

## **Fifth District Court of Appeal, State of Florida**

300 South Beach Street, Daytona Beach, FL 32114

### **ADMINISTRATIVE ORDER**

**AO5D19-02**

### **RE: AGREED EXTENSIONS OF TIME FOR FILING BRIEFS (Superseding AO5D18-03)**

- 1) This order shall apply to criminal appeals, including delinquency appeals, and civil appeals, including dissolutions of marriage, probate, and guardianship cases. 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.
  - a) In criminal cases: Once a motion for extension of time has been granted for any purpose, a Notice of Agreed Extension of Time directed to that same document or filing will not be accepted. An agreed notice of extension of time will be accepted in criminal cases for an aggregate total of 30 days for service of the initial brief and an agreed notice of extension of time will be accepted in criminal cases for an aggregate total of 30 days for service of the answer brief UNLESS a prior motion for extension of time for the same document has been granted previously. One Notice of Agreed Extension of Time may be filed for a 10-day extension of time for service of the reply brief UNLESS a prior motion for extension of time for service of the reply brief has been previously granted.
  - b) In civil cases: Once a motion for extension of time has been granted for any purpose, a Notice of Agreed Extension of Time directed to that same document or filing will not be accepted. An agreed notice of extension of time will be accepted in civil cases for an aggregate total of 60 days for an initial or answer brief and 30 days for a reply brief.
- 3) A Notice of Agreed Extension of Time 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. Any extensions of time beyond the limits identified herein, whether agreed upon or not, must be sought by motion to the Court.
- 4) 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.


- 5) Where no motion for extension of time for the same document has previously been granted, 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 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).

**DONE and ORDERED** at Daytona Beach, Florida on this 17<sup>th</sup> day of February 2019.

  
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Kerry V. Evander, Chief Judge

ATTEST:

  
\_\_\_\_\_  
Joanne P. Simmons, Clerk of Court

