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Florida's Criminal Punishment Code:
A Descriptive Assessment
(FY 1998-1999)

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Florida's Criminal Punishment Code: A Descriptive Assessment, October 1999

A Report to the Florida Legislature
Detailing Florida's Criminal Punishment Code



Florida's Criminal Punishment Code:
.....A Comparative Assessment

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Florida's Criminal Punishment Code: A Descriptive Assessment

Offenses Committed On or After October 1, 1998

Executive Summary

In 1997, the Florida legislature created a new sentencing structure, the Florida Criminal Punishment Code ("Code"). The Criminal Punishment Code is Florida's primary sentencing policy. It is unique in that it has features of both structured and unstructured sentencing policies. From a structured sentencing perspective, the Code provides for a uniform evaluation of relevant factors present at sentencing, such as offense before the court for sentencing, prior criminal record, victim injury and others. It also provides for a lowest permissible sentence that the court must impose in any given sentencing event.

The Code also contains characteristics of unstructured sentencing such as broad judicial discretion and the allowance for the imposition of lengthy terms of incarceration. The Code is effective for offenses committed on or after October 1, 1998 and is unlike the state's preceding sentencing guidelines, which provided for narrow ranges of permissible sentences in all non-capital sentencing events.

The intent of this report is to address the requirement set forth in Florida Statutes 921.002(4)(a) of analyzing sentencing events under the Florida Criminal Punishment Code. Each year, the Department of Corrections is required to report on trends in sentencing practices and sentencing score thresholds and provide an analysis on the sentencing factors considered by the courts. However, because of the short time between when this law went into effect and when the report is due, a true and accurate assessment of the Code impact at this time is impossible. The average length of time that passes from the date an offender commits a crime to the date the offender is sentenced for that crime is 9.6 months. As expected, as the seriousness and severity of the crime increases, the average "lag" time increases. Currently, the Punishment Code sentencing events that have taken place since October 1, 1998, are skewed more heavily by the less serious offenses. Evaluating the impact of the Code at this point in time would provide an unrealistic view of the nature of criminal behavior and court sentencing behavior.

With the lag issue in mind, this report will focus on descriptive statistics of the Punishment Code sentencing events.

Since January 1, 1994, the Florida Department of Corrections has collected almost 550,000 scoresheets on felony offenders sentenced in Florida courts under the state's Sentencing Guidelines and Criminal Punishment Code. This report examines the 36,818 Criminal Punishment Code scoresheets received by the Florida Department of Corrections through August 30, 1999, for felony offenses committed on or after October 1, 1998. This report also includes an examination of 119,001 1994 and 1995 Sentencing Guidelines offender scoresheets sentenced in FY 1997-98 for comparison purposes.

Part I Introduction

Overview of Florida Sentencing Policies; History of Sentencing Policy

Unstructured Sentencing

Prior to October 1, 1983 courts sentenced in accordance with the provisions of law that permitted a wide range of judicial discretion in the sentencing decision. Sanctions ranged from a fine up to state prison incarceration. The statutory maximum penalties of incarceration in state prison were:

- Five years for a felony of the third degree
- Fifteen years for a felony of the second degree
- Thirty years for a felony of the first degree
- Life for a life felony

This was a form of an indeterminate sentencing policy because most offenders sentenced to prison were by law, parole eligible. Parole was a discretionary early release policy, which obviously had a significant impact upon both the percentage, and the actual amount of time served.

Structured Sentencing/Sentencing Guidelines

The Florida Sentencing Guidelines represents the state's structured policy with respect to the sentencing of non-capital felony offenders. There are three distinct versions of the guidelines currently in operation in Florida, they each:

- Provide for a uniform set of standards to guide the sentencing court in sentencing decisions.
- Evaluate relevant factors present at sentencing relating to the offense or offenses and the defendant's prior criminal behavior.
- Are attempts to provide for "truth in sentencing" and eliminate unwarranted disparity in sentencing decisions.
- Focus on ensuring that the punishment is commensurate with the offenses before the court for sentencing
- Are mathematically based and provide a means to address several policy areas. Every assessment of points reflects a policy statement regarding the relative severity of a criminal behavior.

Each policy is represented on its respective scoresheet, which must be completed for each felony defendant prior to sentencing.

The 1983 Sentencing Guidelines

Due to concerns regarding actual and percent of time served as well as concerns regarding a lack of uniformity in sentencing, the 1983 Florida Sentencing Guidelines were enacted October 1, 1983 and parole eligibility was abolished for almost all offenses committed after that date. These guidelines are currently in effect for all non-capital felony offenses that were committed on or after October 1, 1983 and before January 1, 1994.

The 1983 guideline structure was comprised of nine separate worksheets for specified offense categories such as murder, sexual offenses, drug offenses etc. All offenses were contained in one of these categories.

Within each worksheet points were assessed for offenses to be sentenced and prior record offenses based on the number of offenses and each offense's felony degree. Assessments were made for legal status, and victim injury. Total scores

fell into sentencing ranges or cells, for each worksheet. The least severe cell provided for a non-state prison sanction and the most severe cell provided for 27 years to life in prison. Departure sentences were permissible as long as written reasons were provided.

Several factors eventually eroded the integrity of the "truth in sentencing" aspect of the 1983 sentencing guidelines. Some of these factors included an epidemic of "crack" cocaine related offense activity, which resulted in an unanticipated impact upon correctional resources; the passage of unfunded mandatory minimum sentence legislation; significant growth in the population of the State of Florida.

As a result of these and other factors, the percentage of time served and actual time served declined. By 1989 the average percent of time served was 34 percent. This lack of system integrity was the impetus for the creation of a new sentencing guideline structure.

The 1994 Sentencing Guidelines

The 1994 sentencing guidelines were enacted through the passage of the "Safe Streets Act ". These guidelines were created with the recognition that prison resources are finite and that the use state incarceration should be focused upon offenders who commit serious or violent offenses or who offend repetitively. The 1994 guidelines repealed the grant of basic gain time evidencing the legislature's re-commitment to "truth in sentencing". These sentencing guidelines are in effect for all non-capital felony offenses committed on or after January 1, 1994 and before October 1, 1995.

The structure of the 1994 sentencing guidelines has little similarity to the 1983 structure. The structure created attempted to resolve some of the problems inherent in the preceding structure such as the nine separate worksheets, the lack of offense specific detail and the issue of grouping crimes by category. The structure of the 1994 guidelines:

- Ranks all non-capital felonies in one of ten offense severity levels. Level one is the least severe ranking and ten reflects the most serious felonies.
- Each of the rankings has an associated point value in each of three elements subject to scoring: primary offense, additional offense(s) and prior record. Point values escalate as the rank increases. Every offense scored is provided its corresponding point value in these areas, with the emphasis of points lying in the area of the primary offense.
- Includes other policy levels through an assessment of points for a variety of other factors such as: victim injury, legal status, supervision violations, and others.

Under the 1994 structure, the total guidelines score determines the sanction and a range of length of sanction when state prison is applicable. There are basically three categories of sanction based upon total scores. There are ranges of score which:

1. Mandate a non-state prison sanction when the total score is 40 points or less.
2. Provide for discretionary prison or non-state prison sanction when the total score is greater than forty and less than 52 points.
3. Mandate a state prison sanction when the total score exceeds 52 points.

The length of prison is determined by subtracting twenty-eight from the total sentence points to derive the total prison months

The court has the discretion to increase or decrease the sanction by twenty five percent. This provided for a relatively narrow range for the imposition of a guideline sentence.

The 1995 Sentencing Guidelines

The 1994 Sentencing Guidelines were significantly amended in 1995 through the passage of the Crime Control Act of 1995. The basic structure of the 1994 sentencing guidelines remained, however point values were increased in a variety of areas and additional policy levers were created to provide for greater sanctions. The 1995 guidelines are in effect for offenses committed on or after October 1, 1995 through September 30, 1998.

The guidelines were slightly modified in both 1996 and 1997, again providing for increased sanctions and sanction length in certain instances.

The Criminal Punishment Code

The Criminal Punishment Code became effective for offenses committed on or after October 1, 1998. The guidelines are repealed for all offenses committed on or after October 1, 1998 but remain in effect for offenses committed prior to this date. The Code contains features of both structured and unstructured sentencing policies. It maintains many of the goals of guidelines sentencing. Compared to the guidelines however, the Code allows for greater upward discretion in sentencing, provides for increased penalties and lowers mandatory prison thresholds.

- The Code significantly alters the sentencing policy in a variety of respects. One of the most notable changes is the significant broadening of upward discretion in the sentencing policy. Under the sentencing guidelines, the upward discretion was 25 percent above the state prison months determined by the calculation. Under the Code, the maximum sentence for any felony offense is determined by the statutory maximums as provided in 775.082.

Felony Degree	Years in Prison
Life Felony	Up to Life
1 st	Up to 30
2 nd	Up to 15
3 rd	Up to 5

- This has two effects that are divergent from the preceding guidelines. First, all felony offenders have the potential to receive a prison sentence whereas many under the guidelines were by policy excluded from such a possibility. Second, the maximums of 775.082 usually will provide for far greater sentence lengths than were permissible under the guidelines.
- Another significant change is the determination when a prison sentence becomes mandatory under the new sentencing policy. The basic structure of the sentencing policy has not changed with respect to point determinations. Sentencing point thresholds for sentence calculations have however undergone significant revisions.
 1. If total points are equal to or less than 44, the lowest permissible sentence is a non-state prison sanction (however state prison up to the statutory maximum can be imposed).
 2. If total points exceed 44, the minimum sentence is established by taking the total point value subtracting 28 and decreasing the remaining value by 25%. This end result value is the lowest permissible prison sentence in months.

This means than only those offenders scoring 44 or less points may receive a non- state prison sanction under the code. All others must receive a state prison sanction, absent downward departure from this structure. The threshold under the guidelines for mandatory prison incarceration was 52 points.

Department of Corrections Responsibilities

The department was provided a variety of responsibilities regarding the sentencing policy with respect to the 1994 and subsequent versions of the law. Florida statute 921 requires the department to:

- Develop the scoresheet and any revisions of the scoresheet for approval by the Supreme Court and supply sentencing guideline and Code scoresheets to the appropriate criminal justice entities in the state.
- Prepare scoresheets. This agency currently has coequal responsibility of scoresheet with state attorneys. The Department is the primary scoresheet preparer in 10 of the 20 judicial circuits, though we are not the primary

preparer in any of the 4 largest circuits. We prepare 28.6% of the scoresheets statewide.

- Assist the Criminal Justice Estimating Conference in estimating correctional impact of proposed changes to the code.
- Provide the legislature by October 1 of each year a report detailing the rate of compliance of each judicial circuit in providing scoresheets to the department.
- Provide the legislature an annual report detailing trends in sentencing and an analysis thereof by October 1 of each year.

The SAGES (Sentencing Analysis and Guidelines Entry Systems) database

The department developed a database in 1994 to be used as a mechanism to allow for the storage of completed scoresheets and allow for more accurate, legible and time efficient scoresheet preparation.

This report is derived primarily from the information upon sentencing scoresheets received by the department from the clerks of the courts and entered into SAGES.

The following should be considered when evaluating this and other information derived from this database:

- The information is compiled from a database containing sentencing scoresheets received by the Department of Corrections for offenses with dates of commission on or after January 1, 1994. The information is based on the scoresheets in the database with dates of sentence in fiscal year 97-98 as of August 31, 1999 and offenses on or after October 1, 1998, as of August 31, 1999.
- As the compliance rate for scoresheet submissions is not 100%, there is missing information that would have potentially affected the outcome of the analysis. The current statewide compliance rate is 66.3%.
- **Though the Department retrieves and includes in the database omitted information from scoresheet that is critical, no effort is made to correct preparation error or errors recorded on scoresheets regarding the sentence imposed. The department does not have the authority to amend an official court document. Conversely, there is a responsibility to record the information as received.**
- There is data entry error on the part of department staff. Recent analyses indicate that the rate of data entry error in the fields analyzed in the report is not significant.

For further information regarding Florida's sentencing policy or the SAGES database, please contact JoAnne Leznoff at (850) 487-2165.

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Part I Introduction

Section 2. Introductory Statistics

FACT: *There were 36,818 Punishment Code scoresheets with offense dates on or after October 1, 1998 entered into the sentencing scoresheet database, as of August 30, 1999.*

FINDINGS:

- The number of Code scoresheets received by month of sentence has steadily increased from October 1, 1998 to June 1999. The downturn in scoresheet received in July and August of 1999 is due to the lag time in processing of cases and the entry of scoresheet information into the Department of Corrections database (Figure 1).
- For the time period October 1998 through August 1999, Code scoresheets represent almost thirty-seven percent (36.6%) of the total scoresheet submissions. In the month of August 1999, over two-thirds of the scoresheets represented sentencing events under the Florida Criminal Punishment Code (Table 2).
- Almost thirty-two percent (31.7%) of the offenders sentenced under the Code were considered "youthful offenders" at the time of sentencing (Table 3). Of the 808 true juveniles (under 18 at the time of their offense) transferred to adult court under the Code, 277 of the offenders were age sixteen or younger (Table 4).
- There were 228 juveniles sentenced under the Code for violent offenses, including, murder/manslaughter, sex offenses, robbery, and other violent personal offenses. These violent offenses represent over twenty-eight percent (28.2%) of all offenses of juveniles (Table 4). Eighty-one of the 228 violent juvenile offenders, or 35.5%, received a state prison sanction.
- The gender distribution of the offenders sentenced under the Code are similar to previous years sentencing events. Nearly eighty-two percent (81.8%) of all scoresheets were for male offenders (Table 6), and 52.4% were for white offenders (Table 7).

