

NINTH JUDICIAL CIRCUIT COURT — APPELLATE DIVISION

NOTICE TO ATTORNEYS & PARTIES

RE: APPEALS FROM FINAL ADMINISTRATIVE ORDERS OF LOCAL GOVERNMENT
CODE ENFORCEMENT BOARDS AND OF REVIEWS AND APPEALS AS OTHERWISE
EXPRESSLY PROVIDED BY LAW

The following rules of the Ninth Judicial Circuit Court should be followed by all attorneys and parties filing appeals from final administrative orders of local government code enforcement boards and of reviews and appeals as otherwise expressly provided by law.

READ THESE RULES TO ENSURE YOUR APPEAL WILL PROCEED IN A TIMELY FASHION AND TO AVOID DISMISSAL OF YOUR APPEAL FOR FAILURE TO FOLLOW THESE RULES.

**THE FLORIDA RULES OF APPELLATE PROCEDURE APPLY TO ALL APPEALS
AND ORIGINAL PROCEEDINGS.**

A. Appeal of final Administrative Orders of Local Government Code Enforcement Boards and of Reviews and Appeals as Otherwise Expressly Provided by Law

1. The Notice of Appeal shall be filed with payment of the appropriate filing fees. For appeals of local government decisions, the Notice of Appeal must also be filed with the local government's clerk. *See* Florida Rule of Appellate Procedure 9.110(c).
2. Persons seeking indigent status must comply with Florida Rule of Appellate Procedure 9.430.
3. The Notice of Appeal must be served on all parties or their attorneys. *See* Florida Rule of Appellate Procedure 9.420(c).
4. The date of rendition of the order must be indicated on the Notice of Appeal. *See* Florida Rule of Appellate Procedure 9.020(i).
5. The Notice of Appeal shall contain the names of all parties to the appeal whether it is an appeal of a final or non-final order.
6. For record preparation, comply with Florida Rules of Appellate Procedure 9.200. You must pay the Clerk for the cost of any record preparation or your appeal may be subject to dismissal. For appeals of administrative action, it is the Appellant's

responsibility to ensure that the local government clerk prepares the record and sends it to the Clerk of Court.

7. If no transcript of the lower court's proceedings exist, you may file a statement of the evidence, which is your best recollection of the proceedings, with the lower court, and serve a copy on all parties or their attorneys, who may serve objections or proposed amendments to it within 15 days of service. The lower court must approve the statement of the evidence before it is filed in this Court. It is the Appellant's responsibility to obtain this approval. *See Florida Rule of Appellate Procedure 9.200(b).*
8. In civil cases, the Appellant must file with the Notice of Appeal: (1) the Final Order/Judgment/or Order of Final Administrative Action being appealed; AND (2) any subsequent order on a Motion for Retrial or Rehearing.
9. The Court must be advised in writing as soon as possible of any other cases pending before this Court involving related issues of which you have personal knowledge.

B. Petitions for Writ of Certiorari (non-final orders, zoning and land use orders, and other quasi-judicial local government action)

1. The Petition and the Appendix shall be filed together with payment of the appropriate filing fee. *See Florida Rule of Appellate Procedure 9.100(g)* for the required contents of the Petition.
2. Persons seeking indigent status must comply with Florida Rule of Appellate Procedure 9.430.
3. The Petition shall be served on all parties or their attorneys and shall contain a certificate of service and certificate of compliance.
4. The Petitioner must include in the Appendix a conformed copy of: (1) the Final Order/Judgment/or Order of Final Administrative Action being appealed; AND (2) any subsequent order on a Motion for Retrial or Rehearing.
5. The Court must be advised in writing as soon as possible of any other cases pending before this Court involving related issues of which you have personal knowledge.

