

The Florida Supreme Court recently adopted an amendment to Florida Rule of Appellate Procedure 9.140 (Appeal Proceedings in Criminal Cases). The amendment was in response to the recent enactment of chapter 2013-162, Laws of Florida, which substituted the term “intellectually disabled” for the term “mentally retarded” throughout the Florida Statutes. See In re Amendment to Florida Rule of Appellate Procedure 9.140, No. SC13-1492 (Fla. Sept. 26, 2013).

The Court invites all interested persons to comment on the amendment, which is reproduced in full below, as well as online at <http://www.floridasupremecourt.org/decisions/opinions.shtml>. All comments must be filed with the Court on or before November 25, 2013, with a certificate of service verifying that a copy has been served on the Committee Chair, Eduardo I. Sanchez, 99 N.E. 4th Street, Suite 800, Miami, Florida 33132-2131, [eduardo.i.sanchez@usdoj.gov](mailto:eduardo.i.sanchez@usdoj.gov), and on the Bar Staff Liaison to the Committee, Heather Telfer, 651 E. Jefferson Street, Tallahassee, Florida 32399-2300, [htelfer@flabar.org](mailto:htelfer@flabar.org), as well as a separate request for oral argument if the person filing the comment wishes to participate in oral argument, which may be scheduled in this case. The Committee Chair has until December 16, 2013, to file a response to any comments filed with the Court. If filed by an attorney in good standing with The Florida Bar, the comment must be electronically filed via the Portal in accordance with In re Electronic Filing in the Supreme Court of Florida via the Florida Courts E-Filing Portal, Fla. Admin. Order No. AOSC13-7 (Feb. 18, 2013). If filed by a non-lawyer or a lawyer not licensed to practice in Florida, the comment must be electronically filed via e-mail in accordance with In re Mandatory Submission of Electronic Copies of Documents, Fla. Admin. Order No. AOSC04-84 (Sept. 13, 2004). Electronically filed documents must be submitted in Microsoft Word 97 or higher. Any person unable to submit a comment electronically must mail or hand-deliver the originally signed comment to the Florida Supreme Court, Office of the Clerk, 500 South Duval Street, Tallahassee, Florida 32399-1927; no additional copies are required or will be accepted.

## **IN THE SUPREME COURT OF FLORIDA**

### **IN RE: AMENDMENTS TO FLORIDA RULE OF APPELLATE PROCEDURE 9.140, CASE NO. SC13-1492**

#### **RULE 9.140. APPEAL PROCEEDINGS IN CRIMINAL CASES**

**(a) – (b) [No Change]**

**(c) Appeals by the State.**

**(1) Appeals Permitted.** The state may appeal an order

(A) – (H) [No Change]

(I) finding a defendant ~~mentally retarded~~intellectually disabled under Florida Rule of Criminal Procedure 3.203;

(J) – (P) [No Change]

**(2) – (3) [No Change]**

**(d) – (i) [No Change]**

**Committee Notes**

**[No Change]**

**Court Commentary**

**[No Change]**