

1 A bill to be entitled
2 An act relating to criminal justice; repealing
3 ss. 921.0001, 921.001, 921.0011, 921.0012,
4 921.0013, 921.0014, 921.0015, 921.0016,
5 921.005, F.S., relating to the statewide
6 sentencing guidelines; providing for
7 application; creating the Florida Criminal
8 Punishment Code; providing for the code to
9 apply to felonies committed on or after a
10 specified date; creating s. 921.002, F.S.;
11 providing for the Legislature to develop,
12 implement, and revise a sentencing policy;
13 specifying the principles embodied by the
14 Criminal Punishment Code; providing
15 requirements for sentencing a defendant for
16 more than one felony; authorizing a court to
17 impose a sentence below the permissible
18 sentencing range; specifying the level of proof
19 required to justify such a sentence; creating
20 s. 921.0021, F.S.; providing definitions;
21 creating s. 921.0022, F.S.; providing an
22 offense severity ranking chart to be used in
23 computing a sentence score for a felony
24 offender; creating s. 921.0023, F.S.; providing
25 for ranking felony offenses that are unlisted
26 on the severity ranking chart; creating s.
27 921.0024, F.S.; providing a worksheet for
28 computing sentence points under the Criminal
29 Punishment Code; providing for points to be
30 assessed based on the offender's legal status;
31 providing for sentencing multipliers; providing

1 requirements for the state attorney and the
2 Department of Corrections in preparing
3 scoresheets; requiring the clerk of the circuit
4 court to distribute scoresheets and transmit
5 copies to the Department of Corrections;
6 creating s. 921.0026, F.S.; specifying
7 circumstances that constitute mitigating
8 circumstances for purposes of sentencing;
9 amending s. 20.315, F.S.; deleting a
10 requirement that the Florida Corrections
11 Commission review proposed changes to the
12 statewide sentencing guidelines; amending s.
13 39.0581, F.S.; providing for the criteria under
14 which a juvenile is committed to a maximum-risk
15 residential program to be based on the ranking
16 of the offense under the Criminal Punishment
17 Code; amending s. 775.0823, F.S.; providing for
18 a person convicted of certain violent offenses
19 against a law enforcement officer, correctional
20 officer, state attorney, assistant state
21 attorney, justice, or judge to be sentenced
22 under the Criminal Punishment Code; amending s.
23 775.084, F.S.; deleting a requirement that the
24 courts submit reports to the Sentencing
25 Commission; conforming a reference to changes
26 made by the act; amending ss. 775.0845,
27 775.087, 775.0875, F.S., relating to wearing a
28 mask while committing an offense, possessing a
29 weapon while committing a felony, and taking a
30 law enforcement officer's firearm; requiring
31 that such offenses be ranked under the Criminal

1 Punishment Code; amending s. 777.03, F.S.,
 2 relating to the offense of being an accessory
 3 to a crime; providing for ranking such offense;
 4 amending s. 777.04, F.S.; requiring that a
 5 person convicted of criminal attempt, criminal
 6 solicitation, or criminal conspiracy be
 7 sentenced under the Criminal Punishment Code;
 8 amending s. 782.051, F.S.; requiring that
 9 certain offenses that result in bodily injury
 10 be ranked under the Criminal Punishment Code;
 11 amending s. 784.08, F.S.; requiring that a
 12 person convicted of assault and battery against
 13 an elderly person be sentenced under the
 14 Criminal Punishment Code; amending ss. 794.023,
 15 874.04, F.S., relating to sexual battery by
 16 multiple perpetrators and to criminal
 17 street-gang activity; requiring that such
 18 offenses be ranked under the offense severity
 19 ranking chart of the Criminal Punishment Code;
 20 amending s. 893.13, F.S., relating to the
 21 offense of selling, manufacturing, or
 22 possessing certain controlled substances;
 23 conforming provisions to changes made by the
 24 act; amending s. 893.135, F.S.; requiring that
 25 a person convicted of certain drug-trafficking
 26 offenses be sentenced under the Criminal
 27 Punishment Code; amending s. 893.20, F.S.;
 28 requiring that a person convicted of engaging
 29 in a continuing criminal enterprise be
 30 sentenced under the Criminal Punishment Code;
 31 amending s. 921.187, F.S., relating to

1 disposition and sentencing; conforming
2 provisions to changes made by the act; amending
3 s. 921.188, F.S.; providing certain conditions
4 based on the Criminal Punishment Code under
5 which a felon may be placed in a local
6 detention facility; amending ss. 924.06,
7 924.07, F.S., relating to appeals; deleting a
8 provision that allows a defendant to appeal a
9 sentence imposed outside a range formerly
10 permitted under chapter 921, F.S.; authorizing
11 the state to appeal a sentence imposed below
12 the range permitted by the Criminal Punishment
13 Code; amending s. 944.17, F.S.; requiring that
14 the sentencing scoresheet for a prisoner be
15 submitted to the Department of Corrections;
16 amending ss. 947.141, 947.146, 947.168, F.S.,
17 relating to violations of conditional release
18 or control release and parole eligibility;
19 conforming provisions to changes made by the
20 act; amending s. 948.015, F.S., relating to
21 presentence reports; conforming provisions to
22 changes made by the act; amending s. 948.034,
23 F.S., relating to terms and conditions of
24 probation; conforming references; amending s.
25 948.51, F.S.; revising requirements for a
26 county or county consortium in developing a
27 public safety plan to conform to changes made
28 by the act; amending s. 958.04, F.S., relating
29 to judicial disposition of youthful offenders;
30 providing certain limitations on sentences
31 based on the Criminal Punishment Code; amending

1 s. 921.0014, F.S.; providing requirements for
2 the state attorney with respect to preparing
3 sentencing scoresheets; amending ss. 397.705,
4 893.15, F.S.; requiring that a referral of an
5 offender to a treatment provider or to drug
6 rehabilitation be in addition to adjudication
7 or imposition of sentence rather than as an
8 alternative to adjudication or imposition of
9 sentence; amending s. 921.001, F.S.; providing
10 for certain persons sentenced on or after a
11 specified date whose recommended sentence is a
12 nonstate prison sanction or less than 22 months
13 to be eligible for incarceration up to a
14 specified period; providing that capital
15 felonies are excluded from the punishment code;
16 providing clarification for application of
17 future code revisions; amending s. 921.0016,
18 F.S.; deleting a provision that allows and
19 expressly prohibits addiction to be a
20 mitigating circumstance for purposes of
21 sentencing; providing a directive to the
22 Division of Statutory Revision to maintain
23 certain repealed provisions in the Florida
24 Statutes for ten years; providing effective
25 dates.

26
27 Be It Enacted by the Legislature of the State of Florida:

28
29 Section 1. Sections 921.0001, 921.001, 921.0011,
30 921.0012, 921.0013, 921.0014, 921.0015, 921.0016, and 921.005,
31 Florida Statutes, as amended by this act, are repealed

1 effective October 1, 1998, except that those sections shall
2 remain in effect with respect to any crime committed before
3 October 1, 1998.

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

8 Section 3. Section 921.002, Florida Statutes, is
9 created to read:

10 921.002 The Criminal Punishment Code.--

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

21 (a) The Criminal Punishment Code embodies the
22 principles that:

23 1. Sentencing is neutral with respect to race, gender,
24 and social and economic status.

25 2. The primary purpose of sentencing is to punish the
26 offender. Rehabilitation is a desired goal of the criminal
27 justice system but is subordinate to the goal of punishment.

28 3. The penalty imposed is commensurate with the
29 severity of the primary offense and the circumstances
30 surrounding the primary offense.

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

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

9 6. Departures below the permissible sentencing range
10 established in the code must be articulated in writing and
11 made only when circumstances or factors reasonably justify the
12 aggravation or mitigation of the sentence. The level of proof
13 necessary to establish facts that support a departure from the
14 permissible sentencing range is a preponderance of the
15 evidence.

16 7. The trial judge may impose a sentence up to and
17 including the statutory maximum for any offense, including an
18 offense that is before the court due to a violation of
19 probation.

20 8. A sentence may be appealed only if the sentence is
21 below the permissible sentencing range.

22 9. Use of incarcerative sanctions is prioritized
23 toward offenders convicted of serious offenses and certain
24 offenders who have long prior records, in order to maximize
25 the finite capacities of state and local correctional
26 facilities.

27 (2) When a defendant is before the court for
28 sentencing for more than one felony and the felonies were
29 committed under more than one version or revision of the
30 guidelines or the code, each felony shall be sentenced under
31 the guidelines or the code in effect at the time the

1 particular felony was committed. This subsection does not
2 apply to sentencing for any capital felony.

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

15 Section 4. Section 921.0021, Florida Statutes, is
16 created to read:

17 921.0021 Definitions.--As used in this chapter, the
18 term:

19 (1) "Additional offense" means any offense other than
20 the primary offense for which an offender is convicted and
21 which is pending before the court for sentencing at the time
22 of the primary offense.

23 (2) "Conviction" means a determination of guilt that
24 is the result of a plea or a trial, regardless of whether
25 adjudication is withheld.

26 (3) "Legal status" means an offender's status if the
27 offender:

28 (a) Escapes from incarceration;

29 (b) Flees to avoid prosecution;

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

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

1 (e) Is incarcerated;

2 (f) Is under any form of a pretrial intervention or
3 diversion program; or

4 (g) Is under any form of court-imposed or post-prison
5 release community supervision.

6 (4) "Primary offense" means the offense at conviction
7 pending before the court for sentencing for which the total
8 sentence points recommend a sanction that is as severe as, or
9 more severe than, the sanction recommended for any other
10 offense committed by the offender and pending before the court
11 at sentencing. Only one count of one offense before the court
12 for sentencing shall be classified as the primary offense.

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

1 primary offense are included in the offender's prior record if
2 the offender has not maintained a conviction-free record,
3 either as an adult or a juvenile, for a period of 3
4 consecutive years from the most recent date of release from
5 confinement, supervision, or sanction, whichever is later, to
6 the date of the primary offense.

7 (6) "Community sanction" includes:

8 (a) Probation.

9 (b) Community control.

10 (c) Pretrial intervention or diversion.

11 (7)(a) "Victim injury" means the physical injury or
12 death suffered by a person as a direct result of the primary
13 offense, or any additional offense, for which an offender is
14 convicted and which is pending before the court for sentencing
15 at the time of the primary offense.

16 (b) Except as provided in paragraph (c) or paragraph
17 (d),

18 1. If the conviction is for an offense involving
19 sexual contact that includes sexual penetration, the sexual
20 penetration must be scored in accordance with the sentence
21 points provided under s. 921.0024 for sexual penetration,
22 regardless of whether there is evidence of any physical
23 injury.

24 2. If the conviction is for an offense involving
25 sexual contact that does not include sexual penetration, the
26 sexual contact must be scored in accordance with the sentence
27 points provided under s. 921.0024 for sexual contact,
28 regardless of whether there is evidence of any physical
29 injury.

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1 If the victim of an offense involving sexual contact suffers
2 any physical injury as a direct result of the primary offense
3 or any additional offense committed by the offender resulting
4 in conviction, such physical injury must be scored separately
5 and in addition to the points scored for the sexual contact or
6 the sexual penetration.

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

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

13 Section 5. Section 921.0022, Florida Statutes, is
14 created to read:

15 921.0022 Criminal Punishment Code; offense severity
16 ranking chart.--

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

20 (2) The offense severity ranking chart has 10 offense
21 levels, ranked from least severe to most severe, and each
22 felony offense is assigned to a level according to the
23 severity of the offense. For purposes of determining which
24 felony offenses are specifically listed in the offense
25 severity ranking chart and which severity level has been
26 assigned to each of these offenses, the numerical statutory
27 references in the left column of the chart and the felony
28 degree designations in the middle column of the chart are
29 controlling; the language in the right column of the chart is
30 provided solely for descriptive purposes. Reclassification of
31 the degree of the felony through the application of s.

1 775.0845, s. 775.087, s. 775.0875, or s. 794.023, to any
 2 offense listed in the offense severity ranking chart in this
 3 section shall not cause the offense to become unlisted and is
 4 not subject to the provisions of s. 921.0023.

5 (3) OFFENSE SEVERITY RANKING CHART

6 <u>Florida</u>	7 <u>Felony</u>	
8 <u>Statute</u>	9 <u>Degree</u>	10 <u>Description</u>
		11 <u>(a) LEVEL 1</u>
12 <u>24.118(3)(a)</u>	13 <u>3rd</u>	14 <u>Counterfeit or altered state</u> 15 <u>lottery ticket.</u>
16 <u>212.054(2)(b)</u>	17 <u>3rd</u>	18 <u>Discretionary sales surtax;</u> 19 <u>limitations, administration, and</u> 20 <u>collection.</u>
21 <u>212.15(2)(b)</u>	22 <u>3rd</u>	23 <u>Failure to remit sales taxes,</u> 24 <u>amount greater than \$300 but less</u> 25 <u>than \$20,000.</u>
26 <u>319.30(5)</u>	27 <u>3rd</u>	28 <u>Sell, exchange, give away</u> 29 <u>certificate of title or</u> 30 <u>identification number plate.</u>
31 <u>319.35(1)(a)</u>	<u>3rd</u>	<u>Tamper, adjust, change, etc., an</u> <u>odometer.</u>
<u>320.26(1)(a)</u>	<u>3rd</u>	<u>Counterfeit, manufacture, or sell</u> <u>registration license plates or</u> <u>validation stickers.</u>
<u>322.212(1)</u>	<u>3rd</u>	<u>Possession of forged, stolen,</u> <u>counterfeit, or unlawfully issued</u> <u>driver's license.</u>
<u>322.212(4)</u>	<u>3rd</u>	<u>Supply or aid in supplying</u> <u>unauthorized driver's license.</u>

1	<u>322.212(5)</u>	<u>3rd</u>	<u>False application for driver's</u>
2			<u>license.</u>
3	<u>370.13(4)(a)</u>	<u>3rd</u>	<u>Molest any stone crab trap, line,</u>
4			<u>or buoy which is property of</u>
5			<u>licenseholder.</u>
6	<u>370.135(1)</u>	<u>3rd</u>	<u>Molest any blue crab trap, line,</u>
7			<u>or buoy which is property of</u>
8			<u>licenseholder.</u>
9	<u>372.663(1)</u>	<u>3rd</u>	<u>Poach any alligator or</u>
10			<u>crocodilia.</u>
11	<u>414.39(2)</u>	<u>3rd</u>	<u>Unauthorized use, possession,</u>
12			<u>forgery, or alteration of food</u>
13			<u>stamps, Medicaid ID, value</u>
14			<u>greater than \$200.</u>
15	<u>414.39(3)(a)</u>	<u>3rd</u>	<u>Fraudulent misappropriation of</u>
16			<u>public assistance funds by</u>
17			<u>employee/official, value more</u>
18			<u>than \$200.</u>
19	<u>443.071(1)</u>	<u>3rd</u>	<u>False statement or representation</u>
20			<u>to obtain or increase</u>
21			<u>unemployment compensation</u>
22			<u>benefits.</u>
23	<u>458.327(1)(a)</u>	<u>3rd</u>	<u>Unlicensed practice of medicine.</u>
24	<u>466.026(1)(a)</u>	<u>3rd</u>	<u>Unlicensed practice of dentistry</u>
25			<u>or dental hygiene.</u>
26	<u>509.151(1)</u>	<u>3rd</u>	<u>Defraud an innkeeper, food or</u>
27			<u>lodging value greater than \$300.</u>
28	<u>517.302(1)</u>	<u>3rd</u>	<u>Violation of the Florida</u>
29			<u>Securities and Investor</u>
30			<u>Protection Act.</u>
31	<u>562.27(1)</u>	<u>3rd</u>	<u>Possess still or still apparatus.</u>

