

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 knowingly  
33 initiating, organizing, planning, financing, directing,  
34 managing, or supervising criminal gang-related activity;  
35 providing penalties; creating s. 874.11, F.S.; prohibiting  
36 use of electronic communications to further the interests  
37 of a criminal gang; providing penalties; creating s.  
38 874.12, 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; amending s.  
58 948.03, F.S.; authorizing the court to order the posting  
59 of a surety bond to secure the appearance of a person on  
60 probation, community control, or any other court-ordered  
61 community supervision at any subsequent court proceeding;  
62 requiring the bail agent to surrender the person to the  
63 sheriff after receiving written notice, e-mail, or  
64 facsimile notice from the probation officer that the  
65 person has violated the terms of probation, community  
66 control, or other court-ordered community supervision;  
67 providing that if the bail agent does not surrender the  
68 person to the sheriff after receiving notice from the  
69 probation officer or does not produce the person in court  
70 at the time noticed by the court or the clerk of court,  
71 the surety bond is forfeited; creating s. 948.033, F.S.;  
72 prohibiting certain probationers or community controllees  
73 from communicating with criminal gang members; providing  
74 exceptions; amending s. 947.18, F.S.; prohibiting certain  
75 parolees from communicating with criminal gang members;  
76 providing exceptions; amending s. 947.1405, F.S.;  
77 prohibiting certain conditional releasees from  
78 communicating with criminal gang members; providing  
79 exceptions; amending s. 893.138, F.S.; conforming  
80 terminology to changes made by this act; amending s.  
81 921.0022, F.S.; adding offenses to the offense severity  
82 ranking chart of the Criminal Punishment Code; conforming  
83 terminology to changes made by this act; amending ss.  
84 921.0024, 921.141, 943.325, 984.03, 985.03, 985.047, and

85 985.433, F.S.; conforming cross-references and terminology  
 86 to changes made by this act; providing a directive to the  
 87 Division of Statutory Revision; providing an effective  
 88 date.

89

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

91

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

94 775.13 Registration of convicted felons, exemptions;  
 95 penalties.--

96 (2) Any person who has been convicted of a felony in any  
 97 court of this state shall, within 48 hours after entering any  
 98 county in this state, register with the sheriff of said county,  
 99 be fingerprinted and photographed, and list the crime for which  
 100 convicted, place of conviction, sentence imposed, if any, name,  
 101 aliases, if any, address, and occupation. If the felony  
 102 conviction is for an offense that was found, pursuant to s.  
 103 874.04, to have been committed for the purpose of benefiting,  
 104 promoting, or furthering the interests of a criminal gang, the  
 105 registrant shall identify himself or herself as such an  
 106 offender. The Department of Law Enforcement, in consultation  
 107 with appropriate local law enforcement agencies, may develop  
 108 standardized practices for the inclusion of gang affiliation at  
 109 the time of offender registration.

110 ~~(4) In lieu of registering with the sheriff as required by~~  
 111 ~~this section, such registration may be made with the Department~~

112 ~~of Law Enforcement, and is subject to the same terms and~~  
 113 ~~conditions as required for registration with the sheriff.~~

114 (4)~~(5)~~ This section does not apply to an offender:

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

116 (b) Who has received a full pardon for the offense for  
 117 which convicted;

118 (c) Who has been lawfully released from incarceration or  
 119 other sentence or supervision for a felony conviction for more  
 120 than 5 years prior to such time for registration, unless the  
 121 offender is a fugitive from justice on a felony charge or has  
 122 been convicted of any offense since release from such  
 123 incarceration or other sentence or supervision;

124 (d) Who is a parolee or probationer under the supervision  
 125 of the United States Parole Commission if the commission knows  
 126 of and consents to the presence of the offender in Florida or is  
 127 a probationer under the supervision of any federal probation  
 128 officer in the state or who has been lawfully discharged from  
 129 such parole or probation;

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

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

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

136 (5)~~(6)~~ The failure of any such convicted felon to comply  
 137 with this section;

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

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

146        ~~(6)-(7) All laws and parts of laws in conflict herewith are~~  
 147        ~~hereby repealed, provided that~~ Nothing in this section shall be  
 148        construed to affect any law of this state relating to  
 149        registration of criminals where the penalties for registration,  
 150        notification, or reporting obligations are in addition to, or in  
 151        excess of, those imposed by this section.

152        Section 2. Section 790.23, Florida Statutes, is amended to  
 153        read:

154        790.23 Felons and delinquents; possession of firearms,  
 155        ammunition, or electric weapons or devices unlawful.--

156        (1) It is unlawful for any person to own or to have in his  
 157        or her care, custody, possession, or control any firearm,  
 158        ammunition, or electric weapon or device, or to carry a  
 159        concealed weapon, including a tear gas gun or chemical weapon or  
 160        device, if that person has been:

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

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

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

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

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

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

177 (3) Except as otherwise provided in subsection (4), any  
 178 person who violates this section commits a felony of the second  
 179 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 180 775.084.

181 (4) Notwithstanding the provisions of s. 874.04, if the  
 182 offense described in subsection (1) has been committed by a  
 183 person who has previously qualified or currently qualifies for  
 184 the penalty enhancements provided for in s. 874.04, the offense  
 185 is a felony of the first degree, punishable by a term of years  
 186 not exceeding life or as provided in s. 775.082, s. 775.083, or  
 187 s. 775.084.

188 Section 3. Section 790.231, Florida Statutes, is created  
 189 to read:

190 790.231 Felons and delinquents; possession of bulletproof  
 191 vests.--

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

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

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

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

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

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

208       (f) Found, pursuant to s. 874.04, to have committed any  
 209 offense for the purpose of benefiting, promoting, or furthering  
 210 the interests of a criminal gang.

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

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

214       (b) Persons authorized to possess a bulletproof vest by  
 215 law enforcement officials, prosecutorial authorities, or courts  
 216 for the purpose of aiding in the investigation of criminal  
 217 activity.



218 (3) Any person who violates this section commits a felony  
 219 of the third degree, punishable as provided in s. 775.082, s.  
 220 775.083, or s. 775.084.

221 Section 4. Section 823.05, Florida Statutes, is amended to  
 222 read:

223 823.05 Places and groups engaged in criminal gang-related  
 224 activity declared a nuisance; may be abated and enjoined.--

225 (1) Whoever shall erect, establish, continue, or maintain,  
 226 own or lease any building, booth, tent or place which tends to  
 227 annoy the community or injure the health of the community, or  
 228 become manifestly injurious to the morals or manners of the  
 229 people as described in s. 823.01, ~~or shall be frequented by the~~  
 230 ~~class of persons mentioned in s. 856.02,~~ or any house or place  
 231 of prostitution, assignation, lewdness or place or building  
 232 where games of chance are engaged in violation of law or any  
 233 place where any law of the state is violated, shall be deemed  
 234 guilty of maintaining a nuisance, and the building, erection,  
 235 place, tent or booth and the furniture, fixtures, and contents  
 236 are declared a nuisance. All such places or persons shall be  
 237 abated or enjoined as provided in ss. 60.05 and 60.06.

238 (2) (a) As used in this subsection, the terms "criminal  
 239 gang," "criminal gang member," "criminal gang associate," and  
 240 "criminal gang-related activity" have the same meanings as  
 241 provided in s. 874.03.

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

246        (c) The use of a location on two or more occasions by a  
247 criminal gang, criminal gang members, or criminal gang  
248 associates for the purpose of engaging in criminal gang-related  
249 activity is a public nuisance. Such use of a location as a  
250 public nuisance shall be abated or enjoined as provided in ss.  
251 60.05 and 60.06.

252        (d) Nothing in this subsection shall prevent a local  
253 governing body from adopting and enforcing laws consistent with  
254 this chapter relating to criminal gangs and gang violence. Where  
255 local laws duplicate or supplement this chapter, this chapter  
256 shall be construed as providing alternative remedies and not as  
257 preempting the field.

258        (e) The state, through the Department of Legal Affairs or  
259 any state attorney, or any of the state's agencies,  
260 instrumentalities, subdivisions, or municipalities having  
261 jurisdiction over conduct in violation of a provision of this  
262 chapter may institute civil proceedings under this subsection.  
263 In any action brought under this subsection, the circuit court  
264 shall proceed as soon as practicable to the hearing and  
265 determination. Pending final determination, the circuit court  
266 may at any time enter such injunctions, prohibitions, or  
267 restraining orders, or take such actions, including the  
268 acceptance of satisfactory performance bonds, as the court may  
269 deem proper.

270        Section 5. Section 874.01, Florida Statutes, is amended to  
271 read:

272        874.01 Short title.--This chapter may be cited as the  
273 "~~Criminal Street~~ Gang Prevention Act ~~of 1996.~~"

274 Section 6. Section 874.02, Florida Statutes, is amended to  
 275 read:

276 874.02 Legislative findings and intent.--

277 (1) The Legislature finds that it is the right of every  
 278 person, regardless of race, color, creed, religion, national  
 279 origin, sex, age, sexual orientation, or handicap, to be secure  
 280 and protected from fear, intimidation, and physical harm caused  
 281 by the activities of criminal ~~street~~ gangs and their members. It  
 282 is not the intent of this chapter to interfere with the exercise  
 283 of the constitutionally protected rights of freedom of  
 284 expression and association. The Legislature recognizes the  
 285 constitutional right of every citizen to harbor and express  
 286 beliefs on any lawful subject whatsoever, to lawfully associate  
 287 with others who share similar beliefs, to petition lawfully  
 288 constituted authority for a redress of perceived grievances, and  
 289 to participate in the electoral process.

290 (2) The Legislature finds, however, that the state is  
 291 facing a mounting crisis caused by criminal ~~street~~ gangs whose  
 292 members threaten and terrorize peaceful citizens and commit a  
 293 multitude of crimes. These criminal ~~street~~ gang activities, both  
 294 individually and collectively, present a clear and present  
 295 danger. Street gangs, terrorist organizations, and hate groups  
 296 have evolved into increasingly sophisticated and complex  
 297 organized crime groups in their criminal tactics, schemes, and  
 298 brutality. The state has a compelling interest in preventing  
 299 criminal ~~street~~ gang activity and halting the real and present  
 300 danger posed by the proliferation of criminal gangs and the  
 301 graduation from more primitive forms of criminal gangs to highly

302 sophisticated criminal gangs. For these reasons, and the  
 303 Legislature finds that the provisions of this chapter ~~act~~ are  
 304 essential necessary to maintain ~~the~~ public order and safety.

305 (3) It is the intent of the Legislature to outlaw certain  
 306 conduct associated with the existence and proliferation of  
 307 criminal gangs, provide eradicate the terror created by criminal  
 308 street gangs and their members by providing enhanced criminal  
 309 penalties, and eliminate and by eliminating the patterns,  
 310 profits, proceeds, instrumentalities, and property facilitating  
 311 criminal ~~street~~ gang activity, including criminal ~~street~~ gang  
 312 recruitment.

313 (4) The Legislature finds that the timely reporting and  
 314 exchange of criminal gang information facilitates the ability of  
 315 law enforcement agencies to monitor and anticipate criminal  
 316 activities of gangs and their members. Additionally, the timely  
 317 and standardized reporting of such criminal gang information  
 318 supports the identification of gang members via the criminal  
 319 justice information system and directly contributes to law  
 320 enforcement officers' safety. For these reasons, it is the  
 321 intent of the Legislature to encourage state and local law  
 322 enforcement agencies to facilitate the exchange of crime data  
 323 information through the statewide criminal gang database as  
 324 provided in s. 874.09.

