

By Senator Brandes

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1 A bill to be entitled
2 An act relating to sentencing; amending s. 921.002,
3 F.S.; renaming the Criminal Punishment Code as the
4 Public Safety Code; revising the primary purpose of
5 sentencing under the Public Safety Code from punishing
6 an offender to public safety; conforming provisions to
7 changes made by the act; amending ss. 775.082,
8 775.087, 782.051, 817.568, 893.13, 893.20, 910.035,
9 921.0022, 921.0023, 921.0024, 921.0025, 921.0026,
10 921.0027, 924.06, 924.07, 944.17, 948.01, 948.015,
11 948.06, 948.20, 948.51, 958.04, and 985.465, F.S.;
12 conforming provisions to changes made by the act;
13 providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Section 921.002, Florida Statutes, is amended to
18 read:

19 921.002 The Public Safety ~~Criminal Punishment~~ Code.—The
20 Public Safety Code applies ~~Criminal Punishment Code shall apply~~
21 to all felony offenses, except capital felonies, committed on or
22 after October 1, 1998.

23 (1) The provision of criminal penalties and of limitations
24 upon the application of such penalties is a matter of
25 predominantly substantive law and, as such, is a matter properly
26 addressed by the Legislature. The Legislature, in the exercise
27 of its authority and responsibility to establish sentencing
28 criteria, to provide for the imposition of criminal penalties,
29 and to make the best use of state prisons so that violent

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30 criminal offenders are appropriately incarcerated, has
31 determined that it is in the best interest of the state to
32 develop, implement, and revise a sentencing policy. The Public
33 Safety Criminal Punishment Code embodies the principles that:

34 (a) Sentencing is neutral with respect to race, gender, and
35 social and economic status.

36 (b) The primary purpose of sentencing is public safety ~~to~~
37 ~~punish the offender~~. Rehabilitation is a desired goal of the
38 criminal justice system but is subordinate to the goal of public
39 safety punishment.

40 (c) The penalty imposed is commensurate with the severity
41 of the primary offense and the circumstances surrounding the
42 primary offense.

43 (d) The severity of the sentence increases with the length
44 and nature of the offender's prior record.

45 (e) The sentence imposed by the sentencing judge reflects
46 the length of actual time to be served, shortened only by the
47 application of incentive and meritorious gain-time as provided
48 by law, and may not be shortened if the defendant would
49 consequently serve less than 85 percent of his or her term of
50 imprisonment as provided in s. 944.275(4). The provisions of
51 chapter 947, relating to parole, shall not apply to persons
52 sentenced under the Public Safety Criminal Punishment Code.

53 (f) Departures below the lowest permissible sentence
54 established by the code must be articulated in writing by the
55 trial court judge and made only when circumstances or factors
56 reasonably justify the mitigation of the sentence. The level of
57 proof necessary to establish facts that support a departure from
58 the lowest permissible sentence is a preponderance of the

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59 evidence.

60 (g) The trial court judge may impose a sentence up to and
61 including the statutory maximum for any offense, including an
62 offense that is before the court due to a violation of probation
63 or community control.

64 (h) A sentence may be appealed on the basis that it departs
65 from the Public Safety ~~Criminal Punishment~~ Code only if the
66 sentence is below the lowest permissible sentence or as
67 enumerated in s. 924.06(1).

68 (i) Use of incarcerative sanctions is prioritized toward
69 offenders convicted of serious offenses and certain offenders
70 who have long prior records, in order to maximize the finite
71 capacities of state and local correctional facilities.

72 (2) When a defendant is before the court for sentencing for
73 more than one felony and the felonies were committed under more
74 than one version or revision of the former sentencing guidelines
75 or the code, each felony shall be sentenced under the guidelines
76 or the code in effect at the time the particular felony was
77 committed. This subsection does not apply to sentencing for any
78 capital felony.

79 (3) A court may impose a departure below the lowest
80 permissible sentence based upon circumstances or factors that
81 reasonably justify the mitigation of the sentence in accordance
82 with s. 921.0026. The level of proof necessary to establish
83 facts supporting the mitigation of a sentence is a preponderance
84 of the evidence. When multiple reasons exist to support the
85 mitigation, the mitigation shall be upheld when at least one
86 circumstance or factor justifies the mitigation regardless of
87 the presence of other circumstances or factors found not to

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88 justify mitigation. Any sentence imposed below the lowest
89 permissible sentence must be explained in writing by the trial
90 court judge.

91 (4) (a) The Department of Corrections shall report on trends
92 in sentencing practices and sentencing score thresholds and
93 provide an analysis on the sentencing factors considered by the
94 courts and shall submit this information to the Legislature by
95 October 1 of each year.

96 (b) The Criminal Justice Estimating Conference, with the
97 assistance of the Department of Corrections, shall estimate the
98 impact of any proposed change to the Public Safety ~~Criminal~~
99 ~~Punishment~~ Code on future rates of incarceration and on the
100 prison population. The Criminal Justice Estimating Conference
101 shall base its projections on historical data concerning
102 sentencing practices which have been accumulated by the
103 Department of Corrections and other relevant data from other
104 state agencies and records of the Department of Corrections
105 which disclose the average time served for offenses covered by
106 any proposed changes to the Public Safety ~~Criminal Punishment~~
107 Code.

108 (c) In order to produce projects that are either required
109 by law or requested by the Legislature to assist the Legislature
110 in making modifications to the Public Safety ~~Criminal Punishment~~
111 Code, the Department of Corrections is authorized to collect and
112 evaluate Public Safety ~~Criminal Punishment~~ Code scoresheets from
113 each of the judicial circuits after sentencing. Beginning in
114 1999, by October 1 of each year, the Department of Corrections
115 shall provide an annual report to the Legislature that shows the
116 rate of compliance of each judicial circuit in providing

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117 scoresheets to the department.

118 Section 2. Paragraphs (d) and (e) of subsection (8) of
119 section 775.082, Florida Statutes, are amended to read:

120 775.082 Penalties; applicability of sentencing structures;
121 mandatory minimum sentences for certain reoffenders previously
122 released from prison.—

123 (8)

124 (d) The Public Safety ~~Criminal Punishment~~ Code applies to
125 all felonies, except capital felonies, committed on or after
126 October 1, 1998. Any revision to the Public Safety ~~Criminal~~
127 ~~Punishment~~ Code applies to sentencing for all felonies, except
128 capital felonies, committed on or after the effective date of
129 the revision.

130 (e) Felonies, except capital felonies, with continuing
131 dates of enterprise shall be sentenced under the sentencing
132 guidelines or the Public Safety ~~Criminal Punishment~~ Code in
133 effect on the beginning date of the criminal activity.

134 Section 3. Paragraph (c) of subsection (2) and paragraph
135 (c) of subsection (3) of section 775.087, Florida Statutes, are
136 amended to read:

137 775.087 Possession or use of weapon; aggravated battery;
138 felony reclassification; minimum sentence.—

139 (2)

140 (c) If the minimum mandatory terms of imprisonment imposed
141 pursuant to this section exceed the maximum sentences authorized
142 by s. 775.082, s. 775.084, or the Public Safety ~~Criminal~~
143 ~~Punishment~~ Code under chapter 921, then the mandatory minimum
144 sentence must be imposed. If the mandatory minimum terms of
145 imprisonment pursuant to this section are less than the

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146 sentences that could be imposed as authorized by s. 775.082, s.
147 775.084, or the Public Safety ~~Criminal Punishment~~ Code under
148 chapter 921, then the sentence imposed by the court must include
149 the mandatory minimum term of imprisonment as required in this
150 section.

151 (3)

152 (c) If the minimum mandatory terms of imprisonment imposed
153 pursuant to this section exceed the maximum sentences authorized
154 by s. 775.082, s. 775.084, or the Public Safety ~~Criminal~~
155 ~~Punishment~~ Code under chapter 921, then the mandatory minimum
156 sentence must be imposed. If the mandatory minimum terms of
157 imprisonment pursuant to this section are less than the
158 sentences that could be imposed as authorized by s. 775.082, s.
159 775.084, or the Public Safety ~~Criminal Punishment~~ Code under
160 chapter 921, then the sentence imposed by the court must include
161 the mandatory minimum term of imprisonment as required in this
162 section.

163 Section 4. Section 782.051, Florida Statutes, is amended to
164 read:

165 782.051 Attempted felony murder.—

166 (1) Any person who perpetrates or attempts to perpetrate
167 any felony enumerated in s. 782.04(3) and who commits, aids, or
168 abets an intentional act that is not an essential element of the
169 felony and that could, but does not, cause the death of another
170 commits a felony of the first degree, punishable by imprisonment
171 for a term of years not exceeding life, or as provided in s.
172 775.082, s. 775.083, or s. 775.084, which is an offense ranked
173 in level 9 of the Public Safety ~~Criminal Punishment~~ Code. Victim
174 injury points shall be scored under this subsection.

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175 (2) Any person who perpetrates or attempts to perpetrate
176 any felony other than a felony enumerated in s. 782.04(3) and
177 who commits, aids, or abets an intentional act that is not an
178 essential element of the felony and that could, but does not,
179 cause the death of another commits a felony of the first degree,
180 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
181 which is an offense ranked in level 8 of the Public Safety
182 ~~Criminal Punishment~~ Code. Victim injury points shall be scored
183 under this subsection.

184 (3) When a person is injured during the perpetration of or
185 the attempt to perpetrate any felony enumerated in s. 782.04(3)
186 by a person other than the person engaged in the perpetration of
187 or the attempt to perpetrate such felony, the person
188 perpetrating or attempting to perpetrate such felony commits a
189 felony of the second degree, punishable as provided in s.
190 775.082, s. 775.083, or s. 775.084, which is an offense ranked
191 in level 7 of the Public Safety ~~Criminal Punishment~~ Code. Victim
192 injury points shall be scored under this subsection.

193 Section 5. Subsection (3) of section 817.568, Florida
194 Statutes, is amended to read:

195 817.568 Criminal use of personal identification
196 information.—

197 (3) Neither paragraph (2)(b) nor paragraph (2)(c) prevents
198 a court from imposing a greater sentence of incarceration as
199 authorized by law. If the minimum mandatory terms of
200 imprisonment imposed under paragraph (2)(b) or paragraph (2)(c)
201 exceed the maximum sentences authorized under s. 775.082, s.
202 775.084, or the Public Safety ~~Criminal Punishment~~ Code under
203 chapter 921, the mandatory minimum sentence must be imposed. If

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204 the mandatory minimum terms of imprisonment under paragraph
205 (2)(b) or paragraph (2)(c) are less than the sentence that could
206 be imposed under s. 775.082, s. 775.084, or the Public Safety
207 ~~Criminal Punishment~~ Code under chapter 921, the sentence imposed
208 by the court must include the mandatory minimum term of
209 imprisonment as required by paragraph (2)(b) or paragraph
210 (2)(c).

