

26 | specified violations; creating s. 849.47, F.S.;

27 | prohibiting a person from, for profit or hire,

28 | transporting or procuring the transportation of a

29 | specified number of other persons for the purpose of

30 | facilitating illegal gambling; providing criminal

31 | penalties; defining the term "illegal gambling";

32 | creating s. 849.48, F.S.; prohibiting a person from

33 | making or disseminating specified advertisements for

34 | the purpose of promoting or facilitating illegal

35 | gambling; prohibiting a person from setting up any

36 | type or plate for specified advertisements when he or

37 | she knows or reasonably should know such material will

38 | be used for the purpose of promoting or facilitating

39 | illegal gambling; providing a criminal penalty;

40 | providing an exception; defining the term "illegal

41 | gambling"; creating s. 849.49, F.S.; specifying that

42 | the regulation of gambling is expressly preempted to

43 | the state; providing an exception; amending s.

44 | 903.046, F.S.; requiring a court to consider the

45 | amount of currency seized that is connected to

46 | specified violations relating to illegal gambling when

47 | determining bail; amending s. 921.0022, F.S.; ranking

48 | offenses created by the act on the offense severity

49 | ranking chart of the Criminal Punishment Code; re-

50 | ranking specified offenses on the offense severity

51 ranking chart of the Criminal Punishment Code;
 52 providing an effective date.

53
 54 Be It Enacted by the Legislature of the State of Florida:

55
 56 Section 1. Section 843.08, Florida Statutes, is amended to
 57 read:

58 843.08 False personation.—A person who falsely assumes or
 59 pretends to be a firefighter, a sheriff, an officer of the
 60 Florida Highway Patrol, an officer of the Fish and Wildlife
 61 Conservation Commission, an officer of the Department of
 62 Environmental Protection, an officer of the Department of
 63 Financial Services, any personnel or representative of the
 64 Division of Investigative and Forensic Services, any personnel
 65 or representative of the Florida Gaming Control Commission, an
 66 officer of the Department of Corrections, a correctional
 67 probation officer, a deputy sheriff, a state attorney or an
 68 assistant state attorney, a statewide prosecutor or an assistant
 69 statewide prosecutor, a state attorney investigator, a coroner,
 70 a police officer, a lottery special agent or lottery
 71 investigator, a beverage enforcement agent, a school guardian as
 72 described in s. 30.15(1)(k), a security officer licensed under
 73 chapter 493, any member of the Florida Commission on Offender
 74 Review or any administrative aide or supervisor employed by the
 75 commission, any personnel or representative of the Department of

76 Law Enforcement, or a federal law enforcement officer as defined
 77 in s. 901.1505, and takes upon himself or herself to act as
 78 such, or to require any other person to aid or assist him or her
 79 in a matter pertaining to the duty of any such officer, commits
 80 a felony of the third degree, punishable as provided in s.
 81 775.082, s. 775.083, or s. 775.084. However, a person who
 82 falsely personates any such officer during the course of the
 83 commission of a felony commits a felony of the second degree,
 84 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 85 If the commission of the felony results in the death or personal
 86 injury of another human being, the person commits a felony of
 87 the first degree, punishable as provided in s. 775.082, s.
 88 775.083, or s. 775.084. In determining whether a defendant has
 89 violated this section, the court or jury may consider any
 90 relevant evidence, including, but not limited to, whether the
 91 defendant used lights in violation of s. 316.2397 or s. 843.081.

92 Section 2. Section 849.01, Florida Statutes, is amended to
 93 read:

94 849.01 Keeping gambling houses, etc.—Whoever by herself or
 95 himself, her or his servant, clerk or agent, or in any other
 96 manner knowingly has, keeps, exercises or maintains a gaming
 97 table or room, or gaming implements or apparatus, or house,
 98 booth, tent, shelter or other place for the purpose of gaming or
 99 gambling or in any place of which she or he may directly or
 100 indirectly have charge, control or management, either

101 exclusively or with others, procures, suffers or permits any
 102 person to play for money or other valuable thing at any game
 103 whatever, whether heretofore prohibited or not, commits a felony
 104 of the third ~~misdemeanor of the second~~ degree, punishable as
 105 provided in s. 775.082, ~~or~~ s. 775.083, or 775.084.

