

CS/CS/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 assessing whether
14 each inmate is a criminal gang member or associate;
15 providing duties of such individuals; amending ss.
16 435.04 and 921.0022, F.S.; conforming cross-references
17 and assigning offense severity rankings for violations
18 of s. 874.05, F.S.; amending s. 921.0024, F.S.;
19 revising the criteria for application of the
20 sentencing multiplier for offenses related to criminal
21 gangs; limiting application of the multiplier if
22 application would result in the lowest permissible
23 sentence exceeding the statutory maximum sentence;
24 providing an effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:
27

CS/CS/HB 1173

2012

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

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

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

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

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

52 2.a. Except as provided in sub-subparagraph b., a Any
53 person who violates this subsection commits a misdemeanor of the
54 second degree, punishable as provided in s. 775.082 or s.
55 775.083.

56 b. A person who violates this subsection and who has been
 57 previously convicted of any offense contained in chapter 874
 58 commits a misdemeanor of the first degree, punishable as
 59 provided in s. 775.082 or s. 775.083.

60 (c) 1. Except a provided in subparagraph 2., a Any person
 61 who does not have legitimate business in the school safety zone
 62 or any other authorization, license, or invitation to enter or
 63 remain in the school safety zone who shall willfully fail to
 64 remove himself or herself from the school safety zone after the
 65 principal or designee, having a reasonable belief that he or she
 66 will commit a crime or is engaged in harassment or intimidation
 67 of students entering or leaving school property, requests him or
 68 her to leave the school safety zone commits a misdemeanor of the
 69 second degree, punishable as provided in s. 775.082 or s.
 70 775.083.

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

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

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

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

83 874.05 Causing, encouraging, soliciting, or recruiting

84 criminal gang membership.—

85 (1) (a) Except as provided in paragraph (b) subsection (2),
 86 a person who intentionally causes, encourages, solicits, or
 87 recruits another person to become a criminal gang member where a
 88 condition of membership or continued membership is the
 89 commission of any crime commits a felony of the third degree,
 90 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

91 (b) ~~(2)~~ A person who commits a second or subsequent
 92 violation of this subsection commits a felony of the second
 93 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 94 775.084.

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

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

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 assessing whether each current inmate is a criminal gang
 111 member or associate using the criteria in s. 874.03. The

CS/CS/HB 1173

2012

112 individual should at least once biweekly transmit information on
 113 inmates believed to be a criminal gang member or associate to
 114 the arresting law enforcement agency.

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

117 435.04 Level 2 screening standards.—

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

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

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

131 921.0022 Criminal Punishment Code; offense severity
 132 ranking chart.—

133 (3) OFFENSE SEVERITY RANKING CHART

134 (d) LEVEL 4

135

Florida	Felony	
Statute	Degree	Description

136

CS/CS/HB 1173

2012

137	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.
138	499.0051 (1)	3rd	Failure to maintain or deliver pedigree papers.
139	499.0051 (2)	3rd	Failure to authenticate pedigree papers.
140	499.0051 (6)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
141	784.07 (2) (b)	3rd	Battery of law enforcement officer, firefighter, etc.
142	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
143	784.075	3rd	Battery on detention or commitment facility staff.
	784.078	3rd	Battery of facility employee by

CS/CS/HB 1173

2012

throwing, tossing, or expelling
certain fluids or materials.

144

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

145

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

146

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

147

784.083 (3) 3rd Battery on code inspector.

148

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

149

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

150

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

151

CS/CS/HB 1173

2012

152	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
153	790.115 (1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
154	790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
155	790.115 (2) (c)	3rd	Possessing firearm on school property.
156	800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
157	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

CS/CS/HB 1173

2012

conveyance; unarmed; no assault
or battery.

158

810.06 3rd Burglary; possession of tools.

159

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

160

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

161

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

162

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

163

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

164

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

165

CS/CS/HB 1173

2012

166	817.625 (2) (a)	3rd	Fraudulent use of scanning device or reencoder.
167	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
168	837.02 (1)	3rd	Perjury in official proceedings.
169	837.021 (1)	3rd	Make contradictory statements in official proceedings.
170	838.022	3rd	Official misconduct.
171	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
172	839.13 (2) (c)	3rd	Falsifying records of the Department of Children and Family Services.
173	843.021	3rd	Possession of a concealed handcuff key by a person in custody.

