

FSU SGA Supreme Court Supplemental Rules of Procedure

Rule 802.1: DEFINITIONS

The following terms have the meanings shown as used in these rules:

- (a) Clerk. The person or official specifically designated as such for the court or lower tribunal; if no person or official has been specifically so designated, the official or agent who most closely resembles a clerk in the functions performed.
- (b) Court. The supreme court; and lower tribunal in the exercise of the jurisdiction described by the FSU Student Constitution, including the chief justice of the supreme court and the chief judge of the lower tribunal in the exercise of constitutional, administrative, or supervisory powers on behalf of such courts.
- (c) Lower Tribunal. The court, agency, officer, board, commission, or body whose order is to be reviewed.
- (d) Order. A decision, order, judgment, decree, or rule of a lower tribunal, excluding minutes and minute book entries.
- (e) Parties.
 - (1) Appellant. A party who seeks to invoke the appeal jurisdiction of a court.
 - (2) Appellee. Every party in the proceeding in the lower tribunal other than an appellant.
 - (3) Petitioner. A party who seeks an order
 - (4) Respondent. Every other party in a proceeding brought by a petitioner.
- (f) Rendition (of an Order). An order is rendered when a signed, written order is filed with the clerk of the lower tribunal.
 - (1) Motions Tolling Rendition. The following motions, if authorized and timely filed, toll rendition unless another applicable rule of procedure specifically provides to the contrary:
 - (A) motion for new trial, remittitur, or additur;
 - (B) motion for rehearing;
 - (C) motion for certification;
 - (D) motion to alter or amend;
 - (E) motion for judgment in accordance with prior motion for directed verdict;
 - (F) motion for arrest of judgment; or
 - (G) motion to challenge the verdict.
- (i) Rendition of an Appellate Order. If any timely and authorized motion is filed, the order shall not be deemed rendered as to any party until all of the motions are either withdrawn or resolved by the rendition of an order.
- (j) Conformed Copy. A true and accurate copy.

(k) Signed. A signed document is one containing a signature as provided by Florida Rule of General Practice and Judicial Administration 2.515(c).

Rule 802.2: JURISDICTION

(a) Jurisdiction of the Student Supreme Court.

(1) Appeal Jurisdiction.

The supreme court shall review, by appeal decisions of a lower tribunal declaring invalid a student body statute or a provision of the FSU constitution.

(2) Discretionary Jurisdiction. The discretionary jurisdiction of the supreme court may be sought to review:

(A) decisions of lower tribunal that:

(i) expressly declare valid a student body statute;

(ii) expressly construe a provision of the FSU constitution;

(iii) expressly affect a class of constitutional or student government officers;

(iv) expressly and directly conflict with a decision of the supreme court on the same question of law; or

(v) pass upon a question certified to be of great public importance.

(B) orders and judgments of a lower tribunal in which the appeal is pending to require immediate resolution by the supreme court, and:

(i) to be of great public importance; or

(ii) to have a great effect on the proper administration of justice.

(3) Original Jurisdiction. The supreme court may issue writs of prohibition to courts and all writs necessary to the complete exercise of its jurisdiction, and may issue writs of mandamus and quo warranto to student officers and student agencies.

RULE 802.3. GENERAL PROVISIONS

(a) Complete Determination. In all proceedings a court shall have such jurisdiction as may be necessary for a complete determination of the cause.

(b) Forum. If a proceeding is commenced in an inappropriate court, that court shall transfer the cause to an appropriate court.

(c) Remedy. If a party seeks an improper remedy, the cause shall be treated as if the proper remedy had been sought; provided that it shall not be the responsibility of the court to seek the proper remedy.

(d) Amendment. At any time in the interest of justice, the court may permit any part of the proceeding to be amended so that it may be disposed of on the merits. In the absence of amendment, the court may disregard any procedural error or defect that does not adversely affect the substantial rights of the parties.

(e) Assignments of Error. Assignments of error are neither required nor permitted.

(f) Clerks' Duties. On filing of a notice prescribed by these rules, the clerk shall forthwith transmit a certified copy of the notice, showing the date of filing, to the court. If jurisdiction has been invoked under rule 502.2(a)(1), 502.2(a)(2), and 502.2(a)(3), or if a certificate has

been issued by the lower tribunal under rule #, the clerk of the lower tribunal shall transmit copies of the certificate and decision or order and any suggestion, replies, or appendices with the certified copy of the notice. Notices to review final orders of the lower tribunal or the Elections Commission shall be recorded.

(g) Non-Jurisdictional Matters. Failure of a clerk or a party timely to file additional copies of notices or petitions or the conformed copy of the order or orders designated in the notice of appeal shall not be jurisdictional; provided that such failure may be the subject of appropriate sanction.

