

By Senator Pizzo

38-00170-22

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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

815.04 (5) (a)

3rd

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

182

817.52 (2)

3rd

Hiring with intent to defraud, motor vehicle services.

183

817.569 (2)

3rd

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

184

826.01

3rd

Bigamy.

185

828.122 (3)

3rd

Fighting or baiting animals.

186

831.04 (1)

3rd

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

187

831.31 (1) (a)

3rd

Sell, deliver, or possess counterfeit controlled substances, all but s.

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893.03(5) drugs.

188

832.041(1)

3rd

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

189

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

3rd

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

190

838.15(2)

3rd

Commercial bribe receiving.

191

838.16

3rd

Commercial bribery.

192

843.18

3rd

Fleeing by boat to elude a law enforcement officer.

193

847.011(1)(a)

3rd

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

194

849.09(1)(a)-(d)

3rd

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

195

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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 (b) LEVEL 2

204	Florida	Felony	
205	Statute	Degree	Description
205	379.2431	3rd	Possession of 11 or fewer marine turtle eggs
	(1) (e) 3.		

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in violation of the
Marine Turtle Protection
Act.

206

379.2431
(1) (e) 4.

3rd

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

207

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.

208

517.07 (2)

3rd

Failure to furnish a
prospectus meeting
requirements.

209

590.28 (1)

3rd

Intentional burning of
lands.

210

784.03 (3)

3rd

Battery during a riot or
an aggravated riot.

211

784.05 (3)

3rd

Storing or leaving a
loaded firearm within

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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

806.13 (3)

3rd

Criminal mischief;
damage of \$200 or more
to a memorial or
historic property.

215

810.061 (2)

3rd

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

216

810.09 (2) (e)

3rd

Trespassing on posted
commercial horticulture
property.

217

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218 812.014 (2) (c) 1. 3rd Grand theft, 3rd degree;
\$750 or more but less
than \$5,000.

219 812.014 (2) (d) 3rd Grand theft, 3rd degree;
\$100 or more but less
than \$750, taken from
unenclosed curtilage of
dwelling.

220 812.015 (7) 3rd Possession, use, or
attempted use of an
antishoplifting or
inventory control device
countermeasure.

221 817.234 (1) (a) 2. 3rd False statement in
support of insurance
claim.

222 817.481 (3) (a) 3rd Obtain credit or
purchase with false,
expired, counterfeit,
etc., credit card, value
over \$300.

223 817.52 (3) 3rd Failure to redeliver
hired vehicle.

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224	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
225	817.60 (5)	3rd	Dealing in credit cards of another.
226	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
227	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
228	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
229	831.01	3rd	Forgery.
230	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
	831.07	3rd	Forging bank bills, checks, drafts, or

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231	831.08	3rd	promissory notes.
232	831.09	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
233	831.11	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
234	832.05 (3) (a)	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
235	843.08	3rd	Cashing or depositing item with intent to defraud.
236	893.13 (2) (a) 2.	3rd	False personation. 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.

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893.147(2) 3rd Manufacture or delivery
of drug paraphernalia.

(c) LEVEL 3

Florida	Felony	
Statute	Degree	Description

119.10(2)(b) 3rd Unlawful use of
confidential information
from police reports.

316.066 3rd Unlawfully obtaining or
(3)(b)-(d) 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.

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246

319.33 (1) (a) 3rd Alter or forge any certificate of title to a motor vehicle or mobile home.

247

319.33 (1) (c) 3rd Procure or pass title on stolen vehicle.

248

319.33 (4) 3rd With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.

249

327.35 (2) (b) 3rd Felony BUI.

250

328.05 (2) 3rd Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.

251

328.07 (4) 3rd Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.

252

376.302 (5) 3rd Fraud related to

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reimbursement for cleanup expenses under the Inland Protection Trust Fund.

253

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.

254

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.

255

379.2431
(1) (e) 7.

3rd

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

256

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257 400.9935 (4) (a) 3rd Operating a clinic, or
 or (b) offering services requiring
 licensure, without a
 license.

258 400.9935 (4) (e) 3rd Filing a false license
 application or other
 required information or
 failing to report
 information.

259 440.1051 (3) 3rd False report of workers'
 compensation fraud or
 retaliation for making such
 a report.

260 501.001 (2) (b) 2nd Tampers with a consumer
 product or the container
 using materially
 false/misleading
 information.

261 624.401 (4) (a) 3rd Transacting insurance
 without a certificate of
 authority.

624.401 (4) (b) 1. 3rd Transacting insurance
 without a certificate of
 authority; premium

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collected less than
\$20,000.

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.

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812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
812.015 (8) (b)	3rd	Retail theft with intent to sell; conspires with others.
812.081 (2)	3rd	Theft of a trade secret.
815.04 (5) (b)	2nd	Computer offense devised to defraud or obtain property.
817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
817.233	3rd	Burning to defraud insurer.
817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.

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278 817.236 3rd Filing a false motor
vehicle insurance
application.

279 817.2361 3rd Creating, marketing, or
presenting a false or
fraudulent motor vehicle
insurance card.

280 817.413(2) 3rd Sale of used goods of
\$1,000 or more as new.

281 817.49(2)(b)1. 3rd Willful making of a false
report of a crime causing
great bodily harm,
permanent disfigurement, or
permanent disability.

831.28(2)(a) 3rd Counterfeiting a payment
instrument with intent to
defraud or possessing a
counterfeit payment
instrument with intent to
defraud.

282 831.29 2nd Possession of instruments
for counterfeiting driver
licenses or identification
cards.

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283

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

284

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

285

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

286

870.01 (2) 3rd Riot.

287

870.01 (4) 3rd Inciting a riot.

288

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).

289

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.,

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(2) (c) 9., (2) (c) 10., (3),
or (4) drugs within 1,000
feet of university.

290

893.13 (1) (f) 2.

2nd

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

291

893.13 (4) (c)

3rd

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

292

893.13 (6) (a)

3rd

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

293

893.13 (7) (a) 8.

3rd

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

294

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295	893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
296	893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
297	893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
298	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.
	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

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controlled substance.

299

893.13 (8) (a) 3.

3rd

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

300

893.13 (8) (a) 4.

3rd

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

301

918.13 (1) (a)

3rd

Alter, destroy, or conceal investigation evidence.

302

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

3rd

Introduce contraband to correctional facility.

303

944.47 (1) (c)

2nd

Possess contraband while upon the grounds of a correctional institution.

304

985.721

3rd

Escapes from a juvenile facility (secure detention or residential commitment

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facility).

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306
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311

(d) LEVEL 4

Florida Statute	Felony Degree	Description
316.1935 (3) (a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
499.0051 (1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
499.0051 (5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
517.07 (1)	3rd	Failure to register

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securities.

312

517.12 (1)

3rd

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

313

784.07 (2) (b)

3rd

Battery of law
enforcement officer,
firefighter, etc.

314

784.074 (1) (c)

3rd

Battery of sexually
violent predators
facility staff.

315

784.075

3rd

Battery on detention or
commitment facility
staff.

316

784.078

3rd

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

317

784.08 (2) (c)

3rd

Battery on a person 65
years of age or older.

318

784.081 (3)

3rd

Battery on specified

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official or employee.

319

784.082 (3)

3rd

Battery by detained person on visitor or other detainee.

320

784.083 (3)

3rd

Battery on code inspector.

321

784.085

3rd

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

322

787.03 (1)

3rd

Interference with custody; wrongly takes minor from appointed guardian.

323

787.04 (2)

3rd

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

324

787.04 (3)

3rd

Carrying child beyond state lines with criminal intent to avoid

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producing child at
custody hearing or
delivering to designated
person.

325

787.07

3rd

Human smuggling.

326

790.115 (1)

3rd

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

327

790.115 (2) (b)

3rd

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

328

790.115 (2) (c)

3rd

Possessing firearm on
school property.

329

800.04 (7) (c)

3rd

Lewd or lascivious
exhibition; offender
less than 18 years.

330

806.135

2nd

Destroying or
demolishing a memorial
or historic property.

331

810.02 (4) (a)

3rd

Burglary, or attempted

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

332

810.02 (4) (b)

3rd

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

333

810.06

3rd

Burglary; possession of
tools.

334

810.08 (2) (c)

3rd

Trespass on property,
armed with firearm or
dangerous weapon.

335

812.014 (2) (c) 3.

3rd

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

336

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

3rd

Grand theft, 3rd degree;
specified items.

