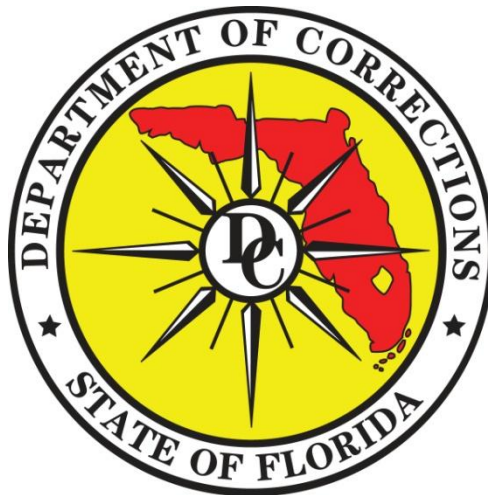


FLORIDA DEPARTMENT OF CORRECTIONS

Florida's Criminal Punishment Code: A Comparative Assessment

September 2012



Kenneth S. Tucker, Secretary

*A report to the Florida Legislature detailing Florida's
Criminal Punishment Code*

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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 the 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 2010-2011 and FY 2011-2012.**

Since January 1, 1994, the Florida Department of Corrections has collected over 2.1 million scoresheets on felony offenders sentenced in Florida courts under the state’s Sentencing Guidelines and Criminal Punishment Code. This report describes the 106,338 Criminal Punishment Code scoresheets with sentence dates in FY 2011-2012 received by the Florida Department of Corrections through September 1, 2012, for felony offenses committed on or after October 1, 1998. It also compares 72,594 Criminal Punishment Code scoresheets received by the Florida Department of Corrections through September 1, 2012, for felony offenses committed on or after October 1, 2010 and sentence dates in Fiscal Year 2011-2012 with 75,257 Criminal Punishment Code scoresheets with offense dates on or after October 1, 2009 and sentence dates in Fiscal Year 2010-2011.



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 Sentencing 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 Higgs 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.



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 2011-2012 and offenses on or after October 1, 1998, entered as of September 1, 2012.
- 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 71.4% for Fiscal Year 2011-2012.
- 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

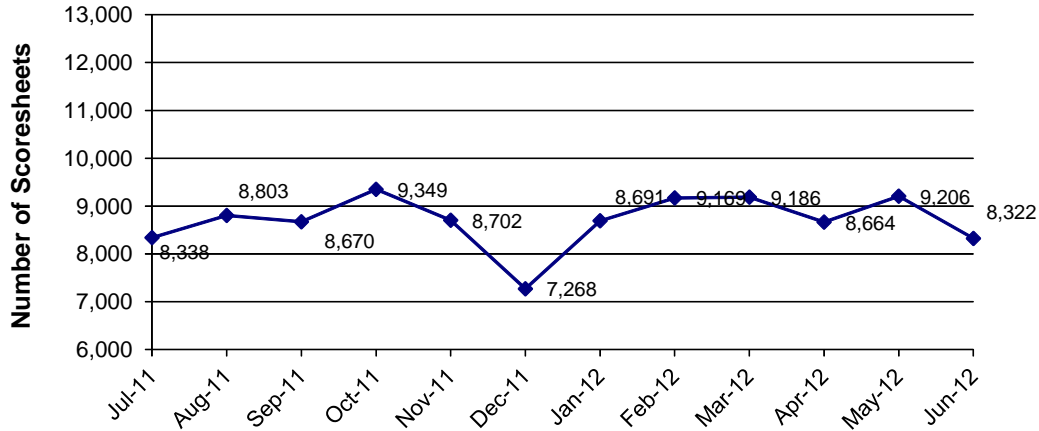
FACT: *There were 104,368 Punishment Code scoresheets with offense dates on or after October 1, 1998 with sentencing dates during FY2011-12 entered into the sentencing scoresheet database, as of September 1, 2012.*

FINDINGS:

- The number of Code scoresheets received by month of sentence fluctuated from a high of 9,349 to a low of 7,268 from July 1, 2011 to June 30, 2012 (Figure 1).
- For the time period July 2011 through June 2012, Code scoresheets represent ninety-nine point nine percent (99.9%) 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).
- Almost thirty percent (28.7%) of the offenders sentenced under the Code were considered “youthful offenders” at the time of sentencing (Table 3). Of the 2,326 true juveniles (under 18 at the time of their offense) transferred to adult court under the Code, 876 (37.7%) of the offenders were age sixteen or younger (Table 4).
- There were 853 juveniles sentenced under the Code for violent offenses, including, murder/manslaughter, sex offenses, robbery, and other violent personal offenses. These violent offenses represent nearly forty percent (36.7%) of all offenses of juveniles (Table 4). Of the 853 violent juvenile offenders, 518 (60.7%) 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. Almost eighty percent (78.5%) of all scoresheets were for male offenders (Table 6), and 61.7% 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 2011-2012
 Criminal Punishment Code**

Circuit of Sentence	Total	
	Number	Percent
01 (Pensacola)	5,189	5.0%
02 (Tallahassee)	2,927	2.8%
03 (Lake City)	1,095	1.0%
04 (Jacksonville)	3,602	3.5%
05 (Tavares)	7,199	6.9%
06 (Clearwater)	13,227	12.7%
07 (Daytona Beach)	5,457	5.2%
08 (Gainesville)	2,748	2.6%
09 (Orlando)	7,963	7.6%
10 (Bartow)	4,592	4.4%
11 (Miami)	6,636	6.4%
12 (Sarasota)	5,370	5.1%
13 (Tampa)	5,689	5.5%
14 (Panama City)	2,637	2.5%
15 (West Palm Beach)	4,738	4.5%
16 (Key West)	735	0.7%
17 (Ft. Lauderdale)	8,194	7.9%
18 (Sanford)	5,949	5.7%
19 (Ft. Pierce)	4,123	4.0%
20 (Ft. Myers)	6,298	6.0%
Total	104,368	100.0%



Table 2
Sentencing Scoresheets Received by Month of Sentence*
Fiscal Year 2011-2012

Month of Sentence	1994 Sentencing Guidelines Scoresheet		1995 Sentencing Guidelines Scoresheet**		Criminal Punishment Code Scoresheet		Total	
July 2011	2	0.0%	13	0.2%	8,338	99.8%	8,353	8.0%
August 2011	7	0.1%	7	0.1%	8,803	99.8%	8,817	8.4%
September 2011	3	0.0%	6	0.1%	8,670	99.9%	8,679	8.3%
October 2011	4	0.0%	8	0.1%	9,349	99.9%	9,361	9.0%
November 2011	2	0.0%	7	0.1%	8,702	99.9%	8,711	8.3%
December 2011	6	0.1%	6	0.1%	7,268	99.8%	7,280	7.0%
January 2012	4	0.0%	10	0.1%	8,691	99.8%	8,705	8.3%
February 2012	1	0.0%	10	0.1%	9,169	99.9%	9,180	8.8%
March 2012	3	0.0%	8	0.1%	9,186	99.9%	9,197	8.8%
April 2012	2	0.0%	9	0.1%	8,664	99.9%	8,675	8.3%
May 2012	2	0.0%	11	0.1%	9,206	99.9%	9,219	8.8%
June 2012	4	0.0%	8	0.1%	8,322	99.9%	8,334	8.0%
Total	40	0.0%	103	0.1%	104,368	99.9%	104,511	100.0%

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

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

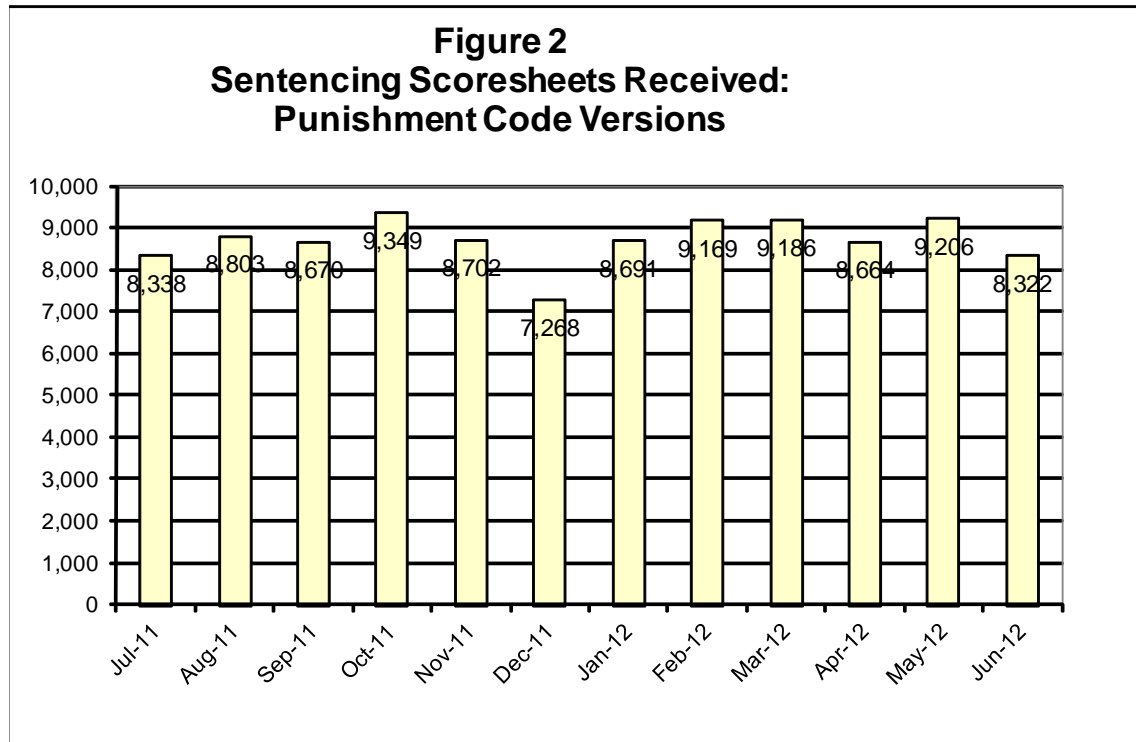


Table 3
Age at Sentencing
Criminal Punishment Code
Fiscal Year 2011-2012

Age	Number	Percent
17 and Below	655	0.6%
18 to 24	29,316	28.1%
25 to 29	20,098	19.3%
30 to 34	15,800	15.1%
35 to 39	10,584	10.1%
40 to 44	9,287	8.9%
45 to 49	8,089	7.8%
50 and Over	10,539	10.1%
Unknown		
Total	104,368	100.0%

Figure 3
Age at Sentencing Distribution
Criminal Punishment Code

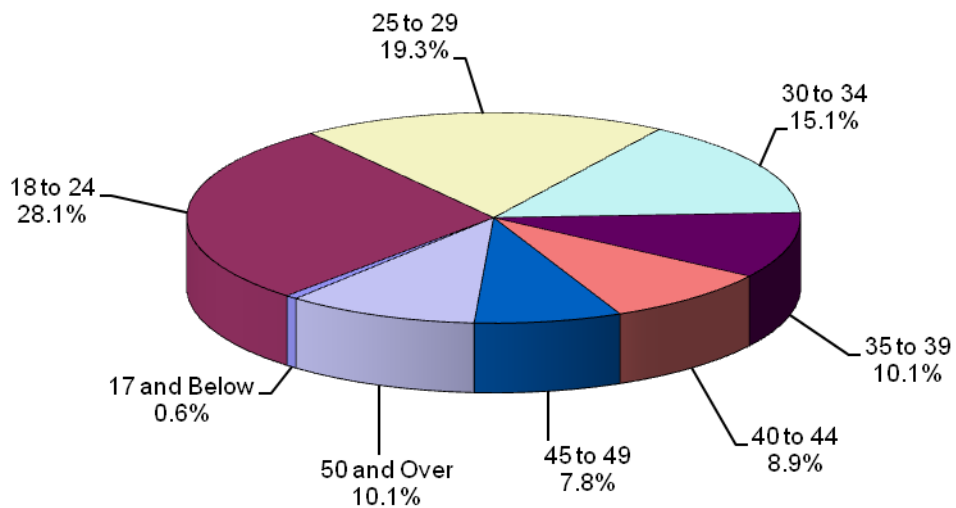


Table 4
Age at Offense for Offenders Under 18
Criminal Punishment Code
Fiscal Year 2011-2012

