

By Senator Bradley

7-00529A-14

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1                   A bill to be entitled  
2       An act relating to sexual offenses; amending s.  
3       794.011, F.S.; revising and creating offenses  
4       involving sexual battery; increasing felony degree of  
5       certain sexual battery offenses; amending s. 800.04,  
6       F.S.; revising and creating offenses involving lewd or  
7       lascivious battery and molestation; increasing felony  
8       degree of certain lewd or lascivious battery and  
9       molestation offenses; amending s. 921.0022, F.S.;  
10      assigning new offense severity rankings for lewd or  
11      lascivious molestation and sexual battery offenses;  
12      amending s. 921.0024, F.S.; providing that sentence  
13      points are multiplied for specified sex offenses  
14      committed by an adult upon a minor under certain  
15      circumstances; creating s. 921.30, F.S.; authorizing a  
16      state attorney to move a court to make a written  
17      finding that an offense was a sexually motivated  
18      offense under certain circumstances; amending s.  
19      944.275, F.S.; prohibiting award of gain-time for  
20      certain offenses; amending s. 947.1405, F.S.;  
21      providing for tolling of conditional release  
22      supervision; providing applicability; amending s.  
23      948.012, F.S.; requiring split sentence for certain  
24      sexual offenses; providing for tolling of probation or  
25      community control; providing applicability; providing  
26      severability; providing an effective date.

27  
28   Be It Enacted by the Legislature of the State of Florida:  
29

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Section 1. Subsections (4), (5), and (6), paragraph (b) of subsection (8), and subsections (9) and (10) of section 794.011, Florida Statutes, are amended to read:

794.011 Sexual battery.—

(4)(a) A person 18 years of age or older who commits sexual battery upon a person 12 years of age or older but younger than 18 years of age without that person's consent, under any of the ~~following~~ circumstances listed in paragraph (e), commits a felony of the first degree, punishable by a term of years not exceeding life or as provided in s. 775.082, s. 775.083, s. 775.084, or s. 794.0115.÷

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

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

(d) If a person who has previously been convicted of a violation of s. 787.01(2), s. 787.02(3), s. 800.04, s. 825.1025, or s. 847.0135(5) or a violation of this chapter, excluding subsection (10) of this section, commits sexual battery upon a person 12 years of age or older without that person's consent, under any of the circumstances listed in paragraph (e), such

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59 person commits a felony of the first degree, punishable by a  
60 term of years not exceeding life or as provided in s. 775.082,  
61 s. 775.083, s. 775.084, or s. 794.0115.

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

63 (d):

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

65 2.(b) When The offender coerces the victim to submit by  
66 threatening to use force or violence likely to cause serious  
67 personal injury on the victim, and the victim reasonably  
68 believes that the offender has the present ability to execute  
69 the threat.

70 3.(c) When The offender coerces the victim to submit by  
71 threatening to retaliate against the victim, or any other  
72 person, and the victim reasonably believes that the offender has  
73 the ability to execute the threat in the future.

74 4.(d) When The offender, without the prior knowledge or  
75 consent of the victim, administers or has knowledge of someone  
76 else administering to the victim any narcotic, anesthetic, or  
77 other intoxicating substance that ~~which~~ mentally or physically  
78 incapacitates the victim.

79 5.(e) When The victim is mentally defective, and the  
80 offender has reason to believe this or has actual knowledge of  
81 this fact.

82 6.(f) When The victim is physically incapacitated.

83 7.(g) When The offender is a law enforcement officer,  
84 correctional officer, or correctional probation officer as  
85 defined in ~~by~~ s. 943.10(1), (2), (3), (6), (7), (8), or (9), who  
86 is certified under ~~the provisions of~~ s. 943.1395 or is an  
87 elected official exempt from such certification by virtue of s.

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88 943.253, or any other person in a position of control or  
89 authority in a probation, community control, controlled release,  
90 detention, custodial, or similar setting, and such officer,  
91 official, or person is acting in such a manner as to lead the  
92 victim to reasonably believe that the offender is in a position  
93 of control or authority as an agent or employee of government.

94 (5) (a) A person 18 years of age or older who commits sexual  
95 battery upon a person 12 years of age or older but younger than  
96 18 years of age, without that person's consent, and in the  
97 process thereof does not use physical force and violence likely  
98 to cause serious personal injury commits a felony of the first  
99 second degree, punishable as provided in s. 775.082, s. 775.083,  
100 s. 775.084, or s. 794.0115.

101 (b) A person 18 years of age or older who commits sexual  
102 battery upon a person 18 years of age or older, without that  
103 person's consent, and in the process does not use physical force  
104 and violence likely to cause serious personal injury commits a  
105 felony of the second degree, punishable as provided in s.  
106 775.082, s. 775.083, s. 775.084, or s. 794.0115.

