

By Senator Pizzo

38-01493-21

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

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

16  
17       Section 1. Paragraphs (d) and (e) of subsection (8) of  
18      section 775.082, Florida Statutes, are amended to read:

19       775.082 Penalties; applicability of sentencing structures;  
20      mandatory minimum sentences for certain reoffenders previously  
21      released from prison.—

22       (8)

23       (d) The Criminal Public Safety ~~Punishment~~ Code applies to  
24      all felonies, except capital felonies, committed on or after  
25      October 1, 1998. Any revision to the Criminal Public Safety  
26      ~~Punishment~~ Code applies to sentencing for all felonies, except  
27      capital felonies, committed on or after the effective date of  
28      the revision.

29       (e) Felonies, except capital felonies, with continuing

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30 dates of enterprise shall be sentenced under the sentencing  
31 guidelines or the Criminal Public Safety ~~Punishment~~ Code in  
32 effect on the beginning date of the criminal activity.

33 Section 2. Paragraph (c) of subsection (2) and paragraph  
34 (c) of subsection (3) of section 775.087, Florida Statutes, are  
35 amended to read:

36 775.087 Possession or use of weapon; aggravated battery;  
37 felony reclassification; minimum sentence.-

38 (2)

39 (c) If the minimum mandatory terms of imprisonment imposed  
40 pursuant to this section exceed the maximum sentences authorized  
41 by s. 775.082, s. 775.084, or the Criminal Public Safety  
42 ~~Punishment~~ Code under chapter 921, then the mandatory minimum  
43 sentence must be imposed. If the mandatory minimum terms of  
44 imprisonment pursuant to this section are less than the  
45 sentences that could be imposed as authorized by s. 775.082, s.  
46 775.084, or the Criminal Public Safety ~~Punishment~~ Code under  
47 chapter 921, then the sentence imposed by the court must include  
48 the mandatory minimum term of imprisonment as required in this  
49 section.

50 (3)

51 (c) If the minimum mandatory terms of imprisonment imposed  
52 pursuant to this section exceed the maximum sentences authorized  
53 by s. 775.082, s. 775.084, or the Criminal Public Safety  
54 ~~Punishment~~ Code under chapter 921, then the mandatory minimum  
55 sentence must be imposed. If the mandatory minimum terms of  
56 imprisonment pursuant to this section are less than the  
57 sentences that could be imposed as authorized by s. 775.082, s.  
58 775.084, or the Criminal Public Safety ~~Punishment~~ Code under

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59 chapter 921, then the sentence imposed by the court must include  
60 the mandatory minimum term of imprisonment as required in this  
61 section.

62 Section 3. Section 782.051, Florida Statutes, is amended to  
63 read:

64 782.051 Attempted felony murder.—

65 (1) Any person who perpetrates or attempts to perpetrate  
66 any felony enumerated in s. 782.04(3) and who commits, aids, or  
67 abets an intentional act that is not an essential element of the  
68 felony and that could, but does not, cause the death of another  
69 commits a felony of the first degree, punishable by imprisonment  
70 for a term of years not exceeding life, or as provided in s.  
71 775.082, s. 775.083, or s. 775.084, which is an offense ranked  
72 in level 9 of the Criminal Public Safety ~~Punishment~~ Code. Victim  
73 injury points shall be scored under this subsection.

74 (2) Any person who perpetrates or attempts to perpetrate  
75 any felony other than a felony enumerated in s. 782.04(3) and  
76 who commits, aids, or abets an intentional act that is not an  
77 essential element of the felony and that could, but does not,  
78 cause the death of another commits a felony of the first degree,  
79 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
80 which is an offense ranked in level 8 of the Criminal Public  
81 Safety ~~Punishment~~ Code. Victim injury points shall be scored  
82 under this subsection.

83 (3) When a person is injured during the perpetration of or  
84 the attempt to perpetrate any felony enumerated in s. 782.04(3)  
85 by a person other than the person engaged in the perpetration of  
86 or the attempt to perpetrate such felony, the person  
87 perpetrating or attempting to perpetrate such felony commits a

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88 felony of the second degree, punishable as provided in s.  
89 775.082, s. 775.083, or s. 775.084, which is an offense ranked  
90 in level 7 of the Criminal Public Safety ~~Punishment~~ Code. Victim  
91 injury points shall be scored under this subsection.

92 Section 4. Subsection (3) of section 817.568, Florida  
93 Statutes, is amended to read:

94 817.568 Criminal use of personal identification  
95 information.—

96 (3) Neither paragraph (2) (b) nor paragraph (2) (c) prevents  
97 a court from imposing a greater sentence of incarceration as  
98 authorized by law. If the minimum mandatory terms of  
99 imprisonment imposed under paragraph (2) (b) or paragraph (2) (c)  
100 exceed the maximum sentences authorized under s. 775.082, s.  
101 775.084, or the Criminal Public Safety ~~Punishment~~ Code under  
102 chapter 921, the mandatory minimum sentence must be imposed. If  
103 the mandatory minimum terms of imprisonment under paragraph  
104 (2) (b) or paragraph (2) (c) are less than the sentence that could  
105 be imposed under s. 775.082, s. 775.084, or the Criminal Public  
106 Safety ~~Punishment~~ Code under chapter 921, the sentence imposed  
107 by the court must include the mandatory minimum term of  
108 imprisonment as required by paragraph (2) (b) or paragraph  
109 (2) (c).

110 Section 5. Paragraph (d) of subsection (8) of section  
111 893.13, Florida Statutes, is amended to read:

112 893.13 Prohibited acts; penalties.—

113 (8)

114 (d) Notwithstanding paragraph (c), if a prescribing  
115 practitioner has violated paragraph (a) and received \$1,000 or  
116 more in payment for writing one or more prescriptions or, in the

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117 case of a prescription written for a controlled substance  
118 described in s. 893.135, has written one or more prescriptions  
119 for a quantity of a controlled substance which, individually or  
120 in the aggregate, meets the threshold for the offense of  
121 trafficking in a controlled substance under s. 893.135, the  
122 violation is reclassified as a felony of the second degree and  
123 ranked in level 4 of the Criminal Public Safety ~~Punishment~~ Code.

124 Section 6. Paragraph (f) of subsection (5) of section  
125 910.035, Florida Statutes, is amended to read:

126 910.035 Transfer from county for plea, sentence, or  
127 participation in a problem-solving court.-

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

129 (f) Upon successful completion of the problem-solving court  
130 program, the jurisdiction to which the case has been transferred  
131 shall dispose of the case. If the defendant does not complete  
132 the problem-solving court program successfully, the jurisdiction  
133 to which the case has been transferred shall dispose of the case  
134 within the guidelines of the Criminal Public Safety ~~Punishment~~  
135 Code.

136 Section 7. Section 921.0022, Florida Statutes, is amended  
137 to read:

138 921.0022 Criminal Public Safety ~~Punishment~~ Code; offense  
139 severity ranking chart.-

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

144 (2) The offense severity ranking chart has 10 offense  
145 levels, ranked from least severe, which are level 1 offenses, to

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146 most severe, which are level 10 offenses, and each felony  
 147 offense is assigned to a level according to the severity of the  
 148 offense. For purposes of determining which felony offenses are  
 149 specifically listed in the offense severity ranking chart and  
 150 which severity level has been assigned to each of these  
 151 offenses, the numerical statutory references in the left column  
 152 of the chart and the felony degree designations in the middle  
 153 column of the chart are controlling; the language in the right  
 154 column of the chart is provided solely for descriptive purposes.  
 155 Reclassification of the degree of the felony through the  
 156 application of s. 775.0845, s. 775.085, s. 775.0861, s.  
 157 775.0862, s. 775.0863, s. 775.087, s. 775.0875, s. 794.023, or  
 158 any other law that provides an enhanced penalty for a felony  
 159 offense, to any offense listed in the offense severity ranking  
 160 chart in this section shall not cause the offense to become  
 161 unlisted and is not subject to the provisions of s. 921.0023.

162 (3) OFFENSE SEVERITY RANKING CHART

163 (a) LEVEL 1

164

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.

167

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168

212.15 (2) (b) 3rd Failure to remit sales taxes, amount \$1,000 or more but less than \$20,000.

169

316.1935 (1) 3rd Fleeing or attempting to elude law enforcement officer.

170

319.30 (5) 3rd Sell, exchange, give away certificate of title or identification number plate.

171

319.35 (1) (a) 3rd Tamper, adjust, change, etc., an odometer.

172

320.26 (1) (a) 3rd Counterfeit, manufacture, or sell registration license plates or validation stickers.

173

322.212  
 (1) (a) - (c) 3rd Possession of forged, stolen, counterfeit, or unlawfully issued driver license; possession of simulated identification.

322.212 (4) 3rd Supply or aid in supplying unauthorized driver license or identification card.

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174	322.212 (5) (a)	3rd	False application for driver license or identification card.
175	414.39 (3) (a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.
176	443.071 (1)	3rd	False statement or representation to obtain or increase reemployment assistance benefits.
177	509.151 (1)	3rd	Defraud an innkeeper, food or lodging value \$1,000 or more.
178	517.302 (1)	3rd	Violation of the Florida Securities and Investor Protection Act.
179	713.69	3rd	Tenant removes property upon which lien has accrued, value \$1,000 or more.
180	812.014 (3) (c)	3rd	Petit theft (3rd conviction); theft of any



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property not specified in subsection (2).

181

812.081 (2)

3rd

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

182

815.04 (5) (a)

3rd

Offense against intellectual property (i.e., computer programs, data).

183

817.52 (2)

3rd

Hiring with intent to defraud, motor vehicle services.

184

817.569 (2)

3rd

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

185

826.01

3rd

Bigamy.

186

828.122 (3)

3rd

Fighting or baiting animals.

187

831.04 (1)

3rd

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

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188

831.31 (1) (a) 3rd Sell, deliver, or possess  
counterfeit controlled  
substances, all but s.  
893.03(5) drugs.

189

832.041 (1) 3rd Stopping payment with intent  
to defraud \$150 or more.

190

832.05 (2) (b) & 3rd Knowing, making, issuing  
(4) (c) worthless checks \$150 or  
more or obtaining property  
in return for worthless  
check \$150 or more.

191

838.15 (2) 3rd Commercial bribe receiving.

192

838.16 3rd Commercial bribery.

193

843.18 3rd Fleeing by boat to elude a  
law enforcement officer.

194

847.011 (1) (a) 3rd Sell, distribute, etc.,  
obscene, lewd, etc.,  
material (2nd conviction).