Primary Offense	15 & Under	16 Years Old	17 Years Old	Total
Murder/Manslaughter	20 8.0%	21 3.3%	29 2.0%	70 3.0%
Sexual Offenses	13 5.2%	17 2.7%	37 2.6%	67 2.9%
Robbery	61 24.5%	132 21.1%	222 15.3%	415 17.8%
Violent Personal Offenses	38 15.3%	76 12.1%	187 12.9%	301 12.9%
Burglary	60 24.1%	205 32.7%	524 36.1%	789 33.9%
Theft, Forgery, Fraud	21 8.4%	53 8.5%	146 10.1%	220 9.5%
Drugs	16 6.4%	40 6.4%	158 10.9%	214 9.2%
Weapons	7 2.8%	53 8.5%	92 6.3%	152 6.5%
Other Offenses	13 5.2%	30 4.8%	55 3.8%	98 4.2%
Total	249 100.0%	627 100.0%	1,450 100.0%	2,326 100.0%

Figure 4
Age at Offense Distribution
Offenders Under 18

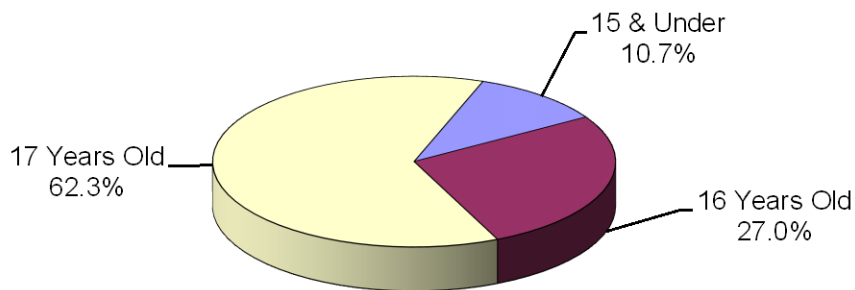


Table 5
Sanction Imposed by Primary Offense For All 11 - 17 Year Olds
Criminal Punishment Code
Fiscal Year 2011-2012

Primary Offense	State Prison	Comm. Control	Probation	County Jail	Other	Total
Murder/Manslaughter	66 6.5%	2 0.9%	2 0.3%	0 0.0%	0 0.0%	70 3.0%
Sexual Offenses	45 4.5%	2 0.9%	14 1.9%	4 1.3%	2 5.7%	67 2.9%
Robbery	268 26.6%	44 18.8%	66 9.1%	33 10.3%	4 11.4%	415 17.8%
Violent Personal Offenses	139 13.8%	25 10.7%	106 14.6%	28 8.8%	3 8.6%	301 12.9%
Burglary	316 31.3%	100 42.7%	267 36.7%	90 28.1%	16 45.7%	789 33.9%
Theft, Forgery, Fraud	47 4.7%	23 9.8%	105 14.4%	41 12.8%	4 11.4%	220 9.5%
Drugs	48 4.8%	13 5.6%	86 11.8%	63 19.7%	4 11.4%	214 9.2%
Weapons	47 4.7%	13 5.6%	56 7.7%	36 11.3%	0 0.0%	152 6.5%
Other Offenses	33 3.3%	12 5.1%	26 3.6%	25 7.8%	2 5.7%	98 4.2%
Total	1,009 100.0%	234 100.0%	728 100.0%	320 100.0%	35 100.0%	2,326 100.0%

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

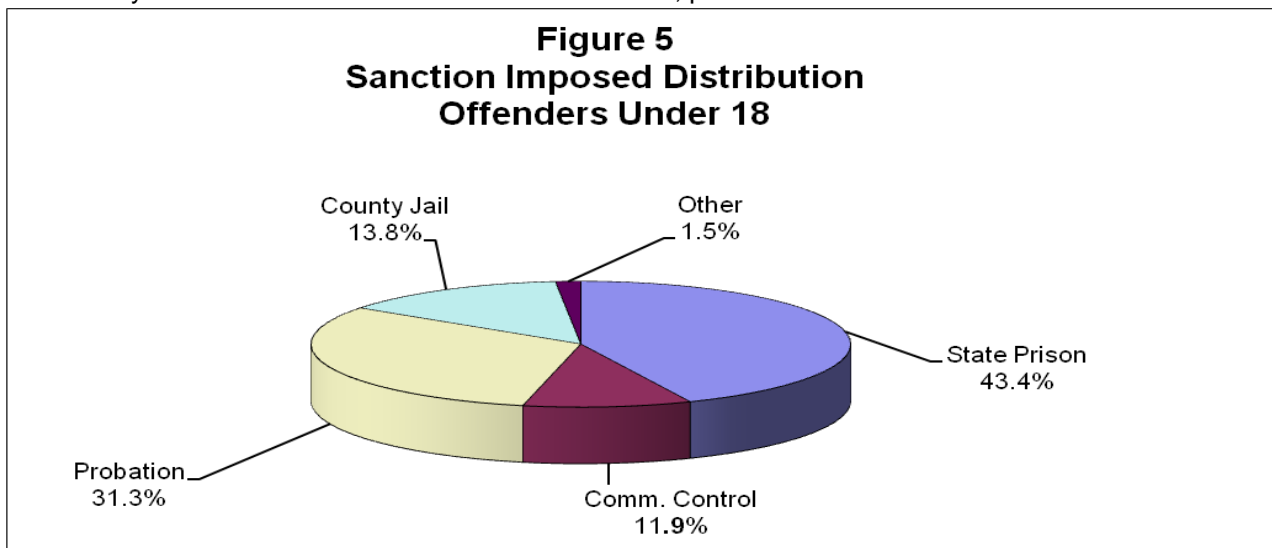


Table 6
Gender by Judicial Circuit
Criminal Punishment Code
Fiscal Year 2011-2012

Judicial Circuit	Gender				Total	
	Male		Female			
01 (Pensacola)	4,030	3.9%	1,159	1.1%	5,189	5.0%
02 (Tallahassee)	2,291	2.2%	636	0.6%	2,927	2.8%
03 (Lake City)	837	0.8%	258	0.2%	1,095	1.0%
04 (Jacksonville)	3,037	2.9%	565	0.5%	3,602	3.5%
05 (Tavares)	5,612	5.4%	1,587	1.5%	7,199	6.9%
06 (Clearwater)	9,616	9.2%	3,611	3.5%	13,227	12.7%
07 (Daytona Beach)	4,206	4.0%	1,251	1.2%	5,457	5.2%
08 (Gainesville)	2,186	2.1%	562	0.5%	2,748	2.6%
09 (Orlando)	6,631	6.4%	1,332	1.3%	7,963	7.6%
10 (Bartow)	3,555	3.4%	1,037	1.0%	4,592	4.4%
11 (Miami)	5,776	5.5%	860	0.8%	6,636	6.4%
12 (Sarasota)	4,036	3.9%	1,334	1.3%	5,370	5.1%
13 (Tampa)	4,563	4.4%	1,126	1.1%	5,689	5.5%
14 (Panama City)	2,010	1.9%	627	0.6%	2,637	2.5%
15 (West Palm Beach)	3,898	3.7%	840	0.8%	4,738	4.5%
16 (Key West)	613	0.6%	122	0.1%	735	0.7%
17 (Ft. Lauderdale)	6,617	6.3%	1,577	1.5%	8,194	7.9%
18 (Sanford)	4,527	4.3%	1,422	1.4%	5,949	5.7%
19 (Ft. Pierce)	3,099	3.0%	1,024	1.0%	4,123	4.0%
20 (Ft. Myers)	4,792	4.6%	1,506	1.4%	6,298	6.0%
Total	81,932	78.5%	22,436	21.5%	104,368	100.0%



Table 7
Race by Judicial Circuit
Criminal Punishment Code
Fiscal Year 2011-2012

Judicial Circuit	Race						Total	
	Black		White		Other*			
01 (Pensacola)	2,075	2.0%	3,079	3.0%	35	0.0%	5,189	5.0%
02 (Tallahassee)	1,918	1.8%	978	0.9%	31	0.0%	2,927	2.8%
03 (Lake City)	298	0.3%	781	0.7%	16	0.0%	1,095	1.0%
04 (Jacksonville)	1,587	1.5%	1,941	1.9%	74	0.1%	3,602	3.5%
05 (Tavares)	1,895	1.8%	5,094	4.9%	210	0.2%	7,199	6.9%
06 (Clearwater)	3,310	3.2%	9,657	9.3%	260	0.2%	13,227	12.7%
07 (Daytona Beach)	1,595	1.5%	3,796	3.6%	66	0.1%	5,457	5.2%
08 (Gainesville)	1,433	1.4%	1,290	1.2%	25	0.0%	2,748	2.6%
09 (Orlando)	3,499	3.4%	4,304	4.1%	160	0.2%	7,963	7.6%
10 (Bartow)	1,476	1.4%	3,032	2.9%	84	0.1%	4,592	4.4%
11 (Miami)	3,433	3.3%	3,194	3.1%	9	0.0%	6,636	6.4%
12 (Sarasota)	1,340	1.3%	3,839	3.7%	191	0.2%	5,370	5.1%
13 (Tampa)	2,366	2.3%	2,916	2.8%	407	0.4%	5,689	5.5%
14 (Panama City)	680	0.7%	1,944	1.9%	13	0.0%	2,637	2.5%
15 (W. Palm Beach)	2,143	2.1%	2,585	2.5%	10	0.0%	4,738	4.5%
16 (Key West)	173	0.2%	514	0.5%	48	0.0%	735	0.7%
17 (Ft. Lauderdale)	4,297	4.1%	3,691	3.5%	206	0.2%	8,194	7.9%
18 (Sanford)	1,755	1.7%	4,068	3.9%	126	0.1%	5,949	5.7%
19 (Ft. Pierce)	1,191	1.1%	2,728	2.6%	204	0.2%	4,123	4.0%
20 (Ft. Myers)	1,331	1.3%	4,937	4.7%	30	0.0%	6,298	6.0%
Total	37,795	36.2%	64,368	61.7%	2,205	2.1%	104,368	100.0%

*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 75,594 scoresheets submitted to the Department of Corrections with sentence dates in FY2011-2012 and offense dates on or after October 1, 2010. The number of scoresheets submitted to the Department of Corrections with sentence dates in FY2010-2011 and offense dates on or after October 1, 2009 was 75,257.
- **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 6.3 months for sentencing events in FY2011-2012 (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, 2012, the Department of Corrections had received 2.1 million 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 FY2010-2011 sentencing events is 6.2 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 9.5 months for sentencing events during FY2010-2011. In FY2011-2012, the average lag time for level 10 offenses was 10.2 months. Also, for murder/manslaughter, the average lag time from offense to sentence is 10.5 months for sentencing dates in FY2010-2011 and 10.7 months for FY2011-2012 (Table 2).



- The more violent, serious offenses represented 16.8% of the scoresheets in FY2010-2011 and 16.9% in FY2011-2012 (Figure 1).
- Drug offenses comprised the largest group of scoresheets received in both FY2010-2011 (34.9%) and FY2011-2012 (31.9%) (Table 3).



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

Offense Severity Level	FY2010-2011 Sentence Dates ¹	FY2011-2012 Sentence Dates ²
1	5.2	5.4
2	6.3	6.2
3	5.7	5.8
4	6.0	5.9
5	6.6	6.8
6	6.8	6.7
7	7.5	7.7
8	8.5	8.6
9	9.2	9.7
10	9.5	10.2
Overall Average	6.2	6.3

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

Primary Offense	FY2010-2011 Sentence Dates ¹	FY2011-2012 Sentence Dates ²
Murder/Manslaughter	10.5	10.7
Sexual/Lewd Behavior	9.0	9.7
Robbery	7.4	7.6
Violent, Other	6.4	6.5
Burglary	6.4	6.5
Property Theft/Fraud/Damage	6.3	6.3
Drugs	6.1	6.2
Weapons	6.4	6.5
Other	5.5	5.6
Overall Average	6.2	6.3

¹ Offense dates on or after October 1, 2009.

² Offense dates on or after October 1, 2010.



