

**IN THE SUPREME COURT OF FLORIDA**

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

**CASE NO:**

**OUT-OF-CYCLE REPORT OF THE  
FLORIDA CRIMINAL PROCEDURE RULES COMMITTEE  
TO AMEND RULE 3.800(c)**

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.

The committee reviewed Rule 3.800(c) at the request of this Court (*see* Appendix C). Specifically, in Schlabach v. State, 37 So.3d 230 (Fla. 2010), the Court directed that the CPRC consider the issue of time limitations under rule 3.800(c) and propose to the Court an amendment providing a reasonable time limitation for a defendant to file a rule 3.800(c) motion, as well as an appropriate time limit for the trial court to rule upon such motions or to *sua sponte* reduce or modify a sentence. Id. at 239 n.9.

Based on extensive discussion, a general agreement was reached that a 60 day time limit would be consistent with the Court's holding and would preserve a trial court's ability to act *sua sponte*.

On September 24, 2010, the CPRC voted 26-1 in favor of amending rule 3.800(c) by adding clarifying language that requests to reduce or modify legal sentences could be made *sua sponte* or upon motion and by adding language providing for a sixty (60) day or other agreed upon time limit for trial courts to file their orders on the motions. The proposed amendments were approved by The Florida Bar Board of Governors through its Executive Committee by an 8-0 vote.

The text of the proposed amendments in both full-page format (*see* Appendix A) and two-column format (*see* Appendix B) 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 November 16, 2010.

/s/ Robert T. Strain  
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Criminal Procedure Rules Committee  
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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

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