

By Senator Avila

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1 A bill to be entitled
2 An act relating to firearm offenses; amending s.
3 775.087, F.S.; adding the conviction for committing or
4 the attempt to commit a felony offense of human
5 trafficking to the list of offenses during the
6 commission of which if a person possesses a firearm,
7 destructive device, a semiautomatic firearm and its
8 high-capacity detachable box magazine, or a machine
9 gun, such person is subject to a specified mandatory
10 minimum term of imprisonment; conforming provisions to
11 changes made by the act; amending s. 790.22, F.S.;
12 increasing the maximum number of days of detention
13 that a minor who violates specified provisions for a
14 first, second, or subsequent offense may serve in a
15 secure detention facility; amending s. 812.014, F.S.;
16 increasing the criminal penalties and providing that
17 it is grand theft of the second degree if the property
18 stolen is a firearm and the offender has previously
19 been convicted for grand theft of a firearm under a
20 specified provision; conforming a provision to changes
21 made by the act; amending s. 985.24, F.S.; requiring
22 consideration of a juvenile's use of a firearm when
23 determining detention; amending s. 985.245, F.S.;
24 requiring the juvenile risk assessment instrument to
25 consider a juvenile's unlawful use of a firearm;
26 amending s. 985.25, F.S.; requiring a juvenile charged
27 with an offense involving the possession or use of a
28 firearm to be placed in secure detention care at a
29 specified hearing; amending s. 921.0022, F.S.; ranking

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30 offenses on the offense severity ranking chart of the
31 Criminal Punishment Code; providing an effective date.

32
33 Be It Enacted by the Legislature of the State of Florida:

34
35 Section 1. Paragraph (a) of subsection (2) and paragraph
36 (a) of subsection (3) of section 775.087, Florida Statutes, are
37 amended to read:

38 775.087 Possession or use of weapon; aggravated battery;
39 felony reclassification; minimum sentence.-

40 (2) (a) 1. Any person who is convicted of a felony or an
41 attempt to commit a felony, regardless of whether the use of a
42 weapon is an element of the felony, and the conviction was for:

- 43 a. Murder;
- 44 b. Sexual battery;
- 45 c. Robbery;
- 46 d. Burglary;
- 47 e. Arson;
- 48 f. Aggravated battery;
- 49 g. Kidnapping;
- 50 h. Escape;
- 51 i. Aircraft piracy;
- 52 j. Aggravated child abuse;
- 53 k. Aggravated abuse of an elderly person or disabled adult;
- 54 l. Unlawful throwing, placing, or discharging of a
55 destructive device or bomb;
- 56 m. Carjacking;
- 57 n. Home-invasion robbery;
- 58 o. Aggravated stalking;

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59 p. Trafficking in cannabis, trafficking in cocaine, capital
60 importation of cocaine, trafficking in illegal drugs, capital
61 importation of illegal drugs, trafficking in phencyclidine,
62 capital importation of phencyclidine, trafficking in
63 methaqualone, capital importation of methaqualone, trafficking
64 in amphetamine, capital importation of amphetamine, trafficking
65 in flunitrazepam, trafficking in gamma-hydroxybutyric acid
66 (GHB), trafficking in 1,4-Butanediol, trafficking in
67 Phenethylamines, or other violation of s. 893.135(1); ~~or~~

68 q. Human trafficking; or

69 r. Possession of a firearm by a felon;

70

71 and during the commission of the offense, such person actually
72 possessed a "firearm" or "destructive device" as those terms are
73 defined in s. 790.001, shall be sentenced to a minimum term of
74 imprisonment of 10 years, except that a person who is convicted
75 for possession of a firearm by a felon or burglary of a
76 conveyance shall be sentenced to a minimum term of imprisonment
77 of 3 years if such person possessed a "firearm" or "destructive
78 device" during the commission of the offense. However, if an
79 offender who is convicted of the offense of possession of a
80 firearm by a felon has a previous conviction of committing or
81 attempting to commit a felony listed in s. 775.084(1)(b)1. and
82 actually possessed a firearm or destructive device during the
83 commission of the prior felony, the offender shall be sentenced
84 to a minimum term of imprisonment of 10 years.

85 2. Any person who is convicted of a felony or an attempt to
86 commit a felony listed in sub-subparagraphs 1.a.-q. ~~sub-~~
87 ~~subparagraphs (a)1.a.-p.~~, regardless of whether the use of a

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88 weapon is an element of the felony, and during the course of the
89 commission of the felony such person discharged a "firearm" or
90 "destructive device" as defined in s. 790.001 shall be sentenced
91 to a minimum term of imprisonment of 20 years.

92 3. Any person who is convicted of a felony or an attempt to
93 commit a felony listed in sub-subparagraphs 1.a.-q. ~~sub-~~
94 ~~subparagraphs (a)1.a.-p.~~, regardless of whether the use of a
95 weapon is an element of the felony, and during the course of the
96 commission of the felony such person discharged a "firearm" or
97 "destructive device" as defined in s. 790.001 and, as the result
98 of the discharge, death or great bodily harm was inflicted upon
99 any person, the convicted person shall be sentenced to a minimum
100 term of imprisonment of not less than 25 years and not more than
101 a term of imprisonment of life in prison.