(h) Request to Determine Confidentiality of Appellate Court Records. Requests to determine the confidentiality of appellate records are governed by Florida Rule of General Practice and Judicial Administration 2.420.

(i) Public Availability of Written Opinions. Except for written opinions determined to be confidential under Florida Rule of General Practice and Judicial Administration 2.420, the court shall make publicly available on the court's website all written opinions entered on an appeal or petition. Each written opinion made publicly available shall be text searchable and in a Portable Document Format ("PDF").

RULE 802.4. FORM OF DOCUMENTS

(a) Generally. All documents, as defined in Florida Rule of General Practice and Judicial Administration 2.520(a), filed with the court shall comply with Florida Rule of General Practice and Judicial Administration 2.520 and with this rule. If filed in electronic format, parties shall file only the electronic version.

(b) Line Spacing, Type Size, and Typeface. The text in documents shall be black and in distinct type, double-spaced. Text in script or type made in imitation of handwriting shall not be permitted. Footnotes and quotations may be single-spaced and shall be in the same size type, with the same spacing between characters, as the text in the body of the document. Headings and subheadings shall be at least as large as the document's text and may be single-spaced. Computer-generated documents shall be filed in either Arial 14-point font or Bookman Old Style 14-point font.

(c) Signature. All documents filed with the court must be signed as required by Florida Rule of General Practice and Judicial Administration 2.515.

(d) Certificate of Compliance. Computer-generated documents subject to word count limits shall contain a certificate of compliance signed by counsel, or the party if unrepresented, certifying that the document complies with the applicable font and word count limit requirements. The certificate shall be contained in the document immediately following the certificate of service. The word count shall exclude words in a caption, cover page, table of contents, table of citations, certificate of compliance, certificate of service, or signature block. The word count shall include all other words, including words used in headings, footnotes, and quotations. The person preparing the certificate may rely on the word count of the word-processing system used to prepare the document.

RULE 502.5. ORIGINAL PROCEEDINGS

(a) Applicability. This rule applies to those proceedings that invoke the jurisdiction of the courts described in rules 502.2(a)(1), 502.2(a)(2), and 502.2(a)(3) for the issuance of writs of mandamus, prohibition, quo warranto, certiorari, and all writs necessary to the complete exercise of the courts' jurisdiction.

(b) Commencement; Parties. The original jurisdiction of the court shall be invoked by filing a petition, accompanied by any filing fees prescribed by law, with the clerk of the court having jurisdiction. The parties to the proceeding shall be as follows:

(1) If the petition seeks review of an order entered by a lower tribunal, all parties to the proceeding in the lower tribunal who are not named as petitioners shall be named as respondents.

(2) If the original jurisdiction of the court is invoked to enforce a private right, the proceedings shall not be brought on the relation of the student government.

(c) Petitions for Certiorari. The following shall be filed within 5 days of rendition of the order to be reviewed:

(1) a petition for certiorari;

(2) a petition to review quasi-judicial action of agencies, boards, and commissions of student government, which action is not directly appealable under any other provision of general law but may be subject to review by certiorari; or

(3) a petition to review nonfinal agency action under the Administrative Procedure Act.

(d) Petitions for Writs of Mandamus and Prohibition Directed to a Judge or Lower Tribunal. When a petition for a writ of mandamus or prohibition seeks a writ directed to a judge or lower tribunal, the following procedures apply:

(1) Caption. The name of the judge or lower tribunal shall be omitted from the caption. The caption shall bear the name of the petitioner and other parties to the proceeding in the lower tribunal who are not petitioners shall be named in the caption as respondents.

(2) Parties. The judge or the lower tribunal is a formal party to the petition for mandamus or prohibition and must be named as such in the body of the petition (but not in the caption). The petition must be served on all parties, including any judge or lower tribunal who is a formal party to the petition.

(3) Response. Following the issuance of an order pursuant to subdivision (f), the responsibility for responding to a petition is that of the litigant opposing the relief requested in the petition. Unless otherwise specifically ordered, the judge or lower tribunal has no obligation to file a response. The judge or lower tribunal retains the discretion to file a separate response should the judge or lower tribunal choose to do so. The absence of a separate response by the judge or lower tribunal shall not be deemed to admit the allegations of the petition.

(e) Review Proceedings in Lower tribunal.

(1) Applicability. The following additional requirements apply to those proceedings that invoke the jurisdiction of the lower tribunal to the extent that the petition involves review of judicial or quasi-judicial action.