195

849.09 (1) (a) - (d) 3rd Lottery; set up, promote,  
etc., or assist therein,  
conduct or advertise drawing

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for prizes, or dispose of  
property or money by means  
of lottery.

196

849.23 3rd Gambling-related machines;  
"common offender" as to  
property rights.

197

849.25 (2) 3rd Engaging in bookmaking.

198

860.08 3rd Interfere with a railroad  
signal.

199

860.13 (1) (a) 3rd Operate aircraft while under  
the influence.

200

893.13 (2) (a) 2. 3rd Purchase of cannabis.

201

893.13 (6) (a) 3rd Possession of cannabis (more  
than 20 grams).

202

934.03 (1) (a) 3rd Intercepts, or procures any  
other person to intercept,  
any wire or oral  
communication.

203

204 (b) LEVEL 2

205

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	Florida Statute	Felony Degree	Description
206	379.2431 (1) (e) 3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
207	379.2431 (1) (e) 4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
208	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.
209	517.07 (2)	3rd	Failure to furnish a prospectus meeting requirements.
210	590.28 (1)	3rd	Intentional burning of lands.
211			

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	784.05 (3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
212	787.04 (1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
213	806.13 (1) (b) 3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
214	810.061 (2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
215	810.09 (2) (e)	3rd	Trespassing on posted commercial horticulture property.
216	812.014 (2) (c) 1.	3rd	Grand theft, 3rd degree; \$750 or more but less than \$5,000.

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217

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

218

812.015 (7) 3rd Possession, use, or  
attempted use of an  
antishoplifting or  
inventory control device  
countermeasure.

219

817.234 (1) (a) 2. 3rd False statement in  
support of insurance  
claim.

220

817.481 (3) (a) 3rd Obtain credit or  
purchase with false,  
expired, counterfeit,  
etc., credit card, value  
over \$300.

221

817.52 (3) 3rd Failure to redeliver  
hired vehicle.

222

817.54 3rd With intent to defraud,  
obtain mortgage note,  
etc., by false

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representation.

223

817.60 (5)

3rd

Dealing in credit cards of another.

224

817.60 (6) (a)

3rd

Forgery; purchase goods, services with false card.

225

817.61

3rd

Fraudulent use of credit cards over \$100 or more within 6 months.

226

826.04

3rd

Knowingly marries or has sexual intercourse with person to whom related.

227

831.01

3rd

Forgery.

228

831.02

3rd

Uttering forged instrument; utters or publishes alteration with intent to defraud.

229

831.07

3rd

Forging bank bills, checks, drafts, or promissory notes.

230

831.08

3rd

Possessing 10 or more

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forged notes, bills,  
checks, or drafts.

231

831.09

3rd

Uttering forged notes,  
bills, checks, drafts,  
or promissory notes.

232

831.11

3rd

Bringing into the state  
forged bank bills,  
checks, drafts, or  
notes.

233

832.05 (3) (a)

3rd

Cashing or depositing  
item with intent to  
defraud.

234

843.08

3rd

False personation.

235

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.

236

893.147 (2)

3rd

Manufacture or delivery  
of drug paraphernalia.



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237  
238  
239  
240  
241  
242  
243  
244  
245

(c) LEVEL 3

Florida Statute	Felony Degree	Description
119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
316.066 (3) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
319.33 (1) (a)	3rd	Alter or forge any certificate of title to a

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motor vehicle or mobile  
home.

246

319.33(1)(c)

3rd

Procure or pass title on  
stolen vehicle.

247

319.33(4)

3rd

With intent to defraud,  
possess, sell, etc., a  
blank, forged, or  
unlawfully obtained title  
or registration.

248

327.35(2)(b)

3rd

Felony BUI.

249

328.05(2)

3rd

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

250

328.07(4)

3rd

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

251

376.302(5)

3rd

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

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252

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 turtle nests in violation of the Marine Turtle Protection Act.

253

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.

254

379.2431 (1) (e) 7. 3rd Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.

255

400.9935 (4) (a) or (b) 3rd Operating a clinic, or offering services requiring licensure, without a

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license.

256

400.9935 (4) (e)

3rd

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

257

440.1051 (3)

3rd

False report of workers' compensation fraud or retaliation for making such a report.

258

501.001 (2) (b)

2nd

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

259

624.401 (4) (a)

3rd

Transacting insurance without a certificate of authority.

260

624.401 (4) (b) 1.

3rd

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

261

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262	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
263	697.08	3rd	Equity skimming.
264	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
265	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
266	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
267	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
268	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or

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			more but less than \$10,000.
269	812.015 (8) (b)	3rd	Retail theft with intent to sell; conspires with others.
270	815.04 (5) (b)	2nd	Computer offense devised to defraud or obtain property.
271	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
272	817.233	3rd	Burning to defraud insurer.
273	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
274	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
275	817.236	3rd	Filing a false motor vehicle insurance application.
276	817.2361	3rd	Creating, marketing, or

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presenting a false or  
fraudulent motor vehicle  
insurance card.

277

817.413 (2)

3rd

Sale of used goods of  
\$1,000 or more as new.

278

831.28 (2) (a)

3rd

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

279

831.29

2nd

Possession of instruments  
for counterfeiting driver  
licenses or identification  
cards.

280

838.021 (3) (b)

3rd

Threatens unlawful harm to  
public servant.

281

843.19

2nd

Injure, disable, or kill  
police, fire, or SAR canine  
or police horse.

282

860.15 (3)

3rd

Overcharging for repairs  
and parts.

283

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284

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

285

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

286

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.

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



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facility.

287

893.13(4)(c)

3rd

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

288

893.13(6)(a)

3rd

Possession of any  
controlled substance other  
than felony possession of  
cannabis.

289

893.13(7)(a)8.

3rd

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

290

893.13(7)(a)9.

3rd

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

291

893.13(7)(a)10.

3rd

Affix false or forged label  
to package of controlled  
substance.

292

893.13(7)(a)11.

3rd

Furnish false or fraudulent  
material information on any  
document or record required

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by chapter 893.

293

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 related to the practitioner's practice.

294

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.

295

893.13(8)(a)3.

3rd

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

296

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

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prescription is a monetary benefit for the practitioner.

297

918.13(1)(a)

3rd

Alter, destroy, or conceal investigation evidence.

298

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

3rd

Introduce contraband to correctional facility.

299

944.47(1)(c)

2nd

Possess contraband while upon the grounds of a correctional institution.

300

985.721

3rd

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

301

302 (d) LEVEL 4

303

Florida  
Statute

Felony  
Degree

Description

304

316.1935(3)(a)

2nd

Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer

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who is in a patrol  
vehicle with siren and  
lights activated.

305

499.0051 (1)

3rd

Failure to maintain or  
deliver transaction  
history, transaction  
information, or  
transaction statements.

306

499.0051 (5)

2nd

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

307

517.07 (1)

3rd

Failure to register  
securities.

308

517.12 (1)

3rd

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

309

784.07 (2) (b)

3rd

Battery of law  
enforcement officer,  
firefighter, etc.

310

784.074 (1) (c)

3rd

Battery of sexually

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violent predators  
facility staff.

311

784.075

3rd

Battery on detention or  
commitment facility  
staff.

312

784.078

3rd

Battery of facility  
employee by throwing,  
tossing, or expelling  
certain fluids or  
materials.

313

784.08 (2) (c)

3rd

Battery on a person 65  
years of age or older.

314

784.081 (3)

3rd

Battery on specified  
official or employee.

315

784.082 (3)

3rd

Battery by detained  
person on visitor or  
other detainee.

316

784.083 (3)

3rd

Battery on code  
inspector.

317

784.085

3rd

Battery of child by  
throwing, tossing,  
projecting, or expelling

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certain fluids or materials.

318

787.03(1)

3rd

Interference with custody; wrongly takes minor from appointed guardian.

319

787.04(2)

3rd

Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.

320

787.04(3)

3rd

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

321

787.07

3rd

Human smuggling.

322

790.115(1)

3rd

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

323

790.115(2)(b)

3rd

Possessing electric

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

324

790.115 (2) (c)

3rd

Possessing firearm on  
school property.

325

800.04 (7) (c)

3rd

Lewd or lascivious  
exhibition; offender  
less than 18 years.

326

810.02 (4) (a)

3rd

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

327

810.02 (4) (b)

3rd

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

328

810.06

3rd

Burglary; possession of  
tools.

329

810.08 (2) (c)

3rd

Trespass on property,  
armed with firearm or

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dangerous weapon.

330

812.014 (2) (c) 3.

3rd

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

331

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

3rd

Grand theft, 3rd degree;  
specified items.

332

812.0195 (2)

3rd

Dealing in stolen  
property by use of the  
Internet; property  
stolen \$300 or more.

333

817.505 (4) (a)

3rd

Patient brokering.

334

817.563 (1)

3rd

Sell or deliver  
substance other than  
controlled substance  
agreed upon, excluding  
s. 893.03(5) drugs.

335

817.568 (2) (a)

3rd

Fraudulent use of  
personal identification  
information.

336

817.625 (2) (a)

3rd

Fraudulent use of  
scanning device,  
skimming device, or



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reencoder.

337

817.625 (2) (c)

3rd

Possess, sell, or  
deliver skimming device.

338

828.125 (1)

2nd

Kill, maim, or cause  
great bodily harm or  
permanent breeding  
disability to any  
registered horse or  
cattle.

339

837.02 (1)

3rd

Perjury in official  
proceedings.

340

837.021 (1)

3rd

Make contradictory  
statements in official  
proceedings.

341

838.022

3rd

Official misconduct.

342

839.13 (2) (a)

3rd

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

343

839.13 (2) (c)

3rd

Falsifying records of  
the Department of  
Children and Families.

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344

843.021 3rd Possession of a concealed handcuff key by a person in custody.

345

843.025 3rd Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.

346

843.15 (1) (a) 3rd Failure to appear while on bail for felony (bond estreature or bond jumping).

347

847.0135 (5) (c) 3rd Lewd or lascivious exhibition using computer; offender less than 18 years.

348

874.05 (1) (a) 3rd Encouraging or recruiting another to join a criminal gang.

349

893.13 (2) (a) 1. 2nd Purchase of cocaine (or other s. 893.03 (1) (a), (b), or (d), (2) (a),

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(2) (b), or (2) (c) 5.  
drugs).

350

914.14 (2)

3rd

Witnesses accepting  
bribes.

