

1 A bill to be entitled
 2 An act relating to sexual offenses; amending ss. 95.11
 3 and 775.15, F.S.; eliminating statutes of limitations
 4 to the institution of criminal or civil actions
 5 relating to lewd and lascivious acts if the victim is
 6 under 16 and the offender is 18 or older at the time
 7 of the offense; providing applicability; amending s.
 8 794.011, F.S.; revising and creating offenses
 9 involving sexual battery; increasing felony degree of
 10 certain sexual battery offenses; amending s. 794.0115,
 11 F.S.; imposing a 50-year minimum mandatory sentence
 12 for dangerous sexual felony offenders; amending s.
 13 794.05, F.S.; amending the definition of the term
 14 "sexual activity;" amending s. 800.03, F.S.;
 15 increasing the classification of second and subsequent
 16 violations of the provision prohibiting unlawful
 17 exposure of sexual organs; amending s. 800.04, F.S.;
 18 revising and creating offenses involving lewd or
 19 lascivious battery and molestation; increasing felony
 20 degree of certain lewd or lascivious battery and
 21 molestation offenses; amending s. 810.14, F.S.;
 22 expanding the application of video voyeurism offense
 23 include public or private dwellings, structures, or
 24 conveyances; amending s. 901.15, F.S.; authorizing an
 25 arrest without a warrant if there is probable cause to
 26 believe that a person has committed unlawful exposure

27 of sexual organs in violation of specified provisions;
 28 amending s. 921.0022, F.S.; assigning new offense
 29 severity rankings for lewd or lascivious molestation
 30 and sexual battery offenses; amending s. 921.0024,
 31 F.S.; providing that sentence points are multiplied
 32 for specified sex offenses committed by an adult upon
 33 a minor under certain circumstances; amending s.
 34 944.275, F.S.; prohibiting award of gain-time for
 35 certain offenses; amending s. 948.012, F.S.; requiring
 36 split sentence for certain sexual offenses; amending
 37 s. 948.30, F.S.; prohibiting certain probationers or
 38 community controllees from viewing, accessing, owning,
 39 or possessing any obscene, pornographic, or sexually
 40 stimulating material, regardless of such material's
 41 relevance to the offender's deviant behavior pattern;
 42 providing an effective date.

43

44 Be It Enacted by the Legislature of the State of Florida:

45

46 Section 1. Subsection (9) of section 95.11, Florida
 47 Statutes, is amended to read:

48 95.11 Limitations other than for the recovery of real
 49 property.—Actions other than for recovery of real property shall
 50 be commenced as follows:

51 (9) SEXUAL ~~BATTERY~~ OFFENSES ON VICTIMS UNDER AGE 16.—

52 (a) An action related to an act constituting a violation of

53 s. 794.011 involving a victim who was under the age of 16 at the
 54 time of the act may be commenced at any time. This subsection
 55 applies to any such action other than one which would have been
 56 time barred on or before July 1, 2010.

57 (b) An action related to an act constituting a violation of
 58 s. 800.04 involving a victim who was under the age of 16 and an
 59 offender 18 years of age or older at the time of the act may be
 60 commenced at any time. This subsection applies to any such
 61 action other than one which would have been time barred on or
 62 before October 1, 2014.

63 Section 2. Subsection (18) is added to section 775.15,
 64 Florida Statutes, to read:

65 775.15 Time limitations; general time limitations;
 66 exceptions.—

67 (18) If the offense is a violation of s. 800.04, where the
 68 victim was under 16 years of age and the offender was 18 or
 69 older, a prosecution of the offense may be commenced at any
 70 time. This subsection applies to any offense that is not
 71 otherwise barred from prosecution on or after October 1, 2014.

72 Section 3. Subsections (4), (5), and (6), paragraph (b) of
 73 subsection (8), and subsections (9) and (10) of section 794.011,
 74 Florida Statutes, are amended to read:

75 794.011 Sexual battery.—

76 (4)(a) A person 18 years of age or older who commits
 77 sexual battery upon a person 12 years of age or older but
 78 younger than 18 years of age without that person's consent,

79 under any of the ~~following~~ circumstances listed in paragraph
 80 (e), commits a felony of the first degree, punishable by a term
 81 of years not exceeding life or as provided in s. 775.082, s.
 82 775.083, s. 775.084, or s. 794.0115.÷

83 (b) A person 18 years of age or older who commits sexual
 84 battery upon a person 18 years of age or older without that
 85 person's consent, under any of the circumstances listed in
 86 paragraph (e), commits a felony of the first degree, punishable
 87 as provided in s. 775.082, s. 775.083, s. 775.084, or s.
 88 794.0115.

89 (c) A person younger than 18 years of age who commits
 90 sexual battery upon a person 12 years of age or older without
 91 that person's consent, under any of the circumstances listed in
 92 paragraph (e), commits a felony of the first degree, punishable
 93 as provided in s. 775.082, s. 775.083, s. 775.084, or s.
 94 794.0115.

95 (d) If a person who has previously been convicted of a
 96 violation of s. 787.01(2), s. 787.02(3), s. 800.04, s. 825.1025,
 97 or s. 847.0135(5) or a violation of this chapter, excluding
 98 subsection (10) of this section, commits sexual battery upon a
 99 person 12 years of age or older without that person's consent,
 100 under any of the circumstances listed in paragraph (e), such
 101 person commits a felony of the first degree, punishable by a
 102 term of years not exceeding life or as provided in s. 775.082,
 103 s. 775.083, s. 775.084, or s. 794.0115.

104 (e) The following circumstances apply to paragraphs (a)-

105 (d):

106 1.(a) ~~When~~ The victim is physically helpless to resist.

107 2.(b) ~~When~~ The offender coerces the victim to submit by
 108 threatening to use force or violence likely to cause serious
 109 personal injury on the victim, and the victim reasonably
 110 believes that the offender has the present ability to execute
 111 the threat.

112 3.(c) ~~When~~ The offender coerces the victim to submit by
 113 threatening to retaliate against the victim, or any other
 114 person, and the victim reasonably believes that the offender has
 115 the ability to execute the threat in the future.

116 4.(d) ~~When~~ The offender, without the prior knowledge or
 117 consent of the victim, administers or has knowledge of someone
 118 else administering to the victim any narcotic, anesthetic, or
 119 other intoxicating substance that ~~which~~ mentally or physically
 120 incapacitates the victim.

