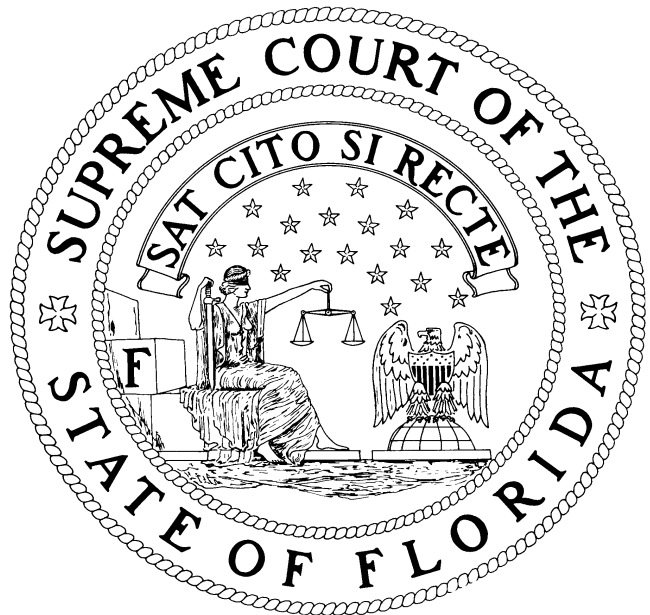


FLORIDA CRIMINAL PUNISHMENT CODE

Scoresheet Preparation Manual



Prepared by
The Florida Department of Corrections
and
The Office of the State Courts Administrator

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The Supreme Court of Florida

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Introduction

This manual was prepared to assist in the completion of criminal code scoresheets under the 1998 Florida Criminal Punishment Code. A criminal code scoresheet is required for all felonies subject to the Criminal Punishment Code. The 1998 Florida Criminal Punishment Code applies to sentencing for all felonies, except capital felonies, committed on or after October 1, 1998.

The legislature has directed the Department of Corrections to collect and evaluate data on sentencing practices from each of the twenty judicial circuits. The scoresheet forms set out in rules 3.990, 3.991 and 3.992, Florida Rules of Criminal Procedure, are the primary source of data for the Department of Corrections. This data will be utilized to produce a compliance report on scoresheet submissions and an annual report due to the legislature in October of each year on trends in sentencing practices. The data will also be used to assist the Criminal Justice Estimating Conference to estimate the impact of any proposed changes to the Criminal Punishment Code on correctional resources. These functions necessitate consistent, unambiguous definitions and uniform accurate scoring procedures. It is also necessary that the Department of Corrections receive complete and accurate scoresheets for all felonies to which the 1994 and 1995 Sentencing Guidelines and the Florida Criminal Punishment Code apply. This

manual is one part of an effort to provide instructions and assistance which will yield valuable and reliable sentencing information.

The format of this manual conforms to the scoresheet form. Instructions for scoring each specific item are listed in the section entitled “Completing the Scoresheet”. An example of the scoresheet form and supplemental page is provided in Appendix B. Appendix A contains Rule 3.704 and the most recent Supreme Court’s amendments to Florida Rules of Criminal Procedure 3.704 and 3.992. Appendix C contains the offense severity ranking chart located in Section 921.0022 of the 2019 Florida Statutes. Appendix D contains the statutorily approved circumstances to support departure sentences in mitigation. Appendix E is a listing by statute number of the most frequently charged felonies. The severity ranking is listed in addition to the felony degree, description of the felony and the Department of Corrections offense code.

Previous Sentencing Guidelines Manuals should be retained and consulted for sentencing under the guidelines in existence prior to the Florida Criminal Punishment Code, which became effective on October 1, 1998.

General Requirements

Scope

- The 1998 Florida Criminal Punishment Code applies to sentencing for all felonies, except capital felonies, committed on or after October 1, 1998.
- The 1995 sentencing guidelines and its revisions were intended to apply to sentencing for all felonies, except capital felonies, committed on or after October 1, 1995. However, due to the Florida Supreme Court ruling in *Heggs v. State*, 759 So. 2d 620 (2000), the 1995 guidelines are effective for offenses committed on or after May 25, 1997.
- The sentencing guidelines effective January 1, 1994 apply to sentencing for all felonies, except capital felonies, committed on or after January 1, 1994 and prior to October 1, 1995.
- The sentencing guidelines enacted effective October 1, 1983, apply to all felonies, except capital felonies, committed on or after October 1, 1983 but prior to January 1, 1994; and to all felonies, except capital felonies and life felonies, committed prior to October 1, 1983, and for which the sentencing occurs after such date when the defendant affirmatively elects to be sentenced pursuant to the provisions of the guidelines enacted effective October 1, 1983.

A defendant may not elect to be sentenced under the 1998 Florida Criminal Punishment Code for a felony committed prior to October 1, 1998.

A defendant may not elect to be sentenced under the 1995 Sentencing Guidelines for a felony committed prior to October 1, 1995. Nor may a defendant elect the 1994 guidelines for an offense committed prior to January 1, 1994 or on or after October 1, 1995.

Since crimes committed prior to October 1, 1998 will be sentenced under the sentencing guidelines even if the sentencing takes place after October 1, 1998, rules 3.701, 3.702, 3.703, 3.988, 3.990 and 3.991 will be retained.

Responsibility for Completing the Scoresheet

A comprehensive criminal code scoresheet shall be prepared for each defendant covering all offenses pending before the court for sentencing. If there are multiple offenses before the court for sentencing and the felonies were committed under more than one version of the guidelines, separate scoresheets shall be prepared and used in sentencing for all offenses applicable to each version of the law. Single felony offenses before the sentencing court with continuing dates of enterprise are to be sentenced under the guidelines or Criminal Punishment Code in effect at the beginning date of the criminal activity.

The office of the state attorney will prepare the scoresheet. The scoresheet must be presented to defense counsel to review for accuracy. The sentencing judge shall review the scoresheet for accuracy and sign it.

Due to ethical considerations, defense attorneys may not be compelled to submit a scoresheet.

The Digitized Scoresheet

Beginning October 1, 2018, the Department of Corrections shall make available the digitized Criminal Punishment Code scoresheets to those persons charged with the responsibility for preparing scoresheets. The clerk of the circuit court shall transmit a complete and accurate digitized copy of the Criminal Punishment Code scoresheet used in each sentencing proceeding to the Department of Corrections. Scoresheets must be electronically transmitted no less frequently than monthly, by the first of each month, and may be sent collectively. A digitized sentencing scoresheet must be prepared for every defendant who is sentenced for a felony offense. The individual offender's digitized Criminal Punishment Code scoresheet and any attachments thereto prepared pursuant to Rule 3.701, Rule 3.702, or Rule 3.703, Florida Rules of Criminal Procedure, or any other rule pertaining to the preparation and submission of felony sentencing scoresheets, must be included with the uniform judgment and sentence form provided to the Department of Corrections.

The Department of Corrections, in consultation with the Office of the State Courts Administrator, state attorneys, and public defenders, must develop and submit the revised digitized Criminal Punishment Code scoresheet to the Supreme Court for approval by June 15 of each year, as necessary. The digitized scoresheet shall have individual, structured data cells for each data field on the scoresheet. Upon the Supreme Court's approval of the revised digitized scoresheet, the Department of Corrections shall produce and provide the revised digitized scoresheets by September 30 of each year, as necessary. Digitized scoresheets must include individual data cells to indicate whether any prison sentence imposed includes a mandatory minimum sentence or the sentence imposed was a downward departure from the lowest permissible sentence under the Criminal Punishment Code.

Quality Control Procedures

Quality control procedures have been implemented and will continue to be modified as needed to provide valid and reliable sentencing information to aid the Criminal Justice Estimating Conference and the Department of Corrections with legislative mandates.

The Department's primary areas of focus in quality control are accounting for all scoresheets and correctly entering scoresheets into the Department's database. The Department monitors the receipt of scoresheets and prepares a report each year detailing the compliance rate of each judicial circuit in providing scoresheets to the Department. Inquiries regarding scoresheet submission compliance should be directed to the Department of Corrections, Bureau of Probation and Parole Field Services (850) 717-3444.

Scoresheet accuracy is an area of concern. This manual (and previous manuals) serve as a resource document for scoresheet preparers and in conjunction with Florida Statutes contain sufficient information to complete scoresheets under the appropriate sentencing law. If a scoresheet preparer has a need for legal or statutory information other than what is provided in the manuals, they may contact the Office of the State Courts Administrator at (850) 413-7321. If technical or coding information is needed to complete a scoresheet, contact the Department of Corrections Bureau of Probation and Parole Field Services at (850) 717-3444.

Scoresheets missing key information is also an area of concern. All items contained on the scoresheet relevant to a particular sentencing event are required to be completed.

Completing the Scoresheet

1. Date of Sentence

- Record the date the sentence was imposed

2. Scoresheet Preparer

- Indicate the first and last name of the state attorney who prepared the scoresheet.

3. County

- Record the name of the county where the sentence is imposed. In instances of a change of venue, record the county that received the case.

4. Sentencing Judge

- Record the full name of the judge imposing sentence.

5. Name

- Record the offender's legal name used at the time of sentencing. Record the name using the following format: last name, first name, middle initial. Do not record aliases.

6. Date of Birth

- Record the offender's date of birth.

7. DC Number

- Record the six digit number assigned by the Department of Corrections if available.

8. Race

- Check the appropriate box to note the race of the offender. Use the following criteria:
(B) Black - a person having origins in any of the black racial groups of Africa.
(W) White - a person having origins in any of the original peoples of Europe, North Africa or the Middle East.
* (Other) - a person having origins in any of the original peoples of the Far East, southeast Asia, Indian subcontinent, Pacific Islands, or any of the original people of the Americas, including Native Americans or Alaskan natives.

9. Gender

- Check the appropriate box to indicate the gender of the offender.

10. Primary Offense Date

- The date of the "primary offense" pending before the court for sentencing. If the primary offense involves dates of continuing enterprise, record the date the criminal activity commenced.

11. Primary Docket Number

- The felony court case number of the primary offense before the court for sentencing. Only one case number can be utilized as only one count of one case before the court for sentencing shall be classified as the primary offense.

12. Plea or Trial

- Check whether the adjudication of the offenses at conviction was obtained by plea or trial. If convictions were obtained by both plea and trial, enter a check mark in the trial field.

13. Primary Offense

“Primary offense” means the offense at conviction pending before the court for sentencing for which the total sentence points recommend a sanction that is as severe as, or more severe than, the sanction recommended for any other offense committed by the offender and pending before the court at sentencing. Only one count of one offense before the court for sentencing shall be classified as the primary offense. All other offenses, including multiple counts of the same offense scored as the primary offense, are to be listed as additional offenses. The primary may be an offense ranked at a lower severity level than other offenses before the court for sentencing due to the operation of multipliers for drug trafficking, grand theft motor vehicle (with the requisite prior record) violations of the Law Enforcement Protection Act, Street Gang and Domestic Violence. The Felony Degree, Florida Statute, Description and Offense Level shall be recorded in the appropriate field of Section I. The points assigned to the severity level of the offense are entered in the space indicated on the scoresheet.

An offense before the court as a result of a finding of violation of a community sanction is the primary offense if the original charge total sentence points recommend a sanction that is as severe as, or more severe than, the sanction recommended for any other offense committed by the offender and pending before the court at

sentencing under any single version of the guidelines, revision of the guidelines or punishment code. This is in accordance with sections 775.082 (8), 921.0021(1), 921.0021(4) and 921.0024(3), Florida Statutes.

14. Prior Capital Felony Points/Primary Offense

If the offender has one or more prior capital felonies in the offender’s criminal record, points shall be added to the subtotal sentence points of the offender equal to twice the number of points the offender receives for the primary offense. This is recorded by checking the box in Section I and multiplying the Section I subtotal by 3 (three).

A prior capital felony in the offender’s criminal record is a previous capital felony offense for which the offender has entered a plea of nolo contendere or guilty or has been found guilty, or a felony in another jurisdiction which is a capital felony in that jurisdiction, or would be a capital felony if the offense were committed in this state.

15. Additional Offenses

“Additional offense” means any offense other than the primary offense for which an offender is convicted and which is pending before the court for sentencing at the time of the primary offense. The severity level of each additional offense must be known in order to score it. Multiple counts of the same offense can be listed on a single line with the points indicated for that severity level multiplied by the number of counts. The resulting points are recorded in the fields in the right hand column. Misdemeanors are scored at the level “M” regardless of degree. A supplemental page is available for additional offenses if the available lines are not sufficient for all additional offenses.

An offense before the court as a result of a finding of violation of a community sanction is an additional offense if the original charge total sentence points do not recommend a sanction that is as severe as, or more severe than, the sanction recommended for any other offense committed by the offender and pending before the court at sentencing under any single version of the guidelines, revision of the guidelines or punishment code. This is in accordance with sections 775.082 (8), 921.0021(1), 921.0021(4) and 921.0024(3), Florida Statutes.

16. Prior Capital Felony Points / Additional Offense

If the offender has one or more prior capital felonies in the offender's criminal record, points shall be added to the subtotal sentence points of the offender equal to twice the number of points the offender receives for the additional offense(s). This is calculated by checking the box in Section II and multiplying the Section II subtotal by 3 (three).

A "prior capital felony" in the offender's criminal record is a previous capital felony offense for which the offender has entered a plea of nolo contendere or guilty or has been found guilty; or a felony in another jurisdiction which is a capital felony in that jurisdiction, or would be a capital felony if the offense were committed in this state.

Prior capital felonies shall not be scored in the prior record section.

17. Attempts, Conspiracies, Solicitations and Reclassifications

Criminal attempts, criminal solicitations and criminal conspiracies are generally scored one level below the severity level of the completed offense. Where a criminal attempt, solicitation or conspiracy is separately ranked in section 921.0022, Florida Statutes, the severity level at which the inchoate offense is placed is the basis for

scoring. Where the inchoate version of an offense is required to be punished as if the offender had committed the prohibited act, score it at the same level as the completed crime. Conspiracy to commit drug trafficking under section 893.135(5), Florida Statutes, or conspiring to commit bookmaking under section 849.25(4), Florida Statutes, or attempting, soliciting or conspiring to kill or commit aggravated abuse upon registered horses or cattle 828.125(2), Florida Statutes, are examples of legislative intent to punish the inchoate versions of an offense the same as the completed offense. Unless specifically provided otherwise by statute, attempts, conspiracies, and solicitations must be indicated in the space provided on the Criminal Punishment Code scoresheet and must be scored at one severity level below the completed offense.

