

cc:

MANATEE CLERK

LINDSAY ELIZABETH DECARLO

ANTHONY LANCE REINS

KYLE DOUGLASS ROSS

IN THE DISTRICT COURT OF APPEAL IN AND FOR THE STATE OF FLORIDA
SECOND DISTRICT

NOTICE TO ATTORNEYS AND PARTIES

The substantial case load of this court together with the orderly and timely movement of appeals requires strict compliance with the appellate rules. The following items are brought to your attention for easy reference.

1. Critical Time Requirements for Appeals from Final Orders

(a) Appellant's initial brief is due 70 days from the notice of appeal in civil appeals; 30 days from the later of transmission of the record or designation of appointed counsel in criminal appeals; and 30 days from the notice of appeal in summary postconviction appeals for the optional brief.

(b) A party has 15 days to voluntarily respond to an opponent's motion.

2. Extensions of Time

Good cause must be shown. File before the applicable deadline. Failure to comply may subject the appeal to dismissal or result in sanctions. Specify the expiration day of the requested extension. Pursuant to rule 9.300, attorneys must include a certificate that opposing counsel has been consulted and either has no objection or will promptly file an objection.

RELATED CASES

All attorneys and self-represented parties shall advise this court of related cases currently pending or recently decided by this court. Fla. R. App. P. 9.380. File a separate "Notice of Related Cases" within seven days of receipt of the acknowledgement letter. A form is provided in rule 9.900(k). This includes appeals or original proceedings that arise from the same trial court case, as well as proceedings, even if not in the same trial court case, that arise from the same or related factual circumstances. Proceedings involving criminal defendants who are not codefendants but who have been accused of being confederates in a criminal act or acts would qualify under this definition of related cases in this court.

CHILD CUSTODY/VISITATION

The Court expedites appeals that involve disputes over child custody or visitation. All attorneys and self-represented parties shall advise this court if child custody or visitation is an issue in their case. File a separate "Notice of Custody or Visitation Issue" within ten days of receipt of the acknowledgement letter.

3. Electronic Filing

All attorneys must file electronically via the Florida Courts e-Filing Portal: www.mycourtaccess.com. Electronic fee payments may also be submitted through this portal.

4. Oral Argument Request and Continuances

(a) Requests must be made not later than 15 days after the last brief or reply is due to be served and shall be filed in a separate document. Each side will have twenty minutes to argue unless the court orders otherwise prior to the date of argument. Fla. R. App. P. 9.320.

(b) Motions for continuance of oral argument must be based on either a substantial commitment preexisting the receipt of the oral argument notice or an emergency situation.

(c) Timely requests for oral argument, submitted in a separate document that complies with Florida Rule of Appellate Procedure 9.320, will generally be granted. Except in extraordinary cases, however, the court does not allow oral argument on motions and in the following types of proceedings:

- i) appeals in which a pro se party is incarcerated;
- ii) summary postconviction appeals; and
- iii) nonsummary postconviction appeals where the parties are not represented.

Requests for oral argument in expedited proceedings, including termination of parental rights and dependency cases, are presented first to the merits panel.

(d) Upon receipt of an order setting oral argument, please check WHERE argument is to be held. This court sets cases in Tampa, by video, and from time to time in other cities.

5. Briefs

Any brief submitted to the court must comply with Florida Rules of Appellate Procedure 9.045 and 9.210. If submitted by an attorney, it must be filed electronically. If the brief is typewritten or computer-generated, the lettering shall be black and in distinct type, double-spaced, with margins no less than 1 inch. Computer-generated briefs shall be prepared with either Arial 14-point font or Bookman Old Style 14-point font.

6. Record References in Briefs

Failure to comply with rule 9.210(b)(3) by reference to appropriate pages of the record in the statement of the case and facts may result in the striking of the brief, even in the absence of a motion filed by the opposing party. When a record is required, any document appearing in an appendix must also be contained in the record on appeal.

7. Use of Trial Court Evidentiary Exhibits

(a) Contraband and dangerous items: Please do not designate as part of the record on appeal such tangible evidence as drugs, firearms, or explosives without prior permission of the court. If the court approves transmission of these kinds of exhibits, it will identify the role of the circuit court clerk and appropriate law enforcement personnel in transporting the exhibits.

(b) Large charts, and heavy or bulky items: Please do not designate as part of the record on appeal large items without prior approval by the court. In the event such approval is given, in civil cases it will be the responsibility of the party gaining such approval to see that oversized evidence is delivered to this court and redelivered to the trial court at the conclusion of the appeal. In criminal cases, the court upon motion will designate the means of transmission of the subject exhibits. This restriction does not apply to normal-size documents, photographs, maps, graphs, etc.

8. Appendices

Appendices filed electronically must contain an index and be bookmarked, text-searchable, and paginated so that the page numbers displayed by the PDF reader exactly match the pagination of the index. Paper appendices may only be submitted by self-represented parties. With a paper appendix, text is permitted on one side of the page only.

9. Supplemental Authority

Notify opposing party of full citation BEFORE oral argument and file with this court. This should be done, except in exceptional circumstances, early enough for opposing counsel to be prepared to respond to the supplemental authority at oral argument.

10. Waiving Oral Argument

Cases without oral argument are subject to the same review, analysis, and consideration by a three-judge panel as are cases that are orally argued.

11. Florida Bar Numbers

All attorneys MUST put their Florida Bar membership number on all pleadings filed with the appellate court.

12. Changes of Address of Attorneys or Parties

All attorneys representing parties in this court and parties representing themselves shall promptly notify this court of any changes of their address or email address. All orders and decisions of this court sent to the last email or mailing address in the court file will be presumed to be adequate notice for all purposes.

DANIEL H. SLEET, CHIEF JUDGE
Second District Court of Appeal
July 1, 2023