

Criminal Punishment Code Task Force



Meeting Materials
June 2020



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AGENDA

STATE OF FLORIDA CRIMINAL PUNISHMENT CODE TASK FORCE

June 5, 2020 at 1:00 PM

Conference Line: 888-585-9008

Conference Room Code: 757-756-300

Web: <https://global.gotomeeting.com/join/937613733>

“Reviewing, evaluating, and making recommendations regarding sentencing for and ranking of noncapital felony offenses under the Criminal Punishment Code.”
Chapter 2019-167, §152, Laws of Florida.

Welcome and Introductions

The Honorable Michelle Sisco,
Hillsborough County

**Scoresheets Subcommittee Recommendation SS-7a:
Increasing the number of offense levels**

Task Force Members

Review of Offense Severity Ranking Sheets

Task Force Members

**Recommendation SS-1, 5(a) Domestic Violence in Presence of
Related Child Multiplier**

Task Force Members

**Scoresheets Subcommittee Recommendation SS-6, issue #2:
State v. Rife**

Task Force Members

Discussion

Task Force Members

Public Comment

Open to Public

Closing Remarks

The Honorable Michelle Sisco,
Hillsborough County



June Appendix

Criminal Punishment Code Task Force Subcommittee Recommendations

Non-Prison Sanctions

Non-Prison Sanctions-4 (Passed): A) Establish or expand adult prearrest diversion programs in each judicial circuit that incorporate evidence-based interventions and treatment services.

B) Outline a broad set of guidelines within the statutes based on standards set by the Steering Committee on Problem Solving Courts and approved by the Florida Supreme Court. These guidelines will act as a roadmap for State Attorneys, courts, and other important justice stakeholders to follow when developing problem solving courts in their respective circuits.

Enhancements

Enhancements -1 (Passed): Amend section 775.082(9)(a)3.a., Florida Statute to read: For a felony punishable by life, by a term of imprisonment for life, but where no firearm was discharged and no death or great bodily harm occurred, for a term of not less than 30 years and not more than a term of imprisonment for life.

The subcommittee considered if this recommendation should be prospective or retroactive. Ultimately, the subcommittee decided to leave it to the discretion of the Legislature to determine whether this amendment should expressly state that it applies retroactively.

Enhancements - 2 (Passed): Amend the language in section 775.087(2)(d) to give judges discretion to make the firearms sentences consecutive or concurrent. Amend section 775.087(2)(d), Florida Statute to read: ... The court may impose any term of imprisonment provided for in this subsection concurrently or consecutively to any other term of imprisonment imposed for any other felony offense.

Enhancements - 3 (Passed): Amend section 893.135(1)(a)1., Florida Statute to read: If the quantity of cannabis involved: 1. Is in excess of 25 pounds, but less than 2,000 pounds, or is 300 or more cannabis plants, but not more than less than 2,000 cannabis plants, such person shall be sentenced to a

mandatory minimum term if imprisonment of 3 years, and the defendant shall be ordered to pay a fine of \$25,000.

Amend section 893.135(1)(a)2., Florida Statute to read: If the quantity of cannabis involved: 2. Is 2,000 pounds or more, but less than 10,000 pounds, or is 2,000 or more cannabis plants, but not more than less than 10,000 cannabis plants, such person shall be sentenced to a mandatory minimum term of imprisonment of 7 years, and the defendant shall be ordered to pay a fine of \$50,000.

Proposed Discussion Item-1: The subcommittee recommends that the Legislature continue to consider conditional aging inmate release opportunities during the 2021 Legislative Session.

Scoresheets

Scoresheets -1 (Passed): Resolved that an Enhancement in Part IX should not be used if the enhancement is identical to an element of the Primary Offense of conviction. Instead, the Offense Level for each offense that involves an element identical to any Enhancement should be increased to reflect the failure to apply the multiplier, so this change does not reduce the total number of points a defendant would receive.

Scoresheets – 2 (Passed): Resolved that, in Part V of the Scoresheet concerning Legal Status Violations, the Escape and Failure to Appear enhancements should be eliminated. The Offense Level for each offense that involves Escape or Failure to Appear as an element should be addressed to reflect the failure to add these points. This change does not reduce the total number of points a defendant who commits these offenses would receive.

Scoresheets – 3 (Passed): Resolved that Victim Injury Point Adjustments in Part III should not be applied to any offense for which the basis for the adjustment is identical to an element. Instead, the Offense Level for each offense that involves an element identical to any Victim Injury Point Adjustment should be adjusted to reflect the failure to apply the adjustment. This change does not reduce the total number of points a defendant would receive. Pursuant this recommendation, the Victim Injury Enhancements for Second-Degree Murder, Death, Severe Injury, Sexual Penetration, and Sexual Contact would be deleted. The Victim Injury Enhancements for Moderate Injury and Slight Injury would be retained.

Scoresheets - 4 (Withdrawn): Resolved that additional points should not be added for a Firearms Violation in Part VII when the defendant is convicted of an offense involving an identical element. Instead, the Offense Level for the underlying firearms offense should be adjusted to reflect the failure to apply this adjustment, so this change does not reduce the total number of points a defendant would receive.

Scoresheets- 5 (Passed): State Attorneys shall ensure that score sheets are completed accurately, with all legally required enhancements, multipliers, and other adjustments consistently applied. The Task Force recommends that the Florida Supreme Court require the use of an electronic, computer-based scoresheet program that has been developed by the Department of Corrections, or another materially identical or superior program, that automatically populates points and applies enhancements,

multipliers, and other adjustments. The Attorney General should also compile a "best practices" guide to assist State Attorneys in implementing a uniform sentencing system."

Scoresheets - 6: The subcommittee reviewed the following caselaw regarding downward departures. The subcommittee had an opportunity to suggest to the Legislature the codification of current caselaw or to take no action, leaving interpretation to the courts.

ISSUE #1 (Passed)

Should section 921.0026(2)(d), Florida Statutes, be amended to reflect the holding in *State v. Chubbuck*, 141 So.3d 1163 (Fla. 2014)?

or

Should section 921.0026(2)(d), Florida Statutes, be amended to add the requirement that defendant prove that he required specialized treatment he needs is unavailable in the Department of Corrections (DOC)?

The subcommittee considered the following caselaw and concluded to take no action.

ISSUE #2 (Tabled)

In light of the Florida Supreme Court's holding in *State v. Rife*, 789 So.2d 288 (Fla. 2001) should section 921.0026(2)(f) be amended to reflect the holding in *Rife*?

Amend section 921.0026(2)(f) to state he victim, including a minor, was the initiator, willing participant, aggressor, or provoker of the incident

or

should section 921.0026(2)(f) be amended to expressly prohibit the trial court from imposing a downward departure pursuant to section 921.0026(2)(f) if the victim is a minor?

The subcommittee considered the caselaw and concluded to take no action.

ISSUE #3 (Passed)

Should section 921.0026(2)(e) be amended to require evidence of the following:

- the nature of the victim's loss, including the impact of the crime on the victim;
- the effectiveness of restitution, including the defendant's ability to pay restitution and the impact of the restitution plan on the victim; and
- the consequences of imprisonment?

The subcommittee considered the caselaw and concluded to take no action.

ISSUE #4 (Passed)

Is it ever possible for DUI manslaughter to be committed in an unsophisticated manner when it is not a sophisticated crime? See *State v. Warner*, 721 So.2d 767 (Fla. 4th DCA 1998), *State v. VanBebber*, 805 So.2d 918 (Fla. 2d DCA 2001), and *State v. VanBebber*, 848 So.2d 1046 (Fla. 2003).

ISSUE #7 (Passed)

Should s. 921.0026 be amended to provide a non-exhaustive list of factors which should not be considered in determining whether a downward departure is appropriate?

The list would provide guidance to the trial judges on specific reasons determined to be invalid by caselaw such as:

- Defendant's intoxication, substance abuse, or addiction at the time of the offense
- Defendant's amenability to drug rehabilitation
- The codefendant received a downward departure
- Defendant's lack of criminal activity since his arrest for the charged offense
- Age of Defendant's prior convictions
- Family support concerns
- Defendant confessed after his arrest
- Defendant's work status
- Length of Defendant's prior prison sentences
- The crime was not committed in a more heinous manner

***Federal system has list of prohibited departures. See USSG s. 5K2.0

The subcommittee considered the following caselaw and concluded to take no action.

ISSUE #8 (Passed)

Should a victim's consent or request for leniency be added to the list of valid or invalid reasons for departure? See *State v. Hawkins*, 225 So.3d 943 (Fla. 5th DCA 2017); *State v. Ussery* 543 So.2d 457 (Fla. 5th DCA 1989); *State v. White*, 532 So.2d 1083 (Fla. 5th DCA 1988); *State v. Eastridge*, 5 So.3d 707 (Fla. 2D DCA 2009); *State v. Bernard*, 744 So.2d 1134 (Fla. 2D Dca 1999); *State v. Powell*, 696 So.2d 789 (Fla. 2D DCA 1997).

The subcommittee considered the following caselaw and concluded to take no action.

ISSUE #9 (Passed)

Should the definitions for “primary offense,” “additional offense” or “prior record” be amended to make clear that they shall not include any pending charges? See *Norvil v. State*, 191 So.3d 406 (Fla. 2016).

The subcommittee considered the following caselaw and concluded to take no action.

ISSUE #10 (Passed)

Should the definition of “conviction” in section 921.0021(2) be amended to include a “no contest plea” to make clear the holding in *Montgomery v. State*, 897 So.2d 1282 (Fla. 2005)?

The subcommittee voted to recommend the codification of issue #10.

Scoresheets -7a: Increasing the number of offense levels

Resolved that the Legislature should increase the number of offense levels used to determine the number of points assigned to each offense. The Criminal Punishment Code currently classifies offenses into ten (10) different offense levels. More offense levels are necessary to ensure the accurate classification of offenses based on severity of the consequences each entails, the amount of money or quantities of goods or illicit substances involved, vulnerability of the victims, risk to public safety, and other relevant considerations. The number of offense levels should be increased to sixteen (16), along with four (4) additional enhanced offense levels to reflect the elimination of many sentencing enhancements and multipliers. Points should be attributed to each offense level as follows:

Current System

Existing Offense Level	Current Points
1	4
2	10
3	16
4	22
5	28
6	36
7	56
8	74
9	92
10	116
<p><i>Levels 1 – 4 (22 or less points): non-prison sanction may be required</i></p> <p><i>Levels 1 – 6 (44 or less points): non-prison sanction possible</i></p> <p><i>Levels 7 – 10 (over 44 points): prison sentence required</i></p>	

Potential New System

New Offense Level	Recommended Points
1	4
2	8
3	12
4	16
5	22
6	28
7	36
8	46
9	52
10	60
11	68
12	76
13	84
14	92
15	108
16	<u>124</u>
17	140
18	180
19	240
20	360
<p>White background: general offense levels Grey background: enhanced offense levels to reflect eliminating large enhancements</p> <p><i>Levels 1 – 5 (22 or less points): non-prison sanction may be required</i></p> <p><i>Levels 1 – 7 (44 or less points): non-prison sanction possible</i></p> <p><i>Levels 8 – 16 (over 44 points): prison sentence required</i></p>	

Scoresheets -7b (Passed): Increasing the number of felony degrees

Resolved that the Legislature should increase the number of felony degrees into which crimes are sorted, so that the maximum statutorily authorized penalty is more specifically and accurately calibrated to the severity of the consequences each offense entails, the amount of money or quantities of goods or illicit substances involved, vulnerability of the victims, risk to public safety, and other relevant considerations.

Scoresheets -7c: Recategorize offenses based on offense level

Resolved that certain offenses have been assigned inappropriate offense levels, because those offense levels are either disproportionately harsh or unreasonably lenient in light of the magnitude and severity of the harm and risks the offenses cause. Offense levels for certain offenses should be increased or decreased, as appropriate, to more accurately reflect the gravity of those offenses and the harm they cause. In adjusting offense levels, offenses in which the statute includes additional aggravating factors or circumstances should be assigned a higher offense level than the 'base' offense that does not involve such aggravating factors.

Scoresheets -8 (Withdrawn): Move Prior Serious Felony points to Prior Records Points

Resolved that additional points should not be added for a Serious Felony in Part VIII. Instead, the Prior Record points in Part IV for offenses that qualify as serious felonies for Prior Release Reoffenders ("PRR") should be increased to reflect the failure to apply this adjustment.

Under the current offense level system, these adjustments should be made as follows:

Offense Level	Current Prior Record Points in Part IV	Revised Prior Record Points in Part IV for Prior Release Reoffenders to Offset Eliminating Part VIII
8	19	37 (<i>i.e.</i> , add 18 points to current adjustment)
9	23	47 (<i>i.e.</i> , add 24 points to current adjustment)
10	29	59 (<i>i.e.</i> , add 30 points to current adjustment)

The amount of the enhancement for Serious Felonies would generally be less under this proposal, but a defendant would be receiving it for **each prior serious felony**, potentially receiving a greater total number of points as a result.

Part IV of the Scoresheet should be adjusted as follows:

(Level =Points: M=0.2, 1=0.5, 2=0.8, 3=1.6, 4=2.4, 5=3.6, 6=9, 7=14, 8=19, 9=23, 10=29)

(For Prior Release Reoffenders, Level = Points: 8=37, 9=47, 10=59)

ORIGINAL SCORESHEET MANUAL

FELONY DEGREES/YEARS

3rd Degree Felony/*punishable by max 5 years*
2nd Degree Felony/*punishable by max of 15 years*
1st Degree Felony/*punishable by max of 30 years*
PBL/*punishable by max of life*
Life/*punishable by life*

OFFENSE LEVELS/POINTS

Level 1/4 points
Level 2/10 points
Level 3/16 points
Level 4/22 points
Level 5/28 points
Level 6/36 points
Level 7/56 points
Level 8/74 points
Level 9/92 points
Level 10/116 points

MULTIPLIERS

ANY DRUG TRAFFICKING OFFENSE UNDER 893.135, SCORING LEVEL 7 or LEVEL 8 ARE MULTIPLIED AT THE DISCRETION OF THE COURT

GRAND THEFT 3RD DEGREE INVOLVING MOTOR VEHICLE, AND PRIOR RECORD CONTAINS THREE OR MORE GTA'S, THEN MULTIPLY BY 1.5

OFFENDER IS CONVICTED OF THE PRIMARY OFFENSE OF DOMESTIC VIOLENCE, DEFINED IN 741.28, IN THE PRESENCE OF FAMILY/HOUSEHOLD MEMBER UNDER 16, THE MULTIPLY POINTS BY 1.5

OFFENDER IS CONVICTED OF PRIMARY OFFENSE THAT WAS FOR THE BENEFIT, PROMOTION OR FUTHERANCE OF A CRIMINAL GANG, DEFINED IN 874.03, THEN THE COURT MAY APPLY 1.5 MULTIPLIER, NOT TO EXCEED STATUTORY MAXIMUM FOR THE PRIMARY OFFENSE

CPC SUBCOMMITTEE RECOMMENDATIONS

FELONY DEGREES/YEARS

5th Degree Felony/*punishable by max of 3 years*
4th Degree Felony/*punishable by max of 6 years*
3rd Degree Felony/*punishable by max of 14 years*
2nd Degree Felony/*punishable by max of 20 years*
1st Degree Felony/*punishable by max of 30 years*

OFFENSE LEVELS/POINTS

Level 1/4 points
Level 2/8 points
Level 3/12 points
Level 4/16 points
Level 5/22 points
Level 6/28 points
Level 7/36 points
Level 8/46 points
Level 9/52 points
Level 10/60 points
Level 11/68 points
Level 12/76 points
Level 13/84 points
Level 14/92 points
Level 15/108 points
Level 16/122 points

MULTIPLIERS

THE CPC TASK FORCE SCORESHEET SUBCOMMITTEE RECOMMENDS REVISING SCORESHEET TO INCLUDE SECTION WHERE ONLY THE COURT CALCULATES/ADJUSTS THIS PROVISION, AT LEVELS 12, 13 & 14

GRAND THEFT AUTO, WITH THREE OR MORE PRIOR CONVICTIONS WILL HAVE AN ENHANCED STATUTORY SUBSECTION ACCOUNTING FOR INCREASE

DOMESTIC VIOLENCE PRIMARY OFFENSE, IN THE PRESENCE OF A FAMILY/HOUSEHOLD MEMBER CHILD UNDER 16, WILL HAVE AN ENHANCED SUBSECTION ACCOUNTING FOR INCREASE

THE CPC TASK FORCE SCORESHEET SUBCOMMITTEE RECOMMENDS REVISING SCORESHEET TO INCLUDE SECTION WHERE ONLY THE COURT CALCULATES/ADJUSTS THIS PROVISION

IF PRIMARY OFFENSE IS A VIOLATION OF THE LEO PROTECTION ACT UNDER 775.0823(2), (3), (4) = X2.5, IF PRIMARY IS 775.0823 (5), (6), (7), (8) OR (9) = X2.0, ETC....

