

By Senator Simon

3-00776A-25

20251404__

1 A bill to be entitled
2 An act relating to gambling; amending s. 16.71, F.S.;
3 deleting obsolete provisions; deleting language
4 concerning factors to be considered in appointments to
5 the Florida Gaming Control Commission; amending s.
6 551.104, F.S.; revising hiring and procurement policy
7 and reporting requirements for slot machine gaming
8 licensure; amending s. 838.12, F.S.; prohibiting
9 betting on athletic contests with knowledge that the
10 results are prearranged or predetermined; providing
11 criminal penalties; amending s. 843.08, F.S.;
12 prohibiting false personation of personnel of the
13 Florida Gaming Control Commission; providing criminal
14 penalties; amending s. 849.01, F.S.; revising criminal
15 penalties for offenses involving keeping a gambling
16 house; amending s. 849.02, F.S.; increasing criminal
17 penalties for specified offenses by agents or
18 employees of a keeper of a gambling house; amending s.
19 849.03, F.S.; revising criminal penalties for offenses
20 involving renting a house for gambling purposes;
21 amending s. 849.08, F.S.; defining the terms "Internet
22 gambling" and "Internet sports wagering"; prohibiting
23 Internet gambling and Internet sports wagering and
24 related offenses; providing criminal penalties;
25 providing an exception; amending s. 849.086, F.S.;
26 prohibiting specified actions relating to manipulation
27 of card games; providing criminal penalties; amending
28 s. 849.11, F.S.; prohibiting certain offenses related
29 to games of chance involving the Internet; providing

3-00776A-25

20251404__

30 criminal penalties; amending s. 849.13, F.S.;

31 providing enhanced criminal penalties for second or

32 subsequent violations of certain provisions; amending

33 s. 849.14, F.S.; revising the criminal penalties for

34 betting or wagering on certain activities; amending s.

35 849.15, F.S.; providing definitions; providing

36 criminal penalties for specified offenses relating to

37 the manufacture, possession, and sale of slot machines

38 or devices; creating s. 849.155, F.S.; prohibiting

39 trafficking in slot machines, devices, or parts

40 thereof; providing criminal penalties; providing for

41 the deposit of fines into a specified trust fund for

42 specified purposes; creating s. 849.157, F.S.;

43 prohibiting the making of a false or misleading

44 statement regarding the legality of slot machines or

45 devices for specified purposes; providing criminal

46 penalties; repealing s. 849.23, F.S., relating to

47 penalties for violations of specified sections;

48 creating s. 849.47, F.S.; defining the term "illegal

49 gambling"; prohibiting the transportation of specified

50 numbers of persons, persons of certain ages, or a

51 certain number of persons for the purpose of

52 facilitating illegal gambling; providing criminal

53 penalties; creating s. 849.48, F.S.; defining the term

54 "illegal gambling"; prohibiting specified gambling or

55 gaming advertisements; providing criminal penalties;

56 providing construction; creating s. 849.49, F.S.;

57 preempting to the state the regulation of gaming,

58 gambling, lotteries, or any activities described in

3-00776A-25

20251404__

59 specified provisions; amending s. 903.046, F.S.;

60 providing for consideration of the amount of currency

61 seized connected to or involved in specified gambling

62 or gaming offenses when determining whether to release

63 a defendant prior to trial; amending s. 921.0022,

64 F.S.; ranking offenses for purposes of the offense

65 severity ranking chart of the Criminal Punishment

66 Code; amending ss. 772.102 and 895.02, F.S.;

67 conforming provisions to changes made by the act;

68 providing an effective date.

69

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

71

72 Section 1. Paragraph (a) of subsection (2) of section

73 16.71, Florida Statutes, is amended to read:

74 16.71 Florida Gaming Control Commission; creation;

75 meetings; membership.-

76 (2) MEMBERSHIP.-

77 (a) The commission shall consist of five members appointed

78 by the Governor, and subject to confirmation by the Senate, for

79 terms of 4 years. ~~Members of the commission must be appointed by~~

80 ~~January 1, 2022. The Governor shall consider appointees who~~

81 ~~reflect Florida's racial, ethnic, and gender diversity. Of the~~

82 ~~initial five members appointed by the Governor, and immediately~~

83 ~~upon appointment, the Governor shall appoint one of the members~~

84 ~~as the initial chair and one of the members as the initial vice~~

85 ~~chair. At the end of the initial chair's and vice chair's terms~~

86 pursuant to subparagraph 1., the commission shall elect one of

87 the members of the commission as chair and one of the members of

3-00776A-25

20251404__

88 the commission as vice chair.

89 1. For the purpose of providing staggered terms, of the
90 initial appointments, two members shall be appointed to 4-year
91 terms, two members shall be appointed to 3-year terms, and one
92 member shall be appointed to a 2-year term.

93 2. Of the five members, at least one member must have at
94 least 10 years of experience in law enforcement and criminal
95 investigations, at least one member must be a certified public
96 accountant licensed in this state with at least 10 years of
97 experience in accounting and auditing, and at least one member
98 must be an attorney admitted and authorized to practice law in
99 this state for at least the preceding 10 years.

100 Section 2. Paragraph (i) of subsection (4) of section
101 551.104, Florida Statutes, is amended to read:

102 551.104 License to conduct slot machine gaming.—

103 (4) As a condition of licensure and to maintain continued
104 authority for the conduct of slot machine gaming, the slot
105 machine licensee shall:

106 (i) Create and file with the commission a written policy
107 for:

108 1. Creating opportunities to purchase from vendors in this
109 state, ~~including minority vendors.~~

110 2. Creating opportunities for employment of residents of
111 this state, ~~including minority residents.~~

112 3. Ensuring opportunities for construction services from a
113 small business as defined in s. 288.703 ~~minority contractors.~~

114 4. Ensuring that opportunities for employment are offered
115 on an equal, nondiscriminatory basis.

116 5. Training for employees on responsible gaming and working

3-00776A-25

20251404__

117 with a compulsive or addictive gambling prevention program to
118 further its purposes as provided for in s. 551.118.

119 6. The implementation of a drug-testing program that
120 includes, but is not limited to, requiring each employee to sign
121 an agreement that he or she understands that the slot machine
122 facility is a drug-free workplace.

123

124 The slot machine licensee shall use the Internet-based job-
125 listing system of the Department of Commerce in advertising
126 employment opportunities. ~~Each slot machine licensee shall
127 provide an annual report to the Florida Gaming Control
128 Commission containing information indicating compliance with
129 this paragraph in regard to minority persons.~~

130 Section 3. Section 838.12, Florida Statutes, is amended, to
131 read:

132 838.12 Bribery in athletic contests.—

133 (1) Whoever gives, promises, offers or conspires to give,
134 promise or offer, to anyone who participates or expects to
135 participate in any professional or amateur game, contest, match,
136 race or sport; or to any umpire, referee, judge or other
137 official of such game, contest, match, race or sport; or to any
138 owner, manager, coach or trainer of, or to any relative of, or
139 to any person having any direct, indirect, remote or possible
140 connection with, any team, individual, participant or
141 prospective participant in any such professional or amateur
142 game, contest, match, race or sport, or the officials aforesaid,
143 any bribe, money, goods, present, reward or any valuable thing
144 whatsoever, or any promise, contract or agreement whatsoever,
145 with intent to influence him or her or them to lose or cause to

3-00776A-25

20251404__

146 be lost any game, contest, match, race or sport, or to limit his
147 or her or their or any person's or any team's margin of victory
148 in any game, contest, match, race, or sport, or to fix or throw
149 any game, contest, match, race or sport, commits ~~shall be guilty~~
150 ~~of~~ a felony of the third degree, punishable as provided in s.
151 775.082, s. 775.083, or s. 775.084.

