

1 A bill to be entitled
2 An act relating to firearm and destructive device
3 offenses; amending s. 775.087, F.S.; making an offense
4 of human trafficking during which a person possesses a
5 firearm or destructive device subject to a specified
6 mandatory minimum term of imprisonment; conforming
7 provisions to changes made by the act; making an
8 offense of human trafficking during which a person
9 possesses specified firearms or firearms accessories
10 subject to a specified mandatory minimum term of
11 imprisonment; amending s. 790.22, F.S.; revising the
12 maximum time period a minor who commits unlawful
13 firearm possession may be required to serve in secure
14 detention; amending s. 812.014, F.S.; providing a
15 penalty for a second or subsequent offense of grand
16 theft of a firearm; amending s. 985.24, F.S.;
17 requiring detention determination to consider a
18 juvenile's unlawful firearm use; amending s. 985.245,
19 F.S.; requiring the juvenile risk assessment
20 instrument to consider a juvenile's unlawful firearm
21 use; amending s. 985.25, F.S.; requiring a juvenile
22 charged with an offense involving unlawful firearm
23 possession or use to be placed in secure detention;
24 amending s. 921.0022, F.S.; ranking offenses on the
25 offense severity ranking chart of the Criminal

26 Punishment Code; conforming provisions to changes made
 27 by the act; providing an effective date.

28

29 Be It Enacted by the Legislature of the State of Florida:

30

31 Section 1. Paragraph (a) of subsection (2) and paragraph
 32 (a) of subsection (3) of section 775.087, Florida Statutes, are
 33 amended to read:

34 775.087 Possession or use of weapon; aggravated battery;
 35 felony reclassification; minimum sentence.—

36 (2)(a)1. Any person who is convicted of a felony or an
 37 attempt to commit a felony, regardless of whether the use of a
 38 weapon is an element of the felony, and the conviction was for:

- 39 a. Murder;
- 40 b. Sexual battery;
- 41 c. Robbery;
- 42 d. Burglary;
- 43 e. Arson;
- 44 f. Aggravated battery;
- 45 g. Kidnapping;
- 46 h. Escape;
- 47 i. Aircraft piracy;
- 48 j. Aggravated child abuse;
- 49 k. Aggravated abuse of an elderly person or disabled
 50 adult;

- 51 1. Unlawful throwing, placing, or discharging of a
 52 destructive device or bomb;
- 53 m. Carjacking;
- 54 n. Home-invasion robbery;
- 55 o. Aggravated stalking;
- 56 p. Trafficking in cannabis, trafficking in cocaine,
 57 capital importation of cocaine, trafficking in illegal drugs,
 58 capital importation of illegal drugs, trafficking in
 59 phencyclidine, capital importation of phencyclidine, trafficking
 60 in methaqualone, capital importation of methaqualone,
 61 trafficking in amphetamine, capital importation of amphetamine,
 62 trafficking in flunitrazepam, trafficking in gamma-
 63 hydroxybutyric acid (GHB), trafficking in 1,4-Butanediol,
 64 trafficking in Phenethylamines, or other violation of s.
 65 893.135(1); ~~or~~
- 66 q. Possession of a firearm by a felon; or
- 67 r. Human trafficking

68

69 and during the commission of the offense, such person actually
 70 possessed a "firearm" or "destructive device" as those terms are
 71 defined in s. 790.001, shall be sentenced to a minimum term of
 72 imprisonment of 10 years, except that a person who is convicted
 73 for possession of a firearm by a felon or burglary of a
 74 conveyance shall be sentenced to a minimum term of imprisonment
 75 of 3 years if such person possessed a "firearm" or "destructive

76 device" during the commission of the offense. However, if an
77 offender who is convicted of the offense of possession of a
78 firearm by a felon has a previous conviction of committing or
79 attempting to commit a felony listed in s. 775.084(1)(b)1. and
80 actually possessed a firearm or destructive device during the
81 commission of the prior felony, the offender shall be sentenced
82 to a minimum term of imprisonment of 10 years.

83 2. Any person who is convicted of a felony or an attempt
84 to commit a felony listed in sub-subparagraphs 1.a.-p. or sub-
85 subparagraph 1.r. ~~sub-subparagraphs (a)1.a.-p.~~, regardless of
86 whether the use of a weapon is an element of the felony, and
87 during the course of the commission of the felony such person
88 discharged a "firearm" or "destructive device" as defined in s.
89 790.001 shall be sentenced to a minimum term of imprisonment of
90 20 years.

