

By Senator Bradley

7-00529A-14

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1 A bill to be entitled
2 An act relating to sexual offenses; amending s.
3 794.011, F.S.; revising and creating offenses
4 involving sexual battery; increasing felony degree of
5 certain sexual battery offenses; amending s. 800.04,
6 F.S.; revising and creating offenses involving lewd or
7 lascivious battery and molestation; increasing felony
8 degree of certain lewd or lascivious battery and
9 molestation offenses; amending s. 921.0022, F.S.;
10 assigning new offense severity rankings for lewd or
11 lascivious molestation and sexual battery offenses;
12 amending s. 921.0024, F.S.; providing that sentence
13 points are multiplied for specified sex offenses
14 committed by an adult upon a minor under certain
15 circumstances; creating s. 921.30, F.S.; authorizing a
16 state attorney to move a court to make a written
17 finding that an offense was a sexually motivated
18 offense under certain circumstances; amending s.
19 944.275, F.S.; prohibiting award of gain-time for
20 certain offenses; amending s. 947.1405, F.S.;
21 providing for tolling of conditional release
22 supervision; providing applicability; amending s.
23 948.012, F.S.; requiring split sentence for certain
24 sexual offenses; providing for tolling of probation or
25 community control; providing applicability; providing
26 severability; providing an effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:
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30 Section 1. Subsections (4), (5), and (6), paragraph (b) of
31 subsection (8), and subsections (9) and (10) of section 794.011,
32 Florida Statutes, are amended to read:

33 794.011 Sexual battery.—

34 (4) (a) A person 18 years of age or older who commits sexual
35 battery upon a person 12 years of age or older but younger than
36 18 years of age without that person's consent, under any of the
37 following circumstances listed in paragraph (e), commits a
38 felony of the first degree, punishable by a term of years not
39 exceeding life or as provided in s. 775.082, s. 775.083, s.
40 775.084, or s. 794.0115.‡

41 (b) A person 18 years of age or older who commits sexual
42 battery upon a person 18 years of age or older without that
43 person's consent, under any of the circumstances listed in
44 paragraph (e), commits a felony of the first degree, punishable
45 as provided in s. 775.082, s. 775.083, s. 775.084, or s.
46 794.0115.

47 (c) A person younger than 18 years of age who commits
48 sexual battery upon a person 12 years of age or older without
49 that person's consent, under any of the circumstances listed in
50 paragraph (e), commits a felony of the first degree, punishable
51 as provided in s. 775.082, s. 775.083, s. 775.084, or s.
52 794.0115.

53 (d) If a person who has previously been convicted of a
54 violation of s. 787.01(2), s. 787.02(3), s. 800.04, s. 825.1025,
55 or s. 847.0135(5) or a violation of this chapter, excluding
56 subsection (10) of this section, commits sexual battery upon a
57 person 12 years of age or older without that person's consent,
58 under any of the circumstances listed in paragraph (e), such

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59 person commits a felony of the first degree, punishable by a
 60 term of years not exceeding life or as provided in s. 775.082,
 61 s. 775.083, s. 775.084, or s. 794.0115.

62 (e) The following circumstances apply to paragraphs (a)-
 63 (d):

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

65 2.(b) When The offender coerces the victim to submit by
 66 threatening to use force or violence likely to cause serious
 67 personal injury on the victim, and the victim reasonably
 68 believes that the offender has the present ability to execute
 69 the threat.

70 3.(c) When The offender coerces the victim to submit by
 71 threatening to retaliate against the victim, or any other
 72 person, and the victim reasonably believes that the offender has
 73 the ability to execute the threat in the future.

74 4.(d) When The offender, without the prior knowledge or
 75 consent of the victim, administers or has knowledge of someone
 76 else administering to the victim any narcotic, anesthetic, or
 77 other intoxicating substance that ~~which~~ mentally or physically
 78 incapacitates the victim.

79 5.(e) When The victim is mentally defective, and the
 80 offender has reason to believe this or has actual knowledge of
 81 this fact.

82 6.(f) When The victim is physically incapacitated.

83 7.(g) When The offender is a law enforcement officer,
 84 correctional officer, or correctional probation officer as
 85 defined in ~~by~~ s. 943.10(1), (2), (3), (6), (7), (8), or (9), who
 86 is certified under ~~the provisions of~~ s. 943.1395 or is an
 87 elected official exempt from such certification by virtue of s.

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88 943.253, or any other person in a position of control or
89 authority in a probation, community control, controlled release,
90 detention, custodial, or similar setting, and such officer,
91 official, or person is acting in such a manner as to lead the
92 victim to reasonably believe that the offender is in a position
93 of control or authority as an agent or employee of government.

94 (5) (a) A person 18 years of age or older who commits sexual
95 battery upon a person 12 years of age or older but younger than
96 18 years of age, without that person's consent, and in the
97 process thereof does not use physical force and violence likely
98 to cause serious personal injury commits a felony of the first
99 second degree, punishable as provided in s. 775.082, s. 775.083,
100 s. 775.084, or s. 794.0115.

101 (b) A person 18 years of age or older who commits sexual
102 battery upon a person 18 years of age or older, without that
103 person's consent, and in the process does not use physical force
104 and violence likely to cause serious personal injury commits a
105 felony of the second degree, punishable as provided in s.
106 775.082, s. 775.083, s. 775.084, or s. 794.0115.

107 (c) A person younger than 18 years of age who commits
108 sexual battery upon a person 12 years of age or older, without
109 that person's consent, and in the process does not use physical
110 force and violence likely to cause serious personal injury
111 commits a felony of the second degree, punishable as provided in
112 s. 775.082, s. 775.083, s. 775.084, or s. 794.0115.

113 (d) If a person who has previously been convicted of a
114 violation of s. 787.01(2), s. 787.02(3), s. 800.04, s. 825.1025,
115 or s. 847.0135(5) or a violation of this chapter, excluding
116 subsection (10) of this section, commits sexual battery upon a

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117 person 12 years of age or older, without that person's consent,
118 and in the process does not use physical force and violence
119 likely to cause serious personal injury, such person commits a
120 felony of the first degree, punishable as provided in s.
121 775.082, s. 775.083, s. 775.084, or s. 794.0115.

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

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

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

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

131 (e) The offense described in paragraph (5) (d) is included
132 in an offense charged under paragraph (4) (d).

