Instructions for Submitting Pleas in Absentia

In accordance with Fla. R. Crim. P. 3.180(d), pleas in absentia will be accepted in misdemeanor and criminal traffic cases.

Counsel for the defendant must ensure the written plea agreement form submitted adheres to all requirements of Florida law. Pleas submitted in absentia must include:

1. an acknowledgment above the signature of the counsel for the Defendant to read,

   The defendant has acknowledged the signature affixed hereto is theirs;

and

2. an acknowledgment above the Defendant's signature to read either,

   Signed in the presence of defense counsel

   or

   I have acknowledged to defense counsel that the signature affixed hereto is mine.

Additionally, pleas in absentia must also address:

Adjudication of Guilt in Possession of Cannabis cases

Pleas including an adjudication of guilt for possession of cannabis must provide for a driver license suspension.

Charging Documents

All Misdemeanor cases must have an Information filed in the case before the Court will sign the sentencing order.

Domestic Related Crimes

Pleas for cases including charges of domestic-related crimes must address whether the defendant is required to attend and complete the Batterer's Intervention Program.

Enhanceable Offenses

A plea to any enhanceable offense must include language that the Defendant has been advised of the enhanceable nature of the offense.

Fingerprints

For those cases in which fingerprints of the defendant are required, the plea agreement will be conditioned upon a certified set of the Defendant's fingerprints being submitted contemporaneously with the plea agreement. If fingerprints are required but not submitted with the plea agreement, the plea agreement must require the Defendant to submit certified fingerprints within 30 days of the sentence as a condition of probation.

Investigative Costs

If investigative costs are being assessed, an investigative cost memo must be submitted with the proposed plea agreement, unless such a memo has been docketed in the case prior to the submission of the proposed plea agreement.

Mandatory Fines, Fees, and Costs

Pleas will be assumed to include mandatory fines, fees, and costs unless specifically waived or modified.

Pre-trial Intervention/Diversion Revocations

Pleas received for cases in which the Defendant was sent back to the docket following an unsuccessful attempt at Pre-Trial Intervention/Diversion must address any outstanding costs owed on the case. Note: Pleas for cases in which the Defendant was sent back to the docket following an unsuccessful attempt at Pre-Trial Intervention/Diversion will include assessment of the cost of prosecution, unless specifically waived in the written plea agreement.

Regional Counsel or Private Conflict Counsel

Pleas on cases wherein the defense counsel is either regional counsel or a private attorney acting as conflict counsel must include the assessment of a fee for the services of court-appointed counsel.

Serious Traffic Offenses

A plea to any serious traffic offense must include language that the Defendant has been advised that being sentenced for three (3) serious traffic offenses within a five-year time frame will result in designation as a habitual traffic offender, causing the revocation of his/her driving privileges for five years.

Standard Conditions of Probation

Pleas will be assumed to include standard conditions of probation unless

specifically waived or modified by special conditions.

Time Served

A plea may not give credit for time served past the date of sentencing.

Violations of Probation

The plea must address whether to revoke or terminate probation, establish a new term of probation, or reinstate probation. The plea must also address any outstanding costs owed on the case.

Filing Instructions

Once all of the above requirements have been met or addressed, and the proposed plea agreement has been executed by the Defendant, counsel for the Defendant, and counsel for the State, the proposed plea agreement must be submitted via the Florida Courts E-Filing Portal.

When filing through the e-portal, the filer must select the "**Proposed Plea in Absentia**" document type to ensure proper filing. Proposed pleas **for defendants in custody** who desire to be released on the date the proposed plea is filed **must be filed prior to 3:00 p.m.**, and the box "**Request For Emergency Filing Status**" must be checked. Such filing, however, does not guarantee the proposed plea will be acted upon on the day of filing. Anyone who abuses the privilege of coding a proposed plea as an emergency when no such emergency exists (e.g. the defendant is not in custody or the sentence pursuant to the plea will not release the defendant from custody) will be subject to appropriate sanctions by the court.

Attorneys should follow the content requirements set forth above for every plea signed after the date of this memorandum. Further, attorneys are reminded that Rule 2.525 requires attorneys to file all documents through the Florida Courts E-Filing Portal. Beginning November 1, 2026, the content requirements and the requirement to file electronically will be strictly enforced.