

By the Committee on Criminal Justice; and Senator Collins

591-02828-25

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A bill to be entitled
An act relating to fleeing or attempting to elude a
law enforcement officer; amending s. 316.1935, F.S.;
revising the law enforcement patrol vehicle marking
requirements for specified offenses; authorizing the
impoundment of a motor vehicle involved in certain
violations for a specified period; specifying
requirements for such impoundment; amending s.
921.0022, F.S.; reclassifying offenses for purposes of
the offense severity ranking chart of the Criminal
Punishment Code; amending s. 921.0024, F.S.; providing
a sentencing multiplier for specified offenses;
providing an effective date.

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

Section 1. Subsections (2), (3), (4), and (7) of section
316.1935, Florida Statutes, are amended, subsection (8) is added
to that section, and subsection (1) of that section is
republished, to read:

316.1935 Fleeing or attempting to elude a law enforcement
officer; aggravated fleeing or eluding.—

(1) It is unlawful for the operator of any vehicle, having
knowledge that he or she has been ordered to stop such vehicle
by a duly authorized law enforcement officer, willfully to
refuse or fail to stop the vehicle in compliance with such order
or, having stopped in knowing compliance with such order,
willfully to flee in an attempt to elude the officer, and a
person who violates this subsection commits a felony of the

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third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) Any person who willfully flees or attempts to elude a law enforcement officer in an authorized law enforcement patrol vehicle, with agency ~~insignia and other~~ jurisdictional markings prominently displayed on the vehicle, with siren and lights activated commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) Any person who willfully flees or attempts to elude a law enforcement officer in an authorized law enforcement patrol vehicle, with agency ~~insignia and other~~ jurisdictional markings prominently displayed on the vehicle, with siren and lights activated, and during the course of the fleeing or attempted eluding:

(a) Drives at high speed, or in any manner which demonstrates a wanton disregard for the safety of persons or property, commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) Drives at high speed, or in any manner which demonstrates a wanton disregard for the safety of persons or property, and causes serious bodily injury or death to another person, including any law enforcement officer involved in pursuing or otherwise attempting to effect a stop of the person's vehicle, commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Notwithstanding any other provision of law, the court shall sentence any person convicted of committing the offense described in this paragraph to a mandatory minimum sentence of 3 years imprisonment. ~~Nothing in~~ This paragraph does not ~~shall~~

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prevent a court from imposing a greater sentence of incarceration as authorized by law.

(4) Any person who, in the course of unlawfully leaving or attempting to leave the scene of a crash in violation of s. 316.027 or s. 316.061, having knowledge of an order to stop by a duly authorized law enforcement officer, willfully refuses or fails to stop in compliance with such an order, or having stopped in knowing compliance with such order, willfully flees in an attempt to elude such officer and, as a result of such fleeing or eluding:

(a) Causes injury to another person or causes damage to any property belonging to another person, commits aggravated fleeing or eluding, a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) Causes serious bodily injury or death to another person, including any law enforcement officer involved in pursuing or otherwise attempting to effect a stop of the person's vehicle, commits aggravated fleeing or eluding with serious bodily injury or death, a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

The felony of aggravated fleeing or eluding and the felony of aggravated fleeing or eluding with serious bodily injury or death constitute separate offenses for which a person may be charged, in addition to the offenses under ss. 316.027 and 316.061, relating to unlawfully leaving the scene of a crash, which the person had been in the course of committing or attempting to commit when the order to stop was given. Notwithstanding any other provision of law, the court shall

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88 sentence any person convicted of committing aggravated fleeing
89 or eluding with serious bodily injury or death to a mandatory
90 minimum sentence of 3 years imprisonment. ~~Nothing in~~ This
91 subsection does not ~~shall~~ prevent a court from imposing a
92 greater sentence of incarceration as authorized by law.

93 (7) Any motor vehicle involved in a violation of this
94 section may be impounded for a period of 30 business days. The
95 impounding law enforcement agency shall make a diligent effort
96 to notify the registered owner of the impoundment. The law
97 enforcement officer shall notify the department of any
98 impoundment for violation of this section in accordance with
99 procedures established by the department.

100 (a) A warrant is required to impound a vehicle from a
101 constitutionally protected area.

