

By the Committee on Criminal Justice; and Senators Atwater and Gaetz

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1 A bill to be entitled

2 An act relating to criminal activity; amending s. 775.13,
3 F.S.; requiring certain felons whose offenses related to
4 criminal gangs to register; providing penalties; amending
5 s. 790.23, F.S.; providing penalties for certain persons
6 possessing a firearm; creating s. 790.231, F.S.;
7 prohibiting possession of bulletproof vests by certain
8 individuals; providing penalties; amending s. 823.05,
9 F.S.; revising provisions relating to the enjoining of
10 public nuisances to include certain nuisances related to
11 criminal gangs and criminal gang activities; providing for
12 enjoining such nuisances; providing for local laws;
13 amending s. 874.01, F.S.; revising a short title; amending
14 s. 874.02, F.S.; revising legislative findings and intent;
15 amending s. 874.03, F.S.; creating and revising
16 definitions; redefining "criminal street gangs" as
17 "criminal gangs"; amending s. 874.04, F.S.; conforming
18 provisions; revising an evidentiary standard; creating s.
19 874.045, F.S.; providing that ch. 874, F.S., does not
20 preclude arrest and prosecution under other specified
21 provisions; amending s. 874.05, F.S.; revising provisions
22 relating to soliciting or causing another to join a
23 criminal gang; amending s. 874.06, F.S.; authorizing the
24 state to bring civil actions for certain violations;
25 providing that a plaintiff has a superior claim to
26 property or proceeds; providing penalties for knowing
27 violation of certain orders; amending s. 874.08, F.S.;
28 conforming provisions relating to forfeiture; amending s.
29 874.09, F.S.; providing additional powers for the

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30 Department of Law Enforcement and local law enforcement
31 agencies relating to crime data information; creating s.
32 874.10, F.S.; prohibiting persons from initiating,
33 organizing, planning, financing, directing, managing, or
34 supervising criminal gang-related activity; providing
35 penalties; creating s. 874.11, F.S.; prohibiting use of
36 electronic communications to further the interests of a
37 criminal gang; providing penalties; creating s. 874.12,
38 F.S.; defining the term "identification document";
39 prohibiting possession of certain identification documents
40 for specified purposes; providing penalties; creating s.
41 874.13, F.S.; prohibiting certain offenders from
42 committing gang-related crimes; providing penalties;
43 creating s. 874.14, F.S.; providing definitions; providing
44 for the suspension of driver's licenses for certain
45 offenses; amending s. 895.02, F.S.; adding certain
46 offenses to the definition of "racketeering activity";
47 conforming terminology to changes made by this act;
48 amending s. 903.046, F.S.; adding to the list of items a
49 court may consider when determining whether to release a
50 defendant on bail; amending s. 914.22, F.S.; revising the
51 penalties for tampering with or harassing witnesses;
52 amending s. 943.031, F.S.; revising provisions relating to
53 the Florida Violent Crime and Drug Control Council;
54 providing duties concerning criminal gangs; creating the
55 Drug Control Strategy and Criminal Gangs Committee;
56 providing for duties of the committee concerning funding
57 of certain programs; providing for reports; amending s.
58 948.03, F.S.; authorizing the court to order the posting

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59 | of a surety bond to secure the appearance of a person on
60 | probation, community control, or any other court-ordered
61 | community supervision at any subsequent court proceeding;
62 | requiring the bail agent to surrender the person to the
63 | sheriff after receiving written notice, e-mail, or
64 | facsimile notice from the probation officer that the
65 | person has violated the terms of probation, community
66 | control, or court-ordered community supervision; providing
67 | that if the bail agent does not surrender the person to
68 | the sheriff after receiving notice from the probation
69 | officer or does not produce the person in court at the
70 | time noticed by the court or the clerk of court, the
71 | surety bond is forfeited; creating s. 948.033, F.S.,
72 | prohibiting certain probationers or community controllees
73 | from communicating with criminal gang members; providing
74 | exceptions; amending s. 947.18, F.S.; prohibiting certain
75 | parolees from communicating with criminal gang members;
76 | providing exceptions; amending s. 947.1405, F.S.;
77 | prohibiting certain conditional releasees from
78 | communicating with criminal gang members; providing
79 | exceptions; amending s. 893.138, F.S.; conforming
80 | terminology to changes made by this act; amending s.
81 | 921.0022, F.S.; adding offenses to the offense severity
82 | ranking chart of the Criminal Punishment Code; conforming
83 | terminology to changes made by this act; amending ss.
84 | 921.0024, 921.141, 943.325, 984.03, 985.03, 985.047, and
85 | 985.433, F.S.; conforming cross-references and terminology
86 | to changes made by this act; providing a directive to the

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87 Division of Statutory Revision; providing an effective
88 date.

89
90 Be It Enacted by the Legislature of the State of Florida:

91
92 Section 1. Subsections (2), (4), (5), (6), and (7) of
93 section 775.13, Florida Statutes, are amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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145 provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

200 (d) Found to have committed a delinquent act in another
201 state, territory, or country that would be a felony if committed
202 by an adult and which was punishable by imprisonment for a term

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203 exceeding 1 year and such person is under 24 years of age; or

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

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

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

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

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

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

219 Section 4. Section 823.05, Florida Statutes, is amended to
220 read:

221 823.05 Places and groups engaged in criminal gang-related
222 activity declared a nuisance; may be abated and enjoined.--

223 (1) Whoever shall erect, establish, continue, or maintain,
224 own or lease any building, booth, tent or place which tends to
225 annoy the community or injure the health of the community, or
226 become manifestly injurious to the morals or manners of the
227 people as described in s. 823.01, ~~or shall be frequented by the~~
228 ~~class of persons mentioned in s. 856.02,~~ or any house or place of
229 prostitution, assignation, lewdness or place or building where
230 games of chance are engaged in violation of law or any place
231 where any law of the state is violated, shall be deemed guilty of

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232 maintaining a nuisance, and the building, erection, place, tent
233 or booth and the furniture, fixtures, and contents are declared a
234 nuisance. All such places or persons shall be abated or enjoined
235 as provided in ss. 60.05 and 60.06.

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

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

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

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

255 (e) The state, through the Department of Legal Affairs or
256 any state attorney, or any of the state's agencies,
257 instrumentalities, subdivisions, or municipalities having
258 jurisdiction over conduct in violation of a provision of this
259 chapter may institute civil proceedings under this subsection. In
260 any action brought under this subsection, the circuit court shall

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261 proceed as soon as practicable to the hearing and determination.
262 Pending final determination, the circuit court may at any time
263 enter such injunctions, prohibitions, or restraining orders, or
264 take such actions, including the acceptance of satisfactory
265 performance bonds, as the court may deem proper.

266 Section 5. Section 874.01, Florida Statutes, is amended to
267 read:

268 874.01 Short title.--This chapter may be cited as the
269 "Criminal ~~Street~~ Gang Prevention Act ~~of 1996~~."

270 Section 6. Section 874.02, Florida Statutes, is amended to
271 read:

272 874.02 Legislative findings and intent.--

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

286 (2) The Legislature finds, however, that the state is
287 facing a mounting crisis caused by criminal ~~street~~ gangs whose
288 members threaten and terrorize peaceful citizens and commit a
289 multitude of crimes. These criminal ~~street~~ gang activities, both

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290 individually and collectively, present a clear and present
291 danger. Street gangs, terrorist organizations, and hate groups
292 have evolved into increasingly sophisticated and complex
293 organized crime groups in their criminal tactics, schemes, and
294 brutality. The state has a compelling interest in preventing
295 criminal ~~street~~ gang activity and halting the real and present
296 danger posed by the proliferation of criminal gangs and the
297 graduation from more primitive forms of criminal gangs to highly
298 sophisticated criminal gangs. For these reasons, and the
299 Legislature finds that the provisions of this chapter ~~act~~ are
300 essential necessary to maintain ~~the~~ public order and safety.

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

309 (4) The Legislature finds that the timely reporting and
310 exchange of criminal gang information facilitates the ability of
311 law enforcement agencies to monitor and anticipate criminal
312 activities of gangs and their members. Additionally, the timely
313 and standardized reporting of such criminal gang information
314 supports the identification of gang members via the criminal
315 justice information system and directly contributes to law
316 enforcement officers' safety. For these reasons, it is the intent
317 of the Legislature to encourage state and local law enforcement
318 agencies to facilitate the exchange of crime data information

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319 through the statewide criminal gang database as provided in s.
320 874.09.

321 Section 7. Section 874.03, Florida Statutes, is amended to
322 read:

323 874.03 Definitions.--As used in this chapter:

324 (1) "Criminal ~~street~~ gang" means a formal or informal
325 ongoing organization, association, or group that has as one of
326 its primary activities the commission of criminal or delinquent
327 acts, and that consists of three or more persons who have a
328 common name or common identifying signs, colors, or symbols,
329 including, but not limited to, terrorist organizations and hate
330 groups and have two or more members who, individually or
331 collectively, engage in or have engaged in a pattern of criminal
332 street gang activity.

333 (a) As used in this subsection, "ongoing" means that the
334 organization was in existence during the time period charged in a
335 petition, information, indictment, or action for civil injunctive
336 relief.

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

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

343 (a) Admits to criminal gang association; or

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

346 (3) ~~(2)~~ "Criminal ~~street~~ gang member" is a person who ~~is a~~
347 ~~member of a criminal street gang as defined in subsection (1) and~~

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348 ~~who~~ meets two or more of the following criteria:

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

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

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

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

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

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

361 (g) Associates with one or more known criminal gang
362 members.