337

812.0195 (2)

3rd

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

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338

817.505 (4) (a) 3rd Patient brokering.

339

817.563 (1) 3rd Sell or deliver
substance other than
controlled substance
agreed upon, excluding
s. 893.03(5) drugs.

340

817.568 (2) (a) 3rd Fraudulent use of
personal identification
information.

341

817.625 (2) (a) 3rd Fraudulent use of
scanning device,
skimming device, or
reencoder.

342

817.625 (2) (c) 3rd Possess, sell, or
deliver skimming device.

343

828.125 (1) 2nd Kill, maim, or cause
great bodily harm or
permanent breeding
disability to any
registered horse or
cattle.

344

837.02 (1) 3rd Perjury in official

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proceedings.

345

837.021 (1)

3rd

Make contradictory statements in official proceedings.

346

838.022

3rd

Official misconduct.

347

839.13 (2) (a)

3rd

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

348

839.13 (2) (c)

3rd

Falsifying records of the Department of Children and Families.

349

843.021

3rd

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

350

843.025

3rd

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

351

843.15 (1) (a)

3rd

Failure to appear while

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on bail for felony (bond
estreature or bond
jumping).

352

847.0135 (5) (c)

3rd

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

353

870.01 (3)

2nd

Aggravated rioting.

354

870.01 (5)

2nd

Aggravated inciting a
riot.

355

874.05 (1) (a)

3rd

Encouraging or
recruiting another to
join a criminal gang.

356

893.13 (2) (a) 1.

2nd

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

357

914.14 (2)

3rd

Witnesses accepting
bribes.

358

914.22 (1)

3rd

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

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informant.

359

914.23 (2)

3rd

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

360

916.1085
(2) (c) 1.

3rd

Introduction of specified contraband into certain DCF facilities.

361

918.12

3rd

Tampering with jurors.

362

934.215

3rd

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

363

944.47 (1) (a) 6.

3rd

Introduction of contraband (cellular telephone or other portable communication device) into correctional institution.

364

951.22 (1) (h),
(j) & (k)

3rd

Intoxicating drug, instrumentality or other

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device to aid escape, or
cellular telephone or
other portable
communication device
introduced into county
detention facility.

365

366 (e) LEVEL 5

367

Florida
Statute

Felony
Degree

Description

368

316.027(2)(a)

3rd

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

369

316.1935(4)(a)

2nd

Aggravated fleeing or
eluding.

370

316.80(2)

2nd

Unlawful conveyance of
fuel; obtaining fuel
fraudulently.

371

322.34(6)

3rd

Careless operation of
motor vehicle with
suspended license,
resulting in death or

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372

serious bodily injury.

327.30 (5)

3rd

Vessel accidents involving personal injury; leaving scene.

373

379.365 (2) (c) 1.

3rd

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

38-00170-22

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harvest of stone crabs
while license is
suspended or revoked.

374

379.367(4)

3rd

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

375

379.407(5)(b)3.

3rd

Possession of 100 or
more undersized spiny
lobsters.

376

381.0041(11)(b)

3rd

Donate blood, plasma, or
organs knowing HIV
positive.

377

440.10(1)(g)

2nd

Failure to obtain
workers' compensation
coverage.

378

440.105(5)

2nd

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

379

440.381(2)

3rd

Submission of false,
misleading, or
incomplete information

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with the purpose of
avoiding or reducing
workers' compensation
premiums.

380

624.401 (4) (b) 2.

2nd

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

381

626.902 (1) (c)

2nd

Representing an
unauthorized insurer;
repeat offender.

382

790.01 (2)

3rd

Carrying a concealed
firearm.

383

790.162

2nd

Threat to throw or
discharge destructive
device.

384

790.163 (1)

2nd

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

385

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386	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
387	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
388	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
389	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
390	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
391	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.

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392

812.015 3rd Retail theft; property
(8) (a) & (c) - (e) stolen is valued at \$750
or more and one or more
specified acts.

393

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

394

812.081 (3) 2nd Trafficking in trade
secrets.

395

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

396

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

397

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

398

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

399

817.2341 (1), 3rd Filing false financial
(2) (a) & (3) (a) statements, making false

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

400

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.

401

817.611 (2) (a)

2nd

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

402

817.625 (2) (b)

2nd

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

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403

825.1025 (4)

3rd

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

404

827.071 (4)

2nd

Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.

405

827.071 (5)

3rd

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

406

828.12 (2)

3rd

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

407

839.13 (2) (b)

2nd

Falsifying records of an individual in the care

38-00170-22

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and custody of a state agency involving great bodily harm or death.

408

843.01

3rd

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

409

847.0135 (5) (b)

2nd

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

410

847.0137
(2) & (3)

3rd

Transmission of pornography by electronic device or equipment.

411

847.0138
(2) & (3)

3rd

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

412

874.05 (1) (b)

2nd

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

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413

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

414

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).

415

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

416

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417

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.

418

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.

893.13(1)(f)1.

1st

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

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housing facility.

419

893.13(4)(b)

2nd

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

420

893.1351(1)

3rd

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

421

422

(f) LEVEL 6

423

Florida
Statute

Felony
Degree

Description

424

316.027(2)(b)

2nd

Leaving the scene of a
crash involving serious
bodily injury.

425

316.193(2)(b)

3rd

Felony DUI, 4th or
subsequent conviction.

426

400.9935(4)(c)

2nd

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

427

499.0051(2)

2nd

Knowing forgery of

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transaction history,
transaction information,
or transaction
statement.

428

499.0051 (3)

2nd

Knowing purchase or
receipt of prescription
drug from unauthorized
person.

429

499.0051 (4)

2nd

Knowing sale or transfer
of prescription drug to
unauthorized person.

430

775.0875 (1)

3rd

Taking firearm from law
enforcement officer.

431

784.021 (1) (a)

3rd

Aggravated assault;
deadly weapon without
intent to kill.

432

784.021 (1) (b)

3rd

Aggravated assault;
intent to commit felony.

433

784.041

3rd

Felony battery; domestic
battery by
strangulation.

434

784.048 (3)

3rd

Aggravated stalking;

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credible threat.

435

784.048 (5)

3rd

Aggravated stalking of person under 16.

436

784.07 (2) (c)

2nd

Aggravated assault on law enforcement officer.

437

784.074 (1) (b)

2nd

Aggravated assault on sexually violent predators facility staff.

438

784.08 (2) (b)

2nd

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

439

784.081 (2)

2nd

Aggravated assault on specified official or employee.

440

784.082 (2)

2nd

Aggravated assault by detained person on visitor or other detainee.

441

784.083 (2)

2nd

Aggravated assault on code inspector.

442

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443 787.02 (2) 3rd False imprisonment;
restraining with purpose
other than those in s.
787.01.

444 790.115 (2) (d) 2nd Discharging firearm or
weapon on school
property.

445 790.161 (2) 2nd Make, possess, or throw
destructive device with
intent to do bodily harm
or damage property.

446 790.164 (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.

447 790.19 2nd Shooting or throwing
deadly missiles into
dwellings, vessels, or
vehicles.

794.011 (8) (a) 3rd Solicitation of minor to
participate in sexual

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activity by custodial
adult.

448

794.05 (1)

2nd

Unlawful sexual activity
with specified minor.

449

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.

450

800.04 (6) (b)

2nd

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

451

806.031 (2)

2nd

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

452

810.02 (3) (c)

2nd

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

453

810.145 (8) (b)

2nd

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

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454

812.014 (2) (b) 1. 2nd Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.

455

812.014 (6) 2nd Theft; property stolen \$3,000 or more; coordination of others.

456

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

457

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

458

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

459

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

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460

817.49(2)(b)2. 2nd Willful making of a false report of a crime resulting in death.

461

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

462

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

463

825.102(3)(c) 3rd Neglect of an elderly person or disabled adult.

464

825.1025(3) 3rd Lewd or lascivious molestation of an elderly person or disabled adult.

465

825.103(3)(c) 3rd Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.

466

827.03(2)(c) 3rd Abuse of a child.

467

827.03(2)(d) 3rd Neglect of a child.

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468
469
470
471
472
473
474

827.071(2) & (3)

2nd

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

836.05

2nd

Threats; extortion.

836.10

2nd

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

843.12

3rd

Aids or assists person to escape.