102 (b) The impounding law enforcement agency must release an
103 impounded motor vehicle if the owner or the owner's agent
104 presents a valid driver license at the time of vehicle pickup
105 and one of the following conditions is met:

106 1. Notwithstanding any provision to the contrary, any
107 conditions provided in s. 316.193(6)(e)-(h).

108 2. The vehicle was, at the time of the violation, in the
109 care, custody, or control of another person, the vehicle owner
110 identifies that person in a statement made under oath, and a
111 witness observed the other person driving the vehicle and
112 corroborates the vehicle owner's statement.

113 (c) All costs and fees for impoundment or immobilization,
114 including the cost of notification, must be paid by the owner of
115 the motor vehicle or, if the motor vehicle is leased or rented,
116 by the person leasing or renting the motor vehicle, unless the

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impoundment or immobilization order is dismissed. All provisions of s. 713.78 shall apply.

(8) Notwithstanding subsection (7), any motor vehicle involved in a violation of this section is deemed to be contraband, which may be seized by a law enforcement agency and is subject to forfeiture pursuant to ss. 932.701-932.704. Any vehicle not required to be titled under the laws of this state is presumed to be the property of the person in possession of the vehicle.

Section 2. Paragraphs (d), (e), and (f) of subsection (3) of section 921.0022, Florida Statutes, as amended by section 24 of chapter 2025-1, Laws of Florida, are amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(d) LEVEL 4

Florida Statute	Felony Degree	Description
104.155	3rd	Unqualified noncitizen electors voting; aiding or soliciting noncitizen electors in voting.
316.1935(3)(a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to

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~~clude law enforcement officer
who is in a patrol vehicle with
siren and lights activated.~~

138

499.0051(1)

3rd

Failure to maintain or deliver
transaction history,
transaction information, or
transaction statements.

139

499.0051(5)

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 or associated
person of a dealer of
securities to register.

142

784.031

3rd

Battery by strangulation.

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.

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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.

153

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

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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

787.07 3rd Human smuggling.

156

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

157

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

158

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

159

794.051 (1) 3rd Indecent, lewd, or lascivious
touching of certain minors.

160

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

161

806.135 2nd Destroying or demolishing a
memorial or historic property.

162

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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
conveyance; unarmed; no assault
or battery.

810.06 3rd Burglary; possession of tools.

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

810.145 (3) (b) 3rd Digital voyeurism
dissemination.

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

812.014 3rd Grand theft, 3rd degree;
(2) (c) 4. & specified items.
6.-10.

812.014 (2) (d) 2. 3rd Grand theft, 3rd degree; \$750
or more taken from dwelling or
its unenclosed curtilage.

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170

812.014(2)(e)3. 3rd Petit theft, 1st degree; less than \$40 taken from dwelling or its unenclosed curtilage with two or more prior theft convictions.

171

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

172

817.505(4)(a) 3rd Patient brokering.

173

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

174

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

175

817.5695(3)(c) 3rd Exploitation of person 65 years of age or older, value less than \$10,000.

176

817.625(2)(a) 3rd Fraudulent use of scanning device, skimming device, or reencoder.

177

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817.625 (2) (c)

3rd

Possess, sell, or deliver
skimming device.

828.125 (1)

2nd

Kill, maim, or cause great
bodily harm or permanent
breeding disability to any
registered horse or cattle.

836.14 (2)

3rd

Person who commits theft of a
sexually explicit image with
intent to promote it.

836.14 (3)

3rd

Person who willfully possesses
a sexually explicit image with
certain knowledge, intent, and
purpose.

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.

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839.13(2)(c)

3rd

Falsifying records of the
Department of Children and
Families.

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 felony (bond estreature or
bond jumping).

843.19(2)

2nd

Injure, disable, or kill
police, fire, or SAR canine or
police horse.

847.0135(5)(c)

3rd

Lewd or lascivious exhibition
using computer; offender less
than 18 years.

870.01(3)

2nd

Aggravated rioting.

870.01(5)

2nd

Aggravated inciting a riot.

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874.05 (1) (a)

3rd

Encouraging or recruiting
another to join a criminal
gang.

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) 5.
drugs).

914.14 (2)

3rd

Witnesses accepting bribes.

914.22 (1)

3rd

Force, threaten, etc., witness,
victim, or informant.

914.23 (2)

3rd

Retaliation against a witness,
victim, or informant, no bodily
injury.

916.1085

3rd

(2) (c) 1.

Introduction of specified
contraband into certain DCF
facilities.