91 3. Any person who is convicted of a felony or an attempt
92 to commit a felony listed in sub-subparagraphs 1.a.-p. or sub-
93 subparagraph 1.r. ~~sub-subparagraphs (a)1.a.-p.~~, regardless of
94 whether the use of a weapon is an element of the felony, and
95 during the course of the commission of the felony such person
96 discharged a "firearm" or "destructive device" as defined in s.
97 790.001 and, as the result of the discharge, death or great
98 bodily harm was inflicted upon any person, the convicted person
99 shall be sentenced to a minimum term of imprisonment of not less
100 than 25 years and not more than a term of imprisonment of life

101 | in prison.

102 | (3)(a)1. Any person who is convicted of a felony or an

103 | attempt to commit a felony, regardless of whether the use of a

104 | firearm is an element of the felony, and the conviction was for:

105 | a. Murder;

106 | b. Sexual battery;

107 | c. Robbery;

108 | d. Burglary;

109 | e. Arson;

110 | f. Aggravated battery;

111 | g. Kidnapping;

112 | h. Escape;

113 | i. Sale, manufacture, delivery, or intent to sell,

114 | manufacture, or deliver any controlled substance;

115 | j. Aircraft piracy;

116 | k. Aggravated child abuse;

117 | l. Aggravated abuse of an elderly person or disabled

118 | adult;

119 | m. Unlawful throwing, placing, or discharging of a

120 | destructive device or bomb;

121 | n. Carjacking;

122 | o. Home-invasion robbery;

123 | p. Aggravated stalking; ~~or~~

124 | q. Trafficking in cannabis, trafficking in cocaine,

125 | capital importation of cocaine, trafficking in illegal drugs,

126 capital importation of illegal drugs, trafficking in
 127 phencyclidine, capital importation of phencyclidine, trafficking
 128 in methaqualone, capital importation of methaqualone,
 129 trafficking in amphetamine, capital importation of amphetamine,
 130 trafficking in flunitrazepam, trafficking in gamma-
 131 hydroxybutyric acid (GHB), trafficking in 1,4-Butanediol,
 132 trafficking in Phenethylamines, or other violation of s.
 133 893.135(1); or

134 r. Human trafficking

135
 136 and during the commission of the offense, such person possessed
 137 a semiautomatic firearm and its high-capacity detachable box
 138 magazine or a machine gun as defined in s. 790.001, shall be
 139 sentenced to a minimum term of imprisonment of 15 years.

140 2. Any person who is convicted of a felony or an attempt
 141 to commit a felony listed in subparagraph 1. ~~subparagraph (a)1.~~,
 142 regardless of whether the use of a weapon is an element of the
 143 felony, and during the course of the commission of the felony
 144 such person discharged a semiautomatic firearm and its high-
 145 capacity box magazine or a "machine gun" as defined in s.
 146 790.001 shall be sentenced to a minimum term of imprisonment of
 147 20 years.

148 3. Any person who is convicted of a felony or an attempt
 149 to commit a felony listed in subparagraph 1. ~~subparagraph (a)1.~~,
 150 regardless of whether the use of a weapon is an element of the

151 felony, and during the course of the commission of the felony
 152 such person discharged a semiautomatic firearm and its high-
 153 capacity box magazine or a "machine gun" as defined in s.
 154 790.001 and, as the result of the discharge, death or great
 155 bodily harm was inflicted upon any person, the convicted person
 156 shall be sentenced to a minimum term of imprisonment of not less
 157 than 25 years and not more than a term of imprisonment of life
 158 in prison.

159 Section 2. Subsection (5) of section 790.22, Florida
 160 Statutes, is amended, and subsection (3) of that section is
 161 republished, to read:

162 790.22 Use of BB guns, air or gas-operated guns, or
 163 electric weapons or devices by minor under 16; limitation;
 164 possession of firearms by minor under 18 prohibited; penalties.—

165 (3) A minor under 18 years of age may not possess a
 166 firearm, other than an unloaded firearm at his or her home,
 167 unless:

168 (a) The minor is engaged in a lawful hunting activity and
 169 is:

- 170 1. At least 16 years of age; or
- 171 2. Under 16 years of age and supervised by an adult.

172 (b) The minor is engaged in a lawful marksmanship
 173 competition or practice or other lawful recreational shooting
 174 activity and is:

- 175 1. At least 16 years of age; or

176 2. Under 16 years of age and supervised by an adult who is
177 acting with the consent of the minor's parent or guardian.

