

## Florida's Criminal Punishment Code: A Comparative Assessment, October 2000

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



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

## Table of Contents

### [Executive Summary](#)

#### I. Introduction

1. [Overview of Florida Sentencing Guidelines](#)
2. [Narrative on Introductory Statistics](#)
3. [Introductory Statistics](#)

#### II. Lag Time Between Offense and Sentence Comparison

1. [Narrative on the "Lag" Issue](#)
2. [Comparative Statistics](#)

#### III. Comparative Description

1. [Narrative on Comparative Statistics](#)
2. [Recommended Sanction and Sanction Imposed](#)
3. [Offense Type and Sanction Imposed](#)
4. [Offense Severity Levels](#)
5. [Prior and Additional Offenses](#)
6. [Mitigation](#)

### Appendices

[Offense Level Ranking Chart](#)

[Criminal Punishment Code Scoresheet](#)

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# Executive Summary

## Offenses Committed On or After October 1, 1998

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 the 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) to analyze 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 of the sentencing factors considered by the courts. In this report, a comparison between the 1994 Sentencing Guidelines and the Criminal Punishment Code is provided.

Since January 1, 1994, the Florida Department of Corrections has collected almost 670,000 scoresheets on felony offenders sentenced in Florida courts under the state's Sentencing Guidelines and Criminal Punishment Code. This report examines the 90,386 Criminal Punishment Code scoresheets received by the Florida Department of Corrections through September 12, 2000, for felony offenses committed on or after October 1, 1998. It also studies 56,067 1994 Sentencing Guidelines scoresheets with offense dates between October 1, 1994 and September 30, 1995 and sentence dates between July 1, 1995 and June 30, 1996 for comparison purposes.

## Heggs V. State

In February 2000, the Florida Supreme Court, in its review of Curtis Leon Heggs, determined Chapter Law 95-184 to be unconstitutional due to a violation of the single subject rule of the Florida Constitution. This Chapter Law contained substantial changes in sentencing law referred commonly to as the "1995 Sentencing Guidelines."

In some cases, the 1995 Sentencing Guidelines provided for greater punishment than the 1994 Sentencing Guidelines. Some enhancements were made to the Guidelines, designed primarily to target offenders with more serious current or prior criminal records. There were a significant number of changes and the nature of the changes provided for significant effects for some offenders. However, many offenders sentenced under the 1995 Guidelines would have scored identically under the 1994 version of the law.

In May 2000, the Supreme Court revised and finalized their opinion in this case and further clarified who is eligible for re-sentencing. This decision stated that **"only those persons adversely affected by the amendments made by Chapter Law 95-184 may rely on our decision here to obtain relief. Stated another way, in the guidelines context, we determine that if a person's sentence imposed under the 1995 Guidelines could have been imposed under the 1994 Guidelines (without a departure), then that person shall not be entitled to relief."**

The Supreme Court declined to rule in Hegggs as to when the window period closed for offenders claiming their guidelines sentences are invalid due to the amendments contained in Chapter Law 95-184. At this time, the majority of circuit court and District Court of Appeals (DCA) cases have established that the window period opened on October 1, 1995 and closed on May 24, 1997. The remaining cases have the window opening on October 1, 1995 and closing on October 1, 1996.

Approximately 192,267 sentencing events occurred under the 1995 sentencing structure for offenses committed between October 1, 1995 and May 24, 1997, based on the Guidelines scoresheets received by the Department of Corrections through February 29, 2000. Original analysis indicated that 73,467 of these sentencing events evidenced scores adversely affected by the changes brought about in the 1995 guidelines. This analysis did not determine that the 1995 sentence was outside the range of the 1994 sentence, only that the scoresheet calculation reflected a difference in points.

Due to the potential number of re-sentencing events, it would be inaccurate to attempt to analyze and compare the 1995 sentencing guidelines to other versions of the sentencing scoresheet. As re-sentencing events occur, the original 1995 scoresheet will be replaced in the database with a 1994 scoresheet. This is necessary because the re-sentencing invalidates the original sentencing event. Likewise, the new sentence will overwrite the original sentence in DOC sentence structure and databases. A computerized record of the original sentence is not kept in the database that is used for data analysis.

As such, it is not possible to determine which scoresheets are the result of a re-sentencing or to verify that a re-sentencing event was a result of the Hegggs ruling. Therefore, any analysis of this time period would yield a mixture of offenders sentenced under both the 1994 and 1995 guidelines.

**For purposes of data analysis, we are excluding all scoresheets with offense dates that occur from October 1, 1995 through May 24, 1997.**

Florida's Criminal Punishment Code:  
A Comparative Assessment (FY 1999-2000)

[first](#) | [previous](#) | 2 of 13 | [next](#)

# Part I: Introduction Overview of Florida's 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; and 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 of 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 Hegg's ruling stated that the use of the 1995 Sentencing Guidelines for offenses between October 1, 1995 and May 24, 1997 is unconstitutional. However, the 1995 Sentencing Guidelines are used for offense dates between May 25, 1997 and 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.

<b>Felony Degree</b>	<b>Years in Prison</b>
Life Felony	Up to Life
1 <sup>st</sup>	Up to 30
2 <sup>nd</sup>	Up to 15
3 <sup>rd</sup>	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 that 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 27.9% 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 1999-2000 entered as of September 12, 2000 and offenses on or after October 1, 1998, entered as of September 12, 2000.
- 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 69.6%.
- 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.

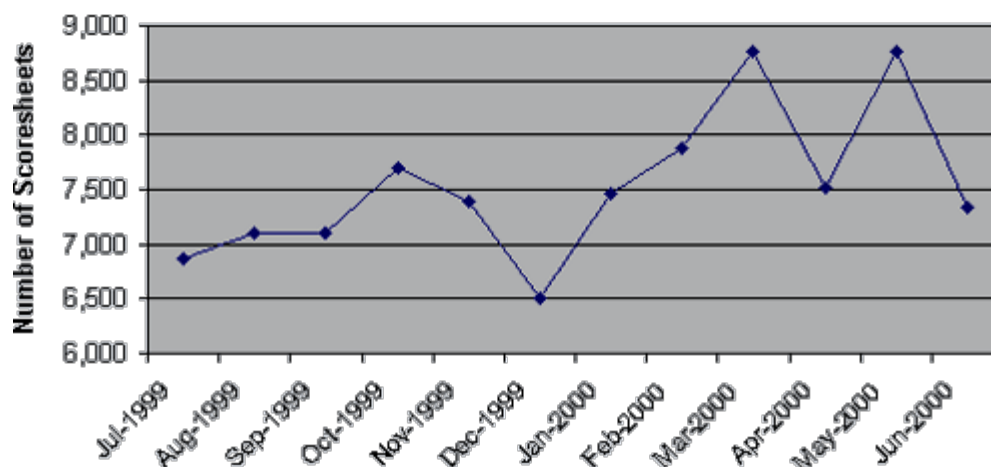
## Part I Introductory Statistics

**FACT:** There were 90,386 Punishment Code scoresheets with offense dates on or after October 1, 1998 entered into the sentencing scoresheet database, as of September 12, 2000.

### FINDINGS:

- The number of Code scoresheets received by month of sentence has slightly increased from July 1, 1999 to June 30, 2000 (Figure 1).
- For the time period July 1999 through June 2000, Code scoresheets represent almost seventy-four percent (73.7%) of the total scoresheet submissions. In the month of June 2000, more than eighty-two percent (82.3%) of the scoresheets represented sentencing events under the Florida Criminal Punishment Code (Table 2).
- Almost thirty-one percent (30.5%) of the offenders sentenced under the Code were considered "youthful offenders" at the time of sentencing (Table 3). Of the 2,382 true juveniles (under 18 at the time of their offense) transferred to adult court under the Code, 796 of the offenders were age sixteen or younger (Table 4).
- There were 781 juveniles sentenced under the Code for violent offenses, including, murder/manslaughter, sex offenses, robbery, and other violent personal offenses. These violent offenses represent over thirty-two percent (32.8%) of all offenses of juveniles (Table 4). Of the 781 violent juvenile offenders, 327, or 41.9%, 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 54.2% 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**

Month of Sentence	Total	
	Number	Percent
<b>01 (Pensacola)</b>	3,880	4.3%
<b>02 (Tallahassee)</b>	1,382	1.5%
<b>03 (Lake City)</b>	459	0.5%
<b>04 (Jacksonville)</b>	5,604	6.2%
<b>05 (Tavares)</b>	3,651	4.0%
<b>06 (Clearwater)</b>	8,806	9.7%
<b>07 (Daytona Beach)</b>	3,690	4.1%
<b>08 (Gainesville)</b>	1,716	1.9%
<b>09 (Orlando)</b>	6,104	6.8%
<b>10 (Bartow)</b>	4,126	4.6%
<b>11 (Miami)</b>	10,801	11.9%
<b>12 (Sarasota)</b>	3,015	3.3%
<b>13 (Tampa)</b>	8,471	9.4%
<b>14 (Panama City)</b>	2,577	2.9%
<b>15 (West Palm Beach)</b>	5,569	6.2%
<b>16 (Key West)</b>	977	1.1%
<b>17 (Ft. Lauderdale)</b>	11,320	12.5%
<b>18 (Sanford)</b>	2,026	2.2%
<b>19 (Ft. Pierce)</b>	2,390	2.6%
<b>20 (Ft. Myers)</b>	3,822	4.2%
<b>Total</b>	<b>90,386</b>	<b>100.0%</b>

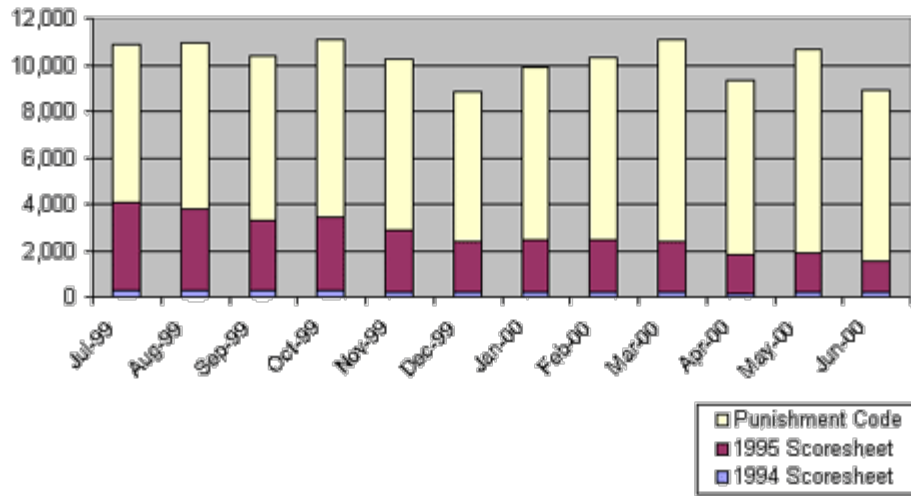
**Table 2 Sentencing Scoresheets Received by Month of Sentence\* Fiscal Year 1999-2000**

Month of Sentence	1994 Sentencing		1995 Sentencing		Punishment Code		Total	
	Guidelines	Scoresheet	Guidelines	Scoresheet	Scoresheet			
<b>July 1999</b>	279	2.6%	3,766	34.5%	6,862	62.9%	10,907	8.9%
<b>August 1999</b>	309	2.8%	3,510	32.1%	7,110	65.1%	10,929	8.9%
<b>September 1999</b>	250	2.4%	3,028	29.2%	7,095	68.4%	10,373	8.5%
<b>October 1999</b>	315	2.8%	3,093	27.9%	7,696	69.3%	11,104	9.1%
<b>November 1999</b>	235	2.3%	2,623	25.6%	7,383	72.1%	10,241	8.3%
<b>December 1999</b>	202	2.3%	2,158	24.3%	6,508	73.4%	8,868	7.2%
<b>January 2000</b>	222	2.2%	2,200	22.3%	7,463	75.5%	9,885	8.1%
<b>February 2000</b>	196	1.9%	2,245	21.7%	7,885	76.4%	10,326	8.4%
<b>March 2000</b>	229	2.1%	2,125	19.1%	8,761	78.8%	11,115	9.1%
<b>April 2000</b>	157	1.7%	1,650	17.7%	7,527	80.6%	9,334	7.6%
<b>May 2000</b>	204	1.9%	1,717	16.1%	8,765	82.0%	10,686	8.7%
<b>June 2000</b>	179	2.0%	1,393	15.6%	7,331	82.3%	8,903	7.3%

Total 2,777 2.3% 29,508 24.1% 90,386 73.7% 122,671 100.0%

\* Total number of scoresheets, including those with offense dates between October 1, 1995 and May 24, 1997

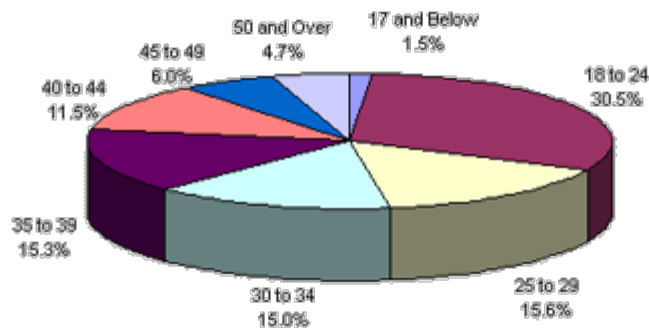
**Figure 2**  
**Sentencing Scoresheets Received:**  
**1994 vs. 1995 vs. Punishment Code Versions**



**Table 3 Age at Sentencing Criminal Punishment Code**

Age	Number	Percent
17 and Below	1,376	1.5%
18 to 24	27,525	30.5%
25 to 29	14,117	15.6%
30 to 34	13,570	15.0%
35 to 39	13,804	15.3%
40 to 44	10,350	11.5%
45 to 49	5,399	6.0%
50 and Over	4,245	4.7%
<b>Total</b>	<b>90,386</b>	<b>100.0%</b>

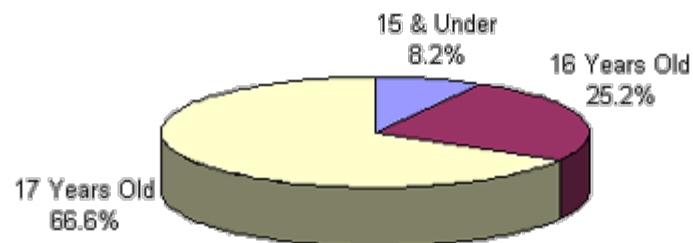
**Figure 3**  
**Age at Sentencing Distribution**  
**Criminal Punishment Code**



**Table 4 Age at Offense for Offenders Under 18 Criminal Punishment Code**

Primary Offense	15 & Under	16 Years Old	17 Years Old	Total
<b>Murder/Manslaughter</b>	10 5.1%	4 0.7%	9 0.6%	<b>23</b> <b>1.0%</b>
<b>Sexual Offenses</b>	5 2.6%	11 1.8%	29 1.8%	<b>45</b> <b>1.9%</b>
<b>Robbery</b>	65 33.3%	104 17.3%	170 10.7%	<b>339</b> <b>14.2%</b>
<b>Violent Personal Offenses</b>	45 23.1%	95 15.8%	234 14.8%	<b>374</b> <b>15.7%</b>
<b>Burglary</b>	42 21.5%	138 23.0%	370 23.3%	<b>550</b> <b>23.1%</b>
<b>Theft, Forgery, Fraud</b>	14 7.2%	76 12.6%	226 14.2%	<b>316</b> <b>13.3%</b>
<b>Drugs</b>	9 4.6%	115 19.1%	435 27.4%	<b>559</b> <b>23.5%</b>
<b>Weapons</b>	3 1.5%	30 5.0%	47 3.0%	<b>80</b> <b>3.4%</b>
<b>Other Offenses</b>	2 1.0%	28 4.7%	66 4.2%	<b>96</b> <b>4.0%</b>
<b>Total</b>	<b>195</b> <b>100.0%</b>	<b>601</b> <b>100.0%</b>	<b>1,586</b> <b>100.0%</b>	<b>2,382</b> <b>100.0%</b>

**Figure 4  
Age at Offense Distribution  
Offenders Under 18**



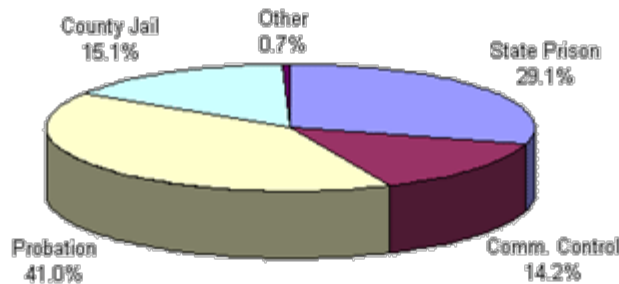
**Table 5 Sanction Imposed by Primary Offense For All 11 - 17 Year Olds Criminal Punishment Code**

Primary Offense	State Prison	Comm. Control	Probation	County Jail	Other	Total
<b>Murder/Manslaughter</b>	17 2.5%	4 1.2%	2 0.2%	0 0.0%	0 0.0%	<b>23</b> <b>1.0%</b>

<b>Sexual Offenses</b>	14	10	20	1	0	<b>45</b>
	2.0%	3.0%	2.0%	0.3%	0.0%	<b>1.9%</b>
<b>Robbery</b>	173	61	85	20	0	<b>339</b>
	25.0%	18.0%	8.7%	5.6%	0.0%	<b>14.2%</b>
<b>Violent Personal Offenses</b>	133	56	142	42	1	<b>374</b>
	19.2%	16.6%	14.5%	11.7%	6.3%	<b>15.7%</b>
<b>Burglary</b>	179	88	232	44	7	<b>550</b>
	25.9%	26.0%	23.7%	12.3%	43.8%	<b>23.1%</b>
<b>Theft, Forgery, Fraud</b>	50	39	161	64	2	<b>316</b>
	7.2%	11.5%	16.5%	17.8%	12.5%	<b>13.3%</b>
<b>Drugs</b>	90	55	249	161	4	<b>559</b>
	13.0%	16.3%	25.5%	44.8%	25.0%	<b>23.5%</b>
<b>Weapons</b>	18	7	38	15	2	<b>80</b>
	2.6%	2.1%	3.9%	4.2%	12.5%	<b>3.4%</b>
<b>Other Offenses</b>	18	18	48	12	0	<b>96</b>
	2.6%	5.3%	4.9%	3.3%	0.0%	<b>4.0%</b>
<b>Total</b>	<b>692</b>	<b>338</b>	<b>977</b>	<b>359</b>	<b>16</b>	<b>2,382</b>
	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>