918.12

3rd

Tampering with jurors.

934.215

3rd

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

944.47 (1) (a) 6.

3rd

Introduction of contraband

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(cellular telephone or other
portable communication device)
into correctional institution.

202

951.22 (1) (h),
(j) & (k)

3rd

Intoxicating drug,
instrumentality or other device
to aid escape, or cellular
telephone or other portable
communication device introduced
into county detention facility.

203

204

(e) LEVEL 5

206

207

Florida
Statute

Felony
Degree

Description

208

316.027 (2) (a)

3rd

Accidents involving personal
injuries other than serious
bodily injury, failure to stop;
leaving scene.

209

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.

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210

~~316.1935(4)(a)~~ 2nd ~~Aggravated fleeing or eluding.~~

211

316.80(2) 2nd Unlawful conveyance of fuel;
obtaining fuel fraudulently.

212

322.34(6) 3rd Careless operation of motor
vehicle with suspended license,
resulting in death or serious
bodily injury.

213

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

214

379.365(2)(c)1. 3rd Violation of rules relating to:
willful molestation of stone
crab traps, lines, or buoys;
illegal bartering, trading, or
sale, conspiring or aiding in
such barter, trade, or sale, or
supplying, agreeing to supply,
aiding in supplying, or giving
away stone crab trap tags or
certificates; making, altering,
forging, counterfeiting, or
reproducing stone crab trap
tags; possession of forged,
counterfeit, or imitation stone
crab trap tags; and engaging in

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the commercial harvest of stone
crabs while license is
suspended or revoked.

215

379.367(4)

3rd

Willful molestation of a
commercial harvester's spiny
lobster trap, line, or buoy.

216

379.407(5)(b)3.

3rd

Possession of 100 or more
undersized spiny lobsters.

217

381.0041(11)(b)

3rd

Donate blood, plasma, or organs
knowing HIV positive.

218

440.10(1)(g)

2nd

Failure to obtain workers'
compensation coverage.

219

440.105(5)

2nd

Unlawful solicitation for the
purpose of making workers'
compensation claims.

220

440.381(2)

3rd

Submission of false,
misleading, or incomplete
information with the purpose of
avoiding or reducing workers'
compensation premiums.

221

624.401(4)(b)2.

2nd

Transacting insurance without a
certificate or authority;

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

222

626.902(1)(c)

2nd

Representing an unauthorized
insurer; repeat offender.

223

790.01(3)

3rd

Unlawful carrying of a
concealed firearm.

224

790.162

2nd

Threat to throw or discharge
destructive device.

225

790.163(1)

2nd

False report of bomb,
explosive, weapon of mass
destruction, or use of firearms
in violent manner.

226

790.221(1)

2nd

Possession of short-barreled
shotgun or machine gun.

227

790.23

2nd

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

228

796.05(1)

2nd

Live on earnings of a
prostitute; 1st offense.

229

800.04(6)(c)

3rd

Lewd or lascivious conduct;
offender less than 18 years of

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age.

230

800.04 (7) (b)

2nd

Lewd or lascivious exhibition;
offender 18 years of age or
older.

231

806.111 (1)

3rd

Possess, manufacture, or
dispense fire bomb with intent
to damage any structure or
property.

232

810.145 (4) (c)

3rd

Commercial digital voyeurism
dissemination.

233

810.145 (7) (a)

2nd

Digital voyeurism; 2nd or
subsequent offense.

234

810.145 (8) (a)

2nd

Digital voyeurism; certain
minor victims.

235

812.014 (2) (d) 3.

2nd

Grand theft, 2nd degree; theft
from 20 or more dwellings or
their unenclosed curtilage, or
any combination.

236

812.0145 (2) (b)

2nd

Theft from person 65 years of
age or older; \$10,000 or more
but less than \$50,000.

237

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238	812.015 (8) (a) & (c) - (e)	3rd	Retail theft; property stolen is valued at \$750 or more and one or more specified acts.
239	812.015 (8) (f)	3rd	Retail theft; multiple thefts within specified period.
240	812.015 (8) (g)	3rd	Retail theft; committed with specified number of other persons.
241	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
242	812.081 (3)	2nd	Trafficking in trade secrets.
243	812.131 (2) (b)	3rd	Robbery by sudden snatching.
244	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
245	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
246	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
	817.2341 (1),	3rd	Filing false financial

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

247

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
persons.

