

By Senator Martin

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A bill to be entitled

An act relating to illegal gaming; repealing s. 849.23, F.S., relating to penalties and violations related to illegal gambling; amending s. 16.71, F.S.; requiring that the Florida Gaming Control Commission, rather than the chair of the commission, appoint an inspector general; authorizing the commission to delegate any of the duties and powers of an agency head to a commissioner, with an exception; amending s. 16.712, F.S.; revising the information to be included in the commission's annual report to the Governor and the Legislature; amending s. 16.713, F.S.; authorizing a person who is ineligible for employment with the commission to submit a waiver request to the commission asking to be considered eligible for employment if the person possesses certain expertise or experience; requiring the commission to consider such requests on a case-by-case basis and to approve or deny such requests; providing that such person is eligible for employment with the commission if the waiver request is approved by the commission; providing the standard of review for such waiver requests; providing applicability; amending s. 16.715, F.S.; revising the standards of conduct for current and former commissioners and employees of the commission; revising the persons who may not hold permits or licenses relating to gaming; prohibiting such persons from accepting employment or engaging in any business activity with a business entity that owns

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or controls a person regulated by the commission for a specified timeframe; authorizing certain employees to request that the commission waive postemployment restrictions for certain occupational licenses; requiring the commission to consider and approve or deny each waiver request on a case-by-case basis; authorizing the commission to adopt rules; amending s. 20.055, F.S.; conforming a provision to changes made by the act; amending s. 546.10, F.S.; authorizing certain veterans' service organizations to petition the commission for a declaratory statement to determine whether a game or machine is authorized by law before such organizations purchase or install such game or machine; prohibiting the purchase or installation of a game or machine awaiting such declaratory statement; authorizing veterans' service organizations that have a game or machine already installed on their premises to petition the commission for a declaratory statement to determine whether a game or machine is authorized by law; prohibiting such veterans' service organizations from petitioning the commission if the game, machine, premises, or organization is the subject of an ongoing criminal investigation; requiring the commission to issue the declaratory statement or deny the petition for a declaratory statement within a specified timeframe; providing that the commission may not deny a veterans' service organization's petition that is validly requested; providing that a petition is deemed

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complete if the petition includes certain information;
providing that the declaratory statement is valid only
for the game or machine for which it was requested;
providing that a declaratory statement is invalid if
the specifications of the game or machine have
changed; providing that the declaratory statement is
binding on the commission and may be introduced in
subsequent proceedings as evidence of a good faith
effort to comply with certain provisions; providing
construction; amending s. 551.107, F.S.; providing the
standard of review for the commission's actions;
making technical changes; amending s. 782.04, F.S.;
revising the underlying felonies for felony murder of
the second degree to include keeping a gambling house;
amending s. 838.12, F.S.; providing criminal penalties
for persons who stake, bet, or wager any money or
other thing of value upon the result of certain games,
contests, matches, races, or sports if such persons
have knowledge that the outcome of the games,
contests, matches, races, or sports is prearranged or
predetermined; making technical changes; amending s.
843.08, F.S.; revising a prohibition on false
personation of certain persons to include any
personnel or representative of the commission;
amending ss. 849.01 and 849.02, F.S.; revising the
criminal penalties for persons who keep a gambling
house, are agents or employees of a keeper of a
gambling house, and rent a house for gambling
purposes, respectively; creating s. 849.021, F.S.;

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defining the terms "government employee" and
"political subdivision"; prohibiting a government
employee from knowingly certifying, licensing,
approving, aiding, facilitating, or concealing the
operation of a gambling house; providing criminal
penalties; providing applicability; creating s.
849.023, F.S.; defining terms; providing that
violations of certain laws are deemed immediate and
serious dangers to public health, safety, and welfare;
authorizing the Department of Business and
Professional Regulation, the commission, or the Office
of Financial Regulation to summarily suspend the
license of certain persons violating such laws;
authorizing a licensee or an applicant to retain,
apply for, or be reissued a license if the license-
issuing agency finds that such licensee has removed
the controlling person violating such laws from the
business; providing that a licensee is subject to a
specified fine; amending s. 849.03, F.S.; revising the
criminal penalties for persons who rent or lease a
house for gambling purposes; defining the term
"knowingly"; amending s. 849.08, F.S.; defining terms;
providing criminal penalties for persons who play,
engage in, operate, conduct, or promote Internet
gambling or Internet sports wagering; providing
applicability; amending s. 849.086, F.S.; revising the
prohibited activities of licensed cardrooms; providing
criminal penalties for violations of such
prohibitions; republishing s. 849.09, F.S., relating

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to the prohibition against lotteries; amending s.
849.11, F.S.; providing criminal penalties for persons
who play in person, or by the use of the Internet,
certain games of chance; providing criminal penalties
for persons who set up, operate, conduct, promote, or
receive any money or other thing of value for certain
prohibited conduct; amending s. 849.13, F.S.; revising
the criminal penalties for persons convicted of a
second or subsequent violation in connection with
lotteries; reclassifying certain criminal violations
to the next level higher in the Criminal Punishment
Code's offense severity ranking chart; amending s.
849.14, F.S.; making technical changes; amending s.
849.142, F.S.; revising applicability relating to
participation in or conduct of fantasy sports
contests; creating s. 849.143, F.S.; defining terms;
providing the powers and duties of the commission to
regulate the operation and play of fantasy sports
contests; authorizing the commission to deny, suspend,
revoke, or place conditions or restrictions on a
contest operator license under certain circumstances;
authorizing the commission to waive such restrictions
for certain offenses upon the applicant's or holder's
showing of rehabilitation and good moral character;
providing the standard of review; authorizing the
commission to adopt rules and procedures; authorizing
the commission to contract with an independent testing
laboratory to conduct necessary testing; prohibiting
the use of an independent testing laboratory owned or

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controlled by a contest operator or its principals or key employees; requiring the use of an independent testing laboratory that is on a list of laboratories approved by the commission; requiring that a contest operator be licensed by the commission to operate a fantasy sports contest within this state; providing that licenses are effective for a specified timeframe and must be renewed annually; requiring the commission to grant or deny the application within a specified timeframe; requiring an application for licensure, renewal, or change ownership be made to the commission on forms furnished by the commission; requiring an application to be submitted under attestation under penalty of perjury in order to be accepted by the commission; requiring the application to contain certain information; requiring certain individuals to submit fingerprints as part of the application; requiring the commission, vendor, entity, or agency to forward the fingerprints to the Department of Law Enforcement for state processing; requiring the Department of Law Enforcement to forward the fingerprints to the Federal Bureau of Investigation for national processing; requiring such fingerprints be retained by the Department of Law Enforcement; requiring such fingerprints be enrolled in the Federal Bureau of Investigation's national retained print arrest notification program once the department begins participation in the program; requiring the department to notify the commission if any arrest record is

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identified; authorizing the commission to exempt certain groups of persons from fingerprint requirements; requiring applicants to pay the full cost of processing fingerprints and required documentation; requiring an applicant for renewal to include updated changes in the applicant's information; requiring an applicant for renewal to attest, under penalty of perjury, that any revisions do not affect the applicant's qualifications for license renewal; authorizing the commission to renew the annual license upon a determination by the commission that the application for renewal is complete and qualifications have been met; requiring a contest operator to submit an application if seeking a change of ownership; requiring the commission to approve any change of ownership interest if more than a specified percentage of ownership is being changed; requiring that a change in ownership interest of less than a specified percentage be reported to the commission within a specified timeframe; authorizing the commission to conduct an investigation of such changes of ownership for a specified purpose; authorizing the commission to summarily suspend the license of a contest operator if the contest operator fails to pay the administrative fines imposed by final order by the commission within a specified timeframe; requiring that suspension proceedings be promptly instituted and acted upon; prohibiting the renewal of a contest operator's license after the conclusion of

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any appeal if the fines are outstanding; requiring a contest operator to perform certain duties and tasks and prohibit certain actions as a condition of licensure; authorizing a contest operator to offer its principals and employees fantasy sports contests in which the principals and employees are the sole participants; requiring a contest operator to contract with a third party to perform an independent audit; specifying the standards of the audit; requiring the contest operator to submit the results of the independent audit to the commission within a specified timeframe; authorizing the commission and the Department of Law Enforcement to audit data sources and the corresponding data stored in the fantasy sports contest system to determine the results of all fantasy sports contests; authorizing the commission to adopt rules; requiring a contest operator to maintain daily records of its operations and financial transactions for a specified timeframe; requiring that such records be made available for audit and inspection by the commission or other law enforcement agencies; authorizing the commission to adopt rules; prohibiting a noncommercial operator from receiving any consideration or commission for conducting a fantasy sports contest; prohibiting a contest operator or noncommercial contest operator from accepting an entry fee from or allowing the participation of a person younger than 21 years of age; prohibiting a person younger than 21 years of age from being a

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contest operator or a noncommercial contest operator;
prohibiting contest operators from allowing a contest
participant to enter a fantasy sports contest before
establishing an account in the fantasy sports contest
system; prohibiting contest operators or noncommercial
contest operators from offering a fantasy sports
contest that includes certain features; prohibiting a
contest operator from altering rules established for a
fantasy sports contest after a participant has entered
the contest; prohibiting a contest operator from
offering a fantasy sports contest to any person
located on certain Indian lands in this state;
authorizing the commission to provide descriptions of
such Indian lands to a contest operator seeking to
operate in this state; authorizing the commission to
suspend or revoke any contest operator license or
impose specified administrative penalties for certain
violations; providing that each day a contest operator
is in violation constitutes a new violation; providing
applicability; requiring that all fines imposed and
collected be deposited with the Chief Financial
Officer to the credit of the Pari-mutuel Wagering
Trust Fund; providing criminal penalties; authorizing
the commission, any state attorney, the statewide
prosecutor, or the Attorney General to seek a
temporary or permanent injunction restraining further
violations; requiring that such an injunction be
issued without a bond; requiring each contest operator
to file with the commission a specified report on a

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specified date each month; authorizing the commission to adopt rules; amending s. 849.15, F.S.; defining terms; revising criminal penalties relating to persons owning or operating slot machines or devices; providing that all shipments of legal slot machines into Indian lands are deemed legal shipments under certain circumstances; creating s. 849.155, F.S.; providing criminal penalties for persons who knowingly sell, purchase, manufacture, transport, deliver, or bring into this state more than a specified number of slot machines or devices or any parts thereof; defining the term "parts thereof"; providing for fines for specified violations; providing that any county in which slot machine gaming is authorized is exempt from certain federal provisions; providing that all shipments of legal slot machines into Indian lands located within this state are deemed legal shipments under certain circumstances; requiring that any fines imposed and collected be deposited into the Pari-mutuel Wagering Trust Fund to be used for a specified purpose; creating s. 849.157, F.S.; prohibiting persons from knowingly and willfully making or disseminating materially false or misleading statements or information regarding the legality of a slot machine or device to facilitate the sale of such slot machine or device; providing criminal penalties; amending s. 849.18, F.S.; revising the circumstances under which a judge may order a slot machine, apparatus, or device seized; authorizing the

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commission to destroy a seized machine, apparatus, or device after a specified timeframe if no arrests or criminal charges have been filed and no person files a claim for such machine, apparatus, or device; creating s. 849.181, F.S.; providing legislative intent; defining terms; authorizing a criminal justice agency having custody of excess slot machines related to a legal proceeding or ongoing criminal investigation to destroy such machines if the criminal justice agency takes certain actions; requiring that written descriptions of such slot machines be made under oath by the investigating law enforcement officer before the slot machines are destroyed; requiring that photographs and video recordings of such slot machines be authenticated by the photographer's or videographer's signature; requiring that a law enforcement officer create written and sworn documentation of certain information regarding a destroyed slot machine; providing that such photographs or video recordings may be deemed competent evidence and may be admissible in a prosecution to the same extent as if such slot machines were introduced as evidence; providing severability; creating s. 849.47, F.S.; defining the term "illegal gambling"; prohibiting persons from knowingly and willfully transporting, or procuring the transportation of, certain persons into this state for the purpose of illegal gambling; providing criminal penalties; creating s. 849.48, F.S.; defining the term

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"illegal gambling"; prohibiting persons from
advertising illegal gambling or setting up any type or
plate for any type for advertising illegal gambling;
providing criminal penalties; providing exceptions;
creating s. 849.49, F.S.; prohibiting counties,
municipalities, or other political subdivisions from
enacting or enforcing any ordinance or local rule
relating to certain gaming and gambling activities;
creating s. 849.51, F.S.; providing legislative
findings; creating the Limited Slot Machine Surrender
Program within the commission; providing the purpose
of the program; providing that the surrender of any
slot machine to the commission is irrevocable and
final; providing that an individual or organization
that surrenders a slot machine pursuant to the program
is immune from criminal prosecution; requiring that
the program begin and end within specified timeframes;
requiring the commission to advertise the program
before a specified timeframe; providing that a person
or entity that surrenders a gaming device does not
have a right to the property inside the slot machine;
authorizing the commission to enter into memoranda of
understanding with other criminal justice agencies to
administer the program; amending s. 903.046, F.S.;
revising the circumstances a court must consider when
determining whether to release a defendant on bail or
other conditions; amending s. 921.0022, F.S.; revising
the ranking of certain offenses on the offense
severity ranking chart of the Criminal Punishment

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Code; amending ss. 772.102, 849.17, 849.18, 849.20, 849.21, 849.22, and 895.02, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Section 849.23, Florida Statutes, is repealed.

Section 2. Subsection (5) of section 16.71, Florida Statutes, is amended to read:

16.71 Florida Gaming Control Commission; creation; meetings; membership.—

(5) INSPECTOR GENERAL.—~~The chair of the~~ commission shall appoint an inspector general who shall perform the duties of an inspector general under s. 20.055. Except for the appointment of an inspector general under s. 20.055(3)(a)1., the commission may delegate any of the duties and powers of an agency head under s. 20.055 to a commissioner serving on the commission.

Section 3. Paragraph (h) of subsection (3) of section 16.712, Florida Statutes, is amended, and paragraphs (i) and (j) are added to that subsection, to read:

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

(3) By December 1 of each year, the commission shall make an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must, at a minimum, include all of the following:

(h) A summary of actions taken and investigations conducted by the commission, including the number of investigations that

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led to criminal charges being filed and the resolution of such criminal cases.

(i) The number of complaints received by the commission, categorized by subject matter or type of complaint, and a summary of the action taken by the commission on each complaint.

