

1 A bill to be entitled
2 An act relating to criminal activity; amending s. 775.13,
3 F.S.; requiring certain felons whose offenses related to
4 criminal gangs to register; providing penalties; amending
5 s. 790.23, F.S.; providing penalties for certain persons
6 possessing a firearm; creating s. 790.231, F.S.;
7 prohibiting possession of bulletproof vests by certain
8 individuals; providing penalties; amending s. 823.05,
9 F.S.; revising provisions relating to the enjoining of
10 public nuisances to include certain nuisances related to
11 criminal gangs and criminal gang activities; providing for
12 enjoining such nuisances; providing for local laws;
13 amending s. 874.01, F.S.; revising a short title; amending
14 s. 874.02, F.S.; revising legislative findings and intent;
15 amending s. 874.03, F.S.; creating and revising
16 definitions; redefining "criminal street gangs" as
17 "criminal gangs"; amending s. 874.04, F.S.; conforming
18 provisions; revising an evidentiary standard; creating s.
19 874.045, F.S.; providing that chapter 874, F.S., does not
20 preclude arrest and prosecution under other specified
21 provisions; amending s. 874.05, F.S.; revising provisions
22 relating to soliciting or causing another to join a
23 criminal gang; amending s. 874.06, F.S.; authorizing the
24 state to bring civil actions for certain violations;
25 providing that a plaintiff has a superior claim to
26 property or proceeds; providing penalties for knowing
27 violation of certain orders; amending s. 874.08, F.S.;
28 conforming provisions relating to forfeiture; amending s.

29 874.09, F.S.; providing additional powers for the
30 Department of Law Enforcement and local law enforcement
31 agencies relating to crime data information; creating s.
32 874.10, F.S.; prohibiting persons from initiating,
33 organizing, planning, financing, directing, managing, or
34 supervising criminal gang-related activity; providing
35 penalties; creating s. 874.11, F.S.; prohibiting use of
36 electronic communications to further the interests of a
37 criminal gang; providing penalties; creating s. 874.12,
38 F.S.; defining the term "identification document";
39 prohibiting possession of certain identification documents
40 for specified purposes; providing penalties; creating s.
41 874.13, F.S.; prohibiting certain offenders from
42 committing gang-related crimes; providing penalties;
43 creating s. 874.14, F.S.; providing definitions; providing
44 for the suspension of driver's licenses for certain
45 offenses; amending s. 895.02, F.S.; adding certain
46 offenses to the definition of "racketeering activity";
47 conforming terminology to changes made by this act;
48 amending s. 903.046, F.S.; adding to the list of items a
49 court may consider when determining whether to release a
50 defendant on bail; amending s. 914.22, F.S.; revising the
51 penalties for tampering with or harassing witnesses;
52 amending s. 943.031, F.S.; revising provisions relating to
53 the Florida Violent Crime and Drug Control Council;
54 providing duties concerning criminal gangs; creating the
55 Drug Control Strategy and Criminal Gangs Committee;
56 providing for duties of the committee concerning funding

57 of certain programs; providing for reports; creating s.
 58 948.033, F.S., prohibiting certain probationers or
 59 community controllees from communicating with criminal
 60 gang members; providing exceptions; amending s. 947.18,
 61 F.S.; prohibiting certain parolees from communicating with
 62 criminal gang members; providing exceptions; amending s.
 63 947.1405, F.S.; prohibiting certain conditional releasees
 64 from communicating with criminal gang members; providing
 65 exceptions; amending s. 893.138, F.S.; conforming
 66 terminology to changes made by this act; amending s.
 67 921.0022, F.S.; adding offenses to the offense severity
 68 ranking chart of the Criminal Punishment Code; conforming
 69 terminology to changes made by this act; amending ss.
 70 921.0024, 921.141, 943.325, 984.03, 985.03, 985.047, and
 71 985.433, F.S.; conforming cross-references and terminology
 72 to changes made by this act; providing a directive to the
 73 Division of Statutory Revision; providing an effective
 74 date.

75
 76 Be It Enacted by the Legislature of the State of Florida:

77
 78 Section 1. Subsections (2), (4), (5), (6), and (7) of
 79 section 775.13, Florida Statutes, are amended to read:

80 775.13 Registration of convicted felons, exemptions;
 81 penalties.--

82 (2) Any person who has been convicted of a felony in any
 83 court of this state shall, within 48 hours after entering any
 84 county in this state, register with the sheriff of said county,

85 be fingerprinted and photographed, and list the crime for which
86 convicted, place of conviction, sentence imposed, if any, name,
87 aliases, if any, address, and occupation. If the felony
88 conviction is for an offense that was found, pursuant to s.
89 874.04, to have been committed for the purpose of benefiting,
90 promoting, or furthering the interests of a criminal gang, the
91 registrant shall identify himself or herself as such an
92 offender. The Department of Law Enforcement, in consultation
93 with appropriate local law enforcement agencies, may develop
94 standardized practices for the inclusion of gang affiliation at
95 the time of offender registration.

96 ~~(4) In lieu of registering with the sheriff as required by~~
97 ~~this section, such registration may be made with the Department~~
98 ~~of Law Enforcement, and is subject to the same terms and~~
99 ~~conditions as required for registration with the sheriff.~~

100 (4)-(5) This section does not apply to an offender:

101 (a) Who has had his or her civil rights restored;

102 (b) Who has received a full pardon for the offense for
103 which convicted;

104 (c) Who has been lawfully released from incarceration or
105 other sentence or supervision for a felony conviction for more
106 than 5 years prior to such time for registration, unless the
107 offender is a fugitive from justice on a felony charge or has
108 been convicted of any offense since release from such
109 incarceration or other sentence or supervision;

110 (d) Who is a parolee or probationer under the supervision
111 of the United States Parole Commission if the commission knows
112 of and consents to the presence of the offender in Florida or is

113 a probationer under the supervision of any federal probation
 114 officer in the state or who has been lawfully discharged from
 115 such parole or probation;

116 (e) Who is a sexual predator and has registered as
 117 required under s. 775.21;

118 (f) Who is a sexual offender and has registered as
 119 required in s. 943.0435 or s. 944.607; or

120 (g) Who is a career offender who has registered as
 121 required in s. 775.261 or s. 944.609.

122 ~~(5)(6)~~ The failure of any such convicted felon to comply
 123 with this section:

124 (a) With regard to any felon not listed in paragraph (b),
 125 constitutes a misdemeanor of the second degree, punishable as
 126 provided in s. 775.082 or s. 775.083.

127 (b) With regard to any felon who has been found, pursuant
 128 to s. 874.04, to have committed any offense for the purpose of
 129 benefiting, promoting, or furthering the interests of a criminal
 130 gang, constitutes a felony of the third degree, punishable as
 131 provided in s. 775.082, s. 775.083, or s. 775.084.

132 ~~(6)(7) All laws and parts of laws in conflict herewith are~~
 133 ~~hereby repealed, provided that~~ Nothing in this section shall be
 134 construed to affect any law of this state relating to
 135 registration of criminals where the penalties for registration,
 136 notification, or reporting obligations are in addition to, or in
 137 excess of, those imposed by this section.

138 Section 2. Section 790.23, Florida Statutes, is amended to
 139 read:

140 790.23 Felons and delinquents; possession of firearms,
141 ammunition, or electric weapons or devices unlawful.--

142 (1) It is unlawful for any person to own or to have in his
143 or her care, custody, possession, or control any firearm,
144 ammunition, or electric weapon or device, or to carry a
145 concealed weapon, including a tear gas gun or chemical weapon or
146 device, if that person has been:

147 (a) Convicted of a felony in the courts of this state;

148 (b) Found, in the courts of this state, to have committed
149 a delinquent act that would be a felony if committed by an adult
150 and such person is under 24 years of age;

151 (c) Convicted of or found to have committed a crime
152 against the United States which is designated as a felony;

153 (d) Found to have committed a delinquent act in another
154 state, territory, or country that would be a felony if committed
155 by an adult and which was punishable by imprisonment for a term
156 exceeding 1 year and such person is under 24 years of age; or

157 (e) Found guilty of an offense that is a felony in another
158 state, territory, or country and which was punishable by
159 imprisonment for a term exceeding 1 year.

160 (2) This section shall not apply to a person convicted of
161 a felony whose civil rights and firearm authority have been
162 restored.

163 (3) Except as otherwise provided in subsection (4), any
164 person who violates this section commits a felony of the second
165 degree, punishable as provided in s. 775.082, s. 775.083, or s.
166 775.084.

167 (4) Notwithstanding the provisions of s. 874.04, if the
 168 offense described in subsection (1) has been committed by a
 169 person who has previously qualified or currently qualifies for
 170 the penalty enhancements provided for in s. 874.04, the offense
 171 is a felony of the first degree, punishable by a term of years
 172 not exceeding life or as provided in s. 775.082, s. 775.083, or
 173 s. 775.084.

174 Section 3. Section 790.231, Florida Statutes, is created
 175 to read:

176 790.231 Felons and delinquents; possession of bulletproof
 177 vests.--

178 (1) It is unlawful for any person to possess a bulletproof
 179 vest, as defined in s. 775.0846, if he or she has been:

180 (a) Convicted of a felony in the courts of this state;

181 (b) Found, in the courts of this state, to have committed
 182 a delinquent act that would be a felony if committed by an adult
 183 and such person is under 24 years of age;

184 (c) Convicted of or found to have committed a crime
 185 against the United States which is designated as a felony;

186 (d) Found to have committed a delinquent act in another
 187 state, territory, or country that would be a felony if committed
 188 by an adult and which was punishable by imprisonment for a term
 189 exceeding 1 year and such person is under 24 years of age; or

190 (e) Convicted of or found to have committed an offense
 191 that is a felony in another state, territory, or country and
 192 which was punishable by imprisonment for a term exceeding 1
 193 year.

194 (f) Found, pursuant to s. 874.04, to have committed any

195 offense for the purpose of benefiting, promoting, or furthering
 196 the interests of a criminal gang.

197 (2) This section shall not apply to the following:

198 (a) Persons convicted of a felony whose civil rights and
 199 firearm authority have been restored.

200 (b) Persons authorized to possess a bulletproof vest by
 201 law enforcement officials, prosecutorial authorities, or courts
 202 for the purpose of aiding in the investigation of criminal
 203 activity.

204 (3) Any person who violates this section commits a felony
 205 of the third degree, punishable as provided in s. 775.082, s.
 206 775.083, or s. 775.084.

207 Section 4. Section 823.05, Florida Statutes, is amended to
 208 read:

209 823.05 Places and groups engaged in criminal gang-related
 210 activity declared a nuisance; may be abated and enjoined.--

211 (1) Whoever shall erect, establish, continue, or maintain,
 212 own or lease any building, booth, tent or place which tends to
 213 annoy the community or injure the health of the community, or
 214 become manifestly injurious to the morals or manners of the
 215 people as described in s. 823.01, ~~or shall be frequented by the~~
 216 ~~class of persons mentioned in s. 856.02,~~ or any house or place
 217 of prostitution, assignation, lewdness or place or building
 218 where games of chance are engaged in violation of law or any
 219 place where any law of the state is violated, shall be deemed
 220 guilty of maintaining a nuisance, and the building, erection,
 221 place, tent or booth and the furniture, fixtures, and contents

222 are declared a nuisance. All such places or persons shall be
223 abated or enjoined as provided in ss. 60.05 and 60.06.

224 (2) (a) As used in this subsection, the terms "criminal
225 gang," "criminal gang member," "criminal gang associate," and
226 "criminal gang-related activity" have the same meanings as
227 provided in s. 874.03.

228 (b) A criminal gang, criminal gang member, or criminal
229 gang associate who engages in the commission of criminal gang-
230 related activity is a public nuisance. Any and all such persons
231 shall be abated or enjoined as provided in ss. 60.05 and 60.06.

232 (c) The use of a location on two or more occasions by a
233 criminal gang, criminal gang members, or criminal gang
234 associates for the purpose of engaging in criminal gang-related
235 activity is a public nuisance. Such use of a location as a
236 public nuisance shall be abated or enjoined as provided in ss.
237 60.05 and 60.06.

238 (d) Nothing in this subsection shall prevent a local
239 governing body from adopting and enforcing laws consistent with
240 this chapter relating to criminal gangs and gang violence. Where
241 local laws duplicate or supplement this chapter, this chapter
242 shall be construed as providing alternative remedies and not as
243 preempting the field.

244 (e) The state, through the Department of Legal Affairs or
245 any state attorney, or any of the state's agencies,
246 instrumentalities, subdivisions, or municipalities having
247 jurisdiction over conduct in violation of a provision of this
248 chapter may institute civil proceedings under this subsection.
249 In any action brought under this subsection, the circuit court

250 shall proceed as soon as practicable to the hearing and
 251 determination. Pending final determination, the circuit court
 252 may at any time enter such injunctions, prohibitions, or
 253 restraining orders, or take such actions, including the
 254 acceptance of satisfactory performance bonds, as the court may
 255 deem proper.

256 Section 5. Section 874.01, Florida Statutes, is amended to
 257 read:

258 874.01 Short title.--This chapter may be cited as the
 259 "Criminal ~~Street~~ Gang Prevention Act ~~of 1996~~."

