

By Senator Hukill

8-00342-16

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1                   A bill to be entitled  
2       An act relating to sexual predators; amending s.  
3       775.21, F.S.; providing criminal penalties for  
4       convicted sexual predators who use or operate a drone  
5       to view or record an image of a minor under certain  
6       circumstances; amending s. 794.056, F.S.; conforming a  
7       cross-reference; amending s. 921.0022, F.S.; assigning  
8       offense severity rankings in the Criminal Punishment  
9       Code for the use or operation of a drone by a sexual  
10      predator to view or record an image of a minor;  
11      conforming a cross-reference; amending s. 938.085,  
12      F.S.; conforming a cross-reference; providing an  
13      effective date.

14  
15 Be It Enacted by the Legislature of the State of Florida:

16  
17       Section 1. Present paragraphs (c) through (g) of subsection  
18      (10) of section 775.21, Florida Statutes, are redesignated as  
19      paragraphs (d) through (h), respectively, and a new paragraph  
20      (c) is added to that subsection, to read:

21       775.21 The Florida Sexual Predators Act.—

22       (10) PENALTIES.—

23       (c) A sexual predator who has been convicted of or found to  
24      have committed, or has pled nolo contendere or guilty to,  
25      regardless of adjudication, any violation or attempted violation  
26      of s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim  
27      is a minor and the offender is not the victim's parent or  
28      guardian; s. 794.011, excluding s. 794.011(10); s. 794.05;  
29      former s. 796.03; former s. 796.035; s. 800.04; s. 827.071; s.

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30 847.0133; s. 847.0135(5); s. 847.0145; or s. 985.701(1); or a  
31 violation of a similar law of another jurisdiction when the  
32 victim of the offense was a minor, and who uses or operates a  
33 drone, as defined in s. 934.50, to view or record an image of a  
34 minor who is on or at the minor's domicile or on or at a  
35 business, school, child care facility, park, playground, or  
36 other place where children regularly congregate, commits a  
37 felony of the third degree, punishable as provided in s.  
38 775.082, s. 775.083, or s. 775.084.

39 Section 2. Subsection (1) of section 794.056, Florida  
40 Statutes, is amended to read:

41 794.056 Rape Crisis Program Trust Fund.—

42 (1) The Rape Crisis Program Trust Fund is created within  
43 the Department of Health for the purpose of providing funds for  
44 rape crisis centers in this state. Trust fund moneys shall be  
45 used exclusively for the purpose of providing services for  
46 victims of sexual assault. Funds credited to the trust fund  
47 consist of those funds collected as an additional court  
48 assessment in each case in which a defendant pleads guilty or  
49 nolo contendere to, or is found guilty of, regardless of  
50 adjudication, an offense provided in s. 775.21(6) and (10)(a),  
51 (b), and (h) ~~(g)~~; s. 784.011; s. 784.021; s. 784.03; s. 784.041;  
52 s. 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.  
53 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s.  
54 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08;  
55 former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s.  
56 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s.  
57 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s.  
58 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s.

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59 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a),  
 60 (13), and (14)(c); or s. 985.701(1). Funds credited to the trust  
 61 fund also shall include revenues provided by law, moneys  
 62 appropriated by the Legislature, and grants from public or  
 63 private entities.

64 Section 3. Paragraph (g) of subsection (3) of section  
 65 921.0022, Florida Statutes, is amended to read:

66 921.0022 Criminal Punishment Code; offense severity ranking  
 67 chart.—

68 (3) OFFENSE SEVERITY RANKING CHART

69 (g) LEVEL 7

70

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 or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement

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73

	8-00342-16		2016510__	officer who is in a patrol vehicle with siren and lights activated.
74				
	327.35 (3) (c) 2.	3rd		Vessel BUI resulting in serious bodily injury.
75				
	402.319 (2)	2nd		Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
76				
	409.920 (2) (b) 1.a.	3rd		Medicaid provider fraud; \$10,000 or less.
77				
	409.920 (2) (b) 1.b.	2nd		Medicaid provider fraud; more than \$10,000, but less than \$50,000.
78				
	456.065 (2)	3rd		Practicing a health care profession without a license.
79				
	456.065 (2)	2nd		Practicing a health care profession without a license which results in serious bodily injury.

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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.
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

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89			dental hygiene without a license.
	467.201	3rd	Practicing midwifery without a license.
90			
	468.366	3rd	Delivering respiratory care services without a license.
91			
	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
92			
	483.901 (9)	3rd	Practicing medical physics without a license.
93			
	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
94			
	484.053	3rd	Dispensing hearing aids without a license.
95			
	494.0018 (2)	1st	Conviction of any violation of chapter 494 in which the total money and property unlawfully obtained exceeded \$50,000

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and there were five or more victims.

96

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.

97

560.125 (5) (a)

3rd

Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.

98

655.50 (10) (b) 1.

3rd

Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.

99

775.21 (10) (a)

3rd

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

100

775.21 (10) (b)

3rd

Sexual predator working where children regularly

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congregate.

101

775.21(10)(c)

3rd

Sexual predator using or operating a drone to view or record a minor.

