

## ENROLLED

CS/CS/HB 43, Engrossed 2

2008 Legislature

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; amending s. 775.0846, F.S.;  
7           providing that a person commits a third degree felony if  
8           he or she possesses a bulletproof vest while committing or  
9           attempting to commit specified crimes; amending s. 823.05,  
10          F.S.; revising provisions relating to the enjoining of  
11          public nuisances to include certain nuisances related to  
12          criminal gangs and criminal gang activities; providing for  
13          enjoining such nuisances; providing for local laws;  
14          amending s. 874.01, F.S.; revising a short title; amending  
15          s. 874.02, F.S.; revising legislative findings and intent;  
16          amending s. 874.03, F.S.; creating and revising  
17          definitions; redefining "criminal street gangs" as  
18          "criminal gangs"; amending s. 874.04, F.S.; conforming  
19          provisions; revising an evidentiary standard; creating s.  
20          874.045, F.S.; providing that chapter 874, F.S., does not  
21          preclude arrest and prosecution under other specified  
22          provisions; amending s. 874.05, F.S.; revising provisions  
23          relating to soliciting or causing another to join a  
24          criminal gang; amending s. 874.06, F.S.; authorizing the  
25          state to bring civil actions for certain violations;  
26          providing that a plaintiff has a superior claim to  
27          property or proceeds; providing penalties for knowing  
28          violation of certain orders; amending s. 874.08, F.S.;

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29 conforming provisions relating to forfeiture; amending s.  
30 874.09, F.S.; providing additional powers for the  
31 Department of Law Enforcement and local law enforcement  
32 agencies relating to crime data information; creating s.  
33 874.10, F.S.; prohibiting persons from knowingly  
34 initiating, organizing, planning, financing, directing,  
35 managing, or supervising criminal gang-related activity;  
36 providing penalties; creating s. 874.11, F.S.; prohibiting  
37 use of electronic communications to further the interests  
38 of a criminal gang; providing penalties; creating s.  
39 874.12, F.S.; defining the term "identification document";  
40 prohibiting possession of certain identification documents  
41 for specified purposes; providing penalties; amending s.  
42 895.02, F.S.; adding certain offenses to the definition of  
43 "racketeering activity"; conforming terminology to changes  
44 made by this act; amending s. 903.046, F.S.; adding to the  
45 list of items a court may consider when determining  
46 whether to release a defendant on bail; amending s.  
47 914.22, F.S.; revising the penalties for tampering with or  
48 harassing witnesses; amending s. 943.031, F.S.; revising  
49 provisions relating to the Florida Violent Crime and Drug  
50 Control Council; providing duties concerning criminal  
51 gangs; creating the Drug Control Strategy and Criminal  
52 Gangs Committee; providing for duties of the committee  
53 concerning funding of certain programs; providing for  
54 reports; creating s. 948.033, F.S.; prohibiting certain  
55 probationers or community controllees from communicating  
56 with criminal gang members; providing exceptions; amending

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57 s. 947.18, F.S.; prohibiting certain parolees from  
58 communicating with criminal gang members; providing  
59 exceptions; amending s. 947.1405, F.S.; prohibiting  
60 certain conditional releasees from communicating with  
61 criminal gang members; providing exceptions; amending s.  
62 893.138, F.S.; conforming terminology to changes made by  
63 this act; amending s. 921.0022, F.S.; adding offenses to  
64 the offense severity ranking chart of the Criminal  
65 Punishment Code; conforming terminology to changes made by  
66 this act; amending ss. 921.0024, 921.141, 943.325, 984.03,  
67 985.03, 985.047, and 985.433, F.S.; conforming cross-  
68 references and terminology to changes made by this act;  
69 providing a directive to the Division of Statutory  
70 Revision; creating the Coordinating Council on Criminal  
71 Gang Reduction Strategies; providing membership of the  
72 council; providing duties of the council; providing for  
73 expiration of the council; providing effective dates.

74  
75 Be It Enacted by the Legislature of the State of Florida:

76  
77 Section 1. Subsections (2), (4), (5), (6), and (7) of  
78 section 775.13, Florida Statutes, are amended to read:

79 775.13 Registration of convicted felons, exemptions;  
80 penalties.--

81 (2) Any person who has been convicted of a felony in any  
82 court of this state shall, within 48 hours after entering any  
83 county in this state, register with the sheriff of said county,  
84 be fingerprinted and photographed, and list the crime for which

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

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

99 (4)(5) This section does not apply to an offender:

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

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

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

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

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113 officer in the state or who has been lawfully discharged from  
 114 such parole or probation;

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

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

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

121 ~~(5)-(6)~~ The failure of any such convicted felon to comply  
 122 with this section:

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

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

131 ~~(6)-(7) All laws and parts of laws in conflict herewith are~~  
 132 ~~hereby repealed, provided that~~ Nothing in this section shall be  
 133 construed to affect any law of this state relating to  
 134 registration of criminals where the penalties for registration,  
 135 notification, or reporting obligations are in addition to, or in  
 136 excess of, those imposed by this section.

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

139 790.23 Felons and delinquents; possession of firearms,  
 140 ammunition, or electric weapons or devices unlawful.--

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

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

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

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

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

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

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

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

166 (4) Notwithstanding the provisions of s. 874.04, if the  
 167 offense described in subsection (1) has been committed by a  
 168 person who has previously qualified or currently qualifies for

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169 the penalty enhancements provided for in s. 874.04, the offense  
 170 is a felony of the first degree, punishable by a term of years  
 171 not exceeding life or as provided in s. 775.082, s. 775.083, or  
 172 s. 775.084.

173 Section 3. Section 775.0846, Florida Statutes, is amended  
 174 to read:

175 775.0846 Possession of ~~Wearing~~ bulletproof vest while  
 176 committing certain offenses.--

177 (1) As used in ~~For the purposes of~~ this section, the term  
 178 "bulletproof vest" means a bullet-resistant soft body armor  
 179 providing, as a minimum standard, the level of protection known  
 180 as "threat level I," which shall mean at least seven layers of  
 181 bullet-resistant material providing protection from three shots  
 182 of 158-grain lead ammunition fired from a .38 caliber handgun at  
 183 a velocity of 850 feet per second.

184 (2) No ~~A person may possess~~ is guilty of the unlawful  
 185 ~~wearing of~~ a bulletproof vest while ~~when~~, acting alone or with  
 186 one or more other persons ~~and while possessing a firearm~~, he or  
 187 she commits or attempts to commit any murder, sexual battery,  
 188 robbery, burglary, arson, aggravated assault, aggravated  
 189 battery, kidnapping, escape, breaking and entering with intent  
 190 to commit a felony, criminal gang-related offense under chapter  
 191 874, controlled substance offense under chapter 893, or aircraft  
 192 piracy and such possession is, in the course of and in  
 193 furtherance of any such crime, ~~he or she wears a bulletproof~~  
 194 ~~vest.~~

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195           (3) Any person who violates ~~is convicted of a violation of~~  
 196 this section commits ~~is guilty of~~ a felony of the third degree,  
 197 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

198           Section 4. Section 823.05, Florida Statutes, is amended to  
 199 read:

200           823.05 Places and groups engaged in criminal gang-related  
 201 activity declared a nuisance; may be abated and enjoined.--

202           (1) Whoever shall erect, establish, continue, or maintain,  
 203 own or lease any building, booth, tent or place which tends to  
 204 annoy the community or injure the health of the community, or  
 205 become manifestly injurious to the morals or manners of the  
 206 people as described in s. 823.01, ~~or shall be frequented by the~~  
 207 ~~class of persons mentioned in s. 856.02,~~ or any house or place  
 208 of prostitution, assignation, lewdness or place or building  
 209 where games of chance are engaged in violation of law or any  
 210 place where any law of the state is violated, shall be deemed  
 211 guilty of maintaining a nuisance, and the building, erection,  
 212 place, tent or booth and the furniture, fixtures, and contents  
 213 are declared a nuisance. All such places or persons shall be  
 214 abated or enjoined as provided in ss. 60.05 and 60.06.

215           (2) (a) As used in this subsection, the terms "criminal  
 216 gang," "criminal gang member," "criminal gang associate," and  
 217 "criminal gang-related activity" have the same meanings as  
 218 provided in s. 874.03.

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



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223       (c) The use of a location on two or more occasions by a  
 224 criminal gang, criminal gang members, or criminal gang  
 225 associates for the purpose of engaging in criminal gang-related  
 226 activity is a public nuisance. Such use of a location as a  
 227 public nuisance shall be abated or enjoined as provided in ss.  
 228 60.05 and 60.06.

229       (d) Nothing in this subsection shall prevent a local  
 230 governing body from adopting and enforcing laws consistent with  
 231 this chapter relating to criminal gangs and gang violence. Where  
 232 local laws duplicate or supplement this chapter, this chapter  
 233 shall be construed as providing alternative remedies and not as  
 234 preempting the field.

235       (e) The state, through the Department of Legal Affairs or  
 236 any state attorney, or any of the state's agencies,  
 237 instrumentalities, subdivisions, or municipalities having  
 238 jurisdiction over conduct in violation of a provision of this  
 239 chapter may institute civil proceedings under this subsection.  
 240 In any action brought under this subsection, the circuit court  
 241 shall proceed as soon as practicable to the hearing and  
 242 determination. Pending final determination, the circuit court  
 243 may at any time enter such injunctions, prohibitions, or  
 244 restraining orders, or take such actions, including the  
 245 acceptance of satisfactory performance bonds, as the court may  
 246 deem proper.

247       Section 5. Section 874.01, Florida Statutes, is amended to  
 248 read:

249       874.01 Short title.--This chapter may be cited as the  
 250 "~~Criminal Street~~ Gang Prevention Act ~~of 1996.~~"

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251 Section 6. Section 874.02, Florida Statutes, is amended to  
252 read:

253 874.02 Legislative findings and intent.--

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

267 (2) The Legislature finds, however, that the state is  
268 facing a mounting crisis caused by criminal ~~street~~ gangs whose  
269 members threaten and terrorize peaceful citizens and commit a  
270 multitude of crimes. These criminal ~~street~~ gang activities, both  
271 individually and collectively, present a clear and present  
272 danger. Street gangs, terrorist organizations, and hate groups  
273 have evolved into increasingly sophisticated and complex  
274 organized crime groups in their criminal tactics, schemes, and  
275 brutality. The state has a compelling interest in preventing  
276 criminal ~~street~~ gang activity and halting the real and present  
277 danger posed by the proliferation of criminal gangs and the  
278 graduation from more primitive forms of criminal gangs to highly

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

282 (3) It is the intent of the Legislature to outlaw certain  
 283 conduct associated with the existence and proliferation of  
 284 criminal gangs, provide eradicate the terror created by criminal  
 285 street gangs and their members by providing enhanced criminal  
 286 penalties, and eliminate and by eliminating the patterns,  
 287 profits, proceeds, instrumentalities, and property facilitating  
 288 criminal ~~street~~ gang activity, including criminal ~~street~~ gang  
 289 recruitment.