847.011

3rd

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

847.012

3rd

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

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475	847.0135 (2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
476	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
477	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.
478	944.40	2nd	Escapes.
479	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
	944.47 (1) (a) 5.	2nd	Introduction of contraband (firearm, weapon, or explosive)

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into correctional
facility.

480

951.22 (1) (i)

3rd

Firearm or weapon
introduced into county
detention facility.

481

482

(g) LEVEL 7

483

Florida
Statute

Felony
Degree

Description

484

316.027 (2) (c)

1st

Accident involving death,
failure to stop; leaving
scene.

485

316.193 (3) (c) 2.

3rd

DUI resulting in serious
bodily injury.

486

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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487

327.35 (3) (c) 2.

3rd

Vessel BUI resulting in serious bodily injury.

488

402.319 (2)

2nd

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

489

409.920
(2) (b) 1.a.

3rd

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

490

409.920
(2) (b) 1.b.

2nd

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

491

456.065 (2)

3rd

Practicing a health care profession without a license.

492

456.065 (2)

2nd

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

493

458.327 (1)

3rd

Practicing medicine without a license.

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494
495
496
497
498
499
500
501
502

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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503	467.201	3rd	Practicing midwifery without a license.
504	468.366	3rd	Delivering respiratory care services without a license.
505	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
506	483.901 (7)	3rd	Practicing medical physics without a license.
507	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
508	484.053	3rd	Dispensing hearing aids without a license.
509	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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510	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.
511	560.125 (5) (a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
512	655.50 (10) (b) 1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
513	775.21 (10) (a)	3rd	Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.
514	775.21 (10) (b)	3rd	Sexual predator working where children regularly congregate.
514	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.

515

782.051 (3)

2nd

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

516

782.07 (1)

2nd

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

517

782.071

2nd

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

518

782.072

2nd

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

519

784.045 (1) (a) 1.

2nd

Aggravated battery;

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intentionally causing
great bodily harm or
disfigurement.

520

784.045 (1) (a) 2.

2nd

Aggravated battery; using
deadly weapon.

521

784.045 (1) (b)

2nd

Aggravated battery;
perpetrator aware victim
pregnant.

522

784.048 (4)

3rd

Aggravated stalking;
violation of injunction or
court order.

523

784.048 (7)

3rd

Aggravated stalking;
violation of court order.

524

784.07 (2) (d)

1st

Aggravated battery on law
enforcement officer.

525

784.074 (1) (a)

1st

Aggravated battery on
sexually violent predators
facility staff.

526

784.08 (2) (a)

1st

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

527

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528 784.081 (1) 1st Aggravated battery on specified official or employee.

529 784.082 (1) 1st Aggravated battery by detained person on visitor or other detainee.

530 784.083 (1) 1st Aggravated battery on code inspector.

531 787.06 (3) (a) 2. 1st Human trafficking using coercion for labor and services of an adult.

532 787.06 (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.

533 790.07 (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.

534

790.165 (2)

2nd

Manufacture, sell,
possess, or deliver hoax
bomb.

535

790.165 (3)

2nd

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

536

790.166 (3)

2nd

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

537

790.166 (4)

2nd

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

538

790.23

1st, PBL

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

539

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540	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.
541	796.05 (1)	1st	Live on earnings of a prostitute; 2nd offense.
542	796.05 (1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.
543	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
544	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.
	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.

545

806.01 (2) 2nd

Maliciously damage
 structure by fire or
 explosive.

546

810.02 (3) (a) 2nd

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

547

810.02 (3) (b) 2nd

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

548

810.02 (3) (d) 2nd

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

549

810.02 (3) (e) 2nd

Burglary of authorized
 emergency vehicle.

550

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.

551

812.014 (2) (b) 2.

2nd

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

552

812.014 (2) (b) 3.

2nd

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

553

812.014 (2) (b) 4.

2nd

Property stolen, law enforcement equipment from authorized emergency vehicle.

554

812.0145 (2) (a)

1st

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

555

812.019 (2)

1st

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

556

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557	812.131 (2) (a)	2nd	Robbery by sudden snatching.
558	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
559	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
560	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
561	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
562	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.

563

817.418 (2) (a)

3rd

Offering for sale or
advertising personal
protective equipment with
intent to defraud.

564

817.504 (1) (a)

3rd

Offering or advertising a
vaccine with intent to
defraud.

565

817.535 (2) (a)

3rd

Filing false lien or other
unauthorized document.

566

817.611 (2) (b)

2nd

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

567

825.102 (3) (b)

2nd

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

568

825.103 (3) (b)

2nd

Exploiting an elderly
person or disabled adult
and property is valued at

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\$10,000 or more, but less than \$50,000.

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827.03(2)(b)

2nd

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

827.04(3)

3rd

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

837.05(2)

3rd

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

838.015

2nd

Bribery.

838.016

2nd

Unlawful compensation or reward for official behavior.

838.021(3)(a)

2nd

Unlawful harm to a public servant.

838.22

2nd

Bid tampering.

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577	843.0855 (2)	3rd	Impersonation of a public officer or employee.
578	843.0855 (3)	3rd	Unlawful simulation of legal process.
579	843.0855 (4)	3rd	Intimidation of a public officer or employee.
580	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
581	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
582	872.06	2nd	Abuse of a dead human body.
583	874.05 (2) (b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
	874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs,

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manages, or supervises
criminal gang-related
activity.

584

893.13(1)(c)1.

1st

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

585

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.

586

893.13(4)(a)

1st

Use or hire of minor;

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deliver to minor other
controlled substance.

587

893.135 (1) (a) 1.

1st

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

588

893.135
(1) (b) 1.a.

1st

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

589

893.135
(1) (c) 1.a.

1st

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

590

893.135
(1) (c) 2.a.

1st

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

591

893.135
(1) (c) 2.b.

1st

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

592

893.135
(1) (c) 3.a.

1st

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

593

893.135
(1) (c) 3.b.

1st

Trafficking in oxycodone,
14 grams or more, less

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than 25 grams.

594

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

1st

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

595

893.135
(1) (d) 1.a.

1st

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

596

893.135 (1) (e) 1.

1st

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

597

893.135 (1) (f) 1.

1st

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

598

893.135
(1) (g) 1.a.

1st

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

599

893.135
(1) (h) 1.a.

1st

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

600

893.135

1st

Trafficking in 1,4-

	38-00170-22		2022260__
	(1) (j) 1.a.		Butanediol, 1 kilogram or more, less than 5 kilograms.
601	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
602	893.135 (1) (m) 2.a.	1st	Trafficking in synthetic cannabinoids, 280 grams or more, less than 500 grams.
603	893.135 (1) (m) 2.b.	1st	Trafficking in synthetic cannabinoids, 500 grams or more, less than 1,000 grams.
604	893.135 (1) (n) 2.a.	1st	Trafficking in n-benzyl phenethylamines, 14 grams or more, less than 100 grams.
605	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
606	896.101 (5) (a)	3rd	Money laundering,

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

607

896.104 (4) (a) 1.

3rd

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

608

943.0435 (4) (c)

2nd

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

609

943.0435 (8)

2nd

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

610

943.0435 (9) (a)

3rd

Sexual offender; failure
 to comply with reporting
 requirements.

611

943.0435 (13)

3rd

Failure to report or
 providing false
 information about a sexual

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offender; harbor or
conceal a sexual offender.

612

943.0435 (14)

3rd

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

613

944.607 (9)

3rd

Sexual offender; failure
to comply with reporting
requirements.

614

944.607 (10) (a)

3rd

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

615

944.607 (12)

3rd

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

616

944.607 (13)

3rd

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

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registration information.

617

985.4815(10)

3rd

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

618

985.4815(12)

3rd

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

619

985.4815(13)

3rd

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

620

621 (h) LEVEL 8

622

Florida
Statute

Felony
Degree

Description

623

316.193
(3) (c) 3.a.

2nd

DUI manslaughter.

624

316.1935(4) (b)

1st

Aggravated fleeing or attempted eluding with

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serious bodily injury or death.

625

327.35 (3) (c) 3.

2nd

Vessel BUI manslaughter.

626

499.0051 (6)

1st

Knowing trafficking in contraband prescription drugs.

627

499.0051 (7)

1st

Knowing forgery of prescription labels or prescription drug labels.

628

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.

629

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.

630

655.50 (10) (b) 2.

2nd

Failure to report

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

631

777.03 (2) (a)

1st

Accessory after the fact,
 capital felony.

632

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.