152 (2) Any participant or prospective participant in any
153 professional or amateur game, contest, match, race or sport; or
154 any umpire, referee, judge or other official of such game,
155 contest, match, race or sport; or any owner, manager, coach or
156 trainer of, or any relative of, or any person having any direct,
157 indirect, remote or possible connection with, any team,
158 individual, participant or prospective participant in any such
159 professional or amateur game, contest, match, race or sport, or
160 the officials aforesaid; who in any way solicits, receives or
161 accepts, or agrees to receive or accept, or who conspires to
162 receive or accept, any bribe, money, goods, present, reward or
163 any valuable thing whatsoever, or any promise, contract or
164 agreement whatsoever, with intent to lose or cause to be lost
165 any game, contest, match, race or sport, or to limit his, her,
166 their or any person's or any team's margin of victory in any
167 game, contest, match, race or sport, or to fix or throw any
168 game, contest, match, race or sport, commits ~~shall be guilty of~~
169 a felony of the third degree, punishable as provided in s.
170 775.082, s. 775.083, or s. 775.084.

171 (3) A person who stakes, bets, or wagers any money or other
172 thing of value upon the result of any professional or amateur
173 game, contest, match, race, or sport with knowledge that the
174 results of such professional or amateur game, contest, match,

3-00776A-25

20251404__

175 race, or sport are prearranged or predetermined as described in
176 subsection (1) or subsection (2) commits a felony of the third
177 degree, punishable as provided in s. 775.082, s. 775.083, or s.
178 775.084.

179 Section 4. Section 843.08, Florida Statutes, is amended to
180 read:

181 843.08 False personation.—A person who falsely assumes or
182 pretends to be a firefighter, a sheriff, an officer of the
183 Florida Highway Patrol, an officer of the Fish and Wildlife
184 Conservation Commission, an officer of the Department of
185 Environmental Protection, an officer of the Department of
186 Financial Services, any personnel or representative of the
187 Division of Investigative and Forensic Services, any personnel
188 or representative of the Florida Gaming Control Commission, an
189 officer of the Department of Corrections, a correctional
190 probation officer, a deputy sheriff, a state attorney or an
191 assistant state attorney, a statewide prosecutor or an assistant
192 statewide prosecutor, a state attorney investigator, a coroner,
193 a police officer, a lottery special agent or lottery
194 investigator, a beverage enforcement agent, a school guardian as
195 described in s. 30.15(1)(k), a security officer licensed under
196 chapter 493, any member of the Florida Commission on Offender
197 Review or any administrative aide or supervisor employed by the
198 commission, any personnel or representative of the Department of
199 Law Enforcement, or a federal law enforcement officer as defined
200 in s. 901.1505, and takes upon himself or herself to act as
201 such, or to require any other person to aid or assist him or her
202 in a matter pertaining to the duty of any such officer, commits
203 a felony of the third degree, punishable as provided in s.

3-00776A-25

20251404__

204 775.082, s. 775.083, or s. 775.084. However, a person who
205 falsely personates any such officer during the course of the
206 commission of a felony commits a felony of the second degree,
207 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
208 If the commission of the felony results in the death or personal
209 injury of another human being, the person commits a felony of
210 the first degree, punishable as provided in s. 775.082, s.
211 775.083, or s. 775.084. In determining whether a defendant has
212 violated this section, the court or jury may consider any
213 relevant evidence, including, but not limited to, whether the
214 defendant used lights in violation of s. 316.2397 or s. 843.081.

215 Section 5. Section 849.01, Florida Statutes, is amended to
216 read:

217 849.01 Keeping gambling houses, etc.—Whoever by herself or
218 himself, her or his servant, clerk or agent, or in any other
219 manner has, keeps, exercises or maintains a gaming table or
220 room, or gaming implements or apparatus, or house, booth, tent,
221 shelter or other place for the purpose of gaming or gambling or
222 in any place of which she or he may directly or indirectly have
223 charge, control or management, either exclusively or with
224 others, procures, suffers or permits any person to play for
225 money or other valuable thing at any game whatever, whether
226 heretofore prohibited or not, commits a felony ~~misdemeanor~~ of
227 the third ~~second~~ degree, punishable as provided in s. 775.082,
228 ~~or~~ s. 775.083, or s. 775.084.

229 Section 6. Section 849.02, Florida Statutes, is amended to
230 read:

231 849.02 Agents or employees of keeper of gambling house.—A
232 person who ~~Whoever~~ acts as servant, clerk, agent, or employee of

3-00776A-25

20251404__

233 any person in the violation of s. 849.01 commits:

234 (1) For a first offense, a misdemeanor of the first degree,
235 punishable as provided in s. 775.082 or s. 775.083.

236 (2) For a second offense, a felony of the third degree,
237 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

238 (3) For a third or subsequent offense, a felony of the
239 second degree, punishable as provided in s. 775.082, s. 775.083,
240 or s. 775.084 shall be punished in the manner and to the extent
241 therein mentioned.

242 Section 7. Section 849.03, Florida Statutes, is amended to
243 read:

244 849.03 Renting house for gambling purposes.—A person who
245 ~~Whoever~~, whether as owner or agent, knowingly rents to another a
246 house, room, booth, tent, shelter or place for the purpose of
247 gaming commits:

248 (1) For a first offense, a felony of the third degree,
249 punishable as provided in s. 775.082, s. 775.083, or s. 775.084
250 ~~shall be punished in the manner and to the extent mentioned in~~
251 ~~s. 849.01.~~

252 (2) For a second or subsequent violation, a felony of the
253 second degree, punishable as provided in s. 775.082, s. 775.083,
254 or s. 775.084.

255 Section 8. Section 849.08, Florida Statutes, is amended to
256 read:

257 849.08 Gambling.—

258 (1) As used in this section, the term:

259 (a) "Internet gambling" means to play or engage in any game
260 in which money or other thing of value is awarded based on
261 chance, regardless of any application of skill, that is

3-00776A-25

20251404__

262 available on the Internet and accessible on a mobile device,
263 computer terminal, or other similar access device and simulates
264 casino-style gaming, including, but not limited to, slot
265 machines, video poker, and table games.

266 (b) "Internet sports wagering" means to stake, bet, or
267 wager any money or other thing of value upon the result of any
268 trial or contest of skill, speed, power, or endurance of human
269 or beast that is available on the Internet and accessible on a
270 mobile device, computer terminal, or other similar access
271 device.

272 (2) A person who ~~whoever~~ plays or engages in Internet
273 gambling, any game at cards, keno, roulette, faro or other game
274 of chance, at any place, by any device whatever, for money or
275 other thing of value, ~~commits shall be guilty of a misdemeanor~~
276 of the second degree, punishable as provided in s. 775.082 or s.
277 775.083.

