

1 A bill to be entitled
2 An act relating to organized criminal activity; amending
3 s. 874.01, F.S.; revising a short title; amending s.
4 874.02, F.S.; revising legislative findings and intent;
5 amending s. 874.03, F.S.; creating and revising
6 definitions; redefining "criminal street gangs" as
7 "organized crime groups"; amending s. 874.04, F.S.;
8 conforming provisions; revising an evidentiary standard;
9 creating s. 874.045, F.S.; providing that chapter 874,
10 F.S., does not preclude arrest and prosecution under other
11 specified provisions; amending s. 874.05, F.S.; revising
12 provisions relating to soliciting or causing another to
13 join an organized crime group; amending s. 874.08, F.S.;
14 conforming provisions; amending s. 874.09, F.S.; providing
15 additional powers for the Department of Law Enforcement
16 and local law enforcement agencies relating to crime data
17 information; creating s. 874.10, F.S.; prohibiting use of
18 electronic communications to further the interests of an
19 organized crime group; providing penalties; creating s.
20 874.11, F.S.; defining the term "identification document";
21 prohibiting possession of identification documents for
22 specified purposes; providing penalties; creating s.
23 874.12, F.S.; providing for an organized crime prevention
24 and enforcement grant program; creating s. 874.13, F.S.;
25 providing for the suspension of driver's licenses for
26 certain offenses; creating s. 948.033, F.S., prohibiting
27 certain offenders from communicating with organized crime
28 group members; providing exceptions; amending s. 947.18,

29 F.S.; prohibiting certain parolees from communicating with
 30 organized crime group members; providing exceptions;
 31 amending s. 947.1405, F.S.; prohibiting certain
 32 conditional releasees from communicating with organized
 33 crime group members; providing exceptions; amending ss.
 34 435.04, 893.138, 895.02, 921.0022, 921.0024, 921.141,
 35 984.03, 985.03, 985.047, and 985.433, F.S.; conforming
 36 cross-references and terminology to changes made by this
 37 act; providing a directive to the Division of Statutory
 38 Revision; providing an effective date.

39

40 Be It Enacted by the Legislature of the State of Florida:

41

42 Section 1. Section 874.01, Florida Statutes, is amended to
 43 read:

44 874.01 Short title.--This chapter may be cited as the
 45 "Organized Crime Group ~~Criminal Street Gang~~ Prevention Act of
 46 2007 ~~1996~~."

47 Section 2. Section 874.02, Florida Statutes, is amended to
 48 read:

49 874.02 Legislative findings and intent.--

50 (1) The Legislature finds that it is the right of every
 51 person, regardless of race, color, creed, religion, national
 52 origin, sex, age, sexual orientation, or handicap, to be secure
 53 and protected from fear, intimidation, and physical harm caused
 54 by the activities of organized crime groups ~~criminal street~~
 55 ~~gangs~~ and their members. It is not the intent of this chapter to
 56 interfere with the exercise of the constitutionally protected

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57 | rights of freedom of expression and association. The Legislature
58 | recognizes the constitutional right of every citizen to harbor
59 | and express beliefs on any lawful subject whatsoever, to
60 | lawfully associate with others who share similar beliefs, to
61 | petition lawfully constituted authority for a redress of
62 | perceived grievances, and to participate in the electoral
63 | process.

64 | (2) The Legislature finds, however, that the state is
65 | facing a mounting crisis caused by organized crime groups
66 | ~~criminal street gangs~~ whose members threaten and terrorize
67 | peaceful citizens and commit a multitude of crimes. These
68 | organized crime group ~~criminal street gang~~ activities, both
69 | individually and collectively, present a clear and present
70 | danger. Street gangs, in particular, have evolved into
71 | increasingly sophisticated and complex organized crime groups in
72 | their criminal tactics, their schemes, and their brutality. The
73 | state has a compelling interest in preventing organized crime
74 | group ~~criminal street gang~~ activity and halting the real and
75 | present danger posed by the proliferation of organized crime
76 | groups and the graduation from more primitive forms of criminal
77 | organizations to highly sophisticated criminal organizations.
78 | For these reasons, and the Legislature finds that the provisions
79 | of this chapter ~~act~~ are essential ~~necessary~~ to maintain the
80 | public order and safety.

81 | (3) It is the intent of the Legislature to outlaw certain
82 | conduct associated with the existence and proliferation of
83 | organized criminal activity, provide ~~eradicate the terror~~
84 | ~~created by criminal street gangs and their members by providing~~

85 enhanced criminal penalties, and eliminate ~~and by eliminating~~
 86 the patterns, profits, proceeds, instrumentalities, and property
 87 facilitating organized crime group ~~eriminal street gang~~
 88 activity, including organized crime group ~~eriminal street gang~~
 89 recruitment.

90 Section 3. Section 874.03, Florida Statutes, is amended to
 91 read:

92 874.03 Definitions.--As used in this chapter:

93 (1) "Electronic communication" has the meaning provided in
 94 s. 934.02 and includes, but is not limited to, photographs,
 95 video, telephone communications, text messages, facsimile,
 96 electronic mail messages as defined in s. 668.602, and instant
 97 message real-time communications with other individuals through
 98 the Internet or other means.

99 (2)~~(1)~~ "Organized crime group ~~Criminal street gang~~" means
 100 a formal or informal ongoing organization, association, or group
 101 that has as one of its primary activities the commission of
 102 criminal or delinquent acts, and that consists of three or more
 103 persons who have a common name or common identifying signs,
 104 colors, or symbols and have two or more members who,
 105 individually or collectively, engage in or have engaged in a
 106 pattern of organized criminal ~~street gang~~ activity, including,
 107 but not limited to, organized criminal syndicates, street gangs,
 108 and terrorist organizations.

109 (3)~~(2)~~ "Organized crime group ~~Criminal street gang~~ member"
 110 is a person who ~~is a member of a criminal street gang as defined~~
 111 ~~in subsection (1) and who~~ meets two or more of the following
 112 criteria:

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113 (a) Admits to organized crime group ~~criminal street gang~~
114 membership.