290 (4) The Legislature finds that the timely reporting and  
 291 exchange of criminal gang information facilitates the ability of  
 292 law enforcement agencies to monitor and anticipate criminal  
 293 activities of gangs and their members. Additionally, the timely  
 294 and standardized reporting of such criminal gang information  
 295 supports the identification of gang members via the criminal  
 296 justice information system and directly contributes to law  
 297 enforcement officers' safety. For these reasons, it is the  
 298 intent of the Legislature to encourage state and local law  
 299 enforcement agencies to facilitate the exchange of crime data  
 300 information through the statewide criminal gang database as  
 301 provided in s. 874.09.

302 Section 7. Section 874.03, Florida Statutes, is amended to  
 303 read:

304 874.03 Definitions.--As used in this chapter:

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

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307 its primary activities the commission of criminal or delinquent  
 308 acts, and that consists of three or more persons who have a  
 309 common name or common identifying signs, colors, or symbols,  
 310 including, but not limited to, terrorist organizations and hate  
 311 groups and ~~have two or more members who, individually or~~  
 312 ~~collectively, engage in or have engaged in a pattern of criminal~~  
 313 ~~street gang activity.~~

314 (a) As used in this subsection, "ongoing" means that the  
 315 organization was in existence during the time period charged in  
 316 a petition, information, indictment, or action for civil  
 317 injunctive relief.

318 (b) As used in this subsection, "primary activities" means  
 319 that a criminal gang spends a substantial amount of time engaged  
 320 in such activity, although such activity need not be the only,  
 321 or even the most important activity, in which the criminal gang  
 322 engages.

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

324 (a) Admits to criminal gang association; or

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

327 (3) ~~(2)~~ "Criminal ~~street~~ gang member" is a person who ~~is a~~  
 328 member of a criminal ~~street~~ gang as defined in subsection (1)  
 329 and ~~who~~ meets two or more of the following criteria:

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

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

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

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

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

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

342           (g) Associates with one or more known criminal gang  
 343 members.

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

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

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

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

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

358           (k) Has authored any communication indicating  
 359 responsibility for the commission of any crime by the criminal  
 360 gang.

361  
 362 Where a single act or factual transaction satisfies the

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363 requirements of more than one of the criteria in this  
 364 subsection, each of those criteria has thereby been satisfied  
 365 for the purposes of the statute.

366 ~~(3) "Pattern of criminal street gang activity" means the~~  
 367 ~~commission or attempted commission of, or solicitation or~~  
 368 ~~conspiracy to commit, two or more felony or three or more~~  
 369 ~~misdemeanor offenses, or one felony and two misdemeanor~~  
 370 ~~offenses, or the comparable number of delinquent acts or~~  
 371 ~~violations of law which would be felonies or misdemeanors if~~  
 372 ~~committed by an adult, on separate occasions within a 3-year~~  
 373 ~~period.~~

374 ~~(4) For purposes of law enforcement identification and~~  
 375 ~~tracking only.~~

376 ~~(a) "criminal street gang associate" means a person who:~~  
 377 ~~1. Admits to criminal street gang association; or~~  
 378 ~~2. Meets any single defining criterion for criminal street~~  
 379 ~~gang membership described in subsection (2).~~

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

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

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

387 ~~3. an informant of previously untested reliability~~  
 388 ~~identifies an incident as criminal street gang activity and it~~  
 389 ~~is corroborated by independent information.~~

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

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391 (a) An activity committed with the intent to benefit,  
 392 promote, or further the interests of a criminal gang, or for the  
 393 purposes of increasing a person's own standing or position  
 394 within a criminal gang;

395 (b) An activity in which the participants are identified  
 396 as criminal gang members or criminal gang associates acting  
 397 individually or collectively to further any criminal purpose of  
 398 a criminal gang;

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

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

404 (5) "Electronic communication" has the meaning provided in  
 405 s. 934.02 and includes, but is not limited to, photographs,  
 406 video, telephone communications, text messages, facsimile,  
 407 electronic mail messages as defined in s. 668.602, and instant  
 408 message real-time communications with other individuals through  
 409 the Internet or other means.

410 (6) "Hate group" means an organization whose primary  
 411 purpose is to promote animosity, hostility, and malice against a  
 412 person or persons or against the property of a person or persons  
 413 because of race, religion, disability, sexual orientation,  
 414 ethnicity, or national origin.

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

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418 to prevent prosecution under this chapter of individuals acting  
 419 alone.

420 Section 8. Section 874.04, Florida Statutes, is amended to  
 421 read:

422 874.04 Gang-related offenses ~~Criminal street gang~~  
 423 ~~activity~~; enhanced penalties.--Upon a finding by the factfinder  
 424 ~~court at sentencing~~ that the defendant committed the charged  
 425 offense for the purpose of benefiting, promoting, or furthering  
 426 the interests of a criminal ~~street~~ gang, the penalty for any  
 427 felony or misdemeanor, or any delinquent act or violation of law  
 428 which would be a felony or misdemeanor if committed by an adult,  
 429 may be enhanced. Penalty enhancement affects the applicable  
 430 statutory maximum penalty only. Each of the findings required as  
 431 a basis for such sentence shall be found beyond a reasonable  
 432 doubt ~~by a preponderance of the evidence~~. The enhancement will  
 433 be as follows:

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

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

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



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

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

449  
 450 For purposes of sentencing under chapter 921 and determining  
 451 incentive gain-time eligibility under chapter 944, such felony  
 452 offense is ranked as provided in s. 921.0022 or s. 921.0023, and  
 453 without regard to the penalty enhancement in this subsection.  
 454 ~~For purposes of this section, penalty enhancement affects the~~  
 455 ~~applicable statutory maximum penalty only.~~

456 Section 9. Section 874.045, Florida Statutes, is created  
 457 to read:

458 874.045 Arrest and prosecution under other  
 459 provisions.--Nothing in this chapter shall prohibit the arrest  
 460 and prosecution of a criminal gang member under chapter 876,  
 461 chapter 895, chapter 896, s. 893.20, or any other applicable  
 462 provision of law except to the extent otherwise prohibited  
 463 pursuant to a statutory or constitutional provision.

464 Section 10. Section 874.05, Florida Statutes, is amended  
 465 to read:

466 874.05 Causing, encouraging, soliciting, or recruiting  
 467 criminal ~~street~~ gang membership.--

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

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473 felony of the third degree, punishable as provided in s.  
 474 775.082, s. 775.083, or s. 775.084.

475 (2) A person who commits ~~Upon~~ a second or subsequent  
 476 violation offense, ~~the person~~ commits a felony of the second  
 477 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 478 775.084.

479 Section 11. Section 874.06, Florida Statutes, is amended  
 480 to read:

481 874.06 Civil cause of action.--

482 (1) A person or organization establishing, by clear and  
 483 convincing evidence, coercion, intimidation, threats, or other  
 484 harm to that person or organization in violation of this chapter  
 485 has a civil cause of action for treble damages, an injunction,  
 486 or any other appropriate relief in law or equity. Upon  
 487 prevailing, the plaintiff may recover ~~reasonable~~ attorney's fees  
 488 in the trial and appellate courts and the costs of investigation  
 489 and litigation that are reasonably incurred ~~and costs~~.

490 (2) (a) For purposes of this subsection, the term "state"  
 491 includes any of the state's agencies, instrumentalities,  
 492 subdivisions, or municipalities, and includes, but is not  
 493 limited to, state attorneys and the Office of Statewide  
 494 Prosecution of the Department of Legal Affairs.

495 (b) In addition to any remedies provided for by ss. 60.05  
 496 and 823.05, the state has a civil cause of action against any  
 497 person or organization if it proves by clear and convincing  
 498 evidence that it has been injured by reason of a violation of  
 499 this chapter by the person or organization. The state has a  
 500 civil cause of action for treble damages, injunctive relief, or

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501 any other relief in law or equity which the court deems  
 502 appropriate. If the state prevails, it may also recover  
 503 attorney's fees in the trial and appellate courts and the costs  
 504 of investigation and litigation that are reasonably incurred.  
 505 The state may not recover punitive damages. The defendant is  
 506 entitled to recover reasonable attorney's fees and court costs  
 507 if the court finds that the state raised a claim that was  
 508 without factual or legal support and was vexatious, frivolous,  
 509 or brought in bad faith.

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

513 (4) A person who knowingly violates a temporary or  
 514 permanent order issued under this section or s. 60.05 commits a  
 515 misdemeanor of the first degree, punishable as provided in s.  
 516 775.082 or s. 775.083.

517 Section 12. Section 874.08, Florida Statutes, is amended  
 518 to read:

519 874.08 Criminal gang activity and Profits, proceeds, and  
 520 instrumentalities of criminal street gangs or criminal street  
 521 gang recruitment; forfeiture.--All profits, proceeds, and  
 522 instrumentalities of criminal ~~street~~ gang activity and all  
 523 property used or intended or attempted to be used to facilitate  
 524 the criminal activity of any criminal ~~street~~ gang or of any  
 525 criminal ~~street~~ gang member; and all profits, proceeds, and  
 526 instrumentalities of criminal ~~street~~ gang recruitment and all  
 527 property used or intended or attempted to be used to facilitate  
 528 criminal ~~street~~ gang recruitment are subject to seizure and

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529 forfeiture under the Florida Contraband Forfeiture Act, s.  
530 932.704.

531 Section 13. Section 874.09, Florida Statutes, is amended  
532 to read:

533 874.09 Crime data information.--

534 (1) The Department of Law Enforcement may:

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

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

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

547 (d) Compile and maintain a data repository relating to  
548 criminal gangs and their members and associates in order to  
549 develop and improve techniques used by law enforcement agencies  
550 and prosecutors in the investigation, apprehension, and  
551 prosecution of members and affiliates of criminal gangs.

552 (2) Local law enforcement agencies may:

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

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

558 Section 14. Section 874.10, Florida Statutes, is created  
 559 to read:

560 874.10 Directing the activities of a criminal gang.--Any  
 561 person who knowingly initiates, organizes, plans, finances,  
 562 directs, manages, or supervises criminal gang-related activity  
 563 commits a felony of the first degree, punishable by imprisonment  
 564 for a term of years not exceeding life or as provided in s.  
 565 775.082, s. 775.083, or s. 775.084.

566 Section 15. Section 874.11, Florida Statutes, is created  
 567 to read:

568 874.11 Electronic communication.--Any person who, for the  
 569 purpose of benefiting, promoting, or furthering the interests of  
 570 a criminal gang, uses electronic communication to intimidate or  
 571 harass other persons, or to advertise his or her presence in the  
 572 community, including, but not limited to, such activities as  
 573 distributing, selling, transmitting, or posting on the Internet  
 574 any audio, video, or still image of criminal activity, commits a  
 575 felony of the third degree, punishable as provided in s.  
 576 775.082, s. 775.083, or s. 775.084.

