

1 A bill to be entitled
2 An act relating to gambling; creating s. 16.717, F.S.;
3 authorizing the Florida Gaming Control Commission to
4 acquire property without complying with specified
5 provisions for specified purposes; amending s. 843.08,
6 F.S.; prohibiting the false personation of an officer
7 of the Florida Gaming Control Commission; providing
8 criminal penalties; amending s. 849.01, F.S.;
9 providing enhanced criminal penalties for specified
10 violations of prohibitions on keeping a gambling or
11 gaming operation; amending s. 849.03, F.S.; specifying
12 the criminal penalties for knowingly renting a
13 premises for gaming; creating a rebuttable presumption
14 relating to the knowledge of gaming activities in
15 certain circumstances; amending s. 849.04, F.S.;
16 increasing criminal penalties for permitting minors
17 and persons under guardianship to gamble; amending s.
18 849.07, F.S.; increasing criminal penalties for
19 gambling on billiards and pool tables; amending s.
20 849.09, F.S.; revising criminal penalties for
21 specified lottery offenses; amending s. 849.10, F.S.;
22 increasing criminal penalties for specified violations
23 involving printing lottery tickets; creating s.
24 849.105, F.S.; prohibiting specified acts relating to
25 gambling and gaming advertising; providing criminal

26 penalties; amending s. 849.13, F.S.; providing for
 27 reclassification of certain offenses for which there
 28 is no penalty specified for a second or subsequent
 29 violation; amending s. 849.15, F.S.; specifying
 30 criminal penalties for various offenses involving slot
 31 machines; specifying when a person is a manager and
 32 not an owner for the propose of reduced penalties for
 33 certain offenses; amending s. 849.23, F.S.; specifying
 34 penalties for violations involving slot machines when
 35 a penalty is not otherwise specified; amending s.
 36 849.25, F.S.; making technical changes concerning
 37 certain bookmaking offenses; deleting an obsolete
 38 provision; amending s. 903.046, F.S.; revising
 39 criteria for bail determination to specify
 40 consideration of certain offenses as the source of
 41 funds; requiring that a court consider the source of
 42 currency seized that is connected to certain
 43 violations; amending s. 921.0022, F.S.; ranking
 44 offenses on the offense severity ranking chart of the
 45 Criminal Punishment Code; providing effective dates.

46
 47 Be It Enacted by the Legislature of the State of Florida:

48
 49 Section 1. Effective July 1, 2024, section 16.717, Florida
 50 Statutes, is created to read:

51 16.717 Florida Gaming Control Commission; authority to
 52 purchase and acquire property.—The Florida Gaming Control
 53 Commission is specifically exempt from chapter 255 and may
 54 purchase, lease, exchange, or otherwise acquire any land,
 55 property interests, buildings, or other improvements, including
 56 personal property within such buildings or on such lands that is
 57 necessary to or useful in securing or storing seized slot
 58 machines or any other contraband. The property shall be held in
 59 the name of the state.

60 Section 2. Section 843.08, Florida Statutes, is amended to
 61 read:

62 843.08 False personation.—A person who falsely assumes or
 63 pretends to be a firefighter, a sheriff, an officer of the
 64 Florida Highway Patrol, an officer of the Fish and Wildlife
 65 Conservation Commission, an officer of the Department of
 66 Environmental Protection, an officer of the Department of
 67 Financial Services, any personnel or representative of the
 68 Division of Investigative and Forensic Services, an officer of
 69 the Department of Corrections, a correctional probation officer,
 70 a deputy sheriff, a state attorney or an assistant state
 71 attorney, a statewide prosecutor or an assistant statewide
 72 prosecutor, a state attorney investigator, a coroner, a police
 73 officer, a lottery special agent or lottery investigator, a
 74 beverage enforcement agent, any personnel or representative of
 75 the Florida Gaming Control Commission, a school guardian as

76 | described in s. 30.15(1)(k), a security officer licensed under
 77 | chapter 493, any member of the Florida Commission on Offender
 78 | Review or any administrative aide or supervisor employed by the
 79 | commission, any personnel or representative of the Department of
 80 | Law Enforcement, or a federal law enforcement officer as defined
 81 | in s. 901.1505, and takes upon himself or herself to act as
 82 | such, or to require any other person to aid or assist him or her
 83 | in a matter pertaining to the duty of any such officer, commits
 84 | a felony of the third degree, punishable as provided in s.
 85 | 775.082, s. 775.083, or s. 775.084. However, a person who
 86 | falsely personates any such officer during the course of the
 87 | commission of a felony commits a felony of the second degree,
 88 | punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 89 | If the commission of the felony results in the death or personal
 90 | injury of another human being, the person commits a felony of
 91 | the first degree, punishable as provided in s. 775.082, s.
 92 | 775.083, or s. 775.084. In determining whether a defendant has
 93 | violated this section, the court or jury may consider any
 94 | relevant evidence, including, but not limited to, whether the
 95 | defendant used lights in violation of s. 316.2397 or s. 843.081.

96 | Section 3. Section 849.01, Florida Statutes, is amended to
 97 | read:

98 | 849.01 Keeping gambling houses, etc.—

99 | (1) Except as otherwise provided in this section, whoever
 100 | by herself or himself, her or his servant, clerk or agent, or in

101 any other manner has, keeps, exercises or maintains a gaming
 102 table or room, or gaming implements or apparatus, or house,
 103 booth, tent, shelter or other place for the purpose of gaming or
 104 gambling or in any place of which she or he may directly or
 105 indirectly have charge, control or management, either
 106 exclusively or with others, procures, suffers or permits any
 107 person to play for money or other valuable thing at any game
 108 whatever, whether heretofore prohibited or not, commits a felony
 109 ~~misdemeanor~~ of the third ~~second~~ degree, punishable as provided
 110 in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

111 (2) Notwithstanding subsection (1), whoever commits a
 112 violation of this section commits a felony of the second degree,
 113 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
 114 if the illegal gambling or gaming operation described in
 115 subsection (1) is located within 1,000 feet of any of the
 116 following:

117 (a) A physical place for worship;

118 (b) A public or private elementary, middle, or secondary
 119 school;

120 (c) The real property comprising a public or private
 121 college, university, or other postsecondary educational
 122 institution;

123 (d) The real property comprising a child care facility as
 124 defined in s. 402.302;

125 (e) The real property comprising a state, county, or

126 municipal park, a community center, or a publicly owned
127 recreational facility. As used in this paragraph, the term
128 "community center" means a facility operated by a nonprofit
129 community-based organization for the provision of recreational,
130 social, or educational services to the public;

131 (f) The real property comprising a mental health facility,
132 as that term is used in chapter 394;

133 (g) The real property of a health care facility licensed
134 under chapter 395 which provides substance abuse treatment;

135 (h) The real property of a licensed service provider as
136 defined in s. 397.311(25);

137 (i) The real property of a facility providing services
138 that include clinical treatment, intervention, or prevention as
139 described in s. 397.311(26);