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

**Figure 5  
Sanction Imposed Distribution  
Offenders Under 18**



**Table 6 Gender by Judicial Circuit Criminal Punishment Code**

Judicial Circuit	Gender				Total	Total
	Male		Female			
01 (Pensacola)	3,184	3.5%	696	0.8%	3,880	4.3%
02 (Tallahassee)	1,125	1.2%	257	0.3%	1,382	1.5%
03 (Lake City)	382	0.4%	77	0.1%	459	0.5%
04 (Jacksonville)	4,624	5.1%	980	1.1%	5,604	6.2%
05 (Tavares)	2,934	3.2%	717	0.8%	3,651	4.0%
06 (Clearwater)	6,864	7.6%	1,942	2.1%	8,806	9.7%
07 (Daytona Beach)	3,051	3.4%	639	0.7%	3,690	4.1%
08 (Gainesville)	1,420	1.6%	296	0.3%	1,716	1.9%

09 (Orlando)	4,976	5.5%	1,128	1.2%	6,104	6.8%
10 (Bartow)	3,290	3.6%	836	0.9%	4,126	4.6%
11 (Miami)	9,274	10.3%	1,527	1.7%	10,801	11.9%
12 (Sarasota)	2,405	2.7%	610	0.7%	3,015	3.3%
13 (Tampa)	6,863	7.6%	1,608	1.8%	8,471	9.4%
14 (Panama City)	2,109	2.3%	468	0.5%	2,577	2.9%
15 (West Palm Beach)	4,704	5.2%	865	1.0%	5,569	6.2%
16 (Key West)	847	0.9%	130	0.1%	977	1.1%
17 (Ft. Lauderdale)	9,183	10.2%	2,137	2.4%	11,320	12.5%
18 (Sanford)	1,651	1.8%	375	0.4%	2,026	2.2%
19 (Ft. Pierce)	1,945	2.2%	445	0.5%	2,390	2.6%
20 (Ft. Myers)	3,103	3.4%	719	0.8%	3,822	4.2%
<b>Total 73,934 81.8% 16,452 18.2% 90,386 100.0%</b>						

**Table 7 Race by Judicial Circuit Criminal Punishment Code**

Judicial Circuit	Race						Total	
	Black		White		Other*			
01 (Pensacola)	1,597	1.8%	2,241	2.5%	42	0.0%	3,880	4.3%
02 (Tallahassee)	970	1.1%	398	0.4%	14	0.0%	1,382	1.5%
03 (Lake City)	199	0.2%	256	0.3%	4	0.0%	459	0.5%
04 (Jacksonville)	3,187	3.5%	2,361	2.6%	56	0.1%	5,604	6.2%
05 (Tavares)	1,244	1.4%	2,345	2.6%	62	0.1%	3,651	4.0%
06 (Clearwater)	2,977	3.3%	5,778	6.4%	51	0.1%	8,806	9.7%
07 (Daytona Beach)	1,418	1.6%	2,251	2.5%	21	0.0%	3,690	4.1%
08 (Gainesville)	986	1.1%	724	0.8%	6	0.0%	1,716	1.9%
09 (Orlando)	2,834	3.1%	3,174	3.5%	96	0.1%	6,104	6.8%
10 (Bartow)	1,543	1.7%	2,467	2.7%	116	0.1%	4,126	4.6%
11 (Miami)	5,650	6.3%	5,130	5.7%	21	0.0%	10,801	11.9%
12 (Sarasota)	1,158	1.3%	1,806	2.0%	51	0.1%	3,015	3.3%
13 (Tampa)	4,035	4.5%	4,185	4.6%	251	0.3%	8,471	9.4%
14 (Panama City)	826	0.9%	1,734	1.9%	17	0.0%	2,577	2.9%
15 (W. Palm Beach)	2,657	2.9%	2,906	3.2%	6	0.0%	5,569	6.2%
16 (Key West)	206	0.2%	766	0.8%	5	0.0%	977	1.1%
17 (Ft. Lauderdale)	5,997	6.6%	5,164	5.7%	159	0.2%	11,320	12.5%
18 (Sanford)	784	0.9%	1,222	1.4%	20	0.0%	2,026	2.2%
19 (Ft. Pierce)	963	1.1%	1,409	1.6%	18	0.0%	2,390	2.6%
20 (Ft. Myers)	1,133	1.3%	2,655	2.9%	34	0.0%	3,822	4.2%
<b>Total 40,364 44.7% 48,972 54.2% 1,050 1.2% 90,386 100.0%</b>								

\*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 the comparison between the 1994 Sentencing Guidelines and the Criminal Punishment code undertaken in this report, baseline data, under the previous sentencing policy, had to be established for comparison purposes. The baseline was identified as offenses committed between October 1, 1994 and September 30, 1995 with sentence dates in FY 1995-1996. The sentence date constraint, by design, excludes any Code scoresheets from being included in the baseline data file.
- There were 56,067 scoresheets submitted to the Department of Corrections with sentence dates in FY1995-1996 and offense dates between October 1, 1994 and September 30, 1995. This data will be used in comparison with the Code data to illustrate the 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 5.6 months. As defined by the word "average", half of the lag times that occur are less than 5.6 months and half are greater than 5.6 months (Table 1).
- 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 processed 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 September 12, 2000, the Department of Corrections had received over 90,000 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 data included in the 1994 Sentencing Guidelines scoresheets with offense dates between October 1, 1994 and September 30, 1995 and sentence dates in FY1995-1996 were selected for the analysis because they look, in aggregate, similar to the Code scoresheets that have currently been received by the department. For example, the average lag time for FY1995-1996 sentencing events is 6.6 months. Of the scoresheets received to date under the Code, the average lag time is 5.6 months (Table 1). When the lag times are examined by offense severity level and type of primary offense, the average lag time for level 10 offenses (most serious) under the Code is 5.4 months. In FY1995-1996, the average lag time for level 10 offenses was 7.2 months. Also, for murder/manslaughter, the average lag time from offense to sentence is 9.4 months under the Code and 9.8 months in FY1995-1996 (Table 2).
- An examination of the distribution of type of offenses represented is also revealing. In FY1995-1996, the more violent, serious offenses represented twenty-four percent (24.0%) of the scoresheets, while under the Code, less than eighteen percent (17.8%) were the more violent, serious offenses (Table 3). At a more detailed level, felony traffic and driving offenses had no impact on the offense distribution in FY1995-1996, while over seven percent (7.2%) of the Code scoresheets were for felony traffic offenses (Table 4).

### Table 1 Comparison of Average Time from Offense Date to Sentence Date

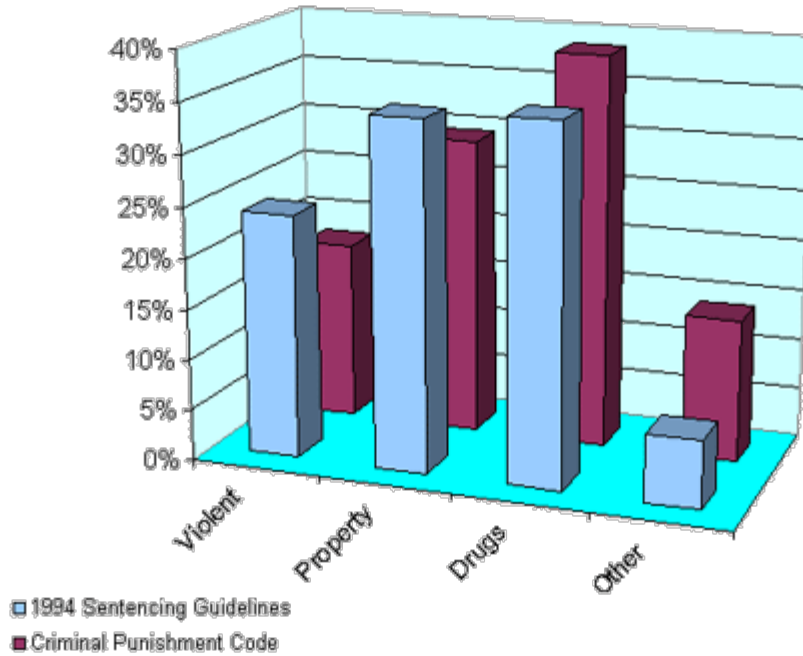
## by Offense Severity Level of Primary Offense, in Months

Offense Severity Level	1994 Sentencing Guidelines, FY 95-96 Sentence Dates	Criminal Punishment Code, FY 99-00 Sentence Dates
1	7.2	5.4
2	7.1	5.7
3	5.9	4.9
4	6.1	5.2
5	6.6	5.8
6	6.7	6.1
7	7.1	6.9
8	7.9	7.6
9	8.3	8.6
10	9.8	9.3
<b>Overall Average</b>	<b>6.6</b>	<b>5.6</b>

## Table 2 Comparison of Average "Lag" Time from Offense Date to Sentence Date by Primary Offense, in Months

Primary Offense	1994 Sentencing Guidelines, FY 95-96 Sentence Dates	Criminal Punishment Code, FY 99-00 Sentence Dates
Murder/Manslaughter	9.8	9.4
Sexual/Lewd Behavior	8.4	8.2
Robbery	7.2	6.9
Violent, Other	6.7	5.9
Burglary	6.3	5.7
Property Theft/Fraud/Damage	7.2	5.9
Drugs	6.1	5.1
Weapons	6.5	5.9
Other	6.7	5.2
<b>Overall Average</b>	<b>7.2</b>	<b>6.5</b>

**Figure 1**  
**Distribution of Offense Group**  
**1994 Sentencing Guidelines vs. Criminal**  
**Punishment Code**



**Table 3 Distribution of Offense 1994 Sentencing Guidelines vs. Criminal Punishment Code**

Primary Offense	1994 Sentencing Guidelines, FY 95-96 Sentence Dates	Criminal Punishment Code, FY 99-00 Sentence Dates
<b>Murder/Manslaughter</b>	540 1.0%	282 0.3%
<b>Sexual Offenses</b>	1,292 2.3%	1,276 1.4%
<b>Robbery</b>	2,158 3.8%	2,027 2.2%
<b>Violent Personal Offenses</b>	8,783 15.7%	11,823 13.1%
<b>Burglary</b>	7,264 13.0%	8,457 9.4%
<b>Theft/Forgery/Fraud</b>	12,264 21.9%	18,451 20.4%
<b>Drugs</b>	19,646 35.0%	34,956 38.7%
<b>Weapons</b>	2,242 4.0%	2,296 2.5%
<b>Other</b>	1,878 3.3%	10,818 12.0%
	<b>56,067</b>	<b>90,386</b>



Total

100.0%

100.0%

## Table 4 Distribution of Offense 1994 Sentencing Guidelines vs. Criminal Punishment Code

Primary Offense	1994 Sentencing Guidelines, FY 95-96 Sentence Dates		Criminal Punishment Code	
<b>Murder/Manslaughter</b>	<b>540</b>	<b>1.0%</b>	<b>282</b>	<b>0.3%</b>
1st Degree Murder	118	0.2%	60	0.1%
2nd Degree Murder	206	0.4%	99	0.1%
3rd Degree Murder	16	0.0%	7	0.0%
Homicide, Other	5	0.0%	3	0.0%
Manslaughter	130	0.2%	69	0.1%
DUI Manslaughter	65	0.1%	44	0.0%
<b>Sexual Offenses</b>	<b>1,292</b>	<b>2.3%</b>	<b>1,276</b>	<b>1.4%</b>
Capital Sexual Battery	97	0.2%	56	0.1%
Life Sexual Battery	69	0.1%	28	0.0%
1st Degree Sexual Battery	110	0.2%	55	0.1%
2nd Degree Sexual Battery	182	0.3%	162	0.2%
Sexual Assault, Other	0	0.0%	7	0.0%
Lewd/Lascivious Behavior	834	1.5%	968	1.1%
<b>Robbery</b>	<b>2,158</b>	<b>3.8%</b>	<b>2,027</b>	<b>2.2%</b>
Robbery with Weapon	988	1.8%	795	0.9%
Robbery without Weapon	1,148	2.0%	1,201	1.3%
Home Invasion, Robbery	22	0.0%	31	0.0%
<b>Violent Personal Offenses</b>	<b>8,783</b>	<b>15.7%</b>	<b>11,823</b>	<b>13.1%</b>
Home Invasion, Other	2	0.0%	1	0.0%
Carjacking	79	0.1%	110	0.1%
Aggravated Assault	1,903	3.4%	2,009	2.2%
Aggravated Battery	2,282	4.1%	1,618	1.8%
Assault/Battery on L.E.O.	1,302	2.3%	1,631	1.8%
Assault/Battery, Other	152	0.3%	541	0.6%
Aggravated Stalking	181	0.3%	266	0.3%
Resisting Arrest with Violence	1,595	2.8%	2,266	2.5%
Kidnapping	325	0.6%	438	0.5%
Arson	219	0.4%	186	0.2%
Abuse of Children	159	0.3%	1,062	1.2%
Leaving Accident, Injury/Death	333	0.6%	410	0.5%
DUI, Injury	129	0.2%	132	0.1%
Violent, Other	122	0.2%	1,153	1.3%
<b>Burglary</b>	<b>7,264</b>	<b>13.0%</b>	<b>8,457</b>	<b>9.4%</b>
Burglary, Structure	3,620	6.5%	4,861	5.4%
Burglary, Dwelling	2,670	4.8%	2,457	2.7%

Burglary, Armed	366	0.7%	244	0.3%
Burglary with Assault	327	0.6%	272	0.3%
Burglary/Trespass, Other	281	0.5%	623	0.7%
<b>Theft/Forgery/Fraud</b>	<b>12,264</b>	<b>21.9%</b>	<b>18,434</b>	<b>20.4%</b>
Grand Theft, Other	4,359	7.8%	6,750	7.5%
Grand Theft, Automobile	1,928	3.4%	3,006	3.3%
Stolen Property	1,718	3.1%	2,268	2.5%
Forgery/Counterfeiting	1,726	3.1%	2,796	3.1%
Worthless Checks	946	1.7%	609	0.7%
Fraudulent Practices	1,070	1.9%	1,736	1.9%
Theft/Property Damage, Other	517	0.9%	1,269	1.4%
<b>Drugs</b>	<b>19,646</b>	<b>35.0%</b>	<b>34,956</b>	<b>38.7%</b>
Drugs, Manufacture/Sale/Purchase	8,563	15.3%	12,573	13.9%
Drugs, Trafficking	708	1.3%	629	0.7%
Drugs, Possession/Other	10,375	18.5%	21,754	24.1%
<b>Weapons</b>	<b>2,242</b>	<b>4.0%</b>	<b>2,296</b>	<b>2.5%</b>
Weapons, Discharging	371	0.7%	397	0.4%
Weapons, Possession	1,860	3.3%	1,871	2.1%
Weapons, Other	11	0.0%	28	0.0%
<b>Other</b>	<b>1,878</b>	<b>3.3%</b>	<b>10,835</b>	<b>12.0%</b>
Escape	730	1.3%	1,912	2.1%
DUI, No Injury	374	0.7%	638	0.7%
Traffic, Other	11	0.0%	6,515	7.2%
Racketeering	32	0.1%	13	0.0%
Pollution/Hazardous Materials	56	0.1%	87	0.1%
Other	675	1.2%	1,670	1.8%
<b>Total</b>	<b>56,067</b>	<b>100.0%</b>	<b>90,386</b>	<b>100.0%</b>

Florida's Criminal Punishment Code:  
A Comparative Assessment (FY 1999-2000)

[first](#) | [previous](#) | 5 of 13 | [next](#)

# Comparative Description

**NOTES:** This section examines the sentencing parameters point values, as follows:

- **1994 Sentencing Guidelines:**
  - Offenders scoring less than 34.8 points fall in the non-state prison category. In this category, a prison sanction is not permitted within the guidelines structure.
  - Offenders scoring between 34.8 and 52.0 total points fall in the discretionary range. As the name implies, the courts have flexibility in administering either a prison or a non-prison sanction without the requirement of a reason for their decision.
  - In this category, offenders who score more than 52.0 total points are mandated by the guidelines to receive a state prison sanction.
- **Criminal Punishment Code:**
  - The Criminal Punishment Code allows for a non-state prison sanction for offenders scoring less than 44.0 total points.
  - The Code mandates state prison as the sanction, unless the sentence is mitigated, for all those offenders whose total points exceed 44.0. This means that 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.

For both versions, Florida Statute 921 allows for circumstances or factors that reasonably justify the downward departure of Guidelines/Code scoresheet.

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, under the Code, 18% of offenders were sentenced to state prison as the most severe sanction. An additional 22.5% were sentenced to incarceration in county jail, or to time already served in jail. Almost nine percent (8.7%) were sentenced to community control, and over 50% to probation, including drug offender probation, administrative probation, and regular probation. Less than one percent of offenders were sentenced to "other" sanctions. Under the 1994 Sentencing Guidelines, 17.8% of offenders were sentenced to state prison and 19.9% were sentenced to county jail or time served. More than eleven percent (11.4%) were sentenced to community control, and 50.2% to probation. Only 0.7% of the offenders were sentenced to "other" sanctions (Table 1).
- Almost eight out of ten of the 90,386 Code scoresheets examined (62,512 scoresheets or 76.9%) scored less than 44 points (Table 1). 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. In the case of the 1994 Sentencing Guidelines, there were 15,370 (27.4%) offenders scoring between 34.8 and 52 points, the point range in which the court has the discretion to provide a non-state prison sanction or a prison sanction. Also, 29,996 (53.5%) offenders scored 34.8 points or less, these offenders must receive a non-state prison sanction under the guidelines (Table 1).
- Under the Code, of the offenders scoring in the recommended state prison category, over 57% were sentenced to

state prison, with another 9.9% sentenced to county jail or time served. Of those in scoring less than 44 points, just over 6% were sentenced to state prison, and another 26.3% to county jail/time served. Under the 1994 Sentencing Guidelines, six out of ten offenders scoring above 52 points were sentenced to state prison (60.6%) and another 6.5% of these offenders were sentenced to county jail or time served. Almost nineteen percent of offenders scoring between 34.8 and 52 points were sentenced to state prison (18.9%), while 21.6% were sentenced to county jail or time served (Table 1).