577 Section 16. Section 874.12, Florida Statutes, is created  
 578 to read:

579 874.12 Identification documents; unlawful possession or  
 580 creation.--

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

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584 identification card issued pursuant to s. 322.051, a  
 585 naturalization certificate, an alien registration number, a  
 586 passport, and any access credentials for a publicly operated  
 587 facility or an infrastructure facility covered under 18 U.S.C.  
 588 s. 2332f.

589 (2) Any person possessing or manufacturing any blank,  
 590 forged, stolen, fictitious, fraudulent, counterfeit, or  
 591 otherwise unlawfully issued identification document for the  
 592 purpose of benefiting, promoting, or furthering the interests of  
 593 a criminal gang commits a felony of the second degree,  
 594 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

595 Section 17. Paragraph (a) of subsection (1) and subsection  
 596 (3) of section 895.02, Florida Statutes, are amended to read:

597 895.02 Definitions.--As used in ss. 895.01-895.08, the  
 598 term:

599 (1) "Racketeering activity" means to commit, to attempt to  
 600 commit, to conspire to commit, or to solicit, coerce, or  
 601 intimidate another person to commit:

602 (a) Any crime that is chargeable by petition, indictment,  
 603 or information under the following provisions of the Florida  
 604 Statutes:

605 1. Section 210.18, relating to evasion of payment of  
 606 cigarette taxes.

607 2. Section 316.1935, relating to fleeing or attempting to  
 608 elude a law enforcement officer and aggravated fleeing or  
 609 eluding.

610 ~~3.2-~~ Section 403.727(3) (b), relating to environmental  
 611 control.

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612        ~~4.3.~~ Section 409.920 or s. 409.9201, relating to Medicaid  
 613 fraud.

614        ~~5.4.~~ Section 414.39, relating to public assistance fraud.

615        ~~6.5.~~ Section 440.105 or s. 440.106, relating to workers'  
 616 compensation.

617        ~~7.6.~~ Section 443.071(4), relating to creation of a  
 618 fictitious employer scheme to commit unemployment compensation  
 619 fraud.

620        ~~8.7.~~ Section 465.0161, relating to distribution of  
 621 medicinal drugs without a permit as an Internet pharmacy.

622        ~~9.8.~~ Sections 499.0051, 499.0052, 499.00535, 499.00545,  
 623 and 499.0691, relating to crimes involving contraband and  
 624 adulterated drugs.

625        ~~10.9.~~ Part IV of chapter 501, relating to telemarketing.

626        ~~11.10.~~ Chapter 517, relating to sale of securities and  
 627 investor protection.

628        ~~12.11.~~ Section 550.235, s. 550.3551, or s. 550.3605,  
 629 relating to dogracing and horseracing.

630        ~~13.12.~~ Chapter 550, relating to jai alai frontons.

631        ~~14.13.~~ Section 551.109, relating to slot machine gaming.

632        ~~15.14.~~ Chapter 552, relating to the manufacture,  
 633 distribution, and use of explosives.

634        ~~16.15.~~ Chapter 560, relating to money transmitters, if the  
 635 violation is punishable as a felony.

636        ~~17.16.~~ Chapter 562, relating to beverage law enforcement.

637        ~~18.17.~~ Section 624.401, relating to transacting insurance  
 638 without a certificate of authority, s. 624.437(4)(c)1., relating  
 639 to operating an unauthorized multiple-employer welfare

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640 arrangement, or s. 626.902(1)(b), relating to representing or  
 641 aiding an unauthorized insurer.

642 ~~19.18.~~ Section 655.50, relating to reports of currency  
 643 transactions, when such violation is punishable as a felony.

644 ~~20.19.~~ Chapter 687, relating to interest and usurious  
 645 practices.

646 ~~21.20.~~ Section 721.08, s. 721.09, or s. 721.13, relating  
 647 to real estate timeshare plans.

648 22. Section 775.13(5)(b), relating to registration of  
 649 persons found to have committed any offense for the purpose of  
 650 benefiting, promoting, or furthering the interests of a criminal  
 651 gang.

652 23. Section 777.03, relating to commission of crimes by  
 653 accessories after the fact.

654 ~~24.21.~~ Chapter 782, relating to homicide.

655 ~~25.22.~~ Chapter 784, relating to assault and battery.

656 ~~26.23.~~ Chapter 787, relating to kidnapping or human  
 657 trafficking.

658 ~~27.24.~~ Chapter 790, relating to weapons and firearms.

659 28. Chapter 794, relating to sexual battery, but only if  
 660 such crime was committed with the intent to benefit, promote, or  
 661 further the interests of a criminal gang, or for the purpose of  
 662 increasing a criminal gang member's own standing or position  
 663 within a criminal gang.

664 ~~29.25.~~ Section 796.03, s. 796.035, s. 796.04, s. 796.045,  
 665 s. 796.05, or s. 796.07, relating to prostitution and sex  
 666 trafficking.



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- 667            ~~30.26.~~ Chapter 806, relating to arson and criminal
- 668 mischiefs.
- 669            ~~31.27.~~ Chapter 810 ~~Section 810.02(2)(c)~~, relating to
- 670 ~~specified burglary and trespass of a dwelling or structure.~~
- 671            ~~32.28.~~ Chapter 812, relating to theft, robbery, and
- 672 related crimes.
- 673            ~~33.29.~~ Chapter 815, relating to computer-related crimes.
- 674            ~~34.30.~~ Chapter 817, relating to fraudulent practices,
- 675 false pretenses, fraud generally, and credit card crimes.
- 676            ~~35.31.~~ Chapter 825, relating to abuse, neglect, or
- 677 exploitation of an elderly person or disabled adult.
- 678            ~~36.32.~~ Section 827.071, relating to commercial sexual
- 679 exploitation of children.
- 680            ~~37.33.~~ Chapter 831, relating to forgery and
- 681 counterfeiting.
- 682            ~~38.34.~~ Chapter 832, relating to issuance of worthless
- 683 checks and drafts.
- 684            ~~39.35.~~ Section 836.05, relating to extortion.
- 685            ~~40.36.~~ Chapter 837, relating to perjury.
- 686            ~~41.37.~~ Chapter 838, relating to bribery and misuse of
- 687 public office.
- 688            ~~42.38.~~ Chapter 843, relating to obstruction of justice.
- 689            ~~43.39.~~ Section 847.011, s. 847.012, s. 847.013, s. 847.06,
- 690 or s. 847.07, relating to obscene literature and profanity.
- 691            ~~44.40.~~ Section 849.09, s. 849.14, s. 849.15, s. 849.23, or
- 692 s. 849.25, relating to gambling.
- 693            ~~45.41.~~ Chapter 874, relating to criminal ~~street~~ gangs.

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694           ~~46.42.~~ Chapter 893, relating to drug abuse prevention and  
695 control.

696           ~~47.43.~~ Chapter 896, relating to offenses related to  
697 financial transactions.

698           ~~48.44.~~ Sections 914.22 and 914.23, relating to tampering  
699 with or harassing a witness, victim, or informant, and  
700 retaliation against a witness, victim, or informant.

701           ~~49.45.~~ Sections 918.12 and 918.13, relating to tampering  
702 with jurors and evidence.

703           (3) "Enterprise" means any individual, sole  
704 proprietorship, partnership, corporation, business trust, union  
705 chartered under the laws of this state, or other legal entity,  
706 or any unchartered union, association, or group of individuals  
707 associated in fact although not a legal entity; and it includes  
708 illicit as well as licit enterprises and governmental, as well  
709 as other, entities. A criminal ~~street~~ gang, as defined in s.  
710 874.03, constitutes an enterprise.

711           Section 18. Subsection (2) of section 903.046, Florida  
712 Statutes, is amended to read:

713           903.046 Purpose of and criteria for bail determination.--

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

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

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

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

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722 (d) The defendant's past and present conduct, including  
 723 any record of convictions, previous flight to avoid prosecution,  
 724 or failure to appear at court proceedings. However, any  
 725 defendant who had failed to appear on the day of any required  
 726 court proceeding in the case at issue, but who had later  
 727 voluntarily appeared or surrendered, shall not be eligible for a  
 728 recognizance bond; and any defendant who failed to appear on the  
 729 day of any required court proceeding in the case at issue and  
 730 who was later arrested shall not be eligible for a recognizance  
 731 bond or for any form of bond which does not require a monetary  
 732 undertaking or commitment equal to or greater than \$2,000 or  
 733 twice the value of the monetary commitment or undertaking of the  
 734 original bond, whichever is greater. Notwithstanding anything in  
 735 this section, the court has discretion in determining conditions  
 736 of release if the defendant proves circumstances beyond his or  
 737 her control for the failure to appear. This section may not be  
 738 construed as imposing additional duties or obligations on a  
 739 governmental entity related to monetary bonds.

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

742 (f) The source of funds used to post bail or procure an  
 743 appearance bond, particularly whether the proffered funds, real  
 744 property, property, or any proposed collateral or bond premium  
 745 may be linked to or derived from the crime alleged to have been  
 746 committed or from any other criminal or illicit activities. The  
 747 burden of establishing the noninvolvement in or nonderivation  
 748 from criminal or other illicit activity of such proffered funds,  
 749 real property, property, or any proposed collateral or bond

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750 premium falls upon the defendant or other person proffering them  
 751 to obtain the defendant's release.

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

755 (h) The street value of any drug or controlled substance  
 756 connected to or involved in the criminal charge. It is the  
 757 finding and intent of the Legislature that crimes involving  
 758 drugs and other controlled substances are of serious social  
 759 concern, that the flight of defendants to avoid prosecution is  
 760 of similar serious social concern, and that frequently such  
 761 defendants are able to post monetary bail using the proceeds of  
 762 their unlawful enterprises to defeat the social utility of  
 763 pretrial bail. Therefore, the courts should carefully consider  
 764 the utility and necessity of substantial bail in relation to the  
 765 street value of the drugs or controlled substances involved.

766 (i) The nature and probability of intimidation and danger  
 767 to victims.

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

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

771 (l) Whether the crime charged is a violation of chapter  
 772 874 or alleged to be subject to enhanced punishment under  
 773 chapter 874. If any such violation is charged against a  
 774 defendant or if the defendant is charged with a crime that is  
 775 alleged to be subject to such enhancement, he or she shall not  
 776 be eligible for release on bail or surety bond until the first

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777 appearance on the case in order to ensure the full participation  
 778 of the prosecutor and the protection of the public.

779 Section 19. Section 914.22, Florida Statutes, is amended  
 780 to read:

781 914.22 Tampering with or harassing a witness, victim, or  
 782 informant; penalties.--

783 (1) A person who knowingly uses intimidation or physical  
 784 force, or threatens another person, or attempts to do so, or  
 785 engages in misleading conduct toward another person, or offers  
 786 pecuniary benefit or gain to another person, with intent to  
 787 cause or induce any person to:

788 (a) Withhold testimony, or withhold a record, document, or  
 789 other object, from an official investigation or official  
 790 proceeding;

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

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

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

799 (e) Hinder, delay, or prevent the communication to a law  
 800 enforcement officer or judge of information relating to the  
 801 commission or possible commission of an offense or a violation  
 802 of a condition of probation, parole, or release pending a  
 803 judicial proceeding; or

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804 (f) Testify untruthfully in an official investigation or  
 805 an official proceeding,

806  
 807 commits the crime of tampering with a witness, victim, or  
 808 informant a felony of the third degree, punishable as provided  
 809 in s. 775.082, s. 775.083, or s. 775.084.