140 (j) A recovery residence as defined in s. 397.311(38);

141 (k) An assisted living facility as defined in chapter 429;

142 (l) A pain-management clinic as defined in s.
143 458.3265(1)(a)1.c. or s. 459.0137(1)(a)1.c.;

144 (m) The real property comprising a public housing facility
145 at any time. As used in this section, the term "real property
146 comprising a public housing facility" means real property, as
147 defined in s. 421.03(12), of a public corporation created as a
148 housing authority pursuant to part I of chapter 421; or

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

150 (3) A person who is located on the premises of the illegal

151 gambling or gaming operation described in subsection (1),
152 actually or constructively possesses any of the following: any
153 dirk, metallic knuckles, slungshot, billie, tear gas gun,
154 chemical weapon or device, or any type of knife other than a
155 common pocket knife, or any other weapon that is not a firearm
156 as defined in s. 790.001, commits a felony of the second degree,
157 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

158 (4) A person who at or on the premises of the illegal
159 gambling or gaming operation described in subsection (1),
160 actually or constructively possesses a firearm as defined in s.
161 790.001, commits a felony of the first degree, punishable as
162 provided in s. 775.082, s. 775.083, or s. 775.04.

163 (5) A person who serves or allows to be served any
164 alcoholic beverage at the location, regardless of whether the
165 location is licensed with the Department of Business and
166 Professional Regulation or the Division of Alcoholic Beverages
167 and Tobacco pursuant to chapter 561, on which the illegal
168 gambling or gaming operation described in subsection (1) is
169 conducted, commits a felony of the second degree, punishable as
170 provided in s. 775.082, s. 775.083, or s. 775.084.

171 (6) A person who commits a violation of this section and
172 present at the location on which the illegal gambling or gaming
173 operation described in subsection (1) is conducted there are:

- 174 (a) One or more persons under the age of 21; or
175 (b) One or more persons 65 years of age or older,

176
 177 commits a felony of the second degree, punishable as provided in
 178 s. 775.082, s. 775.083, or s. 775.084. Ignorance of the age of
 179 the persons referenced in this subsection is not a defense to
 180 any violation hereof.

181 (7) A person who commits a violation of this section and
 182 present and participating in any illegal gambling or gaming
 183 activity at the location on which the illegal gambling or gaming
 184 operation described in subsection (1) is conducted there are:

185 (a) One or more persons under the age of 21; or

186 (b) One or more persons 65 years of age or older,

187
 188 commits a felony of the first degree, punishable as provided in
 189 s. 775.082, s. 775.083, or s. 775.084. Ignorance of the age of
 190 the persons referenced in this subsection is not a defense to
 191 any violation hereof.

192 Section 4. Section 849.03, Florida Statutes, is amended to
 193 read:

194 849.03 Renting house for gambling purposes.—

195 (1) Whoever, whether as owner or agent, knowingly rents to
 196 another a house, room, booth, tent, shelter or place for the
 197 purpose of gaming commits a felony of the second degree,
 198 punishable as provided in s. 775.082, s. 775.083, or s. 775.084
 199 ~~shall be punished in the manner and to the extent mentioned in~~
 200 ~~s. 849.01.~~

201 (2) The presence of one or more slot machines, as defined
 202 by this chapter, at the house, room, booth, tent, shelter, or
 203 place as described in subsection (1), creates a rebuttable
 204 presumption the person described in subsection (1) is knowingly
 205 renting such a house, room, booth, tent, shelter, or place for
 206 the purpose of gaming for gambling or gaming purposes.

207 Section 5. Section 849.04, Florida Statutes, is amended to
 208 read:

209 849.04 Permitting minors and persons under guardianship to
 210 gamble.—

211 (1) The proprietor, owner, or keeper of any E. O., keno or
 212 pool table, or billiard table, wheel of fortune, or other game
 213 of chance kept for the purpose of betting, who willfully and
 214 knowingly allows a minor or person who is mentally incompetent
 215 or under guardianship to play at such game or to bet on such
 216 game of chance; or whoever aids or abets or otherwise encourages
 217 such playing or betting of any money or other valuable thing
 218 upon the result of such game of chance by a minor or person who
 219 is mentally incompetent or under guardianship, commits a felony
 220 of the second ~~third~~ degree, punishable as provided in s.
 221 775.082, s. 775.083, or s. 775.084.

222 (2) For the purpose of this section, the term "person who
 223 is mentally incompetent" means a person who because of mental
 224 illness, intellectual disability, senility, excessive use of
 225 drugs or alcohol, or other mental incapacity is incapable of

226 | managing his or her property or caring for himself or herself or
 227 | both.

228 | Section 6. Section 849.07, Florida Statutes, is amended to
 229 | read:

230 | 849.07 Permitting gambling on billiard or pool table by
 231 | holder of license.—If any holder of a license to operate a
 232 | billiard or pool table shall permit any person to play billiards
 233 | or pool or any other game for money, or any other thing of
 234 | value, upon such tables, she or he commits a felony of the third
 235 | ~~shall be deemed guilty of a misdemeanor of the second degree,~~
 236 | punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s.
 237 | 775.084.

238 | Section 7. Section 849.09, Florida Statutes, is amended to
 239 | read:

240 | 849.09 Lottery prohibited; exceptions.—

241 | (1) It is unlawful for any person in this state to:

242 | (a) Set up, promote, or conduct any lottery for money or
 243 | for anything of value;

244 | (b) Dispose of any money or other property of any kind
 245 | whatsoever by means of any lottery;

246 | (c) Conduct any lottery drawing for the distribution of a
 247 | prize or prizes by lot or chance, or advertise any such lottery
 248 | scheme or device in any newspaper or by circulars, posters,
 249 | pamphlets, radio, telegraph, telephone, or otherwise;

250 | (d) Aid or assist in the setting up, promoting, or

251 | conducting of any lottery or lottery drawing, whether by
 252 | writing, printing, or in any other manner whatsoever, or be
 253 | interested in or connected in any way with any lottery or
 254 | lottery drawing;

255 | (e) Attempt to operate, conduct, or advertise any lottery
 256 | scheme or device;

257 | (f) Have in her or his possession any lottery wheel,
 258 | implement, or device whatsoever for conducting any lottery or
 259 | scheme for the disposal by lot or chance of anything of value;

260 | (g) Sell, offer for sale, or transmit, in person or by
 261 | mail or in any other manner whatsoever, any lottery ticket,
 262 | coupon, or share, or any share in or fractional part of any
 263 | lottery ticket, coupon, or share, whether such ticket, coupon,
 264 | or share represents an interest in a live lottery not yet played
 265 | or whether it represents, or has represented, an interest in a
 266 | lottery that has already been played;

267 | (h) Have in her or his possession any lottery ticket, or
 268 | any evidence of any share or right in any lottery ticket, or in
 269 | any lottery scheme or device, whether such ticket or evidence of
 270 | share or right represents an interest in a live lottery not yet
 271 | played or whether it represents, or has represented, an interest
 272 | in a lottery that has already been played;

273 | (i) Aid or assist in the sale, disposal, or procurement of
 274 | any lottery ticket, coupon, or share, or any right to any
 275 | drawing in a lottery;

276 (j) Have in her or his possession any lottery
 277 advertisement, circular, poster, or pamphlet, or any list or
 278 schedule of any lottery prizes, gifts, or drawings; or

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

284
 285 Provided, ~~that nothing in this section~~ does not ~~shall~~ prohibit
 286 participation in any nationally advertised contest, drawing,
 287 game or puzzle of skill or chance for a prize or prizes unless
 288 it can be construed as a lottery under this section; and,
 289 provided further, that this exemption for national contests does
 290 ~~shall~~ not apply to any such contest based upon the outcome or
 291 results of any horserace, harness race, dograce, or jai alai
 292 game.

