



Criminal Justice Subcommittee

**Tuesday, January 06, 2015
4:30 PM - 6:30 PM
Sumner Hall (404 HOB)**

Meeting Packet

**Steve Crisafulli
Speaker**

**Carlos Trujillo
Chair**

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Criminal Justice Subcommittee

Start Date and Time: Tuesday, January 06, 2015 04:30 pm
End Date and Time: Tuesday, January 06, 2015 06:30 pm
Location: Sumner Hall (404 HOB)
Duration: 2.00 hrs

Member and Staff Introductions
Overview of Florida's Sentencing Laws

NOTICE FINALIZED on 12/19/2014 14:45 by Denson.Karan



CRIMINAL JUSTICE SUBCOMMITTEE

BRIEFING BOOK

January 2015

Criminal Justice Subcommittee Jurisdiction and Major Policy Areas

The Criminal Justice Subcommittee handles a broad range of issues relating to criminal justice. The subcommittee hears bills relating to substantive criminal offenses (e.g., homicide, assault, battery, kidnapping, sexual battery, arson, burglary, and theft), as well as bills that involve criminal procedure issues, such as the arrest process, bail, pretrial proceedings, court costs, evidence, and sentencing.

In addition, the subcommittee handles legislation relating to the death penalty, specialty courts (e.g., drug court, veterans court, etc.), sexual offenders and predators, gangs, controlled substances, domestic violence, criminal traffic offenses (e.g., DUI), firearms, and weapons.

The subcommittee is usually referred any bill that affects the sentence for a criminal offense. This includes any bill that amends the Criminal Punishment Code or the Offense Severity Ranking Chart (Chapter 921, F.S.), creates prison diversion programs, creates new criminal penalties, or changes the criminal penalty for an existing criminal offense.

Criminal Justice Subcommittee Oversight Agencies and Organizations

The subcommittee has numerous state agencies under its jurisdiction and hears bills that impact these agencies. These agencies include the Florida Department of Law Enforcement (FDLE), the Department of Juvenile Justice (DJJ), the Department of Corrections (DOC), and the Florida Commission on Offender Review (FCOR).

Florida Department of Law Enforcement – Chapter 943, F.S.

FDLE's mission is to promote public safety and strengthen domestic security by providing services in partnership with local, state, and federal criminal justice agencies to prevent, investigate, and solve crimes while protecting Florida's citizens and visitors. Through its seven Regional Operations Centers and crime laboratories, FDLE delivers investigative, forensic, and information system services to Florida's criminal justice community.

FDLE is structured to deliver services in the following five program areas:

- Executive Direction and Business Support Program;
- Criminal Investigations and Forensic Science Program;
- Florida Capitol Police Program;
- Criminal Justice Information Program; and
- Criminal Justice Professionalism Program.

Legislative Affairs Director: Ron Draa
Telephone: 850-410-7014
E-mail: ronalddraa@fdle.state.fl.us
Website: <http://www.fdle.state.fl.us>

Florida Department of Juvenile Justice – Chapter 985, F.S.

DJJ's mission is to increase public safety by reducing juvenile delinquency through effective prevention, intervention and treatment services that strengthen families and turn around the lives of troubled youth. Currently, DJJ is organized in the following five programs areas:

- Administrative Service;
- Prevention and Victim Services;
- Probation and Community Intervention;
- Detention Services; and
- Residential Services.

Legislative Affairs Director: Marcus Smith
Telephone: 850-717-2717
E-mail: marcus.smith@djj.state.fl.us
Website: <http://www.djj.state.fl.us>

Florida Department of Corrections – Chapters 941, 944, 945, 946, 948, and 958, F.S.

DOC's mission is to protect the public safety, to ensure the safety of Department personnel, and to provide proper care and supervision of all offenders under its jurisdiction while assisting, as appropriate, their reentry into society. DOC is the third largest state prison system in the country with a budget of over \$2 billion, just over 100,000 inmates incarcerated, and approximately 115,000 offenders on active community supervision. Approximately three quarters of DOC's staff of more than 25,000 employees are either certified correctional or probation officers.

DOC is structured to serve the public and inmates in the following program areas:

- Institutions;
- Community Corrections; and
- Re-entry.

Legislative Affairs Director: Will Kendrick

Telephone: 850-488-7436

E-mail: kendrick.will@mail.dc.state.fl.us

Website: <http://www.dc.state.fl.us>

Florida Commission on Offender Review – Chapter 947, F.S.

FCOR administers parole, conditional release, conditional medical release, control release, and addiction recovery supervision to all eligible criminal offenders. Additionally, FCOR administers the clemency process for the Executive Clemency Board pursuant to the Rules of Executive Clemency.

Legislative Affairs Director: Pete Murray

Telephone: 850-921-2816

E-mail: petermurray@fcor.state.fl.us

Website: <https://fcor.state.fl.us>

Other Criminal Justice Entities

The subcommittee often works with other criminal justice entities to determine the substantive and fiscal impact of criminal justice-related bills. These entities include:

Florida Prosecuting Attorneys Association

The Florida Prosecuting Attorneys Association (FPAA) is a nonprofit corporation created to serve the needs of prosecutors. FPAA's members are the 20 elected State Attorneys and over 1900 Assistant State Attorneys.

President: Honorable Brad King, State Attorney, 5th Judicial Circuit

Executive Director: John N. Hogenmuller

Telephone: 850-488-3070

<http://www.myfpaa.org>

Florida Public Defender Association

The Florida Public Defender Association (FPDA) provides training, support, and services to the Public Defenders and Assistant Public Defenders of the state of Florida.

President: Honorable Julianne Holt, Public Defender, 13th Judicial Circuit

Executive Director: Sheldon Gusky

Telephone: 850-488-6850

<http://www.flpda.org>

Office of the State Courts Administrator

The Office of the State Courts Administrator (OSCA) oversees the operation of numerous court initiatives and administrative functions. Additionally, OSCA serves as the liaison between the court system and the legislative branch, the executive branch, the auxiliary agencies of the Court, and national court research and planning agencies.

State Courts Administrator: PK Jameson

Telephone: 850-922-5081

<http://www.flcourts.org>

Florida Association of Court Clerks & Comptrollers

The Florida Association of Court Clerks & Comptrollers (FCCC) is a statewide, non-profit member association comprised of the Florida Clerks of the Circuit Court and Comptrollers. FCCC provides education and accreditation for Clerks of the Court and Comptrollers, information, and technical assistance to local governments.

President: Honorable Joseph Smith, St. Lucie County Clerk

General Counsel: Fred Baggett

Telephone: 850-921-0808

Website: <http://www.flclerks.com>

Florida Association of Counties

The Florida Association of Counties (FAC) represents each of Florida's 67 counties on a range of issues from health care to transportation. FAC's Public Safety Committee concentrates on general public safety, the judicial system, juvenile detention, impacts to county jails, and emergency management.

President: Grover Robinson, Escambia County Commissioner
Public Safety Legislative Advocate: Lisa Hurley
Telephone: 850-922-4300
Website: <http://www.fl-counties.com>

Florida Sheriffs Association

The Florida Sheriffs Association (FSA) is a not-for-profit corporation comprised of the 67 Sheriffs of Florida as well as approximately 3,500 business leaders and 70,000 citizens throughout the state. Through the FSA, Sheriffs are given a forum to address lawmakers to push for positive changes in Florida's public safety arena.

President: Sheriff David Shoar, St. Johns County Sheriff
Assistant Executive Director of Operations: Matt Dunagan
Telephone: 800-877-2168
Website: <http://www.flsheriffs.org>

Florida Police Chiefs Association

The Florida Police Chiefs Association (FPCA), composed of more than 750 of the state's top law enforcement executives, promotes legislation that enhances public security by providing superior police protection for the residents of Florida and its many visitors. The FPCA serves municipal police departments, airport police, college and university police, private business and security firms, as well as federal, state and county law enforcement agencies.

President: Police Chief Frank Kitzerow, Jupiter Police Department
Executive Director: Amy Mercer
Telephone: 850-219-3631
Website: <http://www.fpca.com>

Criminal Justice Subcommittee Overview of Recently Passed Legislation

Sexually Violent Predator Program (SVPP)

- Made substantial changes to Florida's SVPP to enhance Florida's ability to identify and civilly commit sexually violent predators.
- Made a variety of changes to Florida's sexual offense statutes to increase the penalties for those convicted of sexual offenses against children.
- Enhanced Florida's sexual offender registration requirements to better monitor those convicted of sexual offenses.

Death Penalty – Postconviction Relief

Substantially rewrote Florida's statutes relating to the postconviction process in capital cases to make the process more objective and efficient.

Medical Marijuana (Charlotte's Web)

Established a regulatory scheme overseen by the Department of Health that authorizes the use of low-THC cannabis for limited medicinal purposes.

10-20-Life and Self Defense

Prohibited the court from imposing minimum mandatory terms of imprisonment for aggravated assault if the court makes certain findings. Also amended various provisions within ch. 776, F.S., Florida's justifiable use of force statutes, to specify that the justifications contained therein apply to threatened uses of force in the same manner as they apply to actual uses of force.

Human Trafficking

Made a variety of changes to Florida's human trafficking laws to better protect victims of human trafficking.

Juvenile Sentencing

Created a sentencing structure for juveniles convicted of homicide and nonhomicide offenses that complies with the United States Supreme Court's holding in *Graham v. Florida* and *Miller v. Alabama*.

Controlled Substances

Added four new synthetic cannabinoids and two new phenethylamines to Schedule I of Florida controlled substance schedules. As a result, the criminal penalties relating to the possession, sale, manufacture, delivery, etc., of controlled substances now apply to these synthetic substances.

Criminal Justice Subcommittee Anticipated Future Policy Issues¹

Firearms-Related Issues

Concealed Carry During States of Emergency

- In 2014, a bill was filed that exempted a person from criminal penalty if the person carried a concealed weapon or firearm without a license to do so while in the act of complying with a mandatory evacuation order issued during a state of emergency declared by the Governor or declared by a local authority.

Concealed Carry on College Campuses

- Currently, those with a concealed firearm permit may not carry a firearm on college campuses. In recent months, there have been shooting incidents on college campuses, which have caused many to question whether this prohibition should be repealed.

Mug Shots

When a person is arrested, his or her photograph is taken. In Florida, as in most states, this photograph (often referred to as a “mug shot”) is a public record. In recent years, a trend has developed where companies scour the public records of a state and post mug shots on their own private websites. Because this is often embarrassing, many individuals seek to have this information removed. However, many of the websites charge a fee to remove the photograph from their website. In an attempt to prevent this practice, bills have been filed that prevent websites from charging a fee for mug shot removal and that prevent law enforcement entities from releasing mug shots in electronic formats.