633

782.051 (2)

1st

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

634

782.071 (1) (b)

1st

Committing vehicular

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homicide and failing to
render aid or give
information.

635

782.072 (2)

1st

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

636

787.06 (3) (a) 1.

1st

Human trafficking for
labor and services of a
child.

637

787.06 (3) (b)

1st

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

638

787.06 (3) (c) 2.

1st

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

639

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.

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640
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644

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.

790.161 (3)

1st

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

794.011 (5) (a)

1st

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

794.011 (5) (b)

2nd

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

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645	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.
646	794.011 (5) (d)	1st	Sexual battery; victim 12 years of age or older; offender does not use physical force likely to cause serious injury; prior conviction for specified sex offense.
647	794.08 (3)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.
648	800.04 (4) (b)	2nd	Lewd or lascivious battery.
	800.04 (4) (c)	1st	Lewd or lascivious battery; offender 18 years of age or older; prior conviction for specified sex offense.

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806.01 (1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
810.02 (2) (a)	1st, PBL	Burglary with assault or battery.
810.02 (2) (b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
812.13 (2) (b)	1st	Robbery with a weapon.
812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon,

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or other weapon.

656

817.418 (2) (b)

2nd

Offering for sale or advertising personal protective equipment with intent to defraud; second or subsequent offense.

657

817.504 (1) (b)

2nd

Offering or advertising a vaccine with intent to defraud; second or subsequent offense.

658

817.505 (4) (c)

1st

Patient brokering; 20 or more patients.

659

817.535 (2) (b)

2nd

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

660

817.535 (3) (a)

2nd

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

661

817.535 (4) (a) 1.

2nd

Filing false lien or other unauthorized

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document; defendant is incarcerated or under supervision.

662

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.

663

817.568 (6)

2nd

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

664

817.611 (2) (c)

1st

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

665

825.102 (2)

1st

Aggravated abuse of an elderly person or disabled adult.

666

825.1025 (2)

2nd

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

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667

825.103 (3) (a) 1st Exploiting an elderly person or disabled adult and property is valued at \$50,000 or more.

668

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

669

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

670

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

671

860.16 1st Aircraft piracy.

672

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).

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893.13 (2) (b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
893.13 (6) (c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
893.135 (1) (a) 2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
893.135 (1) (b) 1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
893.135 (1) (c) 1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
893.135 (1) (c) 2.c.	1st	Trafficking in hydrocodone, 100 grams or more, less than 300 grams.

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680 893.135 1st Trafficking in oxycodone,
 (1) (c) 3.c. 25 grams or more, less
 than 100 grams.

681 893.135 1st Trafficking in fentanyl,
 (1) (c) 4.b. (II) 14 grams or more, less
 than 28 grams.

682 893.135 1st Trafficking in
 (1) (d) 1.b. phencyclidine, 200 grams
 or more, less than 400
 grams.

683 893.135 1st Trafficking in
 (1) (e) 1.b. methaqualone, 5 kilograms
 or more, less than 25
 kilograms.

684 893.135 1st Trafficking in
 (1) (f) 1.b. amphetamine, 28 grams or
 more, less than 200
 grams.

685 893.135 1st Trafficking in
 (1) (g) 1.b. flunitrazepam, 14 grams
 or more, less than 28
 grams.

893.135 1st Trafficking in gamma-

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(1) (h) 1.b.

hydroxybutyric acid
(GHB), 5 kilograms or
more, less than 10
kilograms.

686

893.135
(1) (j) 1.b.

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

687

893.135
(1) (k) 2.b.

1st Trafficking in
Phenethylamines, 200
grams or more, less than
400 grams.

688

893.135
(1) (m) 2.c.

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

689

893.135
(1) (n) 2.b.

1st Trafficking in n-benzyl
phenethylamines, 100
grams or more, less than
200 grams.

690

893.1351 (3)

1st Possession of a place
used to manufacture
controlled substance when
minor is present or

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resides there.

691

895.03 (1)

1st

Use or invest proceeds derived from pattern of racketeering activity.

692

895.03 (2)

1st

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

693

895.03 (3)

1st

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

694

896.101 (5) (b)

2nd

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

695

896.104 (4) (a) 2.

2nd

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

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

696
697
698
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702
703

(i) LEVEL 9

Florida
Statute

Felony
Degree

Description

316.193
(3) (c) 3.b.

1st

DUI manslaughter; failing
to render aid or give
information.

327.35
(3) (c) 3.b.

1st

BUI manslaughter; failing
to render aid or give
information.

409.920
(2) (b) 1.c.

1st

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

499.0051 (8)

1st

Knowing sale or purchase
of contraband
prescription drugs
resulting in great bodily
harm.

560.123 (8) (b) 3.

1st

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

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money transmitter.

704

560.125 (5) (c)

1st

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

705

655.50 (10) (b) 3.

1st

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

706

775.0844

1st

Aggravated white collar
crime.

707

782.04 (1)

1st

Attempt, conspire, or
solicit to commit
premeditated murder.

708

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

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specified felonies.

709

782.051 (1)

1st

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

710

782.07 (2)

1st

Aggravated manslaughter of an elderly person or disabled adult.

711

787.01 (1) (a) 1.

1st, PBL

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

712

787.01 (1) (a) 2.

1st, PBL

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

713

787.01 (1) (a) 4.

1st, PBL

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

714

787.02 (3) (a)

1st, PBL

False imprisonment; child under age 13; perpetrator also commits aggravated

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

715

787.06(3)(c)1.

1st

Human trafficking for
labor and services of an
unauthorized alien child.

716

787.06(3)(d)

1st

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

717

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
within the state.

718

790.161

1st

Attempted capital
destructive device
offense.

719

790.166(2)

1st,PBL

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

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destruction.

720

794.011 (2)

1st

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

721

794.011 (2)

Life

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

722

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.

723

794.011 (4) (b)

1st

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

724

794.011 (4) (c)

1st

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

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

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.

794.08 (2) 1st Female genital
mutilation; victim
younger than 18 years of
age.

800.04 (5) (b) Life Lewd or lascivious
molestation; victim less
than 12 years; offender
18 years or older.

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

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

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732

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

733

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

734

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

735

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

817.568 (7) 2nd, Fraudulent use of
PBL personal identification
information of an

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individual under the age
of 18 by his or her
parent, legal guardian,
or person exercising
custodial authority.

736

827.03 (2) (a)

1st

Aggravated child abuse.

737

847.0145 (1)

1st

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

738

847.0145 (2)

1st

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

739

859.01

1st

Poisoning or introducing
bacteria, radioactive
materials, viruses, or
chemical compounds into
food, drink, medicine, or
water with intent to kill
or injure another person.

740

893.135

1st

Attempted capital
trafficking offense.

741

893.135 (1) (a) 3.

1st

Trafficking in cannabis,
more than 10,000 lbs.

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742

893.135 1st Trafficking in cocaine,
 (1) (b) 1.c. more than 400 grams, less
 than 150 kilograms.

743

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

744

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

745

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

746

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

747

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

748

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

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749

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

750

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

751

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

752

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

753

893.135 1st Trafficking in synthetic
 (1) (m) 2.d. cannabinoids, 30
 kilograms or more.

754

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

755

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

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\$100,000.

756

896.104 (4) (a) 3.

1st

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

757

758

(j) LEVEL 10

759

Florida
Statute

Felony
Degree

Description

760

499.0051 (9)

1st

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

761

782.04 (2)

1st, PBL

Unlawful killing of human; act is homicide, unpremeditated.

762

782.07 (3)

1st

Aggravated manslaughter of a child.

763

787.01 (1) (a) 3.

1st, PBL

Kidnapping; inflict bodily harm upon or terrorize victim.

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764

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.

765

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.

766

787.06(4)(a)

Life

Selling or buying of minors into human trafficking.

767

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.

768

812.135(2)(a)

1st, PBL

Home-invasion robbery with firearm or other

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deadly weapon.

769

876.32

1st

Treason against the state.

770

771 Section 8. Section 921.0023, Florida Statutes, is amended
772 to read:

773 921.0023 Criminal Public Safety ~~Punishment~~ Code; ranking
774 unlisted felony offenses.—A felony offense committed on or after
775 October 1, 1998, that is not listed in s. 921.0022 is ranked
776 with respect to offense severity level by the Legislature,
777 commensurate with the harm or potential harm that is caused by
778 the offense to the community. Until the Legislature specifically
779 assigns an offense to a severity level in the offense severity
780 ranking chart, the severity level is within the following
781 parameters:

- 782 (1) A felony of the third degree within offense level 1.
- 783 (2) A felony of the second degree within offense level 4.
- 784 (3) A felony of the first degree within offense level 7.
- 785 (4) A felony of the first degree punishable by life within
786 offense level 9.
- 787 (5) A life felony within offense level 10.