325 Section 7. Section 874.03, Florida Statutes, is amended to  
 326 read:

327 874.03 Definitions.--As used in this chapter:

328 (1) "Criminal ~~street~~ gang" means a formal or informal  
 329 ongoing organization, association, or group that has as one of

330 its primary activities the commission of criminal or delinquent  
 331 acts, and that consists of three or more persons who have a  
 332 common name or common identifying signs, colors, or symbols,  
 333 including, but not limited to, terrorist organizations and hate  
 334 groups and ~~have two or more members who, individually or~~  
 335 ~~collectively, engage in or have engaged in a pattern of criminal~~  
 336 ~~street gang activity.~~

337 (a) As used in this subsection, "ongoing" means that the  
 338 organization was in existence during the time period charged in  
 339 a petition, information, indictment, or action for civil  
 340 injunctive relief.

341 (b) As used in this subsection, "primary activities" means  
 342 that a criminal gang spends a substantial amount of time engaged  
 343 in such activity, although such activity need not be the only,  
 344 or even the most important activity, in which the criminal gang  
 345 engages.

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

347 (a) Admits to criminal gang association; or

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

350 (3) ~~(2)~~ "Criminal ~~street~~ gang member" is a person who ~~is a~~  
 351 member of a criminal ~~street~~ gang as defined in subsection (1)  
 352 and ~~who~~ meets two or more of the following criteria:

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

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

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

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

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

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

365           (g) Associates with one or more known criminal gang  
366 members.

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

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

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

375           ~~(j)(h)~~ Has been observed stopped in the company of one or  
376 more known criminal street gang members four or more times.

377 Observation in a custodial setting requires a willful  
378 association. It is the intent of the legislature to allow this  
379 criterion to be used to identify gang members who recruit and  
380 organize in jails, prisons, and other detention settings.

381           (k) Has authored any communication indicating  
382 responsibility for the commission of any crime by the criminal  
383 gang.

384

385 Where a single act or factual transaction satisfies the

386 requirements of more than one of the criteria in this  
387 subsection, each of those criteria has thereby been satisfied  
388 for the purposes of the statute.

389 ~~(3) "Pattern of criminal street gang activity" means the~~  
390 ~~commission or attempted commission of, or solicitation or~~  
391 ~~conspiracy to commit, two or more felony or three or more~~  
392 ~~misdemeanor offenses, or one felony and two misdemeanor~~  
393 ~~offenses, or the comparable number of delinquent acts or~~  
394 ~~violations of law which would be felonies or misdemeanors if~~  
395 ~~committed by an adult, on separate occasions within a 3-year~~  
396 ~~period.~~

397 ~~(4) For purposes of law enforcement identification and~~  
398 ~~tracking only.~~

399 ~~(a) "criminal street gang associate" means a person who:~~  
400 ~~1. Admits to criminal street gang association; or~~  
401 ~~2. Meets any single defining criterion for criminal street~~  
402 ~~gang membership described in subsection (2).~~

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

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

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

410 ~~3. an informant of previously untested reliability~~  
411 ~~identifies an incident as criminal street gang activity and it~~  
412 ~~is corroborated by independent information.~~

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

414 (a) An activity committed with the intent to benefit,  
415 promote, or further the interests of a criminal gang, or for the  
416 purposes of increasing a person's own standing or position  
417 within a criminal gang;

418 (b) An activity in which the participants are identified  
419 as criminal gang members or criminal gang associates acting  
420 individually or collectively to further any criminal purpose of  
421 a criminal gang;

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

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

427 (5) "Electronic communication" has the meaning provided in  
428 s. 934.02 and includes, but is not limited to, photographs,  
429 video, telephone communications, text messages, facsimile,  
430 electronic mail messages as defined in s. 668.602, and instant  
431 message real-time communications with other individuals through  
432 the Internet or other means.

433 (6) "Hate group" means an organization whose primary  
434 purpose is to promote animosity, hostility, and malice against a  
435 person or persons or against the property of a person or persons  
436 because of race, religion, disability, sexual orientation,  
437 ethnicity, or national origin.

438 (7) "Terrorist organization" means any organized group  
439 engaged in or organized for the purpose of engaging in terrorism  
440 as defined in s. 775.30. This definition shall not be construed



441 to prevent prosecution under this chapter of individuals acting  
 442 alone.

443 Section 8. Section 874.04, Florida Statutes, is amended to  
 444 read:

445 874.04 Gang-related offenses ~~Criminal street gang~~  
 446 ~~activity~~; enhanced penalties.--Upon a finding by the factfinder  
 447 ~~court at sentencing~~ that the defendant committed the charged  
 448 offense for the purpose of benefiting, promoting, or furthering  
 449 the interests of a criminal ~~street~~ gang, the penalty for any  
 450 felony or misdemeanor, or any delinquent act or violation of law  
 451 which would be a felony or misdemeanor if committed by an adult,  
 452 may be enhanced. Penalty enhancement affects the applicable  
 453 statutory maximum penalty only. Each of the findings required as  
 454 a basis for such sentence shall be found beyond a reasonable  
 455 doubt ~~by a preponderance of the evidence~~. The enhancement will  
 456 be as follows:

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

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

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

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

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

472  
 473 For purposes of sentencing under chapter 921 and determining  
 474 incentive gain-time eligibility under chapter 944, such felony  
 475 offense is ranked as provided in s. 921.0022 or s. 921.0023, and  
 476 without regard to the penalty enhancement in this subsection.  
 477 ~~For purposes of this section, penalty enhancement affects the~~  
 478 ~~applicable statutory maximum penalty only.~~

479 Section 9. Section 874.045, Florida Statutes, is created  
 480 to read:

481 874.045 Arrest and prosecution under other  
 482 provisions.--Nothing in this chapter shall prohibit the arrest  
 483 and prosecution of a criminal gang member under chapter 876,  
 484 chapter 895, chapter 896, s. 893.20, or any other applicable  
 485 provision of law except to the extent otherwise prohibited  
 486 pursuant to a statutory or constitutional provision.

487 Section 10. Section 874.05, Florida Statutes, is amended  
 488 to read:

489 874.05 Causing, encouraging, soliciting, or recruiting  
 490 criminal ~~street~~ gang membership.--

491 (1) Except as provided in subsection (2), a person who  
 492 intentionally causes, encourages, solicits, or recruits another  
 493 person to become a criminal gang member where ~~join a criminal~~  
 494 ~~street gang that requires~~ as a condition of membership or  
 495 continued membership is the commission of any crime commits a

496 felony of the third degree, punishable as provided in s.  
 497 775.082, s. 775.083, or s. 775.084.

498 (2) A person who commits ~~Upon~~ a second or subsequent  
 499 violation offense, ~~the person~~ commits a felony of the second  
 500 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 501 775.084.

502 Section 11. Section 874.06, Florida Statutes, is amended  
 503 to read:

504 874.06 Civil cause of action.--

505 (1) A person or organization establishing, by clear and  
 506 convincing evidence, coercion, intimidation, threats, or other  
 507 harm to that person or organization in violation of this chapter  
 508 has a civil cause of action for treble damages, an injunction,  
 509 or any other appropriate relief in law or equity. Upon  
 510 prevailing, the plaintiff may recover ~~reasonable~~ attorney's fees  
 511 in the trial and appellate courts and the costs of investigation  
 512 and litigation that are reasonably incurred ~~and costs.~~

513 (2) (a) For purposes of this subsection, the term "state"  
 514 includes any of the state's agencies, instrumentalities,  
 515 subdivisions, or municipalities, and includes, but is not  
 516 limited to, state attorneys and the Office of Statewide  
 517 Prosecution of the Department of Legal Affairs.

518 (b) In addition to any remedies provided for by ss. 60.05  
 519 and 823.05, the state has a civil cause of action against any  
 520 person or organization if it proves by clear and convincing  
 521 evidence that it has been injured by reason of a violation of  
 522 this chapter by the person or organization. The state has a  
 523 civil cause of action for treble damages, injunctive relief, or

524 any other relief in law or equity which the court deems  
 525 appropriate. If the state prevails, it may also recover  
 526 attorney's fees in the trial and appellate courts and the costs  
 527 of investigation and litigation that are reasonably incurred.  
 528 The state may not recover punitive damages. The defendant is  
 529 entitled to recover reasonable attorney's fees and court costs  
 530 if the court finds that the state raised a claim that was  
 531 without factual or legal support and was vexatious, frivolous,  
 532 or brought in bad faith.

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

536 (4) A person who knowingly violates a temporary or  
 537 permanent order issued under this section or s. 60.05 commits a  
 538 misdemeanor of the first degree, punishable as provided in s.  
 539 775.082 or s. 775.083.

540 Section 12. Section 874.08, Florida Statutes, is amended  
 541 to read:

542 874.08 Criminal gang activity and Profits, proceeds, and  
 543 ~~instrumentalities of criminal street gangs or criminal street~~  
 544 ~~gang~~ recruitment; forfeiture.--All profits, proceeds, and  
 545 instrumentalities of criminal ~~street~~ gang activity and all  
 546 property used or intended or attempted to be used to facilitate  
 547 the criminal activity of any criminal ~~street~~ gang or of any  
 548 criminal ~~street~~ gang member; and all profits, proceeds, and  
 549 instrumentalities of criminal ~~street~~ gang recruitment and all  
 550 property used or intended or attempted to be used to facilitate  
 551 criminal ~~street~~ gang recruitment are subject to seizure and

552 forfeiture under the Florida Contraband Forfeiture Act, s.  
 553 932.704.

554 Section 13. Section 874.09, Florida Statutes, is amended  
 555 to read:

556 874.09 Crime data information.--

557 (1) The Department of Law Enforcement may:

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

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

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

570 (d) Compile and maintain a data repository relating to  
 571 criminal gangs and their members and associates in order to  
 572 develop and improve techniques used by law enforcement agencies  
 573 and prosecutors in the investigation, apprehension, and  
 574 prosecution of members and affiliates of criminal gangs.

575 (2) Local law enforcement agencies may:

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

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

581 Section 14. Section 874.10, Florida Statutes, is created  
 582 to read:

583 874.10 Directing the activities of a criminal gang.--Any  
 584 person who knowingly initiates, organizes, plans, finances,  
 585 directs, manages, or supervises criminal gang-related activity  
 586 commits a felony of the first degree, punishable by imprisonment  
 587 for a term of years not exceeding life or as provided in s.  
 588 775.082, s. 775.083, or s. 775.084.

589 Section 15. Section 874.11, Florida Statutes, is created  
 590 to read:

591 874.11 Electronic communication.--Any person who, for the  
 592 purpose of benefiting, promoting, or furthering the interests of  
 593 a criminal gang, uses electronic communication to intimidate or  
 594 harass other persons, or to advertise his or her presence in the  
 595 community, including, but not limited to, such activities as  
 596 distributing, selling, transmitting, or posting on the Internet  
 597 any audio, video, or still image of criminal activity, commits a  
 598 felony of the third degree, punishable as provided in s.  
 599 775.082, s. 775.083, or s. 775.084.

