

Guide to Important Local Rules of Florida's Appellate Courts

By Diana L. Martin

There are two things that every appellate attorney must do in practically every Florida appeal—file a motion for an extension of time and file a brief (both electronically and in hard copy). In the following chart, you will find important local rules regarding these essential tasks as published by each of Florida's appellate courts.

Court	Clerk's Office	Drop Box	Information published by Court regarding Motions for EOT	Electronic Filing Requirements
FSC	(850) 488-0125 Open: 8:00 – 5:00 Attention: Clerk's Office 500 South Duval Street Tallahassee, Florida 32399-1927	No.	If a filing cannot be delivered to the court prior to 5:00 p.m. on the date it is due, a motions for extension of time should be filed prior to 5:00 p.m. that day.	Electronic copies of merits briefs, jurisdictional briefs, pleadings filed in death warrant cases, pleadings filed in JQC cases, referee reports in Florida Bar disciplinary cases, hearing transcripts in death penalty cases, petitions requesting rule amendments, petitions requesting procedural rule form amendments, comments in rules cases, and petitions and responses in which the Court determines it will hold oral argument shall be emailed to e-file@flcourts.org in Microsoft Word format only. Electronic filings shall be made the same day the original paper copy of the documents is filed or served and shall be attached to an email that lists the Supreme Court case number ("Filing in SC00-0") or, if no number has been assigned, the style of the case ("Filing in Doe v. Roe").
1st DCA	(850) 488-6151 Open: 8:00 – 5:00 301 S. Martin Luther King Jr. Blvd., Tallahassee, FL 32399-1850	No, but there is usually a guard on duty at the court on business days from 5:00 p.m. until midnight. Filings will be stamped with the date they are received by the guard.	<ul style="list-style-type: none"> Unopposed, first requests for extensions of time up to 30 days are usually granted. BUT, in Workers' Compensation cases, motions must specifically state the circumstances justifying an extension, which must amount to more than the attorney's busy schedule, and must include the number of days requested and a date certain when the brief will be filed. In expedited child cases, extensions are granted only in emergency circumstances. Extensions for reply briefs are discouraged and will usually only be granted based on emergencies. In Workers' Compensation cases, extensions for reply briefs will not be granted except upon showing of extreme emergency. Motions for extensions of time shall contain a certificate that opposing counsel has been consulted and shall state whether opposing counsel has an objection to the motion. Attempts to contact opposing counsel are generally not sufficient. 	<p>All appellate briefs and petitions, responses, and replies in original proceedings shall be emailed to emailfilings@1dca.org on the date of the certificate of service of the paper original. Appendices are not permitted to be electronically filed.</p> <p>Electronically filed documents shall be submitted in Microsoft Word or Corel WordPerfect format (not .pdf format) and named according to the following uniform format that includes the case number and type of document:</p> <ul style="list-style-type: none"> Initial Brief 1D07-3004IB Amended Initial Brief 1D07-3004IBamend Second Amended Initial Brief 1D07-3004IB2amend Answer Brief 1D07-3004AB Reply Brief 1D07-3004RB Cross Reply Brief 1D07-3004XB Supplemental Brief 1D07-3004SB Amicus Brief 1D07-3004AM Petition 1D07-3004PE Response 1D07-3004PS Reply 1D07-3004RP <p>The electronically filed documents shall be attached to an email that states in the subject line the type of document attached, and the case name (e.g., 1D07-3004IB William J. Doe v. State of Florida).</p>
2d DCA	(863) 499-2290 Open: 8:30 – 5:00 1005 E. Memorial Blvd., Lakeland, FL 33801	No	<ul style="list-style-type: none"> Good cause must be shown for extensions of time and motions must be filed before the applicable deadline. A motion for extension of time should specify the expiration day of the requested extension. Motions for extensions of time shall contain a certificate that opposing counsel has been consulted and either has no objection or will promptly file an objection. 	<p>All appellate briefs; petitions, responses, and replies in original proceedings; and motions for rehearing en banc shall be emailed to 2DCAefiling@flcourts.org prior to the filing of the paper original. Petitions in original proceedings, however, must be filed in hard copy first and electronically filed after receipt of a case number. Appendices are not required to be electronically filed.</p>

Electronically filed documents shall be submitted in Microsoft Word or Corel WordPerfect format (not .pdf format) and named according to the following uniform format that includes the case number and type of document:

- Initial Brief 2D06-3004IB.doc
- Answer Brief 2D06-3004AB.doc
- Reply Brief 2D06-3004RB.doc
- Cross Reply Brief 2D06-3004XB.doc
- Supplemental Brief 2D06-3004SB.doc
- Amicus Brief 2D06-3004AM.doc
- Petition 2D06-3004PE.doc
- Response 2D06-3004RS.doc
- Reply 2D06-3004RP.doc
- Motion for Rehearing En Banc 2D06-3004EB.doc

The electronically filed documents shall be attached to an email that states in the subject line the name of the document (e.g., 2D06-3004IB) and states in the body the case name, number and type of document attached (e.g., Jones v. Carter, 2D06-3004, initial brief).

