

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
30 | criminal penalties; amending s. 849.13, F.S.;;
31 | providing enhances 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
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
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
117 working with a compulsive or addictive gambling prevention
118 program to 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,**
131 **to 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
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
172 other thing of value upon the result of any professional or
173 amateur game, contest, match, race, or sport with knowledge that
174 the results of such professional or amateur game, contest,
175 match, race, or sport are prearranged or predetermined as

176 described in subsection (1) or subsection (2) commits a felony
177 of the third degree, punishable as provided in s. 775.082, s.
178 775.083, or s. 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.
 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
233 any person in the violation of s. 849.01 commits:

234 (1) For a first offense, a misdemeanor of the first
235 degree, 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
 260 game in which money or other thing of value is awarded based on
 261 chance, regardless of any application of skill, that is
 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,
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
296 the 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**
 310 **to 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.

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**
 329 **to 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**
 343 **to 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
 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**
359 **to 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
364 the result of a plea or a trial, regardless of whether
365 adjudication is withheld or a plea of nolo contendere is
366 entered.

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

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

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

376 business, establishment, premises, or other location.

377 (2)~~(1)~~ It is unlawful:

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

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

395 (3) (a) Except as provided in paragraphs (b) and (c), a
396 person who violates subsection (2) commits a misdemeanor of the
397 first degree, punishable as provided in s. 775.082 or s.
398 775.083.

399 (b) A person commits a felony of the third degree,
400 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,

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

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

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

406 (c) A person commits a felony of the second degree,
407 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
408 if he or she violates subsection (2), and:

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

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

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

415 (4)(2) Pursuant to section 2 of that chapter of the
416 Congress of the United States entitled "An act to prohibit
417 transportation of gaming devices in interstate and foreign
418 commerce," approved January 2, 1951, being ch. 1194, 64 Stat.
419 1134, and also designated as 15 U.S.C. ss. 1171-1177, the State
420 of Florida, acting by and through the duly elected and qualified
421 members of its Legislature, does hereby in this section, and in
422 accordance with and in compliance with the provisions of section
423 2 of such chapter of Congress, declare and proclaim that any
424 county of the State of Florida within which slot machine gaming
425 is authorized pursuant to chapter 551 is exempt from the

426 provisions of section 2 of that chapter of the Congress of the
427 United States entitled "An act to prohibit transportation of
428 gaming devices in interstate and foreign commerce," designated
429 as 15 U.S.C. ss. 1171-1177, approved January 2, 1951. All
430 shipments of gaming devices, including slot machines, into any
431 county of this state within which slot machine gaming is
432 authorized pursuant to chapter 551 and the registering,
433 recording, and labeling of which have been duly performed by the
434 manufacturer or distributor thereof in accordance with sections
435 3 and 4 of that chapter of the Congress of the United States
436 entitled "An act to prohibit transportation of gaming devices in
437 interstate and foreign commerce," approved January 2, 1951,
438 being ch. 1194, 64 Stat. 1134, and also designated as 15 U.S.C.
439 ss. 1171-1177, shall be deemed legal shipments thereof into this
440 state provided the destination of such shipments is an eligible
441 facility as defined in s. 551.102 or the facility of a slot
442 machine manufacturer or slot machine distributor as provided in
443 s. 551.109(2) (a).

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

451 ss. 2701 et seq.

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

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

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

464 (2) Twenty-five slot machines or devices or any parts
465 thereof or more, but less than 50 slot machines or devices or
466 any parts thereof, such person must be fined \$250,000.

