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CS/HB 1465

2023 Legislature

1  
 2 An act relating to firearm and destructive device  
 3 offenses; amending s. 775.087, F.S.; making an offense  
 4 of human trafficking during which a person possesses a  
 5 firearm or destructive device subject to a specified  
 6 mandatory minimum term of imprisonment; conforming  
 7 provisions to changes made by the act; making an  
 8 offense of human trafficking during which a person  
 9 possesses specified firearms or firearms accessories  
 10 subject to a specified mandatory minimum term of  
 11 imprisonment; amending s. 790.22, F.S.; revising the  
 12 maximum time period a minor who commits unlawful  
 13 firearm possession may be required to serve in secure  
 14 detention; amending s. 812.014, F.S.; providing a  
 15 penalty for a second or subsequent offense of grand  
 16 theft of a firearm; amending s. 985.24, F.S.;  
 17 requiring detention determination to consider a  
 18 juvenile's unlawful firearm use; amending s. 985.245,  
 19 F.S.; requiring the juvenile risk assessment  
 20 instrument to consider a juvenile's unlawful firearm  
 21 use; amending s. 985.25, F.S.; requiring a juvenile  
 22 charged with an offense involving unlawful firearm  
 23 possession or use to be placed in secure detention;  
 24 amending s. 985.26, F.S.; authorizing a court to  
 25 extend the length of secure detention when a juvenile

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26 is charged with an offense involving the possession or  
 27 use of a firearm; amending s. 921.0022, F.S.; ranking  
 28 offenses on the offense severity ranking chart of the  
 29 Criminal Punishment Code; conforming provisions to  
 30 changes made by the act; providing an effective date.

31

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

33

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

37 775.087 Possession or use of weapon; aggravated battery;  
 38 felony reclassification; minimum sentence.—

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

- 42 a. Murder;
- 43 b. Sexual battery;
- 44 c. Robbery;
- 45 d. Burglary;
- 46 e. Arson;
- 47 f. Aggravated battery;
- 48 g. Kidnapping;
- 49 h. Escape;
- 50 i. Aircraft piracy;

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- 51 j. Aggravated child abuse;
- 52 k. Aggravated abuse of an elderly person or disabled
- 53 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;
- 59 p. Trafficking in cannabis, trafficking in cocaine,
- 60 capital importation of cocaine, trafficking in illegal drugs,
- 61 capital importation of illegal drugs, trafficking in
- 62 phencyclidine, capital importation of phencyclidine, trafficking
- 63 in methaqualone, capital importation of methaqualone,
- 64 trafficking in amphetamine, capital importation of amphetamine,
- 65 trafficking in flunitrazepam, trafficking in gamma-
- 66 hydroxybutyric acid (GHB), trafficking in 1,4-Butanediol,
- 67 trafficking in Phenethylamines, or other violation of s.
- 68 893.135(1); ~~or~~

69 q. Possession of a firearm by a felon; or

70 r. Human trafficking

71

72 and during the commission of the offense, such person actually

73 possessed a "firearm" or "destructive device" as those terms are

74 defined in s. 790.001, shall be sentenced to a minimum term of

75 imprisonment of 10 years, except that a person who is convicted

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

86 |         2. Any person who is convicted of a felony or an attempt  
 87 | to commit a felony listed in sub-subparagraphs 1.a.-p. or sub-  
 88 | subparagraph 1.r. ~~sub-subparagraphs (a)1.a.-p.~~, regardless of  
 89 | whether the use of a weapon is an element of the felony, and  
 90 | during the course of the commission of the felony such person  
 91 | discharged a "firearm" or "destructive device" as defined in s.  
 92 | 790.001 shall be sentenced to a minimum term of imprisonment of  
 93 | 20 years.

