

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO.:8.101-1/21*

IN RE: APPEALS TO THE CIRCUIT COURT

The Circuit Court is charged with the responsibility of hearing and ruling on appeals and petitions for writs of certiorari when provided by general law. Art V, § 5(b), Fla. Const. Uniform procedures are necessary to effectuate this responsibility.

NOW, THEREFORE, pursuant to the authority conferred by Florida Rule of Judicial Administration 2.215, it is ORDERED as follows:

I. THE APPELLATE COURT

A. PANELS, DIVISIONS OF THE COURT, AND ASSIGNMENT OF CASES

1. Panels: The Circuit Appellate Court fulfills its appellate responsibilities through monthly panels comprised of three judges which shall hear all appeals and petitions for writs of certiorari invoking the appellate jurisdiction of the circuit court as provided by general law. See Fla. R. App. P. 9.030(c)(1).
2. Divisions of the Court: Appeals and petitions for writs of certiorari that are within the scope of the Circuit's appellate jurisdiction shall be assigned to Division "AY".¹
3. Assignment of Judges: Appeals and petitions for writs of certiorari that are within the Circuit's appellate jurisdiction may be heard by a panel composed of circuit judges from any division or branch. Up to two county judges may be specially appointed to sit as circuit judges per panel. All panel sessions will be held via videoconference until further order of the Court.
4. Presiding Judge:
 - a. The presiding judge must be a circuit judge.
 - b. The presiding judge shall have the following responsibilities:
 - 1) To rule on motions, other than motions for rehearing which shall be ruled

¹ Effective January 1, 2021, the Circuit lacks jurisdiction to consider appeals from county court orders, including orders issued in county court criminal cases. Ch. 2020-61, §§ 3, 6,8, Laws of Fla. Based on this change in jurisdiction, the criminal appellate division, Division AC, is no longer necessary.

on by the entire panel.

- 2) To discharge the administrative duties of the panel, including scheduling oral argument sessions and/or oral-argument-waived conferences;
- 3) To preside at all sessions;
- 4) To rule on Emergency Petitions filed pursuant to Florida Rule of Appellate Procedure 9.030(c).

c. If the presiding judge is unavailable, then his/her responsibilities may be discharged by one of the two other panel members. If the other two panel members are unavailable, then the presiding judge's responsibilities may be discharged by the circuit civil or circuit criminal administrative judge or, if unavailable, any circuit judge.

B. ORAL ARGUMENTS

1. When oral argument is requested by a party, it will be granted by the court only in those cases where a majority of the panel genuinely believes it is necessary for disposition of the cause.
2. Oral arguments shall be scheduled on any case when requested by two members of the panel of assigned judges, though not requested by the parties.

C. OPINIONS

1. The final opinion shall be circulated together with a face sheet on which each panel member shall indicate their concurrence or dissent. (See attached "Form A").
2. The face sheet together with the majority opinion and any concurring or dissenting opinions shall be filed with the Clerk.
3. Unless determined to be confidential under Florida Rule of Judicial Administration 2.420, the filed opinion will be posted on the Circuit's website in a text searchable PDF format. Fla. R. App. P. 9.040(j).

II. RESPONSIBILITIES OF THE PARTIES

The parties will be provided a copy of Form B, Notice to Attorneys and Parties, by the Clerk in accordance with Part III below. Form B sets forth the parties' responsibilities and is incorporated herein.

