

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.

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