788 Section 9. Section 921.0024, Florida Statutes, is amended
789 to read:

790 921.0024 Criminal Public Safety ~~Punishment~~ Code; worksheet
791 computations; scoresheets.—

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

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FLORIDA Criminal Public Safety ~~Punishment~~ Code

WORKSHEET

OFFENSE SCORE

Primary Offense

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

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825
826

Total

Additional Offenses

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

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M	0.2	x	=
					Total
Victim Injury					
Level	Sentence Points		Number		Total
2nd degree murder- death	240	x	=
Death	120	x	=
Severe	40	x	=
Moderate	18	x	=
Slight	4	x	=
Sexual penetration	80	x	=
Sexual	40	x	=

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contact

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855
856

Total

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

PRIOR RECORD SCORE

Prior Record

Level	Sentence Points		Number	Total
10	29	x =
9	23	x =
8	19	x =
7	14	x =
6	9	x =
5	3.6	x =
4	2.4	x =

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857	3	1.6	x	=
858	2	0.8	x	=
859	1	0.5	x	=
860	M	0.2	x	=
861						Total
862						
863						TOTAL OFFENSE SCORE.....
864						TOTAL PRIOR RECORD SCORE.....
865						
866						LEGAL STATUS.....
867						COMMUNITY SANCTION VIOLATION.....
868						PRIOR SERIOUS FELONY.....
869						PRIOR CAPITAL FELONY.....
870						FIREARM OR SEMIAUTOMATIC WEAPON.....
871						SUBTOTAL.....
872						
873						PRISON RELEASEE REOFFENDER (no) (yes).....
874						VIOLENT CAREER CRIMINAL (no) (yes).....
875						HABITUAL VIOLENT OFFENDER (no) (yes).....
876						HABITUAL OFFENDER (no) (yes).....
877						DRUG TRAFFICKER (no) (yes) (x multiplier).....
878						LAW ENF. PROTECT. (no) (yes) (x multiplier).....
879						MOTOR VEHICLE THEFT (no) (yes) (x multiplier).....

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

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

882 (x multiplier).....

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

884

885 TOTAL SENTENCE POINTS.....

(b) WORKSHEET KEY:

888

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

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

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

892 an offender's legal status.

893

894 Community sanction violation points are assessed when a

895 community sanction violation is before the court for sentencing.

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

897 violation and each successive community sanction violation,

898 unless any of the following apply:

899 1. If the community sanction violation includes a new

900 felony conviction before the sentencing court, twelve (12)

901 community sanction violation points are assessed for the

902 violation, and for each successive community sanction violation

903 involving a new felony conviction.

904 2. If the community sanction violation is committed by a

905 violent felony offender of special concern as defined in s.

906 948.06:

907 a. Twelve (12) community sanction violation points are

908 assessed for the violation and for each successive violation of

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909 felony probation or community control where:

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

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

915 b. Twenty-four (24) community sanction violation points are
916 assessed for the violation and for each successive violation of
917 felony probation or community control where the violation
918 includes a new felony conviction.

919

920 Multiple counts of community sanction violations before the
921 sentencing court shall not be a basis for multiplying the
922 assessment of community sanction violation points.

923

924 Prior serious felony points: If the offender has a primary
925 offense or any additional offense ranked in level 8, level 9, or
926 level 10, and one or more prior serious felonies, a single
927 assessment of thirty (30) points shall be added. For purposes of
928 this section, a prior serious felony is an offense in the
929 offender's prior record that is ranked in level 8, level 9, or
930 level 10 under s. 921.0022 or s. 921.0023 and for which the
931 offender is serving a sentence of confinement, supervision, or
932 other sanction or for which the offender's date of release from
933 confinement, supervision, or other sanction, whichever is later,
934 is within 3 years before the date the primary offense or any
935 additional offense was committed.

936

937 Prior capital felony points: If the offender has one or more

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938 prior capital felonies in the offender's criminal record, points
939 shall be added to the subtotal sentence points of the offender
940 equal to twice the number of points the offender receives for
941 the primary offense and any additional offense. A prior capital
942 felony in the offender's criminal record is a previous capital
943 felony offense for which the offender has entered a plea of nolo
944 contendere or guilty or has been found guilty; or a felony in
945 another jurisdiction which is a capital felony in that
946 jurisdiction, or would be a capital felony if the offense were
947 committed in this state.

948
949 Possession of a firearm, semiautomatic firearm, or machine gun:
950 If the offender is convicted of committing or attempting to
951 commit any felony other than those enumerated in s. 775.087(2)
952 while having in his or her possession: a firearm as defined in
953 s. 790.001(6), an additional eighteen (18) sentence points are
954 assessed; or if the offender is convicted of committing or
955 attempting to commit any felony other than those enumerated in
956 s. 775.087(3) while having in his or her possession a
957 semiautomatic firearm as defined in s. 775.087(3) or a machine
958 gun as defined in s. 790.001(9), an additional twenty-five (25)
959 sentence points are assessed.

960
961 Sentencing multipliers:

962
963 Drug trafficking: If the primary offense is drug trafficking
964 under s. 893.135, the subtotal sentence points are multiplied,
965 at the discretion of the court, for a level 7 or level 8
966 offense, by 1.5. The state attorney may move the sentencing

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967 court to reduce or suspend the sentence of a person convicted of
968 a level 7 or level 8 offense, if the offender provides
969 substantial assistance as described in s. 893.135(4).

970
971 Law enforcement protection: If the primary offense is a
972 violation of the Law Enforcement Protection Act under s.
973 775.0823(2), (3), or (4), the subtotal sentence points are
974 multiplied by 2.5. If the primary offense is a violation of s.
975 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points
976 are multiplied by 2.0. If the primary offense is a violation of
977 s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement
978 Protection Act under s. 775.0823(10) or (11), the subtotal
979 sentence points are multiplied by 1.5.

980
981 Grand theft of a motor vehicle: If the primary offense is grand
982 theft of the third degree involving a motor vehicle and in the
983 offender's prior record, there are three or more grand thefts of
984 the third degree involving a motor vehicle, the subtotal
985 sentence points are multiplied by 1.5.

986
987 Offense related to a criminal gang: If the offender is convicted
988 of the primary offense and committed that offense for the
989 purpose of benefiting, promoting, or furthering the interests of
990 a criminal gang as defined in s. 874.03, the subtotal sentence
991 points are multiplied by 1.5. If applying the multiplier results
992 in the lowest permissible sentence exceeding the statutory
993 maximum sentence for the primary offense under chapter 775, the
994 court may not apply the multiplier and must sentence the
995 defendant to the statutory maximum sentence.

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996
997 Domestic violence in the presence of a child: If the offender is
998 convicted of the primary offense and the primary offense is a
999 crime of domestic violence, as defined in s. 741.28, which was
1000 committed in the presence of a child under 16 years of age who
1001 is a family or household member as defined in s. 741.28(3) with
1002 the victim or perpetrator, the subtotal sentence points are
1003 multiplied by 1.5.

1004
1005 Adult-on-minor sex offense: If the offender was 18 years of age
1006 or older and the victim was younger than 18 years of age at the
1007 time the offender committed the primary offense, and if the
1008 primary offense was an offense committed on or after October 1,
1009 2014, and is a violation of s. 787.01(2) or s. 787.02(2), if the
1010 violation involved a victim who was a minor and, in the course
1011 of committing that violation, the defendant committed a sexual
1012 battery under chapter 794 or a lewd act under s. 800.04 or s.
1013 847.0135(5) against the minor; s. 787.01(3)(a)2. or 3.; s.
1014 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s.
1015 800.04; or s. 847.0135(5), the subtotal sentence points are
1016 multiplied by 2.0. If applying the multiplier results in the
1017 lowest permissible sentence exceeding the statutory maximum
1018 sentence for the primary offense under chapter 775, the court
1019 may not apply the multiplier and must sentence the defendant to
1020 the statutory maximum sentence.

