

Florida's Criminal Punishment Code: A Comparative Assessment, October 2003

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



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.....A Comparative Assessment

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Questions regarding this report should be directed to
[Stacey Anderson](#)
Florida Department of Corrections,
Bureau of Research and Data Analysis,
2601 Blair Stone Road,
Tallahassee, Florida 32399-2500
or by phone at (850) 488-1801
Suncom 278-1801.

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, absent a valid reason for departure.

The Code also contains some 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 is made between the Criminal Punishment Code sentences received in FY 2001-2002 and FY 2002-2003.**

Since January 1, 1994, the Florida Department of Corrections has collected more than 1,000,000 scoresheets on felony offenders sentenced in Florida courts under the state's Sentencing Guidelines and Criminal Punishment Code. This report describes the 111,149 Criminal Punishment Code scoresheets with sentence dates in FY2002-2003 received by the Florida Department of Corrections through September 1, 2003, for felony offenses committed on or after October 1, 1998. It also compares 82,001 Criminal Punishment Code scoresheets received by the Florida Department of Corrections through September 1, 2003, for felony offenses committed on or after October 1, 2001 and sentence dates in Fiscal Year 2002-2003 with 81,366 Criminal Punishment Code scoresheets with offense dates on or after October 1, 2000 and sentence dates in Fiscal Year 2001-2002.

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 Heggs 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. However, in its review of Xzavier Trapp, the Supreme Court determined that the window period for challenging the Sentencing Guidelines provisions amended in Chapter Law 95-184 opened on October 1, 1995 and closed on May 24, 1997.

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 Heggs ruling. Therefore, any analysis of this time period would yield a mixture of offenders sentenced under both the 1994 and 1995 guidelines.

As this makes it impossible to compare the Criminal Punishment Code to prior sentencing practices, without going back to the 1994 Sentencing Guidelines, the data analysis in this report compares sentences received under the Criminal Punishment Code in FY 2001-2002 to those received in FY 2002-2003.

Notes:

The sentencing scoresheet database is dynamic in that it is constantly being updated. Every effort is made to include scoresheets that are received, however, there is a lag in data entry. While this lag time is generally less than 45 days it may exceed this in some of the larger circuits. As such, as more time is allowed for the data to mature, a more accurate and complete picture of the data may be presented.

No scoresheets were received from Lafayette and Wakulla counties with sentence dates during FY2001-02.

No scoresheets were received from Franklin, Gulf, Lafayette and Wakulla Counties with sentence dates during FY2002-03.

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 Heggs 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.

Felony Degree Years in Prison

Life Felony	Up to Life
1 st	Up to 30
2 nd	Up to 15
3 rd	Up to 5

- This has two effects that are divergent from the preceding guidelines. First, all felony offenders have the potential to receive a prison sentence whereas many under the guidelines were by policy excluded

from such a possibility. Second, the maximums of 775.082 usually will provide for far greater sentence lengths than were permissible under the guidelines.

- Another significant change is the determination when a prison sentence becomes mandatory under the new sentencing policy. The basic structure of the sentencing policy has not changed with respect to point determinations. Sentencing point thresholds for sentence calculations have, however, undergone significant revisions.
1. If total points are equal to or less than 44, the lowest permissible sentence is a non-state prison sanction (however state prison up to the statutory maximum can be imposed).
 2. If total points exceed 44, the minimum sentence is established by taking the total point value subtracting 28 and decreasing the remaining value by 25%. This end result value is the lowest permissible prison sentence in months.

This means 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 Guidelines and Criminal Punishment Code scoresheets to the appropriate criminal justice entities in the state.
- Prior to July 1, 2001, the Department had a coequal responsibility to prepare scoresheets with the state attorneys. However, the Department of Corrections continued to complete scoresheets which had been ordered by the courts prior to July 1, 2001. In addition there were transitional issues involved in transferring this responsibility to the state attorneys. This resulted in 9.7% of scoresheets received during FY2001-02 having been prepared by the Department of Corrections.
- 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 on 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 2002-2003 and offenses on or after October 1, 1998, entered as of September 1, 2003.
- 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 71.1%.
- **Though the Department retrieves and includes in the database omitted information from a 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 111,149 Punishment Code scoresheets with offense dates on or after October 1, 1998 with sentencing dates during FY2002-03 entered into the sentencing scoresheet database, as of September 1, 2003.*

FINDINGS:

- The number of Code scoresheets received by month of sentence fluctuated from a high of 11,052 to a low of 7,736 from July 1, 2002 to June 30, 2003 ([Figure 1](#)).
- For the time period July 2002 through June 2003, Code scoresheets represent over ninety-four percent (96.8%) of the total scoresheet submissions. Beginning in the month of January 2003 and continuing through the end of the fiscal year, more than ninety-seven percent of the scoresheets represented sentencing events under the Florida Criminal Punishment Code ([Table 2](#)).
- More than thirty-two percent (32.4%) of the offenders sentenced under the Code were considered "youthful offenders" at the time of sentencing ([Table 3](#)). Of the 2,634 true juveniles (under 18 at the time of their offense) transferred to adult court under the Code, 969 (36.8%) of the offenders were age sixteen or younger ([Table 4](#)).
- There were 1,010 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-eight percent (38.3%) of all offenses of juveniles ([Table 4](#)). Of the 1,010 violent juvenile offenders, 496, or 49.1%, received a state prison sanction ([Table 5](#)).
- The gender and race distributions of offenders sentenced under the Code are similar to previous years sentencing events. Nearly eighty-one percent (80.5%) of all scoresheets were for male offenders ([Table 6](#)), and 56.2% were for white offenders ([Table 7](#)).

Figure 1
Scoresheets Received by Month of Sentence
Criminal Punishment Code

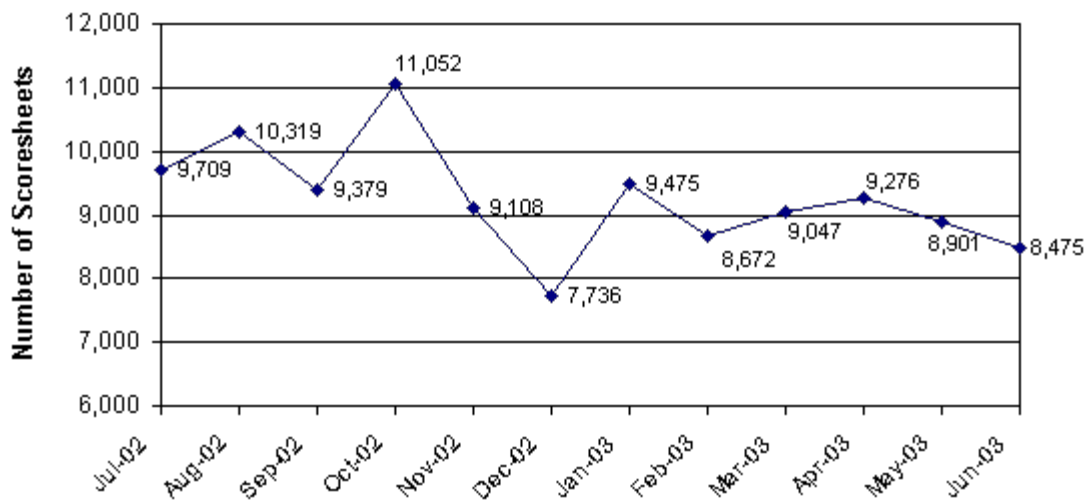


Table 1 Scoresheets Received by Circuit Fiscal Year 2002-2003
Criminal Punishment Code

Circuit of Sentence	Total	
	Number	Percent
01 (Pensacola)	5,010	4.5%
02 (Tallahassee)	1,961	1.8%
03 (Lake City)	762	0.7%
04 (Jacksonville)	7,232	6.5%
05 (Tavares)	5,964	5.4%
06 (Clearwater)	12,495	11.2%
07 (Daytona Beach)	4,406	4.0%
08 (Gainesville)	2,916	2.6%
09 (Orlando)	7,984	7.2%
10 (Bartow)	4,210	3.8%
11 (Miami)	7,889	7.1%
12 (Sarasota)	4,114	3.7%
13 (Tampa)	11,239	10.1%
14 (Panama City)	2,103	1.9%
15 (West Palm Beach)	5,753	5.2%
16 (Key West)	432	0.4%
17 (Ft. Lauderdale)	12,162	10.9%
18 (Sanford)	3,895	3.5%
19 (Ft. Pierce)	3,948	3.6%
20 (Ft. Myers)	6,674	6.0%
Total	111,149	100.0%

Table 2 Sentencing Scoresheets Received by Month of Sentence* Fiscal Year 2002-2003

Month of Sentence	1994 Sentencing Guidelines Scoresheet		1995 Sentencing Guidelines Scoresheet**		Criminal Punishment Code Scoresheet		Total	
July 2002	48	0.5%	364	3.6%	9,709	95.9%	10,121	8.8%
August 2002	47	0.4%	371	3.5%	10,319	96.1%	10,737	9.4%
September 2002	37	0.4%	355	3.6%	9,379	96.0%	9,771	8.5%
October 2002	51	0.4%	329	2.9%	11,052	96.7%	11,432	10.0%
November 2002	54	0.6%	249	2.6%	9,108	96.8%	9,411	8.2%
December 2002	36	0.4%	229	2.9%	7,736	96.7%	8,001	7.0%
January 2003	33	0.3%	220	2.3%	9,475	97.4%	9,728	8.5%
February 2003	38	0.4%	207	2.3%	8,672	97.3%	8,917	7.8%
March 2003	39	0.4%	226	2.4%	9,047	97.2%	9,312	8.1%
April 2003	61	0.6%	210	2.2%	9,276	97.2%	9,547	8.3%
May 2003	37	0.4%	202	2.2%	8,901	97.4%	9,140	8.0%
June 2003	43	0.5%	186	2.1%	8,475	97.4%	8,704	7.6%
Total	524	0.5%	3,148	2.7%	111,149	96.8%	114,821	100.0%

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

** Offense dates between May 25, 1997 and September 30, 1998.

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

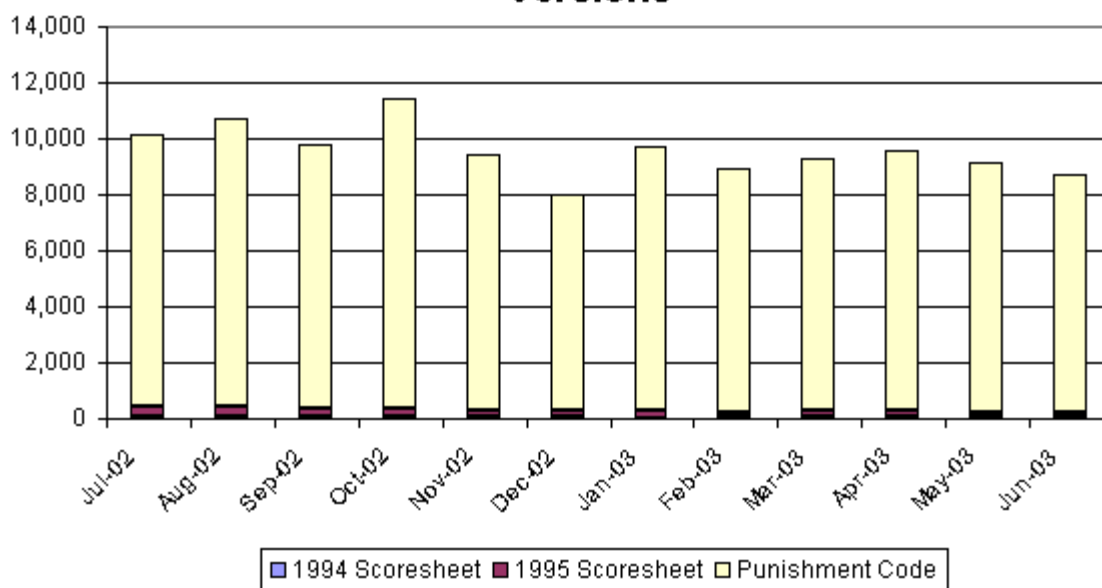


Table 3 Age at Sentencing Criminal Punishment Code Fiscal Year

2002-2003

Age	Number	Percent
17 and Below	1,042	0.9%
18 to 24	35,053	31.5%
25 to 29	17,935	16.1%
30 to 34	15,569	14.0%
35 to 39	14,643	13.2%
40 to 44	13,003	11.7%
45 to 49	7,775	7.0%
50 and Over	6,129	5.5%
Total	111,149	100.0%

Figure 3
Age at Sentencing Distribution
Criminal Punishment Code

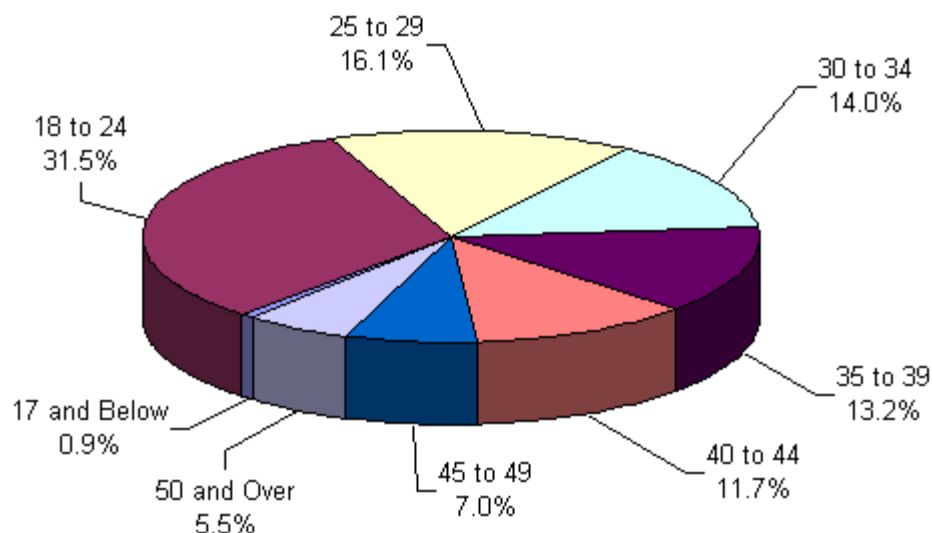


Table 4 Age at Offense for Offenders Under 18 Criminal Punishment Code Fiscal Year 2002-2003

Primary Offense	15 & Under	16 Years Old	17 Years Old	Total
Murder/Manslaughter	10	11	23	44
	3.9%	1.5%	1.4%	1.7%
Sexual Offenses	12	23	49	84
	4.7%	3.2%	2.9%	3.2%
Robbery	79	139	210	428
	31.0%	19.5%	12.6%	16.2%
Violent Personal Offenses	48	133	273	454
	18.8%	18.6%	16.4%	17.2%
Burglary	40	169	404	613

