

# FLORIDA RULES OF CRIMINAL PROCEDURE

Effective February 1, 1973 (272 So.2d 65)

Including Amendments Effective  
January 1, 1993

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## Research Note

See West's Florida Statutes Annotated, Volumes 33 and 34, for historical notes, comments, and judicial constructions.

Use WESTLAW® to find cases citing a rule. In addition, use WESTLAW to find a specific term or to update a rule; see the FL-RULES and FL-ORDERS SCOPE screens for further information.

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RULE 3.988 SENTENCING GUIDELINES



Rule 3.988(a)  
Category 1: Murder, Manslaughter

I. Primary Offense at Conviction

Degree	Counts				Points
	1	2	3	4	
Life	165	226	286	346	_____
1st pbl	150	195	276	336	_____
1st	136	165	226	286	_____
2nd	77	93	106	121	_____
3rd	45	55	65	75	_____

Primary offense counts in excess of four:

- Add 60 for each additional life \_\_\_\_\_
- Add 60 for each additional 1st pbl \_\_\_\_\_
- Add 60 for each additional 1st \_\_\_\_\_
- Add 15 for each additional 2nd \_\_\_\_\_
- Add 10 for each additional 3rd \_\_\_\_\_
- Total \_\_\_\_\_

III. A. Prior Record

Degree	Counts				Points
	1	2	3	4	
Life	50	110	180	270	_____
1st pbl	40	88	138	216	_____
1st	30	66	96	162	_____
2nd	15	33	48	81	_____
3rd	5	11	18	27	_____
MM	1	2	4	6	_____

Prior convictions in excess of four:

- Add 90 for each additional life \_\_\_\_\_
- Add 78 for each additional 1st pbl \_\_\_\_\_
- Add 66 for each additional 1st \_\_\_\_\_
- Add 33 for each additional 2nd \_\_\_\_\_
- Add 9 for each additional 3rd \_\_\_\_\_
- Add 2 for each additional MM \_\_\_\_\_
- Total \_\_\_\_\_

II. Additional Offenses at Conviction

Degree	Counts				Points
	1	2	3	4	
Life	61	73	79	85	_____
1st pbl	45	54	58	63	_____
1st	29	35	38	41	_____
2nd	16	19	21	22	_____
3rd	10	12	13	14	_____
MM	2	3	4	5	_____

Additional offense counts in excess of four:

- Add 6 for each additional life \_\_\_\_\_
- Add 5 for each additional 1st pbl \_\_\_\_\_
- Add 3 for each additional 1st \_\_\_\_\_
- Add 1 for each additional 2nd \_\_\_\_\_
- Add 1 for each additional 3rd \_\_\_\_\_
- Add 1 for each additional MM \_\_\_\_\_
- Total \_\_\_\_\_

III. B. Prior DUI Convictions

Add 32 for each prior DUI conviction only where primary offense is DUI manslaughter.

\_\_\_\_\_ Priors x 32 = \_\_\_\_\_ Total Points

IV. Legal Status at Time of Offense

Status	Points
No restrictions	0
Legal constraint	21

Total \_\_\_\_\_

V. Victim Injury (physical)

Degree of Injury	x	Number	=	Points
None	0	_____	_____	_____
Slight	7	_____	_____	_____
Moderate	14	_____	_____	_____
Death or severe	21	_____	_____	_____

Total \_\_\_\_\_

[G7548]

1

Rule 3.988(a)  
 Category 1: Murder, Manslaughter

Chapter 782 - Homicide (except subsection 782.04(1)(a) - capital murder)

Subsection 316.193(3)(c)(3) - DUI Manslaughter (automobile)

Subsection 327.351(2) - DUI Manslaughter (vessel)

GUIDELINE SENTENCE

Points	Recommended Range	Permitted Range
66	any nonstate prison sanction	any nonstate prison sanction
67 - 92	community control or 12 - 30 months incarceration	any nonstate prison sanction or community control or 1 - 7 years incarceration
93 - 135	5 (3 - 7)	community control or 1 - 12 years incarceration
136 - 164	10 (7 - 12)	3 - 17
165 - 225	15 (12 - 17)	7 - 22
226 - 285	20 (17 - 22)	12 - 27
286 - 345	25 (22 - 27)	17 - 40
346 - 381	30 (27 - 40)	22 - Life
382 +	Life	27 - Life

Note -- Any person sentenced for a felony offense committed after October 1, 1988, whose presumptive sentence is any nonstate prison sanction may be sentenced to community control or to a term of incarceration not to exceed 22 months. Such sentence is not subject to appeal. However, before imposing such sentence, the court shall give due consideration to the criteria in s. 921.005(1). §921.001(5), Fla. Stat. (Supp. 1988).

[G7549]

2

Rule 3.988(b)  
Category 2: Sexual Offenses

I. Primary Offense at Conviction

Degree	Counts				Points
	1	2	3	4	
Life	262	314	340	366	_____
1st	216	259	281	302	_____
2nd	158	190	206	222	_____
3rd	149	179	193	204	_____

Primary offense counts in excess of four:

- Add 26 for each additional life \_\_\_\_\_
- Add 21 for each additional 1st \_\_\_\_\_
- Add 16 for each additional 2nd \_\_\_\_\_
- Add 16 for each additional 3rd \_\_\_\_\_
- Total \_\_\_\_\_

III. Prior Record

Degree	Counts				Points
	1	2	3	4	
Life	264	530	810	1100	_____
1st pbl	211	424	648	880	_____
1st	158	318	486	660	_____
2nd	80	159	243	330	_____
3rd	26	53	81	110	_____
MM	5	10	15	20	_____

Primary convictions in excess of four:

