

IN THE SUPREME COURT OF FLORIDA

**IN RE: AMENDMENTS TO THE
FLORIDA RULES OF APPELLATE
PROCEDURE**

CASE NO: 13-

FAST TRACK REPORT OF THE APPELLATE COURT RULES COMMITTEE

Eduardo I. Sanchez, Chair, Appellate Court Rules Committee (“Committee”), and John F. Harkness, Jr., Executive Director, The Florida Bar, file this out-of-cycle report of the Appellate Court Rules Committee under Fla. R. Jud. Admin. 2.140(f). All rule and form amendments have been approved by the full Committee and, as required by Rule 2.140(f), reviewed by The Florida Bar Board of Governors. The voting records of the Committee and the Board of Governors are as follows:

<u>Rule</u>	<u>Committee Vote</u>	<u>Board of Governors Vote</u>
Rule 9.140	38-0	36-0

Because the Court asked the rules committees to consider recently approved legislation that might necessitate changes to court rules and because this amendment is the result of recently approved legislation, notice of the amendment was not published in *The Florida Bar News* prior to filing this report.

Appendix A:	Rule in legislative format
Appendix B:	Rule in 2-column format
Appendix C:	Referral letter from the Court
Appendix D:	Chapter 2013-162, Laws of Florida
Appendix E	Minutes of the June 28, 2013, Appellate Court Rules Committee meeting

The proposed amendment and reason for change is as follows:

RULE 9.140. APPEAL PROCEEDINGS IN CRIMINAL CASES

The Florida Legislature passed SB 142, now codified as Chapter 2013–162, Laws of Florida, during the 2013 Legislative session. Chapter 2013–162, Laws of

Florida, changes terminology throughout the Florida Statutes, replacing “mental retardation” and “mentally retarded” with “intellectual disability” and “intellectually disabled.” The Committee proposes amending Rule 9.140 to conform to this recent legislative change.

Respectfully submitted on August 15, 2013.

/s/ Eduardo I. Sanchez

Eduardo I. Sanchez

Chair

Appellate Court Rules Committee

99 N.E. 4th Street, Suite 800

Miami, FL 33132-2131

305/961-9057

Florida Bar No. 877875

eduardo.i.sanchez@usdoj.gov

/s/ John F. Harkness, Jr.

John F. Harkness, Jr.

Executive Director

The Florida Bar

651 East Jefferson Street

Tallahassee, FL 32399-2300

850/561-5600

Florida Bar No. 123390

jharkness@flabar.org

CERTIFICATION OF COMPLIANCE

I certify that these rules were read against *West's Florida Rules of Court – State* (2013 Edition). Amendments to Rule 9.140(b)(1)(D) and 9.140(c)(1)(J), stemming from the Court's opinion in *In Re: Amendments to the Florida Rules of Criminal Procedure and the Florida Rules of Appellate Procedure*, 112 So. 3d 1234 (Fla. 2013), are not reflected in *West's Florida Rules of Court – State* (2013 Edition).

I certify that this report was prepared in compliance with the font requirements of *Fla. R. App. P.* 9.210(a)(2).

/s/ Heather S. Telfer

Heather Telfer, Staff Liaison
Appellate Court Rules Committee
The Florida Bar
651 East Jefferson Street
Tallahassee, FL 32399-2300
Florida Bar No. 139149
htelfer@flabar.org