Attempts, solicitations, and conspiracies of third-degree felonies located in offense severity levels 1 and 2 must be scored as misdemeanors. Attempts, solicitations, and conspiracies of third-degree felonies located in offense severity levels 3, 4, 5, 6, 7, 8, 9, and 10 must be scored as felonies one offense level beneath the incomplete or inchoate offense.

18. Victim Injury

"Victim injury" is scored for physical injury or death suffered by a person as a direct result of any offense pending before the court for sentencing. Except as otherwise provided by law (section 921.0021(7) (c) (d), Florida Statutes) the sexual penetration and sexual contact points will be scored as follows. Sexual penetration points (80) are scored if an offense pending before the court for sentencing involves sexual penetration. Sexual contact points (40) are scored if an offense pending before the court for sentencing involves sexual contact, but no penetration. If the victim of an offense involving sexual penetration or sexual contact without penetration suffers any physical injury as a direct result of an offense pending before the court for sentencing, that physical injury

must be scored separately and in addition to any points scored for the sexual contact or sexual penetration.

Victim injury must be scored for each victim physically injured and for each offense resulting in physical injury whether there are one or more victims. Multiple assessments of the same level of victim injury may be scored by multiplying the appropriate level of injury by the number of counts scoreable. However, victim injury must not be scored for an offense for which the offender has not been convicted.

If the offense at conviction is a second degree murder, 240 points are to be scored for the death. All other deaths are to receive 120 points as victim injury.

Victim injury resulting from one or more capital offenses before the court for sentencing must not be included upon any scoresheet prepared for non-capital offenses also pending before the court for sentencing. This does not prohibit the scoring of victim injury as a result of the non-capital offense or offenses before the court for sentencing.

19. Prior Record

“Prior record” refers to any conviction for an offense committed by the offender prior to the commission of the primary offense. “Conviction” means a determination of guilt that is the result of a plea or trial, regardless of whether adjudication is withheld.

Prior record includes convictions for offenses committed by the offender as an adult or juvenile, convictions by federal, out of state, military, or foreign courts and convictions for violations of county or municipal ordinances that incorporate by reference a penalty under state law. Federal, out of state, military or foreign convictions are scored at the severity level at which the

analogous or parallel Florida crime is located. The elements of an out-of-state offense are to be the sole consideration for determining an analogous crime.

Convictions for offenses committed more than 10 years before the date of the commission of the primary offense must not be scored as prior record if the offender has not been convicted of any other crime for a period of 10 consecutive years from the most recent date of release from confinement, supervision, or other sanction, whichever is later, to the date of the commission of the primary offense.

Juvenile dispositions of offenses committed by the offender within 5 years before the date of the commission of the primary offense must be scored as prior record if the offense would have been a crime if committed by an adult. Juvenile dispositions of sexual offenses committed by the offender more than 5 years before the date of the primary offense must be scored as prior record if the offender has not maintained a conviction-free record, either as an adult or as a juvenile, for a period of 5 consecutive years from the most recent date of release from confinement, supervision, or sanction, whichever is later, to the date of commission of the primary offense.

Entries in criminal histories that show no disposition, disposition unknown, arrest only, or a disposition other than conviction must not be scored. Criminal history records expunged or sealed under section 943.058, Florida Statutes, or other provisions of law, including former sections 893.14 and 901.33, Florida Statutes, must be scored as prior record where the offender whose record has been expunged or sealed is before the court for sentencing.

Any uncertainty in the scoring of the offender’s prior record must be resolved in favor of the offender and disagreement as to the propriety of scoring specific entries in the prior record must be resolved by the sentencing judge.

When unable to determine whether the conviction to be scored as prior record is a felony or a misdemeanor, the conviction must be scored as a misdemeanor. When the degree of felony is ambiguous or the severity level cannot be determined, the conviction must be scored at severity level 1.

20. Legal Status Violations

“Legal status points” are assessed when an offender:

Escapes from incarceration; flees to avoid prosecution; fails to appear for a criminal proceeding; violates any condition of a supersedeas bond; is incarcerated; is under any form of a pretrial intervention or diversion program; or is under any form of court-imposed or post-prison release community supervision and commits an offense that results in conviction. Legal status violations receive a score of 4 sentence points and are scored when the offense committed while under legal status is before the court for sentencing. Points for a legal status violation must only be assessed once regardless of the existence of more than one form of legal status at the time an offense is committed or the number of offenses committed while under any form of legal status.

21. Violating the Conditions of a Community Sanction

“Community sanction violation points” occur when the offender is found to have violated one or more conditions of a community sanction. Community sanctions include probation, community control or pretrial intervention or diversion.

Community sanction violation points are assessed when a community sanction violation is before the court for sentencing as a primary or additional offense. Six (6) sentence points are assessed for each community sanction violation and

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

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

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

Twelve (12) community sanction violation points are assessed for the violation and for each successive violation of felony probation or community control where the violation does not include a new felony conviction; and the community sanction violation is not based solely on the probationer or offender’s failure to pay costs or fines or make restitution payments.

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

Where there are multiple violations, points may be assessed only for each successive violation that follows a continuation of supervision, or modification or revocation of the community sanction before the court for sentencing and are not to be assessed for violation of several conditions of a single community sanction.

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

22. Prior Serious Felony Points

A single assessment of thirty prior serious felony points is added if the offender has a primary offense or any additional offense ranked in level 8, 9, or 10 (under sections 921.0022 or 921.0023, Florida Statutes) and one or more prior serious felonies. A “prior serious felony” is an offense in the offender’s prior record ranked in level 8, 9, or 10 and for which the offender is serving a sentence of confinement, supervision or other sanction or for which the offender’s date of release from confinement, supervision, or other sanction, whichever is later, is within 3 years before the date the primary offense or any additional offenses were committed. Out of state convictions wherein the analogous or parallel Florida offenses are located in offense severity level 8, 9, or 10 must be considered prior serious felonies.

23. Possession of a Firearm, Semiautomatic Weapon or Machine Gun

Possession of a firearm, semiautomatic firearm, or a machine gun during the commission or attempt to commit a crime will result in additional sentence points. Eighteen sentence points are assessed if the offender is convicted of committing or attempting to commit any felony other than those enumerated in subsection 775.087(2), Florida Statutes, while having in his or her possession a firearm as defined in subsection 790.001(6), Florida Statutes. Twenty-five sentence points are assessed if the offender is convicted of committing or attempting to commit any felony other than those enumerated in subsection 775.087(3), Florida Statutes, while having in his or her possession a semiautomatic firearm as defined in subsection 775.087(3), Florida Statutes, or a machine gun as defined in subsection 790.001(9), Florida Statutes. Only one assessment of either 18 or 25 points can be made.

Firearm points may not be assessed where the possession of the firearm is necessary in order for the underlying felony to exist. In other words, if the offense is possession of a firearm by a convicted felon or carrying a concealed firearm, the additional points should not be assessed. Also, if the offense is one of those enumerated in section 775.087 (2) or (3), Florida Statutes, firearm points may not be assessed.

24. Subtotal Sentence Points

“Subtotal sentence points” are the sum of the primary offense points, the total additional offense points, the total victim injury points, the total prior record points, any legal status points, community sanction points, prior serious felony points, prior capital felony points and points for possession of a firearm or semiautomatic weapon.

25. Sentencing Enhancements

If the primary offense is drug trafficking under section 893.135, Florida Statutes, the subtotal sentence points are multiplied, at the discretion of the court, for a level 7 or level 8 offense, by 1.5.

If the primary offense is a violation of the Law Enforcement Protection Act under subsection 775.0823(2), (3), or (4), Florida Statutes, the subtotal sentence points are multiplied by 2.5. If the primary offense is a violation of subsection 775.0823(5), (6), (7), (8), or (9), Florida Statutes, the subtotal sentence points are multiplied by 2.0. If the primary offense is a violation of subsection 784.07(3), Florida Statutes or subsection 775.0875(1), Florida Statutes, or of the Law Enforcement Protection Act under subsection 775.0823(10) or (11), Florida Statutes, the subtotal sentence points are multiplied by 1.5.

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

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

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

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

the multiplier and must sentence the defendant to the statutory maximum sentence.

26. Total Sentence Points

"Total sentence points" are the subtotal sentence points or the enhanced subtotal sentence points. Do not add the subtotal sentence points and the enhanced subtotal points to arrive at total sentence points.

The lowest permissible sentence is the minimum sentence that may be imposed by the trial court, absent a valid reason for departure. The lowest permissible sentence is any nonstate prison sanction in which the total sentence points equals or is less than 44 points, unless the court determines within its discretion that a prison sentence, which may be up to the statutory maximums for the offenses committed, is appropriate.

If a defendant is sentenced for an offense committed on or after July 1, 2009, which is a third-degree felony but not a forcible felony as defined in s. 776.08, and excluding any third-degree felony violation under Chapter 810, and if the total sentence points pursuant to s. 921.0024 are 22 points or fewer, the court must sentence the offender to a nonstate prison sanction. However, if the court makes written findings that a nonstate prison sanction could present a danger to the public, the court may sentence the offender to a state correctional facility pursuant to section 775.082, Florida Statutes.

When the total sentence points exceed 44 points, the lowest permissible sentence in prison months must be calculated by subtracting 28 points from the total sentence points and decreasing the remaining total by 25 percent. The total sentence points must be calculated only as a means of determining the lowest permissible sentence. The permissible range for sentencing must be the lowest permissible sentence up to and including the statutory maximum, as defined in section 775.082,

Florida Statutes, for the primary offense and any additional offenses before the court for sentencing. The sentencing court may impose such sentences concurrently or consecutively. However, any sentence to state prison must exceed 1 year. If the lowest permissible sentence under the Code exceeds the statutory maximum sentence as provided in section 775.082, Florida Statutes, the sentence required by the Code must be imposed. If the total sentence points are greater than or equal to 363, the court may sentence the offender to life imprisonment. The sentence imposed must be entered on the scoresheet.

27. Mandatory Minimum Sentence

For those offenses having a mandatory minimum sentence, a scoresheet must be completed and the lowest permissible sentence under the code calculated. If the lowest permissible sentence is less than the mandatory minimum sentence, the mandatory minimum sentence takes precedence. If the lowest permissible sentence exceeds the mandatory sentence, the requirements of the Criminal Punishment Code and any mandatory minimum penalties will apply. Mandatory minimum sentences must be recorded on the scoresheet.

28. Split Sentence

If a split sentence is imposed, the total sanction (incarceration and community control or probation) must not exceed the term provided by general law or the maximum sentence under the Criminal Punishment Code.

29. Revocation of Supervision

Sentences imposed after revocation of probation or community control must be imposed pursuant to the sentencing law applicable at the time of the commission of the original offense.

30. Departures

Any downward departure from the lowest permissible sentence, as calculated according to the total sentence points pursuant to section 921.0024, Florida Statutes, is prohibited unless there are circumstances or factors that reasonably justify the downward departure. Circumstances or factors that can be considered include, but are not limited to, those listed in subsection 921.0026(2), Florida Statutes, and attached in Appendix D.

If a sentencing judge imposes a sentence that is below the lowest permissible sentence, it is a departure sentence and must be accompanied by a written statement by the sentencing court delineating the reasons for the departure, filed within 7 days after the date of sentencing. A written transcription of orally stated reasons for departure articulated at the time sentence was imposed is sufficient if it is filed by the court within 7 days after the date of sentencing. The sentencing judge may also list the written reasons for departure in the space provided on the Criminal Punishment Code scoresheet.

The written statement delineating the reasons for departure must be made a part of the record. The written statement, if it is a separate document, must accompany the scoresheet required to be provided to the Department of Corrections pursuant to section 921.0024(6), Florida Statutes.

The imposition of a sentence below the lowest permissible sentence is subject to appellate review under Chapter 924, but the extent of the downward departure is not subject to appellate review.

If the lowest permissible sentence under the criminal punishment code is a state prison sanction but the total sentencing points do not exceed 48 points (or 54 points if six of those points are for a

violation of probation, community control, or other community supervision that does not involve a new crime), the court may sentence the defendant to probation, community control or community supervision with mandatory participation in a prison diversion program, as provided for in s. 921.00241, Florida Statutes, if the defendant meets the requirements for that program as set forth in section 921.00241.

If the total sentence points equal 22 or less, the court must sentence the offender to a nonstate prison sanction unless it makes written findings that a nonstate prison sanction could present a danger to the public.

APPENDIX A

Rule 3.704. The Criminal Punishment Code

(a) **Use.** This rule is to be used in conjunction with the forms located at rule 3.992. This rule implements the 1998 Criminal Punishment Code, in compliance with chapter 921, Florida Statutes. This rule applies to offenses committed on or after October 1, 1998, or as otherwise required by law.

(b) **Purpose and Construction.** The purpose of the 1998 Criminal Punishment Code and the principles it embodies are set out in subsection 921.002(1), Florida Statutes. Existing case law construing the application of sentencing guidelines will continue as precedent unless in conflict with the provisions of this rule or the 1998 Criminal Punishment Code.

(c) **Offense Severity Ranking.**

(1) Felony offenses subject to the 1998 Criminal Punishment Code are listed in a single offense severity ranking chart located at section 921.0022, Florida Statutes. The offense severity ranking chart employs 10 offense levels, ranked from least severe to most severe. Each felony offense is assigned to a level according to the severity of the offense, commensurate with the harm or potential for harm to the community that is caused by the offense, as determined by statute. The numerical statutory reference in the left column of the chart and the felony degree designations in the middle column of the chart determine whether felony offenses are specifically listed in the offense severity ranking chart and the appropriate severity level. The language in the right column is merely descriptive.