Morphed and Digital Child Pornography

“Morphing,” which refers to a process in which a computer user distorts or transforms one picture into another, is a relatively simple technique using inexpensive and readily available software. In recent years, individuals have started using this technique to create “morphed” child pornography (e.g., images depicting sexually explicit conduct in which an actual child’s head has been superimposed onto an adult’s body). Similarly, individuals have begun creating “digital” child pornography (e.g., a digitally-created image depicting sexually explicit conduct in which no actual child was used).

While the possession, distribution, transmission, etc. of traditional child pornography has long been illegal, Florida’s child pornography laws do not address morphed or digital child pornography. As a result, courts have determined that persons that possess, distribute, transmit, etc. such images cannot be held criminally liable.

¹ Note that this is not a list of what should pass but simply a listing of issues that may be considered. This list is a compilation of issues that are often discussed before the Subcommittee plus those that interested parties have indicated may be part of filed bills in the upcoming session.

Juvenile Justice – Direct File

Florida’s “direct file” system allows juveniles to be prosecuted in adult court. During the 2014 Legislative Session, Rep. Powell filed HB 461, which made significant changes to Florida’s direct file system. While the bill was never heard in committee, the Criminal Justice Subcommittee held a workshop to discuss the direct file system generally. During the workshop, many Representatives and members of the public voiced concerns about Florida’s direct file process and how Florida is often cited as one of the states that transfers the highest number of juveniles to adult court.

Smart Justice

In recent years, organizations such as TaxWatch and Associated Industries of Florida have advocated for what are commonly referred to as “Smart Justice” reforms. These reforms largely address ways to reduce the state prison population, prevent juveniles from entering the adult criminal justice system unnecessarily, and improve offender reentry efforts. Past Smart Justice proposals have included:

- Expanding ways in which certain elderly or sick inmates can be released from prison;
- Requiring courts to justify, in writing, a prison sentence for persons who score low sentencing scores; and
- Updating the value thresholds for property crimes.

Criminal Justice Subcommittee Staff

Katie Cunningham, *Policy Chief*

Katie Cunningham joined the Legislature in 2005 as Staff Attorney with the Criminal Justice Committee. She left the House in 2009 to serve as the Department of Corrections' Legislative Affairs Director, but returned to the House in 2010. She is currently the Policy Chief for the Criminal Justice Subcommittee.

Prior to joining the House in 2005, Mrs. Cunningham was a Senior Attorney with the Department of Corrections where she specialized in probation and community corrections issues. Ms. Cunningham's experience in the criminal justice field includes working as an attorney on a domestic violence legal hotline and working with the Florida Department of Law Enforcement as an online sex crimes investigator. Katie is a graduate of the Florida State University College of Law and holds a Bachelor's degree in Criminology from Florida State University.

Ryan Cox, *Attorney*

Ryan Cox joined the Legislature as an Attorney with the Criminal Justice Subcommittee in 2012. Prior to joining the House, Ms. Cox handled workers' compensation issues as an Assistant General Counsel with the Department of Financial Services, and worked as an Assistant Public Defender for the 17th Judicial Circuit. Ryan earned both her Bachelor and Juris Doctorate degrees from Florida State University.

Jennifer Keegan, *Attorney*

Jennifer Keegan recently joined the Legislature as an Attorney with the Criminal Justice Subcommittee. Prior to joining the House, Jennifer worked as an Assistant Public Defender in the 9th Judicial Circuit. She also served as the Judiciary Committee's Legislative Intern during the 2013 Legislative Session. Jennifer earned both her Bachelor and Juris Doctorate degrees from Florida State University.

Karan Denson, *Administrative Assistant*

Karan Denson recently joined the Legislature as the Administrative Assistant for the Criminal Justice Subcommittee. Prior to joining the House, Ms. Denson spent 9 years as the Legal Assistant/Office Manager for a local law firm, and 12 years as the Office Manager for a local Appraisal firm.

FLORIDA'S SENTENCING LAWS

HISTORY

➤ **Prior to 1983**

- Broad judicial discretion
- Parole

➤ **1983 Sentencing Guidelines**

- Sentencing worksheets provided uniformity in sentencing
- Parole eligibility largely abolished

➤ **1994 Sentencing Guidelines**

- Repealed basic gain time
- Ranking chart

➤ **1995 Sentencing Guidelines**

- Point values increased
- 85%

85% Rule

- CS/HB 687 – passed in 1995.
- Section 944.275(4)(b)3., F.S.
- Requires those sentenced to prison who committed their crimes on or after October 1, 1995 to serve a minimum of 85% of their sentence.

Criminal Punishment Code

- Effective for offenses committed on or after October 1, 1998.
- Allowed for greater upward discretion in sentencing.
- Provided increased penalties.
- Lowered mandatory prison thresholds.

Sentencing Scoresheet

- Where is the offense ranked?
- Additional offenses?
- Victim injury?
- Prior record?
- Legal status?
- On Community Supervision?
- Prior serious felonies or capital felonies?
- Firearm, semiautomatic firearm, machine gun?
- Multipliers?

Offense Severity Ranking Chart

- Criminal offenses are ranked in the Offense Severity Ranking Chart from level one (least severe) to level ten (most severe) and are assigned points based on the severity of the offense.
- If an offense is not listed in the ranking chart, it defaults to a ranking based on the degree of the felony.

Felony Offenses

- **Capital Felony**
 - Punishable by death or life imprisonment.

- **Life Felony**
 - Punishable by life imprisonment or by imprisonment for a term of years not exceeding life.

- **1st Degree Felony**
 - Punishable by a term of imprisonment not exceeding 30 years.

- **2nd Degree Felony**
 - Punishable by a term of imprisonment not exceeding 15 years.

- **3rd Degree Felony**
 - Punishable by a term of imprisonment not exceeding 5 years.

Sentencing Scenarios

- Scenario #1
 - Primary Offense → DUI with serious bodily injury (316.193(3)(c)2., F.S. - ranked in Level 7)
 - No additional offenses
 - Victim injury → 1 severe
 - No prior record
 - No other enhancements

- Total sentence points?
- Lowest permissible sentence?
- Maximum sentence?

Sentencing Scenarios

- Scenario #2
 - Primary Offense → Burglary of dwelling causing \$1,000 in damage (810.02(2)(c), F.S. – Level 8)
 - Additional offenses
 - Possession of burglary tools (810.06, F.S. – Level 4)
 - No victim injury
 - Prior record
 - Possession of 20+ grams cannabis (893.13(6)(a), F.S. – Level 1)
 - Grand theft automobile (812.014(2)(c), F.S. – Level 4)
 - Criminal gang multiplier

- Total sentence points?
- Lowest permissible sentence?
- Maximum sentence?

Downward Departure

- Decreases an offender's sentence below the lowest permissible sentence.
- Applies to all felony offenses (except capital felonies) committed on or after October 1, 1998.
- Must be mitigating circumstances present which reasonably justify a departure.
- Must be accompanied by a written statement by the court stating the reasons for departure.

Mandatory Minimum Sentences

- A matter of legislative prerogative and is nondiscretionary.
- Can only be waived by the state attorney (but not reduced).
- There are currently 90 mandatory minimum sentences ranging from 6 months imprisonment to 50 years imprisonment.

Diversion Programs

- Pre-trial Intervention
 - Drug, mental health, and veteran courts

- Juvenile Civil Citation

- Post-adjudicatory Programs
 - Drug Courts
 - Prison Diversion Program

The Florida Senate

2014 Florida Statutes

<p><u>Title XLVII</u> CRIMINAL PROCEDURE AND CORRECTIONS</p>	<p><u>Chapter 921</u> SENTENCE <u>Entire Chapter</u></p>	<p>SECTION 0024 Criminal Punishment Code; worksheet computations; scoresheets.</p>
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921.0024 Criminal Punishment Code; worksheet computations; scoresheets.—

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

FLORIDA CRIMINAL PUNISHMENT CODE
WORKSHEET

OFFENSE SCORE

Primary Offense

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

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		=	
M	0.2	x		=	
					<u>Total</u>

Victim Injury

Level	Sentence Points		Number	Total
2nd degree				
murder-				
death	240	x	=	
Death	120	x	=	
Severe	40	x	=	
Moderate	18	x	=	
Slight	4	x	=	
Sexual				
penetration	80	x	=	
Sexual				
contact	40	x	=	
				<u>Total</u>

Primary Offense + Additional Offenses + Victim Injury =

TOTAL OFFENSE SCORE

PRIOR RECORD SCORE

Prior Record

Level	Sentence Points		Number	Total
10	29	x	=	
9	23	x	=	
8	19	x	=	
7	14	x	=	
6	9	x	=	
5	3.6	x	=	
4	2.4	x	=	
3	1.6	x	=	
2	0.8	x	=	
1	0.5	x	=	
M	0.2	x	=	
				<u>Total</u>

TOTAL OFFENSE SCORE _____

TOTAL PRIOR RECORD SCORE _____

LEGAL STATUS _____

COMMUNITY SANCTION VIOLATION _____

PRIOR SERIOUS FELONY _____

PRIOR CAPITAL FELONY _____

FIREARM OR SEMIAUTOMATIC WEAPON _____

SUBTOTAL _____

PRISON RELEASEE REOFFENDER (no)(yes) _____

VIOLENT CAREER CRIMINAL (no)(yes) _____

HABITUAL VIOLENT OFFENDER (no)(yes) _____

HABITUAL OFFENDER (no)(yes) _____

DRUG TRAFFICKER (no)(yes) (x multiplier) _____

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

MOTOR VEHICLE THEFT (no)(yes) (x multiplier) _____

CRIMINAL GANG OFFENSE (no)(yes) (x multiplier) _____

DOMESTIC VIOLENCE IN THE PRESENCE OF RELATED CHILD (no)(yes) (x multiplier) _____

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

TOTAL SENTENCE POINTS _____

(b) WORKSHEET KEY:

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

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

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

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

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

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

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

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

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

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

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

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

Sentencing multipliers:

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

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

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

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

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

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

(2) The lowest permissible sentence is the minimum sentence that may be imposed by the trial court, absent a valid reason for departure. The lowest permissible sentence is any nonstate prison sanction in which the total sentence points equals or is less than 44 points, unless the court determines within its discretion that a prison sentence, which may be up to the statutory maximums for the offenses committed, is appropriate. When the total sentence points exceeds 44 points, the lowest permissible sentence in prison months shall be calculated by subtracting 28 points from the total sentence points and decreasing the remaining total by 25 percent. The total sentence points shall be calculated only as a means of determining the lowest permissible sentence. The permissible range for sentencing shall be the lowest permissible sentence up to and including the statutory maximum, as defined in s. 775.082, for the primary offense and any additional offenses before the court for sentencing. The sentencing court may impose such sentences concurrently or consecutively. However, any sentence to state prison must exceed 1 year. If the lowest permissible sentence under the code exceeds the statutory maximum sentence as provided in s. 775.082, the sentence required by the code must be imposed. If the total sentence points are greater than or equal to 363, the court may sentence the offender to life imprisonment. An offender sentenced to life imprisonment under this section is not eligible for any form of discretionary early release, except executive clemency or conditional medical release under s. 947.149.

