

IN THE CIRCUIT COURT OF THE SEVENTEENTH  
JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA

Order Number 2013-25-Gen

**ADMINISTRATIVE ORDER ESTABLISHING PROCEDURES  
FOR CIRCUIT COURT APPEALS  
AND PETITIONS FOR EXTRAORDINARY WRITS**

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(a) Florida Rule of Judicial Administration 2.215(b) (3) states the chief judge shall “considering available resources, ensure the efficient and proper administration of all courts within [this] circuit.”

(b) In accordance with the authority vested in the chief judge by Florida Rule of Judicial Administration 2.215, it is ordered effective on July 1, 2013:

**(1) Assignment of Civil Appeals and Petitions for Extraordinary Writs.**

- a. All county civil appeals, civil traffic infraction appeals, and administrative case appeals, appealed from the county court to the circuit court, shall be assigned by the Clerk of Courts to circuit civil division AP. All county court civil appeals or administrative appeals from county court to circuit court open and pending without a final disposition as of July 1, 2013, shall be transferred to circuit civil division AP.
- b. Petitions for extraordinary writs seeking mandamus, quo warranto, certiorari, prohibition or habeas corpus filed with the Clerk of Courts shall be assigned to circuit civil division AW. All petitions for extraordinary writs open and pending without a final disposition as of July 1, 2013, shall be transferred to circuit civil division AW.

**(2) Assignment of Criminal Appeals.**

- a. If a county criminal case is appealed to the circuit court, the Clerk of Courts shall assign the case to a circuit criminal division except for divisions FR, FO, and FT.
- b. Multiple Appeals. All related appeals shall be assigned to the division with the lowest case number. Any petition for an extraordinary writ, even if related to a pending criminal appeal, shall be assigned to circuit civil division AW as specified in (b) 1 (b) above.

**(3) Civil Appeals and Petitions for Extraordinary Writs.**

- a. There shall be a three-judge panel of circuit court judges to hear all circuit civil appeals and all petitions for extraordinary writs filed in divisions AP and AW.
- b. The administrative judge of the circuit civil division shall assign three (3) judges to serve on each appellate panel. The term of appointment shall be for a six (6) month period. Assignments shall be made pursuant to memorandum.

- c. The administrative judge of the circuit civil division shall appoint one of the members of each panel to serve as the presiding judge. The presiding judge shall:
  - i. discharge the administrative duties of the panel, including scheduling oral argument sessions and/or conferences which shall be held at least once a month;
  - ii. rule on all non-dispositive motions and issues raised by the parties or the court sua sponte;
  - iii. preside at all sessions;
  - iv. assign the writing of opinions among the panel members when the presiding judge is in the majority; however, when the presiding judge is in the minority, this responsibility shall be discharged by the most senior judge in the majority.
- d. If the presiding judge is unavailable, then one of the two other appellate panel members may discharge his /her responsibilities. If they are all unavailable, then the presiding judge's responsibilities may be discharged by the administrative judge of the circuit civil division or, if unavailable, the civil duty judge.
- e. A majority of the appellate panel may grant oral argument when the panel is of the opinion oral argument will assist in the orderly disposition of the cause. Oral arguments shall be scheduled on any case when requested by two members of the panel of assigned judges.
- f. After oral argument, or after the discussion of a case in conference, the panel shall take a preliminary vote. Cases shall be decided by majority vote.
- g. The panel member assigned to draft a written opinion shall circulate the proposed opinion together with a face sheet on which the remaining panel members shall indicate their concurrence or dissent. The court's opinion shall be typed, double spaced, and shall follow the format utilized by the district courts of appeal. The majority opinion and any concurring or dissenting opinions shall be filed with the clerk.
- h. En banc matters shall comply with Florida Rule of Appellate Procedure 9.331. The references to the judges of the district court of appeal or district court of appeal shall be read as judges of the circuit civil division for the purposes of this Administrative Order.
- i. All motions for rehearing must comply with Florida Rule of Appellate Procedure 9.330. A response may be served within ten (10) days of service of the motion. A majority of the panel, at their discretion, may grant or deny any motion for rehearing.

**(4) Clerk of Courts Duties.**

- a. The clerk shall perform all functions, and discharge all duties, traditionally fulfilled by the clerk of the Florida's Fourth District Court of Appeal.
- b. The Clerk of Courts shall accept e filed notices of appeal and petitions for extraordinary writs as prescribed by law.

