

Florida's Criminal Punishment Code: A Comparative Assessment, September 2004

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



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.....A Comparative Assessment

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Executive Summary

Offenses Committed On or After October 1, 1998

In 1997, the Florida legislature created a new sentencing structure, the Florida Criminal Punishment Code ("Code"). The 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 Statute 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 2002-2003 and FY 2003-2004.**

Since January 1, 1994, the Florida Department of Corrections has collected more than 1.1 million scoresheets on felony offenders sentenced in Florida courts under the state's Sentencing Guidelines and Criminal Punishment Code. This report describes the 121,081 Criminal Punishment Code scoresheets with sentence dates in FY2003-2004 received by the Florida Department of Corrections through September 1, 2004, for felony offenses committed on or after October 1, 1998. It also compares 88,211 Criminal Punishment Code scoresheets received by the Florida Department of Corrections through September 1, 2004, for felony offenses committed on or after October 1, 2002 and sentence dates in Fiscal Year 2003-2004 with 86,525 Criminal Punishment Code scoresheets with offense dates on or after October 1, 2001 and sentence dates in Fiscal Year 2002-2003.

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 had a significant effect on 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 2002-2003 to those received in FY 2003-2004.

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 Franklin, Lafayette and Wakulla Counties with sentence dates during FY2002-03.

No scoresheets were received from Franklin, Lafayette and Jefferson Counties with sentence dates during FY2003-04.

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, and;
- 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 represent 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, and;
- 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 percentage 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 fewer.
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 28 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 Florida Statute (F.S) 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 F.S. 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 fewer 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; and,
- 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 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 2003-2004 and offenses on or after October 1, 1998, entered as of September 1, 2004.
- 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 71.9%.
- **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 121,081 Punishment Code scoresheets with offense dates on or after October 1, 1998 with sentencing dates during FY2003-04 entered into the sentencing scoresheet database, as of September 1, 2004.

FINDINGS:

- The number of Code scoresheets received by month of sentence fluctuated from a high of 11,166 to a low of 8,834 from July 1, 2003 to June 30, 2004 ([Figure 1](#)).
- For the time period July 2003 through June 2004, Code scoresheets represent over ninety-eight percent (98.4%) of the total scoresheet submissions. Beginning in the month of August 2003 and continuing through the end of the fiscal year, more than ninety-eight percent of the scoresheets represented sentencing events under the Florida Criminal Punishment Code ([Table 2](#)).
- More than thirty percent (30.9%) of the offenders sentenced under the Code were considered “youthful offenders” at the time of sentencing ([Table 3](#)). Of the 2,497 true juveniles (under 18 at the time of their offense) transferred to adult court under the Code, 843 (33.8%) of the offenders were age sixteen or younger ([Table 4](#)).
- There were 904 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-six percent (36.2%) of all offenses of juveniles ([Table 4](#)). Of the 904 violent juvenile offenders, 432, or 47.8%, 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. Eighty percent (80.0%) of all scoresheets were for male offenders ([Table 6](#)) and 56.9% were for white offenders ([Table 7](#)).

Figure 1
Scoresheets Received by Month of Sentence
Criminal Punishment Code

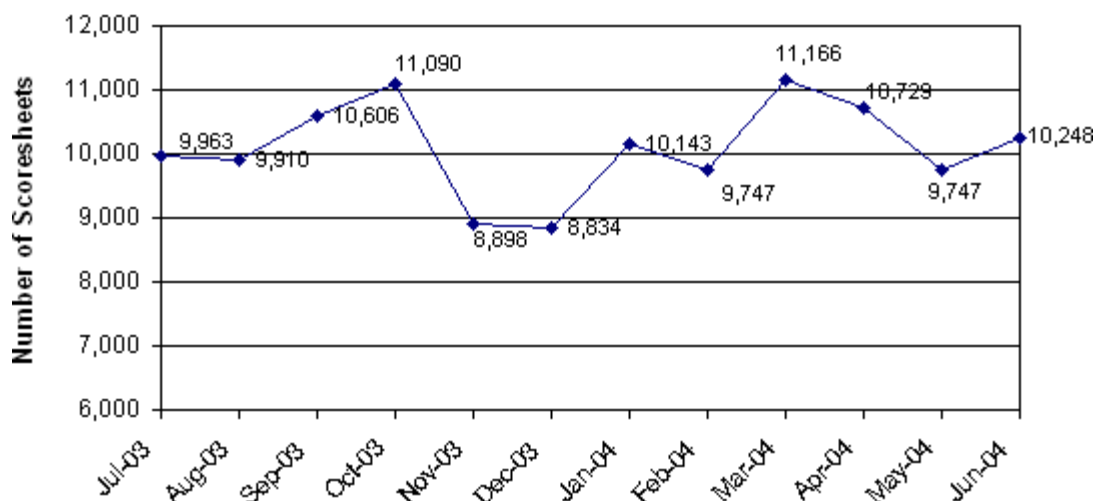


Table 1 Scoresheets Received by Circuit Criminal Punishment Code Fiscal Year 2003-2004

Circuit of Sentence	Total	
	Number	Percent
01 (Pensacola)	5,577	4.6%
02 (Tallahassee)	2,538	2.1%
03 (Lake City)	1,072	0.9%
04 (Jacksonville)	7,253	6.0%
05 (Tavares)	7,083	5.8%
06 (Clearwater)	14,347	11.8%
07 (Daytona Beach)	4,855	4.0%
08 (Gainesville)	2,954	2.4%
09 (Orlando)	5,050	4.2%
10 (Bartow)	4,692	3.9%
11 (Miami)	12,628	10.4%
12 (Sarasota)	4,239	3.5%
13 (Tampa)	13,798	11.4%
14 (Panama City)	2,147	1.8%
15 (West Palm Beach)	5,803	4.8%
16 (Key West)	734	0.6%
17 (Ft. Lauderdale)	10,946	9.0%
18 (Sanford)	4,352	3.6%
19 (Ft. Pierce)	4,542	3.8%
20 (Ft. Myers)	6,471	5.3%
Total	121,081	100.0%

Table 2 Sentencing Scoresheets Received by Month of Sentence* Criminal Punishment Code Fiscal Year 2003-2004

Month of Sentence	1994 Sentencing Guidelines Scoresheet		1995 Sentencing Guidelines Scoresheet**		Criminal Punishment Code Scoresheet		Total	
July 2003	37	0.4%	181	1.8%	9,963	97.9%	10,181	8.3%
August 2003	25	0.2%	162	1.6%	9,910	98.1%	10,097	8.2%
September 2003	32	0.3%	182	1.7%	10,606	98.0%	10,820	8.8%
October 2003	35	0.3%	183	1.6%	11,090	98.1%	11,308	9.2%
November 2003	31	0.3%	150	1.7%	8,898	98.0%	9,079	7.4%
December 2003	33	0.4%	138	1.5%	8,834	98.1%	9,005	7.3%
January 2004	32	0.3%	116	1.1%	10,143	98.6%	10,291	8.4%
February 2004	25	0.3%	115	1.2%	9,747	98.6%	9,887	8.0%

March 2004	26	0.2%	135	1.2%	11,166	98.6%	11,327	9.2%
April 2004	30	0.3%	130	1.2%	10,729	98.5%	10,889	8.8%
May 2004	19	0.2%	82	0.8%	9,747	99.0%	9,848	8.0%
June 2004	23	0.2%	107	1.0%	10,248	98.7%	10,378	8.4%
Total	348	0.3%	1,681	1.4%	121,081	98.4%	123,110	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

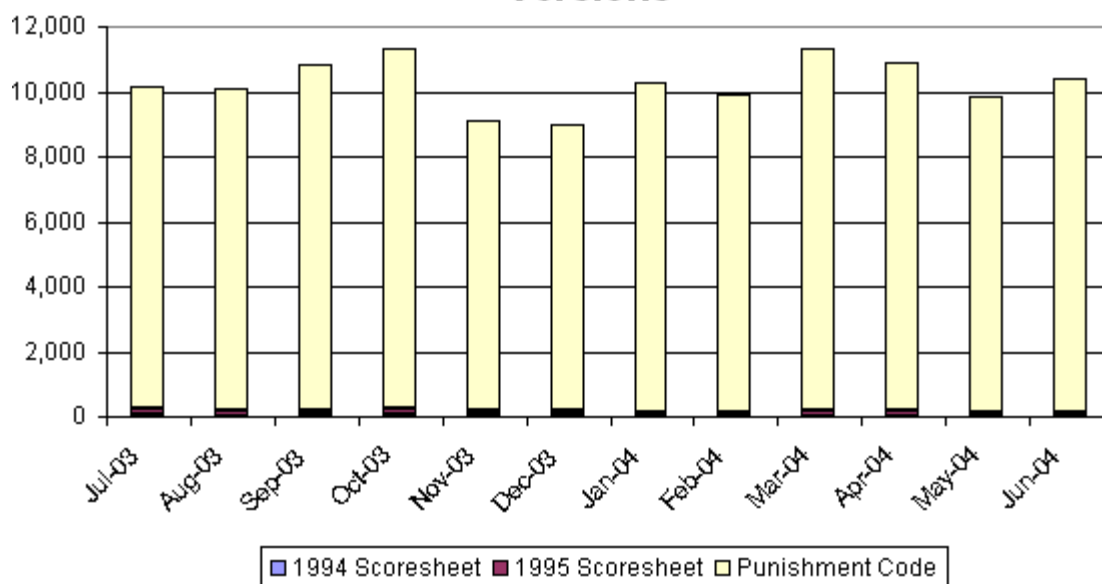


Table 3 Age at Sentencing Criminal Punishment Code Fiscal Year 2003-2004

Age	Number	Percent
17 and Below	810	0.7%
18 to 24	36,575	30.2%
25 to 29	19,825	16.4%
30 to 34	16,781	13.9%
35 to 39	15,635	12.9%
40 to 44	14,693	12.1%
45 to 49	9,105	7.5%
50 and Over	7,642	6.3%
Unknown	15	

Total 121,081 100.0%

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

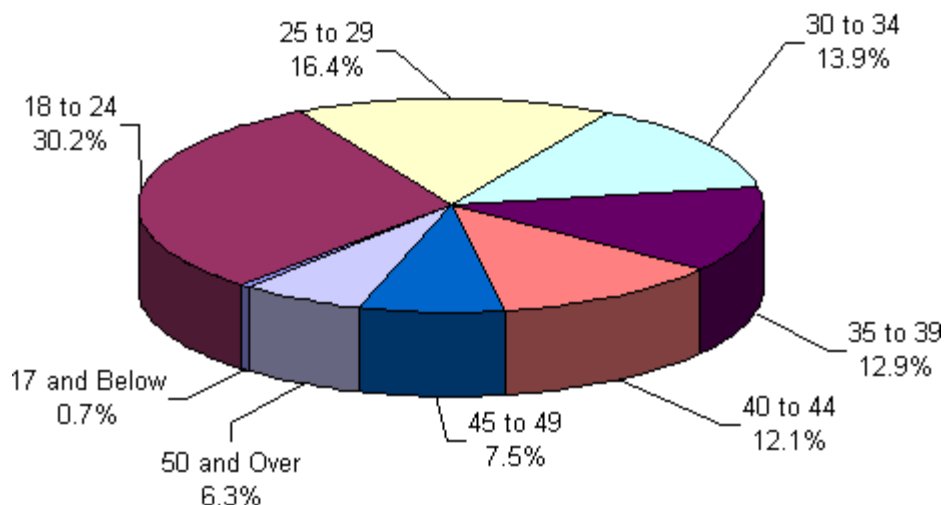


Table 4 Age at Offense for Offenders Under 18 Criminal Punishment Code Fiscal Year 2003-2004

Primary Offense	15 & Under	16 Years Old	17 Years Old	Total
Murder/Manslaughter	8	7	15	30
	3.8%	1.1%	0.9%	1.2%
Sexual Offenses	11	18	41	70
	5.3%	2.8%	2.5%	2.8%
Robbery	45	114	225	384
	21.5%	18.0%	13.6%	15.4%
Violent Personal Offenses	48	115	257	420
	23.0%	18.1%	15.5%	16.8%
Burglary	41	170	379	590
	19.6%	26.8%	22.9%	23.6%
Theft, Forgery, Fraud	23	65	237	325
	11.0%	10.3%	14.3%	13.0%
Drugs	20	109	374	503
	9.6%	17.2%	22.6%	20.1%
Weapons	2	22	50	74
	1.0%	3.5%	3.0%	3.0%
Other Offenses	11	14	76	101
	5.3%	2.2%	4.6%	4.0%
Total	209	634	1,654	2,497
	100.0%	100.0%	100.0%	100.0%

Figure 4
Age at Offense Distribution
Offenders Under 18

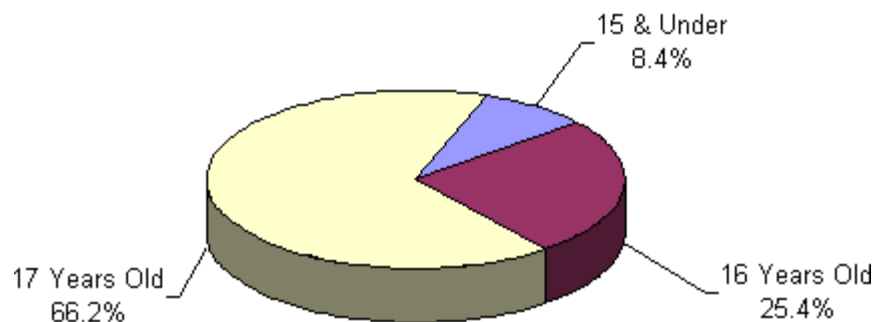


Table 5 Sanction Imposed by Primary Offense For All 11 - 17 Year Olds Criminal Punishment Code Fiscal Year 2003-2004