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

469 (4) Pursuant to section 2 of the chapter of the Congress
470 of the United States entitled "An act to prohibit transportation
471 of gaming devices in interstate and foreign commerce," approved
472 January 2, 1951, being ch. 1194, 64 Stat. 1134, and also
473 designated as 15 U.S.C. ss. 1171-1177, the State of Florida,
474 acting by and through the duly elected and qualified members of
475 its Legislature, does hereby in this section, and in accordance

476 with and in compliance with the provisions of s. 2 of such
477 chapter of Congress, declare and proclaim that any county of the
478 State of Florida within which slot machine gaming is authorized
479 pursuant to chapter 551 is exempt from the provisions of s. 2 of
480 that chapter of the Congress of the United States entitled "An
481 act to prohibit transportation of gaming devices in interstate
482 and foreign commerce," designated as 15 U.S.C. ss. 1171-1177,
483 approved January 2, 1951. All shipments of gaming devices,
484 including slot machines, into any county of this state within
485 which slot machine gaming is authorized pursuant to chapter 551
486 and the registering, recording, and labeling of which have been
487 duly performed by the manufacturer or distributor thereof in
488 accordance with ss. 3 and 4 of that chapter of the Congress of
489 the United States entitled "An act to prohibit transportation of
490 gaming devices in interstate and foreign commerce," approved
491 January 2, 1951, being ch. 1194, 64 Stat. 1134, and also
492 designated as 15 U.S.C. ss. 1171-1177, shall be deemed legal
493 shipments thereof into this state provided the destination of
494 such shipments is an eligible facility as defined in s. 551.102
495 or the facility of a slot machine manufacturer or slot machine
496 distributor as provided in s. 551.109(2)(a).

497 (5) All shipments of legal gaming devices, including legal
498 slot machines, into Indian lands located within the state shall
499 be deemed legal shipments thereof provided that such Indian
500 lands are held in federal trust for the benefit of a federally

501 recognized Indian tribe that is a party to a tribal-state
502 compact with the state pursuant to the federal Indian Gaming
503 Regulatory Act of 1988, 18 U.S.C. ss. 1166-1168 and 25 U.S.C.
504 ss. 2701 et seq.
505

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

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

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

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

523 (2) A person who violates subsection (1) when such a
524 violation involves the sale or delivery, or attempted sale or
525 delivery, of five or more slot machines or devices commits a

526 felony of the second degree, punishable as provided in s.
527 775.082, s. 775.083, or s. 775.084.

528 **Section 16.** Section 849.23, Florida Statutes, is repealed.

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

531 849.47 Transporting or procuring the transportation of
532 persons to facilitate illegal gambling.—

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

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

544 (3) (a) A person who transports, or procures the
545 transportation of, a minor or a person 65 years of age or older
546 in violation of subsection (2) commits a felony of the third
547 degree, punishable as provided in s. 775.082, s. 775.083, or s.
548 775.084.

549 (b) A person who transports, or procures the
550 transportation of, 12 or more persons in violation of subsection

551 (2) commits a felony of the third degree, punishable as provided
552 in s. 775.082, s. 775.083, or s. 775.084.

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

555 849.48 Gambling or gaming advertisements; prohibited.—

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

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

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

575 (c) A person who violates the subsection commits:

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

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

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

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

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

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

599 903.046 Purpose of and criteria for bail determination.—

600 (2) When determining whether to release a defendant on

601 | bail or other conditions, and what that bail or those conditions
 602 | may be, the court shall consider:

603 | (i) The amount of currency seized that is connected to or
 604 | involved in a violation of chapter 546, chapter 550, chapter
 605 | 551, or chapter 849.

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

609 | 921.0022 Criminal Punishment Code; offense severity
 610 | ranking chart.—

611 | (3) OFFENSE SEVERITY RANKING CHART

612 | (a) LEVEL 1

613 |

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.