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

113 (d) If a person who has previously been convicted of a  
114 violation of s. 787.01(2), s. 787.02(3), s. 800.04, s. 825.1025,  
115 or s. 847.0135(5) or a violation of this chapter, excluding  
116 subsection (10) of this section, commits sexual battery upon a

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117 person 12 years of age or older, without that person's consent,  
118 and in the process does not use physical force and violence  
119 likely to cause serious personal injury, such person commits a  
120 felony of the first degree, punishable as provided in s.  
121 775.082, s. 775.083, s. 775.084, or s. 794.0115.

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

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

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

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

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

133 (8) Without regard to the willingness or consent of the  
134 victim, which is not a defense to prosecution under this  
135 subsection, a person who is in a position of familial or  
136 custodial authority to a person less than 18 years of age and  
137 who:

138 (b) Engages in any act with that person while the person is  
139 12 years of age or older but younger ~~less~~ than 18 years of age  
140 which constitutes sexual battery under paragraph (1) (h) commits  
141 a felony of the first degree, punishable by a term of years not  
142 exceeding life or as provided in s. 775.082, s. 775.083, or s.  
143 775.084.

144 (9) For prosecution under paragraph (4) (a), paragraph  
145 (4) (b), paragraph (4) (c), or paragraph (4) (d) which involves an

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146 offense committed under any of the circumstances listed in  
147 subparagraph (4)(e)7. ~~paragraph (4)(g)~~, acquiescence to a person  
148 reasonably believed by the victim to be in a position of  
149 authority or control does not constitute consent, and it is not  
150 a defense that the perpetrator was not actually in a position of  
151 control or authority if the circumstances were such as to lead  
152 the victim to reasonably believe that the person was in such a  
153 position.

154 (10) A Any person who falsely accuses a ~~any~~ person listed  
155 in subparagraph (4)(e)7. ~~paragraph (4)(g)~~ or other person in a  
156 position of control or authority as an agent or employee of  
157 government of violating paragraph (4)(a), paragraph (4)(b),  
158 paragraph (4)(c), or paragraph (4)(d) commits ~~(4)(g)~~ is guilty  
159 of a felony of the third degree, punishable as provided in s.  
160 775.082, s. 775.083, or s. 775.084.

161 Section 2. Subsections (4) and (5) of section 800.04,  
162 Florida Statutes, are amended to read:

163 800.04 Lewd or lascivious offenses committed upon or in the  
164 presence of persons less than 16 years of age.—

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

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

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

169 2. Encouraging, forcing, or enticing any person less than  
170 16 years of age to engage in sadomasochistic abuse, sexual  
171 bestiality, prostitution, or any other act involving sexual  
172 activity.

173 (b) Except as provided in paragraph (c), an offender who  
174 commits lewd or lascivious battery commits a felony of the

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175 second degree, punishable as provided in s. 775.082, s. 775.083,  
176 or s. 775.084.

177 (c) An offender 18 years of age or older who commits lewd  
178 or lascivious battery commits a felony of the first degree,  
179 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
180 if the offender has previously been convicted of a violation of  
181 this section or a violation of s. 787.01(2); s. 787.02(3);  
182 chapter 794, excluding s. 794.011(10); s. 825.1025; or s.  
183 847.0135(5).

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

186 ~~(b) Encourages, forces, or entices any person less than 16~~  
187 ~~years of age to engage in sadomasochistic abuse, sexual~~  
188 ~~bestiality, prostitution, or any other act involving sexual~~  
189 ~~activity~~

190  
191 ~~commits lewd or lascivious battery, a felony of the second~~  
192 ~~degree, punishable as provided in s. 775.082, s. 775.083, or s.~~  
193 ~~775.084.~~

194 (5) LEWD OR LASCIVIOUS MOLESTATION.-

195 (a) A person who intentionally touches in a lewd or  
196 lascivious manner the breasts, genitals, genital area, or  
197 buttocks, or the clothing covering them, of a person less than  
198 16 years of age, or forces or entices a person under 16 years of  
199 age to so touch the perpetrator, commits lewd or lascivious  
200 molestation.

201 (b) An offender 18 years of age or older who commits lewd  
202 or lascivious molestation against a victim less than 12 years of  
203 age commits a life felony, punishable as provided in s.

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775.082(3)(a)4.

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

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

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

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

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

Section 3. Paragraphs (g) through (i) of subsection (3) of section 921.0022, Florida Statutes, are amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(g) LEVEL 7



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233

Florida  
Statute

Felony  
Degree

Description

234

316.027(1)(b)

1st

Accident involving death,  
failure to stop; leaving  
scene.

235

316.193(3)(c)2.

3rd

DUI resulting in serious  
bodily injury.

