

By the Committee on Crime & Punishment and Representative
Ball

1 A bill to be entitled
2 An act relating to criminal punishment;
3 amending s. 2, ch. 97-194, Laws of Florida;
4 clarifying that the Criminal Punishment Code
5 does not apply to capital felonies; amending s.
6 775.084, F.S.; providing for community control
7 without an adjudication of guilt to be
8 considered a prior conviction under certain
9 circumstances for purposes of sentencing;
10 amending s. 782.051, F.S.; providing that an
11 act, to be punishable under s. 782.051, F.S.,
12 must have resulted in great bodily harm;
13 deleting requirements relating to the
14 assessment of victim injury points and the
15 ranking of offenses; creating s. 921.00011,
16 F.S.; providing that terms or conditions for
17 control release are not subject to refusal by
18 certain offenders; amending s. 921.002, F.S.,
19 relating to the Criminal Punishment Code;
20 providing legislative determination regarding
21 appropriate incarceration of criminal
22 offenders; providing that the sentence imposed
23 may not be shortened if the defendant would
24 consequently serve less than 85 percent of his
25 or her term of imprisonment; specifying that
26 certain departures must be articulated in
27 writing by the trial court judge; substituting
28 reference to the trial court for reference to
29 the trial judge; providing for imposition of
30 statutory maximum sentence for an offense
31 before the court due to violation of community

1 control; substituting references to "lowest
2 permissible sentence" for references to
3 "permissible sentencing range"; providing for
4 appeal based on departure only if the sentence
5 is below the lowest permissible sentence;
6 conforming terminology; requiring the
7 Department of Corrections to report annually to
8 the Legislature certain information on
9 sentencing trends, thresholds, and factors;
10 requiring the Criminal Justice Estimating
11 Conference, with the assistance of the
12 Department of Corrections, to estimate the
13 impact of certain proposed changes to the
14 Criminal Punishment Code on future rates of
15 incarceration and the prison population;
16 specifying means for basing the projections;
17 authorizing the Department of Corrections to
18 collect and evaluate scoresheets from judicial
19 circuits for certain purposes; requiring the
20 Department of Corrections to report annually to
21 the Legislature the rate of compliance by
22 judicial circuits in providing scoresheets to
23 the department; amending s. 921.0022, F.S.;
24 providing for ranking of certain offenses under
25 the severity ranking chart of the code;
26 specifying the ranking of additional offenses;
27 amending s. 921.0023, F.S., relating to ranking
28 of unlisted felony offenses under the offense
29 severity ranking chart of the Criminal
30 Punishment Code; removing provision republished
31 in s. 921.0022(2), F.S., relating to

1 determination of whether a felony offense has
2 been specifically ranked; amending s. 921.0024,
3 F.S., relating to worksheet computations and
4 scoresheets under the code; revising
5 arrangement of the worksheet; clarifying
6 applicability of certain sentence points to
7 offenses involving severe injury, moderate
8 injury, or slight injury; providing for
9 computation of total sentence points of prison
10 release reoffenders; conforming terminology;
11 providing for computation of a multiplier
12 factor when the domestic violence offense was
13 committed in the presence of a child under 16
14 years of age who is a family or household
15 member of the victim or perpetrator under
16 specified circumstances; revising method of
17 calculating lowest permissible sentence;
18 providing for the permissible range to include
19 the statutory maximum sentence for the primary
20 offense or the statutory maximum for an
21 additional offense, whichever is greater;
22 providing that any state prison sentence must
23 exceed 1 year; providing for construction;
24 providing for imposition of the Criminal
25 Punishment Code sentence under certain
26 circumstances; providing for sentencing to life
27 imprisonment without eligibility for any form
28 of discretionary early release except pardon,
29 executive clemency, or conditional medical
30 release under specified circumstances when the
31 total sentence points equal or exceed 363

1 points; providing that a prior capital felony
2 includes a previous capital felony offense to
3 which the offender has entered a plea of nolo
4 contendere or guilty; requiring provision of
5 required scoresheets to the Department of
6 Corrections; imposing certain duties upon the
7 department with respect to development and
8 submission to the Supreme Court of revised
9 scoresheets; requiring inclusion or notation on
10 scoresheet of the sentence imposed and any
11 departure sentence or mandatory minimum
12 sentence; providing that any rule of criminal
13 procedure pertaining to the preparation or
14 submission of felony sentencing scoresheets is
15 adopted and implemented in accordance with ch.
16 921, F.S., for application to the Criminal
17 Punishment Code; reenacting s.
18 947.146(3)(k)-(m), F.S., relating to Control
19 Release Authority, to incorporate said
20 amendment in references; amending s. 921.0026,
21 F.S., relating to mitigating circumstances;
22 prohibiting imposition of sentence below the
23 lowest permissible sentence except under
24 certain circumstances; conforming terminology;
25 requiring written statements delineating the
26 reason for any downward departure to be filed
27 within a specified time after the date of
28 sentencing; providing that diminished capacity
29 at the time of the offense due to the influence
30 of alcohol or a controlled substance may not be
31 considered a reason to impose a sentence below

1 the lowest permissible sentence; providing for
2 a mitigating factor due to the defendant's need
3 for specialized treatment for a mental disorder
4 or physical disability; providing an exception
5 that addiction, alcoholism, or substance abuse
6 may not be considered a reason to impose a
7 sentence below the lowest permissible sentence;
8 removing nonconforming language; amending s.
9 921.0027, F.S.; providing for applicability of
10 specified sentencing guidelines to certain
11 noncapital felonies; providing that offenders
12 convicted of certain noncapital felonies with
13 continuing dates of enterprise are to be
14 sentenced under the sentencing guidelines which
15 were in effect on the beginning date of the
16 criminal activity or under the Criminal
17 Punishment Code; providing for the
18 applicability of specified statutory sentencing
19 schemes, based on the date of the offense;
20 amending s. 921.188, F.S.; revising criteria
21 for court placement of certain persons in local
22 detention facilities as a condition of
23 probation or community control for certain
24 felony offenses; excepting persons with more
25 than 44 total sentence points; amending s.
26 924.07, F.S.; providing for appeal by the state
27 of a sentence imposed below the lowest
28 permissible sentence permitted by the Criminal
29 Punishment Code; amending s. 948.015, F.S.,
30 relating to referral of defendants for
31 presentence investigation or recommendation;

1 providing for referral when the defendant has a
2 permitted sentence under the applicable
3 sentencing guidelines or Criminal Punishment
4 Code; amending s. 948.51, F.S., relating to
5 community corrections assistance to counties or
6 county consortiums; requiring that plans
7 contain goals of reducing projected percentage
8 of commitments to state prison system of
9 persons with less than or equal to 44 total
10 sentence points; amending s. 958.04, F.S.,
11 relating to judicial disposition of youthful
12 offenders; providing that, absent written
13 justification of departure by the court,
14 specified provisions do not authorize
15 imposition of a sentence less than the lowest
16 permissible sentence as established by the
17 Criminal Punishment Code; providing for appeal
18 of certain departure sentences; providing
19 effective dates.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Section 2 of chapter 97-194, Laws of
24 Florida, is amended to read:

25 Section 2. The Florida Criminal Punishment Code,
26 consisting of sections 921.002-921.0026, Florida Statutes, is
27 established effective October 1, 1998, and applies to any
28 felony committed on or after that date, excluding any capital
29 felony.

30 Section 2. Subsection (2) of section 775.084, Florida
31 Statutes, is amended to read:

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

4 (2) For the purposes of this section, the placing of a
5 person on probation without an adjudication of guilt, or the
6 placing of a person on community control, shall be treated as
7 a prior conviction if the subsequent offense for which the
8 person is to be sentenced was committed during such
9 probationary period of probation or community control.

