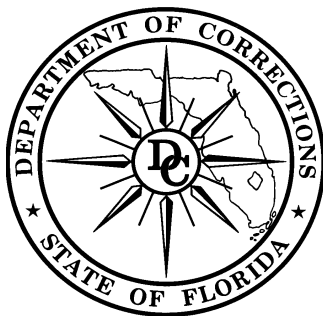


# *Florida's Criminal Punishment Code: A Comparative Assessment*

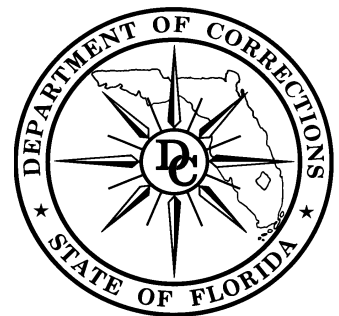
*September 2009*

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



Walter A. McNeil  
Secretary

Prepared by:  
Florida Department of Corrections  
Bureau of Research and Data Analysis  
2601 Blair Stone Road  
Tallahassee, FL 32399-2500





# Florida's Criminal Punishment Code: A Comparative Assessment

## Offenses Committed On or After October 1, 1998

### Executive Summary

In 1997, the Florida legislature created a new sentencing structure, the Florida Criminal Punishment Code ("Code"). The 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 2007-2008 and FY 2008-2009.**

Since January 1, 1994, the Florida Department of Corrections has collected almost 1.8 million scoresheets on felony offenders sentenced in Florida courts under the state's Sentencing Guidelines and Criminal Punishment Code. This report describes the 123,210 Criminal Punishment Code scoresheets with sentence dates in FY2008-2009 received by the Florida Department of Corrections through September 1, 2009, for felony offenses committed on or after October 1, 1998. It also compares 90,080 Criminal Punishment Code scoresheets received by the Florida Department of Corrections through September 1, 2009, for felony offenses committed on or after October 1, 2007 and sentence dates in Fiscal Year 2008-2009 with 97,371 Criminal Punishment Code scoresheets with offense dates on or after October 1, 2006 and sentence dates in Fiscal Year 2007-2008.

## *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 commonly referred 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.

**Because it is 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 2007-2008 to those received in FY 2008-2009.**

**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.**



# TABLE OF CONTENTS

**Executive Summary** ..... i-iii

**I. Introduction** ..... 3

    1. Overview of Florida’s Sentencing Policies ..... 5-11

    2. Narrative on Introductory Statistics..... 12

    3. Introductory Statistics..... 13-19

**II. Offense to Sentence Date Lag Time Comparison** ..... 21

    1. Narrative on the “Lag” Issue ..... 23-24

    2. Comparative Statistics ..... 25-29

**III. Comparative Description** ..... 31

    1. Narrative on Comparative Statistics ..... 33-36

    2. Recommended Sanction and Sanction Imposed..... 37-43

    3. Offense Type and Sanction Imposed..... 44

    4. Offense Severity Levels..... 45-46

    5. Prior and Additional Offenses ..... 47-49

    6. Mitigation ..... 50-53

## Appendices

- Total Admissions to Prison by County of Commitment
- Offense Level Ranking Chart
- Criminal Punishment Code Scoresheet





# 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 10 offense severity levels. Level 1 is the least severe ranking and 10 reflects the most serious felonies.
- Each of the rankings has an associated point value in each of three elements subject to scoring: primary offense, additional offense(s), and prior record. Point values escalate as the rank increases. Every offense scored is provided its corresponding point value in these areas, with the emphasis of points lying in the area of the primary offense.
- Includes other policy levels through an assessment of points for a variety of other factors such as: victim injury, legal status, supervision violations, and others.

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

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

The length of prison is determined by subtracting 28 from the total sentence points to derive the total prison months.

The court has the discretion to increase or decrease the sanction by 25%. This provided for a relatively narrow range for the imposition of a guideline sentence.

### **The 1995 Sentencing Guidelines**

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

The Hegg's ruling stated that the use of the 1995 Sentencing Guidelines for offenses between October 1, 1995 and May 24, 1997 is unconstitutional. However, the 1995 Sentencing Guidelines are used for offense dates between May 25, 1997 and September 30, 1998.

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

### **The Criminal Punishment Code**

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

- The Code significantly alters the sentencing policy in a variety of respects. One of the most notable changes is the significant broadening of upward discretion in the sentencing policy. Under the sentencing guidelines, the upward discretion was 25 percent above the state prison months determined by the calculation.

Under the Code, the maximum sentence for any felony offense is determined by the statutory maximums as provided in Florida Statute (F.S) 775.082.

<b><u>Felony Degree</u></b>	<b><u>Years in Prison</u></b>
Life Felony	Up to Life
1 <sup>st</sup>	Up to 30
2 <sup>nd</sup>	Up to 15
3 <sup>rd</sup>	Up to 5

- This has two effects that are divergent from the preceding guidelines. First, all felony offenders have the potential to receive a prison sentence, whereas many under the guidelines were by policy excluded from such a possibility. Second, the maximums of 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 2008-2009 and offenses on or after October 1, 1998, entered as of September 1, 2009.
- Because the rate of scoresheet submissions is never 100%, there is always information missing that could potentially affect the analysis. When this report was run, the statewide compliance rate was 69.4% for Fiscal Year 2008-2009.
- 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.

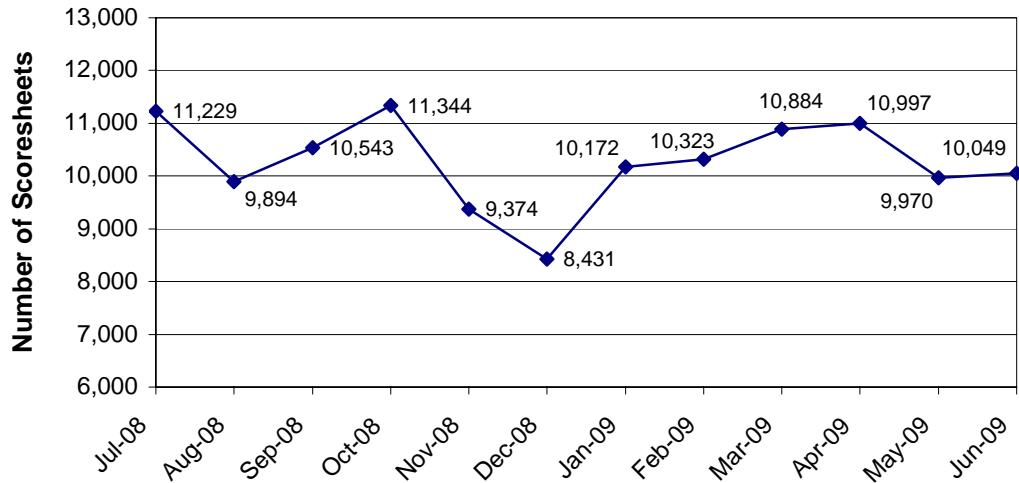
## **Introductory Statistics**

**FACT:** *There were 123,210 Punishment Code scoresheets with offense dates on or after October 1, 1998 with sentencing dates during FY2008-09 entered into the sentencing scoresheet database, as of September 1, 2009.*

### **FINDINGS:**

- The number of Code scoresheets received by month of sentence fluctuated from a high of 11,344 to a low of 8,431 from July 1, 2008 to June 30, 2009 (Figure 1).
- For the time period July 2008 through June 2009, Code scoresheets represent ninety-nine percent (99.7%) of the total scoresheet submissions. Throughout the fiscal year, more than ninety-nine percent of the scoresheets represented sentencing events under the Florida Criminal Punishment Code (Table 2).
- Nearly thirty percent (29.7%) of the offenders sentenced under the Code were considered “youthful offenders” at the time of sentencing (Table 3). Of the 3,182 true juveniles (under 18 at the time of their offense) transferred to adult court under the Code, 1,183 (37.2%) of the offenders were age sixteen or younger (Table 4).
- There were 1,273 juveniles sentenced under the Code for violent offenses, including, murder/manslaughter, sex offenses, robbery, and other violent personal offenses. These violent offenses represent forty percent (40%) of all offenses of juveniles (Table 4). Of the 1,273 violent juvenile offenders, 720 (56.6%) 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. Over eighty percent (79.3%) of all scoresheets were for male offenders (Table 6), and 58.2% were for white offenders (Table 7).

**Figure 1**  
**Scoresheets Received by Month of Sentence**  
**Criminal Punishment Code**



**Table 1**  
**Scoresheets Received by Circuit**  
**Fiscal Year 2008-2009**  
**Criminal Punishment Code**

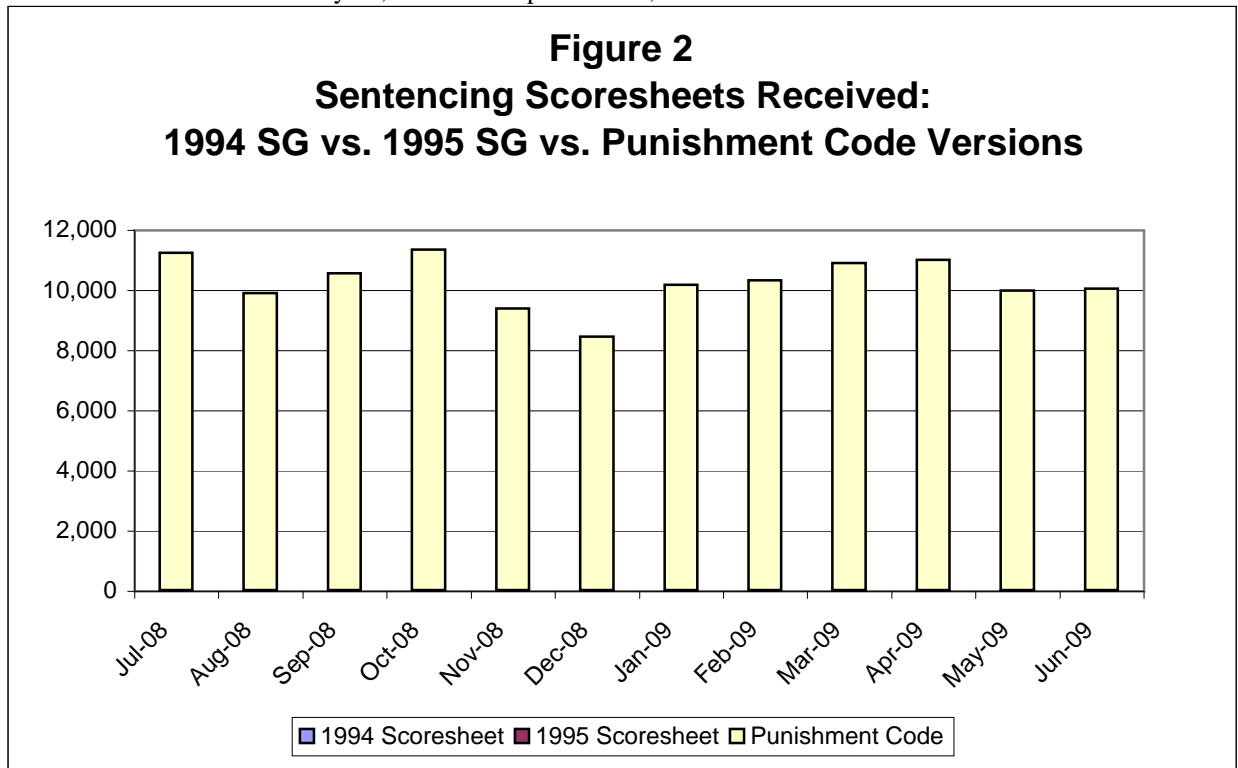
Circuit of Sentence	Total	
	Number	Percent
01 (Pensacola)	6,478	5.3%
02 (Tallahassee)	2,236	1.8%
03 (Lake City)	1,417	1.2%
04 (Jacksonville)	7,462	6.1%
05 (Tavares)	6,641	5.4%
06 (Clearwater)	14,404	11.7%
07 (Daytona Beach)	5,107	4.1%
08 (Gainesville)	1,928	1.6%
09 (Orlando)	13,000	10.6%
10 (Bartow)	6,128	5.0%
11 (Miami)	7,563	6.1%
12 (Sarasota)	4,335	3.5%
13 (Tampa)	9,243	7.5%
14 (Panama City)	2,657	2.2%
15 (West Palm Beach)	5,001	4.1%
16 (Key West)	580	0.5%
17 (Ft. Lauderdale)	9,906	8.0%
18 (Sanford)	5,654	4.6%
19 (Ft. Pierce)	5,114	4.2%
20 (Ft. Myers)	8,356	6.8%
<b>Total</b>	<b>123,210</b>	<b>100.0%</b>

**Table 2**  
**Sentencing Scoresheets Received by Month of Sentence\***  
**Fiscal Year 2008-2009**

Month of Sentence	1994 Sentencing Guidelines Scoresheet		1995 Sentencing Guidelines Scoresheet**		Criminal Punishment Code Scoresheet		Total	
July 2008	8	0.1%	19	0.2%	11,229	99.8%	11,256	9.1%
August 2008	3	0.0%	15	0.2%	9,894	99.8%	9,912	8.0%
September 2008	3	0.0%	19	0.2%	10,543	99.8%	10,565	8.6%
October 2008	2	0.0%	18	0.2%	11,344	99.8%	11,364	9.2%
November 2008	8	0.1%	20	0.2%	9,374	99.7%	9,402	7.6%
December 2008	6	0.1%	23	0.3%	8,431	99.7%	8,460	6.9%
January 2009	4	0.0%	21	0.2%	10,172	99.8%	10,197	8.3%
February 2009	5	0.0%	18	0.2%	10,323	99.8%	10,346	8.4%
March 2009	7	0.1%	18	0.2%	10,884	99.8%	10,909	8.8%
April 2009	11	0.1%	16	0.1%	10,997	99.8%	11,024	8.9%
May 2009	13	0.1%	15	0.2%	9,970	99.7%	9,998	8.1%
June 2009		0.0%	16	0.2%	10,049	99.8%	10,065	8.1%
<b>Total</b>	<b>70</b>	<b>0.1%</b>	<b>218</b>	<b>0.2%</b>	<b>123,210</b>	<b>99.8%</b>	<b>123,498</b>	<b>100.0%</b>

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

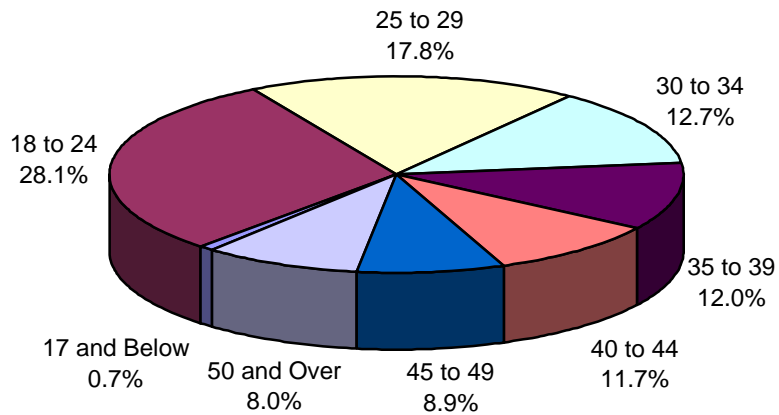
\*\* Offense dates between May 25, 1997 and September 30, 1998.



**Table 3**  
**Age at Sentencing**  
**Criminal Punishment Code**  
**Fiscal Year 2008-2009**

Age	Number	Percent
17 and Below	1,170	0.9%
18 to 24	36,644	29.7%
25 to 29	22,616	18.4%
30 to 34	15,927	12.9%
35 to 39	13,672	11.1%
40 to 44	12,022	9.8%
45 to 49	10,340	8.4%
50 and Over	10,814	8.8%
Unknown	5	
<b>Total</b>	<b>123,210</b>	<b>100.0%</b>

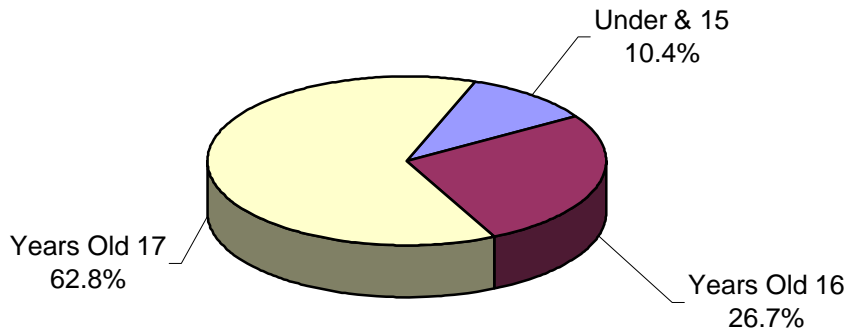
**Figure 3**  
**Age at Sentencing Distribution**  
**Criminal Punishment Code**



**Table 4**  
**Age at Offense for Offenders Under 18**  
**Criminal Punishment Code**  
**Fiscal Year 2008-2009**

Primary Offense	15 & Under	16 Years Old	17 Years Old	Total
Murder/Manslaughter	23 6.9%	29 3.4%	44 2.2%	96 3.0%
Sexual Offenses	17 5.1%	23 2.7%	35 1.8%	75 2.4%
Robbery	85 25.6%	186 21.9%	332 16.6%	603 19.0%
Violent Personal Offenses	58 17.5%	137 16.1%	304 15.2%	499 15.7%
Burglary	60 18.1%	234 27.5%	560 28.0%	854 26.8%
Theft, Forgery, Fraud	31 9.3%	92 10.8%	255 12.8%	378 11.9%
Drugs	14 4.2%	81 9.5%	286 14.3%	381 12.0%
Weapons	24 7.2%	46 5.4%	119 6.0%	189 5.9%
Other Offenses	20 6.0%	23 2.7%	64 3.2%	107 3.4%
<b>Total</b>	<b>332</b> <b>100.0%</b>	<b>851</b> <b>100.0%</b>	<b>1,999</b> <b>100.0%</b>	<b>3,182</b> <b>100.0%</b>