133 (8) Without regard to the willingness or consent of the
134 victim, which is not a defense to prosecution under this
135 subsection, a person who is in a position of familial or
136 custodial authority to a person less than 18 years of age and
137 who:

138 (b) Engages in any act with that person while the person is
139 12 years of age or older but younger ~~less~~ than 18 years of age
140 which constitutes sexual battery under paragraph (1) (h) commits
141 a felony of the first degree, punishable by a term of years not
142 exceeding life or as provided in s. 775.082, s. 775.083, or s.
143 775.084.

144 (9) For prosecution under paragraph (4) (a), paragraph
145 (4) (b), paragraph (4) (c), or paragraph (4) (d) which involves an

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146 offense committed under any of the circumstances listed in
 147 subparagraph (4) (e) 7. ~~paragraph (4) (g)~~, acquiescence to a person
 148 reasonably believed by the victim to be in a position of
 149 authority or control does not constitute consent, and it is not
 150 a defense that the perpetrator was not actually in a position of
 151 control or authority if the circumstances were such as to lead
 152 the victim to reasonably believe that the person was in such a
 153 position.

154 (10) A ~~Any~~ person who falsely accuses a ~~any~~ person listed
 155 in ~~subparagraph (4) (e) 7. ~~paragraph (4) (g)~~ or other person in a~~
 156 position of control or authority as an agent or employee of
 157 government of violating ~~paragraph (4) (a), paragraph (4) (b),~~
 158 ~~paragraph (4) (c), or paragraph (4) (d) commits (4) (g) is guilty~~
 159 ~~of~~ a felony of the third degree, punishable as provided in s.
 160 775.082, s. 775.083, or s. 775.084.

161 Section 2. Subsections (4) and (5) of section 800.04,
 162 Florida Statutes, are amended to read:

163 800.04 Lewd or lascivious offenses committed upon or in the
 164 presence of persons less than 16 years of age.—

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

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

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

169 2. Encouraging, forcing, or enticing any person less than
 170 16 years of age to engage in sadomasochistic abuse, sexual
 171 bestiality, prostitution, or any other act involving sexual
 172 activity.

173 (b) Except as provided in paragraph (c), an offender who
 174 commits lewd or lascivious battery commits a felony of the

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175 second degree, punishable as provided in s. 775.082, s. 775.083,
176 or s. 775.084.

177 (c) An offender 18 years of age or older who commits lewd
178 or lascivious battery commits a felony of the first degree,
179 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
180 if the offender has previously been convicted of a violation of
181 this section or a violation of s. 787.01(2); s. 787.02(3);
182 chapter 794, excluding s. 794.011(10); s. 825.1025; or s.
183 847.0135(5).

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

186 ~~(b) Encourages, forces, or entices any person less than 16~~
187 ~~years of age to engage in sadomasochistic abuse, sexual~~
188 ~~bestiality, prostitution, or any other act involving sexual~~
189 ~~activity~~

190
191 ~~commits lewd or lascivious battery, a felony of the second~~
192 ~~degree, punishable as provided in s. 775.082, s. 775.083, or s.~~
193 ~~775.084.~~

194 (5) LEWD OR LASCIVIOUS MOLESTATION.—

195 (a) A person who intentionally touches in a lewd or
196 lascivious manner the breasts, genitals, genital area, or
197 buttocks, or the clothing covering them, of a person less than
198 16 years of age, or forces or entices a person under 16 years of
199 age to so touch the perpetrator, commits lewd or lascivious
200 molestation.

201 (b) An offender 18 years of age or older who commits lewd
202 or lascivious molestation against a victim less than 12 years of
203 age commits a life felony, punishable as provided in s.

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204 775.082(3)(a)4.

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

208 2. An offender 18 years of age or older who commits lewd or
209 lascivious molestation against a victim 12 years of age or older
210 but less than 16 years of age

211
212 commits a felony of the second degree, punishable as provided in
213 s. 775.082, s. 775.083, or s. 775.084.

214 (d) An offender less than 18 years of age who commits lewd
215 or lascivious molestation against a victim 12 years of age or
216 older but less than 16 years of age commits a felony of the
217 third degree, punishable as provided in s. 775.082, s. 775.083,
218 or s. 775.084.

219 (e) An offender 18 years of age or older who commits lewd
220 or lascivious molestation against a victim 12 years of age or
221 older but less than 16 years of age commits a felony of the
222 first degree, punishable as provided in s. 775.082, s. 775.083,
223 or s. 775.084, if the offender has previously been convicted of
224 a violation of this section or a violation of s. 787.01(2); s.
225 787.02(3); chapter 794, excluding s. 794.011(10); s. 825.1025;
226 or s. 847.0135(5).

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

229 921.0022 Criminal Punishment Code; offense severity ranking
230 chart.—

231 (3) OFFENSE SEVERITY RANKING CHART

232 (g) LEVEL 7

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233

Florida
Statute

Felony
Degree

Description

234

316.027(1)(b)

1st

Accident involving death,
failure to stop; leaving
scene.

235

316.193(3)(c)2.

3rd

DUI resulting in serious
bodily injury.

236

316.1935(3)(b)

1st

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

237

327.35(3)(c)2.

3rd

Vessel BUI resulting in
serious bodily injury.

238

402.319(2)

2nd

Misrepresentation and
negligence or intentional
act resulting in great
bodily harm, permanent

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disfiguration, permanent
disability, or death.

239

409.920
(2) (b) 1.a.

3rd Medicaid provider fraud;
\$10,000 or less.

240

409.920
(2) (b) 1.b.

2nd Medicaid provider fraud;
more than \$10,000, but
less than \$50,000.

241

456.065 (2)

3rd Practicing a health care
profession without a
license.

242

456.065 (2)

2nd Practicing a health care
profession without a
license which results in
serious bodily injury.

243

458.327 (1)

3rd Practicing medicine
without a license.

244

459.013 (1)

3rd Practicing osteopathic
medicine without a
license.

245

460.411 (1)

3rd Practicing chiropractic
medicine without a
license.

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246

461.012 (1) 3rd Practicing podiatric
medicine without a
license.

247

462.17 3rd Practicing naturopathy
without a license.

248

463.015 (1) 3rd Practicing optometry
without a license.