121 5.(e) ~~When~~ The victim is mentally defective, and the
 122 offender has reason to believe this or has actual knowledge of
 123 this fact.

124 6.(f) ~~When~~ The victim is physically incapacitated.

125 7.(g) ~~When~~ The offender is a law enforcement officer,
 126 correctional officer, or correctional probation officer as
 127 defined in ~~by~~ s. 943.10(1), (2), (3), (6), (7), (8), or (9), who
 128 is certified under ~~the provisions of~~ s. 943.1395 or is an
 129 elected official exempt from such certification by virtue of s.
 130 943.253, or any other person in a position of control or

131 authority in a probation, community control, controlled release,
 132 detention, custodial, or similar setting, and such officer,
 133 official, or person is acting in such a manner as to lead the
 134 victim to reasonably believe that the offender is in a position
 135 of control or authority as an agent or employee of government.

136 (5) (a) A person 18 years of age or older who commits
 137 sexual battery upon a person 12 years of age or older but
 138 younger than 18 years of age, without that person's consent, and
 139 in the process ~~thereof~~ does not use physical force and violence
 140 likely to cause serious personal injury commits a felony of the
 141 first ~~second~~ degree, punishable as provided in s. 775.082, s.
 142 775.083, s. 775.084, or s. 794.0115.

143 (b) A person 18 years of age or older who commits sexual
 144 battery upon a person 18 years of age or older, without that
 145 person's consent, and in the process does not use physical force
 146 and violence likely to cause serious personal injury commits a
 147 felony of the second degree, punishable as provided in s.
 148 775.082, s. 775.083, s. 775.084, or s. 794.0115.

149 (c) A person younger than 18 years of age who commits
 150 sexual battery upon a person 12 years of age or older, without
 151 that person's consent, and in the process does not use physical
 152 force and violence likely to cause serious personal injury
 153 commits a felony of the second degree, punishable as provided in
 154 s. 775.082, s. 775.083, s. 775.084, or s. 794.0115.

155 (d) If a person who has previously been convicted of a
 156 violation of s. 787.01(2), s. 787.02(3), s. 800.04, s. 825.1025,

157 or s. 847.0135(5) or a violation of this chapter, excluding
 158 subsection (10) of this section, commits sexual battery upon a
 159 person 12 years of age or older, without that person's consent,
 160 and in the process does not use physical force and violence
 161 likely to cause serious personal injury, such person commits a
 162 felony of the first degree, punishable as provided in s.
 163 775.082, s. 775.083, s. 775.084, or s. 794.0115.

164 (6) (a) The offenses ~~offense~~ described in paragraphs
 165 (5) (a)-(c) are ~~subsection (5) is~~ included in any sexual battery
 166 offense charged under subsection (3) or ~~subsection (4).~~

167 (b) The offense described in paragraph (5) (a) is included
 168 in an offense charged under paragraph (4) (a).

169 (c) The offense described in paragraph (5) (b) is included
 170 in an offense charged under paragraph (4) (b).

171 (d) The offense described in paragraph (5) (c) is included
 172 in an offense charged under paragraph (4) (c).

173 (e) The offense described in paragraph (5) (d) is included
 174 in an offense charged under paragraph (4) (d).

175 (8) Without regard to the willingness or consent of the
 176 victim, which is not a defense to prosecution under this
 177 subsection, a person who is in a position of familial or
 178 custodial authority to a person less than 18 years of age and
 179 who:

180 (b) Engages in any act with that person while the person
 181 is 12 years of age or older but younger ~~less~~ than 18 years of
 182 age which constitutes sexual battery under paragraph (1) (h)

183 commits a felony of the first degree, punishable by a term of
184 years not exceeding life or as provided in s. 775.082, s.
185 775.083, or s. 775.084.

186 (9) For prosecution under paragraph (4) (a), paragraph
187 (4) (b), paragraph (4) (c), or paragraph (4) (d) which involves an
188 offense committed under any of the circumstances listed in
189 subparagraph (4) (e) 7. ~~paragraph (4) (g)~~, acquiescence to a person
190 reasonably believed by the victim to be in a position of
191 authority or control does not constitute consent, and it is not
192 a defense that the perpetrator was not actually in a position of
193 control or authority if the circumstances were such as to lead
194 the victim to reasonably believe that the person was in such a
195 position.

196 (10) A ~~Any~~ person who falsely accuses a ~~any~~ person listed
197 in subparagraph (4) (e) 7. ~~paragraph (4) (g)~~ or other person in a
198 position of control or authority as an agent or employee of
199 government of violating paragraph (4) (a), paragraph (4) (b),
200 paragraph (4) (c), or paragraph (4) (d) commits ~~(4) (g) is guilty~~
201 ~~of~~ a felony of the third degree, punishable as provided in s.
202 775.082, s. 775.083, or s. 775.084.

203 Section 4. Subsection (2) of section 794.0115, Florida
204 Statutes, is amended to read:

205 794.0115 Dangerous sexual felony offender; mandatory
206 sentencing.—

207 (2) Any person who is convicted of a violation of s.
208 787.025 (2) (c); s. 794.011 (2), (3), (4), (5), or (8); s.

209 800.04(4) or (5); s. 825.1025(2) or (3); s. 827.071(2), (3), or
 210 (4); or s. 847.0145; or of any similar offense under a former
 211 designation, which offense the person committed when he or she
 212 was 18 years of age or older, and the person:

213 (a) Caused serious personal injury to the victim as a
 214 result of the commission of the offense;

215 (b) Used or threatened to use a deadly weapon during the
 216 commission of the offense;

217 (c) Victimized more than one person during the course of
 218 the criminal episode applicable to the offense;

219 (d) Committed the offense while under the jurisdiction of
 220 a court for a felony offense under the laws of this state, for
 221 an offense that is a felony in another jurisdiction, or for an
 222 offense that would be a felony if that offense were committed in
 223 this state; or

224 (e) Has previously been convicted of a violation of s.
 225 787.025(2)(c); s. 794.011(2), (3), (4), (5), or (8); s.
 226 800.04(4) or (5); s. 825.1025(2) or (3); s. 827.071(2), (3), or
 227 (4); s. 847.0145; of any offense under a former statutory
 228 designation which is similar in elements to an offense described
 229 in this paragraph; or of any offense that is a felony in another
 230 jurisdiction, or would be a felony if that offense were
 231 committed in this state, and which is similar in elements to an
 232 offense described in this paragraph,

233
 234 is a dangerous sexual felony offender, who must be sentenced to

235 a mandatory minimum term of 25 years imprisonment up to, and
 236 including, life imprisonment. If the offense described in
 237 subsection (2) was committed on or after October 1, 2014, a
 238 person who qualifies as a dangerous sexual felony offender
 239 pursuant to this subsection must be sentenced to a mandatory
 240 minimum term of 50 years imprisonment up to, and including, life
 241 imprisonment.

