

**By** the Committee on Criminal Justice; and Senators Bradley and Martin

591-02496-23

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1 A bill to be entitled

2 An act relating to violent offenses committed against  
3 criminal defense attorneys; amending s. 775.0823,  
4 F.S.; providing for the reclassification of specified  
5 offenses committed against criminal defense attorneys;  
6 amending ss. 921.0024 and 947.146, F.S.; conforming  
7 provisions to changes made by the act; providing an  
8 effective date.

9  
10 Be It Enacted by the Legislature of the State of Florida:

11  
12 Section 1. Section 775.0823, Florida Statutes, is amended  
13 to read:

14 775.0823 Violent offenses committed against specified  
15 justice system personnel ~~law enforcement officers, correctional~~  
16 ~~officers, state attorneys, assistant state attorneys, justices,~~  
17 ~~or judges.~~—The Legislature does hereby provide for an increase  
18 and certainty of penalty for any person convicted of a violent  
19 offense against any law enforcement or correctional officer, as  
20 defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9);  
21 against any state attorney elected pursuant to s. 27.01 or  
22 assistant state attorney appointed under s. 27.181; against any  
23 public defender elected pursuant to s. 27.50 or regional counsel  
24 appointed pursuant to s. 27.511(3); against any court-appointed  
25 counsel appointed under s. 27.40 or defense attorney in a  
26 criminal proceeding; or against any justice or judge of a court  
27 described in Art. V of the State Constitution, which offense  
28 arises out of or in the scope of the officer's duty as a law  
29 enforcement or correctional officer, the state attorney's or

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30 assistant state attorney's duty as a prosecutor or investigator,  
31 the public defender or regional counsel acting in his or her  
32 capacity as defense counsel, the court-appointed counsel or  
33 defense attorney in a criminal proceeding acting in his or her  
34 capacity as defense counsel, or the justice's or judge's duty as  
35 a judicial officer, as follows:

36 (1) For murder in the first degree as described in s.  
37 782.04(1), if the death sentence is not imposed, a sentence of  
38 imprisonment for life without eligibility for release.

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

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

44 (4) For murder in the second degree as described in s.  
45 782.04(2) and (3), a sentence pursuant to s. 775.082, s.  
46 775.083, or s. 775.084.

47 (5) For attempted murder in the second degree as described  
48 in s. 782.04(2) and (3), a sentence pursuant to s. 775.082, s.  
49 775.083, or s. 775.084.

50 (6) For murder in the third degree as described in s.  
51 782.04(4), a sentence pursuant to s. 775.082, s. 775.083, or s.  
52 775.084.

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

56 (8) For manslaughter as described in s. 782.07 during the  
57 commission of a crime, a sentence pursuant to s. 775.082, s.  
58 775.083, or s. 775.084.

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

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

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

65  
66 Notwithstanding ~~the provisions of~~ s. 948.01, with respect to any  
67 person who is found to have violated this section, adjudication  
68 of guilt or imposition of sentence shall not be suspended,  
69 deferred, or withheld.

70 Section 2. Paragraph (b) of subsection (1) of section  
71 921.0024, Florida Statutes, is amended to read:

72 921.0024 Criminal Punishment Code; worksheet computations;  
73 scoresheets.—

74 (1)

75 (b) WORKSHEET KEY:

76  
77 Legal status points are assessed when any form of legal status  
78 existed at the time the offender committed an offense before the  
79 court for sentencing. Four (4) sentence points are assessed for  
80 an offender's legal status.

81  
82 Community sanction violation points are assessed when a  
83 community sanction violation is before the court for sentencing.  
84 Six (6) sentence points are assessed for each community sanction  
85 violation and each successive community sanction violation,  
86 unless any of the following apply:

87 1. If the community sanction violation includes a new

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

92 2. If the community sanction violation is committed by a  
93 violent felony offender of special concern as defined in s.  
94 948.06:

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

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

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

103 b. Twenty-four (24) community sanction violation points are  
104 assessed for the violation and for each successive violation of  
105 felony probation or community control where the violation  
106 includes a new felony conviction.

107  
108 Multiple counts of community sanction violations before the  
109 sentencing court shall not be a basis for multiplying the  
110 assessment of community sanction violation points.

111  
112 Prior serious felony points: If the offender has a primary  
113 offense or any additional offense ranked in level 8, level 9, or  
114 level 10, and one or more prior serious felonies, a single  
115 assessment of thirty (30) points shall be added. For purposes of  
116 this section, a prior serious felony is an offense in the

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117 offender's prior record that is ranked in level 8, level 9, or  
118 level 10 under s. 921.0022 or s. 921.0023 and for which the  
119 offender is serving a sentence of confinement, supervision, or  
120 other sanction or for which the offender's date of release from  
121 confinement, supervision, or other sanction, whichever is later,  
122 is within 3 years before the date the primary offense or any  
123 additional offense was committed.

