

IN THE SUPREME COURT OF FLORIDA

CASE NO. 69,310

THE FLORIDA BAR RE:  
PROPOSED AMENDMENTS  
TO THE FLORIDA RULES OF  
APPELLATE PROCEDURE

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BRIEF IN SUPPORT OF PROPOSED AMENDMENTS  
TO THE FLORIDA RULES OF APPELLATE PROCEDURE

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Submitted by:

GREGORY P. BORGOGNONI  
1984 - 1986 Chairman

THE FLORIDA BAR APPELLATE  
COURT RULES COMMITTEE

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## I. INTRODUCTION

In 1985, Chief Justice Joseph A. Boyd, Jr. created the Florida Supreme Court "Court Restructure Commission" (hereinafter referred to as "Commission" or "Supreme Court Commission") to investigate the desirability of changing existing judicial circuit court boundaries and creating an additional district court of appeal. In January, 1986, the Commission, chaired by Justice Leander J. Shaw, Jr., submitted its final report to the Court. Although the Commission recommended against changing the boundaries of the circuit courts, and against the creation of an additional district court of appeal, the Commission did offer several recommendations involving amendments to the Florida Rules of Appellate Procedure designed to help reduce the workload of appellate judges.

On February 19, 1986, Chief Justice Boyd forwarded the recommendations of the Commission to Gregory P. Borgognoni, Chairman of the Florida Bar Appellate Court Rules Committee (hereinafter referred to as "Committee"), for consideration by the entire Committee. The Supreme Court Commission's proposals were considered by the Committee during its regular meetings of February 28 and June 20, 1986.

This brief sets out the recommendations of the Supreme Court "Court Restructure Commission", the action taken on the recommendations by the Florida Bar Appellate Court Rules Committee, and the final vote of the Committee on each proposed Rule change.

## II. PROPOSED RECOMMENDATIONS AND RULE CHANGES

### a. Summary Disposition (Proposed Fla. R. App. P. 9.315).

#### 1. Recommendations of the Florida Supreme Court "Court Restructure Commission".

The Commission recommended that there be an appellate rule change allowing an appellate court, on its own motion, to summarily affirm or reverse a lower court decision if the appellant's initial brief fails to set forth a prima facie, meritorious basis for reversal, or if the appellee's answer brief fails to set forth a prima facie, meritorious basis for affirmance.

As envisioned by the Commission, proposed Florida Rule of Appellate Procedure 9.315 would provide as follows:

(a) At any time after the filing of the appellant's initial brief in appeal proceedings taken under Rule 9.110 or Rule 9.130, provided no cross appeal has been filed, the court, solely on its own motion, may summarily affirm the order or orders appealed from if the said brief fails to set forth a prima facie, meritorious basis for reversal.

(b) At any time after the filing of the appellee's answer brief in appeal proceedings taken under Rule 9.110 or Rule 9.130, provided no cross appeal has been filed, the court, solely on its own motion, may summarily reverse the order or orders appealed from if the said brief fails to set forth a prima facie, meritorious basis for affirmance and the said order or orders are otherwise subject to reversal.

(c) No motion by a party for summary disposition under this rule will be entertained.

The Commission's commentary to proposed Rule 9.315 reads as follows:

The proposed rule contemplates a screening process by the appellate courts. More time will be spent early in the case in order to save more time later. The proposed rule is fair in that appellant has an opportunity to file a full brief. The thought behind this proposal is to allow the appellate courts in Florida to expeditiously dispose of nonmeritorious appeals or obviously meritorious appeals.

2. Action taken by the Florida Bar Appellate Court Rules Committee.

The summary disposition proposal set forth by the Committee closely tracks the proposal of the Supreme Court Commission, with a few minor variations. By a vote of 17 in favor to 11 against, the Committee amended the Supreme Court Commission's version of proposed Rule 9.315 to permit summary disposition of criminal appeals taken under Rule 9.140 as well as of civil appeals taken under Rule 9.110 or Rule 9.130. The Committee

also considered deleting Subsection (c) of the Supreme Court Commission's proposed rule, so as to permit the parties themselves to move for summary disposition of an appeal. Debating the issue, however, the Committee agreed that the proposed summary disposition mechanism should be invocable only by the appellate court and the deletion of subsection (c) failed by voice vote.