Primary Offense	State Prison	Comm. Control	Probation	County Jail	Other	Total
Murder/Manslaughter	26	3	0	1	0	30
	2.5%	1.2%	0.2%	0.0%	0.0%	1.2%
Sexual Offenses	42	11	13	3	1	70
	2.0%	3.0%	2.0%	0.3%	0.0%	2.8%
Robbery	197	48	96	36	7	384
	25.0%	18.0%	8.7%	5.6%	0.0%	15.4%
Violent Personal Offenses	167	46	137	58	12	420
	19.2%	16.6%	14.5%	11.7%	6.3%	16.8%
Burglary	200	72	217	78	23	590
	25.9%	26.0%	23.7%	12.3%	43.8%	23.6%
Theft, Forgery, Fraud	63	30	166	61	5	325
	7.2%	11.5%	16.5%	17.8%	12.5%	13.0%
Drugs	95	51	216	128	13	503
	13.0%	16.3%	25.5%	44.8%	25.0%	20.1%
Weapons	28	6	27	13	0	74
	2.6%	2.1%	3.9%	4.2%	12.5%	3.0%
Other Offenses	29	9	44	15	4	101
	2.6%	5.3%	4.9%	3.3%	0.0%	4.0%
Total	847	276	916	393	65	2,497
	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

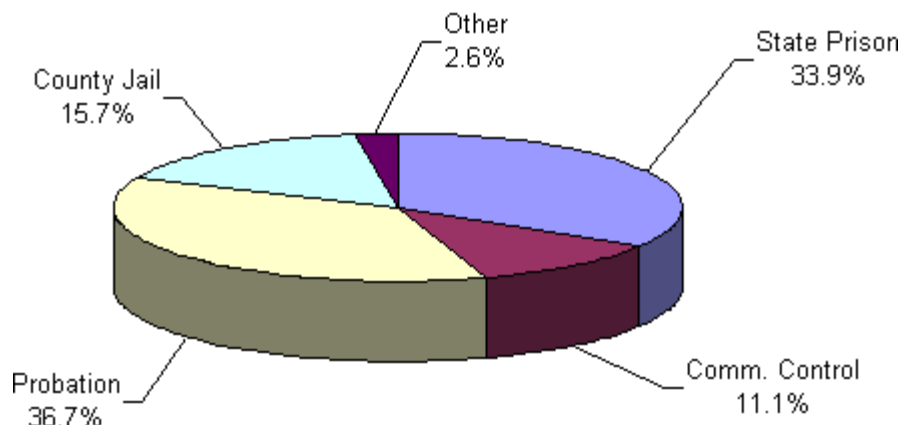


Table 6 Gender by Judicial Circuit Criminal Punishment Code Fiscal Year 2003-2004

Judicial Circuit	Gender				Total	
	Male		Female			
01 (Pensacola)	4,381	3.6%	1,196	1.0%	5,577	4.6%
02 (Tallahassee)	2,009	1.7%	529	0.4%	2,538	2.1%
03 (Lake City)	863	0.7%	209	0.2%	1,072	0.9%
04 (Jacksonville)	5,782	4.8%	1,471	1.2%	7,253	6.0%
05 (Tavares)	5,524	4.6%	1,559	1.3%	7,083	5.8%
06 (Clearwater)	10,909	9.0%	3,438	2.8%	14,347	11.8%
07 (Daytona Beach)	4,054	3.3%	801	0.7%	4,855	4.0%
08 (Gainesville)	2,357	1.9%	597	0.5%	2,954	2.4%
09 (Orlando)	4,114	3.4%	936	0.8%	5,050	4.2%
10 (Bartow)	3,598	3.0%	1,094	0.9%	4,692	3.9%
11 (Miami)	10,793	8.9%	1,835	1.5%	12,628	10.4%
12 (Sarasota)	3,328	2.7%	911	0.8%	4,239	3.5%
13 (Tampa)	10,869	9.0%	2,929	2.4%	13,798	11.4%
14 (Panama City)	1,715	1.4%	432	0.4%	2,147	1.8%
15 (West Palm Beach)	4,720	3.9%	1,083	0.9%	5,803	4.8%
16 (Key West)	599	0.5%	135	0.1%	734	0.6%
17 (Ft. Lauderdale)	8,991	7.4%	1,955	1.6%	10,946	9.0%
18 (Sanford)	3,447	2.8%	905	0.7%	4,352	3.6%
19 (Ft. Pierce)	3,519	2.9%	1,023	0.8%	4,542	3.8%
20 (Ft. Myers)	5,249	4.3%	1,222	1.0%	6,471	5.3%
Total	96,821	80.0%	24,260	20.0%	121,081	100.0%

Table 7 Race by Judicial Circuit Criminal Punishment Code Fiscal

Year 2003-2004

Judicial Circuit	Race					Total		
	Black		White		Other*			
01 (Pensacola)	2,145	1.8%	3,400	2.8%	32	0.0%	5,577	4.6%
02 (Tallahassee)	1,783	1.5%	723	0.6%	32	0.0%	2,538	2.1%
03 (Lake City)	430	0.4%	640	0.5%	2	0.0%	1,072	0.9%
04 (Jacksonville)	3,984	3.3%	3,200	2.6%	69	0.1%	7,253	6.0%
05 (Tavares)	2,020	1.7%	4,903	4.0%	160	0.1%	7,083	5.8%
06 (Clearwater)	4,112	3.4%	10,097	8.3%	138	0.1%	14,347	11.8%
07 (Daytona Beach)	1,801	1.5%	2,981	2.5%	73	0.1%	4,855	4.0%
08 (Gainesville)	1,631	1.3%	1,307	1.1%	16	0.0%	2,954	2.4%
09 (Orlando)	2,128	1.8%	2,796	2.3%	126	0.1%	5,050	4.2%
10 (Bartow)	1,629	1.3%	2,855	2.4%	208	0.2%	4,692	3.9%
11 (Miami)	7,091	5.9%	5,525	4.6%	12	0.0%	12,628	10.4%
12 (Sarasota)	1,288	1.1%	2,817	2.3%	134	0.1%	4,239	3.5%
13 (Tampa)	6,083	5.0%	7,070	5.8%	645	0.5%	13,798	11.4%
14 (Panama City)	596	0.5%	1,543	1.3%	8	0.0%	2,147	1.8%
15 (W. Palm Beach)	2,658	2.2%	3,141	2.6%	4	0.0%	5,803	4.8%
16 (Key West)	184	0.2%	539	0.4%	11	0.0%	734	0.6%
17 (Ft. Lauderdale)	5,627	4.6%	4,945	4.1%	374	0.3%	10,946	9.0%
18 (Sanford)	1,520	1.3%	2,732	2.3%	100	0.1%	4,352	3.6%
19 (Ft. Pierce)	1,634	1.3%	2,798	2.3%	110	0.1%	4,542	3.8%
20 (Ft. Myers)	1,579	1.3%	4,833	4.0%	59	0.0%	6,471	5.3%
Total	49,923	41.2%	68,845	56.9%	2,313	1.9%	121,081	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 88,211 scoresheets submitted to the Department of Corrections with sentence dates in FY2003-2004 and offense dates on or after October 1, 2002. The number of scoresheets submitted to the Department of Corrections with sentence dates in FY2002-2003 and offense dates on or after October 1, 2001 was 86,525.
- **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 FY2003-2004 ([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, 2004, the Department of Corrections had received 673,966 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 FY2002-2003 sentencing events is 5.8 months. 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 10.4 months for sentencing events during FY2002-2003. In FY2003-2004, the average lag time for level 10 offenses was 9.1 months. Also, for murder/manslaughter, the average lag time from offense to sentence is 10.6 months for sentencing dates in FY2002-2003 and 10.2 months for FY2003-2004 ([Table 2](#)).
- Drug offenses comprised the largest group of scoresheets received in both FY2002-2003 (36.3%) and FY2003-2004 (37.5%) ([Table 3](#)).
- The more violent, serious offenses represented more than eighteen percent of the scoresheets in FY2002-2003 (18.3%) and over sixteen percent (16.6%) in FY2003-2004. ([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	FY2002-2003 Sentence Date ¹	FY2003-2004 Sentence Dates ²
1	5.3	5.3
2	6.1	6.0
3	5.1	5.1
4	5.6	5.6
5	6.1	6.0
6	6.4	6.6
7	7.3	7.3
8	8.4	8.4
9	8.7	9.1
10	10.4	9.1
Overall Average	5.8	5.8

¹Offense dates on or after October 1, 2001.

²Offense dates on or after October 1, 2002.

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

Primary Offense	FY 2002-2003 Sentence Dates ¹	FY 2003-2004 Sentence Dates ²
Murder/Manslaughter	10.6	10.2
Sexual/Lewd Behavior	8.7	8.9
Robbery	6.9	7.1
Violent, Other	6.2	6.3
Burglary	6.0	6.1
Property Theft/Fraud/Damage	6.2	6.2
Drugs	5.3	5.3
Weapons	6.2	6.0
Other	5.0	5.1
Overall Average	5.8	5.8

¹Offense dates on or after October 1, 2001.

²Offense dates on or after October 1, 2002.

Figure 1
Distribution of Offense Group
Sentence Dates in FY2002-2003 vs. FY2003-2004

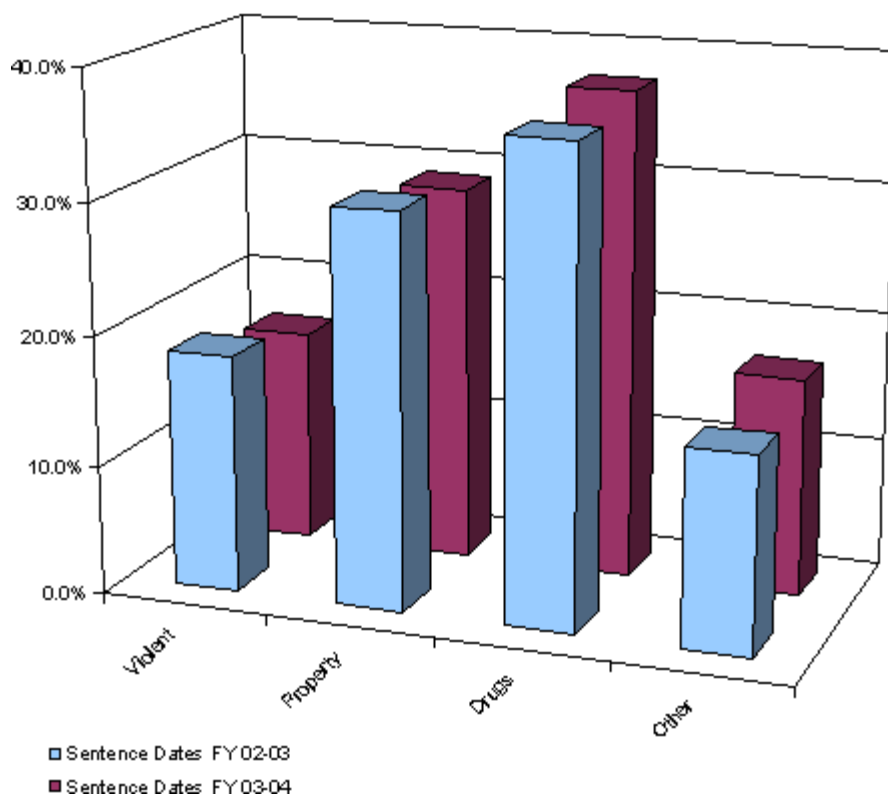


Table 3 Distribution of Offense Sentence Dates FY 2002-2003 vs. Sentence Dates FY 2003-2004

Primary Offense	FY 2002-2003 Sentence Dates ¹	FY 2003-2004 Sentence Dates ²
Murder/Manslaughter	270 0.3%	222 0.3%
Sexual Offenses	1,003 1.2%	806 0.9%
Robbery	2,316 2.7%	2,013 2.3%
Violent Personal Offenses	11,560 13.4%	11,031 12.5%
Burglary	8,579 9.9%	8,170 9.3%
Theft/Forgery/Fraud	17,940 20.7%	17,710 20.1%
Drugs	31,429 36.3%	33,089 37.5%
	1,764	1,767

Weapons	2.0%	2.0%
Other	11,664 13.5%	13,403 15.2%
Total	86,525 100.0%	88,211 100.0%

¹ Offense dates on or after October 1, 2001.

² Offense dates on or after October 1, 2002.

