

**SIXTH DISTRICT COURT OF APPEAL
STATE OF FLORIDA**

Case No. 6D2026-2194
Lower Tribunal Nos. SEZ2025-00018 and VAR2025-00012

KRISTA ZIVKOVIC and ROBERT ZIVKOVIC,

Petitioners,

v.

LEE COUNTY and GUARDIANS OF FLORIDA ANIMAL RESCUE, INC.,

Respondents.

Petition for Writ of Certiorari to the Office of the Hearing Examiner for Lee County.

September 25, 2026

WHITE, J.

Petitioners filed a petition for writ of certiorari seeking review of the decision of a deputy hearing examiner for Lee County rendered on July 17, 2026 (the “Decision”). The petition and the Decision both state that the Decision is final, and the remedy under section 34-146 of the Lee County Land Development Code is to seek review by filing a petition for writ of certiorari in circuit court.

“We have an independent obligation to examine our jurisdiction in every case.” *Riggins v. Clifford R. Rhoades, P.A.*, 373 So. 3d 655, 660 n.4 (Fla. 6th DCA 2023). Because the Decision is not a trial court ruling, within the scope of rule 9.130,

or appealable by statute, no appeal jurisdiction exists. *See* Fla. R. App. P. 9.030(b)(1). We lack certiorari jurisdiction under Florida Rule of Appellate Procedure 9.030(b)(2) because the Decision is neither a nonfinal order nor a final order rendered by a circuit court in its review capacity.

Assuming, without deciding, that we have original jurisdiction to issue a writ of common law certiorari under rule 9.030(b)(3), we “decline such jurisdiction in favor of the circuit court.” *Lightsey Cattle Co. v. Fla. Fish & Wildlife Conservation Comm’n*, 413 So. 3d 182, 191 (Fla. 6th DCA 2024). Because the petition in this case was timely filed, we transfer the petition to the Circuit Court of the Twentieth Judicial Circuit in and for Lee County. *See* Fla. R. App. P. 9.040(b)(1) (“If a proceeding is commenced in an inappropriate court, that court will transfer the cause to an appropriate court.”); *Lightsey Cattle*, 413 So. 3d at 192.

PETITION TRANSFERRED.

NARDELLA and WOZNIAK, JJ., concur.

Krista Zivkovic and Robert Zivkovic, North Fort Myers, pro se.

No Appearance for Respondents

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