

ENROLLED
HB 407

2013 Legislature

1
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 assessing whether
14 each inmate is a criminal gang member or associate;
15 providing duties of such individuals; amending ss.
16 435.04 and 921.0022, F.S.; conforming cross-references
17 and assigning offense severity rankings for violations
18 of s. 874.05, F.S.; amending s. 921.0024, F.S.;
19 revising the criteria for application of the
20 sentencing multiplier for offenses related to criminal
21 gangs; limiting application of the multiplier if
22 application would result in the lowest permissible
23 sentence exceeding the statutory maximum sentence;
24 providing an effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:
27

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

30 810.0975 School safety zones; definition; trespass
31 prohibited; penalty.—

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

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

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

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

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

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

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

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

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

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

83 874.05 Causing, encouraging, soliciting, or recruiting

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84 criminal gang membership.—

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

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

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

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

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

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

108 (11) GANG STATUS OF INMATES.—A county or municipal
109 detention facility may designate an individual to be responsible
110 for assessing whether each current inmate is a criminal gang
111 member or associate using the criteria in s. 874.03. The

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112 individual should at least once biweekly transmit information on
 113 inmates believed to be a criminal gang member or associate to
 114 the arresting law enforcement agency.

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

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
 132 ranking chart.—

133 (3) OFFENSE SEVERITY RANKING CHART

134 (d) LEVEL 4

135

Florida	Felony	
Statute	Degree	Description

136

316.1935(3) (a)	2nd	Driving at high speed or with
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wanton disregard for safety
while fleeing or attempting to
elude law enforcement officer
who is in a patrol vehicle with
siren and lights activated.

137

499.0051 (1) 3rd Failure to maintain or deliver
pedigree papers.

138

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

139

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

140

517.07 (1) 3rd Failure to register securities.

141

517.12 (1) 3rd Failure of dealer, associated
person, or issuer of securities
to register.

142

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

143

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

144

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145	784.075	3rd	Battery on detention or commitment facility staff.
146	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
147	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
148	784.081 (3)	3rd	Battery on specified official or employee.
149	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
150	784.083 (3)	3rd	Battery on code inspector.
151	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
152	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
	787.04 (2)	3rd	Take, entice, or remove child

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beyond state limits with
criminal intent pending custody
proceedings.

153

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

154

787.07 3rd Human smuggling.

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

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structure; unarmed; no assault
or battery.

160

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

161

810.06 3rd Burglary; possession of tools.

162

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

163

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

164

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

165

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

166

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

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893.03(5) drugs.

167

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

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.

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175	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
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.

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182	914.22 (1)	3rd	Force, threaten, etc., witness, victim, or informant.
183	914.23 (2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
184	918.12	3rd	Tampering with jurors.
185	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
186			
187	(e)	LEVEL 5	
188	Florida	Felony	
	Statute	Degree	Description
189	316.027 (1) (a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
190	316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
191	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious

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bodily injury.

192

327.30 (5) 3rd Vessel accidents involving
personal injury; leaving scene.

193

379.367 (4) 3rd Willful molestation of a
commercial harvester's spiny
lobster trap, line, or buoy.

194

379.3671 (2) (c) 3. 3rd Willful molestation,
possession, or removal of a
commercial harvester's trap
contents or trap gear by
another harvester.

195

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

196

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

197

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

198

440.381 (2) 2nd Submission of false,
misleading, or incomplete
information with the purpose of

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avoiding or reducing workers'
compensation premiums.

199

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

200

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

201

790.01 (2) 3rd Carrying a concealed firearm.

202

790.162 2nd Threat to throw or discharge
destructive device.

203

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

204

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

205

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

206

800.04 (6) (c) 3rd Lewd or lascivious conduct;

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offender less than 18 years.

207

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

208

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

209

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

210

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

211

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

212

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

213

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

214

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

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215	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
216	817.2341 (1), (2) (a) & (3) (a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
217	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.
218	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device or reencoder.
219	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly

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person or disabled adult.

220

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

221

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

222

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.

223

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

224

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

225

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226	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
227	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
228	<u>874.05(1)(b)</u> 874.05(2)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
229	<u>874.05(2)(a)</u>	<u>2nd</u>	<u>Encouraging or recruiting person under 13 to join a criminal gang.</u>
230	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).
	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)

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

231

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.

232

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.

233

893.13(1)(f)1. 1st Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d),

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or (2) (a), (2) (b), or (2) (c) 4.
drugs) within 1,000 feet of
public housing facility.

234

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., (2) (c) 8., (2) (c) 9., (3), or (4) drugs).
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235

893.1351 (1)	3rd	Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.
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236

237 (g) LEVEL 7

238

Florida Statute	Felony Degree	Description
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239

316.027 (1) (b)	1st	Accident involving death, failure to stop; leaving scene.
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240

316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.
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241

316.1935 (3) (b)	1st	Causing serious bodily injury or death to another person;
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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.

242 327.35(3)(c)2. 3rd Vessel BUI resulting in serious
bodily injury.

243 402.319(2) 2nd Misrepresentation and
negligence or intentional act
resulting in great bodily harm,
permanent disfiguration,
permanent disability, or death.

244 409.920 3rd Medicaid provider fraud;
(2)(b)1.a. \$10,000 or less.

245 409.920 2nd Medicaid provider fraud; more
(2)(b)1.b. than \$10,000, but less than
\$50,000.

246 456.065(2) 3rd Practicing a health care
profession without a license.

