

HB 1173

2012

1 A bill to be entitled
2 An act relating to criminal gang prevention; amending
3 s. 810.0975, F.S.; providing enhanced criminal
4 penalties for certain trespassing offenses in school
5 safety zones by a person convicted of certain gang-
6 related offenses; amending s. 874.05, F.S.; providing
7 enhanced criminal penalties for a person who
8 intentionally causes, encourages, solicits, or
9 recruits another person under a specified age to
10 become a criminal gang member in certain
11 circumstances; amending s. 951.23, F.S.; authorizing
12 county and municipal detention facilities to designate
13 an individual to be responsible for determining the
14 gang status of each inmate entering the facility and
15 to assess each current inmate for gang activity or
16 gang affiliation; providing duties of such
17 individuals; amending ss. 435.04 and 921.0022, F.S.;
18 conforming cross-references and assigning offense
19 severity rankings for violations of s. 874.05, F.S.;
20 amending s. 921.0024, F.S.; revising the criteria for
21 application of the sentencing multiplier for offenses
22 related to criminal gangs; providing an effective
23 date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Section 810.0975, Florida Statutes, is amended
28 to read:

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29 | 810.0975 School safety zones; definition; trespass
30 | prohibited; penalty.—

31 | (1) For the purposes of this section, the term "school
32 | safety zone" means in, on, or within 500 feet of any real
33 | property owned by or leased to any public or private elementary,
34 | middle, or high school or school board and used for elementary,
35 | middle, or high school education.

36 | (2) (a) Each principal or designee of each public or
37 | private school in this state shall notify the appropriate law
38 | enforcement agency to prohibit any person from loitering in the
39 | school safety zone who does not have legitimate business in the
40 | school safety zone or any other authorization, or license to
41 | enter or remain in the school safety zone or does not otherwise
42 | have invitee status in the designated safety zone.

43 | (b) 1. During the period from 1 hour prior to the start of
44 | a school session until 1 hour after the conclusion of a school
45 | session, it is unlawful for any person to enter the premises or
46 | trespass within a school safety zone or to remain on such
47 | premises or within such school safety zone when that person does
48 | not have legitimate business in the school safety zone or any
49 | other authorization, license, or invitation to enter or remain
50 | in the school safety zone.

51 | 2.a. Except as provided in sub-subparagraph b., a ~~Any~~
52 | person who violates this subsection commits a misdemeanor of the
53 | second degree, punishable as provided in s. 775.082 or s.
54 | 775.083.

55 | b. A person who violates this subsection and who has been
56 | previously convicted of any offense contained in chapter 874

57 commits a misdemeanor of the first degree, punishable as
 58 provided in s. 775.082 or s. 775.083.

59 (c) 1. Except as provided in subparagraph 2., ~~Any~~ person
 60 who does not have legitimate business in the school safety zone
 61 or any other authorization, license, or invitation to enter or
 62 remain in the school safety zone who shall willfully fail to
 63 remove himself or herself from the school safety zone after the
 64 principal or designee, having a reasonable belief that he or she
 65 will commit a crime or is engaged in harassment or intimidation
 66 of students entering or leaving school property, requests him or
 67 her to leave the school safety zone commits a misdemeanor of the
 68 second degree, punishable as provided in s. 775.082 or s.
 69 775.083.

70 2. A person who violates subparagraph 1. and who has been
 71 previously convicted of any offense contained in chapter 874
 72 commits a misdemeanor of the first degree, punishable as
 73 provided in s. 775.082 or s. 775.083.

74 (3) ~~Nothing in This section does not shall be construed to~~
 75 ~~abridge or infringe upon the right of any person to peaceably~~
 76 ~~assemble and protest.~~

77 (4) ~~(3)~~ This section does not apply to residents or persons
 78 engaged in the operation of a licensed commercial business
 79 within the school safety zone.

