

By the Committees on Appropriations; Judiciary; and Criminal Justice; and Senator Bradley

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1 A bill to be entitled
2 An act relating to sexual offenses; amending s. 92.55,
3 F.S.; authorizing orders limiting testimony in open
4 court and in depositions if the victim or witness was
5 a child under 16 years of age when a specified sexual
6 offense occurred; authorizing the court to set other
7 conditions appropriate to taking the testimony of this
8 victim or witness; amending s. 775.15, F.S.;
9 eliminating time limitations to the prosecution of
10 specified criminal offenses relating to lewd or
11 lascivious battery or molestation if the victim was
12 younger than 16 years of age at the time of the
13 offense; specifying an exception; providing
14 applicability; amending s. 794.011, F.S.; revising and
15 creating offenses involving sexual battery; increasing
16 felony degree of certain sexual battery offenses;
17 amending s. 794.0115, F.S.; imposing a 50-year minimum
18 mandatory sentence for dangerous sexual felony
19 offenders; amending s. 794.05, F.S.; revising
20 definition of the term "sexual activity;" amending s.
21 800.04, F.S.; revising and creating offenses involving
22 lewd or lascivious battery and molestation; increasing
23 felony degree of certain lewd or lascivious battery
24 and molestation offenses; amending s. 810.14, F.S.;
25 providing that voyeurism includes secretly observing
26 another person's intimate areas in which the person
27 has a reasonable expectation of privacy, when the
28 other person is located in a public or private
29 dwelling, structure, or conveyance; defining the term

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30 "intimate area"; amending s. 921.0022, F.S.; assigning
31 offense severity rankings for new lewd or lascivious
32 battery and molestation offenses and sexual battery
33 offenses; amending s. 921.0024, F.S.; providing that
34 sentence points are multiplied for specified sex
35 offenses committed by an adult upon a minor under
36 certain circumstances; amending s. 944.275, F.S.;
37 prohibiting award of gain-time for certain offenses;
38 amending s. 947.1405, F.S.; providing for tolling of
39 conditional release supervision; providing
40 applicability; amending ss. 947.1405 and 948.30, F.S.;
41 prohibiting certain conditional releasees,
42 probationers, or community controllees from viewing,
43 accessing, owning, or possessing any obscene,
44 pornographic, or sexually stimulating material;
45 providing exceptions; amending s. 948.012, F.S.;
46 requiring split sentence for certain sexual offenses;
47 providing for tolling of probation or community
48 control; amending s. 948.31, F.S.; authorizing the
49 court to require a sexual offender or sexual predator
50 who is on probation or community control to undergo an
51 evaluation to determine whether the offender or
52 predator needs sexual offender treatment; requiring
53 the probationer or community controllee to pay for the
54 treatment; removing a provision prohibiting contact
55 with minors if sexual offender treatment is
56 recommended; providing applicability; providing
57 severability; providing an effective date.

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59 Be It Enacted by the Legislature of the State of Florida:

60
61 Section 1. Section 92.55, Florida Statutes, is amended to
62 read:

63 92.55 Judicial or other proceedings involving victim or
64 witness who was under the age of 16, a ~~or~~ person who has an
65 intellectual disability, or a sexual offense victim or witness;
66 special protections; use of registered service or therapy
67 animals.-

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

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

72 (b) "Sexual offense" means any offense specified in s.
73 775.21(4)(a)1. or s. 943.0435(1)(a)1.a.(I).

74 (2)~~(1)~~ Upon motion of any party, upon motion of a parent,
75 guardian, attorney, or guardian ad litem for a victim or witness
76 who was under the age of 16, a ~~or~~ person who has an intellectual
77 disability, or a sexual offense victim or witness, or upon its
78 own motion, the court may enter any order necessary to protect
79 the ~~such~~ victim or witness in any judicial proceeding or other
80 official proceeding from severe emotional or mental harm due to
81 the presence of the defendant if the victim or witness is
82 required to testify in open court. Such orders must relate to
83 the taking of testimony and include, but are not limited to:

84 (a) Interviewing or the taking of depositions as part of a
85 civil or criminal proceeding.

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

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

90 ~~(3)~~~~(2)~~ In ruling upon the motion, the court shall consider:

91 (a) The age of the child, the nature of the offense or act,
92 the relationship of the child to the parties in the case or to
93 the defendant in a criminal action, the degree of emotional
94 trauma that will result to the child as a consequence of the
95 defendant's presence, and any other fact that the court deems
96 relevant; ~~or~~

97 (b) The age of the person who has an intellectual
98 disability, the functional capacity of such person, the nature
99 of the offenses or act, the relationship of the person to the
100 parties in the case or to the defendant in a criminal action,
101 the degree of emotional trauma that will result to the person as
102 a consequence of the defendant's presence, and any other fact
103 that the court deems relevant; or

104 (c) The age of the sexual offense victim or witness when
105 the sexual offense occurred, the relationship of the sexual
106 offense victim or witness to the parties in the case or to the
107 defendant in a criminal action, the degree of emotional trauma
108 that will result to the sexual offense victim or witness as a
109 consequence of the defendant's presence, and any other fact that
110 the court deems relevant.

111 ~~(4)~~~~(3)~~ In addition to such other relief provided by law,
112 the court may enter orders limiting the number of times that a
113 child, ~~or~~ a person who has an intellectual disability, or a
114 sexual offense victim or witness may be interviewed, prohibiting
115 depositions of the victim or witness ~~such child or person~~,
116 requiring the submission of questions before the examination of

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117 the victim or witness ~~child or person~~, setting the place and
118 conditions for interviewing the victim or witness ~~child or~~
119 ~~person~~ or for conducting any other proceeding, or permitting or
120 prohibiting the attendance of any person at any proceeding. The
121 court shall enter any order necessary to protect the rights of
122 all parties, including the defendant in any criminal action.

123 (5)~~(4)~~ The court may set any other conditions it finds just
124 and appropriate when taking the testimony of a child victim or
125 witness or a sexual offense victim or witness, including the use
126 of a service or therapy animal that has been evaluated and
127 registered according to national standards, in any proceeding
128 involving a sexual offense. When deciding whether to permit a
129 child victim or witness or sexual offense victim or witness to
130 testify with the assistance of a registered service or therapy
131 animal, the court shall consider the age of the child victim or
132 witness, the age of the sexual offense victim or witness at the
133 time the sexual offense occurred, the interests of the child
134 victim or witness or sexual offense victim or witness, the
135 rights of the parties to the litigation, and any other relevant
136 factor that would facilitate the testimony by the child victim
137 or witness or sexual offense victim or witness.