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

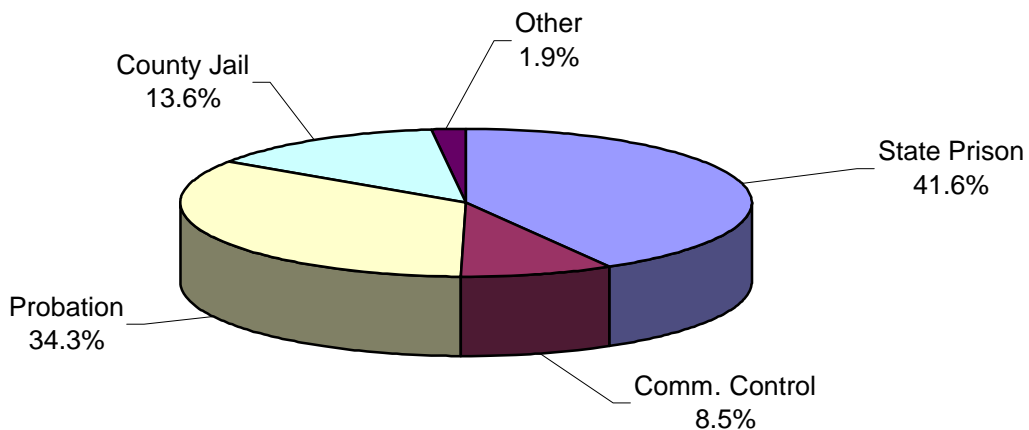


**Table 5**  
**Sanction Imposed by Primary Offense For All 11 - 17 Year Olds**  
**Criminal Punishment Code**  
**Fiscal Year 2008-2009**

Primary Offense	State Prison	Comm. Control	Probation	County Jail	Other	Total
Murder/Manslaughter	84 6.3%	3 1.1%	7 0.6%	2 0.5%	0 0.0%	<b>96</b> <b>3.0%</b>
Sexual Offenses	56 4.2%	5 1.8%	12 1.1%	0 0.0%	2 3.2%	<b>75</b> <b>2.4%</b>
Robbery	349 26.3%	52 19.2%	142 13.0%	52 12.0%	8 12.9%	<b>603</b> <b>19.0%</b>
Violent Personal Offenses	231 17.4%	40 14.8%	152 13.9%	63 14.5%	13 21.0%	<b>499</b> <b>15.7%</b>
Burglary	322 24.3%	86 31.7%	341 31.3%	82 18.9%	23 37.1%	<b>854</b> <b>26.8%</b>
Theft, Forgery, Fraud	97 7.3%	42 15.5%	173 15.9%	59 13.6%	7 11.3%	<b>378</b> <b>11.9%</b>
Drugs	102 7.7%	21 7.7%	155 14.2%	99 22.9%	4 6.5%	<b>381</b> <b>12.0%</b>
Weapons	43 3.2%	16 5.9%	80 7.3%	46 10.6%	4 6.5%	<b>189</b> <b>5.9%</b>
Other Offenses	41 3.1%	6 2.2%	29 2.7%	30 6.9%	1 1.6%	<b>107</b> <b>3.4%</b>
<b>Total</b>	<b>1,325</b> <b>100.0%</b>	<b>271</b> <b>100.0%</b>	<b>1,091</b> <b>100.0%</b>	<b>433</b> <b>100.0%</b>	<b>62</b> <b>100.0%</b>	<b>3,182</b> <b>100.0%</b>

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

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



**Table 6**  
**Gender by Judicial Circuit**  
**Criminal Punishment Code**  
**Fiscal Year 2008-2009**

Judicial Circuit	Gender				Total	
	Male		Female			
01 (Pensacola)	4,977	4.0%	1,501	1.2%	6,478	5.3%
02 (Tallahassee)	1,698	1.4%	538	0.4%	2,236	1.8%
03 (Lake City)	1,113	0.9%	304	0.2%	1,417	1.2%
04 (Jacksonville)	5,993	4.9%	1,469	1.2%	7,462	6.1%
05 (Tavares)	5,064	4.1%	1,577	1.3%	6,641	5.4%
06 (Clearwater)	10,796	8.8%	3,608	2.9%	14,404	11.7%
07 (Daytona Beach)	4,128	3.4%	979	0.8%	5,107	4.1%
08 (Gainesville)	1,627	1.3%	301	0.2%	1,928	1.6%
09 (Orlando)	10,574	8.6%	2,426	2.0%	13,000	10.6%
10 (Bartow)	4,831	3.9%	1,297	1.1%	6,128	5.0%
11 (Miami)	6,513	5.3%	1,050	0.9%	7,563	6.1%
12 (Sarasota)	3,345	2.7%	990	0.8%	4,335	3.5%
13 (Tampa)	7,508	6.1%	1,735	1.4%	9,243	7.5%
14 (Panama City)	2,047	1.7%	610	0.5%	2,657	2.2%
15 (West Palm Beach)	4,165	3.4%	836	0.7%	5,001	4.1%
16 (Key West)	476	0.4%	104	0.1%	580	0.5%
17 (Ft. Lauderdale)	7,956	6.5%	1,950	1.6%	9,906	8.0%
18 (Sanford)	4,452	3.6%	1,202	1.0%	5,654	4.6%
19 (Ft. Pierce)	3,929	3.2%	1,185	1.0%	5,114	4.2%
20 (Ft. Myers)	6,561	5.3%	1,795	1.5%	8,356	6.8%
<b>Total</b>	<b>97,753</b>	<b>79.3%</b>	<b>25,457</b>	<b>20.7%</b>	<b>123,210</b>	<b>100.0%</b>



**Table 7**  
**Race by Judicial Circuit**  
**Criminal Punishment Code**  
**Fiscal Year 2008-2009**

Judicial Circuit	Race						Total	
	Black		White		Other*			
01 (Pensacola)	2,363	1.9%	4,035	3.3%	80	0.1%	6,478	5.3%
02 (Tallahassee)	1,360	1.1%	841	0.7%	35	0.0%	2,236	1.8%
03 (Lake City)	539	0.4%	844	0.7%	34	0.0%	1,417	1.2%
04 (Jacksonville)	4,139	3.4%	3,256	2.6%	67	0.1%	7,462	6.1%
05 (Tavares)	1,969	1.6%	4,415	3.6%	257	0.2%	6,641	5.4%
06 (Clearwater)	3,974	3.2%	10,164	8.2%	266	0.2%	14,404	11.7%
07 (Daytona Beach)	1,791	1.5%	3,263	2.6%	53	0.0%	5,107	4.1%
08 (Gainesville)	1,028	0.8%	885	0.7%	15	0.0%	1,928	1.6%
09 (Orlando)	5,877	4.8%	6,999	5.7%	124	0.1%	13,000	10.6%
10 (Bartow)	2,154	1.7%	3,595	2.9%	379	0.3%	6,128	5.0%
11 (Miami)	4,218	3.4%	3,343	2.7%	2	0.0%	7,563	6.1%
12 (Sarasota)	1,308	1.1%	2,870	2.3%	157	0.1%	4,335	3.5%
13 (Tampa)	4,140	3.4%	4,491	3.6%	612	0.5%	9,243	7.5%
14 (Panama City)	713	0.6%	1,938	1.6%	6	0.0%	2,657	2.2%
15 (W. Palm Beach)	2,281	1.9%	2,690	2.2%	30	0.0%	5,001	4.1%
16 (Key West)	133	0.1%	415	0.3%	32	0.0%	580	0.5%
17 (Ft. Lauderdale)	5,221	4.2%	4,369	3.5%	316	0.3%	9,906	8.0%
18 (Sanford)	1,893	1.5%	3,640	3.0%	121	0.1%	5,654	4.6%
19 (Ft. Pierce)	1,590	1.3%	3,324	2.7%	200	0.2%	5,114	4.2%
20 (Ft. Myers)	2,001	1.6%	6,314	5.1%	41	0.0%	8,356	6.8%
<b>Total</b>	<b>48,692</b>	<b>39.5%</b>	<b>71,691</b>	<b>58.2%</b>	<b>2,827</b>	<b>2.3%</b>	<b>123,210</b>	<b>100.0%</b>

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



## PART II

# OFFENSE TO SENTENCE DATE LAG TIME COMPARISON



## **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 90,080 scoresheets submitted to the Department of Corrections with sentence dates in FY2008-2009 and offense dates on or after October 1, 2007. The number of scoresheets submitted to the Department of Corrections with sentence dates in FY2007-2008 and offense dates on or after October 1, 2006 was 97,371.
- **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 5.9 months for sentencing events in FY2008-2009 (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, 2009, the Department of Corrections had received 1,788,585 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 FY2007-2008 sentencing events is 5.9 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 10.2 months for sentencing events during FY2007-2008. In FY2008-2009, the average lag time for level 10 offenses was 9.8 months. Also, for murder/manslaughter, the average lag time from offense to sentence is 10.7 months for sentencing dates in FY2007-2008 and 10.6 months for FY2008-2009 (Table 2).

- Drug offenses comprised the largest group of scoresheets received in both FY2007-2008 (36.2%) and FY2008-2009 (35.2%) (Table 3).
- The more violent, serious offenses represented 14.7% of the scoresheets in FY2007-2008 and 15.6% in FY2008-2009 (Figure 1).

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

<b>Offense Severity Level</b>	<b>FY2007-2008 Sentence Dates<sup>1</sup></b>	<b>FY2008-2009 Sentence Dates<sup>2</sup></b>
1	5.1	5.3
2	6.2	6.1
3	5.3	5.2
4	5.8	5.8
5	6.3	6.2
6	6.8	6.6
7	7.6	7.4
8	8.8	8.6
9	9.3	9.2
10	10.2	9.8
<b>Overall Average</b>	<b>5.9</b>	<b>5.9</b>

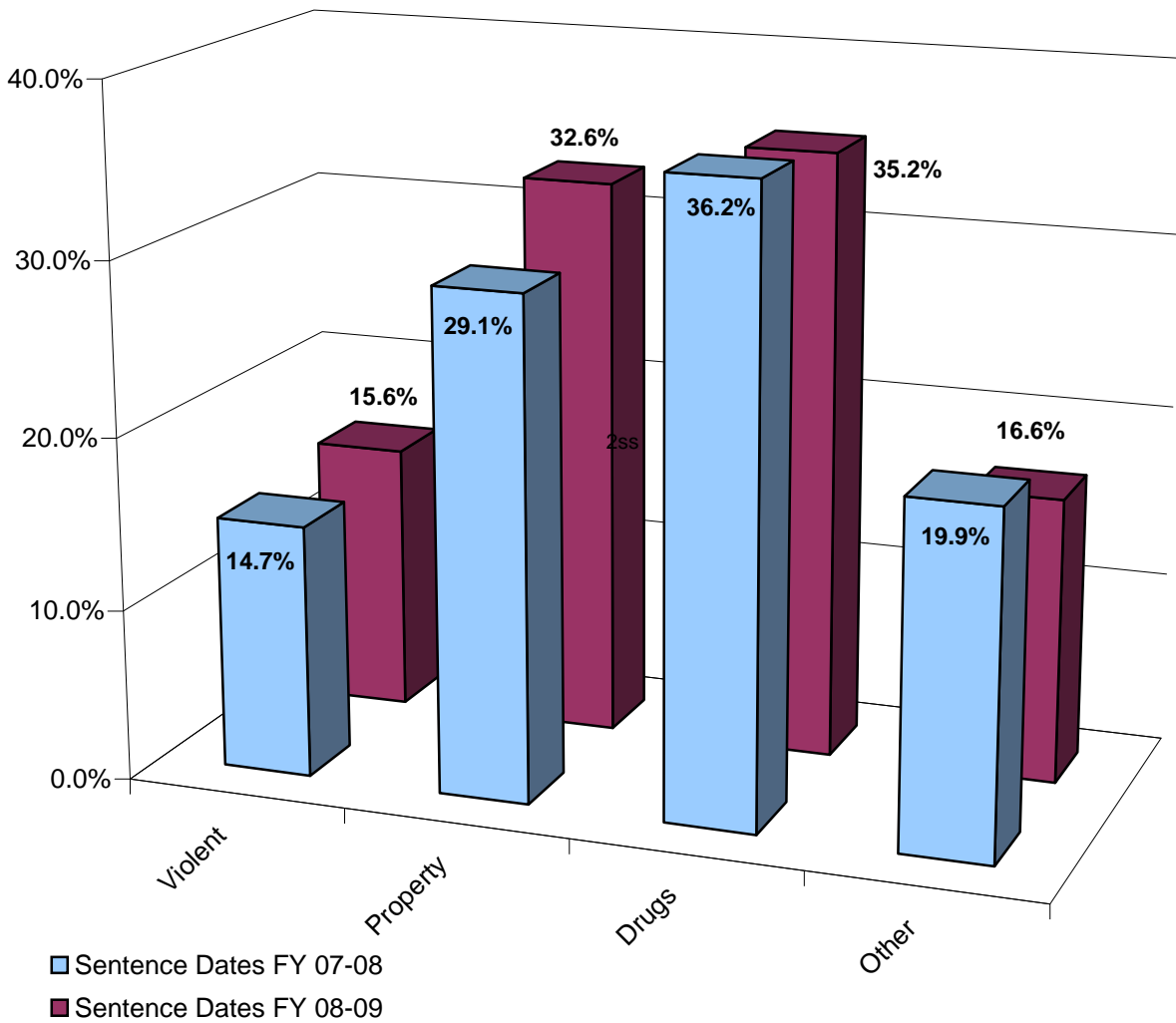
**Table 2**  
**Comparison of Average "Lag" Time from Offense Date to Sentence**  
**Date by Primary Offense, in Months**

<b>Primary Offense</b>	<b>FY2007-2008 Sentence Dates<sup>1</sup></b>	<b>FY2008-2009 Sentence Dates<sup>2</sup></b>
Murder/Manslaughter	10.7	10.6
Sexual/Lewd Behavior	9.6	9.6
Robbery	7.3	7.5
Violent, Other	6.6	6.4
Burglary	6.2	6.1
Property Theft/Fraud/Damage	6.2	6.2
Drugs	5.6	5.5
Weapons	6.1	5.9
Other	5.2	5.4
<b>Overall Average</b>	<b>5.9</b>	<b>5.9</b>

<sup>1</sup> Offense dates on or after October 1, 2006.

<sup>2</sup> Offense dates on or after October 1, 2007.

**Figure 1**  
**Distribution of Offense Group**  
**Sentence Dates in FY2007-2008 vs. FY2008-2009**





**Table 3**  
**Distribution of Offense**  
**Sentence Dates in FY2007-2008 vs. FY2008-2009**

Primary Offense	FY2007-2008 Sentence Dates <sup>1</sup>	FY2008-2009 Sentence Dates <sup>2</sup>
Murder/Manslaughter	287 0.3%	274 0.3%
Sexual Offenses	684 0.7%	607 0.7%
Robbery	2,494 2.6%	2,635 2.9%
Violent Personal Offenses	10,665 11.0%	10,356 11.5%
Burglary	9,370 9.6%	9,915 11.0%
Theft/Forgery/Fraud	18,993 19.5%	19,427 21.6%
Drugs	35,292 36.2%	31,718 35.2%
Weapons	2,556 2.6%	2,755 3.1%
Other	17,030 17.5%	12,393 13.8%
<b>Total</b>	<b>97,371</b> <b>100.0%</b>	<b>90,080</b> <b>100.0%</b>

<sup>1</sup> Offense dates on or after October 1, 2006.

<sup>2</sup> Offense dates on or after October 1, 2007.

**Table 4  
Distribution of Offense**

<b>Primary Offense</b>	<b>FY2007-2008 Sentence Dates<sup>1</sup></b>		<b>FY2008-2009 Sentence Dates<sup>2</sup></b>	
<b>Murder/Manslaughter</b>	<b>287</b>	<b>0.3%</b>	<b>274</b>	<b>0.3%</b>
1st Degree Murder	80	0.1%	51	0.1%
2nd Degree Murder	112	0.1%	97	0.1%
3rd Degree Murder	3	0.0%	7	0.0%
Homicide, Other	2	0.0%	5	0.0%
Manslaughter	38	0.0%	71	0.1%
DUI Manslaughter	52	0.1%	43	0.0%
<b>Sexual Offenses</b>	<b>684</b>	<b>0.7%</b>	<b>607</b>	<b>0.7%</b>
Capital Sexual Battery	26	0.0%	27	0.0%
Life Sexual Battery	25	0.0%	31	0.0%
1st Degree Sexual Battery	31	0.0%	27	0.0%
2nd Degree Sexual Battery	100	0.1%	96	0.1%
Sexual Assault, Other	2	0.0%	5	0.0%
Lewd/Lascivious Behavior	500	0.5%	421	0.5%
<b>Robbery</b>	<b>2,494</b>	<b>2.6%</b>	<b>2,635</b>	<b>2.9%</b>
Robbery with Weapon	934	1.0%	952	1.1%
Robbery without Weapon	1,482	1.5%	1,528	1.7%
Home Invasion, Robbery	78	0.1%	155	0.2%
<b>Violent Personal Offenses</b>	<b>10,665</b>	<b>11.0%</b>	<b>10,356</b>	<b>11.5%</b>
Home Invasion, Other	117	0.1%	103	0.1%
Carjacking	1,602	1.6%	1,472	1.6%
Aggravated Assault	1,212	1.2%	1,112	1.2%
Aggravated Battery	1,429	1.5%	1,263	1.4%
Assault/Battery on L.E.O.	541	0.6%	841	0.9%
Assault/Battery, Other	219	0.2%	174	0.2%
Aggravated Stalking	1,616	1.7%	1,501	1.7%
Resisting Arrest with Violence	350	0.4%	324	0.4%
Kidnapping	193	0.2%	149	0.2%
Arson	967	1.0%	899	1.0%
Abuse of Children	1,870	1.9%	2,042	2.3%
Violent, Other	427	0.4%	349	0.4%
Leaving Accident, Injury/Death	91	0.1%	93	0.1%
DUI, Injury	31	0.0%	34	0.0%
<b>Burglary</b>	<b>9,370</b>	<b>9.6%</b>	<b>9,915</b>	<b>11.0%</b>
Burglary, Structure	5,642	5.8%	5,813	6.5%
Burglary, Dwelling	2,540	2.6%	2,934	3.3%
Burglary, Armed	245	0.3%	245	0.3%
Burglary with Assault	190	0.2%	235	0.3%
Burglary/Trespass, Other	753	0.8%	688	0.8%

**Table 4  
Distribution of Offense**

Primary Offense	FY2007-2008		FY2008-2009	
	Sentence Dates <sup>1</sup>		Sentence Dates <sup>2</sup>	
<b>Theft/Forgery/Fraud</b>	<b>18,993</b>	<b>19.5%</b>	<b>19,427</b>	<b>21.6%</b>
Grand Theft, Other	7,412	7.6%	7,690	8.5%
Grand Theft, Automobile	2,220	2.3%	1,809	2.0%
Stolen Property	2,322	2.4%	2,686	3.0%
Forgery/Counterfeiting	3,092	3.2%	2,934	3.3%
Worthless Checks	321	0.3%	280	0.3%
Fraudulent Practices	2,091	2.1%	2,244	2.5%
Theft/Property Damage, Other	1,535	1.6%	1,784	2.0%
<b>Drugs</b>	<b>35,292</b>	<b>36.2%</b>	<b>31,718</b>	<b>35.2%</b>
Drugs, Manufacture/Sale/Purchase	9,918	10.2%	9,447	10.5%
Drugs, Trafficking	1,130	1.2%	1,311	1.5%
Drugs, Possession/Other	24,244	24.9%	20,960	23.3%
<b>Weapons</b>	<b>2,556</b>	<b>2.6%</b>	<b>2,755</b>	<b>3.1%</b>
Weapons, Discharging	236	0.2%	245	0.3%
Weapons, Possession	2,316	2.4%	2,508	2.8%
Weapons, Other	4	0.0%	2	0.0%
<b>Other</b>	<b>17,030</b>	<b>17.5%</b>	<b>12,393</b>	<b>13.8%</b>
Escape	2,775	2.8%	2,483	2.8%
DUI, No Injury	978	1.0%	886	1.0%
Traffic, Other	9,886	10.2%	6,092	6.8%
Racketeering	25	0.0%	13	0.0%
Pollution/Hazardous Materials	62	0.1%	55	0.1%
Criminal Justice System	2,678	2.8%	2,339	2.6%
Other	626	0.6%	525	0.6%
<b>Total</b>	<b>97,371</b>	<b>100.0%</b>	<b>90,080</b>	<b>100.0%</b>

<sup>1</sup> Offense dates on or after October 1, 2006.

