

By Senator Martin

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1 A bill to be entitled
2 An act relating to gaming control; creating s.
3 16.7165, F.S.; providing that the Florida Gaming
4 Control Commission is exempt from specified state
5 contracting provisions; authorizing the commission to
6 acquire land, property, interests, buildings, or other
7 improvements for a specified purpose; amending s.
8 843.08, F.S.; prohibiting a person from falsely
9 personating any personnel or representative from the
10 commission; providing a criminal penalty; amending s.
11 849.01, F.S.; specifying that a violation of the
12 prohibition against keeping a gambling house must be
13 committed knowingly; increasing the criminal penalty
14 for a violation; amending s. 849.03, F.S.; revising
15 the penalties for persons who knowingly rent a place
16 for the purpose of illegal gambling; amending s.
17 849.04, F.S.; deleting specified premises as being
18 prohibited from allowing minors to place bets;
19 increasing the criminal penalties; repealing s.
20 849.07, F.S., relating to permitting gambling by a
21 billiard or pool table licenseholder; amending s.
22 849.09, F.S.; revising the exceptions for the
23 prohibition of lottery games; increasing the criminal
24 penalties for violations; amending s. 849.0931, F.S.;
25 revising the definition of the term "instant bingo";
26 revising construction; amending s. 849.10, F.S.;
27 making technical changes; creating s. 849.105, F.S.;
28 prohibiting a person from advertising illegal
29 gambling; prohibiting an owner of an establishment

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30 from knowingly advertising illegal gambling; providing
31 exceptions; providing criminal penalties; amending s.
32 849.13, F.S.; revising the criminal penalties for
33 certain violations of the prohibition on lottery
34 games; amending s. 849.15, F.S.; revising the criminal
35 penalty for specified violations involving a slot
36 machine or device; providing criminal penalties;
37 amending s. 849.16, F.S.; revising the definition of
38 the term "slot machine or device"; deleting a
39 rebuttable presumption that a device, system, or
40 network is a prohibited slot machine or device under
41 certain circumstances; amending s. 849.23, F.S.;
42 revising the criminal penalty for certain violations
43 involving slot machines or devices to include
44 penalties for repeat offenses; amending s. 849.25,
45 F.S.; deleting obsolete language; making technical
46 changes; amending s. 903.046, F.S.; revising what a
47 court must consider when determining bail for offenses
48 involving illegal gambling or gaming; amending s.
49 921.0022, F.S.; deleting offenses created by the act
50 on the offense severity ranking chart of the Criminal
51 Punishment Code; conforming provisions to changes made
52 by the act; reenacting s. 849.02, F.S., relating to
53 agents or employees of the keeper of gambling houses,
54 to incorporate the amendment made to s. 849.01, F.S.,
55 in a reference thereto; reenacting ss. 849.092 and
56 849.0935(2), F.S., relating to motor fuel retail
57 businesses and charitable or nonprofit organizations,
58 respectively, to incorporate the amendment made to s.

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59 849.09, F.S., in references thereto; reenacting
60 402.82(4)(e), 718.114, 723.079(10), and 849.094(1)(a),
61 F.S., relating to electronic benefits transfer
62 program; association powers; powers and duties of
63 homeowners' association; and game promotion in
64 connection with sale of consumer products or services,
65 respectively, to incorporate the amendment made to s.
66 849.0931, F.S., in references thereto; reenacting s.
67 849.142, F.S., relating to exempted activities, to
68 incorporate the amendments made to ss. 849.01, 849.09,
69 and 849.0931, F.S., in references thereto; reenacting
70 ss. 772.102(1)(a) and (2)(a) and 895.02(12)(a), F.S.,
71 relating to definitions, respectively, to incorporate
72 the amendments made to ss. 849.09 and 849.15, F.S., in
73 references thereto; reenacting ss. 338.234(1) and
74 849.19, F.S., relating to granting concessions or
75 selling along the turnpike system and property rights
76 in confiscated machine, respectively, to incorporate
77 the amendment made to s. 849.16, F.S., in references
78 thereto; reenacting s. 777.04(4)(a), (d), and (e),
79 F.S., relating to attempts, solicitation, and
80 conspiracy, to incorporate the amendment made to s.
81 849.25, F.S., in references thereto; reenacting ss.
82 903.011(6) and 903.047(1)(c), F.S., relating to
83 pretrial release and conditions of pretrial release,
84 respectively, to incorporate the amendment made to s.
85 903.046, F.S., in references thereto; providing an
86 effective date.
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88 Be It Enacted by the Legislature of the State of Florida:

89

90 Section 1. Section 16.7165, Florida Statutes, is created to
91 read:

92 16.7165 Florida Gaming Control Commission; authority to
93 purchase and acquire property.—The Florida Gaming Control
94 Commission is specifically exempt from chapter 255 and may
95 purchase, lease, exchange, or otherwise acquire any lands,
96 property, interests, buildings, or other improvements, including
97 personal property within such buildings or on such lands, which
98 is necessary to or useful in securing or storing seized slot
99 machines or any other contraband. Such property shall be held in
100 the name of the state.

101 Section 2. Section 843.08, Florida Statutes, is amended to
102 read:

103 843.08 False personation.—A person who falsely assumes or
104 pretends to be a firefighter, a sheriff, an officer of the
105 Florida Highway Patrol, an officer of the Fish and Wildlife
106 Conservation Commission, an officer of the Department of
107 Environmental Protection, an officer of the Department of
108 Financial Services, any personnel or representative of the
109 Division of Investigative and Forensic Services, any personnel
110 or representative of the Florida Gaming Control Commission, an
111 officer of the Department of Corrections, a correctional
112 probation officer, a deputy sheriff, a state attorney or an
113 assistant state attorney, a statewide prosecutor or an assistant
114 statewide prosecutor, a state attorney investigator, a coroner,
115 a police officer, a lottery special agent or lottery
116 investigator, a beverage enforcement agent, a school guardian as

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117 described in s. 30.15(1)(k), a security officer licensed under
118 chapter 493, any member of the Florida Commission on Offender
119 Review or any administrative aide or supervisor employed by the
120 commission, any personnel or representative of the Department of
121 Law Enforcement, or a federal law enforcement officer as defined
122 in s. 901.1505, and takes upon himself or herself to act as
123 such, or to require any other person to aid or assist him or her
124 in a matter pertaining to the duty of any such officer, commits
125 a felony of the third degree, punishable as provided in s.
126 775.082, s. 775.083, or s. 775.084. However, a person who
127 falsely personates any such officer during the course of the
128 commission of a felony commits a felony of the second degree,
129 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
130 If the commission of the felony results in the death or personal
131 injury of another human being, the person commits a felony of
132 the first degree, punishable as provided in s. 775.082, s.
133 775.083, or s. 775.084. In determining whether a defendant has
134 violated this section, the court or jury may consider any
135 relevant evidence, including, but not limited to, whether the
136 defendant used lights in violation of s. 316.2397 or s. 843.081.