III. THE CLERK OF COURT

A. DUTIES OF THE CLERK OF COURT

1. The Clerk shall perform all functions and discharge all duties traditionally fulfilled by clerks in Florida's Fourth District Court of Appeal. See Manual of Internal Operating Procedures, Fourth District Court of Appeal.
2. The Clerk's duties include but are not limited to the following:
 - a. Original Notice of Appeal: filing and docketing the original notice of appeal in the appellate case and emailing a copy of the notice of appeal to the Trial Court Law Clerk/Staff Attorney's Office.
 - b. Overdue Fees:
 - 1) Notifying the Appellant/Petitioner when required appellate filing fee or record on appeal fee has not been paid in full. Such notice shall be filed in the appellate court file with a courtesy copy forwarded via email to the Trial Court Law Clerk/Staff Attorney's Office.
 - 2) Notifying the Trial Court Law Clerk/Staff Attorney's Office when the Appellant/Petitioner has paid an overdue fee. Such notice shall be filed in the appellate court file with a courtesy copy forwarded via email to the Trial Court Law Clerk/Staff Attorney's Office.
 - c. Form B: Forwarding copies of the "Notice to Attorneys and Parties" (See attached "Form B") to all parties after receipt of the notice of appeal or petition for writ of certiorari.
 - d. Motions: Filing and docketing all requests for extensions of time and motions relating to the appeal in the appellate case and forwarding via email copies of all motions to the Trial Court Law Clerk/Staff Attorney's Office.
 - e. Briefs: Filing and docketing all briefs (initial/petition, answer/response and reply) in the appellate case.
 - f. Record: Transmitting the record on appeal to the Trial Court Law Clerk/Staff Attorney's Office.
 - g. Mandates: Issuing the mandates in accordance with Fla. R. App. P. 9.340.

B. MONTHLY REPORTS

1. The Clerk shall, pursuant to Fla. R. Jud. Admin. 2.215(b)(6), prepare and provide monthly reports to the Chief Judge and Staff Attorney Office.

2. The monthly reports shall be due on the first of each month.
3. The Reports shall list all of the appeals and petitions for writs of certiorari in the division. The listing shall be in sequential order utilizing the filing date of the notice of appeal or petition and shall contain the following:
 - a. the appellate case number;
 - b. the style of the case (e.g., Jones v. State);
 - c. the date on which the notice of appeal or petition was filed;
 - d. the date a request for oral argument is filed, if applicable;
 - e. the date on which oral argument or an oral-argument-waived conference was held, if applicable;
 - f. the date on which the court's decision was issued; and
 - g. the date on which the mandate was issued.

IV. TRIAL COURT LAW CLERK/STAFF ATTORNEY

The Trial Court Law Clerks/Staff Attorney's Office shall:


1. Maintain a log of all pending appeals;
2. Perform case management responsibilities under the supervision and direction of the presiding judge;
3. Review all motions and prepare orders under the supervision and direction of the presiding judge;
4. Prepare bench memoranda for all cases;
5. Assist in drafting of opinions under the direction and supervision of a member of the appellate panel;
6. Prepare the calendars for oral argument sessions and oral-argument-waived conferences ("panel");
7. Distribute copies of all Court orders to parties of record; and

(remainder of page intentionally left blank)

8. Distribute copies of the court's opinions as follows:

- a. FLW Supplement;
- b. Main Courthouse Law Library;
- d. Office of General Counsel;
- e. Parties of Record.

DONE and SIGNED in Chambers at West Palm Beach, Palm Beach County Florida, this 4th day of January, 2021.

A handwritten signature in black ink that reads "Krista Marx". The signature is written in a cursive, flowing style.

Krista Marx
Chief Judge

* supersedes admin. order no. 8.101-5/18. This Administrative Order was substantially revised in response to the appellate jurisdictional changes that went into effect on January 1, 2021. Due to the extent of the changes, no bolding is denoted.

FORM A

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

APPELLATE DIVISION: AY

CASE NO.:

L.T. NO.:

Opinion/Decision filed:

Appeal/Petition from the [Lower Tribunal]
[in and for Palm Beach County],
, [Judge].

Appellant/Petitioner(s),

v.

Appellee/Respondent(s).

Date of Appeal/Petition:

_____ /

DATE OF PANEL: _____

PANEL JUDGES: _____, _____, _____

AFFIRMED/REVERSED/OTHER: _____

DECISION BY: _____

CONCURRING:	)	DISSENTING:	)	CONCURRING SPECIALLY:)
	)	With Opinion	)	With/Without Opinion)
)))
_____)	_____)	_____)
DATE: J.	)	DATE: J.	)	DATE: J.)
)))
_____)	_____)	_____)
DATE: J.	)	DATE: J.	)	DATE: J.)
)))
_____)	_____)	_____)
DATE: J.	)	DATE: J.	)	DATE: J.)