600 Section 16. Section 874.12, Florida Statutes, is created  
 601 to read:

602 874.12 Identification documents; unlawful possession or  
 603 creation.--

604 (1) For purposes of this section, the term "identification  
 605 document" includes, but is not limited to, a social security  
 606 card or number, a birth certificate, a driver's license, an

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607 identification card issued pursuant to s. 322.051, a  
608 naturalization certificate, an alien registration number, a  
609 passport, and any access credentials for a publicly operated  
610 facility or an infrastructure facility covered under 18 U.S.C.  
611 s. 2332f.

612 (2) Any person possessing or manufacturing any blank,  
613 forged, stolen, fictitious, fraudulent, counterfeit, or  
614 otherwise unlawfully issued identification document for the  
615 purpose of benefiting, promoting, or furthering the interests of  
616 a criminal gang commits a felony of the second degree,  
617 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

618 Section 17. Section 874.13, Florida Statutes, is created  
619 to read:

620 874.13 Commission of a gang-related offense by a habitual  
621 felony offender.--Any person who qualifies as a habitual felony  
622 offender under s. 775.084 and who thereafter commits an offense  
623 that was found, pursuant to s. 874.04, to have been committed  
624 for the purpose of benefiting, promoting, or furthering the  
625 interests of a criminal gang, commits a felony of the first  
626 degree, punishable by a term of years not exceeding life or as  
627 provided in s. 775.082, s. 775.083, or s. 775.084.

628 Section 18. Section 874.14, Florida Statutes, is created  
629 to read:

630 874.14 Suspension of driver's license.--

631 (1) For purposes of this section:

632 (a) "Department" means the Department of Highway Safety  
633 and Motor Vehicles.

634 (b) "Convicted" means a determination of guilt that is the

635 result of a trial or the entry of a plea of guilty or nolo  
636 contendere, regardless of whether adjudication is withheld.

637 (2) In addition to any other penalty provided by law, the  
638 court shall order the suspension of the driver's license of each  
639 person convicted or adjudicated delinquent of any offense  
640 contained in this chapter and of any person who has been found  
641 to have committed any offense for the purpose of benefiting,  
642 promoting, or furthering the interests of a criminal gang  
643 pursuant to s. 874.04. Upon ordering the suspension of the  
644 driver's license, the court shall forward the driver's license  
645 to the department in accordance with s. 322.25.

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

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

650 (3) A court that suspends a driver's license pursuant to  
651 subsection (2) shall, if the person is sentenced to a term of  
652 incarceration, direct the department to commence the suspension  
653 of the person's driver's license upon the person's release from  
654 incarceration.

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

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

661 895.02 Definitions.--As used in ss. 895.01-895.08, the  
662 term:



663 (1) "Racketeering activity" means to commit, to attempt to  
 664 commit, to conspire to commit, or to solicit, coerce, or  
 665 intimidate another person to commit:

666 (a) Any crime that is chargeable by petition, indictment,  
 667 or information under the following provisions of the Florida  
 668 Statutes:

669 1. Section 210.18, relating to evasion of payment of  
 670 cigarette taxes.

671 2. Section 316.1935, relating to fleeing or attempting to  
 672 elude a law enforcement officer and aggravated fleeing or  
 673 eluding.

674 ~~3.2-~~ Section 403.727(3)(b), relating to environmental  
 675 control.

676 ~~4.3-~~ Section 409.920 or s. 409.9201, relating to Medicaid  
 677 fraud.

678 ~~5.4-~~ Section 414.39, relating to public assistance fraud.

679 ~~6.5-~~ Section 440.105 or s. 440.106, relating to workers'  
 680 compensation.

681 ~~7.6-~~ Section 443.071(4), relating to creation of a  
 682 fictitious employer scheme to commit unemployment compensation  
 683 fraud.

684 ~~8.7-~~ Section 465.0161, relating to distribution of  
 685 medicinal drugs without a permit as an Internet pharmacy.

686 ~~9.8-~~ Sections 499.0051, 499.0052, 499.00535, 499.00545,  
 687 and 499.0691, relating to crimes involving contraband and  
 688 adulterated drugs.

689 ~~10.9-~~ Part IV of chapter 501, relating to telemarketing.

690        ~~11.10.~~ Chapter 517, relating to sale of securities and  
 691 investor protection.

692        ~~12.11.~~ Section 550.235, s. 550.3551, or s. 550.3605,  
 693 relating to dogracing and horseracing.

694        ~~13.12.~~ Chapter 550, relating to jai alai frontons.

695        ~~14.13.~~ Section 551.109, relating to slot machine gaming.

696        ~~15.14.~~ Chapter 552, relating to the manufacture,  
 697 distribution, and use of explosives.

698        ~~16.15.~~ Chapter 560, relating to money transmitters, if the  
 699 violation is punishable as a felony.

700        ~~17.16.~~ Chapter 562, relating to beverage law enforcement.

701        ~~18.17.~~ Section 624.401, relating to transacting insurance  
 702 without a certificate of authority, s. 624.437(4)(c)1., relating  
 703 to operating an unauthorized multiple-employer welfare  
 704 arrangement, or s. 626.902(1)(b), relating to representing or  
 705 aiding an unauthorized insurer.

706        ~~19.18.~~ Section 655.50, relating to reports of currency  
 707 transactions, when such violation is punishable as a felony.

708        ~~20.19.~~ Chapter 687, relating to interest and usurious  
 709 practices.

710        ~~21.20.~~ Section 721.08, s. 721.09, or s. 721.13, relating  
 711 to real estate timeshare plans.

712        22. Section 775.13(5)(b), relating to registration of  
 713 persons found to have committed any offense for the purpose of  
 714 benefiting, promoting, or furthering the interests of a criminal  
 715 gang.

716        23. Section 777.03, relating to commission of crimes by  
 717 accessories after the fact.

718           ~~24.21.~~ Chapter 782, relating to homicide.

719           ~~25.22.~~ Chapter 784, relating to assault and battery.

720           ~~26.23.~~ Chapter 787, relating to kidnapping or human

721 trafficking.

722           ~~27.24.~~ Chapter 790, relating to weapons and firearms.

723           ~~28.~~ Chapter 794, relating to sexual battery, but only if

724 such crime was committed with the intent to benefit, promote, or

725 further the interests of a criminal gang, or for the purpose of

726 increasing a criminal gang member's own standing or position

727 within a criminal gang.

728           ~~29.25.~~ Section 796.03, s. 796.035, s. 796.04, s. 796.045,

729 s. 796.05, or s. 796.07, relating to prostitution and sex

730 trafficking.

731           ~~30.26.~~ Chapter 806, relating to arson and criminal

732 mischief.

733           ~~31.27.~~ Chapter 810 ~~Section 810.02(2)(c),~~ relating to

734 ~~specified burglary and trespass of a dwelling or structure.~~

735           ~~32.28.~~ Chapter 812, relating to theft, robbery, and

736 related crimes.

737           ~~33.29.~~ Chapter 815, relating to computer-related crimes.

738           ~~34.30.~~ Chapter 817, relating to fraudulent practices,

739 false pretenses, fraud generally, and credit card crimes.

740           ~~35.31.~~ Chapter 825, relating to abuse, neglect, or

741 exploitation of an elderly person or disabled adult.

742           ~~36.32.~~ Section 827.071, relating to commercial sexual

743 exploitation of children.

744           ~~37.33.~~ Chapter 831, relating to forgery and

745 counterfeiting.

746        ~~38.34.~~ Chapter 832, relating to issuance of worthless  
747 checks and drafts.

748        ~~39.35.~~ Section 836.05, relating to extortion.

749        ~~40.36.~~ Chapter 837, relating to perjury.

750        ~~41.37.~~ Chapter 838, relating to bribery and misuse of  
751 public office.

752        ~~42.38.~~ Chapter 843, relating to obstruction of justice.

753        ~~43.39.~~ Section 847.011, s. 847.012, s. 847.013, s. 847.06,  
754 or s. 847.07, relating to obscene literature and profanity.

755        ~~44.40.~~ Section 849.09, s. 849.14, s. 849.15, s. 849.23, or  
756 s. 849.25, relating to gambling.

757        ~~45.41.~~ Chapter 874, relating to criminal ~~street~~ gangs.

758        ~~46.42.~~ Chapter 893, relating to drug abuse prevention and  
759 control.

760        ~~47.43.~~ Chapter 896, relating to offenses related to  
761 financial transactions.

762        ~~48.44.~~ Sections 914.22 and 914.23, relating to tampering  
763 with or harassing a witness, victim, or informant, and  
764 retaliation against a witness, victim, or informant.

765        ~~49.45.~~ Sections 918.12 and 918.13, relating to tampering  
766 with jurors and evidence.

767        (3) "Enterprise" means any individual, sole  
768 proprietorship, partnership, corporation, business trust, union  
769 chartered under the laws of this state, or other legal entity,  
770 or any unchartered union, association, or group of individuals  
771 associated in fact although not a legal entity; and it includes  
772 illicit as well as licit enterprises and governmental, as well

773 as other, entities. A criminal ~~street~~ gang, as defined in s.  
 774 874.03, constitutes an enterprise.

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

777 903.046 Purpose of and criteria for bail determination.--

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

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

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

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

786 (d) The defendant's past and present conduct, including  
 787 any record of convictions, previous flight to avoid prosecution,  
 788 or failure to appear at court proceedings. However, any  
 789 defendant who had failed to appear on the day of any required  
 790 court proceeding in the case at issue, but who had later  
 791 voluntarily appeared or surrendered, shall not be eligible for a  
 792 recognizance bond; and any defendant who failed to appear on the  
 793 day of any required court proceeding in the case at issue and  
 794 who was later arrested shall not be eligible for a recognizance  
 795 bond or for any form of bond which does not require a monetary  
 796 undertaking or commitment equal to or greater than \$2,000 or  
 797 twice the value of the monetary commitment or undertaking of the  
 798 original bond, whichever is greater. Notwithstanding anything in  
 799 this section, the court has discretion in determining conditions  
 800 of release if the defendant proves circumstances beyond his or

801 her control for the failure to appear. This section may not be  
802 construed as imposing additional duties or obligations on a  
803 governmental entity related to monetary bonds.

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

806 (f) The source of funds used to post bail or procure an  
807 appearance bond, particularly whether the proffered funds, real  
808 property, property, or any proposed collateral or bond premium  
809 may be linked to or derived from the crime alleged to have been  
810 committed or from any other criminal or illicit activities. The  
811 burden of establishing the noninvolvement in or nonderivation  
812 from criminal or other illicit activity of such proffered funds,  
813 real property, property, or any proposed collateral or bond  
814 premium falls upon the defendant or other person proffering them  
815 to obtain the defendant's release.

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

819 (h) The street value of any drug or controlled substance  
820 connected to or involved in the criminal charge. It is the  
821 finding and intent of the Legislature that crimes involving  
822 drugs and other controlled substances are of serious social  
823 concern, that the flight of defendants to avoid prosecution is  
824 of similar serious social concern, and that frequently such  
825 defendants are able to post monetary bail using the proceeds of  
826 their unlawful enterprises to defeat the social utility of  
827 pretrial bail. Therefore, the courts should carefully consider

828 the utility and necessity of substantial bail in relation to the  
 829 street value of the drugs or controlled substances involved.