236

316.1935(3)(b)

1st

Causing serious bodily  
injury or death to another  
person; driving at high  
speed or with wanton  
disregard for safety while  
fleeing or attempting to  
elude law enforcement  
officer who is in a patrol  
vehicle with siren and  
lights activated.

237

327.35(3)(c)2.

3rd

Vessel BUI resulting in  
serious bodily injury.

238

402.319(2)

2nd

Misrepresentation and  
negligence or intentional  
act resulting in great  
bodily harm, permanent

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			disfiguration, permanent disability, or death.
239	409.920	3rd	Medicaid provider fraud;
	(2) (b) 1.a.		\$10,000 or less.
240	409.920	2nd	Medicaid provider fraud;
	(2) (b) 1.b.		more than \$10,000, but less than \$50,000.
241	456.065 (2)	3rd	Practicing a health care profession without a license.
242	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
243	458.327 (1)	3rd	Practicing medicine without a license.
244	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
245	460.411 (1)	3rd	Practicing chiropractic medicine without a license.

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246

461.012(1)

3rd

Practicing podiatric  
medicine without a  
license.

247

462.17

3rd

Practicing naturopathy  
without a license.

248

463.015(1)

3rd

Practicing optometry  
without a license.

249

464.016(1)

3rd

Practicing nursing without  
a license.

250

465.015(2)

3rd

Practicing pharmacy  
without a license.

251

466.026(1)

3rd

Practicing dentistry or  
dental hygiene without a  
license.

252

467.201

3rd

Practicing midwifery  
without a license.

253

468.366

3rd

Delivering respiratory  
care services without a  
license.

254

483.828(1)

3rd

Practicing as clinical

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			laboratory personnel without a license.
255	483.901(9)	3rd	Practicing medical physics without a license.
256	484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
257	484.053	3rd	Dispensing hearing aids without a license.
258	494.0018(2)	1st	Conviction of any violation of ss. 494.001- 494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
259	560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.
260	560.125(5)(a)	3rd	Money services business by unauthorized person,

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			currency or payment instruments exceeding \$300 but less than \$20,000.
261	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
262	775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew <u>driver</u> <del>driver's</del> license or identification card; other registration violations.
263	775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.
264	775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
265	782.051(3)	2nd	Attempted felony murder of a person by a person other

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than the perpetrator or  
the perpetrator of an  
attempted felony.

266

782.07(1)

2nd

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

267

782.071

2nd

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

268

782.072

2nd

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

269

784.045(1)(a)1.

2nd

Aggravated battery;  
intentionally causing  
great bodily harm or  
disfigurement.

270

784.045(1)(a)2.

2nd

Aggravated battery; using  
deadly weapon.

271

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272	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
273	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
274	784.048 (7)	3rd	Aggravated stalking; violation of court order.
275	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
276	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
277	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
278	784.081 (1)	1st	Aggravated battery on specified official or employee.
	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.

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279

784.083(1)

1st

Aggravated battery on code  
inspector.

280

787.06(3)(a)

1st

Human trafficking using  
coercion for labor and  
services.

281

787.06(3)(e)

1st

Human trafficking using  
coercion for labor and  
services by the transfer  
or transport of any  
individual from outside  
Florida to within the  
state.

282

790.07(4)

1st

Specified weapons  
violation subsequent to  
previous conviction of s.  
790.07(1) or (2).

283

790.16(1)

1st

Discharge of a machine gun  
under specified  
circumstances.

284

790.165(2)

2nd

Manufacture, sell,  
possess, or deliver hoax  
bomb.

285



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286	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
287	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
288	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
289	790.23	1st, PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
	794.08(4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.

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290

796.03

2nd

Procuring any person under  
16 years for prostitution.

291

800.04 (5) (c) 1.

2nd

Lewd or lascivious  
molestation; victim  
younger ~~less~~ than 12 years  
of age; offender younger  
~~less~~ than 18 years.

292

800.04 (5) (c) 2.

2nd

Lewd or lascivious  
molestation; victim 12  
years of age or older but  
younger ~~less~~ than 16  
years; offender 18 years  
or older.

293

800.04 (5) (e)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.

294

806.01 (2)

2nd

Maliciously damage  
structure by fire or  
explosive.

295

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296	810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
297	810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
298	810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
299	810.02(3)(e)	2nd	Burglary of authorized emergency vehicle.
300	812.014(2)(a)1.	1st	Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.
301	812.014(2)(b)2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.

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302	812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
303	812.014(2)(b)4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
304	812.0145(2)(a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
305	812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
306	812.131(2)(a)	2nd	Robbery by sudden snatching.
307	812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
	817.034(4)(a)1.	1st	Communications fraud, value greater than \$50,000.

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308

817.234(8)(a)

2nd

Solicitation of motor  
vehicle accident victims  
with intent to defraud.