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

811 (a) Felony of the third degree, punishable as provided in  
 812 s. 775.082, s. 775.083, or s. 775.084, where the official  
 813 investigation or official proceeding affected involves the  
 814 investigation or prosecution of a misdemeanor.

815 (b) Felony of the second degree, punishable as provided in  
 816 s. 775.082, s. 775.083, or s. 775.084, where the official  
 817 investigation or official proceeding affected involves the  
 818 investigation or prosecution of a third degree felony.

819 (c) Felony of the first degree, punishable as provided in  
 820 s. 775.082, s. 775.083, or s. 775.084, where the official  
 821 investigation or official proceeding affected involves the  
 822 investigation or prosecution of a second degree felony.

823 (d) Felony of the first degree, punishable by a term of  
 824 years not exceeding life or as provided in s. 775.082, s.  
 825 775.083, or s. 775.084, where the official investigation or  
 826 official proceeding affected involves the investigation or  
 827 prosecution of a first degree felony or a first degree felony  
 828 punishable by a term of years not exceeding life.

829 (e) Life felony, punishable as provided in s. 775.082, s.  
 830 775.083, or s. 775.084, where the official investigation or

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831 official proceeding affected involves the investigation or  
 832 prosecution of a life or capital felony.

833 (f) Felony of the third degree, punishable as provided in  
 834 s. 775.082, s. 775.083, or s. 775.084, where the offense level  
 835 of the affected official investigation or official proceeding is  
 836 indeterminable or where the affected official investigation or  
 837 official proceeding involves a noncriminal investigation or  
 838 proceeding.

839 ~~(3)(2)~~ Whoever intentionally harasses another person and  
 840 thereby hinders, delays, prevents, or dissuades any person from:

841 (a) Attending or testifying in an official proceeding or  
 842 cooperating in an official investigation;

843 (b) Reporting to a law enforcement officer or judge the  
 844 commission or possible commission of an offense or a violation  
 845 of a condition of probation, parole, or release pending a  
 846 judicial proceeding;

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

849 (d) Causing a criminal prosecution, or a parole or  
 850 probation revocation proceeding, to be sought or instituted, or  
 851 from assisting in such prosecution or proceeding;

852  
 853 or attempts to do so, commits the crime of harassing a witness,  
 854 victim, or informant ~~is guilty of a misdemeanor of the first~~  
 855 ~~degree, punishable as provided in s. 775.082 or s. 775.083.~~

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

857 (a) Misdemeanor of the first degree, punishable as  
 858 provided in s. 775.082 or s. 775.083, where the official

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859 investigation or official proceeding affected involves the  
 860 investigation or prosecution of a misdemeanor.

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

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

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

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

880 (f) Felony of the third degree, punishable as provided in  
 881 s. 775.082, s. 775.083, or s. 775.084, where the offense level  
 882 of the affected official investigation or official proceeding is  
 883 indeterminable or where the affected official investigation or  
 884 official proceeding involves a noncriminal investigation or  
 885 proceeding.

886 (5)-(3) For the purposes of this section:



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

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

892 ~~(6)~~~~(4)~~ In a prosecution for an offense under this section,  
893 no state of mind need be proved with respect to the  
894 circumstance:

895 (a) That the official proceeding before a judge, court,  
896 grand jury, or government agency is before a judge or court of  
897 the state, a state or local grand jury, or a state agency; or

898 (b) That the judge is a judge of the state or that the law  
899 enforcement officer is an officer or employee of the state or a  
900 person authorized to act for or on behalf of the state or  
901 serving the state as an adviser or consultant.

902 Section 20. Section 943.031, Florida Statutes, is amended  
903 to read:

904 943.031 Florida Violent Crime and Drug Control Council.--

905 (1) FINDINGS.--The Legislature finds that there is a need  
906 to develop and implement a statewide strategy to address violent  
907 criminal activity, including crimes committed by criminal gangs,  
908 and drug control efforts by state and local law enforcement  
909 agencies, including investigations of illicit money laundering.  
910 In recognition of this need, the Florida Violent Crime and Drug  
911 Control Council is created within the department. The council  
912 shall serve in an advisory capacity to the department.

913 ~~(2)~~~~(1)~~ MEMBERSHIP.--The council shall consist of 14  
914 members, as follows:

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- 915 (a) The Attorney General or a designate.
- 916 (b) A designate of the executive director of the
- 917 Department of Law Enforcement.
- 918 (c) The secretary of the Department of Corrections or a
- 919 designate.
- 920 (d) The Secretary of Juvenile Justice or a designate.
- 921 (e) The Commissioner of Education or a designate.
- 922 (f) The president of the Florida Network of Victim/Witness
- 923 Services, Inc., or a designate.
- 924 (g) The director of the Office of Drug Control within the
- 925 Executive Office of the Governor, or a designate.
- 926 (h) The Chief Financial Officer, or a designate.
- 927 (i) Six members appointed by the Governor, consisting of
- 928 two sheriffs, two chiefs of police, one medical examiner, and
- 929 one state attorney or their designates.

930

931 The Governor, when making appointments under this subsection,

932 must take into consideration representation by geography,

933 population, ethnicity, and other relevant factors to ensure that

934 the membership of the council is representative of the state at

935 large. Designates appearing on behalf of a council member who is

936 unable to attend a meeting of the council are empowered to vote

937 on issues before the council to the same extent the designating

938 council member is so empowered.

939 (3)~~(2)~~ TERMS OF MEMBERSHIP; OFFICERS; COMPENSATION;

940 STAFF.--

- 941 (a) Members appointed by the Governor shall be appointed
- 942 for terms of 2 years. The other members are standing members of

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943 the council. In no event shall a member serve beyond the time he  
944 or she ceases to hold the office or employment which was the  
945 basis for appointment to the council. In the event of a vacancy,  
946 an appointment to fill the vacancy shall be only for the  
947 unexpired term.

948 (b) The Legislature finds that the council serves a  
949 legitimate state, county, and municipal purpose and that service  
950 on the council is consistent with a member's principal service  
951 in a public office or employment. Membership on the council does  
952 not disqualify a member from holding any other public office or  
953 being employed by a public entity, except that no member of the  
954 Legislature shall serve on the council.

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

958 (d) Members of the council or their designates shall serve  
959 without compensation but are entitled to reimbursement for per  
960 diem and travel expenses pursuant to s. 112.061. Reimbursements  
961 made pursuant to this paragraph may be paid from either the  
962 Violent Crime Investigative Emergency and Drug Control Strategy  
963 Implementation Account within the Department of Law Enforcement  
964 Operating Trust Fund or from other appropriations provided to  
965 the department by the Legislature in the General Appropriations  
966 Act.

967 (e) The department shall provide the council with staff  
968 necessary to assist the council in the performance of its  
969 duties.

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970           ~~(4)~~<sup>(3)</sup> MEETINGS.--The council must meet at least  
 971 semiannually. Additional meetings may be held when it is  
 972 determined by the chair that extraordinary circumstances require  
 973 an additional meeting of the council. A majority of the members  
 974 of the council constitutes a quorum.

975           ~~(5)~~<sup>(4)</sup> DUTIES OF COUNCIL.--The council shall provide  
 976 advice and make recommendations, as necessary, to the executive  
 977 director of the department.

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

981           1. Establishing a program which provides grants to  
 982 criminal justice agencies that develop and implement effective  
 983 violent crime prevention and investigative programs and which  
 984 provides grants to law enforcement agencies for the purpose of  
 985 drug control, criminal gang, and illicit money laundering  
 986 investigative efforts or task force efforts that are determined  
 987 by the council to significantly contribute to achieving the  
 988 state's goal of reducing drug-related crime as articulated by  
 989 the Office of Drug Control, that represent significant criminal  
 990 gang investigative efforts, that represent a significant illicit  
 991 money laundering investigative effort, or that otherwise  
 992 significantly support statewide strategies developed by the  
 993 Statewide Drug Policy Advisory Council established under s.  
 994 397.333, subject to the limitations provided in this section.  
 995 The grant program may include an innovations grant program to  
 996 provide startup funding for new initiatives by local and state  
 997 law enforcement agencies to combat violent crime or to implement

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998 drug control, criminal gang, or illicit money laundering  
 999 investigative efforts or task force efforts by law enforcement  
 1000 agencies, including, but not limited to, initiatives such as:  
 1001 a. Providing enhanced community-oriented policing.  
 1002 b. Providing additional undercover officers and other  
 1003 investigative officers to assist with violent crime  
 1004 investigations in emergency situations.  
 1005 c. Providing funding for multiagency or statewide drug  
 1006 control, criminal gang, or illicit money laundering  
 1007 investigative efforts or task force efforts that cannot be  
 1008 reasonably funded completely by alternative sources and that  
 1009 significantly contribute to achieving the state's goal of  
 1010 reducing drug-related crime as articulated by the Office of Drug  
 1011 Control, that represent significant criminal gang investigative  
 1012 efforts, that represent a significant illicit money laundering  
 1013 investigative effort, or that otherwise significantly support  
 1014 statewide strategies developed by the Statewide Drug Policy  
 1015 Advisory Council established under s. 397.333.  
 1016 2. Expanding the use of automated fingerprint  
 1017 identification systems at the state and local level.  
 1018 3. Identifying methods to prevent violent crime.  
 1019 4. Identifying methods to enhance multiagency or statewide  
 1020 drug control, criminal gang, or illicit money laundering  
 1021 investigative efforts or task force efforts that significantly  
 1022 contribute to achieving the state's goal of reducing drug-  
 1023 related crime as articulated by the Office of Drug Control, that  
 1024 represent significant criminal gang investigative efforts, that  
 1025 represent a significant illicit money laundering investigative

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1026 effort, or that otherwise significantly support statewide  
 1027 strategies developed by the Statewide Drug Policy Advisory  
 1028 Council established under s. 397.333.

1029 5. Enhancing criminal justice training programs which  
 1030 address violent crime, drug control, ~~or~~ illicit money laundering  
 1031 investigative techniques, or efforts to control and eliminate  
 1032 criminal gangs.

1033 6. Developing and promoting crime prevention services and  
 1034 educational programs that serve the public, including, but not  
 1035 limited to:

1036 a. Enhanced victim and witness counseling services that  
 1037 also provide crisis intervention, information referral,  
 1038 transportation, and emergency financial assistance.

1039 b. A well-publicized rewards program for the apprehension  
 1040 and conviction of criminals who perpetrate violent crimes.

1041 7. Enhancing information sharing and assistance in the  
 1042 criminal justice community by expanding the use of community  
 1043 partnerships and community policing programs. Such expansion may  
 1044 include the use of civilian employees or volunteers to relieve  
 1045 law enforcement officers of clerical work in order to enable the  
 1046 officers to concentrate on street visibility within the  
 1047 community.

