

**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT,
IN AND FOR THE STATE OF FLORIDA**

ADMINISTRATIVE ORDER A-2020-53-A

**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20-61, section 3, Laws of Florida, amended section 26.012(1), Florida Statutes, and in chapter 20-61, section 8, repealed section 924.08, Florida Statutes, to remove circuit court jurisdiction over certain appeals of county court orders or judgments; and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 Fifth Judicial Circuit, the Clerk[s] of Court for Citrus, Hernando, Lake, Marion, and Sumter Counties, and the Fifth District Court of Appeal;

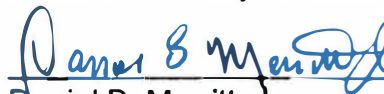
NOW THEREFORE, IT IS ORDERED that:

1. Attachment one to this order is a list of county court appeals, by county, that are pending as of January 1, 2021, and which will be affected by the jurisdictional change.
2. The following provisions are effective January 1, 2021:
 - a. The appeals pending in the Fifth Judicial Circuit of 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 Florida Courts E-Filing Portal or by U.S. Mail when necessary for pro se parties.
 - c. By no later than February 5, 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 District Court of Appeal in the manner requested by the District Court.

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- 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 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 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.
3. 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 S. Beach St, Daytona Beach, FL 32114.
4. 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 Brooksville, Florida this 5th day of January 2021.



Daniel B. Merritt, Jr.

Chief Judge

cc:

Attachment one [list of cases]

Attachment two [appeal transfer form]

ATTACHMENT ONE

Rudge vs. State 20-AP-2	Citrus
Hartman Sr. vs. Plaza Chrysler Dodge Jeep Ram 20-AP-8	Citrus
Young vs. Winslow & Mora 20-AP-10	Citrus
Riggs vs. State 20-AP-10	Citrus
Bonney vs. State 20-AP-14	Citrus
Schrager vs State 20-AP-10	Hernando
Lee vs. State 20-AP-6	Lake
Moreno vs. State 20-AP-13	Marion
Gainesville Road Community Trust vs. Austin 20-AP-15	Marion
Fincher vs. Fincher 20-AP-16	Marion
Wilson vs. Tate 20-AP-556	Sumter

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)