

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; limiting application of the  
23      multiplier if application would result in the lowest  
24      permissible sentence exceeding the statutory maximum  
25      sentence; providing an effective date.

26  
27   Be It Enacted by the Legislature of the State of Florida:  
28

29 Section 1. Section 810.0975, Florida Statutes, is amended  
 30 to read:

31 810.0975 School safety zones; definition; trespass  
 32 prohibited; penalty.—

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

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

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

53 2.a. Except as provided in sub-subparagraph b., a Any  
 54 person who violates this subsection commits a misdemeanor of the  
 55 second degree, punishable as provided in s. 775.082 or s.  
 56 775.083.

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

61 (c) 1. Except a provided in subparagraph 2., a Any person  
 62 who does not have legitimate business in the school safety zone  
 63 or any other authorization, license, or invitation to enter or  
 64 remain in the school safety zone who shall willfully fail to  
 65 remove himself or herself from the school safety zone after the  
 66 principal or designee, having a reasonable belief that he or she  
 67 will commit a crime or is engaged in harassment or intimidation  
 68 of students entering or leaving school property, requests him or  
 69 her to leave the school safety zone commits a misdemeanor of the  
 70 second degree, punishable as provided in s. 775.082 or s.  
 71 775.083.

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

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

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

82 Section 2. Section 874.05, Florida Statutes, is amended to  
 83 read:

84 874.05 Causing, encouraging, soliciting, or recruiting

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85 criminal gang membership.—

86 (1) (a) Except as provided in paragraph (b) subsection (2),  
 87 a person who intentionally causes, encourages, solicits, or  
 88 recruits another person to become a criminal gang member where a  
 89 condition of membership or continued membership is the  
 90 commission of any crime commits a felony of the third degree,  
 91 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

92 (b) ~~(2)~~ A person who commits a second or subsequent  
 93 violation of this subsection commits a felony of the second  
 94 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 95 775.084.

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

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

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

107 951.23 County and municipal detention facilities;  
 108 definitions; administration; standards and requirements.—

109 (11) GANG STATUS OF INMATES.—A county or municipal  
 110 detention facility may designate an individual to be responsible  
 111 for determining the gang status of each inmate entering the  
 112 facility using the criteria in s. 874.03 and assess each current

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113 inmate for any gang activity or gang affiliation using those  
 114 criteria. The individual should at least once biweekly reconcile  
 115 information with the arresting law enforcement agency and the  
 116 statewide criminal gang database.

117 Section 4. Paragraph (qq) of subsection (2) of section  
 118 435.04, Florida Statutes, is amended to read:

119 435.04 Level 2 screening standards.—

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

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

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

133 921.0022 Criminal Punishment Code; offense severity  
 134 ranking chart.—

135 (3) OFFENSE SEVERITY RANKING CHART

136 (d) LEVEL 4

137

Florida	Felony	
Statute	Degree	Description

138

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139	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.
140	499.0051 (1)	3rd	Failure to maintain or deliver pedigree papers.
141	499.0051 (2)	3rd	Failure to authenticate pedigree papers.
142	499.0051 (6)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
143	784.07 (2) (b)	3rd	Battery of law enforcement officer, firefighter, etc.
144	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
145	784.075	3rd	Battery on detention or commitment facility staff.
	784.078	3rd	Battery of facility employee by

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throwing, tossing, or expelling  
certain fluids or materials.

146

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

147

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

148

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

149

784.083 (3) 3rd Battery on code inspector.

150

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

151

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

152

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

153

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154	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
155	790.115 (1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
156	790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
157	790.115 (2) (c)	3rd	Possessing firearm on school property.
158	800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
159	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied



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conveyance; unarmed; no assault  
or battery.

160

810.06 3rd Burglary; possession of tools.

161

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

162

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

163

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

164

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

165

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

166

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

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168	817.625 (2) (a)	3rd	Fraudulent use of scanning device or reencoder.
169	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
170	837.02 (1)	3rd	Perjury in official proceedings.
171	837.021 (1)	3rd	Make contradictory statements in official proceedings.
172	838.022	3rd	Official misconduct.
173	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
174	839.13 (2) (c)	3rd	Falsifying records of the Department of Children and Family Services.
175	843.021	3rd	Possession of a concealed handcuff key by a person in custody.