(2) Caption. The caption shall contain a statement that the petition is filed pursuant to this subdivision.

(3) Duties of the Lower tribunal Clerk. When a petition prescribed by this subdivision is filed, the lower tribunal clerk shall forthwith transmit the petition to the chief judge of the appellate division, or other appellate judge or judges as prescribed by the order, for a determination as to whether an order to show cause should be issued.

- (4) Default. The clerk of the lower tribunal shall not enter a default in a proceeding where a petition has been filed pursuant to this subdivision.
- (f) Petition. The caption shall contain the name of the court and the name and designation of all parties on each side. The petition shall not exceed 6,500 words if computer-generated or 25 pages if handwritten or typewritten and shall contain:
- (1) the basis for invoking the jurisdiction of the court;
 - (2) the facts on which the petitioner relies;
 - (3) the nature of the relief sought; and
 - (4) argument in support of the petition and appropriate citations of authority. If the petition seeks an order directed to a lower tribunal, the petition shall be accompanied by an appendix as prescribed by these rules, and the petition shall contain references to the appropriate pages of the supporting appendix.
- (g) Order to Show Cause. If the petition demonstrates a preliminary basis for relief, a departure from the essential requirements of law that will cause material injury for which there is no adequate remedy by appeal, the court may issue an order either directing the respondent to show cause, within the time set by the court, why relief should not be granted or directing the respondent to otherwise file, within the time set by the court, a response to the petition. In prohibition proceedings, the issuance of an order directing the respondent to show cause shall stay further proceedings in the lower tribunal.
- (h) Record. A record shall automatically be transmitted to the court by the lower tribunal's clerk.
- (i) Response. Within 14 days, the respondent may serve a response, which shall not exceed 6,500 words if computer-generated or 25 pages if handwritten or typewritten and which shall include argument in support of the response, appropriate citations of authority, and references to the appropriate pages of the supporting appendices.
- (j) Reply. Within 7 days thereafter or such other time set by the court, the petitioner may serve a reply, which shall not exceed 2,600 words if computer-generated or 10 pages if handwritten or typewritten, and supplemental appendix.

RULE 502.6. APPEAL PROCEEDINGS TO REVIEW FINAL ORDERS OF LOWER TRIBUNALS

- (a) Applicability. This rule applies to those proceedings that: invoke the appeal jurisdiction of the courts described in rules 502.2(a)(2);
- (b) Commencement. Jurisdiction of the court under this rule shall be invoked by filing a notice with the clerk of the lower tribunal within 5 days of rendition of the order to be reviewed
- (c) Exception; Administrative Action. In an appeal to review final orders of lower administrative tribunals, the appellant shall file the notice with the clerk of the lower administrative tribunal within 7 days of rendition of the order to be reviewed, and shall also file a copy of the notice with the clerk of the court.
- (d) Notice of Appeal. The notice of appeal shall be substantially in the form prescribed by this rule. The caption shall contain the name of the lower tribunal, the name and designation of at least 1 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. If a motion postponing rendition is pending when the notice of appeal is filed, the notice of appeal shall indicate the pendency of such a motion and the date it was filed.

Within 3 days of either withdrawal of such a motion or rendition of the order being appealed, the appellant shall file in the court a notice indicating that the motion has been withdrawn or a conformed copy of the signed, written order disposing of the motion postponing rendition.

(e) Record. Within 5 days of filing the notice, the clerk shall prepare the record and serve copies of the index on all parties. Within 7 days of filing the notice, the clerk shall electronically transmit the record to the court or file a notice of inability to complete or transmit the record, specifying the reason. Any notice filed shall be served on all parties and, as necessary, on any court reporter.

(f) Briefs. The appellant's initial brief shall be served within 15 days of filing the notice.

(g) Cross-Appeal. An appellee may cross-appeal by serving a notice within 5 days of service of the appellant's timely filed notice of appeal or within the time prescribed for filing a notice of appeal, whichever is later. The notice of cross-appeal, accompanied by any filing fees prescribed by law, shall be filed either before service or immediately thereafter in the same manner as the notice of appeal.

(h) Scope of Review. Except as provided in subdivision (i), the court may review any ruling or matter occurring before filing of the notice. Multiple final orders may be reviewed by a single notice, if the notice is timely filed as to each such order.

(i) Review of Partial Final Judgments. Except as otherwise provided herein, partial final judgments are reviewable either on appeal from the partial final judgment or on appeal from the final judgment in the entire case. A partial final judgment, other than one that disposes of an entire case as to any party, is one that disposes of a separate and distinct cause of action that is not interdependent with other pleaded claims. If a partial final judgment totally disposes of an entire case as to any party, it must be appealed within 3 days of rendition. The scope of review of a partial final judgment may include any ruling or matter occurring before filing of the notice of appeal so long as such ruling or matter is directly related to an aspect of the partial final judgment under review.

