

1                   A bill to be entitled  
2           An act relating to sentencing; repealing ss.  
3           921.001, Florida Statutes, subsections (1),  
4           (2), (3), (4), (5), (6), (7), (8), and (9) of  
5           section 921.0001, Florida Statutes, and  
6           sections 921.0011, 921.0012, 921.0013,  
7           921.0014, 921.0015, 921.0016, 921.005, F.S.,  
8           relating to the statewide sentencing  
9           guidelines; providing for application; creating  
10          the Florida Criminal Punishment Code; providing  
11          for the code to apply to felonies committed on  
12          or after a specified date; creating s. 921.002,  
13          F.S.; providing for the Legislature to develop,  
14          implement, and revise a sentencing policy;  
15          specifying the principles embodied by the  
16          Criminal Punishment Code; providing  
17          requirements for sentencing a defendant for  
18          more than one felony; authorizing a court to  
19          impose a sentence below the permissible  
20          sentencing range; specifying the level of proof  
21          required to justify such a sentence;  
22          authorizing a court to impose a sentence above  
23          75 percent of the statutory maximum or 75  
24          percent higher than the code; specifying the  
25          level of proof required to justify such a  
26          sentence; creating s. 921.0021, F.S.; providing  
27          definitions; creating s. 921.0022, F.S.;  
28          providing an offense severity ranking chart to  
29          be used in computing a sentence score for a  
30          felony offender; creating s. 921.0023, F.S.;  
31          providing for ranking felony offenses that are

1 unlisted on the severity ranking chart;  
2 creating s. 921.0024, F.S.; providing a  
3 worksheet for computing sentence points under  
4 the Criminal Punishment Code; providing for  
5 points to be assessed based on the offender's  
6 legal status; providing for sentencing  
7 multipliers; providing requirements for the  
8 state attorney and the Department of  
9 Corrections in preparing scoresheets; requiring  
10 the clerk of the circuit court to distribute  
11 scoresheets and transmit copies to the  
12 Department of Corrections; creating s.  
13 921.0026, F.S.; specifying circumstances that  
14 constitute mitigating circumstances for  
15 purposes of sentencing; amending s. 20.315,  
16 F.S.; deleting a requirement that the Florida  
17 Corrections Commission review proposed changes  
18 to the statewide sentencing guidelines;  
19 amending s. 39.0581, F.S.; providing for the  
20 criteria under which a juvenile is committed to  
21 a maximum-risk residential program to be based  
22 on the ranking of the offense under the  
23 Criminal Punishment Code; amending s. 775.0823,  
24 F.S.; providing for a person convicted of  
25 certain violent offenses against a law  
26 enforcement officer, correctional officer,  
27 state attorney, assistant state attorney,  
28 justice, or judge to be sentenced under the  
29 Criminal Punishment Code; amending s. 775.084,  
30 F.S.; deleting a requirement that the courts  
31 submit reports to the Sentencing Commission;

1 conforming a reference to changes made by the  
2 act; amending ss. 775.0845, 775.087, 775.0875,  
3 F.S., relating to wearing a mask while  
4 committing an offense, possessing a weapon  
5 while committing a felony, and taking a law  
6 enforcement officer's firearm; requiring that  
7 such offenses be ranked under the Criminal  
8 Punishment Code; amending s. 777.03, F.S.,  
9 relating to the offense of being an accessory  
10 to a crime; providing for ranking such offense;  
11 amending s. 777.04, F.S.; requiring that a  
12 person convicted of criminal attempt, criminal  
13 solicitation, or criminal conspiracy be  
14 sentenced under the Criminal Punishment Code;  
15 amending s. 782.051, F.S.; requiring that  
16 certain offenses that result in bodily injury  
17 be ranked under the Criminal Punishment Code;  
18 amending s. 784.08, F.S.; requiring that a  
19 person convicted of assault and battery against  
20 an elderly person be sentenced under the  
21 Criminal Punishment Code; amending ss. 794.023,  
22 874.04, F.S., relating to sexual battery by  
23 multiple perpetrators and to criminal  
24 street-gang activity; requiring that such  
25 offenses be ranked under the offense severity  
26 ranking chart of the Criminal Punishment Code;  
27 amending s. 893.13, F.S., relating to the  
28 offense of selling, manufacturing, or  
29 possessing certain controlled substances;  
30 conforming provisions to changes made by the  
31 act; amending s. 893.135, F.S.; requiring that

1 a person convicted of certain drug-trafficking  
2 offenses be sentenced under the Criminal  
3 Punishment Code; amending s. 893.20, F.S.;  
4 requiring that a person convicted of engaging  
5 in a continuing criminal enterprise be  
6 sentenced under the Criminal Punishment Code;  
7 amending s. 921.187, F.S., relating to  
8 disposition and sentencing; conforming  
9 provisions to changes made by the act; amending  
10 s. 921.188, F.S.; providing certain conditions  
11 based on the Criminal Punishment Code under  
12 which a felon may be placed in a local  
13 detention facility; amending ss. 924.06,  
14 924.07, F.S., relating to appeals; amending a  
15 provision that allows a defendant to appeal a  
16 sentence imposed outside a range formerly  
17 permitted under chapter 921, F.S.; authorizing  
18 the state to appeal a sentence imposed below  
19 the range permitted by the Criminal Punishment  
20 Code; amending s. 944.17, F.S.; requiring that  
21 the sentencing scoresheet for a prisoner be  
22 submitted to the Department of Corrections;  
23 amending ss. 947.141, 947.146, 947.168, F.S.,  
24 relating to violations of conditional release  
25 or control release and parole eligibility;  
26 conforming provisions to changes made by the  
27 act; amending s. 948.015, F.S., relating to  
28 presentence reports; conforming provisions to  
29 changes made by the act; amending s. 948.034,  
30 F.S., relating to terms and conditions of  
31 probation; conforming references; amending s.

1 948.51, F.S.; revising requirements for a  
2 county or county consortium in developing a  
3 public safety plan to conform to changes made  
4 by the act; amending s. 958.04, F.S., relating  
5 to judicial disposition of youthful offenders;  
6 providing certain limitations on sentences  
7 based on the Criminal Punishment Code; amending  
8 s. 921.0014, F.S.; providing requirements for  
9 the state attorney with respect to preparing  
10 sentencing scoresheets; amending s. 921.001,  
11 F.S.; providing for certain persons sentenced  
12 on or after a specified date whose maximum  
13 recommended sentence is under a specified  
14 period to be eligible for incarceration up to a  
15 specified period; amending s. 921.0016, F.S.;  
16 deleting a provision that allows and expressly  
17 prohibits addition or the use of alcohol or  
18 drugs as a mitigating circumstance for purposes  
19 of sentencing; providing that capital felonies  
20 are excluded from the punishment code;  
21 providing clarification for application of  
22 future code revisions; providing a directive to  
23 the Division of Statutory Revision to maintain  
24 certain repealed provisions in the Florida  
25 Statutes for 10 years; providing effective  
26 dates.

27  
28 Be It Enacted by the Legislature of the State of Florida:

29  
30 Section 1. Sections 921.0001, Florida Statutes,  
31 subsections (1), (2), (3), (4), (5), (6), (7), (8), and (9) of

1 section 921.001, Florida Statutes, and sections 921.0011,  
2 921.0012, 921.0013, 921.0014, 921.0015, 921.0016, and 921.005,  
3 Florida Statutes, as amended by this act, are repealed  
4 effective October 1, 1998, except that those sections shall  
5 remain in effect with respect to any crime committed before  
6 October 1, 1998.

7 Section 2. The Florida Criminal Punishment Code,  
8 consisting of sections 921.002-921.0026, Florida Statutes, is  
9 established effective October 1, 1998, and applies to any  
10 felony committed on or after that date.

11 Section 3. Section 921.002, Florida Statutes, is  
12 created to read:

13 921.002 The Criminal Punishment Code.--

14 (1) The provision of criminal penalties and of  
15 limitations upon the application of such penalties is a matter  
16 of predominantly substantive law and, as such, is a matter  
17 properly addressed by the Legislature. The Legislature, in  
18 the exercise of its authority and responsibility to establish  
19 sentencing criteria, to provide for the imposition of criminal  
20 penalties, and to make the best use of state prisons so that  
21 violent criminal offenders are appropriately incarcerated, has  
22 determined that it is in the best interest of the state to  
23 develop, implement, and revise a sentencing policy.

24 (a) The Criminal Punishment Code embodies the  
25 principles that:

26 1. Sentencing is neutral with respect to race, gender,  
27 and social and economic status.

28 2. The primary purpose of sentencing is to punish the  
29 offender. Rehabilitation is a desired goal of the criminal  
30 justice system but is subordinate to the goal of punishment.

31

1           3. The penalty imposed is commensurate with the  
2 severity of the primary offense and the circumstances  
3 surrounding the primary offense.

4           4. The severity of the sentence increases with the  
5 length and nature of the offender's prior record.

6           5. The sentence imposed by the sentencing judge  
7 reflects the length of actual time to be served, shortened  
8 only by the application of incentive and meritorious  
9 gain-time. The provisions of chapter 947, relating to parole,  
10 shall not apply to persons sentenced under the Criminal  
11 Punishment Code.

12           6. The trial judge may impose a sentence up to and  
13 including the statutory maximum for any offense, including an  
14 offense that is before the court due to a violation of  
15 probation.

16           7. Use of incarcerative sanctions is prioritized  
17 toward offenders convicted of serious offenses and certain  
18 offenders who have long prior records, in order to maximize  
19 the finite capacities of state and local correctional  
20 facilities.

21           8. The Florida Criminal Punishment Code shall not be  
22 construed to limit the application of any enhanced penalties,  
23 or minimum mandatory sentences where otherwise provided by  
24 Florida Statutes.

25           (2) When a defendant is before the court for  
26 sentencing for more than one felony and the felonies were  
27 committed under more than one version or revision of the  
28 guidelines or the code, each felony shall be sentenced under  
29 the guidelines or the code in effect at the time the  
30 particular felony was committed. This subsection does not  
31 apply to sentencing for any capital felony.

1           (3) A court may impose a departure below the  
2 permissible sentencing range based upon circumstances or  
3 factors that reasonably justify the mitigation of the sentence  
4 in accordance with s. 921.0026. The level of proof necessary  
5 to establish facts supporting the mitigation of a sentence is  
6 a preponderance of the evidence. When multiple reasons exist  
7 to support the mitigation, the mitigation shall be upheld when  
8 at least one circumstance or factor justifies the mitigation  
9 regardless of the presence of other circumstances or factors  
10 found not to justify mitigation. Any sentence imposed below  
11 the permissible sentencing range must be explained in writing  
12 by the trial court judge.

13           (4) A court may impose a period of incarceration  
14 greater than that provided for in paragraph (a) or (b) of this  
15 subsection based upon circumstances or factors that reasonably  
16 justify the aggravation of the sentence in accordance with s.  
17 921.0026:

18           (a) A sentence that is 75 percent of the statutory  
19 maximum period of incarceration for felonies of the first  
20 degree, second degree, or third degree, or a sentence that  
21 exceeds the baseline total by 75 percent in the court's  
22 discretion.

23           (b) In the case of a life felony or a felony of the  
24 first degree punishable by life, a sentence of twenty five  
25 years.

26  
27 The level of proof necessary to establish facts supporting the  
28 aggravation of a sentence is a preponderance of the evidence.  
29 When multiple reasons exist to support the aggravation, the  
30 aggravation shall be upheld when at least one circumstance or  
31 factor justifies the aggravation regardless of the presence of



1 other circumstances or factors found not to justify  
2 aggravation. Any sentence greater than provided in (4)(a) or  
3 (4)(b) of this section must be explained in writing by the  
4 trial judge.

5 Section 4. Section 921.0021, Florida Statutes, is  
6 created to read:

7 921.0021 Definitions.--As used in this chapter, the  
8 term:

9 (1) "Additional offense" means any offense other than  
10 the primary offense for which an offender is convicted and  
11 which is pending before the court for sentencing at the time  
12 of the primary offense.

13 (2) "Conviction" means a determination of guilt that  
14 is the result of a plea or a trial, regardless of whether  
15 adjudication is withheld.

16 (3) "Legal status" means an offender's status if the  
17 offender:

18 (a) Escapes from incarceration;

19 (b) Flees to avoid prosecution;

20 (c) Fails to appear for a criminal proceeding;

21 (d) Violates any condition of a supersedeas bond;

22 (e) Is incarcerated; or

23 (f) Is under any form of court-imposed or post-prison  
24 release community supervision.

25 (4) "Primary offense" means the offense at conviction  
26 pending before the court for sentencing for which the total  
27 sentence points recommend a sanction that is as severe as, or  
28 more severe than, the sanction recommended for any other  
29 offense committed by the offender and pending before the court  
30 at sentencing. Only one count of one offense before the court  
31 for sentencing shall be classified as the primary offense.

1           (5) "Prior record" means a conviction for a crime  
2 committed by the offender, as an adult or a juvenile, prior to  
3 the time of the primary offense. Convictions by federal,  
4 out-of-state, military, or foreign courts, and convictions for  
5 violations of county or municipal ordinances that incorporate  
6 by reference a penalty under state law, are included in the  
7 offender's prior record. Convictions for offenses committed  
8 by the offender more than 10 years before the primary offense  
9 are not included in the offender's prior record if the  
10 offender has not been convicted of any other crime for a  
11 period of 10 consecutive years from the most recent date of  
12 release from confinement, supervision, or sanction, whichever  
13 is later, to the date of the primary offense. Juvenile  
14 dispositions of offenses committed by the offender within 3  
15 years before the primary offense are included in the  
16 offender's prior record when the offense would have been a  
17 crime had the offender been an adult rather than a juvenile.  
18 Juvenile dispositions of sexual offenses committed by the  
19 offender which were committed 3 years or more before the  
20 primary offense are included in the offender's prior record if  
21 the offender has not maintained a conviction-free record,  
22 either as an adult or a juvenile, for a period of 3  
23 consecutive years from the most recent date of release from  
24 confinement, supervision, or sanction, whichever is later, to  
25 the date of the primary offense.

26           (6) "Community sanction" includes:

27           (a) Probation.

28           (b) Community control.

29           (c) Pretrial intervention or diversion.

30           (7)(a) "Victim injury" means the physical injury or  
31 death suffered by a person as a direct result of the primary

1 offense, or any additional offense, for which an offender is  
2 convicted and which is pending before the court for sentencing  
3 at the time of the primary offense.

4 (b) Except as provided in paragraph (c) or paragraph  
5 (d),

6 1. If the conviction is for an offense involving  
7 sexual contact that includes sexual penetration, the sexual  
8 penetration must be scored in accordance with the sentence  
9 points provided under s. 921.0024 for sexual penetration,  
10 regardless of whether there is evidence of any physical  
11 injury.

12 2. If the conviction is for an offense involving  
13 sexual contact that does not include sexual penetration, the  
14 sexual contact must be scored in accordance with the sentence  
15 points provided under s. 921.0024 for sexual contact,  
16 regardless of whether there is evidence of any physical  
17 injury.

18  
19 If the victim of an offense involving sexual contact suffers  
20 any physical injury as a direct result of the primary offense  
21 or any additional offense committed by the offender resulting  
22 in conviction, such physical injury must be scored separately  
23 and in addition to the points scored for the sexual contact or  
24 the sexual penetration.

25 (c) The sentence points provided under s. 921.0024 for  
26 sexual contact or sexual penetration may not be assessed for a  
27 violation of s. 944.35(3)(b)2.

28 (d) If the conviction is for the offense described in  
29 s. 872.06, the sentence points provided under s. 921.0024 for  
30 sexual contact or sexual penetration may not be assessed.

31

1 Section 5. Section 921.0022, Florida Statutes, is  
 2 created to read:

3 921.0022 Criminal Punishment Code; offense severity  
 4 ranking chart.--

5 (1) The offense severity ranking chart must be used  
 6 with the Criminal Punishment Code worksheet to compute a  
 7 sentence score for each felony offender.

8 (2) The offense severity ranking chart has 10 offense  
 9 levels, ranked from least severe to most severe, and each  
 10 felony offense is assigned to a level according to the  
 11 severity of the offense. For purposes of determining which  
 12 felony offenses are specifically listed in the offense  
 13 severity ranking chart and which severity level has been  
 14 assigned to each of these offenses, the numerical statutory  
 15 references in the left column of the chart and the felony  
 16 degree designations in the middle column of the chart are  
 17 controlling; the language in the right column of the chart is  
 18 provided solely for descriptive purposes. Reclassification of  
 19 the degree of the felony through the application of s.  
 20 775.0845, s. 775.087, s. 775.0875, or s. 794.023, to any  
 21 offense listed in the offense severity ranking chart in this  
 22 section shall not cause the offense to become unlisted and is  
 23 not subject to the provisions of s. 921.0023.

24 (3) OFFENSE SEVERITY RANKING CHART

<u>Florida</u>	<u>Felony</u>	
<u>Statute</u>	<u>Degree</u>	<u>Description</u>
		<u>(a) LEVEL 1</u>
<u>24.118(3)(a)</u>	<u>3rd</u>	<u>Counterfeit or altered state</u> <u>lottery ticket.</u>

1	<u>212.054(2)(b)</u>	<u>3rd</u>	<u>Discretionary sales surtax;</u>
2			<u>limitations, administration, and</u>
3			<u>collection.</u>
4	<u>212.15(2)(b)</u>	<u>3rd</u>	<u>Failure to remit sales taxes,</u>
5			<u>amount greater than \$300 but less</u>
6			<u>than \$20,000.</u>
7	<u>319.30(5)</u>	<u>3rd</u>	<u>Sell, exchange, give away</u>
8			<u>certificate of title or</u>
9			<u>identification number plate.</u>
10	<u>319.35(1)(a)</u>	<u>3rd</u>	<u>Tamper, adjust, change, etc., an</u>
11			<u>odometer.</u>
12	<u>320.26(1)(a)</u>	<u>3rd</u>	<u>Counterfeit, manufacture, or sell</u>
13			<u>registration license plates or</u>
14			<u>validation stickers.</u>
15	<u>322.212(1)</u>	<u>3rd</u>	<u>Possession of forged, stolen,</u>
16			<u>counterfeit, or unlawfully issued</u>
17			<u>driver's license.</u>
18	<u>322.212(4)</u>	<u>3rd</u>	<u>Supply or aid in supplying</u>
19			<u>unauthorized driver's license.</u>
20	<u>322.212(5)</u>	<u>3rd</u>	<u>False application for driver's</u>
21			<u>license.</u>
22	<u>370.13(4)(a)</u>	<u>3rd</u>	<u>Molest any stone crab trap, line,</u>
23			<u>or buoy which is property of</u>
24			<u>licenseholder.</u>
25	<u>370.135(1)</u>	<u>3rd</u>	<u>Molest any blue crab trap, line,</u>
26			<u>or buoy which is property of</u>
27			<u>licenseholder.</u>
28	<u>372.663(1)</u>	<u>3rd</u>	<u>Poach any alligator or</u>
29			<u>crocodilia.</u>
30			
31			

1	<u>414.39(2)</u>	<u>3rd</u>	<u>Unauthorized use, possession,</u>
2			<u>forgery, or alteration of food</u>
3			<u>stamps, Medicaid ID, value</u>
4			<u>greater than \$200.</u>
5	<u>414.39(3)(a)</u>	<u>3rd</u>	<u>Fraudulent misappropriation of</u>
6			<u>public assistance funds by</u>
7			<u>employee/official, value more</u>
8			<u>than \$200.</u>
9	<u>443.071(1)</u>	<u>3rd</u>	<u>False statement or representation</u>
10			<u>to obtain or increase</u>
11			<u>unemployment compensation</u>
12			<u>benefits.</u>
13	<u>458.327(1)(a)</u>	<u>3rd</u>	<u>Unlicensed practice of medicine.</u>
14	<u>466.026(1)(a)</u>	<u>3rd</u>	<u>Unlicensed practice of dentistry</u>
15			<u>or dental hygiene.</u>
16	<u>509.151(1)</u>	<u>3rd</u>	<u>Defraud an innkeeper, food or</u>
17			<u>lodging value greater than \$300.</u>
18	<u>517.302(1)</u>	<u>3rd</u>	<u>Violation of the Florida</u>
19			<u>Securities and Investor</u>
20			<u>Protection Act.</u>
21	<u>562.27(1)</u>	<u>3rd</u>	<u>Possess still or still apparatus.</u>
22	<u>713.69</u>	<u>3rd</u>	<u>Tenant removes property upon</u>
23			<u>which lien has accrued, value</u>
24			<u>more than \$50.</u>
25	<u>812.014(3)(c)</u>	<u>3rd</u>	<u>Petit theft (3rd conviction);</u>
26			<u>theft of any property not</u>
27			<u>specified in subsection (2).</u>
28	<u>812.081(2)</u>	<u>3rd</u>	<u>Unlawfully makes or causes to be</u>
29			<u>made a reproduction of a trade</u>
30			<u>secret.</u>
31			