248

817.611 (2) (a) 2nd Traffic in or possess 5 to 14
counterfeit credit cards or
related documents.

249

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

250

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

251

828.12 (2) 3rd Tortures any animal with intent

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to inflict intense pain,
serious physical injury, or
death.

252

836.14 (4)

2nd

Person who willfully promotes
for financial gain a sexually
explicit image of an
identifiable person without
consent.

253

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.

254

843.01 (1)

3rd

Resist officer with violence to
person; resist arrest with
violence.

255

847.0135 (5) (b)

2nd

Lewd or lascivious exhibition
using computer; offender 18
years or older.

256

847.0137

3rd

(2) & (3)

Transmission of pornography by
electronic device or equipment.

257

847.0138

3rd

(2) & (3)

Transmission of material
harmful to minors to a minor by

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electronic device or equipment.

258

874.05(1)(b)

2nd

Encouraging or recruiting
another to join a criminal
gang; second or subsequent
offense.

259

874.05(2)(a)

2nd

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

260

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)5.
drugs).

261

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)6.,
(2)(c)7., (2)(c)8., (2)(c)9.,
(2)(c)10., (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.

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262

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)5. drugs) within 1,000 feet of university.

263

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)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.

264

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)5. drugs) within 1,000 feet of public housing facility.

265

893.13(4)(b) 2nd Use or hire of minor; deliver to minor other controlled substance.

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266

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

267

268

269 (f) LEVEL 6

270

271

Florida Statute	Felony Degree	Description
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272

316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily injury.
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273

316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
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274

<u>316.1935(4)(a)</u>	<u>2nd</u>	<u>Aggravated fleeing or eluding.</u>
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275

400.9935(4)(c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
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276

499.0051(2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
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277

499.0051(3) 2nd Knowing purchase or receipt of
prescription drug from
unauthorized person.

278

499.0051(4) 2nd Knowing sale or transfer of
prescription drug to
unauthorized person.

279

775.0875(1) 3rd Taking firearm from law
enforcement officer.

280

784.021(1)(a) 3rd Aggravated assault; deadly
weapon without intent to kill.

281

784.021(1)(b) 3rd Aggravated assault; intent to
commit felony.

282

784.041 3rd Felony battery; domestic
battery by strangulation.

283

784.048(3) 3rd Aggravated stalking; credible
threat.

284

784.048(5) 3rd Aggravated stalking of person
under 16.

285

784.07(2)(c) 2nd Aggravated assault on law
enforcement officer.

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286

784.074 (1) (b) 2nd Aggravated assault on sexually
violent predators facility
staff.

287

784.08 (2) (b) 2nd Aggravated assault on a person
65 years of age or older.

288

784.081 (2) 2nd Aggravated assault on specified
official or employee.

289

784.082 (2) 2nd Aggravated assault by detained
person on visitor or other
detainee.

290

784.083 (2) 2nd Aggravated assault on code
inspector.

291

787.02 (2) 3rd False imprisonment; restraining
with purpose other than those
in s. 787.01.

292

790.115 (2) (d) 2nd Discharging firearm or weapon
on school property.

293

790.161 (2) 2nd Make, possess, or throw
destructive device with intent
to do bodily harm or damage
property.

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294

790.164 (1) 2nd False report concerning bomb,
explosive, weapon of mass
destruction, act of arson or
violence to state property, or
use of firearms in violent
manner.

295

790.19 2nd Shooting or throwing deadly
missiles into dwellings,
vessels, or vehicles.

296

794.011 (8) (a) 3rd Solicitation of minor to
participate in sexual activity
by custodial adult.

297

794.05 (1) 2nd Unlawful sexual activity with
specified minor.

298

800.04 (5) (d) 3rd Lewd or lascivious molestation;
victim 12 years of age or older
but less than 16 years of age;
offender less than 18 years.

299

800.04 (6) (b) 2nd Lewd or lascivious conduct;
offender 18 years of age or
older.

300

806.031 (2) 2nd Arson resulting in great bodily

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harm to firefighter or any
other person.

301

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

302

810.145 (8) (b) 2nd Digital voyeurism; certain
minor victims; 2nd or
subsequent offense.

303

812.014 (2) (b) 1. 2nd Property stolen \$20,000 or
more, but less than \$100,000,
grand theft in 2nd degree.

304

812.014 (2) (c) 5. 3rd Grand theft; third degree;
firearm.

