

FIFTH DISTRICT COURT OF APPEAL, STATE OF FLORIDA
300 South Beach Street, Daytona Beach, FL 32114

ADMINISTRATIVE
ORDER
AO5D18-03

RE: AGREED EXTENSIONS OF TIME FOR
FILING BRIEFS

1) This order shall apply to criminal and civil appeals, including dissolutions of marriage. It does not apply to appeals from adoptions, dependency, termination of parental rights, any expedited or emergency appeal, or any original proceeding filed in this Court.

2) Agreed extensions of time will not be accepted for filing deadlines previously established by Court order.

3) In appeal proceedings under Florida Rule of Appellate Procedure 9.141(b)(2) (summary grant or denial of postconviction claims without an evidentiary hearing, in which cases initial briefs are not required), if the appellant desires to file an initial brief, the initial brief must be filed within 30 days of the filing of the notice of appeal. The failure to timely file an initial brief, or the failure to file either a notice of agreed extension of time or a motion for extension of time within that 30-day period waives the right to file an initial brief. See AO 5D16-01.

4) A party who has obtained the agreement of opposing counsel to a specific extension of time for the filing of an initial, answer, or reply brief may file a notice of an extension of time in lieu of a motion seeking an extension of time pursuant to Florida Rule of Appellate Procedure 9.300(a). The notice shall be in substantially the form prescribed below:

The undersigned (Appellant/Appellee _____) or counsel for (Appellant/Appellee _____) has agreed with (Appellant/Appellee _____) or counsel for (Appellant/Appellee _____) that the time for serving Appellant's/Appellee's (initial, answer or reply) brief may be extended for _____ days to _____ (date).

5) An agreed notice of extension of time will be accepted for an aggregate total of 60 days for an initial or answer brief and 30 days for a reply brief. The notice must be signed by the party filing it, but need not be signed by the other parties. No order will issue from the Court upon receipt of the notice.

6) Any extensions beyond 60 days for initial or answer briefs and 30 days for reply briefs, whether agreed upon or not, must be by motion to the Court.

DONE and ORDERED at Daytona Beach, Florida on this 30 day of September, 2018.





Jay P. Cohen
Chief Judge

ATTEST:


Joanne P. Simmons
Clerk of Court