Figure 1
Distribution of Offense Group
Sentence Dates in FY2010-2011 vs. FY2011-2012

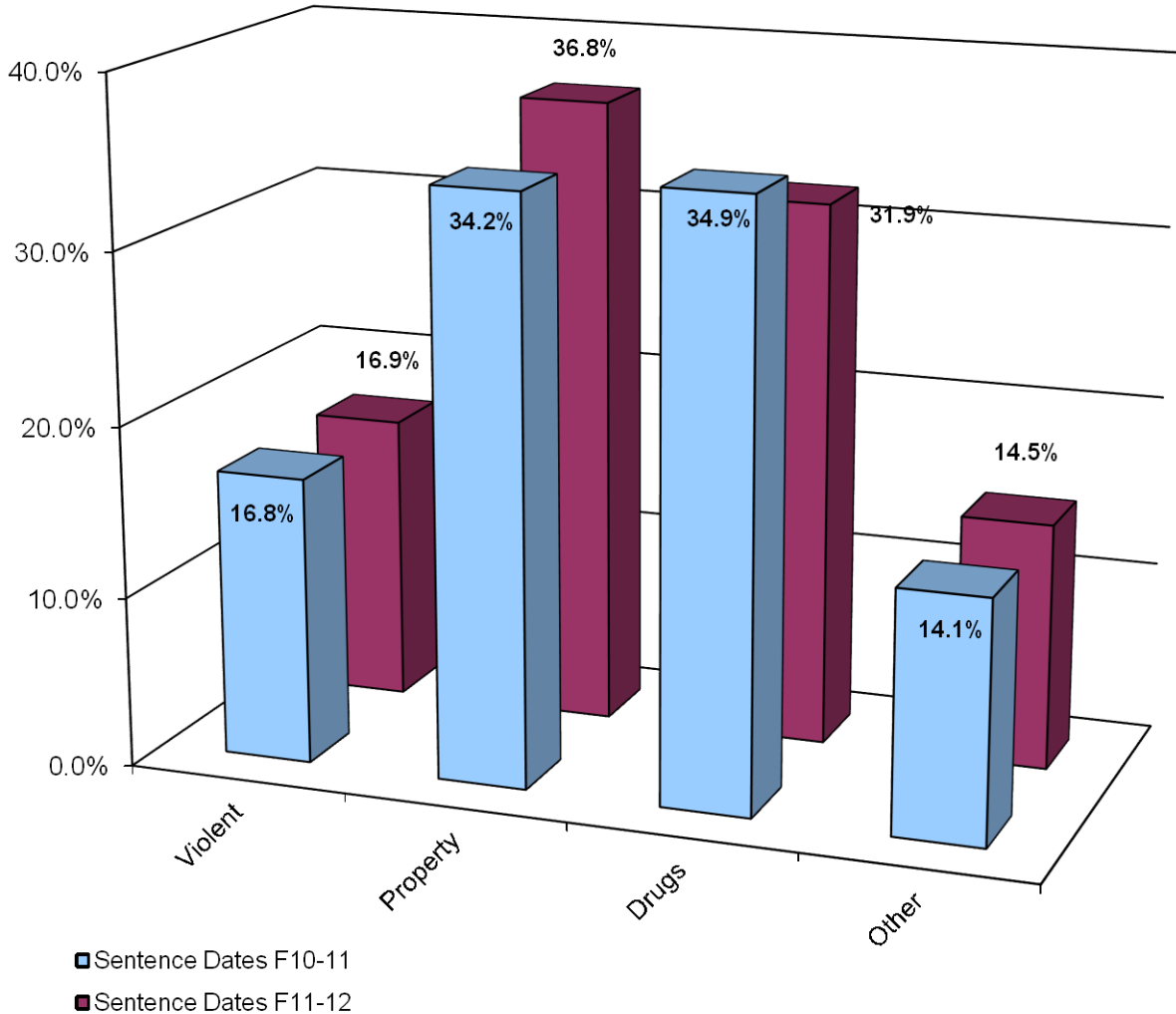


Table 3
Distribution of Offense
Sentence Dates in FY2010-2011 vs. FY2011-2012

Primary Offense	FY2010-2011 Sentence Dates ¹	FY2011-2012 Sentence Dates ²
Murder/Manslaughter	225 0.3%	211 0.3%
Sexual Offenses	558 0.7%	551 0.8%
Robbery	2,167 2.9%	1,901 2.6%
Violent Personal Offenses	9,390 12.5%	9,268 12.8%
Burglary	9,722 12.9%	9,502 13.1%
Theft/Forgery/Fraud	16,238 21.6%	17,438 24.0%
Drugs	26,277 34.9%	23,127 31.9%
Weapons	2,348 3.1%	2,331 3.2%
Other	8,332 11.1%	8,265 11.4%
Total	75,257 100.0%	72,594 100.0%

¹ Offense dates on or after October 1, 2009.

² Offense dates on or after October 1, 2010.



**Table 4
Distribution of Offense**

Primary Offense	FY2010-2011 Sentence Dates¹		FY2011-2012 Sentence Dates²	
Murder/Manslaughter	225	0.3%	211	0.3%
1st Degree Murder	49	0.1%	39	0.1%
2nd Degree Murder	97	0.1%	101	0.1%
3rd Degree Murder	3	0.0%	4	0.0%
Homicide, Other	4	0.0%	3	0.0%
Manslaughter	41	0.1%	36	0.0%
DUI Manslaughter	31	0.0%	28	0.0%
Sexual Offenses	558	0.7%	551	0.8%
Capital Sexual Battery	16	0.0%	19	0.0%
Life Sexual Battery	22	0.0%	19	0.0%
1st Degree Sexual Battery	27	0.0%	25	0.0%
2nd Degree Sexual Battery	62	0.1%	70	0.1%
Sexual Assault, Other	1	0.0%	0	0.0%
Lewd/Lascivious Behavior	430	0.6%	418	0.6%
Robbery	2,167	2.9%	1,901	2.6%
Robbery with Weapon	766	1.0%	684	0.9%
Robbery without Weapon	1,312	1.7%	1,146	1.6%
Home Invasion, Robbery	89	0.1%	71	0.1%
Violent Personal Offenses	9,375	12.5%	9,247	12.7%
Home Invasion, Other	0	0.0%	2	0.0%
Carjacking	53	0.1%	53	0.1%
Aggravated Assault	1,369	1.8%	1,339	1.8%
Aggravated Battery	1,091	1.4%	988	1.4%
Assault/Battery on L.E.O.	1,107	1.5%	1,055	1.5%
Assault/Battery, Other	929	1.2%	916	1.3%
Aggravated Stalking	167	0.2%	164	0.2%
Resisting Arrest with Violence	1,253	1.7%	1,206	1.7%
Kidnapping	280	0.4%	292	0.4%
Arson	116	0.2%	116	0.2%
Abuse of Children	738	1.0%	864	1.2%
Violent, Other	1,906	2.5%	1,876	2.6%
Leaving Accident, Injury/Death	291	0.4%	313	0.4%
DUI, Injury	75	0.1%	63	0.1%
Burglary	9,722	12.9%	9,502	13.1%
Burglary, Structure	5,157	6.9%	5,010	6.9%
Burglary, Dwelling	3,529	4.7%	3,475	4.8%
Burglary, Armed	256	0.3%	265	0.4%
Burglary with Assault	250	0.3%	211	0.3%
Burglary/Trespass, Other	530	0.7%	541	0.7%



**Table 4
Distribution of Offense**

Primary Offense	FY2010-2011 Sentence Dates ¹		FY2011-2012 Sentence Dates ²	
Theft/Forgery/Fraud	16,238	21.6%	17,438	24.0%
Grand Theft, Other	6,115	8.1%	6,541	9.0%
Grand Theft, Automobile	1,238	1.6%	1,251	1.7%
Stolen Property	3,000	4.0%	3,540	4.9%
Forgery/Counterfeiting	2,021	2.7%	1,861	2.6%
Worthless Checks	133	0.2%	142	0.2%
Fraudulent Practices	1,922	2.6%	1,983	2.7%
Theft/Property Damage, Other	1,809	2.4%	2,120	2.9%
Drugs	26,277	34.9%	23,127	31.9%
Drugs, Manufacture/Sale/Purchase	8,172	10.9%	7,416	10.2%
Drugs, Trafficking	1,444	1.9%	1,019	1.4%
Drugs, Possession/Other	16,661	22.1%	14,692	20.2%
Weapons	2,348	3.1%	2,331	3.2%
Weapons, Discharging	179	0.2%	182	0.3%
Weapons, Possession	2,166	2.9%	2,144	3.0%
Weapons, Other	3	0.0%	5	0.0%
Other	8,347	11.1%	8,286	11.4%
Escape	1,815	2.4%	1,699	2.3%
DUI, No Injury	665	0.9%	602	0.8%
Traffic, Other	3,300	4.4%	3,365	4.6%
Racketeering	12	0.0%	16	0.0%
Pollution/Hazardous Materials	31	0.0%	25	0.0%
Criminal Justice System	2,056	2.7%	2,112	2.9%
Other	468	0.6%	467	0.6%
Total	75,257	100.0%	72,594	100.0%

¹ Offense dates on or after October 1, 2009.

² Offense dates on or after October 1, 2010.



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, 21.2% of offenders were sentenced to state prison as the most severe sanction in FY2011-2012. An additional 23.8% were sentenced to incarceration in county jail, or to time already served in jail. Five percent (5.4%) were sentenced to community control, and almost half to probation (48.9%), including drug offender probation, administrative probation, and regular probation. Less than one percent (0.6%) of offenders were sentenced to “other” sanctions. For sentencing dates in FY2010-2011, 23.0% of offenders were sentenced to state prison and 23.5% were sentenced to county jail or time served. Less than six percent (5.5%) were sentenced to community control, and 47.4% to probation. Less than one percent (0.6%) of the offenders were sentenced to “other” sanctions (Table 1).



- Almost three-quarters of the 72,594 Code scoresheets with sentence date in FY2011-2012 examined (52,539 scoresheets or 72.4%) scored 44 points or less (Table 1). These scoresheets represent sentencing events where the judge has the discretion to sentence the offender to either a non-state prison sanction or a state prison sanction. If the judge chose to sentence the offender to state prison, the judge had the discretion to sentence the offender up to the statutory maximum of the law. For scoresheets with sentence dates in FY2010-2011, there were 54,327 (72.2%) offenders scoring 44 points or less (Table 1).
- For FY2011-2012, of the offenders scoring in the recommended state prison category, 58.3% were sentenced to state prison, with another 11.2% sentenced to county jail or time served. Of those scoring less than 44 points, 7.1% were sentenced to state prison, and 28.7% to county jail/time served. For FY2010-2011, 60.4% of the offenders scoring above 44 points were sentenced to state prison and another 10.6% of these offenders were sentenced to county jail or time served. Of those scoring less than 44 points, 8.6% were sentenced to state prison, and 28.5% to county jail/time served. (Table 1).
- Scoresheets with a state prison sanction decreased slightly from 23.0% in FY2010-2011 to 21.2% in FY2011-2012. County jail sanctions increased from 23.5% in FY2010-2011 to 23.8% in FY2011-2012. Community Control sanction rates remained constant at 5.5% in FY2010-2011 and 5.4% in FY2011-2012 (Table 1).
- Statewide, 75.8% of offenders (11,684 out of 15,413) receiving a prison sanction scored out to a prison sanction. Table 2 presents the scoring distribution of offenders under the Code for FY2010-2011 and FY2011-2012 by circuit and sanction imposed. In FY2011-2012, Circuit 11 (Miami) had the highest percentage (94.0%) of prison sanctioned scoresheets with more than 44 points while Circuit 19 (Ft. Pierce) had the lowest (58.2%).
- 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 represents 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 FY2010-2011 and FY2011-2012 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 FY2010-2011 and FY2011-2012, for offenders sentenced to state prison, the majority with offense severity levels of 1 through 5 received less than two years and those with offense level 10 received more than ten years (Table 6).
- From FY2010-2011 to FY2011-2012 the percentage of scoresheets with no prior record decreased, prior misdemeanors decreased slightly, and with four to six or more felonies increased or held a relatively constant rate (Table 7).
- From FY2010-2011 to FY2011-2012 the percentage of scoresheets with no additional offenses increased slightly and those with misdemeanors decreased slightly. The percentage with four or more felonies remained relatively constant (Table 8).

Within the Criminal Punishment Code policy, a true mitigation occurs when an offender 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 who scored more than 44 total points is 56.4% for FY2010-2011 and 59.8% for FY2011-2012. The sanction mitigation rate (cases that scored to state prison but received a non-state prison sanction) was 38.6% for FY2010-2011 and 40.8% for FY2011-2012 (Table 11).