94 |         3. Any person who is convicted of a felony or an attempt  
 95 | to commit a felony listed in sub-subparagraphs 1.a.-p. or sub-  
 96 | subparagraph 1.r. ~~sub-subparagraphs (a)1.a.-p.~~, regardless of  
 97 | whether the use of a weapon is an element of the felony, and  
 98 | during the course of the commission of the felony such person  
 99 | discharged a "firearm" or "destructive device" as defined in s.  
 100 | 790.001 and, as the result of the discharge, death or great

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101 | bodily harm was inflicted upon any person, the convicted person  
 102 | shall be sentenced to a minimum term of imprisonment of not less  
 103 | than 25 years and not more than a term of imprisonment of life  
 104 | in prison.

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

- 108 |       a. Murder;
- 109 |       b. Sexual battery;
- 110 |       c. Robbery;
- 111 |       d. Burglary;
- 112 |       e. Arson;
- 113 |       f. Aggravated battery;
- 114 |       g. Kidnapping;
- 115 |       h. Escape;
- 116 |       i. Sale, manufacture, delivery, or intent to sell,  
 117 | manufacture, or deliver any controlled substance;
- 118 |       j. Aircraft piracy;
- 119 |       k. Aggravated child abuse;
- 120 |       l. Aggravated abuse of an elderly person or disabled  
 121 | adult;
- 122 |       m. Unlawful throwing, placing, or discharging of a  
 123 | destructive device or bomb;
- 124 |       n. Carjacking;
- 125 |       o. Home-invasion robbery;

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126 p. Aggravated stalking; ~~or~~  
 127 q. Trafficking in cannabis, trafficking in cocaine,  
 128 capital importation of cocaine, trafficking in illegal drugs,  
 129 capital importation of illegal drugs, trafficking in  
 130 phencyclidine, capital importation of phencyclidine, trafficking  
 131 in methaqualone, capital importation of methaqualone,  
 132 trafficking in amphetamine, capital importation of amphetamine,  
 133 trafficking in flunitrazepam, trafficking in gamma-  
 134 hydroxybutyric acid (GHB), trafficking in 1,4-Butanediol,  
 135 trafficking in Phenethylamines, or other violation of s.  
 136 893.135(1); or

137 r. Human trafficking

138  
 139 and during the commission of the offense, such person possessed  
 140 a semiautomatic firearm and its high-capacity detachable box  
 141 magazine or a machine gun as defined in s. 790.001, shall be  
 142 sentenced to a minimum term of imprisonment of 15 years.

143 2. Any person who is convicted of a felony or an attempt  
 144 to commit a felony listed in subparagraph 1. ~~subparagraph (a)1.~~,  
 145 regardless of whether the use of a weapon is an element of the  
 146 felony, and during the course of the commission of the felony  
 147 such person discharged a semiautomatic firearm and its high-  
 148 capacity box magazine or a "machine gun" as defined in s.  
 149 790.001 shall be sentenced to a minimum term of imprisonment of  
 150 20 years.

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151           3. Any person who is convicted of a felony or an attempt  
 152 to commit a felony listed in subparagraph 1. ~~subparagraph (a)1.~~,  
 153 regardless of whether the use of a weapon is an element of the  
 154 felony, and during the course of the commission of the felony  
 155 such person discharged a semiautomatic firearm and its high-  
 156 capacity box magazine or a "machine gun" as defined in s.  
 157 790.001 and, as the result of the discharge, death or great  
 158 bodily harm was inflicted upon any person, the convicted person  
 159 shall be sentenced to a minimum term of imprisonment of not less  
 160 than 25 years and not more than a term of imprisonment of life  
 161 in prison.

162           Section 2. Subsection (5) of section 790.22, Florida  
 163 Statutes, is amended, and subsection (3) of that section is  
 164 republished, to read:

165           790.22 Use of BB guns, air or gas-operated guns, or  
 166 electric weapons or devices by minor under 16; limitation;  
 167 possession of firearms by minor under 18 prohibited; penalties.—

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

171           (a) The minor is engaged in a lawful hunting activity and  
 172 is:

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

175           (b) The minor is engaged in a lawful marksmanship

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176 competition or practice or other lawful recreational shooting  
 177 activity and is:

- 178 1. At least 16 years of age; or
- 179 2. Under 16 years of age and supervised by an adult who is  
 180 acting with the consent of the minor's parent or guardian.