10 Section 3. Section 782.051, Florida Statutes, as
11 amended by section 18 of chapter 97-194, Laws of Florida, is
12 amended to read:

13 782.051 Felony causing great bodily harm ~~injury~~--

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

23 (2) Any person who perpetrates or attempts to
24 perpetrate any felony other than a felony enumerated in s.
25 782.04(3) and who commits, aids, or abets an act that causes
26 great bodily harm injury to another commits a felony of the
27 first degree, punishable as provided in s. 775.082, s.
28 775.083, or s. 775.084, ~~which is an offense ranked in level 8~~
29 ~~of the Criminal Punishment Code. Victim injury points shall be~~
30 ~~scored under this subsection.~~

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1 (3) When a person receives great bodily harm ~~is~~
2 ~~injured~~ during the perpetration of or the attempt to
3 perpetrate any felony enumerated in s. 782.04(3) by a person
4 other than the person engaged in the perpetration of or the
5 attempt to perpetrate such felony, the person perpetrating or
6 attempting to perpetrate such felony commits a felony of the
7 second degree, punishable as provided in s. 775.082, s.
8 775.083, or s. 775.084, ~~which is an offense ranked in level 7~~
9 ~~of the Criminal Punishment Code. Victim injury points shall be~~
10 ~~scored under this subsection.~~

11 Section 4. Section 921.00011, Florida Statutes, is
12 created to read:

13 921.00011 Conditions for control release not subject
14 to refusal by certain offenders.--A person who is convicted of
15 a crime committed on or after December 1, 1990, and who
16 receives a control release date may not refuse to accept the
17 terms or conditions of control release.

18 Section 5. Subsections (1) and (3) of section 921.002,
19 Florida Statutes, are amended, and subsection (4) is added to
20 said section, to read:

21 921.002 The Criminal Punishment Code.--

22 (1) The provision of criminal penalties and of
23 limitations upon the application of such penalties is a matter
24 of predominantly substantive law and, as such, is a matter
25 properly addressed by the Legislature. The Legislature, in
26 the exercise of its authority and responsibility to establish
27 sentencing criteria, to provide for the imposition of criminal
28 penalties, and to make the best use of state prisons so that
29 violent criminal offenders are appropriately incarcerated, has
30 determined that it is in the best interest of the state to
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1 develop, implement, and revise a sentencing policy. The
2 Criminal Punishment Code embodies the principles that:
3 (a) Sentencing is neutral with respect to race,
4 gender, and social and economic status.
5 (b) The primary purpose of sentencing is to punish the
6 offender. Rehabilitation is a desired goal of the criminal
7 justice system but is subordinate to the goal of punishment.
8 (c) The penalty imposed is commensurate with the
9 severity of the primary offense and the circumstances
10 surrounding the primary offense.
11 (d) The severity of the sentence increases with the
12 length and nature of the offender's prior record.
13 (e) The sentence imposed by the sentencing judge
14 reflects the length of actual time to be served, shortened
15 only by the application of incentive and meritorious gain-time
16 as provided by law, and may not be shortened if the defendant
17 would consequently serve less than 85 percent of his or her
18 term of imprisonment as provided in s. 944.275(4)(b)3. The
19 provisions of chapter 947, relating to parole, shall not apply
20 to persons sentenced under the Criminal Punishment Code.
21 (f) Departures below the lowest permissible sentence
22 ~~sentencing range~~ established by in the code must be
23 articulated in writing by the trial court judge and made only
24 when circumstances or factors reasonably justify the
25 ~~aggravation or~~ mitigation of the sentence. The level of proof
26 necessary to establish facts that support a departure from the
27 lowest permissible sentence ~~sentencing range~~ is a
28 preponderance of the evidence.
29 (g) The trial court judge may impose a sentence up to
30 and including the statutory maximum for any offense, including
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1 an offense that is before the court due to a violation of
2 probation or community control.

3 (h) A sentence may be appealed on the basis that it
4 departs from the Criminal Punishment Code only if the sentence
5 is below the lowest permissible sentence ~~sentencing range~~.

6 (i) Use of incarcerative sanctions is prioritized
7 toward offenders convicted of serious offenses and certain
8 offenders who have long prior records, in order to maximize
9 the finite capacities of state and local correctional
10 facilities.

11 (2) When a defendant is before the court for
12 sentencing for more than one felony and the felonies were
13 committed under more than one version or revision of the
14 guidelines or the code, each felony shall be sentenced under
15 the former sentencing guidelines or the code in effect at the
16 time the particular felony was committed. This subsection
17 does not apply to sentencing for any capital felony.

18 (3) A court may impose a departure below the lowest
19 permissible sentence ~~sentencing range~~ based upon circumstances
20 or factors that reasonably justify the mitigation of the
21 sentence in accordance with s. 921.0026. The level of proof
22 necessary to establish facts supporting the mitigation of a
23 sentence is a preponderance of the evidence. When multiple
24 reasons exist to support the mitigation, the mitigation shall
25 be upheld when at least one circumstance or factor justifies
26 the mitigation regardless of the presence of other
27 circumstances or factors found not to justify mitigation. Any
28 sentence imposed below the lowest permissible sentence
29 ~~sentencing range~~ must be explained in writing by the trial
30 court judge.

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1 (4)(a) The Department of Corrections shall report on
2 trends in sentencing practices, sentencing score thresholds,
3 and weights assigned to the sentencing factors considered by
4 the court and shall submit this information to the
5 Legislature, beginning in 1999, by October 1 of each year.

6 (b) The Criminal Justice Estimating Conference, with
7 the assistance of the Department of Corrections, shall
8 estimate the impact of any proposed change to the Criminal
9 Punishment Code on future rates of incarceration and on the
10 prison population. The Criminal Justice Estimating Conference
11 shall base its projections on historical data concerning
12 sentencing practices which have been accumulated by the
13 Department of Corrections and other relevant data from other
14 state agencies and on records of the Department of Corrections
15 which reflect the average time served for offenses covered by
16 the proposed change to the Criminal Punishment Code.

17 (c) In order to produce projections as specified above
18 and, as requested, to assist the Legislature in making
19 modifications to the Criminal Punishment Code, the Department
20 of Corrections is authorized to collect and evaluate Criminal
21 Punishment Code scoresheets, after sentencing, from each of
22 the judicial circuits. Beginning in 1999, by October 1 of each
23 year, the Department of Corrections shall provide an annual
24 report to the Legislature which shows the rate of compliance
25 of each judicial circuit in providing scoresheets to the
26 department.

27 Section 6. Section 921.0022, Florida Statutes, as
28 created by section 5 of chapter 97-194, Laws of Florida, is
29 amended to read:

30 921.0022 Criminal Punishment Code; offense severity
31 ranking chart.--

1 (1) The offense severity ranking chart must be used
2 with the Criminal Punishment Code worksheet to compute a
3 sentence score for each felony offender whose offense was
4 committed on or after October 1, 1998.

5 (2) The offense severity ranking chart has 10 offense
6 levels, ranked from least severe, which are level 1 offenses,
7 to most severe, which are level 10 offenses, and each felony
8 offense is assigned to a level according to the severity of
9 the offense. For purposes of determining which felony offenses
10 are specifically listed in the offense severity ranking chart
11 and which severity level has been assigned to each of these
12 offenses, the numerical statutory references in the left
13 column of the chart and the felony degree designations in the
14 middle column of the chart are controlling; the language in
15 the right column of the chart is provided solely for
16 descriptive purposes. Reclassification of the degree of the
17 felony through the application of s. 775.0845, s. 775.087, s.
18 775.0875, or s. 794.023, or any other law that provides an
19 enhanced penalty for a felony offense, to any offense listed
20 in the offense severity ranking chart in this section shall
21 not cause the offense to become unlisted and is not subject to
22 the provisions of s. 921.0023.

23 (3) OFFENSE SEVERITY RANKING CHART

24

25 Florida	Felony	
26 Statute	Degree	Description
		(a) LEVEL 1
29 24.118(3)(a)	3rd	Counterfeit or altered state 30 lottery ticket.

