

1 A bill to be entitled
 2 An act relating to use or operation of a drone by
 3 certain offenders; creating s. 810.146, F.S.;
 4 prohibiting the use or operation of a drone by certain
 5 offenders for the purpose of viewing or recording an
 6 image of a minor in specified locations; providing a
 7 definition; providing criminal penalties; amending s.
 8 921.0022, F.S.; assigning an offense severity ranking
 9 in the Criminal Punishment Code; providing an
 10 effective date.

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

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 14 Section 1. Section 810.146, Florida Statutes, is created
 15 to read:

16 810.146 Use or operation of a drone by certain offenders;
 17 penalty.-

18 (1) A sexual predator who has been convicted of or found
 19 to have committed, or has pled nolo contendere or guilty to,
 20 regardless of adjudication, a violation or attempted violation
 21 of a qualifying offense may not use or operate a drone, as
 22 defined in s. 934.50, for the purpose of viewing or recording an
 23 image of a minor who is on or at the minor's domicile or on or
 24 at a business, school, child care facility, park, playground, or
 25 other place where children regularly congregate.

26 (2) For the purposes of this section, a qualifying offense

27 is an offense under s. 787.01, s. 787.02, or s. 787.025(2)(c),
 28 when the victim of the offense was a minor; s. 794.011,
 29 excluding s. 794.011(10); s. 794.05; former s. 796.03; former s.
 30 796.035; s. 800.04; s. 827.071; s. 847.0133; s. 847.0135(5); s.
 31 847.0145; or s. 985.701(1); or a violation of a similar law of
 32 another jurisdiction when the victim of the offense was a minor.

33 (3) A violation of this section is a felony of the third
 34 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 35 775.084.

36 Section 2. Paragraph (g) of subsection (3) of section
 37 921.0022, Florida Statutes, is amended to read:

38 921.0022 Criminal Punishment Code; offense severity
 39 ranking chart.—

40 (3) OFFENSE SEVERITY RANKING CHART

41 (g) LEVEL 7

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

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			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.
46	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
47	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
48	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
49	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
50	456.065 (2)	3rd	Practicing a health care profession without a license.

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51	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
52	458.327 (1)	3rd	Practicing medicine without a license.
53	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
54	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
55	461.012 (1)	3rd	Practicing podiatric medicine without a license.
56	462.17	3rd	Practicing naturopathy without a license.
57	463.015 (1)	3rd	Practicing optometry without a license.
58	464.016 (1)	3rd	Practicing nursing without a license.

59	465.015 (2)	3rd	Practicing pharmacy without a license.
60	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
61	467.201	3rd	Practicing midwifery without a license.
62	468.366	3rd	Delivering respiratory care services without a license.
63	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
64	483.901 (9)	3rd	Practicing medical physics without a license.
65	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
66	484.053	3rd	Dispensing hearing aids without a license.
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68	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.
69	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.
70	560.125(5)(a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
71	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
	775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver license or

			identification card; other registration violations.
72	775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.
73	775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
74	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
75	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
76	782.071	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular

77			homicide).
782.072	2nd		Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
784.045 (1) (a) 1.	2nd		Aggravated battery; intentionally causing great bodily harm or disfigurement.
784.045 (1) (a) 2.	2nd		Aggravated battery; using deadly weapon.
784.045 (1) (b)	2nd		Aggravated battery; perpetrator aware victim pregnant.
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.

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85	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
86	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
87	784.081 (1)	1st	Aggravated battery on specified official or employee.
88	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
89	784.083 (1)	1st	Aggravated battery on code inspector.
90	787.06 (3) (a) 2.	1st	Human trafficking using coercion for labor and services of an adult.
	787.06 (3) (e) 2.	1st	Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to within the state.

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91	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
92	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
93	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
94	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
95	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
96	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.

97	790.23	1st, PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
98	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.
99	796.05 (1)	1st	Live on earnings of a prostitute; 2nd offense.
100	796.05 (1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.
101	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
102	800.04 (5) (c) 2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older

but younger than 16 years of age; offender 18 years of age or older.

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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.

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

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

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

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

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810.02 (3) (e) 2nd Burglary of authorized

emergency vehicle.

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810.146 3rd Use or operation of a drone by
certain offenders.

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812.014(2)(a)1. 1st Property stolen, valued at
\$100,000 or more or a
semitrailer deployed by a law
enforcement officer; property
stolen while causing other
property damage; 1st degree
grand theft.

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

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

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

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812.0145(2)(a) 1st Theft from person 65 years of

age or older; \$50,000 or more.

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812.019 (2) 1st Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.

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812.131 (2) (a) 2nd Robbery by sudden snatching.

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812.133 (2) (b) 1st Carjacking; no firearm, deadly weapon, or other weapon.

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817.034 (4) (a) 1. 1st Communications fraud, value greater than \$50,000.

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817.234 (8) (a) 2nd Solicitation of motor vehicle accident victims with intent to defraud.

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817.234 (9) 2nd Organizing, planning, or participating in an intentional motor vehicle collision.

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817.234 (11) (c) 1st Insurance fraud; property value \$100,000 or more.

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123	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.
124	817.535 (2) (a)	3rd	Filing false lien or other unauthorized document.
125	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
126	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.
127	827.03 (2) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
127	827.04 (3)	3rd	Impregnation of a child under

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16 years of age by person 21
years of age or older.

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837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
838.015	2nd	Bribery.
838.016	2nd	Unlawful compensation or reward for official behavior.
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.

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137	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
138	847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
139	872.06	2nd	Abuse of a dead human body.
140	874.05(2)(b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
141	874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
	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 care facility, school, or

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

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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.

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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).

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

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

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

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

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

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

150

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

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

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893.135 (1) (e) 1. 1st Trafficking in methaqualone,

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more than 200 grams, less than
5 kilograms.

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

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

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

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

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

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893.1351(2) 2nd Possession of place for
trafficking in or manufacturing

of controlled substance.

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

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

161

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

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

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

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165	943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
166	943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
167	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
168	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
169	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure

to respond to address
 verification; providing false
 registration information.

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

171

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

172

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

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