249

464.016 (1) 3rd Practicing nursing without
a license.

250

465.015 (2) 3rd Practicing pharmacy
without a license.

251

466.026 (1) 3rd Practicing dentistry or
dental hygiene without a
license.

252

467.201 3rd Practicing midwifery
without a license.

253

468.366 3rd Delivering respiratory
care services without a
license.

254

483.828 (1) 3rd Practicing as clinical

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laboratory personnel
without a license.

255

483.901 (9)

3rd

Practicing medical physics
without a license.

256

484.013 (1) (c)

3rd

Preparing or dispensing
optical devices without a
prescription.

257

484.053

3rd

Dispensing hearing aids
without a license.

258

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.

259

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.

260

560.125 (5) (a)

3rd

Money services business by
unauthorized person,

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currency or payment
instruments exceeding \$300
but less than \$20,000.

261

655.50 (10) (b) 1.

3rd

Failure to report
financial transactions
exceeding \$300 but less
than \$20,000 by financial
institution.

262

775.21 (10) (a)

3rd

Sexual predator; failure
to register; failure to
renew driver ~~driver's~~
license or identification
card; other registration
violations.

263

775.21 (10) (b)

3rd

Sexual predator working
where children regularly
congregate.

264

775.21 (10) (g)

3rd

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

265

782.051 (3)

2nd

Attempted felony murder of
a person by a person other

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than the perpetrator or
the perpetrator of an
attempted felony.

266

782.07(1)

2nd

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

267

782.071

2nd

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

268

782.072

2nd

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

269

784.045(1)(a)1.

2nd

Aggravated battery;
intentionally causing
great bodily harm or
disfigurement.

270

784.045(1)(a)2.

2nd

Aggravated battery; using
deadly weapon.

271

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

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| 784.083(1) | 1st | Aggravated battery on code inspector. |
| 787.06(3)(a) | 1st | Human trafficking using coercion for labor and services. |
| 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. |
| 790.07(4) | 1st | Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2). |
| 790.16(1) | 1st | Discharge of a machine gun under specified circumstances. |
| 790.165(2) | 2nd | Manufacture, sell, possess, or deliver hoax bomb. |

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286 790.165 (3) 2nd Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.

287 790.166 (3) 2nd Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.

288 790.166 (4) 2nd Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.

289 790.23 1st,PBL Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.

794.08 (4) 3rd Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.

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| 796.03 | 2nd | Procuring any person under 16 years for prostitution. |
| 800.04 (5) (c) 1. | 2nd | Lewd or lascivious molestation; victim <u>younger</u> less than 12 years of age; offender <u>younger</u> less than 18 years. |
| 800.04 (5) (c) 2. | 2nd | Lewd or lascivious molestation; victim 12 years of age or older but <u>younger</u> less than 16 years; offender 18 years or older. |
| <u>800.04 (5) (e)</u> | <u>1st</u> | <u>Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.</u> |
| 806.01 (2) | 2nd | Maliciously damage structure by fire or explosive. |

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| 296 | 810.02 (3) (a) | 2nd | Burglary of occupied dwelling; unarmed; no assault or battery. |
| 297 | 810.02 (3) (b) | 2nd | Burglary of unoccupied dwelling; unarmed; no assault or battery. |
| 298 | 810.02 (3) (d) | 2nd | Burglary of occupied conveyance; unarmed; no assault or battery. |
| 299 | 810.02 (3) (e) | 2nd | Burglary of authorized emergency vehicle. |
| 300 | 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. |
| 301 | 812.014 (2) (b) 2. | 2nd | Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree. |

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|-----|--------------------|-----|------------------------------------------------------------------------------------------------------------|
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| 302 | 812.014 (2) (b) 3. | 2nd | Property stolen, emergency medical equipment; 2nd degree grand theft. |
| 303 | 812.014 (2) (b) 4. | 2nd | Property stolen, law enforcement equipment from authorized emergency vehicle. |
| 304 | 812.0145 (2) (a) | 1st | Theft from person 65 years of age or older; \$50,000 or more. |
| 305 | 812.019 (2) | 1st | Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property. |
| 306 | 812.131 (2) (a) | 2nd | Robbery by sudden snatching. |
| 307 | 812.133 (2) (b) | 1st | Carjacking; no firearm, deadly weapon, or other weapon. |
| | 817.034 (4) (a) 1. | 1st | Communications fraud, value greater than \$50,000. |

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308

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

309

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

310

817.234 (11) (c) 1st Insurance fraud; property value \$100,000 or more.

311

817.2341 1st Making false entries of (2) (b) & (3) (b) 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.

312

817.535 (2) (a) 3rd Filing false lien or other unauthorized document.

313

825.102 (3) (b) 2nd Neglecting an elderly person or disabled adult causing great bodily harm, disability, or

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disfigurement.

314

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.

315

827.03(2)(b)

2nd

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

316

827.04(3)

3rd

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

317

837.05(2)

3rd

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

318

838.015

2nd

Bribery.

319

838.016

2nd

Unlawful compensation or reward for official behavior.

320

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|-----|-----------------|-----|---------------------------------------------------------------------------------|
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| 321 | 838.021 (3) (a) | 2nd | Unlawful harm to a public servant. |
| 322 | 838.22 | 2nd | Bid tampering. |
| 323 | 843.0855 (2) | 3rd | Impersonation of a public officer or employee. |
| 324 | 843.0855 (3) | 3rd | Unlawful simulation of legal process. |
| 325 | 843.0855 (4) | 3rd | Intimidation of a public officer or employee. |
| 326 | 847.0135 (3) | 3rd | Solicitation of a child, via a computer service, to commit an unlawful sex act. |
| 327 | 847.0135 (4) | 2nd | Traveling to meet a minor to commit an unlawful sex act. |
| 328 | 872.06 | 2nd | Abuse of a dead human body. |
| | 874.05 (2) (b) | 1st | Encouraging or recruiting person under 13 to join a criminal gang; second or |

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subsequent offense.

329

874.10

1st,PBL

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

330

893.13(1)(c)1.

1st

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

331

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

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feet of property used for religious services or a specified business site.

332

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).

333

893.135(1)(a)1.

1st

Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.

334

893.135
(1)(b)1.a.

1st

Trafficking in cocaine, more than 28 grams, less than 200 grams.

335

893.135
(1)(c)1.a.

