

**THE ELEVENTH JUDICIAL CIRCUIT
MIAMI-DADE COUNTY, FLORIDA**

**CASE NO. 19-1
(Court Administration)**

**ADMINISTRATIVE ORDER
NO. 19-09
(Rescinding AO Nos. 99-9, 00-25, 09-49, and 11-11)**

**IN RE: ESTABLISHING FILING AND
OTHER PROCEDURES IN THE
CIRCUIT APPELLATE DIVISION**

WHEREAS, Local Rule R-3-1 created the Appellate Division of the Eleventh Judicial Circuit of Florida (Appellate Division) and therein prescribed that three-judge panels hear appeals from County Court appellate cases and Petitions for writ of certiorari which seek review of any public body, city, or county commission or council, administrative board or agency, or the County Court; and

WHEREAS, pursuant to Administrative Order No. 82-22, certain writs (i.e., prohibition, mandamus and habeas corpus) are not to be heard by the Appellate Division; rather such writs should be filed as an original action in the respective Circuit Court Division corresponding to the respective County Court Division; and

WHEREAS, since its creation, the Court has continued to study and consider the nature and volume of the appellate cases filed in the Appellate Division.

WHEREAS, in an effort to promote uniformity of appellate decisions and to avoid intra-Circuit conflict if possible, and in order to enhance judicial efficiency, it has been determined that certain changes appear necessary to promote the efficient handling of this caseload; and

WHEREAS, specifically, this Circuit will implement significant changes by establishing an exclusive three judge panel, including an Administrative Judge and two Associate Administrative Judges, assigned to hear and determine all cases filed in the Appellate Circuit Division, except as otherwise defined by Administrative Order No. 82-22; and

WHEREAS, the assignment of cases to each of three sections allows for cases to be managed from their inception by a single assigned primary judge;

WHEREAS, accordingly, the previously established procedures for the assignment of appellate cases must be modified;

NOW, THEREFORE, pursuant to the authority vested in me as Chief Judge of the Eleventh Judicial Circuit of Florida by Rule 2.215, Florida Rules of Judicial Administration, it is hereby **ORDERED** as follows:

1. Establishment of Three Appellate Sections.

- a. By October 1, 2019, the Court Information Technology Services Department (CITeS) is hereby authorized and directed to establish three (3) sections of the Circuit Appellate Division, (Sections AP 01, AP 02, and AP 03.)
- b. New appellate cases filed on or after October 1, 2019 shall be distributed by the Clerk of Courts (Clerk) amongst the three Appellate Sections by utilizing the current blind-filing system or variation thereof.
- c. As to pending open cases, they shall be redistributed equally by the Clerk amongst the three Appellate Sections by utilizing the current blind-filing system or variation thereof.
- d. The Clerk shall continue to perform all necessary functions, and discharge all duties traditionally fulfilled by the Clerk of the Eleventh Judicial Circuit Court.

2. Term of Appointment: The term of appointment shall be for three (3) years, unless extended by the Chief Judge through an Administrative Order.

3. Recusals or Unavailability: If a judge assigned to a panel recuses himself or herself or is otherwise unavailable, the Chief Judge, or Administrative Judge of the Appellate Division, as appropriate, shall assign a judge to be the third member of the panel. Assignments shall be made by a memorandum.

4. Oral Arguments:

- a. Effective November 18, 2019, the three judge panel will be exclusively assigned to hear all oral arguments scheduled on any case.
- b. Oral arguments shall be scheduled on any case when

determined necessary by one member of the appellate panel, even if not requested by the parties.

Administrative Orders Nos. 99-9, 00-25, 09-49, and 11-11 are hereby rescinded in their entirety and held for naught.

This Administrative Order shall take effect immediately upon execution unless as otherwise specifically provided in certain provisions herein and shall remain in effect until further order of the Court.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida, this 17th day of September, 2019.

**BERTILA SOTO, CHIEF JUDGE
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA**