

By the Committee on Criminal Justice; and Senator Bradley

591-01047A-14

2014526c1

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:
29

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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) or s. 787.02(2), if the violation
55 involved a victim who was a minor and, in the course of
56 committing that violation, the defendant committed a sexual
57 battery under chapter 794 or a lewd act under s. 800.04 or s.
58 847.0135(5) against the minor; s. 787.01(3)(a)2. or 3.; s.

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59 787.02(3)(a)2. or 3.; s. 800.04; s. 825.1025; s. 847.0135(5); or
60 this chapter, excluding subsection (10) of this section, commits
61 sexual battery upon a person 12 years of age or older without
62 that person's consent, under any of the circumstances listed in
63 paragraph (e), such person commits a felony of the first degree,
64 punishable by a term of years not exceeding life or as provided
65 in s. 775.082, s. 775.083, s. 775.084, or s. 794.0115.

66 (e) The following circumstances apply to paragraphs (a)-

67 (d):

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

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

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

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

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

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

87 7.(g) When The offender is a law enforcement officer,

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88 correctional officer, or correctional probation officer as
89 defined ~~in~~ by s. 943.10(1), (2), (3), (6), (7), (8), or (9), who
90 is certified under ~~the provisions of~~ s. 943.1395 or is an
91 elected official exempt from such certification by virtue of s.
92 943.253, or any other person in a position of control or
93 authority in a probation, community control, controlled release,
94 detention, custodial, or similar setting, and such officer,
95 official, or person is acting in such a manner as to lead the
96 victim to reasonably believe that the offender is in a position
97 of control or authority as an agent or employee of government.

98 (5) (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, and in the
101 process thereof does not use physical force and violence likely
102 to cause serious personal injury commits a felony of the first
103 ~~second~~ degree, punishable as provided in s. 775.082, s. 775.083,
104 s. 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, and in the process does not use physical force
108 and violence likely to cause serious personal injury commits a
109 felony of the second degree, punishable as provided in s.
110 775.082, s. 775.083, s. 775.084, or s. 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, and in the process does not use physical
114 force and violence likely to cause serious personal injury
115 commits a felony of the second degree, punishable as provided in
116 s. 775.082, s. 775.083, s. 775.084, or s. 794.0115.

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117 (d) If a person who has previously been convicted of a
118 violation of s. 787.01(2) or s. 787.02(2), if the violation
119 involved a victim who was a minor and, in the course of
120 committing that violation, the defendant committed a sexual
121 battery under chapter 794 or a lewd act under s. 800.04 or s.
122 847.0135(5) against the minor; s. 787.01(3) (a)2. or 3.; s.
123 787.02(3) (a)2. or 3.; s. 800.04; s. 825.1025; s. 847.0135(5); or
124 this chapter, excluding subsection (10) of this section, commits
125 sexual battery upon a person 12 years of age or older, without
126 that person's consent, and in the process does not use physical
127 force and violence likely to cause serious personal injury, such
128 person commits a felony of the first degree, punishable as
129 provided in s. 775.082, s. 775.083, s. 775.084, or s. 794.0115.

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

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

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

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

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

141 (8) Without regard to the willingness or consent of the
142 victim, which is not a defense to prosecution under this
143 subsection, a person who is in a position of familial or
144 custodial authority to a person less than 18 years of age and
145 who:

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146 (b) Engages in any act with that person while the person is
147 12 years of age or older but younger ~~less~~ than 18 years of age
148 which constitutes sexual battery under paragraph (1)(h) commits
149 a felony of the first degree, punishable by a term of years not
150 exceeding life or as provided in s. 775.082, s. 775.083, or s.
151 775.084.

152 (9) For prosecution under paragraph (4)(a), paragraph
153 (4)(b), paragraph (4)(c), or paragraph (4)(d) which involves an
154 offense committed under any of the circumstances listed in
155 subparagraph (4)(e)7. ~~paragraph (4)(g),~~ acquiescence to a person
156 reasonably believed by the victim to be in a position of
157 authority or control does not constitute consent, and it is not
158 a defense that the perpetrator was not actually in a position of
159 control or authority if the circumstances were such as to lead
160 the victim to reasonably believe that the person was in such a
161 position.

162 (10) A ~~Any~~ person who falsely accuses a ~~any~~ person listed
163 in subparagraph (4)(e)7. ~~paragraph (4)(g)~~ or other person in a
164 position of control or authority as an agent or employee of
165 government of violating paragraph (4)(a), paragraph (4)(b),
166 paragraph (4)(c), or paragraph (4)(d) commits ~~(4)(g) is guilty~~
167 ~~of~~ a felony of the third degree, punishable as provided in s.
168 775.082, s. 775.083, or s. 775.084.

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

171 800.04 Lewd or lascivious offenses committed upon or in the
172 presence of persons less than 16 years of age.—

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

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

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

177 2. Encouraging, forcing, or enticing any person less than
178 16 years of age to engage in sadomasochistic abuse, sexual
179 bestiality, prostitution, or any other act involving sexual
180 activity.

181 (b) Except as provided in paragraph (c), an offender who
182 commits lewd or lascivious battery commits a felony of the
183 second degree, punishable as provided in s. 775.082, s. 775.083,
184 or s. 775.084.

185 (c) An offender 18 years of age or older who commits lewd
186 or lascivious battery commits a felony of the first degree,
187 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
188 if the offender has previously been convicted of a violation of
189 this section or a violation of s. 787.01(2) or s. 787.02(2), if
190 the violation involved a victim who was a minor and, in the
191 course of committing that violation, the defendant committed a
192 sexual battery under chapter 794 or a lewd act under this
193 section or s. 847.0135(5) against the minor; s. 787.01(3)(a)2.
194 or 3.; s. 787.02(3)(a)2. or 3.; chapter 794, excluding s.
195 794.011(10); s. 825.1025; or s. 847.0135(5).

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

198 ~~(b) Encourages, forces, or entices any person less than 16~~
199 ~~years of age to engage in sadomasochistic abuse, sexual~~
200 ~~bestiality, prostitution, or any other act involving sexual~~
201 ~~activity~~

202
203 ~~commits lewd or lascivious battery, a felony of the second~~

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204 ~~degree, punishable as provided in s. 775.082, s. 775.083, or s.~~
205 ~~775.084.~~

206 (5) LEWD OR LASCIVIOUS MOLESTATION.—

207 (a) A person who intentionally touches in a lewd or
208 lascivious manner the breasts, genitals, genital area, or
209 buttocks, or the clothing covering them, of a person less than
210 16 years of age, or forces or entices a person under 16 years of
211 age to so touch the perpetrator, commits lewd or lascivious
212 molestation.

213 (b) An offender 18 years of age or older who commits lewd
214 or lascivious molestation against a victim less than 12 years of
215 age commits a life felony, punishable as provided in s.
216 775.082(3)(a)4.

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

220 2. An offender 18 years of age or older who commits lewd or
221 lascivious molestation against a victim 12 years of age or older
222 but less than 16 years of age

223
224 commits a felony of the second degree, punishable as provided in
225 s. 775.082, s. 775.083, or s. 775.084.

226 (d) An offender less than 18 years of age who commits lewd
227 or lascivious molestation against a victim 12 years of age or
228 older but less than 16 years of age commits a felony of the
229 third degree, punishable as provided in s. 775.082, s. 775.083,
230 or s. 775.084.

231 (e) An offender 18 years of age or older who commits lewd
232 or lascivious molestation against a victim 12 years of age or

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233 older but less than 16 years of age commits a felony of the
 234 first degree, punishable as provided in s. 775.082, s. 775.083,
 235 or s. 775.084, if the offender has previously been convicted of
 236 a violation of this section or a violation of s. 787.01(2) or s.
 237 787.02(2), if the violation involved a victim who was a minor
 238 and, in the course of committing that violation, the defendant
 239 committed a sexual battery under chapter 794 or a lewd act under
 240 this section or s. 847.0135(5) against the minor; s.
 241 787.01(3)(a)2. or 3.; s. 787.02(3)(a)2. or 3.; chapter 794,
 242 excluding s. 794.011(10); s. 825.1025; or s. 847.0135(5).

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

245 921.0022 Criminal Punishment Code; offense severity ranking
 246 chart.—

247 (3) OFFENSE SEVERITY RANKING CHART

248 (g) LEVEL 7

249

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

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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.

253

327.35(3)(c)2.

3rd

Vessel BUI resulting in serious bodily injury.

254

402.319(2)

2nd

Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.

255

409.920
(2)(b)1.a.

3rd

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

256

409.920
(2)(b)1.b.

2nd

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

257

456.065(2)

3rd

Practicing a health care profession without a license.

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258

456.065 (2) 2nd Practicing a health care profession without a license which results in serious bodily injury.

259

458.327 (1) 3rd Practicing medicine without a license.

260

459.013 (1) 3rd Practicing osteopathic medicine without a license.

261

460.411 (1) 3rd Practicing chiropractic medicine without a license.

262

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

263

462.17 3rd Practicing naturopathy without a license.

264

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

265

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

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465.015 (2)	3rd	Practicing pharmacy without a license.
466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
467.201	3rd	Practicing midwifery without a license.
468.366	3rd	Delivering respiratory care services without a license.
483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
483.901 (9)	3rd	Practicing medical physics without a license.
484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
484.053	3rd	Dispensing hearing aids without a license.

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275 494.0018 (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.

276 560.123 (8) (b) 1. 3rd Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.

277 560.125 (5) (a) 3rd Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.

278 655.50 (10) (b) 1. 3rd Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.

775.21 (10) (a) 3rd Sexual predator; failure to register; failure to renew driver ~~driver's~~

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license or identification
card; other registration
violations.

279

775.21(10)(b)

3rd

Sexual predator working
where children regularly
congregate.

280

775.21(10)(g)

3rd

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

281

782.051(3)

2nd

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

282

782.07(1)

2nd

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

283

782.071

2nd

Killing of a human being
or viable fetus by the
operation of a motor
vehicle in a reckless

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manner (vehicular
homicide).

284

782.072

2nd

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

285

784.045 (1) (a) 1.

2nd

Aggravated battery;
intentionally causing
great bodily harm or
disfigurement.

286

784.045 (1) (a) 2.

2nd

Aggravated battery; using
deadly weapon.

287

784.045 (1) (b)

2nd

Aggravated battery;
perpetrator aware victim
pregnant.

288

784.048 (4)

3rd

Aggravated stalking;
violation of injunction or
court order.

289

784.048 (7)

3rd

Aggravated stalking;
violation of court order.

290

784.07 (2) (d)

1st

Aggravated battery on law
enforcement officer.

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291

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

292

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

293

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

294

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

295

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

296

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

297

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

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Florida to within the
state.

298

790.07(4)

1st

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

299

790.16(1)

1st

Discharge of a machine gun
under specified
circumstances.

300

790.165(2)

2nd

Manufacture, sell,
possess, or deliver hoax
bomb.

301

790.165(3)

2nd

Possessing, displaying, or
threatening to use any
hoax bomb while committing
or attempting to commit a
felony.

302

790.166(3)

2nd

Possessing, selling,
using, or attempting to
use a hoax weapon of mass
destruction.

303

790.166(4)

2nd

Possessing, displaying, or
threatening to use a hoax

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weapon of mass destruction
while committing or
attempting to commit a
felony.

304

790.23

1st, PBL

Possession of a firearm by
a person who qualifies for
the penalty enhancements
provided for in s. 874.04.

305

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.

306

796.03

2nd

Procuring any person under
16 years for prostitution.

307

800.04 (5) (c) 1.

2nd

Lewd or lascivious
molestation; victim
younger ~~less~~ than 12 years
of age; offender younger
~~less~~ than 18 years.

308

800.04 (5) (c) 2.

2nd

Lewd or lascivious
molestation; victim 12
years of age or older but

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younger ~~less~~ than 16
years; offender 18 years
or older.

309

800.04 (5) (e)

1st

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.

310

806.01 (2)

2nd

Maliciously damage
structure by fire or
explosive.

311

810.02 (3) (a)

2nd

Burglary of occupied
dwelling; unarmed; no
assault or battery.

312

810.02 (3) (b)

2nd

Burglary of unoccupied
dwelling; unarmed; no
assault or battery.

313

810.02 (3) (d)

2nd

Burglary of occupied
conveyance; unarmed; no
assault or battery.

314

810.02 (3) (e)

2nd

Burglary of authorized

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emergency vehicle.

315

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.

316

812.014 (2) (b) 2.

2nd

Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.

317

812.014 (2) (b) 3.

2nd

Property stolen, emergency medical equipment; 2nd degree grand theft.

318

812.014 (2) (b) 4.

2nd

Property stolen, law enforcement equipment from authorized emergency vehicle.

319

812.0145 (2) (a)

1st

Theft from person 65 years of age or older; \$50,000 or more.

320

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321	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
322	812.131 (2) (a)	2nd	Robbery by sudden snatching.
323	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
324	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
325	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
326	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
327	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.

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817.2341

1st

Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.

(2) (b) & (3) (b)

328

817.535 (2) (a)

3rd

Filing false lien or other unauthorized document.

329

825.102 (3) (b)

2nd

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

330

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.

331

827.03 (2) (b)

2nd

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

332

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333	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
334	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
335	838.015	2nd	Bribery.
336	838.016	2nd	Unlawful compensation or reward for official behavior.
337	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
338	838.22	2nd	Bid tampering.
339	843.0855 (2)	3rd	Impersonation of a public officer or employee.
340	843.0855 (3)	3rd	Unlawful simulation of legal process.
	843.0855 (4)	3rd	Intimidation of a public officer or employee.

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

342

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

343

872.06 2nd Abuse of a dead human body.

344

874.05 (2) (b) 1st Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.

345

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

346

893.13 (1) (c) 1. 1st Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1) (a), (1) (b),

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(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.

347

893.13 (1) (e) 1.

1st

Sell, manufacture, or
 deliver cocaine or other
 drug prohibited under s.
 893.03 (1) (a), (1) (b),
 (1) (d), (2) (a), (2) (b), or
 (2) (c) 4., within 1,000
 feet of property used for
 religious services or a
 specified business site.

348

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).

349

893.135 (1) (a) 1.

1st

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

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350

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

351

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

352

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

353

893.135 (1) (e) 1. 1st Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.

354

893.135 (1) (f) 1. 1st Trafficking in amphetamine, more than 14 grams, less than 28 grams.

355

893.135 (1) (g) 1.a. 1st Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.

356

893.135 (1) (h) 1.a. 1st Trafficking in gamma-hydroxybutyric acid (GHB),

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1 kilogram or more, less than 5 kilograms.

357

893.135
(1) (j) 1.a.

1st

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

358

893.135
(1) (k) 2.a.