THE CPC TASK FORCE SCORESHEET SUBCOMMITTEE RECOMMENDS REVISING SCORESHEET TO LIST APPLICABLE STATUTES UNDER WHICH THESE ENHANCEMENTS WOULD APPLY, NOT JUST MULTIPLIER

OFSRS #5 Level 1 (4)

#	FLORIDA STATUTE	NEW FEL-MAX YRS	DESCRIPTION	OLD LEV-OLD DEG
1	24.118(3)(a)	5th-3yrs	Counterfeit or altered state lottery ticket.	Lev 1 - 3rd Deg
2	212.15(2)(b)	5th-3yrs	Failure to remit sales taxes, amount \$1,000 or more but less than \$20,000.	Lev 1 - 3rd Deg
3	319.30(5)	5th-3yrs	Sell, exchange, give away certificate of title or identification number plate.	Lev 1 - 3rd Deg
4	319.35(1)(a)	5th-3yrs	Tamper, adjust, change, etc., an odometer.	Lev 1 - 3rd Deg
5	320.26(1)(a)	5th-3yrs	Counterfeit, manufacture, or sell registration license plates or validation stickers.	Lev 1 - 3rd Deg
6	322.212 (1)(a)-(c)	5th-3yrs	Possession of forged, stolen, counterfeit, or unlawfully issued driver license; possession of simulated ID.	Lev 1 - 3rd Deg
7	322.212(4)	5th-3yrs	Supply or aid in supplying unauthorized driver license or identification card.	Lev 1 - 3rd Deg
8	322.212(5)(a)	5th-3yrs	False application for driver license or identification card.	Lev 1 - 3rd Deg
9	713.69	5th-3yrs	Tenant removes property upon which lien has accrued, value \$1,000 or more.	Lev 1 - 3rd Deg
10	817.52(2)	5th-3yrs	Hiring with intent to defraud, motor vehicle services.	Lev 1 - 3rd Deg
11	826.01	5th-3yrs	Bigamy.	Lev 1 - 3rd Deg
12	831.04(1)	5th-3yrs	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.	Lev 1 - 3rd Deg
13	831.31(1)(a)	5th-3yrs	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.	Lev 1 - 3rd Deg
14	832.05(2)(b) & (4)(c)	5th-3yrs	Knowing, making, issuing worthless checks \$150 or more or obtaining property in return for worthless check \$150 or more	Lev 1 - 3rd Deg
15	849.25(2)	5th-3yrs	Engaging in bookmaking.	Lev 1 - 3rd Deg
16	860.08	5th-3yrs	Interfere with a railroad signal.	Lev 1 - 3rd Deg
17	893.13(2)(a)2.	5th-3yrs	Purchase of cannabis. ****ADD "MORE THAN 20 GRAMS" TO STATUTE/SUBSECTION	Lev 1 - 3rd Deg
18	893.13(6)(a)	5th-3yrs	Possession of cannabis (more than 20 grams).	Lev 1 - 3rd Deg
19	893.147(2)	5th-3yrs	Manufacture or delivery of drug paraphernalia. ***REDUCE TO 1st MISD??	Lev 2 - 3rd Deg

OFSRS #5 Level 2 (8)

#	FLORIDA STATUTE	NEW FEL-MAX YRS	DESCRIPTION	OLD LEV-OLD DEG
1	212.054(2)(b)	5th-3yrs	Discretionary sales surtax; limitations, administration, and collection.	Lev 1 - 3rd
2	316.1935(1)	5th-3yrs	Fleeing or attempting to elude law enforcement officer.	Lev 1 - 3rd
3	379.2431(1)(e)3.	5th-3yrs	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.	Lev 2 - 3rd
4	443.071(1)	5th-3yrs	False statement or representation to obtain or increase reemployment assistance benefits.	Lev 1 - 3rd
5	509.151(1)	5th-3yrs	Defraud an innkeeper, food or lodging value \$1,000 or more.	Lev 1 - 3rd
6	517.07(2)	5th-3yrs	Failure to furnish a prospectus meeting requirements.	Lev 2 - 3rd
7	810.09(2)(e)	5th-3yrs	Trespassing on posted commercial horticulture property.	Lev 2 - 3rd
8	812.014(2)(c)1.	5th-3yrs	Grand theft, 3rd degree; \$750 or more but less than \$5,000.	Lev 2 - 3rd
9	812.014(2)(d)	5th-3yrs	Grand theft, 3rd degree; \$100 or more but less than \$750, taken from unenclosed curtilage of dwelling. **RAISE \$100 to \$300??	Lev 2 - 3rd
10	812.014(3)(c)	5th-3yrs	Petit theft (3rd conviction); theft of any property not specified in subsection (2).	Lev 1 - 3rd
11	812.015(7)	5th-3yrs	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.	Lev 2 - 3rd
12	812.081(2)	5th-3yrs	Unlawfully makes or causes to be made a reproduction of a trade secret.	Lev 1 - 3rd
13	815.04(5)(a)	5th-3yrs	Offense against intellectual property (i.e., computer programs, data).	Lev 1 - 3rd
14	817.481(3)(a)	5th-3yrs	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.	Lev 2 - 3rd
15	817.52(3)	5th-3yrs	Failure to redeliver hired vehicle.	Lev 2 - 3rd
16	817.60(6)(a)	5th-3yrs	Forgery; purchase goods, services with false card.	Lev 2 - 3rd
17	817.61	5th-3yrs	Fraudulent use of credit cards over \$100 or more within 6 months. ***RAISE \$100 to \$300??	Lev 2 - 3rd
18	832.041(1)	5th-3yrs	Stopping payment with intent to defraud \$150 or more. ***RAISE MIN AMOUNT??	Lev 1 - 3rd
19	843.18	5th-3yrs	Fleeing by boat to elude a law enforcement officer.	Lev 1 - 3rd
20	893.13(2)(a)2.	5th-3yrs	Purchase of 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) NOT cannabis.	Lev 1 - 3rd
21	893.13(6)(a)	5th-3yrs	Possession of any controlled substance other than felony possession of cannabis.	Lev 2 - 3rd
22	934.03(1)(a)	5th-3yrs	Intercepts, or procures any other person to intercept, any wire or oral communication.	Lev 1 - 3rd

#	FLORIDA STATUTE	NEW FEL-MAX YRS	DESCRIPTION	OLD LEV-OLD DEG
1	316.066 (3)(b)-(d)	5th-3yrs	Unlawfully obtaining or using confidential crash reports.	Lev 3 - 3rd
2	319.30(4)	5th-3yrs	Possession by junkyard of motor vehicle with identification number plate removed.	Lev 3 - 3rd
3	379.2431(1)e(4)	5th-3yrs	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.	Lev 2 - 3rd
4	379.2431 (1)(e)5.	5th-3yrs	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, eggs, or nests in violation of the MTPA	Lev 3 - 3rd
5	379.2431 (1)(e)6.	5th-3yrs	Possessing any marine turtle species or hatchling, or parts thereof, or the nest of any marine turtle species described in the Marine Turtle Protection Act.	Lev 3 - 3rd
6	379.2431 (1)(e)7.	5th-3yrs	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.	Lev 3 - 3rd
7	400.9935(4)(e)	5th-3yrs	Filing a false license application or other required information or failing to report information.	Lev 3 - 3rd
8	440.1051(3)	5th-3yrs	False report of workers' compensation fraud or retaliation for making such a report.	Lev 3 - 3rd
9	806.10(1)	5th-3yrs	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.	Lev 3 - 3rd
10	806.13(1)(b)3.	5th-3yrs	Criminal mischief; damage \$1,000 or more to public communication or any other public service.	Lev 2 - 3rd
11	810.06	5th-3yrs	Burglary; possession of tools.	Lev 4 - 3rd
12	810.09(2)(c)	5th-3yrs	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.	Lev 3 - 3rd
13	812.014(2)(c)2.	5th-3yrs	Grand theft; \$5,000 or more but less than \$10,000.	Lev 3 - 3rd
14	812.0145(2)(c)	5th-3yrs	Theft from person 65 years of age or older; \$300 or more but less than \$10,000. ***RAISE MIN to \$750???	Lev 3 - 3rd
15	812.015(8)(b)	5th-3yrs	Retail theft with intent to sell; conspires with others.	Lev 3 - 3rd
16	817.236	5th-3yrs	Filing a false motor vehicle insurance application.	Lev 3 - 3rd
17	817.2361	5th-3yrs	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.	Lev 3 - 3rd
18	817.413(2)	5th-3yrs	Sale of used goods of \$1,000 or more as new.	Lev 3 - 3rd
19	817.60(5)	5th-3yrs	Dealing in credit cards of another.	Lev 2 - 3rd
20	831.28(2)(a)	5th-3yrs	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument with intent to defraud.	Lev 3 - 3rd
21	838.021(3)(b)	5th-3yrs	Threatens unlawful harm to public servant.	Lev 3 - 3rd

OFSRS #5 Level 3 (12)

22	849.09(1)(a)-(d)	5th-3yrs	Lottery: setup/promote/assist, conduct/adv drawing for prizes, dispose of prop/money by means of lottery	Lev 1 - 3rd
23	849.23	5th-3yrs	Gambling-related machines; "common offender" as to property rights.	Lev 1 - 3rd
24	860.15(3)	5th-3yrs	Overcharging for repairs and parts.	Lev 3 - 3rd
25	893.13(7)(a)10.	5th-3yrs	Affix false or forged label to package of controlled substance.	Lev 3 - 3rd
26	893.13(7)(a)11.	5th-3yrs	Furnish false or fraudulent material information on any document or record required by chapter 893.	Lev 3 - 3rd
27	893.13(7)(a)8.	5th-3yrs	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.	Lev 3 - 3rd
28	893.13(8)(a)1.	5th-3yrs	Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.	Lev 3 - 3rd
29	893.13(8)(a)2.	5th-3yrs	Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.	Lev 3 - 3rd
30	985.721	5th-3yrs	Escapes from a juvenile facility (secure detention or residential commitment facility).	Lev 3 - 3rd

#	FLORIDA STATUTE	NEW FEL-MAX YRS	DESCRIPTION	OLD LEV-OLD DEG
1	316.1935(2)	4th-6yrs	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.	Lev 3 - 3rd
2	319.33(1)(a)	4th-6yrs	Alter or forge any certificate of title to a motor vehicle or mobile home.	Lev 3 - 3rd
3	319.33(1)(c)	4th-6yrs	Procure or pass title on stolen vehicle.	Lev 3 - 3rd
4	319.33(4)	4th-6yrs	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.	Lev 3 - 3rd
5	327.35(2)(b)	4th-6yrs	Felony BUI.	Lev 3 - 3rd
6	328.05(2)	4th-6yrs	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.	Lev 3 - 3rd
7	328.07(4)	4th-6yrs	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.	Lev 3 - 3rd
8	499.0051(1)	4th-6yrs	Failure to maintain or deliver transaction history, transaction information, or transaction statements.	Lev 4 - 3rd
9	517.07(1)	4th-6yrs	Failure to register securities.	Lev 4 - 3rd
10	517.12(1)	4th-6yrs	Failure of dealer, associated person, or issuer of securities to register.	Lev 4 - 3rd
11	784.085	4th-6yrs	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.	Lev 4 - 3rd
12	787.03(1)	4th-6yrs	Interference with custody; wrongly takes minor from appointed guardian.	Lev 4 - 3rd
13	790.115(1)	4th-6yrs	Exhibiting firearm or weapon within 1,000 feet of a school. ***ADD "WHILE SCHOOL OR SCHOOL FUNCTION IN SESSION"	Lev 4 - 3rd
14	790.115(2)(b)	4th-6yrs	Possessing electric weapon or device, destructive device, or other weapon on school property.	Lev 4 - 3rd
15	800.04(7)(c)	4th-6yrs	Lewd or lascivious exhibition; offender less than 18 years.	Lev 4 - 3rd
16	806.10(2)	4th-6yrs	Interferes with or assaults firefighter in performance of duty.	Lev 3 - 3rd
17	810.02(4)(a)	4th-6yrs	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.	Lev 4 - 3rd
18	810.02(4)(b)	4th-6yrs	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.	Lev 4 - 3rd
19	810.061(2)	4th-6yrs	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.	Lev 2 - 3rd
20	812.014 (2)(c)4.-10.	4th-6yrs	Grand theft, 3rd degree; specified items.	Lev 4 - 3rd
21	812.014(2)(c)3	4th-6yrs	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.	Lev 4 - 3rd
22	812.0195(2)	4th-6yrs	Dealing in stolen property by use of the Internet; property stolen \$300 or more. ***RAISE MIN TO \$750???	Lev 4 - 3rd

OFSRS #5 Level 4 (16)

23	817.234 (8)(b) & (c)	4th-6yrs	Unlawful solicitation of persons involved in motor vehicle accidents.	Lev 3 - 3rd
24	817.234(1)(a)2.	4th-6yrs	False statement in support of insurance claim.	Lev 2 - 3rd
25	817.563(1)	4th-6yrs	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.	Lev 4 - 3rd
26	817.568(2)(a)	4th-6yrs	Fraudulent use of personal identification information.	Lev 4 - 3rd
27	817.625(2)(a)	4th-6yrs	Fraudulent use of scanning device, skimming device, or reencoder.	Lev 4 - 3rd
28	817.625(2)(c)	4th-6yrs	Possess, sell, or deliver skimming device.	Lev 4 - 3rd
29	831.01	4th-6yrs	Forgery.	Lev 2 - 3rd
30	831.02	4th-6yrs	Uttering forged instrument; utters or publishes alteration with intent to defraud.	Lev 2 - 3rd
31	831.07	4th-6yrs	Forging bank bills, checks, drafts, or promissory notes.	Lev 2 - 3rd
32	831.08	4th-6yrs	Possessing 10 or more forged notes, bills, checks, or drafts.	Lev 2 - 3rd
33	831.09	4th-6yrs	Uttering forged notes, bills, checks, drafts, or promissory notes.	Lev 2 - 3rd
34	831.11	4th-6yrs	Bringing into the state forged bank bills, checks, drafts, or notes.	Lev 2 - 3rd
35	832.05(3)(a)	4th-6yrs	Cashing or depositing item with intent to defraud.	Lev 2 - 3rd
36	837.02(1)	4th-6yrs	Perjury in official proceedings.	Lev 4 - 3rd
37	837.021(1)	4th-6yrs	Make contradictory statements in official proceedings.	Lev 4 - 3rd
38	843.021	4th-6yrs	Possession of a concealed handcuff key by a person in custody.	Lev 4 - 3rd
39	843.08	4th-6yrs	False personation.	Lev 2 - 3rd
40	843.15(1)(a)	4th-6yrs	Failure to appear while on bail for felony (bond estreature or bond jumping).	Lev 4 - 3rd
41	893.13(1)(a)2.	4th-6yrs	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).	Lev 3 - 3rd
42	893.13(7)(a)9.	4th-6yrs	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.	Lev 3 - 3rd
43	918.13(1)(a)	4th-6yrs	Alter, destroy, or conceal investigation evidence.	Lev 3 - 3rd
44	934.215	4th-6yrs	Use of two-way communications device to facilitate commission of a crime.	Lev 4 - 3rd
45	944.47 (1)(a)1. & 2.	4th-6yrs	Introduce contraband to correctional facility.	Lev 3 - 3rd

OFSRS #5 Level 5 (22)

#	FLORIDA STATUTE	NEW FEL-MAX YRS	DESCRIPTION	OLD LEV-OLD DEG
1	119.10(2)(b)	4th-6yrs	Unlawful use of confidential information from police reports.	Lev 3 - 3rd
2	316.027(2)(a)	4th-6yrs	Accidents involving personal injuries other than SBI, failure to stop; leaving scene.	Lev 5 - 3rd
3	379.365(2)(c)1	4th-6yrs	Stone crab traps, lines, or buoys; illegal bartering, trading, or sale, conspiring, etc.	Lev 5 - 3rd
4	379.367(4)	4th-6yrs	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.	Lev 5 - 3rd
5	379.407(5)(b)3	4th-6yrs	Possession of 100 or more undersized spiny lobsters.	Lev 5 - 3rd
6	381.0041(11)(b)	4th-6yrs	Donate blood, plasma, or organs knowing HIV positive.	Lev 5 - 3rd
7	403.413(6)(c)	4th-6yrs	Dumps waste litter exceeding 500 lbs. in weight or 100 cu ft. in volume or any quantity for comm. purposes, or haz waste.	Lev 2 - 3rd
8	501.001(2)(b)	4th-6yrs	Tampers with a consumer product or the container using materially false/misleading information.	Lev 3 - 2nd
9	590.28(1)	4th-6yrs	Intentional burning of lands.	Lev 2 - 3rd
10	624.401(4)(a)	4th-6yrs	Transacting insurance without a certificate of authority.	Lev 3 - 3rd
11	624.401(4)(b)1.	4th-6yrs	Transacting insurance without a certificate of authority; premium collected less than \$20,000.	Lev 3 - 3rd
12	626.902(1)(a) & (b)	4th-6yrs	Representing an unauthorized insurer.	Lev 3 - 3rd
13	784.05(3)	4th-6yrs	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.	Lev 2 - 3rd
14	784.082(3)	4th-6yrs	Battery by detained person on visitor or other detainee.	Lev 4 - 3rd
15	790.01(2)	4th-6yrs	Carrying a concealed firearm	Lev 5 - 3rd
16	800.04(6)(c)	4th-6yrs	Lewd or lascivious conduct; offender less than 18 years of age.	Lev 5 - 3rd
17	806.111(1)	4th-6yrs	Possess, manufacture/dispense fire bomb w/ intent to damage any structure/property	Lev 5 - 3rd
18	810.08(2)(c)	4th-6yrs	Trespass on property, armed with firearm or dangerous weapon.	Lev 4 - 3rd
19	812.131(2)(b)	4th-6yrs	Robbery by sudden snatching	Lev 5 - 3rd
20	812.16(2)	4th-6yrs	Owning, operating, or conducting a chop shop	Lev 5 - 3rd
21	815.04(5)(b)	4th-6yrs	Computer offense devised to defraud or obtain property.	Lev 3 - 2nd
22	817.034(4)(a)3.	4th-6yrs	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.	Lev 5 - 3rd
23	817.234(11)(a)	4th-6yrs	Insurance fraud; property value less than \$20,000.	Lev 3 - 3rd
24	817.2341(1), (2)(a) & (3)(a)	4th-6yrs	Filing false financial statements/false relating to the solvency of an insuring entity	Lev 5 - 3rd

OFSRS #5 Level 5 (22)

25	817.505(4)(a)	4th-6yrs	Patient brokering.	Lev 4 - 3rd
26	817.54	4th-6yrs	With intent to defraud, obtain mortgage note, etc., by false representation.	Lev 2 - 3rd
27	817.569(2)	4th-6yrs	Use of public record or public records information or providing false info to facilitate commission of a felony.	Lev 1 - 3rd
28	825.1025(4)	4th-6yrs	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.	Lev 5 - 3rd
29	826.04	4th-6yrs	Knowingly marries or has sexual intercourse with person to whom related.	Lev 2 - 3rd
30	827.071(5)	4th-6yrs	Possess/control/intentionally view photo material, mot pic, includes sex conduct by child.	Lev 5 - 3rd
31	839.13(2)(a)	4th-6yrs	Falsifying records of an individual in the care and custody of a state agency.	Lev 4 - 3rd
32	839.13(2)(c)	4th-6yrs	Falsifying records of the Department of Children and Families.	Lev 4 - 3rd
33	843.01	4th-6yrs	Resist officer with violence to person; resist arrest with violence.	Lev 5 - 3rd
34	843.0855(4)	4th-6yrs	Intimidation of a public officer or employee.	Lev 7 - 3rd
35	847.0135(5)(c)	4th-6yrs	Lewd or lascivious exhibition using computer; offender less than 18 years.	Lev 4 - 3rd
36	860.13(1)(a)	4th-6yrs	Operate aircraft while under the influence.	Lev 1 - 3rd
37	870.01(2)	4th-6yrs	Riot; inciting or encouraging.	Lev 3 - 3rd
38	893.13(4)(c)	4th-6yrs	Use or hire of minor; deliver to minor other controlled substances.	Lev 3 - 3rd
39	893.13(8)(a)3.	4th-6yrs	Knowingly write a prescription for a controlled substance for a fictitious person.	Lev 3 - 3rd
40	893.13(8)(a)4.	4th-6yrs	Write a script for a cont. substance for a patient/person/animal if the sole purpose of writing the script is a monetary benefit for the practitioner.	Lev 3 - 3rd
41	893.1351(1)	4th-6yrs	Ownership, lease, or rental for trafficking in or manufacturing of controlled substance	Lev 5 - 3rd
42	944.47(1)c	4th-6yrs	Possess contraband while upon the grounds of a correctional institution. ****AMEND & ADJUST W/ SPECIFIC ITEMS	Lev 3 - 2nd