178 (c) The firearm is unloaded and is being transported by
179 the minor directly to or from an event authorized in paragraph
180 (a) or paragraph (b).

181 (5)(a) A minor who violates subsection (3) commits a
182 misdemeanor of the first degree; for a first offense, may serve
183 a period of detention of up to 5 ~~3~~ days in a secure detention
184 facility; and, in addition to any other penalty provided by law,
185 shall be required to perform 100 hours of community service;
186 and:

187 1. If the minor is eligible by reason of age for a driver
188 license or driving privilege, the court may direct the
189 Department of Highway Safety and Motor Vehicles to revoke or to
190 withhold issuance of the minor's driver license or driving
191 privilege for up to 1 year.

192 2. If the minor's driver license or driving privilege is
193 under suspension or revocation for any reason, the court may
194 direct the Department of Highway Safety and Motor Vehicles to
195 extend the period of suspension or revocation by an additional
196 period of up to 1 year.

197 3. If the minor is ineligible by reason of age for a
198 driver license or driving privilege, the court may direct the
199 Department of Highway Safety and Motor Vehicles to withhold
200 issuance of the minor's driver license or driving privilege for

201 up to 1 year after the date on which the minor would otherwise
 202 have become eligible.

203 (b) For a second or subsequent offense, a minor who
 204 violates subsection (3) commits a felony of the third degree and
 205 shall serve a period of detention of up to 21 ~~15~~ days in a
 206 secure detention facility and shall be required to perform not
 207 less than 100 nor more than 250 hours of community service, and:

208 1. If the minor is eligible by reason of age for a driver
 209 license or driving privilege, the court may direct the
 210 Department of Highway Safety and Motor Vehicles to revoke or to
 211 withhold issuance of the minor's driver license or driving
 212 privilege for up to 2 years.

213 2. If the minor's driver license or driving privilege is
 214 under suspension or revocation for any reason, the court may
 215 direct the Department of Highway Safety and Motor Vehicles to
 216 extend the period of suspension or revocation by an additional
 217 period of up to 2 years.

218 3. If the minor is ineligible by reason of age for a
 219 driver license or driving privilege, the court may direct the
 220 Department of Highway Safety and Motor Vehicles to withhold
 221 issuance of the minor's driver license or driving privilege for
 222 up to 2 years after the date on which the minor would otherwise
 223 have become eligible.

224
 225 For the purposes of this subsection, community service shall be

226 performed, if possible, in a manner involving a hospital
 227 emergency room or other medical environment that deals on a
 228 regular basis with trauma patients and gunshot wounds.

229 Section 3. Paragraph (c) of subsection (2) of section
 230 812.014, Florida Statutes, is amended, and paragraph (f) is
 231 added that subsection, to read:

232 812.014 Theft.—

233 (2)

234 (c) It is grand theft of the third degree and a felony of
 235 the third degree, punishable as provided in s. 775.082, s.
 236 775.083, or s. 775.084, if the property stolen is:

- 237 1. Valued at \$750 or more, but less than \$5,000.
- 238 2. Valued at \$5,000 or more, but less than \$10,000.
- 239 3. Valued at \$10,000 or more, but less than \$20,000.
- 240 4. A will, codicil, or other testamentary instrument.
- 241 5. A firearm, except as provided in paragraph (f).
- 242 6. A motor vehicle, except as provided in paragraph (a).
- 243 7. Any commercially farmed animal, including any animal of
 244 the equine, avian, bovine, or swine class or other grazing
 245 animal; a bee colony of a registered beekeeper; and aquaculture
 246 species raised at a certified aquaculture facility. If the
 247 property stolen is a commercially farmed animal, including an
 248 animal of the equine, avian, bovine, or swine class or other
 249 grazing animal; a bee colony of a registered beekeeper; or an
 250 aquaculture species raised at a certified aquaculture facility,

251 a \$10,000 fine shall be imposed.

252 8. Any fire extinguisher that, at the time of the taking,
 253 was installed in any building for the purpose of fire prevention
 254 and control. This subparagraph does not apply to a fire
 255 extinguisher taken from the inventory at a point-of-sale
 256 business.

257 9. Any amount of citrus fruit consisting of 2,000 or more
 258 individual pieces of fruit.

259 10. Taken from a designated construction site identified
 260 by the posting of a sign as provided for in s. 810.09(2)(d).

261 11. Any stop sign.

262 12. Anhydrous ammonia.