(j) A list of property seized by the commission during the course of its investigations, and the disposition of such property, including a list of forfeiture actions.

Section 4. Paragraph (d) is added to subsection (2) of section 16.713, Florida Statutes, to read:

16.713 Florida Gaming Control Commission; appointment and employment restrictions.—

(2) PROHIBITIONS FOR EMPLOYEES AND COMMISSIONERS; PERSONS INELIGIBLE FOR APPOINTMENT TO AND EMPLOYMENT WITH THE COMMISSION.—

(d)1. A person who is ineligible for employment with the commission under this subsection may submit a waiver request to the commission to be considered eligible for employment as a career service or other-personal-services employee if such person possesses industry expertise in pari-mutuel wagering, cardrooms, or slot machine operations.

2. The commission shall consider waiver requests on a case-by-case basis and shall approve or deny each request. If the commission approves the waiver request, the person is eligible for employment with the commission. This paragraph does not apply to persons seeking appointment to the commission. The standard of review applicable to the commission under this subsection is whether the commission's action was an abuse of discretion. The commission may adopt rules to implement the

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provisions of this subsection.

For the purposes of this subsection, the term "relative" means a spouse, father, mother, son, daughter, grandfather, grandmother, brother, sister, uncle, aunt, cousin, nephew, niece, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

Section 5. Paragraph (b) of subsection (1) and paragraph (c) of subsection (2) of section 16.715, Florida Statutes, are amended to read:

16.715 Florida Gaming Control Commission standards of conduct; ex parte communications.—

(1) STANDARDS OF CONDUCT.—

(b)1. A commissioner or employee of the commission may not accept anything from any business entity that, either directly or indirectly, owns or controls any person regulated by the commission or from any business entity that, either directly or indirectly, is an affiliate or subsidiary of any person regulated by the commission.

2. A commissioner or an employee may attend conferences, along with associated meals and events that are generally available to all conference participants, without payment of any fees in addition to the conference fee. Additionally, while attending a conference, a commissioner or an employee may attend meetings, meals, or events that are not sponsored, in whole or in part, by any representative of any person regulated by the commission and that are limited to commissioners or employees only, committee members, or speakers if the commissioner or

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employee is a member of a committee of the association of regulatory agencies which organized the conference or is a speaker at the conference. It is not a violation of this subparagraph for a commissioner or an employee to attend a conference for which conference participants who are employed by a person regulated by the commission have paid a higher conference registration fee than the commissioner or employee, or to attend a meal or event that is generally available to all conference participants without payment of any fees in addition to the conference fee and that is sponsored, in whole or in part, by a person regulated by the commission.

3. While employed, ~~and for 2 years after service as a commissioner or for 2 years after employment with the commission,~~ a commissioner or an employee may not accept any form of employment with or engage in any business activity with any business entity that, either directly or indirectly, owns or controls any person regulated by the commission; any person regulated by the commission; or any business entity that, either directly or indirectly, is an affiliate or subsidiary of any person regulated by the commission.

4. While employed, and for 2 years after service as a commissioner or for 2 years after employment with the commission, a commissioner, an employee, or a relative living in the same household as a commissioner or an employee may not have any financial interest, other than shares in a mutual fund, in any person regulated by the commission; in any business entity that, either directly or indirectly, owns or controls any person regulated by the commission; or in any business entity that, either directly or indirectly, is an affiliate or a subsidiary

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of any person regulated by the commission. If a commissioner, an employee, or a relative living in the same household as a commissioner or an employee acquires any financial interest prohibited by this subsection during the commissioner's term of office or the employee's employment with the commission as a result of events or actions beyond the commissioner's, the employee's, or the relative's control, he or she must ~~shall~~ immediately sell such financial interest. For the purposes of this subsection, the term "relative" has the same meaning as in s. 16.713(2)(b).

5. A commissioner or an employee may not accept anything from a party in a proceeding currently pending before the commission.

6. A commissioner may not serve as the representative of any political party or on any executive committee or other governing body of a political party; serve as an executive officer or employee of any political party, committee, organization, or association; receive remuneration for activities on behalf of any candidate for public office; engage on behalf of any candidate for public office in the solicitation of votes or other activities on behalf of such candidacy; or become a candidate for election to any public office without first resigning from office.

7. A commissioner, during his or her term of office, may not make any public comment regarding the merits of any proceeding under ss. 120.569 and 120.57 currently pending before the commission.

8. A commissioner or an employee may not act in an unprofessional manner at any time during the performance of

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official duties.

9. A commissioner or an employee shall ~~must~~ avoid impropriety in all activities and shall ~~must~~ act at all times in a manner that promotes public confidence in the integrity and impartiality of the commission.

10. A commissioner or an employee may not directly or indirectly, through staff or other means, solicit anything of value from any person regulated by the commission, or from any business entity that, whether directly or indirectly, is an affiliate or a subsidiary of any person regulated by the commission, or from any party appearing in a proceeding considered by the commission in the last 2 years.

11. A commissioner may not lobby the Governor or any agency of the state, members or employees of the Legislature, or any county or municipal government or governmental agency except to represent the commission in an official capacity.

(2) FORMER COMMISSIONERS AND EMPLOYEES.—

(c) A person employed by the commission and classified as Senior Management Service, Selected Exempt Service, or career service may not, for the 2 years immediately following the date of termination or resignation from employment with the commission:

1. Hold a permit or license issued under chapter 550, or a license issued under chapter 551 or chapter 849; be an officer, official, or employee of such permitholder or licensee; or be an ultimate equitable owner, as defined in s. 550.002(37), of such permitholder or licensee; ~~or~~

2. Accept employment or compensation from, or engage in any business activity with, a business entity that, directly or

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indirectly, owns or controls a person regulated by the
commission; any person regulated by the commission; any business
entity that, directly or indirectly, is an affiliate or
subsidiary of a person regulated by the commission; or any
business entity or trade association that has been a party to a
commission proceeding within the 2 years preceding the
employee's resignation or termination of employment from the
commission; or

3. Be a bingo game operator or an employee of a bingo game
operator.

Notwithstanding any other law, an employee classified as career
service may request that the commission waive the postemployment
restrictions of subparagraph 1., but only for the purpose of
obtaining an occupational license under s. 550.105, s. 551.107,
or s. 849.086(6); or for any other postemployment restrictions
under subparagraph 2. or subparagraph 3. If the commission
approves the request, the employee is exempt from paragraph (d).
The commission shall consider and approve or deny waiver
requests on a case-by-case basis. The commission may adopt rules
to implement this paragraph.

Section 6. Paragraph (a) of subsection (1) of section
20.055, Florida Statutes, is amended to read:

20.055 Agency inspectors general.—

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

(a) "Agency head" means the Governor, a Cabinet officer, or
a secretary or executive director as those terms are defined in
s. 20.03, the chair of the Public Service Commission, the
Director of the Office of Insurance Regulation of the Financial

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Services Commission, the Director of the Office of Financial Regulation of the Financial Services Commission, the board of directors of the Florida Housing Finance Corporation, the commissioners ~~chair~~ of the Florida Gaming Control Commission, and the Chief Justice of the State Supreme Court.

Section 7. Subsection (10) of section 546.10, Florida Statutes, is added to read:

546.10 Amusement games or machines.—

(10)(a)1. Before purchasing or installing a game or machine on the premises of any veterans' service organization granted a federal charter under Title 36, U.S.C., or a division, a department, a post, or a chapter of such organization, for which an alcoholic beverage license has been issued, the organization may petition the Florida Gaming Control Commission for a declaratory statement under s. 120.565 on whether the operation of such game or machine is authorized under this section or is a violation of this section or chapter 849. A game or machine awaiting such declaratory statement from the commission may not be purchased or installed until the declaratory statement is issued.

2. A veterans' service organization as described in subparagraph 1. which has a game or machine already installed on its premises may petition the commission for a declaratory statement under s. 120.565 on whether the operation of such game or machine is authorized under this section or is a violation of this section or chapter 849. If the game, machine, premises, or organization is the subject of an ongoing criminal investigation, the organization may not petition the commission for a declaratory statement under this subsection.

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581 3. The commission must issue a declaratory statement or
582 deny the petition within 60 days after completing its
583 investigation of the game or machine subject to the statement or
584 90 days after receiving a complete petition requesting such
585 statement, whichever is earlier. The commission may not deny a
586 petition that is validly requested pursuant to this subsection
587 and s. 120.565.

588 (b) A petition for a declaratory statement made pursuant to
589 paragraph (a) is deemed complete if it provides the information
590 required for the commission to issue the declaratory statement
591 and is accompanied by the specifications, including all
592 pertinent information and documentation and access to hardware
593 and associated software by the commission's contracted testing
594 lab, for the type of game or machine that the organization will
595 purchase or install or already installed on the premises. The
596 declaratory statement issued under this subsection is valid only
597 for the game or machine for which it is requested and is invalid
598 if the specifications for the game or the machine have been
599 changed.

600 (c) A declaratory statement issued under this subsection is
601 binding on the commission and may be introduced in any
602 subsequent proceedings relating to the game or machine for which
603 the declaratory statement is requested as evidence of a good
604 faith effort to comply with this section or chapter 849.

605 (d) This subsection does not prevent the commission or any
606 other criminal justice agency as defined in s. 943.045 from
607 detecting, apprehending, and arresting a person for any alleged
608 violation of this chapter, chapter 24, part II of chapter 285,
609 chapter 550, chapter 551, or chapter 849, or any rule adopted

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pursuant thereto, or of any law of this state.

(e) This subsection does not require an owner or an operator of an amusement game or machine under this section to request or obtain a declaratory statement in order to operate pursuant to this section.

Section 8. Paragraph (b) of subsection (6) of section 551.107, Florida Statutes, is amended to read:

551.107 Slot machine occupational license; findings; application; fee.—

(6)

(b) The commission may deny, revoke, or refuse to renew any slot machine occupational license if the applicant for such license or the licensee has been convicted of a felony or misdemeanor in this state, in any other state, or under the laws of the United States if such felony or misdemeanor is related to gambling or bookmaking as described in s. 849.25. The restrictions excluding offenders under this section ~~authorized in this paragraph~~ may be waived by the commission if the applicant establishes that she or he is of good moral character, that she or he has been rehabilitated, and that the crime she or he was convicted of is not related to slot machine gaming and is not a capital offense. The commission shall consider and approve or deny waiver requests on a case-by-case basis. The standard of review applicable to the commission under this paragraph is whether the commission's action was an abuse of discretion.

Section 9. Subsection (3) of section 782.04, Florida Statutes, is amended to read:

782.04 Murder.—

(3) When a human being is killed during the perpetration

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of, or during the attempt to perpetrate, any:

- (a) Trafficking offense prohibited by s. 893.135(1),
- (b) Arson,
- (c) Sexual battery,
- (d) Robbery,
- (e) Burglary,
- (f) Kidnapping,
- (g) Escape,
- (h) Aggravated child abuse,
- (i) Aggravated abuse of an elderly person or disabled adult,
- (j) Aircraft piracy,
- (k) Unlawful throwing, placing, or discharging of a destructive device or bomb,
- (l) Carjacking,
- (m) Home-invasion robbery,
- (n) Aggravated stalking,
- (o) Murder of another human being,
- (p) Aggravated fleeing or eluding with serious bodily injury or death,
- (q) Resisting an officer with violence to his or her person, ~~or~~
- (r) Felony that is an act of terrorism or is in furtherance of an act of terrorism, including a felony under s. 775.30, s. 775.32, s. 775.33, s. 775.34, or s. 775.35, or
- (s) Keeping a gambling house under s. 849.01,

by a person other than the person engaged in the perpetration of or in the attempt to perpetrate such felony, the person

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perpetrating or attempting to perpetrate such felony commits murder in the second degree, which constitutes a felony of the first degree, punishable by imprisonment for a term of years not exceeding life or as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 10. Subsections (1) and (2) of section 838.12, Florida Statutes, are amended, and subsection (3) is added to that section, to read:

838.12 Bribery in athletic contests.—

(1) A person who ~~Whoever~~ gives, promises, offers or conspires to give, promise or offer, to anyone who participates or expects to participate in any professional or amateur game, contest, match, race or sport; or to any umpire, referee, judge or other official of such game, contest, match, race or sport; or to any owner, manager, coach or trainer of, or to any relative of, or to any person having any direct, indirect, remote or possible connection with, any team, individual, participant or prospective participant in any such professional or amateur game, contest, match, race or sport, or the officials aforesaid, any bribe, money, goods, present, reward or any valuable thing whatsoever, or any promise, contract or agreement whatsoever, with intent to influence him or her or them to lose or cause to be lost any game, contest, match, race or sport, or to limit his or her or their or any person's or any team's margin of victory in any game, contest, match, race, or sport, or to fix or throw any game, contest, match, race or sport, commits ~~shall be guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) Any participant or prospective participant in any

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697 professional or amateur game, contest, match, race or sport; or
698 any umpire, referee, judge or other official of such game,
699 contest, match, race or sport; or any owner, manager, coach or
700 trainer of, or any relative of, or any person having any direct,
701 indirect, remote or possible connection with, any team,
702 individual, participant or prospective participant in any such
703 professional or amateur game, contest, match, race or sport, or
704 the officials aforesaid; who in any way solicits, receives or
705 accepts, or agrees to receive or accept, or who conspires to
706 receive or accept, any bribe, money, goods, present, reward or
707 any valuable thing whatsoever, or any promise, contract or
708 agreement whatsoever, with intent to lose or cause to be lost
709 any game, contest, match, race or sport, or to limit his, her,
710 their or any person's or any team's margin of victory in any
711 game, contest, match, race or sport, or to fix or throw any
712 game, contest, match, race or sport, commits ~~shall be guilty of~~
713 a felony of the third degree, punishable as provided in s.
714 775.082, s. 775.083, or s. 775.084.

715 (3) A person who stakes, bets, or wagers any money or other
716 thing of value upon the result of any professional or amateur
717 game, contest, match, race, or sport with knowledge that the
718 outcome of such professional or amateur game, contest, match,
719 race, or sport is prearranged or predetermined as described in
720 subsection (1) or subsection (2) commits a felony of the third
721 degree, punishable as provided in s. 775.082, s. 775.083, or s.
722 775.084.

