

RULE 9.147. APPEAL PROCEEDINGS TO REVIEW FINAL ORDERS DISMISSING PETITIONS FOR JUDICIAL WAIVER OF PARENTAL NOTICE OF AND CONSENT FOR TERMINATION OF PREGNANCY

(a) **Applicability.** Appeal proceedings to review final orders dismissing a petition for judicial waiver of parental notice of and consent for the termination of a pregnancy shall be as in civil cases, except as modified by this rule.

(b) **Fees.** No filing fee shall be required for any part of an appeal of the dismissal of a petition for a judicial waiver of parental notice of and consent for the termination of a pregnancy.

(c) **Record.** If an unmarried minor or another person on her behalf appeals an order dismissing a petition for judicial waiver of parental notice of and consent for the termination of a pregnancy, the clerk of the lower tribunal shall prepare and electronically transmit the record as described in rule 9.200(d) within 2 days from the filing of the notice of appeal.

(d) **Disposition of Appeal.** The court shall render its decision on the appeal as expeditiously as possible and no later than 7 days from the transmittal of the record. If no decision is rendered within that time period, the order shall be deemed reversed, the petition shall be deemed granted, and the clerk shall place a certificate to that effect in the file and provide the appellant, without charge, with a certified copy of the certificate.

(e) **Briefs and Oral Argument.** Briefs, oral argument, or both may be ordered at the discretion of the court. The appellant may move for leave to file a brief and may request oral argument.

(f) **Confidentiality of Proceedings.** The appeal and all proceedings therein shall be confidential so that the minor shall remain anonymous. The file shall remain sealed unless otherwise ordered by the court.

(g) **Procedure Following Reversal.** If the dismissal of the petition is reversed on appeal, the clerk shall furnish the appellant, without charge, with either

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a certified copy of the decision or the clerk's certificate for delivery to the minor's physician.

Committee Notes

2014 Amendment. The previous version of this rule was found at rule 9.110(n).

RULE 9.300. 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. With the exception of motions filed pursuant to rule 9.410(b), a party may serve 1 response to a motion within 15 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 post-trial release, rule 9.140(g).
- (2) Motions for stay pending appeal, rule 9.310.

- (3) Motions relating to oral argument, rule 9.320.
- (4) Motions relating to joinder and substitution of parties, rule 9.360.
- (5) Motions relating to amicus curiae, rule 9.370.
- (6) Motions relating to attorneys' fees on appeal, rule 9.400.
- (7) Motions relating to service, rule 9.420.
- (8) Motions relating to admission or withdrawal of attorneys, rule 9.440.
- (9) Motions relating to sanctions, rule 9.410.
- (10) Motions relating to expediting the appeal.
- (11) Motions relating to appeal proceedings to review a final order dismissing a petition for judicial waiver of parental notice of and consent for termination of pregnancy, rule 9.147.
- (12) Motions for mediation filed more than 30 days after the notice of appeal, rule 9.700(d).
- (13) All motions filed in the supreme court, unless accompanied by a separate request to toll time.

Committee Notes

1977 Amendment. This rule replaces former rule 3.9.

Subdivision (a) is new, except to the extent it replaces former rule 3.9(g), and is intended to outline matters required to be included in motions. These provisions are necessary because it is anticipated that oral argument will only rarely be permitted. Any matters that formerly would have been included in a brief on a motion should be included in the motion. Although affidavits and other documents not appearing in the record may be included in the appendix, it is to be emphasized that such materials are limited to matter germane to the motion, and are not to include matters related to the merits of the case. The advisory committee was of the view that

briefs on motions are cumbersome and unnecessary. The advisory committee anticipates that the motion document will become simple and unified, with unnecessary technical language eliminated. Routine motions usually require only limited argument. Provision is made for a response by the opposing party. No further responses by either party are permitted, however, without an order of the court entered on the court's own motion or the motion of a party. To ensure cooperation and communication between opposing counsel, and conservation of judicial resources, a party moving for an extension of time is required to certify that opposing counsel has been consulted, and either has no objection or intends to serve an objection promptly. The certificate may also be used for other motions if appropriate. Only the motions listed in subdivision (d) do not toll the time for performance of the next act. Subdivision (d)(9) codifies current practice in the supreme court, where motions do not toll time unless the court approves a specific request, for good cause shown, to toll time for the performance of the next act. Very few motions filed in that court warrant a delay in further procedural steps to be taken in a case.