242 Section 5. Subsection (1) of section 794.05, Florida
 243 Statutes, is amended to read:

244 794.05 Unlawful sexual activity with certain minors.—

245 (1) A person 24 years of age or older who engages in
 246 sexual activity with a person 16 or 17 years of age commits a
 247 felony of the second degree, punishable as provided in s.
 248 775.082, s. 775.083, or s. 775.084. As used in this section,
 249 "sexual activity" means oral, anal, or vaginal penetration by,
 250 or union with, the sexual organ of another or the anal or
 251 vaginal penetration of another by any other object; however,
 252 sexual activity does not include an act done for a bona fide
 253 medical purpose.

254 Section 6. Section 800.03, Florida Statutes, is amended to
 255 read:

256 800.03 Exposure of sexual organs.—

257 (1) It is unlawful to expose or exhibit one's sexual
 258 organs in public or on the private premises of another, or so
 259 near thereto as to be seen from such private premises, in a
 260 vulgar or indecent manner, or to be naked in public except in

261 any place provided or set apart for that purpose. ~~Violation of~~
 262 ~~this section is a misdemeanor of the first degree, punishable as~~
 263 ~~provided in s. 775.082 or s. 775.083.~~ A mother's breastfeeding
 264 of her baby does not under any circumstance violate this
 265 section.

266 (2) A person who violates this section commits:

267 (a) For a first offense, a misdemeanor of the first
 268 degree, punishable as provided in s. 775.082 or s. 775.083.

269 (b) For a second or subsequent offense, a felony of the
 270 third degree, punishable as provided in s. 775.082, s. 775.083,
 271 or s. 775.084.

272 Section 7. Subsections (4) and (5) of section 800.04,
 273 Florida Statutes, are amended to read:

274 800.04 Lewd or lascivious offenses committed upon or in
 275 the presence of persons less than 16 years of age.—

276 (4) LEWD OR LASCIVIOUS BATTERY.— ~~A person who:~~

277 (a) A person commits lewd or lascivious battery by:

278 1. Engaging in sexual activity with a person 12 years of
 279 age or older but less than 16 years of age; or

280 2. Encouraging, forcing, or enticing any person less than
 281 16 years of age to engage in sadomasochistic abuse, sexual
 282 bestiality, prostitution, or any other act involving sexual
 283 activity.

284 (b) Except as provided in paragraph (c), an offender who
 285 commits lewd or lascivious battery commits a felony of the
 286 second degree, punishable as provided in s. 775.082, s. 775.083,

287 or s. 775.084.

288 (c) An offender 18 years of age or older who commits lewd
 289 or lascivious battery commits a felony of the first degree,
 290 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
 291 if the offender has previously been convicted of a violation of
 292 this section or a violation of s. 787.01(2); s. 787.02(3);
 293 chapter 794, excluding s. 794.011(10); s. 825.1025; or s.
 294 847.0135(5).

295 ~~(a) Engages in sexual activity with a person 12 years of~~
 296 ~~age or older but less than 16 years of age; or~~

297 ~~(b) Encourages, forces, or entices any person less than 16~~
 298 ~~years of age to engage in sadomasochistic abuse, sexual~~
 299 ~~bestiality, prostitution, or any other act involving sexual~~
 300 ~~activity~~

301
 302 ~~commits lewd or lascivious battery, a felony of the second~~
 303 ~~degree, punishable as provided in s. 775.082, s. 775.083, or s.~~
 304 ~~775.084.~~

305 (5) LEWD OR LASCIVIOUS MOLESTATION.—

306 (a) A person who intentionally touches in a lewd or
 307 lascivious manner the breasts, genitals, genital area, or
 308 buttocks, or the clothing covering them, of a person less than
 309 16 years of age, or forces or entices a person under 16 years of
 310 age to so touch the perpetrator, commits lewd or lascivious
 311 molestation.

312 (b) An offender 18 years of age or older who commits lewd

313 or lascivious molestation against a victim less than 12 years of
 314 age commits a life felony, punishable as provided in s.
 315 775.082(3)(a)4.

316 (c)1. An offender less than 18 years of age who commits
 317 lewd or lascivious molestation against a victim less than 12
 318 years of age; or

319 2. An offender 18 years of age or older who commits lewd
 320 or lascivious molestation against a victim 12 years of age or
 321 older but less than 16 years of age

322
 323 commits a felony of the second degree, punishable as provided in
 324 s. 775.082, s. 775.083, or s. 775.084.

325 (d) An offender less than 18 years of age who commits lewd
 326 or lascivious molestation against a victim 12 years of age or
 327 older but less than 16 years of age commits a felony of the
 328 third degree, punishable as provided in s. 775.082, s. 775.083,
 329 or s. 775.084.

330 (e) An offender 18 years of age or older who commits lewd
 331 or lascivious molestation against a victim 12 years of age or
 332 older but less than 16 years of age commits a felony of the
 333 first degree, punishable as provided in s. 775.082, s. 775.083,
 334 or s. 775.084, if the offender has previously been convicted of
 335 a violation of this section or a violation of s. 787.01(2); s.
 336 787.02(3); chapter 794, excluding s. 794.011(10); s. 825.1025;
 337 or s. 847.0135(5).

338 Section 8. Subsection (1) of section 810.14, Florida

339 Statutes, is amended to read:

340 810.14 Voyeurism prohibited; penalties.—

341 (1) A person commits the offense of voyeurism when he or
 342 she, with lewd, lascivious, or indecent intent, secretly
 343 observes another person when the other person is located in a
 344 public or private dwelling, structure, or conveyance and such
 345 location provides a reasonable expectation of privacy.