Table 4 Distribution of Offense

Primary Offense	FY 2002-2003		FY 2003-2004	
	Sentence Dates ¹		Sentence Dates ²	
Murder/Manslaughter	270	0.3%	222	0.3%
1st Degree Murder	63	0.1%	45	0.1%
2nd Degree Murder	89	0.1%	71	0.1%
3rd Degree Murder	5	0.0%	7	0.0%
Homicide, Other	6	0.0%	2	0.0%
Manslaughter	63	0.1%	52	0.1%
DUI Manslaughter	44	0.1%	45	0.1%
Sexual Offenses	1,003	1.2%	806	0.9%
Capital Sexual Battery	44	0.1%	20	0.0%
Life Sexual Battery	30	0.0%	28	0.0%
1st Degree Sexual Battery	58	0.1%	38	0.0%
2nd Degree Sexual Battery	154	0.2%	127	0.1%
Sexual Assault, Other	8	0.0%	8	0.0%
Lewd/Lascivious Behavior	709	0.8%	585	0.7%
Robbery	2,316	2.7%	2,013	2.3%
Robbery with Weapon	813	0.9%	706	0.8%
Robbery without Weapon	1,456	1.7%	1,269	1.4%
Home Invasion, Robbery	47	0.1%	38	0.0%
Violent Personal Offenses	11,560	13.4%	11,031	12.5%
Home Invasion, Other	1	0.0%	1	0.0%
Carjacking	142	0.2%	103	0.1%
Aggravated Assault	1,725	2.0%	1,603	1.8%
Aggravated Battery	1,404	1.6%	1,222	1.4%
Assault/Battery on L.E.O.	1,540	1.8%	1,442	1.6%
Assault/Battery, Other	559	0.6%	520	0.6%
Aggravated Stalking	242	0.3%	259	0.3%
Resisting Arrest with Violence	1,895	2.2%	1,868	2.1%
Kidnapping	360	0.4%	347	0.4%
Arson	162	0.2%	142	0.2%

Abuse of Children	1,173	1.4%	1,132	1.3%
Leaving Accident, Injury/Death	462	0.5%	417	0.5%
DUI, Injury	125	0.1%	104	0.1%
Violent, Other	1,770	2.0%	1,871	2.1%
Burglary	8,579	9.9%	8,170	9.3%
Burglary, Structure	5,004	5.8%	4,797	5.4%
Burglary, Dwelling	2,488	2.9%	2,341	2.7%
Burglary, Armed	204	0.2%	205	0.2%
Burglary with Assault	293	0.3%	238	0.3%
Burglary/Trespass, Other	590	0.7%	589	0.7%
Theft/Forgery/Fraud	17,940	20.7%	17,710	20.1%
Grand Theft, Other	6,532	7.5%	6,146	7.0%
Grand Theft, Automobile	2,727	3.2%	2,502	2.8%
Stolen Property	2,088	2.4%	2,096	2.4%
Forgery/Counterfeiting	3,147	3.6%	3,266	3.7%
Worthless Checks	520	0.6%	636	0.7%
Fraudulent Practices	1,705	2.0%	1,759	2.0%
Theft/Property Damage, Other	1,221	1.4%	1,305	1.5%
Drugs	31,429	36.3%	33,089	37.5%
Drugs, Manufacture/Sale/Purchase	10,262	11.9%	10,390	11.8%
Drugs, Trafficking	930	1.1%	889	1.0%
Drugs, Possession/Other	20,237	23.4%	21,810	24.7%
Weapons	1,764	2.0%	1,767	2.0%
Weapons, Discharging	335	0.4%	267	0.3%
Weapons, Possession	1,423	1.6%	1,495	1.7%
Weapons, Other	6	0.0%	5	0.0%
Other	11,664	13.5%	13,403	15.2%
Escape	2,146	2.5%	2,120	2.4%
DUI, No Injury	605	0.7%	883	1.0%
Traffic, Other	6,960	8.0%	8,066	9.1%
Racketeering	20	0.0%	12	0.0%
Pollution/Hazardous Materials	71	0.1%	60	0.1%
Other	1,862	2.2%	2,262	2.6%
Total	86,525	100.0%	88,211	100.0%

¹ Offense dates on or after October 1, 2001.

² Offense dates on or after October 1, 2002.

Part III: 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 fewer 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 fewer 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, 17.4% of offenders were sentenced to state prison as the most severe sanction in FY2003-2004. An additional 24.7% were sentenced to incarceration in county jail, or to time already served in jail. Nearly seven percent (6.6%) were sentenced to community control and over half to probation (50.1%), including drug offender probation, administrative probation and regular probation. Approximately one percent of offenders were sentenced to “other” sanctions. For sentencing dates in FY2002-2003, 17.7% of offenders were sentenced to state prison and 22.6% were sentenced to county jail or time served. Less than eight percent (7.6%) were sentenced to community control and 51.4% to probation. Only 0.8% of the offenders were sentenced to “other” sanctions ([Table 1](#)).
- More than three-quarters of the 88,211 Code scoresheets with a sentence date in FY2003-2004 examined (68,300 scoresheets or 77.4%) scored 44 points or fewer ([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 FY2002-2003, there were 65,529 (75.7%) offenders scoring 44 points or fewer ([Table 1](#)).
- For FY2003-2004, of the offenders scoring in the recommended state prison category, 55.4% were sentenced to state prison, with another 12.7% sentenced to county jail or time served. Of those

scoring less than 44 points, 6.4% were sentenced to state prison and 28.2% to county jail/time served. For FY2002-2003, fifty-four percent of the offenders scoring above 44 points were sentenced to state prison and another 11.7% of these offenders were sentenced to county jail or time served. Of those scoring less than 44 points, 6.1% were sentenced to state prison and 26.0% to county jail/time served. ([Table 1](#)).

- Scoresheets with a state prison sanction decreased slightly from 17.7% in FY2002-2003 to 17.4% in FY2003-2004. Conversely, county jail sanctions increased from 22.6% in FY2002-2003 to 24.7% in FY2003-2004. Community supervision sanctions decreased from 7.6% in FY2002-2003 to 6.6% in FY2003-2004 ([Table 1](#)).
- Statewide, 71.7% of offenders receiving a prison sanction scored out to a prison sanction. [Table 2](#) presents the scoring distribution of offenders under the Code for FY2002-2003 and FY2003-2004 by circuit and sanction imposed. In FY2003-2004, Circuit 20 (Ft. Myers) had the highest percentage (87.5%) of prison sanctioned scoresheets with more than 44 points while Circuit 19 (Ft. Pierce) has the lowest (52.6%).
- 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 sanctions 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 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 FY2002-2003 and FY2003-04 the majority of violent offenders received a state prison sanction ([Table 4](#)).
- The percentage of burglary and drug offenders receiving a state prison sanction decreased from FY2002-2003 to FY2003-2004 ([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 3 through 6 ([Table 5](#)).
- Consistently in FY2002-2003 and FY2003-2004, 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 FY2002-2003 to FY2003-2004 the percentage of scoresheets with no prior record decreased while those with prior misdemeanors increased. The percentage with four or more felonies remained constant ([Table 7](#)).
- Similarly, from FY2002-2003 to FY2003-2004 the percentage of scoresheets with no additional offenses decreased while those with misdemeanors 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 FY2003-2004. 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 FY2003-2004 ([Table 11](#)).
- For the offenders that received a mitigated prison sentence length, the average reduction in sentence was 24.8 months during FY2002-2003 and 25.0 months during FY2003-2004 ([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 F.S. 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.

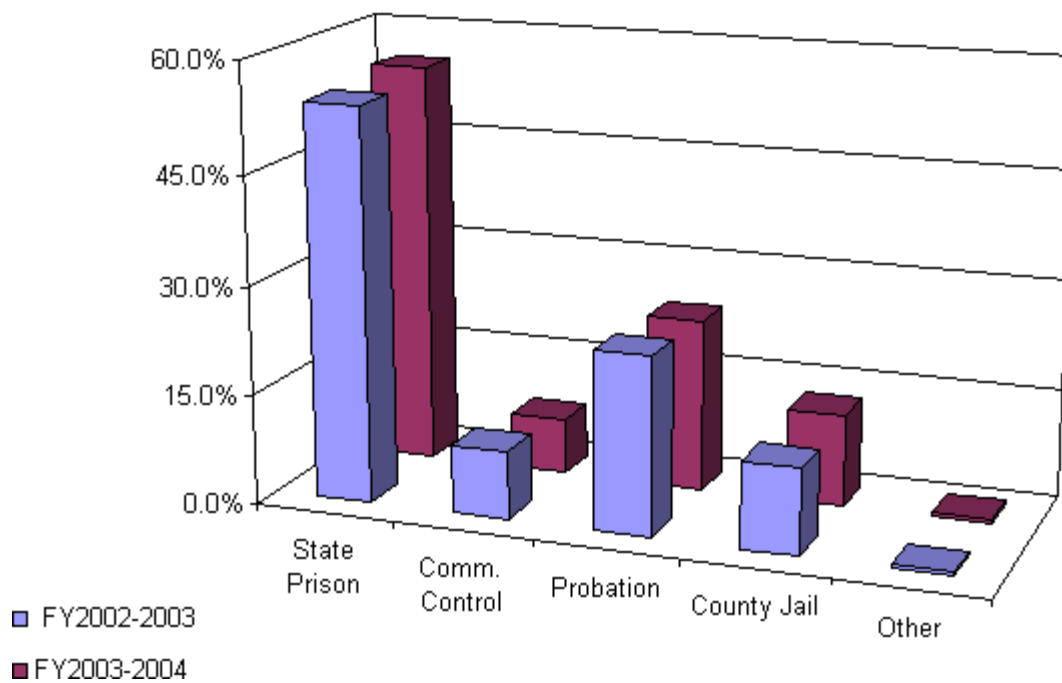
Table 1 Recommended Sanction Category by Sanction Imposed

Sanction Imposed	Recommended Sanction Category					
	FY 2002-2003 Sentence Dates ¹			FY 2003-2004 Sentence Dates ²		
	44.0 Points or fewer	More than 44.0 Points	Total	44.0 Points or fewer	More than 44.0 Points	Total
State Prison	3,995 6.1%	11,342 54.0%	15,337 17.7%	4,358 6.4%	11,029 55.4%	15,387 17.4%
Community Control	4,592 7.0%	1,961 9.3%	6,553 7.6%	4,286 6.3%	1,527 7.7%	5,813 6.6%
Probation	39,311 60.0%	5,128 24.4%	44,439 51.4%	39,460 57.8%	4,704 23.6%	44,164 50.1%
County Jail	17,063 26.0%	2,463 11.7%	19,526 22.6%	19,276 28.2%	2,522 12.7%	21,798 24.7%
Other	568 0.9%	102 0.5%	670 0.8%	920 1.3%	129 0.6%	1,049 1.2%
Total	65,529 100.0%	20,996 100.0%	86,525 100.0%	68,300 100.0%	19,911 100.0%	88,211 100.0%

¹Offense dates on or after October 1, 2001.

²Offense dates on or after October 1, 2002.

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



*Total points greater than 44.

Part III Comparative Description

Table 2 Recommended Sanction Category by Sanction Imposed

Judicial Circuit /Sanction Imposed	Recommended Sanction Category							
	FY 2002-2003 Sentence Dates ¹				FY 2003-2004 Sentence Dates ²			
	44.0 Points or fewer		More than 44.0 Points		44.0 Points or fewer		More than 44.0 Points	
01 (Pensacola)	3,003	79.8%	759	20.2%	3,325	82.8%	691	17.2%
Prison	262	32.5%	544	67.5%	283	37.9%	463	62.1%
Community Control	365	82.0%	80	18.0%	392	83.8%	76	16.2%
Probation	1,766	94.5%	103	5.5%	2,006	94.7%	113	5.3%
County Jail	583	95.7%	26	4.3%	582	94.3%	35	5.7%
Other	27	81.8%	6	18.2%	62	93.9%	4	6.1%
02 (Tallahassee)	934	63.5%	537	36.5%	1,186	65.4%	627	34.6%
Prison	91	22.9%	307	77.1%	155	29.8%	365	70.2%
Community Control	48	53.9%	41	46.1%	53	68.8%	24	31.2%
Probation	648	79.9%	163	20.1%	822	80.5%	199	19.5%
County Jail	142	85.0%	25	15.0%	151	79.9%	38	20.1%
Other	5	0.0%	1	0.0%	5	0.0%	1	0.0%
03 (Lake City)	305	63.5%	175	36.5%	460	72.0%	179	28.0%
Prison	36	28.8%	89	71.2%	43	30.3%	99	69.7%
Community Control	48	72.7%	18	27.3%	51	75.0%	17	25.0%
Probation	194	77.6%	56	22.4%	327	86.1%	53	13.9%
County Jail	9	69.2%	4	30.8%	10	58.8%	7	41.2%
Other	18	69.2%	8	30.8%	29	90.6%	3	9.4%
04 (Jacksonville)	4,357	74.8%	1,468	25.2%	4,755	80.6%	1,143	19.4%
Prison	673	43.3%	880	56.7%	661	46.3%	767	53.7%
Community Control	150	76.1%	47	23.9%	118	80.8%	28	19.2%
Probation	1,113	80.9%	263	19.1%	1,019	86.7%	156	13.3%
County Jail	2,396	89.6%	277	10.4%	2,943	93.9%	192	6.1%
Other	25	96.2%	1	3.8%	14	100.0%	0	0.0%
05 (Tavares)	3,395	82.4%	727	17.6%	3,902	83.4%	776	16.6%
Prison	145	25.4%	426	74.6%	153	23.4%	502	76.6%
Community Control	264	81.5%	60	18.5%	244	86.5%	38	13.5%
Probation	2,337	93.6%	161	6.4%	2,592	93.9%	169	6.1%
County Jail	595	89.6%	69	10.4%	777	93.2%	57	6.8%
Other	54	83.1%	11	16.9%	136	93.2%	10	6.8%
06 (Clearwater)	7,059	78.6%	1,920	21.4%	7,952	80.4%	1,944	19.6%
Prison	295	20.1%	1,172	79.9%	300	19.9%	1,208	80.1%
Community Control	305	75.5%	99	24.5%	440	79.3%	115	20.7%
Probation	4,747	90.2%	515	9.8%	5,335	91.8%	475	8.2%
County Jail	1,631	93.5%	114	6.5%	1,737	93.6%	119	6.4%
Other	81	80.2%	20	19.8%	140	83.8%	27	16.2%
07 (Daytona)	2,608	74.9%	874	25.1%	2,818	75.1%	936	24.9%
Prison	354	37.4%	592	62.6%	423	38.2%	683	61.8%
Community Control	248	78.5%	68	21.5%	279	84.3%	52	15.7%
Probation	1,532	90.4%	163	9.6%	1,558	91.1%	153	8.9%

