

SUPREME COURT OF FLORIDA

In re Amendments to the Florida Rules of Criminal Procedure

104 So. 3d 304 (Fla. 2012) · Decided November 8, 2012

SUMMARY

The Florida Supreme Court adopts amendments to several Florida Rules of Criminal Procedure, including rules governing counsel for indigents, notices to appear, indictments and informations, speedy trial, discovery, jury communications, motions, post-trial release, sentencing corrections, and capital post-conviction proceedings. The amendments become effective January 1, 2013, while certain proposed amendments concerning expert reports and plea withdrawals are declined or severed.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Polston, C.J.; Pariente, J.; Lewis, J.; Quince, J.; Canady, J.; Labarga, J.; Perry, J.
JURISDICTION	Florida
DECIDED	November 8, 2012
DISPOSITION	other
PROCEDURAL POSTURE	The Florida Bar's Criminal Procedure Rules Committee submitted its triennial regular-cycle proposals to amend the Florida Rules of Criminal Procedure. After publication for comment, review of comments and the Committee's response, and oral argument, the Supreme Court considered whether to adopt the proposed amendments.
PRECEDENTIAL VALUE	Published rulemaking opinion adopting and rejecting amendments to the Florida Rules of Criminal Procedure.

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the proposed amendments to Florida Rules of Criminal Procedure 3.111, 3.125, 3.140, 3.191, 3.220, 3.410, 3.590, 3.691, and 3.800 should be adopted.
2. Whether the proposed substantive amendments to rule 3.851 concerning the filing and sealing of mental-health expert reports should be adopted.
3. Whether the proposed amendments to rule 3.170 should be considered in this proceeding or severed for consideration in a separate rulemaking case.

HOLDINGS

1. The Court adopted the Committee's proposed amendments to Florida Rules of Criminal Procedure 3.111, 3.125, 3.140, 3.191, 3.220, 3.410, 3.590, 3.691, and 3.800.
2. The Court declined to adopt the proposed substantive amendments requiring certain mental-health expert reports in capital postconviction proceedings to be filed and maintained under seal in the trial court file.
3. The Court adopted the editorial amendments to Florida Rule of Criminal Procedure 3.851.
4. The proposed amendments to rule 3.170 were severed from the proceeding and reserved for consideration with proposed amendments to rule 3.170 in *In re Amendments to the Florida Rules of Criminal Procedure—Postconviction Rules*, Case No. SC11-1679.

KEY QUOTATIONS

“After reviewing the proposals, comment, and response, and upon consideration of the oral argument heard in this case, we adopt the Committee’s proposals to amend rules 3.111, 3.125, 3.140, 3.191, 3.220, 3.410, 3.590, 3.691, and 3.800 as proposed.” (at 305)

“We reject the Committee’s proposal to require that certain mental health expert reports in capital postconviction proceedings be filed and maintained’ under seal in the trial court file.” (at 306)

“The amendments shall become effective January 1, 2013, at 12:01 a.m.” (at 306)

FACTUAL BACKGROUND

The Florida Bar's Criminal Procedure Rules Committee proposed amendments to rules governing indigent counsel, notices to appear, charging documents, speedy trial, discovery, jury communications, criminal motions, post-trial release, sentencing corrections, and capital postconviction relief. The proposals underwent publication and comment procedures, including consideration of a comment from the Florida Public Defender Association. The Court approved most proposals but rejected substantive amendments concerning the filing and sealing of mental-health expert reports in capital postconviction proceedings.

PROCEDURAL HISTORY

The Committee published proposed amendments for comment, withdrew two proposals, revised two others, and obtained unanimous approval from The Florida Bar's Board of Governors. The Court then published the proposals, received a comment from the Florida Public Defender Association, and reviewed the Committee's response. The Court withdrew its October 18, 2012, opinion and substituted this revised opinion; it adopted most

proposed amendments, adopted only editorial amendments to rule 3.851, declined the substantive expert-report amendments, and severed the proposed rule 3.170 amendments for consideration in a separate pending proceeding.

DISPOSITION

other

CASES CITED

- In re Amendments to Florida Rule of Judicial Administration 2.540, 41 So. 3d 881, 883-84 (Fla. 2010)
- Saintelien v. State, 990 So. 2d 494, 497 (Fla. 2008)
- In re Amendments to Florida Rule of Judicial Administration 2.420, 68 So. 3d 228, 230 (Fla. 2011)
- In re Amendments to the Florida Rules of Criminal Procedure—Postconviction Rules, Case No. SC11-1679

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