211 Section 6. Paragraph (d) of subsection (8) of section
212 893.13, Florida Statutes, is amended to read:

213 893.13 Prohibited acts; penalties.—

214 (8)

215 (d) Notwithstanding paragraph (c), if a prescribing
216 practitioner has violated paragraph (a) and received \$1,000 or
217 more in payment for writing one or more prescriptions or, in the
218 case of a prescription written for a controlled substance
219 described in s. 893.135, has written one or more prescriptions
220 for a quantity of a controlled substance which, individually or
221 in the aggregate, meets the threshold for the offense of
222 trafficking in a controlled substance under s. 893.135, the
223 violation is reclassified as a felony of the second degree and
224 ranked in level 4 of the Public Safety ~~Criminal Punishment~~ Code.

225 Section 7. Subsection (2) of section 893.20, Florida
226 Statutes, is amended to read:

227 893.20 Continuing criminal enterprise.—

228 (2) A person who commits the offense of engaging in a
229 continuing criminal enterprise commits ~~is guilty of~~ a life
230 felony, punishable pursuant to the Public Safety ~~Criminal~~
231 ~~Punishment~~ Code and by a fine of \$500,000.

232 Section 8. Paragraph (f) of subsection (5) of section

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233 910.035, Florida Statutes, is amended to read:

234 910.035 Transfer from county for plea, sentence, or
235 participation in a problem-solving court.-

236 (5) TRANSFER FOR PARTICIPATION IN A PROBLEM-SOLVING COURT.-

237 (f) Upon successful completion of the problem-solving court
238 program, the jurisdiction to which the case has been transferred
239 shall dispose of the case. If the defendant does not complete
240 the problem-solving court program successfully, the jurisdiction
241 to which the case has been transferred shall dispose of the case
242 within the guidelines of the Public Safety ~~Criminal Punishment~~
243 Code.

244 Section 9. Section 921.0022, Florida Statutes, is amended
245 to read:

246 921.0022 Public Safety ~~Criminal Punishment~~ Code; offense
247 severity ranking chart.-

248 (1) The offense severity ranking chart must be used with
249 the Public Safety ~~Criminal Punishment~~ Code worksheet to compute
250 a sentence score for each felony offender whose offense was
251 committed on or after October 1, 1998.

252 (2) The offense severity ranking chart has 10 offense
253 levels, ranked from least severe, which are level 1 offenses, to
254 most severe, which are level 10 offenses, and each felony
255 offense is assigned to a level according to the severity of the
256 offense. For purposes of determining which felony offenses are
257 specifically listed in the offense severity ranking chart and
258 which severity level has been assigned to each of these
259 offenses, the numerical statutory references in the left column
260 of the chart and the felony degree designations in the middle
261 column of the chart are controlling; the language in the right

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262 column of the chart is provided solely for descriptive purposes.
 263 Reclassification of the degree of the felony through the
 264 application of s. 775.0845, s. 775.085, s. 775.0861, s.
 265 775.0862, s. 775.0863, s. 775.087, s. 775.0875, s. 794.023, or
 266 any other law that provides an enhanced penalty for a felony
 267 offense, to any offense listed in the offense severity ranking
 268 chart in this section shall not cause the offense to become
 269 unlisted and is not subject to the provisions of s. 921.0023.

270 (3) OFFENSE SEVERITY RANKING CHART

271 (a) LEVEL 1

272

Florida Statute	Felony Degree	Description
24.118(3) (a)	3rd	Counterfeit or altered state lottery ticket.
212.054(2) (b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
212.15(2) (b)	3rd	Failure to remit sales taxes, amount \$1,000 or more but less than \$20,000.
316.1935(1)	3rd	Fleeing or attempting to elude law enforcement officer.

277

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278	319.30 (5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
279	319.35 (1) (a)	3rd	Tamper, adjust, change, etc., an odometer.
280	320.26 (1) (a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
281	322.212 (1) (a) - (c)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver license; possession of simulated identification.
282	322.212 (4)	3rd	Supply or aid in supplying unauthorized driver license or identification card.
283	322.212 (5) (a)	3rd	False application for driver license or identification card.
	414.39 (3) (a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value

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more than \$200.

284

443.071 (1)

3rd

False statement or representation to obtain or increase reemployment assistance benefits.

285

509.151 (1)

3rd

Defraud an innkeeper, food or lodging value \$1,000 or more.

286

517.302 (1)

3rd

Violation of the Florida Securities and Investor Protection Act.

287

713.69

3rd

Tenant removes property upon which lien has accrued, value \$1,000 or more.

288

812.014 (3) (c)

3rd

Petit theft (3rd conviction); theft of any property not specified in subsection (2).

289

812.081 (2)

3rd

Unlawfully makes or causes to be made a reproduction of a trade secret.

290

815.04 (5) (a)

3rd

Offense against intellectual

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property (i.e., computer programs, data).

291

817.52(2)

3rd

Hiring with intent to defraud, motor vehicle services.

292

817.569(2)

3rd

Use of public record or public records information or providing false information to facilitate commission of a felony.

293

826.01

3rd

Bigamy.

294

828.122(3)

3rd

Fighting or baiting animals.

295

831.04(1)

3rd

Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.

296

831.31(1)(a)

3rd

Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.

297

832.041(1)

3rd

Stopping payment with intent to defraud \$150 or more.

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298
299
300
301
302
303
304
305

832.05 (2) (b) &
(4) (c)

3rd

Knowing, making, issuing
worthless checks \$150 or
more or obtaining property
in return for worthless
check \$150 or more.

838.15 (2)

3rd

Commercial bribe receiving.

838.16

3rd

Commercial bribery.

843.18

3rd

Fleeing by boat to elude a
law enforcement officer.

847.011 (1) (a)

3rd

Sell, distribute, etc.,
obscene, lewd, etc.,
material (2nd conviction).

849.09 (1) (a) - (d)

3rd

Lottery; set up, promote,
etc., or assist therein,
conduct or advertise drawing
for prizes, or dispose of
property or money by means
of lottery.

849.23

3rd

Gambling-related machines;
"common offender" as to
property rights.

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306	849.25 (2)	3rd	Engaging in bookmaking.
307	860.08	3rd	Interfere with a railroad signal.
308	860.13 (1) (a)	3rd	Operate aircraft while under the influence.
309	893.13 (2) (a) 2.	3rd	Purchase of cannabis.
310	893.13 (6) (a)	3rd	Possession of cannabis (more than 20 grams).
311	934.03 (1) (a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.

312 (b) LEVEL 2

313	Florida Statute	Felony Degree	Description
314	379.2431 (1) (e) 3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.

315

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379.2431

3rd

Possession of more than
11 marine turtle eggs in
violation of the Marine
Turtle Protection Act.

(1) (e) 4.

316

403.413 (6) (c)

3rd

Dumps waste litter
exceeding 500 lbs. in
weight or 100 cubic feet
in volume or any
quantity for commercial
purposes, or hazardous
waste.

317

517.07 (2)

3rd

Failure to furnish a
prospectus meeting
requirements.

318

590.28 (1)

3rd

Intentional burning of
lands.

319

784.05 (3)

3rd

Storing or leaving a
loaded firearm within
reach of minor who uses
it to inflict injury or
death.

320

787.04 (1)

3rd

In violation of court
order, take, entice,
etc., minor beyond state

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limits.

321

806.13 (1) (b) 3.

3rd

Criminal mischief;
 damage \$1,000 or more to
 public communication or
 any other public
 service.

322

810.061 (2)

3rd

Impairing or impeding
 telephone or power to a
 dwelling; facilitating
 or furthering burglary.

323

810.09 (2) (e)

3rd

Trespassing on posted
 commercial horticulture
 property.

324

812.014 (2) (c) 1.

3rd

Grand theft, 3rd degree;
 \$750 or more but less
 than \$5,000.

325

812.014 (2) (d)

3rd

Grand theft, 3rd degree;
 \$100 or more but less
 than \$750, taken from
 unenclosed curtilage of
 dwelling.

326

812.015 (7)

3rd

Possession, use, or
 attempted use of an

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antishoplifting or
inventory control device
countermeasure.

327

817.234 (1) (a) 2.

3rd

False statement in
support of insurance
claim.

328

817.481 (3) (a)

3rd

Obtain credit or
purchase with false,
expired, counterfeit,
etc., credit card, value
over \$300.

329

817.52 (3)

3rd

Failure to redeliver
hired vehicle.

330

817.54

3rd

With intent to defraud,
obtain mortgage note,
etc., by false
representation.

331

817.60 (5)

3rd

Dealing in credit cards
of another.

332

817.60 (6) (a)

3rd

Forgery; purchase goods,
services with false
card.

333

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334	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
335	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
336	831.01	3rd	Forgery.
337	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
338	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
339	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
340	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
	831.11	3rd	Bringing into the state forged bank bills,

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checks, drafts, or
notes.

341

832.05 (3) (a)

3rd

Cashing or depositing
item with intent to
defraud.

342

843.08

3rd

False personation.

343

893.13 (2) (a) 2.

3rd

Purchase of any s.
893.03 (1) (c), (2) (c) 1.,
(2) (c) 2., (2) (c) 3.,
(2) (c) 6., (2) (c) 7.,
(2) (c) 8., (2) (c) 9.,
(2) (c) 10., (3), or (4)
drugs other than
cannabis.

344

893.147 (2)

3rd

Manufacture or delivery
of drug paraphernalia.

345

(c) LEVEL 3

346

347

Florida
Statute

Felony
Degree

Description

348

119.10 (2) (b)

3rd

Unlawful use of
confidential information
from police reports.

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349

316.066
(3) (b) - (d)

3rd

Unlawfully obtaining or using confidential crash reports.

350

316.193 (2) (b)

3rd

Felony DUI, 3rd conviction.

351

316.1935 (2)

3rd

Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.

352

319.30 (4)

3rd

Possession by junkyard of motor vehicle with identification number plate removed.

353

319.33 (1) (a)

3rd

Alter or forge any certificate of title to a motor vehicle or mobile home.

354

319.33 (1) (c)

3rd

Procure or pass title on stolen vehicle.

355

319.33 (4)

3rd

With intent to defraud, possess, sell, etc., a blank, forged, or

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unlawfully obtained title
or registration.

356

327.35 (2) (b)

3rd

Felony BUI.

357

328.05 (2)

3rd

Possess, sell, or
counterfeit fictitious,
stolen, or fraudulent
titles or bills of sale of
vessels.

358

328.07 (4)

3rd

Manufacture, exchange, or
possess vessel with
counterfeit or wrong ID
number.

359

376.302 (5)

3rd

Fraud related to
reimbursement for cleanup
expenses under the Inland
Protection Trust Fund.

360

379.2431
(1) (e) 5.

3rd

Taking, disturbing,
mutilating, destroying,
causing to be destroyed,
transferring, selling,
offering to sell,
molesting, or harassing
marine turtles, marine
turtle eggs, or marine

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turtle nests in violation
of the Marine Turtle
Protection Act.

361

379.2431
(1) (e) 6.

3rd

Possessing any marine
turtle species or
hatchling, or parts
thereof, or the nest of any
marine turtle species
described in the Marine
Turtle Protection Act.

362

379.2431
(1) (e) 7.

