

By the Committee on Crime & Punishment and Representatives
Valdes, Ball, Bainter, Trovillion, Sembler, Tobin, Saunders,
Dockery, Feeney, Heyman, Fasano and Culp

1 A bill to be entitled
2 An act relating to sentencing; repealing s.
3 921.001(1), (2), (3), (5), (6), (7), (8), (9),
4 and (4)(a), (c), and (d), F.S., relating to the
5 Sentencing Commission and sentencing
6 guidelines, generally; providing for continued
7 applicability of guidelines and provisions
8 until October 1, 1998; repealing s. 921.0011,
9 F.S., relating to definitions; repealing s.
10 921.0012, F.S., relating to sentencing
11 guidelines offense levels and offense severity
12 ranking chart; repealing s. 921.0013, F.S.,
13 relating to ranking of unlisted felony
14 offenses; repealing s. 921.0014, F.S., relating
15 to sentencing guidelines worksheet computations
16 and scoresheets; repealing s. 921.0015, F.S.,
17 relating to adoption and implementation of
18 revised sentencing guidelines; repealing s.
19 921.0016, F.S., relating to recommended
20 sentences, departure sentences, and aggravating
21 and mitigating circumstances; abolishing the
22 Sentencing Commission; eliminating the
23 sentencing guidelines; providing for the
24 establishment of a Sentencing Reform
25 Commission; providing for membership and
26 expenses of the reform commission; directing
27 the reform commission to provide the
28 Legislature with recommendations for sentencing
29 policy and structure; providing effective
30 dates.
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1 Be It Enacted by the Legislature of the State of Florida:

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3 Section 1. Effective October 1, 1998, subsections (1),
4 (2), (3), (5), (6), (7), (8), and (9) and paragraphs (a), (c),
5 and (d) of subsection (4) of section 921.001, Florida
6 Statutes, as amended by chapter 95-184, Laws of Florida, are
7 hereby repealed.

8 Section 2. Effective October 1, 1998, section
9 921.0011, Florida Statutes, as amended by chapters 93-417,
10 95-184, 96-312, 96-388, and 96-393, Laws of Florida, section
11 921.0012, Florida Statutes, as amended by chapters 94-307,
12 95-158, 95-184, 96-175, 96-215, 96-260, 96-264, 96-280,
13 96-293, 96-312, 96-322, 96-330, 96-387, 96-388, 96-393, and
14 96-409, Laws of Florida, section 921.0013, Florida Statutes,
15 as amended by chapter 96-388, Laws of Florida, section
16 921.0014, Florida Statutes, as amended by chapters 95-184 and
17 96-388, Laws of Florida, section 921.0015, Florida Statutes,
18 section 921.0016, Florida Statutes, as amended by chapters
19 95-184 and 96-409, Laws of Florida, are hereby repealed.

20 Section 3. Effective October 1, 1998, paragraph (b) of
21 subsection (4) of section 921.001, Florida Statutes, is
22 renumbered as section 921.00165, Florida Statutes, to read:

23 921.00165 ~~921.001~~ Applicability of certain guidelines
24 ~~Sentencing Commission and sentencing guidelines generally.--~~

25 ~~(4) The purpose of the sentencing guidelines is to~~
26 ~~establish a uniform set of standards to guide the sentencing~~
27 ~~judge in the sentence decisionmaking process. The guidelines~~
28 ~~represent a synthesis of current sentencing theory, historical~~
29 ~~sentencing practices, and a rational approach to managing~~
30 ~~correctional resources. The sentencing guidelines are~~
31 ~~intended to eliminate unwarranted variation in the sentencing~~

1 ~~process by reducing the subjectivity in interpreting specific~~
2 ~~offense-related and offender-related criteria and in defining~~
3 ~~the relative importance of those criteria in the sentencing~~
4 ~~decision.~~

5 (1)~~(b)1~~. The guidelines enacted effective October 1,
6 1983, apply to all felonies, except capital felonies,
7 committed on or after October 1, 1983, and before January 1,
8 1994; and to all felonies, except capital felonies and life
9 felonies, committed before October 1, 1983, when the defendant
10 affirmatively selects to be sentenced pursuant to such
11 provisions.

12 (2)~~2~~. The 1994 guidelines apply to sentencing for all
13 felonies, except capital felonies, committed on or after
14 January 1, 1994, and before October 1, 1998. Any revision to
15 the 1994 guidelines applies to sentencing for all felonies,
16 except capital felonies, committed on or after the effective
17 date of the revision.

18 (3)~~3~~. Felonies, except capital felonies, with
19 continuing dates of enterprise shall be sentenced under the
20 sentencing guidelines in effect on the beginning date of the
21 criminal activity.

22 (4)~~4~~. When a defendant is before the court for
23 sentencing for more than one felony and the felonies were
24 committed under more than one version or revision of the
25 guidelines, each felony shall be sentenced under the
26 guidelines in effect at the time the particular felony was
27 committed. This subsection ~~subparagraph~~ does not apply to
28 sentencing for any capital felony.

29 Section 4. (1) There is hereby established a
30 Sentencing Reform Commission which shall be composed of 13
31 members, as follows:

- 1 (a) The president of the Public Defenders Association,
2 or a designee.
- 3 (b) The president of the Florida Prosecuting Attorneys
4 Association, or a designee.
- 5 (c) The chair of the Conference of Circuit Judges of
6 Florida, or a designee.
- 7 (d) The president of the Florida Sheriffs Association,
8 or a designee.
- 9 (e) The executive director of the Florida Police
10 Chiefs Association, or a designee.
- 11 (f) One representative of a victim advocacy group,
12 appointed by the commission at its first meeting.
- 13 (g) Two members appointed by the Speaker of the House
14 of Representatives, from the membership of the House of
15 Representatives. One member shall be a member of the majority
16 party, and one member shall be a member of the minority party.
- 17 (h) Two members appointed by the President of the
18 Senate, from the membership of the Senate. One member shall
19 be a member of the majority party, and one member shall be a
20 member of the minority party.
- 21 (i) One member appointed by the Governor.
- 22 (j) The Commissioner of the Florida Department of Law
23 Enforcement or the commissioner's designee.
- 24 (k) The Attorney General or a designee.
- 25 (2) No person who is currently serving on the
26 Sentencing Guidelines Commission may be appointed to the
27 Sentencing Reform Commission.
- 28 (3) Members shall serve without compensation but shall
29 be reimbursed for travel and per diem expenses as provided in
30 s. 112.061, Florida Statutes. The members shall conduct the
31 first meeting within 30 days after this act becomes law. The

1 members shall elect a chairperson at the first organizational
2 meeting. The chairperson is authorized to convene such
3 commission meetings, at such times and locations within the
4 state as are most convenient to the members, as deemed
5 necessary, but no less than quarterly. The commission shall
6 be assisted by the House Justice Council staff and the Senate
7 Criminal Justice Committee staff.

8 (4) On or before January 1, 1998, the commission shall
9 provide the Legislature with recommendations for a sentencing
10 policy and structure for the state.

11 Section 5. Except as otherwise provided herein, this
12 act shall take effect upon becoming a law.

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