



242012

CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
2/20/2008	.	
	.	
	.	

1 The Committee on Criminal Justice (Bennett) recommended the
 2 following **amendment**:

3
 4 **Senate Amendment (with title amendment)**

5 Delete everything after the enacting clause
 6 and insert:

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

10 775.13 Registration of convicted felons, exemptions;
 11 penalties.--

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



16 convicted, place of conviction, sentence imposed, if any, name,
17 aliases, if any, address, and occupation. If the felony
18 conviction is for an offense that was found, pursuant to s.
19 874.04, to have been committed for the purpose of benefiting,
20 promoting, or furthering the interests of a criminal gang, the
21 registrant shall identify himself or herself as such an
22 offender. The Department of Law Enforcement, in consultation
23 with appropriate local law enforcement agencies, may develop
24 standardized practices for the inclusion of gang affiliation at
25 the time of offender registration.

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

30 (4)-(5) This section does not apply to an offender:

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

32 (b) Who has received a full pardon for the offense for
33 which convicted;

34 (c) Who has been lawfully released from incarceration or
35 other sentence or supervision for a felony conviction for more
36 than 5 years prior to such time for registration, unless the
37 offender is a fugitive from justice on a felony charge or has
38 been convicted of any offense since release from such
39 incarceration or other sentence or supervision;

40 (d) Who is a parolee or probationer under the supervision
41 of the United States Parole Commission if the commission knows
42 of and consents to the presence of the offender in Florida or is
43 a probationer under the supervision of any federal probation



44 officer in the state or who has been lawfully discharged from
45 such parole or probation;

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

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

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

52 (5)(6) The failure of any such convicted felon to comply
53 with this section;

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

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

62 (6)(7) All laws and parts of laws in conflict herewith are
63 hereby repealed, provided that Nothing in this section shall be
64 construed to affect any law of this state relating to
65 registration of criminals where the penalties for registration,
66 notification, or reporting obligations are in addition to, or in
67 excess of, those imposed by this section.

68 Section 2. Section 790.23, Florida Statutes, is amended to
69 read:

70 790.23 Felons and delinquents; possession of firearms,
71 ammunition, or electric weapons or devices unlawful.--



242012

72 (1) It is unlawful for any person to own or to have in his
73 or her care, custody, possession, or control any firearm,
74 ammunition, or electric weapon or device, or to carry a
75 concealed weapon, including a tear gas gun or chemical weapon or
76 device, if that person has been:

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

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

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

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

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

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

93 (3) Except as otherwise provided in subsection (4), any
94 person who violates this section commits a felony of the second
95 degree, punishable as provided in s. 775.082, s. 775.083, or s.
96 775.084.

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

Bill No. SB 76



242012

100 the penalty enhancements provided for in s. 874.04, the offense
101 is a felony of the first degree, punishable by a term of years
102 not exceeding life or as provided in s. 775.082, s. 775.083, or
103 s. 775.084.

104 Section 3. Section 790.231, Florida Statutes, is created
105 to read:

106 790.231 Felons and delinquents; possession of bulletproof
107 vests.--

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

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

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

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

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

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

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

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



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

130 (b) Persons authorized to possess a bulletproof vest by
131 law enforcement officials, prosecutorial authorities, or courts
132 for the purpose of aiding in the investigation of criminal
133 activity.

134 (3) Any person who violates this section commits a felony
135 of the third degree, punishable as provided in s. 775.082, s.
136 775.083, or s. 775.084.

137 Section 4. Section 823.05, Florida Statutes, is amended to
138 read:

139 823.05 Places and groups engaged in criminal gang-related
140 activity declared a nuisance; may be abated and enjoined.--

141 (1) Whoever shall erect, establish, continue, or maintain,
142 own or lease any building, booth, tent or place which tends to
143 annoy the community or injure the health of the community, or
144 become manifestly injurious to the morals or manners of the
145 people as described in s. 823.01, ~~or shall be frequented by the~~
146 ~~class of persons mentioned in s. 856.02,~~ or any house or place
147 of prostitution, assignation, lewdness or place or building
148 where games of chance are engaged in violation of law or any
149 place where any law of the state is violated, shall be deemed
150 guilty of maintaining a nuisance, and the building, erection,
151 place, tent or booth and the furniture, fixtures, and contents
152 are declared a nuisance. All such places or persons shall be
153 abated or enjoined as provided in ss. 60.05 and 60.06.

154 (2) (a) As used in this subsection, the terms "criminal
155 gang," "criminal gang member," "criminal gang associate," and



242012

156 "criminal gang-related activity" have the same meanings as
157 provided in s. 874.03.

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

162 (c) The use of a location on two or more occasions by a
163 criminal gang, criminal gang members, or criminal gang
164 associates for the purpose of engaging in criminal gang-related
165 activity is a public nuisance. Such use of a location as a
166 public nuisance shall be abated or enjoined as provided in ss.
167 60.05 and 60.06.

168 (d) Nothing in this subsection shall prevent a local
169 governing body from adopting and enforcing laws consistent with
170 this chapter relating to criminal gangs and gang violence. Where
171 local laws duplicate or supplement this chapter, this chapter
172 shall be construed as providing alternative remedies and not as
173 preempting the field.

174 (e) The state, through the Department of Legal Affairs or
175 any state attorney, or any of the state's agencies,
176 instrumentalities, subdivisions, or municipalities having
177 jurisdiction over conduct in violation of a provision of this
178 chapter may institute civil proceedings under this subsection.
179 In any action brought under this subsection, the circuit court
180 shall proceed as soon as practicable to the hearing and
181 determination. Pending final determination, the circuit court
182 may at any time enter such injunctions, prohibitions, or
183 restraining orders, or take such actions, including the



242012

184 acceptance of satisfactory performance bonds, as the court may
185 deem proper.

186 Section 5. Section 874.01, Florida Statutes, is amended to
187 read:

188 874.01 Short title.--This chapter may be cited as the
189 "Criminal ~~Street~~ Gang Prevention Act ~~of 1996~~."

190 Section 6. Section 874.02, Florida Statutes, is amended to
191 read:

192 874.02 Legislative findings and intent.--

193 (1) The Legislature finds that it is the right of every
194 person, regardless of race, color, creed, religion, national
195 origin, sex, age, sexual orientation, or handicap, to be secure
196 and protected from fear, intimidation, and physical harm caused
197 by the activities of criminal ~~street~~ gangs and their members. It
198 is not the intent of this chapter to interfere with the exercise
199 of the constitutionally protected rights of freedom of
200 expression and association. The Legislature recognizes the
201 constitutional right of every citizen to harbor and express
202 beliefs on any lawful subject whatsoever, to lawfully associate
203 with others who share similar beliefs, to petition lawfully
204 constituted authority for a redress of perceived grievances, and
205 to participate in the electoral process.

206 (2) The Legislature finds, however, that the state is
207 facing a mounting crisis caused by criminal ~~street~~ gangs whose
208 members threaten and terrorize peaceful citizens and commit a
209 multitude of crimes. These criminal ~~street~~ gang activities, both
210 individually and collectively, present a clear and present
211 danger. Street gangs, terrorist organizations, and hate groups



242012

212 have evolved into increasingly sophisticated and complex
213 organized crime groups in their criminal tactics, schemes, and
214 brutality. The state has a compelling interest in preventing
215 criminal ~~street~~ gang activity and halting the real and present
216 danger posed by the proliferation of criminal gangs and the
217 graduation from more primitive forms of criminal gangs to highly
218 sophisticated criminal gangs. For these reasons, ~~and~~ the
219 Legislature finds that the provisions of this chapter ~~act~~ are
220 essential necessary to maintain ~~the~~ public order and safety.

221 (3) It is the intent of the Legislature to outlaw certain
222 conduct associated with the existence and proliferation of
223 criminal gangs, provide ~~eradicate the terror created by criminal~~
224 ~~street gangs and their members by providing~~ enhanced criminal
225 penalties, and eliminate ~~and by eliminating~~ the patterns,
226 profits, proceeds, instrumentalities, and property facilitating
227 criminal ~~street~~ gang activity, including criminal ~~street~~ gang
228 recruitment.

229 (4) The Legislature finds that the timely reporting and
230 exchange of criminal gang information facilitates the ability of
231 law enforcement agencies to monitor and anticipate criminal
232 activities of gangs and their members. Additionally, the timely
233 and standardized reporting of such criminal gang information
234 supports the identification of gang members via the criminal
235 justice information system and directly contributes to law
236 enforcement officers' safety. For these reasons, it is the
237 intent of the Legislature to encourage state and local law
238 enforcement agencies to facilitate the exchange of crime data



239 information through the statewide criminal gang database as
240 provided in s. 874.09.

241 Section 7. Section 874.03, Florida Statutes, is amended to
242 read:

243 874.03 Definitions.--As used in this chapter:

244 (1) "Criminal ~~street~~ gang" means a formal or informal
245 ongoing organization, association, or group that has as one of
246 its primary activities the commission of criminal or delinquent
247 acts, and that consists of three or more persons who have a
248 common name or common identifying signs, colors, or symbols,
249 including, but not limited to, terrorist organizations and hate
250 groups and have two or more members who, individually or
251 collectively, engage in or have engaged in a pattern of criminal
252 street gang activity.

253 (a) As used in this subsection, "ongoing" means that the
254 organization was in existence during the time period charged in
255 a petition, information, indictment, or action for civil
256 injunctive relief.

257 (b) As used in this subsection, "primary activities" means
258 that a criminal gang spends a substantial amount of time engaged
259 in such activity, although such activity need not be the only,
260 or even the most important activity, in which the criminal gang
261 engages.

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

263 (a) Admits to criminal gang association; or

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



266 (3)(2) "Criminal ~~street~~ gang member" is a person who ~~is a~~
267 ~~member of a criminal street gang as defined in subsection (1)~~
268 ~~and who~~ meets two or more of the following criteria:

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

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

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

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

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

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

281 (g) Associates with one or more known criminal gang
282 members.

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

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

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

291 (j)~~(h)~~ Has been observed ~~stopped~~ in the company of one or
292 more known criminal ~~street~~ gang members four or more times.
293 Observation in a custodial setting requires a willful

Bill No. SB 76



242012

294 association. It is the intent of the legislature to allow this
295 criterion to be used to identify gang members who recruit and
296 organize in jails, prisons, and other detention settings.

297 (k) Has authored any communication indicating
298 responsibility for the commission of any crime by the criminal
299 gang.

300

301 Where a single act or factual transaction satisfies the
302 requirements of more than one of the criteria in this
303 subsection, each of those criteria has thereby been satisfied
304 for the purposes of the statute.