293 (2) A ~~Any~~ person who is convicted of violating ~~any of the~~
 294 ~~provisions of~~ paragraph (1)(a), paragraph (1)(b), paragraph
 295 (1)(c), or paragraph (1)(d) commits ~~of subsection (1) is guilty~~
 296 ~~of~~ a felony of the second ~~third~~ degree, punishable as provided
 297 in s. 775.082, s. 775.083, or s. 775.084.

298 (3)(a) Except as provided in paragraph (b), a ~~Any~~ person
 299 who is convicted of violating ~~any of the provisions of~~ paragraph
 300 (1)(e), paragraph (1)(f), paragraph (1)(g), paragraph (1)(i), or

301 paragraph (1)(k) commits ~~of subsection (1) is guilty of a felony~~
 302 ~~misdemeanor~~ of the third first degree, punishable as provided in
 303 s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

304 (b) A Any person who commits a second or subsequent
 305 violation of paragraph (a) commits, ~~having been convicted of~~
 306 ~~violating any provision thereof, thereafter violates any~~
 307 ~~provision thereof is guilty of a felony of the second third~~
 308 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 309 775.084.

310
 311 ~~The provisions of~~ This subsection does ~~section do~~ not apply to
 312 bingo as provided for in s. 849.0931.

313 (4)(a) Except as provided in paragraph (b), a Any person
 314 who is convicted of violating ~~any of the provisions of~~ paragraph
 315 (1)(h) or paragraph (1)(j) commits ~~of subsection (1) is guilty~~
 316 ~~of a felony misdemeanor~~ of the third first degree, punishable as
 317 provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

318 (b) A Any person who commits a second or subsequent
 319 violation of paragraph (a) commits, ~~having been convicted of~~
 320 ~~violating any provision thereof, thereafter violates any~~
 321 ~~provision thereof is guilty of a felony of the second third~~
 322 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 323 775.084.

324 Section 8. Subsections (3) and (4) of section 849.10,
 325 Florida Statutes, are amended, and subsections (1) and (2) of

326 that section are republished, to read:

327 849.10 Printing lottery tickets, etc., prohibited.—

328 (1) Except as otherwise provided by law, it is unlawful
 329 for any person, in any house, office, shop or building in this
 330 state to write, typewrite, print, or publish any lottery ticket
 331 or advertisement, circular, bill, poster, pamphlet, list or
 332 schedule, announcement or notice, of lottery prizes or drawings
 333 or any other matter or thing in any way connected with any
 334 lottery drawing, scheme or device, or to set up any type or
 335 plate for any such purpose, to be used or distributed in this
 336 state, or to be sent out of this state.

337 (2) Except as otherwise provided by law, it is unlawful
 338 for the owner or lessee of any such house, shop or building
 339 knowingly to permit the printing, typewriting, writing or
 340 publishing therein of any lottery ticket or advertisement,
 341 circular, bill, poster, pamphlet, list, schedule, announcement
 342 or notice of lottery prizes or drawings, or any other matter or
 343 thing in any way connected with any lottery drawing, scheme or
 344 device, or knowingly to permit therein the setting up of any
 345 type or plate for any such purpose to be used or distributed in
 346 this state, or to be sent out of the state.

347 (3) ~~Nothing in~~ This chapter does not ~~shall~~ make unlawful
 348 the printing or production of any advertisement or any lottery
 349 ticket for a lottery conducted in any other state or nation
 350 where such lottery is not prohibited by the laws of such state

351 or nation, or the sale of such materials by the manufacturer
 352 thereof to any person or entity conducting or participating in
 353 the conduct of such a lottery in any other state or nation. This
 354 section does not authorize any advertisement within Florida
 355 relating to lotteries of any other state or nation, or the sale
 356 or resale within Florida of such lottery tickets, chances, or
 357 shares to individuals, or any other acts otherwise in violation
 358 of any laws of the state.

359 (4) A ~~Any~~ violation of this section is ~~shall be~~ a felony
 360 of the second ~~third~~ degree, punishable as provided in s.
 361 775.082, s. 775.083, or s. 775.084.

362 Section 9. Section 849.105, Florida Statutes, is created
 363 to read:

364 849.105 Gambling and gaming advertising prohibited.—

365 (1) Except as otherwise provided by law, it is unlawful
 366 for any person to write, typewrite, print, publish, or
 367 disseminate in any way, any advertisement, circular, bill,
 368 poster, pamphlet, list, schedule, announcement, or notice,
 369 either of any illegal gaming or gambling operation or of any
 370 other matter in any way either related to or connected with
 371 illegal gambling or gaming. Further, it is unlawful to set up
 372 any type or plate for any type of advertisement in any way
 373 connected with illegal gambling or gaming, to be used or
 374 distributed in this state, or to be sent out of this state.

375 (2) Except as otherwise provided by law, it is unlawful

376 for the owner or lessee of any house, office, shop, building, or
 377 any other establishment of any kind in this state to knowingly
 378 permit the printing, typewriting, writing, publishing, or any
 379 other dissemination of any sort of any advertisement, circular,
 380 bill, poster, pamphlet, list, schedule, announcement, or notice
 381 of any activity in any way related to or connected with illegal
 382 gambling or gaming. Further, it is unlawful to knowingly permit
 383 the setting up of any type of plate for any such purpose to be
 384 used or distributed in this state, or to be sent out of the
 385 state.

386 (3) This section does not:

387 (a) Prohibit the printing or production of any
 388 advertisement for gambling or gaming conducted in any other
 389 state or nation where such gambling or gaming is not prohibited
 390 by the laws of such state or nation, or the sale of such
 391 materials by the manufacturer thereof to any person or entity
 392 conducting or participating in the conduct of such gambling or
 393 gaming in any other state or nation.

394 (b) Authorize any advertisement within this state relating
 395 to any gambling or gaming of any other state or nation, or the
 396 sale or resale within this state of anything in any way
 397 connected with gambling or gaming.

398 (4) A violation of this section is a felony of the second
 399 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 400 775.084.