1	<u>815.04(4)(a)</u>	<u>3rd</u>	<u>Offense against intellectual</u>
2			<u>property (i.e., computer</u>
3			<u>programs, data).</u>
4	<u>817.52(2)</u>	<u>3rd</u>	<u>Hiring with intent to defraud,</u>
5			<u>motor vehicle services.</u>
6	<u>826.01</u>	<u>3rd</u>	<u>Bigamy.</u>
7	<u>828.122(3)</u>	<u>3rd</u>	<u>Fighting or baiting animals.</u>
8	<u>831.04(1)</u>	<u>3rd</u>	<u>Any erasure, alteration, etc., of</u>
9			<u>any replacement deed, map, plat,</u>
10			<u>or other document listed in s.</u>
11			<u>92.28.</u>
12	<u>831.31(1)(a)</u>	<u>3rd</u>	<u>Sell, deliver, or possess</u>
13			<u>counterfeit controlled</u>
14			<u>substances, all but s. 893.03(5)</u>
15			<u>drugs.</u>
16	<u>832.041(1)</u>	<u>3rd</u>	<u>Stopping payment with intent to</u>
17			<u>defraud \$150 or more.</u>
18	<u>832.05</u>		
19	<u>(2)(b) &amp; (4)(c)</u>	<u>3rd</u>	<u>Knowing, making, issuing</u>
20			<u>worthless checks \$150 or more or</u>
21			<u>obtaining property in return for</u>
22			<u>worthless check \$150 or more.</u>
23	<u>838.015(3)</u>	<u>3rd</u>	<u>Bribery.</u>
24	<u>838.016(1)</u>	<u>3rd</u>	<u>Public servant receiving unlawful</u>
25			<u>compensation.</u>
26	<u>838.15(2)</u>	<u>3rd</u>	<u>Commercial bribe receiving.</u>
27	<u>838.16</u>	<u>3rd</u>	<u>Commercial bribery.</u>
28	<u>843.18</u>	<u>3rd</u>	<u>Fleeing by boat to elude a law</u>
29			<u>enforcement officer.</u>
30			
31			

1	<u>847.011(1)(a)</u>	<u>3rd</u>	<u>Sell, distribute, etc., obscene,</u>
2			<u>lewd, etc., material (2nd</u>
3			<u>conviction).</u>
4	<u>849.01</u>	<u>3rd</u>	<u>Keeping gambling house.</u>
5	<u>849.09(1)(a)-(d)</u>	<u>3rd</u>	<u>Lottery; set up, promote, etc.,</u>
6			<u>or assist therein, conduct or</u>
7			<u>advertise drawing for prizes, or</u>
8			<u>dispose of property or money by</u>
9			<u>means of lottery.</u>
10	<u>849.23</u>	<u>3rd</u>	<u>Gambling-related machines;</u>
11			<u>"common offender" as to property</u>
12			<u>rights.</u>
13	<u>849.25(2)</u>	<u>3rd</u>	<u>Engaging in bookmaking.</u>
14	<u>860.08</u>	<u>3rd</u>	<u>Interfere with a railroad signal.</u>
15	<u>860.13(1)(a)</u>	<u>3rd</u>	<u>Operate aircraft while under the</u>
16			<u>influence.</u>
17	<u>893.13(2)(a)2.</u>	<u>3rd</u>	<u>Purchase of cannabis.</u>
18	<u>893.13(6)(a)</u>	<u>3rd</u>	<u>Possession of cannabis (more than</u>
19			<u>20 grams).</u>
20	<u>893.13(7)(a)10.</u>	<u>3rd</u>	<u>Affix false or forged label to</u>
21			<u>package of controlled substance.</u>
22	<u>934.03(1)(a)</u>	<u>3rd</u>	<u>Intercepts, or procures any other</u>
23			<u>person to intercept, any wire or</u>
24			<u>oral communication.</u>
25			
26			<u>(b) LEVEL 2</u>
27	<u>403.413(5)(c)</u>	<u>3rd</u>	<u>Dumps waste litter exceeding 500</u>
28			<u>lbs. in weight or 100 cubic feet</u>
29			<u>in volume or any quantity for</u>
30			<u>commercial purposes, or hazardous</u>
31			<u>waste.</u>



1	<u>517.07</u>	<u>3rd</u>	<u>Registration of securities and</u>
2			<u>furnishing of prospectus</u>
3			<u>required.</u>
4	<u>590.28(1)</u>	<u>3rd</u>	<u>Willful, malicious, or</u>
5			<u>intentional burning.</u>
6	<u>784.05(3)</u>	<u>3rd</u>	<u>Storing or leaving a loaded</u>
7			<u>firearm within reach of minor who</u>
8			<u>uses it to inflict injury or</u>
9			<u>death.</u>
10	<u>787.04(1)</u>	<u>3rd</u>	<u>In violation of court order,</u>
11			<u>take, entice, etc., minor beyond</u>
12			<u>state limits.</u>
13	<u>806.13(1)(b)3.</u>	<u>3rd</u>	<u>Criminal mischief; damage \$1,000</u>
14			<u>or more to public communication</u>
15			<u>or any other public service.</u>
16	<u>810.09(2)(e)</u>	<u>3rd</u>	<u>Trespassing on posted commerical</u>
17			<u>horticulture property.</u>
18	<u>812.014(2)(c)1.</u>	<u>3rd</u>	<u>Grand theft, 3rd degree; \$300 or</u>
19			<u>more but less than \$5,000.</u>
20	<u>812.014(2)(d)</u>	<u>3rd</u>	<u>Grand theft, 3rd degree; \$100 or</u>
21			<u>more but less than \$300, taken</u>
22			<u>from unenclosed curtilage of</u>
23			<u>dwelling.</u>
24	<u>817.234(1)(a)2.</u>	<u>3rd</u>	<u>False statement in support of</u>
25			<u>insurance claim.</u>
26	<u>817.481(3)(a)</u>	<u>3rd</u>	<u>Obtain credit or purchase with</u>
27			<u>false, expired, counterfeit,</u>
28			<u>etc., credit card, value over</u>
29			<u>\$300.</u>
30	<u>817.52(3)</u>	<u>3rd</u>	<u>Failure to redeliver hired</u>
31			<u>vehicle.</u>

1	<u>817.54</u>	<u>3rd</u>	<u>With intent to defraud, obtain</u>
2			<u>mortgage note, etc., by false</u>
3			<u>representation.</u>
4	<u>817.60(5)</u>	<u>3rd</u>	<u>Dealing in credit cards of</u>
5			<u>another.</u>
6	<u>817.60(6)(a)</u>	<u>3rd</u>	<u>Forgery; purchase goods, services</u>
7			<u>with false card.</u>
8	<u>817.61</u>	<u>3rd</u>	<u>Fraudulent use of credit cards</u>
9			<u>over \$100 or more within 6</u>
10			<u>months.</u>
11	<u>826.04</u>	<u>3rd</u>	<u>Knowingly marries or has sexual</u>
12			<u>intercourse with person to whom</u>
13			<u>related.</u>
14	<u>831.01</u>	<u>3rd</u>	<u>Forgery.</u>
15	<u>831.02</u>	<u>3rd</u>	<u>Uttering forged instrument;</u>
16			<u>utters or publishes alteration</u>
17			<u>with intent to defraud.</u>
18	<u>831.07</u>	<u>3rd</u>	<u>Forging bank bills or promissory</u>
19			<u>note.</u>
20	<u>831.08</u>	<u>3rd</u>	<u>Possession of 10 or more forged</u>
21			<u>notes.</u>
22	<u>831.09</u>	<u>3rd</u>	<u>Uttering forged bills; passes as</u>
23			<u>bank bill or promissory note.</u>
24	<u>832.05(3)(a)</u>	<u>3rd</u>	<u>Cashing or depositing item with</u>
25			<u>intent to defraud.</u>
26	<u>843.08</u>	<u>3rd</u>	<u>Falsely impersonating an officer.</u>
27	<u>893.13(2)(a)2.</u>	<u>3rd</u>	<u>Purchase of any s. 893.03(1)(c),</u>
28			<u>(2)(c), (3), or (4) drugs other</u>
29			<u>than cannabis.</u>
30	<u>893.147(2)</u>	<u>3rd</u>	<u>Manufacture or delivery of drug</u>
31			<u>paraphernalia.</u>

1			
2			(c) <u>LEVEL 3</u>
3	<u>39.061</u>	<u>3rd</u>	<u>Escapes from juvenile facility</u>
4			<u>(secure detention or residential</u>
5			<u>commitment facility).</u>
6	<u>319.30(4)</u>	<u>3rd</u>	<u>Possession by junkyard of motor</u>
7			<u>vehicle with identification</u>
8			<u>number plate removed.</u>
9	<u>319.33(1)(a)</u>	<u>3rd</u>	<u>Alter or forge any certificate of</u>
10			<u>title to a motor vehicle or</u>
11			<u>mobile home.</u>
12	<u>319.33(1)(c)</u>	<u>3rd</u>	<u>Procure or pass title on stolen</u>
13			<u>vehicle.</u>
14	<u>319.33(4)</u>	<u>3rd</u>	<u>With intent to defraud, possess,</u>
15			<u>sell, etc., a blank, forged, or</u>
16			<u>unlawfully obtained title or</u>
17			<u>registration.</u>
18	<u>328.05(2)</u>	<u>3rd</u>	<u>Possess, sell, or counterfeit</u>
19			<u>fictitious, stolen, or fraudulent</u>
20			<u>titles or bills of sale of</u>
21			<u>vessels.</u>
22	<u>328.07(4)</u>	<u>3rd</u>	<u>Manufacture, exchange, or possess</u>
23			<u>vessel with counterfeit or wrong</u>
24			<u>ID number.</u>
25	<u>376.302(5)</u>	<u>3rd</u>	<u>Fraud related to reimbursement</u>
26			<u>for cleanup expenses under the</u>
27			<u>Inland Protection Trust Fund.</u>
28	<u>501.001(2)(b)</u>	<u>2nd</u>	<u>Tampers with a consumer product</u>
29			<u>or the container using materially</u>
30			<u>false/misleading information.</u>
31	<u>697.08</u>	<u>3rd</u>	<u>Equity skimming.</u>

1	<u>790.15(3)</u>	<u>3rd</u>	<u>Person directs another to</u>
2			<u>discharge firearm from a vehicle.</u>
3	<u>796.05(1)</u>	<u>3rd</u>	<u>Live on earnings of a prostitute.</u>
4	<u>806.10(1)</u>	<u>3rd</u>	<u>Maliciously injure, destroy, or</u>
5			<u>interfere with vehicles or</u>
6			<u>equipment used in firefighting.</u>
7	<u>806.10(2)</u>	<u>3rd</u>	<u>Interferes with or assaults</u>
8			<u>firefighter in performance of</u>
9			<u>duty.</u>
10	<u>810.09(2)(c)</u>	<u>3rd</u>	<u>Trespass on property other than</u>
11			<u>structure or conveyance armed</u>
12			<u>with firearm or dangerous weapon.</u>
13	<u>812.014(2)(c)2.</u>	<u>3rd</u>	<u>Grand theft; \$5,000 or more but</u>
14			<u>less than \$10,000.</u>
15	<u>815.04(4)(b)</u>	<u>2nd</u>	<u>Computer offense devised to</u>
16			<u>defraud or obtain property.</u>
17	<u>817.034(4)(a)3.</u>	<u>3rd</u>	<u>Engages in scheme to defraud</u>
18			<u>(Florida Communications Fraud</u>
19			<u>Act), property valued at less</u>
20			<u>than \$20,000.</u>
21	<u>817.233</u>	<u>3rd</u>	<u>Burning to defraud insurer.</u>
22	<u>828.12(2)</u>	<u>3rd</u>	<u>Tortures any animal with intent</u>
23			<u>to inflict intense pain, serious</u>
24			<u>physical injury, or death.</u>
25	<u>831.29</u>	<u>2nd</u>	<u>Possession of instruments for</u>
26			<u>counterfeiting drivers' licenses.</u>
27	<u>838.021(3)(b)</u>	<u>3rd</u>	<u>Threatens unlawful harm to public</u>
28			<u>servant.</u>
29	<u>843.19</u>	<u>3rd</u>	<u>Injure, disable, or kill police</u>
30			<u>dog or horse.</u>
31	<u>870.01(2)</u>	<u>3rd</u>	<u>Riot; inciting or encouraging.</u>

1	<u>893.13(1)(a)2.</u>	<u>3rd</u>	<u>Sell, manufacture, or deliver</u>
2			<u>cannabis (or other s.</u>
3			<u>893.03(1)(c), (2)(c), (3), or (4)</u>
4			<u>drugs).</u>
5	<u>893.13(1)(d)2.</u>	<u>2nd</u>	<u>Sell, manufacture, or deliver s.</u>
6			<u>893.03(1)(c), (2)(c), (3), or (4)</u>
7			<u>drugs within 200 feet of</u>
8			<u>university, public housing</u>
9			<u>facility, or public park.</u>
10	<u>893.13(6)(a)</u>	<u>3rd</u>	<u>Possession of any controlled</u>
11			<u>substance other than felony</u>
12			<u>possession of cannabis.</u>
13	<u>893.13(7)(a)9.</u>	<u>3rd</u>	<u>Obtain or attempt to obtain</u>
14			<u>controlled substance by fraud,</u>
15			<u>forgery, misrepresentation, etc.</u>
16	<u>893.13(7)(a)11.</u>	<u>3rd</u>	<u>Furnish false or fraudulent</u>
17			<u>material information on any</u>
18			<u>document or record required by</u>
19			<u>chapter 893.</u>
20	<u>918.13(1)(a)</u>	<u>3rd</u>	<u>Alter, destroy, or conceal</u>
21			<u>investigation evidence.</u>
22	<u>944.47</u>		
23	<u>(1)(a)1.-2.</u>	<u>3rd</u>	<u>Introduce contraband to</u>
24			<u>correctional facility.</u>
25	<u>944.47(1)(c)</u>	<u>2nd</u>	<u>Possess contraband while upon the</u>
26			<u>grounds of a correctional</u>
27			<u>institution.</u>
28			
29			<u>(d) LEVEL 4</u>
30			
31			

1	<u>316.1935(2)</u>	<u>3rd</u>	<u>Fleeing or attempting to elude</u>
2			<u>law enforcement officer resulting</u>
3			<u>in high-speed pursuit.</u>
4	<u>784.07(2)(b)</u>	<u>3rd</u>	<u>Battery of law enforcement</u>
5			<u>officer, firefighter, intake</u>
6			<u>officer, etc.</u>
7	<u>784.075</u>	<u>3rd</u>	<u>Battery on detention or</u>
8			<u>commitment facility staff.</u>
9	<u>784.08(2)(c)</u>	<u>3rd</u>	<u>Battery on a person 65 years of</u>
10			<u>age or older.</u>
11	<u>784.081(3)</u>	<u>3rd</u>	<u>Battery on specified official or</u>
12			<u>employee.</u>
13	<u>784.082(3)</u>	<u>3rd</u>	<u>Battery by detained person on</u>
14			<u>visitor or other detainee.</u>
15	<u>787.03(1)</u>	<u>3rd</u>	<u>Interference with custody;</u>
16			<u>wrongly takes child from</u>
17			<u>appointed guardian.</u>
18	<u>787.04(2)</u>	<u>3rd</u>	<u>Take, entice, or remove child</u>
19			<u>beyond state limits with criminal</u>
20			<u>intent pending custody</u>
21			<u>proceedings.</u>
22	<u>787.04(3)</u>	<u>3rd</u>	<u>Carrying child beyond state lines</u>
23			<u>with criminal intent to avoid</u>
24			<u>producing child at custody</u>
25			<u>hearing or delivering to</u>
26			<u>designated person.</u>
27	<u>790.115(1)</u>	<u>3rd</u>	<u>Exhibiting firearm or weapon</u>
28			<u>within 1,000 feet of a school.</u>
29	<u>790.115(2)(b)</u>	<u>3rd</u>	<u>Possessing electric weapon or</u>
30			<u>device, destructive device, or</u>
31			<u>other weapon on school property.</u>

1	<u>790.115(2)(c)</u>	<u>3rd</u>	<u>Possessing firearm on school</u>
2			<u>property.</u>
3	<u>810.02(4)(a)</u>	<u>3rd</u>	<u>Burglary, or attempted burglary,</u>
4			<u>of an unoccupied structure;</u>
5			<u>unarmed; no assault or battery.</u>
6	<u>810.02(4)(b)</u>	<u>3rd</u>	<u>Burglary, or attempted burglary,</u>
7			<u>of an unoccupied conveyance;</u>
8			<u>unarmed; no assault or battery.</u>
9	<u>810.06</u>	<u>3rd</u>	<u>Burglary; possession of tools.</u>
10	<u>810.08(2)(c)</u>	<u>3rd</u>	<u>Trespass on property, armed with</u>
11			<u>firearm or dangerous weapon.</u>
12	<u>812.014(2)(c)3.</u>	<u>3rd</u>	<u>Grand theft, 3rd degree \$10,000</u>
13			<u>or more but less than \$20,000.</u>
14	<u>812.014</u>		
15	<u>(2)(c)4.-10.</u>	<u>3rd</u>	<u>Grand theft, 3rd degree, a will,</u>
16			<u>firearm, motor vehicle,</u>
17			<u>livestock, etc.</u>
18	<u>817.563(1)</u>	<u>3rd</u>	<u>Sell or deliver substance other</u>
19			<u>than controlled substance agreed</u>
20			<u>upon, excluding s. 893.03(5)</u>
21			<u>drugs.</u>
22	<u>828.125(1)</u>	<u>2nd</u>	<u>Kill, maim, or cause great bodily</u>
23			<u>harm or permanent breeding</u>
24			<u>disability to any registered</u>
25			<u>horse or cattle.</u>
26	<u>837.02(1)</u>	<u>3rd</u>	<u>Perjury in official proceedings.</u>
27	<u>837.021(1)</u>	<u>3rd</u>	<u>Make contradictory statements in</u>
28			<u>official proceedings.</u>
29			
30			
31			

1	<u>843.025</u>	<u>3rd</u>	<u>Deprive law enforcement,</u>
2			<u>correctional, or correctional</u>
3			<u>probation officer of means of</u>
4			<u>protection or communication.</u>
5	<u>843.15(1)(a)</u>	<u>3rd</u>	<u>Failure to appear while on bail</u>
6			<u>for felony (bond estreature or</u>
7			<u>bond jumping).</u>
8	<u>874.05(1)</u>	<u>3rd</u>	<u>Encouraging or recruiting another</u>
9			<u>to join a criminal street gang.</u>
10	<u>893.13(2)(a)1.</u>	<u>2nd</u>	<u>Purchase of cocaine (or other s.</u>
11			<u>893.03(1)(a), (b), or (d), or</u>
12			<u>(2)(a) or (b) drugs).</u>
13	<u>914.14(2)</u>	<u>3rd</u>	<u>Witnesses accepting bribes.</u>
14	<u>914.22(1)</u>	<u>3rd</u>	<u>Force, threaten, etc., witness,</u>
15			<u>victim, or informant.</u>
16	<u>914.23(2)</u>	<u>3rd</u>	<u>Retaliation against a witness,</u>
17			<u>victim, or informant, no bodily</u>
18			<u>injury.</u>
19	<u>918.12</u>	<u>3rd</u>	<u>Tampering with jurors.</u>
20			
21			<u>(e) LEVEL 5</u>
22	<u>316.027(1)(a)</u>	<u>3rd</u>	<u>Accidents involving personal</u>
23			<u>injuries, failure to stop;</u>
24			<u>leaving scene.</u>
25	<u>316.1935(3)</u>	<u>3rd</u>	<u>Aggravated fleeing or eluding.</u>
26	<u>322.34(3)</u>	<u>3rd</u>	<u>Careless operation of motor</u>
27			<u>vehicle with suspended license,</u>
28			<u>resulting in death or serious</u>
29			<u>bodily injury.</u>
30	<u>327.30(5)</u>	<u>3rd</u>	<u>Vessel accidents involving</u>
31			<u>personal injury; leaving scene.</u>



1	<u>381.0041(11)(b)</u>	<u>3rd</u>	<u>Donate blood, plasma, or organs</u>
2			<u>knowing HIV positive.</u>
3	<u>790.01(2)</u>	<u>3rd</u>	<u>Carrying a concealed firearm.</u>
4	<u>790.162</u>	<u>2nd</u>	<u>Threat to throw or discharge</u>
5			<u>destructive device.</u>
6	<u>790.163</u>	<u>2nd</u>	<u>False report of deadly explosive.</u>
7	<u>790.165(2)</u>	<u>3rd</u>	<u>Manufacture, sell, possess, or</u>
8			<u>deliver hoax bomb.</u>
9	<u>790.221(1)</u>	<u>2nd</u>	<u>Possession of short-barreled</u>
10			<u>shotgun or machine gun.</u>
11	<u>790.23</u>	<u>2nd</u>	<u>Felons in possession of firearms</u>
12			<u>or electronic weapons or devices.</u>
13	<u>806.111(1)</u>	<u>3rd</u>	<u>Possess, manufacture, or dispense</u>
14			<u>fire bomb with intent to damage</u>
15			<u>any structure or property.</u>
16	<u>812.019(1)</u>	<u>2nd</u>	<u>Stolen property; dealing in or</u>
17			<u>trafficking in.</u>
18	<u>812.16(2)</u>	<u>3rd</u>	<u>Owning, operating, or conducting</u>
19			<u>a chop shop.</u>
20	<u>817.034(4)(a)2.</u>	<u>2nd</u>	<u>Communications fraud, value</u>
21			<u>\$20,000 to \$50,000.</u>
22	<u>825.1025(4)</u>	<u>3rd</u>	<u>Lewd or lascivious exhibition in</u>
23			<u>the presence of an elderly person</u>
24			<u>or disabled adult.</u>
25	<u>827.071(4)</u>	<u>2nd</u>	<u>Possess with intent to promote</u>
26			<u>any photographic material, motion</u>
27			<u>picture, etc., which includes</u>
28			<u>sexual conduct by a child.</u>
29	<u>843.01</u>	<u>3rd</u>	<u>Resist officer with violence to</u>
30			<u>person; resist arrest with</u>
31			<u>violence.</u>