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

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

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

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

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

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377 (k) Has authored any communication indicating
378 responsibility for the commission of any crime by the criminal
379 gang.

380
381 Where a single act or factual transaction satisfies the
382 requirements of more than one of the criteria in this subsection,
383 each of those criteria has thereby been satisfied for the
384 purposes of the statute.

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

392 ~~(4) For purposes of law enforcement identification and~~
393 ~~tracking only:~~

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

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

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

- 400 1. ~~The participants are identified as criminal street gang~~
401 ~~members or criminal street gang associates, acting, individually~~
402 ~~or collectively, to further any criminal purpose of the gang;~~
403 2. ~~A reliable informant identifies an incident as criminal~~
404 ~~street gang activity; or~~
405 3. ~~an informant of previously untested reliability~~

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406 ~~identifies an incident as criminal street gang activity and it is~~
407 ~~corroborated by independent information.~~

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

409 (a) An activity committed with the intent to benefit,
410 promote, or further the interests of a criminal gang, or for the
411 purposes of increasing a person's own standing or position within
412 a criminal gang;

413 (b) An activity in which the participants are identified as
414 criminal gang members or criminal gang associates acting
415 individually or collectively to further any criminal purpose of a
416 criminal gang;

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

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

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

428 (6) "Hate group" means an organization whose primary
429 purpose is to promote animosity, hostility, and malice against a
430 person or persons or against the property of a person or persons
431 because of race, religion, disability, sexual orientation,
432 ethnicity, or national origin.

433 (7) "Terrorist organization" means any organized group
434 engaged in or organized for the purpose of engaging in terrorism

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435 as defined in s. 775.30. This definition shall not be construed
436 to prevent prosecution under this chapter of individuals acting
437 alone.

438 Section 8. Section 874.04, Florida Statutes, is amended to
439 read:

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

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

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

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

463 (b) A felony of the second degree may be punished as if it

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464 were a felony of the first degree.

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

467

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

474 Section 9. Section 874.045, Florida Statutes, is created to
475 read:

476 874.045 Arrest and prosecution under other
477 provisions.--Nothing in this chapter shall prohibit the arrest
478 and prosecution of a criminal gang member under chapter 876,
479 chapter 895, chapter 896, s. 893.20, or any other applicable
480 provision of law except to the extent otherwise prohibited
481 pursuant to a statutory or constitutional provision.

482 Section 10. Section 874.05, Florida Statutes, is amended to
483 read:

484 874.05 Causing, encouraging, soliciting, or recruiting
485 criminal ~~street~~ gang membership.--

486 (1) Except as provided in subsection (2), a person who
487 intentionally causes, encourages, solicits, or recruits another
488 person to become a criminal gang member where ~~join a criminal~~
489 ~~street gang that requires as~~ a condition of membership or
490 continued membership is the commission of any crime commits a
491 felony of the third degree, punishable as provided in s. 775.082,
492 s. 775.083, or s. 775.084.

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493 (2) A person who commits ~~Upon~~ a second or subsequent
494 violation offense, ~~the person~~ commits a felony of the second
495 degree, punishable as provided in s. 775.082, s. 775.083, or s.
496 775.084.

497 Section 11. Section 874.06, Florida Statutes, is amended to
498 read:

499 874.06 Civil cause of action.--

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

508 (2) (a) For purposes of this subsection, the term "state"
509 includes any of the state's agencies, instrumentalities,
510 subdivisions, or municipalities, and includes, but is not limited
511 to, state attorneys and the Office of Statewide Prosecution of
512 the Department of Legal Affairs.

513 (b) In addition to any remedies provided for by ss. 60.05
514 and 823.05, the state has a civil cause of action against any
515 person or organization if it proves by clear and convincing
516 evidence that it has been injured by reason of a violation of
517 this chapter by the person or organization. The state has a civil
518 cause of action for treble damages, injunctive relief, or any
519 other relief in law or equity which the court deems appropriate.
520 If the state prevails, it may also recover attorney's fees in the
521 trial and appellate courts and the costs of investigation and

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522 litigation that are reasonably incurred. The state may not
523 recover punitive damages. The defendant is entitled to recover
524 reasonable attorney's fees and court costs if the court finds
525 that the state raised a claim that was without factual or legal
526 support and was vexatious, frivolous, or brought in bad faith.

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

530 (4) A person who knowingly violates a temporary or
531 permanent order issued under this section or s. 60.05 commits a
532 misdemeanor of the first degree, punishable as provided in s.
533 775.082 or s. 775.083.

534 Section 12. Section 874.08, Florida Statutes, is amended to
535 read:

536 874.08 Criminal gang activity and Profits, proceeds, and
537 ~~instrumentalities of criminal street gangs or criminal street~~
538 ~~gang~~ recruitment; forfeiture.--All profits, proceeds, and
539 instrumentalities of criminal ~~street~~ gang activity and all
540 property used or intended or attempted to be used to facilitate
541 the criminal activity of any criminal ~~street~~ gang or of any
542 criminal ~~street~~ gang member; and all profits, proceeds, and
543 instrumentalities of criminal ~~street~~ gang recruitment and all
544 property used or intended or attempted to be used to facilitate
545 criminal ~~street~~ gang recruitment are subject to seizure and
546 forfeiture under the Florida Contraband Forfeiture Act, s.
547 932.704.

548 Section 13. Section 874.09, Florida Statutes, is amended to
549 read:

550 874.09 Crime data information.--

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551 (1) The Department of Law Enforcement may:

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

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

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

564 (d) Compile and maintain a data repository relating to
565 criminal gangs and their members and associates in order to
566 develop and improve techniques used by law enforcement agencies
567 and prosecutors in the investigation, apprehension, and
568 prosecution of members and affiliates of criminal gangs.

569 (2) Local law enforcement agencies may:

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

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

575 Section 14. Section 874.10, Florida Statutes, is created to
576 read:

577 874.10 Directing the activities of a criminal gang.--Any
578 person who knowingly initiates, organizes, plans, finances,
579 directs, manages, or supervises criminal gang-related activity

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580 commits a felony of the first degree, punishable by imprisonment
581 for a term of years not exceeding life or as provided in s.
582 775.082, s. 775.083, or s. 775.084.

583 Section 15. Section 874.11, Florida Statutes, is created to
584 read:

585 874.11 Electronic communication.--Any person who, for the
586 purpose of benefiting, promoting, or furthering the interests of
587 a criminal gang, uses electronic communication to intimidate or
588 harass other persons, or to advertise his or her presence in the
589 community, including, but not limited to, such activities as
590 distributing, selling, transmitting, or posting on the Internet
591 any audio, video, or still image of criminal activity, commits a
592 felony of the third degree, punishable as provided in s. 775.082,
593 s. 775.083, or s. 775.084.

594 Section 16. Section 874.12, Florida Statutes, is created to
595 read:

596 874.12 Identification documents; unlawful possession or
597 creation.--

598 (1) For purposes of this section, the term "identification
599 document" includes, but is not limited to, a social security card
600 or number, a birth certificate, a driver's license, an
601 identification card issued pursuant to s. 322.051, a
602 naturalization certificate, an alien registration number, a
603 passport, and any access credentials for a publicly operated
604 facility or an infrastructure facility covered under 18 U.S.C. s.
605 2332f.

606 (2) Any person possessing or manufacturing any blank,
607 forged, stolen, fictitious, fraudulent, counterfeit, or otherwise
608 unlawfully issued identification document for the purpose of

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609 benefiting, promoting, or furthering the interests of a criminal
610 gang commits a felony of the second degree, punishable as
611 provided in s. 775.082, s. 775.083, or s. 775.084.

612 Section 17. Section 874.13, Florida Statutes, is created to
613 read:

614 874.13 Commission of a gang-related offense by a habitual
615 felony offender.--Any person who qualifies as a habitual felony
616 offender under s. 775.084 and who thereafter commits an offense
617 that was found, pursuant to s. 874.04, to have been committed for
618 the purpose of benefiting, promoting, or furthering the interests
619 of a criminal gang, commits a felony of the first degree,
620 punishable by a term of years not exceeding life or as provided
621 in s. 775.082, s. 775.083, or s. 775.084.

622 Section 18. Section 874.14, Florida Statutes, is created to
623 read:

624 874.14 Suspension of driver's license.--

625 (1) For purposes of this section:

626 (a) "Department" means the Department of Highway Safety and
627 Motor Vehicles.

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

631 (2) In addition to any other penalty provided by law, the
632 court shall order the suspension of the driver's license of each
633 person convicted or adjudicated delinquent of any offense
634 contained in this chapter and of any person who has been found to
635 have committed any offense for the purpose of benefiting,
636 promoting, or furthering the interests of a criminal gang
637 pursuant to s. 874.04. Upon ordering the suspension of the

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638 driver's license, the court shall forward the driver's license to
639 the department in accordance with s. 322.25.

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

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

644 (3) A court that suspends a driver's license pursuant to
645 subsection (2) shall, if the person is sentenced to a term of
646 incarceration, direct the department to commence the suspension
647 of the person's driver's license upon the person's release from
648 incarceration.

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

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

655 895.02 Definitions.--As used in ss. 895.01-895.08, the
656 term:

657 (1) "Racketeering activity" means to commit, to attempt to
658 commit, to conspire to commit, or to solicit, coerce, or
659 intimidate another person to commit:

660 (a) Any crime that is chargeable by petition, indictment,
661 or information under the following provisions of the Florida
662 Statutes:

663 1. Section 210.18, relating to evasion of payment of
664 cigarette taxes.