260 Section 6. Section 874.02, Florida Statutes, is amended to
 261 read:

262 874.02 Legislative findings and intent.--

263 (1) The Legislature finds that it is the right of every
 264 person, regardless of race, color, creed, religion, national
 265 origin, sex, age, sexual orientation, or handicap, to be secure
 266 and protected from fear, intimidation, and physical harm caused
 267 by the activities of criminal ~~street~~ gangs and their members. It
 268 is not the intent of this chapter to interfere with the exercise
 269 of the constitutionally protected rights of freedom of
 270 expression and association. The Legislature recognizes the
 271 constitutional right of every citizen to harbor and express
 272 beliefs on any lawful subject whatsoever, to lawfully associate
 273 with others who share similar beliefs, to petition lawfully
 274 constituted authority for a redress of perceived grievances, and
 275 to participate in the electoral process.

276 (2) The Legislature finds, however, that the state is
 277 facing a mounting crisis caused by criminal ~~street~~ gangs whose

278 members threaten and terrorize peaceful citizens and commit a
 279 multitude of crimes. These criminal ~~street~~ gang activities, both
 280 individually and collectively, present a clear and present
 281 danger. Street gangs, terrorist organizations, and hate groups
 282 have evolved into increasingly sophisticated and complex
 283 organized crime groups in their criminal tactics, schemes, and
 284 brutality. The state has a compelling interest in preventing
 285 criminal ~~street~~ gang activity and halting the real and present
 286 danger posed by the proliferation of criminal gangs and the
 287 graduation from more primitive forms of criminal gangs to highly
 288 sophisticated criminal gangs. For these reasons, ~~and~~ the
 289 Legislature finds that the provisions of this chapter ~~act~~ are
 290 essential ~~necessary~~ to maintain the public order and safety.

291 (3) It is the intent of the Legislature to outlaw certain
 292 conduct associated with the existence and proliferation of
 293 criminal gangs, provide ~~eradicate the terror created by criminal~~
 294 ~~street gangs and their members by providing~~ enhanced criminal
 295 penalties, and eliminate ~~and by eliminating~~ the patterns,
 296 profits, proceeds, instrumentalities, and property facilitating
 297 criminal ~~street~~ gang activity, including criminal ~~street~~ gang
 298 recruitment.

299 (4) The Legislature finds that the timely reporting and
 300 exchange of criminal gang information facilitates the ability of
 301 law enforcement agencies to monitor and anticipate criminal
 302 activities of gangs and their members. Additionally, the timely
 303 and standardized reporting of such criminal gang information
 304 supports the identification of gang members via the criminal
 305 justice information system and directly contributes to law

306 enforcement officers' safety. For these reasons, it is the
 307 intent of the Legislature to encourage state and local law
 308 enforcement agencies to facilitate the exchange of crime data
 309 information through the statewide criminal gang database as
 310 provided in s. 874.09.

311 Section 7. Section 874.03, Florida Statutes, is amended to
 312 read:

313 874.03 Definitions.--As used in this chapter:

314 (1) "Criminal ~~street~~ gang" means a formal or informal
 315 ongoing organization, association, or group that has as one of
 316 its primary activities the commission of criminal or delinquent
 317 acts, and that consists of three or more persons who have a
 318 common name or common identifying signs, colors, or symbols,
 319 including, but not limited to, terrorist organizations and hate
 320 groups ~~and have two or more members who, individually or~~
 321 ~~collectively, engage in or have engaged in a pattern of criminal~~
 322 ~~street gang activity.~~

323 (a) As used in this subsection, "ongoing" means that the
 324 organization was in existence during the time period charged in
 325 a petition, information, indictment, or action for civil
 326 injunctive relief.

327 (b) As used in this subsection, "primary activities" means
 328 that a criminal gang spends a substantial amount of time engaged
 329 in such activity, although such activity need not be the only,
 330 or even the most important activity, in which the criminal gang
 331 engages.

332 (2) "Criminal gang associate" means a person who:

333 (a) Admits to criminal gang association; or

334 (b) Meets any single defining criterion for criminal gang
 335 membership described in subsection (3).

336 ~~(3)(2)~~ "Criminal ~~street~~ gang member" is a person who ~~is a~~
 337 ~~member of a criminal street gang as defined in subsection (1)~~
 338 ~~and who~~ meets two or more of the following criteria:

339 (a) Admits to criminal ~~street~~ gang membership.

340 (b) Is identified as a criminal ~~street~~ gang member by a
 341 parent or guardian.

342 (c) Is identified as a criminal ~~street~~ gang member by a
 343 documented reliable informant.

344 (d) Adopts the style of dress of a criminal gang ~~Resides~~
 345 ~~in or frequents a particular criminal street gang's area and~~
 346 ~~adopts their style of dress, their use of hand signs, or their~~
 347 ~~tattoos, and associates with known criminal street gang members.~~

348 (e) Adopts the use of a hand sign identified as used by a
 349 criminal gang.

350 (f) Has a tattoo identified as used by a criminal gang.

351 (g) Associates with one or more known criminal gang
 352 members.

353 ~~(h)(e)~~ Is identified as a criminal ~~street~~ gang member by
 354 an informant of previously untested reliability and such
 355 identification is corroborated by independent information.

356 ~~(f)~~ ~~Has been arrested more than once in the company of~~
 357 ~~identified criminal street gang members for offenses which are~~
 358 ~~consistent with usual criminal street gang activity.~~

359 ~~(i)(g)~~ Is identified as a criminal ~~street~~ gang member by
 360 physical evidence ~~such as photographs or other documentation.~~

361 ~~(j)(h)~~ Has been observed ~~stopped~~ in the company of one or
362 more known criminal ~~street~~ gang members four or more times.
363 Observation in a custodial setting requires a willful
364 association. It is the intent of the legislature to allow this
365 criterion to be used to identify gang members who recruit and
366 organize in jails, prisons, and other detention settings.

367 (k) Has authored any communication indicating
368 responsibility for the commission of any crime by the criminal
369 gang.

370

371 Where a single act or factual transaction satisfies the
372 requirements of more than one of the criteria in this
373 subsection, each of those criteria has thereby been satisfied
374 for the purposes of the statute.

375 ~~(3) "Pattern of criminal street gang activity" means the~~
376 ~~commission or attempted commission of, or solicitation or~~
377 ~~conspiracy to commit, two or more felony or three or more~~
378 ~~misdemeanor offenses, or one felony and two misdemeanor~~
379 ~~offenses, or the comparable number of delinquent acts or~~
380 ~~violations of law which would be felonies or misdemeanors if~~
381 ~~committed by an adult, on separate occasions within a 3-year~~
382 ~~period.~~

383 ~~(4) For purposes of law enforcement identification and~~
384 ~~tracking only:~~

385 ~~(a) "criminal street gang associate" means a person who:~~

386 ~~1. Admits to criminal street gang association; or~~

387 ~~2. Meets any single defining criterion for criminal street~~
388 ~~gang membership described in subsection (2).~~

389 ~~(b) "Gang related incident" means an incident that, upon~~
 390 ~~investigation, meets any of the following conditions:~~

391 ~~1. The participants are identified as criminal street gang~~
 392 ~~members or criminal street gang associates, acting, individually~~
 393 ~~or collectively, to further any criminal purpose of the gang;~~

394 ~~2. A reliable informant identifies an incident as criminal~~
 395 ~~street gang activity; or~~

396 ~~3. an informant of previously untested reliability~~
 397 ~~identifies an incident as criminal street gang activity and it~~
 398 ~~is corroborated by independent information.~~

399 (4) "Criminal gang-related activity" means:

400 (a) An activity committed with the intent to benefit,
 401 promote, or further the interests of a criminal gang, or for the
 402 purposes of increasing a person's own standing or position
 403 within a criminal gang;

404 (b) An activity in which the participants are identified
 405 as criminal gang members or criminal gang associates acting
 406 individually or collectively to further any criminal purpose of
 407 a criminal gang;

408 (c) An activity that is identified as criminal gang
 409 activity by a documented reliable informant; or

410 (d) An activity that is identified as criminal gang
 411 activity by an informant of previously untested reliability and
 412 such identification is corroborated by independent information.

413 (5) "Electronic communication" has the meaning provided in
 414 s. 934.02 and includes, but is not limited to, photographs,
 415 video, telephone communications, text messages, facsimile,
 416 electronic mail messages as defined in s. 668.602, and instant

417 message real-time communications with other individuals through
 418 the Internet or other means.

419 (6) "Hate group" means an organization whose primary
 420 purpose is to promote animosity, hostility, and malice against a
 421 person or persons or against the property of a person or persons
 422 because of race, religion, disability, sexual orientation,
 423 ethnicity, or national origin.

424 (7) "Terrorist organization" means any organized group
 425 engaged in or organized for the purpose of engaging in terrorism
 426 as defined in s. 775.30. This definition shall not be construed
 427 to prevent prosecution under this chapter of individuals acting
 428 alone.

429 Section 8. Section 874.04, Florida Statutes, is amended to
 430 read:

431 874.04 Gang-related offenses ~~Criminal street gang~~
 432 ~~activity~~; enhanced penalties.--Upon a finding by the factfinder
 433 ~~court at sentencing~~ that the defendant committed the charged
 434 offense for the purpose of benefiting, promoting, or furthering
 435 the interests of a criminal ~~street~~ gang, the penalty for any
 436 felony or misdemeanor, or any delinquent act or violation of law
 437 which would be a felony or misdemeanor if committed by an adult,
 438 may be enhanced. Penalty enhancement affects the applicable
 439 statutory maximum penalty only. Each of the findings required as
 440 a basis for such sentence shall be found beyond a reasonable
 441 doubt ~~by a preponderance of the evidence~~. The enhancement will
 442 be as follows:

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

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

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

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

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

458
 459 For purposes of sentencing under chapter 921 and determining
 460 incentive gain-time eligibility under chapter 944, such felony
 461 offense is ranked as provided in s. 921.0022 or s. 921.0023, and
 462 without regard to the penalty enhancement in this subsection.
 463 ~~For purposes of this section, penalty enhancement affects the~~
 464 ~~applicable statutory maximum penalty only.~~

465 Section 9. Section 874.045, Florida Statutes, is created
 466 to read:

467 874.045 Arrest and prosecution under other
 468 provisions.--Nothing in this chapter shall prohibit the arrest
 469 and prosecution of a criminal gang member under chapter 876,
 470 chapter 895, chapter 896, s. 893.20, or any other applicable
 471 provision of law except to the extent otherwise prohibited
 472 pursuant to a statutory or constitutional provision.

473 Section 10. Section 874.05, Florida Statutes, is amended
 474 to read:

475 874.05 Causing, encouraging, soliciting, or recruiting
 476 criminal ~~street~~ gang membership.--

477 (1) Except as provided in subsection (2), a person who
 478 intentionally causes, encourages, solicits, or recruits another
 479 person to become a criminal gang member where ~~join a criminal~~
 480 ~~street gang that requires as~~ a condition of membership or
 481 continued membership is the commission of any crime commits a
 482 felony of the third degree, punishable as provided in s.
 483 775.082, s. 775.083, or s. 775.084.

484 (2) A person who commits ~~Upon~~ a second or subsequent
 485 violation offense, ~~the person~~ commits a felony of the second
 486 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 487 775.084.

488 Section 11. Section 874.06, Florida Statutes, is amended
 489 to read:

490 874.06 Civil cause of action.--

491 (1) A person or organization establishing, by clear and
 492 convincing evidence, coercion, intimidation, threats, or other
 493 harm to that person or organization in violation of this chapter
 494 has a civil cause of action for treble damages, an injunction,
 495 or any other appropriate relief in law or equity. Upon
 496 prevailing, the plaintiff may recover ~~reasonable~~ attorney's fees
 497 in the trial and appellate courts and the costs of investigation
 498 and litigation that are reasonably incurred ~~and costs.~~

499 (2) (a) For purposes of this subsection, the term "state"
 500 includes any of the state's agencies, instrumentalities,

501 subdivisions, or municipalities, and includes, but is not
 502 limited to, state attorneys and the Office of Statewide
 503 Prosecution of the Department of Legal Affairs.

504 (b) In addition to any remedies provided for by ss. 60.05
 505 and 823.05, the state has a civil cause of action against any
 506 person or organization if it proves by clear and convincing
 507 evidence that it has been injured by reason of a violation of
 508 this chapter by the person or organization. The state has a
 509 civil cause of action for treble damages, injunctive relief, or
 510 any other relief in law or equity which the court deems
 511 appropriate. If the state prevails, it may also recover
 512 attorney's fees in the trial and appellate courts and the costs
 513 of investigation and litigation that are reasonably incurred.
 514 The state may not recover punitive damages. The defendant is
 515 entitled to recover reasonable attorney's fees and court costs
 516 if the court finds that the state raised a claim that was
 517 without factual or legal support and was vexatious, frivolous,
 518 or brought in bad faith.

519 (3) A prevailing plaintiff under subsection (1) has a
 520 right or claim that is superior to any right or claim that the
 521 state has in the same property or proceeds.

522 (4) A person who knowingly violates a temporary or
 523 permanent order issued under this section or s. 60.05 commits a
 524 misdemeanor of the first degree, punishable as provided in s.
 525 775.082 or s. 775.083.

526 Section 12. Section 874.08, Florida Statutes, is amended
 527 to read:

528 874.08 Criminal gang activity and ~~Profits, proceeds, and~~
 529 ~~instrumentalities of criminal street gangs or criminal street~~
 530 ~~gang~~ recruitment; forfeiture.--All profits, proceeds, and
 531 instrumentalities of criminal ~~street~~ gang activity and all
 532 property used or intended or attempted to be used to facilitate
 533 the criminal activity of any criminal ~~street~~ gang or of any
 534 criminal ~~street~~ gang member; and all profits, proceeds, and
 535 instrumentalities of criminal ~~street~~ gang recruitment and all
 536 property used or intended or attempted to be used to facilitate
 537 criminal ~~street~~ gang recruitment are subject to seizure and
 538 forfeiture under the Florida Contraband Forfeiture Act, s.
 539 932.704.