1	<u>713.69</u>	<u>3rd</u>	<u>Tenant removes property upon</u>
2			<u>which lien has accrued, value</u>
3			<u>more than \$50.</u>
4	<u>812.014(3)(c)</u>	<u>3rd</u>	<u>Petit theft (3rd conviction);</u>
5			<u>theft of any property not</u>
6			<u>specified in subsection (2).</u>
7	<u>812.081(2)</u>	<u>3rd</u>	<u>Unlawfully makes or causes to be</u>
8			<u>made a reproduction of a trade</u>
9			<u>secret.</u>
10	<u>815.04(4)(a)</u>	<u>3rd</u>	<u>Offense against intellectual</u>
11			<u>property (i.e., computer</u>
12			<u>programs, data).</u>
13	<u>817.52(2)</u>	<u>3rd</u>	<u>Hiring with intent to defraud,</u>
14			<u>motor vehicle services.</u>
15	<u>826.01</u>	<u>3rd</u>	<u>Bigamy.</u>
16	<u>828.122(3)</u>	<u>3rd</u>	<u>Fighting or baiting animals.</u>
17	<u>831.04(1)</u>	<u>3rd</u>	<u>Any erasure, alteration, etc., of</u>
18			<u>any replacement deed, map, plat,</u>
19			<u>or other document listed in s.</u>
20			<u>92.28.</u>
21	<u>831.31(1)(a)</u>	<u>3rd</u>	<u>Sell, deliver, or possess</u>
22			<u>counterfeit controlled</u>
23			<u>substances, all but s. 893.03(5)</u>
24			<u>drugs.</u>
25	<u>832.041(1)</u>	<u>3rd</u>	<u>Stopping payment with intent to</u>
26			<u>defraud \$150 or more.</u>
27	<u>832.05</u>		
28	<u>(2)(b) & (4)(c)</u>	<u>3rd</u>	<u>Knowing, making, issuing</u>
29			<u>worthless checks \$150 or more or</u>
30			<u>obtaining property in return for</u>
31			<u>worthless check \$150 or more.</u>

1	<u>838.015(3)</u>	<u>3rd</u>	<u>Bribery.</u>
2	<u>838.016(1)</u>	<u>3rd</u>	<u>Public servant receiving unlawful</u>
3			<u>compensation.</u>
4	<u>838.15(2)</u>	<u>3rd</u>	<u>Commercial bribe receiving.</u>
5	<u>838.16</u>	<u>3rd</u>	<u>Commercial bribery.</u>
6	<u>843.18</u>	<u>3rd</u>	<u>Fleeing by boat to elude a law</u>
7			<u>enforcement officer.</u>
8	<u>847.011(1)(a)</u>	<u>3rd</u>	<u>Sell, distribute, etc., obscene,</u>
9			<u>lewd, etc., material (2nd</u>
10			<u>conviction).</u>
11	<u>849.01</u>	<u>3rd</u>	<u>Keeping gambling house.</u>
12	<u>849.09(1)(a)-(d)</u>	<u>3rd</u>	<u>Lottery; set up, promote, etc.,</u>
13			<u>or assist therein, conduct or</u>
14			<u>advertise drawing for prizes, or</u>
15			<u>dispose of property or money by</u>
16			<u>means of lottery.</u>
17	<u>849.23</u>	<u>3rd</u>	<u>Gambling-related machines;</u>
18			<u>"common offender" as to property</u>
19			<u>rights.</u>
20	<u>849.25(2)</u>	<u>3rd</u>	<u>Engaging in bookmaking.</u>
21	<u>860.08</u>	<u>3rd</u>	<u>Interfere with a railroad signal.</u>
22	<u>860.13(1)(a)</u>	<u>3rd</u>	<u>Operate aircraft while under the</u>
23			<u>influence.</u>
24	<u>893.13(2)(a)2.</u>	<u>3rd</u>	<u>Purchase of cannabis.</u>
25	<u>893.13(6)(a)</u>	<u>3rd</u>	<u>Possession of cannabis (more than</u>
26			<u>20 grams).</u>
27	<u>893.13(7)(a)10.</u>	<u>3rd</u>	<u>Affix false or forged label to</u>
28			<u>package of controlled substance.</u>
29	<u>934.03(1)(a)</u>	<u>3rd</u>	<u>Intercepts, or procures any other</u>
30			<u>person to intercept, any wire or</u>
31			<u>oral communication.</u>

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2			(b) <u>LEVEL 2</u>
3	<u>403.413(5)(c)</u>	<u>3rd</u>	<u>Dumps waste litter exceeding 500</u>
4			<u>lbs. in weight or 100 cubic feet</u>
5			<u>in volume or any quantity for</u>
6			<u>commercial purposes, or hazardous</u>
7			<u>waste.</u>
8	<u>517.07</u>	<u>3rd</u>	<u>Registration of securities and</u>
9			<u>furnishing of prospectus</u>
10			<u>required.</u>
11	<u>590.28(1)</u>	<u>3rd</u>	<u>Willful, malicious, or</u>
12			<u>intentional burning.</u>
13	<u>784.05(3)</u>	<u>3rd</u>	<u>Storing or leaving a loaded</u>
14			<u>firearm within reach of minor who</u>
15			<u>uses it to inflict injury or</u>
16			<u>death.</u>
17	<u>787.04(1)</u>	<u>3rd</u>	<u>In violation of court order,</u>
18			<u>take, entice, etc., minor beyond</u>
19			<u>state limits.</u>
20	<u>806.13(1)(b)3.</u>	<u>3rd</u>	<u>Criminal mischief; damage \$1,000</u>
21			<u>or more to public communication</u>
22			<u>or any other public service.</u>
23	<u>810.09(2)(e)</u>	<u>3rd</u>	<u>Trespassing on posted commercial</u>
24			<u>horticulture property.</u>
25	<u>812.014(2)(c)1.</u>	<u>3rd</u>	<u>Grand theft, 3rd degree; \$300 or</u>
26			<u>more but less than \$5,000.</u>
27	<u>812.014(2)(d)</u>	<u>3rd</u>	<u>Grand theft, 3rd degree; \$100 or</u>
28			<u>more but less than \$300, taken</u>
29			<u>from unenclosed curtilage of</u>
30			<u>dwelling.</u>
31			

1	<u>817.234(1)(a)2.</u>	<u>3rd</u>	<u>False statement in support of</u>
2			<u>insurance claim.</u>
3	<u>817.481(3)(a)</u>	<u>3rd</u>	<u>Obtain credit or purchase with</u>
4			<u>false, expired, counterfeit,</u>
5			<u>etc., credit card, value over</u>
6			<u>\$300.</u>
7	<u>817.52(3)</u>	<u>3rd</u>	<u>Failure to redeliver hired</u>
8			<u>vehicle.</u>
9	<u>817.54</u>	<u>3rd</u>	<u>With intent to defraud, obtain</u>
10			<u>mortgage note, etc., by false</u>
11			<u>representation.</u>
12	<u>817.60(5)</u>	<u>3rd</u>	<u>Dealing in credit cards of</u>
13			<u>another.</u>
14	<u>817.60(6)(a)</u>	<u>3rd</u>	<u>Forgery; purchase goods, services</u>
15			<u>with false card.</u>
16	<u>817.61</u>	<u>3rd</u>	<u>Fraudulent use of credit cards</u>
17			<u>over \$100 or more within 6</u>
18			<u>months.</u>
19	<u>826.04</u>	<u>3rd</u>	<u>Knowingly marries or has sexual</u>
20			<u>intercourse with person to whom</u>
21			<u>related.</u>
22	<u>831.01</u>	<u>3rd</u>	<u>Forgery.</u>
23	<u>831.02</u>	<u>3rd</u>	<u>Uttering forged instrument;</u>
24			<u>utters or publishes alteration</u>
25			<u>with intent to defraud.</u>
26	<u>831.07</u>	<u>3rd</u>	<u>Forging bank bills or promissory</u>
27			<u>note.</u>
28	<u>831.08</u>	<u>3rd</u>	<u>Possession of 10 or more forged</u>
29			<u>notes.</u>
30	<u>831.09</u>	<u>3rd</u>	<u>Uttering forged bills; passes as</u>
31			<u>bank bill or promissory note.</u>

1	<u>832.05(3)(a)</u>	<u>3rd</u>	<u>Cashing or depositing item with</u>
2			<u>intent to defraud.</u>
3	<u>843.08</u>	<u>3rd</u>	<u>Falsely impersonating an officer.</u>
4	<u>893.13(2)(a)2.</u>	<u>3rd</u>	<u>Purchase of any s. 893.03(1)(c),</u>
5			<u>(2)(c), (3), or (4) drugs other</u>
6			<u>than cannabis.</u>
7	<u>893.147(2)</u>	<u>3rd</u>	<u>Manufacture or delivery of drug</u>
8			<u>paraphernalia.</u>
9			
10			<u>(c) LEVEL 3</u>
11	<u>39.061</u>	<u>3rd</u>	<u>Escapes from juvenile facility</u>
12			<u>(secure detention or residential</u>
13			<u>commitment facility).</u>
14	<u>319.30(4)</u>	<u>3rd</u>	<u>Possession by junkyard of motor</u>
15			<u>vehicle with identification</u>
16			<u>number plate removed.</u>
17	<u>319.33(1)(a)</u>	<u>3rd</u>	<u>Alter or forge any certificate of</u>
18			<u>title to a motor vehicle or</u>
19			<u>mobile home.</u>
20	<u>319.33(1)(c)</u>	<u>3rd</u>	<u>Procure or pass title on stolen</u>
21			<u>vehicle.</u>
22	<u>319.33(4)</u>	<u>3rd</u>	<u>With intent to defraud, possess,</u>
23			<u>sell, etc., a blank, forged, or</u>
24			<u>unlawfully obtained title or</u>
25			<u>registration.</u>
26	<u>328.05(2)</u>	<u>3rd</u>	<u>Possess, sell, or counterfeit</u>
27			<u>fictitious, stolen, or fraudulent</u>
28			<u>titles or bills of sale of</u>
29			<u>vessels.</u>
30			
31			

1	<u>328.07(4)</u>	<u>3rd</u>	<u>Manufacture, exchange, or possess</u>
2			<u>vessel with counterfeit or wrong</u>
3			<u>ID number.</u>
4	<u>376.302(5)</u>	<u>3rd</u>	<u>Fraud related to reimbursement</u>
5			<u>for cleanup expenses under the</u>
6			<u>Inland Protection Trust Fund.</u>
7	<u>501.001(2)(b)</u>	<u>2nd</u>	<u>Tampers with a consumer product</u>
8			<u>or the container using materially</u>
9			<u>false/misleading information.</u>
10	<u>697.08</u>	<u>3rd</u>	<u>Equity skimming.</u>
11	<u>790.15(3)</u>	<u>3rd</u>	<u>Person directs another to</u>
12			<u>discharge firearm from a vehicle.</u>
13	<u>796.05(1)</u>	<u>3rd</u>	<u>Live on earnings of a prostitute.</u>
14	<u>806.10(1)</u>	<u>3rd</u>	<u>Maliciously injure, destroy, or</u>
15			<u>interfere with vehicles or</u>
16			<u>equipment used in firefighting.</u>
17	<u>806.10(2)</u>	<u>3rd</u>	<u>Interferes with or assaults</u>
18			<u>firefighter in performance of</u>
19			<u>duty.</u>
20	<u>810.09(2)(c)</u>	<u>3rd</u>	<u>Trespass on property other than</u>
21			<u>structure or conveyance armed</u>
22			<u>with firearm or dangerous weapon.</u>
23	<u>812.014(2)(c)2.</u>	<u>3rd</u>	<u>Grand theft; \$5,000 or more but</u>
24			<u>less than \$10,000.</u>
25	<u>815.04(4)(b)</u>	<u>2nd</u>	<u>Computer offense devised to</u>
26			<u>defraud or obtain property.</u>
27	<u>817.034(4)(a)3.</u>	<u>3rd</u>	<u>Engages in scheme to defraud</u>
28			<u>(Florida Communications Fraud</u>
29			<u>Act), property valued at less</u>
30			<u>than \$20,000.</u>
31	<u>817.233</u>	<u>3rd</u>	<u>Burning to defraud insurer.</u>

1	<u>828.12(2)</u>	<u>3rd</u>	<u>Tortures any animal with intent</u>
2			<u>to inflict intense pain, serious</u>
3			<u>physical injury, or death.</u>
4	<u>831.29</u>	<u>2nd</u>	<u>Possession of instruments for</u>
5			<u>counterfeiting drivers' licenses.</u>
6	<u>838.021(3)(b)</u>	<u>3rd</u>	<u>Threatens unlawful harm to public</u>
7			<u>servant.</u>
8	<u>843.19</u>	<u>3rd</u>	<u>Injure, disable, or kill police</u>
9			<u>dog or horse.</u>
10	<u>870.01(2)</u>	<u>3rd</u>	<u>Riot; inciting or encouraging.</u>
11	<u>893.13(1)(a)2.</u>	<u>3rd</u>	<u>Sell, manufacture, or deliver</u>
12			<u>cannabis (or other s.</u>
13			<u>893.03(1)(c), (2)(c), (3), or (4)</u>
14			<u>drugs).</u>
15	<u>893.13(1)(d)2.</u>	<u>2nd</u>	<u>Sell, manufacture, or deliver s.</u>
16			<u>893.03(1)(c), (2)(c), (3), or (4)</u>
17			<u>drugs within 200 feet of</u>
18			<u>university, public housing</u>
19			<u>facility, or public park.</u>
20	<u>893.13(6)(a)</u>	<u>3rd</u>	<u>Possession of any controlled</u>
21			<u>substance other than felony</u>
22			<u>possession of cannabis.</u>
23	<u>893.13(7)(a)9.</u>	<u>3rd</u>	<u>Obtain or attempt to obtain</u>
24			<u>controlled substance by fraud,</u>
25			<u>forgery, misrepresentation, etc.</u>
26	<u>893.13(7)(a)11.</u>	<u>3rd</u>	<u>Furnish false or fraudulent</u>
27			<u>material information on any</u>
28			<u>document or record required by</u>
29			<u>chapter 893.</u>
30	<u>918.13(1)(a)</u>	<u>3rd</u>	<u>Alter, destroy, or conceal</u>
31			<u>investigation evidence.</u>

1	<u>944.47</u>		
2	<u>(1)(a)1.-2.</u>	<u>3rd</u>	<u>Introduce contraband to</u>
3			<u>correctional facility.</u>
4	<u>944.47(1)(c)</u>	<u>2nd</u>	<u>Possess contraband while upon the</u>
5			<u>grounds of a correctional</u>
6			<u>institution.</u>
7			
8			<u>(d) LEVEL 4</u>
9	<u>316.1935(2)</u>	<u>3rd</u>	<u>Fleeing or attempting to elude</u>
10			<u>law enforcement officer resulting</u>
11			<u>in high-speed pursuit.</u>
12	<u>784.07(2)(b)</u>	<u>3rd</u>	<u>Battery of law enforcement</u>
13			<u>officer, firefighter, intake</u>
14			<u>officer, etc.</u>
15	<u>784.075</u>	<u>3rd</u>	<u>Battery on detention or</u>
16			<u>commitment facility staff.</u>
17	<u>784.08(2)(c)</u>	<u>3rd</u>	<u>Battery on a person 65 years of</u>
18			<u>age or older.</u>
19	<u>784.081(3)</u>	<u>3rd</u>	<u>Battery on specified official or</u>
20			<u>employee.</u>
21	<u>784.082(3)</u>	<u>3rd</u>	<u>Battery by detained person on</u>
22			<u>visitor or other detainee.</u>
23	<u>787.03(1)</u>	<u>3rd</u>	<u>Interference with custody;</u>
24			<u>wrongly takes child from</u>
25			<u>appointed guardian.</u>
26	<u>787.04(2)</u>	<u>3rd</u>	<u>Take, entice, or remove child</u>
27			<u>beyond state limits with criminal</u>
28			<u>intent pending custody</u>
29			<u>proceedings.</u>
30			
31			