665 2. Section 316.1935, relating to fleeing or attempting to
666 elude a law enforcement officer and aggravated feeling or

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667 eluding.

668 ~~3.2.~~ Section 403.727(3)(b), relating to environmental
669 control.

670 ~~4.3.~~ Section 409.920 or s. 409.9201, relating to Medicaid
671 fraud.

672 ~~5.4.~~ Section 414.39, relating to public assistance fraud.

673 ~~6.5.~~ Section 440.105 or s. 440.106, relating to workers'
674 compensation.

675 ~~7.6.~~ Section 443.071(4), relating to creation of a
676 fictitious employer scheme to commit unemployment compensation
677 fraud.

678 ~~8.7.~~ Section 465.0161, relating to distribution of
679 medicinal drugs without a permit as an Internet pharmacy.

680 ~~9.8.~~ Sections 499.0051, 499.0052, 499.00535, 499.00545, and
681 499.0691, relating to crimes involving contraband and adulterated
682 drugs.

683 ~~10.9.~~ Part IV of chapter 501, relating to telemarketing.

684 ~~11.10.~~ Chapter 517, relating to sale of securities and
685 investor protection.

686 ~~12.11.~~ Section 550.235, s. 550.3551, or s. 550.3605,
687 relating to dogracing and horseracing.

688 ~~13.12.~~ Chapter 550, relating to jai alai frontons.

689 ~~14.13.~~ Section 551.109, relating to slot machine gaming.

690 ~~15.14.~~ Chapter 552, relating to the manufacture,
691 distribution, and use of explosives.

692 ~~16.15.~~ Chapter 560, relating to money transmitters, if the
693 violation is punishable as a felony.

694 ~~17.16.~~ Chapter 562, relating to beverage law enforcement.

695 ~~18.17.~~ Section 624.401, relating to transacting insurance

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696 without a certificate of authority, s. 624.437(4)(c)1., relating
697 to operating an unauthorized multiple-employer welfare
698 arrangement, or s. 626.902(1)(b), relating to representing or
699 aiding an unauthorized insurer.

700 ~~19.18.~~ Section 655.50, relating to reports of currency
701 transactions, when such violation is punishable as a felony.

702 ~~20.19.~~ Chapter 687, relating to interest and usurious
703 practices.

704 ~~21.20.~~ Section 721.08, s. 721.09, or s. 721.13, relating to
705 real estate timeshare plans.

706 22. Section 775.13(5)(b), relating to registration of
707 persons found to have committed any offense for the purpose of
708 benefiting, promoting, or furthering the interests of a criminal
709 gang.

710 23. Section 777.03, relating to commission of crimes by
711 accessories after the fact.

712 ~~24.21.~~ Chapter 782, relating to homicide.

713 ~~25.22.~~ Chapter 784, relating to assault and battery.

714 ~~26.23.~~ Chapter 787, relating to kidnapping or human
715 trafficking.

716 ~~27.24.~~ Chapter 790, relating to weapons and firearms.

717 28. Chapter 794, relating to sexual battery, but only if
718 such crime was committed with the intent to benefit, promote, or
719 further the interests of a criminal gang, or for the purpose of
720 increasing a criminal gang member's own standing or position
721 within a criminal gang.

722 ~~29.25.~~ Section 796.03, s. 796.035, s. 796.04, s. 796.045,
723 s. 796.05, or s. 796.07, relating to prostitution and sex
724 trafficking.

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725 ~~30.26.~~ Chapter 806, relating to arson and criminal
726 mischief.

727 ~~31.27.~~ Chapter 810 ~~Section 810.02(2)(e),~~ relating to
728 ~~specified burglary and trespass of a dwelling or structure.~~

729 ~~32.28.~~ Chapter 812, relating to theft, robbery, and related
730 crimes.

731 ~~33.29.~~ Chapter 815, relating to computer-related crimes.

732 ~~34.30.~~ Chapter 817, relating to fraudulent practices, false
733 pretenses, fraud generally, and credit card crimes.

734 ~~35.31.~~ Chapter 825, relating to abuse, neglect, or
735 exploitation of an elderly person or disabled adult.

736 ~~36.32.~~ Section 827.071, relating to commercial sexual
737 exploitation of children.

738 ~~37.33.~~ Chapter 831, relating to forgery and counterfeiting.

739 ~~38.34.~~ Chapter 832, relating to issuance of worthless
740 checks and drafts.

741 ~~39.35.~~ Section 836.05, relating to extortion.

742 ~~40.36.~~ Chapter 837, relating to perjury.

743 ~~41.37.~~ Chapter 838, relating to bribery and misuse of
744 public office.

745 ~~42.38.~~ Chapter 843, relating to obstruction of justice.

746 ~~43.39.~~ Section 847.011, s. 847.012, s. 847.013, s. 847.06,
747 or s. 847.07, relating to obscene literature and profanity.

748 ~~44.40.~~ Section 849.09, s. 849.14, s. 849.15, s. 849.23, or
749 s. 849.25, relating to gambling.

750 ~~45.41.~~ Chapter 874, relating to criminal ~~street~~ gangs.

751 ~~46.42.~~ Chapter 893, relating to drug abuse prevention and
752 control.

753 ~~47.43.~~ Chapter 896, relating to offenses related to

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754 financial transactions.

755 ~~48.44.~~ Sections 914.22 and 914.23, relating to tampering
756 with or harassing a witness, victim, or informant, and
757 retaliation against a witness, victim, or informant.

758 ~~49.45.~~ Sections 918.12 and 918.13, relating to tampering
759 with jurors and evidence.

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

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

770 903.046 Purpose of and criteria for bail determination.--

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

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

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

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

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

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

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

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

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

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

823 (i) The nature and probability of intimidation and danger
824 to victims.

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

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

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

836 Section 21. Section 914.22, Florida Statutes, is amended to
837 read:

838 914.22 Tampering with or harassing a witness, victim, or
839 informant; penalties.--

840 (1) A person who knowingly uses intimidation or physical

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841 force, or threatens another person, or attempts to do so, or
842 engages in misleading conduct toward another person, or offers
843 pecuniary benefit or gain to another person, with intent to cause
844 or induce any person to:

845 (a) Withhold testimony, or withhold a record, document, or
846 other object, from an official investigation or official
847 proceeding;

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

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

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

856 (e) Hinder, delay, or prevent the communication to a law
857 enforcement officer or judge of information relating to the
858 commission or possible commission of an offense or a violation of
859 a condition of probation, parole, or release pending a judicial
860 proceeding; or

861 (f) Testify untruthfully in an official investigation or an
862 official proceeding,

863
864 commits the crime of tampering with a witness, victim, or
865 informant a felony of the third degree, punishable as provided in
866 s. 775.082, s. 775.083, or s. 775.084.

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

868 (a) Felony of the third degree, punishable as provided in
869 s. 775.082, s. 775.083, or s. 775.084, where the official

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870 investigation or official proceeding affected involves the
871 investigation or prosecution of a misdemeanor.

872 (b) Felony of the second degree, punishable as provided in
873 s. 775.082, s. 775.083, or s. 775.084, where the official
874 investigation or official proceeding affected involves the
875 investigation or prosecution of a third degree felony.

876 (c) Felony of the first degree, punishable as provided in
877 s. 775.082, s. 775.083, or s. 775.084, where the official
878 investigation or official proceeding affected involves the
879 investigation or prosecution of a second degree felony.

880 (d) Felony of the first degree, punishable by a term of
881 years not exceeding life or as provided in s. 775.082, s.
882 775.083, or s. 775.084, where the official investigation or
883 official proceeding affected involves the investigation or
884 prosecution of a first degree felony or a first degree felony
885 punishable by a term of years not exceeding life.

886 (e) Life felony, punishable as provided in s. 775.082, s.
887 775.083, or s. 775.084, where the official investigation or
888 official proceeding affected involves the investigation or
889 prosecution of a life or capital felony.

890 (f) Felony of the third degree, punishable as provided in
891 s. 775.082, s. 775.083, or s. 775.084, where the offense level of
892 the affected official investigation or official proceeding is
893 indeterminable or where the affected official investigation or
894 official proceeding involves a noncriminal investigation or
895 proceeding.

896 (3) ~~(2)~~ Whoever intentionally harasses another person and
897 thereby hinders, delays, prevents, or dissuades any person from:

898 (a) Attending or testifying in an official proceeding or

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899 cooperating in an official investigation;

900 (b) Reporting to a law enforcement officer or judge the
901 commission or possible commission of an offense or a violation of
902 a condition of probation, parole, or release pending a judicial
903 proceeding;

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

906 (d) Causing a criminal prosecution, or a parole or
907 probation revocation proceeding, to be sought or instituted, or
908 from assisting in such prosecution or proceeding;

909

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

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

914 (a) Misdemeanor of the first degree, punishable as provided
915 in s. 775.082 or s. 775.083, where the official investigation or
916 official proceeding affected involves the investigation or
917 prosecution of a misdemeanor.

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

922 (c) Felony of the second degree, punishable as provided in
923 s. 775.082, s. 775.083, or s. 775.084, where the official
924 investigation or official proceeding affected involves the
925 investigation or prosecution of a second degree felony.

926 (d) Felony of the first degree, punishable as provided in
927 s. 775.082, s. 775.083, or s. 775.084, where the official

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928 investigation or official proceeding affected involves the
929 investigation or prosecution of a first degree felony.