137 Section 3. Section 849.01, Florida Statutes, is amended to
138 read:

139 849.01 Keeping gambling houses, etc.—

140 (1) Except as otherwise provided in this section, whoever
141 by herself or himself, her or his servant, clerk or agent, or in
142 any other manner knowingly has, keeps, exercises, or maintains a
143 gaming table or room, or gaming implements or apparatus, or
144 house, booth, tent, shelter, or other place for the purpose of
145 ~~gaming or~~ gambling or in any place of which she or he may

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146 directly or indirectly have charge, control, or management,
147 either exclusively or with others, procures, suffers, or permits
148 any person to play for money or other valuable thing at any game
149 of chance which requires a payment to participate in the game
150 ~~whatever, whether heretofore prohibited or not,~~ commits a felony
151 of the third ~~misdemeanor of the second~~ degree, punishable as
152 provided in s. 775.082, ~~or~~ s. 775.083, or 775.084.

153 (2) Notwithstanding subsection (1), whoever commits a
154 violation of this section commits a felony of the second degree,
155 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
156 if the illegal gambling or gaming operation described in
157 subsection (1) is located within 1,000 feet of any of the
158 following places:

159 (a) A physical place for worship.

160 (b) A public or private elementary, middle, or secondary
161 school.

162 (c) The real property comprising a public or private
163 college, university, or other postsecondary educational
164 institution.

165 (d) The real property comprising a child care facility as
166 defined in s. 402.302.

167 (e) The real property comprising a state, county, or
168 municipal park, community center, or publicly owned recreational
169 facility. As used in this paragraph, the term "community center"
170 has the same meaning as in s. 893.13(1)(c).

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

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

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175 (h) The real property of a licensed service provider as
176 defined in s. 397.311(26).

177 (i) The real property of a facility providing services that
178 include clinical treatment, intervention, or prevention as
179 described in s. 397.311(27).

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

181 (k) An assisted living facility licensed under chapter 429.

182 (l) A pain-management clinic as defined in s. 458.3265 or
183 s. 459.0137.

184 (m) The real property comprising a public housing facility
185 at any time. As used in this section, the term "real property
186 comprising a public housing facility" means real property of a
187 public corporation created as a housing authority pursuant to
188 part I of chapter 421.

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

190 (3) A person who is located at or on the premises of the
191 illegal gambling or gaming operation described in subsection (1)
192 commits a felony of the second degree, punishable as provided in
193 s. 775.082, s. 775.083, or s. 775.084, if that person also
194 actually or constructively possesses any dirk, metallic
195 knuckles, slingshot, billie, tear gas gun, chemical weapon or
196 device, or type of knife other than a common pocket knife, or
197 any other weapon other than a firearm as defined in s. 790.001.

198 (4) A person who is located at or on the premises of the
199 illegal gambling or gaming operation described in subsection (1)
200 commits a felony of the first degree, punishable as provided in
201 s. 775.082, s. 775.083, or s. 775.084, if that person also
202 actually or constructively possesses a firearm as defined in s.
203 790.001.

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204 (5) A person who serves or allows to be served any
 205 alcoholic beverage at the premises of the illegal gambling or
 206 gaming operation as described in subsection (1) commits a felony
 207 of the second degree, punishable as provided in s. 775.082, s.
 208 775.083, or s. 775.083. It is not a defense if the premises
 209 where an illegal gambling or gaming operation is located has a
 210 license issued by the Division of Alcoholic Beverages and
 211 Tobacco.

212 (6) A person who commits a violation of this section and
 213 while there are present where the illegal gambling or gaming
 214 operation is conducted are:

- 215 (a) One or more persons younger than 21 years of age; or
- 216 (b) One or more persons 65 years of age or older,

217
 218 commits a felony of the first degree, punishable as provided in
 219 s. 775.082, s. 775.083, or s. 775.084. Ignorance of a person's
 220 age is not a defense to any violations of this section.

221 Section 4. Section 849.03, Florida Statutes, is amended to
 222 read:

223 849.03 Renting house for gambling purposes.—Whoever,
 224 whether as owner or agent, knowingly rents to another a house,
 225 room, booth, tent, shelter, or place for the purpose of illegal
 226 gambling commits a felony of the second degree, punishable as
 227 provided in s. 775.082, s. 775.083, or s. 775.084 ~~gaming shall~~
 228 ~~be punished in the manner and to the extent mentioned in s.~~
 229 ~~849.01.~~

230 Section 5. Section 849.04, Florida Statutes, is amended to
 231 read:

232 849.04 Permitting minors and persons under guardianship to

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233 gamble.-

234 (1) The proprietor, owner, or keeper of any ~~E. O.~~, keno ~~or~~
235 ~~pool table, or billiard table~~, wheel of fortune, or other game
236 of chance kept for the purpose of betting, who willfully and
237 knowingly allows a minor or person who is mentally incompetent
238 or under guardianship to play at such game or to bet on such
239 game of chance; or whoever aids or abets or otherwise encourages
240 such playing or betting of any money or other valuable thing
241 upon the result of such game of chance by a minor or person who
242 is mentally incompetent or under guardianship, commits a felony
243 of the second ~~third~~ degree, punishable as provided in s.
244 775.082, s. 775.083, or s. 775.084.

245 (2) For the purpose of this section, the term "person who
246 is mentally incompetent" means a person who because of mental
247 illness, intellectual disability, senility, excessive use of
248 drugs or alcohol, or other mental incapacity is incapable of
249 managing his or her property or caring for himself or herself or
250 both.

251 Section 6. Section 849.07, Florida Statutes, is repealed.

252 Section 7. Section 849.09, Florida Statutes, is amended to
253 read:

254 849.09 Lottery prohibited; exceptions.-

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

256 (a) Set up, promote, or conduct any lottery for money or
257 for anything of value;

258 (b) Dispose of any money or other property of any kind
259 whatsoever by means of any lottery;

260 (c) Conduct any lottery drawing for the distribution of a
261 prize or prizes by lot or chance, or advertise any such lottery

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262 scheme or device in any newspaper or by circulars, posters,
263 pamphlets, radio, telegraph, telephone, or otherwise;

264 (d) Aid or assist in the setting up, promoting, or
265 conducting of any lottery or lottery drawing, whether by
266 writing, printing, or in any other manner whatsoever, or be
267 interested in or connected in any way with any lottery or
268 lottery drawing;

269 (e) Attempt to operate, conduct, or advertise any lottery
270 scheme or device;

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

274 (g) Sell, offer for sale, or transmit, in person or by mail
275 or in any other manner whatsoever, any lottery ticket, coupon,
276 or share, or any share in or fractional part of any lottery
277 ticket, coupon, or share, whether such ticket, coupon, or share
278 represents an interest in a live lottery not yet played or
279 whether it represents, or has represented, an interest in a
280 lottery that has already been played;

281 (h) Have in her or his possession any lottery ticket, or
282 any evidence of any share or right in any lottery ticket, or in
283 any lottery scheme or device, whether such ticket or evidence of
284 share or right represents an interest in a live lottery not yet
285 played or whether it represents, or has represented, an interest
286 in a lottery that has already been played;

287 (i) Aid or assist in the sale, disposal, or procurement of
288 any lottery ticket, coupon, or share, or any right to any
289 drawing in a lottery;