102 (3) (a) 1. Any person who is convicted of a felony or an
103 attempt to commit a felony, regardless of whether the use of a
104 firearm is an element of the felony, and the conviction was for:

- 105 a. Murder;
- 106 b. Sexual battery;
- 107 c. Robbery;
- 108 d. Burglary;
- 109 e. Arson;
- 110 f. Aggravated battery;
- 111 g. Kidnapping;
- 112 h. Escape;
- 113 i. Sale, manufacture, delivery, or intent to sell,
114 manufacture, or deliver any controlled substance;
- 115 j. Aircraft piracy;
- 116 k. Aggravated child abuse;

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117 l. Aggravated abuse of an elderly person or disabled adult;
118 m. Unlawful throwing, placing, or discharging of a
119 destructive device or bomb;
120 n. Carjacking;
121 o. Home-invasion robbery;
122 p. Aggravated stalking; ~~or~~
123 q. Trafficking in cannabis, trafficking in cocaine, capital
124 importation of cocaine, trafficking in illegal drugs, capital
125 importation of illegal drugs, trafficking in phencyclidine,
126 capital importation of phencyclidine, trafficking in
127 methaqualone, capital importation of methaqualone, trafficking
128 in amphetamine, capital importation of amphetamine, trafficking
129 in flunitrazepam, trafficking in gamma-hydroxybutyric acid
130 (GHB), trafficking in 1,4-Butanediol, trafficking in
131 Phenethylamines, or other violation of s. 893.135(1); or
132 r. Human trafficking;
133

134 and during the commission of the offense, such person possessed
135 a semiautomatic firearm and its high-capacity detachable box
136 magazine or a machine gun as defined in s. 790.001, shall be
137 sentenced to a minimum term of imprisonment of 15 years.

138 2. Any person who is convicted of a felony or an attempt to
139 commit a felony listed in subparagraph 1. ~~subparagraph (a)1.~~,
140 regardless of whether the use of a weapon is an element of the
141 felony, and during the course of the commission of the felony
142 such person discharged a semiautomatic firearm and its high-
143 capacity box magazine or a "machine gun" as defined in s.
144 790.001 shall be sentenced to a minimum term of imprisonment of
145 20 years.

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146 3. Any person who is convicted of a felony or an attempt to
147 commit a felony listed in subparagraph 1. ~~subparagraph (a)1.~~,
148 regardless of whether the use of a weapon is an element of the
149 felony, and during the course of the commission of the felony
150 such person discharged a semiautomatic firearm and its high-
151 capacity box magazine or a "machine gun" as defined in s.
152 790.001 and, as the result of the discharge, death or great
153 bodily harm was inflicted upon any person, the convicted person
154 shall be sentenced to a minimum term of imprisonment of not less
155 than 25 years and not more than a term of imprisonment of life
156 in prison.

157 Section 2. Subsection (5) of section 790.22, Florida
158 Statutes, is amended, and subsection (3) of that section is
159 republished, to read:

160 790.22 Use of BB guns, air or gas-operated guns, or
161 electric weapons or devices by minor under 16; limitation;
162 possession of firearms by minor under 18 prohibited; penalties.-

163 (3) A minor under 18 years of age may not possess a
164 firearm, other than an unloaded firearm at his or her home,
165 unless:

166 (a) The minor is engaged in a lawful hunting activity and
167 is:

- 168 1. At least 16 years of age; or
169 2. Under 16 years of age and supervised by an adult.

170 (b) The minor is engaged in a lawful marksmanship
171 competition or practice or other lawful recreational shooting
172 activity and is:

- 173 1. At least 16 years of age; or
174 2. Under 16 years of age and supervised by an adult who is

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175 acting with the consent of the minor's parent or guardian.

176 (c) The firearm is unloaded and is being transported by the
177 minor directly to or from an event authorized in paragraph (a)
178 or paragraph (b).

179 (5) (a) A minor who violates subsection (3) commits a
180 misdemeanor of the first degree; for a first offense, may serve
181 a period of detention of up to 5 ~~3~~ days in a secure detention
182 facility; and, in addition to any other penalty provided by law,
183 shall be required to perform 100 hours of community service;
184 and:

185 1. If the minor is eligible by reason of age for a driver
186 license or driving privilege, the court may direct the
187 Department of Highway Safety and Motor Vehicles to revoke or to
188 withhold issuance of the minor's driver license or driving
189 privilege for up to 1 year.

190 2. If the minor's driver license or driving privilege is
191 under suspension or revocation for any reason, the court may
192 direct the Department of Highway Safety and Motor Vehicles to
193 extend the period of suspension or revocation by an additional
194 period of up to 1 year.

195 3. If the minor is ineligible by reason of age for a driver
196 license or driving privilege, the court may direct the
197 Department of Highway Safety and Motor Vehicles to withhold
198 issuance of the minor's driver license or driving privilege for
199 up to 1 year after the date on which the minor would otherwise
200 have become eligible.

201 (b) For a second or subsequent offense, a minor who
202 violates subsection (3) commits a felony of the third degree and
203 shall serve a period of detention of up to 21 ~~15~~ days in a

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204 secure detention facility and shall be required to perform not
205 less than 100 nor more than 250 hours of community service, and:

206 1. If the minor is eligible by reason of age for a driver
207 license or driving privilege, the court may direct the
208 Department of Highway Safety and Motor Vehicles to revoke or to
209 withhold issuance of the minor's driver license or driving
210 privilege for up to 2 years.

