



937698

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/21/2014	.	
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The Committee on Appropriations (Bradley) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 92.55, Florida Statutes, is amended to  
read:

92.55 Judicial or other proceedings involving victim or  
witness who was under the age of 16, a ~~or~~ person who has an  
intellectual disability, or a sexual offense victim or witness;  
special protections; use of registered service or therapy



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11 animals.-

12 (1) For purposes of this section, the term:

13 (a) "Sexual offense victim or witness" means a person who  
14 was under the age of 16 when he or she was the victim of or a  
15 witness to a sexual offense.

16 (b) "Sexual offense" means any offense specified in s.  
17 775.21(4)(a)1. or s. 943.0435(1)(a)1.a.(I).

18 (2)~~(1)~~ Upon motion of any party, upon motion of a parent,  
19 guardian, attorney, or guardian ad litem for a victim or witness  
20 who was under the age of 16, a ~~or~~ person who has an intellectual  
21 disability, or a sexual offense victim or witness, or upon its  
22 own motion, the court may enter any order necessary to protect  
23 the ~~such~~ victim or witness in any judicial proceeding or other  
24 official proceeding from severe emotional or mental harm due to  
25 the presence of the defendant if the victim or witness is  
26 required to testify in open court. Such orders must relate to  
27 the taking of testimony and include, but are not limited to:

28 (a) Interviewing or the taking of depositions as part of a  
29 civil or criminal proceeding.

30 (b) Examination and cross-examination for the purpose of  
31 qualifying as a witness or testifying in any proceeding.

32 (c) The use of testimony taken outside of the courtroom,  
33 including proceedings under ss. 92.53 and 92.54.

34 (3)~~(2)~~ In ruling upon the motion, the court shall consider:

35 (a) The age of the child, the nature of the offense or act,  
36 the relationship of the child to the parties in the case or to  
37 the defendant in a criminal action, the degree of emotional  
38 trauma that will result to the child as a consequence of the  
39 defendant's presence, and any other fact that the court deems



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40 relevant; ~~or~~

41 (b) The age of the person who has an intellectual  
42 disability, the functional capacity of such person, the nature  
43 of the offenses or act, the relationship of the person to the  
44 parties in the case or to the defendant in a criminal action,  
45 the degree of emotional trauma that will result to the person as  
46 a consequence of the defendant's presence, and any other fact  
47 that the court deems relevant; or

48 (c) The age of the sexual offense victim or witness when  
49 the sexual offense occurred, the relationship of the sexual  
50 offense victim or witness to the parties in the case or to the  
51 defendant in a criminal action, the degree of emotional trauma  
52 that will result to the sexual offense victim or witness as a  
53 consequence of the defendant's presence, and any other fact that  
54 the court deems relevant.

55 (4)~~(3)~~ In addition to such other relief provided by law,  
56 the court may enter orders limiting the number of times that a  
57 child, ~~or~~ a person who has an intellectual disability, or a  
58 sexual offense victim or witness may be interviewed, prohibiting  
59 depositions of the victim or witness ~~such child or person~~,  
60 requiring the submission of questions before the examination of  
61 the victim or witness ~~child or person~~, setting the place and  
62 conditions for interviewing the victim or witness ~~child or~~  
63 ~~person~~ or for conducting any other proceeding, or permitting or  
64 prohibiting the attendance of any person at any proceeding. The  
65 court shall enter any order necessary to protect the rights of  
66 all parties, including the defendant in any criminal action.

67 (5)~~(4)~~ The court may set any other conditions it finds just  
68 and appropriate when taking the testimony of a child victim or



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69 witness or a sexual offense victim or witness, including the use  
70 of a service or therapy animal that has been evaluated and  
71 registered according to national standards, in any proceeding  
72 involving a sexual offense. When deciding whether to permit a  
73 child victim or witness or sexual offense victim or witness to  
74 testify with the assistance of a registered service or therapy  
75 animal, the court shall consider the age of the child victim or  
76 witness, the age of the sexual offense victim or witness at the  
77 time the sexual offense occurred, the interests of the child  
78 victim or witness or sexual offense victim or witness, the  
79 rights of the parties to the litigation, and any other relevant  
80 factor that would facilitate the testimony by the child victim  
81 or witness or sexual offense victim or witness.

82 Section 2. Subsection (18) is added to section 775.15,  
83 Florida Statutes, to read:

84 775.15 Time limitations; general time limitations;  
85 exceptions.—

86 (18) (a) If the offense is a violation of s. 800.04(4) or  
87 (5) and the victim was younger than 16 years of age at the time  
88 the offense was committed, a prosecution of the offense may be  
89 commenced at any time. This paragraph does not apply if, at the  
90 time of the offense, the offender is less than 18 years of age  
91 and the offender is no more than 4 years older than the victim.

92 (b) Paragraph (a) applies to any offense committed on or  
93 after October 1, 2014.

94 Section 3. Subsections (4), (5), and (6), paragraph (b) of  
95 subsection (8), and subsections (9) and (10) of section 794.011,  
96 Florida Statutes, are amended to read:

97 794.011 Sexual battery.—



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98           (4) (a) A person 18 years of age or older who commits sexual  
99 battery upon a person 12 years of age or older but younger than  
100 18 years of age without that person's consent, under any of the  
101 following circumstances listed in paragraph (e), commits a  
102 felony of the first degree, punishable by a term of years not  
103 exceeding life or as provided in s. 775.082, s. 775.083, s.  
104 775.084, or s. 794.0115.+

105           (b) A person 18 years of age or older who commits sexual  
106 battery upon a person 18 years of age or older without that  
107 person's consent, under any of the circumstances listed in  
108 paragraph (e), commits a felony of the first degree, punishable  
109 as provided in s. 775.082, s. 775.083, s. 775.084, or s.  
110 794.0115.

111           (c) A person younger than 18 years of age who commits  
112 sexual battery upon a person 12 years of age or older without  
113 that person's consent, under any of the circumstances listed in  
114 paragraph (e), commits a felony of the first degree, punishable  
115 as provided in s. 775.082, s. 775.083, s. 775.084, or s.  
116 794.0115.

117           (d) A person commits a felony of the first degree,  
118 punishable by a term of years not exceeding life or as provided  
119 in s. 775.082, s. 775.083, s. 775.084, or s. 794.0115 if the  
120 person commits sexual battery upon a person 12 years of age or  
121 older without that person's consent, under any of the  
122 circumstances listed in paragraph (e), and such person was  
123 previously convicted of a violation of:

124           1. Section 787.01(2) or s. 787.02(2) when the violation  
125 involved a victim who was a minor and, in the course of  
126 committing that violation, the defendant committed against the



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127 minor a sexual battery under this chapter or a lewd act under s.  
128 800.04 or s. 847.0135(5);

129 2. Section 787.01(3)(a)2. or 3.;

130 3. Section 787.02(3)(a)2. or 3.;

131 4. Section 800.04;

132 5. Section 825.1025;

133 6. Section 847.0135(5); or

134 7. This chapter, excluding subsection (10) of this section.

135 (e) The following circumstances apply to paragraphs (a)-  
136 (d):

137 1.-(a) When The victim is physically helpless to resist.

138 2.-(b) When The offender coerces the victim to submit by  
139 threatening to use force or violence likely to cause serious  
140 personal injury on the victim, and the victim reasonably  
141 believes that the offender has the present ability to execute  
142 the threat.

143 3.-(c) When The offender coerces the victim to submit by  
144 threatening to retaliate against the victim, or any other  
145 person, and the victim reasonably believes that the offender has  
146 the ability to execute the threat in the future.

147 4.-(d) When The offender, without the prior knowledge or  
148 consent of the victim, administers or has knowledge of someone  
149 else administering to the victim any narcotic, anesthetic, or  
150 other intoxicating substance that ~~which~~ mentally or physically  
151 incapacitates the victim.