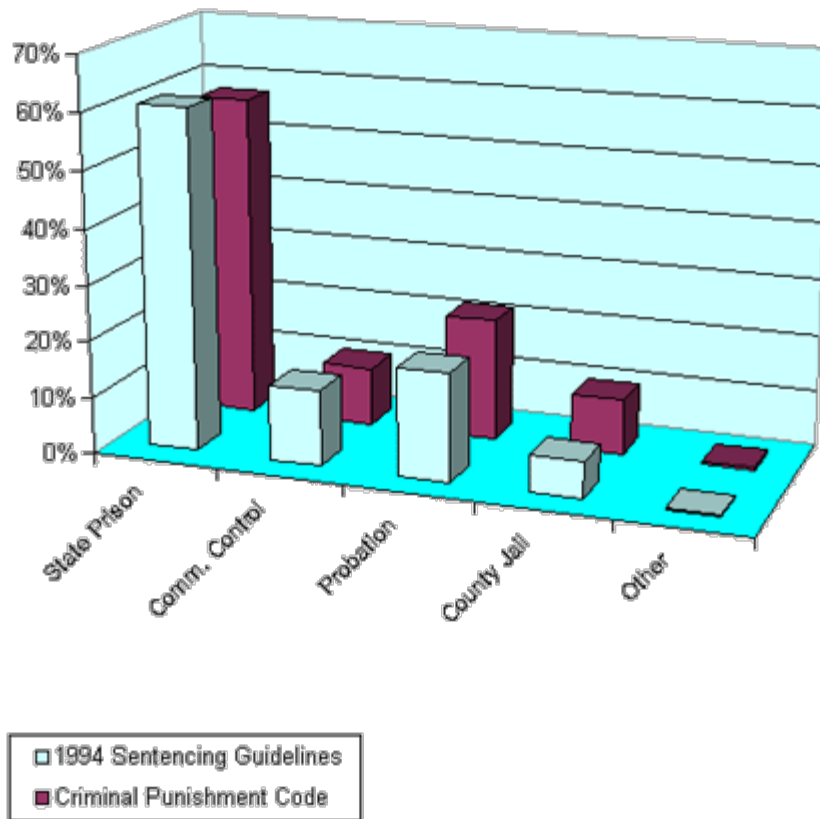
- Table 2 presents the scoring distribution of offenders under the Code and under the 1994 Sentencing Guidelines by the circuit and sanction imposed. Circuit 11 (Miami) shows the highest percentage of scoresheets scoring to the state prison sanction at 91.9% and 80%, respectively. Circuit 4 (Jacksonville) has the lowest percentage of state prison scoring offenders under the Punishment Code (54.3%), while under the 1994 Sentencing Guidelines, circuit 17 (Ft. Lauderdale) had the lowest percentage of state prison scoring offenders at 49.6%.
- 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 3 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.
- Within the Code policy, a true mitigation occurs when an offenders scores more than 44 total points (52 total points in the case of the 1994 Sentencing Guidelines) and either receives a non-state prison sanction or a state prison sentence length below the 25% permissible discretion. A sanction mitigation occurs when an offender scores more than 44 total points (52 total points for the 1994 Sentencing Guidelines), but receives a non-state prison sanction.
- Under the Code, the true mitigation rate for offenders that scored more than 44 total points is 55.5%. The sanction mitigation rate (cases that scored to state prison but received a non-state prison sanction) was 42.5%. Under the 1994 Sentencing Guidelines, the true mitigation rate for offenders scoring more than 52 total points was 55.0%, while the sanction mitigation rate was 39.4% (Table 11).
- For the offenders that received a mitigated prison sentence length, the average reduction in sentence was 24.6 months under the Code, and 16.4 months under the 1994 Sentencing Guidelines (Table 11).
- Departure, as defined here, is not a comment on the legality of the sentence. There are many reasons for departure which are recognized as legitimate under Florida Statute 921. In addition, other Statutes, such as F. S. 948.034, establish special conditions allowing for departures from recommended sentences. Database limitations do not allow us to isolate all these reasons for departure.

**Table 1 Recommended Sanction Category by Sanction Imposed**

Sanction Imposed	1994 Sentencing Guidelines				Criminal Punishment Code			
	34.8 Points or Less	Between 34.8 and 52 Points	More than 52 Points	Total	44.0 Points or Less	More than 44.0 Points	Total	
State Prison	585 2.0%	2,903 18.9%	6,480 60.6%	<b>9,968</b> <b>17.8%</b>	4,268 6.1%	12,007 57.5%	<b>16,275</b> <b>18.0%</b>	
Community Control	2,386 8.0%	2,592 16.9%	1,436 13.4%	<b>6,414</b> <b>11.4%</b>	5,667 8.2%	2,168 10.4%	<b>7,835</b> <b>8.7%</b>	
	19,626	6,456	2,049	<b>28,131</b>	40,718	4,532	<b>45,250</b>	

Probation	65.4%	42.0%	19.1%	<b>50.2%</b>	58.6%	21.7%	<b>50.1%</b>
County Jail	7,137	3,316	692	<b>11,145</b>	18,311	2,058	<b>20,369</b>
	23.8%	21.6%	6.5%	<b>19.9%</b>	26.3%	9.9%	<b>22.5%</b>
Other	262	103	44	<b>409</b>	548	109	<b>657</b>
	0.9%	0.7%	0.4%	<b>0.7%</b>	0.8%	0.5%	<b>0.7%</b>
<b>Total</b>	<b>29,996</b>	<b>15,370</b>	<b>10,701</b>	<b>56,067</b>	<b>69,512</b>	<b>20,874</b>	<b>90,386</b>
	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>

**Figure 1**  
**Sanction Imposed for Offenders Scoring in the**  
**State Prison Sanction Category\***



Florida's Criminal Punishment Code:  
 A Comparative Assessment (FY 1999-2000)

[first](#) | [previous](#) | 6 of 13 | [next](#)

## Part III Comparative Description

### Table 2 Recommended Sanction Category by Sanction Imposed

Judicial Circuit/Sanction Imposed	1994 Sentencing Guidelines						Criminal Punishment Code			
	Recommended Sanction Category						Recommended Sanction Category			
	34.8 Points or Less		Between 34.8 and 52 Points		More than 52 Points		44.0 Points or Less		More than 44.0 Points	
<b>01 (Pensacola)</b>	<b>1,012</b>	<b>45.6%</b>	<b>644</b>	<b>29.0%</b>	<b>562</b>	<b>25.3%</b>	<b>3,144</b>	<b>81.0%</b>	<b>736</b>	<b>19.0%</b>
Prison	13	3.6%	67	18.4%	285	78.1%	108	17.1%	524	82.9%
Community Control	79	26.7%	120	40.5%	97	32.8%	359	81.2%	83	18.8%
Probation	725	62.4%	313	27.0%	123	10.6%	2,013	95.2%	101	4.8%
County Jail	176	48.4%	134	36.8%	54	14.8%	621	96.1%	25	3.9%
Other	19	59.4%	10	31.3%	3	9.4%	43	93.5%	3	6.5%
<b>02 (Tallahassee)</b>	<b>527</b>	<b>50.0%</b>	<b>268</b>	<b>25.5%</b>	<b>258</b>	<b>24.5%</b>	<b>986</b>	<b>71.3%</b>	<b>396</b>	<b>28.7%</b>
Prison	17	7.4%	61	26.4%	153	66.2%	66	24.1%	208	75.9%
Community Control	34	33.3%	46	45.1%	22	21.6%	77	63.6%	44	36.4%
Probation	432	67.8%	134	21.0%	71	11.1%	749	85.4%	128	14.6%
County Jail	44	53.7%	27	32.9%	11	13.4%	93	85.3%	16	14.7%
Other	0	0.0%	0	0.0%	1	100.0%	1	100.0%	0	0.0%
<b>03 (Lake City)</b>	<b>323</b>	<b>52.1%</b>	<b>161</b>	<b>26.0%</b>	<b>136</b>	<b>21.9%</b>	<b>308</b>	<b>67.1%</b>	<b>151</b>	<b>32.9%</b>
Prison	3	2.1%	50	35.7%	87	62.1%	42	39.6%	64	60.4%
Community Control	28	39.4%	30	42.3%	13	18.3%	61	73.5%	22	26.5%
Probation	277	70.7%	80	20.4%	35	8.9%	178	74.8%	60	25.2%
County Jail	13	92.9%	0	0.0%	1	7.1%	12	75.0%	4	25.0%
Other	2	66.7%	1	33.3%	0	0.0%	15	93.8%	1	6.3%
<b>04 (Jacksonville)</b>	<b>1,629</b>	<b>58.2%</b>	<b>629</b>	<b>22.5%</b>	<b>541</b>	<b>19.3%</b>	<b>4,400</b>	<b>78.5%</b>	<b>1,204</b>	<b>21.5%</b>
Prison	53	8.6%	196	31.8%	367	59.6%	602	45.7%	716	54.3%
Community Control	132	59.7%	55	24.9%	34	15.4%	265	79.8%	67	20.2%
Probation	659	77.3%	124	14.5%	70	8.2%	1,865	86.7%	287	13.3%
County Jail	771	70.9%	249	22.9%	68	6.3%	1,662	92.6%	133	7.4%
Other	14	66.7%	5	23.8%	2	9.5%	6	85.7%	1	14.3%
<b>05 (Tavares)</b>	<b>1,227</b>	<b>53.6%</b>	<b>649</b>	<b>28.3%</b>	<b>415</b>	<b>18.1%</b>	<b>3,048</b>	<b>83.5%</b>	<b>603</b>	<b>16.5%</b>
Prison	21	5.7%	72	19.7%	273	74.6%	94	17.3%	448	82.7%
Community Control	107	33.3%	148	46.1%	66	20.6%	242	84.6%	44	15.4%
Probation	961	69.8%	347	25.2%	68	4.9%	2,075	96.2%	83	3.8%
County Jail	121	59.0%	77	37.6%	7	3.4%	611	96.4%	23	3.6%
Other	17	73.9%	5	21.7%	1	4.3%	26	83.9%	5	16.1%
<b>06 (Clearwater)</b>	<b>3,057</b>	<b>54.8%</b>	<b>1,590</b>	<b>28.5%</b>	<b>929</b>	<b>16.7%</b>	<b>6,879</b>	<b>78.1%</b>	<b>1,927</b>	<b>21.9%</b>
Prison	81	8.4%	252	26.2%	629	65.4%	300	20.0%	1,200	80.0%
Community Control	402	40.4%	417	41.9%	177	17.8%	594	71.1%	242	28.9%

Probation	1,946	74.3%	578	22.1%	96	3.7%	4,161	91.1%	405	8.9%
County Jail	606	63.0%	335	34.8%	21	2.2%	1,773	96.0%	73	4.0%
Other	22	61.1%	8	22.2%	6	16.7%	51	87.9%	7	12.1%
<b>07 (Daytona)</b>	<b>1,130</b>	<b>59.7%</b>	<b>502</b>	<b>26.5%</b>	<b>262</b>	<b>13.8%</b>	<b>2,913</b>	<b>78.9%</b>	<b>777</b>	<b>21.1%</b>
Prison	20	6.4%	113	36.1%	180	57.5%	373	39.3%	575	60.7%
Community Control	109	47.6%	84	36.7%	36	15.7%	320	86.0%	52	14.0%
Probation	741	75.5%	213	21.7%	28	2.9%	1,386	93.6%	94	6.4%
County Jail	247	71.4%	84	24.3%	15	4.3%	813	94.0%	52	6.0%
Other	13	54.2%	8	33.3%	3	12.5%	21	84.0%	4	16.0%
<b>08 (Gainesville)</b>	<b>715</b>	<b>55.9%</b>	<b>381</b>	<b>29.8%</b>	<b>182</b>	<b>14.2%</b>	<b>1,178</b>	<b>68.6%</b>	<b>538</b>	<b>31.4%</b>
Prison	13	6.2%	74	35.2%	123	58.6%	55	16.8%	273	83.2%
Community Control	49	40.8%	53	44.2%	18	15.0%	158	69.3%	70	30.7%
Probation	532	71.6%	184	24.8%	27	3.6%	819	85.5%	139	14.5%
County Jail	120	60.0%	66	33.0%	14	7.0%	136	73.5%	49	26.5%
Other	1	20.0%	4	80.0%	0	0.0%	10	58.8%	7	41.2%
<b>09 (Orlando)</b>	<b>2,499</b>	<b>55.8%</b>	<b>1,211</b>	<b>27.0%</b>	<b>767</b>	<b>17.1%</b>	<b>4,882</b>	<b>80.0%</b>	<b>1,222</b>	<b>20.0%</b>
Prison	19	3.2%	143	24.3%	426	72.4%	353	28.8%	871	71.2%
Community Control	106	40.5%	90	34.4%	66	25.2%	339	80.9%	80	19.1%
Probation	1,621	67.9%	577	24.2%	188	7.9%	2,863	93.5%	200	6.5%
County Jail	722	59.8%	400	33.1%	85	7.0%	1,310	95.2%	66	4.8%
Other	31	91.2%	1	2.9%	2	5.9%	17	77.3%	5	22.7%
<b>10 (Bartow)</b>	<b>1,465</b>	<b>60.6%</b>	<b>552</b>	<b>22.8%</b>	<b>399</b>	<b>16.5%</b>	<b>3,430</b>	<b>83.1%</b>	<b>696</b>	<b>16.9%</b>
Prison	39	8.6%	122	26.8%	294	64.6%	362	40.6%	530	59.4%
Community Control	90	40.2%	93	41.5%	41	18.3%	225	86.9%	34	13.1%
Probation	1,160	78.6%	257	17.4%	59	4.0%	2,106	95.9%	91	4.1%
County Jail	172	67.7%	77	30.3%	5	2.0%	611	97.3%	17	2.7%
Other	4	57.1%	3	42.9%	0	0.0%	126	84.0%	24	16.0%
<b>11 (Miami)</b>	<b>2,697</b>	<b>42.7%</b>	<b>1,945</b>	<b>30.8%</b>	<b>1,670</b>	<b>26.5%</b>	<b>7,179</b>	<b>66.5%</b>	<b>3,622</b>	<b>33.5%</b>
Prison	28	2.5%	192	17.4%	881	80.0%	94	8.1%	1,066	91.9%
Community Control	54	13.8%	150	38.5%	186	47.7%	196	31.9%	419	68.1%
Probation	1,177	46.9%	942	37.6%	389	15.5%	3,647	76.7%	1,108	23.3%
County Jail	1,438	62.2%	661	28.6%	214	9.3%	3,242	75.9%	1,029	24.1%
Other	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
<b>12 (Sarasota)</b>	<b>1,044</b>	<b>54.1%</b>	<b>503</b>	<b>26.1%</b>	<b>382</b>	<b>19.8%</b>	<b>2,456</b>	<b>81.5%</b>	<b>559</b>	<b>18.5%</b>
Prison	14	4.0%	104	30.0%	229	66.0%	95	18.0%	434	82.0%
Community Control	49	29.7%	67	40.6%	49	29.7%	256	84.5%	47	15.5%
Probation	698	70.6%	207	20.9%	84	8.5%	1,457	95.9%	62	4.1%
County Jail	277	66.0%	124	29.5%	19	4.5%	632	98.0%	13	2.0%
Other	6	75.0%	1	12.5%	1	12.5%	16	84.2%	3	15.8%
<b>13 (Tampa)</b>	<b>2,802</b>	<b>50.3%</b>	<b>1,569</b>	<b>28.2%</b>	<b>1,201</b>	<b>21.6%</b>	<b>6,309</b>	<b>74.5%</b>	<b>2,162</b>	<b>25.5%</b>
Prison	66	6.4%	322	31.1%	648	62.5%	264	19.0%	1,125	81.0%
Community Control	366	34.2%	430	40.2%	274	25.6%	941	70.7%	390	29.3%
Probation	1,928	70.6%	575	21.1%	227	8.3%	3,820	89.2%	464	10.8%
County Jail	399	60.9%	217	33.1%	39	6.0%	1,204	88.5%	156	11.5%
Other	43	53.1%	25	30.9%	13	16.0%	80	74.8%	27	25.2%
<b>14 (Panama City)</b>	<b>712</b>	<b>52.6%</b>	<b>407</b>	<b>30.1%</b>	<b>235</b>	<b>17.4%</b>	<b>1,928</b>	<b>74.8%</b>	<b>649</b>	<b>25.2%</b>

Prison	12	4.3%	103	36.7%	166	59.1%	255	37.3%	428	62.7%
Community Control	139	54.3%	99	38.7%	18	7.0%	369	80.6%	89	19.4%
Probation	499	70.0%	170	23.8%	44	6.2%	1,199	91.4%	113	8.6%
County Jail	38	57.6%	23	34.8%	5	7.6%	78	86.7%	12	13.3%
Other	24	63.2%	12	31.6%	2	5.3%	27	79.4%	7	20.6%
<b>15 (West Palm Beach)</b>	<b>1,370</b>	<b>51.9%</b>	<b>712</b>	<b>27.0%</b>	<b>558</b>	<b>21.1%</b>	<b>4,356</b>	<b>78.2%</b>	<b>1,213</b>	<b>21.8%</b>
Prison	10	2.5%	97	24.6%	287	72.8%	153	17.0%	749	83.0%
Community Control	31	22.6%	62	45.3%	44	32.1%	127	77.0%	38	23.0%
Probation	795	64.3%	268	21.7%	173	14.0%	1,926	89.1%	236	10.9%
County Jail	533	61.1%	285	32.7%	54	6.2%	2,149	91.9%	190	8.1%
Other	1	100.0%	0	0.0%	0	0.0%	1	100.0%	0	0.0%
<b>16 (Key West)</b>	<b>374</b>	<b>58.4%</b>	<b>187</b>	<b>29.2%</b>	<b>79</b>	<b>12.3%</b>	<b>832</b>	<b>85.2%</b>	<b>145</b>	<b>14.8%</b>
Prison	6	5.7%	42	40.0%	57	54.3%	30	23.3%	99	76.7%
Community Control	56	53.3%	42	40.0%	7	6.7%	57	87.7%	8	12.3%
Probation	278	75.1%	83	22.4%	9	2.4%	621	95.4%	30	4.6%
County Jail	17	50.0%	13	38.2%	4	11.8%	102	95.3%	5	4.7%
Other	17	65.4%	7	26.9%	2	7.7%	22	88.0%	3	12.0%
<b>17 (Ft. Lauderdale)</b>	<b>4,134</b>	<b>58.1%</b>	<b>1,913</b>	<b>26.9%</b>	<b>1,070</b>	<b>15.0%</b>	<b>8,779</b>	<b>77.6%</b>	<b>2,541</b>	<b>22.4%</b>
Prison	121	8.1%	632	42.3%	742	49.6%	659	29.4%	1,581	70.6%
Community Control	339	43.7%	284	36.6%	153	19.7%	583	67.9%	276	32.1%
Probation	2,623	76.4%	671	19.6%	138	4.0%	5,273	90.2%	576	9.8%
County Jail	1,041	74.3%	323	23.1%	37	2.6%	2,228	95.5%	105	4.5%
Other	10	76.9%	3	23.1%	0	0.0%	36	92.3%	3	7.7%
<b>18 (Sanford)</b>	<b>1,215</b>	<b>57.6%</b>	<b>538</b>	<b>25.5%</b>	<b>356</b>	<b>16.9%</b>	<b>1,696</b>	<b>83.7%</b>	<b>330</b>	<b>16.3%</b>
Prison	18	6.1%	61	20.8%	214	73.0%	82	24.9%	247	75.1%
Community Control	64	23.2%	151	54.7%	61	22.1%	169	86.7%	26	13.3%
Probation	1,038	74.9%	277	20.0%	71	5.1%	1,219	96.1%	49	3.9%
County Jail	88	61.1%	49	34.0%	7	4.9%	222	96.5%	8	3.5%
Other	7	70.0%	0	0.0%	3	30.0%	4	100.0%	0	0.0%
<b>19 (Ft. Pierce)</b>	<b>872</b>	<b>51.1%</b>	<b>490</b>	<b>28.7%</b>	<b>344</b>	<b>20.2%</b>	<b>1,835</b>	<b>76.8%</b>	<b>555</b>	<b>23.2%</b>
Prison	16	4.8%	110	32.7%	210	62.5%	223	36.6%	387	63.4%
Community Control	55	36.9%	59	39.6%	35	23.5%	106	82.2%	23	17.8%
Probation	635	67.4%	231	24.5%	76	8.1%	1,148	91.1%	112	8.9%
County Jail	154	59.5%	86	33.2%	19	7.3%	346	92.5%	28	7.5%
Other	12	60.0%	4	20.0%	4	20.0%	12	70.6%	5	29.4%
<b>20 (Ft. Myers)</b>	<b>1,192</b>	<b>57.7%</b>	<b>519</b>	<b>25.1%</b>	<b>355</b>	<b>17.2%</b>	<b>2,974</b>	<b>77.8%</b>	<b>848</b>	<b>22.2%</b>
Prison	15	4.5%	90	26.9%	229	68.6%	58	10.7%	482	89.3%
Community Control	97	39.1%	112	45.2%	39	15.7%	223	66.2%	114	33.8%
Probation	901	75.1%	225	18.8%	73	6.1%	2,193	91.9%	194	8.1%
County Jail	160	61.8%	86	33.2%	13	5.0%	466	89.6%	54	10.4%
Other	19	73.1%	6	23.1%	1	3.8%	34	89.5%	4	10.5%
<b>Statewide</b>	<b>29,996</b>	<b>100.0%</b>	<b>15,370</b>	<b>100.0%</b>	<b>10,701</b>	<b>100.0%</b>	<b>69,512</b>	<b>100.0%</b>	<b>20,874</b>	<b>100.0%</b>