80 Section 2. Section 874.05, Florida Statutes, is amended to
 81 read:

82 874.05 Causing, encouraging, soliciting, or recruiting
 83 criminal gang membership.—

84 (1) (a) Except as provided in paragraph (b) ~~subsection (2),~~

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85 a person who intentionally causes, encourages, solicits, or
 86 recruits another person to become a criminal gang member where a
 87 condition of membership or continued membership is the
 88 commission of any crime commits a felony of the third degree,
 89 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

90 ~~(b)(2)~~ A person who commits a second or subsequent
 91 violation of this subsection commits a felony of the second
 92 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 93 775.084.

94 (2)(a) Except as provided in paragraph (b), a person who
 95 intentionally causes, encourages, solicits, or recruits another
 96 person under 13 years of age to become a criminal gang member
 97 where a condition of membership or continued membership is the
 98 commission of any crime commits a felony of the second degree,
 99 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

100 (b) A person who commits a second or subsequent violation
 101 of this subsection commits a felony of the first degree,
 102 punishable as provided in s. 775.082, s. 775.083, or s. 775.084
 103 and s. 921.243.

104 Section 3. Subsection (11) is added to section 951.23,
 105 Florida Statutes, to read:

106 951.23 County and municipal detention facilities;
 107 definitions; administration; standards and requirements.—

108 (11) GANG STATUS OF INMATES.—A county or municipal
 109 detention facility may designate an individual to be responsible
 110 for determining the gang status of each inmate entering the
 111 facility using the criteria in s. 874.03 and assess each current
 112 inmate for any gang activity or gang affiliation using those

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113 criteria. The individual should at least once biweekly reconcile
 114 information with the arresting law enforcement agency and the
 115 statewide criminal gang database.

116 Section 4. Paragraph (qq) of subsection (2) of section
 117 435.04, Florida Statutes, is amended to read:

118 435.04 Level 2 screening standards.—

119 (2) The security background investigations under this
 120 section must ensure that no persons subject to the provisions of
 121 this section have been arrested for and are awaiting final
 122 disposition of, have been found guilty of, regardless of
 123 adjudication, or entered a plea of nolo contendere or guilty to,
 124 or have been adjudicated delinquent and the record has not been
 125 sealed or expunged for, any offense prohibited under any of the
 126 following provisions of state law or similar law of another
 127 jurisdiction:

128 (qq) Section 874.05~~(1)~~, relating to encouraging or
 129 recruiting another to join a criminal gang.

130 Section 5. Paragraphs (d), (e), and (g) of subsection (3)
 131 of section 921.0022, Florida Statutes, are amended to read:

132 921.0022 Criminal Punishment Code; offense severity
 133 ranking chart.—

134 (3) OFFENSE SEVERITY RANKING CHART

135 (d) LEVEL 4

136

Florida	Felony	
Statute	Degree	Description

137

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138	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.
139	499.0051 (1)	3rd	Failure to maintain or deliver pedigree papers.
140	499.0051 (2)	3rd	Failure to authenticate pedigree papers.
141	499.0051 (6)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
142	784.07 (2) (b)	3rd	Battery of law enforcement officer, firefighter, etc.
143	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
144	784.075	3rd	Battery on detention or commitment facility staff.
	784.078	3rd	Battery of facility employee by

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throwing, tossing, or expelling
certain fluids or materials.

145

784.08 (2) (c) 3rd Battery on a person 65 years of
age or older.

146

784.081 (3) 3rd Battery on specified official
or employee.

147

784.082 (3) 3rd Battery by detained person on
visitor or other detainee.

148

784.083 (3) 3rd Battery on code inspector.

149

784.085 3rd Battery of child by throwing,
tossing, projecting, or
expelling certain fluids or
materials.

150

787.03 (1) 3rd Interference with custody;
wrongly takes minor from
appointed guardian.

151

787.04 (2) 3rd Take, entice, or remove child
beyond state limits with
criminal intent pending custody
proceedings.