830 (i) The nature and probability of intimidation and danger  
 831 to victims.

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

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

835 (l) Whether the crime charged is a violation of chapter  
 836 874 or alleged to be subject to enhanced punishment under  
 837 chapter 874. If any such violation is charged against a  
 838 defendant or if the defendant is charged with a crime that is  
 839 alleged to be subject to such enhancement, he or she shall not  
 840 be eligible for release on bail or surety bond until the first  
 841 appearance on the case in order to ensure the full participation  
 842 of the prosecutor and the protection of the public.

843 Section 21. Section 914.22, Florida Statutes, is amended  
 844 to read:

845 914.22 Tampering with or harassing a witness, victim, or  
 846 informant; penalties---

847 (1) A person who knowingly uses intimidation or physical  
 848 force, or threatens another person, or attempts to do so, or  
 849 engages in misleading conduct toward another person, or offers  
 850 pecuniary benefit or gain to another person, with intent to  
 851 cause or induce any person to:

852 (a) Withhold testimony, or withhold a record, document, or  
 853 other object, from an official investigation or official  
 854 proceeding;

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

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

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

863 (e) Hinder, delay, or prevent the communication to a law  
 864 enforcement officer or judge of information relating to the  
 865 commission or possible commission of an offense or a violation  
 866 of a condition of probation, parole, or release pending a  
 867 judicial proceeding; or

868 (f) Testify untruthfully in an official investigation or  
 869 an official proceeding,

870  
 871 commits the crime of tampering with a witness, victim, or  
 872 informant a felony of the third degree, punishable as provided  
 873 in s. 775.082, s. 775.083, or s. 775.084.

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

875 (a) Felony of the third degree, punishable as provided in  
 876 s. 775.082, s. 775.083, or s. 775.084, where the official  
 877 investigation or official proceeding affected involves the  
 878 investigation or prosecution of a misdemeanor.

879 (b) Felony of the second degree, punishable as provided in  
 880 s. 775.082, s. 775.083, or s. 775.084, where the official  
 881 investigation or official proceeding affected involves the  
 882 investigation or prosecution of a third degree felony.



883        (c) Felony of the first degree, punishable as provided in  
 884 s. 775.082, s. 775.083, or s. 775.084, where the official  
 885 investigation or official proceeding affected involves the  
 886 investigation or prosecution of a second degree felony.

887        (d) Felony of the first degree, punishable by a term of  
 888 years not exceeding life or as provided in s. 775.082, s.  
 889 775.083, or s. 775.084, where the official investigation or  
 890 official proceeding affected involves the investigation or  
 891 prosecution of a first degree felony or a first degree felony  
 892 punishable by a term of years not exceeding life.

893        (e) Life felony, punishable as provided in s. 775.082, s.  
 894 775.083, or s. 775.084, where the official investigation or  
 895 official proceeding affected involves the investigation or  
 896 prosecution of a life or capital felony.

897        (f) Felony of the third degree, punishable as provided in  
 898 s. 775.082, s. 775.083, or s. 775.084, where the offense level  
 899 of the affected official investigation or official proceeding is  
 900 indeterminable or where the affected official investigation or  
 901 official proceeding involves a noncriminal investigation or  
 902 proceeding.

903        ~~(3)-(2)~~ Whoever intentionally harasses another person and  
 904 thereby hinders, delays, prevents, or dissuades any person from:

905        (a) Attending or testifying in an official proceeding or  
 906 cooperating in an official investigation;

907        (b) Reporting to a law enforcement officer or judge the  
 908 commission or possible commission of an offense or a violation  
 909 of a condition of probation, parole, or release pending a  
 910 judicial proceeding;

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

913 (d) Causing a criminal prosecution, or a parole or  
 914 probation revocation proceeding, to be sought or instituted, or  
 915 from assisting in such prosecution or proceeding;

916  
 917 or attempts to do so, commits the crime of harassing a witness,  
 918 victim, or informant ~~is guilty of a misdemeanor of the first~~  
 919 ~~degree, punishable as provided in s. 775.082 or s. 775.083.~~

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

921 (a) Misdemeanor of the first degree, punishable as  
 922 provided in s. 775.082 or s. 775.083, where the official  
 923 investigation or official proceeding affected involves the  
 924 investigation or prosecution of a misdemeanor.

925 (b) Felony of the third degree, punishable as provided in  
 926 s. 775.082, s. 775.083, or s. 775.084, where the official  
 927 investigation or official proceeding affected involves the  
 928 investigation or prosecution of a third degree felony.

929 (c) Felony of the second degree, punishable as provided in  
 930 s. 775.082, s. 775.083, or s. 775.084, where the official  
 931 investigation or official proceeding affected involves the  
 932 investigation or prosecution of a second degree felony.

933 (d) Felony of the first degree, punishable as provided in  
 934 s. 775.082, s. 775.083, or s. 775.084, where the official  
 935 investigation or official proceeding affected involves the  
 936 investigation or prosecution of a first degree felony.

937 (e) Felony of the first degree, punishable by a term of  
 938 years not exceeding life or as provided in s. 775.082, s.

939 775.083, or s. 775.084, where the official investigation or  
940 official proceeding affected involves the investigation or  
941 prosecution of a felony of the first degree punishable by a term  
942 of years not exceeding life or a prosecution of a life or  
943 capital felony.

944 (f) Felony of the third degree, punishable as provided in  
945 s. 775.082, s. 775.083, or s. 775.084, where the offense level  
946 of the affected official investigation or official proceeding is  
947 indeterminable or where the affected official investigation or  
948 official proceeding involves a noncriminal investigation or  
949 proceeding.

950 (5)~~(3)~~ For the purposes of this section:

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

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

956 (6)~~(4)~~ In a prosecution for an offense under this section,  
957 no state of mind need be proved with respect to the  
958 circumstance:

959 (a) That the official proceeding before a judge, court,  
960 grand jury, or government agency is before a judge or court of  
961 the state, a state or local grand jury, or a state agency; or

962 (b) That the judge is a judge of the state or that the law  
963 enforcement officer is an officer or employee of the state or a  
964 person authorized to act for or on behalf of the state or  
965 serving the state as an adviser or consultant.

966 Section 22. Section 943.031, Florida Statutes, is amended  
 967 to read:

968 943.031 Florida Violent Crime and Drug Control Council.--

969 (1) FINDINGS.--The Legislature finds that there is a need  
 970 to develop and implement a statewide strategy to address violent  
 971 criminal activity, including crimes committed by criminal gangs,  
 972 and drug control efforts by state and local law enforcement  
 973 agencies, including investigations of illicit money laundering.  
 974 In recognition of this need, the Florida Violent Crime and Drug  
 975 Control Council is created within the department. The council  
 976 shall serve in an advisory capacity to the department.

977 (2)~~(1)~~ MEMBERSHIP.--The council shall consist of 14  
 978 members, as follows:

979 (a) The Attorney General or a designate.

980 (b) A designate of the executive director of the  
 981 Department of Law Enforcement.

982 (c) The secretary of the Department of Corrections or a  
 983 designate.

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

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

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

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

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

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

994  
995 The Governor, when making appointments under this subsection,  
996 must take into consideration representation by geography,  
997 population, ethnicity, and other relevant factors to ensure that  
998 the membership of the council is representative of the state at  
999 large. Designates appearing on behalf of a council member who is  
1000 unable to attend a meeting of the council are empowered to vote  
1001 on issues before the council to the same extent the designating  
1002 council member is so empowered.

1003 (3)~~(2)~~ TERMS OF MEMBERSHIP; OFFICERS; COMPENSATION;  
1004 STAFF.--

1005 (a) Members appointed by the Governor shall be appointed  
1006 for terms of 2 years. The other members are standing members of  
1007 the council. In no event shall a member serve beyond the time he  
1008 or she ceases to hold the office or employment which was the  
1009 basis for appointment to the council. In the event of a vacancy,  
1010 an appointment to fill the vacancy shall be only for the  
1011 unexpired term.

1012 (b) The Legislature finds that the council serves a  
1013 legitimate state, county, and municipal purpose and that service  
1014 on the council is consistent with a member's principal service  
1015 in a public office or employment. Membership on the council does  
1016 not disqualify a member from holding any other public office or  
1017 being employed by a public entity, except that no member of the  
1018 Legislature shall serve on the council.

1019 (c) The members of the council shall elect a chair and a  
1020 vice chair every 2 years, to serve for a 2-year term. As deemed  
1021 appropriate, other officers may be elected by the members.

1022 (d) Members of the council or their designates shall serve  
 1023 without compensation but are entitled to reimbursement for per  
 1024 diem and travel expenses pursuant to s. 112.061. Reimbursements  
 1025 made pursuant to this paragraph may be paid from either the  
 1026 Violent Crime Investigative Emergency and Drug Control Strategy  
 1027 Implementation Account within the Department of Law Enforcement  
 1028 Operating Trust Fund or from other appropriations provided to  
 1029 the department by the Legislature in the General Appropriations  
 1030 Act.

1031 (e) The department shall provide the council with staff  
 1032 necessary to assist the council in the performance of its  
 1033 duties.

1034 ~~(4)~~(3) MEETINGS.--The council must meet at least  
 1035 semiannually. Additional meetings may be held when it is  
 1036 determined by the chair that extraordinary circumstances require  
 1037 an additional meeting of the council. A majority of the members  
 1038 of the council constitutes a quorum.

1039 ~~(5)~~(4) DUTIES OF COUNCIL.--The council shall provide  
 1040 advice and make recommendations, as necessary, to the executive  
 1041 director of the department.

1042 (a) The council may advise the executive director on the  
 1043 feasibility of undertaking initiatives which include, but are  
 1044 not limited to, the following:

- 1045 1. Establishing a program which provides grants to
- 1046 criminal justice agencies that develop and implement effective
- 1047 violent crime prevention and investigative programs and which
- 1048 provides grants to law enforcement agencies for the purpose of
- 1049 drug control, criminal gang, and illicit money laundering

1050 | investigative efforts or task force efforts that are determined  
 1051 | by the council to significantly contribute to achieving the  
 1052 | state's goal of reducing drug-related crime as articulated by  
 1053 | the Office of Drug Control, that represent significant criminal  
 1054 | gang investigative efforts, that represent a significant illicit  
 1055 | money laundering investigative effort, or that otherwise  
 1056 | significantly support statewide strategies developed by the  
 1057 | Statewide Drug Policy Advisory Council established under s.  
 1058 | 397.333, subject to the limitations provided in this section.  
 1059 | The grant program may include an innovations grant program to  
 1060 | provide startup funding for new initiatives by local and state  
 1061 | law enforcement agencies to combat violent crime or to implement  
 1062 | drug control, criminal gang, or illicit money laundering  
 1063 | investigative efforts or task force efforts by law enforcement  
 1064 | agencies, including, but not limited to, initiatives such as:  
 1065 |       a. Providing enhanced community-oriented policing.  
 1066 |       b. Providing additional undercover officers and other  
 1067 | investigative officers to assist with violent crime  
 1068 | investigations in emergency situations.  
 1069 |       c. Providing funding for multiagency or statewide drug  
 1070 | control, criminal gang, or illicit money laundering  
 1071 | investigative efforts or task force efforts that cannot be  
 1072 | reasonably funded completely by alternative sources and that  
 1073 | significantly contribute to achieving the state's goal of  
 1074 | reducing drug-related crime as articulated by the Office of Drug  
 1075 | Control, that represent significant criminal gang investigative  
 1076 | efforts, that represent a significant illicit money laundering  
 1077 | investigative effort, or that otherwise significantly support

1078 statewide strategies developed by the Statewide Drug Policy  
 1079 Advisory Council established under s. 397.333.

