

No.: 22-337

IN THE
SUPREME COURT OF THE UNITED
STATES

JEFFREY LANCE HILL, SR.,
and LINDA P. HILL,

Petitioners,

v.

SUWANNEE RIVER WATER
MANAGEMENT DISTRICT,

Respondent.

On Petition for Writ of Certiorari to the Florida
First District Court of Appeal

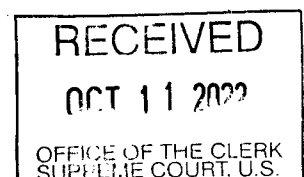
PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

In this matter, the Florida First District Court of Appeal verbally stated on February 12, 2009; "We're dealing with --- an agency can only act with the authority that's extended to it". Also, in its 2017 decision, the same court holds; "draining a pond and flooding fields, isn't part and parcel of the judicial process, or functional to the work of judges". But now, a county judge rules that Petitioner owes Respondent (agency) \$123,990.38.

1. In Florida, can a county judge be elevated to permanent state circuit court duty outside his county solely by assignment of a state circuit judge, ignoring the requirements of Florida Statute 26.57 and violating the Due Process Clause?

2. In this case, does the award of \$123,990.38 to Suwannee River Water Management District constitute cruel and unusual punishment violating Amendment VIII of the United States Constitution?

3. Whether Petitioner's right to trial by jury provided by Amendment VII of the United States Constitution was violated in state court case number 11-340CA?

PARTIES

The Petitioners are Jeffrey Lance Hill, Sr. and his wife, Linda P. Hill, hereinafter 'Hill'. Hill is a lifelong resident and farmer in Columbia County, Florida. The Respondent is Suwannee River Water Management District, hereinafter 'SRWMD', a political subdivision and a part of the State of Florida.

RELATED PROCEEDINGS

Petitioners believe there are no directly related proceedings as defined in Rule 14.1 (b) (iii), Rules of the Supreme Court. However, the following may be related;

HILL v. JOHNSON, et al; No. 3:20-cv-895, U.S. District Court, Middle District of Florida

HILL v. JOHNSON, et al; No. 21-12271; U.S. Court of Appeals, 11th Circuit, entered August 8, 2022

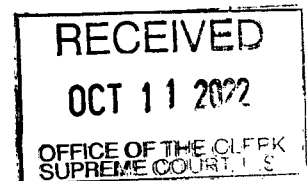


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TABLE OF AUTHORITIES

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FLORIDA STATUTES

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Florida Statute 26.57 -----	pgs.4,7,9
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PETITION FOR WRIT OF CERTIORARI

Petitioner, Jeffrey Lance Hill, Sr. respectfully petitions to this Honorable Court for a Writ of Certiorari to the Florida First District Court of Appeal.

OPINIONS BELOW

The opinion of the Florida First District Court of Appeal denying rehearing and written opinion (July 11, 2022) is reproduced in Petitioner's Appendix (Pet. App.) pages A-1 – A-2.

The opinion of the Florida First District Court of Appeal mandating their opinion (June 6, 2022) is reproduced in Pet. App. B-1 – B-2.

The order of the Florida First District Court of appeal per curiam affirming without written opinion (May 19, 2022) is reproduced in Pet. App. C-1 – C-2.

The order of the Florida First District Court of Appeal granting attorney's fees to SRWMD and remanding (May 19, 2022) is reproduced in Pet. App. D-1 – D-2.

The order rendered by Williams denying rehearing (May 12, 2021) is reproduced is reproduced in Pet. App. E-1 – E- 6 .

OPINIONS BELOW continued

The order rendered by Williams awarding \$123,990.38 in fees to SRWMD (April 12, 2021) is reproduced in Pet. App. F-1 – F-10.

The order by the Florida Supreme Court dismissing the case for lack of jurisdiction (August 15, 2022) is reproduced in Pet. App. G-1-- G-2.

The order by Judge Parker assigning Williams to all cases involving Hill (April 25, 2016) is reproduced In Pet. App. H-1 -H-2.

JURISDICTION

This court has jurisdiction pursuant to Title 28 U.S.C. 1254 (1). This Petition is timely filed in compliance with Rule 13.1, Rules of the Supreme Court of the United States because the Florida state court of last resort rendered its decision denying rehearing on July 11, 2022. That state court of appeal rendered its decision per curiam affirming without written opinion on May 19, 2022.

CONSTITUTIONAL PROVISIONS at ISSUE

The Seventh Amendment to the United States Constitution provides: “In Suits at common law, where the value in controversy exceeds twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any court of the United States, than according to the rules of the common law”.

The Eighth Amendment to the United States Constitution provides; “Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted”.

The Fourteenth Amendment to the United States Constitution provides, in relevant part, “nor shall any State deprive any person of life, liberty, or

property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws”.

FLORIDA LAW PROVISIONS at ISSUE

Florida Statute 26.012 (2) provides, in pertinent part; “Circuit courts shall exclusive original jurisdiction: (a) in all actions not cognizable by the county courts; (g) in all actions involving the title and boundaries of real property”.