115 (b) Is identified as an organized crime group ~~a criminal~~
116 ~~street gang~~ member by a parent or guardian.

117 (c) Is identified as an organized crime group ~~a criminal~~
118 ~~street gang~~ member by a documented reliable informant.

119 (d) Resides in or frequents a particular organized crime
120 group's ~~criminal street gang's~~ area and adopts their style of
121 dress, their use of hand signs, or their tattoos, and associates
122 with known organized crime group ~~criminal street gang~~ members.

123 (e) Is identified as an organized crime group ~~a criminal~~
124 ~~street gang~~ member by an informant of previously untested
125 reliability and such identification is corroborated by
126 independent information.

127 (f) Has been arrested more than once in the company of
128 identified organized crime group ~~criminal street gang~~ members
129 for offenses that ~~which~~ are consistent with usual organized
130 crime group ~~criminal street gang~~ activity.

131 (g) Is identified as an organized crime group ~~a criminal~~
132 ~~street gang~~ member by physical evidence such as photographs or
133 other documentation.

134 (h) Has been stopped in the company of known organized
135 crime group ~~criminal street gang~~ members four or more times.

136 (i) Has authored any communication indicating
137 responsibility for the commission of any crime by the organized
138 crime group.

139 (4) ~~(3)~~ "Pattern of organized crime group ~~criminal street~~
140 ~~gang~~ activity" means the commission or attempted commission of,

141 or solicitation or conspiracy to commit, as an organized crime
 142 group member, two or more felony or three or more misdemeanor
 143 offenses, or one felony and two misdemeanor offenses, or the
 144 comparable number of delinquent acts or violations of law which
 145 would be felonies or misdemeanors if committed by an adult, on
 146 separate occasions within a 3-year period, excluding any period
 147 of incarceration.

148 (5)~~(4)~~ For purposes of law enforcement identification and
 149 tracking only:

150 (a) "Organized crime group ~~Criminal street gang~~ associate"
 151 means a person who:

152 1. Admits to organized crime group ~~criminal street gang~~
 153 association; or

154 2. Meets any single defining criterion for organized crime
 155 group ~~criminal street gang~~ membership described in subsection
 156 (3) ~~(2)~~.

157 (b) "Organized crime-related ~~Gang related~~ incident" means
 158 an incident where ~~that~~, upon investigation, ~~meets any of the~~
 159 ~~following conditions~~:

160 1. The participants are identified as organized crime
 161 group ~~criminal street gang~~ members or organized crime group
 162 ~~criminal street gang~~ associates, acting, individually or
 163 collectively, to further any criminal purpose of the organized
 164 crime group ~~gang~~; or

165 2. The ~~A reliable informant identifies an incident~~ is
 166 identified as organized crime group ~~criminal street gang~~
 167 activity by a reliable informant, or

168 ~~3.~~ an informant of previously untested reliability who
 169 ~~identifies an incident as criminal street gang activity and it~~
 170 is corroborated by independent information.

171 (6) "Street gangs" are formal or informal ongoing
 172 organizations, entities, associations, or groups consisting of
 173 three or more persons with a common name or common identifying
 174 signs, colors, or symbols and two or more members who,
 175 individually or collectively, have as one of their primary
 176 activities the commission of criminal or delinquent acts and
 177 engage in or have engaged in a pattern of organized criminal
 178 activity.

179 (7) "Terrorist organization" means any organized crime
 180 group engaged in or organized for the purpose of engaging in
 181 terrorism as defined in s. 775.30. This definition shall not be
 182 construed to prevent prosecution of individuals acting alone
 183 under this chapter.

184 Section 4. Section 874.04, Florida Statutes, is amended to
 185 read:

186 874.04 Organized crime group ~~eriminal street gang~~
 187 activity; enhanced penalties.--Upon a finding ~~by the court at~~
 188 ~~sentencing~~ that the defendant committed the charged offense for
 189 the purpose of benefiting, promoting, or furthering the
 190 interests of an organized crime group ~~a eriminal street gang~~,
 191 the penalty for any felony or misdemeanor, or any delinquent act
 192 or violation of law which would be a felony or misdemeanor if
 193 committed by an adult, may be enhanced. Penalty enhancement
 194 affects the applicable statutory maximum penalty only. Each of
 195 the findings required as a basis for such sentence shall be

196 found beyond a reasonable doubt ~~by a preponderance of the~~
 197 ~~evidence~~. The enhancement will be as follows:

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

200 (b) A misdemeanor of the first degree may be punished as
 201 if it were a felony of the third degree. For purposes of
 202 sentencing under chapter 921 and determining incentive gain-time
 203 eligibility under chapter 944, such offense is ranked in level 1
 204 of the offense severity ranking chart. The organized crime group
 205 ~~criminal street gang~~ multiplier in s. 921.0024 does not apply to
 206 misdemeanors enhanced under this paragraph.

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

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

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

213
 214 For purposes of sentencing under chapter 921 and determining
 215 incentive gain-time eligibility under chapter 944, such felony
 216 offense is ranked as provided in s. 921.0022 or s. 921.0023, and
 217 without regard to the penalty enhancement in this subsection.
 218 ~~For purposes of this section, penalty enhancement affects the~~
 219 ~~applicable statutory maximum penalty only.~~

220 Section 5. Section 874.045, Florida Statutes, is created
 221 to read:

222 874.045 Arrest and prosecution under other
 223 provisions.--Nothing in this chapter shall prohibit the arrest

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224 and prosecution of an organized crime group member under chapter
 225 876, chapter 895, chapter 896, s. 893.20, or any other
 226 applicable provision of law except to the extent otherwise
 227 prohibited pursuant to a statutory or constitutional provision.

228 Section 6. Section 874.05, Florida Statutes, is amended to
 229 read:

230 874.05 Causing, encouraging, soliciting, or recruiting
 231 organized crime group ~~criminal street gang~~ membership.--

232 (1) Except as provided in subsection (2), a person who
 233 intentionally causes, encourages, solicits, or recruits another
 234 person to become an organized crime group member where ~~join a~~
 235 ~~criminal street gang that requires as~~ a condition of membership
 236 or continued membership is the commission of any crime commits a
 237 felony of the third degree, punishable as provided in s.
 238 775.082, s. 775.083, or s. 775.084.