1080 2. Expanding the use of automated fingerprint  
 1081 identification systems at the state and local level.

1082 3. Identifying methods to prevent violent crime.

1083 4. Identifying methods to enhance multiagency or statewide  
 1084 drug control, criminal gang, or illicit money laundering  
 1085 investigative efforts or task force efforts that significantly  
 1086 contribute to achieving the state's goal of reducing drug-  
 1087 related crime as articulated by the Office of Drug Control, that  
 1088 represent significant criminal gang investigative efforts, that  
 1089 represent a significant illicit money laundering investigative  
 1090 effort, or that otherwise significantly support statewide  
 1091 strategies developed by the Statewide Drug Policy Advisory  
 1092 Council established under s. 397.333.

1093 5. Enhancing criminal justice training programs which  
 1094 address violent crime, drug control, ~~or~~ illicit money laundering  
 1095 investigative techniques, or efforts to control and eliminate  
 1096 criminal gangs.

1097 6. Developing and promoting crime prevention services and  
 1098 educational programs that serve the public, including, but not  
 1099 limited to:

1100 a. Enhanced victim and witness counseling services that  
 1101 also provide crisis intervention, information referral,  
 1102 transportation, and emergency financial assistance.

1103 b. A well-publicized rewards program for the apprehension  
 1104 and conviction of criminals who perpetrate violent crimes.



1105           7. Enhancing information sharing and assistance in the  
 1106 criminal justice community by expanding the use of community  
 1107 partnerships and community policing programs. Such expansion may  
 1108 include the use of civilian employees or volunteers to relieve  
 1109 law enforcement officers of clerical work in order to enable the  
 1110 officers to concentrate on street visibility within the  
 1111 community.

1112           (b) The full council shall:

1113           1. Receive periodic reports from regional violent crime  
 1114 investigation and statewide drug control strategy implementation  
 1115 coordinating teams which relate to violent crime trends or the  
 1116 investigative needs or successes in the regions, including  
 1117 discussions regarding the activity of significant criminal gangs  
 1118 in the region, factors, and trends relevant to the  
 1119 implementation of the statewide drug strategy, and the results  
 1120 of drug control and illicit money laundering investigative  
 1121 efforts funded in part by the council.

1122           2. Maintain and use ~~utilize~~ criteria for the disbursement  
 1123 of funds from the Violent Crime Investigative Emergency and Drug  
 1124 Control Strategy Implementation Account or any other account  
 1125 from which the council may disburse proactive investigative  
 1126 funds as may be established within the Department of Law  
 1127 Enforcement Operating Trust Fund or other appropriations  
 1128 provided to the Department of Law Enforcement by the Legislature  
 1129 in the General Appropriations Act. The criteria shall allow for  
 1130 the advancement of funds to reimburse agencies regarding violent  
 1131 crime investigations as approved by the full council and the  
 1132 advancement of funds to implement proactive drug control

1133 strategies or significant criminal gang investigative efforts as  
 1134 authorized by the Drug Control Strategy and Criminal Gang  
 1135 Committee or the Victim and Witness Protection Review Committee.

1136 Regarding violent crime investigation reimbursement, an  
 1137 expedited approval procedure shall be established for rapid  
 1138 disbursement of funds in violent crime emergency situations.

1139 (c) As used in this section, "significant criminal gang  
 1140 investigative efforts" eligible for proactive funding must  
 1141 involve at a minimum an effort against a known criminal gang  
 1142 that:

1143 1. Involves multiple law enforcement agencies.

1144 2. Reflects a dedicated significant investigative effort  
 1145 on the part of each participating agency in personnel, time  
 1146 devoted to the investigation, and agency resources dedicated to  
 1147 the effort.

1148 3. Reflects a dedicated commitment by a prosecuting  
 1149 authority to ensure that cases developed by the investigation  
 1150 will be timely and effectively prosecuted.

1151 4. Demonstrates a strategy and commitment to dismantling  
 1152 the criminal gang via seizures of assets, significant money  
 1153 laundering and organized crime investigations and prosecutions,  
 1154 or similar efforts.

1155  
 1156 The council may require satisfaction of additional elements, to  
 1157 include reporting criminal investigative and criminal  
 1158 intelligence information related to criminal gang activity and  
 1159 members in a manner required by the department, as a  
 1160 prerequisite for receiving proactive criminal gang funding.

1161 (6) DRUG CONTROL STRATEGY AND CRIMINAL GANG COMMITTEE.--

1162 (a) The Drug Control Strategy and Criminal Gang Committee  
 1163 is created within the Florida Violent Crime and Drug Control  
 1164 Council, consisting of the following council members:

1165 1. The Attorney General or a designate.

1166 2. The designate of the executive director of the  
 1167 Department of Law Enforcement.

1168 3. The secretary of the Department of Corrections or a  
 1169 designate.

1170 4. The director of the Office of Drug Control within the  
 1171 Executive Office of the Governor or a designate.

1172 5. The state attorney, the two sheriffs, and the two  
 1173 chiefs of police, or their designates.

1174 (b) The committee shall

1175 ~~3-~~ review and approve all requests for disbursement of  
 1176 funds from the Violent Crime Investigative Emergency and Drug  
 1177 Control Strategy Implementation Account within the Department of  
 1178 Law Enforcement Operating Trust Fund and from other  
 1179 appropriations provided to the department by the Legislature in  
 1180 the General Appropriations Act. An expedited approval procedure  
 1181 shall be established for rapid disbursement of funds in violent  
 1182 crime emergency situations.

1183 (c) Those receiving any proactive funding provided by the  
 1184 council through the committee shall be required to report the  
 1185 results of the investigations to the council once the  
 1186 investigation has been completed. The committee shall also  
 1187 require ongoing status reports on ongoing investigations using  
 1188 such findings in its closed sessions.

1189            (7)~~(5)~~ REPORTS.--The council shall report annually on its  
 1190 activities, on or before December 30 of each calendar year, to  
 1191 the executive director, the President of the Senate, the Speaker  
 1192 of the House of Representatives, and the chairs of the Senate  
 1193 and House committees having principal jurisdiction over criminal  
 1194 law. Comments and responses of the executive director to the  
 1195 report are to be included.

1196            (8)~~(6)~~ VICTIM AND WITNESS PROTECTION REVIEW COMMITTEE.--

1197            (a) The Victim and Witness Protection Review Committee is  
 1198 created within the Florida Violent Crime and Drug Control  
 1199 Council, consisting of the statewide prosecutor or a state  
 1200 attorney, a sheriff, a chief of police, and the designee of the  
 1201 executive director of the Department of Law Enforcement. The  
 1202 committee shall be appointed from the membership of the council  
 1203 by the chair of the council after the chair has consulted with  
 1204 the executive director of the Department of Law Enforcement.  
 1205 Committee members shall meet in conjunction with the meetings of  
 1206 the council.

1207            (b) The committee shall:

1208            1. Maintain and use ~~utilize~~ criteria for disbursing funds  
 1209 to reimburse law enforcement agencies for costs associated with  
 1210 providing victim and witness protective or temporary relocation  
 1211 services.

1212            2. Review and approve or deny, in whole or in part, all  
 1213 reimbursement requests submitted by law enforcement agencies.

1214            (c) The lead law enforcement agency providing victim or  
 1215 witness protective or temporary relocation services pursuant to  
 1216 the provisions of s. 914.25 may submit a request for

1217 reimbursement to the Victim and Witness Protection Review  
 1218 Committee in a format approved by the committee. The lead law  
 1219 enforcement agency shall submit such reimbursement request on  
 1220 behalf of all law enforcement agencies that cooperated in  
 1221 providing protective or temporary relocation services related to  
 1222 a particular criminal investigation or prosecution. As part of  
 1223 the reimbursement request, the lead law enforcement agency must  
 1224 indicate how any reimbursement proceeds will be distributed  
 1225 among the agencies that provided protective or temporary  
 1226 relocation services.

1227 (d) The committee, in its discretion, may use funds  
 1228 available to the committee to provide all or partial  
 1229 reimbursement to the lead law enforcement agency for such costs,  
 1230 or may decline to provide any reimbursement.

1231 (e) The committee may conduct its meeting by  
 1232 teleconference or conference phone calls when the chair of the  
 1233 committee finds that the need for reimbursement is such that  
 1234 delaying until the next scheduled council meeting will adversely  
 1235 affect the requesting agency's ability to provide the protection  
 1236 services.

1237 (9) ~~(7)~~ CONFIDENTIALITY; EXEMPTED PORTIONS OF COUNCIL  
 1238 MEETINGS AND RECORDS.--

1239 (a) The Legislature finds that during limited portions of  
 1240 the meetings of the Florida Violent Crime and Drug Control  
 1241 Council it is necessary that the council be presented with and  
 1242 discuss details, information, and documents related to active  
 1243 criminal investigations or matters constituting active criminal  
 1244 intelligence, as those concepts are defined by s. 119.011. These

1245 presentations and discussions are necessary for the council to  
1246 make its funding decisions as required by the Legislature. The  
1247 Legislature finds that to reveal the contents of documents  
1248 containing active criminal investigative or intelligence  
1249 information or to allow active criminal investigative or active  
1250 criminal intelligence matters to be discussed in a meeting open  
1251 to the public negatively impacts the ability of law enforcement  
1252 agencies to efficiently continue their investigative or  
1253 intelligence gathering activities. The Legislature finds that  
1254 information coming before the council that pertains to active  
1255 criminal investigations or intelligence should remain  
1256 confidential and exempt from public disclosure. The Legislature  
1257 finds that the Florida Violent Crime and Drug Control Council  
1258 may, by declaring only those portions of council meetings in  
1259 which active criminal investigative or active criminal  
1260 intelligence information is to be presented or discussed closed  
1261 to the public, assure an appropriate balance between the policy  
1262 of this state that meetings be public and the policy of this  
1263 state to facilitate efficient law enforcement efforts.

1264 (b) The Florida Violent Crime and Drug Control Council  
1265 shall be considered a "criminal justice agency" within the  
1266 definition of s. 119.011(4).

1267 (c)1. The Florida Violent Crime and Drug Control Council  
1268 may close portions of meetings during which the council will  
1269 hear or discuss active criminal investigative information or  
1270 active criminal intelligence information, and such portions of  
1271 meetings shall be exempt from the provisions of s. 286.011 and

1272 s. 24(b), Art. I of the State Constitution, provided that the  
 1273 following conditions are met:

1274 a. The chair of the council shall advise the council at a  
 1275 public meeting that, in connection with the performance of a  
 1276 council duty, it is necessary that the council hear or discuss  
 1277 active criminal investigative information or active criminal  
 1278 intelligence information.