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

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

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

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

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

History.—s. 7, ch. 97-194; s. 6, ch. 98-204; s. 111, ch. 99-3; s. 57, ch. 99-7; s. 3, ch. 99-12; s. 10, ch. 99-188; s. 56, ch. 99-193; s. 25, ch. 2000-320; s. 2, ch. 2001-126; s. 4, ch. 2001-183; s. 1, ch. 2002-212; s. 163, ch. 2004-5; s. 18, ch. 2005-128; s. 5, ch. 2007-2; s. 2, ch. 2007-212; s. 26, ch. 2008-238; s. 6, ch. 2013-80; s. 9, ch. 2014-4.

Disclaimer: The information on this system is unverified. The journals or printed bills of the respective chambers should be consulted for official purposes.

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Rule 3.992(a) Criminal Punishment Code Scoresheet

The Criminal Punishment Code Scoresheet Preparation Manual is available at: http://www.dc.state.fl.us/pub/sen_cpcm/index.html

1. DATE OF SENTENCE	2. PREPARER'S NAME	3. COUNTY	4. SENTENCING JUDGE	
5. NAME (LAST, FIRST, M.I.)	6. DOB	8. RACE <input type="checkbox"/> B <input type="checkbox"/> W <input type="checkbox"/> OTHER		10. PRIMARY OFF. DATE
	7. DC #	9. GENDER <input type="checkbox"/> M <input type="checkbox"/> F		11. PRIMARY DOCKET #
				12. PLEA <input type="checkbox"/>
				TRIAL <input type="checkbox"/>

I. PRIMARY OFFENSE: If Qualifier, please check A S C R (A=Attempt, S=Solicitation, C=Conspiracy, R=Reclassification)

FELONY DEGREE	F.S.#	DESCRIPTION	OFFENSE LEVEL	POINTS
_____ / _____ / _____	_____ / _____	_____ / _____ / _____	_____ / _____	_____ / _____

(Level - Points: 1=4, 2=10, 3=16, 4=22, 5=28, 6=36, 7=56, 8=74, 9=92, 10=116)

Prior capital felony triples Primary Offense points I. _____

II. ADDITIONAL OFFENSE(S): Supplemental page attached

DOCKET#	FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY				COUNTS	POINTS	TOTAL
				A	S	C	R			
_____ / _____	_____ / _____	_____ / _____	_____ / _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	x _____ = _____	

DESCRIPTION _____

_____ / _____ / _____ / _____ _____ x _____ = _____

DESCRIPTION _____

_____ / _____ / _____ / _____ _____ x _____ = _____

DESCRIPTION _____

_____ / _____ / _____ / _____ _____ x _____ = _____

DESCRIPTION _____

(Level - Points: M=0.2, 1=0.7, 2=1.2, 3=2.4, 4=3.6, 5=5.4, 6=18, 7=28, 8=37, 9=46, 10=58)

Prior capital felony triples Additional Offense points Supplemental page points _____

II. _____

III. VICTIM INJURY:

	Number	Total		Number	Total
2nd Degree Murder	240 x _____	= _____	Slight	4 x _____	= _____
Death	120 x _____	= _____	Sex Penetration	80 x _____	= _____
Severe	40 x _____	= _____	Sex Contact	40 x _____	= _____
Moderate	18 x _____	= _____			

III. _____

IV. PRIOR RECORD: Supplemental page attached

FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY: A S C R	DESCRIPTION	NUMBER	POINTS	TOTAL
_____ / _____	_____ / _____	_____ / _____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	_____	_____	X _____	= _____
_____ / _____	_____ / _____	_____ / _____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	_____	_____	X _____	= _____
_____ / _____	_____ / _____	_____ / _____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	_____	_____	X _____	= _____
_____ / _____	_____ / _____	_____ / _____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	_____	_____	X _____	= _____
_____ / _____	_____ / _____	_____ / _____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	_____	_____	X _____	= _____
_____ / _____	_____ / _____	_____ / _____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	_____	_____	X _____	= _____
_____ / _____	_____ / _____	_____ / _____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	_____	_____	X _____	= _____
_____ / _____	_____ / _____	_____ / _____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	_____	_____	X _____	= _____

(Level = Points: M=0.2, 1=0.5, 2=0.8, 3=1.6, 4=2.4, 5=3.6, 6=9, 7=14, 8=19, 9=23, 10=29)

Supplemental page points _____

IV. _____

Page 1 Subtotal: _____

Effective Date: For offenses committed under the Criminal Punishment Code effective for offenses committed on or after October 1, 1998 and subsequent revisions.

Distribution:
 White/Original/Clerk
 Green/ DC Data
 Canary/ State Attorney

Pink/Defense Attorney
 Goldenrod/ DC Offender File

NAME (LAST, FIRST, MI)

DOCKET #

Page 1 Subtotal: _____

V. Legal Status violation = 4 Points

- Escape Fleeing Failure to appear Supersedeas bond Incarceration Pretrial intervention or diversion program
- Court imposed or post prison release community supervision resulting in a conviction

V. _____

VI. Community Sanction violation before the court for sentencing

- Probation Community Control Pretrial Intervention or diversion

VI. _____

- 6 points for any violation other than new felony conviction x _____ each successive violation OR
- New felony conviction = 12 points x _____ each successive violation if new offense results in conviction before or at same time as sentence for violation of probation OR
- 12 points x _____ each successive violation for a violent felony offender of special concern when the violation is not based solely on failure to pay costs, fines, or restitution OR
- New felony conviction = 24 points x _____ each successive violation for a violent felony offender of special concern if new offense results in a conviction before or at the same time for violation of probation

VII. Firearm/Semi-Automatic or Machine Gun = 18 or 25 Points

VII. _____

VIII. Prior Serious Felony - 30 Points

VIII. _____

Subtotal Sentence Points _____

IX. Enhancements (only if the primary offense qualifies for enhancement)

Law Enf. Protect.

Drug Trafficker

Motor Vehicle Theft

Criminal Gang Offense

Domestic Violence in the Presence of Related Child
(offenses committed on or after 3/12/07)

Adult-on-Minor Sex Offense
(offenses committed on or after 10/1/14)

____ x 1.5 ____ x 2.0 ____ x 2.5

____ x 1.5

____ x 1.5

____ x 1.5

____ x 1.5

____ x 2.0

Enhanced Subtotal Sentence Points _____
TOTAL SENTENCE POINTS _____

SENTENCE COMPUTATION

If total sentence points are less than or equal to 44, the lowest permissible sentence is any non-state prison sanction. If the total sentence points are 22 points or less, see Section 775.082(10), Florida Statutes, to determine if the court must sentence the offender to a non-state prison sanction.

If total sentence points are greater than 44:

_____ minus 28 = _____ x .75 = _____
total sentence points lowest permissible prison sentence in months

If total sentence points are 60 points or less and court makes findings pursuant to both Florida Statute 948.20 and 397.334(3), the court may place the defendant into a treatment-based drug court program.

The maximum sentence is up to the statutory maximum for the primary and any additional offenses as provided in s. 775.082, F.S., unless the lowest permissible sentence under the Code exceeds the statutory maximum. Such sentences may be imposed concurrently or consecutively. If total sentence points are greater than or equal to 363, a life sentence may be imposed.

_____ maximum sentence in years

TOTAL SENTENCE IMPOSED

Years Months Days

- State Prison Life
- County Jail Time Served
- Community Control
- Probation Modified

Please check if sentenced as habitual offender, habitual violent offender, violent career criminal, prison releasee reoffender, or a mandatory minimum applies.

- Mitigated Departure Plea Bargain Prison Diversion Program

Other Reason _____

JUDGE'S SIGNATURE

RULE 3.992(b) Supplemental Criminal Punishment Code Scoresheet

NAME (LAST, FIRST, MI.)	DOCKET #	DATE OF SENTENCE
-------------------------	----------	------------------

II. ADDITIONAL OFFENSES(S):

DOCKET#	FEL/MM DEGREE	F.S#	OFFENSE LEVEL	QUALIFY A S C R	COUNTS	POINTS	TOTAL
_____ / _____	_____ / _____	_____ / _____	_____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	_____ x	_____ =	_____
DESCRIPTION _____							
_____ / _____	_____ / _____	_____ / _____	_____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	_____ x	_____ =	_____
DESCRIPTION _____							
_____ / _____	_____ / _____	_____ / _____	_____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	_____ x	_____ =	_____
DESCRIPTION _____							
_____ / _____	_____ / _____	_____ / _____	_____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	_____ x	_____ =	_____
DESCRIPTION _____							

(Level - Points: M=0.2, 1=0.7, 2=1.2, 3=2.4, 4=3.6, 5=5.4, 6=18, 7=28, 8=37, 9=46, 10=58)

II. _____

IV. PRIOR RECORD

FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY: A S C R	DESCRIPTION	NUMBER	POINTS	TOTAL
_____ / _____	_____ / _____	_____ / _____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	_____	_____	X _____ =	_____
_____ / _____	_____ / _____	_____ / _____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	_____	_____	X _____ =	_____
_____ / _____	_____ / _____	_____ / _____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	_____	_____	X _____ =	_____
_____ / _____	_____ / _____	_____ / _____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	_____	_____	X _____ =	_____
_____ / _____	_____ / _____	_____ / _____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	_____	_____	X _____ =	_____
_____ / _____	_____ / _____	_____ / _____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	_____	_____	X _____ =	_____

(Level = Points: M=0.2, 1=0.5, 2=0.8, 3=1.6, 4=2.4, 5=3.6, 6=9, 7=14, 8=19, 9=23, 10=29)

IV. _____

REASONS FOR DEPARTURE - MITIGATING CIRCUMSTANCES

(reasons may be checked here or written on the scoresheet)

- Legitimate, uncoerced plea bargain.
- The defendant was an accomplice to the offense and was a relatively minor participant in the criminal conduct.
- The capacity of the defendant to appreciate the criminal nature of the conduct or to conform that conduct to the requirements of law was substantially impaired.
- The defendant requires specialized treatment for a mental disorder that is unrelated to substance abuse or addiction, or for a physical disability, and the defendant is amenable to treatment.
- The need for payment of restitution to the victim outweighs the need for a prison sentence.
- The victim was an initiator, willing participant, aggressor, or provoker of the incident.
- The defendant acted under extreme duress or under the domination of another person.
- Before the identity of the defendant was determined, the victim was substantially compensated.
- The defendant cooperated with the State to resolve the current offense or any other offense.
- The offense was committed in an unsophisticated manner and was an isolated incident for which the defendant has shown remorse.
- At the time of the offense the defendant was too young to appreciate the consequences of the offense.
- The defendant is to be sentenced as a youthful offender.
- The defendant is amenable to the services of a postadjudicatory treatment-based drug court program and is otherwise qualified to participate in the program.
- The defendant was making a good faith effort to obtain or provide medical assistance for an individual experiencing a drug-related overdose.