239 (2) A person who commits ~~Upon~~ a second or subsequent
 240 violation ~~offense, the person~~ commits a felony of the second
 241 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 242 775.084.

243 Section 7. Section 874.08, Florida Statutes, is amended to
 244 read:

245 874.08 Organized crime group activity and ~~Profits,~~
 246 ~~proceeds, and instrumentalities of criminal street gangs or~~
 247 ~~criminal street gang~~ recruitment; forfeiture.--All profits,
 248 proceeds, and instrumentalities of organized crime group
 249 ~~criminal street gang~~ activity and all property used or intended
 250 or attempted to be used to facilitate the criminal activity of
 251 any organized crime group ~~criminal street gang~~ or of any group

252 ~~eriminal street gang~~ member; and all profits, proceeds, and
 253 instrumentalities of organized crime group ~~eriminal street gang~~
 254 recruitment and all property used or intended or attempted to be
 255 used to facilitate organized crime group ~~eriminal street gang~~
 256 recruitment are subject to seizure and forfeiture under the
 257 Florida Contraband Forfeiture Act, s. 932.704.

258 Section 8. Section 874.09, Florida Statutes, is amended to
 259 read:

260 874.09 Crime data information.--

261 (1) The Department of Law Enforcement may:

262 (a) Develop and manage a statewide organized crime group
 263 ~~eriminal street gang~~ database to facilitate the exchange of
 264 information pursuant to the intent and purpose of this chapter.

265 (b) Notify all law enforcement agencies that reports of
 266 arrested organized crime group members or associates shall be
 267 entered into the database as soon as the minimum level of data
 268 specified by the department is available to the reporting agency
 269 and no waiting period for the entry of that data exists.

270 (c) Compile and retain information regarding organized
 271 crime groups and their members and associates in a manner that
 272 allows the information to be used by law enforcement and other
 273 agencies deemed appropriate for investigative purposes.

274 (d) Compile and maintain a history data repository
 275 relating to organized crime groups and their members and
 276 associates in order to develop and improve techniques used by
 277 law enforcement agencies and prosecutors in the investigation,
 278 apprehension, and prosecution of members and affiliates of
 279 organized crime groups.

280 (2) Local law enforcement agencies may:

281 (a) After carrying out any arrest of any individual who
 282 they believe is a member or associate of an organized crime
 283 group, create or update that individual's electronic file within
 284 the database.

285 (b) Notify the prosecutor of the accused individual's
 286 suspected organized crime group membership or associate status.

287 Section 9. Section 874.10, Florida Statutes, is created to
 288 read:

289 874.10 Electronic communication.--Any person who, for the
 290 purpose of benefiting, promoting, or furthering the interests of
 291 an organized crime group, uses electronic communication to
 292 intimidate or harass other persons, or to advertise his or her
 293 presence in the community, including, but not limited to, such
 294 activities as distributing, selling, transmitting, or posting on
 295 the Internet any audio, video, or still image of criminal
 296 activity commits a felony of the third degree, punishable as
 297 provided in s. 775.082, s. 775.083, or s. 775.084.

298 Section 10. Section 874.11, Florida Statutes, is created
 299 to read:

300 874.11 Identification documents; unlawful possession or
 301 creation.--

302 (1) For purposes of this section, the term "identification
 303 document" includes, but is not limited to, a social security
 304 card or number, a birth certificate, a driver's license, an
 305 identification card pursuant to s. 322.051, a naturalization
 306 certificate, an alien registration number, a passport, and any

307 access credentials for a publicly operated facility or an
308 infrastructure facility covered under 18 U.S.C. s. 2332f.

309 (2) Any person possessing or manufacturing any blank,
310 forged, stolen, fictitious, fraudulent, counterfeit, or
311 otherwise unlawfully issued identification document for the
312 purpose of benefiting, promoting, or furthering the interests of
313 an organized crime group commits a felony of the second degree,
314 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

315 Section 11. Section 874.12, Florida Statutes, is created
316 to read:

317 874.12 Grants.--

318 (1) The Department of Law Enforcement shall administer a
319 grant program to assist local efforts to prevent, detect, and
320 prosecute criminal activity committed by organized criminal
321 street gangs.

322 (2) Grants shall be awarded to local consortia which must
323 include the state attorney, local law enforcement, and local
324 crime prevention organizations. Local crime prevention
325 organizations may include, but are not limited to, local
326 juvenile justice boards, local not-for-profit community service
327 organizations, and local school boards. Each consortium must
328 identify a single organization to serve as the primary point of
329 contact between the department and the local consortium.
330 Proposals must include the three components of enhanced law
331 enforcement, prosecution, and prevention in order to be eligible
332 for a grant award. Grants shall be awarded on a competitive
333 basis and shall be subject to a 50-percent local match that may
334 be provided in the form of in-kind services. Proposals shall be

335 evaluated based on the following:

336 (a) The extent to which the three components of law
 337 enforcement, prosecution, and prevention are appropriately
 338 balanced and coordinated to reduce street-gang-related activity.

339 (b) The amount of local match.

340 (c) The extent to which resources are targeted to
 341 neighborhoods or areas that are most at risk of street-gang-
 342 related crime.

343 Section 12. Section 874.13, Florida Statutes, is created
 344 to read:

345 874.13 Suspension of driver's license.--

346 (1) For purposes of this section:

347 (a) "Department" means the Department of Highway Safety
 348 and Motor Vehicles.

349 (b) "Convicted" means a determination of guilt that is the
 350 result of a trial or the entry of a plea of guilty or nolo
 351 contendere, regardless of whether adjudication is withheld.

352 (2) In addition to any other penalty provided by law, the
 353 court shall order the suspension of the driver's license of each
 354 person convicted or adjudicated delinquent of any offense
 355 contained in this chapter and of any person whose penalty has
 356 been enhanced pursuant to s. 874.04. Upon ordering the
 357 suspension of the driver's license, the court shall forward the
 358 driver's license to the department in accordance with s. 322.25.