1021 (2) The lowest permissible sentence is the minimum sentence
1022 that may be imposed by the trial court, absent a valid reason
1023 for departure. The lowest permissible sentence is any nonstate
1024 prison sanction in which the total sentence points equals or is

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1025 less than 44 points, unless the court determines within its
1026 discretion that a prison sentence, which may be up to the
1027 statutory maximums for the offenses committed, is appropriate.
1028 When the total sentence points exceeds 44 points, the lowest
1029 permissible sentence in prison months shall be calculated by
1030 subtracting 28 points from the total sentence points and
1031 decreasing the remaining total by 25 percent. The total sentence
1032 points shall be calculated only as a means of determining the
1033 lowest permissible sentence. The permissible range for
1034 sentencing shall be the lowest permissible sentence up to and
1035 including the statutory maximum, as defined in s. 775.082, for
1036 the primary offense and any additional offenses before the court
1037 for sentencing. The sentencing court may impose such sentences
1038 concurrently or consecutively. However, any sentence to state
1039 prison must exceed 1 year. If the lowest permissible sentence
1040 under the code exceeds the statutory maximum sentence as
1041 provided in s. 775.082, the sentence required by the code must
1042 be imposed. If the total sentence points are greater than or
1043 equal to 363, the court may sentence the offender to life
1044 imprisonment. An offender sentenced to life imprisonment under
1045 this section is not eligible for any form of discretionary early
1046 release, except executive clemency or conditional medical
1047 release under s. 947.149.

1048 (3) A single digitized scoresheet shall be prepared for
1049 each defendant to determine the permissible range for the
1050 sentence that the court may impose, except that if the defendant
1051 is before the court for sentencing for more than one felony and
1052 the felonies were committed under more than one version or
1053 revision of the guidelines or the code, separate digitized

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1054 scoresheets must be prepared. The scoresheet or scoresheets must
1055 cover all the defendant's offenses pending before the court for
1056 sentencing. The state attorney shall prepare the digitized
1057 scoresheet or scoresheets, which must be presented to the
1058 defense counsel for review for accuracy in all cases unless the
1059 judge directs otherwise. The defendant's scoresheet or
1060 scoresheets must be approved and signed by the sentencing judge.

1061 (4) The Department of Corrections, in consultation with the
1062 Office of the State Courts Administrator, state attorneys, and
1063 public defenders, must develop and submit the revised digitized
1064 Criminal Public Safety ~~Punishment~~ Code scoresheet to the Supreme
1065 Court for approval by June 15 of each year, as necessary. The
1066 digitized scoresheet shall have individual, structured data
1067 cells for each data field on the scoresheet. Upon the Supreme
1068 Court's approval of the revised digitized scoresheet, the
1069 Department of Corrections shall produce and provide the revised
1070 digitized scoresheets by September 30 of each year, as
1071 necessary. Digitized scoresheets must include individual data
1072 cells to indicate whether any prison sentence imposed includes a
1073 mandatory minimum sentence or the sentence imposed was a
1074 downward departure from the lowest permissible sentence under
1075 the Criminal Public Safety ~~Punishment~~ Code.

1076 (5) The Department of Corrections shall make available the
1077 digitized Criminal Public Safety ~~Punishment~~ Code scoresheets to
1078 those persons charged with the responsibility for preparing
1079 scoresheets.

1080 (6) The clerk of the circuit court shall transmit a
1081 complete and accurate digitized copy of the Criminal Public
1082 Safety ~~Punishment~~ Code scoresheet used in each sentencing

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1083 proceeding to the Department of Corrections. Scoresheets must be
1084 electronically transmitted no less frequently than monthly, by
1085 the first of each month, and may be sent collectively.

1086 (7) A digitized sentencing scoresheet must be prepared for
1087 every defendant who is sentenced for a felony offense. The
1088 individual offender's digitized Criminal Public Safety
1089 ~~Punishment~~ Code scoresheet and any attachments thereto prepared
1090 pursuant to Rule 3.701, Rule 3.702, or Rule 3.703, Florida Rules
1091 of Criminal Procedure, or any other rule pertaining to the
1092 preparation and submission of felony sentencing scoresheets,
1093 must be included with the uniform judgment and sentence form
1094 provided to the Department of Corrections.

1095 Section 10. Section 921.0025, Florida Statutes, is amended
1096 to read:

1097 921.0025 Adoption and implementation of revised sentencing
1098 scoresheets.—Rules 3.701, 3.702, 3.703, and 3.988, Florida Rules
1099 of Criminal Procedure, as revised by the Supreme Court, and any
1100 other rule pertaining to the preparation and submission of
1101 felony sentencing scoresheets, are adopted and implemented in
1102 accordance with this chapter for application to the Criminal
1103 Public Safety ~~Punishment~~ Code.

1104 Section 11. Paragraph (m) of subsection (2) of section
1105 921.0026, Florida Statutes, is amended to read:

1106 921.0026 Mitigating circumstances.—This section applies to
1107 any felony offense, except any capital felony, committed on or
1108 after October 1, 1998.

1109 (2) Mitigating circumstances under which a departure from
1110 the lowest permissible sentence is reasonably justified include,
1111 but are not limited to:

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1112 (m) The defendant's offense is a nonviolent felony, the
1113 defendant's Criminal Public Safety ~~Punishment~~ Code scoresheet
1114 total sentence points under s. 921.0024 are 60 points or fewer,
1115 and the court determines that the defendant is amenable to the
1116 services of a postadjudicatory treatment-based drug court
1117 program and is otherwise qualified to participate in the program
1118 as part of the sentence. For purposes of this paragraph, the
1119 term "nonviolent felony" has the same meaning as provided in s.
1120 948.08(6).

1121 Section 12. Section 921.0027, Florida Statutes, is amended
1122 to read:

1123 921.0027 Criminal Public Safety ~~Punishment~~ Code and
1124 revisions; applicability.—The Florida Criminal Public Safety
1125 ~~Punishment~~ Code applies to all felonies, except capital
1126 felonies, committed on or after October 1, 1998. Any revision to
1127 the Criminal Public Safety ~~Punishment~~ Code applies to sentencing
1128 for all felonies, except capital felonies, committed on or after
1129 the effective date of the revision. Felonies, except capital
1130 felonies, with continuing dates of enterprise shall be sentenced
1131 under the Criminal Public Safety ~~Punishment~~ Code in effect on
1132 the beginning date of the criminal activity.

1133 Section 13. Subsection (1) of section 924.06, Florida
1134 Statutes, is amended to read:

1135 924.06 Appeal by defendant.—

1136 (1) A defendant may appeal from:

1137 (a) A final judgment of conviction when probation has not
1138 been granted under chapter 948, except as provided in subsection
1139 (3);

1140 (b) An order granting probation under chapter 948;

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1141 (c) An order revoking probation under chapter 948;
1142 (d) A sentence, on the ground that it is illegal; or
1143 (e) A sentence imposed under s. 921.0024 of the Criminal
1144 Public Safety ~~Punishment~~ Code which exceeds the statutory
1145 maximum penalty provided in s. 775.082 for an offense at
1146 conviction, or the consecutive statutory maximums for offenses
1147 at conviction, unless otherwise provided by law.

1148 Section 14. Paragraph (i) of subsection (1) of section
1149 924.07, Florida Statutes, is amended to read:

1150 924.07 Appeal by state.—

1151 (1) The state may appeal from:

1152 (i) A sentence imposed below the lowest permissible
1153 sentence established by the Criminal Public Safety ~~Punishment~~
1154 Code under chapter 921.

1155 Section 15. Paragraph (c) of subsection (3) and paragraph
1156 (e) of subsection (5) of section 944.17, Florida Statutes, are
1157 amended to read:

1158 944.17 Commitments and classification; transfers.—

1159 (3)

1160 (c)1. When the highest ranking offense for which the
1161 prisoner is convicted is a felony, the trial court shall
1162 sentence the prisoner pursuant to the Criminal Public Safety
1163 ~~Punishment~~ Code in chapter 921.

1164 2. When the highest ranking offense for which the prisoner
1165 is convicted is a misdemeanor, the trial court shall sentence
1166 the prisoner pursuant to s. 775.082(4).

1167 (5) The department shall also refuse to accept a person
1168 into the state correctional system unless the following
1169 documents are presented in a completed form by the sheriff or

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1170 chief correctional officer, or a designated representative, to
1171 the officer in charge of the reception process. The department
1172 may, at its discretion, receive such documents electronically:

1173 (e) A copy of the Criminal Public Safety ~~Punishment~~ Code
1174 scoresheet and any attachments thereto prepared pursuant to Rule
1175 3.701, Rule 3.702, or Rule 3.703, Florida Rules of Criminal
1176 Procedure, or any other rule pertaining to the preparation of
1177 felony sentencing scoresheets.