The following is the complete text of the Commission's proposed Florida Rule of Appellate Procedure 9.315, as amended and approved by the Committee by a vote of 16 in favor to 9 against:

**Rule 9.315. Summary Disposition**

(a) **Summary Affirmance.** After service of the initial brief in appeals under Rule 9.110, Rule 9.130, or Rule 9.140, 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 9.110, Rule 9.130, or Rule 9.140, 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.

b. Financial Arrangements for Transcript Preparation  
(Proposed Fla. R. App. P. 9.200, 9.420 and 9.900).

1. Recommendations of the Florida Supreme Court  
"Court Restructure Commission".

The Commission recommended the adoption of a rule that would require attorneys to make financial arrangements for the preparation of the transcript at the time of filing the appeal. The Commission found that, in many instances, the problem of untimely filing of the transcript in the appellate court is caused by the appellant's failure to notify the court reporter to transcribe the proceedings until just prior to the date when the transcript would be due. Thus, the Commission's recommended requirement that financial arrangements for transcription be made at the time of filing an appeal is aimed at eliminating the delay in forwarding transcripts of the record to the appellate court.

2. Action Taken By the Florida Bar  
Appellate Court Rules Committee.

In keeping with the recommendations of the Supreme Court Commission, the Committee formulated proposed amendments to Rules 9.200, 9.420 and 9.900, Fla. R. App. P., with the goals of curtailing extensive delays in transcript preparation for records on appeal and assuring satisfactory financial arrangements between attorneys and court reporters for



transcript preparation. The Committee proposed that language be added to Rule 9.200(b)(1) to provide specifically for the making of satisfactory financial arrangements with court reporters regarding transcript preparation.

The Committee also proposed an amendment to Rule 9.200(b)(2) and the addition of a new Rule 9.200(b)(3), with existing Rule 9.200(b)(3) to be renumbered as Rule 9.200(b)(4). The purpose of these proposals is to require court reporters to acknowledge receipt of the Rule 9.200(b)(1) Designation to Reporter and promptly inform the appellate court and the parties as to any legitimate need for an extension of time (beyond 30 days from service of the Designation to Reporter) in which to prepare the transcript. The proposal permits court reporters to request extensions directly from the appellate court, but gives parties five days in which to object or agree to the request.

The Committee also proposed that Rule 9.420(d) be amended to include court reporters, as well as parties and court clerks, as being among those benefiting from provisions for additional time following service of a document by mail. Finally, the Committee proposed that Rule 9.900(g) (Designation to Reporter) be amended to include an attorney's certification that satisfactory financial arrangements have been made with the court reporter, as required by proposed Rule 9.200(b)(1), and a reporter's acknowledgment or request for extension of time, as provided in proposed Rule 9.200(b)(3).

The following is the text of proposed Rules 9.200(b)(1), 9.200(b)(2), 9.200(b)(3), 9.200(b)(4), 9.420(d), and 9.900(g), Fla. R. App. P., as amended and approved by the Committee by a vote of 27 in favor to 3 against:

**Rule 9.200. The Record**

**(b) Transcript of Proceedings.**

(1) Within 10 days of filing the notice, the appellant shall designate those portions of the transcript of proceedings not on file deemed necessary for inclusion in the record. Within 20 days of filing the notice, an appellee may designate additional portions of the proceedings. Copies of designations shall be served on the court reporter. Costs of the original and all copies of the transcript of proceedings shall be borne initially by the designating party, subject to appropriate taxation of costs as prescribed by Rule 9.400. At the time of the designation, unless other satisfactory arrangements have been made, the designating party must make a deposit of one half of the estimated transcript cost and must pay the full balance of the fee upon delivery of the completed transcript.

(2) Within 30 days of service of a designation, or within the additional time provided for under subsection (b)(3) of this rule, the court reporter shall transcribe and deliver to the clerk of the lower tribunal the designated proceedings and shall furnish copies ~~to the parties as requested~~ in the designation. The transcript of proceedings shall be securely bound in volumes not to exceed 200 pages each. Each volume shall be prefaced by an index containing the names of the

witnesses, a list of all exhibits offered and introduced into evidence, and the pages where each may be found.