(2) Felony offenses not listed in section 921.0022, Florida Statutes, are assigned a severity level in accordance with section 921.0023, Florida Statutes, as follows:

- (A) A felony of the third degree within offense level 1.
- (B) A felony of the second degree within offense level 4.
- (C) A felony of the first degree within offense level 7.
- (D) A felony of the first degree punishable by life within offense level 9.
- (E) A life felony within offense level 10.

An offense does not become unlisted and subject to the provisions of section 921.0023 because of a reclassification of the degree of felony under section 775.0845, section 775.087, section 775.0875, section 794.023, Florida Statutes, or any other law that provides an enhanced penalty for a felony offense.

(d) **General Rules and Definitions.**

(1) One or more Criminal Punishment Code scoresheets must be prepared for each offender covering all offenses pending before the court for sentencing, including offenses for which the offender may qualify as an habitual felony offender, an habitual violent felony offender, a violent career criminal or a prison releasee reoffender. The office of the state attorney must prepare the scoresheets and present them to defense counsel for review for accuracy. If sentences are imposed under section 775.084, or section 775.082(9), Florida Statutes, and the Criminal Punishment Code, a scoresheet listing only those offenses sentenced under the Criminal Punishment Code must be filed in addition to any sentencing documents filed under sections 775.084 or section 775.082(9).

(2) One scoresheet must be prepared for all offenses committed under any single version or revision of the guidelines or Criminal Punishment Code pending before the court for sentencing.

(3) If an offender is before the court for sentencing for more than one felony and the felonies were committed under more than one version or revision of the guidelines or Criminal Punishment Code, separate scoresheets must be prepared and used at sentencing. The sentencing court may impose such sentence concurrently or consecutively.

(4) The sentencing judge must review the scoresheet for accuracy and sign it.

(5) Felonies, except capital felonies, with continuing dates of enterprise are to be sentenced under the guidelines or Criminal Punishment Code in effect on the beginning date of the criminal activity.

(6) “Conviction” means a determination of guilt that is the result of a plea or trial, regardless of whether adjudication is withheld.

(7) “Primary offense” means the offense at conviction pending before the court for sentencing for which the total sentence points recommend a sanction that is as severe as, or more severe than, the sanction recommended for any other offense committed by the offender and pending before the court at sentencing. Only one count of one offense before the court for sentencing shall be classified as the primary offense.

(8) “Additional offense” means any offense other than the primary offense for which an offender is convicted and which is pending before the court for sentencing at the time of the primary offense.

(9) “Victim injury” is scored for physical injury or death suffered by a person as a direct result of any offense pending before the court for sentencing. Except as otherwise provided by law, the sexual penetration and sexual contact points will be scored as follows. Sexual penetration points are scored if an offense pending before the court for sentencing involves sexual penetration. Sexual contact points are scored if an offense pending before the court for sentencing involves sexual contact, but no penetration. If the victim of an offense involving sexual penetration or sexual contact without penetration suffers any physical injury as a direct result of an offense pending before the court for sentencing, that physical injury must be scored in addition to any points scored for the sexual contact or sexual penetration.

Victim injury must be scored for each victim physically injured and for each offense resulting in physical injury whether there are one or more victims. However, victim injury must not be scored for an offense for which the offender has not been convicted.

Victim injury resulting from one or more capital offenses before the court for sentencing must not be included upon any scoresheet prepared for non-capital offenses also pending before the court for sentencing. This does not prohibit the scoring of victim injury as a result of the non-capital offense or offenses before the court for sentencing.

(10) Unless specifically provided otherwise by statute, attempts, conspiracies, and solicitations must be indicated in the space provided on the Criminal Punishment Code scoresheet and must be scored at one severity level below the completed offense.

Attempts, solicitations, and conspiracies of third-degree felonies located in offense severity levels 1 and 2 must be scored as misdemeanors. Attempts, solicitations, and conspiracies of third-degree felonies located in offense severity levels 3, 4, 5, 6, 7, 8, 9, and 10 must be scored as felonies one offense level beneath the incomplete or inchoate offense.

(11) An increase in offense severity level may result from a reclassification of felony degrees under sections 775.0845, 775.087, 775.0875, or 794.023. Any such increase must be indicated in the space provided on the Criminal Punishment Code scoresheet.

(12) A single assessment of thirty prior serious felony points is added if the offender has a primary offense or any additional offense ranked in level 8, 9, or 10 and one or more prior serious felonies. A “prior serious felony” is an offense in the offender’s prior record ranked in level 8, 9, or 10 and for which the offender is serving a sentence of confinement, supervision or other sanction or for which the offender’s date of release from confinement, supervision, or other sanction, whichever is later, is within 3 years before the date the primary offense or any additional offenses were committed. Out of state convictions wherein the analogous or parallel Florida offenses are located in offense severity level 8, 9, or 10 must be considered prior serious felonies.

(13) If the offender has one or more prior capital felonies, points must be added to the subtotal sentence points of the offender equal to twice the number of points the offender receives for the primary offense and any additional offense. Out-of-state convictions wherein the analogous or parallel Florida offenses are capital offenses must be considered capital offenses for purposes of operation of this section.

(14) “Prior record” refers to any conviction for an offense committed by the offender prior to the commission of the primary offense. Prior record includes convictions for offenses committed by the offender as an adult or as a juvenile, convictions by federal, out of state, military, or foreign courts and convictions for violations of county or municipal ordinances that incorporate by reference a penalty under state law. Federal, out of state, military or foreign convictions are scored at the severity level at which the analogous or parallel Florida crime is located.

(A) Convictions for offenses committed more than 10 years before the date of the commission of the primary offense must not be scored as prior record if the offender has not been convicted of any other crime for a period of 10 consecutive years from the most recent date of release from confinement, supervision, or other sanction, whichever is later, to the date of the commission of the primary offense.

(B) Juvenile dispositions of offenses committed by the offender within 5 years before the date of the commission of the primary offense must be scored as prior record if the offense would have been a crime if committed by an adult. Juvenile dispositions of sexual offenses committed by the offender more than 5 years before the date of the primary offense must be scored as prior record if the offender has not maintained a conviction-free record, either as an adult or as a juvenile, for a period of 5 consecutive years from the most recent date of release from confinement, supervision, or sanction, whichever is later, to the date of commission of the primary offense.

(C) Entries in criminal histories that show no disposition, disposition unknown, arrest only, or a disposition other than conviction must not be scored. Criminal history records expunged or sealed under section 943.058, Florida Statutes, or other provisions of law, including former sections 893.14 and 901.33, Florida Statutes, must be scored as prior record where the offender whose record has been expunged or sealed is before the court for sentencing.

(D) Any uncertainty in the scoring of the offender's prior record must be resolved in favor of the offender and disagreement as to the propriety of scoring specific entries in the prior record must be resolved by the sentencing judge.

(E) When unable to determine whether the conviction to be scored as prior record is a felony or a misdemeanor, the conviction must be scored as a misdemeanor. When the degree of felony is ambiguous or the severity level cannot be determined, the conviction must be scored at severity level 1.

(15) "Legal status points" are assessed when an offender:

(A) Escapes from incarceration;

(B) Flees to avoid prosecution;

(C) Fails to appear for a criminal proceeding;

(D) Violates any condition of a supersedeas bond;

(E) Is incarcerated;

(F) Is under any form of a pretrial intervention or diversion program; or

(G) Is under any form of court-imposed or post-prison release community supervision and commits an offense that results in conviction. Legal status violations receive a score of 4 sentence points and are scored when the offense committed while under legal status is before the court for sentencing. Points for a legal status violation must only be assessed once regardless of the existence of more than one form of legal status at the time an offense is committed or the number of offenses committed while under any form of legal status.

(16) Community sanction violation points occur when the offender is found to have violated a

condition of:

- (A) Probation;
- (B) Community Control; or
- (C) Pretrial intervention or diversion.

Community sanction violation points are assessed when a community sanction violation is before the court for sentencing. Six community sanction violation points must be assessed for each violation or if the violation results from a new felony conviction, 12 community sanction violation points must be assessed. For violations occurring on or after March 12, 2007, if the community sanction violation that is not based upon a failure to pay fines, costs, or restitution is committed by a violent felony offender of special concern as defined in s. 948.06, twelve community sanction violation points must be assessed or if the violation results from a new felony conviction, 24 community sanction points must be assessed. Where there are multiple violations, points may be assessed only for each successive violation that follows a continuation of supervision, or modification or revocation of the community sanction before the court for sentencing and are not to be assessed for violation of several conditions of a single community sanction. Multiple counts of community sanction violations before the sentencing court may not be the basis for multiplying the assessment of community sanction violation points.

(17) Possession of a firearm, semiautomatic firearm, or a machine gun during the commission or attempt to commit a crime will result in additional sentence points. Eighteen sentence points are assessed if the offender is convicted of committing or attempting to commit any felony other than those enumerated in subsection 775.087(2) while having in his or her possession a firearm as defined in subsection 790.001(6), Florida Statutes. Twenty-five sentence points are assessed if the offender is convicted of committing or attempting to commit any felony other than those enumerated in subsection 775.087(3) while having in his or her possession a semiautomatic firearm as defined in subsection 775.087(3) or a machine gun as defined in subsection 790.001(9). Only one assessment of either 18 or 25 points can be made.

(18) "Subtotal sentence points" are the sum of the primary offense points, the total additional offense points, the total victim injury points, the total prior record points, any legal status points, community sanction points, prior serious felony points, prior capital felony points and points for possession of a firearm or semiautomatic weapon.

(19) If the primary offense is drug trafficking under section 893.135, Florida Statutes, ranked in offense severity level 7 or 8, the subtotal sentence points may be multiplied, at the discretion of the sentencing court, by a factor of 1.5.

(20) If the primary offense is a violation of the Law Enforcement Protection Act under subsection 775.0823(2), (3), or (4) Florida Statutes, the subtotal sentence points are multiplied by 2.5. If the primary offense is a violation of subsection 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points are multiplied by 2.0. If the primary offense is a violation of section 784.07(3) or 775.0875(1) or the Law Enforcement Protection Act under subsection 775.0823(10) or (11), the subtotal sentence points are multiplied by 1.5.

(21) If the primary offense is grand theft of the third degree of a motor vehicle and the offender's prior record includes three or more grand thefts of the third degree of a motor vehicle, the subtotal sentence points are multiplied by 1.5.

(22) If the offender is found to have committed the offense for the purpose of benefiting, promoting, or furthering the interests of a criminal gang under section 874.04, Florida Statutes, at the time of the commission of the primary offense, the subtotal sentence points are multiplied by 1.5.

(23) If the primary offense is a crime of domestic violence as defined in section 741.28, Florida Statutes, which was committed in the presence of a child under 16 years of age who is a family household member as defined in section 741.28(2) with the victim or perpetrator, the subtotal sentence points are multiplied by 1.5.

(24) If the offender was 18 years of age or older and the victim was younger than 18 at the time the offender committed the primary offense, and if the primary offense was an offense committed on or after October 1, 2014, and is a violation of s. 787.01(2) or s. 787.02(2), if the violation involved a victim who was a minor and, in the course of committing that violation, the defendant committed a sexual battery under chapter 794 or a lewd act under s. 800.04 or s. 847.0135(5) against the minor; s. 787.01(3)(a)2 or (3)(a)3; s. 787.02(3)(a)2 or (3)(a)3; s. 794.011, excluding s. 794.011(10); s. 800.04; or s. 847.0135(5), the subtotal sentence points are multiplied by 2.0.

(25) "Total sentence points" are the subtotal sentence points or the enhanced subtotal sentence points.

(26) The lowest permissible sentence is the minimum sentence that may be imposed by the trial court, absent a valid reason for departure. The lowest permissible sentence is any nonstate prison sanction in which the total sentence points equals or is less than 44 points, unless the court determines within its discretion that a prison sentence, which may be up to the statutory maximums for the offenses committed, is appropriate. When the total sentence points exceeds 44 points, the lowest permissible sentence in prison months must be calculated by subtracting 28 points from the total sentence points and decreasing the remaining total by 25 percent. The total

sentence points must be calculated only as a means of determining the lowest permissible sentence. The permissible range for sentencing must be the lowest permissible sentence up to and including the statutory maximum, as defined in section 775.082, for the primary offense and any additional offenses before the court for sentencing. The sentencing court may impose such sentences concurrently or consecutively. However, any sentence to state prison must exceed 1 year. If the lowest permissible sentence under the Code exceeds the statutory maximum sentence as provided in section 775.082, the sentence required by the Code must be imposed. If the total sentence points are greater than or equal to 363, the court may sentence the offender to life imprisonment. The sentence imposed must be entered on the scoresheet.

(27) For those offenses having a mandatory minimum sentence, a scoresheet must be completed and the lowest permissible sentence under the Code calculated. If the lowest permissible sentence is less than the mandatory minimum sentence, the mandatory minimum sentence takes precedence. If the lowest permissible sentence exceeds the mandatory sentence, the requirements of the Criminal Punishment Code and any mandatory minimum penalties apply. Mandatory minimum sentences must be recorded on the scoresheet.

(28) Any downward departure from the lowest permissible sentence, as calculated according to the total

sentence points under section 921.0024, Florida Statutes, is prohibited unless there are circumstances or factors that reasonably justify the downward departure. Circumstances or factors that can be considered include, but are not limited to, those listed in subsection 921.0026(2), Florida Statutes.

(A) If a sentencing judge imposes a sentence that is below the lowest permissible sentence, it is a departure sentence and must be accompanied by a written statement by the sentencing court delineating the reasons for the departure, filed within 7 days after the date of sentencing. A written transcription of orally stated reasons for departure articulated at the time sentence was imposed is sufficient if it is filed by the court within 7 days after the date of sentencing. The sentencing judge may also list the written reasons for departure in the space provided on the Criminal Punishment Code scoresheet.

(B) The written statement delineating the reasons for departure must be made a part of the record. The written statement, if it is a separate document, must accompany the scoresheet required to be provided to the Department of Corrections under subsection 921.0024(6).

If a split sentence is imposed, the total sanction (incarceration and community control or probation) must not exceed the term provided by general law or the maximum sentence under the Criminal Punishment Code.