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

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

190 1. If the minor is eligible by reason of age for a driver  
 191 license or driving privilege, the court may direct the  
 192 Department of Highway Safety and Motor Vehicles to revoke or to  
 193 withhold issuance of the minor's driver license or driving  
 194 privilege for up to 1 year.

195 2. If the minor's driver license or driving privilege is  
 196 under suspension or revocation for any reason, the court may  
 197 direct the Department of Highway Safety and Motor Vehicles to  
 198 extend the period of suspension or revocation by an additional  
 199 period of up to 1 year.

200 3. If the minor is ineligible by reason of age for a



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201 driver license or driving privilege, the court may direct the  
202 Department of Highway Safety and Motor Vehicles to withhold  
203 issuance of the minor's driver license or driving privilege for  
204 up to 1 year after the date on which the minor would otherwise  
205 have become eligible.

206 (b) For a second or subsequent offense, a minor who  
207 violates subsection (3) commits a felony of the third degree and  
208 shall serve a period of detention of up to 21 ~~15~~ days in a  
209 secure detention facility and shall be required to perform not  
210 less than 100 nor more than 250 hours of community service, and:

211 1. If the minor is eligible by reason of age for a driver  
212 license or driving privilege, the court may direct the  
213 Department of Highway Safety and Motor Vehicles to revoke or to  
214 withhold issuance of the minor's driver license or driving  
215 privilege for up to 2 years.

216 2. If the minor's driver license or driving privilege is  
217 under suspension or revocation for any reason, the court may  
218 direct the Department of Highway Safety and Motor Vehicles to  
219 extend the period of suspension or revocation by an additional  
220 period of up to 2 years.

221 3. If the minor is ineligible by reason of age for a  
222 driver license or driving privilege, the court may direct the  
223 Department of Highway Safety and Motor Vehicles to withhold  
224 issuance of the minor's driver license or driving privilege for  
225 up to 2 years after the date on which the minor would otherwise

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226 | have become eligible.

227 |

228 | For the purposes of this subsection, community service shall be  
 229 | performed, if possible, in a manner involving a hospital  
 230 | emergency room or other medical environment that deals on a  
 231 | regular basis with trauma patients and gunshot wounds.

232 | Section 3. Paragraph (c) of subsection (2) of section  
 233 | 812.014, Florida Statutes, is amended, and paragraph (f) is  
 234 | added that subsection, to read:

235 | 812.014 Theft.—

236 | (2)

237 | (c) It is grand theft of the third degree and a felony of  
 238 | the third degree, punishable as provided in s. 775.082, s.  
 239 | 775.083, or s. 775.084, if the property stolen is:

- 240 | 1. Valued at \$750 or more, but less than \$5,000.
- 241 | 2. Valued at \$5,000 or more, but less than \$10,000.
- 242 | 3. Valued at \$10,000 or more, but less than \$20,000.
- 243 | 4. A will, codicil, or other testamentary instrument.
- 244 | 5. A firearm, except as provided in paragraph (f).
- 245 | 6. A motor vehicle, except as provided in paragraph (a).
- 246 | 7. Any commercially farmed animal, including any animal of  
 247 | the equine, avian, bovine, or swine class or other grazing  
 248 | animal; a bee colony of a registered beekeeper; and aquaculture  
 249 | species raised at a certified aquaculture facility. If the  
 250 | property stolen is a commercially farmed animal, including an

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251 animal of the equine, avian, bovine, or swine class or other  
 252 grazing animal; a bee colony of a registered beekeeper; or an  
 253 aquaculture species raised at a certified aquaculture facility,  
 254 a \$10,000 fine shall be imposed.

