

**APPELLATE COURT RULES COMMITTEE
2020 REGULAR-CYCLE REPORT**

The Appellate Court Rules Committee invites comments on the proposed rule amendments anticipated to be included in the Committee’s regular-cycle report. The full text of the proposals can be found on The Florida Bar’s website at www.FloridaBar.org/rules/ctproc/. Interested persons have until August 1, 2019, to submit any comments, electronically, to Thomas D. Hall, Incoming Chair of the Appellate Court Rules Committee, at <mailto:thall@bishopmills.com>, and to Bar attorney liaison, Heather Telfer, at <mailto:htelfer@floridabar.org>.

Rule	Vote	Reasons for Amendments
9.020	(h) 39-0	Adds motions filed pursuant to Florida Rules of Juvenile Procedure 8.135(b) (Correction of Disposition or Commitment Orders) and 8.530(f) (Parent’s Motion Claiming Ineffective Assistance of Counsel Following Order Terminating Parental Rights) to the list of motions that toll rendition.
	(h) 36-6-1	Amended to address when rendition occurs if a motion that tolls rendition is withdrawn; also removes superfluous language.
	(i) 35-0	Adds new Rule 9.332 (Determination of Causes in a Circuit Court En Banc) to the list of motions that toll rendition.
	(i) 36-6-1	Amended to remove superfluous language.
	Committee Note 39-0	Adopts a Committee Note providing guidance on date stamping electronically filed documents to determine when an order is rendered.
9.030	40-0	Deletes descriptive titles of rules referenced in footnotes, leaving the rule numbers.

Rule	Vote	Reasons for Amendments
9.040	41-1	Requires the publication of written opinions on each court's website, except for opinions determined to be confidential pursuant to Florida Rule of Judicial Administration 2.420 (Public Access to and Protection of Judicial Branch Records).
<u>9.045</u>	36-3	Adopts a new rule to detail the format of all documents filed in appellate proceedings. Requires use of Arial 14-point or Bookman Old Style 14-point font. Prohibits stapling. Requires a certificate of compliance.
9.100	36-3	Amends subdivisions (g), (j), and (k) to indicate that page limits for computer-generated petitions, responses, and replies are converted to word count limits. Moves document requirements from subdivision (l) into new Rule 9.045 (Form of Documents). Adopts a new Committee Note detailing these amendments.
9.110	(d) 24-12 (e) 41-0 Committee Note 24-12	Amends subdivision (d) to require appellant to notify the court of a motion postponing rendition. Amends subdivision (e) to require the transmission of the record within 60 days of filing the notice of appeal. Requires the filing of a "notice of inability to complete or transmit the record, specifying the reason," if the record cannot be transmitted within 60 days. Adopts a new Committee Note to explain the amendments to subdivision (d).

Rule	Vote	Reasons for Amendments
9.120	(c) 40-0 (e) and (g) 37-0	Corrects reference to the Supreme Court by adding “supreme.” Subdivision (e) amended to shorten the timeframe for transmission of the record on appeal from 60 days to 25 days after jurisdiction is accepted. Amends subdivision (g) to expand the period within which to serve the initial brief on the merits from 20 days to 35 days after the Supreme Court accepts jurisdiction.
9.125	36-3	Amends subdivision (e) to indicate that page limits for computer-generated petitions, responses, and replies are converted to word counts. Adopts a committee note detailing these new limits.
9.130	33-0	Amends subdivision (a)(4) to make it clear that orders disposing of motions for rehearing or motions that suspend rendition are not reviewable separately from a review of the final order. Amends subdivision (a)(5) to make it clear that motions for rehearing on orders regarding motions for relief from judgment are not authorized and therefore do not toll the time for appeal.
9.140	40-0	Specifies Florida Rule of Judicial Administration 2.516 (Service of Pleadings and Documents) within subdivisions (f)(2)(C) and (f)(2)(E).
9.141	36-3	Amends subdivisions (b)(2)(C)(i)–(b)(2)(C)(ii) to add a reference to the new word count restriction for computer-generated briefs in Rule 9.210.

Rule	Vote	Reasons for Amendments
9.142	(a) 32-1 (c)(8) 36-3	Amends subdivision (a)(1)(C) to clarify that the record on appeal shall exclude any materials already transmitted to the Supreme Court as the record in any prior appeal. Amends subdivision (c)(8) to delete the page number limitation.
9.145	41-0	Lifts the requirement that transcripts in juvenile delinquency cases use only a child's initials to avoid confusion.
9.146	(d) 38-0 (e)–(f) 41-0 (g) 39-0	Amends subdivision (d) to replace “lower tribunal” with “circuit court” for greater clarity. Lifts the requirement that transcripts in juvenile dependency cases use only a child's initials to avoid confusion. Adds a reference to Florida Rule of Judicial Administration 2.420 (Public Access to and Protection of Judicial Branch Records). Specifies Florida Rule of Judicial Administration 2.516 (Service of Pleadings and Documents).
9.170	35-0	Amends subdivision (b) to make clear that orders that grant an award of attorneys' fees or costs and orders that deny entitlement to attorneys' fees or costs are appealable.

Rule	Vote	Reasons for Amendments
9.180	(f)(7) 41-0 (g)(3)(G) 38-0 (i)(3)	<p>Amends subdivision (f)(7) to require that the record on appeal be provided in a Portable Document Format (“PDF”) file.</p> <p>Amends subdivision (g)(3)(G) to clarify that a motion requesting a determination of indigency should be filed within 15 days from the date the order denying a petition to be relieved of costs of the preparation of the record on appeal is granted.</p> <p>Clarifies that the lower tribunal has jurisdiction to determine attorneys’ fees until the issuance of the final order or an opinion disposing of the case, whichever is later.</p>
9.200	36-0	Amends subdivision (d)(1)(B) to clarify that all pages of the record shall be consecutively numbered.