1279 b. The chair's declaration of necessity for closure and  
 1280 the specific reasons for such necessity shall be stated in  
 1281 writing in a document that shall be a public record and shall be  
 1282 filed with the official records of the council.

1283 c. The entire closed session shall be recorded. The  
 1284 recording shall include the times of commencement and  
 1285 termination of the closed session, all discussion and  
 1286 proceedings, and the names of all persons present. No portion of  
 1287 the session shall be off the record. Such recording shall be  
 1288 maintained by the council.

1289 2. Only members of the council, Department of Law  
 1290 Enforcement staff supporting the council's function, and other  
 1291 persons whose presence has been authorized by the chair of the  
 1292 council shall be allowed to attend the exempted portions of the  
 1293 council meetings. The council shall assure that any closure of  
 1294 its meetings as authorized by this section is limited so that  
 1295 the general policy of this state in favor of public meetings is  
 1296 maintained.

1297 (d) A tape recording of, and any minutes and notes  
 1298 generated during, that portion of a Florida Violent Crime and  
 1299 Drug Control Council meeting which is closed to the public

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1300 pursuant to this section are confidential and exempt from s.  
 1301 119.07(1) and s. 24(a), Art. I of the State Constitution until  
 1302 such time as the criminal investigative information or criminal  
 1303 intelligence information ceases to be active.

1304 Section 23. Subsection (3) is added to section 948.03,  
 1305 Florida Statutes, to read:

1306 948.03 Terms and conditions of probation.--

1307 (3) As a condition of an order sentencing a person to  
 1308 probation, community control, or any other court-ordered  
 1309 community supervision, and subject to the ability of the person  
 1310 to pay postjudgment obligations, the court may order the posting  
 1311 of a surety bond to secure the appearance of the person at any  
 1312 subsequent court proceeding. The surety bond must be filed by a  
 1313 bail agent with the sheriff, who shall provide a copy to the  
 1314 clerk of the court. Upon written notice by the court or the  
 1315 clerk of the court, the bail agent shall produce the person to  
 1316 the court. The bail agent shall surrender the person to the  
 1317 sheriff after the bail agent receives a written notice, e-mail,  
 1318 or facsimile notice from the probation officer that the person  
 1319 has violated the terms of probation, community control, or  
 1320 court-ordered community supervision. If the bail agent does not  
 1321 surrender the person to the sheriff after receiving notice from  
 1322 the probation officer or does not produce the person in court at  
 1323 the time noticed by the court or the clerk of court, the bond  
 1324 shall be forfeited in accordance with chapters 648 and 903.  
 1325 Failure to appear shall be the sole grounds for forfeiture of  
 1326 the appearance bond. To the extent not inconsistent with this



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1327 subsection, chapters 648 and 903 shall govern the relationship  
 1328 between the parties to the bond.

1329 Section 24. Section 948.033, Florida Statutes, is created  
 1330 to read:

1331 948.033 Condition of probation or community control;  
 1332 criminal gang.--Effective for a probationer or community  
 1333 controllee whose crime was committed on or after October 1,  
 1334 2008, and who has been found to have committed the crime for the  
 1335 purpose of benefiting, promoting, or furthering the interests of  
 1336 criminal gang, the court shall, in addition to any other  
 1337 conditions imposed, impose a condition prohibiting the  
 1338 probationer or community controllee from knowingly associating  
 1339 with other criminal gang members or associates, except as  
 1340 authorized by law enforcement officials, prosecutorial  
 1341 authorities, or the court, for the purpose of aiding in the  
 1342 investigation of criminal activity.

1343 Section 25. Section 947.18, Florida Statutes, is amended  
 1344 to read:

1345 947.18 Conditions of parole.--No person shall be placed on  
 1346 parole merely as a reward for good conduct or efficient  
 1347 performance of duties assigned in prison. No person shall be  
 1348 placed on parole until and unless the commission finds that  
 1349 there is reasonable probability that, if the person is placed on  
 1350 parole, he or she will live and conduct himself or herself as a  
 1351 respectable and law-abiding person and that the person's release  
 1352 will be compatible with his or her own welfare and the welfare  
 1353 of society. No person shall be placed on parole unless and until  
 1354 the commission is satisfied that he or she will be suitably

1355 employed in self-sustaining employment or that he or she will  
 1356 not become a public charge. The commission shall determine the  
 1357 terms upon which such person shall be granted parole. If the  
 1358 person's conviction was for a controlled substance violation,  
 1359 one of the conditions must be that the person submit to random  
 1360 substance abuse testing intermittently throughout the term of  
 1361 supervision, upon the direction of the correctional probation  
 1362 officer as defined in s. 943.10(3). In addition to any other  
 1363 lawful condition of parole, the commission may make the payment  
 1364 of the debt due and owing to the state under s. 960.17 or the  
 1365 payment of the attorney's fees and costs due and owing to the  
 1366 state under s. 938.29 a condition of parole subject to  
 1367 modification based on change of circumstances. If the person's  
 1368 conviction was for a crime that was found to have been committed  
 1369 for the purpose of benefiting, promoting, or furthering the  
 1370 interests of a criminal gang, one of the conditions must be that  
 1371 the person be prohibited from knowingly associating with other  
 1372 criminal gang members or associates, except as authorized by law  
 1373 enforcement officials, prosecutorial authorities, or the court,  
 1374 for the purpose of aiding in the investigation of criminal  
 1375 activity.

1376 Section 26. Subsection (11) is added to section 947.1405,  
 1377 Florida Statutes, to read:

1378 947.1405 Conditional release program.--

1379 (11) Effective for a releasee whose crime was committed on  
 1380 or after October 1, 2008, and who has been found to have  
 1381 committed the crime for the purpose of benefiting, promoting, or  
 1382 furthering the interests of a criminal gang, the commission

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1383 shall, in addition to any other conditions imposed, impose a  
 1384 condition prohibiting the releasee from knowingly associating  
 1385 with other criminal gang members or associates, except as  
 1386 authorized by law enforcement officials, prosecutorial  
 1387 authorities, or the court, for the purpose of aiding in the  
 1388 investigation of criminal activity.

1389 Section 27. Paragraph (d) of subsection (2) of section  
 1390 893.138, Florida Statutes, is amended to read:

1391 893.138 Local administrative action to abate drug-related,  
 1392 prostitution-related, or stolen-property-related public  
 1393 nuisances and criminal ~~street~~ gang activity.--

1394 (2) Any place or premises that has been used:

1395 (d) By a criminal ~~street~~ gang for the purpose of  
 1396 conducting ~~a pattern of~~ criminal ~~street~~ gang activity as defined  
 1397 by s. 874.03; or

1398  
 1399 may be declared to be a public nuisance, and such nuisance may  
 1400 be abated pursuant to the procedures provided in this section.

1401 Section 28. Paragraphs (d), (e), and (g) of subsection (3)  
 1402 of section 921.0022, Florida Statutes, are amended to read:

1403 921.0022 Criminal Punishment Code; offense severity  
 1404 ranking chart.--

1405 (3) OFFENSE SEVERITY RANKING CHART

1406 (d) LEVEL 4

1407  
 Florida Felony Description  
 Statute Degree

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1409	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.
1410	499.0051 (1)	3rd	Failure to maintain or deliver pedigree papers.
1411	499.0051 (2)	3rd	Failure to authenticate pedigree papers.
1412	499.0051 (6)	2nd	Sale or delivery, or possession with intent to sell, contraband legend drugs.
1413	784.07 (2) (b)	3rd	Battery of law enforcement officer, firefighter, intake officer, etc.
1414	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
1415	784.075	3rd	Battery on detention or commitment facility staff.
	784.078	3rd	Battery of facility employee by

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			throwing, tossing, or expelling certain fluids or materials.
1416	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
1417	784.081 (3)	3rd	Battery on specified official or employee.
1418	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
1419	784.083 (3)	3rd	Battery on code inspector.
1420	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
1421	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
1422	787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
1423	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid

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			producing child at custody hearing or delivering to designated person.
1424	790.115 (1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
1425	790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
1426	790.115 (2) (c)	3rd	Possessing firearm on school property.
1427	800.04 (7) (d)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
1428	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
1429	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
1430	810.06	3rd	Burglary; possession of tools.
1431	810.08 (2) (c)	3rd	Trespass on property, armed with

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1432			firearm or dangerous weapon.
	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
1433			
	812.014 (2) (c) 4.- 10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
1434			
	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
1435			
	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03 (5) drugs.
1436			
	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
1437			
	817.625 (2) (a)	3rd	Fraudulent use of scanning device or reencoder.
1438			
	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
1439			

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1440	837.02 (1)	3rd	Perjury in official proceedings.
1441	837.021 (1)	3rd	Make contradictory statements in official proceedings.
1442	838.022	3rd	Official misconduct.
1443	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
1444	839.13 (2) (c)	3rd	Falsifying records of the Department of Children and Family Services.
1445	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
1446	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
1447	843.15 (1) (a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
	874.05 (1)	3rd	Encouraging or recruiting another to



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1448			join a criminal <del>street</del> gang.
	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).
1449	914.14 (2)	3rd	Witnesses accepting bribes.
1450	914.22 (1)	3rd	Force, threaten, etc., witness, victim, or informant.
1451	914.23 (2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
1452	918.12	3rd	Tampering with jurors.
1453	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
1454			
1455	(e) LEVEL 5		
1456			
	Florida Statute	Felony Degree	Description
1457	316.027 (1) (a)	3rd	Accidents involving personal injuries, failure to stop; leaving

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1458			scene.
	316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
1459			
	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
1460			
	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
1461			
	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
1462			
	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
1463			
	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
1464			
	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
1465			
	624.401 (4) (b) 2.	2nd	Transacting insurance without a

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			certificate or authority; premium collected \$20,000 or more but less than \$100,000.
1466	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
1467	790.01 (2)	3rd	Carrying a concealed firearm.
1468	790.162	2nd	Threat to throw or discharge destructive device.
1469	790.163 (1)	2nd	False report of deadly explosive or weapon of mass destruction.
1470	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
1471	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
1472	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
1473	800.04 (7) (c)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
1474			

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1475	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
1476	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
1477	812.015 (8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
1478	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
1479	812.131 (2) (b)	3rd	Robbery by sudden snatching.
1480	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
1481	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
1482	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.

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1483	817.2341 (1), (2) 3rd (a) & (3) (a)	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
1484	817.568 (2) (b) 2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more individuals.
1485	817.625 (2) (b) 2nd	Second or subsequent fraudulent use of scanning device or reencoder.
1486	825.1025 (4) 3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
1487	827.071 (4) 2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
	827.071 (5) 3rd	Possess any photographic material,

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1488			motion picture, etc., which includes sexual conduct by a child.
	839.13 (2) (b)	2nd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.
1489			
	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
1490			
	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
1491			
	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
1492			
	874.05 (2)	2nd	Encouraging or recruiting another to join a criminal <del>street</del> gang; second or subsequent offense.
1493			
	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).
1494			

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1495

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 publicly owned recreational facility or community center.