(3) Upon service of a designation, the reporter shall acknowledge at the foot of the designation the fact that it has been received and the date on which the reporter expects to have the transcript completed and shall transmit the designation, so endorsed, to the parties and to the clerk of the appellate court within 5 days of service. If the transcript cannot be completed within 30 days of service of the designation, the reporter shall request such additional time as is reasonably necessary and shall state the reasons therefor. When the reporter requests an extension of time, the court shall allow the parties 5 days in which to object or agree. The appellate court shall approve the request or take other appropriate action and shall notify the reporter and the parties of the date the transcript is due.

~~(3)~~ (4) If no report of the proceedings was made, or if a transcript is unavailable, the appellant may prepare a statement of the evidence or proceedings from the best available means, including his recollection. The statement shall be served on the appellee, who may serve objections or proposed amendments thereto within 10 days of service. Thereafter, the statement and any objections or proposed amendments shall be submitted to 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.

. . . .

#### Committee Notes

1986 Amendment. Subsection (b)(3) above is patterned after Federal Rule of Appellate Procedure 11(b).

**Rule 9.420. Filing; Service of Copies; Computation of Time**

. . . . .

(d) **Additional Time After Service by Mail.** Whenever a party, court reporter or clerk is required or permitted to do an act within some prescribed time after service of a document, and the document is served by mail, five days shall be added to the prescribed period.

. . . . .

Rule 9.900. Forms

(g) Designation to Reporter.

IN THE [NAME OF LOWER TRIBUNAL  
WHOSE ORDER IS TO BE REVIEWED]

CASE NO. \_\_\_\_\_

\_\_\_\_\_, )  
 )  
 Plaintiff, Appellant, )  
 )  
 v. )  
 )  
 \_\_\_\_\_, )  
 )  
 Defendant, Appellee. )  
 \_\_\_\_\_ )

DESIGNATION TO REPORTER  
AND  
REPORTER'S ACKNOWLEDGMENT

I. DESIGNATION

Plaintiff, Appellant, \_\_\_\_\_, files this Designation to Reporter and directs [name of court reporter] to transcribe an original and \_\_\_\_\_ copies of the following portions of the trial proceedings to be used in this appeal:

1. The entire trial proceedings recorded by the Reporter on \_\_\_\_\_, 19\_\_\_\_, before the Honorable [Judge], except \_\_\_\_\_.

2. [Indicate all other portions of reported proceedings].

3. The court reporter 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 satisfactory financial arrangements have been made with the court reporter for preparation of the transcript.

II. REPORTER'S ACKNOWLEDGMENT

1. The foregoing designation was served on \_\_\_\_\_, 19\_\_ and received on \_\_\_\_\_, 19\_\_.

2. Satisfactory arrangements have ( ) have not ( ) been made for payment of the transcript cost. These financial arrangements were completed on \_\_\_\_\_.

3. No. of trial or hearing days \_\_\_\_\_.

4. Estimated no. of transcript pages \_\_\_\_\_.

5. Transcript will be completed on \_\_\_\_\_ or an extension of time is needed until \_\_\_\_\_.

DATE: \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE - Official Court Reporter

NOTE: THIS PORTION MUST BE TRANSMITTED BY COURT REPORTER TO THE APPELLATE COURT WITHIN FIVE (5) DAYS OF SERVICE. IF THE ESTIMATED COMPLETION DATE IS MORE THAN THIRTY (30) DAYS FROM SERVICE OF THIS FORM, THE REPORTER MUST MAKE A SEPARATE WRITTEN REQUEST TO THE APPELLATE COURT FOR AN EXTENSION OF TIME TO FILE THE TRANSCRIPT. COPIES OF THIS ACKNOWLEDGMENT SHALL BE FURNISHED TO COUNSEL FOR ALL PARTIES.

c. Docketing Statement (Proposed Fla. R. App. P. 9. ).

1. Recommendations of the Florida Supreme Court "Court Restructure Commission".

The Commission recommended that a rule be adopted authorizing Florida appellate courts to require the filing of a docketing statement in all appellate proceedings. Although the Commission proposed that the contents of the docketing statement be left to the discretion of the individual district courts of appeal, it suggested that they include such basic information as a statement by the appellant as to whether a court reporter's transcript of the record is necessary and,

if so, whether appropriate financial arrangements have been made with the court reporter.