278 (3) A person who plays or engages in Internet sports
279 wagering commits:

280 (a) For a first offense, a misdemeanor of the second
281 degree, punishable as provided in s. 775.082 or s. 775.083.

282 (b) For a second or subsequent violation, a misdemeanor of
283 the first degree, punishable as provided in s. 775.082 or s.
284 775.083.

285 (4) A person who operates, conducts, or promotes Internet
286 gambling or Internet sports wagering, or receives in any manner
287 whatsoever any money or other thing of value offered for the
288 purpose of Internet gambling or Internet sports wagering, or
289 whoever knowingly becomes the custodian or depository of any
290 money or other thing of value so offered, or whoever aids,

3-00776A-25

20251404__

291 assists, abets, or influences in any manner in any of such acts,
 292 all of which are hereby forbidden, commits a felony of the third
 293 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 294 775.084.

295 (5) This section does not apply to participation in, or the
 296 conduct of, any gaming activities authorized under s.
 297 285.710(13) and conducted pursuant to a gaming compact ratified
 298 and approved under s. 285.710(3).

299 Section 9. Paragraph (e) is added to subsection (12) of
 300 section 849.086, Florida Statutes, to read:

301 849.086 Cardrooms authorized.—

302 (12) PROHIBITED ACTIVITIES.—

303 (e) A person who manipulates or attempts to manipulate the
 304 playing cards, outcome, or payoff of a card game in a licensed
 305 cardroom by physical tampering or by use of any object,
 306 instrument, or device, whether mechanical, electrical, magnetic,
 307 or involving other means, commits a felony of the third degree,
 308 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

309 Section 10. Section 849.11, Florida Statutes, is amended to
 310 read:

311 849.11 Plays at games of chance by lot.—

312 (1) A person who ~~whoever sets up, promotes or plays in~~
 313 person or by the use, at least in part, of the Internet, at any
 314 game of chance by lot or with dice, cards, numbers, hazards or
 315 any other gambling device whatever for, or for the disposal of
 316 money or other thing of value or under the pretext of a sale,
 317 gift or delivery thereof, or for any right, share or interest
 318 therein, ~~commits shall be guilty of~~ a misdemeanor of the second
 319 degree, punishable as provided in s. 775.082 or s. 775.083.

3-00776A-25

20251404__

320 (2) A person who sets up, operates, conducts, promotes, or
321 receives in any manner whatsoever any money or other thing of
322 value offered for the purpose of conduct prohibited in
323 subsection (1), or whoever knowingly becomes the custodian or
324 depository of any money or other thing of value so offered, or
325 whoever aids, assists, abets, or influences in any manner in any
326 of such acts, commits a felony of the third degree, punishable
327 as provided in s. 775.082, s. 775.083, or s. 775.084.

328 Section 11. Section 849.13, Florida Statutes, is amended to
329 read:

330 849.13 ~~Punishment on~~ Second or subsequent conviction. ~~A~~
331 person who commits a second or subsequent violation of the same
332 ~~Whoever, after being convicted of an offense forbidden by law in~~
333 connection with lotteries for which there is no penalty
334 specified for a second or subsequent violation, shall have the
335 offense reclassified to an offense of the next higher degree,
336 ~~commits the like offense, shall be guilty of a misdemeanor of~~
337 ~~the first degree,~~ punishable as provided in s. 775.082, or s.
338 775.083, or s. 775.084. For purposes of sentencing under chapter
339 921, a felony offense that is reclassified under this subsection
340 is ranked one level above the ranking under s. 921.0022 or s.
341 921.0023 of the felony offense committed.

342 Section 12. Section 849.14, Florida Statutes, is amended to
343 read:

344 849.14 Unlawful to bet on result of trial or contest of
345 skill, etc. ~~A person who~~ Whoever ~~stakes, bets, or wagers any~~
346 money or other thing of value upon the result of any trial or
347 contest of skill, speed or power or endurance of human or beast,
348 or whoever receives in any manner whatsoever any money or other

3-00776A-25

20251404__

349 thing of value staked, bet, or wagered, or offered for the
350 purpose of being staked, bet, or wagered, by or for any other
351 person upon any such result, or whoever knowingly becomes the
352 custodian or depositary of any money or other thing of value so
353 staked, bet, or wagered upon any such result, or whoever aids,
354 or assists, or abets, or influences in any manner in any of such
355 acts all of which are hereby forbidden, commits a felony of the
356 third degree, punishable as provided in s. 775.082, ~~or~~ s.
357 775.083, or s. 775.084.

358 Section 13. Section 849.15, Florida Statutes, is amended to
359 read:

360 849.15 Manufacture, sale, possession, etc., of slot
361 machines or devices prohibited.—

362 (1) As used in this section, the term:

363 (a) "Conviction" means a determination of guilt that is the
364 result of a plea or a trial, regardless of whether adjudication
365 is withheld or a plea of nolo contendere is entered.

366 (b) "Person of authority" means a person who, at any
367 business, establishment, premises, or other location at which a
368 slot machine or device is offered for play, has:

369 1. Actual authority to act on behalf of the business,
370 establishment, premises, or other location where a slot machine
371 or device is offered for play; or

372 2. Any ownership interest in the business, establishment,
373 premises, or other location. The term "ownership interest"
374 includes being an officer, director, or managing member of the
375 business, establishment, premises, or other location.

376 (2)-(1) It is unlawful:

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

3-00776A-25

20251404__

378 lease, let on shares, lend or give away, transport, or expose
379 for sale or lease, or to offer to sell, rent, lease, let on
380 shares, lend or give away, or permit the operation of, or for
381 any person to permit to be placed, maintained, or used or kept
382 in any room, space, or building owned, leased or occupied by the
383 person or under the person's management or control, any slot
384 machine or device or any part thereof; or

385 (b) To make or to permit to be made with any person any
386 agreement with reference to any slot machine or device, pursuant
387 to which the user thereof, as a result of any element of chance
388 or other outcome unpredictable to him or her, may become
389 entitled to receive any money, credit, allowance, or thing of
390 value or additional chance or right to use such machine or
391 device, or to receive any check, slug, token or memorandum
392 entitling the holder to receive any money, credit, allowance or
393 thing of value.

394 (3) (a) Except as provided in paragraphs (b) and (c), a
395 person who violates subsection (2) commits a misdemeanor of the
396 first degree, punishable as provided in s. 775.082 or s.
397 775.083.

398 (b) A person commits a felony of the third degree,
399 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
400 if he or she violates subsection (2), and:

401 1. At the time of the violation, the person was a person of
402 authority; or

403 2. The person has one prior conviction for a violation of
404 this section.

405 (c) A person commits a felony of the second degree,
406 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,

3-00776A-25

20251404__

407 if he or she violates subsection (2), and:

408 1.a. At the time of the violation, the person was a person
409 of authority; and

410 b. The violation involves five or more slot machines or
411 devices; or

412 2. The person has two or more prior convictions for a
413 violation of this section.