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

**Table 3 Sanction Imposed By Judicial Circuit and County**



Circuit/ County	1994 Sentencing Guidelines						Criminal Punishment Code					
	State Prison	Comm. Control	Probation	County Jail	Other Sentence	Total	State Prison	Comm. Control	Probation	County Jail	Other Sentence	Total
<b>01</b>	<b>365</b>	<b>296</b>	<b>1,161</b>	<b>364</b>	<b>32</b>	<b>2,218</b>	<b>632</b>	<b>442</b>	<b>2,114</b>	<b>646</b>	<b>46</b>	<b>3,880</b>
<b>(Pensacola)</b>	<b>16.5%</b>	<b>13.3%</b>	<b>52.3%</b>	<b>16.4%</b>	<b>1.4%</b>	<b>100.0%</b>	<b>16.3%</b>	<b>11.4%</b>	<b>54.5%</b>	<b>16.6%</b>	<b>1.2%</b>	<b>100.0%</b>
Escambia	241	234	762	286	25	<b>1,548</b>	430	281	1,087	475	29	<b>2,302</b>
	15.6%	15.1%	49.2%	18.5%	1.6%	<b>100.0%</b>	18.7%	12.2%	47.2%	20.6%	1.3%	<b>100.0%</b>
Okaloosa	64	32	205	48	4	<b>353</b>	122	94	559	96	13	<b>884</b>
	18.1%	9.1%	58.1%	13.6%	1.1%	<b>100.0%</b>	13.8%	10.6%	63.2%	10.9%	1.5%	<b>100.0%</b>
Santa Rosa	34	24	149	28	3	<b>238</b>	65	63	341	74	4	<b>547</b>
	14.3%	10.1%	62.6%	11.8%	1.3%	<b>100.0%</b>	11.9%	11.5%	62.3%	13.5%	0.7%	<b>100.0%</b>
Walton	26	6	45	2	0	<b>79</b>	15	4	127	1	0	<b>147</b>
	32.9%	7.6%	57.0%	2.5%	0.0%	<b>100.0%</b>	10.2%	2.7%	86.4%	0.7%	0.0%	<b>100.0%</b>
<b>02</b>	<b>231</b>	<b>102</b>	<b>637</b>	<b>82</b>	<b>1</b>	<b>1,053</b>	<b>274</b>	<b>121</b>	<b>877</b>	<b>109</b>	<b>1</b>	<b>1,382</b>
<b>(Tallahassee)</b>	<b>21.9%</b>	<b>9.7%</b>	<b>60.5%</b>	<b>7.8%</b>	<b>0.1%</b>	<b>100.0%</b>	<b>19.8%</b>	<b>8.8%</b>	<b>63.5%</b>	<b>7.9%</b>	<b>0.1%</b>	<b>100.0%</b>
Franklin	8	3	28	8	0	<b>47</b>	3	0	25	1	0	<b>29</b>
	17.0%	6.4%	59.6%	17.0%	0.0%	<b>100.0%</b>	10.3%	0.0%	86.2%	3.4%	0.0%	<b>100.0%</b>
Gadsden	53	37	157	4	0	<b>251</b>	76	32	188	5	0	<b>301</b>
	21.1%	14.7%	62.5%	1.6%	0.0%	<b>100.0%</b>	25.2%	10.6%	62.5%	1.7%	0.0%	<b>100.0%</b>
Jefferson	6	1	38	10	0	<b>55</b>	2	0	10	0	0	<b>12</b>
	10.9%	1.8%	69.1%	18.2%	0.0%	<b>100.0%</b>	16.7%	0.0%	83.3%	0.0%	0.0%	<b>100.0%</b>
Leon	154	54	358	55	0	<b>621</b>	172	79	560	99	1	<b>911</b>
	24.8%	8.7%	57.6%	8.9%	0.0%	<b>100.0%</b>	18.9%	8.7%	61.5%	10.9%	0.1%	<b>100.0%</b>
Liberty	5	2	14	1	0	<b>22</b>	10	1	23	1	0	<b>35</b>
	22.7%	9.1%	63.6%	4.5%	0.0%	<b>100.0%</b>	28.6%	2.9%	65.7%	2.9%	0.0%	<b>100.0%</b>
Wakulla	5	5	42	4	1	<b>57</b>	11	9	71	3	0	<b>94</b>
	8.8%	8.8%	73.7%	7.0%	1.8%	<b>100.0%</b>	11.7%	9.6%	75.5%	3.2%	0.0%	<b>100.0%</b>
<b>03 (Lake City)</b>	<b>140</b>	<b>71</b>	<b>392</b>	<b>14</b>	<b>3</b>	<b>620</b>	<b>106</b>	<b>83</b>	<b>238</b>	<b>16</b>	<b>16</b>	<b>459</b>
	<b>22.6%</b>	<b>11.5%</b>	<b>63.2%</b>	<b>2.3%</b>	<b>0.5%</b>	<b>100.0%</b>	<b>23.1%</b>	<b>18.1%</b>	<b>51.9%</b>	<b>3.5%</b>	<b>3.5%</b>	<b>100.0%</b>
Columbia	51	21	149	8	2	<b>231</b>	34	19	29	3	4	<b>89</b>
	22.1%	9.1%	64.5%	3.5%	0.9%	<b>100.0%</b>	38.2%	21.3%	32.6%	3.4%	4.5%	<b>100.0%</b>
Dixie	13	11	29	3	1	<b>57</b>	6	10	31	3	4	<b>54</b>
	22.8%	19.3%	50.9%	5.3%	1.8%	<b>100.0%</b>	11.1%	18.5%	57.4%	5.6%	7.4%	<b>100.0%</b>
Hamilton	12	7	32	1	0	<b>52</b>	5	10	23	0	5	<b>43</b>
	0.5%	0.3%	1.4%	0.0%	0.0%	<b>2.3%</b>	0.1%	0.3%	0.6%	0.0%	0.1%	<b>1.1%</b>
Lafayette	2	0	8	1	0	<b>11</b>	4	1	7	0	0	<b>12</b>
	18.2%	0.0%	72.7%	9.1%	0.0%	<b>100.0%</b>	33.3%	8.3%	58.3%	0.0%	0.0%	<b>100.0%</b>
Madison	14	5	64	0	0	<b>83</b>	20	12	42	3	2	<b>79</b>
	16.9%	6.0%	77.1%	0.0%	0.0%	<b>100.0%</b>	25.3%	15.2%	53.2%	3.8%	2.5%	<b>100.0%</b>
Suwannee	19	11	63	0	0	<b>93</b>	17	9	35	5	1	<b>67</b>
	20.4%	11.8%	67.7%	0.0%	0.0%	<b>100.0%</b>	25.4%	13.4%	52.2%	7.5%	1.5%	<b>100.0%</b>
Taylor	29	16	47	1	0	<b>93</b>	20	22	71	2	0	<b>115</b>
	31.2%	17.2%	50.5%	1.1%	0.0%	<b>100.0%</b>	17.4%	19.1%	61.7%	1.7%	0.0%	<b>100.0%</b>
<b>04</b>	<b>616</b>	<b>221</b>	<b>853</b>	<b>1,088</b>	<b>21</b>	<b>2,799</b>	<b>1,318</b>	<b>332</b>	<b>2,152</b>	<b>1,795</b>	<b>7</b>	<b>5,604</b>
<b>(Jacksonville)</b>	<b>22.0%</b>	<b>7.9%</b>	<b>30.5%</b>	<b>38.9%</b>	<b>0.8%</b>	<b>100.0%</b>	<b>23.5%</b>	<b>5.9%</b>	<b>38.4%</b>	<b>32.0%</b>	<b>0.1%</b>	<b>100.0%</b>
	72	48	209	55	10	<b>394</b>	111	34	271	172	1	<b>589</b>

05 (Tavares)	Clay	18.3%	12.2%	53.0%	14.0%	2.5%	100.0%	18.8%	5.8%	46.0%	29.2%	0.2%	100.0%
	Duval	519	164	601	974	10	2,268	1,164	281	1,760	1,566	6	4,777
		22.9%	7.2%	26.5%	42.9%	0.4%	100.0%	24.4%	5.9%	36.8%	32.8%	0.1%	100.0%
	Nassau	25	9	43	59	1	137	43	17	121	57	0	238
		18.2%	6.6%	31.4%	43.1%	0.7%	100.0%	18.1%	7.1%	50.8%	23.9%	0.0%	100.0%
	<b>366</b>	<b>321</b>	<b>1,376</b>	<b>205</b>	<b>23</b>	<b>2,291</b>	<b>542</b>	<b>286</b>	<b>2,158</b>	<b>634</b>	<b>31</b>	<b>3,651</b>	
	<b>16.0%</b>	<b>14.0%</b>	<b>60.1%</b>	<b>8.9%</b>	<b>1.0%</b>	<b>100.0%</b>	<b>14.8%</b>	<b>7.8%</b>	<b>59.1%</b>	<b>17.4%</b>	<b>0.8%</b>	<b>100.0%</b>	
	Citrus	17	15	123	6	0	161	61	35	204	62	6	368
		10.6%	9.3%	76.4%	3.7%	0.0%	100.0%	16.6%	9.5%	55.4%	16.8%	1.6%	100.0%
	Hernando	94	65	183	22	8	372	89	70	326	45	1	531
25.3%		17.5%	49.2%	5.9%	2.2%	100.0%	16.8%	13.2%	61.4%	8.5%	0.2%	100.0%	
Lake	115	81	342	76	6	620	158	65	693	304	1	1,221	
	18.5%	13.1%	55.2%	12.3%	1.0%	100.0%	12.9%	5.3%	56.8%	24.9%	0.1%	100.0%	
Marion	128	140	669	88	9	1,034	153	98	833	202	19	1,305	
	12.4%	13.5%	64.7%	8.5%	0.9%	100.0%	11.7%	7.5%	63.8%	15.5%	1.5%	100.0%	
Sumter	12	20	59	13	0	104	81	18	102	21	4	226	
	11.5%	19.2%	56.7%	12.5%	0.0%	100.0%	35.8%	8.0%	45.1%	9.3%	1.8%	100.0%	
<b>06</b>	<b>962</b>	<b>996</b>	<b>2,620</b>	<b>962</b>	<b>36</b>	<b>5,576</b>	<b>1,500</b>	<b>836</b>	<b>4,566</b>	<b>1,846</b>	<b>58</b>	<b>8,806</b>	
<b>(Clearwater)</b>	<b>17.3%</b>	<b>17.9%</b>	<b>47.0%</b>	<b>17.3%</b>	<b>0.6%</b>	<b>100.0%</b>	<b>17.0%</b>	<b>9.5%</b>	<b>51.9%</b>	<b>21.0%</b>	<b>0.7%</b>	<b>100.0%</b>	
Pasco	161	187	369	11	1	729	248	273	668	154	6	1,349	
	22.1%	25.7%	50.6%	1.5%	0.1%	100.0%	18.4%	20.2%	49.5%	11.4%	0.4%	100.0%	
Pinellas	801	809	2,251	951	35	4,847	1,252	563	3,898	1,692	52	7,457	
	16.5%	16.7%	46.4%	19.6%	0.7%	100.0%	16.8%	7.5%	52.3%	22.7%	0.7%	100.0%	
<b>07 (Daytona)</b>	<b>313</b>	<b>229</b>	<b>982</b>	<b>346</b>	<b>24</b>	<b>1,894</b>	<b>948</b>	<b>372</b>	<b>1,480</b>	<b>865</b>	<b>25</b>	<b>3,690</b>	
<b>16.5%</b>	<b>12.1%</b>	<b>51.8%</b>	<b>18.3%</b>	<b>1.3%</b>	<b>100.0%</b>	<b>25.7%</b>	<b>10.1%</b>	<b>40.1%</b>	<b>23.4%</b>	<b>0.7%</b>	<b>100.0%</b>		
Flagler	11	21	50	15	0	97	34	22	80	28	0	164	
	11.3%	21.6%	51.5%	15.5%	0.0%	100.0%	20.7%	13.4%	48.8%	17.1%	0.0%	100.0%	
Putnam	55	33	124	44	3	259	76	27	93	39	3	238	
	21.2%	12.7%	47.9%	17.0%	1.2%	100.0%	31.9%	11.3%	39.1%	16.4%	1.3%	100.0%	
St. Johns	62	8	163	26	0	259	133	19	316	42	0	510	
	23.9%	3.1%	62.9%	10.0%	0.0%	100.0%	26.1%	3.7%	62.0%	8.2%	0.0%	100.0%	
Volusia	185	167	645	261	21	1,279	705	304	991	756	22	2,778	
	14.5%	13.1%	50.4%	20.4%	1.6%	100.0%	25.4%	10.9%	35.7%	27.2%	0.8%	100.0%	
<b>08</b>	<b>210</b>	<b>120</b>	<b>743</b>	<b>200</b>	<b>5</b>	<b>1,278</b>	<b>328</b>	<b>228</b>	<b>958</b>	<b>185</b>	<b>17</b>	<b>1,716</b>	
<b>(Gainesville)</b>	<b>16.4%</b>	<b>9.4%</b>	<b>58.1%</b>	<b>15.6%</b>	<b>0.4%</b>	<b>100.0%</b>	<b>19.1%</b>	<b>13.3%</b>	<b>55.8%</b>	<b>10.8%</b>	<b>1.0%</b>	<b>100.0%</b>	
Alachua	156	77	521	179	4	937	259	165	658	171	7	1,260	
	16.6%	8.2%	55.6%	19.1%	0.4%	100.0%	20.6%	13.1%	52.2%	13.6%	0.6%	100.0%	
Baker	7	12	41	1	0	61	11	10	65	1	3	90	
	11.5%	19.7%	67.2%	1.6%	0.0%	100.0%	12.2%	11.1%	72.2%	1.1%	3.3%	100.0%	
Bradford	15	10	61	10	0	96	19	15	104	6	0	144	
	15.6%	10.4%	63.5%	10.4%	0.0%	100.0%	13.2%	10.4%	72.2%	4.2%	0.0%	100.0%	
Gilchrist	1	1	13	0	0	15	2	6	22	1	0	31	
	6.7%	6.7%	86.7%	0.0%	0.0%	100.0%	6.5%	19.4%	71.0%	3.2%	0.0%	100.0%	
Levy	28	18	83	8	1	138	20	28	75	5	7	135	
	20.3%	13.0%	60.1%	5.8%	0.7%	100.0%	14.8%	20.7%	55.6%	3.7%	5.2%	100.0%	

