

**IN THE SUPREME COURT OF FLORIDA**

IN RE:           CRIMINAL COURT STEERING COMMITTEE           CASE NO.  
                  PETITION TO AMEND RULE 3.992

**PETITION TO AMEND  
FLORIDA RULES OF CRIMINAL PROCEDURE 3.992(a) and 3.992(b)**

The Criminal Court Steering Committee, by and through the undersigned Chair of the Committee, the Honorable O. H. Eaton, Jr., Circuit Judge, Eighteenth Judicial Circuit, files this petition pursuant to *Fla. R. Jud. Admin.* 2.140(a), and Supreme Court Administrative Order AOSC06-50.

Section 921.0024(4), Florida Statutes, requires the Department of Corrections, in consultation with the Office of the State Courts Administrator, state attorneys, and public defenders, to develop and submit a revised Criminal Punishment Code scoresheet to the Supreme Court for approval.

The Department of Corrections wrote a letter to the Chief Justice of the Florida Supreme Court dated June 11, 2007. In the letter, the Department advised the Court that the Public Defender of the Eleventh Judicial Circuit, the Public Defender of the Thirteenth Judicial Circuit, and the Florida Prosecuting Attorney's Association, recommended changes to Rule 3.992(a), Criminal Punishment Code Scoresheet, and Rule 3.992(b), Supplemental Criminal Punishment Code

Scoresheet. The letter from the Department is attached at Appendix A. The recommendations are as follows:

1. The Public Defender of the Eleventh Judicial Circuit recommended that the font size be increased for “Level-Points” in sections I, II, and IV of Rule 3.992(a) and sections II and IV of Rule 3.992(b), to make the points assessed easier to read. Also requested was the enumeration of the violations which trigger the points for violation of Legal Status (section V) and Community Sanction (section VI). These offenses are defined in Florida Rules of Criminal Procedure 3.704(d)(15) and 3.704(d)(16). Section 921.002(1)(b), Florida Statutes, provides that community sanction points (section VI) may be assessed by multiplying the sanction points by each successive violation, for the total number of points. To effectively show how the total number of points was determined, a new line has been added to each of the four designations in section VI, to provide a number for the successive violations.

2. The Public Defender of the Thirteenth Judicial Circuit recommended that section IV of Rule 3.992(a) and section IV of Rule 3.992(b) be expanded to include the words "Location/Year" following the word "Description." This would permit the scorer to include the physical location and year of the prior offenses committed and would make it easier to authenticate the prior conviction record of the defendant.

3. The Florida Prosecuting Attorney's Association recommended that addition lines be added to section II, Additional Offenses, and section IV, Prior Record in both Rule 3.992(a) and 3.992(b), to allow more space to list the offenses. The Association also requested that the name of the offender and the docket or case number be placed at the top of the second page of Rule 3.992(a). They noted that the pages of the scoresheet often become separated. In addition, the Association requested that a box be added entitled "Modified" under "Total Sentence Imposed" in rule 3.992(a), to differentiate between an initial probation and a modification of probation.

4. The Department of Corrections recommended that the preparer's name in box number two at the top of the first page, be amended to delete "DC" as the preparer. Only the state attorneys are obligated under section 921.0024(3), Florida Statutes, to prepare the scoresheet for submission to the Court. Consequently, the committee voted to remove "SAO" from the box and leave in place the words "preparer's name."

5. The Criminal Court Steering Committee has noted that some formatting changes are needed to line placements or length, lettering, and numbering in each of the scoresheets. None of these changes involve any substantive changes.

The Steering Committee discussed the proposed changes to both scoresheets via email and an electronic vote was taken. The committee unanimously agreed with all of the proposed changes, except for the recommendation to add “Location” and “Year” to the "Description" line in IV, Prior Record. The committee was concerned that the added information is not always readily available to the state attorney when the scoresheet is being prepared. It was noted that the criminal history record of the accused is provided to the defense counsel in the form of a "rap sheet" prepared by the Florida Department of Law Enforcement at the time the scoresheets are prepared. Also, the requested information would not fit on the form.

The proposed changes to Rule 3.992(a) and Rule 3.992(b) are attached at Appendix B. The amendments are shown as strikethroughs and underlining where possible. Because these are forms, some amendments cannot be seen with strikethroughs or underlining. Therefore, the committee has highlighted all amendments to the scoresheets in yellow for clarity.

Respectfully submitted this \_\_\_\_\_ day of July 2007.

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THE HONORABLE O. H. EATON, JR.  
Circuit Judge, Eighteenth Judicial Circuit  
Chair, Criminal Court Steering Committee  
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## **CERTIFICATE OF FONT SIZE**

I hereby certify that this brief has been prepared using Times New Roman 14 point font in compliance with the font requirements of Florida Rule of Appellate Procedure 9.210(a)(2).

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**THE HONORABLE O. H. EATON, JR.**  
Chair, Criminal Court Steering Committee

## CERTIFICATE OF SERVICE

I hereby certify a true and correct copy of the foregoing instrument has been furnished to:

Ms. Lisa Goodner  
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by mail delivery this \_\_\_\_\_ day of July 2007.

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THE HONORABLE O. H. EATON, JR.  
Chair, Criminal Court Steering Committee