305 ~~(3) "Pattern of criminal street gang activity" means the~~
306 ~~commission or attempted commission of, or solicitation or~~
307 ~~conspiracy to commit, two or more felony or three or more~~
308 ~~misdemeanor offenses, or one felony and two misdemeanor~~
309 ~~offenses, or the comparable number of delinquent acts or~~
310 ~~violations of law which would be felonies or misdemeanors if~~
311 ~~committed by an adult, on separate occasions within a 3-year~~
312 ~~period.~~

313 ~~(4) For purposes of law enforcement identification and~~
314 ~~tracking only:~~

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

- 316 ~~1. Admits to criminal street gang association; or~~
317 ~~2. Meets any single defining criterion for criminal street~~
318 ~~gang membership described in subsection (2).~~

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



242012

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

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

326 ~~3. an informant of previously untested reliability~~
327 ~~identifies an incident as criminal street gang activity and it~~
328 ~~is corroborated by independent information.~~

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

330 (a) An activity committed with the intent to benefit,
331 promote, or further the interests of a criminal gang, or for the
332 purposes of increasing a person's own standing or position
333 within a criminal gang;

334 (b) An activity in which the participants are identified
335 as criminal gang members or criminal gang associates acting
336 individually or collectively to further any criminal purpose of
337 a criminal gang;

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

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

343 (5) "Electronic communication" has the meaning provided in
344 s. 934.02 and includes, but is not limited to, photographs,
345 video, telephone communications, text messages, facsimile,
346 electronic mail messages as defined in s. 668.602, and instant
347 message real-time communications with other individuals through
348 the Internet or other means.



349 (6) "Hate group" means an organization whose primary
350 purpose is to promote animosity, hostility, and malice against a
351 person or persons or against the property of a person or persons
352 because of race, religion, disability, sexual orientation,
353 ethnicity, or national origin.

354 (7) "Terrorist organization" means any organized group
355 engaged in or organized for the purpose of engaging in terrorism
356 as defined in s. 775.30. This definition shall not be construed
357 to prevent prosecution under this chapter of individuals acting
358 alone.

359 Section 8. Section 874.04, Florida Statutes, is amended to
360 read:

361 874.04 Gang-related offenses ~~Criminal street gang~~
362 ~~activity~~; enhanced penalties.--Upon a finding by the factfinder
363 ~~court at sentencing~~ that the defendant committed the charged
364 offense for the purpose of benefiting, promoting, or furthering
365 the interests of a criminal ~~street~~ gang, the penalty for any
366 felony or misdemeanor, or any delinquent act or violation of law
367 which would be a felony or misdemeanor if committed by an adult,
368 may be enhanced. Penalty enhancement affects the applicable
369 statutory maximum penalty only. Each of the findings required as
370 a basis for such sentence shall be found beyond a reasonable
371 doubt ~~by a preponderance of the evidence~~. The enhancement will
372 be as follows:

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

375 (b) A misdemeanor of the first degree may be punished as
376 if it were a felony of the third degree. For purposes of



377 sentencing under chapter 921 and determining incentive gain-time
378 eligibility under chapter 944, such offense is ranked in level 1
379 of the offense severity ranking chart. The criminal ~~street~~ gang
380 multiplier in s. 921.0024 does not apply to misdemeanors
381 enhanced under this paragraph.

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

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

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

388
389 For purposes of sentencing under chapter 921 and determining
390 incentive gain-time eligibility under chapter 944, such felony
391 offense is ranked as provided in s. 921.0022 or s. 921.0023, and
392 without regard to the penalty enhancement in this subsection.
393 ~~For purposes of this section, penalty enhancement affects the~~
394 ~~applicable statutory maximum penalty only.~~

395 Section 9. Section 874.045, Florida Statutes, is created
396 to read:

397 874.045 Arrest and prosecution under other
398 provisions.--Nothing in this chapter shall prohibit the arrest
399 and prosecution of a criminal gang member under chapter 876,
400 chapter 895, chapter 896, s. 893.20, or any other applicable
401 provision of law except to the extent otherwise prohibited
402 pursuant to a statutory or constitutional provision.

403 Section 10. Section 874.05, Florida Statutes, is amended
404 to read:



242012

405 874.05 Causing, encouraging, soliciting, or recruiting
406 criminal ~~street~~ gang membership.--

407 (1) Except as provided in subsection (2), a person who
408 intentionally causes, encourages, solicits, or recruits another
409 person to become a criminal gang member where ~~join a criminal~~
410 ~~street gang that requires~~ as a condition of membership or
411 continued membership is the commission of any crime commits a
412 felony of the third degree, punishable as provided in s.
413 775.082, s. 775.083, or s. 775.084.

414 (2) A person who commits ~~Upon~~ a second or subsequent
415 violation ~~offense, the person~~ commits a felony of the second
416 degree, punishable as provided in s. 775.082, s. 775.083, or s.
417 775.084.

418 Section 11. Section 874.06, Florida Statutes, is amended
419 to read:

420 874.06 Civil cause of action.--

421 (1) A person or organization establishing, by clear and
422 convincing evidence, coercion, intimidation, threats, or other
423 harm to that person or organization in violation of this chapter
424 has a civil cause of action for treble damages, an injunction,
425 or any other appropriate relief in law or equity. Upon
426 prevailing, the plaintiff may recover ~~reasonable~~ attorney's fees
427 in the trial and appellate courts and the costs of investigation
428 and litigation that are reasonably incurred ~~and costs~~.

429 (2) (a) For purposes of this subsection, the term "state"
430 includes any of the state's agencies, instrumentalities,
431 subdivisions, or municipalities, and includes, but is not



432 limited to, state attorneys and the Office of Statewide
433 Prosecution of the Department of Legal Affairs.

434 (b) In addition to any remedies provided for by ss. 60.05
435 and 823.05, the state has a civil cause of action against any
436 person or organization if it proves by clear and convincing
437 evidence that it has been injured by reason of a violation of
438 this chapter by the person or organization. The state has a
439 civil cause of action for treble damages, injunctive relief, or
440 any other relief in law or equity which the court deems
441 appropriate. If the state prevails, it may also recover
442 attorney's fees in the trial and appellate courts and the costs
443 of investigation and litigation that are reasonably incurred.
444 The state may not recover punitive damages. The defendant is
445 entitled to recover reasonable attorney's fees and court costs
446 if the court finds that the state raised a claim that was
447 without factual or legal support and was vexatious, frivolous,
448 or brought in bad faith.

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

452 (4) A person who knowingly violates a temporary or
453 permanent order issued under this section or s. 60.05 commits a
454 misdemeanor of the first degree, punishable as provided in s.
455 775.082 or s. 775.083.

456 Section 12. Section 874.08, Florida Statutes, is amended
457 to read:

458 874.08 Criminal gang activity and Profits, proceeds, and
459 instrumentalities of criminal street gangs or criminal street



242012

460 ~~gang~~ recruitment; forfeiture.--All profits, proceeds, and
461 instrumentalities of criminal ~~street~~ gang activity and all
462 property used or intended or attempted to be used to facilitate
463 the criminal activity of any criminal ~~street~~ gang or of any
464 criminal ~~street~~ gang member; and all profits, proceeds, and
465 instrumentalities of criminal ~~street~~ gang recruitment and all
466 property used or intended or attempted to be used to facilitate
467 criminal ~~street~~ gang recruitment are subject to seizure and
468 forfeiture under the Florida Contraband Forfeiture Act, s.
469 932.704.

470 Section 13. Section 874.09, Florida Statutes, is amended
471 to read:

472 874.09 Crime data information.--

473 (1) The Department of Law Enforcement may:

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

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

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

486 (d) Compile and maintain a data repository relating to
487 criminal gangs and their members and associates in order to

Bill No. SB 76



242012

488 develop and improve techniques used by law enforcement agencies
489 and prosecutors in the investigation, apprehension, and
490 prosecution of members and affiliates of criminal gangs.

491 (2) Local law enforcement agencies may:

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

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

497 Section 14. Section 874.10, Florida Statutes, is created
498 to read:

499 874.10 Directing the activities of a criminal gang.--Any
500 person who knowingly initiates, organizes, plans, finances,
501 directs, manages, or supervises criminal gang-related activity
502 commits a felony of the first degree, punishable by imprisonment
503 for a term of years not exceeding life or as provided in s.
504 775.082, s. 775.083, or s. 775.084.

505 Section 15. Section 874.11, Florida Statutes, is created
506 to read:

507 874.11 Electronic communication.--Any person who, for the
508 purpose of benefiting, promoting, or furthering the interests of
509 a criminal gang, uses electronic communication to intimidate or
510 harass other persons, or to advertise his or her presence in the
511 community, including, but not limited to, such activities as
512 distributing, selling, transmitting, or posting on the Internet
513 any audio, video, or still image of criminal activity, commits a
514 felony of the third degree, punishable as provided in s.
515 775.082, s. 775.083, or s. 775.084.



516 Section 16. Section 874.12, Florida Statutes, is created
517 to read:

518 874.12 Identification documents; unlawful possession or
519 creation.--

520 (1) For purposes of this section, the term "identification
521 document" includes, but is not limited to, a social security
522 card or number, a birth certificate, a driver's license, an
523 identification card issued pursuant to s. 322.051, a
524 naturalization certificate, an alien registration number, a
525 passport, and any access credentials for a publicly operated
526 facility or an infrastructure facility covered under 18 U.S.C.
527 s. 2332f.

528 (2) Any person possessing or manufacturing any blank,
529 forged, stolen, fictitious, fraudulent, counterfeit, or
530 otherwise unlawfully issued identification document for the
531 purpose of benefiting, promoting, or furthering the interests of
532 a criminal gang commits a felony of the second degree,
533 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

534 Section 17. Section 874.13, Florida Statutes, is created
535 to read:

536 874.13 Commission of a gang-related offense by a habitual
537 felony offender.--Any person who qualifies as a habitual felony
538 offender under s. 775.084 and who thereafter commits an offense
539 that was found, pursuant to s. 874.04, to have been committed
540 for the purpose of benefiting, promoting, or furthering the
541 interests of a criminal gang, commits a felony of the first
542 degree, punishable by a term of years not exceeding life or as
543 provided in s. 775.082, s. 775.083, or s. 775.084.



242012

544 Section 18. Section 874.14, Florida Statutes, is created
545 to read:

546 874.14 Suspension of driver's license.--

547 (1) For purposes of this section:

548 (a) "Department" means the Department of Highway Safety
549 and Motor Vehicles.

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

553 (2) In addition to any other penalty provided by law, the
554 court shall order the suspension of the driver's license of each
555 person convicted or adjudicated delinquent of any offense
556 contained in this chapter and of any person who has been found
557 to have committed any offense for the purpose of benefiting,
558 promoting, or furthering the interests of a criminal gang
559 pursuant to s. 874.04. Upon ordering the suspension of the
560 driver's license, the court shall forward the driver's license
561 to the department in accordance with s. 322.25.