- Add 290 for each additional life \_\_\_\_\_
- Add 232 for each additional 1st pbl \_\_\_\_\_
- Add 174 for each additional 1st \_\_\_\_\_
- Add 87 for each additional 2nd \_\_\_\_\_
- Add 29 for each additional 3rd \_\_\_\_\_
- Add 5 for each additional MM \_\_\_\_\_
- Total \_\_\_\_\_

II. Additional Offenses at Conviction

Degree	Counts				Points
	1	2	3	4	
Life	44	53	69	97	_____
1st pbl	40	48	62	88	_____
1st	36	43	56	78	_____
2nd	26	31	40	56	_____
3rd	25	30	39	55	_____
MM	5	6	8	11	_____

Additional offense counts in excess of four:

- Add 28 for each additional life \_\_\_\_\_
- Add 26 for each additional 1st pbl \_\_\_\_\_
- Add 22 for each additional 1st \_\_\_\_\_
- Add 16 for each additional 2nd \_\_\_\_\_
- Add 16 for each additional 3rd \_\_\_\_\_
- Add 3 for each additional MM \_\_\_\_\_
- Total \_\_\_\_\_

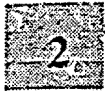
IV. Legal Status at Time of Offense

Status	Points
No restrictions	0
Legal constraint	30
Total	_____

V. Victim Injury (physical)

Degree of Injury	x	Number	=	Points
No Contact	0	_____	=	_____
Contact but no penetration	20	_____	=	_____
Penetration or slight injury	40	_____	=	_____
Death or serious injury	85	_____	=	_____
Total				_____

(G7550)



Rule 3.988(b)  
Category 2: Sexual Offenses

Chapter 794 - Sexual Battery

Chapter 800 - Lewdness; Indecent Exposure

Section 826.04 - Incest

Section 491.0112 - Sexual Misconduct by a Psychotherapist

GUIDELINE SENTENCE

Points	Recommended Range	Permitted Range
149 - 169	any nonstate prison sanction	any nonstate prison sanction
170 - 185	community control or 12 - 30 months incarceration	any nonstate prison sanction or community control or 1 - 3 1/2 years incarceration
186 - 207	3 (2 1/2 - 3 1/2)	community control or 1 - 4 1/2 years incarceration
208 - 229	4 (3 1/2 - 4 1/2)	2 1/2 - 5 1/2
230 - 250	5 (4 1/2 - 5 1/2)	3 1/2 - 7
251 - 278	6 (5 1/2 - 7)	4 1/2 - 9
279 - 312	8 (7 - 9)	5 1/2 - 12
313 - 354	10 (9 - 12)	7 - 17
355 - 422	15 (12 - 17)	9 - 22
423 - 486	20 (17 - 22)	12 - 27
487 - 546	25 (22 - 27)	17 - 40
547 - 582	30 (27 - 40)	22 - Life
583 +	Life	27 - Life

Note — Any person sentenced for a felony offense committed after October 1, 1988, whose presumptive sentence is any nonstate prison sanction may be sentenced to community control or to a term of incarceration not to exceed 22 months. Such sentence is not subject to appeal. However, before imposing such sentence, the court shall give due consideration to the criteria in s. 921.005(1), §921.001(5), Fla. Stat. (Supp. 1988).

[G7551]

3

Rule 3.988(c)  
Category 3: Robbery

I. Primary Offense at Conviction

Degree	Counts				Points
	1	2	3	4	
Life	102	122	133	148	_____
1st pbl	82	98	107	119	_____
1st	70	84	91	101	_____
2nd	50	60	65	75	_____
3rd	34	41	44	54	_____

Primary offense counts in excess of four:

- Add 15 for each additional life \_\_\_\_\_
- Add 12 for each additional 1st pbl \_\_\_\_\_
- Add 10 for each additional 1st \_\_\_\_\_
- Add 10 for each additional 2nd \_\_\_\_\_
- Add 10 for each additional 3rd \_\_\_\_\_
- Total \_\_\_\_\_

II. Additional Offenses at Conviction

Degree	Counts				Points
	1	2	3	4	
Life	20	24	26	28	_____
1st pbl	17	20	22	24	_____
1st	14	17	18	19	_____
2nd	10	12	13	14	_____
3rd	7	8	9	10	_____
MM	1	2	3	4	_____

Additional offense counts in excess of four:

- Add 2 for each additional life \_\_\_\_\_
- Add 2 for each additional 1st pbl \_\_\_\_\_
- Add 1 for each additional 1st \_\_\_\_\_
- Add 1 for each additional 2nd \_\_\_\_\_
- Add 1 for each additional 3rd \_\_\_\_\_
- Add 1 for each additional MM \_\_\_\_\_
- Total \_\_\_\_\_

III. A. Prior Record

Degree	Counts				Points
	1	2	3	4	
Life	100	210	330	460	_____
1st pbl	80	168	264	368	_____
1st	60	126	198	276	_____
2nd	30	63	99	138	_____
3rd	10	21	33	46	_____
MM	2	5	8	12	_____

Primary convictions in excess of four:

- Add 130 for each additional life \_\_\_\_\_
- Add 104 for each additional 1st pbl \_\_\_\_\_
- Add 78 for each additional 1st \_\_\_\_\_
- Add 39 for each additional 2nd \_\_\_\_\_
- Add 13 for each additional 3rd \_\_\_\_\_
- Add 4 for each additional MM \_\_\_\_\_
- Total \_\_\_\_\_

III. B. Same Category Priors

Add 25 for each prior category 3 offense

\_\_\_\_\_ Priors x 25 = \_\_\_\_\_ Total Points

IV. Legal Status at Time of Offense

Status	Points
No restrictions	0
Legal constraint	17

Total \_\_\_\_\_

V. Victim Injury (physical)

Degree of Injury	x	Number	=	Points
None		0		_____
Slight		7		_____
Moderate		14		_____
Death or severe		21		_____

Total \_\_\_\_\_

(32405)