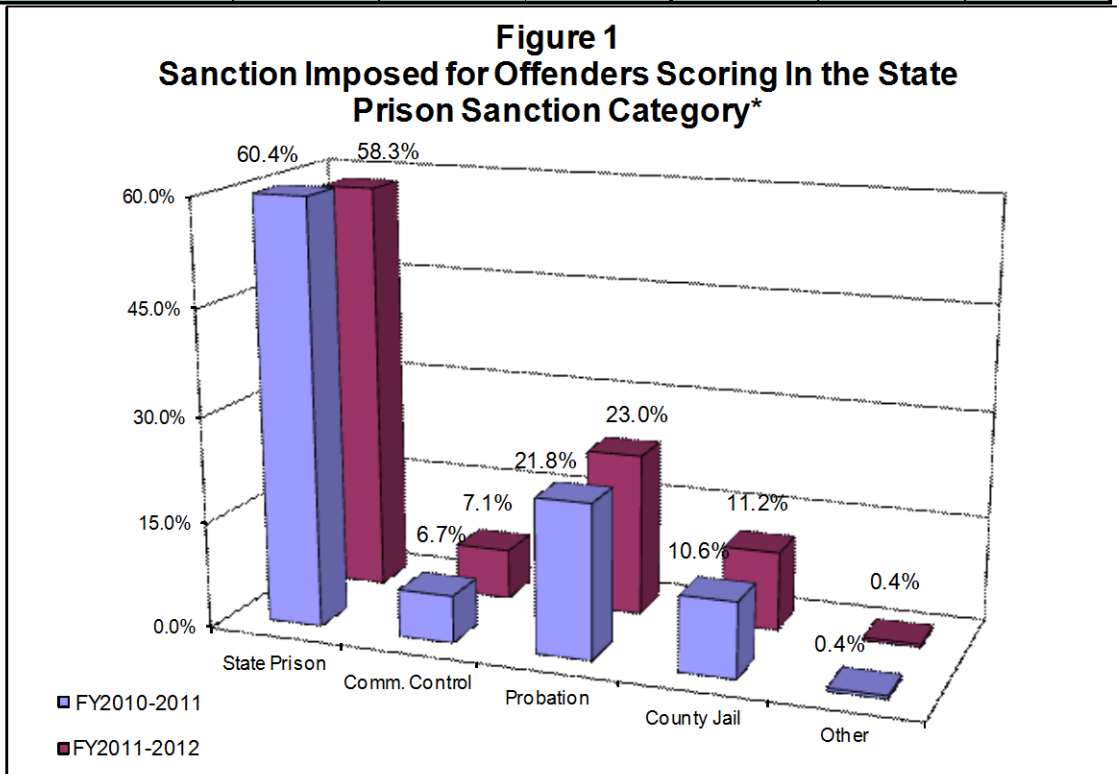


- For the offenders that received a mitigated prison sentence length, the average reduction in sentence was 24.5 months during FY2010-2011 and 23.3 months during FY2011-2012 (Table 11).
- Departure, as defined here, is not a comment on the legality of the sentence. There are many reasons for departure, 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 2010-2011 Sentence Dates ¹			FY 2011-2012 Sentence Dates ²		
	44.0 Points or Less	More than 44.0 Points	Total	44.0 Points or Less	More than 44.0 Points	Total
State Prison	4,678 8.6%	12,646 60.4%	17,324 23.0%	3,729 7.1%	11,684 58.3%	15,413 21.2%
Community Control	2,705 5.0%	1,399 6.7%	4,104 5.5%	2,498 4.8%	1,425 7.1%	3,923 5.4%
Probation	31,082 57.2%	4,565 21.8%	35,647 47.4%	30,866 58.7%	4,619 23.0%	35,485 48.9%
County Jail	15,477 28.5%	2,227 10.6%	17,704 23.5%	15,060 28.7%	2,243 11.2%	17,303 23.8%
Other	385 0.7%	93 0.4%	478 0.6%	386 0.7%	84 0.4%	470 0.6%
Total	54,327 100.0%	20,930 100.0%	75,257 100.0%	52,539 100.0%	20,055 100.0%	72,594 100.0%



*Total points greater than 44.

¹ Offense dates on or after October 1, 2009.

² Offense dates on or after October 1, 2010.



Table 2
Recommended Sanction Category by Sanction Imposed

Judicial Circuit / Sanction Imposed	Recommended Sanction Category							
	FY 2010-2011 Sentence Dates ¹				FY 2011-2012 Sentence Dates ²			
	44.0 Points or Less		More than 44.0 Points		44.0 Points or Less		More than 44.0 Points	
01 (Pensacola)	2,836	75.0%	943	25.0%	2,817	75.2%	928	24.8%
Prison	165	25.1%	492	74.9%	152	22.1%	537	77.9%
Community Control	260	71.4%	104	28.6%	249	73.7%	89	26.3%
Probation	1,732	88.5%	225	11.5%	1,642	89.8%	186	10.2%
County Jail	656	85.5%	111	14.5%	750	87.4%	108	12.6%
Other	23	67.6%	11	32.4%	24	75.0%	8	25.0%
02 (Tallahassee)	996	66.3%	507	33.7%	1,209	64.9%	653	35.1%
Prison	83	23.7%	267	76.3%	93	21.3%	344	78.7%
Community Control	65	65.7%	34	34.3%	57	57.0%	43	43.0%
Probation	696	80.2%	172	19.8%	813	79.5%	210	20.5%
County Jail	137	80.6%	33	19.4%	232	81.1%	54	18.9%
Other	15	0.0%	1	0.0%	14	0.0%	2	0.0%
03 (Lake City)	459	71.5%	183	28.5%	470	70.6%	196	29.4%
Prison	67	34.7%	126	65.3%	69	36.3%	121	63.7%
Community Control	55	80.9%	13	19.1%	55	74.3%	19	25.7%
Probation	321	89.4%	38	10.6%	329	85.7%	55	14.3%
County Jail	16	72.7%	6	27.3%	17	94.4%	1	5.6%
Other	0	0.0%	0	0.0%	0	0.0%	0	0.0%
04 (Jacksonville)	2,005	54.9%	1,648	45.1%	1,491	53.4%	1,301	46.6%
Prison	1,111	42.6%	1,499	57.4%	698	38.3%	1,126	61.7%
Community Control	34	70.8%	14	29.2%	41	64.1%	23	35.9%
Probation	429	82.7%	90	17.3%	341	78.6%	93	21.4%
County Jail	429	90.5%	45	9.5%	325	86.0%	53	14.0%
Other	2	100.0%	0	0.0%	86	93.5%	6	6.5%
05 (Tavares)	3,337	73.9%	1,179	26.1%	3,562	70.5%	1,488	29.5%
Prison	210	20.6%	808	79.4%	291	20.6%	1,120	79.4%
Community Control	146	73.4%	53	26.6%	127	70.2%	54	29.8%
Probation	2,070	89.1%	254	10.9%	2,138	90.8%	216	9.2%
County Jail	863	93.7%	58	6.3%	939	91.7%	85	8.3%
Other	48	88.9%	6	11.1%	67	83.8%	13	16.3%
06 (Clearwater)	7,552	77.4%	2,209	22.6%	6,866	78.3%	1,902	21.7%
Prison	397	20.2%	1,567	79.8%	317	18.9%	1,360	81.1%
Community Control	424	78.5%	116	21.5%	339	78.1%	95	21.9%
Probation	3,745	91.5%	350	8.5%	3,394	92.2%	289	7.8%
County Jail	2,907	94.9%	156	5.1%	2,776	95.1%	144	4.9%
Other	79	79.8%	20	20.2%	40	74.1%	14	25.9%



Table 2 (continued)
Recommended Sanction Category by Sanction Imposed

07 (Daytona)	2,574	74.4%	885	25.6%	3,009	76.6%	921	23.4%
Prison	210	29.7%	497	70.3%	275	33.1%	555	66.9%
Community Control	99	76.7%	30	23.3%	99	65.6%	52	34.4%
Probation	1,541	88.7%	197	11.3%	1,903	90.0%	212	10.0%
County Jail	670	81.5%	152	18.5%	703	88.1%	95	11.9%
Other	54	85.7%	9	14.3%	29	80.6%	7	19.4%
08 (Gainesville)	823	67.8%	391	32.2%	1,321	66.1%	676	33.9%
Prison	84	26.8%	229	73.2%	123	22.9%	414	77.1%
Community Control	58	68.2%	27	31.8%	70	61.4%	44	38.6%
Probation	442	86.8%	67	13.2%	815	85.3%	141	14.7%
County Jail	218	78.4%	60	21.6%	288	80.2%	71	19.8%
Other	21	72.4%	8	27.6%	25	80.6%	6	19.4%
09 (Orlando)	4,128	72.2%	1,591	27.8%	3,939	74.9%	1,319	25.1%
Prison	303	22.4%	1,051	77.6%	158	16.4%	803	83.6%
Community Control	163	61.5%	102	38.5%	149	59.1%	103	40.9%
Probation	2,390	88.0%	327	12.0%	2,398	89.7%	274	10.3%
County Jail	1,270	92.1%	109	7.9%	1,211	89.9%	136	10.1%
Other	2	50.0%	2	50.0%	23	88.5%	3	11.5%
10 (Bartow)	2,226	74.6%	757	25.4%	2,409	77.3%	708	22.7%
Prison	224	28.7%	557	71.3%	160	26.3%	449	73.7%
Community Control	237	78.0%	67	22.0%	254	77.4%	74	22.6%
Probation	1,303	92.7%	102	7.3%	1,555	91.4%	147	8.6%
County Jail	457	93.8%	30	6.2%	438	92.2%	37	7.8%
Other	5	83.3%	1	16.7%	2	66.7%	1	33.3%
11 (Miami)	3,353	60.1%	2,230	39.9%	2,967	59.0%	2,064	41.0%
Prison	44	6.8%	607	93.2%	32	6.0%	503	94.0%
Community Control	47	20.3%	184	79.7%	30	17.5%	141	82.5%
Probation	2,201	76.1%	690	23.9%	1,893	73.9%	667	26.1%
County Jail	1,060	58.6%	749	41.4%	1,012	57.3%	753	42.7%
Other	1	0.0%	0	0.0%	0	0.0%	0	0.0%
12 (Sarasota)	3,219	84.1%	610	15.9%	3,144	83.2%	633	16.8%
Prison	307	41.3%	436	58.7%	234	35.7%	422	64.3%
Community Control	214	83.6%	42	16.4%	186	79.8%	47	20.2%
Probation	1,533	94.6%	87	5.4%	1,508	92.9%	116	7.1%
County Jail	1,161	96.3%	44	3.7%	1,208	96.4%	45	3.6%
Other	4	80.0%	1	20.0%	8	72.7%	3	27.3%



Table 2 (continued)
Recommended Sanction Category by Sanction Imposed

13 (Tampa)	3,043	60.9%	1,952	39.1%	2,660	62.5%	1,596	37.5%
Prison	195	17.6%	911	82.4%	117	13.5%	751	86.5%
Community Control	60	22.1%	211	77.9%	66	27.2%	177	72.8%
Probation	2,019	77.2%	596	22.8%	1,899	78.7%	515	21.3%
County Jail	731	76.8%	221	23.2%	549	78.5%	150	21.5%
Other	38	74.5%	13	25.5%	29	90.6%	3	9.4%
14 (Panama City)	1,343	69.5%	589	30.5%	1,206	66.2%	617	33.8%
Prison	203	34.8%	380	65.2%	161	30.8%	361	69.2%
Community Control	120	70.2%	51	29.8%	112	62.9%	66	37.1%
Probation	965	88.5%	126	11.5%	889	84.4%	164	15.6%
County Jail	46	62.2%	28	37.8%	42	61.8%	26	38.2%
Other	9	69.2%	4	30.8%	2	100.0%	0	0.0%
15 (West Palm Beach)	2,803	73.3%	1,020	26.7%	2,447	73.1%	902	26.9%
Prison	137	16.6%	689	83.4%	123	18.2%	553	81.8%
Community Control	26	44.8%	32	55.2%	26	60.5%	17	39.5%
Probation	937	84.9%	167	15.1%	825	85.1%	145	14.9%
County Jail	1,699	92.9%	130	7.1%	1,469	88.9%	183	11.1%
Other	4	0.0%	2	0.0%	4	50.0%	4	50.0%
16 (Key West)	396	78.7%	107	21.3%	333	71.2%	135	28.8%
Prison	12	20.0%	48	80.0%	22	21.4%	81	78.6%
Community Control	13	68.4%	6	31.6%	9	40.9%	13	59.1%
Probation	288	87.8%	40	12.2%	265	88.0%	36	12.0%
County Jail	67	87.0%	10	13.0%	36	90.0%	4	10.0%
Other	16	84.2%	3	15.8%	1	50.0%	1	50.0%
17 (Ft. Lauderdale)	3,797	70.9%	1,557	29.1%	3,839	72.0%	1,490	28.0%
Prison	106	14.4%	628	85.6%	69	12.5%	481	87.5%
Community Control	84	41.4%	119	58.6%	82	33.6%	162	66.4%
Probation	2,854	80.9%	673	19.1%	2,991	80.3%	732	19.7%
County Jail	722	84.8%	129	15.2%	689	86.6%	107	13.4%
Other	31	79.5%	8	20.5%	8	50.0%	8	50.0%



