

Supreme Court of Florida

No. SC21-591

IN RE: AMENDMENTS TO FLORIDA RULE OF CRIMINAL PROCEDURE 3.030.

December 16, 2021

PER CURIAM.

This matter is before the Court for consideration of proposed amendments to the Florida Rules of Criminal Procedure. *See Fla. R. Gen. Prac. & Jud. Admin. 2.140(b)(1)*. We have jurisdiction. *See art. V, § 2(a), Fla. Const.*

The Florida Bar's Criminal Procedure Rules Committee (Committee) filed a report proposing amendments to Florida Rule of Criminal Procedure 3.030 (Service and Filing of Pleadings and Documents). Having considered the proposed amendments, the Court amends rule 3.030 as proposed by the Committee.

First, we amend subdivision (c) (Deposit with the Clerk), to provide that documents filed pursuant to rules 3.121, 3.125, 3.140(g), 3.160, 3.190, 3.240, 3.692, 3.811, 3.840, and 3.984 are

specifically excluded from the subdivision’s requirement that a paper document that is required to be sworn or notarized be filed and deposited immediately with the clerk. Additionally, we add a sentence to subdivision (c), which provides that documents filed pursuant to rule 3.600, 3.801(c), 3.850(c), or 3.853(b) are specifically excluded from subdivision (c)’s requirement if they are filed by an attorney.

Next, we move the last sentence of subdivision (c)—requiring paper documents to be maintained in accordance with Rule of General Practice and Judicial Administration 2.430 (Retention of Court Records)—to new subdivision (d) and title it “Maintenance of Deposited Documents.”

Finally, we amend references to the “Florida Rules of Judicial Administration” to reflect the updated name, the “Florida Rules of General Practice and Judicial Administration.” *See In re Amends. to Fla. Rules of Jud. Admin.—2020 Regular-Cycle Report*, 310 So. 3d 374, 375-76 (Fla. 2021).

Accordingly, we amend Florida Rule of Criminal Procedure 3.030 as reflected in the appendix to this opinion. New language is indicated by underscoring; deletions are indicated by struck-

through type. The amendments shall become effective

January 1, 2022, at 12:01 a.m.

It is so ordered.

CANADY, C.J., and POLSTON, LABARGA, LAWSON, MUÑIZ,
COURIEL, and GROSSHANS, JJ., concur.

THE FILING OF A MOTION FOR REHEARING SHALL NOT ALTER
THE EFFECTIVE DATE OF THESE AMENDMENTS.

Original Proceeding – Florida Rules of Criminal Procedure

Alan S. Apte, Chair, Criminal Procedure Rules Committee, Orlando,
Florida, Angela Cote Dempsey, Past Chair, Criminal Procedure
Rules Committee, Tallahassee, Florida, Joshua E. Doyle, Executive
Director, and Mikalla Andies Davis, Staff Liaison, The Florida Bar,
Tallahassee, Florida,

for Petitioner

Pam Childers and Codey L. Leigh on behalf of Escambia County
Clerk of the Circuit Court & Comptroller, Pensacola, Florida,

Responding with comments

APPENDIX

RULE 3.030. SERVICE AND FILING OF PLEADINGS AND DOCUMENTS

(a) Service. Every pleading subsequent to the initial indictment or information on which a defendant is to be tried unless the court otherwise orders, and every order not entered in open court, every written motion unless it is one about which a hearing ex parte is authorized, and every written notice, demand, and similar document shall be served on each party in conformity with Florida Rule of General Practice and Judicial Administration 2.516. Nothing herein shall be construed to require a plea of not guilty be in writing.

(b) Filing. Filings of all pleadings and documents shall comply with Florida Rules of General Practice and Judicial Administration 2.505, 2.515, and 2.525.

(c) Deposit with the Clerk. Any paper document that is a judgment and sentence or required by statute or rule to be sworn to or notarized shall be filed and deposited with the clerk immediately ~~thereafter~~after it is filed. This requirement does not apply to the documents filed pursuant to rules 3.121, 3.125, 3.140(g), 3.160, 3.190, 3.240, 3.692, 3.811, 3.840, and 3.984. This requirement also does not apply to the documents filed by attorneys pursuant to rules 3.600, 3.801(c), 3.850(c), or 3.853(b).

(d) Maintenance of Deposited Documents. The clerk shall maintain deposited original paper documents in accordance with Florida Rule of General Practice and Judicial Administration 2.430, unless otherwise ordered by the court.

Committee Notes

[No changes]