Figure 1

Scoresheets Received by Month of Sentence

Criminal Punishment Code

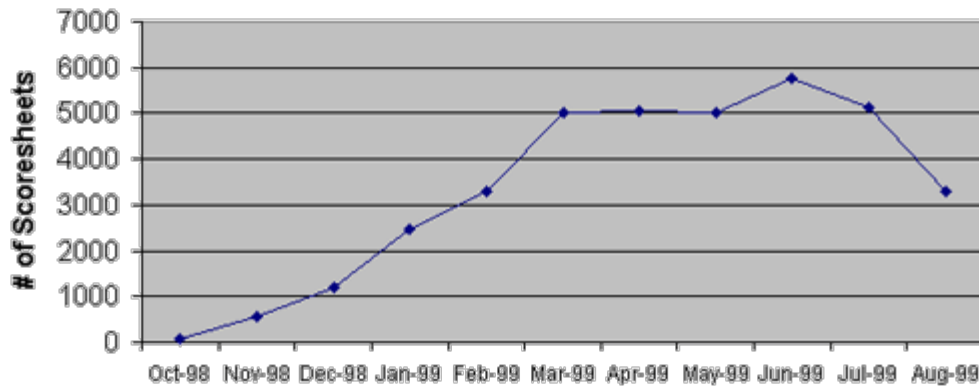


Table 1

Scoresheets Received by Circuit

Criminal Punishment Code

Judicial Circuit	Total	
	Number	Percent
01 (Pensacola)	1,326	3.6%
02 (Tallahassee)	529	1.4%
03 (Lake City)	134	0.4%
04 (Jacksonville)	3,039	8.3%
05 (Tavares)	975	2.6%
06 (Clearwater)	2,573	7.0%
07 (Daytona Beach)	1,561	4.2%
08 (Gainesville)	618	1.7%
09 (Orlando)	2,513	6.8%
10 (Bartow)	888	2.4%
11 (Miami)	4,227	11.5%
12 (Sarasota)	1,127	3.1%
13 (Tampa)	4,100	11.1%
14 (Panama City)	1,146	3.1%
15 (West Palm Beach)	2,897	7.9%
16 (Key West)	381	1.0%
17 (Ft. Lauderdale)	5,540	15.0%
18 (Sanford)	869	2.4%
19 (Ft. Pierce)	999	2.7%
20 (Ft. Myers)	1,376	3.7%
Total	36,818	100.0%

Table 2

Sentencing Scoresheets Received by Month of Sentence

October 1, 1999 - August 31, 1999

Month of Sentence	1994		1995		Punishment Code		Total	
	Sentencing Guidelines Scoresheet		Sentencing Guidelines Scoresheet		Scoresheet			
October 1998	432	3.8%	10,955	95.5%	90	0.8%	11,477	99.2%
November 1998	375	4.2%	8,084	89.8%	546	6.1%	9,005	93.9%
December 1998	322	4.2%	6,232	80.5%	1,183	15.3%	7,737	84.7%
January 1999	429	4.2%	7,217	71.3%	2,478	24.5%	10,124	75.5%
February 1999	336	3.5%	6,033	62.5%	3,284	34.0%	9,653	66.0%
March 1999	344	3.1%	5,780	51.9%	5,014	45.0%	11,138	55.0%
April 1999	306	3.1%	4,624	46.3%	5,047	50.6%	9,977	49.4%
May 1999	270	3.0%	3,640	40.8%	5,005	56.1%	8,915	43.9%
June 1999	266	2.8%	3,604	37.4%	5,759	59.8%	9,629	40.2%
July 1999	199	2.5%	2,651	33.2%	5,131	64.3%	7,981	35.7%
August 1999	120	2.5%	1,450	29.9%	3,281	67.6%	4,851	32.4%
Total	3,399	3.4%	60,270	60.0%	36,818	36.6%	100,487	63.4%

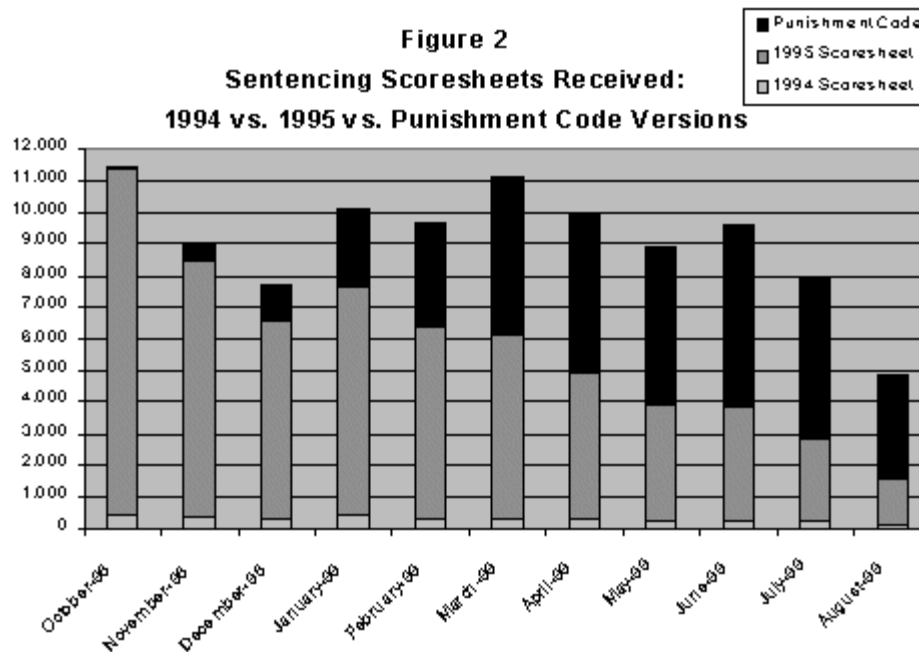


Table 3

**Age at Sentencing
Criminal Punishment Code**

Age	Number	Percent
17 and Below	579	1.6%
18 to 24	11,072	30.1%
25-29	5,796	15.8%
30-34	5,646	15.3%
35-39	5,789	15.7%
40-44	4,215	11.5%

45-49	2,121	5.8%
50 and Over	1,573	4.3%
Data Unavailable	27	
Total	36,818	100.0%

Figure 3
Age at Sentencing Distribution
Criminal Punishment Code

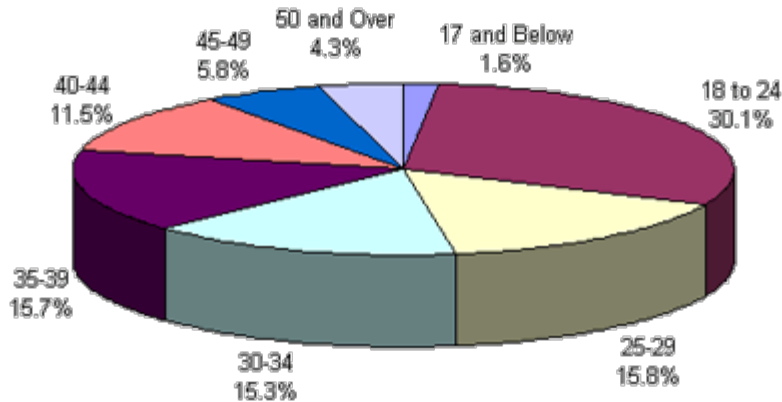


Table 4

Age at Offense for Offenders Under 18 Sentenced Under the Punishment Code

Primary Offense	Age at Offense						Total
	15 & Under		16 Years Old		17 Years Old		
	Number	Percent	Number	Percent	Number	Percent	
Murder/Manslaughter	2	2.5%	1	0.5%	2	0.4%	5
Sexual Offenses	4	5.0%	2	1.0%	0	0.0%	6
Robbery	28	35.0%	22	11.2%	41	7.7%	91
Violent Personal Offenses	23	28.8%	41	20.8%	62	11.7%	126
Burglary	12	15.0%	37	18.8%	122	23.0%	171
Theft, Forgery, Fraud	6	7.5%	38	19.3%	95	17.9%	139
Drugs	3	3.8%	39	19.8%	170	32.0%	212
Weapons	1	1.3%	8	4.1%	22	4.1%	31
Other Offenses	1	1.3%	9	4.6%	17	3.2%	27
TOTAL	80	100.0%	197	100.0%	531	100.0%	808

Table 5

Sanction Imposed By Primary Offense For All 11-17 Years Old

Primary Offense	Sanction					Total
	State Prison	Comm. Control	Probation	County Jail	Time Served	

Murder/Manslaughter	2	1	2	0	0	0	5
Sexual Offenses	3	1	2	0	0	0	6
Robbery	39	11	33	8	0	0	91
Violent Personal Offenses	35	22	52	15	2	0	126
Burglary	47	29	73	21	1	0	171
Theft, Forgery, Fraud	18	11	80	29	1	0	139
Drugs	26	25	113	41	6	1	212
Weapons	2	2	21	5	1	0	31
Other Offenses	2	2	19	4	0	0	27
TOTAL	174	104	395	123	11	1	808
Percent	21.5%	12.9%	48.9%	15.2%	1.4%	0.1%	100.0%

Table 6

Gender by Judicial Circuit Criminal Punishment Code

Judicial Circuit	Gender		Total
	Male	Female	
01 (Pensacola)	1,093 82.4%	233 17.6%	1,326 100.0%
02 (Tallahassee)	444 83.9%	85 16.1%	529 100.0%
03 (Lake City)	114 85.1%	20 14.9%	134 100.0%
04 (Jacksonville)	2,498 82.2%	541 17.8%	3,039 100.0%
05 (Tavares)	757 77.6%	218 22.4%	975 100.0%
06 (Clearwater)	2,021 78.5%	552 21.5%	2,573 100.0%
07 (Daytona Beach)	1,291 82.7%	270 17.3%	1,561 100.0%
08 (Gainesville)	524 84.8%	94 15.2%	618 100.0%
09 (Orlando)	2,025 80.6%	488 19.4%	2,513 100.0%
10 (Bartow)	700 78.8%	188 21.2%	888 100.0%
11 (Miami)	3,648 86.3%	579 13.7%	4,227 100.0%
12 (Sarasota)	908 80.6%	219 19.4%	1,127 100.0%
13 (Tampa)	3,356 81.9%	744 18.1%	4,100 100.0%
14 (Panama City)	943 82.3%	203 17.7%	1,146 100.0%
15 (West Palm Beach)	2,381 82.2%	516 17.8%	2,897 100.0%
16 (Key West)	330 86.6%	51 13.4%	381 100.0%
17 (Ft. Lauderdale)	4,460 80.5%	1,080 19.5%	5,540 100.0%
18 (Sanford)	719 82.7%	150 17.3%	869 100.0%
19 (Ft. Pierce)	817 81.8%	182 18.2%	999 100.0%
20 (Ft. Myers)	1,102 80.1%	274 19.9%	1,376 100.0%
Total	30,131 81.8%	6,687 18.2%	36,818 100.0%

Table 7

Race by Judicial Circuit Criminal Punishment Code

Race

Judicial Circuit	Black	White	Other*	Total
01 (Pensacola)	593 44.7%	716 54.0%	17 1.3%	1,326 100.0%
02 (Tallahassee)	379 71.6%	148 28.0%	2 0.4%	529 100.0%
03 (Lake City)	66 49.3%	68 50.7%	0 0.0%	134 100.0%
04 (Jacksonville)	1,800 59.2%	1,214 39.9%	25 0.8%	3,039 100.0%
05 (Tavares)	316 32.4%	646 66.3%	13 1.3%	975 100.0%
06 (Clearwater)	864 33.6%	1,698 66.0%	11 0.4%	2,573 100.0%
07 (Daytona Beach)	692 44.3%	862 55.2%	7 0.4%	1,561 100.0%
08 (Gainesville)	367 59.4%	250 40.5%	1 0.2%	618 100.0%
09 (Orlando)	1,212 48.2%	1,262 50.2%	39 1.6%	2,513 100.0%
10 (Bartow)	344 38.7%	522 58.8%	22 2.5%	888 100.0%
11 (Miami)	2,148 50.8%	2,074 49.1%	5 0.1%	4,227 100.0%
12 (Sarasota)	455 40.4%	652 57.9%	20 1.8%	1,127 100.0%
13 (Tampa)	2,026 49.4%	1,953 47.6%	121 3.0%	4,100 100.0%
14 (Panama City)	339 29.6%	801 69.9%	6 0.5%	1,146 100.0%
15 (W. Palm Beach)	1,362 47.0%	1,530 52.8%	5 0.2%	2,897 100.0%
16 (Key West)	91 23.9%	290 76.1%	0 0.0%	381 100.0%
17 (Ft. Lauderdale)	2,939 53.1%	2,531 45.7%	70 1.3%	5,540 100.0%
18 (Sanford)	361 41.5%	504 58.0%	4 0.5%	869 100.0%
19 (Ft. Pierce)	445 44.5%	551 55.2%	3 0.3%	999 100.0%
20 (Ft. Myers)	359 26.1%	1,005 73.0%	12 0.9%	1,376 100.0%
Total	17,158 46.6%	19,277 52.4%	383 1.0%	36,818 100.0%

*Other includes Asian, Native American, and other categories.

