

By the Committee on Criminal Justice; and Senator Evers

591-03231-12

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1 A bill to be entitled
2 An act relating to criminal gang prevention; amending
3 s. 810.0975, F.S.; providing enhanced criminal
4 penalties for certain trespassing offenses in school
5 safety zones by a person convicted of certain gang-
6 related offenses; amending s. 874.05, F.S.; providing
7 enhanced criminal penalties for a person who
8 intentionally causes, encourages, solicits, or
9 recruits another person under a specified age to
10 become a criminal gang member in certain
11 circumstances; amending s. 951.23, F.S.; authorizing
12 county and municipal detention facilities to designate
13 an individual to be responsible for determining the
14 gang status of each inmate entering the facility and
15 to assess each current inmate for gang activity or
16 gang affiliation; providing duties of such
17 individuals; amending ss. 435.04 and 921.0022, F.S.;
18 conforming cross-references and assigning offense
19 severity rankings for violations of s. 874.05, F.S.;
20 amending s. 921.0024, F.S.; revising the criteria for
21 application of the sentencing multiplier for offenses
22 related to criminal gangs; providing an effective
23 date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Section 810.0975, Florida Statutes, is amended
28 to read:

29 810.0975 School safety zones; definition; trespass

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30 prohibited; penalty.—

31 (1) For the purposes of this section, the term "school
32 safety zone" means in, on, or within 500 feet of any real
33 property owned by or leased to any public or private elementary,
34 middle, or high school or school board and used for elementary,
35 middle, or high school education.

36 (2) (a) Each principal or designee of each public or private
37 school in this state shall notify the appropriate law
38 enforcement agency to prohibit any person from loitering in the
39 school safety zone who does not have legitimate business in the
40 school safety zone or any other authorization, or license to
41 enter or remain in the school safety zone or does not otherwise
42 have invitee status in the designated safety zone.

43 (b) 1. During the period from 1 hour prior to the start of a
44 school session until 1 hour after the conclusion of a school
45 session, it is unlawful for any person to enter the premises or
46 trespass within a school safety zone or to remain on such
47 premises or within such school safety zone when that person does
48 not have legitimate business in the school safety zone or any
49 other authorization, license, or invitation to enter or remain
50 in the school safety zone.

51 2.a. Except as provided in sub-subparagraph b., a ~~Any~~
52 person who violates this subsection commits a misdemeanor of the
53 second degree, punishable as provided in s. 775.082 or s.
54 775.083.

55 b. A person who violates this subsection and who has been
56 previously convicted of any offense contained in chapter 874
57 commits a misdemeanor of the first degree, punishable as
58 provided in s. 775.082 or s. 775.083.

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59 (c) 1. Except as provided in subparagraph 2., a ~~Any~~ person
60 who does not have legitimate business in the school safety zone
61 or any other authorization, license, or invitation to enter or
62 remain in the school safety zone who shall willfully fail to
63 remove himself or herself from the school safety zone after the
64 principal or designee, having a reasonable belief that he or she
65 will commit a crime or is engaged in harassment or intimidation
66 of students entering or leaving school property, requests him or
67 her to leave the school safety zone commits a misdemeanor of the
68 second degree, punishable as provided in s. 775.082 or s.
69 775.083.

70 2. A person who violates subparagraph 1. and who has been
71 previously convicted of any offense contained in chapter 874
72 commits a misdemeanor of the first degree, punishable as
73 provided in s. 775.082 or s. 775.083.

74 (3) ~~Nothing in This section does not shall be construed to~~
75 abridge or infringe upon the right of any person to peaceably
76 assemble and protest.

77 (4) ~~(3)~~ This section does not apply to residents or persons
78 engaged in the operation of a licensed commercial business
79 within the school safety zone.