Pursuant to 921.0026(3) the defendant's substance abuse or addiction does not justify a downward departure from the lowest permissible sentence, except for the provisions of s. 921.0026(2)(m).

Effective Date: For offenses committed under the Criminal Punishment Code effective for offenses committed on or after October 1, 1998 and subsequent revisions.

921.0022 Criminal Punishment Code; offense severity ranking chart.

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

(2) The offense severity ranking chart has 10 offense levels, ranked from least severe, which are level 1 offenses, to most severe, which are level 10 offenses, and each felony offense is assigned to a level according to the severity of the offense. For purposes of determining which felony offenses are specifically listed in the offense severity ranking chart and which severity level has been assigned to each of these offenses, the numerical statutory references in the left column of the chart and the felony degree designations in the middle column of the chart are controlling; the language in the right column of the chart is provided solely for descriptive purposes. Reclassification of the degree of the felony through the application of s. 775.0845, s. 775.0861, s. 775.0862, s. 775.087, s. 775.0875, s. 794.023, or any other law that provides an enhanced penalty for a felony offense, to any offense listed in the offense severity ranking chart in this section shall not cause the offense to become unlisted and is not subject to the provisions of s. 921.0023.

(3) OFFENSE SEVERITY RANKING CHART

(a) LEVEL 1

Florida Statute	Felony Degree	Description
<u>24.118(3)(a)</u>	3rd	Counterfeit or altered state lottery ticket.
<u>212.054(2)(b)</u>	3rd	Discretionary sales surtax; limitations, administration, and collection.
<u>212.15(2)(b)</u>	3rd	Failure to remit sales taxes, amount greater than \$300 but less than \$20,000.
<u>316.1935(1)</u>	3rd	Fleeing or attempting to elude law enforcement officer.
<u>319.30(5)</u>	3rd	Sell, exchange, give away certificate of title or identification number plate.
<u>319.35(1)(a)</u>	3rd	Tamper, adjust, change, etc., an odometer.
<u>320.26(1)(a)</u>	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
<u>322.212</u> <u>(1)(a)-(c)</u>	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver license; possession of simulated identification.
<u>322.212(4)</u>	3rd	Supply or aid in supplying unauthorized driver license or identification card.
<u>322.212(5)(a)</u>	3rd	False application for driver license or identification card.
<u>414.39(2)</u>	3rd	Unauthorized use, possession, forgery, or alteration of food assistance program, Medicaid ID, value greater than \$200.
<u>414.39(3)(a)</u>	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.
<u>443.071(1)</u>	3rd	False statement or representation to obtain or increase reemployment assistance benefits.
<u>509.151(1)</u>	3rd	Defraud an innkeeper, food or lodging value greater than \$300.
<u>517.302(1)</u>	3rd	Violation of the Florida Securities and Investor Protection Act.
<u>562.27(1)</u>	3rd	Possess still or still apparatus.
<u>713.69</u>	3rd	Tenant removes property upon which lien has accrued, value more than \$50.
<u>812.014(3)(c)</u>	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
<u>812.081(2)</u>	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.
<u>815.04(5)(a)</u>	3rd	Offense against intellectual property (i.e., computer programs, data).
<u>817.52(2)</u>	3rd	Hiring with intent to defraud, motor vehicle services.
<u>817.569(2)</u>	3rd	Use of public record or public records information to facilitate commission of a felony.
<u>826.01</u>	3rd	Bigamy.
<u>828.122(3)</u>	3rd	Fighting or baiting animals.
<u>831.04(1)</u>	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. <u>92.28</u> .
<u>831.31(1)(a)</u>	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. <u>893.03(5)</u> drugs.
<u>832.041(1)</u>	3rd	Stopping payment with intent to defraud \$150 or more.
<u>832.05(2)(b) &</u> <u>(4)(c)</u>	3rd	Knowing, making, issuing worthless checks \$150 or more or obtaining property in return for worthless check \$150 or more.

Florida Statute	Felony Degree	Description
<u>838.15(2)</u>	3rd	Commercial bribe receiving.
<u>838.16</u>	3rd	Commercial bribery.
<u>843.18</u>	3rd	Fleeing by boat to elude a law enforcement officer.
<u>847.011(1)(a)</u>	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
<u>849.01</u>	3rd	Keeping gambling house.
<u>849.09(1)(a)-(d)</u>	3rd	Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.
<u>849.23</u>	3rd	Gambling-related machines; "common offender" as to property rights.
<u>849.25(2)</u>	3rd	Engaging in bookmaking.
<u>860.08</u>	3rd	Interfere with a railroad signal.
<u>860.13(1)(a)</u>	3rd	Operate aircraft while under the influence.
<u>893.13(2)(a)2.</u>	3rd	Purchase of cannabis.
<u>893.13(6)(a)</u>	3rd	Possession of cannabis (more than 20 grams).
<u>934.03(1)(a)</u>	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.

(b) LEVEL 2

Florida Statute	Felony Degree	Description
<u>379.2431(1)(e)3.</u>	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
<u>379.2431(1)(e)4.</u>	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
<u>403.413(6)(c)</u>	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.
<u>517.07(2)</u>	3rd	Failure to furnish a prospectus meeting requirements.
<u>590.28(1)</u>	3rd	Intentional burning of lands.
<u>784.05(3)</u>	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
<u>787.04(1)</u>	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
<u>806.13(1)(b)3.</u>	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
<u>810.061(2)</u>	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
<u>810.09(2)(e)</u>	3rd	Trespassing on posted commercial horticulture property.
<u>812.014(2)(c)1.</u>	3rd	Grand theft, 3rd degree; \$300 or more but less than \$5,000.
<u>812.014(2)(d)</u>	3rd	Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling.
<u>812.015(7)</u>	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
<u>817.234(1)(a)2.</u>	3rd	False statement in support of insurance claim.
<u>817.481(3)(a)</u>	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
<u>817.52(3)</u>	3rd	Failure to redeliver hired vehicle.
<u>817.54</u>	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
<u>817.60(5)</u>	3rd	Dealing in credit cards of another.
<u>817.60(6)(a)</u>	3rd	Forgery; purchase goods, services with false card.
<u>817.61</u>	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
<u>826.04</u>	3rd	Knowingly marries or has sexual intercourse with person to whom related.
<u>831.01</u>	3rd	Forgery.
<u>831.02</u>	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
<u>831.07</u>	3rd	Forging bank bills, checks, drafts, or promissory notes.
<u>831.08</u>	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.

Florida Statute	Felony Degree	Description
<u>831.09</u>	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
<u>831.11</u>	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
<u>832.05(3)(a)</u>	3rd	Cashing or depositing item with intent to defraud.
<u>843.08</u>	3rd	Falsely impersonating an officer.
<u>893.13(2)(a)2.</u>	3rd	Purchase of any s. <u>893.03(1)(c)</u> , (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs other than cannabis.
<u>893.147(2)</u>	3rd	Manufacture or delivery of drug paraphernalia.

(c) LEVEL 3

Florida Statute	Felony Degree	Description
<u>119.10(2)(b)</u>	3rd	Unlawful use of confidential information from police reports.
<u>316.066</u> (3)(b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.
<u>316.193(2)(b)</u>	3rd	Felony DUI, 3rd conviction.
<u>316.1935(2)</u>	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
<u>319.30(4)</u>	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
<u>319.33(1)(a)</u>	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
<u>319.33(1)(c)</u>	3rd	Procure or pass title on stolen vehicle.
<u>319.33(4)</u>	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
<u>327.35(2)(b)</u>	3rd	Felony BUI.
<u>328.05(2)</u>	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
<u>328.07(4)</u>	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
<u>376.302(5)</u>	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
<u>379.2431</u> (1)(e)5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
<u>379.2431</u> (1)(e)6.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
<u>400.9935(4)</u>	3rd	Operating a clinic without a license or filing false license application or other required information.
<u>440.1051(3)</u>	3rd	False report of workers' compensation fraud or retaliation for making such a report.
<u>501.001(2)(b)</u>	2nd	Tampers with a consumer product or the container using materially false/misleading information.
<u>624.401(4)(a)</u>	3rd	Transacting insurance without a certificate of authority.
<u>624.401(4)(b)1.</u>	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
<u>626.902(1)(a)</u> & (b)	3rd	Representing an unauthorized insurer.
<u>697.08</u>	3rd	Equity skimming.
<u>790.15(3)</u>	3rd	Person directs another to discharge firearm from a vehicle.
<u>806.10(1)</u>	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
<u>806.10(2)</u>	3rd	Interferes with or assaults firefighter in performance of duty.
<u>810.09(2)(c)</u>	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
<u>812.014(2)(c)2.</u>	3rd	Grand theft; \$5,000 or more but less than \$10,000.
<u>812.0145(2)(c)</u>	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.