Part II Offense to Sentence Date Lag Time Comparison

FACT: *Scoresheets that have been received by the Department of Corrections for offenders sentenced under the Florida Criminal Punishment Code are not representative of the true impact of sentencing events under the Code.*

FINDINGS:

- In order to determine the appropriateness of measuring the impact of the Code, baseline data, under the previous sentencing policy, had to be established for comparison purposes. The baseline was identified as sentencing events under the sentencing guidelines structure with sentence dates in FY 1997-98. The sentence date constraint, by design, excludes any Code scoresheets from being included in the data file.
- There were 119,001 scoresheets submitted to the Department of Corrections with sentence dates in FY1997-98. Of these, over ninety-two percent (92.1%) of the scoresheets were sentenced under the 1995 sentencing structure, with the remaining sentenced under the 1994 sentencing structure (Table 1). This data will be used in comparison with the Code data to illustrate the difficulty in trying to determine an impact of the new sentencing policy.
- **Lag Time** - The average length of time that passes from the date an offender commits a crime to the date the offender is sentenced for that crime is 9.6 months. As defined by the word "average", half of the lag times that occur are less than 9.6 months and half are greater than 9.6 months (Table 2).
- More serious and violent crimes typically have much longer lag time than the less serious property or drug crimes. A data file that is constrained by the date of offense must allow for enough time for the serious and violent crimes to be process and convicted in order to represent a true distribution of sentencing events. The Florida Criminal Punishment Code went into effect for offenses committed on or after October 1, 1998. As of August 31, 1999, the Department of Corrections had received over 36,000 Code scoresheets. However, because of the long lag time for serious offenses, the information to date is skewed more heavily by the less serious offenses.
- The Code scoresheets that have currently been received by the department look, in aggregate, very different from the sentencing guidelines scoresheets from FY 1997-98. For example, the average lag time for FY 1997-98 sentencing events is 9.6 months. Of the scoresheets received to date under the Code, the average lag time is 3.3 months. This suggests that the Code data have a larger proportion of less serious crimes than the FY1997-98 data (Table 2). When the lag times are examined by offense severity level and type of primary offense, the "less serious offenses" theory becomes more pronounced. The average lag time for level 10 offenses (most serious) under the Code is 5 months. In FY1997-98, the average lag time for level 10 offenses was 16.2 months. Also, for murder/manslaughter, the average lag time from offense to sentence is 5.5 months under the Code and 16.7 months in FY1997-98 (Table 3).
- An examination of the distribution of type of offenses represented is also revealing. In FY1997-98, the more violent, serious offenses represented almost twenty percent (18.9%) of the scoresheets, while under the Code, less than fourteen percent (13.9%) were the more violent, serious offenses (Table 4). At a more detailed level, felony traffic and driving offenses made up less than three percent (2.9%) of all offenses in FY1997-98, while over seven percent (7.5%) of the Code scoresheets were for felony traffic offenses (Table 5).

Table 1
Sentencing Guidelines
Scoresheets Received by Month of Sentence

Fiscal Year 1997-98

Month of Sentence	1994 Sentencing Guidelines Scoresheet		1995 Sentencing Guidelines Scoresheet		Total	
	Count	Percentage	Count	Percentage	Count	Percentage
July 1997	1,033	10.4%	8,875	89.6%	9,908	100.0%
August 1997	1,004	10.5%	8,528	89.5%	9,532	100.0%
September 1997	928	8.9%	9,501	91.1%	10,429	100.0%
October 1997	1,009	9.0%	10,194	91.0%	11,203	100.0%
November 1997	720	8.3%	7,960	91.7%	8,680	100.0%
December 1997	667	7.9%	7,725	92.1%	8,392	100.0%
January 1998	781	7.6%	9,437	92.4%	10,218	100.0%
February 1998	671	7.1%	8,743	92.9%	9,414	100.0%
March 1998	716	6.8%	9,868	93.2%	10,584	100.0%
April 1998	692	6.7%	9,687	93.3%	10,379	100.0%
May 1998	585	5.9%	9,295	94.1%	9,880	100.0%
June 1998	563	5.4%	9,819	94.6%	10,382	100.0%
Total	9,369	7.9%	109,632	92.1%	119,001	100.0%

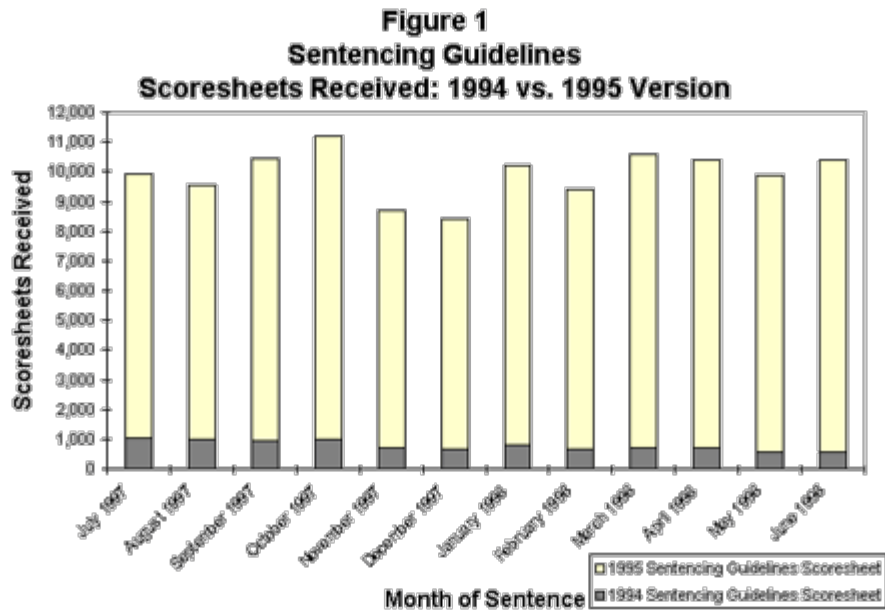


Table 2
Comparison of Average Time From Offense Date to Sentence Date
By Offense Severity Level of Primary Offense
In Months

Offense Severity Level	Sentencing Guidelines FY 97-98 Sentence Dates	Criminal Punishment Code
1	11.3	3.2
2	10.9	3.4

3	7.8	2.9
4	9.2	3.2
5	8.9	3.4
6	9.7	3.8
7	12.2	4.2
8	11.9	4.8
9	13.0	5.2
10	16.2	5.0
Overall Average	9.6	3.3

Table 3
Comparison of Average "Lag" Time From Offense Date
to Sentence Date
By Primary Offense In Months

Primary Offense	Sentencing Guidelines FY 97-98 Sentence Dates	Criminal Punishment Code
Murder/Manslaughter	16.7	5.5
Sexual/Lewd Behavior	15.3	4.8
Robbery	10.5	4.3
Violent, Other	9.7	3.6
Burglary	9.9	3.7
Property Theft/Fraud/Damage	11.7	3.5
Drugs	8.1	3.0
Weapons	9.0	3.4
Other	8.3	3.3
Overall Average	9.6	3.3

Table 4
Distribution of Offense
Sentencing Guidelines vs. Criminal Punishment Code

Primary Offense	Sentencing Guidelines FY 97-98 Sentence Dates	Criminal Punishment Code
Murder/Manslaughter	843	46
	0.7%	0.1%
Sexual/Lewd Behavior	2,411	247
	2.0%	0.7%
Robbery	3,676	682

	3.1%	1.9%
Violent, Other	15,639	4,114
	13.1%	11.2%
Burglary	12,888	3,225
	10.8%	8.8%
Property Theft/Fraud/Damage	26,857	6,975
	22.6%	18.9%
Drugs	44,986	16,099
	37.8%	43.7%
Weapons	4,086	1,050
	3.4%	2.9%
Other	7,615	4,380
	6.4%	11.9%
Total	119,001	36,818
	100.0%	100.0%

Table 5
Distribution of Offense
Sentencing Guidelines vs. Criminal Punishment Code

Primary Offense	Sentencing Guidelines FY 97-98 Sentence Dates		Criminal Punishment Code	
	Frequency	Percent	Frequency	Percent
	MURDER, MANSLAUGHTER	843	0.7%	46
1st Degree Murder	167	0.1%	11	0.0%
2nd Degree Murder	337	0.3%	13	0.0%
3rd Degree Murder	22	0.0%	2	0.0%
Homicide, Other	5	0.0%	0	0.0%
Manslaughter	197	0.2%	12	0.0%
DUI Manslaughter	115	0.1%	8	0.0%
SEXUAL OFFENSES	2,411	2.0%	247	0.7%
Capital Sexual Battery	148	0.1%	9	0.0%
Life Sexual Battery	102	0.1%	7	0.0%
1st Degree Sexual Battery	172	0.1%	6	0.0%
2nd Degree Sexual Battery	304	0.3%	36	0.1%
Sexual Assault, Other	5	0.0%	1	0.0%
Lewd/Lascivious Behavior	1,680	1.4%	188	0.5%
ROBBERY	3,676	3.1%	682	1.9%
Robbery with Weapon	1,482	1.2%	206	0.6%
Robbery without Weapon	2,125	1.8%	465	1.3%
Home Invasion, Robbery	69	0.1%	11	0.0%

VIOLENT PERSONAL OFFENSES	15,639	13.1%	4,114	11.2%
Home Invasion, Other	2	0.0%	0	0.0%
Carjacking	147	0.1%	37	0.1%
Aggravated Assault	3,291	2.8%	728	2.0%
Aggravated Battery	3,114	2.6%	484	1.3%
Assault/Battery on L.E.O.	2,288	1.9%	653	1.8%
Assault/Battery, Other	473	0.4%	179	0.5%
Aggravated Stalking	389	0.3%	61	0.2%
Resisting Arrest with Violence	2,823	2.4%	938	2.5%
Kidnapping	587	0.5%	124	0.3%
Arson	326	0.3%	71	0.2%
Abuse of Children	900	0.8%	306	0.8%
Leaving Accident, Injury/Death	551	0.5%	140	0.4%
DUI, Injury	227	0.2%	20	0.1%
Violent, Other	521	0.4%	373	1.0%
BURGLARY	12,888	10.8%	3,225	8.8%
Burglary, Structure	7,133	6.0%	1,978	5.4%
Burglary, Dwelling	4,145	3.5%	861	2.3%
Burglary, Armed	452	0.4%	70	0.2%
Burglary with Assault	503	0.4%	73	0.2%
Burglary/Trespass, Other	655	0.6%	243	0.7%
THEFT, FORGERY, FRAUD	26,857	22.6%	6,975	18.9%
Grand Theft, Other	9,468	8.0%	2,618	7.1%
Grand Theft, Automobile	4,196	3.5%	1,349	3.7%
Stolen Property	3,479	2.9%	739	2.0%
Forgery/Counterfeiting	3,558	3.0%	1,060	2.9%
Worthless Checks	2,067	1.7%	104	0.3%
Fraudulent Practices	2,688	2.3%	571	1.6%
Theft/Property Damage, Other	1,401	1.2%	534	1.5%
DRUGS	44,986	37.8%	16,099	43.7%
Drugs, Manufacture/Sale/Purchase	17,794	15.0%	5,766	15.7%
Drugs, Trafficking	1,250	1.1%	144	0.4%
Drugs, Possession/Other	25,942	21.8%	10,189	27.7%
WEAPONS	4,086	3.4%	1,050	2.9%
Weapons, Discharging	622	0.5%	161	0.4%
Weapons, Possession	3,456	2.9%	879	2.4%
Weapons, Other	8	0.0%	10	0.0%
OTHER OFFENSES	7,615	6.4%	4,380	11.9%
Escape	1,462	1.2%	736	2.0%
DUI, No Injury	794	0.7%	222	0.6%
Traffic, Other	3,484	2.9%	2,744	7.5%
Racketeering	65	0.1%	0	0.0%
Pollution/Hazardous Materials	101	0.1%	15	0.0%
Other	1,709	1.4%	663	1.8%

TOTAL

119,001 100.0%

36,818 100.0%

Florida's Criminal Punishment Code:
A Descriptive Assessment
(FY 1998-1999)

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Part III Descriptive Assessment

Notes: This section examines two categories of sentences:

- **Category 1 - Discretionary** - Those in which total points on the scoresheet are less than 44. The Criminal Punishment Code allows for a non-state prison sanction for offenders in this range.
- **Category 2 - State Prison** - Those in which total points exceed 44, for which the Criminal Punishment Code mandates state prison as the sanction, unless the sentence is mitigated.