290 (j) Have in her or his possession any lottery

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291 advertisement, circular, poster, or pamphlet, or any list or
292 schedule of any lottery prizes, gifts, or drawings; or

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

298

299 ~~Provided, that nothing in This chapter may not section shall~~
300 ~~prohibit participation in any statewide or nationally advertised~~
301 ~~game promotion, contest, drawing, game or puzzle of skill, or~~
302 ~~chance for a prize or prizes unless it can be construed as a~~
303 ~~lottery under this section; and, provided further, that this~~
304 ~~exemption for national contests shall not apply to any such~~
305 ~~contest based upon the outcome or results of any horserace,~~
306 ~~harness race, dograce, or jai alai game.~~

307 (2) A Any person who violates paragraphs (1) (a)-(d) commits
308 ~~is convicted of violating any of the provisions of paragraph~~
309 ~~(a), paragraph (b), paragraph (c), or paragraph (d) of~~
310 ~~subsection (1) is guilty of a felony of the second third degree,~~
311 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

312 (3) (a) Except as provided in paragraph (b), a Any person
313 ~~who is convicted of violating paragraph (1) (e), paragraph~~
314 ~~(1) (f), paragraph (1) (g), paragraph (1) (i), or paragraph (1) (k)~~
315 ~~commits a felony of the third any of the provisions of paragraph~~
316 ~~(e), paragraph (f), paragraph (g), paragraph (i), or paragraph~~
317 ~~(k) of subsection (1) is guilty of a misdemeanor of the first~~
318 ~~degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or~~
319 ~~s. 775.084.~~

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320 (b) A Any person who commits a second or subsequent
321 violation of paragraph (a) commits a felony of the second,
322 ~~having been convicted of violating any provision thereof,~~
323 ~~thereafter violates any provision thereof is guilty of a felony~~
324 ~~of the third~~ degree, punishable as provided in s. 775.082, s.
325 775.083, or s. 775.084. ~~The provisions of This chapter does~~
326 ~~section do~~ not apply to bingo as provided for in s. 849.0931.

327 (4)(a) Except as provided in paragraph (b), a Any person
328 who is convicted of violating paragraph (1)(h) or paragraph
329 (1)(j) commits a felony of the third ~~any of the provisions of~~
330 ~~paragraph (h) or paragraph (j) of subsection (1) is guilty of a~~
331 ~~misdemeanor of the first~~ degree, punishable as provided in s.
332 775.082, ~~or~~ s. 775.083, or s. 775.084.

333 (b) A Any person who commits a second or subsequent
334 violation of paragraph (a) commits, ~~having been convicted of~~
335 ~~violating any provision thereof, thereafter violates any~~
336 ~~provision thereof is guilty of a felony of the second third~~
337 degree, punishable as provided in s. 775.082, s. 775.083, or s.
338 775.084.

339 Section 8. Paragraph (f) of subsection (1) and paragraph
340 (a) of subsection (2) of section 849.0931, Florida Statutes, are
341 amended to read:

342 849.0931 Bingo authorized; conditions for conduct;
343 permitted uses of proceeds; limitations.—

344 (1) As used in this section:

345 (f) "Instant bingo" means a form of bingo that is played at
346 the same location as bingo, using physical or electronic tickets
347 by which a player wins a prize by physically or electronically
348 opening and removing a cover from the ticket to reveal a set of

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349 numbers, letters, objects, or patterns, some of which have been
350 designated in advance as prize winners.

351 (2) (a) ~~None of the provisions of This chapter or other law~~
352 in this state may not shall be construed to prohibit or prevent
353 charitable, nonprofit, or veterans' organizations engaged in
354 charitable, civic, community, benevolent, religious, or
355 scholastic works or other similar endeavors, which organizations
356 have been in existence and active for a period of 3 years or
357 more, from conducting bingo games or instant bingo, provided the
358 entire proceeds derived from the conduct of such games, less
359 actual business expenses for articles designed for and essential
360 to the operation, conduct, and playing of bingo or instant
361 bingo, are donated by such organizations to the endeavors
362 mentioned above. In no case may the net proceeds from the
363 conduct of such games be used for any other purpose whatsoever.
364 The proceeds derived from the conduct of bingo games or instant
365 bingo shall not be considered solicitation of public donations.

366 Section 9. Subsections (3) and (4) of section 849.10,
367 Florida Statutes, are amended to read:

368 849.10 Printing lottery tickets, etc., prohibited.—

369 (3) ~~Nothing in This chapter does not shall~~ make unlawful
370 the printing or production of any advertisement or any lottery
371 ticket for a lottery conducted in any other state or nation
372 where such lottery is not prohibited by the laws of such state
373 or nation, or the sale of such materials by the manufacturer
374 thereof to any person or entity conducting or participating in
375 the conduct of such a lottery in any other state or nation. This
376 section does not authorize any advertisement within Florida
377 relating to lotteries of any other state or nation, or the sale

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378 or resale within Florida of such lottery tickets, chances, or
379 shares to individuals, or any other acts otherwise in violation
380 of any laws of the state.

381 (4) A ~~Any~~ violation of this section is ~~shall be~~ a felony of
382 the third degree, punishable as provided in s. 775.082, s.
383 775.083, or s. 775.084.

384 Section 10. Section 849.105, Florida Statutes, is created
385 to read:

386 849.105 Gambling advertising prohibited.-

387 (1) Except as otherwise provided by law, it is unlawful for
388 a person to write, typewrite, print, publish, or disseminate in
389 any way an advertisement, circular, bill, poster, pamphlet,
390 list, schedule, announcement, or notice, either of any illegal
391 gaming or gambling operation or of any other matter in any way
392 related to or connected with illegal gambling or gaming.

393 Further, it is unlawful to set up any type of plate for any type
394 of advertisement in any way connected with illegal gambling or
395 gaming, to be used or distributed in this state or to be sent
396 out of this state.

397 (2) Except as otherwise provided by law, it is unlawful for
398 the owner or lessee of any house, office, shop, building, or
399 other establishment of any kind in this state to knowingly
400 permit the writing, typewriting, printing, publishing, or any
401 other dissemination of any sort of an advertisement, circular,
402 bill, poster, pamphlet, list, schedule, announcement, or notice
403 of any activity in any way related to or connected with illegal
404 gambling or gaming. Further, it is unlawful to knowingly permit
405 the setting up of any type of plate for any type of
406 advertisement to be used or distributed in this state or to be

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407 sent out of the state.

408 (3) This section does not:

409 (a) Prohibit the printing or production of any
410 advertisement for gambling or gaming conducted in any other
411 state or nation where such gambling or gaming is not prohibited
412 by the laws of such state or nation, or the sale the materials
413 being advertised by the manufacturer thereof to any person or
414 entity conducting or participating in the conduct of such
415 gambling or gaming in any other state or nation.

416 (b) Authorize any advertisement within this state relating
417 to any gambling or gaming of any other state or nation, or the
418 sale or resale within this state of anything in any way
419 connected with gambling or gaming.

420 (4) A person who violates this section commits a felony of
421 the second degree, punishable as provided in s. 775.082, s.
422 775.083, or s. 775.084.