(j) Premature Appeals. If a notice of appeal is filed before rendition of a final order, the appeal shall be subject to dismissal as premature. However, the lower tribunal retains jurisdiction to render a final order, and if a final order is rendered before dismissal of the premature appeal, the premature notice of appeal shall be considered effective to vest jurisdiction in the court to review the final order. Before dismissal, the court in its discretion may grant the parties additional time to obtain a final order from the lower tribunal.

RULE 802.7. THE RECORD

(a) Contents.

(1) Except as otherwise designated by the parties, the record shall consist of all documents filed in the lower tribunal, all exhibits that are not physical evidence, and any transcript(s) of proceedings filed in the lower tribunal, except summonses, praecipes, subpoenas, returns, notices of hearing or of taking deposition, depositions, and other discovery. The record shall also include a progress docket.

(2) Within 7 days of filing the notice of appeal, an appellant may direct the clerk to include or exclude other documents or exhibits filed in the lower tribunal. If the clerk is directed to transmit less than the entire record or a transcript of trial with less than all of the testimony, the appellant shall serve with such direction a statement of the judicial acts to be reviewed.

Within 15 days of filing the notice, an appellee may direct the clerk to include additional documents and exhibits.

(3) The parties may prepare a stipulated statement showing how the issues to be presented arose and were decided in the lower tribunal, attaching a copy of the order to be reviewed and as much of the record in the lower tribunal as is necessary to a determination of the issues to be presented. The parties shall advise the clerk of the lower tribunal of their intention to rely on a stipulated statement in lieu of the record as early in advance of filing as possible. The stipulated statement shall be filed by the parties and transmitted to the court by the clerk of the lower tribunal within the time prescribed for transmittal of the record.

(b) Transcript(s) of Proceedings.

(1) Designation to Court Reporter. Within 5 days of filing the notice of appeal, the appellant shall designate those portions of the proceedings not on file deemed necessary for transcription and inclusion in the record and shall serve the designation on the approved court reporter, civil court reporter, or approved transcriptionist. Within 10 days of filing the notice of appeal, an appellee may designate additional portions of the proceedings and shall serve the designation on the approved court reporter, civil court reporter, or approved transcriptionist. Copies of designations shall be served on the approved court reporter, civil court reporter, or approved transcriptionist.

(2) Court Reporter's Acknowledgment. On service of a designation, the approved court reporter, civil court reporter, or approved transcriptionist shall acknowledge at the foot of the designation the fact that it has been received and the date on which the approved court reporter, civil court reporter, or approved transcriptionist expects to have the transcript(s) completed and shall serve the so-endorsed designation on the parties and file it with the clerk of the court within 5 days of service. If the transcript(s) cannot be completed within 5 days of service of the designation, the approved court reporter, civil court reporter, or approved transcriptionist shall request such additional time as is reasonably necessary and shall state the reasons therefor. If the approved court reporter, civil court reporter, or approved transcriptionist requests an extension of time, the court shall allow the parties 5 days in which to object or agree. The court shall approve the request or take other appropriate action and shall notify the reporter and the parties of the due date of the transcript(s).

(3) Time for Service of Transcript. Within 5 days of service of a designation, or within the additional time provided for under subdivision (b)(2) of this rule, the approved court reporter, civil court reporter, or approved transcriptionist shall transcribe and file with the clerk of the lower tribunal the designated proceedings and shall serve copies as requested in the designation. If a designating party directs the approved court reporter, civil court reporter, or approved transcriptionist to furnish the transcript(s) to fewer than all parties, that designating party shall serve a copy of the designated transcript(s) on the parties within 7 days of receipt from the approved court reporter, civil court reporter, or approved transcriptionist.

(4) Organization of Transcript. The transcript of the trial shall be filed with the clerk separately from the transcript(s) of any other designated proceedings. The transcript of the trial shall be followed by a master trial index containing the names of the witnesses, a list of all exhibits offered and introduced in evidence, and the pages where each may be found. The pages, including the index pages, shall be consecutively numbered, beginning with page 1. The pages shall not be condensed.

(5) Statement of Evidence or Proceedings. If no report of the proceedings was made, or if the transcript is unavailable, a party may prepare a statement of the evidence or proceedings from the best available means, including the party's recollection. The statement shall be served on all other parties, who may serve objections or proposed amendments to it within 5 days of service. Thereafter, the statement and any objections or proposed amendments shall be filed with the lower tribunal for settlement and approval. As settled and approved, the statement shall be included by the clerk of the lower tribunal in the record.

