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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/13/2023	.	
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The Committee on Criminal Justice (Bradley) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 775.0823, Florida Statutes, is amended  
to read:

775.0823 Violent offenses committed against specified  
justice system personnel ~~law enforcement officers, correctional  
officers, state attorneys, assistant state attorneys, justices,  
or judges.~~—The Legislature does hereby provide for an increase



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11 and certainty of penalty for any person convicted of a violent  
12 offense against any law enforcement or correctional officer, as  
13 defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9);  
14 against any state attorney elected pursuant to s. 27.01 or  
15 assistant state attorney appointed under s. 27.181; against any  
16 public defender elected pursuant to s. 27.50 or regional counsel  
17 appointed pursuant to s. 27.511(3); against any court-appointed  
18 counsel appointed under s. 27.40 or defense attorney in a  
19 criminal proceeding; or against any justice or judge of a court  
20 described in Art. V of the State Constitution, which offense  
21 arises out of or in the scope of the officer's duty as a law  
22 enforcement or correctional officer, the state attorney's or  
23 assistant state attorney's duty as a prosecutor or investigator,  
24 the public defender or regional counsel acting in his or her  
25 capacity as defense counsel, the court-appointed counsel or  
26 defense attorney in a criminal proceeding acting in his or her  
27 capacity as defense counsel, or the justice's or judge's duty as  
28 a judicial officer, as follows:

29 (1) For murder in the first degree as described in s.  
30 782.04(1), if the death sentence is not imposed, a sentence of  
31 imprisonment for life without eligibility for release.

32 (2) For attempted murder in the first degree as described  
33 in s. 782.04(1), a sentence pursuant to s. 775.082, s. 775.083,  
34 or s. 775.084.

35 (3) For attempted felony murder as described in s. 782.051,  
36 a sentence pursuant to s. 775.082, s. 775.083, or s. 775.084.

37 (4) For murder in the second degree as described in s.  
38 782.04(2) and (3), a sentence pursuant to s. 775.082, s.  
39 775.083, or s. 775.084.



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40 (5) For attempted murder in the second degree as described  
41 in s. 782.04(2) and (3), a sentence pursuant to s. 775.082, s.  
42 775.083, or s. 775.084.

43 (6) For murder in the third degree as described in s.  
44 782.04(4), a sentence pursuant to s. 775.082, s. 775.083, or s.  
45 775.084.

46 (7) For attempted murder in the third degree as described  
47 in s. 782.04(4), a sentence pursuant to s. 775.082, s. 775.083,  
48 or s. 775.084.

49 (8) For manslaughter as described in s. 782.07 during the  
50 commission of a crime, a sentence pursuant to s. 775.082, s.  
51 775.083, or s. 775.084.

52 (9) For kidnapping as described in s. 787.01, a sentence  
53 pursuant to s. 775.082, s. 775.083, or s. 775.084.

54 (10) For aggravated battery as described in s. 784.045, a  
55 sentence pursuant to s. 775.082, s. 775.083, or s. 775.084.

56 (11) For aggravated assault as described in s. 784.021, a  
57 sentence pursuant to s. 775.082, s. 775.083, or s. 775.084.

58  
59 Notwithstanding ~~the provisions of~~ s. 948.01, with respect to any  
60 person who is found to have violated this section, adjudication  
61 of guilt or imposition of sentence shall not be suspended,  
62 deferred, or withheld.

63 Section 2. Paragraph (b) of subsection (1) of section  
64 921.0024, Florida Statutes, is amended to read:

65 921.0024 Criminal Punishment Code; worksheet computations;  
66 scoresheets.—

67 (1)

68 (b) WORKSHEET KEY:



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69  
70 Legal status points are assessed when any form of legal status  
71 existed at the time the offender committed an offense before the  
72 court for sentencing. Four (4) sentence points are assessed for  
73 an offender's legal status.