614 |

615 |

616 |

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617	212.054 (2) (b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
618	212.15 (2) (b)	3rd	Failure to remit sales taxes, amount \$1,000 or more but less than \$20,000.
619	316.1935 (1)	3rd	Fleeing or attempting to elude law enforcement officer.
620	319.30 (5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
621	319.35 (1) (a)	3rd	Tamper, adjust, change, etc., an odometer.
622	320.26 (1) (a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
	322.212 (1) (a) - (c)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver license;

			possession of simulated identification.
623	322.212 (4)	3rd	Supply or aid in supplying unauthorized driver license or identification card.
624	322.212 (5) (a)	3rd	False application for driver license or identification card.
625	414.39 (3) (a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.
626	443.071 (1)	3rd	False statement or representation to obtain or increase reemployment assistance benefits.
627	509.151 (1)	3rd	Defraud an innkeeper, food or lodging value \$1,000 or more.
628	517.302 (1)	3rd	Violation of the Florida Securities and Investor

629			Protection Act.
	713.69	3rd	Tenant removes property upon which lien has accrued, value \$1,000 or more.
630			
	812.014 (3) (c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
631			
	815.04 (4) (a)	3rd	Offense against intellectual property (i.e., computer programs, data).
632			
	817.52 (2)	3rd	Hiring with intent to defraud, motor vehicle services.
633			
	817.569 (2)	3rd	Use of public record or public records information or providing false information to facilitate commission of a felony.
634			
	826.01	3rd	Bigamy.
635			

636	828.122 (3)	3rd	Fighting or baiting animals.
637	831.04 (1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
638	831.31 (1) (a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03 (5) drugs.
639	832.041 (1)	3rd	Stopping payment with intent to defraud \$150 or more.
640	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.
641	838.15 (2)	3rd	Commercial bribe receiving.
642	838.16	3rd	Commercial bribery.

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643	843.18	3rd	Fleeing by boat to elude a law enforcement officer.
644	847.011 (1) (a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
645	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.
646	849.23	3rd	Gambling-related machines; "common offender" as to property rights.
647	849.25 (2)	3rd	Engaging in bookmaking.
648	860.08	3rd	Interfere with a railroad signal.
649	860.13 (1) (a)	3rd	Operate aircraft while under the influence.

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650	893.13 (2) (a) 2.	3rd	Purchase of cannabis.
651	893.13 (6) (a)	3rd	Possession of cannabis (more than 20 grams).
652	934.03 (1) (a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.
653	(c) LEVEL 3		
654	Florida Statute	Felony Degree	Description
655	119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
656	316.066 (3) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
657	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
658	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in

659	319.30(4)	3rd	patrol vehicle with siren and lights activated.
660	319.33(1)(a)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
661	319.33(1)(c)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
662	319.33(4)	3rd	Procure or pass title on stolen vehicle.
663	327.35(2)(b)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
664	328.05(2)	3rd	Felony BUI. 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 (1) (e) 5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, 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' compensation fraud or retaliation for making such a report.
673	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
674			

675	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
676	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
677	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
678	697.08	3rd	Equity skimming.
679	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
680	794.053	3rd	Lewd or lascivious written solicitation of a person 16 or 17 years of age by a person 24 years of age or older.
	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.
688			

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

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696	817.413 (2)	3rd	Sale of used goods of \$1,000 or more as new.
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.
	838.021 (3) (b)	3rd	Threatens unlawful harm to

public servant.

701

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

702

849.01 3rd Keeping a gambling house.

703

849.02(2) 3rd Agents or employees of keeper of gambling house.

704

849.03(1) 3rd Renting house for gambling purposes.

705

849.08(4) 3rd Operating, conducting, promoting, aiding, abetting, assisting Internet gambling and Internet sports wagering.

706

849.086(12)(e) 3rd Tampering with cards or card games.

707

708	<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>
709	<u>849.09(1)(e), (f), (g), (i), or (k)</u>	<u>3rd</u>	<u>Conducting an unlawful lottery; second or subsequent offense.</u>
710	<u>849.09(1)(h) or (j)</u>	<u>3rd</u>	<u>Conducting an unlawful lottery; 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>
713	<u>849.157(1)</u>	<u>3rd</u>	<u>False or misleading statement</u>

			<u>to facilitate sale of slot machines or devices.</u>
714	<u>849.25 (2)</u>	<u>3rd</u>	<u>Engaging in bookmaking.</u>
715	<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>
716	<u>849.48 (2) (c)</u>	<u>3rd</u>	<u>Illegal gambling advertising.</u>
717	847.01385	3rd	Harmful communication to a 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
 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.
730	893.13 (8) (a) 1.	3rd	Knowingly assist a patient,

other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.