414 (4)-(2) Pursuant to section 2 of that chapter of the
415 Congress of the United States entitled "An act to prohibit
416 transportation of gaming devices in interstate and foreign
417 commerce," approved January 2, 1951, being ch. 1194, 64 Stat.
418 1134, and also designated as 15 U.S.C. ss. 1171-1177, the State
419 of Florida, acting by and through the duly elected and qualified
420 members of its Legislature, does hereby in this section, and in
421 accordance with and in compliance with the provisions of section
422 2 of such chapter of Congress, declare and proclaim that any
423 county of the State of Florida within which slot machine gaming
424 is authorized pursuant to chapter 551 is exempt from the
425 provisions of section 2 of that chapter of the Congress of the
426 United States entitled "An act to prohibit transportation of
427 gaming devices in interstate and foreign commerce," designated
428 as 15 U.S.C. ss. 1171-1177, approved January 2, 1951. All
429 shipments of gaming devices, including slot machines, into any
430 county of this state within which slot machine gaming is
431 authorized pursuant to chapter 551 and the registering,
432 recording, and labeling of which have been duly performed by the
433 manufacturer or distributor thereof in accordance with sections
434 3 and 4 of that chapter of the Congress of the United States
435 entitled "An act to prohibit transportation of gaming devices in

3-00776A-25

20251404__

436 interstate and foreign commerce," approved January 2, 1951,
437 being ch. 1194, 64 Stat. 1134, and also designated as 15 U.S.C.
438 ss. 1171-1177, shall be deemed legal shipments thereof into this
439 state provided the destination of such shipments is an eligible
440 facility as defined in s. 551.102 or the facility of a slot
441 machine manufacturer or slot machine distributor as provided in
442 s. 551.109(2) (a).

443 (5) All shipments of legal gaming devices, including legal
444 slot machines, into Indian lands located within this state shall
445 be deemed legal shipments thereof provided that such Indian
446 lands are held in federal trust for the benefit of a federally
447 recognized Indian tribe that is a party to a tribal-state
448 compact with the state pursuant to the federal Indian Gaming
449 Regulatory Act of 1988, 18 U.S.C. ss. 1166-1168 and 25 U.S.C.
450 ss. 2701 et seq.

451 Section 14. Section 849.155, Florida Statutes, is created
452 to read:

453 849.155 Trafficking in slot machines, devices, or parts.—
454 Any person who knowingly sells, purchases, manufactures,
455 transports, delivers, or brings into this state more than 15
456 slot machines or devices or any parts thereof commits a felony
457 of the first degree, punishable as provided in s. 775.082, s.
458 775.083, or s. 775.084. If the quantity of slot machines or
459 devices or any parts thereof involved is:

460 (1) More than 15 slot machines or devices or any parts
461 thereof, but less than 25 slot machines or devices or any parts
462 thereof, such person must be fined \$100,000.

463 (2) 25 slot machines or devices or any parts thereof or
464 more, but less than 50 slot machines or devices or any parts

3-00776A-25

20251404__

465 thereof, such person must be fined \$250,000.

466 (3) 50 slot machines or devices or any parts thereof or
467 more, such person must be fined \$500,000.

468 (4) Pursuant to section 2 of the chapter of the Congress of
469 the United States entitled "An act to prohibit transportation of
470 gaming devices in interstate and foreign commerce," approved
471 January 2, 1951, being ch. 1194, 64 Stat. 1134, and also
472 designated as 15 U.S.C. ss. 1171-1177, the State of Florida,
473 acting by and through the duly elected and qualified members of
474 its Legislature, does hereby in this section, and in accordance
475 with and in compliance with the provisions of s. 2 of such
476 chapter of Congress, declare and proclaim that any county of the
477 State of Florida within which slot machine gaming is authorized
478 pursuant to chapter 551 is exempt from the provisions of s. 2 of
479 that chapter of the Congress of the United States entitled "An
480 act to prohibit transportation of gaming devices in interstate
481 and foreign commerce," designated as 15 U.S.C. ss. 1171-1177,
482 approved January 2, 1951. All shipments of gaming devices,
483 including slot machines, into any county of this state within
484 which slot machine gaming is authorized pursuant to chapter 551
485 and the registering, recording, and labeling of which have been
486 duly performed by the manufacturer or distributor thereof in
487 accordance with ss. 3 and 4 of that chapter of the Congress of
488 the United States entitled "An act to prohibit transportation of
489 gaming devices in interstate and foreign commerce," approved
490 January 2, 1951, being ch. 1194, 64 Stat. 1134, and also
491 designated as 15 U.S.C. ss. 1171-1177, shall be deemed legal
492 shipments thereof into this state provided the destination of
493 such shipments is an eligible facility as defined in s. 551.102

3-00776A-25

20251404__

494 or the facility of a slot machine manufacturer or slot machine
495 distributor as provided in s. 551.109(2) (a).

496 (5) All shipments of legal gaming devices, including legal
497 slot machines, into Indian lands located within the state shall
498 be deemed legal shipments thereof provided that such Indian
499 lands are held in federal trust for the benefit of a federally
500 recognized Indian tribe that is a party to a tribal-state
501 compact with the state pursuant to the federal Indian Gaming
502 Regulatory Act of 1988, 18 U.S.C. ss. 1166-1168 and 25 U.S.C.
503 ss. 2701 et seq.

504
505 Notwithstanding any other law, all fines imposed and collected
506 pursuant to this section must be deposited into the Pari-mutuel
507 Wagering Trust Fund and may be used for the enforcement of
508 chapters 546, 550, 551, and this chapter by the Florida Gaming
509 Control Commission.

510 Section 15. Section 849.157, Florida Statutes, is created
511 to read:

512 849.157 Making a false or misleading statement regarding
513 the legality of slot machines or devices to facilitate sale.-

514 (1) Except as provided in subsection (2), a person who
515 knowingly and willfully makes a materially false or misleading
516 statement or who knowingly and willfully disseminates false or
517 misleading information regarding the legality of a slot machine
518 or device for the purpose of facilitating the sale or delivery
519 of a slot machine or device for any money or other valuable
520 consideration commits a felony of the third degree, punishable
521 as provided in s. 775.082, s. 775.083, or s. 775.084.

522 (2) A person who violates subsection (1) when such a

3-00776A-25

20251404__

523 violation involves the sale or delivery, or attempted sale or
524 delivery, of five or more slot machines or devices commits a
525 felony of the second degree, punishable as provided in s.
526 775.082, s. 775.083, or s. 775.084.

527 Section 16. Section 849.23, Florida Statutes, is repealed.

528 Section 17. Section 849.47, Florida Statutes, is created to
529 read:

530 849.47 Transporting or procuring the transportation of
531 persons to facilitate illegal gambling.-

532 (1) As used in this section, the term "illegal gambling"
533 means any criminal violation of chapter 546, chapter 550,
534 chapter 551, or this chapter that occurs at any business,
535 establishment, premises, or other location.

536 (2) Except as provided in subsection (3), a person who
537 knowingly and willfully transports, or procures the
538 transportation of, five or more other persons into or within
539 this state when he or she knows or reasonably should know that
540 such transportation is for the purpose of facilitating illegal
541 gambling commits a misdemeanor of the first degree, punishable
542 as provided in s. 775.082 or s. 775.083.

543 (3) (a) A person who transports, or procures the
544 transportation of, a minor or a person 65 years of age or older
545 in violation of subsection (2) commits a felony of the third
546 degree, punishable as provided in s. 775.082, s. 775.083, or s.
547 775.084.