351

914.22 (1)

3rd

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

352

914.23 (2)

3rd

Retaliation against a  
witness, victim, or  
informant, no bodily  
injury.

353

916.1085  
(2) (c) 1.

3rd

Introduction of  
specified contraband  
into certain DCF  
facilities.

354

918.12

3rd

Tampering with jurors.

355

934.215

3rd

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

356

944.47 (1) (a) 6.

3rd

Introduction of  
contraband (cellular

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telephone or other  
portable communication  
device) into  
correctional  
institution.

357

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.

358

359

(e) LEVEL 5

360

Florida  
Statute

Felony  
Degree

Description

361

316.027 (2) (a)

3rd

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

362

316.1935 (4) (a)

2nd

Aggravated fleeing or  
eluding.

363

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316.80 (2)

2nd

Unlawful conveyance of fuel; obtaining fuel fraudulently.

364

322.34 (6)

3rd

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

365

327.30 (5)

3rd

Vessel accidents involving personal injury; leaving scene.

366

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,

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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.

367

379.367(4)

3rd

Willful molestation of a  
 commercial harvester's  
 spiny lobster trap,  
 line, or buoy.

368

379.407(5)(b)3.

3rd

Possession of 100 or  
 more undersized spiny  
 lobsters.

369

381.0041(11)(b)

3rd

Donate blood, plasma, or  
 organs knowing HIV  
 positive.

370

440.10(1)(g)

2nd

Failure to obtain  
 workers' compensation  
 coverage.

371

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372 440.105 (5) 2nd Unlawful solicitation  
for the purpose of  
making workers'  
compensation claims.

373 440.381 (2) 3rd Submission of false,  
misleading, or  
incomplete information  
with the purpose of  
avoiding or reducing  
workers' compensation  
premiums.

374 624.401 (4) (b) 2. 2nd Transacting insurance  
without a certificate or  
authority; premium  
collected \$20,000 or  
more but less than  
\$100,000.

375 626.902 (1) (c) 2nd Representing an  
unauthorized insurer;  
repeat offender.

376 790.01 (2) 3rd Carrying a concealed  
firearm.

790.162 2nd Threat to throw or  
discharge destructive

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device.

377

790.163 (1)

2nd

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

378

790.221 (1)

2nd

Possession of short-barreled shotgun or machine gun.

379

790.23

2nd

Felons in possession of firearms, ammunition, or electronic weapons or devices.

380

796.05 (1)

2nd

Live on earnings of a prostitute; 1st offense.

381

800.04 (6) (c)

3rd

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

382

800.04 (7) (b)

2nd

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

383

806.111 (1)

3rd

Possess, manufacture, or



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

384

812.0145 (2) (b)

2nd

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

385

812.015

3rd

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

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

386

812.019 (1)

2nd

Stolen property; dealing  
in or trafficking in.

387

812.131 (2) (b)

3rd

Robbery by sudden  
snatching.

388

812.16 (2)

3rd

Owning, operating, or  
conducting a chop shop.

389

817.034 (4) (a) 2.

2nd

Communications fraud,  
value \$20,000 to  
\$50,000.

390

817.234 (11) (b)

2nd

Insurance fraud;  
property value \$20,000

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or more but less than  
\$100,000.

391

817.2341(1),  
(2) (a) & (3) (a)

3rd

Filing false financial  
statements, making false  
entries of material fact  
or false statements  
regarding property  
values relating to the  
solvency of an insuring  
entity.

392

817.568(2) (b)

2nd

Fraudulent use of  
personal identification  
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.

393

817.611(2) (a)

2nd

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

394

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395 817.625 (2) (b) 2nd Second or subsequent  
fraudulent use of  
scanning device,  
skimming device, or  
reencoder.

396 825.1025 (4) 3rd Lewd or lascivious  
exhibition in the  
presence of an elderly  
person or disabled  
adult.

397 827.071 (4) 2nd Possess with intent to  
promote any photographic  
material, motion  
picture, etc., which  
includes sexual conduct  
by a child.

398 827.071 (5) 3rd Possess, control, or  
intentionally view any  
photographic material,  
motion picture, etc.,  
which includes sexual  
conduct by a child.

828.12 (2) 3rd Tortures any animal with  
intent to inflict  
intense pain, serious

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physical injury, or  
death.

399

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.

400

843.01

3rd

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

401

847.0135 (5) (b)

2nd

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

402

847.0137  
(2) & (3)

3rd

Transmission of pornography by electronic device or equipment.

403

847.0138  
(2) & (3)

3rd

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

404

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405 874.05 (1) (b) 2nd Encouraging or  
recruiting another to  
join a criminal gang;  
second or subsequent  
offense.

406 874.05 (2) (a) 2nd Encouraging or  
recruiting person under  
13 years of age to join  
a criminal gang.

407 893.13 (1) (a) 1. 2nd 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).

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,

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county, or municipal park or publicly owned recreational facility or community center.

408

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.

409

893.13 (1) (e) 2.

2nd

Sell, manufacture, or 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.

410

893.13 (1) (f) 1.

1st

Sell, manufacture, or deliver cocaine (or

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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.

411

893.13(4) (b)

2nd

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

412

893.1351(1)

3rd

Ownership, lease, or  
 rental for trafficking  
 in or manufacturing of  
 controlled substance.

413

414 (f) LEVEL 6

415

Florida  
 Statute

Felony  
 Degree

Description

416

316.027(2) (b)

2nd

Leaving the scene of a  
 crash involving serious  
 bodily injury.

417

316.193(2) (b)

3rd

Felony DUI, 4th or  
 subsequent conviction.

418

400.9935(4) (c)

2nd

Operating a clinic, or

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offering services  
 requiring licensure,  
 without a license.

419

499.0051 (2)

2nd

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

420

499.0051 (3)

2nd

Knowing purchase or  
 receipt of prescription  
 drug from unauthorized  
 person.

421

499.0051 (4)

2nd

Knowing sale or transfer  
 of prescription drug to  
 unauthorized person.

422

775.0875 (1)

3rd

Taking firearm from law  
 enforcement officer.

423

784.021 (1) (a)

3rd

Aggravated assault;  
 deadly weapon without  
 intent to kill.

424

784.021 (1) (b)

3rd

Aggravated assault;  
 intent to commit felony.

425



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	784.041	3rd	Felony battery; domestic battery by strangulation.
426			
	784.048 (3)	3rd	Aggravated stalking; credible threat.
427			
	784.048 (5)	3rd	Aggravated stalking of person under 16.
428			
	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
429			
	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
430			
	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
431			
	784.081 (2)	2nd	Aggravated assault on specified official or employee.
432			
	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other

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detainee.

433

784.083 (2)

2nd

Aggravated assault on  
code inspector.

434

787.02 (2)

3rd

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

435

790.115 (2) (d)

2nd

Discharging firearm or  
weapon on school  
property.

436

790.161 (2)

2nd

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

437

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.

438

790.19

2nd

Shooting or throwing  
deadly missiles into

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dwelling, vessels, or  
vehicles.

439

794.011 (8) (a)

3rd

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

440

794.05 (1)

2nd

Unlawful sexual activity  
with specified minor.

441

800.04 (5) (d)

3rd

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

442

800.04 (6) (b)

2nd

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

443

806.031 (2)

2nd

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

444

810.02 (3) (c)

2nd

Burglary of occupied  
structure; unarmed; no

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assault or battery.

445

810.145 (8) (b)

2nd

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

446

812.014 (2) (b) 1.

2nd

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

447

812.014 (6)

2nd

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

448

812.015 (9) (a)

2nd

Retail theft; property stolen \$750 or more; second or subsequent conviction.

449

812.015 (9) (b)

2nd

Retail theft; aggregated property stolen within 30 days is \$3,000 or more; coordination of others.

450

812.13 (2) (c)

2nd

Robbery, no firearm or other weapon (strong-arm robbery).

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451  
452  
453  
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455  
456  
457  
458

817.4821 (5)

2nd

Possess cloning paraphernalia with intent to create cloned cellular telephones.

817.505 (4) (b)

2nd

Patient brokering; 10 or more patients.

825.102 (1)

3rd

Abuse of an elderly person or disabled adult.

825.102 (3) (c)

3rd

Neglect of an elderly person or disabled adult.

825.1025 (3)

3rd

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

825.103 (3) (c)

3rd

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

827.03 (2) (c)

3rd

Abuse of a child.

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459	827.03(2)(d)	3rd	Neglect of a child.
	827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
460	836.05	2nd	Threats; extortion.
461	836.10	2nd	Written threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
462	843.12	3rd	Aids or assists person to escape.
463	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
464	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
465			

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466	847.0135 (2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
467	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
468	944.35 (3) (a) 2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
469	944.40	2nd	Escapes.
470	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
470	944.47 (1) (a) 5.	2nd	Introduction of contraband (firearm, weapon, or explosive)

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into correctional  
facility.

471

951.22 (1) (i)

3rd

Firearm or weapon  
introduced into county  
detention facility.

472

473

(g) LEVEL 7

474

Florida  
Statute

Felony  
Degree

Description

475

316.027 (2) (c)

1st

Accident involving death,  
failure to stop; leaving  
scene.

476

316.193 (3) (c) 2.

3rd

DUI resulting in serious  
bodily injury.

477

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.



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478

327.35 (3) (c) 2.

3rd

Vessel BUI resulting in serious bodily injury.

479

402.319 (2)

2nd

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

480

409.920  
(2) (b) 1.a.

3rd

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

481

409.920  
(2) (b) 1.b.

2nd

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

482

456.065 (2)

3rd

Practicing a health care profession without a license.

483

456.065 (2)

2nd

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

484

458.327 (1)

3rd

Practicing medicine without a license.

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485  
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493

459.013 (1)	3rd	Practicing osteopathic medicine without a license.
460.411 (1)	3rd	Practicing chiropractic medicine without a license.
461.012 (1)	3rd	Practicing podiatric medicine without a license.
462.17	3rd	Practicing naturopathy without a license.
463.015 (1)	3rd	Practicing optometry without a license.
464.016 (1)	3rd	Practicing nursing without a license.
465.015 (2)	3rd	Practicing pharmacy without a license.
466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.

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494	467.201	3rd	Practicing midwifery without a license.
495	468.366	3rd	Delivering respiratory care services without a license.
496	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
497	483.901 (7)	3rd	Practicing medical physics without a license.
498	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
499	484.053	3rd	Dispensing hearing aids without a license.
500	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.

