

By Senator Martin

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1                                   A bill to be entitled  
2       An act relating to gaming activities; amending s.  
3       16.712, F.S.; exempting the Florida Gaming Control  
4       Commission from ch. 255, F.S.; authorizing the  
5       commission to acquire land, property interests,  
6       buildings, or other improvements for the purpose of  
7       securing and storing seized contraband; requiring such  
8       property to be held in the name of the state; amending  
9       s. 843.08, F.S.; prohibiting false personation of  
10      personnel or representatives of the Florida Gaming  
11      Control Commission; providing criminal penalties;  
12      amending s. 849.01, F.S.; revising criminal penalties  
13      for certain crimes relating to keeping a gambling  
14      house or possessing certain gambling apparatuses;  
15      revising the criminal penalty for operators of illegal  
16      gambling or gaming houses when operating within 1,000  
17      feet of certain places; defining the terms "community  
18      center" and "real property of a public housing  
19      facility"; revising criminal penalties for operators  
20      of illegal gambling or gaming houses under certain  
21      circumstances; prohibiting the raising of specified  
22      arguments as a defense in prosecutions for certain  
23      violations; revising the criminal penalty for  
24      operators of illegal gambling or gaming houses when an  
25      operator serves or allows to be served alcoholic  
26      beverages at or on the premises; creating s. 849.011,  
27      F.S.; prohibiting persons from disseminating any  
28      advertisement for illegal gambling or gaming;  
29      prohibiting owners or lessees of certain

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30 establishments from knowingly permitting the  
31 production or dissemination of any advertisement for  
32 illegal gambling or gaming; prohibiting any type of  
33 plate from being set up for the purpose of  
34 disseminating any advertisement for illegal gambling  
35 or gaming in or outside this state; providing  
36 exceptions; providing criminal penalties; amending s.  
37 849.03, F.S.; creating a rebuttable presumption that  
38 an individual knows that the place he or she is  
39 renting is being used for a gambling or gaming house  
40 when there is one or more slot machines; amending s.  
41 849.04, F.S.; revising the criminal penalties for  
42 permitting minors and persons under guardianship to  
43 gamble; amending s. 849.07, F.S.; revising the  
44 criminal penalty for permitting gambling on billiard  
45 or pool tables by a licenseholder; amending s. 849.09,  
46 F.S.; revising the criminal penalty for individuals  
47 who participate in illegal lotteries; providing an  
48 exception; making technical changes; amending s.  
49 849.10, F.S.; revising the criminal penalty for  
50 printing lottery tickets; amending s. 849.13, F.S.;  
51 revising the criminal penalty for individuals who are  
52 subsequently convicted for illegal lotteries; making a  
53 technical change; amending s. 849.15, F.S.; revising  
54 criminal penalties for the manufacture, sale, or  
55 possession of certain slot machine devices; revising  
56 the criminal penalties based on subsequent  
57 convictions, number of slot machine devices involved,  
58 and a participant's involvement; making technical

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59 changes; amending s. 849.23, F.S.; revising the  
60 criminal penalty for individuals who violate certain  
61 sections of law that do not currently provide a  
62 specified criminal penalty; revising the criminal  
63 penalties for those individuals who are subsequently  
64 convicted; making technical changes; amending s.  
65 903.046, F.S.; revising the source of funds a court  
66 shall consider when determining bail or other release  
67 conditions when such funds may be linked to or derived  
68 from illegal gambling or gaming activity; providing  
69 legislative findings and intent; amending s. 921.0022,  
70 F.S.; conforming a cross-reference; providing an  
71 effective date.

72

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

74

75 Section 1. Subsection (8) is added to section 16.712,  
76 Florida Statutes, to read:

77 16.712 Florida Gaming Control Commission authorizations,  
78 duties, and responsibilities.—

79 (8) The commission is exempt from chapter 255 and may  
80 purchase, lease, exchange, or otherwise acquire any land,  
81 property interests, buildings, or other improvements, including  
82 personal property within such buildings or on such lands, which  
83 are necessary or useful in securing or storing any seized slot  
84 machine or any other contraband. Such property must be held in  
85 the name of the state.