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

140 775.15 Time limitations; general time limitations;
141 exceptions.—

142 (18) (a) If the offense is a violation of s. 800.04(4) or
143 (5) and the victim was younger than 16 years of age at the time
144 the offense was committed, a prosecution of the offense may be
145 commenced at any time. This paragraph does not apply if, at the

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146 time of the offense, the offender is less than 18 years of age
147 and the offender is no more than 4 years older than the victim.

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

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

153 794.011 Sexual battery.—

154 (4) (a) A person 18 years of age or older who commits sexual
155 battery upon a person 12 years of age or older but younger than
156 18 years of age without that person's consent, under any of the
157 ~~following~~ circumstances listed in paragraph (e), commits a
158 felony of the first degree, punishable by a term of years not
159 exceeding life or as provided in s. 775.082, s. 775.083, s.
160 775.084, or s. 794.0115.†

161 (b) A person 18 years of age or older who commits sexual
162 battery upon a person 18 years of age or older without that
163 person's consent, under any of the circumstances listed in
164 paragraph (e), commits a felony of the first degree, punishable
165 as provided in s. 775.082, s. 775.083, s. 775.084, or s.
166 794.0115.

167 (c) A person younger than 18 years of age who commits
168 sexual battery upon a person 12 years of age or older without
169 that person's consent, under any of the circumstances listed in
170 paragraph (e), commits a felony of the first degree, punishable
171 as provided in s. 775.082, s. 775.083, s. 775.084, or s.
172 794.0115.

173 (d) A person commits a felony of the first degree,
174 punishable by a term of years not exceeding life or as provided

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175 in s. 775.082, s. 775.083, s. 775.084, or s. 794.0115 if the
176 person commits sexual battery upon a person 12 years of age or
177 older without that person's consent, under any of the
178 circumstances listed in paragraph (e), and such person was
179 previously convicted of a violation of:

180 1. Section 787.01(2) or s. 787.02(2) when the violation
181 involved a victim who was a minor and, in the course of
182 committing that violation, the defendant committed against the
183 minor a sexual battery under this chapter or a lewd act under s.
184 800.04 or s. 847.0135(5);

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

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

187 4. Section 800.04;

188 5. Section 825.1025;

189 6. Section 847.0135(5); or

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

191 (e) The following circumstances apply to paragraphs (a)-
192 (d):

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

194 2. ~~(b) When~~ The offender coerces the victim to submit by
195 threatening to use force or violence likely to cause serious
196 personal injury on the victim, and the victim reasonably
197 believes that the offender has the present ability to execute
198 the threat.

199 3. ~~(c) When~~ The offender coerces the victim to submit by
200 threatening to retaliate against the victim, or any other
201 person, and the victim reasonably believes that the offender has
202 the ability to execute the threat in the future.

203 4. ~~(d) When~~ The offender, without the prior knowledge or

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204 consent of the victim, administers or has knowledge of someone
205 else administering to the victim any narcotic, anesthetic, or
206 other intoxicating substance that ~~which~~ mentally or physically
207 incapacitates the victim.

208 5.(e) ~~When~~ The victim is mentally defective, and the
209 offender has reason to believe this or has actual knowledge of
210 this fact.

211 6.(f) ~~When~~ The victim is physically incapacitated.

212 7.(g) ~~When~~ The offender is a law enforcement officer,
213 correctional officer, or correctional probation officer as
214 defined in ~~by~~ s. 943.10(1), (2), (3), (6), (7), (8), or (9), who
215 is certified under ~~the provisions of~~ s. 943.1395 or is an
216 elected official exempt from such certification by virtue of s.
217 943.253, or any other person in a position of control or
218 authority in a probation, community control, controlled release,
219 detention, custodial, or similar setting, and such officer,
220 official, or person is acting in such a manner as to lead the
221 victim to reasonably believe that the offender is in a position
222 of control or authority as an agent or employee of government.

223 (5) (a) A person 18 years of age or older who commits sexual
224 battery upon a person 12 years of age or older but younger than
225 18 years of age, without that person's consent, and in the
226 process ~~thereof~~ does not use physical force and violence likely
227 to cause serious personal injury commits a felony of the first
228 ~~second~~ degree, punishable as provided in s. 775.082, s. 775.083,
229 s. 775.084, or s. 794.0115.

230 (b) A person 18 years of age or older who commits sexual
231 battery upon a person 18 years of age or older, without that
232 person's consent, and in the process does not use physical force

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233 and violence likely to cause serious personal injury commits a
234 felony of the second degree, punishable as provided in s.
235 775.082, s. 775.083, s. 775.084, or s. 794.0115.

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

242 (d) A person commits a felony of the first degree,
243 punishable as provided in s. 775.082, s. 775.083, s. 775.084, or
244 s. 794.0115 if the person commits sexual battery upon a person
245 12 years of age or older, without that person's consent, and in
246 the process does not use physical force and violence likely to
247 cause serious personal injury and the person was previously
248 convicted of a violation of:

249 1. Section 787.01(2) or s. 787.02(2) when the violation
250 involved a victim who was a minor and, in the course of
251 committing that violation, the defendant committed against the
252 minor a sexual battery under this chapter or a lewd act under s.
253 800.04 or s. 847.0135(5);

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

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

256 4. Section 800.04;

257 5. Section 825.1025;

258 6. Section 847.0135(5); or

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

260 (6)(a) The offenses ~~offense~~ described in paragraphs (5)(a)-
261 (c) are ~~subsection (5)~~ is included in any sexual battery offense

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262 charged under subsection (3) ~~or subsection (4)~~.

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

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

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

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

271 (8) Without regard to the willingness or consent of the
272 victim, which is not a defense to prosecution under this
273 subsection, a person who is in a position of familial or
274 custodial authority to a person less than 18 years of age and
275 who:

276 (b) Engages in any act with that person while the person is
277 12 years of age or older but younger ~~less~~ than 18 years of age
278 which constitutes sexual battery under paragraph (1) (h) commits
279 a felony of the first degree, punishable by a term of years not
280 exceeding life or as provided in s. 775.082, s. 775.083, or s.
281 775.084.

282 (9) For prosecution under paragraph (4) (a), paragraph
283 (4) (b), paragraph (4) (c), or paragraph (4) (d) which involves an
284 offense committed under any of the circumstances listed in
285 subparagraph (4) (e) 7. ~~paragraph (4) (g)~~, acquiescence to a person
286 reasonably believed by the victim to be in a position of
287 authority or control does not constitute consent, and it is not
288 a defense that the perpetrator was not actually in a position of
289 control or authority if the circumstances were such as to lead
290 the victim to reasonably believe that the person was in such a

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291 position.