723 Section 11. Section 843.08, Florida Statutes, is amended to
724 read:

725 843.08 False personation.—A person who falsely assumes or

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pretends to be a firefighter, a sheriff, an officer of the Florida Highway Patrol, an officer of the Fish and Wildlife Conservation Commission, an officer of the Department of Environmental Protection, an officer of the Department of Financial Services, any personnel or representative of the Florida Gaming Control Commission, any personnel or representative of the Division of Criminal Investigations, an officer of the Department of Corrections, a correctional probation officer, a deputy sheriff, a state attorney or an assistant state attorney, a statewide prosecutor or an assistant statewide prosecutor, a state attorney investigator, a coroner, a police officer, a lottery special agent or lottery investigator, a beverage enforcement agent, a school guardian as described in s. 30.15(1)(k), a security officer licensed under chapter 493, any member of the Florida Commission on Offender Review or any administrative aide or supervisor employed by the commission, any personnel or representative of the Department of Law Enforcement, or a federal law enforcement officer as defined in s. 901.1505, and takes upon himself or herself to act as such, or to require any other person to aid or assist him or her in a matter pertaining to the duty of any such officer, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. However, a person who falsely personates any such officer during the course of the commission of a felony commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the commission of the felony results in the death or personal injury of another human being, the person commits a felony of the first degree, punishable as provided in s. 775.082, s.

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775.083, or s. 775.084. In determining whether a defendant has violated this section, the court or jury may consider any relevant evidence, including, but not limited to, whether the defendant used lights in violation of s. 316.2397 or s. 843.081.

Section 12. Section 849.01, Florida Statutes, is amended to read:

849.01 Keeping gambling houses, etc.—

(1) A person who, ~~Whoever~~ by herself or himself, her or his ~~servant,~~ clerk or agent, or in any other manner has, keeps, exercises, or maintains a gaming table or room, or gaming implements or apparatus, or house, booth, tent, shelter, or other place for the purpose of gaming or gambling or in any place of which she or he may directly or indirectly have charge, control, or management, either exclusively or with others, procures, suffers, or permits any person to play for money or other valuable thing at any game whatever, ~~whether heretofore prohibited or not,~~ commits the offense of keeping a gambling house.

(2)(a) For a first offense, a person who violates subsection (1) commits a felony misdemeanor of the third second degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

(b) For a second or subsequent offense, a person who violates subsection (1) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) As used in this subsection, the term "course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, which evidences a continuity of purpose.

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784 (a) A person may not knowingly, or in reckless disregard of
785 the fact:

786 1. Benefit financially or receive anything of value,
787 whether or not as a legal entity, in furtherance of a violation
788 of subsection (1); or

789 2. Participate in a course of conduct in providing any
790 service, product, or material benefit in the furtherance of a
791 violation of subsection (1).

792 (b) A person who violates paragraph (a) commits a felony of
793 the third degree, punishable as provided in s. 775.082, s.
794 775.083, or s. 775.084.

795 (c) A person found in violation of paragraph (a) shall be
796 ordered to pay a fine of \$50,000 for each violation.

797 (4) Notwithstanding subsection (2), a person who violates
798 subsection (1) commits a felony of the second degree, punishable
799 as provided in s. 775.082, s. 775.083, or s. 775.084, if, during
800 the commission of an offense under this section, an individual
801 suffers great bodily harm, permanent disability, or permanent
802 disfigurement.

803 Section 13. Section 849.02, Florida Statutes, is amended to
804 read:

805 849.02 Agents or employees of keeper of gambling house.—

806 (1) A person who ~~Whoever~~ acts as servant, clerk, agent, or
807 employee of any person in the violation of s. 849.01 commits:

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

810 (b) For a second offense, a felony of the third degree,
811 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

812 (c) For a third or subsequent offense, a felony of the

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second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084 ~~shall be punished in the manner and to the extent therein mentioned.~~

(2)(a) Notwithstanding subsection (1), if the clerk, agent, or employee is authorized to bind the gambling house in violation of s. 849.01 or act on behalf of any person in the violation of s. 849.01, he or she commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) For a second or subsequent offense, a person commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 14. Section 849.021, Florida Statutes, is created to read:

849.021 Government employee misconduct.—

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

(a) "Government employee" means any person employed by, or acting on behalf of, the state or any political subdivision thereof.

(b) "Political subdivision" means a county, municipality, department, commission, district, board, or other public body, whether corporate or otherwise, created by or under state law.

(2) A government employee may not knowingly certify, license, approve, aid, facilitate, or conceal the operation of a gambling house in violation of s. 849.01.

(3) A person who violates subsection (2) commits:

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

(b) For a second or subsequent offense, a felony of the

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second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) This section does not apply to any person who is acting in the scope of his or her employment and, in good faith, reports suspected violations of chapter 849 to law enforcement or regulatory agencies.

Section 15. Section 849.023, Florida Statutes, is created to read:

849.023 Licensure disqualifying offenses; corporate shielding prohibited.—

(1) DEFINITIONS.—As used in this section, the term:

(a) "Commission" means the Florida Gaming Control Commission.

(b) "Controlling person" means:

1. A corporate officer or director, or, if a limited liability company, a manager, of the licensee or applicant for a license;

2. A general partner, member, or owner of more than 5 percent of any equity interest, direct or indirect, in the licensee or applicant; or

3. An owner of any interest in the licensee or applicant, including any immediate family member of the owner, or holder of any debt, mortgage, contract, or concession from the licensee or applicant, who by virtue thereof is able to control the business of the licensee or applicant.

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

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(d) "License" has the same meaning as in s. 120.52 and is issued by:

1. The Department of Business and Professional Regulation pursuant to chapter 509, chapter 561, chapter 562, chapter 563, chapter 564, chapter 565, chapter 567, chapter 568, or chapter 569;

2. The commission pursuant to chapter 550, chapter 551, or s. 849.086; or

3. The Office of Financial Regulation pursuant to chapter 560.

(e) "Licensee" means a holder of a license.

(f) "Owner" means a sole member or owner of 100 percent of any equity interest, direct or indirect, in the licensee or applicant.

(2) PENALTIES.—

(a)1. Notwithstanding subsection (1), pursuant to s. 120.60(6), a violation of s. 849.01, s. 849.03, or s. 849.15 is deemed an immediate and serious danger to public health, safety, and welfare, and the Department of Business and Professional Regulation, the commission, or the Office of Financial Regulation may summarily suspend the license of any person found in violation of s. 849.01, s. 849.03, or 849.15, or of any business entity if its controlling person or sole owner is found to be in violation of s. 849.01, s. 849.03, or s. 849.15.

2. In addition to any other penalty provided by law, a licensee or an applicant may have a license revoked or any application thereof denied or not reissued if the licensee or applicant, the controlling person of the licensee or applicant, or the sole owner of the licensee or applicant is convicted of a

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900 violation of s. 849.01, s. 849.03, or s. 849.15.

901 3. Notwithstanding subparagraph 2., a licensee or applicant
902 may retain, apply for, or be reissued a license if the license-
903 issuing agency finds that such licensee has removed the
904 controlling person from the business.

905 (b) Notwithstanding paragraph (a), a licensee is subject to
906 a fine of up to \$75,000 for a violation of s. 849.01, s. 849.03,
907 or s. 849.15.

908 Section 16. Section 849.03, Florida Statutes, is amended to
909 read:

910 849.03 Renting or leasing house for gambling purposes.—

911 (1) A person who ~~Whoever~~, whether as owner or agent,
912 knowingly rents or leases to another a house, room, booth, tent,
913 shelter, or place for the purpose of gaming commits:

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

916 (b) For a second or subsequent offense, a felony of the
917 second degree, punishable as provided in s. 775.082, s. 775.083,
918 or s. 775.084 shall be punished in the manner and to the extent
919 mentioned in s. 849.01.

920 (2) For purposes of this section, the term "knowingly"
921 means having general or reasonable knowledge of, or reasonable
922 belief or grounds for belief that, a violation of s. 849.01 is
923 occurring.

924 Section 17. Section 849.08, Florida Statutes, is amended to
925 read:

926 849.08 Gambling.—

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

928 (a) "Internet gambling" means to play or engage in a game

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in which money or other thing of value is awarded based on chance, regardless of any application of skill, which game is available on the Internet and accessible on a mobile device, computer terminal, or other similar access device and simulates casino-style gaming, including, but not limited to, slot machines, video poker, and table games.

(b) "Internet sports wagering" means to stake, bet, or wager money or other thing of value upon the result of any trial or contest of skill, speed, power, or endurance of human or beast, other than pari-mutuel wagering conducted pursuant to chapter 550, which is available on the Internet and accessible on a mobile device, computer terminal, or other similar access device.

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

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

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

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

(4) A person who operates, conducts, or promotes Internet gambling or Internet sports wagering, or receives in any manner money or other thing of value offered for the purpose of

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Internet gambling or Internet sports wagering, or who knowingly becomes the custodian or depository of any money or other thing of value so offered, or who aids, assists, abets, or influences in any manner in any such acts, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

Section 18. Paragraph (e) is added to subsection (12) of section 849.086, Florida Statutes, to read:

849.086 Cardrooms authorized.—

(12) PROHIBITED ACTIVITIES.—

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

Section 19. Section 849.09, Florida Statutes, is republished to read:

849.09 Lottery prohibited; exceptions.—

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

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

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

(c) Conduct any lottery drawing for the distribution of a

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987 prize or prizes by lot or chance, or advertise any such lottery
988 scheme or device in any newspaper or by circulars, posters,
989 pamphlets, radio, telegraph, telephone, or otherwise;

990 (d) Aid or assist in the setting up, promoting, or
991 conducting of any lottery or lottery drawing, whether by
992 writing, printing, or in any other manner whatsoever, or be
993 interested in or connected in any way with any lottery or
994 lottery drawing;

995 (e) Attempt to operate, conduct, or advertise any lottery
996 scheme or device;

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

1000 (g) Sell, offer for sale, or transmit, in person or by mail
1001 or in any other manner whatsoever, any lottery ticket, coupon,
1002 or share, or any share in or fractional part of any lottery
1003 ticket, coupon, or share, whether such ticket, coupon, or share
1004 represents an interest in a live lottery not yet played or
1005 whether it represents, or has represented, an interest in a
1006 lottery that has already been played;

1007 (h) Have in her or his possession any lottery ticket, or
1008 any evidence of any share or right in any lottery ticket, or in
1009 any lottery scheme or device, whether such ticket or evidence of
1010 share or right represents an interest in a live lottery not yet
1011 played or whether it represents, or has represented, an interest
1012 in a lottery that has already been played;

1013 (i) Aid or assist in the sale, disposal, or procurement of
1014 any lottery ticket, coupon, or share, or any right to any
1015 drawing in a lottery;

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

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

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

(2) Any person who is convicted of violating any of the provisions of paragraph (a), paragraph (b), paragraph (c), or paragraph (d) of subsection (1) is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) Any person who is convicted of violating any of the provisions of paragraph (e), paragraph (f), paragraph (g), paragraph (i), or paragraph (k) of subsection (1) is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Any person who, having been convicted of violating any provision thereof, thereafter violates any provision thereof is guilty of a felony of the third degree,

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1045 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
1046 The provisions of this section do not apply to bingo as provided
1047 for in s. 849.0931.

1048 (4) Any person who is convicted of violating any of the
1049 provisions of paragraph (h) or paragraph (j) of subsection (1)
1050 is guilty of a misdemeanor of the first degree, punishable as
1051 provided in s. 775.082 or s. 775.083. Any person who, having
1052 been convicted of violating any provision thereof, thereafter
1053 violates any provision thereof is guilty of a felony of the
1054 third degree, punishable as provided in s. 775.082, s. 775.083,
1055 or s. 775.084.

1056 Section 20. Section 849.11, Florida Statutes, is amended to
1057 read:

1058 849.11 Plays at games of chance by lot.—

1059 (1) A person who ~~Whoever sets up, promotes or plays in~~
1060 person or by the use, in whole or in part, of the Internet, at
1061 any game of chance by lot or with dice, cards, numbers, hazards
1062 or any other gambling device whatever for, or for the disposal
1063 of money or other thing of value or under the pretext of a sale,
1064 gift or delivery thereof, or for any right, share or interest
1065 therein, commits ~~shall be guilty of~~ a misdemeanor of the second
1066 degree, punishable as provided in s. 775.082 or s. 775.083.

1067 (2) A person who sets up, operates, conducts, promotes, or
1068 receives in any manner any money or other thing of value offered
1069 for the purpose of conduct prohibited in subsection (1), or who
1070 knowingly becomes the custodian or depository of any money or
1071 other thing of value so offered, or who aids, assists, abets, or
1072 influences in any manner in any such acts, commits a felony of
1073 the third degree, punishable as provided in s. 775.082, s.

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1074 775.083, or s. 775.084.

1075 Section 21. Section 849.13, Florida Statutes, is amended to
1076 read:

1077 849.13 Punishment on second or subsequent conviction.—A
1078 person who is convicted of a second or subsequent violation of
1079 the same ~~Whoever, after being convicted of an offense forbidden~~
1080 ~~by law~~ in connection with lotteries for which there is no
1081 penalty specified for a second or subsequent violation shall
1082 have the offense reclassified to an offense of the next higher
1083 degree, ~~commits the like offense, shall be guilty of a~~
1084 ~~misdemeanor of the first degree,~~ punishable as provided in s.
1085 775.082, ~~or~~ s. 775.083, or s. 775.084. For purposes of
1086 sentencing under chapter 921, a felony offense that is
1087 reclassified under this section is ranked one level above the
1088 ranking under s. 921.0022 or s. 921.0023 of the felony offense
1089 committed.

1090 Section 22. Section 849.14, Florida Statutes, is amended to
1091 read:

1092 849.14 Unlawful to bet on result of trial or contest of
1093 skill, etc.—A person who ~~Whoever~~ stakes, bets, or wagers any
1094 money or other thing of value upon the result of any trial or
1095 contest of skill, speed or power or endurance of human or beast,
1096 or who ~~whoever~~ receives in any manner whatsoever any money or
1097 other thing of value staked, bet, or wagered, or offered for the
1098 purpose of being staked, bet, or wagered, by or for any other
1099 person upon any such result, or who ~~whoever~~ knowingly becomes
1100 the custodian or depositary of any money or other thing of value
1101 so staked, bet, or wagered upon any such result, or who ~~whoever~~
1102 aids, or assists, or abets, or influences in any manner in any

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of such acts ~~all of which are hereby forbidden~~, commits a felony of the third degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

Section 23. Subsection (7) is added to section 849.142, Florida Statutes, to read:

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

(7) Fantasy sports contests conducted pursuant to s. 849.143.