1st

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

359

893.1351 (2)

2nd

Possession of place for trafficking in or manufacturing of controlled substance.

360

896.101 (5) (a)

3rd

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

361

896.104 (4) (a) 1.

3rd

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

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362

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

363

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

364

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

365

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

366

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

367

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

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requirements.

368

944.607(10)(a)

3rd

Sexual offender; failure to submit to the taking of a digitized photograph.

369

944.607(12)

3rd

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

370

944.607(13)

3rd

Sexual offender; failure to report and reregister; failure to respond to address verification.

371

985.4815(10)

3rd

Sexual offender; failure to submit to the taking of a digitized photograph.

372

985.4815(12)

3rd

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

373

985.4815(13)

3rd

Sexual offender; failure to report and reregister;

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failure to respond to
address verification.

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383

(h) LEVEL 8

Florida Statute	Felony Degree	Description
316.193 (3) (c) 3.a.	2nd	DUI manslaughter.
316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
499.0051 (7)	1st	Knowing trafficking in contraband prescription drugs.
499.0051 (8)	1st	Knowing forgery of prescription labels or prescription drug labels.
560.123 (8) (b) 2.	2nd	Failure to report currency or payment

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instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.

384

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.

385

655.50 (10) (b) 2.

2nd

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

386

777.03 (2) (a)

1st

Accessory after the fact, capital felony.

387

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,

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aggravated fleeing or
 eluding with serious
 bodily injury or death,
 aircraft piracy, or
 unlawfully discharging
 bomb.

388

782.051 (2)

1st

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

389

782.071 (1) (b)

1st

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

390

782.072 (2)

1st

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

391

787.06 (3) (b)

1st

Human trafficking using
 coercion for commercial
 sexual activity.

392

787.06 (3) (c)

1st

Human trafficking using
 coercion for labor and

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services of an
unauthorized alien.

393

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.

394

790.161(3)

1st

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

395

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.

396

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

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serious injury.

397

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.

398

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.

399

~~794.011 (5)~~

~~2nd~~

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

400

794.08 (3)

2nd

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

401

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402

800.04 (4) (b)

2nd

Lewd or lascivious
battery.

403

800.04 (4) (c)

1st

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

404

~~800.04 (4)~~

~~2nd~~

~~Lewd or lascivious
battery.~~

405

806.01 (1)

1st

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

406

810.02 (2) (a)

1st, PBL

Burglary with assault or
battery.

407

810.02 (2) (b)

1st, PBL

Burglary; armed with
explosives or dangerous
weapon.

810.02 (2) (c)

1st

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

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damage.

408

812.014 (2) (a) 2.

1st

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

409

812.13 (2) (b)

1st

Robbery with a weapon.

410

812.135 (2) (c)

1st

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

411

817.535 (2) (b)

2nd

Filing false lien or other unauthorized document; second or subsequent offense.

412

817.535 (3) (a)

2nd

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

413

817.535 (4) (a) 1.

2nd

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

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414

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.

415

817.568 (6)

2nd

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

416

825.102 (2)

1st

Aggravated abuse of an elderly person or disabled adult.

417

825.1025 (2)

2nd

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

418

825.103 (2) (a)

1st

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

419

837.02 (2)

2nd

Perjury in official proceedings relating to

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prosecution of a capital
felony.

420

837.021 (2)

2nd

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

421

860.121 (2) (c)

1st

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

422

860.16

1st

Aircraft piracy.

423

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).

424

893.13 (2) (b)

1st

Purchase in excess of 10
grams of any substance
specified in s.
893.03(1) (a) or (b).

425

893.13 (6) (c)

1st

Possess in excess of 10
grams of any substance

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specified in s.
893.03(1) (a) or (b).

426

893.135 (1) (a) 2. 1st Trafficking in cannabis,
more than 2,000 lbs.,
less than 10,000 lbs.

427

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

428

893.135 1st Trafficking in illegal
(1) (c) 1.b. drugs, more than 14
grams, less than 28
grams.

429

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

430

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

431

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

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grams.

432

893.135
(1) (g) 1.b.

1st

Trafficking in
flunitrazepam, 14 grams
or more, less than 28
grams.

433

893.135
(1) (h) 1.b.

1st

Trafficking in gamma-
hydroxybutyric acid
(GHB), 5 kilograms or
more, less than 10
kilograms.

434

893.135
(1) (j) 1.b.

1st

Trafficking in 1,4-
Butanediol, 5 kilograms
or more, less than 10
kilograms.

435

893.135
(1) (k) 2.b.

1st

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

436

893.1351 (3)

1st

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

437

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438

895.03 (1) 1st Use or invest proceeds derived from pattern of racketeering activity.

439

895.03 (2) 1st Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.

440

895.03 (3) 1st Conduct or participate in any enterprise through pattern of racketeering activity.

441

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

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.

