

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. Counsel and pro se parties are responsible for adhering to the most recent amendments to those Rules and to any Administrative Orders issued by this Court. The Rules are available for review at any District Court or county law library, or on the Court's website (www.5DCA.org). The Court's Administrative Orders are available for review on the Court's website. A copy of the Rules may also be obtained at nominal cost from The Florida Bar, Tallahassee, FL 32399.

Contact with the judges or their staff 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. To assist the Fifth District in the orderly consideration and disposition of matters under appellate review, compliance with the following is required:

1. All documents filed with the Court must be submitted electronically via the Statewide Portal, www.myflcourtaaccess.com, unless the party is pro se or counsel has obtained a hardship waiver. See Admin. Order 5D19-01 and Admin. Order SC18-74. If filed on paper, the document must be submitted on 8 ½ by 11 inch paper and bear an original signature. Fla.R.App.P. 9.210(a)(1). The Court **does not** accept facsimile filings.
2. All documents 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(d).
3. Except for the filing of a notice of appeal or an extraordinary writ, the Fifth District does not acknowledge receipt of any document made in paper. Electronic filings are acknowledged by email. If confirmation is desired, a postage paid self-addressed envelope must be provided.
4. All requests for an enlargement of time must be made directly to the Fifth District. The 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).
5. Should an appellant wish to voluntarily dismiss the appeal before a decision on the merits is issued in the case, the appellant must file a Notice of Voluntary Dismissal directly with the Fifth District. Fla.R.App.P. 9.350.
6. Notice of cross-appeal must be filed with the lower court. Notices of joinder and motions to intervene should be filed with the Fifth District. A fee of \$295 must be paid when a notice of cross-appeal, notice of joinder, or motion to intervene is filed. F.S. 35.22(2)(b) (2018).
7. 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).
8. When providing directions to the clerk of the lower court/tribunal to include exhibits in the record, **do not** designate any tangible evidence such as drugs, firearms, explosives,

and heavy or bulky items without prior permission of the Fifth District. This does not apply to normal-size photographs, maps, graphs, or the like.

9. 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).

10. Do not utilize brief covers. Do not staple or otherwise bind briefs or appendices submitted in paper format, as the Court scans all documents filed on paper. Fla.R.App.P. 9.210(a)(3) & 9.220.

11. A notice of supplemental authority may be filed before a decision has been rendered to call attention to decisions, rules, statutes or other authorities that have been discovered after service of the party's last brief. Submission must comply with the requirements of Florida Rule of Appellate Procedure 9.225.

12. All briefs must adhere to the format and content requirements set forth in Florida Rule of Appellate Procedure 9.210. Briefs submitted in paper 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).

13. Foreign attorneys must file a request to appear that adheres to the requirements as set forth in Florida Rule of Judicial Administration 2.510 and pay a \$100 fee to the Court and a \$250.00 fee to The Florida Bar. Fla.R.Jud.Admin. 2.510(b)(7); Fla.R.App.P. 9.440(a); F.S. 35.22 (2018).

14. 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.

15. 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. An Affidavit of Indigency Form is available on the Court's website.

16. A petition invoking the original jurisdiction of the Court must adhere to the format and content requirements set forth in Florida Rule of Appellate Procedure 9.100(g). Petitions submitted in paper must adhere to the prescribed font requirements and contain a certificate of compliance immediately following the certificate of service. Fla.R.App.P. 9.100(f).

17. Submit only the original of any petition invoking the original jurisdiction of the Court.

18. 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), 3.801, 3.802, 3.850, and 3.853, and original proceedings seeking belated appellate review or alleging ineffective appellate counsel.

19. Documents filed by pro se inmates confined in an institution, to be deemed timely, must include a prison mail room date stamp or a certificate of service certifying the date the document was delivered to prison authorities. Fla.R.App.P. 9.420(a)(2).

20. Oral arguments held at the Daytona Beach Courthouse may be viewed on the Fifth District website at www.5DCA.org.