<sup>2</sup> Offense dates on or after October 1, 2007.



## PART III

# COMPARATIVE DESCRIPTION



## **Comparative Description**

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

- The Criminal Punishment Code allows for a non-state prison sanction for offenders scoring 44.0 or less total points.
- The Code mandates state prison as the sanction, unless the sentence is mitigated, for all those offenders whose total points exceed 44.0.

This means that only those offenders scoring 44 or less points may receive a non-state prison sanction under the Code. All others must receive a state prison sanction, absent downward departure from this structure.

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

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

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

## **FINDINGS:**

- Across the state, 21.8% of offenders were sentenced to state prison as the most severe sanction in FY2008-2009 . An additional 25.9% were sentenced to incarceration in county jail, or to time already served in jail. Nearly five percent (4.8%) were sentenced to community control, and almost half to probation (46.7%), including drug offender probation, administrative probation, and regular probation. About one percent (0.8%) of offenders were sentenced to “other” sanctions. For sentencing dates in FY2007-2008 , 20.4% of offenders were sentenced to state prison and 27.1% were sentenced to county jail or time served. Less than five percent (4.6%) were sentenced to community control, and 46.9% to probation. Only 1.0% of the offenders were sentenced to “other” sanctions (Table 1).

- More than three-quarters of the 90,080 Code scoresheets with sentence date in FY2008-2009 examined (68,316 scoresheets or 75.8%) scored 44 points or less (Table 1). These scoresheets represent sentencing events where the judge has the discretion to sentence the offender to either a non-state prison sanction or a state prison sanction. If the judge chose to sentence the offender to state prison, the judge had the discretion to sentence the offender up to the statutory maximum of the law. For scoresheets with sentence dates in FY2007-2008 , there were 75,074 (77.1%) offenders scoring 44 points or less (Table 1).
- For FY2008-2009, of the offenders scoring in the recommended state prison category, 61.2% were sentenced to state prison, with another 11.7% sentenced to county jail or time served. Of those scoring less than 44 points, 9.3% were sentenced to state prison, and 30.5% to county jail/time served. For FY2007-2008, 60.7% of the offenders scoring above 44 points were sentenced to state prison and another 13.0% of these offenders were sentenced to county jail or time served. Of those scoring less than 44 points, 8.5% were sentenced to state prison, and 31.2% to county jail/time served. (Table 1).
- Scoresheets with a state prison sanction increased almost two percent from 20.4% in FY2007-2008 to 21.8% in FY2008-2009 . County jail sanctions decreased from 27.1% in FY2007-2008 to 25.9% in FY2008-2009. Community Control sanctions increased from 4.6% in FY2007-2008 to 4.8% in FY2008-2009 (Table 1).
- Statewide, 67.7% of offenders (13,325 out of 19,674) receiving a prison sanction scored out to a prison sanction. Table 2 presents the scoring distribution of offenders under the Code for FY2007-2008 and FY2008-2009 by circuit and sanction imposed. In FY2008-2009 , Circuit 11 (Miami) had the highest percentage (93.0%) of prison sanctioned scoresheets with more than 44 points while Circuit 4 (Jacksonville) has the lowest (47.4%).
- Incarceration rates vary greatly by county and circuit. Jail sanctions also vary greatly depending on the number of beds available and judicial inclination to use the jail sanction. Table 3 presents the distribution of sanction imposed by circuit and county. Although variance in sentencing does exist at the circuit and county level based on the judge involved, variability in the statistics presented in this table could also be as a result of differences in the type of offenders



being sentenced around the state. There are also very small numbers of scoresheets for some of the counties listed in this table. The incarceration rates for counties with less than 100 scoresheets could possibly be misleading (Table 3).

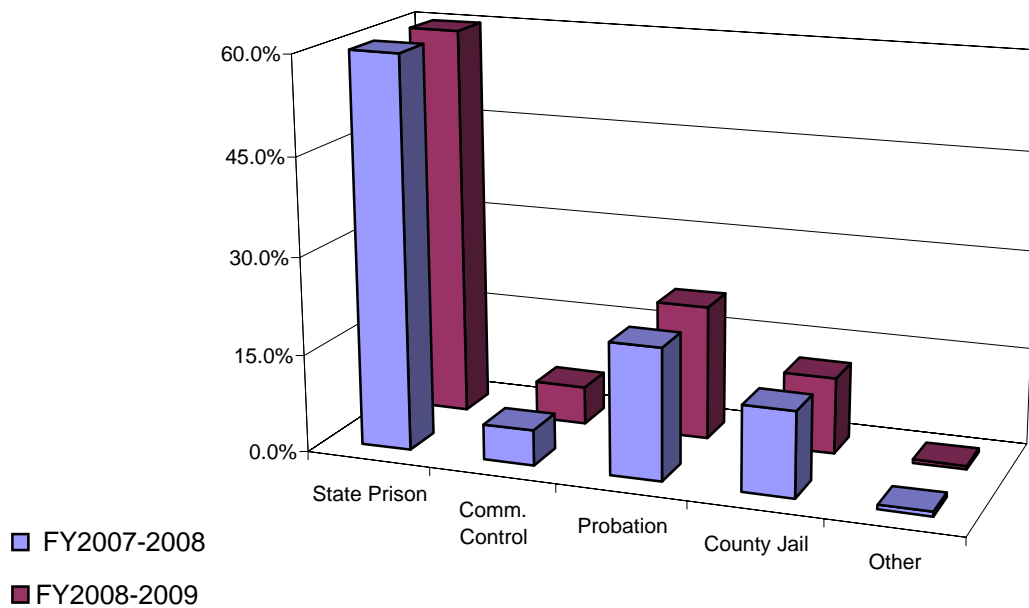
- In both FY2007-2008 and FY2008-2009 the majority of violent offenders received a state prison sanction (Table 4).
- As would be expected, scoresheets with the highest offense severity levels received a state prison sanction, those with the lowest received probation and community control fell in the middle with the majority having levels 3 through 6 (Table 5).
- Consistently in FY2007-2008 and FY2008-2009, for offenders sentenced to state prison, the majority with offense severity levels of 1 through 6 received less than two years and those with offense level 10 received more than ten years (Table 6).
- From FY2007-2008 to FY2008-2009 the percentage of scoresheets with no prior record decreased, with prior misdemeanors decreased, and with four or six or more felonies increased (Table 7).
- From FY2007-2008 to FY2008-2009 the percentage of scoresheets with no additional offenses increased and those with misdemeanors decreased. The percentage with four or more felonies remained relatively 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 56.3% for FY2007-2008 and 55.6% for FY2008-2009. The sanction mitigation rate (cases that scored to state prison but received a non-state prison sanction) was 38.4% for FY2007-2008 and 37.9% for FY2008-2009 (Table 11).

- For the offenders that received a mitigated prison sentence length, the average reduction in sentence was 23.9 months during FY2007-2008 and 22.9 months during FY2008-2009 (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 2007-2008 Sentence Dates <sup>1</sup>				FY 2008-2009 Sentence Dates <sup>2</sup>			
	22.0 Points or Less	22.1 to 44.0 Points	More than 44.0 Points	Total	22.0 Points or Less	22.1 to 44.0 Points	More than 44.0 Points	Total
State Prison	1,230 3.4%	5,150 13.2%	13,530 60.7%	<b>19,910</b> <b>20.4%</b>	1,204 3.9%	5,145 13.8%	13,325 61.2%	<b>19,674</b> <b>21.8%</b>
Community Control	997 2.8%	2,234 5.7%	1,203 5.4%	<b>4,434</b> <b>4.6%</b>	872 2.8%	2,152 5.8%	1,273 5.8%	<b>4,297</b> <b>4.8%</b>
Probation	23,160 64.1%	18,009 46.3%	4,507 20.2%	<b>45,676</b> <b>46.9%</b>	19,914 63.9%	17,625 47.4%	4,491 20.6%	<b>42,030</b> <b>46.7%</b>
County Jail	10,416 28.8%	13,022 33.4%	2,903 13.0%	<b>26,341</b> <b>27.1%</b>	8,910 28.6%	11,911 32.0%	2,551 11.7%	<b>23,372</b> <b>25.9%</b>
Other	336 0.9%	520 1.3%	154 0.7%	<b>1,010</b> <b>1.0%</b>	245 0.8%	338 0.9%	124 0.6%	<b>707</b> <b>0.8%</b>
<b>Total</b>	<b>36,139</b> <b>100.0%</b>	<b>38,935</b> <b>100.0%</b>	<b>22,297</b> <b>100.0%</b>	<b>97,371</b> <b>100.0%</b>	<b>31,145</b> <b>100.0%</b>	<b>37,171</b> <b>100.0%</b>	<b>21,764</b> <b>100.0%</b>	<b>90,080</b> <b>100.0%</b>

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



\*Total points greater than 44.

<sup>1</sup> Offense dates on or after October 1, 2006.

<sup>2</sup> Offense dates on or after October 1, 2007.

**Table 2**  
**Recommended Sanction Category by Sanction Imposed**

Judicial Circuit / Sanction Imposed	Recommended Sanction Category											
	FY 2007-2008 Sentence Dates <sup>1</sup>						FY 2008-2009 Sentence Dates <sup>2</sup>					
	22.0 Points or Less		22.1 to 44.0 Points		More than 44.0 Points		22.0 Points or Less		22.1 to 44.0 Points		More than 44.0 Points	
<b>01 (Pensacola)</b>	<b>1,246</b>	<b>37.3%</b>	<b>1,358</b>	<b>40.7%</b>	<b>733</b>	<b>22.0%</b>	<b>1,480</b>	<b>33.5%</b>	<b>1,832</b>	<b>41.5%</b>	<b>1,105</b>	<b>25.0%</b>
Prison	55	8.6%	155	24.2%	431	67.2%	78	8.0%	248	25.4%	651	66.6%
Community Control	56	24.3%	117	50.9%	57	24.8%	80	22.0%	187	51.5%	96	26.4%
Probation	865	49.6%	714	40.9%	165	9.5%	1,047	46.3%	971	42.9%	244	10.8%
County Jail	253	38.2%	342	51.7%	67	10.1%	220	31.8%	372	53.8%	99	14.3%
Other	17	28.3%	30	50.0%	13	21.7%	55	44.4%	54	43.5%	15	12.1%
<b>02 (Tallahassee)</b>	<b>645</b>	<b>39.8%</b>	<b>593</b>	<b>36.6%</b>	<b>381</b>	<b>23.5%</b>	<b>480</b>	<b>32.3%</b>	<b>573</b>	<b>38.6%</b>	<b>432</b>	<b>29.1%</b>
Prison	15	4.7%	78	24.5%	225	70.8%	11	3.4%	79	24.2%	236	72.4%
Community Control	14	33.3%	18	42.9%	10	23.8%	17	23.0%	34	45.9%	23	31.1%
Probation	448	48.6%	354	38.4%	120	13.0%	377	43.0%	353	40.3%	146	16.7%
County Jail	163	49.5%	140	42.6%	26	7.9%	71	35.9%	103	52.0%	24	12.1%
Other	5	62.5%	3	37.5%	0	0.0%	4	36.4%	4	36.4%	3	27.3%
<b>03 (Lake City)</b>	<b>307</b>	<b>26.2%</b>	<b>483</b>	<b>41.2%</b>	<b>383</b>	<b>32.7%</b>	<b>263</b>	<b>30.4%</b>	<b>352</b>	<b>40.7%</b>	<b>249</b>	<b>28.8%</b>
Prison	19	5.2%	114	31.4%	230	63.4%	27	9.5%	85	30.0%	171	60.4%
Community Control	23	16.5%	77	55.4%	39	28.1%	27	24.5%	55	50.0%	28	25.5%
Probation	253	41.1%	259	42.0%	104	16.9%	206	46.2%	196	43.9%	44	9.9%
County Jail	7	21.9%	20	62.5%	5	15.6%	2	11.8%	10	58.8%	5	29.4%
Other	5	21.7%	13	56.5%	5	21.7%	1	12.5%	6	75.0%	1	12.5%
<b>04 (Jacksonville)</b>	<b>2,528</b>	<b>43.3%</b>	<b>2,199</b>	<b>37.7%</b>	<b>1,111</b>	<b>19.0%</b>	<b>2,624</b>	<b>41.2%</b>	<b>2,437</b>	<b>38.2%</b>	<b>1,311</b>	<b>20.6%</b>
Prison	181	11.9%	578	38.0%	763	50.1%	233	11.1%	869	41.4%	995	47.4%
Community Control	63	39.9%	68	43.0%	27	17.1%	36	38.7%	39	41.9%	18	19.4%
Probation	503	55.1%	310	34.0%	100	11.0%	450	53.3%	309	36.6%	85	10.1%
County Jail	1,779	54.9%	1,243	38.3%	221	6.8%	1,901	57.1%	1,219	36.6%	212	6.4%
Other	2	100.0%	0	0.0%	0	0.0%	4	66.7%	1	16.7%	1	16.7%
<b>05 (Tavares)</b>	<b>2,108</b>	<b>37.2%</b>	<b>2,394</b>	<b>42.3%</b>	<b>1,160</b>	<b>20.5%</b>	<b>1,671</b>	<b>33.9%</b>	<b>2,162</b>	<b>43.9%</b>	<b>1,096</b>	<b>22.2%</b>
Prison	113	8.4%	375	27.9%	857	63.7%	78	7.1%	275	25.0%	748	67.9%
Community Control	76	24.4%	169	54.3%	66	21.2%	58	21.6%	159	59.3%	51	19.0%
Probation	1,463	49.9%	1,287	43.9%	184	6.3%	1,232	44.7%	1,274	46.3%	248	9.0%
County Jail	429	43.4%	515	52.1%	45	4.6%	279	38.0%	420	57.1%	36	4.9%
Other	27	32.5%	48	57.8%	8	9.6%	24	33.8%	34	47.9%	13	18.3%
<b>06 (Clearwater)</b>	<b>4,373</b>	<b>36.7%</b>	<b>5,163</b>	<b>43.4%</b>	<b>2,366</b>	<b>19.9%</b>	<b>3,303</b>	<b>33.6%</b>	<b>4,328</b>	<b>44.1%</b>	<b>2,191</b>	<b>22.3%</b>
Prison	76	3.6%	426	20.4%	1,591	76.0%	59	3.1%	336	17.7%	1,503	79.2%
Community Control	79	20.8%	215	56.7%	85	22.4%	73	18.9%	213	55.0%	101	26.1%
Probation	2,852	49.6%	2,464	42.8%	435	7.6%	2,128	47.0%	2,034	45.0%	362	8.0%
County Jail	1,261	38.3%	1,833	55.6%	201	6.1%	1,000	35.3%	1,649	58.1%	187	6.6%
Other	105	27.3%	225	58.6%	54	14.1%	43	24.3%	96	54.2%	38	21.5%