255 8. Any fire extinguisher that, at the time of the taking,  
 256 was installed in any building for the purpose of fire prevention  
 257 and control. This subparagraph does not apply to a fire  
 258 extinguisher taken from the inventory at a point-of-sale  
 259 business.

260 9. Any amount of citrus fruit consisting of 2,000 or more  
 261 individual pieces of fruit.

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

264 11. Any stop sign.

265 12. Anhydrous ammonia.

266 13. Any amount of a controlled substance as defined in s.  
 267 893.02. Notwithstanding any other law, separate judgments and  
 268 sentences for theft of a controlled substance under this  
 269 subparagraph and for any applicable possession of controlled  
 270 substance offense under s. 893.13 or trafficking in controlled  
 271 substance offense under s. 893.135 may be imposed when all such  
 272 offenses involve the same amount or amounts of a controlled  
 273 substance.

274  
 275 However, if the property is stolen during a riot or an

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276 aggravated riot prohibited under s. 870.01 and the perpetration  
277 of the theft is facilitated by conditions arising from the riot;  
278 or within a county that is subject to a state of emergency  
279 declared by the Governor under chapter 252, the property is  
280 stolen after the declaration of emergency is made, and the  
281 perpetration of the theft is facilitated by conditions arising  
282 from the emergency, the offender commits a felony of the second  
283 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
284 775.084, if the property is valued at \$5,000 or more, but less  
285 than \$10,000, as provided under subparagraph 2., or if the  
286 property is valued at \$10,000 or more, but less than \$20,000, as  
287 provided under subparagraph 3. As used in this paragraph, the  
288 terms "conditions arising from a riot" and "conditions arising  
289 from the emergency" have the same meanings as provided in  
290 paragraph (b). A person arrested for committing a theft during a  
291 riot or an aggravated riot or within a county that is subject to  
292 a state of emergency may not be released until the person  
293 appears before a committing magistrate at a first appearance  
294 hearing. For purposes of sentencing under chapter 921, a felony  
295 offense that is reclassified under this paragraph is ranked one  
296 level above the ranking under s. 921.0022 or s. 921.0023 of the  
297 offense committed.

298 (f) It is grand theft of the second degree and a felony of  
299 the second degree, punishable as provided in s. 775.082, s.  
300 775.083, or s. 775.084, if the property stolen is a firearm and

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301 the offender has previously been convicted of grand theft of a  
 302 firearm under subparagraph (c)5.

303 Section 4. Paragraph (b) of subsection (1) of section  
 304 985.24, Florida Statutes, is amended to read:

305 985.24 Use of detention; prohibitions.—

306 (1) All determinations and court orders regarding the use  
 307 of detention care shall be based primarily upon findings that  
 308 the child:

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

312 Section 5. Paragraph (b) of subsection (2) of section  
 313 985.245, Florida Statutes, is amended to read:

314 985.245 Risk assessment instrument.—

315 (2)

316 (b) The risk assessment instrument shall take into  
 317 consideration, but need not be limited to, pending felony and  
 318 misdemeanor offenses, offenses committed pending adjudication,  
 319 prior offenses, unlawful possession or use of a firearm, prior  
 320 history of failure to appear, violations of supervision, and  
 321 supervision status at the time the child is taken into custody.  
 322 The risk assessment instrument shall also take into  
 323 consideration all statutory mandates for detention care. The  
 324 risk assessment instrument shall also include any information  
 325 concerning the child's history of abuse and neglect. The risk

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326 assessment shall indicate whether detention care is warranted,  
 327 and, if detention care is warranted, whether the child should be  
 328 placed into secure or supervised release detention care.

329 Section 6. Paragraph (b) of subsection (1) of section  
 330 985.25, Florida Statutes, is amended to read:

331 985.25 Detention intake.—

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

337 (b) The department shall base the decision whether to  
 338 place the child into detention care on an assessment of risk in  
 339 accordance with the risk assessment instrument and procedures  
 340 developed by the department under s. 985.245, except that a  
 341 child shall be placed in secure detention care until the child's  
 342 detention hearing if the child meets the criteria specified in  
 343 s. 985.255(1)(f), ~~or~~ is charged with possessing or discharging a  
 344 firearm on school property in violation of s. 790.115, or is  
 345 charged with any other offense involving the possession or use  
 346 of a firearm.