292 (10) A ~~Any~~ person who falsely accuses a any person listed
293 in subparagraph (4) (e) 7. paragraph (4) (g) or other person in a
294 position of control or authority as an agent or employee of
295 government of violating paragraph (4) (a), paragraph (4) (b),
296 paragraph (4) (c), or paragraph (4) (d) commits ~~(4) (g) is guilty~~
297 ~~of~~ a felony of the third degree, punishable as provided in s.
298 775.082, s. 775.083, or s. 775.084.

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

301 794.0115 Dangerous sexual felony offender; mandatory
302 sentencing.—

303 (2) Any person who is convicted of a violation of s.
304 787.025(2) (c); s. 794.011(2), (3), (4), (5), or (8); s.
305 800.04(4) or (5); s. 825.1025(2) or (3); s. 827.071(2), (3), or
306 (4); or s. 847.0145; or of any similar offense under a former
307 designation, which offense the person committed when he or she
308 was 18 years of age or older, and the person:

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

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

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

315 (d) Committed the offense while under the jurisdiction of a
316 court for a felony offense under the laws of this state, for an
317 offense that is a felony in another jurisdiction, or for an
318 offense that would be a felony if that offense were committed in
319 this state; or

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320 (e) Has previously been convicted of a violation of s.
321 787.025(2)(c); s. 794.011(2), (3), (4), (5), or (8); s.
322 800.04(4) or (5); s. 825.1025(2) or (3); s. 827.071(2), (3), or
323 (4); s. 847.0145; of any offense under a former statutory
324 designation which is similar in elements to an offense described
325 in this paragraph; or of any offense that is a felony in another
326 jurisdiction, or would be a felony if that offense were
327 committed in this state, and which is similar in elements to an
328 offense described in this paragraph,

329
330 is a dangerous sexual felony offender, who must be sentenced to
331 a mandatory minimum term of 25 years imprisonment up to, and
332 including, life imprisonment. If the offense described in this
333 subsection was committed on or after October 1, 2014, a person
334 who qualifies as a dangerous sexual felony offender pursuant to
335 this subsection must be sentenced to a mandatory minimum term of
336 50 years imprisonment up to, and including, life imprisonment.

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

339 794.05 Unlawful sexual activity with certain minors.—

340 (1) A person 24 years of age or older who engages in sexual
341 activity with a person 16 or 17 years of age commits a felony of
342 the second degree, punishable as provided in s. 775.082, s.
343 775.083, or s. 775.084. As used in this section, "sexual
344 activity" means oral, anal, or vaginal penetration by, or union
345 with, the sexual organ of another or the anal or vaginal
346 penetration of another by any other object; however, sexual
347 activity does not include an act done for a bona fide medical
348 purpose.

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

351 800.04 Lewd or lascivious offenses committed upon or in the
352 presence of persons less than 16 years of age.—

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

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

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

357 2. Encouraging, forcing, or enticing any person less than
358 16 years of age to engage in sadomasochistic abuse, sexual
359 bestiality, prostitution, or any other act involving sexual
360 activity.

361 (b) Except as provided in paragraph (c), an offender who
362 commits lewd or lascivious battery commits a felony of the
363 second degree, punishable as provided in s. 775.082, s. 775.083,
364 or s. 775.084.

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

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

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

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

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

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378 5. Section 825.1025;

379 6. Section 847.0135(5); or

380 7. This section.

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

383 ~~(b) Encourages, forces, or entices any person less than 16~~
384 ~~years of age to engage in sadomasochistic abuse, sexual~~
385 ~~bestiality, prostitution, or any other act involving sexual~~
386 ~~activity~~

387
388 ~~commits lewd or lascivious battery, a felony of the second~~
389 ~~degree, punishable as provided in s. 775.082, s. 775.083, or s.~~
390 ~~775.084.~~

391 (5) LEWD OR LASCIVIOUS MOLESTATION.—

392 (a) A person who intentionally touches in a lewd or
393 lascivious manner the breasts, genitals, genital area, or
394 buttocks, or the clothing covering them, of a person less than
395 16 years of age, or forces or entices a person under 16 years of
396 age to so touch the perpetrator, commits lewd or lascivious
397 molestation.

398 (b) An offender 18 years of age or older who commits lewd
399 or lascivious molestation against a victim less than 12 years of
400 age commits a life felony, punishable as provided in s.
401 775.082(3)(a)4.

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

405 2. An offender 18 years of age or older who commits lewd or
406 lascivious molestation against a victim 12 years of age or older

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407 but less than 16 years of age

408
409 commits a felony of the second degree, punishable as provided in
410 s. 775.082, s. 775.083, or s. 775.084.

411 (d) An offender less than 18 years of age who commits lewd
412 or lascivious molestation against a victim 12 years of age or
413 older but less than 16 years of age commits a felony of the
414 third degree, punishable as provided in s. 775.082, s. 775.083,
415 or s. 775.084.

416 (e) A person commits a felony of the first degree,
417 punishable as provided in s. 775.082, s. 775.083, or s. 775.084
418 if the person is 18 years of age or older and commits lewd or
419 lascivious molestation against a victim 12 years of age or older
420 but less than 16 years of age and the person was previously
421 convicted of a violation of:

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

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

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

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

430 5. Section 825.1025;

431 6. Section 847.0135(5); or

432 7. This section.

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

435 810.14 Voyeurism prohibited; penalties.—

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

438 (a) Secretly observes another person when the other person
 439 is located in a dwelling, structure, or conveyance and such
 440 location provides a reasonable expectation of privacy.

441 (b) Secretly observes another person's intimate areas in
 442 which the person has a reasonable expectation of privacy, when
 443 the other person is located in a public or private dwelling,
 444 structure, or conveyance. As used in this paragraph, the term
 445 "intimate area" means any portion of a person's body or
 446 undergarments that is covered by clothing and intended to be
 447 protected from public view.

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

450 921.0022 Criminal Punishment Code; offense severity ranking
 451 chart.-

452 (3) OFFENSE SEVERITY RANKING CHART

453 (g) LEVEL 7

454

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.

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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.

458

327.35 (3) (c) 2.

3rd

Vessel BUI resulting in serious bodily injury.

459

402.319 (2)

2nd

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

460

409.920
(2) (b) 1.a.

3rd

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

461

409.920
(2) (b) 1.b.

2nd

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

462

456.065 (2)

3rd

Practicing a health care

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profession without a
license.

463

456.065 (2)

2nd

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

464

458.327 (1)

3rd

Practicing medicine
without a license.

465

459.013 (1)

3rd

Practicing osteopathic
medicine without a
license.

466

460.411 (1)

3rd

Practicing chiropractic
medicine without a
license.

467

461.012 (1)

3rd

Practicing podiatric
medicine without a
license.

468

462.17

3rd

Practicing naturopathy
without a license.

469

463.015 (1)

3rd

Practicing optometry
without a license.