548 (b) A person who transports, or procures the transportation
549 of, 12 or more persons in violation of subsection (2) commits a
550 felony of the third degree, punishable as provided in s.
551 775.082, s. 775.083, or s. 775.084.

3-00776A-25

20251404__

552 Section 18. Section 849.48, Florida Statutes, is created to
553 read:

554 849.48 Gambling or gaming advertisements; prohibited.-

555 (1) As used in this section, the term "illegal gambling"
556 means any criminal violation of chapter 546, chapter 550,
557 chapter 551, or this chapter which occurs at any business,
558 establishment, premises, or other location.

559 (2) (a) Except as otherwise specifically authorized by law,
560 a person may not knowingly and intentionally make, publish,
561 disseminate, circulate, or place before the public, or cause,
562 directly or indirectly, to be made, published, disseminated,
563 circulated, or placed before the public in this state, in any
564 manner, whether in person or by the use, at least in part, of
565 the Internet, any advertisement, circular, bill, poster,
566 pamphlet, list, schedule, announcement, or notice for the
567 purpose of promoting or facilitating illegal gambling.

568 (b) Except as otherwise specifically authorized by law, a
569 person may not set up any type or plate for any type of
570 advertisement, circular, bill, poster, pamphlet, list, schedule,
571 announcement, or notice when he or she knows or reasonably
572 should know that such material will be used for the purpose of
573 promoting or facilitating illegal gambling.

574 (c) A person who violates this subsection commits:

575 1. For a first offense, a misdemeanor of the first degree,
576 punishable as provided in s. 775.082 or s. 775.083.

577 2. For a second or subsequent offense, a felony of the
578 third degree, punishable as provided in s. 775.082, s. 775.083,
579 or s. 775.084.

580 (3) This section does not prohibit the printing or

3-00776A-25

20251404__

581 producing of any advertisement, circular, bill, poster,
582 pamphlet, list, schedule, announcement, or notice to be used for
583 the purpose of promoting or facilitating gambling conducted in
584 any other state or nation, outside of this state, where such
585 gambling is not prohibited.

586 Section 19. Section 849.49, Florida Statutes, is created to
587 read:

588 849.49 Preemption.—No county, municipality, or other
589 political subdivision of the state shall enact or enforce any
590 ordinance or local rule relating to gaming, gambling, lotteries,
591 or any activities described in s. 546.10 or this chapter, except
592 as otherwise expressly provided by the State Constitution,
593 general law, or special law.

594 Section 20. Present paragraphs (i) through (m) of
595 subsection (2) of section 903.046, Florida Statutes, are
596 redesignated as paragraphs (j) through (n), respectively, and a
597 new paragraph (i) is added to that subsection, to read:

598 903.046 Purpose of and criteria for bail determination.—

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

602 (i) The amount of currency seized that is connected to or
603 involved in a violation of chapter 546, chapter 550, chapter
604 551, or chapter 849.

605 Section 21. Paragraphs (a), (c), (e), and (g) of subsection
606 (3) of section 921.0022, Florida Statutes, are amended to read:

607 921.0022 Criminal Punishment Code; offense severity ranking
608 chart.—

609 (3) OFFENSE SEVERITY RANKING CHART

3-00776A-25

20251404__

610 (a) LEVEL 1

611

612

Florida Statute	Felony Degree	Description
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613

24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.
--------------	-----	--

614

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

615

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

616

212.15(2)(b)	3rd	Failure to remit sales taxes, amount \$1,000 or more but less than \$20,000.
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617

316.1935(1)	3rd	Fleeing or attempting to elude law enforcement officer.
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618

319.30(5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
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3-00776A-25

20251404__

619

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

620

320.26 (1) (a) 3rd Counterfeit, manufacture, or
sell registration license
plates or validation stickers.

621

322.212 3rd Possession of forged, stolen,
(1) (a) - (c) counterfeit, or unlawfully
issued driver license;
possession of simulated
identification.

622

322.212 (4) 3rd Supply or aid in supplying
unauthorized driver license or
identification card.

623

322.212 (5) (a) 3rd False application for driver
license or identification card.

624

414.39 (3) (a) 3rd Fraudulent misappropriation of
public assistance funds by
employee/official, value more
than \$200.

625

443.071 (1) 3rd False statement or
representation to obtain or
increase reemployment

3-00776A-25

20251404__

assistance benefits.

626

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

627

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

628

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

629

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

630

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

631

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

632

817.569 (2) 3rd Use of public record or public records information or providing false information to facilitate commission of a felony.

3-00776A-25

20251404__

633	826.01	3rd	Bigamy.
634	828.122 (3)	3rd	Fighting or baiting animals.
635	831.04 (1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
636	831.31 (1) (a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
637	832.041 (1)	3rd	Stopping payment with intent to defraud \$150 or more.
638	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.
639	838.15 (2)	3rd	Commercial bribe receiving.
640	838.16	3rd	Commercial bribery.
641	843.18	3rd	Fleeing by boat to elude a law

3-00776A-25

20251404__

enforcement officer.

642

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

643

~~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.~~

644

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

645

~~849.25(2)~~ 3rd ~~Engaging in bookmaking.~~

646

860.08 3rd Interfere with a railroad
signal.

647

860.13(1)(a) 3rd Operate aircraft while under
the influence.

648

893.13(2)(a)2. 3rd Purchase of cannabis.

649

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

650

3-00776A-25 20251404__

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

651
652
653
654

(c) LEVEL 3

Florida Statute	Felony Degree	Description
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655
656
657
658

119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
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316.066 (3)(b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.
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316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
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316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
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659
660

319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
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319.33(1)(a)	3rd	Alter or forge any certificate
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3-00776A-25

20251404__

of title to a motor vehicle or
mobile home.

661

319.33(1)(c) 3rd Procure or pass title on stolen
vehicle.

662

319.33(4) 3rd With intent to defraud,
possess, sell, etc., a blank,
forged, or unlawfully obtained
title or registration.

663

327.35(2)(b) 3rd Felony BUI.

664

328.05(2) 3rd Possess, sell, or counterfeit
fictitious, stolen, or
fraudulent titles or bills of
sale of vessels.

665

328.07(4) 3rd Manufacture, exchange, or
possess vessel with counterfeit
or wrong ID number.

666

376.302(5) 3rd Fraud related to reimbursement
for cleanup expenses under the
Inland Protection Trust Fund.

667

379.2431 3rd Taking, disturbing, mutilating,
(1)(e)5. destroying, causing to be
destroyed, transferring,

3-00776A-25

20251404__

selling, offering to sell,
molesting, or harassing marine
turtles, marine turtle eggs, or
marine turtle nests in
violation of the Marine Turtle
Protection Act.

668

379.2431
(1) (e) 6.

3rd

Possessing any marine turtle
species or hatchling, or parts
thereof, or the nest of any
marine turtle species described
in the Marine Turtle Protection
Act.

669

379.2431
(1) (e) 7.

3rd

Soliciting to commit or
conspiring to commit a
violation of the Marine Turtle
Protection Act.

670

400.9935 (4) (a)
or (b)

3rd

Operating a clinic, or offering
services requiring licensure,
without a license.

671

400.9935 (4) (e)

3rd

Filing a false license
application or other required
information or failing to
report information.