309

817.234(9)

2nd

Organizing, planning, or  
participating in an  
intentional motor vehicle  
collision.

310

817.234(11)(c)

1st

Insurance fraud; property  
value \$100,000 or more.

311

817.2341

1st

(2)(b) &amp; (3)(b)

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.

312

817.535(2)(a)

3rd

Filing false lien or other  
unauthorized document.

313

825.102(3)(b)

2nd

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

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disfigurement.

314

825.103(2)(b)

2nd

Exploiting an elderly  
person or disabled adult  
and property is valued at  
\$20,000 or more, but less  
than \$100,000.

315

827.03(2)(b)

2nd

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

316

827.04(3)

3rd

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

317

837.05(2)

3rd

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

318

838.015

2nd

Bribery.

319

838.016

2nd

Unlawful compensation or  
reward for official  
behavior.

320

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321	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
322	838.22	2nd	Bid tampering.
323	843.0855 (2)	3rd	Impersonation of a public officer or employee.
324	843.0855 (3)	3rd	Unlawful simulation of legal process.
325	843.0855 (4)	3rd	Intimidation of a public officer or employee.
326	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
327	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
328	872.06	2nd	Abuse of a dead human body.
	874.05 (2) (b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or

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subsequent offense.

329

874.10

1st, PBL

Knowingly initiates,  
organizes, plans,  
finances, directs,  
manages, or supervises  
criminal gang-related  
activity.

330

893.13(1)(c)1.

1st

Sell, manufacture, or  
deliver cocaine (or other  
drug prohibited under s.  
893.03(1)(a), (1)(b),  
(1)(d), (2)(a), (2)(b), or  
(2)(c)4.) within 1,000  
feet of a child care  
facility, school, or  
state, county, or  
municipal park or publicly  
owned recreational  
facility or community  
center.

331

893.13(1)(e)1.

1st

Sell, manufacture, or  
deliver cocaine or other  
drug prohibited under s.  
893.03(1)(a), (1)(b),  
(1)(d), (2)(a), (2)(b), or  
(2)(c)4., within 1,000



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feet of property used for  
religious services or a  
specified business site.

332

893.13(4)(a)

1st

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

333

893.135(1)(a)1.

1st

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

334

893.135  
(1)(b)1.a.

1st

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

335

893.135  
(1)(c)1.a.

1st

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

336

893.135(1)(d)1.

1st

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

337

893.135(1)(e)1.

1st

Trafficking in  
methaqualone, more than

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200 grams, less than 5  
kilograms.

338

893.135(1)(f)1.

1st

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

339

893.135

1st

(1)(g)1.a.

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

340

893.135

1st

(1)(h)1.a.

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

341

893.135

1st

(1)(j)1.a.

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

342

893.135

1st

(1)(k)2.a.

Trafficking in  
Phenethylamines, 10 grams  
or more, less than 200  
grams.

343

893.1351(2)

2nd

Possession of place for  
trafficking in or  
manufacturing of

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controlled substance.

344

896.101(5)(a)

3rd

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

345

896.104(4)(a)1.

3rd

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

346

943.0435(4)(c)

2nd

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

347

943.0435(8)

2nd

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

348

943.0435(9)(a)

3rd

Sexual offender; failure  
to comply with reporting  
requirements.

349

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943.0435(13)

3rd

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

350

943.0435(14)

3rd

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

351

944.607(9)

3rd

Sexual offender; failure  
to comply with reporting  
requirements.

352

944.607(10)(a)

3rd

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

353

944.607(12)

3rd

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

354

944.607(13)

3rd

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

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355

985.4815(10)

3rd

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

356

985.4815(12)

3rd

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

357

985.4815(13)

3rd

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

358

359

360 (h) LEVEL 8

361

Florida  
StatuteFelony  
Degree

Description

362

316.193

2nd

DUI manslaughter.

(3) (c) 3.a.

363

316.1935(4) (b)

1st

Aggravated fleeing or  
attempted eluding with  
serious bodily injury or  
death.

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364

327.35 (3) (c) 3.

2nd

Vessel BUI manslaughter.

365

499.0051 (7)

1st

Knowing trafficking in  
contraband prescription  
drugs.

366

499.0051 (8)

1st

Knowing forgery of  
prescription labels or  
prescription drug labels.

367

560.123 (8) (b) 2.

2nd

Failure to report  
currency or payment  
instruments totaling or  
exceeding \$20,000, but  
less than \$100,000 by  
money transmitter.

368

560.125 (5) (b)

2nd

Money transmitter  
business by unauthorized  
person, currency or  
payment instruments  
totaling or exceeding  
\$20,000, but less than  
\$100,000.

369

655.50 (10) (b) 2.