County Jail	466	90.1%	51	9.9%	547	92.1%	47	7.9%
Other	8	100.0%	0	0.0%	11	91.7%	1	8.3%
08 (Gainesville)	1,349	66.6%	676	33.4%	1,375	68.6%	628	31.4%
Prison	32	9.2%	315	90.8%	56	17.0%	274	83.0%
Community Control	71	55.0%	58	45.0%	71	60.7%	46	39.3%
Probation	1,000	81.4%	228	18.6%	995	81.2%	231	18.8%
County Jail	197	75.5%	64	24.5%	193	78.8%	52	21.2%
Other	49	81.7%	11	18.3%	60	70.6%	25	29.4%
09 (Orlando)	4,415	78.7%	1,195	21.3%	2,542	79.0%	676	21.0%
Prison	347	31.4%	757	68.6%	252	35.6%	455	64.4%
Community Control	256	76.2%	80	23.8%	129	74.6%	44	25.4%
Probation	2,618	90.7%	268	9.3%	1,466	91.6%	134	8.4%
County Jail	1,174	93.2%	86	6.8%	674	94.5%	39	5.5%
Other	20	83.3%	4	16.7%	21	84.0%	4	16.0%
10 (Bartow)	2,534	84.2%	474	15.8%	2,759	82.2%	598	17.8%
Prison	260	44.5%	324	55.5%	278	38.9%	437	61.1%
Community Control	242	84.9%	43	15.1%	221	81.3%	51	18.8%
Probation	1,693	95.2%	86	4.8%	1,829	95.9%	79	4.1%
County Jail	338	94.2%	21	5.8%	423	93.4%	30	6.6%
Other	1	100.0%	0	0.0%	8	88.9%	1	11.1%
11 (Miami)	7,084	65.3%	3,764	34.7%	6,855	65.6%	3,590	34.4%
Prison	123	10.1%	1,089	89.9%	128	13.3%	836	86.7%
Community Control	179	32.8%	366	67.2%	120	32.5%	249	67.5%
Probation	3,359	74.5%	1,151	25.5%	2,910	71.9%	1,137	28.1%
County Jail	3,422	74.7%	1,158	25.3%	3,697	73.0%	1,368	27.0%
Other	1	100.0%	0	0.0%	0		0	
12 (Sarasota)	2,664	84.1%	505	15.9%	2,840	85.9%	466	14.1%
Prison	107	22.5%	368	77.5%	94	21.2%	350	78.8%
Community Control	242	89.6%	28	10.4%	180	89.6%	21	10.4%
Probation	1,545	94.8%	84	5.2%	1,523	95.0%	81	5.0%
County Jail	754	97.3%	21	2.7%	1,024	98.7%	14	1.3%
Other	16	80.0%	4	20.0%	19	100.0%	0	0.0%
13 (Tampa)	5,647	73.3%	2,061	26.7%	7,031	74.2%	2,440	25.8%
Prison	206	16.9%	1,011	83.1%	324	19.1%	1,368	80.9%
Community Control	777	64.8%	422	35.2%	692	65.2%	369	34.8%
Probation	3,772	89.2%	457	10.8%	4,252	89.3%	509	10.7%
County Jail	847	84.0%	161	16.0%	1,646	90.6%	171	9.4%
Other	45	81.8%	10	18.2%	117	83.6%	23	16.4%
14 (Panama City)	1,225	76.2%	382	23.8%	1,157	75.2%	382	24.8%
Prison	133	34.7%	250	65.3%	189	41.5%	266	58.5%
Community Control	245	83.3%	49	16.7%	178	79.1%	47	20.9%
Probation	803	91.8%	72	8.2%	747	92.3%	62	7.7%
County Jail	37	78.7%	10	21.3%	21	91.3%	2	8.7%
Other	7	87.5%	1	12.5%	22	81.5%	5	18.5%
15 (West Palm Beach)	3,992	80.2%	988	19.8%	4,209	84.0%	799	16.0%
Prison	97	14.9%	552	85.1%	87	14.8%	501	85.2%
Community Control	47	66.2%	24	33.8%	34	81.0%	8	19.0%
Probation	1,828	87.8%	255	12.2%	1,859	90.4%	197	9.6%
County Jail	2,013	92.9%	154	7.1%	2,223	96.0%	93	4.0%
Other	7	0.0%	3	0.0%	6	100.0%	0	0.0%
16 (Key West)	245	79.8%	62	20.2%	415	83.2%	84	16.8%

Prison	12	29.3%	29	70.7%	22	29.7%	52	70.3%
Community Control	9	50.0%	9	50.0%	12	75.0%	4	25.0%
Probation	187	90.8%	19	9.2%	320	92.5%	26	7.5%
County Jail	27	87.1%	4	12.9%	51	98.1%	1	1.9%
Other	10	90.9%	1	9.1%	10	90.9%	1	9.1%
17 (Ft. Lauderdale)	6,838	74.6%	2,332	25.4%	6,169	76.0%	1,948	24.0%
Prison	274	17.0%	1,339	83.0%	249	18.4%	1,103	81.6%
Community Control	378	60.4%	248	39.6%	312	62.8%	185	37.2%
Probation	4,732	87.9%	649	12.1%	4,396	88.5%	573	11.5%
County Jail	1,408	94.2%	87	5.8%	1,174	93.6%	80	6.4%
Other	46	83.6%	9	16.4%	38	84.4%	7	15.6%
18 (Sanford)	2,092	81.8%	466	18.2%	2,584	84.3%	481	15.7%
Prison	146	30.4%	334	69.6%	212	35.6%	384	64.4%
Community Control	230	78.5%	63	21.5%	273	86.9%	41	13.1%
Probation	1,603	96.0%	66	4.0%	1,904	97.3%	53	2.7%
County Jail	113	97.4%	3	2.6%	195	98.5%	3	1.5%
Other	0		0		0		0	
19 (Ft. Pierce)	2,231	81.8%	495	18.2%	2,463	82.1%	538	17.9%
Prison	302	45.2%	366	54.8%	378	47.4%	419	52.6%
Community Control	170	83.7%	33	16.3%	173	85.6%	29	14.4%
Probation	1,371	95.0%	72	5.0%	1,448	95.6%	67	4.4%
County Jail	367	94.8%	20	5.2%	441	95.7%	20	4.3%
Other	21	84.0%	4	16.0%	23	88.5%	3	11.5%
20 (Ft. Myers)	3,552	75.8%	1,136	24.2%	3,503	78.1%	985	21.9%
Prison	100	14.3%	598	85.7%	71	12.5%	497	87.5%
Community Control	318	71.8%	125	28.2%	314	79.1%	83	20.9%
Probation	2,463	89.2%	297	10.8%	2,152	90.1%	237	9.9%
County Jail	544	83.4%	108	16.6%	767	83.3%	154	16.7%
Other	127	94.1%	8	5.9%	199	93.4%	14	6.6%
Statewide	65,529	100.0%	20,996	100.0%	68,300	100.0%	19,911	100.0%

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

¹Offense dates on or after October 1, 2001.

²Offense dates on or after October 1, 2002.

Table 3 Sanction Imposed By Judicial Circuit and County

Circuit/County	FY 2002-2003 Sentence Dates ¹						FY 2003-2004 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)	806	445	1,869	609	33	3,762	746	468	2,119	617	66	4,016
	21.4%	11.8%	49.7%	16.2%	0.9%	100.0%	18.6%	11.7%	52.8%	15.4%	1.6%	100.0%
Escambia	653	287	1,172	489	25	2,626	615	279	1,181	443	43	2,561
	24.9%	10.9%	44.6%	18.6%	1.0%	100.0%	24.0%	10.9%	46.1%	17.3%	1.7%	100.0%
Okaloosa	84	98	421	70	2	675	58	110	540	108	10	826
	12.4%	14.5%	62.4%	10.4%	0.3%	100.0%	7.0%	13.3%	65.4%	13.1%	1.2%	100.0%
Santa Rosa	52	47	213	44	3	359	53	55	243	57	9	417
	14.5%	13.1%	59.3%	12.3%	0.8%	100.0%	12.7%	13.2%	58.3%	13.7%	2.2%	100.0%
Walton	17	13	63	6	3	102	20	24	155	9	4	212
	16.7%	12.7%	61.8%	5.9%	2.9%	100.0%	9.4%	11.3%	73.1%	4.2%	1.9%	100.0%
02 (Tallahassee)	398	89	811	167	6	1,471	520	77	1,021	189	6	1,813
	27.1%	6.1%	55.1%	11.4%	0.4%	100.0%	28.7%	4.2%	56.3%	10.4%	0.3%	100.0%

Franklin	0	0	0	0	0	0	0	0	0	0	0	0
Gadsden	100	24	316	28	0	468	113	25	324	22	0	484
	21.4%	5.1%	67.5%	6.0%	0.0%	100.0%	23.3%	5.2%	66.9%	4.5%	0.0%	100.0%
Jefferson	3	0	11	0	0	14	0	0	0	0	0	0
	21.4%	0.0%	78.6%	0.0%	0.0%	100.0%						
Leon	288	65	460	134	6	953	392	50	667	165	6	1,280
	30.2%	6.8%	48.3%	14.1%	0.6%	100.0%	30.6%	3.9%	52.1%	12.9%	0.5%	100.0%
Liberty	7	0	24	5	0	36	13	2	30	2	0	47
	19.4%	0.0%	66.7%	13.9%	0.0%	100.0%	27.7%	4.3%	63.8%	4.3%	0.0%	100.0%
Wakulla	0	0	0	0	0	0	2	0	0	0	0	2
							100.0%	0.0%	0.0%	0.0%	0.0%	100.0%

03 (Lake City)	125	66	250	13	26	480	142	68	380	17	32	639
	26.0%	13.8%	52.1%	2.7%	5.4%	100.0%	22.2%	10.6%	59.5%	2.7%	5.0%	100.0%

Columbia	66	26	95	8	12	207	98	39	242	9	30	418
	31.9%	12.6%	45.9%	3.9%	5.8%	100.0%	23.4%	9.3%	57.9%	2.2%	7.2%	100.0%
Dixie	11	5	21	1	2	40	2	3	15	0		20
	27.5%	12.5%	52.5%	2.5%	5.0%	100.0%	10.0%	15.0%	75.0%	0.0%	0.0%	100.0%
Hamilton	5	0	3	0	0	8	7	0	1	0	0	8
	62.5%	0.0%	37.5%	0.0%	0.0%	100.0%	0.2%	0.0%	0.0%	0.0%	0.0%	0.2%
Lafayette	0	0	0	0	0	0	0	0	0	0	0	0
Madison	12	5	23	1	1	42	1	0	2	0		3
	28.6%	11.9%	54.8%	2.4%	2.4%	100.0%	33.3%	0.0%	66.7%	0.0%	0.0%	100.0%
Suwannee	9	1	5	0	0	15	0	0	0	0	0	0
	60.0%	6.7%	33.3%	0.0%	0.0%	100.0%						
Taylor	22	29	103	3	11	168	34	26	120	8	2	190
	13.1%	17.3%	61.3%	1.8%	6.5%	100.0%	17.9%	13.7%	63.2%	4.2%	1.1%	100.0%

04 (Jacksonville)	1,553	197	1,376	2,673	26	5,825	1,428	146	1,175	3,135	14	5,898
	26.7%	3.4%	23.6%	45.9%	0.4%	100.0%	24.2%	2.5%	19.9%	53.2%	0.2%	100.0%

Clay	196	31	287	261	7	782	190	25	268	232	8	723
	25.1%	4.0%	36.7%	33.4%	0.9%	100.0%	26.3%	3.5%	37.1%	32.1%	1.1%	100.0%
Duval	1,258	140	950	2,307	15	4,670	1,149	107	778	2,818	5	4,857
	26.9%	3.0%	20.3%	49.4%	0.3%	100.0%	23.7%	2.2%	16.0%	58.0%	0.1%	100.0%
Nassau	99	26	139	105	4	373	89	14	129	85	1	318
	26.5%	7.0%	37.3%	28.2%	1.1%	100.0%	28.0%	4.4%	40.6%	26.7%	0.3%	100.0%

05 (Tavares)	571	324	2,498	664	65	4,122	655	282	2,761	834	146	4,678
	13.9%	7.9%	60.6%	16.1%	1.6%	100.0%	14.0%	6.0%	59.0%	17.8%	3.1%	100.0%

Citrus	97	15	283	57	3	455	116	23	275	48	8	470
	21.3%	3.3%	62.2%	12.5%	0.7%	100.0%	24.7%	4.9%	58.5%	10.2%	1.7%	100.0%
Hernando	94	86	374	66	0	620	117	107	512	119	0	855
	15.2%	13.9%	60.3%	10.6%	0.0%	100.0%	13.7%	12.5%	59.9%	13.9%	0.0%	100.0%
Lake	184	117	706	359	28	1,394	198	66	727	327	83	1,401
	13.2%	8.4%	50.6%	25.8%	2.0%	100.0%	14.1%	4.7%	51.9%	23.3%	5.9%	100.0%
Marion	125	98	1,031	177	33	1,464	167	78	1,156	328	51	1,780
	8.5%	6.7%	70.4%	12.1%	2.3%	100.0%	9.4%	4.4%	64.9%	18.4%	2.9%	100.0%
Sumter	71	8	104	5	1	189	57	8	91	12	4	172
	37.6%	4.2%	55.0%	2.6%	0.5%	100.0%	33.1%	4.7%	52.9%	7.0%	2.3%	100.0%

