

2019 WL 943360

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District Court of Appeal of Florida, Third District.

Leonardo POLANCO, et al., Petitioners,

v.

CITIZENS PROPERTY INSURANCE CORPORATION, Respondent.

No. 3D18-2364

Opinion filed February 27, 2019

Synopsis

Background: Petitioners sought writ of prohibition against entry of final judgment in their first-party insurance action against respondent by the Circuit Court, Miami-Dade County, Miguel M. De La O, J., and writ of certiorari to quash all orders by the judge who presided over trial.

Holdings: The District Court of Appeal held that:

[1] it lacked authority to review matters relating to judicial assignments arising out of administrative orders, and

[2] appeal of post-trial order denying disqualification of trial court was moot.

Petition dismissed.

West Headnotes (2)

[1] Courts

🔑 Designation or assignment of judges

District Court of Appeal lacked authority to review matters relating to judicial assignments arising out of administrative orders issued by chief judge of a judicial circuit.

[Cases that cite this headnote](#)

[2] Appeal and Error

🔑 Procedural questions and issues in general

Appeal of post-trial order denying disqualification was moot where trial court had been reassigned to a different division.

[Cases that cite this headnote](#)

On Petition for Writ of Certiorari from the Circuit Court for Miami-Dade County, Miguel M. De La O, Judge. Lower Tribunal No. 16-307

A Case of Original Jurisdiction—Prohibition.

Attorneys and Law Firms

Barnard Law Offices, L.P., and [Andrew Barnard](#), Miami and Garrett William Haakon Clifford, for petitioners.

Patricia Gladson, General Counsel, and Gabriela Jimenez Salomon, Assistant General Counsel; Link & Rockenbach, PA, and [Kara Berard Rockenbach](#) and [Daniel M. Schwarz](#) (West Palm Beach), for respondent.

Before [SALTER](#), [SCALES](#) and MILLER, JJ.

Opinion

PER CURIAM.

*1 [1] Petitioners seek in this Court writs of both prohibition and certiorari. Petitioners assert that we should: (a) grant prohibition, and prohibit the trial court from entering a final judgment on Petitioners' first-party insurance claim against Respondent, Citizens Property Insurance Corporation; and (b) grant certiorari, and quash all orders entered by the judge who presided over the jury trial. Petitioners allege that the judge presiding over the trial – a county court judge who asserted authority to serve as an acting circuit court judge pursuant to Administrative Orders 18-45 and 18-20, issued by the Chief Judge of the Eleventh Judicial Circuit of Florida – lacked subject matter jurisdiction to hear the case, so that the resulting proceedings were void. Because this Court lacks the authority to review matters relating to judicial assignments arising out of administrative orders, “we are precluded from reaching the substantive issues raised,” and therefore we dismiss this portion of the petition.

[Ortiz v. State](#), 689 So.2d 353, 353 (Fla. 2d DCA 1997); see also [Wild v. Dozier](#), 672 So.2d 16, 18 (Fla. 1996) (“Accordingly, we hold that a litigant who is affected by a judicial assignment made by a chief judge of a judicial circuit must challenge the assignment in the trial court and then seek review in this Court by way of petition for writ of prohibition or petition for relief under the ‘all writs’ power.”).

[2] Petitioners also seek review, via prohibition, of the trial court's post-trial order denying disqualification.

Because the trial court has been reassigned to a different division, we dismiss, as moot, that portion of the petition. [Reiser v. State](#), 894 So.2d 302 (Fla. 4th DCA 2005).

Petition dismissed.

All Citations

--- So.3d ----, 2019 WL 943360, 44 Fla. L. Weekly D587