

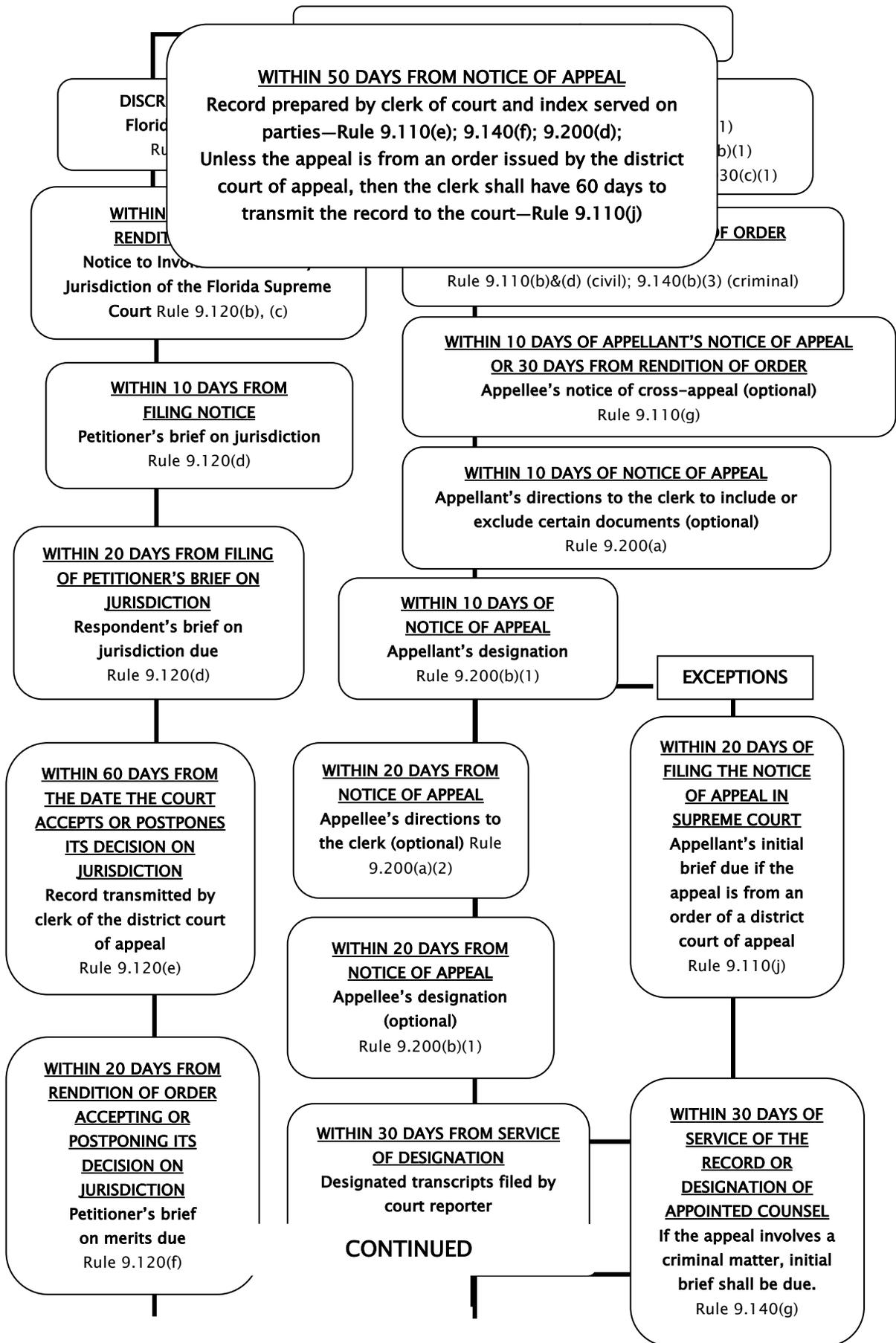
CHAPTER 7: TIMELINE FOR APPEALS FROM FINAL ORDERS OF LOWER TRIBUNALS

This timeline highlights the time for filing documents in proceedings that invoke the appellate jurisdiction of the Florida Supreme Court, the district courts of appeal, the circuit courts, and agencies. For purposes of this timeline, and throughout this Handbook, the timeline for filing an appeal is measured from the rendition of an order, which occurs when all three of the following events have been done: (1) the lower tribunal's order is reduced to writing; (2) the written order is signed by the judicial officer; and (3) the written, signed order is filed with the clerk of the lower tribunal that issued the order. *See* Florida Rule of Appellate Procedure 9.020(i).