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153	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
154	790.115 (1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
155	790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
156	790.115 (2) (c)	3rd	Possessing firearm on school property.
157	800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
158	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied

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conveyance; unarmed; no assault
or battery.

159

810.06 3rd Burglary; possession of tools.

160

810.08 (2) (c) 3rd Trespass on property, armed
with firearm or dangerous
weapon.

161

812.014 (2) (c) 3. 3rd Grand theft, 3rd degree \$10,000
or more but less than \$20,000.

162

812.014 3rd Grand theft, 3rd degree, a
(2) (c) 4.-10. will, firearm, motor vehicle,
livestock, etc.

163

812.0195 (2) 3rd Dealing in stolen property by
use of the Internet; property
stolen \$300 or more.

164

817.563 (1) 3rd Sell or deliver substance other
than controlled substance
agreed upon, excluding s.
893.03 (5) drugs.

165

817.568 (2) (a) 3rd Fraudulent use of personal
identification information.

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817.625 (2) (a)	3rd	Fraudulent use of scanning device or reencoder.
828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
837.02 (1)	3rd	Perjury in official proceedings.
837.021 (1)	3rd	Make contradictory statements in official proceedings.
838.022	3rd	Official misconduct.
839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
839.13 (2) (c)	3rd	Falsifying records of the Department of Children and Family Services.
843.021	3rd	Possession of a concealed handcuff key by a person in custody.

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175	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
176	843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
177	847.0135(5)(c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
178	874.05(1) <u>(a)</u>	3rd	Encouraging or recruiting another to join a criminal gang.
179	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).
180	914.14(2)	3rd	Witnesses accepting bribes.
181	914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.

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914.23 (2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
918.12	3rd	Tampering with jurors.
934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
	(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

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personal injury; leaving scene.

191

381.0041 (11) (b) 3rd Donate blood, plasma, or organs knowing HIV positive.

192

440.10 (1) (g) 2nd Failure to obtain workers' compensation coverage.

193

440.105 (5) 2nd Unlawful solicitation for the purpose of making workers' compensation claims.

194

440.381 (2) 2nd Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.

195

624.401 (4) (b) 2. 2nd Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.

196

626.902 (1) (c) 2nd Representing an unauthorized insurer; repeat offender.

197

790.01 (2) 3rd Carrying a concealed firearm.

198

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199	790.162	2nd	Threat to throw or discharge destructive device.
200	790.163 (1)	2nd	False report of deadly explosive or weapon of mass destruction.
201	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
202	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
203	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
204	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
205	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more

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but less than \$50,000.

206

812.015 (8) 3rd Retail theft; property stolen is valued at \$300 or more and one or more specified acts.

207

812.019 (1) 2nd Stolen property; dealing in or trafficking in.

208

812.131 (2) (b) 3rd Robbery by sudden snatching.

209

812.16 (2) 3rd Owning, operating, or conducting a chop shop.

210

817.034 (4) (a) 2. 2nd Communications fraud, value \$20,000 to \$50,000.

211

817.234 (11) (b) 2nd Insurance fraud; property value \$20,000 or more but less than \$100,000.

212

817.2341 (1), 3rd Filing false financial
(2) (a) & statements, making false
(3) (a) entries of material fact or
false statements regarding
property values relating to the
solvency of an insuring entity.

213

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214	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.
215	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device or reencoder.
216	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
217	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
	827.071 (5)	3rd	Possess, control, or intentionally view any photographic material, motion

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picture, etc., which includes sexual conduct by a child.

218

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.

219

843.01 3rd Resist officer with violence to person; resist arrest with violence.

220

847.0135(5)(b) 2nd Lewd or lascivious exhibition using computer; offender 18 years or older.

221

847.0137 3rd Transmission of pornography by (2) & (3) electronic device or equipment.

222

847.0138 3rd Transmission of material (2) & (3) harmful to minors to a minor by electronic device or equipment.