#	FLORIDA STATUTE	NEW FEL-MAX YRS	DESCRIPTION	OLD LEV-OLD DEG
1	316.193(2)(b)	3rd-14yrs	Felony DUI, 3rd conviction.	Lev 3 - 3rd
2	316.1935(3)(a)	3rd-14yrs	Driving at high speed/ w/ wanton disregard for safety while fleeing/attempting to elude LEO who is in a patrol vehicle with siren and lights activated.	Lev 4 - 2nd
3	316.1935(4)(a)	3rd-14yrs	Aggravated fleeing or eluding	Lev 5 - 2nd
4	316.80(2)	3rd-14yrs	Unlawful conveyance of fuel; obtaining fraudulently	Lev 5 - 2nd
5	322.34(6)	3rd-14yrs	Careless operation of motor vehicle with suspended license, resulting in death/SBI	Lev 5 - 3rd
6	327.30(5)	3rd-14yrs	Vessel accidents involving personal injury; leaving scene.	Lev 5 - 3rd
7	376.302(5)	3rd-14yrs	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.	Lev 3 - 3rd
8	400.9935(4)(a) or (b)	3rd-14yrs	Operating a clinic, or offering services requiring licensure, without a license.	Lev 3 - 3rd
9	414.39(3)(a)	3rd-14yrs	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.	Lev 1 - 3rd
10	499.0051(5)	3rd-14yrs	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.	Lev 4 - 2nd
11	517.302(1)	3rd-14yrs	Violation of the Florida Securities and Investor Protection Act.	Lev 1 - 3rd
12	697.08	3rd-14yrs	Equity skimming.	Lev 3 - 3rd
13	784.021(1)(a)	3rd-14yrs	Aggravated assault; deadly weapon without intent to kill.	Lev 6 - 3rd
14	784.021(1)(b)	3rd-14yrs	Aggravated assault; intent to commit felony.	Lev 6 - 3rd
15	784.048(3)	3rd-14yrs	Aggravated stalking; credible threat.	Lev 6 - 3rd
16	784.075	3rd-14yrs	Battery on detention or commitment facility staff.	Lev 4 - 3rd
17	784.07(2)(b)	3rd-14yrs	Battery of law enforcement officer, firefighter, etc.	Lev 4 - 3rd
18	784.074(1)(c)	3rd-14yrs	Battery of sexually violent predators facility staff.	Lev 4 - 3rd
19	784.078	3rd-14yrs	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.	Lev 4 - 3rd
20	784.08(2)(c)	3rd-14yrs	Battery on a person 65 years of age or older.	Lev 4 - 3rd
21	784.081(3)	3rd-14yrs	Battery on specified official or employee.	Lev 4 - 3rd
22	784.083(3)	3rd-14yrs	Battery on code inspector.	Lev 4 - 3rd
23	787.02(2)	3rd-14yrs	False imprisonment; restraining with purpose other than those in s. 787.01.	Lev 6 - 3rd
24	787.04(1)	3rd-14yrs	In violation of court order, take, entice, etc., minor beyond state limits.	Lev 2 - 3rd
25	790.15(3)	3rd-14yrs	Person directs another to discharge firearm from a vehicle.	Lev 3 - 3rd
26	812.015(8)(a) & (c)-(e)	3rd-14yrs	Retail theft; property stolen is valued at \$750 or more and one or more specified acts.	Lev 5 - 3rd

27	817.233	3rd-14yrs	Burning to defraud insurer.	Lev 6 - 3rd
28	825.102(1)	3rd-14yrs	Abuse of an elderly person or disabled adult.	Lev 6 - 3rd
29	825.102(3)(c)	3rd-14yrs	Neglect of an elderly person or disabled adult.	Lev 6 - 3rd
30	825.103(3)(c)	3rd-14yrs	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.	Lev 6 - 3rd
31	827.03(2)(c)	3rd-14yrs	Abuse of a child.	Lev 6 - 3rd
32	827.03(2)(d)	3rd-14yrs	Neglect of a child.	Lev 1 - 3rd
33	828.122(3)	3rd-14yrs	Fighting or baiting animals.	Lev 1 - 3rd
34	828.125(1)	3rd-14yrs	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.	Lev 4 - 2nd
35	838.022	3rd-14yrs	Offical misconduct	Lev 4 - 3rd
36	838.15(2)	3rd-14yrs	Commercial bribe receiving.	Lev 1 - 3rd
37	838.16	3rd-14yrs	Commercial bribery.	Lev 6 - 3rd
38	843.025	3rd-14yrs	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.	Lev 4 - 3rd
39	843.12	3rd-14yrs	Aids or assists person to escape.	Lev 3 - 3rd
40	843.19	3rd-14yrs	Injure, disable, or kill police, fire, or SAR canine or police horse.	Lev 1 - 3rd
41	847.011(1)(a)	3rd-14yrs	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).	Lev 4 - 3rd
42	874.05(1)(a)	3rd-14yrs	Encouraging or recruiting another to join a criminal gang.	Lev 4 - 3rd
43	893.13(1)(d)2	3rd-14yrs	Sell/manufacture/deliver 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 w/n 1,000 ft of university.	Lev 3 - 2nd
44	893.13(1)(f)2	3rd-14yrs	Sell/manufacture/deliver 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 w/n 1,000 ft of pub housing facility.	Lev 3 - 2nd
45	914.14(2)	3rd-14yrs	Witnesses accepting bribes.	Lev 4 - 3rd
46	914.22(1)	3rd-14yrs	Force, threaten, etc., witness, victim, or informant.	Lev 4 - 3rd
47	914.23(2)	3rd-14yrs	Retaliation against a witness, victim, or informant, no bodily injury.	Lev 4 - 3rd
48	918.12	3rd-14yrs	Tampering with jurors.	Lev 6 - 3rd
49	944.35(3)(a)2.	3rd-14yrs	Committing malicious battery upon/inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm	Lev 6 - 3rd
50	944.46	3rd-14yrs	Harboring, concealing, aiding escaped prisoners.	Lev 6 - 3rd
51	944.47(1)(a)6	3rd-14yrs	Introduction of contraband (cellular telephone or other portable communication device) into correctional institution.	Lev 4 - 3rd
52	951.22(1)(h), (j) & (k)	3rd-14yrs	Intoxicating drug, instrumentality/other device to aid escape, or cell telephone/other portable comm device introduced into county detention facility.	Lev 4 - 3rd

#	FLORIDA STATUTE	NEW FEL-MAX YRS	DESCRIPTION	OLD LEV-OLD DEG
1	440.10(1)(g)	3rd-14yrs	Failure to obtain workers' compensation coverage	Lev 5 - 2nd
2	440.105(5)	3rd-14yrs	Unlawful solicitation for the purpose of making workers' compensation claims	Lev 5 - 2nd
3	440.381(2)	3rd-14yrs	False, misleading, or incomp info w/ purpose of avoiding/reducing wkr comp premiums.	Lev 5 - 3rd
4	456.065(2)	3rd-14yrs	Practicing a health care profession without a license.	Lev 7 - 3rd
5	458.327(1)	3rd-14yrs	Practicing medicine without a license.	Lev 7 - 3rd
6	459.013(1)	3rd-14yrs	Practicing osteopathic medicine without a license.	Lev 7 - 3rd
7	460.411(1)	3rd-14yrs	Practicing chiropractic medicine without a license.	Lev 7 - 3rd
8	461.012(1)	3rd-14yrs	Practicing podiatric medicine without a license.	Lev 7 - 3rd
9	462.17	3rd-14yrs	Practicing naturopathy without a license.	Lev 7 - 3rd
10	463.015(1)	3rd-14yrs	Practicing optometry without a license.	Lev 7 - 3rd
11	464.016(1)	3rd-14yrs	Practicing nursing without a license.	Lev 7 - 3rd
12	465.015(2)	3rd-14yrs	Practicing pharmacy without a license.	Lev 7 - 3rd
13	466.026(1)	3rd-14yrs	Practicing dentistry or dental hygiene without a license.	Lev 7 - 3rd
14	467.201	3rd-14yrs	Practicing midwifery without a license.	Lev 7 - 3rd
15	468.366	3rd-14yrs	Delivering respiratory care services without a license.	Lev 7 - 3rd
16	483.828(1)	3rd-14yrs	Practicing as clinical laboratory personnel without a license.	Lev 7 - 3rd
17	483.901(7)	3rd-14yrs	Practicing medical physics without a license.	Lev 7 - 3rd
18	484.013(1)(c)	3rd-14yrs	Preparing or dispensing optical devices without a prescription.	Lev 7 - 3rd
19	484.053	3rd-14yrs	Dispensing hearing aids without a license.	Lev 7 - 3rd
20	499.0051(2)	2nd-20yrs	Knowing forgery of transaction history, transaction information, or transaction statement.	Lev 6 - 2nd
21	499.0051(3)	2nd-20yrs	Knowing purchase or receipt of prescription drug from unauthorized person.	Lev 6 - 2nd
22	499.0051(4)	2nd-20yrs	Knowing sale or transfer of prescription drug to unauthorized person.	Lev 6 - 2nd
23	560.123(8)(b)1.	3rd-14yrs	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.	Lev 7 - 3rd
24	560.125(5)(a)	3rd-14yrs	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.	Lev 7 - 3rd
25	624.401(4)(b)2.	3rd-14yrs	Transacting ins. w/out certificate/authority; premium collected \$20,000+ <\$100,000.	Lev 5 - 2nd
26	626.902(1)(c)	3rd-14yrs	Representing an unauthorized insurer; repeat offender.	Lev 5 - 2nd
27	655.50(10)(b)1.	3rd-14yrs	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.	Lev 7 - 3rd
28	784.041	3rd-14yrs	Felony battery; domestic battery by strangulation.	Lev 6 - 3rd

OFSRS #5 Level 7 (36)

29	784.074(1)(b)	3rd-14yrs	Aggravated assault on sexually violent predators facility staff.	Lev 6 - 2nd
30	784.08(2)(b)	3rd-14yrs	Aggravated assault on a person 65 years of age or older.	Lev 6 - 2nd
31	784.081(2)	3rd-14yrs	Aggravated assault on specified official or employee.	Lev 6 - 2nd
32	784.082(2)	3rd-14yrs	Aggravated assault by detained person on visitor or other detainee.	Lev 6 - 2nd
33	784.083(2)	3rd-14yrs	Aggravated assault on code inspector.	Lev 6 - 2nd
34	787.04(2)	3rd-14yrs	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.	Lev 4 - 3rd
35	787.04(3)	3rd-14yrs	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.	Lev 4 - 3rd
36	787.07	3rd-14yrs	Human smuggling	Lev 4 - 3rd
37	790.164(1)	3rd-14yrs	False report concerning bomb/explosive/weapon of mass destruction, act of arson or violence to state property, or use of firearms in violent manner.	Lev 6 - 2nd
38	800.04(7)(b)	3rd-14yrs	Lewd or lascivious exhibition; offender 18 yrs +	Lev 5 - 2nd
39	810.02(3)(b)	3rd-14yrs	Burglary of unoccupied dwelling; unarmed; no assault or battery.	Lev 7 - 2nd
40	812.0145(2)(b)	3rd-14yrs	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.	Lev 5 - 2nd
41	812.019(1)	3rd-14yrs	Stolen property; dealing in or trafficking in.	Lev 5 - 2nd
42	817.4821(5)	3rd-14yrs	Possess cloning paraphernalia with intent to create cloned cellular telephones.	Lev 6 - 2nd
43	817.535(2)(a)	3rd-14yrs	Filing false lien or other unauthorized document	Lev 7 - 3rd
44	831.29	3rd-14yrs	Possession of instruments for counterfeiting driver licenses or identification cards.	Lev 3 - 2nd
45	837.05(2)	3rd-14yrs	Giving false information about alleged capital felony to a law enforcement officer.	Lev 7 - 3rd
46	843.0855(3)	3rd-14yrs	Unlawful simulation of legal process.	Lev 7 - 3rd
47	847.011	3rd-14yrs	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.	Lev 6 - 3rd
48	893.13(2)(a)1.	3rd-14yrs	Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d), (2)(a), (2)(b), or (2)(c)5. drugs). **NEED TO SEPARATE SCHEDULES	Lev 4 - 2nd
49	944.4	3rd-14yrs	Escapes	Lev 6 - 2nd

#	FLORIDA STATUTE	NEW FEL-MAX YRS	DESCRIPTION	OLD LEV-OLD DEG
1	560.123(8)(b)2.	3rd-14yrs	Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.	Lev 8 - 2nd
2	560.125(5)(b)	3rd-14yrs	Money transmitter biz by unauthorized person, currency/payment instruments totaling or exceeding \$20,000, but less than \$100,000.	Lev 8 - 2nd
3	655.50(10)(b)2.	3rd-14yrs	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.	Lev 8 - 2nd
4	775.0875(1)	3rd-14yrs	Taking firearm from law enforcement officer.	Lev 6 - 3rd
5	784.048(4)	3rd-14yrs	Aggravated stalking; violation of injunction or court order	Lev 7 - 3rd
6	784.048(7)	3rd-14yrs	Aggravated stalking; violation of court order	Lev 7 - 3rd
7	790.115(2)(c)	3rd-14yrs	Possessing firearm on school property.	Lev 4 - 3rd
8	800.04(5)(d)	3rd-14yrs	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years of age; offender less than 18 years.	Lev 6 - 3rd
9	812.014 (2)(c)6****Mx1.5	3rd-14yrs	NEW CHARGE TO BE ADDED*****Grand theft, 3rd degree; GTA with 3 or more prior convictions for GTA (TO REMOVE MULTIPLIER)	N/A
10	812.13(2)(c)	3rd-14yrs	Robbery, no firearm or other weapon (strong-arm robbery).	Lev 6 - 2nd
11	817.034(4)(a)2.	3rd-14yrs	Communications fraud, value \$20,000 to \$50,000.	Lev 5 - 2nd
12	817.234(11)(b)	3rd-14yrs	Insurance fraud; property value \$20,000 or more but less than \$100,000.	Lev 5 - 2nd
13	817.505(4)(b)	3rd-14yrs	Patient brokering; 10 or more patients.	Lev 6 - 2nd
14	817.535(2)(b)	3rd-14yrs	Filing false lien or other unauthorized document; second or subsequent offense.	Lev 8 - 2nd
15	817.535(3)(a)	3rd-14yrs	Filing false lien or other unauthorized document; property owner is a public officer or employee.	Lev 8 - 2nd
16	817.535(4)(a)1.	3rd-14yrs	Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.	Lev 8 - 2nd
17	817.535(5)(a)	3rd-14yrs	Filing false lien or other unauthorized document; owner of the property incurs financial loss as a result of the false instrument.	Lev 8 - 2nd
18	817.568(2)(b)	3rd-14yrs	Fraudulent use of personal ID; value of \$5,000+ 10+ persons	Lev 5 - 2nd
19	817.568(6)	3rd-14yrs	Fraudulent use of personal identification information of an individual under the age of 18.	Lev 8 - 2nd
20	817.611(2)(a)	3rd-14yrs	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.	Lev 5 - 2nd
21	817.611(2)(c)	3rd-14yrs	Traffic in or possess 50 or more counterfeit credit cards or related documents.	Lev 8 - 1st
22	817.625(2)(b)	3rd-14yrs	Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.	Lev 5 - 2nd

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23	828.12(2)	3rd-14yrs	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.	Lev 5 - 3rd
24	837.02(2)	3rd-14yrs	Perjury in official proceedings relating to prosecution of a capital felony.	Lev 8 - 2nd
25	837.021(2)	3rd-14yrs	Making contradictory statements in official proceedings relating to prosecution of a capital felony.	Lev 8 - 2nd
26	839.13(2)(b)	3rd-14yrs	False records of individual in care/custody of a state agency w/ great bodily harm or death.	Lev 5 - 2nd
27	843.0855(2)	4th-6yrs	Impersonation of a public officer or employee.	Lev 7 - 3rd
28	847.0135(5)(b)	3rd-14yrs	Lewd or lascivious exhibition using computer; offender 18 years or older.	Lev 5 - 2nd
29	847.0137 (2) & (3)	3rd-14yrs	Transmission of pornography by electronic device or equipment.	Lev 5 - 3rd
30	847.0138 (2) & (3)	3rd-14yrs	Transmission of material harmful to minors to a minor by electronic device or equipment.	Lev 5 - 3rd
31	896.101(5)(a)	3rd-14yrs	Money laundering, financial transactions exceeding \$300 but less than \$20,000. ***RAISE MIN AMOUNT??	Lev 7 - 3rd

#	FLORIDA STATUTE	NEW FEL-MAX YRS	DESCRIPTION	OLD LEV-OLD DEG
1	316.027(2)(b)	3rd-14yrs	Leaving the scene of a crash involving serious bodily injury.	Lev 6 - 2nd
2	316.193(3)(c)2.	3rd-14yrs	DUI resulting in serious bodily injury.	Lev 7 - 3rd
3	316.193(2)(b)	3rd-14yrs	Felony DUI, 4th or subsequent conviction.	Lev 3 - 3rd
4	327.35(3)(c)2.	3rd-14yrs	Vessel BUI resulting in serious bodily injury.	Lev 7 - 3rd
5	400.9935(4)(c)	3rd-14yrs	Operating a clinic, or offering services requiring licensure, without a license.	Lev 6 - 2nd
6	409.920 (2)(b)1.a.	3rd-14yrs	Medicaid provider fraud; \$10,000 or less.	Lev 7 - 3rd
7	782.04(4)	3rd-14yrs	Killing of human w/out design when engaged in act/attempt of fel not arson/sex batt/robbery/burglary/kidnapping/agg. f/e with SBI/death, aircraft piracy/discharging bomb.	Lev 8 - 2nd
8	784.048(5)	3rd-14yrs	Aggravated stalking of person under 16.	Lev 6 - 3rd
9	784.041*****Mx1.5	3rd-14yrs	Felony battery; domestic battery by strangulation <i>-in the presence of a child under 16 who is a family/household member ****ADD SUBSECTION FOR x1.5 MULTI</i>	N/A
10	784.07(2)(c)	2nd-20yrs	Aggravated assault on law enforcement officer.	Lev 6 - 2nd
11	790.115(2)(d)	2nd-20yrs	Discharging firearm or weapon on school property.	Lev 6 - 2nd
12	790.162	3rd-14yrs	Threat to throw or discharge destructive device	Lev 5 - 2nd
13	790.163(1)	3rd-14yrs	False report of bomb, explosive, weapon of mass destr., or use of f/a in violent manner.	Lev 5 - 2nd
14	790.221(1)	3rd-14yrs	Possession of short-barreled shotgun or machine gun	Lev 5 - 2nd
15	790.23	3rd-14yrs	Felons in possession of firearms, ammunition, or electronic weapons or devices.	Lev 5 - 2nd
16	796.05(1)	3rd-14yrs	Live on earnings of a prostitute; 1st offense.	Lev 5 - 2nd
17	800.04(6)(b)	3rd-14yrs	Lewd or lascivious conduct; offender 18 years of age or older.	Lev 6 - 2nd
18	806.031(2)	3rd-14yrs	Arson resulting in great bodily harm to firefighter or any other person.	Lev 6 - 2nd
19	810.02(3)(c)	3rd-14yrs	Burglary of occupied structure; unarmed; no assault or battery.	Lev 6 - 2nd
20	810.145(8)(b)	3rd-14yrs	Video voyeurism; certain minor victims; 2nd or subsequent offense.	Lev 6 - 2nd
21	812.014(2)(b)1.	3rd-14yrs	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.	Lev 6 - 2nd
22	812.014(6)	3rd-14yrs	Theft; property stolen \$3,000 or more; coordination of others.	Lev 6 - 2nd
23	812.015(9)(a)	3rd-14yrs	Retail theft; property stolen \$750 or more; second or subsequent conviction.	Lev 6 - 2nd
24	812.015(9)(b)	3rd-14yrs	Retail theft; aggregated property stolen within 30 days is \$3,000 or more; coordination of others.	Lev 6 - 2nd
25	825.1025(3)	3rd-14yrs	Lewd or lascivious molestation of an elderly person or disabled adult.	Lev 6 - 3rd