09 (Orlando)	Union	3	2	24	2	0	31	17	4	34	1	0	56
		9.7%	6.5%	77.4%	6.5%	0.0%	100.0%	30.4%	7.1%	60.7%	1.8%	0.0%	100.0%
		<b>588</b>	<b>262</b>	<b>2,386</b>	<b>1,207</b>	<b>34</b>	<b>4,477</b>	<b>1,224</b>	<b>419</b>	<b>3,063</b>	<b>1,376</b>	<b>22</b>	<b>6,104</b>
		<b>13.1%</b>	<b>5.9%</b>	<b>53.3%</b>	<b>27.0%</b>	<b>0.8%</b>	<b>100.0%</b>	<b>20.1%</b>	<b>6.9%</b>	<b>50.2%</b>	<b>22.5%</b>	<b>0.4%</b>	<b>100.0%</b>
10 (Bartow)	Orange	508	217	1,994	1,139	34	3,892	1,070	330	2,627	1,122	17	5,166
		13.1%	5.6%	51.2%	29.3%	0.9%	100.0%	20.7%	6.4%	50.9%	21.7%	0.3%	100.0%
	Osceola	80	45	392	68	0	585	154	89	436	254	5	938
		13.7%	7.7%	67.0%	11.6%	0.0%	100.0%	16.4%	9.5%	46.5%	27.1%	0.5%	100.0%
	<b>455</b>	<b>224</b>	<b>1,476</b>	<b>254</b>	<b>7</b>	<b>2,416</b>	<b>892</b>	<b>259</b>	<b>2,197</b>	<b>628</b>	<b>150</b>	<b>4,126</b>	
	<b>18.8%</b>	<b>9.3%</b>	<b>61.1%</b>	<b>10.5%</b>	<b>0.3%</b>	<b>100.0%</b>	<b>21.6%</b>	<b>6.3%</b>	<b>53.2%</b>	<b>15.2%</b>	<b>3.6%</b>	<b>100.0%</b>	
11 (Miami)	Hardee	19	12	63	10	3	107	6	0	32	3	1	42
		17.8%	11.2%	58.9%	9.3%	2.8%	100.0%	14.3%	0.0%	76.2%	7.1%	2.4%	100.0%
	Highlands	40	16	120	15	1	192	69	25	232	26	4	356
		20.8%	8.3%	62.5%	7.8%	0.5%	100.0%	19.4%	7.0%	65.2%	7.3%	1.1%	100.0%
	396	196	1,293	229	3	2,117	817	234	1,933	599	145	3,728	
	18.7%	9.3%	61.1%	10.8%	0.1%	100.0%	21.9%	6.3%	51.9%	16.1%	3.9%	100.0%	
	<b>1,101</b>	<b>390</b>	<b>2,508</b>	<b>2,313</b>	<b>0</b>	<b>6,312</b>	<b>1,160</b>	<b>615</b>	<b>4,755</b>	<b>4,271</b>	<b>0</b>	<b>10,801</b>	
	<b>17.4%</b>	<b>6.2%</b>	<b>39.7%</b>	<b>36.6%</b>	<b>0.0%</b>	<b>100.0%</b>	<b>10.7%</b>	<b>5.7%</b>	<b>44.0%</b>	<b>39.5%</b>	<b>0.0%</b>	<b>100.0%</b>	
	1,101	390	2,508	2,313	0	6,312	1,160	615	4,755	4,271	0	10,801	
	17.4%	6.2%	39.7%	36.6%	0.0%	100.0%	10.7%	5.7%	44.0%	39.5%	0.0%	100.0%	
	<b>347</b>	<b>165</b>	<b>989</b>	<b>420</b>	<b>8</b>	<b>1,929</b>	<b>529</b>	<b>303</b>	<b>1,519</b>	<b>645</b>	<b>19</b>	<b>3,015</b>	
	<b>18.0%</b>	<b>8.6%</b>	<b>51.3%</b>	<b>21.8%</b>	<b>0.4%</b>	<b>100.0%</b>	<b>17.5%</b>	<b>10.0%</b>	<b>50.4%</b>	<b>21.4%</b>	<b>0.6%</b>	<b>100.0%</b>	
12 (Sarasota)	Desoto	15	30	47	6	3	101	37	14	34	12	1	98
		14.9%	29.7%	46.5%	5.9%	3.0%	100.0%	37.8%	14.3%	34.7%	12.2%	1.0%	100.0%
	Manatee	158	73	517	172	3	923	279	148	610	342	2	1,381
		17.1%	7.9%	56.0%	18.6%	0.3%	100.0%	20.2%	10.7%	44.2%	24.8%	0.1%	100.0%
	174	62	425	242	2	905	213	141	875	291	16	1,536	
	19.2%	6.9%	47.0%	26.7%	0.2%	100.0%	13.9%	9.2%	57.0%	18.9%	1.0%	100.0%	
	<b>1,036</b>	<b>1,070</b>	<b>2,730</b>	<b>655</b>	<b>81</b>	<b>5,572</b>	<b>1,389</b>	<b>1,331</b>	<b>4,284</b>	<b>1,360</b>	<b>107</b>	<b>8,471</b>	
	<b>18.6%</b>	<b>19.2%</b>	<b>49.0%</b>	<b>11.8%</b>	<b>1.5%</b>	<b>100.0%</b>	<b>16.4%</b>	<b>15.7%</b>	<b>50.6%</b>	<b>16.1%</b>	<b>1.3%</b>	<b>100.0%</b>	
	1,036	1,070	2,730	655	81	5,572	1,389	1,331	4,284	1,360	107	8,471	
	18.6%	19.2%	49.0%	11.8%	1.5%	100.0%	16.4%	15.7%	50.6%	16.1%	1.3%	100.0%	
	<b>281</b>	<b>256</b>	<b>713</b>	<b>66</b>	<b>38</b>	<b>1,354</b>	<b>683</b>	<b>458</b>	<b>1,312</b>	<b>90</b>	<b>34</b>	<b>2,577</b>	
	<b>20.8%</b>	<b>18.9%</b>	<b>52.7%</b>	<b>4.9%</b>	<b>2.8%</b>	<b>100.0%</b>	<b>26.5%</b>	<b>17.8%</b>	<b>50.9%</b>	<b>3.5%</b>	<b>1.3%</b>	<b>100.0%</b>	
13 (Tampa)	Bay	160	184	440	40	27	851	518	340	958	63	25	1,904
		18.8%	21.6%	51.7%	4.7%	3.2%	100.0%	27.2%	17.9%	50.3%	3.3%	1.3%	100.0%
	Calhoun	24	4	30	5	0	63	26	24	33	4	1	88
		38.1%	6.3%	47.6%	7.9%	0.0%	100.0%	29.5%	27.3%	37.5%	4.5%	1.1%	100.0%
	12	17	60	1	0	90	25	9	55	1	1	91	
	13.3%	18.9%	66.7%	1.1%	0.0%	100.0%	27.5%	9.9%	60.4%	1.1%	1.1%	100.0%	
	15	8	23	1	0	47	18	31	46	1	3	99	
	31.9%	17.0%	48.9%	2.1%	0.0%	100.0%	18.2%	31.3%	46.5%	1.0%	3.0%	100.0%	
	60	27	105	17	4	213	70	28	149	19	0	266	
	28.2%	12.7%	49.3%	8.0%	1.9%	100.0%	26.3%	10.5%	56.0%	7.1%	0.0%	100.0%	
	10	16	55	2	7	90	26	26	71	2	4	129	
	11.1%	17.8%	61.1%	2.2%	7.8%	100.0%	20.2%	20.2%	55.0%	1.6%	3.1%	100.0%	

<b>15 (West Palm Beach)</b>	<b>394</b>	<b>137</b>	<b>1,236</b>	<b>872</b>	<b>1</b>	<b>2,640</b>	<b>902</b>	<b>165</b>	<b>2,162</b>	<b>2,339</b>	<b>1</b>	<b>5,569</b>
	<b>14.9%</b>	<b>5.2%</b>	<b>46.8%</b>	<b>33.0%</b>	<b>0.0%</b>	<b>100.0%</b>	<b>16.2%</b>	<b>3.0%</b>	<b>38.8%</b>	<b>42.0%</b>	<b>0.0%</b>	<b>100.0%</b>
Palm Beach	394	137	1,236	872	1	2,640	902	165	2,162	2,339	1	5,569
	14.9%	5.2%	46.8%	33.0%	0.0%	100.0%	16.2%	3.0%	38.8%	42.0%	0.0%	100.0%
<b>16 (Key West)</b>	<b>105</b>	<b>105</b>	<b>370</b>	<b>34</b>	<b>26</b>	<b>640</b>	<b>129</b>	<b>65</b>	<b>651</b>	<b>107</b>	<b>25</b>	<b>977</b>
	<b>16.4%</b>	<b>16.4%</b>	<b>57.8%</b>	<b>5.3%</b>	<b>4.1%</b>	<b>100.0%</b>	<b>13.2%</b>	<b>6.7%</b>	<b>66.6%</b>	<b>11.0%</b>	<b>2.6%</b>	<b>100.0%</b>
Monroe	105	105	370	34	26	640	129	65	651	107	25	977
	16.4%	16.4%	57.8%	5.3%	4.1%	100.0%	13.2%	6.7%	66.6%	11.0%	2.6%	100.0%
<b>17 (Ft. Lauderdale)</b>	<b>1,495</b>	<b>776</b>	<b>3,432</b>	<b>1,401</b>	<b>13</b>	<b>7,117</b>	<b>2,240</b>	<b>859</b>	<b>5,849</b>	<b>2,333</b>	<b>39</b>	<b>11,320</b>
	<b>21.0%</b>	<b>10.9%</b>	<b>48.2%</b>	<b>19.7%</b>	<b>0.2%</b>	<b>100.0%</b>	<b>19.8%</b>	<b>7.6%</b>	<b>51.7%</b>	<b>20.6%</b>	<b>0.3%</b>	<b>100.0%</b>
Broward	1,495	776	3,432	1,401	13	7,117	2,240	859	5,849	2,333	39	11,320
	21.0%	10.9%	48.2%	19.7%	0.2%	100.0%	19.8%	7.6%	51.7%	20.6%	0.3%	100.0%
<b>18 (Sanford)</b>	<b>293</b>	<b>276</b>	<b>1,386</b>	<b>144</b>	<b>10</b>	<b>2,109</b>	<b>329</b>	<b>195</b>	<b>1,268</b>	<b>230</b>	<b>4</b>	<b>2,026</b>
	<b>13.9%</b>	<b>13.1%</b>	<b>65.7%</b>	<b>6.8%</b>	<b>0.5%</b>	<b>100.0%</b>	<b>16.2%</b>	<b>9.6%</b>	<b>62.6%</b>	<b>11.4%</b>	<b>0.2%</b>	<b>100.0%</b>
Brevard	229	198	816	41	7	1,291	146	121	529	33	0	829
	17.7%	15.3%	63.2%	3.2%	0.5%	100.0%	17.6%	14.6%	63.8%	4.0%	0.0%	100.0%
Seminole	64	78	570	103	3	818	183	74	739	197	4	1,197
	7.8%	9.5%	69.7%	12.6%	0.4%	100.0%	15.3%	6.2%	61.7%	16.5%	0.3%	100.0%
<b>19 (Ft. Pierce)</b>	<b>336</b>	<b>149</b>	<b>942</b>	<b>259</b>	<b>20</b>	<b>1,706</b>	<b>610</b>	<b>129</b>	<b>1,260</b>	<b>374</b>	<b>17</b>	<b>2,390</b>
	<b>19.7%</b>	<b>8.7%</b>	<b>55.2%</b>	<b>15.2%</b>	<b>1.2%</b>	<b>100.0%</b>	<b>25.5%</b>	<b>5.4%</b>	<b>52.7%</b>	<b>15.6%</b>	<b>0.7%</b>	<b>100.0%</b>
Indian River	73	24	204	36	1	338	90	23	274	180	15	582
	21.6%	7.1%	60.4%	10.7%	0.3%	100.0%	15.5%	4.0%	47.1%	30.9%	2.6%	100.0%
Martin	70	16	204	76	2	368	103	31	271	50	1	456
	19.0%	4.3%	55.4%	20.7%	0.5%	100.0%	22.6%	6.8%	59.4%	11.0%	0.2%	100.0%
Okeechobee	28	50	90	7	11	186	28	7	91	13	0	139
	15.1%	26.9%	48.4%	3.8%	5.9%	100.0%	20.1%	5.0%	65.5%	9.4%	0.0%	100.0%
St. Lucie	165	59	444	140	6	814	389	68	624	131	1	1,213
	20.3%	7.2%	54.5%	17.2%	0.7%	100.0%	32.1%	5.6%	51.4%	10.8%	0.1%	100.0%
<b>20 (Ft. Myers)</b>	<b>334</b>	<b>248</b>	<b>1,199</b>	<b>259</b>	<b>26</b>	<b>2,066</b>	<b>540</b>	<b>337</b>	<b>2,387</b>	<b>520</b>	<b>38</b>	<b>3,822</b>
	<b>16.2%</b>	<b>12.0%</b>	<b>58.0%</b>	<b>12.5%</b>	<b>1.3%</b>	<b>100.0%</b>	<b>14.1%</b>	<b>8.8%</b>	<b>62.5%</b>	<b>13.6%</b>	<b>1.0%</b>	<b>100.0%</b>
Charlotte	60	47	161	25	1	294	93	70	198	49	4	414
	20.4%	16.0%	54.8%	8.5%	0.3%	100.0%	22.5%	16.9%	47.8%	11.8%	1.0%	100.0%
Collier	88	103	428	91	5	715	122	87	659	131	15	1,014
	12.3%	14.4%	59.9%	12.7%	0.7%	100.0%	12.0%	8.6%	65.0%	12.9%	1.5%	100.0%
Glades	2	2	5	2	5	16	5	10	32	2	0	49
	12.5%	12.5%	31.3%	12.5%	31.3%	100.0%	10.2%	20.4%	65.3%	4.1%	0.0%	100.0%
Hendry	11	7	57	11	4	90	29	26	164	21	4	244
	12.2%	7.8%	63.3%	12.2%	4.4%	100.0%	11.9%	10.7%	67.2%	8.6%	1.6%	100.0%
Lee	173	89	548	130	11	951	291	144	1,334	317	15	2,101
	18.2%	9.4%	57.6%	13.7%	1.2%	100.0%	13.9%	6.9%	63.5%	15.1%	0.7%	100.0%
<b>Statewide</b>	<b>9,968</b>	<b>6,414</b>	<b>28,131</b>	<b>11,145</b>	<b>409</b>	<b>56,067</b>	<b>16,275</b>	<b>7,835</b>	<b>45,250</b>	<b>20,369</b>	<b>657</b>	<b>90,386</b>
	<b>17.8%</b>	<b>11.4%</b>	<b>50.2%</b>	<b>19.9%</b>	<b>0.7%</b>	<b>100.0%</b>	<b>18.0%</b>	<b>8.7%</b>	<b>50.1%</b>	<b>22.5%</b>	<b>0.7%</b>	<b>100.0%</b>

## Part III Comparative Description

### Table 4 Offense Types by Sanction Imposed

Offense Type	1994 Sentencing Guidelines						Criminal Punishment Code					
	State Prison	Comm. Control	Probation	County Jail	Other	Total	State Prison	Comm. Control	Probation	County Jail	Other	Total
<b>Murder/Manslaughter</b>												
First Degree Murder												
Attempt	96	9	10	2	0	<b>117</b>	56	2	2	0	0	<b>60</b>
	82.1%	7.7%	8.5%	1.7%	0.0%	<b>100.0%</b>	93.3%	3.3%	3.3%	0.0%	0.0%	<b>100.0%</b>
Complete	1	0	0	0	0	<b>1</b>	0	0	0	0	0	<b>0</b>
	100.0%	0.0%	0.0%	0.0%	0.0%	<b>100.0%</b>	0.0%	0.0%	0.0%	0.0%	0.0%	<b>0.0%</b>
Second Degree Murder												
Attempt	71	10	6	1	0	<b>88</b>	36	3	0	1	0	<b>40</b>
	80.7%	11.4%	6.8%	1.1%	0.0%	<b>100.0%</b>	90.0%	7.5%	0.0%	2.5%	0.0%	<b>100.0%</b>
Complete	117	1	0	0	0	<b>118</b>	56	1	2	0	0	<b>59</b>
	99.2%	0.8%	0.0%	0.0%	0.0%	<b>100.0%</b>	94.9%	1.7%	3.4%	0.0%	0.0%	<b>100.0%</b>
Third Degree Murder												
Attempt	1	1	1	0	0	<b>3</b>	0	0	0	0	0	<b>0</b>
	33.3%	33.3%	33.3%	0.0%	0.0%	<b>100.0%</b>	0.0%	0.0%	0.0%	0.0%	0.0%	<b>0.0%</b>
Complete	13	0	0	0	0	<b>13</b>	6	1	0	0	0	<b>7</b>
	100.0%	0.0%	0.0%	0.0%	0.0%	<b>100.0%</b>	85.7%	14.3%	0.0%	0.0%	0.0%	<b>100.0%</b>
Homicide, Other												
Complete	5	0	0	0	0	<b>5</b>	3	0	0	0	0	<b>3</b>
	100.0%	0.0%	0.0%	0.0%	0.0%	<b>100.0%</b>	100.0%	0.0%	0.0%	0.0%	0.0%	<b>100.0%</b>
Manslaughter												
Attempt	3	0	4	0	0	<b>7</b>	5	0	0	0	0	<b>5</b>
	42.9%	0.0%	57.1%	0.0%	0.0%	<b>0.0%</b>	100.0%	0.0%	0.0%	0.0%	0.0%	<b>100.0%</b>
Complete	79	16	27	1	0	<b>123</b>	50	6	8	0	0	<b>64</b>
	64.2%	13.0%	22.0%	0.8%	0.0%	<b>100.0%</b>	78.1%	9.4%	12.5%	0.0%	0.0%	<b>100.0%</b>
DUI Manslaughter												
Complete	50	10	5	0	0	<b>65</b>	34	3	6	1	0	<b>44</b>
	76.9%	15.4%	7.7%	0.0%	0.0%	<b>100.0%</b>	77.3%	6.8%	13.6%	2.3%	0.0%	<b>100.0%</b>
<b>Sexual/Lewd Behavior</b>												
Capital Sexual Battery												
Attempt	71	12	14	0	0	<b>97</b>	50	4	2	0	0	<b>56</b>
	73.2%	12.4%	14.4%	0.0%	0.0%	<b>100.0%</b>	89.3%	7.1%	3.6%	0.0%	0.0%	<b>100.0%</b>
Life Sexual Battery												
Attempt	4	2	5	0	0	<b>11</b>	2	1	1	0	0	<b>4</b>
	36.4%	18.2%	45.5%	0.0%	0.0%	<b>100.0%</b>	50.0%	25.0%	25.0%	0.0%	0.0%	<b>100.0%</b>
Complete	45	3	10	0	0	<b>58</b>	20	0	4	0	0	<b>24</b>
	77.6%	5.2%	17.2%	0.0%	0.0%	<b>100.0%</b>	83.3%	0.0%	16.7%	0.0%	0.0%	<b>100.0%</b>
1st Degree Sexual Battery												
Attempt	5	1	4	0	0	<b>10</b>	3	0	1	0	0	<b>4</b>