86 Section 2. Section 843.08, Florida Statutes, is amended to  
87 read:

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88           843.08 False personation.—A person who falsely assumes or  
89 pretends to be a firefighter, a sheriff, an officer of the  
90 Florida Highway Patrol, an officer of the Fish and Wildlife  
91 Conservation Commission, any personnel or representative of the  
92 Florida Gaming Control Commission, an officer of the Department  
93 of Environmental Protection, an officer of the Department of  
94 Financial Services, any personnel or representative of the  
95 Division of Investigative and Forensic Services, an officer of  
96 the Department of Corrections, a correctional probation officer,  
97 a deputy sheriff, a state attorney or an assistant state  
98 attorney, a statewide prosecutor or an assistant statewide  
99 prosecutor, a state attorney investigator, a coroner, a police  
100 officer, a lottery special agent or lottery investigator, a  
101 beverage enforcement agent, a school guardian as described in s.  
102 30.15(1)(k), a security officer licensed under chapter 493, any  
103 member of the Florida Commission on Offender Review or any  
104 administrative aide or supervisor employed by the commission,  
105 any personnel or representative of the Department of Law  
106 Enforcement, or a federal law enforcement officer as defined in  
107 s. 901.1505, and takes upon himself or herself to act as such,  
108 or to require any other person to aid or assist him or her in a  
109 matter pertaining to the duty of any such officer, commits a  
110 felony of the third degree, punishable as provided in s.  
111 775.082, s. 775.083, or s. 775.084. However, a person who  
112 falsely personates any such officer during the course of the  
113 commission of a felony commits a felony of the second degree,  
114 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
115 If the commission of the felony results in the death or personal  
116 injury of another human being, the person commits a felony of

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117 the first degree, punishable as provided in s. 775.082, s.  
118 775.083, or s. 775.084. In determining whether a defendant has  
119 violated this section, the court or jury may consider any  
120 relevant evidence, including, but not limited to, whether the  
121 defendant used lights in violation of s. 316.2397 or s. 843.081.

122 Section 3. Section 849.01, Florida Statutes, is amended to  
123 read:

124 849.01 Keeping gambling houses, etc.—

125 (1) Whoever by herself or himself, her or his servant,  
126 clerk or agent, or in any other manner has, keeps, exercises, or  
127 maintains a gaming table or room, or gaming implements or  
128 apparatus, or house, booth, tent, shelter, or other place for  
129 the purpose of gaming or gambling or in any place of which she  
130 or he may directly or indirectly have charge, control, or  
131 management, either exclusively or with others, procures,  
132 suffers, or permits any person to play for money or other  
133 valuable thing at any game whatever, ~~whether heretofore~~  
134 ~~prohibited or not,~~ commits a felony misdemeanor of the third  
135 ~~second~~ degree, punishable as provided in s. 775.082, ~~or~~ s.  
136 775.083, or s. 775.084.

137 (2) Notwithstanding subsection (1), a person who violates  
138 this section commits a felony of the second degree if the  
139 illegal gambling or gaming house described in subsection (1) is  
140 located within 1,000 feet of any of the following:

141 (a) A physical place of worship.

142 (b) A public or private elementary, middle, or secondary  
143 school.

144 (c) The real property comprising a public or private  
145 college, university, or other postsecondary educational

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146 institution.

147 (d) The real property of a child care facility as defined  
148 in s. 402.302.

149 (e) The real property comprising a state, county, or  
150 municipal park, a community center, or a publicly owned  
151 recreational facility. As used in this paragraph, the term  
152 "community center" means a facility operated by a nonprofit  
153 community-based organization for the provision of recreational,  
154 social, or educational services to the public.

155 (f) The real property comprising a mental health facility,  
156 as that term is used in chapter 394.

157 (g) The real property of a health care facility licensed  
158 under chapter 395 which provides substance abuse treatment.

159 (h) The real property of a licensed service provider as  
160 defined in s. 397.311.

161 (i) The real property of a facility providing services that  
162 include clinical treatment, intervention, or prevention as those  
163 terms are defined in s. 397.311(26).

164 (j) A recovery residence as defined in s. 397.311.

165 (k) An assisted living facility as defined in s. 429.02.

166 (l) A pain-management clinic as defined in s.  
167 458.3265(1)(a)1.c.

168 (m) The real property of a public housing facility at any  
169 time. As used in this paragraph, the term "real property of a  
170 public housing facility" means real property, as defined in s.  
171 421.03(12), of a public corporation created as a housing  
172 authority pursuant to part I of chapter 421.

173 (n) A convenience business as defined in s. 812.171.