**Table 2**  
**Recommended Sanction Category by Sanction Imposed**

Judicial Circuit / Sanction Imposed	Recommended Sanction Category											
	FY 2007-2008 Sentence Dates <sup>1</sup>						FY 2008-2009 Sentence Dates <sup>2</sup>					
	22.0 Points or Less		22.1 to 44.0 Points		More than 44.0 Points		22.0 Points or Less		22.1 to 44.0 Points		More than 44.0 Points	
<b>07 (Daytona)</b>	<b>1,643</b>	<b>36.0%</b>	<b>1,935</b>	<b>42.4%</b>	<b>982</b>	<b>21.5%</b>	<b>1,331</b>	<b>33.8%</b>	<b>1,728</b>	<b>43.8%</b>	<b>882</b>	<b>22.4%</b>
Prison	88	7.2%	439	35.9%	697	56.9%	67	6.5%	376	36.6%	585	56.9%
Community Control	41	21.4%	114	59.4%	37	19.3%	55	27.6%	107	53.8%	37	18.6%
Probation	1,167	54.5%	840	39.2%	134	6.3%	878	48.7%	766	42.5%	160	8.9%
County Jail	323	34.7%	505	54.3%	102	11.0%	306	35.8%	454	53.2%	94	11.0%
Other	24	32.9%	37	50.7%	12	16.4%	25	44.6%	25	44.6%	6	10.7%
<b>08 (Gainesville)</b>	<b>349</b>	<b>31.1%</b>	<b>425</b>	<b>37.9%</b>	<b>348</b>	<b>31.0%</b>	<b>370</b>	<b>25.3%</b>	<b>544</b>	<b>37.2%</b>	<b>549</b>	<b>37.5%</b>
Prison	14	4.6%	79	26.1%	210	69.3%	14	3.5%	65	16.3%	321	80.3%
Community Control	3	11.1%	17	63.0%	7	25.9%	10	14.7%	26	38.2%	32	47.1%
Probation	219	46.5%	187	39.7%	65	13.8%	277	40.6%	285	41.7%	121	17.7%
County Jail	98	36.3%	120	44.4%	52	19.3%	62	22.6%	148	54.0%	64	23.4%
Other	15	29.4%	22	43.1%	14	27.5%	7	18.4%	20	52.6%	11	28.9%
<b>09 (Orlando)</b>	<b>4,010</b>	<b>43.2%</b>	<b>3,640</b>	<b>39.2%</b>	<b>1,633</b>	<b>17.6%</b>	<b>3,618</b>	<b>39.8%</b>	<b>3,739</b>	<b>41.2%</b>	<b>1,725</b>	<b>19.0%</b>
Prison	86	5.6%	383	24.8%	1,073	69.6%	85	5.4%	395	25.1%	1,092	69.5%
Community Control	115	34.4%	145	43.4%	74	22.2%	93	21.8%	219	51.4%	114	26.8%
Probation	2,557	60.3%	1,404	33.1%	282	6.6%	2,412	54.5%	1,661	37.6%	349	7.9%
County Jail	1,241	39.7%	1,693	54.1%	194	6.2%	1,007	38.6%	1,441	55.2%	164	6.3%
Other	11	30.6%	15	41.7%	10	27.8%	21	42.0%	23	46.0%	6	12.0%
<b>10 (Bartow)</b>	<b>1,680</b>	<b>35.1%</b>	<b>2,052</b>	<b>42.8%</b>	<b>1,059</b>	<b>22.1%</b>	<b>1,249</b>	<b>30.1%</b>	<b>1,838</b>	<b>44.3%</b>	<b>1,058</b>	<b>25.5%</b>
Prison	88	6.2%	531	37.6%	792	56.1%	67	5.4%	417	33.3%	768	61.3%
Community Control	66	18.8%	215	61.1%	71	20.2%	74	21.1%	194	55.3%	83	23.6%
Probation	1,348	53.3%	1,030	40.7%	152	6.0%	956	45.9%	960	46.0%	169	8.1%
County Jail	173	35.7%	267	55.2%	44	9.1%	151	33.6%	260	57.9%	38	8.5%
Other	5	35.7%	9	64.3%	0	0.0%	1	12.5%	7	87.5%	0	0.0%
<b>11 (Miami)</b>	<b>1,776</b>	<b>23.0%</b>	<b>2,595</b>	<b>33.5%</b>	<b>3,364</b>	<b>43.5%</b>	<b>1,690</b>	<b>27.2%</b>	<b>2,131</b>	<b>34.3%</b>	<b>2,389</b>	<b>38.5%</b>
Prison	13	1.3%	67	6.5%	955	92.3%	8	1.2%	40	5.8%	636	93.0%
Community Control	16	5.6%	58	20.4%	211	74.0%	6	3.3%	31	17.2%	143	79.4%
Probation	963	32.9%	1,066	36.4%	902	30.8%	973	39.2%	857	34.6%	650	26.2%
County Jail	784	22.5%	1,404	40.3%	1,296	37.2%	703	24.5%	1,203	42.0%	960	33.5%
Other	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
<b>12 (Sarasota)</b>	<b>1,732</b>	<b>43.4%</b>	<b>1,586</b>	<b>39.8%</b>	<b>670</b>	<b>16.8%</b>	<b>1,273</b>	<b>37.5%</b>	<b>1,476</b>	<b>43.5%</b>	<b>644</b>	<b>19.0%</b>
Prison	28	3.9%	136	18.9%	554	77.2%	28	4.2%	137	20.7%	497	75.1%
Community Control	78	36.8%	106	50.0%	28	13.2%	62	33.5%	89	48.1%	34	18.4%
Probation	1,004	61.7%	565	34.7%	57	3.5%	770	55.2%	568	40.7%	58	4.2%
County Jail	622	43.4%	779	54.4%	31	2.2%	413	35.9%	681	59.3%	55	4.8%
Other	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%	0	0.0%

**Table 2**  
**Recommended Sanction Category by Sanction Imposed**

Judicial Circuit / Sanction Imposed	Recommended Sanction Category											
	FY 2007-2008 Sentence Dates <sup>1</sup>						FY 2008-2009 Sentence Dates <sup>2</sup>					
	22.0 Points or Less		22.1 to 44.0 Points		More than 44.0 Points		22.0 Points or Less		22.1 to 44.0 Points		More than 44.0 Points	
<b>13 (Tampa)</b>	<b>2,421</b>	<b>29.3%</b>	<b>3,287</b>	<b>39.8%</b>	<b>2,545</b>	<b>30.8%</b>	<b>1,797</b>	<b>26.3%</b>	<b>2,689</b>	<b>39.4%</b>	<b>2,335</b>	<b>34.2%</b>
Prison	92	4.5%	463	22.9%	1,470	72.6%	68	4.2%	329	20.1%	1,237	75.7%
Community Control	40	11.2%	122	34.1%	196	54.7%	15	5.4%	89	31.9%	175	62.7%
Probation	1,698	41.0%	1,826	44.1%	616	14.9%	1,244	36.2%	1,530	44.6%	658	19.2%
County Jail	525	32.5%	842	52.1%	248	15.4%	448	31.4%	726	50.8%	255	17.8%
Other	66	57.4%	34	29.6%	15	13.0%	22	46.8%	15	31.9%	10	21.3%
<b>14 (Panama City)</b>	<b>685</b>	<b>31.9%</b>	<b>946</b>	<b>44.1%</b>	<b>513</b>	<b>23.9%</b>	<b>538</b>	<b>30.0%</b>	<b>820</b>	<b>45.7%</b>	<b>437</b>	<b>24.3%</b>
Prison	55	8.0%	240	35.0%	391	57.0%	40	7.0%	228	40.1%	301	52.9%
Community Control	38	16.4%	156	67.2%	38	16.4%	34	16.6%	130	63.4%	41	20.0%
Probation	569	50.4%	491	43.5%	68	6.0%	428	45.9%	431	46.2%	74	7.9%
County Jail	16	27.6%	28	48.3%	14	24.1%	35	43.8%	28	35.0%	17	21.3%
Other	7	17.5%	31	77.5%	2	5.0%	1	12.5%	3	37.5%	4	50.0%
<b>15 (West Palm Beach)</b>	<b>1,788</b>	<b>37.6%</b>	<b>1,977</b>	<b>41.5%</b>	<b>995</b>	<b>20.9%</b>	<b>1,443</b>	<b>34.7%</b>	<b>1,779</b>	<b>42.8%</b>	<b>938</b>	<b>22.5%</b>
Prison	17	2.5%	107	15.7%	556	81.8%	11	1.7%	110	16.9%	530	81.4%
Community Control	6	12.0%	24	48.0%	20	40.0%	5	12.2%	17	41.5%	19	46.3%
Probation	637	42.6%	614	41.1%	243	16.3%	461	36.5%	562	44.5%	240	19.0%
County Jail	1,128	44.5%	1,232	48.6%	176	6.9%	966	43.8%	1,090	49.4%	149	6.8%
Other	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
<b>16 (Key West)</b>	<b>166</b>	<b>34.1%</b>	<b>236</b>	<b>48.5%</b>	<b>85</b>	<b>17.5%</b>	<b>116</b>	<b>30.5%</b>	<b>179</b>	<b>47.1%</b>	<b>85</b>	<b>22.4%</b>
Prison	1	1.7%	8	13.6%	50	84.7%	1	3.4%	7	24.1%	21	72.4%
Community Control	3	18.8%	11	68.8%	2	12.5%	1	12.5%	4	50.0%	3	37.5%
Probation	141	40.9%	176	51.0%	28	8.1%	103	34.4%	143	47.8%	53	17.7%
County Jail	20	31.7%	38	60.3%	5	7.9%	10	25.6%	22	56.4%	7	17.9%
Other	1	25.0%	3	75.0%	0	0.0%	1	20.0%	3	60.0%	1	20.0%
<b>17 (Ft. Lauderdale)</b>	<b>2,673</b>	<b>38.3%</b>	<b>2,683</b>	<b>38.5%</b>	<b>1,621</b>	<b>23.2%</b>	<b>2,543</b>	<b>35.5%</b>	<b>2,908</b>	<b>40.6%</b>	<b>1,719</b>	<b>24.0%</b>
Prison	47	3.7%	250	19.9%	961	76.4%	53	4.0%	240	17.9%	1,047	78.1%
Community Control	45	16.1%	132	47.1%	103	36.8%	25	11.2%	95	42.4%	104	46.4%
Probation	2,236	51.9%	1,594	37.0%	477	11.1%	2,165	47.8%	1,873	41.4%	487	10.8%
County Jail	327	30.2%	688	63.5%	68	6.3%	289	28.0%	676	65.5%	67	6.5%
Other	18	36.7%	19	38.8%	12	24.5%	11	22.4%	24	49.0%	14	28.6%
<b>18 (Sanford)</b>	<b>1,589</b>	<b>43.9%</b>	<b>1,416</b>	<b>39.1%</b>	<b>613</b>	<b>16.9%</b>	<b>1,525</b>	<b>37.9%</b>	<b>1,736</b>	<b>43.1%</b>	<b>763</b>	<b>19.0%</b>
Prison	42	6.2%	165	24.3%	473	69.6%	35	4.5%	190	24.6%	546	70.8%
Community Control	49	16.9%	187	64.5%	54	18.6%	74	21.0%	202	57.2%	77	21.8%
Probation	1,292	59.5%	797	36.7%	82	3.8%	1,246	51.9%	1,028	42.8%	127	5.3%
County Jail	206	43.2%	267	56.0%	4	0.8%	169	33.9%	316	63.5%	13	2.6%
Other	0	0.0%	0	0.0%	0	0.0%	1	100.0%	0	0.0%	0	0.0%

**Table 2**  
**Recommended Sanction Category by Sanction Imposed**

Judicial Circuit / Sanction Imposed	Recommended Sanction Category											
	FY 2007-2008 Sentence Dates <sup>1</sup>						FY 2008-2009 Sentence Dates <sup>2</sup>					
	22.0 Points or Less		22.1 to 44.0 Points		More than 44.0 Points		22.0 Points or Less		22.1 to 44.0 Points		More than 44.0 Points	
<b>19 (Ft. Pierce)</b>	<b>1,984</b>	<b>48.4%</b>	<b>1,471</b>	<b>35.9%</b>	<b>646</b>	<b>15.8%</b>	<b>1,459</b>	<b>41.0%</b>	<b>1,396</b>	<b>39.3%</b>	<b>700</b>	<b>19.7%</b>
Prison	157	15.9%	345	34.9%	486	49.2%	183	14.7%	470	37.7%	594	47.6%
Community Control	119	48.2%	109	44.1%	19	7.7%	74	44.6%	73	44.0%	19	11.4%
Probation	1,195	63.6%	582	31.0%	103	5.5%	842	60.4%	495	35.5%	58	4.2%
County Jail	493	52.7%	411	43.9%	32	3.4%	345	48.5%	339	47.6%	28	3.9%
Other	20	40.0%	24	48.0%	6	12.0%	15	42.9%	19	54.3%	1	2.9%
<b>20 (Ft. Myers)</b>	<b>2,436</b>	<b>40.5%</b>	<b>2,496</b>	<b>41.5%</b>	<b>1,089</b>	<b>18.1%</b>	<b>2,372</b>	<b>39.2%</b>	<b>2,524</b>	<b>41.7%</b>	<b>1,156</b>	<b>19.1%</b>
Prison	43	4.2%	211	20.7%	765	75.1%	58	5.0%	249	21.6%	846	73.4%
Community Control	67	22.3%	174	58.0%	59	19.7%	53	16.7%	189	59.6%	75	23.7%
Probation	1,750	51.6%	1,449	42.8%	190	5.6%	1,719	53.6%	1,329	41.5%	158	4.9%
County Jail	568	43.9%	655	50.6%	72	5.6%	533	39.1%	754	55.3%	77	5.6%
Other	8	44.4%	7	38.9%	3	16.7%	9	75.0%	3	25.0%	0	0.0%
<b>Statewide</b>	<b>36,139</b>	<b>100.0%</b>	<b>38,935</b>	<b>100.0%</b>	<b>22,297</b>	<b>100.0%</b>	<b>31,145</b>	<b>100.0%</b>	<b>37,171</b>	<b>100.0%</b>	<b>21,764</b>	<b>100.0%</b>

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

<sup>1</sup> Offense dates on or after October 1, 2006.

<sup>2</sup> Offense dates on or after October 1, 2007.

**Table 3  
Sanction Imposed By Judicial Circuit**

Circuit	FY2007-2008 Sentence Dates <sup>1</sup>					FY2008-2009 Sentence Dates <sup>2</sup>						
	State Prison	Comm. Control	Probation	County Jail	Other Sentence	Total	State Prison	Comm. Control	Probation	County Jail	Other Sentence	Total
01 (Pensacola)	641 19.2%	230 6.9%	1,744 52.3%	662 19.8%	60 1.8%	3,337 100.0%	977 22.1%	363 8.2%	2,262 51.2%	691 15.6%	124 2.8%	4,417 100.0%
02 (Tallahassee)	318 19.6%	42 2.6%	922 56.9%	329 20.3%	8 0.5%	1,619 100.0%	326 22.0%	74 5.0%	876 59.0%	198 13.3%	11 0.7%	1,485 100.0%
03 (Lake City)	363 30.9%	139 11.8%	616 52.5%	32 2.7%	23 2.0%	1,173 100.0%	283 32.8%	110 12.7%	446 51.6%	17 2.0%	8 0.9%	864 100.0%
04 (Jacksonville)	1,522 26.1%	158 2.7%	913 15.6%	3,243 55.5%	2 0.0%	5,838 100.0%	2,097 32.9%	93 1.5%	844 13.2%	3,332 52.3%	6 0.1%	6,372 100.0%
05 (Tavares)	1,345 23.8%	311 5.5%	2,934 51.8%	989 17.5%	83 1.5%	5,662 100.0%	1,101 22.3%	268 5.4%	2,754 55.9%	735 14.9%	71 1.4%	4,929 100.0%
06 (Clearwater)	2,093 17.6%	379 3.2%	5,751 48.3%	3,295 27.7%	384 3.2%	11,902 100.0%	1,898 19.3%	387 3.9%	4,524 46.1%	2,836 28.9%	177 1.8%	9,822 100.0%
07 (Daytona)	1,224 26.8%	192 4.2%	2,141 47.0%	930 20.4%	73 1.6%	4,560 100.0%	1,028 26.1%	199 5.0%	1,804 45.8%	854 21.7%	56 1.4%	3,941 100.0%
08 (Gainesville)	303 27.0%	27 2.4%	471 42.0%	270 24.1%	51 4.5%	1,122 100.0%	400 27.3%	68 4.6%	683 46.7%	274 18.7%	38 2.6%	1,463 100.0%
09 (Orlando)	1,542 16.6%	334 3.6%	4,243 45.7%	3,128 33.7%	36 0.4%	9,283 100.0%	1,572 17.3%	426 4.7%	4,422 48.7%	2,612 28.8%	50 0.6%	9,082 100.0%
10 (Bartow)	1,411 29.5%	352 7.3%	2,530 52.8%	484 10.1%	14 0.3%	4,791 100.0%	1,252 30.2%	351 8.5%	2,085 50.3%	449 10.8%	8 0.2%	4,145 100.0%



**Table 3  
Sanction Imposed By Judicial Circuit**

Circuit	FY2007-2008 Sentence Dates <sup>1</sup>					FY2008-2009 Sentence Dates <sup>2</sup>						
	State Prison	Comm. Control	Probation	County Jail	Other Sentence	Total	State Prison	Comm. Control	Probation	County Jail	Other Sentence	Total
11 (Miami)	1,035 13.4%	285 3.7%	2,931 37.9%	3,484 45.0%	0 0.0%	7,735 100.0%	684 11.0%	180 2.9%	2,480 39.9%	2,866 46.2%	0 0.0%	6,210 100.0%
12 (Sarasota)	718 18.0%	212 5.3%	1,626 40.8%	1,432 35.9%	0 0.0%	3,988 100.0%	662 19.5%	185 5.5%	1,396 41.1%	1,149 33.9%	1 0.0%	3,393 100.0%
13 (Tampa)	2,025 24.5%	358 4.3%	4,140 50.2%	1,615 19.6%	115 1.4%	8,253 100.0%	1,634 24.0%	279 4.1%	3,432 50.3%	1,429 21.0%	47 0.7%	6,821 100.0%
14 (Panama City)	686 32.0%	232 10.8%	1,128 52.6%	58 2.7%	40 1.9%	2,144 100.0%	569 31.7%	205 11.4%	933 52.0%	80 4.5%	8 0.4%	1,795 100.0%
15 (West Palm Beach)	680 14.3%	50 1.1%	1,494 31.4%	2,536 53.3%	0 0.0%	4,760 100.0%	651 15.6%	41 1.0%	1,263 30.4%	2,205 53.0%	0 0.0%	4,160 100.0%
16 (Key West)	59 12.1%	16 3.3%	345 70.8%	63 12.9%	4 0.8%	487 100.0%	29 7.6%	8 2.1%	299 78.7%	39 10.3%	5 1.3%	380 100.0%
17 (Ft. Lauderdale)	1,258 18.0%	280 4.0%	4,307 61.7%	1,083 15.5%	49 0.7%	6,977 100.0%	1,340 18.7%	224 3.1%	4,525 63.1%	1,032 14.4%	49 0.7%	7,170 100.0%
18 (Sanford)	680 18.8%	290 8.0%	2,171 60.0%	477 13.2%	0 0.0%	3,618 100.0%	771 19.2%	353 8.8%	2,401 59.7%	498 12.4%	1 0.0%	4,024 100.0%
19 (Ft. Pierce)	988 24.1%	247 6.0%	1,880 45.8%	936 22.8%	50 1.2%	4,101 100.0%	1,247 35.1%	166 4.7%	1,395 39.2%	712 20.0%	35 1.0%	3,555 100.0%
20 (Ft. Myers)	1,019 16.9%	300 5.0%	3,389 56.3%	1,295 21.5%	18 0.3%	6,021 100.0%	1,153 19.1%	317 5.2%	3,206 53.0%	1,364 22.5%	12 0.2%	6,052 100.0%
<b>Statewide</b>	<b>19,910 20.4%</b>	<b>4,434 4.6%</b>	<b>45,676 46.9%</b>	<b>26,341 27.1%</b>	<b>1,010 1.0%</b>	<b>97,371 100.0%</b>	<b>19,674 21.8%</b>	<b>4,297 4.8%</b>	<b>42,030 46.7%</b>	<b>23,372 25.9%</b>	<b>707 0.8%</b>	<b>90,080 100.0%</b>

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

<sup>1</sup> Offense dates on or after October 1, 2006.

<sup>2</sup> Offense dates on or after October 1, 2007.