152 5.-(e) When The victim is mentally defective, and the  
153 offender has reason to believe this or has actual knowledge of  
154 this fact.

155 6.-(f) When The victim is physically incapacitated.



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156        ~~7.(g) When~~ The offender is a law enforcement officer,  
157        correctional officer, or correctional probation officer as  
158        defined in ~~by~~ s. 943.10(1), (2), (3), (6), (7), (8), or (9), who  
159        is certified under ~~the provisions of~~ s. 943.1395 or is an  
160        elected official exempt from such certification by virtue of s.  
161        943.253, or any other person in a position of control or  
162        authority in a probation, community control, controlled release,  
163        detention, custodial, or similar setting, and such officer,  
164        official, or person is acting in such a manner as to lead the  
165        victim to reasonably believe that the offender is in a position  
166        of control or authority as an agent or employee of government.

167        (5) (a) A person 18 years of age or older who commits sexual  
168        battery upon a person 12 years of age or older but younger than  
169        18 years of age, without that person's consent, and in the  
170        process thereof does not use physical force and violence likely  
171        to cause serious personal injury commits a felony of the first  
172        second degree, punishable as provided in s. 775.082, s. 775.083,  
173        s. 775.084, or s. 794.0115.

174        (b) A person 18 years of age or older who commits sexual  
175        battery upon a person 18 years of age or older, without that  
176        person's consent, and in the process does not use physical force  
177        and violence likely to cause serious personal injury commits a  
178        felony of the second degree, punishable as provided in s.  
179        775.082, s. 775.083, s. 775.084, or s. 794.0115.

180        (c) A person younger than 18 years of age who commits  
181        sexual battery upon a person 12 years of age or older, without  
182        that person's consent, and in the process does not use physical  
183        force and violence likely to cause serious personal injury  
184        commits a felony of the second degree, punishable as provided in



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185 s. 775.082, s. 775.083, s. 775.084, or s. 794.0115.

186 (d) A person commits a felony of the first degree,  
187 punishable as provided in s. 775.082, s. 775.083, s. 775.084, or  
188 s. 794.0115 if the person commits sexual battery upon a person  
189 12 years of age or older, without that person's consent, and in  
190 the process does not use physical force and violence likely to  
191 cause serious personal injury and the person was previously  
192 convicted of a violation of:

193 1. Section 787.01(2) or s. 787.02(2) when the violation  
194 involved a victim who was a minor and, in the course of  
195 committing that violation, the defendant committed against the  
196 minor a sexual battery under this chapter or a lewd act under s.  
197 800.04 or s. 847.0135(5);

198 2. Section 787.01(3)(a)2. or 3.;

199 3. Section 787.02(3)(a)2. or 3.;

200 4. Section 800.04;

201 5. Section 825.1025;

202 6. Section 847.0135(5); or

203 7. This chapter, excluding subsection (10) of this section.

204 (6)(a) The offenses ~~offense~~ described in paragraphs (5)(a)-  
205 (c) are ~~subsection (5)~~is included in any sexual battery offense  
206 charged under subsection (3) ~~or subsection (4)~~.

207 (b) The offense described in paragraph (5)(a) is included  
208 in an offense charged under paragraph (4)(a).

209 (c) The offense described in paragraph (5)(b) is included  
210 in an offense charged under paragraph (4)(b).

211 (d) The offense described in paragraph (5)(c) is included  
212 in an offense charged under paragraph (4)(c).

213 (e) The offense described in paragraph (5)(d) is included





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214 in an offense charged under paragraph (4) (d).

215 (8) Without regard to the willingness or consent of the  
216 victim, which is not a defense to prosecution under this  
217 subsection, a person who is in a position of familial or  
218 custodial authority to a person less than 18 years of age and  
219 who:

220 (b) Engages in any act with that person while the person is  
221 12 years of age or older but younger ~~less~~ than 18 years of age  
222 which constitutes sexual battery under paragraph (1) (h) commits  
223 a felony of the first degree, punishable by a term of years not  
224 exceeding life or as provided in s. 775.082, s. 775.083, or s.  
225 775.084.

226 (9) For prosecution under paragraph (4) (a), paragraph  
227 (4) (b), paragraph (4) (c), or paragraph (4) (d) which involves an  
228 offense committed under any of the circumstances listed in  
229 subparagraph (4) (e) 7. ~~paragraph (4) (g)~~, acquiescence to a person  
230 reasonably believed by the victim to be in a position of  
231 authority or control does not constitute consent, and it is not  
232 a defense that the perpetrator was not actually in a position of  
233 control or authority if the circumstances were such as to lead  
234 the victim to reasonably believe that the person was in such a  
235 position.

236 (10) A ~~Any~~ person who falsely accuses a ~~any~~ person listed  
237 in subparagraph (4) (e) 7. ~~paragraph (4) (g)~~ or other person in a  
238 position of control or authority as an agent or employee of  
239 government of violating paragraph (4) (a), paragraph (4) (b),  
240 paragraph (4) (c), or paragraph (4) (d) commits ~~(4) (g) is guilty~~  
241 of a felony of the third degree, punishable as provided in s.  
242 775.082, s. 775.083, or s. 775.084.



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243 Section 4. Subsection (2) of section 794.0115, Florida  
244 Statutes, is amended to read:

245 794.0115 Dangerous sexual felony offender; mandatory  
246 sentencing.—

247 (2) Any person who is convicted of a violation of s.  
248 787.025(2)(c); s. 794.011(2), (3), (4), (5), or (8); s.  
249 800.04(4) or (5); s. 825.1025(2) or (3); s. 827.071(2), (3), or  
250 (4); or s. 847.0145; or of any similar offense under a former  
251 designation, which offense the person committed when he or she  
252 was 18 years of age or older, and the person:

253 (a) Caused serious personal injury to the victim as a  
254 result of the commission of the offense;

255 (b) Used or threatened to use a deadly weapon during the  
256 commission of the offense;

257 (c) Victimized more than one person during the course of  
258 the criminal episode applicable to the offense;

259 (d) Committed the offense while under the jurisdiction of a  
260 court for a felony offense under the laws of this state, for an  
261 offense that is a felony in another jurisdiction, or for an  
262 offense that would be a felony if that offense were committed in  
263 this state; or

264 (e) Has previously been convicted of a violation of s.  
265 787.025(2)(c); s. 794.011(2), (3), (4), (5), or (8); s.  
266 800.04(4) or (5); s. 825.1025(2) or (3); s. 827.071(2), (3), or  
267 (4); s. 847.0145; of any offense under a former statutory  
268 designation which is similar in elements to an offense described  
269 in this paragraph; or of any offense that is a felony in another  
270 jurisdiction, or would be a felony if that offense were  
271 committed in this state, and which is similar in elements to an



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272 offense described in this paragraph,  
273  
274 is a dangerous sexual felony offender, who must be sentenced to  
275 a mandatory minimum term of 25 years imprisonment up to, and  
276 including, life imprisonment. If the offense described in this  
277 subsection was committed on or after October 1, 2014, a person  
278 who qualifies as a dangerous sexual felony offender pursuant to  
279 this subsection must be sentenced to a mandatory minimum term of  
280 50 years imprisonment up to, and including, life imprisonment.

281 Section 5. Subsection (1) of section 794.05, Florida  
282 Statutes, is amended to read:

283 794.05 Unlawful sexual activity with certain minors.-

284 (1) A person 24 years of age or older who engages in sexual  
285 activity with a person 16 or 17 years of age commits a felony of  
286 the second degree, punishable as provided in s. 775.082, s.  
287 775.083, or s. 775.084. As used in this section, "sexual  
288 activity" means oral, anal, or vaginal penetration by, or union  
289 with, the sexual organ of another or the anal or vaginal  
290 penetration of another by any other object; however, sexual  
291 activity does not include an act done for a bona fide medical  
292 purpose.