423 Section 11. Section 849.13, Florida Statutes, is amended to
424 read:

425 849.13 ~~Punishment on Second~~ or subsequent conviction.—A
426 person who commits a second or subsequent violation of the same
427 ~~Whoever, after being convicted of an offense forbidden by law in~~
428 connection with lotteries for which there is no penalty
429 specified for a second or subsequent violation shall have the
430 offense reclassified to an offense of the next higher degree
431 ~~, commits the like offense, shall be guilty of a misdemeanor of~~
432 ~~the first degree,~~ punishable as provided in s. 775.082, or s.
433 775.083, or s. 775.084. For purposes of sentencing under chapter
434 921, a felony offense that is reclassified under this subsection
435 is ranked one level above the ranking under s. 921.0022 or s.

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436 921.0023 of the felony offense committed.

437 Section 12. Section 849.15, Florida Statutes, is amended to
438 read:

439 849.15 Manufacture, sale, possession, etc., of slot
440 machines or devices prohibited.—

441 (1) It is unlawful:

442 (a) To manufacture, own, store, keep, possess, sell, rent,
443 lease, let on shares, lend or give away, transport, or expose
444 for sale or lease, or to offer to sell, rent, lease, let on
445 shares, lend or give away, or permit the operation of, or for
446 any person to permit to be placed, maintained, or used or kept
447 in any room, space, or building owned, leased or occupied by the
448 person or under the person's management or control, any slot
449 machine or device ~~or any part thereof~~; or

450 (b) To make or to permit to be made with any person any
451 agreement with reference to any slot machine or device, pursuant
452 to which the user thereof, as a result of any material element
453 of chance or other outcome not under the control of the player
454 or players ~~unpredictable to him or her~~, may become entitled to
455 receive any money, credit, allowance, or thing of value or
456 additional chance or right to use such machine or device, or to
457 receive any check, slug, token or memorandum entitling the
458 holder to receive any money, credit, allowance or thing of
459 value.

460 (2) (a) Except as provided in this section, a person who
461 violates subsection (3) commits a felony of the third degree,
462 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

463 (b) A person convicted of violating paragraph (1) (a) or
464 paragraph (1) (b) a second time commits a felony of the second

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465 degree, punishable as provided ins. 775.082, s. 775.083, or s.
466 775.084.

467 (c) A person convicted of violating paragraph (1)(a) or
468 paragraph (1)(b) a third or subsequent time commits a felony of
469 the first degree, punishable as provided in s. 775.082, s.
470 775.083, or s. 775.084.

471 (3) Notwithstanding subsection (1), a person who commits a
472 violation of subsection (1) and such violation involves more
473 than one and less than five slot machines commits:

474 (a) A felony of the second degree for a first offense,
475 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

476 (b) A felony of the first degree for a second or subsequent
477 offense, punishable as provided in s. 775.082, s. 775.083, or s.
478 775.084.

479 (4) Notwithstanding subsection (1), a person who commits a
480 violation of subsection (1) and such violation involves five or
481 more slot machines commits:

482 (a) A felony of the second degree for a first offense,
483 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

484 (b) A felony of the first degree for a second or subsequent
485 offense, punishable as provided in s. 775.082, s. 775.083, or s.
486 775.084.

487 (5)(a) Notwithstanding subsections (1)-(4) a person who
488 violates this section commits a misdemeanor of the first degree,
489 punishable as provided in s. 775.082 or s. 775.083, if he or she
490 is not a manager, a supervisor, or an owner of any business,
491 establishment, or other location at which a slot machine or slot
492 machines are offered for play.

493 (b) For purposes of this subsection, a person is a manager

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494 of a business, establishment, or other location if he or she is
495 working on the premises alone or has any supervisory duty, or
496 has any ownership interest in the business offering the slot
497 machine or slot machines for play.

498 (6)~~(2)~~ Pursuant to section 2 of that chapter of the
499 Congress of the United States entitled "An act to prohibit
500 transportation of gaming devices in interstate and foreign
501 commerce," approved January 2, 1951, being ch. 1194, 64 Stat.
502 1134, and also designated as 15 U.S.C. ss. 1171-1177, the State
503 of Florida, acting by and through the duly elected and qualified
504 members of its Legislature, does hereby in this section, and in
505 accordance with and in compliance with the provisions of section
506 2 of such chapter of Congress, declare and proclaim that any
507 county of the State of Florida within which slot machine gaming
508 is authorized pursuant to chapter 551 is exempt from the
509 provisions of section 2 of that chapter of the Congress of the
510 United States entitled "An act to prohibit transportation of
511 gaming devices in interstate and foreign commerce," designated
512 as 15 U.S.C. ss. 1171-1177, approved January 2, 1951. All
513 shipments of gaming devices, including slot machines, into any
514 county of this state within which slot machine gaming is
515 authorized pursuant to chapter 551 and the registering,
516 recording, and labeling of which have been duly performed by the
517 manufacturer or distributor thereof in accordance with sections
518 3 and 4 of that chapter of the Congress of the United States
519 entitled "An act to prohibit transportation of gaming devices in
520 interstate and foreign commerce," approved January 2, 1951,
521 being ch. 1194, 64 Stat. 1134, and also designated as 15 U.S.C.
522 ss. 1171-1177, shall be deemed legal shipments thereof into this

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523 state provided the destination of such shipments is an eligible
524 facility as defined in s. 551.102 or the facility of a slot
525 machine manufacturer or slot machine distributor as provided in
526 s. 551.109(2) (a).

527 Section 13. Subsections (1) and (3) of section 849.16,
528 Florida Statutes, are amended to read:

529 849.16 Machines or devices which come within provisions of
530 law defined.—

531 (1) As used in this chapter, the term "slot machine or
532 device" means any machine or device or system or network of
533 devices integral with a video monitor which ~~that~~ is adapted for
534 use in such a way that, upon direct or indirect payment
535 ~~activation, which may be achieved by, but is not limited to, the~~
536 ~~insertion of any piece of money, coin, account number, code, or~~
537 ~~other object or information,~~ such device or system is directly
538 or indirectly caused to operate or may be operated and if the
539 user, ~~whether by application of skill or by reason of any~~
540 material element of chance ~~or any other outcome unpredictable by~~
541 ~~the user,~~ may:

542 (a) Receive or become entitled to receive any piece of
543 money, credit, allowance, or thing of value, or any check, slug,
544 token, or memorandum, whether of value or otherwise, which may
545 be exchanged for any money, credit, allowance, or thing of value
546 or which may be given in trade; or

547 (b) Secure additional chances or rights to use such
548 machine, apparatus, or device, even though the device or system
549 may be available for free play or, in addition to any element of
550 chance ~~or unpredictable outcome of such operation,~~ may also
551 sell, deliver, or present some merchandise, indication of

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552 weight, entertainment, or other thing of value. The term "slot
553 machine or device" includes, but is not limited to, devices
554 regulated as slot machines pursuant to chapter 551. The term
555 does not include devices designated as amusement devices under
556 chapter 446 or devices used in the play of bingo or instant
557 bingo described in s. 849.0931.