26	827.071(2) & (3)	3rd-14yrs	Use or induce a child in a sexual performance, or promote or direct such performance.	Lev 6 - 2nd
27	827.071(4)	3rd-14yrs	Possess w/ intent to promote photo material, motion pic includes sex conduct by a child.	Lev 5 - 2nd
28	836.05	3rd-14yrs	Threats; extortion.	Lev 6 - 2nd
29	836.10	3rd-14yrs	Written threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.	Lev 6 - 2nd
30	874.05(1)(b)	3rd-14yrs	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.	Lev 5 - 2nd
31	874.05(2)(a)	3rd-14yrs	Encouraging or recruiting person under 13 years of age to join a criminal gang.	Lev 5 - 2nd
32	893.13(1)(a)1.	3rd-14yrs	Sell/manufacture/deliver cocaine w/ in 1,000 feet of child care/school/public spaces **ADD WHEN SCHOOL OR SCHOOL/PUBLIC FUNCTION IN SESSION	Lev 5 - 2nd
33	893.13(1)(c)2.	3rd-14yrs	Sell/manufacture/deliver cannabis within 1,000 feet of a child care/school/public spaces **ADD WHEN SCHOOL OR SCHOOL/PUBLIC FUNCTION IN SESSION	Lev 5 - 2nd
34	893.13(1)(d)1.	3rd-14yrs	Sell/manufacture/deliver cocaine within 1,000 feet of university.	Lev 5 - 1st
35	893.13(1)(e)2.	3rd-14yrs	Sell/manufacture/deliver cannabis within 1,000 feet of property used for religious services **ADD WHEN RELIGIOUS SERVICES ARE BEING HELD	Lev 5 - 2nd
36	893.13(1)(f)1.	3rd-14yrs	Sell, manufacture, or deliver cocaine within 1,000 feet of public housing facility.	Lev 5 - 1st
37	893.13(4)(b)	3rd-14yrs	Use or hire of minor; deliver to minor other controlled substance.	Lev 5 - 2nd
38	896.104(4)(a)1.	3rd-14yrs	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.	Lev 7 - 3rd
39	943.0435(4)(c)	3rd-14yrs	Sexual offender vacating permanent residence; failure to comply with reporting requirements.	Lev 7 - 2nd
40	943.0435(8)	3rd-14yrs	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.	Lev 7 - 2nd
41	943.0435(9)(a)	3rd-14yrs	Sexual offender; failure to comply with reporting requirements.	Lev 7 - 2nd
42	943.0435(13)	3rd-14yrs	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.	Lev 7 - 3rd
43	943.0435(14)	3rd-14yrs	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.	Lev 7 - 3rd
44	944.47(1)(a)5	3rd-14yrs	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.	Lev 6 - 2nd

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45	944.607(9)	3rd-14yrs	Sexual offender; failure to comply with reporting requirements.	Lev 7 - 3rd
46	944.607(10)(a)	3rd-14yrs	Sexual offender; failure to submit to the taking of a digitized photograph.	Lev 7 - 3rd
47	944.607(12)	3rd-14yrs	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.	Lev 7 - 3rd
48	944.607(13)	3rd-14yrs	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.	Lev 7 - 3rd
49	951.22(1)(i)	3rd-14yrs	Firearm or weapon introduced into county detention facility. **FIREARM INTRODUCED AT COUNTY FACILITY SHOULD BE SAME AS STATE FACILITY	Lev 6 - 3rd
50	985.4815(10)	3rd-14yrs	Sexual offender; failure to submit to the taking of a digitized photograph.	Lev 7 - 3rd
51	985.4815(12)	3rd-14yrs	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.	Lev 7 - 3rd
52	985.4815(13)	3rd-14yrs	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.	Lev 7 - 3rd

#	FLORIDA STATUTE	NEW FEL-MAX YRS	DESCRIPTION	OLD LEV-OLD DEG
1	775.21(10)(a)	2nd-20yrs	Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.	Lev 7 - 3rd
2	775.21(10)(b)	2nd-20yrs	Sexual predator working where children regularly congregate.	Lev 7 - 3rd
3	775.21(10)(g)	2nd-20yrs	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.	Lev 7 - 3rd
4	790.165(2)	2nd-20yrs	Manufacture, sell, possess, or deliver hoax bomb.	Lev 7 - 2nd
5	790.165(3)	2nd-20yrs	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.	Lev 7 - 2nd
6	790.166(3)	2nd-20yrs	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.	Lev 7 - 2nd
7	790.166(4)	2nd-20yrs	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.	Lev 7 - 2nd
8	794.011(8)(a)	2nd-20yrs	Solicitation of minor to participate in sexual activity by custodial adult.	Lev 6 - 3rd
9	794.05(1)	2nd-20yrs	Unlawful sexual activity with specified minor.	Lev 6 - 2nd
10	794.08(4)	2nd-20yrs	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.	Lev 7 - 3rd
11	810.02(3)(e)	2nd-20yrs	Burglary of authorized emergency vehicle.	Lev 7 - 2nd
12	812.014(2)(b)2.	2nd-20yrs	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.	Lev 7 - 2nd
13	812.014(2)(b)3.	2nd-20yrs	Property stolen, emergency medical equipment; 2nd degree grand theft.	Lev 7 - 2nd
14	812.014(2)(b)4.	2nd-20yrs	Property stolen, law enforcement equipment from authorized emergency vehicle.	Lev 7 - 2nd
15	812.019(2)	2nd-20yrs	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.	Lev 7 - 1st
16	812.131(2)(a)	3rd-14yrs	Robbery by sudden snatching	Lev 7 - 2nd
17	817.234(8)(a)	3rd-14yrs	Solicitation of motor vehicle accident victims with intent to defraud.	Lev 7 - 2nd
18	817.234(9)	3rd-14yrs	Organizing, planning, or participating in an intentional motor vehicle collision.	Lev 7 - 2nd
19	817.611(2)(b)	3rd-14yrs	Traffic in or possess 15 to 49 counterfeit credit cards or related documents.	Lev 7 - 2nd
20	827.04(3)	3rd-14yrs	Impregnation of a child under 16 years of age by person 21 years of age or older.	Lev 7 - 3rd
21	838.015	2nd-20yrs	Bribery.	Lev 7 - 2nd
22	838.016	2nd-20yrs	Unlawful compensation or reward for official behavior.	Lev 7 - 2nd
23	838.021(3)(a)	3rd-14yrs	Unlawful harm to a public servant.	Lev 7 - 2nd
24	838.22	2nd-20yrs	Bid tampering.	Lev 7 - 2nd
25	847.012	2nd-20yrs	Knowingly using a minor in the production of materials harmful to minors.	Lev 6 - 3rd

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26	847.0135(2)	2nd-20yrs	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.	Lev 6 - 3rd
27	847.0135(3)	2nd-20yrs	Solicitation of a child, via a computer service, to commit an unlawful sex act.	Lev 7 - 3rd
28	896.101(5)(b)	2nd-20yrs	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.	Lev 8 - 2nd
29	896.104(4)(a)2	2nd-20yrs	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$20,000 but less than \$100,000.	Lev 8 - 2nd
30	914.23	2nd-20yrs	Retaliation against a witness, victim, or informant, with bodily injury.	Lev 6 - 2nd

#	FLORIDA STATUTE	NEW FEL-MAX YRS	DESCRIPTION	OLD LEV-OLD DEG
1	409.920 (2)(b)1.b.	2nd-20yrs	Medicaid provider fraud; more than \$10,000, but less than \$50,000	Lev 7 - 2nd
2	790.19	2nd-20yrs	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.	Lev 6 - 2nd
3	790.161(2)	2nd-20yrs	Make, possess, or throw destructive device with intent to do bodily harm or damage property.	Lev 6 - 2nd
4	800.04(4)(b)	2nd-20yrs	Lewd or lascivious battery.	Lev 8 - 2nd
5	800.04(5)(c)1.	2nd-20yrs	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.	Lev 7 - 2nd
6	800.04(5)(c)2.	2nd-20yrs	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older.	Lev 7 - 2nd
7	806.01(2)	2nd-20yrs	Maliciously damage structure by fire or explosive.	Lev 7 - 2nd
8	810.02(3)(a)	2nd-20yrs	Burglary of occupied dwelling; unarmed; no assault or battery	Lev 7 - 2nd
9	810.02(3)(d)	2nd-20yrs	Burglary of occupied conveyance; unarmed; no assault or battery.	Lev 7 - 2nd
10	825.102(3)(b)	2nd-20yrs	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.	Lev 7 - 2nd
11	825.103(3)(b)	2nd-20yrs	Exploiting an elderly person or disabled adult and property is valued at \$10,000 or more, but less than \$50,000.	Lev 7 - 2nd
12	827.03(2)(b)	2nd-20yrs	Neglect of a child causing great bodily harm, disability, or disfigurement.	Lev 7 - 2nd
13	847.0135(4)	2nd-20yrs	Traveling to meet a minor to commit an unlawful sex act.	Lev 7 - 2nd
14	872.06	2nd-20yrs	Abuse of a dead human body.	Lev 7 - 2nd
15	893.1351(2)	2nd-20yrs	Possession of place for trafficking in or manufacturing of controlled substance.	Lev 7 - 2nd

#	FLORIDA STATUTE	NEW FEL-MAX YRS	DESCRIPTION	OLD LEV-OLD DEG
1	402.319(2)	2nd-20yrs	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfigurement, permanent disability, or death.	Lev 7 - 2nd
2	456.065(2)(d)	2nd-20yrs	Practicing a health care profession without a license which results in serious bodily injury.	Lev 7 - 3rd
3	494.0018(2)	1st-30yrs	Conviction of any violation of chapter 494 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.	Lev 7 - 1st
4	782.051(3)	2nd-20yrs	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.	Lev 7 - 2nd
5	784.045(1)(a)1.	2nd-20yrs	Aggravated battery; intentionally causing great bodily harm or disfigurement.	Lev 7 - 2nd
6	784.045(1)(a)2.	2nd-20yrs	Aggravated battery; using deadly weapon.	Lev 7 - 2nd
7	784.045(1)(b)	2nd-20yrs	Aggravated battery; perpetrator aware victim pregnant	Lev 7 - 2nd
8	794.011(5)(b)	2nd-20yrs	Sexual battery; victim and offender 18 years of age or older; offender does not use physical force likely to cause serious injury.	Lev 8 - 2nd
9	794.011(5)(c)	2nd-20yrs	Sexual battery; victim 12 years of age or older; offender younger than 18 years; offender does not use physical force likely to cause injury.	Lev 8 - 2nd
10	794.08(3)	2nd-20yrs	Female genital mutilation, removal of a victim younger than 18 years of age from this state.	Lev 8 - 2nd
11	796.05(1)	1st-30yrs	Live on earnings of a prostitute; 2nd offense.	Lev 7 - 1st
12	810.02(2)(c)	2nd-20yrs	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.	Lev 8 - 2nd
13	812.014(2)(a)2.	2nd-20yrs	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.	Lev 8 - 2nd
14	812.0145(2)(a)	2nd-20yrs	Theft from person 65 years of age or older; \$50,000 or more.	Lev 7 - 1st
15	812.13(2)(b)	1st-30yrs	Robbery with a weapon.	Lev 8 - 1st
16	812.133(2)(b)	2nd-20yrs	Carjacking; no firearm, deadly weapon, or other weapon.	Lev 7 - 1st
17	817.234(11)(c)	2nd-20yrs	Insurance fraud; property value \$100,000 or more.	Lev 7 - 1st
18	817.2341(2)(b) & 3(b)	2nd-20yrs	Making false entries of mat fact/false statements regarding prop values relating to the solvency of insur entity which are a significant cause of insolvency of	Lev 7 - 1st
19	817.505(4)(c)	2nd-20yrs	Patient brokering; 20 or more patients.	Lev 8 - 1st
20	817.568(7)	2nd-20yrs	Fraudulent use of personal identification information of an individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial auth.	Lev 9 - 2nd

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21	874.05(2)(b)	1st-30yrs	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.	Lev 7 - 1st
22	893.13(1)(c)1.	1st-30yrs	Sell, manufacture, or deliver cocaine within 1,000 ft of a child care facility, school, or state, county, or muni park/publicly owned recreational facility or community ctr.	Lev 7 - 1st
23	893.13(1)(e)1.	1st-30yrs	Sell, manufacture, or deliver cocaine or other drug prohibited within 1,000 feet of property used for religious services or a specified business site. ****??????????	Lev 7 - 1st
24	893.13(4)(a)	1st-30yrs	Use or hire of minor; deliver to minor other controlled substance.	Lev 7 - 1st
25	893.135 (1)(b)1.a.	1st-30yrs	Trafficking in cocaine, more than 28 grams, less than 200 grams.	Lev 7 - 1st
26	893.135 (1)(c)1.a.	1st-30yrs	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.	Lev 7 - 1st
27	893.135 (1)(c)2.a.	1st-30yrs	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.	Lev 7 - 1st
28	893.135 (1)(c)2.b.	1st-30yrs	Trafficking in hydrocodone, 50 grams or more, less than 100 grams.	Lev 7 - 1st
29	893.135 (1)(c)3.a.	1st-30yrs	Trafficking in oxycodone, 7 grams or more, less than 14 grams.	Lev 7 - 1st
30	893.135 (1)(c)3.b.	1st-30yrs	Trafficking in oxycodone, 14 grams or more, less than 25 grams.	Lev 7 - 1st
31	893.135 (1)(c)4.b.(l)	1st-30yrs	Trafficking in fentanyl, 4 grams or more, less than 14 grams.	Lev 7 - 1st
32	893.135 (1)(d)1.a.	1st-30yrs	Trafficking in phencyclidine, 28 grams or more, less than 200 grams.	Lev 7 - 1st
33	893.135 (1)(g)1.a.	1st-30yrs	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.	Lev 7 - 1st
34	893.135 (1)(h)1.a.	1st-30yrs	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.	Lev 7 - 1st
35	893.135 (1)(j)1.a.	1st-30yrs	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.	Lev 7 - 1st
36	893.135 (1)(k)2.a.	1st-30yrs	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.	Lev 7 - 1st
37	893.135 (1)(m)2.a.	1st-30yrs	Trafficking in synthetic cannabinoids, 280 grams or more, less than 500 grams.	Lev 7 - 1st

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38	893.135 (1)(m)2.b.	1st-30yrs	Trafficking in synthetic cannabinoids, 500 grams or more, less than 1,000 grams.	Lev 7 - 1st
39	893.135 (1)(n)2.a.	1st-30yrs	Trafficking in n-benzyl phenethylamines, 14 grams or more, less than 100 grams.	Lev 7 - 1st
40	893.135(1)(a)1.	1st-30yrs	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.	Lev 7 - 1st
41	893.135(1)(e)1.	1st-30yrs	Trafficking in methaqualone, 200 grams or more, less than 5 kilograms.	Lev 7 - 1st
42	893.135(1)(f)1.	1st-30yrs	Trafficking in amphetamine, 14 grams or more, less than 28 grams.	Lev 7 - 1st

OFSRS #5 DV Multiplier

LEVEL 4 (16) x1.5 = 24 points LEVEL 6 at 28

11	784.085	4th-6yrs	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.	Lev 4 - 3rd
12	787.03(1)	4th-6yrs	Interference with custody; wrongly takes minor from appointed guardian.	Lev 4 - 3rd

LEVEL 5 (22) x1.5 = 33 points LEVEL 7 at 36

2	316.027(2)(a)	4th-6yrs	Accidents involving personal injuries other than SBI, failure to stop; leaving scene.	Lev 5 - 3rd
13	784.05(3)	4th-6yrs	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.	Lev 2 - 3rd

Level 6 (28) x1.5 = 42 points LEVEL 8 at 46

13	784.021(1)(a)	3rd-14yrs	Aggravated assault; deadly weapon without intent to kill.	Lev 6 - 3rd
14	784.021(1)(b)	3rd-14yrs	Aggravated assault; intent to commit felony.	Lev 6 - 3rd
15	784.048(3)	3rd-14yrs	Aggravated stalking; credible threat.	Lev 6 - 3rd
23	787.02(2)	3rd-14yrs	False imprisonment; restraining with purpose other than those in s. 787.01.	Lev 6 - 3rd
28	825.102(1)	3rd-14yrs	Abuse of an elderly person or disabled adult.	Lev 6 - 3rd
29	825.102(3)(c)	3rd-14yrs	Neglect of an elderly person or disabled adult.	Lev 6 - 3rd
31	827.03(2)(c)	3rd-14yrs	Abuse of a child.	Lev 6 - 3rd
32	827.03(2)(d)	3rd-14yrs	Neglect of a child.	Lev 1 - 3rd

Level 7 (36) x1.5 = 54 points LEVEL 10 at 60

28	784.041	3rd-14yrs	Felony battery; domestic battery by strangulation.	Lev 6 - 3rd
30	784.08(2)(b)	3rd-14yrs	Aggravated assault on a person 65 years of age or older.	Lev 6 - 2nd

Level 8 (46) x1.5 = 69 points LEVEL 12 at 76

5	784.048(4)	3rd-14yrs	Aggravated stalking; violation of injunction or court order	Lev 7 - 3rd
6	784.048(7)	3rd-14yrs	Aggravated stalking; violation of court order	Lev 7 - 3rd

Level 9 (52) x1.5 = 78 points LEVEL 13 at 84

7	782.04(4)	3rd-14yrs	Killing of human w/out design when engaged in act/attempt of fel not arson/sex batt/robbery/burglary/kidnapping/agg. f/e with SBI/death, aircraft piracy/discharging bomb.	Lev 8 - 2nd
8	784.048(5)	3rd-14yrs	Aggravated stalking of person under 16.	Lev 6 - 3rd
25	825.1025(3)	3rd-14yrs	Lewd or lascivious molestation of an elderly person or disabled adult.	Lev 6 - 3rd