293 Section 6. Subsections (4) and (5) of section 800.04,  
294 Florida Statutes, are amended to read:

295 800.04 Lewd or lascivious offenses committed upon or in the  
296 presence of persons less than 16 years of age.-

297 (4) LEWD OR LASCIVIOUS BATTERY. ~~A person who:~~

298 (a) A person commits lewd or lascivious battery by:

299 1. Engaging in sexual activity with a person 12 years of  
300 age or older but less than 16 years of age; or



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301       2. Encouraging, forcing, or enticing any person less than  
302 16 years of age to engage in sadomasochistic abuse, sexual  
303 bestiality, prostitution, or any other act involving sexual  
304 activity.

305       (b) Except as provided in paragraph (c), an offender who  
306 commits lewd or lascivious battery commits a felony of the  
307 second degree, punishable as provided in s. 775.082, s. 775.083,  
308 or s. 775.084.

309       (c) A person commits a felony of the first degree,  
310 punishable as provided in s. 775.082, s. 775.083, or s. 775.084  
311 if the person is an offender 18 years of age or older who  
312 commits lewd or lascivious battery and was previously convicted  
313 of a violation of:

314       1. Section 787.01(2) or s. 787.02(2) when the violation  
315 involved a victim who was a minor and, in the course of  
316 committing that violation, the defendant committed against the  
317 minor a sexual battery under chapter 794 or a lewd act under  
318 this section or s. 847.0135(5);

319       2. Section 787.01(3)(a)2. or 3.;

320       3. Section 787.02(3)(a)2. or 3.;

321       4. Chapter 794, excluding s. 794.011(10);

322       5. Section 825.1025;

323       6. Section 847.0135(5); or

324       7. This section.

325       ~~(a) Engages in sexual activity with a person 12 years of~~  
326 ~~age or older but less than 16 years of age; or~~

327       ~~(b) Encourages, forces, or entices any person less than 16~~  
328 ~~years of age to engage in sadomasochistic abuse, sexual~~  
329 ~~bestiality, prostitution, or any other act involving sexual~~



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330 activity

331

332 ~~commits lewd or lascivious battery, a felony of the second~~  
333 ~~degree, punishable as provided in s. 775.082, s. 775.083, or s.~~  
334 ~~775.084.~~

335 (5) LEWD OR LASCIVIOUS MOLESTATION.—

336 (a) A person who intentionally touches in a lewd or  
337 lascivious manner the breasts, genitals, genital area, or  
338 buttocks, or the clothing covering them, of a person less than  
339 16 years of age, or forces or entices a person under 16 years of  
340 age to so touch the perpetrator, commits lewd or lascivious  
341 molestation.

342 (b) An offender 18 years of age or older who commits lewd  
343 or lascivious molestation against a victim less than 12 years of  
344 age commits a life felony, punishable as provided in s.  
345 775.082(3)(a)4.

346 (c)1. An offender less than 18 years of age who commits  
347 lewd or lascivious molestation against a victim less than 12  
348 years of age; or

349 2. An offender 18 years of age or older who commits lewd or  
350 lascivious molestation against a victim 12 years of age or older  
351 but less than 16 years of age

352  
353 commits a felony of the second degree, punishable as provided in  
354 s. 775.082, s. 775.083, or s. 775.084.

355 (d) An offender less than 18 years of age who commits lewd  
356 or lascivious molestation against a victim 12 years of age or  
357 older but less than 16 years of age commits a felony of the  
358 third degree, punishable as provided in s. 775.082, s. 775.083,



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359 or s. 775.084.

360 (e) A person commits a felony of the first degree,  
361 punishable as provided in s. 775.082, s. 775.083, or s. 775.084  
362 if the person is 18 years of age or older and commits lewd or  
363 lascivious molestation against a victim 12 years of age or older  
364 but less than 16 years of age and the person was previously  
365 convicted of a violation of:

366 1. Section 787.01(2) or s. 787.02(2) when the violation  
367 involved a victim who was a minor and, in the course of  
368 committing the violation, the defendant committed against the  
369 minor a sexual battery under chapter 794 or a lewd act under  
370 this section or s. 847.0135(5);

371 2. Section 787.01(3)(a)2. or 3.;

372 3. Section 787.02(3)(a)2. or 3.;

373 4. Chapter 794, excluding s. 794.011(10);

374 5. Section 825.1025;

375 6. Section 847.0135(5); or

376 7. This section.

377 Section 7. Subsection (1) of section 810.14, Florida  
378 Statutes, is amended to read:

379 810.14 Voyeurism prohibited; penalties.—

380 (1) A person commits the offense of voyeurism when he or  
381 she, with lewd, lascivious, or indecent intent:7

382 (a) Secretly observes another person when the other person  
383 is located in a dwelling, structure, or conveyance and such  
384 location provides a reasonable expectation of privacy

385 (b) Secretly observes another person's intimate areas in  
386 which the person has a reasonable expectation of privacy, when  
387 the other person is located in a public or private dwelling,



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388 structure, or conveyance. As used in this paragraph, the term  
389 "intimate area" means any portion of a person's body or  
390 undergarments that is covered by clothing and intended to be  
391 protected from public view.

392 Section 8. Paragraphs (g) through (i) of subsection (3) of  
393 section 921.0022, Florida Statutes, are amended to read:

394 921.0022 Criminal Punishment Code; offense severity ranking  
395 chart.—

396 (3) OFFENSE SEVERITY RANKING CHART

397 (g) LEVEL 7

398

Florida Statute	Felony Degree	Description
399 316.027(1)(b)	1st	Accident involving death, failure to stop; leaving scene.
400 316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
401 316.1935(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



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402			vehicle with siren and lights activated.
403	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
404	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
405	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
406	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
407	456.065 (2)	3rd	Practicing a health care profession without a license.
408	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.





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409	458.327(1)	3rd	Practicing medicine without a license.
410	459.013(1)	3rd	Practicing osteopathic medicine without a license.
411	460.411(1)	3rd	Practicing chiropractic medicine without a license.
412	461.012(1)	3rd	Practicing podiatric medicine without a license.
413	462.17	3rd	Practicing naturopathy without a license.
414	463.015(1)	3rd	Practicing optometry without a license.
415	464.016(1)	3rd	Practicing nursing without a license.
416	465.015(2)	3rd	Practicing pharmacy without a license.
	466.026(1)	3rd	Practicing dentistry or dental hygiene without a



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license.

417

467.201 3rd Practicing midwifery  
without a license.

418

468.366 3rd Delivering respiratory  
care services without a  
license.

419

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

420

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

421

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

422

484.053 3rd Dispensing hearing aids  
without a license.

423

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



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424	560.123(8)(b)1.	3rd	were five or more victims. Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.
425	560.125(5)(a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
426	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
427	775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew <u>driver</u> <del>driver's</del> license or identification card; other registration violations.
428	775.21(10)(b)	3rd	Sexual predator working where children regularly



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429			congregate.
	775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
430			
	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
431			
	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
432			
	782.071	2nd	Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
433			
	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless



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manner (vessel homicide).

434

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

435

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

436

784.045 (1) (b)                      2nd              Aggravated battery;  
perpetrator aware victim  
pregnant.

437

784.048 (4)                      3rd              Aggravated stalking;  
violation of injunction or  
court order.

438

784.048 (7)                      3rd              Aggravated stalking;  
violation of court order.

439

784.07 (2) (d)                      1st              Aggravated battery on law  
enforcement officer.

440

784.074 (1) (a)                      1st              Aggravated battery on  
sexually violent predators  
facility staff.

