

O/a 10-28-86.

IN THE SUPREME COURT OF FLORIDA

FILED

OCT 24 1986

CASE NO: 69,510 SUPREME COURT

By \_\_\_\_\_  
Deputy Clerk

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

\_\_\_\_\_ /

RULES COMMITTEE REPLY TO THE RESPONSE  
OF FLORIDA BAR BOARD OF GOVERNORS TO THE  
BRIEF OF THE FLORIDA BAR APPELLATE COURT  
RULES COMMITTEE

Submitted by:

GREGORY P. BORGOGNONI  
1984-1986 Chairman

THE FLORIDA BAR APPELLATE  
COURT RULES COMMITTEE

The Florida Bar Appellate Court Rules Committee ("Committee") hereby replies to the Response of the Florida Bar Board of Governors to the Brief of the Florida Bar Appellate Court Rules Committee as follows:

1. This reply is filed for the purpose of correcting and providing additional information relevant to, the "Table Showing Votes For and Against Amendments Proposed by Court Restructure Commission" ("Table") that was attached to the Board of Governors' response to the Committee's brief.

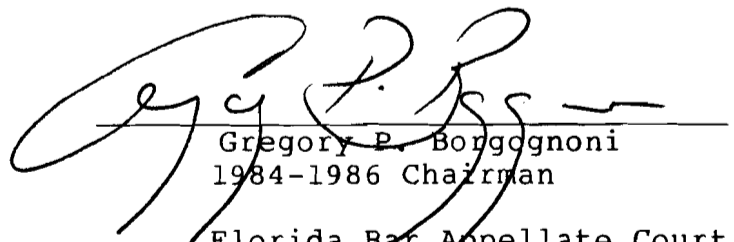
2. Section (a) of the Board of Governors' Table indicates that the Rules Committee supports the Court Restructure Commission's recommendation on "Rule 9.319" (should read "Rule 9.315"), relating to summary disposition, by a vote of 17 in favor to 11 against. The 17 to 11 vote of the Rules Committee was only in favor of amending the Court Restructure Commission's proposed summary disposition rule to encompass summary disposition of criminal, as well as civil appeals. See Rules Committee Brief at p. 3. The final vote of the Rules Committee in support of the Court Restructure Commission's summary disposition proposal was 16 in favor to 9 against. See Rules Committee Brief at p. 4.

3. Section (c) of the Board of Governors' Table states that the Rules Committee supports the Court Restructure Commission's proposal with respect to docketing statements, but that the Committee's vote is "not known". In fact, the Committee took no action on the Court Restructure Commission's docketing statement proposal, noting that such a rule would be unnecessary and duplicative in light of the fact that the contents suggested by the Court Restructure Commission to be included in a docketing statement (relating to preparation of the transcript and financial arrangements with court reporters) were already encompassed by the Commission's recommendation with respect to financial arrangements for transcript preparation and incorporated into the Committee's proposed Rule 9.900(g). See Rules Committee Brief at pp. 2, 11 - 12.

4. Section (g) of the Board of Governors' Table states that the Rules Committee supports the Court Restructure Commission's recommendation with respect to amending Rule 9.210(b) to require the inclusion of a separate "statement of issues" in all appellate briefs, but that the Committee's vote is "not known". To the contrary, the Rules Committee implicitly rejected the Court Restructure Commission's proposal to amend Rule 9.210 insofar as not a single Committee member moved to adopt the recommendation of the Commission. See Rules Committee Brief at p. 21. Thus, no vote was even taken within the Committee on the Court Restructure Commission's Rule 1.210(b) statement of issues proposal.

5. Section (h) of the Board of Governors' Table states that the Rules Committee unanimously supported the correction of a typographical error which presently appears in Rule 9.140(c), but that the Committee's vote is "not known". Exhibit "C" of the Appendix to the Rules Committee brief reflects that 37 members of the Committee were present during the meeting at which the Committee unanimously voted in favor of the proposed amendment to Rule 9.140(c). See Appendix to Rules Committee Brief, Exhibit "C", at p. 1. No specific vote count was taken because of the lack of controversy regarding the change.

Respectfully submitted,

  
Gregory P. Borgognoni  
1984-1986 Chairman  
Florida Bar Appellate Court  
Rules Committee

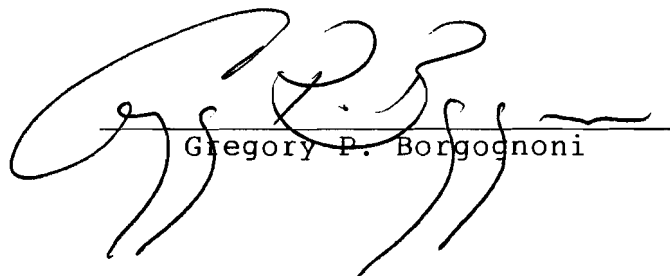
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was mailed this 23<sup>d</sup> day of October, 1986, to:

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