

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT
OF FLORIDA

ADMINISTRATIVE ORDER NO.:
21-12

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

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20-61, section 3, Laws of Florida, amended section 26.012(1), Florida Statutes, and in chapter 20-61, section 8, repealed section 924.08, Florida Statutes, to remove circuit court jurisdiction over certain appeals of county court orders or judgments; and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 Eighteenth Judicial Circuit, the Clerk of Court for Brevard County, the Clerk of Court for Seminole County, and the Fifth District Court of Appeal;

NOW THEREFORE, IT IS ORDERED that:

1. Attachment 1 to this order is a list of county court appeals, by county, that are pending as of November 30, 2020, and that will be affected by the jurisdictional change unless completed before January 1, 2021.
2. On January 4, 2021, an amended administrative order will issue to update attachment one by omitting cases that were disposed of prior to January 1, 2021, and by including cases that were filed after November 30, 2020, and not disposed of prior to January 1, 2021.
3. The following provisions are effective January 1, 2021:
 - a. The appeals pending in the Eighteenth Judicial Circuit in and for Brevard and Seminole Counties, Florida, on January 1, 2021, are hereby transferred to the District Court of Appeal for the Fifth District.
 - b. This order shall be docketed in each appellate case that is to be transferred and served on the attorneys and pro se parties in the case via E-Filing Portal and if not on the eService List, then by First Class U.S. Mail.

- c. No later than January 8, 2021, or as expediently thereafter as justice will follow, 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 Fifth 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 (i) an Appeal Transfer Form substantially mirroring the form included with this order as Attachment 2; (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 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 District Court of Appeal.
 - g. Any and all pending motions in each transferred case are hereby deferred to the transferee District Court.
4. Any future filings by a party to an appellate case shall be submitted electronically to the Fifth 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 District Court of Appeal, Fifth District, at 300 South Beach Street, Daytona Beach, Florida 32114.
5. If not already registered, attorneys in the transferred cases shall register with eDCA for the District Court of Appeal by following the procedures on the 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 this 5th day of January, 2021.

LISA DAVIDSON
LISA DAVIDSON
CHIEF JUDGE

Distribution:

All Circuit and County Judges (Brevard and Seminole Counties)
Court Administration (Brevard and Seminole Counties)
Clerk of Court (Brevard and Seminole Counties)
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Public Defender (Brevard and Seminole Counties)
Sheriff (Brevard and Seminole Counties)
Bar Association (Brevard and Seminole Counties)
Law Library (Brevard and Seminole Counties)
County Attorney (Brevard County)

ATTACHMENT 1

BREVARD COUNTY

1. Thomas Hohorst vs. Driftwood Villas Cocoa Beach Association Inc
 - a. Trial court case number: 05-2015-CC-052493-XXXX-XX
 - b. Appellate case number: 05-2020-AP-024130-XXXX-XX

2. Eric Obloy and Amanda Obly, et al. vs. Harrack Truck & Land Clearing, Inc.
 - a. Trial court case number:05-2017-CC-040460-XXXX-XX
 - b. Appellate case number: 05-2020-AP-025177-XXXX-XX

3. John D Stevens vs. Jackie Faunce
 - a. Trial court case number:05-2020-CC-029558-XXXX-XX
 - b. Appellate case number: 05-2020-AP-044711-XXXX-XX

4. Barry Allen vs. Country Club Apts Merritt Island LLC
 - a. Trial court case number:05-2020-CC-020300-XXXX-XX
 - b. Appellate case number: 05-2020-AP-049761-XXXX-XX

5. Michael David Barter vs. State
 - a. Trial court case number: 05-2019-CT-051111-AXXX-XX
 - b. Appellate case number: 05-2020-AP-020480-AXXX-XX

6. Jose Ramon Moreno vs. State
 - a. Trial court case number:05-2019-MM-055327-AXXX-XX
 - b. Appellate case number: 05-2020-AP-042651-AXXX-XX