Section 24. Section 849.143, Florida Statutes, is created to read:

849.143 Fantasy sports contests authorized.—

(1) DEFINITIONS.—As used in this section, the term:

(a) "Change of ownership" means:

1. An event in which the contest operator sells or otherwise transfers its ownership to a different individual or entity, as evidenced by a change in federal employer identification number or taxpayer identification number; or

2. An event in which the ownership, shares, membership, or controlling interest of a contest operator is in any manner transferred or otherwise assigned. This subparagraph does not apply to a contest operator that is publicly traded on a recognized stock exchange.

(b) "Commission" means the Florida Gaming Control Commission.

(c) "Confidential information" means information related to the playing of fantasy sports contests by contest participants which is obtained solely as a result of a person's employment

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with, or work as an agent of, a contest operator.

(d) "Contest operator" means a person or an entity that offers fantasy sports contests for a cash prize. The term does not include noncommercial contest operators.

(e) "Contest participant" means a person who pays an entry fee for the ability to participate in a fantasy sports contest offered by a contest operator or noncommercial contest operator.

(f) "Controlling interest" means a person or entity that serves as an officer of, is on the board of directors of, or has a 5 percent or greater ownership interest in the contest operator; or the ultimate equitable owner, as such term is defined in s. 550.002.

(g) "Convicted" means having been found guilty, with or without adjudication of guilt, as a result of a jury verdict, nonjury trial, or entry of a plea of guilty or nolo contendere.

(h) "Entry fee" means the cash or cash equivalent amount that a person is required to pay to a contest operator or noncommercial contest operator to participate in a fantasy sports contest.

(i) "Fantasy sports contest" means a fantasy or simulation sports game or contest with an entry fee and a prize or award in which a contest participant manages a fantasy or simulation sports team composed of athletes from a professional sports organization and which meets each of the following requirements:

1. All prizes and awards offered to winning contest participants are established and made known to the contest participants in advance of the game or contest, and the value is not determined by the number of contest participants or by the amount of any fees paid by those contest participants.

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1161 2. All winning outcomes reflect the relative knowledge and
1162 skill of the contest participants and are determined
1163 predominantly by accumulated statistical results of the
1164 performance of individuals, including athletes in the case of
1165 sporting events.

1166 3. No winning outcome is based on the score, point spread,
1167 or any performance or performances of any single actual team or
1168 combination of such teams; solely on any single performance of
1169 an individual athlete or player in any single actual event; on a
1170 pari-mutuel event, as the term pari-mutuel is defined in s.
1171 550.002, as of January 1, 2021, on a game of poker or other card
1172 game; or on the performances of participants in collegiate, high
1173 school, or youth sporting events.

1174 4. No casino graphics, themes, or titles, including, but
1175 not limited to, depictions of slot machine-style symbols, cards,
1176 dice, craps, roulette, or lotto, are displayed or depicted.

1177 (j) "Fantasy sports contest system" means the formal
1178 electronic system implemented by a contest operator to register
1179 contest participants and create participant accounts for
1180 participation in fantasy sports contests and to record a contest
1181 participant's athlete selections, entry fees, prizes, or awards,
1182 and other activities related to participation in fantasy sports
1183 contest offered or operated by the contest operator.

1184 (k) "Fantasy sports contest revenues" means the total of
1185 all cash and property received by the contest operator from the
1186 operation of fantasy sports contests less the amount of cash,
1187 cash equivalents, credits, and prizes paid to winners of fantasy
1188 sports contests.

1189 (l) "Key employee" means an individual who is employed by

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an applicant for a contest operator license or by a contest operator in a director or department head capacity or who is authorized to make discretionary decisions that regulate fantasy sports contest operations.

(m) "Noncommercial contest operator" means a natural person who organizes and conducts a fantasy sports contest in which contest participants are charged entry fees for the right to participate; entry fees are collected, maintained, and distributed by the same natural person; the total entry fees collected, maintained, and distributed by such natural person do not exceed \$1,500 per season or \$10,000 per calendar year; and all entry fees are returned to the contest participants in the form of prizes.

(n) "Principal" means any owner; ultimate equitable owner, as that term is defined in s. 550.002; shareholder; corporate officer or director; general partner; trustee; or beneficiary.

(o) "Proposition selection" means a contest participant choosing whether one or more identified instances or statistical achievements within a sporting event, competition, or contest will or will not occur, be achieved, or be surpassed, or engaging in any other in-play wagering in which a contest participant wagers on a specific outcome or combinations of outcomes within such sporting event, competition, or contest.

(p) "Relative" means a spouse, father, mother, son, daughter, grandfather, grandmother, brother, sister, uncle, aunt, cousin, nephew, niece, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister.

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1219 (q) "Sports betting" means wagering on any past or future
1220 professional sport or athletic event, competition, or contest;
1221 any Olympic or international sports competition event; any
1222 collegiate sport or athletic event; any motor vehicle race; or
1223 any portion of any of the foregoing, including, but not limited
1224 to, the individual performance statistics of an athlete or other
1225 individual participant in any event or combination of events, or
1226 any other in-play wagering with respect to any such sporting
1227 event, competition, or contest.

1228 (2) POWER AND DUTIES OF THE COMMISSION; RULEMAKING.—

1229 (a) The commission shall administer this section and
1230 regulate the operation and play of fantasy sports contests under
1231 this section and rules adopted pursuant thereto.

1232 (b) The commission is authorized to:

1233 1. Conduct investigations and monitor the operation of
1234 fantasy sports contests and fantasy sports contest systems
1235 necessary to fulfill its responsibilities under the provisions
1236 of this section.

1237 2. Review the books, accounts, and records of any current
1238 or former contest operator.

1239 3. Take testimony, issue summonses and subpoenas for any
1240 witness, and issue subpoenas duces tecum in connection with any
1241 matter within its jurisdiction.

1242 4. Monitor and ensure the proper collection and
1243 safeguarding of entry fees and compliance with consumer
1244 protection procedures.

1245 (c) The commission may deny, suspend, revoke, or place
1246 conditions or restrictions on a contest operator license if the
1247 applicant or holder of the license:

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1248 1. Knowingly makes a false statement of material fact in
1249 the application or has deliberately failed to disclose any
1250 information requested.

1251 2. Fails to pay all outstanding fines or liens assessed by
1252 final order of the commission.

1253 3. Is convicted, or if its principal or key employee has
1254 been convicted, in this state, any other state, or under the
1255 laws of the United States of a capital offense, a felony, an
1256 offense that would be a felony under the laws of this state
1257 involving arson; trafficking in, conspiracy to traffic in,
1258 smuggling, importing, conspiracy to smuggle or import, or
1259 delivery, sale, or distribution of a controlled substance as
1260 defined in s. 893.02(4); or a misdemeanor related to gaming or
1261 bookmaking, as defined in s. 849.25(1), or involves cruelty to
1262 animals.

1263 4. Violates, or if its principal or key employee violates,
1264 this section or the rules of the commission adopted pursuant to
1265 this section.

1266 5. Has been refused a license or had a license revoked, or
1267 if its principal or key employee has been refused a license or
1268 had a license revoked, by any other state gaming commission or
1269 gaming authority.

1270 6. Has, or if its principal or key employee has, unpaid
1271 fines in another jurisdiction.

1272
1273 If an offense is not related to gambling and is not a capital
1274 offense, the commission may waive the restrictions in this
1275 paragraph upon the applicant's or holder's showing of
1276 rehabilitation and good moral character. The standard of review

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1277 applicable to actions taken by the commission pursuant to this
1278 paragraph is whether the commission's action was an abuse of
1279 discretion.

1280 (d) The commission may adopt any rules necessary to
1281 implement, administer, and regulate the operation and play of
1282 fantasy sports contests pursuant to this section, including, but
1283 not limited to:

1284 1. Procedures for applying for a contest operator license
1285 and renewal of a contest operator license.

1286 2. The operation of a fantasy sports contest.

1287 3. Procedures to scientifically test and technically
1288 evaluate fantasy sports contest systems for compliance with this
1289 section and the rules adopted pursuant to this section. The
1290 commission may contract with an independent testing laboratory
1291 as that term is defined in s. 551.102 to conduct any necessary
1292 testing under this section. An independent testing laboratory
1293 may not be owned or controlled by a contest operator or its
1294 principals or key employees. The selection of an independent
1295 testing laboratory for any purpose related to the conduct of
1296 fantasy sports contests must be made from a list of one or more
1297 laboratories approved by the commission.

1298 4. Procedures for regulating, managing, and auditing the
1299 operation, financial data, and program information relating to
1300 fantasy sports contests which allow the commission and the
1301 Department of Law Enforcement to audit the operation, financial
1302 data, and program information of a contest operator, as required
1303 by the commission or the Department of Law Enforcement, and
1304 provide the commission and the Department of Law Enforcement
1305 with the ability to monitor, on a real-time basis, contest

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participants' patterns, payouts, and compliance with this section and any rules adopted by the commission.

5. Procedures for requiring contest operators to maintain and furnish to the commission specified records and to submit any data, information, record, or report, including financial and income records, required by this section or determined by the commission to be necessary to the proper implementation and enforcement of this section.

6. Procedures for regulating contest operators' compliance with the conditions on licensure and consumer protection requirements of this section.

7. Procedures relating to fantasy sports contest revenues, including verifying and accounting for such revenues, and auditing consistent with this section.

(3) LICENSING; RENEWAL; CHANGE OF OWNERSHIP.—

(a) A contest operator must be licensed by the commission to operate fantasy sports contests within this state. Licenses are effective for one year after issuance and must be renewed annually. Applications for an initial contest operator license, a license renewal, or a change of ownership are exempt from the 90-day licensing requirement of s. 120.60(1). Within 120 days after receipt of a completed application, the commission shall approve or deny the application.

(b) An application for initial licensure, license renewal, or change of ownership must be made to the commission on forms furnished by the commission, submitted under attestation and under penalty of perjury, in order to be accepted and considered timely. The application must contain information required by authorizing statutes and applicable rules and must include all

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of the following:

1. The name, address, and social security number of the applicant.

2. If the applicant is a corporation, the name of the state in which the applicant is incorporated and the name, address, and social security number of each key employee and principal who individually or in concert with a relative holds 5 percent or more interest in the corporation.

3. If the applicant is a business entity other than a corporation, the name, address, and social security number of each key employee and principal who individually or in concert with a relative holds 5 percent or more equity, or who is a trustee or beneficiary of 5 percent or more of a trust.

4. The name, address, and social security number of each of the corporation's or other business entity's equitable owners as defined in s. 550.002, unless the securities of the business entity are registered pursuant to the Securities Exchange Act of 1934, 15 U.S.C. ss. 78a-78kk, and either:

a. The corporation or entity files with the United States Securities and Exchange Commission the reports as required by the act; or

b. The securities of the corporation or entity are regularly traded on an established securities market in the United States.

5. If the applicant is a corporation or other business entity, a certificate of status issued by the Department of State.

6. The estimated number of fantasy sports contests to be conducted by the applicant annually.

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1364 7. A copy of the consumer protection procedures required by
1365 subsection (4).

1366 8. Documentation from an independent testing laboratory
1367 sufficient to evidence that the fantasy sports contest system is
1368 in compliance with this section.

1369 9. A statement of the assets and liabilities of the
1370 applicant.

1371 10. If required by the commission, the names and addresses
1372 of the officers and directors of any creditor of the applicant
1373 and of stockholders who hold more than 10 percent of the stock
1374 of the creditor.

1375 11. Any other information required by the commission.

1376 12. For each individual listed in an application as a key
1377 employee or principal, a complete set of fingerprints that has
1378 been taken in accordance with s. 943.053(13).

1379 a. The commission, vendor, entity, or agency shall forward
1380 the fingerprints to the Department of Law Enforcement for state
1381 processing, and the Department of Law Enforcement shall forward
1382 the fingerprints to the Federal Bureau of Investigation for
1383 national processing.

1384 b. Fingerprints submitted to the Department of Law
1385 Enforcement pursuant to this paragraph must be retained by the
1386 Department of Law Enforcement as provided in s. 943.05(2)(g) and
1387 (h) and, when the Department of Law Enforcement begins
1388 participation in the program, must be enrolled in the Federal
1389 Bureau of Investigation's national retained print arrest
1390 notification program. The Department of Law Enforcement shall
1391 report to the commission any arrest record identified.

1392 c. The commission may, by rule, exempt certain groups of

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persons from the fingerprinting requirement.

(c) An applicant shall pay the full cost of processing fingerprints and required documentation.

(d) An applicant seeking to renew a license must update any changes in the applicant's information which was submitted the previous year.

1. The applicant shall attest, under penalty of perjury, that any revisions do not affect the applicant's qualifications for license renewal.

2. Upon determination by the commission that the application for renewal is complete and qualifications have been met, the contests operator license may be renewed.

(e) A contest operator must submit an application for a change of ownership to the commission. A change of ownership interest of 5 percent or more must be approved by the commission before such change. A change of ownership interest in a contest operator of less than 5 percent must be reported to the commission within 20 days after the change. The commission may conduct an investigation to ensure that the license is properly updated to show the change in ownership or interest.

(f) Notwithstanding s. 120.60, the commission may summarily suspend the license of a contest operator if the contest operator fails to pay any administrative fine imposed by entry of a final order by the commission within 30 calendar days after the date of the final order, unless a notice of appeal of such final order has been filed and is pending. A suspension proceeding brought pursuant to ss. 120.569 and 120.57 must be promptly instituted and acted upon. Before the conclusion of any such appeal, the license of a contest operator may not be

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renewed, and an application for licensure as a contest operator may not be approved, if the contest operator or the applicant for licensure as a contest operator is liable for an outstanding administrative fine imposed under this section.

(4) CONDITIONS ON LICENSURE; CONSUMER PROTECTION.—As a condition of licensure, the contest operator must:

(a) Implement and maintain a fantasy sports contest system that is scientifically tested and technically evaluated by an independent testing laboratory for compliance with this section.

(b) Prohibit and prevent the contest operator or its principals, employees, and relatives or persons living in the same household as the principals or employees from competing in a fantasy sports contest that the contest operator conducts or offers. However, a contest operator may offer its principals and employees fantasy sports contests in which the principals and employees are the sole participants.

(c) Prohibit and prevent the contest operator or its principals, employees, or agents from sharing with a third party confidential information that could affect fantasy sports contest play until the information has been made publicly available.

(d) Verify the age, location, and identity of any contest participant before making a deposit into a participant's account in the fantasy sports contest system. No person under 21 years of age may be permitted to participate in a fantasy sports contest.