263 13. Any amount of a controlled substance as defined in s.
 264 893.02. Notwithstanding any other law, separate judgments and
 265 sentences for theft of a controlled substance under this
 266 subparagraph and for any applicable possession of controlled
 267 substance offense under s. 893.13 or trafficking in controlled
 268 substance offense under s. 893.135 may be imposed when all such
 269 offenses involve the same amount or amounts of a controlled
 270 substance.

271
 272 However, if the property is stolen during a riot or an
 273 aggravated riot prohibited under s. 870.01 and the perpetration
 274 of the theft is facilitated by conditions arising from the riot;
 275 or within a county that is subject to a state of emergency

276 | declared by the Governor under chapter 252, the property is
277 | stolen after the declaration of emergency is made, and the
278 | perpetration of the theft is facilitated by conditions arising
279 | from the emergency, the offender commits a felony of the second
280 | degree, punishable as provided in s. 775.082, s. 775.083, or s.
281 | 775.084, if the property is valued at \$5,000 or more, but less
282 | than \$10,000, as provided under subparagraph 2., or if the
283 | property is valued at \$10,000 or more, but less than \$20,000, as
284 | provided under subparagraph 3. As used in this paragraph, the
285 | terms "conditions arising from a riot" and "conditions arising
286 | from the emergency" have the same meanings as provided in
287 | paragraph (b). A person arrested for committing a theft during a
288 | riot or an aggravated riot or within a county that is subject to
289 | a state of emergency may not be released until the person
290 | appears before a committing magistrate at a first appearance
291 | hearing. For purposes of sentencing under chapter 921, a felony
292 | offense that is reclassified under this paragraph is ranked one
293 | level above the ranking under s. 921.0022 or s. 921.0023 of the
294 | offense committed.

295 | (f) It is grand theft of the second degree and a felony of
296 | the second degree, punishable as provided in s. 775.082, s.
297 | 775.083, or s. 775.084, if the property stolen is a firearm and
298 | the offender has previously been convicted of grand theft of a
299 | firearm under subparagraph (c) 5.

300 | Section 4. Paragraph (b) of subsection (1) of section

301 985.24, Florida Statutes, is amended to read:

302 985.24 Use of detention; prohibitions.—

303 (1) All determinations and court orders regarding the use
 304 of detention care shall be based primarily upon findings that
 305 the child:

306 (b) Presents a substantial risk of inflicting bodily harm
 307 on others as evidenced by recent behavior, including the illegal
 308 possession or use of a firearm;

309 Section 5. Paragraph (b) of subsection (2) of section
 310 985.245, Florida Statutes, is amended to read:

311 985.245 Risk assessment instrument.—

312 (2)

313 (b) The risk assessment instrument shall take into
 314 consideration, but need not be limited to, pending felony and
 315 misdemeanor offenses, offenses committed pending adjudication,
 316 prior offenses, unlawful possession or use of a firearm, prior
 317 history of failure to appear, violations of supervision, and
 318 supervision status at the time the child is taken into custody.
 319 The risk assessment instrument shall also take into
 320 consideration all statutory mandates for detention care. The
 321 risk assessment instrument shall also include any information
 322 concerning the child's history of abuse and neglect. The risk
 323 assessment shall indicate whether detention care is warranted,
 324 and, if detention care is warranted, whether the child should be
 325 placed into secure or supervised release detention care.

326 Section 6. Paragraph (b) of subsection (1) of section
 327 985.25, Florida Statutes, is amended to read:

328 985.25 Detention intake.—

329 (1) The department shall receive custody of a child who
 330 has been taken into custody from the law enforcement agency or
 331 court and shall review the facts in the law enforcement report
 332 or probable cause affidavit and make such further inquiry as may
 333 be necessary to determine whether detention care is appropriate.

334 (b) The department shall base the decision whether to
 335 place the child into detention care on an assessment of risk in
 336 accordance with the risk assessment instrument and procedures
 337 developed by the department under s. 985.245, except that a
 338 child shall be placed in secure detention care until the child's
 339 detention hearing if the child meets the criteria specified in
 340 s. 985.255(1)(f), ~~or~~ is charged with possessing or discharging a
 341 firearm on school property in violation of s. 790.115, or is
 342 charged with any other offense involving the possession or use
 343 of a firearm.

344
 345 Under no circumstances shall the department or the state
 346 attorney or law enforcement officer authorize the detention of
 347 any child in a jail or other facility intended or used for the
 348 detention of adults, without an order of the court.