Florida Statute 26.57 provides, in its entirety, “A county court judge may be designated on a temporary basis to preside over circuit court cases by the Chief Justice of the Supreme Court upon recommendation of the chief judge of the circuit”. He or she may be assigned to exercise all county and circuit court jurisdiction in the county, except appeals from the county court. In addition, he or she may be required to perform the duties of circuit judges in other counties of the circuit as time may permit and the need arises, as determined by the chief judge of the circuit. A county court judge designated to preside over circuit court cases shall receive the same salary as a circuit court judge, to the extent that funds are specifically appropriated by law for such purposes”.

FLORIDA LAW PROVISIONS, continued

Florida Statute 34.01(1)(c) provides, in pertinent part; “County courts shall have original jurisdiction: Of all actions at law, except those within the exclusive jurisdiction of the circuit courts in which the matter in controversy does not exceed \$15,000.00”.

STATEMENT OF THE CASE

On July 11, 2022, the Florida First District Court of Appeal denied Hill’s Motion for Rehearing and denied his request for written opinion; Pet. App. A-1 -A-2. Hill timely filed his Motion to Rehear and request for written opinion on May 31, 2022.

On May 19, 2022, the Florida First District Court of appeal rendered its decision per curiam affirming a judgment (Pet. App. C-1 -C-2) rendered on April 12, 2021, by Suwannee County Judge William F. Williams, III (hereinafter ‘Williams’); Pet. App. F-1 -F-10.

Williams is a county court judge in Suwannee County, Florida. Under Florida law, Williams is not a judge in Columbia County, Florida.

The federal questions sought to be reviewed here were raised in Hill’s initial brief to the Florida First District Court of Appeal on August 23, 2021(appeal

no.: 1D21-1762). The Florida First District Court disposed of the federal questions by per curiam affirmance without elaboration or explanation.

The federal questions sought to be reviewed here were raised in the circuit court, third judicial circuit, state of Florida (case no.: 11-340CA). The questions were raised in Hill's Motion to Rehear filed on April 22, 2021; (state court record page 3329, case no.: 11-340CA). On May 11, 2021, Williams disposed of the federal questions by denying rehearing without addressing the federal questions; (state court record pages 3339-3341; case no.: 11-340CA). Hill objected to Williams presiding and improper venue on October 12, 2017 (state court record page 1931); the objection was not heard. Hill objected to Williams presiding as a circuit judge in Columbia County, Florida on September 19, 2016 (state court record pages 1214-1218); the objection was not heard or ruled upon.

Hill now respectfully asks this court to issue a writ of certiorari and realign Florida law, Florida's courts and the United States Constitution on the important federal questions presented in this Petition.

REASONS FOR GRANTING THE WRIT

- I. The Florida First District Court of Appeal has ignored Florida Statutes Title V, Chapters 26 and 34, by and through its per curiam affirmance of a judgment rendered by a county judge who was assigned in April, 2016 to preside as a state circuit court judge. In accordance with Florida Statute 26.57, a county judge must be recommended to and designated by the Florida Supreme Court Chief Justice. That law has specific intent and purpose to enforce and assure Florida's tier court judicial system. Chapters 26 and 34 of the Florida Statutes clearly and specifically state the exclusive powers of Florida's county and circuit courts. William F. Williams, III, was completely absent jurisdiction to preside as a circuit court judge in Columbia County, Florida because Williams has not been recommended to or designated by the Florida Supreme Court.
- II. There is no precedent in Florida in which a county court judge has gone into another county presiding as a circuit court judge indefinitely and that elevated authority challenged. There are a few precedent cases

in Florida in which a county judge's authority was challenged when he was temporarily elevated in his own county; *Crusoe v. Rowls*, 472 So.2d 1163 (Fla 1985); *Payret v. Adams*, 500 So. 2d 136 (Fla1986); *Treadwell v. Hall*, 274 So. 2d 537 (1973); *Wild v. Dozier*, 672 So. 2d 16 (1996); but the actions taken in this cause are unusual and unprecedented. In *Wild v. Dozier*, The Florida Supreme Court held; “ the assignment cannot usurp, supplant or effectively deprive circuit court jurisdiction of a particular type of case on a permanent basis” and “we conclude that this court has exclusive jurisdiction to review assignments”. In *Payret v. Adams*, the Florida Supreme Court has held; “ a county judge cannot be indefinitely assigned circuit court duties ”. Williams is indefinitely assigned; see Pet. App. H-1. Completely absent jurisdiction, Williams signed a judgment awarding \$123,990.38 to Suwannee River Water Management District on April 12, 2021; see Pet. App. F-1. Williams denied rehearing on May 11, 2021; Pet. App. E-1. Williams actions violate Amendments VII, VIII AND XIV of the

United States Constitution and Florida Statutes 26.012 (2), 26.57 and 34.01 (1). It is important to all of Florida's citizens for their courts to be consistent and abide statutory and constitutional law.

CONCLUSION

For the reasons stated above, the writ should be granted.

Dated: October 6, 2022

Respectfully submitted: Jeffrey L. Hill, Sr.

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