	15.7%	23.7%	24.3%	23.3%
Theft, Forgery, Fraud	21	87	246	354
	8.2%	12.2%	14.8%	13.4%
Drugs	35	111	361	507
	13.7%	15.5%	21.7%	19.2%
Weapons	4	16	55	75
	1.6%	2.2%	3.3%	2.8%
Other Offenses	6	25	44	75
	2.4%	3.5%	2.6%	2.8%
Total	255	714	1,665	2,634
	100.0%	100.0%	100.0%	100.0%

Figure 4
Age at Offense Distribution
Offenders Under 18

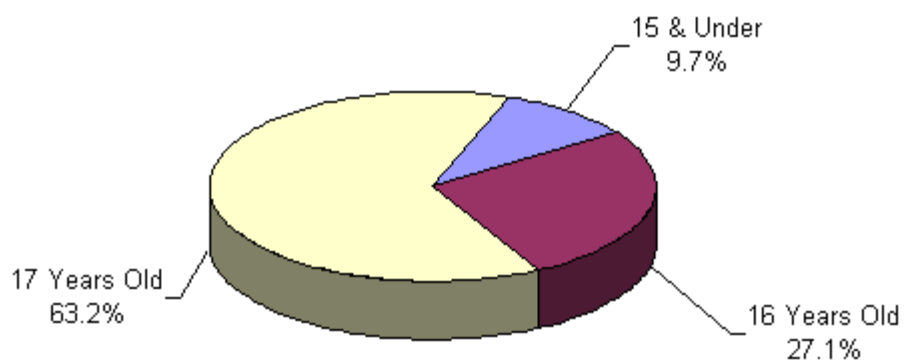


Table 5 Sanction Imposed by Primary Offense For All 11 - 17 Year Olds Criminal Punishment Code Fiscal Year 2002-2003

Primary Offense	State Prison	Comm. Control	Probation	County Jail	Other	Total
Murder/Manslaughter	42	0	2	0	0	44
	2.5%	1.2%	0.2%	0.0%	0.0%	1.0%
Sexual Offenses	44	11	20	8	1	84
	2.0%	3.0%	2.0%	0.3%	0.0%	1.9%
Robbery	223	54	119	28	4	428
	25.0%	18.0%	8.7%	5.6%	0.0%	14.2%
Violent Personal Offenses	187	61	140	57	9	454
	19.2%	16.6%	14.5%	11.7%	6.3%	15.7%
Burglary	210	78	249	62	14	613
	25.9%	26.0%	23.7%	12.3%	43.8%	23.1%
Theft, Forgery, Fraud	74	34	163	80	3	354
	7.2%	11.5%	16.5%	17.8%	12.5%	13.3%
	109	53	197	141	7	507

Drugs	13.0%	16.3%	25.5%	44.8%	25.0%	23.5%
Weapons	21	5	32	16	1	75
	2.6%	2.1%	3.9%	4.2%	12.5%	3.4%
Other Offenses	20	9	27	16	3	75
	2.6%	5.3%	4.9%	3.3%	0.0%	4.0%
Total	930	305	949	408	42	2,634
	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

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

Figure 5
Sanction Imposed Distribution
Offenders Under 18

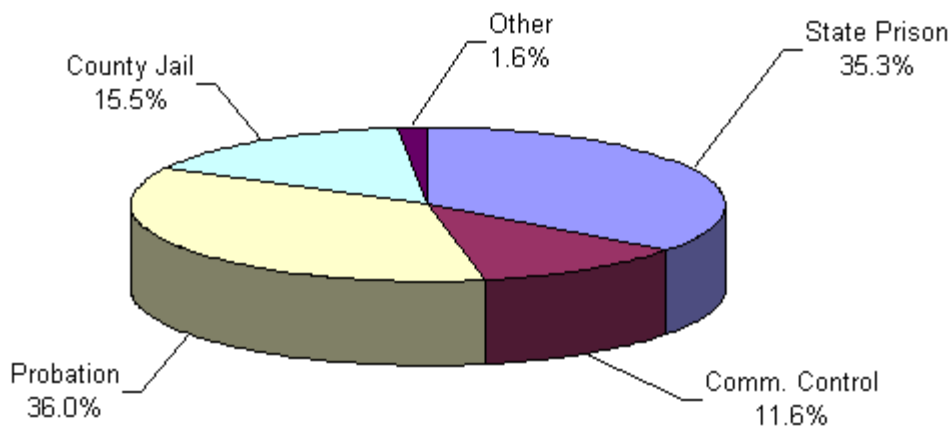


Table 6 Gender by Judicial Circuit Criminal Punishment Code
Fiscal Year 2002-2003

Judicial Circuit	Gender				Total	
	Male		Female			
01 (Pensacola)	3,988	3.6%	1,022	0.9%	5,010	4.5%
02 (Tallahassee)	1,564	1.4%	397	0.4%	1,961	1.8%
03 (Lake City)	619	0.6%	143	0.1%	762	0.7%
04 (Jacksonville)	5,858	5.3%	1,374	1.2%	7,232	6.5%
05 (Tavares)	4,703	4.2%	1,261	1.1%	5,964	5.4%
06 (Clearwater)	9,556	8.6%	2,939	2.6%	12,495	11.2%
07 (Daytona Beach)	3,618	3.3%	788	0.7%	4,406	4.0%
08 (Gainesville)	2,389	2.1%	527	0.5%	2,916	2.6%
09 (Orlando)	6,576	5.9%	1,408	1.3%	7,984	7.2%
10 (Bartow)	3,247	2.9%	963	0.9%	4,210	3.8%
11 (Miami)	6,711	6.0%	1,178	1.1%	7,889	7.1%
12 (Sarasota)	3,236	2.9%	878	0.8%	4,114	3.7%
13 (Tampa)	8,889	8.0%	2,350	2.1%	11,239	10.1%
14 (Panama City)	1,668	1.5%	435	0.4%	2,103	1.9%

15 (West Palm Beach)	4,784	4.3%	969	0.9%	5,753	5.2%
16 (Key West)	352	0.3%	80	0.1%	432	0.4%
17 (Ft. Lauderdale)	9,982	9.0%	2,180	2.0%	12,162	10.9%
18 (Sanford)	3,208	2.9%	687	0.6%	3,895	3.5%
19 (Ft. Pierce)	3,061	2.8%	887	0.8%	3,948	3.6%
20 (Ft. Myers)	5,461	4.9%	1,213	1.1%	6,674	6.0%
Total	89,470	80.5%	21,679	19.5%	111,149	100.0%

Table 7 Race by Judicial Circuit Criminal Punishment Code Fiscal Year 2002-2003

Judicial Circuit	Race						Total	
	Black		White		Other*			
01 (Pensacola)	2,120	1.9%	2,850	2.6%	40	0.0%	5,010	4.5%
02 (Tallahassee)	1,406	1.3%	533	0.5%	22	0.0%	1,961	1.8%
03 (Lake City)	298	0.3%	460	0.4%	4	0.0%	762	0.7%
04 (Jacksonville)	3,986	3.6%	3,174	2.9%	72	0.1%	7,232	6.5%
05 (Tavares)	1,781	1.6%	4,026	3.6%	157	0.1%	5,964	5.4%
06 (Clearwater)	3,735	3.4%	8,661	7.8%	99	0.1%	12,495	11.2%
07 (Daytona Beach)	1,702	1.5%	2,651	2.4%	53	0.0%	4,406	4.0%
08 (Gainesville)	1,669	1.5%	1,238	1.1%	9	0.0%	2,916	2.6%
09 (Orlando)	3,415	3.1%	4,364	3.9%	205	0.2%	7,984	7.2%
10 (Bartow)	1,426	1.3%	2,633	2.4%	151	0.1%	4,210	3.8%
11 (Miami)	4,397	4.0%	3,478	3.1%	14	0.0%	7,889	7.1%
12 (Sarasota)	1,363	1.2%	2,636	2.4%	115	0.1%	4,114	3.7%
13 (Tampa)	5,062	4.6%	5,667	5.1%	510	0.5%	11,239	10.1%
14 (Panama City)	595	0.5%	1,500	1.3%	8	0.0%	2,103	1.9%
15 (W. Palm Beach)	2,688	2.4%	3,059	2.8%	6	0.0%	5,753	5.2%
16 (Key West)	75	0.1%	344	0.3%	13	0.0%	432	0.4%
17 (Ft. Lauderdale)	6,459	5.8%	5,527	5.0%	176	0.2%	12,162	10.9%
18 (Sanford)	1,368	1.2%	2,422	2.2%	105	0.1%	3,895	3.5%
19 (Ft. Pierce)	1,387	1.2%	2,468	2.2%	93	0.1%	3,948	3.6%
20 (Ft. Myers)	1,786	1.6%	4,807	4.3%	81	0.1%	6,674	6.0%
Total	46,718	42.0%	62,498	56.2%	1,933	1.7%	111,149	100.0%

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

Part II Offense to Sentence Date Lag Time Comparison

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

FINDINGS:

- There were 82,001 scoresheets submitted to the Department of Corrections with sentence dates in FY2002-2003 and offense dates on or after October 1, 2001. The number of scoresheets submitted to the Department of Corrections with sentence dates in FY2001-2002 and offense dates on or after October 1, 2000 was 81,366.
- **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 5.8 months for sentencing events in FY2002-2003. As defined by the word "average", half of the lag times that occur are less than 5.8 months and half are greater than 5.8 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 1, 2003, the Department of Corrections had received over 547,000 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 average lag time for FY2001-2002 sentencing events is 5.6 months, just shy of the 5.8 months for the scoresheets received with sentence dates in FY2002-2003 ([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) was 9.4 months for sentencing events during FY2001-2002. In FY2002-2003, the average lag time for level 10 offenses was 10.4 months. Also, for murder/manslaughter, the average lag time from offense to sentence is 10.2 months for sentencing dates in both FY2000-2001 and FY2002-2003 ([Table 2](#)).
- Drug offenses comprised the largest group of scoresheets received in both FY2001-2001 (37.0%) and FY2002-2003 (36.2%) ([Table 3](#)).
- The more violent, serious offenses represented more than eighteen percent of the scoresheets in both FY2001-2002 (18.6%) and FY2002-03 (18.1%) ([Table 3](#)).

Table 1 Comparison of Average Time from Offense Date to Sentence Date by Offense Severity Level of Primary Offense, in Months



Offense Severity Level	FY 2001-2002 Sentence Dates ¹	FY 2002-2003 Sentence Dates ²
1	5.2	5.3
2	5.8	6.1
3	4.9	5.1
4	5.3	5.6
5	5.8	6.1
6	6.3	6.4
7	7.0	7.3
8	7.7	8.4
9	8.9	8.7
10	9.4	10.4
Overall Average	5.6	5.8

¹Offense dates on or after October 1, 2000.

²Offense dates on or after October 1, 2001.

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

Primary Offense	FY 2001-2002 Sentence Dates ¹	FY 2002-2003 Sentence Dates ²
Murder/Manslaughter	10.2	10.2
Sexual/Lewd Behavior	8.2	8.7
Robbery	6.6	6.8
Violent, Other	6.1	6.2
Burglary	5.6	6.0
Property Theft/Fraud/Damage	6.0	6.2
Drugs	5.2	5.5
Weapons	5.8	6.2
Other	5.0	5.1
Overall Average	5.6	5.8

¹Offense dates on or after October 1, 2000.

²Offense dates on or after October 1, 2001.

Figure 1
Distribution of Offense Group
Sentence Dates in FY2001-2002 vs. FY2002-2003

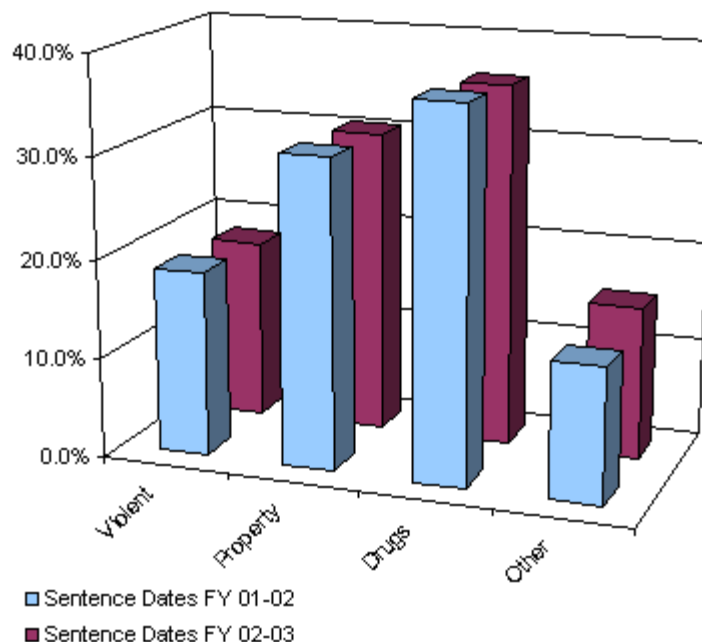


Table 3 Distribution of Offense Sentence Dates FY 2001-2002 vs. Sentence Dates FY 2002-2003

Primary Offense	FY 2001-2002 Sentence Dates ¹	FY 2002-2003 Sentence Dates ²
Murder/Manslaughter	256 0.3%	240 0.3%
Sexual Offenses	1,024 1.3%	972 1.2%
Robbery	2,213 2.7%	2,137 2.6%
Violent Personal Offenses	11,031 13.6%	10,909 13.3%
Burglary	7,876 9.7%	8,050 9.8%
Theft/Forgery/Fraud	17,516 21.5%	17,157 20.9%
Drugs	30,067 37.0%	29,652 36.2%
Weapons	1,545 1.9%	1,666 2.0%
Other	9,838 12.1%	11,218 13.7%
	81,366	82,001

Total **100.0%** **100.0%**

¹ Offense dates on or after October 1, 2000.

² Offense dates on or after October 1, 2001.