346 Section 9. Paragraph (d) is added to subsection (9) of
 347 section 901.15, Florida Statutes, to read:

348 901.15 When arrest by officer without warrant is lawful.—A
 349 law enforcement officer may arrest a person without a warrant
 350 when:

351 (9) There is probable cause to believe that the person has
 352 committed:

353 (d) Exposure of sexual organs in violation of s. 800.03.

354 Section 10. Paragraphs (g), (h), and (i) of subsection (3)
 355 of section 921.0022, Florida Statutes, are amended to read:

356 921.0022 Criminal Punishment Code; offense severity
 357 ranking chart.—

358 (3) OFFENSE SEVERITY RANKING CHART

359 (g) LEVEL 7

360

Florida	Felony	
Statute	Degree	Description

361

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362	316.027(1)(b)	1st	Accident involving death, failure to stop; leaving scene.
363	316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
364	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.
365	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
366	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
	409.920	3rd	Medicaid provider fraud;

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2014

367	(2) (b) 1.a.		\$10,000 or less.
	409.920	2nd	Medicaid provider fraud; more
	(2) (b) 1.b.		than \$10,000, but less than
368			\$50,000.
	456.065 (2)	3rd	Practicing a health care
369			profession without a license.
	456.065 (2)	2nd	Practicing a health care
			profession without a license
			which results in serious bodily
370			injury.
	458.327 (1)	3rd	Practicing medicine without a
371			license.
	459.013 (1)	3rd	Practicing osteopathic medicine
372			without a license.
	460.411 (1)	3rd	Practicing chiropractic
373			medicine without a license.
	461.012 (1)	3rd	Practicing podiatric medicine
374			without a license.

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2014

375	462.17	3rd	Practicing naturopathy without a license.
376	463.015 (1)	3rd	Practicing optometry without a license.
377	464.016 (1)	3rd	Practicing nursing without a license.
378	465.015 (2)	3rd	Practicing pharmacy without a license.
379	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
380	467.201	3rd	Practicing midwifery without a license.
381	468.366	3rd	Delivering respiratory care services without a license.
382	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.

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383	483.901 (9)	3rd	Practicing medical physics without a license.
384	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
385	484.053	3rd	Dispensing hearing aids without a license.
386	494.0018 (2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
387	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.
	560.125 (5) (a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than

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2014

\$20,000.

388

655.50 (10) (b) 1. 3rd Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.

389

775.21 (10) (a) 3rd Sexual predator; failure to register; failure to renew driver ~~driver's~~ license or identification card; other registration violations.

390

775.21 (10) (b) 3rd Sexual predator working where children regularly congregate.

391

775.21 (10) (g) 3rd Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.

392

782.051 (3) 2nd Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted

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2014

felony.

393

782.07(1)

2nd

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

394

782.071

2nd

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

395

782.072

2nd

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

396

784.045(1)(a)1.

2nd

Aggravated battery; intentionally causing great bodily harm or disfigurement.

397

784.045(1)(a)2.

2nd

Aggravated battery; using deadly weapon.

398

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399	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
400	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
401	784.048 (7)	3rd	Aggravated stalking; violation of court order.
402	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
403	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
404	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
405	784.081 (1)	1st	Aggravated battery on specified official or employee.
406	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.

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407	784.083 (1)	1st	Aggravated battery on code inspector.
408	787.06 (3) (a)	1st	Human trafficking using coercion for labor and services.
409	787.06 (3) (e)	1st	Human trafficking using coercion for labor and services by the transfer or transport of any individual from outside Florida to within the state.
410	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07 (1) or (2).
411	790.16 (1)	1st	Discharge of a machine gun under specified circumstances.
412	790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
	790.165 (3)	2nd	Possessing, displaying, or

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413	790.166 (3)	2nd	threatening to use any hoax bomb while committing or attempting to commit a felony.
414	790.166 (4)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
415	790.23	1st, PBL	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
416	794.08 (4)	3rd	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
417			Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.

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418	796.03	2nd	Procuring any person under 16 years for prostitution.
419	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim <u>younger</u> less than 12 years of age; offender <u>younger</u> less than 18 years.
420	800.04 (5) (c) 2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but <u>younger</u> less than 16 years; offender 18 years or older.
421	<u>800.04 (5) (e)</u>	<u>1st</u>	<u>Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.</u>
422	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
422	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.

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423	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
424	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
425	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
426	812.014 (2) (a) 1.	1st	Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.
427	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree

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grand theft.

428

812.014 (2) (b) 4. 2nd Property stolen, law enforcement equipment from authorized emergency vehicle.

429

812.0145 (2) (a) 1st Theft from person 65 years of age or older; \$50,000 or more.

430

812.019 (2) 1st Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.

431

812.131 (2) (a) 2nd Robbery by sudden snatching.

432

812.133 (2) (b) 1st Carjacking; no firearm, deadly weapon, or other weapon.

433

817.034 (4) (a) 1. 1st Communications fraud, value greater than \$50,000.

434

817.234 (8) (a) 2nd Solicitation of motor vehicle accident victims with intent to defraud.

435

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436	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
437	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
438	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 a significant cause of the insolvency of that entity.
439	817.535 (2) (a)	3rd	Filing false lien or other unauthorized document.
440	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
	825.103 (2) (b)	2nd	Exploiting an elderly person or disabled adult and property is

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valued at \$20,000 or more, but
less than \$100,000.

441

827.03(2)(b)

2nd

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

442

827.04(3)

3rd

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

443

837.05(2)

3rd

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

444

838.015

2nd

Bribery.

445

838.016

2nd

Unlawful compensation or reward
for official behavior.

446

838.021(3)(a)

2nd

Unlawful harm to a public
servant.

447

838.22

2nd

Bid tampering.

448

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449	843.0855 (2)	3rd	Impersonation of a public officer or employee.
450	843.0855 (3)	3rd	Unlawful simulation of legal process.
451	843.0855 (4)	3rd	Intimidation of a public officer or employee.
452	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
453	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
454	872.06	2nd	Abuse of a dead human body.
455	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.

456

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)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

457

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)4., within 1,000 feet of property used for religious services or a specified business site.

458

893.13(4)(a) 1st

Deliver to minor cocaine (or

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other s. 893.03(1)(a), (1)(b),
 (1)(d), (2)(a), (2)(b), or
 (2)(c)4. drugs).

459

893.135(1)(a)1. 1st Trafficking in cannabis, more
 than 25 lbs., less than 2,000
 lbs.

