

**SECOND JUDICIAL CIRCUIT
LEON COUNTY, FLORIDA
APPELLATE DIVISION**

**IMPORTANT NOTICE TO ATTORNEYS AND PARTIES
REGARDING COUNTY TO CIRCUIT APPEALS**

1. **NOTICE OF APPEAL.** The Notice of Appeal should be substantially in the form prescribed by Fla. R. App. P. 9.900(a). The full name of the trial court judge who entered the order or judgment sought to be reviewed shall be on the Notice of Appeal. The date of rendition of the order sought to be reviewed shall be stated on the appeal. See Fla. R. App. P. 9.110(d). The notice shall also include the names of the parties on appeal, and shall designate whether the appeal is a final or non-final appeal. See Fla. R. App. P. 9.110(d) and 9.130(c). The Florida Rules of Appellate Procedure are available [here](#) .

2. **CONFORMED COPIES.** The party filing the Notice of Appeal shall attach a conformed copy of the order/judgment sought to be reviewed, along with a copy of any post-judgment motions, such as motion for new trial, rehearing, reconsideration, or to alter or amend. This copy must contain a file stamp which should show the date and time the order or judgment was filed in the lower tribunal.

Filing Locations:

- a. **Administrative Appeals, County Court Appeal for CC/SC, or Petition for Writ of Certiorari:** The notices/petitions are to be filed with the Appeals Division, Suite 100, Leon County Courthouse, 301 South Monroe Street, Tallahassee, Florida 32301.

 - b. **Appeal of a Misdemeanor, Traffic or DUI Case:** The Notice of Appeal is to be filed with the Criminal Intake Division, Suite 100, Leon County Courthouse, 301 South Monroe Street, Tallahassee, Florida 32301.

 - c. **Appeal of Small Claims or County Civil Case:** The Notice of Appeal is to be filed with the Civil Intake Division, Suite 100, Leon County Courthouse, 301 South Monroe Street, Tallahassee, Florida 32301.

 - d. **Petitions for Writ of Prohibition, Mandamus, and Habeas Corpus:** Depending upon its subject matter, the petition is to be filed with the Civil Intake Division, Suite 100, Tallahassee, Florida 32301. If it is a family matter, it should be filed with the Civil Intake Division, Suite 100, 301 South Monroe Street, Tallahassee, Florida 32301. If it is a felony matter, it should be filed with the Criminal Intake Division, Suite 100, 301 South Monroe Street, Tallahassee, Florida 32301.
4. **FILING FEES.** A filing fee in the amount of \$281.00 must accompany the Notice of Appeal. The clerk accepts cash, money orders, checks and credit cards.

5. **RECORD ON APPEAL.** Pursuant to Fla. R. App. P. 9.200(e), it is the responsibility of the appellant or appellant's counsel to ensure that the Record is prepared and transmitted according to the appellate rules. Please note the following:

- a. **Payment required:** Fees for the preparation of the Index and Record are set by statute and vary with the number of documents in the Record. Payment is required before the clerk will prepare the Record.
- b. **Directions:** The Record on Appeal will be prepared pursuant to Fla. R. App. P. 9.200(a)(1), unless the appellant, within 10 days of the filing of the Notice of Appeal, directs the clerk otherwise pursuant to Fla. R. App. P. 9.200(a).
- c. **Designations:** If the lower court proceedings were recorded, the appellant must file designations with the clerk within 10 days of the Notice of Appeal. Copies of the designations shall be served on the court reporter. The court reporter must comply with all the requirements in Fla. R. App. P. 9.200(b).
- d. **No report:** If no report of the proceedings was made, the appellant may prepare a statement of the evidence or proceedings and serve the statement on the appellee in accordance with Fla. R. App. P. 9.200(b)(4).
- e. **Exhibits.** If a party desires to include any oversized exhibits or articles of physical evidence in the record on appeal, the party shall first seek permission from the court.

6. **BRIEFS/PETITIONS.** All briefs/petitions should be securely stapled in the upper left corner, and in compliance with Fla. R. App. P. 9.210. Briefs must comply with the font and spacing requirements of Rule 9.210(a), Florida Rules of Appellate Procedure, in either Times New Roman 14-point font or Courier New 12-point font. If an appendix is submitted, it shall be indexed, separated from the brief by a TABBED cover page. See Fla. R. App. P. 9.220.