558 ~~(3) There is a rebuttable presumption that a device,~~
559 ~~system, or network is a prohibited slot machine or device if it~~
560 ~~is used to display images of games of chance and is part of a~~
561 ~~scheme involving any payment or donation of money or its~~
562 ~~equivalent and awarding anything of value.~~

563 Section 14. Section 849.23, Florida Statutes, is amended to
564 read:

565 849.23 Penalties ~~Penalty~~ for violations of ss. 849.15-
566 849.22.-A person who violates ~~Whoever shall violate any of the~~
567 ~~provisions of ss. 849.15-849.22~~ for which a penalty is not
568 specified commits:

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

573 (2) For a second offense, a felony of the second ~~Any person~~
574 ~~convicted of violating any provision of ss. 849.15-849.22, a~~
575 ~~second time shall, upon conviction thereof, be guilty of a~~
576 ~~misdemeanor of the first degree, punishable as provided in s.~~
577 ~~775.082, or s. 775.083, or s. 775.084.~~

578 (3) For a third or subsequent offense, a felony of the
579 first ~~Any person violating any provision of ss. 849.15-849.22~~
580 ~~after having been twice convicted already shall be deemed a~~

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581 ~~"common offender," and shall be guilty of a felony of the third~~
582 ~~degree, punishable as provided in s. 775.082, s. 775.083, or s.~~
583 ~~775.084.~~

584 Section 15. Subsections (2) through (6) of section 849.25,
585 Florida Statutes, are amended to read:

586 849.25 "Bookmaking" defined; penalties; exceptions.—

587 (2) A ~~Any~~ person who engages in bookmaking commits ~~shall be~~
588 ~~guilty of~~ a felony of the third degree, punishable as provided
589 in s. 775.082, s. 775.083, or s. 775.084. Notwithstanding ~~the~~
590 ~~provisions of~~ s. 948.01, a ~~any~~ person convicted under ~~the~~
591 ~~provisions of~~ this subsection may ~~shall~~ not have adjudication of
592 guilt suspended, deferred, or withheld.

593 (3) A ~~Any~~ person who commits a second or subsequent
594 violation ~~has been convicted of bookmaking and thereafter~~
595 ~~violates the provisions of~~ this section commits ~~shall be~~ guilty
596 ~~of~~ a felony of the second degree, punishable as provided in s.
597 775.082, s. 775.083, or s. 775.084. Notwithstanding ~~the~~
598 ~~provisions of~~ s. 948.01, a ~~any~~ person convicted under ~~the~~
599 ~~provisions of~~ this subsection may ~~shall~~ not have adjudication of
600 guilt suspended, deferred, or withheld.

601 (4) Notwithstanding ~~the provisions of~~ s. 777.04, a ~~any~~
602 person who commits ~~is guilty of~~ conspiracy to commit bookmaking
603 shall be subject to the penalties imposed by subsections (2) and
604 (3).

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

607 ~~(6) This section shall not apply to any prosecutions filed~~
608 ~~and pending at the time of the passage hereof, but all such~~
609 ~~cases shall be disposed of under existing laws at the time of~~

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610 ~~the institution of such prosecutions.~~

611 Section 16. Present paragraphs (i) through (m) of
612 subsection (2) of section 903.046, Florida Statutes, are
613 redesignated as paragraphs (j) through (n), respectively, a new
614 paragraph (i) is added to that subsection, and paragraph (f) of
615 that subsection is amended, to read:

616 903.046 Purpose of and criteria for bail determination.—

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

620 (f) The source of funds used to post bail or procure an
621 appearance bond, particularly whether the proffered funds, real
622 property, property, or any proposed collateral or bond premium
623 may be linked to or derived from the crime alleged to have been
624 committed, including from any crime involving any controlled
625 substance, a slot machine, or any type of illegal gambling or
626 gaming, or from any other criminal or illicit activities. The
627 burden of establishing the noninvolvement in or nonderivation
628 from criminal or other illicit activity of such proffered funds,
629 real property, property, or any proposed collateral or bond
630 premium falls upon the defendant or other person proffering them
631 to obtain the defendant's release.

632 (i) The amount of currency seized which is connected either
633 directly or indirectly to any violation of chapter 550, chapter
634 551, or chapter 849. It is the finding of the Legislature that
635 any violation of chapter 550, chapter 551, or chapter 849 is of
636 serious social concern, that the flight of defendants to avoid
637 prosecution is of serious social concern, and that frequently
638 such defendants are able to post monetary bail using the

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639 proceeds of their unlawful enterprises to defeat the social
 640 utility of pretrial bail. It is the intent of the Legislature
 641 that courts be required to carefully consider the utility and
 642 necessity of substantial bail in relation to the amount of
 643 proceeds a defendant has obtained from any violation of chapter
 644 550, chapter 551, or chapter 849.

645 Section 17. Paragraphs (a) of subsection (3) of section
 646 921.0022, Florida Statutes, is amended to read:

647 921.0022 Criminal Punishment Code; offense severity ranking
 648 chart.—

649 (3) OFFENSE SEVERITY RANKING CHART

650 (a) LEVEL 1

651

Florida Statute	Felony Degree	Description
24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.
104.0616(2)	3rd	Unlawfully distributing, ordering, requesting, collecting, delivering, or possessing vote-by-mail ballots.
212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.

654

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656 212.15 (2) (b) 3rd Failure to remit sales taxes, amount \$1,000 or more but less than \$20,000.

657 316.1935 (1) 3rd Fleeing or attempting to elude law enforcement officer.

658 319.30 (5) 3rd Sell, exchange, give away certificate of title or identification number plate.

659 319.35 (1) (a) 3rd Tamper, adjust, change, etc., an odometer.

660 320.26 (1) (a) 3rd Counterfeit, manufacture, or sell registration license plates or validation stickers.

661 322.212 (1) (a) - (c) 3rd Possession of forged, stolen, counterfeit, or unlawfully issued driver license; possession of simulated identification.

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

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662

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

663

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

664

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

665

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

666

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

667

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

668

812.014 (3) (c) 3rd Petit theft (3rd conviction); theft of any

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property not specified in subsection (2).

669

815.04 (4) (a)

3rd

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

670

817.52 (2)

3rd

Hiring with intent to defraud, motor vehicle services.

671

817.569 (2)

3rd

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

672

826.01

3rd

Bigamy.

673

828.122 (3)

3rd

Fighting or baiting animals.

674

831.04 (1)

3rd

Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.

675

831.31 (1) (a)

3rd

Sell, deliver, or possess counterfeit controlled substances, all but s.

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893.03(5) drugs.

676

832.041(1)

3rd

Stopping payment with intent to defraud \$150 or more.

677

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.

678

838.15(2)

3rd

Commercial bribe receiving.

679

838.16

3rd

Commercial bribery.

680

843.18

3rd

Fleeing by boat to elude a law enforcement officer.

681

847.011(1)(a)

3rd

Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).

682

~~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.~~

683

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684	849.23	3rd	Gambling related machines; "common offender" as to property rights.
685	849.25 (2)	3rd	Engaging in bookmaking.
686	860.08	3rd	Interfere with a railroad signal.
687	860.13 (1) (a)	3rd	Operate aircraft while under the influence.
688	893.13 (2) (a) 2.	3rd	Purchase of cannabis.
689	893.13 (6) (a)	3rd	Possession of cannabis (more than 20 grams).
690	934.03 (1) (a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.

