

By Senator Evers

2-01451-12

20121846

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:

29           810.0975 School safety zones; definition; trespass

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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 private  
37 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 a  
44 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.

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59 (c) 1. Except as provided in subparagraph 2., a ~~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)~~,  
 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

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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  
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

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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 ranking  
 133 chart.—

134 (3) OFFENSE SEVERITY RANKING CHART

135 (d) LEVEL 4

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

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papers.

138

499.0051 (2) 3rd Failure to authenticate pedigree papers.

139

499.0051 (6) 2nd Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.

140

784.07 (2) (b) 3rd Battery of law enforcement officer, firefighter, etc.

141

784.074 (1) (c) 3rd Battery of sexually violent predators facility staff.

142

784.075 3rd Battery on detention or commitment facility staff.

143

784.078 3rd Battery of facility employee by 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.

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

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less than 18 years.

156

810.02(4)(a) 3rd Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.

157

810.02(4)(b) 3rd Burglary, or attempted burglary, of an unoccupied 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 will, (2)(c)4.-10. 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



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identification information.

165

817.625 (2) (a) 3rd Fraudulent use of scanning device or reencoder.

166

828.125 (1) 2nd Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.

167

837.02 (1) 3rd Perjury in official proceedings.

168

837.021 (1) 3rd Make contradictory statements in official proceedings.

169

838.022 3rd Official misconduct.

170

839.13 (2) (a) 3rd Falsifying records of an individual in the care and custody of a state agency.

171

839.13 (2) (c) 3rd Falsifying records of the Department of Children and Family Services.

172

843.021 3rd Possession of a concealed handcuff key by a person in custody.

173

843.025 3rd Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.

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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.
181	914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
182	918.12	3rd	Tampering with jurors.
183	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
184	(e) LEVEL 5		

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	Florida Statute	Felony Degree	Description
185	316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
186	316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
187	322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
188	327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
189	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
190	440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.
191	440.105(5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
192	440.381(2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
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- 624.401 (4) (b) 2.      2nd      Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
  
- 626.902 (1) (c)      2nd      Representing an unauthorized insurer; repeat offender.
  
- 790.01 (2)      3rd      Carrying a concealed firearm.
  
- 790.162      2nd      Threat to throw or discharge destructive device.
  
- 790.163 (1)      2nd      False report of deadly explosive or weapon of mass destruction.
  
- 790.221 (1)      2nd      Possession of short-barreled shotgun or machine gun.
  
- 790.23      2nd      Felons in possession of firearms, ammunition, or electronic weapons or devices.
  
- 800.04 (6) (c)      3rd      Lewd or lascivious conduct; offender less than 18 years.
  
- 800.04 (7) (b)      2nd      Lewd or lascivious exhibition; offender 18 years or older.

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203 806.111(1) 3rd Possess, manufacture, or dispense fire  
bomb with intent to damage any structure  
or property.

204 812.0145(2) (b) 2nd Theft from person 65 years of age or  
older; \$10,000 or more 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.

817.2341(1), 3rd Filing false financial statements,  
(2) (a) & making false entries of material fact or  
(3) (a) false statements regarding property

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values relating to the solvency of an insuring entity.

211

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.

212

817.625 (2) (b) 2nd Second or subsequent fraudulent use of scanning device or reencoder.

213

825.1025 (4) 3rd Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.

214

827.071 (4) 2nd Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.

215

827.071 (5) 3rd Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.

216

839.13 (2) (b) 2nd Falsifying records of an individual in

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the care and custody of a state agency involving great bodily harm or death.

217

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

218

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

219

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

220

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

221

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

222

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

223

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).

224

893.13(1) (c)2. 2nd Sell, manufacture, or deliver cannabis

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(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.

225

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.

226

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.

227

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.

228



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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).

229

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

230

231            (g) LEVEL 7

Florida	Felony	
Statute	Degree	Description

232

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

233

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

234

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.

235

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

236

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237	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
238	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
239	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
240	456.065(2)	3rd	Practicing a health care profession without a license.
241	456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
242	458.327(1)	3rd	Practicing medicine without a license.
243	459.013(1)	3rd	Practicing osteopathic medicine without a license.
244	460.411(1)	3rd	Practicing chiropractic medicine without a license.
245	461.012(1)	3rd	Practicing podiatric medicine without a license.