Table 4 Distribution of Offense

Primary Offense	FY 2001-2002 Sentence Dates		FY 2002-2003 Sentence Dates	
Murder/Manslaughter	256	0.3%	240	0.3%
1st Degree Murder	59	0.1%	49	0.1%
2nd Degree Murder	73	0.1%	79	0.1%
3rd Degree Murder	7	0.0%	5	0.0%
Homicide, Other	7	0.0%	6	0.0%
Manslaughter	59	0.1%	58	0.1%
DUI Manslaughter	51	0.1%	43	0.1%
Sexual Offenses	1,024	1.3%	972	1.2%
Capital Sexual Battery	38	0.0%	39	0.0%
Life Sexual Battery	30	0.0%	30	0.0%
1st Degree Sexual Battery	41	0.1%	57	0.1%
2nd Degree Sexual Battery	139	0.2%	150	0.2%
Sexual Assault, Other	3	0.0%	8	0.0%
Lewd/Lascivious Behavior	773	1.0%	688	0.8%
Robbery	2,213	2.7%	2,137	2.6%
Robbery with Weapon	817	1.0%	740	0.9%
Robbery without Weapon	1,346	1.7%	1,351	1.6%
Home Invasion, Robbery	50	0.1%	46	0.1%
Violent Personal Offenses	11,031	13.6%	10,909	13.3%
Home Invasion, Other	0	0.0%	1	0.0%
Carjacking	99	0.1%	134	0.2%
Aggravated Assault	1,768	2.2%	1,630	2.0%
Aggravated Battery	1,425	1.8%	1,280	1.6%
Assault/Battery on L.E.O.	1,590	2.0%	1,434	1.7%
Assault/Battery, Other	515	0.6%	534	0.7%
Aggravated Stalking	232	0.3%	219	0.3%
Resisting Arrest with Violence	1,952	2.4%	1,777	2.2%
Kidnapping	327	0.4%	341	0.4%
Arson	194	0.2%	151	0.2%
Abuse of Children	985	1.2%	1,124	1.4%
Leaving Accident, Injury/Death	405	0.5%	443	0.5%
DUI, Injury	132	0.2%	118	0.1%
Violent, Other	1,407	1.7%	1,723	2.1%

Burglary	7,876	9.7%	8,050	9.8%
Burglary, Structure	4,762	5.9%	4,786	5.8%
Burglary, Dwelling	2,168	2.7%	2,281	2.8%
Burglary, Armed	188	0.2%	182	0.2%
Burglary with Assault	246	0.3%	234	0.3%
Burglary/Trespass, Other	512	0.6%	567	0.7%
Theft/Forgery/Fraud	17,516	21.5%	17,157	20.9%
Grand Theft, Other	6,679	8.2%	6,139	7.5%
Grand Theft, Automobile	2,613	3.2%	2,544	3.1%
Stolen Property	2,151	2.6%	2,066	2.5%
Forgery/Counterfeiting	2,884	3.5%	3,089	3.8%
Worthless Checks	500	0.6%	505	0.6%
Fraudulent Practices	1,631	2.0%	1,623	2.0%
Theft/Property Damage, Other	1,058	1.3%	1,191	1.5%
Drugs	30,067	37.0%	29,652	36.2%
Drugs, Manufacture/Sale/Purchase	10,002	12.3%	9,659	11.8%
Drugs, Trafficking	797	1.0%	871	1.1%
Drugs, Possession/Other	19,268	23.7%	19,122	23.3%
Weapons	1,545	1.9%	1,666	2.0%
Weapons, Discharging	320	0.4%	318	0.4%
Weapons, Possession	1,218	1.5%	1,342	1.6%
Weapons, Other	7	0.0%	6	0.0%
Other	9,838	12.1%	11,218	13.7%
Escape	1,935	2.4%	2,080	2.5%
DUI, No Injury	407	0.5%	602	0.7%
Traffic, Other	5,804	7.1%	6,689	8.2%
Racketeering	11	0.0%	19	0.0%
Pollution/Hazardous Materials	93	0.1%	57	0.1%
Other	1,588	2.0%	1,771	2.2%
Total	81,366	100.0%	82,001	100.0%

¹ Offense dates on or after October 1, 2000.

² Offense dates on or after October 1, 2001.

Comparative Description

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

- The Criminal Punishment Code allows for a non-state prison sanction for offenders scoring 44.0 or less 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.

Florida Statute 921.0026 allows for circumstances or factors that reasonably justify the downward departure of Guidelines/Code scoresheet.

In addition, on January 24, 2002 the Supreme Court of Florida ruled in *Jones v. State* that Section 948.01(3) F.S. (supp. 1998), which allows for the sanction of drug offender probation in the case of a chronic substance abuser, provides an alternative sentencing scheme for drug offenders that is outside the Code. It was ruled that the trial court had the discretion to sentence the defendant to drug offender probation even though the Code mandated prison time.

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, 17.9% of offenders were sentenced to state prison as the most severe sanction in FY2002-2003. An additional 21.5% were sentenced to incarceration in county jail, or to time already served in jail. Nearly eight percent (7.7%) were sentenced to community control, and over half to probation (52.1%), including drug offender probation, administrative probation, and regular probation. Less than one percent of offenders were sentenced to "other" sanctions. For sentencing dates in FY2001-2002, 16.9% of offenders were sentenced to state prison and 22.9% were sentenced to county jail or time served. Less than eight percent (7.7%) were sentenced to community control, and 52.0% to probation. Only 0.5% of the offenders were sentenced to "other" sanctions ([Table 1](#)).
- More than three-quarters of the 82,001 Code scoresheets with sentence date in FY2002-2003 examined (62,670 scoresheets or 76.4%) scored 44 points or less ([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 chose to sentence the offender to state prison, the judge had the discretion to sentence the offender up to the statutory maximum of the law. For scoresheets with sentence dates in FY2001-2002, there were 62,237 (76.5%) offenders scoring 44 points or less ([Table 1](#)).
- For FY2002-2003, of the offenders scoring in the recommended state prison category, 53.7% were sentenced to state prison, with another 12.0% sentenced to county jail or time served. Of those scoring less than 44 points, 6.3% were sentenced to state prison, and 24.9% to county jail/time served. For FY2001-2002, nearly fifty-four percent if the offenders scoring above 44 points were

sentenced to state prison (53.7%) and another 12.0% of these offenders were sentenced to county jail or time served. Of those scoring less than 44 points, 5.6% were sentenced to state prison, and 26.2% to county jail/time served. ([Table 1](#)).

- Scoresheets with a state prison sanction increased one percent from 16.9% in FY2001-2002 to 17.9% in FY2002-2003. Conversely, county jail sanctions decreased from 22.9% in FY2001-2002 to 21.5% in FY2002-2003. Community supervision sanctions remained constant. ([Table 1](#)).
- Statewide, 73.3% of offenders receiving a prison sanction scored out to a prison sanction. [Table 2](#) presents the scoring distribution of offenders under the Code for FY2001-2002 and FY2002-2003 by circuit and sanction imposed. In FY2002-2003, circuit 8 (Gainesville) had the highest percentage (90.9%) of prison sanctioned scoresheets with more than 44 points while circuit 19 (Ft. Pierce) has the lowest (54.7%).
- Incarceration rates vary greatly by county and circuit. Jail sanctions also vary greatly depending on the 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. ([Table 3](#)).
- In both FY2001-2002 and FY2002-03 the majority of violent offenders received a state prison sanction ([Table 4](#)).
- The percentage of burglary, property and drug offenders receiving a state prison sanction increased from FY2001-2002 to FY2002-2003 ([Table 4](#)).
- As would be expected, scoresheets with the highest offense severity levels received a state prison sanction, those with the lowest received probation and community control fell in the middle with the majority having levels 5 through 8 ([Table 5](#)).
- Consistently in FY2001-2002 and FY2002-2003, for offenders sentenced to state prison, the majority with offense severity levels of 1 through 5 received less than two years and those with offense level 10 received more than ten years ([Table 6](#)).
- From FY2001-2002 to FY2002-2003 the percentage of scoresheets with no prior record decreased while those with prior misdemeanors or one felony increased. The percentage with four or more felonies remained constant ([Table 7](#)).
- Similarly, from FY2001-2002 to FY2002-2003 the percentage of scoresheets with no additional offenses decreased while those with misdemeanors or one felony increased. The percentage with four or more felonies remained constant ([Table 8](#)).
- Within the Code policy, a true mitigation occurs when an offenders scores more than 44 total points and either receives a non-state prison sanction (except drug offender probation) or a state prison sentence length below the 25% permissible discretion. Sanction mitigation occurs when an offender scores more than 44 total points, but receives a non-state prison sanction (except drug offender probation).
- The true mitigation rate for offenders that scored more than 44 total points is 59.2% for FY2001-2002 and 56.8% for FY2002-2003. The sanction mitigation rate (cases that scored to state prison but received a non-state prison sanction) was 45.2% for FY2001-2002 and 42.8% for FY2002-2003 ([Table 11](#)).
- For the offenders that received a mitigated prison sentence length, the average reduction in sentence was 26.2 months during FY2001-2002 and 24.2 months during FY2002-2003 ([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 921.0026. 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

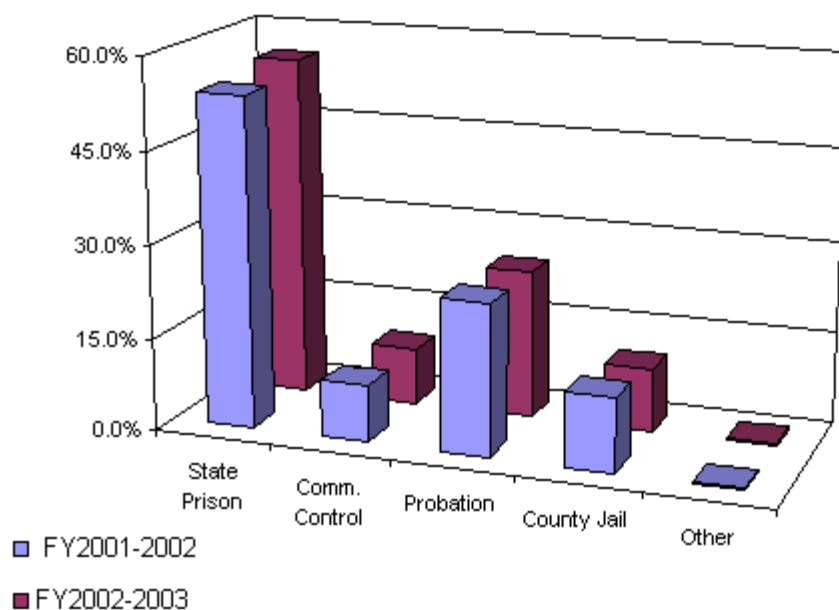
Sanction Imposed	Recommended Sanction Category					
	FY 2001-2002 Sentence Dates ¹			FY 2002-2003 Sentence Dates ²		
	44.0 Points or Less	More than 44.0 Points	Total	44.0 Points or Less	More than 44.0 Points	Total
State Prison	3,503 5.6%	10,281 53.7%	13,784 16.9%	3,919 6.3%	10,770 55.7%	14,689 17.9%
Community Control	4,525 7.3%	1,772 9.3%	6,297 7.7%	4,509 7.2%	1,795 9.3%	6,304 7.7%
Probation	37,555 60.3%	4,720 24.7%	42,275 52.0%	38,067 60.7%	4,664 24.1%	42,731 52.1%
County Jail	16,320 26.2%	2,296 12.0%	18,616 22.9%	15,621 24.9%	2,003 10.4%	17,624 21.5%
Other	334 0.5%	60 0.3%	394 0.5%	554 0.9%	99 0.5%	653 0.8%
Total	62,237 100.0%	19,129 100.0%	81,366 100.0%	62,670 100.0%	19,331 100.0%	82,001 100.0%

*Total points greater than 44.

¹Offense dates on or after October 1, 2000.

²Offense dates on or after October 1, 2001.

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



Part III Comparative Description

Table 2 Recommended Sanction Category by Sanction Imposed

Judicial Circuit / Sanction Imposed	Recommended Sanction Category							
	FY 2001-2002 Sentence Dates ¹				FY 2002-2003 Sentence Dates ²			
	44.0 Points or Less		More than 44.0 Points		44.0 Points or Less		More than 44.0 Points	
01 (Pensacola)	3,063	82.0%	672	18.0%	2,983	79.8%	753	20.2%
Prison	148	24.9%	446	75.1%	261	32.5%	543	67.5%
Community Control	420	82.5%	89	17.5%	361	81.9%	80	18.1%
Probation	1,867	94.3%	113	5.7%	1,757	94.7%	98	5.3%
County Jail	601	96.2%	24	3.8%	578	95.7%	26	4.3%
Other	27	100.0%	0	0.0%	26	81.3%	6	18.8%
02 (Tallahassee)	307	60.1%	204	39.9%	920	63.4%	531	36.6%
Prison	30	19.7%	122	80.3%	89	22.8%	302	77.2%
Community Control	27	50.0%	27	50.0%	48	53.9%	41	46.1%
Probation	226	81.6%	51	18.4%	642	79.9%	162	20.1%
County Jail	24	85.7%	4	14.3%	136	84.5%	25	15.5%
Other	0	0.0%	0	0.0%	5	0.0%	1	0.0%
03 (Lake City)	78	67.2%	38	32.8%	302	63.3%	175	36.7%
Prison	13	37.1%	22	62.9%	36	28.8%	89	71.2%
Community Control	20	76.9%	6	23.1%	47	72.3%	18	27.7%
Probation	41	85.4%	7	14.6%	192	77.4%	56	22.6%
County Jail	0	0.0%	2	100.0%	9	69.2%	4	30.8%
Other	4	80.0%	1	20.0%	18	69.2%	8	30.8%
04 (Jacksonville)	4,025	76.3%	1,248	23.7%	4,351	74.8%	1,463	25.2%
Prison	584	43.8%	750	56.2%	671	43.3%	878	56.7%
Community Control	238	76.3%	74	23.7%	150	76.1%	47	23.9%
Probation	1,354	85.3%	233	14.7%	1,112	80.9%	262	19.1%
County Jail	1,837	90.6%	191	9.4%	2,393	89.7%	275	10.3%
Other	12	100.0%	0	0.0%	25	96.2%	1	3.8%
05 (Tavares)	2,914	85.7%	488	14.3%	3,381	82.4%	721	17.6%
Prison	132	28.8%	327	71.2%	144	25.5%	421	74.5%
Community Control	244	84.1%	46	15.9%	262	81.4%	60	18.6%
Probation	2,142	95.5%	101	4.5%	2,328	93.6%	160	6.4%
County Jail	378	97.2%	11	2.8%	593	89.6%	69	10.4%
Other	18	85.7%	3	14.3%	54	83.1%	11	16.9%
06 (Clearwater)	6,438	76.5%	1,975	23.5%	7,058	78.6%	1,917	21.4%
Prison	221	15.8%	1,174	84.2%	294	20.1%	1,170	79.9%
Community Control	262	72.4%	100	27.6%	302	75.3%	99	24.7%
Probation	4,097	87.9%	563	12.1%	4,750	90.2%	514	9.8%
County Jail	1,795	93.8%	119	6.2%	1,631	93.5%	114	6.5%
Other	63	76.8%	19	23.2%	81	80.2%	20	19.8%
07 (Daytona)	2,711	79.0%	721	21.0%	2,593	74.9%	870	25.1%
Prison	380	44.0%	483	56.0%	353	37.5%	589	62.5%
Community Control	289	79.4%	75	20.6%	247	78.4%	68	21.6%