(e) Prohibit and prevent an individual who is a player, a game official, or other participant in a professional sports organization's actual event from participating in a fantasy

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1451 sports contest.

1452 (f) Allow a person to restrict or prevent his or her own
1453 access to the fantasy sports contest system and fantasy sports
1454 contest for a specific period of time as determined by the
1455 person and to implement procedures to prevent the person from
1456 participating in the contest operator's fantasy contests.

1457 (g) Limit the number of entries a single contest
1458 participant submits to each fantasy sports contest and take
1459 reasonable steps to prevent participants from submitting more
1460 than the allowable number of entries.

1461 (h) Segregate contest participants' funds from operational
1462 funds or maintain a reserve in the form of cash, cash
1463 equivalents, payment processor reserves, payment processor
1464 receivables, an irrevocable letter of credit, a bond, or a
1465 combination thereof in the total amount of deposits in contest
1466 participants' accounts in the fantasy sports contest system.

1467 (i) Provide winning contest participants with the
1468 information and documentation necessary to ensure the proper
1469 reporting of winnings to the Internal Revenue Service.

1470 (j) Contract with a third party to perform an independent
1471 audit, consistent with the standards established by the American
1472 Institute of Certified Public Accountants, to ensure compliance
1473 with this section. The contest operator shall submit the results
1474 of the independent audit to the commission no later than 120
1475 days after the end of each fiscal year.

1476 (k) Ensure that any data source and the corresponding data
1477 stored in the fantasy sports contest system to determine the
1478 results of all fantasy sports contests offered by contest
1479 operators, other than noncommercial contest operators, is

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complete, accurate, reliable, and appropriate to settle the outcome of the fantasy sports contests for which it is used. The commission and the Department of Law Enforcement may audit the data source and the corresponding data to monitor compliance with this section.

(1) The commission may adopt rules to implement this subsection.

(5) RECORD RETENTION AND REPORTS.—Each contest operator shall maintain daily records of its operations and detailed financial transactions for at least 5 years and make them available for audit and inspection by the commission or any law enforcement agencies during the contest operator's regular business hours. The commission may adopt rules to implement this subsection.

(6) PROHIBITIONS.—

(a) A noncommercial contest operator may not receive any consideration or commission for conducting a fantasy sports contest.

(b) Contest operators or noncommercial contest operators may not accept an entry fee from or allow a person younger than 21 years of age to become a participant in a fantasy contest. A person younger than 21 years of age may not be a contest operator or a noncommercial contest operator.

(c) Contest operators may not allow a contest participant to enter a fantasy sports contest before establishing an account in the fantasy sports contest system.

(d) Contest operators or noncommercial contest operators may not offer a fantasy sports contest that includes any of the following:

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1509 1. A contest participant making a proposition selection or
1510 having the effect of mimicking a proposition selection.

1511 2. Any fantasy sports contest in which a contest
1512 participant competes against the contest operator or
1513 noncommercial contest operator.

1514 3. A selection or assembly of a fantasy or simulation
1515 sports team which does not involve the knowledge and skill of a
1516 contest participant, including, but not limited to, any of the
1517 following:

1518 a. Auto draft functionality, except for a fantasy sports
1519 contest in which a contest participant is required to exert
1520 knowledge and skill to rank, prioritize, or queue athletes
1521 before the draft or to assemble one or more fantasy or
1522 simulation sports teams from a pool of athletes drafted by a
1523 contest participant;

1524 b. A contest participant selecting a fantasy or simulation
1525 sports team preselected by a contest operator; or

1526 c. Any other means of fantasy or simulation sports team
1527 selection or assembly that does not involve the input or control
1528 of a contest participant.

1529 4. Any fantasy sports contest that involves, results in, or
1530 has the effect of mimicking sports betting.

1531 5. A fantasy sports contest in which any statistical
1532 results of the performance of any individual athletes which
1533 determine the outcome of the fantasy or simulation sports game
1534 have been partially or completely determined and are publicly
1535 known at the time any entry fee from any contest participant is
1536 to be collected.

1537 6. Any fantasy sports contest that provides an

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instantaneous result or is based on a simulated season or games.

7. Any fantasy sports contests prohibited by the commission or by state or federal law.

(e) A contest operator may not alter rules established for a fantasy contest after a participant has entered the fantasy contest.

(f) A contest operator may not offer a fantasy sports contest to any person located on Indian lands in this state which are regulated under the Indian Gaming Regulatory Act defined in s. 285.710 and codified at 25 U.S.C. ss. 2701 et seq. and 18 U.S.C. ss. 1166-1168. For the purposes of identifying Indian lands, the commission may provide descriptions of such Indian lands to a contest operator seeking to operate in this state.

(7) PENALTIES; APPLICABILITY; EXEMPTION.—

(a) As a penalty for any violation of this section, authorizing statutes, or applicable rules or the failure to comply with the terms of a final order issued by the commission, the commission may suspend or revoke any contest operator license issued under this section, or impose an administrative penalty as follows:

1. The commission may impose an administrative fine not to exceed \$25,000 for each violation against a contest operator. Each day of a violation constitutes a separate violation and is subject to a separate fine.

2. The commission may impose an administrative fine not to exceed \$5,000 for each violation against a principal or employee of a contest operator. Each day of a violation constitutes a separate violation and is subject to a separate fine.

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1567 3. For fines imposed by final order of the commission and
1568 not subject to further appeal, the violator must pay the fine
1569 plus interest at the rate specified in s. 55.03 for each day
1570 beyond the date set by the commission for the payment of the
1571 administrative fine.

1572 4. All fines imposed and collected under this paragraph
1573 shall be deposited with the Chief Financial Officer to the
1574 credit of the Pari-mutuel Wagering Trust Fund.

1575 (b) A noncommercial contest operator, contest operator, or
1576 a principal or employee thereof who violates this section
1577 commits a felony of the third degree, punishable as provided in
1578 s. 775.082, s. 775.083, or s. 775.084.

1579 (c) Any person, other than a person who is a noncommercial
1580 contest operator, who operates a fantasy sports contest without
1581 a valid license issued as provided in this section commits a
1582 felony of the third degree, punishable as provided in s.
1583 775.082, s. 775.083, or s. 775.084.

1584 (d) The commission, any state attorney, the statewide
1585 prosecutor, or the Attorney General may seek a temporary or
1586 permanent injunction restraining further violation of this
1587 section, and such an injunction must be issued without a bond.

1588 (e) The penalties established in this subsection do not
1589 apply to violations committed by a contest operator which
1590 occurred before the issuance of a license under this section if
1591 the contest operator applies for a license within 90 days after
1592 the date the commission begins accepting applications and
1593 receives a license within 240 days after such date. (8) STATE
1594 REPORTING REQUIREMENTS.—

1595 (a) Each contest operator shall file a report with the

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commission on the 5th day of each calendar month for contests conducted during the preceding calendar month. The report must be submitted under attestation, reporting all fantasy contest activities for the preceding calendar month, including entry fees, prize payouts, and other such information as may be prescribed by the commission.

(b) The commission may adopt rules to implement this subsection.

Section 25. Section 849.15, Florida Statutes, is amended to read:

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

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

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

(b) "Part thereof" means any equipment, subassembly, or other part of a slot machine or device, whether attached to the slot machine or device or separate therefrom, which was used, attempted to be used, or intended to be used in connection with the play or operation of the slot machine or device.

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

1. Actual authority to act on behalf of such business, establishment, premises, or other location; or

2. Any ownership interest in such business, establishment, premises, or other location. For purposes of this paragraph, the

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term "ownership interest" includes an officer, a director, or a managing member of the business, establishment, premises, or other location.

(2) It is unlawful:

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

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

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

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

1. At the time of the violation, the person was a person of

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1654 authority; or

1655 2. The person has one prior conviction for a violation of
1656 this section.

1657 (c) A person commits a felony of the second degree,
1658 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
1659 if he or she violates subsection (2), and:

1660 1.a. At the time of the violation, the person was a person
1661 of authority; and

1662 b. The violation involves five or more slot machines or
1663 devices; or

1664 2. The person has two or more prior convictions for a
1665 violation of this section.

1666 (4)-(2) Pursuant to section 2 of that chapter of the
1667 Congress of the United States entitled "An act to prohibit
1668 transportation of gaming devices in interstate and foreign
1669 commerce," approved January 2, 1951, being ch. 1194, 64 Stat.
1670 1134, and also designated as 15 U.S.C. ss. 1171-1177, the State
1671 of Florida, acting by and through the duly elected and qualified
1672 members of its Legislature, does hereby in this section, and in
1673 accordance with and in compliance with the provisions of section
1674 2 of such chapter of Congress, declare and proclaim that any
1675 county of the State of Florida within which slot machine gaming
1676 is authorized pursuant to chapter 551 is exempt from the
1677 provisions of section 2 of that chapter of the Congress of the
1678 United States entitled "An act to prohibit transportation of
1679 gaming devices in interstate and foreign commerce," designated
1680 as 15 U.S.C. ss. 1171-1177, approved January 2, 1951. All
1681 shipments of gaming devices, including slot machines, into any
1682 county of this state within which slot machine gaming is

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authorized pursuant to chapter 551 and the registering,
recording, and labeling of which have been duly performed by the
manufacturer or distributor thereof in accordance with sections
3 and 4 of that chapter of the Congress of the United States
entitled "An act to prohibit transportation of gaming devices in
interstate and foreign commerce," approved January 2, 1951,
being ch. 1194, 64 Stat. 1134, and also designated as 15 U.S.C.
ss. 1171-1177, are ~~shall be~~ deemed legal shipments thereof into
this state provided the destination of such shipments is an
eligible facility as defined in s. 551.102 or the facility of a
slot machine manufacturer or slot machine distributor as
provided in s. 551.109(2)(a).

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

Section 26. Section 849.155, Florida Statutes, is created
to read:

849.155 Trafficking in slot machines, devices, or parts
thereof.—

(1) Any person who knowingly sells, purchases,
manufactures, transports, delivers, or brings into this state
more than 15 slot machines or devices or any parts thereof
commits a felony of the first degree, punishable as provided in
s. 775.082, s. 775.083, or s. 775.084. For purposes of this
section, the term "parts thereof" has the same meaning as in s.

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1712 849.15. If the quantity of slot machines or devices or any parts
1713 thereof involved is:

1714 (a) More than 15 slot machines or devices or any parts
1715 thereof, but fewer than 25 slot machines or devices or any parts
1716 thereof, such person must be fined \$100,000.

1717 (b) More than 25 slot machines or devices or any parts
1718 thereof, but fewer than 50 slot machines or devices or any parts
1719 thereof, such person must be fined \$250,000.

1720 (c) More than 50 slot machines or devices or any parts
1721 thereof or more, such person must be fined \$500,000.

1722 (2) Pursuant to section 2 of that chapter of the Congress
1723 of the United States entitled "An act to prohibit transportation
1724 of gaming devices in interstate and foreign commerce," approved
1725 January 2, 1951, being ch. 1194, 64 Stat. 1134, and also
1726 designated as 15 U.S.C. ss. 1171-1177, relating to
1727 transportation of gambling devices in interstate and foreign
1728 commerce, the State of Florida, acting by and through the duly
1729 elected and qualified members of its Legislature, does hereby in
1730 this section, and in accordance with and in compliance with
1731 section 2 of such chapter of Congress, declare and proclaim that
1732 any county of the State of Florida within which slot machine
1733 gaming is authorized pursuant to chapter 551 is exempt from
1734 section 2 of that chapter of the Congress of the United States
1735 entitled "An act to prohibit transportation of gaming devices in
1736 interstate and foreign commerce," designated as 15 U.S.C. ss.
1737 1171-1177, approved January 2, 1951. All shipments of slot
1738 machines into any county of this state in which slot machine
1739 gaming is authorized pursuant to chapter 551 and the
1740 registering, recording, and labeling of which have been duly

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performed by the manufacturer or distributor thereof in accordance with sections 3 and 4 of that chapter of the Congress of the United States entitled "An act to prohibit transportation of gaming devices in interstate and foreign commerce," approved January 2, 1951, being ch. 1194, 64 Stat. 1134, and also designated as 15 U.S.C. ss. 1171-1177, are deemed legal shipments thereof into this state, provided the destination of such shipments is an eligible facility as defined in s. 551.102 or the facility of a slot machine manufacturer or slot machine distributor as provided in s. 551.109(2) (a).

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

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

Section 27. Section 849.157, Florida Statutes, is created to read:

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

(1) Except as provided in subsection (2), a person may not

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1770 knowingly and willfully make a materially false or misleading
1771 statement or knowingly and willfully disseminate false or
1772 misleading information regarding the legality of a slot machine
1773 or device for the purpose of facilitating the sale or delivery
1774 of such slot machine or device for any money or other valuable
1775 consideration. A person who violates this subsection commits a
1776 felony of the third degree, punishable as provided in s.
1777 775.082, s. 775.083, or s. 775.084.

1778 (2) A person who violates subsection (1), when such a
1779 violation involves the sale or delivery, or attempted sale or
1780 delivery, of five or more slot machines or devices, commits a
1781 felony of the second degree, punishable as provided in s.
1782 775.082, s. 775.083, or s. 775.084.

1783 Section 28. Section 849.18, Florida Statutes, is amended to
1784 read:

1785 849.18 Disposition of machines upon conviction.—

1786 (1) For any slot machine or device prohibited pursuant to
1787 s. 849.15 which is not destroyed pursuant to s. 849.181, upon
1788 entering a plea of guilty or nolo contendere to, regardless of
1789 adjudication, the filing of a nolle prosequi or upon the
1790 successful completion of a diversion program or a deferred
1791 prosecution agreement, the filing of a no-information, or upon
1792 conviction of the person arrested for the violation of ss.
1793 849.15-849.22 ~~any of the provisions of ss. 849.15-849.23,~~ the
1794 judge of the court trying the case, after such notice to the
1795 person convicted, and any other person whom the judge may be of
1796 the opinion is entitled to such notice, and as the judge may
1797 deem reasonable, shall issue to the sheriff of the county a
1798 written order adjudging and declaring any such machine,

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apparatus or device forfeited, and directing such sheriff to destroy the same, with the exception of the money. The order of the court must ~~shall~~ state the time and place and the manner in which such property must ~~shall~~ be destroyed, ~~and the sheriff shall destroy the same in the presence of the clerk of the circuit court of such county.~~

(2) For any slot machine or device prohibited pursuant to s. 849.15 which is not destroyed pursuant to s. 849.181, if no arrests or criminal charges have been filed against any person for violations of ss. 849.15-849.22, the Florida Gaming Control Commission may destroy any seized machine, apparatus, or device under s. 849.16 if, 60 days after the conclusion of a lawful investigation, no claim has been filed in any court of competent jurisdiction for such machine, apparatus, or device.