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246	462.17	3rd	Practicing naturopathy without a license.
247	463.015 (1)	3rd	Practicing optometry without a license.
248	464.016 (1)	3rd	Practicing nursing without a license.
249	465.015 (2)	3rd	Practicing pharmacy without a license.
250	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
251	467.201	3rd	Practicing midwifery without a license.
252	468.366	3rd	Delivering respiratory care services without a license.
253	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
254	483.901 (9)	3rd	Practicing medical physics without a license.
255	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
256	484.053	3rd	Dispensing hearing aids without a license.

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257 494.0018(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.

258 560.123(8)(b)1. 3rd Failure to report currency or payment  
instruments exceeding \$300 but less  
than \$20,000 by a money services  
business.

259 560.125(5)(a) 3rd Money services business by unauthorized  
person, currency or payment instruments  
exceeding \$300 but less than \$20,000.

260 655.50(10)(b)1. 3rd Failure to report financial  
transactions exceeding \$300 but less  
than \$20,000 by financial institution.

261 775.21(10)(a) 3rd Sexual predator; failure to register;  
failure to renew driver's license or  
identification card; other registration  
violations.

262 775.21(10)(b) 3rd Sexual predator working where children  
regularly congregate.

775.21(10)(g) 3rd Failure to report or providing false  
information about a sexual predator;

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harbor or conceal a sexual predator.

263

782.051 (3)

2nd

Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.

264

782.07 (1)

2nd

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

265

782.071

2nd

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

266

782.072

2nd

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

267

784.045 (1) (a) 1.

2nd

Aggravated battery; intentionally causing great bodily harm or disfigurement.

268

784.045 (1) (a) 2.

2nd

Aggravated battery; using deadly weapon.

269

784.045 (1) (b)

2nd

Aggravated battery; perpetrator aware victim pregnant.

270

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271	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
272	784.048 (7)	3rd	Aggravated stalking; violation of court order.
273	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
274	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
275	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
276	784.081 (1)	1st	Aggravated battery on specified official or employee.
277	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
278	784.083 (1)	1st	Aggravated battery on code inspector.
279	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
	790.16 (1)	1st	Discharge of a machine gun under specified circumstances.

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790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
790.165 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
790.166 (3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
790.166 (4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
790.23	1st, PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
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.
796.03	2nd	Procuring any person under 16 years for prostitution.

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- 288
800.04 (5) (c) 1.
2nd
Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
- 289
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.
- 290
806.01 (2)
2nd
Maliciously damage structure by fire or explosive.
- 291
810.02 (3) (a)
2nd
Burglary of occupied dwelling; unarmed; no assault or battery.
- 292
810.02 (3) (b)
2nd
Burglary of unoccupied dwelling; unarmed; no assault or battery.
- 293
810.02 (3) (d)
2nd
Burglary of occupied conveyance; unarmed; no assault or battery.
- 294
810.02 (3) (e)
2nd
Burglary of authorized emergency vehicle.
- 295
812.014 (2) (a) 1.
1st
Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.



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296 812.014(2)(b)2. 2nd Property stolen, cargo valued at less  
than \$50,000, grand theft in 2nd  
degree.

297 812.014(2)(b)3. 2nd Property stolen, emergency medical  
equipment; 2nd degree grand theft.

298 812.014(2)(b)4. 2nd Property stolen, law enforcement  
equipment from authorized emergency  
vehicle.

299 812.0145(2)(a) 1st Theft from person 65 years of age or  
older; \$50,000 or more.

300 812.019(2) 1st Stolen property; initiates, organizes,  
plans, etc., the theft of property and  
traffics in stolen property.

301 812.131(2)(a) 2nd Robbery by sudden snatching.

302 812.133(2)(b) 1st Carjacking; no firearm, deadly weapon,  
or other weapon.

303 817.234(8)(a) 2nd Solicitation of motor vehicle accident  
victims with intent to defraud.

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

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817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
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.
825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
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.
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 years of age or older.
837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.