347  
 348 Under no circumstances shall the department or the state  
 349 attorney or law enforcement officer authorize the detention of  
 350 any child in a jail or other facility intended or used for the

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351 detention of adults, without an order of the court.

352 Section 7. Paragraph (b) of subsection (2) of section  
353 985.26, Florida Statutes, is amended to read:

354 985.26 Length of detention.—

355 (2)

356 (b) Upon good cause being shown that the nature of the  
357 charge requires additional time for the prosecution or defense  
358 of the case or that the totality of the circumstances, including  
359 the preservation of public safety, warrants an extension, the  
360 court may extend the length of secure detention care for up to  
361 an additional 21 days if the child is charged with an offense  
362 which, if committed by an adult, would be a capital felony, a  
363 life felony, a felony of the first degree or the second degree,  
364 ~~or~~ a felony of the third degree involving violence against any  
365 individual, or any other offense involving the possession or use  
366 of a firearm. The court may continue to extend the period of  
367 secure detention care in increments of up to 21 days each by  
368 conducting a hearing before the expiration of the current period  
369 to determine the need for continued secure detention of the  
370 child. At the hearing, the court must make the required findings  
371 in writing to extend the period of secure detention. If the  
372 court extends the time period for secure detention care, it  
373 shall ensure an adjudicatory hearing for the case commences as  
374 soon as is reasonably possible considering the totality of the  
375 circumstances. The court shall prioritize the efficient

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376 disposition of cases in which the child has served 60 or more  
 377 days in secure detention care.

378 Section 8. Paragraphs (d), (f), and (g) of subsection (3)  
 379 of section 921.0022, Florida Statutes, are amended to read:

380 921.0022 Criminal Punishment Code; offense severity  
 381 ranking chart.—

382 (3) OFFENSE SEVERITY RANKING CHART

383 (d) LEVEL 4

384

Florida	Felony	
Statute	Degree	Description

385

316.1935(3)(a)	2nd	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.
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386

499.0051(1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
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387

499.0051(5)	2nd	Knowing sale or delivery, or
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possession with intent to sell,  
contraband prescription drugs.

388 517.07(1) 3rd Failure to register securities.

389 517.12(1) 3rd Failure of dealer, associated  
person, or issuer of securities  
to register.

390 784.07(2) (b) 3rd Battery of law enforcement  
officer, firefighter, etc.

391 784.074(1) (c) 3rd Battery of sexually violent  
predators facility staff.

392 784.075 3rd Battery on detention or  
commitment facility staff.

393 784.078 3rd Battery of facility employee by  
throwing, tossing, or expelling  
certain fluids or materials.

394 784.08(2) (c) 3rd Battery on a person 65 years of  
age or older.

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396	784.081 (3)	3rd	Battery on specified official or employee.
397	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
398	784.083 (3)	3rd	Battery on code inspector.
399	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
400	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
401	787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at

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			custody hearing or delivering to designated person.
402	787.07	3rd	Human smuggling.
403	790.115 (1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
404	790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
405	790.115 (2) (c)	3rd	Possessing firearm on school property.
406	794.051 (1)	3rd	Indecent, lewd, or lascivious touching of certain minors.
407	800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
408	806.135	2nd	Destroying or demolishing a memorial or historic property.
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410	810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
411	810.02(4)(b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
412	810.06	3rd	Burglary; possession of tools.
413	810.08(2)(c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
414	812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
415	812.014 (2)(c)4. <u>&amp; 6.</u> - 10.	3rd	Grand theft, 3rd degree; specified items.
	812.0195(2)	3rd	Dealing in stolen property by use of the Internet; property

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stolen \$300 or more.