401 Section 10. Section 849.13, Florida Statutes, is amended
 402 to read:

403 849.13 ~~Punishment on~~ Second or subsequent conviction.—A
 404 person who commits a second or subsequent violation of the same
 405 ~~Whoever, after being convicted of an offense forbidden by law in~~
 406 connection with lotteries for which there is no penalty
 407 specified for a second or subsequent violation, shall have the
 408 offense reclassified to an offense of the next higher degree,
 409 ~~commits the like offense, shall be guilty of a misdemeanor of~~
 410 ~~the first degree,~~ punishable as provided in s. 775.082, ~~or~~ s.
 411 775.083, or s. 775.084. For purposes of sentencing under chapter
 412 921, a felony offense that is reclassified under this subsection
 413 is ranked one level above the ranking under s. 921.0022 or s.
 414 921.0023 of the felony offense committed.

415 Section 11. Section 849.15, Florida Statutes, is amended
 416 to read:

417 849.15 Manufacture, sale, possession, etc., of slot
 418 machines or devices prohibited.—

419 (1) It is unlawful:

420 (a) To manufacture, own, store, keep, possess, sell, rent,
 421 lease, let on shares, lend or give away, transport, or expose
 422 for sale or lease, or to offer to sell, rent, lease, let on
 423 shares, lend or give away, or permit the operation of, or for
 424 any person to permit to be placed, maintained, or used or kept
 425 in any room, space, or building owned, leased or occupied by the

426 person or under the person's management or control, any slot
427 machine or device or any part thereof; or

428 (b) To make or to permit to be made with any person any
429 agreement with reference to any slot machine or device, pursuant
430 to which the user thereof, as a result of any element of chance
431 or other outcome unpredictable to him or her, may become
432 entitled to receive any money, credit, allowance, or thing of
433 value or additional chance or right to use such machine or
434 device, or to receive any check, slug, token or memorandum
435 entitling the holder to receive any money, credit, allowance or
436 thing of value.

437 (c)1. Except as provided in this section, a person who
438 violates paragraph (a) or paragraph (b) commits a felony of the
439 third degree, punishable as provided in s. 775.082, s. 775.083,
440 or s. 775.084.

441 2. A person convicted of violating paragraph (a) or
442 paragraph (b) a second time commits a felony of the second
443 degree, punishable as provided in s. 775.082, s. 775.083, or s.
444 775.084.

445 3. A person convicted of violating paragraph (a) or
446 paragraph (b) a third or subsequent time commits a felony of the
447 first degree, punishable as provided in s. 775.082, s. 775.083,
448 or s. 775.084.

449 (2) Notwithstanding subsection (1), a person who commits a
450 violation of subsection (1) and such violation involves more

451 than one and less than five slot machines commits:

452 (a) For a first offense, a felony of the second degree
 453 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

454 (b) For a second or subsequent offense, a felony of the
 455 first degree punishable as provided in s. 775.082, s. 775.083,
 456 or s. 775.084.

457 (3) Notwithstanding subsection (1), a person who commits a
 458 violation of subsection (1) and such violation involves five or
 459 more slot machines commits:

460 (a) For the first offense, a felony of the first degree
 461 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

462 (b) For the a second or subsequent offense, a felony of
 463 the first degree punishable as provided in s. 775.082, s.
 464 775.083, or s. 775.084.

465 (4) (a) Notwithstanding subsections (1), (2), and (3), a
 466 person who violates this section commits a misdemeanor of the
 467 first degree punishable as provided in s. 775.082 or s. 775.083,
 468 if he or she is neither a manager nor a supervisor nor an owner
 469 of any business, establishment, or other location at which a
 470 slot machine or slot machines are offered for play.

471 (b) For purposes of this subsection, a person is a manager
 472 of a business, establishment, or other location if he or she is
 473 working on the premises alone, or has any supervisory duty, or
 474 has any ownership interest in the business offering the slot
 475 machine or slot machines for play.

476 (5)~~(2)~~ Pursuant to section 2 of that chapter of the
477 Congress of the United States entitled "An act to prohibit
478 transportation of gaming devices in interstate and foreign
479 commerce," approved January 2, 1951, being ch. 1194, 64 Stat.
480 1134, and also designated as 15 U.S.C. ss. 1171-1177, the State
481 of Florida, acting by and through the duly elected and qualified
482 members of its Legislature, does hereby in this section, and in
483 accordance with and in compliance with the provisions of section
484 2 of such chapter of Congress, declare and proclaim that any
485 county of the State of Florida within which slot machine gaming
486 is authorized pursuant to chapter 551 is exempt from the
487 provisions of section 2 of that chapter of the Congress of the
488 United States entitled "An act to prohibit transportation of
489 gaming devices in interstate and foreign commerce," designated
490 as 15 U.S.C. ss. 1171-1177, approved January 2, 1951. All
491 shipments of gaming devices, including slot machines, into any
492 county of this state within which slot machine gaming is
493 authorized pursuant to chapter 551 and the registering,
494 recording, and labeling of which have been duly performed by the
495 manufacturer or distributor thereof in accordance with sections
496 3 and 4 of that chapter of the Congress of the United States
497 entitled "An act to prohibit transportation of gaming devices in
498 interstate and foreign commerce," approved January 2, 1951,
499 being ch. 1194, 64 Stat. 1134, and also designated as 15 U.S.C.
500 ss. 1171-1177, shall be deemed legal shipments thereof into this

501 state provided the destination of such shipments is an eligible
 502 facility as defined in s. 551.102 or the facility of a slot
 503 machine manufacturer or slot machine distributor as provided in
 504 s. 551.109(2)(a).

505 Section 12. Section 849.23, Florida Statutes, is amended
 506 to read:

507 849.23 Penalty for violations of ss. 849.15-849.22.—A
 508 person who violates ~~Whoever shall violate~~ any of the provisions
 509 of ss. 849.15-849.22 for which a penalty is not specified
 510 commits:

511 (1) For a first offense, a felony shall, upon conviction
 512 thereof, be guilty of a misdemeanor of the third ~~second~~ degree,
 513 punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s.
 514 775.084.

515 (2) For a second offense, a felony ~~Any person convicted of~~
 516 ~~violating any provision of ss. 849.15-849.22, a second time~~
 517 ~~shall, upon conviction thereof, be guilty of a misdemeanor of~~
 518 ~~the second ~~first~~ degree, punishable as provided in s. 775.082,~~
 519 ~~~~or~~ s. 775.083, or s. 775.084.~~

520 (3) For a third or subsequent offense, commits ~~Any person~~
 521 ~~violating any provision of ss. 849.15-849.22 after having been~~
 522 ~~twice convicted already shall be deemed a "common offender," and~~
 523 ~~shall be guilty of a felony of the first ~~third~~ degree,~~
 524 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

525 Section 13. Section 849.25, Florida Statutes, is amended

526 to read:

527 849.25 "Bookmaking" defined; penalties; exceptions.—

528 (1) (a) The term "bookmaking" means the act of taking or
529 receiving, while engaged in the business or profession of
530 gambling, any bet or wager upon the result of any trial or
531 contest of skill, speed, power, or endurance of human, beast,
532 fowl, motor vehicle, or mechanical apparatus or upon the result
533 of any chance, casualty, unknown, or contingent event
534 whatsoever.