930 (e) Felony of the first degree, punishable by a term of
931 years not exceeding life or as provided in s. 775.082, s.
932 775.083, or s. 775.084, where the official investigation or
933 official proceeding affected involves the investigation or
934 prosecution of a felony of the first degree punishable by a term
935 of years not exceeding life or a prosecution of a life or capital
936 felony.

937 (f) Felony of the third degree, punishable as provided in
938 s. 775.082, s. 775.083, or s. 775.084, where the offense level of
939 the affected official investigation or official proceeding is
940 indeterminable or where the affected official investigation or
941 official proceeding involves a noncriminal investigation or
942 proceeding.

943 (5)~~(3)~~ For the purposes of this section:

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

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

949 (6)~~(4)~~ In a prosecution for an offense under this section,
950 no state of mind need be proved with respect to the circumstance:

951 (a) That the official proceeding before a judge, court,
952 grand jury, or government agency is before a judge or court of
953 the state, a state or local grand jury, or a state agency; or

954 (b) That the judge is a judge of the state or that the law
955 enforcement officer is an officer or employee of the state or a
956 person authorized to act for or on behalf of the state or serving

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957 | the state as an adviser or consultant.

958 | Section 22. Section 943.031, Florida Statutes, is amended
959 | to read:

960 | 943.031 Florida Violent Crime and Drug Control Council.--

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

969 | (2)~~(1)~~ MEMBERSHIP.--The council shall consist of 14
970 | members, as follows:

971 | (a) The Attorney General or a designate.

972 | (b) A designate of the executive director of the Department
973 | of Law Enforcement.

974 | (c) The secretary of the Department of Corrections or a
975 | designate.

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

977 | (e) The Commissioner of Education or a designate.

978 | (f) The president of the Florida Network of Victim/Witness
979 | Services, Inc., or a designate.

980 | (g) The director of the Office of Drug Control within the
981 | Executive Office of the Governor, or a designate.

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

983 | (i) Six members appointed by the Governor, consisting of
984 | two sheriffs, two chiefs of police, one medical examiner, and one
985 | state attorney or their designates.

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

995 (3)~~(2)~~ TERMS OF MEMBERSHIP; OFFICERS; COMPENSATION;
996 STAFF.--

997 (a) Members appointed by the Governor shall be appointed
998 for terms of 2 years. The other members are standing members of
999 the council. In no event shall a member serve beyond the time he
1000 or she ceases to hold the office or employment which was the
1001 basis for appointment to the council. In the event of a vacancy,
1002 an appointment to fill the vacancy shall be only for the
1003 unexpired term.

1004 (b) The Legislature finds that the council serves a
1005 legitimate state, county, and municipal purpose and that service
1006 on the council is consistent with a member's principal service in
1007 a public office or employment. Membership on the council does not
1008 disqualify a member from holding any other public office or being
1009 employed by a public entity, except that no member of the
1010 Legislature shall serve on the council.

1011 (c) The members of the council shall elect a chair and a
1012 vice chair every 2 years, to serve for a 2-year term. As deemed
1013 appropriate, other officers may be elected by the members.

1014 (d) Members of the council or their designates shall serve

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1015 | without compensation but are entitled to reimbursement for per
1016 | diem and travel expenses pursuant to s. 112.061. Reimbursements
1017 | made pursuant to this paragraph may be paid from either the
1018 | Violent Crime Investigative Emergency and Drug Control Strategy
1019 | Implementation Account within the Department of Law Enforcement
1020 | Operating Trust Fund or from other appropriations provided to the
1021 | department by the Legislature in the General Appropriations Act.

1022 | (e) The department shall provide the council with staff
1023 | necessary to assist the council in the performance of its duties.

1024 | ~~(4)~~(3) MEETINGS.--The council must meet at least
1025 | semiannually. Additional meetings may be held when it is
1026 | determined by the chair that extraordinary circumstances require
1027 | an additional meeting of the council. A majority of the members
1028 | of the council constitutes a quorum.

1029 | ~~(5)~~(4) DUTIES OF COUNCIL.--The council shall provide advice
1030 | and make recommendations, as necessary, to the executive director
1031 | of the department.

1032 | (a) The council may advise the executive director on the
1033 | feasibility of undertaking initiatives which include, but are not
1034 | limited to, the following:

1035 | 1. Establishing a program which provides grants to criminal
1036 | justice agencies that develop and implement effective violent
1037 | crime prevention and investigative programs and which provides
1038 | grants to law enforcement agencies for the purpose of drug
1039 | control, criminal gang, and illicit money laundering
1040 | investigative efforts or task force efforts that are determined
1041 | by the council to significantly contribute to achieving the
1042 | state's goal of reducing drug-related crime as articulated by the
1043 | Office of Drug Control, that represent significant criminal gang

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1044 investigative efforts, that represent a significant illicit money
1045 laundering investigative effort, or that otherwise significantly
1046 support statewide strategies developed by the Statewide Drug
1047 Policy Advisory Council established under s. 397.333, subject to
1048 the limitations provided in this section. The grant program may
1049 include an innovations grant program to provide startup funding
1050 for new initiatives by local and state law enforcement agencies
1051 to combat violent crime or to implement drug control, criminal
1052 gang, or illicit money laundering investigative efforts or task
1053 force efforts by law enforcement agencies, including, but not
1054 limited to, initiatives such as:

- 1055 a. Providing enhanced community-oriented policing.
- 1056 b. Providing additional undercover officers and other
1057 investigative officers to assist with violent crime
1058 investigations in emergency situations.
- 1059 c. Providing funding for multiagency or statewide drug
1060 control, criminal gang, or illicit money laundering investigative
1061 efforts or task force efforts that cannot be reasonably funded
1062 completely by alternative sources and that significantly
1063 contribute to achieving the state's goal of reducing drug-related
1064 crime as articulated by the Office of Drug Control, that
1065 represent significant criminal gang investigative efforts, that
1066 represent a significant illicit money laundering investigative
1067 effort, or that otherwise significantly support statewide
1068 strategies developed by the Statewide Drug Policy Advisory
1069 Council established under s. 397.333.

- 1070 2. Expanding the use of automated fingerprint
1071 identification systems at the state and local level.
- 1072 3. Identifying methods to prevent violent crime.

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1073 4. Identifying methods to enhance multiagency or statewide
1074 drug control, criminal gang, or illicit money laundering
1075 investigative efforts or task force efforts that significantly
1076 contribute to achieving the state's goal of reducing drug-related
1077 crime as articulated by the Office of Drug Control, that
1078 represent significant criminal gang investigative efforts, that
1079 represent a significant illicit money laundering investigative
1080 effort, or that otherwise significantly support statewide
1081 strategies developed by the Statewide Drug Policy Advisory
1082 Council established under s. 397.333.

1083 5. Enhancing criminal justice training programs which
1084 address violent crime, drug control, ~~or~~ illicit money laundering
1085 investigative techniques, or efforts to control and eliminate
1086 criminal gangs.

1087 6. Developing and promoting crime prevention services and
1088 educational programs that serve the public, including, but not
1089 limited to:

1090 a. Enhanced victim and witness counseling services that
1091 also provide crisis intervention, information referral,
1092 transportation, and emergency financial assistance.

1093 b. A well-publicized rewards program for the apprehension
1094 and conviction of criminals who perpetrate violent crimes.

1095 7. Enhancing information sharing and assistance in the
1096 criminal justice community by expanding the use of community
1097 partnerships and community policing programs. Such expansion may
1098 include the use of civilian employees or volunteers to relieve
1099 law enforcement officers of clerical work in order to enable the
1100 officers to concentrate on street visibility within the
1101 community.

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- 1102 (b) The full council shall:
- 1103 1. Receive periodic reports from regional violent crime
- 1104 investigation and statewide drug control strategy implementation
- 1105 coordinating teams which relate to violent crime trends or the
- 1106 investigative needs or successes in the regions, including
- 1107 discussions regarding the activity of significant criminal gangs
- 1108 in the region, factors, and trends relevant to the implementation
- 1109 of the statewide drug strategy, and the results of drug control
- 1110 and illicit money laundering investigative efforts funded in part
- 1111 by the council.
- 1112 2. Maintain and use ~~utilize~~ criteria for the disbursement
- 1113 of funds from the Violent Crime Investigative Emergency and Drug
- 1114 Control Strategy Implementation Account or any other account from
- 1115 which the council may disburse proactive investigative funds as
- 1116 may be established within the Department of Law Enforcement
- 1117 Operating Trust Fund or other appropriations provided to the
- 1118 Department of Law Enforcement by the Legislature in the General
- 1119 Appropriations Act. The criteria shall allow for the advancement
- 1120 of funds to reimburse agencies regarding violent crime
- 1121 investigations as approved by the full council and the
- 1122 advancement of funds to implement proactive drug control
- 1123 strategies or significant criminal gang investigative efforts as
- 1124 authorized by the Drug Control Strategy and Criminal Gang
- 1125 Committee or the Victim and Witness Protection Review Committee.
- 1126 Regarding violent crime investigation reimbursement, an expedited
- 1127 approval procedure shall be established for rapid disbursement of
- 1128 funds in violent crime emergency situations.
- 1129 (c) As used in this section, "significant criminal gang
- 1130 investigative efforts" eligible for proactive funding must

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1131 involve at a minimum an effort against a known criminal gang
1132 that:

1133 1. Involves multiple law enforcement agencies.

