

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT
IN AND FOR ORANGE COUNTY, FLORIDA

Case No. 2021-CA-011377-O
Lower Tribunal Tracking No. 2021-V00184

KEITH VIDLER,

Petitioner,

v.

JOHN W. MINA, in his official
capacity as ORANGE COUNTY SHERIFF,

Respondent.

Petition for Writ of Certiorari from the
Disciplinary Appeals Board/Sheriff,
Orange County Sheriff's Office

Richard P. Siwica, Esq., Orlando, of
Egan, Lev & Siwica, P.A., for Petitioner.

Nicholas A. Shannin, Esq., Orlando, of
Shannin Law Firm, P.A., for Respondent.

PER CURIAM.

Petitioner Keith Vidler ("Vidler"), a deputy of the Orange County Sheriff's Office ("OCSO"), filed this petition seeking certiorari review of a disciplinary decision of John W. Mina as Orange County Sheriff ("the Sheriff") and recommendation of the OCSO Disciplinary Appeals Board (the "Board").

The Sheriff asserts that this Court does not have jurisdiction to review his discretionary, executive decisions, citing *Payne v. Wille*, 657 So. 2d 964 (Fla. 4th DCA 1995). We agree. However, to the extent that Vidler contends that the Board making a recommendation to the Sheriff did not correctly follow mandates of the OCSO Career Service Act, Ch. 89-507, Laws of Florida, or its implementing policy document, OCSO General Order 5.1.0, we find that we have jurisdiction. See *Bradshaw v. Mickins*, 946 So. 2d 1237, 1239 (Fla. 4th DCA 2007); *Harrison v. Neumann*, 760 So. 2d 1015, 1016 (Fla. 4th DCA 2000), *rev. dismissed*, 816 So. 2d 128 (Fla. 2001).

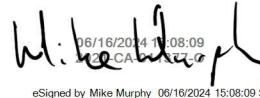
Regardless, the record in this case is inadequate to demonstrate Vidler's allegations that the Board's decision, adopted by the Sheriff, was not supported by competent, substantial evidence or that the OCSO failed to afford him adequate due process protections. *Applegate v. Barnett Bank of Tallahassee*, 377 So.2d 1150 (Fla.1979). While Florida Rule of Appellate Procedure 9.220(a) mandates that no proceeding shall be determined until an opportunity to supplement the appendix has been given, this Court determines that compliance with that rule has been waived. See *Sullivan v. Sullivan*, 791 So. 2d 1119 (Fla. 4th DCA 2000); *Moment v. State*, 773 So. 2d 577, 578-79 (Fla. 4th DCA 2000); *Cirillo v. Davis*, 732 So. 2d 387, 389 (Fla. 4th DCA 1999); *Chery v. City of Aventura*, 27 Fla. L. Weekly Supp. 852a (Fla. 11th Cir. Ct. December 4, 2019). The Sheriff has twice

pointed out the deficiency in the record related to Vidler’s filings, and Vidler has failed to supplement his appendix.¹

We have considered the issues raised to the extent that we have jurisdiction and a review of the transcript of the proceedings below is not required, and we find them to be without merit.

Petition DENIED.

DONE and ORDERED in Chambers, at Orlando, Orange County, Florida, on this 16th day of June, 2024.



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MIKE MURPHY
Circuit Judge

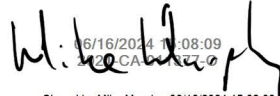
LEACH and TYNAN, JJ., concur.

NOT FINAL UNTIL TIME EXPIRES TO FILE MOTION FOR REHEARING
AND DISPOSITION THEREOF IF TIMELY FILED.

¹ See Sheriff’s “Response in Opposition to Petitioner’s Amended Petition for Writ of Certiorari Review,” filed 10/25/2023, pgs. 12-15; Sheriff’s “Reply to Response to Order Directing Petitioner to Show Cause Why Matter Should Not be Consolidated,” filed 3/11/2024, pgs. 3-4.

CERTIFICATE OF SERVICE

I CERTIFY that the foregoing was filed with the Clerk of the Court this 16th day of June, 2024, by using the Florida Courts E-Filing Portal System. Accordingly, a copy of the foregoing is being served on this day to all attorney(s)/interested parties identified on the ePortal Electronic Service List via transmission of Notices of Electronic Filing generated by the ePortal System, which includes **RICHARD P. SIWICA, Esq.**, at rsiwica@eganlev.com, and to **NICHOLAS A. SHANNIN, Esq.**, at service@shanninlaw.com.


eSigned by Mike Murphy 06/16/2024 15:08:09 jkb6ZjAz

Judge