	50.0%	10.0%	40.0%	0.0%	0.0%	<b>100.0%</b>	75.0%	0.0%	25.0%	0.0%	0.0%	<b>100.0%</b>
Complete	63	11	24	2	0	<b>100</b>	39	2	10	0	0	<b>51</b>
	63.0%	11.0%	24.0%	2.0%	0.0%	<b>100.0%</b>	76.5%	3.9%	19.6%	0.0%	0.0%	<b>100.0%</b>
<b>2nd Degree Sexual Battery</b>												
Attempt	14	16	22	6	1	<b>59</b>	13	4	11	3	1	<b>32</b>
	23.7%	27.1%	37.3%	10.2%	1.7%	<b>100.0%</b>	40.6%	12.5%	34.4%	9.4%	3.1%	<b>100.0%</b>
Complete	66	20	34	3	0	<b>123</b>	60	17	50	3	0	<b>130</b>
	53.7%	16.3%	27.6%	2.4%	0.0%	<b>100.0%</b>	46.2%	13.1%	38.5%	2.3%	0.0%	<b>100.0%</b>
<b>Sexual Assault, Other</b>												
Complete	0	0	0	0	0	<b>0</b>	0	0	7	0	0	<b>7</b>
	0.0%	0.0%	0.0%	0.0%	0.0%	<b>0.0%</b>	0.0%	0.0%	100.0%	0.0%	0.0%	<b>100.0%</b>
<b>Lewd/Lascivious Behavior</b>												
Attempt	10	12	33	0	0	<b>55</b>	13	14	69	5	1	<b>102</b>
	18.2%	21.8%	60.0%	0.0%	0.0%	<b>100.0%</b>	12.7%	13.7%	67.6%	4.9%	1.0%	<b>100.0%</b>
Complete	265	170	326	16	2	<b>779</b>	314	161	368	18	5	<b>866</b>
	34.0%	21.8%	41.8%	2.1%	0.3%	<b>100.0%</b>	36.3%	18.6%	42.5%	2.1%	0.6%	<b>100.0%</b>
<b>Robbery</b>												
<b>Robbery with Weapon</b>												
Attempt	46	11	23	7	0	<b>87</b>	73	11	14	2	0	<b>100</b>
	52.9%	12.6%	26.4%	8.0%	0.0%	<b>100.0%</b>	73.0%	11.0%	14.0%	2.0%	0.0%	<b>100.0%</b>
Complete	706	88	87	17	3	<b>901</b>	569	54	52	20	0	<b>695</b>
	78.4%	9.8%	9.7%	1.9%	0.3%	<b>100.0%</b>	81.9%	7.8%	7.5%	2.9%	0.0%	<b>100.0%</b>
<b>Robbery without Weapon</b>												
Attempt	20	13	73	25	0	<b>131</b>	46	22	61	31	0	<b>160</b>
	15.3%	9.9%	55.7%	19.1%	0.0%	<b>100.0%</b>	28.8%	13.8%	38.1%	19.4%	0.0%	<b>100.0%</b>
Complete	353	153	361	145	5	<b>1,017</b>	457	101	345	134	4	<b>1,041</b>
	34.7%	15.0%	35.5%	14.3%	0.5%	<b>100.0%</b>	43.9%	9.7%	33.1%	12.9%	0.4%	<b>100.0%</b>
<b>Home Invasion, Robbery</b>												
Attempt	0	0	1	0	0	<b>1</b>	0	0	1	0	0	<b>1</b>
	0.0%	0.0%	100.0%	0.0%	0.0%	<b>100.0%</b>	0.0%	0.0%	100.0%	0.0%	0.0%	<b>100.0%</b>
Complete	12	1	6	2	0	<b>21</b>	27	2	1	0	0	<b>30</b>
	57.1%	4.8%	28.6%	9.5%	0.0%	<b>100.0%</b>	90.0%	6.7%	3.3%	0.0%	0.0%	<b>100.0%</b>
<b>Violent Personal Offenses</b>												
Attempt	21	20	69	10	1	<b>121</b>	50	18	74	17	1	<b>160</b>
	17.4%	16.5%	57.0%	8.3%	0.8%	<b>100.0%</b>	31.3%	11.3%	46.3%	10.6%	0.6%	<b>100.0%</b>
Complete	1,755	1,223	4,500	1,132	52	<b>8,662</b>	2,236	1,185	6,652	1,519	71	<b>11,663</b>
	20.3%	14.1%	52.0%	13.1%	0.6%	<b>100.0%</b>	19.2%	10.2%	57.0%	13.0%	0.6%	<b>100.0%</b>
<b>Burglary</b>												
Attempt	45	14	102	49	1	<b>211</b>	88	28	136	48	3	<b>303</b>
	21.3%	6.6%	48.3%	23.2%	0.5%	<b>100.0%</b>	29.0%	9.2%	44.9%	15.8%	1.0%	<b>100.0%</b>
Complete	1,934	954	3,037	1,082	46	<b>7,053</b>	2,479	835	3,577	1,204	59	<b>8,154</b>
	27.4%	13.5%	43.1%	15.3%	0.7%	<b>100.0%</b>	30.4%	10.2%	43.9%	14.8%	0.7%	<b>100.0%</b>
<b>Property Theft/Fraud/Damage</b>												
Attempt	1	4	23	6	1	<b>35</b>	5	4	11	6	0	<b>26</b>
	2.9%	11.4%	65.7%	17.1%	2.9%	<b>100.0%</b>	19.2%	15.4%	42.3%	23.1%	0.0%	<b>100.0%</b>
Complete	1,038	1,162	7,609	2,290	130	<b>12,229</b>	2,293	1,284	11,059	3,634	155	<b>18,425</b>
	8.5%	9.5%	62.2%	18.7%	1.1%	<b>100.0%</b>	12.4%	7.0%	60.0%	19.7%	0.8%	<b>100.0%</b>
<b>Drugs</b>												

Manufacture/Sale/Purchase

Attempt	18	53	372	133	6	<b>582</b>	55	64	517	332	12	<b>980</b>
	3.1%	9.1%	63.9%	22.9%	1.0%	<b>100.0%</b>	5.6%	6.5%	52.8%	33.9%	1.2%	<b>100.0%</b>
Complete	1,297	909	3,749	1,978	48	<b>7,981</b>	2,826	1,086	4,838	2,781	62	<b>11,593</b>
	16.3%	11.4%	47.0%	24.8%	0.6%	<b>100.0%</b>	24.4%	9.4%	41.7%	24.0%	0.5%	<b>100.0%</b>

Drugs, Trafficking

Attempt	22	12	22	7	0	<b>63</b>	23	7	16	3	0	<b>49</b>
	34.9%	19.0%	34.9%	11.1%	0.0%	<b>100.0%</b>	46.9%	14.3%	32.7%	6.1%	0.0%	<b>100.0%</b>
Complete	395	75	132	43	0	<b>645</b>	405	75	76	22	2	<b>580</b>
	61.2%	11.6%	20.5%	6.7%	0.0%	<b>100.0%</b>	69.8%	12.9%	13.1%	3.8%	0.3%	<b>100.0%</b>

Drugs, Possession/Other

Attempt	5	2	47	9	0	<b>63</b>	5	12	62	14	0	<b>93</b>
	7.9%	3.2%	74.6%	14.3%	0.0%	<b>100.0%</b>	5.4%	12.9%	66.7%	15.1%	0.0%	<b>100.0%</b>
Complete	560	942	5,385	3,349	76	<b>10,312</b>	1,892	1,599	10,773	7,230	167	<b>21,661</b>
	5.4%	9.1%	52.2%	32.5%	0.7%	<b>100.0%</b>	8.7%	7.4%	49.7%	33.4%	0.8%	<b>100.0%</b>

Weapons

Attempt	0	2	9	1	1	<b>13</b>	2	4	12	3	0	<b>21</b>
	0.0%	15.4%	69.2%	7.7%	7.7%	<b>100.0%</b>	9.5%	19.0%	57.1%	14.3%	0.0%	<b>100.0%</b>
Complete	377	258	1,141	436	17	<b>2,229</b>	494	227	1,193	340	21	<b>2,275</b>
	16.9%	11.6%	51.2%	19.6%	0.8%	<b>100.0%</b>	21.7%	10.0%	52.4%	14.9%	0.9%	<b>100.0%</b>

Other

Attempt	4	0	7	2	0	<b>13</b>	8	2	24	11	0	<b>45</b>
	30.8%	0.0%	53.8%	15.4%	0.0%	<b>100.0%</b>	17.8%	4.4%	53.3%	24.4%	0.0%	<b>100.0%</b>
Complete	380	224	851	391	19	<b>1,865</b>	1,482	996	5,215	2,987	93	<b>10,773</b>
	20.4%	12.0%	45.6%	21.0%	1.0%	<b>100.0%</b>	13.8%	9.2%	48.4%	27.7%	0.9%	<b>100.0%</b>
<b>Total</b>	<b>9,968</b>	<b>6,414</b>	<b>28,131</b>	<b>11,145</b>	<b>409</b>	<b>56,067</b>	<b>16,275</b>	<b>7,835</b>	<b>45,250</b>	<b>20,369</b>	<b>657</b>	<b>90,386</b>

Florida's Criminal Punishment Code:

A Comparative Assessment (FY 1999-2000)

## Part III Comparative Description

### Table 5 Sanction Imposed by Offense Severity Level

Offense Severity Level	1994 Sentencing Guidelines						Criminal Punishment Code					
	State Prison	Comm. Control	Probation	County Jail	Other Sentence	Total	State Prison	Comm. Control	Probation	County Jail	Other Sentence	Total
1	130	280	3,039	892	54	4,395	836	948	6,047	3,233	128	11,192
	3.0%	6.4%	69.1%	20.3%	1.2%	100.0%	7.5%	8.5%	54.0%	28.9%	1.1%	100.0%
2	280	518	3,958	1,016	76	5,848	751	658	6,398	1,661	78	9,546
	4.8%	8.9%	67.7%	17.4%	1.3%	100.0%	7.9%	6.9%	67.0%	17.4%	0.8%	100.0%
3	615	1,074	5,940	3,619	85	11,333	2,207	1,840	12,587	8,119	194	24,947
	5.4%	9.5%	52.4%	31.9%	0.8%	100.0%	8.8%	7.4%	50.5%	32.5%	0.8%	100.0%
4	1,241	962	5,374	2,336	79	9,992	2,313	1,051	6,992	3,095	93	13,544
	12.4%	9.6%	53.8%	23.4%	0.8%	100.0%	17.1%	7.8%	51.6%	22.9%	0.7%	100.0%
5	2,018	1,264	4,295	2,046	49	9,672	3,719	1,328	6,330	3,029	89	14,495
	20.9%	13.1%	44.4%	21.2%	0.5%	100.0%	25.7%	9.2%	43.7%	20.9%	0.6%	100.0%
6	1,296	753	2,400	640	27	5,116	1,977	843	4,320	861	49	8,050
	25.3%	14.7%	46.9%	12.5%	0.5%	100.0%	24.6%	10.5%	53.7%	10.7%	0.6%	100.0%
7	2,310	1,185	2,672	534	31	6,732	2,827	894	2,200	317	26	6,264
	34.3%	17.6%	39.7%	7.9%	0.5%	100.0%	45.1%	14.3%	35.1%	5.1%	0.4%	100.0%
8	776	248	321	45	6	1,396	708	190	274	33	0	1,205
	55.6%	17.8%	23.0%	3.2%	0.4%	100.0%	58.8%	15.8%	22.7%	2.7%	0.0%	100.0%
9	1,086	123	119	15	2	1,345	804	73	89	16	0	982
	80.7%	9.1%	8.8%	1.1%	0.1%	100.0%	81.9%	7.4%	9.1%	1.6%	0.0%	100.0%
10	216	7	13	2	0	238	133	10	13	5	0	161
	90.8%	2.9%	5.5%	0.8%	0.0%	100.0%	82.6%	6.2%	8.1%	3.1%	0.0%	100.0%
<b>Total</b>	<b>9,968</b>	<b>6,414</b>	<b>28,131</b>	<b>11,145</b>	<b>409</b>	<b>56,067</b>	<b>16,275</b>	<b>7,835</b>	<b>45,250</b>	<b>20,369</b>	<b>657</b>	<b>90,386</b>
	<b>17.8%</b>	<b>11.4%</b>	<b>50.2%</b>	<b>19.9%</b>	<b>0.7%</b>	<b>100.0%</b>	<b>18.0%</b>	<b>8.7%</b>	<b>50.1%</b>	<b>22.5%</b>	<b>0.7%</b>	<b>100.0%</b>

### Table 6 State Prison Sentence Length by Offense Severity Level

Offense Severity Level	1994 Sentencing Guidelines					Criminal Punishment Code				
	LE 2*	GT 2-LE 4*	GT 4-LE 10*	GT 10*	Total	LE 2*	GT 2-LE 4*	GT 4-LE 10*	GT 10*	Total
1	86	26	17	1	130	627	146	59	4	836
	66.2%	20.0%	13.1%	0.8%	100.0%	75.0%	17.5%	7.1%	0.5%	100.0%
2	201	53	24	2	280	501	180	60	10	751
	71.8%	18.9%	8.6%	0.7%	100.0%	66.7%	24.0%	8.0%	1.3%	100.0%



<b>3</b>	485 78.9%	91 14.8%	34 5.5%	5 0.8%	<b>615</b> <b>100.0%</b>	1,598 72.4%	453 20.5%	141 6.4%	15 0.7%	<b>2,207</b> <b>100.0%</b>
<b>4</b>	827 66.6%	285 23.0%	117 9.4%	12 1.0%	<b>1,241</b> <b>100.0%</b>	1,405 60.7%	574 24.8%	308 13.3%	26 1.1%	<b>2,313</b> <b>100.0%</b>
<b>5</b>	1,156 57.3%	598 29.6%	209 10.4%	55 2.7%	<b>2,018</b> <b>100.0%</b>	2,023 54.4%	1,071 28.8%	502 13.5%	123 3.3%	<b>3,719</b> <b>100.0%</b>
<b>6</b>	605 46.7%	451 34.8%	191 14.7%	49 3.8%	<b>1,296</b> <b>100.0%</b>	900 45.5%	611 30.9%	339 17.1%	127 6.4%	<b>1,977</b> <b>100.0%</b>
<b>7</b>	641 27.7%	995 43.1%	559 24.2%	115 5.0%	<b>2,310</b> <b>100.0%</b>	668 23.6%	1,098 38.8%	772 27.3%	289 10.2%	<b>2,827</b> <b>100.0%</b>
<b>8</b>	81 10.4%	216 27.8%	374 48.2%	105 13.5%	<b>776</b> <b>100.0%</b>	96 13.6%	210 29.7%	273 38.6%	129 18.2%	<b>708</b> <b>100.0%</b>
<b>9</b>	45 4.1%	208 19.2%	543 50.0%	290 26.7%	<b>1,086</b> <b>100.0%</b>	115 14.3%	137 17.0%	311 38.7%	241 30.0%	<b>804</b> <b>100.0%</b>
<b>10</b>	4 1.9%	8 3.7%	51 23.6%	153 70.8%	<b>216</b> <b>100.0%</b>	23 17.3%	6 4.5%	24 18.0%	80 60.2%	<b>133</b> <b>100.0%</b>
<b>Total</b>	<b>4,131</b> 41.4%	<b>2,931</b> 29.4%	<b>2,119</b> 21.3%	<b>787</b> 7.9%	<b>9,968</b> <b>100.0%</b>	<b>7,956</b> 48.9%	<b>4,486</b> 27.6%	<b>2,789</b> 17.1%	<b>1,044</b> 6.4%	<b>16,275</b> <b>100.0%</b>

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

Florida's Criminal Punishment Code:  
A Comparative Assessment (FY 1999-2000)

[first](#) | [previous](#) | 9 of 13 | [next](#)

## Part III Comparative Description

### Table 7 Number of Prior Offenses

Prior Offenses	1994 Sentencing Guidelines		Criminal Punishment Code	
	Number	Percent	Number	Percent
None	16,568	29.6%	24,954	27.6%
Misdemeanor Only	13,335	23.8%	20,416	22.6%
One Felony	10,763	19.2%	18,043	20.0%
Two Felonies	7,240	12.9%	12,383	13.7%
Three Felonies	4,159	7.4%	7,337	8.1%
Four Felonies	2,173	3.9%	3,926	4.3%
Five Felonies	1,062	1.9%	1,929	2.1%
Six Felonies	486	0.9%	850	0.9%
Seven or More Felonies	281	0.5%	548	0.6%
<b>Total</b>	<b>56,067</b>	<b>100.0%</b>	<b>90,386</b>	<b>100.0%</b>

### Table 8 Number of Additional Offenses

Additional Offenses	1994 Sentencing Guidelines		Criminal Punishment Code	
	Number	Percent	Number	Percent
None	30,187	53.8%	51,759	57.3%
Misdemeanor Only	11,117	19.8%	19,995	22.1%
One Felony	10,298	18.4%	13,169	14.6%
Two Felonies	2,805	5.0%	3,536	3.9%
Three Felonies	972	1.7%	1,175	1.3%
Four Felonies	335	0.6%	386	0.4%
Five Felonies	166	0.3%	177	0.2%
Six Felonies	78	0.1%	82	0.1%
Seven or More Felonies	109	0.2%	107	0.1%
<b>Total</b>	<b>56,067</b>	<b>100.0%</b>	<b>90,386</b>	<b>100.0%</b>

### Table 9 Prior Felony Record and Sanction Imposed

Number of Prior Felonies	1994 Sentencing Guidelines						Criminal Punishment Code*					
	State Prison	Comm. Control	Probation	County Jail	Other Sentence	Total	State Prison	Comm. Control	Probation	County Jail	Other Sentence	Total
None	2,555	3,235	19,509	4,323	281	<b>29,903</b>	3,312	3,817	30,512	7,303	426	<b>45,370</b>
	8.5%	10.8%	65.2%	14.5%	0.9%	<b>100.0%</b>	7.3%	8.4%	67.3%	16.1%	0.9%	<b>100.0%</b>
One	1,830	1,455	4,635	2,776	67	<b>10,763</b>	3,136	1,812	7,739	5,248	108	<b>18,043</b>
	17.0%	13.5%	43.1%	25.8%	0.6%	<b>100.0%</b>	17.4%	10.0%	42.9%	29.1%	0.6%	<b>100.0%</b>

Two	1,984 27.4%	950 13.1%	2,312 31.9%	1,961 27.1%	33 0.5%	<b>7,240</b> <b>100.0%</b>	3,393 27.4%	1,170 9.4%	3,871 31.3%	3,876 31.3%	73 0.6%	<b>12,383</b> <b>100.0%</b>
Three	1,559 37.5%	442 10.6%	990 23.8%	1,147 27.6%	21 0.5%	<b>4,159</b> <b>100.0%</b>	2,758 37.6%	569 7.8%	1,840 25.1%	2,147 29.3%	23 0.3%	<b>7,337</b> <b>100.0%</b>
Four	1,019 46.9%	205 9.4%	427 19.7%	518 23.8%	4 0.2%	<b>2,173</b> <b>100.0%</b>	1,805 46.0%	288 7.3%	778 19.8%	1,039 26.5%	16 0.4%	<b>3,926</b> <b>100.0%</b>
Five	552 52.0%	86 8.1%	160 15.1%	262 24.7%	2 0.2%	<b>1,062</b> <b>100.0%</b>	1,024 53.1%	111 5.8%	325 16.8%	461 23.9%	8 0.4%	<b>1,929</b> <b>100.0%</b>
Six	302 62.1%	22 4.5%	62 12.8%	100 20.6%	0 0.0%	<b>486</b> <b>100.0%</b>	506 59.5%	45 5.3%	118 13.9%	179 21.1%	2 0.2%	<b>850</b> <b>100.0%</b>
Seven or More	167 59.4%	19 6.8%	36 12.8%	58 20.6%	1 0.4%	<b>281</b> <b>100.0%</b>	341 62.2%	23 4.2%	67 12.2%	116 21.2%	1 0.2%	<b>548</b> <b>100.0%</b>
<b>Total</b>	<b>9,968</b> <b>17.8%</b>	<b>6,414</b> <b>11.4%</b>	<b>28,131</b> <b>50.2%</b>	<b>11,145</b> <b>19.9%</b>	<b>409</b> <b>0.7%</b>	<b>56,067</b> <b>100.0%</b>	<b>16,275</b> <b>29.0%</b>	<b>7,835</b> <b>14.0%</b>	<b>45,250</b> <b>80.7%</b>	<b>20,369</b> <b>36.3%</b>	<b>657</b> <b>1.2%</b>	<b>90,386</b> <b>161.2%</b>

