

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>      </u>	(Y/N)
ADOPTED AS AMENDED	<u>      </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>      </u>	(Y/N)
FAILED TO ADOPT	<u>      </u>	(Y/N)
WITHDRAWN	<u>      </u>	(Y/N)
OTHER	<u>      </u>	

1 Committee/Subcommittee hearing bill: Criminal Justice  
 2 Subcommittee

3 Representative Metz offered the following:

4  
 5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 810.146, Florida Statutes, is created  
 8 to read:

9 810.146 Use or operation of a drone by certain offenders;  
 10 penalty.—

11 (1) A sexual predator who has been convicted of or found  
 12 to have committed, or has pled nolo contendere or guilty to,  
 13 regardless of adjudication, a violation or attempted violation  
 14 of a qualifying offense, may not use or operate a drone, as  
 15 defined in s. 934.50, for the purpose of viewing or recording an  
 16 image of a minor who is on or at the minor's domicile or on or

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17 at a business, school, child care facility, park, playground, or  
 18 other place where children regularly congregate.

19 (2) For the purposes of this section, a qualifying offense  
 20 is an offense under s. 787.01, s. 787.02, or s. 787.025(2)(c),  
 21 where the victim is a minor; s. 794.011, excluding s.  
 22 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s.  
 23 800.04; s. 827.071; s. 847.0133; s. 847.0135(5); s. 847.0145; or  
 24 s. 985.701(1); or a violation of a similar law of another  
 25 jurisdiction when the victim of the offense was a minor.

26 (3) A violation of this section is a felony of the third  
 27 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 28 775.084.

29 Section 2. Paragraph (g) of subsection (3) of section  
 30 921.0022, Florida Statutes, is amended to read:

31 921.0022 Criminal Punishment Code; offense severity  
 32 ranking chart.—

33 (3) OFFENSE SEVERITY RANKING CHART

34 (g) LEVEL 7

Florida Statute	Felony Degree	Description
316.027(2)(c)	1st	Accident involving death, failure to stop; leaving scene.
316.193(3)(c)2.	3rd	DUI resulting in serious bodily

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38			injury.
	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.
39			
	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
40			
	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
41			
	409.920 (2)(b)1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
42			
	409.920 (2)(b)1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1301 (2016)

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43

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

44

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

45

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

46

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

47

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

48

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

49

462.17 3rd Practicing naturopathy without  
a license.

50

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

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51	464.016(1)	3rd	Practicing nursing without a license.
52	465.015(2)	3rd	Practicing pharmacy without a license.
53	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
54	467.201	3rd	Practicing midwifery without a license.
55	468.366	3rd	Delivering respiratory care services without a license.
56	483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
57	483.901(9)	3rd	Practicing medical physics without a license.
58	484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
59			

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60	484.053	3rd	Dispensing hearing aids without a license.
61	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.
62	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.
63	560.125(5)(a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
64	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.

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65	775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.
66	775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.
67	775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
68	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
69	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
	782.071	2nd	Killing of a human being or

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			unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).
70	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
71	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
72	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
73	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
74	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
75	784.048 (7)	3rd	Aggravated stalking; violation of court order.
76			



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77	784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
78	784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
79	784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
80	784.081(1)	1st	Aggravated battery on specified official or employee.
81	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
82	784.083(1)	1st	Aggravated battery on code inspector.
83	787.06(3)(a)2.	1st	Human trafficking using coercion for labor and services of an adult.
	787.06(3)(e)2.	1st	Human trafficking using coercion for labor and services

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			by the transfer or transport of an adult from outside Florida to within the state.
84	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
85	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
86	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
87	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
88	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
89	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax

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90	790.23	1st,PBL	<p>weapon of mass destruction while committing or attempting to commit a felony.</p> <p>Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.</p>
91	794.08 (4)	3rd	<p>Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.</p>
92	796.05 (1)	1st	<p>Live on earnings of a prostitute; 2nd offense.</p>
93	796.05 (1)	1st	<p>Live on earnings of a prostitute; 3rd and subsequent offense.</p>
94	800.04 (5) (c) 1.	2nd	<p>Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.</p>

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95	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.
96	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.
97	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
98	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
99	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
100	<u>810.146</u>	<u>3rd</u>	<u>Use or operation of a drone by</u>
101			<u>certain offenders; penalty.</u>
	810.02 (3) (d)	2nd	Burglary of occupied

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conveyance; unarmed; no assault  
or battery.

102

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

103

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.

104

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

105

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

106

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

107

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108	812.0145(2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
109	812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
110	812.131(2) (a)	2nd	Robbery by sudden snatching.
111	812.133(2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
112	817.034(4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
113	817.234(8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
114	817.234(9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
	817.234(11) (c)	1st	Insurance fraud; property value \$100,000 or more.

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817.2341 1st Making false entries of  
(2) (b) & (3) (b) 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.

116

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

117

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

118

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.

119

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

120

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121	827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
122	837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
123	838.015	2nd	Bribery.
124	838.016	2nd	Unlawful compensation or reward for official behavior.
125	838.021(3)(a)	2nd	Unlawful harm to a public servant.
126	838.22	2nd	Bid tampering.
127	843.0855(2)	3rd	Impersonation of a public officer or employee.
128	843.0855(3)	3rd	Unlawful simulation of legal process.
	843.0855(4)	3rd	Intimidation of a public officer or employee.

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847.0135(3) 3rd Solicitation of a child, via a computer service, to commit an unlawful sex act.

130

847.0135(4) 2nd Traveling to meet a minor to commit an unlawful sex act.

131

872.06 2nd Abuse of a dead human body.

132

874.05(2)(b) 1st Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.

133

874.10 1st,PBL Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.

134

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)4.) within 1,000 feet of a child

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care facility, school, or  
state, county, or municipal  
park or publicly owned  
recreational facility or  
community center.

135

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)4.,  
within 1,000 feet of property  
used for religious services or  
a specified business site.

136

893.13(4)(a)            1st    Deliver to minor cocaine (or  
other s. 893.03(1)(a), (1)(b),  
(1)(d), (2)(a), (2)(b), or  
(2)(c)4. drugs).

137

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

138

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

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grams.

139

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

140

893.135 1st Trafficking in hydrocodone, 14  
(1) (c) 2.a. grams or more, less than 28  
grams.

141

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

142

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

143

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

144

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

145

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146	893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
147	893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
148	893.135 (1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
149	893.135 (1)(h)1.a.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
150	893.135 (1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
151	893.135 (1)(k)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
	893.1351(2)	2nd	Possession of place for

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trafficking in or manufacturing  
of controlled substance.

152

896.101(5)(a) 3rd Money laundering, financial  
transactions exceeding \$300 but  
less than \$20,000.

153

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

154

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

155

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

156

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

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157

943.0435(13) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

158

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

159

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

160

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

161

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

162

944.607(13) 3rd Sexual offender; failure to

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

163

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

164

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

165

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

166

167 Section 3. This act shall take effect October 1, 2016.

168

169

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170

**T I T L E A M E N D M E N T**

171

Remove everything before the enacting clause and insert:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1301 (2016)

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172 An act relating to use or operation of a drone by certain  
173 offenders; creating s. 810.146, F.S.; prohibiting the use or  
174 operation of a drone by certain offenders for the purpose of  
175 viewing or recording an image of a minor in specified locations;  
176 providing a definition; providing criminal penalties; amending  
177 s. 921.0022, F.S.; assigning an offense severity ranking in the  
178 Criminal Punishment Code; providing an effective date.