3rd

Soliciting to commit or
conspiring to commit a
violation of the Marine
Turtle Protection Act.

363

400.9935 (4) (a)
or (b)

3rd

Operating a clinic, or
offering services requiring
licensure, without a
license.

364

400.9935 (4) (e)

3rd

Filing a false license
application or other
required information or
failing to report
information.

365

440.1051 (3)

3rd

False report of workers'

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compensation fraud or
retaliation for making such
a report.

366

501.001 (2) (b)

2nd

Tampers with a consumer
product or the container
using materially
false/misleading
information.

367

624.401 (4) (a)

3rd

Transacting insurance
without a certificate of
authority.

368

624.401 (4) (b) 1.

3rd

Transacting insurance
without a certificate of
authority; premium
collected less than
\$20,000.

369

626.902 (1) (a) &
(b)

3rd

Representing an
unauthorized insurer.

370

697.08

3rd

Equity skimming.

371

790.15 (3)

3rd

Person directs another to
discharge firearm from a
vehicle.

372

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373	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
374	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
375	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
376	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
377	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
378	812.015 (8) (b)	3rd	Retail theft with intent to sell; conspires with others.
379	815.04 (5) (b)	2nd	Computer offense devised to defraud or obtain property.

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380	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
381	817.233	3rd	Burning to defraud insurer.
382	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
383	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
384	817.236	3rd	Filing a false motor vehicle insurance application.
385	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
386	817.413 (2)	3rd	Sale of used goods of \$1,000 or more as new.
	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to

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defraud or possessing a counterfeit payment instrument with intent to defraud.

387

831.29 2nd Possession of instruments for counterfeiting driver licenses or identification cards.

388

838.021 (3) (b) 3rd Threatens unlawful harm to public servant.

389

843.19 2nd Injure, disable, or kill police, fire, or SAR canine or police horse.

390

860.15 (3) 3rd Overcharging for repairs and parts.

391

870.01 (2) 3rd Riot; inciting or encouraging.

392

893.13 (1) (a) 2. 3rd Sell, manufacture, or deliver cannabis (or other s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9.,

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(2) (c) 10., (3), or (4)
drugs).

393

893.13 (1) (d) 2.

2nd

Sell, manufacture, or
deliver s. 893.03 (1) (c),
(2) (c) 1., (2) (c) 2.,
(2) (c) 3., (2) (c) 6.,
(2) (c) 7., (2) (c) 8.,
(2) (c) 9., (2) (c) 10., (3),
or (4) drugs within 1,000
feet of university.

394

893.13 (1) (f) 2.

2nd

Sell, manufacture, or
deliver s. 893.03 (1) (c),
(2) (c) 1., (2) (c) 2.,
(2) (c) 3., (2) (c) 6.,
(2) (c) 7., (2) (c) 8.,
(2) (c) 9., (2) (c) 10., (3),
or (4) drugs within 1,000
feet of public housing
facility.

395

893.13 (4) (c)

3rd

Use or hire of minor;
deliver to minor other
controlled substances.

396

893.13 (6) (a)

3rd

Possession of any
controlled substance other
than felony possession of

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cannabis.

397

893.13(7)(a)8.

3rd

Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.

398

893.13(7)(a)9.

3rd

Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.

399

893.13(7)(a)10.

3rd

Affix false or forged label to package of controlled substance.

400

893.13(7)(a)11.

3rd

Furnish false or fraudulent material information on any document or record required by chapter 893.

401

893.13(8)(a)1.

3rd

Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or

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related to the
practitioner's practice.

402

893.13(8)(a)2.

3rd

Employ a trick or scheme in
the practitioner's practice
to assist a patient, other
person, or owner of an
animal in obtaining a
controlled substance.

403

893.13(8)(a)3.

3rd

Knowingly write a
prescription for a
controlled substance for a
fictitious person.

404

893.13(8)(a)4.

3rd

Write a prescription for a
controlled substance for a
patient, other person, or
an animal if the sole
purpose of writing the
prescription is a monetary
benefit for the
practitioner.

405

918.13(1)(a)

3rd

Alter, destroy, or conceal
investigation evidence.

406

944.47
(1)(a)1. & 2.

3rd

Introduce contraband to
correctional facility.

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407

944.47 (1) (c) 2nd Possess contraband while upon the grounds of a correctional institution.

408

985.721 3rd Escapes from a juvenile facility (secure detention or residential commitment facility).

409

410 (d) LEVEL 4

411

Florida Statute Felony Degree Description

412

316.1935 (3) (a) 2nd Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.

413

499.0051 (1) 3rd Failure to maintain or deliver transaction history, transaction information, or transaction statements.

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414

499.0051 (5)

2nd

Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.

415

517.07 (1)

3rd

Failure to register securities.

416

517.12 (1)

3rd

Failure of dealer, associated person, or issuer of securities to register.

417

784.07 (2) (b)

3rd

Battery of law enforcement officer, firefighter, etc.

418

784.074 (1) (c)

3rd

Battery of sexually violent predators facility staff.

419

784.075

3rd

Battery on detention or commitment facility staff.

420

784.078

3rd

Battery of facility employee by throwing,

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tossing, or expelling
certain fluids or
materials.

421

784.08 (2) (c)

3rd

Battery on a person 65
years of age or older.

422

784.081 (3)

3rd

Battery on specified
official or employee.

423

784.082 (3)

3rd

Battery by detained
person on visitor or
other detainee.

424

784.083 (3)

3rd

Battery on code
inspector.

425

784.085

3rd

Battery of child by
throwing, tossing,
projecting, or expelling
certain fluids or
materials.

426

787.03 (1)

3rd

Interference with
custody; wrongly takes
minor from appointed
guardian.

427

787.04 (2)

3rd

Take, entice, or remove

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child beyond state
limits with criminal
intent pending custody
proceedings.

428

787.04 (3)

3rd

Carrying child beyond
state lines with
criminal intent to avoid
producing child at
custody hearing or
delivering to designated
person.

429

787.07

3rd

Human smuggling.

430

790.115 (1)

3rd

Exhibiting firearm or
weapon within 1,000 feet
of a school.

431

790.115 (2) (b)

3rd

Possessing electric
weapon or device,
destructive device, or
other weapon on school
property.

432

790.115 (2) (c)

3rd

Possessing firearm on
school property.

433

800.04 (7) (c)

3rd

Lewd or lascivious

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exhibition; offender
less than 18 years.

434

810.02 (4) (a)

3rd

Burglary, or attempted
burglary, of an
unoccupied structure;
unarmed; no assault or
battery.

435

810.02 (4) (b)

3rd

Burglary, or attempted
burglary, of an
unoccupied conveyance;
unarmed; no assault or
battery.

436

810.06

3rd

Burglary; possession of
tools.

437

810.08 (2) (c)

3rd

Trespass on property,
armed with firearm or
dangerous weapon.

438

812.014 (2) (c) 3.

3rd

Grand theft, 3rd degree
\$10,000 or more but less
than \$20,000.

439

812.014
(2) (c) 4.-10.

3rd

Grand theft, 3rd degree;
specified items.

440

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441	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
442	817.505 (4) (a)	3rd	Patient brokering.
443	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03 (5) drugs.
444	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
445	817.625 (2) (a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
446	817.625 (2) (c)	3rd	Possess, sell, or deliver skimming device.
	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any

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registered horse or
cattle.

447

837.02 (1)

3rd

Perjury in official
proceedings.

448

837.021 (1)

3rd

Make contradictory
statements in official
proceedings.

449

838.022

3rd

Official misconduct.

450

839.13 (2) (a)

3rd

Falsifying records of an
individual in the care
and custody of a state
agency.

451

839.13 (2) (c)

3rd

Falsifying records of
the Department of
Children and Families.

452

843.021

3rd

Possession of a
concealed handcuff key
by a person in custody.

453

843.025

3rd

Deprive law enforcement,
correctional, or
correctional probation
officer of means of

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protection or
communication.

454

843.15(1)(a)

3rd

Failure to appear while
on bail for felony (bond
estreature or bond
jumping).

455

847.0135(5)(c)

3rd

Lewd or lascivious
exhibition using
computer; offender less
than 18 years.

456

874.05(1)(a)

3rd

Encouraging or
recruiting another to
join a criminal gang.

457

893.13(2)(a)1.

2nd

Purchase of cocaine (or
other s. 893.03(1)(a),
(b), or (d), (2)(a),
(2)(b), or (2)(c)5.
drugs).

458

914.14(2)

3rd

Witnesses accepting
bribes.

459

914.22(1)

3rd

Force, threaten, etc.,
witness, victim, or
informant.

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460

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

461

918.12 3rd Tampering with jurors.

462

934.215 3rd Use of two-way communications device to facilitate commission of a crime.

463

944.47 (1) (a) 6. 3rd Introduction of contraband (cellular telephone or other portable communication device) into correctional institution.

464

951.22 (1) (h), (j) & (k) 3rd Intoxicating drug, instrumentality or other device to aid escape, or cellular telephone or other portable communication device introduced into county detention facility.

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465
466
467
468
469
470
471
472
473

(e) LEVEL 5

Florida
Statute

Felony
Degree

Description

316.027 (2) (a)

3rd

Accidents involving
personal injuries other
than serious bodily
injury, failure to stop;
leaving scene.

316.1935 (4) (a)

2nd

Aggravated fleeing or
eluding.

316.80 (2)

2nd

Unlawful conveyance of
fuel; obtaining fuel
fraudulently.

322.34 (6)

3rd

Careless operation of
motor vehicle with
suspended license,
resulting in death or
serious bodily injury.

327.30 (5)

3rd

Vessel accidents
involving personal
injury; leaving scene.

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379.365(2)(c)1.

3rd

Violation of rules relating to: willful molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or sale, conspiring or aiding in such barter, trade, or sale, or supplying, agreeing to supply, aiding in supplying, or giving away stone crab trap tags or certificates; making, altering, forging, counterfeiting, or reproducing stone crab trap tags; possession of forged, counterfeit, or imitation stone crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.

474

379.367(4)

3rd

Willful molestation of a commercial harvester's

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475

spiny lobster trap,
line, or buoy.

379.407(5)(b)3.

3rd

Possession of 100 or
more undersized spiny
lobsters.

476

381.0041(11)(b)

3rd

Donate blood, plasma, or
organs knowing HIV
positive.

477

440.10(1)(g)

2nd

Failure to obtain
workers' compensation
coverage.

478

440.105(5)

2nd

Unlawful solicitation
for the purpose of
making workers'
compensation claims.

479

440.381(2)

3rd

Submission of false,
misleading, or
incomplete information
with the purpose of
avoiding or reducing
workers' compensation
premiums.

480

624.401(4)(b)2.

2nd

Transacting insurance

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without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.

481

626.902 (1) (c)

2nd

Representing an unauthorized insurer; repeat offender.

482

790.01 (2)

3rd

Carrying a concealed firearm.

483

790.162

2nd

Threat to throw or discharge destructive device.

484

790.163 (1)

2nd

False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.

485

790.221 (1)

2nd

Possession of short-barreled shotgun or machine gun.