06 (Clearwater)	1,467	404	5,262	1,745	101	8,979	1,508	555	5,810	1,856	167	9,896
	16.3%	4.5%	58.6%	19.4%	1.1%	100.0%	15.2%	5.6%	58.7%	18.8%	1.7%	100.0%

Pasco	233	241	891	146	5	1,516	327	290	1,244	227	19	2,107
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		15.4%	15.9%	58.8%	9.6%	0.3%	100.0%	15.5%	13.8%	59.0%	10.8%	0.9%	100.0%
	Pinellas	1,234	163	4,371	1,599	96	7,463	1,181	265	4,566	1,629	148	7,789
		16.5%	2.2%	58.6%	21.4%	1.3%	100.0%	15.2%	3.4%	58.6%	20.9%	1.9%	100.0%
07 (Daytona)		946	316	1,695	517	8	3,482	1,106	331	1,711	594	12	3,754
		27.2%	9.1%	48.7%	14.8%	0.2%	100.0%	29.5%	8.8%	45.6%	15.8%	0.3%	100.0%
	Flagler	38	9	91	38	0	176	46	10	127	41	0	224
		21.6%	5.1%	51.7%	21.6%	0.0%	100.0%	20.5%	4.5%	56.7%	18.3%	0.0%	100.0%
	Putnam	89	39	186	43	2	359	79	27	274	69	8	457
		24.8%	10.9%	51.8%	12.0%	0.6%	100.0%	17.3%	5.9%	60.0%	15.1%	1.8%	100.0%
	St. Johns	121	17	235	36	0	409	125	7	245	41	0	418
		29.6%	4.2%	57.5%	8.8%	0.0%	100.0%	29.9%	1.7%	58.6%	9.8%	0.0%	100.0%
	Volusia	698	251	1,183	400	6	2,538	856	287	1,065	443	4	2,655
		27.5%	9.9%	46.6%	15.8%	0.2%	100.0%	32.2%	10.8%	40.1%	16.7%	0.2%	100.0%
08 (Gainesville)		347	129	1,228	261	60	2,025	330	117	1,226	245	85	2,003
		17.1%	6.4%	60.6%	12.9%	3.0%	100.0%	16.5%	5.8%	61.2%	12.2%	4.2%	100.0%
	Alachua	235	101	872	224	53	1,485	253	74	895	185	55	1,462
		15.8%	6.8%	58.7%	15.1%	3.6%	100.0%	17.3%	5.1%	61.2%	12.7%	3.8%	100.0%
	Baker	12	2	30	3	0	47	4	14	47	4	7	76
		25.5%	4.3%	63.8%	6.4%	0.0%	100.0%	5.3%	18.4%	61.8%	5.3%	9.2%	100.0%
	Bradford	46	8	132	13	1	200	32	8	110	30	12	192
		23.0%	4.0%	66.0%	6.5%	0.5%	100.0%	16.7%	4.2%	57.3%	15.6%	6.3%	100.0%
	Gilchrist	1	2	17	0	0	20	1	0	4	1	0	6
		5.0%	10.0%	85.0%	0.0%	0.0%	100.0%	16.7%	0.0%	66.7%	16.7%	0.0%	100.0%
	Levy	39	11	132	20	5	207	34	9	135	18	10	206
		18.8%	5.3%	63.8%	9.7%	2.4%	100.0%	16.5%	4.4%	65.5%	8.7%	4.9%	100.0%
	Union	14	5	45	1	1	66	6	12	35	7	1	61
		21.2%	7.6%	68.2%	1.5%	1.5%	100.0%	9.8%	19.7%	57.4%	11.5%	1.6%	100.0%
09 (Orlando)		1,104	336	2,886	1,260	24	5,610	707	173	1,600	713	25	3,218
		19.7%	6.0%	51.4%	22.5%	0.4%	100.0%	22.0%	5.4%	49.7%	22.2%	0.8%	100.0%
	Orange	889	216	2,143	956	14	4,218	570	107	1,121	553	14	2,365
		21.1%	5.1%	50.8%	22.7%	0.3%	100.0%	24.1%	4.5%	47.4%	23.4%	0.6%	100.0%
	Osceola	215	120	743	304	10	1,392	137	66	479	160	11	853
		15.4%	8.6%	53.4%	21.8%	0.7%	100.0%	16.1%	7.7%	56.2%	18.8%	1.3%	100.0%
10 (Bartow)		584	285	1,779	359	1	3,008	715	272	1,908	453	9	3,357
		19.4%	9.5%	59.1%	11.9%	0.0%	100.0%	21.3%	8.1%	56.8%	13.5%	0.3%	100.0%
	Hardee	27	10	108	24	0	169	21	14	84	12	0	131
		16.0%	5.9%	63.9%	14.2%	0.0%	100.0%	16.0%	10.7%	64.1%	9.2%	0.0%	100.0%
	Highlands	51	31	100	4	0	186	75	57	196	9	7	344
		27.4%	16.7%	53.8%	2.2%	0.0%	100.0%	21.8%	16.6%	57.0%	2.6%	2.0%	100.0%
	Polk	506	244	1,571	331	1	2,653	619	201	1,628	432	2	2,882
		19.1%	9.2%	59.2%	12.5%	0.0%	100.0%	21.5%	7.0%	56.5%	15.0%	0.1%	100.0%
11 (Miami)		1,212	545	4,510	4,580	1	10,848	964	369	4,047	5,065	0	10,445
		11.2%	5.0%	41.6%	42.2%	0.0%	100.0%	9.2%	3.5%	38.7%	48.5%	0.0%	100.0%
	Miami-Dade	1,212	545	4,510	4,580	1	10,848	964	369	4,047	5,065	0	10,445
		11.2%	5.0%	41.6%	42.2%	0.0%	100.0%	9.2%	3.5%	38.7%	48.5%	0.0%	100.0%
12 (Sarasota)		475	270	1,629	775	20	3,169	444	201	1,604	1,038	19	3,306
		15.0%	8.5%	51.4%	24.5%	0.6%	100.0%	13.4%	6.1%	48.5%	31.4%	0.6%	100.0%
	Desoto	47	14	71	56	3	191	20	25	39	15	3	102
		24.6%	7.3%	37.2%	29.3%	1.6%	100.0%	19.6%	24.5%	38.2%	14.7%	2.9%	100.0%
	Manatee	156	123	790	262	0	1,331	194	137	813	417	0	1,561
		11.7%	9.2%	59.4%	19.7%	0.0%	100.0%	12.4%	8.8%	52.1%	26.7%	0.0%	100.0%

	Sarasota	272	133	768	457	17	1,647	230	39	752	606	16	1,643
		16.5%	8.1%	46.6%	27.7%	1.0%	100.0%	14.0%	2.4%	45.8%	36.9%	1.0%	100.0%
13 (Tampa)		1,217	1,199	4,229	1,008	55	7,708	1,692	1,061	4,761	1,817	140	9,471
		15.8%	15.6%	54.9%	13.1%	0.7%	100.0%	17.9%	11.2%	50.3%	19.2%	1.5%	100.0%
	Hillsborough	1,217	1,199	4,229	1,008	55	7,708	1,692	1,061	4,761	1,817	140	9,471
		15.8%	15.6%	54.9%	13.1%	0.7%	100.0%	17.9%	11.2%	50.3%	19.2%	1.5%	100.0%
14 (Panama City)		383	294	875	47	8	1,607	455	225	809	23	27	1,539
		23.8%	18.3%	54.4%	2.9%	0.5%	100.0%	29.6%	14.6%	52.6%	1.5%	1.8%	100.0%
	Bay	362	253	698	44	8	1,365	402	173	589	18	25	1,207
		26.5%	18.5%	51.1%	3.2%	0.6%	100.0%	33.3%	14.3%	48.8%	1.5%	2.1%	100.0%
	Calhoun	7	18	47	0	0	72	13	15	34	0	0	62
		9.7%	25.0%	65.3%	0.0%	0.0%	100.0%	21.0%	24.2%	54.8%	0.0%	0.0%	100.0%
	Gulf	0	0	1	0	0	1	6	7	16	2	1	32
		0.0%	0.0%	100.0%	0.0%	0.0%	100.0%	18.8%	21.9%	50.0%	6.3%	3.1%	100.0%
	Holmes	2	5	53	1	0	61	3	16	63	0	0	82
		3.3%	8.2%	86.9%	1.6%	0.0%	100.0%	3.7%	19.5%	76.8%	0.0%	0.0%	100.0%
	Jackson	7	8	18	1	0	34	27	7	44	2	0	80
		20.6%	23.5%	52.9%	2.9%	0.0%	100.0%	33.8%	8.8%	55.0%	2.5%	0.0%	100.0%
	Washington	5	10	58	1	0	74	4	7	63	1	1	76
		6.8%	13.5%	78.4%	1.4%	0.0%	100.0%	5.3%	9.2%	82.9%	1.3%	1.3%	100.0%
15 (West Palm Beach)		649	71	2,083	2,167	10	4,980	588	42	2,056	2,316	6	5,008
		13.0%	1.4%	41.8%	43.5%	0.2%	100.0%	11.7%	0.8%	41.1%	46.2%	0.1%	100.0%
	Palm Beach	649	71	2,083	2,167	10	4,980	588	42	2,056	2,316	6	5,008
		13.0%	1.4%	41.8%	43.5%	0.2%	100.0%	7.2%	0.5%	25.3%	28.5%	0.1%	61.7%
16 (Key West)		41	18	206	31	11	307	74	16	346	52	11	499
		13.4%	5.9%	67.1%	10.1%	3.6%	100.0%	14.8%	3.2%	69.3%	10.4%	2.2%	100.0%
	Monroe	41	18	206	31	11	307	74	16	346	52	11	499
		13.4%	5.9%	67.1%	10.1%	3.6%	100.0%	14.8%	3.2%	69.3%	10.4%	2.2%	100.0%
17 (Ft. Lauderdale)		1,613	626	5,381	1,495	55	9,170	1,352	497	4,969	1,254	45	8,117
		17.6%	6.8%	58.7%	16.3%	0.6%	100.0%	16.7%	6.1%	61.2%	15.4%	0.6%	100.0%
	Broward	1,613	626	5,381	1,495	55	9,170	1,352	497	4,969	1,254	45	8,117
		17.6%	6.8%	58.7%	16.3%	0.6%	100.0%	16.7%	6.1%	61.2%	15.4%	0.6%	100.0%
18 (Sanford)		480	293	1,669	116	0	2,558	596	314	1,957	198	0	3,065
		18.8%	11.5%	65.2%	4.5%	0.0%	100.0%	19.4%	10.2%	63.8%	6.5%	0.0%	100.0%
	Brevard	298	213	882	30	0	1,423	384	236	1,030	21	0	1,671
		20.9%	15.0%	62.0%	2.1%	0.0%	100.0%	23.0%	14.1%	61.6%	1.3%	0.0%	100.0%
	Seminole	182	80	787	86	0	1,135	212	78	927	177	0	1,394
		16.0%	7.0%	69.3%	7.6%	0.0%	100.0%	15.2%	5.6%	66.5%	12.7%	0.0%	100.0%
19 (Ft. Pierce)		668	203	1,443	387	25	2,726	797	202	1,515	461	26	3,001
		24.5%	7.4%	52.9%	14.2%	0.9%	100.0%	26.6%	6.7%	50.5%	15.4%	0.9%	100.0%
	Indian River	163	58	335	93	0	649	201	28	300	130	0	659
		25.1%	8.9%	51.6%	14.3%	0.0%	100.0%	30.5%	4.2%	45.5%	19.7%	0.0%	100.0%
	Martin	128	33	353	123	2	639	134	44	330	118	1	627
		20.0%	5.2%	55.2%	19.2%	0.3%	100.0%	21.4%	7.0%	52.6%	18.8%	0.2%	100.0%
	Okeechobee	63	8	110	29	2	212	57	14	140	29	1	241
		29.7%	3.8%	51.9%	13.7%	0.9%	100.0%	23.7%	5.8%	58.1%	12.0%	0.4%	100.0%
	St. Lucie	314	104	645	142	21	1,226	405	116	745	184	24	1,474
		25.6%	8.5%	52.6%	11.6%	1.7%	100.0%	27.5%	7.9%	50.5%	12.5%	1.6%	100.0%
20 (Ft. Myers)		698	443	2,760	652	135	4,688	568	397	2,389	921	213	4,488
		14.9%	9.4%	58.9%	13.9%	2.9%	100.0%	12.7%	8.8%	53.2%	20.5%	4.7%	100.0%
	Charlotte	136	145	337	77	2	697	128	130	364	129	4	755

	19.5%	20.8%	48.4%	11.0%	0.3%	100.0%	17.0%	17.2%	48.2%	17.1%	0.5%	100.0%
Collier	193	130	913	218	21	1,475	191	121	1,076	326	13	1,727
	13.1%	8.8%	61.9%	14.8%	1.4%	100.0%	11.1%	7.0%	62.3%	18.9%	0.8%	100.0%
Glades	5	2	33	5	2	47	2	2	10	3	0	17
	10.6%	4.3%	70.2%	10.6%	4.3%	100.0%	11.8%	11.8%	58.8%	17.6%	0.0%	100.0%
Hendry	17	11	122	30	3	183	9	9	123	33	1	175
	9.3%	6.0%	66.7%	16.4%	1.6%	100.0%	5.1%	5.1%	70.3%	18.9%	0.6%	100.0%
Lee	347	155	1,355	322	107	2,286	238	135	816	430	195	1,814
	15.2%	6.8%	59.3%	14.1%	4.7%	100.0%	13.1%	7.4%	45.0%	23.7%	10.7%	100.0%
Statewide	15,337	6,553	44,439	19,526	670	86,525	15,387	5,813	44,164	21,798	1,049	88,211
	17.7%	7.6%	51.4%	22.6%	0.8%	100.0%	17.4%	6.6%	50.1%	24.7%	1.2%	100.0%

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

¹Offense dates on or after October 1, 2001.