2nd

Failure to report  
financial transactions  
totaling or exceeding

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			\$20,000, but less than \$100,000 by financial institutions.
370			
	777.03(2)(a)	1st	Accessory after the fact, capital felony.
371			
	782.04(4)	2nd	Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aggravated fleeing or eluding with serious bodily injury or death, aircraft piracy, or unlawfully discharging bomb.
372			
	782.051(2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).
373			
	782.071(1)(b)	1st	Committing vehicular homicide and failing to render aid or give

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			information.
374	782.072(2)	1st	Committing vessel homicide and failing to render aid or give information.
375	787.06(3)(b)	1st	Human trafficking using coercion for commercial sexual activity.
376	787.06(3)(c)	1st	Human trafficking using coercion for labor and services of an unauthorized alien.
377	787.06(3)(f)	1st	Human trafficking using coercion for commercial sexual activity by the transfer or transport of any individual from outside Florida to within the state.
378	790.161(3)	1st	Discharging a destructive device which results in bodily harm or property damage.
379			



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380	<u>794.011(5)(a)</u>	<u>1st</u>	<u>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>
381	<u>794.011(5)(b)</u>	<u>2nd</u>	<u>Sexual battery; victim and offender 18 years of age or older; offender does not use physical force likely to cause serious injury.</u>
382	<u>794.011(5)(c)</u>	<u>2nd</u>	<u>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>
	<u>794.011(5)(d)</u>	<u>1st</u>	<u>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>

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383

~~794.011(5)~~

2nd

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

384

794.08(3)

2nd

Female genital  
mutilation, removal of a  
victim younger than 18  
years of age from this  
state.

385

800.04(4)(b)2nd

Lewd or lascivious  
battery.

386

800.04(4)(c)1st

Lewd or lascivious  
battery; offender 18  
years of age or older;  
prior conviction for  
specified sex offense.

387

~~800.04(4)~~

2nd

~~Lewd or lascivious  
battery.~~

388

806.01(1)

1st

Maliciously damage  
dwelling or structure by  
fire or explosive,  
believing person in

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structure.

389

810.02 (2) (a)

1st, PBL

Burglary with assault or  
battery.

390

810.02 (2) (b)

1st, PBL

Burglary; armed with  
explosives or dangerous  
weapon.

391

810.02 (2) (c)

1st

Burglary of a dwelling or  
structure causing  
structural damage or  
\$1,000 or more property  
damage.

392

812.014 (2) (a) 2.

1st

Property stolen; cargo  
valued at \$50,000 or  
more, grand theft in 1st  
degree.

393

812.13 (2) (b)

1st

Robbery with a weapon.

394

812.135 (2) (c)

1st

Home-invasion robbery, no  
firearm, deadly weapon,  
or other weapon.

395

817.535 (2) (b)

2nd

Filing false lien or  
other unauthorized  
document; second or

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subsequent offense.

396

817.535 (3) (a)

2nd

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

397

817.535 (4) (a) 1.

2nd

Filing false lien or  
other unauthorized  
document; defendant is  
incarcerated or under  
supervision.

398

817.535 (5) (a)

2nd

Filing false lien or  
other unauthorized  
document; owner of the  
property incurs financial  
loss as a result of the  
false instrument.

399

817.568 (6)

2nd

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

400

825.102 (2)

1st

Aggravated abuse of an  
elderly person or

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			disabled adult.
401	825.1025(2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
402	825.103(2)(a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.
403	837.02(2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
404	837.021(2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
405	860.121(2)(c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
406	860.16	1st	Aircraft piracy.

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407

893.13(1)(b)

1st

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

408

893.13(2)(b)

1st

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

409

893.13(6)(c)

1st

Possess in excess of 10  
grams of any substance  
specified in s.  
893.03(1)(a) or (b).

410

893.135(1)(a)2.

1st

Trafficking in cannabis,  
more than 2,000 lbs.,  
less than 10,000 lbs.

411

893.135  
(1)(b)1.b.

1st

Trafficking in cocaine,  
more than 200 grams, less  
than 400 grams.

412

893.135  
(1)(c)1.b.

1st

Trafficking in illegal  
drugs, more than 14  
grams, less than 28  
grams.

413

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414	893.135 (1)(d)1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
415	893.135 (1)(e)1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
416	893.135 (1)(f)1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
417	893.135 (1)(g)1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
418	893.135 (1)(h)1.b.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
	893.135 (1)(j)1.b.	1st	Trafficking in 1,4- Butanediol, 5 kilograms or more, less than 10

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kilograms.

419

893.135  
(1) (k) 2.b.

1st

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

420

893.1351(3)

1st

Possession of a place  
used to manufacture  
controlled substance when  
minor is present or  
resides there.