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471	464.016 (1)	3rd	Practicing nursing without a license.
472	465.015 (2)	3rd	Practicing pharmacy without a license.
473	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
474	467.201	3rd	Practicing midwifery without a license.
475	468.366	3rd	Delivering respiratory care services without a license.
476	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
477	483.901 (9)	3rd	Practicing medical physics without a license.
478	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
	484.053	3rd	Dispensing hearing aids

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without a license.

479

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.

480

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.

481

560.125 (5) (a)

3rd

Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.

482

655.50 (10) (b) 1.

3rd

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

483

775.21 (10) (a)

3rd

Sexual predator; failure

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

484

775.21 (10) (b)

3rd

Sexual predator working
where children regularly
congregate.

485

775.21 (10) (g)

3rd

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

486

782.051 (3)

2nd

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

487

782.07 (1)

2nd

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

488

782.071

2nd

Killing of a human being
or viable fetus by the

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operation of a motor
vehicle in a reckless
manner (vehicular
homicide).

489

782.072

2nd

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

490

784.045 (1) (a) 1.

2nd

Aggravated battery;
intentionally causing
great bodily harm or
disfigurement.

491

784.045 (1) (a) 2.

2nd

Aggravated battery; using
deadly weapon.

492

784.045 (1) (b)

2nd

Aggravated battery;
perpetrator aware victim
pregnant.

493

784.048 (4)

3rd

Aggravated stalking;
violation of injunction or
court order.

494

784.048 (7)

3rd

Aggravated stalking;
violation of court order.

495

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496	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
497	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
498	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
499	784.081 (1)	1st	Aggravated battery on specified official or employee.
500	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
501	784.083 (1)	1st	Aggravated battery on code inspector.
502	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

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

503

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

504

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

505

790.165(2) 2nd Manufacture, sell, possess, or deliver hoax bomb.

506

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

507

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

508

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790.166(4)

2nd

Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.

509

790.23

1st,PBL

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

510

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.

511

796.03

2nd

Procuring any person under 16 years for prostitution.

512

800.04(5)(c)1.

2nd

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

513

800.04(5)(c)2.

2nd

Lewd or lascivious

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molestation; victim 12 years of age or older but younger ~~less~~ than 16 years; offender 18 years or older.

514

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.

515

806.01 (2)

2nd

Maliciously damage structure by fire or explosive.

516

810.02 (3) (a)

2nd

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

517

810.02 (3) (b)

2nd

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

518

810.02 (3) (d)

2nd

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

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519

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

520

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.

521

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

522

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

523

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

524

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

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or more.

525

812.019(2)

1st

Stolen property;
initiates, organizes,
plans, etc., the theft of
property and traffics in
stolen property.

526

812.131(2)(a)

2nd

Robbery by sudden
snatching.

527

812.133(2)(b)

1st

Carjacking; no firearm,
deadly weapon, or other
weapon.

528

817.034(4)(a)1.

1st

Communications fraud,
value greater than
\$50,000.

529

817.234(8)(a)

2nd

Solicitation of motor
vehicle accident victims
with intent to defraud.

530

817.234(9)

2nd

Organizing, planning, or
participating in an
intentional motor vehicle
collision.

531

817.234(11)(c)

1st

Insurance fraud; property

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value \$100,000 or more.

532

817.2341
(2) (b) & (3) (b)

1st

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

533

817.535 (2) (a)

3rd

Filing false lien or other unauthorized document.

534

825.102 (3) (b)

2nd

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

535

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.

536

827.03 (2) (b)

2nd

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

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disfigurement.

537

827.04 (3)

3rd

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

538

837.05 (2)

3rd

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

539

838.015

2nd

Bribery.

540

838.016

2nd

Unlawful compensation or reward for official behavior.

541

838.021 (3) (a)

2nd

Unlawful harm to a public servant.

542

838.22

2nd

Bid tampering.

543

843.0855 (2)

3rd

Impersonation of a public officer or employee.

544

843.0855 (3)

3rd

Unlawful simulation of legal process.

545

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546	843.0855 (4)	3rd	Intimidation of a public officer or employee.
547	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
548	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
549	872.06	2nd	Abuse of a dead human body.
550	874.05 (2) (b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
551	874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
	893.13 (1) (c) 1.	1st	Sell, manufacture, or deliver cocaine (or other

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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.

552

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.

553

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).

554

893.135(1)(a)1.

1st

Trafficking in cannabis,

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more than 25 lbs., less than 2,000 lbs.

555
556
557
558
559
560
561

893.135
(1) (b) 1.a.

1st

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

893.135
(1) (c) 1.a.

1st

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

893.135 (1) (d) 1.

1st

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

893.135 (1) (e) 1.

1st

Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.

893.135 (1) (f) 1.

1st

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

893.135
(1) (g) 1.a.

1st

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

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893.135
(1) (h) 1.a.

1st

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

562

893.135
(1) (j) 1.a.

1st

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

563

893.135
(1) (k) 2.a.

1st

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

564

893.1351 (2)

2nd

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

565

896.101 (5) (a)

3rd

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

566

896.104 (4) (a) 1.

3rd

Structuring transactions to evade reporting or registration requirements, financial transactions

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exceeding \$300 but less than \$20,000.

567

943.0435 (4) (c)

2nd

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

568

943.0435 (8)

2nd

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

569

943.0435 (9) (a)

3rd

Sexual offender; failure to comply with reporting requirements.

570

943.0435 (13)

3rd

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

571

943.0435 (14)

3rd

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

572

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573 944.607(9) 3rd Sexual offender; failure to comply with reporting requirements.

574 944.607(10)(a) 3rd Sexual offender; failure to submit to the taking of a digitized photograph.

575 944.607(12) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

576 944.607(13) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification.

577 985.4815(10) 3rd Sexual offender; failure to submit to the taking of a digitized photograph.

578 985.4815(12) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

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

579

580

581 (h) LEVEL 8

582

Florida	Felony	
Statute	Degree	Description

583

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

584

316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
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585

327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
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586

499.0051 (7)	1st	Knowing trafficking in contraband prescription drugs.
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587

499.0051 (8)	1st	Knowing forgery of prescription labels or prescription drug labels.
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588

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589	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.
590	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.
591	655.50 (10) (b) 2.	2nd	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
592	777.03 (2) (a)	1st	Accessory after the fact, capital felony.
592	782.04 (4)	2nd	Killing of human without design when engaged in act or attempt of any felony other than arson,

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sexual battery, robbery,
 burglary, kidnapping,
 aggravated fleeing or
 eluding with serious
 bodily injury or death,
 aircraft piracy, or
 unlawfully discharging
 bomb.