349 Section 7. Paragraphs (d), (f), and (g) of subsection (3)
 350 of section 921.0022, Florida Statutes, are amended to read:

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351 921.0022 Criminal Punishment Code; offense severity
 352 ranking chart.—
 353 (3) OFFENSE SEVERITY RANKING CHART
 354 (d) LEVEL 4
 355

Florida Statute	Felony Degree	Description
316.1935(3)(a)	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.
499.0051(1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
499.0051(5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
517.07(1)	3rd	Failure to register securities.

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357
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360	517.12(1)	3rd	Failure of dealer, associated person, or issuer of securities to register.
361	784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, etc.
362	784.074(1)(c)	3rd	Battery of sexually violent predators facility staff.
363	784.075	3rd	Battery on detention or commitment facility staff.
364	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
365	784.08(2)(c)	3rd	Battery on a person 65 years of age or older.
366	784.081(3)	3rd	Battery on specified official or employee.
367	784.082(3)	3rd	Battery by detained person on

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visitor or other detainee.

368

784.083 (3) 3rd Battery on code inspector.

369

784.085 3rd Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.

370

787.03 (1) 3rd Interference with custody; wrongly takes minor from appointed guardian.

371

787.04 (2) 3rd Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.

372

787.04 (3) 3rd Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.

373

787.07 3rd Human smuggling.

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374	790.115 (1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
375	790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
376	790.115 (2) (c)	3rd	Possessing firearm on school property.
377	794.051 (1)	3rd	Indecent, lewd, or lascivious touching of certain minors.
378	800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
379	806.135	2nd	Destroying or demolishing a memorial or historic property.
380	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.

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381	810.02(4)(b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
382	810.06	3rd	Burglary; possession of tools.
383	810.08(2)(c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
384	812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
385	812.014 (2)(c)4. <u>& 6.</u> - 10.	3rd	Grand theft, 3rd degree; specified items.
386	812.0195(2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
387	817.505(4)(a)	3rd	Patient brokering.
388			

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389	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
390	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
391	817.625 (2) (a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
392	817.625 (2) (c)	3rd	Possess, sell, or deliver skimming device.
393	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
394	836.14 (2)	3rd	Person who commits theft of a sexually explicit image with intent to promote it.
	836.14 (3)	3rd	Person who willfully possesses

a sexually explicit image with certain knowledge, intent, and purpose.

395

837.02(1) 3rd Perjury in official proceedings.

396

837.021(1) 3rd Make contradictory statements in official proceedings.

397

838.022 3rd Official misconduct.

398

839.13(2)(a) 3rd Falsifying records of an individual in the care and custody of a state agency.

399

839.13(2)(c) 3rd Falsifying records of the Department of Children and Families.

400

843.021 3rd Possession of a concealed handcuff key by a person in custody.

401

843.025 3rd Deprive law enforcement,

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correctional, or correctional
 probation officer of means of
 protection or communication.

402
 843.15(1) (a) 3rd Failure to appear while on bail
 for felony (bond estreature or
 bond jumping).

403
 847.0135(5) (c) 3rd Lewd or lascivious exhibition
 using computer; offender less
 than 18 years.

404
 870.01(3) 2nd Aggravated rioting.

405
 870.01(5) 2nd Aggravated inciting a riot.

406
 874.05(1) (a) 3rd Encouraging or recruiting
 another to join a criminal
 gang.

407
 893.13(2) (a) 1. 2nd Purchase of cocaine (or other
 s. 893.03(1) (a), (b), or (d),
 (2) (a), (2) (b), or (2) (c) 5.
 drugs).

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409	914.14(2)	3rd	Witnesses accepting bribes.
410	914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
411	914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
412	916.1085 (2) (c) 1.	3rd	Introduction of specified contraband into certain DCF facilities.
413	918.12	3rd	Tampering with jurors.
414	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
415	944.47(1) (a) 6.	3rd	Introduction of contraband (cellular telephone or other portable communication device) into correctional institution.
	951.22(1) (h) ,	3rd	Intoxicating drug,

(j) & (k) instrumentality or other device
to aid escape, or cellular
telephone or other portable
communication device introduced
into county detention facility.

416

417 (f) LEVEL 6

418

Florida	Felony	
Statute	Degree	Description

419

316.027 (2) (b)	2nd	Leaving the scene of a crash involving serious bodily injury.
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420

316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
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421

400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
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422

499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction
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statement.

423

499.0051(3) 2nd Knowing purchase or receipt of prescription drug from unauthorized person.

424

499.0051(4) 2nd Knowing sale or transfer of prescription drug to unauthorized person.

425

775.0875(1) 3rd Taking firearm from law enforcement officer.