441

784.08 (2) (a)                      1st              Aggravated battery on a



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442			person 65 years of age or older.
	784.081 (1)	1st	Aggravated battery on specified official or employee.
443			
	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
444			
	784.083 (1)	1st	Aggravated battery on code inspector.
445			
	787.06 (3) (a)	1st	Human trafficking using coercion for labor and services.
446			
	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.
447			
	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s.



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448			790.07(1) or (2).
	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
449			
	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
450			
	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
451			
	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
452			
	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
453			
	790.23	1st, PBL	Possession of a firearm by



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454			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.
455			
	796.03	2nd	Procuring any person under 16 years for prostitution.
456			
	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim <u>younger</u> <del>less</del> than 12 years of age; offender <u>younger</u> <del>less</del> than 18 years.
457			
	800.04 (5) (c) 2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but <u>younger</u> <del>less</del> than 16 years; offender 18 years or older.
458			
	<u>800.04 (5) (e)</u>	<u>1st</u>	<u>Lewd or lascivious molestation; victim 12</u>





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459			<u>years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.</u>
460	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
461	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
462	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
463	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
464	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
	812.014 (2) (a) 1.	1st	Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer;



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465			property stolen while causing other property damage; 1st degree grand theft.
	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
466			
	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
467			
	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
468			
	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
469			
	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
470			



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471	812.131 (2) (a)	2nd	Robbery by sudden snatching.
472	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
473	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
474	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
475	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
476	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



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477			a significant cause of the insolvency of that entity.
	817.535 (2) (a)	3rd	Filing false lien or other unauthorized document.
478			
	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
479			
	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.
480			
	827.03 (2) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
481			
	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
482			
	837.05 (2)	3rd	Giving false information



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483			about alleged capital felony to a law enforcement officer.
484	838.015	2nd	Bribery.
485	838.016	2nd	Unlawful compensation or reward for official behavior.
486	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
487	838.22	2nd	Bid tampering.
488	843.0855 (2)	3rd	Impersonation of a public officer or employee.
489	843.0855 (3)	3rd	Unlawful simulation of legal process.
490	843.0855 (4)	3rd	Intimidation of a public officer or employee.
491	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.



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492	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
493	872.06	2nd	Abuse of a dead human body.
494	874.05 (2) (b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
495	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. 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



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496	893.13(1)(e)1.	1st	owned recreational facility or community center.
497	893.13(4)(a)	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.
498	893.135(1)(a)1.	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).
499	893.135 (1)(b)1.a.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
500	893.135	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
	893.135	1st	Trafficking in illegal



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501	(1) (c) 1.a.		drugs, more than 4 grams, less than 14 grams.
502	893.135 (1) (d) 1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
503	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
504	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
505	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
506	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





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507			kilograms.
893.135	1st	Trafficking in	
(1) (k) 2.a.		Phenethylamines, 10 grams	
		or more, less than 200	
		grams.	
508			
893.1351 (2)	2nd	Possession of place for	
		trafficking in or	
		manufacturing of	
		controlled substance.	
509			
896.101 (5) (a)	3rd	Money laundering,	
		financial transactions	
		exceeding \$300 but less	
		than \$20,000.	
510			
896.104 (4) (a) 1.	3rd	Structuring transactions	
		to evade reporting or	
		registration requirements,	
		financial transactions	
		exceeding \$300 but less	
		than \$20,000.	
511			
943.0435 (4) (c)	2nd	Sexual offender vacating	
		permanent residence;	
		failure to comply with	
		reporting requirements.	
512			



513	943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
514	943.0435 (9) (a)	3rd	Sexual offender; failure to comply with reporting requirements.
515	943.0435 (13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
516	943.0435 (14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
517	944.607 (9)	3rd	Sexual offender; failure to comply with reporting requirements.
518	944.607 (10) (a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.



519	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
520	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
521	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
522	985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
523	985.4815(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
524			
525	(h) LEVEL 8		
526			



	Florida Statute	Felony Degree	Description
527	316.193 (3) (c) 3.a.	2nd	DUI manslaughter.
528	316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
529	327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
530	499.0051 (7)	1st	Knowing trafficking in contraband prescription drugs.
531	499.0051 (8)	1st	Knowing forgery of prescription labels or prescription drug labels.
532	560.123 (8) (b) 2.	2nd	Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.
533	560.125 (5) (b)	2nd	Money transmitter



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business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.

534

655.50 (10) (b) 2.

2nd

Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.

535

777.03 (2) (a)

1st

Accessory after the fact, capital felony.

536

782.04 (4)

2nd

Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aggravated fleeing or eluding with serious bodily injury or death, aircraft piracy, or unlawfully discharging bomb.



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537	782.051 (2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04 (3).
538	782.071 (1) (b)	1st	Committing vehicular homicide and failing to render aid or give information.
539	782.072 (2)	1st	Committing vessel homicide and failing to render aid or give information.
540	787.06 (3) (b)	1st	Human trafficking using coercion for commercial sexual activity.
541	787.06 (3) (c)	1st	Human trafficking using coercion for labor and services of an unauthorized alien.
542	787.06 (3) (f)	1st	Human trafficking using coercion for commercial sexual activity by the



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transfer or transport of  
any individual from  
outside Florida to within  
the state.

543

790.161 (3)

1st

Discharging a destructive  
device which results in  
bodily harm or property  
damage.

544

794.011 (5) (a)

1st

Sexual battery; victim 12  
years of age or older but  
younger than 18 years;  
offender 18 years or  
older; offender does not  
use physical force likely  
to cause serious injury.

545

794.011 (5) (b)

2nd

Sexual battery; victim  
and offender 18 years of  
age or older; offender  
does not use physical  
force likely to cause  
serious injury.

546

794.011 (5) (c)

2nd

Sexual battery; victim 12  
years of age or older;  
offender younger than 18  
years; offender does not



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547

794.011(5)(d)

1st

use physical force likely to cause injury.

Sexual battery; victim 12 years of age or older; offender does not use physical force likely to cause serious injury; prior conviction for specified sex offense.

548

~~794.011(5)~~

~~2nd~~

~~Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.~~

549

794.08(3)

2nd

Female genital mutilation, removal of a victim younger than 18 years of age from this state.

550

800.04(4)(b)

2nd

Lewd or lascivious battery.

551

800.04(4)(c)

1st

Lewd or lascivious battery; offender 18 years of age or older;





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552			<u>prior conviction for specified sex offense.</u>
	<del>800.04(4)</del>	2nd	<del>Lewd or lascivious battery.</del>
553	806.01(1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
554	810.02(2)(a)	1st, PBL	Burglary with assault or battery.
555	810.02(2)(b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
556	810.02(2)(c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
557	812.014(2)(a)2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.



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558	812.13 (2) (b)	1st	Robbery with a weapon.
559	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
560	817.535 (2) (b)	2nd	Filing false lien or other unauthorized document; second or subsequent offense.
561	817.535 (3) (a)	2nd	Filing false lien or other unauthorized document; property owner is a public officer or employee.
562	817.535 (4) (a) 1.	2nd	Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.
563	817.535 (5) (a)	2nd	Filing false lien or other unauthorized document; owner of the property incurs financial loss as a result of the



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564			false instrument.
	817.568 (6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
565			
	825.102 (2)	1st	Aggravated abuse of an elderly person or disabled adult.
566			
	825.1025 (2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
567			
	825.103 (2) (a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.
568			
	837.02 (2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
569			
	837.021 (2)	2nd	Making contradictory statements in official proceedings relating to



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570			prosecution of a capital felony.
	860.121(2)(c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
571			
	860.16	1st	Aircraft piracy.
572			
	893.13(1)(b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
573			
	893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
574			
	893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
575			
	893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.