1178
1179 In addition, the sheriff or other officer having such person in
1180 charge shall also deliver with the foregoing documents any
1181 available presentence investigation reports as described in s.
1182 921.231 and any attached documents. After a prisoner is admitted
1183 into the state correctional system, the department may request
1184 such additional records relating to the prisoner as it considers
1185 necessary from the clerk of the court, the Department of
1186 Children and Families, or any other state or county agency for
1187 the purpose of determining the prisoner's proper custody
1188 classification, gain-time eligibility, or eligibility for early
1189 release programs. An agency that receives such a request from
1190 the department must provide the information requested. The
1191 department may, at its discretion, receive such information
1192 electronically.

1193 Section 16. Paragraph (a) of subsection (7) of section
1194 948.01, Florida Statutes, is amended to read:

1195 948.01 When court may place defendant on probation or into
1196 community control.-

1197 (7) (a) Notwithstanding s. 921.0024 and effective for
1198 offenses committed on or after July 1, 2009, the sentencing

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1199 court may place the defendant into a postadjudicatory treatment-
1200 based drug court program if the defendant's Criminal Public
1201 Safety Punishment Code scoresheet total sentence points under s.
1202 921.0024 are 60 points or fewer, the offense is a nonviolent
1203 felony, the defendant is amenable to substance abuse treatment,
1204 and the defendant otherwise qualifies under s. 397.334(3). The
1205 satisfactory completion of the program shall be a condition of
1206 the defendant's probation or community control. As used in this
1207 subsection, the term "nonviolent felony" means a third degree
1208 felony violation under chapter 810 or any other felony offense
1209 that is not a forcible felony as defined in s. 776.08.

1210 Section 17. Section 948.015, Florida Statutes, is amended
1211 to read:

1212 948.015 Presentence investigation reports.—The circuit
1213 court, when the defendant in a criminal case has been found
1214 guilty or has entered a plea of nolo contendere or guilty and
1215 has a lowest permissible sentence under the Criminal Public
1216 Safety Punishment Code of any nonstate prison sanction, may
1217 refer the case to the department for investigation or
1218 recommendation. Upon such referral, the department shall make
1219 the following report in writing at a time specified by the court
1220 prior to sentencing. The full report shall include:

1221 (1) A complete description of the situation surrounding the
1222 criminal activity with which the offender has been charged,
1223 including a synopsis of the trial transcript, if one has been
1224 made; nature of the plea agreement, including the number of
1225 counts waived, the pleas agreed upon, the sentence agreed upon,
1226 and any additional terms of agreement; and, at the offender's
1227 discretion, his or her version and explanation of the criminal

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1228 activity.

1229 (2) The offender's sentencing status, including whether the
1230 offender is a first offender, a habitual or violent offender, a
1231 youthful offender, or is currently on probation.

1232 (3) The offender's prior record of arrests and convictions.

1233 (4) The offender's educational background.

1234 (5) The offender's employment background, including any
1235 military record, present employment status, and occupational
1236 capabilities.

1237 (6) The offender's financial status, including total
1238 monthly income and estimated total debts.

1239 (7) The social history of the offender, including his or
1240 her family relationships, marital status, interests, and
1241 activities.

1242 (8) The residence history of the offender.

1243 (9) The offender's medical history and, as appropriate, a
1244 psychological or psychiatric evaluation.

1245 (10) Information about the environments to which the
1246 offender might return or to which the offender could be sent
1247 should a sentence of nonincarceration or community supervision
1248 be imposed by the court, and consideration of the offender's
1249 plan concerning employment supervision and treatment.

1250 (11) Information about any resources available to assist
1251 the offender, such as:

1252 (a) Treatment centers.

1253 (b) Residential facilities.

1254 (c) Career training programs.

1255 (d) Special education programs.

1256 (e) Services that may preclude or supplement commitment to

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1257 the department.

1258 (12) The views of the person preparing the report as to the
1259 offender's motivations and ambitions and an assessment of the
1260 offender's explanations for his or her criminal activity.

1261 (13) An explanation of the offender's criminal record, if
1262 any, including his or her version and explanation of any
1263 previous offenses.

1264 (14) A statement regarding the extent of any victim's loss
1265 or injury.

1266 (15) A recommendation as to disposition by the court. The
1267 department shall make a written determination as to the reasons
1268 for its recommendation, and shall include an evaluation of the
1269 following factors:

1270 (a) The appropriateness or inappropriateness of community
1271 facilities, programs, or services for treatment or supervision
1272 for the offender.

1273 (b) The ability or inability of the department to provide
1274 an adequate level of supervision for the offender in the
1275 community and a statement of what constitutes an adequate level
1276 of supervision.

1277 (c) The existence of other treatment modalities which the
1278 offender could use but which do not exist at present in the
1279 community.

1280 Section 18. Paragraph (j) of subsection (2) of section
1281 948.06, Florida Statutes, is amended to read:

1282 948.06 Violation of probation or community control;
1283 revocation; modification; continuance; failure to pay
1284 restitution or cost of supervision.—

1285 (2)

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1286 (j)1. Notwithstanding s. 921.0024 and effective for
1287 offenses committed on or after July 1, 2009, the court may order
1288 the defendant to successfully complete a postadjudicatory
1289 treatment-based drug court program if:

1290 a. The court finds or the offender admits that the offender
1291 has violated his or her community control or probation;

1292 b. The offender's Criminal Public Safety ~~Punishment~~ Code
1293 scoresheet total sentence points under s. 921.0024 are 60 points
1294 or fewer after including points for the violation;

1295 c. The underlying offense is a nonviolent felony. As used
1296 in this subsection, the term "nonviolent felony" means a third
1297 degree felony violation under chapter 810 or any other felony
1298 offense that is not a forcible felony as defined in s. 776.08;

1299 d. The court determines that the offender is amenable to
1300 the services of a postadjudicatory treatment-based drug court
1301 program;

1302 e. The court has explained the purpose of the program to
1303 the offender and the offender has agreed to participate; and

1304 f. The offender is otherwise qualified to participate in
1305 the program under the provisions of s. 397.334(3).

1306 2. After the court orders the modification of community
1307 control or probation, the original sentencing court shall
1308 relinquish jurisdiction of the offender's case to the
1309 postadjudicatory treatment-based drug court program until the
1310 offender is no longer active in the program, the case is
1311 returned to the sentencing court due to the offender's
1312 termination from the program for failure to comply with the
1313 terms thereof, or the offender's sentence is completed.

1314 Section 19. Subsection (1) of section 948.20, Florida

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1315 Statutes, is amended to read:

1316 948.20 Drug offender probation.—

1317 (1) If it appears to the court upon a hearing that the
1318 defendant is a chronic substance abuser whose criminal conduct
1319 is a violation of s. 893.13(2)(a) or (6)(a), or other nonviolent
1320 felony if such nonviolent felony is committed on or after July
1321 1, 2009, and notwithstanding s. 921.0024 the defendant's
1322 Criminal Public Safety ~~Punishment~~ Code scoresheet total sentence
1323 points are 60 points or fewer, the court may either adjudge the
1324 defendant guilty or stay and withhold the adjudication of guilt.
1325 In either case, the court may also stay and withhold the
1326 imposition of sentence and place the defendant on drug offender
1327 probation or into a postadjudicatory treatment-based drug court
1328 program if the defendant otherwise qualifies. As used in this
1329 section, the term "nonviolent felony" means a third degree
1330 felony violation under chapter 810 or any other felony offense
1331 that is not a forcible felony as defined in s. 776.08.

