

Frequently Asked Questions:

Q. How much is the filing fee for an appeal?

A. Unless exempt by law or on the basis of indigency, the filing fee for this court is \$300.00, payable in exact cash, money order, or check. Checks are payable to Jon S. Wheeler, Clerk or First District Court of Appeal. On July 1, 2008, the legislature amended Florida Statute 35.22 to provide that unless exempt by law or on the basis of indigency, litigants filing cross appeals, notices of joinder, or motions to intervene in an appeal are required to pay a \$295 filing fee. The State of Florida and its agencies are exempt by statute from the filing fees. The fee is due at the time the notice of appeal is filed and subsequent action on the appeal, including voluntary dismissal, does not waive the filing fee. Waiver of the filing fee on the basis of indigency in an appeal should be sought from the lower tribunal. Waiver of the filing fee on the basis of indigency in an original petition filed in this court should be sought with this court.

Q. What are the hours of the clerk?

A. The clerk's office is open 8:00 a.m. to 5:00 p.m. (Eastern Time), Monday through Friday, excluding holidays. There is usually a guard on duty from 5:00 p.m. until midnight on those days and filings received by the guard after regular business hours are stamped as filed on the day received. However, there is no guarantee the guard will be available on a given day to accept filings, so litigants should ensure that time sensitive matters are filed during regular business hours.

Q. How many copies of a document must I file?

A. *Motions*: original plus 1 copy (and envelopes - see below)

Briefs: original plus 3 copies

Original petitions: original plus 3 copies

Appendix: original plus 3 copies

Responses/Replies to original petitions: original plus 3 copies

Docketing statement: only the pink original

Notice of Supplemental Authority: original plus 3 copies

Motions for Rehearing En Banc: original plus 15 copies (and envelopes - see below)

Responses/Replies to Motions for Rehearing En Banc: original plus 15 copies

*Note: if you want the court to stamp a copy of your pleading for your records when they are filed with the court, you should bring an additional copy to be stamped.

Q. Does the court accept faxed filings?

A. Not unless specifically authorized or ordered by the court. Faxed filings must be followed immediately by the filing of a signed original filing with the court. Filings by fax are only accepted with prior court approval and are restricted to exceptional emergency or expedited matters.

Q: Does the court accept emailed filings?

A. No, except that the court requires certain documents to be filed electronically via the court's secure online portal ("eDCA") as well as being submitted to the court in the signed paper format (with required copies). Pursuant to [Administrative Order 09-3](#), the original signed paper version of those pleadings are still required to be filed with the court unless otherwise ordered (i.e., they cannot only be electronically filed). The filing date for those documents is determined by the date the paper version is received in the court, not the electronically filed copy.

Q. When do I have to bring envelopes to the court?

A. Non-indigent parties filing a motion are requested to also include stamped, unaddressed (i.e., plain) legal size, 9 1/2" x 4 1/8" envelopes for all persons entitled to notice of the court's action. The envelope should not be addressed to the parties but should only include the court's return address: First District Court of Appeal, Tallahassee, Florida 32399-1850.

Q. Can I review motions, briefs, orders, and other filings in the court file online?

A. Documents in a case can be viewed online via the court's secure online portal known as eDCA (www.1dca.org). Once registering with eDCA and receiving a username and password, attorneys and pro se litigants can access cases in which they are the attorney or party of record. Not all documents in a case will be available electronically on eDCA, but the court will be continuing to make as many documents available electronically in as many cases as possible. As well, the docket for all unrestricted cases and the opinions in all decided cases can be viewed on the court's website.

Q. How much are photocopies?

A. The court is required by Florida Statute sections 35.22 and 28.24 to charge \$1.00 per page for copies of documents in a case. The court accepts cash (in the exact amount, the clerk's office cannot make change), money orders, and checks. Certified copies are an additional \$2.00.

Q. How do I request photocopies?

A. If contacting the court by telephone, let the deputy clerk know which document you want a copy of and you will be told how much the copy fee for the document will be and when the copy will be ready to pick up at the court. The deputy clerk may need to check the file and call you back with the information.

If contacting the court by mail, specify the case number and document requested and you will be contacted by mail as to the copy fee for the document. Upon receipt of the copy fee, a copy of the requested document will be provided or mailed to you.

For attorneys and parties of record in a case, some documents may be available electronically and accessible via the court's secure online portal, eDCA. Registration is required before attorneys or parties can access eDCA. See this court's website at www.1dca.org for instructions on how to register with eDCA. Once registered, a user of

the system may access those cases in which he or she is the attorney or party of record, including copies of electronic documents, without charge. Not all documents filed with the court will be available electronically on eDCA in every case.

Q. How do I review a file?

A. All unrestricted case files are open for viewing to the public. You should contact the clerk's office prior to the day you wish to view a file so it can be determined whether the file is available. Sometimes active cases are in the process of being reviewed by the court and may not be available for viewing to the public when requested. As well, older closed case files are kept off-site of the court and have to be retrieved by court personnel in advance for viewing. Judicial work product and restricted information is not subject to review by the public. Court files cannot be taken outside the court.