426

784.021(1)(a) 3rd Aggravated assault; deadly weapon without intent to kill.

427

784.021(1)(b) 3rd Aggravated assault; intent to commit felony.

428

784.041 3rd Felony battery; domestic battery by strangulation.

429

784.048(3) 3rd Aggravated stalking; credible threat.

430

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431	784.048 (5)	3rd	Aggravated stalking of person under 16.
432	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
433	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
434	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
435	784.081 (2)	2nd	Aggravated assault on specified official or employee.
436	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
437	784.083 (2)	2nd	Aggravated assault on code inspector.
	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those

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in s. 787.01.

438

790.115 (2) (d) 2nd Discharging firearm or weapon
on school property.

439

790.161 (2) 2nd Make, possess, or throw
destructive device with intent
to do bodily harm or damage
property.

440

790.164 (1) 2nd False report concerning bomb,
explosive, weapon of mass
destruction, act of arson or
violence to state property, or
use of firearms in violent
manner.

441

790.19 2nd Shooting or throwing deadly
missiles into dwellings,
vessels, or vehicles.

442

794.011 (8) (a) 3rd Solicitation of minor to
participate in sexual activity
by custodial adult.

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444	794.05(1)	2nd	Unlawful sexual activity with specified minor.
445	800.04(5)(d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years of age; offender less than 18 years.
446	800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
447	806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
448	810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
449	810.145(8)(b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
	812.014(2)(b)1.	2nd	Property stolen \$20,000 or more, but less than \$100,000,

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grand theft in 2nd degree.

450

812.014 (2) (c) 5. 3rd Grand theft; third degree;
firearm.

451

812.014 (6) 2nd Theft; property stolen \$3,000
or more; coordination of
others.

452

812.015 (9) (a) 2nd Retail theft; property stolen
\$750 or more; second or
subsequent conviction.

453

812.015 (9) (b) 2nd Retail theft; aggregated
property stolen within 30 days
is \$3,000 or more; coordination
of others.

454

812.015 (9) (d) 2nd Retail theft; multiple thefts
within specified period.

455

812.13 (2) (c) 2nd Robbery, no firearm or other
weapon (strong-arm robbery).

456

817.4821 (5) 2nd Possess cloning paraphernalia

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with intent to create cloned
cellular telephones.

457

817.49(2)(b)2. 2nd Willful making of a false
report of a crime resulting in
death.

458

817.505(4)(b) 2nd Patient brokering; 10 or more
patients.

459

825.102(1) 3rd Abuse of an elderly person or
disabled adult.

460

825.102(3)(c) 3rd Neglect of an elderly person or
disabled adult.

461

825.1025(3) 3rd Lewd or lascivious molestation
of an elderly person or
disabled adult.

462

825.103(3)(c) 3rd Exploiting an elderly person or
disabled adult and property is
valued at less than \$10,000.

463

827.03(2)(c) 3rd Abuse of a child.

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464	827.03(2)(d)	3rd	Neglect of a child.
465	827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
466	828.126(3)	3rd	Sexual activities involving animals.
467	836.05	2nd	Threats; extortion.
468	836.10	2nd	Written or electronic threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
469	843.12	3rd	Aids or assists person to escape.
470	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
471			

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472	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
473	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
474	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
475	918.13(2)(b)	2nd	Tampering with or fabricating physical evidence relating to a capital felony.
476	944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
477	944.40	2nd	Escapes.

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478	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
479	944.47(1) (a) 5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
480	951.22(1) (i)	3rd	Firearm or weapon introduced into county detention facility.
481	(g) LEVEL 7		
482	Florida	Felony	
483	Statute	Degree	Description
484	316.027(2) (c)	1st	Accident involving death, failure to stop; leaving scene.
485	316.193(3) (c) 2.	3rd	DUI resulting in serious bodily injury.
	316.1935(3) (b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety

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while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.

486 327.35(3)(c)2. 3rd Vessel BUI resulting in serious bodily injury.

487 402.319(2) 2nd Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.

488 409.920 3rd Medicaid provider fraud;
(2)(b)1.a. \$10,000 or less.

489 409.920 2nd Medicaid provider fraud; more
(2)(b)1.b. than \$10,000, but less than \$50,000.

490 456.065(2) 3rd Practicing a health care profession without a license.

491 456.065(2) 2nd Practicing a health care

profession without a license
which results in serious bodily
injury.

492

458.327 (1) 3rd Practicing medicine without a
license.