593

782.051 (2)

1st

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

594

782.071 (1) (b)

1st

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

595

782.072 (2)

1st

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

596

787.06 (3) (b)

1st

Human trafficking using
 coercion for commercial
 sexual activity.

597

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598 787.06 (3) (c) 1st Human trafficking using coercion for labor and services of an unauthorized alien.

599 787.06 (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.

600 790.161 (3) 1st Discharging a destructive device which results in bodily harm or property damage.

601 794.011 (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.

794.011 (5) (b) 2nd Sexual battery; victim and offender 18 years of age or older; offender

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602

794.011 (5) (c)

2nd

does not use physical force likely to cause serious injury.

603

794.011 (5) (d)

1st

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

604

~~794.011 (5)~~

~~2nd~~

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.

605

794.08 (3)

2nd

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

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

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state.

606

800.04 (4) (b)

2nd

Lewd or lascivious
battery.

607

800.04 (4) (c)

1st

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

608

~~800.04 (4)~~

~~2nd~~

~~Lewd or lascivious
battery.~~

609

806.01 (1)

1st

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

610

810.02 (2) (a)

1st, PBL

Burglary with assault or
battery.

611

810.02 (2) (b)

1st, PBL

Burglary; armed with
explosives or dangerous
weapon.

612

810.02 (2) (c)

1st

Burglary of a dwelling or
structure causing

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structural damage or
\$1,000 or more property
damage.

613

812.014 (2) (a) 2.

1st

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

614

812.13 (2) (b)

1st

Robbery with a weapon.

615

812.135 (2) (c)

1st

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

616

817.535 (2) (b)

2nd

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

617

817.535 (3) (a)

2nd

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

618

817.535 (4) (a) 1.

2nd

Filing false lien or
other unauthorized
document; defendant is

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incarcerated or under supervision.

619

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.

620

817.568 (6)

2nd

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

621

825.102 (2)

1st

Aggravated abuse of an elderly person or disabled adult.

622

825.1025 (2)

2nd

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

623

825.103 (2) (a)

1st

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

624

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625

837.02 (2)

2nd

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

626

837.021 (2)

2nd

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

627

860.121 (2) (c)

1st

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

628

860.16

1st

Aircraft piracy.

629

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).

630

893.13 (2) (b)

1st

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

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631	893.13 (6) (c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
632	893.135 (1) (a) 2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
633	893.135 (1) (b) 1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
634	893.135 (1) (c) 1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
635	893.135 (1) (d) 1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
636	893.135 (1) (e) 1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
636	893.135	1st	Trafficking in

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(1) (f) 1.b.

amphetamine, more than 28
grams, less than 200
grams.

637

893.135

1st

(1) (g) 1.b.

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

638

893.135

1st

(1) (h) 1.b.

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

639

893.135

1st

(1) (j) 1.b.

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

640

893.135

1st

(1) (k) 2.b.

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

641

893.1351(3)

1st

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

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resides there.

642

895.03 (1)

1st

Use or invest proceeds derived from pattern of racketeering activity.

643

895.03 (2)

1st

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

644

895.03 (3)

1st

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

645

896.101 (5) (b)

2nd

Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.

646

896.104 (4) (a) 2.

2nd

Structuring transactions to evade reporting or registration requirements, financial transactions totaling or

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exceeding \$20,000 but
less than \$100,000.

647
648
649
650
651
652
653
654
655

(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

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exceeding \$100,000 by
money transmitter.

656

560.125 (5) (c)

1st

Money transmitter
business by unauthorized
person, currency, or
payment instruments
totaling or exceeding
\$100,000.

657

655.50 (10) (b) 3.

1st

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

658

775.0844

1st

Aggravated white collar
crime.

659

782.04 (1)

1st

Attempt, conspire, or
solicit to commit
premeditated murder.

660

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

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death, and other
specified felonies.

661

782.051 (1)

1st

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

662

782.07 (2)

1st

Aggravated manslaughter
of an elderly person or
disabled adult.

663

787.01 (1) (a) 1.

1st, PBL

Kidnapping; hold for
ransom or reward or as a
shield or hostage.

664

787.01 (1) (a) 2.

1st, PBL

Kidnapping with intent
to commit or facilitate
commission of any
felony.

665

787.01 (1) (a) 4.

1st, PBL

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

666

787.02 (3) (a)

1st

False imprisonment;

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child under age 13;
 perpetrator also commits
 aggravated child abuse,
 sexual battery, or lewd
 or lascivious battery,
 molestation, conduct, or
 exhibition.

667

787.06(3)(d)

1st

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

668

787.06(3)(g)

1st,PBL

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

669

787.06(4)

1st

Selling or buying of
 minors into human
 trafficking.

670

790.161

1st

Attempted capital
 destructive device
 offense.

671

790.166(2)

1st,PBL

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

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destruction.

672

794.011 (2)

1st

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

673

794.011 (2)

Life

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

674

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.

675

794.011 (4) (b)

1st

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

676

794.011 (4) (c)

1st

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

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677

794.011 (4) (d)

1st, PBL

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

678

~~794.011 (4)~~

~~1st~~

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

679

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.

680

794.08 (2)

1st

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

681

796.035

1st

Selling or buying of
minors into
prostitution.

682

800.04 (5) (b)

Life

Lewd or lascivious
molestation; victim less
than 12 years; offender

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18 years or older.

683

812.13 (2) (a)

1st, PBL

Robbery with firearm or other deadly weapon.

684

812.133 (2) (a)

1st, PBL

Carjacking; firearm or other deadly weapon.

685

812.135 (2) (b)

1st

Home-invasion robbery with weapon.

686

817.535 (3) (b)

1st

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

687

817.535 (4) (a) 2.

1st

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

688

817.535 (5) (b)

1st

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

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owner of the property
incurs financial loss as
a result of the false
instrument.

689

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.

690

827.03 (2) (a)

1st

Aggravated child abuse.

691

847.0145 (1)

1st

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

692

847.0145 (2)

1st

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

693

859.01

1st

Poisoning or introducing
bacteria, radioactive
materials, viruses, or
chemical compounds into
food, drink, medicine,

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or water with intent to
kill or injure another
person.

694

893.135

1st

Attempted capital
trafficking offense.

695

893.135 (1) (a) 3.

1st

Trafficking in cannabis,
more than 10,000 lbs.

696

893.135
(1) (b) 1.c.

1st

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

697

893.135
(1) (c) 1.c.

1st

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

698

893.135
(1) (d) 1.c.

1st

Trafficking in
phencyclidine, more than
400 grams.

699

893.135
(1) (e) 1.c.

1st

Trafficking in
methaqualone, more than
25 kilograms.

700

893.135
(1) (f) 1.c.

1st

Trafficking in
amphetamine, more than

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200 grams.

701

893.135
(1) (h) 1.c.