576	893.135 (1) (b) 1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
577	893.135 (1) (c) 1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
578	893.135 (1) (d) 1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
579	893.135 (1) (e) 1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
580	893.135 (1) (f) 1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
581	893.135 (1) (g) 1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.



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582	893.135 (1) (h) 1.b.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
583	893.135 (1) (j) 1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
584	893.135 (1) (k) 2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
585	893.1351 (3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.
586	895.03 (1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
587	895.03 (2)	1st	Acquire or maintain through racketeering



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588			activity any interest in or control of any enterprise or real property.
	895.03 (3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
589			
	896.101 (5) (b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
590			
	896.104 (4) (a) 2.	2nd	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$20,000 but less than \$100,000.
591			
592			
593	(i) LEVEL 9		
594			
	Florida	Felony	
	Statute	Degree	Description



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595	316.193 (3) (c) 3.b.	1st	DUI manslaughter; failing to render aid or give information.
596	327.35 (3) (c) 3.b.	1st	BUI manslaughter; failing to render aid or give information.
597	409.920 (2) (b) 1.c.	1st	Medicaid provider fraud; \$50,000 or more.
598	499.0051 (9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
599	560.123 (8) (b) 3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
600	560.125 (5) (c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding





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\$100,000.

601

655.50(10)(b)3.

1st

Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.

602

775.0844

1st

Aggravated white collar crime.

603

782.04(1)

1st

Attempt, conspire, or solicit to commit premeditated murder.

604

782.04(3)

1st,PBL

Accomplice to murder in connection with arson, sexual battery, robbery, burglary, aggravated fleeing or eluding with serious bodily injury or death, and other specified felonies.

605

782.051(1)

1st

Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).



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606	782.07(2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
607	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
608	787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit or facilitate commission of any felony.
609	787.01(1)(a)4.	1st,PBL	Kidnapping with intent to interfere with performance of any governmental or political function.
610	787.02(3)(a)	1st	False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.
611			



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612	787.06(3)(d)	1st	Human trafficking using coercion for commercial sexual activity of an unauthorized alien.
613	787.06(3)(g)	1st,PBL	Human trafficking for commercial sexual activity of a child under the age of 18.
614	787.06(4)	1st	Selling or buying of minors into human trafficking.
615	790.161	1st	Attempted capital destructive device offense.
616	790.166(2)	1st,PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
617	794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.
	794.011(2)	Life	Sexual battery; offender younger than 18 years



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and commits sexual  
battery on a person less  
than 12 years.

618

794.011(4)(a)

1st,PBL

Sexual battery, certain  
circumstances; victim 12  
years of age or older  
but younger than 18  
years; offender 18 years  
or older.

619

794.011(4)(b)

1st

Sexual battery, certain  
circumstances; victim  
and offender 18 years of  
age or older.

620

794.011(4)(c)

1st

Sexual battery, certain  
circumstances; victim 12  
years of age or older;  
offender younger than 18  
years.

621

794.011(4)(d)

1st,PBL

Sexual battery, certain  
circumstances; victim 12  
years of age or older;  
prior conviction for  
specified sex offenses.

622

~~794.011(4)~~

~~1st~~

~~Sexual battery; victim~~



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623  
624  
625  
626  
627  
628  
629

794.011 (8) (b)	1st, <u>PBL</u>	<del>12 years or older,</del> <del>certain circumstances.</del> Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
794.08 (2)	1st	Female genital mutilation; victim younger than 18 years of age.
796.035	1st	Selling or buying of minors into prostitution.
800.04 (5) (b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
812.13 (2) (a)	1st, PBL	Robbery with firearm or other deadly weapon.
812.133 (2) (a)	1st, PBL	Carjacking; firearm or other deadly weapon.



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630	812.135 (2) (b)	1st	Home-invasion robbery with weapon.
631	817.535 (3) (b)	1st	Filing false lien or other unauthorized document; second or subsequent offense; property owner is a public officer or employee.
632	817.535 (4) (a) 2.	1st	Filing false claim or other unauthorized document; defendant is incarcerated or under supervision.
633	817.535 (5) (b)	1st	Filing false lien or other unauthorized document; second or subsequent offense; owner of the property incurs financial loss as a result of the false instrument.
	817.568 (7)	2nd, PBL	Fraudulent use of personal identification information of an



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individual under the age  
of 18 by his or her  
parent, legal guardian,  
or person exercising  
custodial authority.

634

827.03 (2) (a) 1st Aggravated child abuse.

635

847.0145 (1) 1st Selling, or otherwise  
transferring custody or  
control, of a minor.

636

847.0145 (2) 1st Purchasing, or otherwise  
obtaining custody or  
control, of a minor.

637

859.01 1st Poisoning or introducing  
bacteria, radioactive  
materials, viruses, or  
chemical compounds into  
food, drink, medicine,  
or water with intent to  
kill or injure another  
person.

638

893.135 1st Attempted capital  
trafficking offense.

639

893.135 (1) (a) 3. 1st Trafficking in cannabis,



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more than 10,000 lbs.

640

893.135 1st Trafficking in cocaine,  
(1) (b) 1.c. more than 400 grams,  
less than 150 kilograms.

641

893.135 1st Trafficking in illegal  
(1) (c) 1.c. drugs, more than 28  
grams, less than 30  
kilograms.

642

893.135 1st Trafficking in  
(1) (d) 1.c. phencyclidine, more than  
400 grams.

643

893.135 1st Trafficking in  
(1) (e) 1.c. methaqualone, more than  
25 kilograms.

644

893.135 1st Trafficking in  
(1) (f) 1.c. amphetamine, more than  
200 grams.

645

893.135 1st Trafficking in gamma-  
(1) (h) 1.c. hydroxybutyric acid  
(GHB), 10 kilograms or  
more.

646

893.135 1st Trafficking in 1,4-





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(1) (j) 1.c.		Butanediol, 10 kilograms or more.
893.135	1st	Trafficking in
(1) (k) 2.c.		Phenethylamines, 400 grams or more.
896.101 (5) (c)	1st	Money laundering, financial instruments totaling or exceeding \$100,000.
896.104 (4) (a) 3.	1st	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$100,000.

Section 9. Section 921.0024, Florida Statutes, is amended  
to read:

921.0024 Criminal Punishment Code; worksheet computations;  
scoresheets.-

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

FLORIDA CRIMINAL PUNISHMENT CODE  
WORKSHEET



937698

661  
662  
663  
664  
665  
666  
667  
668  
669  
670  
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672  
673  
674  
675  
676

OFFENSE SCORE

Primary Offense

Level	Sentence Points		Total
10	116	=	.....
9	92	=	.....
8	74	=	.....
7	56	=	.....
6	36	=	.....
5	28	=	.....
4	22	=	.....
3	16	=	.....
2	10	=	.....
1	4	=	.....



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						Total
677						
678						
679						
	Additional Offenses					
680						
	Level	Sentence Points		Counts	=	Total
681						
	10	58	x	....	=	....
682						
	9	46	x	....	=	....
683						
	8	37	x	....	=	....
684						
	7	28	x	....	=	....
685						
	6	18	x	....	=	....
686						
	5	5.4	x	....	=	....
687						
	4	3.6	x	....	=	....
688						
	3	2.4	x	....	=	....
689						
	2	1.2	x	....	=	....
690						
	1	0.7	x	....	=	....
691						
	M	0.2	x	....	=	....



