

RULE 3.010 | SCOPE

These rules shall govern the procedure in all criminal proceedings in state courts including proceedings involving direct and indirect criminal contempt, proceedings under rule 3.850, and vehicular and pedestrian traffic offenses insofar as these rules are made applicable by the Florida Rules of Practice and Procedure for Traffic Courts. These rules shall not apply to direct or indirect criminal contempt of a court acting in any appellate capacity. These rules shall not apply to rules 3.811 and 3.812. These rules shall be known as the Florida Rules of Criminal Procedure and may be cited as Fla. R. Crim. P.

Committee Notes

1968 Adoption. These rules are not intended to apply to municipal courts, but are intended to apply to all state courts where “crimes” are charged.

1972 Amendment. Amended to provide for applicability of rules to vehicular traffic offenses, when made so by the traffic court rules.

1992 Amendment. The rule is amended to refer to “Florida Rules of Criminal Procedure” and “Fla. R. Crim. P.” rather than to “Rules of Criminal Procedure” and “R. Crim. P.” Although the Florida Bar Rules of Criminal Procedure already contains this language, the West publications, Florida Rules of Court (1991) and Florida Criminal Law and Rules (1991), do not. The published version of rule 3.010, *In re Florida Rules of Criminal Procedure*, 272 So.2d 65 (Fla. 1973), and the single published amendment to the rule, *In re Amendments to the Florida Rules of Criminal Procedure*, 518 So.2d 256 (Fla. 1987), also do not contain these additions. The Florida Bar publication, Florida Criminal Rules and Practice, in a commentary to rule 3.010, indicates that the Florida Supreme Court changed the citation form in an order effective January 1, 1977. The commentary indicates that the order stated in pertinent part:

In order to provide the clarity of citations in briefs filed in this court and other legal writings, the following amendments to the procedural rules adopted by this court pursuant to Article V, Section 2(a), of the Florida Constitution are hereby adopted.

The last sentence of Rule 3.010 of the Florida Rules of Criminal Procedure is amended as follows: “These Rules shall be known as the Florida Rules of Criminal Procedure and may be cited as Fla. R. Crim. P.”

However, these changes were apparently inadvertently omitted when the 1987 amendments were published. The proposed 1992 amendments again incorporate into the rule the language set out in the court’s 1977 order.

The amendments would enable clearer identification of the rules and achieve consistency of style with other sets of court rules, in particular, rule 9.800(i), Fla. R. App. P., which provides that the proper citation to the Florida Rules of Criminal Procedure is Fla. R. Crim. P.

