

Fifth District Court of Appeal, State of Florida
300 South Beach Street, Daytona Beach, FL 32114

ADMINISTRATIVE ORDER
AO5D19-02 (Amended)

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. Once a motion for extension of time has been granted for a specific brief, a Notice of Agreed Extension of Time directed to that same brief will **not** be accepted.

3) A Notice of Agreed Extension of Time will be accepted **only** if it meets the following criteria:

a) **Criminal cases:** An agreed notice of extension of time will be accepted for an aggregate total of 30 days for service of the initial brief and an agreed notice of extension of time will be accepted for an aggregate total of 30 days for service of the answer brief. An agreed notice of extension of time will be accepted for an aggregate total of 10 days for service of the reply brief.

Where a cross appeal has been filed, an agreed notice of extension of time will be accepted for an aggregate total of 30 days for service of the initial brief; an agreed notice of extension of time will be accepted for an aggregate total of 30 days for service of the answer/cross-initial brief; an agreed extension of time will be accepted for an aggregate total of 10 days for the service of the reply/cross-answer brief; and an agreed extension of time will be accepted for an aggregate total of 10 days for the service of the cross-reply brief.

b) **Civil cases:** An agreed notice of extension of time will be accepted for an aggregate total of 60 days for the service of the initial brief; an agreed notice of extension of time will be accepted for an aggregate total of 60 days for the service of the answer brief; and an agreed notice of extension of time will be accepted for an aggregate total of 30 days for the service of the reply brief.

Where a cross appeal has been filed, an agreed notice of extension of time will be accepted for an aggregate total of 60 days for the service of the initial brief; an agreed notice of extension of time will be accepted for an aggregate total of 60 days for the service of the answer/cross-initial brief; an agreed notice of extension of time will be accepted for an aggregate total of 30 days for the service of the reply/cross-answer brief; and an agreed notice of extension of time will be accepted for an aggregate total of 30 days for the cross-reply brief.

4) A Notice of Agreed Extension of Time must be signed by the party filing it, but need not be signed by the other parties. A Notice of Agreed Extension of Time must comply with

Administrative Order 5D18-02 (Amended) and include a certification in the signed certificate of service on the Notice of Agreed Extension of Time that counsel has, that day, provided a copy of the agreed notice to his/her client(s). See AO5D18-02 (Amended) ("Informing Clients When Seeking Extensions of Time"). 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. A Notice of Agreed Extension of Time not in compliance with this Administrative Order or Administrative Order 18-02 (Amended) will be stricken.

5) 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 AO5D16-01.

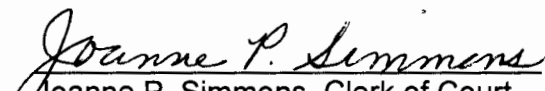
6) Where no motion for extension of time for the same document has previously been granted, a party who has obtained the agreement of opposing counsel to a specific extension of time for the filing of an initial, answer, or reply brief, or, in the case of a cross appeal, for the filing of an initial, answer/cross-initial, reply/cross-answer, or cross-reply brief, may file a Notice of Agreed Extension of Time that complies with this Administrative Order 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 (identify the brief) may be extended for (____) days to (date).

DONE and ORDERED at Daytona Beach, Florida on this 14th day of March 2019.


Kerry I. Evander, Chief Judge

ATTEST:


Joanne P. Simmons, Clerk of Court