535 (b) The following factors shall be considered in making a
536 determination that a person has engaged in the offense of
537 bookmaking:

538 1. Taking advantage of betting odds created to produce a
539 profit for the bookmaker or charging a percentage on accepted
540 wagers.

541 2. Placing all or part of accepted wagers with other
542 bookmakers to reduce the chance of financial loss.

543 3. Taking or receiving more than five wagers in any single
544 day.

545 4. Taking or receiving wagers totaling more than \$500 in
546 any single day, or more than \$1,500 in any single week.

547 5. Engaging in a common scheme with two or more persons to
548 take or receive wagers.

549 6. Taking or receiving wagers on both sides on a contest
550 at the identical point spread.

551 7. Any other factor relevant to establishing that the
552 operating procedures of such person are commercial in nature.

553 (c) The existence of any two factors listed in paragraph
554 (b) may constitute prima facie evidence of a commercial
555 bookmaking operation.

556 (2) A ~~Any~~ person who engages in bookmaking commits ~~shall~~
557 ~~be guilty of~~ a felony of the third degree, punishable as
558 provided in s. 775.082, s. 775.083, or s. 775.084.
559 Notwithstanding ~~the provisions of~~ s. 948.01, a ~~any~~ person
560 convicted under ~~the provisions of~~ this subsection may ~~shall~~ not
561 have adjudication of guilt suspended, deferred, or withheld.

562 (3) A ~~Any~~ person who commits a second or subsequent
563 violation ~~has been convicted of bookmaking and thereafter~~
564 ~~violates the provisions of~~ this section commits ~~shall be guilty~~
565 ~~of~~ a felony of the second degree, punishable as provided in s.
566 775.082, s. 775.083, or s. 775.084. Notwithstanding ~~the~~
567 ~~provisions of~~ s. 948.01, a ~~any~~ person convicted under ~~the~~
568 ~~provisions of~~ this subsection may ~~shall~~ not have adjudication of
569 guilt suspended, deferred, or withheld.

570 (4) Notwithstanding ~~the provisions of~~ s. 777.04, a ~~any~~
571 person who commits ~~is guilty of~~ conspiracy to commit bookmaking
572 shall be subject to the penalties imposed by subsections (2) and
573 (3).

574 (5) This section does ~~shall~~ not apply to pari-mutuel
575 wagering ~~in Florida as~~ authorized under chapter 550.

576 ~~(6) This section shall not apply to any prosecutions filed~~
577 ~~and pending at the time of the passage hereof, but all such~~
578 ~~eases shall be disposed of under existing laws at the time of~~
579 ~~the institution of such prosecutions.~~

580 Section 14. Paragraphs (i) through (m) of subsection (2)
581 of section 903.046, Florida Statutes, are redesignated as
582 paragraphs (j) through (n), respectively, paragraph (f) of that
583 subsection is amended, and a new paragraph (i) is added to that
584 subsection, to read:

585 903.046 Purpose of and criteria for bail determination.-

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

589 (f) The source of funds used to post bail or procure an
590 appearance bond, particularly whether the proffered funds, real
591 property, property, or any proposed collateral or bond premium
592 may be linked to or derived from the crime alleged to have been
593 committed, including from any crime involving any controlled
594 substance, a slot machine, or any type of illegal gambling or
595 gaming, or from any other criminal or illicit activities. The
596 burden of establishing the noninvolvement in or nonderivation
597 from criminal or other illicit activity of such proffered funds,
598 real property, property, or any proposed collateral or bond
599 premium falls upon the defendant or other person proffering them
600 to obtain the defendant's release.

601 (i) The amount of currency seized that is connected either
 602 directly or indirectly to any violation of chapter 550, chapter
 603 551, or chapter 849. It is the finding of the Legislature that
 604 any violation of chapter 550, chapter 551, or chapter 849 is of
 605 serious social concern, that, in addition, the flight of
 606 defendants to avoid prosecution is of serious social concern,
 607 and that frequently such defendants are able to post monetary
 608 bail using the proceeds of their unlawful enterprises to defeat
 609 the social utility of pretrial bail. It is the intent of the
 610 Legislature that courts be required to carefully consider the
 611 utility and necessity of substantial bail in relation to the
 612 amount of proceeds a defendant has obtained from any violation
 613 of chapter 550, chapter 551, or chapter 849.

614 Section 15. Paragraphs (a), (e), (g), and (h) of
 615 subsection (3) of section 921.0022, Florida Statutes, are
 616 amended to read:

617 921.0022 Criminal Punishment Code; offense severity
 618 ranking chart.—

619 (3) OFFENSE SEVERITY RANKING CHART

620 (a) LEVEL 1

621

Florida	Felony	
Statute	Degree	Description
24.118(3) (a)	3rd	Counterfeit or altered state

622

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lottery ticket.

623

104.0616(2) 3rd Unlawfully distributing,
ordering, requesting,
collecting, delivering, or
possessing vote-by-mail
ballots.

624

212.054(2)(b) 3rd Discretionary sales surtax;
limitations, administration,
and collection.

625

212.15(2)(b) 3rd Failure to remit sales taxes,
amount \$1,000 or more but less
than \$20,000.

626

316.1935(1) 3rd Fleeing or attempting to elude
law enforcement officer.

627

319.30(5) 3rd Sell, exchange, give away
certificate of title or
identification number plate.

628

319.35(1)(a) 3rd Tamper, adjust, change, etc.,
an odometer.

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629	320.26(1) (a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
630	322.212 (1) (a) - (c)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver license; possession of simulated identification.
631	322.212 (4)	3rd	Supply or aid in supplying unauthorized driver license or identification card.
632	322.212 (5) (a)	3rd	False application for driver license or identification card.
633	414.39 (3) (a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.
634	443.071 (1)	3rd	False statement or representation to obtain or

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increase reemployment
assistance benefits.

635

509.151 (1) 3rd Defraud an innkeeper, food or
lodging value \$1,000 or more.

636

517.302 (1) 3rd Violation of the Florida
Securities and Investor
Protection Act.

637

713.69 3rd Tenant removes property upon
which lien has accrued, value
\$1,000 or more.

638

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

639

815.04 (4) (a) 3rd Offense against intellectual
property (i.e., computer
programs, data).

640

817.52 (2) 3rd Hiring with intent to defraud,
motor vehicle services.

641

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642	817.569 (2)	3rd	Use of public record or public records information or providing false information to facilitate commission of a felony.
643	826.01	3rd	Bigamy.
644	828.122 (3)	3rd	Fighting or baiting animals.
645	831.04 (1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
646	831.31 (1) (a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
647	832.041 (1)	3rd	Stopping payment with intent to defraud \$150 or more.
	832.05 (2) (b) & (4) (c)	3rd	Knowing, making, issuing worthless checks \$150 or more

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or obtaining property in return
for worthless check \$150 or
more.