Level 10 (60) x1.5 = 90 points LEVEL 14 at 92

9	794.05(1)	2nd-20yrs	Unlawful sexual activity with specified minor.	Lev 6 - 2nd
10	794.08(4)	2nd-20yrs	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.	Lev 7 - 3rd

Level 11 (68) x1.5 = 102 points LEVEL 15 at 108

4	800.04(4)(b)	2nd-20yrs	Lewd or lascivious battery.	Lev 8 - 2nd
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OFSRS #5 DV Multiplier

5	800.04(5)(c)1.	2nd-20yrs	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.	Lev 7 - 2nd
6	800.04(5)(c)2.	2nd-20yrs	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older.	Lev 7 - 2nd
10	825.102(3)(b)	2nd-20yrs	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.	Lev 7 - 2nd
12	827.03(2)(b)	2nd-20yrs	Neglect of a child causing great bodily harm, disability, or disfigurement.	Lev 7 - 2nd

Level 12 (76) x1.5 = 114 points LEVEL 16 at 122

1	402.319(2)	2nd-20yrs	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.	Lev 7 - 2nd
4	782.051(3)	2nd-20yrs	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.	Lev 7 - 2nd
5	784.045(1)(a)1.	2nd-20yrs	Aggravated battery; intentionally causing great bodily harm or disfigurement.	Lev 7 - 2nd
6	784.045(1)(a)2.	2nd-20yrs	Aggravated battery; using deadly weapon.	Lev 7 - 2nd
7	784.045(1)(b)	2nd-20yrs	Aggravated battery; perpetrator aware victim pregnant	Lev 7 - 2nd
8	794.011(5)(b)	2nd-20yrs	Sexual battery; victim and offender 18 years of age or older; offender does not use physical force likely to cause serious injury.	Lev 8 - 2nd
9	794.011(5)(c)	2nd-20yrs	Sexual battery; victim 12 years of age or older; offender younger than 18 years; offender does not use physical force likely to cause injury.	Lev 8 - 2nd
10	794.08(3)	2nd-20yrs	Female genital mutilation, removal of a victim younger than 18 years of age from this state.	Lev 8 - 2nd
15	812.13(2)(b)	1st-30yrs	Robbery with a weapon.	Lev 8 - 1st

Level 13 (84) x1.5 = 126 points LEVEL 17 at 140

10	782.051(2)	1st-30yrs	Att. fel murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).	Lev 8 - 1st
11	782.07(1)	2nd-20yrs	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).	Lev 7 - 2nd
12	782.071	2nd-20yrs	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).	Lev 7 - 2nd
13	782.072	2nd-20yrs	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).	Lev 7 - 2nd
16	784.08(2)(a)	1st-30yrs	Aggravated battery on a person 65 years of age or older	Lev 7 - 1st
24	790.161(3)	1st-30yrs	Discharging a destructive device which results in bodily harm or property damage.	Lev 8 - 1st
26	794.011(5)(a)	1st-30yrs	Sexual battery; victim 12 years of age or older but younger than 18 years; offender 18 years or older; offender does not use physical force likely to cause serious injury.	Lev 8 - 1st
28	800.04(5)(e)	1st-30yrs	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.	Lev 7 - 1st

Level (14) 92 x1.5 = 138 points LEVEL 17 at 140

1	316.027(2)(c)	1st-30yrs	Accident involving death, failure to stop; leaving scene.	Lev 7 - 1st
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OFSRS #5 DV Multiplier

2	316.193 (3)(c)3.a.	2nd-20yrs	DUI Manslaughter	Lev 8 - 2nd
3	316.193 (3)(c)3.b.	1st-30yrs	DUI manslaughter; failing to render aid or give information	Lev 9 - 1st
4	316.1935(3)(b)	1st-30yrs	Causing SBI/death to another; drive high speed w/ wanton disregard for safety while fleeing/attempting to elude LEO in patrol vehicle w/ siren& lights activated.	Lev 7 - 1st
5	327.35 (3)(c)3.b.	1st-30yrs	BUI manslaughter; failing to render aid or give information	Lev 9 - 1st
6	327.35(3)(c)3.	2nd-20yrs	Vessel BUI manslaughter.	Lev 8 - 2nd
8	782.04(1)	1st-30yrs	Attempt, conspire, or solicit to commit premeditated murder	Lev 9 - 1st
9	782.051(1)	1st-30yrs	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3)	Lev 9 - 1st
10	782.07(2)	1st-30yrs	Aggravated manslaughter of an elderly person or disabled adult	Lev 9 - 1st
11	782.071(1)(b)	1st-30yrs	Committing vehicular homicide and failing to render aid or give information.	Lev 8 - 1st
12	782.072(2)	1st-30yrs	Committing vessel homicide and failing to render aid or give information.	Lev 8 - 1st
21	794.011(2)	1st-30yrs	Attempted sexual battery; victim less than 12 years of age.	Lev 9 - 1st
22	794.011(4)(b)	1st-30yrs	Sexual battery, certain circumstances; victim and offender 18 years of age or older	Lev 9 - 1st
23	794.011(4)(c)	1st-30yrs	Sexual battery, certain circumstances; victim 12 years of age or older; offender younger than 18 years	Lev 9 - 1st
24	794.011(5)(d)	1st-30yrs	Sexual battery; victim 12 years of age or older; offender does not use physical force likely to cause serious injury; prior conviction for specified sex offense.	Lev 8 - 1st
25	794.08(2)	1st-30yrs	Female genital mutilation; victim younger than 18 years of age.	Lev 9 - 1st
26	800.04(4)(c)	1st-30yrs	Lewd or lascivious battery; offender 18 years of age or older; prior conviction for specified sex offense.	Lev 8 - 1st
29	825.102(2)	1st-30yrs	Aggravated abuse of an elderly person or disabled adult.	Lev 8 - 1st
30	825.1025(2)	2nd-20yrs	Lewd or lascivious battery upon an elderly person or disabled adult.	Lev 8 - 2nd
31	827.03(2)(a)	1st-30yrs	Aggravated child abuse.	Lev 9 - 1st
34	859.01	1st-30yrs	Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill or injure.	Lev 9 - 1st

Level 15 (108) x1.5 = 162 points LEVEL 18 at 180

2	782.04(3)	1st/PBL-30/Life	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, aggravated fleeing or eluding with sbi or death, and other specified felonies	Lev 9 - 1st, PBL
3	787.01(1)(a)1.	1st/PBL-30/Life	Kidnapping; hold for ransom or reward or as a shield or hostage	Lev 9 - 1st, PBL
4	787.01(1)(a)2.	1st/PBL-30/Life	Kidnapping with intent to commit or facilitate commission of any felony	Lev 9 - 1st, PBL
8	794.011(2)	Life-Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years	Lev 9 - Life
9	794.011(4)(a)	1st/PBL-30/Life	Sexual battery, certain circumstances; victim 12 years of age or older but younger than 18 years; offender 18 years or older	Lev 9 - 1st, PBL
13	810.02(2)(a)	1st/PBL-30/Life	Burglary with assault or battery.	Lev 8 - 1st, PBL

Level 16 (122) x1.5 = 183 points LEVEL 19 at 240

1	782.04(2)	1st/PBL-30/Life	Unlawful killing of human; act is homicide, unpremeditated.	Lev 10 - 1st, PBL
2	782.07(3)	1st-30yrs	Aggravated manslaughter of a child.	Lev - 1st
3	787.01(1)(a)3.	1st/PBL-30yrs	Kidnapping; inflict bodily harm upon or terrorize victim.	Lev 10 - 1st, PBL

OFSRS #5 DV Multiplier

4	787.01(3)(a)	Life	Kidnapping; child under age 13, perpetrator also commits aggravated child abuse, sex battery, or lewd or lascivious battery, molestation, conduct, or exhibition.	Lev 10 - Life
5	787.02(3)(a)	1st/PBL-30/Life	False imprisonment; child under age 13; perpetrator also commits agg child abuse, sex battery, or lewd or lascivious battery, molestation, conduct, or exhibition	Lev 9 - 1st, PBL
8	794.011(3)	Life-Life	Sexual battery; victim 12 years or older, offender uses or threatens to use deadly weapon or physical force to cause serious injury.	Lev 10 - Life
9	794.011(4)(d)	1st/PBL-30/Life	Sexual battery, certain circumstances; victim 12 years of age or older; prior conviction for specified sex offenses.	Lev 9 - 1st, PBL
10	794.011(8)(b)	1st/PBL-30/Life	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.	Lev 9 - 1st, PBL
11	800.04(5)(b)	Life-Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older	Lev 9 - Life

NOT DV e.g

46	914.22(1)	3rd-14yrs	Force, threaten, etc., witness, victim, or informant.	Lev 4 - 3rd
47	914.23(2)	3rd-14yrs	Retaliation against a witness, victim, or informant, no bodily injury.	Lev 4 - 3rd
48	918.12	3rd-14yrs	Tampering with jurors.	Lev 6 - 3rd

#	FLORIDA STATUTE	NEW FEL-MAX YRS	DESCRIPTION	OLD LEV-OLD DEG
1	316.1935(4)(b)	1st-30yrs	Aggravated fleeing or attempted eluding with serious bodily injury or death.	Lev 8 - 1st
2	409.920 (2)(b)1.c	1st-30yrs	Medicaid provider fraud; \$50,000 or more	Lev 9 - 1st
3	499.0051(6)	1st-30yrs	Knowing trafficking in contraband prescription drugs.	Lev 8 - 1st
4	499.0051(7)	1st-30yrs	Knowing forgery of prescription labels or prescription drug labels.	Lev 8 - 1st
5	560.123(8)(b)3.	1st-30yrs	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter	Lev 9 - 1st
6	560.125(5)(c	1st-30yrs	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000	Lev 9 - 1st
7	655.50(10)(b)3	1st-30yrs	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution	Lev 9 - 1st
8	775.0844	1st-30yrs	Aggravated white collar crime	Lev 9 - 1st
9	777.03(2)(a)	1st-30yrs	Accessory after the fact, capital felony.	Lev 8 - 1st
10	782.051(2)	1st-30yrs	Att. fel murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).	Lev 8 - 1st
11	782.07(1)	2nd-20yrs	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).	Lev 7 - 2nd
12	782.071	2nd-20yrs	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).	Lev 7 - 2nd
13	782.072	2nd-20yrs	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).	Lev 7 - 2nd
14	784.07(2)(d)	1st-30yrs	Aggravated battery on law enforcement officer	Lev 7 - 1st
15	784.074(1)(a)	1st-30yrs	Aggravated battery on sexually violent predators facility staff	Lev 7 - 1st
16	784.08(2)(a)	1st-30yrs	Aggravated battery on a person 65 years of age or older	Lev 7 - 1st
17	784.081(1)	1st-30yrs	Aggravated battery on specified official or employee	Lev 7 - 1st
18	784.082(1)	1st-30yrs	Aggravated battery by detained person on visitor or other detainee	Lev 7 - 1st
19	784.083(1)	1st-30yrs	Aggravated battery on code inspector	Lev 7 - 1st
20	787.06(3)(a)2.	1st-30yrs	Human trafficking using coercion for labor and services of an adult.	Lev 7 - 1st
21	787.06(3)(e)2.	1st-30yrs	Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to within the state.	Lev 7 - 1st
22	790.07(4)	1st-30yrs	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).	Lev 7 - 1st
23	790.16(1)	1st-30yrs	Discharge of a machine gun under specified circumstances.	Lev 7 - 1st

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24	790.161(3)	1st-30yrs	Discharging a destructive device which results in bodily harm or property damage.	Lev 8 - 1st
25	790.23	1st-30yrs/Life	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.	Lev 7 -1st,PBL
26	794.011(5)(a)	1st-30yrs	Sexual battery; victim 12 years of age or older but younger than 18 years; offender 18 years or older; offender does not use physical force likely to cause serious injury.	Lev 8 - 1st
27	796.05(1)(c)	1st-30yrs	Live on earnings of a prostitute; 3rd and subsequent offense.	Lev 7 - 1st
28	800.04(5)(e)	1st-30yrs	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.	Lev 7 - 1st
29	812.014(2)(a)1.	1st-30yrs	Property stolen, valued at \$100,000 or more or a semitrailer deployed by a LEO; property stolen while causing other property damage; 1st degree grand theft.	Lev 7 - 1st
30	812.135(2)(c)	1st-30yrs	Home-invasion robbery, no firearm, deadly weapon, or other weapon.	Lev 8 - 1st
31	817.034(4)(a)1.	1st-30yrs	Communications fraud, value greater than \$50,000.	Lev 7 - 1st
32	817.535(3)(b)	1st-30yrs	Filing false lien or other unauthorized document; second or subsequent offense; property owner is a public officer or employee.	Lev 9 - 1st
33	817.535(4)(a)2.	1st-30yrs	Filing false claim or other unauthorized document; defendant is incarcerated or under supervision.	Lev 9 - 1st
34	817.535(5)(b)	1st-30yrs	Filing false lien or other unauthorized document; second or subsequent offense; owner of the property incurs financial loss as a result of the false instrument.	Lev 9 - 1st
35	825.103(3)(a)	1st-30yrs	Exploiting an elderly person or disabled adult and property is valued at \$50,000 or more.	Lev 8 - 1st
36	860.121(2)(c)	1st-30yrs	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.	Lev 8 - 1st
37	860.16	1st-30yrs	Aircraft piracy.	Lev 8 - 1st
38	893.135 (1)(b)1.a.	1st-30yrs	Trafficking in cocaine, more than 28 grams, less than 200 grams.	Lev 7 - 1st
39	893.135 (1)(c)1.a.	1st-30yrs	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.	Lev 7 - 1st
40	893.135 (1)(c)2.a.	1st-30yrs	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.	Lev 7 - 1st
41	893.135 (1)(c)2.b.	1st-30yrs	Trafficking in hydrocodone, 50 grams or more, less than 100 grams.	Lev 7 - 1st

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42	893.135 (1)(c)3.a.	1st-30yrs	Trafficking in oxycodone, 7 grams or more, less than 14 grams.	Lev 7 - 1st
43	893.135 (1)(c)3.b.	1st-30yrs	Trafficking in oxycodone, 14 grams or more, less than 25 grams.	Lev 7 - 1st
44	893.135 (1)(c)4.b.(l)	1st-30yrs	Trafficking in fentanyl, 4 grams or more, less than 14 grams.	Lev 7 - 1st
45	893.135 (1)(d)1.a.	1st-30yrs	Trafficking in phencyclidine, 28 grams or more, less than 200 grams.	Lev 7 - 1st
46	893.135 (1)(g)1.a.	1st-30yrs	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.	Lev 7 - 1st
47	893.135 (1)(h)1.a.	1st-30yrs	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.	Lev 7 - 1st
48	893.135 (1)(j)1.a.	1st-30yrs	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.	Lev 7 - 1st
49	893.135 (1)(k)2.a.	1st-30yrs	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.	Lev 7 - 1st
50	893.135 (1)(m)2.a.	1st-30yrs	Trafficking in synthetic cannabinoids, 280 grams or more, less than 500 grams.	Lev 7 - 1st
51	893.135 (1)(m)2.b.	1st-30yrs	Trafficking in synthetic cannabinoids, 500 grams or more, less than 1,000 grams.	Lev 7 - 1st
52	893.135 (1)(n)2.a.	1st-30yrs	Trafficking in n-benzyl phenethylamines, 14 grams or more, less than 100 grams.	Lev 7 - 1st
53	893.135(1)(a)1.	1st-30yrs	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.	Lev 7 - 1st
54	893.135(1)(e)1.	1st-30yrs	Trafficking in methaqualone, 200 grams or more, less than 5 kilograms.	Lev 7 - 1st
55	893.135(1)(f)1.	1st-30yrs	Trafficking in amphetamine, 14 grams or more, less than 28 grams.	Lev 7 - 1st
56	874.10	1st-30yrs/Life	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.	Lev 7 - 1st,PBL
57	893.13(1)(b)	1st-30yrs	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).	Lev 8 - 1st
58	893.13(2)(b)	1st-30yrs	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).	Lev 8 - 1st
59	893.13(6)(c)	1st-30yrs	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).	Lev 8 - 1st
60	893.135 (1)(b)1.b.	1st-30yrs	Trafficking in cocaine, more than 200 grams, less than 400 grams.	Lev 8 - 1st

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61	893.135 (1)(c)1.b.	1st-30yrs	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.	Lev 8 - 1st
62	893.135 (1)(c)2.c.	1st-30yrs	Trafficking in hydrocodone, 100 grams or more, less than 300 grams.	Lev 8 - 1st
63	893.135 (1)(c)3.c.	1st-30yrs	Trafficking in oxycodone, 25 grams or more, less than 100 grams.	Lev 8 - 1st
64	893.135 (1)(c)4.b.(II)	1st-30yrs	Trafficking in fentanyl, 14 grams or more, less than 28 grams.	Lev 8 - 1st
65	893.135 (1)(d)1.b.	1st-30yrs	Trafficking in phencyclidine, 200 grams or more, less than 400 grams.	Lev 8 - 1st
66	893.135 (1)(e)1.b.	1st-30yrs	Trafficking in methaqualone, 5 kilograms or more, less than 25 kilograms.	Lev 8 - 1st
67	893.135 (1)(f)1.b.	1st-30yrs	Trafficking in amphetamine, 28 grams or more, less than 200 grams.	Lev 8 - 1st
68	893.135 (1)(g)1.b.	1st-30yrs	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.	Lev 8 - 1st
69	893.135 (1)(h)1.b.	1st-30yrs	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms	Lev 8 - 1st
70	893.135 (1)(j)1.b.	1st-30yrs	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.	Lev 8 - 1st
71	893.135 (1)(k)2.b.	1st-30yrs	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.	Lev 8 - 1st
72	893.135 (1)(m)2.c.	1st-30yrs	Trafficking in synthetic cannabinoids, 1,000 grams or more, less than 30 kilograms.	Lev 8 - 1st
73	893.135 (1)(n)2.b.	1st-30yrs	Trafficking in n-benzyl phenethylamines, 100 grams or more, less than 200 grams.	Lev 8 - 1st
74	893.135(1)(a)2.	1st-30yrs	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.	Lev 8 - 1st
75	893.1351(3)	1st-30yrs	Possession of a place used to manufacture controlled substance when minor is present or resides there.	Lev 8 - 1st
76	895.03(1)	1st-30yrs	Use or invest proceeds derived from pattern of racketeering activity.	Lev 8 - 1st
77	895.03(2)	1st-30yrs	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.	Lev 8 - 1st
78	895.03(3)	1st-30yrs	Conduct or participate in any enterprise through pattern of racketeering activity.	Lev 8 - 1st
79	896.101(5)(c)	1st-30yrs	Money laundering, financial instruments totaling or exceeding \$100,000.	Lev 9 - 1st