Actual sanctions imposed, including state prison, community control, probation, county jail/time served, and other sanctions are presented and compared to the categories listed above.

FINDINGS:

- Across the state, 14% of offenders were sentenced to state prison as the most severe sanction. An additional 26.7% were sentenced to incarceration in county jail, or to time already served in jail. Almost 8% were sentenced to community control, and over 51% to probation, including drug offender probation, administrative probation, and regular probation. Less than a half of a percent of offenders were sentenced to "other" sanctions (Table 1).
- Eight out of ten of the 36,818 Code scoresheets examined scored in the discretionary range (Table 2). These scoresheets represent sentencing events where the judge has the discretion to sentence the offender to either a non-state prison sanction or a state prison sanction. If the judge chooses to sentence the offender to state prison, the judge has the discretion to sentence the offender up to the statutory maximum of the law.
- Of the offenders scoring in the recommended state prison category, over 54% were sentenced to state prison, with another 14.1% sentenced to county jail or time served. Of those in the discretionary category, just over 5% were sentenced to state prison, and another 29% to county jail/time served (Table 1).
- Table 3 presents the scoring distribution of offenders under the Code by the circuit and sanction imposed. Circuit 11 (Miami) shows the highest percentage of scoresheets scoring to the state prison sanction at 92.6% and Circuit 4 (Jacksonville) has the lowest percentage of state prison scoring offenders under the Punishment Code (56.0%).
- Incarceration rates vary greatly by county and circuit. Jail sanctions also vary greatly depending on number of beds available and judicial inclination to use the jail sanction. Table 4 presents the distribution of sanction imposed by circuit and county. Although variance in sentencing does exist at the circuit and county level based on the judge involved, variability in the statistics presented in this table could also be as a result of differences in the type of offenders being sentenced around the state. There are also very small numbers of scoresheets for some of the counties listed in this table. The incarceration rates for counties with less than 100 scoresheets could possibly be misleading.
- A true mitigation occurs when an offenders scores more than 44 total points and either receives a non-state prison sanction or a state prison sentence length below the 25% permissible discretion existing within the Code policy. A sanction mitigation occurs when an offender scores more than 44 total points, but receives a non-state prison sanction.
- The true mitigation rate for offenders that scored more than 44 total points is 57.4%. The sanction mitigation rate (cases that scored to state prison but received a non-state prison sanction) was 45.3% (Table 8).

- For the 795 offenders that received a mitigated prison sentence length, the average reduction in sentence was 23.6 months (Table 8).

Table 1
Recommended Sanction Category by Sanction Imposed
Criminal Punishment Code

Sanction Imposed	Recommended Sanction Category		Total
	Discretionary 44.0 Points or Less	State Prison Exceeding 44.0 Points	
State Prison	1,545 5.1%	3,615 54.1%	5,160 14.0%
Community Control	2,206 7.3%	630 9.4%	2,836 7.7%
Probation	17,473 58.0%	1,486 22.2%	18,959 51.5%
County Jail	8,818 29.3%	945 14.1%	9,763 26.5%
Other	93 0.3%	7 0.1%	100 0.3%
Total	30,135 100.0%	6,683 100.0%	36,818 100.0%

Table 2
Sanction Imposed by Recommended Sanction Category**
Criminal Punishment Code

Recommended Sanction Category	Sanction Imposed					Total
	State Prison	Community Control	Probation	County Jail	Other	
Discretionary 44.0 Points or Less	1,545 29.9%	2,206 77.8%	17,473 92.2%	8,818 90.3%	93 93.0%	30,135 81.8%
State Prison Exceeding 44.0 Points	3,615 70.1%	630 22.2%	1,486 7.8%	945 9.7%	7 7.0%	6,683 18.2%
Total	5,160 100.0%	2,836 100.0%	18,959 100.0%	9,763 100.0%	100 100.0%	36,818 100.0%

Table 3
Recommended Sanction Category by Sanction Imposed
Criminal Punishment Code

Judicial Circuit/Sanction Imposed	Recommended Sanction Category		Total
	Discretionary 44.0 Points or Less	State Prison Exceeding 44.0 Points	
01 (Pensacola)	1,113 83.9%	213 16.1%	1,326 100.0%

Prison	26	14.2%	157	85.8%	183	100.0%
Community Control	116	90.6%	12	9.4%	128	100.0%
Probation	705	95.7%	32	4.3%	737	100.0%
County Jail	263	95.6%	12	4.4%	275	100.0%
Other	3	100.0%	0	0.0%	3	100.0%
02 (Tallahassee)	404	76.4%	125	23.6%	529	100.0%
Prison	30	32.3%	63	67.7%	93	100.0%
Community Control	30	65.2%	16	34.8%	46	100.0%
Probation	283	87.3%	41	12.7%	324	100.0%
County Jail	60	92.3%	5	7.7%	65	100.0%
Other	1	100.0%	0	0.0%	1	100.0%
03 (Lake City)	95	70.9%	39	29.1%	134	100.0%
Prison	4	23.5%	13	76.5%	17	100.0%
Community Control	23	79.3%	6	20.7%	29	100.0%
Probation	67	77.0%	20	23.0%	87	100.0%
County Jail	1	100.0%	0	0.0%	1	100.0%
Other	0	0.0%	0	0.0%	0	0.0%
04 (Jacksonville)	2,460	80.9%	579	19.1%	3,039	100.0%
Prison	242	44.0%	308	56.0%	550	100.0%
Community Control	121	78.6%	33	21.4%	154	100.0%
Probation	989	85.9%	163	14.1%	1,152	100.0%
County Jail	1,105	93.6%	75	6.4%	1,180	100.0%
Other	3	100.0%	0	0.0%	3	100.0%
05 (Tavares)	870	89.2%	105	10.8%	975	100.0%
Prison	21	22.8%	71	77.2%	92	100.0%
Community Control	66	90.4%	7	9.6%	73	100.0%
Probation	588	96.9%	19	3.1%	607	100.0%
County Jail	191	96.0%	8	4.0%	199	100.0%
Other	4	100.0%	0	0.0%	4	100.0%
06 (Clearwater)	2,189	85.1%	384	14.9%	2,573	100.0%
Prison	97	29.6%	231	70.4%	328	100.0%
Community Control	218	80.4%	53	19.6%	271	100.0%
Probation	1,324	94.3%	80	5.7%	1,404	100.0%
County Jail	545	96.5%	20	3.5%	565	100.0%
Other	5	100.0%	0	0.0%	5	100.0%
07 (Daytona)	1,338	85.7%	223	14.3%	1,561	100.0%
Prison	113	41.4%	160	58.6%	273	100.0%
Community Control	104	94.5%	6	5.5%	110	100.0%
Probation	614	95.9%	26	4.1%	640	100.0%
County Jail	506	94.2%	31	5.8%	537	100.0%
Other	1	100.0%	0	0.0%	1	100.0%
08 (Gainesville)	473	76.7%	144	23.3%	617	100.0%
Prison	33	32.4%	69	67.6%	102	100.0%
Community Control	46	66.7%	23	33.3%	69	100.0%

Probation	305	88.4%	40	11.6%	345	100.0%
County Jail	88	88.0%	12	12.0%	100	100.0%
Other	1	100.0%	0	0.0%	1	100.0%
09 (Orlando)	2,130	84.8%	383	15.2%	2,513	100.0%
Prison	92	26.1%	260	73.9%	352	100.0%
Community Control	101	80.8%	24	19.2%	125	100.0%
Probation	1,299	95.3%	64	4.7%	1,363	100.0%
County Jail	633	94.8%	35	5.2%	668	100.0%
Other	5	100.0%	0	0.0%	5	100.0%
10 (Bartow)	765	86.1%	123	13.9%	888	100.0%
Prison	43	29.1%	105	70.9%	148	100.0%
Community Control	53	94.6%	3	5.4%	56	100.0%
Probation	506	97.5%	13	2.5%	519	100.0%
County Jail	163	98.8%	2	1.2%	165	100.0%
Other	0	0.0%	0	0.0%	0	0.0%
11 (Miami)	3,084	73.0%	1,143	27.0%	4,227	100.0%
Prison	20	7.4%	250	92.6%	270	100.0%
Community Control	67	39.4%	103	60.6%	170	100.0%
Probation	1,485	80.4%	362	19.6%	1,847	100.0%
County Jail	1,512	77.9%	428	22.1%	1,940	100.0%
Other	0	0.0%	0	0.0%	0	0.0%
12 (Sarasota)	973	86.3%	154	13.7%	1,127	100.0%
Prison	30	20.1%	119	79.9%	149	100.0%
Community Control	87	83.7%	17	16.3%	104	100.0%
Probation	554	97.5%	14	2.5%	568	100.0%
County Jail	302	98.7%	4	1.3%	306	100.0%
Other	0	0.0%	0	0.0%	0	0.0%
13 (Tampa)	3,293	80.3%	807	19.7%	4,100	100.0%
Prison	137	25.2%	406	74.8%	543	100.0%
Community Control	498	76.7%	151	23.3%	649	100.0%
Probation	1,997	92.7%	158	7.3%	2,155	100.0%
County Jail	635	87.8%	88	12.2%	723	100.0%
Other	26	86.7%	4	13.3%	30	100.0%
14 (Panama City)	910	79.4%	236	20.6%	1,146	100.0%
Prison	98	38.9%	154	61.1%	252	100.0%
Community Control	163	84.0%	31	16.0%	194	100.0%
Probation	610	93.7%	41	6.3%	651	100.0%
County Jail	31	79.5%	8	20.5%	39	100.0%
Other	8	80.0%	2	20.0%	10	100.0%
15 (West Palm Beach)	2,375	82.0%	522	18.0%	2,897	100.0%
Prison	43	12.8%	293	87.2%	336	100.0%
Community Control	54	76.1%	17	23.9%	71	100.0%
Probation	1,039	90.7%	106	9.3%	1,145	100.0%
County Jail	1,238	92.1%	106	7.9%	1,344	100.0%

Other	1	100.0%	0	0.0%	1	100.0%
16 (Key West)	330	86.6%	51	13.4%	381	100.0%
Prison	8	20.5%	31	79.5%	39	100.0%
Community Control	29	93.5%	2	6.5%	31	100.0%
Probation	248	95.4%	12	4.6%	260	100.0%
County Jail	45	90.0%	5	10.0%	50	100.0%
Other	0	0.0%	1	100.0%	1	100.0%
17 (Ft. Lauderdale)	4,630	83.6%	910	16.4%	5,540	100.0%
Prison	391	38.7%	620	61.3%	1,011	100.0%
Community Control	272	77.9%	77	22.1%	349	100.0%
Probation	2,796	94.1%	174	5.9%	2,970	100.0%
County Jail	1,152	96.7%	39	3.3%	1,191	100.0%
Other	19	100.0%	0	0.0%	19	100.0%
18 (Sanford)	749	86.2%	120	13.8%	869	100.0%
Prison	38	27.9%	98	72.1%	136	100.0%
Community Control	67	90.5%	7	9.5%	74	100.0%
Probation	525	98.1%	10	1.9%	535	100.0%
County Jail	119	96.0%	5	4.0%	124	100.0%
Other	0	0.0%	0	0.0%	0	0.0%
19 (Ft. Pierce)	845	84.6%	154	15.4%	999	100.0%
Prison	70	40.0%	105	60.0%	175	100.0%
Community Control	33	89.2%	4	10.8%	37	100.0%
Probation	596	94.3%	36	5.7%	632	100.0%
County Jail	142	94.0%	9	6.0%	151	100.0%
Other	4	100.0%	0	0.0%	4	100.0%
20 (Ft. Myers)	1,193	86.7%	183	13.3%	1,376	100.0%
Prison	17	15.3%	94	84.7%	111	100.0%
Community Control	68	70.8%	28	29.2%	96	100.0%
Probation	966	95.0%	51	5.0%	1,017	100.0%
County Jail	130	92.9%	10	7.1%	140	100.0%
Other	12	100.0%	0	0.0%	12	100.0%
Statewide	30,219	82.1%	6,598	17.9%	36,817	100.0%

Note: County jail includes those sentenced to time served; prison includes those sentenced to life.