1st

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

702

893.135
(1) (j) 1.c.

1st

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

703

893.135
(1) (k) 2.c.

1st

Trafficking in Phenethylamines, 400 grams or more.

704

896.101 (5) (c)

1st

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

705

896.104 (4) (a) 3.

1st

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

706

707

708

Section 9. Section 921.0024, Florida Statutes, is amended

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709 to read:

710 921.0024 Criminal Punishment Code; worksheet computations;
711 scoresheets.-

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

714
715 FLORIDA CRIMINAL PUNISHMENT CODE
716 WORKSHEET

717
718 OFFENSE SCORE

719 Primary Offense

720 Level	Sentence Points		Total
721 10	116	=
722 9	92	=
723 8	74	=
724 7	56	=
725 6	36	=
726 5	28	=
727 4	22	=
728			

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729	3	16	=
730	2	10	=
731	1	4	=

Total

Additional Offenses

736	Level	Sentence Points		Counts		Total
737	10	58	x	=
738	9	46	x	=
739	8	37	x	=
740	7	28	x	=
741	6	18	x	=
742	5	5.4	x	=
743	4	3.6	x	=

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744
745
746
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749
750
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752
753
754
755
756
757

3	2.4	x	=
2	1.2	x	=
1	0.7	x	=
M	0.2	x	=

Total

Victim Injury

Level	Sentence Points		Number		Total
2nd degree murder-death	240	x	=
Death	120	x	=
Severe	40	x	=
Moderate	18	x	=

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758
759
760
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770
771
772
773
774

Slight	4	x	=
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	=

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775	7	14	x	=
776	6	9	x	=
777	5	3.6	x	=
778	4	2.4	x	=
779	3	1.6	x	=
780	2	0.8	x	=
781	1	0.5	x	=
782	M	0.2	x	=
783						
784						Total
785						
786		TOTAL OFFENSE SCORE.....				
787		TOTAL PRIOR RECORD SCORE.....				
788						
789		LEGAL STATUS.....				
790		COMMUNITY SANCTION VIOLATION.....				
791		PRIOR SERIOUS FELONY.....				
792		PRIOR CAPITAL FELONY.....				
793		FIREARM OR SEMIAUTOMATIC WEAPON.....				

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794		SUBTOTAL.....
795		
796	PRISON RELEASEE REOFFENDER (no) (yes).....	
797	VIOLENT CAREER CRIMINAL (no) (yes).....	
798	HABITUAL VIOLENT OFFENDER (no) (yes).....	
799	HABITUAL OFFENDER (no) (yes).....	
800	DRUG TRAFFICKER (no) (yes) (x multiplier).....	
801	LAW ENF. PROTECT. (no) (yes) (x multiplier).....	
802	MOTOR VEHICLE THEFT (no) (yes) (x multiplier).....	
803	CRIMINAL GANG OFFENSE (no) (yes) (x multiplier).....	
804	DOMESTIC VIOLENCE IN THE PRESENCE OF RELATED CHILD (no) (yes)	
805	(x multiplier).....	
806	<u>ADULT-ON-MINOR SEX OFFENSE (no) (yes) (x multiplier).....</u>	
807	
808		TOTAL SENTENCE POINTS.....

(b) WORKSHEET KEY:

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

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

1. If the community sanction violation includes a new

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823 felony conviction before the sentencing court, twelve (12)
824 community sanction violation points are assessed for the
825 violation, and for each successive community sanction violation
826 involving a new felony conviction.

827 2. If the community sanction violation is committed by a
828 violent felony offender of special concern as defined in s.
829 948.06:

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

833 I. The violation does not include a new felony conviction;
834 and

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

838 b. Twenty-four (24) community sanction violation points are
839 assessed for the violation and for each successive violation of
840 felony probation or community control where the violation
841 includes a new felony conviction.

842

843 Multiple counts of community sanction violations before the
844 sentencing court shall not be a basis for multiplying the
845 assessment of community sanction violation points.

846

847 Prior serious felony points: If the offender has a primary
848 offense or any additional offense ranked in level 8, level 9, or
849 level 10, and one or more prior serious felonies, a single
850 assessment of thirty (30) points shall be added. For purposes of
851 this section, a prior serious felony is an offense in the

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852 offender's prior record that is ranked in level 8, level 9, or
853 level 10 under s. 921.0022 or s. 921.0023 and for which the
854 offender is serving a sentence of confinement, supervision, or
855 other sanction or for which the offender's date of release from
856 confinement, supervision, or other sanction, whichever is later,
857 is within 3 years before the date the primary offense or any
858 additional offense was committed.

859

860 Prior capital felony points: If the offender has one or more
861 prior capital felonies in the offender's criminal record, points
862 shall be added to the subtotal sentence points of the offender
863 equal to twice the number of points the offender receives for
864 the primary offense and any additional offense. A prior capital
865 felony in the offender's criminal record is a previous capital
866 felony offense for which the offender has entered a plea of nolo
867 contendere or guilty or has been found guilty; or a felony in
868 another jurisdiction which is a capital felony in that
869 jurisdiction, or would be a capital felony if the offense were
870 committed in this state.

871

872 Possession of a firearm, semiautomatic firearm, or machine gun:
873 If the offender is convicted of committing or attempting to
874 commit any felony other than those enumerated in s. 775.087(2)
875 while having in his or her possession: a firearm as defined in
876 s. 790.001(6), an additional eighteen (18) sentence points are
877 assessed; or if the offender is convicted of committing or
878 attempting to commit any felony other than those enumerated in
879 s. 775.087(3) while having in his or her possession a
880 semiautomatic firearm as defined in s. 775.087(3) or a machine

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881 gun as defined in s. 790.001(9), an additional twenty-five (25)
882 sentence points are assessed.

883

884 Sentencing multipliers:

885

886 Drug trafficking: If the primary offense is drug trafficking
887 under s. 893.135, the subtotal sentence points are multiplied,
888 at the discretion of the court, for a level 7 or level 8
889 offense, by 1.5. The state attorney may move the sentencing
890 court to reduce or suspend the sentence of a person convicted of
891 a level 7 or level 8 offense, if the offender provides
892 substantial assistance as described in s. 893.135(4).

893

894 Law enforcement protection: If the primary offense is a
895 violation of the Law Enforcement Protection Act under s.
896 775.0823(2), (3), or (4), the subtotal sentence points are
897 multiplied by 2.5. If the primary offense is a violation of s.
898 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points
899 are multiplied by 2.0. If the primary offense is a violation of
900 s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement
901 Protection Act under s. 775.0823(10) or (11), the subtotal
902 sentence points are multiplied by 1.5.