1st

Trafficking in illegal drugs, more than 4 grams, less than 14 grams.

336

893.135(1)(d)1.

1st

Trafficking in phencyclidine, more than 28 grams, less than 200 grams.

337

893.135(1)(e)1.

1st

Trafficking in methaqualone, more than

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200 grams, less than 5 kilograms.

338

893.135 (1) (f) 1.

1st

Trafficking in amphetamine, more than 14 grams, less than 28 grams.

339

893.135
(1) (g) 1.a.

1st

Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.

340

893.135
(1) (h) 1.a.

1st

Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.

341

893.135
(1) (j) 1.a.

1st

Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.

342

893.135
(1) (k) 2.a.

1st

Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.

343

893.1351 (2)

2nd

Possession of place for trafficking in or manufacturing of

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controlled substance.

344

896.101 (5) (a)

3rd

Money laundering,
financial transactions
exceeding \$300 but less
than \$20,000.

345

896.104 (4) (a) 1.

3rd

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

346

943.0435 (4) (c)

2nd

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

347

943.0435 (8)

2nd

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

348

943.0435 (9) (a)

3rd

Sexual offender; failure
to comply with reporting
requirements.

349

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350 943.0435 (13) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

351 943.0435 (14) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification.

352 944.607 (9) 3rd Sexual offender; failure to comply with reporting requirements.

353 944.607 (10) (a) 3rd Sexual offender; failure to submit to the taking of a digitized photograph.

354 944.607 (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.

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355

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

356

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

357

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

358

359

360 (h) LEVEL 8

361

| | | |
|-----------------|---------------|-------------|
| Florida Statute | Felony Degree | Description |
|-----------------|---------------|-------------|

362

| | | |
|-------------------------|-----|-------------------|
| 316.193 (3) (c) 3.a. | 2nd | DUI manslaughter. |
|-------------------------|-----|-------------------|

363

| | | |
|-----------------|-----|------------------------------------------------------------------------------|
| 316.1935(4) (b) | 1st | Aggravated fleeing or attempted eluding with serious bodily injury or death. |
|-----------------|-----|------------------------------------------------------------------------------|

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364

327.35 (3) (c) 3. 2nd Vessel BUI manslaughter.

365

499.0051 (7) 1st Knowing trafficking in
contraband prescription
drugs.

366

499.0051 (8) 1st Knowing forgery of
prescription labels or
prescription drug labels.

367

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.

368

560.125 (5) (b) 2nd Money transmitter
business by unauthorized
person, currency or
payment instruments
totaling or exceeding
\$20,000, but less than
\$100,000.

369

655.50 (10) (b) 2. 2nd Failure to report
financial transactions
totaling or exceeding

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\$20,000, but less than
\$100,000 by financial
institutions.

370

777.03(2)(a)

1st

Accessory after the fact,
capital felony.

371

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.

372

782.051(2)

1st

Attempted felony murder
while perpetrating or
attempting to perpetrate
a felony not enumerated
in s. 782.04(3).

373

782.071(1)(b)

1st

Committing vehicular
homicide and failing to
render aid or give

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information.

374

782.072 (2)

1st

Committing vessel homicide and failing to render aid or give information.

375

787.06 (3) (b)

1st

Human trafficking using coercion for commercial sexual activity.

376

787.06 (3) (c)

1st

Human trafficking using coercion for labor and services of an unauthorized alien.

377

787.06 (3) (f)

1st

Human trafficking using coercion for commercial sexual activity by the transfer or transport of any individual from outside Florida to within the state.

378

790.161 (3)

1st

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

379

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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.

380

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.

381

794.011 (5) (c)

2nd

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

382

794.011 (5) (d)

1st

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.

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383

~~794.011(5)~~

2nd

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

384

794.08(3)

2nd

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

385

800.04(4)(b)

2nd

Lewd or lascivious battery.

386

800.04(4)(c)

1st

Lewd or lascivious battery; offender 18 years of age or older; prior conviction for specified sex offense.

387

~~800.04(4)~~

2nd

~~Lewd or lascivious battery.~~

388

806.01(1)

1st

Maliciously damage dwelling or structure by fire or explosive, believing person in

7-00529A-14

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structure.

389

810.02 (2) (a)

1st, PBL

Burglary with assault or battery.

390

810.02 (2) (b)

1st, PBL

Burglary; armed with explosives or dangerous weapon.

391

810.02 (2) (c)

1st

Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.

392

812.014 (2) (a) 2.

1st

Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.

393

812.13 (2) (b)

1st

Robbery with a weapon.

394

812.135 (2) (c)

1st

Home-invasion robbery, no firearm, deadly weapon, or other weapon.

395

817.535 (2) (b)

2nd

Filing false lien or other unauthorized document; second or

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subsequent offense.

396

817.535 (3) (a)

2nd

Filing false lien or other unauthorized document; property owner is a public officer or employee.

397

817.535 (4) (a) 1.

2nd

Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.

398

817.535 (5) (a)

2nd

Filing false lien or other unauthorized document; owner of the property incurs financial loss as a result of the false instrument.

399

817.568 (6)

2nd

Fraudulent use of personal identification information of an individual under the age of 18.

400

825.102 (2)

1st

Aggravated abuse of an elderly person or

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disabled adult.

401

825.1025 (2)

2nd

Lewd or lascivious
battery upon an elderly
person or disabled adult.

402

825.103 (2) (a)

1st

Exploiting an elderly
person or disabled adult
and property is valued at
\$100,000 or more.

403

837.02 (2)

2nd

Perjury in official
proceedings relating to
prosecution of a capital
felony.

404

837.021 (2)

2nd

Making contradictory
statements in official
proceedings relating to
prosecution of a capital
felony.

405

860.121 (2) (c)

1st

Shooting at or throwing
any object in path of
railroad vehicle
resulting in great bodily
harm.

406

860.16

1st

Aircraft piracy.

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407
408
409
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411
412
413

| | | |
|----------------------|-----|----------------------------------------------------------------------------------------------|
| 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). |
| 893.13 (2) (b) | 1st | Purchase in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b). |
| 893.13 (6) (c) | 1st | Possess in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b). |
| 893.135 (1) (a) 2. | 1st | Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs. |
| 893.135 (1) (b) 1.b. | 1st | Trafficking in cocaine, more than 200 grams, less than 400 grams. |
| 893.135 (1) (c) 1.b. | 1st | Trafficking in illegal drugs, more than 14 grams, less than 28 grams. |

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414 893.135 1st Trafficking in
 (1) (d) 1.b. phencyclidine, more than
 200 grams, less than 400
 grams.