486

790.23

2nd

Felons in possession of firearms, ammunition, or

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electronic weapons or
devices.

487
488
489
490
491
492
493

796.05 (1)

2nd

Live on earnings of a
prostitute; 1st offense.

800.04 (6) (c)

3rd

Lewd or lascivious
conduct; offender less
than 18 years of age.

800.04 (7) (b)

2nd

Lewd or lascivious
exhibition; offender 18
years of age or older.

806.111 (1)

3rd

Possess, manufacture, or
dispense fire bomb with
intent to damage any
structure or property.

812.0145 (2) (b)

2nd

Theft from person 65
years of age or older;
\$10,000 or more but less
than \$50,000.

812.015
(8) (a) & (c) - (e)

3rd

Retail theft; property
stolen is valued at \$750
or more and one or more
specified acts.

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494 812.019 (1) 2nd Stolen property; dealing
in or trafficking in.

495 812.131 (2) (b) 3rd Robbery by sudden
snatching.

496 812.16 (2) 3rd Owning, operating, or
conducting a chop shop.

497 817.034 (4) (a) 2. 2nd Communications fraud,
value \$20,000 to
\$50,000.

498 817.234 (11) (b) 2nd Insurance fraud;
property value \$20,000
or more but less than
\$100,000.

499 817.2341 (1), 3rd Filing false financial
(2) (a) & (3) (a) statements, making false
entries of material fact
or false statements
regarding property
values relating to the
solvency of an insuring
entity.

817.568 (2) (b) 2nd Fraudulent use of
personal identification

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information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more persons.

500

817.611 (2) (a)

2nd

Traffic in or possess 5 to 14 counterfeit credit cards or related documents.

501

817.625 (2) (b)

2nd

Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.

502

825.1025 (4)

3rd

Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.

503

827.071 (4)

2nd

Possess with intent to promote any photographic

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material, motion
 picture, etc., which
 includes sexual conduct
 by a child.

504

827.071 (5)

3rd

Possess, control, or
 intentionally view any
 photographic material,
 motion picture, etc.,
 which includes sexual
 conduct by a child.

505

828.12 (2)

3rd

Tortures any animal with
 intent to inflict
 intense pain, serious
 physical injury, or
 death.

506

839.13 (2) (b)

2nd

Falsifying records of an
 individual in the care
 and custody of a state
 agency involving great
 bodily harm or death.

507

843.01

3rd

Resist officer with
 violence to person;
 resist arrest with
 violence.

508

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509

847.0135 (5) (b)

2nd

Lewd or lascivious exhibition using computer; offender 18 years or older.

510

847.0137
(2) & (3)

3rd

Transmission of pornography by electronic device or equipment.

511

847.0138
(2) & (3)

3rd

Transmission of material harmful to minors to a minor by electronic device or equipment.

512

874.05 (1) (b)

2nd

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

513

874.05 (2) (a)

2nd

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

893.13 (1) (a) 1.

2nd

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

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(1) (b), (1) (d), (2) (a),
 (2) (b), or (2) (c) 5.
 drugs).

514

893.13 (1) (c) 2.

2nd

Sell, manufacture, or
 deliver cannabis (or
 other s. 893.03 (1) (c),
 (2) (c) 1., (2) (c) 2.,
 (2) (c) 3., (2) (c) 6.,
 (2) (c) 7., (2) (c) 8.,
 (2) (c) 9., (2) (c) 10.,
 (3), or (4) drugs)
 within 1,000 feet of a
 child care facility,
 school, or state,
 county, or municipal
 park or publicly owned
 recreational facility or
 community center.

515

893.13 (1) (d) 1.

1st

Sell, manufacture, or
 deliver cocaine (or
 other s. 893.03 (1) (a),
 (1) (b), (1) (d), (2) (a),
 (2) (b), or (2) (c) 5.
 drugs) within 1,000 feet
 of university.

516

893.13 (1) (e) 2.

2nd

Sell, manufacture, or

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deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.

517

893.13(1)(f)1.

1st

Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of public housing facility.

518

893.13(4)(b)

2nd

Use or hire of minor; deliver to minor other controlled substance.

519

893.1351(1)

3rd

Ownership, lease, or rental for trafficking in or manufacturing of

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controlled substance.

520

521 (f) LEVEL 6

522

Florida

Felony

Statute

Degree

Description

523

316.027 (2) (b)

2nd

Leaving the scene of a crash involving serious bodily injury.

524

316.193 (2) (b)

3rd

Felony DUI, 4th or subsequent conviction.

525

400.9935 (4) (c)

2nd

Operating a clinic, or offering services requiring licensure, without a license.

526

499.0051 (2)

2nd

Knowing forgery of transaction history, transaction information, or transaction statement.

527

499.0051 (3)

2nd

Knowing purchase or receipt of prescription drug from unauthorized person.

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528

499.0051 (4) 2nd Knowing sale or transfer of prescription drug to unauthorized person.

529

775.0875 (1) 3rd Taking firearm from law enforcement officer.

530

784.021 (1) (a) 3rd Aggravated assault; deadly weapon without intent to kill.

531

784.021 (1) (b) 3rd Aggravated assault; intent to commit felony.

532

784.041 3rd Felony battery; domestic battery by strangulation.

533

784.048 (3) 3rd Aggravated stalking; credible threat.

534

784.048 (5) 3rd Aggravated stalking of person under 16.

535

784.07 (2) (c) 2nd Aggravated assault on law enforcement officer.

536

784.074 (1) (b) 2nd Aggravated assault on

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sexually violent
predators facility
staff.

537

784.08 (2) (b)

2nd

Aggravated assault on a
person 65 years of age
or older.

538

784.081 (2)

2nd

Aggravated assault on
specified official or
employee.

539

784.082 (2)

2nd

Aggravated assault by
detained person on
visitor or other
detainee.

540

784.083 (2)

2nd

Aggravated assault on
code inspector.

541

787.02 (2)

3rd

False imprisonment;
restraining with purpose
other than those in s.
787.01.

542

790.115 (2) (d)

2nd

Discharging firearm or
weapon on school
property.

543

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790.161 (2)

2nd

Make, possess, or throw destructive device with intent to do bodily harm or damage property.

544

790.164 (1)

2nd

False report concerning bomb, explosive, weapon of mass destruction, act of arson or violence to state property, or use of firearms in violent manner.

545

790.19

2nd

Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.

546

794.011 (8) (a)

3rd

Solicitation of minor to participate in sexual activity by custodial adult.

547

794.05 (1)

2nd

Unlawful sexual activity with specified minor.

548

800.04 (5) (d)

3rd

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

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but less than 16 years
of age; offender less
than 18 years.

549

800.04 (6) (b)

2nd

Lewd or lascivious
conduct; offender 18
years of age or older.

550

806.031 (2)

2nd

Arson resulting in great
bodily harm to
firefighter or any other
person.

551

810.02 (3) (c)

2nd

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

552

810.145 (8) (b)

2nd

Video voyeurism; certain
minor victims; 2nd or
subsequent offense.

553

812.014 (2) (b) 1.

2nd

Property stolen \$20,000
or more, but less than
\$100,000, grand theft in
2nd degree.

554

812.014 (6)

2nd

Theft; property stolen
\$3,000 or more;
coordination of others.

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555

812.015 (9) (a) 2nd Retail theft; property stolen \$750 or more; second or subsequent conviction.

556

812.015 (9) (b) 2nd Retail theft; aggregated property stolen within 30 days is \$3,000 or more; coordination of others.

557

812.13 (2) (c) 2nd Robbery, no firearm or other weapon (strong-arm robbery).

558

817.4821 (5) 2nd Possess cloning paraphernalia with intent to create cloned cellular telephones.

559

817.505 (4) (b) 2nd Patient brokering; 10 or more patients.

560

825.102 (1) 3rd Abuse of an elderly person or disabled adult.

561

825.102 (3) (c) 3rd Neglect of an elderly

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person or disabled
adult.

562

825.1025 (3)

3rd

Lewd or lascivious
molestation of an
elderly person or
disabled adult.

563

825.103 (3) (c)

3rd

Exploiting an elderly
person or disabled adult
and property is valued
at less than \$10,000.

564

827.03 (2) (c)

3rd

Abuse of a child.

565

827.03 (2) (d)

3rd

Neglect of a child.

566

827.071 (2) & (3)

2nd

Use or induce a child in
a sexual performance, or
promote or direct such
performance.

567

836.05

2nd

Threats; extortion.

568

836.10

2nd

Written threats to kill,
do bodily injury, or
conduct a mass shooting
or an act of terrorism.

569

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570

843.12 3rd Aids or assists person to escape.

571

847.011 3rd Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.

572

847.012 3rd Knowingly using a minor in the production of materials harmful to minors.

573

847.0135 (2) 3rd Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.

574

914.23 2nd Retaliation against a witness, victim, or informant, with bodily injury.

944.35 (3) (a) 2. 3rd Committing malicious battery upon or inflicting cruel or

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inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.

575

944.40

2nd

Escapes.

576

944.46

3rd

Harboring, concealing, aiding escaped prisoners.

577

944.47 (1) (a) 5.

2nd

Introduction of contraband (firearm, weapon, or explosive) into correctional facility.

578

951.22 (1) (i)

3rd

Firearm or weapon introduced into county detention facility.

579

580 (g) LEVEL 7

581

Florida
Statute

Felony
Degree

Description

582

316.027 (2) (c)

1st

Accident involving death, failure to stop; leaving

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scene.

583

316.193 (3) (c) 2.

3rd

DUI resulting in serious
bodily injury.

584

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.

585

327.35 (3) (c) 2.

3rd

Vessel BUI resulting in
serious bodily injury.

586

402.319 (2)

2nd

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

587

409.920
(2) (b) 1.a.

3rd

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

588

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	409.920	2nd	Medicaid provider fraud;
	(2) (b) 1.b.		more than \$10,000, but less than \$50,000.
589			
	456.065 (2)	3rd	Practicing a health care profession without a license.
590			
	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
591			
	458.327 (1)	3rd	Practicing medicine without a license.
592			
	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
593			
	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
594			
	461.012 (1)	3rd	Practicing podiatric medicine without a license.
595			
	462.17	3rd	Practicing naturopathy

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without a license.

596

463.015 (1)

3rd

Practicing optometry
without a license.

597

464.016 (1)

3rd

Practicing nursing without
a license.

598

465.015 (2)

3rd

Practicing pharmacy
without a license.

599

466.026 (1)

3rd

Practicing dentistry or
dental hygiene without a
license.

600

467.201

3rd

Practicing midwifery
without a license.

601

468.366

3rd

Delivering respiratory
care services without a
license.

602

483.828 (1)

3rd

Practicing as clinical
laboratory personnel
without a license.

603

483.901 (7)

3rd

Practicing medical physics
without a license.

604

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605 484.013 (1) (c) 3rd Preparing or dispensing
optical devices without a
prescription.

606 484.053 3rd Dispensing hearing aids
without a license.

607 494.0018 (2) 1st Conviction of any
violation of chapter 494
in which the total money
and property unlawfully
obtained exceeded \$50,000
and there were five or
more victims.