80 Section 2. Section 874.05, Florida Statutes, is amended to
81 read:

82 874.05 Causing, encouraging, soliciting, or recruiting
83 criminal gang membership.—

84 (1) (a) Except as provided in paragraph (b) ~~subsection (2)~~,
85 a person who intentionally causes, encourages, solicits, or
86 recruits another person to become a criminal gang member where a
87 condition of membership or continued membership is the

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88 commission of any crime commits a felony of the third degree,
89 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

90 (b) ~~(2)~~ A person who commits a second or subsequent
91 violation of this subsection commits a felony of the second
92 degree, punishable as provided in s. 775.082, s. 775.083, or s.
93 775.084.

94 (2) (a) Except as provided in paragraph (b), a person who
95 intentionally causes, encourages, solicits, or recruits another
96 person under 13 years of age to become a criminal gang member
97 where a condition of membership or continued membership is the
98 commission of any crime commits a felony of the second degree,
99 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

100 (b) A person who commits a second or subsequent violation
101 of this subsection commits a felony of the first degree,
102 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

103 Section 3. Subsection (11) is added to section 951.23,
104 Florida Statutes, to read:

105 951.23 County and municipal detention facilities;
106 definitions; administration; standards and requirements.—

107 (11) GANG STATUS OF INMATES.—A county or municipal
108 detention facility may designate an individual to be responsible
109 for determining the gang status of each inmate entering the
110 facility using the criteria in s. 874.03 and assess each current
111 inmate for any gang activity or gang affiliation using those
112 criteria. The individual should at least once biweekly reconcile
113 information with the arresting law enforcement agency and the
114 statewide criminal gang database.

115 Section 4. Paragraph (qq) of subsection (2) of section
116 435.04, Florida Statutes, is amended to read:

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117 435.04 Level 2 screening standards.—

118 (2) The security background investigations under this
 119 section must ensure that no persons subject to the provisions of
 120 this section have been arrested for and are awaiting final
 121 disposition of, have been found guilty of, regardless of
 122 adjudication, or entered a plea of nolo contendere or guilty to,
 123 or have been adjudicated delinquent and the record has not been
 124 sealed or expunged for, any offense prohibited under any of the
 125 following provisions of state law or similar law of another
 126 jurisdiction:

127 (qq) Section 874.05~~(1)~~, relating to encouraging or
 128 recruiting another to join a criminal gang.

129 Section 5. Paragraphs (d), (e), and (g) of subsection (3)
 130 of section 921.0022, Florida Statutes, are amended to read:

131 921.0022 Criminal Punishment Code; offense severity ranking
 132 chart.—

133 (3) OFFENSE SEVERITY RANKING CHART

134 (d) LEVEL 4

Florida	Felony	Description
Statute	Degree	
316.1935(3) (a)	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.
499.0051(1)	3rd	Failure to maintain or deliver pedigree papers.

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137

499.0051(2) 3rd Failure to authenticate pedigree papers.

138

499.0051(6) 2nd Knowing sale or delivery, or possession
with intent to sell, contraband
prescription drugs.

139

784.07(2)(b) 3rd Battery of law enforcement officer,
firefighter, etc.

140

784.074(1)(c) 3rd Battery of sexually violent predators
facility staff.

141

784.075 3rd Battery on detention or commitment
facility staff.

142

784.078 3rd Battery of facility employee by
throwing, tossing, or expelling certain
fluids or materials.

143

784.08(2)(c) 3rd Battery on a person 65 years of age or
older.

144

784.081(3) 3rd Battery on specified official or
employee.

145

784.082(3) 3rd Battery by detained person on visitor or
other detainee.

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147

784.083 (3) 3rd Battery on code inspector.

148

784.085 3rd Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.

149

787.03 (1) 3rd Interference with custody; wrongly takes minor from appointed guardian.

150

787.04 (2) 3rd Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.

151

787.04 (3) 3rd Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.

152

790.115 (1) 3rd Exhibiting firearm or weapon within 1,000 feet of a school.

153

790.115 (2) (b) 3rd Possessing electric weapon or device, destructive device, or other weapon on school property.

154

790.115 (2) (c) 3rd Possessing firearm on school property.

800.04 (7) (c) 3rd Lewd or lascivious exhibition; offender less than 18 years.