Section 29. Section 849.181, Florida Statutes, is created to read:

849.181 Destruction of excess machines.—

(1) It is the intent of the Legislature to protect the public health, safety, and welfare of the residents of this state by removing slot machines or devices as defined in s. 849.16 from public circulation and preventing the warehousing of large quantities of such slot machines or devices.

(2) As used in this section, the term:

(a) "Criminal justice agency" has the same meaning as provided in s. 943.045.

(b) "Excess slot machines" means more than five slot machines seized during an investigation.

(c) "Slot machine" has the same meaning as the term "slot machine or device" provided in s. 849.16 and includes the

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1828 definition of "parts thereof" provided in s. 849.15.

1829 (3) Notwithstanding any other law, a criminal justice
1830 agency having custody of excess slot machines may destroy such
1831 slot machines during the pendency of any related legal
1832 proceedings or ongoing criminal investigations, provided that
1833 such criminal justice agency:

1834 (a) Retains at least five slot machines seized during an
1835 investigation until such time as the slot machines may be
1836 destroyed as provided in s. 849.18;

1837 (b) Notifies the appropriate United States Attorney or
1838 assistant United States Attorney, the responsible state or local
1839 prosecutor, or a criminal justice agency conducting a criminal
1840 investigation that the excess slot machines will be destroyed
1841 after 60 days from the date notice is provided, unless the
1842 entity receiving the notice under this paragraph requests in
1843 writing that the criminal justice agency not destroy the excess
1844 slot machines;

1845 (c) Photographs and records on video each excess slot
1846 machine before its destruction to serve as evidentiary exhibits
1847 for use at trial. Any photograph or video recording must include
1848 a written description of the name of the violator of this
1849 chapter, the location where the alleged violation occurred, the
1850 name of the investigating law enforcement officer, the date the
1851 photograph or video recording was taken, and the name of the
1852 photographer or videographer. Such writing must be made under
1853 oath by the investigating law enforcement officer, and the
1854 photograph and video recording must be authenticated by the
1855 photographer's or videographer's signature;

1856 (d) Destroys each excess slot machine in the presence of a

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law enforcement officer. The law enforcement officer shall
create a written and properly sworn documentation of the date,
time, location, and number of excess slot machines destroyed;
and

(e) Maintains the written and properly sworn documentation
created by the witnessing law enforcement officer pursuant to
paragraph (d) as required under s. 119.021.

(4) In any prosecution for a violation of this chapter, a
photograph and video recording of an excess slot machine
captured and documented pursuant to paragraph (c) may be deemed
competent evidence and may be admissible in the prosecution to
the same extent as if such excess slot machine were introduced
as evidence.

(5) If any provision of this section or its application to
any person or circumstance is held invalid, the invalidity does
not affect other provisions or applications of this section or
chapter which can be given effect without the invalid provision
or application, and to this end the provisions of this section
are severable.

Section 30. Section 849.47, Florida Statutes, is created to
read:

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

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

(2) Except as provided in subsection (3), a person who
knowingly and willfully transports, or procures the

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transportation of, five or more other persons into or within this state when he or she knows or reasonably should know that such transportation is for the purpose of facilitating illegal gambling, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3) (a) A person who transports, or procures the transportation of, a minor or a person 65 years of age or older into or within this state when he or she knows or reasonably should know that such transportation is for the purpose of facilitating illegal gambling commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

Section 31. Section 849.48, Florida Statutes, is created to read:

849.48 Gambling or gaming advertisements; prohibited.—

(1) As used in this section, the term "illegal gambling" has the same meaning as in s. 849.47(1).

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

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1915 facilitating illegal gambling.

1916 (b) Except as otherwise authorized by law, a person may not
1917 set up any type or plate for any type of advertisement,
1918 circular, bill, poster, pamphlet, list, schedule, announcement,
1919 or notice when he or she knows or reasonably should know that
1920 such material will be used for the purpose of promoting or
1921 facilitating illegal gambling.

1922 (c) A person who violates this subsection commits:

1923 1. For a first offense, a misdemeanor of the first degree,
1924 punishable as provided in s. 775.082 or s. 775.083.

1925 2. For a second or subsequent offense, a felony of the
1926 third degree, punishable as provided in s. 775.082, s. 775.083,
1927 or s. 775.084.

1928 (3) This section does not prohibit the printing or
1929 producing of any advertisement, circular, bill, poster,
1930 pamphlet, list, schedule, announcement, or notice to be used for
1931 the purpose of promoting or facilitating gambling conducted in
1932 any other state or nation, outside of this state, where such
1933 gambling is not prohibited.

1934 Section 32. Section 849.49, Florida Statutes, is created to
1935 read:

1936 849.49 Preemption.—A county, municipality, or other
1937 political subdivision of the state may not enact or enforce any
1938 ordinance or local rule relating to gaming, gambling, lotteries,
1939 or any activities described in this chapter or s. 546.10, except
1940 as otherwise expressly provided by general law, special law, or
1941 the State Constitution.

1942 Section 33. Section 849.51, Florida Statutes, is created to
1943 read:

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849.51 Limited Slot Machine Surrender Program.—

(1) The Legislature finds that illegal gaming operations not only undermine public trust but also expose citizens of this state to organized criminal conduct, financial exploitation, and a host of other social harms. Furthermore, the Legislature finds that certain persons or entities owning, storing, keeping, possessing, transporting, permitting the operation of, or otherwise offering illegal gaming devices for play may have been misled regarding the legality of the otherwise illegal gaming devices. Therefore, the Legislature finds that there is a compelling state interest in creating a limited period of time in which otherwise illegal gaming devices may be surrendered without penalty to ensure that any unknowing or otherwise innocent party may avoid criminal prosecution or civil penalty.

(2) There is created within the commission the Limited Slot Machine Surrender Program. The purpose of the program is to allow individuals and organizations an opportunity to surrender or otherwise disclaim any and all interest in any gaming devices, including, but not limited to, those devices or games described in ss. 849.09 and 849.16, and devices or games purported to be authorized by ss. 546.10, 849.0931, 849.094, and 849.14, and convey such gaming devices to the commission. The surrender of a gaming device pursuant to the program is deemed irrevocable and final.

(3) Any individual or organization that surrenders a gaming device to the commission pursuant to the program is immune from criminal prosecution for a violation of this chapter related to any of the surrendered devices.

(4) The program shall begin by September 1, 2026, and end

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on October 1, 2026.

(5) The commission shall advertise the program no earlier than 60 days before October 1, 2026.

(6) A person or an entity does not have any right of property in any of the devices surrendered to the commission pursuant to this section.

(7) The commission may execute memoranda of understanding with other criminal justice agencies to administer the program.

Section 34. Present paragraphs (i) through (m) of subsection (2) of section 903.046, Florida Statutes, are redesignated as paragraphs (j) through (n), respectively, and a new paragraph (i) is added to that subsection, to read:

903.046 Purpose of and criteria for bail determination.—

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

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

Section 35. Paragraphs (c), (e), (g), and (h) of subsection (3) of section 921.0022, Florida Statutes, are amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(c) LEVEL 3

Florida
Statute

Felony
Degree

Description

	33-00750B-26		20261580__
2000	119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
2001	316.066 (3) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
2002	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
2003	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
2004	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
2005	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
2006	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.

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2007	319.33 (4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
2008	327.35 (2) (b)	3rd	Felony BUI.
2009	328.05 (2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
2010	328.07 (4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
2011	376.302 (5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
	379.2431 (1) (e) 5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell,

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			molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
2012	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.
2013	379.2431 (1) (e) 7.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
2014	400.9935 (4) (a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
2015	400.9935 (4) (e)	3rd	Filing a false license application or other required information or failing to report

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2016			information.
	440.1051(3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
2017			
	501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
2018			
	624.401(4)(a)	3rd	Transacting insurance without a certificate of authority.
2019			
	624.401(4)(b)1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
2020			
	626.902(1)(a) & (b)	3rd	Representing an unauthorized insurer.
2021			
	697.08	3rd	Equity skimming.
2022			
	790.15(3)	3rd	Person directs another to

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2023			discharge firearm from a vehicle.
	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.
2024			
	800.045 (3)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes a lewd or lascivious image.
2025			
	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
2026			
	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
2027			
	810.09 (2) (b)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous

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			weapon.
2028	810.145 (2) (c)	3rd	Digital voyeurism; 19 years of age or older.
2029	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
2030	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
2031	812.015 (8) (b)	3rd	Retail theft with intent to sell; conspires with others.
2032	812.081 (2)	3rd	Theft of a trade secret.
2033	815.04 (4) (b)	2nd	Computer offense devised to defraud or obtain property.
2034	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
2035	817.233	3rd	Burning to defraud insurer.
2036			

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2037	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
2038	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
2039	817.236	3rd	Filing a false motor vehicle insurance application.
2040	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
2041	817.413 (2)	3rd	Sale of used goods of \$1,000 or more as new.
2042	817.49 (2) (b) 1.	3rd	Willful making of a false report of a crime causing great bodily harm, permanent disfigurement, or permanent disability.
	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment

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2043

instrument with intent to
defraud.

831.29

2nd

Possession of instruments
for counterfeiting driver
licenses or identification
cards.

2044

836.13 (2)

3rd

Generating an altered
sexual depiction of an
identifiable person without
consent.

2045

836.13 (4)

3rd

Promoting, or possessing
with intent to promote, an
altered sexual depiction of
an identifiable person
without consent.

2046

838.021 (3) (b)

3rd

Threatens unlawful harm to
public servant.

2047

838.123rd

Bribery in athletic
contests.

2048

847.01385

3rd

Harmful communication to a
minor.

2049

849.01 (2) (a)3rd

Keeping a gambling house.

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2050	<u>849.01 (3) (b)</u>	<u>3rd</u>	<u>Knowingly benefitting from or participating in the operation of a gambling house.</u>
2051	<u>849.02 (1) (b) & (2) (a)</u>	<u>3rd</u>	<u>Agents or employees of keeper of gambling house.</u>
2052	<u>849.021 (3) (a)</u>	<u>3rd</u>	<u>Government employee misconduct relating to gambling houses.</u>
2053	<u>849.03 (1) (a)</u>	<u>3rd</u>	<u>Renting space at a gambling house.</u>
2054	<u>849.08 (4)</u>	<u>3rd</u>	<u>Internet wagering.</u>
2055	<u>849.086 (12) (e)</u>	<u>3rd</u>	<u>Manipulating playing cards.</u>
2056	<u>849.09 (2)</u>	<u>3rd</u>	<u>Illegal lottery.</u>
2057	<u>849.11 (2)</u>	<u>3rd</u>	<u>Operating or playing games of chance by lot.</u>
2058	<u>849.14</u>	<u>3rd</u>	<u>Betting on result of trial or contest of skill.</u>
2059	<u>849.143 (7) (b) & (c)</u>	<u>3rd</u>	<u>Illegal fantasy sports</u>

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		<u>contests</u>
2060	<u>849.15 (3) (b)</u>	<u>3rd</u> <u>Manufacture, sale,</u> <u>possession, etc. of slot</u> <u>machines or devices.</u>
2061	<u>849.157 (1)</u>	<u>3rd</u> <u>False or misleading</u> <u>statement to facilitate</u> <u>sale of slot machines or</u> <u>devices.</u>
2062	<u>849.25 (2)</u>	<u>3rd</u> <u>Bookmaking.</u>
2063	<u>849.47 (3) (a) & (b)</u>	<u>3rd</u> <u>Transporting or procuring</u> <u>transportation of certain</u> <u>persons to facilitate</u> <u>gambling.</u>
2064	<u>849.48 (2) (c) 2.</u>	<u>3rd</u> <u>Prohibited gambling or</u> <u>gaming advertisements.</u>
2065	860.15 (3)	3rd Overcharging for repairs and parts.
2066	870.01 (2)	3rd Riot.
2067	870.01 (4)	3rd Inciting a riot.
2068	893.13 (1) (a) 2.	3rd Sell, manufacture, or

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2069

893.13(1)(d)2.

2nd

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).

2070

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 university.

2071

893.13(4)(c)

3rd

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.

Use or hire of minor;
 deliver to minor other

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2072

controlled substances.

893.13 (6) (a)

3rd

Possession of any
controlled substance other
than felony possession of
cannabis.

2073

893.13 (7) (a) 8.

3rd

Withhold information from
practitioner regarding
previous receipt of or
prescription for a
controlled substance.

2074

893.13 (7) (a) 9.

3rd

Obtain or attempt to obtain
controlled substance by
fraud, forgery,
misrepresentation, etc.

2075

893.13 (7) (a) 10.

3rd

Affix false or forged label
to package of controlled
substance.

2076

893.13 (7) (a) 11.

3rd

Furnish false or fraudulent
material information on any
document or record required
by chapter 893.

2077

893.13 (8) (a) 1.

3rd

Knowingly assist a patient,
other person, or owner of

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

2078

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.

2079

893.13(8)(a)3.

3rd

Knowingly write a
prescription for a
controlled substance for a
fictitious person.

2080

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.

2081

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918.13 (1)

3rd

Tampering with or
fabricating physical
evidence.

2082

944.47

3rd

Introduce contraband to
correctional facility.

(1) (a) 1. & 2.

2083

944.47 (1) (c)

2nd

Possess contraband while
upon the grounds of a
correctional institution.

2084

985.721

3rd

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

2085

(e) LEVEL 5

2086

2087

Florida
Statute

Felony
Degree

Description

2088

316.027 (2) (a)

3rd

Accidents involving
personal injuries other
than serious bodily
injury, failure to stop;
leaving scene.

2089

316.1935 (3) (a)

2nd

Driving at high speed or
with wanton disregard

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			for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
2090	316.80 (2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
2091	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
2092	327.30 (5) (a) 2.	3rd	Vessel accidents involving personal injuries other than serious bodily injury; leaving scene.
2093	365.172 (14) (b) 2.	2nd	Misuse of emergency communications system resulting in death.
2094	379.365 (2) (c) 1.	3rd	Violation of rules relating to: willful

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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.

2095

379.367(4)

3rd

Willful molestation of a
commercial harvester's
spiny lobster trap,
line, or buoy.