174 (3) Notwithstanding subsection (1), a person who violates

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175 this section and, while at or on the premises of the illegal  
176 gambling or gaming house described in subsection (1), actually  
177 or constructively possesses a destructive device or a weapon, as  
178 those terms are defined in s. 790.001, which is not a firearm as  
179 defined in s. 790.001, commits a felony of the second degree,  
180 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

181 (4) Notwithstanding subsection (1), a person who violates  
182 this section and, while at or on the premises of the illegal  
183 gambling or gaming house, actually or constructively possesses a  
184 firearm as defined in s. 790.001 commits a felony of the first  
185 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
186 775.084.

187 (5) (a) Notwithstanding subsection (1), a person who  
188 violates this section and, during the course of the violation,  
189 an individual under the age of 21 or 65 years of age or older is  
190 present at or on the premises of the illegal gambling or gaming  
191 house described in subsection (1), commits a felony of the  
192 second degree, punishable as provided in s. 775.082, s. 775.083,  
193 or s. 775.084.

194 (b) A person's ignorance of an individual's age, an  
195 individual's misrepresentation of his or her age, or a bona fide  
196 belief of an individual's consent may not be raised as a defense  
197 in a prosecution for a violation of this subsection.

198 (6) (a) Notwithstanding subsection (1), a person who  
199 violates this section and, during the course of the violation,  
200 an individual under the age of 21 or 65 years of age or older is  
201 present at or on the premises of the illegal gambling or gaming  
202 house described in subsection (1) and is participating in any  
203 illegal gambling or gaming activity, commits a felony of the

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204 first degree, punishable as provided in s. 775.082, s. 775.083,  
205 or s. 775.084.

206 (b) A person's ignorance of an individual's age, an  
207 individual's misrepresentation of his or her age, or a bona fide  
208 belief of an individual's consent may not be raised as a defense  
209 in a prosecution for a violation of this subsection.

210 (7) Notwithstanding subsection (1), a person who violates  
211 this section and serves or allows to be served any alcoholic  
212 beverage as defined in s. 561.01(4), at or on the premises of  
213 the illegal gambling or gaming house described in subsection  
214 (1), regardless of whether the location of the illegal gambling  
215 or gaming house is licensed with the Department of Business and  
216 Professional Regulation or the Division of Alcoholic Beverages  
217 and Tobacco to otherwise serve or sell alcoholic beverages  
218 pursuant to chapter 561, commits a felony of the second degree,  
219 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

220 Section 4. Section 849.011, Florida Statutes, is created to  
221 read:

222 849.011 Gambling or gaming advertising; prohibited.-

223 (1) Except as otherwise provided by law, it is unlawful for  
224 any person to write, typewrite, print, publish, or disseminate  
225 in any way any advertisement, circular, bill, poster, pamphlet,  
226 list, schedule, announcement, or notice of an illegal gambling  
227 or gaming operation or any other matter or thing in any way  
228 related to or in connection with illegal gambling or gaming. It  
229 is unlawful to set up any type of plate for any advertisement in  
230 relation to or connection with illegal gambling or gaming to be  
231 used or distributed in this state or to be sent outside of this  
232 state.



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233       (2) Except as otherwise provided by law, it is unlawful for  
234 the owner or lessee of a house, shop, office, building, or any  
235 other establishment of any kind in this state to knowingly  
236 permit the printing, typewriting, writing, publishing, or any  
237 other dissemination of any advertisement, circular, bill,  
238 poster, pamphlet, list, schedule, announcement, or notice of any  
239 activity in relation to or connection with illegal gambling or  
240 gaming. It is unlawful for the owner or lessee of a house, shop,  
241 office, building, or any other establishment of any kind in this  
242 state to knowingly permit the setting up of any type of plate  
243 for gambling purposes to be used or distributed in this state or  
244 to be sent outside of this state.

245       (3) This section does not prohibit the printing or  
246 producing within this state of any advertisement for gambling or  
247 gaming conducted in any other state or nation where such  
248 gambling or gaming is permitted, or the sale of such materials  
249 by manufacturers in this state to any person or entity  
250 conducting or participating in such gambling or gaming in any  
251 other state or nation. This section does not authorize any  
252 advertisement within this state relating to any gambling or  
253 gaming of any other state or nation, or the sale or resale of  
254 anything related to gambling or gaming within this state.

255       (4) Any person who violates this section commits a felony  
256 of the second degree, punishable as provided in s. 775.082, s.  
257 775.083, or s. 775.084.

258       Section 5. Section 849.03, Florida Statutes, is amended to  
259 read:

260       849.03 Renting house for gambling purposes.—

261       (1) Whoever, whether as owner or agent, knowingly rents to

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262 another a house, room, booth, tent, shelter, or place for the  
263 purpose of gaming shall be punished in the manner and to the  
264 extent mentioned in s. 849.01.