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501	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.
502	560.125 (5) (a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
503	655.50 (10) (b) 1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
504	775.21 (10) (a)	3rd	Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.
505	775.21 (10) (b)	3rd	Sexual predator working where children regularly congregate.
	775.21 (10) (g)	3rd	Failure to report or

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

506

782.051 (3)

2nd

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

507

782.07 (1)

2nd

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

508

782.071

2nd

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

509

782.072

2nd

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

510

784.045 (1) (a) 1.

2nd

Aggravated battery;

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intentionally causing  
great bodily harm or  
disfigurement.

511

784.045 (1) (a) 2.

2nd

Aggravated battery; using  
deadly weapon.

512

784.045 (1) (b)

2nd

Aggravated battery;  
perpetrator aware victim  
pregnant.

513

784.048 (4)

3rd

Aggravated stalking;  
violation of injunction or  
court order.

514

784.048 (7)

3rd

Aggravated stalking;  
violation of court order.

515

784.07 (2) (d)

1st

Aggravated battery on law  
enforcement officer.

516

784.074 (1) (a)

1st

Aggravated battery on  
sexually violent predators  
facility staff.

517

784.08 (2) (a)

1st

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

518

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519	784.081 (1)	1st	Aggravated battery on specified official or employee.
520	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
521	784.083 (1)	1st	Aggravated battery on code inspector.
522	787.06 (3) (a) 2.	1st	Human trafficking using coercion for labor and services of an adult.
523	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.
524	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
	790.16 (1)	1st	Discharge of a machine gun under specified

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circumstances.

525

790.165 (2)

2nd

Manufacture, sell,  
possess, or deliver hoax  
bomb.

526

790.165 (3)

2nd

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

527

790.166 (3)

2nd

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

528

790.166 (4)

2nd

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

529

790.23

1st,PBL

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

530



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	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.
531	796.05 (1)	1st	Live on earnings of a prostitute; 2nd offense.
532	796.05 (1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.
533	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
534	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.
535	800.04 (5) (e)	1st	Lewd or lascivious molestation; victim 12

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years of age or older but  
 younger than 16 years;  
 offender 18 years or  
 older; prior conviction  
 for specified sex offense.

536

806.01 (2) 2nd

Maliciously damage  
 structure by fire or  
 explosive.

537

810.02 (3) (a) 2nd

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

538

810.02 (3) (b) 2nd

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

539

810.02 (3) (d) 2nd

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

540

810.02 (3) (e) 2nd

Burglary of authorized  
 emergency vehicle.

541

812.014 (2) (a) 1. 1st

Property stolen, valued at  
 \$100,000 or more or a  
 semitrailer deployed by a  
 law enforcement officer;

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property stolen while  
causing other property  
damage; 1st degree grand  
theft.

542

812.014 (2) (b) 2.

2nd

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

543

812.014 (2) (b) 3.

2nd

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

544

812.014 (2) (b) 4.

2nd

Property stolen, law  
enforcement equipment from  
authorized emergency  
vehicle.

545

812.0145 (2) (a)

1st

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

546

812.019 (2)

1st

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

547

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548	812.131 (2) (a)	2nd	Robbery by sudden snatching.
549	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
550	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
551	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
552	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
553	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
	817.2341 (2) (b) & (3) (b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are

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a significant cause of the  
insolvency of that entity.

554

817.535 (2) (a)

3rd

Filing false lien or other  
unauthorized document.

555

817.611 (2) (b)

2nd

Traffic in or possess 15  
to 49 counterfeit credit  
cards or related  
documents.

556

825.102 (3) (b)

2nd

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

557

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.

558

827.03 (2) (b)

2nd

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

559

827.04 (3)

3rd

Impregnation of a child

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under 16 years of age by  
 person 21 years of age or  
 older.

560

837.05 (2)

3rd

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

561

838.015

2nd

Bribery.

562

838.016

2nd

Unlawful compensation or  
 reward for official  
 behavior.

563

838.021 (3) (a)

2nd

Unlawful harm to a public  
 servant.

564

838.22

2nd

Bid tampering.

565

843.0855 (2)

3rd

Impersonation of a public  
 officer or employee.

566

843.0855 (3)

3rd

Unlawful simulation of  
 legal process.

567

843.0855 (4)

3rd

Intimidation of a public  
 officer or employee.

568

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569	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
570	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
571	872.06	2nd	Abuse of a dead human body.
572	874.05 (2) (b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
573	874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
	893.13 (1) (c) 1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or

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(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.

574

893.13 (1) (e) 1.

1st

Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03 (1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 5., within 1,000 feet of property used for religious services or a specified business site.

575

893.13 (4) (a)

1st

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

576

893.135 (1) (a) 1.

1st

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

577

893.135  
(1) (b) 1.a.

1st

Trafficking in cocaine, more than 28 grams, less



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than 200 grams.

578

893.135  
(1) (c) 1.a.

1st

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

579

893.135  
(1) (c) 2.a.

1st

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

580

893.135  
(1) (c) 2.b.

1st

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

581

893.135  
(1) (c) 3.a.

1st

Trafficking in oxycodone,  
7 grams or more, less than  
14 grams.

582

893.135  
(1) (c) 3.b.

1st

Trafficking in oxycodone,  
14 grams or more, less  
than 25 grams.

583

893.135  
(1) (c) 4.b. (I)

1st

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

584

893.135  
(1) (d) 1.a.

1st

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

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585  
586  
587  
588  
589  
590  
591

893.135(1)(e)1.

1st

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

893.135(1)(f)1.

1st

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

893.135  
(1)(g)1.a.

1st

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

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.

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592	893.135 (1) (m) 2.a.	1st	Trafficking in synthetic cannabinoids, 280 grams or more, less than 500 grams.
593	893.135 (1) (m) 2.b.	1st	Trafficking in synthetic cannabinoids, 500 grams or more, less than 1,000 grams.
594	893.135 (1) (n) 2.a.	1st	Trafficking in n-benzyl phenethylamines, 14 grams or more, less than 100 grams.
595	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
596	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
596	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less

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than \$20,000.

597

943.0435 (4) (c)

2nd

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

598

943.0435 (8)

2nd

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

599

943.0435 (9) (a)

3rd

Sexual offender; failure to comply with reporting requirements.

600

943.0435 (13)

3rd

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

601

943.0435 (14)

3rd

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

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602

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

603

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

604

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

605

944.607(13) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

606

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

607

985.4815(12) 3rd Failure to report or providing false information about a sexual

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offender; harbor or  
conceal a sexual offender.

608

985.4815 (13)

3rd

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

609

610

(h) LEVEL 8

611

Florida  
Statute

Felony  
Degree

Description

612

316.193  
(3) (c) 3.a.

2nd

DUI manslaughter.

613

316.1935 (4) (b)

1st

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

614

327.35 (3) (c) 3.

2nd

Vessel BUI manslaughter.

615

499.0051 (6)

1st

Knowing trafficking in  
contraband prescription  
drugs.

616

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617 499.0051 (7) 1st Knowing forgery of  
prescription labels or  
prescription drug labels.

618 560.123 (8) (b) 2. 2nd Failure to report  
currency or payment  
instruments totaling or  
exceeding \$20,000, but  
less than \$100,000 by  
money transmitter.

619 560.125 (5) (b) 2nd Money transmitter  
business by unauthorized  
person, currency or  
payment instruments  
totaling or exceeding  
\$20,000, but less than  
\$100,000.

620 655.50 (10) (b) 2. 2nd Failure to report  
financial transactions  
totaling or exceeding  
\$20,000, but less than  
\$100,000 by financial  
institutions.

621 777.03 (2) (a) 1st Accessory after the fact,  
capital felony.

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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.

622 782.051 (2) 1st Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).

623 782.071 (1) (b) 1st Committing vehicular homicide and failing to render aid or give information.

624 782.072 (2) 1st Committing vessel homicide and failing to render aid or give information.

625



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626 787.06(3)(a)1. 1st Human trafficking for labor and services of a child.

627 787.06(3)(b) 1st Human trafficking using coercion for commercial sexual activity of an adult.

628 787.06(3)(c)2. 1st Human trafficking using coercion for labor and services of an unauthorized alien adult.

629 787.06(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.

630 787.06(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.

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631 790.161 (3) 1st Discharging a destructive device which results in bodily harm or property damage.

632 794.011 (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.

633 794.011 (5) (b) 2nd Sexual battery; victim and offender 18 years of age or older; offender does not use physical force likely to cause serious injury.

634 794.011 (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.

634 794.011 (5) (d) 1st Sexual battery; victim 12 years of age or older;

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offender does not use  
physical force likely to  
cause serious injury;  
prior conviction for  
specified sex offense.

635

794.08 (3)

2nd

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

636

800.04 (4) (b)

2nd

Lewd or lascivious  
battery.

637

800.04 (4) (c)

1st

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

638

806.01 (1)

1st

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

639

810.02 (2) (a)

1st, PBL

Burglary with assault or  
battery.

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640

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

641

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

642

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

643

812.13 (2) (b) 1st Robbery with a weapon.

644

812.135 (2) (c) 1st Home-invasion robbery, no firearm, deadly weapon, or other weapon.

645

817.505 (4) (c) 1st Patient brokering; 20 or more patients.

646

817.535 (2) (b) 2nd Filing false lien or other unauthorized document; second or subsequent offense.

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647

817.535 (3) (a) 2nd Filing false lien or other unauthorized document; property owner is a public officer or employee.

648

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

649

817.535 (5) (a) 2nd Filing false lien or other unauthorized document; owner of the property incurs financial loss as a result of the false instrument.

650

817.568 (6) 2nd Fraudulent use of personal identification information of an individual under the age of 18.

651

817.611 (2) (c) 1st Traffic in or possess 50 or more counterfeit credit cards or related

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documents.

652

825.102 (2)

1st

Aggravated abuse of an elderly person or disabled adult.

653

825.1025 (2)

2nd

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

654

825.103 (3) (a)

1st

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

655

837.02 (2)

2nd

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

656

837.021 (2)

2nd

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

657

860.121 (2) (c)

1st

Shooting at or throwing any object in path of railroad vehicle

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resulting in great bodily  
harm.

658

860.16 1st

Aircraft piracy.

659

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).

660

893.13(2)(b) 1st

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

661

893.13(6)(c) 1st

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

662

893.135(1)(a)2. 1st

Trafficking in cannabis,  
more than 2,000 lbs.,  
less than 10,000 lbs.

663

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

Trafficking in cocaine,  
more than 200 grams, less  
than 400 grams.