1	<u>874.05(2)</u>	<u>2nd</u>	<u>Encouraging or recruiting another</u>
2			<u>to join a criminal street gang;</u>
3			<u>second or subsequent offense.</u>
4	<u>893.13(1)(a)1.</u>	<u>2nd</u>	<u>Sell, manufacture, or deliver</u>
5			<u>cocaine (or other s.</u>
6			<u>893.03(1)(a), (1)(b), (1)(d),</u>
7			<u>(2)(a), or (2)(b) drugs).</u>
8	<u>893.13(1)(c)2.</u>	<u>2nd</u>	<u>Sell, manufacture, or deliver</u>
9			<u>cannabis (or other s.</u>
10			<u>893.03(1)(c), (2)(c), (3), or (4)</u>
11			<u>drugs) within 1,000 feet of a</u>
12			<u>school.</u>
13	<u>893.13(1)(d)1.</u>	<u>1st</u>	<u>Sell, manufacture, or deliver</u>
14			<u>cocaine (or other s.</u>
15			<u>893.03(1)(a), (1)(b), (1)(d),</u>
16			<u>(2)(a), or (2)(b) drugs) within</u>
17			<u>200 feet of university, public</u>
18			<u>housing facility, or public park.</u>
19	<u>893.13(4)(b)</u>	<u>2nd</u>	<u>Deliver to minor cannabis (or</u>
20			<u>other s. 893.03(1)(c), (2)(c),</u>
21			<u>(3), or (4) drugs).</u>
22			
23			<u>(f) LEVEL 6</u>
24	<u>316.027(1)(b)</u>	<u>2nd</u>	<u>Accident involving death, failure</u>
25			<u>to stop; leaving scene.</u>
26	<u>316.193(2)(b)</u>	<u>3rd</u>	<u>Felony DUI, 4th or subsequent</u>
27			<u>conviction.</u>
28	<u>775.0875(1)</u>	<u>3rd</u>	<u>Taking firearm from law</u>
29			<u>enforcement officer.</u>
30	<u>784.021(1)(a)</u>	<u>3rd</u>	<u>Aggravated assault; deadly weapon</u>
31			<u>without intent to kill.</u>

1	<u>784.021(1)(b)</u>	<u>3rd</u>	<u>Aggravated assault; intent to</u>
2			<u>commit felony.</u>
3	<u>784.048(3)</u>	<u>3rd</u>	<u>Aggravated stalking; credible</u>
4			<u>threat.</u>
5	<u>784.07(2)(c)</u>	<u>2nd</u>	<u>Aggravated assault on law</u>
6			<u>enforcement officer.</u>
7	<u>784.08(2)(b)</u>	<u>2nd</u>	<u>Aggravated assault on a person 65</u>
8			<u>years of age or older.</u>
9	<u>784.081(2)</u>	<u>2nd</u>	<u>Aggravated assault on specified</u>
10			<u>official or employee.</u>
11	<u>784.082(2)</u>	<u>2nd</u>	<u>Aggravated assault by detained</u>
12			<u>person on visitor or other</u>
13			<u>detainee.</u>
14	<u>787.02(2)</u>	<u>3rd</u>	<u>False imprisonment; restraining</u>
15			<u>with purpose other than those in</u>
16			<u>s. 787.01.</u>
17	<u>790.115(2)(d)</u>	<u>2nd</u>	<u>Discharging firearm or weapon on</u>
18			<u>school property.</u>
19	<u>790.161(2)</u>	<u>2nd</u>	<u>Make, possess, or throw</u>
20			<u>destructive device with intent to</u>
21			<u>do bodily harm or damage</u>
22			<u>property.</u>
23	<u>790.164(1)</u>	<u>2nd</u>	<u>False report of deadly explosive</u>
24			<u>or act of arson or violence to</u>
25			<u>state property.</u>
26	<u>790.19</u>	<u>2nd</u>	<u>Shooting or throwing deadly</u>
27			<u>missiles into dwellings, vessels,</u>
28			<u>or vehicles.</u>
29	<u>794.011(8)(a)</u>	<u>3rd</u>	<u>Solicitation of minor to</u>
30			<u>participate in sexual activity by</u>
31			<u>custodial adult.</u>

1	<u>794.05(1)</u>	<u>2nd</u>	<u>Unlawful sexual activity with</u>
2			<u>specified minor.</u>
3	<u>806.031(2)</u>	<u>2nd</u>	<u>Arson resulting in great bodily</u>
4			<u>harm to firefighter or any other</u>
5			<u>person.</u>
6	<u>810.02(3)(c)</u>	<u>2nd</u>	<u>Burglary of occupied structure;</u>
7			<u>unarmed; no assault or battery.</u>
8	<u>812.014(2)(b)</u>	<u>2nd</u>	<u>Property stolen \$20,000 or more,</u>
9			<u>but less than \$100,000, grand</u>
10			<u>theft in 2nd degree.</u>
11	<u>812.13(2)(c)</u>	<u>2nd</u>	<u>Robbery, no firearm or other</u>
12			<u>weapon (strong-arm robbery).</u>
13	<u>817.034(4)(a)1.</u>	<u>1st</u>	<u>Communications fraud, value</u>
14			<u>greater than \$50,000.</u>
15	<u>817.4821(5)</u>	<u>2nd</u>	<u>Possess cloning paraphernalia</u>
16			<u>with intent to create cloned</u>
17			<u>cellular telephones.</u>
18	<u>825.102(1)</u>	<u>3rd</u>	<u>Abuse of an elderly person or</u>
19			<u>disabled adult.</u>
20	<u>825.102(3)(c)</u>	<u>3rd</u>	<u>Neglect of an elderly person or</u>
21			<u>disabled adult.</u>
22	<u>825.1025(3)</u>	<u>3rd</u>	<u>Lewd or lascivious molestation of</u>
23			<u>an elderly person or disabled</u>
24			<u>adult.</u>
25	<u>825.103(2)(c)</u>	<u>3rd</u>	<u>Exploiting an elderly person or</u>
26			<u>disabled adult and property is</u>
27			<u>valued at \$100 or more, but less</u>
28			<u>than \$20,000.</u>
29	<u>827.03(1)</u>	<u>3rd</u>	<u>Abuse of a child.</u>
30	<u>827.03(3)(c)</u>	<u>3rd</u>	<u>Neglect of a child.</u>
31			

1	<u>827.071(2)&amp;(3)</u>	<u>2nd</u>	<u>Use or induce a child in a sexual</u>
2			<u>performance, or promote or direct</u>
3			<u>such performance.</u>
4	<u>836.05</u>	<u>2nd</u>	<u>Threats; extortion.</u>
5	<u>836.10</u>	<u>2nd</u>	<u>Written threats to kill or do</u>
6			<u>bodily injury.</u>
7	<u>843.12</u>	<u>3rd</u>	<u>Aids or assists person to escape.</u>
8	<u>914.23</u>	<u>2nd</u>	<u>Retaliation against a witness,</u>
9			<u>victim, or informant, with bodily</u>
10			<u>injury.</u>
11	<u>944.35(3)(a)2.</u>	<u>3rd</u>	<u>Committing malicious battery upon</u>
12			<u>or inflicting cruel or inhuman</u>
13			<u>treatment on an inmate or</u>
14			<u>offender on community</u>
15			<u>supervision, resulting in great</u>
16			<u>bodily harm.</u>
17	<u>944.40</u>	<u>2nd</u>	<u>Escapes.</u>
18	<u>944.46</u>	<u>3rd</u>	<u>Harboring, concealing, aiding</u>
19			<u>escaped prisoners.</u>
20	<u>944.47(1)(a)5.</u>	<u>2nd</u>	<u>Introduction of contraband</u>
21			<u>(firearm, weapon, or explosive)</u>
22			<u>into correctional facility.</u>
23	<u>951.22(1)</u>	<u>3rd</u>	<u>Intoxicating drug, firearm, or</u>
24			<u>weapon introduced into county</u>
25			<u>facility.</u>
26			
27			<u>(g) LEVEL 7</u>
28	<u>316.193(3)(c)2.</u>	<u>3rd</u>	<u>DUI resulting in serious bodily</u>
29			<u>injury.</u>
30	<u>327.35(3)(c)2.</u>	<u>3rd</u>	<u>Vessel BUI resulting in serious</u>
31			<u>bodily injury.</u>

1	<u>409.920(2)</u>	<u>3rd</u>	<u>Medicaid provider fraud.</u>
2	<u>494.0018(2)</u>	<u>1st</u>	<u>Conviction of any violation of</u>
3			<u>ss. 494.001-494.0077 in which the</u>
4			<u>total money and property</u>
5			<u>unlawfully obtained exceeded</u>
6			<u>\$50,000 and there were five or</u>
7			<u>more victims.</u>
8	<u>782.07(1)</u>	<u>2nd</u>	<u>Killing of a human being by the</u>
9			<u>act, procurement, or culpable</u>
10			<u>negligence of another</u>
11			<u>(manslaughter).</u>
12	<u>782.071</u>	<u>3rd</u>	<u>Killing of human being by the</u>
13			<u>operation of a motor vehicle in a</u>
14			<u>reckless manner (vehicular</u>
15			<u>homicide).</u>
16	<u>782.072</u>	<u>3rd</u>	<u>Killing of a human being by the</u>
17			<u>operation of a vessel in a</u>
18			<u>reckless manner (vessel</u>
19			<u>homicide).</u>
20	<u>784.045(1)(a)1.</u>	<u>2nd</u>	<u>Aggravated battery; intentionally</u>
21			<u>causing great bodily harm or</u>
22			<u>disfigurement.</u>
23	<u>784.045(1)(a)2.</u>	<u>2nd</u>	<u>Aggravated battery; using deadly</u>
24			<u>weapon.</u>
25	<u>784.045(1)(b)</u>	<u>2nd</u>	<u>Aggravated battery; perpetrator</u>
26			<u>aware victim pregnant.</u>
27	<u>784.048(4)</u>	<u>3rd</u>	<u>Aggravated stalking; violation of</u>
28			<u>injunction or court order.</u>
29	<u>784.07(2)(d)</u>	<u>1st</u>	<u>Aggravated battery on law</u>
30			<u>enforcement officer.</u>
31			

1	<u>784.08(2)(a)</u>	<u>1st</u>	<u>Aggravated battery on a person 65</u>
2			<u>years of age or older.</u>
3	<u>784.081(1)</u>	<u>1st</u>	<u>Aggravated battery on specified</u>
4			<u>official or employee.</u>
5	<u>784.082(1)</u>	<u>1st</u>	<u>Aggravated battery by detained</u>
6			<u>person on visitor or other</u>
7			<u>detainee.</u>
8	<u>790.07(4)</u>	<u>1st</u>	<u>Specified weapons violation</u>
9			<u>subsequent to previous conviction</u>
10			<u>of s. 790.07(1) or (2).</u>
11	<u>790.16(1)</u>	<u>1st</u>	<u>Discharge of a machine gun under</u>
12			<u>specified circumstances.</u>
13	<u>796.03</u>	<u>2nd</u>	<u>Procuring any person under 16</u>
14			<u>years for prostitution.</u>
15	<u>800.04</u>	<u>2nd</u>	<u>Handle, fondle, or assault child</u>
16			<u>under 16 years in lewd,</u>
17			<u>lascivious, or indecent manner.</u>
18	<u>806.01(2)</u>	<u>2nd</u>	<u>Maliciously damage structure by</u>
19			<u>fire or explosive.</u>
20	<u>810.02(3)(a)</u>	<u>2nd</u>	<u>Burglary of occupied dwelling;</u>
21			<u>unarmed; no assault or battery.</u>
22	<u>810.02(3)(b)</u>	<u>2nd</u>	<u>Burglary of unoccupied dwelling;</u>
23			<u>unarmed; no assault or battery.</u>
24	<u>810.02(3)(d)</u>	<u>2nd</u>	<u>Burglary of occupied conveyance;</u>
25			<u>unarmed; no assault or battery.</u>
26	<u>812.014(2)(a)</u>	<u>1st</u>	<u>Property stolen, valued at</u>
27			<u>\$100,000 or more; property stolen</u>
28			<u>while causing other property</u>
29			<u>damage; 1st degree grand theft.</u>
30			
31			

1	<u>812.019(2)</u>	<u>1st</u>	<u>Stolen property; initiates,</u>
2			<u>organizes, plans, etc., the theft</u>
3			<u>of property and traffics in</u>
4			<u>stolen property.</u>
5	<u>812.133(2)(b)</u>	<u>1st</u>	<u>Carjacking; no firearm, deadly</u>
6			<u>weapon, or other weapon.</u>
7	<u>825.102(3)(b)</u>	<u>2nd</u>	<u>Neglecting an elderly person or</u>
8			<u>disabled adult causing great</u>
9			<u>bodily harm, disability, or</u>
10			<u>disfigurement.</u>
11	<u>825.1025(2)</u>	<u>2nd</u>	<u>Lewd or lascivious battery upon</u>
12			<u>an elderly person or disabled</u>
13			<u>adult.</u>
14	<u>825.103(2)(b)</u>	<u>2nd</u>	<u>Exploiting an elderly person or</u>
15			<u>disabled adult and property is</u>
16			<u>valued at \$20,000 or more, but</u>
17			<u>less than \$100,000.</u>
18	<u>827.03(3)(b)</u>	<u>2nd</u>	<u>Neglect of a child causing great</u>
19			<u>bodily harm, disability, or</u>
20			<u>disfigurement.</u>
21	<u>827.04(4)</u>	<u>3rd</u>	<u>Impregnation of a child under 16</u>
22			<u>years of age by person 21 years</u>
23			<u>of age or older.</u>
24	<u>872.06</u>	<u>2nd</u>	<u>Abuse of a dead human body.</u>
25	<u>893.13(1)(c)1.</u>	<u>1st</u>	<u>Sell, manufacture, or deliver</u>
26			<u>cocaine (or other s.</u>
27			<u>893.03(1)(a), (1)(b), (1)(d),</u>
28			<u>(2)(a), or (2)(b) drugs) within</u>
29			<u>1,000 feet of a school.</u>
30			
31			



1	<u>893.13(4)(a)</u>	<u>1st</u>	<u>Deliver to minor cocaine (or</u>
2			<u>other s. 893.03(1)(a), (1)(b),</u>
3			<u>(1)(d), (2)(a), or (2)(b) drugs).</u>
4	<u>893.135(1)(a)1.</u>	<u>1st</u>	<u>Trafficking in cannabis, more</u>
5			<u>than 50 lbs., less than 2,000</u>
6			<u>lbs.</u>
7	<u>893.135</u>		
8	<u>(1)(b)1.a.</u>	<u>1st</u>	<u>Trafficking in cocaine, more than</u>
9			<u>28 grams, less than 200 grams.</u>
10	<u>893.135</u>		
11	<u>(1)(c)1.a.</u>	<u>1st</u>	<u>Trafficking in illegal drugs,</u>
12			<u>more than 4 grams, less than 14</u>
13			<u>grams.</u>
14	<u>893.135</u>		
15	<u>(1)(d)1.</u>	<u>1st</u>	<u>Trafficking in phencyclidine,</u>
16			<u>more than 28 grams, less than 200</u>
17			<u>grams.</u>
18	<u>893.135(1)(e)1.</u>	<u>1st</u>	<u>Trafficking in methaqualone, more</u>
19			<u>than 200 grams, less than 5</u>
20			<u>kilograms.</u>
21	<u>893.135(1)(f)1.</u>	<u>1st</u>	<u>Trafficking in amphetamine, more</u>
22			<u>than 14 grams, less than 28</u>
23			<u>grams.</u>
24			
25			<u>(h) LEVEL 8</u>
26	<u>316.193</u>		
27	<u>(3)(c)3.a.</u>	<u>2nd</u>	<u>DUI manslaughter.</u>
28	<u>327.35(3)(c)3.</u>	<u>2nd</u>	<u>Vessel BUI manslaughter.</u>
29	<u>777.03(2)(a)</u>	<u>1st</u>	<u>Accessory after the fact, capital</u>
30			<u>felony.</u>
31			

1	<u>782.04(4)</u>	<u>2nd</u>	<u>Killing of human without design</u>
2			<u>when engaged in act or attempt of</u>
3			<u>any felony other than arson,</u>
4			<u>sexual battery, robbery,</u>
5			<u>burglary, kidnapping, aircraft</u>
6			<u>piracy, or unlawfully discharging</u>
7			<u>bomb.</u>
8	<u>782.071(2)</u>	<u>2nd</u>	<u>Committing vehicular homicide and</u>
9			<u>failing to render aid or give</u>
10			<u>information.</u>
11	<u>782.072(2)</u>	<u>2nd</u>	<u>Committing vessel homicide and</u>
12			<u>failing to render aid or give</u>
13			<u>information.</u>
14	<u>790.161(3)</u>	<u>1st</u>	<u>Discharging a destructive device</u>
15			<u>which results in bodily harm or</u>
16			<u>property damage.</u>
17	<u>794.011(5)</u>	<u>2nd</u>	<u>Sexual battery, victim 12 years</u>
18			<u>or over, offender does not use</u>
19			<u>physical force likely to cause</u>
20			<u>serious injury.</u>
21	<u>806.01(1)</u>	<u>1st</u>	<u>Maliciously damage dwelling or</u>
22			<u>structure by fire or explosive,</u>
23			<u>believing person in structure.</u>
24	<u>810.02(2)(a)</u>	<u>1st,PBL</u>	<u>Burglary with assault or battery.</u>
25	<u>810.02(2)(b)</u>	<u>1st,PBL</u>	<u>Burglary; armed with explosives</u>
26			<u>or dangerous weapon.</u>
27	<u>810.02(2)(c)</u>	<u>1st</u>	<u>Burglary of a dwelling or</u>
28			<u>structure causing structural</u>
29			<u>damage or \$1,000 or more property</u>
30			<u>damage.</u>
31	<u>812.13(2)(b)</u>	<u>1st</u>	<u>Robbery with a weapon.</u>

1	<u>812.135(2)</u>	<u>1st</u>	<u>Home-invasion robbery.</u>
2	<u>825.102(2)</u>	<u>2nd</u>	<u>Aggravated abuse of an elderly</u>
3			<u>person or disabled adult.</u>
4	<u>825.103(2)(a)</u>	<u>1st</u>	<u>Exploiting an elderly person or</u>
5			<u>disabled adult and property is</u>
6			<u>valued at \$100,000 or more.</u>
7	<u>827.03(2)</u>	<u>2nd</u>	<u>Aggravated child abuse.</u>
8	<u>860.121(2)(c)</u>	<u>1st</u>	<u>Shooting at or throwing any</u>
9			<u>object in path of railroad</u>
10			<u>vehicle resulting in great bodily</u>
11			<u>harm.</u>
12	<u>860.16</u>	<u>1st</u>	<u>Aircraft piracy.</u>
13	<u>893.13(1)(b)</u>	<u>1st</u>	<u>Sell or deliver in excess of 10</u>
14			<u>grams of any substance specified</u>
15			<u>in s. 893.03(1)(a) or (b).</u>
16	<u>893.13(2)(b)</u>	<u>1st</u>	<u>Purchase in excess of 10 grams of</u>
17			<u>any substance specified in s.</u>
18			<u>893.03(1)(a) or (b).</u>
19	<u>893.13(6)(c)</u>	<u>1st</u>	<u>Possess in excess of 10 grams of</u>
20			<u>any substance specified in s.</u>
21			<u>893.03(1)(a) or (b).</u>
22	<u>893.135(1)(a)2.</u>	<u>1st</u>	<u>Trafficking in cannabis, more</u>
23			<u>than 2,000 lbs., less than 10,000</u>
24			<u>lbs.</u>
25	<u>893.135</u>		
26	<u>(1)(b)1.b.</u>	<u>1st</u>	<u>Trafficking in cocaine, more than</u>
27			<u>200 grams, less than 400 grams.</u>
28	<u>893.135</u>		
29	<u>(1)(c)1.b.</u>	<u>1st</u>	<u>Trafficking in illegal drugs,</u>
30			<u>more than 14 grams, less than 28</u>
31			<u>grams.</u>