691 Section 18. For the purpose of incorporating the amendment
692 made by this act to section 849.01, Florida Statutes, in a
693 reference thereto, section 849.02, Florida Statutes, is
694 reenacted to read:

695 849.02 Agents or employees of keeper of gambling house.—
696 Whoever acts as servant, clerk, agent, or employee of any person
697 in the violation of s. 849.01 shall be punished in the manner

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698 and to the extent therein mentioned.

699 Section 19. For the purpose of incorporating the amendment
700 made by this act to section 849.09, Florida Statutes, in a
701 reference thereto, section 849.092, Florida Statutes, is
702 reenacted to read:

703 849.092 Motor fuel retail business; certain activities
704 permitted.—The provisions of s. 849.09 shall not be construed to
705 prohibit or prevent persons who are licensed to conduct business
706 under s. 206.404, from giving away prizes to persons selected by
707 lot, if such prizes are made on the following conditions:

708 (1) Such gifts are conducted as advertising and promotional
709 undertakings, in good faith, solely for the purpose of
710 advertising the goods, wares, merchandise and business of such
711 licensee; and

712 (2) The principal business of such licensee is the business
713 permitted to be licensed under s. 206.404; and

714 (3) No person to be eligible to receive such gift shall
715 ever be required to:

716 (a) Pay any tangible consideration to such licensee in the
717 form of money or other property or thing of value, or

718 (b) Purchase any goods, wares, merchandise or anything of
719 value from such licensee.

720 (4) The person selected to receive any such gift or prize
721 offered by any such licensee in connection with any such
722 advertising or promotion is notified of his or her selection at
723 his or her last known address. Newspapers, magazines, television
724 and radio stations may, without violating any law, publish and
725 broadcast advertising matter describing such advertising and
726 promotional undertakings of such licensees which may contain

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727 instructions pursuant to which persons desiring to become
728 eligible for such gifts or prizes may make their name and
729 address known to such licensee.

730 (5) All brochures, advertisements, promotional material,
731 and entry blanks promoting such undertakings shall contain a
732 clause stating that residents of Florida are entitled to
733 participate in such undertakings and are eligible to win gifts
734 or prizes.

735 Section 20. For the purpose of incorporating the amendment
736 made by this act to section 849.09, Florida Statutes, in a
737 reference thereto, subsection (2) of section 849.0935, Florida
738 Statutes, is reenacted to read:

739 849.0935 Charitable, nonprofit organizations; drawings by
740 chance; required disclosures; unlawful acts and practices;
741 penalties.—

742 (2) Section 849.09 does not prohibit an organization from
743 conducting drawings by chance pursuant to the authority granted
744 by this section, if the organization has complied with all
745 applicable provisions of chapter 496 and this section.

746 Section 21. For the purpose of incorporating the amendment
747 made by this act to section 849.0931, Florida Statutes, in a
748 reference thereto, paragraph (e) of subsection (4) of section
749 402.82, Florida Statutes, is reenacted to read:

750 402.82 Electronic benefits transfer program.—

751 (4) Use or acceptance of an electronic benefits transfer
752 card is prohibited at the following locations or for the
753 following activities:

754 (e) A commercial bingo facility that operates outside the
755 provisions of s. 849.0931.

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756 Section 22. For the purpose of incorporating the amendment
757 made by this act to section 849.0931, Florida Statutes, in a
758 reference thereto, section 718.114, Florida Statutes, is
759 reenacted to read:

760 718.114 Association powers.—An association may enter into
761 agreements to acquire leaseholds, memberships, and other
762 possessory or use interests in lands or facilities such as
763 country clubs, golf courses, marinas, and other recreational
764 facilities, regardless of whether the lands or facilities are
765 contiguous to the lands of the condominium, if such lands and
766 facilities are intended to provide enjoyment, recreation, or
767 other use or benefit to the unit owners. All of these
768 leaseholds, memberships, and other possessory or use interests
769 existing or created at the time of recording the declaration
770 must be stated and fully described in the declaration.
771 Subsequent to the recording of the declaration, agreements
772 acquiring these leaseholds, memberships, or other possessory or
773 use interests which are not entered into within 12 months of the
774 date of the recording of the certificate of a surveyor and
775 mapper pursuant to s. 718.104(4)(e) or the recording of an
776 instrument that transfers title to a unit in the condominium
777 which is not accompanied by a recorded assignment of developer
778 rights in favor of the grantee of such unit, whichever occurs
779 first, are a material alteration or substantial addition to the
780 real property that is association property, and the association
781 may not acquire or enter into such agreements except upon a vote
782 of, or written consent by, a majority of the total voting
783 interests or as authorized by the declaration as provided in s.
784 718.113. The declaration may provide that the rental, membership

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785 fees, operations, replacements, and other expenses are common
786 expenses and may impose covenants and restrictions concerning
787 their use and may contain other provisions not inconsistent with
788 this chapter. A condominium association may conduct bingo games
789 as provided in s. 849.0931.

790 Section 23. For the purpose of incorporating the amendment
791 made by this act to section 849.0931, Florida Statutes, in a
792 reference thereto, subsection (10) of section 723.079, Florida
793 Statutes, is reenacted to read:

794 723.079 Powers and duties of homeowners' association.—

795 (10) Any mobile home owners' association or group of
796 residents of a mobile home park as defined in this chapter may
797 conduct bingo games as provided in s. 849.0931.

798 Section 24. For the purpose of incorporating the amendment
799 made by this act to section 849.0931, Florida Statutes, in a
800 reference thereto, paragraph (a) of subsection (1) of section
801 849.094, Florida Statutes, is reenacted to read:

802 849.094 Game promotion in connection with sale of consumer
803 products or services.—

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

805 (a) "Game promotion" means, but is not limited to, a
806 contest, game of chance, sweepstakes, or gift enterprise,
807 conducted by an operator within or throughout the state and
808 other states in connection with and incidental to the sale of
809 consumer products or services, and in which the elements of
810 chance and prize are present. However, "game promotion" may not
811 be construed to apply to bingo games conducted pursuant to s.
812 849.0931.

813 Section 25. For the purpose of incorporating the amendments

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814 made by this act to sections 849.01, 849.09, and 849.0931,
815 Florida Statutes, in references thereto, section 849.142,
816 Florida Statutes, is reenacted to read:

817 849.142 Exempted activities.—Sections 849.01, 849.08,
818 849.09, 849.11, 849.14, and 849.25 do not apply to participation
819 in or the conduct of any of the following activities:

820 (1) Gaming activities authorized under s. 285.710(13) and
821 conducted pursuant to a gaming compact ratified and approved
822 under s. 285.710(3).

823 (2) Amusement games conducted pursuant to chapter 546.

824 (3) Pari-mutuel wagering conducted pursuant to chapter 550.

825 (4) Slot machine gaming conducted pursuant to chapter 551.

826 (5) Games conducted pursuant to s. 849.086.

827 (6) Bingo games conducted pursuant to s. 849.0931.