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(i) LEVEL 9

Florida Statute	Felony Degree	Description
316.193 (3) (c) 3.b.	1st	DUI manslaughter; failing to render aid or give information.
327.35 (3) (c) 3.b.	1st	BUI manslaughter; failing to render aid or give information.
409.920 (2) (b) 1.c.	1st	Medicaid provider fraud; \$50,000 or more.
499.0051 (9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
560.123 (8) (b) 3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.

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451

560.125 (5) (c) 1st Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.

452

655.50 (10) (b) 3. 1st Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.

453

775.0844 1st Aggravated white collar crime.

454

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

455

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.

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456

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

457

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

458

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

459

787.01(1)(a)2. 1st,PBL Kidnapping with intent to commit or facilitate commission of any felony.

460

787.01(1)(a)4. 1st,PBL Kidnapping with intent to interfere with performance of any governmental or political function.

461

787.02(3)(a) 1st False imprisonment; child under age 13; perpetrator also commits

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aggravated child abuse,
sexual battery, or lewd
or lascivious battery,
molestation, conduct, or
exhibition.

462

787.06 (3) (d)

1st

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

463

787.06 (3) (g)

1st,PBL

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

464

787.06 (4)

1st

Selling or buying of
minors into human
trafficking.

465

790.161

1st

Attempted capital
destructive device
offense.

466

790.166 (2)

1st,PBL

Possessing, selling,
using, or attempting to
use a weapon of mass
destruction.

467

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468

794.011 (2)

1st

Attempted sexual battery; victim less than 12 years of age.

469

794.011 (2)

Life

Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.

470

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.

471

794.011 (4) (b)

1st

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

472

794.011 (4) (c)

1st

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

794.011 (4) (d)

1st, PBL

Sexual battery, certain

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

473

~~794.011(4)~~

~~1st~~

~~Sexual battery; victim~~
~~12 years or older,~~
~~certain circumstances.~~

474

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.

475

794.08(2)

1st

Female genital
mutilation; victim
younger than 18 years of
age.

476

796.035

1st

Selling or buying of
minors into
prostitution.

477

800.04(5)(b)

Life

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

478

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479 812.13 (2) (a) 1st,PBL Robbery with firearm or other deadly weapon.

480 812.133 (2) (a) 1st,PBL Carjacking; firearm or other deadly weapon.

481 812.135 (2) (b) 1st Home-invasion robbery with weapon.

817.535 (3) (b) 1st Filing false lien or other unauthorized document; second or subsequent offense; property owner is a public officer or employee.

482 817.535 (4) (a) 2. 1st Filing false claim or other unauthorized document; defendant is incarcerated or under supervision.

483 817.535 (5) (b) 1st Filing false lien or other unauthorized document; second or subsequent offense; owner of the property incurs financial loss as

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a result of the false
instrument.

484

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.

485

827.03 (2) (a)

1st

Aggravated child abuse.

486

847.0145 (1)

1st

Selling, or otherwise
transferring custody or
control, of a minor.

487

847.0145 (2)

1st

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

488

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

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person.

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893.135

1st

Attempted capital
trafficking offense.

893.135 (1) (a) 3.

1st

Trafficking in cannabis,
more than 10,000 lbs.

893.135
(1) (b) 1.c.

1st

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

893.135
(1) (c) 1.c.

1st

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

893.135
(1) (d) 1.c.

1st

Trafficking in
phencyclidine, more than
400 grams.

893.135
(1) (e) 1.c.

1st

Trafficking in
methaqualone, more than
25 kilograms.

893.135
(1) (f) 1.c.

1st

Trafficking in
amphetamine, more than
200 grams.

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893.135
(1) (h) 1.c.

1st

Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.

497

893.135
(1) (j) 1.c.

1st

Trafficking in 1,4-Butanediol, 10 kilograms or more.

498

893.135
(1) (k) 2.c.

1st

Trafficking in Phenethylamines, 400 grams or more.

499

896.101 (5) (c)

1st

Money laundering, financial instruments totaling or exceeding \$100,000.

500

896.104 (4) (a) 3.

1st

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

501

502

503 Section 4. Section 921.0024, Florida Statutes, is amended
504 to read:

505 921.0024 Criminal Punishment Code; worksheet computations;

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506 scoresheets.-

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

509
510 FLORIDA CRIMINAL PUNISHMENT CODE

511 WORKSHEET

512
513 OFFENSE SCORE

514 Primary Offense

515	Level	Sentence Points		Total
516	10	116	=
517	9	92	=
518	8	74	=
519	7	56	=
520	6	36	=
521	5	28	=
522	4	22	=
523	3	16	=
524				

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525	2	10	=
526	1	4	=
527				
528				Total

Additional Offenses

531	Level	Sentence Points		Counts		Total
532	10	58	x	=
533	9	46	x	=
534	8	37	x	=
535	7	28	x	=
536	6	18	x	=
537	5	5.4	x	=
538	4	3.6	x	=
539	3	2.4	x	=

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540

2 1.2 x =

541

1 0.7 x =

542

M 0.2 x =

543

544

Total

545

546

547

Victim Injury

548

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

549

2nd degree murder- death	240	x	=
--------------------------------	-----	---	-------	---	-------

