

PREFACE TO 2026-2027 EDITION

Criminal sentencing—the formal allocation of sanctions following conviction—has always reflected a society’s deepest values about justice, order, human nature, and authority. In the courts of Florida today, it embodies this layered inheritance while confronting the distinctly modern pressures of constitutional limitations, legislative guidelines, an immense upsurge in challenges caused by drug addiction and mental illness, and ongoing debates over fairness and efficacy in the sentencing process.

The challenges of sentencing are further magnified by the size and complexity of the state and its population: Florida covers a land area of 65,758 square miles, has a coastline of 1,350 statute miles, and as of July 1, 2025, its population is estimated to be 23,462,518.¹ It is a geographically large, socially complex, and culturally diverse state with an active and at times overworked court system that constantly deals with a tremendous range and volume of legal matters. A significant part of this work is criminal sentencing.

According to the most recently available Summary Supporting Statistics collected by the Florida Supreme Court during fiscal year 2024-2025, from July 2024 through June 2025, the cases of 155,206 defendants involving 340,073 criminal counts were resolved in Florida’s circuit courts, with the cases of 118,806 of those defendants resolved by plea and the cases of 1,431 defendants resolved by conviction after trial. In the same period, the cases of 232,011 defendants were resolved in Florida’s county courts, with the cases of 122,825 cases resolved by plea and the cases of 1,000 defendants resolved by conviction after trial. During this period there were also 66,395 probation revocation hearings, of which 49,517 were in the circuit courts and 16,878 were in the county courts. In the traffic courts during this same period, 1,511,551 civil infractions and 293,289 criminal offenses were disposed of. Also, during this time, in the family courts, 25,270 juvenile delinquency cases were filed. In addition, a substantial number of other cases in the criminal and county courts were disposed of by dismissal after successful completion

¹ United States Census Bureau estimate, July 1, 2025, found at: <https://www.census.gov/quickfacts/fact/table/FL/PST045225#PST045225>.

of a diversion program. During this period, as well, Florida's appellate courts and state supreme court resolved scores of sentencing issues in scores of criminal cases. In addition, an untold number of civil and criminal contempt hearings were held throughout the court system during this timeframe.

Florida sentencing law is complex, highly specialized, and constantly changing. Annual state legislative changes and ongoing state and federal appellate court interpretations of statutory and constitutional law add an ever-changing aspect to Florida sentencing. As a result, Florida sentencing law presents a huge challenge to anyone trying to fully understand and stay current with it.

Florida Sentencing is designed to be a handbook for attorneys, judges, legal staff, probation and community control officers, and all other participants in the sentencing aspects of our state criminal justice system as they attempt to find their way through the thicket of Florida sentencing law. Given the importance and nature of this area of law, success demands that this book be very thorough and up to date, which is an enormous, ongoing task. The results of this labor are a great many changes in this edition from the last: This edition includes many substantive revisions, expansions, and new additions, as well as a great many edits and reorganizations.

One significant change is that the section explaining the penal sanctions of retribution, deterrence, incapacitation, and rehabilitation has been extensively rewritten and expanded. The section on withdrawal of plea has also been expanded and updated. The section on allocution has also been rewritten, and the section on fines, fees, and costs has been updated to reflect the latest legislative changes.

There is a new section covering the nature and extent of judicial notice and allowable independent judicial research in sentencing matters. A section has been added that explains present and future dangerousness. A new section on the reclassification of domestic violence offenses has been added.

The section discussing victim injury points for leaving the scene of a crash resulting in injury or death has been extensively rewritten. The section on the criminal gang offense enhancement has been updated. The latest version of the Rule 3.992 Criminal Punishment Code scoresheet form has been added to Chapter 5, and the Criminal Punishment Code offense severity ranking chart has been updated.

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The discussion of veterans court programs has been updated. An extensive new section on career offender registration has been added. There is also a new section on habitual traffic offender sentencing. The section on drug possession, sale, and trafficking to address the chemical substance has been updated to address recent legislative changes regarding the punishments concerning xylazine.

A new section on residency restrictions for persons convicted of certain sex offenses has been added. The section on mandatory designation of driver's licenses or identification cards for sexual offenders and sexual predators has been rewritten.

The chapter on contempt also has a new section addressing the issue of whether, and under what circumstances, a parent can be found in contempt of court when a child refuses to comply with provisions of a timesharing order.

Florida Sentencing has for many years served as a unique and valuable tool for understanding Florida sentencing law. It has helped a great many lawyers, judges, paralegals, and others to find the applicable law and correct sentencing decisions and had made sentencing in Florida's courts more accurate, fair, error-free, and just, and this year's edition will continue that tradition. That tradition continues with this edition.

I am grateful to the great many people who those who have encouraged and supported this project, and for the many useful comments and suggestions for improvement they have provided over the years. All have been a tremendous boost to this effort and to the cause of just sentencing in criminal cases in Florida state courts.

WILLIAM H. BURGESS, III
Seminole, Florida
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