1	<u>787.04(3)</u>	<u>3rd</u>	<u>Carrying child beyond state lines</u>
2			<u>with criminal intent to avoid</u>
3			<u>producing child at custody</u>
4			<u>hearing or delivering to</u>
5			<u>designated person.</u>
6	<u>790.115(1)</u>	<u>3rd</u>	<u>Exhibiting firearm or weapon</u>
7			<u>within 1,000 feet of a school.</u>
8	<u>790.115(2)(b)</u>	<u>3rd</u>	<u>Possessing electric weapon or</u>
9			<u>device, destructive device, or</u>
10			<u>other weapon on school property.</u>
11	<u>790.115(2)(c)</u>	<u>3rd</u>	<u>Possessing firearm on school</u>
12			<u>property.</u>
13	<u>810.02(4)(a)</u>	<u>3rd</u>	<u>Burglary, or attempted burglary,</u>
14			<u>of an unoccupied structure;</u>
15			<u>unarmed; no assault or battery.</u>
16	<u>810.02(4)(b)</u>	<u>3rd</u>	<u>Burglary, or attempted burglary,</u>
17			<u>of an unoccupied conveyance;</u>
18			<u>unarmed; no assault or battery.</u>
19	<u>810.06</u>	<u>3rd</u>	<u>Burglary; possession of tools.</u>
20	<u>810.08(2)(c)</u>	<u>3rd</u>	<u>Trespass on property, armed with</u>
21			<u>firearm or dangerous weapon.</u>
22	<u>812.014(2)(c)3.</u>	<u>3rd</u>	<u>Grand theft, 3rd degree \$10,000</u>
23			<u>or more but less than \$20,000.</u>
24	<u>812.014</u>		
25	<u>(2)(c)4.-10.</u>	<u>3rd</u>	<u>Grand theft, 3rd degree, a will,</u>
26			<u>firearm, motor vehicle,</u>
27			<u>livestock, etc.</u>
28	<u>817.563(1)</u>	<u>3rd</u>	<u>Sell or deliver substance other</u>
29			<u>than controlled substance agreed</u>
30			<u>upon, excluding s. 893.03(5)</u>
31			<u>drugs.</u>

1	<u>828.125(1)</u>	<u>2nd</u>	<u>Kill, maim, or cause great bodily</u>
2			<u>harm or permanent breeding</u>
3			<u>disability to any registered</u>
4			<u>horse or cattle.</u>
5	<u>837.02(1)</u>	<u>3rd</u>	<u>Perjury in official proceedings.</u>
6	<u>837.021(1)</u>	<u>3rd</u>	<u>Make contradictory statements in</u>
7			<u>official proceedings.</u>
8	<u>843.025</u>	<u>3rd</u>	<u>Deprive law enforcement,</u>
9			<u>correctional, or correctional</u>
10			<u>probation officer of means of</u>
11			<u>protection or communication.</u>
12	<u>843.15(1)(a)</u>	<u>3rd</u>	<u>Failure to appear while on bail</u>
13			<u>for felony (bond estreature or</u>
14			<u>bond jumping).</u>
15	<u>874.05(1)</u>	<u>3rd</u>	<u>Encouraging or recruiting another</u>
16			<u>to join a criminal street gang.</u>
17	<u>893.13(2)(a)1.</u>	<u>2nd</u>	<u>Purchase of cocaine (or other s.</u>
18			<u>893.03(1)(a), (b), or (d), or</u>
19			<u>(2)(a) or (b) drugs).</u>
20	<u>914.14(2)</u>	<u>3rd</u>	<u>Witnesses accepting bribes.</u>
21	<u>914.22(1)</u>	<u>3rd</u>	<u>Force, threaten, etc., witness,</u>
22			<u>victim, or informant.</u>
23	<u>914.23(2)</u>	<u>3rd</u>	<u>Retaliation against a witness,</u>
24			<u>victim, or informant, no bodily</u>
25			<u>injury.</u>
26	<u>918.12</u>	<u>3rd</u>	<u>Tampering with jurors.</u>
27			
28			<u>(e) LEVEL 5</u>
29	<u>316.027(1)(a)</u>	<u>3rd</u>	<u>Accidents involving personal</u>
30			<u>injuries, failure to stop;</u>
31			<u>leaving scene.</u>

1	<u>316.1935(3)</u>	3rd	<u>Aggravated fleeing or eluding.</u>
2	<u>322.34(3)</u>	3rd	<u>Careless operation of motor</u>
3			<u>vehicle with suspended license,</u>
4			<u>resulting in death or serious</u>
5			<u>bodily injury.</u>
6	<u>327.30(5)</u>	3rd	<u>Vessel accidents involving</u>
7			<u>personal injury; leaving scene.</u>
8	<u>381.0041(11)(b)</u>	3rd	<u>Donate blood, plasma, or organs</u>
9			<u>knowing HIV positive.</u>
10	<u>790.01(2)</u>	3rd	<u>Carrying a concealed firearm.</u>
11	<u>790.162</u>	2nd	<u>Threat to throw or discharge</u>
12			<u>destructive device.</u>
13	<u>790.163</u>	2nd	<u>False report of deadly explosive.</u>
14	<u>790.165(2)</u>	3rd	<u>Manufacture, sell, possess, or</u>
15			<u>deliver hoax bomb.</u>
16	<u>790.221(1)</u>	2nd	<u>Possession of short-barreled</u>
17			<u>shotgun or machine gun.</u>
18	<u>790.23</u>	2nd	<u>Felons in possession of firearms</u>
19			<u>or electronic weapons or devices.</u>
20	<u>806.111(1)</u>	3rd	<u>Possess, manufacture, or dispense</u>
21			<u>fire bomb with intent to damage</u>
22			<u>any structure or property.</u>
23	<u>812.019(1)</u>	2nd	<u>Stolen property; dealing in or</u>
24			<u>trafficking in.</u>
25	<u>812.16(2)</u>	3rd	<u>Owning, operating, or conducting</u>
26			<u>a chop shop.</u>
27	<u>817.034(4)(a)2.</u>	2nd	<u>Communications fraud, value</u>
28			<u>\$20,000 to \$50,000.</u>
29	<u>825.1025(4)</u>	3rd	<u>Lewd or lascivious exhibition in</u>
30			<u>the presence of an elderly person</u>
31			<u>or disabled adult.</u>

1	<u>827.071(4)</u>	<u>2nd</u>	<u>Possess with intent to promote</u>
2			<u>any photographic material, motion</u>
3			<u>picture, etc., which includes</u>
4			<u>sexual conduct by a child.</u>
5	<u>843.01</u>	<u>3rd</u>	<u>Resist officer with violence to</u>
6			<u>person; resist arrest with</u>
7			<u>violence.</u>
8	<u>874.05(2)</u>	<u>2nd</u>	<u>Encouraging or recruiting another</u>
9			<u>to join a criminal street gang;</u>
10			<u>second or subsequent offense.</u>
11	<u>893.13(1)(a)1.</u>	<u>2nd</u>	<u>Sell, manufacture, or deliver</u>
12			<u>cocaine (or other s.</u>
13			<u>893.03(1)(a), (1)(b), (1)(d),</u>
14			<u>(2)(a), or (2)(b) drugs).</u>
15	<u>893.13(1)(c)2.</u>	<u>2nd</u>	<u>Sell, manufacture, or deliver</u>
16			<u>cannabis (or other s.</u>
17			<u>893.03(1)(c), (2)(c), (3), or (4)</u>
18			<u>drugs) within 1,000 feet of a</u>
19			<u>school.</u>
20	<u>893.13(1)(d)1.</u>	<u>1st</u>	<u>Sell, manufacture, or deliver</u>
21			<u>cocaine (or other s.</u>
22			<u>893.03(1)(a), (1)(b), (1)(d),</u>
23			<u>(2)(a), or (2)(b) drugs) within</u>
24			<u>200 feet of university, public</u>
25			<u>housing facility, or public park.</u>
26	<u>893.13(4)(b)</u>	<u>2nd</u>	<u>Deliver to minor cannabis (or</u>
27			<u>other s. 893.03(1)(c), (2)(c),</u>
28			<u>(3), or (4) drugs).</u>
29			
30			<u>(f) LEVEL 6</u>
31			

1	<u>316.027(1)(b)</u>	<u>2nd</u>	<u>Accident involving death, failure</u>
2			<u>to stop; leaving scene.</u>
3	<u>316.193(2)(b)</u>	<u>3rd</u>	<u>Felony DUI, 4th or subsequent</u>
4			<u>conviction.</u>
5	<u>775.0875(1)</u>	<u>3rd</u>	<u>Taking firearm from law</u>
6			<u>enforcement officer.</u>
7	<u>784.021(1)(a)</u>	<u>3rd</u>	<u>Aggravated assault; deadly weapon</u>
8			<u>without intent to kill.</u>
9	<u>784.021(1)(b)</u>	<u>3rd</u>	<u>Aggravated assault; intent to</u>
10			<u>commit felony.</u>
11	<u>784.048(3)</u>	<u>3rd</u>	<u>Aggravated stalking; credible</u>
12			<u>threat.</u>
13	<u>784.07(2)(c)</u>	<u>2nd</u>	<u>Aggravated assault on law</u>
14			<u>enforcement officer.</u>
15	<u>784.08(2)(b)</u>	<u>2nd</u>	<u>Aggravated assault on a person 65</u>
16			<u>years of age or older.</u>
17	<u>784.081(2)</u>	<u>2nd</u>	<u>Aggravated assault on specified</u>
18			<u>official or employee.</u>
19	<u>784.082(2)</u>	<u>2nd</u>	<u>Aggravated assault by detained</u>
20			<u>person on visitor or other</u>
21			<u>detainee.</u>
22	<u>787.02(2)</u>	<u>3rd</u>	<u>False imprisonment; restraining</u>
23			<u>with purpose other than those in</u>
24			<u>s. 787.01.</u>
25	<u>790.115(2)(d)</u>	<u>2nd</u>	<u>Discharging firearm or weapon on</u>
26			<u>school property.</u>
27	<u>790.161(2)</u>	<u>2nd</u>	<u>Make, possess, or throw</u>
28			<u>destructive device with intent to</u>
29			<u>do bodily harm or damage</u>
30			<u>property.</u>
31			

1	<u>790.164(1)</u>	<u>2nd</u>	<u>False report of deadly explosive</u>
2			<u>or act of arson or violence to</u>
3			<u>state property.</u>
4	<u>790.19</u>	<u>2nd</u>	<u>Shooting or throwing deadly</u>
5			<u>missiles into dwellings, vessels,</u>
6			<u>or vehicles.</u>
7	<u>794.011(8)(a)</u>	<u>3rd</u>	<u>Solicitation of minor to</u>
8			<u>participate in sexual activity by</u>
9			<u>custodial adult.</u>
10	<u>794.05(1)</u>	<u>2nd</u>	<u>Unlawful sexual activity with</u>
11			<u>specified minor.</u>
12	<u>806.031(2)</u>	<u>2nd</u>	<u>Arson resulting in great bodily</u>
13			<u>harm to firefighter or any other</u>
14			<u>person.</u>
15	<u>810.02(3)(c)</u>	<u>2nd</u>	<u>Burglary of occupied structure;</u>
16			<u>unarmed; no assault or battery.</u>
17	<u>812.014(2)(b)</u>	<u>2nd</u>	<u>Property stolen \$20,000 or more,</u>
18			<u>but less than \$100,000, grand</u>
19			<u>theft in 2nd degree.</u>
20	<u>812.13(2)(c)</u>	<u>2nd</u>	<u>Robbery, no firearm or other</u>
21			<u>weapon (strong-arm robbery).</u>
22	<u>817.034(4)(a)1.</u>	<u>1st</u>	<u>Communications fraud, value</u>
23			<u>greater than \$50,000.</u>
24	<u>817.4821(5)</u>	<u>2nd</u>	<u>Possess cloning paraphernalia</u>
25			<u>with intent to create cloned</u>
26			<u>cellular telephones.</u>
27	<u>825.102(1)</u>	<u>3rd</u>	<u>Abuse of an elderly person or</u>
28			<u>disabled adult.</u>
29	<u>825.102(3)(c)</u>	<u>3rd</u>	<u>Neglect of an elderly person or</u>
30			<u>disabled adult.</u>
31			

1	<u>825.1025(3)</u>	<u>3rd</u>	<u>Lewd or lascivious molestation of</u>
2			<u>an elderly person or disabled</u>
3			<u>adult.</u>
4	<u>825.103(2)(c)</u>	<u>3rd</u>	<u>Exploiting an elderly person or</u>
5			<u>disabled adult and property is</u>
6			<u>valued at \$100 or more, but less</u>
7			<u>than \$20,000.</u>
8	<u>827.03(1)</u>	<u>3rd</u>	<u>Abuse of a child.</u>
9	<u>827.03(3)(c)</u>	<u>3rd</u>	<u>Neglect of a child.</u>
10	<u>827.071(2)&(3)</u>	<u>2nd</u>	<u>Use or induce a child in a sexual</u>
11			<u>performance, or promote or direct</u>
12			<u>such performance.</u>
13	<u>836.05</u>	<u>2nd</u>	<u>Threats; extortion.</u>
14	<u>836.10</u>	<u>2nd</u>	<u>Written threats to kill or do</u>
15			<u>bodily injury.</u>
16	<u>843.12</u>	<u>3rd</u>	<u>Aids or assists person to escape.</u>
17	<u>914.23</u>	<u>2nd</u>	<u>Retaliation against a witness,</u>
18			<u>victim, or informant, with bodily</u>
19			<u>injury.</u>
20	<u>944.35(3)(a)2.</u>	<u>3rd</u>	<u>Committing malicious battery upon</u>
21			<u>or inflicting cruel or inhuman</u>
22			<u>treatment on an inmate or</u>
23			<u>offender on community</u>
24			<u>supervision, resulting in great</u>
25			<u>bodily harm.</u>
26	<u>944.40</u>	<u>2nd</u>	<u>Escapes.</u>
27	<u>944.46</u>	<u>3rd</u>	<u>Harboring, concealing, aiding</u>
28			<u>escaped prisoners.</u>
29	<u>944.47(1)(a)5.</u>	<u>2nd</u>	<u>Introduction of contraband</u>
30			<u>(firearm, weapon, or explosive)</u>
31			<u>into correctional facility.</u>