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2096

379.407(5)(b)3.

3rd

Possession of 100 or
more undersized spiny
lobsters.

2097

381.0041(11)(b)

3rd

Donate blood, plasma, or
organs knowing HIV
positive.

2098

440.10(1)(g)

2nd

Failure to obtain
workers' compensation
coverage.

2099

440.105(5)

2nd

Unlawful solicitation
for the purpose of
making workers'
compensation claims.

2100

440.381(2)

3rd

Submission of false,
misleading, or
incomplete information
with the purpose of
avoiding or reducing
workers' compensation
premiums.

2101

624.401(4)(b)2.

2nd

Transacting insurance
without a certificate or
authority; premium

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			collected \$20,000 or more but less than \$100,000.
2102	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
2103	790.01 (3)	3rd	Unlawful carrying of a concealed firearm.
2104	790.162	2nd	Threat to throw or discharge destructive device.
2105	790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
2106	790.221 (1)	2nd	Possession of short- barreled shotgun or machine gun.
2107	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.

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2108	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
2109	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
2110	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
2111	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
2112	810.145 (4)	3rd	Commercial digital voyeurism dissemination.
2113	810.145 (7) (a)	2nd	Digital voyeurism; 2nd or subsequent offense.
2114	810.145 (8) (a)	2nd	Digital voyeurism; certain minor victims.
2115	812.014 (2) (d) 3.	2nd	Grand theft, 2nd degree; theft from 20 or more dwellings or their

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unenclosed curtilage, or
any combination.

2116

812.0145(2)(b)

2nd

Theft from person 65
years of age or older;
\$10,000 or more but less
than \$50,000.

2117

812.015

3rd

(8)(a) & (c)-(e)

Retail theft; property
stolen is valued at \$750
or more and one or more
specified acts.

2118

812.015(8)(f)

3rd

Retail theft; multiple
thefts within specified
period.

2119

812.015(8)(g)

3rd

Retail theft; committed
with specified number of
other persons.

2120

812.019(1)

2nd

Stolen property; dealing
in or trafficking in.

2121

812.081(3)

2nd

Trafficking in trade
secrets.

2122

812.131(2)(b)

3rd

Robbery by sudden
snatching.

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2123	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
2124	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
2125	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
2126	817.2341 (1), (2) (a) & (3) (a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
2127	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

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			or more or use of personal identification information of 10 or more persons.
2128	817.611 (2) (a)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.
2129	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.
2130	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
2131	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
2132	836.14 (4)	2nd	Person who willfully

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

2133

838.123rd

Bribery in athletic
contests (2nd or
subsequent conviction).

2134

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.

2135

843.01 (1)

3rd

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

2136

847.0135 (5) (b)

2nd

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

2137

847.0137
(2) & (3)

3rd

Transmission of
pornography by
electronic device or
equipment.

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2138	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
2139	<u>849.01 (2) (b)</u>	<u>2nd</u>	<u>Keeping a gambling house</u> <u>(2nd or subsequent</u> <u>offense).</u>
2140	<u>849.02 (1) (c) & (2) (b)</u>	<u>2nd</u>	<u>Agents or employees of</u> <u>keeper of gambling house</u> <u>(2nd or subsequent</u> <u>offense).</u>
2141	<u>849.021 (3) (b)</u>	<u>2nd</u>	<u>Government employee</u> <u>misconduct relating to</u> <u>gambling houses (2nd or</u> <u>subsequent offense).</u>
2142	<u>849.03 (1) (b)</u>	<u>2nd</u>	<u>Renting space at a</u> <u>gambling house (2nd or</u> <u>subsequent offense).</u>
2143	<u>849.08 (4)</u>	<u>2nd</u>	<u>Operating, conducting,</u> <u>promoting, aiding,</u> <u>assisting, abetting,</u> <u>influencing Internet</u> <u>gambling and Internet</u>

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			<u>sports wagering (2nd or subsequent conviction).</u>
2144	<u>849.086(12) (e)</u>	<u>2nd</u>	<u>Tampering with cards or card games (2nd or subsequent conviction).</u>
2145	<u>849.11 (2)</u>	<u>2nd</u>	<u>Offenses related to games of chance (2nd or subsequent conviction).</u>
2146	<u>849.14</u>	<u>2nd</u>	<u>Betting on result of trial or contest of skill (2nd or subsequent conviction).</u>
2147	<u>849.15 (3) (c)</u>	<u>2nd</u>	<u>Manufacture, sale, possession, etc. of slot machines or devices.</u>
2148	<u>849.47 (3) (a) & (b)</u>	<u>2nd</u>	<u>Transporting persons to facilitate illegal gambling; minor, person 65 years of age or older, or 12 or more persons (2nd or subsequent conviction).</u>
2149	<u>849.48 (2) (c) 2.</u>	<u>2nd</u>	<u>Prohibited gambling or</u>

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			<u>gaming advertisements</u> <u>(2nd or subsequent</u> <u>offense).</u>
2150	874.05 (1) (b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
2151	874.05 (2) (a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
2152	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).
2153	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.,

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(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.

2154

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.

2155

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

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site.

2156

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.

2157

893.13(4)(b)

2nd

Use or hire of minor;
 deliver to minor other
 controlled substance.

2158

893.1351(1)

3rd

Ownership, lease, or
 rental for trafficking
 in or manufacturing of
 controlled substance.

2159

2160

2161 (g) LEVEL 7

2162

Florida
 Statute

Felony
 Degree

Description

2163

316.027(2)(c)

1st

Accident involving death,
 failure to stop; leaving
 scene.

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2164

316.193 (3) (c) 2.

3rd

DUI resulting in serious
bodily injury.

2165

316.1935 (3) (b)

1st

Causing serious bodily
injury or death to
another person; driving
at high speed or with
wanton disregard for
safety while fleeing or
attempting to elude law
enforcement officer who
is in a patrol vehicle
with siren and lights
activated.

2166

327.35 (3) (a) 3.b.

3rd

Vessel BUI resulting in
serious bodily injury.

2167

402.319 (2)

2nd

Misrepresentation and
negligence or intentional
act resulting in great
bodily harm, permanent
disfiguration, permanent
disability, or death.

2168

409.920

3rd

Medicaid provider fraud;
\$10,000 or less.

(2) (b) 1.a.

2169

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409.920

2nd

Medicaid provider fraud;
more than \$10,000, but
less than \$50,000.

(2) (b) 1.b.

2170

456.065 (2)

3rd

Practicing a health care
profession without a
license.

2171

456.065 (2)

2nd

Practicing a health care
profession without a
license which results in
serious bodily injury.

2172

458.327 (1)

3rd

Practicing medicine
without a license.

2173

459.013 (1)

3rd

Practicing osteopathic
medicine without a
license.

2174

460.411 (1)

3rd

Practicing chiropractic
medicine without a
license.

2175

461.012 (1)

3rd

Practicing podiatric
medicine without a
license.

2176

462.17

3rd

Practicing naturopathy

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			without a license.
2177	463.015 (1)	3rd	Practicing optometry without a license.
2178	464.016 (1)	3rd	Practicing nursing without a license.
2179	465.015 (2)	3rd	Practicing pharmacy without a license.
2180	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
2181	467.201	3rd	Practicing midwifery without a license.
2182	468.366	3rd	Delivering respiratory care services without a license.
2183	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
2184	483.901 (7)	3rd	Practicing medical physics without a license.

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2185

484.013(1)(c)

3rd

Preparing or dispensing
optical devices without a
prescription.

2186

484.053

3rd

Dispensing hearing aids
without a license.

2187

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.

2188

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.

2189

560.125(5)(a)

3rd

Money services business
by unauthorized person,
currency or payment
instruments exceeding
\$300 but less than
\$20,000.

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2190

655.50 (10) (b) 1.

3rd

Failure to report
financial transactions
exceeding \$300 but less
than \$20,000 by financial
institution.

2191

775.21 (10) (a)

3rd

Sexual predator; failure
to register; failure to
renew driver license or
identification card;
other registration
violations.

2192

775.21 (10) (b)

3rd

Sexual predator working
where children regularly
congregate.

2193

775.21 (10) (g)

3rd

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

2194

782.051 (3)

2nd

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

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			perpetrator of an attempted felony.
2195	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
2196	782.071	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).
2197	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
2198	784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
2199	784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
2200	784.045(1)(b)	2nd	Aggravated battery;

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			perpetrator aware victim pregnant.
2201	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
2202	784.048 (7)	3rd	Aggravated stalking; violation of court order.
2203	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
2204	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
2205	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
2206	784.081 (1)	1st	Aggravated battery on specified official or employee.
2207	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.

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2208	784.083 (1)	1st	Aggravated battery on code inspector.
2209	787.025 (2) (b)	2nd	Luring or enticing a child; second or subsequent offense.
2210	787.025 (2) (c)	2nd	Luring or enticing a child with a specified prior conviction.
2211	787.06 (3) (a) 2.	1st	Human trafficking using coercion for labor and services of an adult.
2212	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.
2213	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07 (1) or (2).
2214	790.16 (1)	1st	Discharge of a machine

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2215			gun under specified circumstances.
2216	790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
2217	790.165 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
2218	790.166 (3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
2219	790.166 (4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
	790.23	1st, PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for

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			in s. 874.04.
2220	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.
2221	796.05 (1)	1st	Live on earnings of a prostitute; 2nd offense.
2222	796.05 (1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.
2223	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
2224	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.

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2225	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.
2226	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
2227	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
2228	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
2229	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
2230	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
2231			

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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.

2232

812.014 (2) (b) 2.

2nd

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

2233

812.014 (2) (b) 3.

2nd

Property stolen, emergency medical equipment; 2nd degree grand theft.

2234

812.014 (2) (b) 4.

2nd

Property stolen, law enforcement equipment from authorized emergency vehicle.

2235

812.014 (2) (g)

2nd

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

2236

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2237	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
2238	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
2239	812.131 (2) (a)	2nd	Robbery by sudden snatching.
2240	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
2241	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
2242	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.

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2243	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
2244	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.
2245	817.418 (2) (a)	3rd	Offering for sale or advertising personal protective equipment with intent to defraud.
2246	817.504 (1) (a)	3rd	Offering or advertising a vaccine with intent to defraud.
2247	817.535 (2) (a)	3rd	Filing false lien or other unauthorized document.
2248	817.611 (2) (b)	2nd	Traffic in or possess 15 to 49 counterfeit credit

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			cards or related documents.
2249	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
2250	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.
2251	827.03 (2) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
2252	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
2253	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.

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2254	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes child pornography.
2255	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
2256	838.015	2nd	Bribery.
2257	838.016	2nd	Unlawful compensation or reward for official behavior.
2258	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
2259	838.22	2nd	Bid tampering.
2260	843.0855 (2)	3rd	Impersonation of a public officer or employee.
2261	843.0855 (3)	3rd	Unlawful simulation of legal process.
2262			

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2263	843.0855 (4)	3rd	Intimidation of a public officer or employee.
2264	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
2265	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
2266	<u>849.01 (4)</u>	<u>2nd</u>	<u>Keeping a gambling house; great bodily harm, permanent disability, or permanent disfigurement.</u>
2267	<u>849.157 (2)</u>	<u>2nd</u>	<u>False or misleading statement to facilitate sale of 5 or more slot machines or devices.</u>
2268	872.06	2nd	Abuse of a dead human body.
	874.05 (2) (b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.

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2269

874.10

1st, PBL

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

2270

893.13(1)(c)1.

1st

Sell, manufacture, or
deliver cocaine (or other
drug prohibited under s.
893.03(1)(a), (1)(b),
(1)(d), (2)(a), (2)(b),
or (2)(c)5.) within 1,000
feet of a child care
facility, school, or
state, county, or
municipal park or
publicly owned
recreational facility or
community center.

2271

893.13(1)(e)1.

1st

Sell, manufacture, or
deliver cocaine or other
drug prohibited under s.
893.03(1)(a), (1)(b),
(1)(d), (2)(a), (2)(b),
or (2)(c)5., within 1,000
feet of property used for

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			religious services or a specified business site.
2272	893.13(4)(a)	1st	Use or hire of minor; deliver to minor other controlled substance.
2273	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
2274	893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
2275	893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
2276	893.135 (1)(c)2.a.	1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
2277	893.135 (1)(c)2.b.	1st	Trafficking in hydrocodone, 50 grams or more, less than 100 grams.
2278	893.135	1st	Trafficking in oxycodone,

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(1) (c) 3.a.

7 grams or more, less
than 14 grams.

2279

893.135

1st

Trafficking in oxycodone,
14 grams or more, less
than 25 grams.

(1) (c) 3.b.

2280

893.135

1st

Trafficking in fentanyl,
4 grams or more, less
than 14 grams.

(1) (c) 4.b. (I)

2281

893.135

1st

Trafficking in
phencyclidine, 28 grams
or more, less than 200
grams.

(1) (d) 1.a.

2282

893.135 (1) (e) 1.

1st

Trafficking in
methaqualone, 200 grams
or more, less than 5
kilograms.

2283

893.135 (1) (f) 1.

1st

Trafficking in
amphetamine, 14 grams or
more, less than 28 grams.

2284

893.135

1st

Trafficking in
flunitrazepam, 4 grams or
more, less than 14 grams.

(1) (g) 1.a.

2285

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893.135

1st

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

(1) (h) 1.a.

2286

893.135

1st

Trafficking in 1,4-
Butanediol, 1 kilogram or
more, less than 5
kilograms.

(1) (j) 1.a.

2287

893.135

1st

Trafficking in
Phenethylamines, 10 grams
or more, less than 200
grams.

(1) (k) 2.a.

2288

893.135

1st

Trafficking in synthetic
cannabinoids, 280 grams
or more, less than 500
grams.

(1) (m) 2.a.

2289

893.135

1st

Trafficking in synthetic
cannabinoids, 500 grams
or more, less than 1,000
grams.

(1) (m) 2.b.

2290

893.135

1st

Trafficking in n-benzyl
phenethylamines, 14 grams
or more, less than 100

(1) (n) 2.a.

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			grams.
2291	893.1351(2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
2292	896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
2293	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
2294	943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
2295	943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting

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requirements.

2296

943.0435(9)(a)

3rd

Sexual offender; failure
to comply with reporting
requirements.

2297

943.0435(13)

3rd

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

2298

943.0435(14)

3rd

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

2299

944.607(9)

3rd

Sexual offender; failure
to comply with reporting
requirements.