Table 2 (continued)
Recommended Sanction Category by Sanction Imposed

18 (Sanford)	3,263	79.2%	855	20.8%	3,292	78.3%	910	21.7%
Prison	190	26.2%	536	73.8%	148	22.6%	506	77.4%
Community Control	283	68.7%	129	31.3%	261	63.2%	152	36.8%
Probation	2,114	94.0%	134	6.0%	2,144	92.8%	167	7.2%
County Jail	666	92.4%	55	7.6%	732	89.9%	82	10.1%
Other	10		1		7		3	
19 (Ft. Pierce)	2,503	78.4%	688	21.6%	2,190	78.7%	591	21.3%
Prison	367	41.2%	523	58.8%	311	41.8%	433	58.2%
Community Control	118	83.1%	24	16.9%	99	85.3%	17	14.7%
Probation	1,318	93.4%	93	6.6%	1,127	93.0%	85	7.0%
County Jail	679	93.8%	45	6.2%	640	92.2%	54	7.8%
Other	21	87.5%	3	12.5%	13	86.7%	2	13.3%
20 (Ft. Myers)	3,671	78.1%	1,029	21.9%	3,368	76.7%	1,025	23.3%
Prison	263	24.9%	795	75.1%	176	18.7%	764	81.3%
Community Control	199	82.9%	41	17.1%	187	83.5%	37	16.5%
Probation	2,184	94.1%	137	5.9%	1,997	92.2%	169	7.8%
County Jail	1,023	94.8%	56	5.2%	1,004	94.8%	55	5.2%
Other	2	100.0%	0	0.0%	4	100.0%	0	0.0%
Statewide	54,327	100.0%	20,930	100.0%	52,539	100.0%	20,055	100.0%

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

¹ Offense dates on or after October 1, 2009.

² Offense dates on or after October 1, 2010.



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

Circuit/County	FY2010-2011 Sentence Dates ¹						FY2011-2012 Sentence Dates ²					
	State Prison	Comm. Control	Probation	County Jail	Other Sentence	Total	State Prison	Comm. Control	Probation	County Jail	Other Sentence	Total
01 (Pensacola)	657 17.4%	364 9.6%	1,957 51.8%	767 20.3%	34 0.9%	3,779 100.0%	689 18.4%	338 9.0%	1,828 48.8%	858 22.9%	32 0.9%	3,745 100.0%
02 (Tallahassee)	350 23.3%	99 6.6%	868 57.8%	170 11.3%	16 1.1%	1,503 100.0%	437 23.5%	100 5.4%	1,023 54.9%	286 15.4%	16 0.9%	1,862 100.0%
03 (Lake City)	193 30.1%	68 10.6%	359 55.9%	22 3.4%	0 0.0%	642 100.0%	190 28.5%	74 11.1%	384 57.7%	18 2.7%	0 0.0%	666 100.0%
04 (Jacksonville)	2,610 71.4%	48 1.3%	519 14.2%	474 13.0%	2 0.1%	3,653 100.0%	1,824 65.3%	64 2.3%	434 15.5%	378 13.5%	92 3.3%	2,792 100.0%
05 (Tavares)	1,018 22.5%	199 4.4%	2,324 51.5%	921 20.4%	54 1.2%	4,516 100.0%	1,411 27.9%	181 3.6%	2,354 46.6%	1,024 20.3%	80 1.6%	5,050 100.0%
06 (Clearwater)	1,964 20.1%	540 5.5%	4,095 42.0%	3,063 31.4%	99 1.0%	9,761 100.0%	1,677 19.1%	434 4.9%	3,683 42.0%	2,920 33.3%	54 0.6%	8,768 100.0%
07 (Daytona)	707 20.4%	129 3.7%	1,738 50.2%	822 23.8%	63 1.8%	3,459 100.0%	830 21.1%	151 3.8%	2,115 53.8%	798 20.3%	36 0.9%	3,930 100.0%
08 (Gainesville)	313 25.8%	85 7.0%	509 41.9%	278 22.9%	29 2.4%	1,214 100.0%	537 26.9%	114 5.7%	956 47.9%	359 18.0%	31 1.6%	1,997 100.0%
09 (Orlando)	1,354 23.7%	265 4.6%	2,717 47.5%	1,379 24.1%	4 0.1%	5,719 100.0%	961 18.3%	252 4.8%	2,672 50.8%	1,347 25.6%	26 0.5%	5,258 100.0%
10 (Bartow)	781 26.2%	304 10.2%	1,405 47.1%	487 16.3%	6 0.2%	2,983 100.0%	609 19.5%	328 10.5%	1,702 54.6%	475 15.2%	3 0.1%	3,117 100.0%



**Table 3 (continued)
Sanction Imposed By Judicial Circuit and County**

Circuit/County	FY2010-2011 Sentence Dates ¹						FY2011-2012 Sentence Dates ²					
	State Prison	Comm. Control	Probation	County Jail	Other Sentence	Total	State Prison	Comm. Control	Probation	County Jail	Other Sentence	Total
11 (Miami)	651 11.7%	231 4.1%	2,891 51.8%	1,809 32.4%	1 0.0%	5,583 100.0%	535 10.6%	171 3.4%	2,560 50.9%	1,765 35.1%	0 0.0%	5,031 100.0%
12 (Sarasota)	743 19.4%	256 6.7%	1,620 42.3%	1,205 31.5%	5 0.1%	3,829 100.0%	656 17.4%	233 6.2%	1,624 43.0%	1,253 33.2%	11 0.3%	3,777 100.0%
13 (Tampa)	1,106 22.1%	271 5.4%	2,615 52.4%	952 19.1%	51 1.0%	4,995 100.0%	868 20.4%	243 5.7%	2,414 56.7%	699 16.4%	32 0.8%	4,256 100.0%
14 (Panama City)	583 30.2%	171 8.9%	1,091 56.5%	74 3.8%	13 0.7%	1,932 100.0%	522 28.6%	178 9.8%	1,053 57.8%	68 3.7%	2 0.1%	1,823 100.0%
15 (West Palm Beach)	826 21.6%	58 1.5%	1,104 28.9%	1,829 47.8%	6 0.2%	3,823 100.0%	676 20.2%	43 1.3%	970 29.0%	1,652 49.3%	8 0.2%	3,349 100.0%
16 (Key West)	60 11.9%	19 3.8%	328 65.2%	77 15.3%	19 3.8%	503 100.0%	103 22.0%	22 4.7%	301 64.3%	40 8.5%	2 0.4%	468 100.0%
17 (Ft. Lauderdale)	734 13.7%	203 3.8%	3,527 65.9%	851 15.9%	39 0.7%	5,354 100.0%	550 10.3%	244 4.6%	3,723 69.9%	796 14.9%	16 0.3%	5,329 100.0%
18 (Sanford)	726 17.6%	412 10.0%	2,248 54.6%	721 17.5%	11 0.3%	4,118 100.0%	654 15.6%	413 9.8%	2,311 55.0%	814 19.4%	10 0.2%	4,202 100.0%
19 (Ft. Pierce)	890 27.9%	142 4.5%	1,411 44.2%	724 22.7%	24 0.8%	3,191 100.0%	744 26.8%	116 4.2%	1,212 43.6%	694 25.0%	15 0.5%	2,781 100.0%
20 (Ft. Myers)	1,058 22.5%	240 5.1%	2,321 49.4%	1,079 23.0%	2 0.0%	4,700 100.0%	940 21.4%	224 5.1%	2,166 49.3%	1,059 24.1%	4 0.1%	4,393 100.0%
Statewide	17,324 23.0%	4,104 5.5%	35,647 47.4%	17,704 23.5%	478 0.6%	75,257 100.0%	15,413 21.2%	3,923 5.4%	35,485 48.9%	17,303 23.8%	470 0.6%	72,594 100.0%

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

¹ Offense dates on or after October 1, 2009.

² Offense dates on or after October 1, 2010.



**Table 4
Offense Types by Sanction Imposed**

Offense Type	FY2010-2011 Sentence Dates ¹					FY2011-2012 Sentence Dates ²						
	State Prison	Comm. Control	Probation	County Jail	Other	Total	State Prison	Comm. Control	Probation	County Jail	Other	Total
Murder/Manslaughter	76	5	3	0	0	84	79	1	2	0	0	82
	126	8	6	1	0	141	116	2	11	0	0	129
Sexual/Lewd Behavior	43	0	5	1	0	49	34	1	4	1	0	40
	370	19	110	8	2	509	361	25	104	20	1	511
Robbery	136	21	59	28	0	244	104	28	77	28	2	239
	1,124	175	455	163	6	1,923	899	146	452	157	8	1,662
Violent, Other	27	3	28	5	0	63	27	8	41	4	1	81
	2,373	594	4,811	1,499	50	9,327	2,169	551	4,831	1,579	57	9,187
Burglary	162	26	206	74	2	470	145	26	225	67	5	468
	3,271	715	3,846	1,368	52	9,252	3,039	676	3,882	1,381	56	9,034
Property Theft/Fraud/Damage	6	1	15	3	0	25	1	3	15	5	0	24
	2,402	800	8,922	3,968	121	16,213	2,307	924	9,791	4,263	129	17,414
Drugs	94	22	227	90	1	434	72	18	169	76	0	335
	4,708	1,166	12,452	7,328	189	25,843	3,891	1,003	11,243	6,527	128	22,792
Weapons	2	0	11	1	0	14	2	2	10	2	0	16
	844	150	963	359	18	2,334	751	114	1,044	392	14	2,315
Other	10	2	33	13	0	58	10	4	24	19	0	57
	1,550	397	3,495	2,795	37	8,274	1,406	391	3,560	2,782	69	8,208
Total	17,324	4,104	35,647	17,704	478	75,257	15,413	3,923	35,485	17,303	470	72,594

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

¹ Offense dates on or after October 1, 2009.

² Offense dates on or after October 1, 2010.



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

Offense Severity Level	FY2010-2011 Sentence Dates ¹						FY2011-2012 Sentence Dates ²					
	State Prison	Comm. Control	Probation	County Jail	Other Sentence	Total	State Prison	Comm. Control	Probation	County Jail	Other Sentence	Total
1	868 9.7%	364 4.1%	4,151 46.5%	3,506 39.2%	46 0.5%	8,935 100.0%	796 8.7%	357 3.9%	4,318 47.1%	3,614 39.4%	78 0.9%	9,163 100.0%
2	781 10.1%	322 4.2%	4,761 61.7%	1,796 23.3%	62 0.8%	7,722 100.0%	643 8.1%	359 4.5%	4,971 62.7%	1,887 23.8%	68 0.9%	7,928 100.0%
3	1,833 9.0%	827 4.1%	10,824 53.3%	6,650 32.8%	163 0.8%	20,297 100.0%	1,500 8.2%	747 4.1%	9,894 54.4%	5,931 32.6%	119 0.7%	18,191 100.0%
4	2,145 21.0%	584 5.7%	5,093 49.7%	2,350 23.0%	66 0.6%	10,238 100.0%	2,007 19.9%	527 5.2%	5,100 50.6%	2,391 23.7%	62 0.6%	10,087 100.0%
5	3,889 31.4%	776 6.3%	5,368 43.3%	2,282 18.4%	83 0.7%	12,398 100.0%	3,553 28.7%	750 6.0%	5,760 46.5%	2,271 18.3%	65 0.5%	12,399 100.0%
6	2,140 32.8%	480 7.3%	3,202 49.0%	686 10.5%	26 0.4%	6,534 100.0%	1,849 29.5%	425 6.8%	3,205 51.1%	750 12.0%	43 0.7%	6,272 100.0%
7	3,905 57.1%	584 8.5%	1,925 28.1%	398 5.8%	30 0.4%	6,842 100.0%	3,535 54.4%	598 9.2%	1,929 29.7%	411 6.3%	30 0.5%	6,503 100.0%
8	885 72.1%	91 7.4%	222 18.1%	28 2.3%	1 0.1%	1,227 100.0%	744 68.7%	97 9.0%	206 19.0%	34 3.1%	2 0.2%	1,083 100.0%
9	747 80.6%	74 8.0%	97 10.5%	8 0.9%	1 0.1%	927 100.0%	639 78.9%	62 7.7%	94 11.6%	13 1.6%	2 0.2%	810 100.0%
10	131 95.6%	2 1.5%	4 2.9%	0 0.0%	0 0.0%	137 100.0%	146 93.0%	1 0.6%	8 5.1%	1 0.6%	1 0.6%	157 100.0%
Total	17,324 23.0%	4,104 5.5%	35,647 47.4%	17,704 23.5%	478 0.6%	75,257 100.0%	15,412 21.2%	3,923 5.4%	35,485 48.9%	17,303 23.8%	470 0.6%	72,593 100.0%

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

¹ Offense dates on or after October 1, 2009.