903

904 Grand theft of a motor vehicle: If the primary offense is grand
905 theft of the third degree involving a motor vehicle and in the
906 offender's prior record, there are three or more grand thefts of
907 the third degree involving a motor vehicle, the subtotal
908 sentence points are multiplied by 1.5.

909

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910 Offense related to a criminal gang: If the offender is convicted
911 of the primary offense and committed that offense for the
912 purpose of benefiting, promoting, or furthering the interests of
913 a criminal gang as defined in s. 874.03, the subtotal sentence
914 points are multiplied by 1.5. If applying the multiplier results
915 in the lowest permissible sentence exceeding the statutory
916 maximum sentence for the primary offense under chapter 775, the
917 court may not apply the multiplier and must sentence the
918 defendant to the statutory maximum sentence.

919

920 Domestic violence in the presence of a child: If the offender is
921 convicted of the primary offense and the primary offense is a
922 crime of domestic violence, as defined in s. 741.28, which was
923 committed in the presence of a child under 16 years of age who
924 is a family or household member as defined in s. 741.28(3) with
925 the victim or perpetrator, the subtotal sentence points are
926 multiplied by 1.5.

927

928 Adult-on-minor sex offense: If the offender was 18 years of age
929 or older and the victim was younger than 18 years of age at the
930 time the offender committed the primary offense, and if the
931 primary offense was an offense committed on or after October 1,
932 2014, and is a violation of s. 787.01(2) or s. 787.02(2), if the
933 violation involved a victim who was a minor and, in the course
934 of committing that violation, the defendant committed a sexual
935 battery under chapter 794 or a lewd act under s. 800.04 or s.
936 847.0135(5) against the minor; s. 787.01(3) (a)2. or 3.; s.
937 787.02(3) (a)2. or 3.; s. 794.011, excluding s. 794.011(10); s.
938 800.04; or s. 847.0135(5), the subtotal sentence points are

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939 multiplied by 2.0. If applying the multiplier results in the
940 lowest permissible sentence exceeding the statutory maximum
941 sentence for the primary offense under chapter 775, the court
942 may not apply the multiplier and must sentence the defendant to
943 the statutory maximum sentence.

944 (2) The lowest permissible sentence is the minimum sentence
945 that may be imposed by the trial court, absent a valid reason
946 for departure. The lowest permissible sentence is any nonstate
947 prison sanction in which the total sentence points equals or is
948 less than 44 points, unless the court determines within its
949 discretion that a prison sentence, which may be up to the
950 statutory maximums for the offenses committed, is appropriate.
951 When the total sentence points exceeds 44 points, the lowest
952 permissible sentence in prison months shall be calculated by
953 subtracting 28 points from the total sentence points and
954 decreasing the remaining total by 25 percent. The total sentence
955 points shall be calculated only as a means of determining the
956 lowest permissible sentence. The permissible range for
957 sentencing shall be the lowest permissible sentence up to and
958 including the statutory maximum, as defined in s. 775.082, for
959 the primary offense and any additional offenses before the court
960 for sentencing. The sentencing court may impose such sentences
961 concurrently or consecutively. However, any sentence to state
962 prison must exceed 1 year. If the lowest permissible sentence
963 under the code exceeds the statutory maximum sentence as
964 provided in s. 775.082, the sentence required by the code must
965 be imposed. If the total sentence points are greater than or
966 equal to 363, the court may sentence the offender to life
967 imprisonment. An offender sentenced to life imprisonment under

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968 this section is not eligible for any form of discretionary early
969 release, except executive clemency or conditional medical
970 release under s. 947.149.

971 (3) A single scoresheet shall be prepared for each
972 defendant to determine the permissible range for the sentence
973 that the court may impose, except that if the defendant is
974 before the court for sentencing for more than one felony and the
975 felonies were committed under more than one version or revision
976 of the guidelines or the code, separate scoresheets must be
977 prepared. The scoresheet or scoresheets must cover all the
978 defendant's offenses pending before the court for sentencing.
979 The state attorney shall prepare the scoresheet or scoresheets,
980 which must be presented to the defense counsel for review for
981 accuracy in all cases unless the judge directs otherwise. The
982 defendant's scoresheet or scoresheets must be approved and
983 signed by the sentencing judge.

984 (4) The Department of Corrections, in consultation with the
985 Office of the State Courts Administrator, state attorneys, and
986 public defenders, must develop and submit the revised Criminal
987 Punishment Code scoresheet to the Supreme Court for approval by
988 June 15 of each year, as necessary. Upon the Supreme Court's
989 approval of the revised scoresheet, the Department of
990 Corrections shall produce and provide sufficient copies of the
991 revised scoresheets by September 30 of each year, as necessary.
992 Scoresheets must include item entries for the scoresheet
993 preparer's use in indicating whether any prison sentence imposed
994 includes a mandatory minimum sentence or the sentence imposed
995 was a downward departure from the lowest permissible sentence
996 under the Criminal Punishment Code.

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997 (5) The Department of Corrections shall distribute
998 sufficient copies of the Criminal Punishment Code scoresheets to
999 those persons charged with the responsibility for preparing
1000 scoresheets.

1001 (6) The clerk of the circuit court shall transmit a
1002 complete, accurate, and legible copy of the Criminal Punishment
1003 Code scoresheet used in each sentencing proceeding to the
1004 Department of Corrections. Scoresheets must be transmitted no
1005 less frequently than monthly, by the first of each month, and
1006 may be sent collectively.

1007 (7) A sentencing scoresheet must be prepared for every
1008 defendant who is sentenced for a felony offense. A copy of the
1009 individual offender's Criminal Punishment Code scoresheet and
1010 any attachments thereto prepared pursuant to Rule 3.701, Rule
1011 3.702, or Rule 3.703, Florida Rules of Criminal Procedure, or
1012 any other rule pertaining to the preparation and submission of
1013 felony sentencing scoresheets, must be attached to the copy of
1014 the uniform judgment and sentence form provided to the
1015 Department of Corrections.

1016 Section 10. Paragraph (e) is added to subsection (4) of
1017 section 944.275, Florida Statutes, to read:

1018 944.275 Gain-time.—

1019 (4)

1020 (e) Notwithstanding subparagraph (b)3., for sentences
1021 imposed for offenses committed on or after October 1, 2014, the
1022 department may not grant incentive gain-time if the offense is a
1023 violation of s. 782.04(1)(a)2.c.; s. 787.01(3)(a)2. or 3.; s.
1024 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s.
1025 800.04; s. 825.1025; or s. 847.0135(5).