106 Section 3. Section 849.15, Florida Statutes, is amended to
 107 read:

108 849.15 Manufacture, sale, possession, etc., of slot
 109 machines or devices prohibited.—

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

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

115 (b) "Manager" means a person who, at any business,
 116 establishment, premises, or other location at which a slot
 117 machine or device is offered for play, has:

118 1. Authorization to operate or hold open the business,
 119 establishment, premises, or other location without any other
 120 employee present;

121 2. Authorization to supervise another employee or
 122 employees; or

123 3. Any ownership interest in the business, establishment,
 124 premises, or other location.

125 (2) It is unlawful:

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

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

143 (3) (a) Except as provided in paragraphs (b) and (c), a
 144 person who violates subsection (2) commits a misdemeanor of the
 145 first degree, punishable as provided in s. 775.082 or s.
 146 775.083.

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

150 1. At the time of the violation the person is acting as a

151 manager.

152 2. Has one prior conviction for a violation of this
 153 section.

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

157 1.a. At the time of the violation the person is acting as
 158 a manager; and

159 b. The violation involves five or more slot machines or
 160 devices.

161 2. Has two or more prior convictions for a violation of
 162 this section.

163 (4)-(2) Pursuant to section 2 of that chapter of the
 164 Congress of the United States entitled "An act to prohibit
 165 transportation of gaming devices in interstate and foreign
 166 commerce," approved January 2, 1951, being ch. 1194, 64 Stat.
 167 1134, and also designated as 15 U.S.C. ss. 1171-1177, the State
 168 of Florida, acting by and through the duly elected and qualified
 169 members of its Legislature, does hereby in this section, and in
 170 accordance with and in compliance with the provisions of section
 171 2 of such chapter of Congress, declare and proclaim that any
 172 county of the State of Florida within which slot machine gaming
 173 is authorized pursuant to chapter 551 is exempt from the
 174 provisions of section 2 of that chapter of the Congress of the
 175 United States entitled "An act to prohibit transportation of

176 gaming devices in interstate and foreign commerce," designated
 177 as 15 U.S.C. ss. 1171-1177, approved January 2, 1951. All
 178 shipments of gaming devices, including slot machines, into any
 179 county of this state within which slot machine gaming is
 180 authorized pursuant to chapter 551 and the registering,
 181 recording, and labeling of which have been duly performed by the
 182 manufacturer or distributor thereof in accordance with sections
 183 3 and 4 of that chapter of the Congress of the United States
 184 entitled "An act to prohibit transportation of gaming devices in
 185 interstate and foreign commerce," approved January 2, 1951,
 186 being ch. 1194, 64 Stat. 1134, and also designated as 15 U.S.C.
 187 ss. 1171-1177, shall be deemed legal shipments thereof into this
 188 state provided the destination of such shipments is an eligible
 189 facility as defined in s. 551.102 or the facility of a slot
 190 machine manufacturer or slot machine distributor as provided in
 191 s. 551.109(2)(a).

192 Section 4. Section 849.155, Florida Statutes, is created
 193 to read:

194 849.155 Trafficking in slot machines or devices or any
 195 parts thereof.—Any person who knowingly sells, purchases,
 196 manufactures, transports, delivers, or brings into this state
 197 more than 15 slot machines or devices or any part thereof,
 198 commits a felony of the first degree, punishable as provided in
 199 s. 775.082, s. 775.083, or s. 775.084. If the quantity of slot
 200 machines or devices or any part thereof involved:

201 (1) Is more than 15 slot machines or devices or any part
 202 thereof, but less than 25 slot machines or devices or any part
 203 thereof, such person must be ordered to pay a fine of \$100,000.

204 (2) Is 25 slot machines or devices or any part thereof or
 205 more, but less than 50 slot machines or devices or any part
 206 thereof, such person must be ordered to pay a fine of \$250,000.

207 (3) Is 50 slot machines or devices or any part thereof or
 208 more, such person must be ordered to pay a fine of \$500,000.

209
 210 All fines imposed and collected pursuant to this section must be
 211 deposited into the Pari-mutuel Wagering Trust Fund and may be
 212 used for the enforcement of chapters 546, 550, 551, and this
 213 chapter by the Florida Gaming Control Commission.