1	<u>893.135(1)(d)1.b.</u>	<u>1st</u>	<u>Trafficking in phencyclidine,</u>
2			<u>more than 200 grams, less than</u>
3			<u>400 grams.</u>
4	<u>893.135(1)(e)1.b.</u>	<u>1st</u>	<u>Trafficking in methaqualone, more</u>
5			<u>than 5 kilograms, less than 25</u>
6			<u>kilograms.</u>
7	<u>893.135(1)(f)1.b.</u>	<u>1st</u>	<u>Trafficking in amphetamine, more</u>
8			<u>than 28 grams, less than 200</u>
9			<u>grams.</u>
10	<u>895.03(1)</u>	<u>1st</u>	<u>Use or invest proceeds derived</u>
11			<u>from pattern of racketeering</u>
12			<u>activity.</u>
13	<u>895.03(2)</u>	<u>1st</u>	<u>Acquire or maintain through</u>
14			<u>racketeering activity any</u>
15			<u>interest in or control of any</u>
16			<u>enterprise or real property.</u>
17	<u>895.03(3)</u>	<u>1st</u>	<u>Conduct or participate in any</u>
18			<u>enterprise through pattern of</u>
19			<u>racketeering activity.</u>
20			
21			<u>(i) LEVEL 9</u>
22	<u>316.193</u>		
23	<u>(3)(c)3.b.</u>	<u>1st</u>	<u>DUI manslaughter; failing to</u>
24			<u>render aid or give information.</u>
25	<u>782.04(1)</u>	<u>1st</u>	<u>Attempt, conspire, or solicit to</u>
26			<u>commit premeditated murder.</u>
27	<u>782.04(3)</u>	<u>1st,PBL</u>	<u>Accomplice to murder in</u>
28			<u>connection with arson, sexual</u>
29			<u>battery, robbery, burglary, and</u>
30			<u>other specified felonies.</u>
31			

1	<u>782.07(2)</u>	<u>1st</u>	<u>Aggravated manslaughter of an</u>
2			<u>elderly person or disabled adult.</u>
3	<u>782.07(3)</u>	<u>1st</u>	<u>Aggravated manslaughter of a</u>
4			<u>child.</u>
5	<u>787.01(1)(a)1.</u>	<u>1st,PBL</u>	<u>Kidnapping; hold for ransom or</u>
6			<u>reward or as a shield or hostage.</u>
7	<u>787.01(1)(a)2.</u>	<u>1st,PBL</u>	<u>Kidnapping with intent to commit</u>
8			<u>or facilitate commission of any</u>
9			<u>felony.</u>
10	<u>787.01(1)(a)4.</u>	<u>1st,PBL</u>	<u>Kidnapping with intent to</u>
11			<u>interfere with performance of any</u>
12			<u>governmental or political</u>
13			<u>function.</u>
14	<u>787.02(3)(a)</u>	<u>1st</u>	<u>False imprisonment; child under</u>
15			<u>age 13; perpetrator also commits</u>
16			<u>child abuse, sexual battery,</u>
17			<u>lewd, or lascivious act, etc.</u>
18	<u>790.161</u>	<u>1st</u>	<u>Attempted capital destructive</u>
19			<u>device offense.</u>
20	<u>794.011(2)</u>	<u>1st</u>	<u>Attempted sexual battery; victim</u>
21			<u>less than 12 years of age.</u>
22	<u>794.011(2)</u>	<u>Life</u>	<u>Sexual battery; offender younger</u>
23			<u>than 18 years and commits sexual</u>
24			<u>battery on a person less than 12</u>
25			<u>years.</u>
26	<u>794.011(4)</u>	<u>1st</u>	<u>Sexual battery; victim 12 years</u>
27			<u>or older, certain circumstances.</u>
28	<u>794.011(8)(b)</u>	<u>1st</u>	<u>Sexual battery; engage in sexual</u>
29			<u>conduct with minor 12 to 18 years</u>
30			<u>by person in familial or</u>
31			<u>custodial authority.</u>

1	<u>812.13(2)(a)</u>	<u>1st,PBL</u>	<u>Robbery with firearm or other</u>
2			<u>deadly weapon.</u>
3	<u>812.133(2)(a)</u>	<u>1st,PBL</u>	<u>Carjacking; firearm or other</u>
4			<u>deadly weapon.</u>
5	<u>847.0145(1)</u>	<u>1st</u>	<u>Selling, or otherwise</u>
6			<u>transferring custody or control,</u>
7			<u>of a minor.</u>
8	<u>847.0145(2)</u>	<u>1st</u>	<u>Purchasing, or otherwise</u>
9			<u>obtaining custody or control, of</u>
10			<u>a minor.</u>
11	<u>859.01</u>	<u>1st</u>	<u>Poisoning food, drink, medicine,</u>
12			<u>or water with intent to kill or</u>
13			<u>injure another person.</u>
14	<u>893.135</u>	<u>1st</u>	<u>Attempted capital trafficking</u>
15			<u>offense.</u>
16	<u>893.135(1)(a)3.</u>	<u>1st</u>	<u>Trafficking in cannabis, more</u>
17			<u>than 10,000 lbs.</u>
18	<u>893.135</u>		
19	<u>(1)(b)1.c.</u>	<u>1st</u>	<u>Trafficking in cocaine, more than</u>
20			<u>400 grams, less than 150</u>
21			<u>kilograms.</u>
22	<u>893.135</u>		
23	<u>(1)(c)1.c.</u>	<u>1st</u>	<u>Trafficking in illegal drugs,</u>
24			<u>more than 28 grams, less than 30</u>
25			<u>kilograms.</u>
26	<u>893.135(1)(d)1.c.</u>	<u>1st</u>	<u>Trafficking in phencyclidine,</u>
27			<u>more than 400 grams.</u>
28	<u>893.135(1)(e)1.c.</u>	<u>1st</u>	<u>Trafficking in methaqualone, more</u>
29			<u>than 25 kilograms.</u>
30	<u>893.135(1)(f)1.c.</u>	<u>1st</u>	<u>Trafficking in amphetamine, more</u>
31			<u>than 200 grams.</u>

1			
2			(j) <u>LEVEL 10</u>
3	<u>782.04(2)</u>	<u>1st,PBL</u>	<u>Unlawful killing of human; act is</u>
4			<u>homicide, unpremeditated.</u>
5	<u>787.01(1)(a)3.</u>	<u>1st,PBL</u>	<u>Kidnapping; inflict bodily harm</u>
6			<u>upon or terrorize victim.</u>
7	<u>787.01(3)(a)</u>	<u>Life</u>	<u>Kidnapping; child under age 13,</u>
8			<u>perpetrator also commits child</u>
9			<u>abuse, sexual battery, lewd, or</u>
10			<u>lascivious act, etc.</u>
11	<u>794.011(3)</u>	<u>Life</u>	<u>Sexual battery; victim 12 years</u>
12			<u>or older, offender uses or</u>
13			<u>threatens to use deadly weapon or</u>
14			<u>physical force to cause serious</u>
15			<u>injury.</u>
16	<u>876.32</u>	<u>1st</u>	<u>Treason against the state.</u>
17	Section 6. Section 921.0023, Florida Statutes, is		
18	created to read:		
19	<u>921.0023 Criminal Punishment Code; ranking unlisted</u>		
20	<u>felony offenses.--A felony offense not listed in s. 921.0022</u>		
21	<u>is ranked with respect to offense severity level by the</u>		
22	<u>Legislature, commensurate with the harm or potential harm that</u>		
23	<u>is caused by the offense to the community. Until the</u>		
24	<u>Legislature specifically assigns an offense to a severity</u>		
25	<u>level in the offense severity ranking chart, the severity</u>		
26	<u>level is within the following parameters:</u>		
27	<u>(1) A felony of the third degree within offense level</u>		
28	<u>1.</u>		
29	<u>(2) A felony of the second degree within offense level</u>		
30	<u>4.</u>		
31			

1           (3) A felony of the first degree within offense level  
2 7.

3           (4) A felony of the first degree punishable by life  
4 within offense level 9.

5           (5) A life felony within offense level 10.

6  
7 For purposes of determining whether a felony offense has been  
8 specifically listed in the offense ranking chart provided in  
9 s. 921.0022(3), and the severity level that has been assigned  
10 to an offense listed in the chart, the numerical statutory  
11 reference in the left column of the chart, and the felony  
12 degree designation in the middle column of the chart, are  
13 controlling; the language in the right column of the chart is  
14 provided solely for descriptive purposes.

15           Section 7. Section 921.0024, Florida Statutes, is  
16 created to read:

17           921.0024 Criminal Punishment Code; worksheet  
18 computations; scoresheets.--

19           (1)

20           (a) The Criminal Punishment Code worksheet is used to  
21 compute the subtotal, total sentence points, base line total,  
22 and lowest permissible sentence as follows:

23  
24                           FLORIDA CRIMINAL PUNISHMENT CODE WORKSHEET

25  
26   OFFENSE SCORE

27  
28   Primary Offense

<u>Level</u>	<u>Sentence Points</u>	<u>Total</u>
.....		



1	<u>10</u>	<u>116</u>		=	<u>.....</u>
2	<u>9</u>	<u>92</u>		=	<u>.....</u>
3	<u>8</u>	<u>74</u>		=	<u>.....</u>
4	<u>7</u>	<u>56</u>		=	<u>.....</u>
5	<u>6</u>	<u>36</u>		=	<u>.....</u>
6	<u>5</u>	<u>28</u>		=	<u>.....</u>
7	<u>4</u>	<u>22</u>		=	<u>.....</u>
8	<u>3</u>	<u>16</u>		=	<u>.....</u>
9	<u>2</u>	<u>10</u>		=	<u>.....</u>
10	<u>1</u>	<u>4</u>		=	<u>.....</u>
11	.....				
12					<u>Total</u>
13					
14					
15	<u>Additional Offenses</u>				
16	<u>Level</u>	<u>Sentence Points</u>		<u>Counts</u>	<u>Total</u>
17	.....				
18	<u>10</u>	<u>58</u>	<u>x</u>	<u>.....</u>	= <u>.....</u>
19	<u>9</u>	<u>46</u>	<u>x</u>	<u>.....</u>	= <u>.....</u>
20	<u>8</u>	<u>37</u>	<u>x</u>	<u>.....</u>	= <u>.....</u>
21	<u>7</u>	<u>28</u>	<u>x</u>	<u>.....</u>	= <u>.....</u>
22	<u>6</u>	<u>18</u>	<u>x</u>	<u>.....</u>	= <u>.....</u>
23	<u>5</u>	<u>5.4</u>	<u>x</u>	<u>.....</u>	= <u>.....</u>
24	<u>4</u>	<u>3.6</u>	<u>x</u>	<u>.....</u>	= <u>.....</u>
25	<u>3</u>	<u>2.4</u>	<u>x</u>	<u>.....</u>	= <u>.....</u>
26	<u>2</u>	<u>1.2</u>	<u>x</u>	<u>.....</u>	= <u>.....</u>
27	<u>1</u>	<u>0.7</u>	<u>x</u>	<u>.....</u>	= <u>.....</u>
28	<u>M</u>	<u>0.2</u>	<u>x</u>	<u>.....</u>	= <u>.....</u>
29	.....				
30					<u>Total</u>
31					

1						
2		<u>Victim Injury</u>				
3	<u>Level</u>	<u>Sentence Points</u>		<u>Number</u>		<u>Total</u>
4	.....					
5	<u>2nd degree</u>					
6	<u>murder-</u>					
7	<u>death</u>	<u>240</u>	<u>x</u>	<u>....</u>	<u>=</u>	<u>....</u>
8	<u>Death</u>	<u>120</u>	<u>x</u>	<u>....</u>	<u>=</u>	<u>....</u>
9	<u>Severe</u>	<u>40</u>	<u>x</u>	<u>....</u>	<u>=</u>	<u>....</u>
10	<u>Sexual</u>					
11	<u>penetration</u>	<u>80</u>	<u>x</u>	<u>....</u>	<u>=</u>	<u>....</u>
12	<u>Moderate</u>	<u>18</u>	<u>x</u>	<u>....</u>	<u>=</u>	<u>....</u>
13	<u>Sexual</u>					
14	<u>contact</u>	<u>40</u>	<u>x</u>	<u>....</u>	<u>=</u>	<u>....</u>
15	<u>Slight</u>	<u>4</u>	<u>x</u>	<u>....</u>	<u>=</u>	<u>....</u>
16	.....					
17						<u>Total</u>
18						
19	<u>Primary Offense + Additional Offenses + Victim Injury =</u>					
20		<u>TOTAL OFFENSE SCORE</u>				
21						
22		<u>PRIOR RECORD SCORE</u>				
23						
24		<u>Prior Record</u>				
25	<u>Level</u>	<u>Sentence Points</u>		<u>Number</u>		<u>Total</u>
26	.....					
27	.....					
28	<u>10</u>	<u>29</u>	<u>x</u>	<u>....</u>	<u>=</u>	<u>....</u>
29	<u>9</u>	<u>23</u>	<u>x</u>	<u>....</u>	<u>=</u>	<u>....</u>
30	<u>8</u>	<u>19</u>	<u>x</u>	<u>....</u>	<u>=</u>	<u>....</u>
31	<u>7</u>	<u>14</u>	<u>x</u>	<u>....</u>	<u>=</u>	<u>....</u>

1	<u>6</u>	<u>9</u>	<u>x</u>	<u>....</u>	<u>=</u>	<u>....</u>
2	<u>5</u>	<u>3.6</u>	<u>x</u>	<u>....</u>	<u>=</u>	<u>....</u>
3	<u>4</u>	<u>2.4</u>	<u>x</u>	<u>....</u>	<u>=</u>	<u>....</u>
4	<u>3</u>	<u>1.6</u>	<u>x</u>	<u>....</u>	<u>=</u>	<u>....</u>
5	<u>2</u>	<u>0.8</u>	<u>x</u>	<u>....</u>	<u>=</u>	<u>....</u>
6	<u>1</u>	<u>0.5</u>	<u>x</u>	<u>....</u>	<u>=</u>	<u>....</u>
7	<u>M</u>	<u>0.2</u>	<u>x</u>	<u>....</u>	<u>=</u>	<u>....</u>
8	.....					
9						<u>Total</u>
10	.....					
11	.....					
12	<u>TOTAL OFFENSE SCORE.....</u>					
13	<u>TOTAL PRIOR RECORD SCORE.....</u>					
14	.....					
15	<u>LEGAL STATUS.....</u>					
16	<u>COMMUNITY SANCTION VIOLATION.....</u>					
17	<u>PRIOR SERIOUS FELONY.....</u>					
18	<u>PRIOR CAPITAL FELONY.....</u>					
19	<u>FIREARM OR SEMIAUTOMATIC WEAPON.....</u>					
20						<u>SUBTOTAL.....</u>
21	.....					
22	<u>VIOLENT CAREER CRIMINAL (no)(yes).....</u>					
23	<u>VIOLENT HABITUAL OFFENDER (no)(yes).....</u>					
24	<u>HABITUAL OFFENDER (no)(yes).....</u>					
25	<u>DRUG TRAFFICKER (no)(yes) (x multiplier).....</u>					
26	<u>LAW ENF. PROTECT. (no)(yes) (x multiplier).....</u>					
27	<u>MOTOR VEHICLE THEFT (no)(yes) (x multiplier).....</u>					
28	<u>CRIMINAL STREET GANG MEMBER (no)(yes) (x multiplier).....</u>					
29	.....					
30						<u>TOTAL SENTENCE POINTS.....</u>
31	.....					

1 TOTAL SENTENCE POINTS MINUS 28 = BASE LINE TOTAL.....  
2  
3 BASE LINE TOTAL REDUCED BY 25 PERCENT = LOWEST PERMISSIBLE  
4 SENTENCE.....  
5 (b) WORKSHEET KEY:  
6  
7 Legal status points are assessed when any form of legal status  
8 existed at the time the offender committed an offense before  
9 the court for sentencing. Four (4) sentence points are  
10 assessed for an offender's legal status.  
11  
12 Community sanction violation points are assessed when a  
13 community sanction violation is before the court for  
14 sentencing. Six (6) sentence points are assessed for each  
15 community sanction violation, and each successive community  
16 sanction violation; however, if the community sanction  
17 violation includes a new felony conviction before the  
18 sentencing court, twelve (12) community sanction violation  
19 points are assessed for such violation, and for each  
20 successive community sanction violation involving a new felony  
21 conviction. Multiple counts of community sanction violations  
22 before the sentencing court shall not be a basis for  
23 multiplying the assessment of community sanction violation  
24 points.  
25  
26 Prior serious felony points: If the offender has a primary  
27 offense or any additional offense ranked in level 8, level 9,  
28 or level 10, and one or more prior serious felonies, a single  
29 assessment of 30 points shall be added. For purposes of this  
30 section, a prior serious felony is an offense in the  
31 offender's prior record that is ranked in level 8, level 9, or

1 level 10 under s. 921.0022 or s. 921.0023 and for which the  
2 offender is serving a sentence of confinement, supervision, or  
3 other sanction or for which the offender's date of release  
4 from confinement, supervision, or other sanction, whichever is  
5 later, is within 3 years before the date the primary offense  
6 or any additional offense was committed.

7  
8 Prior capital felony points: If the offender has one or more  
9 prior capital felonies, points shall be added to the subtotal  
10 sentence points of the offender equal to twice the number of  
11 points the offender receives for the primary offense and any  
12 additional offense. A prior capital felony is a capital  
13 felony offense for which the offender has been found guilty;  
14 or a felony in another jurisdiction which is a capital felony  
15 in that jurisdiction, or would be a capital felony if the  
16 offense were committed in this state.

17  
18 Possession of a firearm, semiautomatic firearm, or machine  
19 gun: If the offender is convicted of committing or attempting  
20 to commit any felony other than those enumerated in s.  
21 775.087(2) while having in his possession: a firearm as  
22 defined in s. 790.001(6), an additional 18 sentence points are  
23 assessed; or if the offender is convicted of committing or  
24 attempting to commit any felony other than those enumerated in  
25 s. 775.087(3) while having in his possession a semiautomatic  
26 firearm as defined in s. 775.087(3) or a machine gun as  
27 defined in s. 790.001(9), an additional 25 sentence points are  
28 assessed.

29  
30 Sentencing multipliers:  
31

1 Drug trafficking: If the primary offense is drug trafficking  
2 under s. 893.135, the subtotal sentence points are multiplied,  
3 at the discretion of the court, for a level 7 or level 8  
4 offense, by 1.5. The state attorney may move the sentencing  
5 court to reduce or suspend the sentence of a person convicted  
6 of a level 7 or level 8 offense, if the offender provides  
7 substantial assistance as described in s. 893.135(4).

8  
9 Law enforcement protection: If the primary offense is a  
10 violation of the Law Enforcement Protection Act under s.  
11 775.0823(2), the subtotal sentence points are multiplied by  
12 2.5. If the primary offense is a violation of s. 775.0823(3),  
13 (4), (5), (6), (7), or (8), the subtotal sentence points are  
14 multiplied by 2.0. If the primary offense is a violation of s.  
15 784.07(3) or s. 775.0875(1), or of the Law Enforcement  
16 Protection Act under s. 775.0823(9) or (10), the subtotal  
17 sentence points are multiplied by 1.5.

18  
19 Grand theft of a motor vehicle: If the primary offense is  
20 grand theft of the third degree involving a motor vehicle and  
21 in the offender's prior record, there are three or more grand  
22 thefts of the third degree involving a motor vehicle, the  
23 subtotal sentence points are multiplied by 1.5.

24  
25 Criminal street gang member: If the offender is convicted of  
26 the primary offense and is found to have been a member of a  
27 criminal street gang at the time of the commission of the  
28 primary offense pursuant to s. 874.04, the subtotal sentence  
29 points are multiplied by 1.5.

30 (2) The lowest permissible sentence in prison months  
31 that may be imposed by the court, absent a valid reason to

1 depart, shall be calculated by subtracting 28 points from the  
2 total sentence points to arrive at the base line total, and  
3 decreasing the base line total by 25 percent. If the lowest  
4 permissible sentence in prison months is less than or equal to  
5 12, a nonstate prison sanction may be imposed.

6 (3) The highest permissible sentence absent a reason  
7 to depart that may be imposed by the court is 75 percent of  
8 the statutory maximum period of incarceration, or 75 percent  
9 above the base line total as calculated under the Criminal  
10 Punishment Code in the court's discretion. However, the  
11 greatest permissible sentence for a life felony or a felony of  
12 the first degree punishable by life is 25 years, absent a  
13 valid reason to depart.

14 (4) A single scoresheet shall be prepared for each  
15 defendant, except that if the defendant is before the court  
16 for sentencing for more than one felony and the felonies were  
17 committed under more than one version or revision of the  
18 guidelines or the code, separate scoresheets must be prepared.  
19 The scoresheet or scoresheets must cover all the defendant's  
20 offenses pending before the court for sentencing. Either the  
21 office of the state attorney or the Department of Corrections,  
22 or both where appropriate, shall prepare the scoresheet or  
23 scoresheets, which must be presented to the defense counsel  
24 for review for accuracy in all cases unless the judge directs  
25 otherwise. The defendant's scoresheet or scoresheets must be  
26 approved and signed by the sentencing judge.

27 (5) The clerks of the circuit courts for the  
28 individual counties shall distribute sufficient copies of the  
29 Criminal Punishment Code scoresheets to those persons charged  
30 with the responsibility for preparing scoresheets, either the  
31

1 office of the state attorney or the Department of Corrections,  
2 or both where appropriate.

3 (6) The clerk of the circuit court shall transmit a  
4 complete, accurate, and legible copy of the Criminal  
5 Punishment Code scoresheet used in each guidelines sentencing  
6 proceeding to the Department of Corrections. Scoresheets must  
7 be transmitted no less frequently than monthly, by the first  
8 of each month, and may be sent collectively.

9 (7) A copy of the individual offender's Criminal  
10 Punishment Code scoresheet and any attachments thereto must be  
11 attached to the copy of the uniform judgment and sentence form  
12 provided to the Department of Corrections.