359 (a) The first suspension of a driver's license under this
 360 section shall be for a period of 6 months.

361 (b) A second or subsequent suspension of a driver's
 362 license under this section shall be for 1 year.

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363 (3) A court that suspends a driver's license pursuant to
364 subsection (2) shall, if the person is sentenced to a term of
365 incarceration, direct the department to commence the suspension
366 of the person's driver's license upon the person's release from
367 incarceration.

368 Section 13. Section 948.033, Florida Statutes, is created
369 to read:

370 948.033 Condition of probation or community control;
371 organized crime group.--Effective for a probationer or community
372 controllee whose crime was committed on or after July 1, 2007,
373 and who has been found to have committed the crime for the
374 purpose of benefiting, promoting, or furthering the interests of
375 an organized crime group, the court shall, in addition to any
376 other conditions imposed, impose a condition prohibiting the
377 probationer or community controllee from knowingly associating
378 with other organized crime group members or associates, except
379 as authorized by law enforcement officials, prosecutorial
380 authorities, or the court, for the purpose of aiding in the
381 investigation of organized crime group activity.

382 Section 14. Section 947.18, Florida Statutes, is amended
383 to read:

384 947.18 Conditions of parole.--No person shall be placed on
385 parole merely as a reward for good conduct or efficient
386 performance of duties assigned in prison. No person shall be
387 placed on parole until and unless the commission finds that
388 there is reasonable probability that, if the person is placed on
389 parole, he or she will live and conduct himself or herself as a
390 respectable and law-abiding person and that the person's release

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391 will be compatible with his or her own welfare and the welfare
392 of society. No person shall be placed on parole unless and until
393 the commission is satisfied that he or she will be suitably
394 employed in self-sustaining employment or that he or she will
395 not become a public charge. The commission shall determine the
396 terms upon which such person shall be granted parole. If the
397 person's conviction was for a controlled substance violation,
398 one of the conditions must be that the person submit to random
399 substance abuse testing intermittently throughout the term of
400 supervision, upon the direction of the correctional probation
401 officer as defined in s. 943.10(3). In addition to any other
402 lawful condition of parole, the commission may make the payment
403 of the debt due and owing to the state under s. 960.17 or the
404 payment of the attorney's fees and costs due and owing to the
405 state under s. 938.29 a condition of parole subject to
406 modification based on change of circumstances. If the person's
407 conviction was for a crime that was found to have been committed
408 for the purpose of benefiting, promoting, or furthering the
409 interests of an organized crime group, one of the conditions
410 must be that the person be prohibited from knowingly associating
411 with other organized crime group members or associates, except
412 as authorized by law enforcement officials, prosecutorial
413 authorities, or the court, for the purpose of aiding in the
414 investigation of organized crime group activity.

415 Section 15. Subsection (11) is added to section 947.1405,
416 Florida Statutes, to read:

417 947.1405 Conditional release program.--

418 (11) Effective for a releasee whose crime was committed on
 419 or after July 1, 2007, and who has been found to have committed
 420 the crime for the purpose of benefiting, promoting, or
 421 furthering the interests of an organized crime group, the
 422 commission shall, in addition to any other conditions imposed,
 423 impose a condition prohibiting the releasee from knowingly
 424 associating with other organized crime group members or
 425 associates, except as authorized by law enforcement officials,
 426 prosecutorial authorities, or the court, for the purpose of
 427 aiding in the investigation of organized crime group activity.

428 Section 16. Paragraph (nn) of subsection (2) of section
 429 435.04, Florida Statutes, is amended to read:

430 435.04 Level 2 screening standards.--

431 (2) The security background investigations under this
 432 section must ensure that no persons subject to the provisions of
 433 this section have been found guilty of, regardless of
 434 adjudication, or entered a plea of nolo contendere or guilty to,
 435 any offense prohibited under any of the following provisions of
 436 the Florida Statutes or under any similar statute of another
 437 jurisdiction:

438 (nn) Section 874.05(1), relating to encouraging or
 439 recruiting another to join an organized crime group ~~a criminal~~
 440 ~~gang~~.

441 Section 17. Paragraph (d) of subsection (2) of section
 442 893.138, Florida Statutes, is amended to read:

443 893.138 Local administrative action to abate drug-related,
 444 prostitution-related, or stolen-property-related public
 445 nuisances and criminal street gang activity.--

446 (2) Any place or premises that has been used:
 447 (d) By a criminal street gang for the purpose of
 448 conducting a pattern of organized crime group ~~criminal street~~
 449 ~~gang~~ activity as defined by s. 874.03; or
 450
 451 may be declared to be a public nuisance, and such nuisance may
 452 be abated pursuant to the procedures provided in this section.
 453 Section 18. Paragraph (a) of subsection (1) and subsection
 454 (3) of section 895.02, Florida Statutes, are amended to read:
 455 895.02 Definitions.--As used in ss. 895.01-895.08, the
 456 term:
 457 (1) "Racketeering activity" means to commit, to attempt to
 458 commit, to conspire to commit, or to solicit, coerce, or
 459 intimidate another person to commit:
 460 (a) Any crime that is chargeable by indictment or
 461 information under the following provisions of the Florida
 462 Statutes:
 463 1. Section 210.18, relating to evasion of payment of
 464 cigarette taxes.
 465 2. Section 403.727(3)(b), relating to environmental
 466 control.
 467 3. Section 409.920 or s. 409.9201, relating to Medicaid
 468 fraud.
 469 4. Section 414.39, relating to public assistance fraud.
 470 5. Section 440.105 or s. 440.106, relating to workers'
 471 compensation.

472 6. Section 443.071(4), relating to creation of a
473 fictitious employer scheme to commit unemployment compensation
474 fraud.

475 7. Section 465.0161, relating to distribution of medicinal
476 drugs without a permit as an Internet pharmacy.

477 8. Sections 499.0051, 499.0052, 499.00535, 499.00545, and
478 499.0691, relating to crimes involving contraband and
479 adulterated drugs.

480 9. Part IV of chapter 501, relating to telemarketing.

