

By the Committees on Appropriations, Criminal Justice and  
Senators Smith and Crist

309-1895-01

1                                   A bill to be entitled  
2           An act relating to sentencing; amending ss.  
3           921.002, 921.0024, F.S.; providing for the  
4           state attorney and the defendant to waive  
5           preparation of the scoresheet and for the judge  
6           to proceed with sentencing; requiring that the  
7           scoresheet be submitted to the judge within a  
8           specified period following sentencing; deleting  
9           a requirement that the Department of  
10          Corrections prepare a defendant's sentencing  
11          scoresheet under certain circumstances;  
12          providing an effective date.

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14 Be It Enacted by the Legislature of the State of Florida:  
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16           Section 1. Subsection (2) of section 921.002, Florida  
17 Statutes, is amended to read:

18           921.002 The Criminal Punishment Code.--The Criminal  
19 Punishment Code shall apply to all felony offenses, except  
20 capital felonies, committed on or after October 1, 1998.

21           (2) When a defendant is before the court for  
22 sentencing for more than one felony and the felonies were  
23 committed under more than one version or revision of the  
24 former sentencing guidelines or the code, each felony shall be  
25 sentenced under the guidelines or the code in effect at the  
26 time the particular felony was committed. As provided in s.  
27 921.0024(3), the state attorney and the defendant may waive  
28 the presentence preparation of a scoresheet regardless of  
29 whether it is prepared under the former sentencing guidelines  
30 or under the criminal punishment code, and the judge may  
31 proceed to sentence the defendant. If preparation of the

1 scoresheet is waived, the state attorney must prepare the  
2 defendant's scoresheet and submit it to the sentencing judge  
3 within 14 days after the defendant is sentenced.This  
4 subsection does not apply to sentencing for any capital  
5 felony.

6 Section 2. Subsection (3) of section 921.0024, Florida  
7 Statutes, is amended to read:

8 921.0024 Criminal Punishment Code; worksheet  
9 computations; scoresheets.--

10 (3) A single scoresheet shall be prepared for each  
11 defendant to determine the permissible range for the sentence  
12 that the court may impose, except that if the defendant is  
13 before the court for sentencing for more than one felony and  
14 the felonies were committed under more than one version or  
15 revision of the guidelines or the code, separate scoresheets  
16 must be prepared. The scoresheet or scoresheets must cover all  
17 the defendant's offenses pending before the court for  
18 sentencing. ~~Either The office of the state attorney or the~~  
19 ~~Department of Corrections, or both where appropriate,~~shall  
20 prepare the scoresheet or scoresheets, which must be presented  
21 to the defense counsel for review for accuracy in all cases  
22 unless the judge directs otherwise. The state attorney and the  
23 defendant may waive the presentence preparation of the  
24 scoresheet and the sentencing judge may proceed to sentence  
25 the defendant. If preparation of the scoresheet is waived, the  
26 state attorney must prepare the defendant's scoresheet and  
27 submit it to the sentencing judge within 14 days after the  
28 defendant is sentenced.The defendant's scoresheet or  
29 scoresheets must be approved and signed by the sentencing  
30 judge.

31 Section 3. This act shall take effect July 1, 2001.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
CS/SB 1196

Clarifies that a judge may sentence a felony defendant without a sentencing scoresheet(s) if the state attorney and defendant agree to waive the presentence preparation of the scoresheet(s), regardless of whether the defendant is sentenced under the former sentencing guidelines or the criminal punishment code.

Removes language allowing the Department of Corrections to prepare sentencing scoresheets in order to be consistent with budget reductions contained in SB 2000, 1st Engrossed (the General Appropriations Act for FY01-02).