731

893.13 (8) (a) 2. 3rd Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.

732

893.13 (8) (a) 3. 3rd Knowingly write a prescription for a controlled substance for a fictitious person.

733

893.13 (8) (a) 4. 3rd Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the

practitioner.

734

918.13(1) 3rd Tampering with or fabricating physical evidence.

735

944.47 3rd Introduce contraband to (1) (a) 1. & 2. correctional facility.

736

944.47(1) (c) 2nd Possess contraband while upon the grounds of a correctional institution.

737

985.721 3rd Escapes from a juvenile facility (secure detention or residential commitment facility).

738

739 (e) LEVEL 5

740

Florida	Felony	
Statute	Degree	Description

741

316.027(2) (a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop;
----------------	-----	--

leaving scene.

742

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

743

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

744

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

745

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

746

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.

747

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

748

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

749

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

750

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

751

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

752	440.381 (2)	3rd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
753	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
754	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
755	790.01 (3)	3rd	Unlawful carrying of a concealed firearm.
756	790.162	2nd	Threat to throw or discharge destructive device.
757	790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.

758	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
759	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
760	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
761	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
762	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
763	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
764	810.145 (4) (c)	3rd	Commercial digital voyeurism

dissemination.

765

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

766

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

767

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

768

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

769

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

770

812.015 (8) (f) 3rd Retail theft; multiple thefts within specified period.

771

812.015 (8) (g) 3rd Retail theft; committed with

specified number of other persons.

772

812.019 (1) 2nd Stolen property; dealing in or trafficking in.

773

812.081 (3) 2nd Trafficking in trade secrets.

774

812.131 (2) (b) 3rd Robbery by sudden snatching.

775

812.16 (2) 3rd Owning, operating, or conducting a chop shop.

776

817.034 (4) (a) 2. 2nd Communications fraud, value \$20,000 to \$50,000.

777

817.234 (11) (b) 2nd Insurance fraud; property value \$20,000 or more but less than \$100,000.

778

817.2341 (1), 3rd Filing false financial
(2) (a) & statements, making false
(3) (a) entries of material fact or
false statements regarding
property values relating to the

solvency of an insuring entity.

779

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.

780

817.611 (2) (a) 2nd

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

781

817.625 (2) (b) 2nd

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

782

825.1025 (4) 3rd

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

783

828.12 (2) 3rd

Tortures any animal with intent

to inflict intense pain,
serious physical injury, or
death.

784

836.14(4)

2nd

Person who willfully promotes
for financial gain a sexually
explicit image of an
identifiable person without
consent.

785

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.

786

843.01(1)

3rd

Resist officer with violence to
person; resist arrest with
violence.

787

847.0135(5)(b)

2nd

Lewd or lascivious exhibition
using computer; offender 18
years or older.

788

847.0137

3rd

Transmission of pornography by

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789	(2) & (3)		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 subsequent offense.</u>
792	<u>849.03 (2)</u>	<u>2nd</u>	<u>Renting house for gambling purposes.</u>
793	<u>849.15 (3) (c)</u>	<u>2nd</u>	<u>Manufacture, sale, or possession of a slot machine; by a person of authority of five or more machines or two or more prior convictions.</u>
794	<u>849.157 (2)</u>	<u>2nd</u>	<u>False or misleading statement to facilitate sale of slot machines or devices; five or more machines.</u>
	<u>849.25 (3)</u>	<u>2nd</u>	<u>Bookmaking; second or</u>

subsequent offense.

795

874.05 (1) (b) 2nd Encouraging or recruiting another to join a criminal gang; second or subsequent offense.