The advisory committee considered and rejected as unwise a proposal to allow at least 15 days to perform the next act after a motion tolling time was disposed.

Subdivision (b) replaces former rule 3.9(f).

Subdivision (c) is new and has been included at the request of members of the judiciary. It is intended to require that counsel make a reasonable effort to give actual notice to opposing counsel when emergency relief is sought from a court.

Specific reference to motions to quash or dismiss appeals contained in former rules 3.9(b) and (c) has been eliminated as unnecessary. It is not intended that such motions be abolished. Courts have the inherent power to quash frivolous appeals, and subdivision (a) guarantees to any party the right to file a motion. Although no special time limitations are placed on such motions, delay in presenting any motion may influence the relief granted or sanctions imposed under rule 9.410.

As was the case under former rule 3.8, a motion may be filed in either the lower tribunal or the court, in accordance with rule 9.600.

1980 Amendment. Subdivision (b) was amended to require the clerk of either court to notify the other clerk when an extension of time has been granted, up to the time that the record on appeal has been transmitted to the court, so that the clerk of the lower tribunal will be able to properly compute the time for transmitting the record on appeal, and that both courts may properly compute the time for performing subsequent acts.

1992 Amendment. Subdivision (b) was amended to clarify an uncertainty over time deadlines. The existing rule provided that an extension of time for performing an act automatically extended for a comparable period any other act that had a time relation thereto.

The briefing schedule, however, is related by time only to the filing of the notice of appeal. Accordingly, this amendment provides that orders extending the time for preparation of the record, the index to the record, or a transcript, automatically extends for the same period the time for service of the initial brief. Subdivision (b) also was amended to correlate with rule 9.600(a), which provides that only an appellate court may grant an extension of time.

RULE 9.900. FORMS

(a) Notice of Appeal.

IN THE(NAME OF THE LOWER TRIBUNAL WHOSE ORDER IS TO BE REVIEWED).....

Case No. _____

_____,)
Defendant/Appellant,)
)
v.)
)
_____,)
Plaintiff/Appellee.)
_____)

NOTICE OF APPEAL

NOTICE IS GIVEN that _____, Defendant/Appellant, appeals to the(name of court that has appellate jurisdiction)....., the order of this court rendered [see rule 9.020(h)](date)..... [Conformed copies of orders designated in the notice of appeal shall be attached in accordance with rules 9.110(d), and 9.160(c).] The nature of the order is a final order(state nature of the order).....

Attorney for(name of party).....
.....(address, e-mail address, and phone number).....
Florida Bar No.

(b) Notice of Cross-Appeal.

IN THE(NAME OF THE LOWER TRIBUNAL WHOSE ORDER IS TO BE REVIEWED).....

Case No. _____

_____,)
Defendant/Appellant,)

Cross-Appellee,)
)
v.)
)
_____,)
Plaintiff/Appellee,)
Cross-Appellant.)
_____)

NOTICE OF CROSS-APPEAL

NOTICE IS GIVEN that _____, Plaintiff/Cross-Appellant, appeals to the
.....(name of court that has appellate jurisdiction)....., the order of this court rendered [see rule
9.020(h)](date)..... The nature of the order is a final order(state nature of the order).....

Attorney for(name of party).....
.....(address, e-mail address, and phone
number).....
Florida Bar No.

(c) Notice of Appeal of Nonfinal Order.

(1) Notice of Appeal of Nonfinal Order

IN THE(NAME OF THE LOWER
TRIBUNAL WHOSE ORDER IS TO BE
REVIEWED).....

Case No. _____

_____,)
Defendant/Appellant,)
)
v.)
)
_____,)
Plaintiff/Appellee.)
)
_____)

NOTICE OF APPEAL OF A
NONFINAL ORDER

NOTICE IS GIVEN that _____, Defendant/Appellant, appeals to the
.....(name of court that has appellate jurisdiction)....., the order of this court rendered [see rule

9.020(h)](date)..... [Conformed copies of orders designated in the notice of appeal shall be attached in accordance with rules 9.110(d), 9.130(c), and 9.160(c).] The nature of the order is a nonfinal order(state nature of the order).....

Attorney for(name of party).....
.....(address, e-mail address, and phone
number).....
Florida Bar No.

(2) Notice of Cross-Appeal of Nonfinal Order.

IN THE(NAME OF THE LOWER
TRIBUNAL WHOSE ORDER IS TO BE
REVIEWED).....