211 2. If the minor's driver license or driving privilege is
212 under suspension or revocation for any reason, the court may
213 direct the Department of Highway Safety and Motor Vehicles to
214 extend the period of suspension or revocation by an additional
215 period of up to 2 years.

216 3. If the minor is ineligible by reason of age for a driver
217 license or driving privilege, the court may direct the
218 Department of Highway Safety and Motor Vehicles to withhold
219 issuance of the minor's driver license or driving privilege for
220 up to 2 years after the date on which the minor would otherwise
221 have become eligible.

222
223 For the purposes of this subsection, community service shall be
224 performed, if possible, in a manner involving a hospital
225 emergency room or other medical environment that deals on a
226 regular basis with trauma patients and gunshot wounds.

227 Section 3. Subsection (2) of section 812.014, Florida
228 Statutes, is amended to read:

229 812.014 Theft.—

230 (2) (a) 1. If the property stolen is valued at \$100,000 or
231 more or is a semitrailer that was deployed by a law enforcement
232 officer; or

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233 2. If the property stolen is cargo valued at \$50,000 or
234 more that has entered the stream of interstate or intrastate
235 commerce from the shipper's loading platform to the consignee's
236 receiving dock; or

237 3. If the offender commits any grand theft and:

238 a. In the course of committing the offense the offender
239 uses a motor vehicle as an instrumentality, other than merely as
240 a getaway vehicle, to assist in committing the offense and
241 thereby damages the real property of another; or

242 b. In the course of committing the offense the offender
243 causes damage to the real or personal property of another in
244 excess of \$1,000,

245
246 the offender commits grand theft in the first degree, punishable
247 as a felony of the first degree, as provided in s. 775.082, s.
248 775.083, or s. 775.084.

249 (b)1. If the property stolen is valued at \$20,000 or more,
250 but less than \$100,000;

251 2. If the property stolen is cargo valued at less than
252 \$50,000 that has entered the stream of interstate or intrastate
253 commerce from the shipper's loading platform to the consignee's
254 receiving dock;

255 3. If the property stolen is emergency medical equipment,
256 valued at \$300 or more, that is taken from a facility licensed
257 under chapter 395 or from an aircraft or vehicle permitted under
258 chapter 401; or

259 4. If the property stolen is law enforcement equipment,
260 valued at \$300 or more, that is taken from an authorized
261 emergency vehicle, as defined in s. 316.003,

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262
263 the offender commits grand theft in the second degree,
264 punishable as a felony of the second degree, as provided in s.
265 775.082, s. 775.083, or s. 775.084. Emergency medical equipment
266 means mechanical or electronic apparatus used to provide
267 emergency services and care as defined in s. 395.002(9) or to
268 treat medical emergencies. Law enforcement equipment means any
269 property, device, or apparatus used by any law enforcement
270 officer as defined in s. 943.10 in the officer's official
271 business. However, if the property is stolen during a riot or an
272 aggravated riot prohibited under s. 870.01 and the perpetration
273 of the theft is facilitated by conditions arising from the riot;
274 or within a county that is subject to a state of emergency
275 declared by the Governor under chapter 252, the theft is
276 committed after the declaration of emergency is made, and the
277 perpetration of the theft is facilitated by conditions arising
278 from the emergency, the theft is a felony of the first degree,
279 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
280 As used in this paragraph, the term "conditions arising from the
281 riot" means civil unrest, power outages, curfews, or a reduction
282 in the presence of or response time for first responders or
283 homeland security personnel and the term "conditions arising
284 from the emergency" means civil unrest, power outages, curfews,
285 voluntary or mandatory evacuations, or a reduction in the
286 presence of or response time for first responders or homeland
287 security personnel. A person arrested for committing a theft
288 during a riot or an aggravated riot or within a county that is
289 subject to a state of emergency may not be released until the
290 person appears before a committing magistrate at a first

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291 appearance hearing. For purposes of sentencing under chapter
292 921, a felony offense that is reclassified under this paragraph
293 is ranked one level above the ranking under s. 921.0022 or s.
294 921.0023 of the offense committed.

295 (c) It is grand theft of the third degree and a felony of
296 the third degree, punishable as provided in s. 775.082, s.
297 775.083, or s. 775.084, if the property stolen is:

- 298 1. Valued at \$750 or more, but less than \$5,000.
- 299 2. Valued at \$5,000 or more, but less than \$10,000.
- 300 3. Valued at \$10,000 or more, but less than \$20,000.
- 301 4. A will, codicil, or other testamentary instrument.
- 302 5. A firearm, except as provided in paragraph (f).
- 303 6. A motor vehicle, except as provided in paragraph (a).
- 304 7. Any commercially farmed animal, including any animal of
305 the equine, avian, bovine, or swine class or other grazing
306 animal; a bee colony of a registered beekeeper; and aquaculture
307 species raised at a certified aquaculture facility. If the
308 property stolen is a commercially farmed animal, including an
309 animal of the equine, avian, bovine, or swine class or other
310 grazing animal; a bee colony of a registered beekeeper; or an
311 aquaculture species raised at a certified aquaculture facility,
312 a \$10,000 fine shall be imposed.
- 313 8. Any fire extinguisher that, at the time of the taking,
314 was installed in any building for the purpose of fire prevention
315 and control. This subparagraph does not apply to a fire
316 extinguisher taken from the inventory at a point-of-sale
317 business.
- 318 9. Any amount of citrus fruit consisting of 2,000 or more
319 individual pieces of fruit.