3

Rule 3.988(c)  
Category 3: Robbery

Section 812.13 - Robbery

GUIDELINE SENTENCE

Points	Recommended Range	Permitted Range
34 - 53	any nonstate prison sanction	any nonstate prison sanction
54 - 65	community control or 12 - 30 months incarceration	any nonstate prison sanction or community control or 1 - 3 1/2 years incarceration
66 - 81	<sup>3</sup> (2 1/2 - 3 1/2)	community control or 1 - 4 1/2 years incarceration
82 - 101	<sup>4</sup> (3 1/2 - 4 1/2)	2 1/2 - 5 1/2
102 - 121	<sup>5</sup> (4 1/2 - 5 1/2)	3 1/2 - 7
122 - 151	<sup>6</sup> (5 1/2 - 7)	4 1/2 - 9
152 - 183	<sup>8</sup> (7 - 9)	5 1/2 - 12
184 - 229	<sup>10</sup> (9 - 12)	7 - 17
230 - 295	<sup>15</sup> (12 - 17)	9 - 22
296 - 357	<sup>20</sup> (17 - 22)	12 - 27
358 - 417	<sup>25</sup> (22 - 27)	17 - 40
418 - 453	<sup>30</sup> (27 - 40)	22 - Life
454 +	Life	27 - Life

Note -- Any person sentenced for a felony offense committed after October 1, 1988, whose presumptive sentence is any nonstate prison sanction may be sentenced to community control or to a term of incarceration not to exceed 22 months. Such sentence is not subject to appeal. However, before imposing such sentence, the court shall give due consideration to the criteria in s. 921.005(1). §921.001(5), Fla. Stat. (Supp. 1988). [G2406]

I  
1st  
2nd  
3rd  
F

II  
1st  
2nd  
3rd  
M

4

Rule 3.988(d)  
Category 4: Violent Personal Crimes

I. Primary Offense at Conviction

Degree	Counts				Points
	1	2	3	4	
1st	147	176	191	206	_____
2nd	105	126	136	146	_____
3rd	73	88	95	102	_____

Primary offense counts in excess of four:

Add 15 for each additional 1st \_\_\_\_\_  
 Add 10 for each additional 2nd \_\_\_\_\_  
 Add 7 for each additional 3rd \_\_\_\_\_

Total \_\_\_\_\_

II. Additional Offenses at Conviction

Degree	Counts				Points
	1	2	3	4	
1st	29	35	38	41	_____
2nd	21	25	27	29	_____
3rd	15	18	20	21	_____
MM	3	4	5	6	_____

Additional offense counts in excess of four:

Add 3 for each additional 1st \_\_\_\_\_  
 Add 2 for each additional 2nd \_\_\_\_\_  
 Add 1 for each additional 3rd \_\_\_\_\_  
 Add 1 for each additional MM \_\_\_\_\_

Total \_\_\_\_\_

III. Prior Record

Degree	Counts				Points
	1	2	3	4	
Life	50	110	160	270	_____
1st pbl	40	88	128	216	_____
1st	30	66	96	162	_____
2nd	15	33	48	81	_____
3rd	5	11	18	27	_____
MM	1	2	4	6	_____

Prior convictions in excess of four:

Add 90 for each additional life \_\_\_\_\_  
 Add 88 for each additional 1st pbl \_\_\_\_\_  
 Add 66 for each additional 1st \_\_\_\_\_  
 Add 33 for each additional 2nd \_\_\_\_\_  
 Add 9 for each additional 3rd \_\_\_\_\_  
 Add 2 for each additional MM \_\_\_\_\_

Total \_\_\_\_\_

IV. Legal Status at Time of Offense

Status	Points
No restrictions	0
Legal constraint	36
Total	_____

V. Victim Injury (physical)

Degree of Injury	X	Number	Points
None	0	_____	_____
Slight	12	_____	_____
Moderate	24	_____	_____
Death or severe	36	_____	_____
Total		_____	_____

[G12939]





Rule 3.988(d)  
Category 4: Violent Personal Crimes

Section 231.06 - Assault or Battery Upon District School Board Employee  
Chapter 784 - Assault, Battery  
Section 836.05 - Threats, Extortion  
Section 836.10 - Written Threats to Kill or Do Bodily Injury  
Section 843.01 - Resisting Officer with Violence  
Subsection 381.411(4)(b) - Battery on HRS Employee

## GUIDELINE SENTENCE

Points	Recommended Range	Permitted Range
73 - 112	any nonstate prison sanction	any nonstate prison sanction
113 - 154	community control or 12-30 months incarceration	any nonstate prison sanction or community control or 1 - 3 1/2 years incarceration
155 - 176	3 (2 1/2 - 3 1/2)	community control or 1 - 4 1/2 years incarceration
177 - 192	4 (3 1/2 - 4 1/2)	2 1/2 - 5 1/2
193 - 206	5 (4 1/2 - 5 1/2)	3 1/2 - 7
207 - 228	6 (5 1/2 - 7)	4 1/2 - 9
229 - 254	8 (7 - 9)	5 1/2 - 12
255 - 292	10 (9 - 12)	7 - 17
293 - 352	15 (12 - 17)	9 - 22
353 - 412	20 (17 - 22)	12 - 27
413 - 472	25 (22 - 27)	17 - 40
473 +	30 (27 - 40)	22 - 40

Note — Any person sentenced for a felony offense committed after October 1, 1988, whose presumptive sentence is any nonstate prison sanction may be sentenced to community control or to a term of incarceration not to exceed 22 months. Such sentence is not subject to appeal. However, before imposing such sentence, the court shall give due consideration to the criteria in s. 921.005(1), §921.001(5), Fla. Stat. (Supp. 1988).