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

1	414.39(2)	3rd	Unauthorized use, possession,
2			forgery, or alteration of food
3			stamps, Medicaid ID, value
4			greater than \$200.
5	414.39(3)(a)	3rd	Fraudulent misappropriation of
6			public assistance funds by
7			employee/official, value more
8			than \$200.
9	443.071(1)	3rd	False statement or representation
10			to obtain or increase
11			unemployment compensation
12			benefits.
13	458.327(1)(a)	3rd	Unlicensed practice of medicine.
14	466.026(1)(a)	3rd	Unlicensed practice of dentistry
15			or dental hygiene.
16	509.151(1)	3rd	Defraud an innkeeper, food or
17			lodging value greater than \$300.
18	517.302(1)	3rd	Violation of the Florida
19			Securities and Investor
20			Protection Act.
21	562.27(1)	3rd	Possess still or still apparatus.
22	713.69	3rd	Tenant removes property upon
23			which lien has accrued, value
24			more than \$50.
25	812.014(3)(c)	3rd	Petit theft (3rd conviction);
26			theft of any property not
27			specified in subsection (2).
28	812.081(2)	3rd	Unlawfully makes or causes to be
29			made a reproduction of a trade
30			secret.
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1	815.04(4)(a)	3rd	Offense against intellectual
2			property (i.e., computer
3			programs, data).
4	817.52(2)	3rd	Hiring with intent to defraud,
5			motor vehicle services.
6	826.01	3rd	Bigamy.
7	828.122(3)	3rd	Fighting or baiting animals.
8	831.04(1)	3rd	Any erasure, alteration, etc., of
9			any replacement deed, map, plat,
10			or other document listed in s.
11			92.28.
12	831.31(1)(a)	3rd	Sell, deliver, or possess
13			counterfeit controlled
14			substances, all but s. 893.03(5)
15			drugs.
16	832.041(1)	3rd	Stopping payment with intent to
17			defraud \$150 or more.
18	832.05		
19	(2)(b)&(4)(c)	3rd	Knowing, making, issuing
20			worthless checks \$150 or more or
21			obtaining property in return for
22			worthless check \$150 or more.
23	838.015(3)	3rd	Bribery.
24	838.016(1)	3rd	Public servant receiving unlawful
25			compensation.
26	838.15(2)	3rd	Commercial bribe receiving.
27	838.16	3rd	Commercial bribery.
28	843.18	3rd	Fleeing by boat to elude a law
29			enforcement officer.
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1	847.011(1)(a)	3rd	Sell, distribute, etc., obscene,
2			lewd, etc., material (2nd
3			conviction).
4	849.01	3rd	Keeping gambling house.
5	849.09(1)(a)-(d)	3rd	Lottery; set up, promote, etc.,
6			or assist therein, conduct or
7			advertise drawing for prizes, or
8			dispose of property or money by
9			means of lottery.
10	849.23	3rd	Gambling-related machines;
11			"common offender" as to property
12			rights.
13	849.25(2)	3rd	Engaging in bookmaking.
14	860.08	3rd	Interfere with a railroad signal.
15	860.13(1)(a)	3rd	Operate aircraft while under the
16			influence.
17	893.13(2)(a)2.	3rd	Purchase of cannabis.
18	893.13(6)(a)	3rd	Possession of cannabis (more than
19			20 grams).
20	893.13(7)(a)10.	3rd	Affix false or forged label to
21			package of controlled substance.
22	934.03(1)(a)	3rd	Intercepts, or procures any other
23			person to intercept, any wire or
24			oral communication.
25			(b) LEVEL 2
26	403.413(5)(c)	3rd	Dumps waste litter exceeding 500
27			lbs. in weight or 100 cubic feet
28			in volume or any quantity for
29			commercial purposes, or hazardous
30			waste.
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1	517.07	3rd	Registration of securities and
2			furnishing of prospectus
3			required.
4	590.28(1)	3rd	Willful, malicious, or
5			intentional burning.
6	784.05(3)	3rd	Storing or leaving a loaded
7			firearm within reach of minor who
8			uses it to inflict injury or
9			death.
10	787.04(1)	3rd	In violation of court order,
11			take, entice, etc., minor beyond
12			state limits.
13	806.13(1)(b)3.	3rd	Criminal mischief; damage \$1,000
14			or more to public communication
15			or any other public service.
16	810.09(2)(e)	3rd	Trespassing on posted commerical
17			horticulture property.
18	812.014(2)(c)1.	3rd	Grand theft, 3rd degree; \$300 or
19			more but less than \$5,000.
20	812.014(2)(d)	3rd	Grand theft, 3rd degree; \$100 or
21			more but less than \$300, taken
22			from unenclosed curtilage of
23			dwelling.
24	817.234(1)(a)2.	3rd	False statement in support of
25			insurance claim.
26	817.481(3)(a)	3rd	Obtain credit or purchase with
27			false, expired, counterfeit,
28			etc., credit card, value over
29			\$300.
30	817.52(3)	3rd	Failure to redeliver hired
31			vehicle.

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

1			(c) LEVEL 3
2	39.061	3rd	Escapes from juvenile facility
3			(secure detention or residential
4			commitment facility).
5	319.30(4)	3rd	Possession by junkyard of motor
6			vehicle with identification
7			number plate removed.
8	319.33(1)(a)	3rd	Alter or forge any certificate of
9			title to a motor vehicle or
10			mobile home.
11	319.33(1)(c)	3rd	Procure or pass title on stolen
12			vehicle.
13	319.33(4)	3rd	With intent to defraud, possess,
14			sell, etc., a blank, forged, or
15			unlawfully obtained title or
16			registration.
17	328.05(2)	3rd	Possess, sell, or counterfeit
18			fictitious, stolen, or fraudulent
19			titles or bills of sale of
20			vessels.
21	328.07(4)	3rd	Manufacture, exchange, or possess
22			vessel with counterfeit or wrong
23			ID number.
24	376.302(5)	3rd	Fraud related to reimbursement
25			for cleanup expenses under the
26			Inland Protection Trust Fund.
27	501.001(2)(b)	2nd	Tampers with a consumer product
28			or the container using materially
29			false/misleading information.
30	697.08	3rd	Equity skimming.
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1	790.15(3)	3rd	Person directs another to
2			discharge firearm from a vehicle.
3	796.05(1)	3rd	Live on earnings of a prostitute.
4	806.10(1)	3rd	Maliciously injure, destroy, or
5			interfere with vehicles or
6			equipment used in firefighting.
7	806.10(2)	3rd	Interferes with or assaults
8			firefighter in performance of
9			duty.
10	810.09(2)(c)	3rd	Trespass on property other than
11			structure or conveyance armed
12			with firearm or dangerous weapon.
13	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but
14			less than \$10,000.
15	815.04(4)(b)	2nd	Computer offense devised to
16			defraud or obtain property.
17	817.034(4)(a)3.	3rd	Engages in scheme to defraud
18			(Florida Communications Fraud
19			Act), property valued at less
20			than \$20,000.
21	817.233	3rd	Burning to defraud insurer.
22	828.12(2)	3rd	Tortures any animal with intent
23			to inflict intense pain, serious
24			physical injury, or death.
25	831.29	2nd	Possession of instruments for
26			counterfeiting drivers' licenses
27			<u>or identification cards.</u>
28	838.021(3)(b)	3rd	Threatens unlawful harm to public
29			servant.
30	843.19	3rd	Injure, disable, or kill police
31			dog or horse.

1	870.01(2)	3rd	Riot; inciting or encouraging.
2	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver
3			cannabis (or other s.
4			893.03(1)(c), (2)(c), (3), or (4)
5			drugs).
6	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s.
7			893.03(1)(c), (2)(c), (3), or (4)
8			drugs within 200 feet of
9			university, public housing
10			facility, or public park.
11	893.13(6)(a)	3rd	Possession of any controlled
12			substance other than felony
13			possession of cannabis.
14	893.13(7)(a)9.	3rd	Obtain or attempt to obtain
15			controlled substance by fraud,
16			forgery, misrepresentation, etc.
17	893.13(7)(a)11.	3rd	Furnish false or fraudulent
18			material information on any
19			document or record required by
20			chapter 893.
21	918.13(1)(a)	3rd	Alter, destroy, or conceal
22			investigation evidence.
23	<u>944.401</u>	<u>3rd</u>	<u>Escapes from a juvenile facility</u>
24			<u>(secure detention or residential</u>
25			<u>commitment facility).</u>
26	944.47		
27	(1)(a)1.-2.	3rd	Introduce contraband to
28			correctional facility.
29	944.47(1)(c)	2nd	Possess contraband while upon the
30			grounds of a correctional
31			institution.