540 Section 13. Section 874.09, Florida Statutes, is amended
 541 to read:

542 874.09 Crime data information.--

543 (1) The Department of Law Enforcement may:

544 (a) Develop and manage a statewide criminal ~~street~~ gang
 545 database to facilitate the exchange of information pursuant to
 546 the intent and purpose of this chapter.

547 (b) Notify all law enforcement agencies that reports of
 548 criminal gang members or associates shall be entered into the
 549 database as soon as the minimum level of data specified by the
 550 department is available to the reporting agency and no waiting
 551 period for the entry of that data exists.

552 (c) Compile and retain information regarding criminal
 553 gangs and their members and associates in a manner that allows
 554 the information to be used by law enforcement and other agencies
 555 deemed appropriate for investigative purposes.

556 (d) Compile and maintain a data repository relating to
557 criminal gangs and their members and associates in order to
558 develop and improve techniques used by law enforcement agencies
559 and prosecutors in the investigation, apprehension, and
560 prosecution of members and affiliates of criminal gangs.

561 (2) Local law enforcement agencies may:

562 (a) After carrying out any arrest of any individual who
563 they believe is a member or associate of a criminal gang, create
564 or update that individual's electronic file within the database.

565 (b) Notify the prosecutor of the accused individual's
566 suspected criminal gang membership or associate status.

567 Section 14. Section 874.10, Florida Statutes, is created
568 to read:

569 874.10 Directing the activities of a criminal gang.--Any
570 person who initiates, organizes, plans, finances, directs,
571 manages, or supervises criminal gang-related activity commits a
572 felony of the first degree, punishable by imprisonment for a
573 term of years not exceeding life or as provided in s. 775.082,
574 s. 775.083, or s. 775.084.

575 Section 15. Section 874.11, Florida Statutes, is created
576 to read:

577 874.11 Electronic communication.--Any person who, for the
578 purpose of benefiting, promoting, or furthering the interests of
579 a criminal gang, uses electronic communication to intimidate or
580 harass other persons, or to advertise his or her presence in the
581 community, including, but not limited to, such activities as
582 distributing, selling, transmitting, or posting on the Internet
583 any audio, video, or still image of criminal activity, commits a

584 felony of the third degree, punishable as provided in s.
585 775.082, s. 775.083, or s. 775.084.

586 Section 16. Section 874.12, Florida Statutes, is created
587 to read:

588 874.12 Identification documents; unlawful possession or
589 creation.--

590 (1) For purposes of this section, the term "identification
591 document" includes, but is not limited to, a social security
592 card or number, a birth certificate, a driver's license, an
593 identification card issued pursuant to s. 322.051, a
594 naturalization certificate, an alien registration number, a
595 passport, and any access credentials for a publicly operated
596 facility or an infrastructure facility covered under 18 U.S.C.
597 s. 2332f.

598 (2) Any person possessing or manufacturing any blank,
599 forged, stolen, fictitious, fraudulent, counterfeit, or
600 otherwise unlawfully issued identification document for the
601 purpose of benefiting, promoting, or furthering the interests of
602 a criminal gang commits a felony of the second degree,
603 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

604 Section 17. Section 874.13, Florida Statutes, is created
605 to read:

606 874.13 Commission of a gang-related offense by a habitual
607 felony offender.--Any person who qualifies as a habitual felony
608 offender under s. 775.084 and who thereafter commits an offense
609 that was found, pursuant to s. 874.04, to have been committed
610 for the purpose of benefiting, promoting, or furthering the
611 interests of a criminal gang, commits a felony of the first

612 degree, punishable by a term of years not exceeding life or as
 613 provided in s. 775.082, s. 775.083, or s. 775.084.

614 Section 18. Section 874.14, Florida Statutes, is created
 615 to read:

616 874.14 Suspension of driver's license.--

617 (1) For purposes of this section:

618 (a) "Department" means the Department of Highway Safety
 619 and Motor Vehicles.

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

623 (2) In addition to any other penalty provided by law, the
 624 court shall order the suspension of the driver's license of each
 625 person convicted or adjudicated delinquent of any offense
 626 contained in this chapter and of any person who has been found
 627 to have committed any offense for the purpose of benefiting,
 628 promoting, or furthering the interests of a criminal gang
 629 pursuant to s. 874.04. Upon ordering the suspension of the
 630 driver's license, the court shall forward the driver's license
 631 to the department in accordance with s. 322.25.

632 (a) The first suspension of a driver's license under this
 633 subsection shall be for a period of 6 months.

634 (b) A second or subsequent suspension of a driver's
 635 license under this subsection shall be for 1 year.

636 (3) A court that suspends a driver's license pursuant to
 637 subsection (2) shall, if the person is sentenced to a term of
 638 incarceration, direct the department to commence the suspension
 639 of the person's driver's license upon the person's release from

640 incarceration.

641 (4) A person whose driver's license has been suspended
 642 under subsection (2) is eligible for issuance of a license for
 643 business or employment purposes only under s. 322.271 if the
 644 person is otherwise eligible for the driving privilege.

645 Section 19. Paragraph (a) of subsection (1) and subsection
 646 (3) of section 895.02, Florida Statutes, are amended to read:

647 895.02 Definitions.--As used in ss. 895.01-895.08, the
 648 term:

649 (1) "Racketeering activity" means to commit, to attempt to
 650 commit, to conspire to commit, or to solicit, coerce, or
 651 intimidate another person to commit:

652 (a) Any crime that is chargeable by petition, indictment,
 653 or information under the following provisions of the Florida
 654 Statutes:

655 1. Section 210.18, relating to evasion of payment of
 656 cigarette taxes.

657 2. Section 316.1935, relating to fleeing or attempting to
 658 elude a law enforcement officer and aggravated feeling or
 659 eluding.

660 ~~3.2.~~ Section 403.727(3) (b), relating to environmental
 661 control.

662 ~~4.3.~~ Section 409.920 or s. 409.9201, relating to Medicaid
 663 fraud.

664 ~~5.4.~~ Section 414.39, relating to public assistance fraud.

665 ~~6.5.~~ Section 440.105 or s. 440.106, relating to workers'
 666 compensation.

667 ~~7.6.~~ Section 443.071(4), relating to creation of a
 668 fictitious employer scheme to commit unemployment compensation
 669 fraud.

670 ~~8.7.~~ Section 465.0161, relating to distribution of
 671 medicinal drugs without a permit as an Internet pharmacy.

672 ~~9.8.~~ Sections 499.0051, 499.0052, 499.00535, 499.00545,
 673 and 499.0691, relating to crimes involving contraband and
 674 adulterated drugs.

675 ~~10.9.~~ Part IV of chapter 501, relating to telemarketing.

676 ~~11.10.~~ Chapter 517, relating to sale of securities and
 677 investor protection.

678 ~~12.11.~~ Section 550.235, s. 550.3551, or s. 550.3605,
 679 relating to dogracing and horseracing.

680 ~~13.12.~~ Chapter 550, relating to jai alai frontons.

681 ~~14.13.~~ Section 551.109, relating to slot machine gaming.

682 ~~15.14.~~ Chapter 552, relating to the manufacture,
 683 distribution, and use of explosives.

684 ~~16.15.~~ Chapter 560, relating to money transmitters, if the
 685 violation is punishable as a felony.

686 ~~17.16.~~ Chapter 562, relating to beverage law enforcement.

687 ~~18.17.~~ Section 624.401, relating to transacting insurance
 688 without a certificate of authority, s. 624.437(4)(c)1., relating
 689 to operating an unauthorized multiple-employer welfare
 690 arrangement, or s. 626.902(1)(b), relating to representing or
 691 aiding an unauthorized insurer.

692 ~~19.18.~~ Section 655.50, relating to reports of currency
 693 transactions, when such violation is punishable as a felony.

694 ~~20.19.~~ Chapter 687, relating to interest and usurious
695 practices.

696 ~~21.20.~~ Section 721.08, s. 721.09, or s. 721.13, relating
697 to real estate timeshare plans.

698 22. Section 775.13(5)(b), relating to registration of
699 persons found to have committed any offense for the purpose of
700 benefiting, promoting, or furthering the interests of a criminal
701 gang.

702 23. Section 777.03, relating to commission of crimes by
703 accessories after the fact.

704 ~~24.21.~~ Chapter 782, relating to homicide.

705 ~~25.22.~~ Chapter 784, relating to assault and battery.

706 ~~26.23.~~ Chapter 787, relating to kidnapping or human
707 trafficking.

708 ~~27.24.~~ Chapter 790, relating to weapons and firearms.

709 28. Chapter 794, relating to sexual battery, but only if
710 such crime was committed with the intent to benefit, promote, or
711 further the interests of a criminal gang, or for the purpose of
712 increasing a criminal gang member's own standing or position
713 within a criminal gang.

714 ~~29.25.~~ Section 796.03, s. 796.035, s. 796.04, s. 796.045,
715 s. 796.05, or s. 796.07, relating to prostitution and sex
716 trafficking.

717 ~~30.26.~~ Chapter 806, relating to arson and criminal
718 mischief.

719 31.27. Chapter 810 Section 810.02(2)(c), relating to
720 specified burglary and trespass of a dwelling or structure.

721 ~~32.28.~~ Chapter 812, relating to theft, robbery, and
 722 related crimes.

723 ~~33.29.~~ Chapter 815, relating to computer-related crimes.

724 ~~34.30.~~ Chapter 817, relating to fraudulent practices,
 725 false pretenses, fraud generally, and credit card crimes.

726 ~~35.31.~~ Chapter 825, relating to abuse, neglect, or
 727 exploitation of an elderly person or disabled adult.

728 ~~36.32.~~ Section 827.071, relating to commercial sexual
 729 exploitation of children.

730 ~~37.33.~~ Chapter 831, relating to forgery and
 731 counterfeiting.

732 ~~38.34.~~ Chapter 832, relating to issuance of worthless
 733 checks and drafts.

734 ~~39.35.~~ Section 836.05, relating to extortion.

735 ~~40.36.~~ Chapter 837, relating to perjury.

736 ~~41.37.~~ Chapter 838, relating to bribery and misuse of
 737 public office.

738 ~~42.38.~~ Chapter 843, relating to obstruction of justice.

739 ~~43.39.~~ Section 847.011, s. 847.012, s. 847.013, s. 847.06,
 740 or s. 847.07, relating to obscene literature and profanity.

741 ~~44.40.~~ Section 849.09, s. 849.14, s. 849.15, s. 849.23, or
 742 s. 849.25, relating to gambling.

743 ~~45.41.~~ Chapter 874, relating to criminal ~~street~~ gangs.

744 ~~46.42.~~ Chapter 893, relating to drug abuse prevention and
 745 control.

746 ~~47.43.~~ Chapter 896, relating to offenses related to
 747 financial transactions.

748 ~~48.44.~~ Sections 914.22 and 914.23, relating to tampering
 749 with or harassing a witness, victim, or informant, and
 750 retaliation against a witness, victim, or informant.

751 ~~49.45.~~ Sections 918.12 and 918.13, relating to tampering
 752 with jurors and evidence.

753 (3) "Enterprise" means any individual, sole
 754 proprietorship, partnership, corporation, business trust, union
 755 chartered under the laws of this state, or other legal entity,
 756 or any unchartered union, association, or group of individuals
 757 associated in fact although not a legal entity; and it includes
 758 illicit as well as licit enterprises and governmental, as well
 759 as other, entities. A criminal ~~street~~ gang, as defined in s.
 760 874.03, constitutes an enterprise.

761 Section 20. Subsection (2) of section 903.046, Florida
 762 Statutes, is amended to read:

763 903.046 Purpose of and criteria for bail determination.--

764 (2) When determining whether to release a defendant on
 765 bail or other conditions, and what that bail or those conditions
 766 may be, the court shall consider:

767 (a) The nature and circumstances of the offense charged.

768 (b) The weight of the evidence against the defendant.

769 (c) The defendant's family ties, length of residence in
 770 the community, employment history, financial resources, and
 771 mental condition.

772 (d) The defendant's past and present conduct, including
 773 any record of convictions, previous flight to avoid prosecution,
 774 or failure to appear at court proceedings. However, any
 775 defendant who had failed to appear on the day of any required

776 court proceeding in the case at issue, but who had later
777 voluntarily appeared or surrendered, shall not be eligible for a
778 recognizance bond; and any defendant who failed to appear on the
779 day of any required court proceeding in the case at issue and
780 who was later arrested shall not be eligible for a recognizance
781 bond or for any form of bond which does not require a monetary
782 undertaking or commitment equal to or greater than \$2,000 or
783 twice the value of the monetary commitment or undertaking of the
784 original bond, whichever is greater. Notwithstanding anything in
785 this section, the court has discretion in determining conditions
786 of release if the defendant proves circumstances beyond his or
787 her control for the failure to appear. This section may not be
788 construed as imposing additional duties or obligations on a
789 governmental entity related to monetary bonds.

790 (e) The nature and probability of danger which the
791 defendant's release poses to the community.

792 (f) The source of funds used to post bail or procure an
793 appearance bond, particularly whether the proffered funds, real
794 property, property, or any proposed collateral or bond premium
795 may be linked to or derived from the crime alleged to have been
796 committed or from any other criminal or illicit activities. The
797 burden of establishing the noninvolvement in or nonderivation
798 from criminal or other illicit activity of such proffered funds,
799 real property, property, or any proposed collateral or bond
800 premium falls upon the defendant or other person proffering them
801 to obtain the defendant's release.