Table 4
Sanction Imposed
By Judicial Circuit and County
Criminal Punishment Code

Circuit/County	Sanction Imposed					Total
	State Prison	Community Control	Probation	County Jail	Other Sentence	
01 (Pensacola)	183	128	737	275	3	1,326
	13.8%	9.7%	55.6%	20.7%	0.2%	100.0%
Escambia	127	81	411	203	2	824

	15.4%	9.8%	49.9%	24.6%	0.2%	100.0%
Okaloosa	47	31	226	51	1	356
	13.2%	8.7%	63.5%	14.3%	0.3%	100.0%
Santa Rosa	6	8	57	21	0	92
	6.5%	8.7%	62.0%	22.8%	0.0%	100.0%
Walton	3	8	43	0	0	54
	5.6%	14.8%	79.6%	0.0%	0.0%	100.0%
02 (Tallahassee)	93	46	324	65	1	529
	17.6%	8.7%	61.2%	12.3%	0.2%	100.0%
Franklin	1	0	13	0	0	14
	7.1%	0.0%	92.9%	0.0%	0.0%	100.0%
Gadsden	23	12	89	4	0	128
	18.0%	9.4%	69.5%	3.1%	0.0%	100.0%
Jefferson	1	0	1	0	0	2
	50.0%	0.0%	50.0%	0.0%	0.0%	100.0%
Leon	63	30	185	59	1	338
	18.6%	8.9%	54.7%	17.5%	0.3%	100.0%
Liberty	3	1	6	1	0	11
	27.3%	9.1%	54.5%	9.1%	0.0%	100.0%
Wakulla	2	3	30	1	0	36
	5.6%	8.3%	83.3%	2.8%	0.0%	100.0%
03 (Lake City)	17	29	87	1	0	134
	12.7%	21.6%	64.9%	0.7%	0.0%	100.0%
Columbia	5	5	7	0	0	17
	29.4%	29.4%	41.2%	0.0%	0.0%	100.0%
Dixie	1	4	15	0	0	20
	5.0%	20.0%	75.0%	0.0%	0.0%	100.0%
Hamilton	0	5	14	0	0	19
	0.0%	26.3%	73.7%	0.0%	0.0%	100.0%
Lafayette	2	0	3	0	0	5
	40.0%	0.0%	60.0%	0.0%	0.0%	100.0%
Madison	4	7	26	0	0	37
	10.8%	18.9%	70.3%	0.0%	0.0%	100.0%
Suwannee	1	7	6	0	0	14
	7.1%	50.0%	42.9%	0.0%	0.0%	100.0%
Taylor	4	1	16	1	0	22
	18.2%	4.5%	72.7%	4.5%	0.0%	100.0%
04 (Jacksonville)	550	154	1,152	1,180	3	3,039
	18.1%	5.1%	37.9%	38.8%	0.1%	100.0%
Clay	46	29	169	97	1	342
	13.5%	8.5%	49.4%	28.4%	0.3%	100.0%
Duval	493	120	928	1,060	2	2,603
	18.9%	4.6%	35.7%	40.7%	0.1%	100.0%
Nassau	11	5	55	23	0	94

	11.7%	5.3%	58.5%	24.5%	0.0%	100.0%
05 (Tavares)	92	73	607	199	4	975
	9.4%	7.5%	62.3%	20.4%	0.4%	100.0%
Citrus	6	3	40	9	0	58
	10.3%	5.2%	69.0%	15.5%	0.0%	100.0%
Hernando	18	9	116	12	0	155
	11.6%	5.8%	74.8%	7.7%	0.0%	100.0%
Lake	40	29	217	131	1	418
	9.6%	6.9%	51.9%	31.3%	0.2%	100.0%
Marion	10	27	167	43	0	247
	4.0%	10.9%	67.6%	17.4%	0.0%	100.0%
Sumter	18	5	67	4	3	97
	18.6%	5.2%	69.1%	4.1%	3.1%	100.0%
06 (Clearwater)	328	271	1,404	565	5	2,573
	12.7%	10.5%	54.6%	22.0%	0.2%	100.0%
Pasco	46	67	244	24	1	382
	12.0%	17.5%	63.9%	6.3%	0.3%	100.0%
Pinellas	282	204	1,160	541	4	2,191
	12.9%	9.3%	52.9%	24.7%	0.2%	100.0%
07 (Daytona)	273	110	640	537	1	1,561
	17.5%	7.0%	41.0%	34.4%	0.1%	100.0%
Flagler	12	5	26	10	0	53
	22.6%	9.4%	49.1%	18.9%	0.0%	100.0%
Putnam	20	1	12	15	0	48
	41.7%	2.1%	25.0%	31.3%	0.0%	100.0%
St. Johns	45	2	115	8	0	170
	26.5%	1.2%	67.6%	4.7%	0.0%	100.0%
Volusia	196	102	487	504	1	1,290
	15.2%	7.9%	37.8%	39.1%	0.1%	100.0%
08 (Gainesville)	102	69	346	100	1	618
	16.5%	11.2%	56.0%	16.2%	0.2%	100.0%
Alachua	87	50	249	90	0	476
	18.3%	10.5%	52.3%	18.9%	0.0%	100.0%
Baker	1	9	35	0	0	45
	2.2%	20.0%	77.8%	0.0%	0.0%	100.0%
Bradford	4	2	14	5	0	25
	16.0%	8.0%	56.0%	20.0%	0.0%	100.0%
Gilchrist	1	2	2	1	0	6
	16.7%	33.3%	33.3%	16.7%	0.0%	100.0%
Levy	3	4	35	2	1	45
	6.7%	8.9%	77.8%	4.4%	2.2%	100.0%
Union	6	2	11	2	0	21
	28.6%	9.5%	52.4%	9.5%	0.0%	100.0%
09 (Orlando)	352	125	1,363	668	5	2,513

	14.0%	5.0%	54.2%	26.6%	0.2%	100.0%
Orange	316	113	1,148	591	3	2,171
	14.6%	5.2%	52.9%	27.2%	0.1%	100.0%
Osceola	36	12	215	77	2	342
	10.5%	3.5%	62.9%	22.5%	0.6%	100.0%
10 (Bartow)	148	56	519	165	0	888
	16.7%	6.3%	58.4%	18.6%	0.0%	100.0%
Hardee	3	0	7	3	0	13
	23.1%	0.0%	53.8%	23.1%	0.0%	100.0%
Highlands	36	13	76	7	0	132
	27.3%	9.8%	57.6%	5.3%	9.0%	109.0%
Polk	109	43	436	155	0	743
	14.7%	5.8%	58.7%	20.9%	0.0%	100.0%
11 (Miami)	270	170	1,847	1,940	0	4,227
	6.4%	4.0%	43.7%	45.9%	0.0%	100.0%
Dade	270	170	1,847	1,940	0	4,227
	6.4%	4.0%	43.7%	45.9%	0.0%	100.0%
12 (Sarasota)	149	104	568	306	0	1,127
	13.2%	9.2%	50.4%	27.2%	0.0%	100.0%
Desoto	8	7	16	6	0	37
	21.6%	18.9%	43.2%	16.2%	0.0%	100.0%
Manatee	82	57	283	167	0	589
	13.9%	9.7%	48.0%	28.4%	0.0%	100.0%
Sarasota	59	40	269	133	0	501
	11.8%	8.0%	53.7%	26.5%	0.0%	100.0%
13 (Tampa)	543	649	2,155	723	30	4,100
	13.2%	15.8%	52.6%	17.6%	0.7%	100.0%
Hillsborough	543	649	2,155	723	30	4,100
	13.2%	15.8%	52.6%	17.6%	0.7%	100.0%
14 (Panama City)	252	194	651	39	10	1,146
	22.0%	16.9%	56.8%	3.4%	0.9%	100.0%
Bay	178	157	497	32	8	872
	20.4%	18.0%	57.0%	3.7%	0.0%	99.1%
Calhoun	9	11	12	0	0	32
	28.1%	34.4%	37.5%	0.0%	0.0%	100.0%
Gulf	11	2	13	0	1	27
	40.7%	7.4%	48.1%	0.0%	3.7%	100.0%
Holmes	9	6	18	1	0	34
	26.5%	17.6%	52.9%	2.9%	0.0%	100.0%
Jackson	35	14	79	6	0	134
	26.1%	10.4%	59.0%	4.5%	0.0%	100.0%
Washington	10	4	32	0	1	47
	21.3%	8.5%	68.1%	0.0%	2.1%	100.0%
15 (West Palm Beach)	336	71	1,145	1,344	1	2,897

	11.6%	2.5%	39.5%	46.4%	0.0%	100.0%
Palm Beach	336	71	1,145	1,344	1	2,897
	11.6%	2.5%	39.5%	46.4%	0.0%	100.0%
16 (Key West)	39	31	260	50	1	381
	10.2%	8.1%	68.2%	13.1%	0.3%	100.0%
Monroe	39	31	260	50	1	381
	10.2%	8.1%	68.2%	13.1%	0.3%	100.0%
17 (Ft. Lauderdale)	1,011	349	2,970	1,191	19	5,540
	18.2%	6.3%	53.6%	21.5%	0.3%	100.0%
Broward	1,011	349	2,970	1,191	19	5,540
	18.2%	6.3%	53.6%	21.5%	0.3%	100.0%
18 (Sanford)	136	74	535	124	0	869
	15.7%	8.5%	61.6%	14.3%	0.0%	100.0%
Brevard	70	45	214	14	0	343
	20.4%	13.1%	62.4%	4.1%	0.0%	100.0%
Seminole	66	29	321	110	0	526
	12.5%	5.5%	61.0%	20.9%	0.0%	100.0%
19 (Ft. Pierce)	175	37	632	151	4	999
	17.5%	3.7%	63.3%	15.1%	0.4%	100.0%
Indian River	51	9	148	84	3	295
	17.3%	3.1%	50.2%	28.5%	1.0%	100.0%
Martin	13	3	136	18	0	170
	7.6%	1.8%	80.0%	10.6%	0.0%	100.0%
Okeechobee	3	3	73	5	0	84
	3.6%	3.6%	86.9%	6.0%	0.0%	100.0%
St. Lucie	108	22	275	44	1	450
	24.0%	4.9%	61.1%	9.8%	0.2%	100.0%
20 (Ft. Myers)	111	96	1,017	140	12	1,376
	8.1%	7.0%	73.9%	10.2%	0.9%	100.0%
Charlotte	32	34	111	20	2	199
	16.1%	17.1%	55.8%	10.1%	1.0%	100.0%
Collier	25	18	207	50	7	307
	8.1%	5.9%	67.4%	16.3%	2.3%	100.0%
Glades	2	7	8	0	0	17
	11.8%	41.2%	47.1%	0.0%	0.0%	100.0%
Hendry	10	7	83	2	0	102
	9.8%	6.9%	81.4%	2.0%	0.0%	100.0%
Lee	42	30	608	68	3	751
	5.6%	4.0%	81.0%	9.1%	0.4%	100.0%
Statewide	5,160	2,836	18,959	9,763	100	36,818
	14.0%	7.7%	51.5%	26.5%	0.3%	100.0%

Table 5
Offense Types by Sanction Imposed

Criminal Punishment Code

Offense Type	State Prison	Community Control	Probation	County Jail	Other	Total
Murder/Manslaughter						
Capital Murder						
Attempt	10	0	1	0	0	11
	90.9%	0.0%	9.1%	0.0%	0.0%	100.0%
2nd Degree Murder						
Attempt	8	0	0	0	0	8
	100.0%	0.0%	0.0%	0.0%	0.0%	100.0%
Complete	5	0	0	0	0	5
	100.0%	0.0%	0.0%	0.0%	0.0%	100.0%
3rd Degree Murder						
Attempt	1	0	0	0	0	1
	100.0%	0.0%	0.0%	0.0%	0.0%	100.0%
Complete	1	0	0	0	0	1
	100.0%	0.0%	0.0%	0.0%	0.0%	100.0%
Manslaughter						
Complete	7	4	1	0	0	12
	58.3%	33.3%	8.3%	0.0%	0.0%	100.0%
DUI Manslaughter						
Complete	5	2	1	0	0	8
	62.5%	25.0%	12.5%	0.0%	0.0%	100.0%
Sexual/Lewd Assault						
Capital Sexual Battery						
Attempt	8	0	1	0	0	9
	88.9%	0.0%	11.1%	0.0%	0.0%	100.0%
Life Sexual Battery						
Attempt	1	0	0	0	0	1
	100.0%	0.0%	0.0%	0.0%	0.0%	100.0%
Complete	6	0	0	0	0	6
	100.0%	0.0%	0.0%	0.0%	0.0%	100.0%
1st Degree Sexual Battery						
Complete	6	0	0	0	0	6
	100.0%	0.0%	0.0%	0.0%	0.0%	100.0%
2nd Degree Sexual Battery						
Attempt	8	2	3	0	0	13
	61.5%	15.4%	23.1%	0.0%	0.0%	100.0%
Complete	10	3	10	0	0	23
	43.5%	13.0%	43.5%	0.0%	0.0%	100.0%
Sexual Assault, Other						
Complete	0	0	1	0	0	1
	0.0%	0.0%	100.0%	0.0%	0.0%	100.0%

