

**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT,
IN AND FOR THE STATE OF FLORIDA**

ADMINISTRATIVE ORDER NO. A-2019-14

**ADMINISTRATIVE ORDER ESTABLISHING PROCEDURES FOR THE
APPELLATE DIVISION OF THE CIRCUIT COURT,
FIFTH JUDICIAL CIRCUIT OF FLORIDA,
AND RESCINDING ADMINISTRATIVE ORDER NO. A2013-9-C**

WHEREAS, Local Rule I was approved on April 13, 1987, by the Florida Supreme Court; and

WHEREAS, significant changes have occurred in this Fifth Judicial Circuit which would require amending some of the local procedures; and

WHEREAS, pursuant to and in accordance with Local Rule I, paragraph 5, the following procedures are established for operation of the Appellate Division of the Circuit Court, Fifth Judicial Circuit:

1. The Appellate Division shall be comprised of three (3) Circuit Judges assigned by the Chief Judge on a rotating basis set forth in the Amended Administrative Order of Assignment of Circuit Judges to the Appellate Division of the Fifth Judicial Circuit.
2. Any Judge appointed to the Panel who finds it necessary to recuse him/herself or being unable to serve due to illness or absence shall contact another Circuit Judge to serve in his/her absence. Thereafter, said Judge shall notify the Chief Judge in writing of his/her intended absence and substitute Judge. The Chief Judge shall enter an appropriate order of substitution of that Panel member and notify the other Panel members. The Judge obtaining a substitute shall immediately provide the docket information to the substitute Judge who will be responsible for any cases considered during his/her appointment.
3. When a Notice of Appeal is filed the Clerk of Court shall send a copy of the Notice to the Office of the General Counsel via email to appellate@circuit5.org. Thereafter, the Clerk shall forward one (1) copy of any filings, including the Record on Appeal and Briefs, to the above address.
4. The docket for the upcoming Appellate Meeting shall be sent via electronic means, to the Appellate Panel members at least one week prior to the Panel convening. The entire Record of Appeal, including Briefs, shall be available to the Panel Members via electronic judicial viewer.
5. Upon receiving a copy of the Notice of Appeal, the Court Administrator, or his/her designee, shall mail to all parties a copy of the Order on Notice of Appeal and Appellate Procedure attached hereto as Exhibit A, filing the original with the Clerk of the Court in the appropriate county.
6. If, after ninety (90) days from the date of mailing the Order on Notice of Appeal and Appellate Procedure, there has been no action or Motion for Continuance/Motion for Extension of Time filed, the Court Administrator, or his/her designee shall present to the Presiding Judge

an Order to Show Cause: why the case should not be dismissed, which will be served on all parties. If the Appellant fails to respond to the Order to Show Cause Why the Case Should not be Dismissed, the Court Administrator, or his/her designees shall present to the Presiding Judge an Order Dismissing Appeal.

7. The Presiding Judge of the Appellate Division shall be responsible for the orderly and prompt disposition of the division's business in compliance with the Florida Rules of Appellate Procedure and this Order.

8. Every application for an Order in connection with appellate proceedings shall be made to the Presiding Judge who shall have full charge of the proceedings. In the absence, failure, or inability of the Presiding Judge to act, any other Judge of the Panel may be substituted.

9. The Presiding Judge of the Appellate Division shall be responsible for hearing all interlocutory matters once an appeal is filed.

10. If the Panel permits oral arguments, only the Presiding Judge of the Appellate Division may inform counsel when time allotted for oral arguments has expired.

11. The Presiding Judge of the Appellate Division may assign a member of the Panel to write an opinion and to circulate the opinion to other Panel members for their concurrence or dissent. Before publishing any decision, all Panel members shall be given an opportunity to review and consider the written opinion.

12. All cases shall be decided and published within thirty (30) days of oral argument. Each Appellate Panel shall dispose of all appeals argued before it.

13. The Presiding Judge shall coordinate all hearings before the Appellate Division. The Presiding Judge shall be responsible for scheduling the meetings of the Panel. The Panel shall meet at least once every other calendar month. The Presiding Judge of the Panel may schedule additional sessions as they are needed.

DONE AND ORDERED in chambers in Ocala, Marion County, Florida this 31st day of January 2019.


S. SUE ROBBINS
CHIEF JUDGE

ORDER ON NOTICE OF APPEAL
AND
APPELLATE PROCEDURE

_____ COUNTY
APPELLATE CASE NO. XXXX-AP-XX
LOWER CASE NO.: 20XX-XX-XXXX

XXXXXXXXXXXXXXXXXXXX

vs

XXXXXXXXXXXXXXXXXXXX

XXXXXXXX, Esquire
XXXXXXXXXXXXXXXXXXXX
XXXXXXXX FL 3XXXX

A **NOTICE OF APPEAL** has been filed in the above-styled matter. Be advised that the Florida Rules of Appellate Procedure will apply to all appeals from the County Court to the three-judge appellate panel, except as follows:

- I. The appellant's initial brief is due seventy (70) days from the date of this order rather than from the filing of the notice of appeal.
2. Time computation is commenced with the date of this order rather than from the date of the notice of appeal.
3. Fla. R. App. P. 9.420(e) is inapplicable.
4. All other time limitations of the rules remain.

This Order shall constitute proper notice advising that any Appellant who does not file a **timely** appellate brief will have his or her appeal stricken and/or appeal dismissed *without hearing*. A brief is considered timely when it is *filed* on or before the date as provided below. Because all briefs are due by a date certain, Fla. R. App. P. 9.420(e) is inapplicable and there will be no extension provided for mailing.

Oral Argument must be specifically requested as provided by the rules. Any appellee who does not timely file an answer brief will not be allowed to engage in oral argument.

IT IS SO ORDERED this ___ day of _____, 20__.

(Presiding Judge's Name)
Presiding Judge
Appellate Division

Initial Brief Due: XXXX XX, 20__
Answer Brief Due: XXXX XX, 20__

EXHIBIT A