

**IN THE SUPREME COURT OF FLORIDA**

**IN RE: AMENDMENTS TO THE  
FLORIDA RULES OF CRIMINAL  
PROCEDURE**

**SC20-**

**REPORT OF THE CRIMINAL PROCEDURE RULES COMMITTEE**

Honorable Angela Cote Dempsey, Chair of the Criminal Procedure Rules Committee (the “Committee”), and Joshua E. Doyle, Executive Director of The Florida Bar, file this report pursuant to Florida Rule of Judicial Administration 2.140(b)(1).

All rule amendments have been approved by the Committee and The Florida Bar Board of Governors recommends the rule amendments’ acceptance. The record of votes can be found in Appendix A. Pursuant to Florida Rule of Judicial Administration 2.140(b), the proposed amendments were published in the April edition of *The Florida Bar News*. (See Appendix D.) These amendments are not subject specific and were made over the last 3 years and were anticipated to part of the 2021 cycle report, which is no longer on schedule due to In re: Amendments to Florida Rule of Judicial Administration 2.140, 289 So. 3d 1264 (Fla. 2020). Comments were received regarding Rule 3.670 (Rendition of Judgement), Rule 3.212 (Competence to Proceed: Hearing and Disposition) and new Rule 3.996 (Application for Sentence Review Hearing). The Committee is considering the comments on those cases and will file a separate report regarding any changes to Rule 3.670, Rule 3.212, and Rule 3.996. Instead, the Committee requests amendments to the rules to which no comments were received. The rule amendments are as followed: Rule 3.131 (Pretrial Release), Rule 3.220 (Discovery), Rule 3.800 (Correction, Reduction, and Modification of Sentences), Rule 3.9855 (Juror Voir Dire Questionnaire), and Rule 3.987 (Motion for Postconviction Relief).

The amendments, as shown in Appendix B (legislative format) and Appendix C (two-column format), are proposed for the following reasons:

**RULE 3.131. PRETRIAL RELEASE**

In subdivision (b)(3), the Committee recommends adding “community control, ” to the last sentence of the subdivision for greater specification of the correct terminology.

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**RULE 3.220. DISCOVERY**

Attorney Ira Karmelin requested that the committee amend Rule 3.220(h)(5) to require prosecuting attorneys to provide an e-mail address of law enforcement officers that are used for service of notice on law enforcement officers. The Committee agreed with Mr. Karmelin that this practice would be helpful to practitioners. Thus, the Committee recommends in subdivision (h)(5) adding a sentence to require the prosecuting attorney to provide the physical address or e-mail address designated by law enforcement agency or department for service of notice of deposition.

**RULE 3.800. CORRECTION, REDUCTION, AND MODIFICATION OF SENTENCES**

In subdivision (b)(1)(A), the Committee proposes replacing “i” with “h” to update the cross reference to Florida Rule of Appellate Procedure 9.020.

**RULE 3.9855. JUROR VOIR DIRE QUESTIONNAIRE**

To the top of the form, the Committee recommends adding directions to redact the juror’s month and date of birth but retain the year in compliance with Florida Rule of Judicial Administration 2.425(a)(2).

**RULE 3.987. MOTION FOR POSTCONVICTION RELIEF**

Attorney Melanie Casper requested that the Committee make several amendments to Rule 3.987 for clarity and consistently with the oath requirement. In response to Ms. Casper’s referral, the Committee suggests the following amendments. In paragraph 7 of the form, the Committee recommends replacing the oath language to make it consistent with Rule 3.850. The Committee also suggests adding a new paragraph 8 to specify the certification required. The Committee proposes renumbering the subsequent paragraph as (9) to accommodate the new paragraph. In the new paragraph (9), the Committee proposes adding editorial amendments and “or filed through the Florida Courts E-filing Portal,” to update the form. At the bottom of the form under the title “OATH”, the Committee proposes replacing the oath language to make it consistent with Rule 3.850. After the oath paragraph, the Committee requests adding a new paragraph with the certifications and acknowledgments that are required. Last, following those paragraphs, the

Committee recommends editorial amendments to delete spaces in the certificate of mailing and service.

WHEREFORE, the Committee respectfully requests that the Court amend Florida Rules of Criminal Procedure as detailed above.

Respectfully submitted on October 28, 2020.

/s/ Honorable Angela Cote Dempsey  
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### **CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing was furnished by e-mail, via the Florida Courts E-filing Portal, on October 28, 2020 to:

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### **CERTIFICATE OF COMPLIANCE**

I certify that these rules were read against Thomson Reuters' *Florida Rules of Court—State* (2020 Edition). I certify that this report was prepared in compliance

with the font requirements of Florida Rule of Appellate Procedure 9.210(a)(2).

/s/ Mikalla Andies Davis

Mikalla Andies Davis, Staff Liaison

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