608 560.123 (8) (b) 1. 3rd Failure to report currency
or payment instruments
exceeding \$300 but less
than \$20,000 by a money
services business.

609 560.125 (5) (a) 3rd Money services business by
unauthorized person,
currency or payment
instruments exceeding \$300
but less than \$20,000.

609 655.50 (10) (b) 1. 3rd Failure to report
financial transactions

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exceeding \$300 but less than \$20,000 by financial institution.

610

775.21(10)(a)

3rd

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

611

775.21(10)(b)

3rd

Sexual predator working where children regularly congregate.

612

775.21(10)(g)

3rd

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

613

782.051(3)

2nd

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

614

782.07(1)

2nd

Killing of a human being by the act, procurement, or culpable negligence of

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another (manslaughter).

615

782.071

2nd

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

616

782.072

2nd

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

617

784.045 (1) (a) 1.

2nd

Aggravated battery; intentionally causing great bodily harm or disfigurement.

618

784.045 (1) (a) 2.

2nd

Aggravated battery; using deadly weapon.

619

784.045 (1) (b)

2nd

Aggravated battery; perpetrator aware victim pregnant.

620

784.048 (4)

3rd

Aggravated stalking; violation of injunction or court order.

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621
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784.048 (7)	3rd	Aggravated stalking; violation of court order.
784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
784.081 (1)	1st	Aggravated battery on specified official or employee.
784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
784.083 (1)	1st	Aggravated battery on code inspector.
787.06 (3) (a) 2.	1st	Human trafficking using coercion for labor and services of an adult.

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629

787.06(3)(e)2.

1st

Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to within the state.

630

790.07(4)

1st

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

631

790.16(1)

1st

Discharge of a machine gun under specified circumstances.

632

790.165(2)

2nd

Manufacture, sell, possess, or deliver hoax bomb.

633

790.165(3)

2nd

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

634

790.166(3)

2nd

Possessing, selling, using, or attempting to

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use a hoax weapon of mass
destruction.

635

790.166(4)

2nd

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

636

790.23

1st, PBL

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

637

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.

638

796.05(1)

1st

Live on earnings of a
prostitute; 2nd offense.

639

796.05(1)

1st

Live on earnings of a
prostitute; 3rd and
subsequent offense.

640

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641

800.04 (5) (c) 1.

2nd

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

642

800.04 (5) (c) 2.

2nd

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

643

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.

644

806.01 (2)

2nd

Maliciously damage structure by fire or explosive.

645

810.02 (3) (a)

2nd

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

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646	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
647	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
648	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
649	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.
650	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
651	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.

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652	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
653	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
654	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
655	812.131 (2) (a)	2nd	Robbery by sudden snatching.
656	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
657	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.

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658

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

659

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

660

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.

661

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

662

817.611 (2) (b) 2nd Traffic in or possess 15 to 49 counterfeit credit cards or related documents.

663

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

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disability, or
disfigurement.

664

825.103 (3) (b)

2nd

Exploiting an elderly person or disabled adult and property is valued at \$10,000 or more, but less than \$50,000.

665

827.03 (2) (b)

2nd

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

666

827.04 (3)

3rd

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

667

837.05 (2)

3rd

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

668

838.015

2nd

Bribery.

669

838.016

2nd

Unlawful compensation or reward for official behavior.

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

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criminal gang; second or subsequent offense.

679

874.10

1st, PBL

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

680

893.13(1)(c)1.

1st

Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

681

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

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(2) (c) 5., within 1,000 feet of property used for religious services or a specified business site.

682

893.13 (4) (a) 1st

Use or hire of minor; deliver to minor other controlled substance.

683

893.135 (1) (a) 1. 1st

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

684

893.135 (1) (b) 1.a. 1st

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

685

893.135 (1) (c) 1.a. 1st

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

686

893.135 (1) (c) 2.a. 1st

Trafficking in hydrocodone, 28 grams or more, less than 50 grams.

687

893.135 (1) (c) 2.b. 1st

Trafficking in hydrocodone, 50 grams or more, less than 100 grams.

688

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689	893.135 (1) (c) 3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.
690	893.135 (1) (c) 3.b.	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.
691	893.135 (1) (c) 4.b. (I)	1st	Trafficking in fentanyl, 4 grams or more, less than 14 grams.
692	893.135 (1) (d) 1.a.	1st	Trafficking in phencyclidine, 28 grams or more, less than 200 grams.
693	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, 200 grams or more, less than 5 kilograms.
694	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, 14 grams or more, less than 28 grams.
695	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.
893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
893.135 (1) (m) 2.a.	1st	Trafficking in synthetic cannabinoids, 280 grams or more, less than 500 grams.
893.135 (1) (m) 2.b.	1st	Trafficking in synthetic cannabinoids, 500 grams or more, less than 1,000 grams.
893.135 (1) (n) 2.a.	1st	Trafficking in n-benzyl phenethylamines, 14 grams or more, less than 100 grams.

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702 893.1351 (2) 2nd Possession of place for
trafficking in or
manufacturing of
controlled substance.

703 896.101 (5) (a) 3rd Money laundering,
financial transactions
exceeding \$300 but less
than \$20,000.

704 896.104 (4) (a) 1. 3rd Structuring transactions
to evade reporting or
registration requirements,
financial transactions
exceeding \$300 but less
than \$20,000.

705 943.0435 (4) (c) 2nd Sexual offender vacating
permanent residence;
failure to comply with
reporting requirements.

706 943.0435 (8) 2nd Sexual offender; remains
in state after indicating
intent to leave; failure
to comply with reporting
requirements.

943.0435 (9) (a) 3rd Sexual offender; failure

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to comply with reporting requirements.

707

943.0435 (13)

3rd

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

708

943.0435 (14)

3rd

Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

709

944.607 (9)

3rd

Sexual offender; failure to comply with reporting requirements.

710

944.607 (10) (a)

3rd

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

711

944.607 (12)

3rd

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

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712

944.607(13)

3rd

Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

713

985.4815(10)

3rd

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

714

985.4815(12)

3rd

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

715

985.4815(13)

3rd

Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

716

717

(h) LEVEL 8

718

Florida
Statute

Felony
Degree

Description

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719

316.193
(3) (c) 3.a.

2nd

DUI manslaughter.

720

316.1935 (4) (b)

1st

Aggravated fleeing or attempted eluding with serious bodily injury or death.

721

327.35 (3) (c) 3.

2nd

Vessel BUI manslaughter.

722

499.0051 (6)

1st

Knowing trafficking in contraband prescription drugs.

723

499.0051 (7)

1st

Knowing forgery of prescription labels or prescription drug labels.

724

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.

725

560.125 (5) (b)

2nd

Money transmitter business by unauthorized person, currency or

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payment instruments
 totaling or exceeding
 \$20,000, but less than
 \$100,000.

726

655.50 (10) (b) 2.

2nd

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

727

777.03 (2) (a)

1st

Accessory after the fact,
 capital felony.

728

782.04 (4)

2nd

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

729

782.051 (2)

1st

Attempted felony murder

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

730

782.071(1)(b)

1st

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

731

782.072(2)

1st

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

732

787.06(3)(a)1.

1st

Human trafficking for labor and services of a child.

733

787.06(3)(b)

1st

Human trafficking using coercion for commercial sexual activity of an adult.

734

787.06(3)(c)2.

1st

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

735

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736	787.06 (3) (e) 1.	1st	Human trafficking for labor and services by the transfer or transport of a child from outside Florida to within the state.
737	787.06 (3) (f) 2.	1st	Human trafficking using coercion for commercial sexual activity by the transfer or transport of any adult from outside Florida to within the state.
738	790.161 (3)	1st	Discharging a destructive device which results in bodily harm or property damage.
739	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

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

740

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.

741

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.

742

794.08 (3)

2nd

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

743

800.04 (4) (b)

2nd

Lewd or lascivious battery.

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744

800.04 (4) (c) 1st Lewd or lascivious battery; offender 18 years of age or older; prior conviction for specified sex offense.

745

806.01 (1) 1st Maliciously damage dwelling or structure by fire or explosive, believing person in structure.

746

810.02 (2) (a) 1st, PBL Burglary with assault or battery.

747

810.02 (2) (b) 1st, PBL Burglary; armed with explosives or dangerous weapon.

748

810.02 (2) (c) 1st Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.

749

812.014 (2) (a) 2. 1st Property stolen; cargo valued at \$50,000 or more, grand theft in 1st

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degree.

750

812.13 (2) (b)

1st

Robbery with a weapon.

751

812.135 (2) (c)

1st

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

752

817.505 (4) (c)

1st

Patient brokering; 20 or
more patients.

753

817.535 (2) (b)

2nd

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

754

817.535 (3) (a)

2nd

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

755

817.535 (4) (a) 1.

2nd

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

756

817.535 (5) (a)

2nd

Filing false lien or

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

757

817.568 (6)

2nd

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

758

817.611 (2) (c)

1st

Traffic in or possess 50 or more counterfeit credit cards or related documents.

759

825.102 (2)

1st

Aggravated abuse of an elderly person or disabled adult.

760

825.1025 (2)

2nd

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

761

825.103 (3) (a)

1st

Exploiting an elderly person or disabled adult and property is valued at \$50,000 or more.

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762

837.02 (2) 2nd Perjury in official proceedings relating to prosecution of a capital felony.

763

837.021 (2) 2nd Making contradictory statements in official proceedings relating to prosecution of a capital felony.

764

860.121 (2) (c) 1st Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.

765

860.16 1st Aircraft piracy.

766

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).

767

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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768

893.13(6)(c) 1st Possess in excess of 10
grams of any substance
specified in s.
893.03(1)(a) or (b).

769

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

770

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

771

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

772

893.135 1st Trafficking in
(1)(c)2.c. hydrocodone, 100 grams or
more, less than 300
grams.

773

893.135 1st Trafficking in oxycodone,
(1)(c)3.c. 25 grams or more, less
than 100 grams.

774

893.135 1st Trafficking in fentanyl,

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775	(1) (c) 4.b. (II)		14 grams or more, less than 28 grams.
776	893.135 (1) (d) 1.b.	1st	Trafficking in phencyclidine, 200 grams or more, less than 400 grams.
777	893.135 (1) (e) 1.b.	1st	Trafficking in methaqualone, 5 kilograms or more, less than 25 kilograms.
778	893.135 (1) (f) 1.b.	1st	Trafficking in amphetamine, 28 grams or more, less than 200 grams.
779	893.135 (1) (g) 1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
780	893.135 (1) (h) 1.b.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.

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781	893.135 (1) (j) 1.b.	1st	Trafficking in 1,4- Butanediol, 5 kilograms or more, less than 10 kilograms.
782	893.135 (1) (k) 2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
783	893.135 (1) (m) 2.c.	1st	Trafficking in synthetic cannabinoids, 1,000 grams or more, less than 30 kilograms.
784	893.135 (1) (n) 2.b.	1st	Trafficking in n-benzyl phenethylamines, 100 grams or more, less than 200 grams.
785	893.1351 (3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.
785	895.03 (1)	1st	Use or invest proceeds derived from pattern of racketeering activity.