- c. If the Clerk of Courts assigns a case to a division not in compliance with this order, the Administrative Judge of the Circuit Civil Division may enter an order directing the Clerk of Courts to transfer the case to the appropriate division.
- d. If a petition for an extraordinary writ is filed, the Clerk of Courts shall comply with Florida Rule of Appellate Procedure 9.100(f) by transmitting the petition to the presiding judge of the civil appellate panel.
- e. The Clerk of Courts shall transmit the record on appeal and the index for county to circuit court appeals as required by the Florida Rules of Appellate Procedure. It shall be the obligation of the appellant or petitioner to ensure the Clerk of Courts complies with his duties as established by the Florida Rules of Appellate Procedure.
- f. The Clerk of Courts shall issue a mandate as required by the Florida Rules of Appellate Procedure. Upon issuance of the mandate, the Clerk of Courts shall provide a copy of the opinion to Florida Law Weekly Supplement and the Broward County Law Library.
- g. The Clerk of Courts shall return the record on appeal to the county court, no later than ten (10) court business days after the issuance of the mandate or dismissal of the appeal.

**(5) Extensions of Time.**

- a. In lieu of a motion pursuant to Florida Rules of Appellate Procedure 9.300(a), parties or counsel may agree to no more than two (2) extensions of time within which to file an initial brief that shall not exceed a total of one hundred twenty (120) days.
- b. In lieu of a motion pursuant to Florida Rules of Appellate Procedure 9.300(a), parties or counsel may agree to no more than one (1) extension of time within which to file an answer or reply brief that shall not exceed a total of sixty (60) days.
- c. No order shall issue from the Court.
- d. The notice as set forth in Exhibit A shall be filed with the Clerk of Courts.
- e. *This provision does not apply to expedited appeals, emergency appeals, or petitions for extraordinary writs.*
- f. If a party seeks an extension of time in excess of the times authorized herein, the party shall file a motion pursuant to Florida Rules of Appellate Procedure 9.300(a) that sets forth the number of prior extensions granted automatically or by order.

**(6) Mandatory Electronic Courtesy Copies.**

- a. Electronic courtesy copies of all documents in any circuit appellate and/or writ case shall be sent via email to [appeals@17th.flcourts.org](mailto:appeals@17th.flcourts.org) contemporaneous with the filing of the document.
- b. Attorneys shall not send paper courtesy copies to the court unless specifically directed to do so by the panel.

- c. Any self-represented party may provide electronic copies to the court by email as set forth herein. If a self-represented party does not provide electronic copies then the party shall provide a paper courtesy copy to the court.
  - d. Any proposed orders submitted to the court shall be either a word format or rich text format. All other electronic copies of documents submitted to the court shall be in a pdf format. It is the responsibility of the attorney or self-represented individual submitting an electronic copy to remove any metadata prior to transmission. All electronic copies shall comply with Rule 2.526 of the rules of Judicial Administration.
- (7) The court will provide electronic copies of orders and opinions to the attorneys of record and self-represented individuals who have provided an email address to the court. A self-represented individual will receive a copy of an order or opinion by regular U.S. mail if the individual has not provided an email address to the court.
- (8) This Administrative Order vacates and supersedes Administrative Orders 2012-28-Gen on July 1, 2013.

**DONE AND ORDERED** in chambers at Fort Lauderdale, Broward County, Florida on  
May 28, 2013.

s/Peter M. Weinstein  
Peter M. Weinstein, Chief Judge

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT  
IN AND FOR BROWARD COUNTY, FLORIDA  
APPELLATE DIVISION

Case Number:

[Appellant or Petitioner],

v.

[Appellee or Respondent].

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NOTICE OF AGREEMENT FOR EXTENSION  
OF TIME TO FILE [TYPE OF BRIEF] BRIEF

The undersigned as counsel for [Appellant or Petitioner or Appellee or Respondent] has agreed with [Name of Attorney], attorney for [Appellant or Petitioner or Appellee or Respondent] the [initial or answer or reply] brief shall be filed and served on or before [date]. This notice does not exceed the times authorized by Administrative Order 2013-25-Gen.

[Attorney Signature Block]