415 893.135 1st Trafficking in
 (1) (e) 1.b. methaqualone, more than 5
 kilograms, less than 25
 kilograms.

416 893.135 1st Trafficking in
 (1) (f) 1.b. amphetamine, more than 28
 grams, less than 200
 grams.

417 893.135 1st Trafficking in
 (1) (g) 1.b. flunitrazepam, 14 grams
 or more, less than 28
 grams.

418 893.135 1st Trafficking in gamma-
 (1) (h) 1.b. hydroxybutyric acid
 (GHB), 5 kilograms or
 more, less than 10
 kilograms.

893.135 1st Trafficking in 1,4-
 (1) (j) 1.b. Butanediol, 5 kilograms
 or more, less than 10

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kilograms.

419

893.135
(1) (k) 2.b.

1st

Trafficking in
Phenethylamines, 200
grams or more, less than
400 grams.

420

893.1351(3)

1st

Possession of a place
used to manufacture
controlled substance when
minor is present or
resides there.

421

895.03(1)

1st

Use or invest proceeds
derived from pattern of
racketeering activity.

422

895.03(2)

1st

Acquire or maintain
through racketeering
activity any interest in
or control of any
enterprise or real
property.

423

895.03(3)

1st

Conduct or participate in
any enterprise through
pattern of racketeering
activity.

424

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896.101 (5) (b) 2nd Money laundering,
financial transactions
totaling or exceeding
\$20,000, but less than
\$100,000.

425

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.

426

427

428 (i) LEVEL 9

429

| | | |
|---------|--------|-------------|
| Florida | Felony | |
| Statute | Degree | Description |

430

| | | |
|--------------|-----|-----------------------------------------------|
| 316.193 | 1st | DUI manslaughter; |
| (3) (c) 3.b. | | failing to render aid or give information. |

431

| | | |
|---------------------|-----|-----------------------------------------------|
| 327.35 (3) (c) 3.b. | 1st | BUI manslaughter; |
| | | failing to render aid or give information. |

432

| | | |
|---------|-----|--------------------------|
| 409.920 | 1st | Medicaid provider fraud; |
|---------|-----|--------------------------|

| | | | |
|-----|--------------------|-----|----------------------------------------------------------------------------------------------------------------------|
| | 7-00529A-14 | | 2014526__ |
| 433 | (2) (b) 1.c. | | \$50,000 or more. |
| | 499.0051 (9) | 1st | Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm. |
| 434 | 560.123 (8) (b) 3. | 1st | Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter. |
| 435 | 560.125 (5) (c) | 1st | Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000. |
| 436 | 655.50 (10) (b) 3. | 1st | Failure to report financial transactions totaling or exceeding \$100,000 by financial institution. |
| 437 | 775.0844 | 1st | Aggravated white collar crime. |

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438

782.04 (1) 1st Attempt, conspire, or solicit to commit premeditated murder.

439

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.

440

782.051 (1) 1st Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04 (3).

441

782.07 (2) 1st Aggravated manslaughter of an elderly person or disabled adult.

442

787.01 (1) (a) 1. 1st,PBL Kidnapping; hold for ransom or reward or as a shield or hostage.

443

787.01 (1) (a) 2. 1st,PBL Kidnapping with intent

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to commit or facilitate
commission of any
felony.

444

787.01(1)(a)4.

1st,PBL

Kidnapping with intent
to interfere with
performance of any
governmental or
political function.

445

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.

446

787.06(3)(d)

1st

Human trafficking using
coercion for commercial
sexual activity of an
unauthorized alien.

447

787.06(3)(g)

1st,PBL

Human trafficking for
commercial sexual
activity of a child
under the age of 18.

448

| | | | |
|-----|----------------------|----------------|--------------------------------------------------------------------------------------------------------------------------------------|
| | 7-00529A-14 | | 2014526__ |
| | 787.06(4) | 1st | Selling or buying of minors into human trafficking. |
| 449 | | | |
| | 790.161 | 1st | Attempted capital destructive device offense. |
| 450 | | | |
| | 790.166(2) | 1st,PBL | Possessing, selling, using, or attempting to use a weapon of mass destruction. |
| 451 | | | |
| | 794.011(2) | 1st | Attempted sexual battery; victim less than 12 years of age. |
| 452 | | | |
| | 794.011(2) | Life | Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years. |
| 453 | | | |
| | <u>794.011(4)(a)</u> | <u>1st,PBL</u> | <u>Sexual battery, certain circumstances; victim 12 years of age or older but younger than 18 years; offender 18 years or older.</u> |

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454

794.011 (4) (b) 1st Sexual battery, certain
circumstances; victim
and offender 18 years of
age or older.

455

794.011 (4) (c) 1st Sexual battery, certain
circumstances; victim 12
years of age or older;
offender younger than 18
years.

456

794.011 (4) (d) 1st, PBL Sexual battery, certain
circumstances; victim 12
years of age or older;
prior conviction for
specified sex offenses.

457

~~794.011 (4)~~ ~~1st~~ ~~Sexual battery; victim~~
~~12 years or older,~~
~~certain circumstances.~~

458

794.011 (8) (b) 1st, PBL Sexual battery; engage
in sexual conduct with
minor 12 to 18 years by
person in familial or
custodial authority.

459

794.08 (2) 1st Female genital

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mutilation; victim
younger than 18 years of
age.

460

796.035

1st

Selling or buying of
minors into
prostitution.

461

800.04 (5) (b)

Life

Lewd or lascivious
molestation; victim less
than 12 years; offender
18 years or older.

462

812.13 (2) (a)

1st, PBL

Robbery with firearm or
other deadly weapon.

463

812.133 (2) (a)

1st, PBL

Carjacking; firearm or
other deadly weapon.

464

812.135 (2) (b)

1st

Home-invasion robbery
with weapon.

465

817.535 (3) (b)

1st

Filing false lien or
other unauthorized
document; second or
subsequent offense;
property owner is a
public officer or
employee.

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466

817.535 (4) (a) 2.