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692

693

Total

694

695

696

Victim Injury

697

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

698

2nd degree  
 murder-  
 death

240	x	.....	=	.....
-----	---	-------	---	-------

699

Death

120	x	.....	=	.....
-----	---	-------	---	-------

700

Severe

40	x	.....	=	.....
----	---	-------	---	-------

701

Moderate

18	x	.....	=	.....
----	---	-------	---	-------

702

Slight

4	x	.....	=	.....
---	---	-------	---	-------

703

Sexual  
 penetration

80	x	.....	=	.....
----	---	-------	---	-------

704

Sexual  
 contact

40	x	.....	=	.....
----	---	-------	---	-------



705  
706  
707  
708  
709  
710  
711  
712  
713  
714  
715  
716  
717  
718  
719  
720  
721  
722

Total

Primary Offense + Additional Offenses + Victim Injury =  
 TOTAL OFFENSE SCORE

PRIOR RECORD SCORE

Prior Record

Level	Sentence Points		Number		Total
10	29	x	....	=	....
9	23	x	....	=	....
8	19	x	....	=	....
7	14	x	....	=	....
6	9	x	....	=	....
5	3.6	x	....	=	....
4	2.4	x	....	=	....



723	3	1.6	x	....	=	....
724	2	0.8	x	....	=	....
725	1	0.5	x	....	=	....
726	M	0.2	x	....	=	....
727						
728						Total
729						
730						TOTAL OFFENSE SCORE.....
731						TOTAL PRIOR RECORD SCORE.....
732						
733						LEGAL STATUS.....
734						COMMUNITY SANCTION VIOLATION.....
735						PRIOR SERIOUS FELONY.....
736						PRIOR CAPITAL FELONY.....
737						FIREARM OR SEMIAUTOMATIC WEAPON.....
738						SUBTOTAL.....
739						
740						PRISON RELEASEE REOFFENDER (no) (yes).....
741						VIOLENT CAREER CRIMINAL (no) (yes).....
742						HABITUAL VIOLENT OFFENDER (no) (yes).....
743						HABITUAL OFFENDER (no) (yes).....
744						DRUG TRAFFICKER (no) (yes) (x multiplier).....
745						LAW ENF. PROTECT. (no) (yes) (x multiplier).....



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746 MOTOR VEHICLE THEFT (no) (yes) (x multiplier).....  
747 CRIMINAL GANG OFFENSE (no) (yes) (x multiplier).....  
748 DOMESTIC VIOLENCE IN THE PRESENCE OF RELATED CHILD (no) (yes)  
749 (x multiplier).....  
750 ADULT-ON-MINOR SEX OFFENSE (no) (yes) (x multiplier).....  
751 .....  
752 TOTAL SENTENCE POINTS.....

754 (b) WORKSHEET KEY:

755  
756 Legal status points are assessed when any form of legal status  
757 existed at the time the offender committed an offense before the  
758 court for sentencing. Four (4) sentence points are assessed for  
759 an offender's legal status.

760  
761 Community sanction violation points are assessed when a  
762 community sanction violation is before the court for sentencing.  
763 Six (6) sentence points are assessed for each community sanction  
764 violation and each successive community sanction violation,  
765 unless any of the following apply:

766 1. If the community sanction violation includes a new  
767 felony conviction before the sentencing court, twelve (12)  
768 community sanction violation points are assessed for the  
769 violation, and for each successive community sanction violation  
770 involving a new felony conviction.

771 2. If the community sanction violation is committed by a  
772 violent felony offender of special concern as defined in s.  
773 948.06:

774 a. Twelve (12) community sanction violation points are



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775 assessed for the violation and for each successive violation of  
776 felony probation or community control where:

777 I. The violation does not include a new felony conviction;  
778 and

779 II. The community sanction violation is not based solely on  
780 the probationer or offender's failure to pay costs or fines or  
781 make restitution payments.

782 b. Twenty-four (24) community sanction violation points are  
783 assessed for the violation and for each successive violation of  
784 felony probation or community control where the violation  
785 includes a new felony conviction.

786

787 Multiple counts of community sanction violations before the  
788 sentencing court shall not be a basis for multiplying the  
789 assessment of community sanction violation points.

790

791 Prior serious felony points: If the offender has a primary  
792 offense or any additional offense ranked in level 8, level 9, or  
793 level 10, and one or more prior serious felonies, a single  
794 assessment of thirty (30) points shall be added. For purposes of  
795 this section, a prior serious felony is an offense in the  
796 offender's prior record that is ranked in level 8, level 9, or  
797 level 10 under s. 921.0022 or s. 921.0023 and for which the  
798 offender is serving a sentence of confinement, supervision, or  
799 other sanction or for which the offender's date of release from  
800 confinement, supervision, or other sanction, whichever is later,  
801 is within 3 years before the date the primary offense or any  
802 additional offense was committed.

803





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804 Prior capital felony points: If the offender has one or more  
805 prior capital felonies in the offender's criminal record, points  
806 shall be added to the subtotal sentence points of the offender  
807 equal to twice the number of points the offender receives for  
808 the primary offense and any additional offense. A prior capital  
809 felony in the offender's criminal record is a previous capital  
810 felony offense for which the offender has entered a plea of nolo  
811 contendere or guilty or has been found guilty; or a felony in  
812 another jurisdiction which is a capital felony in that  
813 jurisdiction, or would be a capital felony if the offense were  
814 committed in this state.

815  
816 Possession of a firearm, semiautomatic firearm, or machine gun:  
817 If the offender is convicted of committing or attempting to  
818 commit any felony other than those enumerated in s. 775.087(2)  
819 while having in his or her possession: a firearm as defined in  
820 s. 790.001(6), an additional eighteen (18) sentence points are  
821 assessed; or if the offender is convicted of committing or  
822 attempting to commit any felony other than those enumerated in  
823 s. 775.087(3) while having in his or her possession a  
824 semiautomatic firearm as defined in s. 775.087(3) or a machine  
825 gun as defined in s. 790.001(9), an additional twenty-five (25)  
826 sentence points are assessed.

827  
828 Sentencing multipliers:

829  
830 Drug trafficking: If the primary offense is drug trafficking  
831 under s. 893.135, the subtotal sentence points are multiplied,  
832 at the discretion of the court, for a level 7 or level 8



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833 offense, by 1.5. The state attorney may move the sentencing  
834 court to reduce or suspend the sentence of a person convicted of  
835 a level 7 or level 8 offense, if the offender provides  
836 substantial assistance as described in s. 893.135(4).

837

838 Law enforcement protection: If the primary offense is a  
839 violation of the Law Enforcement Protection Act under s.  
840 775.0823(2), (3), or (4), the subtotal sentence points are  
841 multiplied by 2.5. If the primary offense is a violation of s.  
842 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points  
843 are multiplied by 2.0. If the primary offense is a violation of  
844 s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement  
845 Protection Act under s. 775.0823(10) or (11), the subtotal  
846 sentence points are multiplied by 1.5.

847

848 Grand theft of a motor vehicle: If the primary offense is grand  
849 theft of the third degree involving a motor vehicle and in the  
850 offender's prior record, there are three or more grand thefts of  
851 the third degree involving a motor vehicle, the subtotal  
852 sentence points are multiplied by 1.5.

853

854 Offense related to a criminal gang: If the offender is convicted  
855 of the primary offense and committed that offense for the  
856 purpose of benefiting, promoting, or furthering the interests of  
857 a criminal gang as defined in s. 874.03, the subtotal sentence  
858 points are multiplied by 1.5. If applying the multiplier results  
859 in the lowest permissible sentence exceeding the statutory  
860 maximum sentence for the primary offense under chapter 775, the  
861 court may not apply the multiplier and must sentence the



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862 defendant to the statutory maximum sentence.

863

864 Domestic violence in the presence of a child: If the offender is  
865 convicted of the primary offense and the primary offense is a  
866 crime of domestic violence, as defined in s. 741.28, which was  
867 committed in the presence of a child under 16 years of age who  
868 is a family or household member as defined in s. 741.28(3) with  
869 the victim or perpetrator, the subtotal sentence points are  
870 multiplied by 1.5.