**Table 4  
Offense Types by Sanction Imposed**

Offense Type	FY2007-2008 Sentence Dates <sup>1</sup>					FY2008-2009 Sentence Dates <sup>2</sup>						
	State Prison	Comm. Control	Probation	County Jail	Other	Total	State Prison	Comm. Control	Probation	County Jail	Other	Total
Murder/Manslaughter	Attempt	106	12	9	1	0	128	86	1	6	1	94
	Complete	151	2	6	0	0	159	156	6	18	0	180
Sexual/Lewd Behavior	Attempt	50	5	11	1	0	67	44	4	8	0	56
	Complete	402	32	160	18	5	617	366	35	135	11	551
Robbery	Attempt	142	16	100	37	2	297	192	25	109	46	374
	Complete	1,232	177	564	217	7	2,197	1,317	168	560	207	2,261
Violent,Other	Attempt	44	7	56	5	2	114	30	6	43	5	84
	Complete	2,642	604	5,522	1,676	107	10,551	2,665	586	5,305	1,637	10,272
Burglary	Attempt	98	16	133	67	1	315	136	28	168	59	393
	Complete	2,900	551	3,858	1,662	84	9,055	3,092	631	4,183	1,545	9,522
Property Theft/Fraud/Damage	Attempt	7	1	15	5	0	28	4	1	19	4	28
	Complete	2,795	734	10,706	4,500	230	18,965	2,877	807	10,725	4,778	19,399
Drugs	Attempt	106	28	369	303	3	809	103	24	302	239	671
	Complete	5,994	1,318	15,016	11,786	369	34,483	5,585	1,209	14,097	9,944	31,047
Weapons	Attempt	2	0	14	1	0	17	4	2	10	4	20
	Complete	734	141	1,115	524	25	2,539	806	164	1,209	542	2,735
Other	Attempt	8	4	17	25	0	54	12	4	42	18	76
	Complete	2,497	786	8,005	5,513	175	16,976	2,199	596	5,091	4,332	12,317
<b>Total</b>	<b>19,910</b>	<b>4,434</b>	<b>45,676</b>	<b>26,341</b>	<b>1,010</b>	<b>97,371</b>	<b>19,674</b>	<b>4,297</b>	<b>42,030</b>	<b>23,372</b>	<b>90,080</b>	

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

<sup>1</sup> Offense dates on or after October 1, 2006.

<sup>2</sup> Offense dates on or after October 1, 2007.

**Table 5  
Sanction Imposed by Offense Severity Level**

Offense Severity Level	FY2007-2008 Sentence Dates <sup>1</sup>					FY2008-2009 Sentence Dates <sup>2</sup>						
	State Prison	Comm. Control	Probation	County Jail	Other Sentence	Total	State Prison	Comm. Control	Probation	County Jail	Other Sentence	Total
1	1,409 8.9%	639 4.0%	8,098 50.9%	5,590 35.1%	172 1.1%	15,908 100.0%	1,409 8.9%	639 4.0%	8,098 50.9%	5,590 35.1%	172 1.1%	15,908 100.0%
2	1,022 10.2%	369 3.7%	6,175 61.5%	2,333 23.2%	145 1.4%	10,044 100.0%	1,022 10.2%	369 3.7%	6,175 61.5%	2,333 23.2%	145 1.4%	10,044 100.0%
3	3,017 10.4%	963 3.3%	13,793 47.8%	10,771 37.3%	331 1.1%	28,875 100.0%	3,017 10.4%	963 3.3%	13,793 47.8%	10,771 37.3%	331 1.1%	28,875 100.0%
4	2,693 21.5%	535 4.3%	5,960 47.5%	3,215 25.6%	134 1.1%	12,537 100.0%	2,693 21.5%	535 4.3%	5,960 47.5%	3,215 25.6%	134 1.1%	12,537 100.0%
5	4,053 30.0%	742 5.5%	5,660 41.9%	2,920 21.6%	120 0.9%	13,495 100.0%	4,053 30.0%	742 5.5%	5,660 41.9%	2,920 21.6%	120 0.9%	13,495 100.0%
6	2,290 30.7%	474 6.4%	3,658 49.0%	988 13.2%	54 0.7%	7,464 100.0%	2,290 30.7%	474 6.4%	3,658 49.0%	988 13.2%	54 0.7%	7,464 100.0%
7	3,559 54.4%	526 8.0%	1,943 29.7%	475 7.3%	44 0.7%	6,547 100.0%	3,559 54.4%	526 8.0%	1,943 29.7%	475 7.3%	44 0.7%	6,547 100.0%
8	863 68.5%	88 7.0%	271 21.5%	30 2.3%	8 0.6%	1,260 100.0%	863 68.5%	88 7.0%	271 21.5%	29 2.3%	8 0.6%	1,259 100.0%
9	849 79.3%	93 8.7%	107 10.0%	19 1.8%	2 0.2%	1,070 100.0%	849 79.3%	93 8.7%	107 10.0%	19 1.8%	2 0.2%	1,070 100.0%
10	155 90.6%	5 2.9%	11 6.4%	0 0.0%	0 0.0%	171 100.0%	0 0.0%	0 0.0%	0 0.0%	1 100.0%	0 0.0%	1 100.0%
<b>Total</b>	<b>19,910</b> <b>20.4%</b>	<b>4,434</b> <b>4.6%</b>	<b>45,676</b> <b>46.9%</b>	<b>26,341</b> <b>27.1%</b>	<b>1,010</b> <b>1.0%</b>	<b>97,371</b> <b>100.0%</b>	<b>19,755</b> <b>20.3%</b>	<b>4,429</b> <b>4.6%</b>	<b>45,665</b> <b>47.0%</b>	<b>26,341</b> <b>27.1%</b>	<b>1,010</b> <b>1.0%</b>	<b>97,200</b> <b>100.0%</b>

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

<sup>1</sup> Offense dates on or after October 1, 2006.

<sup>2</sup> Offense dates on or after October 1, 2007.

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

Offense Severity Level	FY2007-2008 Sentence Dates <sup>1</sup>					FY2008-2009 Sentence Dates <sup>2</sup>				
	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	1,197 85.0%	160 11.4%	47 3.3%	5 0.4%	1,409 100.0%	1,120 82.8%	152 11.2%	75 5.5%	6 0.4%	1,353 100.0%
2	810 79.3%	158 15.5%	50 4.9%	4 0.4%	1,022 100.0%	814 79.9%	144 14.1%	58 5.7%	3 0.3%	1,019 100.0%
3	2,448 81.1%	428 14.2%	130 4.3%	11 0.4%	3,017 100.0%	1,993 79.1%	399 15.8%	119 4.7%	8 0.3%	2,519 100.0%
4	1,851 68.7%	575 21.4%	238 8.8%	29 1.1%	2,693 100.0%	1,815 67.7%	606 22.6%	240 8.9%	21 0.8%	2,682 100.0%
5	2,419 59.7%	1,075 26.5%	468 11.5%	91 2.2%	4,053 100.0%	2,536 60.4%	1,116 26.6%	471 11.2%	76 1.8%	4,199 100.0%
6	1,190 52.0%	645 28.2%	352 15.4%	103 4.5%	2,290 100.0%	1,114 48.0%	690 29.7%	403 17.4%	115 5.0%	2,322 100.0%
7	957 26.9%	1,472 41.4%	924 26.0%	206 5.8%	3,559 100.0%	927 25.6%	1,530 42.2%	929 25.6%	241 6.6%	3,627 100.0%
8	122 14.1%	205 23.8%	365 42.3%	171 19.8%	863 100.0%	120 13.3%	252 27.8%	372 41.1%	161 17.8%	905 100.0%
9	127 15.0%	115 13.5%	365 43.0%	242 28.5%	849 100.0%	123 14.2%	126 14.5%	384 44.3%	233 26.9%	866 100.0%
10	29 18.7%	8 5.2%	27 17.4%	91 58.7%	155 100.0%	26 14.3%	9 4.9%	48 26.4%	99 54.4%	182 100.0%
<b>Total</b>	<b>11,150</b> 56.0%	<b>4,841</b> 24.3%	<b>2,966</b> 14.9%	<b>953</b> 4.8%	<b>19,910</b> 100.0%	<b>10,588</b> 53.8%	<b>5,024</b> 25.5%	<b>3,099</b> 15.8%	<b>963</b> 4.9%	<b>19,674</b> 100.0%

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

<sup>1</sup> Offense dates on or after October 1, 2006.

<sup>2</sup> Offense dates on or after October 1, 2007.

**Table 7  
Number of Prior Offenses\***

Prior Offenses	FY2007-2008 Sentence Dates <sup>1</sup>		FY2008-2009 Sentence Dates <sup>2</sup>	
	Number	Percent	Number	Percent
None	22,606	23.2%	21,448	23.8%
Misdemeanor Only	26,738	27.5%	23,827	26.5%
One Felony	18,897	19.4%	17,623	19.6%
Two Felonies	12,452	12.8%	11,661	12.9%
Three Felonies	7,621	7.8%	7,194	8.0%
Four Felonies	4,361	4.5%	4,179	4.6%
Five Felonies	2,483	2.6%	2,265	2.5%
Six Felonies	1,260	1.3%	1,050	1.2%
Seven or More Felonies	953	1.0%	833	0.9%
<b>Total</b>	<b>97,371</b>	<b>100.0%</b>	<b>90,080</b>	<b>100.0%</b>

\* As indicated on the scoresheet.

**Table 8  
Number of Additional Offenses\***

Additional Offenses	FY2007-2008 Sentence Dates <sup>1</sup>		FY2008-2009 Sentence Dates <sup>2</sup>	
	Number	Percent	Number	Percent
None	52,858	54.3%	48,630	54.0%
Misdemeanor Only	23,251	23.9%	20,675	23.0%
One Felony	14,662	15.1%	14,307	15.9%
Two Felonies	4,147	4.3%	4,142	4.6%
Three Felonies	1,437	1.5%	1,347	1.5%
Four Felonies	500	0.5%	478	0.5%
Five Felonies	262	0.3%	251	0.3%
Six Felonies	114	0.1%	113	0.1%
Seven or More Felonies	140	0.1%	137	0.2%
<b>Total</b>	<b>97,371</b>	<b>100.0%</b>	<b>90,080</b>	<b>100.0%</b>

\* As indicated on the scoresheet.

<sup>1</sup> Offense dates on or after October 1, 2006.

<sup>2</sup> Offense dates on or after October 1, 2007.

**Table 9  
Prior Felony Record\* and Sanction Imposed**

Number of Prior Felonies	FY2007-2008 Sentence Dates <sup>1</sup>						FY2008-2009 Sentence Dates <sup>2</sup>					
	State Prison	Comm. Control	Probation	County Jail	Other Sentence	Total	State Prison	Comm. Control	Probation	County Jail	Other Sentence	Total
None	5,358 10.9%	2,572 5.2%	30,800 62.4%	9,919 20.1%	695 1.4%	49,344 100.0%	5,402 11.9%	2,362 5.2%	28,367 62.7%	8,654 19.1%	490 1.1%	45,275 100.0%
One	3,757 19.9%	880 4.7%	7,606 40.2%	6,491 34.3%	163 0.9%	18,897 100.0%	3,855 21.9%	895 5.1%	7,076 40.2%	5,697 32.3%	100 0.6%	17,623 100.0%
Two	3,595 28.9%	511 4.1%	3,852 30.9%	4,419 35.5%	75 0.6%	12,452 100.0%	3,539 30.3%	492 4.2%	3,457 29.6%	4,103 35.2%	70 0.6%	11,661 100.0%
Three	2,845 37.3%	253 3.3%	1,870 24.5%	2,609 34.2%	44 0.6%	7,621 100.0%	2,750 38.2%	278 3.9%	1,733 24.1%	2,412 33.5%	21 0.3%	7,194 100.0%
Four	1,931 44.3%	129 3.0%	853 19.6%	1,431 32.8%	17 0.4%	4,361 100.0%	1,931 46.2%	140 3.4%	829 19.8%	1,264 30.2%	15 0.4%	4,179 100.0%
Five	1,262 50.8%	45 1.8%	371 14.9%	798 32.1%	7 0.3%	2,483 100.0%	1,178 52.0%	77 3.4%	336 14.8%	668 29.5%	6 0.3%	2,265 100.0%
Six	670 53.2%	23 1.8%	200 15.9%	360 28.6%	7 0.6%	1,260 100.0%	559 53.2%	34 3.2%	131 12.5%	321 30.6%	5 0.5%	1,050 100.0%
Seven or More	492 51.6%	21 2.2%	124 13.0%	314 32.9%	2 0.2%	953 100.0%	460 55.2%	19 2.3%	101 12.1%	253 30.4%	0 0.0%	833 100.0%
<b>Total</b>	<b>19,910 20.4%</b>	<b>4,434 4.6%</b>	<b>45,676 46.9%</b>	<b>26,341 27.1%</b>	<b>1,010 1.0%</b>	<b>97,371 100.0%</b>	<b>19,674 21.8%</b>	<b>4,297 4.8%</b>	<b>42,030 46.7%</b>	<b>23,372 25.9%</b>	<b>707 0.8%</b>	<b>90,080 100.0%</b>

\* As indicated on the scoresheet

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

<sup>1</sup> Offense dates on or after October 1, 2006.

<sup>2</sup> Offense dates on or after October 1, 2007.

**Table 10  
Additional Offenses\* and Sanction Imposed**

Number of Additional Felonies	FY2007-2008 Sentence Dates <sup>1</sup>						FY2008-2009 Sentence Dates <sup>2</sup>					
	State Prison	Comm. Control	Probation	County Jail	Other Sentence	Total	State Prison	Comm. Control	Probation	County Jail	Other Sentence	Total
None	11,652 15.3%	3,110 4.1%	37,768 49.6%	22,752 29.9%	827 1.1%	76,109 100.0%	11,386 16.4%	2,927 4.2%	34,268 49.4%	20,144 29.1%	580 0.8%	69,305 100.0%
One	4,726 32.2%	866 5.9%	6,088 41.5%	2,848 19.4%	134 0.9%	14,662 100.0%	4,684 32.7%	946 6.6%	5,980 41.8%	2,610 18.2%	87 0.6%	14,307 100.0%
Two	1,941 46.8%	291 7.0%	1,312 31.6%	572 13.8%	31 0.7%	4,147 100.0%	2,049 49.5%	273 6.6%	1,305 31.5%	481 11.6%	34 0.8%	4,142 100.0%
Three	848 59.0%	97 6.8%	340 23.7%	139 9.7%	13 0.9%	1,437 100.0%	847 62.9%	82 6.1%	312 23.2%	104 7.7%	2 0.1%	1,347 100.0%
Four	350 70.0%	36 7.2%	87 17.4%	25 5.0%	2 0.4%	500 100.0%	334 69.9%	29 6.1%	90 18.8%	22 4.6%	3 0.6%	478 100.0%
Five	197 75.2%	17 6.5%	43 16.4%	3 1.1%	2 0.8%	262 100.0%	175 69.7%	22 8.8%	46 18.3%	8 3.2%	0 0.0%	251 100.0%
Six	80 70.2%	9 7.9%	23 20.2%	1 0.9%	1 0.9%	114 100.0%	84 74.3%	10 8.8%	17 15.0%	1 0.9%	1 0.9%	113 100.0%
Seven or More	116 82.9%	8 5.7%	15 10.7%	1 0.7%	0 0.0%	140 100.0%	115 83.9%	8 5.8%	12 8.8%	2 1.5%	0 0.0%	137 100.0%
<b>Total</b>	<b>19,910 20.4%</b>	<b>4,434 4.6%</b>	<b>45,676 46.9%</b>	<b>26,341 27.1%</b>	<b>1,010 1.0%</b>	<b>97,371 100.0%</b>	<b>19,674 21.8%</b>	<b>4,297 4.8%</b>	<b>42,030 46.7%</b>	<b>23,372 25.9%</b>	<b>707 0.8%</b>	<b>90,080 100.0%</b>

\* As indicated on the scoresheet.

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

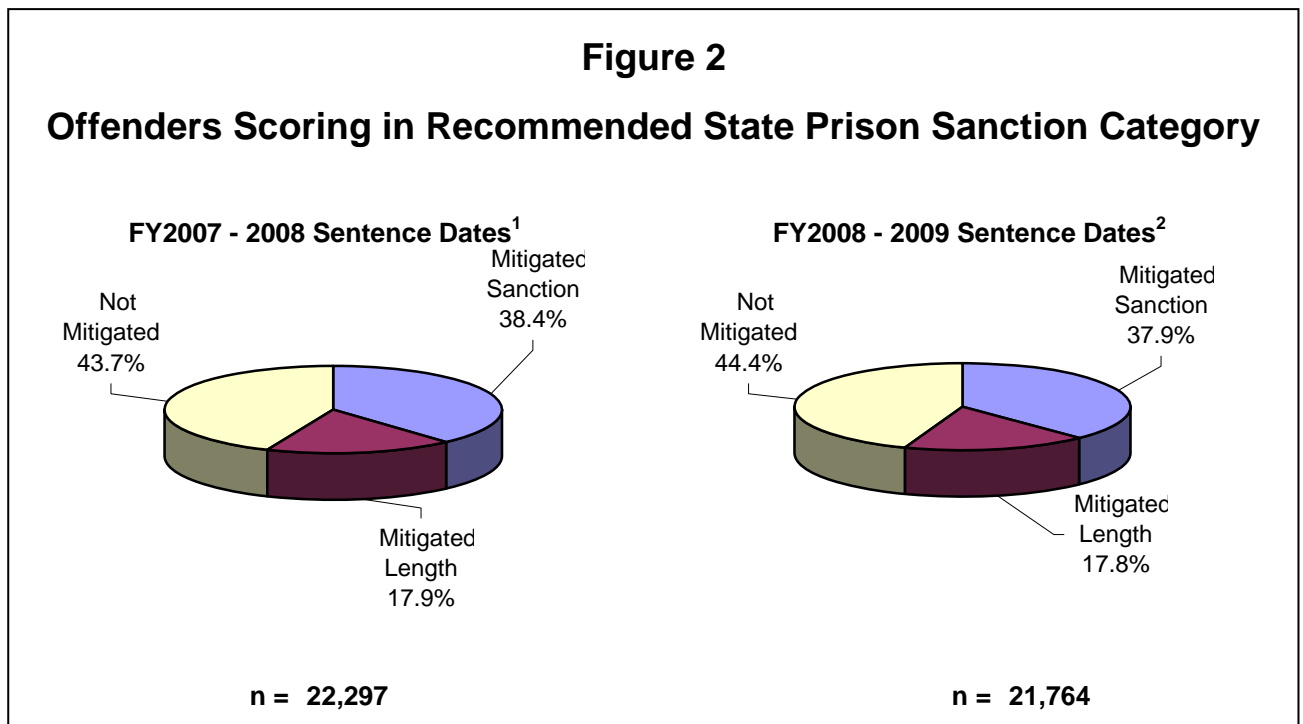
<sup>1</sup> Offense dates on or after October 1, 2006.

<sup>2</sup> Offense dates on or after October 1, 2007.