(c) Cross-Appeals. Within 10 days of filing the notice of appeal, a cross-appellant may direct that additional documents, exhibits, or transcript(s) be included in the record. If less than the entire record is designated, the cross-appellant shall serve, with the directions, a statement of the judicial acts to be reviewed. The cross-appellee shall have 7 days after such service to direct further additions. The time for preparation and transmittal of the record shall be extended by 10 days.

(d) Preparation and Transmission of Electronic Record. (1) The clerk of the lower tribunal shall prepare the record as follows: (A) The clerk of the lower tribunal shall assemble the record on appeal and prepare a cover page and a complete index to the record. The cover page shall include the name of the lower tribunal, the style and number of the case, and the caption RECORD ON APPEAL in 48-point bold font. Consistent with Florida Rule of General Practice and Judicial Administration 2.420(g)(8), the index shall indicate any confidential information in the record and if the information was determined to be confidential in an order, identify such order by date or docket number and record page number. The clerk of the lower tribunal shall not be required to verify and shall not charge for the incorporation of any transcript(s) into the record. The transcript of the trial shall be kept separate from the remainder of the record on appeal and shall not be renumbered by the clerk. The progress docket shall be incorporated into the record immediately after the index. (B) All pages of the record shall be consecutively numbered. Any transcripts other than the transcript of the trial shall continue the pagination of the record pages. Supplements permitted after the clerk of the lower tribunal has transmitted the record to the court shall be submitted by the clerk as separate Portable Document Format ("PDF") files in which pagination is consecutive from the original record and continues through each supplement. (C) The entire record, except for the transcript of the trial, shall be compiled into a single PDF file. The PDF file shall be: (i) text searchable; (ii) paginated so that the page numbers displayed by the PDF reader exactly match the pagination of the index; and (iii) bookmarked, consistently with the index, such that each bookmark states the date, name, and record page of the filing and the bookmarks are viewable in a separate window. (2) The transcript of the trial shall be converted into a second PDF file. The PDF file shall be: (A) text searchable; and (B) paginated to exactly match the pagination of the master trial index of the transcript of the trial filed under subdivision (b)(4). (3) The clerk of the lower tribunal shall certify the record, redact the PDF files of the record and the transcript of the trial pursuant to Florida Rule of General Practice and Judicial Administration 2.420(d), and transmit the redacted PDF files to the court by the method described in subdivisions (d)(4) of this rule. By request or standing agreement with the clerk of the lower tribunal, counsel of record or a pro se party may obtain the record and the transcript of the trial that are unredacted to the extent permitted for access by the requestor. No formal motion shall be required. The clerk of the lower tribunal shall certify the less redacted record and transmit the PDF files to the court by the method described in subdivision (d)(4) of this rule or file a notice of inability to complete or transmit the record, specifying the reason. (4) The clerk of the lower tribunal shall transmit

the record and the transcript of the trial to the court by uploading the PDF files: (A) via the Florida Courts E-Filing Portal; or (B) in accordance with the procedure established by the appellate court's administrative order governing transmission of the record. (5) The court shall upload the electronic record to the electronic filing (e-filing) system docket. Attorneys and those parties who are registered users of the court's e-filing system may download the electronic record in their case(s).

(e) Duties of Appellant or Petitioner. The burden to ensure that the record is prepared and transmitted in accordance with these rules shall be on the petitioner or the appellant. Any party may enforce the provisions of this rule by motion.

(f) Correcting and Supplementing Record. (1) If there is an error or omission in the record, the parties by stipulation, the lower tribunal before the record is transmitted, or the court may correct the record. (2) If the court finds the record is incomplete, it shall direct a party to supply the omitted parts of the record. No proceeding shall be determined, because of an incomplete record, until an opportunity to supplement the record has been given. (3) If the court finds that the record is not in compliance with the requirements of subdivision (d) of this rule, it may direct the clerk of the lower tribunal to submit a compliant record, which will replace the previously filed noncompliant record.

RULE 802.8. ORAL ARGUMENT

Oral argument may be permitted in any proceeding. A request for oral argument shall be in a separate document served by a party:

(a) in appeals, not later than 3 days after the last brief is due to be served; and

(b) in proceedings commenced by the filing of a petition, not later than 3 days after the reply is due to be served.

Each side will be allowed 20 minutes for oral argument, except in advisory opinion cases in which each side will be allowed 30 minutes. On its own motion or that of a party, the court may require, limit, expand, or dispense with oral argument.