124

125 Prior capital felony points: If the offender has one or more  
126 prior capital felonies in the offender's criminal record, points  
127 shall be added to the subtotal sentence points of the offender  
128 equal to twice the number of points the offender receives for  
129 the primary offense and any additional offense. A prior capital  
130 felony in the offender's criminal record is a previous capital  
131 felony offense for which the offender has entered a plea of nolo  
132 contendere or guilty or has been found guilty; or a felony in  
133 another jurisdiction which is a capital felony in that  
134 jurisdiction, or would be a capital felony if the offense were  
135 committed in this state.

136

137 Possession of a firearm, semiautomatic firearm, or machine gun:  
138 If the offender is convicted of committing or attempting to  
139 commit any felony other than those enumerated in s. 775.087(2)  
140 while having in his or her possession: a firearm as defined in  
141 s. 790.001(6), an additional eighteen (18) sentence points are  
142 assessed; or if the offender is convicted of committing or  
143 attempting to commit any felony other than those enumerated in  
144 s. 775.087(3) while having in his or her possession a  
145 semiautomatic firearm as defined in s. 775.087(3) or a machine

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

148

149 Sentencing multipliers:

150

151 Drug trafficking: If the primary offense is drug trafficking  
152 under s. 893.135, the subtotal sentence points are multiplied,  
153 at the discretion of the court, for a level 7 or level 8  
154 offense, by 1.5. The state attorney may move the sentencing  
155 court to reduce or suspend the sentence of a person convicted of  
156 a level 7 or level 8 offense, if the offender provides  
157 substantial assistance as described in s. 893.135(4).

158

159 Violent offenses committed against specified justice system  
160 personnel Law enforcement protection: If the primary offense is  
161 a violation of ~~the Law Enforcement Protection Act~~ under s.  
162 775.0823(2), (3), or (4), the subtotal sentence points are  
163 multiplied by 2.5. If the primary offense is a violation of s.  
164 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points  
165 are multiplied by 2.0. If the primary offense is a violation of  
166 s. 784.07(3) or s. 775.0875(1), or ~~of the Law Enforcement~~  
167 ~~Protection Act~~ under s. 775.0823(10) or (11), the subtotal  
168 sentence points are multiplied by 1.5.

169

170 Grand theft of a motor vehicle: If the primary offense is grand  
171 theft of the third degree involving a motor vehicle and in the  
172 offender's prior record, there are three or more grand thefts of  
173 the third degree involving a motor vehicle, the subtotal  
174 sentence points are multiplied by 1.5.

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176 Offense related to a criminal gang: If the offender is convicted  
177 of the primary offense and committed that offense for the  
178 purpose of benefiting, promoting, or furthering the interests of  
179 a criminal gang as defined in s. 874.03, the subtotal sentence  
180 points are multiplied by 1.5. If applying the multiplier results  
181 in the lowest permissible sentence exceeding the statutory  
182 maximum sentence for the primary offense under chapter 775, the  
183 court may not apply the multiplier and must sentence the  
184 defendant to the statutory maximum sentence.

185

186 Domestic violence in the presence of a child: If the offender is  
187 convicted of the primary offense and the primary offense is a  
188 crime of domestic violence, as defined in s. 741.28, which was  
189 committed in the presence of a child under 16 years of age who  
190 is a family or household member as defined in s. 741.28(3) with  
191 the victim or perpetrator, the subtotal sentence points are  
192 multiplied by 1.5.

193

194 Adult-on-minor sex offense: If the offender was 18 years of age  
195 or older and the victim was younger than 18 years of age at the  
196 time the offender committed the primary offense, and if the  
197 primary offense was an offense committed on or after October 1,  
198 2014, and is a violation of s. 787.01(2) or s. 787.02(2), if the  
199 violation involved a victim who was a minor and, in the course  
200 of committing that violation, the defendant committed a sexual  
201 battery under chapter 794 or a lewd act under s. 800.04 or s.  
202 847.0135(5) against the minor; s. 787.01(3) (a)2. or 3.; s.  
203 787.02(3) (a)2. or 3.; s. 794.011, excluding s. 794.011(10); s.

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204 800.04; or s. 847.0135(5), the subtotal sentence points are  
205 multiplied by 2.0. If applying the multiplier results in the  
206 lowest permissible sentence exceeding the statutory maximum  
207 sentence for the primary offense under chapter 775, the court  
208 may not apply the multiplier and must sentence the defendant to  
209 the statutory maximum sentence.