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

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

566 (3) A court that suspends a driver's license pursuant to
567 subsection (2) shall, if the person is sentenced to a term of
568 incarceration, direct the department to commence the suspension
569 of the person's driver's license upon the person's release from
570 incarceration.



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

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

577 895.02 Definitions.--As used in ss. 895.01-895.08, the
578 term:

579 (1) "Racketeering activity" means to commit, to attempt to
580 commit, to conspire to commit, or to solicit, coerce, or
581 intimidate another person to commit:

582 (a) Any crime that is chargeable by petition, indictment,
583 or information under the following provisions of the Florida
584 Statutes:

585 1. Section 210.18, relating to evasion of payment of
586 cigarette taxes.

587 2. Section 316.1935, relating to fleeing or attempting to
588 elude a law enforcement officer and aggravated feeling or
589 eluding.

590 ~~3.2.~~ Section 403.727(3)(b), relating to environmental
591 control.

592 ~~4.3.~~ Section 409.920 or s. 409.9201, relating to Medicaid
593 fraud.

594 ~~5.4.~~ Section 414.39, relating to public assistance fraud.

595 ~~6.5.~~ Section 440.105 or s. 440.106, relating to workers'
596 compensation.



597 ~~7.6.~~ Section 443.071(4), relating to creation of a
598 fictitious employer scheme to commit unemployment compensation
599 fraud.

600 ~~8.7.~~ Section 465.0161, relating to distribution of
601 medicinal drugs without a permit as an Internet pharmacy.

602 ~~9.8.~~ Sections 499.0051, 499.0052, 499.00535, 499.00545,
603 and 499.0691, relating to crimes involving contraband and
604 adulterated drugs.

605 ~~10.9.~~ Part IV of chapter 501, relating to telemarketing.

606 ~~11.10.~~ Chapter 517, relating to sale of securities and
607 investor protection.

608 ~~12.11.~~ Section 550.235, s. 550.3551, or s. 550.3605,
609 relating to dogracing and horseracing.

610 ~~13.12.~~ Chapter 550, relating to jai alai frontons.

611 ~~14.13.~~ Section 551.109, relating to slot machine gaming.

612 ~~15.14.~~ Chapter 552, relating to the manufacture,
613 distribution, and use of explosives.

614 ~~16.15.~~ Chapter 560, relating to money transmitters, if the
615 violation is punishable as a felony.

616 ~~17.16.~~ Chapter 562, relating to beverage law enforcement.

617 ~~18.17.~~ Section 624.401, relating to transacting insurance
618 without a certificate of authority, s. 624.437(4)(c)1., relating
619 to operating an unauthorized multiple-employer welfare
620 arrangement, or s. 626.902(1)(b), relating to representing or
621 aiding an unauthorized insurer.

622 ~~19.18.~~ Section 655.50, relating to reports of currency
623 transactions, when such violation is punishable as a felony.



242012

624 ~~20.19.~~ Chapter 687, relating to interest and usurious
625 practices.

626 ~~21.20.~~ Section 721.08, s. 721.09, or s. 721.13, relating
627 to real estate timeshare plans.

628 22. Section 775.13(5)(b), relating to registration of
629 persons found to have committed any offense for the purpose of
630 benefiting, promoting, or furthering the interests of a criminal
631 gang.

632 23. Section 777.03, relating to commission of crimes by
633 accessories after the fact.

634 ~~24.21.~~ Chapter 782, relating to homicide.

635 ~~25.22.~~ Chapter 784, relating to assault and battery.

636 ~~26.23.~~ Chapter 787, relating to kidnapping or human
637 trafficking.

638 ~~27.24.~~ Chapter 790, relating to weapons and firearms.

639 28. Chapter 794, relating to sexual battery, but only if
640 such crime was committed with the intent to benefit, promote, or
641 further the interests of a criminal gang, or for the purpose of
642 increasing a criminal gang member's own standing or position
643 within a criminal gang.

644 ~~29.25.~~ Section 796.03, s. 796.035, s. 796.04, s. 796.045,
645 s. 796.05, or s. 796.07, relating to prostitution and sex
646 trafficking.

647 ~~30.26.~~ Chapter 806, relating to arson and criminal
648 mischief.

649 ~~31.27.~~ Chapter 810 ~~Section 810.02(2)(c),~~ relating to
650 specified burglary and trespass of a dwelling or structure.

Bill No. SB 76



242012

651 ~~32.28.~~ Chapter 812, relating to theft, robbery, and
652 related crimes.

653 ~~33.29.~~ Chapter 815, relating to computer-related crimes.

654 ~~34.30.~~ Chapter 817, relating to fraudulent practices,
655 false pretenses, fraud generally, and credit card crimes.

656 ~~35.31.~~ Chapter 825, relating to abuse, neglect, or
657 exploitation of an elderly person or disabled adult.

658 ~~36.32.~~ Section 827.071, relating to commercial sexual
659 exploitation of children.

660 ~~37.33.~~ Chapter 831, relating to forgery and
661 counterfeiting.

662 ~~38.34.~~ Chapter 832, relating to issuance of worthless
663 checks and drafts.

664 ~~39.35.~~ Section 836.05, relating to extortion.

665 ~~40.36.~~ Chapter 837, relating to perjury.

666 ~~41.37.~~ Chapter 838, relating to bribery and misuse of
667 public office.

668 ~~42.38.~~ Chapter 843, relating to obstruction of justice.

669 ~~43.39.~~ Section 847.011, s. 847.012, s. 847.013, s. 847.06,
670 or s. 847.07, relating to obscene literature and profanity.

671 ~~44.40.~~ Section 849.09, s. 849.14, s. 849.15, s. 849.23, or
672 s. 849.25, relating to gambling.

673 ~~45.41.~~ Chapter 874, relating to criminal ~~street~~ gangs.

674 ~~46.42.~~ Chapter 893, relating to drug abuse prevention and
675 control.

676 ~~47.43.~~ Chapter 896, relating to offenses related to
677 financial transactions.



242012

678 ~~48.44.~~ Sections 914.22 and 914.23, relating to tampering
679 with or harassing a witness, victim, or informant, and
680 retaliation against a witness, victim, or informant.

681 ~~49.45.~~ Sections 918.12 and 918.13, relating to tampering
682 with jurors and evidence.

683 (3) "Enterprise" means any individual, sole
684 proprietorship, partnership, corporation, business trust, union
685 chartered under the laws of this state, or other legal entity,
686 or any unchartered union, association, or group of individuals
687 associated in fact although not a legal entity; and it includes
688 illicit as well as licit enterprises and governmental, as well
689 as other, entities. A criminal ~~street~~ gang, as defined in s.
690 874.03, constitutes an enterprise.

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

693 903.046 Purpose of and criteria for bail determination.--

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

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

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

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

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



242012

706 court proceeding in the case at issue, but who had later
707 voluntarily appeared or surrendered, shall not be eligible for a
708 recognizance bond; and any defendant who failed to appear on the
709 day of any required court proceeding in the case at issue and
710 who was later arrested shall not be eligible for a recognizance
711 bond or for any form of bond which does not require a monetary
712 undertaking or commitment equal to or greater than \$2,000 or
713 twice the value of the monetary commitment or undertaking of the
714 original bond, whichever is greater. Notwithstanding anything in
715 this section, the court has discretion in determining conditions
716 of release if the defendant proves circumstances beyond his or
717 her control for the failure to appear. This section may not be
718 construed as imposing additional duties or obligations on a
719 governmental entity related to monetary bonds.

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

722 (f) The source of funds used to post bail or procure an
723 appearance bond, particularly whether the proffered funds, real
724 property, property, or any proposed collateral or bond premium
725 may be linked to or derived from the crime alleged to have been
726 committed or from any other criminal or illicit activities. The
727 burden of establishing the noninvolvement in or nonderivation
728 from criminal or other illicit activity of such proffered funds,
729 real property, property, or any proposed collateral or bond
730 premium falls upon the defendant or other person proffering them
731 to obtain the defendant's release.



242012

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

735 (h) The street value of any drug or controlled substance
736 connected to or involved in the criminal charge. It is the
737 finding and intent of the Legislature that crimes involving
738 drugs and other controlled substances are of serious social
739 concern, that the flight of defendants to avoid prosecution is
740 of similar serious social concern, and that frequently such
741 defendants are able to post monetary bail using the proceeds of
742 their unlawful enterprises to defeat the social utility of
743 pretrial bail. Therefore, the courts should carefully consider
744 the utility and necessity of substantial bail in relation to the
745 street value of the drugs or controlled substances involved.

746 (i) The nature and probability of intimidation and danger
747 to victims.

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

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

751 (l) Whether the crime charged is a violation of chapter
752 874 or alleged to be subject to enhanced punishment under
753 chapter 874. If any such violation is charged against a
754 defendant or if the defendant is charged with a crime that is
755 alleged to be subject to such enhancement, he or she shall not
756 be eligible for release on bail or surety bond until the first
757 appearance on the case in order to ensure the full participation
758 of the prosecutor and the protection of the public.



242012

759 Section 21. Section 914.22, Florida Statutes, is amended
760 to read:

761 914.22 Tampering with or harassing a witness, victim, or
762 informant; penalties.--

763 (1) A person who knowingly uses intimidation or physical
764 force, or threatens another person, or attempts to do so, or
765 engages in misleading conduct toward another person, or offers
766 pecuniary benefit or gain to another person, with intent to
767 cause or induce any person to:

768 (a) Withhold testimony, or withhold a record, document, or
769 other object, from an official investigation or official
770 proceeding;

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

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

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

779 (e) Hinder, delay, or prevent the communication to a law
780 enforcement officer or judge of information relating to the
781 commission or possible commission of an offense or a violation
782 of a condition of probation, parole, or release pending a
783 judicial proceeding; or

784 (f) Testify untruthfully in an official investigation or
785 an official proceeding,

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242012

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

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

791 (a) Felony of the third degree, punishable as provided in
792 s. 775.082, s. 775.083, or s. 775.084, where the official
793 investigation or official proceeding affected involves the
794 investigation or prosecution of a misdemeanor.

795 (b) Felony of the second degree, punishable as provided in
796 s. 775.082, s. 775.083, or s. 775.084, where the official
797 investigation or official proceeding affected involves the
798 investigation or prosecution of a third degree felony.

799 (c) Felony of the first degree, punishable as provided in
800 s. 775.082, s. 775.083, or s. 775.084, where the official
801 investigation or official proceeding affected involves the
802 investigation or prosecution of a second degree felony.

803 (d) Felony of the first degree, punishable by a term of
804 years not exceeding life or as provided in s. 775.082, s.
805 775.083, or s. 775.084, where the official investigation or
806 official proceeding affected involves the investigation or
807 prosecution of a first degree felony or a first degree felony
808 punishable by a term of years not exceeding life.