[G12940]



Rule 3.988(e)  
Category 5: Burglary

I. Primary Offense at Conviction

Degree	Counts				Points
	1	2	3	4	
Life	80	96	104	112	_____
1st pbl	70	84	91	98	_____
1st	60	72	78	84	_____
2nd	30	36	39	42	_____
3rd	20	24	26	28	_____

Primary offense counts in excess of four:

- Add 8 for each additional life \_\_\_\_\_
- Add 7 for each additional 1st pbl \_\_\_\_\_
- Add 6 for each additional 1st \_\_\_\_\_
- Add 3 for each additional 2nd \_\_\_\_\_
- Add 2 for each additional 3rd \_\_\_\_\_
- Total \_\_\_\_\_

II. Additional Offenses at Conviction

Degree	Counts				Points
	1	2	3	4	
Life	16	19	21	23	_____
1st pbl	14	16	18	20	_____
1st	12	14	16	17	_____
2nd	6	7	8	9	_____
3rd	4	5	6	7	_____
MM	1	2	3	4	_____

Additional offense counts in excess of four:

- Add 2 for each additional life \_\_\_\_\_
- Add 2 for each additional 1st pbl \_\_\_\_\_
- Add 1 for each additional 1st \_\_\_\_\_
- Add 1 for each additional 2nd \_\_\_\_\_
- Add 1 for each additional 3rd \_\_\_\_\_
- Add 1 for each additional MM \_\_\_\_\_
- Total \_\_\_\_\_

III. A. Prior Record

Degree	Counts				Points
	1	2	3	4	
Life	60	130	210	307	_____
1st pbl	48	104	168	246	_____
1st	36	78	126	184	_____
2nd	18	39	63	90	_____
3rd	6	13	21	30	_____
MM	1	2	3	4	_____

Primary convictions in excess of four:

- Add 97 for each additional life \_\_\_\_\_
- Add 78 for each additional 1st pbl \_\_\_\_\_
- Add 58 for each additional 1st \_\_\_\_\_
- Add 27 for each additional 2nd \_\_\_\_\_
- Add 9 for each additional 3rd \_\_\_\_\_
- Add 1 for each additional MM \_\_\_\_\_
- Total \_\_\_\_\_

III. B. Same Category Priors

Add 5 for each prior category 5 offense  
 \_\_\_\_\_ Priors x 5 = \_\_\_\_\_ Total Points

IV. Legal Status at Time of Offense

Status	Points
No restrictions	0
Legal constraint	10
Total	_____

V. Victim Injury (physical)

Degree of Injury	x	Number	=	Points
None	0	_____		_____
Slight	5	_____		_____
Moderate	10	_____		_____
Death or severe	15	_____		_____
Total				_____

(G7562)

5

Rule 3.988(e)  
Category 5: Burglary

Chapter 810 - Burglary

Subsection 806.13(3) - Criminal Mischief

Section 817.025 - Obtaining Access to a Home or Private Business by False Personation or Representation

GUIDELINE SENTENCE

Points	Recommended Range	Permitted Range
20 - 46	any nonstate prison sanction	any nonstate prison sanction
47 - 71	community control or 12 - 30 months incarceration	any nonstate prison sanction or community control or 1 - 3 1/2 years incarceration
72 - 90	3 (2 1/2 - 3 1/2)	community control or 1 - 4 1/2 years incarceration
91 - 106	4 (3 1/2 - 4 1/2)	2 1/2 - 5 1/2
107 - 120	5 (4 1/2 - 5 1/2)	3 1/2 - 7
121 - 143	6 (5 1/2 - 7)	4 1/2 - 9
144 - 164	8 (7 - 9)	5 1/2 - 12
165 - 205	10 (9 - 12)	7 - 17
206 - 265	15 (12 - 17)	9 - 22
266 - 325	20 (17 - 22)	12 - 27
326 - 385	25 (22 - 27)	17 - 40
386 - 445	30 (27 - 40)	22 - Life
446 +	Life	27 - Life

Note — Any person sentenced for a felony offense committed after October 1, 1988, whose presumptive sentence is any nonstate prison sanction may be sentenced to community control or to a term of incarceration not to exceed 22 months. Such sentence is not subject to appeal. However, before imposing such sentence, the court shall give due consideration to the criteria in s. 921.005(1), §921.001(5), Fla. Stat. (Supp. 1988).

(G7559)

Life  
1st  
2nd  
3rd  
P

H

Life  
1st  
1st  
2nd  
3rd  
M

6

Rule 3.988(f)  
Category 6: Thefts, Forgery, Fraud

I. Primary Offense at Conviction

Degree	Counts				Points
	1	2	3	4	
Life	86	103	112	120	_____
1st	70	84	91	98	_____
2nd	35	42	46	49	_____
3rd	13	16	17	18	_____

Primary offense counts in excess of four:

- Add 8 for each additional life \_\_\_\_\_
  - Add 7 for each additional 1st \_\_\_\_\_
  - Add 3 for each additional 2nd \_\_\_\_\_
  - Add 1 for each additional 3rd \_\_\_\_\_
- Total \_\_\_\_\_

II. Additional Offenses at Conviction

Degree	Counts				Points
	1	2	3	4	
Life	17	20	22	24	_____
1st pbl	16	18	20	22	_____
1st	14	17	18	19	_____
2nd	7	8	9	10	_____
3rd	3	4	5	6	_____
MM	1	2	3	4	_____

Additional offense counts in excess of four:

- Add 2 for each additional life \_\_\_\_\_
  - Add 2 for each additional 1st pbl \_\_\_\_\_
  - Add 1 for each additional 1st \_\_\_\_\_
  - Add 1 for each additional 2nd \_\_\_\_\_
  - Add 1 for each additional 3rd \_\_\_\_\_
  - Add 1 for each additional MM \_\_\_\_\_
- Total \_\_\_\_\_