223

874.05(1)(b) 2nd Encouraging or recruiting
~~874.05(2)~~ another to join a criminal gang; second or subsequent

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offense.

224

874.05 (2) (a) 2nd Encouraging or recruiting
person under 13 to join a
criminal gang.

225

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).

226

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.

227

893.13 (1) (d) 1. 1st Sell, manufacture, or deliver
cocaine (or other s.

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893.03(1)(a), (1)(b), (1)(d),
 (2)(a), (2)(b), or (2)(c)4.
 drugs) within 1,000 feet of
 university.

228

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.

229

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

230

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.,

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

231

893.1351 (1) 3rd Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.

232

233 (g) LEVEL 7

234

Florida	Felony	
Statute	Degree	Description

235

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

236

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

237

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.

238

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239	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
240	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
241	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
242	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
243	456.065 (2)	3rd	Practicing a health care profession without a license.
244	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
245	458.327 (1)	3rd	Practicing medicine without a license.

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246	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
247	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
248	461.012 (1)	3rd	Practicing podiatric medicine without a license.
249	462.17	3rd	Practicing naturopathy without a license.
250	463.015 (1)	3rd	Practicing optometry without a license.
251	464.016 (1)	3rd	Practicing nursing without a license.
252	465.015 (2)	3rd	Practicing pharmacy without a license.
253	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
254	467.201	3rd	Practicing midwifery without a license.

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255	468.366	3rd	Delivering respiratory care services without a license.
256	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
257	483.901 (9)	3rd	Practicing medical physics without a license.
258	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
259	484.053	3rd	Dispensing hearing aids without a license.
260	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.
261	560.123 (8) (b) 1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.

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262	560.125 (5) (a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
263	655.50 (10) (b) 1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
264	775.21 (10) (a)	3rd	Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.
265	775.21 (10) (b)	3rd	Sexual predator working where children regularly congregate.
266	775.21 (10) (g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
	782.051 (3)	2nd	Attempted felony murder of a person by a person other than

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the perpetrator or the
perpetrator of an attempted
felony.

267

782.07(1) 2nd Killing of a human being by the
act, procurement, or culpable
negligence of another
(manslaughter).

268

782.071 2nd Killing of a human being or
viable fetus by the operation
of a motor vehicle in a
reckless manner (vehicular
homicide).

269

782.072 2nd Killing of a human being by the
operation of a vessel in a
reckless manner (vessel
homicide).

270

784.045(1)(a)1. 2nd Aggravated battery;
intentionally causing great
bodily harm or disfigurement.

271

784.045(1)(a)2. 2nd Aggravated battery; using
deadly weapon.

272

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273	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
274	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
275	784.048 (7)	3rd	Aggravated stalking; violation of court order.
276	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
277	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
278	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
279	784.081 (1)	1st	Aggravated battery on specified official or employee.
280	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
	784.083 (1)	1st	Aggravated battery on code

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inspector.

281

790.07(4) 1st Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).

282

790.16(1) 1st Discharge of a machine gun under specified circumstances.

283

790.165(2) 2nd Manufacture, sell, possess, or deliver hoax bomb.

284

790.165(3) 2nd Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.

285

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

286

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

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288	790.23	1st, PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
289	794.08 (4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.
290	796.03	2nd	Procuring any person under 16 years for prostitution.
291	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
292	800.04 (5) (c) 2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
293	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.

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294	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
295	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
296	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
297	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
298	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.
299	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
	812.014 (2) (b) 3.	2nd	Property stolen, emergency

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medical equipment; 2nd degree grand theft.

300

812.014 (2) (b) 4. 2nd Property stolen, law enforcement equipment from authorized emergency vehicle.

301

812.0145 (2) (a) 1st Theft from person 65 years of age or older; \$50,000 or more.

302

812.019 (2) 1st Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.

303

812.131 (2) (a) 2nd Robbery by sudden snatching.

304

812.133 (2) (b) 1st Carjacking; no firearm, deadly weapon, or other weapon.