Florida Statute	Felony Degree	Description
<u>815.04(5)(b)</u>	2nd	Computer offense devised to defraud or obtain property.
<u>817.034(4)(a)3.</u>	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
<u>817.233</u>	3rd	Burning to defraud insurer.
<u>817.234</u> (8)(b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
<u>817.234(11)(a)</u>	3rd	Insurance fraud; property value less than \$20,000.
<u>817.236</u>	3rd	Filing a false motor vehicle insurance application.
<u>817.2361</u>	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
<u>817.413(2)</u>	3rd	Sale of used goods as new.
<u>817.505(4)</u>	3rd	Patient brokering.
<u>828.12(2)</u>	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
<u>831.28(2)(a)</u>	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
<u>831.29</u>	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
<u>838.021(3)(b)</u>	3rd	Threatens unlawful harm to public servant.
<u>843.19</u>	3rd	Injure, disable, or kill police dog or horse.
<u>860.15(3)</u>	3rd	Overcharging for repairs and parts.
<u>870.01(2)</u>	3rd	Riot; inciting or encouraging.
<u>893.13(1)(a)2.</u>	3rd	Sell, manufacture, or deliver cannabis (or other s. <u>893.03(1)(c)</u> , (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs).
<u>893.13(1)(d)2.</u>	2nd	Sell, manufacture, or deliver s. <u>893.03(1)(c)</u> , (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 1,000 feet of university.
<u>893.13(1)(f)2.</u>	2nd	Sell, manufacture, or deliver s. <u>893.03(1)(c)</u> , (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 1,000 feet of public housing facility.
<u>893.13(6)(a)</u>	3rd	Possession of any controlled substance other than felony possession of cannabis.
<u>893.13(7)(a)8.</u>	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
<u>893.13(7)(a)9.</u>	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
<u>893.13(7)(a)10.</u>	3rd	Affix false or forged label to package of controlled substance.
<u>893.13(7)(a)11.</u>	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
<u>893.13(8)(a)1.</u>	3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.
<u>893.13(8)(a)2.</u>	3rd	Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.
<u>893.13(8)(a)3.</u>	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
<u>893.13(8)(a)4.</u>	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
<u>918.13(1)(a)</u>	3rd	Alter, destroy, or conceal investigation evidence.
<u>944.47</u> (1)(a)1. & 2.	3rd	Introduce contraband to correctional facility.
<u>944.47(1)(c)</u>	2nd	Possess contraband while upon the grounds of a correctional institution.
<u>985.721</u>	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).

(d) LEVEL 4

Florida Statute	Felony Degree	Description
<u>316.1935(3)(a)</u>	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
<u>499.0051(1)</u>	3rd	Failure to maintain or deliver pedigree papers.
<u>499.0051(2)</u>	3rd	Failure to authenticate pedigree papers.
<u>499.0051(6)</u>	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
<u>517.07(1)</u>	3rd	Failure to register securities.
<u>517.12(1)</u>	3rd	Failure of dealer, associated person, or issuer of securities to register.
<u>784.07(2)(b)</u>	3rd	Battery of law enforcement officer, firefighter, etc.
<u>784.074(1)(c)</u>	3rd	Battery of sexually violent predators facility staff.
<u>784.075</u>	3rd	Battery on detention or commitment facility staff.
<u>784.078</u>	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
<u>784.08(2)(c)</u>	3rd	Battery on a person 65 years of age or older.
<u>784.081(3)</u>	3rd	Battery on specified official or employee.
<u>784.082(3)</u>	3rd	Battery by detained person on visitor or other detainee.
<u>784.083(3)</u>	3rd	Battery on code inspector.
<u>784.085</u>	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
<u>787.03(1)</u>	3rd	Interference with custody; wrongly takes minor from appointed guardian.
<u>787.04(2)</u>	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
<u>787.04(3)</u>	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
<u>787.07</u>	3rd	Human smuggling.
<u>790.115(1)</u>	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
<u>790.115(2)(b)</u>	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
<u>790.115(2)(c)</u>	3rd	Possessing firearm on school property.
<u>800.04(7)(c)</u>	3rd	Lewd or lascivious exhibition; offender less than 18 years.
<u>810.02(4)(a)</u>	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
<u>810.02(4)(b)</u>	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
<u>810.06</u>	3rd	Burglary; possession of tools.
<u>810.08(2)(c)</u>	3rd	Trespass on property, armed with firearm or dangerous weapon.
<u>812.014(2)(c)3.</u>	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
<u>812.014(2)(c)4.-10.</u>	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
<u>812.0195(2)</u>	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
<u>817.563(1)</u>	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. <u>893.03(5)</u> drugs.
<u>817.568(2)(a)</u>	3rd	Fraudulent use of personal identification information.
<u>817.625(2)(a)</u>	3rd	Fraudulent use of scanning device or reencoder.
<u>828.125(1)</u>	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
<u>837.02(1)</u>	3rd	Perjury in official proceedings.
<u>837.021(1)</u>	3rd	Make contradictory statements in official proceedings.
<u>838.022</u>	3rd	Official misconduct.
<u>839.13(2)(a)</u>	3rd	Falsifying records of an individual in the care and custody of a state agency.
<u>839.13(2)(c)</u>	3rd	Falsifying records of the Department of Children and Families.
<u>843.021</u>	3rd	Possession of a concealed handcuff key by a person in custody.

Florida Statute	Felony Degree	Description
<u>843.025</u>	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
<u>843.15(1)(a)</u>	3rd	Failure to appear while on bail for felony (bond estreatment or bond jumping).
<u>847.0135(5)(c)</u>	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
<u>874.05(1)(a)</u>	3rd	Encouraging or recruiting another to join a criminal gang.
<u>893.13(2)(a)1.</u>	2nd	Purchase of cocaine (or other s. <u>893.03(1)(a)</u> , (b), or (d), (2)(a), (2)(b), or (2)(c)4. drugs).
<u>914.14(2)</u>	3rd	Witnesses accepting bribes.
<u>914.22(1)</u>	3rd	Force, threaten, etc., witness, victim, or informant.
<u>914.23(2)</u>	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
<u>918.12</u>	3rd	Tampering with jurors.
<u>934.215</u>	3rd	Use of two-way communications device to facilitate commission of a crime.

(e) LEVEL 5

Florida Statute	Felony Degree	Description
<u>316.027(2)(a)</u>	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
<u>316.1935(4)(a)</u>	2nd	Aggravated fleeing or eluding.
<u>322.34(6)</u>	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
<u>327.30(5)</u>	3rd	Vessel accidents involving personal injury; leaving scene.
<u>379.367(4)</u>	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
<u>379.3671(2)(c)3.</u>	3rd	Willful molestation, possession, or removal of a commercial harvester's trap contents or trap gear by another harvester.
<u>381.0041(11)(b)</u>	3rd	Donate blood, plasma, or organs knowing HIV positive.
<u>440.10(1)(g)</u>	2nd	Failure to obtain workers' compensation coverage.
<u>440.105(5)</u>	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
<u>440.381(2)</u>	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
<u>624.401(4)(b)2.</u>	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
<u>626.902(1)(c)</u>	2nd	Representing an unauthorized insurer; repeat offender.
<u>790.01(2)</u>	3rd	Carrying a concealed firearm.
<u>790.162</u>	2nd	Threat to throw or discharge destructive device.
<u>790.163(1)</u>	2nd	False report of deadly explosive or weapon of mass destruction.
<u>790.221(1)</u>	2nd	Possession of short-barreled shotgun or machine gun.
<u>790.23</u>	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
<u>796.05(1)</u>	2nd	Live on earnings of a prostitute; 1st offense.
<u>800.04(6)(c)</u>	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
<u>800.04(7)(b)</u>	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
<u>806.111(1)</u>	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
<u>812.0145(2)(b)</u>	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
<u>812.015(8)</u>	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
<u>812.019(1)</u>	2nd	Stolen property; dealing in or trafficking in.
<u>812.131(2)(b)</u>	3rd	Robbery by sudden snatching.
<u>812.16(2)</u>	3rd	Owning, operating, or conducting a chop shop.
<u>817.034(4)(a)2.</u>	2nd	Communications fraud, value \$20,000 to \$50,000.

Florida Statute	Felony Degree	Description
<u>817.234</u> (11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
<u>817.234</u> (1), (2)(a) & (3)(a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
<u>817.568</u> (2)(b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more individuals.
<u>817.625</u> (2)(b)	2nd	Second or subsequent fraudulent use of scanning device or reencoder.
<u>825.1025</u> (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
<u>827.071</u> (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
<u>827.071</u> (5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
<u>839.13</u> (2)(b)	2nd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.
<u>843.01</u>	3rd	Resist officer with violence to person; resist arrest with violence.
<u>847.0135</u> (5)(b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
<u>847.0137</u> (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
<u>847.0138</u> (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
<u>874.05</u> (1)(b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
<u>874.05</u> (2)(a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
<u>893.13</u> (1)(a)1.	2nd	Sell, manufacture, or deliver cocaine (or other s. <u>893.03</u> (1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).
<u>893.13</u> (1)(c)2.	2nd	Sell, manufacture, or deliver cannabis (or other s. <u>893.03</u> (1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
<u>893.13</u> (1)(d)1.	1st	Sell, manufacture, or deliver cocaine (or other s. <u>893.03</u> (1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs) within 1,000 feet of university.
<u>893.13</u> (1)(e)2.	2nd	Sell, manufacture, or deliver cannabis or other drug prohibited under s. <u>893.03</u> (1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.
<u>893.13</u> (1)(f)1.	1st	Sell, manufacture, or deliver cocaine (or other s. <u>893.03</u> (1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)4. drugs) within 1,000 feet of public housing facility.
<u>893.13</u> (4)(b)	2nd	Deliver to minor cannabis (or other s. <u>893.03</u> (1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs).
<u>893.135</u> (1)	3rd	Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.

(f) LEVEL 6

Florida Statute	Felony Degree	Description
<u>316.027</u> (2)(b)	2nd	Leaving the scene of a crash involving serious bodily injury.
<u>316.193</u> (2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
<u>499.005</u> (3)	2nd	Knowing forgery of pedigree papers.
<u>499.005</u> (4)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
<u>499.005</u> (5)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
<u>775.0875</u> (1)	3rd	Taking firearm from law enforcement officer.
<u>784.021</u> (1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.

