

FIRST DISTRICT COURT OF APPEAL OF FLORIDA

Shayonne Peterson v. Florida Department of Children and Families

No. 1D2024-1568 (Fla. 1st DCA Sept. 24, 2025) · No. 1D2024-1568 · Decided September 24, 2025

SUMMARY

The Florida First District Court of Appeal held that it lacked statutory appellate jurisdiction to directly review a Department of Children and Families hearing officer’s order dismissing an administrative appeal as untimely in a Supplemental Nutrition Assistance Program overpayment matter. The court treated the appeal as a petition for writ of certiorari and transferred it to the Circuit Court of the Second Judicial Circuit.

CASE DETAILS

COURT	First District Court of Appeal of Florida
WRITING FOR THE COURT	Per Curiam; Lewis, J.; Winokur, J.; Tanenbaum, J.
JURISDICTION	Florida First District Court of Appeal
DECIDED	September 24, 2025
DOCKET	1D2024-1568
DISPOSITION	other
PROCEDURAL POSTURE	Direct appeal from a Department of Children and Families hearing officer's order dismissing an administrative appeal as untimely.
PRECEDENTIAL VALUE	Published and precedential under the supplied metadata
PARTIES	Shayonne Peterson v. Florida Department of Children and Families

TOPICS

- appellate jurisdiction
- writ of certiorari
- judicial review of agency action
- appellate procedure

PRACTICE AREAS

- administrative law
- appellate procedure
- public benefits

QUESTIONS PRESENTED

- Whether the First District Court of Appeal had statutory authority to directly review a Department of Children and Families hearing officer's order issued in connection with a federal benefits program.

2. Whether the appeal should be treated as a petition for writ of certiorari and transferred to the circuit court for first-tier review.

HOLDINGS

1. The First District Court of Appeal lacked appellate jurisdiction because no statute authorized direct review of the hearing officer's order issued in connection with the federal Supplemental Nutrition Assistance Program.
2. The court treated the appeal as a petition for writ of certiorari and transferred it to the Circuit Court of the Second Judicial Circuit for first-tier review.

KEY QUOTATIONS

“There is no statutory authorization for our direct review of the hearing officer’s order issued in connection with this federal program, so we lack appellate jurisdiction in this case.”

“We in turn treat this appeal as a petition for writ of certiorari and transfer the case to the Circuit Court of the Second Judicial Circuit.”

FACTUAL BACKGROUND

The Department issued a written notification of case action concerning an overpayment of Supplemental Nutrition Assistance Program benefits. Shayonne Peterson filed an administrative appeal challenging that action, but the Department's hearing officer dismissed the appeal as untimely because it was filed more than ninety days after the notification. Peterson sought review in the First District Court of Appeal.

PROCEDURAL HISTORY

A Department of Children and Families hearing officer dismissed Peterson's administrative appeal as untimely because it was filed beyond the Department's ninety-day period for challenging a written notification of case action concerning an overpayment of Supplemental Nutrition Assistance Program benefits. Peterson appealed to the First District Court of Appeal. The district court concluded that it lacked statutory authorization for direct review, treated the appeal as a petition for writ of certiorari, and transferred the matter to the Circuit Court of the Second Judicial Circuit.

DISPOSITION

other

REMAND INSTRUCTIONS

The case is transferred to the Circuit Court of the Second Judicial Circuit for first-tier review by certiorari.

CASES CITED

- *Ninja Acad., Inc. v. Fla. Dep’t of Agric. & Consumer Servs., Div. of Food, Nutrition, & Wellness*, No. 1D2022-1139, 2025 WL 2233403 (Fla. 1st DCA Aug. 6, 2025)

OPINION

PER CURIAM.

FIRST DISTRICT COURT OF APPEAL STATE OF FLORIDA

No. 1D2024-1568 _____

SHAYONNE PETERSON, Appellant, v. FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES, Appellee. _____ On appeal from the Department of Children and Families. June Jones, Hearing Officer. September 24, 2025 PER CURIAM. This appeal involves an order issued by a hearing officer from within the Department of Children and Families.

The order dismissed Shayonne Peterson’s administrative appeal as untimely filed, the appeal having been filed beyond the ninety-day period established by the Department for challenging a written notification of case action due to an overpayment of Supplemental Nutrition Assistance Program benefits. There is no statutory authorization for our direct review of the hearing officer’s order issued in connection with this federal program, so we lack appellate jurisdiction in this case.

Cf. *Ninja Acad., Inc. v. Fla. Dep’t of Agric. & Consumer Servs., Div. of Food, Nutrition, & Wellness*, No. 1D2022-1139, 2025 WL 2233403, at *1–2 (Fla. 1st DCA Aug. 6, 2025) (determining there was no general law authorizing review of a hearing officer’s order issued under a federal program and holding that an agency’s administrative rule cannot supply the basis for vesting jurisdiction in the district court).

We in turn treat this appeal as a petition for writ of certiorari and transfer the case to the Circuit Court of the Second Judicial Circuit. See Fla. R. App. P. 9.040(b)(1), (c); *Ninja Acad., Inc.*, 2025 WL 2233403, at *2–3 (treating the appeal as a certiorari petition and transferring it to the circuit court in the absence of a “statutorily authorized pathway... to obtain first-tier review of the hearing officer’s order in the district court”).

TRANSFERRED. LEWIS, WINOKUR, and TANENBAUM, JJ., concur.
_____ Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331. _____ Shayonne Peterson, pro se, Appellant. Andrew McGinley, General Counsel, Department of Children and Families, Tallahassee, for Appellee. 2