7. Troy Raia vs. State
 - a. Trial court case number:05-2018-MM-047906-AXXX-XX
 - b. Appellate case number: 05-2020-AP-043010-AXXX-XX

8. Jeremy Scott Cayo vs. State
 - a. Trial court case number:05-2020-MM-011784-AXXX-XX
 - b. Appellate case number: 05-2020-AP-051415-AXXX-XX

9. Dustin Miller vs Intercostal Pool and Spa Builders, Inc.
 - a. Trial court case number: 05-2019-CC-058339-XXXX-XX
 - b. Appellate case number: 05-2020-AP-055341-XXXX-XX

10. Samuel Bradshaw v. State of Florida
 - a. Trial court case number:05-2020-CT-030934-AXXX-XX
 - b. Appellate case number: 05-2020-AP-050289-XXXX-XX

SEMINOLE COUNTY

1. Integrative Health of Orlando, LLC vs. State Farm
 - a. Trial court case number: 59-2016-SC-004701-XXXX-XX
 - b. Appellate case number: 59-2017-AP-000028-XXXX-XX

2. Lawrence vs. Lorne
 - a. Trial court case number: 59-2020-SC-001075-XXXX-XX
 - b. Appellate case number: 59-2020-AP-000021-XXXX-XX

3. Darlene Deanna Mahanke v. State (Writ of Prohibition)
 - a. Trial court case number: 59-2020-MM-001476-XXXX-XX
 - b. Appellate case number: 59-2020-AP-000015-XXXX-XX

4. Nancy Murphy McGowan v. State
 - a. Trial court case number: 59-2018-MM-007060-XXXX-XX
 - b. Appellate case number: 59-2019-AP-000055-XXXX-XX

5. State v. Jorge Luis Acosta Palmer
 - a. Trial court case number: 59-2019-MM-001908-XXXX-XX
 - b. Appellate case number: 59-2020-AP-000007-XXXX-XX

6. State v. Hannah-Marie Guthrie
 - a. Trial court case number: 59-2020-MM-001439-XXXX-XX
 - b. Appellate case number: 59-2020-AP-000019-XXXX-XX

7. State of Florida v. Jan Johnson
 - a. Trial court case number: 59-2020-MM-002225-XXXX-XX
 - b. Appellate case number: 59-2020-AP-000018-XXXX-XX

ATTACHMENT 2

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)

IN THE FIFTH DISTRICT COURT OF
APPEAL, STATE OF FLORIDA

CASE NO.: _____

L.T. NO.: _____

Appellant(s),

v.

Appellee(s).

APPEAL TRANSFER FORM

I, GRANT MALOY, as Clerk of the Circuit Court in and for Seminole County, Florida, do hereby certify that:

_____ The progress docket for the appellate case is included.

_____ The civil cover sheet for the county court case is included.

_____ An appellate filing fee appears to be required

_____ And has been paid

_____ Has not been paid.

_____ But Appellant(s) has/have been determined indigent.

_____ There is no filing fee for this type of proceeding.

_____ Pending motions are transferred with the appeal.

_____ Other: _____

GRANT MALOY
Clerk of the Circuit Court

Deputy Clerk

IN THE FIFTH DISTRICT COURT OF
APPEAL, STATE OF FLORIDA

CASE NO.: _____

L.T. NO.: _____

Appellant(s),

v.

Appellee(s).

APPEAL TRANSFER FORM

I, RACHEL M. SADOFF, as Clerk of the Circuit Court in and for Brevard County, Florida, do hereby certify that:

_____ The progress docket for the appellate case is included.

_____ The civil cover sheet for the county court case is included.

_____ An appellate filing fee appears to be required

_____ And has been paid

_____ Has not been paid.

_____ But Appellant(s) has/have been determined indigent.

_____ There is no filing fee for this type of proceeding.

_____ Pending motions are transferred with the appeal.

_____ Other: _____

RACHEL M. SADOFF

Clerk of the Circuit Court

Deputy Clerk