416

817.505 (4) (a) 3rd Patient brokering.

417

817.563 (1) 3rd Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.

418

817.568 (2) (a) 3rd Fraudulent use of personal identification information.

419

817.625 (2) (a) 3rd Fraudulent use of scanning device, skimming device, or reencoder.

420

817.625 (2) (c) 3rd Possess, sell, or deliver skimming device.

421

828.125 (1) 2nd Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.

422

836.14 (2) 3rd Person who commits theft of a

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sexually explicit image with  
intent to promote it.

423

836.14(3) 3rd Person who willfully possesses  
a sexually explicit image with  
certain knowledge, intent, and  
purpose.

424

837.02(1) 3rd Perjury in official  
proceedings.

425

837.021(1) 3rd Make contradictory statements  
in official proceedings.

426

838.022 3rd Official misconduct.

427

839.13(2)(a) 3rd Falsifying records of an  
individual in the care and  
custody of a state agency.

428

839.13(2)(c) 3rd Falsifying records of the  
Department of Children and  
Families.

429

843.021 3rd Possession of a concealed

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430			handcuff key by a person in custody.
431	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
432	843.15(1) (a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
433	847.0135(5) (c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
434	870.01(3)	2nd	Aggravated rioting.
435	870.01(5)	2nd	Aggravated inciting a riot.
436	874.05(1) (a)	3rd	Encouraging or recruiting another to join a criminal gang.
	893.13(2) (a) 1.	2nd	Purchase of cocaine (or other

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s. 893.03(1)(a), (b), or (d),  
 (2)(a), (2)(b), or (2)(c)5.  
 drugs).

437			
438	914.14(2)	3rd	Witnesses accepting bribes.
439	914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
440	914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
441	916.1085 (2)(c)1.	3rd	Introduction of specified contraband into certain DCF facilities.
442	918.12	3rd	Tampering with jurors.
443	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
	944.47(1)(a)6.	3rd	Introduction of contraband (cellular telephone or other



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portable communication device)  
into correctional institution.

444

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.

445

446

(f) LEVEL 6

447

Florida  
Statute

Felony  
Degree

Description

448

316.027(2)(b)

2nd

Leaving the scene of a crash  
involving serious bodily  
injury.

449

316.193(2)(b)

3rd

Felony DUI, 4th or subsequent  
conviction.

450

400.9935(4)(c)

2nd

Operating a clinic, or offering  
services requiring licensure,  
without a license.

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451	499.0051(2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
452	499.0051(3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
453	499.0051(4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
454	775.0875(1)	3rd	Taking firearm from law enforcement officer.
455	784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
456	784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
457	784.041	3rd	Felony battery; domestic battery by strangulation.

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458	784.048 (3)	3rd	Aggravated stalking; credible threat.
459	784.048 (5)	3rd	Aggravated stalking of person under 16.
460	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
461	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
462	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
463	784.081 (2)	2nd	Aggravated assault on specified official or employee.
464	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
465	784.083 (2)	2nd	Aggravated assault on code

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inspector.

466

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

467

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

468

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

469

790.164(1) 2nd False report concerning bomb, explosive, weapon of mass destruction, act of arson or violence to state property, or use of firearms in violent manner.

470

790.19 2nd Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.

471

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472	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
473	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
474	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.
475	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
476	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
477	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent

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2023 Legislature

offense.

478

812.014 (2) (b) 1. 2nd Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.

479

812.014 (2) (c) 5. 3rd Grand theft; third degree; firearm.

480

812.014 (6) 2nd Theft; property stolen \$3,000 or more; coordination of others.

481

812.015 (9) (a) 2nd Retail theft; property stolen \$750 or more; second or subsequent conviction.

482

812.015 (9) (b) 2nd Retail theft; aggregated property stolen within 30 days is \$3,000 or more; coordination of others.

483

812.015 (9) (d) 2nd Retail theft; multiple thefts within specified period.