214 Section 5. Section 849.157, Florida Statutes, is created
 215 to read:

216 849.157 Making a false or misleading statement regarding
 217 the legality of slot machines or devices to facilitate sale.-

218 (1) Except as provided in subsection (2), a person who
 219 knowingly and willfully makes a materially false or misleading
 220 statement or who knowingly and willfully disseminates false or
 221 misleading information regarding the legality of a slot machine
 222 or device for the purpose of facilitating the sale or delivery
 223 of a slot machine or device for any money or other valuable
 224 consideration commits a felony of the third degree, punishable
 225 as provided in s. 775.082, s. 775.083, or s. 775.084.

226 (2) A person who violates subsection (1) when such a
227 violation involves the sale or delivery, or attempted sale or
228 delivery, of five or more slot machines or devices commits a
229 felony of the second degree, punishable as provided in s.
230 775.082, s. 775.083, or s. 775.084.

231 Section 6. Section 849.23, Florida Statutes, is repealed.

232 Section 7. Section 849.47, Florida Statutes, is created to
233 read:

234 849.47 Transporting or procuring the transportation of
235 persons to facilitate illegal gambling.—

236 (1) Except as provided in subsection (2), a person who
237 knowingly and willfully for profit or hire transports, or
238 procures the transportation of, five or more other persons into
239 or within this state when he or she knows or reasonably should
240 know such transportation is for the purpose of facilitating
241 illegal gambling commits a misdemeanor of the first degree,
242 punishable as provided in s. 775.082 or s. 775.083.

243 (2)(a) A person who transports, or procures the
244 transportation of, a minor or a person 65 years of age or older
245 in violation of subsection (1) commits a felony of the third
246 degree, punishable as provided in s. 775.082, s. 775.083, or s.
247 775.084.

248 (b) A person who transports, or procures the
249 transportation of, 12 or more persons in violation of subsection
250 (1) commits a felony of the third degree, punishable as provided

251 in s. 775.082, s. 775.083, or s. 775.084.

252 (3) As used in this section, the term "illegal gambling"
 253 means any criminal violation of chapter 546, 550, 551, or 849
 254 that occurs at any business, establishment, premises, or other
 255 location which operates for profit.

256 Section 8. Section 849.48, Florida Statutes, is created to
 257 read:

258 849.48 Gambling or gaming advertisements; prohibited.—

259 (1)(a) Except as otherwise specifically authorized by law,
 260 a person may not knowingly and intentionally make, publish,
 261 disseminate, circulate or place before the public, or cause,
 262 directly or indirectly, to be made, published, disseminated or
 263 circulated or placed before the public in this state, in any
 264 manner, any advertisement, circular, bill, poster, pamphlet,
 265 list, schedule, announcement, or notice for the purpose of
 266 promoting or facilitating illegal gambling.

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

273 (2) A person who violates subsection (1) commits a
 274 misdemeanor of the first degree, punishable as provided in s.
 275 775.082 or s. 775.083.

276 (3) Nothing in this section prohibits the printing or
 277 producing of any advertisement, circular, bill, poster,
 278 pamphlet, list, schedule, announcement, or notice to be used for
 279 the purpose of promoting or facilitating gambling conducted in
 280 any other state or nation, outside of this state, where such
 281 gambling is not prohibited.

282 (4) As used in this section, the term "illegal gambling"
 283 means any criminal violation of chapter 546, 550, 551, or 849
 284 that occurs at any business, establishment, premises, or other
 285 location which operates for profit.

286 Section 9. Section 849.49, Florida Statutes, is created to
 287 read:

288 849.49 Preemption.— No county, municipality, or other
 289 political subdivision of the state shall enact or enforce any
 290 ordinance or local rule relating to gaming, gambling, lotteries,
 291 or any activities described in s. 546.10 or ch. 849, except as
 292 otherwise expressly provided by the state constitution or
 293 general law.

294 Section 10. Paragraph (i) of subsection (2) of section
 295 903.046, Florida Statutes, is amended, and current paragraphs
 296 (i) through (m) are redesignated as new paragraphs (j) through
 297 (n), to read:

298 903.046 Purpose of and criteria for bail determination.—

299 (2) When determining whether to release a defendant on
 300 bail or other conditions, and what that bail or those conditions

301 may be, the court shall consider:

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

304 Section 11. Paragraphs (a), (c), (e), and (g) of
 305 subsection (3) of section 921.0022, Florida Statutes, are
 306 amended to read:

307 921.0022 Criminal Punishment Code; offense severity
 308 ranking chart.—

309 (3) OFFENSE SEVERITY RANKING CHART

310 (a) LEVEL 1

311

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

312

313

314

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and collection.