102

775.21(10)(h)

3rd

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

~~775.21(10)(g)~~

103

782.051(3)

2nd

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

104

782.07(1)

2nd

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

105

782.071

2nd

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



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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.
784.074 (1) (a)	1st	Aggravated battery on

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sexually violent predators  
facility staff.

114

784.08(2)(a)

1st

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

115

784.081(1)

1st

Aggravated battery on  
specified official or  
employee.

116

784.082(1)

1st

Aggravated battery by  
detained person on visitor  
or other detainee.

117

784.083(1)

1st

Aggravated battery on code  
inspector.

118

787.06(3)(a)2.

1st

Human trafficking using  
coercion for labor and  
services of an adult.

119

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.

120

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	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
121	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
122	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
123	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
124	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
125	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a

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felony.

126

790.23

1st, PBL

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

127

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.

128

796.05 (1)

1st

Live on earnings of a prostitute; 2nd offense.

129

796.05 (1)

1st

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

130

800.04 (5) (c) 1.

2nd

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

131

800.04 (5) (c) 2.

2nd

Lewd or lascivious molestation; victim 12

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

132

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.

133

806.01 (2)

2nd

Maliciously damage  
 structure by fire or  
 explosive.

134

810.02 (3) (a)

2nd

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

135

810.02 (3) (b)

2nd

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

136

810.02 (3) (d)

2nd

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

137

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138	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
139	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.
140	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
141	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
142	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.

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143

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

144

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

145

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

146

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

147

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

148

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

149

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

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150

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.

151

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

152

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

153

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.

154

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



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

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officer or employee.

164

847.0135 (3)

3rd

Solicitation of a child,  
via a computer service, to  
commit an unlawful sex  
act.

165

847.0135 (4)

2nd

Traveling to meet a minor  
to commit an unlawful sex  
act.

166

872.06

2nd

Abuse of a dead human  
body.

167

874.05 (2) (b)

1st

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

168

874.10

1st, PBL

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

169

893.13 (1) (c) 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)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.

170

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.

171

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).

172

893.135(1) (a)1.

1st

Trafficking in cannabis,  
 more than 25 lbs., less

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than 2,000 lbs.

173

893.135  
(1) (b) 1.a.

1st

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

174

893.135  
(1) (c) 1.a.

1st

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

175

893.135  
(1) (c) 2.a.

1st

Trafficking in  
hydrocodone, 14 grams or  
more, less than 28 grams.

176

893.135  
(1) (c) 2.b.

1st

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

177

893.135  
(1) (c) 3.a.

1st

Trafficking in oxycodone,  
7 grams or more, less than  
14 grams.

178

893.135  
(1) (c) 3.b.

1st

Trafficking in oxycodone,  
14 grams or more, less  
than 25 grams.

179

893.135 (1) (d) 1.

1st

Trafficking in  
phencyclidine, more than  
28 grams, less than 200

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grams.

180

893.135 (1) (e) 1.

1st

Trafficking in  
methaqualone, more than  
200 grams, less than 5  
kilograms.

181

893.135 (1) (f) 1.

1st

Trafficking in  
amphetamine, more than 14  
grams, less than 28 grams.

182

893.135  
(1) (g) 1.a.

1st

Trafficking in  
flunitrazepam, 4 grams or  
more, less than 14 grams.

183

893.135  
(1) (h) 1.a.

1st

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

184

893.135  
(1) (j) 1.a.

1st

Trafficking in 1,4-  
Butanediol, 1 kilogram or  
more, less than 5  
kilograms.

185

893.135  
(1) (k) 2.a.

1st

Trafficking in  
Phenethylamines, 10 grams  
or more, less than 200  
grams.

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186

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

187

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

188

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

189

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

190

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

191

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192

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

193

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

194

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

195

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

196

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

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

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conceal a sexual offender.

197

944.607(13)

3rd

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

198

985.4815(10)

3rd

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

199

985.4815(12)

3rd

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

200

985.4815(13)

3rd

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

201

202 Section 4. Section 938.085, Florida Statutes, is amended to

203 read:

204 938.085 Additional cost to fund rape crisis centers.—In



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205 addition to any sanction imposed when a person pleads guilty or  
206 nolo contendere to, or is found guilty of, regardless of  
207 adjudication, a violation of s. 775.21(6) and (10)(a), (b), and  
208 (h) ~~(g)~~; s. 784.011; s. 784.021; s. 784.03; s. 784.041; s.  
209 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.  
210 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3);  
211 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08;  
212 former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s.  
213 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s.  
214 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s.  
215 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s.  
216 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a),  
217 (13), and (14)(c); or s. 985.701(1), the court shall impose a  
218 surcharge of \$151. Payment of the surcharge shall be a condition  
219 of probation, community control, or any other court-ordered  
220 supervision. The sum of \$150 of the surcharge shall be deposited  
221 into the Rape Crisis Program Trust Fund established within the  
222 Department of Health by chapter 2003-140, Laws of Florida. The  
223 clerk of the court shall retain \$1 of each surcharge that the  
224 clerk of the court collects as a service charge of the clerk's  
225 office.

226 Section 5. This act shall take effect October 1, 2016.