Lewd/Lascivious Behavior						
Attempt	5	3	20	1	0	29
	17.2%	10.3%	69.0%	3.4%	0.0%	100.0%
Complete	51	22	76	9	1	159
	32.1%	13.8%	47.8%	5.7%	0.6%	100.0%
Robbery						
Robbery with Weapon						
Attempt	20	7	7	7	0	41
	48.8%	17.1%	17.1%	17.1%	0.0%	100.0%
Complete	124	17	21	3	0	165
	75.2%	10.3%	12.7%	1.8%	0.0%	100.0%
Robbery without Weapon						
Attempt	14	5	17	14	0	50
	28.0%	10.0%	34.0%	28.0%	0.0%	100.0%
Complete	158	44	148	65	0	415
	38.1%	10.6%	35.7%	15.7%	0.0%	100.0%
Home Invasion,Robbery						
Complete	10	1	0	0	0	11
	90.9%	9.1%	0.0%	0.0%	0.0%	100.0%
Violent,Other	614	369	2,492	631	8	4,114
	14.9%	9.0%	60.6%	15.3%	0.2%	100.0%
Burglary	861	317	1,484	559	4	3,225
	26.7%	9.8%	46.0%	17.3%	0.1%	100.0%
Property	744	453	4,162	1,592	24	6,975
Theft/Fraud/Damage	10.7%	6.5%	59.7%	22.8%	0.3%	100.0%
Drugs						
Manufacture/Sale/Purchase	991	436	2,533	1,791	15	5,766
	17.2%	7.6%	43.9%	31.1%	0.3%	100.0%
Trafficking	93	18	19	14	0	144
	64.6%	12.5%	13.2%	9.7%	0.0%	100.0%
Possession,Other	763	679	5,119	3,594	34	10,189
	7.5%	6.7%	50.2%	35.3%	0.3%	100.0%
Weapons	139	104	613	194	0	1,050
	13.2%	9.9%	58.4%	18.5%	0.0%	100.0%
Other	497	350	2,230	1,289	14	4,380
	11.3%	8.0%	50.9%	29.4%	0.3%	100.0%
Total	5,160	2,836	18,959	9,763	100	36,818
	14.0%	7.7%	51.5%	26.5%	0.3%	100.0%

Table 6
Sanction Imposed by Offense Severity Level
Criminal Punishment Code

Offense Severity	State	Community	Probation	County	Other	Total
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Level	Prison	Control	Jail Sentence			
1	292 6.5%	350 7.8%	2,443 54.1%	1,410 31.2%	18 0.4%	4,513 100.0%
2	209 5.7%	230 6.3%	2,484 67.8%	720 19.7%	19 0.5%	3,662 100.0%
3	860 7.4%	757 6.5%	5,839 50.3%	4,103 35.4%	39 0.3%	11,598 100.0%
4	858 14.9%	422 7.3%	3,056 52.9%	1,428 24.7%	10 0.2%	5,774 100.0%
5	1,246 20.4%	480 7.9%	2,779 45.6%	1,582 26.0%	8 0.1%	6,095 100.0%
6	586 21.1%	285 10.2%	1,549 55.7%	358 12.9%	5 0.2%	2,783 100.0%
7	745 40.6%	244 13.3%	697 38.0%	146 8.0%	1 0.1%	1,833 100.0%
8	175 55.4%	48 15.2%	83 26.3%	10 3.2%	0 0.0%	316 100.0%
9	170 79.1%	18 8.4%	24 11.2%	3 1.4%	0 0.0%	215 100.0%
10	19 65.5%	2 6.9%	5 17.2%	3 10.3%	0 0.0%	29 100.0%
Total	5,160 14.0%	2,836 7.7%	18,959 51.5%	9,763 26.5%	100 0.3%	36,818 100.0%

**Table 7
State Prison Sentence Length
by Offense Severity Level
Criminal Punishment Code**

Offense Severity Level	Prison Sentence Length in Years				Total
	LE 2*	GT 2 - LE 4*	GT 4 - LE 10*	GT 10*	
1	223 76.4%	50 17.1%	19 6.5%	0 0.0%	292 100.0%
2	145 69.4%	48 23.0%	15 7.2%	1 0.5%	209 100.0%
3	625 72.7%	175 20.3%	56 6.5%	4 0.5%	860 100.0%
4	489 57.0%	234 27.3%	129 15.0%	6 0.7%	858 100.0%
5	714 57.3%	353 28.3%	151 12.1%	28 2.2%	1,246 100.0%
6	283 48.3%	184 31.4%	90 15.4%	29 4.9%	586 100.0%

7	184	301	203	57	745
	24.7%	40.4%	27.2%	7.7%	100.0%
8	27	49	81	18	175
	15.4%	28.0%	46.3%	10.3%	100.0%
9	30	39	63	38	170
	17.6%	22.9%	37.1%	22.4%	100.0%
10	6	1	4	8	19
	31.6%	5.3%	21.1%	42.1%	100.0%
Total	2,726	1,434	811	189	5,160
	52.8%	27.8%	15.7%	3.7%	100.0%

* LE= Less than or equal to; GT=Greater than.

Table 8
Mitigation Rates Among Offenders Scoring in
Recommended State Prison Sanction Category*
Criminal Punishment Code

Category	Number	Percent	Average Mitigated Length in Months
Mitigated Total	3,786	57.4%	
Mitigated Sanction	2,991	45.3%	
Mitigated Length	795	12.0%	23.6
Not Mitigated	2,812	42.6%	
Total	6,598	100.0%	
Total points exceeding 44.0.			

Figure 1
Offenders Scoring in Recommended
State Prison Sanction Category *
Criminal Punishment Code
n=6,598

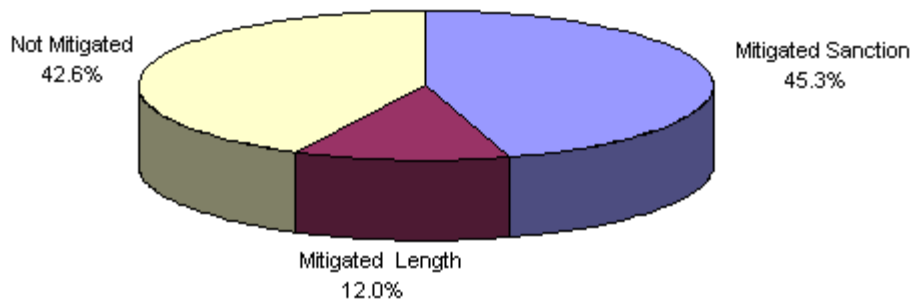


Figure 2
Mitigation Rates Among Offenders Sentenced
Criminal Punishment Code
n=36,818

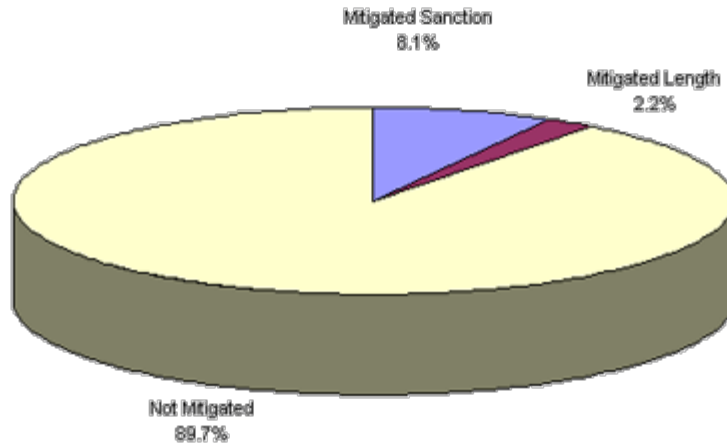


Table 9
Mitigated Sanction Rates*
By Judicial Circuit
Criminal Punishment Code

Judicial Circuit	Number of Scoresheets Exceeding 44 Total Points	Number of Scoresheets Mitigated	Mitigation Rate
01 (Pensacola)	213	56	26.3%
02 (Tallahassee)	125	62	49.6%
03 (Lake City)	39	26	66.7%
04 (Jacksonville)	579	271	46.8%
05 (Tavares)	105	34	32.4%
06 (Clearwater)	384	153	39.8%
07 (Daytona)	223	63	28.3%
08 (Gainesville)	144	75	52.1%
09 (Orlando)	383	123	32.1%
10 (Bartow)	123	18	14.6%
11 (Miami)	1,143	893	78.1%
12 (Sarasota)	154	35	22.7%
13 (Tampa)	807	401	49.7%
14 (Panama City)	236	82	34.7%
15 (West Palm Beach)	522	229	43.9%
16 (Key West)	51	20	39.2%
17 (Ft. Lauderdale)	910	290	31.9%
18 (Sanford)	120	22	18.3%
19 (Ft. Pierce)	154	49	31.8%

20 (Ft. Myers)	183	89	48.6%
Statewide	6,598	2,991	45.3%

*Mitigation of sanction occurs when an offender does not receive a prison sanction although a prison sanction is mandated by the Code.

Table 10
Mitigated Sanction Rates and Sentence Length Rates*
By Judicial Circuit
Criminal Punishment Code

Judicial Circuit	Number of Scoresheets Exceeding 44 Total Points	Number of Scoresheets Mitigated	Mitigation Rate
01 (Pensacola)	213	66	31.0%
02 (Tallahassee)	125	93	74.4%
03 (Lake City)	39	29	74.4%
04 (Jacksonville)	579	358	61.8%
05 (Tavares)	105	48	45.7%
06 (Clearwater)	384	195	50.8%
07 (Daytona)	223	91	40.8%
08 (Gainesville)	144	99	68.8%
09 (Orlando)	383	144	37.6%
10 (Bartow)	123	38	30.9%
11 (Miami)	1,143	1,076	94.1%
12 (Sarasota)	154	47	30.5%
13 (Tampa)	807	495	61.3%
14 (Panama City)	236	115	48.7%
15 (West Palm Beach)	522	297	56.9%
16 (Key West)	51	20	39.2%
17 (Ft. Lauderdale)	910	375	41.2%
18 (Sanford)	120	28	23.3%
19 (Ft. Pierce)	154	61	39.6%
20 (Ft. Myers)	183	106	57.9%
Statewide	6,598	3,781	57.3%

*Mitigation of sanction occurs when an offender does not receive a prison sanction although a prison sanction is is mandated by the Code. Mitigated length occurs when an offender receives a prison sentence below the lowest permissible Code sentence. This total rate includes both mitigated sanction and mitigated length sentences.

Table 11
Mitigation Rates Among Offenders Scoring in*
Recommended State Prison Sanction Category **
Criminal Punishment Code

Offense Type	Total Mitigated	Mitigated Sanction	Mitigated Length	Not Mitigated	Total
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Murder/Manslaughter

1st Degree Murder

Attempt	7	1	6	4	11
	63.6%	9.1%	54.5%	36.4%	100.0%

2nd Degree Murder

Attempt	4	0	4	4	8
	50.0%	0.0%	50.0%	50.0%	100.0%
Complete	3	0	3	2	5
	60.0%	0.0%	60.0%	40.0%	100.0%

3rd Degree Murder

Attempt	0	0	0	1	1
	0.0%	0.0%	0.0%	0.0%	0.0%
Complete	1	0	1	0	1
	100.0%	0.0%	100.0%	0.0%	100.0%

Homicide, Other

Attempt	0	0	0	0	0
	0.0%	0.0%	0.0%	0.0%	0.0%
Complete	0	0	0	0	0
	0.0%	0.0%	0.0%	0.0%	0.0%

Manslaughter

Attempt	0	0	0	0	0
	0.0%	0.0%	0.0%	0.0%	0.0%
Complete	6	5	1	6	12
	50.0%	41.7%	8.3%	50.0%	100.0%

DUI Manslaughter

Complete	6	3	3	2	8
	75.0%	37.5%	37.5%	25.0%	100.0%

Sexual/Lewd Assault

Capital Sexual Battery

Attempt	4	1	3	5	9
	44.4%	11.1%	33.3%	55.6%	100.0%

Life Sexual Battery

Attempt	0	0	0	1	1
	0.0%	0.0%	0.0%	100.0%	100.0%
Complete	4	0	4	2	6
	66.7%	0.0%	66.7%	33.3%	100.0%

1st Degree Sexual Battery

Attempt	0	0	0	0	0
	0.0%	0.0%	0.0%	0.0%	0.0%
Complete	2	0	2	4	6
	33.3%	0.0%	33.3%	66.7%	100.0%

2nd Degree Sexual Battery

Attempt	10	3	7	1	11
	90.9%	27.3%	63.6%	9.1%	100.0%

	Complete	15	11	4	6	21
		71.4%	52.4%	19.0%	28.6%	100.0%
Sexual Battery,Other	Complete	0	0	0	0	0
		0.0%	0.0%	0.0%	0.0%	0.0%
Lewd/Lascivious Behavior	Attempt	2	2	0	4	6
		33.3%	33.3%	0.0%	66.7%	100.0%
	Complete	127	107	20	31	158
		80.4%	67.7%	12.7%	19.6%	100.0%
Robbery						
Robbery with Weapon	Attempt	25	20	5	15	40
		62.5%	50.0%	12.5%	37.5%	100.0%
	Complete	90	41	49	73	163
		55.2%	25.2%	30.1%	44.8%	100.0%
Robbery without Weapon		206	58	29	123	210
		41.4%	27.6%	13.8%	58.6%	100.0%
Home Invasion,Robbery		16	1	4	6	11
		45.5%	9.1%	36.4%	54.5%	100.0%
Violent,Other		999	883	116	400	1,399
		71.4%	63.1%	8.3%	28.6%	100.0%
Burglary		757	565	192	519	1,276
		59.3%	44.3%	15.0%	40.7%	100.0%
Property		280	215	65	304	584
Theft/Fraud/Damage		47.9%	36.8%	11.1%	52.1%	100.0%
Drugs						
Manufacture/Sale/Purchase		515	406	109	604	1,119
		46.0%	36.3%	9.7%	54.0%	100.0%
Possession,Other		407	349	58	300	707
		57.6%	49.4%	8.2%	42.4%	100.0%
Trafficking		74	42	32	57	131
		56.5%	32.1%	24.4%	43.5%	100.0%
Weapons		115	94	21	90	205
		56.1%	45.9%	10.2%	43.9%	100.0%
Other		241	184	57	248	489
		49.3%	37.6%	11.7%	50.7%	100.0%
Total		3,786	2,991	795	2,812	6,598
		57.4%	45.3%	12.0%	42.6%	100.0%

*Mitigation of sanction occurs when an offender does not receive a prison sanction although a prison sanction is mandated by the Code. Mitigated length occurs when an offender receives a prison sentence below the 25% permissible discretion existing within the Code policy. This total rate includes both mitigated sanction and mitigated length sentences.