481 10. Chapter 517, relating to sale of securities and
482 investor protection.

483 11. Section 550.235, s. 550.3551, or s. 550.3605, relating
484 to dogracing and horseracing.

485 12. Chapter 550, relating to jai alai frontons.

486 13. Section 551.109, relating to slot machine gaming.

487 14. Chapter 552, relating to the manufacture,
488 distribution, and use of explosives.

489 15. Chapter 560, relating to money transmitters, if the
490 violation is punishable as a felony.

491 16. Chapter 562, relating to beverage law enforcement.

492 17. Section 624.401, relating to transacting insurance
493 without a certificate of authority, s. 624.437(4)(c)1., relating
494 to operating an unauthorized multiple-employer welfare
495 arrangement, or s. 626.902(1)(b), relating to representing or
496 aiding an unauthorized insurer.

497 18. Section 655.50, relating to reports of currency
498 transactions, when such violation is punishable as a felony.

- 499 19. Chapter 687, relating to interest and usurious
500 practices.
- 501 20. Section 721.08, s. 721.09, or s. 721.13, relating to
502 real estate timeshare plans.
- 503 21. Chapter 782, relating to homicide.
- 504 22. Chapter 784, relating to assault and battery.
- 505 23. Chapter 787, relating to kidnapping or human
506 trafficking.
- 507 24. Chapter 790, relating to weapons and firearms.
- 508 25. Section 796.03, s. 796.035, s. 796.04, s. 796.045, s.
509 796.05, or s. 796.07, relating to prostitution and sex
510 trafficking.
- 511 26. Chapter 806, relating to arson.
- 512 27. Section 810.02(2)(c), relating to specified burglary
513 of a dwelling or structure.
- 514 28. Chapter 812, relating to theft, robbery, and related
515 crimes.
- 516 29. Chapter 815, relating to computer-related crimes.
- 517 30. Chapter 817, relating to fraudulent practices, false
518 pretenses, fraud generally, and credit card crimes.
- 519 31. Chapter 825, relating to abuse, neglect, or
520 exploitation of an elderly person or disabled adult.
- 521 32. Section 827.071, relating to commercial sexual
522 exploitation of children.
- 523 33. Chapter 831, relating to forgery and counterfeiting.
- 524 34. Chapter 832, relating to issuance of worthless checks
525 and drafts.
- 526 35. Section 836.05, relating to extortion.

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- 527 36. Chapter 837, relating to perjury.
- 528 37. Chapter 838, relating to bribery and misuse of public
529 office.
- 530 38. Chapter 843, relating to obstruction of justice.
- 531 39. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
532 s. 847.07, relating to obscene literature and profanity.
- 533 40. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
534 849.25, relating to gambling.
- 535 41. Chapter 874, relating to organized crime groups
536 ~~eriminal street gangs~~.
- 537 42. Chapter 893, relating to drug abuse prevention and
538 control.
- 539 43. Chapter 896, relating to offenses related to financial
540 transactions.
- 541 44. Sections 914.22 and 914.23, relating to tampering with
542 a witness, victim, or informant, and retaliation against a
543 witness, victim, or informant.
- 544 45. Sections 918.12 and 918.13, relating to tampering with
545 jurors and evidence.
- 546 (3) "Enterprise" means any individual, sole
547 proprietorship, partnership, corporation, business trust, union
548 chartered under the laws of this state, or other legal entity,
549 or any unchartered union, association, or group of individuals
550 associated in fact although not a legal entity; and it includes
551 illicit as well as licit enterprises and governmental, as well
552 as other, entities. An organized crime group ~~A criminal street~~
553 ~~gang~~, as defined in s. 874.03, constitutes an enterprise.

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554 Section 19. Paragraphs (d) and (e) of subsection (3) of
 555 section 921.0022, Florida Statutes, are amended to read:

556 921.0022 Criminal Punishment Code; offense severity
 557 ranking chart.--

558 (3) OFFENSE SEVERITY RANKING CHART

Florida	Felony	
Statute	Degree	Description

559

560

		(d) LEVEL 4
316.1935(3)(a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.

561

499.0051(1)	3rd	Failure to maintain or deliver pedigree papers.
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562

499.0051(2)	3rd	Failure to authenticate pedigree papers.
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563

499.0051(6)	2nd	Sale or delivery, or possession with intent to sell, contraband legend drugs.
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564

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565	784.07 (2) (b)	3rd	Battery of law enforcement officer, firefighter, intake officer, etc.
566	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
567	784.075	3rd	Battery on detention or commitment facility staff.
568	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
569	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
570	784.081 (3)	3rd	Battery on specified official or employee.
571	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
572	784.083 (3)	3rd	Battery on code inspector.
	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling

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certain fluids or materials.

573

787.03 (1) 3rd Interference with custody; wrongly takes minor from appointed guardian.

574

787.04 (2) 3rd Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.

575

787.04 (3) 3rd Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.

576

790.115 (1) 3rd Exhibiting firearm or weapon within 1,000 feet of a school.

577

790.115 (2) (b) 3rd Possessing electric weapon or device, destructive device, or other weapon on school property.

578

790.115 (2) (c) 3rd Possessing firearm on school property.

579

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580	800.04 (7) (d)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
581	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
582	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
583	810.06	3rd	Burglary; possession of tools.
584	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
585	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
586	812.014 (2) (c) 4.-10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
587	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.

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588	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03 (5) drugs.
589	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
590	817.625 (2) (a)	3rd	Fraudulent use of scanning device or reencoder.
591	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
592	837.02 (1)	3rd	Perjury in official proceedings.
593	837.021 (1)	3rd	Make contradictory statements in official proceedings.
594	838.022	3rd	Official misconduct.
595	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.