(29) If the lowest permissible sentence under the criminal punishment code is a state prison sanction but the total sentencing points do not exceed 48 points (or 54 points if six of those points are for a violation of probation, community control, or other community supervision that does not involve a new crime), the court may sentence the defendant to probation, community control or community supervision with mandatory participation in a prison diversion program, as provided for in s. 921.00241, Florida Statutes, if the defendant meets the requirements for that program as set forth in section 921.00241.

(30) If the total sentence points equal 22 or less, the court must sentence the offender to a nonstate prison sanction unless it makes written findings that a nonstate prison sanction could present a danger to the public.

(31) Sentences imposed after revocation of probation or community control must be imposed according to the sentencing law applicable at the time of the commission of the original offense.

Committee Note

The terms must and shall, as used in this rule, are mandatory and not permissive.

APPENDIX B

RULE 3.992

CRIMINAL PUNISHMENT CODE SCORESHEET

Rule 3.992(a) Criminal Punishment Code Scoresheet

The Criminal Punishment Code Scoresheet Preparation Manual is available at: http://www.dc.state.fl.us/pub/sen_cpcm/index.html

1. DATE OF SENTENCE	2. PREPARER'S NAME	3. COUNTY	4. SENTENCING JUDGE	
5. NAME (LAST, FIRST, M.I.)	6. DOB	8. RACE <input type="checkbox"/> B <input type="checkbox"/> W <input type="checkbox"/> OTHER	10. PRIMARY OFF. DATE	12. PLEA <input type="checkbox"/>
	7. DC #	9. GENDER <input type="checkbox"/> M <input type="checkbox"/> F	11. PRIMARY DOCKET #	TRIAL <input type="checkbox"/>

I. PRIMARY OFFENSE: If Qualifier, please check A S C R (A=Attempt, S=Solicitation, C=Conspiracy, R=Reclassification)

FELONY DEGREE	F.S.#	DESCRIPTION	OFFENSE LEVEL	POINTS
---------------	-------	-------------	---------------	--------

_____/_____/_____ / _____/

(Level - Points: 1=4, 2=10, 3=16, 4=22, 5=28, 6=36, 7=56, 8=74, 9=92, 10=116)

Prior capital felony triples Primary Offense points

I. _____

II. ADDITIONAL OFFENSE(S): Supplemental page attached

DOCKET#	FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY A S C R	COUNTS	POINTS	TOTAL
---------	---------------	-------	---------------	-----------------	--------	--------	-------

_____/_____/_____ / _____ / _____ x _____ = _____

DESCRIPTION _____

_____/_____/_____ / _____ / _____ X _____ = _____

DESCRIPTION _____

_____/_____/_____ / _____ / _____ X _____ = _____

DESCRIPTION _____

_____/_____/_____ / _____ / _____ x _____ = _____

DESCRIPTION _____

(Level - Points: M=0.2, 1=0.7, 2=1.2, 3=2.4, 4=3.6, 5=5.4, 6=18, 7=28, 8=37, 9=46, 10=58)

Prior capital felony triples Additional Offense points

Supplemental page points _____

II. _____

III. VICTIM INJURY:

	Number	Total		Number	Total
2nd Degree Murder	240 x	_____ = _____	Slight	4 x	_____ = _____
Death	120 x	_____ = _____	Sex Penetration	80 x	_____ = _____
Severe	40 x	_____ = _____	Sex Contact	40 x	_____ = _____
Moderate	18 x	_____ = _____			

III. _____

IV. **PRIOR RECORD:** Supplemental page attached

FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY: A S C R	DESCRIPTION	NUMBER	POINTS	TOTAL
_____	_____/____	_____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	_____	_____	X _____ = _____	
_____	_____/____	_____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	_____	_____	X _____ = _____	
_____	_____/____	_____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	_____	_____	X _____ = _____	
_____	_____/____	_____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	_____	_____	X _____ = _____	
_____	_____/____	_____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	_____	_____	X _____ = _____	
_____	_____/____	_____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	_____	_____	X _____ = _____	
_____	_____/____	_____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	_____	_____	X _____ = _____	
_____	_____/____	_____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	_____	_____	X _____ = _____	
_____	_____/____	_____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	_____	_____	X _____ = _____	

(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)

Supplemental page points _____

IV. _____

Page 1 Subtotal: _____

Effective Date: For offenses committed under the Criminal Punishment Code effective for offenses committed on or after October 1, 1998 and subsequent revisions.

NAME (LAST, FIRST, MI)	DOCKET #
-------------------------------	-----------------

Page 1 Subtotal: _____

V. Legal Status violation = 4 Points

- Escape Fleeing Failure to appear Supersedeas bond Incarceration Pretrial intervention or diversion program
 Court imposed or post prison release community supervision resulting in a conviction

V. _____

VI. Community Sanction violation before the court for sentencing

- Probation Community Control Pretrial Intervention or diversion
- 6 points for any violation other than new felony conviction x _____ each successive violation OR
 - New felony conviction = 12 points x _____ each successive violation if new offense results in conviction before or at same time as sentence for violation of probation OR
 - 12 points x _____ each successive violation for a violent felony offender of special concern when the violation is not based solely on failure to pay costs, fines, or restitution OR
 - New felony conviction = 24 points x _____ each successive violation for a violent felony offender of special concern if new offense results in a conviction before or at the same time for violation of probation

VI. _____

VII. Firearm/Semi-Automatic or Machine Gun = 18 or 25 Points

VII. _____

VIII. Prior Serious Felony - 30 Points

VIII. _____

Subtotal Sentence Points _____

IX. Enhancements (only if the primary offense qualifies for enhancement)

Law Enf. Protect. ____ x 1.5 ____ x 2.0 ____ x 2.5	Drug Trafficker ____ x 1.5	Motor Vehicle Theft ____ x 1.5	Criminal Gang Offense ____ x 1.5	Domestic Violence in the Presence of Related Child (offenses committed on or after 3/12/07) ____ x 1.5	Adult-on-Minor Sex Offense (offenses committed on or after 10/1/14) ____ x 2.0
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Enhanced Subtotal Sentence Points **IX.** _____

TOTAL SENTENCE POINTS _____

SENTENCE COMPUTATION

If total sentence points are less than or equal to 44, the lowest permissible sentence is any non-state prison sanction. If the total sentence points are 22 points or less, see Section 775.082(10), Florida Statutes, to determine if the court must sentence the offender to a non-state prison sanction.

If total sentence points are greater than 44:

$$\underline{\hspace{2cm}} \text{ minus } 28 = \underline{\hspace{2cm}} \times .75 = \underline{\hspace{2cm}}$$

total sentence points lowest permissible prison sentence in months

If total sentence points are 60 points or less and court makes findings pursuant to both Florida Statutes 948.20 and 397.334(3), the court may place the defendant into a treatment-based drug court program.

The maximum sentence is up to the statutory maximum for the primary and any additional offenses as provided in s. 775.082, F.S., unless the lowest permissible sentence under the Code exceeds the statutory maximum. Such sentences may be imposed concurrently or consecutively. If total sentence points are greater than or equal to 363, a life sentence may be imposed.

maximum sentence In years

TOTAL SENTENCE IMPOSED

- | | | Years | Months | Days |
|--|--------------------------------------|-------|--------|-------|
| <input type="checkbox"/> State Prison | <input type="checkbox"/> Life | _____ | _____ | _____ |
| <input type="checkbox"/> County Jail | <input type="checkbox"/> Time Served | _____ | _____ | _____ |
| <input type="checkbox"/> Community Control | | _____ | _____ | _____ |
| <input type="checkbox"/> Probation | <input type="checkbox"/> Modified | _____ | _____ | _____ |

Please check if sentenced as habitual offender, habitual violent offender, violent career criminal, prison releasee reoffender, or a mandatory minimum applies.

- Mitigated Departure Plea Bargain Prison Diversion Program

Other Reason _____

JUDGE'S SIGNATURE	
--------------------------	--

Effective Date: For offenses committed under the Criminal Punishment Code effective for offenses committed on or after October 1, 1998, and subsequent revisions.

RULE 3.992(b) Supplemental Criminal Punishment Code Scoresheet

NAME (LAST, FIRST, MI.)	DOCKET #	DATE OF SENTENCE
-------------------------	----------	------------------

II. ADDITIONAL OFFENSES(S):

DOCKET#	FEL/MM DEGREE	F.S#	OFFENSE LEVEL	QUALIFY A S C R	COUNTS	POINTS	TOTAL
_____ / _____	_____ / _____	_____ / _____	_____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	_____ x _____	_____ = _____	
DESCRIPTION _____							
_____ / _____	_____ / _____	_____ / _____	_____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	_____ x _____	_____ = _____	
DESCRIPTION _____							
_____ / _____	_____ / _____	_____ / _____	_____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	_____ x _____	_____ = _____	
DESCRIPTION _____							
_____ / _____	_____ / _____	_____ / _____	_____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	_____ x _____	_____ = _____	
DESCRIPTION _____							

(Level - Points: M=0.2, 1=0.7, 2=1.2, 3=2.4, 4=3.6, 5=5.4, 6=18, 7=28, 8=37, 9=46, 10=58)

II. _____

IV. PRIOR RECORD

FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY: A S C R	DESCRIPTION	NUMBER	POINTS	TOTAL
_____ / _____	_____ / _____	_____ / _____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	_____	_____ X _____	_____ = _____	
_____ / _____	_____ / _____	_____ / _____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	_____	_____ X _____	_____ = _____	
_____ / _____	_____ / _____	_____ / _____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	_____	_____ X _____	_____ = _____	
_____ / _____	_____ / _____	_____ / _____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	_____	_____ X _____	_____ = _____	
_____ / _____	_____ / _____	_____ / _____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	_____	_____ X _____	_____ = _____	

(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)

IV. _____

REASONS FOR DEPARTURE - MITIGATING CIRCUMSTANCES

(reasons may be checked here or written on the scoresheet)

- Legitimate, uncoerced plea bargain.
- The defendant was an accomplice to the offense and was a relatively minor participant in the criminal conduct.
- The capacity of the defendant to appreciate the criminal nature of the conduct or to conform that conduct to the requirements of law was substantially impaired.
- The defendant requires specialized treatment for a mental disorder that is unrelated to substance abuse or addiction, or for a physical disability, and the defendant is amenable to treatment.
- The need for payment of restitution to the victim outweighs the need for a prison sentence.
- The victim was an initiator, willing participant, aggressor, or provoker of the incident.
- The defendant acted under extreme duress or under the domination of another person.
- Before the identity of the defendant was determined, the victim was substantially compensated.
- The defendant cooperated with the State to resolve the current offense or any other offense.
- The offense was committed in an unsophisticated manner and was an isolated incident for which the defendant has shown remorse.
- At the time of the offense the defendant was too young to appreciate the consequences of the offense.

- The defendant is to be sentenced as a youthful offender.
- The defendant is amenable to the services of a postadjudicatory treatment-based drug court program and is otherwise qualified to participate in the program.
- The defendant was making a good faith effort to obtain or provide medical assistance for an individual experiencing a drug-related overdose.

Pursuant to 921.0026(3) the defendant's substance abuse or addiction does not justify a downward departure from the lowest permissible sentence, except for the provisions of s. 921.0026(2)(m).
Effective Date: For offenses committed under the Criminal Punishment Code effective for offenses committed on or after October 1, 1998 and subsequent revisions.

APPENDIX C
Offense Severity Ranking Chart
Florida Criminal Punishment Code
Section 921.0022, Florida Statutes

Felony offenses subject to the 1998 Criminal Punishment Code are listed in a single offense severity ranking chart located at section 921.0022, Florida Statutes. The offense severity ranking chart employs 10 offense levels, ranked from least severe to most severe. Each felony offense is assigned to a level according to the severity of the offense, commensurate with the harm or potential for harm to the community that is caused by the offense, as determined by statute. The numerical statutory reference in the left column of the chart and the felony degree designations in the middle column of the chart determine whether felony offenses are specifically listed in the offense severity ranking chart and the appropriate severity level. The language in the right column is merely descriptive.

Felony offenses not listed in section 921.0022, Florida Statutes, are assigned a severity level in accordance with section 921.0023, Florida Statutes, as follows:

- (A) A felony of the third degree within offense level 1.
- (B) A felony of the second degree within offense level 4.
- (C) A felony of the first degree within offense level 7.
- (D) A felony of the first degree punishable by life within offense level 9.
- (E) A life felony within offense level 10.

An offense does not become unlisted and subject to the provisions of section 921.0023, Florida Statutes, because of a reclassification of the degree of felony pursuant to section 775.0845, section 775.0861, section 775.0862, section 775.087, section 775.0875, section 794.023, Florida Statutes, or any other law that provides an enhanced penalty for a felony offense.

OFFENSE SEVERITY RANKING CHART

As of July 1, 2019

LEVEL 1

Florida Statute	Felony Degree	Description
<u>24.118(3)(a)</u>	3rd	Counterfeit or altered state lottery ticket.
<u>212.054(2)(b)</u>	3rd	Discretionary sales surtax; limitations, administration, and collection.
<u>212.15(2)(b)</u>	3rd	Failure to remit sales taxes, amount \$1,000 or more but less than \$20,000.
<u>316.1935(1)</u>	3rd	Fleeing or attempting to elude law enforcement officer.
<u>319.30(5)</u>	3rd	Sell, exchange, give away certificate of title or identification number plate.
<u>319.35(1)(a)</u>	3rd	Tamper, adjust, change, etc., an odometer.
<u>320.26(1)(a)</u>	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
<u>322.212(1)(a)-(c)</u>	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver license; possession of simulated identification.
<u>322.212(4)</u>	3rd	Supply or aid in supplying unauthorized driver license or identification card.
<u>322.212(5)(a)</u>	3rd	False application for driver license or identification card.
<u>414.39(3)(a)</u>	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.
<u>443.071(1)</u>	3rd	False statement or representation to obtain or increase reemployment assistance benefits.
<u>509.151(1)</u>	3rd	Defraud an innkeeper, food or lodging value \$1,000 or more.
<u>517.302(1)</u>	3rd	Violation of the Florida Securities and Investor Protection Act.
<u>713.69</u>	3rd	Tenant removes property upon which lien has accrued, value \$1,000 or more.
<u>812.014(3)(c)</u>	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
<u>812.081(2)</u>	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.
<u>815.04(5)(a)</u>	3rd	Offense against intellectual property (i.e., computer programs, data).
<u>817.52(2)</u>	3rd	Hiring with intent to defraud, motor vehicle services.
<u>817.569(2)</u>	3rd	Use of public record or public records information or providing false information to facilitate commission of a felony.
<u>826.01</u>	3rd	Bigamy.
<u>828.122(3)</u>	3rd	Fighting or baiting animals.
<u>831.04(1)</u>	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. <u>92.28</u> .
<u>831.31(1)(a)</u>	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. <u>893.03(5)</u> drugs.