809 (e) Life felony, punishable as provided in s. 775.082, s.
810 775.083, or s. 775.084, where the official investigation or
811 official proceeding affected involves the investigation or
812 prosecution of a life or capital felony.

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



815 of the affected official investigation or official proceeding is
816 indeterminable or where the affected official investigation or
817 official proceeding involves a noncriminal investigation or
818 proceeding.

819 (3) (2) Whoever intentionally harasses another person and
820 thereby hinders, delays, prevents, or dissuades any person from:

821 (a) Attending or testifying in an official proceeding or
822 cooperating in an official investigation;

823 (b) Reporting to a law enforcement officer or judge the
824 commission or possible commission of an offense or a violation
825 of a condition of probation, parole, or release pending a
826 judicial proceeding;

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

829 (d) Causing a criminal prosecution, or a parole or
830 probation revocation proceeding, to be sought or instituted, or
831 from assisting in such prosecution or proceeding;

832
833 or attempts to do so, commits the crime of harassing a witness,
834 victim, or informant is guilty of a misdemeanor of the first
835 degree, punishable as provided in s. 775.082 or s. 775.083.

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

837 (a) Misdemeanor of the first degree, punishable as
838 provided in s. 775.082 or s. 775.083, where the official
839 investigation or official proceeding affected involves the
840 investigation or prosecution of a misdemeanor.

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



843 investigation or official proceeding affected involves the
844 investigation or prosecution of a third degree felony.

845 (c) Felony of the second degree, punishable as provided in
846 s. 775.082, s. 775.083, or s. 775.084, where the official
847 investigation or official proceeding affected involves the
848 investigation or prosecution of a second degree felony.

849 (d) Felony of the first degree, punishable as provided in
850 s. 775.082, s. 775.083, or s. 775.084, where the official
851 investigation or official proceeding affected involves the
852 investigation or prosecution of a first degree felony.

853 (e) Felony of the first degree, punishable by a term of
854 years not exceeding life or as provided in s. 775.082, s.
855 775.083, or s. 775.084, where the official investigation or
856 official proceeding affected involves the investigation or
857 prosecution of a felony of the first degree punishable by a term
858 of years not exceeding life or a prosecution of a life or
859 capital felony.

860 (f) Felony of the third degree, punishable as provided in
861 s. 775.082, s. 775.083, or s. 775.084, where the offense level
862 of the affected official investigation or official proceeding is
863 indeterminable or where the affected official investigation or
864 official proceeding involves a noncriminal investigation or
865 proceeding.

866 (5)(3)- For the purposes of this section:

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



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

872 ~~(6)~~(4) In a prosecution for an offense under this section,
873 no state of mind need be proved with respect to the
874 circumstance:

875 (a) That the official proceeding before a judge, court,
876 grand jury, or government agency is before a judge or court of
877 the state, a state or local grand jury, or a state agency; or

878 (b) That the judge is a judge of the state or that the law
879 enforcement officer is an officer or employee of the state or a
880 person authorized to act for or on behalf of the state or
881 serving the state as an adviser or consultant.

882 Section 22. Section 943.031, Florida Statutes, is amended
883 to read:

884 943.031 Florida Violent Crime and Drug Control Council.--

885 (1) FINDINGS.--The Legislature finds that there is a need
886 to develop and implement a statewide strategy to address violent
887 criminal activity, including crimes committed by criminal gangs,
888 and drug control efforts by state and local law enforcement
889 agencies, including investigations of illicit money laundering.
890 In recognition of this need, the Florida Violent Crime and Drug
891 Control Council is created within the department. The council
892 shall serve in an advisory capacity to the department.

893 (2)~~(1)~~ MEMBERSHIP.--The council shall consist of 14
894 members, as follows:

895 (a) The Attorney General or a designate.



242012

896 (b) A designate of the executive director of the
897 Department of Law Enforcement.

898 (c) The secretary of the Department of Corrections or a
899 designate.

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

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

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

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

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

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

910

911 The Governor, when making appointments under this subsection,
912 must take into consideration representation by geography,
913 population, ethnicity, and other relevant factors to ensure that
914 the membership of the council is representative of the state at
915 large. Designates appearing on behalf of a council member who is
916 unable to attend a meeting of the council are empowered to vote
917 on issues before the council to the same extent the designating
918 council member is so empowered.

919 ~~(3)~~ ~~(2)~~ TERMS OF MEMBERSHIP; OFFICERS; COMPENSATION;
920 STAFF.--

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



242012

924 or she ceases to hold the office or employment which was the
925 basis for appointment to the council. In the event of a vacancy,
926 an appointment to fill the vacancy shall be only for the
927 unexpired term.

928 (b) The Legislature finds that the council serves a
929 legitimate state, county, and municipal purpose and that service
930 on the council is consistent with a member's principal service
931 in a public office or employment. Membership on the council does
932 not disqualify a member from holding any other public office or
933 being employed by a public entity, except that no member of the
934 Legislature shall serve on the council.

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

938 (d) Members of the council or their designates shall serve
939 without compensation but are entitled to reimbursement for per
940 diem and travel expenses pursuant to s. 112.061. Reimbursements
941 made pursuant to this paragraph may be paid from either the
942 Violent Crime Investigative Emergency and Drug Control Strategy
943 Implementation Account within the Department of Law Enforcement
944 Operating Trust Fund or from other appropriations provided to
945 the department by the Legislature in the General Appropriations
946 Act.

947 (e) The department shall provide the council with staff
948 necessary to assist the council in the performance of its
949 duties.

950 (4)~~(3)~~ MEETINGS.--The council must meet at least
951 semiannually. Additional meetings may be held when it is



242012

952 determined by the chair that extraordinary circumstances require
953 an additional meeting of the council. A majority of the members
954 of the council constitutes a quorum.

955 ~~(5)~~(4) DUTIES OF COUNCIL.--The council shall provide
956 advice and make recommendations, as necessary, to the executive
957 director of the department.

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

961 1. Establishing a program which provides grants to
962 criminal justice agencies that develop and implement effective
963 violent crime prevention and investigative programs and which
964 provides grants to law enforcement agencies for the purpose of
965 drug control, criminal gang, and illicit money laundering
966 investigative efforts or task force efforts that are determined
967 by the council to significantly contribute to achieving the
968 state's goal of reducing drug-related crime as articulated by
969 the Office of Drug Control, that represent significant criminal
970 gang investigative efforts, that represent a significant illicit
971 money laundering investigative effort, or that otherwise
972 significantly support statewide strategies developed by the
973 Statewide Drug Policy Advisory Council established under s.
974 397.333, subject to the limitations provided in this section.
975 The grant program may include an innovations grant program to
976 provide startup funding for new initiatives by local and state
977 law enforcement agencies to combat violent crime or to implement
978 drug control, criminal gang, or illicit money laundering



242012

979 | investigative efforts or task force efforts by law enforcement
980 | agencies, including, but not limited to, initiatives such as:
981 | a. Providing enhanced community-oriented policing.
982 | b. Providing additional undercover officers and other
983 | investigative officers to assist with violent crime
984 | investigations in emergency situations.
985 | c. Providing funding for multiagency or statewide drug
986 | control, criminal gang, or illicit money laundering
987 | investigative efforts or task force efforts that cannot be
988 | reasonably funded completely by alternative sources and that
989 | significantly contribute to achieving the state's goal of
990 | reducing drug-related crime as articulated by the Office of Drug
991 | Control, that represent significant criminal gang investigative
992 | efforts, that represent a significant illicit money laundering
993 | investigative effort, or that otherwise significantly support
994 | statewide strategies developed by the Statewide Drug Policy
995 | Advisory Council established under s. 397.333.
996 | 2. Expanding the use of automated fingerprint
997 | identification systems at the state and local level.
998 | 3. Identifying methods to prevent violent crime.
999 | 4. Identifying methods to enhance multiagency or statewide
1000 | drug control, criminal gang, or illicit money laundering
1001 | investigative efforts or task force efforts that significantly
1002 | contribute to achieving the state's goal of reducing drug-
1003 | related crime as articulated by the Office of Drug Control, that
1004 | represent significant criminal gang investigative efforts, that
1005 | represent a significant illicit money laundering investigative
1006 | effort, or that otherwise significantly support statewide



242012

1007 strategies developed by the Statewide Drug Policy Advisory
1008 Council established under s. 397.333.

1009 5. Enhancing criminal justice training programs which
1010 address violent crime, drug control, ~~or~~ illicit money laundering
1011 investigative techniques, or efforts to control and eliminate
1012 criminal gangs.

1013 6. Developing and promoting crime prevention services and
1014 educational programs that serve the public, including, but not
1015 limited to:

1016 a. Enhanced victim and witness counseling services that
1017 also provide crisis intervention, information referral,
1018 transportation, and emergency financial assistance.

1019 b. A well-publicized rewards program for the apprehension
1020 and conviction of criminals who perpetrate violent crimes.

1021 7. Enhancing information sharing and assistance in the
1022 criminal justice community by expanding the use of community
1023 partnerships and community policing programs. Such expansion may
1024 include the use of civilian employees or volunteers to relieve
1025 law enforcement officers of clerical work in order to enable the
1026 officers to concentrate on street visibility within the
1027 community.

1028 (b) The full council shall:

1029 1. Receive periodic reports from regional violent crime
1030 investigation and statewide drug control strategy implementation
1031 coordinating teams which relate to violent crime trends or the
1032 investigative needs or successes in the regions, including
1033 discussions regarding the activity of significant criminal gangs
1034 in the region, factors, and trends relevant to the



242012

1035 implementation of the statewide drug strategy, and the results
1036 of drug control and illicit money laundering investigative
1037 efforts funded in part by the council.

1038 2. Maintain and use ~~utilize~~ criteria for the disbursement
1039 of funds from the Violent Crime Investigative Emergency and Drug
1040 Control Strategy Implementation Account or any other account
1041 from which the council may disburse proactive investigative
1042 funds as may be established within the Department of Law
1043 Enforcement Operating Trust Fund or other appropriations
1044 provided to the Department of Law Enforcement by the Legislature
1045 in the General Appropriations Act. The criteria shall allow for
1046 the advancement of funds to reimburse agencies regarding violent
1047 crime investigations as approved by the full council and the
1048 advancement of funds to implement proactive drug control
1049 strategies or significant criminal gang investigative efforts as
1050 authorized by the Drug Control Strategy and Criminal Gang
1051 Committee or the Victim and Witness Protection Review Committee.
1052 Regarding violent crime investigation reimbursement, an
1053 expedited approval procedure shall be established for rapid
1054 disbursement of funds in violent crime emergency situations.