13 Section 8. Section 921.0026, Florida Statutes, is  
14 created to read:

15 921.0026 Aggravating and mitigating circumstances.--

16 (1) A sentence imposing a period of incarceration  
17 greater than that provided in paragraph (a) or (b) of this  
18 subsection is discouraged unless there are aggravating  
19 circumstances or factors that reasonably justify a higher  
20 sentence:

21 (a) A sentence that is 75 percent of the statutory  
22 maximum period of incarceration for felonies of the first  
23 degree, second degree, or third degree, or a sentence up to  
24 the base line total as calculated under the Criminal  
25 Punishment Code increased by 75 percent in the court's  
26 discretion.

27 (b) In the case of a life felony or a felony of the  
28 first degree punishable by life, a sentence of 25 years.

29 (2) AGGRAVATING CIRCUMSTANCES.--Aggravating  
30 circumstances include, but are not limited to:

31



1           (a) The departure results from a legitimate, uncoerced  
2 plea bargain.

3           (b) The offense was one of violence and was committed  
4 in a manner that was especially heinous, atrocious, or cruel.

5           (c) The offenses before the court for sentencing arose  
6 out of separate episodes; the primary offense is scored at  
7 offense level 4 or higher; and the defendant has committed  
8 five or more offenses within a 180-day period that have  
9 resulted in convictions.

10           (d) The primary offense is scored at offense level 3  
11 and the defendant has committed eight or more offenses within  
12 a 180-day period that have resulted in convictions.

13           (e) The offense before the court for disposition was  
14 committed within 6 months after the defendant was discharged  
15 from a release program, as defined in s. 921.0011(6), or  
16 released from state prison, whichever is later.

17           (f) The defendant occupied a leadership role in a  
18 criminal organization.

19           (g) The offense was committed by a public official  
20 under color of office.

21           (h) The defendant knew the victim was a law  
22 enforcement officer at the time of the offense; the offense  
23 was a violent offense; and that status is not an element of  
24 the primary offense.

25           (i) The offense created a substantial risk of death or  
26 great bodily harm to many persons or to one or more small  
27 children.

28           (j) The victim was especially vulnerable due to age or  
29 physical or mental disability.

30  
31

1           (k) The offense was motivated by prejudice based on  
2 race, color, ancestry, ethnicity, religion, sexual  
3 orientation, or national origin of the victim.

4           (l) The victim suffered extraordinary physical or  
5 emotional trauma or permanent physical injury, or was treated  
6 with particular cruelty.

7           (m) The victim was physically attacked by the  
8 defendant in the presence of one or more members of the  
9 victim's family.

10           (n) The offense resulted in substantial economic  
11 hardship to a victim and consisted of an illegal act or acts  
12 committed by means of concealment, guile, or fraud to obtain  
13 money or property, to avoid payment or loss of money or  
14 property, or to obtain business or professional advantage,  
15 when two or more of the following circumstances were present:

16           1. The offense involved multiple victims or multiple  
17 incidents per victim;

18           2. The offense involved a high degree of  
19 sophistication or planning or occurred over a lengthy period  
20 of time;

21           3. The defendant used position or status to facilitate  
22 the commission of the offense, including positions of trust,  
23 confidence, or fiduciary relationship; or

24           4. The defendant was in the past involved in other  
25 conduct similar to that involved in the current offense.

26           (o) The offense was committed in order to prevent or  
27 avoid arrest, to impede or prevent prosecution for the conduct  
28 underlying the offense, or to effect an escape from custody.

29           (p) The defendant is not amenable to rehabilitation or  
30 supervision, as evidenced by an escalating pattern of criminal  
31 conduct as described in s. 921.001(8).

1       (q) The defendant induced a minor to participate in  
2 any of the offenses pending before the court for disposition.

3       (r) The primary offense is scored at offense level 7  
4 or higher and the defendant has been convicted of one more  
5 offense that scored, or would have scored, at an offense level  
6 8 or higher.

7       (s) The defendant has an extensive unscorable  
8 juvenile record.

9       (t) The defendant committed an offense involving  
10 sexual contact or sexual penetration and as a direct result of  
11 the offense, the victim contracted a sexually transmissible  
12 disease.

13       (3) A downward departure from the permissible sentence  
14 is discouraged unless there are circumstances or factors that  
15 reasonably justify the downward departure. Mitigating factors  
16 to be considered include, but are not limited to, those listed  
17 in subsection (4).

18       (4) MITIGATING CIRCUMSTANCES.--Mitigating  
19 circumstances under which a departure from the permissible  
20 sentencing range is reasonably justified include, but are not  
21 limited to:

22       (a) The departure results from a legitimate, uncoerced  
23 plea bargain.

24       (b) The defendant was an accomplice to the offense and  
25 was a relatively minor participant in the criminal conduct.

26       (c) The capacity of the defendant to appreciate the  
27 criminal nature of the conduct or to conform that conduct to  
28 the requirements of law was substantially impaired. However,  
29 a person's capacity, if diminished by the influence of alcohol  
30 or controlled substances at the time of the offense, may not  
31

1 in any manner be considered a reason to impose a sentence  
2 below the guidelines.

3 (d) The defendant requires specialized treatment for a  
4 mental disorder, or physical disability, and the defendant is  
5 amenable to treatment. However, addiction, alcoholism,  
6 substance abuse, or any interest in treatment for these  
7 conditions, may not in any manner be considered as a reason to  
8 impose a sentence below the guidelines.

9 (e) The need for payment of restitution to the victim  
10 outweighs the need for a prison sentence.

11 (f) The victim was an initiator, willing participant,  
12 aggressor, or provoker of the incident.

13 (g) The defendant acted under extreme duress or under  
14 the domination of another person.

15 (h) Before the identity of the defendant was  
16 determined, the victim was substantially compensated.

17 (i) The defendant cooperated with the state to resolve  
18 the current offense or any other offense.

19 (j) The offense was committed in an unsophisticated  
20 manner and was an isolated incident for which the defendant  
21 has shown remorse.

22 (k) At the time of the offense the defendant was too  
23 young to appreciate the consequences of the offense.

24 (l) The defendant is to be sentenced as a youthful  
25 offender.

26 Section 9. Paragraph (b) of subsection (6) of section  
27 20.315, Florida Statutes, 1996 Supplement, is amended to read:  
28 20.315 Department of Corrections.--There is created a  
29 Department of Corrections.

30 (6) FLORIDA CORRECTIONS COMMISSION.--

31 (b) The primary functions of the commission are to:

1           1. Recommend major correctional policies for the  
2 Governor's approval, and assure that approved policies and any  
3 revisions thereto are properly executed.

4           2. Periodically review the status of the state  
5 correctional system and recommend improvements therein to the  
6 Governor and the Legislature.

7           ~~3. Perform an in-depth review of the recommendations  
8 of the Sentencing Guidelines Commission on the need for  
9 changes in the guidelines and of any alternative proposals  
10 submitted by the Division of Economic and Demographic Research  
11 of the Joint Legislative Management Committee to revise  
12 statewide sentencing guidelines.~~

13           3.4. Annually perform an in-depth review of  
14 community-based intermediate sanctions and recommend to the  
15 Governor and the Legislature intergovernmental approaches  
16 through the Community Corrections Partnership Act for planning  
17 and implementing such sanctions and programs.

18           ~~4.5.~~ Perform an in-depth evaluation of the annual  
19 budget request of the Department of Corrections, the  
20 comprehensive correctional master plan, and the tentative  
21 construction program for compliance with all applicable laws  
22 and established departmental policies. The commission may not  
23 consider individual construction projects, but shall consider  
24 methods of accomplishing the department's goals in the most  
25 effective, efficient, and businesslike manner.

26           ~~5.6.~~ Routinely monitor the financial status of the  
27 Department of Corrections to assure that the department is  
28 managing revenue and any applicable bond proceeds responsibly  
29 and in accordance with law and established policy.

30           ~~6.7.~~ Evaluate, at least quarterly, the efficiency,  
31 productivity, and management of the Department of Corrections,

1 using performance and production standards developed by the  
2 department under subsection (18).

3 ~~7.8.~~ Provide public education on corrections and  
4 criminal justice issues.

5 ~~8.9.~~ Report to the President of the Senate, the  
6 Speaker of the House of Representatives, and the Governor by  
7 November 1 of each year. ~~The first annual report of the~~  
8 ~~commission shall be made by November 1, 1995.~~

9 Section 10. Subsection (4) of section 39.0581, Florida  
10 Statutes, 1996 Supplement, is amended to read:

11 39.0581 Maximum-risk residential program.--A  
12 maximum-risk residential program is a physically secure  
13 residential commitment program with a designated length of  
14 stay from 18 months to 36 months, primarily serving children  
15 13 years of age to 19 years of age, or until the jurisdiction  
16 of the court expires. The court may retain jurisdiction over  
17 the child until the child reaches the age of 21, specifically  
18 for the purpose of the child completing the program. Each  
19 child committed to this level must meet one of the following  
20 criteria:

21 (4) The youth is at least 13 years of age at the time  
22 of the disposition for the current offense, the youth is  
23 eligible for prosecution as an adult for the current offense,  
24 and the current offense is ranked at level 7 or higher on the  
25 Criminal Punishment Code ~~sentencing guidelines~~ offense  
26 severity ranking chart pursuant to s. 921.0022 ~~s. 921.0012~~.

27 Section 11. Section 775.0823, Florida Statutes, is  
28 amended to read:

29 775.0823 Violent offenses committed against law  
30 enforcement officers, correctional officers, state attorneys,  
31 assistant state attorneys, justices, or judges.--Any provision

1 of law to the contrary notwithstanding, the Legislature does  
2 hereby provide for an increase and certainty of penalty for  
3 any person convicted of a violent offense against any law  
4 enforcement or correctional officer, as defined in s.  
5 943.10(1), (2), (3), (6), (7), (8), or (9); against any state  
6 attorney elected pursuant to s. 27.01 or assistant state  
7 attorney appointed under s. 27.181; or against any justice or  
8 judge of a court described in Art. V of the State  
9 Constitution, which offense arises out of or in the scope of  
10 the officer's duty as a law enforcement or correctional  
11 officer, the state attorney's or assistant state attorney's  
12 duty as a prosecutor or investigator, or the justice's or  
13 judge's duty as a judicial officer, as follows:

14 (1) For murder in the first degree as described in s.  
15 782.04(1), if the death sentence is not imposed, a sentence of  
16 imprisonment for life without eligibility for release.

17 (2) For attempted murder in the first degree as  
18 described in s. 782.04(1), a sentence pursuant to the Criminal  
19 Punishment Code ~~sentencing guidelines~~.

20 (3) For murder in the second degree as described in s.  
21 782.04(2) and (3), a sentence pursuant to the Criminal  
22 Punishment Code ~~sentencing guidelines~~.

23 (4) For attempted murder in the second degree as  
24 described in s. 782.04(2) and (3), a sentence pursuant to the  
25 Criminal Punishment Code ~~sentencing guidelines~~.

26 (5) For murder in the third degree as described in s.  
27 782.04(4), a sentence pursuant to the Criminal Punishment Code  
28 ~~sentencing guidelines~~.

29 (6) For attempted murder in the third degree as  
30 described in s. 782.04(4), a sentence pursuant to the Criminal  
31 Punishment Code ~~sentencing guidelines~~.

1           (7) For manslaughter as described in s. 782.07 during  
2 the commission of a crime, a sentence pursuant to the Criminal  
3 Punishment Code ~~sentencing guidelines~~.

4           (8) For kidnapping as described in s. 787.01, a  
5 sentence pursuant to the Criminal Punishment Code ~~sentencing~~  
6 ~~guidelines~~.

7           (9) For aggravated battery as described in s. 784.045,  
8 a sentence pursuant to the Criminal Punishment Code ~~sentencing~~  
9 ~~guidelines~~.

10           (10) For aggravated assault as described in s.  
11 784.021, a sentence pursuant to the Criminal Punishment Code  
12 ~~sentencing guidelines~~.

13  
14 Notwithstanding the provisions of s. 948.01, with respect to  
15 any person who is found to have violated this section,  
16 adjudication of guilt or imposition of sentence shall not be  
17 suspended, deferred, or withheld.

18           Section 12. Paragraphs (a) and (b) of subsection (3)  
19 and paragraph (g) of subsection (4) of section 775.084,  
20 Florida Statutes, 1996 Supplement, are amended to read:

21           775.084 Violent career criminals; habitual felony  
22 offenders and habitual violent felony offenders; definitions;  
23 procedure; enhanced penalties.--

24           (3)(a) In a separate proceeding, the court shall  
25 determine if the defendant is a habitual felony offender or a  
26 habitual violent felony offender. The procedure shall be as  
27 follows:

28           1. The court shall obtain and consider a presentence  
29 investigation prior to the imposition of a sentence as a  
30 habitual felony offender or a habitual violent felony  
31 offender.



1           2. Written notice shall be served on the defendant and  
2 the defendant's attorney a sufficient time prior to the entry  
3 of a plea or prior to the imposition of sentence in order to  
4 allow the preparation of a submission on behalf of the  
5 defendant.

6           3. Except as provided in subparagraph 1., all evidence  
7 presented shall be presented in open court with full rights of  
8 confrontation, cross-examination, and representation by  
9 counsel.

10          4. Each of the findings required as the basis for such  
11 sentence shall be found to exist by a preponderance of the  
12 evidence and shall be appealable to the extent normally  
13 applicable to similar findings.

14          5. For the purpose of identification of a habitual  
15 felony offender or a habitual violent felony offender, the  
16 court shall fingerprint the defendant pursuant to s. 921.241.

17          6. For an offense committed on or after October 1,  
18 1995, if the state attorney pursues a habitual felony offender  
19 sanction or a habitual violent felony offender sanction  
20 against the defendant and the court, in a separate proceeding  
21 pursuant to this paragraph, determines that the defendant  
22 meets the criteria under subsection (1) for imposing such  
23 sanction, the court must sentence the defendant as a habitual  
24 felony offender or a habitual violent felony offender, subject  
25 to imprisonment pursuant to this section unless the court  
26 finds that such sentence is not necessary for the protection  
27 of the public. If the court finds that it is not necessary  
28 for the protection of the public to sentence the defendant as  
29 a habitual felony offender or a habitual violent felony  
30 offender, the court shall provide written reasons; a written  
31 transcript of orally stated reasons is permissible, if filed

1 by the court within 7 days after the date of sentencing. ~~Each~~  
2 ~~month, the court shall submit to the Sentencing Commission the~~  
3 ~~written reasons or transcripts in each case in which the court~~  
4 ~~determines not to impose a habitual felony offender sanction~~  
5 ~~or a habitual violent felony offender sanction.~~

6 (b) In a separate proceeding, the court shall  
7 determine whether the defendant is a violent career criminal  
8 with respect to a primary offense committed on or after  
9 October 1, 1995. The procedure shall be as follows:

10 1. Written notice shall be served on the defendant and  
11 the defendant's attorney a sufficient time prior to the entry  
12 of a plea or prior to the imposition of sentence in order to  
13 allow the preparation of a submission on behalf of the  
14 defendant.

15 2. All evidence presented shall be presented in open  
16 court with full rights of confrontation, cross-examination,  
17 and representation by counsel.

18 3. Each of the findings required as the basis for such  
19 sentence shall be found to exist by a preponderance of the  
20 evidence and shall be appealable only as provided in paragraph  
21 (c).

22 4. For the purpose of identification, the court shall  
23 fingerprint the defendant pursuant to s. 921.241.

24 5. For an offense committed on or after October 1,  
25 1995, if the state attorney pursues a violent career criminal  
26 sanction against the defendant and the court, in a separate  
27 proceeding pursuant to this paragraph, determines that the  
28 defendant meets the criteria under subsection (1) for imposing  
29 such sanction, the court must sentence the defendant as a  
30 violent career criminal, subject to imprisonment pursuant to  
31 this section unless the court finds that such sentence is not

1 necessary for the protection of the public. If the court  
2 finds that it is not necessary for the protection of the  
3 public to sentence the defendant as a violent career criminal,  
4 the court shall provide written reasons; a written transcript  
5 of orally stated reasons is permissible, if filed by the court  
6 within 7 days after the date of sentencing. ~~Each month, the~~  
7 ~~court shall submit to the Sentencing Commission the written~~  
8 ~~reasons or transcripts in each case in which the court~~  
9 ~~determines not to impose a violent career criminal sanction.~~

10 (4)

11 (g) A sentence imposed under this section is not  
12 subject to s. 921.002 ~~s. 921.001~~.

13 Section 13. Section 775.0845, Florida Statutes, is  
14 amended to read:

15 775.0845 Wearing mask while committing offense;  
16 enhanced penalties.--The penalty for any criminal offense,  
17 other than a violation of ss. 876.12-876.15, shall be  
18 increased as provided in this section if, while committing the  
19 offense, the offender was wearing a hood, mask, or other  
20 device that concealed his identity.

21 (1)(a) A misdemeanor of the second degree shall be  
22 punishable as if it were a misdemeanor of the first degree.

23 (b) A misdemeanor of the first degree shall be  
24 punishable as if it were a felony of the third degree. For  
25 purposes of sentencing under chapter 921 and determining  
26 incentive gain-time eligibility under chapter 944, such  
27 offense is ranked in level 2 of the offense severity ranking  
28 chart.

29 (2)(a) A felony of the third degree shall be  
30 punishable as if it were a felony of the second degree.

31

1 (b) A felony of the second degree shall be punishable  
2 as if it were a felony of the first degree.

3  
4 For purposes of sentencing under chapter 921 and determining  
5 incentive gain-time eligibility under chapter 944, a felony  
6 offense which is reclassified under this subsection is ranked  
7 one level above the ranking under s. 921.0022 ~~s. 921.0012~~ or  
8 s. 921.0023 ~~s. 921.0013~~ of the offense committed.

9 Section 14. Subsection (1) of section 775.087, Florida  
10 Statutes, 1996 Supplement, is amended to read:

11 775.087 Possession or use of weapon; aggravated  
12 battery; felony reclassification; minimum sentence.--

13 (1) Unless otherwise provided by law, whenever a  
14 person is charged with a felony, except a felony in which the  
15 use of a weapon or firearm is an essential element, and during  
16 the commission of such felony the defendant carries, displays,  
17 uses, threatens, or attempts to use any weapon or firearm, or  
18 during the commission of such felony the defendant commits an  
19 aggravated battery, the felony for which the person is charged  
20 shall be reclassified as follows:

21 (a) In the case of a felony of the first degree, to a  
22 life felony.

23 (b) In the case of a felony of the second degree, to a  
24 felony of the first degree.

25 (c) In the case of a felony of the third degree, to a  
26 felony of the second degree.

27  
28 For purposes of sentencing under chapter 921 and determining  
29 incentive gain-time eligibility under chapter 944, a felony  
30 offense which is reclassified under this section is ranked one  
31

1 level above the ranking under s. 921.0022 ~~s. 921.0012~~ or s.  
2 921.0023 ~~s. 921.0013~~ of the felony offense committed.

3 Section 15. Section 775.0875, Florida Statutes, 1996  
4 Supplement, is amended to read:

5 775.0875 Unlawful taking, possession, or use of law  
6 enforcement officer's firearm; crime reclassification;  
7 penalties.--

8 (1) A person who, without authorization, takes a  
9 firearm from a law enforcement officer lawfully engaged in law  
10 enforcement duties commits a felony of the third degree,  
11 punishable as provided in s. 775.082, s. 775.083, or s.  
12 775.084.

13 (2) If a person violates subsection (1) and commits  
14 any other crime involving the firearm taken from the law  
15 enforcement officer, such crime shall be reclassified as  
16 follows:

17 (a)1. In the case of a felony of the first degree, to  
18 a life felony.

19 2. In the case of a felony of the second degree, to a  
20 felony of the first degree.

21 3. In the case of a felony of the third degree, to a  
22 felony of the second degree.

23  
24 For purposes of sentencing under chapter 921 and determining  
25 incentive gain-time eligibility under chapter 944, a felony  
26 offense that is reclassified under this paragraph is ranked  
27 one level above the ranking under s. 921.0022 ~~s. 921.0012~~ or  
28 s. 921.0023 ~~s. 921.0013~~ of the felony offense committed.

29 (b) In the case of a misdemeanor, to a felony of the  
30 third degree. For purposes of sentencing under chapter 921 and  
31 determining incentive gain-time eligibility under chapter 944,

1 such offense is ranked in level 2 of the offense severity  
2 ranking chart.

3 (3) A person who possesses a firearm that he or she  
4 knows was unlawfully taken from a law enforcement officer  
5 commits a misdemeanor of the first degree, punishable as  
6 provided in s. 775.082 or s. 775.083.

7 Section 16. Section 777.03, Florida Statutes, is  
8 amended to read:

9 777.03 Accessory after the fact.--

10 (1) Any person not standing in the relation of husband  
11 or wife, parent or grandparent, child or grandchild, brother  
12 or sister, by consanguinity or affinity to the offender, who  
13 maintains or assists the principal or accessory before the  
14 fact, or gives the offender any other aid, knowing that the  
15 offender had committed a felony or been accessory thereto  
16 before the fact, with intent that the offender avoids or  
17 escapes detection, arrest, trial or punishment, is an  
18 accessory after the fact.

19 (2)(a) If the felony offense committed is a capital  
20 felony, the offense of accessory after the fact is a felony of  
21 the first degree, punishable as provided in s. 775.082, s.  
22 775.083, or s. 775.084.

