

Third District Court of Appeal

State of Florida

Opinion filed January 2, 2020.
Not final until disposition of timely filed motion for rehearing.

No. 3D19-1082
Lower Tribunal No. 18-39136

Jeremy Marquise Carter,
Appellant,

vs.

Elsie Vidal, et al.,
Appellees.

An Appeal from the Circuit Court for Miami-Dade County, David C. Miller,
Judge.

Jeremy Marquise Carter, in proper person.

Vernis & Bowling of Palm Beach, P.A., and Deborah S. Martin (North Palm
Beach), for appellees.

Before FERNANDEZ, LOGUE, and MILLER, JJ.

FERNANDEZ, J.

Jeremy Marquise Carter appeals the trial court's order dismissing his
complaint against Elsie Vidal and Brian Dias. Carter's complaint alleges breach of

a settlement agreement and seeks damages in the sum of \$10,000.00. Defendants Vidal and Dias filed a motion to dismiss, seeking dismissal of the complaint on several bases, including claim-splitting and improper venue. However, their motion to dismiss does not specifically allege that the circuit court lacked subject matter jurisdiction due to the amount in controversy. The circuit court dismissed the complaint, allowing Carter twenty days to amend, based on the defendants' motion to dismiss. The circuit court then denied Carter's untimely motion for reconsideration and dismissed the action. Carter's motion for reconsideration alleged that the complaint had been inadvertently filed in the circuit court by error of the clerk's office, and indeed, the complaint is captioned "IN THE COUNTY COURT OF THE 11th JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA, COUNTY CIVIL DIVISION."

The record below demonstrates the circuit court's direction to dismiss the complaint for the reasons stated in Vidal and Dias' motion to dismiss; i.e., claim-splitting and improper venue. We conclude that the circuit court was without subject matter jurisdiction to adjudicate these claims. We therefore reverse and remand with instructions to transfer the complaint to the county court for Miami-Dade County. See Edwards v. Jones, 221 So. 3d 770 (Fla. 1st DCA 2017).

Reversed and remanded with instructions.