FORM B

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

APPELLATE DIVISION OF THE CIRCUIT COURT

IMPORTANT NOTICE TO ATTORNEYS AND PARTIES ****Revised 01/2021****

Unless there are exigent circumstances, the court will strictly enforce the following procedures to assist in the prompt and orderly disposition of matters under review:

1. NOTICE OF APPEAL: The notice of appeal shall be substantially in the form prescribed by rule 9.900(a). The Caption shall contain the name of the lower tribunal, the name and designation of at least one party on each side, and the case number in the lower tribunal. The notice shall contain the name of the court to which the appeal is taken, the date of rendition, and the nature of the order to be reviewed. A conformed copy of the order or orders designated in the notice of appeal shall be attached to the notice together with any order entered on a timely motion postponing rendition of the order or orders appealed. See Fla. R. App. P. 9.110(d) and 9.130(c).
2. BRIEFS/PETITIONS: Each brief/petition must be served and filed as follows:
 - a. To Parties: One (1) copy of each brief/petition and appendix must be served on counsel for each party separately represented;
 - b. To Clerk's Office: Filing with Clerk:
 - 1) E-filing. Briefs shall be e-filed in accordance with Florida Rule of Judicial Administration 2.525.
 - 2) Physical filing. E-filing of briefs is preferred. Any briefs that are physically filed (rather than e-filed) with the Clerk's office must be secured with a binder clip and may not be otherwise stapled or bound. See Fla. R. App. P. 9.210; Fla. R. App. P. 9.045(c).
 - c. Courtesy Copies for the Court:
 - 1) Paper courtesy copies. Paper courtesy copies to the Court are no longer required.
 - 2) Electronic courtesy copy. The parties must send an electronic courtesy copy of each brief. The electronic copy must be sent in PDF format with bookmarks to any appendices. The forwarding email must contain the title and docket number of the case, and the name of the attached document. The electronic courtesy copy must be sent via email to: adminappeals@pbcgov.org

d. Word/Page Limitations.

- 1) Initial/Answer Briefs: Any initial or answer brief shall not exceed 13,000 words or 50 pages. In the event a cross-appeal is filed, the appellee's answer/cross-initial brief shall not exceed 22,000 words or 85 pages and appellant's reply/cross-answer brief shall not exceed 13,000 words or 50 pages. Fla. R. App. P. 9.210(a)(2)(B).
- 2) Petitions: Each Petition shall not exceed 13,000 words if computer-generated or 50 pages if handwritten or typewritten. Fla. R. App. P. 9.100(g).
- 3) Responses: Any response filed shall not exceed 13,000 words if computer-generated or 50 pages if handwritten or typewritten. Fla. R. App. P. 9.100(j).
- 4) Replies: Any replies or cross-replies filed may not exceed 4,000 words if computer-generated or 15 pages if handwritten or typewritten. Fla. R. App. P. 9.100(k); 9.210(a)(2)(B).

3. APPENDIX: An appendix shall be filed as a single PDF with bookmarks unless the size exceeds that permitted by rule or the Standards of the Florida Court Technology Commission. If the filing of one PDF exceeds the permitted megabytes, then the exhibits shall be grouped together so that there are as few separate PDFs as possible.

4. MOTIONS:

- a. Excessive and unnecessary motion practice is discouraged and may result in the imposition of sanctions under Florida Rule of Appellate Procedure 9.410.
- b. Any record material necessary for resolution of a motion should be attached as an appendix.
- c. Motions are to also contain an express representation, except on motions where clearly inappropriate, that opposing counsel has been contacted and will or will not stipulate to the relief requested.
- d. Any request for action or relief should be clearly set forth in the form of a motion styled in the case which reflects "Fifteenth Judicial Circuit" at the top, the case name, this Court's case number, and the lower tribunal case number when applicable. See Fla. R. App. P. 9.300.

5. RESPONSES TO MOTIONS: Responses to motions shall be served within 15 days after service of the motion unless the Court enters an order shortening or extending the time for response. No reply will be considered unless specifically authorized by the court. Any unauthorized reply will be stricken without consideration. Fla. R. App. P. 9.300.

6. EXTENSIONS OF TIME:

- a. Attorneys 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 must be filed in compliance with Fla. R. App. P. 9.300(a).

