

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT

ADMINISTRATIVE ORDER NO:
18-15
SUPERSEDES 05-50

IN RE: **APPEALS TO CIRCUIT COURT**

It appears that the administrative processing of appeals through the use of regularly convened appellate panels has significantly shortened the time from filing to resolution of appeals in this circuit, while retaining the quality of judicial labor devoted to said appeals. Pursuant to Fla. R. Jud-Admin. 2.020(C), it is thereupon,

ORDERED that cases filed with the Clerk of the Circuit Court (hereinafter called Clerk), in Brevard and Seminole Counties pursuant to Fla. R. App. P. 9.030(c) shall be administratively processed as follows:

1. Administrative Judges for appeals (hereinafter called Administrative Judge) shall be appointed annually by the Chief Judge, in Brevard and Seminole Counties of the Eighteenth Judicial Circuit.
2. Appeals of matters encompassed within Fla. R. App. P. 9.030(c)(1)(A)(B)(C), shall be assigned an appropriate appellate (AP. or AC) case number by the Clerk.
3. **IN SEMINOLE COUNTY ONLY:** Criminal appeals from the County Court filed pursuant to Fla.R.App.P.9.030 (c)(1) (A) and (B) shall be assigned by the Administrative Judge to three (3) judge panels drawn from the panel in the Criminal Division of the Circuit Court and assigned an appellate case number by the clerk. The Administrative Judge shall assign a presiding judge of each panel. If a criminal division judge is unable to serve for any reason the Administrative Judge shall assign a juvenile division judge on a rotating basis.
4. **IN SEMINOLE COUNTY ONLY:** Civil appeals from the County Court filed pursuant to Fla.R.App.P. 9.030 (c)(1) (A) and (B) shall be assigned by the Administrative Judge to three (3) judge panels drawn from the panel in the Civil Division of the Circuit Court and assigned an appellate case number by the clerk. The Administrative Judge shall assign a presiding judge of each panel. If a civil division judge is unable to serve for any reason the Administrative Judge shall assign a juvenile division or criminal judge on a rotating basis.

5. **IN SEMINOLE COUNTY ONLY:** Appeals from administrative action pursuant to Fla.R.App.P. 9.030 (c)(1) (C) shall be assigned by the Administrative Judge to a judge in the same manner as other civil cases to the judges in the civil division of the Circuit Court and assigned an appellate case number by the clerk.
6. Petitions for Writs of Certiorari (both common law and statutory; Petitions for Mandamus, Prohibition, Quo Warranto and Habeas Corpus in civil cases, (Fla. R. App. P. 9.030(c) (2) (3) which are not combined with other requested forms of relief shall be assigned an appellate (AP or AC) case number by the Clerk and the file immediately forwarded to the Administrative Judge for review. If the Administrative Judge determines:
 - (a) That the Petition meets the requirements of Fla. R. App. P. 9.100(f), the Administrative Judge shall issue an Order to Show Cause pursuant to said rule.
 - (b) That the Petition does not meet the requirements of Fla. R. App. P. 9.100(f), the Administrative Judge may enter an order dismissing the Petition or may refer the matter to the next available Appellate Panel for decision on whether the order to Show Cause should be issued.
7. **IN BREVARD COUNTY ONLY:** Petitions for Writs of Certiorari combined in a complaint with other (additional or alternative) requested forms of relief (e.g., injunction, prohibition or mandamus) shall be assigned a regular civil (CA) case number by the Clerk and the file forwarded to the judge to whom the case is assigned, for review and for consideration of the entry of an Order to Show Cause pursuant to Fla. R. App. P. 9.100(f). Such case shall be handled in all other respects as a regular civil case. If, at any stage of the case, the assigned judge determines that Certiorari is the appropriate remedy, the assigned judge shall advise the Administrative Judge and the Clerk of this decision and the Administrative Judge shall then enter an Order to Show Cause, or, if not required, shall set the matter for oral argument before the next available appellate panel.
8. In addition to the above, the Administrative Judge shall have the following duties:
 - (a) **IN BREVARD COUNTY ONLY:** Prepare (preferably prior to the beginning of the year), for all civil and criminal appeals as well as original proceedings a schedule of monthly Appellate Panels composed of three (3) Circuit Judges, with one judge on each panel designated as Presiding Judge, and shall schedule oral arguments when appropriate pursuant to Fla. R. App. P. 9.320.
 - (b) **IN BREVARD COUNTY,** periodically review all appellate files and shall prepare orders setting oral arguments.
IN SEMINOLE COUNTY, the presiding judge shall schedule oral arguments when appropriate and notify the Administrative Judge who will then prepare orders setting oral arguments.
 - (c) Receive the decisions from the appellate panels and disseminate them to the trial judge or administrative agency, counsel, Clerk, unrepresented parties and the law libraries of Brevard and Seminole Counties.
 - (d) Insure that mandates are issued by the Clerk pursuant to Fla. R. App. P. 9.340 (See paragraph 7 below)

- (e) Enter orders concerning matters encompassed within the following Florida Appellate Rules, in order to facilitate expeditious handling of appeals:
 - (1) 9.040(b) (transfer to appropriate court of proceeding in inappropriate court).
 - (2) 9.040(d) (motions to amend).
 - (3) 9.200(e) (motions to enforce preparation and transmittal of record).
 - (4) 9.200(f) (motions to correct or supplement record).
 - (5) 9.300 (motions)
 - (6) 9.320 (motions relating to oral argument)
 - (7) 9.360 (motions relating to joinder and substitution of parties).
 - (8) 9.370 (motions relating to Amicus Curiae)
 - (9) 9.410 (dismissal of proceedings for violation of rules, upon the (10) days notice)
 - (10) 9.420 (motions relating to service)
 - (11) 9.440 (motions relating to admission or withdrawal of attorneys)
 - (12) any other motion filed prior to the assignment of an appellate panel.
- 9. The Presiding Judge of the Appellate Panel shall insure that decisions are rendered promptly.
- 10. Sixteen (16) days after the decision of the appellate panel has been filed, the Clerk shall advise the Administrative Judge in writing whether a motion for rehearing or clarification has been filed pursuant to Fla. R. App. P. 9.330.
 - (a) If no motion for rehearing or clarification has been timely filed, the clerk shall prepare the Mandate pursuant to Fla. R. App. P. 9.340.
 - (b) If a motion for rehearing or clarification has been timely filed, the Clerk shall forward a copy of same to the presiding judge of the appellate panel and a copy to the Administrative Judge. When the decision is filed on the motion for rehearing or clarification, the Clerk shall prepare the Mandate.

DONE AND ORDERED this 17th day of April 2018.

JOHN M. HARRIS
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CHIEF JUDGE

Distribution:

All Circuit and County Court Judges (Brevard and Seminole Counties)
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