1	<u>951.22(1)</u>	<u>3rd</u>	<u>Intoxicating drug, firearm, or</u>
2			<u>weapon introduced into county</u>
3			<u>facility.</u>
4			
5			<u>(g) LEVEL 7</u>
6	<u>316.193(3)(c)2.</u>	<u>3rd</u>	<u>DUI resulting in serious bodily</u>
7			<u>injury.</u>
8	<u>327.35(3)(c)2.</u>	<u>3rd</u>	<u>Vessel BUI resulting in serious</u>
9			<u>bodily injury.</u>
10	<u>409.920(2)</u>	<u>3rd</u>	<u>Medicaid provider fraud.</u>
11	<u>494.0018(2)</u>	<u>1st</u>	<u>Conviction of any violation of</u>
12			<u>ss. 494.001-494.0077 in which the</u>
13			<u>total money and property</u>
14			<u>unlawfully obtained exceeded</u>
15			<u>\$50,000 and there were five or</u>
16			<u>more victims.</u>
17	<u>782.07(1)</u>	<u>2nd</u>	<u>Killing of a human being by the</u>
18			<u>act, procurement, or culpable</u>
19			<u>negligence of another</u>
20			<u>(manslaughter).</u>
21	<u>782.071</u>	<u>3rd</u>	<u>Killing of human being by the</u>
22			<u>operation of a motor vehicle in a</u>
23			<u>reckless manner (vehicular</u>
24			<u>homicide).</u>
25	<u>782.072</u>	<u>3rd</u>	<u>Killing of a human being by the</u>
26			<u>operation of a vessel in a</u>
27			<u>reckless manner (vessel</u>
28			<u>homicide).</u>
29	<u>784.045(1)(a)1.</u>	<u>2nd</u>	<u>Aggravated battery; intentionally</u>
30			<u>causing great bodily harm or</u>
31			<u>disfigurement.</u>

1	<u>784.045(1)(a)2.</u>	<u>2nd</u>	<u>Aggravated battery; using deadly</u>
2			<u>weapon.</u>
3	<u>784.045(1)(b)</u>	<u>2nd</u>	<u>Aggravated battery; perpetrator</u>
4			<u>aware victim pregnant.</u>
5	<u>784.048(4)</u>	<u>3rd</u>	<u>Aggravated stalking; violation of</u>
6			<u>injunction or court order.</u>
7	<u>784.07(2)(d)</u>	<u>1st</u>	<u>Aggravated battery on law</u>
8			<u>enforcement officer.</u>
9	<u>784.08(2)(a)</u>	<u>1st</u>	<u>Aggravated battery on a person 65</u>
10			<u>years of age or older.</u>
11	<u>784.081(1)</u>	<u>1st</u>	<u>Aggravated battery on specified</u>
12			<u>official or employee.</u>
13	<u>784.082(1)</u>	<u>1st</u>	<u>Aggravated battery by detained</u>
14			<u>person on visitor or other</u>
15			<u>detainee.</u>
16	<u>790.07(4)</u>	<u>1st</u>	<u>Specified weapons violation</u>
17			<u>subsequent to previous conviction</u>
18			<u>of s. 790.07(1) or (2).</u>
19	<u>790.16(1)</u>	<u>1st</u>	<u>Discharge of a machine gun under</u>
20			<u>specified circumstances.</u>
21	<u>796.03</u>	<u>2nd</u>	<u>Procuring any person under 16</u>
22			<u>years for prostitution.</u>
23	<u>800.04</u>	<u>2nd</u>	<u>Handle, fondle, or assault child</u>
24			<u>under 16 years in lewd,</u>
25			<u>lascivious, or indecent manner.</u>
26	<u>806.01(2)</u>	<u>2nd</u>	<u>Maliciously damage structure by</u>
27			<u>fire or explosive.</u>
28	<u>810.02(3)(a)</u>	<u>2nd</u>	<u>Burglary of occupied dwelling;</u>
29			<u>unarmed; no assault or battery.</u>
30	<u>810.02(3)(b)</u>	<u>2nd</u>	<u>Burglary of unoccupied dwelling;</u>
31			<u>unarmed; no assault or battery.</u>

1	<u>810.02(3)(d)</u>	<u>2nd</u>	<u>Burglary of occupied conveyance;</u>
2			<u>unarmed; no assault or battery.</u>
3	<u>812.014(2)(a)</u>	<u>1st</u>	<u>Property stolen, valued at</u>
4			<u>\$100,000 or more; property stolen</u>
5			<u>while causing other property</u>
6			<u>damage; 1st degree grand theft.</u>
7	<u>812.019(2)</u>	<u>1st</u>	<u>Stolen property; initiates,</u>
8			<u>organizes, plans, etc., the theft</u>
9			<u>of property and traffics in</u>
10			<u>stolen property.</u>
11	<u>812.133(2)(b)</u>	<u>1st</u>	<u>Carjacking; no firearm, deadly</u>
12			<u>weapon, or other weapon.</u>
13	<u>825.102(3)(b)</u>	<u>2nd</u>	<u>Neglecting an elderly person or</u>
14			<u>disabled adult causing great</u>
15			<u>bodily harm, disability, or</u>
16			<u>disfigurement.</u>
17	<u>825.1025(2)</u>	<u>2nd</u>	<u>Lewd or lascivious battery upon</u>
18			<u>an elderly person or disabled</u>
19			<u>adult.</u>
20	<u>825.103(2)(b)</u>	<u>2nd</u>	<u>Exploiting an elderly person or</u>
21			<u>disabled adult and property is</u>
22			<u>valued at \$20,000 or more, but</u>
23			<u>less than \$100,000.</u>
24	<u>827.03(3)(b)</u>	<u>2nd</u>	<u>Neglect of a child causing great</u>
25			<u>bodily harm, disability, or</u>
26			<u>disfigurement.</u>
27	<u>827.04(4)</u>	<u>3rd</u>	<u>Impregnation of a child under 16</u>
28			<u>years of age by person 21 years</u>
29			<u>of age or older.</u>
30	<u>872.06</u>	<u>2nd</u>	<u>Abuse of a dead human body.</u>
31			

1	<u>893.13(1)(c)1.</u>	<u>1st</u>	<u>Sell, manufacture, or deliver</u>
2			<u>cocaine (or other s.</u>
3			<u>893.03(1)(a), (1)(b), (1)(d),</u>
4			<u>(2)(a), or (2)(b) drugs) within</u>
5			<u>1,000 feet of a school.</u>
6	<u>893.13(4)(a)</u>	<u>1st</u>	<u>Deliver to minor cocaine (or</u>
7			<u>other s. 893.03(1)(a), (1)(b),</u>
8			<u>(1)(d), (2)(a), or (2)(b) drugs).</u>
9	<u>893.135(1)(a)1.</u>	<u>1st</u>	<u>Trafficking in cannabis, more</u>
10			<u>than 50 lbs., less than 2,000</u>
11			<u>lbs.</u>
12	<u>893.135</u>		
13	<u>(1)(b)1.a.</u>	<u>1st</u>	<u>Trafficking in cocaine, more than</u>
14			<u>28 grams, less than 200 grams.</u>
15	<u>893.135</u>		
16	<u>(1)(c)1.a.</u>	<u>1st</u>	<u>Trafficking in illegal drugs,</u>
17			<u>more than 4 grams, less than 14</u>
18			<u>grams.</u>
19	<u>893.135</u>		
20	<u>(1)(d)1.</u>	<u>1st</u>	<u>Trafficking in phencyclidine,</u>
21			<u>more than 28 grams, less than 200</u>
22			<u>grams.</u>
23	<u>893.135(1)(e)1.</u>	<u>1st</u>	<u>Trafficking in methaqualone, more</u>
24			<u>than 200 grams, less than 5</u>
25			<u>kilograms.</u>
26	<u>893.135(1)(f)1.</u>	<u>1st</u>	<u>Trafficking in amphetamine, more</u>
27			<u>than 14 grams, less than 28</u>
28			<u>grams.</u>
29			
30			<u>(h) LEVEL 8</u>
31			

1	<u>316.193</u>		
2	<u>(3)(c)3.a.</u>	<u>2nd</u>	<u>DUI manslaughter.</u>
3	<u>327.35(3)(c)3.</u>	<u>2nd</u>	<u>Vessel BUI manslaughter.</u>
4	<u>777.03(2)(a)</u>	<u>1st</u>	<u>Accessory after the fact, capital</u>
5			<u>felony.</u>
6	<u>782.04(4)</u>	<u>2nd</u>	<u>Killing of human without design</u>
7			<u>when engaged in act or attempt of</u>
8			<u>any felony other than arson,</u>
9			<u>sexual battery, robbery,</u>
10			<u>burglary, kidnapping, aircraft</u>
11			<u>piracy, or unlawfully discharging</u>
12			<u>bomb.</u>
13	<u>782.071(2)</u>	<u>2nd</u>	<u>Committing vehicular homicide and</u>
14			<u>failing to render aid or give</u>
15			<u>information.</u>
16	<u>782.072(2)</u>	<u>2nd</u>	<u>Committing vessel homicide and</u>
17			<u>failing to render aid or give</u>
18			<u>information.</u>
19	<u>790.161(3)</u>	<u>1st</u>	<u>Discharging a destructive device</u>
20			<u>which results in bodily harm or</u>
21			<u>property damage.</u>
22	<u>794.011(5)</u>	<u>2nd</u>	<u>Sexual battery, victim 12 years</u>
23			<u>or over, offender does not use</u>
24			<u>physical force likely to cause</u>
25			<u>serious injury.</u>
26	<u>806.01(1)</u>	<u>1st</u>	<u>Maliciously damage dwelling or</u>
27			<u>structure by fire or explosive,</u>
28			<u>believing person in structure.</u>
29	<u>810.02(2)(a)</u>	<u>1st,PBL</u>	<u>Burglary with assault or battery.</u>
30	<u>810.02(2)(b)</u>	<u>1st,PBL</u>	<u>Burglary; armed with explosives</u>
31			<u>or dangerous weapon.</u>

1	<u>810.02(2)(c)</u>	<u>1st</u>	<u>Burglary of a dwelling or</u>
2			<u>structure causing structural</u>
3			<u>damage or \$1,000 or more property</u>
4			<u>damage.</u>
5	<u>812.13(2)(b)</u>	<u>1st</u>	<u>Robbery with a weapon.</u>
6	<u>812.135(2)</u>	<u>1st</u>	<u>Home-invasion robbery.</u>
7	<u>825.102(2)</u>	<u>2nd</u>	<u>Aggravated abuse of an elderly</u>
8			<u>person or disabled adult.</u>
9	<u>825.103(2)(a)</u>	<u>1st</u>	<u>Exploiting an elderly person or</u>
10			<u>disabled adult and property is</u>
11			<u>valued at \$100,000 or more.</u>
12	<u>827.03(2)</u>	<u>2nd</u>	<u>Aggravated child abuse.</u>
13	<u>860.121(2)(c)</u>	<u>1st</u>	<u>Shooting at or throwing any</u>
14			<u>object in path of railroad</u>
15			<u>vehicle resulting in great bodily</u>
16			<u>harm.</u>
17	<u>860.16</u>	<u>1st</u>	<u>Aircraft piracy.</u>
18	<u>893.13(1)(b)</u>	<u>1st</u>	<u>Sell or deliver in excess of 10</u>
19			<u>grams of any substance specified</u>
20			<u>in s. 893.03(1)(a) or (b).</u>
21	<u>893.13(2)(b)</u>	<u>1st</u>	<u>Purchase in excess of 10 grams of</u>
22			<u>any substance specified in s.</u>
23			<u>893.03(1)(a) or (b).</u>
24	<u>893.13(6)(c)</u>	<u>1st</u>	<u>Possess in excess of 10 grams of</u>
25			<u>any substance specified in s.</u>
26			<u>893.03(1)(a) or (b).</u>
27	<u>893.135(1)(a)2.</u>	<u>1st</u>	<u>Trafficking in cannabis, more</u>
28			<u>than 2,000 lbs., less than 10,000</u>
29			<u>lbs.</u>
30			
31			

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

1	<u>782.04(1)</u>	<u>1st</u>	<u>Attempt, conspire, or solicit to</u>
2			<u>commit premeditated murder.</u>
3	<u>782.04(3)</u>	<u>1st,PBL</u>	<u>Accomplice to murder in</u>
4			<u>connection with arson, sexual</u>
5			<u>battery, robbery, burglary, and</u>
6			<u>other specified felonies.</u>
7	<u>782.07(2)</u>	<u>1st</u>	<u>Aggravated manslaughter of an</u>
8			<u>elderly person or disabled adult.</u>
9	<u>782.07(3)</u>	<u>1st</u>	<u>Aggravated manslaughter of a</u>
10			<u>child.</u>
11	<u>787.01(1)(a)1.</u>	<u>1st,PBL</u>	<u>Kidnapping; hold for ransom or</u>
12			<u>reward or as a shield or hostage.</u>
13	<u>787.01(1)(a)2.</u>	<u>1st,PBL</u>	<u>Kidnapping with intent to commit</u>
14			<u>or facilitate commission of any</u>
15			<u>felony.</u>
16	<u>787.01(1)(a)4.</u>	<u>1st,PBL</u>	<u>Kidnapping with intent to</u>
17			<u>interfere with performance of any</u>
18			<u>governmental or political</u>
19			<u>function.</u>
20	<u>787.02(3)(a)</u>	<u>1st</u>	<u>False imprisonment; child under</u>
21			<u>age 13; perpetrator also commits</u>
22			<u>child abuse, sexual battery,</u>
23			<u>lewd, or lascivious act, etc.</u>
24	<u>790.161</u>	<u>1st</u>	<u>Attempted capital destructive</u>
25			<u>device offense.</u>
26	<u>794.011(2)</u>	<u>1st</u>	<u>Attempted sexual battery; victim</u>
27			<u>less than 12 years of age.</u>
28	<u>794.011(2)</u>	<u>Life</u>	<u>Sexual battery; offender younger</u>
29			<u>than 18 years and commits sexual</u>
30			<u>battery on a person less than 12</u>
31			<u>years.</u>

1	<u>794.011(4)</u>	<u>1st</u>	<u>Sexual battery; victim 12 years</u>
2			<u>or older, certain circumstances.</u>
3	<u>794.011(8)(b)</u>	<u>1st</u>	<u>Sexual battery; engage in sexual</u>
4			<u>conduct with minor 12 to 18 years</u>
5			<u>by person in familial or</u>
6			<u>custodial authority.</u>
7	<u>812.13(2)(a)</u>	<u>1st,PBL</u>	<u>Robbery with firearm or other</u>
8			<u>deadly weapon.</u>
9	<u>812.133(2)(a)</u>	<u>1st,PBL</u>	<u>Carjacking; firearm or other</u>
10			<u>deadly weapon.</u>
11	<u>847.0145(1)</u>	<u>1st</u>	<u>Selling, or otherwise</u>
12			<u>transferring custody or control,</u>
13			<u>of a minor.</u>
14	<u>847.0145(2)</u>	<u>1st</u>	<u>Purchasing, or otherwise</u>
15			<u>obtaining custody or control, of</u>
16			<u>a minor.</u>
17	<u>859.01</u>	<u>1st</u>	<u>Poisoning food, drink, medicine,</u>
18			<u>or water with intent to kill or</u>
19			<u>injure another person.</u>
20	<u>893.135</u>	<u>1st</u>	<u>Attempted capital trafficking</u>
21			<u>offense.</u>
22	<u>893.135(1)(a)3.</u>	<u>1st</u>	<u>Trafficking in cannabis, more</u>
23			<u>than 10,000 lbs.</u>
24	<u>893.135</u>		
25	<u>(1)(b)1.c.</u>	<u>1st</u>	<u>Trafficking in cocaine, more than</u>
26			<u>400 grams, less than 150</u>
27			<u>kilograms.</u>
28	<u>893.135</u>		
29	<u>(1)(c)1.c.</u>	<u>1st</u>	<u>Trafficking in illegal drugs,</u>
30			<u>more than 28 grams, less than 30</u>
31			<u>kilograms.</u>

1	<u>893.135(1)(d)1.c.</u> <u>1st</u>	<u>Trafficking in phencyclidine,</u>
2		<u>more than 400 grams.</u>
3	<u>893.135(1)(e)1.c.</u> <u>1st</u>	<u>Trafficking in methaqualone, more</u>
4		<u>than 25 kilograms.</u>
5	<u>893.135(1)(f)1.c.</u> <u>1st</u>	<u>Trafficking in amphetamine, more</u>
6		<u>than 200 grams.</u>
7		
8		(j) <u>LEVEL 10</u>
9	<u>782.04(2)</u> <u>1st,PBL</u>	<u>Unlawful killing of human; act is</u>
10		<u>homicide, unpremeditated.</u>
11	<u>787.01(1)(a)3.</u> <u>1st,PBL</u>	<u>Kidnapping; inflict bodily harm</u>
12		<u>upon or terrorize victim.</u>
13	<u>787.01(3)(a)</u> <u>Life</u>	<u>Kidnapping; child under age 13,</u>
14		<u>perpetrator also commits child</u>
15		<u>abuse, sexual battery, lewd, or</u>
16		<u>lascivious act, etc.</u>
17	<u>794.011(3)</u> <u>Life</u>	<u>Sexual battery; victim 12 years</u>
18		<u>or older, offender uses or</u>
19		<u>threatens to use deadly weapon or</u>
20		<u>physical force to cause serious</u>
21		<u>injury.</u>
22	<u>876.32</u> <u>1st</u>	<u>Treason against the state.</u>
23	Section 6.	Section 921.0023, Florida Statutes, is
24	created to read:	
25	<u>921.0023 Criminal Punishment Code; ranking unlisted</u>	
26	<u>felony offenses.--A felony offense not listed in s. 921.0022</u>	
27	<u>is ranked with respect to offense severity level by the</u>	
28	<u>Legislature, commensurate with the harm or potential harm that</u>	
29	<u>is caused by the offense to the community. Until the</u>	
30	<u>Legislature specifically assigns an offense to a severity</u>	
31		

1 level in the offense severity ranking chart, the severity
2 level is within the following parameters:

3 (1) A felony of the third degree within offense level

4 1.