265 (2) The presence of one or more slot machines or devices as  
266 defined in s. 849.16 at the house, room, booth, tent, shelter,  
267 or place referenced in subsection (1) creates a rebuttable  
268 presumption that an individual is knowingly renting such a  
269 house, room, booth, tent, shelter, or place for the purpose of  
270 gambling or gaming.

271 Section 6. Section 849.04, Florida Statutes, is amended to  
272 read:

273 849.04 Permitting minors and persons under guardianship to  
274 gamble.—The proprietor, owner, or keeper of any E. O., keno or  
275 pool table, or billiard table, wheel of fortune, or other game  
276 of chance kept for the purpose of betting, who willfully and  
277 knowingly allows a minor or person who is mentally incompetent  
278 or under guardianship to play at such game or to bet on such  
279 game of chance; or whoever aids or abets or otherwise encourages  
280 such playing or betting of any money or other valuable thing  
281 upon the result of such game of chance by a minor or person who  
282 is mentally incompetent or under guardianship, commits a felony  
283 of the second ~~third~~ degree, punishable as provided in s.

284 775.082, s. 775.083, or s. 775.084. For the purpose of this  
285 section, the term "person who is mentally incompetent" means a  
286 person who because of mental illness, intellectual disability,  
287 senility, excessive use of drugs or alcohol, or other mental  
288 incapacity is incapable of managing his or her property or  
289 caring for himself or herself or both.

290 Section 7. Section 849.07, Florida Statutes, is amended to

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291 read:

292 849.07 Permitting gambling on billiard or pool table by  
293 holder of license.—If any holder of a license to operate a  
294 billiard or pool table shall permit any person to play billiards  
295 or pool or any other game for money, or any other thing of  
296 value, upon such tables, she or he shall be deemed guilty of a  
297 felony ~~misdemeanor~~ of the third ~~second~~ degree, punishable as  
298 provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

299 Section 8. Section 849.09, Florida Statutes, is amended to  
300 read:

301 849.09 Lottery prohibited; exceptions.—

302 (1) It is unlawful for any person in this state to do any  
303 of the following:

304 (a) Set up, promote, or conduct any lottery for money or  
305 for anything of value.†

306 (b) Dispose of any money or other property of any kind  
307 whatsoever by means of any lottery.†

308 (c) Conduct any lottery drawing for the distribution of a  
309 prize or prizes by lot or chance, or advertise any such lottery  
310 scheme or device in any newspaper or by circulars, posters,  
311 pamphlets, radio, telegraph, telephone, or otherwise.†

312 (d) Aid or assist in the setting up, promoting, or  
313 conducting of any lottery or lottery drawing, whether by  
314 writing, printing, or in any other manner whatsoever, or be  
315 interested in or connected in any way with any lottery or  
316 lottery drawing.†

317 (e) Attempt to operate, conduct, or advertise any lottery  
318 scheme or device.†

319 (f) Have in her or his possession any lottery wheel,

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320 implement, or device whatsoever for conducting any lottery or  
321 scheme for the disposal by lot or chance of anything of value.~~†~~

322 (g) Sell, offer for sale, or transmit, in person or by mail  
323 or in any other manner whatsoever, any lottery ticket, coupon,  
324 or share, or any share in or fractional part of any lottery  
325 ticket, coupon, or share, whether such ticket, coupon, or share  
326 represents an interest in a live lottery not yet played or  
327 whether it represents, or has represented, an interest in a  
328 lottery that has already been played.~~†~~

329 (h) Have in her or his possession any lottery ticket, or  
330 any evidence of any share or right in any lottery ticket, or in  
331 any lottery scheme or device, whether such ticket or evidence of  
332 share or right represents an interest in a live lottery not yet  
333 played or whether it represents, or has represented, an interest  
334 in a lottery that has already been played.~~†~~

335 (i) Aid or assist in the sale, disposal, or procurement of  
336 any lottery ticket, coupon, or share, or any right to any  
337 drawing in a lottery.~~†~~

338 (j) Have in her or his possession any lottery  
339 advertisement, circular, poster, or pamphlet, or any list or  
340 schedule of any lottery prizes, gifts, or drawings.~~†~~~~or~~

341 (k) Have in her or his possession any so-called "run down  
342 sheets," tally sheets, or other papers, records, instruments, or  
343 paraphernalia designed for use, either directly or indirectly,  
344 in, or in connection with, the violation of the laws of this  
345 state prohibiting lotteries and gambling.

