

IN THE CIRCUIT COURT OF THE 16TH
JUDICIAL CIRCUIT OF THE STATE OF
FLORIDA IN AND FOR MONROE COUNTY

ADMINISTRATIVE ORDER 8.006/21-1
AMENDED

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IN RE: TRANSFER OF PENDING
APPEALS FROM THE CIRCUIT
COURT TO THE DISTRICT COURT
OF APPEAL

Filed and Recorded in Official Records of
MONROE COUNTY KEVIN MADOK, CPA

_____:

WHEREAS, Article V, section 5(b), Florida Constitution bestows circuit courts with “jurisdiction of appeals when provided by general law”; and

WHEREAS, the Florida Legislature in chapter 20-61, section 3, Laws of Florida, amended section 26.012(1), Florida Statutes, and in chapter 20-61, section 8, repealed section 924.08, Florida Statutes, to remove circuit court jurisdiction over certain appeals of county court orders or judgments; and

WHEREAS, the effective date of these statutory changes is January 1, 2021; and

WHEREAS, the orderly transfer of cases requires coordination between the Sixteenth Judicial Circuit, the Monroe County Clerk of Court and the Third District Court of Appeal;

IT IS HEREBY ORDERED that:

1. Attachment A to this order is an amended list of county court appeals that are pending as of December 31, 2020, and that will be transferred to the Third District Court of Appeal.
2. The following provisions are effective January 1, 2021:
 - a. The appeals pending in the Sixteenth Judicial Circuit in and for Monroe County, Florida, on January 1, 2021, are hereby transferred to the Third District Court of Appeal.
 - b. This order shall be docketed in each appellate case that is to be transferred and shall be served on the attorneys and pro se parties in the case.
 - c. By no later than January 31, 2021, the Clerk shall transfer via the Florida Courts E-Filing Portal all documents on the docket of each appellate case to the Clerk of the Third District Court of Appeal in the manner requested by the District Court.

d. For each transferred case, the Clerk of the Circuit Court shall include the following:

- (i) an Appeal Transfer Form substantially mirroring the form included with this order as Attachment B;
- (ii) a progress docket report for the circuit court appeal; and
- (iii) the civil cover sheet from the underlying county court case, if available.

e. The Clerk shall list on the Appeal Transfer Form the underlying county court case number (Uniform Case Numbering (UCN) System court types CC, CT, MM, and SC), the circuit appeal case number (UCN court type AP), and any local case number assigned, in addition to the UCN numbers.

f. For transferred cases where the filing fee is owed, the Clerk shall promptly file a status report with the Third District Court of Appeal when the fee is satisfied by payment or indigency determination. In the event the fee has not been timely paid, the Clerk shall promptly notify the Third District Court of Appeal.

g. Any and all pending motions in each transferred case are hereby deferred to the transferee District Court.

3. Any future filings by a party to an appellate case shall be submitted electronically to the Third District Court of Appeal via the Florida Courts E-Filing Portal. Pro se submissions may be filed via the portal or by hard copy mailed to the Third District Court of Appeal, at 2001 SW 117th Ave, Miami, FL 33175.
4. If not already registered, attorneys in the transferred cases shall register with eDCA for the Third District Court of Appeal by following the procedures on the Third District Court of Appeal's website. Pro se parties are permitted, but not required, to register with eDCA to receive electronic access to case filings and electronic service of District Court acknowledgement letters, orders, opinions, and mandates.

DONE AND ORDERED in Chambers at Key West, Monroe County, Florida this 4th of January, 2021.



Mark H. Jones
Chief Judge

ATTACHMENT A

County Court Appeals Pending as of December 31, 2020
to be transferred to the Third District Court of Appeal

- | | |
|--|------------------|
| 1. Zieminski, Zachary v. State of Florida | 19-AP-000002-A-M |
| 2. Hernandez, Humberto v. State of Florida | 19-AP-000015-A-P |
| 3. Catamaran B.Y. Inc v. Giordano | 20-AP-0000010-P |
| 4. Nelson, James v. State of Florida | 20-AP-000015-K |
| 5. Betancur v. Piacibello, et al | 20-AP-00040-K |

ATTACHMENT B

APPEAL TRANSFER FORM

Appellant(s)

County

v.

Appellee(s)

L.T. Case No.: _____

UCN No.: _____

Appeal Case No.: _____

UCN No.: _____

____ Progress docket for appellate case included.

____ Civil cover sheet for county court case included.

____ An appellate filing fee appears to be required

____ and has been paid.

____ but has not been paid.

____ Appellant has been determined to be indigent.

____ There is no filing fee in this type of proceeding (e.g., postconviction, habeas corpus).

____ Pending motions transferred with appeal.

Further comments that might be of value to the district court in determining case classification and jurisdiction are:

Deputy Clerk (Only initials needed)