Case No. _____

_____,)
Defendant/Appellant,)
Cross-Appellee,)
)
v.)
)
_____)
Plaintiff/Appellee,)
Cross-Appellant.)
_____)

NOTICE OF CROSS-APPEAL OF A
NONFINAL ORDER

NOTICE IS GIVEN that _____, Plaintiff/Cross-Appellant, appeals to the
.....(name of court that has appellate jurisdiction)....., the order of this court rendered [see rule
9.020(h)](date)..... The nature of the order is a nonfinal order(state nature of the
order).....

Attorney for(name of party).....
.....(address, e-mail address, and phone
number).....
Florida Bar No.

(d) Notice to Invoke Discretionary Jurisdiction of Supreme Court.

IN THE DISTRICT COURT OF
APPEAL OF FLORIDA,
DISTRICT

Case No. _____

_____,)
Defendant/Petitioner,)
)
v.)
)
_____,)
Plaintiff/Respondent.)
)
_____)

NOTICE TO INVOKE
DISCRETIONARY JURISDICTION

NOTICE IS GIVEN that _____, Defendant/Petitioner, invokes the discretionary jurisdiction of the supreme court to review the decision of this court rendered [see rule 9.020(i)](date)..... The decision(state why the decision is within the supreme court’s jurisdiction).....¹

Attorney for(name of party).....
.....(address, e-mail address, and phone
number).....
Florida Bar No.

- 1. The choices are:
 - a. expressly declares valid a state statute.
 - b. expressly construes a provision of the state or federal constitution.
 - c. expressly affects a class of constitutional or state officers.
 - d. expressly and directly conflicts with a decision of another district court of appeal or of the supreme court on the same question of law.
 - e. passes on a question certified to be of great public importance.
 - f. is certified to be in direct conflict with decisions of other district courts of appeal.

See rule 9.030(a)(2)(A).

(e) Notice of Administrative Appeal.

IN THE(NAME OF AGENCY,
OFFICER, BOARD, COMMISSION,
OR BODY WHOSE ORDER IS TO BE
REVIEWED).....

Case No. _____

_____,)
Defendant*/Appellant,)
)
v.)
)
_____,)
Plaintiff*/Appellee.)
)
_____)

NOTICE OF ADMINISTRATIVE
APPEAL

NOTICE IS GIVEN that _____, Appellant, appeals to the(name of court
that has appellate jurisdiction)....., the order of this(name of agency, officer, board,
commission, or body whose order is to be reviewed)..... rendered [see rule 9.020(h)](date).....
[Conformed copies of orders designated in the notice of appeal shall be attached in accordance
with rules 9.110(d) and 9.130(c).] The nature of the order is(state nature of the order).....

Attorney for(name of party).....
.....(address, e-mail address, and phone
number).....
Florida Bar No.

*or other appropriate designation.

**(f) Notice of Appeal of an Order Dismissing a Petition for a Judicial Waiver of
Parental ~~Consent to or~~ Notice of and Consent ~~to for~~ Termination of Pregnancy and
Advisory Notice to Minor.**

IN THE CIRCUIT COURT FOR THE
_____ JUDICIAL CIRCUIT
(NUMERICAL DESIGNATION OF THE
CIRCUIT) IN AND FOR _____

COUNTY, FLORIDA

Case No. _____

In re: Petition for a Judicial)
 Waiver of Parental ~~Consent to~~)
~~or~~ Notice of and Consent ~~to~~for)
 Termination of Pregnancy.)
 _____)
 (Your pseudonym or initials)
)
 Appellant.)
 _____)

NOTICE OF APPEAL

NOTICE IS GIVEN that(your pseudonym or initials)....., appeals to the(District Court of Appeal with appellate jurisdiction)....., the order of this court rendered(enter the date that the order was filed on the clerk’s docket)..... [See rule 9.020(h)]. The nature of the order is a final order dismissing a petition for a judicial waiver of parental ~~consent to or~~ notice of and consent ~~to or~~for termination of pregnancy.

Signature: _____
 (As signed on your petition for judicial waiver if you are representing yourself)
 Date: _____

OR

Attorney for _____
 (pseudonym or initials of appellant)
 (address, e-mail address, and phone number of attorney)
 Florida Bar No. _____

ADVISORY NOTICE TO THE MINOR
 YOU ARE NOTIFIED AS FOLLOWS:

1. You are entitled to appeal the order dismissing your petition for a judicial waiver of parental ~~consent to or~~ notice of and consent ~~to or~~for termination of pregnancy. You do not have to pay a filing fee for the appeal.
2. If you wish to appeal, you must file a notice of appeal. A form for the notice of appeal (Fla. R. App. P. 9.900(f)) will be provided to you with the order dismissing your petition.