OFFENSE SEVERITY RANKING CHART

As of July 1, 2019

Florida Statute	Felony Degree	Description
832.041(1)	3rd	Stopping payment with intent to defraud \$150 or more.
832.05(2)(b) & (4)(c)	3rd	Knowing, making, issuing worthless checks \$150 or more or obtaining property in return for worthless check \$150 or more.
838.15(2)	3rd	Commercial bribe receiving.
838.16	3rd	Commercial bribery.
843.18	3rd	Fleeing by boat to elude a law enforcement officer.
847.011(1)(a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
849.09(1)(a)-(d)	3rd	Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.
849.23	3rd	Gambling-related machines; "common offender" as to property rights.
849.25(2)	3rd	Engaging in bookmaking.
860.08	3rd	Interfere with a railroad signal.
860.13(1)(a)	3rd	Operate aircraft while under the influence.
893.13(2)(a)2.	3rd	Purchase of cannabis.
893.13(6)(a)	3rd	Possession of cannabis (more than 20 grams).
934.03(1)(a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.

LEVEL 2

Florida Statute	Felony Degree	Description
379.2431 (1)(e)3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
379.2431 (1)(e)4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
403.413(6)(c)	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.
517.07(2)	3rd	Failure to furnish a prospectus meeting requirements.
590.28(1)	3rd	Intentional burning of lands.
784.05(3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
787.04(1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.

OFFENSE SEVERITY RANKING CHART

As of July 1, 2019

Florida Statute	Felony Degree	Description
<u>806.13(1)(b)3.</u>	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
<u>810.061(2)</u>	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
<u>810.09(2)(e)</u>	3rd	Trespassing on posted commercial horticulture property.
<u>812.014(2)(c)1.</u>	3rd	Grand theft, 3rd degree; \$750 or more but less than \$5,000.
<u>812.014(2)(d)</u>	3rd	Grand theft, 3rd degree; \$100 or more but less than \$750, taken from unenclosed curtilage of dwelling.
<u>812.015(7)</u>	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
<u>817.234(1)(a)2.</u>	3rd	False statement in support of insurance claim.
<u>817.481(3)(a)</u>	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
<u>817.52(3)</u>	3rd	Failure to redeliver hired vehicle.
<u>817.54</u>	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
<u>817.60(5)</u>	3rd	Dealing in credit cards of another.
<u>817.60(6)(a)</u>	3rd	Forgery; purchase goods, services with false card.
<u>817.61</u>	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
<u>826.04</u>	3rd	Knowingly marries or has sexual intercourse with person to whom related.
<u>831.01</u>	3rd	Forgery.
<u>831.02</u>	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
<u>831.07</u>	3rd	Forging bank bills, checks, drafts, or promissory notes.
<u>831.08</u>	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
<u>831.09</u>	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
<u>831.11</u>	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
<u>832.05(3)(a)</u>	3rd	Cashing or depositing item with intent to defraud.
<u>843.08</u>	3rd	False personation.
<u>893.13(2)(a)2.</u>	3rd	Purchase of any s. <u>893.03(1)(c)</u> , (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 other than cannabis.
<u>893.147(2)</u>	3rd	Manufacture or delivery of drug paraphernalia.

OFFENSE SEVERITY RANKING CHART

As of July 1, 2019

LEVEL 3

Florida Statute	Felony Degree	Description
<u>119.10(2)(b)</u>	3rd	Unlawful use of confidential information from police reports.
<u>316.066 (3)(b)-(d)</u>	3rd	Unlawfully obtaining or using confidential crash reports.
<u>316.193(2)(b)</u>	3rd	Felony DUI, 3rd conviction.
<u>316.1935(2)</u>	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
<u>319.30(4)</u>	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
<u>319.33(1)(a)</u>	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
<u>319.33(1)(c)</u>	3rd	Procure or pass title on stolen vehicle.
<u>319.33(4)</u>	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
<u>327.35(2)(b)</u>	3rd	Felony BUI.
<u>328.05(2)</u>	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
<u>328.07(4)</u>	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
<u>376.302(5)</u>	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
<u>379.2431 (1)(e)5.</u>	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
<u>379.2431 (1)(e)6.</u>	3rd	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.
<u>379.2431 (1)(e)7.</u>	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
<u>400.9935(4)(a) or (b)</u>	3rd	Operating a clinic, or offering services requiring licensure, without a license.
<u>400.9935(4)(e)</u>	3rd	Filing a false license application or other required information or failing to report information.
<u>440.1051(3)</u>	3rd	False report of workers' compensation fraud or retaliation for making such a report.
<u>501.001(2)(b)</u>	2nd	Tampers with a consumer product or the container using materially false/misleading information.
<u>624.401(4)(a)</u>	3rd	Transacting insurance without a certificate of authority.

OFFENSE SEVERITY RANKING CHART

As of July 1, 2019

Florida Statute	Felony Degree	Description
624.401(4)(b)1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
626.902(1)(a) & (b)	3rd	Representing an unauthorized insurer.
697.08	3rd	Equity skimming.
790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
812.015(8)(b)	3rd	Retail theft with intent to sell; conspires with others.
815.04(5)(b)	2nd	Computer offense devised to defraud or obtain property.
817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
817.233	3rd	Burning to defraud insurer.
817.234 (8)(b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
817.234(11)(a)	3rd	Insurance fraud; property value less than \$20,000.
817.236	3rd	Filing a false motor vehicle insurance application.
817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
817.413(2)	3rd	Sale of used goods of \$1,000 or more as new.
831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument with intent to defraud.
831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
843.19	2nd	Injure, disable, or kill police, fire, or SAR canine or police horse.
860.15(3)	3rd	Overcharging for repairs and parts.
870.01(2)	3rd	Riot; inciting or encouraging.

OFFENSE SEVERITY RANKING CHART

As of July 1, 2019

Florida Statute	Felony Degree	Description
<u>893.13(1)(a)2.</u>	3rd	Sell, manufacture, or deliver cannabis (or other s. <u>893.03(1)(c)</u> , (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).
<u>893.13(1)(d)2.</u>	2nd	Sell, manufacture, or deliver s. <u>893.03(1)(c)</u> , (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of university.
<u>893.13(1)(f)2.</u>	2nd	Sell, manufacture, or deliver s. <u>893.03(1)(c)</u> , (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of public housing facility.
<u>893.13(4)(c)</u>	3rd	Use or hire of minor; deliver to minor other controlled substances.
<u>893.13(6)(a)</u>	3rd	Possession of any controlled substance other than felony possession of cannabis.
<u>893.13(7)(a)8.</u>	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
<u>893.13(7)(a)9.</u>	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
<u>893.13(7)(a)10.</u>	3rd	Affix false or forged label to package of controlled substance.
<u>893.13(7)(a)11.</u>	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
<u>893.13(8)(a)1.</u>	3rd	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.
<u>893.13(8)(a)2.</u>	3rd	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.
<u>893.13(8)(a)3.</u>	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
<u>893.13(8)(a)4.</u>	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
<u>918.13(1)(a)</u>	3rd	Alter, destroy, or conceal investigation evidence.
<u>944.47(1)(a)1. & 2.</u>	3rd	Introduce contraband to correctional facility.
<u>944.47(1)(c)</u>	2nd	Possess contraband while upon the grounds of a correctional institution.
<u>985.721</u>	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).

OFFENSE SEVERITY RANKING CHART

As of July 1, 2019

LEVEL 4

Florida Statute	Felony Degree	Description
<u>316.1935(3)(a)</u>	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
<u>499.0051(1)</u>	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
<u>499.0051(5)</u>	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
<u>517.07(1)</u>	3rd	Failure to register securities.
<u>517.12(1)</u>	3rd	Failure of dealer, associated person, or issuer of securities to register.
<u>784.07(2)(b)</u>	3rd	Battery of law enforcement officer, firefighter, etc.
<u>784.074(1)(c)</u>	3rd	Battery of sexually violent predators facility staff.
<u>784.075</u>	3rd	Battery on detention or commitment facility staff.
<u>784.078</u>	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
<u>784.08(2)(c)</u>	3rd	Battery on a person 65 years of age or older.
<u>784.081(3)</u>	3rd	Battery on specified official or employee.
<u>784.082(3)</u>	3rd	Battery by detained person on visitor or other detainee.
<u>784.083(3)</u>	3rd	Battery on code inspector.
<u>784.085</u>	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
<u>787.03(1)</u>	3rd	Interference with custody; wrongly takes minor from appointed guardian.
<u>787.04(2)</u>	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
<u>787.04(3)</u>	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
<u>787.07</u>	3rd	Human smuggling.
<u>790.115(1)</u>	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
<u>790.115(2)(b)</u>	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
<u>790.115(2)(c)</u>	3rd	Possessing firearm on school property.
<u>800.04(7)(c)</u>	3rd	Lewd or lascivious exhibition; offender less than 18 years.

OFFENSE SEVERITY RANKING CHART

As of July 1, 2019

Florida Statute	Felony Degree	Description
<u>810.02(4)(a)</u>	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
<u>810.02(4)(b)</u>	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
<u>810.06</u>	3rd	Burglary; possession of tools.
<u>810.08(2)(c)</u>	3rd	Trespass on property, armed with firearm or dangerous weapon.
<u>812.014(2)(c)3.</u>	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
<u>812.014(2)(c)4.-10.</u>	3rd	Grand theft, 3rd degree; specified items.
<u>812.0195(2)</u>	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
<u>817.505(4)(a)</u>	3rd	Patient brokering.
<u>817.563(1)</u>	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. <u>893.03(5)</u> drugs.
<u>817.568(2)(a)</u>	3rd	Fraudulent use of personal identification information.
<u>817.625(2)(a)</u>	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
<u>817.625(2)(c)</u>	3rd	Possess, sell, or deliver skimming device.
<u>828.125(1)</u>	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
<u>837.02(1)</u>	3rd	Perjury in official proceedings.
<u>837.021(1)</u>	3rd	Make contradictory statements in official proceedings.
<u>838.022</u>	3rd	Official misconduct.
<u>839.13(2)(a)</u>	3rd	Falsifying records of an individual in the care and custody of a state agency.
<u>839.13(2)(c)</u>	3rd	Falsifying records of the Department of Children and Families.
<u>843.021</u>	3rd	Possession of a concealed handcuff key by a person in custody.
<u>843.025</u>	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
<u>843.15(1)(a)</u>	3rd	Failure to appear while on bail for felony (bond estreatment or bond jumping).
<u>847.0135(5)(c)</u>	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
<u>874.05(1)(a)</u>	3rd	Encouraging or recruiting another to join a criminal gang.
<u>893.13(2)(a)1.</u>	2nd	Purchase of cocaine (or other s. <u>893.03(1)(a)</u> , (b), or (d), (2)(a), (2)(b), or (2)(c)5. drugs).

OFFENSE SEVERITY RANKING CHART

As of July 1, 2019

Florida Statute	Felony Degree	Description
914.14(2)	3rd	Witnesses accepting bribes.
914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
918.12	3rd	Tampering with jurors.
934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
944.47(1)(a)6.	3rd	Introduction of contraband (cellular telephone or other portable communication device) into correctional institution.
951.22(1)(h), (j) & (k)	3rd	Intoxicating drug, instrumentality or other device to aid escape, or cellular telephone or other portable communication device introduced into county detention facility.

LEVEL 5

Florida Statute	Felony Degree	Description
316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
316.80(2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
379.365(2)(c)1.	3rd	Violation of rules relating to: willful molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or sale, conspiring or aiding in such barter, trade, or sale, or supplying, agreeing to supply, aiding in supplying, or giving away stone crab trap tags or certificates; making, altering, forging, counterfeiting, or reproducing stone crab trap tags; possession of forged, counterfeit, or imitation stone crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.
379.367(4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
379.407(5)(b)3.	3rd	Possession of 100 or more undersized spiny lobsters.
381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.
440.105(5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.

OFFENSE SEVERITY RANKING CHART

As of July 1, 2019

Florida Statute	Felony Degree	Description
440.381(2)	3rd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
624.401(4)(b)2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
626.902(1)(c)	2nd	Representing an unauthorized insurer; repeat offender.
790.01(2)	3rd	Carrying a concealed firearm.
790.162	2nd	Threat to throw or discharge destructive device.
790.163(1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.
790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
796.05(1)	2nd	Live on earnings of a prostitute; 1st offense.
800.04(6)(c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
800.04(7)(b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
812.0145(2)(b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
812.015 (8)(a) & (c)-(e)	3rd	Retail theft; property stolen is valued at \$750 or more and one or more specified acts.
812.019(1)	2nd	Stolen property; dealing in or trafficking in.
812.131(2)(b)	3rd	Robbery by sudden snatching.
812.16(2)	3rd	Owning, operating, or conducting a chop shop.
817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
817.2341(1), (2)(a) & (3)(a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
817.568(2)(b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more persons.
817.611(2)(a)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.
817.625(2)(b)	2nd	Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.