² Offense dates on or after October 1, 2010.



Table 6
State Prison Sentence Length by Offense Severity Level

Offense Severity Level	FY2010-2011 Sentence Dates ¹						FY2011-2012 Sentence Dates ²					
	LE 2*	GT 2-LE 4*	GT 4-LE 10*	GT 10*	Total		LE 2*	GT 2-LE 4*	GT 4-LE 10*	GT 10*	Total	
1	676 77.9%	144 16.6%	45 5.2%	3 0.3%	868 100.0%		590 74.1%	153 19.2%	49 6.2%	4 0.5%	796 100.0%	
2	569 72.9%	160 20.5%	48 6.1%	4 0.5%	781 100.0%		457 71.1%	137 21.3%	45 7.0%	4 0.6%	643 100.0%	
3	1,441 78.6%	283 15.4%	105 5.7%	4 0.2%	1,833 100.0%		1,127 75.1%	291 19.4%	76 5.1%	6 0.4%	1,500 100.0%	
4	1,377 64.2%	524 24.4%	228 10.6%	16 0.7%	2,145 100.0%		1,312 65.4%	524 26.1%	157 7.8%	14 0.7%	2,007 100.0%	
5	2,202 56.6%	1,126 29.0%	458 11.8%	103 2.6%	3,889 100.0%		2,006 56.5%	1,076 30.3%	417 11.7%	54 1.5%	3,553 100.0%	
6	1,048 49.0%	602 28.1%	405 18.9%	85 4.0%	2,140 100.0%		902 48.8%	557 30.1%	310 16.8%	80 4.3%	1,849 100.0%	
7	998 25.6%	1,692 43.3%	961 24.6%	254 6.5%	3,905 100.0%		923 26.1%	1,484 42.0%	895 25.3%	233 6.6%	3,535 100.0%	
8	131 14.8%	241 27.2%	362 40.9%	151 17.1%	885 100.0%		128 17.2%	190 25.5%	297 39.9%	129 17.3%	744 100.0%	
9	85 11.4%	112 15.0%	318 42.6%	232 31.1%	747 100.0%		67 10.5%	92 14.4%	285 44.6%	195 30.5%	639 100.0%	
10	15 11.5%	10 7.6%	26 19.8%	80 61.1%	131 100.0%		19 13.0%	6 4.1%	33 22.6%	88 60.3%	146 100.0%	
Total	8,542 49.3%	4,894 28.2%	2,956 17.1%	932 5.4%	17,324 100.0%		7,531 48.9%	4,510 29.3%	2,564 16.6%	807 5.2%	15,412 100.0%	

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

¹ Offense dates on or after October 1, 2009.

² Offense dates on or after October 1, 2010.



**Table 7
Number of Prior Offenses***

Prior Offenses	FY2010-2011 Sentence Dates ¹		FY2011-2012 Sentence Dates ²	
	Number	Percent	Number	Percent
None	17,416	23.1%	16,496	22.7%
Misdemeanor Only	19,354	25.7%	18,601	25.6%
One Felony	14,526	19.3%	14,013	19.3%
Two Felonies	9,827	13.1%	9,707	13.4%
Three Felonies	6,406	8.5%	6,227	8.6%
Four Felonies	3,787	5.0%	3,726	5.1%
Five Felonies	2,042	2.7%	1,951	2.7%
Six Felonies	1,027	1.4%	1,084	1.5%
Seven or More Felonies	872	1.2%	789	1.1%
Total	75,257	100.0%	72,594	100.0%

* As indicated on the scoresheet.

**Table 8
Number of Additional Offenses***

Additional Offenses	FY2010-2011 Sentence Dates ¹		FY2011-2012 Sentence Dates ²	
	Number	Percent	Number	Percent
None	37,949	50.4%	36,885	50.8%
Misdemeanor Only	17,432	23.2%	16,593	22.9%
One Felony	13,606	18.1%	12,771	17.6%
Two Felonies	3,978	5.3%	3,880	5.3%
Three Felonies	1,332	1.8%	1,427	2.0%
Four Felonies	488	0.6%	509	0.7%
Five Felonies	226	0.3%	251	0.3%
Six Felonies	134	0.2%	130	0.2%
Seven or More Felonies	112	0.1%	148	0.2%
Total	75,257	100.0%	72,594	100.0%

* As indicated on the scoresheet.

¹ Offense dates on or after October 1, 2009.

² Offense dates on or after October 1, 2010.



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

Number of Prior Felonies	FY2010-2011 Sentence Dates ¹						FY2011-2012 Sentence Dates ²					
	State Prison	Comm. Control	Probation	County Jail	Other Sentence	Total	State Prison	Comm. Control	Probation	County Jail	Other Sentence	Total
None	4,638 12.6%	2,306 6.3%	23,354 63.5%	6,167 16.8%	305 0.8%	36,770 100.0%	3,953 11.3%	2,067 5.9%	22,996 65.5%	5,741 16.4%	340 1.0%	35,097 100.0%
One	3,382 23.3%	804 5.5%	6,044 41.6%	4,217 29.0%	79 0.5%	14,526 100.0%	2,919 20.8%	831 5.9%	5,974 42.6%	4,221 30.1%	68 0.5%	14,013 100.0%
Two	3,085 31.4%	494 5.0%	3,133 31.9%	3,069 31.2%	46 0.5%	9,827 100.0%	2,735 28.2%	511 5.3%	3,325 34.3%	3,107 32.0%	29 0.3%	9,707 100.0%
Three	2,477 38.7%	278 4.3%	1,607 25.1%	2,016 31.5%	28 0.4%	6,406 100.0%	2,254 36.2%	280 4.5%	1,654 26.6%	2,021 32.5%	18 0.3%	6,227 100.0%
Four	1,673 44.2%	120 3.2%	821 21.7%	1,160 30.6%	13 0.3%	3,787 100.0%	1,585 42.5%	138 3.7%	854 22.9%	1,139 30.6%	10 0.3%	3,726 100.0%
Five	1,019 49.9%	65 3.2%	376 18.4%	578 28.3%	4 0.2%	2,042 100.0%	977 50.1%	52 2.7%	371 19.0%	550 28.2%	1 0.1%	1,951 100.0%
Six	558 54.3%	21 2.0%	183 17.8%	264 25.7%	1 0.1%	1,027 100.0%	562 51.8%	26 2.4%	193 17.8%	300 27.7%	3 0.3%	1,084 100.0%
Seven or More	492 56.4%	16 1.8%	129 14.8%	233 26.7%	2 0.2%	872 100.0%	428 54.2%	18 2.3%	118 15.0%	224 28.4%	1 0.1%	789 100.0%
Total	17,324 23.0%	4,104 5.5%	35,647 47.4%	17,704 23.5%	478 0.6%	75,257 100.0%	15,413 21.2%	3,923 5.4%	35,485 48.9%	17,303 23.8%	470 0.6%	72,594 100.0%

* As indicated on the scoresheet

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

¹ Offense dates on or after October 1, 2009.

² Offense dates on or after October 1, 2010.



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

Number of Additional Felonies	FY2010-2011 Sentence Dates ¹						FY2011-2012 Sentence Dates ²					
	State Prison	Comm. Control	Probation	County Jail	Other Sentence	Total	State Prison	Comm. Control	Probation	County Jail	Other Sentence	Total
None	9,346 16.9%	2,645 4.8%	28,267 51.0%	14,758 26.6%	365 0.7%	55,381 100.0%	7,980 14.9%	2,551 4.8%	28,095 52.5%	14,467 27.1%	385 0.7%	53,478 100.0%
One	4,567 33.6%	961 7.1%	5,625 41.3%	2,366 17.4%	87 0.6%	13,606 100.0%	3,987 31.2%	882 6.9%	5,584 43.7%	2,255 17.7%	63 0.5%	12,771 100.0%
Two	1,908 48.0%	314 7.9%	1,288 32.4%	451 11.3%	17 0.4%	3,978 100.0%	1,864 48.0%	319 8.2%	1,258 32.4%	425 11.0%	14 0.4%	3,880 100.0%
Three	785 58.9%	116 8.7%	324 24.3%	101 7.6%	6 0.5%	1,332 100.0%	823 57.7%	102 7.1%	374 26.2%	124 8.7%	4 0.3%	1,427 100.0%
Four	353 72.3%	30 6.1%	85 17.4%	18 3.7%	2 0.4%	488 100.0%	348 68.4%	37 7.3%	100 19.6%	22 4.3%	2 0.4%	509 100.0%
Five	173 76.5%	14 6.2%	35 15.5%	3 1.3%	1 0.4%	226 100.0%	193 76.9%	17 6.8%	35 13.9%	5 2.0%	1 0.4%	251 100.0%
Six	107 79.9%	11 8.2%	13 9.7%	3 2.2%	0 0.0%	134 100.0%	97 74.6%	9 6.9%	19 14.6%	4 3.1%	1 0.8%	130 100.0%
Seven or More	85 75.9%	13 11.6%	10 8.9%	4 3.6%	0 0.0%	112 100.0%	121 81.8%	6 4.1%	20 13.5%	1 0.7%	0 0.0%	148 100.0%
Total	17,324 23.0%	4,104 5.5%	35,647 47.4%	17,704 23.5%	478 0.6%	75,257 100.0%	15,413 21.2%	3,923 5.4%	35,485 48.9%	17,303 23.8%	470 0.6%	72,594 100.0%

* As indicated on the scoresheet.

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

¹ Offense dates on or after October 1, 2009.

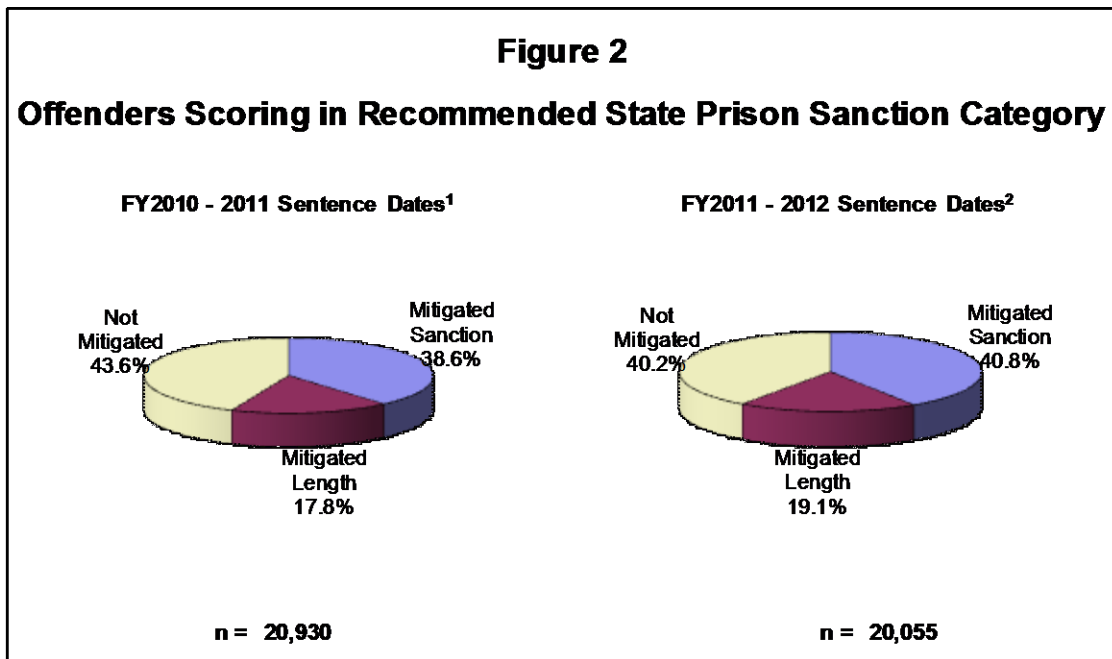
² Offense dates on or after October 1, 2010.