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

Category	FY2007-2008 Sentence Dates <sup>1</sup>		FY2008-2009 Sentence Dates <sup>2</sup>	
	Number / Percent	Average Mitigated Length in Months	Number / Percent	Average Mitigated Length in Months
Mitigated Total	12,549 56.3%		12,111 55.6%	
Mitigated Sanction	8,556 38.4%		8,244 37.9%	
Mitigated Length	3,993 17.9%	23.9	3,867 17.8%	22.9
Not Mitigated	9,748 43.7%		9,653 44.4%	
<b>Total</b>	<b>22,297</b> <b>100.0%</b>		<b>21,764</b> <b>100.0%</b>	

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



\* Total points exceeding 44.0

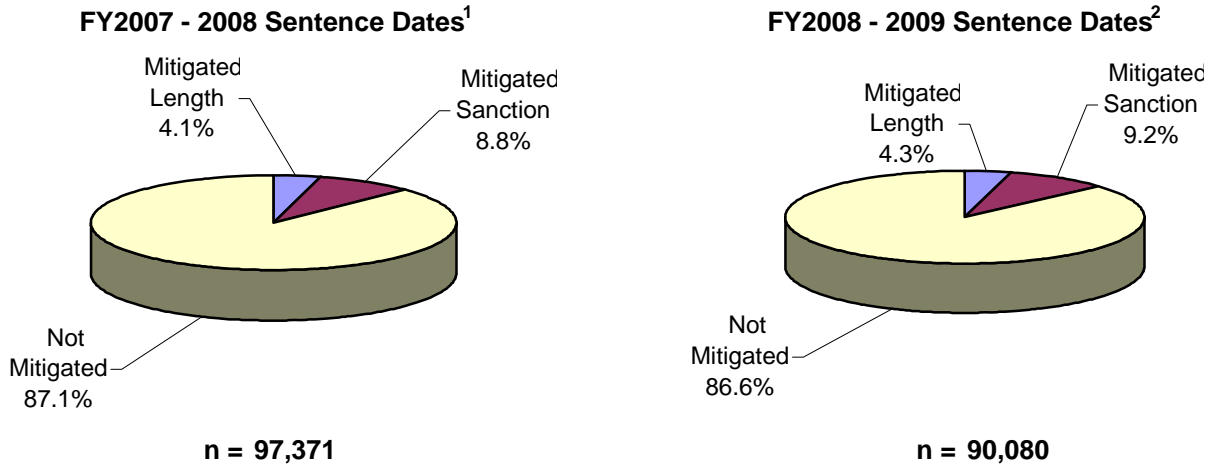
<sup>1</sup> Offense dates on or after October 1, 2006.

<sup>2</sup> Offense dates on or after October 1, 2007.



**Figure 3**

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



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

Judicial Circuit	FY2007-2008 Sentence Dates <sup>1</sup>			FY2008-2009 Sentence Dates <sup>2</sup>		
	Scoresheets Exceeding 44.0 Total Points	Scoresheets Mitigated	Mitigation Rate	Scoresheets Exceeding 44.0 Total Points	Scoresheets Mitigated	Mitigation Rate
01- Pensacola	733	302	41.2%	1,105	452	40.9%
02- Tallahassee	381	148	38.8%	432	196	45.4%
03- Lake City	383	152	39.7%	249	78	31.3%
04- Jacksonville	1,111	348	31.3%	1,311	316	24.1%
05- Tavares	1,160	274	23.6%	1,096	325	29.7%
06- Clearwater	2,366	688	29.1%	2,191	626	28.6%
07- Daytona	982	282	28.7%	882	286	32.4%
08- Gainesville	348	137	39.4%	549	226	41.2%
09- Orlando	1,633	558	34.2%	1,725	627	36.3%
10- Bartow	1,059	267	25.2%	1,058	290	27.4%
11- Miami	3,364	2,396	71.2%	2,389	1,743	73.0%
12- Sarasota	670	115	17.2%	644	146	22.7%
13- Tampa	2,545	1,055	41.5%	2,335	1,075	46.0%
14- Panama City	513	121	23.6%	437	136	31.1%
15- West Palm Beach	995	439	44.1%	938	408	43.5%
16- Key West	85	31	36.5%	85	52	61.2%
17- Ft. Lauderdale	1,621	629	38.8%	1,719	643	37.4%
18- Sanford	613	140	22.8%	763	217	28.4%
19- Ft. Pierce	646	158	24.5%	700	106	15.1%
20- Ft. Myers	1,089	316	29.0%	1,156	296	25.6%
<b>Statewide</b>	<b>22,297</b>	<b>8,556</b>	<b>38.4%</b>	<b>21,764</b>	<b>8,244</b>	<b>37.9%</b>

\* 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.

<sup>1</sup> Offense dates on or after October 1, 2006.

<sup>2</sup> Offense dates on or after October 1, 2007.

**Table 13**

**Mitigated Sanction Rates and Mitigated Length Rates\* By Judicial Circuit**

Judicial Circuit	FY2007-2008 Sentence Dates <sup>1</sup>			FY2008-2009 Sentence Dates <sup>2</sup>		
	Scoresheets Exceeding 44.0 Total Points	Scoresheets Mitigated	Mitigation Rate	Scoresheets Exceeding 44.0 Total Points	Scoresheets Mitigated	Mitigation Rate
01- Pensacola	733	364	49.7%	1,105	563	51.0%
02- Tallahassee	381	253	66.4%	432	319	73.8%
03- Lake City	383	240	62.7%	249	125	50.2%
04- Jacksonville	1,111	550	49.5%	1,311	537	41.0%
05- Tavares	1,160	433	37.3%	1,096	457	41.7%
06- Clearwater	2,366	1,127	47.6%	2,191	1,040	47.5%
07- Daytona	982	495	50.4%	882	485	55.0%
08- Gainesville	348	265	76.1%	549	422	76.9%
09- Orlando	1,633	814	49.8%	1,725	926	53.7%
10- Bartow	1,059	484	45.7%	1,058	493	46.6%
11- Miami	3,364	3,024	89.9%	2,389	2,197	92.0%
12- Sarasota	670	197	29.4%	644	259	40.2%
13- Tampa	2,545	1,738	68.3%	2,335	1,661	71.1%
14- Panama City	513	210	40.9%	437	216	49.4%
15- West Palm Beach	995	584	58.7%	938	557	59.4%
16- Key West	85	38	44.7%	85	59	69.4%
17- Ft. Lauderdale	1,621	826	51.0%	1,719	881	51.3%
18- Sanford	613	218	35.6%	763	307	40.2%
19- Ft. Pierce	646	235	36.4%	700	171	24.4%
20- Ft. Myers	1,089	454	41.7%	1,156	436	37.7%
<b>Statewide</b>	<b>22,297</b>	<b>12,549</b>	<b>56.3%</b>	<b>21,764</b>	<b>12,111</b>	<b>55.6%</b>

\* 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.

<sup>1</sup> Offense dates on or after October 1, 2006.

<sup>2</sup> Offense dates on or after October 1, 2007.

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

Offense Type	FY2007-2008 Sentence Dates <sup>1</sup>					FY2008-2009 Sentence Dates <sup>2</sup>				
	Total Mitigated	Mitigated Sanction	Mitigated Length	Not Mitigated	Total	Total Mitigated	Mitigated Sanction	Mitigated Length	Not Mitigated	Total
<b>Murder/Manslaughter</b>	111	89	22	17	128	79	71	8	15	94
	92	84	8	67	159	111	87	24	69	180
<b>Sexual/Lewd Behavior</b>	44	33	11	15	59	36	27	9	16	52
	350	219	131	161	511	337	228	109	117	454
<b>Robbery</b>	130	80	50	31	161	163	118	45	36	199
	1,137	794	343	283	1,420	1,215	878	337	293	1,508
<b>Violent, Other</b>	41	30	11	5	46	28	17	11	5	33
	3,516	1,526	1,990	628	4,144	3,419	1,492	1,927	604	4,023
<b>Burglary</b>	100	59	41	22	122	151	106	45	13	164
	3,208	1,633	1,575	742	3,950	3,525	1,751	1,774	753	4,278
<b>Property Theft/Fraud/Damage</b>	3	2	1	1	4	4	3	1	1	5
	1,701	993	708	324	2,025	1,708	939	769	360	2,068
<b>Drugs</b>	109	41	68	24	133	106	41	65	16	122
	5,342	2,951	2,391	1,090	6,432	4,716	2,744	1,972	1,029	5,745
<b>Weapons</b>	3	1	2	0	3	5	4	1	0	5
	556	380	176	98	654	648	408	240	97	745
<b>Other</b>	6	3	3	2	8	15	7	8	2	17
	1,855	830	1,025	483	2,338	1,631	732	899	441	2,072
<b>Total</b>	<b>18,304</b>	<b>9,748</b>	<b>8,556</b>	<b>3,993</b>	<b>22,297</b>	<b>17,897</b>	<b>9,653</b>	<b>8,244</b>	<b>3,867</b>	<b>21,764</b>

\* 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.

<sup>1</sup> Offense dates on or after October 1, 2006.

<sup>2</sup> Offense dates on or after October 1, 2007.



# APPENDICES



**Total Admissions To Prison  
By County of Commitment  
( Fiscal Year 2008-2009)**

County	Total	Percent
ALACHUA	609	1.6%
BAKER	83	0.2%
BAY	978	2.5%
BRADFORD	51	0.1%
BREVARD	1,396	3.6%
BROWARD	3,091	8.0%
CALHOUN	52	0.1%
CHARLOTTE	507	1.3%
CITRUS	211	0.5%
CLAY	286	0.7%
COLLIER	459	1.2%
COLUMBIA	322	0.8%
MIAMI-DADE	2,389	6.2%
DESOTO	102	0.3%
DIXIE	22	0.1%
DUVAL	2,094	5.4%
ESCAMBIA	1,209	3.1%
FLAGLER	90	0.2%
FRANKLIN	81	0.2%
GADSDEN	214	0.6%
GILCHRIST	23	0.1%
GLADES	24	0.1%
GULF	32	0.1%
HAMILTON	17	0.0%
HARDEE	79	0.2%
HENDRY	117	0.3%
HERNANDO	326	0.8%
HIGHLANDS	348	0.9%
HILLSBOROUGH	3,187	8.2%
HOLMES	60	0.2%
INDIAN RIVER	274	0.7%
JACKSON	149	0.4%
JEFFERSON	48	0.1%
LAFAYETTE	5	0.0%
LAKE	679	1.8%
LEE	881	2.3%

County	Total	Percent
LEON	799	2.1%
LEVY	148	0.4%
LIBERTY	27	0.1%
MADISON	59	0.2%
MANATEE	660	1.7%
MARION	1,157	3.0%
MARTIN	421	1.1%
MONROE	212	0.5%
NASSAU	158	0.4%
OKALOOSA	423	1.1%
OKEECHOBEE	198	0.5%
ORANGE	2,143	5.5%
OSCEOLA	542	1.4%
PALM BEACH	1,421	3.7%
PASCO	864	2.2%
PINELLAS	2,435	6.3%
POLK	2,037	5.3%
PUTNAM	195	0.5%
ST. JOHNS	329	0.8%
ST. LUCIE	956	2.5%
SANTA ROSA	303	0.8%
SARASOTA	533	1.4%
SEMINOLE	378	1.0%
SUMTER	90	0.2%
SUWANNEE	228	0.6%
TAYLOR	67	0.2%
UNION	14	0.0%
VOLUSIA	1,107	2.9%
WAKULLA	105	0.3%
WALTON	124	0.3%
WASHINGTON	102	0.3%
Other States	17	
Data Unavailable	607	
<b>TOTAL</b>	<b>39,354</b>	

**Total Admissions To Prison  
By Circuit  
(Fiscal Year 2008-2009)**

CIRCUIT 1	2,059
CIRCUIT 2	1,274
CIRCUIT 3	720
CIRCUIT 4	2,538
CIRCUIT 5	2,463
CIRCUIT 6	3,299
CIRCUIT 7	1,721
CIRCUIT 8	928
CIRCUIT 9	2,685
CIRCUIT 10	2,464

CIRCUIT 11	2,389
CIRCUIT 12	1,295
CIRCUIT 13	3,187
CIRCUIT 14	1,373
CIRCUIT 15	1,421
CIRCUIT 16	212
CIRCUIT 17	3,091
CIRCUIT 18	1,774
CIRCUIT 19	1,849
CIRCUIT 20	1,988



**OFFENSE SEVERITY RANKING CHART  
AS OF JULY 1, 2008**

<b>Florida Statute</b>	<b>Felony Degree</b>	<b>Description</b>
		<b>(a) LEVEL 1</b>
<u>24.118(3)(a)</u>	3rd	Counterfeit or altered state lottery ticket.
<u>212.054(2)(b)</u>	3rd	Discretionary sales surtax; limitations, administration, and collection.
<u>212.15(2)(b)</u>	3rd	Failure to remit sales taxes, amount greater than \$300 but less than \$20,000.
<u>316.1935(1)</u>	3rd	Fleeing or attempting to elude law enforcement officer.
<u>319.30(5)</u>	3rd	Sell, exchange, give away certificate of title or identification number plate.
<u>319.35(1)(a)</u>	3rd	Tamper, adjust, change, etc., an odometer.
<u>320.26(1)(a)</u>	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
<u>322.212(1)(a)-(c)</u>	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver's license; possession of simulated identification.
<u>322.212(4)</u>	3rd	Supply or aid in supplying unauthorized driver's license or identification card.
<u>322.212(5)(a)</u>	3rd	False application for driver's license or identification card.
<u>414.39(2)</u>	3rd	Unauthorized use, possession, forgery, or alteration of food stamps, Medicaid ID, value greater than \$200.
<u>414.39(3)(a)</u>	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.
<u>443.071(1)</u>	3rd	False statement or representation to obtain or increase unemployment compensation benefits.
<u>509.151(1)</u>	3rd	Defraud an innkeeper, food or lodging value greater than \$300.
<u>517.302(1)</u>	3rd	Violation of the Florida Securities and Investor Protection Act.
<u>562.27(1)</u>	3rd	Possess still or still apparatus.
<u>713.69</u>	3rd	Tenant removes property upon which lien has accrued, value more than \$50.
<u>812.014(3)(c)</u>	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
<u>812.081(2)</u>	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.
<u>815.04(4)(a)</u>	3rd	Offense against intellectual property (i.e., computer programs, data).
<u>817.52(2)</u>	3rd	Hiring with intent to defraud, motor vehicle services.
<u>817.569(2)</u>	3rd	Use of public record or public records information to facilitate commission of a felony.

**OFFENSE SEVERITY RANKING CHART  
AS OF JULY 1, 2008**

<b>Florida Statute</b>	<b>Felony Degree</b>	<b>Description</b>
<u>826.01</u>	3rd	Bigamy.
<u>828.122(3)</u>	3rd	Fighting or baiting animals.
<u>831.04(1)</u>	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. <u>92.28</u> .
<u>831.31(1)(a)</u>	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. <u>893.03(5)</u> drugs.
<u>832.041(1)</u>	3rd	Stopping payment with intent to defraud \$150 or more.
<u>832.05(2)(b) &amp; (4)(c)</u>	3rd	Knowing, making, issuing worthless checks \$150 or more or obtaining property in return for worthless check \$150 or more.
<u>838.15(2)</u>	3rd	Commercial bribe receiving.
<u>838.16</u>	3rd	Commercial bribery.
<u>843.18</u>	3rd	Fleeing by boat to elude a law enforcement officer.
<u>847.011(1)(a)</u>	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
<u>849.01</u>	3rd	Keeping gambling house.
<u>849.09(1)(a)-(d)</u>	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.
<u>849.23</u>	3rd	Gambling-related machines; "common offender" as to property rights.
<u>849.25(2)</u>	3rd	Engaging in bookmaking.
<u>860.08</u>	3rd	Interfere with a railroad signal.
<u>860.13(1)(a)</u>	3rd	Operate aircraft while under the influence.
<u>893.13(2)(a)2.</u>	3rd	Purchase of cannabis.
<u>893.13(6)(a)</u>	3rd	Possession of cannabis (more than 20 grams).
<u>934.03(1)(a)</u>	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.
		<b>(b) LEVEL 2</b>
<u>379.2431(1)(e)3.</u>	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
<u>379.2431(1)(e)4.</u>	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
<u>403.413(5)(c)</u>	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.
<u>517.07</u>	3rd	Registration of securities and furnishing of prospectus required.

**OFFENSE SEVERITY RANKING CHART  
AS OF JULY 1, 2008**

<b>Florida Statute</b>	<b>Felony Degree</b>	<b>Description</b>
<u><a href="#">§590.28(1)</a></u>	3rd	Willful, malicious, or intentional burning.
<u><a href="#">§784.05(3)</a></u>	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
<u><a href="#">§787.04(1)</a></u>	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
<u><a href="#">§806.13(1)(b)3.</a></u>	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
<u><a href="#">§810.061(2)</a></u>	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
<u><a href="#">§810.09(2)(e)</a></u>	3rd	Trespassing on posted commercial horticulture property.
<u><a href="#">§812.014(2)(c)1.</a></u>	3rd	Grand theft, 3rd degree; \$300 or more but less than \$5,000.
<u><a href="#">§812.014(2)(d)</a></u>	3rd	Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling.
<u><a href="#">§812.015(7)</a></u>	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
<u><a href="#">§817.234(1)(a)2.</a></u>	3rd	False statement in support of insurance claim.
<u><a href="#">§817.481(3)(a)</a></u>	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
<u><a href="#">§817.52(3)</a></u>	3rd	Failure to redeliver hired vehicle.
<u><a href="#">§817.54</a></u>	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
<u><a href="#">§817.60(5)</a></u>	3rd	Dealing in credit cards of another.
<u><a href="#">§817.60(6)(a)</a></u>	3rd	Forgery; purchase goods, services with false card.
<u><a href="#">§817.61</a></u>	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
<u><a href="#">§826.04</a></u>	3rd	Knowingly marries or has sexual intercourse with person to whom related.
<u><a href="#">§831.01</a></u>	3rd	Forgery.
<u><a href="#">§831.02</a></u>	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
<u><a href="#">§831.07</a></u>	3rd	Forging bank bills, checks, drafts, or promissory notes.
<u><a href="#">§831.08</a></u>	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
<u><a href="#">§831.09</a></u>	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
<u><a href="#">§831.11</a></u>	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
<u><a href="#">§832.05(3)(a)</a></u>	3rd	Cashing or depositing item with intent to defraud.