648

838.15(2) 3rd Commercial bribe receiving.

649

838.16 3rd Commercial bribery.

650

843.18 3rd Fleeing by boat to elude a law
enforcement officer.

651

847.011(1)(a) 3rd Sell, distribute, etc.,
obscene, lewd, etc., material
(2nd conviction).

652

~~849.09(1)(a)-(d) 3rd Lottery; set up, promote, etc.,
or assist therein, conduct or
advertise drawing for prizes,
or dispose of property or money
by means of lottery.~~

653

~~849.23 3rd Gambling-related machines;
"common offender" as to
property rights.~~

654

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655	849.25(2)	3rd	Engaging in bookmaking.
656	860.08	3rd	Interfere with a railroad signal.
657	860.13(1)(a)	3rd	Operate aircraft while under the influence.
658	893.13(2)(a)2.	3rd	Purchase of cannabis.
659	893.13(6)(a)	3rd	Possession of cannabis (more than 20 grams).
660	934.03(1)(a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.
661	(e) LEVEL 5		
662	Florida	Felony	
663	Statute	Degree	Description
	316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop;

leaving scene.

664

316.1935(4) (a) 2nd Aggravated fleeing or eluding.

665

316.80(2) 2nd Unlawful conveyance of fuel;
obtaining fuel fraudulently.

666

322.34(6) 3rd Careless operation of motor
vehicle with suspended license,
resulting in death or serious
bodily injury.

667

327.30(5) 3rd Vessel accidents involving
personal injury; leaving scene.

668

379.365(2) (c)1. 3rd Violation of rules relating to:
willful molestation of stone
crab traps, lines, or buoys;
illegal bartering, trading, or
sale, conspiring or aiding in
such barter, trade, or sale, or
supplying, agreeing to supply,
aiding in supplying, or giving
away stone crab trap tags or
certificates; making, altering,

forging, counterfeiting, or reproducing stone crab trap tags; possession of forged, counterfeit, or imitation stone crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.

669

379.367 (4) 3rd Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.

670

379.407 (5) (b) 3. 3rd Possession of 100 or more undersized spiny lobsters.

671

381.0041 (11) (b) 3rd Donate blood, plasma, or organs knowing HIV positive.

672

440.10 (1) (g) 2nd Failure to obtain workers' compensation coverage.

673

440.105 (5) 2nd Unlawful solicitation for the purpose of making workers' compensation claims.

674	440.381 (2)	3rd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
675	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
676	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
677	790.01 (3)	3rd	Unlawful carrying of a concealed firearm.
678	790.162	2nd	Threat to throw or discharge destructive device.
679	790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.

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680	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
681	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
682	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
683	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
684	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
685	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
686	812.0145 (2) (b)	2nd	Theft from person 65 years of

			age or older; \$10,000 or more but less than \$50,000.
687	812.015	3rd	Retail theft; property stolen is valued at \$750 or more and one or more specified acts.
	(8) (a) & (c) - (e)		
688	812.015 (8) (f)	3rd	Retail theft; multiple thefts within specified period.
689	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
690	812.081 (3)	2nd	Trafficking in trade secrets.
691	812.131 (2) (b)	3rd	Robbery by sudden snatching.
692	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
693	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
694	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than

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\$100,000.

695

817.2341(1),
(2) (a) &
(3) (a)

3rd

Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.

696

817.568(2) (b)

2nd

Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more persons.

697

817.611(2) (a)

2nd

Traffic in or possess 5 to 14 counterfeit credit cards or related documents.

698

817.625(2) (b)

2nd

Second or subsequent fraudulent use of scanning device,

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skimming device, or reencoder.

699

825.1025(4)

3rd

Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.

700

827.071(4)

2nd

Possess with intent to promote any photographic material, motion picture, etc., which includes child pornography.

701

827.071(5)

3rd

Possess, control, or intentionally view any photographic material, motion picture, etc., which includes child pornography.

702

828.12(2)

3rd

Tortures any animal with intent to inflict intense pain, serious physical injury, or death.

703

836.14(4)

2nd

Person who willfully promotes for financial gain a sexually explicit image of an

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704			identifiable person without consent.
	839.13(2)(b)	2nd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.
705			
	843.01(1)	3rd	Resist officer with violence to person; resist arrest with violence.
706			
	847.0135(5)(b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
707			
	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
708			
	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
709			
	<u>849.01(1)</u>	<u>3rd</u>	<u>Keeping gambling houses.</u>

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710	<u>849.07</u>	<u>3rd</u>	<u>Permitting gambling on billiard or pool table by holder of license.</u>
711	<u>849.15(1)(c)1.</u>	<u>3rd</u>	<u>Manufacture, sale, possession, etc., of slot machines or devices.</u>
712	<u>849.23(1)</u>	<u>3rd</u>	<u>Violations of s. 849.15(1)</u>
713	<u>849.25(2)</u>	<u>3rd</u>	<u>Bookmaking.</u>
714	874.05(1)(b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
715	874.05(2)(a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
716	893.13(1)(a)1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d),

(2) (a), (2) (b), or (2) (c) 5. drugs).

717

893.13(1) (c) 2. 2nd Sell, manufacture, or deliver cannabis (or other 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., (2) (c) 10., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

718

893.13(1) (d) 1. 1st Sell, manufacture, or deliver cocaine (or other s. 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 5. drugs) within 1,000 feet of university.

719

893.13(1) (e) 2. 2nd Sell, manufacture, or deliver cannabis or other drug

prohibited under 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.,
 (2)(c)10., (3), or (4) within
 1,000 feet of property used for
 religious services or a
 specified business site.

720

893.13(1)(f)1. 1st Sell, manufacture, or deliver
 cocaine (or other s.
 893.03(1)(a), (1)(b), (1)(d),
 or (2)(a), (2)(b), or (2)(c)5.
 drugs) within 1,000 feet of
 public housing facility.

721

893.13(4)(b) 2nd Use or hire of minor; deliver
 to minor other controlled
 substance.

722

893.1351(1) 3rd Ownership, lease, or rental for
 trafficking in or manufacturing
 of controlled substance.

723

724 (g) LEVEL 7

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725	Florida	Felony	Description
	Statute	Degree	Description
726	316.027 (2) (c)	1st	Accident involving death, failure to stop; leaving scene.
727	316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.
728	316.1935 (3) (b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
729	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
730	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm,

permanent disfiguration,
 permanent disability, or death.

731

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

732

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

733

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

734

456.065 (2) 2nd Practicing a health care
 profession without a license
 which results in serious bodily
 injury.

735

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

736

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

737

460.411 (1) 3rd Practicing chiropractic

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medicine without a license.

738

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

739

462.17 3rd Practicing naturopathy without
a license.

740

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

741

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

742

465.015 (2) 3rd Practicing pharmacy without a
license.

743

466.026 (1) 3rd Practicing dentistry or dental
hygiene without a license.

744

467.201 3rd Practicing midwifery without a
license.

745

468.366 3rd Delivering respiratory care
services without a license.