**Table 10 Additional Offenses and Sanction Imposed**

Number of Additional Felonies	1994 Sentencing Guidelines						Criminal Punishment Code					
	State Prison	Comm. Control	Probation	County Jail	Other Sentence	Total	State Prison	Comm. Control	Probation	County Jail	Other Sentence	Total
None	5,067 12.3%	4,221 10.2%	22,775 55.1%	8,912 21.6%	329 0.8%	<b>41,304</b> <b>100.0%</b>	9,755 13.6%	5,733 8.0%	38,198 53.2%	17,519 24.4%	549 0.8%	<b>71,754</b> <b>100.0%</b>
One	2,816 27.3%	1,518 14.7%	4,156 40.4%	1,749 17.0%	59 0.6%	<b>10,298</b> <b>100.0%</b>	3,764 28.6%	1,444 11.0%	5,577 42.3%	2,303 17.5%	81 0.6%	<b>13,169</b> <b>100.0%</b>
Two	1,134 40.4%	436 15.5%	857 30.6%	362 12.9%	16 0.6%	<b>2,805</b> <b>100.0%</b>	1,558 44.1%	435 12.3%	1,089 30.8%	430 12.2%	24 0.7%	<b>3,536</b> <b>100.0%</b>
Three	496 51.0%	159 16.4%	230 23.7%	85 8.7%	2 0.2%	<b>972</b> <b>100.0%</b>	656 55.8%	136 11.6%	292 24.9%	88 7.5%	3 0.3%	<b>1,175</b> <b>100.0%</b>
Four	214 63.9%	38 11.3%	62 18.5%	20 6.0%	1 0.3%	<b>335</b> <b>100.0%</b>	266 68.9%	40 10.4%	60 15.5%	20 5.2%	0 0.0%	<b>386</b> <b>100.0%</b>
Five	112 67.5%	19 11.4%	22 13.3%	12 7.2%	1 0.6%	<b>166</b> <b>100.0%</b>	128 72.3%	25 14.1%	18 10.2%	6 3.4%	0 0.0%	<b>177</b> <b>100.0%</b>
Six	53 67.9%	10 12.8%	11 14.1%	3 3.8%	1 1.3%	<b>78</b> <b>100.0%</b>	64 78.0%	9 11.0%	9 11.0%	0 0.0%	0 0.0%	<b>82</b> <b>100.0%</b>
Seven or More	76 69.7%	13 11.9%	18 16.5%	2 1.8%	0 0.0%	<b>109</b> <b>100.0%</b>	84 78.5%	13 12.1%	7 6.5%	3 2.8%	0 0.0%	<b>107</b> <b>100.0%</b>
<b>Total</b>	<b>9,968</b> <b>17.8%</b>	<b>6,414</b> <b>11.4%</b>	<b>28,131</b> <b>50.2%</b>	<b>11,145</b> <b>19.9%</b>	<b>409</b> <b>0.7%</b>	<b>56,067</b> <b>100.0%</b>	<b>16,275</b> <b>18.0%</b>	<b>7,835</b> <b>8.7%</b>	<b>45,250</b> <b>50.1%</b>	<b>20,369</b> <b>22.5%</b>	<b>657</b> <b>0.7%</b>	<b>90,386</b> <b>100.0%</b>

Florida's Criminal Punishment Code:

A Comparative Assessment (FY 1999-2000)

[first](#) | [previous](#) | 10 of 13 | [next](#)

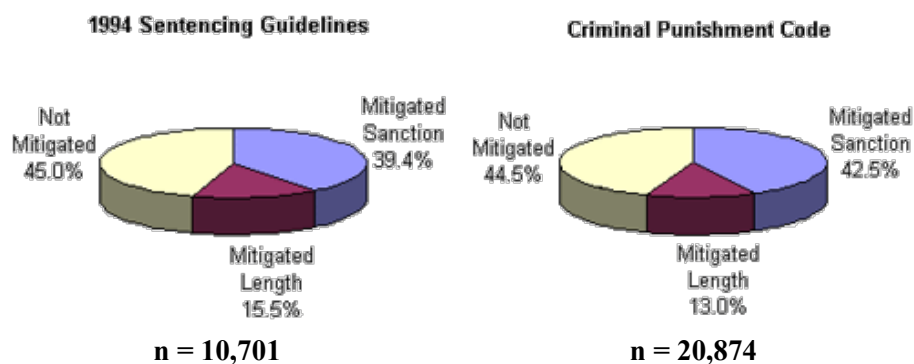
## Part III Comparative Description

**Table 11 Mitigation Rates\* Among Offenders Scoring in Recommended State Prison Sanction Category**

Category	1994 Sentencing Guidelines*		Criminal Punishment Code**	
	Number / Percent	Average Mitigated Length in Months	Number / Percent	Average Mitigated Length in Months
Mitigated Total	5,885 55.0%		11,575 55.5%	
Mitigated Sanction	4,221 39.4%		8,867 42.5%	
Mitigated Length	1,664 15.5%	16.4	2,708 13.0%	24.6
Not Mitigated	4,816 45.0%		9,299 44.5%	
<b>Total</b>	<b>10,701</b> <b>100.0%</b>		<b>20,874</b> <b>100.0%</b>	

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

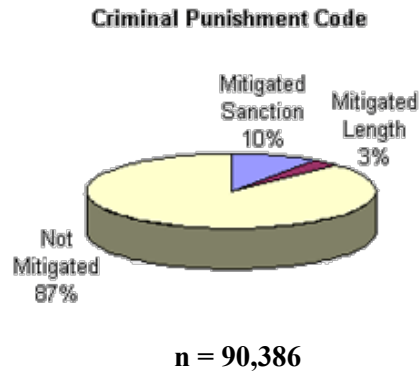
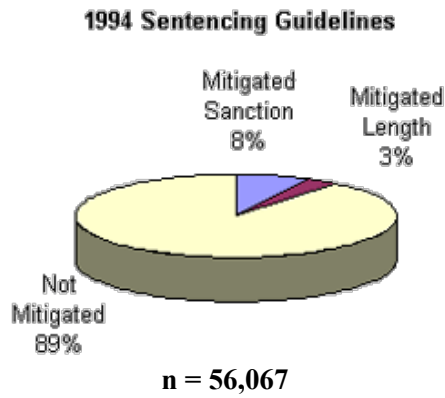
**Figure 2 Offenders Scoring in Recommended State Prison Sanction Category**



\*Total points exceeding 52.0

\*\*Total points exceeding 44.0

**Figure 3 Deviation Rates Below Permitted Sentences Among All Offenders Sentenced**



**Table 12 Mitigated Sanction Rates\* By Judicial Circuit**

Judicial Circuit	1994 Sentencing Guidelines			Criminal Punishment Code		
	Scoresheets Exceeding 52.0 Total Points	Scoresheets Mitigated	Mitigation Rate	Scoresheets Exceeding 44.0 Total Points	Scoresheets Mitigated	Mitigation Rate
01- Pensacola	562	277	49.3%	736	212	28.8%
02- Tallahassee	258	105	40.7%	396	188	47.5%
03- Lake City	136	49	36.0%	151	87	57.6%
04- Jacksonville	541	174	32.2%	1,204	488	40.5%
05- Tavares	415	142	34.2%	603	155	25.7%
06- Clearwater	929	300	32.3%	1,927	727	37.7%
07- Daytona	262	82	31.3%	777	202	26.0%
08- Gainesville	182	59	32.4%	538	265	49.3%
09- Orlando	767	341	44.5%	1,222	351	28.7%
10- Bartow	399	105	26.3%	696	166	23.9%
11- Miami	1,670	789	47.2%	3,622	2,556	70.6%
12- Sarasota	382	153	40.1%	559	125	22.4%
13- Tampa	1,201	553	46.0%	2,162	1,037	48.0%
14- Panama City	235	69	29.4%	649	221	34.1%
15- West Palm Beach	558	271	48.6%	1,213	464	38.3%
16- Key West	79	22	27.8%	145	46	31.7%
17- Ft. Lauderdale	1,070	328	30.7%	2,541	960	37.8%
18- Sandford	356	142	39.9%	330	83	25.2%
19- Ft. Pierce	344	134	39.0%	555	168	30.3%
20- Ft. Myers	355	126	35.5%	848	366	43.2%
<b>Statewide</b>	<b>10,701</b>	<b>4,221</b>	<b>39.4%</b>	<b>20,874</b>	<b>8,867</b>	<b>42.5%</b>

\* Mitigation of sanction occurs when an offender does not receive a prison sanction although a prison sanction is mandated by the applicable scoresheet law.

**Table 13 Mitigated Sanction Rates and Sentence Length Rates\* By Judicial Circuit**

Judicial Circuit	1994 Sentencing Guidelines			Criminal Punishment Code		
	Scoresheets Exceeding 52.0 Total Points	Scoresheets Mitigated	Mitigation Rate	Scoresheets Exceeding 44.0 Total Points	Scoresheets Mitigated	Mitigation Rate
01- Pensacola	562	338	60.1%	736	265	36.0%
02- Tallahassee	258	157	60.9%	396	292	73.7%
03- Lake City	136	68	50.0%	151	113	74.8%

04- Jacksonville	541	248	45.8%	1,204	688	57.1%
05- Tavares	415	205	49.4%	603	204	33.8%
06- Clearwater	929	462	49.7%	1,927	937	48.6%
07- Daytona	262	106	40.5%	777	342	44.0%
08- Gainesville	182	74	40.7%	538	355	66.0%
09- Orlando	767	428	55.8%	1,222	430	35.2%
10- Bartow	399	176	44.1%	696	240	34.5%
11- Miami	1,670	1,176	70.4%	3,622	3,242	89.5%
12- Sarasota	382	201	52.6%	559	168	30.1%
13- Tampa	1,201	693	57.7%	2,162	1,308	60.5%
14- Panama City	235	100	42.6%	649	279	43.0%
15- West Palm Beach	558	401	71.9%	1,213	608	50.1%
16- Key West	79	24	30.4%	145	62	42.8%
17- Ft. Lauderdale	1,070	510	47.7%	2,541	1,216	47.9%
18- Sandford	356	176	49.4%	330	112	33.9%
19- Ft. Pierce	344	172	50.0%	555	228	41.1%
20- Ft. Myers	355	170	47.9%	848	486	57.3%
<b>Statewide</b>	<b>10,701</b>	<b>5,885</b>	<b>55.0%</b>	<b>20,874</b>	<b>11,575</b>	<b>55.5%</b>

\* Mitigation of sanction occurs when an offender does not receive a prison sanction although a prison sanction is mandated by the applicable scoresheet law. 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 14 Mitigation Rates\* Among Offenders Scoring in Recommended State Prison Sanction Category\*\***

Offense Type	1994 Sentencing Guidelines				Total	Criminal Punishment Code				Total
	Total Mitigated	Mitigated Sanction	Mitigated Length	Not Mitigated		Total Mitigated	Mitigated Sanction	Mitigated Length	Not Mitigated	
<b>Murder/Manslaughter</b>										
First Degree Murder										
Attempt	55	18	37	59	114	16	4	12	44	60
	48.2%	15.8%	32.5%	51.8%	100.0%	26.7%	6.7%	20.0%	73.3%	100.0%
Complete	0	0	0	1	1	0	0	0	0	0
	0.0%	0.0%	0.0%	100.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
2nd Degree Murder										
Attempt	40	17	23	48	88	16	4	12	24	40
	45.5%	19.3%	26.1%	54.5%	100.0%	40.0%	10.0%	30.0%	60.0%	100.0%
Complete	25	1	24	92	117	0	3	11	45	59
	21.4%	0.9%	20.5%	78.6%	100.0%	23.7%	5.1%	18.6%	76.3%	100.0%
3rd Degree Murder										
Attempt	2	2	0	1	3	0	0	0	0	0
	66.7%	66.7%	0.0%	33.3%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Complete	1	0	1	12	13	3	1	2	4	7
	7.7%	0.0%	7.7%	92.3%	100.0%	42.9%	14.3%	28.6%	57.1%	100.0%
Homicide, Other										
Complete	0	0	0	5	5	1	0	1	2	3
	0.0%	0.0%	0.0%	100.0%	100.0%	33.3%	0.0%	33.3%	66.7%	100.0%
Manslaughter										
Attempt	4	4	0	3	7	0	0	0	5	5

		<b>57.1%</b>	57.1%	0.0%	42.9%	<b>100.0%</b>	<b>0.0%</b>	0.0%	0.0%	100.0%	<b>100.0%</b>
	Complete	<b>65</b>	41	24	55	<b>120</b>	<b>29</b>	14	15	35	<b>64</b>
		<b>54.2%</b>	34.2%	20.0%	45.8%	<b>100.0%</b>	<b>45.3%</b>	21.9%	23.4%	54.7%	<b>100.0%</b>
<b>DUI Manslaughter</b>											
	Complete	<b>32</b>	15	17	33	<b>65</b>	<b>25</b>	10	15	19	<b>44</b>
		<b>49.2%</b>	23.1%	26.2%	50.8%	<b>100.0%</b>	<b>56.8%</b>	22.7%	34.1%	43.2%	<b>100.0%</b>
<b>Sexual/Lewd Behavior</b>											
<b>Capital Sexual Battery</b>											
	Attempt	<b>43</b>	24	19	52	<b>95</b>	<b>25</b>	6	19	31	<b>56</b>
		<b>45.3%</b>	25.3%	20.0%	54.7%	<b>100.0%</b>	<b>44.6%</b>	10.7%	33.9%	55.4%	<b>100.0%</b>
<b>Life Sexual Battery</b>											
	Attempt	<b>8</b>	7	1	3	<b>11</b>	<b>3</b>	2	1	1	<b>4</b>
		<b>72.7%</b>	63.6%	9.1%	27.3%	<b>100.0%</b>	<b>75.0%</b>	50.0%	25.0%	25.0%	<b>100.0%</b>
	Complete	<b>26</b>	13	13	32	<b>58</b>	<b>12</b>	4	8	12	<b>24</b>
		<b>44.8%</b>	22.4%	22.4%	55.2%	<b>100.0%</b>	<b>50.0%</b>	16.7%	33.3%	50.0%	<b>100.0%</b>
<b>1st Degree Sexual Battery</b>											
	Attempt	<b>3</b>	3	0	3	<b>6</b>	<b>2</b>	1	1	2	<b>4</b>
		<b>50.0%</b>	50.0%	0.0%	50.0%	<b>100.0%</b>	<b>50.0%</b>	25.0%	25.0%	50.0%	<b>100.0%</b>
	Complete	<b>57</b>	32	25	38	<b>95</b>	<b>20</b>	11	9	30	<b>50</b>
		<b>60.0%</b>	33.7%	26.3%	40.0%	<b>100.0%</b>	<b>40.0%</b>	22.0%	18.0%	60.0%	<b>100.0%</b>
<b>2nd Degree Sexual Battery</b>											
	Attempt	<b>18</b>	17	1	9	<b>27</b>	<b>18</b>	14	4	8	<b>26</b>
		<b>66.7%</b>	63.0%	3.7%	33.3%	<b>100.0%</b>	<b>69.2%</b>	53.8%	15.4%	30.8%	<b>100.0%</b>
	Complete	<b>71</b>	51	20	45	<b>116</b>	<b>87</b>	58	29	30	<b>117</b>
		<b>61.2%</b>	44.0%	17.2%	38.8%	<b>100.0%</b>	<b>74.4%</b>	49.6%	24.8%	25.6%	<b>100.0%</b>
<b>Sexual Assault, Other</b>											
	Complete	<b>0</b>	0	0	0	<b>0</b>	<b>2</b>	2	0	0	<b>2</b>
		<b>0.0%</b>	0.0%	0.0%	0.0%	<b>0.0%</b>	<b>100.0%</b>	100.0%	0.0%	0.0%	<b>100.0%</b>
<b>Lewd/Lascivious Behavior</b>											
	Attempt	<b>5</b>	5	0	7	<b>12</b>	<b>10</b>	9	1	11	<b>21</b>
		<b>41.7%</b>	41.7%	0.0%	58.3%	<b>100.0%</b>	<b>47.6%</b>	42.9%	4.8%	52.4%	<b>100.0%</b>
	Complete	<b>394</b>	333	61	188	<b>582</b>	<b>655</b>	530	125	187	<b>842</b>
		<b>67.7%</b>	57.2%	10.5%	32.3%	<b>100.0%</b>	<b>77.8%</b>	62.9%	14.8%	22.2%	<b>100.0%</b>
<b>Robbery</b>											
<b>Robbery with Weapon</b>											
	Attempt	<b>26</b>	14	12	29	<b>55</b>	<b>43</b>	23	20	53	<b>96</b>
		<b>47.3%</b>	25.5%	21.8%	52.7%	<b>100.0%</b>	<b>44.8%</b>	24.0%	20.8%	55.2%	<b>100.0%</b>
	Complete	<b>421</b>	185	236	463	<b>884</b>	<b>294</b>	125	169	400	<b>694</b>
		<b>47.6%</b>	20.9%	26.7%	52.4%	<b>100.0%</b>	<b>42.4%</b>	18.0%	24.4%	57.6%	<b>100.0%</b>
<b>Robbery without Weapon</b>											
	Attempt	<b>8</b>	6	2	7	<b>15</b>	<b>10</b>	7	3	28	<b>38</b>
		<b>53.3%</b>	40.0%	13.3%	46.7%	<b>100.0%</b>	<b>26.3%</b>	18.4%	7.9%	73.7%	<b>100.0%</b>
	Complete	<b>119</b>	89	30	202	<b>321</b>	<b>186</b>	127	59	326	<b>512</b>
		<b>37.1%</b>	27.7%	9.3%	62.9%	<b>100.0%</b>	<b>36.3%</b>	24.8%	11.5%	63.7%	<b>100.0%</b>
<b>Home Invasion, Robbery</b>											
	Attempt	<b>0</b>	0	0	0	<b>0</b>	<b>1</b>	1	0	0	<b>1</b>
		<b>0.0%</b>	0.0%	0.0%	0.0%	<b>0.0%</b>	<b>100.0%</b>	100.0%	0.0%	0.0%	<b>100.0%</b>
	Complete	<b>11</b>	8	3	8	<b>19</b>	<b>6</b>	3	3	24	<b>30</b>