74  
75 Community sanction violation points are assessed when a  
76 community sanction violation is before the court for sentencing.  
77 Six (6) sentence points are assessed for each community sanction  
78 violation and each successive community sanction violation,  
79 unless any of the following apply:

80       1. If the community sanction violation includes a new  
81 felony conviction before the sentencing court, twelve (12)  
82 community sanction violation points are assessed for the  
83 violation, and for each successive community sanction violation  
84 involving a new felony conviction.

85       2. If the community sanction violation is committed by a  
86 violent felony offender of special concern as defined in s.  
87 948.06:

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

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

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

96       b. Twenty-four (24) community sanction violation points are  
97 assessed for the violation and for each successive violation of



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98 felony probation or community control where the violation  
99 includes a new felony conviction.

100

101 Multiple counts of community sanction violations before the  
102 sentencing court shall not be a basis for multiplying the  
103 assessment of community sanction violation points.

104

105 Prior serious felony points: If the offender has a primary  
106 offense or any additional offense ranked in level 8, level 9, or  
107 level 10, and one or more prior serious felonies, a single  
108 assessment of thirty (30) points shall be added. For purposes of  
109 this section, a prior serious felony is an offense in the  
110 offender's prior record that is ranked in level 8, level 9, or  
111 level 10 under s. 921.0022 or s. 921.0023 and for which the  
112 offender is serving a sentence of confinement, supervision, or  
113 other sanction or for which the offender's date of release from  
114 confinement, supervision, or other sanction, whichever is later,  
115 is within 3 years before the date the primary offense or any  
116 additional offense was committed.

117

118 Prior capital felony points: If the offender has one or more  
119 prior capital felonies in the offender's criminal record, points  
120 shall be added to the subtotal sentence points of the offender  
121 equal to twice the number of points the offender receives for  
122 the primary offense and any additional offense. A prior capital  
123 felony in the offender's criminal record is a previous capital  
124 felony offense for which the offender has entered a plea of nolo  
125 contendere or guilty or has been found guilty; or a felony in  
126 another jurisdiction which is a capital felony in that



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127 jurisdiction, or would be a capital felony if the offense were  
128 committed in this state.

129

130 Possession of a firearm, semiautomatic firearm, or machine gun:  
131 If the offender is convicted of committing or attempting to  
132 commit any felony other than those enumerated in s. 775.087(2)  
133 while having in his or her possession: a firearm as defined in  
134 s. 790.001(6), an additional eighteen (18) sentence points are  
135 assessed; or if the offender is convicted of committing or  
136 attempting to commit any felony other than those enumerated in  
137 s. 775.087(3) while having in his or her possession a  
138 semiautomatic firearm as defined in s. 775.087(3) or a machine  
139 gun as defined in s. 790.001(9), an additional twenty-five (25)  
140 sentence points are assessed.

141

142 Sentencing multipliers:

143

144 Drug trafficking: If the primary offense is drug trafficking  
145 under s. 893.135, the subtotal sentence points are multiplied,  
146 at the discretion of the court, for a level 7 or level 8  
147 offense, by 1.5. The state attorney may move the sentencing  
148 court to reduce or suspend the sentence of a person convicted of  
149 a level 7 or level 8 offense, if the offender provides  
150 substantial assistance as described in s. 893.135(4).

151

152 Violent offenses committed against specified justice system  
153 personnel ~~Law enforcement protection~~: If the primary offense is  
154 a violation of ~~the Law Enforcement Protection Act~~ under s.  
155 775.0823(2), (3), or (4), the subtotal sentence points are



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156 multiplied by 2.5. If the primary offense is a violation of s.  
157 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points  
158 are multiplied by 2.0. If the primary offense is a violation of  
159 s. 784.07(3) or s. 775.0875(1), or ~~of the Law Enforcement~~  
160 ~~Protection Act under~~ s. 775.0823(10) or (11), the subtotal  
161 sentence points are multiplied by 1.5.

162  
163 Grand theft of a motor vehicle: If the primary offense is grand  
164 theft of the third degree involving a motor vehicle and in the  
165 offender's prior record, there are three or more grand thefts of  
166 the third degree involving a motor vehicle, the subtotal  
167 sentence points are multiplied by 1.5.