1134 2. Reflects a dedicated significant investigative effort on
1135 the part of each participating agency in personnel, time devoted
1136 to the investigation, and agency resources dedicated to the
1137 effort.

1138 3. Reflects a dedicated commitment by a prosecuting
1139 authority to ensure that cases developed by the investigation
1140 will be timely and effectively prosecuted.

1141 4. Demonstrates a strategy and commitment to dismantling
1142 the criminal gang via seizures of assets, significant money
1143 laundering and organized crime investigations and prosecutions,
1144 or similar efforts.

1145
1146 The council may require satisfaction of additional elements, to
1147 include reporting criminal investigative and criminal
1148 intelligence information related to criminal gang activity and
1149 members in a manner required by the department, as a prerequisite
1150 for receiving proactive criminal gang funding.

1151 (6) DRUG CONTROL STRATEGY AND CRIMINAL GANG COMMITTEE.--

1152 (a) The Drug Control Strategy and Criminal Gang Committee
1153 is created within the Florida Violent Crime and Drug Control
1154 Council, consisting of the following council members:

1155 1. The Attorney General or a designate.

1156 2. The designate of the executive director of the
1157 Department of Law Enforcement.

1158 3. The secretary of the Department of Corrections or a
1159 designate.

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1160 4. The director of the Office of Drug Control within the
1161 Executive Office of the Governor or a designate.

1162 5. The state attorney, the two sheriffs, and the two chiefs
1163 of police, or their designates.

1164 (b) The committee shall

1165 ~~3.~~ review and approve all requests for disbursement of
1166 funds from the Violent Crime Investigative Emergency and Drug
1167 Control Strategy Implementation Account within the Department of
1168 Law Enforcement Operating Trust Fund and from other
1169 appropriations provided to the department by the Legislature in
1170 the General Appropriations Act. An expedited approval procedure
1171 shall be established for rapid disbursement of funds in violent
1172 crime emergency situations.

1173 (c) Those receiving any proactive funding provided by the
1174 council through the committee shall be required to report the
1175 results of the investigations to the council once the
1176 investigation has been completed. The committee shall also
1177 require ongoing status reports on ongoing investigations using
1178 such findings in its closed sessions.

1179 ~~(7)-(5)~~ REPORTS.--The council shall report annually on its
1180 activities, on or before December 30 of each calendar year, to
1181 the executive director, the President of the Senate, the Speaker
1182 of the House of Representatives, and the chairs of the Senate and
1183 House committees having principal jurisdiction over criminal law.
1184 Comments and responses of the executive director to the report
1185 are to be included.

1186 ~~(8)-(6)~~ VICTIM AND WITNESS PROTECTION REVIEW COMMITTEE.--

1187 (a) The Victim and Witness Protection Review Committee is
1188 created within the Florida Violent Crime and Drug Control

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1189 Council, consisting of the statewide prosecutor or a state
1190 attorney, a sheriff, a chief of police, and the designee of the
1191 executive director of the Department of Law Enforcement. The
1192 committee shall be appointed from the membership of the council
1193 by the chair of the council after the chair has consulted with
1194 the executive director of the Department of Law Enforcement.
1195 Committee members shall meet in conjunction with the meetings of
1196 the council.

1197 (b) The committee shall:

1198 1. Maintain and use ~~utilize~~ criteria for disbursing funds
1199 to reimburse law enforcement agencies for costs associated with
1200 providing victim and witness protective or temporary relocation
1201 services.

1202 2. Review and approve or deny, in whole or in part, all
1203 reimbursement requests submitted by law enforcement agencies.

1204 (c) The lead law enforcement agency providing victim or
1205 witness protective or temporary relocation services pursuant to
1206 the provisions of s. 914.25 may submit a request for
1207 reimbursement to the Victim and Witness Protection Review
1208 Committee in a format approved by the committee. The lead law
1209 enforcement agency shall submit such reimbursement request on
1210 behalf of all law enforcement agencies that cooperated in
1211 providing protective or temporary relocation services related to
1212 a particular criminal investigation or prosecution. As part of
1213 the reimbursement request, the lead law enforcement agency must
1214 indicate how any reimbursement proceeds will be distributed among
1215 the agencies that provided protective or temporary relocation
1216 services.

1217 (d) The committee, in its discretion, may use funds

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1218 | available to the committee to provide all or partial
1219 | reimbursement to the lead law enforcement agency for such costs,
1220 | or may decline to provide any reimbursement.

1221 | (e) The committee may conduct its meeting by teleconference
1222 | or conference phone calls when the chair of the committee finds
1223 | that the need for reimbursement is such that delaying until the
1224 | next scheduled council meeting will adversely affect the
1225 | requesting agency's ability to provide the protection services.

1226 | (9)~~(7)~~ CONFIDENTIALITY; EXEMPTED PORTIONS OF COUNCIL
1227 | MEETINGS AND RECORDS.--

1228 | (a) The Legislature finds that during limited portions of
1229 | the meetings of the Florida Violent Crime and Drug Control
1230 | Council it is necessary that the council be presented with and
1231 | discuss details, information, and documents related to active
1232 | criminal investigations or matters constituting active criminal
1233 | intelligence, as those concepts are defined by s. 119.011. These
1234 | presentations and discussions are necessary for the council to
1235 | make its funding decisions as required by the Legislature. The
1236 | Legislature finds that to reveal the contents of documents
1237 | containing active criminal investigative or intelligence
1238 | information or to allow active criminal investigative or active
1239 | criminal intelligence matters to be discussed in a meeting open
1240 | to the public negatively impacts the ability of law enforcement
1241 | agencies to efficiently continue their investigative or
1242 | intelligence gathering activities. The Legislature finds that
1243 | information coming before the council that pertains to active
1244 | criminal investigations or intelligence should remain
1245 | confidential and exempt from public disclosure. The Legislature
1246 | finds that the Florida Violent Crime and Drug Control Council

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1247 may, by declaring only those portions of council meetings in
1248 which active criminal investigative or active criminal
1249 intelligence information is to be presented or discussed closed
1250 to the public, assure an appropriate balance between the policy
1251 of this state that meetings be public and the policy of this
1252 state to facilitate efficient law enforcement efforts.

1253 (b) The Florida Violent Crime and Drug Control Council
1254 shall be considered a "criminal justice agency" within the
1255 definition of s. 119.011(4).

1256 (c)1. The Florida Violent Crime and Drug Control Council
1257 may close portions of meetings during which the council will hear
1258 or discuss active criminal investigative information or active
1259 criminal intelligence information, and such portions of meetings
1260 shall be exempt from the provisions of s. 286.011 and s. 24(b),
1261 Art. I of the State Constitution, provided that the following
1262 conditions are met:

1263 a. The chair of the council shall advise the council at a
1264 public meeting that, in connection with the performance of a
1265 council duty, it is necessary that the council hear or discuss
1266 active criminal investigative information or active criminal
1267 intelligence information.

1268 b. The chair's declaration of necessity for closure and the
1269 specific reasons for such necessity shall be stated in writing in
1270 a document that shall be a public record and shall be filed with
1271 the official records of the council.

1272 c. The entire closed session shall be recorded. The
1273 recording shall include the times of commencement and termination
1274 of the closed session, all discussion and proceedings, and the
1275 names of all persons present. No portion of the session shall be

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1276 off the record. Such recording shall be maintained by the
1277 council.

1278 2. Only members of the council, Department of Law
1279 Enforcement staff supporting the council's function, and other
1280 persons whose presence has been authorized by the chair of the
1281 council shall be allowed to attend the exempted portions of the
1282 council meetings. The council shall assure that any closure of
1283 its meetings as authorized by this section is limited so that the
1284 general policy of this state in favor of public meetings is
1285 maintained.

1286 (d) A tape recording of, and any minutes and notes
1287 generated during, that portion of a Florida Violent Crime and
1288 Drug Control Council meeting which is closed to the public
1289 pursuant to this section are confidential and exempt from s.
1290 119.07(1) and s. 24(a), Art. I of the State Constitution until
1291 such time as the criminal investigative information or criminal
1292 intelligence information ceases to be active.

1293 Section 23. Subsection (3) is added to section 948.03,
1294 Florida Statutes, to read:

1295 948.03 Terms and conditions of probation.--

1296 (3) As a condition of an order sentencing a person to
1297 probation, community control, or any other court-ordered
1298 community supervision, and subject to the ability of the person
1299 to pay postjudgment obligations, the court may order the posting
1300 of a surety bond to secure the appearance of the person at any
1301 subsequent court proceeding. The surety bond must be filed by a
1302 bail agent with the sheriff who shall provide a copy to the clerk
1303 of the court. Upon written notice by the court or the clerk of
1304 the court, the bail agent shall produce the person to the court.

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1305 The bail agent shall surrender the person to the sheriff after
1306 the bail agent receives a written notice, e-mail, or facsimile
1307 notice from the probation officer that the person has violated
1308 the terms of probation, community control, or court-ordered
1309 community supervision. If the bail agent does not surrender the
1310 person to the sheriff after receiving notice from the probation
1311 officer or does not produce the person in court at the time
1312 noticed by the court or the clerk of court, the bond shall be
1313 forfeited in accordance with chapters 648 and 903. Failure to
1314 appear shall be the sole grounds for forfeiture of the appearance
1315 bond. If not inconsistent with this subsection, chapters 648 and
1316 903 shall govern the relationship between the parties to the
1317 bond.