346 (2) This section does not prohibit participation in any  
347 nationally advertised contest, drawing, game, or puzzle of skill  
348 or chance for a prize or prizes unless it can be construed as a

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349 lottery under this section. Exemptions for national contests do  
350 not apply to any such contest based upon the outcome or results  
351 of any horserace, harness race, dograce, or jai alai game.

352  
353 ~~Provided, that nothing in this section shall prohibit~~  
354 ~~participation in any nationally advertised contest, drawing,~~  
355 ~~game or puzzle of skill or chance for a prize or prizes unless~~  
356 ~~it can be construed as a lottery under this section; and,~~  
357 ~~provided further, that this exemption for national contests~~  
358 ~~shall not apply to any such contest based upon the outcome or~~  
359 ~~results of any horserace, harness race, dograce, or jai alai~~  
360 ~~game.~~

361 (3)(2) Any person who is convicted of violating paragraph  
362 (1)(a), paragraph (1)(b), paragraph (1)(c), or paragraph (1)(d)  
363 commits any of the provisions of paragraph (a), paragraph (b),  
364 paragraph (c), or paragraph (d) of subsection (1) is guilty of a  
365 felony of the second ~~third~~ degree, punishable as provided in s.  
366 775.082, s. 775.083, or s. 775.084.

367 (4)(3) Any person who is convicted of violating paragraph  
368 (1)(e), paragraph (1)(f), paragraph (1)(g), or paragraph (1)(k)  
369 commits any of the provisions of paragraph (e), paragraph (f),  
370 paragraph (g), paragraph (i), or paragraph (k) of subsection (1)  
371 is guilty of a misdemeanor of the first degree, punishable as  
372 provided in s. 775.082 or s. 775.083. Any person who, having  
373 been convicted of violating any provision thereof, thereafter  
374 violates any provision thereof is guilty of a felony of the  
375 third degree, punishable as provided in s. 775.082, s. 775.083,  
376 or s. 775.084. The provisions of this section do not apply to  
377 bingo as provided for in s. 849.0931.

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378       ~~(5)~~(4) Any person who is convicted of violating paragraph  
379 (1)(h), paragraph (1)(i), or paragraph (1)(j) commits any of the  
380 provisions of paragraph (h) or paragraph (j) of subsection (1)  
381 is guilty of a felony misdemeanor of the third ~~first~~ degree,  
382 punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s.  
383 775.084. Any person who, having been convicted of violating any  
384 provision thereof, thereafter violates any provision thereof is  
385 guilty of a felony of the second ~~third~~ degree, punishable as  
386 provided in s. 775.082, s. 775.083, or s. 775.084.

387       Section 9. Subsection (4) of section 849.10, Florida  
388 Statutes, is amended to read:

389       849.10 Printing lottery tickets, etc., prohibited.—

390       (4) Any violation of this section shall be a felony of the  
391 second ~~third~~ degree, punishable as provided in s. 775.082, s.  
392 775.083, or s. 775.084.

393       Section 10. Section 849.13, Florida Statutes, is amended to  
394 read:

395       849.13 Punishment on second conviction.—Whoever, after  
396 being convicted of an offense forbidden by law in connection  
397 with lotteries, commits the like offense, commits ~~shall be~~  
398 ~~guilty of a felony misdemeanor~~ of the next higher ~~first~~ degree,  
399 punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s.  
400 775.084.

401       Section 11. Section 849.15, Florida Statutes, is amended to  
402 read:

403       849.15 Manufacture, sale, possession, etc., of slot  
404 machines or devices prohibited.—

405       (1) It is unlawful to do any of the following:

406       (a) To manufacture, own, store, keep, possess, sell, rent,

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407 lease, let on shares, lend or give away, transport, or expose  
408 for sale or lease, or to offer to sell, rent, lease, let on  
409 shares, lend or give away, or permit the operation of, or for  
410 any person to permit to be placed, maintained, or used or kept  
411 in any room, space, or building owned, leased or occupied by the  
412 person or under the person's management or control, any slot  
413 machine or device or any part thereof.~~;~~~~or~~

414 (b) To make or to permit to be made with any person any  
415 agreement with reference to any slot machine or device, pursuant  
416 to which the user thereof, as a result of any element of chance  
417 or other outcome unpredictable to him or her, may become  
418 entitled to receive any money, credit, allowance, or thing of  
419 value or additional chance or right to use such machine or  
420 device, or to receive any check, slug, token or memorandum  
421 entitling the holder to receive any money, credit, allowance or  
422 thing of value.

