

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA

FIFTH DISTRICT

JULY TERM 2004

DEPARTMENT OF CORRECTIONS,

Petitioner,

v.

Case No. 5D04-2257

BARRY BERGMAN,

Respondent.

Opinion Filed November 12, 2004

Petition for Certiorari Review of Order
from the Circuit Court for Brevard County,
J. Preston Silvernail, Judge.

Sara K. Cunningham, Assistant General
Counsel, Department of Corrections,
Tallahassee, for Petitioner.

Barry Bergman, Palm Bay,
pro se.

PLEUS, J.

The Department of Corrections seeks certiorari review of an order of the circuit court requiring it to pay for a deaf interpreter to assist respondent Barry Bergman, who is hearing impaired, during his court ordered sex offender probation. The Department argues that there is no statutory authority to require it to pay for the accommodation. Instead, the Department argues that under the Americans with Disabilities Act the sex offender treatment provider, Family Alliance, should pay for the accommodation.

The Department is seeking review of a ruling set forth in court minutes. In *State v.*

Wagner, 836 So. 2d 1224 (Fla. 2004), the Florida Supreme Court held that for the purpose of determining when certiorari review must be filed under rule 9.100(c)(1), Florida Rules of Appellate Procedure, a court minutes form, even if signed by a judge, does not constitute a reviewable order and the act of filing the minutes does not amount to rendition. Therefore, there is no reviewable order in this case.

The petition is dismissed for lack of jurisdiction. See *State v. Wagner*, 836 So. 2d 1224 (Fla. 2004).

DISMISSED.

SAWAYA, C.J., and PETERSON, J., concur.