796

874.05 (2) (a) 2nd Encouraging or recruiting person under 13 years of age to join a criminal gang.

797

893.13 (1) (a) 1. 2nd Sell, manufacture, or deliver cocaine (or other s. 893.03 (1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 5. drugs).

798

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.

799

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.

800

893.13(1)(e)2. 2nd Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.

801

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.

802

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

803

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

804

805 (g) LEVEL 7

806

Florida	Felony	
Statute	Degree	Description

807

316.027(2)(c)	1st	Accident involving death, failure to stop; leaving scene.
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808

316.193(3)(c) 2.	3rd	DUI resulting in serious bodily injury.
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809

316.1935(3)(b)	1st	Causing serious bodily injury
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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.

810 327.35 (3) (c) 2. 3rd Vessel BUI resulting in serious
 bodily injury.

811 402.319 (2) 2nd Misrepresentation and
 negligence or intentional act
 resulting in great bodily harm,
 permanent disfiguration,
 permanent disability, or death.

812 409.920 3rd Medicaid provider fraud;
 (2) (b) 1.a. \$10,000 or less.

813 409.920 2nd Medicaid provider fraud; more
 (2) (b) 1.b. than \$10,000, but less than
 \$50,000.

814 456.065 (2) 3rd Practicing a health care

profession without a license.

815

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

816

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

817

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

818

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

819

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

820

462.17 3rd Practicing naturopathy without a license.

821

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

822

823	464.016 (1)	3rd	Practicing nursing without a license.
824	465.015 (2)	3rd	Practicing pharmacy without a license.
825	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
826	467.201	3rd	Practicing midwifery without a license.
827	468.366	3rd	Delivering respiratory care services without a license.
828	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
829	483.901 (7)	3rd	Practicing medical physics without a license.
830	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.

831	484.053	3rd	Dispensing hearing aids without a license.
832	494.0018 (2)	1st	Conviction of any violation of chapter 494 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
833	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.
834	560.125 (5) (a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
	655.50 (10) (b) 1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.

835	775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.
836	775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.
837	775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
838	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
839	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).

840	782.071	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).
841	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
842	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
843	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
844	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
845	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
846			

847	784.048 (7)	3rd	Aggravated stalking; violation of court order.
848	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
849	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
850	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
851	784.081 (1)	1st	Aggravated battery on specified official or employee.
852	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
853	784.083 (1)	1st	Aggravated battery on code inspector.
	787.06 (3) (a) 2.	1st	Human trafficking using coercion for labor and services

of an adult.

854

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.

855

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

856

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

857

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

858

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

859

790.166(3) 2nd Possessing, selling, using, or

attempting to use a hoax weapon
of mass destruction.

860

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

861

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

862

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.

863

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

864

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

offense.

865

800.04(5)(c)1. 2nd Lewd or lascivious molestation;
victim younger than 12 years of
age; offender younger than 18
years of age.

866

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.

867

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.

868

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

869

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

870	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
871	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
872	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
873	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.
874	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
875	812.014 (2) (b) 3.	2nd	Property stolen, emergency

medical equipment; 2nd degree grand theft.

876

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

877

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

878

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

879

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

880

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

881

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

882

883	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
884	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
885	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
886	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
887	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.

888

817.504 (1) (a) 3rd Offering or advertising a vaccine with intent to defraud.

889

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

890

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

891

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

892

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.

893

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

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894	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
895	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
896	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes child pornography.
897	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
898	838.015	2nd	Bribery.
899	838.016	2nd	Unlawful compensation or reward for official behavior.
900	838.021 (3) (a)	2nd	Unlawful harm to a public servant.