1			(d) LEVEL 4
2	316.1935(2)	3rd	Fleeing or attempting to elude
3			law enforcement officer resulting
4			in high-speed pursuit.
5	784.07(2)(b)	3rd	Battery of law enforcement
6			officer, firefighter, intake
7			officer, etc.
8	784.075	3rd	Battery on detention or
9			commitment facility staff.
10	784.08(2)(c)	3rd	Battery on a person 65 years of
11			age or older.
12	784.081(3)	3rd	Battery on specified official or
13			employee.
14	784.082(3)	3rd	Battery by detained person on
15			visitor or other detainee.
16	787.03(1)	3rd	Interference with custody;
17			wrongly takes child from
18			appointed guardian.
19	787.04(2)	3rd	Take, entice, or remove child
20			beyond state limits with criminal
21			intent pending custody
22			proceedings.
23	787.04(3)	3rd	Carrying child beyond state lines
24			with criminal intent to avoid
25			producing child at custody
26			hearing or delivering to
27			designated person.
28	790.115(1)	3rd	Exhibiting firearm or weapon
29			within 1,000 feet of a school.
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1	790.115(2)(b)	3rd	Possessing electric weapon or
2			device, destructive device, or
3			other weapon on school property.
4	790.115(2)(c)	3rd	Possessing firearm on school
5			property.
6	810.02(4)(a)	3rd	Burglary, or attempted burglary,
7			of an unoccupied structure;
8			unarmed; no assault or battery.
9	810.02(4)(b)	3rd	Burglary, or attempted burglary,
10			of an unoccupied conveyance;
11			unarmed; no assault or battery.
12	810.06	3rd	Burglary; possession of tools.
13	810.08(2)(c)	3rd	Trespass on property, armed with
14			firearm or dangerous weapon.
15	812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000
16			or more but less than \$20,000.
17	812.014		
18	(2)(c)4.-10.	3rd	Grand theft, 3rd degree, a will,
19			firearm, motor vehicle,
20			livestock, etc.
21	817.563(1)	3rd	Sell or deliver substance other
22			than controlled substance agreed
23			upon, excluding s. 893.03(5)
24			drugs.
25	828.125(1)	2nd	Kill, maim, or cause great bodily
26			harm or permanent breeding
27			disability to any registered
28			horse or cattle.
29	837.02(1)	3rd	Perjury in official proceedings.
30	837.021(1)	3rd	Make contradictory statements in
31			official proceedings.

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

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

1	874.05(2)	2nd	Encouraging or recruiting another
2			to join a criminal street gang;
3			second or subsequent offense.
4	893.13(1)(a)1.	2nd	Sell, manufacture, or deliver
5			cocaine (or other s.
6			893.03(1)(a), (1)(b), (1)(d),
7			(2)(a), or (2)(b) drugs).
8	893.13(1)(c)2.	2nd	Sell, manufacture, or deliver
9			cannabis (or other s.
10			893.03(1)(c), (2)(c), (3), or (4)
11			drugs) within 1,000 feet of a
12			<u>child care facility or school.</u>
13	893.13(1)(d)1.	1st	Sell, manufacture, or deliver
14			cocaine (or other s.
15			893.03(1)(a), (1)(b), (1)(d),
16			(2)(a), or (2)(b) drugs) within
17			200 feet of university, public
18			housing facility, or public park.
19	<u>893.13(1)(e)</u>	<u>2nd</u>	<u>Sell, manufacture, or deliver</u>
20			<u>cannabis or other drug prohibited</u>
21			<u>under s. 893.03(1)(c), (2)(c),</u>
22			<u>(3), or (4) within 1,000 feet of</u>
23			<u>property used for religious</u>
24			<u>services or a specified business</u>
25			<u>site.</u>
26	893.13(4)(b)	2nd	Deliver to minor cannabis (or
27			other s. 893.03(1)(c), (2)(c),
28			(3), or (4) drugs).
29			(f) LEVEL 6
30	316.027(1)(b)	2nd	Accident involving death, failure
31			to stop; leaving scene.

1	316.193(2)(b)	3rd	Felony DUI, 4th or subsequent
2			conviction.
3	775.0875(1)	3rd	Taking firearm from law
4			enforcement officer.
5	<u>775.21(9)</u>	<u>3rd</u>	<u>Sexual predators; failure to</u>
6			<u>register; failure to renew</u>
7			<u>driver's license or</u>
8			<u>identification card.</u>
9	784.021(1)(a)	3rd	Aggravated assault; deadly weapon
10			without intent to kill.
11	784.021(1)(b)	3rd	Aggravated assault; intent to
12			commit felony.
13	<u>784.041</u>	<u>3rd</u>	<u>Felony battery.</u>
14	784.048(3)	3rd	Aggravated stalking; credible
15			threat.
16	<u>784.048(5)</u>	<u>3rd</u>	<u>Aggravated stalking of person</u>
17			<u>under 16.</u>
18	784.07(2)(c)	2nd	Aggravated assault on law
19			enforcement officer.
20	784.08(2)(b)	2nd	Aggravated assault on a person 65
21			years of age or older.
22	784.081(2)	2nd	Aggravated assault on specified
23			official or employee.
24	784.082(2)	2nd	Aggravated assault by detained
25			person on visitor or other
26			detainee.
27	787.02(2)	3rd	False imprisonment; restraining
28			with purpose other than those in
29			s. 787.01.
30	790.115(2)(d)	2nd	Discharging firearm or weapon on
31			school property.

1	790.161(2)	2nd	Make, possess, or throw
2			destructive device with intent to
3			do bodily harm or damage
4			property.
5	790.164(1)	2nd	False report of deadly explosive
6			or act of arson or violence to
7			state property.
8	790.19	2nd	Shooting or throwing deadly
9			missiles into dwellings, vessels,
10			or vehicles.
11	794.011(8)(a)	3rd	Solicitation of minor to
12			participate in sexual activity by
13			custodial adult.
14	794.05(1)	2nd	Unlawful sexual activity with
15			specified minor.
16	806.031(2)	2nd	Arson resulting in great bodily
17			harm to firefighter or any other
18			person.
19	810.02(3)(c)	2nd	Burglary of occupied structure;
20			unarmed; no assault or battery.
21	812.014(2)(b)	2nd	Property stolen \$20,000 or more,
22			but less than \$100,000, grand
23			theft in 2nd degree.
24	812.13(2)(c)	2nd	Robbery, no firearm or other
25			weapon (strong-arm robbery).
26	817.034(4)(a)1.	1st	Communications fraud, value
27			greater than \$50,000.
28	817.4821(5)	2nd	Possess cloning paraphernalia
29			with intent to create cloned
30			cellular telephones.
31			