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320 10. Taken from a designated construction site identified by
321 the posting of a sign as provided for in s. 810.09(2)(d).

322 11. Any stop sign.

323 12. Anhydrous ammonia.

324 13. Any amount of a controlled substance as defined in s.
325 893.02. Notwithstanding any other law, separate judgments and
326 sentences for theft of a controlled substance under this
327 subparagraph and for any applicable possession of controlled
328 substance offense under s. 893.13 or trafficking in controlled
329 substance offense under s. 893.135 may be imposed when all such
330 offenses involve the same amount or amounts of a controlled
331 substance.

332
333 However, if the property is stolen during a riot or an
334 aggravated riot prohibited under s. 870.01 and the perpetration
335 of the theft is facilitated by conditions arising from the riot;
336 or within a county that is subject to a state of emergency
337 declared by the Governor under chapter 252, the property is
338 stolen after the declaration of emergency is made, and the
339 perpetration of the theft is facilitated by conditions arising
340 from the emergency, the offender commits a felony of the second
341 degree, punishable as provided in s. 775.082, s. 775.083, or s.
342 775.084, if the property is valued at \$5,000 or more, but less
343 than \$10,000, as provided under subparagraph 2., or if the
344 property is valued at \$10,000 or more, but less than \$20,000, as
345 provided under subparagraph 3. As used in this paragraph, the
346 terms "conditions arising from a riot" and "conditions arising
347 from the emergency" have the same meanings as provided in
348 paragraph (b). A person arrested for committing a theft during a

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349 riot or an aggravated riot or within a county that is subject to
350 a state of emergency may not be released until the person
351 appears before a committing magistrate at a first appearance
352 hearing. For purposes of sentencing under chapter 921, a felony
353 offense that is reclassified under this paragraph is ranked one
354 level above the ranking under s. 921.0022 or s. 921.0023 of the
355 offense committed.

356 (d) It is grand theft of the third degree and a felony of
357 the third degree, punishable as provided in s. 775.082, s.
358 775.083, or s. 775.084, if the property stolen is valued at \$100
359 or more, but less than \$750, and is taken from a dwelling as
360 defined in s. 810.011(2) or from the unenclosed curtilage of a
361 dwelling pursuant to s. 810.09(1).

362 (e) Except as provided in paragraph (d), if the property
363 stolen is valued at \$100 or more, but less than \$750, the
364 offender commits petit theft of the first degree, punishable as
365 a misdemeanor of the first degree, as provided in s. 775.082 or
366 s. 775.083.

367 (f) It is grand theft of the second degree and a felony of
368 the second degree, punishable as provided in s. 775.082, s.
369 775.083, or s. 775.084, if the property stolen is a firearm and
370 the offender has previously been convicted of grand theft of a
371 firearm under subparagraph (c)5.

372 Section 4. Paragraph (b) of subsection (1) of section
373 985.24, Florida Statutes, is amended to read:

374 985.24 Use of detention; prohibitions.—

375 (1) All determinations and court orders regarding the use
376 of detention care shall be based primarily upon findings that
377 the child:

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378 (b) Presents a substantial risk of inflicting bodily harm
379 on others as evidenced by recent behavior, including the illegal
380 possession or use of a firearm;

381 Section 5. Paragraph (b) of subsection (2) of section
382 985.245, Florida Statutes, is amended to read:

383 985.245 Risk assessment instrument.—

384 (2)

385 (b) The risk assessment instrument shall take into
386 consideration, but need not be limited to, pending felony and
387 misdemeanor offenses, offenses committed pending adjudication,
388 prior offenses, unlawful possession or use of a firearm, prior
389 history of failure to appear, violations of supervision, and
390 supervision status at the time the child is taken into custody.
391 The risk assessment instrument shall also take into
392 consideration all statutory mandates for detention care. The
393 risk assessment instrument shall also include any information
394 concerning the child's history of abuse and neglect. The risk
395 assessment shall indicate whether detention care is warranted,
396 and, if detention care is warranted, whether the child should be
397 placed into secure or supervised release detention care.

398 Section 6. Paragraph (b) of subsection (1) of section
399 985.25, Florida Statutes, is amended to read:

400 985.25 Detention intake.—

401 (1) The department shall receive custody of a child who has
402 been taken into custody from the law enforcement agency or court
403 and shall review the facts in the law enforcement report or
404 probable cause affidavit and make such further inquiry as may be
405 necessary to determine whether detention care is appropriate.

406 (b) The department shall base the decision whether to place

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407 the child into detention care on an assessment of risk in
 408 accordance with the risk assessment instrument and procedures
 409 developed by the department under s. 985.245, except that a
 410 child shall be placed in secure detention care until the child's
 411 detention hearing if the child meets the criteria specified in
 412 s. 985.255(1)(f), ~~or~~ is charged with possessing or discharging a
 413 firearm on school property in violation of s. 790.115, or is
 414 charged with any other offense involving the possession or use
 415 of a firearm.