²Offense dates on or after October 1, 2002.

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Part III Comparative Description

Table 4 Offense Types by Sanction Imposed

Offense Type	FY2002 - 2003 Sentence Dates ¹						FY2003 - 2004 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	51	5	3	2	0	61	38	1	5	1	0	45
	83.6%	8.2%	4.9%	3.3%	0.0%	100.0%	84.4%	2.2%	11.1%	2.2%	0.0%	100.0%
Complete	2	0	0	0	0	2	0	0	0	0	0	0
	100.0%	0.0%	0.0%	0.0%	0.0%	100.0%						
Second Degree Murder												
Attempt	32	1	4	0	0	37	24	2	0	0	0	26
	86.5%	2.7%	10.8%	0.0%	0.0%	100.0%	92.3%	7.7%	0.0%	0.0%	0.0%	100.0%
Complete	52	0	0	0	0	52	44	0	1	0	0	45
	100.0%	0.0%	0.0%	0.0%	0.0%	100.0%	97.8%	0.0%	2.2%	0.0%	0.0%	100.0%
Third Degree Murder												
Attempt						0	1	0	0	0	0	1
							100.0%	0.0%	0.0%	0.0%	0.0%	100.0%
Complete	4	0	1	0	0	5	6	0	0	0	0	6
	80.0%	0.0%	20.0%	0.0%	0.0%	100.0%	100.0%	0.0%	0.0%	0.0%	0.0%	100.0%
Homicide, Other												
Complete	2	1	3	0	0	6	2	0	0	0	0	2
	33.3%	16.7%	50.0%	0.0%	0.0%	100.0%	100.0%	0.0%	0.0%	0.0%	0.0%	100.0%
Manslaughter												
Attempt	2	1	1	0	0	4	1	0	0	0	0	1
	50.0%	25.0%	25.0%	0.0%	0.0%	100.0%	100.0%	0.0%	0.0%	0.0%	0.0%	100.0%
Complete	47	4	6	2	0	59	43	3	5	0	0	51
	79.7%	6.8%	10.2%	3.4%	0.0%	100.0%	84.3%	5.9%	9.8%	0.0%	0.0%	100.0%
DUI Manslaughter												
Complete	37	3	4	0	0	44	40	4	1	0	0	45
	84.1%	6.8%	9.1%	0.0%	0.0%	100.0%	88.9%	8.9%	2.2%	0.0%	0.0%	100.0%
Sexual/Lewd Behavior												
Capital Sexual Battery												
Attempt	36	3	5	0	0	44	15	0	3	1	1	20
	81.8%	6.8%	11.4%	0.0%	0.0%	100.0%	75.0%	0.0%	15.0%	5.0%	5.0%	100.0%
Life Sexual Battery												
Attempt	4	0	3	0	0	7	6	0	0	0	0	6

	57.1%	0.0%	42.9%	0.0%	0.0%	100.0%	100.0%	0.0%	0.0%	0.0%	0.0%	100.0%
Complete	21	1	1	0	0	23	21	0	1	0	0	22
	91.3%	4.3%	4.3%	0.0%	0.0%	100.0%	95.5%	0.0%	4.5%	0.0%	0.0%	100.0%
1st Degree Sexual Battery												
Attempt	5	0	0	0	0	5	4	0	0	0	0	4
	100.0%	0.0%	0.0%	0.0%	0.0%	100.0%	100.0%	0.0%	0.0%	0.0%	0.0%	100.0%
Complete	45	2	6	0	0	53	28	3	3	0	0	34
	84.9%	3.8%	11.3%	0.0%	0.0%	100.0%	82.4%	8.8%	8.8%	0.0%	0.0%	100.0%
2nd Degree Sexual Battery												
Attempt	9	2	7	3	0	21	10	2	5	2	0	19
	42.9%	9.5%	33.3%	14.3%	0.0%	100.0%	52.6%	10.5%	26.3%	10.5%	0.0%	100.0%
Complete	55	23	50	5	0	133	57	10	39	1	1	108
	41.4%	17.3%	37.6%	3.8%	0.0%	100.0%	52.8%	9.3%	36.1%	0.9%	0.9%	100.0%
Sexual Assault, Other												
Complete	1	1	6	0	0	8	2	0	5	1	0	8
	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	25.0%	0.0%	62.5%	12.5%	0.0%	100.0%
Lewd/Lascivious Behavior												
Attempt	14	6	14	2	0	36	7	2	9	1	0	19
	38.9%	16.7%	38.9%	5.6%	0.0%	100.0%	36.8%	10.5%	47.4%	5.3%	0.0%	100.0%
Complete	274	99	279	16	5	673	293	55	188	27	3	566
	40.7%	14.7%	41.5%	2.4%	0.7%	100.0%	51.8%	9.7%	33.2%	4.8%	0.5%	100.0%
Robbery												
Robbery with Weapon												
Attempt	71	16	29	6	1	123	46	4	14	4	0	68
	57.7%	13.0%	23.6%	4.9%	0.8%	100.0%	67.6%	5.9%	20.6%	5.9%	0.0%	100.0%
Complete	503	90	81	16	0	690	464	70	78	23	3	638
	72.9%	13.0%	11.7%	2.3%	0.0%	100.0%	72.7%	11.0%	12.2%	3.6%	0.5%	100.0%
Robbery without Weapon												
Attempt	69	20	74	30	1	194	43	9	55	32	2	141
	35.6%	10.3%	38.1%	15.5%	0.5%	100.0%	30.5%	6.4%	39.0%	22.7%	1.4%	100.0%
Complete	529	121	452	153	7	1,262	486	96	377	163	6	1,128
	41.9%	9.6%	35.8%	12.1%	0.6%	100.0%	43.1%	8.5%	33.4%	14.5%	0.5%	100.0%
Home Invasion, Robbery												
Attempt	1	0	0	0	0	1	5	0	1	0	0	6
	100.0%	0.0%	0.0%	0.0%	0.0%	100.0%	83.3%	0.0%	16.7%	0.0%	0.0%	100.0%
Complete	42	2	2	0	0	46	24	2	5	1	0	32
	91.3%	4.3%	4.3%	0.0%	0.0%	100.0%	75.0%	6.3%	15.6%	3.1%	0.0%	100.0%
Violent Personal Offenses												
Attempt	43	8	47	6	0	104	29	5	32	3	1	70
	41.3%	7.7%	45.2%	5.8%	0.0%	100.0%	41.4%	7.1%	45.7%	4.3%	1.4%	100.0%
Complete	2,240	1,004	6,522	1,622	68	11,456	2,292	851	6,195	1,516	107	10,961
	19.6%	8.8%	56.9%	14.2%	0.6%	100.0%	20.9%	7.8%	56.5%	13.8%	1.0%	100.0%
Burglary												

Attempt	83	28	124	43	2	280	102	19	109	49	4	283
	29.6%	10.0%	44.3%	15.4%	0.7%	100.0%	36.0%	6.7%	38.5%	17.3%	1.4%	100.0%
Complete	2,371	788	3,911	1,170	59	8,299	2,243	652	3,764	1,140	88	7,887
	28.6%	9.5%	47.1%	14.1%	0.7%	100.0%	28.4%	8.3%	47.7%	14.5%	1.1%	100.0%

Property Theft/Fraud/Damage

Attempt	4	1	16	6	0	27	2	1	12	3	2	20
	14.8%	3.7%	59.3%	22.2%	0.0%	100.0%	10.0%	5.0%	60.0%	15.0%	10.0%	100.0%
Complete	2,208	1,057	10,653	3,846	149	17,913	2,259	981	10,253	3,961	236	17,690
	12.3%	5.9%	59.5%	21.5%	0.8%	100.0%	12.8%	5.5%	58.0%	22.4%	1.3%	100.0%

Drugs

Manufacture/Sale/Purchase

Attempt	33	32	300	197	3	565	52	35	361	302	20	770
	5.8%	5.7%	53.1%	34.9%	0.5%	100.0%	6.8%	4.5%	46.9%	39.2%	2.6%	100.0%
Complete	2,450	780	4,056	2,354	57	9,697	2,352	692	3,891	2,593	92	9,620
	25.3%	8.0%	41.8%	24.3%	0.6%	100.0%	24.4%	7.2%	40.4%	27.0%	1.0%	100.0%

Drugs, Trafficking

Attempt	24	10	42	6	1	83	35	16	36	2	1	90
	28.9%	12.0%	50.6%	7.2%	1.2%	100.0%	38.9%	17.8%	40.0%	2.2%	1.1%	100.0%
Complete	586	95	147	18	1	847	544	93	150	10	2	799
	69.2%	11.2%	17.4%	2.1%	0.1%	100.0%	68.1%	11.6%	18.8%	1.3%	0.3%	100.0%

Drugs, Possession/Other

Attempt	6	1	46	11	0	64	4	2	28	15	2	51
	9.4%	1.6%	71.9%	17.2%	0.0%	100.0%	7.8%	3.9%	54.9%	29.4%	3.9%	100.0%
Complete	1,536	1,332	10,647	6,485	173	20,173	1,700	1,080	10,864	7,853	262	21,759
	7.6%	6.6%	52.8%	32.1%	0.9%	100.0%	7.8%	5.0%	49.9%	36.1%	1.2%	100.0%

Weapons

Attempt	1	1	7	1	0	10	3	0	4	6	0	13
	10.0%	10.0%	70.0%	10.0%	0.0%	100.0%	23.1%	0.0%	30.8%	46.2%	0.0%	100.0%
Complete	463	132	884	260	15	1,754	425	129	867	315	18	1,754
	26.4%	7.5%	50.4%	14.8%	0.9%	100.0%	24.2%	7.4%	49.4%	18.0%	1.0%	100.0%

Other

Attempt	6	1	25	9	0	41	12	5	42	24	1	84
	14.6%	2.4%	61.0%	22.0%	0.0%	100.0%	14.3%	6.0%	50.0%	28.6%	1.2%	100.0%
Complete	1,375	882	5,981	3,257	128	11,623	1,623	989	6,761	3,749	197	13,319
	11.8%	7.6%	51.5%	28.0%	1.1%	100.0%	12.2%	7.4%	50.8%	28.1%	1.5%	100.0%
Total	15,337	6,553	44,439	19,526	670	86,525	15,387	5,813	44,164	21,798	1,049	88,211

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

¹Offense dates on or after October 1, 2001.

²Offense dates on or after October 1, 2002.

Part III Comparative Description

Table 5 Sanction Imposed by Offense Severity Level

Offense Severity Level	FY2002 - 2003 Sentence Dates ¹						FY2003 - 2004 Sentence Dates ²					
	State Prison*	Comm. Control	Probation	County Jail	Other Sentence	Total	State Prison	Comm. Control	Probation	County Jail	Other Sentence	Total
1	778	748	6,473	3,394	169	11,562	977	806	7,340	3,981	226	13,330
	6.7%	6.5%	56.0%	29.4%	1.5%	100.0%	7.3%	6.0%	55.1%	29.9%	1.7%	100.0%
2	761	550	6,070	1,937	77	9,395	812	491	5,563	2,021	136	9,023
	8.1%	5.9%	64.6%	20.6%	0.8%	100.0%	9.0%	5.4%	61.7%	22.4%	1.5%	100.0%
3	1,901	1,617	12,765	7,462	184	23,929	2,114	1,399	13,168	8,950	333	25,964
	7.9%	6.8%	53.3%	31.2%	0.8%	100.0%	8.1%	5.4%	50.7%	34.5%	1.3%	100.0%
4	2,177	834	6,530	2,667	83	12,291	2,121	747	6,333	2,775	128	12,104
	17.7%	6.8%	53.1%	21.7%	0.7%	100.0%	17.5%	6.2%	52.3%	22.9%	1.1%	100.0%
5	3,393	1,052	5,755	2,720	73	12,993	3,318	915	5,525	2,795	113	12,666
	26.1%	8.1%	44.3%	20.9%	0.6%	100.0%	26.2%	7.2%	43.6%	22.1%	0.9%	100.0%
6	1,966	725	4,282	950	50	7,973	2,011	665	3,975	924	68	7,643
	24.7%	9.1%	53.7%	11.9%	0.6%	100.0%	26.3%	8.7%	52.0%	12.1%	0.9%	100.0%
7	2,659	694	2,053	334	29	5,769	2,546	553	1,854	280	36	5,269
	46.1%	12.0%	35.6%	5.8%	0.5%	100.0%	48.3%	10.5%	35.2%	5.3%	0.7%	100.0%
8	823	219	393	37	5	1,477	719	144	294	50	5	1,212
	55.7%	14.8%	26.6%	2.5%	0.3%	100.0%	59.3%	11.9%	24.3%	4.1%	0.4%	100.0%
9	757	111	112	22	0	1,002	666	89	104	18	4	881
	75.5%	11.1%	11.2%	2.2%	0.0%	100.0%	75.6%	10.1%	11.8%	2.0%	0.5%	100.0%
10	122	3	6	3	0	134	103	4	8	4	0	119
	91.0%	2.2%	4.5%	2.2%	0.0%	100.0%	86.6%	3.4%	6.7%	3.4%	0.0%	100.0%
Total	15,337	6,553	44,439	19,526	670	86,525	15,387	5,813	44,164	21,798	1,049	88,211
	17.7%	7.6%	51.4%	22.6%	0.8%	100.0%	17.4%	6.6%	50.1%	24.7%	1.2%	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, 2001.