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596	839.13 (2) (c)	3rd	Falsifying records of the Department of Children and Family Services.
597	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
598	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
599	843.15 (1) (a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
600	874.05 (1)	3rd	Encouraging or recruiting another to join <u>an organized crime group</u> a criminal street gang .
601	893.13 (2) (a) 1.	2nd	Purchase of cocaine (or other s. 893.03 (1) (a), (b), or (d), (2) (a), (2) (b), or (2) (c) 4. drugs).
602	914.14 (2)	3rd	Witnesses accepting bribes.
	914.22 (1)	3rd	Force, threaten, etc., witness,

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603			victim, or informant.
604	914.23 (2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
605	918.12	3rd	Tampering with jurors.
606	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
607			(e) LEVEL 5
608	316.027 (1) (a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
609	316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
610	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
611	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.

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612	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
613	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
614	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
615	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
616	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
617	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
618	790.01 (2)	3rd	Carrying a concealed firearm.
619	790.162	2nd	Threat to throw or discharge destructive device.

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620	790.163 (1)	2nd	False report of deadly explosive or weapon of mass destruction.
621	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
622	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
623	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
624	800.04 (7) (c)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
625	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
626	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
627	812.015 (8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.

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628	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
629	812.131 (2) (b)	3rd	Robbery by sudden snatching.
630	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
631	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
632	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
633	817.2341 (1), (2) (a) & (3) (a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
	817.568 (2) (b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification

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information of 10 or more
individuals.

634

817.625 (2) (b) 2nd Second or subsequent fraudulent
use of scanning device or
reencoder.

635

825.1025 (4) 3rd Lewd or lascivious exhibition in
the presence of an elderly person
or disabled adult.

636

827.071 (4) 2nd Possess with intent to promote any
photographic material, motion
picture, etc., which includes
sexual conduct by a child.

637

827.071 (5) 3rd Possess any photographic material,
motion picture, etc., which
includes sexual conduct by a
child.

638

839.13 (2) (b) 2nd Falsifying records of an
individual in the care and custody
of a state agency involving great
bodily harm or death.

639

843.01 3rd Resist officer with violence to

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			person; resist arrest with violence.
640	847.0137(2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
641	847.0138(2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
642	874.05(2)	2nd	Encouraging or recruiting another to join <u>an organized crime group</u> a criminal street gang ; second or subsequent offense.
643	893.13(1)(a)1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).
644	893.13(1)(c)2.	2nd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or

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state, county, or municipal park
or publicly owned recreational
facility or community center.

645

893.13 (1) (d) 1. 1st

Sell, manufacture, or deliver
cocaine (or other s. 893.03(1)(a),
(1)(b), (1)(d), (2)(a), (2)(b), or
(2)(c)4. drugs) within 1,000 feet
of university.

646

893.13 (1) (e) 2. 2nd

Sell, manufacture, or deliver
cannabis or other drug prohibited
under s. 893.03(1)(c), (2)(c)1.,
(2)(c)2., (2)(c)3., (2)(c)5.,
(2)(c)6., (2)(c)7., (2)(c)8.,
(2)(c)9., (3), or (4) within 1,000
feet of property used for
religious services or a specified
business site.

647

893.13 (1) (f) 1. 1st

Sell, manufacture, or deliver
cocaine (or other s. 893.03(1)(a),
(1)(b), (1)(d), or (2)(a), (2)(b),
or (2)(c)4. drugs) within 1,000
feet of public housing facility.

648

893.13 (4) (b) 2nd

Deliver to minor cannabis (or
other s. 893.03(1)(c), (2)(c)1.,

(2) (c) 2., (2) (c) 3., (2) (c) 5.,
 (2) (c) 6., (2) (c) 7., (2) (c) 8.,
 (2) (c) 9., (3), or (4) drugs).

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 668

Section 20. Subsection (1) of section 921.0024, Florida Statutes, is amended to read:

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

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

FLORIDA CRIMINAL PUNISHMENT CODE

WORKSHEET

OFFENSE SCORE

Primary Offense

Level	Sentence Points		Total
10	116	=	_____
9	92	=	_____
8	74	=	_____
7	56	=	_____

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669	6	36	=	_____
670	5	28	=	_____
671	4	22	=	_____
672	3	16	=	_____
673	2	10	=	_____
674	1	4	=	_____

Total _____

Additional Offenses

Level	Sentence Points		Counts		Total
679	10	58	x	_____	= _____
680	9	46	x	_____	= _____
681	8	37	x	_____	= _____
682					

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683	7	28	x	_____	=	_____
684	6	18	x	_____	=	_____
685	5	5.4	x	_____	=	_____
686	4	3.6	x	_____	=	_____
687	3	2.4	x	_____	=	_____
688	2	1.2	x	_____	=	_____
689	1	0.7	x	_____	=	_____
690	M	0.2	x	_____	=	_____

Total _____

Victim Injury

Level	Sentence Points		Number	Total
2nd degree	240	x	_____	_____

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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696	murder-					
	death					
697	Death	120	x	_____	=	_____
698	Severe	40	x	_____	=	_____
699	Moderate	18	x	_____	=	_____
700	Slight	4	x	_____	=	_____
	Sexual	80	x	_____	=	_____
	penetrati					
	on					
701	Sexual	40	x	_____	=	_____
702	contact					
703						
704					Total	_____
705	Primary Offense + Additional Offenses + Victim Injury =					
706	TOTAL OFFENSE SCORE					
707						
708	PRIOR RECORD SCORE					

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Prior Record

Level	Sentence Points		Number	=	Total
10	29	x	_____	=	_____
9	23	x	_____	=	_____
8	19	x	_____	=	_____
7	14	x	_____	=	_____
6	9	x	_____	=	_____
5	3.6	x	_____	=	_____
4	2.4	x	_____	=	_____
3	1.6	x	_____	=	_____
2	0.8	x	_____	=	_____
1	0.5	x	_____	=	_____
M	0.2	x	_____	=	_____