- b. In lieu of an agreed motion for extension of time to file an initial, answer, or reply brief, pursuant to Fla. R. App. P. 9.300(a), or an agreed motion for extension of time to file a response to a petition for writ of certiorari or a reply to a response, the Court will accept a notice from a party that the parties have agreed to a specific extension of time. This notice shall state as follows:

Counsel for [movant] has consulted opposing counsel or self represented litigant who has agreed that the time for serving [movant's] [initial/answer/response/reply] brief may be extended for _____ days to _____ [date].

An agreed notice of extension of time will be accepted for up to a total of 120 days for an initial or answer brief, and 60 days to a response for a petition for writ of certiorari or reply brief. The notice need not be signed by both parties. No order will issue from the Court. This procedure shall not apply to any expedited or emergency appeals or any cases in which the Court has ordered that additional extensions are not permitted.

- c. No extensions of time will be granted in expedited cases.
 - d. No motion for extension of time will be granted that does not contain a certificate that opposing counsel has been contacted and stating whether the motion is opposed.
 - e. A motion for extension of time served after the time for serving the brief/response has expired may not be granted absent a showing of good cause.
 - f. Motions for extensions of time for reply briefs are discouraged.
 - g. Failure to comply with these standards may result in dismissal or in striking an untimely brief or in other sanctions.
7. ORAL ARGUMENT: Oral Argument will be granted by the court only in those cases where it is genuinely believed necessary for disposition of the cause. Oral argument will be limited to twenty (20) minutes per side with exceptions only by motion and order of the court. Requests should be filed in conformity with Fla. R. App. P. 9.320.
8. RELATED CASES: All parties have the obligation to advise the Court in writing, as soon as possible, of any other cases pending before this Court involving related issues.
9. CERTIFICATES OF SERVICE: All motions, notices, briefs and appendices are required to have a certificate of service. See Fla. R. App. P. 9.420(d).

10. LINE SPACING, TYPE SIZE, AND FONT TYPE: The text in all documents shall be in black and in distinct type, and double-spaced. Any computer generated documents shall be filed in either Arial 14-point font or Bookman Old Style 14-point font. Fla. R. App. P. 9.045(b).
11. SIGNATURES. All documents filed with the Court must be signed as required by Florida Rule of Judicial Administration 2.515. Fla. R. App. 9.045(d).
12. CERTIFICATES OF COMPLIANCE: All documents filed with the Court must contain a Certificate of Compliance signed by counsel, or the party if unrepresented, certifying that the document complies with any applicable font and word count limit requirements set forth in the Florida Rules of Appellate Procedure. Fla. R. App. P. 9.045(e).
13. EXHIBITS: If a party desires to include one or more articles of physical evidence, excluding documents, in the record on appeal, the party shall first seek permission from the court.
14. SUPPLEMENTAL AUTHORITY: A party's brief should contain all relevant authority published prior to submission of the brief. A Notice of Supplemental Authority should cite to newly discovered cases (copy of opinion to be attached to Notice) with a clear designation of the point on appeal to which the authority is pertinent.
12. 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 or those 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 our decision on the merits, additional attorney's fees will be awarded upon a denial of a motion for rehearing.
13. PARTIES:

Pro Se	An individual is entitled to represent herself or himself but he or she must comply with the Florida Appellate Rules of Procedure. Failure to properly comply with rules of procedure can reach a point where such failure amounts in an abuse of judicial process properly subjecting the appeal to a dismissal with prejudice. For information on pro se Appeals go to: http://prose.flabarappellate.org/
Businesses	A corporation or limited liability company may not represent itself through non-lawyer employees, officers, or shareholders even where the non-lawyer purporting to represent the corporation is the sole shareholder of the corporation.
14. CHANGE OF ADDRESS: All attorneys representing parties in this court and parties representing themselves must promptly notify this court of any change of address by filing a Notice of Change of Address and updating in the Court's online system at:

<https://e-services.co.palm-beach.fl.us/scheduling/login.php?ref=/scheduling/>

15. FILING FEE: In all appeals and cases originating in the circuit appellate court, at the time the certified copy of the notice of appeal, petition, or other initial pleading is filed, the Clerk shall require the payment of a fee as required by law. Parties may file an affidavit of indigency with the Clerk's Office if unable to pay the required filing fee. Failure to pay such fee, after notice from the Court, may result in the dismissal of the case. The payment shall not be exacted in appeals where the state is the petitioner/appellant.