80	896.104(4)(a)3.	1st-30yrs	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$100,000.	Lev 9 - 1st
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#	FLORIDA STATUTE	NEW FEL-MAX YRS	DESCRIPTION	OLD LEV-OLD DEG
1	316.027(2)(c)	1st-30yrs	Accident involving death, failure to stop; leaving scene.	Lev 7 - 1st
2	316.193 (3)(c)3.a.	2nd-20yrs	DUI Manslaughter	Lev 8 - 2nd
3	316.193 (3)(c)3.b.	1st-30yrs	DUI manslaughter; failing to render aid or give information	Lev 9 - 1st
4	316.1935(3)(b)	1st-30yrs	Causing SBI/death to another; drive high speed w/ wanton disregard for safety while fleeing/attempting to elude LEO in patrol vehicle w/ siren& lights activated.	Lev 7 - 1st
5	327.35 (3)(c)3.b.	1st-30yrs	BUI manslaughter; failing to render aid or give information	Lev 9 - 1st
6	327.35(3)(c)3.	2nd-20yrs	Vessel BUI manslaughter.	Lev 8 - 2nd
7	499.0051(8)	1st-30yrs	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm	Lev 9 - 1st
8	782.04(1)	1st-30yrs	Attempt, conspire, or solicit to commit premeditated murder	Lev 9 - 1st
9	782.051(1)	1st-30yrs	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3)	Lev 9 - 1st
10	782.07(2)	1st-30yrs	Aggravated manslaughter of an elderly person or disabled adult	Lev 9 - 1st
11	782.071(1)(b)	1st-30yrs	Committing vehicular homicide and failing to render aid or give information.	Lev 8 - 1st
12	782.072(2)	1st-30yrs	Committing vessel homicide and failing to render aid or give information.	Lev 8 - 1st
13	787.06(3)(a)1.	1st-30yrs	Human trafficking for labor and services of a child.	Lev 8 - 1st
14	787.06(3)(b)	1st-30yrs	Human trafficking using coercion for commercial sexual activity of an adult.	Lev 8 - 1st
15	787.06(3)(c)1.	1st-30yrs	Human trafficking for labor and services of an unauthorized alien child	Lev 9 - 1st
16	787.06(3)(c)2.	1st-30yrs	Human trafficking using coercion for labor and services of an unauthorized alien adult.	Lev 8 - 1st
17	787.06(3)(d)	1st-30yrs	Human trafficking using coercion for commercial sexual activity of an unauthorized adult alien.	Lev 9 - 1st
18	787.06(3)(e)1.	1st-30yrs	Human trafficking for labor and services by the transfer or transport of a child from outside Florida to within the state.	Lev 8 - 1st
19	787.06(3)(f)2.	1st-30yrs	Human trafficking using coercion for commercial sexual activity by the transfer or transport of any adult from outside Florida to within the state.	Lev 8 - 1st
20	790.161	1st-30yrs	Attempted capital destructive device offense	Lev 9 - 1st
21	794.011(2)	1st-30yrs	Attempted sexual battery; victim less than 12 years of age.	Lev 9 - 1st
22	794.011(4)(b)	1st-30yrs	Sexual battery, certain circumstances; victim and offender 18 years of age or older	Lev 9 - 1st

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23	794.011(4)(c)	1st-30yrs	Sexual battery, certain circumstances; victim 12 years of age or older; offender younger than 18 years	Lev 9 - 1st
24	794.011(5)(d)	1st-30yrs	Sexual battery; victim 12 years of age or older; offender does not use physical force likely to cause serious injury; prior conviction for specified sex offense.	Lev 8 - 1st
25	794.08(2)	1st-30yrs	Female genital mutilation; victim younger than 18 years of age.	Lev 9 - 1st
26	800.04(4)(c)	1st-30yrs	Lewd or lascivious battery; offender 18 years of age or older; prior conviction for specified sex offense.	Lev 8 - 1st
27	806.01(1)	1st-30yrs	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.	Lev 8 - 1st
28	812.135(2)(b)	1st-30yrs	Home-invasion robbery with weapon.	Lev 9 - 1st
29	825.102(2)	1st-30yrs	Aggravated abuse of an elderly person or disabled adult.	Lev 8 - 1st
30	825.1025(2)	2nd-20yrs	Lewd or lascivious battery upon an elderly person or disabled adult.	Lev 8 - 2nd
31	827.03(2)(a)	1st-30yrs	Aggravated child abuse.	Lev 9 - 1st
32	847.0145(1)	1st-30yrs	Selling, or otherwise transferring custody or control, of a minor.	Lev 9 - 1st
33	847.0145(2)	1st-30yrs	Purchasing, or otherwise obtaining custody or control, of a minor.	Lev 9 - 1st
34	859.01	1st-30yrs	Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill or injure.	Lev 9 - 1st
35	893.135	1st-30yrs	Attempted capital trafficking offense.	Lev 9 - 1st
36	893.135(1)(a)3.	1st-30yrs	Trafficking in cannabis, more than 10,000 lbs.	Lev 9 - 1st
37	893.135 (1)(b)1.c.	1st-30yrs	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.	Lev 9 - 1st
38	893.135 (1)(c)1.c.	1st-30yrs	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.	Lev 9 - 1st
39	893.135 (1)(c)2.d.	1st-30yrs	Trafficking in hydrocodone, 300 grams or more, less than 30 kilograms.	Lev 9 - 1st
40	893.135 (1)(c)4.b.(III)	1st-30yrs	Trafficking in oxycodone, 100 grams or more, less than 30 kilograms.	Lev 9 - 1st
41	893.135 (1)(c)4.b.(III)	1st-30yrs	Trafficking in fentanyl, 28 grams or more.	Lev 9 - 1st
42	893.135 (1)(d)1.c.	1st-30yrs	Trafficking in phencyclidine, 400 grams or more.	Lev 9 - 1st
43	893.135 (1)(e)1.c.	1st-30yrs	Trafficking in methaqualone, 25 kilograms or more.	Lev 9 - 1st
44	893.135 (1)(f)1.c.	1st-30yrs	Trafficking in amphetamine, 200 grams or more.	Lev 9 - 1st

OFSRS #5 Level 14 (92)

45	893.135 (1)(h)1.c.	1st-30yrs	Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.	Lev 9 - 1st
46	893.135 (1)(j)1.c.	1st-30yrs	Trafficking in 1,4-Butanediol, 10 kilograms or more.	Lev 9 - 1st
47	893.135 (1)(k)2.c.	1st-30yrs	Trafficking in Phenethylamines, 400 grams or more.	Lev 9 - 1st
48	893.135 (1)(m)2.d.	1st-30yrs	Trafficking in synthetic cannabinoids, 30 kilograms or more.	Lev 9 - 1st
49	893.135 (1)(n)2.c.	1st-30yrs	Trafficking in n-benzyl phenethylamines, 200 grams or more.	Lev 9 - 1st

#	FLORIDA STATUTE	NEW FEL-MAX YRS	DESCRIPTION	OLD LEV/OLD DEG
1	499.0051(9)	1st-30yrs	Knowing sale or purchase of contraband prescription drugs resulting in death.	Lev 10 - 1st
2	782.04(3)	1st/PBL-30/Life	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, aggravated fleeing or eluding with sbi or death, and other specified felonies	Lev 9 - 1st, PBL
3	787.01(1)(a)1.	1st/PBL-30/Life	Kidnapping; hold for ransom or reward or as a shield or hostage	Lev 9 - 1st, PBL
4	787.01(1)(a)2.	1st/PBL-30/Life	Kidnapping with intent to commit or facilitate commission of any felony	Lev 9 - 1st, PBL
5	787.01(1)(a)4.	1st/PBL-30/Life	Kidnapping with intent to interfere with performance of any governmental or political function.	Lev 9 - 1st, PBL
6	787.06(3)(f)1.	1st/PBL-30/Life	Human trafficking for commercial sexual activity by the transfer or transport of any child from outside Florida to within the state.	Lev 9 - 1st, PBL
7	790.166(2)	1st/PBL-30/Life	Possessing, selling, using, or attempting to use a weapon of mass destruction	Lev 9 - 1st, PBL
8	794.011(2)	Life-Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years	Lev 9 - Life
9	794.011(4)(a)	1st/PBL-30/Life	Sexual battery, certain circumstances; victim 12 years of age or older but younger than 18 years; offender 18 years or older	Lev 9 - 1st, PBL
10	812.13(2)(a)	1st/PBL-30/Life	Robbery with firearm or other deadly weapon.	Lev 9 - 1st, PBL
11	812.133(2)(a)	1st/PBL-30/Life	Carjacking; firearm or other deadly weapon	Lev 9 - 1st, PBL
12	812.135(2)(a)	1st/PBL-30/Life	Home-invasion robbery with firearm or other deadly weapon.	Lev 10 - 1st,PBL
13	810.02(2)(a)	1st/PBL-30/Life	Burglary with assault or battery.	Lev 8 - 1st, PBL
14	810.02(2)(b)	1st/PBL-30/Life	Burglary; armed with explosives or dangerous weapon.	Lev 8 - 1st, PBL
15	893.135 (1)(b)1.b.	1st-30yrs	Trafficking in cocaine, more than 200 grams, less than 400 grams.	Lev 8 - 1st
16	893.135 (1)(c)1.b.	1st-30yrs	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.	Lev 8 - 1st
17	893.135 (1)(c)2.c.	1st-30yrs	Trafficking in hydrocodone, 100 grams or more, less than 300 grams.	Lev 8 - 1st
18	893.135 (1)(c)3.c.	1st-30yrs	Trafficking in oxycodone, 25 grams or more, less than 100 grams.	Lev 8 - 1st
19	893.135 (1)(c)4.b.(II)	1st-30yrs	Trafficking in fentanyl, 14 grams or more, less than 28 grams.	Lev 8 - 1st
20	893.135 (1)(d)1.b.	1st-30yrs	Trafficking in phencyclidine, 200 grams or more, less than 400 grams.	Lev 8 - 1st

OFSRS #5 Level 15 (108)

21	893.135 (1)(e)1.b.	1st-30yrs	Trafficking in methaqualone, 5 kilograms or more, less than 25 kilograms.	Lev 8 - 1st
22	893.135 (1)(f)1.b.	1st-30yrs	Trafficking in amphetamine, 28 grams or more, less than 200 grams.	Lev 8 - 1st
23	893.135 (1)(g)1.b.	1st-30yrs	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.	Lev 8 - 1st
25	893.135 (1)(h)1.b.	1st-30yrs	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms	Lev 8 - 1st
26	893.135 (1)(j)1.b.	1st-30yrs	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.	Lev 8 - 1st
27	893.135 (1)(k)2.b.	1st-30yrs	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.	Lev 8 - 1st
28	893.135 (1)(m)2.c.	1st-30yrs	Trafficking in synthetic cannabinoids, 1,000 grams or more, less than 30 kilograms.	Lev 8 - 1st
29	893.135 (1)(n)2.b.	1st-30yrs	Trafficking in n-benzyl phenethylamines, 100 grams or more, less than 200 grams.	Lev 8 - 1st
30	893.135(1)(a)2.	1st-30yrs	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.	Lev 8 - 1st

#	FLORIDA STATUTE	NEW FEL/MAX YRS	DESCRIPTION	OLD LEV/OLD DEG
1	782.04(2)	1st/PBL-30/Life	Unlawful killing of human; act is homicide, unpremeditated.	Lev 10 - 1st, PBL
2	782.07(3)	1st-30yrs	Aggravated manslaughter of a child.	Lev - 1st
3	787.01(1)(a)3.	1st/PBL-30yrs	Kidnapping; inflict bodily harm upon or terrorize victim.	Lev 10 - 1st, PBL
4	787.01(3)(a)	Life	Kidnapping; child under age 13, perpetrator also commits aggravated child abuse, sex battery, or lewd or lascivious battery, molestation, conduct, or exhibition.	Lev 10 - Life
5	787.02(3)(a)	1st/PBL-30/Life	False imprisonment; child under age 13; perpetrator also commits agg child abuse, sex battery, or lewd or lascivious battery, molestation, conduct, or exhibition	Lev 9 - 1st, PBL
6	787.06(3)(g)	Life-Life	Human trafficking for commercial sexual activity of a child under the age of 18 or mentally defective or incapacitated person.	Lev 10 - Life
7	787.06(4)(a)	Life-Life	Selling or buying of minors into human trafficking.	Lev 10 - Life
8	794.011(3)	Life-Life	Sexual battery; victim 12 years or older, offender uses or threatens to use deadly weapon or physical force to cause serious injury.	Lev 10 - Life
9	794.011(4)(d)	1st/PBL-30/Life	Sexual battery, certain circumstances; victim 12 years of age or older; prior conviction for specified sex offenses.	Lev 9 - 1st, PBL
10	794.011(8)(b)	1st/PBL-30/Life	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.	Lev 9 - 1st, PBL
11	800.04(5)(b)	Life-Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older	Lev 9 - Life
12	876.32	1st-30yrs	Treason against the state.	Lev 10 - 1st

Case law Issue #2: Submitted by Professor Michael Morley

Amend Fla. Stat. § 921.0026(2)(f) to state:

“(2) Mitigating circumstances under which a departure from the lowest permissible sentence is reasonably justified include, but are not limited to: . . .

“(f) [t]he victim was an initiator, willing participant, aggressor, or provoker of the incident, and:

(i) the victim was 18 years of age or older at the time of the offense, or

(ii) the victim was 16 years of age or older at the time of the offense, and the defendant was 19 years of age or younger.

Proposed Resolution #9 – Move Prior Serious Felony points to Prior Records Points

Possibility 9a: Provide alternate Prior Record Point values in Part IV for defendants with “prior serious felonies.”

Resolved that additional points should not be added for a Serious Felony in Part VIII. Instead, the Prior Record points in Part IV for defendants who have committed Prior Serious Felonies as defined in Fla. Stat. § 921.0024 should be increased to reflect the failure to apply this adjustment.

Under the current offense level system, these adjustments should be made as follows:

Offense Level	Current Prior Record Points in Part IV	Revised Prior Record Points in Part IV for Defendants with <u>Prior Serious Felonies</u> to Offset Eliminating Part VIII
8	19	37 (<i>i.e.</i> , add 18 points to current adjustment)
9	23	47 (<i>i.e.</i> , add 24 points to current adjustment)
10	29	59 (<i>i.e.</i> , add 30 points to current adjustment)

Possibility 9b: Provide alternate Prior Record Point values in Part IV for Prior Releasee Reoffenders.

Resolved that additional points should not be added for a Serious Felony in Part VIII. Instead, the Prior Record points in Part IV for defendants who qualify as Prior Releasee Reoffenders as defined in Fla. Stat. § 775.082(9)(a)(1) should be increased to reflect the failure to apply this adjustment.

Under the current offense level system, these adjustments should be made as follows:

Offense Level	Current Prior Record Points in Part IV	Revised Prior Record Points in Part IV for <u>Prior Releasee Reoffenders</u> to Offset <u>Eliminating Part VIII</u>
8	19	37 (<i>i.e.</i> , add 18 points to current adjustment)
9	23	47 (<i>i.e.</i> , add 24 points to current adjustment)
10	29	59 (<i>i.e.</i> , add 30 points to current adjustment)

The amount of the enhancement for Serious Felonies would generally be less under this proposal, but a defendant would be receiving it for **each prior serious felony**, potentially receiving a greater total number of points as a result.

Part IV of the Scoresheet should be adjusted as follows:

(Level = Points: M=0.2, 1=0.5, 2=0.8, 3=1.6, 4=2.4, 5=3.6, 6=9, 7=14, 8=19, 9=23, 10=29)

(For Prior Releasee Reoffenders, Level = Points: 8=37, 9=47, 10=59)

Possibility 9c: Increase the Prior Record Points in Part IV for the highest offense levels.

Resolved that additional points should not be added for a Serious Felony in Part VIII. Instead, the Prior Record points in Part IV should be increased for all defendants who have been convicted of crimes categorized at Offense Levels 8 through 10.

Under the current offense level system, these adjustments should be made as follows:

Offense Level	Current Prior Record Points in Part IV	Revised Prior Record Points in Part IV for all Defendants to Offset Eliminating Part VIII
8	19	37 (<i>i.e.</i> , add 18 points to current adjustment)
9	23	47 (<i>i.e.</i> , add 24 points to current adjustment)
10	29	59 (<i>i.e.</i> , add 30 points to current adjustment)

The amount of the enhancement for Serious Felonies would generally be less under this proposal, but a defendant would be receiving it for **each prior serious felony**, potentially receiving a greater total number of points as a result.

Part IV of the Scoresheet should be adjusted as follows:

(Level =Points: M=0.2, 1=0.5, 2=0.8, 3=1.6, 4=2.4, 5=3.6, 6=9, 7=14, **8=37 19, 9=47, 10=59**)

SCORESHEET ENHANCEMENTS AND MULTIPLIERS

This document reflects changes that would have to be made to the offense levels for various offenses in order to:

- (i) eliminate certain enhancements and multipliers from the scoresheet, while
- (ii) ensuring that defendants who commit such acts receive approximately the same number of points as they would have scored as a result of those enhancements and multipliers.

Current System		Potential New System	
Existing Offense Level	Current Points	New Offense Level	Recommended Points
1	4	1	4
2	10	2	8
3	16	3	12
4	22	4	16
5	28	5	22
6	36	6	28
7	56	7	36
8	74	8	46
9	92	9	52
10	116	10	60
<i>Levels 1 – 4 (22 or less points): non-prison sanction may be required</i> <i>Levels 1 – 6 (44 or less points): non-prison sanction possible</i> <i>Levels 7 – 10 (over 44 points): prison sentence required</i>		11	68
		12	76
		13	84
		14	92
		15	108
		16	124
		17	140
		18	180
		19	240
		20	360
		White background: general offense levels Grey background: enhanced offense levels to reflect eliminating large enhancements <i>Levels 1 – 5 (22 or less points): non-prison sanction may be required</i> <i>Levels 1 – 7 (44 or less points): non-prison sanction possible</i> <i>Levels 8 – 16 (over 44 points): prison sentence required</i>	

PART III OF SCORESHEET: VICTIM INJURY ENHANCEMENTS

RECOMMENDATION 1(a)(Passed): Remove the *Second-Degree Murder*, *Death*, *Severe Injury*, *Sexual Penetration*, and *Sexual Contact* enhancements in Part III from the scoresheet. Offense levels for the offenses to which these enhancements apply should then be increased in the accompanying chart to offset elimination of these enhancements.

RECOMMENDATION 1(b) (Passed): Retain the *Moderate Injury* (18 points) and *Slight Injury* (4 points) Enhancements, since they do not constitute elements of any offenses.