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724

Total _____

725

726 TOTAL OFFENSE SCORE _____

727 TOTAL PRIOR RECORD SCORE _____

728

729 LEGAL STATUS _____

730 COMMUNITY SANCTION VIOLATION _____

731 PRIOR SERIOUS FELONY _____

732 PRIOR CAPITAL FELONY _____

733 FIREARM OR SEMIAUTOMATIC WEAPON _____

734 SUBTOTAL _____

735

736 PRISON RELEASEE REOFFENDER (no) (yes) _____

737 VIOLENT CAREER CRIMINAL (no) (yes) _____

738 HABITUAL VIOLENT OFFENDER (no) (yes) _____

739 HABITUAL OFFENDER (no) (yes) _____

740 DRUG TRAFFICKER (no) (yes) (x multiplier) _____

741 LAW ENF. PROTECT. (no) (yes) (x multiplier) _____

742 MOTOR VEHICLE THEFT (no) (yes) (x multiplier) _____

743 ORGANIZED CRIME GROUP ~~CRIMINAL STREET GANG~~ OFFENSE (no) (yes)

744 (x multiplier) _____

745 DOMESTIC VIOLENCE IN THE PRESENCE OF RELATED CHILD (no) (yes)

746 (x multiplier) _____

747

748 TOTAL SENTENCE POINTS _____

749

(b) WORKSHEET KEY:

750
751
752 Legal status points are assessed when any form of legal status
753 existed at the time the offender committed an offense before the
754 court for sentencing. Four (4) sentence points are assessed for
755 an offender's legal status.

756
757 Community sanction violation points are assessed when a
758 community sanction violation is before the court for sentencing.
759 Six (6) sentence points are assessed for each community sanction
760 violation, and each successive community sanction violation;
761 however, if the community sanction violation includes a new
762 felony conviction before the sentencing court, twelve (12)
763 community sanction violation points are assessed for such
764 violation, and for each successive community sanction violation
765 involving a new felony conviction. Multiple counts of community
766 sanction violations before the sentencing court shall not be a
767 basis for multiplying the assessment of community sanction
768 violation points.

769
770 Prior serious felony points: If the offender has a primary
771 offense or any additional offense ranked in level 8, level 9, or
772 level 10, and one or more prior serious felonies, a single
773 assessment of 30 points shall be added. For purposes of this
774 section, a prior serious felony is an offense in the offender's
775 prior record that is ranked in level 8, level 9, or level 10
776 under s. 921.0022 or s. 921.0023 and for which the offender is
777 serving a sentence of confinement, supervision, or other

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778 sanction or for which the offender's date of release from
779 confinement, supervision, or other sanction, whichever is later,
780 is within 3 years before the date the primary offense or any
781 additional offense was committed.

782
783 Prior capital felony points: If the offender has one or more
784 prior capital felonies in the offender's criminal record, points
785 shall be added to the subtotal sentence points of the offender
786 equal to twice the number of points the offender receives for
787 the primary offense and any additional offense. A prior capital
788 felony in the offender's criminal record is a previous capital
789 felony offense for which the offender has entered a plea of nolo
790 contendere or guilty or has been found guilty; or a felony in
791 another jurisdiction which is a capital felony in that
792 jurisdiction, or would be a capital felony if the offense were
793 committed in this state.

794
795 Possession of a firearm, semiautomatic firearm, or machine gun:
796 If the offender is convicted of committing or attempting to
797 commit any felony other than those enumerated in s. 775.087(2)
798 while having in his or her possession: a firearm as defined in
799 s. 790.001(6), an additional 18 sentence points are assessed; or
800 if the offender is convicted of committing or attempting to
801 commit any felony other than those enumerated in s. 775.087(3)
802 while having in his or her possession a semiautomatic firearm as
803 defined in s. 775.087(3) or a machine gun as defined in s.
804 790.001(9), an additional 25 sentence points are assessed.

805

806 Sentencing multipliers:

807

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

815

816 Law enforcement protection: If the primary offense is a
 817 violation of the Law Enforcement Protection Act under s.
 818 775.0823(2), the subtotal sentence points are multiplied by 2.5.
 819 If the primary offense is a violation of s. 775.0823(3), (4),
 820 (5), (6), (7), or (8), the subtotal sentence points are
 821 multiplied by 2.0. If the primary offense is a violation of s.
 822 784.07(3) or s. 775.0875(1), or of the Law Enforcement
 823 Protection Act under s. 775.0823(9) or (10), the subtotal
 824 sentence points are multiplied by 1.5.

825

826 Grand theft of a motor vehicle: If the primary offense is grand
 827 theft of the third degree involving a motor vehicle and in the
 828 offender's prior record, there are three or more grand thefts of
 829 the third degree involving a motor vehicle, the subtotal
 830 sentence points are multiplied by 1.5.

831

832 Offense related to an organized crime group ~~a criminal street~~
 833 ~~gang~~: If the offender is convicted of the primary offense and

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834 committed that offense for the purpose of benefiting, promoting,
835 or furthering the interests of an organized crime group a
836 ~~criminal street gang~~ as prohibited under s. 874.04, the subtotal
837 sentence points are multiplied by 1.5.

838
839 Domestic violence in the presence of a child: If the offender is
840 convicted of the primary offense and the primary offense is a
841 crime of domestic violence, as defined in s. 741.28, which was
842 committed in the presence of a child under 16 years of age who
843 is a family or household member as defined in s. 741.28(3) with
844 the victim or perpetrator, the subtotal sentence points are
845 multiplied by 1.5.

846 Section 21. Paragraph (n) of subsection (5) of section
847 921.141, Florida Statutes, is amended to read:

848 921.141 Sentence of death or life imprisonment for capital
849 felonies; further proceedings to determine sentence.--

850 (5) AGGRAVATING CIRCUMSTANCES.--Aggravating circumstances
851 shall be limited to the following:

852 (n) The capital felony was committed by an organized crime
853 group a ~~criminal street gang~~ member, as defined in s. 874.03.

854 Section 22. Subsection (30) of section 984.03, Florida
855 Statutes, is amended to read:

856 984.03 Definitions.--When used in this chapter, the term:

857 (30) "Juvenile justice continuum" includes, but is not
858 limited to, delinquency prevention programs and services
859 designed for the purpose of preventing or reducing delinquent
860 acts, including criminal activity by organized crime groups
861 ~~youth gangs~~ and juvenile arrests, as well as programs and

862 services targeted at children who have committed delinquent
863 acts, and children who have previously been committed to
864 residential treatment programs for delinquents. The term
865 includes children-in-need-of-services and families-in-need-of-
866 services programs; conditional release; substance abuse and
867 mental health programs; educational and vocational programs;
868 recreational programs; community services programs; community
869 service work programs; and alternative dispute resolution
870 programs serving children at risk of delinquency and their
871 families, whether offered or delivered by state or local
872 governmental entities, public or private for-profit or not-for-
873 profit organizations, or religious or charitable organizations.