5 (2) A felony of the second degree within offense level

6 4.

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

8 7.

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

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

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

21 Section 7. Section 921.0024, Florida Statutes, is
22 created to read:

23 921.0024 Criminal Punishment Code; worksheet
24 computations; scoresheets.--

25 (1)

26 (a) The Criminal Punishment Code worksheet is used to
27 compute the subtotal and total sentence points as follows:

28
29 FLORIDA CRIMINAL PUNISHMENT CODE WORKSHEET

30
31 OFFENSE SCORE

<u>Primary Offense</u>			
<u>Level</u>	<u>Sentence Points</u>		<u>Total</u>
<u>10</u>	<u>116</u>	=	<u>.....</u>
<u>9</u>	<u>92</u>	=	<u>.....</u>
<u>8</u>	<u>74</u>	=	<u>.....</u>
<u>7</u>	<u>56</u>	=	<u>.....</u>
<u>6</u>	<u>36</u>	=	<u>.....</u>
<u>5</u>	<u>28</u>	=	<u>.....</u>
<u>4</u>	<u>22</u>	=	<u>.....</u>
<u>3</u>	<u>16</u>	=	<u>.....</u>
<u>2</u>	<u>10</u>	=	<u>.....</u>
<u>1</u>	<u>4</u>	=	<u>.....</u>
			<u>Total</u>
<u>Additional Offenses</u>			
<u>Level</u>	<u>Sentence Points</u>	<u>Counts</u>	<u>Total</u>
<u>10</u>	<u>58</u>	<u>x</u> <u>.....</u>	= <u>.....</u>
<u>9</u>	<u>46</u>	<u>x</u> <u>.....</u>	= <u>.....</u>
<u>8</u>	<u>37</u>	<u>x</u> <u>.....</u>	= <u>.....</u>
<u>7</u>	<u>28</u>	<u>x</u> <u>.....</u>	= <u>.....</u>
<u>6</u>	<u>18</u>	<u>x</u> <u>.....</u>	= <u>.....</u>
<u>5</u>	<u>5.4</u>	<u>x</u> <u>.....</u>	= <u>.....</u>
<u>4</u>	<u>3.6</u>	<u>x</u> <u>.....</u>	= <u>.....</u>
<u>3</u>	<u>2.4</u>	<u>x</u> <u>.....</u>	= <u>.....</u>
<u>2</u>	<u>1.2</u>	<u>x</u> <u>.....</u>	= <u>.....</u>

1	<u>1</u>	<u>0.7</u>	<u>x</u>	<u>....</u>	<u>=</u>	<u>....</u>
2	<u>M</u>	<u>0.2</u>	<u>x</u>	<u>....</u>	<u>=</u>	<u>....</u>
3					
4	<u>Total</u>					
5						
6						
7	<u>Victim Injury</u>					
8	<u>Level</u>	<u>Sentence Points</u>		<u>Number</u>		<u>Total</u>
9					
10	<u>2nd degree</u>					
11	<u>murder-</u>					
12	<u>death</u>	<u>240</u>	<u>x</u>	<u>....</u>	<u>=</u>	<u>....</u>
13	<u>Death</u>	<u>120</u>	<u>x</u>	<u>....</u>	<u>=</u>	<u>....</u>
14	<u>Severe</u>	<u>40</u>	<u>x</u>	<u>....</u>	<u>=</u>	<u>....</u>
15	<u>Sexual</u>					
16	<u>penetration</u>	<u>80</u>	<u>x</u>	<u>....</u>	<u>=</u>	<u>....</u>
17	<u>Moderate</u>	<u>18</u>	<u>x</u>	<u>....</u>	<u>=</u>	<u>....</u>
18	<u>Sexual</u>					
19	<u>contact</u>	<u>40</u>	<u>x</u>	<u>....</u>	<u>=</u>	<u>....</u>
20	<u>Slight</u>	<u>4</u>	<u>x</u>	<u>....</u>	<u>=</u>	<u>....</u>
21					
22	<u>Total</u>					
23						
24	<u>Primary Offense + Additional Offenses + Victim Injury =</u>					
25	<u>TOTAL OFFENSE SCORE</u>					
26						
27	<u>PRIOR RECORD SCORE</u>					
28						
29						
30						
31						

1 HABITUAL OFFENDER (no)(yes).....
2 DRUG TRAFFICKER (no)(yes) (x multiplier).....
3 LAW ENF. PROTECT. (no)(yes) (x multiplier).....
4 MOTOR VEHICLE THEFT (no)(yes) (x multiplier).....
5 CRIMINAL STREET GANG MEMBER (no)(yes) (x multiplier).....
6
7 TOTAL SENTENCE POINTS.....

9 (b) WORKSHEET KEY:

11 Legal status points are assessed when any form of legal status
12 existed at the time the offender committed an offense before
13 the court for sentencing. Four (4) sentence points are
14 assessed for an offender's legal status.

16 Community sanction violation points are assessed when a
17 community sanction violation is before the court for
18 sentencing. Six (6) sentence points are assessed for each
19 community sanction violation, and each successive community
20 sanction violation; however, if the community sanction
21 violation includes a new felony conviction before the
22 sentencing court, twelve (12) community sanction violation
23 points are assessed for such violation, and for each
24 successive community sanction violation involving a new felony
25 conviction. Multiple counts of community sanction violations
26 before the sentencing court shall not be a basis for
27 multiplying the assessment of community sanction violation
28 points.

30 Prior serious felony points: If the offender has a primary
31 offense or any additional offense ranked in level 8, level 9,

1 or level 10, and one or more prior serious felonies, a single
2 assessment of 30 points shall be added. For purposes of this
3 section, a prior serious felony is an offense in the
4 offender's prior record that is ranked in level 8, level 9, or
5 level 10 under s. 921.0022 or s. 921.0023 and for which the
6 offender is serving a sentence of confinement, supervision, or
7 other sanction or for which the offender's date of release
8 from confinement, supervision, or other sanction, whichever is
9 later, is within 3 years before the date the primary offense
10 or any additional offense was committed.

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

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

31

1 defined in s. 790.001(9), an additional 25 sentence points are
2 assessed.

3
4 Sentencing multipliers:

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

13
14 Law enforcement protection: If the primary offense is a
15 violation of the Law Enforcement Protection Act under s.
16 775.0823(2), the subtotal sentence points are multiplied by
17 2.5. If the primary offense is a violation of s. 775.0823(3),
18 (4), (5), (6), (7), or (8), the subtotal sentence points are
19 multiplied by 2.0. If the primary offense is a violation of s.
20 784.07(3) or s. 775.0875(1), or of the Law Enforcement
21 Protection Act under s. 775.0823(9) or (10), the subtotal
22 sentence points are multiplied by 1.5.

23
24 Grand theft of a motor vehicle: If the primary offense is
25 grand theft of the third degree involving a motor vehicle and
26 in the offender's prior record, there are three or more grand
27 thefts of the third degree involving a motor vehicle, the
28 subtotal sentence points are multiplied by 1.5.

29
30 Criminal street gang member: If the offender is convicted of
31 the primary offense and is found to have been a member of a

1 criminal street gang at the time of the commission of the
2 primary offense pursuant to s. 874.04, the subtotal sentence
3 points are multiplied by 1.5.

4 (2) The lowest permissible sentence in prison months
5 that may be imposed by the court, absent a valid reason to
6 depart, shall be calculated by subtracting 28 points from the
7 total sentence points and decreasing the remaining total by 25
8 percent. If the lowest permissible sentence in prison months
9 is less than or equal to 12, a nonstate prison sanction may be
10 imposed. The total sentence points shall be calculated only as
11 a means of determining the lowest permissible sentence. The
12 permissible range for sentencing shall be the lowest
13 permissible sentence up to and including the statutory
14 maximum, as defined in s. 775.082, for the primary offense.

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

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

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

3 (5) 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 (6) A copy of the individual offender's Criminal
10 Punishment Code scoresheet and any attachments thereto
11 prepared pursuant to Rule 3.701, Florida Rules of Criminal
12 Procedure, must be attached to the copy of the uniform
13 judgment and sentence form provided to the Department of
14 Corrections.

15 Section 8. Section 921.0026, Florida Statutes, is
16 created to read:

17 921.0026 Mitigating circumstances.--

18 (1) A downward departure from the permissible sentence
19 is discouraged unless there are circumstances or factors that
20 reasonably justify the downward departure. Mitigating factors
21 to be considered include, but are not limited to, those listed
22 in subsection (2). The imposition of a sentence below the
23 permissible sentencing range is subject to appellate review
24 under chapter 924, but the extent of downward departure is not
25 subject to appellate review.

26 (2) Mitigating circumstances under which a departure
27 from the permissible sentencing range is reasonably justified
28 include, but are not limited to:

29 (a) The departure results from a legitimate, uncoerced
30 plea bargain.

31

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

3 (c) The capacity of the defendant to appreciate the
4 criminal nature of the conduct or to conform that conduct to
5 the requirements of law was substantially impaired.

6 (d) The defendant requires specialized treatment for a
7 mental disorder that is unrelated to substance abuse or
8 addiction or for a physical disability, and the defendant is
9 amenable to treatment.

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

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

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

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

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

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

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

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

27 (3) The defendant's substance abuse or addiction,
28 including intoxication at the time of the offense, is not a
29 mitigating factor under subsection (2) and does not, under any
30 circumstances, justify a downward departure from the
31 permissible sentencing range.

1 Section 9. Paragraph (b) of subsection (6) of section
2 20.315, Florida Statutes, 1996 Supplement, is amended to read:

3 20.315 Department of Corrections.--There is created a
4 Department of Corrections.

5 (6) FLORIDA CORRECTIONS COMMISSION.--

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

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

10 2. Periodically review the status of the state
11 correctional system and recommend improvements therein to the
12 Governor and the Legislature.

13 ~~3. Perform an in-depth review of the recommendations~~
14 ~~of the Sentencing Guidelines Commission on the need for~~
15 ~~changes in the guidelines and of any alternative proposals~~
16 ~~submitted by the Division of Economic and Demographic Research~~
17 ~~of the Joint Legislative Management Committee to revise~~
18 ~~statewide sentencing guidelines.~~

19 3.4. Annually perform an in-depth review of
20 community-based intermediate sanctions and recommend to the
21 Governor and the Legislature intergovernmental approaches
22 through the Community Corrections Partnership Act for planning
23 and implementing such sanctions and programs.

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

1 5.6. Routinely monitor the financial status of the
2 Department of Corrections to assure that the department is
3 managing revenue and any applicable bond proceeds responsibly
4 and in accordance with law and established policy.

5 6.7. Evaluate, at least quarterly, the efficiency,
6 productivity, and management of the Department of Corrections,
7 using performance and production standards developed by the
8 department under subsection (18).

9 7.8. Provide public education on corrections and
10 criminal justice issues.

11 8.9. Report to the President of the Senate, the
12 Speaker of the House of Representatives, and the Governor by
13 November 1 of each year. ~~The first annual report of the~~
14 ~~commission shall be made by November 1, 1995.~~

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

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

27 (4) The youth is at least 13 years of age at the time
28 of the disposition for the current offense, the youth is
29 eligible for prosecution as an adult for the current offense,
30 and the current offense is ranked at level 7 or higher on the
31

1 Criminal Punishment Code ~~sentencing guidelines~~ offense
2 severity ranking chart pursuant to s. 921.0022 ~~s. 921.0012~~.

3 Section 11. Section 775.0823, Florida Statutes, is
4 amended to read:

5 775.0823 Violent offenses committed against law
6 enforcement officers, correctional officers, state attorneys,
7 assistant state attorneys, justices, or judges.--Any provision
8 of law to the contrary notwithstanding, the Legislature does
9 hereby provide for an increase and certainty of penalty for
10 any person convicted of a violent offense against any law
11 enforcement or correctional officer, as defined in s.
12 943.10(1), (2), (3), (6), (7), (8), or (9); against any state
13 attorney elected pursuant to s. 27.01 or assistant state
14 attorney appointed under s. 27.181; or against any justice or
15 judge of a court described in Art. V of the State
16 Constitution, which offense arises out of or in the scope of
17 the officer's duty as a law enforcement or correctional
18 officer, the state attorney's or assistant state attorney's
19 duty as a prosecutor or investigator, or the justice's or
20 judge's duty as a judicial officer, as follows:

21 (1) For murder in the first degree as described in s.
22 782.04(1), if the death sentence is not imposed, a sentence of
23 imprisonment for life without eligibility for release.

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

27 (3) For murder in the second degree as described in s.
28 782.04(2) and (3), a sentence pursuant to the Criminal
29 Punishment Code ~~sentencing guidelines~~.

30
31

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

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

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

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

13 (8) For kidnapping as described in s. 787.01, a
14 sentence pursuant to the Criminal Punishment Code ~~sentencing~~
15 ~~guidelines~~.

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

19 (10) For aggravated assault as described in s.
20 784.021, a sentence pursuant to the Criminal Punishment Code
21 ~~sentencing guidelines~~.

22
23 Notwithstanding the provisions of s. 948.01, with respect to
24 any person who is found to have violated this section,
25 adjudication of guilt or imposition of sentence shall not be
26 suspended, deferred, or withheld.

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

30
31

1 775.084 Violent career criminals; habitual felony
2 offenders and habitual violent felony offenders; definitions;
3 procedure; enhanced penalties.--

4 (3)(a) In a separate proceeding, the court shall
5 determine if the defendant is a habitual felony offender or a
6 habitual violent felony offender. The procedure shall be as
7 follows:

8 1. The court shall obtain and consider a presentence
9 investigation prior to the imposition of a sentence as a
10 habitual felony offender or a habitual violent felony
11 offender.

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

17 3. Except as provided in subparagraph 1., all evidence
18 presented shall be presented in open court with full rights of
19 confrontation, cross-examination, and representation by
20 counsel.

21 4. Each of the findings required as the basis for such
22 sentence shall be found to exist by a preponderance of the
23 evidence and shall be appealable to the extent normally
24 applicable to similar findings.