III. A. Prior Record

Degree	Counts				Points
	1	2	3	4	
Life	50	110	180	270	_____
1st pbl	40	88	138	216	_____
1st	30	66	96	162	_____
2nd	15	33	48	81	_____
3rd	5	11	18	27	_____
MM	1	2	4	6	_____

Prior convictions in excess of four:

- Add 90 for each additional life \_\_\_\_\_
  - Add 78 for each additional 1st pbl \_\_\_\_\_
  - Add 66 for each additional 1st \_\_\_\_\_
  - Add 33 for each additional 2nd \_\_\_\_\_
  - Add 9 for each additional 3rd \_\_\_\_\_
  - Add 2 for each additional MM \_\_\_\_\_
- Total \_\_\_\_\_

III. B. Same Category Priors

Add 5 for each prior category 6 offense  
 \_\_\_\_\_ Priors x 5 = \_\_\_\_\_ Total Points

IV. Legal Status at Time of Offense

Status	Points
No restrictions	0
Legal constraint	6
Total _____	

V. Victim Injury (physical)

Degree of Injury	X	Number	=	Points
None	0	_____		_____
Slight	3	_____		_____
Moderate	6	_____		_____
Death or severe	9	_____		_____
Total				_____

(G12941)



Rule 3.988(f)  
 Category 6: Thefts, Forgery, Fraud

- |   |  |
|---|--|
| Chapter 322 - Drivers' Licenses                                     | Section 192.037 - Escrow Accounts  |
| Chapter 409 - Social and Economic Assistance                        | Section 206.56 - Theft of State Funds  |
| Chapter 443 - Unemployment Compensation                             | Section 370.142 - Lobster Trap Tags  |
| Chapter 509 - Public Lodging and Public Food Service Establishments | Section 415.11 - Abuse, Neglect or Exploitation of Aged Person or Disabled Adult |
| Chapter 812 - Theft (except section 812.13 - Robbery)               | Section 493.3175 - Sale of Property by a Licensee                                |
| Chapter 815 - Computer-Related Crimes                               | Section 494.0018 - Mortgage Brokers  |
| Chapter 817 - Fraudulent Practices                                  | Section 496.413, 496.417 - Solicitation of Contributions                         |
| Chapter 831 - Forgery and Counterfeiting                            | Section 517.301(1)(a) - Fraudulent Securities Transactions                       |
| Chapter 832 - Worthless Checks                                      | Subsections 585.145(3), 585.85(2) - Veterinary Inspection                        |
|   | Section 687.146 - Loan Brokers   |

GUIDELINE SENTENCE

Points	Recommended Range	Permitted Range
13 - 36	any nonstate prison sanction	any nonstate prison sanction
37 - 56	community control or 12-30 months incarceration	any nonstate prison sanction or community control or 1 - 3 1/2 years incarceration
57 - 74	<sup>3</sup> (2 1/2 - 3 1/2)	community control or 1 - 4 1/2 years incarceration
75 - 90	<sup>4</sup> (3 1/2 - 4 1/2)	2 1/2 - 5 1/2
91 - 104	<sup>5</sup> (4 1/2 - 5 1/2)	3 1/2 - 7
105 - 122	<sup>6</sup> (5 1/2 - 7)	4 1/2 - 9
123 - 146	<sup>8</sup> (7 - 9)	5 1/2 - 12
147 - 180	<sup>10</sup> (9 - 12)	7 - 17
181 - 240	<sup>15</sup> (12 - 17)	9 - 22
241 - 300	<sup>20</sup> (17 - 22)	12 - 27
301 - 360	<sup>25</sup> (22 - 27)	17 - 40
361 - 420	<sup>30</sup> (27 - 40)	22 - Life
421 +	Life	27 - Life

Note — Any person sentenced for a felony offense committed after October 1, 1988, whose presumptive sentence is any nonstate prison sanction may be sentenced to community control or to a term of incarceration not to exceed 22 months. Such sentence is not subject to appeal. However, before imposing such sentence, the court shall give due consideration to the criteria in s. 921.005(1), §921.001(5), Fla. Stat. (Supp. 1988). [G12942]

7

Rule 3.988(g)  
Category 7: Drugs

I. Primary Offense at Conviction

Degree	Counts				Points
	1	2	3	4	
Life	151	181	196	211	_____
1st	137	164	178	192	_____
2nd	65	78	84	91	_____
3rd	42	50	55	59	_____

Primary offense counts in excess of four:

- Add 15 for each additional life \_\_\_\_\_
  - Add 14 for each additional 1st \_\_\_\_\_
  - Add 7 for each additional 2nd \_\_\_\_\_
  - Add 4 for each additional 3rd \_\_\_\_\_
- Total \_\_\_\_\_

II. Additional Offenses at Conviction

Degree	Counts				Points
	1	2	3	4	
Life	30	36	39	42	_____
1st pbl	28	34	37	40	_____
1st	27	32	35	38	_____
2nd	13	16	17	18	_____
3rd	8	10	11	12	_____
MM	2	3	4	5	_____

Additional offense counts in excess of four:

- Add 3 for each additional life \_\_\_\_\_
  - Add 3 for each additional 1st pbl \_\_\_\_\_
  - Add 3 for each additional 1st \_\_\_\_\_
  - Add 1 for each additional 2nd \_\_\_\_\_
  - Add 1 for each additional 3rd \_\_\_\_\_
  - Add 1 for each additional MM \_\_\_\_\_
- Total \_\_\_\_\_

III. Prior Record

Degree	Counts				Points
	1	2	3	4	
Life	60	130	210	300	_____
1st pbl	48	104	168	240	_____
1st	36	78	126	180	_____
2nd	18	39	63	90	_____
3rd	6	13	21	30	_____
MM	1	2	3	4	_____

Prior convictions in excess of four:

