

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

DAVID SANDERS,

Appellant,

v.

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

CASE NO. 1D13-785

FLORIDA DEPARTMENT OF
CORRECTIONS,

Appellee.

_____ /

Opinion filed October 7, 2013.

An appeal from the Circuit Court for Leon County.
John C. Cooper, Judge.

Matt Shirk, Public Defender, and Brian Morrissey, Special Assistant Public
Defender, Yulee, for Appellant.

Pamela Jo Bondi, Attorney General, and Barbara Debelius, Assistant General
Counsel, Department of Corrections, Tallahassee, for Appellee.

PER CURIAM.

David Sanders, Appellant, appeals from an order denying his petition for a writ of mandamus directing the Department of Corrections to structure sentences he received in Duval and Nassau Counties as concurrent with sentences he received in Osceola County, as provided in sentencing orders issued by courts in

Duval and Nassau Counties. The Department has a ministerial duty to implement sentencing orders as written, and it lacks the authority to adjudicate the legality of a court order. Canete v. Fla. Dep't of Corrs., 967 So. 2d 412, 416-17 (Fla. 1st DCA 2007); Pearson v. Moore, 767 So. 2d 1235, 1238 (Fla. 1st DCA 2000). The orders from Duval and Nassau Counties unambiguously require the concurrent sentencing Appellant seeks; do not contradict the legal effect of the Osceola County order; and, according to the undisputed facts presented to the circuit court, have not been altered by appeal or collateral attack. Therefore, we reverse the order denying Appellant's petition for writ of mandamus and remand for further proceedings consistent with this opinion.

REVERSED and REMANDED.

THOMAS, WETHERELL, and RAY, JJ., CONCUR.