Florida Statute	Felony Degree	Description
<u>784.021(1)(b)</u>	3rd	Aggravated assault; intent to commit felony.
<u>784.041</u>	3rd	Felony battery; domestic battery by strangulation.
<u>784.048(3)</u>	3rd	Aggravated stalking; credible threat.
<u>784.048(5)</u>	3rd	Aggravated stalking of person under 16.
<u>784.07(2)(c)</u>	2nd	Aggravated assault on law enforcement officer.
<u>784.074(1)(b)</u>	2nd	Aggravated assault on sexually violent predators facility staff.
<u>784.08(2)(b)</u>	2nd	Aggravated assault on a person 65 years of age or older.
<u>784.081(2)</u>	2nd	Aggravated assault on specified official or employee.
<u>784.082(2)</u>	2nd	Aggravated assault by detained person on visitor or other detainee.
<u>784.083(2)</u>	2nd	Aggravated assault on code inspector.
<u>787.02(2)</u>	3rd	False imprisonment; restraining with purpose other than those in s. <u>787.01</u> .
<u>790.115(2)(d)</u>	2nd	Discharging firearm or weapon on school property.
<u>790.161(2)</u>	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
<u>790.164(1)</u>	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
<u>790.19</u>	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
<u>794.011(8)(a)</u>	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
<u>794.05(1)</u>	2nd	Unlawful sexual activity with specified minor.
<u>800.04(5)(d)</u>	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years of age; offender less than 18 years.
<u>800.04(6)(b)</u>	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
<u>806.031(2)</u>	2nd	Arson resulting in great bodily harm to firefighter or any other person.
<u>810.02(3)(c)</u>	2nd	Burglary of occupied structure; unarmed; no assault or battery.
<u>810.145(8)(b)</u>	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
<u>812.014(2)(b)1.</u>	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
<u>812.014(6)</u>	2nd	Theft; property stolen \$3,000 or more; coordination of others.
<u>812.015(9)(a)</u>	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
<u>812.015(9)(b)</u>	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
<u>812.13(2)(c)</u>	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
<u>817.4821(5)</u>	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
<u>825.102(1)</u>	3rd	Abuse of an elderly person or disabled adult.
<u>825.102(3)(c)</u>	3rd	Neglect of an elderly person or disabled adult.
<u>825.1025(3)</u>	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
<u>825.103(3)(c)</u>	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
<u>827.03(2)(c)</u>	3rd	Abuse of a child.
<u>827.03(2)(d)</u>	3rd	Neglect of a child.
<u>827.071(2) & (3)</u>	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
<u>836.05</u>	2nd	Threats; extortion.
<u>836.10</u>	2nd	Written threats to kill or do bodily injury.
<u>843.12</u>	3rd	Aids or assists person to escape.
<u>847.011</u>	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
<u>847.012</u>	3rd	Knowingly using a minor in the production of materials harmful to minors.
<u>847.0135(2)</u>	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
<u>914.23</u>	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
<u>944.35(3)(a)2.</u>	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or

Florida Statute	Felony Degree	Description
		offender on community supervision, resulting in great bodily harm.
<u>944.40</u>	2nd	Escapes.
<u>944.46</u>	3rd	Harboring, concealing, aiding escaped prisoners.
<u>944.47(1)(a)5.</u>	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
<u>951.22(1)</u>	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.

(g) LEVEL 7

Florida Statute	Felony Degree	Description
<u>316.027(2)(c)</u>	1st	Accident involving death, failure to stop; leaving scene.
<u>316.193(3)(c)2.</u>	3rd	DUI resulting in serious bodily injury.
<u>316.1935(3)(b)</u>	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.
<u>327.35(3)(c)2.</u>	3rd	Vessel BUI resulting in serious bodily injury.
<u>402.319(2)</u>	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfigurement, permanent disability, or death.
<u>409.920</u> (2)(b)1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
<u>409.920</u> (2)(b)1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
<u>456.065(2)</u>	3rd	Practicing a health care profession without a license.
<u>456.065(2)</u>	2nd	Practicing a health care profession without a license which results in serious bodily injury.
<u>458.327(1)</u>	3rd	Practicing medicine without a license.
<u>459.013(1)</u>	3rd	Practicing osteopathic medicine without a license.
<u>460.411(1)</u>	3rd	Practicing chiropractic medicine without a license.
<u>461.012(1)</u>	3rd	Practicing podiatric medicine without a license.
<u>462.17</u>	3rd	Practicing naturopathy without a license.
<u>463.015(1)</u>	3rd	Practicing optometry without a license.
<u>464.016(1)</u>	3rd	Practicing nursing without a license.
<u>465.015(2)</u>	3rd	Practicing pharmacy without a license.
<u>466.026(1)</u>	3rd	Practicing dentistry or dental hygiene without a license.
<u>467.201</u>	3rd	Practicing midwifery without a license.
<u>468.366</u>	3rd	Delivering respiratory care services without a license.
<u>483.828(1)</u>	3rd	Practicing as clinical laboratory personnel without a license.
<u>483.901(9)</u>	3rd	Practicing medical physics without a license.
<u>484.013(1)(c)</u>	3rd	Preparing or dispensing optical devices without a prescription.
<u>484.053</u>	3rd	Dispensing hearing aids without a license.
<u>494.0018(2)</u>	1st	Conviction of any violation of ss. <u>494.001-494.0077</u> in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
<u>560.123(8)(b)1.</u>	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.
<u>560.125(5)(a)</u>	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
<u>655.50(10)(b)1.</u>	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
<u>775.21(10)(a)</u>	3rd	Sexual predator; failure to register; failure to renew driver license or identification card; other

Florida Statute	Felony Degree	Description
		registration violations.
<u>775.21(10)(b)</u>	3rd	Sexual predator working where children regularly congregate.
<u>775.21(10)(g)</u>	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
<u>782.051(3)</u>	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
<u>782.07(1)</u>	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
<u>782.071</u>	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).
<u>782.072</u>	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
<u>784.045(1)(a)1.</u>	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
<u>784.045(1)(a)2.</u>	2nd	Aggravated battery; using deadly weapon.
<u>784.045(1)(b)</u>	2nd	Aggravated battery; perpetrator aware victim pregnant.
<u>784.048(4)</u>	3rd	Aggravated stalking; violation of injunction or court order.
<u>784.048(7)</u>	3rd	Aggravated stalking; violation of court order.
<u>784.07(2)(d)</u>	1st	Aggravated battery on law enforcement officer.
<u>784.074(1)(a)</u>	1st	Aggravated battery on sexually violent predators facility staff.
<u>784.08(2)(a)</u>	1st	Aggravated battery on a person 65 years of age or older.
<u>784.081(1)</u>	1st	Aggravated battery on specified official or employee.
<u>784.082(1)</u>	1st	Aggravated battery by detained person on visitor or other detainee.
<u>784.083(1)</u>	1st	Aggravated battery on code inspector.
<u>787.06(3)(a)2.</u>	1st	Human trafficking using coercion for labor and services of an adult.
<u>787.06(3)(e)2.</u>	1st	Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to within the state.
<u>790.07(4)</u>	1st	Specified weapons violation subsequent to previous conviction of s. <u>790.07(1)</u> or (2).
<u>790.16(1)</u>	1st	Discharge of a machine gun under specified circumstances.
<u>790.165(2)</u>	2nd	Manufacture, sell, possess, or deliver hoax bomb.
<u>790.165(3)</u>	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
<u>790.166(3)</u>	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
<u>790.166(4)</u>	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
<u>790.23</u>	1st,PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. <u>874.04</u> .
<u>794.08(4)</u>	3rd	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.
<u>796.05(1)</u>	1st	Live on earnings of a prostitute; 2nd offense.
<u>796.05(1)</u>	1st	Live on earnings of a prostitute; 3rd and subsequent offense.
<u>800.04(5)(c)1.</u>	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
<u>800.04(5)(c)2.</u>	2nd	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older.
<u>800.04(5)(e)</u>	1st	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>806.01(2)</u>	2nd	Maliciously damage structure by fire or explosive.
<u>810.02(3)(a)</u>	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
<u>810.02(3)(b)</u>	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
<u>810.02(3)(d)</u>	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.

Florida Statute	Felony Degree	Description
<u>810.02(3)(e)</u>	2nd	Burglary of authorized emergency vehicle.
<u>812.014(2)(a)1.</u>	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.
<u>812.014(2)(b)2.</u>	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
<u>812.014(2)(b)3.</u>	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
<u>812.014(2)(b)4.</u>	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
<u>812.0145(2)(a)</u>	1st	Theft from person 65 years of age or older; \$50,000 or more.
<u>812.019(2)</u>	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
<u>812.131(2)(a)</u>	2nd	Robbery by sudden snatching.
<u>812.133(2)(b)</u>	1st	Carjacking; no firearm, deadly weapon, or other weapon.
<u>817.034(4)(a)1.</u>	1st	Communications fraud, value greater than \$50,000.
<u>817.234(8)(a)</u>	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
<u>817.234(9)</u>	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
<u>817.234(11)(c)</u>	1st	Insurance fraud; property value \$100,000 or more.
<u>817.2341</u> <u>(2)(b) & (3)(b)</u>	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.
<u>817.535(2)(a)</u>	3rd	Filing false lien or other unauthorized document.
<u>825.102(3)(b)</u>	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
<u>825.103(3)(b)</u>	2nd	Exploiting an elderly person or disabled adult and property is valued at \$10,000 or more, but less than \$50,000.
<u>827.03(2)(b)</u>	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
<u>827.04(3)</u>	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
<u>837.05(2)</u>	3rd	Giving false information about alleged capital felony to a law enforcement officer.
<u>838.015</u>	2nd	Bribery.
<u>838.016</u>	2nd	Unlawful compensation or reward for official behavior.
<u>838.021(3)(a)</u>	2nd	Unlawful harm to a public servant.
<u>838.22</u>	2nd	Bid tampering.
<u>843.0855(2)</u>	3rd	Impersonation of a public officer or employee.
<u>843.0855(3)</u>	3rd	Unlawful simulation of legal process.
<u>843.0855(4)</u>	3rd	Intimidation of a public officer or employee.
<u>847.0135(3)</u>	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
<u>847.0135(4)</u>	2nd	Traveling to meet a minor to commit an unlawful sex act.
<u>872.06</u>	2nd	Abuse of a dead human body.
<u>874.05(2)(b)</u>	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
<u>874.10</u>	1st,PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
<u>893.13(1)(c)1.</u>	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. <u>893.03(1)(a)</u> , (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.
<u>893.13(1)(e)1.</u>	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. <u>893.03(1)(a)</u> , (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.
<u>893.13(4)(a)</u>	1st	Deliver to minor cocaine (or other s. <u>893.03(1)(a)</u> , (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).
<u>893.135(1)(a)1.</u>	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
<u>893.135</u>	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.