**OFFENSE SEVERITY RANKING CHART  
AS OF JULY 1, 2008**

<b>Florida Statute</b>	<b>Felony Degree</b>	<b>Description</b>
<u>843.08</u>	3rd	Falsely impersonating an officer.
<u>893.13(2)(a)2.</u>	3rd	Purchase of any s. <del>893.03</del> (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.
<u>893.147(2)</u>	3rd	Manufacture or delivery of drug paraphernalia.
		<b>(c) LEVEL 3</b>
<u>119.10(2)(b)</u>	3rd	Unlawful use of confidential information from police reports.
<u>316.066(6)(b)-(d)</u>	3rd	Unlawfully obtaining or using confidential crash reports.
<u>316.193(2)(b)</u>	3rd	Felony DUI, 3rd conviction.
<u>316.1935(2)</u>	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
<u>319.30(4)</u>	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
<u>319.33(1)(a)</u>	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
<u>319.33(1)(c)</u>	3rd	Procure or pass title on stolen vehicle.
<u>319.33(4)</u>	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
<u>327.35(2)(b)</u>	3rd	Felony BUI.
<u>328.05(2)</u>	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
<u>328.07(4)</u>	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
<u>376.302(5)</u>	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
<u>379.2431(1)(e)5.</u>	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
<u>379.2431(1)(e)6.</u>	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
<sup>[2]</sup> <u>400.9935(4)</u>	3rd	Operating a clinic without a license or filing false license application or other required information.
<u>440.1051(3)</u>	3rd	False report of worker's compensation fraud or retaliation for making such a report.
<u>501.001(2)(b)</u>	2nd	Tampers with a consumer product or the container using materially false/misleading information.
<u>624.401(4)(a)</u>	3rd	Transacting insurance without a certificate of authority.
<u>624.401(4)(b)1.</u>	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.

**OFFENSE SEVERITY RANKING CHART  
AS OF JULY 1, 2008**

<b>Florida Statute</b>	<b>Felony Degree</b>	<b>Description</b>
<u>626.902(1)(a) &amp; (b)</u>	3rd	Representing an unauthorized insurer.
<u>697.08</u>	3rd	Equity skimming.
<u>790.15(3)</u>	3rd	Person directs another to discharge firearm from a vehicle.
<u>796.05(1)</u>	3rd	Live on earnings of a prostitute.
<u>806.10(1)</u>	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
<u>806.10(2)</u>	3rd	Interferes with or assaults firefighter in performance of duty.
<u>810.09(2)(c)</u>	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
<u>812.014(2)(c)2.</u>	3rd	Grand theft; \$5,000 or more but less than \$10,000.
<u>812.0145(2)(c)</u>	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
<u>815.04(4)(b)</u>	2nd	Computer offense devised to defraud or obtain property.
<u>817.034(4)(a)3.</u>	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
<u>817.233</u>	3rd	Burning to defraud insurer.
<u>817.234(8)(b)-(c)</u>	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
<u>817.234(11)(a)</u>	3rd	Insurance fraud; property value less than \$20,000.
<u>817.236</u>	3rd	Filing a false motor vehicle insurance application.
<u>817.2361</u>	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
<u>817.413(2)</u>	3rd	Sale of used goods as new.
<u>817.505(4)</u>	3rd	Patient brokering.
<u>828.12(2)</u>	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
<u>831.28(2)(a)</u>	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
<u>831.29</u>	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.
<u>838.021(3)(b)</u>	3rd	Threatens unlawful harm to public servant.
<u>843.19</u>	3rd	Injure, disable, or kill police dog or horse.
<u>860.15(3)</u>	3rd	Overcharging for repairs and parts.

**OFFENSE SEVERITY RANKING CHART  
AS OF JULY 1, 2008**

<b>Florida Statute</b>	<b>Felony Degree</b>	<b>Description</b>
<u>870.01(2)</u>	3rd	Riot; inciting or encouraging.
<u>893.13(1)(a)2.</u>	3rd	Sell, manufacture, or deliver cannabis (or other s. <u>893.03(1)(c)</u> , (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs).
<u>893.13(1)(d)2.</u>	2nd	Sell, manufacture, or deliver s. <u>893.03(1)(c)</u> , (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 1,000 feet of university.
<u>893.13(1)(f)2.</u>	2nd	Sell, manufacture, or deliver s. <u>893.03(1)(c)</u> , (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 1,000 feet of public housing facility.
<u>893.13(6)(a)</u>	3rd	Possession of any controlled substance other than felony possession of cannabis.
<u>893.13(7)(a)8.</u>	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
<u>893.13(7)(a)9.</u>	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
<u>893.13(7)(a)10.</u>	3rd	Affix false or forged label to package of controlled substance.
<u>893.13(7)(a)11.</u>	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
<u>893.13(8)(a)1.</u>	3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.
<u>893.13(8)(a)2.</u>	3rd	Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.
<u>893.13(8)(a)3.</u>	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
<u>893.13(8)(a)4.</u>	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
<u>918.13(1)(a)</u>	3rd	Alter, destroy, or conceal investigation evidence.
<u>944.47(1)(a)1.-2.</u>	3rd	Introduce contraband to correctional facility.
<u>944.47(1)(c)</u>	2nd	Possess contraband while upon the grounds of a correctional institution.
<u>985.721</u>	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
		<b>(d) LEVEL 4</b>
<u>316.1935(3)(a)</u>	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
<u>499.0051(1)</u>	3rd	Failure to maintain or deliver pedigree papers.
<u>499.0051(2)</u>	3rd	Failure to authenticate pedigree papers.
<u>499.0051(6)</u>	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.

**OFFENSE SEVERITY RANKING CHART  
AS OF JULY 1, 2008**

<b>Florida Statute</b>	<b>Felony Degree</b>	<b>Description</b>
<u>784.07(2)(b)</u>	3rd	Battery of law enforcement officer, firefighter, intake officer, etc.
<u>784.074(1)(c)</u>	3rd	Battery of sexually violent predators facility staff.
<u>784.075</u>	3rd	Battery on detention or commitment facility staff.
<u>784.078</u>	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
<u>784.08(2)(c)</u>	3rd	Battery on a person 65 years of age or older.
<u>784.081(3)</u>	3rd	Battery on specified official or employee.
<u>784.082(3)</u>	3rd	Battery by detained person on visitor or other detainee.
<u>784.083(3)</u>	3rd	Battery on code inspector.
<u>784.085</u>	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
<u>787.03(1)</u>	3rd	Interference with custody; wrongly takes minor from appointed guardian.
<u>787.04(2)</u>	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
<u>787.04(3)</u>	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
<u>790.115(1)</u>	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
<u>790.115(2)(b)</u>	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
<u>790.115(2)(c)</u>	3rd	Possessing firearm on school property.
<u>800.04(7)(c)</u>	3rd	Lewd or lascivious exhibition; offender less than 18 years.
<u>810.02(4)(a)</u>	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
<u>810.02(4)(b)</u>	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
<u>810.06</u>	3rd	Burglary; possession of tools.
<u>810.08(2)(c)</u>	3rd	Trespass on property, armed with firearm or dangerous weapon.
<u>812.014(2)(c)3.</u>	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
<u>812.014(2)(c)4.-10.</u>	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
<u>812.0195(2)</u>	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
<u>817.563(1)</u>	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. <u>893.03(5)</u> drugs.

**OFFENSE SEVERITY RANKING CHART  
AS OF JULY 1, 2008**

<b>Florida Statute</b>	<b>Felony Degree</b>	<b>Description</b>
<u>817.568(2)(a)</u>	3rd	Fraudulent use of personal identification information.
<u>817.625(2)(a)</u>	3rd	Fraudulent use of scanning device or reencoder.
<u>828.125(1)</u>	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
<u>837.02(1)</u>	3rd	Perjury in official proceedings.
<u>837.021(1)</u>	3rd	Make contradictory statements in official proceedings.
<u>838.022</u>	3rd	Official misconduct.
<u>839.13(2)(a)</u>	3rd	Falsifying records of an individual in the care and custody of a state agency.
<u>839.13(2)(c)</u>	3rd	Falsifying records of the Department of Children and Family Services.
<u>843.021</u>	3rd	Possession of a concealed handcuff key by a person in custody.
<u>843.025</u>	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
<u>843.15(1)(a)</u>	3rd	Failure to appear while on bail for felony (bond estreatment or bond jumping).
<u>847.0135(5)(c)</u>	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
<u>874.05(1)</u>	3rd	Encouraging or recruiting another to join a criminal gang.
<u>893.13(2)(a)1.</u>	2nd	Purchase of cocaine (or other s. <u>893.03(1)(a), (b), or (d), (2)(a), (2)(b), or (2)(c)4.</u> drugs).
<u>914.14(2)</u>	3rd	Witnesses accepting bribes.
<u>914.22(1)</u>	3rd	Force, threaten, etc., witness, victim, or informant.
<u>914.23(2)</u>	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
<u>918.12</u>	3rd	Tampering with jurors.
<u>934.215</u>	3rd	Use of two-way communications device to facilitate commission of a crime.
		<b>(e) LEVEL 5</b>
<u>316.027(1)(a)</u>	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
<u>316.1935(4)(a)</u>	2nd	Aggravated fleeing or eluding.
<u>322.34(6)</u>	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
<u>327.30(5)</u>	3rd	Vessel accidents involving personal injury; leaving scene.



**OFFENSE SEVERITY RANKING CHART  
AS OF JULY 1, 2008**

<b>Florida Statute</b>	<b>Felony Degree</b>	<b>Description</b>
<u>381.0041</u> (11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
<u>440.10</u> (1)(g)	2nd	Failure to obtain workers' compensation coverage.
<u>440.105</u> (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
<u>440.381</u> (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
<u>624.401</u> (4)(b)2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
<u>626.902</u> (1)(c)	2nd	Representing an unauthorized insurer; repeat offender.
<u>790.01</u> (2)	3rd	Carrying a concealed firearm.
<u>790.162</u>	2nd	Threat to throw or discharge destructive device.
<u>790.163</u> (1)	2nd	False report of deadly explosive or weapon of mass destruction.
<u>790.221</u> (1)	2nd	Possession of short-barreled shotgun or machine gun.
<u>790.23</u>	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
<u>800.04</u> (6)(c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
<u>800.04</u> (7)(b)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
<u>806.111</u> (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
<u>812.0145</u> (2)(b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
<u>812.015</u> (8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
<u>812.019</u> (1)	2nd	Stolen property; dealing in or trafficking in.
<u>812.131</u> (2)(b)	3rd	Robbery by sudden snatching.
<u>812.16</u> (2)	3rd	Owning, operating, or conducting a chop shop.
<u>817.034</u> (4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
<u>817.234</u> (11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
<u>817.2341</u> (1), (2)(a) & (3)(a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
<u>817.568</u> (2)(b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more individuals.

**OFFENSE SEVERITY RANKING CHART  
AS OF JULY 1, 2008**

<b>Florida Statute</b>	<b>Felony Degree</b>	<b>Description</b>
<u>817.625(2)(b)</u>	2nd	Second or subsequent fraudulent use of scanning device or reencoder.
<u>825.1025(4)</u>	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
<u>827.071(4)</u>	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
<u>827.071(5)</u>	3rd	Possess any photographic material, motion picture, etc., which includes sexual conduct by a child.
<u>839.13(2)(b)</u>	2nd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.
<u>843.01</u>	3rd	Resist officer with violence to person; resist arrest with violence.
<u>847.0135(5)(b)</u>	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
<u>847.0137(2) &amp; (3)</u>	3rd	Transmission of pornography by electronic device or equipment.
<u>847.0138(2) &amp; (3)</u>	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
<u>874.05(2)</u>	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
<u>893.13(1)(a)1.</u>	2nd	Sell, manufacture, or deliver cocaine (or other s. <u>893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.</u> drugs).
<u>893.13(1)(c)2.</u>	2nd	Sell, manufacture, or deliver cannabis (or other s. <u>893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4)</u> drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
<u>893.13(1)(d)1.</u>	1st	Sell, manufacture, or deliver cocaine (or other s. <u>893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.</u> drugs) within 1,000 feet of university.
<u>893.13(1)(e)2.</u>	2nd	Sell, manufacture, or deliver cannabis or other drug prohibited under s. <u>893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4)</u> within 1,000 feet of property used for religious services or a specified business site.
<u>893.13(1)(f)1.</u>	1st	Sell, manufacture, or deliver cocaine (or other s. <u>893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)4.</u> drugs) within 1,000 feet of public housing facility.
<u>893.13(4)(b)</u>	2nd	Deliver to minor cannabis (or other s. <u>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)</u> drugs).
<u>893.1351(1)</u>	3rd	Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.
		<b>(f) LEVEL 6</b>
<u>316.193(2)(b)</u>	3rd	Felony DUI, 4th or subsequent conviction.
<u>499.0051(3)</u>	2nd	Knowing forgery of pedigree papers.
<u>499.0051(4)</u>	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
<u>499.0051(5)</u>	2nd	Knowing sale or transfer of prescription drug to unauthorized person.

**OFFENSE SEVERITY RANKING CHART  
AS OF JULY 1, 2008**

<b>Florida Statute</b>	<b>Felony Degree</b>	<b>Description</b>
<u>775.0875(1)</u>	3rd	Taking firearm from law enforcement officer.
<u>784.021(1)(a)</u>	3rd	Aggravated assault; deadly weapon without intent to kill.
<u>784.021(1)(b)</u>	3rd	Aggravated assault; intent to commit felony.
<u>784.041</u>	3rd	Felony battery; domestic battery by strangulation.
<u>784.048(3)</u>	3rd	Aggravated stalking; credible threat.
<u>784.048(5)</u>	3rd	Aggravated stalking of person under 16.
<u>784.07(2)(c)</u>	2nd	Aggravated assault on law enforcement officer.
<u>784.074(1)(b)</u>	2nd	Aggravated assault on sexually violent predators facility staff.
<u>784.08(2)(b)</u>	2nd	Aggravated assault on a person 65 years of age or older.
<u>784.081(2)</u>	2nd	Aggravated assault on specified official or employee.
<u>784.082(2)</u>	2nd	Aggravated assault by detained person on visitor or other detainee.
<u>784.083(2)</u>	2nd	Aggravated assault on code inspector.
<u>787.02(2)</u>	3rd	False imprisonment; restraining with purpose other than those in s. <u>787.01</u> .
<u>790.115(2)(d)</u>	2nd	Discharging firearm or weapon on school property.
<u>790.161(2)</u>	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
<u>790.164(1)</u>	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
<u>790.19</u>	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
<u>794.011(8)(a)</u>	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
<u>794.05(1)</u>	2nd	Unlawful sexual activity with specified minor.
<u>800.04(5)(d)</u>	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender less than 18 years.
<u>800.04(6)(b)</u>	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
<u>806.031(2)</u>	2nd	Arson resulting in great bodily harm to firefighter or any other person.
<u>810.02(3)(c)</u>	2nd	Burglary of occupied structure; unarmed; no assault or battery.
<u>812.014(2)(b)1.</u>	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.

**OFFENSE SEVERITY RANKING CHART  
AS OF JULY 1, 2008**

<b>Florida Statute</b>	<b>Felony Degree</b>	<b>Description</b>
<u>812.014(6)</u>	2nd	Theft; property stolen \$3,000 or more; coordination of others.
<u>812.015(9)(a)</u>	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
<u>812.015(9)(b)</u>	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
<u>812.13(2)(c)</u>	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
<u>817.034(4)(a)1.</u>	1st	Communications fraud, value greater than \$50,000.
<u>817.4821(5)</u>	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
<u>825.102(1)</u>	3rd	Abuse of an elderly person or disabled adult.
<u>825.102(3)(c)</u>	3rd	Neglect of an elderly person or disabled adult.
<u>825.1025(3)</u>	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
<u>825.103(2)(c)</u>	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.
<u>827.03(1)</u>	3rd	Abuse of a child.
<u>827.03(3)(c)</u>	3rd	Neglect of a child.
<u>827.071(2) &amp; (3)</u>	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
<u>836.05</u>	2nd	Threats; extortion.
<u>836.10</u>	2nd	Written threats to kill or do bodily injury.
<u>843.12</u>	3rd	Aids or assists person to escape.
<u>847.011</u>	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
<u>847.012</u>	3rd	Knowingly using a minor in the production of materials harmful to minors.
<u>847.0135(2)</u>	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
<u>914.23</u>	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
<u>944.35(3)(a)2.</u>	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
<u>944.40</u>	2nd	Escapes.
<u>944.46</u>	3rd	Harboring, concealing, aiding escaped prisoners.
<u>944.47(1)(a)5.</u>	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.

**OFFENSE SEVERITY RANKING CHART  
AS OF JULY 1, 2008**

<b>Florida Statute</b>	<b>Felony Degree</b>	<b>Description</b>
<u>951.22(1)</u>	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.
		<b>(g) LEVEL 7</b>
<u>316.027(1)(b)</u>	1st	Accident involving death, failure to stop; leaving scene.
<u>316.193(3)(c)2.</u>	3 <sup>rd</sup>	DUI resulting in serious bodily injury.
<u>316.1935(3)(b)</u>	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
<u>327.35(3)(c)2.</u>	3rd	Vessel BUI resulting in serious bodily injury.
<u>402.319(2)</u>	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfigurement, permanent disability, or death.
<u>409.920(2)</u>	3rd	Medicaid provider fraud.
<u>456.065(2)</u>	3rd	Practicing a health care profession without a license.
<u>456.065(2)</u>	2nd	Practicing a health care profession without a license which results in serious bodily injury.
<u>458.327(1)</u>	3rd	Practicing medicine without a license.
<u>459.013(1)</u>	3rd	Practicing osteopathic medicine without a license.
<u>460.411(1)</u>	3rd	Practicing chiropractic medicine without a license.
<u>461.012(1)</u>	3rd	Practicing podiatric medicine without a license.
<u>462.17</u>	3rd	Practicing naturopathy without a license.
<u>463.015(1)</u>	3rd	Practicing optometry without a license.
<u>464.016(1)</u>	3rd	Practicing nursing without a license.
<u>465.015(2)</u>	3rd	Practicing pharmacy without a license.
<u>466.026(1)</u>	3rd	Practicing dentistry or dental hygiene without a license.
<u>467.201</u>	3rd	Practicing midwifery without a license.
<u>468.366</u>	3rd	Delivering respiratory care services without a license.
<u>483.828(1)</u>	3rd	Practicing as clinical laboratory personnel without a license.
<u>483.901(9)</u>	3rd	Practicing medical physics without a license.