493

459.013 (1) 3rd Practicing osteopathic medicine
without a license.

494

460.411 (1) 3rd Practicing chiropractic
medicine without a license.

495

461.012 (1) 3rd Practicing podiatric medicine
without a license.

496

462.17 3rd Practicing naturopathy without
a license.

497

463.015 (1) 3rd Practicing optometry without a
license.

498

464.016 (1) 3rd Practicing nursing without a
license.

499

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500	465.015 (2)	3rd	Practicing pharmacy without a license.
501	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
502	467.201	3rd	Practicing midwifery without a license.
503	468.366	3rd	Delivering respiratory care services without a license.
504	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
505	483.901 (7)	3rd	Practicing medical physics without a license.
506	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
507	484.053	3rd	Dispensing hearing aids without a license.

508	494.0018(2)	1st	Conviction of any violation of chapter 494 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
509	560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.
510	560.125(5)(a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
511	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
	775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew

driver license or
 identification card; other
 registration violations.

512

775.21(10) (b) 3rd Sexual predator working where
 children regularly congregate.

513

775.21(10) (g) 3rd Failure to report or providing
 false information about a
 sexual predator; harbor or
 conceal a sexual predator.

514

782.051 (3) 2nd Attempted felony murder of a
 person by a person other than
 the perpetrator or the
 perpetrator of an attempted
 felony.

515

782.07(1) 2nd Killing of a human being by the
 act, procurement, or culpable
 negligence of another
 (manslaughter).

516

782.071 2nd Killing of a human being or
 unborn child by the operation

of a motor vehicle in a reckless manner (vehicular homicide).

517 782.072 2nd Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).

518 784.045 (1) (a) 1. 2nd Aggravated battery; intentionally causing great bodily harm or disfigurement.

519 784.045 (1) (a) 2. 2nd Aggravated battery; using deadly weapon.

520 784.045 (1) (b) 2nd Aggravated battery; perpetrator aware victim pregnant.

521 784.048 (4) 3rd Aggravated stalking; violation of injunction or court order.

522 784.048 (7) 3rd Aggravated stalking; violation of court order.

523

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524	784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
525	784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
526	784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
527	784.081(1)	1st	Aggravated battery on specified official or employee.
528	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
529	784.083(1)	1st	Aggravated battery on code inspector.
530	787.06(3)(a)2.	1st	Human trafficking using coercion for labor and services of an adult.
	787.06(3)(e)2.	1st	Human trafficking using

coercion for labor and services
by the transfer or transport of
an adult from outside Florida
to within the state.

531

790.07(4) 1st Specified weapons violation
subsequent to previous
conviction of s. 790.07(1) or
(2).

532

790.16(1) 1st Discharge of a machine gun
under specified circumstances.

533

790.165(2) 2nd Manufacture, sell, possess, or
deliver hoax bomb.

534

790.165(3) 2nd Possessing, displaying, or
threatening to use any hoax
bomb while committing or
attempting to commit a felony.

535

790.166(3) 2nd Possessing, selling, using, or
attempting to use a hoax weapon
of mass destruction.

536

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537	790.166 (4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
538	790.23	1st, PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
539	794.08 (4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.
540	796.05 (1)	1st	Live on earnings of a prostitute; 2nd offense.
541	796.05 (1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.
	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation;

victim younger than 12 years of age; offender younger than 18 years of age.

542

800.04(5)(c)2. 2nd Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older.

543

800.04(5)(e) 1st Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.

544

806.01(2) 2nd Maliciously damage structure by fire or explosive.

545

810.02(3)(a) 2nd Burglary of occupied dwelling; unarmed; no assault or battery.

546

810.02(3)(b) 2nd Burglary of unoccupied dwelling; unarmed; no assault

or battery.

547 810.02(3)(d) 2nd Burglary of occupied
conveyance; unarmed; no assault
or battery.

548 810.02(3)(e) 2nd Burglary of authorized
emergency vehicle.

549 812.014(2)(a)1. 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.

550 812.014(2)(b)2. 2nd Property stolen, cargo valued
at less than \$50,000, grand
theft in 2nd degree.

551 812.014(2)(b)3. 2nd Property stolen, emergency
medical equipment; 2nd degree
grand theft.

552

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553	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
554	<u>812.014 (2) (f)</u>	<u>2nd</u>	<u>Grand theft; second degree; firearm with previous conviction of s. 812.014 (2) (c) 5.</u>
555	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
556	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
557	812.131 (2) (a)	2nd	Robbery by sudden snatching.
558	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
559	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.