Probation	1,488	92.5%	120	7.5%	1,527	90.4%	162	9.6%
County Jail	552	92.8%	43	7.2%	458	90.0%	51	10.0%
Other	2	100.0%	0	0.0%	8	100.0%	0	0.0%
08 (Gainesville)	1,160	68.3%	539	31.7%	1,345	66.8%	668	33.2%
Prison	41	15.4%	225	84.6%	31	9.1%	310	90.9%
Community Control	75	49.7%	76	50.3%	70	54.7%	58	45.3%
Probation	868	83.2%	175	16.8%	999	81.6%	225	18.4%
County Jail	154	73.3%	56	26.7%	197	75.5%	64	24.5%
Other	22	75.9%	7	24.1%	48	81.4%	11	18.6%
09 (Orlando)	4,856	83.3%	976	16.7%	4,415	78.7%	1,198	21.3%
Prison	319	33.6%	630	66.4%	344	31.2%	758	68.8%
Community Control	322	82.6%	68	17.4%	256	76.2%	80	23.8%
Probation	2,826	93.1%	209	6.9%	2,622	90.7%	269	9.3%
County Jail	1,359	95.5%	64	4.5%	1,174	93.1%	87	6.9%
Other	30	85.7%	5	14.3%	19	82.6%	4	17.4%
10 (Bartow)	2,725	82.8%	565	17.2%	2,531	84.3%	473	15.7%
Prison	191	31.9%	408	68.1%	259	44.5%	323	55.5%
Community Control	220	85.9%	36	14.1%	241	84.9%	43	15.1%
Probation	2,038	95.5%	97	4.5%	1,694	95.2%	86	4.8%
County Jail	271	92.2%	23	7.8%	337	94.1%	21	5.9%
Other	5	83.3%	1	16.7%	0		0	
11 (Miami)	7,365	65.5%	3,885	34.5%	4,394	66.7%	2,195	33.3%
Prison	123	9.5%	1,176	90.5%	69	10.6%	583	89.4%
Community Control	211	35.5%	384	64.5%	115	36.1%	204	63.9%
Probation	3,307	74.3%	1,146	25.7%	2,171	75.6%	702	24.4%
County Jail	3,724	76.0%	1,179	24.0%	2,039	74.3%	706	25.7%
Other	0		0		0		0	
12 (Sarasota)	2,231	83.5%	442	16.5%	2,623	84.3%	490	15.7%
Prison	93	21.8%	334	78.2%	101	22.1%	357	77.9%
Community Control	247	88.8%	31	11.2%	240	90.2%	26	9.8%
Probation	1,257	95.3%	62	4.7%	1,526	94.8%	83	5.2%
County Jail	611	97.9%	13	2.1%	741	97.4%	20	2.6%
Other	23	92.0%	2	8.0%	15	78.9%	4	21.1%
13 (Tampa)	4,913	73.5%	1,769	26.5%	5,642	73.4%	2,049	26.6%
Prison	173	17.9%	793	82.1%	205	17.0%	999	83.0%
Community Control	662	66.7%	331	33.3%	775	64.7%	422	35.3%
Probation	3,360	87.3%	490	12.7%	3,774	89.2%	457	10.8%
County Jail	673	82.6%	142	17.4%	843	84.0%	161	16.0%
Other	45	77.6%	13	22.4%	45	81.8%	10	18.2%
14 (Panama City)	1,355	76.2%	423	23.8%	1,223	76.2%	382	23.8%
Prison	170	37.2%	287	62.8%	133	34.7%	250	65.3%
Community Control	289	85.5%	49	14.5%	245	83.3%	49	16.7%
Probation	823	92.0%	72	8.0%	801	91.8%	72	8.2%
County Jail	60	80.0%	15	20.0%	37	78.7%	10	21.3%
Other	13	100.0%	0	0.0%	7	87.5%	1	12.5%
15 (West Palm Beach)	4,233	79.7%	1,078	20.3%	3,990	80.2%	987	19.8%
Prison	95	13.9%	588	86.1%	97	15.0%	550	85.0%
Community Control	55	74.3%	19	25.7%	47	66.2%	24	33.8%
Probation	2,101	89.3%	253	10.7%	1,826	87.7%	256	12.3%
County Jail	1,982	90.1%	218	9.9%	2,013	92.9%	154	7.1%
Other	0	0.0%	0	0.0%	7	70.0%	3	30.0%

16 (Key West)	317	77.9%	90	22.1%	243	79.9%	61	20.1%
Prison	13	25.0%	39	75.0%	12	29.3%	29	70.7%
Community Control	18	66.7%	9	33.3%	9	50.0%	9	50.0%
Probation	250	89.3%	30	10.7%	185	91.1%	18	8.9%
County Jail	32	72.7%	12	27.3%	27	87.1%	4	12.9%
Other	4	100.0%	0	0.0%	10	90.9%	1	9.1%
17 (Ft. Lauderdale)	6,938	74.7%	2,346	25.3%	6,827	74.6%	2,319	25.4%
Prison	372	21.0%	1,402	79.0%	274	17.1%	1,329	82.9%
Community Control	380	62.6%	227	37.4%	379	60.4%	248	39.6%
Probation	4,862	88.4%	641	11.6%	4,727	87.9%	650	12.1%
County Jail	1,308	95.0%	69	5.0%	1,403	94.3%	85	5.7%
Other	16	69.6%	7	30.4%	44	86.3%	7	13.7%
18 (Sanford)	1,571	84.6%	285	15.4%	2,091	81.8%	466	18.2%
Prison	64	22.5%	221	77.5%	146	30.4%	334	69.6%
Community Control	158	88.8%	20	11.2%	230	78.5%	63	21.5%
Probation	1,200	96.6%	42	3.4%	1,604	96.0%	66	4.0%
County Jail	149	98.7%	2	1.3%	111	97.4%	3	2.6%
Other	0	0.0%	0	0.0%	0		0	
19 (Ft. Pierce)	1,926	77.6%	557	22.4%	2,227	81.9%	493	18.1%
Prison	250	36.7%	431	63.3%	301	45.3%	364	54.7%
Community Control	147	84.0%	28	16.0%	169	83.7%	33	16.3%
Probation	1,215	94.5%	71	5.5%	1,369	95.0%	72	5.0%
County Jail	306	92.2%	26	7.8%	367	94.8%	20	5.2%
Other	8	88.9%	1	11.1%	21	84.0%	4	16.0%
20 (Ft. Myers)	3,111	79.0%	828	21.0%	3,531	75.9%	1,120	24.1%
Prison	91	17.7%	423	82.3%	99	14.3%	592	85.7%
Community Control	241	75.8%	77	24.2%	316	72.0%	123	28.0%
Probation	2,233	90.1%	244	9.9%	2,461	89.3%	294	10.7%
County Jail	504	85.9%	83	14.1%	534	83.7%	104	16.3%
Other	42	97.7%	1	2.3%	121	94.5%	7	5.5%
Statewide	62,237	100.0%	19,129	100.0%	62,670	100.0%	19,331	100.0%

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

¹Offense dates on or after October 1, 2000.

²Offense dates on or after October 1, 2001.

Table 3 Sanction Imposed By Judicial Circuit and County

Circuit/County	FY 2001-2002 Sentence Dates ¹						FY 2002-2003 Sentence Dates ²					
	State Prison	Comm. Control	Probation	County Jail	Other Sentence	Total	State Prison	Comm. Control	Probation	County Jail	Other Sentence	Total
01 (Pensacola)	594	509	1,980	625	27	3,735	804	441	1,855	604	32	3,736
	15.9%	13.6%	53.0%	16.7%	0.7%	100.0%	21.5%	11.8%	49.7%	16.2%	0.9%	100.0%
Escambia	443	303	1,118	543	23	2,430	651	285	1,168	488	25	2,617
	18.2%	12.5%	46.0%	22.3%	0.9%	100.0%	24.9%	10.9%	44.6%	18.6%	1.0%	100.0%
Okaloosa	115	123	512	49	3	802	84	98	416	68	1	667
	14.3%	15.3%	63.8%	6.1%	0.4%	100.0%	12.6%	14.7%	62.4%	10.2%	0.1%	100.0%
Santa Rosa	33	57	199	26	1	316	52	47	213	43	3	358
	10.4%	18.0%	63.0%	8.2%	0.3%	100.0%	14.5%	13.1%	59.5%	12.0%	0.8%	100.0%
Walton	3	26	151	7	0	187	17	11	58	5	3	94
	1.6%	13.9%	80.7%	3.7%	0.0%	100.0%	18.1%	11.7%	61.7%	5.3%	3.2%	100.0%
02 (Tallahassee)	152	54	277	28	0	511	391	89	804	161	6	1,451

	29.7%	10.6%	54.2%	5.5%	0.0%	100.0%	26.9%	6.1%	55.4%	11.1%	0.4%	100.0%
Franklin	3	2	8	1	0	14	0	0	0	0	0	0
	21.4%	14.3%	57.1%	7.1%	0.0%	100.0%						
Gadsden	65	21	154	6	0	246	96	24	313	25	0	458
	26.4%	8.5%	62.6%	2.4%	0.0%	100.0%	21.0%	5.2%	68.3%	5.5%	0.0%	100.0%
Jefferson	0	0	1	0	0	1	3	0	11	0	0	14
	0.0%	0.0%	100.0%	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Leon	70	29	106	20	0	225	287	65	456	134	6	948
	31.1%	12.9%	47.1%	8.9%	0.0%	100.0%	30.3%	6.9%	48.1%	14.1%	0.6%	100.0%
Liberty	14	2	8	1	0	25	5	0	24	2	0	31
	56.0%	8.0%	32.0%	4.0%	0.0%	100.0%	16.1%	0.0%	77.4%	6.5%	0.0%	100.0%
Wakulla	0	0	0	0	0	0	0	0	0	0	0	0
03 (Lake City)	35	26	48	2	5	116	125	65	248	13	26	477
	30.2%	22.4%	41.4%	1.7%	4.3%	100.0%	26.2%	13.6%	52.0%	2.7%	5.5%	100.0%
Columbia	11	7	10	0	0	28	66	25	95	8	12	206
	39.3%	25.0%	35.7%	0.0%	0.0%	100.0%	32.0%	12.1%	46.1%	3.9%	5.8%	100.0%
Dixie	6	0	1	0	0	7	11	5	21	1	2	40
	85.7%	0.0%	14.3%	0.0%	0.0%	100.0%	27.5%	12.5%	52.5%	2.5%	5.0%	100.0%
Hamilton	6	0	2	0	2	10	5	0	3	0	0	8
	60.0%	0.0%	20.0%	0.0%	20.0%	100.0%	0.1%	0.0%	0.1%	0.0%	0.0%	0.2%
Lafayette	0	0	0	0	0	0	0	0	0	0	0	0
Madison	1	1	0	0	0	2	12	5	23	1	1	42
	50.0%	50.0%	0.0%	0.0%	0.0%	100.0%	28.6%	11.9%	54.8%	2.4%	2.4%	100.0%
Suwannee	4	0	1	0	0	5	9	1	5	0	0	15
	80.0%	0.0%	20.0%	0.0%	0.0%	100.0%	60.0%	6.7%	33.3%	0.0%	0.0%	100.0%
Taylor	7	18	34	2	3	64	22	29	101	3	11	166
	10.9%	28.1%	53.1%	3.1%	4.7%	100.0%	13.3%	17.5%	60.8%	1.8%	6.6%	100.0%
04 (Jacksonville)	1,334	312	1,587	2,028	12	5,273	1,549	197	1,374	2,668	26	5,814
	25.3%	5.9%	30.1%	38.5%	0.2%	100.0%	26.6%	3.4%	23.6%	45.9%	0.4%	100.0%
Clay	138	41	322	183	2	686	196	31	287	261	7	782
	20.1%	6.0%	46.9%	26.7%	0.3%	100.0%	25.1%	4.0%	36.7%	33.4%	0.9%	100.0%
Duval	1,078	250	1,153	1,780	8	4,269	1,254	140	950	2,302	15	4,661
	25.3%	5.9%	27.0%	41.7%	0.2%	100.0%	26.9%	3.0%	20.4%	49.4%	0.3%	100.0%
Nassau	118	21	112	65	2	318	99	26	137	105	4	371
	37.1%	6.6%	35.2%	20.4%	0.6%	100.0%	26.7%	7.0%	36.9%	28.3%	1.1%	100.0%
05 (Tavares)	459	290	2,243	389	21	3,402	565	322	2,488	662	65	4,102
	13.5%	8.5%	65.9%	11.4%	0.6%	100.0%	13.8%	7.8%	60.7%	16.1%	1.6%	100.0%
Citrus	74	20	237	46	5	382	97	15	280	57	3	452
	19.4%	5.2%	62.0%	12.0%	1.3%	100.0%	21.5%	3.3%	61.9%	12.6%	0.7%	100.0%
Hernando	73	62	326	33	2	496	90	85	371	65	0	611
	14.7%	12.5%	65.7%	6.7%	0.4%	100.0%	14.7%	13.9%	60.7%	10.6%	0.0%	100.0%
Lake	143	99	680	195	5	1,122	184	117	706	359	28	1,394
	12.7%	8.8%	60.6%	17.4%	0.4%	100.0%	13.2%	8.4%	50.6%	25.8%	2.0%	100.0%
Marion	118	98	903	110	9	1,238	123	97	1,027	176	33	1,456
	9.5%	7.9%	72.9%	8.9%	0.7%	100.0%	8.4%	6.7%	70.5%	12.1%	2.3%	100.0%
Sumter	51	11	97	5	0	164	71	8	104	5	1	189
	31.1%	6.7%	59.1%	3.0%	0.0%	100.0%	37.6%	4.2%	55.0%	2.6%	0.5%	100.0%
06 (Clearwater)	1,395	362	4,660	1,914	82	8,413	1,464	401	5,264	1,745	101	8,975
	16.6%	4.3%	55.4%	22.8%	1.0%	100.0%	16.3%	4.5%	58.7%	19.4%	1.1%	100.0%