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155

810.02 (4) (a) 3rd Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.

156

810.02 (4) (b) 3rd Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.

157

810.06 3rd Burglary; possession of tools.

158

810.08 (2) (c) 3rd Trespass on property, armed with firearm or dangerous weapon.

159

812.014 (2) (c) 3. 3rd Grand theft, 3rd degree \$10,000 or more but less than \$20,000.

160

812.014 3rd Grand theft, 3rd degree, a will, (2) (c) 4.-10. firearm, motor vehicle, livestock, etc.

161

812.0195 (2) 3rd Dealing in stolen property by use of the Internet; property stolen \$300 or more.

162

817.563 (1) 3rd Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03 (5) drugs.

163

817.568 (2) (a) 3rd Fraudulent use of personal identification information.

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- 817.625 (2) (a) 3rd Fraudulent use of scanning device or reencoder.
- 828.125 (1) 2nd Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
- 837.02 (1) 3rd Perjury in official proceedings.
- 837.021 (1) 3rd Make contradictory statements in official proceedings.
- 838.022 3rd Official misconduct.
- 839.13 (2) (a) 3rd Falsifying records of an individual in the care and custody of a state agency.
- 839.13 (2) (c) 3rd Falsifying records of the Department of Children and Family Services.
- 843.021 3rd Possession of a concealed handcuff key by a person in custody.
- 843.025 3rd Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
- 843.15 (1) (a) 3rd Failure to appear while on bail for

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felony (bond estreature or bond jumping).

174

847.0135(5)(c) 3rd Lewd or lascivious exhibition using computer; offender less than 18 years.

175

874.05(1)(a) 3rd Encouraging or recruiting another to join a criminal gang.

176

893.13(2)(a)1. 2nd Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d), (2)(a), (2)(b), or (2)(c)4. drugs).

177

914.14(2) 3rd Witnesses accepting bribes.

178

914.22(1) 3rd Force, threaten, etc., witness, victim, or informant.

179

914.23(2) 3rd Retaliation against a witness, victim, or informant, no bodily injury.

180

918.12 3rd Tampering with jurors.

181

934.215 3rd Use of two-way communications device to facilitate commission of a crime.

182

183 (e) LEVEL 5

Florida	Felony	
Statute	Degree	Description

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184
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- 316.027 (1) (a) 3rd Accidents involving personal injuries,
failure to stop; leaving scene.
- 316.1935 (4) (a) 2nd Aggravated fleeing or eluding.
- 322.34 (6) 3rd Careless operation of motor vehicle with
suspended license, resulting in death or
serious bodily injury.
- 327.30 (5) 3rd Vessel accidents involving personal
injury; leaving scene.
- 381.0041 (11) (b) 3rd Donate blood, plasma, or organs knowing
HIV positive.
- 440.10 (1) (g) 2nd Failure to obtain workers' compensation
coverage.
- 440.105 (5) 2nd Unlawful solicitation for the purpose of
making workers' compensation claims.
- 440.381 (2) 2nd Submission of false, misleading, or
incomplete information with the purpose
of avoiding or reducing workers'
compensation premiums.
- 624.401 (4) (b) 2. 2nd Transacting insurance without a
certificate or authority; premium

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

193

626.902 (1) (c) 2nd Representing an unauthorized insurer; repeat offender.

194

790.01 (2) 3rd Carrying a concealed firearm.

195

790.162 2nd Threat to throw or discharge destructive device.

196

790.163 (1) 2nd False report of deadly explosive or weapon of mass destruction.

197

790.221 (1) 2nd Possession of short-barreled shotgun or machine gun.

198

790.23 2nd Felons in possession of firearms, ammunition, or electronic weapons or devices.

199

800.04 (6) (c) 3rd Lewd or lascivious conduct; offender less than 18 years.

200

800.04 (7) (b) 2nd Lewd or lascivious exhibition; offender 18 years or older.

201

806.111 (1) 3rd Possess, manufacture, or dispense fire bomb with intent to damage any structure

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or property.

