

Supreme Court of Florida

No. SC06-1780

IN RE: AMENDMENTS TO FLORIDA RULE OF CRIMINAL PROCEDURE—RULE 3.800.

[February 8, 2007]

PER CURIAM.

On its own motion, the Court amends Florida Rule of Criminal Procedure 3.800(a).¹ The amendment adds the requirement that an order denying a motion to correct an illegal sentence under rule 3.800(a) expressly state that the movant has the right to appeal within thirty days of rendition of the order. The amendment was published for comment in The Florida Bar News on October 1, 2006. All comments received were in support of the amendment.

Accordingly, Florida Rule of Criminal Procedure 3.800(a) is amended as reflected in the appendix to this opinion. New language is indicated by underscoring. The amendment shall become effective immediately upon the release of this opinion.

1. We have jurisdiction. See art. V, § 2(a), Fla. Const; Fla. R. Jud. Admin. 2.140(d).

It is so ordered.

LEWIS, C.J., and WELLS, ANSTEAD, PARIENTE, QUINCE, CANTERO, and BELL, JJ., concur.

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

Original Proceeding – Florida Rule of Criminal Procedure

William C. Vose, Chair, The Florida Bar Criminal Procedure Rules Committee, Orlando, Florida and John F. Harkness, Jr., Executive Director, The Florida Bar, Tallahassee, Florida,

for Petitioner

Paula S. Saunders, Co-Chair, The Florida Association of Criminal Defense Lawyers (“FACDL”) Amicus Curiae Committee, Office of the Public Defender, Tallahassee, Florida and Michael Ufferman, Co-Chair, “FACDL” Amicus Curiae Committee, Michael Ufferman Law Firm, P.A., Tallahassee, Florida,

Responding with comments

APPENDIX

Rule 3.800. Correction, Reduction, and Modification of Sentences

(a) Correction. A court may at any time correct an illegal sentence imposed by it, or an incorrect calculation made by it in a sentencing scoresheet, or a sentence that does not grant proper credit for time served when it is affirmatively alleged that the court records demonstrate on their face an entitlement to that relief, provided that a party may not file a motion to correct an illegal sentence under this subdivision during the time allowed for the filing of a motion under subdivision (b)(1) or during the pendency of a direct appeal. All orders denying motions under this subdivision shall include a statement that the movant has the right to appeal within 30 days of rendition of the order.

(b) – (c) [No change]

Committee Notes

[No change]

Court Commentary

[No change]