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176	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
177	843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
178	847.0135(5)(c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
179	874.05(1) <u>(a)</u>	3rd	Encouraging or recruiting another to join a criminal gang.
180	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).
181	914.14(2)	3rd	Witnesses accepting bribes.
182	914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.

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191

914.23 (2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
918.12	3rd	Tampering with jurors.
934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
(e)	LEVEL 5	
Florida Statute	Felony Degree	Description
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

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personal injury; leaving scene.

192

381.0041 (11) (b) 3rd Donate blood, plasma, or organs knowing HIV positive.

193

440.10 (1) (g) 2nd Failure to obtain workers' compensation coverage.

194

440.105 (5) 2nd Unlawful solicitation for the purpose of making workers' compensation claims.

195

440.381 (2) 2nd Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.

196

624.401 (4) (b) 2. 2nd Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.

197

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

198

790.01 (2) 3rd Carrying a concealed firearm.

199

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200	790.162	2nd	Threat to throw or discharge destructive device.
201	790.163 (1)	2nd	False report of deadly explosive or weapon of mass destruction.
202	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
203	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
204	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
205	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
206	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more

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but less than \$50,000.

207

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

208

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

209

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

210

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

211

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

212

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

213

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

214

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215	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.
216	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device or reencoder.
217	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
218	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
	827.071 (5)	3rd	Possess, control, or intentionally view any photographic material, motion



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picture, etc., which includes sexual conduct by a child.

219

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.

220

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

221

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

222

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

223

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

224

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

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offense.

225

874.05 (2) (a)

2nd

Encouraging or recruiting  
person under 13 to join a  
criminal gang.

226

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).

227

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., (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.

228

893.13 (1) (d) 1.

1st

Sell, manufacture, or deliver  
cocaine (or other s.

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893.03(1)(a), (1)(b), (1)(d),  
 (2)(a), (2)(b), or (2)(c)4.  
 drugs) within 1,000 feet of  
 university.

229

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.

230

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.

231

893.13(4)(b)              2nd    Deliver to minor cannabis (or  
 other s. 893.03(1)(c),  
 (2)(c)1., (2)(c)2., (2)(c)3.,  
 (2)(c)5., (2)(c)6., (2)(c)7.,

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

232

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

233

234 (g) LEVEL 7

235

Florida	Felony	
Statute	Degree	Description

236

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

237

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

238

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.

239

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240	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
241	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
242	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
243	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
244	456.065 (2)	3rd	Practicing a health care profession without a license.
245	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
246	458.327 (1)	3rd	Practicing medicine without a license.

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247	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
248	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
249	461.012 (1)	3rd	Practicing podiatric medicine without a license.
250	462.17	3rd	Practicing naturopathy without a license.
251	463.015 (1)	3rd	Practicing optometry without a license.
252	464.016 (1)	3rd	Practicing nursing without a license.
253	465.015 (2)	3rd	Practicing pharmacy without a license.
254	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
255	467.201	3rd	Practicing midwifery without a license.

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256	468.366	3rd	Delivering respiratory care services without a license.
257	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
258	483.901 (9)	3rd	Practicing medical physics without a license.
259	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
260	484.053	3rd	Dispensing hearing aids without a license.
261	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.
262	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.

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263	560.125 (5) (a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
264	655.50 (10) (b) 1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
265	775.21 (10) (a)	3rd	Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.
266	775.21 (10) (b)	3rd	Sexual predator working where children regularly congregate.
267	775.21 (10) (g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
	782.051 (3)	2nd	Attempted felony murder of a person by a person other than



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the perpetrator or the  
perpetrator of an attempted  
felony.

268

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

269

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

270

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

271

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

272

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

273

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274	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
275	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
276	784.048 (7)	3rd	Aggravated stalking; violation of court order.
277	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
278	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
279	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
280	784.081 (1)	1st	Aggravated battery on specified official or employee.
281	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
	784.083 (1)	1st	Aggravated battery on code

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inspector.

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

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

286

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

287

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

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289	790.23	1st, PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
290	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.
291	796.03	2nd	Procuring any person under 16 years for prostitution.
292	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
293	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.
294	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.