664

893.135 1st

Trafficking in illegal

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665	(1) (c) 1.b.		drugs, more than 14 grams, less than 28 grams.
666	893.135 (1) (c) 2.c.	1st	Trafficking in hydrocodone, 100 grams or more, less than 300 grams.
667	893.135 (1) (c) 3.c.	1st	Trafficking in oxycodone, 25 grams or more, less than 100 grams.
668	893.135 (1) (c) 4.b. (II)	1st	Trafficking in fentanyl, 14 grams or more, less than 28 grams.
669	893.135 (1) (d) 1.b.	1st	Trafficking in phencyclidine, 200 grams or more, less than 400 grams.
670	893.135 (1) (e) 1.b.	1st	Trafficking in methaqualone, 5 kilograms or more, less than 25 kilograms.
	893.135 (1) (f) 1.b.	1st	Trafficking in amphetamine, 28 grams or



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more, less than 200  
grams.

671

893.135  
(1) (g) 1.b.

1st

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

672

893.135  
(1) (h) 1.b.

1st

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

673

893.135  
(1) (j) 1.b.

1st

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

674

893.135  
(1) (k) 2.b.

1st

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

675

893.135  
(1) (m) 2.c.

1st

Trafficking in synthetic  
cannabinoids, 1,000 grams  
or more, less than 30  
kilograms.

676

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677	893.135 (1) (n) 2.b.	1st	Trafficking in n-benzyl phenethylamines, 100 grams or more, less than 200 grams.
678	893.1351 (3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.
679	895.03 (1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
680	895.03 (2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
681	895.03 (3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
	896.101 (5) (b)	2nd	Money laundering, financial transactions

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

682

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.

683

684 (i) LEVEL 9

685

Florida  
Statute

Felony  
Degree

Description

686

316.193  
(3) (c) 3.b.

1st

DUI manslaughter; failing  
to render aid or give  
information.

687

327.35  
(3) (c) 3.b.

1st

BUI manslaughter; failing  
to render aid or give  
information.

688

409.920  
(2) (b) 1.c.

1st

Medicaid provider fraud;  
\$50,000 or more.

689

499.0051 (8)

1st

Knowing sale or purchase

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of contraband  
 prescription drugs  
 resulting in great bodily  
 harm.

690

560.123 (8) (b) 3.

1st

Failure to report  
 currency or payment  
 instruments totaling or  
 exceeding \$100,000 by  
 money transmitter.

691

560.125 (5) (c)

1st

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

692

655.50 (10) (b) 3.

1st

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

693

775.0844

1st

Aggravated white collar  
 crime.

694

782.04 (1)

1st

Attempt, conspire, or  
 solicit to commit

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premeditated murder.

695

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.

696

782.051(1)

1st

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

697

782.07(2)

1st

Aggravated manslaughter of an elderly person or disabled adult.

698

787.01(1)(a)1.

1st, PBL

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

699

787.01(1)(a)2.

1st, PBL

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

700

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701	787.01(1)(a)4.	1st,PBL	Kidnapping with intent to interfere with performance of any governmental or political function.
702	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.
703	787.06(3)(c)1.	1st	Human trafficking for labor and services of an unauthorized alien child.
704	787.06(3)(d)	1st	Human trafficking using coercion for commercial sexual activity of an unauthorized adult alien.
704	787.06(3)(f)1.	1st,PBL	Human trafficking for commercial sexual activity by the transfer or transport of any child from outside Florida to

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705			within the state.
	790.161	1st	Attempted capital destructive device offense.
706			
	790.166 (2)	1st, PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
707			
	794.011 (2)	1st	Attempted sexual battery; victim less than 12 years of age.
708			
	794.011 (2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
709			
	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.
710			
	794.011 (4) (b)	1st	Sexual battery, certain

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circumstances; victim and  
offender 18 years of age  
or older.

711

794.011 (4) (c)

1st

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

712

794.011 (4) (d)

1st, PBL

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

713

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.

714

794.08 (2)

1st

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

715

800.04 (5) (b)

Life

Lewd or lascivious  
molestation; victim less



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than 12 years; offender  
18 years or older.

716

812.13(2)(a)

1st, PBL

Robbery with firearm or  
other deadly weapon.

717

812.133(2)(a)

1st, PBL

Carjacking; firearm or  
other deadly weapon.

718

812.135(2)(b)

1st

Home-invasion robbery  
with weapon.

719

817.535(3)(b)

1st

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

720

817.535(4)(a)2.

1st

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

721

817.535(5)(b)

1st

Filing false lien or  
other unauthorized  
document; second or

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

722

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.

723

827.03 (2) (a)

1st

Aggravated child abuse.

724

847.0145 (1)

1st

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

725

847.0145 (2)

1st

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

726

859.01

1st

Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into

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food, drink, medicine, or  
water with intent to kill  
or injure another person.

727

893.135

1st

Attempted capital  
trafficking offense.

728

893.135 (1) (a) 3.

1st

Trafficking in cannabis,  
more than 10,000 lbs.

729

893.135  
(1) (b) 1.c.

1st

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

730

893.135  
(1) (c) 1.c.

1st

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

731

893.135  
(1) (c) 2.d.

1st

Trafficking in  
hydrocodone, 300 grams or  
more, less than 30  
kilograms.

732

893.135  
(1) (c) 3.d.

1st

Trafficking in oxycodone,  
100 grams or more, less  
than 30 kilograms.

733

893.135

1st

Trafficking in fentanyl,

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734	(1) (c) 4.b. (III)		28 grams or more.
735	893.135 (1) (d) 1.c.	1st	Trafficking in phencyclidine, 400 grams or more.
736	893.135 (1) (e) 1.c.	1st	Trafficking in methaqualone, 25 kilograms or more.
737	893.135 (1) (f) 1.c.	1st	Trafficking in amphetamine, 200 grams or more.
738	893.135 (1) (h) 1.c.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 10 kilograms or more.
739	893.135 (1) (j) 1.c.	1st	Trafficking in 1,4- Butanediol, 10 kilograms or more.
740	893.135 (1) (k) 2.c.	1st	Trafficking in Phenethylamines, 400 grams or more.
740	893.135 (1) (m) 2.d.	1st	Trafficking in synthetic cannabinoids, 30

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kilograms or more.

741

893.135 1st Trafficking in n-benzyl  
 (1) (n) 2.c.  phenethylamines, 200  
 grams or more.

742

896.101 (5) (c) 1st Money laundering,  
 financial instruments  
 totaling or exceeding  
 \$100,000.

743

896.104 (4) (a) 3. 1st Structuring transactions  
 to evade reporting or  
 registration  
 requirements, financial  
 transactions totaling or  
 exceeding \$100,000.

744

745 (j) LEVEL 10

746

Florida	Felony	
Statute	Degree	Description

747

499.0051 (9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in death.
--------------	-----	--

748

782.04 (2)	1st, PBL	Unlawful killing of
------------	----------	---------------------

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human; act is homicide,  
unpremeditated.

749

782.07(3)

1st

Aggravated manslaughter  
of a child.

750

787.01(1)(a)3.

1st, PBL

Kidnapping; inflict  
bodily harm upon or  
terrorize victim.

751

787.01(3)(a)

Life

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

752

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.

753

787.06(4)(a)

Life

Selling or buying of  
minors into human  
trafficking.

754

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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.

755

812.135(2)(a) 1st, PBL Home-invasion robbery  
with firearm or other  
deadly weapon.

756

876.32 1st Treason against the  
state.

757

758 Section 8. Section 921.0023, Florida Statutes, is amended  
759 to read:

760 921.0023 Criminal Public Safety ~~Punishment~~ Code; ranking  
761 unlisted felony offenses.—A felony offense committed on or after  
762 October 1, 1998, that is not listed in s. 921.0022 is ranked  
763 with respect to offense severity level by the Legislature,  
764 commensurate with the harm or potential harm that is caused by  
765 the offense to the community. Until the Legislature specifically  
766 assigns an offense to a severity level in the offense severity  
767 ranking chart, the severity level is within the following  
768 parameters:

- 769 (1) A felony of the third degree within offense level 1.
- 770 (2) A felony of the second degree within offense level 4.
- 771 (3) A felony of the first degree within offense level 7.
- 772 (4) A felony of the first degree punishable by life within

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773 offense level 9.

774 (5) A life felony within offense level 10.

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

777 921.0024 Criminal Public Safety ~~Punishment~~ Code; worksheet  
778 computations; scoresheets.—

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

782  
783 FLORIDA Criminal Public Safety ~~Punishment~~ Code  
784 WORKSHEET

785  
786 OFFENSE SCORE

787  
788 Primary Offense

Level	Sentence Points	=	Total
10	116	=	.....
9	92	=	.....
8	74	=	.....
7	56	=	.....
6	36	=	.....



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795	5	28	=	.....
796	4	22	=	.....
797	3	16	=	.....
798	2	10	=	.....
799	1	4	=	.....

Total

Additional Offenses

Level	Sentence Points		Counts	Total
804	10	58	x	..... =
805	9	46	x	..... =
806	8	37	x	..... =
807	7	28	x	..... =
808	6	18	x	..... =

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810	5	5.4	x	....	=	....
811	4	3.6	x	....	=	....
812	3	2.4	x	....	=	....
813	2	1.2	x	....	=	....
814	1	0.7	x	....	=	....
815	M	0.2	x	....	=	....

Total

Victim Injury

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

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823	Moderate	18	x	....	=	....
824	Slight	4	x	....	=	....
825	Sexual					
	penetration	80	x	....	=	....
826	Sexual					
	contact	40	x	....	=	....
827						
828						Total
829						
830	Primary Offense + Additional Offenses + Victim Injury =					
831	TOTAL OFFENSE SCORE					
832						
833	PRIOR RECORD SCORE					
834						
835	Prior Record					
836	Level	Sentence Points		Number		Total
837	10	29	x	....	=	....
838	9	23	x	....	=	....
	8	19	x	....	=	....

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839	7	14	x	....	=	....
840	6	9	x	....	=	....
841	5	3.6	x	....	=	....
842	4	2.4	x	....	=	....
843	3	1.6	x	....	=	....
844	2	0.8	x	....	=	....
845	1	0.5	x	....	=	....
846	M	0.2	x	....	=	....
847						
848						Total
849						
850	TOTAL OFFENSE SCORE.....					
851	TOTAL PRIOR RECORD SCORE.....					
852						
853	LEGAL STATUS.....					
854	COMMUNITY SANCTION VIOLATION.....					
855	PRIOR SERIOUS FELONY.....					
856	PRIOR CAPITAL FELONY.....					
857	FIREARM OR SEMIAUTOMATIC WEAPON.....					

