

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

Order Number 2015-18-Gen

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

(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, 2015:

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

- a. All county civil appeals and administrative case appeals to the circuit court shall be assigned by the Clerk of Court to circuit civil division AP. Petitions for extraordinary writs seeking mandamus, quo warranto, certiorari, prohibition, or habeas corpus filed with the Clerk of Court, including any petition arising out of a county criminal case, shall be assigned to AW. Petitions for extraordinary writs relating to a Circuit Criminal case are not to be assigned to AW. The Clerk of Court immediately shall forward all petitions for extraordinary writs relating to a Circuit Criminal case to the judge presiding in the Circuit Criminal division to which the case is assigned, consistent with the Clerk of Court's protocol for notifying the Court as to the filing of post-conviction motions in Circuit Criminal cases. The Clerk of Court shall file the petition as a docket entry in the Circuit Criminal case.

(2) Assignment of Criminal Appeals.

- a. All county criminal appeals and civil traffic infraction appeals to the circuit court shall be assigned by the Clerk of Court to circuit criminal division AC. All county criminal appeals and civil traffic infraction appeals that are open and pending with no final disposition as of June 30, 2015, shall be transferred to circuit criminal division AC.

(3) General Procedures for Circuit Appeals.

- a. There shall be a three judge panel of circuit court judges to hear all circuit civil appeals, and a separate three judge panel to hear all circuit criminal appeals. Appellate petitions for extraordinary writs will be assigned to the circuit civil panel, but the administrative judge of circuit civil may transfer the petition to the circuit criminal panel where appropriate based on the nature of the underlying action.

- b. The administrative judge of the circuit civil division shall assign three judges to serve on the circuit civil panel, and shall appoint one judge as the presiding judge of the panel. The administrative judge of the circuit criminal division shall assign three judges to serve on the circuit criminal panel, and shall appoint one judge as the presiding judge of the panel. The term of appointment shall be for a six (6) month period. Assignments shall be made pursuant to memorandum.
- c. The presiding judge shall:
 - i. discharge the administrative duties of the panel, including scheduling conferences at least once a month and scheduling oral argument sessions;
 - ii. preside at all sessions;
 - iii. set a schedule for duty assignments between the panel to rule on all non-dispositive motions and issues raised by the parties or the court sua sponte;
 - 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 or her responsibilities. If all members of a panel are unavailable, then the presiding judge's responsibilities may be discharged by the administrative judge of the circuit civil or circuit criminal division.
- e. A majority of the appellate panel may grant oral argument when the majority is of the opinion that 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 or circuit criminal 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 Court Duties.

- a. The Clerk of Court shall perform all functions, and discharge all duties, traditionally fulfilled by the clerk of the Fourth District Court of Appeal.
- b. The Clerk of Court shall accept e-filed notices of appeal and appellate petitions for extraordinary writs as prescribed by law.
- c. If the Clerk of Court assigns a case to a division not in compliance with this order, the administrative judge of the circuit civil or circuit criminal division may enter an order directing the Clerk of Court to transfer the case to the appropriate division or court.
- d. The Clerk of Court 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 Court complies with his duties as established by the Florida Rules of Appellate Procedure.
- e. The Clerk of Court shall issue a mandate as required by the Florida Rules of Appellate Procedure. Upon issuance of the mandate, the Clerk of Court shall provide a copy of the opinion to Florida Law Weekly Supplement and the Broward County Law Library.
- f. The Clerk of Court 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 Rule of Appellate Procedure 9.300(a), parties or counsel may agree to no more than two (2) extensions of time to file an initial brief that, in the aggregate, shall not exceed a combined total of one hundred twenty (120) days. A second agreed extension of time must be filed before the expiration of the time period agreed to in the first extension of time agreement, or the appellant must file a motion with the Court seeking a second extension of time.
- b. In lieu of a motion pursuant to Florida Rule of Appellate Procedure 9.300(a), parties or counsel may agree to no more than one (1) extension of time 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 on any agreed extension.
- d. The notice as set forth in Exhibit A shall be filed with the Clerk of Court.
- 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, or if the parties do not agree, the party seeking the extension shall file a

motion pursuant to Florida Rule 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. The appellant shall add the Court to the service list at the time of creating the appellate case in the E-filing Portal using the address appeals@17th.flcourts.org.
- b. Any self-represented party may register with the E-Filing Portal to send and receive documents. If a self-represented party does not provide electronic copies, then the party shall provide a paper courtesy copy to the Court.

(7) Proposed Orders. Any proposed orders shall be submitted to the court at appeals@17th.flcourts.org in either a Word or rich text format. All other electronic copies of documents submitted to the court shall be submitted 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 Florida Rules of Judicial Administration 2.420, 2.425 and 2.526.

(8) Opinions. The court will provide electronic copies of orders and opinions to the attorneys of record and registered self-represented individuals via the E-Filing Portal. 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.

(9) This Administrative Order vacates and supersedes Administrative Order 2013-25-Gen on July 1, 2015.

DONE AND ORDERED in chambers at Fort Lauderdale, Broward County, Florida on May 22, 2015.

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].

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 2015-18-Gen.

[Attorney Signature Block]