

1 A bill to be entitled

2 An act relating to sentencing calculations under the  
3 Criminal Punishment Code; amending s. 921.002, F.S.;  
4 providing that a sentencing judge's decision regarding  
5 sentencing is guided by a computed recommended  
6 sentencing range, from the lowest permissible sentence  
7 to the highest recommended prison sentence; removing a  
8 limitation on sentence appeals to cases in which the  
9 sentence imposed is lower than the lowest permissible  
10 sentence or sentence appeals under other specified  
11 circumstances; amending s. 921.0024, F.S.; increasing  
12 the minimum number of sentence points for a state  
13 prison sanction; revising the calculation of the  
14 lowest permissible sentence; requiring a calculation  
15 of the highest recommended prison sentence; providing  
16 a recommended range for sentencing; providing an  
17 effective date.

18  
19 Be It Enacted by the Legislature of the State of Florida:

20  
21 Section 1. Paragraphs (f) through (i) of subsection (1) of  
22 section 921.002, Florida Statutes, are redesignated as  
23 paragraphs (g) through (j), respectively, present paragraph (h)  
24 of that subsection is amended, and a new paragraph (f) is added  
25 to that subsection, to read:

26           921.002 The Criminal Punishment Code.—The Criminal  
 27 Punishment Code shall apply to all felony offenses, except  
 28 capital felonies, committed on or after October 1, 1998.

29           (1) The provision of criminal penalties and of limitations  
 30 upon the application of such penalties is a matter of  
 31 predominantly substantive law and, as such, is a matter properly  
 32 addressed by the Legislature. The Legislature, in the exercise  
 33 of its authority and responsibility to establish sentencing  
 34 criteria, to provide for the imposition of criminal penalties,  
 35 and to make the best use of state prisons so that violent  
 36 criminal offenders are appropriately incarcerated, has  
 37 determined that it is in the best interest of the state to  
 38 develop, implement, and revise a sentencing policy. The Criminal  
 39 Punishment Code embodies the principles that:

40           (f) The sentence imposed by the sentencing judge is guided  
 41 by the computed sentencing range, which is from the lowest  
 42 permissible sentence to the highest recommended sentence, under  
 43 the code.

44           ~~(h) A sentence may be appealed on the basis that it~~  
 45 ~~departs from the Criminal Punishment Code only if the sentence~~  
 46 ~~is below the lowest permissible sentence or as enumerated in s.~~  
 47 ~~924.06(1).~~

48           Section 2. Subsection (2) of section 921.0024, Florida  
 49 Statutes, is amended to read:

50           921.0024 Criminal Punishment Code; worksheet computations;

51 | scoresheets.-

52 |       (2) The lowest permissible sentence is the minimum  
53 | sentence that may be imposed by the trial court, absent a valid  
54 | reason for departure. When the total sentence points are less  
55 | than 52 points, the lowest permissible sentence is any nonstate  
56 | prison sanction and the highest recommended sentence is 12  
57 | months of nonstate incarceration. ~~The lowest permissible~~  
58 | ~~sentence is any nonstate prison sanction in which the total~~  
59 | ~~sentence points equals or is less than 44 points, unless the~~  
60 | ~~court determines within its discretion that a prison sentence,~~  
61 | ~~which may be up to the statutory maximums for the offenses~~  
62 | ~~committed, is appropriate.~~ When the total sentence points  
63 | exceeds 52 ~~44~~ points, the lowest permissible sentence in prison  
64 | months is ~~shall be~~ calculated by subtracting 36 ~~28~~ points from  
65 | the total sentence points and decreasing the remaining total by  
66 | 25 percent. When the total sentence points exceed 52 points, the  
67 | highest recommended prison sentence in prison months is  
68 | calculated by subtracting 36 points from the total sentence  
69 | points and increasing the remaining total by 25 percent. The  
70 | total sentence points are ~~shall be~~ calculated ~~only~~ as a means of  
71 | determining the recommended sentencing range, which is from the  
72 | lowest permissible sentence to the highest recommended prison  
73 | sentence. The permissible range for sentencing is ~~shall be~~ the  
74 | lowest permissible sentence up to and including the statutory  
75 | maximum, as defined in s. 775.082, for the primary offense and

76 | any additional offenses before the court for sentencing. The  
77 | sentencing court may impose such sentences concurrently or  
78 | consecutively. However, any sentence to state prison must exceed  
79 | 1 year. If the lowest permissible sentence under the code  
80 | exceeds the statutory maximum sentence as provided in s.  
81 | 775.082, the sentence required by the code must be imposed. If  
82 | the total sentence points are greater than or equal to 363, the  
83 | court may sentence the offender to life imprisonment. An  
84 | offender sentenced to life imprisonment under this section is  
85 | not eligible for any form of discretionary early release, except  
86 | executive clemency or conditional medical release under s.  
87 | 947.149.

88 |       Section 3. This act shall take effect July 1, 2021.