1318 Section 24. Section 948.033, Florida Statutes, is created
1319 to read:

1320 948.033 Condition of probation or community control;
1321 criminal gang.--Effective for a probationer or community
1322 controllee whose crime was committed on or after October 1, 2008,
1323 and who has been found to have committed the crime for the
1324 purpose of benefiting, promoting, or furthering the interests of
1325 criminal gang, the court shall, in addition to any other
1326 conditions imposed, impose a condition prohibiting the
1327 probationer or community controllee from knowingly associating
1328 with other criminal gang members or associates, except as
1329 authorized by law enforcement officials, prosecutorial
1330 authorities, or the court, for the purpose of aiding in the
1331 investigation of criminal activity.

1332 Section 25. Section 947.18, Florida Statutes, is amended to
1333 read:

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1334 947.18 Conditions of parole.--No person shall be placed on
1335 parole merely as a reward for good conduct or efficient
1336 performance of duties assigned in prison. No person shall be
1337 placed on parole until and unless the commission finds that there
1338 is reasonable probability that, if the person is placed on
1339 parole, he or she will live and conduct himself or herself as a
1340 respectable and law-abiding person and that the person's release
1341 will be compatible with his or her own welfare and the welfare of
1342 society. No person shall be placed on parole unless and until the
1343 commission is satisfied that he or she will be suitably employed
1344 in self-sustaining employment or that he or she will not become a
1345 public charge. The commission shall determine the terms upon
1346 which such person shall be granted parole. If the person's
1347 conviction was for a controlled substance violation, one of the
1348 conditions must be that the person submit to random substance
1349 abuse testing intermittently throughout the term of supervision,
1350 upon the direction of the correctional probation officer as
1351 defined in s. 943.10(3). In addition to any other lawful
1352 condition of parole, the commission may make the payment of the
1353 debt due and owing to the state under s. 960.17 or the payment of
1354 the attorney's fees and costs due and owing to the state under s.
1355 938.29 a condition of parole subject to modification based on
1356 change of circumstances. If the person's conviction was for a
1357 crime that was found to have been committed for the purpose of
1358 benefiting, promoting, or furthering the interests of a criminal
1359 gang, one of the conditions must be that the person be prohibited
1360 from knowingly associating with other criminal gang members or
1361 associates, except as authorized by law enforcement officials,
1362 prosecutorial authorities, or the court, for the purpose of

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1363 aiding in the investigation of criminal activity.

1364 Section 26. Subsection (11) is added to section 947.1405,
1365 Florida Statutes, to read:

1366 947.1405 Conditional release program.--

1367 (11) Effective for a releasee whose crime was committed on
1368 or after October 1, 2008, and who has been found to have
1369 committed the crime for the purpose of benefiting, promoting, or
1370 furthering the interests of a criminal gang, the commission
1371 shall, in addition to any other conditions imposed, impose a
1372 condition prohibiting the releasee from knowingly associating
1373 with other criminal gang members or associates, except as
1374 authorized by law enforcement officials, prosecutorial
1375 authorities, or the court, for the purpose of aiding in the
1376 investigation of criminal activity.

1377 Section 27. Subsection (2) of section 893.138, Florida
1378 Statutes, is amended to read:

1379 893.138 Local administrative action to abate drug-related,
1380 prostitution-related, or stolen-property-related public nuisances
1381 and criminal ~~street~~ gang activity.--

1382 (2) Any place or premises that has been used:

1383 (a) On more than two occasions within a 6-month period, as
1384 the site of a violation of s. 796.07;

1385 (b) On more than two occasions within a 6-month period, as
1386 the site of the unlawful sale, delivery, manufacture, or
1387 cultivation of any controlled substance;

1388 (c) On one occasion as the site of the unlawful possession
1389 of a controlled substance, where such possession constitutes a
1390 felony and that has been previously used on more than one
1391 occasion as the site of the unlawful sale, delivery, manufacture,

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1392 or cultivation of any controlled substance;

1393 (d) By a criminal ~~street~~ gang for the purpose of conducting
 1394 ~~a pattern of~~ criminal ~~street~~ gang activity as defined by s.
 1395 874.03; or

1396 (e) On more than two occasions within a 6-month period, as
 1397 the site of a violation of s. 812.019 relating to dealing in
 1398 stolen property

1399
 1400 may be declared to be a public nuisance, and such nuisance may be
 1401 abated pursuant to the procedures provided in this section.

1402 Section 28. Paragraphs (d), (e), and (g) of subsection (3)
 1403 of section 921.0022, Florida Statutes, are amended to read:

1404 921.0022 Criminal Punishment Code; offense severity ranking
 1405 chart.--

1406 (3) OFFENSE SEVERITY RANKING CHART

1407 (d) LEVEL 4

1408

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

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1411	499.0051(2)	3rd	Failure to authenticate pedigree papers.
1412	499.0051(6)	2nd	Sale or delivery, or possession with intent to sell, contraband legend drugs.
1413	784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, intake officer, etc.
1414	784.074(1)(c)	3rd	Battery of sexually violent predators facility staff.
1415	784.075	3rd	Battery on detention or commitment facility staff.
1416	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
1417	784.08(2)(c)	3rd	Battery on a person 65 years of age or older.
1418	784.081(3)	3rd	Battery on specified official or employee.
1419	784.082(3)	3rd	Battery by detained person on visitor or other detainee.

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1420	784.083 (3)	3rd	Battery on code inspector.
1421	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
1422	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
1423	787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
1424	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
1425	790.115 (1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
1426	790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
1427	790.115 (2) (c)	3rd	Possessing firearm on school property.
1428			

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1429	800.04 (7) (d)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
1430	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
1431	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
1432	810.06	3rd	Burglary; possession of tools.
1433	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
1434	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
1435	812.014 (2) (c) 4.- 10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
1436	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 controlled substance agreed upon,

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			excluding s. 893.03(5) drugs.
1437	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
1438	817.625 (2) (a)	3rd	Fraudulent use of scanning device or reencoder.
1439	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
1440	837.02 (1)	3rd	Perjury in official proceedings.
1441	837.021 (1)	3rd	Make contradictory statements in official proceedings.
1442	838.022	3rd	Official misconduct.
1443	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
1444	839.13 (2) (c)	3rd	Falsifying records of the Department of Children and Family Services.
1445	843.021	3rd	Possession of a concealed handcuff key by a person in custody.

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1446	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
1447	843.15 (1) (a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
1448	874.05 (1)	3rd	Encouraging or recruiting another to join a criminal street gang.
1449	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).
1450	914.14 (2)	3rd	Witnesses accepting bribes.
1451	914.22 (1)	3rd	Force, threaten, etc., witness, victim, or informant.
1452	914.23 (2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
1453	918.12	3rd	Tampering with jurors.
1454	934.215	3rd	Use of two-way communications device

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to facilitate commission of a crime.

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(e) LEVEL 5

Florida Statute	Felony Degree	Description
316.027 (1) (a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.

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1465	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
1466	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
1467	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
1468	790.01 (2)	3rd	Carrying a concealed firearm.
1469	790.162	2nd	Threat to throw or discharge destructive device.
1470	790.163 (1)	2nd	False report of deadly explosive or weapon of mass destruction.
1471	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
1472	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
1473			

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1474	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
1475	800.04 (7) (c)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
1476	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
1477	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
1478	812.015 (8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
1479	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
1480	812.131 (2) (b)	3rd	Robbery by sudden snatching.
1481	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
1482	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.

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1483	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
1484	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.
1485	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.
1486	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device or reencoder.
1487	825.1025 (4)	3rd	Lewd or lascivious exhibition in the 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.

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1488	827.071 (5)	3rd	Possess any photographic material, motion picture, etc., which includes sexual conduct by a child.
1489	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.
1490	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
1491	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
1492	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
1493	874.05 (2)	2nd	Encouraging or recruiting another to join a criminal street gang; second or subsequent offense.
1494	893.13 (1) (a) 1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4. drugs).
1495			

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1496

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.

1497

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

1498

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

893.13(1)(f)1. 1st Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a),

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1499			(1) (b), (1) (d), or (2) (a), (2) (b), or (2) (c)4. drugs) within 1,000 feet of public housing facility.
1500	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).
1501	(g)	LEVEL 7	
1502			
1503	Florida Statute	Felony Degree	Description
1504	316.027 (1) (b)	1st	Accident involving death, failure to stop; leaving scene.
1505	316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily 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.