1055 (c) As used in this section, "significant criminal gang
1056 investigative efforts" eligible for proactive funding must
1057 involve at a minimum an effort against a known criminal gang
1058 that:

1059 1. Involves multiple law enforcement agencies.

1060 2. Reflects a dedicated significant investigative effort
1061 on the part of each participating agency in personnel, time



1062 devoted to the investigation, and agency resources dedicated to
1063 the effort.

1064 3. Reflects a dedicated commitment by a prosecuting
1065 authority to ensure that cases developed by the investigation
1066 will be timely and effectively prosecuted.

1067 4. Demonstrates a strategy and commitment to dismantling
1068 the criminal gang via seizures of assets, significant money
1069 laundering and organized crime investigations and prosecutions,
1070 or similar efforts.

1071
1072 The council may require satisfaction of additional elements, to
1073 include reporting criminal investigative and criminal
1074 intelligence information related to criminal gang activity and
1075 members in a manner required by the department, as a
1076 prerequisite for receiving proactive criminal gang funding.

1077 (6) DRUG CONTROL STRATEGY AND CRIMINAL GANG COMMITTEE.--

1078 (a) The Drug Control Strategy and Criminal Gang Committee
1079 is created within the Florida Violent Crime and Drug Control
1080 Council, consisting of the following council members:

1081 1. The Attorney General or a designate.

1082 2. The designate of the executive director of the
1083 Department of Law Enforcement.

1084 3. The secretary of the Department of Corrections or a
1085 designate.

1086 4. The director of the Office of Drug Control within the
1087 Executive Office of the Governor or a designate.

1088 5. The state attorney, the two sheriffs, and the two
1089 chiefs of police, or their designates.



242012

1090 (b) The committee shall
1091 ~~3.~~ review and approve all requests for disbursement of
1092 funds from the Violent Crime Investigative Emergency and Drug
1093 Control Strategy Implementation Account within the Department of
1094 Law Enforcement Operating Trust Fund and from other
1095 appropriations provided to the department by the Legislature in
1096 the General Appropriations Act. An expedited approval procedure
1097 shall be established for rapid disbursement of funds in violent
1098 crime emergency situations.

1099 (c) Those receiving any proactive funding provided by the
1100 council through the committee shall be required to report the
1101 results of the investigations to the council once the
1102 investigation has been completed. The committee shall also
1103 require ongoing status reports on ongoing investigations using
1104 such findings in its closed sessions.

1105 ~~(7)(5)~~ REPORTS.--The council shall report annually on its
1106 activities, on or before December 30 of each calendar year, to
1107 the executive director, the President of the Senate, the Speaker
1108 of the House of Representatives, and the chairs of the Senate
1109 and House committees having principal jurisdiction over criminal
1110 law. Comments and responses of the executive director to the
1111 report are to be included.

1112 ~~(8)(6)~~ VICTIM AND WITNESS PROTECTION REVIEW COMMITTEE.--

1113 (a) The Victim and Witness Protection Review Committee is
1114 created within the Florida Violent Crime and Drug Control
1115 Council, consisting of the statewide prosecutor or a state
1116 attorney, a sheriff, a chief of police, and the designee of the
1117 executive director of the Department of Law Enforcement. The

Bill No. SB 76



242012

1118 committee shall be appointed from the membership of the council
1119 by the chair of the council after the chair has consulted with
1120 the executive director of the Department of Law Enforcement.
1121 Committee members shall meet in conjunction with the meetings of
1122 the council.

1123 (b) The committee shall:

1124 1. Maintain and use ~~utilize~~ criteria for disbursing funds
1125 to reimburse law enforcement agencies for costs associated with
1126 providing victim and witness protective or temporary relocation
1127 services.

1128 2. Review and approve or deny, in whole or in part, all
1129 reimbursement requests submitted by law enforcement agencies.

1130 (c) The lead law enforcement agency providing victim or
1131 witness protective or temporary relocation services pursuant to
1132 the provisions of s. 914.25 may submit a request for
1133 reimbursement to the Victim and Witness Protection Review
1134 Committee in a format approved by the committee. The lead law
1135 enforcement agency shall submit such reimbursement request on
1136 behalf of all law enforcement agencies that cooperated in
1137 providing protective or temporary relocation services related to
1138 a particular criminal investigation or prosecution. As part of
1139 the reimbursement request, the lead law enforcement agency must
1140 indicate how any reimbursement proceeds will be distributed
1141 among the agencies that provided protective or temporary
1142 relocation services.

1143 (d) The committee, in its discretion, may use funds
1144 available to the committee to provide all or partial



242012

1145 reimbursement to the lead law enforcement agency for such costs,
1146 or may decline to provide any reimbursement.

1147 (e) The committee may conduct its meeting by
1148 teleconference or conference phone calls when the chair of the
1149 committee finds that the need for reimbursement is such that
1150 delaying until the next scheduled council meeting will adversely
1151 affect the requesting agency's ability to provide the protection
1152 services.

1153 (9)~~(7)~~ CONFIDENTIALITY; EXEMPTED PORTIONS OF COUNCIL
1154 MEETINGS AND RECORDS.--

1155 (a) The Legislature finds that during limited portions of
1156 the meetings of the Florida Violent Crime and Drug Control
1157 Council it is necessary that the council be presented with and
1158 discuss details, information, and documents related to active
1159 criminal investigations or matters constituting active criminal
1160 intelligence, as those concepts are defined by s. 119.011. These
1161 presentations and discussions are necessary for the council to
1162 make its funding decisions as required by the Legislature. The
1163 Legislature finds that to reveal the contents of documents
1164 containing active criminal investigative or intelligence
1165 information or to allow active criminal investigative or active
1166 criminal intelligence matters to be discussed in a meeting open
1167 to the public negatively impacts the ability of law enforcement
1168 agencies to efficiently continue their investigative or
1169 intelligence gathering activities. The Legislature finds that
1170 information coming before the council that pertains to active
1171 criminal investigations or intelligence should remain
1172 confidential and exempt from public disclosure. The Legislature



242012

1173 finds that the Florida Violent Crime and Drug Control Council
1174 may, by declaring only those portions of council meetings in
1175 which active criminal investigative or active criminal
1176 intelligence information is to be presented or discussed closed
1177 to the public, assure an appropriate balance between the policy
1178 of this state that meetings be public and the policy of this
1179 state to facilitate efficient law enforcement efforts.

1180 (b) The Florida Violent Crime and Drug Control Council
1181 shall be considered a "criminal justice agency" within the
1182 definition of s. 119.011(4).

1183 (c)1. The Florida Violent Crime and Drug Control Council
1184 may close portions of meetings during which the council will
1185 hear or discuss active criminal investigative information or
1186 active criminal intelligence information, and such portions of
1187 meetings shall be exempt from the provisions of s. 286.011 and
1188 s. 24(b), Art. I of the State Constitution, provided that the
1189 following conditions are met:

1190 a. The chair of the council shall advise the council at a
1191 public meeting that, in connection with the performance of a
1192 council duty, it is necessary that the council hear or discuss
1193 active criminal investigative information or active criminal
1194 intelligence information.

1195 b. The chair's declaration of necessity for closure and
1196 the specific reasons for such necessity shall be stated in
1197 writing in a document that shall be a public record and shall be
1198 filed with the official records of the council.

1199 c. The entire closed session shall be recorded. The
1200 recording shall include the times of commencement and

Bill No. SB 76



242012

1201 termination of the closed session, all discussion and
1202 proceedings, and the names of all persons present. No portion of
1203 the session shall be off the record. Such recording shall be
1204 maintained by the council.

1205 2. Only members of the council, Department of Law
1206 Enforcement staff supporting the council's function, and other
1207 persons whose presence has been authorized by the chair of the
1208 council shall be allowed to attend the exempted portions of the
1209 council meetings. The council shall assure that any closure of
1210 its meetings as authorized by this section is limited so that
1211 the general policy of this state in favor of public meetings is
1212 maintained.

1213 (d) A tape recording of, and any minutes and notes
1214 generated during, that portion of a Florida Violent Crime and
1215 Drug Control Council meeting which is closed to the public
1216 pursuant to this section are confidential and exempt from s.
1217 119.07(1) and s. 24(a), Art. I of the State Constitution until
1218 such time as the criminal investigative information or criminal
1219 intelligence information ceases to be active.

1220 Section 23. Section 948.033, Florida Statutes, is created
1221 to read:

1222 948.033 Condition of probation or community control;
1223 criminal gang.--Effective for a probationer or community
1224 controllee whose crime was committed on or after October 1,
1225 2008, and who has been found to have committed the crime for the
1226 purpose of benefiting, promoting, or furthering the interests of
1227 criminal gang, the court shall, in addition to any other
1228 conditions imposed, impose a condition prohibiting the



242012

1229 probationer or community controllee from knowingly associating
1230 with other criminal gang members or associates, except as
1231 authorized by law enforcement officials, prosecutorial
1232 authorities, or the court, for the purpose of aiding in the
1233 investigation of criminal activity.

1234 Section 24. Section 947.18, Florida Statutes, is amended
1235 to read:

1236 947.18 Conditions of parole.--No person shall be placed on
1237 parole merely as a reward for good conduct or efficient
1238 performance of duties assigned in prison. No person shall be
1239 placed on parole until and unless the commission finds that
1240 there is reasonable probability that, if the person is placed on
1241 parole, he or she will live and conduct himself or herself as a
1242 respectable and law-abiding person and that the person's release
1243 will be compatible with his or her own welfare and the welfare
1244 of society. No person shall be placed on parole unless and until
1245 the commission is satisfied that he or she will be suitably
1246 employed in self-sustaining employment or that he or she will
1247 not become a public charge. The commission shall determine the
1248 terms upon which such person shall be granted parole. If the
1249 person's conviction was for a controlled substance violation,
1250 one of the conditions must be that the person submit to random
1251 substance abuse testing intermittently throughout the term of
1252 supervision, upon the direction of the correctional probation
1253 officer as defined in s. 943.10(3). In addition to any other
1254 lawful condition of parole, the commission may make the payment
1255 of the debt due and owing to the state under s. 960.17 or the
1256 payment of the attorney's fees and costs due and owing to the



1257 state under s. 938.29 a condition of parole subject to
1258 modification based on change of circumstances. If the person's
1259 conviction was for a crime that was found to have been committed
1260 for the purpose of benefiting, promoting, or furthering the
1261 interests of a criminal gang, one of the conditions must be that
1262 the person be prohibited from knowingly associating with other
1263 criminal gang members or associates, except as authorized by law
1264 enforcement officials, prosecutorial authorities, or the court,
1265 for the purpose of aiding in the investigation of criminal
1266 activity.