1	825.102(1)	3rd	Abuse of an elderly person or
2			disabled adult.
3	825.102(3)(c)	3rd	Neglect of an elderly person or
4			disabled adult.
5	825.1025(3)	3rd	Lewd or lascivious molestation of
6			an elderly person or disabled
7			adult.
8	825.103(2)(c)	3rd	Exploiting an elderly person or
9			disabled adult and property is
10			valued at \$100 or more, but less
11			than \$20,000.
12	827.03(1)	3rd	Abuse of a child.
13	827.03(3)(c)	3rd	Neglect of a child.
14	827.071(2)&(3)	2nd	Use or induce a child in a sexual
15			performance, or promote or direct
16			such performance.
17	836.05	2nd	Threats; extortion.
18	836.10	2nd	Written threats to kill or do
19			bodily injury.
20	<u>839.25</u>	<u>3rd</u>	<u>Official misconduct.</u>
21	843.12	3rd	Aids or assists person to escape.
22	914.23	2nd	Retaliation against a witness,
23			victim, or informant, with bodily
24			injury.
25	<u>943.0435(6)</u>	<u>3rd</u>	<u>Sex offenders; failure to comply</u>
26			<u>with reporting requirements.</u>
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1	944.35(3)(a)2.	3rd	Committing malicious battery upon
2			or inflicting cruel or inhuman
3			treatment on an inmate or
4			offender on community
5			supervision, resulting in great
6			bodily harm.
7	944.40	2nd	Escapes.
8	944.46	3rd	Harboring, concealing, aiding
9			escaped prisoners.
10	944.47(1)(a)5.	2nd	Introduction of contraband
11			(firearm, weapon, or explosive)
12			into correctional facility.
13	951.22(1)	3rd	Intoxicating drug, firearm, or
14			weapon introduced into county
15			facility.
16			(g) LEVEL 7
17	316.193(3)(c)2.	3rd	DUI resulting in serious bodily
18			injury.
19	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
20			bodily injury.
21	409.920(2)	3rd	Medicaid provider fraud.
22	494.0018(2)	1st	Conviction of any violation of
23			ss. 494.001-494.0077 in which the
24			total money and property
25			unlawfully obtained exceeded
26			\$50,000 and there were five or
27			more victims.
28	<u>782.051(3)</u>	<u>2nd</u>	<u>Felony causing great bodily harm.</u>
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1	782.07(1)	2nd	Killing of a human being by the
2			act, procurement, or culpable
3			negligence of another
4			(manslaughter).
5	782.071	3rd	Killing of human being by the
6			operation of a motor vehicle in a
7			reckless manner (vehicular
8			homicide).
9	782.072	3rd	Killing of a human being by the
10			operation of a vessel in a
11			reckless manner (vessel
12			homicide).
13	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
14			causing great bodily harm or
15			disfigurement.
16	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
17			weapon.
18	784.045(1)(b)	2nd	Aggravated battery; perpetrator
19			aware victim pregnant.
20	784.048(4)	3rd	Aggravated stalking; violation of
21			injunction or court order.
22	784.07(2)(d)	1st	Aggravated battery on law
23			enforcement officer.
24	784.08(2)(a)	1st	Aggravated battery on a person 65
25			years of age or older.
26	784.081(1)	1st	Aggravated battery on specified
27			official or employee.
28	784.082(1)	1st	Aggravated battery by detained
29			person on visitor or other
30			detainee.
31			

1	790.07(4)	1st	Specified weapons violation
2			subsequent to previous conviction
3			of s. 790.07(1) or (2).
4	790.16(1)	1st	Discharge of a machine gun under
5			specified circumstances.
6	796.03	2nd	Procuring any person under 16
7			years for prostitution.
8	800.04	2nd	Handle, fondle, or assault child
9			under 16 years in lewd,
10			lascivious, or indecent manner.
11	806.01(2)	2nd	Maliciously damage structure by
12			fire or explosive.
13	810.02(3)(a)	2nd	Burglary of occupied dwelling;
14			unarmed; no assault or battery.
15	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
16			unarmed; no assault or battery.
17	810.02(3)(d)	2nd	Burglary of occupied conveyance;
18			unarmed; no assault or battery.
19	812.014(2)(a)	1st	Property stolen, valued at
20			\$100,000 or more; property stolen
21			while causing other property
22			damage; 1st degree grand theft.
23	812.019(2)	1st	Stolen property; initiates,
24			organizes, plans, etc., the theft
25			of property and traffics in
26			stolen property.
27	812.133(2)(b)	1st	Carjacking; no firearm, deadly
28			weapon, or other weapon.
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1	825.102(3)(b)	2nd	Neglecting an elderly person or
2			disabled adult causing great
3			bodily harm, disability, or
4			disfigurement.
5	825.1025(2)	2nd	Lewd or lascivious battery upon
6			an elderly person or disabled
7			adult.
8	825.103(2)(b)	2nd	Exploiting an elderly person or
9			disabled adult and property is
10			valued at \$20,000 or more, but
11			less than \$100,000.
12	827.03(3)(b)	2nd	Neglect of a child causing great
13			bodily harm, disability, or
14			disfigurement.
15	827.04(4)	3rd	Impregnation of a child under 16
16			years of age by person 21 years
17			of age or older.
18	<u>837.05(2)</u>	<u>3rd</u>	<u>Giving false information about</u>
19			<u>alleged capital felony to a law</u>
20			<u>enforcement officer.</u>
21	872.06	2nd	Abuse of a dead human body.
22	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
23			cocaine (or other <u>drug prohibited</u>
24			<u>under</u> s. 893.03(1)(a), (1)(b),
25			(1)(d), (2)(a), or (2)(b) drugs)
26			within 1,000 feet of a <u>child care</u>
27			<u>facility or school.</u>
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1	<u>893.13(1)(e)</u>	<u>1st</u>	<u>Sell, manufacture, or deliver</u>
2			<u>cocaine or other drug prohibited</u>
3			<u>under s. 893.03(1)(a), (1)(b),</u>
4			<u>(1)(d), (2)(a), or (2)(b), within</u>
5			<u>1,000 feet of property used for</u>
6			<u>religious services or a specified</u>
7			<u>business site.</u>
8	893.13(4)(a)	1st	Deliver to minor cocaine (or
9			other s. 893.03(1)(a), (1)(b),
10			(1)(d), (2)(a), or (2)(b) drugs).
11	893.135(1)(a)1.	1st	Trafficking in cannabis, more
12			than 50 lbs., less than 2,000
13			lbs.
14	893.135		
15	(1)(b)1.a.	1st	Trafficking in cocaine, more than
16			28 grams, less than 200 grams.
17	893.135		
18	(1)(c)1.a.	1st	Trafficking in illegal drugs,
19			more than 4 grams, less than 14
20			grams.
21	893.135		
22	(1)(d)1.	1st	Trafficking in phencyclidine,
23			more than 28 grams, less than 200
24			grams.
25	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
26			than 200 grams, less than 5
27			kilograms.
28	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
29			than 14 grams, less than 28
30			grams.
31			

1	<u>893.135(1)(g)1.a.</u>	<u>1st</u>	<u>Trafficking in flunitrazepam, 4</u>
2			<u>grams or more, less than 14</u>
3			<u>grams.</u>
4			(h) LEVEL 8
5	316.193		
6	(3)(c)3.a.	2nd	DUI manslaughter.
7	327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
8	777.03(2)(a)	1st	Accessory after the fact, capital
9			felony.
10	782.04(4)	2nd	Killing of human without design
11			when engaged in act or attempt of
12			any felony other than arson,
13			sexual battery, robbery,
14			burglary, kidnapping, aircraft
15			piracy, or unlawfully discharging
16			bomb.
17	<u>782.051(2)</u>	<u>1st</u>	<u>Felony causing great bodily harm.</u>
18	782.071(2)	2nd	Committing vehicular homicide and
19			failing to render aid or give
20			information.
21	782.072(2)	2nd	Committing vessel homicide and
22			failing to render aid or give
23			information.
24	790.161(3)	1st	Discharging a destructive device
25			which results in bodily harm or
26			property damage.
27	794.011(5)	2nd	Sexual battery, victim 12 years
28			or over, offender does not use
29			physical force likely to cause
30			serious injury.
31			