25 5. For the purpose of identification of a habitual
26 felony offender or a habitual violent felony offender, the
27 court shall fingerprint the defendant pursuant to s. 921.241.

28 6. For an offense committed on or after October 1,
29 1995, if the state attorney pursues a habitual felony offender
30 sanction or a habitual violent felony offender sanction
31 against the defendant and the court, in a separate proceeding

1 pursuant to this paragraph, determines that the defendant
2 meets the criteria under subsection (1) for imposing such
3 sanction, the court must sentence the defendant as a habitual
4 felony offender or a habitual violent felony offender, subject
5 to imprisonment pursuant to this section unless the court
6 finds that such sentence is not necessary for the protection
7 of the public. If the court finds that it is not necessary
8 for the protection of the public to sentence the defendant as
9 a habitual felony offender or a habitual violent felony
10 offender, the court shall provide written reasons; a written
11 transcript of orally stated reasons is permissible, if filed
12 by the court within 7 days after the date of sentencing. ~~Each~~
13 ~~month, the court shall submit to the Sentencing Commission the~~
14 ~~written reasons or transcripts in each case in which the court~~
15 ~~determines not to impose a habitual felony offender sanction~~
16 ~~or a habitual violent felony offender sanction.~~

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

21 1. Written notice shall be served on the defendant and
22 the defendant's attorney a sufficient time prior to the entry
23 of a plea or prior to the imposition of sentence in order to
24 allow the preparation of a submission on behalf of the
25 defendant.

26 2. All evidence presented shall be presented in open
27 court with full rights of confrontation, cross-examination,
28 and representation by counsel.

29 3. Each of the findings required as the basis for such
30 sentence shall be found to exist by a preponderance of the
31

1 evidence and shall be appealable only as provided in paragraph
2 (c).

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

5 5. For an offense committed on or after October 1,
6 1995, if the state attorney pursues a violent career criminal
7 sanction against the defendant and the court, in a separate
8 proceeding pursuant to this paragraph, determines that the
9 defendant meets the criteria under subsection (1) for imposing
10 such sanction, the court must sentence the defendant as a
11 violent career criminal, subject to imprisonment pursuant to
12 this section unless the court finds that such sentence is not
13 necessary for the protection of the public. If the court
14 finds that it is not necessary for the protection of the
15 public to sentence the defendant as a violent career criminal,
16 the court shall provide written reasons; a written transcript
17 of orally stated reasons is permissible, if filed by the court
18 within 7 days after the date of sentencing. ~~Each month, the~~
19 ~~court shall submit to the Sentencing Commission the written~~
20 ~~reasons or transcripts in each case in which the court~~
21 ~~determines not to impose a violent career criminal sanction.~~

22 (4)

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

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

27 775.0845 Wearing mask while committing offense;
28 reclassification enhanced penalties.--The felony or
29 misdemeanor degree of penalty for any criminal offense, other
30 than a violation of ss. 876.12-876.15, shall be reclassified
31 to the next higher degree ~~increased~~ as provided in this

1 section if, while committing the offense, the offender was
2 wearing a hood, mask, or other device that concealed his or
3 her identity.

4 (1)(a) In the case of a misdemeanor of the second
5 degree, the offense is reclassified to ~~shall be punishable as~~
6 ~~if it were~~ a misdemeanor of the first degree.

7 (b) In the case of a misdemeanor of the first degree,
8 the offense is reclassified to ~~shall be punishable as if it~~
9 ~~were~~ a felony of the third degree. For purposes of sentencing
10 under chapter 921 and determining incentive gain-time
11 eligibility under chapter 944, such offense is ranked in level
12 2 of the offense severity ranking chart.

13 (2)(a) In the case of a felony of the third degree,
14 the offense is reclassified to ~~shall be punishable as if it~~
15 ~~were~~ a felony of the second degree.

16 (b) In the case of a felony of the second degree, the
17 offense is reclassified to ~~shall be punishable as if it were~~ a
18 felony of the first degree.

19
20 For purposes of sentencing under chapter 921 and determining
21 incentive gain-time eligibility under chapter 944, a felony
22 offense that ~~which~~ is reclassified under this subsection is
23 ranked one level above the ranking under s. 921.0012, or s.
24 921.0013, s. 921.0022, or s. 921.0023 of the offense
25 committed.

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

28 775.087 Possession or use of weapon; aggravated
29 battery; felony reclassification; minimum sentence.--

30 (1) Unless otherwise provided by law, whenever a
31 person is charged with a felony, except a felony in which the

1 use of a weapon or firearm is an essential element, and during
2 the commission of such felony the defendant carries, displays,
3 uses, threatens, or attempts to use any weapon or firearm, or
4 during the commission of such felony the defendant commits an
5 aggravated battery, the felony for which the person is charged
6 shall be reclassified as follows:

7 (a) In the case of a felony of the first degree, to a
8 life felony.

9 (b) In the case of a felony of the second degree, to a
10 felony of the first degree.

11 (c) In the case of a felony of the third degree, to a
12 felony of the second degree.

13
14 For purposes of sentencing under chapter 921 and determining
15 incentive gain-time eligibility under chapter 944, a felony
16 offense which is reclassified under this section is ranked one
17 level above the ranking under s. 921.0022 ~~s. 921.0012~~ or s.
18 921.0023 ~~s. 921.0013~~ of the felony offense committed.

19 Section 15. Section 775.0875, Florida Statutes, 1996
20 Supplement, is amended to read:

21 775.0875 Unlawful taking, possession, or use of law
22 enforcement officer's firearm; crime reclassification;
23 penalties.--

24 (1) A person who, without authorization, takes a
25 firearm from a law enforcement officer lawfully engaged in law
26 enforcement duties commits a felony of the third degree,
27 punishable as provided in s. 775.082, s. 775.083, or s.
28 775.084.

29 (2) If a person violates subsection (1) and commits
30 any other crime involving the firearm taken from the law
31

1 enforcement officer, such crime shall be reclassified as
2 follows:

3 (a)1. In the case of a felony of the first degree, to
4 a life felony.

5 2. In the case of a felony of the second degree, to a
6 felony of the first degree.

7 3. In the case of a felony of the third degree, to a
8 felony of the second degree.

9
10 For purposes of sentencing under chapter 921 and determining
11 incentive gain-time eligibility under chapter 944, a felony
12 offense that is reclassified under this paragraph is ranked
13 one level above the ranking under s. 921.0022 ~~s. 921.0012~~ or
14 s. 921.0023 ~~s. 921.0013~~ of the felony offense committed.

15 (b) In the case of a misdemeanor, to a felony of the
16 third degree. For purposes of sentencing under chapter 921 and
17 determining incentive gain-time eligibility under chapter 944,
18 such offense is ranked in level 2 of the offense severity
19 ranking chart.

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

24 Section 16. Section 777.03, Florida Statutes, is
25 amended to read:

26 777.03 Accessory after the fact.--

27 (1) Any person not standing in the relation of husband
28 or wife, parent or grandparent, child or grandchild, brother
29 or sister, by consanguinity or affinity to the offender, who
30 maintains or assists the principal or accessory before the
31 fact, or gives the offender any other aid, knowing that the

1 offender had committed a felony or been accessory thereto
2 before the fact, with intent that the offender avoids or
3 escapes detection, arrest, trial or punishment, is an
4 accessory after the fact.

5 (2)(a) If the felony offense committed is a capital
6 felony, the offense of accessory after the fact is a felony of
7 the first degree, punishable as provided in s. 775.082, s.
8 775.083, or s. 775.084.

9 (b) If the felony offense committed is a life felony
10 or a felony of the first degree, the offense of accessory
11 after the fact is a felony of the second degree, punishable as
12 provided in s. 775.082, s. 775.083, or s. 775.084.

13 (c) If the felony offense committed is a felony of the
14 second degree or a felony of the third degree ranked in level
15 3, 4, 5, 6, 7, 8, 9, or 10 under s. 921.0022 ~~s. 921.0012~~ or s.
16 921.0023 ~~s. 921.0013~~, the offense of accessory after the fact
17 is a felony of the third degree, punishable as provided in s.
18 775.082, s. 775.083, or s. 775.084.

19 (d) If the felony offense committed is a felony of the
20 third degree ranked in level 1 or level 2 under s. 921.0022 ~~s.~~
21 ~~921.0012~~ or s. 921.0023 ~~s. 921.0013~~, the offense of accessory
22 after the fact is a misdemeanor of the first degree,
23 punishable as provided in s. 775.082, s. 775.083, or s.
24 775.084.

25 (3) Except as otherwise provided in s. 921.0022 ~~s.~~
26 ~~921.0012~~, for purposes of sentencing under chapter 921 and
27 determining incentive gain-time eligibility under chapter 944,
28 the offense of accessory after the fact is ranked two levels
29 below the ranking under s. 921.0022 ~~s. 921.0012~~ or s. 921.0023
30 ~~s. 921.0013~~ of the felony offense committed.

31

1 Section 17. Section 777.04, Florida Statutes, is
2 amended to read:

3 777.04 Attempts, solicitation, and conspiracy.--

4 (1) A person who attempts to commit an offense
5 prohibited by law and in such attempt does any act toward the
6 commission of such offense, but fails in the perpetration or
7 is intercepted or prevented in the execution thereof, commits
8 the offense of criminal attempt, ranked for purposes of
9 sentencing as provided in subsection (4). Criminal attempt
10 includes the act of an adult who, with intent to commit an
11 offense prohibited by law, allures, seduces, coaxes, or
12 induces a child under the age of 12 to engage in an offense
13 prohibited by law.

14 (2) A person who solicits another to commit an offense
15 prohibited by law and in the course of such solicitation
16 commands, encourages, hires, or requests another person to
17 engage in specific conduct which would constitute such offense
18 or an attempt to commit such offense commits the offense of
19 criminal solicitation, ranked for purposes of sentencing as
20 provided in subsection (4).

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

25 (4)(a) Except as otherwise provided in ss. 828.125(2),
26 849.25(4), 893.135(5), and 921.0022 ~~921.0012~~, the offense of
27 criminal attempt, criminal solicitation, or criminal
28 conspiracy is ranked for purposes of sentencing under chapter
29 921 and determining incentive gain-time eligibility under
30 chapter 944 one level below the ranking under s. 921.0022 ~~s.~~
31 ~~921.0012~~ or s. 921.0023 ~~s. 921.0013~~ of the offense attempted,

1 solicited, or conspired to. If the criminal attempt, criminal
 2 solicitation, or criminal conspiracy is of an offense ranked
 3 in level 1 or level 2 under s. 921.0022 ~~s. 921.0012~~ or s.
 4 921.0023 ~~s. 921.0013~~, such offense is a misdemeanor of the
 5 first degree, punishable as provided in s. 775.082 or s.
 6 775.083.

7 (b) If the offense attempted, solicited, or conspired
 8 to is a capital felony, the offense of criminal attempt,
 9 criminal solicitation, or criminal conspiracy is a felony of
 10 the first degree, punishable as provided in s. 775.082, s.
 11 775.083, or s. 775.084.

12 (c) Except as otherwise provided in s. 893.135(5), if
 13 the offense attempted, solicited, or conspired to is a life
 14 felony or a felony of the first degree, the offense of
 15 criminal attempt, criminal solicitation, or criminal
 16 conspiracy is a felony of the second degree, punishable as
 17 provided in s. 775.082, s. 775.083, or s. 775.084.

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

- 21 1. Felony of the second degree;
- 22 2. Burglary that is a felony of the third degree; or
- 23 3. Felony of the third degree ranked in level 3, 4, 5,
 24 6, 7, 8, 9, or 10 under s. 921.0022 ~~s. 921.0012~~ or s. 921.0023
 25 ~~s. 921.0013~~,

26
 27 the offense of criminal attempt, criminal solicitation, or
 28 criminal conspiracy is a felony of the third degree,
 29 punishable as provided in s. 775.082, s. 775.083, or s.
 30 775.084.

31

1 (e) Except as otherwise provided in s. 849.25(4) or
2 paragraph (d), if the offense attempted, solicited, or
3 conspired to is a felony of the third degree, the offense of
4 criminal attempt, criminal solicitation, or criminal
5 conspiracy is a misdemeanor of the first degree, punishable as
6 provided in s. 775.082 or s. 775.083.

7 (f) If the offense attempted, solicited, or conspired
8 to is a misdemeanor of the first or second degree, the offense
9 of criminal attempt, criminal solicitation, or criminal
10 conspiracy is a misdemeanor of the second degree, punishable
11 as provided in s. 775.082 or s. 775.083.

12 (5) It is a defense to a charge of criminal attempt,
13 criminal solicitation, or criminal conspiracy that, under
14 circumstances manifesting a complete and voluntary
15 renunciation of his criminal purpose, the defendant:

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

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

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

24 Section 18. Section 782.051, Florida Statutes, 1996
25 Supplement, is amended to read:

26 782.051 Felony causing bodily injury.--

27 (1) Any person who perpetrates or attempts to
28 perpetrate any felony enumerated in s. 782.04(3) and who
29 commits, aids, or abets an act that causes bodily injury to
30 another commits a felony of the first degree, punishable by
31 imprisonment for a term of years not exceeding life, or as

1 provided in s. 775.082, s. 775.083, or s. 775.084, which is an
2 offense ranked in level 9 of the Criminal Punishment Code
3 ~~sentencing guidelines~~. Victim injury points shall be scored
4 under this subsection.

5 (2) Any person who perpetrates or attempts to
6 perpetrate any felony other than a felony enumerated in s.
7 782.04(3) and who commits, aids, or abets an act that causes
8 bodily injury to another commits a felony of the first degree,
9 punishable as provided in s. 775.082, s. 775.083, or s.
10 775.084, which is an offense ranked in level 8 of the Criminal
11 Punishment Code ~~sentencing guidelines~~. Victim injury points
12 shall be scored under this subsection.

13 (3) When a person is injured during the perpetration
14 of or the attempt to perpetrate any felony enumerated in s.
15 782.04(3) by a person other than the person engaged in the
16 perpetration of or the attempt to perpetrate such felony, the
17 person perpetrating or attempting to perpetrate such felony
18 commits a felony of the second degree, punishable as provided
19 in s. 775.082, s. 775.083, or s. 775.084, which is an offense
20 ranked in level 7 of the Criminal Punishment Code ~~sentencing~~
21 ~~guidelines~~. Victim injury points shall be scored under this
22 subsection.

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

25 784.08 Assault or battery on persons 65 years of age
26 or older; reclassification of offenses; minimum sentence.--

27 (1) A person who is convicted of an aggravated assault
28 or aggravated battery upon a person 65 years of age or older
29 shall be sentenced pursuant to the Criminal Punishment Code
30 ~~sentencing guidelines~~ and fined not more than \$10,000 and
31 shall also be ordered by the sentencing judge to make

1 restitution to the victim of such offense and to perform up to
2 500 hours of community service work. Restitution and
3 community service work shall be in addition to any fine or
4 sentence which may be imposed and shall not be in lieu
5 thereof.

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

8 794.023 Sexual battery by multiple perpetrators;
9 enhanced penalties.--

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

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

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

19

20 This subsection does not apply to life felonies or capital
21 felonies. For purposes of sentencing under chapter 921 and
22 determining incentive gain-time eligibility under chapter 944,
23 a felony offense that ~~which~~ is reclassified under this
24 subsection is ranked one level above the ranking under s.
25 921.0022 ~~s. 921.0012~~ or s. 921.0023 ~~s. 921.0013~~ of the offense
26 committed.