421

895.03(1)

1st

Use or invest proceeds  
derived from pattern of  
racketeering activity.

422

895.03(2)

1st

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

423

895.03(3)

1st

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

424



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896.101(5)(b)

2nd

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

425

896.104(4)(a)2.

2nd

Structuring transactions  
to evade reporting or  
registration  
requirements, financial  
transactions totaling or  
exceeding \$20,000 but  
less than \$100,000.

426

427

428 (i) LEVEL 9

429

Florida  
Statute

Felony  
Degree

Description

430

316.193  
(3)(c)3.b.

1st

DUI manslaughter;  
failing to render aid or  
give information.

431

327.35(3)(c)3.b.

1st

BUI manslaughter;  
failing to render aid or  
give information.

432

409.920

1st

Medicaid provider fraud;

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	(2) (b) 1.c.		\$50,000 or more.
433			
	499.0051(9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
434			
	560.123(8) (b) 3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
435			
	560.125(5) (c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
436			
	655.50(10) (b) 3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
437			
	775.0844	1st	Aggravated white collar crime.

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438

782.04(1)

1st

Attempt, conspire, or  
solicit to commit  
premeditated murder.

439

782.04(3)

1st, PBL

Accomplice to murder in  
connection with arson,  
sexual battery, robbery,  
burglary, aggravated  
fleeing or eluding with  
serious bodily injury or  
death, and other  
specified felonies.

440

782.051(1)

1st

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

441

782.07(2)

1st

Aggravated manslaughter  
of an elderly person or  
disabled adult.

442

787.01(1)(a)1.

1st, PBL

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

443

787.01(1)(a)2.

1st, PBL

Kidnapping with intent

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to commit or facilitate  
commission of any  
felony.

444

787.01(1)(a)4.

1st, PBL

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

445

787.02(3)(a)

1st

False imprisonment;  
child under age 13;  
perpetrator also commits  
aggravated child abuse,  
sexual battery, or lewd  
or lascivious battery,  
molestation, conduct, or  
exhibition.

446

787.06(3)(d)

1st

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

447

787.06(3)(g)

1st, PBL

Human trafficking for  
commercial sexual  
activity of a child  
under the age of 18.

448

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449	787.06(4)	1st	Selling or buying of minors into human trafficking.
	790.161	1st	Attempted capital destructive device offense.
450	790.166(2)	1st,PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
451	794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.
452	794.011(2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
453	<u>794.011(4)(a)</u>	<u>1st,PBL</u>	<u>Sexual battery, certain circumstances; victim 12 years of age or older but younger than 18 years; offender 18 years or older.</u>

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454

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

455

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

456

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

457

~~794.011(4)~~~~1st~~~~Sexual battery; victim  
12 years or older,  
certain circumstances.~~

458

794.011(8)(b)

1st,PBLSexual battery; engage  
in sexual conduct with  
minor 12 to 18 years by  
person in familial or  
custodial authority.

459

794.08(2)

1st

Female genital

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mutilation; victim  
younger than 18 years of  
age.

460

796.035

1st

Selling or buying of  
minors into  
prostitution.

461

800.04(5)(b)

Life

Lewd or lascivious  
molestation; victim less  
than 12 years; offender  
18 years or older.

462

812.13(2)(a)

1st, PBL

Robbery with firearm or  
other deadly weapon.

463

812.133(2)(a)

1st, PBL

Carjacking; firearm or  
other deadly weapon.

464

812.135(2)(b)

1st

Home-invasion robbery  
with weapon.

465

817.535(3)(b)

1st

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

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466

817.535 (4) (a) 2.

1st

Filing false claim or  
other unauthorized  
document; defendant is  
incarcerated or under  
supervision.

467

817.535 (5) (b)

1st

Filing false lien or  
other unauthorized  
document; second or  
subsequent offense;  
owner of the property  
incurs financial loss as  
a result of the false  
instrument.

468

817.568 (7)

2nd,  
PBL

Fraudulent use of  
personal identification  
information of an  
individual under the age  
of 18 by his or her  
parent, legal guardian,  
or person exercising  
custodial authority.

469

827.03 (2) (a)

1st

Aggravated child abuse.

470

847.0145 (1)

1st

Selling, or otherwise  
transferring custody or



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			control, of a minor.
471	847.0145(2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
472	859.01	1st	Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill or injure another person.
473	893.135	1st	Attempted capital trafficking offense.
474	893.135(1)(a)3.	1st	Trafficking in cannabis, more than 10,000 lbs.
475	893.135 (1)(b)1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
476	893.135 (1)(c)1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.

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477

893.135  
(1) (d) 1.c.

1st

Trafficking in  
phencyclidine, more than  
400 grams.

478

893.135  
(1) (e) 1.c.

1st

Trafficking in  
methaqualone, more than  
25 kilograms.