802 (g) Whether the defendant is already on release pending
803 resolution of another criminal proceeding or on probation,
804 parole, or other release pending completion of a sentence.

805 (h) The street value of any drug or controlled substance
806 connected to or involved in the criminal charge. It is the
807 finding and intent of the Legislature that crimes involving
808 drugs and other controlled substances are of serious social
809 concern, that the flight of defendants to avoid prosecution is
810 of similar serious social concern, and that frequently such
811 defendants are able to post monetary bail using the proceeds of
812 their unlawful enterprises to defeat the social utility of
813 pretrial bail. Therefore, the courts should carefully consider
814 the utility and necessity of substantial bail in relation to the
815 street value of the drugs or controlled substances involved.

816 (i) The nature and probability of intimidation and danger
817 to victims.

818 (j) Whether there is probable cause to believe that the
819 defendant committed a new crime while on pretrial release.

820 (k) Any other facts that the court considers relevant.

821 (l) Whether the crime charged is a violation of chapter
822 874 or alleged to be subject to enhanced punishment under
823 chapter 874. If any such violation is charged against a
824 defendant or if the defendant is charged with a crime that is
825 alleged to be subject to such enhancement, he or she shall not
826 be eligible for release on bail or surety bond until the first
827 appearance on the case in order to ensure the full participation
828 of the prosecutor and the protection of the public.

829 Section 21. Section 914.22, Florida Statutes, is amended
 830 to read:

831 914.22 Tampering with or harassing a witness, victim, or
 832 informant; penalties.--

833 (1) A person who knowingly uses intimidation or physical
 834 force, or threatens another person, or attempts to do so, or
 835 engages in misleading conduct toward another person, or offers
 836 pecuniary benefit or gain to another person, with intent to
 837 cause or induce any person to:

838 (a) Withhold testimony, or withhold a record, document, or
 839 other object, from an official investigation or official
 840 proceeding;

841 (b) Alter, destroy, mutilate, or conceal an object with
 842 intent to impair the integrity or availability of the object for
 843 use in an official investigation or official proceeding;

844 (c) Evade legal process summoning that person to appear as
 845 a witness, or to produce a record, document, or other object, in
 846 an official investigation or an official proceeding;

847 (d) Be absent from an official proceeding to which such
 848 person has been summoned by legal process;

849 (e) Hinder, delay, or prevent the communication to a law
 850 enforcement officer or judge of information relating to the
 851 commission or possible commission of an offense or a violation
 852 of a condition of probation, parole, or release pending a
 853 judicial proceeding; or

854 (f) Testify untruthfully in an official investigation or
 855 an official proceeding,

856

857 commits the crime of tampering with a witness, victim, or
858 informant a felony of the third degree, punishable as provided
859 in s. 775.082, s. 775.083, or s. 775.084.

860 (2) Tampering with a witness, victim, or informant is a:

861 (a) Felony of the third degree, punishable as provided in
862 s. 775.082, s. 775.083, or s. 775.084, where the official
863 investigation or official proceeding affected involves the
864 investigation or prosecution of a misdemeanor.

865 (b) Felony of the second degree, punishable as provided in
866 s. 775.082, s. 775.083, or s. 775.084, where the official
867 investigation or official proceeding affected involves the
868 investigation or prosecution of a third degree felony.

869 (c) Felony of the first degree, punishable as provided in
870 s. 775.082, s. 775.083, or s. 775.084, where the official
871 investigation or official proceeding affected involves the
872 investigation or prosecution of a second degree felony.

873 (d) Felony of the first degree, punishable by a term of
874 years not exceeding life or as provided in s. 775.082, s.
875 775.083, or s. 775.084, where the official investigation or
876 official proceeding affected involves the investigation or
877 prosecution of a first degree felony or a first degree felony
878 punishable by a term of years not exceeding life.

879 (e) Life felony, punishable as provided in s. 775.082, s.
880 775.083, or s. 775.084, where the official investigation or
881 official proceeding affected involves the investigation or
882 prosecution of a life or capital felony.

883 (f) Felony of the third degree, punishable as provided in
884 s. 775.082, s. 775.083, or s. 775.084, where the offense level

885 of the affected official investigation or official proceeding is
 886 indeterminable or where the affected official investigation or
 887 official proceeding involves a noncriminal investigation or
 888 proceeding.

889 (3)-(2) Whoever intentionally harasses another person and
 890 thereby hinders, delays, prevents, or dissuades any person from:

891 (a) Attending or testifying in an official proceeding or
 892 cooperating in an official investigation;

893 (b) Reporting to a law enforcement officer or judge the
 894 commission or possible commission of an offense or a violation
 895 of a condition of probation, parole, or release pending a
 896 judicial proceeding;

897 (c) Arresting or seeking the arrest of another person in
 898 connection with an offense; or

899 (d) Causing a criminal prosecution, or a parole or
 900 probation revocation proceeding, to be sought or instituted, or
 901 from assisting in such prosecution or proceeding;

902
 903 or attempts to do so, commits the crime of harassing a witness,
 904 victim, or informant is guilty of a misdemeanor of the first
 905 degree, punishable as provided in s. 775.082 or s. 775.083.

906 (4) Harassing a witness, victim, or informant is a:

907 (a) Misdemeanor of the first degree, punishable as
 908 provided in s. 775.082 or s. 775.083, where the official
 909 investigation or official proceeding affected involves the
 910 investigation or prosecution of a misdemeanor.

911 (b) Felony of the third degree, punishable as provided in
 912 s. 775.082, s. 775.083, or s. 775.084, where the official

913 investigation or official proceeding affected involves the
914 investigation or prosecution of a third degree felony.

915 (c) Felony of the second degree, punishable as provided in
916 s. 775.082, s. 775.083, or s. 775.084, where the official
917 investigation or official proceeding affected involves the
918 investigation or prosecution of a second degree felony.

919 (d) Felony of the first degree, punishable as provided in
920 s. 775.082, s. 775.083, or s. 775.084, where the official
921 investigation or official proceeding affected involves the
922 investigation or prosecution of a first degree felony.

923 (e) Felony of the first degree, punishable by a term of
924 years not exceeding life or as provided in s. 775.082, s.
925 775.083, or s. 775.084, where the official investigation or
926 official proceeding affected involves the investigation or
927 prosecution of a felony of the first degree punishable by a term
928 of years not exceeding life or a prosecution of a life or
929 capital felony.

930 (f) Felony of the third degree, punishable as provided in
931 s. 775.082, s. 775.083, or s. 775.084, where the offense level
932 of the affected official investigation or official proceeding is
933 indeterminable or where the affected official investigation or
934 official proceeding involves a noncriminal investigation or
935 proceeding.

936 (5)~~(3)~~ For the purposes of this section:

937 (a) An official proceeding need not be pending or about to
938 be instituted at the time of the offense; and

939 (b) The testimony or the record, document, or other object
940 need not be admissible in evidence or free of a claim of
941 privilege.

942 (6)~~(4)~~ In a prosecution for an offense under this section,
943 no state of mind need be proved with respect to the
944 circumstance:

945 (a) That the official proceeding before a judge, court,
946 grand jury, or government agency is before a judge or court of
947 the state, a state or local grand jury, or a state agency; or

948 (b) That the judge is a judge of the state or that the law
949 enforcement officer is an officer or employee of the state or a
950 person authorized to act for or on behalf of the state or
951 serving the state as an adviser or consultant.

952 Section 22. Section 943.031, Florida Statutes, is amended
953 to read:

954 943.031 Florida Violent Crime and Drug Control Council.--

955 (1) FINDINGS.--The Legislature finds that there is a need
956 to develop and implement a statewide strategy to address violent
957 criminal activity, including crimes committed by criminal gangs,
958 and drug control efforts by state and local law enforcement
959 agencies, including investigations of illicit money laundering.
960 In recognition of this need, the Florida Violent Crime and Drug
961 Control Council is created within the department. The council
962 shall serve in an advisory capacity to the department.

963 (2)~~(1)~~ MEMBERSHIP.--The council shall consist of 14
964 members, as follows:

965 (a) The Attorney General or a designate.

966 (b) A designate of the executive director of the
 967 Department of Law Enforcement.

968 (c) The secretary of the Department of Corrections or a
 969 designate.

970 (d) The Secretary of Juvenile Justice or a designate.

971 (e) The Commissioner of Education or a designate.

972 (f) The president of the Florida Network of Victim/Witness
 973 Services, Inc., or a designate.

974 (g) The director of the Office of Drug Control within the
 975 Executive Office of the Governor, or a designate.

976 (h) The Chief Financial Officer, or a designate.

977 (i) Six members appointed by the Governor, consisting of
 978 two sheriffs, two chiefs of police, one medical examiner, and
 979 one state attorney or their designates.

980

981 The Governor, when making appointments under this subsection,
 982 must take into consideration representation by geography,
 983 population, ethnicity, and other relevant factors to ensure that
 984 the membership of the council is representative of the state at
 985 large. Designates appearing on behalf of a council member who is
 986 unable to attend a meeting of the council are empowered to vote
 987 on issues before the council to the same extent the designating
 988 council member is so empowered.

989 (3)~~(2)~~ TERMS OF MEMBERSHIP; OFFICERS; COMPENSATION;
 990 STAFF.--

991 (a) Members appointed by the Governor shall be appointed
 992 for terms of 2 years. The other members are standing members of
 993 the council. In no event shall a member serve beyond the time he

994 or she ceases to hold the office or employment which was the
 995 basis for appointment to the council. In the event of a vacancy,
 996 an appointment to fill the vacancy shall be only for the
 997 unexpired term.

998 (b) The Legislature finds that the council serves a
 999 legitimate state, county, and municipal purpose and that service
 1000 on the council is consistent with a member's principal service
 1001 in a public office or employment. Membership on the council does
 1002 not disqualify a member from holding any other public office or
 1003 being employed by a public entity, except that no member of the
 1004 Legislature shall serve on the council.

1005 (c) The members of the council shall elect a chair and a
 1006 vice chair every 2 years, to serve for a 2-year term. As deemed
 1007 appropriate, other officers may be elected by the members.

1008 (d) Members of the council or their designates shall serve
 1009 without compensation but are entitled to reimbursement for per
 1010 diem and travel expenses pursuant to s. 112.061. Reimbursements
 1011 made pursuant to this paragraph may be paid from either the
 1012 Violent Crime Investigative Emergency and Drug Control Strategy
 1013 Implementation Account within the Department of Law Enforcement
 1014 Operating Trust Fund or from other appropriations provided to
 1015 the department by the Legislature in the General Appropriations
 1016 Act.

1017 (e) The department shall provide the council with staff
 1018 necessary to assist the council in the performance of its
 1019 duties.

1020 (4)~~(3)~~ MEETINGS.--The council must meet at least
 1021 semiannually. Additional meetings may be held when it is

1022 determined by the chair that extraordinary circumstances require
 1023 an additional meeting of the council. A majority of the members
 1024 of the council constitutes a quorum.

1025 (5)~~(4)~~ DUTIES OF COUNCIL.--The council shall provide
 1026 advice and make recommendations, as necessary, to the executive
 1027 director of the department.

1028 (a) The council may advise the executive director on the
 1029 feasibility of undertaking initiatives which include, but are
 1030 not limited to, the following:

- 1031 1. Establishing a program which provides grants to
 1032 criminal justice agencies that develop and implement effective
 1033 violent crime prevention and investigative programs and which
 1034 provides grants to law enforcement agencies for the purpose of
 1035 drug control, criminal gang, and illicit money laundering
 1036 investigative efforts or task force efforts that are determined
 1037 by the council to significantly contribute to achieving the
 1038 state's goal of reducing drug-related crime as articulated by
 1039 the Office of Drug Control, that represent significant criminal
 1040 gang investigative efforts, that represent a significant illicit
 1041 money laundering investigative effort, or that otherwise
 1042 significantly support statewide strategies developed by the
 1043 Statewide Drug Policy Advisory Council established under s.
 1044 397.333, subject to the limitations provided in this section.
 1045 The grant program may include an innovations grant program to
 1046 provide startup funding for new initiatives by local and state
 1047 law enforcement agencies to combat violent crime or to implement
 1048 drug control, criminal gang, or illicit money laundering

1049 | investigative efforts or task force efforts by law enforcement
 1050 | agencies, including, but not limited to, initiatives such as:
 1051 | a. Providing enhanced community-oriented policing.
 1052 | b. Providing additional undercover officers and other
 1053 | investigative officers to assist with violent crime
 1054 | investigations in emergency situations.
 1055 | c. Providing funding for multiagency or statewide drug
 1056 | control, criminal gang, or illicit money laundering
 1057 | investigative efforts or task force efforts that cannot be
 1058 | reasonably funded completely by alternative sources and that
 1059 | significantly contribute to achieving the state's goal of
 1060 | reducing drug-related crime as articulated by the Office of Drug
 1061 | Control, that represent significant criminal gang investigative
 1062 | efforts, that represent a significant illicit money laundering
 1063 | investigative effort, or that otherwise significantly support
 1064 | statewide strategies developed by the Statewide Drug Policy
 1065 | Advisory Council established under s. 397.333.
 1066 | 2. Expanding the use of automated fingerprint
 1067 | identification systems at the state and local level.
 1068 | 3. Identifying methods to prevent violent crime.
 1069 | 4. Identifying methods to enhance multiagency or statewide
 1070 | drug control, criminal gang, or illicit money laundering
 1071 | investigative efforts or task force efforts that significantly
 1072 | contribute to achieving the state's goal of reducing drug-
 1073 | related crime as articulated by the Office of Drug Control, that
 1074 | represent significant criminal gang investigative efforts, that
 1075 | represent a significant illicit money laundering investigative
 1076 | effort, or that otherwise significantly support statewide

1077 strategies developed by the Statewide Drug Policy Advisory
 1078 Council established under s. 397.333.