202

812.0145(2)(b) 2nd Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.

203

812.015(8) 3rd Retail theft; property stolen is valued at \$300 or more and one or more specified acts.

204

812.019(1) 2nd Stolen property; dealing in or trafficking in.

205

812.131(2)(b) 3rd Robbery by sudden snatching.

206

812.16(2) 3rd Owning, operating, or conducting a chop shop.

207

817.034(4)(a)2. 2nd Communications fraud, value \$20,000 to \$50,000.

208

817.234(11)(b) 2nd Insurance fraud; property value \$20,000 or more but less than \$100,000.

209

817.2341(1), 3rd Filing false financial statements, (2)(a) & making false entries of material fact or (3)(a) false statements regarding property values relating to the solvency of an insuring entity.

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210

817.568 (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.

211

817.625 (2) (b) 2nd Second or subsequent fraudulent use of scanning device or reencoder.

212

825.1025 (4) 3rd Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.

213

827.071 (4) 2nd Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.

214

827.071 (5) 3rd Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.

215

839.13 (2) (b) 2nd Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.

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216

843.01 3rd Resist officer with violence to person;
resist arrest with violence.

217

847.0135(5) (b) 2nd Lewd or lascivious exhibition using
computer; offender 18 years or older.

218

847.0137 3rd Transmission of pornography by
(2) & (3) electronic device or equipment.

219

847.0138 3rd Transmission of material harmful to
(2) & (3) minors to a minor by electronic device
or equipment.

220

874.05(1)(b) 2nd Encouraging or recruiting another to
~~874.05(2)~~ join a criminal gang; second or
subsequent offense.

221

874.05(2)(a) 2nd Encouraging or recruiting person under
13 to join a criminal gang.

222

893.13(1)(a)1. 2nd Sell, manufacture, or deliver cocaine
(or other s. 893.03(1)(a), (1)(b),
(1)(d), (2)(a), (2)(b), or (2)(c)4.
drugs).

223

893.13(1)(c)2. 2nd Sell, manufacture, or deliver cannabis
(or other s. 893.03(1)(c), (2)(c)1.,
(2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,

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(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.

224

893.13(1)(d)1. 1st Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs) within 1,000 feet of university.

225

893.13(1)(e)2. 2nd Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(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.

226

893.13(1)(f)1. 1st Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)4. drugs) within 1,000 feet of public housing facility.

227

893.13(4)(b) 2nd Deliver to minor cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2.,

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(2) (c) 3., (2) (c) 5., (2) (c) 6., (2) (c) 7.,
 (2) (c) 8., (2) (c) 9., (3), or (4) drugs).

228

893.1351(1) 3rd Ownership, lease, or rental for
 trafficking in or manufacturing of
 controlled substance.

229

230 (g) LEVEL 7

Florida	Felony	
Statute	Degree	Description

231

316.027(1) (b)	1st	Accident involving death, failure to stop; leaving scene.
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232

316.193(3) (c) 2.	3rd	DUI resulting in serious bodily injury.
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233

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.
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234

327.35(3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
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235

402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great
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bodily harm, permanent disfiguration,
 permanent disability, or death.

236

409.920 3rd Medicaid provider fraud; \$10,000 or
 (2) (b) 1.a. less.

237

409.920 2nd Medicaid provider fraud; more than
 (2) (b) 1.b. \$10,000, but less than \$50,000.

238

456.065 (2) 3rd Practicing a health care profession
 without a license.

239

456.065 (2) 2nd Practicing a health care profession
 without a license which results in
 serious bodily injury.

240

458.327 (1) 3rd Practicing medicine without a license.

241

459.013 (1) 3rd Practicing osteopathic medicine without
 a license.

242

460.411 (1) 3rd Practicing chiropractic medicine
 without a license.

243

461.012 (1) 3rd Practicing podiatric medicine without a
 license.

244

462.17 3rd Practicing naturopathy without a
 license.

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245

463.015 (1) 3rd Practicing optometry without a license.

246

464.016 (1) 3rd Practicing nursing without a license.

