

IN THE SUPREME COURT OF FLORIDA

**IN RE: IMPLEMENTATION OF RECOMMENDATIONS
OF COMMISSION ON TRIAL COURT PERFORMANCE
AND ACCOUNTABILITY**

CASE NO.:

**REPORT OF THE
APPELLATE COURT RULES COMMITTEE**

John S. Mills, Chair, Appellate Court Rules Committee (“ACRC”), and John F. Harkness, Jr., Executive Director, The Florida Bar, pursuant to Florida Rule of Judicial Administration 2.140(f), file this report of the ACRC in response to the Court’s referral of recommendations by the Commission on Trial Court Performance and Accountability (“Commission”). On February 28, 2008, Thomas D. Hall, Clerk of Court, asked the ACRC to consider recommendations for amendments to the Florida Rules of Appellate Procedure made by the Commission. The Court directed that the ACRC’s recommendations be filed by August 28, 2008. (See Appendix A.) The Commission’s proposals, containing, *inter alia*, amendments to various Rules of Appellate Procedure, are set forth in the petition filed by the Commission, attached to this report as Appendix B.

The Commission’s proposed amendments to the appellate rules as outlined above (and as approved by the ACRC as stated below) are set forth in legislative format in Appendix C. A two-column version of the proposals, showing the Commission’s proposed rule changes in the left-hand column and the reasons for those changes in the right-hand column, is contained in the Commission’s petition at pages APPX B-56 through APPX B-76. As stated below, the ACRC endorses the Commission’s reasons for those changes, so the ACRC has not included a separate two-column attachment.

The ACRC has studied the proposals put forth by the Commission. The Commission recommended that within Florida Rule of Appellate Procedure 9.140, the term “court reporter” be prefaced with the word “approved” and that it be followed with “or approved transcriptionist.” In Florida Rules of Appellate Procedure 9.200 and 9.900(h), the term “court reporter” will be prefaced with the word “approved” and will be followed by “, civil court reporter or approved transcriptionist.” By a committee vote of

43 to 3, the ACRC recommends that the proposed amendments to Florida Rules of Appellate Procedure 9.140, 9.200, and form 9.900(h) be adopted.

Several members of the ACRC opined that there is a need for more uniformity and stricter standard for civil court reporters than provided for by the Commission's recommendations. Because these concerns appear to be outside the scope of the ACRC's mission, however, the ACRC will not be evaluating this issue further absent a specific request from the Court.

As required by Rule 2.140(b)(3), the ACRC's response has been reviewed by The Florida Bar Board of Governors' Executive Committee. The Executive Committee approved the ACRC's response by a vote of 8 to 0.

The ACRC respectfully requests that the Court consider the Committee's comments and amend the Florida Rules of Appellate Procedure as outlined in this report.

Respectfully submitted on August 29, 2008.

/s/ John S. Mills
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/s/ John F. Harkness, Jr.
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CERTIFICATIONS

CERTIFICATION OF FONT COMPLIANCE

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

CERTIFICATION THAT RULES HAVE BEEN READ AGAINST WEST'S RULES OF COURT

I certify that these rules were read against *West's Florida Rules of Court — State* (2008).

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was furnished by United States mail to The Honorable Alice Blackwell White, Chair, Commission on Trial Court Performance and Accountability, 425 North Orange Avenue, Suite 2030, Orlando, FL 32801-1515, and Barbara French, OSCA Lead Staff, Commission on Trial Court Performance and Accountability, Supreme Court Building, 500 South Duval Street, Tallahassee, FL 32399-1900, on August 29, 2008.

/s/ Krys Godwin

Krys Godwin
Staff Liaison to Appellate Rules Committee
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