Rule	Vote	Reasons for Amendments
9.210	(a) 36-3 (a) 30-0 (a) 35-0 (b) 36-3 (f) 35-0 Committee Note 36-3	<p>Amends subdivision (a) to detail that page limits for computer-generated petitions, responses, and replies are converted to word counts. Page limits are retained only for briefs that are handwritten or typewritten.</p> <p>Amends subdivision (a) to clarify that a cross-reply brief is only permitted if a cross-appeal has been filed.</p> <p>Amends subdivision (a) to remove superfluous language.</p> <p>Amends subdivision (b) to remove references to page limits for the summary of argument and conclusion sections.</p> <p>Amends subdivision (f) to add a subdivision detailing the contents of briefs on jurisdiction. Renumbers existing subdivision (f) “Time for Service of Briefs” and (g) “Citations” as (g) and (h) respectively.</p> <p>Adopts a Committee Note explaining the word count limits for computer-generated briefs.</p>
9.225	29-7	<p>Amends the rule to allow argument within the notice of supplemental authority. Adds a word count limit to the body of the notice. Details that a party may file a response within 10 days of service of the notice and limits the word count of the response. Clarifies that replies are not permitted.</p> <p>Adopts a Committee Note explaining that argument is no longer prohibited.</p>
9.300	38-1	Deletes subdivision (d)(13) to remove the requirement that a separate request to toll time be filed with all motions filed in the Supreme Court.

Rule	Vote	Reasons for Amendments
9.310	36-0	Amends the title of subdivision (a) to clarify that the application for a stay pending review is filed in the lower tribunal. Further details in subdivision (f) that review of orders under this rule must be filed as a separate document.
9.320	35-1	<p>Amends the rule to divide it into new subdivisions (a)–(d). Existing subdivisions (a)–(c) are included in new subdivision (a) entitled “Requests.” New subdivision (a)(4) addresses proceedings under Rule 9.120.</p> <p>New subdivision (b) is entitled “Duration.” The end of the sentence addressing capital cases is deleted, but the intent is encompassed by a new introduction to the sentence “[u]nless otherwise ordered by the court.”</p> <p>New subdivision (c) is entitled “Motion.”</p> <p>New subdivision (d) is entitled “Requests to the Supreme Court of Florida” and details that a request for oral argument to the Supreme Court should include a brief statement regarding why oral argument would enhance the Supreme Court’s consideration of the issues to be raised.</p>
9.330	41-0	Amends subdivision (c) to correct a cross-reference to Rule 9.030(a)(1)(B)(i) (Jurisdiction of Courts). Replaces “reply” with “response.”
<u>9.332</u>	<p>Rule 35-0</p> <p>Committee Note 26-8</p>	<p>Creates a new rule to establish procedures for en banc proceedings in circuit court.</p> <p>Adopts a Committee Note to define “active circuit judges.”</p>

Rule	Vote	Reasons for Amendments
9.350	39-0	Amends subdivision (b) to move language regarding effective dates of dismissal to new subdivision (c), entitled “Order of Dismissal.” Existing subdivisions (c) “Clerk’s Duty” and (d) “Automatic Stay” are renumbered as subdivisions (d) and (e), respectively.
9.360	35-3-1	Amends subdivision (b) to add references to Rule 9.440 to address limited appearances in appellate proceedings.
9.370	36-3	Amends subdivision (b) to indicate that page limits for computer-generated petitions, responses, and replies are converted to word count limits.
<u>9.425</u>	39-0	Creates a new rule to require notice to the attorney general in cases in which a constitutional challenge to a state statute or to a constitutional provision arises, for the first time, on appeal.
9.430	38-0	Creates a new subdivision to address indigent parties filing appeals and seeking discretionary review in the Supreme Court. Existing subdivision (b) “Original Proceedings” is renumbered as subdivision (c). Existing subdivisions (c) “Incarcerated Parties” and (d) “Parties in Juvenile Dependency and Termination of Parental Rights Cases; Presumption” are renumbered as subdivisions (d) and (e), respectively.
9.440	35-3-1	Amends the rule to provide for limited appearances in appellate proceedings. Creates new subdivision (b) entitled “Limiting Appearance.” Creates new subdivision (c) entitled “Scope of Representation.” Existing subdivision (b) “Withdrawal of Attorneys” is renumbered as subdivision (d).

Rule	Vote	Reasons for Amendments
9.800	38-0	Amends subdivisions (a)(3), (b)(2), (c)(3), (l)(2), and (m)(2) to permit citations to the slip opinion, West, and Lexis when the opinion is not yet available in the Southern Reporter. Removes requirement of citation to the Florida Law Weekly.
9.900	(a) 24-12 (f) 40-0 (j) 29-7 (m) 39-0 (n) 35-3-1	Amends subdivision (a) to notify the court of a motion postponing rendition within a notice of appeal. Amends the form to specify that the notice of appeal must be filed in the circuit court in which the case was heard. Allows for electronic filing. Allows for explanation of the need to file supplemental authority. Limits explanation to 350 words. Creates new subdivision (m) to provide a format for filing a notice to the attorney general under Rule 9.425. Creates new subdivision (n) to provide a format for filing a notice of termination of limited appearance.