1st

Filing false claim or other unauthorized document; defendant is incarcerated or under supervision.

467

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.

468

817.568 (7)

2nd,
PBL

Fraudulent use of personal identification information of an individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority.

469

827.03 (2) (a)

1st

Aggravated child abuse.

470

847.0145 (1)

1st

Selling, or otherwise transferring custody or

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control, of a minor.

471

847.0145(2)

1st

Purchasing, or otherwise
obtaining custody or
control, of a minor.

472

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.

473

893.135

1st

Attempted capital
trafficking offense.

474

893.135(1)(a)3.

1st

Trafficking in cannabis,
more than 10,000 lbs.

475

893.135
(1)(b)1.c.

1st

Trafficking in cocaine,
more than 400 grams,
less than 150 kilograms.

476

893.135
(1)(c)1.c.

1st

Trafficking in illegal
drugs, more than 28
grams, less than 30
kilograms.

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477

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

478

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

479

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

480

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

481

893.135 1st Trafficking in 1,4-
 (1) (j) 1.c. Butanediol, 10 kilograms
 or more.

482

893.135 1st Trafficking in
 (1) (k) 2.c. Phenethylamines, 400
 grams or more.

483

896.101 (5) (c) 1st Money laundering,
 financial instruments
 totaling or exceeding

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\$100,000.

484

896.104 (4) (a) 3.

1st

Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$100,000.

485

486

Section 4. 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:

493

494

FLORIDA CRIMINAL PUNISHMENT CODE

495

WORKSHEET

496

497

OFFENSE SCORE

498

Primary Offense

499

Level

Sentence Points

Total

500

10

116

=

.....

501

9

92

=

.....

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517

| | | | |
|---|----|---|-------|
| 8 | 74 | = | |
| 7 | 56 | = | |
| 6 | 36 | = | |
| 5 | 28 | = | |
| 4 | 22 | = | |
| 3 | 16 | = | |
| 2 | 10 | = | |
| 1 | 4 | = | |

Total

Additional Offenses

| | | | |
|-------|-----------------|--------|-------|
| Level | Sentence Points | Counts | Total |
| 10 | 58 | x | |
| | | | = |
| | | | |

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| | | | | | | |
|-----|---|-----|---|------|---|------|
| 518 | 9 | 46 | x | | = | |
| 519 | 8 | 37 | x | | = | |
| 520 | 7 | 28 | x | | = | |
| 521 | 6 | 18 | x | | = | |
| 522 | 5 | 5.4 | x | | = | |
| 523 | 4 | 3.6 | x | | = | |
| 524 | 3 | 2.4 | x | | = | |
| 525 | 2 | 1.2 | x | | = | |
| 526 | 1 | 0.7 | x | | = | |
| 527 | M | 0.2 | x | | = | |

Total

Victim Injury

| | 7-00529A-14 | | | | 2014526__ |
|-----|---------------------------------------------------------|--------------------|---|--------|-----------|
| | Level | Sentence Points | | Number | Total |
| 533 | 2nd degree murder- | | | | |
| | death | 240 | x | | = |
| 534 | Death | 120 | x | | = |
| 535 | Severe | 40 | x | | = |
| 536 | Moderate | 18 | x | | = |
| 537 | Slight | 4 | x | | = |
| 538 | Sexual penetration | 80 | x | | = |
| 539 | Sexual contact | 40 | x | | = |
| 540 | | | | | |
| 541 | | | | | Total |
| 542 | | | | | |
| 543 | | | | | |
| 544 | Primary Offense + Additional Offenses + Victim Injury = | | | | |
| 545 | TOTAL OFFENSE SCORE | | | | |
| 546 | | | | | |

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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 | | = | |
| 3 | 1.6 | x | | = | |
| 2 | 0.8 | x | | = | |
| 1 | 0.5 | x | | = | |
| M | 0.2 | x | | = | |

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589

Total

TOTAL OFFENSE SCORE.....

TOTAL PRIOR RECORD SCORE.....

LEGAL STATUS.....

COMMUNITY SANCTION VIOLATION.....

PRIOR SERIOUS FELONY.....

PRIOR CAPITAL FELONY.....

FIREARM OR SEMIAUTOMATIC WEAPON.....

SUBTOTAL.....

PRISON RELEASEE REOFFENDER (no) (yes).....

VIOLENT CAREER CRIMINAL (no) (yes).....

HABITUAL VIOLENT OFFENDER (no) (yes).....

HABITUAL OFFENDER (no) (yes).....

DRUG TRAFFICKER (no) (yes) (x multiplier).....

LAW ENF. PROTECT. (no) (yes) (x multiplier).....

MOTOR VEHICLE THEFT (no) (yes) (x multiplier).....

CRIMINAL GANG OFFENSE (no) (yes) (x multiplier).....

DOMESTIC VIOLENCE IN THE PRESENCE OF RELATED CHILD (no) (yes)
(x multiplier).....

ADULT-ON-MINOR SEX OFFENSE (no) (yes) (x multiplier).....

.....

TOTAL SENTENCE POINTS.....

(b) WORKSHEET KEY:

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590

591 Legal status points are assessed when any form of legal status
592 existed at the time the offender committed an offense before the
593 court for sentencing. Four (4) sentence points are assessed for
594 an offender's legal status.

595

596 Community sanction violation points are assessed when a
597 community sanction violation is before the court for sentencing.
598 Six (6) sentence points are assessed for each community sanction
599 violation and each successive community sanction violation,
600 unless any of the following apply:

601

602 1. If the community sanction violation includes a new
603 felony conviction before the sentencing court, twelve (12)
604 community sanction violation points are assessed for the
605 violation, and for each successive community sanction violation
involving a new felony conviction.

606

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

609

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

612

613 I. The violation does not include a new felony conviction;

614

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

617

618 b. Twenty-four (24) community sanction violation points are
assessed for the violation and for each successive violation of

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619 felony probation or community control where the violation
620 includes a new felony conviction.

621
622 Multiple counts of community sanction violations before the
623 sentencing court shall not be a basis for multiplying the
624 assessment of community sanction violation points.