423 (2) Any person convicted of violating subsection (1)  
424 commits a felony of the third degree, punishable as provided in  
425 s. 775.082, s. 775.083, or s. 775.084.

426 (3) Any person convicted of a second violation of  
427 subsection (1) commits a felony of the second degree, punishable  
428 as provided in s. 775.082, s. 775.083, or s. 775.084.

429 (4) Any person convicted of a third or subsequent violation  
430 of subsection (1) commits a felony of the first degree,  
431 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

432 (5) Any person convicted of violating subsection (1), and  
433 such conviction involved the use of more than one but fewer than  
434 five slot machines, commits a felony of the second degree,  
435 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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436 (6) Any person convicted of violating subsection (1), and  
437 such conviction involved the use of five or more slot machines,  
438 commits a felony of the first degree, punishable as provided in  
439 s. 775.082, s. 775.083, or s. 775.084.

440 (7) Notwithstanding any provision of this section, any  
441 person convicted of violating subsection (1), and who is not a  
442 manager, supervisor, or owner of any location at which a slot  
443 machine is offered for play, commits a misdemeanor of the first  
444 degree, punishable as provided in s. 775.082 or s. 775.083. For  
445 purposes of this subsection, a person is a manager, a  
446 supervisor, or an owner if he or she is working at the location  
447 where a slot machine is offered for play, has supervisory duties  
448 at the location where a slot machine is offered for play, or has  
449 any ownership interest in the business where a slot machine is  
450 located.

451 (8) Pursuant to section 2 of that chapter of the Congress  
452 of the United States entitled "An act to prohibit transportation  
453 of gaming devices in interstate and foreign commerce," approved  
454 January 2, 1951, being ch. 1194, 64 Stat. 1134, and also  
455 designated as 15 U.S.C. ss. 1171-1177, the State of Florida,  
456 acting by and through the duly elected and qualified members of  
457 its Legislature, does hereby in this section, and in accordance  
458 with and in compliance with the provisions of section 2 of such  
459 chapter of Congress, declare and proclaim that any county of the  
460 State of Florida within which slot machine gaming is authorized  
461 pursuant to chapter 551 is exempt from the provisions of section  
462 2 of that chapter of the Congress of the United States entitled  
463 "An act to prohibit transportation of gaming devices in  
464 interstate and foreign commerce," designated as 15 U.S.C. ss.



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465 1171-1177, approved January 2, 1951. All shipments of gaming  
466 devices, including slot machines, into any county of this state  
467 within which slot machine gaming is authorized pursuant to  
468 chapter 551 and the registering, recording, and labeling of  
469 which have been duly performed by the manufacturer or  
470 distributor thereof in accordance with sections 3 and 4 of that  
471 chapter of the Congress of the United States entitled "An act to  
472 prohibit transportation of gaming devices in interstate and  
473 foreign commerce," approved January 2, 1951, being ch. 1194, 64  
474 Stat. 1134, and also designated as 15 U.S.C. ss. 1171-1177,  
475 shall be deemed legal shipments thereof into this state provided  
476 the destination of such shipments is an eligible facility as  
477 defined in s. 551.102 or the facility of a slot machine  
478 manufacturer or slot machine distributor as provided in s.  
479 551.109(2) (a).

480 Section 12. Section 849.23, Florida Statutes, is amended to  
481 read:

482 849.23 Penalty for violations of ss. 849.15-849.22.—

483 (1) Whoever shall violate any of the provisions of ss.  
484 849.15-849.22, for which no penalty is already specified, shall,  
485 upon conviction thereof, be guilty of a felony ~~misdemeanor~~ of  
486 the third ~~second~~ degree, punishable as provided in s. 775.082,  
487 ~~or~~ s. 775.083, or s. 775.084.

488 (2) Any person convicted of violating any provision of ss.  
489 849.15-849.22, for which no penalty is already specified, a  
490 second time shall, upon conviction thereof, be guilty of a  
491 felony ~~misdemeanor~~ of the second ~~first~~ degree, punishable as  
492 provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

493 (3) Any person violating any provision of ss. 849.15-

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494 849.22, for which no penalty is already specified, after having  
495 been twice convicted already, commits ~~shall be deemed a "common~~  
496 ~~offender," and shall be guilty of a felony of the first third~~  
497 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
498 775.084.