1079 5. Enhancing criminal justice training programs which
 1080 address violent crime, drug control, ~~or~~ illicit money laundering
 1081 investigative techniques, or efforts to control and eliminate
 1082 criminal gangs.

1083 6. Developing and promoting crime prevention services and
 1084 educational programs that serve the public, including, but not
 1085 limited to:

1086 a. Enhanced victim and witness counseling services that
 1087 also provide crisis intervention, information referral,
 1088 transportation, and emergency financial assistance.

1089 b. A well-publicized rewards program for the apprehension
 1090 and conviction of criminals who perpetrate violent crimes.

1091 7. Enhancing information sharing and assistance in the
 1092 criminal justice community by expanding the use of community
 1093 partnerships and community policing programs. Such expansion may
 1094 include the use of civilian employees or volunteers to relieve
 1095 law enforcement officers of clerical work in order to enable the
 1096 officers to concentrate on street visibility within the
 1097 community.

1098 (b) The full council shall:

1099 1. Receive periodic reports from regional violent crime
 1100 investigation and statewide drug control strategy implementation
 1101 coordinating teams which relate to violent crime trends or the
 1102 investigative needs or successes in the regions, including
 1103 discussions regarding the activity of significant criminal gangs
 1104 in the region, factors, and trends relevant to the

1105 implementation of the statewide drug strategy, and the results
 1106 of drug control and illicit money laundering investigative
 1107 efforts funded in part by the council.

1108 2. Maintain and use ~~utilize~~ criteria for the disbursement
 1109 of funds from the Violent Crime Investigative Emergency and Drug
 1110 Control Strategy Implementation Account or any other account
 1111 from which the council may disburse proactive investigative
 1112 funds as may be established within the Department of Law
 1113 Enforcement Operating Trust Fund or other appropriations
 1114 provided to the Department of Law Enforcement by the Legislature
 1115 in the General Appropriations Act. The criteria shall allow for
 1116 the advancement of funds to reimburse agencies regarding violent
 1117 crime investigations as approved by the full council and the
 1118 advancement of funds to implement proactive drug control
 1119 strategies or significant criminal gang investigative efforts as
 1120 authorized by the Drug Control Strategy and Criminal Gang
 1121 Committee or the Victim and Witness Protection Review Committee.
 1122 Regarding violent crime investigation reimbursement, an
 1123 expedited approval procedure shall be established for rapid
 1124 disbursement of funds in violent crime emergency situations.

1125 (c) As used in this section, "significant criminal gang
 1126 investigative efforts" eligible for proactive funding must
 1127 involve at a minimum an effort against a known criminal gang
 1128 that:

- 1129 1. Involves multiple law enforcement agencies.
- 1130 2. Reflects a dedicated significant investigative effort
 1131 on the part of each participating agency in personnel, time

1132 devoted to the investigation, and agency resources dedicated to
 1133 the effort.

1134 3. Reflects a dedicated commitment by a prosecuting
 1135 authority to ensure that cases developed by the investigation
 1136 will be timely and effectively prosecuted.

1137 4. Demonstrates a strategy and commitment to dismantling
 1138 the criminal gang via seizures of assets, significant money
 1139 laundering and organized crime investigations and prosecutions,
 1140 or similar efforts.

1141
 1142 The council may require satisfaction of additional elements, to
 1143 include reporting criminal investigative and criminal
 1144 intelligence information related to criminal gang activity and
 1145 members in a manner required by the department, as a
 1146 prerequisite for receiving proactive criminal gang funding.

1147 (6) DRUG CONTROL STRATEGY AND CRIMINAL GANG COMMITTEE.--

1148 (a) The Drug Control Strategy and Criminal Gang Committee
 1149 is created within the Florida Violent Crime and Drug Control
 1150 Council, consisting of the following council members:

1151 1. The Attorney General or a designate.

1152 2. The designate of the executive director of the
 1153 Department of Law Enforcement.

1154 3. The secretary of the Department of Corrections or a
 1155 designate.

1156 4. The director of the Office of Drug Control within the
 1157 Executive Office of the Governor or a designate.

1158 5. The state attorney, the two sheriffs, and the two
 1159 chiefs of police, or their designates.

1160 (b) The committee shall
1161 ~~3.~~ review and approve all requests for disbursement of
1162 funds from the Violent Crime Investigative Emergency and Drug
1163 Control Strategy Implementation Account within the Department of
1164 Law Enforcement Operating Trust Fund and from other
1165 appropriations provided to the department by the Legislature in
1166 the General Appropriations Act. An expedited approval procedure
1167 shall be established for rapid disbursement of funds in violent
1168 crime emergency situations.

1169 (c) Those receiving any proactive funding provided by the
1170 council through the committee shall be required to report the
1171 results of the investigations to the council once the
1172 investigation has been completed. The committee shall also
1173 require ongoing status reports on ongoing investigations using
1174 such findings in its closed sessions.

1175 (7)~~(5)~~ REPORTS.--The council shall report annually on its
1176 activities, on or before December 30 of each calendar year, to
1177 the executive director, the President of the Senate, the Speaker
1178 of the House of Representatives, and the chairs of the Senate
1179 and House committees having principal jurisdiction over criminal
1180 law. Comments and responses of the executive director to the
1181 report are to be included.

1182 (8)~~(6)~~ VICTIM AND WITNESS PROTECTION REVIEW COMMITTEE.--

1183 (a) The Victim and Witness Protection Review Committee is
1184 created within the Florida Violent Crime and Drug Control
1185 Council, consisting of the statewide prosecutor or a state
1186 attorney, a sheriff, a chief of police, and the designee of the
1187 executive director of the Department of Law Enforcement. The

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1188 committee shall be appointed from the membership of the council
1189 by the chair of the council after the chair has consulted with
1190 the executive director of the Department of Law Enforcement.
1191 Committee members shall meet in conjunction with the meetings of
1192 the council.

1193 (b) The committee shall:

1194 1. Maintain and use ~~utilize~~ criteria for disbursing funds
1195 to reimburse law enforcement agencies for costs associated with
1196 providing victim and witness protective or temporary relocation
1197 services.

1198 2. Review and approve or deny, in whole or in part, all
1199 reimbursement requests submitted by law enforcement agencies.

1200 (c) The lead law enforcement agency providing victim or
1201 witness protective or temporary relocation services pursuant to
1202 the provisions of s. 914.25 may submit a request for
1203 reimbursement to the Victim and Witness Protection Review
1204 Committee in a format approved by the committee. The lead law
1205 enforcement agency shall submit such reimbursement request on
1206 behalf of all law enforcement agencies that cooperated in
1207 providing protective or temporary relocation services related to
1208 a particular criminal investigation or prosecution. As part of
1209 the reimbursement request, the lead law enforcement agency must
1210 indicate how any reimbursement proceeds will be distributed
1211 among the agencies that provided protective or temporary
1212 relocation services.

1213 (d) The committee, in its discretion, may use funds
1214 available to the committee to provide all or partial

1215 reimbursement to the lead law enforcement agency for such costs,
 1216 or may decline to provide any reimbursement.

1217 (e) The committee may conduct its meeting by
 1218 teleconference or conference phone calls when the chair of the
 1219 committee finds that the need for reimbursement is such that
 1220 delaying until the next scheduled council meeting will adversely
 1221 affect the requesting agency's ability to provide the protection
 1222 services.

1223 (9)~~(7)~~ CONFIDENTIALITY; EXEMPTED PORTIONS OF COUNCIL
 1224 MEETINGS AND RECORDS.--

1225 (a) The Legislature finds that during limited portions of
 1226 the meetings of the Florida Violent Crime and Drug Control
 1227 Council it is necessary that the council be presented with and
 1228 discuss details, information, and documents related to active
 1229 criminal investigations or matters constituting active criminal
 1230 intelligence, as those concepts are defined by s. 119.011. These
 1231 presentations and discussions are necessary for the council to
 1232 make its funding decisions as required by the Legislature. The
 1233 Legislature finds that to reveal the contents of documents
 1234 containing active criminal investigative or intelligence
 1235 information or to allow active criminal investigative or active
 1236 criminal intelligence matters to be discussed in a meeting open
 1237 to the public negatively impacts the ability of law enforcement
 1238 agencies to efficiently continue their investigative or
 1239 intelligence gathering activities. The Legislature finds that
 1240 information coming before the council that pertains to active
 1241 criminal investigations or intelligence should remain
 1242 confidential and exempt from public disclosure. The Legislature

1243 finds that the Florida Violent Crime and Drug Control Council
1244 may, by declaring only those portions of council meetings in
1245 which active criminal investigative or active criminal
1246 intelligence information is to be presented or discussed closed
1247 to the public, assure an appropriate balance between the policy
1248 of this state that meetings be public and the policy of this
1249 state to facilitate efficient law enforcement efforts.

1250 (b) The Florida Violent Crime and Drug Control Council
1251 shall be considered a "criminal justice agency" within the
1252 definition of s. 119.011(4).

1253 (c)1. The Florida Violent Crime and Drug Control Council
1254 may close portions of meetings during which the council will
1255 hear or discuss active criminal investigative information or
1256 active criminal intelligence information, and such portions of
1257 meetings shall be exempt from the provisions of s. 286.011 and
1258 s. 24(b), Art. I of the State Constitution, provided that the
1259 following conditions are met:

1260 a. The chair of the council shall advise the council at a
1261 public meeting that, in connection with the performance of a
1262 council duty, it is necessary that the council hear or discuss
1263 active criminal investigative information or active criminal
1264 intelligence information.

1265 b. The chair's declaration of necessity for closure and
1266 the specific reasons for such necessity shall be stated in
1267 writing in a document that shall be a public record and shall be
1268 filed with the official records of the council.

1269 c. The entire closed session shall be recorded. The
1270 recording shall include the times of commencement and

1271 termination of the closed session, all discussion and
 1272 proceedings, and the names of all persons present. No portion of
 1273 the session shall be off the record. Such recording shall be
 1274 maintained by the council.

1275 2. Only members of the council, Department of Law
 1276 Enforcement staff supporting the council's function, and other
 1277 persons whose presence has been authorized by the chair of the
 1278 council shall be allowed to attend the exempted portions of the
 1279 council meetings. The council shall assure that any closure of
 1280 its meetings as authorized by this section is limited so that
 1281 the general policy of this state in favor of public meetings is
 1282 maintained.

1283 (d) A tape recording of, and any minutes and notes
 1284 generated during, that portion of a Florida Violent Crime and
 1285 Drug Control Council meeting which is closed to the public
 1286 pursuant to this section are confidential and exempt from s.
 1287 119.07(1) and s. 24(a), Art. I of the State Constitution until
 1288 such time as the criminal investigative information or criminal
 1289 intelligence information ceases to be active.

1290 Section 23. Section 948.033, Florida Statutes, is created
 1291 to read:

1292 948.033 Condition of probation or community control;
 1293 criminal gang.--Effective for a probationer or community
 1294 controllee whose crime was committed on or after October 1,
 1295 2008, and who has been found to have committed the crime for the
 1296 purpose of benefiting, promoting, or furthering the interests of
 1297 criminal gang, the court shall, in addition to any other
 1298 conditions imposed, impose a condition prohibiting the

1299 probationer or community controllee from knowingly associating
 1300 with other criminal gang members or associates, except as
 1301 authorized by law enforcement officials, prosecutorial
 1302 authorities, or the court, for the purpose of aiding in the
 1303 investigation of criminal activity.

1304 Section 24. Section 947.18, Florida Statutes, is amended
 1305 to read:

1306 947.18 Conditions of parole.--No person shall be placed on
 1307 parole merely as a reward for good conduct or efficient
 1308 performance of duties assigned in prison. No person shall be
 1309 placed on parole until and unless the commission finds that
 1310 there is reasonable probability that, if the person is placed on
 1311 parole, he or she will live and conduct himself or herself as a
 1312 respectable and law-abiding person and that the person's release
 1313 will be compatible with his or her own welfare and the welfare
 1314 of society. No person shall be placed on parole unless and until
 1315 the commission is satisfied that he or she will be suitably
 1316 employed in self-sustaining employment or that he or she will
 1317 not become a public charge. The commission shall determine the
 1318 terms upon which such person shall be granted parole. If the
 1319 person's conviction was for a controlled substance violation,
 1320 one of the conditions must be that the person submit to random
 1321 substance abuse testing intermittently throughout the term of
 1322 supervision, upon the direction of the correctional probation
 1323 officer as defined in s. 943.10(3). In addition to any other
 1324 lawful condition of parole, the commission may make the payment
 1325 of the debt due and owing to the state under s. 960.17 or the
 1326 payment of the attorney's fees and costs due and owing to the

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1327 state under s. 938.29 a condition of parole subject to
1328 modification based on change of circumstances. If the person's
1329 conviction was for a crime that was found to have been committed
1330 for the purpose of benefiting, promoting, or furthering the
1331 interests of a criminal gang, one of the conditions must be that
1332 the person be prohibited from knowingly associating with other
1333 criminal gang members or associates, except as authorized by law
1334 enforcement officials, prosecutorial authorities, or the court,
1335 for the purpose of aiding in the investigation of criminal
1336 activity.

