

**IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT  
IN AND FOR HARDEE, HIGHLANDS, AND POLK COUNTIES, FLORIDA**

**ADMINISTRATIVE ORDER 7-17.2<sup>1</sup>**

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20-61, section 3, Laws of Florida, amended section 26.012(1), Florida Statutes, and in chapter 20-61, section 8, repealed section 924.08, Florida Statutes, to remove circuit court jurisdiction over certain appeals of county court orders or judgments; and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

WHEREAS, on December 10, 2020, the Court entered Administrative Order No. 7-17.0, *In Re: Transfer of Pending Appeals from the Circuit Court to the District Court of Appeal*, which identified county court appeals pending as of November 30, 2020, that would be affected by the jurisdictional change;

NOW THEREFORE, IT IS ORDERED that:

1. Attachment One to this order is a list of county court appeals, by county, that are affected by the jurisdictional change that went into effect on January 1, 2021, and that were not disposed of by the Court prior to January 1, 2021.
2. The following provisions became effective January 1, 2021:
  - a. The appeals pending in the Tenth Judicial Circuit in and for Hardee, Highlands, and Polk Counties, Florida, on January 1, 2021, are hereby transferred to the District Court of Appeal for the Second 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 by e-mail if there is a designation of primary e-mail address in the circuit appeal case file or by mail.
  - c. By no later than January 29, 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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<sup>1</sup> Corrects the date listed in Section 2.c. from January 29, 2020, to January 29, 2021.

- 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 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.
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.
5. Administrative Order No. 1-17.1, entered on January 4, 2021, is vacated and superseded by this Order.

DONE AND ORDERED in Bartow, Florida, this 7th of January, 2021.

s/Ellen S. Masters, Chief Judge

Attachment one [list of cases]  
Attachment two [appeal transfer form]

cc:  
Clerk of the Second District Court of Appeal  
Hardee County Clerk of Court  
Highlands County Clerk of Court  
Polk County Clerk of Court  
Electronic Bar Mailing

**ATTACHMENT ONE**

**LIST OF COUNTY COURT APPEALS SUBJECT TO TRANSFER**

The below tables list the county court appeals subject to transfer that were pending as of January 4, 2021.

**Polk County Criminal Appeals Pending as of January 4, 2021:**

<b>Internal Case Number</b>	<b>Lower Tribunal Case Number(s)</b>	<b>Appellant Name</b>
WW-4	53-2019MM-003685-A000-BA	William Keys
WW-9	53-2019CT-008687-A000-BA 53-2019MM-009402-A000-BA 53-2020CT-002457-A000-LD 53-2020CT-002458-A000-LD 53-2020CT-005245-A000-LD 53-2020CT-005249-A000-LD 53-2020MM-005428-A000-LD 53-2020MM-005695-A000-LD	Corey Leonard Green
WW-11	53-2019CT-003826-A000-BA 53-2020CT-001151-A000-BA	Robert Lee Wade
WW-12	53-2020MM-006429-A000-BA	Jamie Naughtright

**Polk County Civil Appeals Pending as of January 4, 2021:**

<b>Appellate Case Number</b>	<b>Lower Tribunal Case Number(s)</b>	<b>Appellant Name</b>
53-2020AP-000003-0000-00	53-2017CC-005093-0000-00	True Builders, Inc. through assignment from Robert Nalley
53-2020AP-000006-0000-00	53-2019SC-002822-0000-LK	The Kidwell Group LLC, d/b/a Air Quality Assessors of Florida a/a/o Lucy Collier
53-2020AP-000010-0000-00	53-2020SC-004896-0000-00	Sherrie Brown
53-2020AP-000012-0000-00	53-2020SC-002677-0000-00	Island Club Resort Homeowners Association
53-2020AP-000013-0000-00	53-2020SC-002712-0000-LK	Shah Narendra

**Highlands County Civil Appeals Pending as of January 4, 2021:**

<b>Appellate Case Number</b>	<b>Lower Tribunal Case Number(s)</b>	<b>Appellant Name</b>
28-2020-AP-000025-APAM	28-2019-CC-000410-CCAM	James Dean
28-2020-AP-000030-APAM	28-2019-CC-000544-CCAM	Michael R. Hernicz

**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)