499 Section 13. Present paragraphs (i) through (m) of  
500 subsection (2) of section 903.046, Florida Statutes, are  
501 redesignated as paragraphs (j) through (n), respectively, a new  
502 paragraph (i) is added to that subsection, and paragraph (f) of  
503 that subsection is amended, to read:

504 903.046 Purpose of and criteria for bail determination.—

505 (2) When determining whether to release a defendant on bail  
506 or other conditions, and what that bail or those conditions may  
507 be, the court shall consider:

508 (f) The source of funds used to post bail or procure an  
509 appearance bond, particularly whether the proffered funds, real  
510 property, property, or any proposed collateral or bond premium  
511 may be linked to or derived from the crime alleged to have been  
512 committed, from any crime involving any controlled substance,  
513 from any crime involving a slot machine or any type of illegal  
514 gambling or gaming, or from any other criminal or illicit  
515 activities. The burden of establishing the noninvolvement in or  
516 nonderivation from criminal or other illicit activity of such  
517 proffered funds, real property, property, or any proposed  
518 collateral or bond premium falls upon the defendant or other  
519 person proffering them to obtain the defendant's release.

520 (i) The amount of currency seized that is connected either  
521 directly or indirectly to any violation of chapter 550, chapter  
522 551, or chapter 849. It is the finding of the Legislature that

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523 any violation of chapter 550, chapter 551, or chapter 849 is of  
 524 serious social concern, that the flight of defendants to avoid  
 525 prosecution is of similar serious social concern, and that  
 526 frequently such defendants are able to post monetary bail using  
 527 the proceeds of their unlawful enterprises to defeat the social  
 528 utility of pretrial bail. Therefore, it is the intent of the  
 529 Legislature that courts be required to carefully consider the  
 530 utility and necessity of substantial bail in relation to the  
 531 amount of proceeds a defendant obtained from any violation of  
 532 chapter 550, chapter 551, or chapter 849.

533 Section 14. Paragraphs (a) and (b) of subsection (3) of  
 534 section 921.0022, Florida Statutes, are amended to read:

535 921.0022 Criminal Punishment Code; offense severity ranking  
 536 chart.—

537 (3) OFFENSE SEVERITY RANKING CHART

538 (a) LEVEL 1

539

Florida	Felony	
Statute	Degree	Description
24.118(3) (a)	3rd	Counterfeit or altered state lottery ticket.
104.0616(2)	3rd	Unlawfully distributing, ordering, requesting, collecting, delivering, or possessing vote-by-mail ballots.

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543	212.054 (2) (b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
544	212.15 (2) (b)	3rd	Failure to remit sales taxes, amount \$1,000 or more but less than \$20,000.
545	316.1935 (1)	3rd	Fleeing or attempting to elude law enforcement officer.
546	319.30 (5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
547	319.35 (1) (a)	3rd	Tamper, adjust, change, etc., an odometer.
548	320.26 (1) (a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
	322.212 (1) (a) - (c)	3rd	Possession of forged, stolen, counterfeit, or

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unlawfully issued driver  
license; possession of  
simulated identification.

549

322.212 (4)

3rd

Supply or aid in supplying  
unauthorized driver  
license or identification  
card.

550

322.212 (5) (a)

3rd

False application for  
driver license or  
identification card.

551

414.39 (3) (a)

3rd

Fraudulent  
misappropriation of public  
assistance funds by  
employee/official, value  
more than \$200.

552

443.071 (1)

3rd

False statement or  
representation to obtain  
or increase reemployment  
assistance benefits.

553

509.151 (1)

3rd

Defraud an innkeeper, food  
or lodging value \$1,000 or  
more.

554

517.302 (1)

3rd

Violation of the Florida

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Securities and Investor  
Protection Act.

555

713.69

3rd

Tenant removes property upon which lien has accrued, value \$1,000 or more.

556

812.014 (3) (c)

3rd

Petit theft (3rd conviction); theft of any property not specified in subsection (2).

557

815.04 (4) (a)

3rd

Offense against intellectual property (i.e., computer programs, data).

558

817.52 (2)

3rd

Hiring with intent to defraud, motor vehicle services.

559

817.569 (2)

3rd

Use of public record or public records information or providing false information to facilitate commission of a felony.

560

826.01

3rd

Bigamy.

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561

828.122 (3) 3rd Fighting or baiting animals.

562

831.04 (1) 3rd Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.

563

831.31 (1) (a) 3rd Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.

564

832.041 (1) 3rd Stopping payment with intent to defraud \$150 or more.

565

832.05 (2) (b) & (4) (c) 3rd Knowing, making, issuing worthless checks \$150 or more or obtaining property in return for worthless check \$150 or more.