	Pasco	255	253	742	159	0	1,409	231	239	890	146	5	1,511
		18.1%	18.0%	52.7%	11.3%	0.0%	100.0%	15.3%	15.8%	58.9%	9.7%	0.3%	100.0%
	Pinellas	1,140	109	3,918	1,755	82	7,004	1,233	162	4,374	1,599	96	7,464
		16.3%	1.6%	55.9%	25.1%	1.2%	100.0%	16.5%	2.2%	58.6%	21.4%	1.3%	100.0%
07 (Daytona)		863	364	1,608	595	2	3,432	942	315	1,689	509	8	3,463
		25.1%	10.6%	46.9%	17.3%	0.1%	100.0%	27.2%	9.1%	48.8%	14.7%	0.2%	100.0%
	Flagler	23	18	53	20	0	114	36	8	84	32	0	160
		20.2%	15.8%	46.5%	17.5%	0.0%	100.0%	22.5%	5.0%	52.5%	20.0%	0.0%	100.0%
	Putnam	95	18	114	22	2	251	89	39	186	43	2	359
		37.8%	7.2%	45.4%	8.8%	0.8%	100.0%	24.8%	10.9%	51.8%	12.0%	0.6%	100.0%
	St. Johns	155	15	337	46	0	553	121	17	235	36	0	409
		28.0%	2.7%	60.9%	8.3%	0.0%	100.0%	29.6%	4.2%	57.5%	8.8%	0.0%	100.0%
	Volusia	590	313	1,104	507	0	2,514	696	251	1,184	398	6	2,535
		23.5%	12.5%	43.9%	20.2%	0.0%	100.0%	27.5%	9.9%	46.7%	15.7%	0.2%	100.0%
08 (Gainesville)		266	151	1,043	210	29	1,699	341	128	1,224	261	59	2,013
		15.7%	8.9%	61.4%	12.4%	1.7%	100.0%	16.9%	6.4%	60.8%	13.0%	2.9%	100.0%
	Alachua	193	105	762	171	23	1,254	230	101	872	224	52	1,479
		15.4%	8.4%	60.8%	13.6%	1.8%	100.0%	15.6%	6.8%	59.0%	15.1%	3.5%	100.0%
	Baker	14	5	46	6	2	73	12	2	30	3	0	47
		19.2%	6.8%	63.0%	8.2%	2.7%	100.0%	25.5%	4.3%	63.8%	6.4%	0.0%	100.0%
	Bradford	28	7	104	11	1	151	45	8	131	13	1	198
		18.5%	4.6%	68.9%	7.3%	0.7%	100.0%	22.7%	4.0%	66.2%	6.6%	0.5%	100.0%
	Gilchrist	0	1	12	5	0	18	1	2	16	0	0	19
		0.0%	5.6%	66.7%	27.8%	0.0%	100.0%	5.3%	10.5%	84.2%	0.0%	0.0%	100.0%
	Levy	24	29	76	13	3	145	39	11	132	20	5	207
		16.6%	20.0%	52.4%	9.0%	2.1%	100.0%	18.8%	5.3%	63.8%	9.7%	2.4%	100.0%
	Union	7	4	43	4	0	58	14	4	43	1	1	63
		12.1%	6.9%	74.1%	6.9%	0.0%	100.0%	22.2%	6.3%	68.3%	1.6%	1.6%	100.0%
09 (Orlando)		949	390	3,035	1,423	35	5,832	1,102	336	2,891	1,261	23	5,613
		16.3%	6.7%	52.0%	24.4%	0.6%	100.0%	19.6%	6.0%	51.5%	22.5%	0.4%	100.0%
	Orange	826	318	2,396	1,109	27	4,676	888	216	2,148	957	13	4,222
		17.7%	6.8%	51.2%	23.7%	0.6%	100.0%	21.0%	5.1%	50.9%	22.7%	0.3%	100.0%
	Osceola	123	72	639	314	8	1,156	214	120	743	304	10	1,391
		10.6%	6.2%	55.3%	27.2%	0.7%	100.0%	15.4%	8.6%	53.4%	21.9%	0.7%	100.0%
10 (Bartow)		599	256	2,135	294	6	3,290	582	284	1,780	358	0	3,004
		18.2%	7.8%	64.9%	8.9%	0.2%	100.0%	19.4%	9.5%	59.3%	11.9%	0.0%	100.0%
	Hardee	22	11	36	11	0	80	26	10	108	24	0	168
		27.5%	13.8%	45.0%	13.8%	0.0%	100.0%	15.5%	6.0%	64.3%	14.3%	0.0%	100.0%
	Highlands	70	34	171	7	1	283	51	30	100	4	0	185
		24.7%	12.0%	60.4%	2.5%	0.4%	100.0%	27.6%	16.2%	54.1%	2.2%	0.0%	100.0%
	Polk	507	211	1,928	276	5	2,927	505	244	1,572	330	0	2,651
		17.3%	7.2%	65.9%	9.4%	0.2%	100.0%	19.0%	9.2%	59.3%	12.4%	0.0%	100.0%
11 (Miami)		1,299	595	4,453	4,903	0	11,250	652	319	2,873	2,745	0	6,589
		11.5%	5.3%	39.6%	43.6%	0.0%	100.0%	9.9%	4.8%	43.6%	41.7%	0.0%	100.0%
	Miami-Dade	1,299	595	4,453	4,903	0	11,250	652	319	2,873	2,745	0	6,589
		11.5%	5.3%	39.6%	43.6%	0.0%	100.0%	9.9%	4.8%	43.6%	41.7%	0.0%	100.0%
12 (Sarasota)		427	278	1,319	624	25	2,673	458	266	1,609	761	19	3,113
		16.0%	10.4%	49.3%	23.3%	0.9%	100.0%	14.7%	8.5%	51.7%	24.4%	0.6%	100.0%
	Desoto	25	20	46	19	0	110	34	10	52	43	2	141
		22.7%	18.2%	41.8%	17.3%	0.0%	100.0%	24.1%	7.1%	36.9%	30.5%	1.4%	100.0%
	Manatee	200	96	583	199	2	1,080	154	123	790	261	0	1,328

		18.5%	8.9%	54.0%	18.4%	0.2%	100.0%	11.6%	9.3%	59.5%	19.7%	0.0%	100.0%
	Sarasota	202	162	690	406	23	1,483	270	133	767	457	17	1,644
		13.6%	10.9%	46.5%	27.4%	1.6%	100.0%	16.4%	8.1%	46.7%	27.8%	1.0%	100.0%
13 (Tampa)		966	993	3,850	815	58	6,682	1,204	1,197	4,231	1,004	55	7,691
		14.5%	14.9%	57.6%	12.2%	0.9%	100.0%	15.7%	15.6%	55.0%	13.1%	0.7%	100.0%
	Hillsborough	966	993	3,850	815	58	6,682	1,204	1,197	4,231	1,004	55	7,691
		14.5%	14.9%	57.6%	12.2%	0.9%	100.0%	15.7%	15.6%	55.0%	13.1%	0.7%	100.0%
14 (Panama City)		457	338	895	75	13	1,778	383	294	873	47	8	1,605
		25.7%	19.0%	50.3%	4.2%	0.7%	100.0%	23.9%	18.3%	54.4%	2.9%	0.5%	100.0%
	Bay	375	289	680	61	13	1,418	362	253	698	44	8	1,365
		26.4%	20.4%	48.0%	4.3%	0.9%	100.0%	26.5%	18.5%	51.1%	3.2%	0.6%	100.0%
	Calhoun	8	0	7	1	0	16	7	18	47	0	0	72
		50.0%	0.0%	43.8%	6.3%	0.0%	100.0%	9.7%	25.0%	65.3%	0.0%	0.0%	100.0%
	Gulf	0	3	17	2	0	22	0	0	0	0	0	0
		0.0%	13.6%	77.3%	9.1%	0.0%	100.0%						
	Holmes	16	12	49	0	0	77	2	5	52	1	0	60
		20.8%	15.6%	63.6%	0.0%	0.0%	100.0%	3.3%	8.3%	86.7%	1.7%	0.0%	100.0%
	Jackson	35	24	87	9	0	155	7	8	18	1	0	34
		22.6%	15.5%	56.1%	5.8%	0.0%	100.0%	20.6%	23.5%	52.9%	2.9%	0.0%	100.0%
	Washington	23	10	55	2	0	90	5	10	58	1	0	74
		25.6%	11.1%	61.1%	2.2%	0.0%	100.0%	6.8%	13.5%	78.4%	1.4%	0.0%	100.0%
15 (West Palm Beach)		683	74	2,354	2,200	0	5,311	647	71	2,082	2,167	10	4,977
		12.9%	1.4%	44.3%	41.4%	0.0%	100.0%	13.0%	1.4%	41.8%	43.5%	0.2%	100.0%
	Palm Beach	683	74	2,354	2,200	0	5,311	647	71	2,082	2,167	10	4,977
		12.9%	1.4%	44.3%	41.4%	0.0%	100.0%	13.0%	1.4%	41.8%	43.5%	0.2%	100.0%
16 (Key West)		52	27	280	44	4	407	41	18	203	31	11	304
		12.8%	6.6%	68.8%	10.8%	1.0%	100.0%	13.5%	5.9%	66.8%	10.2%	3.6%	100.0%
	Monroe	52	27	280	44	4	407	41	18	203	31	11	304
		12.8%	6.6%	68.8%	10.8%	1.0%	100.0%	13.5%	5.9%	66.8%	10.2%	3.6%	100.0%
17 (Ft. Lauderdale)		1,774	607	5,503	1,377	23	9,284	1,603	627	5,377	1,488	51	9,146
		19.1%	6.5%	59.3%	14.8%	0.2%	100.0%	17.5%	6.9%	58.8%	16.3%	0.6%	100.0%
	Broward	1,774	607	5,503	1,377	23	9,284	1,603	627	5,377	1,488	51	9,146
		19.1%	6.5%	59.3%	14.8%	0.2%	100.0%	17.5%	6.9%	58.8%	16.3%	0.6%	100.0%
18 (Sanford)		285	178	1,242	151	0	1,856	480	293	1,670	114	0	2,557
		15.4%	9.6%	66.9%	8.1%	0.0%	100.0%	18.8%	11.5%	65.3%	4.5%	0.0%	100.0%
	Brevard	139	129	595	19	0	882	298	213	884	28	0	1,423
		15.8%	14.6%	67.5%	2.2%	0.0%	100.0%	20.9%	15.0%	62.1%	2.0%	0.0%	100.0%
	Seminole	146	49	647	132	0	974	182	80	786	86	0	1,134
		15.0%	5.0%	66.4%	13.6%	0.0%	100.0%	16.0%	7.1%	69.3%	7.6%	0.0%	100.0%
19 (Ft. Pierce)		681	175	1,286	332	9	2,483	665	202	1,441	387	25	2,720
		27.4%	7.0%	51.8%	13.4%	0.4%	100.0%	24.4%	7.4%	53.0%	14.2%	0.9%	100.0%
	Indian River	137	30	264	72	3	506	163	58	335	94	0	650
		27.1%	5.9%	52.2%	14.2%	0.6%	100.0%	25.1%	8.9%	51.5%	14.5%	0.0%	100.0%
	Martin	155	44	363	136	1	699	126	33	351	123	2	635
		22.2%	6.3%	51.9%	19.5%	0.1%	100.0%	19.8%	5.2%	55.3%	19.4%	0.3%	100.0%
	Okeechobee	43	2	71	17	2	135	63	8	110	29	2	212
		31.9%	1.5%	52.6%	12.6%	1.5%	100.0%	29.7%	3.8%	51.9%	13.7%	0.9%	100.0%
	St. Lucie	346	99	588	107	3	1,143	313	103	645	141	21	1,223
		30.3%	8.7%	51.4%	9.4%	0.3%	100.0%	25.6%	8.4%	52.7%	11.5%	1.7%	100.0%
20 (Ft. Myers)		514	318	2,477	587	43	3,939	691	439	2,755	638	128	4,651
		13.0%	8.1%	62.9%	14.9%	1.1%	100.0%	14.9%	9.4%	59.2%	13.7%	2.8%	100.0%

Charlotte	74	78	279	73	1	505	135	145	338	77	2	697
	14.7%	15.4%	55.2%	14.5%	0.2%	100.0%	19.4%	20.8%	48.5%	11.0%	0.3%	100.0%
Collier	105	64	754	154	6	1,083	192	130	911	216	21	1,470
	9.7%	5.9%	69.6%	14.2%	0.6%	100.0%	13.1%	8.8%	62.0%	14.7%	1.4%	100.0%
Glades	2	2	22	2	1	29	2	2	29	4	1	38
	6.9%	6.9%	75.9%	6.9%	3.4%	100.0%	5.3%	5.3%	76.3%	10.5%	2.6%	100.0%
Hendry	15	9	126	17	0	167	16	11	121	29	2	179
	9.0%	5.4%	75.4%	10.2%	0.0%	100.0%	8.9%	6.1%	67.6%	16.2%	1.1%	100.0%
Lee	318	165	1,296	341	35	2,155	346	151	1,356	312	102	2,267
	14.8%	7.7%	60.1%	15.8%	1.6%	100.0%	15.3%	6.7%	59.8%	13.8%	4.5%	100.0%
Statewide	13,784	6,297	42,275	18,616	394	81,366	14,689	6,304	42,731	17,624	653	82,001
	16.9%	7.7%	52.0%	22.9%	0.5%	100.0%	17.9%	7.7%	52.1%	21.5%	0.8%	100.0%

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

¹Offense dates on or after October 1, 2000.

²Offense dates on or after October 1, 2001.

