

IN THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR THE STATE OF FLORIDA

**IN RE: TRANSFER OF PENDING APPEALS
FROM THE CIRCUIT COURT TO
THE DISTRICT COURT OF APPEAL**

**ADMINISTRATIVE
ORDER
NO. 9.4**

/ - SECOND AMENDED-

WHEREAS, Article V, section 5(b), of the 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20-61, section 3, Laws of Florida (2020), amended section 26.012(1), Florida Statutes, and in chapter 20-61, section 8, repealed section 924.08, Florida Statutes, to remove circuit court jurisdiction over certain appeals of county court orders or judgments; and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 Circuit Court of the Twentieth Judicial Circuit, the Clerks of Court for Lee, Collier, Charlotte, Hendry, and Glades, and the Second District Court of Appeal; and

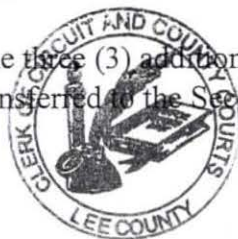
WHEREAS, Administrative Order No. 9.4 was originally issued December 4, 2020, with a list of appeals to be tentatively transferred, with the expectation and express intent that the administrative order be amended after December 31, 2020, so as to include an updated and final list of appeals to be transferred to account for pending appeals resolved or new appeals filed subsequent to December 4, 2020; and

WHEREAS, Administrative Order No. 9.4 was first amended and updated on January 4, 2021, but it has since been determined that three (3) additional appellate matters not previously included in the list of appeals, or in which a post-Mandate motion has been recently filed, are to be transferred to the Second District Court of Appeal;

NOW THEREFORE, IT IS ORDERED that:

1. Attachment One to this order is a list of the three (3) additional appellate cases affected by the jurisdictional change that have not already been transferred to the Second District Court of Appeal.
2. The list of appeals, included as Attachment One, omits cases that have already been transferred from the Twentieth Judicial Circuit to the Second District Court of Appeal by the original and first amended versions of this Administrative Order.
3. The following provisions are effective January 1, 2021:

I hereby certify this document to be a true and correct copy of the record on file in my office.
Linda Doggett, Clerk Circuit
County Court, Lee County, FL
Dated: 3-24-21
By: [Signature] Deputy Clerk



FILED

MAR 24 2021

**LEE CO. FLORIDA
CLERK OF COURTS
BY: [Signature] D.C.**

The three (3) additional appeals pending in the Twentieth Judicial Circuit are hereby transferred to the Second District Court of Appeal.

b. This Administrative Order shall be docketed in each of the three (3) appellate cases that are to be transferred and served on the attorneys and pro se parties in the cases by each respective Clerk via electronic mail or U.S. Mail, at the discretion of the Clerk and as may be appropriate.

c. By no later than April 15, 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.

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.

4. Any future filings by a party to an appellate case shall be submitted electronically to the Second 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, Second District, at P.O. Box 327, Lakeland, Florida 33802.
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 Fort Myers, Florida, this 24th day of March, 2021.

I certify this document to be a true and correct copy of the record on file in my office, Linda Doggett, Clerk Circuit/County Court, Lee County, FL
Dated: 3-24-21



Michael T. McHugh
Chief Judge

By [Signature] History - Administrative Order 9.4 (December 4, 2020); Administrative Order 9.4 (January 4, 2021).
Deputy Clerk

Attachment One [list of cases]
Attachment Two [appeal transfer form]

ATTACHMENT ONE – Second Updated (March 2021)

**Twentieth Judicial Circuit
Additional Active Appeals from County-to-Circuit Court Subject to Transfer
To Second District Court of Appeal Due to Loss of Jurisdiction**

Lee County Appeals

Case No. 20AP10

David Watrous vs State of Florida

Case No. 20AP17

Dylan Zaccagnini vs State of Florida

Collier County Appeals

Case No. 20AP07

Herman Williams vs State of Florida

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)