484

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485	812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
486	817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
487	817.49(2)(b)2.	2nd	Willful making of a false report of a crime resulting in death.
488	817.505(4)(b)	2nd	Patient brokering; 10 or more patients.
489	825.102(1)	3rd	Abuse of an elderly person or disabled adult.
490	825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.
491	825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
	825.103(3)(c)	3rd	Exploiting an elderly person or

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disabled adult and property is  
valued at less than \$10,000.

492

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

493

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

494

827.071(2) & (3) 2nd Use or induce a child in a  
sexual performance, or promote  
or direct such performance.

495

828.126(3) 3rd Sexual activities involving  
animals.

496

836.05 2nd Threats; extortion.

497

836.10 2nd Written or electronic threats  
to kill, do bodily injury, or  
conduct a mass shooting or an  
act of terrorism.

498

843.12 3rd Aids or assists person to  
escape.

499

847.011 3rd Distributing, offering to



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500	847.012	3rd	distribute, or possessing with intent to distribute obscene materials depicting minors.
501	847.0135(2)	3rd	Knowingly using a minor in the production of materials harmful to minors.
502	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
503	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
504	918.13(2)(b)	2nd	Tampering with or fabricating physical evidence relating to a capital felony.
504	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

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bodily harm.

505

944.40 2nd Escapes.

506

944.46 3rd Harboring, concealing, aiding  
escaped prisoners.

507

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

508

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

509

510 (g) LEVEL 7

511

Florida	Felony	
Statute	Degree	Description

512

316.027(2)(c)	1st	Accident involving death, failure to stop; leaving scene.
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513

316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
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514

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515	316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
516	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
517	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
518	409.920 (2)(b)1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
519	409.920 (2)(b)1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.

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520	456.065 (2)	3rd	Practicing a health care profession without a license.
521	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
522	458.327 (1)	3rd	Practicing medicine without a license.
523	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
524	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
525	461.012 (1)	3rd	Practicing podiatric medicine without a license.
526	462.17	3rd	Practicing naturopathy without a license.
	463.015 (1)	3rd	Practicing optometry without a license.

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527	464.016 (1)	3rd	Practicing nursing without a license.
528	465.015 (2)	3rd	Practicing pharmacy without a license.
529	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
530	467.201	3rd	Practicing midwifery without a license.
531	468.366	3rd	Delivering respiratory care services without a license.
532	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
533	483.901 (7)	3rd	Practicing medical physics without a license.
534	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.

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535	484.053	3rd	Dispensing hearing aids without a license.
536	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.
537	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.
538	560.125(5)(a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
539	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial

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institution.

540

775.21(10) (a) 3rd Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.

541

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

542

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

543

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

544

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

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(manslaughter).

545

782.071                      2nd      Killing of a human being or  
unborn child by the operation  
of a motor vehicle in a  
reckless manner (vehicular  
homicide).

546

782.072                      2nd      Killing of a human being by the  
operation of a vessel in a  
reckless manner (vessel  
homicide).

547

784.045 (1) (a) 1.            2nd      Aggravated battery;  
intentionally causing great  
bodily harm or disfigurement.

548

784.045 (1) (a) 2.            2nd      Aggravated battery; using  
deadly weapon.

549

784.045 (1) (b)              2nd      Aggravated battery; perpetrator  
aware victim pregnant.

550

784.048 (4)                    3rd      Aggravated stalking; violation  
of injunction or court order.



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551	784.048 (7)	3rd	Aggravated stalking; violation of court order.
552	784.07(2) (d)	1st	Aggravated battery on law enforcement officer.
553	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
554	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
555	784.081 (1)	1st	Aggravated battery on specified official or employee.
556	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
557	784.083 (1)	1st	Aggravated battery on code inspector.
558	787.06 (3) (a) 2.	1st	Human trafficking using

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coercion for labor and services  
of an adult.

559

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.