247

465.015 (2) 3rd Practicing pharmacy without a license.

248

466.026 (1) 3rd Practicing dentistry or dental hygiene
without a license.

249

467.201 3rd Practicing midwifery without a license.

250

468.366 3rd Delivering respiratory care services
without a license.

251

483.828 (1) 3rd Practicing as clinical laboratory
personnel without a license.

252

483.901 (9) 3rd Practicing medical physics without a
license.

253

484.013 (1) (c) 3rd Preparing or dispensing optical devices
without a prescription.

254

484.053 3rd Dispensing hearing aids without a
license.

255

494.0018 (2) 1st Conviction of any violation of ss.
494.001-494.0077 in which the total

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money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.

256

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.

257

560.125 (5) (a) 3rd Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.

258

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

259

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

260

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

261

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

262

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263

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

264

782.07(1) 2nd Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).

265

782.071 2nd Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).

266

782.072 2nd Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).

267

784.045(1)(a)1. 2nd Aggravated battery; intentionally causing great bodily harm or disfigurement.

268

784.045(1)(a)2. 2nd Aggravated battery; using deadly weapon.

269

784.045(1)(b) 2nd Aggravated battery; perpetrator aware victim pregnant.

784.048(4) 3rd Aggravated stalking; violation of injunction or court order.

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784.048 (7)	3rd	Aggravated stalking; violation of court order.
784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
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.
784.083 (1)	1st	Aggravated battery on code inspector.
790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07 (1) or (2).
790.16 (1)	1st	Discharge of a machine gun under specified circumstances.
790.165 (2)	2nd	Manufacture, sell, possess, or deliver

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hoax bomb.

280

790.165 (3) 2nd Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.

281

790.166 (3) 2nd Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.

282

790.166 (4) 2nd Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.

283

790.23 1st,PBL Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.

284

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.

285

796.03 2nd Procuring any person under 16 years for prostitution.

286

800.04 (5) (c) 1. 2nd Lewd or lascivious molestation; victim less than 12 years of age; offender

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less than 18 years.

287

800.04 (5) (c) 2. 2nd Lewd or lascivious molestation; victim
12 years of age or older but less than
16 years; offender 18 years or older.

288

806.01 (2) 2nd Maliciously damage structure by fire or
explosive.

289

810.02 (3) (a) 2nd Burglary of occupied dwelling; unarmed;
no assault or battery.

290

810.02 (3) (b) 2nd Burglary of unoccupied dwelling;
unarmed; no assault or battery.

291

810.02 (3) (d) 2nd Burglary of occupied conveyance;
unarmed; no assault or battery.

292

810.02 (3) (e) 2nd Burglary of authorized emergency
vehicle.

293

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.

294

812.014 (2) (b) 2. 2nd Property stolen, cargo valued at less
than \$50,000, grand theft in 2nd

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degree.

295

812.014 (2) (b) 3. 2nd Property stolen, emergency medical equipment; 2nd degree grand theft.

296

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

297

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

298

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

299

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

300

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

301

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

302

817.234 (9) 2nd Organizing, planning, or participating in an intentional motor vehicle collision.

303

817.234 (11) (c) 1st Insurance fraud; property value

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\$100,000 or more.

304

817.2341
(2) (b) &
(3) (b)

1st

Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.

305

825.102 (3) (b)

2nd

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

306

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.

307

827.03 (3) (b)

2nd

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

308

827.04 (3)

3rd

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

309

837.05 (2)

3rd

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

310

838.015

2nd

Bribery.

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311

838.016 2nd Unlawful compensation or reward for
official behavior.

312

838.021 (3) (a) 2nd Unlawful harm to a public servant.

313

838.22 2nd Bid tampering.

314

847.0135 (3) 3rd Solicitation of a child, via a computer
service, to commit an unlawful sex act.

315

847.0135 (4) 2nd Traveling to meet a minor to commit an
unlawful sex act.

316

872.06 2nd Abuse of a dead human body.

317

874.05 (2) (b) 1st Encouraging or recruiting person under
13 to join a criminal gang; second or
subsequent offense.

