FLORIDA DISTRICT COURT OF APPEAL, FIRST DISTRICT

Ninja Academy, Inc. d/b/a Champions Unite v. Florida Department of Agriculture and Consumer Services, Division of Food, Nutrition, and Wellness

No. 1D2022-1139 (Fla. 1st DCA Aug. 6, 2025) · No. 1D2022-1139 · Decided August 6, 2025

SUMMARY

The Florida First District Court of Appeal granted in part the appellant's motion for rehearing, withdrew its prior opinion, and substituted this opinion. The court held that it lacked jurisdiction over a direct appeal from a Florida Department of Agriculture and Consumer Services hearing officer's determination concerning Summer Food Service Program reimbursement claims and participation. Treating the notice of appeal as a petition for writ of certiorari, the court transferred the case to the Circuit Court of the Second Judicial Circuit in Leon County.

CASE DETAILS

COURT	Florida District Court of Appeal, First District
WRITING FOR THE COURT	Per Curiam; Chief Judge Osterhaus; Judge Ray; Judge Tanenbaum
JURISDICTION	Florida First District Court of Appeal
DECIDED	August 6, 2025
DOCKET	1D2022-1139
DISPOSITION	remanded
PROCEDURAL POSTURE	Ninja Academy appealed a final determination by a Department hearing officer denying and disallowing more than $10 million in Summer Food Service Program reimbursement claims and terminating Ninja Academy's participation for seven years. The First District determined that it lacked appellate jurisdiction, treated the notice of appeal as a petition for writ of certiorari, and transferred the matter to the circuit court.
STANDARD OF REVIEW	The court addressed jurisdiction and the proper method of judicial review rather than reviewing the merits of the agency determination.
PRECEDENTIAL VALUE	Published opinion; precedential value subject to the stated post-opinion finality qualification.

PARTIES	Ninja Academy, Inc. d/b/a Champions Unite v. Florida Department of Agriculture and Consumer Services, Division of Food, Nutrition, and Wellness

TOPICS

appellate jurisdiction | writ of certiorari | judicial review of agency action | administrative law | federal spending

PRACTICE AREAS

administrative law | appellate procedure | remedies | federal spending

QUESTIONS PRESENTED

1. Whether the First District had statutory or constitutional jurisdiction to hear a direct appeal from the Department hearing officer's final determination under the federal and Florida Summer Food Service Program appeals regimes.
2. Whether the notice of appeal should be treated as a petition for writ of certiorari when direct appellate review was unavailable.
3. Whether first-tier certiorari review of the quasi-judicial agency decision was available in the circuit court.

HOLDINGS

1. The First District lacked jurisdiction to review the hearing officer's final determination by direct appeal because no statute conferred such jurisdiction; an agency rule cannot create district-court appellate jurisdiction.
2. The notice of appeal could be treated as a petition for writ of certiorari under Florida appellate rules, but the First District lacked corresponding writ authority because it lacked jurisdiction over the underlying administrative action.
3. Ninja Academy may pursue first-tier certiorari review in the circuit court because circuit-court review of a quasi-judicial administrative decision is available as a matter of right when no other method of judicial review is provided.

KEY QUOTATIONS

> *"For a district court of appeal to have jurisdiction over a direct appeal of an administrative action, there must be a statute providing for its jurisdiction."* (2)

> *"But Ninja Academy is not totally foreclosed from state judicial review of the quasi-judicial decision. Ninja Academy may pursue certiorari review in the circuit court."* (4)

FACTUAL BACKGROUND

Ninja Academy participated in the federal Summer Food Service Program administered through the Florida Department of Agriculture and Consumer Services. A Department hearing officer denied and disallowed more than $10 million in reimbursement claims and terminated Ninja Academy's program participation for seven years. The Department's rule purported to authorize direct review of the hearing officer's determination in the district court of appeal.

PROCEDURAL HISTORY

The Florida Department of Agriculture and Consumer Services hearing officer issued a final determination denying and disallowing Ninja Academy's reimbursement claims and terminating its participation in the federal Summer Food Service Program. Ninja Academy sought direct review in the First District under the Department's rule authorizing such review. On rehearing, the First District withdrew its prior opinion, concluded that direct appellate jurisdiction was unavailable, and transferred the matter to the Circuit Court of the Second Judicial Circuit in and for Leon County for first-tier certiorari review.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The notice of appeal is treated as a petition for writ of certiorari and the case is transferred to the Circuit Court of the Second Judicial Circuit, in and for Leon County. The transfer does not adjudicate or comment on the merits of venue-related arguments.

CASES CITED

- Shannon v. Cheney Bros. Inc., 157 So. 3d 397, 399 (Fla. 1st DCA 2015)
- NAECIS Outreach v. Vilsak, 2014 WL 6810781, *n.2 (S.D. Ohio 2014)
- Mahoning-Youngstown Cmty. Action P'ship v. Ohio State Dept. of Educ., No. 11AP-582, 2011 WL 6170559, at *2 (Ohio Ct. App. 2011)
- Scholastic Sys., Inc. v. LeLoup, 307 So. 2d 166, 169 (Fla. 1974)
- Fla. Power & Light Co. v. City of Dania, 761 So. 2d 1089, 1092 (Fla. 2000)
- Haines City Cmty. Dev. v. Heggs, 658 So. 2d 523, 530 (Fla. 1995)
- De Groot v. Sheffield, 95 So. 2d 912 (Fla. 1957)
- City of Deerfield Beach v. Vaillant, 419 So. 2d 624, 626 (Fla. 1982)
- Decker v. Univ. of W. Fla., 85 So. 3d 571, 574 (Fla. 1st DCA 2012)

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