871

872 Adult-on-minor sex offense: If the offender was 18 years of age  
873 or older and the victim was younger than 18 years of age at the  
874 time the offender committed the primary offense, and if the  
875 primary offense was an offense committed on or after October 1,  
876 2014, and is a violation of s. 787.01(2) or s. 787.02(2), if the  
877 violation involved a victim who was a minor and, in the course  
878 of committing that violation, the defendant committed a sexual  
879 battery under chapter 794 or a lewd act under s. 800.04 or s.  
880 847.0135(5) against the minor; s. 787.01(3) (a)2. or 3.; s.  
881 787.02(3) (a)2. or 3.; s. 794.011, excluding s. 794.011(10); s.  
882 800.04; or s. 847.0135(5), the subtotal sentence points are  
883 multiplied by 2.0. If applying the multiplier results in the  
884 lowest permissible sentence exceeding the statutory maximum  
885 sentence for the primary offense under chapter 775, the court  
886 may not apply the multiplier and must sentence the defendant to  
887 the statutory maximum sentence.

888 (2) The lowest permissible sentence is the minimum sentence  
889 that may be imposed by the trial court, absent a valid reason  
890 for departure. The lowest permissible sentence is any nonstate



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891 | prison sanction in which the total sentence points equals or is  
892 | less than 44 points, unless the court determines within its  
893 | discretion that a prison sentence, which may be up to the  
894 | statutory maximums for the offenses committed, is appropriate.  
895 | When the total sentence points exceeds 44 points, the lowest  
896 | permissible sentence in prison months shall be calculated by  
897 | subtracting 28 points from the total sentence points and  
898 | decreasing the remaining total by 25 percent. The total sentence  
899 | points shall be calculated only as a means of determining the  
900 | lowest permissible sentence. The permissible range for  
901 | sentencing shall be the lowest permissible sentence up to and  
902 | including the statutory maximum, as defined in s. 775.082, for  
903 | the primary offense and any additional offenses before the court  
904 | for sentencing. The sentencing court may impose such sentences  
905 | concurrently or consecutively. However, any sentence to state  
906 | prison must exceed 1 year. If the lowest permissible sentence  
907 | under the code exceeds the statutory maximum sentence as  
908 | provided in s. 775.082, the sentence required by the code must  
909 | be imposed. If the total sentence points are greater than or  
910 | equal to 363, the court may sentence the offender to life  
911 | imprisonment. An offender sentenced to life imprisonment under  
912 | this section is not eligible for any form of discretionary early  
913 | release, except executive clemency or conditional medical  
914 | release under s. 947.149.

915 |       (3) A single scoresheet shall be prepared for each  
916 | defendant to determine the permissible range for the sentence  
917 | that the court may impose, except that if the defendant is  
918 | before the court for sentencing for more than one felony and the  
919 | felonies were committed under more than one version or revision



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920 of the guidelines or the code, separate scoresheets must be  
921 prepared. The scoresheet or scoresheets must cover all the  
922 defendant's offenses pending before the court for sentencing.  
923 The state attorney shall prepare the scoresheet or scoresheets,  
924 which must be presented to the defense counsel for review for  
925 accuracy in all cases unless the judge directs otherwise. The  
926 defendant's scoresheet or scoresheets must be approved and  
927 signed by the sentencing judge.

928 (4) The Department of Corrections, in consultation with the  
929 Office of the State Courts Administrator, state attorneys, and  
930 public defenders, must develop and submit the revised Criminal  
931 Punishment Code scoresheet to the Supreme Court for approval by  
932 June 15 of each year, as necessary. Upon the Supreme Court's  
933 approval of the revised scoresheet, the Department of  
934 Corrections shall produce and provide sufficient copies of the  
935 revised scoresheets by September 30 of each year, as necessary.  
936 Scoresheets must include item entries for the scoresheet  
937 preparer's use in indicating whether any prison sentence imposed  
938 includes a mandatory minimum sentence or the sentence imposed  
939 was a downward departure from the lowest permissible sentence  
940 under the Criminal Punishment Code.

941 (5) The Department of Corrections shall distribute  
942 sufficient copies of the Criminal Punishment Code scoresheets to  
943 those persons charged with the responsibility for preparing  
944 scoresheets.

945 (6) The clerk of the circuit court shall transmit a  
946 complete, accurate, and legible copy of the Criminal Punishment  
947 Code scoresheet used in each sentencing proceeding to the  
948 Department of Corrections. Scoresheets must be transmitted no



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949 less frequently than monthly, by the first of each month, and  
950 may be sent collectively.

951 (7) A sentencing scoresheet must be prepared for every  
952 defendant who is sentenced for a felony offense. A copy of the  
953 individual offender's Criminal Punishment Code scoresheet and  
954 any attachments thereto prepared pursuant to Rule 3.701, Rule  
955 3.702, or Rule 3.703, Florida Rules of Criminal Procedure, or  
956 any other rule pertaining to the preparation and submission of  
957 felony sentencing scoresheets, must be attached to the copy of  
958 the uniform judgment and sentence form provided to the  
959 Department of Corrections.

960 Section 10. Paragraph (e) is added to subsection (4) of  
961 section 944.275, Florida Statutes, to read:

962 944.275 Gain-time.—

963 (4)

964 (e) Notwithstanding subparagraph (b)3., for sentences  
965 imposed for offenses committed on or after October 1, 2014, the  
966 department may not grant incentive gain-time if the offense is a  
967 violation of s. 782.04(1)(a)2.c.; s. 787.01(3)(a)2. or 3.; s.  
968 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s.  
969 800.04; s. 825.1025; or s. 847.0135(5).

970 Section 11. Subsections (13) and (14) are added to section  
971 947.1405, Florida Statutes, to read:

972 947.1405 Conditional release program.—

973 (13) If a person who is transferred to the custody of the  
974 Department of Children and Families pursuant to part V of  
975 chapter 394 is subject to conditional release supervision, the  
976 period of conditional release supervision is tolled until such  
977 person is no longer in the custody of the Department of Children



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978 and Families. This subsection applies to all periods of  
979 conditional release supervision which begin on or after October  
980 1, 2014, regardless of the date of the underlying offense.

981 (14) Effective for a releasee whose crime was committed on  
982 or after October 1, 2014, in violation of chapter 794, s.  
983 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, in addition  
984 to any other provision of this section, the commission must  
985 impose a condition prohibiting the releasee from viewing,  
986 accessing, owning, or possessing any obscene, pornographic, or  
987 sexually stimulating visual or auditory material unless  
988 otherwise indicated in the treatment plan provided by a  
989 qualified practitioner in the sexual offender treatment program.  
990 Visual or auditory material includes, but is not limited to,  
991 telephone, electronic media, computer programs, and computer  
992 services.

993 Section 12. Subsection (1) of section 948.012, Florida  
994 Statutes, is amended, and subsections (5) and (6) are added to  
995 that section, to read:

996 948.012 Split sentence of probation or community control  
997 and imprisonment.—

998 (1) ~~If~~ Whenever punishment by imprisonment for a  
999 misdemeanor or a felony, except for a capital felony, is  
1000 prescribed, the court, ~~in its discretion,~~ may, at the time of  
1001 sentencing, impose a split sentence whereby the defendant is to  
1002 be placed on probation or, with respect to any such felony, into  
1003 community control upon completion of any specified period of  
1004 such sentence which may include a term of years or less. In such  
1005 case, the court shall stay and withhold the imposition of the  
1006 remainder of sentence imposed upon the defendant and direct that



1007 the defendant be placed upon probation or into community control  
1008 after serving such period as may be imposed by the court. Except  
1009 as provided in subsection (6), the period of probation or  
1010 community control shall commence immediately upon the release of  
1011 the defendant from incarceration, whether by parole or gain-time  
1012 allowances.