305

817.234 (8) (a) 2nd Solicitation of motor vehicle accident victims with intent to defraud.

306

817.234 (9) 2nd Organizing, planning, or participating in an intentional motor vehicle collision.

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308	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
309	817.2341 (2) (b) & (3) (b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
310	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
311	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.
312	827.03 (3) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21

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years of age or older.

313

837.05 (2) 3rd Giving false information about alleged capital felony to a law enforcement officer.

314

838.015 2nd Bribery.

315

838.016 2nd Unlawful compensation or reward for official behavior.

316

838.021 (3) (a) 2nd Unlawful harm to a public servant.

317

838.22 2nd Bid tampering.

318

847.0135 (3) 3rd Solicitation of a child, via a computer service, to commit an unlawful sex act.

319

847.0135 (4) 2nd Traveling to meet a minor to commit an unlawful sex act.

320

872.06 2nd Abuse of a dead human body.

321

874.05 (2) (b) 1st Encouraging or recruiting person under 13 to join a

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criminal gang; second or
subsequent offense.

322

874.10 1st, PBL Knowingly initiates, organizes,
plans, finances, directs,
manages, or supervises criminal
gang-related activity.

323

893.13(1)(c)1. 1st Sell, manufacture, or deliver
cocaine (or other drug
prohibited under s.
893.03(1)(a), (1)(b), (1)(d),
(2)(a), (2)(b), or (2)(c)4.)
within 1,000 feet of a child
care facility, school, or
state, county, or municipal
park or publicly owned
recreational facility or
community center.

324

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

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a specified business site.

325

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).

326

893.135(1)(a)1. 1st Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.

327

893.135 (1)(b)1.a. 1st Trafficking in cocaine, more than 28 grams, less than 200 grams.

328

893.135 (1)(c)1.a. 1st Trafficking in illegal drugs, more than 4 grams, less than 14 grams.

329

893.135(1)(d)1. 1st Trafficking in phencyclidine, more than 28 grams, less than 200 grams.

330

893.135(1)(e)1. 1st Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.

331

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332	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
333	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
334	893.135 (1) (h) 1.a.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
335	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
336	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
337	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but

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less than \$20,000.

338

896.104(4)(a)1.

3rd

Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.

339

943.0435(4)(c)

2nd

Sexual offender vacating permanent residence; failure to comply with reporting requirements.

340

943.0435(8)

2nd

Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.

341

943.0435(9)(a)

3rd

Sexual offender; failure to comply with reporting requirements.

342

943.0435(13)

3rd

Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

343

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344	943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
345	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
346	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
347	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
348	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
349	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.

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

350

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

351

352 Section 6. Paragraph (b) of subsection (1) of section
353 921.0024, Florida Statutes, is amended to read:

354 921.0024 Criminal Punishment Code; worksheet computations;
355 scoresheets.—

356 (1)

357 (b) WORKSHEET KEY:

358

359 Legal status points are assessed when any form of legal status
360 existed at the time the offender committed an offense before the
361 court for sentencing. Four (4) sentence points are assessed for
362 an offender's legal status.

363

364 Community sanction violation points are assessed when a
365 community sanction violation is before the court for sentencing.
366 Six (6) sentence points are assessed for each community sanction
367 violation and each successive community sanction violation,
368 unless any of the following apply:

369 1. If the community sanction violation includes a new

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370 felony conviction before the sentencing court, twelve (12)
371 community sanction violation points are assessed for the
372 violation, and for each successive community sanction violation
373 involving a new felony conviction.

374 2. If the community sanction violation is committed by a
375 violent felony offender of special concern as defined in s.
376 948.06:

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

380 (I) The violation does not include a new felony
381 conviction; and

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

385 b. Twenty-four (24) community sanction violation points
386 are assessed for the violation and for each successive violation
387 of felony probation or community control where the violation
388 includes a new felony conviction.