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858 SUBTOTAL.....

859

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

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

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

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

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

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

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

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

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

869 (x multiplier).....

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

871 .....

872 TOTAL SENTENCE POINTS.....

(b) WORKSHEET KEY:

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

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

- 1. If the community sanction violation includes a new

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

891 2. If the community sanction violation is committed by a  
892 violent felony offender of special concern as defined in s.  
893 948.06:

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

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

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

902 b. Twenty-four (24) community sanction violation points are  
903 assessed for the violation and for each successive violation of  
904 felony probation or community control where the violation  
905 includes a new felony conviction.

906

907 Multiple counts of community sanction violations before the  
908 sentencing court shall not be a basis for multiplying the  
909 assessment of community sanction violation points.

910

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

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916 offender's prior record that is ranked in level 8, level 9, or  
917 level 10 under s. 921.0022 or s. 921.0023 and for which the  
918 offender is serving a sentence of confinement, supervision, or  
919 other sanction or for which the offender's date of release from  
920 confinement, supervision, or other sanction, whichever is later,  
921 is within 3 years before the date the primary offense or any  
922 additional offense was committed.

923

924 Prior capital felony points: If the offender has one or more  
925 prior capital felonies in the offender's criminal record, points  
926 shall be added to the subtotal sentence points of the offender  
927 equal to twice the number of points the offender receives for  
928 the primary offense and any additional offense. A prior capital  
929 felony in the offender's criminal record is a previous capital  
930 felony offense for which the offender has entered a plea of nolo  
931 contendere or guilty or has been found guilty; or a felony in  
932 another jurisdiction which is a capital felony in that  
933 jurisdiction, or would be a capital felony if the offense were  
934 committed in this state.

935

936 Possession of a firearm, semiautomatic firearm, or machine gun:  
937 If the offender is convicted of committing or attempting to  
938 commit any felony other than those enumerated in s. 775.087(2)  
939 while having in his or her possession: a firearm as defined in  
940 s. 790.001(6), an additional eighteen (18) sentence points are  
941 assessed; or if the offender is convicted of committing or  
942 attempting to commit any felony other than those enumerated in  
943 s. 775.087(3) while having in his or her possession a  
944 semiautomatic firearm as defined in s. 775.087(3) or a machine

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

947

948 Sentencing multipliers:

949

950 Drug trafficking: If the primary offense is drug trafficking  
951 under s. 893.135, the subtotal sentence points are multiplied,  
952 at the discretion of the court, for a level 7 or level 8  
953 offense, by 1.5. The state attorney may move the sentencing  
954 court to reduce or suspend the sentence of a person convicted of  
955 a level 7 or level 8 offense, if the offender provides  
956 substantial assistance as described in s. 893.135(4).

957

958 Law enforcement protection: If the primary offense is a  
959 violation of the Law Enforcement Protection Act under s.  
960 775.0823(2), (3), or (4), the subtotal sentence points are  
961 multiplied by 2.5. If the primary offense is a violation of s.  
962 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points  
963 are multiplied by 2.0. If the primary offense is a violation of  
964 s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement  
965 Protection Act under s. 775.0823(10) or (11), the subtotal  
966 sentence points are multiplied by 1.5.

967

968 Grand theft of a motor vehicle: If the primary offense is grand  
969 theft of the third degree involving a motor vehicle and in the  
970 offender's prior record, there are three or more grand thefts of  
971 the third degree involving a motor vehicle, the subtotal  
972 sentence points are multiplied by 1.5.

973



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974 Offense related to a criminal gang: If the offender is convicted  
975 of the primary offense and committed that offense for the  
976 purpose of benefiting, promoting, or furthering the interests of  
977 a criminal gang as defined in s. 874.03, the subtotal sentence  
978 points are multiplied by 1.5. If applying the multiplier results  
979 in the lowest permissible sentence exceeding the statutory  
980 maximum sentence for the primary offense under chapter 775, the  
981 court may not apply the multiplier and must sentence the  
982 defendant to the statutory maximum sentence.

983  
984 Domestic violence in the presence of a child: If the offender is  
985 convicted of the primary offense and the primary offense is a  
986 crime of domestic violence, as defined in s. 741.28, which was  
987 committed in the presence of a child under 16 years of age who  
988 is a family or household member as defined in s. 741.28(3) with  
989 the victim or perpetrator, the subtotal sentence points are  
990 multiplied by 1.5.

991  
992 Adult-on-minor sex offense: If the offender was 18 years of age  
993 or older and the victim was younger than 18 years of age at the  
994 time the offender committed the primary offense, and if the  
995 primary offense was an offense committed on or after October 1,  
996 2014, and is a violation of s. 787.01(2) or s. 787.02(2), if the  
997 violation involved a victim who was a minor and, in the course  
998 of committing that violation, the defendant committed a sexual  
999 battery under chapter 794 or a lewd act under s. 800.04 or s.  
1000 847.0135(5) against the minor; s. 787.01(3)(a)2. or 3.; s.  
1001 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s.  
1002 800.04; or s. 847.0135(5), the subtotal sentence points are

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1003 multiplied by 2.0. If applying the multiplier results in the  
1004 lowest permissible sentence exceeding the statutory maximum  
1005 sentence for the primary offense under chapter 775, the court  
1006 may not apply the multiplier and must sentence the defendant to  
1007 the statutory maximum sentence.

1008 (2) The lowest permissible sentence is the minimum sentence  
1009 that may be imposed by the trial court, absent a valid reason  
1010 for departure. The lowest permissible sentence is any nonstate  
1011 prison sanction in which the total sentence points equals or is  
1012 less than 44 points, unless the court determines within its  
1013 discretion that a prison sentence, which may be up to the  
1014 statutory maximums for the offenses committed, is appropriate.  
1015 When the total sentence points exceeds 44 points, the lowest  
1016 permissible sentence in prison months shall be calculated by  
1017 subtracting 28 points from the total sentence points and  
1018 decreasing the remaining total by 25 percent. The total sentence  
1019 points shall be calculated only as a means of determining the  
1020 lowest permissible sentence. The permissible range for  
1021 sentencing shall be the lowest permissible sentence up to and  
1022 including the statutory maximum, as defined in s. 775.082, for  
1023 the primary offense and any additional offenses before the court  
1024 for sentencing. The sentencing court may impose such sentences  
1025 concurrently or consecutively. However, any sentence to state  
1026 prison must exceed 1 year. If the lowest permissible sentence  
1027 under the code exceeds the statutory maximum sentence as  
1028 provided in s. 775.082, the sentence required by the code must  
1029 be imposed. If the total sentence points are greater than or  
1030 equal to 363, the court may sentence the offender to life  
1031 imprisonment. An offender sentenced to life imprisonment under

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1032 this section is not eligible for any form of discretionary early  
1033 release, except executive clemency or conditional medical  
1034 release under s. 947.149.

1035 (3) A single digitized scoresheet shall be prepared for  
1036 each defendant to determine the permissible range for the  
1037 sentence that the court may impose, except that if the defendant  
1038 is before the court for sentencing for more than one felony and  
1039 the felonies were committed under more than one version or  
1040 revision of the guidelines or the code, separate digitized  
1041 scoresheets must be prepared. The scoresheet or scoresheets must  
1042 cover all the defendant's offenses pending before the court for  
1043 sentencing. The state attorney shall prepare the digitized  
1044 scoresheet or scoresheets, which must be presented to the  
1045 defense counsel for review for accuracy in all cases unless the  
1046 judge directs otherwise. The defendant's scoresheet or  
1047 scoresheets must be approved and signed by the sentencing judge.

1048 (4) The Department of Corrections, in consultation with the  
1049 Office of the State Courts Administrator, state attorneys, and  
1050 public defenders, must develop and submit the revised digitized  
1051 Criminal Public Safety ~~Punishment~~ Code scoresheet to the Supreme  
1052 Court for approval by June 15 of each year, as necessary. The  
1053 digitized scoresheet shall have individual, structured data  
1054 cells for each data field on the scoresheet. Upon the Supreme  
1055 Court's approval of the revised digitized scoresheet, the  
1056 Department of Corrections shall produce and provide the revised  
1057 digitized scoresheets by September 30 of each year, as  
1058 necessary. Digitized scoresheets must include individual data  
1059 cells to indicate whether any prison sentence imposed includes a  
1060 mandatory minimum sentence or the sentence imposed was a

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1061 downward departure from the lowest permissible sentence under  
1062 the Criminal Public Safety ~~Punishment~~ Code.

1063 (5) The Department of Corrections shall make available the  
1064 digitized Criminal Public Safety ~~Punishment~~ Code scoresheets to  
1065 those persons charged with the responsibility for preparing  
1066 scoresheets.

1067 (6) The clerk of the circuit court shall transmit a  
1068 complete and accurate digitized copy of the Criminal Public  
1069 Safety ~~Punishment~~ Code scoresheet used in each sentencing  
1070 proceeding to the Department of Corrections. Scoresheets must be  
1071 electronically transmitted no less frequently than monthly, by  
1072 the first of each month, and may be sent collectively.

1073 (7) A digitized sentencing scoresheet must be prepared for  
1074 every defendant who is sentenced for a felony offense. The  
1075 individual offender's digitized Criminal Public Safety  
1076 ~~Punishment~~ Code scoresheet and any attachments thereto prepared  
1077 pursuant to Rule 3.701, Rule 3.702, or Rule 3.703, Florida Rules  
1078 of Criminal Procedure, or any other rule pertaining to the  
1079 preparation and submission of felony sentencing scoresheets,  
1080 must be included with the uniform judgment and sentence form  
1081 provided to the Department of Corrections.

1082 Section 10. Section 921.0025, Florida Statutes, is amended  
1083 to read:

1084 921.0025 Adoption and implementation of revised sentencing  
1085 scoresheets.—Rules 3.701, 3.702, 3.703, and 3.988, Florida Rules  
1086 of Criminal Procedure, as revised by the Supreme Court, and any  
1087 other rule pertaining to the preparation and submission of  
1088 felony sentencing scoresheets, are adopted and implemented in  
1089 accordance with this chapter for application to the Criminal

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1090 Public Safety ~~Punishment~~ Code.

1091 Section 11. Paragraph (m) of subsection (2) of section  
1092 921.0026, Florida Statutes, is amended to read:

1093 921.0026 Mitigating circumstances.—This section applies to  
1094 any felony offense, except any capital felony, committed on or  
1095 after October 1, 1998.