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560	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
561	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
562	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
563	817.2341 (2) (b) & (3) (b)	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.
564	817.418 (2) (a)	3rd	Offering for sale or advertising personal protective equipment with intent to defraud.
	817.504 (1) (a)	3rd	Offering or advertising a

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vaccine with intent to defraud.

565

817.535 (2) (a) 3rd Filing false lien or other
unauthorized document.

566

817.611 (2) (b) 2nd Traffic in or possess 15 to 49
counterfeit credit cards or
related documents.

567

825.102 (3) (b) 2nd Neglecting an elderly person or
disabled adult causing great
bodily harm, disability, or
disfigurement.

568

825.103 (3) (b) 2nd Exploiting an elderly person or
disabled adult and property is
valued at \$10,000 or more, but
less than \$50,000.

569

827.03 (2) (b) 2nd Neglect of a child causing
great bodily harm, disability,
or disfigurement.

570

827.04 (3) 3rd Impregnation of a child under
16 years of age by person 21

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years of age or older.

571 837.05(2) 3rd Giving false information about
alleged capital felony to a law
enforcement officer.

572 838.015 2nd Bribery.

573 838.016 2nd Unlawful compensation or reward
for official behavior.

574 838.021(3)(a) 2nd Unlawful harm to a public
servant.

575 838.22 2nd Bid tampering.

576 843.0855(2) 3rd Impersonation of a public
officer or employee.

577 843.0855(3) 3rd Unlawful simulation of legal
process.

578 843.0855(4) 3rd Intimidation of a public
officer or employee.

579

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580	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
581	847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
582	872.06	2nd	Abuse of a dead human body.
583	874.05(2)(b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
584	874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
	893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.) within 1,000 feet of a child

care facility, school, or
state, county, or municipal
park or publicly owned
recreational facility or
community center.

585

893.13(1)(e)1. 1st Sell, manufacture, or deliver
cocaine or other drug
prohibited under s.
893.03(1)(a), (1)(b), (1)(d),
(2)(a), (2)(b), or (2)(c)5.,
within 1,000 feet of property
used for religious services or
a specified business site.

586

893.13(4)(a) 1st Use or hire of minor; deliver
to minor other controlled
substance.

587

893.135(1)(a)1. 1st Trafficking in cannabis, more
than 25 lbs., less than 2,000
lbs.

588

893.135 1st Trafficking in cocaine, more
(1)(b)1.a. than 28 grams, less than 200

grams.

589

893.135 1st Trafficking in illegal drugs,
 (1) (c)1.a. more than 4 grams, less than 14
 grams.

590

893.135 1st Trafficking in hydrocodone, 28
 (1) (c)2.a. grams or more, less than 50
 grams.

591

893.135 1st Trafficking in hydrocodone, 50
 (1) (c)2.b. grams or more, less than 100
 grams.

592

893.135 1st Trafficking in oxycodone, 7
 (1) (c)3.a. grams or more, less than 14
 grams.

593

893.135 1st Trafficking in oxycodone, 14
 (1) (c)3.b. grams or more, less than 25
 grams.

594

893.135 1st Trafficking in fentanyl, 4
 (1) (c)4.b. (I) grams or more, less than 14
 grams.

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595	893.135 (1) (d)1.a.	1st	Trafficking in phencyclidine, 28 grams or more, less than 200 grams.
596	893.135 (1) (e)1.	1st	Trafficking in methaqualone, 200 grams or more, less than 5 kilograms.
597	893.135 (1) (f)1.	1st	Trafficking in amphetamine, 14 grams or more, less than 28 grams.
598	893.135 (1) (g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
599	893.135 (1) (h)1.a.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
600	893.135 (1) (j)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.

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601	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
602	893.135 (1) (m) 2.a.	1st	Trafficking in synthetic cannabinoids, 280 grams or more, less than 500 grams.
603	893.135 (1) (m) 2.b.	1st	Trafficking in synthetic cannabinoids, 500 grams or more, less than 1,000 grams.
604	893.135 (1) (n) 2.a.	1st	Trafficking in n-benzyl phenethylamines, 14 grams or more, less than 100 grams.
605	893.1351(2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
606	896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
607			

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608	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
609	943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
610	943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
611	943.0435 (9) (a)	3rd	Sexual offender; failure to comply with reporting requirements.
612	943.0435 (13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

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613	943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
614	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
615	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
616	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
617	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

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618	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
619	985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
620	985.4815(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
621	Section 8. This act shall take effect October 1, 2023.		