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746	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
747	483.901 (7)	3rd	Practicing medical physics without a license.
748	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
749	484.053	3rd	Dispensing hearing aids without a license.
750	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.
751	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.

752	560.125 (5) (a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
753	655.50 (10) (b) 1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
754	775.21 (10) (a)	3rd	Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.
755	775.21 (10) (b)	3rd	Sexual predator working where children regularly congregate.
756	775.21 (10) (g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.

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757	782.051 (3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
758	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
759	782.071	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).
760	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
761	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great

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bodily harm or disfigurement.

762

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

763

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

764

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

765

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

766

784.07 (2) (d) 1st Aggravated battery on law
enforcement officer.

767

784.074 (1) (a) 1st Aggravated battery on sexually
violent predators facility
staff.

768

784.08 (2) (a) 1st Aggravated battery on a person
65 years of age or older.

769

784.081 (1) 1st Aggravated battery on specified

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official or employee.

770

784.082 (1) 1st Aggravated battery by detained person on visitor or other detainee.

771

784.083 (1) 1st Aggravated battery on code inspector.

772

787.06 (3) (a) 2. 1st Human trafficking using coercion for labor and services of an adult.

773

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.

774

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

775

790.16 (1) 1st Discharge of a machine gun

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under specified circumstances.

776

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

777

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

778

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

779

790.166 (4) 2nd Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.

780

790.23 1st, PBL Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.

781

782	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.
783	796.05(1)	1st	Live on earnings of a prostitute; 2nd offense.
784	796.05(1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.
785	800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
786	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.
	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.

787
 806.01(2) 2nd Maliciously damage structure by
 fire or explosive.

788
 810.02(3)(a) 2nd Burglary of occupied dwelling;
 unarmed; no assault or battery.

789
 810.02(3)(b) 2nd Burglary of unoccupied
 dwelling; unarmed; no assault
 or battery.

790
 810.02(3)(d) 2nd Burglary of occupied
 conveyance; unarmed; no assault
 or battery.

791
 810.02(3)(e) 2nd Burglary of authorized
 emergency vehicle.

792
 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.

793

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

794

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

795

812.014 (2) (b) 4. 2nd Property stolen, law enforcement equipment from authorized emergency vehicle.

796

812.014 (2) (f) 2nd Grand theft; second degree; firearm with previous conviction of s.
812.014 (2) (c) 5.

797

812.0145 (2) (a) 1st Theft from person 65 years of age or older; \$50,000 or more.

798	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
799	812.131 (2) (a)	2nd	Robbery by sudden snatching.
800	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
801	817.034 (4) (a)1.	1st	Communications fraud, value greater than \$50,000.
802	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
803	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
804	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
805			

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806	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.
807	817.418 (2) (a)	3rd	Offering for sale or advertising personal protective equipment with intent to defraud.
808	817.504 (1) (a)	3rd	Offering or advertising a vaccine with intent to defraud.
809	817.535 (2) (a)	3rd	Filing false lien or other unauthorized document.
810	817.611 (2) (b)	2nd	Traffic in or possess 15 to 49 counterfeit credit cards or related documents.
	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great

bodily harm, disability, or
disfigurement.

811

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.

812

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

813

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

814

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

815

838.015 2nd Bribery.

816

838.016 2nd Unlawful compensation or reward
for official behavior.

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818	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
819	838.22	2nd	Bid tampering.
820	843.0855(2)	3rd	Impersonation of a public officer or employee.
821	843.0855(3)	3rd	Unlawful simulation of legal process.
822	843.0855(4)	3rd	Intimidation of a public officer or employee.
823	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
824	847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
825	<u>849.01(2)-(6)</u>	<u>2nd</u>	<u>Gambling house offenses.</u>
	<u>849.03</u>	<u>2nd</u>	<u>Renting house for gambling purposes.</u>

826	<u>849.04</u>	<u>2nd</u>	<u>Permitting minors and persons under guardianship to gamble.</u>
827	<u>849.09(2)</u>	<u>2nd</u>	<u>Lottery offenses.</u>
828	<u>849.10</u>	<u>2nd</u>	<u>Printing lottery tickets, etc.</u>
829	<u>849.105</u>	<u>2nd</u>	<u>Advertising gambling or gaming.</u>
830	<u>849.15(2)(a)</u>	<u>2nd</u>	<u>Manufacture, sale, possession, etc., of slot machines or devices.</u>
831	872.06	2nd	Abuse of a dead human body.
832	874.05(2)(b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
833	874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.

834

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.

835

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.

836

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

837	893.135 (1) (a) 1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
838	893.135 (1) (b) 1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
839	893.135 (1) (c) 1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
840	893.135 (1) (c) 2.a.	1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
841	893.135 (1) (c) 2.b.	1st	Trafficking in hydrocodone, 50 grams or more, less than 100 grams.
842	893.135 (1) (c) 3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.
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844	893.135 (1) (c) 3.b.	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.
845	893.135 (1) (c) 4.b. (I)	1st	Trafficking in fentanyl, 4 grams or more, less than 14 grams.
846	893.135 (1) (d) 1.a.	1st	Trafficking in phencyclidine, 28 grams or more, less than 200 grams.
847	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, 200 grams or more, less than 5 kilograms.
848	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, 14 grams or more, less than 28 grams.
849	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
	893.135	1st	Trafficking in gamma-

850	(1) (h) 1.a.		hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
851	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
852	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
853	893.135 (1) (m) 2.a.	1st	Trafficking in synthetic cannabinoids, 280 grams or more, less than 500 grams.
854	893.135 (1) (m) 2.b.	1st	Trafficking in synthetic cannabinoids, 500 grams or more, less than 1,000 grams.
855	893.135 (1) (n) 2.a.	1st	Trafficking in n-benzyl phenethylamines, 14 grams or more, less than 100 grams.
	893.1351(2)	2nd	Possession of place for

trafficking in or manufacturing
of controlled substance.

856

896.101 (5) (a) 3rd Money laundering, financial
transactions exceeding \$300 but
less than \$20,000.

857

896.104 (4) (a) 1. 3rd Structuring transactions to
evade reporting or registration
requirements, financial
transactions exceeding \$300 but
less than \$20,000.

858

943.0435 (4) (c) 2nd Sexual offender vacating
permanent residence; failure to
comply with reporting
requirements.

859

943.0435 (8) 2nd Sexual offender; remains in
state after indicating intent
to leave; failure to comply
with reporting requirements.

860

943.0435 (9) (a) 3rd Sexual offender; failure to
comply with reporting

requirements.

861

943.0435(13) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

862

943.0435(14) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

863

944.607(9) 3rd Sexual offender; failure to comply with reporting requirements.

864

944.607(10)(a) 3rd Sexual offender; failure to submit to the taking of a digitized photograph.

865

944.607(12) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

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944.607(13) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

985.4815(10) 3rd Sexual offender; failure to submit to the taking of a digitized photograph.