2300

944.607(10)(a)

3rd

Sexual offender; failure
to submit to the taking
of a digitized
photograph.

2301

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2302	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
2303	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
2304	985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
2305	985.4815(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to

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address verification;
 providing false
 registration information.

2306
 2307
 2308
 2309
 2310
 2311
 2312
 2313
 2314
 2315

(h) LEVEL 8

Florida
 Statute

Felony
 Degree

Description

316.193
 (3) (c) 3.a.

2nd

DUI manslaughter.

316.1935 (4) (b)

1st

Aggravated fleeing or
 attempted eluding with
 serious bodily injury or
 death.

327.35
 (3) (a) 3.c. (I)

2nd

Vessel BUI manslaughter.

499.0051 (6)

1st

Knowing trafficking in
 contraband prescription
 drugs.

499.0051 (7)

1st

Knowing forgery of
 prescription labels or
 prescription drug labels.

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560.123 (8) (b) 2.

2nd

Failure to report
currency or payment
instruments totaling or
exceeding \$20,000, but
less than \$100,000 by
money transmitter.

2316

560.125 (5) (b)

2nd

Money transmitter
business by unauthorized
person, currency or
payment instruments
totaling or exceeding
\$20,000, but less than
\$100,000.

2317

655.50 (10) (b) 2.

2nd

Failure to report
financial transactions
totaling or exceeding
\$20,000, but less than
\$100,000 by financial
institutions.

2318

777.03 (2) (a)

1st

Accessory after the fact,
capital felony.

2319

782.04 (3)1st

Killing of a human being
during the attempt or
perpetration of certain
felonies.

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2320	782.04 (4)	2nd	Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aggravated fleeing or eluding with serious bodily injury or death, aircraft piracy, or unlawfully discharging bomb.
2321	782.051 (2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).
2322	782.071 (1) (b)	1st	Committing vehicular homicide and failing to render aid or give information.
2323	782.071 (1) (c)	1st	Vehicular homicide with a prior conviction for DUI manslaughter, BUI manslaughter, vehicular

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2324	782.072 (2) (b)	1st	<p>homicide, or vessel homicide.</p> <p>Committing vessel homicide and failing to render aid or give information.</p>
2325	782.072 (3)	1st	<p>Vessel homicide with a prior conviction for DUI manslaughter, BUI manslaughter, vehicular homicide, or vessel homicide.</p>
2326	787.06 (3) (a) 1.	1st	<p>Human trafficking for labor and services of a child.</p>
2327	787.06 (3) (b)	1st	<p>Human trafficking using coercion for commercial sexual activity of an adult.</p>
2328	787.06 (3) (c) 2.	1st	<p>Human trafficking using coercion for labor and services of an unauthorized alien adult.</p>
2329			

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787.06 (3) (e) 1.

1st

Human trafficking for labor and services by the transfer or transport of a child from outside Florida to within the state.

2330

787.06 (3) (f) 2.

1st

Human trafficking using coercion for commercial sexual activity by the transfer or transport of any adult from outside Florida to within the state.

2331

790.161 (3)

1st

Discharging a destructive device which results in bodily harm or property damage.

2332

794.011 (5) (a)

1st

Sexual battery; victim 12 years of age or older but younger than 18 years; offender 18 years or older; offender does not use physical force likely to cause serious injury.

2333

794.011 (5) (b)

2nd

Sexual battery; victim

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2334

794.011 (5) (c)

2nd

and offender 18 years of
age or older; offender
does not use physical
force likely to cause
serious injury.

2335

794.011 (5) (d)

1st

Sexual battery; victim 12
years of age or older;
offender younger than 18
years; offender does not
use physical force likely
to cause injury.

2336

794.08 (3)

2nd

Sexual battery; victim 12
years of age or older;
offender does not use
physical force likely to
cause serious injury;
prior conviction for
specified sex offense.

2337

800.04 (4) (b)

2nd

Female genital
mutilation, removal of a
victim younger than 18
years of age from this
state.

Lewd or lascivious
battery.

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2338	800.04 (4) (c)	1st	Lewd or lascivious battery; offender 18 years of age or older; prior conviction for specified sex offense.
2339	806.01 (1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
2340	810.02 (2) (a)	1st, PBL	Burglary with assault or battery.
2341	810.02 (2) (b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
2342	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
2343	812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st

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degree.

2344

812.015 (11) (b)

1st

Retail theft; possession
of a firearm during
commission of offense.

2345

812.13 (2) (b)

1st

Robbery with a weapon.

2346

812.135 (2) (c)

1st

Home-invasion robbery, no
firearm, deadly weapon,
or other weapon.

2347

817.418 (2) (b)

2nd

Offering for sale or
advertising personal
protective equipment with
intent to defraud; second
or subsequent offense.

2348

817.504 (1) (b)

2nd

Offering or advertising a
vaccine with intent to
defraud; second or
subsequent offense.

2349

817.505 (4) (c)

1st

Patient brokering; 20 or
more patients.

2350

817.535 (2) (b)

2nd

Filing false lien or
other unauthorized
document; second or

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2351

subsequent offense.

817.535 (3) (a)

2nd

Filing false lien or
other unauthorized
document; property owner
is a public officer or
employee.

2352

817.535 (4) (a) 1.

2nd

Filing false lien or
other unauthorized
document; defendant is
incarcerated or under
supervision.

2353

817.535 (5) (a)

2nd

Filing false lien or
other unauthorized
document; owner of the
property incurs financial
loss as a result of the
false instrument.

2354

817.568 (6)

2nd

Fraudulent use of
personal identification
information of an
individual under the age
of 18.

2355

817.611 (2) (c)

1st

Traffic in or possess 50
or more counterfeit

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credit cards or related
documents.

2356

825.102 (2)

1st

Aggravated abuse of an
elderly person or
disabled adult.

2357

825.1025 (2)

2nd

Lewd or lascivious
battery upon an elderly
person or disabled adult.

2358

825.103 (3) (a)

1st

Exploiting an elderly
person or disabled adult
and property is valued at
\$50,000 or more.

2359

837.02 (2)

2nd

Perjury in official
proceedings relating to
prosecution of a capital
felony.

2360

837.021 (2)

2nd

Making contradictory
statements in official
proceedings relating to
prosecution of a capital
felony.

2361

849.1551st

Trafficking in slot
machines or devices.

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2362	860.121 (2) (c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
2363	860.16	1st	Aircraft piracy.
2364	893.13 (1) (b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
2365	893.13 (2) (b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
2366	893.13 (6) (c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
2367	893.135 (1) (a) 2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
2368	893.135	1st	Trafficking in cocaine,

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(1) (b) 1.b.

more than 200 grams, less
than 400 grams.

2369

893.135

1st

Trafficking in illegal
drugs, more than 14
grams, less than 28
grams.

(1) (c) 1.b.

2370

893.135

1st

Trafficking in
hydrocodone, 100 grams or
more, less than 300
grams.

(1) (c) 2.c.

2371

893.135

1st

Trafficking in oxycodone,
25 grams or more, less
than 100 grams.

(1) (c) 3.c.

2372

893.135

1st

Trafficking in fentanyl,
14 grams or more, less
than 28 grams.

(1) (c) 4.b. (II)

2373

893.135

1st

Trafficking in
phencyclidine, 200 grams
or more, less than 400
grams.

(1) (d) 1.b.

2374

893.135

1st

Trafficking in
methaqualone, 5 kilograms
or more, less than 25

(1) (e) 1.b.

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2375	893.135 (1) (f) 1.b.	1st	kilograms. Trafficking in amphetamine, 28 grams or more, less than 200 grams.
2376	893.135 (1) (g) 1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
2377	893.135 (1) (h) 1.b.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
2378	893.135 (1) (j) 1.b.	1st	Trafficking in 1,4- Butanediol, 5 kilograms or more, less than 10 kilograms.
2379	893.135 (1) (k) 2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
2380	893.135	1st	Trafficking in synthetic

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	(1) (m) 2.c.		cannabinoids, 1,000 grams or more, less than 30 kilograms.
2381	893.135	1st	Trafficking in n-benzyl phenethylamines, 100 grams or more, less than 200 grams.
	(1) (n) 2.b.		
2382	893.1351 (3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.
2383	895.03 (1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
2384	895.03 (2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
2385	895.03 (3)	1st	Conduct or participate in any enterprise through pattern of racketeering

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activity.

896.101(5)(b)

2nd

Money laundering,
financial transactions
totaling or exceeding
\$20,000, but less than
\$100,000.

896.104(4)(a)2.

2nd

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

Section 36. 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.

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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, and use of explosives.

9. Chapter 562, relating to beverage law enforcement.

10. Section 624.401, relating to transacting insurance without a certificate of authority, s. 624.437(4)(c)1., relating to operating an unauthorized multiple-employer welfare arrangement, or s. 626.902(1)(b), relating to representing or aiding an unauthorized insurer.

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

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

13. Chapter 782, relating to homicide.

14. Chapter 784, relating to assault and battery.

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

16. Chapter 790, relating to weapons and firearms.

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

18. Chapter 806, relating to arson.

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

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

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

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

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

24. Chapter 831, relating to forgery and counterfeiting.

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

26. Section 836.05, relating to extortion.

27. Chapter 837, relating to perjury.

28. Chapter 838, relating to bribery and misuse of public office.

29. Chapter 843, relating to obstruction of justice.

30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or s. 847.07, relating to obscene literature and profanity.

31. Section 849.09, s. 849.14, s. 849.15, ~~s. 849.23~~, or s. 849.25, relating to gambling.

32. Chapter 893, relating to drug abuse prevention and control.

33. Section 914.22 or s. 914.23, relating to witnesses, victims, or informants.

34. Section 918.12, s. 918.125, or s. 918.13, relating to tampering with or harassing court officials, retaliating against court officials, and tampering with evidence.

(2) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in this state in whole or in part because the debt

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was incurred or contracted:

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

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

2. Chapter 550, relating to jai alai frontons.

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

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

Section 37. Section 849.17, Florida Statutes, is amended to read:

849.17 Confiscation of machines by arresting officer.—Upon the arrest of any person charged with the violation of ss. 849.15-849.22, ~~any of the provisions of ss. 849.15-849.23~~ the arresting officer shall take into his or her custody any such machine, apparatus or device, and its contents, and the arresting agency, at the place of seizure, shall make a complete and correct list and inventory of all such things so taken into his or her custody, and deliver to the person from whom such article or articles may have been seized, a true copy of the list of all such articles. The arresting agency shall retain all evidence seized and shall have the same forthcoming at any investigation, prosecution, or other proceedings, incident to charges of violation of ss. 849.15-849.22 ~~any of the provisions of ss. 849.15-849.23~~.

Section 38. Section 849.18, Florida Statutes, is amended to read:

849.18 Disposition of machines upon conviction.—Upon

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conviction of the person arrested for the violation of ss.
849.15-849.22 ~~any of the provisions of ss. 849.15-849.23~~, the
judge of the court trying the case, after such notice to the
person convicted, and any other person whom the judge may be of
the opinion is entitled to such notice, and as the judge may
deem reasonable, shall issue to the sheriff of the county a
written order adjudging and declaring any such machine,
apparatus or device forfeited, and directing such sheriff to
destroy the same, with the exception of the money. The order of
the court must ~~shall~~ state the time and place and the manner in
which such property must ~~shall~~ be destroyed, and the sheriff
shall destroy the same in the presence of the clerk of the
circuit court of such county.

Section 39. Section 849.20, Florida Statutes, is amended to
read:

849.20 Machines and devices declared nuisance; place of
operation subject to lien for fine.—Any room, house, building,
boat, vehicle, structure, or place wherein any machine or
device, or any part thereof, the possession, operation, or use
of which is prohibited by ss. 849.15-849.22 ~~ss. 849.15-849.23~~,
must ~~shall~~ be maintained or operated, and each of such machines
or devices, is declared to be a common nuisance. If a person has
knowledge, or reason to believe, that his or her room, house,
building, boat, vehicle, structure, or place is occupied or used
in violation of ss. 849.15-849.22 ~~the provisions of ss. 849.15-~~
~~849.23~~ and by acquiescence or consent suffers the same to be
used, such room, house, building, boat, vehicle, structure, or
place is ~~shall be~~ subject to a lien for and may be sold to pay
all fines or costs assessed against the person guilty of such

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nuisance, for such violation, and the several state attorneys shall enforce such lien in the courts of this state having jurisdiction.

Section 40. Section 849.21, Florida Statutes, is amended to read:

849.21 Injunction to restrain violation.—An action to enjoin any nuisance as herein defined may be brought by any person in the courts of equity in this state. If it is made to appear by affidavit or otherwise, to the satisfaction of the court, or judge in vacation, that such nuisance exists, a temporary writ of injunction shall forthwith issue restraining the defendant from conducting or permitting the continuance of such nuisance until the conclusion of the action. Upon application of the complainant in such a proceeding, the court or judge may also enter an order restraining the defendant and all other persons from removing, or in any way interfering with the machines or devices or other things used in connection with the violation of ss. 849.15-849.22 ~~ss. 849.15-849.23~~ constituting such a nuisance. A No bond is not ~~shall be~~ required in instituting such proceedings.

Section 41. Section 849.22, Florida Statutes, is amended to read:

849.22 Fees of clerk of circuit court and sheriff.—The clerks of the courts and the sheriffs performing duties under ss. 849.15-849.22 ~~the provisions of ss. 849.15-849.23~~ shall receive the same fees as prescribed by general law for the performance of similar duties, and such fees must ~~shall~~ be paid out of the fine and forfeiture fund of the county as costs are paid upon conviction of an insolvent person.

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2547 Section 42. Paragraph (a) of subsection (12) of section
2548 895.02, Florida Statutes, is amended to read:

2549 895.02 Definitions.—As used in ss. 895.01-895.08, the term:

2550 (12) “Unlawful debt” means any money or other thing of
2551 value constituting principal or interest of a debt that is
2552 legally unenforceable in this state in whole or in part because
2553 the debt was incurred or contracted:

2554 (a) In violation of any one of the following provisions of
2555 law:

2556 1. Section 550.235 or s. 550.3551, relating to dogracing
2557 and horseracing.

2558 2. Chapter 550, relating to jai alai frontons.

2559 3. Section 551.109, relating to slot machine gaming.

2560 4. Chapter 687, relating to interest and usury.

2561 5. Section 849.09, s. 849.14, s. 849.15, ~~s. 849.23~~, or s.
2562 849.25, relating to gambling.

2563 Section 43. This act shall take effect July 1, 2026.