550

Death	120	x	=
-------	-----	---	-------	---	-------

551

Severe	40	x	=
--------	----	---	-------	---	-------

552

Moderate	18	x	=
----------	----	---	-------	---	-------

553

Slight	4	x	=
--------	---	---	-------	---	-------

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554
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570

Sexual penetration	80	x	=
Sexual contact	40	x	=

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	=

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571	6	9	x	=
572	5	3.6	x	=
573	4	2.4	x	=
574	3	1.6	x	=
575	2	0.8	x	=
576	1	0.5	x	=
577	M	0.2	x	=

Total

579

580

581 TOTAL OFFENSE SCORE.....

582 TOTAL PRIOR RECORD SCORE.....

583

584 LEGAL STATUS.....

585 COMMUNITY SANCTION VIOLATION.....

586 PRIOR SERIOUS FELONY.....

587 PRIOR CAPITAL FELONY.....

588 FIREARM OR SEMIAUTOMATIC WEAPON.....

589 SUBTOTAL.....

590

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

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

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

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

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

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

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

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

599 DOMESTIC VIOLENCE IN THE PRESENCE OF RELATED CHILD (no) (yes)

600 (x multiplier).....

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

602

603 TOTAL SENTENCE POINTS.....

605 (b) WORKSHEET KEY:

606

607 Legal status points are assessed when any form of legal status

608 existed at the time the offender committed an offense before the

609 court for sentencing. Four (4) sentence points are assessed for

610 an offender's legal status.

611

612 Community sanction violation points are assessed when a

613 community sanction violation is before the court for sentencing.

614 Six (6) sentence points are assessed for each community sanction

615 violation and each successive community sanction violation,

616 unless any of the following apply:

- 617 1. If the community sanction violation includes a new
- 618 felony conviction before the sentencing court, twelve (12)
- 619 community sanction violation points are assessed for the

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620 violation, and for each successive community sanction violation
621 involving a new felony conviction.

622 2. If the community sanction violation is committed by a
623 violent felony offender of special concern as defined in s.
624 948.06:

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

628 I. The violation does not include a new felony conviction;
629 and

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

633 b. Twenty-four (24) community sanction violation points are
634 assessed for the violation and for each successive violation of
635 felony probation or community control where the violation
636 includes a new felony conviction.

637

638 Multiple counts of community sanction violations before the
639 sentencing court shall not be a basis for multiplying the
640 assessment of community sanction violation points.

641

642 Prior serious felony points: If the offender has a primary
643 offense or any additional offense ranked in level 8, level 9, or
644 level 10, and one or more prior serious felonies, a single
645 assessment of thirty (30) points shall be added. For purposes of
646 this section, a prior serious felony is an offense in the
647 offender's prior record that is ranked in level 8, level 9, or
648 level 10 under s. 921.0022 or s. 921.0023 and for which the

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649 offender is serving a sentence of confinement, supervision, or
650 other sanction or for which the offender's date of release from
651 confinement, supervision, or other sanction, whichever is later,
652 is within 3 years before the date the primary offense or any
653 additional offense was committed.

654
655 Prior capital felony points: If the offender has one or more
656 prior capital felonies in the offender's criminal record, points
657 shall be added to the subtotal sentence points of the offender
658 equal to twice the number of points the offender receives for
659 the primary offense and any additional offense. A prior capital
660 felony in the offender's criminal record is a previous capital
661 felony offense for which the offender has entered a plea of nolo
662 contendere or guilty or has been found guilty; or a felony in
663 another jurisdiction which is a capital felony in that
664 jurisdiction, or would be a capital felony if the offense were
665 committed in this state.

666
667 Possession of a firearm, semiautomatic firearm, or machine gun:
668 If the offender is convicted of committing or attempting to
669 commit any felony other than those enumerated in s. 775.087(2)
670 while having in his or her possession: a firearm as defined in
671 s. 790.001(6), an additional eighteen (18) sentence points are
672 assessed; or if the offender is convicted of committing or
673 attempting to commit any felony other than those enumerated in
674 s. 775.087(3) while having in his or her possession a
675 semiautomatic firearm as defined in s. 775.087(3) or a machine
676 gun as defined in s. 790.001(9), an additional twenty-five (25)
677 sentence points are assessed.

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678

679 Sentencing multipliers:

680

681 Drug trafficking: If the primary offense is drug trafficking
682 under s. 893.135, the subtotal sentence points are multiplied,
683 at the discretion of the court, for a level 7 or level 8
684 offense, by 1.5. The state attorney may move the sentencing
685 court to reduce or suspend the sentence of a person convicted of
686 a level 7 or level 8 offense, if the offender provides
687 substantial assistance as described in s. 893.135(4).

688

689 Law enforcement protection: If the primary offense is a
690 violation of the Law Enforcement Protection Act under s.
691 775.0823(2), (3), or (4), the subtotal sentence points are
692 multiplied by 2.5. If the primary offense is a violation of s.
693 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points
694 are multiplied by 2.0. If the primary offense is a violation of
695 s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement
696 Protection Act under s. 775.0823(10) or (11), the subtotal
697 sentence points are multiplied by 1.5.