416
 417 Under no circumstances shall the department or the state
 418 attorney or law enforcement officer authorize the detention of
 419 any child in a jail or other facility intended or used for the
 420 detention of adults, without an order of the court.

421 Section 7. Paragraphs (d), (f), and (g) of subsection (3)
 422 of section 921.0022, Florida Statutes, are amended to read:

423 921.0022 Criminal Punishment Code; offense severity ranking
 424 chart.—

425 (3) OFFENSE SEVERITY RANKING CHART

426 (d) LEVEL 4

427

Florida Statute	Felony Degree	Description
316.1935(3)(a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law

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enforcement officer who
is in a patrol vehicle
with siren and lights
activated.

429

499.0051 (1)

3rd

Failure to maintain or
deliver transaction
history, transaction
information, or
transaction statements.

430

499.0051 (5)

2nd

Knowing sale or
delivery, or possession
with intent to sell,
contraband prescription
drugs.

431

517.07 (1)

3rd

Failure to register
securities.

432

517.12 (1)

3rd

Failure of dealer,
associated person, or
issuer of securities to
register.

433

784.07 (2) (b)

3rd

Battery of law
enforcement officer,
firefighter, etc.

434

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435	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
436	784.075	3rd	Battery on detention or commitment facility staff.
437	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
438	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
439	784.081 (3)	3rd	Battery on specified official or employee.
440	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
441	784.083 (3)	3rd	Battery on code inspector.
	784.085	3rd	Battery of child by throwing, tossing,

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projecting, or
expelling certain
fluids or materials.

442

787.03(1)

3rd

Interference with
custody; wrongly takes
minor from appointed
guardian.

443

787.04(2)

3rd

Take, entice, or remove
child beyond state
limits with criminal
intent pending custody
proceedings.

444

787.04(3)

3rd

Carrying child beyond
state lines with
criminal intent to
avoid producing child
at custody hearing or
delivering to
designated person.

445

787.07

3rd

Human smuggling.

446

790.115(1)

3rd

Exhibiting firearm or
weapon within 1,000
feet of a school.

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448	790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
449	790.115 (2) (c)	3rd	Possessing firearm on school property.
450	794.051 (1)	3rd	Indecent, lewd, or lascivious touching of certain minors.
451	800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
452	806.135	2nd	Destroying or demolishing a memorial or historic property.
453	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
453	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an

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			unoccupied conveyance; unarmed; no assault or battery.
454	810.06	3rd	Burglary; possession of tools.
455	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
456	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
457	<u>812.014</u> <u>(2) (c) 4. & 6.-10.</u>	3rd	Grand theft, 3rd degree; specified items.
	812.014 (2) (c) 4.-10.		
458	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
459	817.505 (4) (a)	3rd	Patient brokering.
460	817.563 (1)	3rd	Sell or deliver substance other than

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controlled substance
 agreed upon, excluding
 s. 893.03(5) drugs.

461

817.568 (2) (a)

3rd

Fraudulent use of
 personal identification
 information.

462

817.625 (2) (a)

3rd

Fraudulent use of
 scanning device,
 skimming device, or
 reencoder.

463

817.625 (2) (c)

3rd

Possess, sell, or
 deliver skimming
 device.

464

828.125 (1)

2nd

Kill, maim, or cause
 great bodily harm or
 permanent breeding
 disability to any
 registered horse or
 cattle.

465

836.14 (2)

3rd

Person who commits
 theft of a sexually
 explicit image with
 intent to promote it.

466

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467	836.14 (3)	3rd	Person who willfully possesses a sexually explicit image with certain knowledge, intent, and purpose.
468	837.02 (1)	3rd	Perjury in official proceedings.
469	837.021 (1)	3rd	Make contradictory statements in official proceedings.
470	838.022	3rd	Official misconduct.
471	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
472	839.13 (2) (c)	3rd	Falsifying records of the Department of Children and Families.
473	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
	843.025	3rd	Deprive law

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enforcement,
 correctional, or
 correctional probation
 officer of means of
 protection or
 communication.

474

843.15 (1) (a)

3rd

Failure to appear while
 on bail for felony
 (bond estreature or
 bond jumping).

475

847.0135 (5) (c)

3rd

Lewd or lascivious
 exhibition using
 computer; offender less
 than 18 years.

476

870.01 (3)

2nd

Aggravated rioting.

477

870.01 (5)

2nd

Aggravated inciting a
 riot.

478

874.05 (1) (a)

3rd

Encouraging or
 recruiting another to
 join a criminal gang.

479

893.13 (2) (a) 1.

2nd

Purchase of cocaine (or
 other s. 893.03 (1) (a),
 (b), or (d), (2) (a),

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			(2) (b), or (2) (c) 5. drugs).
480	914.14 (2)	3rd	Witnesses accepting bribes.
481	914.22 (1)	3rd	Force, threaten, etc., witness, victim, or informant.
482	914.23 (2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
483	916.1085 (2) (c) 1.	3rd	Introduction of specified contraband into certain DCF facilities.
484	918.12	3rd	Tampering with jurors.
485	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
486	944.47 (1) (a) 6.	3rd	Introduction of contraband (cellular

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telephone or other portable communication device) into correctional institution.

487

951.22 (1) (h) ,
(j) & (k)

3rd

Intoxicating drug, instrumentality or other device to aid escape, or cellular telephone or other portable communication device introduced into county detention facility.

