

IN THE SUPREME COURT OF FLORIDA

CASE NUMBER \_\_\_\_\_

IN RE: AMENDMENT TO FLORIDA RULES  
OF CRIMINAL PROCEDURE 3.670  
AND 3.700(b)

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**EMERGENCY PETITION TO AMEND RULES 3.670 AND 3.700(b), FLORIDA  
RULES OF CRIMINAL PROCEDURE**

John F. Harkness, Jr., Executive Director of The Florida Bar, and the Robert R. Wills, Chair of The Florida Bar Criminal Procedure Rules Committee, respectfully petition this Honorable Court for expedited review of proposed amendments to Rules 3.670 and 3.700(b), Florida Rules of Criminal Procedure, and as grounds therefor state:

1. By letter dated July 17, 1998 (attached as Exhibit "A"), the Honorable Chief Justice Major B. Harding requested that The Florida Bar Criminal Procedure Rules Committee consider and report to the Court the need to amend the rules to require service of orders of conviction and sentence, as suggested by the Honorable Martha C. Warner.

2. The chair referred the proposal to the appropriate subcommittees, and subcommittee meetings were held in October, 1998, and February, 1999. The full committee considered the proposal at meetings in January and March, 1999. (The meeting minutes of the February 26, 1999, subcommittee meeting are attached as Exhibit "B.")

3. On March 11, 1999, the committee voted (25 in favor; 3 in opposition) to submit to the Court the proposed amendments (attached as Exhibit “C”).

4. The Committee reasoned that these amendments would save judicial resources and eliminate unnecessary appeals concerning sentencing errors. The Committee agreed with Judge Warner that fundamental fairness requires that a defendant receive a copy of the sentence to timely utilize the provisions of Rules 3.800(b)–(c).

5. Additionally, the Committee felt that the proposed amendments to the two rules are complementary and should be adopted together. The time certain for service on a defendant is considered necessary to avoid ambiguous interpretations by clerks of court.

6. Finally, the Committee believes that the proposed amendments comply with the Court’s decision in *State v. Mancino*, 714 So.2d 429 (Fla. 1998).

7. The three committee members who opposed the proposed amendments were concerned that the 15-day time for service would be cumbersome for court clerks. However, the majority felt that, because of the 30-day requirement under Rules 3.800(b) within which a defendant must raise sentencing corrections, 15 days was ample time for service. There was discussion concerning possible difficulties in serving defendants because of transporting, but the majority believed that court clerks would be able to obtain address changes at sentencing hearings to properly serve defendants.

WHEREFORE, the undersigned respectfully request this Court’s favorable consideration

of the attached proposed amendments to Rule 3.670 and Rule 3.700(b), Florida Rules of Criminal Procedure.

Respectfully submitted on March \_\_\_\_\_, 1999.

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John F. Harkness, Jr.  
Executive Director  
The Florida Bar  
650 Apalachee Parkway  
Tallahassee, Florida 32399-2300  
(904)561-5600  
Florida Bar Number 123390

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Robert R. Wills  
Chair, The Florida Bar Criminal Procedure  
Rules Committee  
201 S.E. 6th Street, North Wing, Third Floor  
Fort Lauderdale, Florida 33301  
(954)831-8677  
Florida Bar Number 222186