Second Degree Murder (240 points)

- Fla. Stat. 782.04(2) – *Unlawful killing of human; act is homicide; unpremeditated* (level 16, #1)
Currently Level 10 out of 10 (116 points) + 240-point enhancement = 356 points
Current version of suggested chart: Level 16 out of 16 (124 points)
Necessary new ranking: Level 20 out of 20 (360 points)

Death (120 points)

[This offense would not be adjusted to reflect the death enhancement: Fla. Stat. 784.05(3) *storing firearm where minor uses to inflict injury/death* (level 5, #22)]

- Fla. Stat. 782.04(4) – *Killing of human without design while engaged in certain felonies* (level 9, #7)
Currently level 8 out of 10 (74 points) + 120-point enhancement = 194 points
Current version of suggested chart: Level 9 out of 16 (52 points)
Necessary new ranking: Level 18 out of 20 (180 points)
- Fla. Stat. 402.319(2) – *Misrepresentation and negligence or intentional act resulting in death* (level 12, #1)
Currently Level 7 out of 10 (56 points) + 120-point enhancement = 176 points
Current version of suggested chart: Level 12 out of 20 (76 points)
Necessary new ranking: Level 18 out of 20 (180 points)
- Fla. Stat. 316.1935(4)(b) – *Aggravated Fleeing or Attempted Eluding with Death* (level 13, #1)
Currently level 8 out of 10 (74 points) + 120-point enhancement = 184 points
Current version of suggested chart: Level 13 out of 16 (84 points)
Necessary new ranking: Level 18 out of 20 (180 points)
- Fla. Stat. 782.07(1) – *Negligent homicide (manslaughter)* (level 13, #10)
Currently level 7 out of 10 (56 points) + 120-point enhancement = 176 points
Current version of suggested chart: Level 13 out of 16 (84 points)
Necessary new ranking: Level 18 out of 20 (180 points)

- Fla. Stat. 782.071 – Killing of human or unborn child w/ reckless driving (veh manslaughter) (level 13, #11)
 - Currently level 7 out of 10 (56 points) + 120-point enhancement = 176 points
 - Current version of suggested chart: Level 13 out of 16 (84 points)
 - Necessary new ranking: Level 18 out of 20 (180 points)
- Fla. Stat. 782.072 – Killing of human with reckless driving of vessel (level 13, #12)
 - Currently level 7 out of 10 (56 points) + 120-point enhancement = 176 points
 - Current version of suggested chart: Level 13 out of 16 (84 points)
 - Necessary new ranking: Level 18 out of 20 (180 points)
- Fla. Stat. 316.193(3)(c)3.a – DUI Manslaughter (level 14, #2)
 - Currently level 8 out of 10 (74 points) + 120-point enhancement = 194 points
 - Current version of suggested chart: Level 14 out of 16 (92 points)
 - Necessary new ranking: Level 18 out of 20 (180 points)
- Fla. Stat. 316.193(3)(c)3.b – DUI Manslaughter + Failure to Render Aid or Give Information (level 14, #3)
 - Currently level 9 out of 10 (92 points) + 120-point enhancement = 212 points
 - Current version of suggested chart: Level 14 out of 16 (92 points)
 - Necessary new ranking: Level 19 out of 20 (240 points)
 - NOTE: This is a more serious offense than DUI Manslaughter alone (discussed above)*
- Fla. Stat. 316.1935(3)(b) – Causing SBI/Death while driving at high speed to evade law enforcement with siren and lights activated (level 14, #4)
 - Currently level 7 out of 10 (56 points) + 120-points = 176 points
 - Current version of suggested chart: Level 14 out of 16 (92 points)
 - Necessary new ranking: Level 18 out of 20 (180 points)
- Fla. Stat. 327.35(3)(c)3.b – BUI Manslaughter + Failure to Render Aid or Give Information (level 14, #5)
 - Currently level 9 out of 10 (92 points) + 120-point enhancement = 212 points
 - Current version of suggested chart: Level 14 out of 16 (92 points)
 - Necessary new ranking: Level 19 out of 20 (240 points)
 - NOTE: This is a more serious offense than BUI Manslaughter alone (discussed below)*
- Fla. Stat. 327.35(3)(c)3 – Vessel BUI Manslaughter (level 14, #6)
 - Currently level 8 out of 10 (74 points) + 120-point enhancement = 194 points
 - Current version of suggested chart: Level 14 out of 16 (92 points)
 - Necessary new ranking: Level 18 out of 20 (180 points)
- Fla. Stat. 782.07(2) – Aggravated manslaughter of elderly or disabled adult (level 14, #11)
 - Currently level 9 out of 10 (92 points) + 120-point enhancement = 212 points
 - Current version of suggested chart: Level 14 out of 16 (92 points)
 - Necessary new ranking: Level 19 out of 20 (240 points)
- Fla. Stat. 782.071(1)(b) – Committing vehicular homicide and failing to render aid or give information (level 14, #12)
 - Currently level 8 out of 10 (74 points) + 120-point enhancement = 194 points
 - Current version of suggested chart: Level 14 out of 16 (92 points)
 - Necessary new ranking: Level 18 out of 20 (180 points)
- Fla. Stat. 782.072(2) – Committing vessel homicide and failing to render aid or give information (level 14, #13)

Currently level 8 out of 10 (74 points) + 120-point enhancement = 194 points

Current version of suggested chart: Level 14 out of 16 (92 points)

Necessary new ranking: Level 18 out of 20 (180 points)

- Fla. Stat. 499.0051(9) – Knowing sale or purchase of contraband prescription drugs resulting in death (level 15, #1)

Currently level 10 out of 10 (116 points) + 120-point enhancement = 236 points

Current version of suggested chart: Level 15 out of 16 (108 points)

Necessary new ranking: Level 19 out of 20 (240 points)

- Fla. Stat. 782.04(3) – Accomplice to murder in connection with arson, sexual battery, robbery, burglary, aggravated fleeing or eluding with serious bodily injury or death, and other specified felonies (level 15, #2)

Currently level 9 out of 10 (92 points) + 120-point enhancement = 212 points

Current version of suggested chart: Level 15 out of 16 (108 points)

Necessary new ranking: Level 19 out of 20 (240 points)

- Fla. Stat. 782.07(3) – Aggravated manslaughter of a child (level 16, #2)
Currently Level 10 out of 10 (116 points) + 120-point enhancement = 236 points
Current version of suggested chart: Level 16 out of 16 (124 points)
Necessary new ranking: Level 19 out of 20 (240 points)

Severe Injury (40 points)

- Fla. Stat. 322.34(6) – Carelessly operating a motor vehicle with suspended license, resulting in death or serious bodily injury (level 6, #5)
 - Currently Level 5 out of 10 (28 points) + 40-point enhancement = 68 points
 - Current version of suggested chart: Level 6 out of 16 (28 points)
 - Necessary new ranking: Level 11 out of 20 (68 points)
- Fla. Stat. 944.35(3)(a)2 – Malicious Battery / Inhuman Treatment on Inmate or Offender on Community Supervision Resulting in Great Bodily Harm (level 7, #55)
 - Currently Level 6 out of 10 (36 points) + 40-point enhancement = 76 points
 - Current version of suggested chart: Level 7 out of 16 (36 points)
 - Necessary new ranking: Level 12 out of 20 (76 points)
- Fla. Stat. 316.193(3)(c)2 – DUI Resulting in Serious Bodily Injury (level 9, #2)
 - Currently Level 7 out of 10 (56 points) + 40-point enhancement = 96 points
 - Current version of suggested chart: Level 9 out of 16 (52 points)
 - Necessary new ranking: Level 14 out of 20 (92 points)
- Fla. Stat. 327.35(3)(c)2 – Vessel BUI Resulting in Serious Bodily Injury (level 9, #4)
 - Currently Level 7 out of 10 (56 points) + 40-point enhancement = 96 points
 - Current version of suggested chart: Level 9 out of 16 (52 points)
 - Necessary new ranking: Level 14 out of 20 (92 points)
- Fla. Stat. 825.102(3)(b) – Neglecting an Elderly Person or Disabled Adult + Great Bodily Harm, Disability, or Disfigurement (level 11, #15)
 - Currently Level 7 out of 10 (56 points) + 40-point enhancement = 96 points
 - Current version of suggested chart: Level 11 out of 20 (68 points)
 - Necessary new ranking: Level 14 out of 20 (92 points)
- Fla. Stat. 827.03(2)(b) – Neglecting a Child + Great Bodily Harm, Disability, or Disfigurement (level 11, #17)
 - Currently Level 7 out of 10 (56 points) + 40-point enhancement = 96 points
 - Current version of suggested chart: Level 11 out of 20 (68 points)
 - Necessary new ranking: Level 14 out of 20 (92 points)
- Fla. Stat. 402.319(2) – Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfigurement, or permanent disability (level 12, #1)
 - Currently Level 7 out of 10 (56 points) + 40-point enhancement = 96 points
 - Current version of suggested chart: Level 12 out of 20 (76 points)
 - Necessary new ranking: Level 14 out of 20 (92 points)
- Fla. Stat. 456.065(2) – Practicing health care without a license which results in serious bodily injury (level 12, #2)
 - Currently Level 7 out of 10 (56 points) + 40-point enhancement = 96 points
 - Current version of suggested chart: Level 12 out of 20 (76 points)
 - Necessary new ranking: Level 14 out of 20 (92 points)
- Fla. Stat. 784.045(1)(a)1 – Aggravated battery; intentionally causing great bodily harm or disfigurement (level 12, #5)

Currently Level 7 out of 10 (56 points) + 40-point enhancement = 96 points
Current version of suggested chart: Level 12 out of 20 (76 points)
Necessary new ranking: Level 14 out of 20 (92 points)

- Fla. Stat. 316.1935(4)(b) – Aggravated Fleeing or Attempted Eluding with Serious Bodily Injury (level 13, #1)
Currently level 8 out of 10 (74 points) + 40 points = 114 points
Current version of suggested chart: Level 13 out of 16 (84 points)
Necessary new ranking: Level 16 out of 20 (124 points)
- Fla. Stat. 784.07(2)(d) – Aggravated Battery on Law Enforcement Officer (level 13, #13) (triggers two enhancements)
Currently level 7 out of 10 (56 points) + 40 points x 1.5 (LEO multiplier) = 144 points
Current version of suggested chart: Level 13 out of 20 (84 points)
Necessary new ranking: Level 17 out of 20 (140 points) (taking into account 1.5x law enforcement point multiplier, as well)
- Fla. Stat. 784.074(1)(a) – Aggravated Battery on Sexual Violent Predators Facility Staff (level 13, #14) (triggers two enhancements)
Currently level 7 out of 10 (56 points) + 40 points x 1.5 (LEO multiplier) = 144 points
Current version of suggested chart: Level 13 out of 20 (84 points)
Necessary new ranking: Level 17 out of 20 (140 points) (taking into account 1.5x law enforcement point multiplier, as well)
- Fla. Stat. 784.08(2)(a) – Aggravated Battery on Person 65+ (level 13, #15)
Currently level 7 out of 10 (56 points) + 40-point enhancement = 96 points
Current version of suggested chart: Level 13 out of 20 (84 points)
Necessary new ranking: Level 14 out of 20 (92 points)
- Fla. Stat. 784.081(1) – Aggravated Battery on Specified Official/Employee (level 13, #16)
Currently level 7 out of 10 (56 points) + 40-point enhancement = 96 points
Current version of suggested chart: Level 13 out of 20 (84 points)
Necessary new ranking: Level 14 out of 20 (92 points)
- Fla. Stat. 784.082(1) – Aggravated Battery by Detained Person on Visitor or Other Detainee (level 13, #17) (triggers two enhancements)
Currently level 7 out of 10 (56 points) + 40 points + 4 points incarceration = 100 points
Current version of suggested chart: Level 13 out of 20 (84 points)
Necessary new ranking: Level 15 out of 20 (108 points) (taking into account 4-point incarceration enhancement, as well)
- Fla. Stat. 784.083(1) – Aggravated Battery on Code Inspector (level 13, #18)
Currently level 7 out of 10 (56 points) + 40-point enhancement = 96 points
Current version of suggested chart: Level 13 out of 20 (84 points)
Necessary new ranking: Level 14 out of 20 (92 points)
- Fla. Stat. 860.121(2)(c) – Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm (level 13, #35)
Currently level 8 out of 10 (74 points) + 40-point enhancement = 114 points
Current version of suggested chart: Level 13 out of 20 (84 points)
Necessary new ranking: Level 16 out of 20 (124 points)
- Fla. Stat. 499.0051(8) – Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm (level 14, #8)
Currently Level 9 out of 10 (92 points) + 40-point enhancement = 132 points

Current version of suggested chart: Level 14 out of 16 (92 points)
Necessary new ranking: Level 17 out of 20 (140 points)

- Fla. Stat. 825.102(2) – Aggravated Abuse of Elderly Person or Disabled Adult (level 14, #30)
Currently Level 8 out of 10 (74 points) + 40-point enhancement = 114 points
Current version of suggested chart: Level 14 out of 16 (92 points)
Necessary new ranking: Level 16 out of 20 (124 points)
- Fla. Stat. 827.03(2)(a) – Aggravated child abuse (level 14, #32)
Currently Level 9 out of 10 (92 points) + 40-point enhancement = 132 points
Current version of suggested chart: Level 14 out of 16 (92 points)
Necessary new ranking: Level 17 out of 20 (140 points)
- Fla. Stat. 794.011(3) – Sexual battery; victim 12 years or older; offender uses/threatens to use deadly weapon or force to cause serious injury (level 16, #8) (triggers two enhancements)
Currently Level 10 of 10 (116 points) + 80 points penetration + 40 points = 236 points
Current version of suggested chart: Level 16 out of 16 (124 points)
Necessary new ranking: Level 19 out of 20 (240 points) (taking into account 80-point sexual penetration enhancement as well, discussed below)

Sexual Penetration (80 points)

- Fla. Stat. 827.071(2) and (3) – Using or inducing a child in a sexual performance or promote or direct such performance – (level 9, #26)
 - Currently level 6 out of 10 (36 points) + 80 points = 116 points
 - Current version of suggested chart: Level 9 out of 16 (52 points)
 - Necessary new ranking: Level 16 out of 20 (124 points)
- Fla. Stat. 794.05(1) – Unlawful sexual activity with specified minor (16-17 year-old victim and 24+ year-old defendant) (with penetration) (level 10, #7)
 - Currently level 6 out of 10 (36 points) + 80 points = 116 points
 - Current version of suggested chart: Level 10 out of 16 (60 points)
 - Necessary new ranking: Level 16 out of 20 (124 points)
- Fla. Stat. 827.04(3) – Impregnation of Child Under 16 by Defendant 21 or older (level 10, #18)
 - Currently level 7 out of 10 (56 points) + 80 points = 136 points
 - Current version of suggested chart: Level 10 out of 16 (60 points)
 - Necessary new ranking: Level 17 out of 20 (140 points)
- Fla. Stat. 794.011(5)(b) – Sexual battery, victim 18+, offender 18+, no force likely to cause serious injury (with penetration) (level 12, #8)
 - Currently level 8 out of 10 (74 points) + 80 points = 154 points
 - Current version of suggested chart: Level 12 out of 16 (76 points)
 - Necessary new ranking: Level 17 out of 20 (140 points)
- Fla. Stat. 794.011(5)(c) – Sexual battery, victim 12+, offender under 18, no force likely to cause serious injury (with penetration) (level 12, #9)
 - Currently level 8 out of 10 (74 points) + 80 points = 154 points
 - Current version of suggested chart: Level 12 out of 16 (76 points)
 - Necessary new ranking: Level 17 out of 20 (140 points)
- Fla. Stat. 794.011(5)(a) – Sexual battery, victim 12-18, offender 18+, no force likely to cause serious injury (with penetration) (level 13, #25)
 - Currently level 8 out of 10 (74 points) + 80 points = 154 points
 - Current version of suggested chart: Level 13 out of 16 (84 points)
 - Necessary new ranking: Level 17 out of 20 (140 points)
- Fla. Stat. 794.011(4)(b) – Sexual battery, certain circumstances, victim and offender 18 or older (with penetration) (level 14, #23)
 - Currently level 9 out of 10 (92 points) + 80 points = 172 points
 - Current version of suggested chart: Level 14 out of 16 (92 points)
 - Necessary new ranking: Level 18 out of 20 (180 points)
- Fla. Stat. 794.011(4)(c) – Sexual battery, certain circumstances, victim 12 or older, offender under 18 (with penetration) (level 14, #24)
 - Currently level 9 out of 10 (92 points) + 80 points = 172 points
 - Current version of suggested chart: Level 14 out of 16 (92 points)
 - Necessary new ranking: Level 18 out of 18 (180 points)

- Fla. Stat. 794.011(5)(d) – Sexual battery, victim 12 or older, no force likely to cause serious injury, offender has prior sex conviction (with penetration) (level 14, #25)
 - Currently level 8 out of 10 (74 points) + 80 points = 154 points
 - Current version of suggested chart: Level 14 out of 16 (92 points)
 - Necessary new ranking: Level 17 out of 20 (140 points) or Level 18 of 18 (180 points)

- Fla. Stat. 794.011(2) – Sexual battery; victim under 12 and offender under 18 (with penetration) (level 15, #8)
 - Currently level 9 out of 10 (92 points) + 80 points = 172 points
 - Current version of suggested chart: Level 15 out of 16 (108 points)
 - Necessary new ranking: Level 18 out of 20 (180 points)

- Fla. Stat. 794.011(4)(a) – Sexual battery; victim 12-18; offender 18 or older (with penetration) (level 15, #9)
 - Currently Level 9 out of 10 (116 points) + 80 points = 196 points
 - Current version of suggested chart: Level 15 out of 16 (108 points)
 - Necessary new ranking: Level 19 out of 20 (240 points) (taking into account 80-point sexual penetration enhancement as well, discussed below)

- Fla. Stat. 794.011(3) – Sexual battery; victim 12 years or older; offender uses/threatens to use a deadly weapon or force to cause serious bodily injury (with penetration) (level 16, #8) (triggers two enhancements)
 - Currently Level 10 out of 10 (116 points) + 80 points + 40 points (severe inj)= 236 points
 - Current version of suggested chart: Level 16 out of 16 (124 points)
 - Necessary new ranking: Level 19 out of 20 (240 points) (taking into account 40-point severe injury enhancement as well, discussed above)

- Fla. Stat. 794.011(4)(d) – Sexual battery; victim 12 years or older; offender had previous sex crime conviction (with penetration) (level 16, #9)
 - Currently Level 9 out of 10 (92 points) + 80 points = 172 points
 - Current version of suggested chart: Level 16 out of 16 (124 points)
 - Necessary new ranking: Level 18 out of 20 (180 points)

- Fla. Stat. 794.011(8)(b) – Sexual battery; victim 12-18, offender has familial or custodial authority (with penetration) (level 16, #10)
 - Currently Level 9 out of 10 (92 points) + 80 points = 172 points
 - Current version of suggested chart: Level 16 out of 16 (124 points)
 - Necessary new ranking: Level 18 out of 20 (180 points)