Florida's Criminal Punishment Code:
A Comparative Assessment (FY 2002-2003)

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Part III Comparative Description

Table 4 Offense Types by Sanction Imposed

Offense Type	FY2001 - 2002 Sentence Dates ¹						FY2002 - 2003 Sentence Dates ²					
	State Prison	Comm. Control	Probation	County Jail	Other	Total	State Prison	Comm. Control	Probation	County Jail	Other	Total
Murder/Manslaughter												
First Degree Murder												
Attempt	49	5	5	0	0	59	44	2	1	2	0	49
	83.1%	8.5%	8.5%	0.0%	0.0%	100.0%	89.8%	4.1%	2.0%	4.1%	0.0%	100.0%
Second Degree Murder												
Attempt	33	5	2	0	0	40	27	0	3	0	0	30
	82.5%	12.5%	5.0%	0.0%	0.0%	100.0%	90.0%	0.0%	10.0%	0.0%	0.0%	100.0%
Complete	32	1	0	0	0	33	49	0	0	0	0	49
	97.0%	3.0%	0.0%	0.0%	0.0%	100.0%	100.0%	0.0%	0.0%	0.0%	0.0%	100.0%
Third Degree Murder												
Attempt	2	0	0	0	0	2	0	0	0	0	0	0
	100.0%	0.0%	0.0%	0.0%	0.0%	100.0%						
Complete	4	0	1	0	0	5	4	0	1	0	0	5
	80.0%	0.0%	20.0%	0.0%	0.0%	100.0%	80.0%	0.0%	20.0%	0.0%	0.0%	100.0%
Homicide, Other												
Attempt	0	0	0	0	0	0	0	0	0	0	0	0
Complete	5	0	2	0	0	7	2	1	3	0	0	6
	71.4%	0.0%	28.6%	0.0%	0.0%	100.0%	33.3%	16.7%	50.0%	0.0%	0.0%	100.0%
Manslaughter												
Attempt	4	0	1	1	0	6	2	1	1	0	0	4
	66.7%	0.0%	16.7%	16.7%	0.0%	0.0%	50.0%	25.0%	25.0%	0.0%	0.0%	100.0%
Complete	35	4	13	1	0	53	43	4	6	1	0	54
	66.0%	7.5%	24.5%	1.9%	0.0%	100.0%	79.6%	7.4%	11.1%	1.9%	0.0%	100.0%
DUI Manslaughter												
Complete	40	5	6	0	0	51	36	3	4	0	0	43
	78.4%	9.8%	11.8%	0.0%	0.0%	100.0%	83.7%	7.0%	9.3%	0.0%	0.0%	100.0%
Sexual/Lewd Behavior												
Capital Sexual Battery												
Attempt	36	1	1	0	0	38	33	2	4	0	0	39
	94.7%	2.6%	2.6%	0.0%	0.0%	100.0%	84.6%	5.1%	10.3%	0.0%	0.0%	100.0%
Life Sexual Battery												
Attempt	3	0	0	0	0	3	4	0	3	0	0	7

	100.0%	0.0%	0.0%	0.0%	0.0%	100.0%	57.1%	0.0%	42.9%	0.0%	0.0%	100.0%
Complete	25	1	1	0	0	27	21	2	0	0	0	23
	92.6%	3.7%	3.7%	0.0%	0.0%	100.0%	91.3%	8.7%	0.0%	0.0%	0.0%	100.0%
1st Degree Sexual Battery												
Attempt	2	1	2	0	0	5	5	0	0	0	0	5
	40.0%	20.0%	40.0%	0.0%	0.0%	100.0%	100.0%	0.0%	0.0%	0.0%	0.0%	100.0%
Complete	29	3	4	0	0	36	45	2	5	0	0	52
	80.6%	8.3%	11.1%	0.0%	0.0%	100.0%	86.5%	3.8%	9.6%	0.0%	0.0%	100.0%
2nd Degree Sexual Battery												
Attempt	8	3	5	0	0	16	9	2	7	3	0	21
	50.0%	18.8%	31.3%	0.0%	0.0%	100.0%	42.9%	9.5%	33.3%	14.3%	0.0%	100.0%
Complete	55	12	50	6	0	123	53	23	48	5	0	129
	44.7%	9.8%	40.7%	4.9%	0.0%	100.0%	41.1%	17.8%	37.2%	3.9%	0.0%	100.0%
Sexual Assault, Other												
Complete	0	0	1	2	0	3	1	1	6	0	0	8
	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	12.5%	12.5%	75.0%	0.0%	0.0%	100.0%
Lewd/Lascivious Behavior												
Attempt	9	7	29	4	0	49	14	6	14	2	0	36
	18.4%	14.3%	59.2%	8.2%	0.0%	100.0%	38.9%	16.7%	38.9%	5.6%	0.0%	100.0%
Complete	263	105	324	30	2	724	265	99	267	16	5	652
	36.3%	14.5%	44.8%	4.1%	0.3%	100.0%	40.6%	15.2%	41.0%	2.5%	0.8%	100.0%
Robbery												
Robbery with Weapon												
Attempt	67	13	20	5	0	105	69	14	26	4	1	114
	63.8%	12.4%	19.0%	4.8%	0.0%	100.0%	60.5%	12.3%	22.8%	3.5%	0.9%	100.0%
Complete	547	64	83	17	1	712	468	72	73	13	0	626
	76.8%	9.0%	11.7%	2.4%	0.1%	100.0%	74.8%	11.5%	11.7%	2.1%	0.0%	100.0%
Robbery without Weapon												
Attempt	61	5	65	30	1	162	65	20	72	28	1	186
	37.7%	3.1%	40.1%	18.5%	0.6%	100.0%	34.9%	10.8%	38.7%	15.1%	0.5%	100.0%
Complete	467	103	435	176	3	1,184	494	110	421	133	7	1,165
	39.4%	8.7%	36.7%	14.9%	0.3%	100.0%	42.4%	9.4%	36.1%	11.4%	0.6%	100.0%
Home Invasion, Robbery												
Attempt	0	0	2	0	0	2	1	0	0	0	0	1
	0.0%	0.0%	100.0%	0.0%	0.0%	100.0%	100.0%	0.0%	0.0%	0.0%	0.0%	100.0%
Complete	36	7	5	0	0	48	41	2	2	0	0	45
	75.0%	14.6%	10.4%	0.0%	0.0%	100.0%	91.1%	4.4%	4.4%	0.0%	0.0%	100.0%
Violent Personal Offenses												
Attempt	29	8	52	10	2	101	39	8	46	6	0	99
	28.7%	7.9%	51.5%	9.9%	2.0%	100.0%	39.4%	8.1%	46.5%	6.1%	0.0%	100.0%
Complete	2,025	1,004	6,367	1,486	48	10,930	2,124	936	6,173	1,510	67	10,810
	18.5%	9.2%	58.3%	13.6%	0.4%	100.0%	19.6%	8.7%	57.1%	14.0%	0.6%	100.0%
Burglary												

Attempt	69	16	141	49	0	275	79	26	109	38	2	254
	25.1%	5.8%	51.3%	17.8%	0.0%	100.0%	31.1%	10.2%	42.9%	15.0%	0.8%	100.0%
Complete	2,099	703	3,612	1,156	31	7,601	2,234	740	3,691	1,075	56	7,796
	27.6%	9.2%	47.5%	15.2%	0.4%	100.0%	28.7%	9.5%	47.3%	13.8%	0.7%	100.0%

Property Theft/Fraud/Damage

Attempt	3	1	10	3	0	17	4	1	15	6	0	26
	17.6%	5.9%	58.8%	17.6%	0.0%	100.0%	15.4%	3.8%	57.7%	23.1%	0.0%	100.0%
Complete	2,014	1,156	10,652	3,576	101	17,499	2,145	1,030	10,168	3,643	145	17,131
	11.5%	6.6%	60.9%	20.4%	0.6%	100.0%	12.5%	6.0%	59.4%	21.3%	0.8%	100.0%

Drugs

Manufacture/Sale/Purchase

Attempt	38	38	333	142	0	551	32	32	298	194	3	559
	6.9%	6.9%	60.4%	25.8%	0.0%	100.0%	5.7%	5.7%	53.3%	34.7%	0.5%	100.0%
Complete	2,260	750	3,949	2,456	36	9,451	2,357	758	3,894	2,036	55	9,100
	23.9%	7.9%	41.8%	26.0%	0.4%	100.0%	25.9%	8.3%	42.8%	22.4%	0.6%	100.0%

Drugs, Trafficking

Attempt	24	16	47	5	0	92	23	9	42	6	1	81
	26.1%	17.4%	51.1%	5.4%	0.0%	100.0%	28.4%	11.1%	51.9%	7.4%	1.2%	100.0%
Complete	492	74	110	28	1	705	554	89	131	15	1	790
	69.8%	10.5%	15.6%	4.0%	0.1%	100.0%	70.1%	11.3%	16.6%	1.9%	0.1%	100.0%

Drugs, Possession/Other

Attempt	1	6	38	14	0	59	6	1	44	11	0	62
	1.7%	10.2%	64.4%	23.7%	0.0%	100.0%	9.7%	1.6%	71.0%	17.7%	0.0%	100.0%
Complete	1,314	1,234	10,253	6,315	93	19,209	1,503	1,309	10,505	5,573	170	19,060
	6.8%	6.4%	53.4%	32.9%	0.5%	100.0%	7.9%	6.9%	55.1%	29.2%	0.9%	100.0%

Weapons

Attempt	3	1	2	0	0	6	1	1	7	1	0	10
	50.0%	16.7%	33.3%	0.0%	0.0%	100.0%	10.0%	10.0%	70.0%	10.0%	0.0%	100.0%
Complete	400	128	785	218	8	1,539	433	127	840	241	15	1,656
	26.0%	8.3%	51.0%	14.2%	0.5%	100.0%	26.1%	7.7%	50.7%	14.6%	0.9%	100.0%

Other

Attempt	7	1	18	22	0	48	6	0	20	9	0	35
	14.6%	2.1%	37.5%	45.8%	0.0%	100.0%	17.1%	0.0%	57.1%	25.7%	0.0%	100.0%
Complete	1,194	816	4,849	2,864	67	9,790	1,354	871	5,781	3,053	124	11,183
	12.2%	8.3%	49.5%	29.3%	0.7%	100.0%	12.1%	7.8%	51.7%	27.3%	1.1%	100.0%

Total	13,784	6,297	42,275	18,616	394	81,366	14,689	6,304	42,731	17,624	653	82,001
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Note: County jail includes those sentenced to time served; prison includes those sentenced to life.

¹Offense dates on or after October 1, 2000.

²Offense dates on or after October 1, 2001.

Part III Comparative Description

Table 5 Sanction Imposed by Offense Severity Level

Offense Severity Level	FY2001 - 2002 Sentence Dates ¹						FY2002 - 2003 Sentence Dates ²					
	State Prison*	Comm. Control	Probation	County Jail	Other Sentence	Total	State Prison	Comm. Control	Probation	County Jail	Other Sentence	Total
1	632	717	5,441	3,049	77	9,916	769	737	6,281	3,245	168	11,200
	6.4%	7.2%	54.9%	30.7%	0.8%	100.0%	6.9%	6.6%	56.1%	29.0%	1.5%	100.0%
2	737	566	6,205	1,795	50	9,353	735	539	5,832	1,819	73	8,998
	7.9%	6.1%	66.3%	19.2%	0.5%	100.0%	8.2%	6.0%	64.8%	20.2%	0.8%	100.0%
3	1,572	1,494	12,012	7,176	105	22,359	1,854	1,584	12,483	6,408	178	22,507
	7.0%	6.7%	53.7%	32.1%	0.5%	100.0%	8.2%	7.0%	55.5%	28.5%	0.8%	100.0%
4	1,955	869	6,470	2,706	69	12,069	2,090	810	6,227	2,459	81	11,667
	16.2%	7.2%	53.6%	22.4%	0.6%	100.0%	17.9%	6.9%	53.4%	21.1%	0.7%	100.0%
5	3,089	1,031	5,636	2,636	52	12,444	3,275	1,024	5,525	2,487	72	12,383
	24.8%	8.3%	45.3%	21.2%	0.4%	100.0%	26.4%	8.3%	44.6%	20.1%	0.6%	100.0%
6	1,750	681	4,052	849	29	7,361	1,874	697	4,070	870	50	7,561
	23.8%	9.3%	55.0%	11.5%	0.4%	100.0%	24.8%	9.2%	53.8%	11.5%	0.7%	100.0%
7	2,441	661	1,984	336	9	5,431	2,499	632	1,878	283	26	5,318
	44.9%	12.2%	36.5%	6.2%	0.2%	100.0%	47.0%	11.9%	35.3%	5.3%	0.5%	100.0%
8	705	169	343	55	2	1,274	777	193	333	31	5	1,339
	55.3%	13.3%	26.9%	4.3%	0.2%	100.0%	58.0%	14.4%	24.9%	2.3%	0.4%	100.0%
9	791	103	119	11	1	1,025	702	85	97	19	0	903
	77.2%	10.0%	11.6%	1.1%	0.1%	100.0%	77.7%	9.4%	10.7%	2.1%	0.0%	100.0%
10	112	6	13	3	0	134	114	3	5	3	0	125
	83.6%	4.5%	9.7%	2.2%	0.0%	100.0%	91.2%	2.4%	4.0%	2.4%	0.0%	100.0%
Total	13,784	6,297	42,275	18,616	394	81,366	14,689	6,304	42,731	17,624	653	82,001
	16.9%	7.7%	52.0%	22.9%	0.5%	100.0%	17.9%	7.7%	52.1%	21.5%	0.8%	100.0%

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

¹ Offense dates on or after October 1, 2000.

² Offense dates on or after October 1, 2001.

Table 6 State Prison Sentence Length by Offense Severity Level

Offense Severity Level	FY2001 - 2002 Sentence Dates ¹					FY2002 - 2003 Sentence Dates ²				
	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	504	91	31	6	632	613	109	42	5	769
	79.7%	14.4%	4.9%	0.9%	100.0%	79.7%	14.2%	5.5%	0.7%	100.0%
2	543	135	54	5	737	529	152	49	5	735

	73.7%	18.3%	7.3%	0.7%	100.0%	72.0%	20.7%	6.7%	0.7%	100.0%
3	1,170	284	104	14	1,572	1,386	348	103	17	1,854
	74.4%	18.1%	6.6%	0.9%	100.0%	74.8%	18.8%	5.6%	0.9%	100.0%
4	1,229	462	242	22	1,955	1,331	487	243	29	2,090
	62.9%	23.6%	12.4%	1.1%	100.0%	63.7%	23.3%	11.6%	1.4%	100.0%
5	1,689	898	420	82	3,089	1,854	923	396	102	3,275
	54.7%	29.1%	13.6%	2.7%	100.0%	56.6%	28.2%	12.1%	3.1%	100.0%
6	799	544	297	110	1,750	879	574	318	103	1,874
	45.7%	31.1%	17.0%	6.3%	100.0%	46.9%	30.6%	17.0%	5.5%	100.0%
7	610	935	664	232	2,441	595	996	672	236	2,499
	25.0%	38.3%	27.2%	9.5%	100.0%	23.8%	39.9%	26.9%	9.4%	100.0%
8	123	200	254	128	705	112	212	309	144	777
	17.4%	28.4%	36.0%	18.2%	100.0%	14.4%	27.3%	39.8%	18.5%	100.0%
9	110	128	313	240	791	115	110	302	175	702
	13.9%	16.2%	39.6%	30.3%	100.0%	16.4%	15.7%	43.0%	24.9%	100.0%
10	34	4	16	58	112	31	4	16	63	114
	30.4%	3.6%	14.3%	51.8%	100.0%	27.2%	3.5%	14.0%	55.3%	100.0%
Total	6,811	3,681	2,395	897	13,784	7,445	3,915	2,450	879	14,689
	49.4%	26.7%	17.4%	6.5%	100.0%	50.7%	26.7%	16.7%	6.0%	100.0%

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

¹ Offense dates on or after October 1, 2000.

² Offense dates on or after October 1, 2001.

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Table 7 Number of Prior Offenses*

Prior Offenses	FY2001 - 2002 Sentence Dates ¹		FY2002 - 2003 Sentence Dates ²	
	Number	Percent	Number	Percent
None	23,793	29.2%	22,144	27.0%
Misdemeanor Only	18,277	22.5%	20,275	24.7%
One Felony	15,308	18.8%	15,659	19.1%
Two Felonies	10,789	13.3%	10,570	12.9%
Three Felonies	6,523	8.0%	6,631	8.1%
Four Felonies	3,590	4.4%	3,583	4.4%
Five Felonies	1,775	2.2%	1,814	2.2%
Six Felonies	795	1.0%	807	1.0%
Seven or More Felonies	516	0.6%	518	0.6%
Total	81,366	100.0%	82,001	100.0%

* As indicated on the scoresheet.

¹ Offense dates on or after October 1, 2000.

² Offense dates on or after October 1, 2001.