1337 Section 25. Subsection (11) is added to section 947.1405,
1338 Florida Statutes, to read:

1339 947.1405 Conditional release program.--

1340 (11) Effective for a releasee whose crime was committed on
1341 or after October 1, 2008, and who has been found to have
1342 committed the crime for the purpose of benefiting, promoting, or
1343 furthering the interests of a criminal gang, the commission
1344 shall, in addition to any other conditions imposed, impose a
1345 condition prohibiting the releasee from knowingly associating
1346 with other criminal gang members or associates, except as
1347 authorized by law enforcement officials, prosecutorial
1348 authorities, or the court, for the purpose of aiding in the
1349 investigation of criminal activity.

1350 Section 26. Paragraph (d) of subsection (2) of section
1351 893.138, Florida Statutes, is amended to read:

1352 893.138 Local administrative action to abate drug-related,
1353 prostitution-related, or stolen-property-related public
1354 nuisances and criminal ~~street~~ gang activity.--

1355 (2) Any place or premises that has been used:
 1356 (d) By a criminal ~~street~~ gang for the purpose of
 1357 conducting a ~~pattern~~ of criminal ~~street~~ gang activity as defined
 1358 by s. 874.03; or

1359
 1360 may be declared to be a public nuisance, and such nuisance may
 1361 be abated pursuant to the procedures provided in this section.

1362 Section 27. Paragraphs (d), (e), and (g) of subsection (3)
 1363 of section 921.0022, Florida Statutes, are amended to read:

1364 921.0022 Criminal Punishment Code; offense severity
 1365 ranking chart.--

1366 (3) OFFENSE SEVERITY RANKING CHART

1367 (d) LEVEL 4

1368

| Florida Statute | Felony Degree | Description |
|--------------------|------------------|--|
| 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. |
| 499.0051(1) | 3rd | Failure to maintain or deliver pedigree papers. |

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| 1372 | 499.0051(2) | 3rd | Failure to authenticate pedigree papers. |
| 1373 | 499.0051(6) | 2nd | Sale or delivery, or possession with intent to sell, contraband legend drugs. |
| 1374 | 784.07(2)(b) | 3rd | Battery of law enforcement officer, firefighter, intake officer, etc. |
| 1375 | 784.074(1)(c) | 3rd | Battery of sexually violent predators facility staff. |
| 1376 | 784.075 | 3rd | Battery on detention or commitment facility staff. |
| 1377 | 784.078 | 3rd | Battery of facility employee by throwing, tossing, or expelling certain fluids or materials. |
| 1378 | 784.08(2)(c) | 3rd | Battery on a person 65 years of age or older. |
| 1379 | 784.081(3) | 3rd | Battery on specified official or employee. |
| | 784.082(3) | 3rd | Battery by detained person on |

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| 1380 | | | visitor or other detainee. |
| 1381 | 784.083 (3) | 3rd | Battery on code inspector. |
| 1382 | 784.085 | 3rd | Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials. |
| 1383 | 787.03 (1) | 3rd | Interference with custody; wrongly takes minor from appointed guardian. |
| 1384 | 787.04 (2) | 3rd | Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings. |
| 1385 | 787.04 (3) | 3rd | Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person. |
| 1386 | 790.115 (1) | 3rd | Exhibiting firearm or weapon within 1,000 feet of a school. |
| 1387 | 790.115 (2) (b) | 3rd | Possessing electric weapon or device, destructive device, or other weapon on school property. |

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| 1388 | 790.115 (2) (c) | 3rd | Possessing firearm on school property. |
| 1389 | 800.04 (7) (d) | 3rd | Lewd or lascivious exhibition; offender less than 18 years. |
| 1390 | 810.02 (4) (a) | 3rd | Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery. |
| 1391 | 810.02 (4) (b) | 3rd | Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery. |
| 1392 | 810.06 | 3rd | Burglary; possession of tools. |
| 1393 | 810.08 (2) (c) | 3rd | Trespass on property, armed with firearm or dangerous weapon. |
| 1394 | 812.014 (2) (c) 3. | 3rd | Grand theft, 3rd degree \$10,000 or more but less than \$20,000. |
| 1395 | 812.014 (2) (c) 4.- 10. | 3rd | Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc. |
| | 812.0195 (2) | 3rd | Dealing in stolen property by use of |

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| | | | the Internet; property stolen \$300 or more. |
| 1396 | 817.563 (1) | 3rd | Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03 (5) drugs. |
| 1397 | 817.568 (2) (a) | 3rd | Fraudulent use of personal identification information. |
| 1398 | 817.625 (2) (a) | 3rd | Fraudulent use of scanning device or reencoder. |
| 1399 | 828.125 (1) | 2nd | Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle. |
| 1400 | 837.02 (1) | 3rd | Perjury in official proceedings. |
| 1401 | 837.021 (1) | 3rd | Make contradictory statements in official proceedings. |
| 1402 | 838.022 | 3rd | Official misconduct. |
| 1403 | 839.13 (2) (a) | 3rd | Falsifying records of an individual in the care and custody of a state |

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| 1404 | | | agency. |
| | 839.13 (2) (c) | 3rd | Falsifying records of the Department of Children and Family Services. |
| 1405 | | | |
| | 843.021 | 3rd | Possession of a concealed handcuff key by a person in custody. |
| 1406 | | | |
| | 843.025 | 3rd | Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication. |
| 1407 | | | |
| | 843.15 (1) (a) | 3rd | Failure to appear while on bail for felony (bond estreature or bond jumping). |
| 1408 | | | |
| | 874.05 (1) | 3rd | Encouraging or recruiting another to join a criminal street gang. |
| 1409 | | | |
| | 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). |
| 1410 | | | |
| | 914.14 (2) | 3rd | Witnesses accepting bribes. |
| 1411 | | | |
| | 914.22 (1) | 3rd | Force, threaten, etc., witness, |

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| 1412 | | | victim, or informant. |
| | 914.23 (2) | 3rd | Retaliation against a witness, victim, or informant, no bodily injury. |
| 1413 | | | |
| | 918.12 | 3rd | Tampering with jurors. |
| 1414 | | | |
| | 934.215 | 3rd | Use of two-way communications device to facilitate commission of a crime. |
| 1415 | | | |
| 1416 | (e) | LEVEL 5 | |
| 1417 | | | |
| | Florida Statute | Felony Degree | Description |
| 1418 | | | |
| | 316.027 (1) (a) | 3rd | Accidents involving personal injuries, failure to stop; leaving scene. |
| 1419 | | | |
| | 316.1935 (4) (a) | 2nd | Aggravated fleeing or eluding. |
| 1420 | | | |
| | 322.34 (6) | 3rd | Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury. |
| 1421 | | | |
| | 327.30 (5) | 3rd | Vessel accidents involving personal |

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| 1422 | | | injury; leaving scene. |
| | 381.0041(11)(b) | 3rd | Donate blood, plasma, or organs knowing HIV positive. |
| 1423 | | | |
| | 440.10(1)(g) | 2nd | Failure to obtain workers' compensation coverage. |
| 1424 | | | |
| | 440.105(5) | 2nd | Unlawful solicitation for the purpose of making workers' compensation claims. |
| 1425 | | | |
| | 440.381(2) | 2nd | Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums. |
| 1426 | | | |
| | 624.401(4)(b)2. | 2nd | Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000. |
| 1427 | | | |
| | 626.902(1)(c) | 2nd | Representing an unauthorized insurer; repeat offender. |
| 1428 | | | |
| | 790.01(2) | 3rd | Carrying a concealed firearm. |
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| 1430 | 790.162 | 2nd | Threat to throw or discharge destructive device. |
| 1431 | 790.163 (1) | 2nd | False report of deadly explosive or weapon of mass destruction. |
| 1432 | 790.221 (1) | 2nd | Possession of short-barreled shotgun or machine gun. |
| 1433 | 790.23 | 2nd | Felons in possession of firearms, ammunition, or electronic weapons or devices. |
| 1434 | 800.04 (6) (c) | 3rd | Lewd or lascivious conduct; offender less than 18 years. |
| 1435 | 800.04 (7) (c) | 2nd | Lewd or lascivious exhibition; offender 18 years or older. |
| 1436 | 806.111 (1) | 3rd | Possess, manufacture, or dispense fire bomb with intent to damage any structure or property. |
| 1437 | 812.0145 (2) (b) | 2nd | Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000. |

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| 1438 | 812.015 (8) | 3rd | Retail theft; property stolen is valued at \$300 or more and one or more specified acts. |
| 1439 | 812.019 (1) | 2nd | Stolen property; dealing in or trafficking in. |
| 1440 | 812.131 (2) (b) | 3rd | Robbery by sudden snatching. |
| 1441 | 812.16 (2) | 3rd | Owning, operating, or conducting a chop shop. |
| 1442 | 817.034 (4) (a) 2. | 2nd | Communications fraud, value \$20,000 to \$50,000. |
| 1443 | 817.234 (11) (b) | 2nd | Insurance fraud; property value \$20,000 or more but less than \$100,000. |
| 1444 | 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 |

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| 1445 | 817.625 (2) (b) | 2nd | benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more individuals. |
| 1446 | 825.1025 (4) | 3rd | Second or subsequent fraudulent use of scanning device or reencoder. |
| 1447 | 827.071 (4) | 2nd | Lewd or lascivious exhibition in the presence of an elderly person or disabled adult. |
| 1448 | 827.071 (5) | 3rd | Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child. |
| 1449 | 839.13 (2) (b) | 2nd | Possess any photographic material, motion picture, etc., which includes sexual conduct by a child. |
| 1450 | | | Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death. |

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| 1451 | 843.01 | 3rd | Resist officer with violence to person; resist arrest with violence. |
| 1452 | 847.0137(2)&(3) | 3rd | Transmission of pornography by electronic device or equipment. |
| 1453 | 847.0138(2)&(3) | 3rd | Transmission of material harmful to minors to a minor by electronic device or equipment. |
| 1454 | 874.05(2) | 2nd | Encouraging or recruiting another to join a criminal street gang; second or subsequent offense. |
| 1455 | 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). |
| | 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 state, county, or municipal park or |

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| 1456 | 893.13 (1) (d) 1. 1st | publicly owned recreational facility or community center. |
| 1457 | 893.13 (1) (e) 2. 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) within 1,000 feet of university. |
| 1458 | 893.13 (1) (f) 1. 1st | 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. |
| 1459 | 893.13 (4) (b) 2nd | 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. |
| | | Deliver to minor cannabis (or other s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., |

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

1460

1461 (g) LEVEL 7

1462

| | | |
|---------|--------|-------------|
| Florida | Felony | Description |
| Statute | Degree | |

1463

| | | |
|-----------------|-----|---|
| 316.027 (1) (b) | 1st | Accident involving death, failure to stop; leaving scene. |
|-----------------|-----|---|

1464

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|--------------------|-----|---|
| 316.193 (3) (c) 2. | 3rd | DUI resulting in serious bodily injury. |
|--------------------|-----|---|

1465

| | | |
|------------------|-----|--|
| 316.1935 (3) (b) | 1st | Causing serious bodily injury or death to another person; 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. |
|------------------|-----|--|

1466

| | | |
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| 327.35 (3) (c) 2. | 3rd | Vessel BUI resulting in serious bodily injury. |
|-------------------|-----|--|

1467

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|------|-------------|-----|--|
| 1468 | 402.319 (2) | 2nd | Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death. |
| 1469 | 409.920 (2) | 3rd | Medicaid provider fraud. |
| 1470 | 456.065 (2) | 3rd | Practicing a health care profession without a license. |
| 1471 | 456.065 (2) | 2nd | Practicing a health care profession without a license which results in serious bodily injury. |
| 1472 | 458.327 (1) | 3rd | Practicing medicine without a license. |
| 1473 | 459.013 (1) | 3rd | Practicing osteopathic medicine without a license. |
| 1474 | 460.411 (1) | 3rd | Practicing chiropractic medicine without a license. |
| 1475 | 461.012 (1) | 3rd | Practicing podiatric medicine without a license. |

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|------|-------------|-----|--|
| 1476 | 462.17 | 3rd | Practicing naturopathy without a license. |
| 1477 | 463.015 (1) | 3rd | Practicing optometry without a license. |
| 1478 | 464.016 (1) | 3rd | Practicing nursing without a license. |
| 1479 | 465.015 (2) | 3rd | Practicing pharmacy without a license. |
| 1480 | 466.026 (1) | 3rd | Practicing dentistry or dental hygiene without a license. |
| 1481 | 467.201 | 3rd | Practicing midwifery without a license. |
| 1482 | 468.366 | 3rd | Delivering respiratory care services without a license. |
| 1483 | 483.828 (1) | 3rd | Practicing as clinical laboratory personnel without a license. |
| 1484 | 483.901 (9) | 3rd | Practicing medical physics without a license. |

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|------|--------------------|-----|--|
| 1485 | 484.013 (1) (c) | 3rd | Preparing or dispensing optical devices without a prescription. |
| 1486 | 484.053 | 3rd | Dispensing hearing aids without a license. |
| 1487 | 494.0018 (2) | 1st | Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims. |
| 1488 | 560.123 (8) (b) 1. | 3rd | Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter. |
| 1489 | 560.125 (5) (a) | 3rd | Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000. |
| 1490 | 655.50 (10) (b) 1. | 3rd | Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution. |

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|------|---------------|-----|--|
| 1491 | 775.21(10)(a) | 3rd | Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations. |
| 1492 | 775.21(10)(b) | 3rd | Sexual predator working where children regularly congregate. |
| 1493 | 775.21(10)(g) | 3rd | Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator. |
| 1494 | 782.051(3) | 2nd | Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony. |
| 1495 | 782.07(1) | 2nd | Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter). |
| | 782.071 | 2nd | Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner |

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|------|--------------------|-----|---|
| | | | (vehicular homicide). |
| 1496 | 782.072 | 2nd | Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide). |
| 1497 | 784.045 (1) (a) 1. | 2nd | Aggravated battery; intentionally causing great bodily harm or disfigurement. |
| 1498 | 784.045 (1) (a) 2. | 2nd | Aggravated battery; using deadly weapon. |
| 1499 | 784.045 (1) (b) | 2nd | Aggravated battery; perpetrator aware victim pregnant. |
| 1500 | 784.048 (4) | 3rd | Aggravated stalking; violation of injunction or court order. |
| 1501 | 784.048 (7) | 3rd | Aggravated stalking; violation of court order. |
| 1502 | 784.07 (2) (d) | 1st | Aggravated battery on law enforcement officer. |
| 1503 | 784.074 (1) (a) | 1st | Aggravated battery on sexually violent predators facility staff. |
| 1504 | | | |

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|------|----------------|-----|--|
| 1505 | 784.08 (2) (a) | 1st | Aggravated battery on a person 65 years of age or older. |
| 1506 | 784.081 (1) | 1st | Aggravated battery on specified official or employee. |
| 1507 | 784.082 (1) | 1st | Aggravated battery by detained person on visitor or other detainee. |
| 1508 | 784.083 (1) | 1st | Aggravated battery on code inspector. |
| 1509 | 790.07 (4) | 1st | Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2). |
| 1510 | 790.16 (1) | 1st | Discharge of a machine gun under specified circumstances. |
| 1511 | 790.165 (2) | 2nd | Manufacture, sell, possess, or deliver hoax bomb. |
| 1512 | 790.165 (3) | 2nd | Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony. |

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1513

790.166 (3) 2nd Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.