168  
169 Offense related to a criminal gang: If the offender is convicted  
170 of the primary offense and committed that offense for the  
171 purpose of benefiting, promoting, or furthering the interests of  
172 a criminal gang as defined in s. 874.03, the subtotal sentence  
173 points are multiplied by 1.5. If applying the multiplier results  
174 in the lowest permissible sentence exceeding the statutory  
175 maximum sentence for the primary offense under chapter 775, the  
176 court may not apply the multiplier and must sentence the  
177 defendant to the statutory maximum sentence.

178  
179 Domestic violence in the presence of a child: If the offender is  
180 convicted of the primary offense and the primary offense is a  
181 crime of domestic violence, as defined in s. 741.28, which was  
182 committed in the presence of a child under 16 years of age who  
183 is a family or household member as defined in s. 741.28(3) with  
184 the victim or perpetrator, the subtotal sentence points are



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185 multiplied by 1.5.

186

187 Adult-on-minor sex offense: If the offender was 18 years of age  
188 or older and the victim was younger than 18 years of age at the  
189 time the offender committed the primary offense, and if the  
190 primary offense was an offense committed on or after October 1,  
191 2014, and is a violation of s. 787.01(2) or s. 787.02(2), if the  
192 violation involved a victim who was a minor and, in the course  
193 of committing that violation, the defendant committed a sexual  
194 battery under chapter 794 or a lewd act under s. 800.04 or s.  
195 847.0135(5) against the minor; s. 787.01(3)(a)2. or 3.; s.  
196 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s.  
197 800.04; or s. 847.0135(5), the subtotal sentence points are  
198 multiplied by 2.0. If applying the multiplier results in the  
199 lowest permissible sentence exceeding the statutory maximum  
200 sentence for the primary offense under chapter 775, the court  
201 may not apply the multiplier and must sentence the defendant to  
202 the statutory maximum sentence.

203 Section 3. Subsection (3) of section 947.146, Florida  
204 Statutes, is amended to read:

205 947.146 Control Release Authority.—

206 (3) Within 120 days prior to the date the state  
207 correctional system is projected pursuant to s. 216.136 to  
208 exceed 99 percent of total capacity, the authority shall  
209 determine eligibility for and establish a control release date  
210 for an appropriate number of parole ineligible inmates committed  
211 to the department and incarcerated within the state who have  
212 been determined by the authority to be eligible for  
213 discretionary early release pursuant to this section. In





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214 establishing control release dates, it is the intent of the  
215 Legislature that the authority prioritize consideration of  
216 eligible inmates closest to their tentative release date. The  
217 authority shall rely upon commitment data on the offender  
218 information system maintained by the department to initially  
219 identify inmates who are to be reviewed for control release  
220 consideration. The authority may use a method of objective risk  
221 assessment in determining if an eligible inmate should be  
222 released. Such assessment shall be a part of the department's  
223 management information system. However, the authority shall have  
224 sole responsibility for determining control release eligibility,  
225 establishing a control release date, and effectuating the  
226 release of a sufficient number of inmates to maintain the inmate  
227 population between 99 percent and 100 percent of total capacity.  
228 Inmates who are ineligible for control release are inmates who  
229 are parole eligible or inmates who:

230 (a) Are serving a sentence that includes a mandatory  
231 minimum provision for a capital offense or drug trafficking  
232 offense and have not served the number of days equal to the  
233 mandatory minimum term less any jail-time credit awarded by the  
234 court;

235 (b) Are serving the mandatory minimum portion of a sentence  
236 enhanced under s. 775.087(2) or (3), or s. 784.07(3);

237 (c) Are convicted, or have been previously convicted, of  
238 committing or attempting to commit sexual battery, incest, or  
239 any of the following lewd or indecent assaults or acts:  
240 masturbating in public; exposing the sexual organs in a  
241 perverted manner; or nonconsensual handling or fondling of the  
242 sexual organs of another person;



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243 (d) Are convicted, or have been previously convicted, of  
244 committing or attempting to commit assault, aggravated assault,  
245 battery, or aggravated battery, and a sex act was attempted or  
246 completed during commission of such offense;