C. Motions

1. Motions must be filed with the Clerk of Court. Do not file or send courtesy copies unless requested. Any record material necessary for resolution of the motion should be attached to the motion as an Appendix. *See* Florida Rule of Appellate Procedure 9.300(a) for required content of and procedure for motions.
2. Motions shall contain a certificate of service showing service on all parties or their attorneys. Motions must also contain express representations (except on motions where a party seeks disposition of all or part of another party's appeal) that opposing counsel has been contacted and will or will not stipulate to the relief requested.
3. Responses to motions shall be served within 15 days after service of the motion. No reply will be considered unless specifically authorized by the Court. Any unauthorized reply will be stricken without consideration. *See* Fla. R. App. P. 9.300.
4. Request for Oral Argument should be filed as a separate document in compliance with Florida Rule of Appellate Procedure 9.320. Oral argument, if granted, will generally be limited to 10 minutes per side. If there are multiple parties to a side, then the parties must determine among themselves how to split the 10 minutes per side among them. Oral Argument will be granted by the Court only in those cases where it is genuinely believed necessary for disposition of the cause.
5. Excessive and unnecessary motion practice is discouraged and may result in the imposition of sanctions under Florida Rule of Appellate Procedure 9.410. *See Dubowitz v. Century Village East., Inc.*, 381 So. 2d 252 (Fla. 4th DCA 1979).

D. Briefs

1. All briefs shall be filed with the Clerk of Court. *See* Florida Rule of Appellate Procedure 9.210 for required contents of and procedure for briefs. Do not file or send courtesy copies unless requested.
2. An initial brief must be served within 70 days of filing the notice of appeal. *See* Florida Rule of Appellate Procedure 9.110(f).
3. An answer brief must be served within 30 days of service of the initial brief, and any reply brief must be served within 30 days of service of the answer brief.

4. All briefs shall include a certificate of service showing service of the brief on the opposing parties or their attorneys, as well as a certificate of compliance pursuant to Florida Rule of Appellate Procedure 9.210.
5. Failure to cite to the record for facts stated in the brief, in compliance with Florida Rule of Appellate Procedure 9.210, may result in the brief being stricken.
6. A party's brief should contain all relevant authority published prior to submission of the brief. A Notice of Supplemental Authority should cite only to newly discovered cases (copy of the opinion should be attached to the Notice) with a clear designation of the point on appeal to which the authority is pertinent. Argument is not permitted in the Notice of Supplemental Authority.
7. If not filed electronically, all briefs shall be securely stapled with one staple in the upper left-hand corner and without brief covers. No onion skin or similar quality copies will be accepted.

E. Extensions of Time

1. In expedited cases, no motions for extensions of time will be granted.
2. Requests for extension of time should be filed in compliance with Florida Rule of Appellate Procedure 9.300(a). No motion for extension of time will be granted that does not contain a certificate that opposing counsel has been contacted, and the position opposing counsel takes on the extension. A motion for extension of time served after the time for serving the brief or response has expired will not be granted absent a showing of good cause.
3. In lieu of an agreed motion for extension of time to file a brief, the Court will accept a notice from a party that the parties have agreed to a specific extension of time. This notice shall state that the parties have agreed on the extension, how long the agreement entails, and when the new due date will be. Agreed notices for extension of time will be accepted for a total of 90 days for an initial or answer brief and 60 days for a reply brief. The notice need not be signed by both parties. No order will issue from the Court. This procedure shall not apply to any expedited or emergency appeals. A notice of agreed extension of time filed after the time for serving the brief or response has expired will be stricken absent a showing of good cause.

F. Other Information

1. To ensure you receive copies of all motions, orders, and opinions, **FILE A NOTICE OF CHANGE OF ADDRESS WHEN YOU MOVE.**
2. Requests for the status of the matter pending before the Court should be directed to the Clerk of Court either at the Orange County Clerk of Courts at (407) 836-2000 or the Osceola County Clerk of Courts at (407) 742-3500, depending upon which Clerk's Office you filed. The Clerk can only tell you what has or has not been filed into the Appeal case file. You should not ask the Clerk legal questions because they are not trained or licensed to give legal advice.