247 456.065(2) 2nd Practicing a health care
profession without a license

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which results in serious bodily
injury.

248

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

249

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

250

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

251

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

252

462.17 3rd Practicing naturopathy without
a license.

253

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

254

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

255

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

256

466.026 (1) 3rd Practicing dentistry or dental

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hygiene without a license.

257

467.201 3rd Practicing midwifery without a license.

258

468.366 3rd Delivering respiratory care services without a license.

259

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

260

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

261

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

262

484.053 3rd Dispensing hearing aids without a license.

263

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.

264

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265	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.
266	560.125(5)(a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
267	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
268	775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.
269	775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.
	775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or

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conceal a sexual predator.

270

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

271

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

272

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

273

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

274

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

275

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276	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
277	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
278	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
279	784.048 (7)	3rd	Aggravated stalking; violation of court order.
280	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
281	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
282	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
283	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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284	784.083 (1)	1st	Aggravated battery on code inspector.
285	787.06 (3) (a)	1st	Human trafficking using coercion for labor and services.
286	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.
287	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07 (1) or (2).
288	790.16 (1)	1st	Discharge of a machine gun under specified circumstances.
289	790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
290	790.165 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or

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attempting to commit a felony.

291

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

292

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

293

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

294

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.

295

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

296

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

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age; offender less than 18
years.

297

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.

298

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

299

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

300

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

301

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

302

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

303

812.014 (2) (a) 1. 1st Property stolen, valued at
\$100,000 or more or a
semitrailer deployed by a law

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enforcement officer; property
stolen while causing other
property damage; 1st degree
grand theft.

304

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

305

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

306

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

307

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

308

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

309

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

310

812.133 (2) (b) 1st Carjacking; no firearm, deadly

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weapon, or other weapon.

311 817.234 (8) (a) 2nd Solicitation of motor vehicle
accident victims with intent to
defraud.

312 817.234 (9) 2nd Organizing, planning, or
participating in an intentional
motor vehicle collision.

313 817.234 (11) (c) 1st Insurance fraud; property value
\$100,000 or more.

314 817.2341 1st Making false entries of
(2) (b) & material fact or false
(3) (b) statements regarding property
values relating to the solvency
of an insuring entity which are
a significant cause of the
insolvency of that entity.

315 825.102 (3) (b) 2nd Neglecting an elderly person or
disabled adult causing great
bodily harm, disability, or
disfigurement.

316 825.103 (2) (b) 2nd Exploiting an elderly person or
disabled adult and property is

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

317

827.03(2)(b) 2nd Neglect of a child causing
great bodily harm, disability,
or disfigurement.

318

827.04(3) 3rd Impregnation of a child under
16 years of age by person 21
years of age or older.

319

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

320

838.015 2nd Bribery.

321

838.016 2nd Unlawful compensation or reward
for official behavior.

322

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

323

838.22 2nd Bid tampering.

324

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

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325	847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
326	872.06	2nd	Abuse of a dead human body.
327	<u>874.05(2)(b)</u>	<u>1st</u>	<u>Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.</u>
328	874.10	1st,PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
329	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.

330

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

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200 grams.

336

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

337

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

338

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

339

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

340

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

341

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

342

893.1351 (2) 2nd Possession of place for

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trafficking in or manufacturing
of controlled substance.

343

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

344

896.104(4)(a)1. 3rd Structuring transactions to
evade reporting or registration
requirements, financial
transactions exceeding \$300 but
less than \$20,000.

345

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

346

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

347

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

348

943.0435(13) 3rd Failure to report or providing

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

349

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

350

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

351

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

352

944.607 (12) 3rd Failure to report or providing
false information about a
sexual offender; harbor or
conceal a sexual offender.

353

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

354

985.4815 (10) 3rd Sexual offender; failure to

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submit to the taking of a
digitized photograph.

355

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

356

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

357

358 Section 6. Paragraph (b) of subsection (1) of section
359 921.0024, Florida Statutes, is amended to read:

360 921.0024 Criminal Punishment Code; worksheet computations;
361 scoresheets.-

362 (1)

363 (b) WORKSHEET KEY:

364

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

369

370 Community sanction violation points are assessed when a
371 community sanction violation is before the court for sentencing.
372 Six (6) sentence points are assessed for each community sanction

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373 violation and each successive community sanction violation,
374 unless any of the following apply:

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

380 2. If the community sanction violation is committed by a
381 violent felony offender of special concern as defined in s.
382 948.06:

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

386 (I) The violation does not include a new felony
387 conviction; and

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

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

395

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

399

400 Prior serious felony points: If the offender has a primary

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

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

424
 425 Possession of a firearm, semiautomatic firearm, or machine gun:
 426 If the offender is convicted of committing or attempting to
 427 commit any felony other than those enumerated in s. 775.087(2)
 428 while having in his or her possession: a firearm as defined in

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

436
 437 Sentencing multipliers:

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

446
 447 Law enforcement protection: If the primary offense is a
 448 violation of the Law Enforcement Protection Act under s.
 449 775.0823(2), (3), or (4), the subtotal sentence points are
 450 multiplied by 2.5. If the primary offense is a violation of s.
 451 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points
 452 are multiplied by 2.0. If the primary offense is a violation of
 453 s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement
 454 Protection Act under s. 775.0823(10) or (11), the subtotal
 455 sentence points are multiplied by 1.5.

456

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

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

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

481 Section 7. This act shall take effect October 1, 2013.