

**FIFTH DISTRICT COURT OF APPEAL  
NOTICE TO ATTORNEYS AND PARTIES**

The Supreme Court of Florida adopted the Florida Rules of Appellate Procedure for guidance of Courts, attorneys, and parties. Compliance with those Rules is essential to the effective, expeditious and just disposition of cases on appeal. Additionally, counsel and pro se parties are responsible to adhere to the most recent amendments to those Rules. The Rules are available for review at any District Court or county law library, or on the Court's web site ([www.5dca.org](http://www.5dca.org)). A copy of the Rules may be obtained at nominal cost from The Florida Bar, Tallahassee, FL 32399.

Ex parte contact with the judges or their staffs is prohibited. Questions regarding the status of a case must be directed to the Clerk's Office. **Clients, however, should direct such questions to their court appointed or retained counsel of record.** Moreover, to assist the Fifth District in the orderly consideration and disposition of matters under appellate review, compliance with the following is required.

1. All pleadings filed with the Court must be submitted on paper measuring 8 ½ by 11 inches in size and bear an original signature. Fla.R.Jud.Admin. 2.055(a). The Court **does not** accept facsimile filings.

2. All pleadings filed with the Court must be served on opposing counsel or on the pro se party and bear a certificate of service. Fla.R.App.P. 9.420(b) & (c).

3. Excluding briefs and notices of supplemental authority, submit only the original of all pleadings.

4. Except for the filing of a notice of appeal or an extraordinary writ, the Fifth District does not acknowledge receipt of any pleading. If confirmation is desired, a postage paid self-addressed envelope must be provided.

5. **All motions must be accompanied by postage paid pre-addressed envelopes for the movant and all parties in the certificate of service.** When affixing machine postage, do not include a date of issue. Additionally, utilize blank return address envelopes whenever possible.

6. All requests for an enlargement of time must be made directly to the Fifth District. Trial judges do not have jurisdiction to grant such requests, except under Fla.R.Crim.P. 3.800(b). Fla.R.App.P. 9.600(a).

7. Notices of dismissal must be filed directly with the Fifth District and **not** with the lower court. Fla.R.App.P. 9.350.

8. Notices of cross-appeal must be filed with the lower court. Notices of joinder and to intervene should be filed with the Fifth District. **A fee of \$295 must now be paid when a notice of cross-appeal, notice of joinder or motion to intervene is filed. F.S. 35.22(3)(b) 2008. (NEW 07/08)**

9. In all civil cases, a conformed copy of the judgment or order to be reviewed must be attached to the notice of appeal or original petition, along with any timely motions that postponed rendition of the judgment or order appealed and the orders thereon. Fla.R.App.P. 9.110(d), 9.130(c), and 9.160(c). **In all civil cases, a docketing statement must be submitted to the Court. The docketing statement form is available on the Court website. (NEW 08/08)**

10. When providing directions to the clerk of the lower court to include exhibits in the record, **do not** designate any tangible evidence without prior permission of the Fifth District. This applies especially to drugs, firearms, explosives, and heavy, bulky items, but does not apply to normal size photographs, maps, graphs, etc.

11. **Appellant has the responsibility to ensure that the court reporter and the clerk of the lower court prepare and transmit the record in accordance with the appellate rules.** Fla.R.App.P. 9.200(e).

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12. Submit an original and three (3) **paper** copies of all briefs and appendixes, if any. Fla.R.App.P. 9.210(g)(2). Moreover, **do not** utilize brief covers. All briefs and appendixes must be securely bound on the left side or securely stapled in the upper left corner. Fla.R.App.P. 9.210(a)(3), 9.220. **Electronic copies must also be transmitted by counsel in compliance with Administrative Order AO5D08-01. See #22 below. (NEW 09/08)**
13. Submit an original and three (3) copies of all notices of supplemental authority that are to accompany the briefs. Copies of the supplemental authority must be attached to the notices. Fla.R.App.P. 9.210(g).
14. All briefs must adhere to the format and content requirements as set forth within the Rules. Fla.R.App.P. 9.210(b)(c)(d) & (e). Computer generated briefs must adhere to the prescribed font requirements and contain a certificate of compliance therewith immediately following the certificate of service. Fla.R.App.P. 9.210(a)(2).
15. Foreign attorneys must file a request to appear which adheres to the requirements as set forth within the Rules and pay a \$100 fee. Fla.R.Jud.Admin. 2.510(b)(7); Fla.R.App.P. 9.440(a), F.S. 35.22 (3).
16. When taking an appeal, a current order of insolvency signed by the trial court (or head of the administrative agency) is required for waiver of the statutory filing fee. Fla.R.App.P. 9.430. A certificate of indigency issued by the clerk of the lower tribunal **will suffice**.
17. When seeking to invoke the original jurisdiction of the Court, an affidavit of indigency that complies with Section 57.081 or Section 57.085, Florida Statutes, is required for waiver of the statutory filing fee.
18. A petition invoking the original jurisdiction of the Court must adhere to the format and content requirements as set forth within the Rules. Fla.R.App.P. 9.100(g). Computer generated petitions must adhere to the prescribed font requirements and contain a certificate of compliance therewith immediately following the certificate of service. Fla.R.App.P. 9.100(l). Appendixes shall be bound in volumes not exceeding 200 pages each.
19. Submit an original and one (1) **paper** copy of any petition invoking the original jurisdiction of the Court that relates to a criminal matter in the lower tribunal; submit only the original of all other petitions and appendixes. **Electronic copies of all petitions and appendixes must also be submitted by counsel in compliance with Administrative Order AO5D08-01. See #22 below. (NEW 09/08)**
20. Florida Rule of Appellate Procedure 9.141 governs appellate review of lower court orders denying post-conviction relief made pursuant to Florida Rule of Criminal Procedure 3.800(a), 3.850 and 3.853, and original proceedings seeking belated appellate review or alleging ineffective appellate counsel.
21. **Pleadings filed by pro se inmates confined in an institution, to be deemed timely, must include a certificate of service certifying the date the document was delivered to prison authorities.** Fla.R.App.P. 9.420(a)(2).
22. **In addition to the required paper documents, counsel shall also e-mail an electronic copy of all briefs, all petitions and responses under Rule 9.100, all responses to orders of this Court and all motions for rehearing or relief under rules 9.330 and 9.331. Directions are contained in Administrative Order AO5D08-01 available on the Court's website at [www.5dca.org](http://www.5dca.org). (NEW 09/08)**
23. Papers placed in the Court's Drop Box will be date stamped the next business day with a "Drop Box" stamp placed on them. **Jurisdictional time limits cannot be avoided or extended by use of the Drop Box.**
24. Oral arguments held at the Daytona Beach Courthouse may be viewed on the Fifth District website at [www.5dca.org](http://www.5dca.org).