479

893.135  
(1) (f) 1.c.

1st

Trafficking in  
amphetamine, more than  
200 grams.

480

893.135  
(1) (h) 1.c.

1st

Trafficking in gamma-  
hydroxybutyric acid  
(GHB), 10 kilograms or  
more.

481

893.135  
(1) (j) 1.c.

1st

Trafficking in 1,4-  
Butanediol, 10 kilograms  
or more.

482

893.135  
(1) (k) 2.c.

1st

Trafficking in  
Phenethylamines, 400  
grams or more.

483

896.101 (5) (c)

1st

Money laundering,  
financial instruments  
totaling or exceeding

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\$100,000.

484

896.104 (4) (a) 3.

1st

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

485

486

487 Section 4. Section 921.0024, Florida Statutes, is amended  
488 to read:

489 921.0024 Criminal Punishment Code; worksheet computations;  
490 scoresheets.-

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

493

494

FLORIDA CRIMINAL PUNISHMENT CODE

495

WORKSHEET

496

497

OFFENSE SCORE

498

Primary Offense

499

Level

Sentence Points

Total

500

10

116

=

.....

501

9

92

=

.....

502	7-00529A-14				2014526
	8	74	=	.....	
503					
	7	56	=	.....	
504					
	6	36	=	.....	
505					
	5	28	=	.....	
506					
	4	22	=	.....	
507					
	3	16	=	.....	
508					
	2	10	=	.....	
509					
	1	4	=	.....	
510					
511					
					Total
512					
513					
514					
	Additional Offenses				
515					
	Level	Sentence Points	Counts		Total
516					
	10	58	x	....	=
517					....

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518	9	46	x	....	=	....
519	8	37	x	....	=	....
520	7	28	x	....	=	....
521	6	18	x	....	=	....
522	5	5.4	x	....	=	....
523	4	3.6	x	....	=	....
524	3	2.4	x	....	=	....
525	2	1.2	x	....	=	....
526	1	0.7	x	....	=	....
527	M	0.2	x	....	=	....
528						
529						Total
530						
531						
532				Victim Injury		

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	Level	Sentence		Number		Total
		Points				
533	2nd degree					
	murder-					
	death	240	x	....	=	....
534	Death	120	x	....	=	....
535	Severe	40	x	....	=	....
536	Moderate	18	x	....	=	....
537	Slight	4	x	....	=	....
538	Sexual					
	penetration	80	x	....	=	....
539	Sexual					
	contact	40	x	....	=	....
540						
541						
542						Total
543						
544	Primary Offense + Additional Offenses + Victim Injury =					
545	TOTAL OFFENSE SCORE					
546						

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## 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	....	=	....

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562

Total

563

564

565 TOTAL OFFENSE SCORE.....

566 TOTAL PRIOR RECORD SCORE.....

567

568 LEGAL STATUS.....

569 COMMUNITY SANCTION VIOLATION.....

570 PRIOR SERIOUS FELONY.....

571 PRIOR CAPITAL FELONY.....

572 FIREARM OR SEMIAUTOMATIC WEAPON.....

573 SUBTOTAL.....

574

575 PRISON RELEASEE REOFFENDER (no) (yes).....

576 VIOLENT CAREER CRIMINAL (no) (yes).....

577 HABITUAL VIOLENT OFFENDER (no) (yes).....

578 HABITUAL OFFENDER (no) (yes).....

579 DRUG TRAFFICKER (no) (yes) (x multiplier).....

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

581 MOTOR VEHICLE THEFT (no) (yes) (x multiplier).....

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

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

584 (x multiplier).....

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

586 .....

587 TOTAL SENTENCE POINTS.....

588

589 (b) WORKSHEET KEY:



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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

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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

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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.

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677 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points  
678 are multiplied by 2.0. If the primary offense is a violation of  
679 s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement  
680 Protection Act under s. 775.0823(10) or (11), the subtotal  
681 sentence points are multiplied by 1.5.

682

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

688

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

698

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

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706  
707 Adult-on-minor sex offense: If the offender was 18 years of age  
708 or older and the victim was younger than 18 years of age at the  
709 time the offender committed the primary offense, and if the  
710 primary offense was an offense committed on or after October 1,  
711 2014, and is a violation of s. 787.01(2), which includes a  
712 sexual battery or lewd act as described in s. 787.01(2)(a)2. and  
713 3.; s. 787.02(3), which includes a sexual battery or lewd act as  
714 described in s. 787.02(3)(a)2. and 3.; s. 794.011, excluding s.  
715 794.011(10); s. 794.05; s. 800.04; or s. 847.0135(5), the  
716 subtotal sentence points are multiplied by 2.0. If applying the  
717 multiplier results in the lowest permissible sentence exceeding  
718 the statutory maximum sentence for the primary offense under  
719 chapter 775, the court may not apply the multiplier and must  
720 sentence the defendant to the statutory maximum sentence.