Table 8 Number of Additional Offenses*

Additional Offenses	FY2001 - 2002 Sentence Dates ¹		FY2002 - 2003 Sentence Dates ²	
	Number	Percent	Number	Percent
None	45,510	55.9%	45,172	55.1%
Misdemeanor Only	18,529	22.8%	19,145	23.3%
One Felony	12,064	14.8%	12,443	15.2%
Two Felonies	3,373	4.1%	3,317	4.0%
Three Felonies	1,098	1.3%	1,151	1.4%
Four Felonies	422	0.5%	391	0.5%
Five Felonies	198	0.2%	195	0.2%
Six Felonies	85	0.1%	93	0.1%
Seven or More Felonies	87	0.1%	94	0.1%
Total	81,366	100.0%	82,001	100.0%

* As indicated on the scoresheet.

¹ Offense dates on or after October 1, 2000.

² Offense dates on or after October 1, 2001.

Table 9 Prior Felony Record* and Sanction Imposed

Number of Prior	FY2001 - 2002 Sentence Dates ¹					FY2002 - 2003 Sentence Dates ²					
	State	Comm.	Probation	County	Other	Total	State	Comm.	Probation	County	Other

Felonies	Prison Control			Jail	Sentence	Prison Control			Jail	Sentence		
None	3,366	3,204	28,056	7,169	275	42,070	3,509	3,308	28,257	6,896	449	42,419
	8.0%	7.6%	66.7%	17.0%	0.7%	100.0%	8.3%	7.8%	66.6%	16.3%	1.1%	100.0%
One	2,495	1,348	7,023	4,390	52	15,308	2,757	1,271	7,130	4,401	100	15,659
	16.3%	8.8%	45.9%	28.7%	0.3%	100.0%	17.6%	8.1%	45.5%	28.1%	0.6%	100.0%
Two	2,678	869	3,936	3,269	37	10,789	2,806	836	3,949	2,912	67	10,570
	24.8%	8.1%	36.5%	30.3%	0.3%	100.0%	26.5%	7.9%	37.4%	27.5%	0.6%	100.0%
Three	2,171	485	1,877	1,971	19	6,523	2,393	457	1,958	1,802	21	6,631
	33.3%	7.4%	28.8%	30.2%	0.3%	100.0%	36.1%	6.9%	29.5%	27.2%	0.3%	100.0%
Four	1,530	234	818	1,002	6	3,590	1,552	237	861	923	10	3,583
	42.6%	6.5%	22.8%	27.9%	0.2%	100.0%	43.3%	6.6%	24.0%	25.8%	0.3%	100.0%
Five	879	93	346	454	3	1,775	921	109	354	426	4	1,814
	49.5%	5.2%	19.5%	25.6%	0.2%	100.0%	50.8%	6.0%	19.5%	23.5%	0.2%	100.0%
Six	397	39	135	222	2	795	460	49	145	151	2	807
	49.9%	4.9%	17.0%	27.9%	0.3%	100.0%	57.0%	6.1%	18.0%	18.7%	0.2%	100.0%
Seven or More	268	25	84	139	0	516	291	37	77	113	0	518
	51.9%	4.8%	16.3%	26.9%	0.0%	100.0%	56.2%	7.1%	14.9%	21.8%	0.0%	100.0%
Total	13,784	6,297	42,275	18,616	394	81,366	14,689	6,304	42,731	17,624	653	82,001
	16.9%	7.7%	52.0%	22.9%	0.5%	100.0%	18.1%	7.7%	52.5%	21.7%	0.8%	100.8%

* As indicated on the scoresheet

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

¹ Offense dates on or after October 1, 2000.

² Offense dates on or after October 1, 2001.

Table 10 Additional Offenses* and Sanction Imposed

Number of Additional Felonies	FY2001 - 2002 Sentence Dates ¹						FY2002 - 2003 Sentence Dates ²					
	State Prison	Comm. Control	Probation	County Jail	Other Sentence	Total	State Prison	Comm. Control	Probation	County Jail	Other Sentence	Total
None	7,909	4,485	35,322	15,987	336	64,039	3,509	3,308	28,257	6,896	449	42,419
	12.4%	7.0%	55.2%	25.0%	0.5%	100.0%	8.3%	7.8%	66.6%	16.3%	1.1%	100.0%
One	3,297	1,229	5,367	2,134	37	12,064	2,757	1,271	7,130	4,401	100	15,659
	27.3%	10.2%	44.5%	17.7%	0.3%	100.0%	17.6%	8.1%	45.5%	28.1%	0.6%	100.0%
Two	1,446	369	1,152	393	13	3,373	2,806	836	3,949	2,912	67	10,570
	42.9%	10.9%	34.2%	11.7%	0.4%	100.0%	26.5%	7.9%	37.4%	27.5%	0.6%	100.0%
Three	634	121	262	76	5	1,098	2,393	457	1,958	1,802	21	6,631
	57.7%	11.0%	23.9%	6.9%	0.5%	100.0%	36.1%	6.9%	29.5%	27.2%	0.3%	100.0%
Four	247	48	104	21	2	422	1,552	237	861	923	10	3,583
	58.5%	11.4%	24.6%	5.0%	0.5%	100.0%	43.3%	6.6%	24.0%	25.8%	0.3%	100.0%
Five	129	22	44	3	0	198	921	109	354	426	4	1,814
	65.2%	11.1%	22.2%	1.5%	0.0%	100.0%	50.8%	6.0%	19.5%	23.5%	0.2%	100.0%
Six	57	13	14	1	0	85	460	49	145	151	2	807
	67.1%	15.3%	16.5%	1.2%	0.0%	100.0%	57.0%	6.1%	18.0%	18.7%	0.2%	100.0%
Seven or More	65	10	10	1	1	87	291	37	77	113	0	518
	74.7%	11.5%	11.5%	1.1%	1.1%	100.0%	56.2%	7.1%	14.9%	21.8%	0.0%	100.0%
Total	13,784	6,297	42,275	18,616	394	81,366	14,689	6,304	42,731	17,624	653	82,001

Total	16.9%	7.7%	52.0%	22.9%	0.5%	100.0%	17.9%	7.7%	52.1%	21.5%	0.8%	100.0%
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* As indicated on the scoresheet.

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

¹ Offense dates on or after October 1, 2000.

² Offense dates on or after October 1, 2001.

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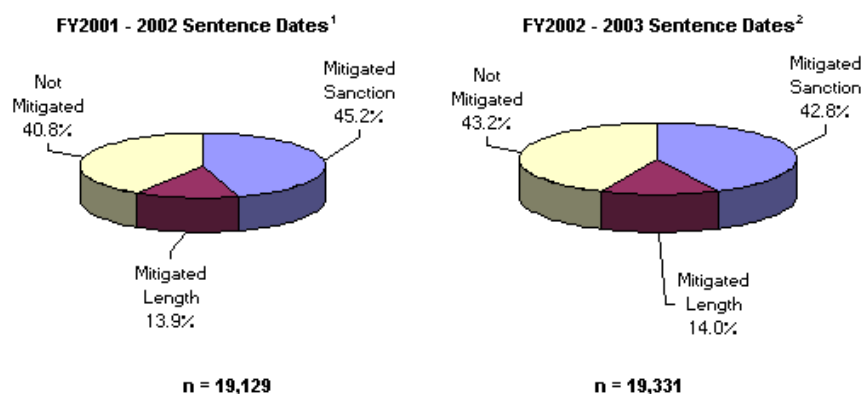
Part III Comparative Description

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

Category	FY2001 - 2002 Sentence Dates ¹		FY2002 - 2003 Sentence Dates ²	
	Number / Percent	Average Mitigated Length in Months	Number / Percent	Average Mitigated Length in Months
Mitigated Total	11,316 59.2%		10,980 56.8%	
Mitigated Sanction	8,653 45.2%		8,277 42.8%	
Mitigated Length	2,663 13.9%	26.2	2,703 14.0%	24.2
Not Mitigated	7,813 40.8%		8,351 43.2%	
Total	19,129 100.0%		19,331 100.0%	

* Mitigation of sanction occurs when an offender does not receive a prison sanction although a prison sanction is mandated by the Criminal Punishment Code. Mitigated length occurs when an offender receives a prison sentence below the 25% permissible discretion existing within the Criminal Punishment Code. This total rate includes both mitigated sanction and mitigated length sentences. Offenders scoring to state prison who receive a Drug Offender Probation sentence are not counted as mitigated.

Figure 2 Offenders Scoring in Recommended State Prison Sanction Category

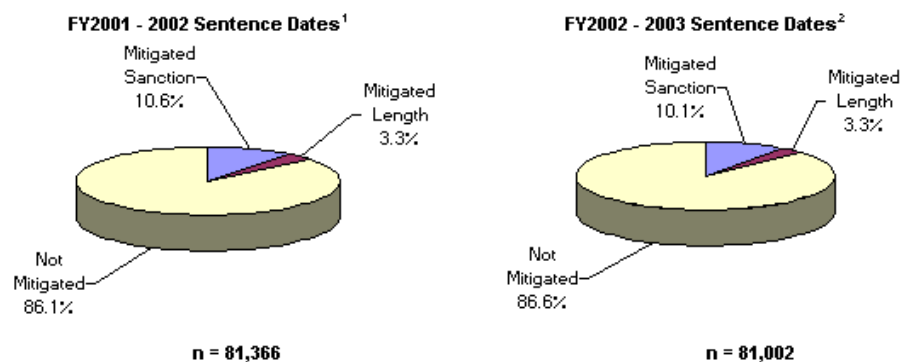


**Total points exceeding 44.0

¹ Offense dates on or after October 1, 2000.

² Offense dates on or after October 1, 2001.

Figure 3 Deviation Rates Below Permitted Sentences Among All Offenders Sentenced



¹ Offense dates on or after October 1, 2000.

² Offense dates on or after October 1, 2001.

Table 12 Mitigated Sanction Rates* By Judicial Circuit

Judicial Circuit	FY2001 - 2002 Sentence Dates ¹			FY2002 - 2003 Sentence Dates ²		
	Scoresheets Exceeding 44.0 Total Points	Scoresheets Mitigated	Mitigation Rate	Scoresheets Exceeding 44.0 Total Points	Scoresheets Mitigated	Mitigation Rate
01- Pensacola	672	222	33.0%	753	205	27.2%
02- Tallahassee	204	82	40.2%	531	227	42.7%
03- Lake City	38	16	42.1%	175	83	47.4%
04- Jacksonville	1,248	498	39.9%	1,463	585	40.0%
05- Tavares	488	158	32.4%	721	296	41.1%
06- Clearwater	1,975	732	37.1%	1,917	675	35.2%
07- Daytona	721	235	32.6%	870	276	31.7%
08- Gainesville	539	310	57.5%	668	355	53.1%
09- Orlando	976	343	35.1%	1,198	435	36.3%
10- Bartow	565	151	26.7%	473	139	29.4%
11- Miami	3,885	2,692	69.3%	2,195	1,596	72.7%
12- Sarasota	442	107	24.2%	490	125	25.5%
13- Tampa	1,769	964	54.5%	2,049	1,034	50.5%
14- Panama City	423	136	32.2%	382	132	34.6%
15- West Palm Beach	1,078	482	44.7%	987	430	43.6%
16- Key West	90	45	50.0%	61	30	49.2%
17- Ft. Lauderdale	2,346	908	38.7%	2,319	913	39.4%
18- Sanford	285	64	22.5%	466	130	27.9%
19- Ft. Pierce	557	124	22.3%	493	125	25.4%
20- Ft. Myers	828	384	46.4%	1,120	486	43.4%
Statewide	19,129	8,653	45.2%	19,331	8,277	42.8%

* Mitigation of sanction occurs when an offender does not receive a prison sanction although a prison sanction is mandated by the Criminal Punishment Code. Those receiving Drug Offender Probation are not included.

¹ Offense dates on or after October 1, 2000.

² Offense dates on or after October 1, 2001.

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

Judicial Circuit	FY2001 - 2002 Sentence Dates ¹			FY2002 - 2003 Sentence Dates ²		
	Scoresheets Exceeding 44.0 Total Points	Scoresheets Mitigated	Mitigation Rate	Scoresheets Exceeding 44.0 Total Points	Scoresheets Mitigated	Mitigation Rate
01- Pensacola	672	273	40.6%	753	267	35.5%
02- Tallahassee	204	131	64.2%	531	378	71.2%
03- Lake City	38	23	60.5%	175	117	66.9%
04- Jacksonville	1,248	737	59.1%	1,463	880	60.2%
05- Tavares	488	193	39.5%	721	359	49.8%
06- Clearwater	1,975	931	47.1%	1,917	892	46.5%
07- Daytona	721	396	54.9%	870	479	55.1%
08- Gainesville	539	422	78.3%	668	531	79.5%
09- Orlando	976	457	46.8%	1,198	581	48.5%
10- Bartow	565	211	37.3%	473	190	40.2%
11- Miami	3,885	3,391	87.3%	2,195	1,951	88.9%
12- Sarasota	442	134	30.3%	490	158	32.2%
13- Tampa	1,769	1,235	69.8%	2,049	1,329	64.9%
14- Panama City	423	172	40.7%	382	176	46.1%
15- West Palm Beach	1,078	668	62.0%	987	543	55.0%
16- Key West	90	54	60.0%	61	43	70.5%
17- Ft. Lauderdale	2,346	1,125	48.0%	2,319	1,122	48.4%
18- Sanford	285	81	28.4%	466	161	34.5%
19- Ft. Pierce	557	186	33.4%	493	169	34.3%
20- Ft. Myers	828	496	59.9%	1,120	654	58.4%
Statewide	19,129	11,316	59.2%	19,331	10,980	56.8%

* Mitigation of sanction occurs when an offender does not receive a prison sanction although a prison sanction is mandated by the Criminal Punishment Code. Those receiving Drug Offender Probation are not included. Mitigated length occurs when an offender receives a prison sentence below the 25% permissible discretion existing within the Criminal Punishment Code. This total rate includes both mitigated sanction and mitigated length sentences.

¹ Offense dates on or after October 1, 2000.

² Offense dates on or after October 1, 2001.