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311	838.015	2nd	Bribery.
312	838.016	2nd	Unlawful compensation or reward for official behavior.
313	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
314	838.22	2nd	Bid tampering.
315	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
316	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
317	872.06	2nd	Abuse of a dead human body.
318	<u>874.05 (2) (b)</u>	<u>1st</u>	<u>Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.</u>
319	874.10	1st,PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
320	893.13 (1) (c) 1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s.

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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.

321

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.

322

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).

323

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

324

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

325

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

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

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893.135 (1) (e) 1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
893.135 (1) (h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
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 less than \$20,000.

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336 896.104(4)(a)1. 3rd Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.

337 943.0435(4)(c) 2nd Sexual offender vacating permanent residence; failure to comply with reporting requirements.

338 943.0435(8) 2nd Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.

339 943.0435(9)(a) 3rd Sexual offender; failure to comply with reporting requirements.

340 943.0435(13) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

341 943.0435(14) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification.

342 944.607(9) 3rd Sexual offender; failure to comply with reporting requirements.

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

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

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

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

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

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

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

921.0024 Criminal Punishment Code; worksheet computations; scoresheets.-

(1)

(b) WORKSHEET KEY:

Legal status points are assessed when any form of legal status existed at the time the offender committed an offense before the

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358 court for sentencing. Four (4) sentence points are assessed for  
359 an offender's legal status.

360

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

366 1. If the community sanction violation includes a new  
367 felony conviction before the sentencing court, twelve (12)  
368 community sanction violation points are assessed for the  
369 violation, and for each successive community sanction violation  
370 involving a new felony conviction.

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

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

377 (I) The violation does not include a new felony conviction;  
378 and

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

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

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

390  
391 Prior serious felony points: If the offender has a primary  
392 offense or any additional offense ranked in level 8, level 9, or  
393 level 10, and one or more prior serious felonies, a single  
394 assessment of thirty (30) points shall be added. For purposes of  
395 this section, a prior serious felony is an offense in the  
396 offender's prior record that is ranked in level 8, level 9, or  
397 level 10 under s. 921.0022 or s. 921.0023 and for which the  
398 offender is serving a sentence of confinement, supervision, or  
399 other sanction or for which the offender's date of release from  
400 confinement, supervision, or other sanction, whichever is later,  
401 is within 3 years before the date the primary offense or any  
402 additional offense was committed.

403  
404 Prior capital felony points: If the offender has one or more  
405 prior capital felonies in the offender's criminal record, points  
406 shall be added to the subtotal sentence points of the offender  
407 equal to twice the number of points the offender receives for  
408 the primary offense and any additional offense. A prior capital  
409 felony in the offender's criminal record is a previous capital  
410 felony offense for which the offender has entered a plea of nolo  
411 contendere or guilty or has been found guilty; or a felony in  
412 another jurisdiction which is a capital felony in that  
413 jurisdiction, or would be a capital felony if the offense were  
414 committed in this state.

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416 Possession of a firearm, semiautomatic firearm, or machine gun:  
417 If the offender is convicted of committing or attempting to  
418 commit any felony other than those enumerated in s. 775.087(2)  
419 while having in his or her possession: a firearm as defined in  
420 s. 790.001(6), an additional eighteen (18) sentence points are  
421 assessed; or if the offender is convicted of committing or  
422 attempting to commit any felony other than those enumerated in  
423 s. 775.087(3) while having in his or her possession a  
424 semiautomatic firearm as defined in s. 775.087(3) or a machine  
425 gun as defined in s. 790.001(9), an additional twenty-five (25)  
426 sentence points are assessed.

427

428 Sentencing multipliers:

429

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

437

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

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445 Protection Act under s. 775.0823(10) or (11), the subtotal  
446 sentence points are multiplied by 1.5.

447

448 Grand theft of a motor vehicle: If the primary offense is grand  
449 theft of the third degree involving a motor vehicle and in the  
450 offender's prior record, there are three or more grand thefts of  
451 the third degree involving a motor vehicle, the subtotal  
452 sentence points are multiplied by 1.5.

453

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

459

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

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