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786
787
788
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790
791
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895.03 (2)

1st

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

895.03 (3)

1st

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

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.

(i) LEVEL 9

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	Florida Statute	Felony Degree	Description
793	316.193 (3) (c) 3.b.	1st	DUI manslaughter; failing to render aid or give information.
794	327.35 (3) (c) 3.b.	1st	BUI manslaughter; failing to render aid or give information.
795	409.920 (2) (b) 1.c.	1st	Medicaid provider fraud; \$50,000 or more.
796	499.0051 (8)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
797	560.123 (8) (b) 3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
798	560.125 (5) (c)	1st	Money transmitter business by unauthorized person, currency, or

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799	655.50(10)(b)3.	1st	payment instruments totaling or exceeding \$100,000.
800	775.0844	1st	Aggravated white collar crime.
801	782.04(1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
802	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.
803	782.051(1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate

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a felony enumerated in s.
782.04(3).

804

782.07(2)

1st

Aggravated manslaughter
of an elderly person or
disabled adult.

805

787.01(1)(a)1.

1st,PBL

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

806

787.01(1)(a)2.

1st,PBL

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

807

787.01(1)(a)4.

1st,PBL

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

808

787.02(3)(a)

1st,PBL

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

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815

794.011 (2) Life Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.

816

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.

817

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

818

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

819

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

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specified sex offenses.

820

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.

821

794.08 (2)

1st

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

822

800.04 (5) (b)

Life

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

823

812.13 (2) (a)

1st, PBL

Robbery with firearm or other deadly weapon.

824

812.133 (2) (a)

1st, PBL

Carjacking; firearm or other deadly weapon.

825

812.135 (2) (b)

1st

Home-invasion robbery with weapon.

826

817.535 (3) (b)

1st

Filing false lien or other unauthorized

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document; second or subsequent offense; property owner is a public officer or employee.

827

817.535 (4) (a) 2.

1st

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

828

817.535 (5) (b)

1st

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

829

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.

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831
832
833
834
835
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837

827.03 (2) (a)	1st	Aggravated child abuse.
847.0145 (1)	1st	Selling, or otherwise transferring custody or control, of a minor.
847.0145 (2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
859.01	1st	Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill or injure another person.
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.

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838 893.135 1st Trafficking in illegal
 (1) (c) 1.c. drugs, more than 28
 grams, less than 30
 kilograms.

839 893.135 1st Trafficking in
 (1) (c) 2.d. hydrocodone, 300 grams or
 more, less than 30
 kilograms.

840 893.135 1st Trafficking in oxycodone,
 (1) (c) 3.d. 100 grams or more, less
 than 30 kilograms.

841 893.135 1st Trafficking in fentanyl,
 (1) (c) 4.b. (III) 28 grams or more.

842 893.135 1st Trafficking in
 (1) (d) 1.c. phencyclidine, 400 grams
 or more.

843 893.135 1st Trafficking in
 (1) (e) 1.c. methaqualone, 25
 kilograms or more.

844 893.135 1st Trafficking in
 (1) (f) 1.c. amphetamine, 200 grams or
 more.

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845	893.135 (1) (h) 1.c.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.
846	893.135 (1) (j) 1.c.	1st	Trafficking in 1,4-Butanediol, 10 kilograms or more.
847	893.135 (1) (k) 2.c.	1st	Trafficking in Phenethylamines, 400 grams or more.
848	893.135 (1) (m) 2.d.	1st	Trafficking in synthetic cannabinoids, 30 kilograms or more.
849	893.135 (1) (n) 2.c.	1st	Trafficking in n-benzyl phenethylamines, 200 grams or more.
850	896.101 (5) (c)	1st	Money laundering, financial instruments totaling or exceeding \$100,000.
850	896.104 (4) (a) 3.	1st	Structuring transactions to evade reporting or registration

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requirements, financial transactions totaling or exceeding \$100,000.

851

852 (j) LEVEL 10

853

Florida
Statute

Felony
Degree

Description

854

499.0051(9)

1st

Knowing sale or purchase of contraband prescription drugs resulting in death.

855

782.04(2)

1st,PBL

Unlawful killing of human; act is homicide, unpremeditated.

856

782.07(3)

1st

Aggravated manslaughter of a child.

857

787.01(1)(a)3.

1st,PBL

Kidnapping; inflict bodily harm upon or terrorize victim.

858

787.01(3)(a)

Life

Kidnapping; child under age 13, perpetrator also commits aggravated child abuse, sexual battery,

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or lewd or lascivious
battery, molestation,
conduct, or exhibition.

859

787.06(3)(g)

Life

Human trafficking for
commercial sexual
activity of a child
under the age of 18 or
mentally defective or
incapacitated person.

860

787.06(4)(a)

Life

Selling or buying of
minors into human
trafficking.

861

794.011(3)

Life

Sexual battery; victim
12 years or older,
offender uses or
threatens to use deadly
weapon or physical force
to cause serious injury.

862

812.135(2)(a)

1st, PBL

Home-invasion robbery
with firearm or other
deadly weapon.

863

876.32

1st

Treason against the
state.

864

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865 Section 10. Section 921.0023, Florida Statutes, is amended
 866 to read:

867 921.0023 Public Safety ~~Criminal Punishment~~ Code; ranking
 868 unlisted felony offenses.—A felony offense committed on or after
 869 October 1, 1998, that is not listed in s. 921.0022 is ranked
 870 with respect to offense severity level by the Legislature,
 871 commensurate with the harm or potential harm that is caused by
 872 the offense to the community. Until the Legislature specifically
 873 assigns an offense to a severity level in the offense severity
 874 ranking chart, the severity level is within the following
 875 parameters:

- 876 (1) A felony of the third degree within offense level 1.
- 877 (2) A felony of the second degree within offense level 4.
- 878 (3) A felony of the first degree within offense level 7.
- 879 (4) A felony of the first degree punishable by life within
 880 offense level 9.
- 881 (5) A life felony within offense level 10.

882 Section 11. Section 921.0024, Florida Statutes, is amended
 883 to read:

884 921.0024 Public Safety ~~Criminal Punishment~~ Code; worksheet
 885 computations; scoresheets.—

886 (1) (a) The Public Safety ~~Criminal Punishment~~ Code worksheet
 887 is used to compute the subtotal and total sentence points as
 888 follows:

890 FLORIDA PUBLIC SAFETY ~~CRIMINAL PUNISHMENT~~ CODE

891 WORKSHEET

892
 893 OFFENSE SCORE

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Primary Offense

894
895
896
897
898
899
900
901
902
903
904
905
906
907
908

Level

Sentence Points

Total

10	116	=
9	92	=
8	74	=
7	56	=
6	36	=
5	28	=
4	22	=
3	16	=
2	10	=
1	4	=

Total

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Additional Offenses

909
910
911
912
913
914
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921
922
923

Level	Sentence Points		Counts		Total
10	58	x	=
9	46	x	=
8	37	x	=
7	28	x	=
6	18	x	=
5	5.4	x	=
4	3.6	x	=
3	2.4	x	=
2	1.2	x	=
1	0.7	x	=
M	0.2	x	=

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Total

Victim Injury

924
925
926
927
928
929
930
931
932
933
934
935

Level	Sentence Points		Number		Total
2nd degree murder- death	240	x	=
Death	120	x	=
Severe	40	x	=
Moderate	18	x	=
Slight	4	x	=
Sexual penetration	80	x	=
Sexual contact	40	x	=

Total

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936
937
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947
948
949
950
951
952

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

PRIOR RECORD SCORE

Prior Record

Level	Sentence Points		Number		Total
10	29	x	=
9	23	x	=
8	19	x	=
7	14	x	=
6	9	x	=
5	3.6	x	=
4	2.4	x	=
3	1.6	x	=
2	0.8	x	=
1	0.5	x	=

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972
973
974
975
976
977
978

M 0.2 x =

Total

TOTAL OFFENSE SCORE.....

TOTAL PRIOR RECORD SCORE.....

LEGAL STATUS.....

COMMUNITY SANCTION VIOLATION.....

PRIOR SERIOUS FELONY.....

PRIOR CAPITAL FELONY.....

FIREARM OR SEMIAUTOMATIC WEAPON.....

SUBTOTAL.....

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

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

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

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

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

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

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

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

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

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

.....

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

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

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

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

II. The community sanction violation is not based solely on the probationer or offender's failure to pay costs or fines or

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1008 make restitution payments.

1009 b. Twenty-four (24) community sanction violation points are
1010 assessed for the violation and for each successive violation of
1011 felony probation or community control where the violation
1012 includes a new felony conviction.

1013
1014 Multiple counts of community sanction violations before the
1015 sentencing court shall not be a basis for multiplying the
1016 assessment of community sanction violation points.

1017
1018 Prior serious felony points: If the offender has a primary
1019 offense or any additional offense ranked in level 8, level 9, or
1020 level 10, and one or more prior serious felonies, a single
1021 assessment of thirty (30) points shall be added. For purposes of
1022 this section, a prior serious felony is an offense in the
1023 offender's prior record that is ranked in level 8, level 9, or
1024 level 10 under s. 921.0022 or s. 921.0023 and for which the
1025 offender is serving a sentence of confinement, supervision, or
1026 other sanction or for which the offender's date of release from
1027 confinement, supervision, or other sanction, whichever is later,
1028 is within 3 years before the date the primary offense or any
1029 additional offense was committed.

1030
1031 Prior capital felony points: If the offender has one or more
1032 prior capital felonies in the offender's criminal record, points
1033 shall be added to the subtotal sentence points of the offender
1034 equal to twice the number of points the offender receives for
1035 the primary offense and any additional offense. A prior capital
1036 felony in the offender's criminal record is a previous capital

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1037 felony offense for which the offender has entered a plea of nolo
1038 contendere or guilty or has been found guilty; or a felony in
1039 another jurisdiction which is a capital felony in that
1040 jurisdiction, or would be a capital felony if the offense were
1041 committed in this state.

1042
1043 Possession of a firearm, semiautomatic firearm, or machine gun:
1044 If the offender is convicted of committing or attempting to
1045 commit any felony other than those enumerated in s. 775.087(2)
1046 while having in his or her possession: a firearm as defined in
1047 s. 790.001(6), an additional eighteen (18) sentence points are
1048 assessed; or if the offender is convicted of committing or
1049 attempting to commit any felony other than those enumerated in
1050 s. 775.087(3) while having in his or her possession a
1051 semiautomatic firearm as defined in s. 775.087(3) or a machine
1052 gun as defined in s. 790.001(9), an additional twenty-five (25)
1053 sentence points are assessed.

1054
1055 Sentencing multipliers:

1056
1057 Drug trafficking: If the primary offense is drug trafficking
1058 under s. 893.135, the subtotal sentence points are multiplied,
1059 at the discretion of the court, for a level 7 or level 8
1060 offense, by 1.5. The state attorney may move the sentencing
1061 court to reduce or suspend the sentence of a person convicted of
1062 a level 7 or level 8 offense, if the offender provides
1063 substantial assistance as described in s. 893.135(4).