1496

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

1497

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

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1498	893.13 (1) (f) 1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03 (1) (a), (1) (b), (1) (d), or (2) (a), (2) (b), or (2) (c) 4. drugs) within 1,000 feet of public housing facility.
1499	893.13 (4) (b)	2nd	Deliver to minor cannabis (or other s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) drugs).
1500	(g)	LEVEL 7	
1501	Florida Statute	Felony Degree	Description
1502	316.027 (1) (b)	1st	Accident involving death, failure to stop; leaving scene.
1503	316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.
1504	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.
1505	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
1506	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
1507	409.920 (2)	3rd	Medicaid provider fraud.
1508	456.065 (2)	3rd	Practicing a health care profession without a license.
1509	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
1510	458.327 (1)	3rd	Practicing medicine without a license.
1511	459.013 (1)	3rd	Practicing osteopathic medicine

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1512			without a license.
	460.411(1)	3rd	Practicing chiropractic medicine without a license.
1513			
	461.012(1)	3rd	Practicing podiatric medicine without a license.
1514			
	462.17	3rd	Practicing naturopathy without a license.
1515			
	463.015(1)	3rd	Practicing optometry without a license.
1516			
	464.016(1)	3rd	Practicing nursing without a license.
1517			
	465.015(2)	3rd	Practicing pharmacy without a license.
1518			
	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
1519			
	467.201	3rd	Practicing midwifery without a license.
1520			
	468.366	3rd	Delivering respiratory care

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1521			services without a license.
	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
1522			
	483.901 (9)	3rd	Practicing medical physics without a license.
1523			
	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
1524			
	484.053	3rd	Dispensing hearing aids without a license.
1525			
	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.
1526			
	560.123 (8) (b) 1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.
1527			
	560.125 (5) (a)	3rd	Money transmitter business by

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1528	655.50 (10) (b) 1.	3rd	<p>unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.</p> <p>Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.</p>
1529	775.21 (10) (a)	3rd	<p>Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.</p>
1530	775.21 (10) (b)	3rd	<p>Sexual predator working where children regularly congregate.</p>
1531	775.21 (10) (g)	3rd	<p>Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.</p>
1532	782.051 (3)	2nd	<p>Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.</p>
1533			

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1534	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
1535	782.071	2nd	Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
1536	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
1537	784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
1538	784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
1539	784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
1540	784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.

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1541	784.048 (7)	3rd	Aggravated stalking; violation of court order.
1542	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
1543	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
1544	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
1545	784.081 (1)	1st	Aggravated battery on specified official or employee.
1546	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
1547	784.083 (1)	1st	Aggravated battery on code inspector.
1548	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07 (1) or (2).
	790.16 (1)	1st	Discharge of a machine gun under

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1549			specified circumstances.
	790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
1550			
	790.165 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
1551			
	790.166 (3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
1552			
	790.166 (4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
1553			
	<u>790.23</u>	<u>1st</u>	<u>Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.</u>
1554			
	794.08 (4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person

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1555			in custodial authority to a victim younger than 18 years of age.
	796.03	2nd	Procuring any person under 16 years for prostitution.
1556			
	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
1557			
	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.
1558			
	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
1559			
	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
1560			
	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
1561			
	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
1562			



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1563	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
1564	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.
1565	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
1566	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
1567	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
1568	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen

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1569			property.
1570	812.131 (2) (a)	2nd	Robbery by sudden snatching.
1571	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
1572	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
1573	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
1574	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
1575	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.
	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great

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1576			bodily harm, disability, or disfigurement.
	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.
1577			
	827.03 (3) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
1578			
	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
1579			
	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
1580			
	838.015	2nd	Bribery.
1581			
	838.016	2nd	Unlawful compensation or reward for official behavior.
1582			
	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
1583			

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1584	838.22	2nd	Bid tampering.
1585	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
1586	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
1587	872.06	2nd	Abuse of a dead human body.
1588	<u>874.10</u>	<u>1st</u>	<u>Directing the activities of a criminal gang.</u>
1589	<u>874.13</u>	<u>1st</u>	<u>Commission of a gang-related offense by a habitual felony offender.</u>
1590	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.

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1591	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.
1592	893.13 (4) (a)	1st	Deliver to minor cocaine (or other s. 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c)4. drugs).
1593	893.135 (1) (a) 1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
1594	893.135 (1) (b) 1. a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
1595	893.135 (1) (c) 1. a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
1596	893.135 (1) (d) 1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.

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1597	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
1598	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
1599	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
1600	893.135 (1) (h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
1601	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
1602	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
1603	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.

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1604	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
1605	943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
1606	943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
1607	943.0435 (9) (a)	3rd	Sexual offender; failure to comply with reporting requirements.
1608	943.0435 (13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
1609	943.0435 (14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.

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1610	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
1611	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
1612	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
1613	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
1614	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
1615	985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
	985.4815(13)	3rd	Sexual offender; failure to report and reregister; failure to respond



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to address verification.

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Section 29. Subsection (1) of section 921.0024, Florida Statutes, is amended to read:

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

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

FLORIDA CRIMINAL PUNISHMENT CODE  
WORKSHEET

OFFENSE SCORE

Primary Offense

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

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6	36	=	_____
5	28	=	_____
4	22	=	_____
3	16	=	_____
2	10	=	_____
1	4	=	_____

Total

Additional Offenses

Level	Sentence Points	Counts	Total
10	58	x _____	= _____
9	46	x _____	= _____
8	37	x _____	= _____

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1652	7	28	x	_____	=	_____
1653	6	18	x	_____	=	_____
1654	5	5.4	x	_____	=	_____
1655	4	3.6	x	_____	=	_____
1656	3	2.4	x	_____	=	_____
1657	2	1.2	x	_____	=	_____
1658	1	0.7	x	_____	=	_____
1659	M	0.2	x	_____	=	_____
1660						
1661					Total	
1662	Victim Injury					
1663						
1664	Level	Sentence Points		Number	Total	
1665	2nd degree	240		x _____	=	_____

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1666	murder-				
	death				
1667	Death	120	x	_____	= _____
1668	Severe	40	x	_____	= _____
1669	Moderate	18	x	_____	= _____
1670	Slight	4	x	_____	= _____
1671	Sexual	80	x	_____	= _____
	penetration				
1672	Sexual contact	40	x	_____	= _____
1673					
1674					Total
1675	Primary Offense + Additional Offenses + Victim Injury =				
1676	TOTAL OFFENSE SCORE				
1677					
1678	PRIOR RECORD SCORE				
1679					
1680	Prior Record				
1681					

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	Level	Sentence Points		Number	Total
1682					
1683	10	29	x	<u>          </u>	= <u>          </u>
1684	9	23	x	<u>          </u>	= <u>          </u>
1685	8	19	x	<u>          </u>	= <u>          </u>
1686	7	14	x	<u>          </u>	= <u>          </u>
1687	6	9	x	<u>          </u>	= <u>          </u>
1688	5	3.6	x	<u>          </u>	= <u>          </u>
1689	4	2.4	x	<u>          </u>	= <u>          </u>
1690	3	1.6	x	<u>          </u>	= <u>          </u>
1691	2	0.8	x	<u>          </u>	= <u>          </u>
1692	1	0.5	x	<u>          </u>	= <u>          </u>
1693	M	0.2	x	<u>          </u>	= <u>          </u>
1694					
1695					

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Total

1696  
 1697 TOTAL OFFENSE SCORE  
 1698 TOTAL PRIOR RECORD SCORE  
 1699  
 1700 LEGAL STATUS  
 1701 COMMUNITY SANCTION VIOLATION  
 1702 PRIOR SERIOUS FELONY  
 1703 PRIOR CAPITAL FELONY  
 1704 FIREARM OR SEMIAUTOMATIC WEAPON  
 1705 SUBTOTAL \_\_\_\_\_  
 1706  
 1707 PRISON RELEASEE REOFFENDER (no) (yes)  
 1708 VIOLENT CAREER CRIMINAL (no) (yes)  
 1709 HABITUAL VIOLENT OFFENDER (no) (yes)  
 1710 HABITUAL OFFENDER (no) (yes)  
 1711 DRUG TRAFFICKER (no) (yes) (x multiplier)  
 1712 LAW ENF. PROTECT. (no) (yes) (x multiplier)  
 1713 MOTOR VEHICLE THEFT (no) (yes) (x multiplier)  
 1714 CRIMINAL ~~STREET~~ GANG OFFENSE (no) (yes) (x multiplier)  
 1715 DOMESTIC VIOLENCE IN THE PRESENCE OF RELATED CHILD (no) (yes)  
 1716 (x multiplier)  
 1717  
 1718 TOTAL SENTENCE POINTS \_\_\_\_\_  
 1719  
 1720 (b) WORKSHEET KEY:  
 1721

1722 Legal status points are assessed when any form of legal status  
1723 existed at the time the offender committed an offense before the  
1724 court for sentencing. Four (4) sentence points are assessed for  
1725 an offender's legal status.

1726  
1727 Community sanction violation points are assessed when a  
1728 community sanction violation is before the court for sentencing.  
1729 Six (6) sentence points are assessed for each community sanction  
1730 violation and each successive community sanction violation,  
1731 unless any of the following apply:

1732 1. If the community sanction violation includes a new  
1733 felony conviction before the sentencing court, twelve (12)  
1734 community sanction violation points are assessed for the  
1735 violation, and for each successive community sanction violation  
1736 involving a new felony conviction.

1737 2. If the community sanction violation is committed by a  
1738 violent felony offender of special concern as defined in s.  
1739 948.06:

1740 a. Twelve (12) community sanction violation points are  
1741 assessed for the violation and for each successive violation of  
1742 felony probation or community control where:

1743 (I) The violation does not include a new felony  
1744 conviction; and

1745 (II) The community sanction violation is not based solely  
1746 on the probationer or offender's failure to pay costs or fines  
1747 or make restitution payments.

1748 b. Twenty-four (24) community sanction violation points  
1749 are assessed for the violation and for each successive violation

1750 of felony probation or community control where the violation  
 1751 includes a new felony conviction.

1752  
 1753 Multiple counts of community sanction violations before the  
 1754 sentencing court shall not be a basis for multiplying the  
 1755 assessment of community sanction violation points.

1756  
 1757 Prior serious felony points: If the offender has a primary  
 1758 offense or any additional offense ranked in level 8, level 9, or  
 1759 level 10, and one or more prior serious felonies, a single  
 1760 assessment of thirty (30) points shall be added. For purposes of  
 1761 this section, a prior serious felony is an offense in the  
 1762 offender's prior record that is ranked in level 8, level 9, or  
 1763 level 10 under s. 921.0022 or s. 921.0023 and for which the  
 1764 offender is serving a sentence of confinement, supervision, or  
 1765 other sanction or for which the offender's date of release from  
 1766 confinement, supervision, or other sanction, whichever is later,  
 1767 is within 3 years before the date the primary offense or any  
 1768 additional offense was committed.

1769  
 1770 Prior capital felony points: If the offender has one or more  
 1771 prior capital felonies in the offender's criminal record, points  
 1772 shall be added to the subtotal sentence points of the offender  
 1773 equal to twice the number of points the offender receives for  
 1774 the primary offense and any additional offense. A prior capital  
 1775 felony in the offender's criminal record is a previous capital  
 1776 felony offense for which the offender has entered a plea of nolo  
 1777 contendere or guilty or has been found guilty; or a felony in



1778 another jurisdiction which is a capital felony in that  
 1779 jurisdiction, or would be a capital felony if the offense were  
 1780 committed in this state.