672

440.1051 (3)

3rd

False report of workers'

3-00776A-25

20251404__

compensation fraud or
retaliation for making such a
report.

673

501.001 (2) (b) 2nd Tamper with a consumer product
or the container using
materially false/misleading
information.

674

624.401 (4) (a) 3rd Transacting insurance without a
certificate of authority.

675

624.401 (4) (b) 1. 3rd Transacting insurance without a
certificate of authority;
premium collected less than
\$20,000.

676

626.902 (1) (a) & 3rd Representing an unauthorized
(b) insurer.

677

697.08 3rd Equity skimming.

678

790.15 (3) 3rd Person directs another to
discharge firearm from a
vehicle.

679

794.053 3rd Lewd or lascivious written
solicitation of a person 16 or
17 years of age by a person 24

3-00776A-25

20251404__

years of age or older.

680

806.10 (1) 3rd Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.

681

806.10 (2) 3rd Interferes with or assaults firefighter in performance of duty.

682

810.09 (2) (b) 3rd Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.

683

810.145 (2) (c) 3rd Digital voyeurism; 19 years of age or older.

684

812.014 (2) (c) 2. 3rd Grand theft; \$5,000 or more but less than \$10,000.

685

812.0145 (2) (c) 3rd Theft from person 65 years of age or older; \$300 or more but less than \$10,000.

686

812.015 (8) (b) 3rd Retail theft with intent to sell; conspires with others.

687

812.081 (2) 3rd Theft of a trade secret.

3-00776A-25

20251404__

688	815.04 (4) (b)	2nd	Computer offense devised to defraud or obtain property.
689	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
690	817.233	3rd	Burning to defraud insurer.
691	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
692	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
693	817.236	3rd	Filing a false motor vehicle insurance application.
694	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
695	817.413 (2)	3rd	Sale of used goods of \$1,000 or more as new.
696			

3-00776A-25

20251404__

697

817.49(2)(b)1. 3rd Willful making of a false report of a crime causing great bodily harm, permanent disfigurement, or permanent disability.

698

831.28(2)(a) 3rd Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument with intent to defraud.

699

831.29 2nd Possession of instruments for counterfeiting driver licenses or identification cards.

700

836.13(2) 3rd Person who promotes an altered sexual depiction of an identifiable person without consent.

701

838.021(3)(b) 3rd Threatens unlawful harm to public servant.

838.12(3) 3rd Betting on a predetermined or prearranged professional or amateur game, contest, match, race, or sport.

3-00776A-25

20251404__

702	<u>849.01</u>	<u>3rd</u>	<u>Keeping a gambling house.</u>
703	<u>849.02 (2)</u>	<u>3rd</u>	<u>Agents or employees of keeper of gambling house.</u>
704	<u>849.03 (1)</u>	<u>3rd</u>	<u>Renting house for gambling purposes.</u>
705	<u>849.08 (4)</u>	<u>3rd</u>	<u>Operating, conducting, promoting, aiding, abetting, assisting Internet gambling and Internet sports wagering.</u>
706	<u>849.086 (12) (e)</u>	<u>3rd</u>	<u>Tampering with cards or card games.</u>
707	<u>849.09 (1) (a) - (d)</u>	<u>3rd</u>	<u>Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.</u>
708	<u>849.09 (1) (e), (f), (g), (i), or (k)</u>	<u>3rd</u>	<u>Conducting an unlawful lottery; second or subsequent offense.</u>
709	<u>849.09 (1) (h) or</u>	<u>3rd</u>	<u>Conducting an unlawful lottery;</u>

3-00776A-25

20251404__

710	<u>(j)</u>		<u>second or subsequent offense.</u>
711	<u>849.11 (2)</u>	<u>3rd</u>	<u>Offenses relating to games of chance.</u>
712	<u>849.14</u>	<u>3rd</u>	<u>Betting on result of trial or contest of skill, etc.</u>
713	<u>849.15 (3) (b)</u>	<u>3rd</u>	<u>Manufacture, sale, or possession of slot machine; by person of authority or with prior conviction.</u>
714	<u>849.157 (1)</u>	<u>3rd</u>	<u>False or misleading statement to facilitate sale of slot machines or devices.</u>
715	<u>849.25 (2)</u>	<u>3rd</u>	<u>Engaging in bookmaking.</u>
716	<u>849.47 (3) (a) & (b)</u>	<u>3rd</u>	<u>Transporting persons to facilitate illegal gambling; minor, person 65 years of age or older, or 12 or more persons.</u>
717	<u>849.48 (2) (c)</u>	<u>3rd</u>	<u>Illegal gambling advertising.</u>
	847.01385	3rd	Harmful communication to a

3-00776A-25

20251404__

minor.

718

860.15(3) 3rd Overcharging for repairs and parts.

719

870.01(2) 3rd Riot.

720

870.01(4) 3rd Inciting a riot.

721

893.13(1)(a)2. 3rd 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).

722

893.13(1)(d)2. 2nd Sell, manufacture, or deliver 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 university.

723

893.13(1)(f)2. 2nd Sell, manufacture, or deliver 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

3-00776A-25

20251404__

within 1,000 feet of public housing facility.

724

893.13(4)(c) 3rd Use or hire of minor; deliver to minor other controlled substances.

725

893.13(6)(a) 3rd Possession of any controlled substance other than felony possession of cannabis.

726

893.13(7)(a)8. 3rd Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.

727

893.13(7)(a)9. 3rd Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.

728

893.13(7)(a)10. 3rd Affix false or forged label to package of controlled substance.

729

893.13(7)(a)11. 3rd Furnish false or fraudulent material information on any document or record required by chapter 893.

3-00776A-25 20251404__

735	918.13(1)	3rd	Tampering with or fabricating physical evidence.
736	944.47 (1) (a) 1. & 2.	3rd	Introduce contraband to correctional facility.
737	944.47(1) (c)	2nd	Possess contraband while upon the grounds of a correctional institution.
738	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
739	(e) LEVEL 5		
740			
741			
742	Florida Statute	Felony Degree	Description
743	316.027(2) (a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
744	316.1935(4) (a)	2nd	Aggravated fleeing or eluding.
	316.80(2)	2nd	Unlawful conveyance of fuel;

3-00776A-25

20251404__

obtaining fuel fraudulently.

745

322.34(6)

3rd

Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.

746

327.30(5)

3rd

Vessel accidents involving personal injury; leaving scene.

747

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.

748

3-00776A-25

20251404__

749	379.367 (4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
750	379.407 (5) (b) 3.	3rd	Possession of 100 or more undersized spiny lobsters.
751	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
752	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
753	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
754	440.381 (2)	3rd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
755	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
	626.902 (1) (c)	2nd	Representing an unauthorized

3-00776A-25

20251404__

insurer; repeat offender.

756

790.01 (3) 3rd Unlawful carrying of a
concealed firearm.

757

790.162 2nd Threat to throw or discharge
destructive device.

758

790.163 (1) 2nd False report of bomb,
explosive, weapon of mass
destruction, or use of firearms
in violent manner.

759

790.221 (1) 2nd Possession of short-barreled
shotgun or machine gun.

760

790.23 2nd Felons in possession of
firearms, ammunition, or
electronic weapons or devices.

761

796.05 (1) 2nd Live on earnings of a
prostitute; 1st offense.