RULE 802.9. BRIEFS

(a) Generally. Unless otherwise granted discretion by the Court, the only briefs permitted to be filed by the parties in any 1 proceeding are the initial brief, the answer brief, a reply brief, and a cross-reply brief. All briefs required by these rules shall be prepared as follows:

(1) When not filed in electronic format, briefs shall be printed, typewritten, or duplicated on opaque, white, unglossed paper. The dimensions of each page of a brief, regardless of format, shall be 8 1/2 by 11 inches. When filed in electronic format, parties shall file only the electronic version.

(2) The lettering in briefs shall be black and in distinct type, double-spaced, with margins no less than 1 inch. Lettering in script or type made in imitation of handwriting shall not be permitted. Footnotes and quotations may be single spaced and shall be in the same size type, with the same spacing between characters, as the text in the body of the brief. Headings and subheadings shall be at least as large as the brief's text and may be single-spaced. Computer-generated briefs shall be filed in either Times New Roman 14-point font or Courier New 12-point font. All computer-generated briefs shall contain a certificate of compliance signed by

counsel, or the party if unrepresented, certifying that the brief complies with the font requirements of this rule. The certificate of compliance shall be contained in the brief immediately following the certificate of service.

(3) Briefs filed in paper format shall not be stapled or bound.

(4) The cover sheet of each brief shall state the name of the court, the style of the cause, including the case number if assigned, the lower tribunal, the party on whose behalf the brief is filed, the type of brief, and the name, address, and e-mail of the attorney filing the brief.

(5) The page limits for briefs shall be as follows:

(A) Briefs on jurisdiction shall not exceed 5 pages.

(B) Except as provided in subdivisions (a)(5)(C) and (a)(5)(D) of this rule, the initial and answer briefs shall not exceed 25 pages and the reply brief shall not exceed 10 pages. If a cross-appeal is filed, the appellee's answer/cross-initial brief shall not exceed 20 pages, and the appellant's reply/cross answer brief shall not exceed 10 pages, not more than 5 of which shall be devoted to argument replying to the answer portion of the appellee's answer/cross-initial brief. Cross-reply briefs shall not exceed 7 pages.

(C) The cover sheet, the tables of contents and citations, the certificates of service and compliance, and the signature block for the brief's author shall be excluded from the page limits in subdivisions (a)(5)(A)–(a)(5)(D). All pages not excluded from the computation shall be consecutively numbered. The court may permit longer briefs.

(6) Unless otherwise ordered by the court, an attorney representing more than 1 party in an appeal may file only 1 initial or answer brief and 1 reply brief, if authorized, which will include argument as to all of the parties represented by the attorney in that appeal. A single party responding to more than 1 brief, or represented by more than 1 attorney, is similarly bound.

(b) Contents of Initial Brief. The initial brief shall contain the following, in order:

(1) a table of contents listing the sections of the brief, including headings and subheadings that identify the issues presented for review, with references to the pages on which each appears;

(2) a table of citations with cases listed alphabetically, statutes and other authorities, and the pages of the brief on which each citation appears;

(3) a statement of the case and of the facts, which shall include the nature of the case, the course of the proceedings, and the disposition in the lower tribunal, with references to the appropriate pages of the record or transcript;

(4) a summary of argument, suitably paragraphed, condensing succinctly, accurately, and clearly the argument actually made in the body of the brief, which should not be a mere repetition of the headings under which the argument is arranged and should seldom exceed 2 and never 5 pages;

(5) argument with regard to each issue, with citation to appropriate authorities, and including the applicable appellate standard of review;

(6) a conclusion, of not more than 1 page, setting forth the precise relief sought;

(7) a certificate of service; and

(8) a certificate of compliance for computer-generated briefs.

(c) Contents of Answer Brief. The answer brief shall be prepared in the same manner as the initial brief, provided that the statement of the case and of the facts may be omitted, if the corresponding section of the initial brief is deemed satisfactory. If a cross-appeal has been filed, the answer brief shall include the issues in the cross-appeal that are presented for review, and argument in support of those issues.

(d) Contents of Reply Brief. The reply brief shall contain argument in response and rebuttal to argument presented in the answer brief. A table of contents, a table of citations, a certificate of service, and, for computer-generated briefs, a certificate of compliance shall be included in the same manner as in the initial brief.

(e) Times for Service of Briefs. Unless otherwise required, the answer brief shall be served within 7 days after service of the initial brief; the reply brief, if any, shall be served within 5 days after service of the answer brief; and the cross-reply brief, if any, shall be served within 7 days thereafter. In any appeal or cross-appeal, if more than 1 initial or answer brief is authorized, the responsive brief shall be served within 7 days after the last initial or answer brief was served. If the last authorized initial or answer brief is not served, the responsive brief shall be served within 5 days after the last authorized initial or answer brief could have been timely served.