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295	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
296	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
297	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
298	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
299	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.
300	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
	812.014 (2) (b) 3.	2nd	Property stolen, emergency

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medical equipment; 2nd degree grand theft.

301

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

302

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

303

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

304

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

305

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

306

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

307

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

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309	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
310	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.
311	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
312	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.
313	827.03 (3) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21

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years of age or older.

314

837.05 (2) 3rd Giving false information about alleged capital felony to a law enforcement officer.

315

838.015 2nd Bribery.

316

838.016 2nd Unlawful compensation or reward for official behavior.

317

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

318

838.22 2nd Bid tampering.

319

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

320

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

321

872.06 2nd Abuse of a dead human body.

322

874.05 (2) (b) 1st Encouraging or recruiting person under 13 to join a



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criminal gang; second or  
subsequent offense.

323

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

324

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.

325

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

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a specified business site.

326

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).

327

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

328

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

329

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

330

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

331

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

332

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333	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
334	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
335	893.135 (1) (h) 1.a.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
336	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
337	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
338	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but

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less than \$20,000.

339

896.104(4)(a)1.

3rd

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

340

943.0435(4)(c)

2nd

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

341

943.0435(8)

2nd

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

342

943.0435(9)(a)

3rd

Sexual offender; failure to comply with reporting requirements.

343

943.0435(13)

3rd

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

344

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345	943.0435 (14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
346	944.607 (9)	3rd	Sexual offender; failure to comply with reporting requirements.
347	944.607 (10) (a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
348	944.607 (12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
349	944.607 (13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
350	985.4815 (10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.

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

351

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

352

353 Section 6. Paragraph (b) of subsection (1) of section  
354 921.0024, Florida Statutes, is amended to read:

355 921.0024 Criminal Punishment Code; worksheet computations;  
356 scoresheets.—

357 (1)

358 (b) WORKSHEET KEY:

359

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

364

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

370 1. If the community sanction violation includes a new

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371 felony conviction before the sentencing court, twelve (12)  
372 community sanction violation points are assessed for the  
373 violation, and for each successive community sanction violation  
374 involving a new felony conviction.

375 2. If the community sanction violation is committed by a  
376 violent felony offender of special concern as defined in s.  
377 948.06:

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

381 (I) The violation does not include a new felony  
382 conviction; and

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

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

390  
391 Multiple counts of community sanction violations before the  
392 sentencing court shall not be a basis for multiplying the  
393 assessment of community sanction violation points.

394  
395 Prior serious felony points: If the offender has a primary  
396 offense or any additional offense ranked in level 8, level 9, or  
397 level 10, and one or more prior serious felonies, a single  
398 assessment of thirty (30) points shall be added. For purposes of

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399 | this section, a prior serious felony is an offense in the  
400 | offender's prior record that is ranked in level 8, level 9, or  
401 | level 10 under s. 921.0022 or s. 921.0023 and for which the  
402 | offender is serving a sentence of confinement, supervision, or  
403 | other sanction or for which the offender's date of release from  
404 | confinement, supervision, or other sanction, whichever is later,  
405 | is within 3 years before the date the primary offense or any  
406 | additional offense was committed.

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

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



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427 s. 775.087(3) while having in his or her possession a  
428 semiautomatic firearm as defined in s. 775.087(3) or a machine  
429 gun as defined in s. 790.001(9), an additional twenty-five (25)  
430 sentence points are assessed.

431

432 Sentencing multipliers:

433

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

441

442 Law enforcement protection: If the primary offense is a  
443 violation of the Law Enforcement Protection Act under s.  
444 775.0823(2), (3), or (4), the subtotal sentence points are  
445 multiplied by 2.5. If the primary offense is a violation of s.  
446 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points  
447 are multiplied by 2.0. If the primary offense is a violation of  
448 s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement  
449 Protection Act under s. 775.0823(10) or (11), the subtotal  
450 sentence points are multiplied by 1.5.

451

452 Grand theft of a motor vehicle: If the primary offense is grand  
453 theft of the third degree involving a motor vehicle and in the  
454 offender's prior record, there are three or more grand thefts of

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455 the third degree involving a motor vehicle, the subtotal  
456 sentence points are multiplied by 1.5.

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

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

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