874 Section 23. Paragraph (c) of subsection (15) and
875 subsection (29) of section 985.03, Florida Statutes, are amended
876 to read:

877 985.03 Definitions.--As used in this chapter, the term:
878 (15)

879 (c) "Delinquency prevention programs" means programs
880 designed for the purpose of reducing the occurrence of
881 delinquency, including organized crime group ~~youth and street~~
882 ~~gang~~ activity, and juvenile arrests. The term excludes
883 arbitration, diversionary or mediation programs, and community
884 service work or other treatment available subsequent to a child
885 committing a delinquent act.

886 (29) "Juvenile justice continuum" includes, but is not
887 limited to, delinquency prevention programs and services
888 designed for the purpose of preventing or reducing delinquent
889 acts, including criminal activity by organized crime groups

890 ~~youth gangs~~, and juvenile arrests, as well as programs and
 891 services targeted at children who have committed delinquent
 892 acts, and children who have previously been committed to
 893 residential treatment programs for delinquents. The term
 894 includes children-in-need-of-services and families-in-need-of-
 895 services programs; conditional release; substance abuse and
 896 mental health programs; educational and career programs;
 897 recreational programs; community services programs; community
 898 service work programs; and alternative dispute resolution
 899 programs serving children at risk of delinquency and their
 900 families, whether offered or delivered by state or local
 901 governmental entities, public or private for-profit or not-for-
 902 profit organizations, or religious or charitable organizations.

903 Section 24. Paragraph (c) of subsection (1) of section
 904 985.047, Florida Statutes, is amended to read:

905 985.047 Information systems.--

906 (1)

907 (c) As used in this section, "a juvenile who is at risk of
 908 becoming a serious habitual juvenile offender" means a juvenile
 909 who has been adjudicated delinquent and who meets one or more of
 910 the following criteria:

911 1. Is arrested for a capital, life, or first degree felony
 912 offense or sexual battery.

913 2. Has five or more arrests, at least three of which are
 914 for felony offenses. Three of such arrests must have occurred
 915 within the preceding 12-month period.

916 3. Has 10 or more arrests, at least 2 of which are for
 917 felony offenses. Three of such arrests must have occurred within
 918 the preceding 12-month period.

919 4. Has four or more arrests, at least one of which is for
 920 a felony offense and occurred within the preceding 12-month
 921 period.

922 5. Has 10 or more arrests, at least 8 of which are for any
 923 of the following offenses:

- 924 a. Petit theft;
- 925 b. Misdemeanor assault;
- 926 c. Possession of a controlled substance;
- 927 d. Weapon or firearm violation; or
- 928 e. Substance abuse.

929
 930 Four of such arrests must have occurred within the preceding 12-
 931 month period.

932 6. Meets at least one of the criteria for organized crime
 933 group ~~youth and street gang~~ membership.

934 Section 25. Paragraph (a) of subsection (6) and subsection
 935 (7) of section 985.433, Florida Statutes, are amended to read:

936 985.433 Disposition hearings in delinquency cases.--When a
 937 child has been found to have committed a delinquent act, the
 938 following procedures shall be applicable to the disposition of
 939 the case:

940 (6) The first determination to be made by the court is a
 941 determination of the suitability or nonsuitability for
 942 adjudication and commitment of the child to the department. This
 943 determination shall include consideration of the recommendations

944 of the department, which may include a predisposition report.
 945 The predisposition report shall include, whether as part of the
 946 child's multidisciplinary assessment, classification, and
 947 placement process components or separately, evaluation of the
 948 following criteria:

949 (a) The seriousness of the offense to the community. If
 950 the court determines under chapter 874 that the child was a
 951 member of an organized crime group ~~a criminal street gang~~ at the
 952 time of the commission of the offense, the seriousness of the
 953 offense to the community shall be given great weight.

954
 955 It is the intent of the Legislature that the criteria set forth
 956 in this subsection are general guidelines to be followed at the
 957 discretion of the court and not mandatory requirements of
 958 procedure. It is not the intent of the Legislature to provide
 959 for the appeal of the disposition made under this section.

960 (7) If the court determines that the child should be
 961 adjudicated as having committed a delinquent act and should be
 962 committed to the department, such determination shall be in
 963 writing or on the record of the hearing. The determination shall
 964 include a specific finding of the reasons for the decision to
 965 adjudicate and to commit the child to the department, including
 966 any determination that the child was a member of an organized
 967 crime group ~~a criminal street gang~~.

968 (a) The juvenile probation officer shall recommend to the
 969 court the most appropriate placement and treatment plan,
 970 specifically identifying the restrictiveness level most
 971 appropriate for the child. If the court has determined that the

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972 child was a member of an organized crime group ~~a criminal street~~
973 ~~gang~~, that determination shall be given great weight in
974 identifying the most appropriate restrictiveness level for the
975 child. The court shall consider the department's recommendation
976 in making its commitment decision.

977 (b) The court shall commit the child to the department at
978 the restrictiveness level identified or may order placement at a
979 different restrictiveness level. The court shall state for the
980 record the reasons that establish by a preponderance of the
981 evidence why the court is disregarding the assessment of the
982 child and the restrictiveness level recommended by the
983 department. Any party may appeal the court's findings resulting
984 in a modified level of restrictiveness under this paragraph.

985 (c) The court may also require that the child be placed in
986 a probation program following the child's discharge from
987 commitment. Community-based sanctions under subsection (8) may
988 be imposed by the court at the disposition hearing or at any
989 time prior to the child's release from commitment.

990 Section 26. The Division of Statutory Revision is directed
991 to redesignate the title of chapter 874, Florida Statutes, as
992 "Organized Criminal Activity Enforcement and Prevention."

993 Section 27. This act shall take effect July 1, 2007.