**OFFENSE SEVERITY RANKING CHART  
AS OF JULY 1, 2008**

<b>Florida Statute</b>	<b>Felony Degree</b>	<b>Description</b>
<u>484.013(1)(c)</u>	3rd	Preparing or dispensing optical devices without a prescription.
<u>484.053</u>	3rd	Dispensing hearing aids without a license.
<u>494.0018(2)</u>	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.
<u>560.123(8)(b)1.</u>	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.
<u>560.125(5)(a)</u>	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
<u>655.50(10)(b)1.</u>	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
<u>775.21(10)(a)</u>	3rd	Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.
<u>775.21(10)(b)</u>	3rd	Sexual predator working where children regularly congregate.
<u>775.21(10)(g)</u>	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
<u>782.051(3)</u>	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
<u>782.07(1)</u>	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
<u>782.071</u>	2nd	Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
<u>782.072</u>	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
<u>784.045(1)(a)1.</u>	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
<u>784.045(1)(a)2.</u>	2nd	Aggravated battery; using deadly weapon.
<u>784.045(1)(b)</u>	2nd	Aggravated battery; perpetrator aware victim pregnant.
<u>784.048(4)</u>	3rd	Aggravated stalking; violation of injunction or court order.
<u>784.048(7)</u>	3rd	Aggravated stalking; violation of court order.
<u>784.07(2)(d)</u>	1st	Aggravated battery on law enforcement officer.
<u>784.074(1)(a)</u>	1st	Aggravated battery on sexually violent predators facility staff.
<u>784.08(2)(a)</u>	1st	Aggravated battery on a person 65 years of age or older.
<u>784.081(1)</u>	1st	Aggravated battery on specified official or employee.
<u>784.082(1)</u>	1st	Aggravated battery by detained person on visitor or other detainee.
<u>784.083(1)</u>	1st	Aggravated battery on code inspector.

**OFFENSE SEVERITY RANKING CHART  
AS OF JULY 1, 2008**

<b>Florida Statute</b>	<b>Felony Degree</b>	<b>Description</b>
<u>790.07(4)</u>	1st	Specified weapons violation subsequent to previous conviction of s. <u>790.07(1)</u> or (2).
<u>790.16(1)</u>	1st	Discharge of a machine gun under specified circumstances.
<u>790.165(2)</u>	2nd	Manufacture, sell, possess, or deliver hoax bomb.
<u>790.165(3)</u>	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
<u>790.166(3)</u>	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
<u>790.166(4)</u>	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
<u>790.23</u>	1st,PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. <u>874.04</u> .
<u>794.08(4)</u>	3rd	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.
<u>796.03</u>	2nd	Procuring any person under 16 years for prostitution.
<u>800.04(5)(c)1.</u>	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
<u>800.04(5)(c)2.</u>	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
<u>806.01(2)</u>	2nd	Maliciously damage structure by fire or explosive.
<u>810.02(3)(a)</u>	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
<u>810.02(3)(b)</u>	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
<u>810.02(3)(d)</u>	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
<u>810.02(3)(e)</u>	2nd	Burglary of authorized emergency vehicle.
<u>812.014(2)(a)1.</u>	1st	Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.
<u>812.014(2)(b)2.</u>	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
<u>812.014(2)(b)3.</u>	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
<u>812.014(2)(b)4.</u>	2nd	Property stolen; law enforcement equipment from authorized emergency vehicle.
<u>812.0145(2)(a)</u>	1st	Theft from person 65 years of age or older; \$50,000 or more.
<u>812.019(2)</u>	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
<u>812.131(2)(a)</u>	2nd	Robbery by sudden snatching.

**OFFENSE SEVERITY RANKING CHART  
AS OF JULY 1, 2008**

<b>Florida Statute</b>	<b>Felony Degree</b>	<b>Description</b>
<u>812.133(2)(b)</u>	1st	Carjacking; no firearm, deadly weapon, or other weapon.
<u>817.234(8)(a)</u>	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
<u>817.234(9)</u>	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
<u>817.234(11)(c)</u>	1st	Insurance fraud; property value \$100,000 or more.
<u>817.234(2)(b) &amp; (3)(b)</u>	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
<u>825.102(3)(b)</u>	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
<u>825.103(2)(b)</u>	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.
<u>827.03(3)(b)</u>	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
<u>827.04(3)</u>	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
<u>837.05(2)</u>	3rd	Giving false information about alleged capital felony to a law enforcement officer.
<u>838.015</u>	2nd	Bribery.
<u>838.016</u>	2nd	Unlawful compensation or reward for official behavior.
<u>838.021(3)(a)</u>	2nd	Unlawful harm to a public servant.
<u>838.22</u>	2nd	Bid tampering.
<u>847.0135(3)</u>	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
<u>847.0135(4)</u>	2nd	Traveling to meet a minor to commit an unlawful sex act.
<u>872.06</u>	2nd	Abuse of a dead human body.
<u>874.10</u>	1 <sup>st</sup> ,PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
<u>893.13(1)(c)1.</u>	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. <u>893.03(1)(a)</u> , (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
<u>893.13(1)(e)1.</u>	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. <u>893.03(1)(a)</u> , (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified business site.
<u>893.13(4)(a)</u>	1st	Deliver to minor cocaine (or other s. <u>893.03(1)(a)</u> , (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).
<u>893.135(1)(a)1.</u>	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.



**OFFENSE SEVERITY RANKING CHART  
AS OF JULY 1, 2008**

<b>Florida Statute</b>	<b>Felony Degree</b>	<b>Description</b>
<u>893.135(1)(b)1.a.</u>	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
<u>893.135(1)(c)1.a.</u>	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
<u>893.135(1)(d)1.</u>	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
<u>893.135(1)(e)1.</u>	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
<u>893.135(1)(f)1.</u>	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
<u>893.135(1)(g)1.a.</u>	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
<u>893.135(1)(h)1.a.</u>	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
<u>893.135(1)(j)1.a.</u>	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
<u>893.135(1)(k)2.a.</u>	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
<u>893.1351(2)</u>	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
<u>896.101(5)(a)</u>	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
<u>896.104(4)(a)1.</u>	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
<u>943.0435(4)(c)</u>	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
<u>943.0435(8)</u>	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
<u>943.0435(9)(a)</u>	3rd	Sexual offender; failure to comply with reporting requirements.
<u>943.0435(13)</u>	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
<u>943.0435(14)</u>	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
<u>944.607(9)</u>	3rd	Sexual offender; failure to comply with reporting requirements.
<u>944.607(10)(a)</u>	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
<u>944.607(12)</u>	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
<u>944.607(13)</u>	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
<u>985.4815(10)</u>	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
<u>985.4815(12)</u>	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
<u>985.4815(13)</u>	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.

**OFFENSE SEVERITY RANKING CHART  
AS OF JULY 1, 2008**

<b>Florida Statute</b>	<b>Felony Degree</b>	<b>Description</b>
		<b>(h) LEVEL 8</b>
<u>316.193(3)(c)3.a.</u>	2nd	DUI manslaughter.
<u>316.1935(4)(b)</u>	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
<u>327.35(3)(c)3.</u>	2nd	Vessel BUI manslaughter.
<u>499.0051(7)</u>	1st	Knowing trafficking in contraband prescription drugs.
<u>499.0051(8)</u>	1st	Knowing forgery of prescription labels or prescription drug labels.
<u>560.123(8)(b)2.</u>	2nd	Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.
<u>560.125(5)(b)</u>	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.
<u>655.50(10)(b)2.</u>	2nd	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
<u>777.03(2)(a)</u>	1st	Accessory after the fact, capital felony.
<u>782.04(4)</u>	2nd	Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aircraft piracy, or unlawfully discharging bomb.
<u>782.051(2)</u>	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. <u>782.04(3)</u> .
<u>782.071(1)(b)</u>	1st	Committing vehicular homicide and failing to render aid or give information.
<u>782.072(2)</u>	1st	Committing vessel homicide and failing to render aid or give information.
<u>790.161(3)</u>	1st	Discharging a destructive device which results in bodily harm or property damage.
<u>794.011(5)</u>	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.
<u>794.08(3)</u>	2nd	Female genital mutilation; removal of a victim younger than 18 years of age from this state.
<u>800.04(4)</u>	2nd	Lewd or lascivious battery.
<u>806.01(1)</u>	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
<u>810.02(2)(a)</u>	1st,PBL	Burglary with assault or battery.
<u>810.02(2)(b)</u>	1st,PBL	Burglary; armed with explosives or dangerous weapon.
<u>810.02(2)(c)</u>	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
<u>812.014(2)(a)2.</u>	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.

**OFFENSE SEVERITY RANKING CHART  
AS OF JULY 1, 2008**

<b>Florida Statute</b>	<b>Felony Degree</b>	<b>Description</b>
<u>812.13(2)(b)</u>	1st	Robbery with a weapon.
<u>812.135(2)(c)</u>	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
<u>817.568(6)</u>	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
<u>825.102(2)</u>	1st	Aggravated abuse of an elderly person or disabled adult.
<u>825.1025(2)</u>	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
<u>825.103(2)(a)</u>	1st	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.
<u>837.02(2)</u>	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
<u>837.021(2)</u>	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
<u>860.121(2)(c)</u>	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
<u>860.16</u>	1st	Aircraft piracy.
<u>893.13(1)(b)</u>	1st	Sell or deliver in excess of 10 grams of any substance specified in s. <u>893.03(1)(a)</u> or (b).
<u>893.13(2)(b)</u>	1st	Purchase in excess of 10 grams of any substance specified in s. <u>893.03(1)(a)</u> or (b).
<u>893.13(6)(c)</u>	1st	Possess in excess of 10 grams of any substance specified in s. <u>893.03(1)(a)</u> or (b).
<u>893.135(1)(a)2.</u>	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
<u>893.135(1)(b)1.b.</u>	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
<u>893.135(1)(c)1.b.</u>	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
<u>893.135(1)(d)1.b.</u>	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
<u>893.135(1)(e)1.b.</u>	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
<u>893.135(1)(f)1.b.</u>	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
<u>893.135(1)(g)1.b.</u>	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
<u>893.135(1)(h)1.b.</u>	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
<u>893.135(1)(j)1.b.</u>	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
<u>893.135(1)(k)2.b.</u>	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
<u>893.1351(3)</u>	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.

**OFFENSE SEVERITY RANKING CHART  
AS OF JULY 1, 2008**

<b>Florida Statute</b>	<b>Felony Degree</b>	<b>Description</b>
<u>895.03(1)</u>	1st	Use or invest proceeds derived from pattern of racketeering activity.
<u>895.03(2)</u>	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
<u>895.03(3)</u>	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
<u>896.101(5)(b)</u>	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
<u>896.104(4)(a)2.</u>	2nd	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$20,000 but less than \$100,000.
		<b>(i) LEVEL 9</b>
<u>316.193(3)(c)3.b.</u>	1st	DUI manslaughter; failing to render aid or give information.
<u>327.35(3)(c)3.b.</u>	1st	BUI manslaughter; failing to render aid or give information.
<u>499.0051(9)</u>	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
<u>560.123(8)(b)3.</u>	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
<u>560.125(5)(c)</u>	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
<u>655.50(10)(b)3.</u>	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
<u>775.0844</u>	1st	Aggravated white collar crime.
<u>782.04(1)</u>	1st	Attempt, conspire, or solicit to commit premeditated murder.
<u>782.04(3)</u>	1st,PBL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, and other specified felonies.
<u>782.051(1)</u>	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. <u>782.04(3)</u> .
<u>782.07(2)</u>	1st	Aggravated manslaughter of an elderly person or disabled adult.
<u>787.01(1)(a)1.</u>	1st,PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
<u>787.01(1)(a)2.</u>	1st,PBL	Kidnapping with intent to commit or facilitate commission of any felony.
<u>787.01(1)(a)4.</u>	1st,PBL	Kidnapping with intent to interfere with performance of any governmental or political function.
<u>787.02(3)(a)</u>	1st	False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.
<u>790.161</u>	1st	Attempted capital destructive device offense.
<u>790.166(2)</u>	1st,PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.

**OFFENSE SEVERITY RANKING CHART  
AS OF JULY 1, 2008**

<b>Florida Statute</b>	<b>Felony Degree</b>	<b>Description</b>
<u>794.011(2)</u>	1st	Attempted sexual battery; victim less than 12 years of age.
<u>794.011(2)</u>	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
<u>794.011(4)</u>	1st	Sexual battery; victim 12 years or older, certain circumstances.
<u>794.011(8)(b)</u>	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
<u>794.08(2)</u>	1st	Female genital mutilation; victim younger than 18 years of age.
<u>800.04(5)(b)</u>	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
<u>812.13(2)(a)</u>	1st,PBL	Robbery with firearm or other deadly weapon.
<u>812.133(2)(a)</u>	1st,PBL	Carjacking; firearm or other deadly weapon.
<u>812.135(2)(b)</u>	1st	Home-invasion robbery with weapon.
<u>817.568(7)</u>	2nd,PBL	Fraudulent use of personal identification information of an individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority.
<u>827.03(2)</u>	1st	Aggravated child abuse.
<u>847.0145(1)</u>	1st	Selling, or otherwise transferring custody or control, of a minor.
<u>847.0145(2)</u>	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
<u>859.01</u>	1st	Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill or injure another person.
<u>893.135</u>	1st	Attempted capital trafficking offense.
<u>893.135(1)(a)3.</u>	1st	Trafficking in cannabis, more than 10,000 lbs.
<u>893.135(1)(b)1.c.</u>	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
<u>893.135(1)(c)1.c.</u>	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
<u>893.135(1)(d)1.c.</u>	1st	Trafficking in phencyclidine, more than 400 grams.
<u>893.135(1)(e)1.c.</u>	1st	Trafficking in methaqualone, more than 25 kilograms.
<u>893.135(1)(f)1.c.</u>	1st	Trafficking in amphetamine, more than 200 grams.
<u>893.135(1)(h)1.c.</u>	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.
<u>893.135(1)(j)1.c.</u>	1st	Trafficking in 1,4-Butanediol, 10 kilograms or more.

**OFFENSE SEVERITY RANKING CHART  
AS OF JULY 1, 2008**

<b>Florida Statute</b>	<b>Felony Degree</b>	<b>Description</b>
<u>893.135(1)(k)2.c.</u>	1st	Trafficking in Phenethylamines, 400 grams or more.
<u>896.101(5)(c)</u>	1st	Money laundering, financial instruments totaling or exceeding \$100,000.
<u>896.104(4)(a)3.</u>	1st	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$100,000.
		<b>(j) LEVEL 10</b>
<u>499.0051(10)</u>	1st	Knowing sale or purchase of contraband prescription drugs resulting in death.
<u>782.04(2)</u>	1st,PBL	Unlawful killing of human; act is homicide, unpremeditated.
<u>787.01(1)(a)3.</u>	1st,PBL	Kidnapping; inflict bodily harm upon or terrorize victim.
<u>787.01(3)(a)</u>	Life	Kidnapping; child under age 13, perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.
<u>782.07(3)</u>	1st	Aggravated manslaughter of a child.
<u>794.011(3)</u>	Life	Sexual battery; victim 12 years or older, offender uses or threatens to use deadly weapon or physical force to cause serious injury.
<u>812.135(2)(a)</u>	1st,PBL	Home-invasion robbery with firearm or other deadly weapon.
<u>876.32</u>	1st	Treason against the state.

## Rule 3.992(a) Criminal Punishment Code Scoresheet

The Criminal Punishment Code Scoresheet Preparation Manual is available at: [http://www.dc.state.fl.us/pub/sen\\_cpcm/index.html](http://www.dc.state.fl.us/pub/sen_cpcm/index.html)

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

**I. PRIMARY OFFENSE:** If Qualifier, please check \_\_\_A\_\_\_S\_\_\_C\_\_\_R (A=Attempt, S=Solicitation, C=Conspiracy, R=Reclassification)

FELONY DEGREE	F.S.#	DESCRIPTION	OFFENSE LEVEL	POINTS
_____ / _____	_____ / _____	_____ / _____	_____ / _____	_____ / _____
(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 <input type="checkbox"/>				<b>I.</b> _____

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

DOCKET#	FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY A S C R	COUNTS	POINTS	TOTAL
_____ / _____	_____ / _____	_____ / _____	_____ / _____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	_____ x _____	_____ = _____	_____
DESCRIPTION _____							
_____ / _____	_____ / _____	_____ / _____	_____ / _____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	_____ x _____	_____ = _____	_____
DESCRIPTION _____							
_____ / _____	_____ / _____	_____ / _____	_____ / _____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	_____ x _____	_____ = _____	_____
DESCRIPTION _____							
_____ / _____	_____ / _____	_____ / _____	_____ / _____	<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
2nd Degree Murder	240 x _____	= _____	Slight	4 x _____	= _____
Death	120 x _____	= _____	Sex Penetration	80 x _____	= _____
Severe	40 x _____	= _____	Sex Contact	40 x _____	= _____
Moderate	18 x _____	= _____			

**III.** \_\_\_\_\_

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

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

(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:** \_\_\_\_\_

<b>NAME (LAST, FIRST, MI)</b>	<b>DOCKET #</b>
-------------------------------	-----------------

Page 1 Subtotal: \_\_\_\_\_

V. Legal Status violation = 4 Points  
 Escape  Fleeing  Failure to appear  Supersedeas bond  Incarceration  Pretrial intervention or diversion program  
 Court imposed or post prison release community supervision resulting in a conviction V. \_\_\_\_\_

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

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

VIII. Prior Serious Felony - 30 Points VIII. \_\_\_\_\_

Subtotal Sentence Points \_\_\_\_\_

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

Law Enf. Protect.	Drug Trafficker	Motor Vehicle Theft	Criminal Gang Offense	Domestic Violence in the Presence of Related Child <small>(offenses committed on or after 3/12/07)</small>
____ x 1.5    ____ x 2.0    ____ x 2.5	____ x 1.5	____ x 1.5	____ x 1.5	____ x 1.5

Enhanced Subtotal Sentence Points IX. \_\_\_\_\_

**TOTAL SENTENCE POINTS** \_\_\_\_\_

**SENTENCE COMPUTATION**

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

If total sentence points are greater than 44:  
 \_\_\_\_\_ minus 28 = \_\_\_\_\_ x .75 = \_\_\_\_\_  
 total sentence points lowest permissible prison sentence in months

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

\_\_\_\_\_

maximum sentence In years

**TOTAL SENTENCE IMPOSED**

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

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

Mitigated Departure  Plea Bargain

Other Reason \_\_\_\_\_

**JUDGE'S SIGNATURE** \_\_\_\_\_



## RULE 3.992(b) Supplemental Criminal Punishment Code Scoresheet

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

**II. ADDITIONAL OFFENSES(S):**

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

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

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

**IV. PRIOR RECORD**

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

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

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

### REASONS FOR DEPARTURE - MITIGATING CIRCUMSTANCES (reasons may be checked here or written on the scoresheet)

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

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



For additional copies or more information contact:

Research Manager  
Bureau of Research and Data Analysis  
Florida Department of Corrections  
2601 Blair Stone Road  
Tallahassee, FL 32399  
850-488-1801  
[dcresearch@mail.dc.state.fl.us](mailto:dcresearch@mail.dc.state.fl.us)