1013 (5) (a) Effective for offenses committed on or after October  
1014 1, 2014, if the court imposes a term of years in accordance with  
1015 s. 775.082 which is less than the maximum sentence for the  
1016 offense, the court must impose a split sentence pursuant to  
1017 subsection (1) for any person who is convicted of a violation  
1018 of:

- 1019 1. Section 782.04(1)(a)2.c.;
- 1020 2. Section 787.01(3)(a)2. or 3.;
- 1021 3. Section 787.02(3)(a)2. or 3.;
- 1022 4. Section 794.011, excluding s. 794.011(10);
- 1023 5. Section 800.04;
- 1024 6. Section 825.1025; or
- 1025 7. Section 847.0135(5).

1026 (b) The probation or community control portion of the split  
1027 sentence imposed by the court must extend for at least 2 years.  
1028 However, if the term of years imposed by the court extends to  
1029 within 2 years of the maximum sentence for the offense, the  
1030 probation or community control portion of the split sentence  
1031 must extend for the remainder of the maximum sentence.

1032 (6) If a defendant who has been sentenced to a split  
1033 sentence pursuant to subsection (1) is transferred to the  
1034 custody of the Department of Children and Families pursuant to  
1035 part V of chapter 394, the period of probation or community





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1036 control is tolled until such person is no longer in the custody  
1037 of the Department of Children and Families. This subsection  
1038 applies to all sentences of probation or community control which  
1039 begin on or after October 1, 2014, regardless of the date of the  
1040 underlying offense.

1041 Section 13. Subsection (5) is added to section 948.30,  
1042 Florida Statutes, to read:

1043 948.30 Additional terms and conditions of probation or  
1044 community control for certain sex offenses.—Conditions imposed  
1045 pursuant to this section do not require oral pronouncement at  
1046 the time of sentencing and shall be considered standard  
1047 conditions of probation or community control for offenders  
1048 specified in this section.

1049 (5) Effective for a probationer or community controllee  
1050 whose crime was committed on or after October 1, 2014, and who  
1051 is placed on probation or community control for a violation of  
1052 chapter 794, s. 800.04, s. 827.071, s. 847.0135(5), or s.  
1053 847.0145, in addition to all other conditions imposed, the court  
1054 must impose a condition prohibiting the probationer or community  
1055 controllee from viewing, accessing, owning, or possessing any  
1056 obscene, pornographic, or sexually stimulating visual or  
1057 auditory material unless otherwise indicated in the treatment  
1058 plan provided by a qualified practitioner in the sexual offender  
1059 treatment program. Visual or auditory material includes, but is  
1060 not limited to, telephone, electronic media, computer programs,  
1061 and computer services.

1062 Section 14. Section 948.31, Florida Statutes, is amended to  
1063 read:

1064 948.31 Evaluation and treatment of sexual predators and



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1065 offenders on probation or community control.-The court may shall  
1066 require an evaluation by a qualified practitioner to determine  
1067 the need of a probationer or community controllee for treatment.  
1068 If the court determines that a need therefor is established by  
1069 the evaluation process, the court shall require sexual offender  
1070 treatment as a term or condition of probation or community  
1071 control for any probationer or community controllee person who  
1072 is required to register as a sexual predator under s. 775.21 or  
1073 sexual offender under s. 943.0435, s. 944.606, or s. 944.607 to  
1074 undergo an evaluation, at the probationer or community  
1075 controllee's expense, by a qualified practitioner to determine  
1076 whether such probationer or community controllee needs sexual  
1077 offender treatment. If the qualified practitioner determines  
1078 that sexual offender treatment is needed and recommends  
1079 treatment, the probationer or community controllee must  
1080 successfully complete and pay for the treatment. Such treatment  
1081 must shall be required to be obtained from a qualified  
1082 practitioner as defined in s. 948.001. Treatment may not be  
1083 administered by a qualified practitioner who has been convicted  
1084 or adjudicated delinquent of committing, or attempting,  
1085 soliciting, or conspiring to commit, any offense that is listed  
1086 in s. 943.0435(1)(a)1.a.(I). The court shall impose a  
1087 restriction against contact with minors if sexual offender  
1088 treatment is recommended. The evaluation and recommendations for  
1089 treatment of the probationer or community controllee shall be  
1090 provided to the court for review.

1091 Section 15. If any provision of this act or its application  
1092 to any person or circumstance is held invalid, the invalidity  
1093 does not affect other provisions or applications of this act



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1094 which can be given effect without the invalid provision or  
1095 application, and to this end the provisions of this act are  
1096 severable.

1097 Section 16. This act shall take effect October 1, 2014.

1098

1099 ===== T I T L E A M E N D M E N T =====

1100 And the title is amended as follows:

1101 Delete everything before the enacting clause  
1102 and insert:

1103 A bill to be entitled  
1104 An act relating to sexual offenses; amending s. 92.55,  
1105 F.S.; authorizing orders limiting testimony in open  
1106 court and in depositions if the victim or witness was  
1107 a child under 16 years of age when a specified sexual  
1108 offense occurred; authorizing the court to set other  
1109 conditions appropriate to taking the testimony of this  
1110 victim or witness; amending s. 775.15, F.S.;  
1111 eliminating time limitations to the prosecution of  
1112 specified criminal offenses relating to lewd or  
1113 lascivious battery or molestation if the victim was  
1114 younger than 16 years of age at the time of the  
1115 offense; specifying an exception; providing  
1116 applicability; amending s. 794.011, F.S.; revising and  
1117 creating offenses involving sexual battery; increasing  
1118 felony degree of certain sexual battery offenses;  
1119 amending s. 794.0115, F.S.; imposing a 50-year minimum  
1120 mandatory sentence for dangerous sexual felony  
1121 offenders; amending s. 794.05, F.S.; revising  
1122 definition of the term "sexual activity;" amending s.



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1123 800.04, F.S.; revising and creating offenses involving  
1124 lewd or lascivious battery and molestation; increasing  
1125 felony degree of certain lewd or lascivious battery  
1126 and molestation offenses; amending s. 810.14, F.S.;  
1127 providing that voyeurism includes secretly observing  
1128 another person's intimate areas in which the person  
1129 has a reasonable expectation of privacy, when the  
1130 other person is located in a public or private  
1131 dwelling, structure, or conveyance; defining the term  
1132 "intimate area"; amending s. 921.0022, F.S.; assigning  
1133 offense severity rankings for new lewd or lascivious  
1134 battery and molestation offenses and sexual battery  
1135 offenses; amending s. 921.0024, F.S.; providing that  
1136 sentence points are multiplied for specified sex  
1137 offenses committed by an adult upon a minor under  
1138 certain circumstances; amending s. 944.275, F.S.;  
1139 prohibiting award of gain-time for certain offenses;  
1140 amending s. 947.1405, F.S.; providing for tolling of  
1141 conditional release supervision; providing  
1142 applicability; amending ss. 947.1405 and 948.30, F.S.;  
1143 prohibiting certain conditional releasees,  
1144 probationers, or community controllees from viewing,  
1145 accessing, owning, or possessing any obscene,  
1146 pornographic, or sexually stimulating material;  
1147 providing exceptions; amending s. 948.012, F.S.;  
1148 requiring split sentence for certain sexual offenses;  
1149 providing for tolling of probation or community  
1150 control; amending s. 948.31, F.S.; authorizing the  
1151 court to require a sexual offender or sexual predator



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1152        who is on probation or community control to undergo an  
1153        evaluation to determine whether the offender or  
1154        predator needs sexual offender treatment; requiring  
1155        the probationer or community controllee to pay for the  
1156        treatment; removing a provision prohibiting contact  
1157        with minors if sexual offender treatment is  
1158        recommended; providing applicability; providing  
1159        severability; providing an effective date.