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Appellate Practice Pointer: Recent Amendments to the Florida Rules of Appellate Procedure

There were several significant amendments to the Florida Rules of Appellate Procedure adopted by the Florida Supreme Court on October 26, 2006, which become effective on January 1, 2007:

- 1) Rule 9.120 now provides that jurisdiction briefs to the Florida Supreme Court must be filed in all cases where a district court of appeal has certified a decision to be in conflict with a decision from another district court. Jurisdiction briefs remain unnecessary in appeals that involve questions certified by a district court to be of great public importance.
- 2) Rule 9.200(b)(2) has been amended to require that, when a party prepares designations to the court reporter(s) for an appeal, the court reporter(s) must file and serve electronic copies of all designated transcripts, together with the original hard copy transcripts.
- 3) Rule 9.210(a)(5) provides for an increased page limit for answer briefs in matters that involve a cross appeal. Answer briefs that include an initial brief on a cross-appeal may now be up to 85 pages long. A reply brief and answer to the cross-appeal may be up to 50 pages.
- 4) Rule 9.300(d) eliminates the Florida Supreme Court tolling exception previously found in subdivision (10). That means that the filing of any motion to the supreme court--such as a motion for extension of time to file a brief--automatically tolls the time schedule of the proceeding until the disposition of that motion. A party is no longer required to file a separate motion to toll time, so that the supreme court rule now mirrors the rule for the DCAs.
- 5) Rule 9.370, which addresses the time for filing an amicus brief, clarifies that the due date for an amicus brief runs from the service of the underlying brief, petition, or response that the amicus is supporting, and not from the filing of such document(s).

There were several other changes adopted that relate to criminal appeals, workers' compensation appeals, and termination of parental rights appeals. The full decision of the Court can be found at <http://www.floridasupremecourt.org/decisions/2006/sc06-159.pdf>.

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