698

699 Grand theft of a motor vehicle: If the primary offense is grand
700 theft of the third degree involving a motor vehicle and in the
701 offender's prior record, there are three or more grand thefts of
702 the third degree involving a motor vehicle, the subtotal
703 sentence points are multiplied by 1.5.

704

705 Offense related to a criminal gang: If the offender is convicted
706 of the primary offense and committed that offense for the

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707 purpose of benefiting, promoting, or furthering the interests of
708 a criminal gang as defined in s. 874.03, the subtotal sentence
709 points are multiplied by 1.5. If applying the multiplier results
710 in the lowest permissible sentence exceeding the statutory
711 maximum sentence for the primary offense under chapter 775, the
712 court may not apply the multiplier and must sentence the
713 defendant to the statutory maximum sentence.

714

715 Domestic violence in the presence of a child: If the offender is
716 convicted of the primary offense and the primary offense is a
717 crime of domestic violence, as defined in s. 741.28, which was
718 committed in the presence of a child under 16 years of age who
719 is a family or household member as defined in s. 741.28(3) with
720 the victim or perpetrator, the subtotal sentence points are
721 multiplied by 1.5.

722

723 Adult-on-minor sex offense: If the offender was 18 years of age
724 or older and the victim was younger than 18 years of age at the
725 time the offender committed the primary offense, and if the
726 primary offense was an offense committed on or after October 1,
727 2014, and is a violation of s. 787.01(2) or s. 787.02(2), if the
728 violation involved a victim who was a minor and, in the course
729 of committing that violation, the defendant committed a sexual
730 battery under chapter 794 or a lewd act under s. 800.04 or s.
731 847.0135(5) against the minor; s. 787.01(3) (a)2. or 3.; s.
732 787.02(3) (a)2. or 3.; s. 794.011, excluding s. 794.011(10); s.
733 794.05; s. 800.04; or s. 847.0135(5), the subtotal sentence
734 points are multiplied by 2.0. If applying the multiplier results
735 in the lowest permissible sentence exceeding the statutory

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736 maximum sentence for the primary offense under chapter 775, the
737 court may not apply the multiplier and must sentence the
738 defendant to the statutory maximum sentence.

739 (2) The lowest permissible sentence is the minimum sentence
740 that may be imposed by the trial court, absent a valid reason
741 for departure. The lowest permissible sentence is any nonstate
742 prison sanction in which the total sentence points equals or is
743 less than 44 points, unless the court determines within its
744 discretion that a prison sentence, which may be up to the
745 statutory maximums for the offenses committed, is appropriate.
746 When the total sentence points exceeds 44 points, the lowest
747 permissible sentence in prison months shall be calculated by
748 subtracting 28 points from the total sentence points and
749 decreasing the remaining total by 25 percent. The total sentence
750 points shall be calculated only as a means of determining the
751 lowest permissible sentence. The permissible range for
752 sentencing shall be the lowest permissible sentence up to and
753 including the statutory maximum, as defined in s. 775.082, for
754 the primary offense and any additional offenses before the court
755 for sentencing. The sentencing court may impose such sentences
756 concurrently or consecutively. However, any sentence to state
757 prison must exceed 1 year. If the lowest permissible sentence
758 under the code exceeds the statutory maximum sentence as
759 provided in s. 775.082, the sentence required by the code must
760 be imposed. If the total sentence points are greater than or
761 equal to 363, the court may sentence the offender to life
762 imprisonment. An offender sentenced to life imprisonment under
763 this section is not eligible for any form of discretionary early
764 release, except executive clemency or conditional medical

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765 release under s. 947.149.

766 (3) A single scoresheet shall be prepared for each
767 defendant to determine the permissible range for the sentence
768 that the court may impose, except that if the defendant is
769 before the court for sentencing for more than one felony and the
770 felonies were committed under more than one version or revision
771 of the guidelines or the code, separate scoresheets must be
772 prepared. The scoresheet or scoresheets must cover all the
773 defendant's offenses pending before the court for sentencing.
774 The state attorney shall prepare the scoresheet or scoresheets,
775 which must be presented to the defense counsel for review for
776 accuracy in all cases unless the judge directs otherwise. The
777 defendant's scoresheet or scoresheets must be approved and
778 signed by the sentencing judge.

779 (4) The Department of Corrections, in consultation with the
780 Office of the State Courts Administrator, state attorneys, and
781 public defenders, must develop and submit the revised Criminal
782 Punishment Code scoresheet to the Supreme Court for approval by
783 June 15 of each year, as necessary. Upon the Supreme Court's
784 approval of the revised scoresheet, the Department of
785 Corrections shall produce and provide sufficient copies of the
786 revised scoresheets by September 30 of each year, as necessary.
787 Scoresheets must include item entries for the scoresheet
788 preparer's use in indicating whether any prison sentence imposed
789 includes a mandatory minimum sentence or the sentence imposed
790 was a downward departure from the lowest permissible sentence
791 under the Criminal Punishment Code.