27 Section 21. Section 874.04, Florida Statutes, 1996
28 Supplement, is amended to read:

29 874.04 Criminal street gang activity; enhanced
30 penalties.--Upon a finding by the court at sentencing that the
31 defendant is a member of a criminal street gang, the penalty

1 for any felony or misdemeanor, or any delinquent act or
 2 violation of law which would be a felony or misdemeanor if
 3 committed by an adult, may be enhanced if the offender was a
 4 member of a criminal street gang at the time of the commission
 5 of such offense. Each of the findings required as a basis for
 6 such sentence shall be found by a preponderance of the
 7 evidence. The enhancement will be as follows:

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

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

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

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

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

23
 24 For purposes of sentencing under chapter 921 and determining
 25 incentive gain-time eligibility under chapter 944, such felony
 26 offense is ranked as provided in s. 921.0022 ~~s. 921.0012~~ or s.
 27 921.0023 ~~s. 921.0013~~, and without regard to the penalty
 28 enhancement in this subsection. For purposes of this section,
 29 penalty enhancement affects the applicable statutory maximum
 30 penalty only.

31

1 Section 22. Subsections (10) and (11) of section
2 893.13, Florida Statutes, 1996 Supplement, are amended to
3 read:

4 893.13 Prohibited acts; penalties.--

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

8 (a) Violates subparagraph (1)(a)1., subparagraph
9 (1)(c)2., subparagraph (1)(d)2., subparagraph (2)(a)1., or
10 paragraph (5)(a); and

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

16
17 may be required by the court to successfully complete a term
18 of probation pursuant to the terms and conditions set forth in
19 s. 948.034(1), in lieu of serving a term of imprisonment.

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

23 (a) Violates subparagraph (1)(a)2., subparagraph
24 (2)(a)2., paragraph (5)(b), or paragraph (6)(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)2., subparagraph (2)(a)2.,
28 paragraph (5)(b), or paragraph (6)(a),
29
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(2), in lieu of serving a term of imprisonment.

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

6 893.135 Trafficking; mandatory sentences; suspension
7 or reduction of sentences; conspiracy to engage in
8 trafficking.--

9 (1) Except as authorized in this chapter or in chapter
10 499 and notwithstanding the provisions of s. 893.13:

11 (a) Any person who knowingly sells, purchases,
12 manufactures, delivers, or brings into this state, or who is
13 knowingly in actual or constructive possession of, in excess
14 of 50 pounds of cannabis commits a felony of the first degree,
15 which felony shall be known as "trafficking in cannabis." If
16 the quantity of cannabis involved:

17 1. Is in excess of 50 pounds, but less than 2,000
18 pounds, such person shall be sentenced pursuant to the
19 Criminal Punishment Code ~~sentencing guidelines~~ and pay a fine
20 of \$25,000.

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

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

28 (b)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 cocaine, as described in s. 893.03(2)(a)4., or of any

1 mixture containing cocaine, but less than 150 kilograms of
2 cocaine or any such mixture, commits a felony of the first
3 degree, which felony shall be known as "trafficking in
4 cocaine." If the quantity involved:

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

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

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

14 2. Any person who knowingly sells, purchases,
15 manufactures, delivers, or brings into this state, or who is
16 knowingly in actual or constructive possession of, 150
17 kilograms or more, but less than 300 kilograms, of cocaine, as
18 described in s. 893.03(2)(a)4., commits the first degree
19 felony of trafficking in cocaine. A person who has been
20 convicted of the first degree felony of trafficking in cocaine
21 under this subparagraph shall be punished by life imprisonment
22 and is ineligible for any form of discretionary early release
23 except pardon or executive clemency or conditional medical
24 release under s. 947.149. However, if the court determines
25 that, in addition to committing any act specified in this
26 paragraph:

27 a. The person intentionally killed an individual or
28 counseled, commanded, induced, procured, or caused the
29 intentional killing of an individual and such killing was the
30 result; or

31

1 b. The person's conduct in committing that act led to
2 a natural, though not inevitable, lethal result,
3
4 such person commits the capital felony of trafficking in
5 cocaine, punishable as provided in ss. 775.082 and 921.142.
6 Any person sentenced for a capital felony under this paragraph
7 shall also be sentenced to pay the maximum fine provided under
8 subparagraph 1.

9 3. Any person who knowingly brings into this state 300
10 kilograms or more of cocaine, as described in s.
11 893.03(2)(a)4., and who knows that the probable result of such
12 importation would be the death of any person, commits capital
13 importation of cocaine, a capital felony punishable as
14 provided in ss. 775.082 and 921.142. Any person sentenced for
15 a capital felony under this paragraph shall also be sentenced
16 to pay the maximum fine provided under subparagraph 1.

17 (c)1. Any person who knowingly sells, purchases,
18 manufactures, delivers, or brings into this state, or who is
19 knowingly in actual or constructive possession of, 4 grams or
20 more of any morphine, opium, oxycodone, hydrocodone,
21 hydromorphone, or any salt, derivative, isomer, or salt of an
22 isomer thereof, including heroin, as described in s.
23 893.03(1)(b) or (2)(a), or 4 grams or more of any mixture
24 containing any such substance, but less than 30 kilograms of
25 such substance or mixture, commits a felony of the first
26 degree, which felony shall be known as "trafficking in illegal
27 drugs." If the quantity involved:

28 a. Is 4 grams or more, but less than 14 grams, such
29 person shall be sentenced pursuant to the Criminal Punishment
30 Code ~~sentencing guidelines~~ and pay a fine of \$50,000.

31

1 b. 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 \$100,000.

4 c. Is 28 grams or more, but less than 30 kilograms,
5 such person shall be sentenced to a mandatory minimum term of
6 imprisonment of 25 calendar years and pay a fine of \$500,000.

7 2. Any person who knowingly sells, purchases,
8 manufactures, delivers, or brings into this state, or who is
9 knowingly in actual or constructive possession of, 30
10 kilograms or more, but less than 60 kilograms, of any
11 morphine, opium, oxycodone, hydrocodone, hydromorphone, or any
12 salt, derivative, isomer, or salt of an isomer thereof,
13 including heroin, as described in s. 893.03(1)(b) or (2)(a),
14 or 30 kilograms or more, but less than 60 kilograms, of any
15 mixture containing any such substance, commits the first
16 degree felony of trafficking in illegal drugs. A person who
17 has been convicted of the first degree felony of trafficking
18 in illegal drugs under this subparagraph shall be punished by
19 life imprisonment and is ineligible for any form of
20 discretionary early release except pardon or executive
21 clemency or conditional medical release under s. 947.149.
22 However, if the court determines that, in addition to
23 committing any act specified in this paragraph:

24 a. The person intentionally killed an individual or
25 counseled, commanded, induced, procured, or caused the
26 intentional killing of an individual and such killing was the
27 result; or

28 b. The person's conduct in committing that act led to
29 a natural, though not inevitable, lethal result,
30
31

1 such person commits the capital felony of trafficking in
 2 illegal drugs, punishable as provided in ss. 775.082 and
 3 921.142. Any person sentenced for a capital felony under this
 4 paragraph shall also be sentenced to pay the maximum fine
 5 provided under subparagraph 1.

6 3. Any person who knowingly brings into this state 60
 7 kilograms or more of any morphine, opium, oxycodone,
 8 hydrocodone, hydromorphone, or any salt, derivative, isomer,
 9 or salt of an isomer thereof, including heroin, as described
 10 in s. 893.03(1)(b) or (2)(a), or 60 kilograms or more of any
 11 mixture containing any such substance, and who knows that the
 12 probable result of such importation would be the death of any
 13 person, commits capital importation of illegal drugs, a
 14 capital felony punishable as provided in ss. 775.082 and
 15 921.142. Any person sentenced for a capital felony under this
 16 paragraph shall also be sentenced to pay the maximum fine
 17 provided under subparagraph 1.

18 (d)1. 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, 28 grams or
 21 more of phencyclidine or of any mixture containing
 22 phencyclidine, as described in s. 893.03(2)(b), commits a
 23 felony of the first degree, which felony shall be known as
 24 "trafficking in phencyclidine." If the quantity involved:

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

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

31

1 c. Is 400 grams or more, but less than 800 grams, such
2 person shall be sentenced to a mandatory minimum term of
3 imprisonment of 15 calendar years and pay a fine of \$250,000.

4 2. Any person who knowingly brings into this state 800
5 grams or more of phencyclidine or of any mixture containing
6 phencyclidine, as described in s. 893.03(2)(b), and who knows
7 that the probable result of such importation would be the
8 death of any person commits capital importation of
9 phencyclidine, a capital felony punishable as provided in ss.
10 775.082 and 921.142. Any person sentenced for a capital felony
11 under this paragraph shall also be sentenced to pay the
12 maximum fine provided under subparagraph 1.

13 (e)1. Any person who knowingly sells, purchases,
14 manufactures, delivers, or brings into this state, or who is
15 knowingly in actual or constructive possession of, 200 grams
16 or more of methaqualone or of any mixture containing
17 methaqualone, as described in s. 893.03(1)(d), commits a
18 felony of the first degree, which felony shall be known as
19 "trafficking in methaqualone." If the quantity involved:

20 a. Is 200 grams or more, but less than 5 kilograms,
21 such person shall be sentenced pursuant to the Criminal
22 Punishment Code ~~sentencing guidelines~~ and pay a fine of
23 \$50,000.

24 b. Is 5 kilograms or more, but less than 25 kilograms,
25 such person shall be sentenced pursuant to the Criminal
26 Punishment Code ~~sentencing guidelines~~ and pay a fine of
27 \$100,000.

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

1 2. Any person who knowingly brings into this state 50
2 kilograms or more of methaqualone or of any mixture containing
3 methaqualone, as described in s. 893.03(1)(d), and who knows
4 that the probable result of such importation would be the
5 death of any person commits capital importation of
6 methaqualone, a capital felony punishable as provided in ss.
7 775.082 and 921.142. Any person sentenced for a capital felony
8 under this paragraph shall also be sentenced to pay the
9 maximum fine provided under subparagraph 1.

10 (f)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, 14 grams or
13 more of amphetamine, as described in s. 893.03(2)(c)2., or
14 methamphetamine, as described in s. 893.03(2)(c)4., or of any
15 mixture containing amphetamine or methamphetamine, or
16 phenylacetone, phenylacetic acid, or ephedrine in conjunction
17 with other chemicals and equipment utilized in the manufacture
18 of amphetamine or methamphetamine, commits a felony of the
19 first degree, which felony shall be known as "trafficking in
20 amphetamine." If the quantity involved:

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

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

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

30 2. Any person who knowingly brings into this state 400
31 grams or more of amphetamine, as described in s.

1 893.03(2)(c)2., or methamphetamine, as described in s.
2 893.03(2)(c)4., or of any mixture containing amphetamine or
3 methamphetamine, or phenylacetone, phenylacetic acid, or
4 ephedrine in conjunction with other chemicals and equipment
5 utilized in the manufacture of amphetamine or methamphetamine,
6 and who knows that the probable result of such importation
7 would be the death of any person commits capital importation
8 of amphetamine, a capital felony punishable as provided in ss.
9 775.082 and 921.142. Any person sentenced for a capital felony
10 under this paragraph shall also be sentenced to pay the
11 maximum fine provided under subparagraph 1.

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

14 893.20 Continuing criminal enterprise.--

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

19 Section 25. Paragraph (b) of subsection (1) of section
20 921.187, Florida Statutes, 1996 Supplement, is amended to
21 read:

22 921.187 Disposition and sentencing; alternatives;
23 restitution.--

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

28 (b)1. Notwithstanding any provision of former s.
29 921.001 or s. 921.002 to the contrary, on or after October 1,
30 1993, the court may require any defendant who violates s.
31 893.13(1)(a)1., (1)(c)2., (1)(d)2., (2)(a)1., or (5)(a), and

1 meets the criteria described in s. 893.13(10), to successfully
2 complete a term of probation pursuant to the terms and
3 conditions set forth in s. 948.034(1), in lieu of serving a
4 term of imprisonment.

5 2. Notwithstanding any provision of former s. 921.001
6 or s. 921.002 to the contrary, on or after October 1, 1993,
7 the court may require any defendant who violates s.
8 893.13(1)(a)2., (2)(a)2., (5)(b), or (6)(a), and meets the
9 criteria described in s. 893.13(11), to successfully complete
10 a term of probation pursuant to the terms and conditions set
11 forth in s. 948.034(2), in lieu of serving a term of
12 imprisonment.

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

15 921.188 Placement of certain state inmates in local
16 detention facilities.--Effective June 17, 1993,
17 notwithstanding the provisions of ss. 775.08, former 921.001,
18 921.002, 921.187, 944.02, and 951.23, or any other law to the
19 contrary, a person whose presumptive sentence is 1 year and 1
20 day up to 22 months in a state correctional institution may be
21 placed by the court into the custody of a local detention
22 facility as a condition of probation or community control for
23 a felony offense contained in sentencing guidelines categories
24 five through nine contained in Rules 3.701 and 3.988, Florida
25 Rules of Criminal Procedure, or similar levels described in s.
26 921.0022 ~~s. 921.0012~~, except for such person whose total
27 sentence points are greater than 52 or less than 40. The court
28 may place such person for the duration of the presumptive
29 sentence. The court may only place a person in a local
30 detention facility pursuant to this section if there is a
31 contractual agreement between the chief correctional officer

1 of that county and the Department of Corrections. The contract
2 may include all operational functions, or only housing wherein
3 the department would provide staffing and medical costs. The
4 agreement must provide for a per diem or partial per diem
5 reimbursement for each person placed under this section, which
6 is payable by the Department of Corrections for the duration
7 of the offender's placement in the facility. The full per diem
8 reimbursement may not exceed the per diem published in the
9 Department of Corrections' most recent annual report for total
10 department facilities. This section does not limit the court's
11 ability to place a person in a local detention facility for
12 less than 1 year.

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

15 924.06 Appeal by defendant.--

16 (1) A defendant may appeal from:

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

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

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

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

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

25 Section 28. Paragraph (i) of subsection (1) of section
26 924.07, Florida Statutes, 1996 Supplement, is amended to read:

27 924.07 Appeal by state.--

28 (1) The state may appeal from:

29 (i) A sentence imposed below ~~outside~~ the range
30 permitted by the Criminal Punishment Code under guidelines
31 ~~authorized by~~ chapter 921.

1 Section 29. Paragraph (e) of subsection (5) of section
2 944.17, Florida Statutes, is amended to read:

3 944.17 Commitments and classification; transfers.--

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

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

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

14 947.141 Violations of conditional release, control
15 release, or conditional medical release.--

16 (5) Effective for inmates whose offenses were
17 committed on or after July 1, 1995, notwithstanding the
18 provisions of ss. 775.08, former 921.001, 921.002, 921.187,
19 921.188, 944.02, and 951.23, or any other law to the contrary,
20 by such order as provided in subsection (4), the panel, upon a
21 finding of guilt, may, as a condition of continued
22 supervision, place the releasee in a local detention facility
23 for a period of incarceration not to exceed 22 months. Prior
24 to the expiration of the term of incarceration, or upon
25 recommendation of the chief correctional officer of that
26 county, the commission shall cause inquiry into the inmate's
27 release plan and custody status in the detention facility and
28 consider whether to restore the inmate to supervision, modify
29 the conditions of supervision, or enter an order of
30 revocation, thereby causing the return of the inmate to prison
31 to serve the sentence imposed. The provisions of this section

1 do not prohibit the panel from entering such other order or
2 conducting any investigation that it deems proper. The
3 commission may only place a person in a local detention
4 facility pursuant to this section if there is a contractual
5 agreement between the chief correctional officer of that
6 county and the Department of Corrections. The agreement must
7 provide for a per diem reimbursement for each person placed
8 under this section, which is payable by the Department of
9 Corrections for the duration of the offender's placement in
10 the facility. This section does not limit the commission's
11 ability to place a person in a local detention facility for
12 less than 1 year.