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1026 Section 11. Subsections (13) and (14) are added to section
1027 947.1405, Florida Statutes, to read:

1028 947.1405 Conditional release program.—

1029 (13) If a person who is transferred to the custody of the
1030 Department of Children and Families pursuant to part V of
1031 chapter 394 is subject to conditional release supervision, the
1032 period of conditional release supervision is tolled until such
1033 person is no longer in the custody of the Department of Children
1034 and Families. This subsection applies to all periods of
1035 conditional release supervision which begin on or after October
1036 1, 2014, regardless of the date of the underlying offense.

1037 (14) Effective for a releasee whose crime was committed on
1038 or after October 1, 2014, in violation of chapter 794, s.
1039 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, in addition
1040 to any other provision of this section, the commission must
1041 impose a condition prohibiting the releasee from viewing,
1042 accessing, owning, or possessing any obscene, pornographic, or
1043 sexually stimulating visual or auditory material unless
1044 otherwise indicated in the treatment plan provided by a
1045 qualified practitioner in the sexual offender treatment program.
1046 Visual or auditory material includes, but is not limited to,
1047 telephone, electronic media, computer programs, and computer
1048 services.

1049 Section 12. Subsection (1) of section 948.012, Florida
1050 Statutes, is amended, and subsections (5) and (6) are added to
1051 that section, to read:

1052 948.012 Split sentence of probation or community control
1053 and imprisonment.—

1054 (1) If ~~Whenever~~ punishment by imprisonment for a

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1055 misdemeanor or a felony, except for a capital felony, is
1056 prescribed, the court, ~~in its discretion,~~ may, at the time of
1057 sentencing, impose a split sentence whereby the defendant is to
1058 be placed on probation or, with respect to any such felony, into
1059 community control upon completion of any specified period of
1060 such sentence which may include a term of years or less. In such
1061 case, the court shall stay and withhold the imposition of the
1062 remainder of sentence imposed upon the defendant and direct that
1063 the defendant be placed upon probation or into community control
1064 after serving such period as may be imposed by the court. Except
1065 as provided in subsection (6), the period of probation or
1066 community control shall commence immediately upon the release of
1067 the defendant from incarceration, whether by parole or gain-time
1068 allowances.

1069 (5) (a) Effective for offenses committed on or after October
1070 1, 2014, if the court imposes a term of years in accordance with
1071 s. 775.082 which is less than the maximum sentence for the
1072 offense, the court must impose a split sentence pursuant to
1073 subsection (1) for any person who is convicted of a violation
1074 of:

- 1075 1. Section 782.04(1)(a)2.c.;
- 1076 2. Section 787.01(3)(a)2. or 3.;
- 1077 3. Section 787.02(3)(a)2. or 3.;
- 1078 4. Section 794.011, excluding s. 794.011(10);
- 1079 5. Section 800.04;
- 1080 6. Section 825.1025; or
- 1081 7. Section 847.0135(5).

1082 (b) The probation or community control portion of the split
1083 sentence imposed by the court must extend for at least 2 years.

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1084 However, if the term of years imposed by the court extends to
1085 within 2 years of the maximum sentence for the offense, the
1086 probation or community control portion of the split sentence
1087 must extend for the remainder of the maximum sentence.

1088 (6) If a defendant who has been sentenced to a split
1089 sentence pursuant to subsection (1) is transferred to the
1090 custody of the Department of Children and Families pursuant to
1091 part V of chapter 394, the period of probation or community
1092 control is tolled until such person is no longer in the custody
1093 of the Department of Children and Families. This subsection
1094 applies to all sentences of probation or community control which
1095 begin on or after October 1, 2014, regardless of the date of the
1096 underlying offense.

1097 Section 13. Subsection (5) is added to section 948.30,
1098 Florida Statutes, to read:

1099 948.30 Additional terms and conditions of probation or
1100 community control for certain sex offenses.—Conditions imposed
1101 pursuant to this section do not require oral pronouncement at
1102 the time of sentencing and shall be considered standard
1103 conditions of probation or community control for offenders
1104 specified in this section.

1105 (5) Effective for a probationer or community controllee
1106 whose crime was committed on or after October 1, 2014, and who
1107 is placed on probation or community control for a violation of
1108 chapter 794, s. 800.04, s. 827.071, s. 847.0135(5), or s.
1109 847.0145, in addition to all other conditions imposed, the court
1110 must impose a condition prohibiting the probationer or community
1111 controllee from viewing, accessing, owning, or possessing any
1112 obscene, pornographic, or sexually stimulating visual or

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1113 auditory material unless otherwise indicated in the treatment
1114 plan provided by a qualified practitioner in the sexual offender
1115 treatment program. Visual or auditory material includes, but is
1116 not limited to, telephone, electronic media, computer programs,
1117 and computer services.

1118 Section 14. Section 948.31, Florida Statutes, is amended to
1119 read:

1120 948.31 Evaluation and treatment of sexual predators and
1121 offenders on probation or community control.—The court may ~~shall~~
1122 ~~require an evaluation by a qualified practitioner to determine~~
1123 ~~the need of a probationer or community controllee for treatment.~~
1124 ~~If the court determines that a need therefor is established by~~
1125 ~~the evaluation process, the court shall require sexual offender~~
1126 ~~treatment as a term or condition of probation or community~~
1127 ~~control for any probationer or community controllee person who~~
1128 ~~is required to register as a sexual predator under s. 775.21 or~~
1129 ~~sexual offender under s. 943.0435, s. 944.606, or s. 944.607 to~~
1130 ~~undergo an evaluation, at the probationer or community~~
1131 ~~controllee's expense, by a qualified practitioner to determine~~
1132 ~~whether such probationer or community controllee needs sexual~~
1133 ~~offender treatment. If the qualified practitioner determines~~
1134 ~~that sexual offender treatment is needed and recommends~~
1135 ~~treatment, the probationer or community controllee must~~
1136 ~~successfully complete and pay for the treatment. Such treatment~~
1137 ~~must ~~shall be required to~~ be obtained from a qualified~~
1138 ~~practitioner as defined in s. 948.001. Treatment may not be~~
1139 ~~administered by a qualified practitioner who has been convicted~~
1140 ~~or adjudicated delinquent of committing, or attempting,~~
1141 ~~soliciting, or conspiring to commit, any offense that is listed~~

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1142 in s. 943.0435(1) (a)1.a.(I). ~~The court shall impose a~~
1143 ~~restriction against contact with minors if sexual offender~~
1144 ~~treatment is recommended. The evaluation and recommendations for~~
1145 ~~treatment of the probationer or community controllee shall be~~
1146 ~~provided to the court for review.~~

1147 Section 15. If any provision of this act or its application
1148 to any person or circumstance is held invalid, the invalidity
1149 does not affect other provisions or applications of this act
1150 which can be given effect without the invalid provision or
1151 application, and to this end the provisions of this act are
1152 severable.

1153 Section 16. This act shall take effect October 1, 2014.