247 (e) Are convicted, or have been previously convicted, of  
248 committing or attempting to commit kidnapping, burglary, or  
249 murder, and the offense was committed with the intent to commit  
250 sexual battery or a sex act was attempted or completed during  
251 commission of the offense;

252 (f) Are convicted, or have been previously convicted, of  
253 committing or attempting to commit false imprisonment upon a  
254 child under the age of 13 and, in the course of committing the  
255 offense, the inmate committed aggravated child abuse, sexual  
256 battery against the child, or a lewd or lascivious offense  
257 committed upon or in the presence of a person less than 16 years  
258 of age;

259 (g) Are sentenced, have previously been sentenced, or have  
260 been sentenced at any time under s. 775.084, or have been  
261 sentenced at any time in another jurisdiction as a habitual  
262 offender;

263 (h) Are convicted, or have been previously convicted, of  
264 committing or attempting to commit assault, aggravated assault,  
265 battery, aggravated battery, kidnapping, manslaughter, or murder  
266 against an officer as defined in s. 943.10(1), (2), (3), (6),  
267 (7), (8), or (9); against a state attorney or assistant state  
268 attorney; or against a justice or judge of a court described in  
269 Art. V of the State Constitution; or against an officer, judge,  
270 or state attorney employed in a comparable position by any other  
271 jurisdiction; or



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272 (i) Are convicted, or have been previously convicted, of  
273 committing or attempting to commit murder in the first, second,  
274 or third degree under s. 782.04(1), (2), (3), or (4), or have  
275 ever been convicted of any degree of murder or attempted murder  
276 in another jurisdiction;

277 (j) Are convicted, or have been previously convicted, of  
278 DUI manslaughter under s. 316.193(3)(c)3., and are sentenced, or  
279 have been sentenced at any time, as a habitual offender for such  
280 offense, or have been sentenced at any time in another  
281 jurisdiction as a habitual offender for such offense;

282 (k)1. Are serving a sentence for an offense committed on or  
283 after January 1, 1994, for a violation of ~~the Law Enforcement~~  
284 ~~Protection Act under~~ s. 775.0823(2), (3), (4), (5), or (6), and  
285 the subtotal of the offender's sentence points is multiplied  
286 pursuant to former s. 921.0014 or s. 921.0024;

287 2. Are serving a sentence for an offense committed on or  
288 after October 1, 1995, for a violation of ~~the Law Enforcement~~  
289 ~~Protection Act under~~ s. 775.0823(2), (3), (4), (5), (6), (7),  
290 (8), or (9), and the subtotal of the offender's sentence points  
291 is multiplied pursuant to former s. 921.0014 or s. 921.0024;

292 (l) Are serving a sentence for an offense committed on or  
293 after January 1, 1994, for possession of a firearm,  
294 semiautomatic firearm, or machine gun in which additional points  
295 are added to the subtotal of the offender's sentence points  
296 pursuant to former s. 921.0014 or s. 921.0024; or

297 (m) Are convicted, or have been previously convicted, of  
298 committing or attempting to commit manslaughter, kidnapping,  
299 robbery, carjacking, home-invasion robbery, or a burglary under  
300 s. 810.02(2).



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301  
302 In making control release eligibility determinations under this  
303 subsection, the authority may rely on any document leading to or  
304 generated during the course of the criminal proceedings,  
305 including, but not limited to, any presentence or postsentence  
306 investigation or any information contained in arrest reports  
307 relating to circumstances of the offense.

308 Section 4. This act shall take effect July 1, 2023.

309  
310 ===== T I T L E A M E N D M E N T =====

311 And the title is amended as follows:

312 Delete everything before the enacting clause  
313 and insert:

314 A bill to be entitled  
315 An act relating to violent offenses committed against  
316 criminal defense attorneys; amending s. 775.0823,  
317 F.S.; providing for the reclassification of specified  
318 offenses committed against criminal defense attorneys;  
319 amending ss. 921.0024 and 947.146, F.S.; conforming  
320 provisions to changes made by the act; providing an  
321 effective date.