² Offense dates on or after October 1, 2002.

Table 6 State Prison Sentence Length by Offense Severity Level

Offense Severity Level	FY2002 - 2003 Sentence Dates ¹					FY2003 - 2004 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	620	109	43	6	778	805	111	56	5	977
	79.7%	14.0%	5.5%	0.8%	100.0%	82.4%	11.4%	5.7%	0.5%	100.0%
2	549	154	53	5	761	601	155	53	3	812
	72.1%	20.2%	7.0%	0.7%	100.0%	74.0%	19.1%	6.5%	0.4%	100.0%

3	1,421 74.8%	356 18.7%	107 5.6%	17 0.9%	1,901 100.0%	1,641 77.6%	348 16.5%	112 5.3%	13 0.6%	2,114 100.0%
4	1,396 64.1%	498 22.9%	253 11.6%	30 1.4%	2,177 100.0%	1,365 64.4%	511 24.1%	212 10.0%	33 1.6%	2,121 100.0%
5	1,918 56.5%	955 28.1%	415 12.2%	105 3.1%	3,393 100.0%	1,897 57.2%	933 28.1%	414 12.5%	74 2.2%	3,318 100.0%
6	927 47.2%	596 30.3%	336 17.1%	107 5.4%	1,966 100.0%	968 48.1%	556 27.6%	369 18.3%	118 5.9%	2,011 100.0%
7	651 24.5%	1,049 39.5%	709 26.7%	250 9.4%	2,659 100.0%	612 24.0%	1,060 41.6%	647 25.4%	227 8.9%	2,546 100.0%
8	126 15.3%	220 26.7%	330 40.1%	147 17.9%	823 100.0%	115 16.0%	173 24.1%	296 41.2%	135 18.8%	719 100.0%
9	128 16.9%	127 16.8%	315 41.6%	187 24.7%	757 100.0%	120 18.0%	96 14.4%	281 42.2%	169 25.4%	666 100.0%
10	31 25.4%	6 4.9%	21 17.2%	64 52.5%	122 100.0%	21 20.4%	3 2.9%	19 18.4%	60 58.3%	103 100.0%
Total	7,767 50.6%	4,070 26.5%	2,582 16.8%	918 6.0%	15,337 100.0%	8,145 52.9%	3,946 25.6%	2,459 16.0%	837 5.4%	15,387 100.0%

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

¹ Offense dates on or after October 1, 2001.

² Offense dates on or after October 1, 2002.

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Table 7 Number of Prior Offenses*

Prior Offenses	FY2002 - 2003 Sentence Dates ¹		FY2003 - 2004 Sentence Dates ²	
	Number	Percent	Number	Percent
None	23,959	27.7%	23,765	26.9%
Misdemeanor Only	20,384	23.6%	22,271	25.2%
One Felony	16,438	19.0%	16,602	18.8%
Two Felonies	11,198	12.9%	11,045	12.5%
Three Felonies	7,066	8.2%	6,920	7.8%
Four Felonies	3,889	4.5%	3,973	4.5%
Five Felonies	2,012	2.3%	2,029	2.3%
Six Felonies	916	1.1%	915	1.0%
Seven or More Felonies	663	0.8%	691	0.8%
Total	86,525	100.0%	88,211	100.0%

* As indicated on the scoresheet.

¹ Offense dates on or after October 1, 2001.

² Offense dates on or after October 1, 2002.

Table 8 Number of Additional Offenses*

Additional Offenses	FY2002 - 2003 Sentence Dates ¹		FY2003 - 2004 Sentence Dates ²	
	Number	Percent	Number	Percent
None	23,959	27.7%	23,765	26.9%
Misdemeanor Only	20,384	23.6%	22,271	25.2%
One Felony	16,438	19.0%	16,602	18.8%
Two Felonies	11,198	12.9%	11,045	12.5%
Three Felonies	7,066	8.2%	6,920	7.8%
Four Felonies	3,889	4.5%	3,973	4.5%
Five Felonies	2,012	2.3%	2,029	2.3%
Six Felonies	916	1.1%	915	1.0%
Seven or More Felonies	663	0.8%	691	0.8%
Total	86,525	100.0%	88,211	100.0%

* As indicated on the scoresheet.

¹ Offense dates on or after October 1, 2001.

² Offense dates on or after October 1, 2002.

Table 9 Prior Felony Record* and Sanction Imposed

Number of Prior	FY2002 - 2003 Sentence Dates ¹					FY2003 - 2004 Sentence Dates ²					
	State	Comm.	Probation	County	Other	Total	State	Comm.	Probation	County	Other

Felonies	Prison Control			Jail	Sentence	Prison Control			Jail	Sentence		
None	3,655	3,437	29,333	7,455	463	44,343	3,886	3,152	29,429	8,853	716	46,036
	8.2%	7.8%	66.2%	16.8%	1.0%	100.0%	8.4%	6.8%	63.9%	19.2%	1.6%	100.0%
One	2,823	1,319	7,378	4,817	101	16,438	2,832	1,216	7,282	5,100	172	16,602
	17.2%	8.0%	44.9%	29.3%	0.6%	100.0%	17.1%	7.3%	43.9%	30.7%	1.0%	100.0%
Two	2,906	860	4,104	3,260	68	11,198	2,729	701	3,927	3,598	90	11,045
	26.0%	7.7%	36.6%	29.1%	0.6%	100.0%	24.7%	6.3%	35.6%	32.6%	0.8%	100.0%
Three	2,489	473	2,060	2,022	22	7,066	2,382	401	2,021	2,068	48	6,920
	35.2%	6.7%	29.2%	28.6%	0.3%	100.0%	34.4%	5.8%	29.2%	29.9%	0.7%	100.0%
Four	1,629	255	920	1,075	10	3,889	1,715	192	890	1,157	19	3,973
	41.9%	6.6%	23.7%	27.6%	0.3%	100.0%	43.2%	4.8%	22.4%	29.1%	0.5%	100.0%
Five	986	119	386	517	4	2,012	988	95	380	562	4	2,029
	49.0%	5.9%	19.2%	25.7%	0.2%	100.0%	48.7%	4.7%	18.7%	27.7%	0.2%	100.0%
Six	498	52	163	201	2	916	485	28	141	261	0	915
	54.4%	5.7%	17.8%	21.9%	0.2%	100.0%	53.0%	3.1%	15.4%	28.5%	0.0%	100.0%
Seven or More	351	38	95	179	0	663	370	28	94	199	0	691
	52.9%	5.7%	14.3%	27.0%	0.0%	100.0%	53.5%	4.1%	13.6%	28.8%	0.0%	100.0%
Total	15,337	6,553	44,439	19,526	670	86,525	15,387	5,813	44,164	21,798	1,049	88,211
	17.7%	7.6%	51.4%	22.6%	0.8%	100.0%	17.4%	6.6%	50.1%	24.7%	1.2%	100.0%

* 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, 2001.

² Offense dates on or after October 1, 2002.

Table 10 Additional Offenses* and Sanction Imposed

Number of Additional Felonies	FY2002 - 2003 Sentence Dates ¹						FY2003 - 2004 Sentence Dates ²					
	State Prison	Comm. Control	Probation	County Jail	Other Sentence	Total	State Prison	Comm. Control	Probation	County Jail	Other Sentence	Total
None	8,698	4,654	36,946	16,793	565	67,656	9,014	4,133	36,581	18,855	888	69,471
	12.9%	6.9%	54.6%	24.8%	0.8%	100.0%	13.0%	5.9%	52.7%	27.1%	1.3%	100.0%
One	3,887	1,315	5,810	2,177	77	13,266	3,597	1,121	5,873	2,345	121	13,057
	29.3%	9.9%	43.8%	16.4%	0.6%	100.0%	27.5%	8.6%	45.0%	18.0%	0.9%	100.0%
Two	1,522	370	1,216	443	16	3,567	1,528	336	1,218	483	29	3,594
	42.7%	10.4%	34.1%	12.4%	0.4%	100.0%	42.5%	9.3%	33.9%	13.4%	0.8%	100.0%
Three	677	127	321	92	6	1,223	659	125	334	87	6	1,211
	55.4%	10.4%	26.2%	7.5%	0.5%	100.0%	54.4%	10.3%	27.6%	7.2%	0.5%	100.0%
Four	271	49	76	14	4	414	276	61	81	20	3	441
	65.5%	11.8%	18.4%	3.4%	1.0%	100.0%	62.6%	13.8%	18.4%	4.5%	0.7%	100.0%
Five	140	17	41	7	2	207	163	25	41	5	0	234
	67.6%	8.2%	19.8%	3.4%	1.0%	100.0%	69.7%	10.7%	17.5%	2.1%	0.0%	100.0%
Six	69	13	13	0	0	95	71	10	19	1	2	103
	72.6%	13.7%	13.7%	0.0%	0.0%	100.0%	68.9%	9.7%	18.4%	1.0%	1.9%	100.0%
Seven or More	73	8	16	0	0	97	79	2	17	2	0	100
	75.3%	8.2%	16.5%	0.0%	0.0%	100.0%	79.0%	2.0%	17.0%	2.0%	0.0%	100.0%
Total	15,337	6,553	44,439	19,526	670	86,525	15,387	5,813	44,164	21,798	1,049	88,211

Total	17.7%	7.6%	51.4%	22.6%	0.8%	100.0%	17.4%	6.6%	50.1%	24.7%	1.2%	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, 2001.

² Offense dates on or after October 1, 2002.

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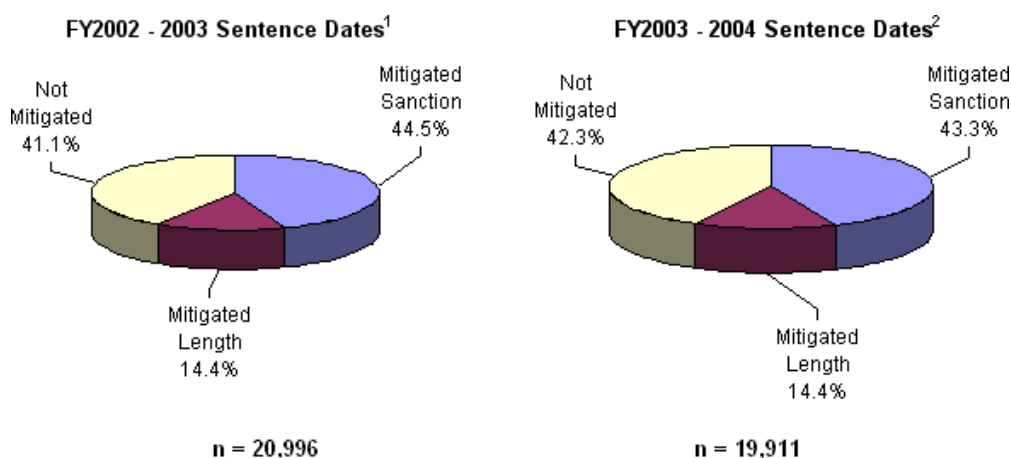
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Table 11 Mitigation Rates* Among Offenders Scoring in Recommended State Prison Sanction Category

Category	FY2002 - 2003 Sentence Dates ¹		FY2003 - 2004 Sentence Dates ²	
	Number / Percent	Average Mitigated Length in Months	Number / Percent	Average Mitigated Length in Months
Mitigated Total	12,371 58.9%		11,479 57.7%	
Mitigated Sanction	9,343 44.5%		8,618 43.3%	
Mitigated Length	3,028 14.4%	24.8	2,861 14.4%	25.0
Not Mitigated	8,625 41.1%		8,432 42.3%	
Total	20,996 100.0%		19,911 100.0%	

* 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

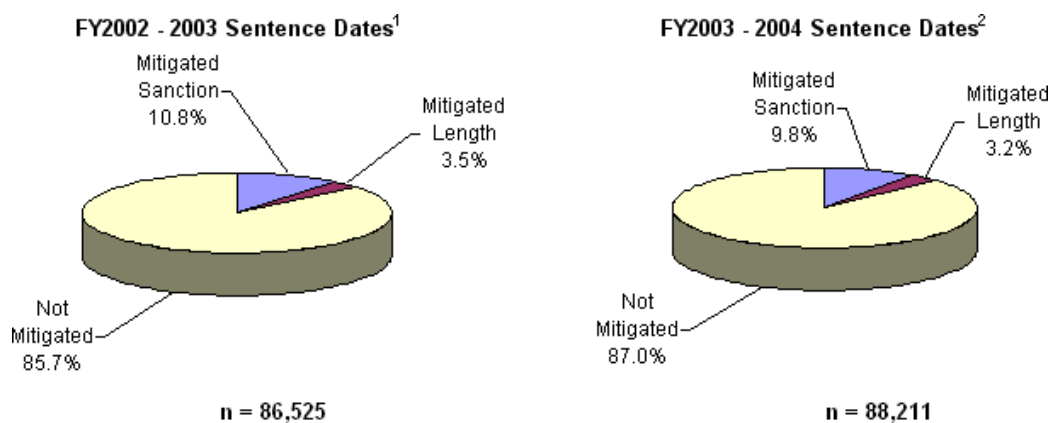


**Total points exceeding 44.0

¹ Offense dates on or after October 1, 2001.