3d DCA	(305) 229-3200 Open: 8:00 – 5:00 2001 S.W. 117 Ave. Miami, Florida 33175	Yes, in the Dade County Courthouse Clerk's office, 73 West Flagler Street, available from 9:00 a.m. to 4:00 p.m. Documents placed in the drop box will be date stamped the business day prior to delivery of the box to the 3d DCA.	None.
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All appellate briefs and petitions and responses in original proceedings shall be emailed to 3DCAefiling@flcourts.org on the earlier of the day of filing the paper original or the day of service.

Electronically filed documents shall be submitted in Microsoft Word, Corel WordPerfect, or .pdf format and named according to the following uniform format that includes the case number and type of document:

- Initial Brief 05-726.ini.doc
- Answer Brief 05-726.ans.doc
- Reply Brief/Reply 05-726.rep.doc
- Cross Reply Brief 05-726.cro.doc
- Supplemental Brief 05-726.sup.doc
- Amicus Brief 05-726.ami.doc
- Petition 05-726.pet.doc
- Response 05-726.res.doc

The electronically filed documents shall be attached to an email that states the style of the case, case number, and type of document.

4th DCA	(561) 242-2000 Open: 8:00 – 4:00 1525 Palm Beach Lakes Blvd. West Palm Beach, FL 33401-2399	No, but filings made in the clerk's office before 9:00 a.m. will be date stamped the previous business day. Petitions for original writs, notices of appeal, and notices to invoke discretionary jurisdiction will be back dated because jurisdictional time limits may not be extended.	<ul style="list-style-type: none"> • Motions for extensions of time shall contain a certificate that opposing counsel has been consulted and shall state whether opposing counsel has an objection to the motion. Attempts to contact opposing counsel are not sufficient. • Limited extensions for initial and answer briefs will be granted by the clerk, unless the motion certifies that the opposing party opposes the motion.
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All appellate briefs, petitions and responses in original proceedings, responses to orders of the Court, and motions for rehearing or relief under Rules 9.330 and 9.331, along with appendices thereto, shall be emailed to efiling@flcourts.org in Microsoft Word, Corel WordPerfect, or .pdf format. Transcripts shall be filed electronically with the Initial Brief, but can be in the same format used by the court reporter.

Electronic filings shall be made on the earlier of the day of the filing of the paper original or the day of service, and the email shall list Fourth District case name and number in the subject line.

5th
DCA

(386) 255-8600

Open: 8:15 – 5:00

300 South Beach
Street
Daytona Beach, FL
32114

Yes. 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.

None.

All appellate briefs, petitions and responses in original proceedings, responses to orders of the Court, and motions for rehearing or relief under Rules 9.330 and 9.331, along with appendices thereto, shall be emailed to 5DCAefiling@fcourts.org in Microsoft Word, Corel WordPerfect, or .pdf format. Transcripts shall be filed electronically with the Initial Brief, but can be in the same format used by the court reporter.

Electronic filings shall be made on the earlier of the day of the filing of the paper original or the day of service. Each document being electronically filed shall be in a separate file, named according to the following uniform format that includes the case number and document type:

- Initial Brief 08-338.ini.doc
- Answer Brief 08-338.ans.doc
- Reply Brief/Reply 08-338.rep.doc
- Cross Reply Brief 08-338.cro.doc
- Supplemental Brief 08-338.sup.doc
- Amicus Brief 08-338.ami.doc
- Petition 08-338.pet.doc
- Response 08-338.res.doc
- Motion for Rehearing 08-338.reh.doc
- Motion for Clarification 08-338.cla.doc
- Motion for Certification 08-338.cer.doc



Diana L. Martin is an associate at Leopold~Kuvin, P.A., in Palm Beach Gardens, where she handles civil appeals in state and federal courts and provides complex litigation support. Ms. Martin is a 2002 high-honors graduate of the University of Florida Levin College of Law. Before entering private practice, she was law clerk to the Honorable Martha Warner at the Fourth District Court of Appeal.

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