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

Category	FY2010-2011 Sentence Dates ¹		FY2011-2012 Sentence Dates ²	
	Number / Percent	Average Mitigated Length in Months	Number / Percent	Average Mitigated Length in Months
Mitigated Total	11,807 56.4%		12,002 59.8%	
Mitigated Sanction	8,087 38.6%		8,173 40.8%	
Mitigated Length	3,720 17.8%	24.5	3,829 19.1%	23.3
Not Mitigated	9,123 43.6%		8,053 40.2%	
Total	20,930 100.0%		20,055 100.0%	

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



* Total points exceeding 44.0

¹ Offense dates on or after October 1, 2009.

² Offense dates on or after October 1, 2010.



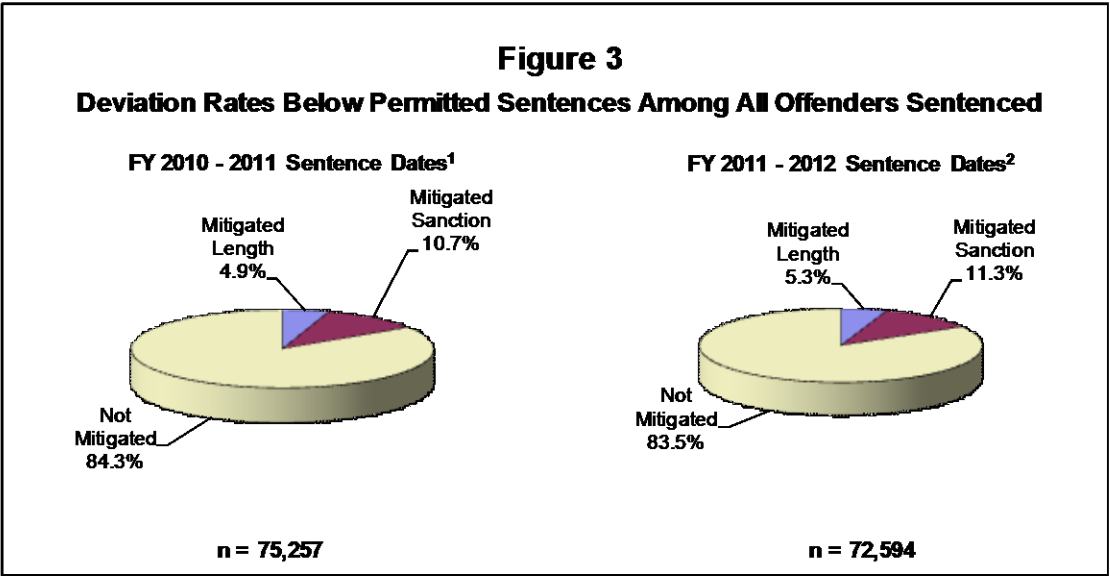


Table 12
Mitigated Sanction Rates* By Judicial Circuit

Judicial Circuit	FY2010-2011 Sentence Dates ¹			FY2011-2012 Sentence Dates ²		
	Scoresheets Exceeding 44.0 Total Points	Scoresheets Mitigated	Mitigation Rate	Scoresheets Exceeding 44.0 Total Points	Scoresheets Mitigated	Mitigation Rate
01- Pensacola	943	450	47.7%	928	391	42.1%
02- Tallahassee	507	214	42.2%	653	297	45.5%
03- Lake City	183	57	31.1%	196	74	37.8%
04- Jacksonville	1,648	149	9.0%	1,301	175	13.5%
05- Tavares	1,179	349	29.6%	1,488	347	23.3%
06- Clearwater	2,209	595	26.9%	1,902	509	26.8%
07- Daytona	885	380	42.9%	921	362	39.3%
08- Gainesville	391	161	41.2%	676	261	38.6%
09- Orlando	1,591	536	33.7%	1,319	511	38.7%
10- Bartow	757	200	26.4%	708	259	36.6%
11- Miami	2,230	1,616	72.5%	2,064	1,557	75.4%
12- Sarasota	610	174	28.5%	633	203	32.1%
13- Tampa	1,952	1,039	53.2%	1,596	845	52.9%
14- Panama City	589	209	35.5%	617	256	41.5%
15- West Palm Beach	1,020	331	32.5%	902	348	38.6%
16- Key West	107	51	47.7%	135	44	32.6%
17- Ft. Lauderdale	1,557	866	55.6%	1,490	924	62.0%
18- Sanford	855	317	37.1%	910	399	43.8%
19- Ft. Pierce	688	165	24.0%	591	158	26.7%
20- Ft. Myers	1,029	228	22.2%	1,025	253	24.7%
Statewide	20,930	8,087	38.6%	20,055	8,173	40.8%

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

¹ Offense dates on or after October 1, 2009.

² Offense dates on or after October 1, 2010.



Table 13

Mitigated Sanction Rates and Mitigated Length Rates* By Judicial Circuit

Judicial Circuit	FY2010-2011 Sentence Dates ¹			FY2011-2012 Sentence Dates ²		
	Scoresheets Exceeding 44.0 Total Points	Scoresheets Mitigated	Mitigation Rate	Scoresheets Exceeding 44.0 Total Points	Scoresheets Mitigated	Mitigation Rate
01- Pensacola	943	531	56.3%	928	501	54.0%
02- Tallahassee	507	358	70.6%	653	480	73.5%
03- Lake City	183	100	54.6%	196	117	59.7%
04- Jacksonville	1,648	559	33.9%	1,301	599	46.0%
05- Tavares	1,179	542	46.0%	1,488	590	39.7%
06- Clearwater	2,209	1,002	45.4%	1,902	902	47.4%
07- Daytona	885	586	66.2%	921	600	65.1%
08- Gainesville	391	276	70.6%	676	474	70.1%
09- Orlando	1,591	861	54.1%	1,319	822	62.3%
10- Bartow	757	322	42.5%	708	385	54.4%
11- Miami	2,230	2,035	91.3%	2,064	1,931	93.6%
12- Sarasota	610	228	37.4%	633	247	39.0%
13- Tampa	1,952	1,482	75.9%	1,596	1,219	76.4%
14- Panama City	589	308	52.3%	617	364	59.0%
15- West Palm Beach	1,020	477	46.8%	902	520	57.6%
16- Key West	107	63	58.9%	135	63	46.7%
17- Ft. Lauderdale	1,557	1,102	70.8%	1,490	1,096	73.6%
18- Sanford	855	404	47.3%	910	524	57.6%
19- Ft. Pierce	688	235	34.2%	591	226	38.2%
20- Ft. Myers	1,029	336	32.7%	1,025	342	33.4%
Statewide	20,930	11,807	56.4%	20,055	12,002	59.8%

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

¹ Offense dates on or after October 1, 2009.

² Offense dates on or after October 1, 2010.



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

Offense Type	FY2010-2011 Sentence Dates ¹				FY2011-2012 Sentence Dates ²					
	Total Mitigated	Mitigated Sanction	Mitigated Length	Not Mitigated	Total	Total Mitigated	Mitigated Sanction	Mitigated Length	Not Mitigated	Total
Murder/Manslaughter	24	7	17	59	83	18	3	15	64	82
	58	14	44	81	139	44	11	33	83	127
Sexual/Lewd Behavior	19	5	14	29	48	17	6	11	22	39
	245	87	158	185	430	241	98	143	204	445
Robbery	49	27	22	92	141	84	54	30	60	144
	565	317	248	751	1,316	514	277	237	571	1,085
Violent, Other	15	12	3	21	36	27	18	9	17	44
	2,493	1,893	600	1,328	3,821	2,495	1,890	605	1,171	3,666
Burglary	78	58	20	101	179	83	62	21	99	182
	2,817	1,957	860	1,942	4,759	2,941	2,009	932	1,724	4,665
Property Theft/Fraud/Damage	2	1	1	3	5	4	4	-	1	5
	1,102	816	286	1,021	2,123	1,316	926	390	1,036	2,352
Drugs	76	56	20	64	140	53	38	15	36	89
	2,769	1,853	916	2,432	5,201	2,620	1,757	863	2,017	4,637
Weapons	1	-	1	1	2	1	1	-	2	3
	320	223	97	439	759	312	214	98	406	718
Other	3	2	1	4	7	5	3	2	4	9
	1,171	759	412	570	1,741	1,227	802	425	536	1,763
Total	11,807	8,087	3,720	9,123	20,930	12,002	8,173	3,829	8,053	20,055

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

** Total Points Exceeding 44.0.

¹ Offense dates on or after October 1, 2009.

² Offense dates on or after October 1, 2010.



APPENDICES



**Total Admissions to Prison from July 1, 2011 through June 30, 2012
by County**

COUNTY	COUNT	PERCENT	RANK
ALACHUA	698	2.2	17
BAKER	65	0.2	54
BAY	814	2.6	13
BRADFORD	42	0.1	60
BREVARD	984	3.1	10
BROWARD	1,669	5.3	5
CALHOUN	69	0.2	52
CHARLOTTE	272	0.9	33
CITRUS	246	0.8	34
CLAY	439	1.4	23
COLLIER	361	1.1	25
COLUMBIA	301	1.0	30
MIAMI-DADE	1,911	6.1	4
DESOTO	109	0.3	45
DIXIE	56	0.2	56
DUVAL	2,204	7.0	2
ESCAMBIA	804	2.6	14
FLAGLER	148	0.5	41
FRANKLIN	44	0.1	59
GADSDEN	163	0.5	39
GILCHRIST	20	0.1	66
GLADES	24	0.1	64
GULF	25	0.1	63
HAMILTON	36	0.1	61
HARDEE	47	0.1	58
HENDRY	91	0.3	48
HERNANDO	313	1.0	28
HIGHLANDS	224	0.7	35
HILLSBOROUGH	2,413	7.7	1
HOLMES	66	0.2	53
INDIAN RIVER	199	0.6	37
JACKSON	157	0.5	40
JEFFERSON	53	0.2	57
LAFA YETTE	12	0.0	67
LAKE	494	1.6	20
LEE	883	2.8	11

COUNTY	COUNT	PERCENT	RANK
LEON	723	2.3	15
LEVY	163	0.5	39
LIBERTY	26	0.1	62
MADISON	64	0.2	55
MANATEE	508	1.6	19
MARION	1,017	3.2	9
MARTIN	320	1.0	27
MONROE	208	0.7	36
NASSAU	103	0.3	46
OKALOOSA	299	1.0	32
OKEECHOBEE	129	0.4	42
ORANGE	1,639	5.2	6
OSCEOLA	458	1.5	22
PALM BEACH	1,372	4.4	7
PASCO	705	2.2	16
PINELLAS	1,997	6.3	3
POLK	1,336	4.2	8
PUTNAM	306	1.0	29
ST. JOHNS	348	1.1	26
ST. LUCIE	632	2.0	18
SANTA ROSA	300	1.0	31
SARASOTA	472	1.5	21
SEMINOLE	420	1.3	24
SUMTER	120	0.4	43
SUWANNEE	112	0.4	44
TAYLOR	89	0.3	49
UNION	23	0.1	65
VOLUSIA	842	2.7	12
WAKULLA	92	0.3	47
WALTON	69	0.2	52
WASHINGTON	86	0.3	50
00-INTERSTATE	16	0.1	
DATA UNAVAILABLE	829		
TOTAL	32,279	100.0	



**Total Admissions to Prison
from July 1, 2011 through June 30, 2012
by Circuit**

Judicial Circuit	# Offenders	Percent	rank
1	1,472	4.56	11
2	1,101	3.41	16
3	670	2.08	20
4	2,746	8.51	1
5	2,190	6.78	4
6	2,702	8.37	2
7	1,644	5.09	8
8	1,011	3.13	18
9	2,097	6.5	5
10	1,607	4.98	10
11	1,911	5.92	6
12	1,089	3.37	17
13	2,413	7.48	3
14	1,217	3.77	15
15	1,372	4.25	13
16	208	0.64	21
17	1,669	5.17	7
18	1,404	4.35	12
19	1,280	3.97	14
20	1,631	5.05	9
Data Unavailable	845	2.62	19
Total	32,279	100.0	



**OFFENSE SEVERITY RANKING CHART
AS OF JULY 1, 2012**

Florida Statute	Felony Degree	Description
		(a) LEVEL 1
<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 assistance program, 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 reemployment assistance 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).



