

Florida Sentencing Enhancement Screener 775.084

Quick-ID worksheet — walk each lane top to bottom; if every box checks, flag the case for full statutory review.

Page 1 of 2 — Screener

Not a substitute for reading the statute

Habitual Felony Offender

HFO

§ 775.084(1)(a)

PRIOR OFFENSE

2+ prior felonies (any type — need not be violent), FL or qualified out-of-state.

INSTANT OFFENSE

Instant felony committed while serving sentence/supervision from a prior, OR within 5 yrs of last prior conviction or release (later date controls).

NOTES

Excluded if instant offense + one qualifying prior are both simple § 893.13 drug possession.

SENTENCE DISCRETIONARY

§ 775.084(4)(a)

3rd degree felony: 10y Max

2nd degree felony: 30y Max

Life/1st degree felony: Life Max

Habitual Violent Felony Offender

HVFO

§ 775.084(1)(b)

PRIOR OFFENSE

1+ prior felony conviction for an enumerated violent offense (list, p. 2).

INSTANT OFFENSE

Same timing rule as HFO — serving sentence/supervision OR within 5 yrs (whichever later), measured from that enumerated prior.

NOTES

Instant offense may be ANY felony — need not itself be enumerated.

SENTENCE MANDATORY MINIMUM

§ 775.084(4)(b)

3rd degree: 10y Max (5y before release)

2nd degree: 30y Max (10y before release)

Life/1st degree: Life Max (15y before release)

Three-Time Violent Felony Offender

3x Violent

§ 775.084(1)(c)

PRIOR OFFENSE

2+ prior adult convictions for enumerated violent offenses (17-offense list, p. 2).

INSTANT OFFENSE

Instant offense is ALSO one of the enumerated offenses, committed while serving sentence for a prior, OR within 5 yrs (whichever later).

NOTES

No judicial "not necessary for public protection" escape valve.

SENTENCE MANDATORY MINIMUM

§ 775.084(4)(c)

3rd degree: 5y Man/Min

2nd degree: 15y Man/Min

1st degree: 30y Man/Min

Life felony: Life Man/Min

Violent Career Criminal

VCC

§ 775.084(1)(d)

PRIOR OFFENSE

3+ prior adult convictions: forcible felony, agg. stalking, agg. child/elder abuse, lewd/lascivious offenses, escape, or a Ch. 790 firearm felony.

INSTANT OFFENSE

Defendant has been incarcerated in a state or federal prison.

NOTES

Instant offense in same category, committed on/after 10/1/95, w/ same 5-yr timing rule.

SENTENCE MANDATORY MINIMUM

§ 775.084(4)(d)

3rd degree: 15y (10y mandatory min)

2nd degree: 40y (30y mandatory min)

Life/1st degree: Life Mandatory

Qualifying Offense Lists

Enumerated offenses referenced by each enhancement above.

Page 2 of 2 — Offense Lists

HVFO / 3x Violent — Enumerated Violent Offenses

§ 775.084(1)(b)1., (1)(c)1.

1. Arson
2. Sexual battery
3. Robbery
4. Kidnapping
5. Aggravated child abuse
6. Aggravated abuse of elderly/disabled adult
7. Aggravated assault with a deadly weapon
8. Murder
9. Manslaughter
10. Aggravated manslaughter of elderly/disabled adult
11. Aggravated manslaughter of a child
12. Unlawful throwing, placing, or discharging a destructive device or bomb
13. Armed burglary
14. Aggravated battery
15. Aggravated stalking
- 16. Home-invasion robbery** — 3x Violent only
- 17. Carjacking** — 3x Violent only

VCC — Qualifying Priors

§ 775.084(1)(d)1.

1. Any "forcible felony" (§ 776.08 — murder, manslaughter, sexual battery, carjacking, home-invasion robbery, robbery, burglary, arson, kidnapping, aggravated assault/battery, aggravated stalking, aircraft piracy, destructive device/bomb offenses, or any felony involving use/threat of force)
2. Aggravated stalking (§ 784.048(3)–(4))
3. Aggravated child abuse (§ 827.03(2)(a))
4. Aggravated abuse of elderly/disabled adult (§ 825.102(2))
5. Lewd/lascivious battery, molestation, conduct, or exhibition (§ 800.04 / § 847.0135(5))
6. Escape (§ 944.40)
7. A felony violation of Ch. 790 involving use/possession of a firearm

Plus a substantially-similar out-of-state, federal, or foreign offense (or an attempt to commit any of the above).

Plus: defendant must have been incarcerated in a state or federal prison; instant offense must be from this same list and post-date 10/1/1995.

Qualified offense (HFO/VCC): an out-of-state/federal/foreign offense substantially similar in elements and penalty, punishable by death or >1 yr imprisonment.

Prior conviction: probation/community control without adjudication of guilt still counts. Vacated convictions and innocence-based pardons do not.