

**IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
IN AND FOR INDIAN RIVER, MARTIN, OKEECHOBEE, AND ST. LUCIE COUNTIES,
STATE OF FLORIDA**

ADMINISTRATIVE ORDER 2020-18

**IN RE: 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20-61, section 3, Laws of Florida, amended section 26.012(1), Florida Statutes, and in chapter 20-61, section 8, repealed section 924.08, Florida Statutes, to remove circuit court jurisdiction over certain appeals of county court orders or judgments; and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 Nineteenth Judicial Circuit, the Clerks of Court for Indian River, Martin, Okeechobee, and St. Lucie Counties (“Clerks”), and the Fourth District Court of Appeal;

NOW THEREFORE, IT IS ORDERED that:

1. Attachment one 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 Nineteenth Judicial Circuit in and for Indian River, Martin, Okeechobee, and St. Lucie Counties, Florida, on January 1, 2021, are hereby transferred to the District Court of Appeal for the Fourth 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 the Florida Courts E-Filing Portal or the United States mail service, as applicable.

- c. By no later than January 11, 2021, the Clerks shall transfer via the Florida Courts E-Filing Portal all documents on the docket of each appellate case to the Clerk of the District Court of Appeal in the manner requested by the District Court.
- d. For each transferred case, the Clerks shall include (i) an Appeal Transfer Form substantially mirroring the form included with this order as attachment two; (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 Clerks 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 Clerks 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 Clerks 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 Fourth 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, Fourth District, at 110 South Tamarind Avenue, West Palm Beach, Florida 33401.
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 in Stuart, Florida this 8th of December, 2020.



Chief Judge Lawrence Mirman

cc: Attachment one [list of cases]
Attachment two [appeal transfer form]

ATTACHMENT ONE

County court appeals subject to transfer that are pending as of November 30, 2020.

- Indian River County
 - 2020-AP-5 Lynn Larkin v. Jay Grutman
 - 2020-AP-8 DMM Motors, LLC v. Michael Derosa d/b/a MD Auto & Tire
- Martin County
 - 2019-AP-15 Specialty Health Associates, LLC v. Geico Indemnity
 - 2019-AP16 Ajay Goyal MD PA a/a/o Gregory Bowen v. GEICO
 - 2020-AP-3 Micah Langkamp v. State of Florida
 - 2020-AP-4 Specialty Health Associates LLC v. Geico Indemnity
 - 2020-AP-5 Joanne Raiano-Kennedy v. Meadows at Martin Downs HOA
 - 2020-AP-7 Mary Jane Von Melker v. St. Lucie Settlement, Inc.
 - 2020-AP-9 State of Florida v. Kimberly Foster
 - 2020-AP-12 William Walton Jr. v. State of Florida
 - 2020-AP-13 Evan McCullough v. State of Florida
 - 2020-AP-14 Peter Murray v. State of Florida
- Okeechobee County
 - None
- St. Lucie County
 - 2017-AP-30 Thomas Lesko v. State of Florida
 - 2018-AP-10 Restoration 1 of the Treasure Coast v. State Farm
 - 2018-AP-33 S. Florida Injury Centers, Inc. v. State Farm Mutual Auto.
 - 2018-AP-34 Thomas Lesko v. State of Florida
 - 2019-AP-30 Tom Lesko v. George Santulli and Carlo Patti
 - 2019-AP-36 David Shaw DC PA v. Geico Indemnity
 - 2019-AP-40 Calinda Gibson & Patrick Myetich v. Kelly & Joseph Arciprete
 - 2020-AP-6 Johnny White v. State of Florida
 - 2020-AP-7 Thomas Cardin v. State of Florida
 - 2020-AP-13 Bodelet Joseph v. The Leisure Days, LLC
 - 2020-AP-16 Daniel Kowallek v. City of Port St. Lucie
 - 2020-AP-18 Shawn Rheal v. State of Florida
 - 2020-AP-2 Diamond Catten v. State of Florida
 - 2020-AP-22 All Ins. Restoration Services, Inc. v. American Integrity Ins.
 - 2020-AP-23 Zachary Crandall v. State of Florida
 - 2020-AP-25 Thomas Cardin v. State of Florida
 - 2020-AP-27 Richard Caldwell v. State of Florida
 - 2020-AP-28 A Great Fence, LLC v. Judy White

ATTACHMENT TWO

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)