2. Action Taken By the Florida Bar Appellate Court Rules Committee.

In keeping with the above recommendation of the Supreme Court Commission, the Committee formulated the following proposed rule:

**Rule \_\_\_\_.** **Docketing Statement** (no rule number assigned)

The district court of appeal may require the filing of a docketing statement, the contents of which shall be determined by the district court.

The Committee has determined that the adoption of such a rule would be unnecessary, however, because the recommendations of the Supreme Court Commission as to the contents of the docketing statement have been incorporated into the Committee's proposed Rule 9.900(g) (Designation to Reporter and Reporter's Acknowledgment).

d. Attorney's Fee Statute (Proposed amendment to Section 57.105, Fla. Stat.).

1. Recommendations of the Florida Supreme Court "Court Restructure Commission".

The Commission recommended that Section 57.105, Fla. Stat., relating to the award of attorney's fees, be amended to provide as follows:

**57.105 Attorney's Fee** - The court shall award a reasonable attorney's fee to the prevailing party in any civil action in which the court finds that there was an ~~complete~~ absence of a substantial justiciable issue of either law or fact raised by the losing party.

The purpose of the Commission's proposal is to authorize courts to award attorney's fees on a more liberalized basis than is presently authorized under Section 57.105, Fla. Stat. The rationale behind the proposal is to further discourage the taking of nonmeritorious appeals without placing an undue burden on litigants' right of access to the courts. Although this proposal involves a statutory amendment, rather than a change in the rules of appellate procedure, the Supreme Court has asked for the position of the Committee on the proposed amendment.

2. Action Taken by the Florida Bar  
Appellate Court Rules Committee.

Following extensive discussion as to the propriety of a rules committee considering statutory amendments as opposed to changes in procedural rules, and the expression of uncertainty by some Committee members as to whether the proposed amendment would apply only to appellate court proceedings or to trial proceedings as well, a motion was made that the Committee vote on whether to approve or disapprove the proposed amendment as drafted by the Supreme Court Commission. By a vote of 13 in



favor to 12 against, the Committee approved the proposed statutory amendment.

e. Length of Briefs (Proposed Fla. R. App. P. 9.210).

1. Recommendations of the Florida Supreme Court "Court Restructure Commission".

The Commission expressed the view that the existing page limits for briefs, in cases other than those in the Supreme Court of Florida, are tailored to the "extraordinary" case rather than the "ordinary" case. In accordance with this view, the Commission proposed that the page limits of briefs in appellate courts other than the Supreme Court be reduced. The appellate courts would, however, be given discretion to expand the reduced page limits in the "extraordinary" case.

With this goal in mind, the Commission has recommended the adoption of the following rule relating to page limitations on briefs in appellate courts other than the Supreme Court of Florida:

**Rule 9.210. Briefs**

**(a) Generally.....**

(5) The initial and answer briefs shall not exceed ~~50~~ 30 pages in length, except for appeal proceedings taken under Rule 9.130 in which event the initial and answer briefs shall not exceed 20 pages; provided that if a cross appeal has been filed, the reply brief shall not exceed ~~50~~ 30 pages. Reply briefs shall not exceed 15 pages in length, except for appeal proceedings under Rule

9.130 in which event the reply briefs shall not exceed 10 pages. Briefs on jurisdiction shall not exceed 10 pages. The table of contents and the citation of authorities shall be excluded from the computation. Longer briefs may be permitted by the court upon motion demonstrating good cause.

The Commission also recommended the adoption of a special rule governing length of briefs in the Supreme Court of Florida which would retain the brief lengths currently set forth in Fla. R. App. P. 9.210.

2. Action Taken By the Florida Bar Appellate Court Rules Committee.

In past meetings, the Committee has indicated that it is generally opposed to shortening the length of appellate briefs. Furthermore, Committee member Larry Klein conducted a telephone poll of the judges of the district courts of appeal on the issue of reducing the length of appellate briefs. The results of this poll were as follows:<sup>1/</sup>

20 judges favored 50 page briefs  
15 judges favored 30 page briefs  
6 judges favored 40 page briefs

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<sup>1/</sup> Two judges did not respond to the poll, while two judges expressed no particular preference as to page limitations for appellate briefs.