460

893.135 1st Trafficking in cocaine, more
 (1)(b)1.a. than 28 grams, less than 200
 grams.

461

893.135 1st Trafficking in illegal drugs,
 (1)(c)1.a. more than 4 grams, less than 14
 grams.

462

893.135(1)(d)1. 1st Trafficking in phencyclidine,
 more than 28 grams, less than
 200 grams.

463

893.135(1)(e)1. 1st Trafficking in methaqualone,
 more than 200 grams, less than
 5 kilograms.

464

893.135(1)(f)1. 1st Trafficking in amphetamine,

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more than 14 grams, less than
28 grams.

465

893.135 1st Trafficking in flunitrazepam, 4
(1) (g) 1.a. grams or more, less than 14
grams.

466

893.135 1st Trafficking in gamma-
(1) (h) 1.a. hydroxybutyric acid (GHB), 1
kilogram or more, less than 5
kilograms.

467

893.135 1st Trafficking in 1,4-Butanediol,
(1) (j) 1.a. 1 kilogram or more, less than 5
kilograms.

468

893.135 1st Trafficking in Phenethylamines,
(1) (k) 2.a. 10 grams or more, less than 200
grams.

469

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

470

896.101(5) (a) 3rd Money laundering, financial

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

471

896.104 (4) (a) 1. 3rd

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

472

943.0435 (4) (c) 2nd

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

473

943.0435 (8) 2nd

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

474

943.0435 (9) (a) 3rd

Sexual offender; failure to comply with reporting requirements.

475

943.0435 (13) 3rd

Failure to report or providing false information about a

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2014

sexual offender; harbor or
conceal a sexual offender.

476

943.0435(14)

3rd

Sexual offender; failure to
report and reregister; failure
to respond to address
verification.

477

944.607(9)

3rd

Sexual offender; failure to
comply with reporting
requirements.

478

944.607(10)(a)

3rd

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

479

944.607(12)

3rd

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

480

944.607(13)

3rd

Sexual offender; failure to
report and reregister; failure
to respond to address
verification.

481

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482	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
483	985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
484	985.4815(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
485	(h) LEVEL 8		
486	Florida	Felony	
487	Statute	Degree	Description
488	316.193 (3) (c) 3.a.	2nd	DUI manslaughter.
489	316.1935(4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.

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490	327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
491	499.0051 (7)	1st	Knowing trafficking in contraband prescription drugs.
492	499.0051 (8)	1st	Knowing forgery of prescription labels or prescription drug labels.
493	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.
494	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.
	655.50 (10) (b) 2.	2nd	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial

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institutions.

495

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

496

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.

497

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

498

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

499

782.072 (2) 1st Committing vessel homicide and

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failing to render aid or give information.

500

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

501

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

502

787.06(3)(f) 1st Human trafficking using coercion for commercial sexual activity by the transfer or transport of any individual from outside Florida to within the state.

503

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

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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.

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.

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.

504

~~794.011(5)~~

~~2nd~~

~~Sexual battery, victim 12 years or over, offender does not use physical force likely to cause~~

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~~serious injury.~~

505

794.08 (3) 2nd Female genital mutilation,
removal of a victim younger
than 18 years of age from this
state.

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.

506

~~800.04 (4)~~ ~~2nd~~ ~~Lewd or lascivious battery.~~

507

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

508

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

509

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

510

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511	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
512	812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
513	812.13 (2) (b)	1st	Robbery with a weapon.
514	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
515	817.535 (2) (b)	2nd	Filing false lien or other unauthorized document; second or subsequent offense.
516	817.535 (3) (a)	2nd	Filing false lien or other unauthorized document; property owner is a public officer or employee.
	817.535 (4) (a) 1.	2nd	Filing false lien or other

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unauthorized document;
defendant is incarcerated or
under supervision.

517

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.

518

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

519

825.102 (2) 1st Aggravated abuse of an elderly
person or disabled adult.

520

825.1025 (2) 2nd Lewd or lascivious battery upon
an elderly person or disabled
adult.

521

825.103 (2) (a) 1st Exploiting an elderly person or
disabled adult and property is
valued at \$100,000 or more.

522

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523 837.02 (2) 2nd Perjury in official proceedings relating to prosecution of a capital felony.

524 837.021 (2) 2nd Making contradictory statements in official proceedings relating to prosecution of a capital felony.

525 860.121 (2) (c) 1st Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.

526 860.16 1st Aircraft piracy.

527 893.13 (1) (b) 1st Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b) .

528 893.13 (2) (b) 1st Purchase in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b) .

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529	893.13 (6) (c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
530	893.135 (1) (a) 2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
531	893.135 (1) (b) 1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
532	893.135 (1) (c) 1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
533	893.135 (1) (d) 1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
534	893.135 (1) (e) 1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
	893.135	1st	Trafficking in amphetamine,

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535	(1) (f) 1.b.		more than 28 grams, less than 200 grams.
	893.135	1st	Trafficking in flunitrazepam,
	(1) (g) 1.b.		14 grams or more, less than 28 grams.
536			
	893.135	1st	Trafficking in gamma-
	(1) (h) 1.b.		hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
537			
	893.135	1st	Trafficking in 1,4-Butanediol,
	(1) (j) 1.b.		5 kilograms or more, less than 10 kilograms.
538			
	893.135	1st	Trafficking in Phenethylamines,
	(1) (k) 2.b.		200 grams or more, less than 400 grams.
539			
	893.1351(3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.
540			

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541	895.03 (1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
542	895.03 (2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
543	895.03 (3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
544	896.101 (5) (b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
545	896.104 (4) (a) 2.	2nd	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$20,000 but less than \$100,000.
546	(i) LEVEL 9		

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547	Florida	Felony	Description
548	Statute	Degree	
548	316.193 (3) (c) 3.b.	1st	DUI manslaughter; failing to render aid or give information.
549	327.35 (3) (c) 3.b.	1st	BUI manslaughter; failing to render aid or give information.
550	409.920 (2) (b) 1.c.	1st	Medicaid provider fraud; \$50,000 or more.
551	499.0051 (9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
552	560.123 (8) (b) 3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
553	560.125 (5) (c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling

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or exceeding \$100,000.

554

655.50(10)(b)3. 1st Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.

555

775.0844 1st Aggravated white collar crime.