You must fill in every blank on the form with the information requested. If you need assistance with the form, the clerk of the circuit court will help you complete it.

3. You must file the notice of appeal with the clerk of the circuit court where your case was heard. The notice of appeal must be filed within thirty (30) days of the date when the judge's written order dismissing your petition was filed with the clerk of the circuit court. If you do not file your notice of appeal within this time period your appeal will not be heard.

4. The notice of appeal is the only document you need to file in connection with your appeal. You may file a motion to seek permission to file a brief in your case, or to request oral argument of your case. These motions or any other motions or documents you file concerning your appeal, except the notice of appeal, must be mailed or delivered to the appellate court for filing. The appellate court that will be reviewing your case is:

The _____ District Court of Appeal

(address of the District Court)

Telephone number: _____

(Note: The clerk of the circuit court will fill in the blanks above with the appropriate court information).

5. You may request a lawyer to represent you in your appeal. You must tell the judge who heard your petition for a judicial waiver of parental ~~consent to or~~ notification of and consent ~~to~~for termination of pregnancy that you wish to have a lawyer appointed.

(g) Directions to Clerk.

IN THE(NAME OF THE LOWER
TRIBUNAL WHOSE ORDER IS TO
BE REVIEWED).....

Case No. _____

_____,)

Plaintiff/Appellant,)

)

v.)

DIRECTIONS TO CLERK

_____,)
Defendant/Appellee.)
_____))
_____)

Plaintiff/Appellant, _____, directs the clerk to(include/exclude)..... the following items(in/from)..... the record described in rule 9.200(a)(1):

ITEM	DATE FILED
1.	
[List of Desired Items]	
2.	

Note: This form is necessary only if a party does not wish to rely on the record that will be automatically prepared by the clerk under rule 9.200(a)(1).

(h) Designation to Approved Court Reporter, Civil Court Reporter, or Approved Transcriptionist.

IN THE(NAME OF THE LOWER TRIBUNAL WHOSE ORDER IS TO BE REVIEWED).....

Case No. _____

_____,)
Plaintiff/Appellant,)
v.)
_____))
Defendant/Appellee.)
_____)

DESIGNATION TO APPROVED COURT REPORTER, CIVIL COURT REPORTER, OR APPROVED TRANSCRIPTIONIST, AND REPORTER'S OR APPROVED TRANSCRIPTIONIST'S ACKNOWLEDGEMENT

I. DESIGNATION

Plaintiff/Appellant, _____, files this Designation to Approved Court Reporter, Civil Court Reporter, or Approved Transcriptionist and directs(name of approved court reporter, civil court reporter, or approved transcriptionist)..... to transcribe the following portions of the trial proceedings to be used in this appeal [for cases where a party is exempt from service by electronic mail as set forth in the Florida Rules of Judicial Administration, state the following, and provide paper copies of the transcript(s) in paper format]:

1. The entire trial proceedings recorded by the reporter on(date)....., before the Honorable(judge)....., except _____.
2. [Indicate all other portions of reported proceedings.]
3. The approved court reporter, civil court reporter, or approved transcriptionist is directed to file the original with the clerk of the lower tribunal and to serve one copy on each of the following:
 - 1.
 - 2.
 - 3.

I, counsel for appellant, certify that I have made satisfactory financial arrangements with the approved court reporter, civil court reporter, or approved transcriptionist for preparation of the transcript, and I have served a designation on the approved court reporter, civil court reporter, or approved transcriptionist.

Attorney for(name of party).....
.....(address, e-mail address, and phone
number).....
Florida Bar No.

**II. APPROVED COURT REPORTER’S, CIVIL COURT REPORTER’S, OR
APPROVED TRANSCRIPTIONIST’S ACKNOWLEDGMENT**

1. The foregoing designation was served on(date)....., and received on(date).....
2. Satisfactory arrangements have () have not () been made for payment of the transcript cost. These financial arrangements were completed on(date).....

3. Number of trial or hearing days ____.

4. Estimated number of transcript pages ____.

5a. The transcript will be available within 30 days of service of the foregoing designation and will be filed on or before(date).....