1064
1065 Law enforcement protection: If the primary offense is a

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1066 violation of the Law Enforcement Protection Act under s.
1067 775.0823(2), (3), or (4), the subtotal sentence points are
1068 multiplied by 2.5. If the primary offense is a violation of s.
1069 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points
1070 are multiplied by 2.0. If the primary offense is a violation of
1071 s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement
1072 Protection Act under s. 775.0823(10) or (11), the subtotal
1073 sentence points are multiplied by 1.5.

1074

1075 Grand theft of a motor vehicle: If the primary offense is grand
1076 theft of the third degree involving a motor vehicle and in the
1077 offender's prior record, there are three or more grand thefts of
1078 the third degree involving a motor vehicle, the subtotal
1079 sentence points are multiplied by 1.5.

1080

1081 Offense related to a criminal gang: If the offender is convicted
1082 of the primary offense and committed that offense for the
1083 purpose of benefiting, promoting, or furthering the interests of
1084 a criminal gang as defined in s. 874.03, the subtotal sentence
1085 points are multiplied by 1.5. If applying the multiplier results
1086 in the lowest permissible sentence exceeding the statutory
1087 maximum sentence for the primary offense under chapter 775, the
1088 court may not apply the multiplier and must sentence the
1089 defendant to the statutory maximum sentence.

1090

1091 Domestic violence in the presence of a child: If the offender is
1092 convicted of the primary offense and the primary offense is a
1093 crime of domestic violence, as defined in s. 741.28, which was
1094 committed in the presence of a child under 16 years of age who

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1095 is a family or household member as defined in s. 741.28(3) with
1096 the victim or perpetrator, the subtotal sentence points are
1097 multiplied by 1.5.

1098
1099 Adult-on-minor sex offense: If the offender was 18 years of age
1100 or older and the victim was younger than 18 years of age at the
1101 time the offender committed the primary offense, and if the
1102 primary offense was an offense committed on or after October 1,
1103 2014, and is a violation of s. 787.01(2) or s. 787.02(2), if the
1104 violation involved a victim who was a minor and, in the course
1105 of committing that violation, the defendant committed a sexual
1106 battery under chapter 794 or a lewd act under s. 800.04 or s.
1107 847.0135(5) against the minor; s. 787.01(3)(a)2. or 3.; s.
1108 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s.
1109 800.04; or s. 847.0135(5), the subtotal sentence points are
1110 multiplied by 2.0. If applying the multiplier results in the
1111 lowest permissible sentence exceeding the statutory maximum
1112 sentence for the primary offense under chapter 775, the court
1113 may not apply the multiplier and must sentence the defendant to
1114 the statutory maximum sentence.

1115 (2) The lowest permissible sentence is the minimum sentence
1116 that may be imposed by the trial court, absent a valid reason
1117 for departure. The lowest permissible sentence is any nonstate
1118 prison sanction in which the total sentence points equals or is
1119 less than 44 points, unless the court determines within its
1120 discretion that a prison sentence, which may be up to the
1121 statutory maximums for the offenses committed, is appropriate.
1122 When the total sentence points exceeds 44 points, the lowest
1123 permissible sentence in prison months shall be calculated by

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1124 subtracting 28 points from the total sentence points and
1125 decreasing the remaining total by 25 percent. The total sentence
1126 points shall be calculated only as a means of determining the
1127 lowest permissible sentence. The permissible range for
1128 sentencing shall be the lowest permissible sentence up to and
1129 including the statutory maximum, as defined in s. 775.082, for
1130 the primary offense and any additional offenses before the court
1131 for sentencing. The sentencing court may impose such sentences
1132 concurrently or consecutively. However, any sentence to state
1133 prison must exceed 1 year. If the lowest permissible sentence
1134 under the code exceeds the statutory maximum sentence as
1135 provided in s. 775.082, the sentence required by the code must
1136 be imposed. If the total sentence points are greater than or
1137 equal to 363, the court may sentence the offender to life
1138 imprisonment. An offender sentenced to life imprisonment under
1139 this section is not eligible for any form of discretionary early
1140 release, except executive clemency or conditional medical
1141 release under s. 947.149.

1142 (3) A single digitized scoresheet shall be prepared for
1143 each defendant to determine the permissible range for the
1144 sentence that the court may impose, except that if the defendant
1145 is before the court for sentencing for more than one felony and
1146 the felonies were committed under more than one version or
1147 revision of the guidelines or the code, separate digitized
1148 scoresheets must be prepared. The scoresheet or scoresheets must
1149 cover all the defendant's offenses pending before the court for
1150 sentencing. The state attorney shall prepare the digitized
1151 scoresheet or scoresheets, which must be presented to the
1152 defense counsel for review for accuracy in all cases unless the

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1153 judge directs otherwise. The defendant's scoresheet or
1154 scoresheets must be approved and signed by the sentencing judge.

1155 (4) The Department of Corrections, in consultation with the
1156 Office of the State Courts Administrator, state attorneys, and
1157 public defenders, must develop and submit the revised digitized
1158 Public Safety ~~Criminal Punishment~~ Code scoresheet to the Supreme
1159 Court for approval by June 15 of each year, as necessary. The
1160 digitized scoresheet shall have individual, structured data
1161 cells for each data field on the scoresheet. Upon the Supreme
1162 Court's approval of the revised digitized scoresheet, the
1163 Department of Corrections shall produce and provide the revised
1164 digitized scoresheets by September 30 of each year, as
1165 necessary. Digitized scoresheets must include individual data
1166 cells to indicate whether any prison sentence imposed includes a
1167 mandatory minimum sentence or the sentence imposed was a
1168 downward departure from the lowest permissible sentence under
1169 the Public Safety ~~Criminal Punishment~~ Code.

1170 (5) The Department of Corrections shall make available the
1171 digitized Public Safety ~~Criminal Punishment~~ Code scoresheets to
1172 those persons charged with the responsibility for preparing
1173 scoresheets.

1174 (6) The clerk of the circuit court shall transmit a
1175 complete and accurate digitized copy of the Public Safety
1176 ~~Criminal Punishment~~ Code scoresheet used in each sentencing
1177 proceeding to the Department of Corrections. Scoresheets must be
1178 electronically transmitted no less frequently than monthly, by
1179 the first of each month, and may be sent collectively.

1180 (7) A digitized sentencing scoresheet must be prepared for
1181 every defendant who is sentenced for a felony offense. The

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1182 individual offender's digitized Public Safety ~~Criminal~~
1183 ~~Punishment~~ Code scoresheet and any attachments thereto prepared
1184 pursuant to Rule 3.701, Rule 3.702, or Rule 3.703, Florida Rules
1185 of Criminal Procedure, or any other rule pertaining to the
1186 preparation and submission of felony sentencing scoresheets,
1187 must be included with the uniform judgment and sentence form
1188 provided to the Department of Corrections.

1189 Section 12. Section 921.0025, Florida Statutes, is amended
1190 to read:

1191 921.0025 Adoption and implementation of revised sentencing
1192 scoresheets.—Rules 3.701, 3.702, 3.703, and 3.988, Florida Rules
1193 of Criminal Procedure, as revised by the Supreme Court, and any
1194 other rule pertaining to the preparation and submission of
1195 felony sentencing scoresheets, are adopted and implemented in
1196 accordance with this chapter for application to the Public
1197 Safety ~~Criminal Punishment~~ Code.

1198 Section 13. Paragraph (m) of subsection (2) of section
1199 921.0026, Florida Statutes, is amended to read:

1200 921.0026 Mitigating circumstances.—This section applies to
1201 any felony offense, except any capital felony, committed on or
1202 after October 1, 1998.

1203 (2) Mitigating circumstances under which a departure from
1204 the lowest permissible sentence is reasonably justified include,
1205 but are not limited to:

1206 (m) The defendant's offense is a nonviolent felony, the
1207 defendant's Public Safety ~~Criminal Punishment~~ Code scoresheet
1208 total sentence points under s. 921.0024 are 60 points or fewer,
1209 and the court determines that the defendant is amenable to the
1210 services of a postadjudicatory treatment-based drug court

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1211 program and is otherwise qualified to participate in the program
1212 as part of the sentence. For purposes of this paragraph, the
1213 term "nonviolent felony" has the same meaning as provided in s.
1214 948.08(6).

1215 Section 14. Section 921.0027, Florida Statutes, is amended
1216 to read:

1217 921.0027 Public Safety Criminal Punishment Code and
1218 revisions; applicability.—The Florida Public Safety Criminal
1219 Punishment Code applies to all felonies, except capital
1220 felonies, committed on or after October 1, 1998. Any revision to
1221 the Public Safety Criminal Punishment Code applies to sentencing
1222 for all felonies, except capital felonies, committed on or after
1223 the effective date of the revision. Felonies, except capital
1224 felonies, with continuing dates of enterprise shall be sentenced
1225 under the Public Safety Criminal Punishment Code in effect on
1226 the beginning date of the criminal activity.

1227 Section 15. Subsection (1) of section 924.06, Florida
1228 Statutes, is amended to read:

1229 924.06 Appeal by defendant.—

1230 (1) A defendant may appeal from:

1231 (a) A final judgment of conviction when probation has not
1232 been granted under chapter 948, except as provided in subsection
1233 (3);

1234 (b) An order granting probation under chapter 948;

1235 (c) An order revoking probation under chapter 948;

1236 (d) A sentence, on the ground that it is illegal; or

1237 (e) A sentence imposed under s. 921.0024 of the Public
1238 Safety Criminal Punishment Code which exceeds the statutory
1239 maximum penalty provided in s. 775.082 for an offense at

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1240 conviction, or the consecutive statutory maximums for offenses
1241 at conviction, unless otherwise provided by law.

1242 Section 16. Paragraph (i) of subsection (1) of section
1243 924.07, Florida Statutes, is amended to read:

1244 924.07 Appeal by state.—

1245 (1) The state may appeal from:

1246 (i) A sentence imposed below the lowest permissible
1247 sentence established by the Public Safety ~~Criminal Punishment~~
1248 Code under chapter 921.

1249 Section 17. Paragraph (c) of subsection (3) and paragraph
1250 (e) of subsection (5) of section 944.17, Florida Statutes, are
1251 amended to read:

1252 944.17 Commitments and classification; transfers.—

1253 (3)

1254 (c)1. When the highest ranking offense for which the
1255 prisoner is convicted is a felony, the trial court shall
1256 sentence the prisoner pursuant to the Public Safety ~~Criminal~~
1257 ~~Punishment~~ Code in chapter 921.

1258 2. When the highest ranking offense for which the prisoner
1259 is convicted is a misdemeanor, the trial court shall sentence
1260 the prisoner pursuant to s. 775.082(4).

1261 (5) The department shall also refuse to accept a person
1262 into the state correctional system unless the following
1263 documents are presented in a completed form by the sheriff or
1264 chief correctional officer, or a designated representative, to
1265 the officer in charge of the reception process. The department
1266 may, at its discretion, receive such documents electronically:

1267 (e) A copy of the Public Safety ~~Criminal Punishment~~ Code
1268 scoresheet and any attachments thereto prepared pursuant to Rule

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1269 3.701, Rule 3.702, or Rule 3.703, Florida Rules of Criminal
1270 Procedure, or any other rule pertaining to the preparation of
1271 felony sentencing scoresheets.