625
626 Prior serious felony points: If the offender has a primary
627 offense or any additional offense ranked in level 8, level 9, or
628 level 10, and one or more prior serious felonies, a single
629 assessment of thirty (30) points shall be added. For purposes of
630 this section, a prior serious felony is an offense in the
631 offender's prior record that is ranked in level 8, level 9, or
632 level 10 under s. 921.0022 or s. 921.0023 and for which the
633 offender is serving a sentence of confinement, supervision, or
634 other sanction or for which the offender's date of release from
635 confinement, supervision, or other sanction, whichever is later,
636 is within 3 years before the date the primary offense or any
637 additional offense was committed.

638
639 Prior capital felony points: If the offender has one or more
640 prior capital felonies in the offender's criminal record, points
641 shall be added to the subtotal sentence points of the offender
642 equal to twice the number of points the offender receives for
643 the primary offense and any additional offense. A prior capital
644 felony in the offender's criminal record is a previous capital
645 felony offense for which the offender has entered a plea of nolo
646 contendere or guilty or has been found guilty; or a felony in
647 another jurisdiction which is a capital felony in that

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648 jurisdiction, or would be a capital felony if the offense were
649 committed in this state.

650

651 Possession of a firearm, semiautomatic firearm, or machine gun:
652 If the offender is convicted of committing or attempting to
653 commit any felony other than those enumerated in s. 775.087(2)
654 while having in his or her possession: a firearm as defined in
655 s. 790.001(6), an additional eighteen (18) sentence points are
656 assessed; or if the offender is convicted of committing or
657 attempting to commit any felony other than those enumerated in
658 s. 775.087(3) while having in his or her possession a
659 semiautomatic firearm as defined in s. 775.087(3) or a machine
660 gun as defined in s. 790.001(9), an additional twenty-five (25)
661 sentence points are assessed.

662

663 Sentencing multipliers:

664

665 Drug trafficking: If the primary offense is drug trafficking
666 under s. 893.135, the subtotal sentence points are multiplied,
667 at the discretion of the court, for a level 7 or level 8
668 offense, by 1.5. The state attorney may move the sentencing
669 court to reduce or suspend the sentence of a person convicted of
670 a level 7 or level 8 offense, if the offender provides
671 substantial assistance as described in s. 893.135(4).

672

673 Law enforcement protection: If the primary offense is a
674 violation of the Law Enforcement Protection Act under s.
675 775.0823(2), (3), or (4), the subtotal sentence points are
676 multiplied by 2.5. If the primary offense is a violation of s.

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677 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points
678 are multiplied by 2.0. If the primary offense is a violation of
679 s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement
680 Protection Act under s. 775.0823(10) or (11), the subtotal
681 sentence points are multiplied by 1.5.

682

683 Grand theft of a motor vehicle: If the primary offense is grand
684 theft of the third degree involving a motor vehicle and in the
685 offender's prior record, there are three or more grand thefts of
686 the third degree involving a motor vehicle, the subtotal
687 sentence points are multiplied by 1.5.

688

689 Offense related to a criminal gang: If the offender is convicted
690 of the primary offense and committed that offense for the
691 purpose of benefiting, promoting, or furthering the interests of
692 a criminal gang as defined in s. 874.03, the subtotal sentence
693 points are multiplied by 1.5. If applying the multiplier results
694 in the lowest permissible sentence exceeding the statutory
695 maximum sentence for the primary offense under chapter 775, the
696 court may not apply the multiplier and must sentence the
697 defendant to the statutory maximum sentence.

698

699 Domestic violence in the presence of a child: If the offender is
700 convicted of the primary offense and the primary offense is a
701 crime of domestic violence, as defined in s. 741.28, which was
702 committed in the presence of a child under 16 years of age who
703 is a family or household member as defined in s. 741.28(3) with
704 the victim or perpetrator, the subtotal sentence points are
705 multiplied by 1.5.

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706

707 Adult-on-minor sex offense: If the offender was 18 years of age
708 or older and the victim was younger than 18 years of age at the
709 time the offender committed the primary offense, and if the
710 primary offense was an offense committed on or after October 1,
711 2014, and is a violation of s. 787.01(2), which includes a
712 sexual battery or lewd act as described in s. 787.01(2)(a)2. and
713 3.; s. 787.02(3), which includes a sexual battery or lewd act as
714 described in s. 787.02(3)(a)2. and 3.; s. 794.011, excluding s.
715 794.011(10); s. 794.05; s. 800.04; or s. 847.0135(5), the
716 subtotal sentence points are multiplied by 2.0. If applying the
717 multiplier results in the lowest permissible sentence exceeding
718 the statutory maximum sentence for the primary offense under
719 chapter 775, the court may not apply the multiplier and must
720 sentence the defendant to the statutory maximum sentence.

721 (2) The lowest permissible sentence is the minimum sentence
722 that may be imposed by the trial court, absent a valid reason
723 for departure. The lowest permissible sentence is any nonstate
724 prison sanction in which the total sentence points equals or is
725 less than 44 points, unless the court determines within its
726 discretion that a prison sentence, which may be up to the
727 statutory maximums for the offenses committed, is appropriate.
728 When the total sentence points exceeds 44 points, the lowest
729 permissible sentence in prison months shall be calculated by
730 subtracting 28 points from the total sentence points and
731 decreasing the remaining total by 25 percent. The total sentence
732 points shall be calculated only as a means of determining the
733 lowest permissible sentence. The permissible range for
734 sentencing shall be the lowest permissible sentence up to and

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735 including the statutory maximum, as defined in s. 775.082, for
736 the primary offense and any additional offenses before the court
737 for sentencing. The sentencing court may impose such sentences
738 concurrently or consecutively. However, any sentence to state
739 prison must exceed 1 year. If the lowest permissible sentence
740 under the code exceeds the statutory maximum sentence as
741 provided in s. 775.082, the sentence required by the code must
742 be imposed. If the total sentence points are greater than or
743 equal to 363, the court may sentence the offender to life
744 imprisonment. An offender sentenced to life imprisonment under
745 this section is not eligible for any form of discretionary early
746 release, except executive clemency or conditional medical
747 release under s. 947.149.

748 (3) A single scoresheet shall be prepared for each
749 defendant to determine the permissible range for the sentence
750 that the court may impose, except that if the defendant is
751 before the court for sentencing for more than one felony and the
752 felonies were committed under more than one version or revision
753 of the guidelines or the code, separate scoresheets must be
754 prepared. The scoresheet or scoresheets must cover all the
755 defendant's offenses pending before the court for sentencing.
756 The state attorney shall prepare the scoresheet or scoresheets,
757 which must be presented to the defense counsel for review for
758 accuracy in all cases unless the judge directs otherwise. The
759 defendant's scoresheet or scoresheets must be approved and
760 signed by the sentencing judge.