1332 Section 20. Paragraph (c) of subsection (2) of section
1333 948.51, Florida Statutes, is amended to read:

1334 948.51 Community corrections assistance to counties or
1335 county consortiums.—

1336 (2) ELIGIBILITY OF COUNTIES AND COUNTY CONSORTIUMS.—A
1337 county, or a consortium of two or more counties, may contract
1338 with the Department of Corrections for community corrections
1339 funds as provided in this section. In order to enter into a
1340 community corrections partnership contract, a county or county
1341 consortium must have a public safety coordinating council
1342 established under s. 951.26 and must designate a county officer
1343 or agency to be responsible for administering community

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1344 corrections funds received from the state. The public safety
1345 coordinating council shall prepare, develop, and implement a
1346 comprehensive public safety plan for the county, or the
1347 geographic area represented by the county consortium, and shall
1348 submit an annual report to the Department of Corrections
1349 concerning the status of the program. In preparing the
1350 comprehensive public safety plan, the public safety coordinating
1351 council shall cooperate with the juvenile justice circuit
1352 advisory board established under s. 985.664 in order to include
1353 programs and services for juveniles in the plan. To be eligible
1354 for community corrections funds under the contract, the initial
1355 public safety plan must be approved by the governing board of
1356 the county, or the governing board of each county within the
1357 consortium, and the Secretary of Corrections based on the
1358 requirements of this section. If one or more other counties
1359 develop a unified public safety plan, the public safety
1360 coordinating council shall submit a single application to the
1361 department for funding. Continued contract funding shall be
1362 pursuant to subsection (5). The plan for a county or county
1363 consortium must cover at least a 5-year period and must include:

1364 (c) Specific goals and objectives for reducing the
1365 projected percentage of commitments to the state prison system
1366 of persons with low total sentencing scores pursuant to the
1367 Criminal Public Safety ~~Punishment~~ Code.

1368 Section 21. Subsection (3) of section 958.04, Florida
1369 Statutes, is amended to read:

1370 958.04 Judicial disposition of youthful offenders.—

1371 (3) The provisions of this section shall not be used to
1372 impose a greater sentence than the permissible sentence range as

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1373 established by the Criminal Public Safety ~~Punishment~~ Code
1374 pursuant to chapter 921 unless reasons are explained in writing
1375 by the trial court judge which reasonably justify departure. A
1376 sentence imposed outside of the code is subject to appeal
1377 pursuant to s. 924.06 or s. 924.07.

1378 Section 22. Subsection (4) of section 985.465, Florida
1379 Statutes, is amended to read:

1380 985.465 Juvenile correctional facilities or juvenile
1381 prison.—A juvenile correctional facility or juvenile prison is a
1382 physically secure residential commitment program with a
1383 designated length of stay from 18 months to 36 months, primarily
1384 serving children 13 years of age to 19 years of age or until the
1385 jurisdiction of the court expires. Each child committed to this
1386 level must meet one of the following criteria:

1387 (4) The child is at least 13 years of age at the time of
1388 the disposition for the current offense, the child is eligible
1389 for prosecution as an adult for the current offense, and the
1390 current offense is ranked at level 7 or higher on the Criminal
1391 Public Safety ~~Punishment~~ Code offense severity ranking chart
1392 pursuant to s. 921.0022.

1393 Section 23. Section 921.002, Florida Statutes, is amended
1394 to read:

1395 921.002 The Criminal Public Safety ~~Punishment~~ Code.—The
1396 Criminal Public Safety ~~Punishment~~ Code shall apply to all felony
1397 offenses, except capital felonies, committed on or after October
1398 1, 1998.

1399 (1) The provision of criminal penalties and of limitations
1400 upon the application of such penalties is a matter of
1401 predominantly substantive law and, as such, is a matter properly

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1402 addressed by the Legislature. The Legislature, in the exercise
1403 of its authority and responsibility to establish sentencing
1404 criteria, to provide for the imposition of criminal penalties,
1405 and to make the best use of state prisons so that violent
1406 criminal offenders are appropriately incarcerated, has
1407 determined that it is in the best interest of the state to
1408 develop, implement, and revise a sentencing policy. The Criminal
1409 Public Safety ~~Punishment~~ Code embodies the principles that:

1410 (a) Sentencing is neutral with respect to race, gender, and
1411 social and economic status.

1412 (b) The primary purpose of sentencing is to punish the
1413 offender. Rehabilitation is a desired goal of the criminal
1414 justice system but is subordinate to the goal of public safety
1415 ~~punishment~~.

1416 (c) The penalty imposed is commensurate with the severity
1417 of the primary offense and the circumstances surrounding the
1418 primary offense.

1419 (d) The severity of the sentence increases with the length
1420 and nature of the offender's prior record.

1421 (e) The sentence imposed by the sentencing judge reflects
1422 the length of actual time to be served, shortened only by the
1423 application of incentive and meritorious gain-time as provided
1424 by law, and may not be shortened if the defendant would
1425 consequently serve less than 85 percent of his or her term of
1426 imprisonment as provided in s. 944.275(4). The provisions of
1427 chapter 947, relating to parole, shall not apply to persons
1428 sentenced under the Criminal Public Safety ~~Punishment~~ Code.

1429 (f) Departures below the lowest permissible sentence
1430 established by the code must be articulated in writing by the

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1431 trial court judge and made only when circumstances or factors
1432 reasonably justify the mitigation of the sentence. The level of
1433 proof necessary to establish facts that support a departure from
1434 the lowest permissible sentence is a preponderance of the
1435 evidence.

1436 (g) The trial court judge may impose a sentence up to and
1437 including the statutory maximum for any offense, including an
1438 offense that is before the court due to a violation of probation
1439 or community control.

1440 (h) A sentence may be appealed on the basis that it departs
1441 from the Criminal Public Safety ~~Punishment~~ Code only if the
1442 sentence is below the lowest permissible sentence or as
1443 enumerated in s. 924.06(1).

1444 (i) Use of incarcerative sanctions is prioritized toward
1445 offenders convicted of serious offenses and certain offenders
1446 who have long prior records, in order to maximize the finite
1447 capacities of state and local correctional facilities.

1448 (2) When a defendant is before the court for sentencing for
1449 more than one felony and the felonies were committed under more
1450 than one version or revision of the former sentencing guidelines
1451 or the code, each felony shall be sentenced under the guidelines
1452 or the code in effect at the time the particular felony was
1453 committed. This subsection does not apply to sentencing for any
1454 capital felony.

1455 (3) A court may impose a departure below the lowest
1456 permissible sentence based upon circumstances or factors that
1457 reasonably justify the mitigation of the sentence in accordance
1458 with s. 921.0026. The level of proof necessary to establish
1459 facts supporting the mitigation of a sentence is a preponderance

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1460 of the evidence. When multiple reasons exist to support the
1461 mitigation, the mitigation shall be upheld when at least one
1462 circumstance or factor justifies the mitigation regardless of
1463 the presence of other circumstances or factors found not to
1464 justify mitigation. Any sentence imposed below the lowest
1465 permissible sentence must be explained in writing by the trial
1466 court judge.

1467 (4) (a) The Department of Corrections shall report on trends
1468 in sentencing practices and sentencing score thresholds and
1469 provide an analysis on the sentencing factors considered by the
1470 courts and shall submit this information to the Legislature by
1471 October 1 of each year.

1472 (b) The Criminal Justice Estimating Conference, with the
1473 assistance of the Department of Corrections, shall estimate the
1474 impact of any proposed change to the Criminal Public Safety
1475 ~~Punishment~~ Code on future rates of incarceration and on the
1476 prison population. The Criminal Justice Estimating Conference
1477 shall base its projections on historical data concerning
1478 sentencing practices which have been accumulated by the
1479 Department of Corrections and other relevant data from other
1480 state agencies and records of the Department of Corrections
1481 which disclose the average time served for offenses covered by
1482 any proposed changes to the Criminal Public Safety ~~Punishment~~
1483 Code.

1484 (c) In order to produce projects that are either required
1485 by law or requested by the Legislature to assist the Legislature
1486 in making modifications to the Criminal Public Safety ~~Punishment~~
1487 Code, the Department of Corrections is authorized to collect and
1488 evaluate Criminal Public Safety ~~Punishment~~ Code scoresheets from

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1489 each of the judicial circuits after sentencing. Beginning in
1490 1999, by October 1 of each year, the Department of Corrections
1491 shall provide an annual report to the Legislature that shows the
1492 rate of compliance of each judicial circuit in providing
1493 scoresheets to the department.

1494 Section 24. Subsection (2) of section 893.20, Florida
1495 Statutes, is amended to read:

1496 893.20 Continuing criminal enterprise.-

1497 (2) A person who commits the offense of engaging in a
1498 continuing criminal enterprise commits ~~is guilty of~~ a life
1499 felony, punishable pursuant to the Criminal Public Safety
1500 ~~Punishment~~ Code and by a fine of \$500,000.

1501 Section 25. This act shall take effect July 1, 2022.