorney’s fees for services they allegedly performed for and billed to the City of Weeki Wachee before that city was legally dissolved. Hernando County moved to dismiss claiming, *inter alia*, that sovereign immunity barred the Appellees’ claims. We have jurisdiction pursuant to Florida Rule of Appellate Procedure 9.130(a)(3)(F)(iii). In its motion to dismiss, Hernando County relies on matters not found within the four corners of the complaint or attachments thereto. The trial court correctly determined that was beyond the scope of what it could properly consider when ruling on a motion to dismiss. *See Enlow v. E.C. Scott Wright, P.A.*, 274 So. 3d 1192, 1193 (Fla. 5th DCA 2019) (citing *Busch v. Lennar Homes, LLC*, 219 So. 3d 93, 94 (Fla. 5th DCA 2017) (additional citation omitted)). Therefore, we affirm and remand for further proceedings.

AFFIRMED and REMANDED.

MAKAR and EISNAUGLE, JJ., concur.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.