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

212 947.146 Control Release Authority.—

213 (3) Within 120 days prior to the date the state  
214 correctional system is projected pursuant to s. 216.136 to  
215 exceed 99 percent of total capacity, the authority shall  
216 determine eligibility for and establish a control release date  
217 for an appropriate number of parole ineligible inmates committed  
218 to the department and incarcerated within the state who have  
219 been determined by the authority to be eligible for  
220 discretionary early release pursuant to this section. In  
221 establishing control release dates, it is the intent of the  
222 Legislature that the authority prioritize consideration of  
223 eligible inmates closest to their tentative release date. The  
224 authority shall rely upon commitment data on the offender  
225 information system maintained by the department to initially  
226 identify inmates who are to be reviewed for control release  
227 consideration. The authority may use a method of objective risk  
228 assessment in determining if an eligible inmate should be  
229 released. Such assessment shall be a part of the department's  
230 management information system. However, the authority shall have  
231 sole responsibility for determining control release eligibility,  
232 establishing a control release date, and effectuating the



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233 release of a sufficient number of inmates to maintain the inmate  
234 population between 99 percent and 100 percent of total capacity.  
235 Inmates who are ineligible for control release are inmates who  
236 are parole eligible or inmates who:

237 (a) Are serving a sentence that includes a mandatory  
238 minimum provision for a capital offense or drug trafficking  
239 offense and have not served the number of days equal to the  
240 mandatory minimum term less any jail-time credit awarded by the  
241 court;

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

244 (c) Are convicted, or have been previously convicted, of  
245 committing or attempting to commit sexual battery, incest, or  
246 any of the following lewd or indecent assaults or acts:  
247 masturbating in public; exposing the sexual organs in a  
248 perverted manner; or nonconsensual handling or fondling of the  
249 sexual organs of another person;

250 (d) Are convicted, or have been previously convicted, of  
251 committing or attempting to commit assault, aggravated assault,  
252 battery, or aggravated battery, and a sex act was attempted or  
253 completed during commission of such offense;

254 (e) Are convicted, or have been previously convicted, of  
255 committing or attempting to commit kidnapping, burglary, or  
256 murder, and the offense was committed with the intent to commit  
257 sexual battery or a sex act was attempted or completed during  
258 commission of the offense;

259 (f) Are convicted, or have been previously convicted, of  
260 committing or attempting to commit false imprisonment upon a  
261 child under the age of 13 and, in the course of committing the

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262 offense, the inmate committed aggravated child abuse, sexual  
263 battery against the child, or a lewd or lascivious offense  
264 committed upon or in the presence of a person less than 16 years  
265 of age;

266 (g) Are sentenced, have previously been sentenced, or have  
267 been sentenced at any time under s. 775.084, or have been  
268 sentenced at any time in another jurisdiction as a habitual  
269 offender;

270 (h) Are convicted, or have been previously convicted, of  
271 committing or attempting to commit assault, aggravated assault,  
272 battery, aggravated battery, kidnapping, manslaughter, or murder  
273 against an officer as defined in s. 943.10(1), (2), (3), (6),  
274 (7), (8), or (9); against a state attorney or assistant state  
275 attorney; or against a justice or judge of a court described in  
276 Art. V of the State Constitution; or against an officer, judge,  
277 or state attorney employed in a comparable position by any other  
278 jurisdiction; or

279 (i) Are convicted, or have been previously convicted, of  
280 committing or attempting to commit murder in the first, second,  
281 or third degree under s. 782.04(1), (2), (3), or (4), or have  
282 ever been convicted of any degree of murder or attempted murder  
283 in another jurisdiction;

284 (j) Are convicted, or have been previously convicted, of  
285 DUI manslaughter under s. 316.193(3)(c)3., and are sentenced, or  
286 have been sentenced at any time, as a habitual offender for such  
287 offense, or have been sentenced at any time in another  
288 jurisdiction as a habitual offender for such offense;

289 (k)1. Are serving a sentence for an offense committed on or  
290 after January 1, 1994, for a violation of ~~the Law Enforcement~~

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291 ~~Protection Act under~~ s. 775.0823(2), (3), (4), (5), or (6), and  
292 the subtotal of the offender's sentence points is multiplied  
293 pursuant to former s. 921.0014 or s. 921.0024;

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

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

304 (m) Are convicted, or have been previously convicted, of  
305 committing or attempting to commit manslaughter, kidnapping,  
306 robbery, carjacking, home-invasion robbery, or a burglary under  
307 s. 810.02(2).

308  
309 In making control release eligibility determinations under this  
310 subsection, the authority may rely on any document leading to or  
311 generated during the course of the criminal proceedings,  
312 including, but not limited to, any presentence or postsentence  
313 investigation or any information contained in arrest reports  
314 relating to circumstances of the offense.

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