828 Section 26. For the purpose of incorporating the amendments
829 made by this act to sections 849.09 and 849.15, Florida
830 Statutes, in references thereto, paragraph (a) of subsection (1)
831 and paragraph (a) of subsection (2) of section 772.102, Florida
832 Statutes, are reenacted to read:

833 772.102 Definitions.—As used in this chapter, the term:

834 (1) "Criminal activity" means to commit, to attempt to
835 commit, to conspire to commit, or to solicit, coerce, or
836 intimidate another person to commit:

837 (a) Any crime that is chargeable by indictment or
838 information under the following provisions:

839 1. Section 210.18, relating to evasion of payment of
840 cigarette taxes.

841 2. Section 414.39, relating to public assistance fraud.

842 3. Section 440.105 or s. 440.106, relating to workers'

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- 843 compensation.
- 844 4. Part IV of chapter 501, relating to telemarketing.
- 845 5. Chapter 517, relating to securities transactions.
- 846 6. Section 550.235 or s. 550.3551, relating to dogracing
847 and horseracing.
- 848 7. Chapter 550, relating to jai alai frontons.
- 849 8. Chapter 552, relating to the manufacture, distribution,
850 and use of explosives.
- 851 9. Chapter 562, relating to beverage law enforcement.
- 852 10. Section 624.401, relating to transacting insurance
853 without a certificate of authority, s. 624.437(4)(c)1., relating
854 to operating an unauthorized multiple-employer welfare
855 arrangement, or s. 626.902(1)(b), relating to representing or
856 aiding an unauthorized insurer.
- 857 11. Chapter 687, relating to interest and usurious
858 practices.
- 859 12. Section 721.08, s. 721.09, or s. 721.13, relating to
860 real estate timeshare plans.
- 861 13. Chapter 782, relating to homicide.
- 862 14. Chapter 784, relating to assault and battery.
- 863 15. Chapter 787, relating to kidnapping or human
864 trafficking.
- 865 16. Chapter 790, relating to weapons and firearms.
- 866 17. Former s. 796.03, s. 796.04, s. 796.05, or s. 796.07,
867 relating to prostitution.
- 868 18. Chapter 806, relating to arson.
- 869 19. Section 810.02(2)(c), relating to specified burglary of
870 a dwelling or structure.
- 871 20. Chapter 812, relating to theft, robbery, and related

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- 872 crimes.
- 873 21. Chapter 815, relating to computer-related crimes.
- 874 22. Chapter 817, relating to fraudulent practices, false
875 pretenses, fraud generally, and credit card crimes.
- 876 23. Section 827.071, relating to commercial sexual
877 exploitation of children.
- 878 24. Chapter 831, relating to forgery and counterfeiting.
- 879 25. Chapter 832, relating to issuance of worthless checks
880 and drafts.
- 881 26. Section 836.05, relating to extortion.
- 882 27. Chapter 837, relating to perjury.
- 883 28. Chapter 838, relating to bribery and misuse of public
884 office.
- 885 29. Chapter 843, relating to obstruction of justice.
- 886 30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
887 s. 847.07, relating to obscene literature and profanity.
- 888 31. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
889 849.25, relating to gambling.
- 890 32. Chapter 893, relating to drug abuse prevention and
891 control.
- 892 33. Section 914.22 or s. 914.23, relating to witnesses,
893 victims, or informants.
- 894 34. Section 918.12 or s. 918.13, relating to tampering with
895 jurors and evidence.
- 896 (2) "Unlawful debt" means any money or other thing of value
897 constituting principal or interest of a debt that is legally
898 unenforceable in this state in whole or in part because the debt
899 was incurred or contracted:
- 900 (a) In violation of any one of the following provisions of

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901 law:

902 1. Section 550.235 or s. 550.3551, relating to dogracing
903 and horseracing.

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

905 3. Section 687.071, relating to criminal usury and loan
906 sharking.

907 4. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
908 849.25, relating to gambling.

909 Section 27. For the purpose of incorporating the amendments
910 made by this act to sections 849.09 and 849.15, Florida

911 Statutes, in references thereto, paragraph (a) of subsection
912 (12) of section 895.02, Florida Statutes, is reenacted to read:

913 895.02 Definitions.—As used in ss. 895.01-895.08, the term:

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

918 (a) In violation of any one of the following provisions of
919 law:

920 1. Section 550.235 or s. 550.3551, relating to dogracing
921 and horseracing.

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

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

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

925 5. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
926 849.25, relating to gambling.

927 Section 28. For the purpose of incorporating the amendment
928 made by this act to section 849.16, Florida Statutes, in a
929 reference thereto, subsection (1) of section 338.234, Florida

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930 Statutes, is reenacted to read:

931 338.234 Granting concessions or selling along the turnpike
932 system; immunity from taxation.—

933 (1) The department may enter into contracts or licenses
934 with any person for the sale of services or products or business
935 opportunities on the turnpike system, or the turnpike enterprise
936 may sell services, products, or business opportunities on the
937 turnpike system, which benefit the traveling public or provide
938 additional revenue to the turnpike system. Services, business
939 opportunities, and products authorized to be sold include, but
940 are not limited to, motor fuel, vehicle towing, and vehicle
941 maintenance services; food with attendant nonalcoholic
942 beverages; lodging, meeting rooms, and other business services
943 opportunities; advertising and other promotional opportunities,
944 which advertising and promotions must be consistent with the
945 dignity and integrity of the state; state lottery tickets sold
946 by authorized retailers; games and amusements that operate by
947 the application of skill, not including games of chance as
948 defined in s. 849.16 or other illegal gambling games; Florida
949 citrus, goods promoting the state, or handmade goods produced
950 within the state; and travel information, tickets, reservations,
951 or other related services. However, the department, pursuant to
952 the grants of authority to the turnpike enterprise under this
953 section, shall not exercise the power of eminent domain solely
954 for the purpose of acquiring real property in order to provide
955 business services or opportunities, such as lodging and meeting-
956 room space on the turnpike system.

957 Section 29. For the purpose of incorporating the amendment
958 made by this act to section 849.16, Florida Statutes, in a

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959 reference thereto, section 849.19, Florida Statutes, is
960 reenacted to read:

961 849.19 Property rights in confiscated machine.—The right of
962 property in and to any machine, apparatus, or device as defined
963 in s. 849.16 and to all money and other things of value therein,
964 is declared not to exist in any person, and the same shall be
965 forfeited and deposited into the Florida Gaming Control
966 Commission's Pari-Mutuel Wagering Trust Fund if the Florida
967 Gaming Control Commission is the seizing agency. Otherwise, such
968 money or other things of value shall be forfeited to the county
969 in which the seizure was made and shall be delivered forthwith
970 to the clerk of the circuit court and shall by her or him be
971 placed in the fine and forfeiture fund of said county.