761 (4) The Department of Corrections, in consultation with the
762 Office of the State Courts Administrator, state attorneys, and
763 public defenders, must develop and submit the revised Criminal

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764 Punishment Code scoresheet to the Supreme Court for approval by
765 June 15 of each year, as necessary. Upon the Supreme Court's
766 approval of the revised scoresheet, the Department of
767 Corrections shall produce and provide sufficient copies of the
768 revised scoresheets by September 30 of each year, as necessary.
769 Scoresheets must include item entries for the scoresheet
770 preparer's use in indicating whether any prison sentence imposed
771 includes a mandatory minimum sentence or the sentence imposed
772 was a downward departure from the lowest permissible sentence
773 under the Criminal Punishment Code.

774 (5) The Department of Corrections shall distribute
775 sufficient copies of the Criminal Punishment Code scoresheets to
776 those persons charged with the responsibility for preparing
777 scoresheets.

778 (6) The clerk of the circuit court shall transmit a
779 complete, accurate, and legible copy of the Criminal Punishment
780 Code scoresheet used in each sentencing proceeding to the
781 Department of Corrections. Scoresheets must be transmitted no
782 less frequently than monthly, by the first of each month, and
783 may be sent collectively.

784 (7) A sentencing scoresheet must be prepared for every
785 defendant who is sentenced for a felony offense. A copy of the
786 individual offender's Criminal Punishment Code scoresheet and
787 any attachments thereto prepared pursuant to Rule 3.701, Rule
788 3.702, or Rule 3.703, Florida Rules of Criminal Procedure, or
789 any other rule pertaining to the preparation and submission of
790 felony sentencing scoresheets, must be attached to the copy of
791 the uniform judgment and sentence form provided to the
792 Department of Corrections.

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793 Section 5. Section 921.30, Florida Statutes, is created to
794 read:

795 921.30 Court finding that offense was sexually motivated.-
796 For offenses other than those specifically defined as a sexually
797 violent offense in s. 394.912(9) (a)-(f), the state attorney may
798 move the court to make a written finding on the record that,
799 based on the circumstances of the case, including consideration
800 of a victim impact statement, the person's offense was sexually
801 motivated.

802 Section 6. Paragraph (e) is added to subsection (4) of
803 section 944.275, Florida Statutes, to read:

804 944.275 Gain-time.-

805 (4)

806 (e) Notwithstanding subparagraph (b)3., for sentences
807 imposed for offenses committed on or after October 1, 2014, the
808 department may not grant incentive gain-time if the offense is a
809 violation of s. 782.04(1) (a)2.c.; s. 787.01(3) (a)2. or 3.; s.
810 787.02(3) (a)2. or 3.; s. 794.011, excluding s. 794.011(10); s.
811 794.05; s. 800.04; s. 825.1025; or s. 847.0135(5).

812 Section 7. Subsection (13) is added to section 947.1405,
813 Florida Statutes, to read:

814 947.1405 Conditional release program.-

815 (13) If a person who is transferred to the custody of the
816 Department of Children and Families pursuant to part V of
817 chapter 394 is subject to conditional release supervision, the
818 period of conditional release supervision is tolled until such
819 person is no longer in the custody of the Department of Children
820 and Families. This subsection applies to all periods of
821 conditional release supervision which begin on or after October

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822 1, 2014, regardless of the date of the underlying offense.

823 Section 8. Subsection (1) of section 948.012, Florida
824 Statutes, is amended, and subsections (5) and (6) are added to
825 that section, to read:

826 948.012 Split sentence of probation or community control
827 and imprisonment.—

828 (1) ~~If Whenever~~ punishment by imprisonment for a
829 misdemeanor or a felony, except for a capital felony, is
830 prescribed, the court, ~~in its discretion,~~ may, at the time of
831 sentencing, impose a split sentence whereby the defendant is to
832 be placed on probation or, with respect to any such felony, into
833 community control upon completion of any specified period of
834 such sentence which may include a term of years or less. In such
835 case, the court shall stay and withhold the imposition of the
836 remainder of sentence imposed upon the defendant and direct that
837 the defendant be placed upon probation or into community control
838 after serving such period as may be imposed by the court. Except
839 as provided in subsection (6), the period of probation or
840 community control shall commence immediately upon the release of
841 the defendant from incarceration, whether by parole or gain-time
842 allowances.

843 (5) (a) Effective for offenses committed on or after October
844 1, 2014, if the court imposes a term of years in accordance with
845 s. 775.082 which is less than the maximum sentence for the
846 offense, the court must impose a split sentence pursuant to
847 subsection (1) for any person who is convicted of a violation
848 of:

849 1. Section 782.04(1)(a)2.c.;

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

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- 851 3. Section 787.02 (3) (a) 2. or 3.;
- 852 4. Section 794.011, excluding s. 794.011 (10);
- 853 5. Section 794.05;
- 854 6. Section 800.04;
- 855 7. Section 825.1025; or
- 856 8. Section 847.0135 (5).

857 (b) The probation or community control portion of the split
 858 sentence imposed by the court must extend for at least 2 years.
 859 However, if the term of years imposed by the court extends to
 860 within 2 years of the maximum sentence for the offense, the
 861 probation or community control portion of the split sentence
 862 must extend for the remainder of the maximum sentence.

863 (6) If a defendant who has been sentenced to a split
 864 sentence pursuant to subsection (1) is transferred to the
 865 custody of the Department of Children and Families pursuant to
 866 part V of chapter 394, the period of probation or community
 867 control is tolled until such person is no longer in the custody
 868 of the Department of Children and Families. This subsection
 869 applies to all sentences of probation or community control which
 870 begin on or after October 1, 2014, regardless of the date of the
 871 underlying offense.

872 Section 9. If any provision of this act or its application
 873 to any person or circumstance is held invalid, the invalidity
 874 does not affect other provisions or applications of this act
 875 which can be given effect without the invalid provision or
 876 application, and to this end the provisions of this act are
 877 severable.

878 Section 10. This act shall take effect October 1, 2014.