

A Class and Sentence Guide for Florida Felony Crimes

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COCOA, FLORIDA, UNITED STATES, June 16, 2023 /EINPresswire.com/ -- In Florida, felonies are distinguished from misdemeanors based on the time the individual who committed the felony could spend in prison. In Florida, crimes that result in up to a year's

county jail time are classified as misdemeanors. Whereas, felonies typically carry penalties that exceed a year and can go up to life in prison or result in the death penalty.



Florida Felony Guide

This article will explain what a [Florida felony](#) is and share the sentencing, penalty, and prison release for felonies in the state.

Classifications and Penalties of Felony in Florida

In Florida, a felony is classified as first, second, third-degree, capital, or life felony. Each of these classifications carries a maximum penalty. Florida law also enforces sentencing enhancements for violent and repeat offenders.

Here's an overview of all Florida felony classifications:

Life Felonies

A life felony is punishable by life imprisonment and a fine of up to \$15,000. Life felonies could include human trafficking of minors, kidnapping a child younger than 13, committing a sex offense, and committing sexual battery on a child younger than 12 resulting in serious injuries.

Capital Felonies

These felonies are punishable by life in prison without parole or the death penalty. The best example of a capital felony is first-degree murder.

First-Degree Felonies

These felonies in Florida are typically punishable by a fine of up to \$10,000 and up to 30 years in prison. They could include carjacking, aggravated battery on a law enforcement officer, burglary with battery or assault, etc.

Second-Degree Felonies

Second-degree felonies can result in a fine of up to \$10,000 and up to 15 years in prison. Examples of second-degree felonies include vehicular homicide, extortion, and possession of firearms by a felon.

Third-Degree Felonies

These felonies are the least serious type of Florida felonies. They are punishable by a fine of up to \$5,000 and up to five years in prison. Examples include armed trespassing, vehicular or firearm theft, and aggravated stalking.

Enhanced Felony Sentences

If a person in Florida has been previously convicted of two or more felonies and is convicted of another felony, they can face a lengthy or enhanced prison sentence under Florida's repeat offender law. A judge might impose an extended prison term for habitual violent felony offenders. Violent career offenders and three-time violent felony offenders face mandatory minimums.

How Does Felony Sentencing Work in Florida?

Florida law demands a judge use a sentencing score sheet to determine the factors for imposing a felony sentence. This score sheet calculates sentencing points based on the offender's severity of the offense (1 to 10), offense characteristics (firearms, injuries, etc.), and the offender's criminal history. A judge can use the total to guide their decision regarding the sentence term and disposition, i.e., prison and non-prison terms.

Non-Prison Sanctions

Typically, a judge might impose non-prison sanctions if an offender's sentencing points are less than 44. Non-prison sanctions include community work, probation, split sentences, or prison diversion.

Prison Sentence

If an offender's sentencing points are 44 or more, the law dictates a prison sentence. The judge inputs the sentencing points into a formula to determine the appropriate prison sentence for the offender.

This formula reflects the lowest possible prison sentence for the offender. The judge can use their power to sentence the offender anywhere between the lowest possible sentence and the maximum sentence sanctioned for the crime.

Alternatives for Felony Sentencing in Florida

Florida felony law authorizes several sentencing alternatives, such as:

- Split sentence with probation
- Prison diversion
- [Community control](#) with intensive supervision
- Probation with or without adjudication of guilt
- Treatment programs or problem-solving courts

Split Sentences

When a judge orders a split sentence, the offender typically has to serve an incarceration period and is then placed on community control or probation.

Prison Diversion

A judge might require the offender to participate in a prison diversion program on top of serving probation or community control. These programs are run by the Department of Corrections. They can cater to substance abuse treatment, residential or non-residential programming, and vocational or academic opportunities. These programs are offered to third-degree felony criminals whose sentencing points put them a few points in the probable prison range.

Community Control

A judge might order a rigid and structured form of supervision for offenders not suitable for probation. It aims to rebuke them while keeping them out of prison. Community control involves house arrest with intensive supervision and surveillance and limited freedom. Typically, offenders must abide by conditions similar to probation and other sanctions, such as curfews, treatment, revocation of driving privileges, and deprivation of nonessential activities.

Felony Probation

Probation enables the offender to serve all or a part of their sentence in the community. A judge might order unsupervised or supervised probation. The probationer must comply with the conditions to remain in the community.

These conditions can include reporting to a probation officer, following the laws, completing community service hours, working, paying restitution, not using substances, and more. The law gives judges the freedom to award graduated incentives for compliance, such as reduced service hours, permitting travel, early probation termination, and more. But a violation of probation terms can result in stricter conditions and prison sentences.

Problem-Solving Courts

The state law enables courts to develop several problem-solving courts, including veteran, drug, and mental health courts. A judge can order participation as a condition of community control or probation for third-degree nonviolent felons. The participant has to agree to regular court appearances and intense supervision by professionals, including the judge, case managers, prosecutors, defense attorneys, and specialists.

Pretrial Intervention

First-time offenders with third-degree felonies might be eligible for pretrial intervention when offered by the district. These interventions offer first-time offenders the chance to avoid a conviction. The defendant must agree to follow the program requirements, such as receiving treatment, counseling, education, or supervision services. At the end of the intervention, the state attorney can recommend additional supervision, dismissal of charges, or prosecution.

Prison Sentences in Florida

In Florida, offenders sent to prison typically serve 85% or more of their sentence pronounced by the judge. Up to 15% of that sentence can be reduced by earning gain-time or incentive.

- Gain-Time: Eligible inmates earn meritorious gain-time by behaving appropriately, working, earning a degree, training, or using their time constructively. Meritorious gain-time is awarded to inmates who perform outstanding service or deeds.

- Conditional Release: Sexual, violent, career, or habitual offenders must serve a post-prison conditional release period when released before their sentence's expiration. Conditional release inmates face strict supervision. Violating the terms of their release will result in them returning to prison.

Florida's Criminal Statutes of Limitations

Florida felony law also includes statutes of limitations for filing criminal charges. The statutes of

limitations run when the defendant commits a crime. Serious crimes have longer statutes. In Florida, life felonies, capital felonies, and felonies that result in death have no statutes. Meanwhile, first-degree felonies have a four-year statute, and other felonies have a statute of limitation of three years. If a prosecutor files charges after the expiration of the statute, the defendant can seek the dismissal of charges.

Seek Legal Help

A felony conviction can result in imprisonment and a criminal record that will have long-lasting consequences, such as trouble getting a job, going to school, running for office, volunteering, etc. If you are charged with a felony in Florida, seek representation from a [skilled criminal defense lawyer](#).

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