315

212.15(2) (b)

3rd

Failure to remit sales taxes,
amount \$1,000 or more but less
than \$20,000.

316

316.1935(1)

3rd

Fleeing or attempting to elude
law enforcement officer.

317

319.30(5)

3rd

Sell, exchange, give away
certificate of title or
identification number plate.

318

319.35(1) (a)

3rd

Tamper, adjust, change, etc.,
an odometer.

319

320.26(1) (a)

3rd

Counterfeit, manufacture, or
sell registration license
plates or validation stickers.

320

322.212
(1) (a) - (c)

3rd

Possession of forged, stolen,
counterfeit, or unlawfully
issued driver license;
possession of simulated
identification.

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321	322.212 (4)	3rd	Supply or aid in supplying unauthorized driver license or identification card.
322	322.212 (5) (a)	3rd	False application for driver license or identification card.
323	414.39 (3) (a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.
324	443.071 (1)	3rd	False statement or representation to obtain or increase reemployment assistance benefits.
325	509.151 (1)	3rd	Defraud an innkeeper, food or lodging value \$1,000 or more.
326	517.302 (1)	3rd	Violation of the Florida Securities and Investor Protection Act.
327			

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328	713.69	3rd	Tenant removes property upon which lien has accrued, value \$1,000 or more.
329	812.014 (3) (c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
330	815.04 (4) (a)	3rd	Offense against intellectual property (i.e., computer programs, data).
331	817.52 (2)	3rd	Hiring with intent to defraud, motor vehicle services.
332	817.569 (2)	3rd	Use of public record or public records information or providing false information to facilitate commission of a felony.
333	826.01	3rd	Bigamy.
334	828.122 (3)	3rd	Fighting or baiting animals.

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335	831.04(1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
336	831.31(1) (a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
337	832.041(1)	3rd	Stopping payment with intent to defraud \$150 or more.
338	832.05(2) (b) & (4) (c)	3rd	Knowing, making, issuing worthless checks \$150 or more or obtaining property in return for worthless check \$150 or more.
339	838.15(2)	3rd	Commercial bribe receiving.
340	838.16	3rd	Commercial bribery.
	843.18	3rd	Fleeing by boat to elude a law enforcement officer.

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341	847.011 (1) (a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
342	849.09(1) (a) - (d)	3rd	Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.
343	849.23	3rd	Gambling-related machines; "common offender" as to property rights.
344	849.25(2)	3rd	Engaging in bookmaking.
345	860.08	3rd	Interfere with a railroad signal.
346	860.13(1) (a)	3rd	Operate aircraft while under the influence.
347	893.13(2) (a) 2.	3rd	Purchase of cannabis.
348			

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349	893.13(6) (a)	3rd	Possession of cannabis (more than 20 grams).
350	934.03(1) (a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.
351	(c) LEVEL 3		
352			
353	Florida Statute	Felony Degree	Description
354	119.10(2) (b)	3rd	Unlawful use of confidential information from police reports.
355	316.066 (3) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
356	316.193(2) (b)	3rd	Felony DUI, 3rd conviction.
	316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.

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357	319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
358	319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
359	319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
360	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
361	327.35(2)(b)	3rd	Felony BUI.
362	328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
363	328.07(4)	3rd	Manufacture, exchange, or

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364	376.302 (5)	3rd	possess vessel with counterfeit or wrong ID number. Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
365	379.2431 (1) (e)5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
366	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.
367	379.2431	3rd	Soliciting to commit or

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368	(1) (e) 7.		conspiring to commit a violation of the Marine Turtle Protection Act.
369	400.9935(4) (a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
370	400.9935(4) (e)	3rd	Filing a false license application or other required information or failing to report information.
371	440.1051(3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
372	501.001(2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
	624.401(4) (a)	3rd	Transacting insurance without a certificate of authority.

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373	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
374	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
375	697.08	3rd	Equity skimming.
376	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
377	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.
378	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
379	806.10 (2)	3rd	Interferes with or assaults

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firefighter in performance of
duty.