Florida Statute	Felony Degree	Description
(1)(b)1.a. <u>893.135</u> (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
<u>893.135</u> (1)(c)2.a.	1st	Trafficking in hydrocodone, 14 grams or more, less than 28 grams.
<u>893.135</u> (1)(c)2.b.	1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
<u>893.135</u> (1)(c)3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.
<u>893.135</u> (1)(c)3.b.	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.
<u>893.135</u> (1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
<u>893.135</u> (1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
<u>893.135</u> (1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
<u>893.135</u> (1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
<u>893.135</u> (1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
<u>893.135</u> (1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
<u>893.135</u> (1)(k)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
<u>893.135</u> (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
<u>896.101</u> (5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
<u>896.104</u> (4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
<u>943.0435</u> (4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
<u>943.0435</u> (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
<u>943.0435</u> (9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
<u>943.0435</u> (13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
<u>943.0435</u> (14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
<u>944.607</u> (9)	3rd	Sexual offender; failure to comply with reporting requirements.
<u>944.607</u> (10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
<u>944.607</u> (12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
<u>944.607</u> (13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
<u>985.4815</u> (10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
<u>985.4815</u> (12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
<u>985.4815</u> (13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

(h) LEVEL 8

Florida Statute	Felony Degree	Description
<u>316.193</u> (3)(c)3.a.	2nd	DUI manslaughter.
<u>316.1935</u> (4)(b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
<u>327.35</u> (3)(c)3.	2nd	Vessel BUI manslaughter.
<u>499.0051</u> (7)	1st	Knowing trafficking in contraband prescription drugs.
<u>499.0051</u> (8)	1st	Knowing forgery of prescription labels or prescription drug labels.
<u>560.123</u> (8)(b)2.	2nd	Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.
<u>560.125</u> (5)(b)	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.
<u>655.50</u> (10)(b)2.	2nd	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
<u>777.03</u> (2)(a)	1st	Accessory after the fact, capital felony.
<u>782.04</u> (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.
<u>782.051</u> (2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. <u>782.04</u> (3).
<u>782.071</u> (1)(b)	1st	Committing vehicular homicide and failing to render aid or give information.
<u>782.072</u> (2)	1st	Committing vessel homicide and failing to render aid or give information.
<u>787.06</u> (3)(a)1.	1st	Human trafficking for labor and services of a child.
<u>787.06</u> (3)(b)	1st	Human trafficking using coercion for commercial sexual activity of an adult.
<u>787.06</u> (3)(c)2.	1st	Human trafficking using coercion for labor and services of an unauthorized alien adult.
<u>787.06</u> (3)(e)1.	1st	Human trafficking for labor and services by the transfer or transport of a child from outside Florida to within the state.
<u>787.06</u> (3)(f)2.	1st	Human trafficking using coercion for commercial sexual activity by the transfer or transport of any adult from outside Florida to within the state.
<u>790.161</u> (3)	1st	Discharging a destructive device which results in bodily harm or property damage.
<u>794.011</u> (5)(a)	1st	Sexual battery; victim 12 years of age or older but younger than 18 years; offender 18 years or older; offender does not use physical force likely to cause serious injury.
<u>794.011</u> (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.
<u>794.011</u> (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.
<u>794.011</u> (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.
<u>794.08</u> (3)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.
<u>800.04</u> (4)(b)	2nd	Lewd or lascivious battery.
<u>800.04</u> (4)(c)	1st	Lewd or lascivious battery; offender 18 years of age or older; prior conviction for specified sex offense.
<u>806.01</u> (1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
<u>810.02</u> (2)(a)	1st,PBL	Burglary with assault or battery.
<u>810.02</u> (2)(b)	1st,PBL	Burglary; armed with explosives or dangerous weapon.
<u>810.02</u> (2)(c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
<u>812.014</u> (2)(a)2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
<u>812.13</u> (2)(b)	1st	Robbery with a weapon.
<u>812.135</u> (2)(c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.

Florida Statute	Felony Degree	Description
<u>817.535(2)(b)</u>	2nd	Filing false lien or other unauthorized document; second or subsequent offense.
<u>817.535(3)(a)</u>	2nd	Filing false lien or other unauthorized document; property owner is a public officer or employee.
<u>817.535(4)(a)1.</u>	2nd	Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.
<u>817.535(5)(a)</u>	2nd	Filing false lien or other unauthorized document; owner of the property incurs financial loss as a result of the false instrument.
<u>817.568(6)</u>	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
<u>825.102(2)</u>	1st	Aggravated abuse of an elderly person or disabled adult.
<u>825.1025(2)</u>	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
<u>825.103(3)(a)</u>	1st	Exploiting an elderly person or disabled adult and property is valued at \$50,000 or more.
<u>837.02(2)</u>	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
<u>837.021(2)</u>	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
<u>860.121(2)(c)</u>	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
<u>860.16</u>	1st	Aircraft piracy.
<u>893.13(1)(b)</u>	1st	Sell or deliver in excess of 10 grams of any substance specified in s. <u>893.03(1)(a)</u> or (b).
<u>893.13(2)(b)</u>	1st	Purchase in excess of 10 grams of any substance specified in s. <u>893.03(1)(a)</u> or (b).
<u>893.13(6)(c)</u>	1st	Possess in excess of 10 grams of any substance specified in s. <u>893.03(1)(a)</u> or (b).
<u>893.135(1)(a)2.</u>	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
<u>893.135(1)(b)1.b.</u>	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
<u>893.135(1)(c)1.b.</u>	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
<u>893.135(1)(c)2.c.</u>	1st	Trafficking in hydrocodone, 50 grams or more, less than 200 grams.
<u>893.135(1)(c)3.c.</u>	1st	Trafficking in oxycodone, 25 grams or more, less than 100 grams.
<u>893.135(1)(d)1.b.</u>	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
<u>893.135(1)(e)1.b.</u>	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
<u>893.135(1)(f)1.b.</u>	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
<u>893.135(1)(g)1.b.</u>	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
<u>893.135(1)(h)1.b.</u>	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
<u>893.135(1)(j)1.b.</u>	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
<u>893.135(1)(k)2.b.</u>	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
<u>893.1351(3)</u>	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.
<u>895.03(1)</u>	1st	Use or invest proceeds derived from pattern of racketeering activity.
<u>895.03(2)</u>	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
<u>895.03(3)</u>	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
<u>896.101(5)(b)</u>	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
<u>896.104(4)(a)2.</u>	2nd	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$20,000 but less than \$100,000.

(i) LEVEL 9

Florida Statute	Felony Degree	Description
<u>316.193</u> (3)(c)3.b.	1st	DUI manslaughter; failing to render aid or give information.
<u>327.35</u> (3)(c)3.b.	1st	BUI manslaughter; failing to render aid or give information.
<u>409.920</u> (2)(b)1.c.	1st	Medicaid provider fraud; \$50,000 or more.
<u>499.0051</u> (9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
<u>560.123</u> (8)(b)3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
<u>560.125</u> (5)(c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
<u>655.50</u> (10)(b)3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
<u>775.0844</u>	1st	Aggravated white collar crime.
<u>782.04</u> (1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
<u>782.04</u> (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.
<u>782.051</u> (1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. <u>782.04</u> (3).
<u>782.07</u> (2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
<u>787.01</u> (1)(a)1.	1st,PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
<u>787.01</u> (1)(a)2.	1st,PBL	Kidnapping with intent to commit or facilitate commission of any felony.
<u>787.01</u> (1)(a)4.	1st,PBL	Kidnapping with intent to interfere with performance of any governmental or political function.
<u>787.02</u> (3)(a)	1st,PBL	False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.
<u>787.06</u> (3)(c)1.	1st	Human trafficking for labor and services of an unauthorized alien child.
<u>787.06</u> (3)(d)	1st	Human trafficking using coercion for commercial sexual activity of an unauthorized adult alien.
<u>787.06</u> (3)(f)1.	1st,PBL	Human trafficking for commercial sexual activity by the transfer or transport of any child from outside Florida to within the state.
<u>790.161</u>	1st	Attempted capital destructive device offense.
<u>790.166</u> (2)	1st,PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
<u>794.011</u> (2)	1st	Attempted sexual battery; victim less than 12 years of age.
<u>794.011</u> (2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
<u>794.011</u> (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.
<u>794.011</u> (4)(b)	1st	Sexual battery, certain circumstances; victim and offender 18 years of age or older.
<u>794.011</u> (4)(c)	1st	Sexual battery, certain circumstances; victim 12 years of age or older; offender younger than 18 years.
<u>794.011</u> (4)(d)	1st,PBL	Sexual battery, certain circumstances; victim 12 years of age or older; prior conviction for specified sex offenses.
<u>794.011</u> (8)(b)	1st,PBL	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
<u>794.08</u> (2)	1st	Female genital mutilation; victim younger than 18 years of age.
<u>800.04</u> (5)(b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
<u>812.13</u> (2)(a)	1st,PBL	Robbery with firearm or other deadly weapon.
<u>812.133</u> (2)(a)	1st,PBL	Carjacking; firearm or other deadly weapon.
<u>812.135</u> (2)(b)	1st	Home-invasion robbery with weapon.

Florida Statute	Felony Degree	Description
<u>817.535(3)(b)</u>	1st	Filing false lien or other unauthorized document; second or subsequent offense; property owner is a public officer or employee.
<u>817.535(4)(a)2.</u>	1st	Filing false claim or other unauthorized document; defendant is incarcerated or under supervision.
<u>817.535(5)(b)</u>	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.
<u>817.568(7)</u>	2nd, PBL	Fraudulent use of personal identification information of an individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority.
<u>827.03(2)(a)</u>	1st	Aggravated child abuse.
<u>847.0145(1)</u>	1st	Selling, or otherwise transferring custody or control, of a minor.
<u>847.0145(2)</u>	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
<u>859.01</u>	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.
<u>893.135</u>	1st	Attempted capital trafficking offense.
<u>893.135(1)(a)3.</u>	1st	Trafficking in cannabis, more than 10,000 lbs.
<u>893.135(1)(b)1.c.</u>	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
<u>893.135(1)(c)1.c.</u>	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
<u>893.135(1)(c)2.d.</u>	1st	Trafficking in hydrocodone, 200 grams or more, less than 30 kilograms.
<u>893.135(1)(c)3.d.</u>	1st	Trafficking in oxycodone, 100 grams or more, less than 30 kilograms.
<u>893.135(1)(d)1.c.</u>	1st	Trafficking in phencyclidine, more than 400 grams.
<u>893.135(1)(e)1.c.</u>	1st	Trafficking in methaqualone, more than 25 kilograms.
<u>893.135(1)(f)1.c.</u>	1st	Trafficking in amphetamine, more than 200 grams.
<u>893.135(1)(h)1.c.</u>	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.
<u>893.135(1)(j)1.c.</u>	1st	Trafficking in 1,4-Butanediol, 10 kilograms or more.
<u>893.135(1)(k)2.c.</u>	1st	Trafficking in Phenethylamines, 400 grams or more.
<u>896.101(5)(c)</u>	1st	Money laundering, financial instruments totaling or exceeding \$100,000.
<u>896.104(4)(a)3.</u>	1st	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$100,000.

(j) LEVEL 10

Florida Statute	Felony Degree	Description
<u>499.0051(10)</u>	1st	Knowing sale or purchase of contraband prescription drugs resulting in death.
<u>782.04(2)</u>	1st, PBL	Unlawful killing of human; act is homicide, unpremeditated.
<u>782.07(3)</u>	1st	Aggravated manslaughter of a child.
<u>787.01(1)(a)3.</u>	1st, PBL	Kidnapping; inflict bodily harm upon or terrorize victim.
<u>787.01(3)(a)</u>	Life	Kidnapping; child under age 13, perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.
<u>787.06(3)(g)</u>	Life	Human trafficking for commercial sexual activity of a child under the age of 18 or mentally defective or incapacitated person.