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901	838.22	2nd	Bid tampering.
902	843.0855 (2)	3rd	Impersonation of a public officer or employee.
903	843.0855 (3)	3rd	Unlawful simulation of legal process.
904	843.0855 (4)	3rd	Intimidation of a public officer or employee.
905	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
906	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
907	<u>849.155</u>	<u>1st</u>	<u>Trafficking in slot machines or devices or any parts thereof.</u>
908	872.06	2nd	Abuse of a dead human body.
909	874.05 (2) (b)	1st	Encouraging or recruiting

910	874.10	1st, PBL	<p>person under 13 to join a criminal gang; second or subsequent offense.</p> <p>Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.</p>
911	893.13 (1) (c) 1.	1st	<p>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.</p>
912	893.13 (1) (e) 1.	1st	<p>Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03 (1) (a), (1) (b), (1) (d),</p>

(2) (a), (2) (b), or (2) (c) 5.,
 within 1,000 feet of property
 used for religious services or
 a specified business site.

913 893.13 (4) (a) 1st Use or hire of minor; deliver
 to minor other controlled
 substance.

914 893.135 (1) (a) 1. 1st Trafficking in cannabis, more
 than 25 lbs., less than 2,000
 lbs.

915 893.135 (1) (b) 1.a. 1st Trafficking in cocaine, more
 than 28 grams, less than 200
 grams.

916 893.135 (1) (c) 1.a. 1st Trafficking in illegal drugs,
 more than 4 grams, less than 14
 grams.

917 893.135 (1) (c) 2.a. 1st Trafficking in hydrocodone, 28
 grams or more, less than 50
 grams.

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919	893.135 (1) (c) 2.b.	1st	Trafficking in hydrocodone, 50 grams or more, less than 100 grams.
920	893.135 (1) (c) 3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.
921	893.135 (1) (c) 3.b.	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.
922	893.135 (1) (c) 4.b. (I)	1st	Trafficking in fentanyl, 4 grams or more, less than 14 grams.
923	893.135 (1) (d) 1.a.	1st	Trafficking in phencyclidine, 28 grams or more, less than 200 grams.
924	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, 200 grams or more, less than 5 kilograms.
	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, 14

grams or more, less than 28
grams.

925

893.135 1st Trafficking in flunitrazepam, 4
(1) (g) 1.a. grams or more, less than 14
grams.

926

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

927

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

928

893.135 1st Trafficking in Phenethylamines,
(1) (k) 2.a. 10 grams or more, less than 200
grams.

929

893.135 1st Trafficking in synthetic
(1) (m) 2.a. cannabinoids, 280 grams or
more, less than 500 grams.

930

893.135 1st Trafficking in synthetic

931	(1) (m) 2.b.		cannabinoids, 500 grams or more, less than 1,000 grams.
932	893.135 (1) (n) 2.a.	1st	Trafficking in n-benzyl phenethylamines, 14 grams or more, less than 100 grams.
933	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
934	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
935	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
	943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.

936	943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
937	943.0435 (9) (a)	3rd	Sexual offender; failure to comply with reporting requirements.
938	943.0435 (13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
939	943.0435 (14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
940	944.607 (9)	3rd	Sexual offender; failure to comply with reporting requirements.
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942	944.607(10) (a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
943	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
944	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
945	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
946	985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
	985.4815(13)	3rd	Sexual offender; failure to

report and reregister; failure
to respond to address
verification; providing false
registration information.

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Section 22. Paragraph (a) of subsection (1) and paragraph (a) of subsection (2) of section 772.102, Florida Statutes, are amended to read:

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

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

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

1. Section 210.18, relating to evasion of payment of cigarette taxes.
2. Section 414.39, relating to public assistance fraud.
3. Section 440.105 or s. 440.106, relating to workers' compensation.
4. Part IV of chapter 501, relating to telemarketing.
5. Chapter 517, relating to securities transactions.
6. Section 550.235 or s. 550.3551, relating to dogracing and horseracing.
7. Chapter 550, relating to jai alai frontons.
8. Chapter 552, relating to the manufacture, distribution,