792 (5) The Department of Corrections shall distribute
793 sufficient copies of the Criminal Punishment Code scoresheets to

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794 those persons charged with the responsibility for preparing
795 scoresheets.

796 (6) The clerk of the circuit court shall transmit a
797 complete, accurate, and legible copy of the Criminal Punishment
798 Code scoresheet used in each sentencing proceeding to the
799 Department of Corrections. Scoresheets must be transmitted no
800 less frequently than monthly, by the first of each month, and
801 may be sent collectively.

802 (7) A sentencing scoresheet must be prepared for every
803 defendant who is sentenced for a felony offense. A copy of the
804 individual offender's Criminal Punishment Code scoresheet and
805 any attachments thereto prepared pursuant to Rule 3.701, Rule
806 3.702, or Rule 3.703, Florida Rules of Criminal Procedure, or
807 any other rule pertaining to the preparation and submission of
808 felony sentencing scoresheets, must be attached to the copy of
809 the uniform judgment and sentence form provided to the
810 Department of Corrections.

811 Section 5. Section 921.30, Florida Statutes, is created to
812 read:

813 921.30 Court finding that offense was sexually motivated.-
814 For offenses other than those specifically defined as a sexually
815 violent offense in s. 394.912(9) (a)-(f), the state attorney may
816 move the court to make a written finding on the record that,
817 based on the circumstances of the case, including consideration
818 of a victim impact statement, the person's offense was sexually
819 motivated.

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

822 944.275 Gain-time.-

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823 (4)

824 (e) Notwithstanding subparagraph (b)3., for sentences
825 imposed for offenses committed on or after October 1, 2014, the
826 department may not grant incentive gain-time if the offense is a
827 violation of s. 782.04(1)(a)2.c.; s. 787.01(3)(a)2. or 3.; s.
828 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s.
829 794.05; s. 800.04; s. 825.1025; or s. 847.0135(5).

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

832 947.1405 Conditional release program.—

833 (13) If a person who is transferred to the custody of the
834 Department of Children and Families pursuant to part V of
835 chapter 394 is subject to conditional release supervision, the
836 period of conditional release supervision is tolled until such
837 person is no longer in the custody of the Department of Children
838 and Families. This subsection applies to all periods of
839 conditional release supervision which begin on or after October
840 1, 2014, regardless of the date of the underlying offense.

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

844 948.012 Split sentence of probation or community control
845 and imprisonment.—

846 (1) ~~If Whenever~~ punishment by imprisonment for a
847 misdemeanor or a felony, except for a capital felony, is
848 prescribed, the court, ~~in its discretion,~~ may, at the time of
849 sentencing, impose a split sentence whereby the defendant is to
850 be placed on probation or, with respect to any such felony, into
851 community control upon completion of any specified period of

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852 such sentence which may include a term of years or less. In such
853 case, the court shall stay and withhold the imposition of the
854 remainder of sentence imposed upon the defendant and direct that
855 the defendant be placed upon probation or into community control
856 after serving such period as may be imposed by the court. Except
857 as provided in subsection (6), the period of probation or
858 community control shall commence immediately upon the release of
859 the defendant from incarceration, whether by parole or gain-time
860 allowances.

861 (5) (a) Effective for offenses committed on or after October
862 1, 2014, if the court imposes a term of years in accordance with
863 s. 775.082 which is less than the maximum sentence for the
864 offense, the court must impose a split sentence pursuant to
865 subsection (1) for any person who is convicted of a violation
866 of:

- 867 1. Section 782.04(1)(a)2.c.;
- 868 2. Section 787.01(3)(a)2. or 3.;
- 869 3. Section 787.02(3)(a)2. or 3.;
- 870 4. Section 794.011, excluding s. 794.011(10);
- 871 5. Section 794.05;
- 872 6. Section 800.04;
- 873 7. Section 825.1025; or
- 874 8. Section 847.0135(5).

875 (b) The probation or community control portion of the split
876 sentence imposed by the court must extend for at least 2 years.
877 However, if the term of years imposed by the court extends to
878 within 2 years of the maximum sentence for the offense, the
879 probation or community control portion of the split sentence
880 must extend for the remainder of the maximum sentence.

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881 (6) If a defendant who has been sentenced to a split
882 sentence pursuant to subsection (1) is transferred to the
883 custody of the Department of Children and Families pursuant to
884 part V of chapter 394, the period of probation or community
885 control is tolled until such person is no longer in the custody
886 of the Department of Children and Families. This subsection
887 applies to all sentences of probation or community control which
888 begin on or after October 1, 2014, regardless of the date of the
889 underlying offense.

890 Section 9. If any provision of this act or its application
891 to any person or circumstance is held invalid, the invalidity
892 does not affect other provisions or applications of this act
893 which can be given effect without the invalid provision or
894 application, and to this end the provisions of this act are
895 severable.

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