

Supreme Court of Florida

No. AOSC19-3

IN RE: WORKGROUP ON APPELLATE REVIEW OF COUNTY COURT
 DECISIONS

ADMINISTRATIVE ORDER

The Florida Bar's Appellate Court Rules Committee (Committee) filed a proposal to amend rule 9.030(c) (Jurisdiction of Courts; Jurisdiction of Circuit Courts) to add a new subdivision requiring that matters within the circuit court's jurisdiction under rule 9.030 be considered by a panel of three judges, with the concurrence of two judges necessary to a decision. The Committee's proposal followed research indicating that appeals to the circuit court are handled differently across the state.

The chief judges of the circuit courts have expressed concern that a rule requiring three-judge panels to hear all appeals from the county court level would make the timely disposition of appeals more challenging and would be particularly burdensome on smaller or less populous circuits with fewer judges.

Moreover, the Work Group on County Court Jurisdiction of the Judicial Management Council submitted to the Court its Final Report and

Recommendations dated November 30, 2018, which included a discussion of issues relating to the appellate review of county court decisions.

In In re: Amendments to the Florida Rules of Appellate Procedure-2017 Regular-Cycle Report, No. SC17-152, Fla. Oct. 25, 2018, the Supreme Court of Florida determined further study is needed on whether circuit courts should be uniformly required to hear appeals from the county court in panels and whether other changes in the process for review of county court decisions would be desirable.

Accordingly, the Workgroup on Appellate Review of County Court Decisions (hereinafter “Workgroup”) is hereby established within the Judicial Management Council. The Workgroup shall:

1. Study whether the circuit courts should be uniformly required to hear appeals in panels and propose appropriate amendments to the Rules of Judicial Administration or the Rules of Appellate Procedure if the Workgroup determines that such amendments are necessary.
2. Review the following recommendation made by the Judicial Management Council’s Work Group on County Court Jurisdiction, and propose appropriate amendments to law or rule if the Workgroup determines that such amendments are necessary:

2.3 The Work Group recommends that any modification to the [county court] jurisdictional

amount include a provision allowing intra- and inter-circuit conflicts in circuit court appellate decisions within the same district to be certified to the district court of appeal for that district.

3. Consider whether other changes to the process for appellate review of county court decisions would improve the administration of justice. If so, the Workgroup may propose any revisions in the law and rules necessary to implement such recommended changes.

The Workgroup shall complete its findings and recommendations no later than October 15, 2019. Consistent with its procedures, the Council will submit the Workgroup's report, along with the Council's comments and recommendations, to the chief justice through the state courts administrator.

The following persons are appointed to serve on the Workgroup for a term that expires on October 15, 2019:

Ms. Courtney Brewer
Attorney, Tallahassee
Chair, Appellate Court Rules Committee

The Honorable Angela Cowden
Circuit Court Judge, Tenth Judicial Circuit
Chair, Florida Conference of Circuit Court Judges

The Honorable David Denkin
County Court Judge, Sarasota County
President, Florida Conference of County Court Judges

The Honorable Ronald N. Ficarrota
Chief Judge, Thirteenth Judicial Circuit

The Honorable Renatha S. Francis
Circuit Court Judge, Eleventh Judicial Circuit

The Honorable Jonathan Gerber
Chief Judge, Fourth District Court of Appeal
President, Florida Conference of District Court of Appeal Judges
Member, Judicial Management Council

Ms. Marynelle Hardee
Attorney, Gainesville
Vice Chair, Rules of Judicial Administration Committee

The Honorable Mark H. Jones
Chief Judge, Sixteenth Judicial Circuit

The Honorable Robert Lee
County Court Judge, Broward County
Member, Judicial Management Council

The Honorable Robert Morris
Appellate Judge, Second District Court of Appeal
Member, Judicial Management Council

The Honorable Robert Morris shall serve as chair to the Workgroup. Staff support shall be provided by the Office of the State Courts Administrator.

The Workgroup must be cognizant of the limitations on the resources available to support its efforts as it develops a work plan that will accomplish the important tasks assigned in this administrative order. With regard to meetings, the Workgroup should strive to utilize the most economical means appropriate to the type of work being accomplished.

DONE AND ORDERED at Tallahassee, Florida, on January 4, 2019.

Char. T. Canady
AOSC19-3 1/4/2019

Chief Justice Charles T. Canady
AOSC19-3 1/4/2019

ATTEST:

[Signature]
AOSC19-3 1/4/2019

John A. Tomasino, Clerk of Court
AOSC19-3 1/4/2019