1	806.01(1)	1st	Maliciously damage dwelling or
2			structure by fire or explosive,
3			believing person in structure.
4	<u>806.031(2)</u>	<u>2nd</u>	<u>Arson resulting in great bodily</u>
5			<u>harm to firefighter or any other</u>
6			<u>person.</u>
7	810.02(2)(a)	1st,PBL	Burglary with assault or battery.
8	810.02(2)(b)	1st,PBL	Burglary; armed with explosives
9			or dangerous weapon.
10	810.02(2)(c)	1st	Burglary of a dwelling or
11			structure causing structural
12			damage or \$1,000 or more property
13			damage.
14	812.13(2)(b)	1st	Robbery with a weapon.
15	812.135(2)	1st	Home-invasion robbery.
16	825.102(2)	2nd	Aggravated abuse of an elderly
17			person or disabled adult.
18	825.103(2)(a)	1st	Exploiting an elderly person or
19			disabled adult and property is
20			valued at \$100,000 or more.
21	827.03(2)	2nd	Aggravated child abuse.
22	<u>837.02(2)</u>	<u>2nd</u>	<u>Perjury in official proceedings</u>
23			<u>relating to prosecution of a</u>
24			<u>capital felony.</u>
25	<u>837.021(2)</u>	<u>2nd</u>	<u>Making contradictory statements</u>
26			<u>in official proceedings relating</u>
27			<u>to prosecution of a capital</u>
28			<u>felony.</u>
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1	860.121(2)(c)	1st	Shooting at or throwing any
2			object in path of railroad
3			vehicle resulting in great bodily
4			harm.
5	860.16	1st	Aircraft piracy.
6	893.13(1)(b)	1st	Sell or deliver in excess of 10
7			grams of any substance specified
8			in s. 893.03(1)(a) or (b).
9	893.13(2)(b)	1st	Purchase in excess of 10 grams of
10			any substance specified in s.
11			893.03(1)(a) or (b).
12	893.13(6)(c)	1st	Possess in excess of 10 grams of
13			any substance specified in s.
14			893.03(1)(a) or (b).
15	893.135(1)(a)2.	1st	Trafficking in cannabis, more
16			than 2,000 lbs., less than 10,000
17			lbs.
18	893.135		
19	(1)(b)1.b.	1st	Trafficking in cocaine, more than
20			200 grams, less than 400 grams.
21	893.135		
22	(1)(c)1.b.	1st	Trafficking in illegal drugs,
23			more than 14 grams, less than 28
24			grams.
25	893.135		
26	(1)(d)1.b.	1st	Trafficking in phencyclidine,
27			more than 200 grams, less than
28			400 grams.
29			
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1	893.135		
2	(1)(e)1.b.	1st	Trafficking in methaqualone, more
3			than 5 kilograms, less than 25
4			kilograms.
5	893.135		
6	(1)(f)1.b.	1st	Trafficking in amphetamine, more
7			than 28 grams, less than 200
8			grams.
9	<u>893.135(1)(g)1.b.</u>	<u>1st</u>	<u>Trafficking in flunitrazepam, 14</u>
10			<u>grams or more, less than 28</u>
11			<u>grams.</u>
12	895.03(1)	1st	Use or invest proceeds derived
13			from pattern of racketeering
14			activity.
15	895.03(2)	1st	Acquire or maintain through
16			racketeering activity any
17			interest in or control of any
18			enterprise or real property.
19	895.03(3)	1st	Conduct or participate in any
20			enterprise through pattern of
21			racketeering activity.
22			(i) LEVEL 9
23	316.193		
24	(3)(c)3.b.	1st	DUI manslaughter; failing to
25			render aid or give information.
26	782.04(1)	1st	Attempt, conspire, or solicit to
27			commit premeditated murder.
28	782.04(3)	1st,PBL	Accomplice to murder in
29			connection with arson, sexual
30			battery, robbery, burglary, and
31			other specified felonies.

1	<u>782.051(1)</u>	<u>1st</u>	<u>Felony causing great bodily harm.</u>
2	782.07(2)	1st	Aggravated manslaughter of an
3			elderly person or disabled adult.
4	782.07(3)	1st	Aggravated manslaughter of a
5			child.
6	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or
7			reward or as a shield or hostage.
8	787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit
9			or facilitate commission of any
10			felony.
11	787.01(1)(a)4.	1st,PBL	Kidnapping with intent to
12			interfere with performance of any
13			governmental or political
14			function.
15	787.02(3)(a)	1st	False imprisonment; child under
16			age 13; perpetrator also commits
17			child abuse, sexual battery,
18			lewd, or lascivious act, etc.
19	790.161	1st	Attempted capital destructive
20			device offense.
21	794.011(2)	1st	Attempted sexual battery; victim
22			less than 12 years of age.
23	794.011(2)	Life	Sexual battery; offender younger
24			than 18 years and commits sexual
25			battery on a person less than 12
26			years.
27	794.011(4)	1st	Sexual battery; victim 12 years
28			or older, certain circumstances.
29			
30			
31			

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

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

1 Legislature specifically assigns an offense to a severity
2 level in the offense severity ranking chart, the severity
3 level is within the following parameters:

4 (1) A felony of the third degree within offense level
5 1.

6 (2) A felony of the second degree within offense level
7 4.

8 (3) A felony of the first degree within offense level
9 7.

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

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

13

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

22 Section 8. Section 921.0024, Florida Statutes, is
23 amended to read:

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

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

28

29 FLORIDA CRIMINAL PUNISHMENT CODE

30

WORKSHEET

31

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

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

1							
2		PRIOR RECORD SCORE					
3							
4		Prior Record					
5	Level	Sentence Points		Number		Total	
6	.....					
7	10	29	x	.....	=	.....
8	9	23	x	.....	=	.....
9	8	19	x	.....	=	.....
10	7	14	x	.....	=	.....
11	6	9	x	.....	=	.....
12	5	3.6	x	.....	=	.....
13	4	2.4	x	.....	=	.....
14	3	1.6	x	.....	=	.....
15	2	0.8	x	.....	=	.....
16	1	0.5	x	.....	=	.....
17	M	0.2	x	.....	=	.....
18							
19	.....					
20						<u>Total</u>	
21							
22	TOTAL OFFENSE SCORE.....						
23	TOTAL PRIOR RECORD SCORE.....						
24							
25	LEGAL STATUS.....						
26	COMMUNITY SANCTION VIOLATION.....						
27	PRIOR SERIOUS FELONY.....						
28	PRIOR CAPITAL FELONY.....						
29	FIREARM OR SEMIAUTOMATIC WEAPON.....						
30						SUBTOTAL.....	
31							

1 before the sentencing court shall not be a basis for
2 multiplying the assessment of community sanction violation
3 points.

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

17
18 Prior capital felony points: If the offender has one or more
19 prior capital felonies, points shall be added to the subtotal
20 sentence points of the offender equal to twice the number of
21 points the offender receives for the primary offense and any
22 additional offense. A prior capital felony is a previous
23 capital felony offense for which the offender either entered a
24 plea of nolo contendere or guilty or has been found guilty; or
25 a felony in another jurisdiction which is a capital felony in
26 that jurisdiction, or would be a capital felony if the offense
27 were committed in this state.

28
29 Possession of a firearm, semiautomatic firearm, or machine
30 gun: If the offender is convicted of committing or attempting
31 to commit any felony other than those enumerated in s.

1 775.087(2) while having in his possession: a firearm as
2 defined in s. 790.001(6), an additional 18 sentence points are
3 assessed; or if the offender is convicted of committing or
4 attempting to commit any felony other than those enumerated in
5 s. 775.087(3) while having in his possession a semiautomatic
6 firearm as defined in s. 775.087(3) or a machine gun as
7 defined in s. 790.001(9), an additional 25 sentence points are
8 assessed.

9

10 Sentencing multipliers:

11

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

19

20 Law enforcement protection: If the primary offense is a
21 violation of the Law Enforcement Protection Act under s.
22 775.0823(2), the subtotal sentence points are multiplied by
23 2.5. If the primary offense is a violation of s. 775.0823(3),
24 (4), (5), (6), (7), or (8), the subtotal sentence points are
25 multiplied by 2.0. If the primary offense is a violation of s.
26 784.07(3) or s. 775.0875(1), or of the Law Enforcement
27 Protection Act under s. 775.0823(9) or (10), the subtotal
28 sentence points are multiplied by 1.5.

29

30 Domestic violence in the presence of a child: If the primary
31 offense is determined to be a crime of domestic violence as

1 defined in s. 741.28 which was committed in the presence of a
2 child under 16 years of age who is a family or household
3 member of the victim or perpetrator, the subtotal sentence
4 points are multiplied, at the discretion of the court, by 1.5.

5
6 Grand theft of a motor vehicle: If the primary offense is
7 grand theft of the third degree involving a motor vehicle and
8 in the offender's prior record, there are three or more grand
9 thefts of the third degree involving a motor vehicle, the
10 subtotal sentence points are multiplied by 1.5.

11
12 Criminal street gang member: If the offender is convicted of
13 the primary offense and is found to have been a member of a
14 criminal street gang at the time of the commission of the
15 primary offense pursuant to s. 874.04, the subtotal sentence
16 points are multiplied by 1.5.