488

489

(f) LEVEL 6

490

Florida
Statute

Felony
Degree

Description

491

316.027 (2) (b)

2nd

Leaving the scene of a crash involving serious bodily injury.

492

316.193 (2) (b)

3rd

Felony DUI, 4th or subsequent conviction.

493

400.9935 (4) (c)

2nd

Operating a clinic, or

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494	499.0051 (2)	2nd	offering services requiring licensure, without a license.
495	499.0051 (3)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
496	499.0051 (4)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
497	775.0875 (1)	3rd	Knowing sale or transfer of prescription drug to unauthorized person. Taking firearm from law enforcement officer.
498	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
499	784.021 (1) (b)	3rd	Aggravated assault;

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500
501
502
503
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505
506

			intent to commit felony.
784.041	3rd		Felony battery; domestic battery by strangulation.
784.048 (3)	3rd		Aggravated stalking; credible threat.
784.048 (5)	3rd		Aggravated stalking of person under 16.
784.07 (2) (c)	2nd		Aggravated assault on law enforcement officer.
784.074 (1) (b)	2nd		Aggravated assault on sexually violent predators facility staff.
784.08 (2) (b)	2nd		Aggravated assault on a person 65 years of age or older.
784.081 (2)	2nd		Aggravated assault on specified official or employee.

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507

784.082 (2) 2nd Aggravated assault by
detained person on
visitor or other
detainee.

508

784.083 (2) 2nd Aggravated assault on
code inspector.

509

787.02 (2) 3rd False imprisonment;
restraining with
purpose other than
those in s. 787.01.

510

790.115 (2) (d) 2nd Discharging firearm or
weapon on school
property.

511

790.161 (2) 2nd Make, possess, or
throw destructive
device with intent to
do bodily harm or
damage property.

512

790.164 (1) 2nd False report
concerning bomb,
explosive, weapon of
mass destruction, act
of arson or violence

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513

to state property, or
use of firearms in
violent manner.

790.19

2nd

Shooting or throwing
deadly missiles into
dwellings, vessels, or
vehicles.

514

794.011 (8) (a)

3rd

Solicitation of minor
to participate in
sexual activity by
custodial adult.

515

794.05 (1)

2nd

Unlawful sexual
activity with
specified minor.

516

800.04 (5) (d)

3rd

Lewd or lascivious
molestation; victim 12
years of age or older
but less than 16 years
of age; offender less
than 18 years.

517

800.04 (6) (b)

2nd

Lewd or lascivious
conduct; offender 18
years of age or older.

518

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519	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
520	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
521	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
522	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
523	<u>812.014 (2) (c) 5.</u>	<u>3rd</u>	<u>Grand theft; third degree; firearm.</u>
524	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
	812.015 (9) (a)	2nd	Retail theft; property

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525

812.015 (9) (b)

2nd

stolen \$750 or more;
second or subsequent
conviction.

526

812.015 (9) (d)

2nd

Retail theft;
aggregated property
stolen within 30 days
is \$3,000 or more;
coordination of
others.

527

812.13 (2) (c)

2nd

Retail theft; multiple
thefts within
specified period.

528

817.4821 (5)

2nd

Robbery, no firearm or
other weapon (strong-
arm robbery).

529

817.49 (2) (b) 2.

2nd

Possess cloning
paraphernalia with
intent to create
cloned cellular
telephones.

Willful making of a
false report of a
crime resulting in
death.

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530

817.505 (4) (b) 2nd Patient brokering; 10
or more patients.

531

825.102 (1) 3rd Abuse of an elderly
person or disabled
adult.

532

825.102 (3) (c) 3rd Neglect of an elderly
person or disabled
adult.

533

825.1025 (3) 3rd Lewd or lascivious
molestation of an
elderly person or
disabled adult.

534

825.103 (3) (c) 3rd Exploiting an elderly
person or disabled
adult and property is
valued at less than
\$10,000.

535

827.03 (2) (c) 3rd Abuse of a child.

536

827.03 (2) (d) 3rd Neglect of a child.

537

827.071 (2) & (3) 2nd Use or induce a child
in a sexual

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538

performance, or
promote or direct such
performance.

828.126 (3)

3rd

Sexual activities
involving animals.

539

836.05

2nd

Threats; extortion.

540

836.10

2nd

Written or electronic
threats to kill, do
bodily injury, or
conduct a mass
shooting or an act of
terrorism.

541

843.12

3rd

Aids or assists person
to escape.

542

847.011

3rd

Distributing, offering
to distribute, or
possessing with intent
to distribute obscene
materials depicting
minors.

543

847.012

3rd

Knowingly using a
minor in the
production of

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544

materials harmful to
minors.

847.0135 (2)

3rd

Facilitates sexual
conduct of or with a
minor or the visual
depiction of such
conduct.

545

914.23

2nd

Retaliation against a
witness, victim, or
informant, with bodily
injury.

546

918.13 (2) (b)

2nd

Tampering with or
fabricating physical
evidence relating to a
capital felony.

547

944.35 (3) (a) 2.

3rd

Committing malicious
battery upon or
inflicting cruel or
inhuman treatment on
an inmate or offender
on community
supervision, resulting
in great bodily harm.

548

944.40

2nd

Escapes.