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1506	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
1507	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
1508	409.920 (2)	3rd	Medicaid provider fraud.
1509	456.065 (2)	3rd	Practicing a health care profession without a license.
1510	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
1511	458.327 (1)	3rd	Practicing medicine without a license.
1512	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
1513	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
1514	461.012 (1)	3rd	Practicing podiatric medicine

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			without a license.
1515	462.17	3rd	Practicing naturopathy without a license.
1516	463.015 (1)	3rd	Practicing optometry without a license.
1517	464.016 (1)	3rd	Practicing nursing without a license.
1518	465.015 (2)	3rd	Practicing pharmacy without a license.
1519	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
1520	467.201	3rd	Practicing midwifery without a license.
1521	468.366	3rd	Delivering respiratory care services without a license.
1522	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
1523	483.901 (9)	3rd	Practicing medical physics without a license.
1524			

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1525	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
1526	484.053	3rd	Dispensing hearing aids without a license.
1527	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.
1528	560.123 (8) (b) 1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.
1529	560.125 (5) (a)	3rd	Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
1530	655.50 (10) (b) 1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
	775.21 (10) (a)	3rd	Sexual predator; failure to

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			register; failure to renew driver's license or identification card; other registration violations.
1531	775.21 (10) (b)	3rd	Sexual predator working where children regularly congregate.
1532	775.21 (10) (g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
1533	782.051 (3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
1534	782.07 (1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
1535	782.071	2nd	Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
1536	782.072	2nd	Killing of a human being by the

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			operation of a vessel in a reckless manner (vessel homicide).
1537	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
1538	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
1539	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
1540	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
1541	784.048 (7)	3rd	Aggravated stalking; violation of court order.
1542	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
1543	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
1544	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
1545	784.081 (1)	1st	Aggravated battery on specified

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1546			official or employee.
	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
1547			
	784.083 (1)	1st	Aggravated battery on code inspector.
1548			
	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
1549			
	790.16 (1)	1st	Discharge of a machine gun under specified circumstances.
1550			
	790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
1551			
	790.165 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
1552			
	790.166 (3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
1553			
	790.166 (4)	2nd	Possessing, displaying, or

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1554	<u>790.23</u>	<u>1st</u>	threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
1555	794.08 (4)	3rd	<u>Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.</u>
1556	796.03	2nd	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.
1557	800.04 (5) (c) 1.	2nd	Procuring any person under 16 years for prostitution.
1558	800.04 (5) (c) 2.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
1559	806.01 (2)	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
			Maliciously damage structure by fire or explosive.

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1560	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
1561	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
1562	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
1563	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
1564	812.014 (2) (a) 1.	1st	Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.
1565	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
1566	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
1567	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized

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			emergency vehicle.
1568	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
1569	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
1570	812.131 (2) (a)	2nd	Robbery by sudden snatching.
1571	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
1572	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
1573	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
1574	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
1575	817.2341 (2) (b) & (3) (b)	1st	Making false entries of material fact or false statements regarding property values relating to the

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1576			solvency of an insuring entity which are a significant cause of the insolvency of that entity.
	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
1577			
	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.
1578			
	827.03 (3) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
1579			
	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
1580			
	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
1581			
	838.015	2nd	Bribery.
1582			
	838.016	2nd	Unlawful compensation or reward

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			for official behavior.
1583			
	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
1584			
	838.22	2nd	Bid tampering.
1585			
	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
1586			
	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
1587			
	872.06	2nd	Abuse of a dead human body.
1588			
	<u>874.10</u>	<u>1st</u>	<u>Directing the activities of a criminal gang.</u>
1589			
	<u>874.13</u>	<u>1st</u>	<u>Commission of a gang-related offense by a habitual felony offender.</u>
1590			
	893.13 (1) (c) 1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park

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			or publicly owned recreational facility or community center.
1591	893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified business site.
1592	893.13(4)(a)	1st	Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).
1593	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
1594	893.135(1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
1595	893.135(1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
1596	893.135(1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.

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1597	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
1598	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
1599	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
1600	893.135 (1) (h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
1601	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
1602	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
1603	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
1604	896.104 (4) (a) 1.	3rd	Structuring transactions to evade

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			reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
1605	943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
1606	943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
1607	943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
1608	943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
1609	943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
1610	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
1611			

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1612

944.607(10) (a) 3rd Sexual offender; failure to submit to the taking of a digitized photograph.

1613

944.607(12) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

1614

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

1615

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

1616

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

1617

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

1618

Section 29. Subsection (1) of section 921.0024, Florida

1619

Statutes, is amended to read:

1620

921.0024 Criminal Punishment Code; worksheet computations;

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1621 | scoresheets.--

1622 | (1) (a) The Criminal Punishment Code worksheet is used to
 1623 | compute the subtotal and total sentence points as follows:

1624 |

1625 | FLORIDA CRIMINAL PUNISHMENT CODE
 1626 | WORKSHEET

1627 |

1628 | OFFENSE SCORE

1629 |

1630 | Primary Offense

1631 |

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

1632 |

1633 |

10	116	= _____
----	-----	---------

1634 |

9	92	= _____
---	----	---------

1635 |

8	74	= _____
---	----	---------

1636 |

7	56	= _____
---	----	---------

1637 |

6	36	= _____
---	----	---------

1638 |

5	28	= _____
---	----	---------

1639 |

4	22	= _____
---	----	---------

1640 |

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1641
1642
1643
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1651
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1654
1655

3	16	=	_____
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	_____	= _____

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1656
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1669
1670

3	2.4	x	_____	=	_____
2	1.2	x	_____	=	_____
1	0.7	x	_____	=	_____
M	0.2	x	_____	=	_____

Total

Victim Injury

Level	Sentence Points		Number	Total
2nd degree murder- death	240	x	_____	= _____
Death	120	x	_____	= _____
Severe	40	x	_____	= _____
Moderate	18	x	_____	= _____

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

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1671 Slight 4 x _____ = _____

1672 Sexual 80 x _____ = _____
penetration

1673 Sexual contact 40 x _____ = _____

1674
1675 Total

1676 Primary Offense + Additional Offenses + Victim Injury =

1677 TOTAL OFFENSE SCORE

1678
1679 PRIOR RECORD SCORE

1681 Prior Record

1682
1683 Level Sentence Points Number Total

1684 10 29 x _____ = _____

1685 9 23 x _____ = _____

1686 8 19 x _____ = _____

1687 7 14 x _____ = _____

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1688	6	9	x	_____	=	_____
1689	5	3.6	x	_____	=	_____
1690	4	2.4	x	_____	=	_____
1691	3	1.6	x	_____	=	_____
1692	2	0.8	x	_____	=	_____
1693	1	0.5	x	_____	=	_____
1694	M	0.2	x	_____	=	_____

Total

1697

1698 TOTAL OFFENSE SCORE

1699 TOTAL PRIOR RECORD SCORE

1700

1701 LEGAL STATUS

1702 COMMUNITY SANCTION VIOLATION

1703 PRIOR SERIOUS FELONY

1704 PRIOR CAPITAL FELONY

1705 FIREARM OR SEMIAUTOMATIC WEAPON

1706 SUBTOTAL _____

1707

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1708 PRISON RELEASEE REOFFENDER (no) (yes)
 1709 VIOLENT CAREER CRIMINAL (no) (yes)
 1710 HABITUAL VIOLENT OFFENDER (no) (yes)
 1711 HABITUAL OFFENDER (no) (yes)
 1712 DRUG TRAFFICKER (no) (yes) (x multiplier)
 1713 LAW ENF. PROTECT. (no) (yes) (x multiplier)
 1714 MOTOR VEHICLE THEFT (no) (yes) (x multiplier)
 1715 CRIMINAL ~~STREET~~ GANG OFFENSE (no) (yes) (x multiplier)
 1716 DOMESTIC VIOLENCE IN THE PRESENCE OF RELATED CHILD (no) (yes)
 1717 (x multiplier)
 1718
 1719 TOTAL SENTENCE POINTS _____
 1720

1721 (b) WORKSHEET KEY:
 1722

1723 Legal status points are assessed when any form of legal status
 1724 existed at the time the offender committed an offense before the
 1725 court for sentencing. Four (4) sentence points are assessed for
 1726 an offender's legal status.
 1727

1728 Community sanction violation points are assessed when a community
 1729 sanction violation is before the court for sentencing. Six (6)
 1730 sentence points are assessed for each community sanction
 1731 violation and each successive community sanction violation,
 1732 unless any of the following apply:

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

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1737 involving a new felony conviction.

1738 2. If the community sanction violation is committed by a
1739 violent felony offender of special concern as defined in s.
1740 948.06:

1741 a. Twelve (12) community sanction violation points are
1742 assessed for the violation and for each successive violation of
1743 felony probation or community control where:

1744 (I) The violation does not include a new felony conviction;
1745 and

1746 (II) The community sanction violation is not based solely
1747 on the probationer or offender's failure to pay costs or fines or
1748 make restitution payments.

1749 b. Twenty-four (24) community sanction violation points are
1750 assessed for the violation and for each successive violation of
1751 felony probation or community control where the violation
1752 includes a new felony conviction.

1753
1754 Multiple counts of community sanction violations before the
1755 sentencing court shall not be a basis for multiplying the
1756 assessment of community sanction violation points.

1757
1758 Prior serious felony points: If the offender has a primary
1759 offense or any additional offense ranked in level 8, level 9, or
1760 level 10, and one or more prior serious felonies, a single
1761 assessment of thirty (30) points shall be added. For purposes of
1762 this section, a prior serious felony is an offense in the
1763 offender's prior record that is ranked in level 8, level 9, or
1764 level 10 under s. 921.0022 or s. 921.0023 and for which the
1765 offender is serving a sentence of confinement, supervision, or

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1766 other sanction or for which the offender's date of release from
1767 confinement, supervision, or other sanction, whichever is later,
1768 is within 3 years before the date the primary offense or any
1769 additional offense was committed.

1770
1771 Prior capital felony points: If the offender has one or more
1772 prior capital felonies in the offender's criminal record, points
1773 shall be added to the subtotal sentence points of the offender
1774 equal to twice the number of points the offender receives for the
1775 primary offense and any additional offense. A prior capital
1776 felony in the offender's criminal record is a previous capital
1777 felony offense for which the offender has entered a plea of nolo
1778 contendere or guilty or has been found guilty; or a felony in
1779 another jurisdiction which is a capital felony in that
1780 jurisdiction, or would be a capital felony if the offense were
1781 committed in this state.