(f) Citations. Counsel are requested to use the uniform citation system prescribed by Florida Rule of Appellate Procedure 9.800.

RULE 802.10. STAY PENDING REVIEW

(a) Application. Except as provided by general law and in subdivision (b) of this rule, a party seeking to stay a final or nonfinal order pending review shall file a motion in the lower tribunal, which shall have continuing jurisdiction, in its discretion, to grant, modify, or deny such relief. A stay pending review may be conditioned on the posting of a good and sufficient bond, other conditions, or both.

(b) Duration. A stay entered by a lower tribunal shall remain in effect during the pendency of all review proceedings in FSU courts until a mandate issues, or unless otherwise modified or vacated.

(c) Review. Review of orders entered by lower tribunals under this rule shall be by the court on motion.

RULE 802.11. MOTIONS

(a) Contents of Motion; Response. Unless otherwise prescribed by these rules, an application for an order or other relief available under these rules shall be made by filing a motion therefor. The motion shall state the grounds on which it is based, the relief sought, argument in support thereof, and appropriate citations of authority. A motion for an extension of time shall, and other motions if appropriate may, contain a certificate that the movant's counsel has consulted opposing counsel and that the movant's counsel is authorized to represent that opposing counsel either has no objection or will promptly file an objection. A motion may be accompanied by an appendix, which may include affidavits and other appropriate supporting documents not contained in the record. A party may serve 1 response to a motion within 3 days of service of the motion. The court may shorten or extend the time for response to a motion.

(b) Effect on Proceedings. Except as prescribed by subdivision (d) of this rule, service of a motion shall toll the time schedule of any proceeding in the court until disposition of the motion. An order granting an extension of time for any act shall automatically extend the time for all other acts that bear a time relation to it. An order granting an extension of time for preparation of the record, or the index to the record, or for filing of the transcript of

proceedings, shall extend automatically, for a like period, the time for service of the next brief due in the proceedings. A conformed copy of an order extending time shall be transmitted forthwith to the clerk of the lower tribunal until the record has been transmitted to the court.

(c) Emergency Relief; Notice. A party seeking emergency relief shall, if practicable, give reasonable notice to all parties.

(d) Motions Not Tolling Time.

(1) Motions for stay pending appeal

(2) Motions relating to amicus curiae

(3) Motions relating to expediting the appeal

(4) All motions filed in the supreme court, unless accompanied by a separate request to toll time.

RULE 802.12. SUMMARY DISPOSITION

(a) Summary Affirmance. After service of the initial brief in appeals or after service of the answer brief if a cross-appeal has been filed, the court may summarily affirm the order to be reviewed if the court finds that no preliminary basis for reversal has been demonstrated.

(b) Summary Reversal. After service of the answer brief in appeals under rule or after service of the reply brief if a cross-appeal has been filed, the court may summarily reverse the order to be reviewed if the court finds that no meritorious basis exists for affirmance and the order otherwise is subject to reversal.

(c) Motions Not Permitted. This rule may be invoked only on the court's own motion. A party may not request summary disposition.

RULE 802.13. REHEARING; CLARIFICATION; CERTIFICATION; WRITTEN OPINION

(a) Time for Filing; Contents; Response.

(1) Time for Filing. A motion for rehearing, clarification, certification, or issuance of a written opinion may be filed within 3 days of an order or decision of the court within such other time set by the court.

(2) Contents.

(A) Motion for Rehearing. A motion for rehearing shall state with particularity the points of law or fact that, in the opinion of the movant, the court has overlooked or misapprehended in its order or decision. The motion shall not present issues not previously raised in the proceeding.

(B) Motion for Clarification. A motion for clarification shall state with particularity the points of law or fact in the court's order or decision that, in the opinion of the movant, are in need of clarification.

(C) Motion for Certification. A motion for certification shall set forth the case(s) that expressly and directly conflicts with the order or decision or set forth the issue or question to be certified as one of great public importance.

(D) Motion for Written Opinion. A motion for written opinion shall set forth the reasons that the party believes that a written opinion would provide:

(i) a legitimate basis for supreme court review;

(ii) an explanation for an apparent deviation from prior precedent; or

(iii) guidance to the parties or lower tribunal when:

- a. the issue decided is also present in other cases pending before the court;
- b. the issue decided is expected to recur in future cases;
- c. there are conflicting decisions on the issue from lower tribunals;
- d. the issue decided is one of first impression; or
- e. the issue arises in a case in which the court has exclusive subject matter jurisdiction.