1048 (b) The full council shall:

1049 1. Receive periodic reports from regional violent crime  
 1050 investigation and statewide drug control strategy implementation  
 1051 coordinating teams which relate to violent crime trends or the  
 1052 investigative needs or successes in the regions, including  
 1053 discussions regarding the activity of significant criminal gangs

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1054 in the region, factors, and trends relevant to the  
 1055 implementation of the statewide drug strategy, and the results  
 1056 of drug control and illicit money laundering investigative  
 1057 efforts funded in part by the council.

1058 2. Maintain and use ~~utilize~~ criteria for the disbursement  
 1059 of funds from the Violent Crime Investigative Emergency and Drug  
 1060 Control Strategy Implementation Account or any other account  
 1061 from which the council may disburse proactive investigative  
 1062 funds as may be established within the Department of Law  
 1063 Enforcement Operating Trust Fund or other appropriations  
 1064 provided to the Department of Law Enforcement by the Legislature  
 1065 in the General Appropriations Act. The criteria shall allow for  
 1066 the advancement of funds to reimburse agencies regarding violent  
 1067 crime investigations as approved by the full council and the  
 1068 advancement of funds to implement proactive drug control  
 1069 strategies or significant criminal gang investigative efforts as  
 1070 authorized by the Drug Control Strategy and Criminal Gang  
 1071 Committee or the Victim and Witness Protection Review Committee.  
 1072 Regarding violent crime investigation reimbursement, an  
 1073 expedited approval procedure shall be established for rapid  
 1074 disbursement of funds in violent crime emergency situations.

1075 (c) As used in this section, "significant criminal gang  
 1076 investigative efforts" eligible for proactive funding must  
 1077 involve at a minimum an effort against a known criminal gang  
 1078 that:

- 1079 1. Involves multiple law enforcement agencies.
- 1080 2. Reflects a dedicated significant investigative effort  
 1081 on the part of each participating agency in personnel, time

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1082 devoted to the investigation, and agency resources dedicated to  
 1083 the effort.

1084 3. Reflects a dedicated commitment by a prosecuting  
 1085 authority to ensure that cases developed by the investigation  
 1086 will be timely and effectively prosecuted.

1087 4. Demonstrates a strategy and commitment to dismantling  
 1088 the criminal gang via seizures of assets, significant money  
 1089 laundering and organized crime investigations and prosecutions,  
 1090 or similar efforts.

1091  
 1092 The council may require satisfaction of additional elements, to  
 1093 include reporting criminal investigative and criminal  
 1094 intelligence information related to criminal gang activity and  
 1095 members in a manner required by the department, as a  
 1096 prerequisite for receiving proactive criminal gang funding.

1097 (6) DRUG CONTROL STRATEGY AND CRIMINAL GANG COMMITTEE.--

1098 (a) The Drug Control Strategy and Criminal Gang Committee  
 1099 is created within the Florida Violent Crime and Drug Control  
 1100 Council, consisting of the following council members:

1101 1. The Attorney General or a designate.

1102 2. The designate of the executive director of the  
 1103 Department of Law Enforcement.

1104 3. The secretary of the Department of Corrections or a  
 1105 designate.

1106 4. The director of the Office of Drug Control within the  
 1107 Executive Office of the Governor or a designate.

1108 5. The state attorney, the two sheriffs, and the two  
 1109 chiefs of police, or their designates.



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1110        (b) The committee shall  
 1111        ~~3-~~ review and approve all requests for disbursement of  
 1112 funds from the Violent Crime Investigative Emergency and Drug  
 1113 Control Strategy Implementation Account within the Department of  
 1114 Law Enforcement Operating Trust Fund and from other  
 1115 appropriations provided to the department by the Legislature in  
 1116 the General Appropriations Act. An expedited approval procedure  
 1117 shall be established for rapid disbursement of funds in violent  
 1118 crime emergency situations.

1119        (c) Those receiving any proactive funding provided by the  
 1120 council through the committee shall be required to report the  
 1121 results of the investigations to the council once the  
 1122 investigation has been completed. The committee shall also  
 1123 require ongoing status reports on ongoing investigations using  
 1124 such findings in its closed sessions.

1125        (7)~~(5)~~ REPORTS.--The council shall report annually on its  
 1126 activities, on or before December 30 of each calendar year, to  
 1127 the executive director, the President of the Senate, the Speaker  
 1128 of the House of Representatives, and the chairs of the Senate  
 1129 and House committees having principal jurisdiction over criminal  
 1130 law. Comments and responses of the executive director to the  
 1131 report are to be included.

1132        (8)~~(6)~~ VICTIM AND WITNESS PROTECTION REVIEW COMMITTEE.--

1133        (a) The Victim and Witness Protection Review Committee is  
 1134 created within the Florida Violent Crime and Drug Control  
 1135 Council, consisting of the statewide prosecutor or a state  
 1136 attorney, a sheriff, a chief of police, and the designee of the  
 1137 executive director of the Department of Law Enforcement. The

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1138 committee shall be appointed from the membership of the council  
 1139 by the chair of the council after the chair has consulted with  
 1140 the executive director of the Department of Law Enforcement.  
 1141 Committee members shall meet in conjunction with the meetings of  
 1142 the council.

1143 (b) The committee shall:

1144 1. Maintain and use ~~utilize~~ criteria for disbursing funds  
 1145 to reimburse law enforcement agencies for costs associated with  
 1146 providing victim and witness protective or temporary relocation  
 1147 services.

1148 2. Review and approve or deny, in whole or in part, all  
 1149 reimbursement requests submitted by law enforcement agencies.

1150 (c) The lead law enforcement agency providing victim or  
 1151 witness protective or temporary relocation services pursuant to  
 1152 the provisions of s. 914.25 may submit a request for  
 1153 reimbursement to the Victim and Witness Protection Review  
 1154 Committee in a format approved by the committee. The lead law  
 1155 enforcement agency shall submit such reimbursement request on  
 1156 behalf of all law enforcement agencies that cooperated in  
 1157 providing protective or temporary relocation services related to  
 1158 a particular criminal investigation or prosecution. As part of  
 1159 the reimbursement request, the lead law enforcement agency must  
 1160 indicate how any reimbursement proceeds will be distributed  
 1161 among the agencies that provided protective or temporary  
 1162 relocation services.

1163 (d) The committee, in its discretion, may use funds  
 1164 available to the committee to provide all or partial

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1165 reimbursement to the lead law enforcement agency for such costs,  
 1166 or may decline to provide any reimbursement.

1167 (e) The committee may conduct its meeting by  
 1168 teleconference or conference phone calls when the chair of the  
 1169 committee finds that the need for reimbursement is such that  
 1170 delaying until the next scheduled council meeting will adversely  
 1171 affect the requesting agency's ability to provide the protection  
 1172 services.

1173 (9)~~(7)~~ CONFIDENTIALITY; EXEMPTED PORTIONS OF COUNCIL  
 1174 MEETINGS AND RECORDS.--

1175 (a) The Legislature finds that during limited portions of  
 1176 the meetings of the Florida Violent Crime and Drug Control  
 1177 Council it is necessary that the council be presented with and  
 1178 discuss details, information, and documents related to active  
 1179 criminal investigations or matters constituting active criminal  
 1180 intelligence, as those concepts are defined by s. 119.011. These  
 1181 presentations and discussions are necessary for the council to  
 1182 make its funding decisions as required by the Legislature. The  
 1183 Legislature finds that to reveal the contents of documents  
 1184 containing active criminal investigative or intelligence  
 1185 information or to allow active criminal investigative or active  
 1186 criminal intelligence matters to be discussed in a meeting open  
 1187 to the public negatively impacts the ability of law enforcement  
 1188 agencies to efficiently continue their investigative or  
 1189 intelligence gathering activities. The Legislature finds that  
 1190 information coming before the council that pertains to active  
 1191 criminal investigations or intelligence should remain  
 1192 confidential and exempt from public disclosure. The Legislature

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1193 finds that the Florida Violent Crime and Drug Control Council  
1194 may, by declaring only those portions of council meetings in  
1195 which active criminal investigative or active criminal  
1196 intelligence information is to be presented or discussed closed  
1197 to the public, assure an appropriate balance between the policy  
1198 of this state that meetings be public and the policy of this  
1199 state to facilitate efficient law enforcement efforts.

1200 (b) The Florida Violent Crime and Drug Control Council  
1201 shall be considered a "criminal justice agency" within the  
1202 definition of s. 119.011(4).

1203 (c)1. The Florida Violent Crime and Drug Control Council  
1204 may close portions of meetings during which the council will  
1205 hear or discuss active criminal investigative information or  
1206 active criminal intelligence information, and such portions of  
1207 meetings shall be exempt from the provisions of s. 286.011 and  
1208 s. 24(b), Art. I of the State Constitution, provided that the  
1209 following conditions are met:

1210 a. The chair of the council shall advise the council at a  
1211 public meeting that, in connection with the performance of a  
1212 council duty, it is necessary that the council hear or discuss  
1213 active criminal investigative information or active criminal  
1214 intelligence information.

1215 b. The chair's declaration of necessity for closure and  
1216 the specific reasons for such necessity shall be stated in  
1217 writing in a document that shall be a public record and shall be  
1218 filed with the official records of the council.

1219 c. The entire closed session shall be recorded. The  
1220 recording shall include the times of commencement and

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1221 termination of the closed session, all discussion and  
 1222 proceedings, and the names of all persons present. No portion of  
 1223 the session shall be off the record. Such recording shall be  
 1224 maintained by the council.

1225 2. Only members of the council, Department of Law  
 1226 Enforcement staff supporting the council's function, and other  
 1227 persons whose presence has been authorized by the chair of the  
 1228 council shall be allowed to attend the exempted portions of the  
 1229 council meetings. The council shall assure that any closure of  
 1230 its meetings as authorized by this section is limited so that  
 1231 the general policy of this state in favor of public meetings is  
 1232 maintained.

1233 (d) A tape recording of, and any minutes and notes  
 1234 generated during, that portion of a Florida Violent Crime and  
 1235 Drug Control Council meeting which is closed to the public  
 1236 pursuant to this section are confidential and exempt from s.  
 1237 119.07(1) and s. 24(a), Art. I of the State Constitution until  
 1238 such time as the criminal investigative information or criminal  
 1239 intelligence information ceases to be active.

1240 Section 21. Section 948.033, Florida Statutes, is created  
 1241 to read:

1242 948.033 Condition of probation or community control;  
 1243 criminal gang.--Effective for a probationer or community  
 1244 controllee whose crime was committed on or after October 1,  
 1245 2008, and who has been found to have committed the crime for the  
 1246 purpose of benefiting, promoting, or furthering the interests of  
 1247 criminal gang, the court shall, in addition to any other  
 1248 conditions imposed, impose a condition prohibiting the

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1249 probationer or community controllee from knowingly associating  
 1250 with other criminal gang members or associates, except as  
 1251 authorized by law enforcement officials, prosecutorial  
 1252 authorities, or the court, for the purpose of aiding in the  
 1253 investigation of criminal activity.