556

782.04(1) 1st Attempt, conspire, or solicit to commit premeditated murder.

557

782.04(3) 1st,PBL Accomplice to murder in connection with arson, sexual battery, robbery, burglary, aggravated fleeing or eluding with serious bodily injury or death, and other specified felonies.

558

782.051(1) 1st Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).

559

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2014

560	782.07 (2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
561	787.01 (1) (a) 1.	1st, PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
562	787.01 (1) (a) 2.	1st, PBL	Kidnapping with intent to commit or facilitate commission of any felony.
563	787.01 (1) (a) 4.	1st, PBL	Kidnapping with intent to interfere with performance of any governmental or political function.
564	787.02 (3) (a)	1st	False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.

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565	787.06(3)(d)	1st	Human trafficking using coercion for commercial sexual activity of an unauthorized alien.
566	787.06(3)(g)	1st,PBL	Human trafficking for commercial sexual activity of a child under the age of 18.
567	787.06(4)	1st	Selling or buying of minors into human trafficking.
568	790.161	1st	Attempted capital destructive device offense.
569	790.166(2)	1st,PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
570	794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.
	794.011(2)	Life	Sexual battery; offender younger than 18 years and

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2014

commits sexual battery on a person less than 12 years.

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.

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

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

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

571

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572	794.011(4)	1st	Sexual battery; victim 12 years or older, certain circumstances.
573	794.011 (8) (b)	1 st , <u>PBL</u>	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
574	794.08 (2)	1st	Female genital mutilation; victim younger than 18 years of age.
575	796.035	1st	Selling or buying of minors into prostitution.
576	800.04 (5) (b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
577	812.13 (2) (a)	1st, PBL	Robbery with firearm or other deadly weapon.
578	812.133 (2) (a)	1st, PBL	Carjacking; firearm or other deadly weapon.

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579	812.135 (2) (b)	1st	Home-invasion robbery with weapon.
580	817.535 (3) (b)	1st	Filing false lien or other unauthorized document; second or subsequent offense; property owner is a public officer or employee.
581	817.535 (4) (a) 2.	1st	Filing false claim or other unauthorized document; defendant is incarcerated or under supervision.
582	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, PBL	Fraudulent use of personal identification information of an individual under the age of 18 by his or her parent, legal

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guardian, or person exercising
custodial authority.

583

827.03 (2) (a) 1st Aggravated child abuse.

584

847.0145 (1) 1st Selling, or otherwise
transferring custody or
control, of a minor.

585

847.0145 (2) 1st Purchasing, or otherwise
obtaining custody or control,
of a minor.

586

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.

587

893.135 1st Attempted capital trafficking
offense.

588

893.135 (1) (a) 3. 1st Trafficking in cannabis, more

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than 10,000 lbs.

589

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

590

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

591

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

592

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

593

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

594

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

595

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

596

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597

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

598

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

599

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

600

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

601

602

921.0024 Criminal Punishment Code; worksheet computations;
scoresheets.—

603

604

(1) (a) The Criminal Punishment Code worksheet is used to
compute the subtotal and total sentence points as follows:

605

606

FLORIDA CRIMINAL PUNISHMENT CODE

607

WORKSHEET

608

OFFENSE SCORE

609

Primary Offense

610

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	Level	Sentence Points		Total
611	10	116	=
612	9	92	=
613	8	74	=
614	7	56	=
615	6	36	=
616	5	28	=
617	4	22	=
618	3	16	=
619	2	10	=
620	1	4	=
621				
622				Total
623				

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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624
625
626
627
628
629
630
631
632
633
634
635
636

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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637	M	0.2	x	=
638						Total
639						
640						
641						
642						
643						
644						
645						
646						
647						

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	80	x	=	

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648	penetration					
	Sexual					
649	contact	40	x	=
650						
						Total
651						
652	Primary Offense + Additional Offenses + Victim Injury =					
653	TOTAL OFFENSE SCORE					
654	PRIOR RECORD SCORE					
655						
						Prior Record
656						
	Level	Sentence		Number		Total
		Points				
657	10	29	x	=
658	9	23	x	=
659	8	19	x	=
660	7	14	x	=
661						

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662	6	9	x	=
663	5	3.6	x	=
664	4	2.4	x	=
665	3	1.6	x	=
666	2	0.8	x	=
667	1	0.5	x	=
668	M	0.2	x	=
669						
670						Total
671						TOTAL OFFENSE SCORE.....
672						TOTAL PRIOR RECORD SCORE.....
673						LEGAL STATUS.....
674						COMMUNITY SANCTION VIOLATION.....
675						PRIOR SERIOUS FELONY.....
676						PRIOR CAPITAL FELONY.....
677						FIREARM OR SEMIAUTOMATIC WEAPON.....
678						SUBTOTAL.....

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

679 PRISON RELEASEE REOFFENDER (no) (yes).....
 680 VIOLENT CAREER CRIMINAL (no) (yes).....
 681 HABITUAL VIOLENT OFFENDER (no) (yes).....
 682 HABITUAL OFFENDER (no) (yes).....
 683 DRUG TRAFFICKER (no) (yes) (x multiplier).....
 684 LAW ENF. PROTECT. (no) (yes) (x multiplier).....
 685 MOTOR VEHICLE THEFT (no) (yes) (x multiplier).....
 686 CRIMINAL GANG OFFENSE (no) (yes) (x multiplier).....
 687 DOMESTIC VIOLENCE IN THE PRESENCE OF RELATED CHILD (no) (yes)
 688 (x multiplier).....
 689 ADULT-ON-MINOR SEX OFFENSE (no) (yes) (x multiplier).....
 690
 691 TOTAL SENTENCE POINTS.....

692 (b) WORKSHEET KEY:

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

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

- 702 1. If the community sanction violation includes a new
- 703 felony conviction before the sentencing court, twelve (12)
- 704 community sanction violation points are assessed for the

705 violation, and for each successive community sanction violation
 706 involving a new felony conviction.

707 2. If the community sanction violation is committed by a
 708 violent felony offender of special concern as defined in s.
 709 948.06:

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

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

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

718 b. Twenty-four (24) community sanction violation points
 719 are assessed for the violation and for each successive violation
 720 of felony probation or community control where the violation
 721 includes a new felony conviction.

722
 723 Multiple counts of community sanction violations before the
 724 sentencing court shall not be a basis for multiplying the
 725 assessment of community sanction violation points.