- Add 90 for each additional life \_\_\_\_\_
  - Add 72 for each additional 1st pbl \_\_\_\_\_
  - Add 54 for each additional 1st \_\_\_\_\_
  - Add 27 for each additional 2nd \_\_\_\_\_
  - Add 9 for each additional 3rd \_\_\_\_\_
  - Add 1 for each additional MM \_\_\_\_\_
- Total \_\_\_\_\_

IV. Legal Status at Time of Offense

Status	Points
No restrictions	0
Legal constraint	14
Total _____	

V. Victim Injury (physical)

Degree of Injury	X	Number	=	Points
None	0	_____		_____
Slight	5	_____		_____
Moderate	10	_____		_____
Death or severe	15	_____		_____
Total				_____

[G12943]



Rule 3.988(g)  
Category 7: Drugs

Section 499.005 - Regulation of Drugs and Cosmetics  
Chapter 893 - Drugs

GUIDELINE SENTENCE

Points	Recommended Range	Permitted Range
42 - 75	any nonstate prison sanction	any nonstate prison sanction
76 - 113	community control or 12-30 months incarceration	any nonstate prison sanction or community control or 1 - 3 1/2 years incarceration
114 - 133	3 (21/2 - 31/2)	community control or 1 - 4 1/2 years incarceration
134 - 147	4 (31/2 - 41/2)	2 1/2 - 5 1/2
148 - 162	5 (41/2 - 51/2)	3 1/2 - 7
163 - 184	6 (5 1/2 - 7)	4 1/2 - 9
185 - 208	8 (7 - 9)	5 1/2 - 12
209 - 244	10 (9 - 12)	7 - 17
245 - 304	15 (12 - 17)	9 - 22
305 - 364	20 (17 - 22)	12 - 27
365 - 424	25 (22 - 27)	17 - 40
425 - 483	30 (27 - 40)	22 - Life
484 +	Life	27 - Life

Note — Any person sentenced for a felony offense committed after October 1, 1988, whose presumptive sentence is any nonstate prison sanction may be sentenced to community control or to a term of incarceration not to exceed 22 months. Such sentence is not subject to appeal. However, before imposing such sentence, the court shall give due consideration to the criteria in s. 921.005(1), §921.001(5), Fla. Stat. (Supp. 1988).

(G12944)

I. Pri

I
1st
2nd
3rd

Pri

II. A

1st
2nd
3rd
MI

Rule 3.988(h)  
Category 8: Weapons and Escape

I. Primary Offense at Conviction

Degree	Counts				Points
	1	2	3	4	
1st	70	84	91	98	_____
2nd	45	54	58	63	_____
3rd	15	18	20	21	_____

Primary offense counts in excess of four:

- Add 7 for each additional 1st \_\_\_\_\_
- Add 5 for each additional 2nd \_\_\_\_\_
- Add 1 for each additional 3rd \_\_\_\_\_
- Total \_\_\_\_\_

III. Prior Record

Degree	Counts				Points
	1	2	3	4	
Life	10	20	40	60	_____
1st pbl	8	16	32	48	_____
1st	6	12	24	36	_____
2nd	3	6	12	18	_____
3rd	1	2	4	6	_____
MM	1	2	3	4	_____

Primary convictions in excess of four:

- Add 20 for each additional life \_\_\_\_\_
- Add 16 for each additional 1st pbl \_\_\_\_\_
- Add 12 for each additional 1st \_\_\_\_\_
- Add 6 for each additional 2nd \_\_\_\_\_
- Add 2 for each additional 3rd \_\_\_\_\_
- Add 1 for each additional MM \_\_\_\_\_
- Total \_\_\_\_\_

II. Additional Offenses at Conviction

Degree	Counts				Points
	1	2	3	4	
1st	14	17	18	19	_____
2nd	9	11	12	13	_____
3rd	3	4	5	6	_____
MM	1	2	3	4	_____

Additional offense counts in excess of four:

- Add 1 for each additional 1st \_\_\_\_\_
- Add 1 for each additional 2nd \_\_\_\_\_
- Add 1 for each additional 3rd \_\_\_\_\_
- Add 1 for each additional MM \_\_\_\_\_
- Total \_\_\_\_\_

IV. Legal Status at Time of Offense

Status	Points
No restrictions	0
Legal constraint	12

Total \_\_\_\_\_

V. Victim Injury (physical)

Degree of Injury	x	Number	=	Points
None		0		_____
Slight		4		_____
Moderate		8		_____
Death or severe		12		_____
Total				_____



8

Rule 3.988(h)  
Category 8: Weapons and Escape

Chapter 790 - Weapons and Firearms

Section 944.40 - Escape

## GUIDELINE SENTENCE

Points	Recommended Range	Permitted Range
15 - 49	any nonstate prison sanction	any nonstate prison sanction
50 - 75	community control or 12 - 30 months incarceration	any nonstate prison sanction or community control or 1 - 3 1/2 years incarceration
76 - 91	<sup>3</sup> (2 1/2 - 3 1/2)	community control or 1 - 4 1/2 years incarceration
92 - 105	<sup>4</sup> (3 1/2 - 4 1/2)	2 1/2 - 5 1/2
106 - 115	<sup>5</sup> (4 1/2 - 5 1/2)	3 1/2 - 7
116 - 133	<sup>6</sup> (5 1/2 - 7)	4 1/2 - 9
134 - 157	<sup>8</sup> (7 - 9)	5 1/2 - 12
158 - 193	<sup>10</sup> (9 - 12)	7 - 17
194 - 253	<sup>15</sup> (12 - 17)	9 - 22
254 - 313	<sup>20</sup> (17 - 22)	12 - 27
314 - 373	<sup>25</sup> (22 - 27)	17 - 40
374 +	<sup>30</sup> (27 - 40)	22 - 40