1254 Section 22. Section 947.18, Florida Statutes, is amended  
 1255 to read:

1256 947.18 Conditions of parole.--No person shall be placed on  
 1257 parole merely as a reward for good conduct or efficient  
 1258 performance of duties assigned in prison. No person shall be  
 1259 placed on parole until and unless the commission finds that  
 1260 there is reasonable probability that, if the person is placed on  
 1261 parole, he or she will live and conduct himself or herself as a  
 1262 respectable and law-abiding person and that the person's release  
 1263 will be compatible with his or her own welfare and the welfare  
 1264 of society. No person shall be placed on parole unless and until  
 1265 the commission is satisfied that he or she will be suitably  
 1266 employed in self-sustaining employment or that he or she will  
 1267 not become a public charge. The commission shall determine the  
 1268 terms upon which such person shall be granted parole. If the  
 1269 person's conviction was for a controlled substance violation,  
 1270 one of the conditions must be that the person submit to random  
 1271 substance abuse testing intermittently throughout the term of  
 1272 supervision, upon the direction of the correctional probation  
 1273 officer as defined in s. 943.10(3). In addition to any other  
 1274 lawful condition of parole, the commission may make the payment  
 1275 of the debt due and owing to the state under s. 960.17 or the  
 1276 payment of the attorney's fees and costs due and owing to the

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1277 state under s. 938.29 a condition of parole subject to  
 1278 modification based on change of circumstances. If the person's  
 1279 conviction was for a crime that was found to have been committed  
 1280 for the purpose of benefiting, promoting, or furthering the  
 1281 interests of a criminal gang, one of the conditions must be that  
 1282 the person be prohibited from knowingly associating with other  
 1283 criminal gang members or associates, except as authorized by law  
 1284 enforcement officials, prosecutorial authorities, or the court,  
 1285 for the purpose of aiding in the investigation of criminal  
 1286 activity.

1287 Section 23. Subsection (11) is added to section 947.1405,  
 1288 Florida Statutes, to read:

1289 947.1405 Conditional release program.--

1290 (11) Effective for a releasee whose crime was committed on  
 1291 or after October 1, 2008, and who has been found to have  
 1292 committed the crime for the purpose of benefiting, promoting, or  
 1293 furthering the interests of a criminal gang, the commission  
 1294 shall, in addition to any other conditions imposed, impose a  
 1295 condition prohibiting the releasee from knowingly associating  
 1296 with other criminal gang members or associates, except as  
 1297 authorized by law enforcement officials, prosecutorial  
 1298 authorities, or the court, for the purpose of aiding in the  
 1299 investigation of criminal activity.

1300 Section 24. Paragraph (d) of subsection (2) of section  
 1301 893.138, Florida Statutes, is amended to read:

1302 893.138 Local administrative action to abate drug-related,  
 1303 prostitution-related, or stolen-property-related public  
 1304 nuisances and criminal ~~street~~ gang activity.--

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1305 (2) Any place or premises that has been used:  
 1306 (d) By a criminal ~~street~~ gang for the purpose of  
 1307 conducting a ~~pattern~~ of criminal ~~street~~ gang activity as defined  
 1308 by s. 874.03; or

1309  
 1310 may be declared to be a public nuisance, and such nuisance may  
 1311 be abated pursuant to the procedures provided in this section.

1312 Section 25. Paragraphs (d), (e), and (g) of subsection (3)  
 1313 of section 921.0022, Florida Statutes, are amended to read:

1314 921.0022 Criminal Punishment Code; offense severity  
 1315 ranking chart.--

1316 (3) OFFENSE SEVERITY RANKING CHART

1317 (d) LEVEL 4

1318

Florida Statute	Felony Degree	Description
316.1935(3)(a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
499.0051(1)	3rd	Failure to maintain or deliver pedigree papers.

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1322	499.0051 (2)	3rd	Failure to authenticate pedigree papers.
	499.0051 (6)	2nd	Sale or delivery, or possession with intent to sell, contraband legend drugs.
1323			
	784.07 (2) (b)	3rd	Battery of law enforcement officer, firefighter, intake officer, etc.
1324			
	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
1325			
	784.075	3rd	Battery on detention or commitment facility staff.
1326			
	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
1327			
	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
1328			
	784.081 (3)	3rd	Battery on specified official or employee.
1329			
	784.082 (3)	3rd	Battery by detained person on

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1330			visitor or other detainee.
1331	784.083 (3)	3rd	Battery on code inspector.
1332	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
1333	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
1334	787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
1335	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
1336	790.115 (1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
1337	790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.

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1338	790.115 (2) (c)	3rd	Possessing firearm on school property.
1339	800.04 (7) (d)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
1340	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
1341	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
1342	810.06	3rd	Burglary; possession of tools.
1343	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
1344	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
1345	812.014 (2) (c) 4.- 10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
	812.0195 (2)	3rd	Dealing in stolen property by use of

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			the Internet; property stolen \$300 or more.
1346	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
1347	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
1348	817.625 (2) (a)	3rd	Fraudulent use of scanning device or reencoder.
1349	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
1350	837.02 (1)	3rd	Perjury in official proceedings.
1351	837.021 (1)	3rd	Make contradictory statements in official proceedings.
1352	838.022	3rd	Official misconduct.
1353	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state

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			agency.
1354	839.13 (2) (c)	3rd	Falsifying records of the Department of Children and Family Services.
1355	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
1356	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
1357	843.15 (1) (a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
1358	874.05 (1)	3rd	Encouraging or recruiting another to join a criminal <del>street</del> gang.
1359	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).
1360	914.14 (2)	3rd	Witnesses accepting bribes.
1361	914.22 (1)	3rd	Force, threaten, etc., witness,

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1362			victim, or informant.
	914.23 (2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
1363			
	918.12	3rd	Tampering with jurors.
1364			
	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
1365			
1366	(e)	LEVEL 5	
1367			
	Florida Statute	Felony Degree	Description
1368			
	316.027 (1) (a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
1369			
	316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
1370			
	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
1371			
	327.30 (5)	3rd	Vessel accidents involving personal

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1372			injury; leaving scene.
	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
1373			
	440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.
1374			
	440.105(5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
1375			
	440.381(2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
1376			
	624.401(4)(b)2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
1377			
	626.902(1)(c)	2nd	Representing an unauthorized insurer; repeat offender.
1378			
	790.01(2)	3rd	Carrying a concealed firearm.
1379			

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1380	790.162	2nd	Threat to throw or discharge destructive device.
1381	790.163 (1)	2nd	False report of deadly explosive or weapon of mass destruction.
1382	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
1383	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
1384	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
1385	800.04 (7) (c)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
1386	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
1387	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.



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1388	812.015 (8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
1389	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
1390	812.131 (2) (b)	3rd	Robbery by sudden snatching.
1391	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
1392	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
1393	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
1394	817.2341 (1), (2) (a) & (3) (a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
	817.568 (2) (b)	2nd	Fraudulent use of personal identification information; value of

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1395	817.625 (2) (b)	2nd	benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more individuals.
1396	825.1025 (4)	3rd	Second or subsequent fraudulent use of scanning device or reencoder.
1397	827.071 (4)	2nd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
1398	827.071 (5)	3rd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
1399	839.13 (2) (b)	2nd	Possess any photographic material, motion picture, etc., which includes sexual conduct by a child.
1400			Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.

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1401	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
1402	847.0137(2)&(3)	3rd	Transmission of pornography by electronic device or equipment.
1403	847.0138(2)&(3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
1404	874.05(2)	2nd	Encouraging or recruiting another to join a criminal <del>street</del> gang; second or subsequent offense.
1405	893.13(1)(a)1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).
	893.13(1)(c)2.	2nd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or

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1406	893.13 (1) (d) 1. 1st	publicly owned recreational facility or community center.
1407	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.
1408	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.
1409	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.
1409	893.13 (4) (b) 2nd	Deliver to minor cannabis (or other s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2.,

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

1410

1411 (g) LEVEL 7

1412

Florida		Felony	Description
Statute		Degree	

1413

316.027 (1) (b)	1st	Accident involving death, failure to stop; leaving scene.
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1414

316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.
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1415

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.
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1416

327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
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1417

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1418	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
1419	409.920 (2)	3rd	Medicaid provider fraud.
1420	456.065 (2)	3rd	Practicing a health care profession without a license.
1421	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
1422	458.327 (1)	3rd	Practicing medicine without a license.
1423	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
1424	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
1425	461.012 (1)	3rd	Practicing podiatric medicine without a license.

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1426	462.17	3rd	Practicing naturopathy without a license.
1427	463.015 (1)	3rd	Practicing optometry without a license.
1428	464.016 (1)	3rd	Practicing nursing without a license.
1429	465.015 (2)	3rd	Practicing pharmacy without a license.
1430	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
1431	467.201	3rd	Practicing midwifery without a license.
1432	468.366	3rd	Delivering respiratory care services without a license.
1433	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
1434	483.901 (9)	3rd	Practicing medical physics without a license.

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1435	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
1436	484.053	3rd	Dispensing hearing aids without a license.
1437	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.
1438	560.123 (8) (b) 1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.
1439	560.125 (5) (a)	3rd	Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
1440	655.50 (10) (b) 1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.



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1441	775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.
1442	775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.
1443	775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
1444	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
1445	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
	782.071	2nd	Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner

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			(vehicular homicide).
1446	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
1447	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
1448	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
1449	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
1450	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
1451	784.048 (7)	3rd	Aggravated stalking; violation of court order.
1452	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
1453	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
1454			

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1455	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
1456	784.081 (1)	1st	Aggravated battery on specified official or employee.
1457	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
1458	784.083 (1)	1st	Aggravated battery on code inspector.
1459	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
1460	790.16 (1)	1st	Discharge of a machine gun under specified circumstances.
1461	790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
1462	790.165 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.

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1463	790.166 (3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
1464	790.166 (4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
1465	<u>790.23</u>	<u>1st, PBL</u>	<u>Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.</u>
1466	794.08 (4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.
1467	796.03	2nd	Procuring any person under 16 years for prostitution.
1468	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.

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1469	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.
1470	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
1471	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
1472	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
1473	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
1474	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
1475	812.014 (2) (a) 1.	1st	Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.

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1476	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
1477	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
1478	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
1479	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
1480	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
1481	812.131 (2) (a)	2nd	Robbery by sudden snatching.
1482	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
1483	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.

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1484	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
1485	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
1486	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.
1487	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
1488	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.
1489	827.03 (3) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.

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1490	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
1491	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
1492	838.015	2nd	Bribery.
1493	838.016	2nd	Unlawful compensation or reward for official behavior.
1494	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
1495	838.22	2nd	Bid tampering.
1496	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
1497	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
1498	872.06	2nd	Abuse of a dead human body.
	<u>874.10</u>	<u>1st, PBL</u>	<u>Knowingly initiates, organizes,</u>



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1499

893.13 (1) (c) 1.