Some documents are available to be viewed electronically via the court's secure online portal, eDCA, in cases in which you are an attorney or party of record. Registration is required before users can access their case(s) through eDCA. See this court's website at www.1dca.org for instructions on how to register with eDCA. Not all documents filed with the court will be available electronically on eDCA in every case.

Q. How can I see a copy of everything that has been filed in a case?

A. If you wish to see what documents have been filed in a case, the court's online docket can be viewed online via the court's website www.1dca.org. If you wish to request a printed copy of the docket in a case, you may contact the clerk's office and one will be provided upon payment of the \$1-per-page copy fee. Some electronic documents are available electronically via the court's secure online portal, eDCA, in cases in which you are an attorney or party of record. A fee is not required to access those documents from eDCA.

Of course, online dockets are not available in restricted cases. Only attorneys and parties in restricted cases are allowed to view the case file or request a printed copy of the case docket for a restricted case. Only attorneys and parties of record in restricted cases may access documents available on eDCA in those cases (after registering with eDCA).

Q. Do I need to use a certain color of paper for the cover of my brief?

A. No. While the court prefers that briefs contain white cover pages, there is no rule regarding the color of cover pages.

Q. How long are case files kept by the court before they are destroyed?

A. Florida Rule of Judicial Administration 2.430 provides for the retention of court records after the case has become final. In this court, files in criminal cases are retained 5 years and files in noncriminal cases are retained 2 years prior to destruction of the court's file. Once a case has been destroyed, only the dispositive order or opinion and an electronic copy of the docket are retained by the court. All motions, briefs, petitions, etc. are destroyed and are not retained by the court. Of course, all

opinions of the court are published in the Southern Third Reporter.

Scanned documents uploaded to the court's secure online portal, eDCA, may be available longer.

Q. How do I get a copy of an opinion of the court?

A. When an opinion is issued, a copy is mailed to all of the parties in the case or their attorneys. Additional copies may be requested at \$1.00 per page. However, opinions from January 2003 to the present are available on the court's website (www.1dca.org), and all newly issued opinions of the court are published in the Southern Third Reporter, which can be found in most law libraries. An electronic copy of the opinion will also be posted in the case on eDCA.

Q. How do I watch oral arguments of the court?

A. Most oral arguments of this court are open to the public and can be viewed online on the court's website www.1dca.org. Some oral arguments are held at locations outside Tallahassee, such as Jacksonville and Pensacola. The oral argument schedule can also be found online on the court's website www.1dca.org. Copies of the day's oral argument schedule are usually available with the guard on duty at the court's entrance but can also be printed offline.

Q. How do I obtain a recording of an oral argument?

A. You may contact the clerk's office to request a copy of an oral argument. Oral arguments may be recorded and copied to a CD-ROM. The fee for copying an oral argument is \$25.00, but if the oral argument requires more than one CD, each additional CD costs \$10.00. Allow three business days for the copying of a requested oral argument. A charge for mailing a CD is additional. Videos from past oral arguments from as far back as January of 2004 and real-time oral arguments may be viewed without charge on our website.

Q. Can the clerk's office tell me when something is due?

A. Litigants should be familiar with the Florida Rules of Appellate Procedure and when records, briefs, responses, etc., are due to be filed. The clerk's office is not permitted to calculate time for litigants. If a document is due to be filed with the court a certain number of days from a filing date or an order date, you must calculate the time yourself. See Florida Rule of Appellate Procedure 9.420(f), which explains the manner in which to compute time. Note that if the filing date of your document falls on a Saturday, Sunday, or court holiday, the document is due the next court business day. It is noted that there are additional holidays listed in Rule 9.420(e) which may extend filing dates even though the court may be open for business (Example: while the court is open on General Election Day, that is considered a holiday for purposes of filing by Rule 9.420).

Q. How often is your website updated?

A. The court's online docket is updated every business day at approximately 4:30

p.m., and any new entries should be viewable at that time. Opinions are posted on the web the day they are released. Per Curiam Affirmed, Denied and Dismissed Opinions are added as soon as possible after the list of cases is posted to the website. In some instances, there may be a delay between when the list is posted and when the document is available on the website. At the latest, the opinion should be available by 5 p.m. on the day the list is released. You may [sign up](#) on the court's website to be notified when new opinions are released but not when a specific case's opinion is released.

Q. What must a foreign attorney do to appear on behalf of a client in the First District Court of Appeal?

A. Attorneys who are members in good standing in other jurisdictions may be granted permission by court order to appear in proceedings in this court. See Fla. R. App. P. 9.440(a) and the requirements contained in Florida Rule of Judicial Administration 2.510. Pursuant to Section 35.22(3), Florida Statutes, the clerk is required to collect a \$100 filing fee from each attorney appearing pro hac vice, an order for the payment of which will be issued when and if the motion to appear is granted. An additional filing fee of \$250 is required by the Florida Bar.

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