Note — Any person sentenced for a felony offense committed after October 1, 1988, whose presumptive sentence is any nonstate prison sanction may be sentenced to community control or to a term of incarceration not to exceed 22 months. Such sentence is not subject to appeal. However, before imposing such sentence, the court shall give due consideration to the criteria in s. 921.005(1), §921.001(5), Fla. Stat. (Supp. 1988). (G2416)



Rule 3.988(i)  
Category 9: All Other Felony Offenses

L. Primary Offense at Conviction

Degree	Counts				Points
	1	2	3	4	
Life	241	289	376	526	_____
1st pbl	181	217	282	395	_____
1st	133	160	207	290	_____
2nd	108	130	140	150	_____
3rd	52	62	68	72	_____

Primary offense counts in excess of four:

- Add 150 for each additional life \_\_\_\_\_
- Add 113 for each additional 1st \_\_\_\_\_
- Add 83 for each additional 1st \_\_\_\_\_
- Add 10 for each additional 2nd \_\_\_\_\_
- Add 4 for each additional 3rd \_\_\_\_\_
- Total \_\_\_\_\_

II. Additional Offenses at Conviction

Degree	Counts				Points
	1	2	3	4	
Life	48	58	75	105	_____
1st pbl	38	45	58	82	_____
1st	27	32	42	59	_____
2nd	22	26	34	48	_____
3rd	10	12	16	22	_____
MM	2	3	4	5	_____

Additional offense counts in excess of four:

- Add 30 for each additional life \_\_\_\_\_
- Add 24 for each additional 1st pbl \_\_\_\_\_
- Add 17 for each additional 1st \_\_\_\_\_
- Add 14 for each additional 2nd \_\_\_\_\_
- Add 6 for each additional 3rd \_\_\_\_\_
- Add 1 for each additional MM \_\_\_\_\_
- Total \_\_\_\_\_

III. Prior Record

Degree	Counts				Points
	1	2	3	4	
Life	100	210	330	460	_____
1st pbl	80	168	264	368	_____
1st	60	126	198	276	_____
2nd	30	63	99	138	_____
3rd	10	21	33	46	_____
MM	2	5	8	12	_____

Primary convictions in excess of four:

- Add 130 for each additional life \_\_\_\_\_
- Add 104 for each additional 1st pbl \_\_\_\_\_
- Add 78 for each additional 1st \_\_\_\_\_
- Add 39 for each additional 2nd \_\_\_\_\_
- Add 13 for each additional 3rd \_\_\_\_\_
- Add 4 for each additional MM \_\_\_\_\_
- Total \_\_\_\_\_

IV. Legal Status at Time of Offense

Status	Points
No restrictions	0
Legal constraint	24
Total	_____

V. Victim Injury (physical)

Degree of Injury	x	Number	=	Points
None	0	_____		_____
Slight	8	_____		_____
Moderate	16	_____		_____
Death or severe	24	_____		_____
Total				_____

(G2417)



Rule 3.988(i)  
 Category 9: All Other Felony Offenses

All felonies not included in categories one through eight.

GUIDELINE SENTENCE

Points	Recommended Range	Permitted Range
52 - 108	any nonstate prison sanction	any nonstate prison sanction
109 - 132	community control or 12 - 30 months incarceration	any nonstate prison sanction or community control or 1 - 3 1/2 years incarceration
133 - 148	3 (2 1/2 - 3 1/2)	community control or 1 - 4 1/2 years incarceration
149 - 162	4 (3 1/2 - 4 1/2)	2 1/2 - 5 1/2
163 - 180	5 (4 1/2 - 5 1/2)	3 1/2 - 7
181 - 208	6 (5 1/2 - 7)	4 1/2 - 9
209 - 240	8 (7 - 9)	5 1/2 - 12
241 - 282	10 (9 - 12)	7 - 17
283 - 348	15 (12 - 17)	9 - 22
349 - 410	20 (17 - 22)	12 - 27
411 - 470	25 (22 - 27)	17 - 40
471 - 506	30 (27 - 40)	22 - Life
507 +	Life	27 - Life

Note --- Any person sentenced for a felony offense committed after October 1, 1988, whose presumptive sentence is any nonstate prison sanction may be sentenced to community control or to a term of incarceration not to exceed 22 months. Such sentence is not subject to appeal. However, before imposing such sentence, the court shall give due consideration to the criteria in s. 921.005(1). §921.001(5), Fla. Stat. (Supp. 1988). [G2418]

Rule 3.988 (j)

SENTENCING GUIDELINES SCORESHEET

1. Primary Docket Number	2. Additional Docket Numbers	3. OBTS Number	4. Category: <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 7 <input type="checkbox"/> 8 <input type="checkbox"/> 9					
5. Name (Last Name First)		6. Date of Birth	7. Sex <input type="checkbox"/> M <input type="checkbox"/> F	8. Race: <input type="checkbox"/> B <input type="checkbox"/> W <input type="checkbox"/> Other		9. Violation <input type="checkbox"/> Prob <input type="checkbox"/> CC		10. County
11. Judge at Sentencing	12. Date of Offense	13. Date of Sentence	14. <input type="checkbox"/> Plea <input type="checkbox"/> Trial		15. DOC Number			