CS/CS/HB 1173

2012

174	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
175	843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
176	847.0135(5)(c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
177	874.05(1) <u>(a)</u>	3rd	Encouraging or recruiting another to join a criminal gang.
178	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).
179	914.14(2)	3rd	Witnesses accepting bribes.
180	914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.

CS/CS/HB 1173

2012

181
182
183
184
185
186
187
188
189

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

CS/CS/HB 1173

2012

personal injury; leaving scene.

190

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

191

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

192

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

193

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

194

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

195

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

196

790.01 (2) 3rd Carrying a concealed firearm.

197

CS/CS/HB 1173

2012

198	790.162	2nd	Threat to throw or discharge destructive device.
199	790.163 (1)	2nd	False report of deadly explosive or weapon of mass destruction.
200	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
201	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
202	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
203	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
204	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

CS/CS/HB 1173

2012

but less than \$50,000.

205

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

206

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

207

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

208

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

209

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

210

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

211

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.

212

CS/CS/HB 1173

2012

213	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.
214	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device or reencoder.
215	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
216	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

CS/CS/HB 1173

2012

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

217

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.

218

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

219

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

220

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

221

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

222

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

CS/CS/HB 1173

2012

offense.

223

874.05 (2) (a)

2nd

Encouraging or recruiting
person under 13 to join a
criminal gang.

224

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).

225

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.

226

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.

227

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.

228

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.

229

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.,

CS/CS/HB 1173

2012

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

230

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

231

232 (g) LEVEL 7

233

Florida	Felony	
Statute	Degree	Description

234

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

235

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

236

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.

237

CS/CS/HB 1173

2012

238	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
239	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
240	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
241	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
242	456.065 (2)	3rd	Practicing a health care profession without a license.
243	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
244	458.327 (1)	3rd	Practicing medicine without a license.

CS/CS/HB 1173

2012

245	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
246	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
247	461.012 (1)	3rd	Practicing podiatric medicine without a license.
248	462.17	3rd	Practicing naturopathy without a license.
249	463.015 (1)	3rd	Practicing optometry without a license.
250	464.016 (1)	3rd	Practicing nursing without a license.
251	465.015 (2)	3rd	Practicing pharmacy without a license.
252	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
253	467.201	3rd	Practicing midwifery without a license.

CS/CS/HB 1173

2012

254	468.366	3rd	Delivering respiratory care services without a license.
255	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
256	483.901 (9)	3rd	Practicing medical physics without a license.
257	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
258	484.053	3rd	Dispensing hearing aids without a license.
259	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.
260	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.

CS/CS/HB 1173

2012

261	560.125 (5) (a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
262	655.50 (10) (b) 1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
263	775.21 (10) (a)	3rd	Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.
264	775.21 (10) (b)	3rd	Sexual predator working where children regularly congregate.
265	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

CS/CS/HB 1173

2012

the perpetrator or the
perpetrator of an attempted
felony.

266

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

267

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

268

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

269

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

270

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

271

CS/CS/HB 1173

2012

272	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
273	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
274	784.048 (7)	3rd	Aggravated stalking; violation of court order.
275	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
276	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
277	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
278	784.081 (1)	1st	Aggravated battery on specified official or employee.
279	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
	784.083 (1)	1st	Aggravated battery on code

CS/CS/HB 1173

2012

inspector.

280

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

281

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

282

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

283

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

284

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

285

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

286

CS/CS/HB 1173

2012

287	790.23	1st, PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
288	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.
289	796.03	2nd	Procuring any person under 16 years for prostitution.
290	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
291	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.
292	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.

CS/CS/HB 1173

2012

293	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
294	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
295	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
296	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
297	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.
298	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

CS/CS/HB 1173

2012

medical equipment; 2nd degree grand theft.

299

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

300

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

301

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

302

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

303

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

304

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

305

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

306

CS/CS/HB 1173

2012

307	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
308	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.
309	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
310	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.
311	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

CS/CS/HB 1173

2012

years of age or older.

312

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

313

838.015 2nd Bribery.

314

838.016 2nd Unlawful compensation or reward for official behavior.

315

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

316

838.22 2nd Bid tampering.

317

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

318

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

319

872.06 2nd Abuse of a dead human body.

320

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

CS/CS/HB 1173

2012

criminal gang; second or
subsequent offense.