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

15 947.146 Control Release Authority.--

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

1 released. Such assessment shall be a part of the department's
2 management information system. However, the authority shall
3 have sole responsibility for determining control release
4 eligibility, establishing a control release date, and
5 effectuating the release of a sufficient number of inmates to
6 maintain the inmate population between 99 percent and 100
7 percent of total capacity. Inmates who are ineligible for
8 control release are inmates who are parole eligible or inmates
9 who:

10 (a) Are serving a sentence that includes a mandatory
11 minimum provision for a capital offense or drug trafficking
12 offense and have not served the number of days equal to the
13 mandatory minimum term less any jail-time credit awarded by
14 the court;

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

17 (c) Are convicted, or have been previously convicted,
18 of committing or attempting to commit sexual battery, incest,
19 or any of the following lewd or indecent assaults or acts:
20 masturbating in public; exposing the sexual organs in a
21 perverted manner; or nonconsensual handling or fondling of the
22 sexual organs of another person;

23 (d) Are convicted, or have been previously convicted,
24 of committing or attempting to commit assault, aggravated
25 assault, battery, or aggravated battery, and a sex act was
26 attempted or completed during commission of such offense;

27 (e) Are convicted, or have been previously convicted,
28 of committing or attempting to commit kidnapping, burglary, or
29 murder, and the offense was committed with the intent to
30 commit sexual battery or a sex act was attempted or completed
31 during commission of the offense;

1 (f) Are convicted, or have been previously convicted,
2 of committing or attempting to commit false imprisonment upon
3 a child under the age of 13 and, in the course of committing
4 the offense, the inmate committed aggravated child abuse,
5 sexual battery against the child, or a lewd, lascivious, or
6 indecent assault or act upon or in the presence of the child;

7 (g) Are sentenced, have previously been sentenced, or
8 have been sentenced at any time under s. 775.084, or have been
9 sentenced at any time in another jurisdiction as a habitual
10 offender;

11 (h) Are convicted, or have been previously convicted,
12 of committing or attempting to commit assault, aggravated
13 assault, battery, aggravated battery, kidnapping,
14 manslaughter, or murder against an officer as defined in s.
15 943.10(1), (2), (3), (6), (7), (8), or (9); against a state
16 attorney or assistant state attorney; or against a justice or
17 judge of a court described in Art. V of the State
18 Constitution; or against an officer, judge, or state attorney
19 employed in a comparable position by any other jurisdiction;
20 or

21 (i) Are convicted, or have been previously convicted,
22 of committing or attempting to commit murder in the first,
23 second, or third degree under s. 782.04(1), (2), (3), or (4),
24 or have ever been convicted of any degree of murder or
25 attempted murder in another jurisdiction;

26 (j) Are convicted, or have been previously convicted,
27 of DUI manslaughter under s. 316.193(3)(c)3., and are
28 sentenced, or have been sentenced at any time, as a habitual
29 offender for such offense, or have been sentenced at any time
30 in another jurisdiction as a habitual offender for such
31 offense;

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

6 2. Are serving a sentence for an offense committed on
7 or after October 1, 1995, for a violation of the Law
8 Enforcement Protection Act under s. 775.0823(2), (3), (4),
9 (5), (6), (7), or (8), and the subtotal of the offender's
10 sentence points is multiplied pursuant to former s. 921.0014
11 or s. 921.0024;

12 (l) Are serving a sentence for an offense committed on
13 or after January 1, 1994, for possession of a firearm,
14 semiautomatic firearm, or machine gun in which additional
15 points are added to the subtotal of the offender's sentence
16 points pursuant to former s. 921.0014 or s. 921.0024; or

17 (m) Are convicted, or have been previously convicted,
18 of committing or attempting to commit manslaughter,
19 kidnapping, robbery, carjacking, home-invasion robbery, or a
20 burglary under s. 810.02(2).

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

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

30 947.168 Consideration for persons serving
31 parole-eligible and parole-ineligible sentences.--

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

5 Section 33. Section 948.015, Florida Statutes, is
6 amended to read:

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

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

25 (2) The offender's sentencing status, including
26 whether the offender is a first offender, a habitual or
27 violent offender, a youthful offender, or is currently on
28 probation.

29 (3) The offender's prior record of arrests and
30 convictions.

31 (4) The offender's educational background.

1 (5) The offender's employment background, including
2 any military record, his present employment status, and his
3 occupational capabilities.

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

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

9 (8) The residence history of the offender.

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

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

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

19 (a) Treatment centers.

20 (b) Residential facilities.

21 (c) Vocational training programs.

22 (d) Special education programs.

23 (e) Services that may preclude or supplement
24 commitment to the department.

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

28 (13) An explanation of the offender's criminal record,
29 if any, including his version and explanation of any previous
30 offenses.

31

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

3 (15) A recommendation as to disposition by the court.
4 The department shall make a written determination as to the
5 reasons for its recommendation, and shall include an
6 evaluation of the following factors:

7 (a) The appropriateness or inappropriateness of
8 community facilities, programs, or services for treatment or
9 supervision for the offender.

10 (b) The ability or inability of the department to
11 provide an adequate level of supervision for the offender in
12 the community and a statement of what constitutes an adequate
13 level of supervision.

14 (c) The existence of other treatment modalities which
15 the offender could use but which do not exist at present in
16 the community.

17 Section 34. Subsections (1) and (2) of section
18 948.034, Florida Statutes, are amended to read:

19 948.034 Terms and conditions of probation; community
20 residential drug punishment centers.--

21 (1) On or after October 1, 1993, any person who
22 violates s. 893.13(1)(a)1., (1)(c)2., (1)(d)2., (2)(a)1., or
23 (5)(a) may, in the discretion of the trial court, be required
24 to successfully complete a term of probation in lieu of
25 serving a term of imprisonment as required or authorized by s.
26 775.084, ~~former~~ or s. 921.001, or s. 921.002, as follows:

27 (a) If the person has not previously been convicted of
28 violating s. 893.13(1)(a)1., (1)(c)2., (1)(d)2., (2)(a)1., or
29 (5)(a), adjudication may be withheld and the offender may be
30 placed on probation for not less than 18 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 90 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 \$500 nor more than
12 \$10,000 pursuant to s. 775.083(1)(c).

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

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

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

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

1 (b) If the person has been previously convicted of one
2 felony violation of s. 893.13(1)(a)1., (1)(c)2., (1)(d)2.,
3 (2)(a)1., or (5)(a), adjudication may not be withheld and the
4 offender may be placed on probation for not less than 24
5 months, as a condition of which the court shall require the
6 offender to reside at a community residential drug punishment
7 center for 180 days. The offender must comply with all rules
8 and regulations of the center and must pay a fee for the costs
9 of room and board and residential supervision. Placement of an
10 offender into a community residential drug punishment center
11 is subject to budgetary considerations and availability of bed
12 space. If the court requires the offender to reside at a
13 community residential drug punishment center, the court shall
14 also require the offender to comply with one or more of the
15 other following terms and conditions:

16 1. Pay a fine of not less than \$1,000 nor more than
17 \$10,000 pursuant to s. 775.083(1)(c).

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

30 3. Perform at least 200 hours of public service.
31

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

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

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

22 1. Pay a fine of not less than \$1,500 nor more than
23 \$10,000 pursuant to s. 775.083(1)(c).

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

1 ability of the offender to pay for such evaluation and
2 treatment. If such referral is made, the offender must comply
3 and must pay for the reasonable cost of the evaluation and
4 treatment.

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

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

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

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

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

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

27 1. Pay a fine of not less than \$250 nor more than
28 \$5,000 pursuant to s. 775.083(1)(c).

29 2. Enter, regularly attend, and successfully complete
30 a substance abuse education program of at least 40 hours or a
31 prescribed substance abuse treatment program provided by a

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

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

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

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

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

1 1. Pay a fine of not less than \$500 nor more than
2 \$5,000 pursuant to s. 775.083(1)(c).

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

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

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

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

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

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

5 1. Pay a fine of not less than \$1,000 nor more than
6 \$5,000 pursuant to s. 775.083(1)(c).

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

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

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

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

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

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

9 1. Pay a fine of not less than \$1,500 nor more than
10 \$5,000 pursuant to s. 775.083(1)(c).

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

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

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

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

29 (e) If the person has been previously convicted of
30 four felony violations of s. 893.13(1)(a)2., (2)(a)2., (5)(b),
31 or (6)(a), adjudication may not be withheld and the offender

1 may be placed on probation for not less than 36 months, as a
2 condition of which the court shall require the offender to
3 reside at a community residential drug punishment center for
4 360 days. The offender must comply with all rules and
5 regulations of the center and must pay a fee for the costs of
6 room and board and residential supervision. Placement of an
7 offender into a community residential drug punishment center
8 is subject to budgetary considerations and availability of bed
9 space. If the court requires the offender to reside at a
10 community residential drug punishment center, the court shall
11 also require the offender to comply with one or more of the
12 other following terms and conditions:

13 1. Pay a fine of not less than \$2,000 nor more than
14 \$5,000 pursuant to s. 775.083(1)(c).

15 2. Enter, regularly attend, and successfully complete
16 a 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 250 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.
30
31

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

7 Section 35. Paragraph (c) of subsection (2) of section
8 948.51, Florida Statutes, is amended to read:

9 948.51 Community corrections assistance to counties or
10 county consortiums.--

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

1 governing board of the county, or the governing board of each
2 county within the consortium, and the Secretary of Corrections
3 based on the requirements of this section. If one or more
4 other counties develop a unified public safety plan, the
5 public safety coordinating council shall submit a single
6 application to the department for funding. Continued contract
7 funding shall be pursuant to subsection (6). The plan for a
8 county or county consortium must cover at least a 5-year
9 period and must include:

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

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

17 958.04 Judicial disposition of youthful offenders.--

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

26 Section 37. Effective October 1, 1997, subsection (3)
27 of section 921.0014, Florida Statutes, as amended by section
28 22 of chapter 96-388, Laws of Florida, is amended to read:

29 921.0014 Sentencing guidelines; worksheet
30 computations; scoresheets.--

31

1 (3) A single guidelines scoresheet shall be prepared
2 for each defendant, except that if the defendant is before the
3 court for sentencing for more than one felony and the felonies
4 were committed under more than one version or revision of the
5 guidelines, separate scoresheets must be prepared pursuant to
6 s. 921.001(4)(b). The scoresheet or scoresheets must cover
7 all the defendant's offenses pending before the court for
8 sentencing. Either the office of the state attorney or the
9 Department of Corrections, or both where appropriate, shall
10 prepare the scoresheet or scoresheets, which must be presented
11 to ~~the state attorney and~~ the defense counsel for review for
12 accuracy in all cases unless the judge directs otherwise. The
13 defendant's scoresheet or scoresheets must be approved and
14 signed by the sentencing judge.

15 Section 38. Subsection (1) of section 397.705, Florida
16 Statutes, is amended to read:

17 397.705 Referral of substance abuse impaired offenders
18 to service providers.--

19 (1) AUTHORITY TO REFER.--If any offender, including
20 but not limited to any minor, is charged with or convicted of
21 a crime, the court or criminal justice authority with
22 jurisdiction over that offender may require the offender to
23 receive services from a service provider licensed under this
24 chapter. If referred by the court, the referral shall ~~may~~ be
25 ~~instead of or~~ in addition to final adjudication, imposition of
26 penalty or sentence, or other action. The court may consult
27 with or seek the assistance of a service provider concerning
28 such a referral. Assignment to a service provider is
29 contingent upon availability of space, budgetary
30 considerations, and manageability of the offender.

31

1 Section 39. Section 893.15, Florida Statutes, is
2 amended to read:

3 893.15 Rehabilitation.--Any person who violates s.
4 893.13(6)(a) or (b) relating to possession may, in the
5 discretion of the trial judge, be required to participate in a
6 substance abuse services program approved or regulated by the
7 Department of Health and Rehabilitative Services pursuant to
8 the provisions of chapter 397, provided the director of such
9 program approves the placement of the defendant in such
10 program. Such required participation shall ~~may~~ be imposed in
11 addition to, ~~or in lieu of,~~ any penalty or probation otherwise
12 prescribed by law. However, the total time of such penalty,
13 probation, and program participation shall not exceed the
14 maximum length of sentence possible for the offense.

15 Section 40. Subsection (5) of section 921.001, Florida
16 Statutes, is amended to read:

17 921.001 Sentencing Commission and sentencing
18 guidelines generally.--

19 (5) Sentences imposed by trial court judges under the
20 1994 revised sentencing guidelines on or after January 1,
21 1994, must be within the 1994 guidelines unless there is a
22 departure sentence with written findings. However, a person
23 sentenced for a felony committed on or after July 1, 1997, who
24 has at least one prior felony conviction and whose recommended
25 sentence is any nonstate prison sanction may be sentenced to
26 community control or a term of incarceration not to exceed 22
27 months. A person sentenced for a felony committed on or after
28 July 1, 1997, who has at least one prior felony conviction and
29 whose minimum recommended sentence is less than 22 months in
30 state prison may be sentenced to a term of incarceration not
31 to exceed 22 months. As used in this subsection, the term

1 "conviction" means a determination of guilt which is the
2 result of a plea or a trial, regardless of whether
3 adjudication is withheld. Such sentence is not subject to
4 appeal. If a recommended sentence under the guidelines exceeds
5 the maximum sentence otherwise authorized by s. 775.082, the
6 sentence under the guidelines must be imposed, absent a
7 departure. If a departure sentence, with written findings, is
8 imposed, such sentence must be within any relevant maximum
9 sentence limitations provided in s. 775.082. The failure of a
10 trial court to impose a sentence within the sentencing
11 guidelines is subject to appellate review pursuant to chapter
12 924, except as otherwise provided in this subsection. However,
13 the extent of a departure from a guidelines sentence is not
14 subject to appellate review.

15 Section 41. Paragraph (d) of subsection (4) of section
16 921.0016, Florida Statutes, 1996 Supplement, is amended, and
17 subsection (5) is added to that section, to read:

18 921.0016 Recommended sentences; departure sentences;
19 aggravating and mitigating circumstances.--

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

23 (d) The defendant requires specialized treatment for a
24 addiction, mental disorder that is unrelated to substance
25 abuse or addiction, or for a physical disability, and the
26 defendant is amenable to treatment.

27 (5) A defendant's substance abuse or addiction,
28 including intoxication at the time of the offense, is not a
29 mitigating factor under subsection (4) and does not, under any
30 circumstances, justify a downward departure from the sentence
31 recommended under the sentencing guidelines.

1 Section 42. The Florida Criminal Punishment Code
2 applies to all felonies, except capital felonies, committed on
3 or after October 1, 1998. Any revision to the Criminal
4 Punishment Code applies to sentencing for all felonies, except
5 capital felonies, committed on or after the effective date of
6 the revision. Felonies, except capital felonies, with
7 continuing dates of enterprise shall be sentenced under the
8 Criminal Punishment Code in effect on the beginning date of
9 the criminal activity.

10 Section 43. The Division of Statutory Revision of the
11 Joint Legislative Management Committee shall leave the
12 repealed statutory provisions referenced herein in the Florida
13 Statutes for 10 years from October 1, 1998.

14 Section 44. Unless otherwise expressly provided in
15 this act, sections 1 through 12, sections 14 through 36, and
16 sections 42 and 43 shall take effect October 1, 1998; this
17 section and section 13 shall take effect upon becoming a law;
18 and the remaining sections of this act shall take effect July
19 1, 1997.