1st

plans, finances, directs, manages,  
or supervises criminal gang-related  
activity.

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.

1500

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.

1501

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).

1502

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1503	893.135 (1) (a) 1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
1504	893.135 (1) (b) 1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
1505	893.135 (1) (c) 1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
1506	893.135 (1) (d) 1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
1507	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
1508	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
1509	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
1510	893.135 (1) (h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.

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1511	893.135 (1) (j) 1. a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
1512	893.135 (1) (k) 2. a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
1513	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
1514	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
1515	943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
1516	943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.

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1517	943.0435 (9) (a)	3rd	Sexual offender; failure to comply with reporting requirements.
1518	943.0435 (13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
1519	943.0435 (14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
1520	944.607 (9)	3rd	Sexual offender; failure to comply with reporting requirements.
1521	944.607 (10) (a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
1522	944.607 (12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
1523	944.607 (13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.

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1540

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

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 to address verification.

Section 26. 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

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	Level	Sentence Points	Total
1541			
1542			
1543	10	116	= _____
1544	9	92	= _____
1545	8	74	= _____
1546	7	56	= _____
1547	6	36	= _____
1548	5	28	= _____
1549	4	22	= _____
1550	3	16	= _____
1551	2	10	= _____
1552	1	4	= _____
1553			
1554			Total

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Level	Sentence Points	Counts	Total
10	58	x _____	= _____
9	46	x _____	= _____
8	37	x _____	= _____
7	28	x _____	= _____
6	18	x _____	= _____
5	5.4	x _____	= _____
4	3.6	x _____	= _____
3	2.4	x _____	= _____
2	1.2	x _____	= _____
1	0.7	x _____	= _____
M	0.2	x _____	= _____

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1570						
						Total
1571						
1572	Victim Injury					
1573						
	Level	Sentence Points		Number		Total
1574						
1575	2nd degree murder- death	240		x _____	=	_____
1576	Death	120		x _____	=	_____
1577	Severe	40		x _____	=	_____
1578	Moderate	18		x _____	=	_____
1579	Slight	4		x _____	=	_____
1580	Sexual penetration	80		x _____	=	_____
1581	Sexual contact	40		x _____	=	_____
1582						



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1583  
 1584  
 1585  
 1586  
 1587  
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 1589  
 1590  
 1591  
 1592  
 1593  
 1594  
 1595  
 1596  
 1597  
 1598  
 1599

Total

Primary Offense + Additional Offenses + Victim Injury =

TOTAL OFFENSE SCORE

PRIOR RECORD SCORE

Prior Record

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

10	29	x	<u>        </u>	=	<u>        </u>
----	----	---	-----------------	---	-----------------

9	23	x	<u>        </u>	=	<u>        </u>
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8	19	x	<u>        </u>	=	<u>        </u>
---	----	---	-----------------	---	-----------------

7	14	x	<u>        </u>	=	<u>        </u>
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6	9	x	<u>        </u>	=	<u>        </u>
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5	3.6	x	<u>        </u>	=	<u>        </u>
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1600	4	2.4	x	_____	=	_____
1601	3	1.6	x	_____	=	_____
1602	2	0.8	x	_____	=	_____
1603	1	0.5	x	_____	=	_____
1604	M	0.2	x	_____	=	_____
1605						
1606						Total
1607	TOTAL OFFENSE SCORE					
1608	TOTAL PRIOR RECORD SCORE					
1609	LEGAL STATUS					
1610	COMMUNITY SANCTION VIOLATION					
1611	PRIOR SERIOUS FELONY					
1612	PRIOR CAPITAL FELONY					
1613	FIREARM OR SEMIAUTOMATIC WEAPON					
1614	SUBTOTAL _____					
1615	PRISON RELEASEE REOFFENDER (no) (yes)					
1616	VIOLENT CAREER CRIMINAL (no) (yes)					
1617	HABITUAL VIOLENT OFFENDER (no) (yes)					
1618	HABITUAL OFFENDER (no) (yes)					
1619						
1620						

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- 1621 DRUG TRAFFICKER (no) (yes) (x multiplier)
- 1622 LAW ENF. PROTECT. (no) (yes) (x multiplier)
- 1623 MOTOR VEHICLE THEFT (no) (yes) (x multiplier)
- 1624 CRIMINAL ~~STREET~~ GANG OFFENSE (no) (yes) (x multiplier)
- 1625 DOMESTIC VIOLENCE IN THE PRESENCE OF RELATED CHILD (no) (yes)
- 1626 (x multiplier)

1627

1628 TOTAL SENTENCE POINTS \_\_\_\_\_

1629

1630 (b) WORKSHEET KEY:

1631

1632 Legal status points are assessed when any form of legal status

1633 existed at the time the offender committed an offense before the

1634 court for sentencing. Four (4) sentence points are assessed for

1635 an offender's legal status.

1636

1637 Community sanction violation points are assessed when a

1638 community sanction violation is before the court for sentencing.

1639 Six (6) sentence points are assessed for each community sanction

1640 violation and each successive community sanction violation,

1641 unless any of the following apply:

- 1642 1. If the community sanction violation includes a new
- 1643 felony conviction before the sentencing court, twelve (12)
- 1644 community sanction violation points are assessed for the
- 1645 violation, and for each successive community sanction violation
- 1646 involving a new felony conviction.

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1647           2. If the community sanction violation is committed by a  
 1648 violent felony offender of special concern as defined in s.  
 1649 948.06:

1650           a. Twelve (12) community sanction violation points are  
 1651 assessed for the violation and for each successive violation of  
 1652 felony probation or community control where:

1653           (I) The violation does not include a new felony  
 1654 conviction; and

1655           (II) The community sanction violation is not based solely  
 1656 on the probationer or offender's failure to pay costs or fines  
 1657 or make restitution payments.

1658           b. Twenty-four (24) community sanction violation points  
 1659 are assessed for the violation and for each successive violation  
 1660 of felony probation or community control where the violation  
 1661 includes a new felony conviction.

1662  
 1663 Multiple counts of community sanction violations before the  
 1664 sentencing court shall not be a basis for multiplying the  
 1665 assessment of community sanction violation points.

1666  
 1667 Prior serious felony points: If the offender has a primary  
 1668 offense or any additional offense ranked in level 8, level 9, or  
 1669 level 10, and one or more prior serious felonies, a single  
 1670 assessment of thirty (30) points shall be added. For purposes of  
 1671 this section, a prior serious felony is an offense in the  
 1672 offender's prior record that is ranked in level 8, level 9, or  
 1673 level 10 under s. 921.0022 or s. 921.0023 and for which the  
 1674 offender is serving a sentence of confinement, supervision, or

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1675 | other sanction or for which the offender's date of release from  
 1676 | confinement, supervision, or other sanction, whichever is later,  
 1677 | is within 3 years before the date the primary offense or any  
 1678 | additional offense was committed.

1679 |  
 1680 | Prior capital felony points: If the offender has one or more  
 1681 | prior capital felonies in the offender's criminal record, points  
 1682 | shall be added to the subtotal sentence points of the offender  
 1683 | equal to twice the number of points the offender receives for  
 1684 | the primary offense and any additional offense. A prior capital  
 1685 | felony in the offender's criminal record is a previous capital  
 1686 | felony offense for which the offender has entered a plea of nolo  
 1687 | contendere or guilty or has been found guilty; or a felony in  
 1688 | another jurisdiction which is a capital felony in that  
 1689 | jurisdiction, or would be a capital felony if the offense were  
 1690 | committed in this state.

1691 |  
 1692 | Possession of a firearm, semiautomatic firearm, or machine gun:  
 1693 | If the offender is convicted of committing or attempting to  
 1694 | commit any felony other than those enumerated in s. 775.087(2)  
 1695 | while having in his or her possession: a firearm as defined in  
 1696 | s. 790.001(6), an additional eighteen (18) sentence points are  
 1697 | assessed; or if the offender is convicted of committing or  
 1698 | attempting to commit any felony other than those enumerated in  
 1699 | s. 775.087(3) while having in his or her possession a  
 1700 | semiautomatic firearm as defined in s. 775.087(3) or a machine  
 1701 | gun as defined in s. 790.001(9), an additional twenty-five (25)  
 1702 | sentence points are assessed.

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1703  
 1704 Sentencing multipliers:  
 1705  
 1706 Drug trafficking: If the primary offense is drug trafficking  
 1707 under s. 893.135, the subtotal sentence points are multiplied,  
 1708 at the discretion of the court, for a level 7 or level 8  
 1709 offense, by 1.5. The state attorney may move the sentencing  
 1710 court to reduce or suspend the sentence of a person convicted of  
 1711 a level 7 or level 8 offense, if the offender provides  
 1712 substantial assistance as described in s. 893.135(4).  
 1713  
 1714 Law enforcement protection: If the primary offense is a  
 1715 violation of the Law Enforcement Protection Act under s.  
 1716 775.0823(2), (3), or (4), the subtotal sentence points are  
 1717 multiplied by 2.5. If the primary offense is a violation of s.  
 1718 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points  
 1719 are multiplied by 2.0. If the primary offense is a violation of  
 1720 s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement  
 1721 Protection Act under s. 775.0823(10) or (11), the subtotal  
 1722 sentence points are multiplied by 1.5.  
 1723  
 1724 Grand theft of a motor vehicle: If the primary offense is grand  
 1725 theft of the third degree involving a motor vehicle and in the  
 1726 offender's prior record, there are three or more grand thefts of  
 1727 the third degree involving a motor vehicle, the subtotal  
 1728 sentence points are multiplied by 1.5.  
 1729

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1730 Offense related to a criminal ~~street~~ gang: If the offender is  
 1731 convicted of the primary offense and committed that offense for  
 1732 the purpose of benefiting, promoting, or furthering the  
 1733 interests of a criminal ~~street~~ gang as prohibited under s.  
 1734 874.04, the subtotal sentence points are multiplied by 1.5.

1735  
 1736 Domestic violence in the presence of a child: If the offender is  
 1737 convicted of the primary offense and the primary offense is a  
 1738 crime of domestic violence, as defined in s. 741.28, which was  
 1739 committed in the presence of a child under 16 years of age who  
 1740 is a family or household member as defined in s. 741.28(3) with  
 1741 the victim or perpetrator, the subtotal sentence points are  
 1742 multiplied by 1.5.

1743 Section 27. Paragraph (n) of subsection (5) of section  
 1744 921.141, Florida Statutes, is amended to read:

1745 921.141 Sentence of death or life imprisonment for capital  
 1746 felonies; further proceedings to determine sentence.--

1747 (5) AGGRAVATING CIRCUMSTANCES.--Aggravating circumstances  
 1748 shall be limited to the following:

1749 (n) The capital felony was committed by a criminal ~~street~~  
 1750 gang member, as defined in s. 874.03.