With some exceptions, in most cases it is the date of rendition of an order, and not the date it was served or mailed to the parties, that matters in calculating the time for filing a notice of appeal. Generally, a party seeking to appeal has 30 days from rendition of a final order within which to file a notice of appeal. When computing time, counting begins on the day following the event that triggers the running of time. *See* Florida Rule of Appellate Procedure 9.420(e) (adopting Florida Rule of Judicial Administration 2.514 for computing time). The period of time includes the last day of that time-frame, unless the last day falls on a Saturday, Sunday, or legal holiday. Holidays are only those legal holidays listed in the Rule. If the last day falls on a Saturday, Sunday, or legal holiday, the final day to file or act is the next day that is not a Saturday, Sunday, or legal holiday. If the time to act is less than seven days, then Saturdays, Sundays, and legal holidays are not counted in the calculation. Thus, if the court or other lower tribunal renders an order on January 1st, the notice of appeal is generally due no later than January 31st. If January 31st is a Sunday, the notice is generally due no later than Monday, February 1st. This timeline is based on the 2015 version of the Florida Rules of Appellate Procedure. The Florida Rules of Appellate Procedure are amended from time to time. So, it is always important to consult the most current version of the Rules to be certain of the deadlines. In addition, it is better to file a notice of appeal well before

any deadline to reduce the chance of missing that deadline. If a notice of appeal is filed late, the appellate court likely will not have jurisdiction to consider it, and the appeal may be dismissed.

The Florida Rules of Appellate Procedure should be consulted for the specific time for filing documents involving original proceedings, petitions for writs, procedures in death penalty appeals, review of collateral post-conviction criminal appeals, juvenile proceedings in dependency and termination of parental rights proceedings, and proceedings that seek review of probate orders and guardianships, administrative actions, and orders granting a new trial.



DISCRETIONARY REVIEW
Florida Supreme Court
Rule 9.140(f)

WITHIN 50 DAYS FROM NOTICE OF APPEAL
Record prepared by clerk of court and index served on parties—Rule 9.110(e); 9.140(f); 9.200(d);
Unless the appeal is from an order issued by the district court of appeal, then the clerk shall have 60 days to transmit the record to the court—Rule 9.110(j)

1)
b)(1)
30(c)(1)

WITHIN 10 DAYS FROM RENDITION OF ORDER
Notice to Intervenor
Jurisdiction of the Florida Supreme Court Rule 9.120(b), (c)

WITHIN 10 DAYS OF APPELLANT'S NOTICE OF APPEAL OR 30 DAYS FROM RENDITION OF ORDER
Appellee's notice of cross-appeal (optional)
Rule 9.110(g)

WITHIN 10 DAYS FROM FILING NOTICE
Petitioner's brief on jurisdiction
Rule 9.120(d)

WITHIN 10 DAYS OF NOTICE OF APPEAL
Appellant's directions to the clerk to include or exclude certain documents (optional)
Rule 9.200(a)

WITHIN 20 DAYS FROM FILING OF PETITIONER'S BRIEF ON JURISDICTION
Respondent's brief on jurisdiction due
Rule 9.120(d)

WITHIN 10 DAYS OF NOTICE OF APPEAL
Appellant's designation
Rule 9.200(b)(1)

EXCEPTIONS

WITHIN 60 DAYS FROM THE DATE THE COURT ACCEPTS OR POSTPONES ITS DECISION ON JURISDICTION
Record transmitted by clerk of the district court of appeal
Rule 9.120(e)

WITHIN 20 DAYS FROM NOTICE OF APPEAL
Appellee's directions to the clerk (optional) Rule 9.200(a)(2)

WITHIN 20 DAYS OF FILING THE NOTICE OF APPEAL IN SUPREME COURT
Appellant's initial brief due if the appeal is from an order of a district court of appeal
Rule 9.110(j)

WITHIN 20 DAYS FROM RENDITION OF ORDER ACCEPTING OR POSTPONING ITS DECISION ON JURISDICTION
Petitioner's brief on merits due
Rule 9.120(f)

WITHIN 20 DAYS FROM NOTICE OF APPEAL
Appellee's designation (optional)
Rule 9.200(b)(1)

WITHIN 30 DAYS FROM SERVICE OF DESIGNATION
Designated transcripts filed by court reporter
CONTINUED

WITHIN 30 DAYS OF SERVICE OF THE RECORD OR DESIGNATION OF APPOINTED COUNSEL
If the appeal involves a criminal matter, initial brief shall be due.
Rule 9.140(g)

Current through June 2016

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