

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

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

ADMINISTRATIVE ORDER NO. 8.007

IN RE:

APPEALS TO THE CIRCUIT COURT

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20-61, section 3, Laws of Florida, amended section 26.012(1), Florida Statutes, and in chapter 20-61, section 8, repealed section 924.08, Florida Statutes, to remove circuit jurisdiction over certain appeals of county court orders or judgments effective January 1, 2021; and

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

WHEREAS there is a need to set forth a procedure that ensures the timely disposition of appeals where the circuit court retains jurisdiction;

IT IS HEREBY ORDERED:

1. JURISDICTION

a. District Court of Appeals

- i. Pursuant to chapter 20-61, Laws of Florida, the circuit court’s general statutory authority in § 26.012, Fla. Stat., to hear appeals from county court final orders and judgments was repealed as was its specific authority in § 924.08, Fla. Stat., to hear appeals from county court final judgments in misdemeanor cases.
- ii. Due to this legislation, the district courts of appeal will have jurisdiction to hear appeals of such final orders and judgments pursuant to Article V, § 4(b)(1), Fla. Const.; issue extraordinary writs in those appellate cases pursuant to Article V, § 4(b)(3), Fla. Const.; and review nonfinal orders in those cases as provided by rules of court.

b. Circuit Court

- i. **Appellate Jurisdiction.** The circuit courts will continue to have appellate jurisdiction for certain administrative decisions and certain decisions entered in noncriminal infraction and other cases when provided by general law, including, but not limited to

the following:

1. Local final administrative orders pursuant to § 26.012(1) and §162.11, Fla. Stat.
2. Voluntary binding arbitration decisions pursuant to § 44.104(10), Fla. Stat.
3. Certain ineligibility decisions by the supervisor of elections pursuant to § 98.0755, Fla. Stat.
4. Decisions by a value adjustment board pursuant to § 194.036, Fla. Stat.
5. Review of agency action on permits and licenses for public lands pursuant to § 253.763, Fla. Stat.
6. Presumption that certain prequalified contractors are qualified to perform certain public construction work and prequalification process and procedures established by a political subdivision pursuant to § 255.20(1)(a) and (b), Fla. Stat.
7. Red light cameras pursuant to § 316.0083(5)(f), Fla. Stat.
8. Civil traffic infractions pursuant to § 318.16 and § 318.33, Fla. Stats.
9. Noncriminal infractions relating to vessels pursuant to § 327.73(7), Fla. Stat.
10. Presumption that certain prequalified contractors are qualified to perform certain public construction work and prequalification process, procedures established by a political subdivision, selection procedures adopted by a political subdivision pursuant to § 336.41(5) and § 337.14(9), Fla. Stats.
11. Review of agency action on water permits and licenses pursuant to § 373.617, Fla. Stat.
12. Pollutant law infractions pursuant to § 376.065(5)(g), § 376.07(3)(f), § 376.071(2)(g), and § 376.16(10), Fla. Stats.
13. Fish and wildlife infractions pursuant to § 379.401(h), § 379.4015(1)(j), and § 379.412(2)(a)4, Fla. Stats.
14. Construction and electrical and alarm system contracting final administrative orders pursuant to § 489.127(5)(j) and § 489.531(4)(j), Fla. Stats.
15. Underground facility infractions pursuant to § 556.107(1)(h), Fla. Stat.
16. Retail tobacco products dealer permit infractions pursuant to § 569.005(6), Fla. Stat.
17. Refusals to file document by Department of State pursuant to § 607.0126 and § 617.0126, Fla. Stat.
18. Revocations of foreign corporation's authority by Department of State pursuant to § 617.1532(1), Fla. Stat.

19. Board decisions in New Motor Vehicle Arbitration Program pursuant to § 681.1095(10), Fla. Stat.
 20. Arbiter decisions in RV Mediation and Arbitration Program pursuant to § 681.1097(7), Fla. Stat.
 21. Dangerous dog classifications by animal control authority pursuant to § 767.12(4), Fla. Stat.
- ii. **Extraordinary Writs.** Circuit court review of various decisions, actions, inactions, or other circumstances is also afforded by numerous statutes addressing petitions for writs of certiorari, mandamus, prohibition, quo warranto, habeas corpus, and others. The type of court in which a petition for a writ is properly filed depends on the type of writ sought, issue at stake, and other matters. Circuit courts will retain jurisdiction to hear extraordinary writs, including, but not limited to the following:
1. A petition for a writ of certiorari pursuant to § 163.3215(4), Fla. Stat. for review of a decision by a local government relating to an application for a development order.
 2. A petition for a writ of certiorari pursuant to §§ 322.2615(13), 322.2616(14), 322.27(7), 322.31, and 322.64(13), Fla. Stat. for review of certain final orders and rulings by hearing officials relating to denials, cancellations, suspensions, or revocations of driver's licenses.
 3. A petition for a writ of mandamus pursuant to § 57.111(5), Fla. Stat. for enforcement of certain awards of attorney's fees and costs.