(3) Response. A response may be served within 2 days of service of the motion.

(b) Limitation. A party shall not file more than 1 motion for rehearing, clarification, certification, or written opinion with respect to a particular order or decision of the court. All motions filed under this rule with respect to a particular order or decision must be combined in a single document.

(c) Application. This rule applies only to appellate orders or decisions that adjudicate, resolve, or otherwise dispose of an appeal, or original proceeding. The rule is not meant to limit the court's inherent authority to reconsider nonfinal appellate orders and decisions.

RULE 802.14. PARTIES

(a) Joinder for Realignment as Appellant or Petitioner. An appellant or respondent who desires to realign as an appellant or petitioner shall serve a notice of joinder no later than the latest of the following:

- (1) within 3 days of service of a timely filed notice of appeal or petition; or
- (2) within the time prescribed for filing a notice of appeal.

The notice of joinder shall be filed either before service or immediately thereafter. The body of the notice shall set forth the proposed new caption. Upon filing of the notice, the clerk shall change the caption to reflect the realignment of the parties in the notice.

(b) Substitution of Parties.

- (1) If substitution of a party is necessary for any reason, the court may so order on its own motion or that of a party.
- (2) Public officers as parties in their official capacities may be described by their official titles rather than by name. Their successors in office shall be automatically substituted as parties.
- (3) If a party dies while a proceeding is pending and that party's rights survive, the court may order the substitution of the proper party on its own motion or that of any interested person.
- (4) If a person entitled to file a notice of appeal dies before filing and that person's rights survive, the notice may be filed by the personal representative, the person's attorney, or, if none, by any interested person. Following filing, the proper party shall be substituted.

RULE 502.15. AMICUS CURIAE

(a) When Permitted. An amicus curiae may file a brief only by leave of court. A motion for leave to file must state the movant's interest, the particular issue to be addressed, how the movant can assist the court in the disposition of the case, and whether all parties consent to the filing of the amicus brief.

(b) Contents and Form. An amicus brief shall omit a statement of the case and facts and may not exceed 5 pages. The cover must identify the party or parties supported. An amicus brief must include a concise statement of the identity of the amicus curiae and its interest in the case.

(c) Time for Service. An amicus curiae must serve its brief no later than 7 days after the first brief, petition, or response of the party being supported is filed. An amicus curiae that does not support either party must serve its brief no later than 7 days after the initial brief or petition is filed. A court may grant leave for later service, specifying the time within which an opposing party may respond. The service of an amicus brief does not alter or extend the briefing deadlines for the parties. An amicus curiae may not file a reply brief. Leave of court is required to serve an amicus brief in support of or opposition to a motion for rehearing, rehearing en banc, or for certification to the supreme court.

(d) Notice of Intent to File Amicus Brief in the Student Supreme Court. When a party has invoked the discretionary jurisdiction of the supreme court, an amicus curiae may file a notice with the court indicating its intent to seek leave to file an amicus brief on the merits should the court accept jurisdiction. The notice shall state briefly why the case is of interest to the amicus curiae, but shall not contain argument. The body of the notice shall not exceed 1 page.

RULE 802.16. NOTICE OF RELATED CASE OR ISSUE

A party is permitted to file a notice of related case or issue informing the court of a pending, related case arising out of the same proceeding in the lower tribunal or involving a similar issue of law. The notice shall only include information identifying the related case. The notice shall not contain argument and shall be in substantially the format prescribed by Florida Rule of Appellate Procedure 9.900(k).

RULE 802.17. ADVISORY OPINIONS TO THE SUPERVISOR OF ELECTIONS

(a) Filing. A request by the Supervisor of Elections for an advisory opinion from the justices of the supreme court on a question affecting the elections code shall be in writing. The request shall be filed with the clerk of the supreme court.

(b) Procedure. As soon as practicable after the filing of the request, the justices shall determine whether the request is within the purview of statute 702.2(H) of the Florida State University Student Body Statutes, and proceed as follows:

(1) If 3 justices concur that the question is not within the purview of statute 702.2(H) of the Florida State University Student Body Statutes, the Supervisor of Elections shall be advised forthwith in writing and a copy shall be filed in the clerk's office.

(2) If the request is within the purview of statute 702.2(H) of the Florida State University Student Body Statutes, the court shall permit, subject to its rules of procedure, interested persons to be heard on the questions presented through briefs, oral argument, or both.

(3) The justices shall file their opinions in the clerk's office not earlier than 10 days from the filing and docketing of the request, unless in their judgment the delay would cause public injury. The Supervisor of Elections shall be advised forthwith in writing.