318

874.10 1st,PBL Knowingly initiates, organizes, plans,
finances, directs, manages, or
supervises criminal gang-related
activity.

319

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

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of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

320

893.13(1)(e)1. 1st Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified business site.

321

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).

322

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

323

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

324

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

325

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

326

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

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200 grams, less than 5 kilograms.

327

893.135 (1) (f) 1. 1st Trafficking in amphetamine, more than 14 grams, less than 28 grams.

328

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

329

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

330

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

331

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

332

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

333

896.101 (5) (a) 3rd Money laundering, financial transactions exceeding \$300 but less than \$20,000.

334

896.104 (4) (a) 1. 3rd Structuring transactions to evade reporting or registration requirements,

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

335

943.0435(4)(c) 2nd Sexual offender vacating permanent
residence; failure to comply with
reporting requirements.

336

943.0435(8) 2nd Sexual offender; remains in state after
indicating intent to leave; failure to
comply with reporting requirements.

337

943.0435(9)(a) 3rd Sexual offender; failure to comply with
reporting requirements.

338

943.0435(13) 3rd Failure to report or providing false
information about a sexual offender;
harbor or conceal a sexual offender.

339

943.0435(14) 3rd Sexual offender; failure to report and
reregister; failure to respond to
address verification.

340

944.607(9) 3rd Sexual offender; failure to comply with
reporting requirements.

341

944.607(10)(a) 3rd Sexual offender; failure to submit to
the taking of a digitized photograph.

342

944.607(12) 3rd Failure to report or providing false

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information about a sexual offender;
harbor or conceal a sexual offender.

343

944.607(13) 3rd Sexual offender; failure to report and
reregister; failure to respond to
address verification.

344

985.4815(10) 3rd Sexual offender; failure to submit to
the taking of a digitized photograph.

345

985.4815(12) 3rd Failure to report or providing false
information about a sexual offender;
harbor or conceal a sexual offender.

346

985.4815(13) 3rd Sexual offender; failure to report and
reregister; failure to respond to
address verification.

347

348 Section 6. Paragraph (b) of subsection (1) of section
349 921.0024, Florida Statutes, is amended to read:

350 921.0024 Criminal Punishment Code; worksheet computations;
351 scoresheets.—

352 (1)

353 (b) WORKSHEET KEY:

354

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

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359

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

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

370 2. If the community sanction violation is committed by a
371 violent felony offender of special concern as defined in s.
372 948.06:

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

376 (I) The violation does not include a new felony conviction;
377 and

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

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

385

386 Multiple counts of community sanction violations before the
387 sentencing court shall not be a basis for multiplying the

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388 assessment of community sanction violation points.

389

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

402

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

414

415 Possession of a firearm, semiautomatic firearm, or machine gun:
416 If the offender is convicted of committing or attempting to

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

426

427 Sentencing multipliers:

428

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

436

437 Law enforcement protection: If the primary offense is a
438 violation of the Law Enforcement Protection Act under s.
439 775.0823(2), (3), or (4), the subtotal sentence points are
440 multiplied by 2.5. If the primary offense is a violation of s.
441 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points
442 are multiplied by 2.0. If the primary offense is a violation of
443 s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement
444 Protection Act under s. 775.0823(10) or (11), the subtotal
445 sentence points are multiplied by 1.5.

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446

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

452

453 Offense related to a criminal gang: If the offender is convicted
454 of the primary offense and committed that offense for the
455 purpose of benefiting, promoting, or furthering the interests of
456 a criminal gang as defined in s. 874.03 ~~prohibited under s.~~
457 ~~874.04~~, the subtotal sentence points are multiplied by 1.5. If
458 applying the multiplier results in the lowest permissible
459 sentence exceeding the statutory maximum sentence for the
460 primary offense under chapter 775, the court may not apply the
461 multiplier and must sentence the defendant to the statutory
462 maximum sentence.

463

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

471

Section 7. This act shall take effect October 1, 2012.