**Total Points Exceeding 44.

Florida Criminal Punishment Code Offense Severity Ranking Chart

Section 921.0022, Florida Statutes (1998 Supp.)

Florida Statutes	Felony Degree	Description
LEVEL 1		
24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.
212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
212.15(2)(b)	3rd	Failure to remit sales taxes, amount greater than \$300 but less than \$20,000.
319.30(5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
319.35(1)(a)	3rd	Tamper, adjust, change, etc., an odometer.
320.26(1)(a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
322.212(1)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver's license; possession of simulated identification.
322.212(4)	3rd	Supply or aid in supplying unauthorized driver's license or identification card.
322.212(5)(a)	3rd	False application for driver's license or identification card.
370.13(4)(a)	3rd	Molest any stone crab trap, line, or buoy which is property of licenseholder.

310.135(1)	3rd	Molest any blue crab trap, line, or buoy which is property of licenseholder.
372.663(1)	3rd	Poach any alligator or crocodilia.
414.39(2)	3rd	Unauthorized use, possession, forgery, or alteration of food stamps, Medicaid ID, value greater than \$200.
414.39(3)(a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.00.
443.071(1)	3rd	False statement or representation to obtain or increase unemployment compensation benefits.
458.327(1) (a)	3rd	Unlicensed practice of medicine.
466.026(1) (a)	3rd	Unlicensed practice of dentistry or dental hygiene.
509.151(1)	3rd	Defraud an innkeeper, food or lodging value greater than \$300.00.
517.302(1)	3rd	Violation of the Florida Securities and Investor Protection Act.
562.27(1)	3rd	Possess still or still apparatus.
713.69	3rd	Tenant removes property upon which lien has accrued, value more than \$50.
812.014(3) (c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
812.081(2)	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.
815.04(4)(a)	3rd	Offense against intellectual property (i.e., computer programs, data).
817.52(2)	3rd	Hiring with intent to defraud, motor vehicle services.
826.01	3rd	Bigamy.

828.122(3)	3rd	Fighting or baiting animals.
831.04(1)	3rd	Any erasure, alteration etc., of any replacement deed, map, plat, or other document listed in s.92.28.
831.31(1)(a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s.893.03(5) drugs..
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.
838.015(3)	3rd	Bribery.
838.016(1)	3rd	Public servant receiving unlawful compensation.
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).
849.01	3rd	Keeping gambling house.
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) 3rd Purchase of cannabis.
(a)2.
- 893.13(6)(a) 3rd Possession of cannabis (more than 20 grams).
- 893.13(7)(a) 3rd Affix false or forged label to package of controlled substance.
10.
- 934.03(1)(a) 3rd Intercepts, or procures any other person to intercept, any wire or oral communication.

LEVEL 2

- 403.413(5) 3rd Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for
(c) commercial purposes, or hazardous waste.
- 517.07 3rd Registration of securities and furnishing of prospectus required.
- 590.28(1) 3rd Willful, malicious, or intentional burning.
- 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.
- 806.13(1) 3rd Criminal mischief; damage \$1,000 or more to public communication or any other public service.
(b)3.
- 810.09(2)(e) 3rd Trespassing on posted commercial horticulture property.
- 812.014(2) 3rd Grand theft, 3rd degree; \$300 or more but less than \$5,000.
(c)1.
- 812.014(2) 3rd Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of
(d) dwelling.
- 817.234(1) 3rd False statement in support of insurance claim.
(a)2.
- 817.481(3) 3rd Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.

(a)

- 817.52(3) 3rd Failure to redeliver hired vehicle.
- 817.54 3rd With intent to defraud, obtain mortgage note, etc., by false representation.
- 817.60(5) 3rd Dealing in credit cards of another.
- 817.60(6)(a) 3rd Forgery; purchase goods, services with false card.
- 817.61 3rd Fraudulent use of credit cards over \$100 or more within 6 months.
- 826.04 3rd Knowingly marries or has sexual intercourse with person to whom related.
- 831.01 3rd Forgery.
- 831.02 3rd Uttering forged instrument; utters or publishes alteration with intent to defraud.
- 831.07 3rd Forging bank bills or promissory note.
- 831.08 3rd Possession of 10 or more forged notes.
- 831.09 3rd Uttering forged bills; passes as bank bill or promissory note.
- 832.05(3)(a) 3rd Cashing or depositing item with intent to defraud.
- 843.08 3rd Falsely impersonating an officer.
- 893.13(2) 3rd Purchase of any s. 893.03(1)(c), (2)(c), (3), or (4) drugs other than cannabis.
(a)2.
- 893.147(2) 3rd Manufacture or delivery of drug paraphernalia.
- LEVEL 3**
- 319.30(4) 3rd Possession by junkyard of motor vehicle with identification number plate removed.

- 319.33(1)(a) 3rd Alter or forge any certificate of title to a motor vehicle or mobile home.
- 319.33(1)(c) 3rd Procure or pass title on stolen vehicle.
- 319.33(4) 3rd With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
- 328.05(2) 3rd Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
- 328.07(4) 3rd Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
- 376.302(5) 3rd Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
- 501.001(2) 2nd Tampers with a consumer product or the container using materially false/misleading information.
(b)
- 697.08 3rd Equity Skimming.
- 790.15(3) 3rd Person directs another to discharge firearm from a vehicle.
- 796.05(1) 3rd Live on earnings of a prostitute.
- 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) 3rd Grand theft; \$5,000 or more but less than \$10,000.
(c)2.
- 815.04(4)(b) 2nd Computer offense devised to defraud or obtain property.
- 817.034(4) 3rd Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than
(a)3. \$20,000.

817.233	3rd	Burning to defraud insurer.
828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.
838.021(3) (b)	3rd	Threatens unlawful harm to public servant.
843.19	3rd	Injure, disable, or kill police dog or horse.
870.01(2)	3rd	Riot; inciting or encouraging.
893.13(1) (a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c),(3), or (4) drugs).
893.13(1) (d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c), (3), or (4) drugs within 200 feet of university, public housing facility, or public park.
893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
893.13(7) (a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
893.13(7)(a) 11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
944.401	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
944.47(1)(a) 1.-2.	3rd	Introduce contraband to correctional facility.
944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.

LEVEL 4

- 316.1935(2) 3rd Fleeing or attempting to elude law enforcement officer resulting in high-speed pursuit.
- 784.07(2)(b) 3rd Battery of law enforcement officer, firefighter, intake officer, etc.
- 784.075 3rd Battery on detention or commitment facility staff.
- 784.08(2)(c) 3rd Battery on a person 65 years of age or older.
- 784.081(3) 3rd Battery on a specified official or employee.
- 784.082(3) 3rd Battery by detained person on visitor or other detainee.
- 787.03(1) 3rd Interference with custody; wrongly takes child from appointed guardian.
- 787.04(2) 3rd Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
- 787.04(3) 3rd Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
- 790.115(1) 3rd Exhibiting firearm or weapon within 1,000 feet of a school.
- 790.115(2) 3rd Possessing electric weapon or device, destructive device, or other weapon on school property.
(b)
- 790.115(2) 3rd Possessing firearm on school property.
(c)
- 810.02(4)(a) 3rd Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
- 810.02(4)(b) 3rd Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
- 810.06 3rd Burglary; possession of tools.
- 810.08(2)(c) 3rd Trespass on property, armed with firearm of dangerous weapon.
- 812.014(2) 3rd Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
(c) 3.

812.014(2) (c) 4.- 10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s.893.03(5) drugs.
828.125(1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
837.02(1)	3rd	Perjury in official proceedings.
837.021(1)	3rd	Make contradictory statements in official proceedings.
843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
843.15(1)(a)	3rd	Failure to appear while on bail for felony (bound estreature or bond jumping).
874.05(1)	3rd	Encouraging or recruiting another to join a criminal street gang
893.13(2) (a)1.	2nd	Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d), or (2)(a) or (b) drugs).
914.14(2)	3rd	Witnesses accepting bribes.
914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
918.12	3rd	Tampering with jurors.

LEVEL 5

316.027(1) (a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
316.1935(3)	3rd	Aggravated fleeing or eluding.

322.34(3)	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.
381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
790.01(2)	3rd	Carrying a concealed firearm.
790.162	2nd	Threat to throw or discharge destructive device.
790.163	2nd	False report of deadly explosive.
790.165(2)	3rd	Manufacture, sell, possess, or deliver hoax bomb.
790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.
790.23	2nd	Felons in possession of firearms or electronic weapons or devices.
806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
812.019(1)	2nd	Stolen property; dealing in or trafficking in.
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.
825.1025(4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
827.071(4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
843.01	3rd	Resist officer with violence to person; resist arrest with violence.

- 874.05(2) 2nd Encouraging or recruiting another to join a criminal street gang; second or subsequent offense.
- 893.13(1)(a)1. 2nd Sell, manufacture, or deliver cocaine (or other s. 893.03 (1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) drugs).
- 893.13(1)(c)2. 2nd Sell, manufacture, or deliver cannabis (or other s. 893.03 (1)(c), (2)(c), (3), or (4) drugs) within 1,000 feet of a child care facility or school.
- 893.13(1)(d)1. 1st Sell, manufacture, or deliver cocaine (or other s. 893.03 (1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) drugs) within 200 feet of university, public housing facility, or public park.
- 893.13(1)(e) 2nd Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c),(2)(c),(3), or (4) within 1,000 feet of property used for religious services or a specified business site.
- 893.13(4)(b) 2nd Deliver to minor cannabis (or other s. 893.03(1)(c), (2)(c), (3), or (4) drugs).

LEVEL 6

- 316.027(1)(b) 2nd Accident involving death, failure to stop; leaving scene.
- 316.193(2)(b) 3rd Felony DUI, 4th or subsequent conviction.
- 775.0875(1) 3rd Taking firearm from law enforcement officer.
- 775.21(9) 3rd Sexual predators; failure to register; failure to renew driver's license or identification card.
- 784.021(1)(a) 3rd Aggravated assault; deadly weapon without intent to kill.
- 784.021(1)(b) 3rd Aggravated assault; intent to commit felony.
- 784.041 3rd Felony battery.
- 784.048(3) 3rd Aggravated stalking; credible threat.
- 784.048(5) 3rd Aggravated stalking of person under 16.

- 784.07(2)(c) 2nd Aggravated assault on law enforcement officer.
- 784.08(2)(b) 2nd Aggravated assault on a person 65 years of age or older.
- 784.081(2) 2nd Aggravated assault on specified official or employee.
- 784.082(2) 2nd Aggravated assault by detained person on visitor or other detainee.
- 787.02(2) 3rd False imprisonment; restraining with purpose other than those in s.787.01.
- 790.115(2) 2nd Discharging firearm or weapon on school property.
(d)
- 790.161(2) 2nd Make, possess, or throw destructive device with intent to do bodily harm or damage property.
- 790.164(1) 2nd False report of deadly explosive or act of arson or violence to state property.
- 790.19 2nd Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
- 794.011(8) 3rd Solicitation of minor to participate in sexual activity by custodial adult.
(a)
- 794.05(1) 2nd Unlawful sexual activity with specified minor.
- 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.
- 812.014(2) 2nd Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
(b)
- 812.13(2)(c) 2nd Robbery, no firearm or other weapon (strong-arm robbery).
- 817.034(4) 1st Communications fraud, value greater than \$50,000.
(a)1.