23 (b) If the felony offense committed is a life felony  
24 or a felony of the first degree, the offense of accessory  
25 after the fact is a felony of the second degree, punishable as  
26 provided in s. 775.082, s. 775.083, or s. 775.084.

27 (c) If the felony offense committed is a felony of the  
28 second degree or a felony of the third degree ranked in level  
29 3, 4, 5, 6, 7, 8, 9, or 10 under s. 921.0022 ~~s. 921.0012~~ or s.  
30 921.0023 ~~s. 921.0013~~, the offense of accessory after the fact

31

1 is a felony of the third degree, punishable as provided in s.  
2 775.082, s. 775.083, or s. 775.084.

3 (d) If the felony offense committed is a felony of the  
4 third degree ranked in level 1 or level 2 under s. 921.0022 ~~s.~~  
5 ~~921.0012~~ or s. 921.0023 ~~s. 921.0013~~, the offense of accessory  
6 after the fact is a misdemeanor of the first degree,  
7 punishable as provided in s. 775.082, s. 775.083, or s.  
8 775.084.

9 (3) Except as otherwise provided in s. 921.0022 ~~s.~~  
10 ~~921.0012~~, for purposes of sentencing under chapter 921 and  
11 determining incentive gain-time eligibility under chapter 944,  
12 the offense of accessory after the fact is ranked two levels  
13 below the ranking under s. 921.0022 ~~s. 921.0012~~ or s. 921.0023  
14 ~~s. 921.0013~~ of the felony offense committed.

15 Section 17. Section 777.04, Florida Statutes, is  
16 amended to read:

17 777.04 Attempts, solicitation, and conspiracy.--

18 (1) A person who attempts to commit an offense  
19 prohibited by law and in such attempt does any act toward the  
20 commission of such offense, but fails in the perpetration or  
21 is intercepted or prevented in the execution thereof, commits  
22 the offense of criminal attempt, ranked for purposes of  
23 sentencing as provided in subsection (4). Criminal attempt  
24 includes the act of an adult who, with intent to commit an  
25 offense prohibited by law, allures, seduces, coaxes, or  
26 induces a child under the age of 12 to engage in an offense  
27 prohibited by law.

28 (2) A person who solicits another to commit an offense  
29 prohibited by law and in the course of such solicitation  
30 commands, encourages, hires, or requests another person to  
31 engage in specific conduct which would constitute such offense

1 or an attempt to commit such offense commits the offense of  
2 criminal solicitation, ranked for purposes of sentencing as  
3 provided in subsection (4).

4 (3) A person who agrees, conspires, combines, or  
5 confederates with another person or persons to commit any  
6 offense commits the offense of criminal conspiracy, ranked for  
7 purposes of sentencing as provided in subsection (4).

8 (4)(a) Except as otherwise provided in ss. 828.125(2),  
9 849.25(4), 893.135(5), and 921.0022 ~~921.0012~~, the offense of  
10 criminal attempt, criminal solicitation, or criminal  
11 conspiracy is ranked for purposes of sentencing under chapter  
12 921 and determining incentive gain-time eligibility under  
13 chapter 944 one level below the ranking under s. 921.0022 ~~s.~~  
14 ~~921.0012~~ or s. 921.0023 ~~s. 921.0013~~ of the offense attempted,  
15 solicited, or conspired to. If the criminal attempt, criminal  
16 solicitation, or criminal conspiracy is of an offense ranked  
17 in level 1 or level 2 under s. 921.0022 ~~s. 921.0012~~ or s.  
18 921.0023 ~~s. 921.0013~~, such offense is a misdemeanor of the  
19 first degree, punishable as provided in s. 775.082 or s.  
20 775.083.

21 (b) If the offense attempted, solicited, or conspired  
22 to is a capital felony, the offense of criminal attempt,  
23 criminal solicitation, or criminal conspiracy is a felony of  
24 the first degree, punishable as provided in s. 775.082, s.  
25 775.083, or s. 775.084.

26 (c) Except as otherwise provided in s. 893.135(5), if  
27 the offense attempted, solicited, or conspired to is a life  
28 felony or a felony of the first degree, the offense of  
29 criminal attempt, criminal solicitation, or criminal  
30 conspiracy is a felony of the second degree, punishable as  
31 provided in s. 775.082, s. 775.083, or s. 775.084.



1           (d) Except as otherwise provided in s. 828.125(2) or  
2 s. 849.25(4), if the offense attempted, solicited, or  
3 conspired to is a:

- 4           1. Felony of the second degree;
- 5           2. Burglary that is a felony of the third degree; or
- 6           3. Felony of the third degree ranked in level 3, 4, 5,  
7 6, 7, 8, 9, or 10 under s. 921.0022 ~~s. 921.0012~~ or s. 921.0023  
8 ~~s. 921.0013~~,

9  
10 the offense of criminal attempt, criminal solicitation, or  
11 criminal conspiracy is a felony of the third degree,  
12 punishable as provided in s. 775.082, s. 775.083, or s.  
13 775.084.

14           (e) Except as otherwise provided in s. 849.25(4) or  
15 paragraph (d), if the offense attempted, solicited, or  
16 conspired to is a felony of the third degree, the offense of  
17 criminal attempt, criminal solicitation, or criminal  
18 conspiracy is a misdemeanor of the first degree, punishable as  
19 provided in s. 775.082 or s. 775.083.

20           (f) If the offense attempted, solicited, or conspired  
21 to is a misdemeanor of the first or second degree, the offense  
22 of criminal attempt, criminal solicitation, or criminal  
23 conspiracy is a misdemeanor of the second degree, punishable  
24 as provided in s. 775.082 or s. 775.083.

25           (5) It is a defense to a charge of criminal attempt,  
26 criminal solicitation, or criminal conspiracy that, under  
27 circumstances manifesting a complete and voluntary  
28 renunciation of his criminal purpose, the defendant:

29           (a) Abandoned his attempt to commit the offense or  
30 otherwise prevented its commission;

31

1 (b) After soliciting another person to commit an  
2 offense, persuaded such other person not to do so or otherwise  
3 prevented commission of the offense; or

4 (c) After conspiring with one or more persons to  
5 commit an offense, persuaded such persons not to do so or  
6 otherwise prevented commission of the offense.

7 Section 18. Section 782.051, Florida Statutes, 1996  
8 Supplement, is amended to read:

9 782.051 Felony causing bodily injury.--

10 (1) Any person who perpetrates or attempts to  
11 perpetrate any felony enumerated in s. 782.04(3) and who  
12 commits, aids, or abets an act that causes bodily injury to  
13 another commits a felony of the first degree, punishable by  
14 imprisonment for a term of years not exceeding life, or as  
15 provided in s. 775.082, s. 775.083, or s. 775.084, which is an  
16 offense ranked in level 9 of the Criminal Punishment Code  
17 ~~sentencing guidelines~~. Victim injury points shall be scored  
18 under this subsection.

19 (2) Any person who perpetrates or attempts to  
20 perpetrate any felony other than a felony enumerated in s.  
21 782.04(3) and who commits, aids, or abets an act that causes  
22 bodily injury to another commits a felony of the first degree,  
23 punishable as provided in s. 775.082, s. 775.083, or s.  
24 775.084, which is an offense ranked in level 8 of the Criminal  
25 Punishment Code ~~sentencing guidelines~~. Victim injury points  
26 shall be scored under this subsection.

27 (3) When a person is injured during the perpetration  
28 of or the attempt to perpetrate any felony enumerated in s.  
29 782.04(3) by a person other than the person engaged in the  
30 perpetration of or the attempt to perpetrate such felony, the  
31 person perpetrating or attempting to perpetrate such felony

1 commits a felony of the second degree, punishable as provided  
2 in s. 775.082, s. 775.083, or s. 775.084, which is an offense  
3 ranked in level 7 of the Criminal Punishment Code ~~sentencing~~  
4 ~~guidelines~~. Victim injury points shall be scored under this  
5 subsection.

6 Section 19. Subsection (1) of section 784.08, Florida  
7 Statutes, is amended to read:

8 784.08 Assault or battery on persons 65 years of age  
9 or older; reclassification of offenses; minimum sentence.--

10 (1) A person who is convicted of an aggravated assault  
11 or aggravated battery upon a person 65 years of age or older  
12 shall be sentenced pursuant to the Criminal Punishment Code  
13 ~~sentencing guidelines~~ and fined not more than \$10,000 and  
14 shall also be ordered by the sentencing judge to make  
15 restitution to the victim of such offense and to perform up to  
16 500 hours of community service work. Restitution and  
17 community service work shall be in addition to any fine or  
18 sentence which may be imposed and shall not be in lieu  
19 thereof.

20 Section 20. Subsection (2) of section 794.023, Florida  
21 Statutes, is amended to read:

22 794.023 Sexual battery by multiple perpetrators;  
23 enhanced penalties.--

24 (2) The penalty for a violation of s. 794.011 shall be  
25 increased as provided in this subsection if it is charged and  
26 proven by the prosecution that, during the same criminal  
27 transaction or episode, more than one person committed an act  
28 of sexual battery on the same victim.

29 (a) A felony of the second degree shall be punishable  
30 as if it were a felony of the first degree.

31

1 (b) A felony of the first degree shall be punishable  
2 as if it were a life felony.

3  
4 This subsection does not apply to life felonies or capital  
5 felonies. For purposes of sentencing under chapter 921 and  
6 determining incentive gain-time eligibility under chapter 944,  
7 a felony offense that ~~which~~ is reclassified under this  
8 subsection is ranked one level above the ranking under s.  
9 921.0022 ~~s. 921.0012~~ or s. 921.0023 ~~s. 921.0013~~ of the offense  
10 committed.

11 Section 21. Section 874.04, Florida Statutes, 1996  
12 Supplement, is amended to read:

13 874.04 Criminal street gang activity; enhanced  
14 penalties.--Upon a finding by the court at sentencing that the  
15 defendant is a member of a criminal street gang, the penalty  
16 for any felony or misdemeanor, or any delinquent act or  
17 violation of law which would be a felony or misdemeanor if  
18 committed by an adult, may be enhanced if the offender was a  
19 member of a criminal street gang at the time of the commission  
20 of such offense. Each of the findings required as a basis for  
21 such sentence shall be found by a preponderance of the  
22 evidence. The enhancement will be as follows:

23 (1)(a) A misdemeanor of the second degree may be  
24 punished as if it were a misdemeanor of the first degree.

25 (b) A misdemeanor of the first degree may be punished  
26 as if it were a felony of the third degree. For purposes of  
27 sentencing under chapter 921 and determining incentive  
28 gain-time eligibility under chapter 944, such offense is  
29 ranked in level 1 of the offense severity ranking chart. The  
30 criminal street gang multiplier in s. 921.0024 ~~s. 921.0014~~  
31 does not apply to misdemeanors enhanced under this paragraph.

1           (2)(a) A felony of the third degree may be punished as  
2 if it were a felony of the second degree.

3           (b) A felony of the second degree may be punished as  
4 if it were a felony of the first degree.

5           (c) A felony of the first degree may be punished as if  
6 it were a life felony.

7  
8 For purposes of sentencing under chapter 921 and determining  
9 incentive gain-time eligibility under chapter 944, such felony  
10 offense is ranked as provided in s. 921.0022 ~~s. 921.0012~~ or s.  
11 921.0023 ~~s. 921.0013~~, and without regard to the penalty  
12 enhancement in this subsection. For purposes of this section,  
13 penalty enhancement affects the applicable statutory maximum  
14 penalty only.

15           Section 22. Subsections (10) and (11) of section  
16 893.13, Florida Statutes, 1996 Supplement, are amended to  
17 read:

18           893.13 Prohibited acts; penalties.--

19           (10) Notwithstanding any provision of the sentencing  
20 guidelines or the Criminal Punishment Code to the contrary, on  
21 or after October 1, 1993, any defendant who:

22           (a) Violates subparagraph (1)(a)1., subparagraph  
23 (1)(c)2., subparagraph (1)(d)2., subparagraph (2)(a)1., or  
24 paragraph (5)(a); and

25           (b) Has not previously been convicted, regardless of  
26 whether adjudication was withheld, of any felony, other than a  
27 violation of subparagraph (1)(a)1., subparagraph (1)(c)2.,  
28 subparagraph (1)(d)2., subparagraph (2)(a)1., or paragraph  
29 (5)(a),

30  
31

1 may be required by the court to successfully complete a term  
2 of probation pursuant to the terms and conditions set forth in  
3 s. 948.034(1), in lieu of serving a term of imprisonment.

4 (11) Notwithstanding any provision of the sentencing  
5 guidelines or the Criminal Punishment Code to the contrary, on  
6 or after January 1, 1994, any defendant who:

7 (a) Violates subparagraph (1)(a)2., subparagraph  
8 (2)(a)2., paragraph (5)(b), or paragraph (6)(a); and

9 (b) Has not previously been convicted, regardless of  
10 whether adjudication was withheld, of any felony, other than a  
11 violation of subparagraph (1)(a)2., subparagraph (2)(a)2.,  
12 paragraph (5)(b), or paragraph (6)(a),  
13

14 may be required by the court to successfully complete a term  
15 of probation pursuant to the terms and conditions set forth in  
16 s. 948.034(2), in lieu of serving a term of imprisonment.

17 Section 23. Subsection (1) of section 893.135, Florida  
18 Statutes, 1996 Supplement, is amended to read:

19 893.135 Trafficking; mandatory sentences; suspension  
20 or reduction of sentences; conspiracy to engage in  
21 trafficking.--

22 (1) Except as authorized in this chapter or in chapter  
23 499 and notwithstanding the provisions of s. 893.13:

24 (a) Any person who knowingly sells, purchases,  
25 manufactures, delivers, or brings into this state, or who is  
26 knowingly in actual or constructive possession of, in excess  
27 of 50 pounds of cannabis commits a felony of the first degree,  
28 which felony shall be known as "trafficking in cannabis." If  
29 the quantity of cannabis involved:

30 1. Is in excess of 50 pounds, but less than 2,000  
31 pounds, such person shall be sentenced pursuant to the

1 Criminal Punishment Code ~~sentencing guidelines~~ and pay a fine  
2 of \$25,000.

3 2. Is 2,000 pounds or more, but less than 10,000  
4 pounds, such person shall be sentenced pursuant to the  
5 Criminal Punishment Code ~~sentencing guidelines~~ and pay a fine  
6 of \$50,000.

7 3. Is 10,000 pounds or more, such person shall be  
8 sentenced to a mandatory minimum term of imprisonment of 15  
9 calendar years and pay a fine of \$200,000.

10 (b)1. Any person who knowingly sells, purchases,  
11 manufactures, delivers, or brings into this state, or who is  
12 knowingly in actual or constructive possession of, 28 grams or  
13 more of cocaine, as described in s. 893.03(2)(a)4., or of any  
14 mixture containing cocaine, but less than 150 kilograms of  
15 cocaine or any such mixture, commits a felony of the first  
16 degree, which felony shall be known as "trafficking in  
17 cocaine." If the quantity involved:

18 a. Is 28 grams or more, but less than 200 grams, such  
19 person shall be sentenced pursuant to the Criminal Punishment  
20 Code ~~sentencing guidelines~~ and pay a fine of \$50,000.

21 b. Is 200 grams or more, but less than 400 grams, such  
22 person shall be sentenced pursuant to the Criminal Punishment  
23 Code ~~sentencing guidelines~~ and pay a fine of \$100,000.

24 c. Is 400 grams or more, but less than 150 kilograms,  
25 such person shall be sentenced to a mandatory minimum term of  
26 imprisonment of 15 calendar years and pay a fine of \$250,000.

27 2. Any person who knowingly sells, purchases,  
28 manufactures, delivers, or brings into this state, or who is  
29 knowingly in actual or constructive possession of, 150  
30 kilograms or more, but less than 300 kilograms, of cocaine, as  
31 described in s. 893.03(2)(a)4., commits the first degree

1 felony of trafficking in cocaine. A person who has been  
2 convicted of the first degree felony of trafficking in cocaine  
3 under this subparagraph shall be punished by life imprisonment  
4 and is ineligible for any form of discretionary early release  
5 except pardon or executive clemency or conditional medical  
6 release under s. 947.149. However, if the court determines  
7 that, in addition to committing any act specified in this  
8 paragraph:

9       a. The person intentionally killed an individual or  
10 counseled, commanded, induced, procured, or caused the  
11 intentional killing of an individual and such killing was the  
12 result; or

13       b. The person's conduct in committing that act led to  
14 a natural, though not inevitable, lethal result,

15  
16 such person commits the capital felony of trafficking in  
17 cocaine, punishable as provided in ss. 775.082 and 921.142.  
18 Any person sentenced for a capital felony under this paragraph  
19 shall also be sentenced to pay the maximum fine provided under  
20 subparagraph 1.

21       3. Any person who knowingly brings into this state 300  
22 kilograms or more of cocaine, as described in s.  
23 893.03(2)(a)4., and who knows that the probable result of such  
24 importation would be the death of any person, commits capital  
25 importation of cocaine, a capital felony punishable as  
26 provided in ss. 775.082 and 921.142. Any person sentenced for  
27 a capital felony under this paragraph shall also be sentenced  
28 to pay the maximum fine provided under subparagraph 1.

29       (c)1. Any person who knowingly sells, purchases,  
30 manufactures, delivers, or brings into this state, or who is  
31 knowingly in actual or constructive possession of, 4 grams or



1 more of any morphine, opium, oxycodone, hydrocodone,  
2 hydromorphone, or any salt, derivative, isomer, or salt of an  
3 isomer thereof, including heroin, as described in s.  
4 893.03(1)(b) or (2)(a), or 4 grams or more of any mixture  
5 containing any such substance, but less than 30 kilograms of  
6 such substance or mixture, commits a felony of the first  
7 degree, which felony shall be known as "trafficking in illegal  
8 drugs." If the quantity involved:  
9       a. Is 4 grams or more, but less than 14 grams, such  
10 person shall be sentenced pursuant to the Criminal Punishment  
11 Code ~~sentencing guidelines~~ and pay a fine of \$50,000.  
12       b. Is 14 grams or more, but less than 28 grams, such  
13 person shall be sentenced pursuant to the Criminal Punishment  
14 Code ~~sentencing guidelines~~ and pay a fine of \$100,000.  
15       c. Is 28 grams or more, but less than 30 kilograms,  
16 such person shall be sentenced to a mandatory minimum term of  
17 imprisonment of 25 calendar years and pay a fine of \$500,000.  
18       2. Any person who knowingly sells, purchases,  
19 manufactures, delivers, or brings into this state, or who is  
20 knowingly in actual or constructive possession of, 30  
21 kilograms or more, but less than 60 kilograms, of any  
22 morphine, opium, oxycodone, hydrocodone, hydromorphone, or any  
23 salt, derivative, isomer, or salt of an isomer thereof,  
24 including heroin, as described in s. 893.03(1)(b) or (2)(a),  
25 or 30 kilograms or more, but less than 60 kilograms, of any  
26 mixture containing any such substance, commits the first  
27 degree felony of trafficking in illegal drugs. A person who  
28 has been convicted of the first degree felony of trafficking  
29 in illegal drugs under this subparagraph shall be punished by  
30 life imprisonment and is ineligible for any form of  
31 discretionary early release except pardon or executive

1 clemency or conditional medical release under s. 947.149.

2 However, if the court determines that, in addition to  
3 committing any act specified in this paragraph:

4 a. The person intentionally killed an individual or  
5 counseled, commanded, induced, procured, or caused the  
6 intentional killing of an individual and such killing was the  
7 result; or

8 b. The person's conduct in committing that act led to  
9 a natural, though not inevitable, lethal result,

10

11 such person commits the capital felony of trafficking in  
12 illegal drugs, punishable as provided in ss. 775.082 and  
13 921.142. Any person sentenced for a capital felony under this  
14 paragraph shall also be sentenced to pay the maximum fine  
15 provided under subparagraph 1.

16 3. Any person who knowingly brings into this state 60  
17 kilograms or more of any morphine, opium, oxycodone,  
18 hydrocodone, hydromorphone, or any salt, derivative, isomer,  
19 or salt of an isomer thereof, including heroin, as described  
20 in s. 893.03(1)(b) or (2)(a), or 60 kilograms or more of any  
21 mixture containing any such substance, and who knows that the  
22 probable result of such importation would be the death of any  
23 person, commits capital importation of illegal drugs, a  
24 capital felony punishable as provided in ss. 775.082 and  
25 921.142. Any person sentenced for a capital felony under this  
26 paragraph shall also be sentenced to pay the maximum fine  
27 provided under subparagraph 1.

