

SUPREME COURT OF FLORIDA

In re Amendments to Florida Rule of Appellate Procedure 9.143

In re Amendments to Rule 9.143 · No. SC20-1129 · Decided January 6, 2022

SUMMARY

The Supreme Court of Florida adopted new Florida Rule of Appellate Procedure 9.143 concerning crime victims’ rights under article I, section 16, of the Florida Constitution, commonly known as Marsy’s Law. The rule defines “victim,” specifies relevant filings to be included in the appellate record, and permits a victim to file a motion asserting constitutional rights without conferring party status.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Per Curiam; Charles T. Canady, Chief Justice; R. Fred Lewis; Jorge Labarga; Lawson; Carlos G. Muñoz; John D. Couriel; Renatha Francis Grosshans
JURISDICTION	Florida
DECIDED	January 6, 2022
DOCKET	SC20-1129
DISPOSITION	approved
PROCEDURAL POSTURE	Original proceeding concerning proposed amendments to the Florida Rules of Appellate Procedure.
PRECEDENTIAL VALUE	Published rulemaking opinion adopting a Florida appellate rule.

TOPICS

- appellate procedure
- criminal procedure
- constitutional law

PRACTICE AREAS

- Appellate procedure
- Criminal procedure
- Constitutional law
- Victims’ rights

QUESTIONS PRESENTED

1. Whether the Supreme Court of Florida should adopt a new Florida Rule of Appellate Procedure governing crime victims’ rights in criminal and juvenile delinquency proceedings.

2. What procedures should govern a victim's assertion of rights under article I, section 16, of the Florida Constitution in an appellate proceeding.

HOLDINGS

1. The Supreme Court of Florida adopted new Florida Rule of Appellate Procedure 9.143, titled Crime Victims, with modifications to the proposal submitted by the Appellate Court Rules Committee.
2. Under Florida Rule of Appellate Procedure 9.143(c), a victim seeking to invoke a right under article I, section 16, of the Florida Constitution may file a motion in the court in which the matter is pending.

KEY QUOTATIONS

"A victim seeking to invoke a right under article I, section 16, of the Florida Constitution may file a motion in the court in which the matter is pending." (-2)

"This rule responds to the 2018 amendment of article I, section 16, Florida Constitution, and is not intended to confer party status on a victim." (-4)

FACTUAL BACKGROUND

The Florida Supreme Court considered a proposed appellate rule addressing crime victims' rights under article I, section 16, of the Florida Constitution. The proposed rule was circulated for public comment, and the Appellate Court Rules Committee revised it in response to comments. The court adopted the new rule, with modifications, effective immediately upon release of the opinion.

PROCEDURAL HISTORY

The Supreme Court of Florida requested that The Florida Bar's Appellate Court Rules Committee propose amendments addressing the 2018 victims' rights constitutional amendment known as Marsy's Law. After publication for comment, receipt of comments, revision of the proposal, and unanimous approval by the Committee and the Board of Governors, the court adopted new Florida Rule of Appellate Procedure 9.143 with modifications.

DISPOSITION

approved

OPINION

In Re: Amendments to Florida Rule of Appellate Procedure 9.143

PER CURIAM.

Supreme Court of Florida _____ No. SC20-1129 _____

IN RE: AMENDMENTS TO FLORIDA RULE OF APPELLATE

PROCEDURE 9.143. January 6, 2022 PER CURIAM. This matter is before the Court for consideration of proposed amendments to the Florida Rules of Appellate Procedure (Rules). See Fla. R. Gen. Prac. & Jud. Admin. 2.140(f)(1). We have jurisdiction. 1 We asked The Florida Bar's

Appellate Court Rules Committee (Committee) to propose amendments to the Rules in light of the victims' rights constitutional amendment known as Marsy's Law. See art. I, § 16(b), Fla. Const. The Committee filed a report proposing new Florida Rule of Appellate Procedure 9.143 (Crime Victims). We published the proposal for comment and received two

1. See art. V, § 2(a), Fla. Const.

comments. The Committee revised its proposal to address those comments, and then the Committee and The Florida Bar Board of Governors unanimously approved the revised rule proposal. After reviewing the initial proposal, considering the comments and response filed, and having had the benefit of oral argument, we adopt new rule 9.143, with certain modifications. First, new subdivision (a) (Victim) defines "victim" for the purposes of this rule as set forth in article 1, section 16(e) of the Florida Constitution. Next, new subdivision (b) (Record) defines the record on appeal, specifying that it includes "any filing by a victim or other authorized filer on the victim's behalf made part of the court file in accordance with Florida Rule of General Practice and Judicial Administration 2.420(b)(1)(A)." Additionally, we adopt new subdivision (c) with modifications. First, we revise the title of the subdivision from "Victim Participation" to "Assertion of Victim's Rights." Also, we modify the subdivision's language to provide that "[a] victim seeking to invoke a right under article I, section 16, of the Florida Constitution may file a motion in the court in which the matter is pending." -2- Accordingly, the Florida Rules of Appellate Procedure are amended as reflected in the appendix to this opinion. New language is indicated by underscoring. The amendments shall take effect immediately upon release of this opinion. It is so ordered.

CANADY, C.J., and POLSTON, LABARGA, LAWSON, MUÑIZ,
COURIEL, and GROSSHANS, JJ., concur.

THE FILING OF A MOTION FOR REHEARING SHALL NOT ALTER

THE EFFECTIVE DATE OF THESE AMENDMENTS. Original Proceeding – Florida Rules of Appellate Procedure Laura A. Roe, Chair, Appellate Court Rules Committee, St. Petersburg, Florida, Keith W. Upson, Vice Chair, Appellate Court Rules Committee, Naples, Florida, Honorable Stephanie Williams Ray, Past Chair, Appellate Court Rules Committee, Tallahassee, Florida, Joshua E. Doyle, Executive Director, and Krys Godwin, Staff Liaison, The Florida Bar, Tallahassee, Florida, for Petitioner Honorable Carlos J. Martinez and John Eddy Morrison on behalf of the Florida Public Defender Association, Inc., Miami, Florida; and Robert R. Berry, Tallahassee, Florida, Responding with comments -3-

APPENDIX

RULE 9.143. CRIME VICTIMS

In all criminal and juvenile delinquency proceedings pursuant to these rules: (a) Victim. For purposes of this rule a victim shall be defined as set forth in article I, section 16(e), Florida Constitution. (b) Record. The record on appeal shall include any filing by a victim or other authorized filer on the victim's behalf made part of the court file in accordance with Florida Rule

of General Practice and Judicial Administration 2.420(b)(1)(A). (c) Assertion of Victim's Rights. A victim seeking to invoke a right under article I, section 16, of the Florida Constitution may file a motion in the court in which the matter is pending. Committee Note 2022 Adoption. This rule responds to the 2018 amendment of article I, section 16, Florida Constitution, and is not intended to confer party status on a victim. -4-