**OFFENSE SEVERITY RANKING CHART
AS OF JULY 1, 2012**

Florida Statute	Felony Degree	Description
<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.
<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) & (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) LEVEL 2



**OFFENSE SEVERITY RANKING CHART
AS OF JULY 1, 2012**

Florida Statute	Felony Degree	Description
<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(2)</u>	3rd	Failure to furnish a prospectus meeting requirements.
<u>590.28(1)</u>	3rd	Intentional burning of lands.
<u>784.05(3)</u>	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
<u>787.04(1)</u>	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
<u>806.13(1)(b)3.</u>	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
<u>810.061(2)</u>	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
<u>810.09(2)(e)</u>	3rd	Trespassing on posted commercial horticulture property.
<u>812.014(2)(c)1.</u>	3rd	Grand theft, 3rd degree; \$300 or more but less than \$5,000.
<u>812.014(2)(d)</u>	3rd	Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling.
<u>812.015(7)</u>	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
<u>817.234(1)(a)2.</u>	3rd	False statement in support of insurance claim.
<u>817.481(3)(a)</u>	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
<u>817.52(3)</u>	3rd	Failure to redeliver hired vehicle.
<u>817.54</u>	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
<u>817.60(5)</u>	3rd	Dealing in credit cards of another.
<u>817.60(6)(a)</u>	3rd	Forgery; purchase goods, services with false card.
<u>817.61</u>	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
<u>826.04</u>	3rd	Knowingly marries or has sexual intercourse with person to whom related.
<u>831.01</u>	3rd	Forgery.



**OFFENSE SEVERITY RANKING CHART
AS OF JULY 1, 2012**

Florida Statute	Felony Degree	Description
<u>831.02</u>	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
<u>831.07</u>	3rd	Forging bank bills, checks, drafts, or promissory notes.
<u>831.08</u>	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
<u>831.09</u>	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
<u>831.11</u>	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
<u>832.05(3)(a)</u>	3rd	Cashing or depositing item with intent to defraud.
<u>843.08</u>	3rd	Falsely impersonating an officer.
<u>893.13(2)(a)2.</u>	3rd	Purchase of any 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 other than cannabis.
<u>893.147(2)</u>	3rd	Manufacture or delivery of drug paraphernalia.
		(c) LEVEL 3
<u>119.10(2)(b)</u>	3rd	Unlawful use of confidential information from police reports.
<u>316.066(3)(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.



**OFFENSE SEVERITY RANKING CHART
AS OF JULY 1, 2012**

Florida Statute	Felony Degree	Description
<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.
<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.
<u>626.902(1)(a) & (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.



**OFFENSE SEVERITY RANKING CHART
AS OF JULY 1, 2012**

Florida Statute	Felony Degree	Description
<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.
<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.



**OFFENSE SEVERITY RANKING CHART
AS OF JULY 1, 2012**

Florida Statute	Felony Degree	Description
<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).
		(d) LEVEL 4
<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.
<u>517.07(1)</u>	3 rd	Failure to register securities.
<u>517.12(1)</u>	3 rd	Failure of dealer, associated person, or issuer of securities to register.
<u>784.07(2)(b)</u>	3rd	Battery of law enforcement officer, firefighter, 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.



**OFFENSE SEVERITY RANKING CHART
AS OF JULY 1, 2012**

Florida Statute	Felony Degree	Description
<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>787.07</u>	3 rd	Human smuggling.
<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. 893.03(5) drugs.
<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.



**OFFENSE SEVERITY RANKING CHART
AS OF JULY 1, 2012**

Florida Statute	Felony Degree	Description
<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.
		(e) LEVEL 5
<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.
<u>379.367(4)</u>	3 rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
<u>379.3671(2)(c)3.</u>	3 rd	Willful molestation, possession, or removal of a commercial harvester's trap contents or trap gear by another harvester.
<u>381.0041(11)(b)</u>	3rd	Donate blood, plasma, or organs knowing HIV positive.



**OFFENSE SEVERITY RANKING CHART
AS OF JULY 1, 2012**

Florida Statute	Felony Degree	Description
<u>440.10(1)(g)</u>	2nd	Failure to obtain workers' compensation coverage.
<u>440.105(5)</u>	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
<u>440.381(2)</u>	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
<u>624.401(4)(b)2.</u>	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
<u>626.902(1)(c)</u>	2nd	Representing an unauthorized insurer; repeat offender.
<u>790.01(2)</u>	3rd	Carrying a concealed firearm.
<u>790.162</u>	2nd	Threat to throw or discharge destructive device.
<u>790.163(1)</u>	2nd	False report of deadly explosive or weapon of mass destruction.
<u>790.221(1)</u>	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(6)(c)</u>	3rd	Lewd or lascivious conduct; offender less than 18 years.
<u>800.04(7)(b)</u>	2nd	Lewd or lascivious exhibition; offender 18 years or older.
<u>806.111(1)</u>	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
<u>812.0145(2)(b)</u>	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
<u>812.015(8)</u>	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
<u>812.019(1)</u>	2nd	Stolen property; dealing in or trafficking in.
<u>812.131(2)(b)</u>	3rd	Robbery by sudden snatching.
<u>812.16(2)</u>	3rd	Owning, operating, or conducting a chop shop.
<u>817.034(4)(a)2.</u>	2nd	Communications fraud, value \$20,000 to \$50,000.
<u>817.234(11)(b)</u>	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
<u>817.2341(1), (2)(a) & (3)(a)</u>	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(2)(b)</u>	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



**OFFENSE SEVERITY RANKING CHART
AS OF JULY 1, 2012**

Florida Statute	Felony Degree	Description
		personal identification information of 10 or more individuals.
<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, control, or intentionally view 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) & (3)</u>	3rd	Transmission of pornography by electronic device or equipment.
<u>847.0138(2) & (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.
		(f) LEVEL 6
<u>316.193(2)(b)</u>	3rd	Felony DUI, 4th or subsequent conviction.



**OFFENSE SEVERITY RANKING CHART
AS OF JULY 1, 2012**

Florida Statute	Felony Degree	Description
<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.
<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.



**OFFENSE SEVERITY RANKING CHART
AS OF JULY 1, 2012**

Florida Statute	Felony Degree	Description
<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>810.145(8)(b)</u>	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
<u>812.014(2)(b)1.</u>	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
<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(2)(c)</u>	3rd	Abuse of a child.
<u>827.03(2)(d)</u>	3rd	Neglect of a child.
<u>827.071(2) & (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.



**OFFENSE SEVERITY RANKING CHART
AS OF JULY 1, 2012**

Florida Statute	Felony Degree	Description
<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.
<u>951.22(1)</u>	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.
		(g) LEVEL 7
<u>316.027(1)(b)</u>	1st	Accident involving death, failure to stop; leaving scene.
<u>316.193(3)(c)2.</u>	3rd	DUI resulting in serious bodily injury.
<u>316.1935(3)(b)</u>	1 st	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>	3 rd	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)(b)1.a.</u>	3rd	Medicaid provider fraud; \$10,000 or less.
<u>409.920(2)(b)1.b.</u>	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
<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.



**OFFENSE SEVERITY RANKING CHART
AS OF JULY 1, 2012**

Florida Statute	Felony Degree	Description
<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.
<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. <u>494.001-494.0077</u> 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.



**OFFENSE SEVERITY RANKING CHART
AS OF JULY 1, 2012**

Florida Statute	Felony Degree	Description
<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.
<u>787.06(3)(a)</u>	1st	Human trafficking using coercion for labor and services.
<u>787.06(3)(e)</u>	1st	Human trafficking using coercion for labor and services by the transfer or transport of any individual from outside Florida to within the state.
<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.



**OFFENSE SEVERITY RANKING CHART
AS OF JULY 1, 2012**

Florida Statute	Felony Degree	Description
<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.
<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.



**OFFENSE SEVERITY RANKING CHART
AS OF JULY 1, 2012**

Florida Statute	Felony Degree	Description
<u>817.2341(2)(b) & (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(2)(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 st ,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), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.</u>) 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), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.</u> , 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), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.</u> drugs).
<u>893.135(1)(a)1.</u>	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
<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.



**OFFENSE SEVERITY RANKING CHART
AS OF JULY 1, 2012**

Florida Statute	Felony Degree	Description
<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, 2012**

Florida Statute	Felony Degree	Description
		(h) LEVEL 8
<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, aggravated fleeing or eluding with serious bodily injury or death, 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>787.06(3)(b)</u>	1st	Human trafficking using coercion for commercial sexual activity.
<u>787.06(3)(c)</u>	1st	Human trafficking using coercion for labor and services of an unauthorized alien.
<u>787.06(3)(f)</u>	1st	Human trafficking using coercion for commercial sexual activity by the transfer or transport of any individual from outside Florida to within the state.
<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.



**OFFENSE SEVERITY RANKING CHART
AS OF JULY 1, 2012**

Florida Statute	Felony Degree	Description
<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.
<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.



**OFFENSE SEVERITY RANKING CHART
AS OF JULY 1, 2012**

Florida Statute	Felony Degree	Description
<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.
<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.
		(i) LEVEL 9
<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>409.920(2)(b)1.c.</u>	1st	Medicaid provider fraud; \$50,000 or more.
<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.



**OFFENSE SEVERITY RANKING CHART
AS OF JULY 1, 2012**

Florida Statute	Felony Degree	Description
<u>782.04(3)</u>	1st,PBL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, aggravated fleeing or eluding with serious bodily injury or death, 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>787.06(3)(d)</u>	1st	Human trafficking using coercion for commercial sexual activity of an unauthorized alien.
<u>787.06(3)(g)</u>	1st,PBL	Human trafficking using coercion for commercial sexual activity of a child under the age of 18.
<u>787.06(4)</u>	1st	Selling or buying of minors into human trafficking.
<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.
<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.



**OFFENSE SEVERITY RANKING CHART
AS OF JULY 1, 2012**

Florida Statute	Felony Degree	Description
<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.
<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.
		(j) LEVEL 10
<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>782.07(3)</u>	1st	Aggravated manslaughter of a child.



**OFFENSE SEVERITY RANKING CHART
AS OF JULY 1, 2012**

Florida Statute	Felony Degree	Description
<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>787.06(3)(h)</u>	Life	Human trafficking for commercial sexual activity of a child under the age of 15.
<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

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

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

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

(Level - Points: 1=4, 2=10, 3=16, 4=22, 5=28, 6=36, 7=56, 8=74, 9=92, 10=116)

Prior capital felony triples Primary Offense points I. _____

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

DOCKET#	FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY 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 _____							

(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 _____	_____ = _____	_____

(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: _____

Effective Date: For offenses committed under the Criminal Punishment Code effective for offenses committed on or after October 1, 1998 and subsequent revisions.



NAME (LAST, FIRST, MI)	DOCKET #
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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
 Probation Community Control Pretrial Intervention or diversion VI. _____
 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 the total sentence points are 22 points or less, see Section 775.082(10), Florida Statutes, to determine if the court must sentence the offender to a 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
 If total sentence points are 60 points or less and court makes findings pursuant to both Florida Statute 948.20 and 397.334(3), the court may place the defendant into a treatment-based drug court program.

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

_____ maximum sentence in years

TOTAL SENTENCE IMPOSED

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

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 Prison Diversion Program

Other Reason _____

JUDGE'S SIGNATURE	
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RULE 3.992(b) Supplemental Criminal Punishment Code Scoresheet

NAME (LAST, FIRST, MI.)	DOCKET #	DATE OF SENTENCE
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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.
- The defendant is amenable to the services of a postadjudicatory treatment-based drug court program and is otherwise qualified to participate in the program.

Pursuant to 921.0026(3) the defendant's substance abuse or addiction does not justify a downward departure from the lowest permissible sentence, except for the provisions of s. 921.0026(2)(m).

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