

IN THE CIRCUIT COURT OF THE
NINETEENTH JUDICIAL CIRCUIT
IN AND FOR INDIAN RIVER, MARTIN,
OKFEECHOBEE AND ST. LUCIE COUNTIES.

IN RE: APPEALS TO CIRCUIT COURT

ADMINISTRATIVE ORDER NO. 91-2

WHEREAS, it appears that the administrative processing of appeals through the use of regularly convened appellate panels will significantly improve the quality of Opinions. Now, therefore, this order is adopted to delineate the duties in connection with appeals and to adopt the procedure for such appeals, it is therefore,

ORDERED that cases filed with the Clerks of the Circuit Court (hereinafter called Clerks) in this circuit, pursuant to Fla. R. App. P. 9.030(c) shall be administratively processed as follows:

1. An Administrative Judge for Appeals (hereinafter called Administrative Judge) for this circuit shall be appointed annually by the Chief Judge.

2. Appeals of matters encompassed within Fla. R. App. P. 9.030(c)(1)(2)(3), shall be assigned an appropriate appellate case number by the Clerks.

3. Petitions for Writs of Certiorari and Common Law Certiorari (Fla. R. App. P. 9.030(c)(2)(3), which are not combined with other requested forms of relief shall be assigned an appellate case number by the Clerks and the file immediately forwarded to the Administrative Judge for review. If the Administrative Judge determines:

a. That the Petition meets the requirements of Fla. R. App. P. 9.100(f), he shall issue an Order to Show Cause pursuant to said rule.

b. That the Petition does not meet the requirements of Fla. R. App. P. 9.100(f), he may enter an order denying the Petition or he may refer the matter to the next available Appellate Panel for decision on whether the Order to Show Cause should be issued.

4. Petitions for Writs of Certiorari combined in a complaint with other (additional or alternative) requested forms of relief (e.g., injunction, prohibition or mandamus) shall be assigned a regular civil (CA) case number by the Clerks and the file forwarded to the judge to whom the case is assigned, for review and for consideration of the entry of an Order to Show Cause pursuant to Fla. R. App. P. 9.100(f). Such case shall be handled in all other respects as a regular civil case. If, at any stage of the case, the assigned judge determines that Certiorari is the appropriate remedy, he shall advise the Administrative Judge and the Clerk of this decision and the Administrative Judge shall then enter an Order to Show Cause, or, if not required, shall set the matter of oral argument before the next available appellate panel. Writs of Mandamus, Prohibition, Quo Warranto, Habeas Corpus and all other writs except certiorari, shall be assigned a regular civil case number (CA) by the Clerks and the file forwarded to the judge to whom the case is assigned, for review and

handled in all other respects as regular civil case by the assigned judge.

5. The Administrative Judge shall have the following duties:

a. He shall prepare (preferably prior to the beginning of the year), a schedule of six-month Appellate Panels composed of four (4) circuit judges, one from each county, with one judge on each panel designated as Presiding Judge. Each panel shall serve for six months.

b. Periodically review all appellate files and prepare orders setting oral arguments.

c. The Administrative Judge may enter orders concerning matters encompassed with the following Appellate Rules, in order to facilitate expeditious handling of appeals:

- (1) 9.040(b) (transfer of appropriate court of proceeding commenced in inappropriate court).
- (2) 9.040(d) (Motions to Amend).
- (3) 9.200(e) (Motions to Enforce Preparation and Transmittal of Record).
- (4) 9.200(f) (Motions to Correct or Supplement Record).
- (5) 9.300 (Motions for Extension of time).
- (6) 9.320 (Motions Relating to Oral Arguments).
- (7) 9.360 (Motions Relating to Joinder and Substitution of Counsel).
- (8) 9.370 (Motions Relating to Amicus Curiae).
- (9) 9.410 (Dismissal of Proceedings for Violation of Rules, upon 10 days notice).
- (10) 9.420 (Motions Relating to Service).
- (11) 9.440 (Motions Relating to Admission or Withdrawal of Attorneys).

6. The Presiding Judge shall have following duties:

a. The Presiding Judge of each Appellate Panel shall send copies of all Opinions to the trial judge, counsel, clerks, unrepresented parties and each of the four law libraries.

b. The Presiding Judge shall be responsible to ascertain that mandates are issued by the Clerks pursuant to Florida Rules of Appellate Procedure 9.340.

c. The Presiding Judge shall assure that Opinions are rendered promptly.

7. The Clerks in each county, sixteen (16) days after the Opinion of the Appellate Panel has been filed, shall advise the Presiding Judge of the panel in writing whether a Motion for Rehearing or Clarification has been filed pursuant to Fla. R. App. P. 9.330.

a. If no Motion for Rehearing or Clarification has been timely filed, the Clerks shall prepare and file the Mandate with copies to the presiding judge, the attorneys of record, and unrepresented parties pursuant to Fla. R. App. P. 9.340.

b. If a Motion for Rehearing or Clarification has been filed, the Clerks shall forward copies to the Presiding Judge of the Appellate Panel and to the Administrative Judge. When the ruling is filed on the Motion for Rehearing or Clarification, the Clerks shall prepare and file the Mandate with copies to the Presiding Judge, the attorneys of record, unrepresented parties and the Administrative Judge.

c. The Clerks shall promptly send a copy of all Requests for Oral Argument to the Administrative Judge.

d. The Clerks shall promptly send copies of all briefs to the judges on the Appellate Panel. Copies of all motions, other than Motions for Rehearing and Clarification shall promptly be sent to the Administrative Judge by the Clerks.

This Order shall be effective immediately except in those cases in which oral arguments have been held.

25th DONE AND ORDERED in quadruplicate at Okeechobee, Florida this day of ~~February~~ *March*, 1991.

William L. Hendry
WILLIAM L. HENDRY, CHIEF JUDGE

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FILED AND RECORDED
STATE COURT CLERK
TAMPA, FLORIDA