321

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

322

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.

323

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

CS/CS/HB 1173

2012

a specified business site.

324
325
326
327
328
329
330

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).
893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
893.135(1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.

CS/CS/HB 1173

2012

331	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
332	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
333	893.135 (1) (h) 1.a.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
334	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
335	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
336	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

CS/CS/HB 1173

2012

less than \$20,000.

337

896.104(4)(a)1.

3rd

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

338

943.0435(4)(c)

2nd

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

339

943.0435(8)

2nd

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

340

943.0435(9)(a)

3rd

Sexual offender; failure to comply with reporting requirements.

341

943.0435(13)

3rd

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

342

CS/CS/HB 1173

2012

343	943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
344	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
345	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
346	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
347	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
348	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.

CS/CS/HB 1173

2012

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

349

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

350

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

353 921.0024 Criminal Punishment Code; worksheet computations;
354 scoresheets.—

355 (1)

356 (b) WORKSHEET KEY:

357

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

362

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

368 1. If the community sanction violation includes a new

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

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

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

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

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

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

388
 389 Multiple counts of community sanction violations before the
 390 sentencing court shall not be a basis for multiplying the
 391 assessment of community sanction violation points.

392
 393 Prior serious felony points: If the offender has a primary
 394 offense or any additional offense ranked in level 8, level 9, or
 395 level 10, and one or more prior serious felonies, a single
 396 assessment of thirty (30) points shall be added. For purposes of

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

405 |
 406 | Prior capital felony points: If the offender has one or more
 407 | prior capital felonies in the offender's criminal record, points
 408 | shall be added to the subtotal sentence points of the offender
 409 | equal to twice the number of points the offender receives for
 410 | the primary offense and any additional offense. A prior capital
 411 | felony in the offender's criminal record is a previous capital
 412 | felony offense for which the offender has entered a plea of nolo
 413 | contendere or guilty or has been found guilty; or a felony in
 414 | another jurisdiction which is a capital felony in that
 415 | jurisdiction, or would be a capital felony if the offense were
 416 | committed in this state.

417 |
 418 | Possession of a firearm, semiautomatic firearm, or machine gun:
 419 | If the offender is convicted of committing or attempting to
 420 | commit any felony other than those enumerated in s. 775.087(2)
 421 | while having in his or her possession: a firearm as defined in
 422 | s. 790.001(6), an additional eighteen (18) sentence points are
 423 | assessed; or if the offender is convicted of committing or
 424 | attempting to commit any felony other than those enumerated in

CS/CS/HB 1173

2012

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

429
 430 Sentencing multipliers:

431
 432 Drug trafficking: If the primary offense is drug trafficking
 433 under s. 893.135, the subtotal sentence points are multiplied,
 434 at the discretion of the court, for a level 7 or level 8
 435 offense, by 1.5. The state attorney may move the sentencing
 436 court to reduce or suspend the sentence of a person convicted of
 437 a level 7 or level 8 offense, if the offender provides
 438 substantial assistance as described in s. 893.135(4).

439
 440 Law enforcement protection: If the primary offense is a
 441 violation of the Law Enforcement Protection Act under s.
 442 775.0823(2), (3), or (4), the subtotal sentence points are
 443 multiplied by 2.5. If the primary offense is a violation of s.
 444 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points
 445 are multiplied by 2.0. If the primary offense is a violation of
 446 s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement
 447 Protection Act under s. 775.0823(10) or (11), the subtotal
 448 sentence points are multiplied by 1.5.

449
 450 Grand theft of a motor vehicle: If the primary offense is grand
 451 theft of the third degree involving a motor vehicle and in the
 452 offender's prior record, there are three or more grand thefts of

CS/CS/HB 1173

2012

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

455

456 Offense related to a criminal gang: If the offender is convicted
457 of the primary offense and committed that offense for the
458 purpose of benefiting, promoting, or furthering the interests of
459 a criminal gang as defined in s. 874.03 ~~prohibited under s.~~
460 ~~874.04~~, the subtotal sentence points are multiplied by 1.5. If
461 applying the multiplier results in the lowest permissible
462 sentence exceeding the statutory maximum sentence for the
463 primary offense under chapter 775, the court may not apply the
464 multiplier and must sentence the defendant to the statutory
465 maximum sentence.

466

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

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