OFFENSE SEVERITY RANKING CHART

As of July 1, 2019

Florida Statute	Felony Degree	Description
<u>825.1025(4)</u>	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
<u>827.071(4)</u>	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
<u>827.071(5)</u>	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
<u>828.12(2)</u>	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
<u>839.13(2)(b)</u>	2nd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.
<u>843.01</u>	3rd	Resist officer with violence to person; resist arrest with violence.
<u>847.0135(5)(b)</u>	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
<u>847.0137(2) & (3)</u>	3rd	Transmission of pornography by electronic device or equipment.
<u>847.0138(2) & (3)</u>	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
<u>874.05(1)(b)</u>	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
<u>874.05(2)(a)</u>	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
<u>893.13(1)(a)1.</u>	2nd	Sell, manufacture, or deliver cocaine (or other s. <u>893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.</u> drugs).
<u>893.13(1)(c)2.</u>	2nd	Sell, manufacture, or deliver cannabis (or other s. <u>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)</u> drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
<u>893.13(1)(d)1.</u>	1st	Sell, manufacture, or deliver cocaine (or other s. <u>893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.</u> drugs) within 1,000 feet of university.
<u>893.13(1)(e)2.</u>	2nd	Sell, manufacture, or deliver cannabis or other drug prohibited under s. <u>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)</u> within 1,000 feet of property used for religious services or a specified business site.
<u>893.13(1)(f)1.</u>	1st	Sell, manufacture, or deliver cocaine (or other s. <u>893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)5.</u> drugs) within 1,000 feet of public housing facility.
<u>893.13(4)(b)</u>	2nd	Use or hire of minor; deliver to minor other controlled substance.
<u>893.1351(1)</u>	3rd	Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.

OFFENSE SEVERITY RANKING CHART

As of July 1, 2019

LEVEL 6

Florida Statute	Felony Degree	Description
<u>316.027(2)(b)</u>	2nd	Leaving the scene of a crash involving serious bodily injury.
<u>316.193(2)(b)</u>	3rd	Felony DUI, 4th or subsequent conviction.
<u>400.9935(4)(c)</u>	2nd	Operating a clinic, or offering services requiring licensure, without a license.
<u>499.0051(2)</u>	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
<u>499.0051(3)</u>	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
<u>499.0051(4)</u>	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
<u>775.0875(1)</u>	3rd	Taking firearm from law enforcement officer.
<u>784.021(1)(a)</u>	3rd	Aggravated assault; deadly weapon without intent to kill.
<u>784.021(1)(b)</u>	3rd	Aggravated assault; intent to commit felony.
<u>784.041</u>	3rd	Felony battery; domestic battery by strangulation.
<u>784.048(3)</u>	3rd	Aggravated stalking; credible threat.
<u>784.048(5)</u>	3rd	Aggravated stalking of person under 16.
<u>784.07(2)(c)</u>	2nd	Aggravated assault on law enforcement officer.
<u>784.074(1)(b)</u>	2nd	Aggravated assault on sexually violent predators facility staff.
<u>784.08(2)(b)</u>	2nd	Aggravated assault on a person 65 years of age or older.
<u>784.081(2)</u>	2nd	Aggravated assault on specified official or employee.
<u>784.082(2)</u>	2nd	Aggravated assault by detained person on visitor or other detainee.
<u>784.083(2)</u>	2nd	Aggravated assault on code inspector.
<u>787.02(2)</u>	3rd	False imprisonment; restraining with purpose other than those in s. <u>787.01</u> .
<u>790.115(2)(d)</u>	2nd	Discharging firearm or weapon on school property.
<u>790.161(2)</u>	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
<u>790.164(1)</u>	2nd	False report concerning bomb, explosive, weapon of mass destruction, act of arson or violence to state property, or use of firearms in violent manner.
<u>790.19</u>	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
<u>794.011(8)(a)</u>	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
<u>794.05(1)</u>	2nd	Unlawful sexual activity with specified minor.
<u>800.04(5)(d)</u>	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years of age; offender less than 18 years.

OFFENSE SEVERITY RANKING CHART

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Florida Statute	Felony Degree	Description
800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
810.145(8)(b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
812.014(2)(b)1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
812.014(6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
812.015(9)(a)	2nd	Retail theft; property stolen \$750 or more; second or subsequent conviction.
812.015(9)(b)	2nd	Retail theft; aggregated property stolen within 30 days is \$3,000 or more; coordination of others.
812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
817.505(4)(b)	2nd	Patient brokering; 10 or more patients.
825.102(1)	3rd	Abuse of an elderly person or disabled adult.
825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.
825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
825.103(3)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
827.03(2)(c)	3rd	Abuse of a child.
827.03(2)(d)	3rd	Neglect of a child.
827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
836.05	2nd	Threats; extortion.
836.10	2nd	Written threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
843.12	3rd	Aids or assists person to escape.
847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.

OFFENSE SEVERITY RANKING CHART

As of July 1, 2019

Florida Statute	Felony Degree	Description
<u>944.35(3)(a)2.</u>	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
<u>944.40</u>	2nd	Escapes.
<u>944.46</u>	3rd	Harboring, concealing, aiding escaped prisoners.
<u>944.47(1)(a)5.</u>	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
<u>951.22(1)(i)</u>	3rd	Firearm or weapon introduced into county detention facility.

LEVEL 7

Florida Statute	Felony Degree	Description
<u>316.027(2)(c)</u>	1st	Accident involving death, failure to stop; leaving scene.
<u>316.193(3)(c)2.</u>	3rd	DUI resulting in serious bodily injury.
<u>316.1935(3)(b)</u>	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
<u>327.35(3)(c)2.</u>	3rd	Vessel BUI resulting in serious bodily injury.
<u>402.319(2)</u>	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfigurement, permanent disability, or death.
<u>409.920</u> <u>(2)(b)1.a.</u>	3rd	Medicaid provider fraud; \$10,000 or less.
<u>409.920</u> <u>(2)(b)1.b.</u>	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
<u>456.065(2)</u>	3rd	Practicing a health care profession without a license.
<u>456.065(2)</u>	2nd	Practicing a health care profession without a license which results in serious bodily injury.
<u>458.327(1)</u>	3rd	Practicing medicine without a license.
<u>459.013(1)</u>	3rd	Practicing osteopathic medicine without a license.
<u>460.411(1)</u>	3rd	Practicing chiropractic medicine without a license.
<u>461.012(1)</u>	3rd	Practicing podiatric medicine without a license.
<u>462.17</u>	3rd	Practicing naturopathy without a license.
<u>463.015(1)</u>	3rd	Practicing optometry without a license.

OFFENSE SEVERITY RANKING CHART

As of July 1, 2019

Florida Statute	Felony Degree	Description
464.016(1)	3rd	Practicing nursing without a license.
465.015(2)	3rd	Practicing pharmacy without a license.
466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
467.201	3rd	Practicing midwifery without a license.
468.366	3rd	Delivering respiratory care services without a license.
483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
483.901(7)	3rd	Practicing medical physics without a license.
484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
484.053	3rd	Dispensing hearing aids without a license.
494.0018(2)	1st	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.
560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.
560.125(5)(a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.
775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.
775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
782.071	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).
782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.

OFFENSE SEVERITY RANKING CHART

As of July 1, 2019

Florida Statute	Felony Degree	Description
784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
784.048(7)	3rd	Aggravated stalking; violation of court order.
784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
784.081(1)	1st	Aggravated battery on specified official or employee.
784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
784.083(1)	1st	Aggravated battery on code inspector.
787.06(3)(a)2.	1st	Human trafficking using coercion for labor and services of an adult.
787.06(3)(e)2.	1st	Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to within the state.
790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
790.16(1)	1st	Discharge of a machine gun under specified circumstances.
790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
790.23	1st,PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
794.08(4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.
796.05(1)	1st	Live on earnings of a prostitute; 2nd offense.
796.05(1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.
800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
800.04(5)(c)2.	2nd	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.
800.04(5)(e)	1st	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.

OFFENSE SEVERITY RANKING CHART

As of July 1, 2019

Florida Statute	Felony Degree	Description
806.01(2)	2nd	Maliciously damage structure by fire or explosive.
810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
810.02(3)(e)	2nd	Burglary of authorized emergency vehicle.
812.014(2)(a)1.	1st	Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.
812.014(2)(b)2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
812.014(2)(b)4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
812.0145(2)(a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
812.131(2)(a)	2nd	Robbery by sudden snatching.
812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
817.034(4)(a)1.	1st	Communications fraud, value greater than \$50,000.
817.234(8)(a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
817.234(9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
817.234(11)(c)	1st	Insurance fraud; property value \$100,000 or more.
817.2341 (2)(b) & (3)(b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
817.535(2)(a)	3rd	Filing false lien or other unauthorized document.
817.611(2)(b)	2nd	Traffic in or possess 15 to 49 counterfeit credit cards or related documents.
825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
825.103(3)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$10,000 or more, but less than \$50,000.
827.03(2)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.

OFFENSE SEVERITY RANKING CHART

As of July 1, 2019

Florida Statute	Felony Degree	Description
<u>837.05(2)</u>	3rd	Giving false information about alleged capital felony to a law enforcement officer.
<u>838.015</u>	2nd	Bribery.
<u>838.016</u>	2nd	Unlawful compensation or reward for official behavior.
<u>838.021(3)(a)</u>	2nd	Unlawful harm to a public servant.
<u>838.22</u>	2nd	Bid tampering.
<u>843.0855(2)</u>	3rd	Impersonation of a public officer or employee.
<u>843.0855(3)</u>	3rd	Unlawful simulation of legal process.
<u>843.0855(4)</u>	3rd	Intimidation of a public officer or employee.
<u>847.0135(3)</u>	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
<u>847.0135(4)</u>	2nd	Traveling to meet a minor to commit an unlawful sex act.
<u>872.06</u>	2nd	Abuse of a dead human body.
<u>874.05(2)(b)</u>	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
<u>874.10</u>	1st,PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
<u>893.13(1)(c)1.</u>	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. <u>893.03(1)(a)</u> , (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
<u>893.13(1)(e)1.</u>	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. <u>893.03(1)(a)</u> , (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5., within 1,000 feet of property used for religious services or a specified business site.
<u>893.13(4)(a)</u>	1st	Use or hire of minor; deliver to minor other controlled substance.
<u>893.135(1)(a)1.</u>	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
<u>893.135(1)(b)1.a.</u>	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
<u>893.135(1)(c)1.a.</u>	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
<u>893.135(1)(c)2.a.</u>	1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
<u>893.135(1)(c)2.b.</u>	1st	Trafficking in hydrocodone, 50 grams or more, less than 100 grams.

OFFENSE SEVERITY RANKING CHART

As of July 1, 2019

Florida Statute	Felony Degree	Description
<u>893.135</u> (1)(c)3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.
<u>893.135</u> (1)(c)3.b.	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.
<u>893.135</u> (1)(c)4.b.(I)	1st	Trafficking in fentanyl, 4 grams or more, less than 14 grams.
<u>893.135</u> (1)(d)1.a.	1st	Trafficking in phencyclidine, 28 grams or more, less than 200 grams.
<u>893.135</u> (1)(e)1.	1st	Trafficking in methaqualone, 200 grams or more, less than 5 kilograms.
<u>893.135</u> (1)(f)1.	1st	Trafficking in amphetamine, 14 grams or more, less than 28 grams.
<u>893.135</u> (1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
<u>893.135</u> (1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
<u>893.135</u> (1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
<u>893.135</u> (1)(k)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
<u>893.135</u> (1)(m)2.a.	1st	Trafficking in synthetic cannabinoids, 280 grams or more, less than 500 grams.
<u>893.135</u> (1)(m)2.b.	1st	Trafficking in synthetic cannabinoids, 500 grams or more, less than 1,000 grams.
<u>893.135</u> (1)(n)2.a.	1st	Trafficking in n-benzyl phenethylamines, 14 grams or more, less than 100 grams.
<u>893.135</u> 1(2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
<u>896.101</u> (5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
<u>896.104</u> (4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
<u>943.0435</u> (4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
<u>943.0435</u> (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
<u>943.0435</u> (9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.

OFFENSE SEVERITY RANKING CHART

As of July 1, 2019

Florida Statute	Felony Degree	Description
<u>943.0435(13)</u>	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
<u>943.0435(14)</u>	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
<u>944.607(9)</u>	3rd	Sexual offender; failure to comply with reporting requirements.
<u>944.607(10)(a)</u>	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
<u>944.607(12)</u>	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
<u>944.607(13)</u>	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
<u>985.4815(10)</u>	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
<u>985.4815(12)</u>	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
<u>985.4815(13)</u>	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

LEVEL 8

Florida Statute	Felony Degree	Description
<u>316.193(3)(c)3.a.</u>	2nd	DUI manslaughter.
<u>316.1935(4)(b)</u>	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
<u>327.35(3)(c)3.</u>	2nd	Vessel BUI manslaughter.
<u>499.0051(6)</u>	1st	Knowing trafficking in contraband prescription drugs.
<u>499.0051(7)</u>	1st	Knowing forgery of prescription labels or prescription drug labels.
<u>560.123(8)(b)2.</u>	2nd	Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.
<u>560.125(5)(b)</u>	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.
<u>655.50(10)(b)2.</u>	2nd	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
<u>777.03(2)(a)</u>	1st	Accessory after the fact, capital felony.

OFFENSE SEVERITY RANKING CHART

As of July 1, 2019

Florida Statute	Felony Degree	Description
<u>782.04(4)</u>	2nd	Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aggravated fleeing or eluding with serious bodily injury or death, aircraft piracy, or unlawfully discharging bomb.
<u>782.051(2)</u>	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. <u>782.04(3)</u> .
<u>782.071(1)(b)</u>	1st	Committing vehicular homicide and failing to render aid or give information.
<u>782.072(2)</u>	1st	Committing vessel homicide and failing to render aid or give information.
<u>787.06(3)(a)1.</u>	1st	Human trafficking for labor and services of a child.
<u>787.06(3)(b)</u>	1st	Human trafficking using coercion for commercial sexual activity of an adult.
<u>787.06(3)(c)2.</u>	1st	Human trafficking using coercion for labor and services of an unauthorized alien adult.
<u>787.06(3)(e)1.</u>	1st	Human trafficking for labor and services by the transfer or transport of a child from outside Florida to within the state.
<u>787.06(3)(f)2.</u>	1st	Human trafficking using coercion for commercial sexual activity by the transfer or transport of any adult from outside Florida to within the state.
<u>790.161(3)</u>	1st	Discharging a destructive device which results in bodily harm or property damage.
<u>794.011(5)(a)</u>	1st	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.
<u>794.011(5)(b)</u>	2nd	Sexual battery; victim and offender 18 years of age or older; offender does not use physical force likely to cause serious injury.
<u>794.011(5)(c)</u>	2nd	Sexual battery; victim 12 years of age or older; offender younger than 18 years; offender does not use physical force likely to cause injury.
<u>794.011(5)(d)</u>	1st	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.
<u>794.08(3)</u>	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.
<u>800.04(4)(b)</u>	2nd	Lewd or lascivious battery.
<u>800.04(4)(c)</u>	1st	Lewd or lascivious battery; offender 18 years of age or older; prior conviction for specified sex offense.
<u>806.01(1)</u>	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
<u>810.02(2)(a)</u>	1st,PBL	Burglary with assault or battery.