Florida Statute	Felony Degree	Description
<u>787.06(4)(a)</u>	Life	Selling or buying of minors into human trafficking.
<u>794.011(3)</u>	Life	Sexual battery; victim 12 years or older, offender uses or threatens to use deadly weapon or physical force to cause serious injury.
<u>812.135(2)(a)</u>	1st, PBL	Home-invasion robbery with firearm or other deadly weapon.
<u>876.32</u>	1st	Treason against the state.

Florida's Mandatory Minimum Offenses

Traffic Offenses - Chapter 316, F.S.

Statute	Offense	Mandatory Minimum Sentence Required
Section 316.027(2)(c), F.S.	Leaving the Scene of an Accident Resulting in a Death where Driver of a vehicle has previously been convicted of an enumerated traffic offense	4 years imprisonment
Section 316.193(3), F.S.	DUI Manslaughter	4 years imprisonment
Section 316.193(6), F.S.	DUI (2 nd conviction within 5 years)	10 days imprisonment
	DUI (3 rd or subsequent conviction within 10 years)	30 days imprisonment
Section 316.1935(3)(b), F.S.	Fleeing or Attempting to Elude Law Enforcement Officer Driving at a High Speed/Wanton Disregard and Resulting in Serious Bodily Injury/Death	3 years imprisonment
Section 316.1935(4), F.S.	Aggravated Fleeing or Attempting to Elude with Serious Bodily Injury or Death	3 years imprisonment

Previously Released Offenders - Chapter 775, F.S.

Statute	Offense	Mandatory Minimum Sentence Required
Section 775.082(9)(a), F.S.	Prison Releasee Reoffender	Life Felony – Life imprisonment 1 st Degree Felony – 30 years imprisonment 2 nd Degree Felony – 15 years imprisonment 3 rd Degree Felony – 5 years imprisonment
Section 775.084(4)(c), F.S.	Three-time Violent Felony Offender	Life Felony – Life imprisonment 1 st Degree Felony – 30 years imprisonment 2 nd Degree Felony – 15 years imprisonment 3 rd Degree Felony – 5 years imprisonment
Section 775.084(4)(d), F.S.	Violent Career Criminal	Life Felony or 1 st Degree Felony – Life imprisonment 2 nd Degree Felony – 30 years imprisonment 3 rd Degree Felony – 10 years imprisonment

Firearm Offenses – Sections 775.087 and 790.235, F.S.

Section 775.087(2)(a), F.S.	Possessed a "firearm" or "destructive device" during the commission of an enumerated felony	10 years imprisonment (except for a person convicted of aggravated assault - 3 years imprisonment)
	Discharged a firearm or destructive device during the commission of an enumerated felony	20 years imprisonment
	Discharged a firearm or destructive device resulting in	25 years imprisonment to Life imprisonment

	death or great bodily harm during the commission of an enumerated felony	
Section 775.087(3)(a), F.S.	<p>Possessed a semiautomatic firearm or a "machine gun" during the commission of an enumerated felony</p> <p>Discharged a semiautomatic firearm or a machine gun during the commission of an enumerated felony</p> <p>Discharged a semiautomatic firearm or a machine gun resulting in death or great bodily harm during the commission of an enumerated felony</p>	<p>15 years imprisonment</p> <p>20 years imprisonment</p> <p>25 years imprisonment to Life imprisonment</p>
Section 790.235, F.S.	Violent Career Criminal who owns or has in care/custody/control/possession any firearm, ammunition, electric weapon, or concealed weapon	15 years imprisonment

Sexual Offenses – Section 794.0115, F.S.

Statute	Offense	Mandatory Minimum Sentence Required
Section 794.0115, F.S.	"Dangerous Sexual Felony Offender" who is convicted of an enumerated sexual felony	50 years imprisonment, unless offense was committed prior to October 1, 2014 (25 years imprisonment)

Trafficking Offenses – Section 893.135, F.S.

Offense	Drug Amount	Mandatory Minimum Sentence Required
Trafficking in Cannabis	25 pounds, but less than 2,000 pounds, or is 300-2,000 cannabis plants	3 years imprisonment
	2,000 pounds or more, but less than 10,000 pounds, or 2,000 or more cannabis plants, but less than 10,000 cannabis plants	7 years imprisonment
	10,000 pounds or more, or 10,000 or more cannabis plants	15 years imprisonment
Trafficking in Cocaine	28 grams or more, but less than 200 grams	3 years imprisonment
	200 grams or more, but less than 400 grams	7 years imprisonment
	400 grams or more, but less than 150 kilograms	15 years imprisonment

Trafficking in Illegal Drugs (morphine, opium, hydromorphone, or any derivative including heroin)	4 grams or more, but less than 14 grams	3 years imprisonment
	14 grams or more, but less than 28 grams	15 years imprisonment
	28 grams or more, but less than 30 kilograms	25 years imprisonment
Trafficking in Hydrocodone	14 grams or more, but less than 28 grams	3 years imprisonment
	28 grams or more, but less than 50 grams	7 years imprisonment
	50 grams or more, but less than 200 grams	15 years imprisonment
	200 grams or more, but less than 30 kilograms	25 years imprisonment
Trafficking in Oxycodone	7 grams or more, but less than 14 grams	3 years imprisonment
	14 grams or more, but less than 25 grams	7 years imprisonment
	25 grams or more, but less than 100 grams	15 years imprisonment
	100 grams or more, but less than 30 kilograms	25 years imprisonment
Trafficking in Phencyclidine	28 grams or more, but less than 200 grams	3 years imprisonment
	200 grams or more, but less than 400 grams	7 years imprisonment
	400 grams or more	15 years imprisonment
Trafficking in Methaqualone	200 grams or more, but less than 5 kilograms	3 years imprisonment
	5 kilograms or more, but less than 25 kilograms	7 years imprisonment
	25 kilograms or more	15 years imprisonment
Trafficking in Amphetamine	14 grams or more, but less than 28 grams	3 years imprisonment
	28 grams or more, but less than 200 grams	7 years imprisonment
	200 grams or more	15 years imprisonment
Trafficking in Flunitrazepam	4 grams or more, but less than 14 grams	3 years imprisonment
	14 grams or more, but less than 28 grams	7 years imprisonment

	28 grams or more, but less than 30 kilograms	25 years imprisonment
Trafficking in Gamma-Hydroxybutyric Acid (GHB)	1 kilogram or more but less than 5 kilograms	3 years imprisonment
	5 kilograms or more but less than 10 kilograms	7 years imprisonment
	10 kilograms or more	15 years imprisonment
Trafficking in Gamma-Butyrolactone (GBL)	1 kilogram or more but less than 5 kilograms	3 years imprisonment
	5 kilograms or more but less than 10 kilograms	7 years imprisonment
	10 kilograms or more	15 years imprisonment
Trafficking in 1,4-Butanediol	1 kilogram or more but less than 5 kilograms	3 years imprisonment
	5 kilograms or more but less than 10 kilograms	7 years imprisonment
	10 kilograms or more	15 years imprisonment
Trafficking in Enumerated list of Substances	10 grams or more, but less than 200 grams	3 years imprisonment
	200 grams or more, but less than 400 grams	7 years imprisonment
	400 grams or more	15 years imprisonment
Trafficking in Lysergic Acid Diethylamide (LSD)	1 gram or more, but less than 5 grams	3 years imprisonment
	5 grams or more, but less than 7 grams	7 years imprisonment
	7 grams or more	15 years imprisonment

Miscellaneous Offenses

Statute	Offense	Mandatory Minimum Sentence Required
Section 397.407(5), F.S.	Illegal Possession of Spiny Lobster	3 rd Violation - 6 months imprisonment 3 rd Violation within a year of previous violation or 4 th or subsequent violation - 1 year imprisonment
Section 397.407(7)(a), F.S.	Unlicensed Commercial Harvester or Wholesale/Retail Dealer to Sell or Purchase any Saltwater product or to Harvest or Attempt to Harvest with Intent to Sell	3 rd Violation - 6 months imprisonment 3 rd Violation within a year of previous violation or 4 th or subsequent violation - 1 year imprisonment
Section 397.407(7)(b), F.S.	Person with Permanently Revoked License who	1 year imprisonment

	thereafter Sells or Purchases any Saltwater Product	
Section 397.407(7)(c), F.S.	Person with Suspended License who Sells or Purchases any Saltwater Product	2 nd violation occurring within 12 months – 1 year imprisonment 3 rd violation within 24 months – 1 year imprisonment
Section 397.407(7)(d), F.S.	Commercial Harvester who sells or harvests without a License	3 rd violation – 6 months 3 rd Violation within a year or 4 th or subsequent violation – 1 year imprisonment
Section 456.065(2)(d)1. And 2., F.S.	Unlicensed Practice of Medicine or Unlicensed Practice of Medicine Resulting in Serious Bodily Injury	1 year imprisonment
Section 456.065(2)(d)3., F.S.	Practice of Medicine on Inactive or Delinquent License	30 days
Section 500.451(2), F.S.	Selling for Human Consumption or Transporting Horse Meat that is not Clearly Marked as Horse Meat	1 year imprisonment
Section 796.05(2)(c), F.S.	Deriving Support from Prostitution	3 rd or Subsequent Conviction - 10 years imprisonment
Section 817.568(2)(b), F.S.	Criminal Use of Personal Identification Information, Amount of Fraud \$5,000-\$50,000 or Using Personal Identification Information (PII) of 10 or more Individuals	3 years imprisonment
Section 817.568(2)(c), F.S.	Criminal Use of Personal Identification Information, Amount of Fraud \$50,000-\$100,000, or Using Personal Identification Information (PII) of 20-30 Individuals Criminal Use of Personal Identification Information, Amount of Fraud \$100,000 or more, or Using Personal Identification Information (PII) of 30 or more Individuals	5 years imprisonment 10 years imprisonment
Section 817.568(8)(b), F.S.	Criminal Use of a Deceased Person's Personal Identification Information, Amount of Fraud \$5,000-\$50,000 or Using Personal Identification Information (PII) of 10 or more Deceased Individuals	3 years imprisonment
Section 817.568(8)(c), F.S.	Criminal Use of a Deceased Person's Personal Identification Information, Amount of Fraud \$50,000-\$100,000, or Using Personal Identification Information (PII)	5 years imprisonment

	<p>of 20-30 Deceased Individuals</p> <p>Criminal Use of a Deceased Person's Personal Identification Information, Amount of Fraud \$100,000 or more, or Using Personal Identification Information (PII) of 30 or more Deceased Individuals</p>	10 years imprisonment
Section 828.12, F.S.	Aggravated Cruelty to Animals	2 nd or Subsequent Conviction - 6 months imprisonment
Section 828.125, F.S.	Killing or Aggravated Abuse of Horse or Cattle	1 year imprisonment