

IN THE SUPREME COURT OF FLORIDA

IN RE: AMENDMENTS TO
FLORIDA RULE OF CRIMINAL

PROCEDURE – RULE 3.800

CASE NO. SC06-1780

CRIMINAL PROCEDURE RULES COMMITTEE'S COMMENTS
REGARDING COURT'S PROPOSED AMENDMENT TO RULE 3.800(a)

Through the Criminal Procedure Rules Committee's fast track procedure, the committee has considered the court's proposed amendment to rule 3.800, Florida Rules of Criminal Procedure. The Fast Track Subcommittee met on October 10, 2006, and concluded as follows:

The subcommittee approved the Court's amendment of Florida Rule of Criminal Procedure 3.800(a) to require that orders denying motions under that subdivision include a statement that the movant has the right to appeal within 30 days of rendition of the order.

The subcommittee also discussed the unique meaning of the word "rendition" in this context which, under the appellate rules, is the signing *and filing* of an order. Providing that the critical 30-day time frame runs from the filing, not the mere signing, of an order, the subcommittee approved the Court's version of the amended rule *in toto*.

The subcommittee's report was submitted for a vote to all members by email. The committee approved the report by a vote of 17 to 1. The Florida Bar Board of Governors Executive Committee reviewed the committee's fast track report and approved it by a vote of 9 to 0.

These comments are submitted on behalf of the Florida Criminal Procedure Rules Committee and the Board of Governors of the Florida Bar on October , 2006, by

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