985.4815(12) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

985.4815(13) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

(h) LEVEL 8

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	Florida Statute	Felony Degree	Description
874	316.193 (3) (c) 3.a.	2nd	DUI manslaughter.
875	316.1935(4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
876	327.35(3) (c) 3.	2nd	Vessel BUI manslaughter.
877	499.0051(6)	1st	Knowing trafficking in contraband prescription drugs.
878	499.0051(7)	1st	Knowing forgery of prescription labels or prescription drug labels.
879	560.123(8) (b) 2.	2nd	Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.
880			

881	560.125 (5) (b)	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.
882	655.50 (10) (b) 2.	2nd	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
883	777.03 (2) (a)	1st	Accessory after the fact, capital felony.
884	782.04 (4)	2nd	Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aggravated fleeing or eluding with serious bodily injury or death, aircraft piracy, or unlawfully discharging bomb.

885	782.051 (2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04 (3).
886	782.071 (1) (b)	1st	Committing vehicular homicide and failing to render aid or give information.
887	782.072 (2)	1st	Committing vessel homicide and failing to render aid or give information.
888	787.06 (3) (a) 1.	1st	Human trafficking for labor and services of a child.
889	787.06 (3) (b)	1st	Human trafficking using coercion for commercial sexual activity of an adult.
890	787.06 (3) (c) 2.	1st	Human trafficking using coercion for labor and services of an unauthorized alien adult.
	787.06 (3) (e) 1.	1st	Human trafficking for labor and

services by the transfer or transport of a child from outside Florida to within the state.

891

787.06(3)(f)2. 1st Human trafficking using coercion for commercial sexual activity by the transfer or transport of any adult from outside Florida to within the state.

892

790.161(3) 1st Discharging a destructive device which results in bodily harm or property damage.

893

794.011(5)(a) 1st Sexual battery; victim 12 years of age or older but younger than 18 years; offender 18 years or older; offender does not use physical force likely to cause serious injury.

894

794.011(5)(b) 2nd Sexual battery; victim and offender 18 years of age or

older; offender does not use physical force likely to cause serious injury.

895 794.011 (5) (c) 2nd Sexual battery; victim 12 years of age or older; offender younger than 18 years; offender does not use physical force likely to cause injury.

896 794.011 (5) (d) 1st Sexual battery; victim 12 years of age or older; offender does not use physical force likely to cause serious injury; prior conviction for specified sex offense.

897 794.08 (3) 2nd Female genital mutilation, removal of a victim younger than 18 years of age from this state.

898 800.04 (4) (b) 2nd Lewd or lascivious battery.

899 800.04 (4) (c) 1st Lewd or lascivious battery;

offender 18 years of age or older; prior conviction for specified sex offense.

900

806.01(1) 1st Maliciously damage dwelling or structure by fire or explosive, believing person in structure.

901

810.02(2)(a) 1st,PBL Burglary with assault or battery.

902

810.02(2)(b) 1st,PBL Burglary; armed with explosives or dangerous weapon.

903

810.02(2)(c) 1st Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.

904

812.014(2)(a)2. 1st Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.

905

812.13(2)(b) 1st Robbery with a weapon.

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907	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
908	817.418 (2) (b)	2nd	Offering for sale or advertising personal protective equipment with intent to defraud; second or subsequent offense.
909	817.504 (1) (b)	2nd	Offering or advertising a vaccine with intent to defraud; second or subsequent offense.
910	817.505 (4) (c)	1st	Patient brokering; 20 or more patients.
911	817.535 (2) (b)	2nd	Filing false lien or other unauthorized document; second or subsequent offense.
	817.535 (3) (a)	2nd	Filing false lien or other unauthorized document; property owner is a public officer or employee.

912	817.535 (4) (a) 1.	2nd	Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.
913	817.535 (5) (a)	2nd	Filing false lien or other unauthorized document; owner of the property incurs financial loss as a result of the false instrument.
914	817.568 (6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
915	817.611 (2) (c)	1st	Traffic in or possess 50 or more counterfeit credit cards or related documents.
916	825.102 (2)	1st	Aggravated abuse of an elderly person or disabled adult.
917	825.1025 (2)	2nd	Lewd or lascivious battery upon

an elderly person or disabled adult.

918 825.103 (3) (a) 1st Exploiting an elderly person or disabled adult and property is valued at \$50,000 or more.

919 837.02 (2) 2nd Perjury in official proceedings relating to prosecution of a capital felony.

920 837.021 (2) 2nd Making contradictory statements in official proceedings relating to prosecution of a capital felony.

921 849.15 (3) (b) 1st Manufacture, etc., of slot machines, 5 or more machines, 2nd or subsequent offense.

922 860.121 (2) (c) 1st Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.

923

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924	860.16	1st	Aircraft piracy.
925	893.13(1) (b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
926	893.13(2) (b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
927	893.13(6) (c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
928	893.135(1) (a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
929	893.135 (1) (b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
	893.135 (1) (c)1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than

28 grams.

930 893.135 1st Trafficking in hydrocodone, 100
 (1) (c) 2.c. grams or more, less than 300
 grams.

931 893.135 1st Trafficking in oxycodone, 25
 (1) (c) 3.c. grams or more, less than 100
 grams.

932 893.135 1st Trafficking in fentanyl, 14
 (1) (c) 4.b. (II) grams or more, less than 28
 grams.

933 893.135 1st Trafficking in phencyclidine,
 (1) (d) 1.b. 200 grams or more, less than
 400 grams.

934 893.135 1st Trafficking in methaqualone, 5
 (1) (e) 1.b. kilograms or more, less than 25
 kilograms.

935 893.135 1st Trafficking in amphetamine, 28
 (1) (f) 1.b. grams or more, less than 200
 grams.

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893.135 1st Trafficking in flunitrazepam,
 (1) (g) 1.b. 14 grams or more, less than 28
 grams.

937

893.135 1st Trafficking in gamma-
 (1) (h) 1.b. hydroxybutyric acid (GHB), 5
 kilograms or more, less than 10
 kilograms.

938

893.135 1st Trafficking in 1,4-Butanediol,
 (1) (j) 1.b. 5 kilograms or more, less than
 10 kilograms.

939

893.135 1st Trafficking in Phenethylamines,
 (1) (k) 2.b. 200 grams or more, less than
 400 grams.

940

893.135 1st Trafficking in synthetic
 (1) (m) 2.c. cannabinoids, 1,000 grams or
 more, less than 30 kilograms.

941

893.135 1st Trafficking in n-benzyl
 (1) (n) 2.b. phenethylamines, 100 grams or
 more, less than 200 grams.

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942	893.1351(3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.
943	895.03(1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
944	895.03(2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
945	895.03(3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
946	896.101(5)(b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
947	896.104(4)(a)2.	2nd	Structuring transactions to

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evade reporting or registration requirements, financial transactions totaling or exceeding \$20,000 but less than \$100,000.

948

949 Section 16. Except as otherwise expressly provided in this
950 act and except for this section, which shall take effect upon
951 this act becoming a law, this act shall take effect October 1,
952 2024.