1096 (2) Mitigating circumstances under which a departure from  
1097 the lowest permissible sentence is reasonably justified include,  
1098 but are not limited to:

1099 (m) The defendant's offense is a nonviolent felony, the  
1100 defendant's Criminal Public Safety ~~Punishment~~ Code scoresheet  
1101 total sentence points under s. 921.0024 are 60 points or fewer,  
1102 and the court determines that the defendant is amenable to the  
1103 services of a postadjudicatory treatment-based drug court  
1104 program and is otherwise qualified to participate in the program  
1105 as part of the sentence. For purposes of this paragraph, the  
1106 term "nonviolent felony" has the same meaning as provided in s.  
1107 948.08(6).

1108 Section 12. Section 921.0027, Florida Statutes, is amended  
1109 to read:

1110 921.0027 Criminal Public Safety ~~Punishment~~ Code and  
1111 revisions; applicability.—The Florida Criminal Public Safety  
1112 ~~Punishment~~ Code applies to all felonies, except capital  
1113 felonies, committed on or after October 1, 1998. Any revision to  
1114 the Criminal Public Safety ~~Punishment~~ Code applies to sentencing  
1115 for all felonies, except capital felonies, committed on or after  
1116 the effective date of the revision. Felonies, except capital  
1117 felonies, with continuing dates of enterprise shall be sentenced  
1118 under the Criminal Public Safety ~~Punishment~~ Code in effect on

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1119 the beginning date of the criminal activity.

1120 Section 13. Subsection (1) of section 924.06, Florida  
1121 Statutes, is amended to read:

1122 924.06 Appeal by defendant.—

1123 (1) A defendant may appeal from:

1124 (a) A final judgment of conviction when probation has not  
1125 been granted under chapter 948, except as provided in subsection  
1126 (3);

1127 (b) An order granting probation under chapter 948;

1128 (c) An order revoking probation under chapter 948;

1129 (d) A sentence, on the ground that it is illegal; or

1130 (e) A sentence imposed under s. 921.0024 of the Criminal  
1131 Public Safety ~~Punishment~~ Code which exceeds the statutory  
1132 maximum penalty provided in s. 775.082 for an offense at  
1133 conviction, or the consecutive statutory maximums for offenses  
1134 at conviction, unless otherwise provided by law.

1135 Section 14. Paragraph (i) of subsection (1) of section  
1136 924.07, Florida Statutes, is amended to read:

1137 924.07 Appeal by state.—

1138 (1) The state may appeal from:

1139 (i) A sentence imposed below the lowest permissible  
1140 sentence established by the Criminal Public Safety ~~Punishment~~  
1141 Code under chapter 921.

1142 Section 15. Paragraph (c) of subsection (3) and paragraph  
1143 (e) of subsection (5) of section 944.17, Florida Statutes, are  
1144 amended to read:

1145 944.17 Commitments and classification; transfers.—

1146 (3)

1147 (c)1. When the highest ranking offense for which the

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1148 prisoner is convicted is a felony, the trial court shall  
1149 sentence the prisoner pursuant to the Criminal Public Safety  
1150 ~~Punishment~~ Code in chapter 921.

1151 2. When the highest ranking offense for which the prisoner  
1152 is convicted is a misdemeanor, the trial court shall sentence  
1153 the prisoner pursuant to s. 775.082(4).

1154 (5) The department shall also refuse to accept a person  
1155 into the state correctional system unless the following  
1156 documents are presented in a completed form by the sheriff or  
1157 chief correctional officer, or a designated representative, to  
1158 the officer in charge of the reception process. The department  
1159 may, at its discretion, receive such documents electronically:

1160 (e) A copy of the Criminal Public Safety ~~Punishment~~ Code  
1161 scoresheet and any attachments thereto prepared pursuant to Rule  
1162 3.701, Rule 3.702, or Rule 3.703, Florida Rules of Criminal  
1163 Procedure, or any other rule pertaining to the preparation of  
1164 felony sentencing scoresheets.

1165  
1166 In addition, the sheriff or other officer having such person in  
1167 charge shall also deliver with the foregoing documents any  
1168 available presentence investigation reports as described in s.  
1169 921.231 and any attached documents. After a prisoner is admitted  
1170 into the state correctional system, the department may request  
1171 such additional records relating to the prisoner as it considers  
1172 necessary from the clerk of the court, the Department of  
1173 Children and Families, or any other state or county agency for  
1174 the purpose of determining the prisoner's proper custody  
1175 classification, gain-time eligibility, or eligibility for early  
1176 release programs. An agency that receives such a request from

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1177 the department must provide the information requested. The  
1178 department may, at its discretion, receive such information  
1179 electronically.

1180 Section 16. Paragraph (a) of subsection (7) of section  
1181 948.01, Florida Statutes, is amended to read:

1182 948.01 When court may place defendant on probation or into  
1183 community control.—

1184 (7) (a) Notwithstanding s. 921.0024 and effective for  
1185 offenses committed on or after July 1, 2009, the sentencing  
1186 court may place the defendant into a postadjudicatory treatment-  
1187 based drug court program if the defendant's Criminal Public  
1188 Safety Punishment Code scoresheet total sentence points under s.  
1189 921.0024 are 60 points or fewer, the offense is a nonviolent  
1190 felony, the defendant is amenable to substance abuse treatment,  
1191 and the defendant otherwise qualifies under s. 397.334(3). The  
1192 satisfactory completion of the program shall be a condition of  
1193 the defendant's probation or community control. As used in this  
1194 subsection, the term "nonviolent felony" means a third degree  
1195 felony violation under chapter 810 or any other felony offense  
1196 that is not a forcible felony as defined in s. 776.08.

1197 Section 17. Section 948.015, Florida Statutes, is amended  
1198 to read:

1199 948.015 Presentence investigation reports.—The circuit  
1200 court, when the defendant in a criminal case has been found  
1201 guilty or has entered a plea of nolo contendere or guilty and  
1202 has a lowest permissible sentence under the Criminal Public  
1203 Safety Punishment Code of any nonstate prison sanction, may  
1204 refer the case to the department for investigation or  
1205 recommendation. Upon such referral, the department shall make



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1206 the following report in writing at a time specified by the court  
1207 prior to sentencing. The full report shall include:

1208 (1) A complete description of the situation surrounding the  
1209 criminal activity with which the offender has been charged,  
1210 including a synopsis of the trial transcript, if one has been  
1211 made; nature of the plea agreement, including the number of  
1212 counts waived, the pleas agreed upon, the sentence agreed upon,  
1213 and any additional terms of agreement; and, at the offender's  
1214 discretion, his or her version and explanation of the criminal  
1215 activity.

1216 (2) The offender's sentencing status, including whether the  
1217 offender is a first offender, a habitual or violent offender, a  
1218 youthful offender, or is currently on probation.

1219 (3) The offender's prior record of arrests and convictions.

1220 (4) The offender's educational background.

1221 (5) The offender's employment background, including any  
1222 military record, present employment status, and occupational  
1223 capabilities.

1224 (6) The offender's financial status, including total  
1225 monthly income and estimated total debts.

1226 (7) The social history of the offender, including his or  
1227 her family relationships, marital status, interests, and  
1228 activities.

1229 (8) The residence history of the offender.

1230 (9) The offender's medical history and, as appropriate, a  
1231 psychological or psychiatric evaluation.

1232 (10) Information about the environments to which the  
1233 offender might return or to which the offender could be sent  
1234 should a sentence of nonincarceration or community supervision

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1235 be imposed by the court, and consideration of the offender's  
1236 plan concerning employment supervision and treatment.

1237 (11) Information about any resources available to assist  
1238 the offender, such as:

1239 (a) Treatment centers.

1240 (b) Residential facilities.

1241 (c) Career training programs.

1242 (d) Special education programs.

1243 (e) Services that may preclude or supplement commitment to  
1244 the department.

1245 (12) The views of the person preparing the report as to the  
1246 offender's motivations and ambitions and an assessment of the  
1247 offender's explanations for his or her criminal activity.

1248 (13) An explanation of the offender's criminal record, if  
1249 any, including his or her version and explanation of any  
1250 previous offenses.

1251 (14) A statement regarding the extent of any victim's loss  
1252 or injury.

1253 (15) A recommendation as to disposition by the court. The  
1254 department shall make a written determination as to the reasons  
1255 for its recommendation, and shall include an evaluation of the  
1256 following factors:

1257 (a) The appropriateness or inappropriateness of community  
1258 facilities, programs, or services for treatment or supervision  
1259 for the offender.

1260 (b) The ability or inability of the department to provide  
1261 an adequate level of supervision for the offender in the  
1262 community and a statement of what constitutes an adequate level  
1263 of supervision.

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1264 (c) The existence of other treatment modalities which the  
1265 offender could use but which do not exist at present in the  
1266 community.

1267 Section 18. Paragraph (j) of subsection (2) of section  
1268 948.06, Florida Statutes, is amended to read:

1269 948.06 Violation of probation or community control;  
1270 revocation; modification; continuance; failure to pay  
1271 restitution or cost of supervision.—

1272 (2)

1273 (j)1. Notwithstanding s. 921.0024 and effective for  
1274 offenses committed on or after July 1, 2009, the court may order  
1275 the defendant to successfully complete a postadjudicatory  
1276 treatment-based drug court program if:

1277 a. The court finds or the offender admits that the offender  
1278 has violated his or her community control or probation;

1279 b. The offender's Criminal Public Safety ~~Punishment~~ Code  
1280 scoresheet total sentence points under s. 921.0024 are 60 points  
1281 or fewer after including points for the violation;

1282 c. The underlying offense is a nonviolent felony. As used  
1283 in this subsection, the term "nonviolent felony" means a third  
1284 degree felony violation under chapter 810 or any other felony  
1285 offense that is not a forcible felony as defined in s. 776.08;

1286 d. The court determines that the offender is amenable to  
1287 the services of a postadjudicatory treatment-based drug court  
1288 program;

1289 e. The court has explained the purpose of the program to  
1290 the offender and the offender has agreed to participate; and

1291 f. The offender is otherwise qualified to participate in  
1292 the program under the provisions of s. 397.334(3).

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1293           2. After the court orders the modification of community  
1294 control or probation, the original sentencing court shall  
1295 relinquish jurisdiction of the offender's case to the  
1296 postadjudicatory treatment-based drug court program until the  
1297 offender is no longer active in the program, the case is  
1298 returned to the sentencing court due to the offender's  
1299 termination from the program for failure to comply with the  
1300 terms thereof, or the offender's sentence is completed.