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549

944.46 3rd Harboring, concealing,
aiding escaped
prisoners.

550

944.47 (1) (a) 5. 2nd Introduction of
contraband (firearm,
weapon, or explosive)
into correctional
facility.

551

951.22 (1) (i) 3rd Firearm or weapon
introduced into county
detention facility.

552

553 (g) LEVEL 7

554

Florida	Felony	
Statute	Degree	Description

555

316.027 (2) (c)	1st	Accident involving death, failure to stop; leaving scene.
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556

316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.
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557

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

558

327.35 (3) (c) 2.

3rd

Vessel BUI resulting in serious bodily injury.

559

402.319 (2)

2nd

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

560

409.920
(2) (b) 1.a.

3rd

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

561

409.920
(2) (b) 1.b.

2nd

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

562

456.065 (2)

3rd

Practicing a health care

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profession without a
license.

563
564
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570

456.065 (2)

2nd

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

458.327 (1)

3rd

Practicing medicine
without a license.

459.013 (1)

3rd

Practicing osteopathic
medicine without a
license.

460.411 (1)

3rd

Practicing chiropractic
medicine without a
license.

461.012 (1)

3rd

Practicing podiatric
medicine without a
license.

462.17

3rd

Practicing naturopathy
without a license.

463.015 (1)

3rd

Practicing optometry
without a license.

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571
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464.016 (1)	3rd	Practicing nursing without a license.
465.015 (2)	3rd	Practicing pharmacy without a license.
466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
467.201	3rd	Practicing midwifery without a license.
468.366	3rd	Delivering respiratory care services without a license.
483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
483.901 (7)	3rd	Practicing medical physics without a license.
484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.

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579 484.053 3rd Dispensing hearing aids without a license.

580 494.0018 (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.

581 560.123 (8) (b) 1. 3rd Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.

582 560.125 (5) (a) 3rd Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.

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

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financial institution.

583

775.21 (10) (a)

3rd

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

584

775.21 (10) (b)

3rd

Sexual predator working where children regularly congregate.

585

775.21 (10) (g)

3rd

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

586

782.051 (3)

2nd

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

587

782.07 (1)

2nd

Killing of a human being by the act, procurement,

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or culpable negligence
of another
(manslaughter).

588

782.071

2nd

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

589

782.072

2nd

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

590

784.045 (1) (a) 1.

2nd

Aggravated battery;
intentionally causing
great bodily harm or
disfigurement.

591

784.045 (1) (a) 2.

2nd

Aggravated battery;
using deadly weapon.

592

784.045 (1) (b)

2nd

Aggravated battery;
perpetrator aware victim
pregnant.

593

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594
595
596
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600

784.048 (4)

3rd

Aggravated stalking;
violation of injunction
or court order.

784.048 (7)

3rd

Aggravated stalking;
violation of court
order.

784.07 (2) (d)

1st

Aggravated battery on
law enforcement officer.

784.074 (1) (a)

1st

Aggravated battery on
sexually violent
predators facility
staff.

784.08 (2) (a)

1st

Aggravated battery on a
person 65 years of age
or older.

784.081 (1)

1st

Aggravated battery on
specified official or
employee.

784.082 (1)

1st

Aggravated battery by
detained person on
visitor or other
detainee.

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601	784.083 (1)	1st	Aggravated battery on code inspector.
602	787.06 (3) (a) 2.	1st	Human trafficking using coercion for labor and services of an adult.
603	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.
604	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
605	790.16 (1)	1st	Discharge of a machine gun under specified circumstances.
606	790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
	790.165 (3)	2nd	Possessing, displaying, or threatening to use

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any hoax bomb while
committing or attempting
to commit a felony.

607

790.166 (3)

2nd

Possessing, selling,
using, or attempting to
use a hoax weapon of
mass destruction.

608

790.166 (4)

2nd

Possessing, displaying,
or threatening to use a
hoax weapon of mass
destruction while
committing or attempting
to commit a felony.

609

790.23

1st, PBL

Possession of a firearm
by a person who
qualifies for the
penalty enhancements
provided for in s.
874.04.

610

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

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age.

611

796.05 (1)

1st

Live on earnings of a prostitute; 2nd offense.

612

796.05 (1)

1st

Live on earnings of a prostitute; 3rd and subsequent offense.

613

800.04 (5) (c) 1.

2nd

Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.

614

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.

615

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

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conviction for specified sex offense.

616

806.01 (2)

2nd

Maliciously damage structure by fire or explosive.

617

810.02 (3) (a)

2nd

Burglary of occupied dwelling; unarmed; no assault or battery.

618

810.02 (3) (b)

2nd

Burglary of unoccupied dwelling; unarmed; no assault or battery.

619

810.02 (3) (d)

2nd

Burglary of occupied conveyance; unarmed; no assault or battery.

620

810.02 (3) (e)

2nd

Burglary of authorized emergency vehicle.

621

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

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degree grand theft.

622

812.014 (2) (b) 2.

2nd

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

623

812.014 (2) (b) 3.

2nd

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

624

812.014 (2) (b) 4.

2nd

Property stolen, law enforcement equipment from authorized emergency vehicle.

625

812.014 (2) (f)

2nd

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

626

812.0145 (2) (a)

1st

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

627

812.019 (2)

1st

Stolen property; initiates, organizes, plans, etc., the theft

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of property and traffics
in stolen property.