380

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

381

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

382

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

383

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

384

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

385

815.04(4)(b) 2nd Computer offense devised to
defraud or obtain property.

386

817.034(4)(a)3. 3rd Engages in scheme to defraud
(Florida Communications Fraud

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Act), property valued at less than \$20,000.

387

817.233 3rd Burning to defraud insurer.

388

817.234 3rd Unlawful solicitation of persons involved in motor vehicle accidents.
(8) (b) & (c)

389

817.234 (11) (a) 3rd Insurance fraud; property value less than \$20,000.

390

817.236 3rd Filing a false motor vehicle insurance application.

391

817.2361 3rd Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.

392

817.413 (2) 3rd Sale of used goods of \$1,000 or more as new.

393

817.49 (2) (b) 1. 3rd Willful making of a false report of a crime causing great

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bodily harm, permanent
disfigurement, or permanent
disability.

394

831.28(2) (a)

3rd

Counterfeiting a payment
instrument with intent to
defraud or possessing a
counterfeit payment instrument
with intent to defraud.

395

831.29

2nd

Possession of instruments for
counterfeiting driver licenses
or identification cards.

396

836.13(2)

3rd

Person who promotes an altered
sexual depiction of an
identifiable person without
consent.

397

838.021(3) (b)

3rd

Threatens unlawful harm to
public servant.

849.01

3rd

Keeping a gambling house.

849.09(1) (a) - (d)

3rd

Lottery; set up, promote, etc.,

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or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.

849.09(1) (e), (f), (g), (i), or (k) 3rd Conducting an unlawful lottery; second or subsequent offense.

849.09(1) (h) or (j) 3rd Conducting an unlawful lottery; second or subsequent offense.

849.15(3) (b)1. & 2. 3rd Manufacture, sale, or possession of slot machine; by manager or with prior conviction.

849.157(1) 3rd False or misleading statement to facilitate sale of slot machines or devices.

849.25(2) 3rd Engaging in bookmaking.

849.47(2) (a) & (b) 3rd Transporting persons to facilitate illegal gambling;

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minor or person 65 years of age
or older or 12 or more persons.

398

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

399

870.01(2) 3rd Riot.

400

870.01(4) 3rd Inciting a riot.

401

893.13(1)(a)2. 3rd Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs).

402

893.13(1)(d)2. 2nd Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of university.

403

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404	893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of public housing facility.
405	893.13(4)(c)	3rd	Use or hire of minor; deliver to minor other controlled substances.
406	893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
407	893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
	893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.

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408	893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
409	893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
410	893.13(8)(a)1.	3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.
411	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.

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412	893.13(8)(a)3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
413	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.
414	918.13(1)	3rd	Tampering with or fabricating physical evidence.
415	944.47 (1)(a)1. & 2.	3rd	Introduce contraband to correctional facility.
416	944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
417	985.721	3rd	Escapes from a juvenile facility (secure detention or

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residential commitment
facility).

418

419 (e) LEVEL 5

420

Florida	Felony	
Statute	Degree	Description

421

316.027 (2) (a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
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422

316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
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423

316.80 (2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
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424

322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
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425

327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
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426

379.365 (2) (c) 1. 3rd Violation of rules relating to:
willful molestation of stone
crab traps, lines, or buoys;
illegal bartering, trading, or
sale, conspiring or aiding in
such barter, trade, or sale, or
supplying, agreeing to supply,
aiding in supplying, or giving
away stone crab trap tags or
certificates; making, altering,
forging, counterfeiting, or
reproducing stone crab trap
tags; possession of forged,
counterfeit, or imitation stone
crab trap tags; and engaging in
the commercial harvest of stone
crabs while license is
suspended or revoked.

427

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

428

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

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undersized spiny lobsters.

429 381.0041(11) (b) 3rd Donate blood, plasma, or organs
knowing HIV positive.

430 440.10(1) (g) 2nd Failure to obtain workers'
compensation coverage.

431 440.105(5) 2nd Unlawful solicitation for the
purpose of making workers'
compensation claims.

432 440.381(2) 3rd Submission of false,
misleading, or incomplete
information with the purpose of
avoiding or reducing workers'
compensation premiums.

433 624.401(4) (b)2. 2nd Transacting insurance without a
certificate or authority;
premium collected \$20,000 or
more but less than \$100,000.