1267 Section 25. Subsection (11) is added to section 947.1405,
1268 Florida Statutes, to read:

1269 947.1405 Conditional release program.--

1270 (11) Effective for a releasee whose crime was committed on
1271 or after October 1, 2008, and who has been found to have
1272 committed the crime for the purpose of benefiting, promoting, or
1273 furthering the interests of a criminal gang, the commission
1274 shall, in addition to any other conditions imposed, impose a
1275 condition prohibiting the releasee from knowingly associating
1276 with other criminal gang members or associates, except as
1277 authorized by law enforcement officials, prosecutorial
1278 authorities, or the court, for the purpose of aiding in the
1279 investigation of criminal activity.

1280 Section 26. Paragraph (d) of subsection (2) of section
1281 893.138, Florida Statutes, is amended to read:

1282 893.138 Local administrative action to abate drug-related,
1283 prostitution-related, or stolen-property-related public
1284 nuisances and criminal ~~street~~ gang activity.--



242012

1285 (2) Any place or premises that has been used:
 1286 (d) By a criminal ~~street~~ gang for the purpose of
 1287 conducting a ~~pattern of~~ criminal ~~street~~ gang activity as defined
 1288 by s. 874.03; or

1289
 1290 may be declared to be a public nuisance, and such nuisance may
 1291 be abated pursuant to the procedures provided in this section.

1292 Section 27. Paragraphs (d), (e), and (g) of subsection (3)
 1293 of section 921.0022, Florida Statutes, are amended to read:

1294 921.0022 Criminal Punishment Code; offense severity
 1295 ranking chart.--

1296 (3) OFFENSE SEVERITY RANKING CHART

1297 (d) LEVEL 4

1298

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.

1299

499.0051(1)	3rd	Failure to maintain or deliver pedigree papers.
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1300

499.0051(2)	3rd	Failure to authenticate pedigree
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1301



242012

1302			papers.
	499.0051 (6)	2nd	Sale or delivery, or possession with intent to sell, contraband legend drugs.
1303			
	784.07 (2) (b)	3rd	Battery of law enforcement officer, firefighter, intake officer, etc.
1304			
	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
1305			
	784.075	3rd	Battery on detention or commitment facility staff.
1306			
	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
1307			
	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
1308			
	784.081 (3)	3rd	Battery on specified official or employee.
1309			
	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
1310			



242012

1311	784.083 (3)	3rd	Battery on code inspector.
1312	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
1313	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
1314	787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
1315	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
1316	790.115 (1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
1317	790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
1318	790.115 (2) (c)	3rd	Possessing firearm on school property.



242012

1319	800.04 (7) (d)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
1320	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
1321	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
1322	810.06	3rd	Burglary; possession of tools.
1323	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
1324	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
1325	812.014 (2) (c) 4.- 10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
1326	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
	817.563 (1)	3rd	Sell or deliver substance other than



242012

1327			controlled substance agreed upon, excluding s. 893.03(5) drugs.
	817.568(2)(a)	3rd	Fraudulent use of personal identification information.
1328			
	817.625(2)(a)	3rd	Fraudulent use of scanning device or reencoder.
1329			
	828.125(1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
1330			
	837.02(1)	3rd	Perjury in official proceedings.
1331			
	837.021(1)	3rd	Make contradictory statements in official proceedings.
1332			
	838.022	3rd	Official misconduct.
1333			
	839.13(2)(a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
1334			
	839.13(2)(c)	3rd	Falsifying records of the Department of Children and Family Services.
1335			



242012

1336	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
1337	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
1338	843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
1339	874.05(1)	3rd	Encouraging or recruiting another to join a criminal street gang.
1340	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).
1341	914.14(2)	3rd	Witnesses accepting bribes.
1342	914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
1343	914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.



242012

1344	918.12	3rd	Tampering with jurors.
1345	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
1346	(e) LEVEL 5		
1347			
	Florida Statute	Felony Degree	Description
1348	316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
1349			
1350	316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
1351	322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
1352	327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
1353	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
	440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.



242012

1354	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
1355	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
1356	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
1357	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
1358	790.01 (2)	3rd	Carrying a concealed firearm.
1359	790.162	2nd	Threat to throw or discharge destructive device.
1360	790.163 (1)	2nd	False report of deadly explosive or weapon of mass destruction.
1361	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.



242012

1362	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
1363	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
1364	800.04 (7) (c)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
1365	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
1366	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
1367	812.015 (8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
1368	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
1369	812.131 (2) (b)	3rd	Robbery by sudden snatching.
1370			



242012

1371	812.16(2)	3rd	Owning, operating, or conducting a chop shop.
1372	817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
1373	817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
1374	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.
1375	817.568(2)(b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more individuals.
1376	817.625(2)(b)	2nd	Second or subsequent fraudulent use of scanning device or reencoder.
	825.1025(4)	3rd	Lewd or lascivious exhibition in the



242012

1377			presence of an elderly person or disabled adult.
	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
1378			
	827.071 (5)	3rd	Possess any photographic material, motion picture, etc., which includes sexual conduct by a child.
1379			
	839.13 (2) (b)	2nd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.
1380			
	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
1381			
	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
1382			
	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
1383			
	874.05 (2)	2nd	Encouraging or recruiting another to



242012

1384 join a criminal ~~street~~ gang; second
or subsequent offense.

1384 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
1385 (2)(c)4. drugs).

1385 893.13(1)(c)2. 2nd Sell, manufacture, or deliver
cannabis (or other s. 893.03(1)(c),
(2)(c)1., (2)(c)2., (2)(c)3.,
(2)(c)5., (2)(c)6., (2)(c)7.,
(2)(c)8., (2)(c)9., (3), or (4)
drugs) within 1,000 feet of a child
care facility, school, or state,
county, or municipal park or
publicly owned recreational facility
or community center.

1386 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
1387 (2)(c)4. drugs) within 1,000 feet of
university.

1387 893.13(1)(e)2. 2nd Sell, manufacture, or deliver
cannabis or other drug prohibited
under s. 893.03(1)(c), (2)(c)1.,



242012

(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.

1388

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.

1389

893.13(4)(b) 2nd Deliver to minor cannabis (or other
 s. 893.03(1)(c), (2)(c)1., (2)(c)2.,
 (2)(c)3., (2)(c)5., (2)(c)6.,
 (2)(c)7., (2)(c)8., (2)(c)9., (3),
 or (4) drugs).

1390

1391 (g) LEVEL 7

1392

Florida		Felony	Description
Statute		Degree	

1393

316.027(1)(b)	1st	Accident involving death, failure to stop; leaving scene.
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1394

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



242012

1395			injury.
	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.
1396			
	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
1397			
	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
1398			
	409.920(2)	3rd	Medicaid provider fraud.
1399			
	456.065(2)	3rd	Practicing a health care profession without a license.
1400			
	456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.

Bill No. SB 76



242012

1401	458.327 (1)	3rd	Practicing medicine without a license.
1402	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
1403	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
1404	461.012 (1)	3rd	Practicing podiatric medicine without a license.
1405	462.17	3rd	Practicing naturopathy without a license.
1406	463.015 (1)	3rd	Practicing optometry without a license.
1407	464.016 (1)	3rd	Practicing nursing without a license.
1408	465.015 (2)	3rd	Practicing pharmacy without a license.
1409	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
1410			

Bill No. SB 76



242012

1411	467.201	3rd	Practicing midwifery without a license.
1412	468.366	3rd	Delivering respiratory care services without a license.
1413	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
1414	483.901 (9)	3rd	Practicing medical physics without a license.
1415	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
1416	484.053	3rd	Dispensing hearing aids without a license.
1417	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.
	560.123 (8) (b) 1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money



242012

1418			transmitter.
	560.125 (5) (a)	3rd	Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
1419			
	655.50 (10) (b) 1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
1420			
	775.21 (10) (a)	3rd	Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.
1421			
	775.21 (10) (b)	3rd	Sexual predator working where children regularly congregate.
1422			
	775.21 (10) (g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
1423			
	782.051 (3)	2nd	Attempted felony murder of a person by a person other than the



242012

1424			perpetrator or the perpetrator of an attempted felony.
1425	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
1426	782.071	2nd	Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
1427	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
1428	784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
1429	784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
1430	784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
	784.048(4)	3rd	Aggravated stalking; violation of



242012

1431			injunction or court order.
1431	784.048 (7)	3rd	Aggravated stalking; violation of court order.
1432	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
1433	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
1434	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
1435	784.081 (1)	1st	Aggravated battery on specified official or employee.
1436	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
1437	784.083 (1)	1st	Aggravated battery on code inspector.
1438	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
1439			

Bill No. SB 76



242012

1440	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
1441	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
1442	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
1443	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
1444	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
1445	<u>790.23</u>	<u>1st</u>	<u>Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.</u>
	794.08(4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person



242012

1446			in custodial authority to a victim younger than 18 years of age.
1447	796.03	2nd	Procuring any person under 16 years for prostitution.
1448	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
1449	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.
1450	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
1451	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
1452	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
1453	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
	810.02 (3) (e)	2nd	Burglary of authorized emergency



242012

1454			vehicle.
	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.
1455			
	812.014(2)(b)2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
1456			
	812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
1457			
	812.014(2)(b)4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
1458			
	812.0145(2)(a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
1459			
	812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
1460			



242012

1461	812.131 (2) (a)	2nd	Robbery by sudden snatching.
1462	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
1463	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
1464	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
1465	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
1466	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.
1467	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.

Bill No. SB 76



242012

1468	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.
1469	827.03(3)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
1470	827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
1471	837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
1472	838.015	2nd	Bribery.
1473	838.016	2nd	Unlawful compensation or reward for official behavior.
1474	838.021(3)(a)	2nd	Unlawful harm to a public servant.
1475	838.22	2nd	Bid tampering.
	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an



242012

1476			unlawful sex act.
	847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
1477			
	872.06	2nd	Abuse of a dead human body.
1478			
	<u>874.10</u>	<u>1st</u>	<u>Directing the activities of a criminal gang.</u>
1479			
	<u>874.13</u>	<u>1st</u>	<u>Commission of a gang-related offense by a habitual felony offender.</u>
1480			
	893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
1481			
	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



242012

			(2)(c)4., within 1,000 feet of property used for religious services or a specified business site.
1482	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).
1483	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
1484	893.135(1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
1485	893.135(1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
1486	893.135(1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
1487	893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
1488	893.135(1)(f)1.	1st	Trafficking in amphetamine, more



242012

1489			than 14 grams, less than 28 grams.
	893.135(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
1490			
	893.135(1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
1491			
	893.135(1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
1492			
	893.135(1)(k)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
1493			
	896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
1494			
	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
1495			

Bill No. SB 76



242012

1496	943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
1497	943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
1498	943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
1499	943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
1500	943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
1501	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
1502	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.



