

**IN THE SUPREME COURT OF FLORIDA**

**IN RE: AMENDMENTS TO THE  
FLORIDA RULES OF CRIMINAL  
PROCEDURE - RULE 3.992**

/ SC14-

**PETITION OF THE CRIMINAL COURT STEERING COMMITTEE**

The Supreme Court’s Criminal Court Steering Committee (“Steering Committee”) by and through its chair, hereby submits this petition recommending a change to rule 3.992 (which contains the Criminal Punishment Code scoresheet) of the Florida Rules of Criminal Procedure.

**Jurisdiction**

In AOSC14-44 (*see* Appendix D), the Steering Committee was authorized to recommend changes to the scoresheet.

**The Department of Corrections Review**

Pursuant to s. 921.0024(4) Florida Statutes, the Department of Corrections, (“DOC”), in consultation with Office of State Courts Administration, the state attorneys, and the public defenders, must develop and submit revisions to the Criminal Punishment Code scoresheet by June 15 of each year, as necessary. The DOC did so via a letter to former Chief Justice Ricky Polston dated June 6, 2014. (*see* Appendix C).

The DOC determined that a change to the scoresheet was needed because of new legislation. Specifically, in the recently-concluded session, the Florida Legislature passed and the Governor signed into law Chapter 2014-4 (*see* Appendix B). The new

law, which becomes effective on October 1, 2014, creates a multiplier of 2.0 of the subtotal sentence points for certain adult-on-minor sex offenses. Accordingly, section IX of the scoresheet (“Enhancements”), should reflect the new sentencing multiplier.

During the DOC review, the State Attorney from the 18<sup>th</sup> Judicial Circuit, Mr. Phil Archer, suggested the addition of a “Sentencing Addendum” to the scoresheet. Mr. Archer’s proposed addendum, (contained within Appendix C), includes information regarding the length of community control and/or probation, monetary obligations, and special conditions of supervision. DOC takes no position on the suggestion from State Attorney Archer. Also, DOC received no other suggestions regarding changes to the scoresheet.

### **The Steering Committee Review**

The Steering Committee agrees with the DOC that the Criminal Punishment Code scoresheet in rule 3.992 should be amended to conform to section 921.0024, Florida Statutes (2014). The proposed new scoresheet, which has a multiplier of 2.0 for adult-on-minor sex offenses, is in Appendix A (with the new language underlined).

The Committee does not agree with the suggestion from State Attorney Phil Archer to add a “Sentencing Addendum” to the scoresheet. The Committee believes that the detailed information in Mr. Archer’s proposal is incorporated on the judgment and sentence forms and thus there is no need to duplicate that information on the scoresheet.

Accordingly, the Committee proposes that the only change to the scoresheet be the addition of the new 2.0 multiplier.

### **Conclusion**

The proposed amendment to rule 3.992 has not been published. The Steering Committee therefore requests this Court publish the proposal in Appendix A and then amend the scoresheet by adding the new 2.0 multiplier for adult-on-minor sex offenses.

### **This petition contains the following appendices:**

Appendix A: Proposed amendment to rule 3.992.

Appendix B: Chapter 2014-4.

Appendix C: Letter from DOC to former Chief Justice Ricky Polston with attachments.

Appendix D: AOSC14-44.

Respectfully submitted,

/s/ Judge Jay P. Cohen

Judge Jay P. Cohen

Chair, Criminal Court Steering Committee

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## CERTIFICATIONS

I hereby certify that this Petition has been typed using Times New Roman 14 and that a true and correct copy of the petition and the appendices has been sent by e-mail to: Judge Samantha Ward, Chair of the Criminal Procedure Rules Committee at wardsl@fljud13.org; Ms. Heather Telfer, Staff Attorney to the Criminal Procedure Rules Committee at HTelfer@flabar.org; State Attorney Phil Archer at parcher@sa18.state.fl.us; and Ms. Emily Radd, Correctional Services Consultant at radd.emily@mail.dc.state.fl.us, this 7th day of August, 2014.

/s/ Judge Jay P. Cohen

Judge Jay P. Cohen

Chair, Criminal Court Steering Committee

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