434 626.902(1) (c) 2nd Representing an unauthorized
insurer; repeat offender.

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435	790.01(3)	3rd	Unlawful carrying of a concealed firearm.
436	790.162	2nd	Threat to throw or discharge destructive device.
437	790.163(1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
438	790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.
439	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
440	796.05(1)	2nd	Live on earnings of a prostitute; 1st offense.
441	800.04(6)(c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.

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442	800.04(7)(b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
443	806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
444	812.0145(2)(b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
445	812.015 (8)(a) & (c) - (e)	3rd	Retail theft; property stolen is valued at \$750 or more and one or more specified acts.
446	812.015(8)(f)	3rd	Retail theft; multiple thefts within specified period.
447	812.019(1)	2nd	Stolen property; dealing in or trafficking in.
448	812.081(3)	2nd	Trafficking in trade secrets.

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449	812.131 (2) (b)	3rd	Robbery by sudden snatching.
450	812.16(2)	3rd	Owning, operating, or conducting a chop shop.
451	817.034 (4) (a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
452	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
453	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.
454	817.568 (2) (b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud,

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\$5,000 or more or use of
personal identification
information of 10 or more
persons.

455

817.611 (2) (a) 2nd Traffic in or possess 5 to 14
counterfeit credit cards or
related documents.

456

817.625 (2) (b) 2nd Second or subsequent fraudulent
use of scanning device,
skimming device, or reencoder.

457

825.1025 (4) 3rd Lewd or lascivious exhibition
in the presence of an elderly
person or disabled adult.

458

827.071 (4) 2nd Possess with intent to promote
any photographic material,
motion picture, etc., which
includes child pornography.

459

827.071 (5) 3rd Possess, control, or
intentionally view any
photographic material, motion

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picture, etc., which includes
child pornography.

460

828.12(2) 3rd Tortures any animal with intent
to inflict intense pain,
serious physical injury, or
death.

461

836.14(4) 2nd Person who willfully promotes
for financial gain a sexually
explicit image of an
identifiable person without
consent.

462

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.

463

843.01(1) 3rd Resist officer with violence to
person; resist arrest with
violence.

464

847.0135(5)(b) 2nd Lewd or lascivious exhibition

using computer; offender 18
years or older.

465

847.0137 3rd Transmission of pornography by
(2) & (3) electronic device or equipment.

466

847.0138 3rd Transmission of material
(2) & (3) harmful to minors to a minor by
electronic device or equipment.

849.15(3)(c)1. & 2. 2nd Manufacture, sale, or
possession of a slot machine;
by a manager of five or more
machines or two or more prior
convictions.

849.157(2) 2nd False or misleading statement
to facilitate sale of slot
machines or devices; five or
more machines.

849.25(3) 2nd Bookmaking; second or
subsequent offense.

467

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

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

468

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

469

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).

470

893.13(1)(c)2. 2nd Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or

community center.

471

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.

472

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

473

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

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public housing facility.

474

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

475

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

476

477 (g) LEVEL 7

478

Florida	Felony	
Statute	Degree	Description

479

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

480

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

481

316.1935(3) (b) 1st Causing serious bodily injury
or death to another person;
driving at high speed or with
wanton disregard for safety

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2024

while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.

482 327.35(3)(c)2. 3rd Vessel BUI resulting in serious bodily injury.

483 402.319(2) 2nd Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.

484 409.920 3rd Medicaid provider fraud;
(2)(b)1.a. \$10,000 or less.

485 409.920 2nd Medicaid provider fraud; more
(2)(b)1.b. than \$10,000, but less than \$50,000.

486 456.065(2) 3rd Practicing a health care profession without a license.

487 456.065(2) 2nd Practicing a health care

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profession without a license
which results in serious bodily
injury.

488

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

489

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

490

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

491

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

492

462.17 3rd Practicing naturopathy without
a license.

493

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

494

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

495

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496	465.015 (2)	3rd	Practicing pharmacy without a license.
497	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
498	467.201	3rd	Practicing midwifery without a license.
499	468.366	3rd	Delivering respiratory care services without a license.
500	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
501	483.901 (7)	3rd	Practicing medical physics without a license.
502	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
503	484.053	3rd	Dispensing hearing aids without a license.

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	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.
504	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.
505	560.125(5)(a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
506	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
507	775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew

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driver license or
 identification card; other
 registration violations.