972 Section 30. For the purpose of incorporating the amendment
973 made by this act to section 849.25, Florida Statutes, in
974 references thereto, paragraphs (a), (d), and (e) of subsection
975 (4) of section 777.04, Florida Statutes, are reenacted to read:

976 777.04 Attempts, solicitation, and conspiracy.—

977 (4) (a) Except as otherwise provided in ss. 104.091(2),
978 379.2431(1), 828.125(2), 849.25(4), 893.135(5), and 921.0022,
979 the offense of criminal attempt, criminal solicitation, or
980 criminal conspiracy is ranked for purposes of sentencing under
981 chapter 921 and determining incentive gain-time eligibility
982 under chapter 944 one level below the ranking under s. 921.0022
983 or s. 921.0023 of the offense attempted, solicited, or conspired
984 to. If the criminal attempt, criminal solicitation, or criminal
985 conspiracy is of an offense ranked in level 1 or level 2 under
986 s. 921.0022 or s. 921.0023, such offense is a misdemeanor of the
987 first degree, punishable as provided in s. 775.082 or s.

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988 775.083.

989 (d) Except as otherwise provided in s. 104.091(2), s.
990 379.2431(1), s. 828.125(2), or s. 849.25(4), if the offense
991 attempted, solicited, or conspired to is a:

- 992 1. Felony of the second degree;
- 993 2. Burglary that is a felony of the third degree; or
- 994 3. Felony of the third degree ranked in level 3, 4, 5, 6,
995 7, 8, 9, or 10 under s. 921.0022 or s. 921.0023,

996

997 the offense of criminal attempt, criminal solicitation, or
998 criminal conspiracy is a felony of the third degree, punishable
999 as provided in s. 775.082, s. 775.083, or s. 775.084.

1000 (e) Except as otherwise provided in s. 104.091(2), s.
1001 379.2431(1), s. 849.25(4), or paragraph (d), if the offense
1002 attempted, solicited, or conspired to is a felony of the third
1003 degree, the offense of criminal attempt, criminal solicitation,
1004 or criminal conspiracy is a misdemeanor of the first degree,
1005 punishable as provided in s. 775.082 or s. 775.083.

1006 Section 31. For the purpose of incorporating the amendment
1007 made by this act to section 903.046, Florida Statutes, in a
1008 reference thereto, subsection (6) of section 903.011, Florida
1009 Statutes, is reenacted to read:

1010 903.011 Pretrial release; general terms; statewide uniform
1011 bond schedule.—

1012 (6) A person may not be released before his or her first
1013 appearance hearing or bail determination and a judge must
1014 determine the appropriate bail, if any, based on an
1015 individualized consideration of the criteria in s. 903.046(2),
1016 if the person meets any of the following criteria:

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1017 (a) The person was, at the time of arrest for any felony,
1018 on pretrial release, probation, or community control in this
1019 state or any other state;

1020 (b) The person was, at the time of arrest, designated as a
1021 sexual offender or sexual predator in this state or any other
1022 state;

1023 (c) The person was arrested for violating a protective
1024 injunction;

1025 (d) The person was, at the time of arrest, on release from
1026 supervision under s. 947.1405, s. 947.146, s. 947.149, or s.
1027 944.4731;

1028 (e) The person has, at any time before the current arrest,
1029 been sentenced pursuant to s. 775.082(9) or s. 775.084 as a
1030 prison releasee reoffender, habitual violent felony offender,
1031 three-time violent felony offender, or violent career criminal;

1032 (f) The person has been arrested three or more times in the
1033 6 months immediately preceding his or her arrest for the current
1034 offense; or

1035 (g) The person's current offense of arrest is for one or
1036 more of the following crimes:

1037 1. A capital felony, life felony, felony of the first
1038 degree, or felony of the second degree;

1039 2. A homicide under chapter 782; or any attempt,
1040 solicitation, or conspiracy to commit a homicide;

1041 3. Assault in furtherance of a riot or an aggravated riot;
1042 felony battery; domestic battery by strangulation; domestic
1043 violence, as defined in s. 741.28; stalking; mob intimidation;
1044 assault or battery on a law enforcement officer; assault or
1045 battery on juvenile probation officer, or other staff of a

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1046 detention center or commitment facility, or a staff member of a
1047 commitment facility, or health services personnel; assault or
1048 battery on a person 65 years of age or older; robbery; burglary;
1049 carjacking; or resisting an officer with violence;

1050 4. Kidnapping, false imprisonment, human trafficking, or
1051 human smuggling;

1052 5. Possession of a firearm or ammunition by a felon,
1053 violent career criminal, or person subject to an injunction
1054 against committing acts of domestic violence, stalking, or
1055 cyberstalking;

1056 6. Sexual battery; indecent, lewd, or lascivious touching;
1057 exposure of sexual organs; incest; luring or enticing a child;
1058 or child pornography;

1059 7. Abuse, neglect, or exploitation of an elderly person or
1060 disabled adult;

1061 8. Child abuse or aggravated child abuse;

1062 9. Arson; riot, aggravated riot, inciting a riot, or
1063 aggravated inciting a riot; or a burglary or theft during a
1064 riot;

1065 10. Escape; tampering or retaliating against a witness,
1066 victim, or informant; destruction of evidence; or tampering with
1067 a jury;

1068 11. Any offense committed for the purpose of benefiting,
1069 promoting, or furthering the interests of a criminal gang;

1070 12. Trafficking in a controlled substance, including
1071 conspiracy to engage in trafficking in a controlled substance;

1072 13. Racketeering; or

1073 14. Failure to appear at required court proceedings while
1074 on bail.

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1075 Section 32. For the purpose of incorporating the amendment
1076 made by this act to section 903.046, Florida Statutes, in a
1077 reference thereto, paragraph (c) of subsection (1) of section
1078 903.047, Florida Statutes, is reenacted to read:

1079 903.047 Conditions of pretrial release.—

1080 (1) As a condition of pretrial release, whether such
1081 release is by surety bail bond or recognizance bond or in some
1082 other form, the defendant must:

1083 (c) Comply with all conditions of pretrial release imposed
1084 by the court. A court must consider s. 903.046(2) when
1085 determining whether to impose nonmonetary conditions in addition
1086 to or in lieu of monetary bond. Such nonmonetary conditions may
1087 include, but are not limited to, requiring a defendant to:

1088 1. Maintain employment, or, if unemployed, actively seek
1089 employment.

1090 2. Maintain or commence an educational program.

1091 3. Abide by specified restrictions on personal
1092 associations, place of residence, or travel.

1093 4. Report on a regular basis to a designated law
1094 enforcement agency, pretrial services agency, or other agency.

1095 5. Comply with a specified curfew.

1096 6. Refrain from possessing a firearm, destructive device,
1097 or other dangerous weapon.

1098 7. Refrain from excessive use of alcohol, or any use of a
1099 narcotic drug or other controlled substance without a
1100 prescription from a licensed medical practitioner.

1101 8. Undergo available medical, psychological, psychiatric,
1102 mental health, or substance abuse evaluation and follow all
1103 recommendations, including treatment for drug or alcohol

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1104 dependency, and remain in a specified institution, if required
1105 for that purpose.

1106 9. Return to custody for specified hours following release
1107 for employment, school, or other limited purposes.

1108 10. Any other condition that is reasonably necessary to
1109 assure the appearance of the defendant at subsequent proceedings
1110 and to protect the community against unreasonable danger of
1111 harm.

1112 Section 33. This act shall take effect July 1, 2025.