17 (2) The lowest permissible sentence is the minimum
18 sentence that may be imposed by the court, absent a valid
19 reason for departure. The lowest permissible sentence is any
20 nonstate prison sanction when total sentence points are equal
21 to or less than 44 points. When total sentence points exceed
22 44 points, the lowest permissible sentence in prison months
23 shall be calculated by subtracting 28 points from the total
24 sentence points and decreasing the remaining total by 25
25 percent. The total sentence points shall be calculated only as
26 a means of determining the lowest permissible sentence. The
27 permissible range shall be the lowest permissible sentence up
28 to and including the statutory maximum for the primary offense
29 or the statutory maximum for an additional offense, whichever
30 is greater. If the lowest permissible sentence under the code
31 exceeds the statutory maximum sentence as provided in s.

1 775.082, then the lowest permissible sentence must be imposed.
2 If the total sentence points are greater than or equal to 363
3 points, the court may sentence the offender to life
4 imprisonment. An offender sentenced to life imprisonment under
5 this section is not eligible for any form of discretionary
6 early release, except pardon, executive clemency, or
7 conditional medical release under s. 947.149. Any state prison
8 sanction must exceed 1 year. This section shall not prohibit a
9 sentence above the statutory maximum where otherwise
10 ~~authorized by law.in prison months that may be imposed by the~~
11 ~~court, absent a valid reason to depart, shall be calculated by~~
12 ~~subtracting 28 points from the total sentence points and~~
13 ~~decreasing the remaining total by 25 percent. If the lowest~~
14 ~~permissible sentence in prison months is less than or equal to~~
15 ~~12, a nonstate prison sanction may be imposed. The total~~
16 ~~sentence points shall be calculated only as a means of~~
17 ~~determining the lowest permissible sentence. The permissible~~
18 ~~range for sentencing shall be the lowest permissible sentence~~
19 ~~up to and including the statutory maximum, as defined in s.~~
20 ~~775.082, for the primary offense.~~

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

1 otherwise. The defendant's scoresheet or scoresheets must be
2 approved and signed by the sentencing judge.

3 (4) The clerks of the circuit courts for the
4 individual counties shall distribute sufficient copies of the
5 Criminal Punishment Code scoresheets to those persons charged
6 with the responsibility for preparing scoresheets, either the
7 office of the state attorney or the Department of Corrections,
8 or both where appropriate.

9 (5) The clerk of the circuit court shall transmit a
10 complete, accurate, and legible copy of the Criminal
11 Punishment Code scoresheet used in each ~~guidelines~~ sentencing
12 proceeding to the Department of Corrections. Scoresheets must
13 be transmitted no less frequently than monthly, by the first
14 of each month, and may be sent collectively.

15 (6) A copy of the individual offender's Criminal
16 Punishment Code scoresheet and any attachments thereto
17 prepared pursuant to the ~~Rule 3.701,~~ Florida Rules of Criminal
18 Procedure, must be attached to the copy of the uniform
19 judgment and sentence form provided to the Department of
20 Corrections.

21 (7) The Department of Corrections shall develop and
22 submit the revised Criminal Punishment Code scoresheet to the
23 Supreme Court by June 15 of each year, as necessary. Upon the
24 Supreme Court's approval of the revised scoresheet, the
25 Department of Corrections shall produce copies of the revised
26 scoresheets by September 30 of each year, as necessary.
27 Scoresheets shall include the sentence imposed and data
28 indicating whether any prison sentence imposed was the result
29 of a mandatory minimum sentence. Any offender who is sentenced
30 to a departure sentence or any offender who is subject to a
31 mandatory minimum sentence must have the departure sentence

1 and any mandatory minimum sentence so noted on the sentencing
2 scoresheet.

3 (8) Any rule of criminal procedure pertaining to the
4 preparation or submission of felony sentencing scorehseets is
5 adopted and implemented in accordance with chapter 921 for
6 application to the Criminal Punishment Code.

7 Section 9. For the purpose of incorporating the
8 amendment to section 921.0024, Florida Statutes, in references
9 thereto, paragraphs (k), (l), and (m) of subsection (3) of
10 section 947.146, Florida Statutes, are reenacted to read:

11 947.146 Control Release Authority.--

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

1 effectuating the release of a sufficient number of inmates to
2 maintain the inmate population between 99 percent and 100
3 percent of total capacity. Inmates who are ineligible for
4 control release are inmates who are parole eligible or inmates
5 who:

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

11 2. Are serving a sentence for an offense committed on
12 or after October 1, 1995, for a violation of the Law
13 Enforcement Protection Act under s. 775.0823(2), (3), (4),
14 (5), (6), (7), or (8), and the subtotal of the offender's
15 sentence points is multiplied pursuant to s. 921.0014;

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

21 (m) Are convicted, or have been previously convicted,
22 of committing or attempting to commit manslaughter,
23 kidnapping, robbery, carjacking, home-invasion robbery, or a
24 burglary under s. 810.02(2).

25

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

1 Section 10. Subsection (3) of section 921.0026,
2 Florida Statutes, is repealed, and subsection (1) and
3 paragraphs (c) and (d) of subsection (2) of said section are
4 amended to read:

5 921.0026 Mitigating circumstances.--

6 (1) A downward departure sentence below from the
7 lowest permissible sentence as calculated from the total
8 sentence points pursuant to s. 921.0024 is prohibited
9 ~~discouraged~~ unless there are circumstances or factors that
10 reasonably justify the downward departure. Mitigating factors
11 to be considered include, but are not limited to, those listed
12 in subsection (2). The imposition of a sentence below the
13 lowest permissible sentence ~~sentencing range~~ is subject to
14 appellate review under chapter 924, but the extent of downward
15 departure is not subject to appellate review. A downward
16 departure sentence must be accompanied by a written statement
17 delineating the reason for departure, filed within 7 days
18 after the date of sentencing. A written transcription of
19 orally stated reasons for departure from the lowest
20 permissible sentence at sentencing is permissible if it is
21 filed by the court within 7 days after the date of sentencing.

22 (2) Mitigating circumstances under which a departure
23 from the lowest permissible sentence ~~sentencing range~~ is
24 reasonably justified include, but are not limited to:

25 (a) The departure results from a legitimate, uncoerced
26 plea bargain.

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

29 (c) The capacity of the defendant to appreciate the
30 criminal nature of the conduct or to conform that conduct to
31 the requirements of law was substantially impaired. However, a

1 person's capacity, if diminished by the influence of alcohol
2 or a controlled substance at the time of the offense, may not
3 in any manner be considered a reason to impose a sentence
4 below the lowest permissible sentence.

5 (d) The defendant requires specialized treatment for a
6 mental disorder or physical disability, and the defendant is
7 amenable to treatment. However, addiction, alcoholism, or
8 substance abuse may not in any manner be considered a reason
9 to impose a sentence below the lowest permissible sentence
10 ~~that is unrelated to substance abuse or addiction or for a~~
11 ~~physical disability, and the defendant is amenable to~~
12 ~~treatment.~~

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

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

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

19 (h) Before the identity of the defendant was
20 determined, the victim was substantially compensated.

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

23 (j) The offense was committed in an unsophisticated
24 manner and was an isolated incident for which the defendant
25 has shown remorse.

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

28 (l) The defendant is to be sentenced as a youthful
29 offender.

30 ~~(3) The defendant's substance abuse or addiction,~~
31 ~~including intoxication at the time of the offense, is not a~~

1 ~~mitigating factor under subsection (2) and does not, under any~~
2 ~~circumstances, justify a downward departure from the~~
3 ~~permissible sentencing range.~~

4 Section 11. Section 921.0027, Florida Statutes, is
5 amended to read:

6 921.0027 Sentencing guidelines, Criminal Punishment
7 Code and revisions; applicability.--

8 (1)(a) The guidelines enacted effective October 1,
9 1983, apply to all felonies, except capital felonies,
10 committed on or after October 1, 1983, and before January 1,
11 1994; and to all felonies, except capital felonies and life
12 felonies, committed before October 1, 1983, when the defendant
13 affirmatively selects to be sentenced pursuant to such
14 provisions.

15 (b) The 1994 sentencing guidelines that were effective
16 October 1, 1995, and any revision thereto, apply to sentencing
17 for all felonies, except capital felonies, committed on or
18 after January 1, 1994, and before October 1, 1995.

