

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

ADMINISTRATIVE ORDER A-2017-38-A

**AMENDED ADMINISTRATIVE ORDER ESTABLISHING PROCEDURES FOR REVIEW
OF PARENTING COORDINATOR DISCIPLINARY REVIEW BOARD
(Amended only to update Chief Judge and General Counsel information)**

WHEREAS Florida Supreme Court Administrative Order number AOSC17-18, requires the Chief Judge of each Circuit to establish policies for review of those parenting coordinators who have been found to have committed a violation of the rules or otherwise sanctioned by a hearing panel; it is therefore

ORDERED:

The following procedures shall apply to all parenting coordinators seeking review of the disciplinary board decision:

I. (a) **Right of Review.** Any parenting coordinator found to have committed a violation of the rules or otherwise sanctioned by a hearing panel shall have a right of review of that action. Review of this type shall be by the chief judge of the circuit which qualified the parenting coordinator in the case which gave rise to the underlying action.

(b) **Rules of Procedure.** The Florida Rules of Appellate Procedure shall control to the extent applicable or as modified by procedures for qualification and appeals of discipline of parenting coordinators as adopted herein.

(c) **Notice of Review.** The jurisdiction to seek review of disciplinary action shall be invoked by submitting an original and a copy of a Notice of Review of Parenting Coordinator Disciplinary Action to the Chief Judge and the General Counsel of the Circuit within 30 days of the panel's written decision. A copy shall also be provided to the Dispute Resolution Center. A copy of the panel decision shall be attached to the notice.

The Notice of Review shall be sent to:

The Honorable Daniel B. Merritt, Jr. Chief Judge, Fifth Judicial Circuit	Roy L. Wolgamuth, Esq. General Counsel
Hernando County Court House 20 N. Main St. Brooksville, FL 34601	Lake County Courthouse 550 West Main St. Tavares, FL 32778

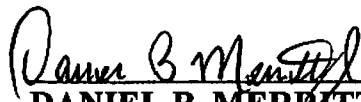
II. Standard of Review.

- (a) The Chief Judge and General Counsel shall review the findings and conclusions of the panel using a competent substantial evidence standard, neither reweighing the evidence in the record nor substituting the reviewer's judgment for that of the panel.

III. Procedures.

- (a) Upon receiving a copy of the Notice of Review, the General Counsel shall mail to the Appellant and the Dispute Resolution Center a copy of the Appellate Notice attached hereto as Exhibit A, and maintain a hard or electronic copy.
- (b) It will be the responsibility of the Appellant to provide a complete appellate record to support the appellate review.
- (c) The Dispute Resolution Center may, but is not required, to file a responsive answer brief to appellant's initial brief. No reply briefs will be permitted.
- (d) If, after eighty (80) days has passed from the date of mailing the Appellate Notice, there has been no action or Motion for Continuance filed in the appeal, the General Counsel shall, without notice to the parties, submit to the Chief Judge an Order of Dismissal with Prejudice.
- (e) The Chief Judge shall set the matter for a review date upon the expiration of the time period permitted for filing a responsive brief.
- (f) Oral arguments will not be permitted.
- (g) The Chief Judge shall issue a final written order within 30 days from the date of the review date.
- (h) Decisions of the Chief Judge shall be final.

DONE AND ORDERED in Chambers, in Brooksville, Hernando County, Florida,
this 14th day of February 2022.



DANIEL B. MERRITT, JR.
CHIEF JUDGE
FIFTH JUDICIAL CIRCUIT

**ORDER ON NOTICE OF APPEAL OF DECISION OF
PARENTING COORDINATOR DISCIPLINARY REVIEW BOARD
AND
APPELLATE PROCEDURE**

CASE NO.: 201X-XXX

In Re: the Disciplinary Action of _____,
Parenting Coordinator

XXXXXXXX, Parenting Coordinator
XXXXXXXXXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXX FL 3XXXX

A NOTICE OF APPEAL has been filed in the above-styled matter. Be advised that the Florida Rules of Appellate Procedure will apply to all appeals or reviews of the decisions of the Parenting Coordinator Disciplinary Review Board, except as follows:

1. The appellant's initial brief is due seventy (70) days from the date of this order rather than from the filing of the notice of appeal.
2. Time computation is commenced with the date of this order rather than from the date of the notice of appeal.
3. Fla. R. App. P. 9.420(e) is inapplicable.
4. All other time limitations of the rules remain.

This Order shall constitute proper notice advising that any Appellant who does not file a **timely** appellate brief will have his or her appeal stricken *without hearing*. A brief is considered timely when it is *filed* on or before the date as provided below. Because all briefs are due by a date certain, Fla. R. App. P. 9.420(e) is inapplicable and there will be no extension provided for mailing.

Oral Argument will not be permitted.

IT IS SO ORDERED this ___ day of _____ 201____.

Daniel B. Merritt, Jr.
Chief Judge
Fifth Judicial Circuit

Initial Brief Due: XXXX XX, 202X

Answer Brief Due: XXXXX XX, 202X

Exhibit A