762

800.04 (6) (c) 3rd Lewd or lascivious conduct;
offender less than 18 years of
age.

763

800.04 (7) (b) 2nd Lewd or lascivious exhibition;
offender 18 years of age or

3-00776A-25

20251404__

older.

764

806.111 (1) 3rd Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.

765

810.145 (4) (c) 3rd Commercial digital voyeurism dissemination.

766

810.145 (7) (a) 2nd Digital voyeurism; 2nd or subsequent offense.

767

810.145 (8) (a) 2nd Digital voyeurism; certain minor victims.

768

812.014 (2) (d) 3. 2nd Grand theft, 2nd degree; theft from 20 or more dwellings or their unenclosed curtilage, or any combination.

769

812.0145 (2) (b) 2nd Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.

770

812.015 3rd Retail theft; property stolen is valued at \$750 or more and one or more specified acts.
(8) (a) & (c) -
(e)

771

3-00776A-25 20251404__

772	812.015 (8) (f)	3rd	Retail theft; multiple thefts within specified period.
773	812.015 (8) (g)	3rd	Retail theft; committed with specified number of other persons.
774	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
775	812.081 (3)	2nd	Trafficking in trade secrets.
776	812.131 (2) (b)	3rd	Robbery by sudden snatching.
777	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
778	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
779	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
	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

3-00776A-25

20251404__

solvency of an insuring entity.

780

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.

781

817.611 (2) (a)

2nd

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

782

817.625 (2) (b)

2nd

Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.

783

825.1025 (4)

3rd

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

784

828.12 (2)

3rd

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

785

3-00776A-25

20251404__

	836.14 (4)	2nd	Person who willfully promotes for financial gain a sexually explicit image of an identifiable person without consent.
786	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.
787	843.01 (1)	3rd	Resist officer with violence to person; resist arrest with violence.
788	847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
789	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
790	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
791	<u>849.02 (3)</u>	<u>2nd</u>	<u>Agents or employees of keeper of gambling house, 3rd or</u>

3-00776A-25

20251404__

subsequent offense.

792

849.03 (2)

2nd

Renting house for gambling purposes.

793

849.15 (3) (c)

2nd

Manufacture, sale, or possession of a slot machine; by a person of authority of five or more machines or two or more prior convictions.

794

849.157 (2)

2nd

False or misleading statement to facilitate sale of slot machines or devices; five or more machines.

795

849.25 (3)

2nd

Bookmaking; second or subsequent offense.

796

874.05 (1) (b)

2nd

Encouraging or recruiting another to join a criminal gang; second or subsequent offense.

797

874.05 (2) (a)

2nd

Encouraging or recruiting person under 13 years of age to join a criminal gang.

798

893.13 (1) (a) 1.

2nd

Sell, manufacture, or deliver

3-00776A-25

20251404__

cocaine (or other s.
893.03(1)(a), (1)(b), (1)(d),
(2)(a), (2)(b), or (2)(c)5.
drugs).

799

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.

800

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.

801

893.13(1)(e)2. 2nd Sell, manufacture, or deliver
cannabis or other drug
prohibited under s.
893.03(1)(c), (2)(c)1.,

3-00776A-25

20251404__

(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.

802

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.

803

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

804

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

805

806 (g) LEVEL 7

807

808

Florida	Felony	Description
Statute	Degree	

809

316.027(2)(c) 1st Accident involving death,

3-00776A-25

20251404__

failure to stop; leaving scene.

810

316.193 (3) (c) 2. 3rd DUI resulting in serious bodily injury.

811

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.

812

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

813

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

814

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

815

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

3-00776A-25

20251404__

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456.065 (2)	3rd	Practicing a health care profession without a license.
456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
458.327 (1)	3rd	Practicing medicine without a license.
459.013 (1)	3rd	Practicing osteopathic medicine without a license.
460.411 (1)	3rd	Practicing chiropractic medicine without a license.
461.012 (1)	3rd	Practicing podiatric medicine without a license.
462.17	3rd	Practicing naturopathy without a license.
463.015 (1)	3rd	Practicing optometry without a license.
464.016 (1)	3rd	Practicing nursing without a license.

3-00776A-25

20251404__

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465.015 (2)	3rd	Practicing pharmacy without a license.
466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
467.201	3rd	Practicing midwifery without a license.
468.366	3rd	Delivering respiratory care services without a license.
483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
483.901 (7)	3rd	Practicing medical physics without a license.
484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
484.053	3rd	Dispensing hearing aids without a license.
494.0018 (2)	1st	Conviction of any violation of chapter 494 in which the total money and property unlawfully

3-00776A-25

20251404__

obtained exceeded \$50,000 and
there were five or more
victims.

834

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.

835

560.125(5)(a) 3rd Money services business by
unauthorized person, currency
or payment instruments
exceeding \$300 but less than
\$20,000.

836

655.50(10)(b)1. 3rd Failure to report financial
transactions exceeding \$300 but
less than \$20,000 by financial
institution.

837

775.21(10)(a) 3rd Sexual predator; failure to
register; failure to renew
driver license or
identification card; other
registration violations.

838

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

839

3-00776A-25

20251404__

840

775.21(10)(g)

3rd

Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.

841

782.051(3)

2nd

Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.

842

782.07(1)

2nd

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

843

782.071

2nd

Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).

844

782.072

2nd

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

784.045(1)(a)1.

2nd

Aggravated battery; intentionally causing great

3-00776A-25

20251404__

bodily harm or disfigurement.

845

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

846

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

847

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

848

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

849

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

850

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

851

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

852

784.081 (1) 1st Aggravated battery on specified
official or employee.

853

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

3-00776A-25

20251404__

detainee.

854

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

855

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

856

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.

857

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

858

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

859

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

860

790.165(3) 2nd Possessing, displaying, or
threatening to use any hoax
bomb while committing or

3-00776A-25

20251404__

attempting to commit a felony.

861

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

862

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

863

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

864

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.

865

796.05(1) 1st Live on earnings of a prostitute; 2nd offense.

866

796.05(1) 1st Live on earnings of a prostitute; 3rd and subsequent offense.

3-00776A-25

20251404__

- 867
800.04 (5) (c) 1.
2nd
Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
- 868
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.
- 869
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.
- 870
806.01 (2)
2nd
Maliciously damage structure by fire or explosive.
- 871
810.02 (3) (a)
2nd
Burglary of occupied dwelling; unarmed; no assault or battery.
- 872
810.02 (3) (b)
2nd
Burglary of unoccupied dwelling; unarmed; no assault or battery.
- 873

3-00776A-25

20251404__

874	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
875	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
876	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.
877	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
878	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
879	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
	812.014 (2) (g)	2nd	Grand theft; second degree; firearm with previous

3-00776A-25

20251404__

conviction of s.
812.014(2)(c)5.

880

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

881

812.019(2) 1st Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.

882

812.131(2)(a) 2nd Robbery by sudden snatching.

883

812.133(2)(b) 1st Carjacking; no firearm, deadly weapon, or other weapon.

884

817.034(4)(a)1. 1st Communications fraud, value greater than \$50,000.

885

817.234(8)(a) 2nd Solicitation of motor vehicle accident victims with intent to defraud.

886

817.234(9) 2nd Organizing, planning, or participating in an intentional motor vehicle collision.