28 (d)1. Any person who knowingly sells, purchases,  
29 manufactures, delivers, or brings into this state, or who is  
30 knowingly in actual or constructive possession of, 28 grams or  
31 more of phencyclidine or of any mixture containing

1 phencyclidine, as described in s. 893.03(2)(b), commits a  
2 felony of the first degree, which felony shall be known as  
3 "trafficking in phencyclidine." If the quantity involved:  
4       a. Is 28 grams or more, but less than 200 grams, such  
5 person shall be sentenced pursuant to the Criminal Punishment  
6 Code ~~sentencing guidelines~~ and pay a fine of \$50,000.  
7       b. Is 200 grams or more, but less than 400 grams, such  
8 person shall be sentenced pursuant to the Criminal Punishment  
9 Code ~~sentencing guidelines~~ and pay a fine of \$100,000.  
10       c. Is 400 grams or more, but less than 800 grams, such  
11 person shall be sentenced to a mandatory minimum term of  
12 imprisonment of 15 calendar years and pay a fine of \$250,000.  
13       2. Any person who knowingly brings into this state 800  
14 grams or more of phencyclidine or of any mixture containing  
15 phencyclidine, as described in s. 893.03(2)(b), and who knows  
16 that the probable result of such importation would be the  
17 death of any person commits capital importation of  
18 phencyclidine, a capital felony punishable as provided in ss.  
19 775.082 and 921.142. Any person sentenced for a capital felony  
20 under this paragraph shall also be sentenced to pay the  
21 maximum fine provided under subparagraph 1.  
22       (e)1. Any person who knowingly sells, purchases,  
23 manufactures, delivers, or brings into this state, or who is  
24 knowingly in actual or constructive possession of, 200 grams  
25 or more of methaqualone or of any mixture containing  
26 methaqualone, as described in s. 893.03(1)(d), commits a  
27 felony of the first degree, which felony shall be known as  
28 "trafficking in methaqualone." If the quantity involved:  
29       a. Is 200 grams or more, but less than 5 kilograms,  
30 such person shall be sentenced pursuant to the Criminal  
31

1 Punishment Code ~~sentencing guidelines~~ and pay a fine of  
2 \$50,000.

3         b. Is 5 kilograms or more, but less than 25 kilograms,  
4 such person shall be sentenced pursuant to the Criminal  
5 Punishment Code ~~sentencing guidelines~~ and pay a fine of  
6 \$100,000.

7         c. Is 25 kilograms or more, but less than 50  
8 kilograms, such person shall be sentenced to a mandatory  
9 minimum term of imprisonment of 15 calendar years and pay a  
10 fine of \$250,000.

11         2. Any person who knowingly brings into this state 50  
12 kilograms or more of methaqualone or of any mixture containing  
13 methaqualone, as described in s. 893.03(1)(d), and who knows  
14 that the probable result of such importation would be the  
15 death of any person commits capital importation of  
16 methaqualone, a capital felony punishable as provided in ss.  
17 775.082 and 921.142. Any person sentenced for a capital felony  
18 under this paragraph shall also be sentenced to pay the  
19 maximum fine provided under subparagraph 1.

20         (f)1. Any person who knowingly sells, purchases,  
21 manufactures, delivers, or brings into this state, or who is  
22 knowingly in actual or constructive possession of, 14 grams or  
23 more of amphetamine, as described in s. 893.03(2)(c)2., or  
24 methamphetamine, as described in s. 893.03(2)(c)4., or of any  
25 mixture containing amphetamine or methamphetamine, or  
26 phenylacetone, phenylacetic acid, or ephedrine in conjunction  
27 with other chemicals and equipment utilized in the manufacture  
28 of amphetamine or methamphetamine, commits a felony of the  
29 first degree, which felony shall be known as "trafficking in  
30 amphetamine." If the quantity involved:  
31

1           a. Is 14 grams or more, but less than 28 grams, such  
2 person shall be sentenced pursuant to the Criminal Punishment  
3 Code ~~sentencing guidelines~~ and pay a fine of \$50,000.

4           b. Is 28 grams or more, but less than 200 grams, such  
5 person shall be sentenced pursuant to the Criminal Punishment  
6 Code ~~sentencing guidelines~~ and pay a fine of \$100,000.

7           c. Is 200 grams or more, but less than 400 grams, such  
8 person shall be sentenced to a mandatory minimum term of  
9 imprisonment of 15 calendar years and pay a fine of \$250,000.

10          2. Any person who knowingly brings into this state 400  
11 grams or more of amphetamine, as described in s.  
12 893.03(2)(c)2., or methamphetamine, as described in s.  
13 893.03(2)(c)4., or of any mixture containing amphetamine or  
14 methamphetamine, or phenylacetone, phenylacetic acid, or  
15 ephedrine in conjunction with other chemicals and equipment  
16 utilized in the manufacture of amphetamine or methamphetamine,  
17 and who knows that the probable result of such importation  
18 would be the death of any person commits capital importation  
19 of amphetamine, a capital felony punishable as provided in ss.  
20 775.082 and 921.142. Any person sentenced for a capital felony  
21 under this paragraph shall also be sentenced to pay the  
22 maximum fine provided under subparagraph 1.

23          Section 24. Subsection (2) of section 893.20, Florida  
24 Statutes, is amended to read:

25           893.20 Continuing criminal enterprise.--

26           (2) A person who commits the offense of engaging in a  
27 continuing criminal enterprise is guilty of a life felony,  
28 punishable pursuant to the Criminal Punishment Code ~~sentencing~~  
29 ~~guidelines~~ and by a fine of \$500,000.

1           Section 25. Paragraph (b) of subsection (1) of section  
2 921.187, Florida Statutes, 1996 Supplement, is amended to  
3 read:

4           921.187 Disposition and sentencing; alternatives;  
5 restitution.--

6           (1) The alternatives provided in this section for the  
7 disposition of criminal cases shall be used in a manner that  
8 will best serve the needs of society, punish criminal  
9 offenders, and provide the opportunity for rehabilitation.

10           (b)1. Notwithstanding any provision of former s.  
11 921.001 or s. 921.002 to the contrary, on or after October 1,  
12 1993, the court may require any defendant who violates s.  
13 893.13(1)(a)1., (1)(c)2., (1)(d)2., (2)(a)1., or (5)(a), and  
14 meets the criteria described in s. 893.13(10), to successfully  
15 complete a term of probation pursuant to the terms and  
16 conditions set forth in s. 948.034(1), in lieu of serving a  
17 term of imprisonment.

18           2. Notwithstanding any provision of former s. 921.001  
19 or s. 921.002 to the contrary, on or after October 1, 1993,  
20 the court may require any defendant who violates s.  
21 893.13(1)(a)2., (2)(a)2., (5)(b), or (6)(a), and meets the  
22 criteria described in s. 893.13(11), to successfully complete  
23 a term of probation pursuant to the terms and conditions set  
24 forth in s. 948.034(2), in lieu of serving a term of  
25 imprisonment.

26           Section 26. Section 921.188, Florida Statutes, is  
27 amended to read:

28           921.188 Placement of certain state inmates in local  
29 detention facilities.--Effective June 17, 1993,  
30 notwithstanding the provisions of ss. 775.08, former 921.001,  
31 921.002, 921.187, 944.02, and 951.23, or any other law to the

1 contrary, a person whose presumptive sentence is 1 year and 1  
2 day up to 22 months in a state correctional institution may be  
3 placed by the court into the custody of a local detention  
4 facility as a condition of probation or community control for  
5 a felony offense contained in sentencing guidelines categories  
6 five through nine contained in Rules 3.701 and 3.988, Florida  
7 Rules of Criminal Procedure, or similar levels described in s.  
8 921.0022 ~~s. 921.0012~~, except for such person whose total  
9 sentence points are greater than 52 or less than 40. The court  
10 may place such person for the duration of the presumptive  
11 sentence. The court may only place a person in a local  
12 detention facility pursuant to this section if there is a  
13 contractual agreement between the chief correctional officer  
14 of that county and the Department of Corrections. The contract  
15 may include all operational functions, or only housing wherein  
16 the department would provide staffing and medical costs. The  
17 agreement must provide for a per diem or partial per diem  
18 reimbursement for each person placed under this section, which  
19 is payable by the Department of Corrections for the duration  
20 of the offender's placement in the facility. The full per diem  
21 reimbursement may not exceed the per diem published in the  
22 Department of Corrections' most recent annual report for total  
23 department facilities. This section does not limit the court's  
24 ability to place a person in a local detention facility for  
25 less than 1 year.

26 Section 27. Subsection (1) of section 924.06, Florida  
27 Statutes, 1996 Supplement, is amended to read:

28 924.06 Appeal by defendant.--

29 (1) A defendant may appeal from:  
30  
31

1 (a) A final judgment of conviction when probation has  
2 not been granted under chapter 948, except as provided in  
3 subsection (3);

4 (b) An order granting probation under chapter 948;

5 (c) An order revoking probation under chapter 948; or

6 (d) A sentence, on the ground that it is illegal, or

7 ~~(e) A sentence imposed outside the range permitted by~~  
8 ~~the guidelines authorized by chapter 921.~~

9 (e) A sentence imposed which is greater than 75  
10 percent of the statutory maximum period of incarceration for  
11 felonies of the first degree, second degree or third degree,  
12 or a sentence that exceeds the base line total increased by 75  
13 percent.

14 (f) In the case of a life felony or a felony of the  
15 first degree punishable by life, a sentence which is greater  
16 than twenty five years.

17 Section 28. Paragraph (i) of subsection (1) of section  
18 924.07, Florida Statutes, 1996 Supplement, is amended to read:

19 924.07 Appeal by state.--

20 (1) The state may appeal from:

21 (i) A sentence imposed which is below the lowest  
22 permissible sentence as permitted by the Criminal Punishment  
23 Code under chapter 921.

24 Section 29. Paragraph (e) of subsection (5) of section  
25 944.17, Florida Statutes, is amended to read:

26 944.17 Commitments and classification; transfers.--

27 (5) The department shall also refuse to accept a  
28 person into the state correctional system unless the following  
29 documents are presented in a completed form by the sheriff or  
30 chief correctional officer, or a designated representative, to  
31 the officer in charge of the reception process:



1 (e) A copy of the Criminal Punishment Code ~~sentencing~~  
2 ~~guidelines~~ scoresheet and any attachments thereto prepared  
3 pursuant to Rule 3.701, Florida Rules of Criminal Procedure.

4 Section 30. Subsection (5) of section 947.141, Florida  
5 Statutes, is amended to read:

6 947.141 Violations of conditional release, control  
7 release, or conditional medical release.--

8 (5) Effective for inmates whose offenses were  
9 committed on or after July 1, 1995, notwithstanding the  
10 provisions of ss. 775.08, former 921.001, 921.002, 921.187,  
11 921.188, 944.02, and 951.23, or any other law to the contrary,  
12 by such order as provided in subsection (4), the panel, upon a  
13 finding of guilt, may, as a condition of continued  
14 supervision, place the releasee in a local detention facility  
15 for a period of incarceration not to exceed 22 months. Prior  
16 to the expiration of the term of incarceration, or upon  
17 recommendation of the chief correctional officer of that  
18 county, the commission shall cause inquiry into the inmate's  
19 release plan and custody status in the detention facility and  
20 consider whether to restore the inmate to supervision, modify  
21 the conditions of supervision, or enter an order of  
22 revocation, thereby causing the return of the inmate to prison  
23 to serve the sentence imposed. The provisions of this section  
24 do not prohibit the panel from entering such other order or  
25 conducting any investigation that it deems proper. The  
26 commission may only place a person in a local detention  
27 facility pursuant to this section if there is a contractual  
28 agreement between the chief correctional officer of that  
29 county and the Department of Corrections. The agreement must  
30 provide for a per diem reimbursement for each person placed  
31 under this section, which is payable by the Department of

1 Corrections for the duration of the offender's placement in  
2 the facility. This section does not limit the commission's  
3 ability to place a person in a local detention facility for  
4 less than 1 year.

5 Section 31. Subsection (3) of section 947.146, Florida  
6 Statutes, 1996 Supplement, is amended to read:

7 947.146 Control Release Authority.--

8 (3) Within 120 days prior to the date the state  
9 correctional system is projected pursuant to s. 216.136 to  
10 exceed 99 percent of total capacity, the authority shall  
11 determine eligibility for and establish a control release date  
12 for an appropriate number of parole ineligible inmates  
13 committed to the department and incarcerated within the state  
14 who have been determined by the authority to be eligible for  
15 discretionary early release pursuant to this section. In  
16 establishing control release dates, it is the intent of the  
17 Legislature that the authority prioritize consideration of  
18 eligible inmates closest to their tentative release date. The  
19 authority shall rely upon commitment data on the offender  
20 information system maintained by the department to initially  
21 identify inmates who are to be reviewed for control release  
22 consideration. The authority may use a method of objective  
23 risk assessment in determining if an eligible inmate should be  
24 released. Such assessment shall be a part of the department's  
25 management information system. However, the authority shall  
26 have sole responsibility for determining control release  
27 eligibility, establishing a control release date, and  
28 effectuating the release of a sufficient number of inmates to  
29 maintain the inmate population between 99 percent and 100  
30 percent of total capacity. Inmates who are ineligible for  
31

1 control release are inmates who are parole eligible or inmates  
2 who:

3 (a) Are serving a sentence that includes a mandatory  
4 minimum provision for a capital offense or drug trafficking  
5 offense and have not served the number of days equal to the  
6 mandatory minimum term less any jail-time credit awarded by  
7 the court;

8 (b) Are serving the mandatory minimum portion of a  
9 sentence enhanced under s. 775.087(2) or (3), or s. 784.07(3);

10 (c) Are convicted, or have been previously convicted,  
11 of committing or attempting to commit sexual battery, incest,  
12 or any of the following lewd or indecent assaults or acts:  
13 masturbating in public; exposing the sexual organs in a  
14 perverted manner; or nonconsensual handling or fondling of the  
15 sexual organs of another person;

16 (d) Are convicted, or have been previously convicted,  
17 of committing or attempting to commit assault, aggravated  
18 assault, battery, or aggravated battery, and a sex act was  
19 attempted or completed during commission of such offense;

20 (e) Are convicted, or have been previously convicted,  
21 of committing or attempting to commit kidnapping, burglary, or  
22 murder, and the offense was committed with the intent to  
23 commit sexual battery or a sex act was attempted or completed  
24 during commission of the offense;

25 (f) Are convicted, or have been previously convicted,  
26 of committing or attempting to commit false imprisonment upon  
27 a child under the age of 13 and, in the course of committing  
28 the offense, the inmate committed aggravated child abuse,  
29 sexual battery against the child, or a lewd, lascivious, or  
30 indecent assault or act upon or in the presence of the child;

31

1 (g) Are sentenced, have previously been sentenced, or  
2 have been sentenced at any time under s. 775.084, or have been  
3 sentenced at any time in another jurisdiction as a habitual  
4 offender;

5 (h) Are convicted, or have been previously convicted,  
6 of committing or attempting to commit assault, aggravated  
7 assault, battery, aggravated battery, kidnapping,  
8 manslaughter, or murder against an officer as defined in s.  
9 943.10(1), (2), (3), (6), (7), (8), or (9); against a state  
10 attorney or assistant state attorney; or against a justice or  
11 judge of a court described in Art. V of the State  
12 Constitution; or against an officer, judge, or state attorney  
13 employed in a comparable position by any other jurisdiction;  
14 or

15 (i) Are convicted, or have been previously convicted,  
16 of committing or attempting to commit murder in the first,  
17 second, or third degree under s. 782.04(1), (2), (3), or (4),  
18 or have ever been convicted of any degree of murder or  
19 attempted murder in another jurisdiction;

20 (j) Are convicted, or have been previously convicted,  
21 of DUI manslaughter under s. 316.193(3)(c)3., and are  
22 sentenced, or have been sentenced at any time, as a habitual  
23 offender for such offense, or have been sentenced at any time  
24 in another jurisdiction as a habitual offender for such  
25 offense;

26 (k)1. Are serving a sentence for an offense committed  
27 on or after January 1, 1994, for a violation of the Law  
28 Enforcement Protection Act under s. 775.0823(2), (3), (4), or  
29 (5), and the subtotal of the offender's sentence points is  
30 multiplied pursuant to former s. 921.0014 or s. 921.0024;

31

1           2. Are serving a sentence for an offense committed on  
2 or after October 1, 1995, for a violation of the Law  
3 Enforcement Protection Act under s. 775.0823(2), (3), (4),  
4 (5), (6), (7), or (8), and the subtotal of the offender's  
5 sentence points is multiplied pursuant to former s. 921.0014  
6 or s. 921.0024;

7           (1) Are serving a sentence for an offense committed on  
8 or after January 1, 1994, for possession of a firearm,  
9 semiautomatic firearm, or machine gun in which additional  
10 points are added to the subtotal of the offender's sentence  
11 points pursuant to former s. 921.0014 or s. 921.0024; or

12           (m) Are convicted, or have been previously convicted,  
13 of committing or attempting to commit manslaughter,  
14 kidnapping, robbery, carjacking, home-invasion robbery, or a  
15 burglary under s. 810.02(2).

16  
17 In making control release eligibility determinations under  
18 this subsection, the authority may rely on any document  
19 leading to or generated during the course of the criminal  
20 proceedings, including, but not limited to, any presentence or  
21 postsentence investigation or any information contained in  
22 arrest reports relating to circumstances of the offense.

23           Section 32. Subsection (1) of section 947.168, Florida  
24 Statutes, is amended to read:

25           947.168 Consideration for persons serving  
26 parole-eligible and parole-ineligible sentences.--

27           (1) A person serving a parole-eligible sentence who  
28 subsequently receives a parole-ineligible sentence ~~pursuant to~~  
29 ~~s. 921.001(10)~~ shall be considered for parole on the  
30 parole-eligible sentence.

1           Section 33. Section 948.015, Florida Statutes, is  
2 amended to read:

3           948.015 Presentence investigation reports.--The  
4 circuit court, when the defendant in a criminal case has been  
5 found guilty or has entered a plea of nolo contendere or  
6 guilty and has a recommended sentence under the Criminal  
7 Punishment Code ~~sentencing guidelines~~ of any nonstate prison  
8 sanction, may refer the case to the department for  
9 investigation or recommendation. Upon such referral, the  
10 department shall make the following report in writing at a  
11 time specified by the court prior to sentencing. The full  
12 report shall include:

13           (1) A complete description of the situation  
14 surrounding the criminal activity with which the offender has  
15 been charged, including a synopsis of the trial transcript, if  
16 one has been made; nature of the plea agreement, including the  
17 number of counts waived, the pleas agreed upon, the sentence  
18 agreed upon, and any additional terms of agreement; and, at  
19 the offender's discretion, his version and explanation of the  
20 criminal activity.

21           (2) The offender's sentencing status, including  
22 whether the offender is a first offender, a habitual or  
23 violent offender, a youthful offender, or is currently on  
24 probation.

25           (3) The offender's prior record of arrests and  
26 convictions.

27           (4) The offender's educational background.

28           (5) The offender's employment background, including  
29 any military record, his present employment status, and his  
30 occupational capabilities.

31

1           (6) The offender's financial status, including total  
2 monthly income and estimated total debts.

3           (7) The social history of the offender, including his  
4 family relationships, marital status, interests, and  
5 activities.

6           (8) The residence history of the offender.

7           (9) The offender's medical history and, as  
8 appropriate, a psychological or psychiatric evaluation.

9           (10) Information about the environments to which the  
10 offender might return or to which he could be sent should a  
11 sentence of nonincarceration or community supervision be  
12 imposed by the court, and consideration of the offender's plan  
13 concerning employment supervision and treatment.

14           (11) Information about any resources available to  
15 assist the offender, such as:

16           (a) Treatment centers.

17           (b) Residential facilities.

18           (c) Vocational training programs.

19           (d) Special education programs.

20           (e) Services that may preclude or supplement  
21 commitment to the department.

22           (12) The views of the person preparing the report as  
23 to the offender's motivations and ambitions and an assessment  
24 of the offender's explanations for his criminal activity.

25           (13) An explanation of the offender's criminal record,  
26 if any, including his version and explanation of any previous  
27 offenses.

28           (14) A statement regarding the extent of any victim's  
29 loss or injury.

30           (15) A recommendation as to disposition by the court.  
31 The department shall make a written determination as to the

1 reasons for its recommendation, and shall include an  
2 evaluation of the following factors:

3 (a) The appropriateness or inappropriateness of  
4 community facilities, programs, or services for treatment or  
5 supervision for the offender.

6 (b) The ability or inability of the department to  
7 provide an adequate level of supervision for the offender in  
8 the community and a statement of what constitutes an adequate  
9 level of supervision.

10 (c) The existence of other treatment modalities which  
11 the offender could use but which do not exist at present in  
12 the community.

13 Section 34. Subsections (1) and (2) of section  
14 948.034, Florida Statutes, are amended to read:

15 948.034 Terms and conditions of probation; community  
16 residential drug punishment centers.--

17 (1) On or after October 1, 1993, any person who  
18 violates s. 893.13(1)(a)1., (1)(c)2., (1)(d)2., (2)(a)1., or  
19 (5)(a) may, in the discretion of the trial court, be required  
20 to successfully complete a term of probation in lieu of  
21 serving a term of imprisonment as required or authorized by s.  
22 775.084, ~~former~~ or s. 921.001, or s. 921.002, as follows:

23 (a) If the person has not previously been convicted of  
24 violating s. 893.13(1)(a)1., (1)(c)2., (1)(d)2., (2)(a)1., or  
25 (5)(a), adjudication may be withheld and the offender may be  
26 placed on probation for not less than 18 months, as a  
27 condition of which the court shall require the offender to  
28 reside at a community residential drug punishment center for  
29 90 days. The offender must comply with all rules and  
30 regulations of the center and must pay a fee for the costs of  
31 room and board and residential supervision. Placement of an



1 offender into a community residential drug punishment center  
2 is subject to budgetary considerations and availability of bed  
3 space. If the court requires the offender to reside at a  
4 community residential drug punishment center, the court shall  
5 also require the offender to comply with one or more of the  
6 other following terms and conditions:

7           1. Pay a fine of not less than \$500 nor more than  
8 \$10,000 pursuant to s. 775.083(1)(c).