817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
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(2) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.
827.03(1)	3rd	Abuse of a child.
827.03(3)(c)	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 or do bodily injury.
843.12	3rd	Aids or assists person to escape.
847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
943.0435(6)	3rd	Sex offenders; failure to comply with reporting requirements.
944.35(3) (a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
944.40	2nd	Escapes.
944.46	3rd	Harboring, concealing, aiding escaped prisoners.

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

951.22(1) 3rd Intoxicating drug, firearm, or weapon introduced into county facility.

LEVEL 7

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

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

409.920(2) 3rd Medicaid provider fraud. 494.0018(2)1st Conviction of any violation of ss.494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.

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 3rd Killing of human being by the operation of a motor vehicle in a reckless manner (vehicular homicide).

782.072 3rd Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).

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

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

784.045(1) 2nd Aggravated battery; perpetrator aware victim pregnant.
(b)

784.048(4) 3rd Aggravated stalking; violation of injunction or court order.

- 784.07(2)(d) 1st Aggravated battery on law enforcement officer.
- 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.
- 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.
- 796.03 2nd Procuring any person under 16 years for prostitution.
- 800.04 2nd Handle, fondle, or assault child under 16 years in lewd, lascivious, or indecent manner.
- 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.
- 812.014(2) 1st Property stolen, valued at \$100,000 or more; property stolen while causing other property
(a) damage; 1st degree grand theft.
- 812.019(2) 1st Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen
property.
- 812.133(2) 1st Carjacking; no firearm, deadly weapon, or other weapon.
(b)
- 825.102(3) 2nd Neglecting an elderly person or disabled adult causing great bodily harm, disability or
(b) disfigurement.
- 825.1025(2) 2nd Lewd or lascivious battery upon an elderly person or disabled adult.

825.103(2)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.
827.03(3)(b)	2nd	Neglect of a child causing great bodily harm, disability or disfigurement.
827.04(4)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
872.06	2nd	Abuse of a dead human body.
893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b)) within 1,000 feet of a child care facility or school.
893.13(1)(e)	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a),(1)(b), (1)(d), (2)(a), or (2)(b), within 1,000 feet of property used for religious services or a specified business site.
893.13(4)(a)	1st	Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) drugs).
893.135(1)(a)1.	1st	Trafficking in cannabis, more than 50 lbs., less than 2,000 lbs.
893.135 (1)(b) 1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
893.135 (1)(c) 1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
893.135 (1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
893.135 (1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
893.135 (1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
893.135 (1)	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.

(g) 1.a.

LEVEL 8

316.193(3) (c)3.a.	2nd	DUI Manslaughter.
327.35(3) (c)3.	2nd	Vessel BUI manslaughter.
777.03(2)(a)	1st	Accessory after the fact, capital felony.
782.04(4)	2nd	Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aircraft piracy, or unlawfully discharging bomb.
782.051(2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).
782.071(2)	2nd	Committing vehicular homicide and failing to render aid or give information.
782.072(2)	2nd	Committing vessel homicide and failing to render aid or give information.
790.161(3)	1st	Discharging a destructive device which results in bodily harm or property damage.
794.011(5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.
806.01(1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
810.02(2)(a)	1st, PBL	Burglary with assault or battery.
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.
812.13(2)(b)	1st	Robbery with a weapon.

- 812.135(2) 1st Home-invasion robbery.
- 825.102(2) 2nd Aggravated abuse of an elderly person or disabled adult.
- 825.103(2) 1st Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.
(a)
- 827.03(2) 2nd Aggravated child abuse.
- 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) 1st Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
(c)
- 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) 1st Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
(a)2.
- 893.135(1) 1st Trafficking in cocaine, more than 200 grams, less than 400 grams.
(b)1.b.
- 893.135(1) 1st Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
(c) 1.b.
- 893.135(1) 1st Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
(d) 1.b.

- 893.135(1) 1st Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
(e) 1.b.
- 893.135(1)(f) 1st Trafficking in amphetamine, more than 28 grams, less than 200 grams.
1.b.
- 893.135(1) 1st Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
(g) 1.b.
- 895.03(1) 1st Use or invest proceeds derived from pattern of racketeering activity.
- 895.03(2) 1st Acquire or maintain through racketeering activity any interest in or control of any enterprise or
real property.
- 895.03(3) 1st Conduct or participate in any enterprise through pattern of racketeering activity.

LEVEL 9

- 316.193(3) 1st DUI manslaughter; failing to surrender aid or give information
(c) 3.b.
- 782.04(1) 1st Attempt, conspire, or solicit to commit premeditated murder.
- 782.04(3) 1st, Accomplice to murder in connection with arson, sexual battery robbery, burglary, and other
PBL specified felonies.
- 782.051(1) 1st Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s.
782.04(3).
- 782.07(2) 1st Aggravated manslaughter of an elderly person or disabled adult.
- 782.07(3) 1st Aggravated manslaughter of a child.
- 787.01(1) 1st, Kidnapping; hold for ransom or reward or as a shield or hostage.
(a)1. PBL
- 787.01(1) 1st, Kidnapping with intent to commit or facilitate commission of any felony.
(a)2. PBL

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	False imprisonment; child under age 13; perpetrator also commits child abuse, sexual battery, lewd, or lascivious act., etc.
790.161	1st	Attempted capital destructive device offense.
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)	1st	Sexual battery; victim 12 years or older, certain circumstances.
794.011(8) (b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
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.
847.0145(1)	1st	Selling, or otherwise transferring custody or control, of a minor.
847.0145(2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
859.01	1st	Poisoning food, drink, medicine, or water with intent to kill or injure another person.
893.135	1st	Attempted capital trafficking offense.
893.135(1) (a) 3.	1st	Trafficking in cannabis, more than 10,000 lbs.
893.135(1) (b) 1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
893.135(1)	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.

(c) 1.c.

893.135(1) 1st Trafficking in phencyclidine, more than 400 grams.
(d) 1.c.

893.135(1) 1st Trafficking in methaqualone, more than 25 kilograms.
(e) 1.c.

893.135(1)(f) 1st Trafficking in amphetamine, more than 200 grams.
1.c.

LEVEL 10

782.04(2) 1st, Unlawful killing of human; act is homicide, unpremeditated.
PBL

787.01(1) 1st, Kidnapping; inflict bodily harm upon or terrorize victim.
(a)3. PBL

787.01(3)(a) Life Kidnapping; child under age 13, perpetrator also commits child abuse, sexual battery, lewd, or lascivious act, etc.

794.011(3) Life Sexual battery; victim 12 years or older, offender uses or threatens to use deadly weapon or physical force to cause serious injury.

876.32 1st Treason against the state.

CRIMINAL PUNISHMENT CODE SCORESHEET

RULE 3.992(a) CRIMINAL PUNISHMENT CODE SCORESHEET

1. DATE OF SENTENCE		2. PREPARER'S NAME <input type="checkbox"/> DC <input type="checkbox"/> SAO		3. COUNTY		4. SENTENCING JUDGE	
5. NAME (LAST, FIRST, MI.)			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
____/____	____/____	_____	_____	_____
<small>(Level - Points: 1=4, 2=10, 3=16, 4=22, 5=28, 6=36, 7=56, 8=74, 9=92, 10=118)</small>				
Prior capital felony triples Primary Offense points <input type="checkbox"/>				I. _____

II. ADDITIONAL OFFENSE(S): Supplemental page attached

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 _____							
<small>(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)</small>							
Prior capital felony triples Additional Offense points <input type="checkbox"/>						Supplemental page points _____	II. _____

III. VICTIM INJURY:

	Number	Total		Number	Total
2 nd 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 _____	_____ = _____	
<small>(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)</small>							
Supplemental page points _____						IV. _____	
Page 1 Subtotal:							_____

- V. Legal Status violation = 4 Points V. _____
- VI. Community Sanction violation before the court for sentencing VI. _____
 6 points x each successive violation OR
 New felony conviction = 12 points x each successive violation
- 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 Enforcement Protection ____ x 1.5 ____ x 2.0 ____ x 2.5	Drug Trafficking ____ x 1.5	Grand Theft Motor Vehicle ____ x 1.5	Street Gang (offenses committed on or after 10-1-98) ____ x 1.5	Domestic Violence (offenses committed on or after 10-1-97) ____ x 1.5
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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 total sentence points are greater than 44:

$$\frac{\text{total sentence points}}{\text{total sentence points}} \text{ minus } 28 = \text{_____} \times .75 = \frac{\text{lowest permissible prison sentence in months}}{\text{lowest permissible prison sentence in months}}$$

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.

$$\text{_____}$$

 maximum sentence in years

TOTAL SENTENCE IMPOSED

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

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

Other Reason _____

JUDGE'S SIGNATURE _____

3.992(b) CRIMINAL PUNISHMENT CODE SUPPLEMENTAL SCORESHEET

NAME (LAST, FIRST, M.I.)	DOCKET #	DATE OF SENTENCE
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II. ADDITIONAL OFFENSE(S):

DOCKET#	FEL/MM DEGREE	F.S. #	OFFENSE LEVEL	QUALIFY A S C R	COUNTS	POINTS	TOTAL
_____ / _____	_____ / _____	_____ / _____	_____	□□□□	_____ X _____	= _____	
Description _____							
_____ / _____	_____ / _____	_____ / _____	_____	□□□□	_____ 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)

II. _____

IV. PRIOR RECORD

FEL/MM DEGREE	F.S. #	OFFENSE LEVEL	QUALIFY A S C R	DESCRIPTION	NUMBER	POINTS	TOTAL
_____ / _____	_____ / _____	_____ / _____	□□□□	_____ / _____	_____ X _____	= _____	
_____ / _____	_____ / _____	_____ / _____	□□□□	_____ / _____	_____ X _____	= _____	
_____ / _____	_____ / _____	_____ / _____	□□□□	_____ / _____	_____ X _____	= _____	
_____ / _____	_____ / _____	_____ / _____	□□□□	_____ / _____	_____ X _____	= _____	
_____ / _____	_____ / _____	_____ / _____	□□□□	_____ / _____	_____ X _____	= _____	
_____ / _____	_____ / _____	_____ / _____	□□□□	_____ / _____	_____ 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.

Pursuant to 921.0026(3) the defendant's substance abuse or addiction does not justify a downward departure from the lowest permissible sentence .

RULE 3.992(a) CRIMINAL PUNISHMENT CODE SCORESHEET

1. DATE OF SENTENCE	2. PREPARER'S NAME <input type="checkbox"/> DC <input type="checkbox"/> SAO	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
	7. DC #	9. GENDER <input type="checkbox"/> M <input type="checkbox"/> F	11. PRIMARY DOCKET #
			12. PLEA <input type="checkbox"/> 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=118)

Prior capital felony triples Primary Offense points

I. _____

II. **ADDITIONAL OFFENSE(S):** Supplemental page attached

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

(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: _____

- V. Legal Status violation = 4 Points V. _____
- VI. Community Sanction violation before the court for sentencing
6 points x each successive violation OR
New felony conviction = 12 points x each successive violation 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 Enforcement Protection ___ x 1.5 ___ x 2.0 ___ x 2.5	Drug Trafficking ___ x 1.5	Grand Theft Motor Vehicle ___ x 1.5	Street Gang (offenses committed on or after 10-1-98) ___ x 1.5	Domestic Violence (offenses committed on or after 10-1-97) ___ x 1.5
---	-----------------------------------	--	--	--

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 total sentence points are greater than 44:

_____ minus 28 = _____ x .75 = _____
 total sentence points lowest permissible prison sentence in months

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		_____	_____	_____

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

Other Reason _____

JUDGE'S SIGNATURE _____

3.992(b) CRIMINAL PUNISHMENT CODE SUPPLEMENTAL SCORESHEET

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

II. ADDITIONAL OFFENSE(S):

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=56)

II. _____

IV. PRIOR RECORD

FEL/MM DEGREE	F.S. #	OFFENSE LEVEL	QUALIFY A S C R	DESCRIPTION	NUMBER	POINTS	TOTAL
_____ / _____	_____ / _____	_____ / _____	□□□□	_____ / _____	_____ X _____	= _____	
_____ / _____	_____ / _____	_____ / _____	□□□□	_____ / _____	_____ X _____	= _____	
_____ / _____	_____ / _____	_____ / _____	□□□□	_____ / _____	_____ X _____	= _____	
_____ / _____	_____ / _____	_____ / _____	□□□□	_____ / _____	_____ X _____	= _____	
_____ / _____	_____ / _____	_____ / _____	□□□□	_____ / _____	_____ X _____	= _____	

(Level - Points: M=0.2, 1=0.5, 2=0.8, 3=1.5, 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.

Pursuant to 921.0026(3) the defendant's substance abuse or addiction does not justify a downward departure from the lowest permissible sentence .