887

817.234(11)(c) 1st Insurance fraud; property value \$100,000 or more.

3-00776A-25

20251404__

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894

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.
817.418 (2) (a)	3rd	Offering for sale or advertising personal protective equipment with intent to defraud.
817.504 (1) (a)	3rd	Offering or advertising a vaccine with intent to defraud.
817.535 (2) (a)	3rd	Filing false lien or other unauthorized document.
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.

3-00776A-25 20251404__

895	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.
896	827.03 (2) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
897	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
898	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
899	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes child pornography.
900	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
901	838.015	2nd	Bribery.
	838.016	2nd	Unlawful compensation or reward

3-00776A-25

20251404__

for official behavior.

902

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

903

838.22 2nd Bid tampering.

904

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

905

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

906

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

907

847.0135 (3) 3rd Solicitation of a child, via a computer service, to commit an unlawful sex act.

908

847.0135 (4) 2nd Traveling to meet a minor to commit an unlawful sex act.

909

849.155 1st Trafficking in slot machines or devices or any parts thereof.

910

872.06 2nd Abuse of a dead human body.

911

874.05 (2) (b) 1st Encouraging or recruiting

3-00776A-25

20251404__

person under 13 to join a
 criminal gang; second or
 subsequent offense.

912

874.10 1st, PBL Knowingly initiates, organizes,
 plans, finances, directs,
 manages, or supervises criminal
 gang-related activity.

913

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.

914

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.

3-00776A-25

20251404__

915

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

916

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

917

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

918

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

919

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

920

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

921

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

922

3-00776A-25 20251404__

- 923
893.135
1st
Trafficking in oxycodone, 14
(1) (c) 3.b.
grams or more, less than 25
grams.
- 924
893.135
1st
Trafficking in fentanyl, 4
(1) (c) 4.b. (I)
grams or more, less than 14
grams.
- 925
893.135
1st
Trafficking in phencyclidine,
(1) (d) 1.a.
28 grams or more, less than 200
grams.
- 926
893.135 (1) (e) 1.
1st
Trafficking in methaqualone,
200 grams or more, less than 5
kilograms.
- 927
893.135 (1) (f) 1.
1st
Trafficking in amphetamine, 14
grams or more, less than 28
grams.
- 928
893.135
1st
Trafficking in flunitrazepam, 4
(1) (g) 1.a.
grams or more, less than 14
grams.
- 929
893.135
1st
Trafficking in gamma-
(1) (h) 1.a.
hydroxybutyric acid (GHB), 1
kilogram or more, less than 5
kilograms.

3-00776A-25 20251404__

930	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
931	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
932	893.135 (1) (m) 2.a.	1st	Trafficking in synthetic cannabinoids, 280 grams or more, less than 500 grams.
933	893.135 (1) (m) 2.b.	1st	Trafficking in synthetic cannabinoids, 500 grams or more, less than 1,000 grams.
934	893.135 (1) (n) 2.a.	1st	Trafficking in n-benzyl phenethylamines, 14 grams or more, less than 100 grams.
935	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
936	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
	896.104 (4) (a) 1.	3rd	Structuring transactions to

3-00776A-25

20251404__

evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.

937

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

938

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

939

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

940

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

941

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

3-00776A-25

20251404__

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- 944.607(9) 3rd Sexual offender; failure to comply with reporting requirements.
- 944.607(10)(a) 3rd Sexual offender; failure to submit to the taking of a digitized photograph.
- 944.607(12) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
- 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.

3-00776A-25

20251404__

973 without a certificate of authority, s. 624.437(4)(c)1., relating
974 to operating an unauthorized multiple-employer welfare
975 arrangement, or s. 626.902(1)(b), relating to representing or
976 aiding an unauthorized insurer.

977 11. Chapter 687, relating to interest and usurious
978 practices.

979 12. Section 721.08, s. 721.09, or s. 721.13, relating to
980 real estate timeshare plans.

981 13. Chapter 782, relating to homicide.

982 14. Chapter 784, relating to assault and battery.

983 15. Chapter 787, relating to kidnapping or human
984 trafficking.

985 16. Chapter 790, relating to weapons and firearms.

986 17. Former s. 796.03, s. 796.04, s. 796.05, or s. 796.07,
987 relating to prostitution.

988 18. Chapter 806, relating to arson.

989 19. Section 810.02(2)(c), relating to specified burglary of
990 a dwelling or structure.

991 20. Chapter 812, relating to theft, robbery, and related
992 crimes.

993 21. Chapter 815, relating to computer-related crimes.

994 22. Chapter 817, relating to fraudulent practices, false
995 pretenses, fraud generally, and credit card crimes.

996 23. Section 827.071, relating to commercial sexual
997 exploitation of children.

998 24. Chapter 831, relating to forgery and counterfeiting.

999 25. Chapter 832, relating to issuance of worthless checks
1000 and drafts.

1001 26. Section 836.05, relating to extortion.

3-00776A-25

20251404__

- 1002 27. Chapter 837, relating to perjury.
- 1003 28. Chapter 838, relating to bribery and misuse of public
1004 office.
- 1005 29. Chapter 843, relating to obstruction of justice.
- 1006 30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
1007 s. 847.07, relating to obscene literature and profanity.
- 1008 31. Section 849.09, s. 849.14, s. 849.15, ~~s. 849.23~~, or s.
1009 849.25, relating to gambling.
- 1010 32. Chapter 893, relating to drug abuse prevention and
1011 control.
- 1012 33. Section 914.22 or s. 914.23, relating to witnesses,
1013 victims, or informants.
- 1014 34. Section 918.12 or s. 918.13, relating to tampering with
1015 jurors and evidence.
- 1016 (2) "Unlawful debt" means any money or other thing of value
1017 constituting principal or interest of a debt that is legally
1018 unenforceable in this state in whole or in part because the debt
1019 was incurred or contracted:
- 1020 (a) In violation of any one of the following provisions of
1021 law:
- 1022 1. Section 550.235 or s. 550.3551, relating to dogracing
1023 and horseracing.
- 1024 2. Chapter 550, relating to jai alai frontons.
- 1025 3. Section 687.071, relating to criminal usury and loan
1026 sharking.
- 1027 4. Section 849.09, s. 849.14, s. 849.15, ~~s. 849.23~~, or s.
1028 849.25, relating to gambling.
- 1029 Section 23. Paragraph (a) of subsection (12) of section
1030 895.02, Florida Statutes, is amended to read:

3-00776A-25

20251404__

1031 895.02 Definitions.—As used in ss. 895.01-895.08, the term:

1032 (12) "Unlawful debt" means any money or other thing of
1033 value constituting principal or interest of a debt that is
1034 legally unenforceable in this state in whole or in part because
1035 the debt was incurred or contracted:

1036 (a) In violation of any one of the following provisions of
1037 law:

1038 1. Section 550.235 or s. 550.3551, relating to dogracing
1039 and horseracing.

1040 2. Chapter 550, relating to jai alai frontons.

1041 3. Section 551.109, relating to slot machine gaming.

1042 4. Chapter 687, relating to interest and usury.

1043 5. Section 849.09, s. 849.14, s. 849.15, ~~s. 849.23~~, or s.
1044 849.25, relating to gambling.

1045 Section 24. This act shall take effect October 1, 2025.