Table 14 Mitigation Rates* Among Offenders Scoring in Recommended State Prison Sanction Category**

Offense Type	FY2001 -2002 Sentence Dates ¹				Total	FY2002 - 2003 Sentence Dates ²				Total
	Total Mitigated Sanction	Mitigated Length	Mitigated	Not Mitigated		Total Mitigated Sanction	Mitigated Length	Mitigated	Not Mitigated	
Murder/Manslaughter										

First Degree Murder

Attempt	23	10	13	36	59	19	5	14	30	49
	39.0%	16.9%	22.0%	61.0%	100.0%	38.8%	10.2%	28.6%	61.2%	100.0%

2nd Degree Murder

Attempt	16	7	9	24	40	12	3	9	18	30
	40.0%	17.5%	22.5%	60.0%	100.0%	40.0%	10.0%	30.0%	60.0%	100.0%
Complete	4	1	3	29	33	15	0	15	34	49
	12.1%	3.0%	9.1%	87.9%	100.0%	30.6%	0.0%	30.6%	69.4%	100.0%

3rd Degree Murder

Attempt	0	0	0	2	2	0	0	0	0	0
	0.0%	0.0%	0.0%	100.0%	100.0%					
Complete	3	1	2	2	5	3	1	2	2	5
	60.0%	20.0%	40.0%	40.0%	100.0%	3.0%	1.0%	2.0%	2.0%	5.0%

Homicide, Other

Attempt	0	0	0	0	0	0	0	0	0	0
Complete	4	2	2	3	7	4	4	0	2	6
	57.1%	28.6%	28.6%	42.9%	100.0%	66.7%	66.7%	0.0%	33.3%	100.0%

Manslaughter

Attempt	0	0	0	4	4	2	2	0	2	4
	0.0%	0.0%	0.0%	100.0%	100.0%	50.0%	50.0%	0.0%	50.0%	100.0%
Complete	31	18	13	22	53	31	11	20	23	54
	58.5%	34.0%	24.5%	41.5%	100.0%	57.4%	20.4%	37.0%	42.6%	100.0%

DUI Manslaughter

Complete	42	11	31	9	51	27	6	21	16	43
	82.4%	21.6%	60.8%	17.6%	100.0%	62.8%	14.0%	48.8%	37.2%	100.0%

Sexual/Lewd Behavior

Capital Sexual Battery

Attempt	13	2	11	25	38	16	6	10	23	39
	34.2%	5.3%	28.9%	65.8%	100.0%	41.0%	15.4%	25.6%	59.0%	100.0%

Life Sexual Battery

Attempt	1	0	1	2	3	3	3	0	4	7
	33.3%	0.0%	33.3%	66.7%	100.0%	42.9%	42.9%	0.0%	57.1%	100.0%
Complete	12	2	10	15	27	6	2	4	17	23
	44.4%	7.4%	37.0%	55.6%	100.0%	26.1%	8.7%	17.4%	73.9%	100.0%

1st Degree Sexual Battery

Attempt	3	2	1	1	4	3	0	3	2	5
	75.0%	50.0%	25.0%	25.0%	100.0%	60.0%	0.0%	60.0%	40.0%	100.0%
Complete	18	7	11	18	36	31	6	25	20	51
	50.0%	19.4%	30.6%	50.0%	100.0%	60.8%	11.8%	49.0%	39.2%	100.0%

2nd Degree Sexual Battery

Attempt	7	6	1	7	14	13	9	4	4	17
	50.0%	42.9%	7.1%	50.0%	100.0%	76.5%	52.9%	23.5%	23.5%	100.0%
Complete	77	51	26	27	104	93	69	24	29	122
	74.0%	49.0%	25.0%	26.0%	100.0%	76.2%	56.6%	19.7%	23.8%	100.0%

Sexual Assault, Other

Complete	2	2	0	0	2	4	3	1	0	4
	100.0%	100.0%	0.0%	0.0%	100.0%	100.0%	75.0%	25.0%	0.0%	100.0%

Lewd/Lascivious Behavior

Attempt	13	10	3	4	17	13	9	4	9	22
	76.5%	58.8%	17.6%	23.5%	100.0%	59.1%	40.9%	18.2%	40.9%	100.0%
Complete	475	369	106	145	620	430	304	126	129	559
	76.6%	59.5%	17.1%	23.4%	100.0%	76.9%	54.4%	22.5%	23.1%	100.0%

Robbery

Robbery with Weapon

Attempt	51	32	19	48	99	61	43	18	49	110
	51.5%	32.3%	19.2%	48.5%	100.0%	55.5%	39.1%	16.4%	44.5%	100.0%
Complete	325	153	172	373	698	300	154	146	322	622
	46.6%	21.9%	24.6%	53.4%	100.0%	48.2%	24.8%	23.5%	51.8%	100.0%

Robbery without Weapon

Attempt	18	11	7	36	54	21	13	8	42	63
	33.3%	20.4%	13.0%	66.7%	100.0%	33.3%	20.6%	12.7%	66.7%	100.0%
Complete	203	139	64	318	521	213	148	65	324	537
	39.0%	26.7%	12.3%	61.0%	100.0%	39.7%	27.6%	12.1%	60.3%	100.0%

Home Invasion, Robbery

Attempt	2	2	0	0	2	0	0	0	1	1
	100.0%	100.0%	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%	100.0%	100.0%
Complete	22	11	11	25	47	17	4	13	28	45
	46.8%	23.4%	23.4%	53.2%	100.0%	37.8%	8.9%	28.9%	62.2%	100.0%

Violent Personal Offenses

	2,925	2,446	479	1,312	4,237	2,819	2,369	450	1,392	4,211
	69.0%	57.7%	11.3%	31.0%	100.0%	66.9%	56.3%	10.7%	33.1%	100.0%

Burglary

	2,124	1,570	554	1,318	3,442	2,158	1,602	556	1,419	3,577
	61.7%	45.6%	16.1%	38.3%	100.0%	60.3%	44.8%	15.5%	39.7%	100.0%

Property Theft/Fraud/Damage

	958	741	217	866	1,824	900	666	234	893	1,793
	52.5%	40.6%	11.9%	47.5%	100.0%	50.2%	37.1%	13.1%	49.8%	100.0%

Drugs

Manufacture/Sale/Purchase

	1,332	955	377	1,404	2,736	1,218	855	363	1,491	2,709
	48.7%	34.9%	13.8%	51.3%	100.0%	45.0%	31.6%	13.4%	55.0%	100.0%

Drugs, Trafficking

	417	240	177	339	756	421	241	180	410	831
	55.2%	31.7%	23.4%	44.8%	100.0%	50.7%	29.0%	21.7%	49.3%	100.0%

Drugs, Possession/Other

	1,247	1,101	146	602	1,849	1,139	966	173	754	1,893
	67.4%	59.5%	7.9%	32.6%	100.0%	60.2%	51.0%	9.1%	39.8%	100.0%

Weapons

	193	140	53	239	432	206	148	58	252	458
	44.7%	32.4%	12.3%	55.3%	100.0%	45.0%	32.3%	12.7%	55.0%	100.0%

Other

	755	611	144	558	1,313	782	625	157	610	1,392
	57.5%	46.5%	11.0%	42.5%	100.0%	56.2%	44.9%	11.3%	43.8%	100.0%

Total **11,316** **8,653** **2,663** **7,813** **19,129** **10,980** **8,277** **2,703** **8,351** **19,331**

* Mitigation of sanction occurs when an offender does not receive a prison sanction although a prison sanction is mandated by the Criminal Punishment Code. Those receiving Drug Offender Probation are not included. Mitigated length occurs when an

offender receives a prison sentence below the 25% permissible discretion existing within the Criminal Punishment Code. This total rate includes both mitigated sanction and mitigated length sentences.

** Total Points Exceeding 44.0.

¹ Offense dates on or after October 1, 2000.

² Offense dates on or after October 1, 2001.

Florida's Criminal Punishment Code:
A Comparative Assessment (FY 2002-2003)

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Florida Criminal Punishment Code: Offense Severity Ranking Chart

Section 921.0022, Florida Statutes

Florida Statute	Felony Degree	Description
LEVEL 1		
24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.
212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
212.15(2)(b)	3rd	Failure to remit sales taxes, amount greater than \$300 but less than \$20,000.
319.30(5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
319.35(1)(a)	3rd	Tamper, adjust, change, etc., an odometer.
320.26(1)(a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
322.212(1)(a)-(c)	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.
1370.13(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.
817.569(2)	3rd	Use of public record or public records information to facilitate commission of a felony.
826.01	3rd	Bigamy.

828.122(3)	3rd	Fighting or baiting animals.
831.04(1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
831.31(1)(a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
832.041(1)	3rd	Stopping payment with intent to defraud \$150 or more.
832.05(2)(b)&(4)(c)	3rd	Knowing, making, issuing worthless checks \$150 or more or obtaining property in return for worthless check \$150 or more.
838.015(3)	3rd	Bribery.
838.016(1)	3rd	Public servant receiving unlawful compensation.
838.15(2)	3rd	Commercial bribe receiving.
838.16	3rd	Commercial bribery.
843.18	3rd	Fleeing by boat to elude a law enforcement officer.
847.011(1)(a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
849.01	3rd	Keeping gambling house.
849.09(1)(a)-(d)	3rd	Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.
849.23	3rd	Gambling-related machines; "common offender" as to property rights.
849.25(2)	3rd	Engaging in bookmaking.
860.08	3rd	Interfere with a railroad signal.
860.13(1)(a)	3rd	Operate aircraft while under the influence.
893.13(2)(a)2.	3rd	Purchase of cannabis.
893.13(6)(a)	3rd	Possession of cannabis (more than 20 grams).
934.03(1)(a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.

LEVEL 2

403.413(5)(c)	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.
517.07	3rd	Registration of securities and furnishing of prospectus required.
2590.28(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.
812.015(7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
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, checks, drafts, or promissory notes.
831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
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

316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
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.
327.35(2)(b)	3rd	Felony BUI.
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.

812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 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.
817.234(8)&(9)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
817.234(11)(a)	3rd	Insurance fraud; property value less than \$20,000.
817.505(4)	3rd	Patient brokering.
828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
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.	2nd	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.	2nd	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)	3rd	Possession of any controlled substance other than felony possession of cannabis.
893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
893.13(8)(a)1.	3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.
893.13(8)(a)2.	3rd	Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.
893.13(8)(a)3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
893.13(8)(a)4.	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
944.47(1)(a)1.-2.	3rd	Introduce contraband to correctional facility.
944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.

985.3141	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
LEVEL 4		
316.1935(3)	2nd	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)	3rd	Battery of law enforcement officer, firefighter, intake officer, etc.
784.074(1)(c)	3rd	Battery of sexually violent predators facility staff.
784.075	3rd	Battery on detention or commitment facility staff.
784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
784.08(2)(c)	3rd	Battery on a person 65 years of age or older.
784.081(3)	3rd	Battery on specified official or employee.
784.082(3)	3rd	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.
812.0195(2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
817.568(2)(a)	3rd	Fraudulent use of personal identification information.
817.625(2)(a)	3rd	Fraudulent use of scanning device or reencoder.
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.
839.13(2)(a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
839.13(2)(c)	3rd	Falsifying records of the Department of Children and Family Services.
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.
934.215	3rd	Use of two-way communications device to facilitate commission of a crime.

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(1)	2nd	False report of deadly explosive or weapon of mass destruction.
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.
812.0145(2)(b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
812.015(8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
812.019(1)	2nd	Stolen property; dealing in or trafficking in.
812.131(2)(b)	3rd	Robbery by sudden snatching.
812.16(2)	3rd	Owning, operating, or conducting a chop shop.
817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
817.568(2)(b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$75,000 or more.
817.625(2)(b)	2nd	Second or subsequent fraudulent use of scanning device or reencoder.

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.
839.13(2)(b)	2nd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.
843.01	3rd	Resist officer with violence to person; resist arrest with violence.
874.05(2)	2nd	Encouraging or recruiting another to join a criminal street gang; second or subsequent offense.
893.13(1)(a)1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (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.
784.048(3)	3rd	Aggravated stalking; credible threat.
784.048(5)	3rd	Aggravated stalking of person under 16.
784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.
784.074(1)(b)	2nd	Aggravated assault on sexually violent predators facility staff.
784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.
784.081(2)	2nd	Aggravated assault on specified official or employee.
784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.
784.083(2)	2nd	Aggravated assault on code inspector.
787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
790.115(2)(d)	2nd	Discharging firearm or weapon on school property.
790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
790.164(1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or

violence to state property.

790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
794.05(1)	2nd	Unlawful sexual activity with specified minor.
800.04(5)(d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender less than 18 years.
800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
812.014(2)(b)1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
812.014(2)(b)2.	2nd	Property stolen; cargo valued at less than \$50,000, grand theft in 2nd degree.
812.015(9)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
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.
836.1	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.
944.4	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 disfigurement, 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.
464.016(1)	3rd	Practicing nursing without a license.
465.015(2)	3rd	Practicing pharmacy without a license.
466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
467.201	3rd	Practicing midwifery without a license.
468.366	3rd	Delivering respiratory care services without a license.
483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
483.901(9)	3rd	Practicing medical physics without a license.
484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
484.053	3rd	Dispensing hearing aids without a license.
494.0018(2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.
560.125(5)(a)	3rd	Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
782.071	2nd	Killing of human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
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.
784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
784.081(1)	1st	Aggravated battery on specified official or employee.
784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.

784.083(1)	1st	Aggravated battery on code inspector.
790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
790.16(1)	1st	Discharge of a machine gun under specified circumstances.
790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
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; cargo stolen valued at \$50,000 or more; property stolen while causing other property damage; 1st degree grand theft.
812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
812.0145(2)(a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
812.131(2)(a)	2nd	Robbery by sudden snatching.
812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
817.234(11)(c)	1st	Insurance fraud; property value \$100,000 or more.
825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
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 25 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)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
893.135(1)(k)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.
560.123(8)(b)2.	2nd	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(1)(b)	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.
825.1025(2)	2nd	Lewd or lascivious battery upon 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)(j)1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
893.135(1)(k)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.
327.35(3) (c)3.b.	1st	BUI 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.
775.0844	1st	Aggravated white collar crime.
782.04(1)	1st	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.
812.133(2)(a)	1st,PBL	Carjacking; firearm or other deadly weapon.
827.03(2)	1st	Aggravated child abuse.
847.0145(1)	1st	Selling, or otherwise transferring custody or control, of a minor.
847.0145(2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
859.01	1st	Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill or injure another person.
893.135	1st	Attempted capital trafficking offense.

893.135(1)(a)3.	1st	Trafficking in cannabis, more than 10,000 lbs.
893.135(1)(b)1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
893.135(1)(c)1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
893.135(1)(d)1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
893.135(1)(e)1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
893.135(1)(f)1.c.	1st	Trafficking in amphetamine, more than 200 grams.
893.135(1)(h)1.c.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.
893.135(1)(j)1.c.	1st	Trafficking in 1,4-Butanediol, 10 kilograms or more.
893.135(1)(k)2.c.	1st	Trafficking in Phenethylamines, 400 grams or more.
896.101(5)(c)	1st	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 _____	= _____
---------------	---------------	---------------	-------	--------------------------	--------------------------	--------------------------	--------------------------	---------------	---------

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)

Prior capital felony triples Additional Offense points

Supplemental page points _____

II. _____

III. **VICTIM INJURY:**

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

III. _____

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

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

_____/ _____ / _____ □ □ □ _____ 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
--------------------------	----------	------------------

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 .