² Offense dates on or after October 1, 2002.

Figure 3 Deviation Rates Below Permitted Sentences Among All Offenders Sentenced



¹ Offense dates on or after October 1, 2001.

² Offense dates on or after October 1, 2002.

Table 12 Mitigated Sanction Rates* By Judicial Circuit

Judicial Circuit	FY2002 - 2003 Sentence Dates ¹			FY2003 - 2004 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	759	210	27.7%	691	225	32.6%
02- Tallahassee	537	228	42.5%	627	262	41.8%
03- Lake City	175	83	47.4%	179	80	44.7%
04- Jacksonville	1,468	588	40.1%	1,143	375	32.8%
05- Tavares	727	297	40.9%	776	255	32.9%
06- Clearwater	1,920	675	35.2%	1,944	681	35.0%
07- Daytona	874	277	31.7%	936	245	26.2%
08- Gainesville	676	357	52.8%	628	346	55.1%
09- Orlando	1,195	433	36.2%	676	221	32.7%
10- Bartow	474	139	29.3%	598	156	26.1%
11- Miami	3,764	2,639	70.1%	3,590	2,709	75.5%
12- Sarasota	505	129	25.5%	466	111	23.8%
13- Tampa	2,061	1,034	50.2%	2,440	1,058	43.4%
14- Panama City	382	132	34.6%	382	116	30.4%
15- West Palm Beach	988	425	43.0%	799	288	36.0%
16- Key West	62	31	50.0%	84	31	36.9%
17- Ft. Lauderdale	2,332	916	39.3%	1,948	791	40.6%
18- Sanford	466	130	27.9%	481	96	20.0%
19- Ft. Pierce	495	125	25.3%	538	109	20.3%
20- Ft. Myers	1,136	495	43.6%	985	463	47.0%
Statewide	20,996	9,343	44.5%	19,911	8,618	43.3%

* 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, 2001.

² Offense dates on or after October 1, 2002.

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

Judicial Circuit	FY2002 - 2003 Sentence Dates ¹			FY2003 - 2004 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	759	272	35.8%	691	264	38.2%
02- Tallahassee	537	381	70.9%	627	435	69.4%
03- Lake City	175	117	66.9%	179	108	60.3%
04- Jacksonville	1,468	884	60.2%	1,143	630	55.1%
05- Tavares	727	360	49.5%	776	326	42.0%
06- Clearwater	1,920	893	46.5%	1,944	872	44.9%
07- Daytona	874	482	55.1%	936	483	51.6%
08- Gainesville	676	536	79.3%	628	504	80.3%
09- Orlando	1,195	577	48.3%	676	296	43.8%
10- Bartow	474	190	40.1%	598	250	41.8%
11- Miami	3,764	3,301	87.7%	3,590	3,244	90.4%
12- Sarasota	505	163	32.3%	466	146	31.3%
13- Tampa	2,061	1,335	64.8%	2,440	1,460	59.8%
14- Panama City	382	176	46.1%	382	160	41.9%
15- West Palm Beach	988	538	54.5%	799	376	47.1%
16- Key West	62	44	71.0%	84	46	54.8%
17- Ft. Lauderdale	2,332	1,127	48.3%	1,948	958	49.2%
18- Sanford	466	161	34.5%	481	122	25.4%
19- Ft. Pierce	495	170	34.3%	538	158	29.4%
20- Ft. Myers	1,136	664	58.5%	985	641	65.1%
Statewide	20,996	12,371	58.9%	19,911	11,479	57.7%

* 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, 2001.

² Offense dates on or after October 1, 2002.

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

Offense Type	FY2001 -2002 Sentence Dates ¹				Total	FY2003 - 2004 Sentence Dates ²				Total
	Total Mitigated	Mitigated Sanction	Mitigated Length	Not Mitigated		Total Mitigated	Mitigated Sanction	Mitigated Length	Not Mitigated	

Murder/Manslaughter

First Degree Murder

Attempt	28	10	18	33	61	13	7	6	32	45
	45.9%	16.4%	29.5%	54.1%	100.0%	28.9%	15.6%	13.3%	71.1%	100.0%
Complete	0	0	0	2	2	0	0	0	0	0
	0.0%	0.0%	0.0%	100.0%	100.0%					

2nd Degree Murder

Attempt	18	5	13	19	37	6	2	4	20	26
	48.6%	13.5%	35.1%	51.4%	100.0%	23.1%	7.7%	15.4%	76.9%	100.0%
Complete	18	0	18	34	52	13	1	12	32	45
	34.6%	0.0%	34.6%	65.4%	100.0%	28.9%	2.2%	26.7%	71.1%	100.0%

3rd Degree Murder

Attempt	0	0	0	0	0	0	0	0	1	1
Complete	3	1	2	2	5	4	0	4	2	6
	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	4	0	2	6	1	0	1	1	2
	66.7%	66.7%	0.0%	33.3%	100.0%	50.0%	0.0%	50.0%	50.0%	100.0%

Manslaughter

Attempt	2	2	0	2	4	0	0	0	1	1
	50.0%	50.0%	0.0%	50.0%	100.0%	0.0%	0.0%	0.0%	100.0%	100.0%
Complete	34	12	22	25	59	26	8	18	25	51
	57.6%	20.3%	37.3%	42.4%	100.0%	51.0%	15.7%	35.3%	49.0%	100.0%

DUI Manslaughter

Complete	28	6	22	16	44	31	5	26	14	45
	63.6%	13.6%	50.0%	36.4%	100.0%	68.9%	11.1%	57.8%	31.1%	100.0%

Sexual/Lewd Behavior

Capital Sexual Battery

Attempt	19	8	11	25	44	9	5	4	11	20
	43.2%	18.2%	25.0%	56.8%	100.0%	45.0%	25.0%	20.0%	55.0%	100.0%

Life Sexual Battery

Attempt	4	3	1	3	7	3	0	3	3	6
	57.1%	42.9%	14.3%	42.9%	100.0%	50.0%	0.0%	50.0%	50.0%	100.0%
Complete	6	2	4	17	23	8	1	7	14	22
	26.1%	8.7%	17.4%	73.9%	100.0%	36.4%	4.5%	31.8%	63.6%	100.0%

1st Degree Sexual Battery

Attempt	3	0	3	2	5	1	0	1	3	4
	60.0%	0.0%	60.0%	40.0%	100.0%	25.0%	0.0%	25.0%	75.0%	100.0%
Complete	32	7	25	20	52	17	6	11	17	34
	61.5%	13.5%	48.1%	38.5%	100.0%	50.0%	17.6%	32.4%	50.0%	100.0%

2nd Degree Sexual Battery

Attempt	13	9	4	4	17	10	7	3	7	17
	76.5%	52.9%	23.5%	23.5%	100.0%	58.8%	41.2%	17.6%	41.2%	100.0%
Complete	94	70	24	31	125	64	39	25	31	95
	75.2%	56.0%	19.2%	24.8%	100.0%	67.4%	41.1%	26.3%	32.6%	100.0%

Sexual Assault, Other

Complete	4	3	1	0	4	6	5	1	1	7
	100.0%	75.0%	25.0%	0.0%	100.0%	85.7%	71.4%	14.3%	14.3%	100.0%
Lewd/Lascivious Behavior										
Attempt	13	9	4	9	22	4	4	0	4	8
	59.1%	40.9%	18.2%	40.9%	100.0%	50.0%	50.0%	0.0%	50.0%	100.0%
Complete	446	315	131	132	578	347	208	139	141	488
	77.2%	54.5%	22.7%	22.8%	100.0%	71.1%	42.6%	28.5%	28.9%	100.0%
Robbery										
Robbery with Weapon										
Attempt	69	49	20	49	118	32	17	15	31	63
	58.5%	41.5%	16.9%	41.5%	100.0%	50.8%	27.0%	23.8%	49.2%	100.0%
Complete	354	182	172	331	685	310	166	144	321	631
	51.7%	26.6%	25.1%	48.3%	100.0%	49.1%	26.3%	22.8%	50.9%	100.0%
Robbery without Weapon										
Attempt	21	13	8	46	67	10	6	4	28	38
	31.3%	19.4%	11.9%	68.7%	100.0%	26.3%	15.8%	10.5%	73.7%	100.0%
Complete	257	173	84	339	596	197	139	58	334	531
	43.1%	29.0%	14.1%	56.9%	100.0%	37.1%	26.2%	10.9%	62.9%	100.0%
Home Invasion, Robbery										
Attempt	0	0	0	1	1	3	1	2	3	6
	0.0%	0.0%	0.0%	100.0%	100.0%	50.0%	16.7%	33.3%	50.0%	100.0%
Complete	18	4	14	28	46	15	8	7	17	32
	39.1%	8.7%	30.4%	60.9%	100.0%	46.9%	25.0%	21.9%	53.1%	100.0%
Violent Personal Offenses										
	3,114	2,598	516	1,438	4,552	2,777	2,244	533	1,414	4,191
	68.4%	57.1%	11.3%	31.6%	100.0%	66.3%	53.5%	12.7%	33.7%	100.0%
Burglary										
	2,446	1,822	624	1,485	3,931	2,232	1,661	571	1,470	3,702
	62.2%	46.3%	15.9%	37.8%	100.0%	60.3%	44.9%	15.4%	39.7%	100.0%
Property Theft/Fraud/Damage										
	1,022	756	266	909	1,931	997	742	255	891	1,888
	52.9%	39.2%	13.8%	47.1%	100.0%	52.8%	39.3%	13.5%	47.2%	100.0%
Drugs										
Manufacture/Sale/Purchase										
	1,421	999	422	1,528	2,949	1,445	1,030	415	1,433	2,878
	48.2%	33.9%	14.3%	51.8%	100.0%	50.2%	35.8%	14.4%	49.8%	100.0%
Drugs, Trafficking										
	454	267	187	436	890	428	256	172	422	850
	51.0%	30.0%	21.0%	49.0%	100.0%	50.4%	30.1%	20.2%	49.6%	100.0%
Drugs, Possession/Other										
	1,334	1,151	183	773	2,107	1,368	1,177	191	762	2,130
	63.3%	54.6%	8.7%	36.7%	100.0%	64.2%	55.3%	9.0%	35.8%	100.0%
Weapons										
	235	168	67	268	503	206	169	37	242	448
	46.7%	33.4%	13.3%	53.3%	100.0%	46.0%	37.7%	8.3%	54.0%	100.0%
Other										
	857	695	162	616	1,473	896	704	192	704	1,600
	58.2%	47.2%	11.0%	41.8%	100.0%	56.0%	44.0%	12.0%	44.0%	100.0%

Total	12,371	9,343	3,028	8,625	20,996	11,479	8,618	2,861	8,432	19,911
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* 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, 2001.

² Offense dates on or after October 1, 2002.

Florida's Criminal Punishment Code:
A Comparative Assessment (FY 2003-2004)

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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 estreatment 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.I.)	6. DOB	8. RACE <input type="checkbox"/> B <input type="checkbox"/> W <input type="checkbox"/> OTHER	10. PRIMARY OFF. DATE
	7. DC #	9. GENDER <input type="checkbox"/> M <input type="checkbox"/> F	11. PRIMARY DOCKET #
			12. PLEA <input type="checkbox"/> TRIAL <input type="checkbox"/>

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

FELONY DEGREE	F.S.#	DESCRIPTION	OFFENSE LEVEL	POINTS
____/	____/	_____	_____	_____

(Level - Points: 1=4, 2=10, 3=16, 4=22, 5=28, 6=36, 7=56, 8=74, 9=92, 10=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"/>	____/	____ X	_____	= _____
____/	____/	____/	<input type="checkbox"/>	____/	____ X	_____	= _____
____/	____/	____/	<input type="checkbox"/>	____/	____ X	_____	= _____
____/	____/	____/	<input type="checkbox"/>	____/	____ X	_____	= _____
____/	____/	____/	<input type="checkbox"/>	____/	____ X	_____	= _____
____/	____/	____/	<input type="checkbox"/>	____/	____ X	_____	= _____

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

Supplemental page points _____

IV. _____

Page 1 Subtotal:

- V. Legal Status violation = 4 Points V. _____
- VI. Community Sanction violation before the court for sentencing
6 points x each successive violation OR
New felony conviction = 12 points x each successive violation VI. _____
- VII. Firearm/Semi-Automatic or Machine Gun = 18 or 25 Points VII. _____
- VIII. Prior Serious Felony = 30 Points VIII. _____

Subtotal Sentence Points _____

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

Law Enforcement Protection ____ x 1.5 ____ x 2.0 ____ x 2.5	Drug Trafficking ____ x 1.5	Grand Theft Motor Vehicle ____ x 1.5	Street Gang (offenses committed on or after 10-1-96) ____ x 1.5	Domestic Violence (offenses committed on or after 10-1-97) ____ x 1.5
--	--------------------------------	---	---	---

Enhanced Subtotal Sentence Points **IX.** _____

TOTAL SENTENCE POINTS _____

SENTENCE COMPUTATION

If total sentence points are less than or equal to 44, the lowest permissible sentence is any non-state prison sanction.

If total sentence points are greater than 44:

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

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

 maximum sentence
 in years

TOTAL SENTENCE IMPOSED

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

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

Mitigated Departure Plea Bargain

Other Reason _____

JUDGE'S SIGNATURE _____

3.992(b) CRIMINAL PUNISHMENT CODE SUPPLEMENTAL SCORESHEET

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

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

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

II. _____

IV. PRIOR RECORD

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

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

IV. _____

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

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

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