19 (c) The 1995 sentencing guidelines that were effective
20 October 1, 1995, and any revisions thereto, apply to all
21 felonies, except capital felonies, committed on or after
22 October 1, 1995, and before October 1, 1998.

23 (2) The Florida Criminal Punishment Code applies to
24 all felonies, except capital felonies, committed on or after
25 October 1, 1998. Any revision to the Criminal Punishment Code
26 applies to sentencing for all felonies, except capital
27 felonies, committed on or after the effective date of the
28 revision. Felonies, except capital felonies, with continuing
29 dates of enterprise shall be sentenced under the Criminal
30 Punishment Code or sentencing guidelines in effect on the
31 beginning date of the criminal activity.

1 Section 12. Section 921.188, Florida Statutes, is
2 amended to read:
3 921.188 Placement of certain state inmates in local
4 detention facilities.--Effective June 17, 1993,
5 notwithstanding the provisions of ss. 775.08, former 921.001,
6 921.002, 921.187, 944.02, and 951.23, or any other law to the
7 contrary, a person ~~whose presumptive sentence is 1 year and 1~~
8 ~~day up to 22 months in a state correctional institution~~ may be
9 placed by the court into the custody of a local detention
10 facility as a condition of probation or community control for
11 a felony offense contained in sentencing guidelines categories
12 five through nine contained in Rules 3.701 and 3.988, Florida
13 Rules of Criminal Procedure, or similar levels described in s.
14 921.0022, except for such person whose total sentence points
15 are greater than 44 points ~~52 or less than 40~~. The court may
16 place such person for the duration of the presumptive
17 sentence. The court may only place a person in a local
18 detention facility pursuant to this section if there is a
19 contractual agreement between the chief correctional officer
20 of that county and the Department of Corrections. The contract
21 may include all operational functions, or only housing wherein
22 the department would provide staffing and medical costs. The
23 agreement must provide for a per diem or partial per diem
24 reimbursement for each person placed under this section, which
25 is payable by the Department of Corrections for the duration
26 of the offender's placement in the facility. The full per diem
27 reimbursement may not exceed the per diem published in the
28 Department of Corrections' most recent annual report for total
29 department facilities. This section does not limit the court's
30 ability to place a person in a local detention facility for
31 less than 1 year.

1 Section 13. Paragraph (i) of subsection (1) of section
2 924.07, Florida Statutes, is amended to read:

3 924.07 Appeal by state.--

4 (1) The state may appeal from:

5 (a) An order dismissing an indictment or information
6 or any count thereof or dismissing an affidavit charging the
7 commission of a criminal offense, the violation of probation,
8 the violation of community control, or the violation of any
9 supervised correctional release.

10 (b) An order granting a new trial.

11 (c) An order arresting judgment.

12 (d) A ruling on a question of law when the defendant
13 is convicted and appeals from the judgment. Once the state's
14 cross-appeal is instituted, the appellate court shall review
15 and rule upon the question raised by the state regardless of
16 the disposition of the defendant's appeal.

17 (e) The sentence, on the ground that it is illegal.

18 (f) A judgment discharging a prisoner on habeas
19 corpus.

20 (g) An order adjudicating a defendant insane under the
21 Florida Rules of Criminal Procedure.

22 (h) All other pretrial orders, except that it may not
23 take more than one appeal under this subsection in any case.

24 (i) A sentence imposed below the lowest permissible
25 sentence range ~~range~~ permitted by the Criminal Punishment Code under
26 chapter 921.

27 (j) A ruling granting a motion for judgment of
28 acquittal after a jury verdict.

29 (k) An order denying restitution under s. 775.089.

30 (l) An order or ruling suppressing evidence or
31 evidence in limine at trial.

1 (2) An appeal under this section must embody all
2 assignments of error in each pretrial order that the state
3 seeks to have reviewed. The state shall pay all costs of the
4 appeal except for the defendant's attorney's fee.

5 Section 14. 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 permitted ~~recommended~~ sentence under the
11 applicable sentencing guidelines or the Criminal Punishment
12 Code of any nonstate prison sanction, may refer the case to
13 the department for investigation or recommendation. Upon such
14 referral, the department shall make the following report in
15 writing at a time specified by the court prior to sentencing.
16 The full 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 or her version and explanation
24 of the 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, present employment status, and
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 or her 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 the offender could be sent
14 should a sentence of nonincarceration or community supervision
15 be imposed by the court, and consideration of the offender's
16 plan 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 or her criminal
28 activity.
- 29 (13) An explanation of the offender's criminal record,
30 if any, including his or her version and explanation of any
31 previous offenses.

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 15. The introductory paragraph and paragraph
18 (c) of subsection (2) of section 948.51, Florida Statutes, are
19 amended to read:

20 948.51 Community corrections assistance to counties or
21 county consortiums.--

22 (2) ELIGIBILITY OF COUNTIES AND COUNTY CONSORTIUMS.--A
23 county, or a consortium of two or more counties, may contract
24 with the Department of Corrections for community corrections
25 funds as provided in this section. In order to enter into a
26 community corrections partnership contract, a county or county
27 consortium must have a public safety coordinating council
28 established under s. 951.26 and must designate a county
29 officer or agency to be responsible for administering
30 community corrections funds received from the state. The
31 public safety coordinating council shall prepare, develop, and

1 implement a comprehensive public safety plan for the county,
2 or the geographic area represented by the county consortium,
3 and shall submit an annual report to the Department of
4 Corrections concerning the status of the program. In preparing
5 the comprehensive public safety plan, the public safety
6 coordinating council shall cooperate with the district
7 juvenile justice board and the county juvenile justice
8 council, established under s. 985.413 ~~39-025~~, in order to
9 include programs and services for juveniles in the plan. To be
10 eligible for community corrections funds under the contract,
11 the initial public safety plan must be approved by the
12 governing board of the county, or the governing board of each
13 county within the consortium, and the Secretary of Corrections
14 based on the requirements of this section. If one or more
15 other counties develop a unified public safety plan, the
16 public safety coordinating council shall submit a single
17 application to the department for funding. Continued contract
18 funding shall be pursuant to subsection (6). The plan for a
19 county or county consortium must cover at least a 5-year
20 period and must include:

21 (c) Specific goals and objectives for reducing the
22 projected percentage of commitments to the state prison system
23 of persons with less than or equal to 44 total sentence points
24 ~~sentencing scores of 40 to 52 points~~, inclusive, pursuant to
25 the Criminal Punishment Code.

26 Section 16. Subsection (3) of section 958.04, Florida
27 Statutes, is amended to read:

28 958.04 Judicial disposition of youthful offenders.--

29 (3) The provisions of this section shall not be used
30 to impose a ~~greater~~ sentence less than the lowest permissible
31 sentence ~~maximum recommended range~~ as established by the

1 Criminal Punishment Code pursuant to chapter 921 unless
2 reasons are explained in writing by the trial court judge
3 which reasonably justify departure. A sentence imposed below
4 the lowest permissible sentence ~~outside of the code~~ is subject
5 to appeal pursuant to s. 924.07.

6 Section 17. Except as otherwise provided herein, this
7 act shall take effect October 1 of the year in which enacted.

8
9

10 HOUSE SUMMARY

11 Provides for the state to appeal a sentence that is below
12 the lowest sentence permitted under the code. Provides
13 for community control without an adjudication of guilt to
14 be considered a prior conviction under certain
15 circumstances for purposes of sentencing. Provides for
16 punishment of felonies resulting in great bodily harm.
17 Revises numerous provisions in chapter 921, F.S.,
18 relating to sentencing. Provides that any state prison
19 sentence must exceed 1 year. Provides for referral for
20 presentence investigation or recommendation when the
21 defendant has a permitted sentence under the applicable
22 sentencing guidelines or Criminal Punishment Code.
23 Provides for ranking of certain offenses under the
24 severity ranking chart of the code, and specifies the
25 ranking of additional offenses. Revises required contents
26 of plans relating to community corrections assistance to
27 counties or county consortiums. Provides that, absent
28 written justification of departure by the court,
29 specified provisions relating to youthful offenders do
30 not authorize imposition of a sentence less than the
31 lowest permissible sentence as established by the
Criminal Punishment Code, and provides for appeal of
certain departure sentences. See bill for details.