OFFENSE SEVERITY RANKING CHART

As of July 1, 2019

Florida Statute	Felony Degree	Description
810.02(2)(b)	1st,PBL	Burglary; armed with explosives or dangerous weapon.
810.02(2)(c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
812.014(2)(a)2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
812.13(2)(b)	1st	Robbery with a weapon.
812.135(2)(c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
817.505(4)(c)	1st	Patient brokering; 20 or more patients.
817.535(2)(b)	2nd	Filing false lien or other unauthorized document; second or subsequent offense.
817.535(3)(a)	2nd	Filing false lien or other unauthorized document; property owner is a public officer or employee.
817.535(4)(a)1.	2nd	Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.
817.535(5)(a)	2nd	Filing false lien or other unauthorized document; owner of the property incurs financial loss as a result of the false instrument.
817.568(6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
817.611(2)(c)	1st	Traffic in or possess 50 or more counterfeit credit cards or related documents.
825.102(2)	1st	Aggravated abuse of an elderly person or disabled adult.
825.1025(2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
825.103(3)(a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$50,000 or more.
837.02(2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
837.021(2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
860.121(2)(c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
860.16	1st	Aircraft piracy.
893.13(1)(b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.

OFFENSE SEVERITY RANKING CHART

As of July 1, 2019

Florida Statute	Felony Degree	Description
<u>893.135</u> (1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
<u>893.135</u> (1)(c)1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
<u>893.135</u> (1)(c)2.c.	1st	Trafficking in hydrocodone, 100 grams or more, less than 300 grams.
<u>893.135</u> (1)(c)3.c.	1st	Trafficking in oxycodone, 25 grams or more, less than 100 grams.
<u>893.135</u> (1)(c)4.b.(II)	1st	Trafficking in fentanyl, 14 grams or more, less than 28 grams.
<u>893.135</u> (1)(d)1.b.	1st	Trafficking in phencyclidine, 200 grams or more, less than 400 grams.
<u>893.135</u> (1)(e)1.b.	1st	Trafficking in methaqualone, 5 kilograms or more, less than 25 kilograms.
<u>893.135</u> (1)(f)1.b.	1st	Trafficking in amphetamine, 28 grams or more, less than 200 grams.
<u>893.135</u> (1)(g)1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
<u>893.135</u> (1)(h)1.b.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
<u>893.135</u> (1)(j)1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
<u>893.135</u> (1)(k)2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
<u>893.135</u> (1)(m)2.c.	1st	Trafficking in synthetic cannabinoids, 1,000 grams or more, less than 30 kilograms.
<u>893.135</u> (1)(n)2.b.	1st	Trafficking in n-benzyl phenethylamines, 100 grams or more, less than 200 grams.
<u>893.1351(3)</u>	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.
<u>895.03(1)</u>	1st	Use or invest proceeds derived from pattern of racketeering activity.
<u>895.03(2)</u>	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.

OFFENSE SEVERITY RANKING CHART

As of July 1, 2019

Florida Statute	Felony Degree	Description
<u>895.03(3)</u>	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
<u>896.101(5)(b)</u>	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
<u>896.104(4)(a)2.</u>	2nd	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$20,000 but less than \$100,000.

LEVEL 9

Florida Statute	Felony Degree	Description
<u>316.193(3)(c)3.b.</u>	1st	DUI manslaughter; failing to render aid or give information.
<u>327.35(3)(c)3.b.</u>	1st	BUI manslaughter; failing to render aid or give information.
<u>409.920(2)(b)1.c.</u>	1st	Medicaid provider fraud; \$50,000 or more.
<u>499.0051(8)</u>	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
<u>560.123(8)(b)3.</u>	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
<u>560.125(5)(c)</u>	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
<u>655.50(10)(b)3.</u>	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
<u>775.0844</u>	1st	Aggravated white collar crime.
<u>782.04(1)</u>	1st	Attempt, conspire, or solicit to commit premeditated murder.
<u>782.04(3)</u>	1st,PBL	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.
<u>782.051(1)</u>	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. <u>782.04(3)</u> .
<u>782.07(2)</u>	1st	Aggravated manslaughter of an elderly person or disabled adult.
<u>787.01(1)(a)1.</u>	1st,PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.

OFFENSE SEVERITY RANKING CHART

As of July 1, 2019

Florida Statute	Felony Degree	Description
787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit or facilitate commission of any felony.
787.01(1)(a)4.	1st,PBL	Kidnapping with intent to interfere with performance of any governmental or political function.
787.02(3)(a)	1st,PBL	False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.
787.06(3)(c)1.	1st	Human trafficking for labor and services of an unauthorized alien child.
787.06(3)(d)	1st	Human trafficking using coercion for commercial sexual activity of an unauthorized adult alien.
787.06(3)(f)1.	1st,PBL	Human trafficking for commercial sexual activity by the transfer or transport of any child from outside Florida to within the state.
790.161	1st	Attempted capital destructive device offense.
790.166(2)	1st,PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.
794.011(2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
794.011(4)(a)	1st,PBL	Sexual battery, certain circumstances; victim 12 years of age or older but younger than 18 years; offender 18 years or older.
794.011(4)(b)	1st	Sexual battery, certain circumstances; victim and offender 18 years of age or older.
794.011(4)(c)	1st	Sexual battery, certain circumstances; victim 12 years of age or older; offender younger than 18 years.
794.011(4)(d)	1st,PBL	Sexual battery, certain circumstances; victim 12 years of age or older; prior conviction for specified sex offenses.
794.011(8)(b)	1st,PBL	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
794.08(2)	1st	Female genital mutilation; victim younger than 18 years of age.
800.04(5)(b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
812.13(2)(a)	1st,PBL	Robbery with firearm or other deadly weapon.
812.133(2)(a)	1st,PBL	Carjacking; firearm or other deadly weapon.
812.135(2)(b)	1st	Home-invasion robbery with weapon.
817.535(3)(b)	1st	Filing false lien or other unauthorized document; second or subsequent offense; property owner is a public officer or employee.

OFFENSE SEVERITY RANKING CHART

As of July 1, 2019

Florida Statute	Felony Degree	Description
<u>817.535(4)(a)2.</u>	1st	Filing false claim or other unauthorized document; defendant is incarcerated or under supervision.
<u>817.535(5)(b)</u>	1st	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.
<u>817.568(7)</u>	2nd, PBL	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 authority.
<u>827.03(2)(a)</u>	1st	Aggravated child abuse.
<u>847.0145(1)</u>	1st	Selling, or otherwise transferring custody or control, of a minor.
<u>847.0145(2)</u>	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
<u>859.01</u>	1st	Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill or injure another person.
<u>893.135</u>	1st	Attempted capital trafficking offense.
<u>893.135(1)(a)3.</u>	1st	Trafficking in cannabis, more than 10,000 lbs.
<u>893.135(1)(b)1.c.</u>	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
<u>893.135(1)(c)1.c.</u>	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
<u>893.135(1)(c)2.d.</u>	1st	Trafficking in hydrocodone, 300 grams or more, less than 30 kilograms.
<u>893.135(1)(c)3.d.</u>	1st	Trafficking in oxycodone, 100 grams or more, less than 30 kilograms.
<u>893.135(1)(c)4.b.(III)</u>	1st	Trafficking in fentanyl, 28 grams or more.
<u>893.135(1)(d)1.c.</u>	1st	Trafficking in phencyclidine, 400 grams or more.
<u>893.135(1)(e)1.c.</u>	1st	Trafficking in methaqualone, 25 kilograms or more.
<u>893.135(1)(f)1.c.</u>	1st	Trafficking in amphetamine, 200 grams or more.
<u>893.135(1)(h)1.c.</u>	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.

OFFENSE SEVERITY RANKING CHART

As of July 1, 2019

Florida Statute	Felony Degree	Description
<u>893.135</u> (1)(j)1.c.	1st	Trafficking in 1,4-Butanediol, 10 kilograms or more.
<u>893.135</u> (1)(k)2.c.	1st	Trafficking in Phenethylamines, 400 grams or more.
<u>893.135</u> (1)(m)2.d.	1st	Trafficking in synthetic cannabinoids, 30 kilograms or more.
<u>893.135</u> (1)(n)2.c.	1st	Trafficking in n-benzyl phenethylamines, 200 grams or more.
<u>896.101</u> (5)(c)	1st	Money laundering, financial instruments totaling or exceeding \$100,000.
<u>896.104</u> (4)(a)3.	1st	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$100,000.

LEVEL 10

Florida Statute	Felony Degree	Description
<u>499.0051</u> (9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in death.
<u>782.04</u> (2)	1st,PBL	Unlawful killing of human; act is homicide, unpremeditated.
<u>782.07</u> (3)	1st	Aggravated manslaughter of a child.
<u>787.01</u> (1)(a)3.	1st,PBL	Kidnapping; inflict bodily harm upon or terrorize victim.
<u>787.01</u> (3)(a)	Life	Kidnapping; child under age 13, perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.
<u>787.06</u> (3)(g)	Life	Human trafficking for commercial sexual activity of a child under the age of 18 or mentally defective or incapacitated person.
<u>787.06</u> (4)(a)	Life	Selling or buying of minors into human trafficking.
<u>794.011</u> (3)	Life	Sexual battery; victim 12 years or older, offender uses or threatens to use deadly weapon or physical force to cause serious injury.
<u>812.135</u> (2)(a)	1st,PBL	Home-invasion robbery with firearm or other deadly weapon.
<u>876.32</u>	1st	Treason against the state.

APPENDIX D

NON-EXCLUSIVE FACTORS TO SUPPORT DEPARTURE

REASONS FOR DEPARTURE - MITIGATING CIRCUMSTANCES

A downward departure from the lowest permissible sentence, as calculated according to the total sentence points pursuant to s. [921.0024](#), is prohibited unless there are circumstances or factors that reasonably justify the downward departure. Mitigating factors to be considered include, but are not limited to, those listed below. The imposition of a sentence below the lowest permissible sentence is subject to appellate review under chapter 924, but the extent of downward departure is not subject to appellate review.

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

- departure results from a legitimate, uncoerced plea bargain.
- defendant was an accomplice to the offense and was a relatively minor participant in the criminal conduct.
- capacity of the defendant to appreciate the criminal nature of the conduct or to conform that conduct to the requirements of law was substantially impaired.
- defendant requires specialized treatment for a mental disorder that is unrelated to substance abuse or addiction or for a physical disability, and the defendant is amenable to treatment.
- need for payment of restitution to the victim outweighs the need for a prison sentence.
- victim was an initiator, willing participant, aggressor, or provoker of the incident.
- defendant acted under extreme duress or under the domination of another person.
- before the identity of the defendant was determined, the victim was substantially compensated.
- defendant cooperated with the state to resolve the current offense or any other offense.
- offense was committed in an unsophisticated manner and was an isolated incident for which the defendant has shown remorse.
- at the time of the offense the defendant was too young to appreciate the consequences of the offense.
- defendant is to be sentenced as a youthful offender.
- defendant's offense is a nonviolent felony, the defendant's Criminal Punishment Code scoresheet total sentence points under s. [921.0024](#) are 60 points or fewer, and the court determines that the defendant is amenable to the services of a postadjudicatory treatment-based drug court program and is otherwise qualified to participate in the program as part of the sentence. For purposes of this paragraph, the term "nonviolent felony" has the same meaning as provided in s. [948.08\(6\)](#).
- defendant was making a good faith effort to obtain or provide medical assistance for an individual experiencing a drug-related overdose.

Except as provided in s. 921.006 (2)(m), Fla. Stat., the defendant's substance abuse or addiction, including intoxication at the time of the offense, is not a mitigating factor under subsection (2) of s. 921.0026, Fla. Stat., and does not, under any circumstances, justify a downward departure from the permissible sentencing range.