2. ASSIGNMENTS

- a. All new appeals and petitions filed in the Upper, Lower and Middle Keys Division, in cases where the Circuit court retains jurisdiction, shall be assigned to Judge Timothy Koenig.

3. PROCESSING CASES

- a. **Oral Argument.** When a party requests oral argument, and the appeal "matures", the assigned judge "screens" the case to determine whether the oral argument request should be granted. If the judge decides to grant oral argument, the judge's office shall notify the parties. If oral argument is not granted, the assigned judge's office shall send the parties notice that the request for oral argument has been denied.
- b. **Three-Judge Panels.** At his or her discretion, the circuit court appellate judge may request upon the court's own motion a three-judge panel to be assigned by the Chief Judge for the purpose of hearing oral argument in any case covered by this order. The assigned appellate judge may also request a three-judge panel as the result of a party's motion.
 - i. **Primary Judge.** The assigned appellate judge will be the primary judge for the panel. The primary judge shall be the

presiding judge of the panel. The primary judge shall:

1. Discharge the administrative duties of the panel, including scheduling monthly conferences and oral argument sessions.
 2. Send notice of oral argument sessions.
 3. Rule on all non-dispositive motions.
 4. Preside at all sessions.
 5. Assign the writing of opinions among the panel members when the presiding judge is in the majority. When the presiding judge is in the minority, this responsibility shall be discharged by the most senior judge in the majority.
 6. See that the majority opinion is prepared in each case.
- ii. **The Vote.** After oral argument, or in the event of no oral argument, the panel shall take a preliminary vote in conference. Cases shall be decided by majority vote. The panel member assigned to draft a written opinion shall circulate the proposed opinion together with a face sheet on which the remaining panel members shall indicate their concurrence or dissent. The face sheet together with the majority opinion and any concurring or dissenting opinions shall be filed with the Clerk for placement in the case file.
- c. **The Opinion.** The Court's opinion shall be typed, double spaced, and shall follow the format utilized by the district courts of appeal.
- d. **Recusal.** In any case where the judge finds it necessary in the interest of justice to recuse himself or herself, the judge shall enter an order and refer the matter to the Chief Judge. The judge recusing himself or herself shall immediately deliver any files, briefs, and/or other documents in his or her possession to the substitute judge.
- e. **Duties of the Parties.** To assist the Court in the prompt and orderly disposition of matters under review, compliance with the following is requested.
- i. **Motions.** Although Motions in some instances are appropriate under the rules, excessive and unnecessary motion practice is discouraged and may result in the imposition of sanctions. Any record material necessary for resolution of a motion should be attached thereto as an appendix. Compliance with the Florida Rules of Appellate Procedure is mandatory.
 - ii. **Extensions of time.** Attorneys are responsible for seeing the time schedule set out in the Appellate Rules is followed and that the record and briefs are filed on time. Requests for extension of time should be filed in compliance with the Florida Rules of Appellate Procedure.
 - iii. **Related Cases.** Parties should advise the Court, in writing, as soon as possible, of any other cases pending involving related

issues.

- f. **Duties of the Clerk of Court.** The Clerk's Office shall be charged with the following responsibilities:
- i. Receiving the original notice of appeal or petition and opening a new case upon proper filing of the fee.
 - ii. Placing a copy of the notice of appeal or petition in the file of the case being appealed (if applicable).
 - iii. Immediately forwarding the appeal or the petition with the file to the assigned judge where it will remain thereafter in the assigned judge's office until such time as the case is disposed of.
 - iv. Forwarding all documents filed in the case, after they have been clocked in and scanned, including court orders, to the assigned judge's office.
 - v. Issuing mandates in accordance with Florida Rules of Appellate Procedure.
 - vi. Preparing the record on appeal.
- g. **Return of Case File and Evidence to the Clerk.** If there are no undisposed of post-mandate motions filed, then thirty (30) days after the rendition of the mandate, the assigned judge's office shall transmit the appellate case file, together with all briefs, exhibits and evidence, back to the Clerk's Office. If the case file contains a post-mandate motion which has been disposed of by order of the court, then the assigned judge's office shall, on the 31st day following the rendition of the post-mandate motion, transmit the appellate case file, together with all briefs, exhibits and evidence, back to the lower tribunal clerk. Any appellate file containing a post-mandate motion which has not been disposed of by court order shall remain in the custody and control of the assigned judge's office until such time as a disposition occurs.

Upon execution of this Administrative Order, Administrative Orders 8.005/06-1, 8.005/14-1 and 8.005/14-2, *County Court Appeals and Related Procedures* are hereby rescinded in their entirety.

This Order shall take effect January 1, 2021.

DONE AND ORDERED at Key West, Monroe County, Florida, this 4th day of February, 2021, nunc pro tunc to January 1, 2021.



MARK H. JONES
CHIEF JUDGE