721 (2) The lowest permissible sentence is the minimum sentence  
722 that may be imposed by the trial court, absent a valid reason  
723 for departure. The lowest permissible sentence is any nonstate  
724 prison sanction in which the total sentence points equals or is  
725 less than 44 points, unless the court determines within its  
726 discretion that a prison sentence, which may be up to the  
727 statutory maximums for the offenses committed, is appropriate.  
728 When the total sentence points exceeds 44 points, the lowest  
729 permissible sentence in prison months shall be calculated by  
730 subtracting 28 points from the total sentence points and  
731 decreasing the remaining total by 25 percent. The total sentence  
732 points shall be calculated only as a means of determining the  
733 lowest permissible sentence. The permissible range for  
734 sentencing shall be the lowest permissible sentence up to and

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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

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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.

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793 Section 5. Section 921.30, Florida Statutes, is created to  
794 read:

795 921.30 Court finding that offense was sexually motivated.—  
796 For offenses other than those specifically defined as a sexually  
797 violent offense in s. 394.912(9)(a)-(f), the state attorney may  
798 move the court to make a written finding on the record that,  
799 based on the circumstances of the case, including consideration  
800 of a victim impact statement, the person's offense was sexually  
801 motivated.

802 Section 6. Paragraph (e) is added to subsection (4) of  
803 section 944.275, Florida Statutes, to read:

804 944.275 Gain-time.—

805 (4)

806 (e) Notwithstanding subparagraph (b)3., for sentences  
807 imposed for offenses committed on or after October 1, 2014, the  
808 department may not grant incentive gain-time if the offense is a  
809 violation of s. 782.04(1)(a)2.c.; s. 787.01(3)(a)2. or 3.; s.  
810 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s.  
811 794.05; s. 800.04; s. 825.1025; or s. 847.0135(5).

812 Section 7. Subsection (13) is added to section 947.1405,  
813 Florida Statutes, to read:

814 947.1405 Conditional release program.—

815 (13) If a person who is transferred to the custody of the  
816 Department of Children and Families pursuant to part V of  
817 chapter 394 is subject to conditional release supervision, the  
818 period of conditional release supervision is tolled until such  
819 person is no longer in the custody of the Department of Children  
820 and Families. This subsection applies to all periods of  
821 conditional release supervision which begin on or after October



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1, 2014, regardless of the date of the underlying offense.

Section 8. Subsection (1) of section 948.012, Florida Statutes, is amended, and subsections (5) and (6) are added to that section, to read:

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

(1) ~~If Whenever~~ punishment by imprisonment for a misdemeanor or a felony, except for a capital felony, is prescribed, the court, ~~in its discretion,~~ may, at the time of sentencing, impose a split sentence whereby the defendant is to be placed on probation or, with respect to any such felony, into community control upon completion of any specified period of such sentence which may include a term of years or less. In such case, the court shall stay and withhold the imposition of the remainder of sentence imposed upon the defendant and direct that the defendant be placed upon probation or into community control after serving such period as may be imposed by the court. Except as provided in subsection (6), the period of probation or community control shall commence immediately upon the release of the defendant from incarceration, whether by parole or gain-time allowances.

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

1. Section 782.04(1)(a)2.c.;

2. Section 787.01(3)(a)2. or 3.;

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851       3. Section 787.02(3)(a)2. or 3.;

852       4. Section 794.011, excluding s. 794.011(10);

853       5. Section 794.05;

854       6. Section 800.04;

855       7. Section 825.1025; or

856       8. Section 847.0135(5).

857       (b) The probation or community control portion of the split  
858 sentence imposed by the court must extend for at least 2 years.  
859 However, if the term of years imposed by the court extends to  
860 within 2 years of the maximum sentence for the offense, the  
861 probation or community control portion of the split sentence  
862 must extend for the remainder of the maximum sentence.

863       (6) If a defendant who has been sentenced to a split  
864 sentence pursuant to subsection (1) is transferred to the  
865 custody of the Department of Children and Families pursuant to  
866 part V of chapter 394, the period of probation or community  
867 control is tolled until such person is no longer in the custody  
868 of the Department of Children and Families. This subsection  
869 applies to all sentences of probation or community control which  
870 begin on or after October 1, 2014, regardless of the date of the  
871 underlying offense.

872       Section 9. If any provision of this act or its application  
873 to any person or circumstance is held invalid, the invalidity  
874 does not affect other provisions or applications of this act  
875 which can be given effect without the invalid provision or  
876 application, and to this end the provisions of this act are  
877 severable.

878       Section 10. This act shall take effect October 1, 2014.