OFFICE USE ONLY						POINTS
	<b>I. PRIMARY OFFENSE AT CONVICTION</b>					
	Counts	Degree	Statute	Description		I. _____
	<b>II. ADDITIONAL OFFENSES AT CONVICTION</b>					
	Counts	Fel/Misd	Degree	Statute	Description	
	_____	_____	_____	_____	_____	
	_____	_____	_____	_____	_____	
	_____	_____	_____	_____	_____	
	_____	_____	_____	_____	_____	
	_____	_____	_____	_____	_____	II. _____
	(Continue on Separate Page)					
	<b>III. A. PRIOR RECORD.</b>					
	Counts	Fel/Misd	Degree	Statute	Description	
	_____	_____	_____	_____	_____	
	_____	_____	_____	_____	_____	
	_____	_____	_____	_____	_____	
	_____	_____	_____	_____	_____	
	_____	_____	_____	_____	_____	III. A. _____
	(Continue on Separate Page)					
	<b>III. B. SAME CATEGORY PRIORS (categories 3, 5 and 6 only)</b>					III. B. _____
	<b>III. C. PRIOR DUI CONVICTIONS (category 1 only)</b>					III. C. _____
	<b>IV. LEGAL STATUS AT TIME OF OFFENSE</b>					IV. _____
	(1) no restrictions		(2) legal constraint			
	<b>V. VICTIM INJURY</b>					
	Number of Scoreable Victim Injuries			Degree of Injury		
	_____			_____		
	_____			_____		
	_____			_____		
	_____			_____		
	_____			_____		Y. _____
	<b>TOTAL POINTS</b>					_____
	RECOMMENDED SENTENCE _____		PERMITTED SENTENCE _____			
	TOTAL SENTENCE IMPOSED _____					
	REASONS FOR DEPARTURE _____					
	JUDGE _____		PREPARER _____			

OFFICE USE ONLY	T.S. _____	C.C. _____	Prob. _____	S.P. _____	C.J. _____	E.P. _____
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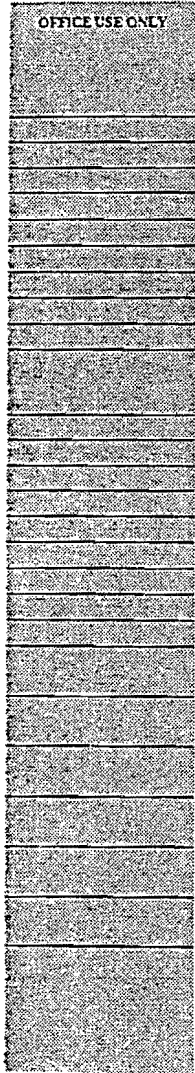
Effective Date: Jan. 1, 1991  
 Distributions: Court File Original Sentencing Guidelines Commission First Copy Department of Corrections Second Copy Defendant Third Copy

(G7575)

Sentencing Guidelines Scoresheet, continued

Primary Docket Number \_\_\_\_\_ OBTS Number \_\_\_\_\_

Name (Last Name First) \_\_\_\_\_ County \_\_\_\_\_



II. CONTINUATION OF ADDITIONAL OFFENSES AT CONVICTION

Counts	Fel/Misd	Degree	Statute	Description
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

III. A. CONTINUATION OF PRIOR RECORD

Counts	Fel/Misd	Degree	Statute	Description
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

REASONS FOR DEPARTURE \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Judge

[G7657]

Added Sept. 8, 1983 (439 So.2d 848.) Amended May 8, 1984 (451 So.2d 824); amended Dec. 19, 1985, effective Oct. 1, 1986 (482 So.2d 311); amended effective July 17, 1986 (491 So.2d 1128); amended April 21, 1988 (522 So.2d 374); amended June 15, 1989, effective July 1, 1989 (544 So.2d 198); Sept. 6, 1990, effective Jan. 1, 1991 (566 So.2d 770); amended effective March 7, 1991; (576 So.2d 1307); Nov. 7, 1991 (589 So.2d 271); Feb. 11, 1993 (— So.2d —).

**Publisher's Note—Application and Related Legislation**

The per curiam opinion of the Florida Supreme Court of September 8, 1983 (439 So.2d 848), adopting this rule and Form 3.988, provided in part:

"The sentencing guidelines adopted herein will be effective for all applicable offenses committed after 12:01 a.m., October 1, 1983 and, if affirmatively selected by the defendant, to sentences imposed after that date for applicable crimes occurring prior thereto."

However, the Supreme Court has held Rules 3.701 and 3.988 are invalid as originally enacted in 1983, whether these rules involve legislative power which cannot be delegated or a failure by the legislature to provide sufficiently ascertainable standards under which the delegation of authority can be sustained. However, the Supreme Court has further stated this holding does not mean these rules are presently invalid. The substantive/procedure problem has been resolved by a statutory scheme under which the legislature adopts legislation implementing changes to these rules submitted by the Supreme Court. See *Smith v. State*, 537 So.2d 982, 987 (Fla.1989) and West's F.S.A. § 921.001(4)(b).

Laws 1984, c. 84-328, § 1, provides: "Rules 3.701 and 3.988, Florida Rules of Criminal Procedure, as revised by the Florida Supreme Court on May 8, 1984, are hereby adopted and implemented in accordance with s. 921.001, Florida Statutes."

Laws 1986, c. 86-273, § 2, adopts subs. (a) to (d) and (f) to (i) of this rule as revised by the Florida Supreme Court on December 19, 1985 and implements these subdivisions in accordance with Florida Statutes § 921.001, effective October 1, 1986. The Florida Supreme Court in a per curiam opinion of July 17, 1986 (491 So.2d 1128) provided for immediate deletion of the amendment to subd. (e) contained in the December 19, 1985 order.

Laws 1988, c. 88-131, § 1, eff. July 1, 1988, provides: "Rule 3.701 and Rule 3.988, Florida Rules of Criminal Procedure, as revised by the Florida Supreme Court on April 21, 1988, are hereby adopted and implemented in accordance with s. 921.001."

Laws 1991, c. 91-270, § 2, eff. May 30, 1991, provides: "Rules 3.701 and 3.988, Florida Rules of Criminal Procedure, as revised by the Florida Supreme Court, are hereby adopted and implemented in accordance with s. 921.001, Florida Statutes." (Rules 3.701 and 3.988 were amended in the per curiam opinion of the Florida Supreme Court of March 7, 1991 (576 So.2d 1307).)