1782
1783 Possession of a firearm, semiautomatic firearm, or machine gun:
1784 If the offender is convicted of committing or attempting to
1785 commit any felony other than those enumerated in s. 775.087(2)
1786 while having in his or her possession: a firearm as defined in s.
1787 790.001(6), an additional eighteen (18) sentence points are
1788 assessed; or if the offender is convicted of committing or
1789 attempting to commit any felony other than those enumerated in s.
1790 775.087(3) while having in his or her possession a semiautomatic
1791 firearm as defined in s. 775.087(3) or a machine gun as defined
1792 in s. 790.001(9), an additional twenty-five (25) sentence points
1793 are assessed.

1794

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1795 Sentencing multipliers:

1796

1797 Drug trafficking: If the primary offense is drug trafficking
1798 under s. 893.135, the subtotal sentence points are multiplied, at
1799 the discretion of the court, for a level 7 or level 8 offense, by
1800 1.5. The state attorney may move the sentencing court to reduce
1801 or suspend the sentence of a person convicted of a level 7 or
1802 level 8 offense, if the offender provides substantial assistance
1803 as described in s. 893.135(4).

1804

1805 Law enforcement protection: If the primary offense is a violation
1806 of the Law Enforcement Protection Act under s. 775.0823(2), (3),
1807 or (4), the subtotal sentence points are multiplied by 2.5. If
1808 the primary offense is a violation of s. 775.0823(5), (6), (7),
1809 (8), or (9), the subtotal sentence points are multiplied by 2.0.
1810 If the primary offense is a violation of s. 784.07(3) or s.
1811 775.0875(1), or of the Law Enforcement Protection Act under s.
1812 775.0823(10) or (11), the subtotal sentence points are multiplied
1813 by 1.5.

1814

1815 Grand theft of a motor vehicle: If the primary offense is grand
1816 theft of the third degree involving a motor vehicle and in the
1817 offender's prior record, there are three or more grand thefts of
1818 the third degree involving a motor vehicle, the subtotal sentence
1819 points are multiplied by 1.5.

1820

1821 Offense related to a criminal ~~street~~ gang: If the offender is
1822 convicted of the primary offense and committed that offense for
1823 the purpose of benefiting, promoting, or furthering the interests

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1824 of a criminal ~~street~~ gang as prohibited under s. 874.04, the
1825 subtotal sentence points are multiplied by 1.5.

1826

1827 Domestic violence in the presence of a child: If the offender is
1828 convicted of the primary offense and the primary offense is a
1829 crime of domestic violence, as defined in s. 741.28, which was
1830 committed in the presence of a child under 16 years of age who is
1831 a family or household member as defined in s. 741.28(3) with the
1832 victim or perpetrator, the subtotal sentence points are
1833 multiplied by 1.5.

1834 Section 30. Paragraph (n) of subsection (5) of section
1835 921.141, Florida Statutes, is amended to read:

1836 921.141 Sentence of death or life imprisonment for capital
1837 felonies; further proceedings to determine sentence.--

1838 (5) AGGRAVATING CIRCUMSTANCES.--Aggravating circumstances
1839 shall be limited to the following:

1840 (n) The capital felony was committed by a criminal ~~street~~
1841 gang member, as defined in s. 874.03.

1842 Section 31. Paragraph (c) of subsection (10) of section
1843 943.325, Florida Statutes, is amended to read:

1844 943.325 Blood or other biological specimen testing for DNA
1845 analysis.--

1846 (10)

1847 (c) Any person previously convicted of an offense specified
1848 in this section, or a crime which, if committed in this state,
1849 would be an offense specified in this section, and who is also
1850 subject to the registration requirement imposed by s. 775.13,
1851 shall be subject to the collection requirement of this section
1852 when the appropriate agency described in this section verifies

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1853 the identification information of the person. The collection
1854 requirement of this section does not apply to a person as
1855 described in s. 775.13(4) ~~s. 775.13(5)~~.

1856 Section 32. Subsection (30) of section 984.03, Florida
1857 Statutes, is amended to read:

1858 984.03 Definitions.--When used in this chapter, the term:

1859 (30) "Juvenile justice continuum" includes, but is not
1860 limited to, delinquency prevention programs and services designed
1861 for the purpose of preventing or reducing delinquent acts,
1862 including criminal activity by criminal ~~youth~~ gangs and juvenile
1863 arrests, as well as programs and services targeted at children
1864 who have committed delinquent acts, and children who have
1865 previously been committed to residential treatment programs for
1866 delinquents. The term includes children-in-need-of-services and
1867 families-in-need-of-services programs; conditional release;
1868 substance abuse and mental health programs; educational and
1869 vocational programs; recreational programs; community services
1870 programs; community service work programs; and alternative
1871 dispute resolution programs serving children at risk of
1872 delinquency and their families, whether offered or delivered by
1873 state or local governmental entities, public or private for-
1874 profit or not-for-profit organizations, or religious or
1875 charitable organizations.

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

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

1880 (c) "Delinquency prevention programs" means programs
1881 designed for the purpose of reducing the occurrence of

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1882 delinquency, including criminal ~~youth and street~~ gang activity,
1883 and juvenile arrests. The term excludes arbitration, diversionary
1884 or mediation programs, and community service work or other
1885 treatment available subsequent to a child committing a delinquent
1886 act.

1887 (29) "Juvenile justice continuum" includes, but is not
1888 limited to, delinquency prevention programs and services designed
1889 for the purpose of preventing or reducing delinquent acts,
1890 including criminal activity by criminal ~~youth~~ gangs, and juvenile
1891 arrests, as well as programs and services targeted at children
1892 who have committed delinquent acts, and children who have
1893 previously been committed to residential treatment programs for
1894 delinquents. The term includes children-in-need-of-services and
1895 families-in-need-of-services programs; conditional release;
1896 substance abuse and mental health programs; educational and
1897 career programs; recreational programs; community services
1898 programs; community service work programs; and alternative
1899 dispute resolution programs serving children at risk of
1900 delinquency and their families, whether offered or delivered by
1901 state or local governmental entities, public or private for-
1902 profit or not-for-profit organizations, or religious or
1903 charitable organizations.

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

1906 985.047 Information systems.--

1907 (1)

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

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1911 the following criteria:

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

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

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

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

1922 5. Has 10 or more arrests, at least 8 of which are for any
1923 of the following offenses:

1924 a. Petit theft;

1925 b. Misdemeanor assault;

1926 c. Possession of a controlled substance;

1927 d. Weapon or firearm violation; or

1928 e. Substance abuse.

1929

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

1932 6. Meets at least one of the criteria for criminal youth
1933 ~~and street~~ gang membership.

1934 Section 35. Paragraph (a) of subsection (6) and subsection
1935 (7) of section 985.433, Florida Statutes, are amended to read:

1936 985.433 Disposition hearings in delinquency cases.--When a
1937 child has been found to have committed a delinquent act, the
1938 following procedures shall be applicable to the disposition of
1939 the case:

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1940 (6) The first determination to be made by the court is a
1941 determination of the suitability or nonsuitability for
1942 adjudication and commitment of the child to the department. This
1943 determination shall include consideration of the recommendations
1944 of the department, which may include a predisposition report. The
1945 predisposition report shall include, whether as part of the
1946 child's multidisciplinary assessment, classification, and
1947 placement process components or separately, evaluation of the
1948 following criteria:

1949 (a) The seriousness of the offense to the community. If the
1950 court determines under chapter 874 that the child was a member of
1951 a criminal ~~street~~ gang at the time of the commission of the
1952 offense, the seriousness of the offense to the community shall be
1953 given great weight.

1954
1955 It is the intent of the Legislature that the criteria set forth
1956 in this subsection are general guidelines to be followed at the
1957 discretion of the court and not mandatory requirements of
1958 procedure. It is not the intent of the Legislature to provide for
1959 the appeal of the disposition made under this section.

1960 (7) If the court determines that the child should be
1961 adjudicated as having committed a delinquent act and should be
1962 committed to the department, such determination shall be in
1963 writing or on the record of the hearing. The determination shall
1964 include a specific finding of the reasons for the decision to
1965 adjudicate and to commit the child to the department, including
1966 any determination that the child was a member of a criminal
1967 ~~street~~ gang.

1968 (a) The juvenile probation officer shall recommend to the

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1969 | court the most appropriate placement and treatment plan,
1970 | specifically identifying the restrictiveness level most
1971 | appropriate for the child. If the court has determined that the
1972 | child was a member of a criminal ~~street~~ gang, that determination
1973 | shall be given great weight in identifying the most appropriate
1974 | restrictiveness level for the child. The court shall consider the
1975 | department's recommendation in making its commitment decision.

1976 | (b) The court shall commit the child to the department at
1977 | the restrictiveness level identified or may order placement at a
1978 | different restrictiveness level. The court shall state for the
1979 | record the reasons that establish by a preponderance of the
1980 | evidence why the court is disregarding the assessment of the
1981 | child and the restrictiveness level recommended by the
1982 | department. Any party may appeal the court's findings resulting
1983 | in a modified level of restrictiveness under this paragraph.

1984 | (c) The court may also require that the child be placed in
1985 | a probation program following the child's discharge from
1986 | commitment. Community-based sanctions under subsection (8) may be
1987 | imposed by the court at the disposition hearing or at any time
1988 | prior to the child's release from commitment.

1989 | Section 36. The Division of Statutory Revision is directed
1990 | to redesignate the title of chapter 874, Florida Statutes, as
1991 | "Criminal Gang Enforcement and Prevention."

1992 | Section 37. This act shall take effect October 1, 2008.