726
 727 Prior serious felony points: If the offender has a primary
 728 offense or any additional offense ranked in level 8, level 9, or
 729 level 10, and one or more prior serious felonies, a single
 730 assessment of thirty (30) points shall be added. For purposes of

731 | this section, a prior serious felony is an offense in the
 732 | offender's prior record that is ranked in level 8, level 9, or
 733 | level 10 under s. 921.0022 or s. 921.0023 and for which the
 734 | offender is serving a sentence of confinement, supervision, or
 735 | other sanction or for which the offender's date of release from
 736 | confinement, supervision, or other sanction, whichever is later,
 737 | is within 3 years before the date the primary offense or any
 738 | additional offense was committed.

739 |
 740 | Prior capital felony points: If the offender has one or more
 741 | prior capital felonies in the offender's criminal record, points
 742 | shall be added to the subtotal sentence points of the offender
 743 | equal to twice the number of points the offender receives for
 744 | the primary offense and any additional offense. A prior capital
 745 | felony in the offender's criminal record is a previous capital
 746 | felony offense for which the offender has entered a plea of nolo
 747 | contendere or guilty or has been found guilty; or a felony in
 748 | another jurisdiction which is a capital felony in that
 749 | jurisdiction, or would be a capital felony if the offense were
 750 | committed in this state.

751 |
 752 | Possession of a firearm, semiautomatic firearm, or machine gun:
 753 | If the offender is convicted of committing or attempting to
 754 | commit any felony other than those enumerated in s. 775.087(2)
 755 | while having in his or her possession: a firearm as defined in
 756 | s. 790.001(6), an additional eighteen (18) sentence points are

757 assessed; or if the offender is convicted of committing or
 758 attempting to commit any felony other than those enumerated in
 759 s. 775.087(3) while having in his or her possession a
 760 semiautomatic firearm as defined in s. 775.087(3) or a machine
 761 gun as defined in s. 790.001(9), an additional twenty-five (25)
 762 sentence points are assessed.

763
 764 Sentencing multipliers:

765
 766 Drug trafficking: If the primary offense is drug trafficking
 767 under s. 893.135, the subtotal sentence points are multiplied,
 768 at the discretion of the court, for a level 7 or level 8
 769 offense, by 1.5. The state attorney may move the sentencing
 770 court to reduce or suspend the sentence of a person convicted of
 771 a level 7 or level 8 offense, if the offender provides
 772 substantial assistance as described in s. 893.135(4).

773 Law enforcement protection: If the primary offense is a
 774 violation of the Law Enforcement Protection Act under s.
 775 775.0823(2), (3), or (4), the subtotal sentence points are
 776 multiplied by 2.5. If the primary offense is a violation of s.
 777 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points
 778 are multiplied by 2.0. If the primary offense is a violation of
 779 s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement
 780 Protection Act under s. 775.0823(10) or (11), the subtotal
 781 sentence points are multiplied by 1.5.

782

783 Grand theft of a motor vehicle: If the primary offense is grand
784 theft of the third degree involving a motor vehicle and in the
785 offender's prior record, there are three or more grand thefts of
786 the third degree involving a motor vehicle, the subtotal
787 sentence points are multiplied by 1.5.

788

789 Offense related to a criminal gang: If the offender is convicted
790 of the primary offense and committed that offense for the
791 purpose of benefiting, promoting, or furthering the interests of
792 a criminal gang as defined in s. 874.03, the subtotal sentence
793 points are multiplied by 1.5. If applying the multiplier results
794 in the lowest permissible sentence exceeding the statutory
795 maximum sentence for the primary offense under chapter 775, the
796 court may not apply the multiplier and must sentence the
797 defendant to the statutory maximum sentence.

798

799 Domestic violence in the presence of a child: If the offender is
800 convicted of the primary offense and the primary offense is a
801 crime of domestic violence, as defined in s. 741.28, which was
802 committed in the presence of a child under 16 years of age who
803 is a family or household member as defined in s. 741.28(3) with
804 the victim or perpetrator, the subtotal sentence points are
805 multiplied by 1.5.

806

807 Adult-on-minor sex offense: If the offender was 18 years of age
808 or older and the victim was younger than 18 years of age at the

809 time the offender committed the primary offense, and if the
810 primary offense was an offense committed on or after October 1,
811 2014, and is a violation of 787.01(2) or s. 787.02(2), if the
812 violation involved a victim who was a minor and, in the course
813 committing that violation, the defendant committed a sexual
814 battery under chapter 794 or a lewd act under s. 800.04 against
815 the minor; a violation of s. 787.01(3)(a)2. or 3.; a violation
816 of s. 787.02(3)(a)2. or 3.; s. 794.011, excluding s.
817 794.011(10); s. 800.04; or s. 847.0135(5), the subtotal sentence
818 points are multiplied by 2.0. If applying the multiplier results
819 in the lowest permissible sentence exceeding the statutory
820 maximum sentence for the primary offense under chapter 775, the
821 court may not apply the multiplier and must sentence the
822 defendant to the statutory maximum sentence.

823 (2) The lowest permissible sentence is the minimum
824 sentence that may be imposed by the trial court, absent a valid
825 reason for departure. The lowest permissible sentence is any
826 nonstate prison sanction in which the total sentence points
827 equals or is less than 44 points, unless the court determines
828 within its discretion that a prison sentence, which may be up to
829 the statutory maximums for the offenses committed, is
830 appropriate. When the total sentence points exceeds 44 points,
831 the lowest permissible sentence in prison months shall be
832 calculated by subtracting 28 points from the total sentence
833 points and decreasing the remaining total by 25 percent. The
834 total sentence points shall be calculated only as a means of

835 determining the lowest permissible sentence. The permissible
 836 range for sentencing shall be the lowest permissible sentence up
 837 to and including the statutory maximum, as defined in s.
 838 775.082, for the primary offense and any additional offenses
 839 before the court for sentencing. The sentencing court may impose
 840 such sentences concurrently or consecutively. However, any
 841 sentence to state prison must exceed 1 year. If the lowest
 842 permissible sentence under the code exceeds the statutory
 843 maximum sentence as provided in s. 775.082, the sentence
 844 required by the code must be imposed. If the total sentence
 845 points are greater than or equal to 363, the court may sentence
 846 the offender to life imprisonment. An offender sentenced to life
 847 imprisonment under this section is not eligible for any form of
 848 discretionary early release, except executive clemency or
 849 conditional medical release under s. 947.149.