Thus, overall, twenty-one judges favored shorter briefs while twenty judges favored the existing 50 page limit. Despite the Committee's general opposition to shortening brief lengths and the split among the district court judges on this issue, the Committee drafted two alternative sets of proposed rules in response to the recommendations of the Supreme Court Commission to implement shorter page limits for briefs in appellate courts other than the Florida Supreme Court.

The following proposed rules drafted by the Committee incorporate the substance of the Supreme Court Commission's recommendations with the exception that the lengths for briefs in appeals from non-final orders under Rule 9.130 are left the same as the lengths for briefs in all other appeals. The two proposed rule changes drafted by the Committee on the issue of brief length are as follows:

Proposal Number 1:

**Rule 9.210. Briefs**

....

**(f) Length of Briefs.**

(1) In the circuit courts and district courts of appeal, the initial and answer briefs shall not exceed 30 pages in length. Reply briefs shall not exceed 15 pages in length; provided that if a cross appeal has been filed, the reply brief shall not exceed 30 pages. Cross reply briefs shall not exceed 15 pages.

(2) In the Supreme Court of Florida, the initial and answer briefs shall not exceed 50 pages in length. Reply briefs shall not exceed 15 pages in length; provided that if a cross appeal has been filed, the reply brief shall not exceed 50 pages. Cross reply briefs shall not exceed 15 pages. Briefs on jurisdiction shall not exceed 10 pages.

(3) The table of contents and the table of citations shall be excluded from the computation.

(4) Longer briefs may be permitted by the court upon motion showing good cause.

(Under proposal number 1, Rule 9.210(a)(5) would be deleted, and present Section (f) would become Section (g).)

Proposal Number 2:

**Rule 9.210. Briefs**

**(a) Generally.**

. . . .

(5) In the circuit courts and district courts of appeal, the initial and answer briefs shall not exceed ~~50~~ 30 pages in length. Reply briefs shall not exceed 15 pages in length; provided that if a cross appeal has been filed, the reply brief shall not exceed ~~50~~ 30 pages. Cross reply briefs shall not exceed 15 pages. ~~Briefs on jurisdiction shall not exceed 10 pages.~~ The table of contents and the ~~citation-~~ of authorities table of citations shall be excluded from the computation. Longer briefs may be permitted by the court upon motion showing good cause.

(6) In the Supreme Court of Florida, the initial and answer briefs shall not exceed 50 pages in length. Reply briefs shall not exceed 15 pages in length; provided that if a cross appeal has been filed, the reply brief shall not exceed 50 pages. Cross reply briefs shall not exceed 15 pages. Briefs on jurisdiction shall not exceed 10 pages. The table of contents and the table of citations shall be excluded from the computation. Longer briefs may be permitted by the Court upon motion showing good cause.

After review of the Supreme Court Commission's proposal concerning brief lengths, and of the two proposals drafted by the Committee itself, the Committee voted against changing the 50 page brief lengths currently provided for under Rule 9.210. By a vote of 23 in favor to 3 against, the Committee voted in favor of retaining the brief lengths currently established, and against any revision of Rule 9.210.

f. Concurrent Jurisdiction (Proposed Fla. R. App. P. 9.600(a)).

1. Recommendations of the Florida Supreme Court "Court Restructure Commission".

The Commission recommended that Rule 9.600(a) be amended to authorize only the appellate court to grant extensions of time in appellate proceedings, and to divest the trial court of any authority to grant such extensions. The purpose behind the Commission's recommendation is to give the appellate court exclusive power to regulate the progress of an appeal before it and, thus, to make the disposition of appeals more orderly.

2. Action Taken by the Florida Bar  
Appellate Court Rules Committee.

In keeping with the above recommendation of the Supreme Court Commission, the Committee formulated the following proposed rule:

**Rule 9.600. Jurisdiction of Lower Tribunal Pending Review.**

(a) **Concurrent Jurisdiction.** Only the court may grant extensions of time for any act required by these rules. Prior to the time ~~Before~~ the record is transmitted, the lower tribunal shall have concurrent jurisdiction with the court to render orders on any other procedural matter relating to the cause, subject to the control of the court ~~on its own motion or that of a party.~~

The adoption of the foregoing proposed rule was approved by the Committee by a vote of 25 in favor to 0 against, with one abstention.

g. Statement of Issues (Proposed Fla. R. App. P. 9.210(b)).