1301           Section 19. Subsection (1) of section 948.20, Florida  
1302 Statutes, is amended to read:

1303           948.20 Drug offender probation.—

1304           (1) If it appears to the court upon a hearing that the  
1305 defendant is a chronic substance abuser whose criminal conduct  
1306 is a violation of s. 893.13(2) (a) or (6) (a), or other nonviolent  
1307 felony if such nonviolent felony is committed on or after July  
1308 1, 2009, and notwithstanding s. 921.0024 the defendant's  
1309 Criminal Public Safety ~~Punishment~~ Code scoresheet total sentence  
1310 points are 60 points or fewer, the court may either adjudge the  
1311 defendant guilty or stay and withhold the adjudication of guilt.  
1312 In either case, the court may also stay and withhold the  
1313 imposition of sentence and place the defendant on drug offender  
1314 probation or into a postadjudicatory treatment-based drug court  
1315 program if the defendant otherwise qualifies. As used in this  
1316 section, the term "nonviolent felony" means a third degree  
1317 felony violation under chapter 810 or any other felony offense  
1318 that is not a forcible felony as defined in s. 776.08.

1319           Section 20. Paragraph (c) of subsection (2) of section  
1320 948.51, Florida Statutes, is amended to read:

1321           948.51 Community corrections assistance to counties or

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1322 county consortiums.—

1323 (2) ELIGIBILITY OF COUNTIES AND COUNTY CONSORTIUMS.—A  
1324 county, or a consortium of two or more counties, may contract  
1325 with the Department of Corrections for community corrections  
1326 funds as provided in this section. In order to enter into a  
1327 community corrections partnership contract, a county or county  
1328 consortium must have a public safety coordinating council  
1329 established under s. 951.26 and must designate a county officer  
1330 or agency to be responsible for administering community  
1331 corrections funds received from the state. The public safety  
1332 coordinating council shall prepare, develop, and implement a  
1333 comprehensive public safety plan for the county, or the  
1334 geographic area represented by the county consortium, and shall  
1335 submit an annual report to the Department of Corrections  
1336 concerning the status of the program. In preparing the  
1337 comprehensive public safety plan, the public safety coordinating  
1338 council shall cooperate with the juvenile justice circuit  
1339 advisory board established under s. 985.664 in order to include  
1340 programs and services for juveniles in the plan. To be eligible  
1341 for community corrections funds under the contract, the initial  
1342 public safety plan must be approved by the governing board of  
1343 the county, or the governing board of each county within the  
1344 consortium, and the Secretary of Corrections based on the  
1345 requirements of this section. If one or more other counties  
1346 develop a unified public safety plan, the public safety  
1347 coordinating council shall submit a single application to the  
1348 department for funding. Continued contract funding shall be  
1349 pursuant to subsection (5). The plan for a county or county  
1350 consortium must cover at least a 5-year period and must include:

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1351 (c) Specific goals and objectives for reducing the  
1352 projected percentage of commitments to the state prison system  
1353 of persons with low total sentencing scores pursuant to the  
1354 Criminal Public Safety ~~Punishment~~ Code.

1355 Section 21. Subsection (3) of section 958.04, Florida  
1356 Statutes, is amended to read:

1357 958.04 Judicial disposition of youthful offenders.—

1358 (3) The provisions of this section shall not be used to  
1359 impose a greater sentence than the permissible sentence range as  
1360 established by the Criminal Public Safety ~~Punishment~~ Code  
1361 pursuant to chapter 921 unless reasons are explained in writing  
1362 by the trial court judge which reasonably justify departure. A  
1363 sentence imposed outside of the code is subject to appeal  
1364 pursuant to s. 924.06 or s. 924.07.

1365 Section 22. Subsection (4) of section 985.465, Florida  
1366 Statutes, is amended to read:

1367 985.465 Juvenile correctional facilities or juvenile  
1368 prison.—A juvenile correctional facility or juvenile prison is a  
1369 physically secure residential commitment program with a  
1370 designated length of stay from 18 months to 36 months, primarily  
1371 serving children 13 years of age to 19 years of age or until the  
1372 jurisdiction of the court expires. Each child committed to this  
1373 level must meet one of the following criteria:

1374 (4) The child is at least 13 years of age at the time of  
1375 the disposition for the current offense, the child is eligible  
1376 for prosecution as an adult for the current offense, and the  
1377 current offense is ranked at level 7 or higher on the Criminal  
1378 Public Safety ~~Punishment~~ Code offense severity ranking chart  
1379 pursuant to s. 921.0022.

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1380 Section 23. Section 921.002, Florida Statutes, is amended  
1381 to read:

1382 921.002 The Criminal Public Safety ~~Punishment~~ Code.—The  
1383 Criminal Public Safety ~~Punishment~~ Code shall apply to all felony  
1384 offenses, except capital felonies, committed on or after October  
1385 1, 1998.

1386 (1) The provision of criminal penalties and of limitations  
1387 upon the application of such penalties is a matter of  
1388 predominantly substantive law and, as such, is a matter properly  
1389 addressed by the Legislature. The Legislature, in the exercise  
1390 of its authority and responsibility to establish sentencing  
1391 criteria, to provide for the imposition of criminal penalties,  
1392 and to make the best use of state prisons so that violent  
1393 criminal offenders are appropriately incarcerated, has  
1394 determined that it is in the best interest of the state to  
1395 develop, implement, and revise a sentencing policy. The Criminal  
1396 Public Safety ~~Punishment~~ Code embodies the principles that:

1397 (a) Sentencing is neutral with respect to race, gender, and  
1398 social and economic status.

1399 (b) The primary purpose of sentencing is to punish the  
1400 offender. Rehabilitation is a desired goal of the criminal  
1401 justice system but is subordinate to the goal of public safety  
1402 ~~punishment~~.

1403 (c) The penalty imposed is commensurate with the severity  
1404 of the primary offense and the circumstances surrounding the  
1405 primary offense.

1406 (d) The severity of the sentence increases with the length  
1407 and nature of the offender's prior record.

1408 (e) The sentence imposed by the sentencing judge reflects

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1409 the length of actual time to be served, shortened only by the  
1410 application of incentive and meritorious gain-time as provided  
1411 by law, and may not be shortened if the defendant would  
1412 consequently serve less than 85 percent of his or her term of  
1413 imprisonment as provided in s. 944.275(4). The provisions of  
1414 chapter 947, relating to parole, shall not apply to persons  
1415 sentenced under the Criminal Public Safety ~~Punishment~~ Code.

1416 (f) Departures below the lowest permissible sentence  
1417 established by the code must be articulated in writing by the  
1418 trial court judge and made only when circumstances or factors  
1419 reasonably justify the mitigation of the sentence. The level of  
1420 proof necessary to establish facts that support a departure from  
1421 the lowest permissible sentence is a preponderance of the  
1422 evidence.

1423 (g) The trial court judge may impose a sentence up to and  
1424 including the statutory maximum for any offense, including an  
1425 offense that is before the court due to a violation of probation  
1426 or community control.

1427 (h) A sentence may be appealed on the basis that it departs  
1428 from the Criminal Public Safety ~~Punishment~~ Code only if the  
1429 sentence is below the lowest permissible sentence or as  
1430 enumerated in s. 924.06(1).

1431 (i) Use of incarcerative sanctions is prioritized toward  
1432 offenders convicted of serious offenses and certain offenders  
1433 who have long prior records, in order to maximize the finite  
1434 capacities of state and local correctional facilities.

1435 (2) When a defendant is before the court for sentencing for  
1436 more than one felony and the felonies were committed under more  
1437 than one version or revision of the former sentencing guidelines



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1438 or the code, each felony shall be sentenced under the guidelines  
1439 or the code in effect at the time the particular felony was  
1440 committed. This subsection does not apply to sentencing for any  
1441 capital felony.

1442 (3) A court may impose a departure below the lowest  
1443 permissible sentence based upon circumstances or factors that  
1444 reasonably justify the mitigation of the sentence in accordance  
1445 with s. 921.0026. The level of proof necessary to establish  
1446 facts supporting the mitigation of a sentence is a preponderance  
1447 of the evidence. When multiple reasons exist to support the  
1448 mitigation, the mitigation shall be upheld when at least one  
1449 circumstance or factor justifies the mitigation regardless of  
1450 the presence of other circumstances or factors found not to  
1451 justify mitigation. Any sentence imposed below the lowest  
1452 permissible sentence must be explained in writing by the trial  
1453 court judge.

1454 (4) (a) The Department of Corrections shall report on trends  
1455 in sentencing practices and sentencing score thresholds and  
1456 provide an analysis on the sentencing factors considered by the  
1457 courts and shall submit this information to the Legislature by  
1458 October 1 of each year.

1459 (b) The Criminal Justice Estimating Conference, with the  
1460 assistance of the Department of Corrections, shall estimate the  
1461 impact of any proposed change to the Criminal Public Safety  
1462 ~~Punishment~~ Code on future rates of incarceration and on the  
1463 prison population. The Criminal Justice Estimating Conference  
1464 shall base its projections on historical data concerning  
1465 sentencing practices which have been accumulated by the  
1466 Department of Corrections and other relevant data from other

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1467 state agencies and records of the Department of Corrections  
1468 which disclose the average time served for offenses covered by  
1469 any proposed changes to the Criminal Public Safety ~~Punishment~~  
1470 Code.

1471 (c) In order to produce projects that are either required  
1472 by law or requested by the Legislature to assist the Legislature  
1473 in making modifications to the Criminal Public Safety ~~Punishment~~  
1474 Code, the Department of Corrections is authorized to collect and  
1475 evaluate Criminal Public Safety ~~Punishment~~ Code scoresheets from  
1476 each of the judicial circuits after sentencing. Beginning in  
1477 1999, by October 1 of each year, the Department of Corrections  
1478 shall provide an annual report to the Legislature that shows the  
1479 rate of compliance of each judicial circuit in providing  
1480 scoresheets to the department.

1481 Section 24. Subsection (2) of section 893.20, Florida  
1482 Statutes, is amended to read:

1483 893.20 Continuing criminal enterprise.—

1484 (2) A person who commits the offense of engaging in a  
1485 continuing criminal enterprise commits ~~is guilty of~~ a life  
1486 felony, punishable pursuant to the Criminal Public Safety  
1487 ~~Punishment~~ Code and by a fine of \$500,000.

1488 Section 25. This act shall take effect July 1, 2021.