1751 Section 28. Paragraph (c) of subsection (10) of section  
 1752 943.325, Florida Statutes, is amended to read:

1753 943.325 Blood or other biological specimen testing for DNA  
 1754 analysis.--

1755 (10)

1756 (c) Any person previously convicted of an offense  
 1757 specified in this section, or a crime which, if committed in

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1758 | this state, would be an offense specified in this section, and  
 1759 | who is also subject to the registration requirement imposed by  
 1760 | s. 775.13, shall be subject to the collection requirement of  
 1761 | this section when the appropriate agency described in this  
 1762 | section verifies the identification information of the person.  
 1763 | The collection requirement of this section does not apply to a  
 1764 | person as described in s. 775.13 (4) ~~(5)~~.

1765 | Section 29. Subsection (30) of section 984.03, Florida  
 1766 | Statutes, is amended to read:

1767 | 984.03 Definitions.--When used in this chapter, the term:

1768 | (30) "Juvenile justice continuum" includes, but is not  
 1769 | limited to, delinquency prevention programs and services  
 1770 | designed for the purpose of preventing or reducing delinquent  
 1771 | acts, including criminal activity by criminal ~~youth~~ gangs and  
 1772 | juvenile arrests, as well as programs and services targeted at  
 1773 | children who have committed delinquent acts, and children who  
 1774 | have previously been committed to residential treatment programs  
 1775 | for delinquents. The term includes children-in-need-of-services  
 1776 | and families-in-need-of-services programs; conditional release;  
 1777 | substance abuse and mental health programs; educational and  
 1778 | vocational programs; recreational programs; community services  
 1779 | programs; community service work programs; and alternative  
 1780 | dispute resolution programs serving children at risk of  
 1781 | delinquency and their families, whether offered or delivered by  
 1782 | state or local governmental entities, public or private for-  
 1783 | profit or not-for-profit organizations, or religious or  
 1784 | charitable organizations.



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1785 Section 30. Paragraph (c) of subsection (15) and  
 1786 subsection (29) of section 985.03, Florida Statutes, are amended  
 1787 to read:

1788 985.03 Definitions.--As used in this chapter, the term:  
 1789 (15)

1790 (c) "Delinquency prevention programs" means programs  
 1791 designed for the purpose of reducing the occurrence of  
 1792 delinquency, including criminal ~~youth and street~~ gang activity,  
 1793 and juvenile arrests. The term excludes arbitration,  
 1794 diversionary or mediation programs, and community service work  
 1795 or other treatment available subsequent to a child committing a  
 1796 delinquent act.

1797 (29) "Juvenile justice continuum" includes, but is not  
 1798 limited to, delinquency prevention programs and services  
 1799 designed for the purpose of preventing or reducing delinquent  
 1800 acts, including criminal activity by criminal ~~youth~~ gangs, and  
 1801 juvenile arrests, as well as programs and services targeted at  
 1802 children who have committed delinquent acts, and children who  
 1803 have previously been committed to residential treatment programs  
 1804 for delinquents. The term includes children-in-need-of-services  
 1805 and families-in-need-of-services programs; conditional release;  
 1806 substance abuse and mental health programs; educational and  
 1807 career programs; recreational programs; community services  
 1808 programs; community service work programs; and alternative  
 1809 dispute resolution programs serving children at risk of  
 1810 delinquency and their families, whether offered or delivered by  
 1811 state or local governmental entities, public or private for-

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1812 profit or not-for-profit organizations, or religious or  
 1813 charitable organizations.

1814 Section 31. Paragraph (c) of subsection (1) of section  
 1815 985.047, Florida Statutes, is amended to read:

1816 985.047 Information systems.--

1817 (1)

1818 (c) As used in this section, "a juvenile who is at risk of  
 1819 becoming a serious habitual juvenile offender" means a juvenile  
 1820 who has been adjudicated delinquent and who meets one or more of  
 1821 the following criteria:

1822 1. Is arrested for a capital, life, or first degree felony  
 1823 offense or sexual battery.

1824 2. Has five or more arrests, at least three of which are  
 1825 for felony offenses. Three of such arrests must have occurred  
 1826 within the preceding 12-month period.

1827 3. Has 10 or more arrests, at least 2 of which are for  
 1828 felony offenses. Three of such arrests must have occurred within  
 1829 the preceding 12-month period.

1830 4. Has four or more arrests, at least one of which is for  
 1831 a felony offense and occurred within the preceding 12-month  
 1832 period.

1833 5. Has 10 or more arrests, at least 8 of which are for any  
 1834 of the following offenses:

- 1835 a. Petit theft;
- 1836 b. Misdemeanor assault;
- 1837 c. Possession of a controlled substance;
- 1838 d. Weapon or firearm violation; or
- 1839 e. Substance abuse.

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1840  
 1841 Four of such arrests must have occurred within the preceding 12-  
 1842 month period.

1843 6. Meets at least one of the criteria for criminal youth  
 1844 and ~~street~~ gang membership.

1845 Section 32. Paragraph (a) of subsection (6) and subsection  
 1846 (7) of section 985.433, Florida Statutes, are amended to read:

1847 985.433 Disposition hearings in delinquency cases.--When a  
 1848 child has been found to have committed a delinquent act, the  
 1849 following procedures shall be applicable to the disposition of  
 1850 the case:

1851 (6) The first determination to be made by the court is a  
 1852 determination of the suitability or nonsuitability for  
 1853 adjudication and commitment of the child to the department. This  
 1854 determination shall include consideration of the recommendations  
 1855 of the department, which may include a predisposition report.  
 1856 The predisposition report shall include, whether as part of the  
 1857 child's multidisciplinary assessment, classification, and  
 1858 placement process components or separately, evaluation of the  
 1859 following criteria:

1860 (a) The seriousness of the offense to the community. If  
 1861 the court determines under chapter 874 that the child was a  
 1862 member of a criminal ~~street~~ gang at the time of the commission  
 1863 of the offense, the seriousness of the offense to the community  
 1864 shall be given great weight.

1865  
 1866 It is the intent of the Legislature that the criteria set forth  
 1867 in this subsection are general guidelines to be followed at the

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1868 discretion of the court and not mandatory requirements of  
1869 procedure. It is not the intent of the Legislature to provide  
1870 for the appeal of the disposition made under this section.

1871 (7) If the court determines that the child should be  
1872 adjudicated as having committed a delinquent act and should be  
1873 committed to the department, such determination shall be in  
1874 writing or on the record of the hearing. The determination shall  
1875 include a specific finding of the reasons for the decision to  
1876 adjudicate and to commit the child to the department, including  
1877 any determination that the child was a member of a criminal  
1878 ~~street~~ gang.

1879 (a) The juvenile probation officer shall recommend to the  
1880 court the most appropriate placement and treatment plan,  
1881 specifically identifying the restrictiveness level most  
1882 appropriate for the child. If the court has determined that the  
1883 child was a member of a criminal ~~street~~ gang, that determination  
1884 shall be given great weight in identifying the most appropriate  
1885 restrictiveness level for the child. The court shall consider  
1886 the department's recommendation in making its commitment  
1887 decision.

1888 (b) The court shall commit the child to the department at  
1889 the restrictiveness level identified or may order placement at a  
1890 different restrictiveness level. The court shall state for the  
1891 record the reasons that establish by a preponderance of the  
1892 evidence why the court is disregarding the assessment of the  
1893 child and the restrictiveness level recommended by the  
1894 department. Any party may appeal the court's findings resulting  
1895 in a modified level of restrictiveness under this paragraph.

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1896 (c) The court may also require that the child be placed in  
 1897 a probation program following the child's discharge from  
 1898 commitment. Community-based sanctions under subsection (8) may  
 1899 be imposed by the court at the disposition hearing or at any  
 1900 time prior to the child's release from commitment.

1901 Section 33. The Division of Statutory Revision is directed  
 1902 to redesignate the title of chapter 874, Florida Statutes, as  
 1903 "Criminal Gang Enforcement and Prevention."

1904 Section 34. (1) This section shall take effect July 1,  
 1905 2008.

1906 (2) Coordinating Council on Criminal Gang Reduction  
 1907 Strategies.--

1908 (a) The Coordinating Council on Criminal Gang Reduction  
 1909 Strategies is established within the Department of Legal Affairs  
 1910 and may consist of the following 11 members:

1911 1. The Attorney General or his or her designee.

1912 2. The executive director of the Department of law  
 1913 Enforcement or his or her designee.

1914 3. The Commissioner of Education or his or her designee.

1915 4. The Secretary of Children and Family Services or his or  
 1916 her designee.

1917 5. The Secretary of Corrections or his or her designee.

1918 6. The Secretary of Juvenile Justice or his or her  
 1919 designee.

1920 7. The Director of the Office of Drug Control or his or  
 1921 her designee.

1922 8. The Director of the Division of the Florida Highway  
 1923 Patrol or his or her designee.

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9. The President of the Florida Sheriffs Association or his or her designee.

10. The President of the Florida Police Chiefs Association or his or her designee.

11. The President of the Florida Prosecuting Attorneys Association or his or her designee.

(b) The Attorney General shall serve as chair of the council, and the executive director of the Department of Law Enforcement shall serve as vice chair of the council. In the absence of the chair, the vice chair shall serve as chair.

(c) The council shall meet at the call of the chair. A majority of the members of the council constitutes a quorum, and action by a majority of the council shall be official.

(d) Members of the council may leave the council at any time upon notification to chair.

(e) The council shall:

1. Gather, compile, assimilate, and facilitate the distribution to government agencies and community organizations information on criminal gangs and at-risk youth prevention and intervention programs in this state.

2. Develop a statewide strategy to stop the growth of, reduce the number of, and render ineffectual criminal gangs in this state.

3. Coordinate and give guidance and support to efforts by federal, state, and local government agencies; federal, state and local law enforcement agencies; at-risk youth prevention and intervention organizations; elected officials and community leaders to combat criminal gangs and reduce criminal gang-

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

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1952 related crime and violence in this state.

1953 4. Coordinate with any state agency, any political

1954 subdivision, or any school district of the state in the

1955 performance of its duties.

1956 5. Request from any department, division, board, bureau,

1957 commission, or other agency of the state or of any political

1958 subdivision thereof, cooperation and assistance in the

1959 performance of its duties.

1960 (f)1. The business of the council shall be presented to

1961 the council in the form of an agenda. The agenda shall be set by

1962 the chair and shall include items of business requested by the

1963 council members.

1964 2. The minutes for each meeting shall be submitted to the

1965 chair within 14 days after each meeting.

1966 (g) The Office of the Attorney General shall provide staff

1967 and administrative support to the council.

1968 (h) Members of the council or their designees shall serve

1969 without compensation. Notwithstanding s. 20.052, Florida

1970 Statutes, members are not entitled to reimbursement for per diem

1971 and travel expenses.

1972 (i) The council shall be subject to the provisions of

1973 chapter 119, Florida Statutes, related to public records, and

1974 the provisions of chapter 286, Florida Statutes, related to

1975 public meetings.

1976 (j) The council shall cease to exist on June 30, 2009.

1977 Section 35. Except as otherwise expressly provided in this

1978 act, this act shall take effect October 1, 2008.