305

812.014 (6) 2nd Theft; property stolen \$3,000
or more; coordination of
others.

306

812.015 (9) (a) 2nd Retail theft; property stolen
\$750 or more; second or
subsequent conviction.

307

812.015 (9) (b) 2nd Retail theft; aggregated
property stolen within 120 days
is \$3,000 or more; coordination
of others.

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308

812.015(9)(d) 2nd Retail theft; multiple thefts
within specified period.

309

812.015(9)(e) 2nd Retail theft; committed with
specified number of other
persons and use of social media
platform.

310

812.13(2)(c) 2nd Robbery, no firearm or other
weapon (strong-arm robbery).

311

817.4821(5) 2nd Possess cloning paraphernalia
with intent to create cloned
cellular telephones.

312

817.49(2)(b)2. 2nd Willful making of a false
report of a crime resulting in
death.

313

817.505(4)(b) 2nd Patient brokering; 10 or more
patients.

314

817.5695(3)(b) 2nd Exploitation of person 65 years
of age or older, value \$10,000
or more, but less than \$50,000.

315

825.102(1) 3rd Abuse of an elderly person or
disabled adult.

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316

825.102(3)(c) 3rd Neglect of an elderly person or disabled adult.

317

825.1025(3) 3rd Lewd or lascivious molestation of an elderly person or disabled adult.

318

825.103(3)(c) 3rd Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.

319

827.03(2)(c) 3rd Abuse of a child.

320

827.03(2)(d) 3rd Neglect of a child.

321

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

322

828.126(3) 3rd Sexual activities involving animals.

323

836.05 2nd Threats; extortion.

324

836.10 2nd Written or electronic threats to kill, do bodily injury, or

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conduct a mass shooting or an
act of terrorism.

325

843.12

3rd

Aids or assists person to
escape.

326

847.011

3rd

Distributing, offering to
distribute, or possessing with
intent to distribute obscene
materials depicting minors.

327

847.012

3rd

Knowingly using a minor in the
production of materials harmful
to minors.

328

847.0135(2)

3rd

Facilitates sexual conduct of
or with a minor or the visual
depiction of such conduct.

329

893.131

2nd

Distribution of controlled
substances resulting in
overdose or serious bodily
injury.

330

914.23

2nd

Retaliation against a witness,
victim, or informant, with
bodily injury.

331

918.13(2)(b)

2nd

Tampering with or fabricating

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physical evidence relating to a
capital felony.

944.35(3)(a)2. 3rd Committing malicious battery
upon or inflicting cruel or
inhuman treatment on an inmate
or offender on community
supervision, resulting in great
bodily harm.

944.40 2nd Escapes.

944.46 3rd Harboring, concealing, aiding
escaped prisoners.

944.47(1)(a)5. 2nd Introduction of contraband
(firearm, weapon, or explosive)
into correctional facility.

951.22(1)(i) 3rd Firearm or weapon introduced
into county detention facility.

Section 3. Paragraph (b) of subsection (1) of section
921.0024, Florida Statutes, is amended to read:

921.0024 Criminal Punishment Code; worksheet computations;
scoresheets.—

(1)

(b) WORKSHEET KEY:

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

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

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

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

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

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

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

b. Twenty-four (24) community sanction violation points are assessed for the violation and for each successive violation of

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felony probation or community control where the violation includes a new felony conviction.

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

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

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

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jurisdiction, or would be a capital felony if the offense were committed in this state.

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

Sentencing multipliers:

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

Violent offenses committed against specified justice system personnel: If the primary offense is a violation of s. 775.0823(2), (3), or (4), the subtotal sentence points are multiplied by 2.5. If the primary offense is a violation of s. 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points

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are multiplied by 2.0. If the primary offense is a violation of s. 784.07(3) or s. 775.0875(1), or s. 775.0823(10) or (11), the subtotal sentence points are multiplied by 1.5.

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

Fleeing or attempting to elude a law enforcement officer: If the primary offense is fleeing or attempting to elude a law enforcement officer or aggravated fleeing or eluding in violation of s. 316.1935 and, in the offender's prior record, there is one or more violations of s. 316.1935, the subtotal sentence points are multiplied by 1.5.

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

Domestic violence in the presence of a child: If the offender is convicted of the primary offense and the primary offense is a

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

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

Section 4. This act shall take effect October 1, 2025.