1. Recommendations of the Florida Supreme Court  
"Court Restructure Commission".

The Commission recommended that Rule 9.210(b) be amended to add a subsection requiring the inclusion of a "statement of issues" in all appellate briefs. This recommendation was based upon the Commission's observation that appellate lawyers often fail to state with specificity the issues involved in a case on appeal.

2. Action Taken By the Florida Bar  
Appellate Court Rules Committee.

In keeping with the above recommendation of the Supreme Court Commission, the Committee formulated the following proposed rule:

**Rule 9.210. Briefs**

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

(1) A table of contents ~~listing the issues presented for review,~~ with reference to pages.

(2) A table of citations with cases listed alphabetically, statutes and other authorities and the pages of the brief on which each citation appears. See Rule 9.800 for uniform citation system.

(3) A statement of the issues presented for review.

~~(3)~~ (4) 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. References to the appropriate pages of the record or transcript shall be made.

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

~~(5)~~ (6) Argument with regard to each issue.

~~(6)~~ (7) A conclusion, of not more than one page, setting forth the precise relief sought.

The foregoing proposal to amend Rule 9.210(b) to require a mandatory "statement of issues" died in the Committee for lack of a motion for adoption by any Committee member.

h. Correction of Typographical Error in Fla. R. App. P. 9.140(c)(1)(J).

Although not mentioned in the recommendations of the Supreme Court Commission, a member of the Bar has brought to the attention of the Committee a typographical error contained in Fla. R. App. P. 9.140(c)(1)(J). Specifically, the rule incorrectly refers to sentencing guidelines authorized under Fla. R. Crim. P. 3.710. Sentencing guidelines are actually covered under Fla. R. Crim. P. 3.701, while Fla. R. Crim. P. 3.710 deals with presentence reports, matters which are not within the scope of Fla. R. App. P. 9.140(c)(1)(J). Accordingly, the Committee unanimously recommends that Rule 9.140(c)(1)(J) be corrected, as follows:

**Rule 9.140. Appeal Proceedings in Criminal Cases**

(c) . . . .

(1) . . . .

(J) A sentence imposed outside the range recommended by the guidelines authorized by Section 921.001, Florida Statutes (1983), and Florida Rule of Criminal Procedure ~~3.710~~ 3.701.



### III. CONCLUSION

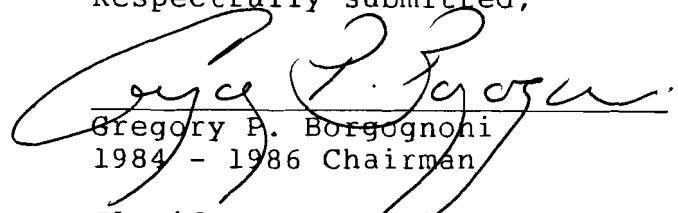
In the instant brief, the Florida Bar Appellate Court Rules Committee has set forth the recommendations of the Florida Supreme Court "Court Restructure Commission" concerning proposed amendments to the Florida Rules of Appellate Procedure and the Florida Statutes. The Supreme Court Commission's proposals were intended to streamline and increase the efficiency of the appeal process in the courts of the State of Florida. The Committee, having given due consideration to the recommendations of the Supreme Court Commission, has approved proposed Rules adopting the bulk of the Commission's recommendations.

With respect to recommendations of the Supreme Court Commission that were not adopted by the Committee, the Committee has included in the appendix to this brief drafts of proposed rules incorporating even those Supreme Court Commission recommendations that were not adopted by the Committee. Of course, the Committee has recommended adoption only of those proposed rules which it has voted in favor of as set forth in this brief.

The Committee hereby urges that the amendments set forth in Exhibit "A" of the appendix to this brief, as voted on and approved by the Committee, be adopted by this Court subject to

such further changes or additions as the Court may deem appropriate.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Gregory P. Borgognoni", is written over a horizontal line.

Gregory P. Borgognoni  
1984 - 1986 Chairman

Florida Bar Appellate Court  
Rules Committee

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