9           2. Enter, regularly attend, and successfully complete  
10 a substance abuse education program of at least 40 hours or a  
11 prescribed substance abuse treatment program provided by a  
12 treatment resource licensed pursuant to chapter 396 or chapter  
13 397 or by a hospital licensed pursuant to chapter 395, as  
14 specified by the court. In addition, the court may refer the  
15 offender to a licensed agency for substance abuse evaluation  
16 and, if appropriate, substance abuse treatment subject to the  
17 ability of the offender to pay for such evaluation and  
18 treatment. If such referral is made, the offender must comply  
19 and must pay for the reasonable cost of the evaluation and  
20 treatment.

21           3. Perform at least 100 hours of public service.

22           4. Submit to routine and random drug testing which may  
23 be conducted during the probationary period, with the  
24 reasonable costs thereof borne by the offender.

25           5. Participate, at his own expense, in an appropriate  
26 self-help group, such as Narcotics Anonymous, Alcoholics  
27 Anonymous, or Cocaine Anonymous, if available.

28           (b) If the person has been previously convicted of one  
29 felony violation of s. 893.13(1)(a)1., (1)(c)2., (1)(d)2.,  
30 (2)(a)1., or (5)(a), adjudication may not be withheld and the  
31 offender may be placed on probation for not less than 24

1 months, as a condition of which the court shall require the  
2 offender to reside at a community residential drug punishment  
3 center for 180 days. The offender must comply with all rules  
4 and regulations of the center and must pay a fee for the costs  
5 of room and board and residential supervision. Placement of an  
6 offender into a community residential drug punishment center  
7 is subject to budgetary considerations and availability of bed  
8 space. If the court requires the offender to reside at a  
9 community residential drug punishment center, the court shall  
10 also require the offender to comply with one or more of the  
11 other following terms and conditions:

12           1. Pay a fine of not less than \$1,000 nor more than  
13 \$10,000 pursuant to s. 775.083(1)(c).

14           2. Enter, regularly attend, and successfully complete  
15 a substance abuse education program of at least 40 hours or a  
16 prescribed substance abuse treatment program provided by a  
17 treatment resource licensed pursuant to chapter 396 or chapter  
18 397 or by a hospital licensed pursuant to chapter 395, as  
19 specified by the court. In addition, the court may refer the  
20 offender to a licensed agency for substance abuse evaluation  
21 and, if appropriate, substance abuse treatment subject to the  
22 ability of the offender to pay for such evaluation and  
23 treatment. If such referral is made, the offender must comply  
24 and must pay for the reasonable cost of the evaluation and  
25 treatment.

26           3. Perform at least 200 hours of public service.

27           4. Submit to routine and random drug testing which may  
28 be conducted during the probationary period, with the  
29 reasonable costs thereof borne by the offender.

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1           5. Participate, at his own expense, in an appropriate  
2 self-help group, such as Narcotics Anonymous, Alcoholics  
3 Anonymous, or Cocaine Anonymous, if available.

4           (c) If the person has been previously convicted of two  
5 felony violations of s. 893.13(1)(a)1., (1)(c)2., (1)(d)2.,  
6 (2)(a)1., or (5)(a), adjudication may not be withheld and the  
7 offender may be placed on probation for not less than 36  
8 months, as a condition of which the court shall require the  
9 offender to reside at a community residential drug punishment  
10 center for 360 days. The offender must comply with all rules  
11 and regulations of the center and must pay a fee for the costs  
12 of room and board and residential supervision. Placement of an  
13 offender into a community residential drug punishment center  
14 is subject to budgetary considerations and availability of bed  
15 space. If the court requires the offender to reside at a  
16 community residential drug punishment center, the court shall  
17 also require the offender to comply with one or more of the  
18 other following terms and conditions:

19           1. Pay a fine of not less than \$1,500 nor more than  
20 \$10,000 pursuant to s. 775.083(1)(c).

21           2. Enter, regularly attend, and successfully complete  
22 a substance abuse education program of at least 40 hours or a  
23 prescribed substance abuse treatment program provided by a  
24 treatment resource licensed pursuant to chapter 396 or chapter  
25 397 or by a hospital licensed pursuant to chapter 395, as  
26 specified by the court. In addition, the court may refer the  
27 offender to a licensed agency for substance abuse evaluation  
28 and, if appropriate, substance abuse treatment subject to the  
29 ability of the offender to pay for such evaluation and  
30 treatment. If such referral is made, the offender must comply  
31

1 and must pay for the reasonable cost of the evaluation and  
2 treatment.

3 3. Perform at least 300 hours of public service.

4 4. Submit to routine and random drug testing which may  
5 be conducted during the probationary period, with the  
6 reasonable costs thereof borne by the offender.

7 5. Participate, at his own expense, in an appropriate  
8 self-help group, such as Narcotics Anonymous, Alcoholics  
9 Anonymous, or Cocaine Anonymous, if available.

10 (d) An offender who violates probation imposed  
11 pursuant to this section shall be sentenced in accordance with  
12 s. 921.002 ~~s. 921.001~~.

13 (2) On or after October 1, 1993, any person who  
14 violates s. 893.13(1)(a)2., (2)(a)2., (5)(b), or (6)(a) may,  
15 in the discretion of the trial court, be required to  
16 successfully complete a term of probation in lieu of serving a  
17 term of imprisonment as required or authorized by s. 775.084,  
18 former ~~or~~ s. 921.001, or s. 921.002, as follows:

19 (a) If the person has not previously been convicted of  
20 violating s. 893.13(1)(a)2., (2)(a)2., (5)(b), or (6)(a),  
21 adjudication may be withheld and the offender shall be placed  
22 on probation for not less than 12 months, as a condition of  
23 which the court may require the offender to comply with one or  
24 more of the following terms and conditions:

25 1. Pay a fine of not less than \$250 nor more than  
26 \$5,000 pursuant to s. 775.083(1)(c).

27 2. Enter, regularly attend, and successfully complete  
28 a substance abuse education program of at least 40 hours or a  
29 prescribed substance abuse treatment program provided by a  
30 treatment resource licensed pursuant to chapter 396 or chapter  
31 397 or by a hospital licensed pursuant to chapter 395, as

1 specified by the court. In addition, the court may refer the  
2 offender to a licensed agency for substance abuse evaluation  
3 and, if appropriate, substance abuse treatment subject to the  
4 ability of the offender to pay for such evaluation and  
5 treatment. If such referral is made, the offender must comply  
6 and must pay for the reasonable cost of the evaluation and  
7 treatment.

8           3. Perform at least 50 hours of public service.

9           4. Submit to routine and random drug testing which may  
10 be conducted during the probationary period, with the  
11 reasonable costs thereof borne by the offender.

12           5. Participate, at his own expense, in an appropriate  
13 self-help group, such as Narcotics Anonymous, Alcoholics  
14 Anonymous, or Cocaine Anonymous, if available.

15           (b) If the person has been previously convicted of one  
16 felony violation of s. 893.13(1)(a)2., (2)(a)2., (5)(b), or  
17 (6)(a), adjudication may not be withheld and the offender may  
18 be placed on probation for not less than 18 months, as a  
19 condition of which the court shall require the offender to  
20 reside at a community residential drug punishment center for  
21 90 days. The offender must comply with all rules and  
22 regulations of the center and must pay a fee for the costs of  
23 room and board and residential supervision. Placement of an  
24 offender into a community residential drug punishment center  
25 is subject to budgetary considerations and availability of bed  
26 space. If the court requires the offender to reside at a  
27 community residential drug punishment center, the court shall  
28 also require the offender to comply with one or more of the  
29 other following terms and conditions:

30           1. Pay a fine of not less than \$500 nor more than  
31 \$5,000 pursuant to s. 775.083(1)(c).

1           2. Enter, regularly attend, and successfully complete  
2 a substance abuse intervention program of a least 80 hours  
3 provided by a treatment resource licensed pursuant to chapter  
4 396 or chapter 397 or by a hospital licensed pursuant to  
5 chapter 395, as specified by the court. In addition, the court  
6 may refer the offender to a licensed agency for substance  
7 abuse evaluation and, if appropriate, substance abuse  
8 treatment subject to the ability of the offender to pay for  
9 such evaluation and treatment. If such referral is made, the  
10 offender must comply and must pay for the reasonable cost of  
11 the evaluation and treatment.

12           3. Perform at least 100 hours of public service.

13           4. Submit to routine and random drug testing which may  
14 be conducted during the probationary period, with the  
15 reasonable costs thereof borne by the offender.

16           5. Participate, at his own expense, in an appropriate  
17 self-help group, such as Narcotics Anonymous, Alcoholics  
18 Anonymous, or Cocaine Anonymous, if available.

19           (c) If the person has been previously convicted of two  
20 felony violations of s. 893.13(1)(a)2., (2)(a)2., (5)(b), or  
21 (6)(a), adjudication may not be withheld and the offender may  
22 be placed on probation for not less than 24 months, as a  
23 condition of which the court shall require the offender to  
24 reside at a community residential drug punishment center for  
25 120 days. The offender must comply with all rules and  
26 regulations of the center and must pay a fee for the costs of  
27 room and board and residential supervision. Placement of an  
28 offender into a community residential drug punishment center  
29 is subject to budgetary considerations and availability of bed  
30 space. If the court requires the offender to reside at a  
31 community residential drug punishment center, the court shall

1 also require the offender to comply with one or more of the  
2 other following terms and conditions:

3 1. Pay a fine of not less than \$1,000 nor more than  
4 \$5,000 pursuant to s. 775.083(1)(c).

5 2. Enter, regularly attend, and successfully complete  
6 a prescribed substance abuse treatment program provided by a  
7 treatment resource licensed pursuant to chapter 396 or chapter  
8 397 or by a hospital licensed pursuant to chapter 395, as  
9 specified by the court. In addition, the court may refer the  
10 offender to a licensed agency for substance abuse evaluation  
11 and, if appropriate, substance abuse treatment subject to the  
12 ability of the offender to pay for such evaluation and  
13 treatment. If such referral is made, the offender must comply  
14 and must pay for the reasonable cost of the evaluation and  
15 treatment.

16 3. Perform at least 150 hours of public service.

17 4. Submit to routine and random drug testing which may  
18 be conducted during the probationary period, with the  
19 reasonable costs thereof borne by the offender.

20 5. Participate, at his own expense, in an appropriate  
21 self-help group, such as Narcotics Anonymous, Alcoholics  
22 Anonymous, or Cocaine Anonymous, if available.

23 (d) If the person has been previously convicted of  
24 three felony violations of s. 893.13(1)(a)2., (2)(a)2.,  
25 (5)(b), or (6)(a), adjudication may not be withheld and the  
26 offender may be placed on probation for not less than 30  
27 months, as a condition of which the court shall require the  
28 offender to reside at a community residential drug punishment  
29 center for 200 days. The offender must comply with all rules  
30 and regulations of the center and must pay a fee for the costs  
31 of room and board and residential supervision. Placement of an

1 offender into a community residential drug punishment center  
2 is subject to budgetary considerations and availability of bed  
3 space. If the court requires the offender to reside at a  
4 community residential drug punishment center, the court shall  
5 also require the offender to comply with one or more of the  
6 other following terms and conditions:

7           1. Pay a fine of not less than \$1,500 nor more than  
8 \$5,000 pursuant to s. 775.083(1)(c).

9           2. Enter, regularly attend, and successfully complete  
10 a prescribed substance abuse treatment program provided by a  
11 treatment resource licensed pursuant to chapter 396 or chapter  
12 397 or by a hospital licensed pursuant to chapter 395, as  
13 specified by the court. In addition, the court may refer the  
14 offender to a licensed agency for substance abuse evaluation  
15 and, if appropriate, substance abuse treatment subject to the  
16 ability of the offender to pay for such evaluation and  
17 treatment. If such referral is made, the offender must comply  
18 and must pay for the reasonable cost of the evaluation and  
19 treatment.

20           3. Perform at least 200 hours of public service.

21           4. Submit to routine and random drug testing which may  
22 be conducted during the probationary period, with the  
23 reasonable costs thereof borne by the offender.

24           5. Participate, at his own expense, in an appropriate  
25 self-help group, such as Narcotics Anonymous, Alcoholics  
26 Anonymous, or Cocaine Anonymous, if available.

27           (e) If the person has been previously convicted of  
28 four felony violations of s. 893.13(1)(a)2., (2)(a)2., (5)(b),  
29 or (6)(a), adjudication may not be withheld and the offender  
30 may be placed on probation for not less than 36 months, as a  
31 condition of which the court shall require the offender to



1 reside at a community residential drug punishment center for  
2 360 days. The offender must comply with all rules and  
3 regulations of the center and must pay a fee for the costs of  
4 room and board and residential supervision. Placement of an  
5 offender into a community residential drug punishment center  
6 is subject to budgetary considerations and availability of bed  
7 space. If the court requires the offender to reside at a  
8 community residential drug punishment center, the court shall  
9 also require the offender to comply with one or more of the  
10 other following terms and conditions:

11 1. Pay a fine of not less than \$2,000 nor more than  
12 \$5,000 pursuant to s. 775.083(1)(c).

13 2. Enter, regularly attend, and successfully complete  
14 a prescribed substance abuse treatment program provided by a  
15 treatment resource licensed pursuant to chapter 396 or chapter  
16 397 or by a hospital licensed pursuant to chapter 395, as  
17 specified by the court. In addition, the court may refer the  
18 offender to a licensed agency for substance abuse evaluation  
19 and, if appropriate, substance abuse treatment subject to the  
20 ability of the offender to pay for such evaluation and  
21 treatment. If such referral is made, the offender must comply  
22 and must pay for the reasonable cost of the evaluation and  
23 treatment.

24 3. Perform at least 250 hours of public service.

25 4. Submit to routine and random drug testing which may  
26 be conducted during the probationary period, with the  
27 reasonable costs thereof borne by the offender.

28 5. Participate, at his own expense, in an appropriate  
29 self-help group, such as Narcotics Anonymous, Alcoholics  
30 Anonymous, or Cocaine Anonymous, if available.

31

1 (f) An offender who violates probation imposed  
2 pursuant to this section shall be sentenced in accordance with  
3 s. 921.002 ~~s. 921.001~~.

4 Section 35. Paragraph (c) of subsection (2) of section  
5 948.51, Florida Statutes, is amended to read:

6 948.51 Community corrections assistance to counties or  
7 county consortiums.--

8 (2) ELIGIBILITY OF COUNTIES AND COUNTY CONSORTIUMS.--A  
9 county, or a consortium of two or more counties, may contract  
10 with the Department of Corrections for community corrections  
11 funds as provided in this section. In order to enter into a  
12 community corrections partnership contract, a county or county  
13 consortium must have a public safety coordinating council  
14 established under s. 951.26 and must designate a county  
15 officer or agency to be responsible for administering  
16 community corrections funds received from the state. The  
17 public safety coordinating council shall prepare, develop, and  
18 implement a comprehensive public safety plan for the county,  
19 or the geographic area represented by the county consortium,  
20 and shall submit an annual report to the Department of  
21 Corrections concerning the status of the program. In preparing  
22 the comprehensive public safety plan, the public safety  
23 coordinating council shall cooperate with the district  
24 juvenile justice board and the county juvenile justice  
25 council, established under s. 39.025, in order to include  
26 programs and services for juveniles in the plan. To be  
27 eligible for community corrections funds under the contract,  
28 the initial public safety plan must be approved by the  
29 governing board of the county, or the governing board of each  
30 county within the consortium, and the Secretary of Corrections  
31 based on the requirements of this section. If one or more

1 other counties develop a unified public safety plan, the  
2 public safety coordinating council shall submit a single  
3 application to the department for funding. Continued contract  
4 funding shall be pursuant to subsection (6). The plan for a  
5 county or county consortium must cover at least a 5-year  
6 period and must include:

7 (c) Specific goals and objectives for reducing the  
8 projected percentage of commitments to the state prison system  
9 of persons with sentencing scores of 40 to 52 points,  
10 inclusive, pursuant to the Criminal Punishment Code ~~sentencing~~  
11 ~~guidelines~~.

12 Section 36. Subsection (3) of section 958.04, Florida  
13 Statutes, 1996 Supplement, is amended to read:

14 958.04 Judicial disposition of youthful offenders.--

15 (3) The provisions of this section shall not be used  
16 to impose a greater sentence than the maximum recommended  
17 range as established by the Criminal Punishment Code ~~statewide~~  
18 ~~sentencing guidelines~~ pursuant to chapter 921 unless reasons  
19 are explained in writing by the trial court judge which  
20 reasonably justify departure. A sentence imposed outside of  
21 the code is ~~such guidelines shall be~~ subject to appeal  
22 pursuant to ~~s. 924.06~~ or s. 924.07.

23 Section 37. Effective October 1, 1997, subsection (3)  
24 of section 921.0014, Florida Statutes, as amended by section  
25 22 of chapter 96-388, Laws of Florida, is amended to read:

26 921.0014 Sentencing guidelines; worksheet  
27 computations; scoresheets.--

28 (3) A single guidelines scoresheet shall be prepared  
29 for each defendant, except that if the defendant is before the  
30 court for sentencing for more than one felony and the felonies  
31 were committed under more than one version or revision of the

1 guidelines, separate scoresheets must be prepared pursuant to  
2 s. 921.001(4)(b). The scoresheet or scoresheets must cover  
3 all the defendant's offenses pending before the court for  
4 sentencing. Either the office of the state attorney or the  
5 Department of Corrections, or both where appropriate, shall  
6 prepare the scoresheet or scoresheets, which must be presented  
7 to ~~the state attorney and~~ the defense counsel for review for  
8 accuracy in all cases unless the judge directs otherwise. The  
9 defendant's scoresheet or scoresheets must be approved and  
10 signed by the sentencing judge.

11 Section 38. Section Subsection (5) of section 921.001,  
12 Florida Statutes, is amended to read:

13 921.001 Sentencing Commission and sentencing  
14 guidelines generally.--

15 (5) Sentences imposed by trial court judges under the  
16 1994 revised sentencing guidelines on or after January 1,  
17 1994, must be within the 1994 guidelines unless there is a  
18 departure sentence with written findings. However, a person  
19 sentenced for a felony committed on or after July 1, 1997, who  
20 has at least one prior felony conviction and whose maximum  
21 recommended sentence is under 22 months may be sentenced to  
22 community control or a term of incarceration not to exceed 22  
23 months. As used in this subsection, the term "conviction"  
24 means a determination of guilt which is the result of a plea  
25 or a trial, regardless of whether adjudication is withheld.  
26 Such sentence is not subject to appeal. If a recommended  
27 sentence under the guidelines exceeds the maximum sentence  
28 otherwise authorized by s. 775.082, the sentence under the  
29 guidelines must be imposed, absent a departure. If a  
30 departure sentence, with written findings, is imposed, such  
31 sentence must be within any relevant maximum sentence

1 limitations provided in s. 775.082. The failure of a trial  
2 court to impose a sentence within the sentencing guidelines is  
3 subject to appellate review pursuant to chapter 924, except as  
4 otherwise provided in this subsection . However, the extent of  
5 a departure from a guidelines sentence is not subject to  
6 appellate review.

7 Section 39. Paragraph (d) of subsection (4) of section  
8 921.0016, Florida Statutes, 1996 Supplement, is amended to  
9 read:

10 921.0016 Recommended sentences; departure sentences;  
11 aggravating and mitigating circumstances.--

12 (4) Mitigating circumstances under which a departure  
13 from the sentencing guidelines is reasonably justified  
14 include, but are not limited to:

15 (c) The capacity of the defendant to appreciate the  
16 criminal nature of the conduct or to conform that conduct to  
17 the requirements of law was substantially impaired. However, a  
18 person's capacity, if diminished by the influence of alcohol  
19 or controlled substances at the time of the offense, may not  
20 in any manner be considered a reason to impose a sentence  
21 below the guidelines.

22 (d) The defendant requires specialized treatment for  
23 addiction, mental disorder, or physical disability, and the  
24 defendant is amenable to treatment. However, addiction,  
25 alcoholism, substance abuse, or any interest in treatment for  
26 these conditions, may not in any manner be considered as a  
27 reason to impose a sentence below the guidelines.

28 (e) The need for payment of restitution to the victim  
29 outweighs the need for a prison sentence.

30 Section 40. Section The Criminal Punishment Code  
31 applies to all felonies, except capital felonies, committed on

1 or after October 1, 1998. Any revision to the Criminal  
2 Punishment Code applies to sentencing for all felonies, except  
3 capital felonies, committed on or after the effective date of  
4 the revision. Felonies, except capital felonies, with  
5 continuing dates of enterprise shall be sentenced under the  
6 Criminal Punishment Code in effect on the beginning date of  
7 the criminal activity. The Criminal Punishment Code shall not  
8 be construed to limit the application of any enhanced  
9 penalties, or minimum mandatory sentences where otherwise  
10 provided by Florida Statutes.

11           Section 41. The Division of Statutory Revision of the  
12 Joint Legislative Management Committee shall leave the  
13 repealed statutory provisions referenced herein in the Florida  
14 Statutes for 10 years from October 1, 1998.

15           Section 42. Unless otherwise expressly provided in  
16 this act, sections 1 through 37, 40 and 41 of this act shall  
17 take effect October 1, 1998, and this section and sections 38  
18 and 39 shall take effect July 1, 1997.

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