

**IN THE SUPREME COURT OF FLORIDA**

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

**CASE NO:**

**2010 OUT-OF-CYCLE REPORT OF THE  
FLORIDA CRIMINAL PROCEDURE RULES COMMITTEE  
TO AMEND RULE 3.191**

Robert T. Strain, Chair, Florida Criminal Procedure Rules Committee, and John F. Harkness, Jr., Executive Director, The Florida Bar, file this 2010 out-of-cycle report of the Florida Criminal Procedure Rules Committee (CPRC) under *Fla. R. Jud. Admin.* 2.140.

As required by Rule 2.140, the proposed amendments have been reviewed by the Board of Governors of The Florida Bar through its Executive Committee, which voted 11-0 in favor of the amendments. The CPRC voted 25-0 in favor of this proposal at its September 24, 2010, meeting.

The committee reviewed Florida Rule of Criminal Procedure 3.191 under its fast-track procedures at the request of this Court (*see* Appendix A). The committee was asked whether a rule, consistent with *Sullivan v. State*, 913 So. 2d 762 (Fla. 5th DCA 2005), and *State v. Hernandez*, 617 So. 2d 1103 (Fla. 3d DCA 1993), was needed in order to address suspension of speedy trial procedures by administrative order of the Chief Justice due to an emergency. The committee chose to address this by amending rule 3.191(i) to add new subdivision (5), which references Florida Rule of Judicial Administration 2.205(a)(2)(B)(iv) (concerning the powers of the Chief Justice), and by making conforming punctuation changes to subdivisions (i)(3) and (i)(4).

Due to time constraints, this proposal has not been published for comment.

The text of the proposed amendments in both legislative format (*see* Appendix B) and two-column format (*see* Appendix C) is attached to this report.

The Criminal Procedure Rules Committee respectfully requests that the Court amend the Florida Rules of Criminal Procedure as outlined in this report.

Respectfully submitted on September 30, 2010.

/s/ Robert T. Strain  
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## **CERTIFICATIONS**

I certify that these rules were read against *West's Florida Rules of Court – State* (2010).

I certify that this report was prepared in MS Word using 14 point Times New Roman Font.

/s/ Krys Godwin  
Krys Godwin  
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