

By Senator Abruzzo

25-01301-13

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

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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 private
38 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 a
45 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

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59 provided in s. 775.082 or s. 775.083.

60 (c) 1. Except as 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

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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
112 individual should at least once biweekly transmit information on
113 inmates believed to be criminal gang members or associates 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:

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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 ranking
 132 chart.—

133 (3) OFFENSE SEVERITY RANKING CHART

134 (d) LEVEL 4

135

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.

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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

517.07(1) 3rd Failure to register securities.

141

517.12(1) 3rd Failure of dealer, associated person, or issuer of securities to register.

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.

145

784.078 3rd Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.

146

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

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784.081 (3)	3rd	Battery on specified official or employee.
784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
784.083 (3)	3rd	Battery on code inspector.
784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
787.07	3rd	Human smuggling.
790.115 (1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.

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157	790.115(2)(b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
158	790.115(2)(c)	3rd	Possessing firearm on school property.
159	800.04(7)(c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
160	810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
161	810.02(4)(b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
162	810.06	3rd	Burglary; possession of tools.
163	810.08(2)(c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
164	812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
165	812.014 (2)(c)4.-10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
	812.0195(2)	3rd	Dealing in stolen property by use of the

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Internet; property stolen \$300 or more.

166

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

167

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

168

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

169

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

170

837.02 (1) 3rd Perjury in official proceedings.

171

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

172

838.022 3rd Official misconduct.

173

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

174

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

175

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176 843.021 3rd Possession of a concealed handcuff key
by a person in custody.

177 843.025 3rd Deprive law enforcement, correctional,
or correctional probation officer of
means of protection or communication.

178 843.15(1) (a) 3rd Failure to appear while on bail for
felony (bond estreature or bond
jumping).

179 847.0135(5) (c) 3rd Lewd or lascivious exhibition using
computer; offender less than 18 years.

180 874.05(1) (a) 3rd Encouraging or recruiting another to
join a criminal gang.

181 893.13(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).

182 914.14(2) 3rd Witnesses accepting bribes.

183 914.22(1) 3rd Force, threaten, etc., witness, victim,
or informant.

184 914.23(2) 3rd Retaliation against a witness, victim,
or informant, no bodily injury.

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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 personal injury; leaving scene.
379.367(4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
379.3671(2) (c) 3.	3rd	Willful molestation, possession, or removal of a commercial harvester's trap contents or trap gear by another

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harvester.

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

196

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

197

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

198

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

199

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

200

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

201

790.01 (2) 3rd Carrying a concealed firearm.

202

790.162 2nd Threat to throw or discharge destructive device.

203

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204	790.163(1)	2nd	False report of deadly explosive or weapon of mass destruction.
205	790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.
206	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
207	800.04(6)(c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
208	800.04(7)(b)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
209	806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
210	812.0145(2)(b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
211	812.015(8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
211	812.019(1)	2nd	Stolen property; dealing in or

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trafficking in.

212

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

213

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

214

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

215

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

216

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

217

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.

218

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

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219

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

220

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

221

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

222

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.

223

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

224

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

225

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

226

847.0138 3rd Transmission of material harmful to

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(2) & (3)

minors to a minor by electronic device or equipment.

227

874.05(1)(b)

2nd

Encouraging or recruiting another to join a criminal gang; second or subsequent offense.

~~874.05(2)~~

228

874.05(2)(a)

2nd

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

229

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).

230

231

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.

232

893.13(1)(d)1.

1st

Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b),

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

233

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.

234

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.

235

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).

236

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

237

238

(g) LEVEL 7

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Florida	Felony	
Statute	Degree	Description

240

316.027 (1) (b)	1st	Accident involving death, failure to stop; leaving scene.
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241

316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.
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242

316.1935 (3) (b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
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243

327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
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244

402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfigurement, permanent disability, or death.
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245

409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
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246

409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
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456.065 (2)	3rd	Practicing a health care profession without a license.
456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
458.327 (1)	3rd	Practicing medicine without a license.
459.013 (1)	3rd	Practicing osteopathic medicine without a license.
460.411 (1)	3rd	Practicing chiropractic medicine without a license.
461.012 (1)	3rd	Practicing podiatric medicine without a license.
462.17	3rd	Practicing naturopathy without a license.
463.015 (1)	3rd	Practicing optometry without a license.
464.016 (1)	3rd	Practicing nursing without a license.
465.015 (2)	3rd	Practicing pharmacy without a license.
466.026 (1)	3rd	Practicing dentistry or dental hygiene

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without a license.