560

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

561

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

562

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

563

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

564

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565	790.166 (3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
566	790.166 (4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
567	790.23	1st, PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
568	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.
569	796.05 (1)	1st	Live on earnings of a prostitute; 2nd offense.
	796.05 (1)	1st	Live on earnings of a

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570			prostitute; 3rd and subsequent offense.
	800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
571			
	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.
572			
	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.
573			
	806.01(2)	2nd	Maliciously damage structure by fire or explosive.
574			
	810.02(3)(a)	2nd	Burglary of occupied dwelling;

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unarmed; no assault or battery.

575

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

576

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

577

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

578

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.

579

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

580

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581	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
582	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
583	<u>812.014 (2) (f)</u>	<u>2nd</u>	<u>Grand theft; second degree; firearm with previous conviction of s. 812.014 (2) (c) 5.</u>
584	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
585	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
586	812.131 (2) (a)	2nd	Robbery by sudden snatching.
	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.

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587	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
588	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
589	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
590	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
591	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.
592	817.418 (2) (a)	3rd	Offering for sale or advertising personal protective

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			equipment with intent to defraud.
593	817.504 (1) (a)	3rd	Offering or advertising a vaccine with intent to defraud.
594	817.535 (2) (a)	3rd	Filing false lien or other unauthorized document.
595	817.611 (2) (b)	2nd	Traffic in or possess 15 to 49 counterfeit credit cards or related documents.
596	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
597	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.
598	827.03 (2) (b)	2nd	Neglect of a child causing great bodily harm, disability,



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or disfigurement.

599

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

600

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

601

838.015 2nd Bribery.

602

838.016 2nd Unlawful compensation or reward  
for official behavior.

603

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

604

838.22 2nd Bid tampering.

605

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

606

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

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607	843.0855(4)	3rd	Intimidation of a public officer or employee.
608	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
609	847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
610	872.06	2nd	Abuse of a dead human body.
611	874.05(2)(b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
612	874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
613	893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug

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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.

614

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.

615

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

616

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

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lbs.

617

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

618

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

619

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

620

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

621

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

622

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

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623	893.135 (1) (c) 4.b. (I)	1st	Trafficking in fentanyl, 4 grams or more, less than 14 grams.
624	893.135 (1) (d) 1.a.	1st	Trafficking in phencyclidine, 28 grams or more, less than 200 grams.
625	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, 200 grams or more, less than 5 kilograms.
626	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, 14 grams or more, less than 28 grams.
627	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
628	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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629	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
630	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
631	893.135 (1) (m) 2.a.	1st	Trafficking in synthetic cannabinoids, 280 grams or more, less than 500 grams.
632	893.135 (1) (m) 2.b.	1st	Trafficking in synthetic cannabinoids, 500 grams or more, less than 1,000 grams.
633	893.135 (1) (n) 2.a.	1st	Trafficking in n-benzyl phenethylamines, 14 grams or more, less than 100 grams.
634	893.1351(2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
635			

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636	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
637	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
638	943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
639	943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
640	943.0435 (9) (a)	3rd	Sexual offender; failure to comply with reporting requirements.
	943.0435 (13)	3rd	Failure to report or providing

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false information about a sexual offender; harbor or conceal a sexual offender.

641

943.0435(14) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

642

944.607(9) 3rd Sexual offender; failure to comply with reporting requirements.

643

944.607(10)(a) 3rd Sexual offender; failure to submit to the taking of a digitized photograph.

644

944.607(12) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

645

944.607(13) 3rd Sexual offender; failure to report and reregister; failure



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to respond to address  
verification; providing false  
registration information.

646

985.4815(10) 3rd Sexual offender; failure to  
submit to the taking of a  
digitized photograph.

647

985.4815(12) 3rd Failure to report or providing  
false information about a  
sexual offender; harbor or  
conceal a sexual offender.

648

985.4815(13) 3rd Sexual offender; failure to  
report and reregister; failure  
to respond to address  
verification; providing false  
registration information.

649

650

Section 9. This act shall take effect October 1, 2023.