<b>Violent Personal Offenses</b>	<b>57.9%</b>	42.1%	15.8%	42.1%	<b>100.0%</b>	<b>20.0%</b>	10.0%	10.0%	80.0%	<b>100.0%</b>
	<b>1,814</b>	1,465	349	970	<b>2,784</b>	<b>3,303</b>	2,776	527	1,455	<b>4,758</b>
	<b>65.2%</b>	52.6%	12.5%	34.8%	<b>100.0%</b>	<b>69.4%</b>	58.3%	11.1%	30.6%	<b>100.0%</b>
<b>Burglary</b>										
	<b>1,319</b>	968	351	1,057	<b>2,376</b>	<b>2,212</b>	1,597	615	1,580	<b>3,792</b>
	<b>55.5%</b>	40.7%	14.8%	44.5%	<b>100.0%</b>	<b>58.3%</b>	42.1%	16.2%	41.7%	<b>100.0%</b>
<b>Property Theft/Fraud/Damage</b>										
	<b>262</b>	197	65	255	<b>517</b>	<b>858</b>	661	197	1,008	<b>1,866</b>
	<b>50.7%</b>	38.1%	12.6%	49.3%	<b>100.0%</b>	<b>46.0%</b>	35.4%	10.6%	54.0%	<b>100.0%</b>
<b>Drugs</b>										
Manufacture/Sale/Purchase										
	<b>384</b>	257	127	481	<b>865</b>	<b>1,383</b>	1,046	337	1,835	<b>3,218</b>
	<b>44.4%</b>	29.7%	14.7%	55.6%	<b>100.0%</b>	<b>43.0%</b>	32.5%	10.5%	57.0%	<b>100.0%</b>
Drugs, Trafficking										
	<b>242</b>	131	111	266	<b>508</b>	<b>298</b>	182	116	308	<b>606</b>
	<b>47.6%</b>	25.8%	21.9%	52.4%	<b>100.0%</b>	<b>49.2%</b>	30.0%	19.1%	50.8%	<b>100.0%</b>
Drugs, Possession/Other										
	<b>91</b>	68	23	63	<b>154</b>	<b>1,100</b>	930	170	745	<b>1,845</b>
	<b>59.1%</b>	44.2%	14.9%	40.9%	<b>100.0%</b>	<b>59.6%</b>	50.4%	9.2%	40.4%	<b>100.0%</b>
<b>Weapons</b>										
Complete										
	<b>181</b>	140	41	167	<b>348</b>	<b>277</b>	221	56	329	<b>606</b>
	<b>52.0%</b>	40.2%	11.8%	48.0%	<b>100.0%</b>	<b>45.7%</b>	36.5%	9.2%	54.3%	<b>100.0%</b>
<b>Other</b>										
Complete										
	<b>158</b>	110	48	162	<b>320</b>	<b>666</b>	495	171	718	<b>1,384</b>
	<b>49.4%</b>	34.4%	15.0%	50.6%	<b>100.0%</b>	<b>48.1%</b>	35.8%	12.4%	51.9%	<b>100.0%</b>
<b>Total</b>	<b>5,885</b>	<b>4,221</b>	<b>1,664</b>	<b>4,816</b>	<b>10,701</b>	<b>11,575</b>	<b>8,867</b>	<b>2,708</b>	<b>9,299</b>	<b>20,874</b>

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

\*\* Criminal Punishment Code: Total Points Exceeding 44.0. 1994 Sentencing Guidelines: Total Points Exceeding 52.0.

Florida's Criminal Punishment Code:

[first](#) | [previous](#) | 11 of 13 | [next](#)

A Comparative Assessment (FY 1999-2000)



# Florida Criminal Punishment Code

## Offense Severity Ranking Chart Section 921.0022, Florida Statutes

Florida Statute	Felony Degree	Description
<b>LEVEL 1</b>		
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(3)(a)	3rd	Molest any stone crab trap, line, or buoy which is property of licenseholder.
370.135(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.
443.071(1)	3rd	False statement or representation to obtain or increase unemployment compensation benefits.
509.151(1)	3rd	Defraud an innkeeper, food or lodging value greater than \$300.
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.
	3rd	

838.015(3)		Bribery.
	3rd	
838.016(1)		Public servant receiving unlawful compensation.
	3rd	
838.15(2)		Commercial bribe receiving.
	3rd	
838.16		Commercial bribery.
	3rd	
843.18		Fleeing by boat to elude a law enforcement officer.
	3rd	
847.011(1)(a)		Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
	3rd	
849.01		Keeping gambling house.
	3rd	
849.09(1)(a)- (d)		Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.
	3rd	
849.23		Gambling-related machines; "common offender" as to property rights.
	3rd	
849.25(2)		Engaging in bookmaking.
	3rd	
860.08		Interfere with a railroad signal.
	3rd	
860.13(1)(a)		Operate aircraft while under the influence.
	3rd	
893.13(2)(a)2.		Purchase of cannabis.
	3rd	
893.13(6)(a)		Possession of cannabis (more than 20 grams).
	3rd	
893.13(7)(a)10.		Affix false or forged label to package of controlled substance.
	3rd	
934.03(1)(a)		Intercepts, or procures any other person to intercept, any wire or oral communication.

## LEVEL 2

	3rd	
403.413(5)(c)		Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.

517.07	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)(b)3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
810.09(2)(e)	3rd	Trespassing on posted commercial horticulture property.
812.014(2)(c)1.	3rd	Grand theft, 3rd degree; \$300 or more but less than \$5,000.
812.014(2)(d)	3rd	Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling.
817.234(1)(a)2.	3rd	False statement in support of insurance claim.
817.481(3)(a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
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)(a)2.	3rd	Purchase of any s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs other than cannabis.
893.147(2)	3rd	Manufacture or delivery of drug paraphernalia.

### LEVEL 3

316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in marked patrol vehicle with siren and lights activated.
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)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
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)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
817.233	3rd	Burning to defraud insurer.
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)1., (2)(c)2., (2)(c)3., (2)

(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs).

- 893.13(1)(d)2. 2<sup>nd</sup> Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 200 feet of university or public park.
- 893.13(1)(f)2. 2<sup>nd</sup> Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 200 feet of public housing facility.
- 893.13(6)(a) 3<sup>rd</sup> Possession of any controlled substance other than felony possession of cannabis.
- 893.13(7)(a)9. 3<sup>rd</sup> Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
- 893.13(7)(a)11. 3<sup>rd</sup> Furnish false or fraudulent material information on any document or record required by chapter 893.
- 918.13(1)(a) 3<sup>rd</sup> Alter, destroy, or conceal investigation evidence.
- 944.47(1)(a)1.-2. 3<sup>rd</sup> Introduce contraband to correctional facility.
- 944.47(1)(c) 2<sup>nd</sup> Possess contraband while upon the grounds of a correctional institution.
- 985.3141 3<sup>rd</sup> Escapes from a juvenile facility (secure detention or residential commitment facility).

#### **LEVEL 4**

- 316.1935(3) 2<sup>nd</sup> Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a marked patrol vehicle with siren and lights activated.
- 784.07(2)(b) 3<sup>rd</sup> Battery of law enforcement officer, firefighter, intake officer, etc.
- 784.075 3<sup>rd</sup> Battery on detention or commitment facility staff.
- 784.08(2)(c) 3<sup>rd</sup> Battery on a person 65 years of age or older.
- 784.081(3) 3<sup>rd</sup> Battery on specified official or employee.
- 784.082(3) 3<sup>rd</sup> Battery by detained person on visitor or other detainee.

784.083(3)	3rd	Battery on code inspector.
784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
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)(b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
790.115(2)(c)	3rd	Possessing firearm on school property.
800.04(7)(d)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
810.02(4)(b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
810.06	3rd	Burglary; possession of tools.
810.08(2)(c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
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.
843.021	3rd	Possession of a concealed handcuff key by a person in custody.
843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
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), (2)(a), (2)(b), or (2)(c)4. 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(4)	2nd	Aggravated fleeing or eluding.
322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.

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.
800.04(6)(c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
800.04(7)(c)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
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.
812.131(2)(b)	3rd	Robbery by sudden snatching.
812.16(2)	3rd	Owning, operating, or conducting a chop shop.
817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
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.
	2nd	

874.05(2)		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), (2)(b), or (2)(c)4. drugs).
893.13(1)(c)2.	2nd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs) 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), (2)(b), or (2)(c)4. drugs) within 200 feet of university or public park.
893.13(1)(e)2.	2nd	Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.
893.13(1)(f)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)4. drugs) within 200 feet of public housing facility.
893.13(4)(b)	2nd	Deliver to minor cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs).

### 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(10)	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.
	3rd	

784.048(3)		Aggravated stalking; credible threat.
	3rd	
784.048(5)		Aggravated stalking of person under 16.
	2nd	
784.07(2)(c)		Aggravated assault on law enforcement officer.
	2nd	
784.08(2)(b)		Aggravated assault on a person 65 years of age or older.
	2nd	
784.081(2)		Aggravated assault on specified official or employee.
	2nd	
784.082(2)		Aggravated assault by detained person on visitor or other detainee.
	2nd	
784.083(2)		Aggravated assault on code inspector.
	3rd	
787.02(2)		False imprisonment; restraining with purpose other than those in s. 787.01.
	2nd	
790.115(2)(d)		Discharging firearm or weapon on school property.
	2nd	
790.161(2)		Make, possess, or throw destructive device with intent to do bodily harm or damage property.
	2nd	
790.164(1)		False report of deadly explosive or act of arson or violence to state property.
	2nd	
790.19		Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
	3rd	
794.011(8)(a)		Solicitation of minor to participate in sexual activity by custodial adult.
	2nd	
794.05(1)		Unlawful sexual activity with specified minor.
	3rd	
800.04(5)(d)		Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender less than 18 years.
	2nd	
800.04(6)(b)		Lewd or lascivious conduct; offender 18 years of age or older.
	2nd	
806.031(2)		Arson resulting in great bodily harm to firefighter or any other person.
	2nd	
810.02(3)(c)		Burglary of occupied structure; unarmed; no assault or battery.

812.014(2)(b)	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
817.034(4)(a)1.	1st	Communications fraud, value greater than \$50,000.
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(9)	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)(a)5. 2nd Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
- 951.22(1) 3rd Intoxicating drug, firearm, or weapon introduced into county facility.

**LEVEL 7**

- 316.193(3)(c)2. 3rd DUI resulting in serious bodily injury.
- 327.35(3)(c)2. 3rd Vessel BUI resulting in serious bodily injury.
- 402.319(2) 2nd Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
- 409.920(2) 3rd Medicaid provider fraud.
- 456.065(2) 3rd Practicing a health care profession without a license.
- 456.065(2) 2nd Practicing a health care profession without a license which results in serious bodily injury.
- 458.327(1) 3rd Practicing medicine without a license.
- 459.013(1) 3rd Practicing osteopathic medicine without a license.
- 460.411(1) 3rd Practicing chiropractic medicine without a license.
- 461.012(1) 3rd Practicing podiatric medicine without a license.
- 462.17 3rd Practicing naturopathy without a license.
- 463.015(1) 3rd Practicing optometry without a license.
- 3rd

464.016(1)		Practicing nursing without a license.
	3rd	
465.015(2)		Practicing pharmacy without a license.
	3rd	
466.026(1)		Practicing dentistry or dental hygiene without a license.
	3rd	
467.201		Practicing midwifery without a license.
	3rd	
468.366		Delivering respiratory care services without a license.
	3rd	
483.828(1)		Practicing as clinical laboratory personnel without a license.
	3rd	
483.901(9)		Practicing medical physics without a license.
	3rd	
484.053		Dispensing hearing aids without a license.
	1st	
494.0018(2)		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.
	3rd	
560.123(8)(b)1.		Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.
	3rd	
560.125(5)(a)		Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
	3rd	
655.50(10)(b)1.		Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
	2nd	
782.051(3)		Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
	2nd	
782.07(1)		Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
	2nd	
782.071		Killing of human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
	2nd	
782.072		Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).

784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
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.
784.083(1)	1st	Aggravated battery on code inspector.
790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
790.16(1)	1st	Discharge of a machine gun under specified circumstances.
790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
796.03	2nd	Procuring any person under 16 years for prostitution.
800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
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)(a)	1st	Property stolen, valued at \$100,000 or more; property stolen while causing other property damage; 1st degree grand theft.
812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
812.131(2)(a)	2nd	Robbery by sudden snatching.
812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or 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(3)	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), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility or school.
893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified business site.
893.13(4)(a)	1st	Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).

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)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
893.135(1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
893.135(1)(i)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
893.135(1)(j)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.

### **LEVEL 8**

316.193(3)(c)3.a.	2nd	DUI manslaughter.
327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
	2nd	

- 560.123(8)(b)2. Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.
- 560.125(5)(b) 2nd Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.
- 655.50(10)(b)2. 2nd Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
- 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) 1st Committing vehicular homicide and failing to render aid or give information.
- 782.072(2) 1st 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.
- 800.04(4) 2nd Lewd or lascivious battery.
- 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)(a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.
837.02(2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
837.021(2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
860.121(2)(c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
860.16	1st	Aircraft piracy.
893.13(1)(b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
893.135(1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
893.135(1)(c)1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
893.135(1)(d)1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
893.135(1)(e)1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
893.135(1)(f)1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.

893.135(1) (g)1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
893.135(1) (h)1.b.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
893.135(1) (i)1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
893.135(1) (j)2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
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.
896.101(5)(b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
896.104(4)(a)2.	2nd	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$20,000 but less than \$100,000.

### LEVEL 9

316.193(3) (c)3.b.	1st	DUI manslaughter; failing to render aid or give information.
560.123(8)(b)3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
560.125(5)(c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
655.50(10)(b)3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
	1st	

- 782.04(1) Attempt, conspire, or solicit to commit premeditated murder.
- 782.04(3) 1st,PBL Accomplice to murder in connection with arson, sexual battery, robbery, burglary, and other 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.
- 787.01(1)(a)1. 1st,PBL Kidnapping; hold for ransom or reward or as a shield or hostage.
- 787.01(1)(a)2. 1st,PBL Kidnapping with intent to commit or facilitate commission of any felony.
- 787.01(1)(a)4. 1st,PBL Kidnapping with intent to interfere with performance of any governmental or political function.
- 787.02(3)(a) 1st False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.
- 790.161 1st Attempted capital destructive device offense.
- 790.166(2) 1st,PBL Possessing, selling, using, or attempting to use a weapon of mass destruction.
- 794.011(2) 1st Attempted sexual battery; victim less than 12 years of age.
- 794.011(2) Life Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
- 794.011(4) 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.
- 800.04(5)(b) 1st Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
- 812.13(2)(a) 1st,PBL Robbery with firearm or other deadly weapon.
- 1st,PBL

812.133(2)(a)		Carjacking; firearm or other deadly weapon.
	1st	
827.03(2)		Aggravated child abuse.
	1st	
847.0145(1)		Selling, or otherwise transferring custody or control, of a minor.
	1st	
847.0145(2)		Purchasing, or otherwise obtaining custody or control, of a minor.
	1st	
859.01		Poisoning food, drink, medicine, or water with intent to kill or injure another person.
	1st	
893.135		Attempted capital trafficking offense.
	1st	
893.135(1)(a)3.		Trafficking in cannabis, more than 10,000 lbs.
	1st	
893.135		Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
	1st	
893.135(1) (c)1.c.		Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
	1st	
893.135(1) (d)1.c.		Trafficking in phencyclidine, more than 400 grams.
	1st	
893.135(1) (e)1.c.		Trafficking in methaqualone, more than 25 kilograms.
	1st	
893.135(1) (f)1.c.		Trafficking in amphetamine, more than 200 grams.
	1st	
893.135(1) (h)1.c.		Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.
	1st	
893.135(1) (i)1.c.		Trafficking in 1,4-Butanediol, 10 kilograms or more.
	1st	
893.135(1) (j)2.c.		Trafficking in Phenethylamines, 400 grams or more.
	1st	
896.101(5)(c)		Money laundering, financial instruments totaling or exceeding \$100,000.

896.104(4)(a)3. 1st Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$100,000.

### LEVEL 10

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

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

787.01(3)(a) Life Kidnapping; child under age 13, perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.

782.07(3) 1st Aggravated manslaughter of a child.

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.



## Rule 3.992(a) Criminal Punishment Code Scoresheet

The Criminal Punishment Code Scoresheet is available in PDF format. If you need assistance viewing this file, please visit our [Accessibility](#) information.

**[Download](#) the 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
	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=116)

Prior capital felony triples Primary Offense points

I. \_\_\_\_\_

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

DOCKET#	FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY				COUNTS	POINTS	TOTAL
				A	S	C	R			
_____ / _____	_____ / _____	_____ / _____	_____	<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 _____	= _____
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Description \_\_\_\_\_

_____ / _____	_____ / _____	_____ / _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____ X _____	= _____
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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 <sup>nd</sup> 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"/>	_____ / _____	_____ X _____	_____	= _____
_____ / _____	_____ / _____	_____ / _____	<input type="checkbox"/> <input type="checkbox"/>	_____ / _____	_____ X _____	_____	= _____
_____ / _____	_____ / _____	_____ / _____	<input type="checkbox"/> <input type="checkbox"/>	_____ / _____	_____ X _____	_____	= _____
_____ / _____	_____ / _____	_____ / _____	<input type="checkbox"/> <input type="checkbox"/>	_____ / _____	_____ X _____	_____	= _____
_____ / _____	_____ / _____	_____ / _____	<input type="checkbox"/> <input type="checkbox"/>	_____ / _____	_____ 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)

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 10-1-96) ____ 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:

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

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.

\_\_\_\_\_ 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
_____ / _____	_____ / _____	_____ / _____	_____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	_____	X _____	= _____
Description _____							
_____ / _____	_____ / _____	_____ / _____	_____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	_____	X _____	= _____
Description _____							
_____ / _____	_____ / _____	_____ / _____	_____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	_____	X _____	= _____
Description _____							
_____ / _____	_____ / _____	_____ / _____	_____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	_____	X _____	= _____
Description _____							
_____ / _____	_____ / _____	_____ / _____	_____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	_____	X _____	= _____
Description _____							

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

II. \_\_\_\_\_

**IV. PRIOR RECORD**

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

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

IV. \_\_\_\_\_

**Reasons for Departure – Mitigating Circumstances**  
(reasons may be checked here or written on the scoresheet)

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

At the time of the offense the defendant was too young to appreciate the consequences of the offense.

The defendant is to be sentenced as a youthful offender.

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