258

467.201 3rd Practicing midwifery without a license.

259

468.366 3rd Delivering respiratory care services
without a license.

260

483.828 (1) 3rd Practicing as clinical laboratory
personnel without a license.

261

483.901 (9) 3rd Practicing medical physics without a
license.

262

484.013 (1) (c) 3rd Preparing or dispensing optical devices
without a prescription.

263

484.053 3rd Dispensing hearing aids without a
license.

264

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.

265

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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266

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

267

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

268

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

269

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

270

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

271

782.051 (3) 2nd Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.

272

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

273

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274	782.071	2nd	Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
275	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
276	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
277	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
278	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
279	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
280	784.048 (7)	3rd	Aggravated stalking; violation of court order.
281	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
	784.074 (1) (a)	1st	Aggravated battery on sexually violent

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predators facility staff.

282

784.08 (2) (a) 1st Aggravated battery on a person 65 years of age or older.

283

784.081 (1) 1st Aggravated battery on specified official or employee.

284

784.082 (1) 1st Aggravated battery by detained person on visitor or other detainee.

285

784.083 (1) 1st Aggravated battery on code inspector.

286

787.06 (3) (a) 1st Human trafficking using coercion for labor and services.

287

787.06 (3) (e) 1st Human trafficking using coercion for labor and services by the transfer or transport of any individual from outside Florida to within the state.

288

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

289

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

290

790.165 (2) 2nd Manufacture, sell, possess, or deliver

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hoax bomb.

291

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

292

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

293

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

294

790.23 1st,PBL Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.

295

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.

296

796.03 2nd Procuring any person under 16 years for prostitution.

297

800.04 (5) (c) 1. 2nd Lewd or lascivious molestation; victim less than 12 years of age; offender

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less than 18 years.

298

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.

299

806.01 (2) 2nd Maliciously damage structure by fire or
explosive.

300

810.02 (3) (a) 2nd Burglary of occupied dwelling; unarmed;
no assault or battery.

301

810.02 (3) (b) 2nd Burglary of unoccupied dwelling;
unarmed; no assault or battery.

302

810.02 (3) (d) 2nd Burglary of occupied conveyance;
unarmed; no assault or battery.

303

810.02 (3) (e) 2nd Burglary of authorized emergency
vehicle.

304

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.

305

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

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degree.

306

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

307

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

308

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

309

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

310

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

311

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

312

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

313

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

314

817.234 (11) (c) 1st Insurance fraud; property value

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\$100,000 or more.

315

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.

316

825.102 (3) (b)

2nd

Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.

317

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.

318

827.03 (2) (b)

2nd

Neglect of a child causing great bodily harm, disability, or disfigurement.

319

827.04 (3)

3rd

Impregnation of a child under 16 years of age by person 21 years of age or older.

320

837.05 (2)

3rd

Giving false information about alleged capital felony to a law enforcement officer.

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838.015

2nd

Bribery.

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838.016	2nd	Unlawful compensation or reward for official behavior.
838.021 (3) (a)	2nd	Unlawful harm to a public servant.
838.22	2nd	Bid tampering.
847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
872.06	2nd	Abuse of a dead human body.
<u>874.05 (2) (b)</u>	<u>1st</u>	<u>Encouraging or recruiting a person under 13 years of age to join a criminal gang; second or subsequent offense.</u>
874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
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.

332

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.

333

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).

334

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

335

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

336

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

337

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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347	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
348	943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
349	943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
350	943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
351	943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
352	943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
353	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

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369 existed at the time the offender committed an offense before the
370 court for sentencing. Four (4) sentence points are assessed for
371 an offender's legal status.

372
373 Community sanction violation points are assessed when a
374 community sanction violation is before the court for sentencing.
375 Six (6) sentence points are assessed for each community sanction
376 violation and each successive community sanction violation,
377 unless any of the following apply:

378 1. If the community sanction violation includes a new
379 felony conviction before the sentencing court, twelve (12)
380 community sanction violation points are assessed for the
381 violation, and for each successive community sanction violation
382 involving a new felony conviction.