1781  
 1782 Possession of a firearm, semiautomatic firearm, or machine gun:  
 1783 If the offender is convicted of committing or attempting to  
 1784 commit any felony other than those enumerated in s. 775.087(2)  
 1785 while having in his or her possession: a firearm as defined in  
 1786 s. 790.001(6), an additional eighteen (18) sentence points are  
 1787 assessed; or if the offender is convicted of committing or  
 1788 attempting to commit any felony other than those enumerated in  
 1789 s. 775.087(3) while having in his or her possession a  
 1790 semiautomatic firearm as defined in s. 775.087(3) or a machine  
 1791 gun as defined in s. 790.001(9), an additional twenty-five (25)  
 1792 sentence points are assessed.

1793  
 1794 Sentencing multipliers:

1795  
 1796 Drug trafficking: If the primary offense is drug trafficking  
 1797 under s. 893.135, the subtotal sentence points are multiplied,  
 1798 at the discretion of the court, for a level 7 or level 8  
 1799 offense, by 1.5. The state attorney may move the sentencing  
 1800 court to reduce or suspend the sentence of a person convicted of  
 1801 a level 7 or level 8 offense, if the offender provides  
 1802 substantial assistance as described in s. 893.135(4).

1803  
 1804 Law enforcement protection: If the primary offense is a  
 1805 violation of the Law Enforcement Protection Act under s.

1806 775.0823(2), (3), or (4), the subtotal sentence points are  
 1807 multiplied by 2.5. If the primary offense is a violation of s.  
 1808 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points  
 1809 are multiplied by 2.0. If the primary offense is a violation of  
 1810 s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement  
 1811 Protection Act under s. 775.0823(10) or (11), the subtotal  
 1812 sentence points are multiplied by 1.5.

1813  
 1814 Grand theft of a motor vehicle: If the primary offense is grand  
 1815 theft of the third degree involving a motor vehicle and in the  
 1816 offender's prior record, there are three or more grand thefts of  
 1817 the third degree involving a motor vehicle, the subtotal  
 1818 sentence points are multiplied by 1.5.

1819  
 1820 Offense related to a criminal ~~street~~ gang: If the offender is  
 1821 convicted of the primary offense and committed that offense for  
 1822 the purpose of benefiting, promoting, or furthering the  
 1823 interests of a criminal ~~street~~ gang as prohibited under s.  
 1824 874.04, the subtotal sentence points are multiplied by 1.5.

1825  
 1826 Domestic violence in the presence of a child: If the offender is  
 1827 convicted of the primary offense and the primary offense is a  
 1828 crime of domestic violence, as defined in s. 741.28, which was  
 1829 committed in the presence of a child under 16 years of age who  
 1830 is a family or household member as defined in s. 741.28(3) with  
 1831 the victim or perpetrator, the subtotal sentence points are  
 1832 multiplied by 1.5.

1833 Section 30. Paragraph (n) of subsection (5) of section  
 1834 921.141, Florida Statutes, is amended to read:

1835 921.141 Sentence of death or life imprisonment for capital  
 1836 felonies; further proceedings to determine sentence.--

1837 (5) AGGRAVATING CIRCUMSTANCES.--Aggravating circumstances  
 1838 shall be limited to the following:

1839 (n) The capital felony was committed by a criminal ~~street~~  
 1840 gang member, as defined in s. 874.03.

1841 Section 31. Paragraph (c) of subsection (10) of section  
 1842 943.325, Florida Statutes, is amended to read:

1843 943.325 Blood or other biological specimen testing for DNA  
 1844 analysis.--

1845 (10)

1846 (c) Any person previously convicted of an offense  
 1847 specified in this section, or a crime which, if committed in  
 1848 this state, would be an offense specified in this section, and  
 1849 who is also subject to the registration requirement imposed by  
 1850 s. 775.13, shall be subject to the collection requirement of  
 1851 this section when the appropriate agency described in this  
 1852 section verifies the identification information of the person.  
 1853 The collection requirement of this section does not apply to a  
 1854 person as described in s. 775.13 (4) ~~(5)~~.

1855 Section 32. Subsection (30) of section 984.03, Florida  
 1856 Statutes, is amended to read:

1857 984.03 Definitions.--When used in this chapter, the term:

1858 (30) "Juvenile justice continuum" includes, but is not  
 1859 limited to, delinquency prevention programs and services  
 1860 designed for the purpose of preventing or reducing delinquent

1861 acts, including criminal activity by criminal ~~youth~~ gangs and  
 1862 juvenile arrests, as well as programs and services targeted at  
 1863 children who have committed delinquent acts, and children who  
 1864 have previously been committed to residential treatment programs  
 1865 for delinquents. The term includes children-in-need-of-services  
 1866 and families-in-need-of-services programs; conditional release;  
 1867 substance abuse and mental health programs; educational and  
 1868 vocational programs; recreational programs; community services  
 1869 programs; community service work programs; and alternative  
 1870 dispute resolution programs serving children at risk of  
 1871 delinquency and their families, whether offered or delivered by  
 1872 state or local governmental entities, public or private for-  
 1873 profit or not-for-profit organizations, or religious or  
 1874 charitable organizations.

1875 Section 33. Paragraph (c) of subsection (15) and  
 1876 subsection (29) of section 985.03, Florida Statutes, are amended  
 1877 to read:

1878 985.03 Definitions.--As used in this chapter, the term:  
 1879 (15)

1880 (c) "Delinquency prevention programs" means programs  
 1881 designed for the purpose of reducing the occurrence of  
 1882 delinquency, including criminal ~~youth and street~~ gang activity,  
 1883 and juvenile arrests. The term excludes arbitration,  
 1884 diversionary or mediation programs, and community service work  
 1885 or other treatment available subsequent to a child committing a  
 1886 delinquent act.

1887 (29) "Juvenile justice continuum" includes, but is not  
 1888 limited to, delinquency prevention programs and services

1889 | designed for the purpose of preventing or reducing delinquent  
 1890 | acts, including criminal activity by criminal ~~youth~~ gangs, and  
 1891 | juvenile arrests, as well as programs and services targeted at  
 1892 | children who have committed delinquent acts, and children who  
 1893 | have previously been committed to residential treatment programs  
 1894 | for delinquents. The term includes children-in-need-of-services  
 1895 | and families-in-need-of-services programs; conditional release;  
 1896 | substance abuse and mental health programs; educational and  
 1897 | career programs; recreational programs; community services  
 1898 | programs; community service work programs; and alternative  
 1899 | dispute resolution programs serving children at risk of  
 1900 | delinquency and their families, whether offered or delivered by  
 1901 | state or local governmental entities, public or private for-  
 1902 | profit or not-for-profit organizations, or religious or  
 1903 | charitable organizations.

1904 |         Section 34. Paragraph (c) of subsection (1) of section  
 1905 | 985.047, Florida Statutes, is amended to read:

1906 |             985.047 Information systems.--

1907 |             (1)

1908 |             (c) As used in this section, "a juvenile who is at risk of  
 1909 | becoming a serious habitual juvenile offender" means a juvenile  
 1910 | who has been adjudicated delinquent and who meets one or more of  
 1911 | the following criteria:

1912 |             1. Is arrested for a capital, life, or first degree felony  
 1913 | offense or sexual battery.

1914 |             2. Has five or more arrests, at least three of which are  
 1915 | for felony offenses. Three of such arrests must have occurred  
 1916 | within the preceding 12-month period.

1917           3. Has 10 or more arrests, at least 2 of which are for  
 1918 felony offenses. Three of such arrests must have occurred within  
 1919 the preceding 12-month period.

1920           4. Has four or more arrests, at least one of which is for  
 1921 a felony offense and occurred within the preceding 12-month  
 1922 period.

1923           5. Has 10 or more arrests, at least 8 of which are for any  
 1924 of the following offenses:

- 1925           a. Petit theft;
- 1926           b. Misdemeanor assault;
- 1927           c. Possession of a controlled substance;
- 1928           d. Weapon or firearm violation; or
- 1929           e. Substance abuse.

1930  
 1931 Four of such arrests must have occurred within the preceding 12-  
 1932 month period.

1933           6. Meets at least one of the criteria for criminal youth  
 1934 ~~and street~~ gang membership.

1935           Section 35. Paragraph (a) of subsection (6) and subsection  
 1936 (7) of section 985.433, Florida Statutes, are amended to read:

1937           985.433 Disposition hearings in delinquency cases.--When a  
 1938 child has been found to have committed a delinquent act, the  
 1939 following procedures shall be applicable to the disposition of  
 1940 the case:

1941           (6) The first determination to be made by the court is a  
 1942 determination of the suitability or nonsuitability for  
 1943 adjudication and commitment of the child to the department. This  
 1944 determination shall include consideration of the recommendations

1945 of the department, which may include a predisposition report.  
 1946 The predisposition report shall include, whether as part of the  
 1947 child's multidisciplinary assessment, classification, and  
 1948 placement process components or separately, evaluation of the  
 1949 following criteria:

1950 (a) The seriousness of the offense to the community. If  
 1951 the court determines under chapter 874 that the child was a  
 1952 member of a criminal ~~street~~ gang at the time of the commission  
 1953 of the offense, the seriousness of the offense to the community  
 1954 shall be given great weight.

1955  
 1956 It is the intent of the Legislature that the criteria set forth  
 1957 in this subsection are general guidelines to be followed at the  
 1958 discretion of the court and not mandatory requirements of  
 1959 procedure. It is not the intent of the Legislature to provide  
 1960 for the appeal of the disposition made under this section.

1961 (7) If the court determines that the child should be  
 1962 adjudicated as having committed a delinquent act and should be  
 1963 committed to the department, such determination shall be in  
 1964 writing or on the record of the hearing. The determination shall  
 1965 include a specific finding of the reasons for the decision to  
 1966 adjudicate and to commit the child to the department, including  
 1967 any determination that the child was a member of a criminal  
 1968 ~~street~~ gang.

1969 (a) The juvenile probation officer shall recommend to the  
 1970 court the most appropriate placement and treatment plan,  
 1971 specifically identifying the restrictiveness level most  
 1972 appropriate for the child. If the court has determined that the

1973 child was a member of a criminal ~~street~~ gang, that determination  
 1974 shall be given great weight in identifying the most appropriate  
 1975 restrictiveness level for the child. The court shall consider  
 1976 the department's recommendation in making its commitment  
 1977 decision.

1978 (b) The court shall commit the child to the department at  
 1979 the restrictiveness level identified or may order placement at a  
 1980 different restrictiveness level. The court shall state for the  
 1981 record the reasons that establish by a preponderance of the  
 1982 evidence why the court is disregarding the assessment of the  
 1983 child and the restrictiveness level recommended by the  
 1984 department. Any party may appeal the court's findings resulting  
 1985 in a modified level of restrictiveness under this paragraph.

1986 (c) The court may also require that the child be placed in  
 1987 a probation program following the child's discharge from  
 1988 commitment. Community-based sanctions under subsection (8) may  
 1989 be imposed by the court at the disposition hearing or at any  
 1990 time prior to the child's release from commitment.

1991 Section 36. The Division of Statutory Revision is directed  
 1992 to redesignate the title of chapter 874, Florida Statutes, as  
 1993 "Criminal Gang Enforcement and Prevention."

1994 Section 37. This act shall take effect October 1, 2008.