1514

790.166 (4) 2nd Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.

1515

790.23 1st Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.

1516

794.08 (4) 3rd Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.

1517

796.03 2nd Procuring any person under 16 years for prostitution.

1518

800.04 (5) (c) 1. 2nd Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.

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| | | | |
|------|--------------------|-----|---|
| 1519 | 800.04 (5) (c) 2. | 2nd | Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older. |
| 1520 | 806.01 (2) | 2nd | Maliciously damage structure by fire or explosive. |
| 1521 | 810.02 (3) (a) | 2nd | Burglary of occupied dwelling; unarmed; no assault or battery. |
| 1522 | 810.02 (3) (b) | 2nd | Burglary of unoccupied dwelling; unarmed; no assault or battery. |
| 1523 | 810.02 (3) (d) | 2nd | Burglary of occupied conveyance; unarmed; no assault or battery. |
| 1524 | 810.02 (3) (e) | 2nd | Burglary of authorized emergency vehicle. |
| 1525 | 812.014 (2) (a) 1. | 1st | Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft. |

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| 1526 | 812.014 (2) (b) 2. | 2nd | Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree. |
| 1527 | 812.014 (2) (b) 3. | 2nd | Property stolen, emergency medical equipment; 2nd degree grand theft. |
| 1528 | 812.014 (2) (b) 4. | 2nd | Property stolen, law enforcement equipment from authorized emergency vehicle. |
| 1529 | 812.0145 (2) (a) | 1st | Theft from person 65 years of age or older; \$50,000 or more. |
| 1530 | 812.019 (2) | 1st | Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property. |
| 1531 | 812.131 (2) (a) | 2nd | Robbery by sudden snatching. |
| 1532 | 812.133 (2) (b) | 1st | Carjacking; no firearm, deadly weapon, or other weapon. |
| 1533 | 817.234 (8) (a) | 2nd | Solicitation of motor vehicle accident victims with intent to defraud. |

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| 1534 | 817.234 (9) | 2nd | Organizing, planning, or participating in an intentional motor vehicle collision. |
| 1535 | 817.234 (11) (c) | 1st | Insurance fraud; property value \$100,000 or more. |
| 1536 | 817.2341 (2) (b) & (3) (b) | 1st | Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity. |
| 1537 | 825.102 (3) (b) | 2nd | Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement. |
| 1538 | 825.103 (2) (b) | 2nd | Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000. |
| 1539 | 827.03 (3) (b) | 2nd | Neglect of a child causing great bodily harm, disability, or disfigurement. |

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| 1540 | 827.04 (3) | 3rd | Impregnation of a child under 16 years of age by person 21 years of age or older. |
| 1541 | 837.05 (2) | 3rd | Giving false information about alleged capital felony to a law enforcement officer. |
| 1542 | 838.015 | 2nd | Bribery. |
| 1543 | 838.016 | 2nd | Unlawful compensation or reward for official behavior. |
| 1544 | 838.021 (3) (a) | 2nd | Unlawful harm to a public servant. |
| 1545 | 838.22 | 2nd | Bid tampering. |
| 1546 | 847.0135 (3) | 3rd | Solicitation of a child, via a computer service, to commit an unlawful sex act. |
| 1547 | 847.0135 (4) | 2nd | Traveling to meet a minor to commit an unlawful sex act. |
| 1548 | 872.06 | 2nd | Abuse of a dead human body. |
| | <u>874.10</u> | <u>1st</u> | <u>Directing the activities of a</u> |

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|------|-------------------|------------|---|
| 1549 | | | <u>criminal gang.</u> |
| | <u>874.13</u> | <u>1st</u> | <u>Commission of a gang-related offense by a habitual felony offender.</u> |
| 1550 | 893.13 (1) (c) 1. | 1st | Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center. |
| 1551 | 893.13 (1) (e) 1. | 1st | Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4., within 1,000 feet of property used for religious services or a specified business site. |
| 1552 | 893.13 (4) (a) | 1st | Deliver to minor cocaine (or other s. 893.03(1) (a), (1) (b), (1) (d), |

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| | | | (2) (a), (2) (b), or (2) (c) 4. drugs). |
| 1553 | 893.135 (1) (a) 1. | 1st | Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs. |
| 1554 | 893.135 (1) (b) 1.a. | 1st | Trafficking in cocaine, more than 28 grams, less than 200 grams. |
| 1555 | 893.135 (1) (c) 1.a. | 1st | Trafficking in illegal drugs, more than 4 grams, less than 14 grams. |
| 1556 | 893.135 (1) (d) 1. | 1st | Trafficking in phencyclidine, more than 28 grams, less than 200 grams. |
| 1557 | 893.135 (1) (e) 1. | 1st | Trafficking in methaqualone, more than 200 grams, less than 5 kilograms. |
| 1558 | 893.135 (1) (f) 1. | 1st | Trafficking in amphetamine, more than 14 grams, less than 28 grams. |
| 1559 | 893.135 (1) (g) 1.a. | 1st | Trafficking in flunitrazepam, 4 grams or more, less than 14 grams. |
| 1560 | 893.135 (1) (h) 1.a. | 1st | Trafficking in gamma- |

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| | | | hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms. |
| 1561 | 893.135 (1) (j) 1.a. | 1st | Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms. |
| 1562 | 893.135 (1) (k) 2.a. | 1st | Trafficking in Phenethylamines, 10 grams or more, less than 200 grams. |
| 1563 | 896.101 (5) (a) | 3rd | Money laundering, financial transactions exceeding \$300 but less than \$20,000. |
| 1564 | 896.104 (4) (a) 1. | 3rd | Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000. |
| 1565 | 943.0435 (4) (c) | 2nd | Sexual offender vacating permanent residence; failure to comply with reporting requirements. |
| 1566 | 943.0435 (8) | 2nd | Sexual offender; remains in state |

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| | | | |
|------|----------------|-----|---|
| | | | after indicating intent to leave; failure to comply with reporting requirements. |
| 1567 | 943.0435(9)(a) | 3rd | Sexual offender; failure to comply with reporting requirements. |
| 1568 | 943.0435(13) | 3rd | Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender. |
| 1569 | 943.0435(14) | 3rd | Sexual offender; failure to report and reregister; failure to respond to address verification. |
| 1570 | 944.607(9) | 3rd | Sexual offender; failure to comply with reporting requirements. |
| 1571 | 944.607(10)(a) | 3rd | Sexual offender; failure to submit to the taking of a digitized photograph. |
| 1572 | 944.607(12) | 3rd | Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender. |
| 1573 | | | |

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1574 944.607(13) 3rd Sexual offender; failure to report
and reregister; failure to respond
to address verification.

1575 985.4815(10) 3rd Sexual offender; failure to submit
to the taking of a digitized
photograph.

1576 985.4815(12) 3rd Failure to report or providing
false information about a sexual
offender; harbor or conceal a
sexual offender.

1577 985.4815(13) 3rd Sexual offender; failure to report
and reregister; failure to respond
to address verification.

1578 Section 28. Subsection (1) of section 921.0024, Florida
1579 Statutes, is amended to read:

1580 921.0024 Criminal Punishment Code; worksheet computations;
1581 scoresheets.--

1582 (1)(a) The Criminal Punishment Code worksheet is used to
1583 compute the subtotal and total sentence points as follows:

1584
1585 FLORIDA CRIMINAL PUNISHMENT CODE

1586 WORKSHEET

1587

1588 OFFENSE SCORE

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1589
1590
1591
1592
1593
1594
1595
1596
1597
1598
1599
1600
1601
1602
1603

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 | = _____ |

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1604
1605
1606
1607
1608
1609
1610
1611
1612
1613
1614
1615
1616
1617
1618

Total

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 | _____ | = _____ |

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1619
1620
1621
1622
1623
1624
1625
1626
1627
1628
1629
1630
1631

1 0.7 x _____ = _____

M 0.2 x _____ = _____

Total

Victim Injury

| Level | Sentence Points | Number | Total |
|-------|-----------------|--------|-------|
|-------|-----------------|--------|-------|

| | | | |
|--------------------------------|-----|---------|---------|
| 2nd degree murder- death | 240 | x _____ | = _____ |
|--------------------------------|-----|---------|---------|

| | | | |
|-------|-----|---------|---------|
| Death | 120 | x _____ | = _____ |
|-------|-----|---------|---------|

| | | | |
|--------|----|---------|---------|
| Severe | 40 | x _____ | = _____ |
|--------|----|---------|---------|

| | | | |
|----------|----|---------|---------|
| Moderate | 18 | x _____ | = _____ |
|----------|----|---------|---------|

| | | | |
|--------|---|---------|---------|
| Slight | 4 | x _____ | = _____ |
|--------|---|---------|---------|

| | | | |
|--------|----|---------|---------|
| Sexual | 80 | x _____ | = _____ |
|--------|----|---------|---------|

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1632
1633
1634
1635
1636
1637
1638
1639
1640
1641
1642
1643
1644
1645
1646
1647
1648

penetration

Sexual contact 40 x _____ = _____

Total

Primary Offense + Additional Offenses + Victim Injury =

TOTAL OFFENSE SCORE

PRIOR RECORD SCORE

Prior Record

| Level | Sentence Points | Number | Total |
|-------|-----------------|---------|---------|
| 10 | 29 | x _____ | = _____ |
| 9 | 23 | x _____ | = _____ |
| 8 | 19 | x _____ | = _____ |
| 7 | 14 | x _____ | = _____ |

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| | | | | | | |
|------|---------------------------------|-----|---|-------|-------|-------|
| 1649 | 6 | 9 | x | _____ | = | _____ |
| 1650 | 5 | 3.6 | x | _____ | = | _____ |
| 1651 | 4 | 2.4 | x | _____ | = | _____ |
| 1652 | 3 | 1.6 | x | _____ | = | _____ |
| 1653 | 2 | 0.8 | x | _____ | = | _____ |
| 1654 | 1 | 0.5 | x | _____ | = | _____ |
| 1655 | M | 0.2 | x | _____ | = | _____ |
| 1656 | | | | | | |
| 1657 | | | | | Total | |
| 1658 | TOTAL OFFENSE SCORE | | | | | |
| 1659 | TOTAL PRIOR RECORD SCORE | | | | | |
| 1660 | LEGAL STATUS | | | | | |
| 1661 | COMMUNITY SANCTION VIOLATION | | | | | |
| 1662 | PRIOR SERIOUS FELONY | | | | | |
| 1663 | PRIOR CAPITAL FELONY | | | | | |
| 1664 | FIREARM OR SEMIAUTOMATIC WEAPON | | | | | |
| 1665 | SUBTOTAL _____ | | | | | |
| 1666 | | | | | | |
| 1667 | | | | | | |

1668 PRISON RELEASEE REOFFENDER (no) (yes)
 1669 VIOLENT CAREER CRIMINAL (no) (yes)
 1670 HABITUAL VIOLENT OFFENDER (no) (yes)
 1671 HABITUAL OFFENDER (no) (yes)
 1672 DRUG TRAFFICKER (no) (yes) (x multiplier)
 1673 LAW ENF. PROTECT. (no) (yes) (x multiplier)
 1674 MOTOR VEHICLE THEFT (no) (yes) (x multiplier)
 1675 CRIMINAL ~~STREET~~ GANG OFFENSE (no) (yes) (x multiplier)
 1676 DOMESTIC VIOLENCE IN THE PRESENCE OF RELATED CHILD (no) (yes)
 1677 (x multiplier)
 1678
 1679 TOTAL SENTENCE POINTS _____
 1680

1681 (b) WORKSHEET KEY:

1682
 1683 Legal status points are assessed when any form of legal status
 1684 existed at the time the offender committed an offense before the
 1685 court for sentencing. Four (4) sentence points are assessed for
 1686 an offender's legal status.
 1687

1688 Community sanction violation points are assessed when a
 1689 community sanction violation is before the court for sentencing.
 1690 Six (6) sentence points are assessed for each community sanction
 1691 violation and each successive community sanction violation,
 1692 unless any of the following apply:

- 1693 1. If the community sanction violation includes a new
 1694 felony conviction before the sentencing court, twelve (12)
 1695 community sanction violation points are assessed for the

1696 violation, and for each successive community sanction violation
 1697 involving a new felony conviction.