383 2. If the community sanction violation is committed by a
384 violent felony offender of special concern as defined in s.
385 948.06:

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

389 (I) The violation does not include a new felony conviction;
390 and

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

394 b. Twenty-four (24) community sanction violation points are
395 assessed for the violation and for each successive violation of
396 felony probation or community control where the violation
397 includes a new felony conviction.

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398

399 Multiple counts of community sanction violations before the
400 sentencing court shall not be a basis for multiplying the
401 assessment of community sanction violation points.

402

403 Prior serious felony points: If the offender has a primary
404 offense or any additional offense ranked in level 8, level 9, or
405 level 10, and one or more prior serious felonies, a single
406 assessment of thirty (30) points shall be added. For purposes of
407 this section, a prior serious felony is an offense in the
408 offender's prior record that is ranked in level 8, level 9, or
409 level 10 under s. 921.0022 or s. 921.0023 and for which the
410 offender is serving a sentence of confinement, supervision, or
411 other sanction or for which the offender's date of release from
412 confinement, supervision, or other sanction, whichever is later,
413 is within 3 years before the date the primary offense or any
414 additional offense was committed.

415

416 Prior capital felony points: If the offender has one or more
417 prior capital felonies in the offender's criminal record, points
418 shall be added to the subtotal sentence points of the offender
419 equal to twice the number of points the offender receives for
420 the primary offense and any additional offense. A prior capital
421 felony in the offender's criminal record is a previous capital
422 felony offense for which the offender has entered a plea of nolo
423 contendere or guilty or has been found guilty; or a felony in
424 another jurisdiction which is a capital felony in that
425 jurisdiction, or would be a capital felony if the offense were
426 committed in this state.

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427
428 Possession of a firearm, semiautomatic firearm, or machine gun:
429 If the offender is convicted of committing or attempting to
430 commit any felony other than those enumerated in s. 775.087(2)
431 while having in his or her possession: a firearm as defined in
432 s. 790.001(6), an additional eighteen (18) sentence points are
433 assessed; or if the offender is convicted of committing or
434 attempting to commit any felony other than those enumerated in
435 s. 775.087(3) while having in his or her possession a
436 semiautomatic firearm as defined in s. 775.087(3) or a machine
437 gun as defined in s. 790.001(9), an additional twenty-five (25)
438 sentence points are assessed.

439
440 Sentencing multipliers:

441
442 Drug trafficking: If the primary offense is drug trafficking
443 under s. 893.135, the subtotal sentence points are multiplied,
444 at the discretion of the court, for a level 7 or level 8
445 offense, by 1.5. The state attorney may move the sentencing
446 court to reduce or suspend the sentence of a person convicted of
447 a level 7 or level 8 offense, if the offender provides
448 substantial assistance as described in s. 893.135(4).

449
450 Law enforcement protection: If the primary offense is a
451 violation of the Law Enforcement Protection Act under s.
452 775.0823(2), (3), or (4), the subtotal sentence points are
453 multiplied by 2.5. If the primary offense is a violation of s.
454 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points
455 are multiplied by 2.0. If the primary offense is a violation of

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456 s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement
457 Protection Act under s. 775.0823(10) or (11), the subtotal
458 sentence points are multiplied by 1.5.

459
460 Grand theft of a motor vehicle: If the primary offense is grand
461 theft of the third degree involving a motor vehicle and in the
462 offender's prior record, there are three or more grand thefts of
463 the third degree involving a motor vehicle, the subtotal
464 sentence points are multiplied by 1.5.

465
466 Offense related to a criminal gang: If the offender is convicted
467 of the primary offense and committed that offense for the
468 purpose of benefiting, promoting, or furthering the interests of
469 a criminal gang as defined in s. 874.03 ~~prohibited under s.~~
470 ~~874.04~~, the subtotal sentence points are multiplied by 1.5. If
471 applying the multiplier results in the lowest permissible
472 sentence exceeding the statutory maximum sentence for the
473 primary offense under chapter 775, the court may not apply the
474 multiplier and must sentence the defendant to the statutory
475 maximum sentence.

476
477 Domestic violence in the presence of a child: If the offender is
478 convicted of the primary offense and the primary offense is a
479 crime of domestic violence, as defined in s. 741.28, which was
480 committed in the presence of a child under 16 years of age who
481 is a family or household member as defined in s. 741.28(3) with
482 the victim or perpetrator, the subtotal sentence points are
483 multiplied by 1.5.

484 Section 7. This act shall take effect July 1, 2013.