242012

- 1503 944.607(12) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
- 1504 944.607(13) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification.
- 1505 985.4815(10) 3rd Sexual offender; failure to submit to the taking of a digitized photograph.
- 1506 985.4815(12) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
- 1507 985.4815(13) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification.

1508 Section 28. Subsection (1) of section 921.0024, Florida
 1509 Statutes, is amended to read:

1510 921.0024 Criminal Punishment Code; worksheet computations;
 1511 scoresheets.--

1512 (1) (a) The Criminal Punishment Code worksheet is used to
 1513 compute the subtotal and total sentence points as follows:



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1514
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FLORIDA CRIMINAL PUNISHMENT CODE

WORKSHEET

OFFENSE SCORE

Primary Offense

Level	Sentence Points	Total
10	116	= _____
9	92	= _____
8	74	= _____
7	56	= _____
6	36	= _____
5	28	= _____
4	22	= _____
3	16	= _____

Bill No. SB 76



242012

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2	10	=	_____	
1	4	=	_____	
Total				
Additional Offenses				
Level	Sentence Points		Counts	Total
10	58	x	_____	= _____
9	46	x	_____	= _____
8	37	x	_____	= _____
7	28	x	_____	= _____
6	18	x	_____	= _____
5	5.4	x	_____	= _____
4	3.6	x	_____	= _____



242012

1547	3	2.4	x	_____	=	_____
1548	2	1.2	x	_____	=	_____
1549	1	0.7	x	_____	=	_____
1550	M	0.2	x	_____	=	_____

Total

Victim Injury

1555	Level	Sentence Points		Number	Total
1556	2nd degree murder- death	240	x	_____	= _____
1557	Death	120	x	_____	= _____
1558	Severe	40	x	_____	= _____
1559	Moderate	18	x	_____	= _____
1560					

Bill No. SB 76



242012

1561 Slight 4 x _____ = _____

1562 Sexual 80 x _____ = _____
penetration

1563 Sexual contact 40 x _____ = _____

1564
Total

1565
1566 Primary Offense + Additional Offenses + Victim Injury =

1567 TOTAL OFFENSE SCORE

1568
1569 PRIOR RECORD SCORE

1570
1571 Prior Record

1572

1573 Level Sentence Points Number Total

1574
1575 10 29 x _____ = _____

1576 9 23 x _____ = _____

1577 8 19 x _____ = _____

Bill No. SB 76



242012

1578	7	14	x	_____	=	_____
1579	6	9	x	_____	=	_____
1580	5	3.6	x	_____	=	_____
1581	4	2.4	x	_____	=	_____
1582	3	1.6	x	_____	=	_____
1583	2	0.8	x	_____	=	_____
1584	1	0.5	x	_____	=	_____
1585	M	0.2	x	_____	=	_____

Total

- 1588 TOTAL OFFENSE SCORE
- 1589 TOTAL PRIOR RECORD SCORE
- 1591 LEGAL STATUS
- 1592 COMMUNITY SANCTION VIOLATION
- 1593 PRIOR SERIOUS FELONY
- 1594 PRIOR CAPITAL FELONY
- 1595 FIREARM OR SEMIAUTOMATIC WEAPON



242012

1596 SUBTOTAL_____

1597

1598 PRISON RELEASEE REOFFENDER (no) (yes)

1599 VIOLENT CAREER CRIMINAL (no) (yes)

1600 HABITUAL VIOLENT OFFENDER (no) (yes)

1601 HABITUAL OFFENDER (no) (yes)

1602 DRUG TRAFFICKER (no) (yes) (x multiplier)

1603 LAW ENF. PROTECT. (no) (yes) (x multiplier)

1604 MOTOR VEHICLE THEFT (no) (yes) (x multiplier)

1605 CRIMINAL ~~STREET~~ GANG OFFENSE (no) (yes) (x multiplier)

1606 DOMESTIC VIOLENCE IN THE PRESENCE OF RELATED CHILD (no) (yes)

1607 (x multiplier)

1608

1609 TOTAL SENTENCE POINTS_____

1610

1611 (b) WORKSHEET KEY:

1612

1613 Legal status points are assessed when any form of legal status

1614 existed at the time the offender committed an offense before the

1615 court for sentencing. Four (4) sentence points are assessed for

1616 an offender's legal status.

1617

1618 Community sanction violation points are assessed when a

1619 community sanction violation is before the court for sentencing.

1620 Six (6) sentence points are assessed for each community sanction

1621 violation and each successive community sanction violation,

1622 unless any of the following apply:



242012

1623 1. If the community sanction violation includes a new
1624 felony conviction before the sentencing court, twelve (12)
1625 community sanction violation points are assessed for the
1626 violation, and for each successive community sanction violation
1627 involving a new felony conviction.

1628 2. If the community sanction violation is committed by a
1629 violent felony offender of special concern as defined in s.
1630 948.06:

1631 a. Twelve (12) community sanction violation points are
1632 assessed for the violation and for each successive violation of
1633 felony probation or community control where:

1634 (I) The violation does not include a new felony
1635 conviction; and

1636 (II) The community sanction violation is not based solely
1637 on the probationer or offender's failure to pay costs or fines
1638 or make restitution payments.

1639 b. Twenty-four (24) community sanction violation points
1640 are assessed for the violation and for each successive violation
1641 of felony probation or community control where the violation
1642 includes a new felony conviction.

1643
1644 Multiple counts of community sanction violations before the
1645 sentencing court shall not be a basis for multiplying the
1646 assessment of community sanction violation points.

1647
1648 Prior serious felony points: If the offender has a primary
1649 offense or any additional offense ranked in level 8, level 9, or
1650 level 10, and one or more prior serious felonies, a single



242012

1651 assessment of thirty (30) points shall be added. For purposes of
1652 this section, a prior serious felony is an offense in the
1653 offender's prior record that is ranked in level 8, level 9, or
1654 level 10 under s. 921.0022 or s. 921.0023 and for which the
1655 offender is serving a sentence of confinement, supervision, or
1656 other sanction or for which the offender's date of release from
1657 confinement, supervision, or other sanction, whichever is later,
1658 is within 3 years before the date the primary offense or any
1659 additional offense was committed.

1660

1661 Prior capital felony points: If the offender has one or more
1662 prior capital felonies in the offender's criminal record, points
1663 shall be added to the subtotal sentence points of the offender
1664 equal to twice the number of points the offender receives for
1665 the primary offense and any additional offense. A prior capital
1666 felony in the offender's criminal record is a previous capital
1667 felony offense for which the offender has entered a plea of nolo
1668 contendere or guilty or has been found guilty; or a felony in
1669 another jurisdiction which is a capital felony in that
1670 jurisdiction, or would be a capital felony if the offense were
1671 committed in this state.

1672

1673 Possession of a firearm, semiautomatic firearm, or machine gun:
1674 If the offender is convicted of committing or attempting to
1675 commit any felony other than those enumerated in s. 775.087(2)
1676 while having in his or her possession: a firearm as defined in
1677 s. 790.001(6), an additional eighteen (18) sentence points are
1678 assessed; or if the offender is convicted of committing or

Bill No. SB 76



242012

1679 attempting to commit any felony other than those enumerated in
1680 s. 775.087(3) while having in his or her possession a
1681 semiautomatic firearm as defined in s. 775.087(3) or a machine
1682 gun as defined in s. 790.001(9), an additional twenty-five (25)
1683 sentence points are assessed.

1684
1685 Sentencing multipliers:

1686
1687 Drug trafficking: If the primary offense is drug trafficking
1688 under s. 893.135, the subtotal sentence points are multiplied,
1689 at the discretion of the court, for a level 7 or level 8
1690 offense, by 1.5. The state attorney may move the sentencing
1691 court to reduce or suspend the sentence of a person convicted of
1692 a level 7 or level 8 offense, if the offender provides
1693 substantial assistance as described in s. 893.135(4).

1694
1695 Law enforcement protection: If the primary offense is a
1696 violation of the Law Enforcement Protection Act under s.
1697 775.0823(2), (3), or (4), the subtotal sentence points are
1698 multiplied by 2.5. If the primary offense is a violation of s.
1699 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points
1700 are multiplied by 2.0. If the primary offense is a violation of
1701 s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement
1702 Protection Act under s. 775.0823(10) or (11), the subtotal
1703 sentence points are multiplied by 1.5.

1704
1705 Grand theft of a motor vehicle: If the primary offense is grand
1706 theft of the third degree involving a motor vehicle and in the

Bill No. SB 76



242012

1707 offender's prior record, there are three or more grand thefts of
1708 the third degree involving a motor vehicle, the subtotal
1709 sentence points are multiplied by 1.5.

1710

1711 Offense related to a criminal ~~street~~ gang: If the offender is
1712 convicted of the primary offense and committed that offense for
1713 the purpose of benefiting, promoting, or furthering the
1714 interests of a criminal ~~street~~ gang as prohibited under s.
1715 874.04, the subtotal sentence points are multiplied by 1.5.

1716

1717 Domestic violence in the presence of a child: If the offender is
1718 convicted of the primary offense and the primary offense is a
1719 crime of domestic violence, as defined in s. 741.28, which was
1720 committed in the presence of a child under 16 years of age who
1721 is a family or household member as defined in s. 741.28(3) with
1722 the victim or perpetrator, the subtotal sentence points are
1723 multiplied by 1.5.

1724 Section 29. Paragraph (n) of subsection (5) of section
1725 921.141, Florida Statutes, is amended to read:

1726 921.141 Sentence of death or life imprisonment for capital
1727 felonies; further proceedings to determine sentence.--

1728 (5) AGGRAVATING CIRCUMSTANCES.--Aggravating circumstances
1729 shall be limited to the following:

1730 (n) The capital felony was committed by a criminal ~~street~~
1731 gang member, as defined in s. 874.03.

1732 Section 30. Paragraph (c) of subsection (10) of section
1733 943.325, Florida Statutes, is amended to read:



242012

1734 943.325 Blood or other biological specimen testing for DNA
1735 analysis.--

1736 (10)

1737 (c) Any person previously convicted of an offense
1738 specified in this section, or a crime which, if committed in
1739 this state, would be an offense specified in this section, and
1740 who is also subject to the registration requirement imposed by
1741 s. 775.13, shall be subject to the collection requirement of
1742 this section when the appropriate agency described in this
1743 section verifies the identification information of the person.
1744 The collection requirement of this section does not apply to a
1745 person as described in s. 775.13 (4) ~~(5)~~.