- 968 and use of explosives.
- 969 9. Chapter 562, relating to beverage law enforcement.
- 970 10. Section 624.401, relating to transacting insurance
971 without a certificate of authority, s. 624.437(4)(c)1., relating
972 to operating an unauthorized multiple-employer welfare
973 arrangement, or s. 626.902(1)(b), relating to representing or
974 aiding an unauthorized insurer.
- 975 11. Chapter 687, relating to interest and usurious
976 practices.
- 977 12. Section 721.08, s. 721.09, or s. 721.13, relating to
978 real estate timeshare plans.
- 979 13. Chapter 782, relating to homicide.
- 980 14. Chapter 784, relating to assault and battery.
- 981 15. Chapter 787, relating to kidnapping or human
982 trafficking.
- 983 16. Chapter 790, relating to weapons and firearms.
- 984 17. Former s. 796.03, s. 796.04, s. 796.05, or s. 796.07,
985 relating to prostitution.
- 986 18. Chapter 806, relating to arson.
- 987 19. Section 810.02(2)(c), relating to specified burglary
988 of a dwelling or structure.
- 989 20. Chapter 812, relating to theft, robbery, and related
990 crimes.
- 991 21. Chapter 815, relating to computer-related crimes.
- 992 22. Chapter 817, relating to fraudulent practices, false

993 | pretenses, fraud generally, and credit card crimes.
 994 | 23. Section 827.071, relating to commercial sexual
 995 | exploitation of children.
 996 | 24. Chapter 831, relating to forgery and counterfeiting.
 997 | 25. Chapter 832, relating to issuance of worthless checks
 998 | and drafts.
 999 | 26. Section 836.05, relating to extortion.
 1000 | 27. Chapter 837, relating to perjury.
 1001 | 28. Chapter 838, relating to bribery and misuse of public
 1002 | office.
 1003 | 29. Chapter 843, relating to obstruction of justice.
 1004 | 30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
 1005 | s. 847.07, relating to obscene literature and profanity.
 1006 | 31. Section 849.09, s. 849.14, s. 849.15, ~~s. 849.23~~, or s.
 1007 | 849.25, relating to gambling.
 1008 | 32. Chapter 893, relating to drug abuse prevention and
 1009 | control.
 1010 | 33. Section 914.22 or s. 914.23, relating to witnesses,
 1011 | victims, or informants.
 1012 | 34. Section 918.12 or s. 918.13, relating to tampering
 1013 | with jurors and evidence.
 1014 | (2) "Unlawful debt" means any money or other thing of
 1015 | value constituting principal or interest of a debt that is
 1016 | legally unenforceable in this state in whole or in part because
 1017 | the debt was incurred or contracted:

1018 (a) In violation of any one of the following provisions of
 1019 law:

1020 1. Section 550.235 or s. 550.3551, relating to dogracing
 1021 and horseracing.

1022 2. Chapter 550, relating to jai alai frontons.

1023 3. Section 687.071, relating to criminal usury and loan
 1024 sharking.

1025 4. Section 849.09, s. 849.14, s. 849.15, ~~s. 849.23~~, or s.
 1026 849.25, relating to gambling.

1027 **Section 23. Paragraph (a) of subsection (12) of section**
 1028 **895.02, Florida Statutes, is amended to read:**

1029 895.02 Definitions.—As used in ss. 895.01-895.08, the
 1030 term:

1031 (12) "Unlawful debt" means any money or other thing of
 1032 value constituting principal or interest of a debt that is
 1033 legally unenforceable in this state in whole or in part because
 1034 the debt was incurred or contracted:

1035 (a) In violation of any one of the following provisions of
 1036 law:

1037 1. Section 550.235 or s. 550.3551, relating to dogracing
 1038 and horseracing.

1039 2. Chapter 550, relating to jai alai frontons.

1040 3. Section 551.109, relating to slot machine gaming.

1041 4. Chapter 687, relating to interest and usury.

1042 5. Section 849.09, s. 849.14, s. 849.15, ~~s. 849.23~~, or s.

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1043 | 849.25, relating to gambling.

1044 | **Section 24.** This act shall take effect October 1, 2025.