APPENDIX E-TABLE OF FREQUENTLY CHARGED OFFENSES WITH SEVERITY RANKINGS

STATUTE (As on Digital Scoresheet)	STATUTE	SECTION	CODE	OFFENSE TYPE	ASI DESCRIPTION	GUIDE- LINE LEVEL	LEVEL EFFECTIVE (YYYYMM)	FELONY DEGREE
893.13(6)(A)	893.13	(6)(A)	9539	DRUGS, POSSESSION/OTHER	POSS.MARIJUANA OVR 20 GRAMS	1	199510	3
812.014(2)(C)1	812.014	(2)(C)1	8530	GRAND THEFT, OTHER	GRAND THEFT,300 L/5,000	2	199401	3
810.02(4)	810.02	(4)	2200	BURGLARY, STRUCTURE	BURGUNOCCSTRUC/CV OR ATT.	4	199401	3
893.13(6)(A)	893.13	(6)(A)	9536	DRUGS, POSSESSION/OTHER	POSS.CONTROL. SUBS/OTHER	3	199510	3
812.019(1)	812.019	(1)	2803	STOLEN PROPERTY	TRAFFIC IN STOLEN PROPERTY	5	199401	2
893.13(1)(A)1	893.13	(1)(A)1	9512	DRUGS, MANUFACTURE/SALE/PURCHASE	COCAINE-SALE/MANUF/DELIV.	5	199401	2
893.13(6)(A)	893.13	(6)(A)	9530	DRUGS, POSSESSION/OTHER	COCAINE - POSSESSION	3	199401	3
812.014(3)(C)	812.014	(3)(C)	2323	OTHER THEFT/PROPERTY DAMAGE	PETIT THEFT/3RD CONVICTION	1	199401	3
812.014(2)(C)6	812.014	(2)(C)6	2404	GRAND THEFT, AUTOMOBILE	GRAND THEFT MOTOR VEHICLE	4	199401	3
790.23(3)	790.23	(3)	8771	WEAPONS, POSSESSION	FEL/DELI W/GUN/CONC WPN/AMMO	5	199401	2
843.01	843.01		4801	RESISTING ARREST WITH VIOLENCE	RESISTING OFFICER W/VIOLEN.	5	199401	3
784.021(1)(A)	784.021	(1)(A)	1317	AGGRAVATED ASSAULT	AGG ASSLT-W/WPN NO INTENT TO K	6	199401	3
322.34	322.34		9813	TRAFFIC, OTHER	DRIVE W/LIC. S/R/C/D-MISD.			5
893.13(6)(A)	893.13	(6)(A)	9437	DRUGS, POSSESSION/OTHER	POSSESS METHAMPHETAMINE	3	200010	3
790.01(2)	790.01	(2)	5202	WEAPONS, POSSESSION	CARRYING CONCEALED FIREARM	5	199510	3
784.03(2)	784.03	(2)	1354	VIOLENT, OTHER	2+ SIMPLE BATTERY	1	200107	3
784.07(2)(B)	784.07	(2)(B)	1321	ASSAULT/BATTERY ON L.E.O.	BATT.LEO/FIRFGT/EMS/ETC.	4	199401	3
810.02(3)(A,B,D)	810.02	(3)(A,B,D)	2211	BURGLARY, DWELLING	BURG/DWELL/OCCUP.CONVEY	7	199401	2
810.02(3)(B)	810.02	(3)(B)	2222	BURGLARY, DWELLING	BURGL UNOCC DWELLING	7	201601	2
322.34	322.34		8808	TRAFFIC, OTHER	DRIV W/LIC S/R/C/D FELONY	1	199510	3
893.13(1)(A)2	893.13	(1)(A)2	9516	DRUGS, MANUFACTURE/SALE/PURCHASE	BARBITUATE-SALE/MAN/DEL	3	199401	3
784.041(1)	784.041	(1)	1351	VIOLENT, OTHER	FELONY BATTERY	6	199710	3
812.13(2)(C)	812.13	(2)(C)	1214	ROBBERY WITHOUT WEAPON	ROBB. NO GUN/DDLY.WPN	6	199401	2
951.22(1)	951.22	(1)	4827	CRIMINAL JUSTICE SYSTEM	CONTRABAND, CO DETENTN FAC	6	199401	3
316.1935(2)	316.1935	(2)	4920	ESCAPE	WILLFUL FLEE/ELUDE LEO	3	199810	3
812.13(2)(A)	812.13	(2)(A)	1212	ROBBERY WITH WEAPON	ROBB. GUN OR DEADLY WPN	9	199401	P

784.045(1)(A)2	784.045	(1)(A)2	1320	AGGRAVATED BATTERY	AGG BATTERY/W/DEADLY WEAPON	7	199401	2
817.568(2)(A)	817.568	(2)(A)	8563	FORGERY/COUNTERFEITING	FRAUD. USE OF ID LT \$75 K	4	200107	3
784.041(2)	784.041	(2)	1361	ASSAULT/BATTERY, OTHER	DOMESTIC BATT STRANGLE	6	200710	3
893.13(1)(A)2	893.13	(1)(A)2	9514	DRUGS, MANUFACTURE/SALE/PURCHASE	MARIJUANA-SALE/MANUF/DEL	3	199401	3
827.03(2)(D)	827.03	(2)(D)	3896	ABUSE OF CHILDREN	CHILD NEGLECT	6	201210	3
893.13(6)(A)	893.13	(6)(A)	9531	DRUGS, POSSESSION/OTHER	HEROIN-POSS.LESS/10 GRAMS	3	199510	3
918.13(1)(A)	918.13	(1)(A)	4802	CRIMINAL JUSTICE SYSTEM	OBSTRUCT CRIME INVESTIGATION	3	199401	3
817.034(4)(A)3	817.034	(4)(A)3	2629	FRAUDULENT PRACTICES	ORG.FRAUD - UNDER \$20,000	3	199401	3
790.23	790.23		5203	WEAPONS, POSSESSION	POSS.FIREARM BY FELON			2
831.09	831.09		8551	FORGERY/COUNTERFEITING	UTTERING FORGED BILLS	2	199401	3
943.0435(9)	943.0435	(9)	5027	CRIMINAL JUSTICE SYSTEM	SX OFFNDR FAIL COMPLY PSIA	7	200509	3
827.03(2)(C)	827.03	(2)(C)	3897	ABUSE OF CHILDREN	WILLFUL CHILD ABUSE	6	201210	3
806.13(1)(B)3	806.13	(1)(B)3	2900	BURGLARY/TRESPASS, OTHER	CRIMINAL MISCHIEF/PROP.DAMAGE	2	199401	3
810.02(3)(A)	810.02	(3)(A)	2221	BURGLARY, DWELLING	BURGL OCCUPIED DWELLING	7	201601	2
316.1935(3)(A)	316.1935	(3)(A)	4927	ESCAPE	FLEE LEO/NO REGARD	4	200407	2
810.02(2)(B)	810.02	(2)(B)	2209	BURGLARY, ARMED	BURGLARY, ARMED W/EXP. OR WEAPO	8	199401	P
817.61	817.61		8580	FRAUDULENT PRACTICES	FRAUD-CREDIT-CARD	2	199401	3
784.08(2)(C)	784.08	(2)(C)	1334	ASSAULT/BATTERY, OTHER	BATTERY UPON PERSON 65/OLDER	4	199510	3
812.014(2)(C)3	812.014	(2)(C)3	8532	GRAND THEFT, OTHER	GRAND THEFT \$10K L/\$20K	4	199401	3
810.02(2)(A)	810.02	(2)(A)	2208	BURGLARY WITH ASSAULT	BURGLARY ASSAULT ANY PERSON	8	199401	P
316.1935(1)	316.1935	(1)	9838	ESCAPE	FLEE/ELUDE LEO-MISD.			5
316.193(2)(B)1	316.193	(2)(B)1	8823	DUI, NO INJURY	FELONY DUI 3RD CONV.	3	200207	3
893.13(1)(A)1	893.13	(1)(A)1	9423	DRUGS, MANUFACTURE/SALE/PURCHASE	S/M/D OTH SCH I & II	5	200107	2
784.045	784.045		1322	AGGRAVATED BATTERY	AGGRAVATED BATTERY	4	199401	3
817.568(2)	817.568	(2)	8562	FORGERY/COUNTERFEITING	FRAUD USE OF PERSONAL ID	4	200307	3
812.014(2)(B)1	812.014	(2)(B)1	2329	GRAND THEFT, OTHER	GRAND THEFT O/20,000 L/\$100,00	6	199401	2
893.135(1)(C)1A	893.135	(1)(C)1A	9571	DRUGS, TRAFFICKING	TRAFF ILL DRUGS 4-U/14 GRAMS	7	199401	1
539.001(8)(B)8A	539.001	(8)(B)8A	6252	FRAUDULENT PRACTICES	FALS INF. TO PWNBRKR<\$300	1	199801	3
787.02(2)	787.02	(2)	1010	KIDNAPPING	FALS.IMPRSN-NO 787.01 INT	6	199401	3
827.03(1)(B-C)	827.03	(1)(B-C)	3828	ABUSE OF CHILDREN	ABUSE CHILD	6	199610	3

784.021(1)(B)	784.021	(1)(B)	1318	AGGRAVATED ASSAULT	AGG ASSLT-INTENT COMMIT FELONY	6	199401	3
316.1935(1)	316.1935	(1)	4923	ESCAPE	FLEE/ELUDE LEO-FELONY	1	200407	3
790.19	790.19		5231	WEAPONS, DISCHARGING	SHOOT/THROW MISSILE-BLDG/VEH.	6	199401	2
782.04(2)	782.04	(2)	914	2ND DEGREE MURDER	2ND DEG.MURD, DANGEROUS ACT	10	199401	P
316.027(2)(A)	316.027	(2)(A)	8814	LEAVE ACCIDENT WITH INJURY/DEATH	LVE CRASH OTHR THAN SER INJ	5	201407	3
812.131(2)(B)	812.131	(2)(B)	1219	ROBBERY WITHOUT WEAPON	SUDDEN SNATCH NO WEAPON	5	199910	3
784.045(1)(B)	784.045	(1)(B)	1329	AGGRAVATED BATTERY	AGGRAV.BATTERY, VICTIM PREGNANT	7	199401	2
893.13(1)(A)1	893.13	(1)(A)1	9430	DRUGS, MANUFACTURE/SALE/PURCHASE	S/M/D METH	5	200010	2
893.13(1)(C)1	893.13	(1)(C)1	9502	DRUGS, MANUFACTURE/SALE/PURCHASE	SELL/ETC.COC/HER.1000FT SCH	7	199401	1
893.13(1)(E)1	893.13	(1)(E)1	9519	DRUGS, MANUFACTURE/SALE/PURCHASE	SALE COC. ETC. 1K FT.REL/BS	7	199710	1
893.135(1)(B)1A	893.135	(1)(B)1A	9570	DRUGS, TRAFFICKING	TRAFF COCAINE 28-U/200GR	7	199401	1
316.193(2)(B)3	316.193	(2)(B)3	5406	DUI, NO INJURY	FELONY DUI 4TH/SUBS.CONV.	6	199401	3
812.014(2)(C)2	812.014	(2)(C)2	8531	GRAND THEFT, OTHER	GRAND THEFT \$5KL/\$10K	3	199401	3
831	831		8541	FORGERY/COUNTERFEITING	UTTER FORGED INSTRUMENT	2	199401	3
843.15(1)(A)	843.15	(1)(A)	5017	CRIMINAL JUSTICE SYSTEM	FAIL.TO APPEAR/FEL.BAIL	4	199401	3
784.082(3)	784.082	(3)	1339	ASSAULT/BATTERY, OTHER	BATTERY BY DETAINEE	4	199610	3
316.1935(3)	316.1935	(3)	4921	ESCAPE	FLEE LEO/HISPEED, NO REGARD	4	199810	2
893.13(1)(A)2	893.13	(1)(A)2	9513	DRUGS, MANUFACTURE/SALE/PURCHASE	OTH.DRUG-SALE/MANUF/DELIV	3	199401	3
812.13(2)(B)	812.13	(2)(B)	1213	ROBBERY WITH WEAPON	ROBB. WPN-NOT DEADLY	8	199401	1
784.045(1)(A)1	784.045	(1)(A)1	1319	AGGRAVATED BATTERY	AGG BATTERY INTENDED HARM	7	199401	2
414.39	414.39		3809	FRAUDULENT PRACTICES	FAM.SERV. FRAUD \$200 OR MORE	1	199401	3
414.39(5)(B)	414.39	(5)(B)	2550	FRAUDULENT PRACTICES	PUB ASST FRAUD \$200<\$20K	1	201410	3
827.071(5)	827.071	(5)	1135	LEWD/LASCIVIOUS BEHAVIOR	POSS PHOTO ETC CHILD SEX PERF	5	200507	3
784.048(4)	784.048	(4)	1342	AGGRAVATED STALKING	AGG.STALK-VIOL.COURT ORDER	7	199510	3
944.40	944.4		8731	ESCAPE	ESCAPE	6	199401	2
800.04(5)(B)	800.04	(5)(B)	3622	LEWD/LASCIVIOUS BEHAVIOR	L/L MOLEST V<12 OFF 18+	9	199910	L
893.135(1)(F)1(A)	893.135	(1)(F)1(A)	9573	DRUGS, TRAFFICKING	TRAFF AMPH. 14-U/28 GRAMS	7	199401	1
812.015(8)	812.015	(8)	2353	OTHER THEFT/PROPERTY DAMAGE	RETAIL THEFT \$300+	5	200107	3
893.13(1)(A)1	893.13	(1)(A)1	9510	DRUGS, MANUFACTURE/SALE/PURCHASE	HEROIN-SALE, MANUF/DELIVER	5	199401	2
831.01	831.01		2500	FORGERY/COUNTERFEITING	FORGERY/UTTERING	2	199401	3

810.02(3)(C)	810.02	(3)(C)	2210	BURGLARY, STRUCTURE	BURG/N/ASSLT/OCC.STRUCT.	6	199401	2
836.10	836.1		8522	VIOLENT, OTHER	WRITTEN THREATS KILL/INJ	6	199401	2
847.0135(4)	847.0135	(4)	1156	LEWD/LASCIVIOUS BEHAVIOR	TRVL MEET WWW FS 794,800,827	7	200707	2
784.07(2)(C)	784.07	(2)(C)	1328	ASSAULT/BATTERY ON L.E.O.	AGG.ASSLT/LEO/FIREFGT/EMS/ETC.	6	199401	2
782.04(1)	782.04	(1)	913	CAPITAL MURDER	1ST DG MUR/PREMED. OR ATT.	98	199401	C
812.014(2)(C)5	812.014	(2)(C)5	2320	GRAND THEFT, OTHER	GRAND THEFT FIREARM	4	199401	3
934.215	934.215		1520	OTHER	2-WAY COMM.-COMMIT FELONY	4	200107	3
812.155(1-3)	812.155	(1-3)	2698	FRAUDULENT PRACTICES	FRAUD-RENTAL PROPERTY \$300	1	199401	3
893.1351(2)	893.1351	(2)	9605	DRUGS, TRAFFICKING	POSS PLACE TRAFF/MAN SUBST	7	200807	2
316.027(1)(A)	316.027	(1)(A)	8812	LEAVE ACCIDENT WITH INJURY/DEATH	LEAVE CRASH W/INJURY	5	199510	3
812.014(2)(D)	812.014	(2)(D)	8533	GRAND THEFT, OTHER	GR. THEFT \$100-300 DWELLING	2	199610	3
893.13(1)(E)2	893.13	(1)(E)2	9518	DRUGS, MANUFACTURE/SALE/PURCHASE	SALE MAR.ETC. 1K FT.REL/BS	5	199710	2
800.04(4)(A)1.	800.04	(4)(A)1.	1095	2ND DEGREE SEXUAL BATTERY	L&L BATT MINOR	8	201410	2