- Fla. Stat. 800.04(5)(b) – Lewd or Lascivious Molestation; victim under 12, offender 18 or older (with penetration) (level 16, #11)
 - Currently Level 9 out of 10 (92 points) + 80 points = 172 points
 - Current version of suggested chart: Level 16 out of 16 (124 points)
 - Necessary new ranking: Level 18 out of 20 (180 points)

Sexual Contact (40 points)

- Fla. Stat. 800.04(5)(d) – Lewd or lascivious molestation, victim 12-15, offender under 18 (level 8, #5)
 - Currently level 6 out of 10 (36 points) + 40 points = 76 points
 - Current version of suggested chart: Level 8 out of 16 (46 points)
 - Necessary new ranking: Level 12 out of 20 (76 points)
- Fla. Stat. 800.04(6)(b) – Lewd or Lascivious conduct; offender 18+ (level 9, #16)
 - Currently level 6 out of 10 (36 points) + 40 points = 76 points
 - Current version of suggested chart: Level 9 out of 16 (52 points)
 - Necessary new ranking: Level 12 out of 20 (76 points)
- Fla. Stat. 806.031(2) – Arson w/ great bodily harm to firefighter or other person (level 9, #17)
 - Currently level 6 out of 10 (36 points) + 40 points = 76 points
 - Current version of suggested chart: Level 9 out of 16 (52 points)
 - Necessary new ranking: Level 12 out of 20 (76 points)
- Fla. Stat. 825.1025(3) – Lewd or lascivious molestation of elderly person or disabled adult (level 9, #25)
 - Currently level 6 out of 10 (36 points) + 40 points = 76 points
 - Current version of suggested chart: Level 9 out of 16 (52 points)
 - Necessary new ranking: Level 12 out of 20 (76 points)
- Fla. Stat. 794.05(1) – Unlawful sexual activity with specified minor (16-17 year-old victim and 24+ year-old defendant) (union/contact) (level 10, #7)
 - Currently level 6 out of 10 (36 points) + 40 points = 76 points
 - Current version of suggested chart: Level 10 out of 16 (60 points)
 - Necessary new ranking: Level 12 out of 20 (76 points)
- Fla. Stat. 847.0135(2) – Facilitating sexual contact of or with a minor or the visual depiction of such conduct (level 10, #26)
 - Currently level 6 out of 10 (36 points) + 40 points = 76 points
 - Current version of suggested chart: Level 10 out of 16 (60 points)
 - Necessary new ranking: Level 12 out of 20 (76 points)
- Fla. Stat. 800.04(4)(b) – Lewd or lascivious battery (level 11, #9)
 - Currently level 8 out of 10 (74 points) + 40 points = 114 points
 - Current version of suggested chart: Level 11 out of 16 (68 points)
 - Necessary new ranking: Level 16 out of 20 (124 points)
- Fla. Stat. 800.04(5)(c)1 – Lewd or lascivious molestation, victim < 12, def. < 18 (level 11, #10)
 - Currently level 7 out of 10 (56 points) + 40 points = 96 points
 - Current version of suggested chart: Level 11 out of 16 (68 points)
 - Necessary new ranking: Level 14 out of 20 (92 points)
- Fla. Stat. 800.04(5)(c)2 – Lewd or lascivious molestation, victim 12-16, def. 18+ (level 11, #11)
 - Currently level 7 out of 10 (56 points) + 40 points = 96 points
 - Current version of suggested chart: Level 11 out of 16 (68 points)
 - Necessary new ranking: Level 14 out of 20 (92 points)

- Fla. Stat. 794.011(5)(b) – Sexual battery, victim 18+, offender 18+, no force likely to cause serious injury (union/contact) (level 12, #8)
 - Currently level 8 out of 10 (74 points) + 40 points = 114 points
 - Current version of suggested chart: Level 12 out of 16 (76 points)
 - Necessary new ranking: Level 16 out of 20 (124 points)
- Fla. Stat. 794.011(5)(c) – Sexual battery, victim 12+, offender under 18, no force likely to cause serious injury (union/contact) (level 12, #9)
 - Currently level 8 out of 10 (74 points) + 40 points = 114 points
 - Current version of suggested chart: Level 12 out of 16 (76 points)
 - Necessary new ranking: Level 16 out of 20 (124 points)
- Fla. Stat. 794.011(5)(a) – Sexual battery, victim 12-18, offender 18+, no force likely to cause serious injury (union/contact) (level 13, #25)
 - Currently level 8 out of 10 (74 points) + 40 points = 114 points
 - Current version of suggested chart: Level 13 out of 16 (84 points)
 - Necessary new ranking: Level 16 out of 20 (124 points)
- Fla. Stat. 800.04(5)(e) – Lewd or lascivious molestation; victim 12-16; def. 18+ w/ prior sex conviction (level 13, #27)
 - Currently level 7 out of 10 (56 points) + 40 points = 96 points
 - Current version of suggested chart: Level 13 out of 16 (84 points)
 - Necessary new ranking: Level 14 out of 20 (92 points)
- Fla. Stat. 794.011(4)(b) – Sexual battery, certain circumstances, victim and offender 18 or older (union/contact) (level 14, #23)
 - Currently level 9 out of 10 (92 points) + 40 points = 132 points
 - Current version of suggested chart: Level 14 out of 16 (92 points)
 - Necessary new ranking: Level 17 out of 20 (140 points)
- Fla. Stat. 794.011(4)(c) – Sexual battery, certain circumstances, victim 12 or older, offender under 18 (union/contact) (level 14, #24)
 - Currently level 9 out of 10 (92 points) + 40 points = 132 points
 - Current version of suggested chart: Level 14 out of 16 (92 points)
 - Necessary new ranking: Level 17 out of 20 (140 points)
- Fla. Stat. 794.011(5)(d) – Sexual battery, victim 12 or older, no force likely to cause serious injury, offender has prior sex conviction (union/contact) (level 14, #25)
 - Currently level 8 out of 10 (74 points) + 40 points = 114 points
 - Current version of suggested chart: Level 14 out of 16 (92 points)
 - Necessary new ranking: Level 16 out of 20 (124 points)
- Fla. Stat. 800.04(4)(c) – Lewd or lascivious battery; def 18+ w/ prior sex conviction (level 14, #27)
 - Currently level 8 out of 10 (74 points) + 40 points = 114 points
 - Current version of suggested chart: Level 14 out of 16 (92 points)
 - Necessary new ranking: Level 16 out of 20 (124 points)

- Fla. Stat. 825.1025(2) – Lewd or lascivious battery upon an elderly person or disabled adult (level 14, #31)
 - Currently level 8 out of 10 (74 points) + 40 points = 114 points
 - Current version of suggested chart: Level 14 out of 16 (92 points)
 - Necessary new ranking: Level 16 out of 20 (124 points)

- Fla. Stat. 794.011(2) – Sexual battery; victim under 12 and offender under 18 (union/contact) (level 15, #8)
 - Currently level 9 out of 10 (92 points) + 40 points = 132 points
 - Current version of suggested chart: Level 15 out of 16 (108 points)
 - Necessary new ranking: Level 17 out of 20 (140 points)

- Fla. Stat. 794.011(4)(a) – Sexual battery; victim 12-18; offender 18 or older (union contact) (level 15, #9)
 - Currently Level 9 out of 10 (116 points) + 40 points = 156 points
 - Current version of suggested chart: Level 15 out of 16 (108 points)
 - Necessary new ranking: Level 17 out of 20 (140 points) (taking into account 40-point union/contact enhancement as well, discussed below)

- Fla. Stat. 794.011(3) – Sexual battery; victim 12 years or older; offender uses/threatens to use a deadly weapon or force to cause serious bodily injury (union/contact) (level 16, #8)
 - Currently Level 10 out of 10 (116 points) + 40 points = 156 points
 - Current version of suggested chart: Level 16 out of 16 (124 points)
 - Necessary new ranking: Level 17 out of 20 (140 points)

- Fla. Stat. 794.011(4)(d) – Sexual battery; victim 12 years or older; offender had previous sex crime conviction (union/contact) (level 16, #9)
 - Currently Level 9 out of 10 (92 points) + 40 points = 132 points
 - Current version of suggested chart: Level 16 out of 16 (124 points)
 - Necessary new ranking: Level 17 out of 20 (140 points)

- Fla. Stat. 794.011(8)(b) – Sexual battery; victim 12-18, offender has familial or custodial authority (union/contact) (level 16, #10)
 - Currently Level 9 out of 10 (92 points) + 40 points = 132 points
 - Current version of suggested chart: Level 16 out of 16 (124 points)
 - Necessary new ranking: Level 17 out of 20 (140 points)

- Fla. Stat. 800.04(5)(b) – Lewd or Lascivious Molestation; victim under 12, offender 18 or older (union/contact) (level 16, #11)
 - Currently Level 9 out of 10 (92 points) + 40 points = 132 points
 - Current version of suggested chart: Level 16 out of 16 (124 points)
 - Necessary new ranking: Level 17 out of 20 (140 points)

PART V OF SCORESHEET: LEGAL STATUS VIOLATIONS

RECOMMENDATION 2(a)(Passed): Remove the *Escape* and *Failure to Appear* enhancements from the scoresheet. Offense levels for the offenses to which these enhancements apply should then be increased to offset failure to apply the enhancements.

Escape (4-point enhancement)

- Fla. Stat. 985.721 – *Escapes from a juvenile facility: secure detention or residential commitment facility* (level 4, #41)
Currently: Level 3 out of 10 (16 points) + 4 points = 20 points
Current version of suggested chart: Level 4 out of 16 (16 points)
Necessary new ranking: Level 5 out of 20 (22 points)
- Fla. Stat. 944.40 – *Escape* (level 7, #56)
Currently: Level 6 out of 10 (36 points) + 4 points = 40 points
Current version of suggested chart: Level 7 out of 16 (36 points)
Necessary new ranking: Level 8 out of 20 (46 points)

Failure to appear (4-point enhancement)

- Fla. Stat. 843.15(1)(a) – *Failure to appear while on bail for felony* (level 5, #37)
Currently: Level 4 out of 10 (22 points) + 4 points = 26 points
Current version of suggested chart: Level 5 out of 16 (22 points)
Necessary new ranking: Level 6 out of 16 (28 points)

RECOMMENDATION 2(b): Retain the *Incarceration* enhancement, but apply it only when it is not included as an element of the offense of conviction. The offense levels of crimes where this enhancement is included as an element have already been increased in the accompanying chart to offset failure to apply it.

Incarceration (4-point enhancement)

- Fla. Stat. 784.082(3) – *Battery by detained person on visitor or other detainee* (level 5, #15)
Currently: Level 4 out of 10 (22 points) + 4 points = 26 points
Current version of suggested chart: Level 5 out of 16 (22 points)
Necessary new ranking: Level 6 out of 16 (28 points)
- Fla. Stat. 944.47(1)c – *Possessing Contraband on Grounds of Correctional Institution* (level 5, #43)
Currently: Level 3 out of 10 (16 points) + 4 points = 20 points
Current version of suggested chart: Level 5 out of 16 (22 points) [OK]
- Fla. Stat. 784.082(1) – *Aggravated Battery by Detained Person on Visitor or Other Detainee* (level 13, #17) (triggers two enhancements)
Currently level 7 out of 10 (56 points) + 4 points = 60 points
Current version of suggested chart: Level 13 out of 20 (84 points)
Necessary new ranking: Level 15 out of 20 (108 points) (taking into account 40-point severe injury enhancement, as well)

RECOMMENDATION 2(c)(Passed): Retain the *Fleeing* (4 points), *Supersedeas Bond* (4 points), *Pretrial Intervention or Diversion Program* (4 points), and *Community Supervision* (4 points) enhancements on the scoresheet.

PART VII OF SCORESHEET: FIREARM/SEMI-AUTOMATIC OR MACHINE GUN

RECOMMENDATION 3 (Withdrawn): Retain the *Firearm/Semi-Automatic or Machine Gun* (18 or 25 points) enhancement

PART VIII OF SCORESHEET: PRIOR SERIOUS FELONY

RECOMMENDATION 4 (Withdrawn): Delete the *Prior Serious Felony* enhancement and replace with alternate charts as described in Resolution #9.

DRAFT

PART IX OF SCORESHEET – ENHANCEMENTS

RECOMMENDATION 5(a) – Remove the Drug Trafficking, Motor Vehicle Theft, Domestic Violence in Presence of Related Child, and Adult-on-Minor Sex Offenses enhancements from the scoresheet. Offense levels for the offenses to which these enhancements applied have been increased to offset failure to apply the enhancements.

(Removed) Drug Trafficking (1.5x point multiplier)

- Fla. Stat. 893.135(1) – trafficking various illegal drugs – (level 12, #25-42)
Currently: Level 7 out of 10 (56 points) x 1.5 = 84 points
Current version of suggested chart: Level 12 out of 16 (76 points)
Necessary new ranking: Level 13 out of 20 (84 points)
- Fla. Stat. 499.0051(6) – Knowing trafficking in contraband prescription drugs (level 13, #2)
Currently: Level 8 out of 10 (74 points) x 1.5 = 111 points
Current version of suggested chart: Level 13 out of 16 (84 points)
Necessary new ranking: Level 15 out of 20 (108 points)
- Fla. Stat. to 893.135(1)(a)2 to 893.135(1)(b)1.b – trafficking various controlled substances (level 13, #41-55)
Currently: Level 8 out of 10 (74 points) x 1.5 = 111 points
Current version of suggested chart: Level 13 out of 16 (84 points)
Necessary new ranking: Level 15 out of 20 (108 points)
- Fla. Stat. 893.135(1)(a)-(n) – trafficking various illegal drugs (level 14, #37-50)
Currently: Level 9 out of 10 (92 points) x 1.5 = 138 points
Current version of suggested chart: Level 14 out of 16 (92 points)
Necessary new ranking: Level 17 out of 20 (140 points)

(Removed) Motor Vehicle Theft (1.5x point multiplier)

- Fla. Stat. 812.014(2)(c)6 – Grand theft auto, 3rd degree, three or more prior grand theft auto convictions (level 8, #6)
Currently: New offense – no current listing on the offense severity ranking chart
Current version of suggested chart: Level 8 out of 16 (46 points)
Necessary new ranking: Level 10 out of 20 (60 points)

(Tabled) Domestic Violence in Presence of Related Child (1.5x multiplier)

- Fla. Stat. 784.041 – Felony Battery; domestic battery by strangulation in the presence of a child under 16 (level 9, #9)
Currently: New offense – no current listing on the offense severity ranking chart
Current version of suggested chart: Level 9 out of 16 (52 points) [OK]

(Retained) Adult-on-(Detained)-Minor Sex Offense (2x point multiplier)

- Fla. Stat. 787.01(3)(a) – *kidnapping of child under 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition (level 16, #4)*

Currently: Level 10 of 10 (116 points) x 2 = 232 points
Current version of suggested chart: Level 16 of 16 (124 points)
Necessary new ranking: Level 19 of 20 (240 points)

- Fla. Stat. 787.02(3)(a)– *false imprisonment of child under 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition (level 16, #5)*

Currently: Level 9 of 10 (92 points) x 2 = 184 points
Current version of suggested chart: Level 16 of 16 (124 points)
Necessary new ranking: Level 18 of 20 (180 points)

RECOMMENDATION 5(b): Retain the *Law Enforcement Officer Protection Act* (including 2.0 and 2.5 multipliers) and *Criminal Gang Offense* enhancements, but apply them only when they are not included as an element of the offense of conviction. The offense levels of crimes where this enhancement is included as an element have already been increased in the accompanying chart to offset failure to apply it.

(Retained) Law Enforcement Protection Act (1.5x point multiplier)

- Fla. Stat. 775.0875(1) – *Taking Firearm from Law Enforcement Officer* (level 8, #1)
Currently Level 6 out of 10 (36 points) x 1.5 = 54 points
Current version of suggested chart: Level 9 out of 16 (52 points)
Necessary new ranking: Level 9 out of 20 (52 points)
- Fla. Stat. 784.07(2)(c) – *Aggravated Assault on Law Enforcement Officer* (level 9, #10)
(triggers two enhancements)
Currently Level 6 out of 10 (36 points) x 1.5 = 54 points
Current version of suggested chart: Level 9 out of 16 (52 points)
Necessary new ranking: Level 14 out of 20 (92 points) (taking into account 40-point enhancement for severe injury as well)
- Fla. Stat. 784.07(2)(d) – *Aggravated Battery on Law Enforcement Officer* (level 13, #13)
(triggers two enhancements)
Currently level 7 out of 10 (56 points) x 1.5 = 84 points
Current version of suggested chart: Level 13 out of 20 (84 points)
Necessary new ranking: Level 16 out of 20 (122 points) (taking into account 40-point severe injury enhancement, as well)
- Fla. Stat. 784.074(1)(a) – *Aggravated Battery on Sexual Violent Predators Facility Staff* (level 13, #14) (triggers two enhancements)
Currently level 7 out of 10 (56 points) x 1.5 = 84 points
Current version of suggested chart: Level 13 out of 20 (84 points)
Necessary new ranking: Level 16 out of 20 (122 points) (taking into account 40-point severe injury enhancement, as well)

(Retained*) Criminal Gang Offense (1.5x point multiplier)

- Fla. Stat. 874.05(1)(a) – Encouraging or recruiting another to join a criminal gang (level 6, #45)
 - Currently Level 4 out of 10 (22 points) x 1.5 = 33 points
 - Current version of suggested chart: Level 6 out of 16 (28 points)
 - Necessary new ranking: Level 7 out of 20 (36 points)
- Fla. Stat. 874.05(1)(b) – Encouraging or recruiting another to join a criminal gang, second or subsequent offense (level 9, #30)
 - Currently Level 5 out of 10 (28 points) x 1.5 = 42 points
 - Current version of suggested chart: Level 9 out of 16 (52 points) [OK]
- Fla. Stat. 874.05(2)(a) – Encouraging or recruiting a person under 13 to join a criminal gang (level 9, #31)
 - Currently Level 5 out of 10 (28 points) x 1.5 = 42 points
 - Current version of suggested chart: Level 9 out of 16 (52 points) [OK]
- Fla. Stat. 874.05(2)(b) – Encouraging or recruiting a person under 13 to join a criminal gang; second or subsequent offense (level 12, #21)
 - Currently Level 7 out of 10 (56 points) x 1.5 = 84 points
 - Current version of suggested chart: Level 12 out of 16 (76 points)
 - Necessary new ranking: Level 13 out of 20 (84 points)
- Fla. Stat. 874.10 – Knowingly, initiating, organizing, planning, financing, directing, managing, or supervising criminal gang activity (level 13, #37)
 - Currently Level 7 out of 10 (56 points) x 1.5 = 84 points
 - Current version of suggested chart: Level 13 out of 16 (84 points) [OK]

*The Task Force voted to retain the Criminal Gang multiplier, but as a checkbox section marked “Court use only”, where the court would exercise discretion over this multiplier.