OR

5b. For the following reason(s) the approved court reporter, civil court reporter, or approved transcriptionist requests an extension of time of ____ days for preparation of the transcript that will be filed on or before(date).....

6. Completion and filing of this acknowledgment by the approved court reporter, civil court reporter, or approved transcriptionist constitutes submission to the jurisdiction of the court for all purposes in connection with these appellate proceedings.

7. The undersigned approved court reporter, civil court reporter, or approved transcriptionist certifies that the foregoing is true and correct and that a copy has been furnished by mail () hand delivery () e-mail () on(date)....., to each of the parties or their counsel.

Approved Court Reporter, Civil Court Reporter, or Approved Transcriptionist
.....(address).....

Note: The foregoing approved court reporter's, civil court reporter's, or approved transcriptionist's acknowledgment to be placed "at the foot of" or attached to a copy of the designation, shall be properly completed, signed by the approved court reporter, and filed with the clerk of the appellate court within 5 days of service of the designation on the approved court reporter, civil court reporter, or approved transcriptionist. A copy shall be served on all parties or their counsel, who shall have 5 days to object to any requested extension of time. See Fla. R. App. P. 9.200(b)(1), (b)(2), & (b)(3).

(i) Civil Supersedeas Bond.

.....(Title of Court).....

Case No. _____

_____,)
Plaintiff,)
)
v.)
)
_____,)
Defendant.)
_____)

CIVIL SUPERSEDEAS BOND

We, _____ as Principal, and _____ as Surety, are held and firmly bound unto _____ in the principal sum of \$_____, for the payment of which we bind ourselves, our heirs, personal representatives, successors, and assigns, jointly and severally.

The condition of this obligation is: the above-named Principal has entered an appeal to the(court)..... to review the(judgment or order)..... entered in the above case on(date)....., and filed in the records of said court in book _____ at page_____.

NOW THEREFORE, if the Principal shall satisfy any money judgment contained in the judgment in full, including, if allowed by law, costs, interest, and attorneys' fees, and damages for delay in the event said appeal is dismissed or said judgment is affirmed, then this obligation shall be null and void; otherwise to remain in full force and effect.

Signed on(date)....., at.....(place).....

/s/ _____
Principal

Signed on(date)....., at.....(place).....

/s/ _____
Surety

(j) Notice of Supplemental Authority

.....(Title of Court).....

Case No. _____

_____,)
Appellant/Plaintiff,)

v.)
)
)
_____,)
Appellee/Respondent.)
_____)

NOTICE OF SUPPLEMENTAL
AUTHORITY

[Appellant/Petitioner] [Appellee/Respondent], _____, submits as supplemental authority the [decision/rule/statute/other authority] of _____, a copy of which is attached to this notice. The supplemental authority is pertinent to the issue on appeal identified as _____ and [discussed on pages _____ of the _____ brief] [raised at oral argument].

Attorney for(name of party).....
.....(address, e-mail address, and phone
number).....
Florida Bar No.

(k) Notice of Related Case.

.....(Title of Court).....

Case No. _____

_____,)
Appellant/Petitioner,)
)
v.)
)
_____,)
Appellee/Respondent.)
)
_____)

NOTICE OF RELATED
CASE OR ISSUE

NOTICE IS GIVEN of(case style and number)....., pending in(name of court)....., which is related to this matter because(identify the same facts from which both matters arise or the similar legal issue being addressed in both matters).....

Attorney for(name of party).....

.....(address, e-mail address, and phone number).....
Florida Bar No.

(I) Notice of Joinder.

.....(Title of Court).....

Case No. _____

_____,)
Appellant/Petitioner,)
)
v.)
)
_____,)
Appellee/Respondent.)
)
_____)

NOTICE OF JOINDER

NOTICE IS GIVEN that _____, [appellee/respondent] elects to realign as a(n) [appellant/petitioner] in this action, in accordance with rule 9.360(a). The proposed new caption is:

[insert proposed new caption here]

Attorney for(name of party).....
.....(address, e-mail address, and phone number).....
Florida Bar No.

Committee Notes

1980 Amendment. Forms 9.900(a) and (b) under the 1977 rules are modified, and additional forms are provided.

1992 Amendment. Forms 9.900(a), (c), and (e) were revised to remind the practitioner that conformed copies of the order or orders designated in the notice of appeal should be attached to the notice of appeal as provided in rules 9.110(d), 9.130(c), and 9.160(c).