508

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

509

775.21(10) (g) 3rd Failure to report or providing
 false information about a
 sexual predator; harbor or
 conceal a sexual predator.

510

782.051 (3) 2nd Attempted felony murder of a
 person by a person other than
 the perpetrator or the
 perpetrator of an attempted
 felony.

511

782.07(1) 2nd Killing of a human being by the
 act, procurement, or culpable
 negligence of another
 (manslaughter).

512

782.071 2nd Killing of a human being or
 unborn child by the operation

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520	784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
521	784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
522	784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
523	784.081(1)	1st	Aggravated battery on specified official or employee.
524	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
525	784.083(1)	1st	Aggravated battery on code inspector.
526	787.06(3)(a)2.	1st	Human trafficking using coercion for labor and services of an adult.
	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.

527

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

528

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

529

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

530

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

531

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

532

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533	790.166 (4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
534	790.23	1st, PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
535	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.
536	796.05 (1)	1st	Live on earnings of a prostitute; 2nd offense.
537	796.05 (1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.
	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation;

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victim younger than 12 years of age; offender younger than 18 years of age.

538

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.

539

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.

540

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

541

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

542

810.02(3)(b) 2nd Burglary of unoccupied dwelling; unarmed; no assault

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or battery.

543

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

544

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

545

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.

546

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

547

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

548

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549	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
550	812.014 (2) (f)	2nd	Grand theft; second degree; firearm with previous conviction of s. 812.014 (2) (c) 5.
551	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
552	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
553	812.131 (2) (a)	2nd	Robbery by sudden snatching.
554	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
555	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.

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556	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
557	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
558	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
559	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.
560	817.418 (2) (a)	3rd	Offering for sale or advertising personal protective equipment with intent to defraud.
	817.504 (1) (a)	3rd	Offering or advertising a

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vaccine with intent to defraud.

561

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

562

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

563

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

564

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.

565

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

566

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

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years of age or older.

567

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

568

838.015 2nd Bribery.

569

838.016 2nd Unlawful compensation or reward
for official behavior.

570

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

571

838.22 2nd Bid tampering.

572

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

573

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

574

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

575

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576	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
	847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
577	<u>849.155</u>	<u>1st</u>	<u>Trafficking in slot machines or devices or any part thereof.</u>
578	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.
579	874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
580	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.

581

893.13(1) (e) 1. 1st Sell, manufacture, or deliver
 cocaine or other drug
 prohibited under s.

893.03(1) (a), (1) (b), (1) (d),
 (2) (a), (2) (b), or (2) (c) 5.,
 within 1,000 feet of property
 used for religious services or
 a specified business site.

582

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

583

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

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591	893.135 (1) (c) 4.b. (I)	1st	Trafficking in fentanyl, 4 grams or more, less than 14 grams.
592	893.135 (1) (d) 1.a.	1st	Trafficking in phencyclidine, 28 grams or more, less than 200 grams.
593	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, 200 grams or more, less than 5 kilograms.
594	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, 14 grams or more, less than 28 grams.
595	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
596	893.135 (1) (h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.

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597	893.135 (1) (j)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
598	893.135 (1) (k)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
599	893.135 (1) (m)2.a.	1st	Trafficking in synthetic cannabinoids, 280 grams or more, less than 500 grams.
600	893.135 (1) (m)2.b.	1st	Trafficking in synthetic cannabinoids, 500 grams or more, less than 1,000 grams.
601	893.135 (1) (n)2.a.	1st	Trafficking in n-benzyl phenethylamines, 14 grams or more, less than 100 grams.
602	893.1351(2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
	896.101 (5) (a)	3rd	Money laundering, financial

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2024

transactions exceeding \$300 but less than \$20,000.

603

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

604

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

605

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

606

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

607

943.0435 (13) 3rd Failure to report or providing false information about a

608	943.0435(14)	3rd	sexual offender; harbor or conceal a sexual offender.
609	944.607(9)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
610	944.607(10)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
611	944.607(12)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
612	944.607(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
			Sexual offender; failure to report and reregister; failure to respond to address

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verification; providing false registration information.

613

985.4815(10)

3rd

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

614

985.4815(12)

3rd

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

615

985.4815(13)

3rd

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

616

617

Section 12. This act shall take effect July 1, 2024.