1272
1273 In addition, the sheriff or other officer having such person in
1274 charge shall also deliver with the foregoing documents any
1275 available presentence investigation reports as described in s.
1276 921.231 and any attached documents. After a prisoner is admitted
1277 into the state correctional system, the department may request
1278 such additional records relating to the prisoner as it considers
1279 necessary from the clerk of the court, the Department of
1280 Children and Families, or any other state or county agency for
1281 the purpose of determining the prisoner's proper custody
1282 classification, gain-time eligibility, or eligibility for early
1283 release programs. An agency that receives such a request from
1284 the department must provide the information requested. The
1285 department may, at its discretion, receive such information
1286 electronically.

1287 Section 18. Paragraph (a) of subsection (7) of section
1288 948.01, Florida Statutes, is amended to read:

1289 948.01 When court may place defendant on probation or into
1290 community control.—

1291 (7) (a) Notwithstanding s. 921.0024 and effective for
1292 offenses committed on or after July 1, 2009, the sentencing
1293 court may place the defendant into a postadjudicatory treatment-
1294 based drug court program if the defendant's Public Safety
1295 ~~Criminal Punishment~~ Code scoresheet total sentence points under
1296 s. 921.0024 are 60 points or fewer, the offense is a nonviolent
1297 felony, the defendant is amenable to substance abuse treatment,

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1298 and the defendant otherwise qualifies under s. 397.334(3). The
1299 satisfactory completion of the program shall be a condition of
1300 the defendant's probation or community control. As used in this
1301 subsection, the term "nonviolent felony" means a third degree
1302 felony violation under chapter 810 or any other felony offense
1303 that is not a forcible felony as defined in s. 776.08.

1304 Section 19. Section 948.015, Florida Statutes, is amended
1305 to read:

1306 948.015 Presentence investigation reports.—The circuit
1307 court, when the defendant in a criminal case has been found
1308 guilty or has entered a plea of nolo contendere or guilty and
1309 has a lowest permissible sentence under the Public Safety
1310 ~~Criminal Punishment~~ Code of any nonstate prison sanction, may
1311 refer the case to the department for investigation or
1312 recommendation. Upon such referral, the department shall make
1313 the following report in writing at a time specified by the court
1314 prior to sentencing. The full report shall include:

1315 (1) A complete description of the situation surrounding the
1316 criminal activity with which the offender has been charged,
1317 including a synopsis of the trial transcript, if one has been
1318 made; nature of the plea agreement, including the number of
1319 counts waived, the pleas agreed upon, the sentence agreed upon,
1320 and any additional terms of agreement; and, at the offender's
1321 discretion, his or her version and explanation of the criminal
1322 activity.

1323 (2) The offender's sentencing status, including whether the
1324 offender is a first offender, a habitual or violent offender, a
1325 youthful offender, or is currently on probation.

1326 (3) The offender's prior record of arrests and convictions.

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- 1327 (4) The offender's educational background.
- 1328 (5) The offender's employment background, including any
1329 military record, present employment status, and occupational
1330 capabilities.
- 1331 (6) The offender's financial status, including total
1332 monthly income and estimated total debts.
- 1333 (7) The social history of the offender, including his or
1334 her family relationships, marital status, interests, and
1335 activities.
- 1336 (8) The residence history of the offender.
- 1337 (9) The offender's medical history and, as appropriate, a
1338 psychological or psychiatric evaluation.
- 1339 (10) Information about the environments to which the
1340 offender might return or to which the offender could be sent
1341 should a sentence of nonincarceration or community supervision
1342 be imposed by the court, and consideration of the offender's
1343 plan concerning employment supervision and treatment.
- 1344 (11) Information about any resources available to assist
1345 the offender, such as:
- 1346 (a) Treatment centers.
- 1347 (b) Residential facilities.
- 1348 (c) Career training programs.
- 1349 (d) Special education programs.
- 1350 (e) Services that may preclude or supplement commitment to
1351 the department.
- 1352 (12) The views of the person preparing the report as to the
1353 offender's motivations and ambitions and an assessment of the
1354 offender's explanations for his or her criminal activity.
- 1355 (13) An explanation of the offender's criminal record, if

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1356 any, including his or her version and explanation of any
1357 previous offenses.

1358 (14) A statement regarding the extent of any victim's loss
1359 or injury.

1360 (15) A recommendation as to disposition by the court. The
1361 department shall make a written determination as to the reasons
1362 for its recommendation, and shall include an evaluation of the
1363 following factors:

1364 (a) The appropriateness or inappropriateness of community
1365 facilities, programs, or services for treatment or supervision
1366 for the offender.

1367 (b) The ability or inability of the department to provide
1368 an adequate level of supervision for the offender in the
1369 community and a statement of what constitutes an adequate level
1370 of supervision.

1371 (c) The existence of other treatment modalities which the
1372 offender could use but which do not exist at present in the
1373 community.

1374 Section 20. Paragraph (j) of subsection (2) of section
1375 948.06, Florida Statutes, is amended to read:

1376 948.06 Violation of probation or community control;
1377 revocation; modification; continuance; failure to pay
1378 restitution or cost of supervision.—

1379 (2)

1380 (j)1. Notwithstanding s. 921.0024 and effective for
1381 offenses committed on or after July 1, 2009, the court may order
1382 the defendant to successfully complete a postadjudicatory
1383 treatment-based drug court program if:

1384 a. The court finds or the offender admits that the offender

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1385 has violated his or her community control or probation;

1386 b. The offender's Public Safety Criminal Punishment Code
1387 scoresheet total sentence points under s. 921.0024 are 60 points
1388 or fewer after including points for the violation;

1389 c. The underlying offense is a nonviolent felony. As used
1390 in this subsection, the term "nonviolent felony" means a third
1391 degree felony violation under chapter 810 or any other felony
1392 offense that is not a forcible felony as defined in s. 776.08;

1393 d. The court determines that the offender is amenable to
1394 the services of a postadjudicatory treatment-based drug court
1395 program;

1396 e. The court has explained the purpose of the program to
1397 the offender and the offender has agreed to participate; and

1398 f. The offender is otherwise qualified to participate in
1399 the program under the provisions of s. 397.334(3).

1400 2. After the court orders the modification of community
1401 control or probation, the original sentencing court shall
1402 relinquish jurisdiction of the offender's case to the
1403 postadjudicatory treatment-based drug court program until the
1404 offender is no longer active in the program, the case is
1405 returned to the sentencing court due to the offender's
1406 termination from the program for failure to comply with the
1407 terms thereof, or the offender's sentence is completed.

1408 Section 21. Subsection (1) of section 948.20, Florida
1409 Statutes, is amended to read:

1410 948.20 Drug offender probation.—

1411 (1) If it appears to the court upon a hearing that the
1412 defendant is a chronic substance abuser whose criminal conduct
1413 is a violation of s. 893.13(2)(a) or (6)(a), or other nonviolent

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1414 felony if such nonviolent felony is committed on or after July
1415 1, 2009, and notwithstanding s. 921.0024, the defendant's Public
1416 Safety ~~Criminal Punishment~~ Code scoresheet total sentence points
1417 are 60 points or fewer, the court may either adjudge the
1418 defendant guilty or stay and withhold the adjudication of guilt.
1419 In either case, the court may also stay and withhold the
1420 imposition of sentence and place the defendant on drug offender
1421 probation or into a postadjudicatory treatment-based drug court
1422 program if the defendant otherwise qualifies. As used in this
1423 section, the term "nonviolent felony" means a third degree
1424 felony violation under chapter 810 or any other felony offense
1425 that is not a forcible felony as defined in s. 776.08.

1426 Section 22. Paragraph (c) of subsection (2) of section
1427 948.51, Florida Statutes, is amended to read:

1428 948.51 Community corrections assistance to counties or
1429 county consortiums.—

1430 (2) ELIGIBILITY OF COUNTIES AND COUNTY CONSORTIUMS.—A
1431 county, or a consortium of two or more counties, may contract
1432 with the Department of Corrections for community corrections
1433 funds as provided in this section. In order to enter into a
1434 community corrections partnership contract, a county or county
1435 consortium must have a public safety coordinating council
1436 established under s. 951.26 and must designate a county officer
1437 or agency to be responsible for administering community
1438 corrections funds received from the state. The public safety
1439 coordinating council shall prepare, develop, and implement a
1440 comprehensive public safety plan for the county, or the
1441 geographic area represented by the county consortium, and shall
1442 submit an annual report to the Department of Corrections

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1443 concerning the status of the program. In preparing the
1444 comprehensive public safety plan, the public safety coordinating
1445 council shall cooperate with the juvenile justice circuit
1446 advisory board established under s. 985.664 in order to include
1447 programs and services for juveniles in the plan. To be eligible
1448 for community corrections funds under the contract, the initial
1449 public safety plan must be approved by the governing board of
1450 the county, or the governing board of each county within the
1451 consortium, and the Secretary of Corrections based on the
1452 requirements of this section. If one or more other counties
1453 develop a unified public safety plan, the public safety
1454 coordinating council shall submit a single application to the
1455 department for funding. Continued contract funding shall be
1456 pursuant to subsection (5). The plan for a county or county
1457 consortium must cover at least a 5-year period and must include:

1458 (c) Specific goals and objectives for reducing the
1459 projected percentage of commitments to the state prison system
1460 of persons with low total sentencing scores pursuant to the
1461 Public Safety Criminal Punishment Code.

1462 Section 23. Subsection (3) of section 958.04, Florida
1463 Statutes, is amended to read:

1464 958.04 Judicial disposition of youthful offenders.—

1465 (3) The provisions of this section shall not be used to
1466 impose a greater sentence than the permissible sentence range as
1467 established by the Public Safety Criminal Punishment Code
1468 pursuant to chapter 921 unless reasons are explained in writing
1469 by the trial court judge which reasonably justify departure. A
1470 sentence imposed outside of the code is subject to appeal
1471 pursuant to s. 924.06 or s. 924.07.

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1472 Section 24. Subsection (4) of section 985.465, Florida
1473 Statutes, is amended to read:

1474 985.465 Juvenile correctional facilities or juvenile
1475 prison.—A juvenile correctional facility or juvenile prison is a
1476 physically secure residential commitment program with a
1477 designated length of stay from 18 months to 36 months, primarily
1478 serving children 13 years of age to 19 years of age or until the
1479 jurisdiction of the court expires. Each child committed to this
1480 level must meet one of the following criteria:

1481 (4) The child is at least 13 years of age at the time of
1482 the disposition for the current offense, the child is eligible
1483 for prosecution as an adult for the current offense, and the
1484 current offense is ranked at level 7 or higher on the Public
1485 Safety ~~Criminal Punishment~~ Code offense severity ranking chart
1486 pursuant to s. 921.0022.

1487 Section 25. This act shall take effect July 1, 2020.