1698 2. If the community sanction violation is committed by a
 1699 violent felony offender of special concern as defined in s.
 1700 948.06:

1701 a. Twelve (12) community sanction violation points are
 1702 assessed for the violation and for each successive violation of
 1703 felony probation or community control where:

1704 (I) The violation does not include a new felony
 1705 conviction; and

1706 (II) The community sanction violation is not based solely
 1707 on the probationer or offender's failure to pay costs or fines
 1708 or make restitution payments.

1709 b. Twenty-four (24) community sanction violation points
 1710 are assessed for the violation and for each successive violation
 1711 of felony probation or community control where the violation
 1712 includes a new felony conviction.

1713
 1714 Multiple counts of community sanction violations before the
 1715 sentencing court shall not be a basis for multiplying the
 1716 assessment of community sanction violation points.

1717
 1718 Prior serious felony points: If the offender has a primary
 1719 offense or any additional offense ranked in level 8, level 9, or
 1720 level 10, and one or more prior serious felonies, a single
 1721 assessment of thirty (30) points shall be added. For purposes of
 1722 this section, a prior serious felony is an offense in the
 1723 offender's prior record that is ranked in level 8, level 9, or

1724 level 10 under s. 921.0022 or s. 921.0023 and for which the
 1725 offender is serving a sentence of confinement, supervision, or
 1726 other sanction or for which the offender's date of release from
 1727 confinement, supervision, or other sanction, whichever is later,
 1728 is within 3 years before the date the primary offense or any
 1729 additional offense was committed.

1730
 1731 Prior capital felony points: If the offender has one or more
 1732 prior capital felonies in the offender's criminal record, points
 1733 shall be added to the subtotal sentence points of the offender
 1734 equal to twice the number of points the offender receives for
 1735 the primary offense and any additional offense. A prior capital
 1736 felony in the offender's criminal record is a previous capital
 1737 felony offense for which the offender has entered a plea of nolo
 1738 contendere or guilty or has been found guilty; or a felony in
 1739 another jurisdiction which is a capital felony in that
 1740 jurisdiction, or would be a capital felony if the offense were
 1741 committed in this state.

1742
 1743 Possession of a firearm, semiautomatic firearm, or machine gun:
 1744 If the offender is convicted of committing or attempting to
 1745 commit any felony other than those enumerated in s. 775.087(2)
 1746 while having in his or her possession: a firearm as defined in
 1747 s. 790.001(6), an additional eighteen (18) sentence points are
 1748 assessed; or if the offender is convicted of committing or
 1749 attempting to commit any felony other than those enumerated in
 1750 s. 775.087(3) while having in his or her possession a
 1751 semiautomatic firearm as defined in s. 775.087(3) or a machine

1752 | gun as defined in s. 790.001(9), an additional twenty-five (25)
 1753 | sentence points are assessed.

1754 |

1755 | Sentencing multipliers:

1756 |

1757 | Drug trafficking: If the primary offense is drug trafficking
 1758 | under s. 893.135, the subtotal sentence points are multiplied,
 1759 | at the discretion of the court, for a level 7 or level 8
 1760 | offense, by 1.5. The state attorney may move the sentencing
 1761 | court to reduce or suspend the sentence of a person convicted of
 1762 | a level 7 or level 8 offense, if the offender provides
 1763 | substantial assistance as described in s. 893.135(4).

1764 |

1765 | Law enforcement protection: If the primary offense is a
 1766 | violation of the Law Enforcement Protection Act under s.
 1767 | 775.0823(2), (3), or (4), the subtotal sentence points are
 1768 | multiplied by 2.5. If the primary offense is a violation of s.
 1769 | 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points
 1770 | are multiplied by 2.0. If the primary offense is a violation of
 1771 | s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement
 1772 | Protection Act under s. 775.0823(10) or (11), the subtotal
 1773 | sentence points are multiplied by 1.5.

1774 |

1775 | Grand theft of a motor vehicle: If the primary offense is grand
 1776 | theft of the third degree involving a motor vehicle and in the
 1777 | offender's prior record, there are three or more grand thefts of
 1778 | the third degree involving a motor vehicle, the subtotal
 1779 | sentence points are multiplied by 1.5.

1780
 1781 Offense related to a criminal ~~street~~ gang: If the offender is
 1782 convicted of the primary offense and committed that offense for
 1783 the purpose of benefiting, promoting, or furthering the
 1784 interests of a criminal ~~street~~ gang as prohibited under s.
 1785 874.04, the subtotal sentence points are multiplied by 1.5.

1786
 1787 Domestic violence in the presence of a child: If the offender is
 1788 convicted of the primary offense and the primary offense is a
 1789 crime of domestic violence, as defined in s. 741.28, which was
 1790 committed in the presence of a child under 16 years of age who
 1791 is a family or household member as defined in s. 741.28(3) with
 1792 the victim or perpetrator, the subtotal sentence points are
 1793 multiplied by 1.5.

1794 Section 29. Paragraph (n) of subsection (5) of section
 1795 921.141, Florida Statutes, is amended to read:

1796 921.141 Sentence of death or life imprisonment for capital
 1797 felonies; further proceedings to determine sentence.--

1798 (5) AGGRAVATING CIRCUMSTANCES.--Aggravating circumstances
 1799 shall be limited to the following:

1800 (n) The capital felony was committed by a criminal ~~street~~
 1801 gang member, as defined in s. 874.03.

1802 Section 30. Paragraph (c) of subsection (10) of section
 1803 943.325, Florida Statutes, is amended to read:

1804 943.325 Blood or other biological specimen testing for DNA
 1805 analysis.--

1806 (10)

1807 (c) Any person previously convicted of an offense
 1808 specified in this section, or a crime which, if committed in
 1809 this state, would be an offense specified in this section, and
 1810 who is also subject to the registration requirement imposed by
 1811 s. 775.13, shall be subject to the collection requirement of
 1812 this section when the appropriate agency described in this
 1813 section verifies the identification information of the person.
 1814 The collection requirement of this section does not apply to a
 1815 person as described in s. 775.13 (4) ~~(5)~~.

1816 Section 31. Subsection (30) of section 984.03, Florida
 1817 Statutes, is amended to read:

1818 984.03 Definitions.--When used in this chapter, the term:

1819 (30) "Juvenile justice continuum" includes, but is not
 1820 limited to, delinquency prevention programs and services
 1821 designed for the purpose of preventing or reducing delinquent
 1822 acts, including criminal activity by criminal youth gangs and
 1823 juvenile arrests, as well as programs and services targeted at
 1824 children who have committed delinquent acts, and children who
 1825 have previously been committed to residential treatment programs
 1826 for delinquents. The term includes children-in-need-of-services
 1827 and families-in-need-of-services programs; conditional release;
 1828 substance abuse and mental health programs; educational and
 1829 vocational programs; recreational programs; community services
 1830 programs; community service work programs; and alternative
 1831 dispute resolution programs serving children at risk of
 1832 delinquency and their families, whether offered or delivered by
 1833 state or local governmental entities, public or private for-

1834 profit or not-for-profit organizations, or religious or
 1835 charitable organizations.

1836 Section 32. Paragraph (c) of subsection (15) and
 1837 subsection (29) of section 985.03, Florida Statutes, are amended
 1838 to read:

1839 985.03 Definitions.--As used in this chapter, the term:
 1840 (15)

1841 (c) "Delinquency prevention programs" means programs
 1842 designed for the purpose of reducing the occurrence of
 1843 delinquency, including criminal ~~youth and street~~ gang activity,
 1844 and juvenile arrests. The term excludes arbitration,
 1845 diversionary or mediation programs, and community service work
 1846 or other treatment available subsequent to a child committing a
 1847 delinquent act.

1848 (29) "Juvenile justice continuum" includes, but is not
 1849 limited to, delinquency prevention programs and services
 1850 designed for the purpose of preventing or reducing delinquent
 1851 acts, including criminal activity by criminal ~~youth~~ gangs, and
 1852 juvenile arrests, as well as programs and services targeted at
 1853 children who have committed delinquent acts, and children who
 1854 have previously been committed to residential treatment programs
 1855 for delinquents. The term includes children-in-need-of-services
 1856 and families-in-need-of-services programs; conditional release;
 1857 substance abuse and mental health programs; educational and
 1858 career programs; recreational programs; community services
 1859 programs; community service work programs; and alternative
 1860 dispute resolution programs serving children at risk of
 1861 delinquency and their families, whether offered or delivered by

1862 state or local governmental entities, public or private for-
 1863 profit or not-for-profit organizations, or religious or
 1864 charitable organizations.

1865 Section 33. Paragraph (c) of subsection (1) of section
 1866 985.047, Florida Statutes, is amended to read:

1867 985.047 Information systems.--

1868 (1)

1869 (c) As used in this section, "a juvenile who is at risk of
 1870 becoming a serious habitual juvenile offender" means a juvenile
 1871 who has been adjudicated delinquent and who meets one or more of
 1872 the following criteria:

1873 1. Is arrested for a capital, life, or first degree felony
 1874 offense or sexual battery.

1875 2. Has five or more arrests, at least three of which are
 1876 for felony offenses. Three of such arrests must have occurred
 1877 within the preceding 12-month period.

1878 3. Has 10 or more arrests, at least 2 of which are for
 1879 felony offenses. Three of such arrests must have occurred within
 1880 the preceding 12-month period.

1881 4. Has four or more arrests, at least one of which is for
 1882 a felony offense and occurred within the preceding 12-month
 1883 period.

1884 5. Has 10 or more arrests, at least 8 of which are for any
 1885 of the following offenses:

1886 a. Petit theft;

1887 b. Misdemeanor assault;

1888 c. Possession of a controlled substance;

1889 d. Weapon or firearm violation; or

1890 e. Substance abuse.

1891
 1892 Four of such arrests must have occurred within the preceding 12-
 1893 month period.

1894 6. Meets at least one of the criteria for criminal youth
 1895 ~~and street~~ gang membership.

1896 Section 34. Paragraph (a) of subsection (6) and subsection
 1897 (7) of section 985.433, Florida Statutes, are amended to read:

1898 985.433 Disposition hearings in delinquency cases.--When a
 1899 child has been found to have committed a delinquent act, the
 1900 following procedures shall be applicable to the disposition of
 1901 the case:

1902 (6) The first determination to be made by the court is a
 1903 determination of the suitability or nonsuitability for
 1904 adjudication and commitment of the child to the department. This
 1905 determination shall include consideration of the recommendations
 1906 of the department, which may include a predisposition report.
 1907 The predisposition report shall include, whether as part of the
 1908 child's multidisciplinary assessment, classification, and
 1909 placement process components or separately, evaluation of the
 1910 following criteria:

1911 (a) The seriousness of the offense to the community. If
 1912 the court determines under chapter 874 that the child was a
 1913 member of a criminal ~~street~~ gang at the time of the commission
 1914 of the offense, the seriousness of the offense to the community
 1915 shall be given great weight.

1916

1917 It is the intent of the Legislature that the criteria set forth
 1918 in this subsection are general guidelines to be followed at the
 1919 discretion of the court and not mandatory requirements of
 1920 procedure. It is not the intent of the Legislature to provide
 1921 for the appeal of the disposition made under this section.

1922 (7) If the court determines that the child should be
 1923 adjudicated as having committed a delinquent act and should be
 1924 committed to the department, such determination shall be in
 1925 writing or on the record of the hearing. The determination shall
 1926 include a specific finding of the reasons for the decision to
 1927 adjudicate and to commit the child to the department, including
 1928 any determination that the child was a member of a criminal
 1929 ~~street~~ gang.

1930 (a) The juvenile probation officer shall recommend to the
 1931 court the most appropriate placement and treatment plan,
 1932 specifically identifying the restrictiveness level most
 1933 appropriate for the child. If the court has determined that the
 1934 child was a member of a criminal ~~street~~ gang, that determination
 1935 shall be given great weight in identifying the most appropriate
 1936 restrictiveness level for the child. The court shall consider
 1937 the department's recommendation in making its commitment
 1938 decision.

1939 (b) The court shall commit the child to the department at
 1940 the restrictiveness level identified or may order placement at a
 1941 different restrictiveness level. The court shall state for the
 1942 record the reasons that establish by a preponderance of the
 1943 evidence why the court is disregarding the assessment of the
 1944 child and the restrictiveness level recommended by the

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1945 department. Any party may appeal the court's findings resulting
1946 in a modified level of restrictiveness under this paragraph.

1947 (c) The court may also require that the child be placed in
1948 a probation program following the child's discharge from
1949 commitment. Community-based sanctions under subsection (8) may
1950 be imposed by the court at the disposition hearing or at any
1951 time prior to the child's release from commitment.

1952 Section 35. The Division of Statutory Revision is directed
1953 to redesignate the title of chapter 874, Florida Statutes, as
1954 "Criminal Gang Enforcement and Prevention."

1955 Section 36. This act shall take effect October 1, 2008.