850 (3) A single scoresheet shall be prepared for each
 851 defendant to determine the permissible range for the sentence
 852 that the court may impose, except that if the defendant is
 853 before the court for sentencing for more than one felony and the
 854 felonies were committed under more than one version or revision
 855 of the guidelines or the code, separate scoresheets must be
 856 prepared. The scoresheet or scoresheets must cover all the
 857 defendant's offenses pending before the court for sentencing.
 858 The state attorney shall prepare the scoresheet or scoresheets,
 859 which must be presented to the defense counsel for review for
 860 accuracy in all cases unless the judge directs otherwise. The

861 defendant's scoresheet or scoresheets must be approved and
 862 signed by the sentencing judge.

863 (4) The Department of Corrections, in consultation with
 864 the Office of the State Courts Administrator, state attorneys,
 865 and public defenders, must develop and submit the revised
 866 Criminal Punishment Code scoresheet to the Supreme Court for
 867 approval by June 15 of each year, as necessary. Upon the Supreme
 868 Court's approval of the revised scoresheet, the Department of
 869 Corrections shall produce and provide sufficient copies of the
 870 revised scoresheets by September 30 of each year, as necessary.
 871 Scoresheets must include item entries for the scoresheet
 872 preparer's use in indicating whether any prison sentence imposed
 873 includes a mandatory minimum sentence or the sentence imposed
 874 was a downward departure from the lowest permissible sentence
 875 under the Criminal Punishment Code.

876 (5) The Department of Corrections shall distribute
 877 sufficient copies of the Criminal Punishment Code scoresheets to
 878 those persons charged with the responsibility for preparing
 879 scoresheets.

880 (6) The clerk of the circuit court shall transmit a
 881 complete, accurate, and legible copy of the Criminal Punishment
 882 Code scoresheet used in each sentencing proceeding to the
 883 Department of Corrections. Scoresheets must be transmitted no
 884 less frequently than monthly, by the first of each month, and
 885 may be sent collectively.

886 (7) A sentencing scoresheet must be prepared for every

887 defendant who is sentenced for a felony offense. A copy of the
 888 individual offender's Criminal Punishment Code scoresheet and
 889 any attachments thereto prepared pursuant to Rule 3.701, Rule
 890 3.702, or Rule 3.703, Florida Rules of Criminal Procedure, or
 891 any other rule pertaining to the preparation and submission of
 892 felony sentencing scoresheets, must be attached to the copy of
 893 the uniform judgment and sentence form provided to the
 894 Department of Corrections.

895 Section 12. Paragraph (e) is added to subsection (4) of
 896 section 944.275, Florida Statutes, to read:

897 944.275 Gain-time.—

898 (4)

899 (e) Notwithstanding subparagraph (b)3., for sentences
 900 imposed for offenses committed on or after October 1, 2014, the
 901 department may not grant incentive gain-time if the offense is a
 902 violation of s. 782.04(1)(a)2.c.; s. 787.01(3)(a)2. or 3.; s.
 903 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s.
 904 800.04; s. 825.1025; or s. 847.0135(5).

905 Section 13. Subsection (1) of section 948.012, Florida
 906 Statutes, is amended, and subsection (5) is added to that
 907 section, to read:

908 948.012 Split sentence of probation or community control
 909 and imprisonment.—

910 (1) If ~~Whenever~~ punishment by imprisonment for a
 911 misdemeanor or a felony, except for a capital felony, is
 912 prescribed, the court, ~~in its discretion,~~ may, at the time of

913 sentencing, impose a split sentence whereby the defendant is to
 914 be placed on probation or, with respect to any such felony, into
 915 community control upon completion of any specified period of
 916 such sentence which may include a term of years or less. In such
 917 case, the court shall stay and withhold the imposition of the
 918 remainder of sentence imposed upon the defendant and direct that
 919 the defendant be placed upon probation or into community control
 920 after serving such period as may be imposed by the court. The
 921 period of probation or community control shall commence
 922 immediately upon the release of the defendant from
 923 incarceration, whether by parole or gain-time allowances.

924 (5) (a) Effective for offenses committed on or after
 925 October 1, 2014, if the court imposes a term of years in
 926 accordance with s. 775.082 which is less than the maximum
 927 sentence for the offense, the court must impose a split sentence
 928 pursuant to subsection (1) for any person who is convicted of a
 929 violation of:

- 930 1. Section 782.04(1)(a)2.c.;
- 931 2. Section 787.01(3)(a)2. or 3.;
- 932 3. Section 787.02(3)(a)2. or 3.;
- 933 4. Section 794.011, excluding s. 794.011(10);
- 934 5. Section 800.04;
- 935 6. Section 825.1025; or
- 936 7. Section 847.0135(5).

937 (b) The probation or community control portion of the
 938 split sentence imposed by the court must extend for at least 2

939 years. However, if the term of years imposed by the court
 940 extends to within 2 years of the maximum sentence for the
 941 offense, the probation or community control portion of the split
 942 sentence must extend for the remainder of the maximum sentence.

943 Section 14. Paragraph (g) of subsection (1) of section
 944 948.30, Florida Statutes, is amended to read:

945 948.30 Additional terms and conditions of probation or
 946 community control for certain sex offenses.—Conditions imposed
 947 pursuant to this section do not require oral pronouncement at
 948 the time of sentencing and shall be considered standard
 949 conditions of probation or community control for offenders
 950 specified in this section.

951 (1) Effective for probationers or community controllees
 952 whose crime was committed on or after October 1, 1995, and who
 953 are placed under supervision for violation of chapter 794, s.
 954 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, the court
 955 must impose the following conditions in addition to all other
 956 standard and special conditions imposed:

957 (g) Unless otherwise indicated in the treatment plan
 958 provided by a qualified practitioner in the sexual offender
 959 treatment program, a prohibition on viewing, accessing, owning,
 960 or possessing any obscene, pornographic, or sexually stimulating
 961 visual or auditory material, including telephone, electronic
 962 media, computer programs, or computer services ~~that are relevant~~
 963 ~~to the offender's deviant behavior pattern.~~

964 Section 15. This act shall take effect October 1, 2014.