389

390 Multiple counts of community sanction violations before the
391 sentencing court shall not be a basis for multiplying the
392 assessment of community sanction violation points.

393

394 Prior serious felony points: If the offender has a primary
395 offense or any additional offense ranked in level 8, level 9, or
396 level 10, and one or more prior serious felonies, a single
397 assessment of thirty (30) points shall be added. For purposes of

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398 | this section, a prior serious felony is an offense in the
399 | offender's prior record that is ranked in level 8, level 9, or
400 | level 10 under s. 921.0022 or s. 921.0023 and for which the
401 | offender is serving a sentence of confinement, supervision, or
402 | other sanction or for which the offender's date of release from
403 | confinement, supervision, or other sanction, whichever is later,
404 | is within 3 years before the date the primary offense or any
405 | additional offense was committed.

406

407 | Prior capital felony points: If the offender has one or more
408 | prior capital felonies in the offender's criminal record, points
409 | shall be added to the subtotal sentence points of the offender
410 | equal to twice the number of points the offender receives for
411 | the primary offense and any additional offense. A prior capital
412 | felony in the offender's criminal record is a previous capital
413 | felony offense for which the offender has entered a plea of nolo
414 | contendere or guilty or has been found guilty; or a felony in
415 | another jurisdiction which is a capital felony in that
416 | jurisdiction, or would be a capital felony if the offense were
417 | committed in this state.

418

419 | Possession of a firearm, semiautomatic firearm, or machine gun:
420 | If the offender is convicted of committing or attempting to
421 | commit any felony other than those enumerated in s. 775.087(2)
422 | while having in his or her possession: a firearm as defined in
423 | s. 790.001(6), an additional eighteen (18) sentence points are
424 | assessed; or if the offender is convicted of committing or
425 | attempting to commit any felony other than those enumerated in

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426 s. 775.087(3) while having in his or her possession a
427 semiautomatic firearm as defined in s. 775.087(3) or a machine
428 gun as defined in s. 790.001(9), an additional twenty-five (25)
429 sentence points are assessed.

430

431 Sentencing multipliers:

432

433 Drug trafficking: If the primary offense is drug trafficking
434 under s. 893.135, the subtotal sentence points are multiplied,
435 at the discretion of the court, for a level 7 or level 8
436 offense, by 1.5. The state attorney may move the sentencing
437 court to reduce or suspend the sentence of a person convicted of
438 a level 7 or level 8 offense, if the offender provides
439 substantial assistance as described in s. 893.135(4).

440

441 Law enforcement protection: If the primary offense is a
442 violation of the Law Enforcement Protection Act under s.
443 775.0823(2), (3), or (4), the subtotal sentence points are
444 multiplied by 2.5. If the primary offense is a violation of s.
445 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points
446 are multiplied by 2.0. If the primary offense is a violation of
447 s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement
448 Protection Act under s. 775.0823(10) or (11), the subtotal
449 sentence points are multiplied by 1.5.

450

451 Grand theft of a motor vehicle: If the primary offense is grand
452 theft of the third degree involving a motor vehicle and in the
453 offender's prior record, there are three or more grand thefts of

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454 the third degree involving a motor vehicle, the subtotal
455 sentence points are multiplied by 1.5.

456

457 Offense related to a criminal gang: If the offender is convicted
458 of the primary offense and committed that offense for the
459 purpose of benefiting, promoting, or furthering the interests of
460 a criminal gang as defined in s. 874.03 ~~prohibited under s.~~
461 ~~874.04~~, the subtotal sentence points are multiplied by 1.5.

462

463 Domestic violence in the presence of a child: If the offender is
464 convicted of the primary offense and the primary offense is a
465 crime of domestic violence, as defined in s. 741.28, which was
466 committed in the presence of a child under 16 years of age who
467 is a family or household member as defined in s. 741.28(3) with
468 the victim or perpetrator, the subtotal sentence points are
469 multiplied by 1.5.

470 Section 7. This act shall take effect October 1, 2012.