Each brief/petition must be served and filed as follows:

- a. One (1) copy of each brief/petition must be served on counsel for each party separately represented.
- b. One (1) original of each brief/petition must be filed with the clerk.
- c. When filing an appendix, one (1) bound copy of the appendix must be submitted.

7. **SUPPLEMENTAL AUTHORITY.** A party's brief should contain all existing relevant authority published prior to submission of the appellate brief. A Notice of Supplemental Authority should cite only to newly discovered cases (a copy of the opinion of the new case should be attached to the Notice with a clear designation of the point on appeal to which the new authority relates). One original of the Notice should be filed.

8. **MOTIONS.** Although motions in some instances are appropriate under Fla. R. App. P. 9.300, **excessive and unnecessary motion practice is discouraged and may result in the imposition of sanctions under Fla. R. App. P. 9.410.** Any record evidence necessary for resolution of a motion should be attached to the motion as an appendix. Enclose self-addressed stamped envelopes of all parties.

9. **RESPONSES TO MOTIONS.** Responses to motions may be filed no later than ten (10) days after service of the motion. No reply to the response will be considered unless specifically authorized by the court. Any unauthorized reply will be stricken without consideration. See Fla. R. App. P. 9.300.

10. **REHEARING.** Although motions for rehearing are permitted by Fla. R. App. P. 9.330, they should be rare. The court strongly discourages the practice of routinely filing such motions which merely re-argue the merits or question the court's decision. Where there has been an award of attorney's fees on appeal in connection with a decision on the merits, additional attorney's fees may be awarded upon a denial of a motion for rehearing.

11. **EXTENSIONS OF TIME.** Appellants/petitioners are responsible for seeing that the time schedule set out in the Appellate Rules is followed, and that the record and briefs are filed on time. Requests for extension of time should be filed in compliance with Fla. R. App. P. 9.300(a). **No motion for extension of time will be granted which does not contain a certificate that opposing counsel, or if the opposing party has no counsel, the opposing party, has been contacted and stating whether the motion is objected to.** No extensions of time will be granted in expedited cases.

12. **ORAL ARGUMENT.** Oral argument may be permitted in any proceeding, but should be requested only in those cases where it is genuinely believed necessary for the disposition of the cause. A request for oral argument shall be a separate document served by a party not later than the time the last brief of the party is due. Oral argument will be limited to ten (10) minutes per side in both civil and criminal matters with exceptions only by motion and order of the court.

13. **RELATED CASES.** All parties have the obligation to advise the Appellate Court, in writing, as soon as possible, of any other cases pending before it involving related issues.

14. **CERTIFICATE OF SERVICE.** All motions, notices, brief, petitions, and appendices are required to have a Certificate of Service attached. See Fla. R. App. P. 9.420(c) (2).

15. **STATUS INQUIRIES.** Requests for the status of a matter pending before the court should be directed to the Appeals Division, Leon County Courthouse, Room 100, 301 South Monroe Street, telephone 850-606-4190. No request should be made to a judge of the court, or to the personal staff of any judge. Also, please be advised that, under Florida law, **THE CLERK CANNOT GIVE LEGAL ADVICE.** Court dockets (list of papers filed in the case, including orders entered by the court) are available [here](#) .

16. **PARTIES.**

- a. **Pro-se parties.** An individual is entitled to represent himself/herself. In doing so, he/she must comply with the Florida Rules of Appellate Procedure. **Failure to properly comply with the rules of procedure can reach a point where such failure amounts to an abuse of judicial process. Such abuse may result in dismissal of the action or other sanctions.**
- b. **Corporations.** All corporations must be represented through legal counsel. This remains true even where a non-lawyer purporting to represent the corporation is the sole shareholder of the corporation.

17. **AMERICANS WITH DISABILITIES ACT.** If you are a person with a disability who needs any accommodation in order to participate in the proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Second Judicial Circuit's ADA Coordinator, Court Administration, Leon County Courthouse, 301 South Monroe Street, Tallahassee, Florida 32301, telephone 850-606-4401, no later than five (5) working days prior to the proceeding. TDD users may use TDD 711 or Voice (v) 711, via Florida Relay Service.