1746 Section 31. Subsection (30) of section 984.03, Florida
1747 Statutes, is amended to read:

1748 984.03 Definitions.--When used in this chapter, the term:

1749 (30) "Juvenile justice continuum" includes, but is not
1750 limited to, delinquency prevention programs and services
1751 designed for the purpose of preventing or reducing delinquent
1752 acts, including criminal activity by criminal ~~youth~~ gangs and
1753 juvenile arrests, as well as programs and services targeted at
1754 children who have committed delinquent acts, and children who
1755 have previously been committed to residential treatment programs
1756 for delinquents. The term includes children-in-need-of-services
1757 and families-in-need-of-services programs; conditional release;
1758 substance abuse and mental health programs; educational and
1759 vocational programs; recreational programs; community services
1760 programs; community service work programs; and alternative
1761 dispute resolution programs serving children at risk of

Bill No. SB 76



242012

1762 delinquency and their families, whether offered or delivered by
1763 state or local governmental entities, public or private for-
1764 profit or not-for-profit organizations, or religious or
1765 charitable organizations.

1766 Section 32. Paragraph (c) of subsection (15) and
1767 subsection (29) of section 985.03, Florida Statutes, are amended
1768 to read:

1769 985.03 Definitions.--As used in this chapter, the term:

1770 (15)

1771 (c) "Delinquency prevention programs" means programs
1772 designed for the purpose of reducing the occurrence of
1773 delinquency, including criminal ~~youth and street~~ gang activity,
1774 and juvenile arrests. The term excludes arbitration,
1775 diversionary or mediation programs, and community service work
1776 or other treatment available subsequent to a child committing a
1777 delinquent act.

1778 (29) "Juvenile justice continuum" includes, but is not
1779 limited to, delinquency prevention programs and services
1780 designed for the purpose of preventing or reducing delinquent
1781 acts, including criminal activity by criminal ~~youth~~ gangs, and
1782 juvenile arrests, as well as programs and services targeted at
1783 children who have committed delinquent acts, and children who
1784 have previously been committed to residential treatment programs
1785 for delinquents. The term includes children-in-need-of-services
1786 and families-in-need-of-services programs; conditional release;
1787 substance abuse and mental health programs; educational and
1788 career programs; recreational programs; community services
1789 programs; community service work programs; and alternative



242012

1790 dispute resolution programs serving children at risk of
1791 delinquency and their families, whether offered or delivered by
1792 state or local governmental entities, public or private for-
1793 profit or not-for-profit organizations, or religious or
1794 charitable organizations.

1795 Section 33. Paragraph (c) of subsection (1) of section
1796 985.047, Florida Statutes, is amended to read:

1797 985.047 Information systems.--

1798 (1)

1799 (c) As used in this section, "a juvenile who is at risk of
1800 becoming a serious habitual juvenile offender" means a juvenile
1801 who has been adjudicated delinquent and who meets one or more of
1802 the following criteria:

1803 1. Is arrested for a capital, life, or first degree felony
1804 offense or sexual battery.

1805 2. Has five or more arrests, at least three of which are
1806 for felony offenses. Three of such arrests must have occurred
1807 within the preceding 12-month period.

1808 3. Has 10 or more arrests, at least 2 of which are for
1809 felony offenses. Three of such arrests must have occurred within
1810 the preceding 12-month period.

1811 4. Has four or more arrests, at least one of which is for
1812 a felony offense and occurred within the preceding 12-month
1813 period.

1814 5. Has 10 or more arrests, at least 8 of which are for any
1815 of the following offenses:

1816 a. Petit theft;

1817 b. Misdemeanor assault;

Bill No. SB 76



242012

- 1818 c. Possession of a controlled substance;
1819 d. Weapon or firearm violation; or
1820 e. Substance abuse.

1821
1822 Four of such arrests must have occurred within the preceding 12-
1823 month period.

1824 6. Meets at least one of the criteria for criminal youth
1825 ~~and street~~ gang membership.

1826 Section 34. Paragraph (a) of subsection (6) and subsection
1827 (7) of section 985.433, Florida Statutes, are amended to read:

1828 985.433 Disposition hearings in delinquency cases.--When a
1829 child has been found to have committed a delinquent act, the
1830 following procedures shall be applicable to the disposition of
1831 the case:

1832 (6) The first determination to be made by the court is a
1833 determination of the suitability or nonsuitability for
1834 adjudication and commitment of the child to the department. This
1835 determination shall include consideration of the recommendations
1836 of the department, which may include a predisposition report.
1837 The predisposition report shall include, whether as part of the
1838 child's multidisciplinary assessment, classification, and
1839 placement process components or separately, evaluation of the
1840 following criteria:

1841 (a) The seriousness of the offense to the community. If
1842 the court determines under chapter 874 that the child was a
1843 member of a criminal ~~street~~ gang at the time of the commission
1844 of the offense, the seriousness of the offense to the community
1845 shall be given great weight.



242012

1846
1847 It is the intent of the Legislature that the criteria set forth
1848 in this subsection are general guidelines to be followed at the
1849 discretion of the court and not mandatory requirements of
1850 procedure. It is not the intent of the Legislature to provide
1851 for the appeal of the disposition made under this section.

1852 (7) If the court determines that the child should be
1853 adjudicated as having committed a delinquent act and should be
1854 committed to the department, such determination shall be in
1855 writing or on the record of the hearing. The determination shall
1856 include a specific finding of the reasons for the decision to
1857 adjudicate and to commit the child to the department, including
1858 any determination that the child was a member of a criminal
1859 ~~street~~ gang.

1860 (a) The juvenile probation officer shall recommend to the
1861 court the most appropriate placement and treatment plan,
1862 specifically identifying the restrictiveness level most
1863 appropriate for the child. If the court has determined that the
1864 child was a member of a criminal ~~street~~ gang, that determination
1865 shall be given great weight in identifying the most appropriate
1866 restrictiveness level for the child. The court shall consider
1867 the department's recommendation in making its commitment
1868 decision.

1869 (b) The court shall commit the child to the department at
1870 the restrictiveness level identified or may order placement at a
1871 different restrictiveness level. The court shall state for the
1872 record the reasons that establish by a preponderance of the
1873 evidence why the court is disregarding the assessment of the



242012

1874 child and the restrictiveness level recommended by the
 1875 department. Any party may appeal the court's findings resulting
 1876 in a modified level of restrictiveness under this paragraph.

1877 (c) The court may also require that the child be placed in
 1878 a probation program following the child's discharge from
 1879 commitment. Community-based sanctions under subsection (8) may
 1880 be imposed by the court at the disposition hearing or at any
 1881 time prior to the child's release from commitment.

1882 Section 35. The Division of Statutory Revision is directed
 1883 to redesignate the title of chapter 874, Florida Statutes, as
 1884 "Criminal Gang Enforcement and Prevention."

1885 Section 36. This act shall take effect October 1, 2008.

1887 ===== T I T L E A M E N D M E N T =====

1888 And the title is amended as follows:

1889 Delete everything before the enacting clause
 1890 and insert:

1891
 1892 .A bill to be entitled
 1893 An act relating to criminal activity; amending s. 775.13,
 1894 F.S.; requiring certain felons whose offenses related to
 1895 criminal gangs to register; providing penalties; amending
 1896 s. 790.23, F.S.; providing penalties for certain persons
 1897 possessing a firearm; creating s. 790.231, F.S.;;
 1898 prohibiting possession of bulletproof vests by certain
 1899 individuals; providing penalties; amending s. 823.05,
 1900 F.S.; revising provisions relating to the enjoining of
 1901 public nuisances to include certain nuisances related to



242012

1902 criminal gangs and criminal gang activities; providing for
1903 enjoining such nuisances; providing for local laws;
1904 amending s. 874.01, F.S.; revising a short title; amending
1905 s. 874.02, F.S.; revising legislative findings and intent;
1906 amending s. 874.03, F.S.; creating and revising
1907 definitions; redefining "criminal street gangs" as
1908 "criminal gangs"; amending s. 874.04, F.S.; conforming
1909 provisions; revising an evidentiary standard; creating s.
1910 874.045, F.S.; providing that chapter 874, F.S., does not
1911 preclude arrest and prosecution under other specified
1912 provisions; amending s. 874.05, F.S.; revising provisions
1913 relating to soliciting or causing another to join a
1914 criminal gang; amending s. 874.06, F.S.; authorizing the
1915 state to bring civil actions for certain violations;
1916 providing that a plaintiff has a superior claim to
1917 property or proceeds; providing penalties for knowing
1918 violation of certain orders; amending s. 874.08, F.S.;
1919 conforming provisions relating to forfeiture; amending s.
1920 874.09, F.S.; providing additional powers for the
1921 Department of Law Enforcement and local law enforcement
1922 agencies relating to crime data information; creating s.
1923 874.10, F.S.; prohibiting persons from initiating,
1924 organizing, planning, financing, directing, managing, or
1925 supervising criminal gang-related activity; providing
1926 penalties; creating s. 874.11, F.S.; prohibiting use of
1927 electronic communications to further the interests of a
1928 criminal gang; providing penalties; creating s. 874.12,
1929 F.S.; defining the term "identification document";



242012

1930 prohibiting possession of certain identification documents
1931 for specified purposes; providing penalties; creating s.
1932 874.13, F.S.; prohibiting certain offenders from
1933 committing gang-related crimes; providing penalties;
1934 creating s. 874.14, F.S.; providing definitions; providing
1935 for the suspension of driver's licenses for certain
1936 offenses; amending s. 895.02, F.S.; adding certain
1937 offenses to the definition of "racketeering activity";
1938 conforming terminology to changes made by this act;
1939 amending s. 903.046, F.S.; adding to the list of items a
1940 court may consider when determining whether to release a
1941 defendant on bail; amending s. 914.22, F.S.; revising the
1942 penalties for tampering with or harassing witnesses;
1943 amending s. 943.031, F.S.; revising provisions relating to
1944 the Florida Violent Crime and Drug Control Council;
1945 providing duties concerning criminal gangs; creating the
1946 Drug Control Strategy and Criminal Gangs Committee;
1947 providing for duties of the committee concerning funding
1948 of certain programs; providing for reports; creating s.
1949 948.033, F.S., prohibiting certain probationers or
1950 community controllees from communicating with criminal
1951 gang members; providing exceptions; amending s. 947.18,
1952 F.S.; prohibiting certain parolees from communicating with
1953 criminal gang members; providing exceptions; amending s.
1954 947.1405, F.S.; prohibiting certain conditional releasees
1955 from communicating with criminal gang members; providing
1956 exceptions; amending s. 893.138, F.S.; conforming
1957 terminology to changes made by this act; amending s.



242012

1958 | 921.0022, F.S.; adding offenses to the offense severity
1959 | ranking chart of the Criminal Punishment Code; conforming
1960 | terminology to changes made by this act; amending ss.
1961 | 921.0024, 921.141, 943.325, 984.03, 985.03, 985.047, and
1962 | 985.433, F.S.; conforming cross-references and terminology
1963 | to changes made by this act; providing a directive to the
1964 | Division of Statutory Revision; providing an effective
1965 | date