566

838.15 (2) 3rd Commercial bribe receiving.

567

838.16 3rd Commercial bribery.

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568  
569  
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843.18	3rd	Fleeing by boat to elude a law enforcement officer.
847.011 (1) (a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
<del>849.09 (1) (a) (d)</del>	3rd	<del>Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.</del>
849.23	3rd	Gambling-related machines; "common offender" as to property rights.
849.25 (2)	3rd	Engaging in bookmaking.
860.08	3rd	Interfere with a railroad signal.
860.13 (1) (a)	3rd	Operate aircraft while under the influence.
893.13 (2) (a) 2.	3rd	Purchase of cannabis.



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577 893.13 (6) (a) 3rd Possession of cannabis  
(more than 20 grams).

934.03 (1) (a) 3rd Intercepts, or procures  
any other person to  
intercept, any wire or  
oral communication.

578  
579 (b) LEVEL 2

580  
581 Florida Statute Felony Degree Description  
379.2431 (1) (e) 3. 3rd Possession of 11 or  
fewer marine turtle eggs  
in violation of the  
Marine Turtle Protection  
Act.

582 379.2431 (1) (e) 4. 3rd Possession of more than  
11 marine turtle eggs in  
violation of the Marine  
Turtle Protection Act.

583 403.413 (6) (c) 3rd Dumps waste litter  
exceeding 500 lbs. in  
weight or 100 cubic feet  
in volume or any  
quantity for commercial

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purposes, or hazardous waste.

584

517.07(2)

3rd

Failure to furnish a prospectus meeting requirements.

585

590.28(1)

3rd

Intentional burning of lands.

586

784.03(3)

3rd

Battery during a riot or an aggravated riot.

587

784.05(3)

3rd

Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.

588

787.04(1)

3rd

In violation of court order, take, entice, etc., minor beyond state limits.

589

806.13(1)(b)3.

3rd

Criminal mischief; damage \$1,000 or more to public communication or any other public service.

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590

806.13(3) 3rd Criminal mischief;  
damage of \$200 or more  
to a memorial or  
historic property.

591

810.061(2) 3rd Impairing or impeding  
telephone or power to a  
dwelling; facilitating  
or furthering burglary.

592

810.09(2)(e) 3rd Trespassing on posted  
commercial horticulture  
property.

593

812.014(2)(c)1. 3rd Grand theft, 3rd degree;  
\$750 or more but less  
than \$5,000.

594

812.014(2)(d) 3rd Grand theft, 3rd degree;  
\$100 or more but less  
than \$750, taken from  
unenclosed curtilage of  
dwelling.

595

812.015(7) 3rd Possession, use, or  
attempted use of an  
antishoplifting or  
inventory control device

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countermeasure.

596

817.234 (1) (a) 2.

3rd

False statement in support of insurance claim.

597

817.481 (3) (a)

3rd

Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.

598

817.52 (3)

3rd

Failure to redeliver hired vehicle.

599

817.54

3rd

With intent to defraud, obtain mortgage note, etc., by false representation.

600

817.60 (5)

3rd

Dealing in credit cards of another.

601

817.60 (6) (a)

3rd

Forgery; purchase goods, services with false card.

602

817.61

3rd

Fraudulent use of credit cards over \$100 or more

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within 6 months.

603

826.04

3rd

Knowingly marries or has sexual intercourse with person to whom related.

604

831.01

3rd

Forgery.

605

831.02

3rd

Uttering forged instrument; utters or publishes alteration with intent to defraud.

606

831.07

3rd

Forging bank bills, checks, drafts, or promissory notes.

607

831.08

3rd

Possessing 10 or more forged notes, bills, checks, or drafts.

608

831.09

3rd

Uttering forged notes, bills, checks, drafts, or promissory notes.

609

831.11

3rd

Bringing into the state forged bank bills, checks, drafts, or notes.

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610

832.05 (3) (a) 3rd Cashing or depositing item with intent to defraud.

611

843.01 (2) 3rd Resist police canine or police horse with violence; under certain circumstances.

612

843.08 3rd False personation.

613

843.19 (3) 3rd Touch or strike police, fire, SAR canine or police horse.

614

849.09 (1) (a) - (d) 2nd Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.

615

893.13 (2) (a) 2. 3rd Purchase of any s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9.,

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(2)(c)10., (3), or (4)  
drugs other than  
cannabis.

616

893.147(2)

3rd

Manufacture or delivery  
of drug paraphernalia.

617

618

Section 15. This act shall take effect July 1, 2024.