628

812.131 (2) (a)

2nd

Robbery by sudden
snatching.

629

812.133 (2) (b)

1st

Carjacking; no firearm,
deadly weapon, or other
weapon.

630

817.034 (4) (a) 1.

1st

Communications fraud,
value greater than
\$50,000.

631

817.234 (8) (a)

2nd

Solicitation of motor
vehicle accident victims
with intent to defraud.

632

817.234 (9)

2nd

Organizing, planning, or
participating in an
intentional motor
vehicle collision.

633

817.234 (11) (c)

1st

Insurance fraud;
property value \$100,000
or more.

634

817.2341

1st

Making false entries of
material fact or false

(2) (b) & (3) (b)

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statements regarding
property values relating
to the solvency of an
insuring entity which
are a significant cause
of the insolvency of
that entity.

635

817.418 (2) (a)

3rd

Offering for sale or
advertising personal
protective equipment
with intent to defraud.

636

817.504 (1) (a)

3rd

Offering or advertising
a vaccine with intent to
defraud.

637

817.535 (2) (a)

3rd

Filing false lien or
other unauthorized
document.

638

817.611 (2) (b)

2nd

Traffic in or possess 15
to 49 counterfeit credit
cards or related
documents.

639

825.102 (3) (b)

2nd

Neglecting an elderly
person or disabled adult
causing great bodily

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harm, disability, or
disfigurement.

640

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.

641

827.03 (2) (b)

2nd

Neglect of a child
causing great bodily
harm, disability, or
disfigurement.

642

827.04 (3)

3rd

Impregnation of a child
under 16 years of age by
person 21 years of age
or older.

643

837.05 (2)

3rd

Giving false information
about alleged capital
felony to a law
enforcement officer.

644

838.015

2nd

Bribery.

645

838.016

2nd

Unlawful compensation or
reward for official
behavior.

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646
647
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654

838.021 (3) (a)	2nd	Unlawful harm to a public servant.
838.22	2nd	Bid tampering.
843.0855 (2)	3rd	Impersonation of a public officer or employee.
843.0855 (3)	3rd	Unlawful simulation of legal process.
843.0855 (4)	3rd	Intimidation of a public officer or employee.
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.
872.06	2nd	Abuse of a dead human body.
874.05 (2) (b)	1st	Encouraging or

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

655

874.10

1st, PBL

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

656

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.

657

893.13 (1) (e) 1.

1st

Sell, manufacture, or
deliver cocaine or other
drug prohibited under s.

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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.

658

893.13(4)(a) 1st

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

659

893.135(1)(a)1. 1st

Trafficking in cannabis,
 more than 25 lbs., less
 than 2,000 lbs.

660

893.135 (1)(b)1.a. 1st

Trafficking in cocaine,
 more than 28 grams, less
 than 200 grams.

661

893.135 (1)(c)1.a. 1st

Trafficking in illegal
 drugs, more than 4
 grams, less than 14
 grams.

662

893.135 (1)(c)2.a. 1st

Trafficking in
 hydrocodone, 28 grams or
 more, less than 50
 grams.

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663

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

664

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

665

893.135 1st Trafficking in
 (1) (c) 3.b. oxycodone, 14 grams or
 more, less than 25
 grams.

666

893.135 1st Trafficking in fentanyl,
 (1) (c) 4.b. (I) 4 grams or more, less
 than 14 grams.

667

893.135 1st Trafficking in
 (1) (d) 1.a. phencyclidine, 28 grams
 or more, less than 200
 grams.

668

893.135 (1) (e) 1. 1st Trafficking in
 methaqualone, 200 grams
 or more, less than 5
 kilograms.

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669

893.135 (1) (f) 1. 1st Trafficking in
amphetamine, 14 grams or
more, less than 28
grams.

670

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

671

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

672

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

673

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

674

893.135 1st Trafficking in synthetic
(1) (m) 2.a. cannabinoids, 280 grams

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or more, less than 500
grams.

675

893.135
(1) (m) 2.b.

1st

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

676

893.135
(1) (n) 2.a.

1st

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

677

893.1351 (2)

2nd

Possession of place for
trafficking in or
manufacturing of
controlled substance.

678

896.101 (5) (a)

3rd

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

679

896.104 (4) (a) 1.

3rd

Structuring transactions
to evade reporting or
registration
requirements, financial
transactions exceeding
\$300 but less than

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\$20,000.

680

943.0435 (4) (c)

2nd

Sexual offender vacating permanent residence; failure to comply with reporting requirements.

681

943.0435 (8)

2nd

Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.

682

943.0435 (9) (a)

3rd

Sexual offender; failure to comply with reporting requirements.

683

943.0435 (13)

3rd

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

684

943.0435 (14)

3rd

Sexual offender; failure to report and reregister; failure to respond to address

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verification; providing
false registration
information.

685

944.607(9)

3rd

Sexual offender; failure
to comply with reporting
requirements.

686

944.607(10) (a)

3rd

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

687

944.607(12)

3rd

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

688

944.607(13)

3rd

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

689

985.4815(10)

3rd

Sexual offender; failure

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to submit to the taking
of a digitized
photograph.

690

985.4815(12)

3rd

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

691

985.4815(13)

3rd

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

692

693

Section 8. This act shall take effect October 1, 2023.